



Plenary sitting

A9-0423/2023

8.12.2023

*****I**

REPORT

on the proposal for a regulation of the European Parliament and of the Council
on the European Maritime Safety Agency and repealing Regulation (EC) No
1406/2002
(COM(2023)0269 – C9-0190/2023 – 2023/0163(COD))

Committee on Transport and Tourism

Rapporteur: Cláudia Monteiro de Aguiar

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

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ***■*** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council on the European Maritime Safety Agency and repealing Regulation (EC) No 1406/2002 (COM(2023)0269 – C9-0190/2023 – 2023/0163(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2023)0269),
 - having regard to Article 294(2) and Article 100 (2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0190/2023),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 20 September 2023¹,
 - after consulting the Committee of the Regions,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the opinions of the Committee on Budgets and of the Committee on Fisheries,
 - having regard to the report of the Committee on Transport and Tourism (A9-0423/2023),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation
Recital 1 a (new)

¹ Not yet published in the Official Journal.

Text proposed by the Commission

Amendment

(1a) The fishing sector has high accident rates, which also have high mortality levels, and the important role of fishers training when it comes to work safety.

Amendment 2

Proposal for a regulation Recital 8

Text proposed by the Commission

(8) The Agency was initially established with the objective of contributing to the establishment of a high level of maritime safety across the Union while also assisting the pollution prevention from ships and later also from oil and gas installations. While these objectives were further strengthened with the addition of promoting maritime security, the Agency's focus, during recent years, on support to regulatory developments in the area of decarbonisation and digitalisation of shipping merit the addition of those areas in the overall objectives of the Agency enabling it to contribute to the goals of the twin, green and digital, transition of the industry. Likewise, the crucial role of the Agency in the provision of a maritime awareness picture in the sea, through satellite images and the operation of remotely piloted aircraft systems, justifies the addition of a relevant overall objective for the Agency.

Amendment

(8) The Agency was initially established with the objective of contributing to the establishment of a high level of maritime safety across the Union while also assisting the pollution prevention from ships and later also from oil and gas installations. While these objectives were further strengthened with the addition of promoting maritime security, the Agency's focus, during recent years, on support to regulatory developments in the area of decarbonisation and digitalisation of shipping, **including port areas**, merit the addition of those areas in the overall objectives of the Agency enabling it to contribute to the goals of the twin, green and digital, transition of the industry. Likewise, the crucial role of the Agency in the provision of a maritime awareness picture in the sea, through satellite images and the operation of remotely piloted aircraft systems, justifies the addition of a relevant overall objective for the Agency.

Amendment 3

Proposal for a regulation Recital 10

Text proposed by the Commission

(10) For the proper achievement of these objectives, it is appropriate that the Agency carries out specific tasks in the area of maritime safety, sustainability, decarbonisation of the maritime sector, maritime security and cybersecurity, maritime surveillance and maritime crises and the promotion of the digitalisation and facilitation of exchanges of data in the maritime domain.

Amendment

(10) For the proper achievement of these objectives, it is appropriate that the Agency carries out specific tasks in the area of maritime safety, ***prevention of pollution by ships***, sustainability, decarbonisation of the maritime sector, maritime security and cybersecurity, maritime surveillance and maritime crises and the promotion of the digitalisation and facilitation of exchanges of data in the maritime domain. ***While carrying out these tasks the Agency should pay attention to the specificities of the different types of maritime activities with a specific attention to the conditions applicable to the fishing sector.***

Amendment 4

**Proposal for a regulation
Recital 11**

Text proposed by the Commission

(11) In addition to the specific tasks, the Agency should provide horizontal, technical support, upon request by the Commission or the Member States, for the implementation of any task that falls under the remit of its competences and objectives, stemming from future needs and developments at the Union level. Such additional tasks shall be subjected to a consideration of the available human and financial resources, which the Management Board of the Agency should take into account before deciding to include them in the Single Programming Document of the Agency as part of its annual or multiannual work program. This is necessary to ensure that certain tasks which constitute the core of the Agency could be prioritised if needed.

Amendment

(11) In addition to the specific tasks, the Agency should provide horizontal, technical support, upon request by the Commission or the Member States, for the implementation of any task that falls under the remit of its competences and objectives, stemming from future needs and developments at the Union level ***under the remits of maritime legislation***. Such additional tasks shall be subjected to a consideration of the available human and financial resources, which the Management Board of the Agency should take into account before deciding to include them in the Single Programming Document of the Agency as part of its annual or multiannual work program. ***Therefore, new additional tasks should be accompanied with a legislative financial statement presented to the legislative and budgetary authorities.*** This is necessary to ensure that certain tasks which constitute the core of

the Agency could be prioritised if needed.

Justification

The importance of having a legislative financial statement whenever new tasks are assigned.

Amendment 5

Proposal for a regulation
Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) The Agency should pay special attention to the fisheries sector when carrying out its tasks, since it has an important economic and social impact in the EU. In particular, fishing vessels and workers are highly vulnerable to maritime safety risks and play a relevant role in the green transition.

Amendment 6

Proposal for a regulation
Recital 12

Text proposed by the Commission

Amendment

(12) The Agency is at the forefront of the technical expertise in the areas of its competence and thus it should provide training and capacity building activities to the Member States with the development of common core curricula courses and the use of the most technologically advanced tools in their delivery.

(12) The Agency is at the forefront of the technical expertise in the areas of its competence and thus it should provide training and capacity building activities to the Member States with the development of common core curricula courses and the use of the most technologically advanced tools in their delivery. ***The Agency should inter alia support the training of Port State Control inspectors of the Member States and officials of the Flag State Administrations to conduct targeted inspections as regards the implementation and enforcement of the MLC 2006 in relation to the implementation of seafarers' rights and working and living conditions on board ships. In order to***

increase the attractiveness of maritime professions, the Agency should assess building up a network comprising academia and any other establishments providing for suitable qualifications for promoting lifelong learning needs.

Amendment 7

Proposal for a regulation

Recital 13

Text proposed by the Commission

(13) This technical expertise of the Agency should be further cultivated by conducting research in the maritime field and contributing to the relevant Union's activities in the area. The Agency should contribute with a proactive approach to the objectives of enhancing maritime safety, security, decarbonisation of shipping and prevention of pollution by ships. In this regard, the Agency could issue relevant non-binding guidance, recommendations or manuals that could assist the Commission, the Member States and/or the maritime industry in attaining these objectives.

Amendment

(13) This technical expertise of the Agency should be further cultivated by conducting research in the maritime field and contributing to the relevant Union's activities in the area. The Agency should contribute with a proactive approach to the objectives of enhancing maritime safety, security, decarbonisation of shipping and ***maritime ports and*** prevention of pollution by ships. In this regard, the Agency could issue relevant non-binding guidance, recommendations or manuals that could assist the Commission, the Member States and/or the maritime industry in attaining these objectives.

Justification

The importance of mentioning the entire maritime ecosystem.

Amendment 8

Proposal for a regulation

Recital 14

Text proposed by the Commission

(14) As regards maritime safety, the Agency should develop a proactive approach in determining safety risks and challenges on the basis of which it should present to the Commission every three

Amendment

(14) As regards maritime safety, the Agency should develop a proactive approach in determining safety risks and challenges on the basis of which it should present to the Commission every three

years a report on the progress on maritime safety. Moreover, the Agency should continue assisting the Commission and the Member States in the implementation of the relevant Union legislation, especially in the areas of flag and port State obligations, **the** accident investigation of marine accidents, the passenger ship safety legislation, Recognised Organisations and marine equipment. Finally, the Agency should have a proactive role in assisting the deployment of maritime autonomous and automated surface ships while also it is important to collect further data in the area of the training and certification for seafarers and the Maritime Labour Convention (MLC, 2006).

years a report on the progress on maritime safety. Moreover, the Agency should continue assisting the Commission and the Member States in the implementation of the relevant Union legislation, especially in the areas of flag and port State obligations, **directly supporting** accident investigation of marine accidents, the passenger ship safety legislation, Recognised Organisations and marine equipment. Finally, the Agency should have a proactive role in assisting the deployment of maritime autonomous and automated surface ships while also it is important to collect further data in the area of the training and certification for seafarers and the Maritime Labour Convention (MLC, 2006).

Justification

There should be a European framework on accidents investigations to reduce current disparities across Member States.

Amendment 9

Proposal for a regulation Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) Calls on the Commission to transpose the IMO International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F 1995), into EU law in order to achieve a harmonized framework for minimum level of training of fishers in Europe.

Amendment 10

Proposal for a regulation Recital 16

Text proposed by the Commission

(16) In the area of decarbonisation of the shipping sector, efforts to limit global maritime emissions through the International Maritime Organisation (IMO) are under way and should be encouraged, including the rapid implementation of the initial IMO Strategy on Reduction of Greenhouse Gas Emissions from Ships, adopted in 2018. Discussions are **undergoing** on the means to implement in practice such ambition, **including on a revision of** the initial strategy. At the Union level, a set of policies and legislative proposals to support the decarbonisation and further promote the sustainability of the maritime sector has been developed, as reflected in particular in the European Green Deal, the Sustainable and Smart Mobility Strategy, the “Fit for 55” package and the Zero Pollution Strategy. As a result, the need to reduce greenhouse gas emissions from the maritime sector should be reflected in the mandate of the Agency.

Amendment

(16) In the area of decarbonisation of the shipping sector, efforts to limit global maritime emissions through the International Maritime Organisation (IMO) are under way and should be encouraged, including the rapid implementation of the initial IMO Strategy on Reduction of Greenhouse Gas Emissions from Ships, adopted in 2018. Discussions are **ongoing** on the means to implement in practice such ambition. **Those discussions cover the possibility of revising the initial strategy, and offer the opportunity to reflect on the Union’s ambitions at international level and the importance of securing a global level playing field that would result in the strengthening of EU maritime competitiveness.** At the Union level, a set of policies and legislative proposals to support the decarbonisation and further promote the sustainability of the maritime sector has been developed, as reflected in particular in the European Green Deal, the Sustainable and Smart Mobility Strategy, the “Fit for 55” package and the Zero Pollution Strategy. As a result, the need to reduce greenhouse gas emissions from the maritime sector should be reflected in the mandate of the Agency.

Justification

International role of EMSA due to its expertise.

Amendment 11

Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) In this regard, while the Agency should continue assisting the Commission and the Member States in the

Amendment

(17) In this regard, while the Agency should continue assisting the Commission and the Member States in the

implementation of Regulation (EU) 2015/757 of the European Parliament and of the Council²⁵ it should further assist in the implementation of the new regulatory measures to decarbonise the shipping sector, as stemming from the Fit for 55 legislative package, such as the Regulation [...] on the use of renewable and low-carbon fuels in maritime transport and the shipping-related elements of Directive 2003/87/EC of the European Parliament and of the Council²⁶ establishing a scheme for greenhouse gas emission allowance trading within the Community. The Agency should continue to be at the forefront of expertise at Union level to assist in the transition of the sector into renewable and low carbon fuels by conducting research and providing guidance on the uptake and deployment of sustainable alternative sources of power for ships, **including** onshore power supply to ships and in relation to the deployment of energy efficiency and **wind** propulsion **assistance** solutions. In order to monitor progress in the area of decarbonisation of the shipping sector, the Agency should report to the Commission on the greenhouse gas reduction efforts and any recommendations that might have every three years.

implementation of Regulation (EU) 2015/757 of the European Parliament and of the Council²⁵ it should further assist in the implementation of the new regulatory measures to decarbonise the shipping sector, as stemming from the Fit for 55 legislative package, such as the Regulation [...] on the use of renewable and low-carbon fuels in maritime transport and the shipping-related elements of Directive 2003/87/EC of the European Parliament and of the Council²⁶ establishing a scheme for greenhouse gas emission allowance trading within the Community. ***That includes monitoring and reporting on the impacts of EU ETS Maritime and FuelEU Maritime on port traffic, port evasion and traffic shift to transshipment ports in third countries, at the detriment of EU ports.*** The Agency should continue to be at the forefront of expertise at Union level to assist in the transition of the sector into renewable and low carbon fuels by conducting research and providing guidance on the uptake and deployment of sustainable alternative sources of power for ships ***and the related infrastructure in port areas***, onshore power supply to ships and in relation to the deployment of energy efficiency and ***wind-assisted, solar and kinetic wave*** propulsion solutions. ***That also includes new greenhouse gas abatement technologies, such as onboard carbon capture and energy efficiency practices, such as slow steaming.*** ***Furthermore, it should also share its expertise related with ports safety-related risks, bunkering and storage on uptaking sustainable alternative fuels, technological and regulatory barriers.*** In order to monitor ***and pave the way for*** progress in the area of decarbonisation of the shipping sector ***and port areas***, the Agency should report to the Commission ***and the Parliament*** on the greenhouse gas reduction efforts and any recommendations that might have every three years. ***The Agency should also report on all the administrative and practical difficulties***

met by Member States in implementing the related legislative acts.

²⁵ Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC (OJ L 123, 19.5.2015, p. 55).

²⁶ Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32).

²⁵ Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC (OJ L 123, 19.5.2015, p. 55).

²⁶ Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32).

