



EUROPEAN PARLIAMENT

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**A7-0387/2012**

27.11.2012

**\*\*\*II**

## **RECOMMENDATION FOR SECOND READING**

on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency (10090/2/2012 – C7-0329/2012 – 2010/0303(COD))

Committee on Transport and Tourism

Rapporteur: Knut Fleckenstein

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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## **DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION**

**on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency (10090/2/2012 – C7-0329/2012 – 2010/0303(COD))**

**(Ordinary legislative procedure: second reading)**

*The European Parliament,*

- having regard to the Council position at first reading (10090/2/2012 – C7-0329/2012),
  - having regard to the opinion of the European Economic and Social Committee of 16 February 2011<sup>1</sup>,
  - after consulting the Committee of the Regions,
  - having regard to its position at first reading<sup>2</sup> on the Commission proposal to Parliament and the Council (COM(2010)0611),
  - having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 72 of its Rules of Procedure,
  - having regard to the recommendation for second reading of the Committee on Transport and Tourism (A7-0387/2012),
1. Approves the Council position at first reading;
  2. Notes that the act is adopted in accordance with the Council position;
  3. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;
  4. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;
  5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>1</sup> OJ C 107, 6.4.2011, p. 68.

<sup>2</sup> Not yet published in the Official Journal.

## EXPLANATORY STATEMENT

### INTRODUCTION

The European Maritime Safety Agency (EMSA) was set up in response to the pollution caused by the loss of the oil tanker "Erika". It started operating in March 2003. This is the fourth modification to the founding Regulation.

The Agency helps to ensure maritime safety and security and prevent marine pollution from ships, including by monitoring and assessing implementation of relevant EU law. Much of its work involves advice to Commission and/or Member States. It is generally recognised to be an effective, well-run organisation offering Member States significant savings by operating at a European level with the economies of scale this generates.

### ADDITIONAL TASKS FOR EMSA

The revised EMSA Regulation will enlarge the Agency's powers to **prevent and tackle environmental disasters** such as oil spills. In particular, it will use the CleanSeaNet information system to monitor the impact of oil pollution from offshore installations. It will also work to improve the co-ordination of national authorities so as to strengthen prevention, foster best practices and speed up the response to any disaster.

At Parliament's request, the Agency will also contribute to **combating maritime piracy**. The Agency has at its disposal instruments and data, including from satellite sources, which Member States can use for the surveillance of illegal maritime activities. At present, information exchanges with the EU Naval Force operation Atlanta to protect EU-flagged vessels against piracy when transiting through the area off the Horn of Africa are particularly important.

Parliament also ensured that EMSA will have a stronger role in **improving training for seafarers**. Enhancing the attractiveness to EU citizens of maritime jobs is a long-standing objective. The revised Regulation allows the Agency to facilitate exchanges of best practice in maritime training and education so as to meet the current and future demand for highly-qualified seafarers within the Union.

Another long-standing Parliamentary priority is the promotion of a **European maritime space without barriers**. At present, goods can be transported by road from one end of the Union to the other without any border checks. By contrast, sea transport is regarded as an international journey and so subject to checks at each port. Allowing goods and passengers to be transported by sea between Member States with no more formalities than if they went by road would avoid distorting competition in favour of the less environmentally-friendly mode.

The revised Regulation calls on the Agency to make full use of the European satellite navigation (EGNOS and Galileo) and Global Monitoring for Environment and Security ("GMES") programmes to implement the maritime space without barriers. It will also contribute to the **eMaritime initiative** with a view to reducing the reporting formalities commercial vessels face when entering or leaving Member State ports.

It also enhances EMSA's ability to **work with neighbouring countries**. Giving EMSA greater scope to assist neighbouring countries in reducing pollution risks and responding to pollution is highly desirable. There is little doubt that, were there to be a pollution incident in the Southern Mediterranean, some of the oil would end up in EU waters. In this case, prevention is clearly better than cure. Adjusting the Regulation to make explicit that EMSA can assist the Commission and Member States in regional bodies responding to marine pollution (e.g. the Helsinki and Barcelona Conventions) offers benefits in terms of legal certainty and transparency.