Amendment 12

Proposal for a regulation Recital 18

Text proposed by the Commission

(18) In the area of maritime security, the Agency should continue to provide technical assistance to the Commission inspections in the framework of Regulation 725/2004 of the European Parliament and of the Council²⁷ on enhancing ship and port facility security. Given that the number of **cybersecurity** incidents in the maritime sector has gone up significantly in recent years, the Agency should assist Union efforts to enhance resilience **against cybersecurity incidents** in the maritime sector by facilitating the exchange of best practices and information on cyber security incidents between the Member States.

²⁷ Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port

Amendment

(18) In the area of maritime security, the Agency should continue to provide technical assistance to the Commission inspections in the framework of Regulation 725/2004 of the European Parliament and of the Council²⁷ on enhancing ship and port facility security. Given that the number of **cyber security** incidents in the maritime sector has gone up significantly in recent years, the Agency should assist Union efforts to **prevent cyber security incidents** and enhance **cyber** resilience in the maritime sector by **preparing guidelines**, facilitating the exchange of best practices and information on cyber security incidents between the Member States.

²⁷ Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port

Amendment 13

Proposal for a regulation Recital 19

Text proposed by the Commission

(19) The Agency should continue to host the vessel monitoring and information system established under Directive 2002/59/EC of the European Parliament and of the Council²⁸ together with other systems underpinning the establishment of a maritime awareness picture. In this regard, the Agency should continue to play a vital role in the management of the maritime security component of Copernicus programme and should continue making use of available state-of-the-art technology, such as remotely piloted aircraft systems providing to Member States and other Union bodies a useful tool for surveillance and monitoring. In addition to these services, the Agency has demonstrated its strategic role in providing maritime situational awareness supporting various crises, such as the COVID-19 and Russia's war of aggression against Ukraine. As a result, the Agency should operate a centre, open 24 hours per day and 7 days per week, which should assist the Commission and the Member States *with such* emergency situations.

²⁸ Directive 2002/59/EC of the European Parliament and of the Council of 27 June

Amendment

(19) The Agency should continue to host the vessel monitoring and information system established under Directive 2002/59/EC of the European Parliament and of the Council²⁸ together with other systems underpinning the establishment of a maritime awareness picture. In this regard, the Agency should continue to play a vital role in the management of the maritime security component of Copernicus programme and should continue making use of available state-of-the-art technology, such as remotely piloted aircraft systems providing to Member States and other Union bodies a useful tool for surveillance and monitoring. In addition to these services, the Agency has demonstrated its strategic role in providing maritime situational awareness supporting various crises, such as the COVID-19 and Russia's war of aggression against Ukraine. As a result, the Agency should operate a centre, open 24 hours per day and 7 days per week, which should assist the Commission and the Member States ***and provide information regarding potential and emergency situations. In support of a strong and united answer of the Union and its Member States to Russia's war of aggression against Ukraine, the Agency should, inter alia, monitor suspicious behaviour around pipelines and detect sanctions evasion at sea.***

²⁸ Directive 2002/59/EC of the European Parliament and of the Council of 27 June

2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (OJ L 208, 5.8.2002, p. 10).

2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (OJ L 208, 5.8.2002, p. 10).

Justification

EMSA provides assistance to the implementation of sanctions against Russia and to the United Nations bodies on the “grain corridors”.

Amendment 14

Proposal for a regulation Recital 20

Text proposed by the Commission

(20) Digitalisation of data is part of technological progress in the area of data collection and communication with a view to helping to bring down costs and making efficient use of human resources. The deployment and operation of Maritime Autonomous Surface Ships (MASS) and the digital and technological developments provide a wide range of new opportunities in terms of data collection and management of integrated systems. This creates opportunities for the potential digitalisation, automation and standardisation of several processes, which would allow for the facilitation of safety, security, sustainability and efficiency of maritime operations, including surveillance mechanisms, at Union level, reducing in parallel the administrative burden to the Member States. In this regard, the Agency should, among others, facilitate and promote the use of electronic certificates, the collection, recording and evaluation of technical data, the systematic exploitation of existing databases, including their cross-fertilisation through the use of innovative IT and artificial intelligence tools, and, where appropriate, the development of additional interoperable databases.

Amendment

(20) Digitalisation of data is part of technological progress in the area of data collection and communication with a view to helping to bring down costs, **reducing administrative burden** and making efficient use of human resources. The deployment and operation of Maritime Autonomous Surface Ships (MASS) and the digital and technological developments provide a wide range of new opportunities in terms of data collection and management of integrated systems. This creates opportunities for the potential digitalisation, automation and standardisation of several processes, which would allow for the facilitation of safety, security, sustainability and efficiency of maritime operations, including surveillance mechanisms, at Union level, reducing in parallel the administrative burden to the Member States. In this regard, the Agency should, among others, facilitate and promote the use of electronic certificates, the collection, recording and evaluation of technical data, the systematic exploitation of existing databases, including their cross-fertilisation through the use of innovative IT and artificial intelligence tools, and, where appropriate, the development of

additional interoperable databases.

Amendment 15

Proposal for a regulation

Recital 22

Text proposed by the Commission

(22) In the context of the IMO, the International Labour Organisation (ILO) and the Paris Memorandum of Understanding on Port State Control, signed at Paris on 26 January 1982 ('Paris MoU'), the Commission and the Member States may need technical assistance and expertise. Likewise, the Commission may also need the technical assistance of the Agency in supporting third countries in the maritime domain, in particular with capacity building and pollution prevention and response means. The Management Board of the Agency should be tasked with adopting a strategy for international relations of the Agency concerning matters under its competence, as part of the single programming document.

Amendment

(22) In the context of the IMO, the International Labour Organisation (ILO) and the Paris Memorandum of Understanding on Port State Control, signed at Paris on 26 January 1982 ('Paris MoU'), the Commission and the Member States may need technical assistance and expertise, ***thus the role of EMSA should be reinforced, in particular within IMO, where EMSA should participate in and attend the discussions.*** Likewise, the Commission may also need the technical assistance of the Agency in supporting third countries in the maritime domain, in particular with capacity building and pollution prevention and response means. The Management Board of the Agency should be tasked with adopting a strategy for international relations of the Agency concerning matters under its competence, as part of the single programming document.

Amendment 16

Proposal for a regulation

Recital 23

Text proposed by the Commission

(23) National authorities carrying out coast guard functions are responsible for a wide range of tasks, which may include maritime safety, security, search and rescue, border control, fisheries control, customs control, general law enforcement and environmental protection. The Agency,

Amendment

(23) National authorities carrying out coast guard functions are responsible for a wide range of tasks, which may include maritime safety, security, search and rescue, border control, fisheries control, customs control, general law enforcement and environmental protection. The Agency,

the European Border and Coast Guard Agency, established by Regulation (EU) 2019/1896 of the European Parliament and of the Council²⁹, and the European Fisheries Control Agency, established by Regulation (EU) 2019/473 of the European Parliament and of the Council³⁰, should therefore strengthen their cooperation, within their mandate, both with each other and with the national authorities carrying out coast guard functions, in order to increase maritime situational awareness and to support coherent and cost-efficient action.

the European Border and Coast Guard Agency, established by Regulation (EU) 2019/1896 of the European Parliament and of the Council²⁹, and the European Fisheries Control Agency, established by Regulation (EU) 2019/473 of the European Parliament and of the Council³⁰, should therefore strengthen their cooperation, within their mandate, both with each other and with the national authorities carrying out coast guard functions, in order to increase maritime situational awareness and to support coherent and cost-efficient action, ***by providing services, information, technology, equipment and training, as well as by coordinating multi-purpose operations, collecting data for scientific research, monitoring European waters and implementing cooperation programmes with third countries.***

²⁹ Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1).

³⁰ Regulation (EU) 2019/473 of the European Parliament and of the Council of 19 March 2019 on the European Fisheries Control Agency (OJ L 83, 25.3.2019, p. 18).

²⁹ Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1).

³⁰ Regulation (EU) 2019/473 of the European Parliament and of the Council of 19 March 2019 on the European Fisheries Control Agency (OJ L 83, 25.3.2019, p. 18).

Amendment 17

Proposal for a regulation Recital 25

Text proposed by the Commission

(25) In order to streamline the decision-making process in the Agency and to contribute to enhancing efficiency and effectiveness, a two-level governance structure should be introduced. To that end, the Member States and the Commission

Amendment

(25) In order to streamline the decision-making process in the Agency and to contribute to enhancing efficiency and effectiveness, a two-level governance structure should be introduced. To that end the Member States and the Commission

should be represented on a Management Board vested with the necessary powers, including the power to establish the budget and approve the programming document. The Management Board should give general orientations for the Agency's activities and be more closely involved in the monitoring of the Agency's activities, with a view to reinforcing supervision on administrative and budgetary matters. A smaller Executive Board should be set up with the task of preparing the meetings of the Management Board in an appropriate manner and supporting its decision-making process. The powers of the Executive Board should be defined in a mandate to be adopted by the Management Board and should, where necessary, include opinions and provisional decisions subject to final endorsement by the Management Board. The Agency should be headed by an Executive Director.

should be represented on a Management Board vested with the necessary powers, including the power to establish the budget and approve the programming document. ***The European Parliament should be represented as an observer.*** The Management Board should give general orientations for the Agency's activities and be more closely involved in the monitoring of the Agency's activities, with a view to reinforcing supervision on administrative and budgetary matters. A smaller Executive Board should be set up with the task of preparing the meetings of the Management Board in an appropriate manner and supporting its decision-making process. The powers of the Executive Board should be defined in a mandate to be adopted by the Management Board and should, where necessary, include opinions and provisional decisions subject to final endorsement by the Management Board. The Agency should be headed by an Executive Director.

Justification

It is important to strengthen the relations between the European Parliament and the Agency.

Amendment 18

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) In order to perform its tasks properly, the Agency should have legal personality and an autonomous budget funded mainly through a contribution by the Union and through fees and charges paid by third countries or other entities. The Agency's independence and impartiality should not be compromised by any financial contribution that it receives from Member States, third countries or other entities. In order to ensure

Amendment

(27) In order to perform its tasks properly, the Agency should have legal personality and an autonomous budget funded mainly through a contribution by the Union and through ***proportional*** fees and charges paid by third countries or other entities. The Agency's independence and impartiality should not be compromised by any financial contribution that it receives from Member States, third countries or other entities. In order to ensure

independence in its daily management and in the opinions, recommendations and decisions which it issues, the Agency's organisation should be transparent and the Executive Director should have full responsibility. The Agency's staff should be independent and should be employed on both short-term and long-term contracts in order to maintain its organisational knowledge and business continuity, while keeping a necessary and ongoing exchange of expertise with the maritime sector. The expenditure of the Agency should include staff, administrative, infrastructure and operational expenses.

independence in its daily management and in the opinions, recommendations and decisions which it issues, the Agency's organisation should be transparent and the Executive Director should have full responsibility. The Agency's staff should be independent and should be employed on both short-term and long-term contracts in order to maintain its organisational knowledge and business continuity, while keeping a necessary and ongoing exchange of expertise with the maritime sector. The expenditure of the Agency should include staff, administrative, infrastructure and operational expenses.

Justification

The fees imposed to the maritime stakeholders should be proportional.

Amendment 19

Proposal for a regulation Recital 28

Text proposed by the Commission

(28) With regard to the prevention and management of conflicts of interest, it is essential that the Agency acts impartially, demonstrates integrity and establishes high professional standards. There should never be any legitimate reason to suspect that decisions might be influenced by interests conflicting with the role of the Agency as a body serving the Union as a whole or by private interests or affiliations of any member of the Management Board which would create, or have the potential to create, a conflict with the proper performance of the official duties of the person concerned. The Management Board should therefore adopt comprehensive rules on conflicts of interests.

Amendment

(28) With regard to the prevention and management of conflicts of interest, it is essential that the Agency acts impartially, demonstrates integrity and establishes high professional standards. There should never be any legitimate reason to suspect that decisions might be influenced by interests conflicting with the role of the Agency as a body serving the Union as a whole or by private interests or affiliations of any member of the Management Board which would create, or have the potential to create, a conflict with the proper performance of the official duties of the person concerned. The Management Board should therefore adopt ***and make publicly available*** comprehensive rules on conflicts of interests, ***giving due consideration to the recommendations of the European***

Amendment 20

Proposal for a regulation

Recital 33

Text proposed by the Commission

(33) In order to ensure uniform conditions for the implementation of this Regulation with regards to fees and charges, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council³¹.

³¹ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L55, 28.2.2011, p. 13)

Amendment

(33) In order to ensure uniform conditions for the implementation of this Regulation with regards to fees and charges, implementing powers should be conferred on the Commission ***in respect of the determination of the fees and charges for the delivery of services***. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council³¹.

³¹ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L55, 28.2.2011, p. 13)

Amendment 21

Proposal for a regulation

Recital 33 a (new)

Text proposed by the Commission

Amendment

(33a) In order to specify the methodology for the calculation of those fees and charges, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of ... [content and scope]. It is of particular importance that the Commission carry out

appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making^{1a}. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

^{1a} OJ L 123, 12.5.2016, p. 1, ELI: http://data.europa.eu/eli/agree_interinstit/2016/512/oj.

Amendment 22

Proposal for a regulation Recital 34 a (new)

Text proposed by the Commission

Amendment

(34a) The proposed increase in EMSA's resources is insufficient given the extent of the proposed increase in the Agency's tasks and the scale of the EU's ambitions for maritime policy. Thus, the amount of the financial resources dedicated to this proposal should be drawn from the unallocated margins under MFF ceilings or mobilised through the non-thematic MFF special instruments. Since the Commission proposal for MFF revision did not reinforce EMSA budget, the increase in appropriations for EMSA cannot be offset by a compensatory reduction of programmed spending under CEF Transport or lead to a reduction of the funding for any other Union programmes.

Amendment 23

Proposal for a regulation Article 2 – paragraph 1

Text proposed by the Commission

1. The objectives of the Agency shall be the promotion and establishment of a high, uniform and effective level of maritime safety aiming **towards zero** accidents, maritime security, the reduction of greenhouse gas emissions from ships and the sustainability of the maritime sector as well as the prevention of and response to pollution caused by ships and the response to marine pollution caused by oil and gas installations.

Amendment

1. The objectives of the Agency shall be the promotion and establishment of a high, uniform and effective level of maritime safety aiming **at the maximum reduction of** accidents, maritime security, the reduction of greenhouse gas emissions from ships and the sustainability of the maritime sector as well as the prevention of and response to pollution caused by ships and the response to marine pollution caused by oil and gas installations.

Amendment 24

Proposal for a regulation Article 2 – paragraph 2

Text proposed by the Commission

2. Further objectives of the Agency shall be the promotion of digitalisation of the maritime sector by facilitating the electronic transmission of data supporting simplification and the provision of integrated maritime surveillance and awareness systems and services to the Commission and the Member States.

Amendment

2. Further objectives of the Agency shall be the promotion of digitalisation of the maritime sector by facilitating the electronic transmission of data supporting simplification, **the reduction of the administrative burden** and the provision of integrated maritime surveillance and awareness systems and services to the Commission and the Member States.

Amendment 25

Proposal for a regulation Article 3 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Agency shall assist the Commission:

Amendment

1. The Agency shall assist the Commission **and the Member States**:

Amendment 26

Proposal for a regulation Article 3 – paragraph 4

Text proposed by the Commission

4. The Agency shall contribute, at the Commission's request, or on its own initiative, subject to the approval of the Management Board in accordance with Article 17, to maritime research activities at the Union level consistent with the objectives of the Agency. In this regard, the Agency shall assist the Commission and the Member States in identifying key research themes, without prejudice to other research activities at the Union level, and in analyzing ongoing and completed research projects relevant to the objectives of the Agency. Where appropriate, subject to the applicable rules on intellectual property and security considerations, the Agency *may* disseminate the results of its research and innovation activities, following approval by the Commission, as part of its contribution to creating synergies between the research and innovation activities of other Union bodies and the Member States.

Amendment

4. The Agency shall contribute, at the Commission's request, or on its own initiative, subject to the approval of the Management Board in accordance with Article 17, to maritime research activities at the Union level consistent with the objectives of the Agency. In this regard, the Agency shall assist the Commission and the Member States in identifying key research themes, without prejudice to other research activities at the Union level, and in analyzing ongoing and completed research projects relevant to the objectives of the Agency. Where appropriate, subject to the applicable rules on intellectual property and security considerations, the Agency *shall* disseminate the results of its research and innovation activities, following approval by the Commission, as part of its contribution to creating synergies between the research and innovation activities of other Union bodies and the Member States.

Amendment 27

Proposal for a regulation Article 4 – paragraph 1

Text proposed by the Commission

1. The Agency shall monitor progress on the safety of maritime transport in the Union, conduct risk analysis on the basis of the available data and develop safety risk assessment models to identify safety challenges and risks. Every three years it shall present to the Commission a report on progress on maritime safety with possible technical recommendations that could be addressed at the Union or the international

Amendment

1. The Agency shall monitor progress on the safety of maritime transport in the Union, conduct risk analysis on the basis of the available data and develop safety risk assessment models to identify safety challenges and risks. Every three years it shall present to the Commission a report on progress on maritime safety with possible technical recommendations that could be addressed at the Union or the international

level. In this regard, the Agency shall in particular analyse and propose relevant guidance or recommendations in relation to potential safety risks stemming from the uptake and deployment of sustainable alternative sources of power for ships, including onshore power supply to ships at berth.

level. In this regard, the Agency shall in particular analyse and propose relevant guidance or recommendations in relation to potential safety risks stemming from the uptake and deployment of sustainable alternative sources of power for ships, including onshore power supply to ships at berth, ***battery technologies used for propulsion, “zero emission technologies”, as defined in [FuelEU Maritime] or other future technologies on board of ships or in port areas.***

Amendment 28

Proposal for a regulation

Article 4 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The Agency shall assist the Commission in the development and maintenance of the databases provided for in Articles 24 and 24a of Directive 2009/16/EC. On the basis of the data collected, the Agency shall assist the Commission in the analysis of the relevant information and the publication of information concerning ships and companies with low and very low performance pursuant to Directive 2009/16/EC.

Amendment

The Agency shall assist the Commission ***and the Member States*** in the development and maintenance of the databases provided for in Articles 24 and 24a of Directive 2009/16/EC. On the basis of the data collected, the Agency shall assist the Commission in the analysis of the relevant information and the publication of information concerning ships and companies with low and very low performance pursuant to Directive 2009/16/EC.

Amendment 29

Proposal for a regulation

Article 4 – paragraph 4 – subparagraph 1

Text proposed by the Commission

The Agency shall assist the Commission in the development and maintenance of the database provided for in Article 17 of Directive 2009/18/EC. On the basis of the data collected the Agency shall compile a yearly overview of marine casualties and

Amendment

The Agency shall assist the Commission in the development and maintenance of the database provided for in Article 17 of Directive 2009/18/EC. On the basis of the data collected the Agency shall compile a yearly overview of marine casualties and

incidents. The Agency ***shall, if requested by the concerned*** Member States ***and*** where no conflict of interest arises, ***provide operational support to these Member States concerning safety investigations***. The Agency shall also carry out an analysis of safety investigation reports with a view to identify added value at Union level in terms of any relevant lessons to be drawn.

incidents. The Agency ***may be invited by*** Member States ***to provide operational and technical support concerning safety investigations. The Agency shall comply with such requests*** where no conflict of interest arises ***for the Agency***. The Agency shall also carry out an analysis of safety investigation reports with a view to identify added value at Union level in terms of any relevant lessons to be drawn.

Amendment 30

Proposal for a regulation Article 4 – paragraph 7

Text proposed by the Commission

7. The Agency shall assist the Commission in the implementation of Directive 2014/90/EU of the European Parliament and of the Council³⁹ by providing its technical assessment on safety aspects, providing recommendations with lists of the respective design, construction and performance requirements and testing standards, developing and maintaining the database provided for in Article 35(4) of that Directive and facilitating cooperation between notified assessment bodies acting as the technical secretariat for their coordination group.

³⁹ Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC (OJ L 257, 28.8.2014, p. 146).

Amendment

7. The Agency shall assist the Commission ***and the Member States*** in the implementation of Directive 2014/90/EU of the European Parliament and of the Council³⁹ by providing its technical assessment on safety aspects, providing recommendations with lists of the respective design, construction and performance requirements and testing standards, developing and maintaining the database provided for in Article 35(4) of that Directive and facilitating cooperation between notified assessment bodies acting as the technical secretariat for their coordination group.

³⁹ Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC (OJ L 257, 28.8.2014, p. 146).

Amendment 31

Proposal for a regulation Article 4 – paragraph 9

Text proposed by the Commission

9. The Agency shall gather and analyse data on seafarers provided and used in accordance with Directive (EU) 2022/993 of the European Parliament and of the Council⁴⁰. It may also gather and analyse data on the implementation of the Maritime Labour Convention, 2006 (MLC, 2006) with the aim of assisting in the improvement of the onboard working and living conditions of seafarers..

⁴⁰ Directive (EU) 2022/993 of the European Parliament and of the Council of 8 June 2022 on the minimum level of training of seafarers (OJ L 169, 27.6.2022, p. 45).

Amendment

9. The Agency shall gather and analyse data on seafarers provided and used in accordance with Directive (EU) 2022/993 of the European Parliament and of the Council⁴⁰. It may also gather and analyse data on the implementation of the Maritime Labour Convention, 2006 (MLC, 2006) with the aim of assisting in the improvement of the onboard working and living conditions of seafarers. ***The Commission shall use that data, jointly with the data generated by the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers information system (STCW IS) for developing appropriate strategic responses to recruit and retain seafarers in activity.***

⁴⁰ Directive (EU) 2022/993 of the European Parliament and of the Council of 8 June 2022 on the minimum level of training of seafarers (OJ L 169, 27.6.2022, p. 45).

Amendment 32

**Proposal for a regulation
Article 5 – paragraph 2 – point d a (new)**

Text proposed by the Commission

Amendment

(da) sharing and receiving relevant information from other EU Agencies, such as EFCA, especially in relation to lost fishing gear

Amendment 33

**Proposal for a regulation
Article 5 – paragraph 5**

Text proposed by the Commission

5. The Agency shall assist the Commission and the Member States in the context of the implementation of Directive 2008/56/EC, by contributing to the objective of achieving good environmental status of marine waters with its shipping-related elements and in exploiting the results of existing tools such as the Integrated Maritime Services. In this regard, the Agency shall conduct further research in issues related to lost containers, including plastic pellets, and underwater noise **and** provide recommendations to the Commission and the Member States.

Amendment

5. The Agency shall assist the Commission and the Member States in the context of the implementation of Directive 2008/56/EC, by contributing to the objective of achieving good environmental status of marine waters with its shipping-related elements and in exploiting the results of existing tools such as the Integrated Maritime Services. In this regard, the Agency shall conduct further research in issues related to lost containers, including plastic pellets, and underwater noise, provide recommendations to the Commission and the Member States.

On the containers lost at the Sea, the Agency shall provide guidance to the industry stakeholders and to the Flag State on the requirements agreed at IMO for mandatory reporting of lost containers. The possibility of collective and coordinated response mechanisms at EU and international level shall also be examined.

Amendment 34

**Proposal for a regulation
Article 6 – paragraph 1**

Text proposed by the Commission

1. The Agency shall monitor progress on the operational and technical measures undertaken to increase the energy efficiency of ships and the deployment of sustainable alternative fuels, energy and power systems for ships, including onshore power supply and **wind** propulsion **assistance**, to reduce greenhouse gas emissions from ships.

Amendment

1. The Agency shall monitor progress on the operational and technical measures undertaken to increase the energy efficiency of ships and **ports and** the deployment of sustainable alternative fuels, energy and power systems for ships, including onshore power supply and **wind-assisted** propulsion **and onboard carbon capture**, to reduce greenhouse gas emissions from ships.

Amendment 35

Proposal for a regulation
Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Agency shall assess the need to implement additional training modules for maritime professionals handling new and often complex hybrid and zero emission systems.

Amendment 36

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

Amendment

2. The Agency shall provide technical assistance to the Commission and the Member States, upon their request, in relation to regulatory efforts to reduce greenhouse gas emissions from ships. In this regard, the Agency may utilize any operational tools or services pertinent to the task. The Agency shall in particular research, analyse and propose relevant guidance or recommendations in relation to the uptake and deployment of sustainable alternative fuels, energy and power systems for ships, including onshore power supply **and wind** propulsion **assistance** as well as in relation to energy efficiency measures.

2. The Agency shall provide technical assistance to the Commission and the Member States, upon their request, in relation to regulatory efforts to reduce greenhouse gas emissions from ships **and ports**. In this regard, the Agency may utilize any operational tools or services pertinent to the task. The Agency shall in particular research, analyse and propose relevant guidance or recommendations in relation to the uptake and deployment of sustainable alternative fuels, energy and power systems for ships, including, onshore power supply, **wind-assisted, solar and kinetic wave** propulsion **and on-board carbon capture, ensuring respect for technology neutrality**, as well as in relation to energy efficiency measures, **with practices such as slow steaming and speed optimisation**.

Amendment 37

Proposal for a regulation
Article 6 – paragraph 5 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Such assistance shall also include monitoring and reporting on impacts on port traffic, port evasion and traffic shift to the neighbouring container transshipment ports, to the detriment of EU ports.

Amendment 38

Proposal for a regulation Article 6 – paragraph 6

Text proposed by the Commission

Amendment

6. The Agency shall every three years present to the Commission a report on the progress made in achieving the decarbonisation of maritime transport at the Union level. Where possible, the report shall include technical analysis on identified issues that could to be addressed at the Union level.

6. The Agency shall every three years present to the Commission a report on the progress made in achieving the decarbonisation of maritime transport at the Union level. Where possible, the report shall include technical analysis on identified issues that could to be addressed at the Union level. ***The report shall be made publicly available on the Agency's website in a searchable format and in a disaggregated manner.***

Amendment 39

Proposal for a regulation Article 7 – paragraph 1

Text proposed by the Commission

Amendment

1. The Agency shall provide technical assistance to the Commission in the performance of the ***inspection*** tasks assigned to it pursuant to Article ***9(4)*** of Regulation (EC) No 725/2004.

1. The Agency shall provide technical assistance to the Commission ***and the Member States*** in the performance of the tasks assigned to it pursuant to Article ***9*** of Regulation (EC) No 725/2004.