EMSA is also give the possibility of contributing to a number of other important policy objectives including **environmental issues** such as greenhouse gas emissions from shipping and the environmental status of marine waters, the **monitoring of recognised organisations** that carry out certification tasks as well as tasks related to **inland waterway transport**. The latter include inspecting classification societies for inland waterway vessels and exploring the possibility of interlinking maritime and inland waterway information systems.

In these activities, EMSA will not replace or duplicate Member States' work. Instead it will bring added value by ensuring coordination and exchange of best practice.

## **GOVERNANCE**

With respect to EMSA's governance, the revised text provides for multiannual planning concerning the agency's strategy and staff policy, and for an independent external evaluation at least every five years. In addition to clarifying the procedure for appointing the Agency's Executive Director, Parliament managed to convince the Council to include the objective of a balanced representation of men and women on EMSA's administrative board.

## **A BASIS FOR FURTHER ENLARGEMENT OF EMSA'S ROLE IN THE FUTURE**

Particularly in view of the current economic climate, Parliament's negotiators were faced with great reluctance on the part of the Council to extend EMSA's responsibilities in ways that would require additional resources. As a result, in some areas, the current revision of the Regulation lays the basis for future enhancements of EMSA's role subject to further political decisions.

In particular, it mentions the Agency's possible role in preventing pollution from offshore oil and gas installations once new EU rules on offshore platform safety have been approved. In terms of cost-effectiveness, it seems clear that entrusting EMSA with the related prevention and inspection tasks is preferable to setting up a new agency. This is one of the issues that the Commission will address in its progress report on the case for modifying the Agency's objectives and tasks.

The Commission has also undertaken to prepare a feasibility study, evaluating the scope for enhancing the coordination and cooperation of different coastguard functions as well as the current development of the Common Information Sharing Environment. Parliament has been pressing for such a study for a number of years, including by means of Directive (EC) 2005/35 on ship source pollution.

## **BUDGETARY IMPLICATIONS**

It is clear that if work is done once by EMSA rather than in each national administration, the cost to the European taxpayer is reduced and real European added value created. This has already been demonstrated by EMSA's maritime surveillance systems. Using these systems to provide information of value to other policy areas is likely to be much more cost effective than creating stand-alone systems.

Additional tasks for EMSA need to be realistically reflected in its budget and staff. Otherwise there would be a threat to its core function of promoting maritime safety. However this is a task for the annual budget procedure rather than this legislative act.



## PROCEDURE

<b>Title</b>	Amendment of Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency
<b>References</b>	10090/2/2012 – C7-0329/2012 – 2010/0303(COD)
<b>Date of Parliament's first reading – P number</b>	15.12.2011 T7-0581/2011
<b>Commission proposal</b>	COM(2010)0611 - C7-0343/2010
<b>Committee responsible</b> Date announced in plenary	TRAN
<b>Rapporteur(s)</b> Date appointed	Knut Fleckenstein 7.12.2010
<b>Discussed in committee</b>	6.11.2012
<b>Date adopted</b>	27.11.2012
<b>Result of final vote</b>	+: 34 –: 2 0: 2
<b>Members present for the final vote</b>	Magdi Cristiano Allam, Inés Ayala Sender, Georges Bach, Erik Bánki, Izaskun Bilbao Barandica, Philip Bradbourn, Antonio Cancian, Michael Cramer, Joseph Cuschieri, Philippe De Backer, Luis de Grandes Pascual, Christine De Veyrac, Saïd El Khadraoui, Ismail Ertug, Carlo Fidanza, Knut Fleckenstein, Jacqueline Foster, Mathieu Grosch, Jim Higgins, Dieter-Lebrecht Koch, Werner Kuhn, Jörg Leichtfried, Bogusław Liberadzki, Gesine Meissner, Hubert Pirker, Olga Sehnalová, Brian Simpson, Keith Taylor, Giommara Uggias, Peter van Dalen, Artur Zasada, Roberts Zīle
<b>Substitute(s) present for the final vote</b>	Phil Bennion, Spyros Danellis, Markus Ferber, Dominique Riquet, Alfreds Rubiks, Sabine Wils