Amendment 40

Proposal for a regulation Article 7 – paragraph 2

Text proposed by the Commission

2. The Agency shall assist the Commission and the Member States, together with any other relevant Union body, in developing resilience against cybersecurity incidents in the maritime sector in particular by facilitating the exchange of best practices and information on cyber security incidents between the Member States.

Amendment

2. The Agency shall assist the Commission and the Member States, together with any other relevant Union body, in developing resilience against cybersecurity incidents in the maritime sector in particular by ***providing guidelines***, facilitating the exchange of best practices and information on cyber security incidents between the Member States.

Amendment 41

**Proposal for a regulation
Article 8 – paragraph 1**

Text proposed by the Commission

1. The Agency shall provide to the Commission and the Member States, upon their request, maritime surveillance and communication services based on state-of-the-art, including space-based and ground infrastructure and sensors mounted on any kind of platform, improving maritime situational awareness.

Amendment

1. The Agency shall provide to the Commission and the Member States, upon their request, maritime surveillance and communication services based on state-of-the-art, including space-based and ground infrastructure and sensors mounted on any kind of platform, improving maritime situational awareness, ***including with regard to new geopolitical challenges, such as Russia's war of aggression against Ukraine and the related security threats to specific Member States and to the Union as a whole.***

Amendment 42

**Proposal for a regulation
Article 8 – paragraph 4 – subparagraph 1 – introductory part**

Text proposed by the Commission

The Agency shall operate a center available 24 hours a day and 7 days a week providing, ***upon request and*** without prejudice to national and Union law, to the

Amendment

The Agency shall operate a center available 24 hours a day and 7 days a week providing, without prejudice to national and Union law, to the Commission, the

Commission, the competent national authorities, without prejudice to their rights and responsibilities as flag, coastal and port States, and to relevant Union bodies, within their mandate, maritime situational awareness and analytical data, as appropriate, supporting them in:

competent national authorities, without prejudice to their rights and responsibilities as flag, coastal and port States, and to relevant Union bodies, within their mandate, maritime situational awareness and analytical data, as appropriate, supporting them in:

Amendment 43

Proposal for a regulation

Article 8 – paragraph 4 – subparagraph 1 – point c

Text proposed by the Commission

(c) the implementation of any Union legislation requiring the monitoring of ship movements;

Amendment

(c) the implementation of any Union legislation requiring the monitoring of ship movements **and containers lost at sea**;

Amendment 44

Proposal for a regulation

Article 9 – paragraph 2 – point d

Text proposed by the Commission

(d) to facilitate the re-use and the sharing of data exchanged in the EMSWe using SafeSeaNet.

Amendment

(d) to facilitate **and improve** the re-use and the sharing of data exchanged in the EMSWe using SafeSeaNet.

Amendment 45

Proposal for a regulation

Article 9 – paragraph 3

Text proposed by the Commission

3. The Agency shall provide technical assistance to the Member States, upon their request and without prejudice to their rights and obligations as flag States, in the digitalization of their registries and their procedures facilitating the uptake of electronic certificates.

Amendment

3. The Agency shall provide technical **and operational** assistance, **as well as regular training and certification programmes** to the Member States, upon their request and without prejudice to their rights and obligations as flag States, in the digitalization of their registries and their procedures facilitating the uptake of

electronic certificates *and in the digitalisation of any other procedures, which may have a positive effect in reducing the administrative burden on flag, port or coastal State Authorities.*

Amendment 46

Proposal for a regulation Article 10 – paragraph 6

Text proposed by the Commission

6. Where appropriate, and in any case when a cycle of visits or inspections is concluded, the Agency shall analyse reports from that cycle with a view to identifying horizontal findings and general conclusions on the effectiveness and cost-efficiency of the measures in place. The Agency shall present this analysis to the Commission for further discussion with Member States in order to draw any relevant lessons and facilitate the dissemination of good working practices.

Amendment

6. Where appropriate, and in any case when a cycle of visits or inspections is concluded, the Agency shall analyse reports from that cycle with a view to identifying horizontal findings and general conclusions on the effectiveness and cost-efficiency of the measures in place. The Agency shall present this analysis to the Commission for further discussion with Member States in order to draw any relevant lessons and facilitate the dissemination of good working practices, *in particular as regards the implementation of Union law.*

Amendment 47

Proposal for a regulation Article 11 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The Agency shall provide technical assistance necessary for the Member States and the Commission, upon their request, to contribute to the relevant work of the technical bodies of the IMO, the International Labour Organisation as far as shipping is concerned, and the *Paris Memorandum* of Understanding on Port State Control (*‘Paris MoU’*) and relevant regional organisations to which the Union has acceded, with regard to matters of

Amendment

The Agency shall provide technical assistance necessary for the Member States and the Commission, upon their request, to contribute to the relevant work of the technical bodies of the IMO, *where EMSA should, within the Commission delegation, participate in and attend the discussions,* the International Labour Organisation as far as shipping is concerned, and the *relevant Memoranda* of Understanding on Port State Control and

Union competence.

relevant regional organisations to which the Union has acceded, with regard to matters of Union competence.

Amendment 48

Proposal for a regulation Article 11 – paragraph 2

Text proposed by the Commission

2. The Agency may, ***upon the request of*** the Commission, provide technical assistance, including the organisation of relevant training activities, as regards relevant legal acts of the Union, to States applying for accession to the Union, and, where applicable, to European Neighbourhood partner countries and to countries taking part in the Paris MoU.

Amendment

2. The Agency may, ***in consultation with*** the Commission, provide technical assistance, including the organisation of relevant training activities, as regards relevant legal acts of the Union, to States applying for accession to the Union, and, where applicable, to European Neighbourhood partner countries and to countries taking part in the Paris MoU.

Amendment 49

Proposal for a regulation Article 11 – paragraph 3

Text proposed by the Commission

3. The Agency may, ***upon the request of*** the Commission or the European External Action Service, or both, provide assistance in case of pollution caused by ships as well as marine pollution caused by oil and gas installations affecting third countries sharing a regional sea basin with the Union. The Agency shall provide the assistance in line with the Union Civil Protection Mechanism established by Decision No 1313/2013/EU, and with the conditions applicable to Member States as referred to in Article 5 (1) of this Regulation applied by analogy to the third countries. Those tasks shall be coordinated with the existing regional cooperation arrangements related to marine pollution.

Amendment

3. The Agency may, ***in consultation with*** the Commission or the European External Action Service, or both, provide assistance in case of pollution caused by ships as well as marine pollution caused by oil and gas installations affecting third countries sharing a regional sea basin with the Union. The Agency shall provide the assistance in line with the Union Civil Protection Mechanism established by Decision No 1313/2013/EU, and with the conditions applicable to Member States as referred to in Article 5 (1) of this Regulation applied by analogy to the third countries. Those tasks shall be coordinated with the existing regional cooperation arrangements related to marine pollution.

Amendment 50

Proposal for a regulation Article 11 – paragraph 4

Text proposed by the Commission

4. Without prejudice to Article 24, the Agency may provide, ***upon the request of*** the Commission, technical assistance to third countries for matters falling under its competence.

Amendment

4. Without prejudice to Article 24, the Agency may provide, ***in consultation with*** the Commission, technical assistance to third countries for matters falling under its competence.

Amendment 51

Proposal for a regulation Article 11 – paragraph 5

Text proposed by the Commission

5. The Agency may enter into administrative arrangements and cooperation with other Union bodies working in the matters falling within the scope of the Agency's competence ***following the approval of the Commission***. Such arrangements and cooperation shall be subject to the opinion of the Commission and periodical reporting to it.

Amendment

5. The Agency may enter into administrative arrangements and cooperation with other Union bodies working in the matters falling within the scope of the Agency's competence. Such arrangements and cooperation shall be subject to the opinion of the Commission and periodical reporting to it.

Amendment 52

Proposal for a regulation Article 11 – paragraph 6

Text proposed by the Commission

6. The Management Board shall adopt a strategy for international relations of the Agency concerning matters under its competence. That strategy shall ***be in line with the Commission's political priorities and shall*** aim at assisting the Commission and the European External Action Service in fulfilling ***such*** priorities. It shall be

Amendment

6. The Management Board shall adopt a strategy for international relations of the Agency concerning matters under its competence. That strategy shall aim at assisting the Commission and the European External Action Service in fulfilling ***the Union's*** priorities. It shall be included in the programming document of the Agency,

included in the programming document of the Agency, with a specification of associated resources.

with a specification of associated resources.

Amendment 53

Proposal for a regulation

Article 12 – paragraph 1 – point d

Text proposed by the Commission

(d) enhancing the exchange of information and cooperation on coast guard functions including by analysing operational challenges and emerging risks in the maritime domain;

Amendment

(d) enhancing the exchange of information and cooperation on coast guard functions including by analysing operational challenges and emerging risks in the maritime domain ***including by using digital simulation tools to study the effect of accidents;***

Amendment 54

Proposal for a regulation

Article 12 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) sharing the relevant research, developments and technologies, including artificial intelligence, in a collaborative and flexible way, to find solutions to the challenges faced in the different areas;

Amendment 55

Proposal for a regulation

Article 12 – paragraph 1 – point e b (new)

Text proposed by the Commission

Amendment

(eb) increasing the cooperation in order to collect data for marine scientific research purpose on marine ecosystems, physical oceanography, marine chemistry, marine biology, fisheries, scientific ocean drilling and coring, geological and

geophysical research, and other activities;

Amendment 56

Proposal for a regulation

Article 12 – paragraph 1 – point e c (new)

Text proposed by the Commission

Amendment

(ec) implementing cooperation projects with third countries to improve maritime safety, pollution prevention by ships, maritime security and preservation of the marine environment;

Amendment 57

Proposal for a regulation

Article 15 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

The Management Board shall also include *as well as of* four professionals from the sectors most concerned, as referred to in Article 2, appointed by the Commission, without the right to vote.

The Management Board shall also include four professionals from the sectors most concerned, as referred to in Article 2, appointed by the Commission, without the right to vote.

Amendment 58

Proposal for a regulation

Article 15 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The Management Board shall also include two representatives of the European Parliament, acting as observers, without voting rights.

Amendment 59

Proposal for a regulation

Article 15 – paragraph 2

Text proposed by the Commission

2. Each Member State and the Commission shall appoint their members of the Management Board as well as an alternate who will represent the member in his or her absence.

Amendment

2. Each Member State, ***the European Parliament*** and the Commission shall appoint their members of the Management Board as well as an alternate who will represent the member in his or her absence.

Amendment 60

Proposal for a regulation

Article 16 – paragraph 1 – point g

Text proposed by the Commission

(g) establish the methodology for the visits to be carried out pursuant to Article 10. ***In the event that the Commission expresses, within 15 days from the date of adoption of the methodology, its disagreement, the Management Board shall re-examine and adopt it, possibly amended, in second reading either with a two- thirds majority, including the Commission representatives, or by unanimity of the representatives of the Member States;***

Amendment

(g) establish the methodology for the visits to be carried out pursuant to Article 10;

Amendment 61

Proposal for a regulation

Article 16 – paragraph 1 – point j

Text proposed by the Commission

(j) adopt rules for the prevention and management of conflicts of interest in respect of its members and publish annually on its website the declaration of interests of the Management Board members;

Amendment

(j) adopt ***and make publicly available the*** rules for the prevention and management of conflicts of interest in respect of its members and publish annually on its website the declaration of interests of the Management Board members;

Amendment 62

Proposal for a regulation

Article 16 – paragraph 1 – point l

Text proposed by the Commission

- (l) adopt its rules of procedure;

Amendment

- (l) adopt ***and make publicly available*** its rules of procedure;

Amendment 63

Proposal for a regulation

Article 16 – paragraph 1 – point u

Text proposed by the Commission

- (u) take all decisions on the establishment of the Agency's internal structures, including the set-up of advisory or working groups and, where necessary, their modification;

Amendment

- (u) take all decisions on the establishment of the Agency's internal structures, including the set-up of advisory or working groups and, where necessary, their modification ***taking into consideration the Agency's activity needs and having regard to sound budgetary management;***

Amendment 64

Proposal for a regulation

Article 16 – paragraph 1 – point v

Text proposed by the Commission

- (v) decide on the services that the Agency may offer against fees and charges and ***a*** adopt a framework model for the financial apportionment of the fees and charges payable as referred to in Article 26 (3), point (c). ***In the event that the Commission expresses, within 15 days from the date of adoption of the Management Board's decision concerning the services offered against fees or the framework model, its disagreement, the Management Board shall re-examine and adopt it, possibly amended, in second reading either with a***

Amendment

- (v) decide on the services that the Agency may offer against fees and charges and adopt a framework model for the financial apportionment of the fees and charges payable as referred to in Article 26 (3), point (c);

two- thirds majority, including the Commission representatives, or by unanimity of the representatives of the Member States;

Amendment 65

Proposal for a regulation

Article 16 – paragraph 1 – point x

Text proposed by the Commission

(x) adopt a strategy for cooperation with third countries or international organisations, or both, referred to in Article 11 (6). ***In the event that the Commission expresses, within 15 days from the date of adoption of the strategy, its disagreement, the Management Board shall re-examine and adopt it, possibly amended, in second reading either with a two- thirds majority, including the Commission representatives, or by unanimity of the representatives of the Member States;***

Amendment

(x) adopt a strategy for cooperation with third countries or international organisations, or both, referred to in Article 11 (6);

Amendment 66

Proposal for a regulation

Article 17 – paragraph 1 – subparagraph 1

Text proposed by the Commission

By 30 November each year the Management Board shall adopt a single programming document containing ***multi-annual*** and annual programming, based on a draft put forward by the Executive Director, taking into account the opinion of the Commission. ***It*** shall forward ***it*** to the European Parliament, the Council and the Commission.

Amendment

By 30 November each year the Management Board shall adopt a single programming document containing ***multiannual*** and annual programming, based on a draft put forward by the Executive Director, taking into account the opinion of the Commission ***and in relation to multiannual programming after consulting the European Parliament. If the Management Board decides not to take into account elements of the opinion of the Commission, it shall provide a thorough justification. The obligation to provide a thorough justification shall also***

*apply to the elements raised by the European Parliament during the consultation. The management board shall forward **the single programming document** to the European Parliament, the Council and the Commission **by 31 January of the following year.***

Amendment 67

Proposal for a regulation

Article 17 – paragraph 1 – subparagraph 2

Text proposed by the Commission

In the event that the Commission expresses, within 15 days from the date of adoption of the single programming document, its disagreement with the document, the Management Board shall re-examine the single programming document and adopt it, possibly amended, within a period of two months, in second reading either with a two-thirds majority, including the Commission representatives, or by unanimity of the representatives of the Member States.

Amendment

deleted

Amendment 68

Proposal for a regulation

Article 19 – paragraph 3

Text proposed by the Commission

3. The Management Board shall hold an ordinary meeting twice a year. In addition, it shall meet on the initiative of the Chairperson or at the request of the Commission or of one-third of **the Member States**.

Amendment

3. The Management Board shall hold an ordinary meeting twice a year. In addition, it shall meet on the initiative of the Chairperson or at the request of the Commission or of one-third of **its members**.

Amendment 69

Proposal for a regulation
Article 20 – paragraph 2

Text proposed by the Commission

Amendment

2. *The decisions referred to in Article 16(1) points (c) to (e) and points (i), (j), (n), (o), (p), (q), (t), (u) and in Article 16(2) may only be taken if the representatives of the Commission cast a positive vote. For the purposes of taking the decisions referred to in Article 16(1), point (b), the positive vote of the representative of the Commission shall only be required on the elements of the decision not related to the annual and multi-annual working programme of the Agency.* **deleted**

Amendment 70

Proposal for a regulation
Article 20 – paragraph 3

Text proposed by the Commission

Amendment

3. Each member shall have one vote. The Executive Director of the Agency shall not vote.

3. Each member **with voting rights** shall have one vote. The Executive Director of the Agency shall not vote.

Amendment 71

Proposal for a regulation
Article 21 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) decide on those matters provided for in the financial rules adopted pursuant to Article 25 that are not reserved to the Management Board by this Regulation;

Amendment 72

Proposal for a regulation
Article 21 – paragraph 4

Text proposed by the Commission

4. The Executive Board shall be composed of the Chairperson of the Management Board, one representative of the Commission to the Management Board and three other members appointed by the Management Board from among its members with the right to vote. The Chairperson of the Management Board shall also be the Chairperson of the Executive Board. The Executive Director shall take part in the meetings of the Executive Board, but shall not have the right to vote.

Amendment

4. The Executive Board shall be composed of the ***Chairperson and the deputy*** Chairperson of the Management Board, one representative of the Commission to the Management Board and three other members appointed by the Management Board from among its members with the right to vote. The Chairperson of the Management Board shall also be the Chairperson of the Executive Board. The Executive Director shall take part in the meetings of the Executive Board, but shall not have the right to vote. ***The Executive board may invite other observers to attend its meetings.***

Amendment 73

Proposal for a regulation
Article 21 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The Executive Board shall take its decisions by consensus. If the Executive Board is not in a position to take a decision by consensus, the matter shall be referred to the Management Board.

Amendment 74

Proposal for a regulation
Article 22 – paragraph 1

Text proposed by the Commission

1. The Executive Director shall be appointed by the Management Board on the basis of merit ***and*** skills from a list of candidates proposed by the Commission

Amendment

1. The Executive Director shall be appointed by the Management Board on the basis of merit, skills, ***expertise and proven competence and experience***

following an open and transparent selection procedure which shall respect the principle of gender balance.

relevant to the maritime sector, from a list of candidates proposed by the Commission following an open and transparent selection procedure which shall respect the principle of gender balance.

Amendment 75

Proposal for a regulation

Article 22 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Before appointment, the candidate selected by the Management Board shall be invited to make a statement to the competent committee of the European Parliament and to answer questions posed by its members.

Amendment 76

Proposal for a regulation

Article 22 – paragraph 4

Text proposed by the Commission

Amendment

4. The Management Board, acting on a proposal from the Commission, taking into account the assessment referred to in paragraph 3, may extend once the term of office of the Executive Director, for not more than five years.

4. The Management Board, acting on a proposal from the Commission, taking into account the assessment referred to in paragraph 3, may extend once the term of office of the Executive Director, for not more than five years. **The Management Board shall inform the European Parliament and the Council about its intention to extend the Executive Director's mandate. Before the Management Board takes a decision to extend the mandate, the Executive Director may be invited to make a statement to the competent committee of the European Parliament and to answer questions posed by its members.**

Amendment 77

Proposal for a regulation
Article 22 – paragraph 6

Text proposed by the Commission

6. The Executive Director may be removed from office only upon a decision of the Management Board acting on a proposal from the Commission.

Amendment

6. The Executive Director may be removed from office only upon a decision of the Management Board acting on a proposal from the Commission. ***The European Parliament and the Council shall be informed in a manner that complies with the applicable confidentiality requirements, about the reasons for such a decision.***

Amendment 78

Proposal for a regulation
Article 22 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The Management Board shall reach decisions on appointment, extension of the term of office or removal from office of the Executive Director on the basis of a two-thirds majority of its members with voting rights.

Amendment 79

Proposal for a regulation
Article 23 – paragraph 4

Text proposed by the Commission

Amendment

4. The Executive Director shall be the legal representative of the Agency.

4. The Executive Director shall be the legal representative of the Agency.
Therefore, the Executive Director shall:

Amendment 80

Proposal for a regulation
Article 23 – paragraph 4 – point a (new)

Text proposed by the Commission

Amendment

(a) provide for technical assistance and expertise to the Commission and the Member States in the context of the IMO;

Amendment 81

Proposal for a regulation

Article 23 – paragraph 4 – point b (new)

Text proposed by the Commission

Amendment

(b) be accountable to the Management Board of the Agency, when taking politically sensitive decisions in the interest of the Union;

Amendment 82

Proposal for a regulation

Article 23 – paragraph 5 – point a

Text proposed by the Commission

Amendment

(a) ensure the **sustainable and efficient** day-to-day administration of the Agency;

(a) ensure the day-to-day administration of the Agency;

Amendment 83

Proposal for a regulation

Article 26 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) any fees and charges for infrastructure, publications, training or any other services falling under the scope of this Regulation provided by the Agency in accordance with the implementing acts **adopted pursuant to** Article 33;

(c) any fees and charges for infrastructure, publications, training or any other services falling under the scope of this Regulation provided by the Agency in accordance with the **delegated acts and** implementing acts **referred to in** Article 33;

Amendment 84

Proposal for a regulation Article 27 – paragraph 8

Text proposed by the Commission

8. The Agency's budget shall be adopted by the Management Board. It shall become final following final adoption of the general budget of the European Union. Where necessary, it shall be adjusted accordingly.

Amendment

8. The Agency's budget shall be adopted by the Management Board ***by a majority of two-thirds of members entitled to vote***. It shall become final following final adoption of the general budget of the European Union. Where necessary, it shall be adjusted accordingly.

Amendment 85

Proposal for a regulation Article 32 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. In order to achieve financial savings, the Agency shall where appropriate cooperate closely with other Union institutions, agencies and bodies, especially those that have their seat in the same Member State.

Amendment 86

Proposal for a regulation Article 32 – paragraph 5

Text proposed by the Commission

Amendment

5. At the request of the Commission, the Management Board may decide, with the agreement of and in cooperation with the Member States concerned and with due regard to budgetary implications, including any contribution the Member States concerned may provide, to establish regional centers necessary in order to carry out, in the most efficient and effective way, some of the Agency's tasks. When taking such a decision, the Management Board shall define the precise scope of activities

5. At the request of the Commission, the Management Board may decide, ***after informing the competent committee of the European Parliament***, with the agreement of and in cooperation with the Member States concerned and with due regard to budgetary implications, including any contribution the Member States concerned may provide, to establish regional centers necessary in order to carry out, in the most efficient and effective way, some of the Agency's tasks. When taking such a

of the regional centre while avoiding unnecessary financial costs and enhancing cooperation with existing regional and national networks.

decision, the Management Board shall define the precise scope of activities of the regional centre while avoiding unnecessary financial costs and enhancing cooperation with existing regional and national networks.

Justification

It is important to strengthen the relations between the European Parliament and the Agency.

Amendment 87

Proposal for a regulation

Article 33 – title

Text proposed by the Commission

Amendment

Implementing acts relating to fees and charges

Fees and charges

Amendment 88

Proposal for a regulation

Article 33 – paragraph 1

Text proposed by the Commission

Amendment

The Commission shall adopt, in accordance with the principles set out in paragraphs 2, 3 and 4 implementing acts specifying:

deleted

(a) the fees and charges payable to the Agency, in particular in application of Article 26 (3) point (c); and

(b) the conditions of payment.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34 (2).

Amendment 89

Proposal for a regulation
Article 33 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The Commission shall adopt delegated acts in accordance with Article 33a, supplementing this Regulation by laying down the methodology for calculating the fees and charges referred to in paragraph 2. That methodology shall be based on the principles laid down in paragraphs 3 and 4.

Amendment 90

Proposal for a regulation
Article 33 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. On the basis of the methodology laid down pursuant to paragraph 4a, the Commission shall adopt implementing acts specifying the fees and charges for the delivery of services. Those acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).

Amendment 91

Proposal for a regulation
Article 33 a (new)

Text proposed by the Commission

Amendment

Article 33a

Exercise of the delegation

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.**
- 2. The power to adopt delegated acts referred to in Article 33(4a) shall be conferred on the Commission for an**

indeterminate period of time from ...[date of application of the Regulation]. / for a period of ... years from ...

3. The delegation of power referred to in Article 33(4a) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 33(4a) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Amendment 92

Proposal for a regulation Article 38 – paragraph 1

Text proposed by the Commission

1. In order to facilitate combating fraud, corruption and other unlawful activities under Regulation (EU, Euratom) No 883/2013 the Agency shall adopt appropriate provisions applicable to all employees of the Agency.

Amendment

1. In order to facilitate combating fraud, corruption, ***abuse of office*** and other unlawful activities under Regulation (EU, Euratom) No 883/2013 the Agency shall adopt appropriate provisions applicable to all employees of the Agency.

Amendment 93

**Proposal for a regulation
Article 38 – paragraph 3**

Text proposed by the Commission

3. OLAF may carry out investigations, including on-the-spot checks and inspections with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant or a contract funded by the Agency, in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013.

Amendment

3. OLAF may carry out investigations, including on-the-spot checks and inspections with a view to establishing whether there has been fraud, corruption, ***abuse of office*** or any other illegal activity affecting the financial interests of the Union in connection with a grant or a contract funded by the Agency, in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013.

Amendment 94

**Proposal for a regulation
Article 41 – paragraph 1**

Text proposed by the Commission

1. No later than 5 years after the [date of entry into force], and every 5 years thereafter, the Commission shall conduct an evaluation to assess particularly the impact, effectiveness ***and*** efficiency of the Agency and its working practices. The evaluation shall, in particular, address the possible need to modify the mandate of the Agency, and the financial implications of any such modification.

Amendment

1. No later than 5 years after the [date of entry into force], and every 5 years thereafter, the Commission shall conduct an evaluation to assess particularly the impact, effectiveness, efficiency ***and the cost-benefit analysis*** of the Agency and its working practices. The evaluation shall, in particular, address the possible need to modify the mandate of the Agency, and the financial implications of any such

modification.

EXPLANATORY STATEMENT

Historical background

With growing shipping activities in Europe and in the waters surrounding Europe the risks of accidents have constantly increased leading to the first building blocks of the European maritime safety policy at the beginning of the 1990s.

In particular the Erika oil tanker accident (1999) led to the maritime safety package proposals¹ comprising [Regulation \(EC\) No 1406/2002](#) of the European Parliament and of the Council which established the European Maritime Safety Agency (EMSA), amended five times since then.

The amendment in 2013 making a distinction between core and ancillary tasks has now become obsolete. This combined with the need to incorporate and reflect EMSA's growing new tasks, not reflected in the current mandate, called for a completely new EMSA Regulation to replace the current one.

Objectives of the proposal

This proposal therefore aims to better anchor and reflect the current tasks and objectives of EMSA in its founding Regulation so that it is legally mandated to fulfil those aims, being as of today in the fields of maritime safety, sustainability, decarbonisation, security and cybersecurity, surveillance and assistance in crises management, as well as the digitalisation of the maritime sector. This proposal maintains the tasks that are already reflected in the current mandate of the Agency while reflecting the new tasks and updating the administrative and financial provisions, aligning them with the new framework.

The proposed revision also aims to render the EMSA's founding Regulation future proof by allowing enough flexibility to incorporate new tasks in addressing the evolving needs of the maritime sector and ensuring that EMSA will have adequate human and financial resources to fulfil its role.

Interaction with other proposals of the Maritime Safety package

This initiative is part of the package to modernise EU rules on maritime safety and prevent water pollution from ships. The outcome of the negotiations on the other proposals will strongly affect the final content of the EMSA new founding regulation. This means that many of the new tasks foreseen are deriving from the new provisions contained in the other proposals (port state control, flag state requirements, accident investigation and ship source pollution).

Budgetary implications

In the estimated financial impact of the proposal, attached by the Commission, but not included in the articles proposed, it is written that an additional budget of EUR 50.997 million and 33 additional posts would be needed for the remainder of the period of the current Multiannual

¹ Erika I (COM (2000) 142) and Erika II (COM (2000) 802)

Financial Framework (MFF) 2021-2027.

The Rapporteur would like to highlight that the Commission mentioned “the tasks allocated to EMSA will require reprogramming of the budget line for the annual contribution to the Agency (02 10 02) under the current multiannual financial framework. The increase in appropriations for EMSA will be offset by a compensatory reduction of programmed spending under CEF Transport”.

The Rapporteur would therefore very much appreciate that the growing new tasks undertaken by EMSA thanks to this new financials resources do not jeopardize the projects currently financed through the Connecting Europe Facility (CEF) instrument.

Rapporteur's position

General Considerations

The Rapporteur acknowledges the pressing need to revisit and update the existing founding Regulation, particularly its competences and organizational rules. It is noted that many tasks mentioned in the proposal, are already being implemented without a clear legal foundation.

Thus, the Rapporteur commends this Proposal for addressing notable maritime developments within the Union. It broadens EMSA's competence in areas such as maritime safety, sustainability, decarbonisation, security, cybersecurity, surveillance, crisis management assistance, and the digital transformation of the maritime ecosystem. These enhancements further solidify a secure and sustainable maritime realm.

Presentation of rapporteur's amendments

The Rapporteur emphasizes the paramount importance of augmenting flexibility for EMSA. Consequently, the proposition focus on four pivotal elements, designed to fortify EMSA's stature both within the Union and externally. The objective is picturing EMSA as a hub of knowledge and data sharing in line with the Commission priorities.

The suggested changes are categorised into four distinct sections: delineated tasks, EMSA's role at the international stage, governance structure, and financial allocations paired with capabilities.

The first section of amendments concern tasks assigned to the Agency. The Rapporteur believes that a more pro-active role is needed regarding the modernization of maritime ports, as part of the maritime ecosystem. EMSA's increased involvement in maritime ports management has ushered in a new era of efficiency and safety. Through enhanced cooperation with port authorities, EMSA helps establish and maintaining high safety standards, support decarbonisation and sustainability and facilitate smoother vessels operations. This proactive approach strengthens Europe's position as a global trade hub. This includes, among others, monitoring and reporting on the impacts of EU ETS and FuelEU, supporting ports knowledge on safety-related risks on bunkering and storage on uptaking sustainable alternative fuels and on the use of new technologies

On maritime accident investigation, EMSA should lead a common framework to reduce the

burden for Member States and eliminate current disparities on accident reporting and monitoring. This proactive stance helps protect both lives and the environment.

EMSA embraces cutting-edge technologies to enhance maritime safety. This includes the use of advanced monitoring systems, satellite technology, and data analytics to track vessel movements and identify potential risks and potential emergencies. These tools should be in use for Member States in any case and without the request of the latter. These innovations enable quicker responses to emergencies and more efficient resource allocation.

The second point is related with EMSA role at international level. This role strengthens European influence and cooperation in the global maritime arena. The agency already collaborates with international organizations and partners, fostering a safer and more harmonized maritime environment worldwide. Therefore, it should have a permanent voice in IMO.

The current geopolitical context demonstrates that the Agency has also a strategic role in providing maritime situational awareness on several occasions. As a result, EMSA is providing assistance to the implementation of sanctions against Russia and to the United Nations bodies on the “grain corridors“. This is an example that EMSA can also have a more pro-active role whenever needed on maritime awareness.

The third point concerns Agency governance. The rapporteur considers crucial strengthening relations between the Agency and the European Parliament, as mentioned on the joint statement on decentralised agencies. Therefore, rapporteur proposes to involve the European Parliament in the appointment of the Executive director, appointing a European Parliament representative for the management board and be consulted on the multi-annual programme. The rapporteur considers these proposals a positive step toward enhancing transparency, accountability and alignment with interest of the Union’s citizens.

Ensuring that fees charged by EMSA are proportional is crucial to maintain fairness and affordability for all stakeholders. Proportional fees mean that the cost of EMSA's services should correspond to the size, type, or impact of the maritime activities involved. This approach promotes equity and encourages responsible maritime practices. EMSA can better align its activities with the broader European Union objectives and ensure that its services are both effective and accessible to all maritime stakeholders.

The last point the rapporteur would like to mention is the agency financial resources and capabilities. The new competences assigned should always be accompanied with adequate resources. Further, commitment is needed from the European Commission and Member States to guarantee proper financial and human resources.

To conclude, EMSA's proposal should represent a comprehensive effort to elevate maritime safety, security, and sustainability in Europe and beyond. These developments reflect EMSA's dedication to safeguarding our seas and ensuring the continued growth of the maritime industry in an environmentally responsible manner.

ANNEX: ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT

Pursuant to Article 8 of Annex I to the Rules of Procedure, the rapporteur declares that she has received input from the following entities or persons in the preparation of the report, until the adoption thereof in committee:

Entity and/or person
<i>European Maritime Safety Agency (EMSA)</i>
SafeSeas
The European Sea Ports Organisation (ESPO)
The European Community Shipowners' Associations (ECSA)
The Mediterranean Shipping Company (MSC Group)
Sea Europe
Cruise Lines International Association (CLIA Europe)
The World Shipping Council (WSC)
The European International Shipowners' Association of Portugal (EISAP)
European Commission DG MOVE
The Federation of European Private Port Companies and Terminals (FEPORT)
The International Association of Classification Societies (IACS)
European Economic and Social Committee
Fincantieri Cruise Business
The International Association of Independent Tanker Owners (INTERTANKO)

The list above is drawn up under the exclusive responsibility of the rapporteur.

OPINION OF THE COMMITTEE ON BUDGETS

for the Committee on Transport and Tourism

on the proposal for a regulation of the European Parliament and of the Council on European Maritime Safety Agency and repealing regulation (EC) No 1406/2002 (COM(2023)0269 – C9-0190/2023 – 2023/0163(COD))

Rapporteur for opinion: Niclas Herbst

SHORT JUSTIFICATION

The proposed revision of EMSA's mandate aims to: (1) better anchor and reflect the current tasks and objectives of the Agency in its founding Regulation so that it is legally mandated to fulfil these and support the Member States and the Commission with the necessary technical, operational and scientific assistance to ensure maritime safety and security, and the green and digital transition of the sector; (2) ensure that EMSA's founding Regulation is future proof by allowing enough flexibility to incorporate new tasks that address the evolving needs of the maritime sector; and (3) ensure that the Agency has adequate human and financial resources to fulfil its role.

Your Rapporteur welcomes the central aims of the proposal and sees the need to incorporate and reflect EMSA's new tasks in the areas of maritime safety, sustainability, decarbonisation, security and cybersecurity, surveillance and assistance in crises management. Nevertheless, in line with his approach to decentralised agency files, he considers that the policy substance of the proposal should be dealt with by the lead committees.

As such, the draft opinion focuses on those areas where the Committee on Budgets can add value, therefore in particular on the financial provisions, governance rules and provisions relating to reporting and evaluation to ensure proper parliamentary scrutiny. Your Rapporteur assesses the proposal notably against the 2019 Schoepflin report¹, the Joint Statement of the European Parliament, the Council and the Commission on decentralised agencies of 19 July 2012 and the Common Approach² and the Framework Financial Regulation governing decentralised agencies³.

Budgetary impact and financial provisions

In the Legislative Financial Statement annexed to the Proposal for the mandate revision, details are given on the impact on the budget and staff needs of the Agency as compared to the ones currently provided for in the Multiannual Financial Framework (MFF). An additional budget of EUR 50.997 million and 33 additional posts would be needed for the remainder of

¹ https://www.europarl.europa.eu/doceo/document/TA-8-2019-0134_EN.html

² <https://data.consilium.europa.eu/doc/document/ST-11450-2012-INIT/en/pdf>

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019R0715>

the period of the Multiannual Financial Framework (MFF) to ensure that the Agency has the necessary resources to enforce its revised mandate. It is of course imperative that the agency has sufficient financial and human resources to execute its reinforced mandate and it will be important to ensure that any further tasks and responsibilities that may be agreed in the final legislation are properly funded.

The budget impact beyond the current MFF - while it is obviously indicative and without prejudice to a future MFF Agreement - is quite significant and should be kept in mind during the deliberations of this proposal.

The Legislative Financial Statement furthermore indicates to offset this budgetary impact through a compensatory reduction from programmed spending under CEF-Transport under the current MFF.

Your rapporteur strongly opposes this intention. The additional tasks assigned to EMSA under the proposal would otherwise not be carried out under CEF-Transport, which is a key programme ensuring funding for the Solidarity Lanes and which itself would need additional resources due to the association of Ukraine to the programme. It is therefore clearly not suitable for redeployments.

The funding of this extended mandate should not lead to a reduction of the funding for any other priority Union programmes. The amount of the financial resources dedicated to this proposal should be drawn from the unallocated margins under the MFF ceilings or mobilised through the non-thematic MFF special instruments.

Since the start of the MFF, EUR 1.2 bn have been or are planned to be redeployed from programmes to agencies. This is half the amount available in the flexibility instrument until today. The overall amounts at stake are not anecdotal and require that we carefully look into these redeployments.

The rapporteur stresses that plugging the structural lack of resources in agencies should not be corrected with unsustainable solutions. He regrets that agencies are not reinforced in the Commission proposal for a revision of the MFF. In the absence of such reinforcement, it is even more crucial to increase flexibility over the remainder of the MFF. The scope and tasks of agencies have been increasing immensely without corresponding increase in budgetary and human resources, and there is no reason it will stop in 2024.

Governance, parliamentary scrutiny and evaluation

The Commission argues in its Explanatory Memorandum that in Articles 14 to 26 which sets out the rules on the organisation of the Agency, the new proposed rules “*are based on Regulation (EC) No 1406/2002.*” and that “*the changes introduced to the rules in this Chapter are due to the implementation of the Joint Statement of the Commission, the European Parliament and the Council on decentralised agencies and the Common Approach (2012).*”

The Rapporteur instead estimates that some proposed changes are not in line with the Common Approach. He therefore proposes re-establish a better balance of power between the Commission and the agency and most importantly removes the Commission’s veto right over administrative and budgetary decisions taken by the Management Board where it in any case has a voting right in accordance with standard practice in agency governance.

Autonomy in budgetary and administrative decision-making is important for the Agencies effectiveness. Other amendments seek to enhance parliamentary scrutiny and accountability.

Fees

Your Rapporteur's starting point is that agencies should have the budget required to perform the tasks assigned to them by the legislator. While fee-based financing models are entirely legitimate, the provisions governing fees are unspecified with very limited parliamentary control. As such, your Rapporteur introduces an amendment reducing the scope for fee services and proposes - should the scope of fees not be further defined in the basic act - to define this later through a delegated act instead of the proposed implementing act. Greater clarity in terms of the purpose and nature of the fees and clear provisions on parliamentary scrutiny would be required to consider the introduction of such fees.

AMENDMENTS

The Committee on Budgets calls on the Committee on Transport and Tourism, as the committee responsible, to take the following into account:

Amendment 1

Proposal for a regulation

Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) The Agency should proactively contribute to national and Union efforts while carrying out its tasks in full cooperation with Union institutions, bodies, offices and agencies, and Member States, avoiding any duplication of work, promoting synergy and complementarity and thus achieving coordination and fiscal savings.

Amendment 2

Proposal for a regulation

Recital 28

Text proposed by the Commission

Amendment

(28) With regard to the prevention and management of conflicts of interest, it is essential that the Agency acts impartially, demonstrates integrity and establishes high professional standards. There should never

(28) With regard to the prevention and management of conflicts of interest, it is essential that the Agency acts impartially, demonstrates integrity and establishes high professional standards. There should never

be any legitimate reason to suspect that decisions might be influenced by interests conflicting with the role of the Agency as a body serving the Union as a whole or by private interests or affiliations of any member of the Management Board which would create, or have the potential to create, a conflict with the proper performance of the official duties of the person concerned. The Management Board should therefore adopt comprehensive rules on conflicts of interests.

be any legitimate reason to suspect that decisions might be influenced by interests conflicting with the role of the Agency as a body serving the Union as a whole or by private interests or affiliations of any member of the Management Board which would create, or have the potential to create, a conflict with the proper performance of the official duties of the person concerned. The Management Board should therefore adopt ***and make publicly available*** comprehensive rules on conflicts of interests, ***giving due consideration to the recommendations of the European Ombudsman. Those arrangements should ensure in particular that senior representatives of the Agency do not undermine its integrity during or after their term of office.***

Amendment 3
Proposal for a regulation
Recital 31

Text proposed by the Commission

(31) The Agency should be properly resourced to carry out its tasks and granted an autonomous budget. It should be mainly financed by a contribution from the general budget of the Union. The Union budgetary procedure should be applicable to the Union contribution and to any other subsidies chargeable to the general budget of the Union. The auditing of accounts should be undertaken by the Court of Auditors of the Union.

Amendment

(31) The Agency should be properly resourced to carry out its tasks and granted an autonomous budget. It should be mainly financed by a contribution from the general budget of the Union. ***The increased contribution from the Union budget meant to cover the additional tasks entrusted to EMSA as a result of the revised mandate should be drawn exclusively from unallocated margins under the relevant heading of the multiannual financial framework and/or through the mobilisation of the relevant special instruments.*** The Union budgetary procedure should be applicable to the Union contribution and to any other subsidies chargeable to the general budget of the Union. The auditing of accounts should be undertaken by the Court of Auditors of the Union.

Amendment 4

Proposal for a regulation Recital 33

Text proposed by the Commission

(33) In order to ensure uniform conditions for the implementation of this Regulation with regards to fees and charges, ***implementing powers should be conferred on the Commission. Those powers should be exercised*** in accordance with ***Regulation (EU) No 182/2011 of the European Parliament and of the Council***³¹.

³¹ ***Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L55, 28.2.2011, p. 13)***

Amendment

(33) In order to ensure uniform conditions for the implementation of this Regulation with regards to fees and charges, ***the power to adopt acts*** in accordance with ***Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of fees and charges. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts***, the European Parliament and the Council ***receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.***

Amendment 5

Proposal for a regulation Article 11 – paragraph 2

Text proposed by the Commission

2. The Agency may, ***upon the request of*** the Commission, provide technical assistance, including the organisation of relevant training activities, as regards relevant legal acts of the Union, to States applying for accession to the Union, and, where applicable, to European Neighbourhood partner countries and to countries taking part in the Paris MoU.

Amendment

2. The Agency may, ***in consultation with*** the Commission, provide technical assistance, including the organisation of relevant training activities, as regards relevant legal acts of the Union, to States applying for accession to the Union, and, where applicable, to European Neighbourhood partner countries and to countries taking part in the Paris MoU.

Justification

A bit more of autonomy for the Agency seems not only more efficient but also more in line with the Common approach

Amendment 6

**Proposal for a regulation
Article 11 – paragraph 3**

Text proposed by the Commission

3. The Agency may, ***upon the request of*** the Commission or the European External Action Service, or both, provide assistance in case of pollution caused by ships as well as marine pollution caused by oil and gas installations affecting third countries sharing a regional sea basin with the Union. The Agency shall provide the assistance in line with the Union Civil Protection Mechanism established by Decision No 1313/2013/EU, and with the conditions applicable to Member States as referred to in Article 5 (1) of this Regulation applied by analogy to the third countries. Those tasks shall be coordinated with the existing regional cooperation arrangements related to marine pollution.

Amendment

3. The Agency may, ***in consultation with*** the Commission or the European External Action Service, or both, provide assistance in case of pollution caused by ships as well as marine pollution caused by oil and gas installations affecting third countries sharing a regional sea basin with the Union. The Agency shall provide the assistance in line with the Union Civil Protection Mechanism established by Decision No 1313/2013/EU, and with the conditions applicable to Member States as referred to in Article 5 (1) of this Regulation applied by analogy to the third countries. Those tasks shall be coordinated with the existing regional cooperation arrangements related to marine pollution.

Justification

A bit more of autonomy for the Agency seems not only more efficient but also more in line with the Common approach

Amendment 7

Proposal for a regulation Article 11 – paragraph 4

Text proposed by the Commission

4. Without prejudice to Article 24, the Agency may provide, ***upon the request of*** the Commission, technical assistance to third countries for matters falling under its competence.

Amendment

4. Without prejudice to Article 24, the Agency may provide, ***in consultation with*** the Commission, technical assistance to third countries for matters falling under its competence.

Justification

A bit more of autonomy for the Agency seems not only more efficient but also more in line with the Common approach

Amendment 8

Proposal for a regulation Article 11 – paragraph 5

Text proposed by the Commission

5. The Agency may enter into administrative arrangements and cooperation with other Union bodies working in the matters falling within the scope of the Agency's competence ***following the approval of the Commission***. Such arrangements and cooperation shall be subject to the opinion of the Commission and periodical reporting to it.

Amendment

5. The Agency may enter into administrative arrangements and cooperation with other Union bodies working in the matters falling within the scope of the Agency's competence. Such arrangements and cooperation shall be subject to the opinion of the Commission and periodical reporting to it.

Justification

A bit more of autonomy for the Agency seems not only more efficient but also more in line with the Common approach

Amendment 9

Proposal for a regulation Article 11 – paragraph 6

Text proposed by the Commission

6. The Management Board shall adopt a strategy for international relations of the Agency concerning matters under its competence. That strategy shall ***be in line with the Commission's political priorities and shall*** aim at assisting the Commission and the European External Action Service in fulfilling ***such*** priorities. It shall be included in the programming document of the Agency, with a specification of associated resources.

Amendment

6. The Management Board shall adopt a strategy for international relations of the Agency concerning matters under its competence. That strategy shall aim at assisting the Commission and the European External Action Service in fulfilling ***the EU*** priorities. It shall be included in the programming document of the Agency, with a specification of associated resources.

Amendment 10

Proposal for a regulation

Article 15 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The Management Board shall also include as well as of four professionals from the sectors most concerned, as referred to in Article 2, appointed by the Commission, without the right to vote.

Amendment

The Management Board shall also include as well as of four professionals from the sectors most concerned, as referred to in Article 2, appointed by the Commission, without the right to vote ***as well as one independent expert particularly knowledgeable in the field of maritime safety designated by the European Parliament, with the right to vote.***

Justification

In line with the Common approach and similar wording than in the Drug agency.

Amendment 11

Proposal for a regulation

Article 15 – paragraph 1 – subparagraph 3

Text proposed by the Commission

All Management Board members shall be appointed on the basis of their degree of relevant experience and expertise in the areas referred to in Article 2. The Member States and the Commission shall each ***strive for*** a balanced representation

Amendment

All Management Board members shall be appointed on the basis of their degree of relevant experience and expertise in the areas referred to in Article 2. The Member States and the Commission shall each ***ensure*** a balanced representation between

between men and women on the Management Board. One of the four professionals shall be a representative of the Permanent Cooperation Framework of accident investigation bodies in accordance with Article 10 of Directive 2009/18/EC.

men and women on the Management Board. One of the four professionals shall be a representative of the Permanent Cooperation Framework of accident investigation bodies in accordance with Article 10 of Directive 2009/18/EC.

Amendment 12
Proposal for a regulation
Article 15 – paragraph 2

Text proposed by the Commission

2. Each Member State and the Commission shall appoint their members of the Management Board as well as an alternate who will represent the member in his or her absence.

Amendment

2. Each Member State, ***the European Parliament*** and the Commission shall, ***while paying due attention to gender balance***, appoint their members of the Management Board as well as an alternate who will represent the member in his or her absence.

Amendment 13
Proposal for a regulation
Article 15 – paragraph 4

Text proposed by the Commission

4. Each member and alternate shall sign a written statement at the time of taking office declaring that he or she is not in a situation of conflict of interests. Each member and alternate shall update his or her statement in the case of a change of circumstances with regard to any conflict of interests. The Agency shall publish the statements and updates on its website.

Amendment

4. Each member and alternate shall sign a written statement at the time of taking office declaring that he or she is not in a situation of conflict of interests. Each member and alternate shall update his or her statement in the case of a change of circumstances with regard to any conflict of interests ***or at least on an annual basis***. The Agency shall publish the statements and updates on its website.

Amendment 14
Proposal for a regulation
Article 16 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) adopt each year, by a two-thirds majority of its members with voting rights, ***after having received the opinion of the Commission and*** in accordance with Article 17, the single programming document of the Agency;

(b) adopt each year, by a two-thirds majority of its members with voting rights, in accordance with Article 17, the single programming document of the Agency;

Justification

A bit more of autonomy for the Agency seems not only more efficient but also more in line with the Common approach which does not foresee such role for the Commission.

Amendment 15

Proposal for a regulation

Article 16 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) establish the methodology for the visits to be carried out pursuant to Article 10. ***In the event that the Commission expresses, within 15 days from the date of adoption of the methodology, its disagreement, the Management Board shall re-examine and adopt it, possibly amended, in second reading either with a two-thirds majority, including the Commission representatives, or by unanimity of the representatives of the Member States;***

(g) establish the methodology for the visits to be carried out pursuant to Article 10.

Justification

A bit more of autonomy for the Agency seems not only more efficient but also more in line with the Common approach which does not foresee or contemplate such a special and quasi veto right for the Commission.

Amendment 16

Proposal for a regulation

Article 16 – paragraph 1 – point j

Text proposed by the Commission

(j) adopt rules for the prevention and management of conflicts of interest in respect of its members and publish annually on its website the declaration of interests of the Management Board members;

Amendment

(j) adopt ***and make publicly available the*** rules for the prevention and management of conflicts of interest in respect of its members and publish annually on its website the declaration of interests of the Management Board members;

Amendment 17

Proposal for a regulation

Article 16 – paragraph 1 – point l

Text proposed by the Commission

(l) adopt its rules of procedure;

Amendment

(l) adopt ***and make publicly available*** its rules of procedure;

Amendment 18

Proposal for a regulation

Article 16 – paragraph 1 – point u

Text proposed by the Commission

(u) take all decisions on the establishment of the Agency's internal structures, including the set-up of advisory or working groups and, where necessary, their modification;

Amendment

(u) take all decisions on the establishment of the Agency's internal structures, including the set-up of advisory or working groups and, where necessary, their modification ***taking into consideration the Agency's activity needs and having regard to sound budgetary management;***

Amendment 19

Proposal for a regulation

Article 16 – paragraph 1 – point v

Text proposed by the Commission

(v) decide on the services that the Agency may offer against fees and charges ***and a adopt a framework model for the financial apportionment of the fees and***

Amendment

(v) decide on the services that the Agency may offer against fees and charges as referred to in Article 26 (3), point (c).

charges payable as referred to in Article 26 (3), point (c). ***In the event that the Commission expresses, within 15 days from the date of adoption of the Management Board's decision concerning the services offered against fees or the framework model, its disagreement, the Management Board shall re-examine and adopt it, possibly amended, in second reading either with a two- thirds majority, including the Commission representatives, or by unanimity of the representatives of the Member States;***

Justification

No such special and quasi veto right is foreseen or contemplated in the Common approach. The Commission is fully involved in designing any delegated act.

Amendment 20

Proposal for a regulation

Article 16 – paragraph 1 – point x

Text proposed by the Commission

(x) adopt a strategy for cooperation with third countries or international organisations, or both, referred to in Article 11 (6). ***In the event that the Commission expresses, within 15 days from the date of adoption of the strategy, its disagreement, the Management Board shall re-examine and adopt it, possibly amended, in second reading either with a two- thirds majority, including the Commission representatives, or by unanimity of the representatives of the Member States;***

Amendment

(x) adopt a strategy for cooperation with third countries or international organisations, or both, referred to in Article 11 (6).

Justification

A bit more of autonomy for the Agency seems not only more efficient but also more in line with the Common approach where no such special and quasi veto right is foreseen or contemplated for the Commission.

Amendment 21

Proposal for a regulation

Article 17 – paragraph 1 – subparagraph 1

Text proposed by the Commission

By 30 November each year the Management Board shall adopt a single programming document containing multi-annual and annual programming, based on a draft put forward by the Executive Director, taking into account the opinion of the Commission. ***It*** shall forward ***it*** to the European Parliament, the Council and the Commission.

Amendment

By 30 November each year the Management Board shall adopt a single programming document containing multi-annual and annual programming, based on a draft put forward by the Executive Director, taking into account the opinion of the Commission ***and in relation to multiannual programming after consulting the European Parliament. If the Management Board decides not to take into account elements of the opinion of the Commission, it shall provide a thorough justification therefor. The obligation to provide a thorough justification shall also apply to the elements raised by the European Parliament when it is consulted. The management board*** shall forward ***the single programming document*** to the European Parliament, the Council and the Commission ***by 31 January of the following year.***

Justification

This provision is included, for example, in the Frontex Regulation and strengthens accountability.

Amendment 22

Proposal for a regulation

Article 17 – paragraph 1 – subparagraph 2

Text proposed by the Commission

In the event that the Commission expresses, within 15 days from the date of adoption of the single programming document, its disagreement with the document, the Management Board shall

Amendment

deleted

re-examine the single programming document and adopt it, possibly amended, within a period of two months, in second reading either with a two-thirds majority, including the Commission representatives, or by unanimity of the representatives of the Member States.

Justification

Article 16 details already the voting mechanism of the single programming document. a 2/3 majority of the management board seems a sufficient and adequate safeguard and is in line with the Common approach.

Amendment 23

**Proposal for a regulation
Article 17 – paragraph 3**

Text proposed by the Commission

3. The annual work programme shall comprise detailed objectives and expected results including performance indicators. It shall also contain a description of the actions to be financed and an indication of the financial and human resources allocated to each action, in accordance with the principles of activity-based budgeting and management. The annual work programme shall be coherent with the multi-annual work programme referred to in paragraph 7. It shall clearly indicate tasks that have been added, changed or deleted in comparison with the previous financial year. Annual or multi- annual programming, or both, shall include the strategy for relations with third countries or international organisations referred to in Article 11 and the actions linked to this strategy.

Amendment

3. The annual work programme shall comprise detailed objectives and expected results including performance indicators. It shall also contain a description of the actions to be financed and an indication of the financial and human resources allocated to each action, in accordance with the principles of activity-based budgeting and management. The annual work programme shall be coherent with the multi-annual work programme referred to in paragraph 7. It shall clearly indicate tasks that have been added, changed or deleted in comparison with the previous financial year. Annual or multi- annual programming, or both, shall include the strategy for relations with third countries or international organisations referred to in Article 11 and the actions linked to this strategy. ***It shall also include the Agency's planned research and innovation activities referred to in Article 3.***

Justification

Similar to Europol.

Amendment 24

Proposal for a regulation Article 19 – paragraph 3

Text proposed by the Commission

3. The Management Board shall hold an ordinary meeting twice a year. In addition, it shall meet on the initiative of the Chairperson or at the request of the Commission or of one-third of **the Member States**.

Amendment

3. The Management Board shall hold an ordinary meeting twice a year. In addition, it shall meet on the initiative of the Chairperson or at the request of the Commission or of one-third of **its members**.

Amendment 25

Proposal for a regulation Article 20 – paragraph 2

Text proposed by the Commission

2. ***The decisions referred to in Article 16(1) points (c) to (e) and points (i), (j), (n), (o), (p), (q), (t), (u) and in Article 16(2) may only be taken if the representatives of the Commission cast a positive vote. For the purposes of taking the decisions referred to in Article 16(1), point (b), the positive vote of the representative of the Commission shall only be required on the elements of the decision not related to the annual and multi-annual working programme of the Agency.***

Amendment

deleted

Justification

Granting the Commission a veto right in such cases is not in line with standard agency governance or the Common Approach which foresee no special role for the Commission and speaks only about absolute majority voting for current business matters and a 2/3 majority for the appointment and dismissal of the director, the designation of the chairperson of the board, adoption of the annual budget and of the work programme. The Commission approach foresees only exceptions to this approach if justified in specific cases. The Commission has not given any reasoning in this sense.

Amendment 26

Proposal for a regulation Article 20 – paragraph 3

Text proposed by the Commission

3. Each member shall have one vote. The Executive Director of the Agency shall not vote.

Amendment

3. Each member **with voting rights** shall have one vote. The Executive Director of the Agency shall not vote.

Amendment 27

Proposal for a regulation Article 21 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(a a) decide on those matters provided for in the financial rules adopted pursuant to Article 25 that are not reserved to the Management Board by this Regulation;

Amendment 28

Proposal for a regulation Article 21 – paragraph 4

Text proposed by the Commission

Amendment

4. The Executive Board shall be composed of the Chairperson of the Management Board, one representative of the Commission to the Management Board and **three** other members appointed by the Management Board from among its members **with the right to vote**. The Chairperson of the Management Board shall also be the Chairperson of the Executive Board. The Executive Director shall take part in the meetings of the Executive Board, **but shall not have the right to vote**.

4. The Executive Board shall be composed of the **Chairperson and the deputy** Chairperson of the Management Board, one representative of the Commission to the Management Board and **two** other members appointed by the Management Board from among its members. The Chairperson of the Management Board shall also be the Chairperson of the Executive Board. The Executive Director shall take part in the meetings of the Executive Board. **The executive board may invite other observes to attend its meetings."**

Amendment 29

Proposal for a regulation Article 21 – paragraph 5

Text proposed by the Commission

5. The term of office of members of the Executive Board shall be four years with the possibility to be renewed. The term of office of members of the Executive Board shall end when their membership of the Management Board ends.

Amendment

5. The term of office of members of the Executive Board shall be four years with the possibility to be renewed **once**. The term of office of members of the Executive Board shall end when their membership of the Management Board ends.

Amendment 30

Proposal for a regulation Article 21 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6 a. The Executive Board shall take its decision by consensus. If the Executive Board is not in a position to take a decision by consensus, the matter shall be referred to the Management Board.

Amendment 31

Proposal for a regulation Article 22 – paragraph 1

Text proposed by the Commission

1. The Executive Director shall be appointed by the Management Board on the basis of **merit and skills from a list of candidates proposed** by the Commission **following an open and** transparent selection procedure which shall respect the principle of gender balance.

Amendment

1. The Executive Director shall be appointed by the Management Board **in accordance with the following procedure:**

(a) on the basis of a shortlist drawn up by the Commission after a call for candidates and a transparent selection procedure which shall respect the principle of gender

balance, applicants will be asked to address the Council and the competent committee of the European Parliament and to reply to questions;

(b) the European Parliament and the Council will then give their opinions and state their preferences;

(c) the Management Board will appoint the Executive Director taking these opinions into account.

Justification

Similar to FRA agency

Amendment 32

Proposal for a regulation

Article 22 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The Executive Director shall be engaged as a temporary agent of the Agency under Article 2, point (a), of the Conditions of Employment of Other Servants and be responsible for the day-to-day management of the Agency.

Amendment 33

Proposal for a regulation

Article 22 – paragraph 4

Text proposed by the Commission

Amendment

4. The Management Board, acting on a proposal from the Commission, taking into account the assessment referred to in paragraph 3, may extend once the term of office of the Executive Director, for not more than five years.

4. The Management Board, acting on a proposal from the Commission, taking into account the assessment referred to in paragraph 3, may extend once the term of office of the Executive Director, for not more than five years. ***The Management Board shall inform the European Parliament and the Council about its intention to extend the Executive***

Director's mandate. Before the Management Board takes its decision to extend the mandate, the Executive Director may be asked to make a declaration before the competent committee of the European Parliament and answer questions.

Justification

Similar to FRA agency

Amendment 34

**Proposal for a regulation
Article 22 – paragraph 5**

Text proposed by the Commission

5. An Executive Director whose term of office has been extended may not participate in another selection procedure for the same post.

Amendment

5. An Executive Director whose term of office has been extended may not participate in another selection procedure for the same post ***at the end of the overall period.***

Amendment 35

**Proposal for a regulation
Article 22 – paragraph 6**

Text proposed by the Commission

6. The Executive Director may be removed from office only upon a decision of the Management Board acting on a proposal from the Commission.

Amendment

6. The Executive Director may be removed from office only upon a decision of the Management Board acting on a proposal from the Commission. ***The European Parliament and the Council shall be informed of the reasons.***

Amendment 36

**Proposal for a regulation
Article 22 – paragraph 6 a (new)**

Text proposed by the Commission

Amendment

6a. The Management Board shall reach decisions on appointment, extension of the term of office or removal from office of the Executive Director on the basis of a two-thirds majority of its members with voting rights.

Amendment 37

Proposal for a regulation Article 22 – paragraph 7

Text proposed by the Commission

Amendment

7. The Executive Director shall be engaged as a temporary agent of the Agency under Article 2(a) of the Conditions of Employment of Other servants.

deleted

Justification

Shifted to the beginning of this Article.

Amendment 38

Proposal for a regulation Article 23 – paragraph 3

Text proposed by the Commission

Amendment

3. The Executive Director shall report to the European Parliament on the performance of his/her duties when invited to do so. The Council may invite the Executive Director to report on the performance of his/her duties.

3. The Executive Director shall report to the European Parliament on the performance of his/her duties when invited to do so. The Council may invite the Executive Director to report on the performance of his/her duties. *The Executive Director may be called upon at any time by the European Parliament or by the Council to attend a hearing on any matter linked to the Agency's activities.*

Amendment 39

Proposal for a regulation Article 23 – paragraph 5 – point a

Text proposed by the Commission

Amendment

(a) ensure the **sustainable and efficient** day-to-day administration of the Agency;

(a) ensure the day-to-day administration of the Agency;

Amendment 40

Proposal for a regulation

Article 26 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) **any** fees and charges for infrastructure, publications, training **or any other services** falling under the scope of this Regulation provided by the Agency in accordance with the **implementing** acts adopted pursuant to Article 33;

(c) fees and charges for infrastructure, publications **and** training falling under the scope of this Regulation provided by the Agency in accordance with the **delegated** acts adopted pursuant to Article 33;

Justification

As a starting point, the view is that the Commission wording provides a too large and undefined scope for any possible fee and no clear distinction is made where EU budget and where fees should be used to finance the agencies activities. Delegating this to implementing acts seems not appropriate. More analysis needed.

Amendment 41

Proposal for a regulation

Article 26 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(d a) The amount and origin of any revenue referred to in points (b) (c) and (d) of the first sub-paragraph of this paragraph shall be included in the annual accounts of the Agency and clearly detailed in the annual report on the Agency's budgetary and financial management referred to in paragraph 2 of Article 29.

Amendment 42

Proposal for a regulation Article 27 – paragraph 8

Text proposed by the Commission

8. The Agency's budget shall be adopted by the Management Board. It shall become final following final adoption of the general budget of the European Union. Where necessary, it shall be adjusted accordingly.

Amendment

8. The Agency's budget shall be adopted by the Management Board ***by a majority of two-thirds of members entitled to vote***. It shall become final following final adoption of the general budget of the European Union. Where necessary, it shall be adjusted accordingly.

Amendment 43

Proposal for a regulation Article 32 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. In order to achieve financial savings, the Agency shall where appropriate cooperate closely with other Union institutions, agencies and bodies, especially those that have their seat in the same Member State.

Amendment 44

Proposal for a regulation Article 33 – title

Text proposed by the Commission

Amendment

Implementing acts relating to fees and charges

Delegated acts relating to fees and charges

Amendment 45

Proposal for a regulation Article 33 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

The Commission shall adopt, in

The Commission shall adopt, in

accordance with the principles set out in paragraphs 2, 3 and 4 **implementing** acts specifying:

accordance with the principles set out in paragraphs 2, 3 and 4 **delegated** acts specifying:

Amendment 46

Proposal for a regulation

Article 33 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) the fees and charges payable to the Agency, **in particular** in application of Article 26 (3) point (c); and

(a) the fees and charges payable to the Agency in application of Article 26 (3) point (c); and

Amendment 47

Proposal for a regulation

Article 33 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34 (2).

deleted

Amendment 48

Proposal for a regulation

Article 34

Text proposed by the Commission

Amendment

Article 34

deleted

Committee procedure

1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) established by Regulation (EC) No 2099/2002 of the European Parliament and of the Council⁴⁵. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. *Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.*

⁴⁵ *Regulation (EC) No 2099/2002 of the European Parliament and of the Council of 5 November 2002 establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) and amending the Regulations on maritime safety and the prevention of pollution from ships (OJ L 324, 29.11.2002, p. 1).*

Amendment 49
Proposal for a regulation
Article 38 – paragraph 1

Text proposed by the Commission

1. In order to facilitate combating fraud, corruption and other unlawful activities under Regulation (EU, Euratom) No 883/2013 the Agency shall adopt appropriate provisions applicable to all employees of the Agency.

Amendment

1. In order to facilitate combating fraud, corruption and other unlawful activities under Regulation (EU, Euratom) No 883/2013, ***as well as observance of human rights and environmental protection principles***, the Agency shall adopt appropriate provisions applicable to all employees of the Agency.

Amendment 50
Proposal for a regulation
Article 38 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Agency shall be encouraged to deploy interoperable platforms such as EDES, in order to mitigate potential risks listed in paragraph 1.

ANNEX: LIST OF ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT

The following list is drawn up under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the opinion, until the adoption thereof in committee:

Entity and/or person
The rapporteur has received no input from entities or persons in the preparation of the draft opinion until its adoption in committee.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	European Maritime Safety Agency and repealing Regulation (EC) No 1406/2002
References	COM(2023)0269 – C9-0190/2023 – 2023/0163(COD)
Committee responsible Date announced in plenary	TRAN 10.7.2023
Opinion by Date announced in plenary	BUDG 10.7.2023
Rapporteur for the opinion Date appointed	Niclas Herbst 28.6.2023
Discussed in committee	9.10.2023
Date adopted	7.11.2023
Result of final vote	+: 25 –: 1 0: 1
Members present for the final vote	Olivier Chastel, Andor Deli, José Manuel Fernandes, Alexandra Geese, Vlad Gheorghe, Valérie Hayer, Eero Heinäluoma, Hervé Juvin, Moritz Körner, Pierre Larrousurou, Janusz Lewandowski, Margarida Marques, Siegfried Mureşan, Lefteris Nikolaou-Alavanos, Andrey Novakov, Bogdan Rzońca, Eleni Stavrou, Nils Torvalds, Nils Ušakovs, Rainer Wieland, Angelika Winzig
Substitutes present for the final vote	Jan Olbrycht, Mauri Pekkarinen
Substitutes under Rule 209(7) present for the final vote	Lena Düpont, Mónica Silvana González, Catherine Griset, Predrag Fred Matić

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

25	+
ID	Catherine Griset
NI	Andor Deli, Hervé Juvin
PPE	Lena Düpont, José Manuel Fernandes, Janusz Lewandowski, Siegfried Mureşan, Andrey Novakov, Jan Olbrycht, Eleni Stavrou, Rainer Wieland, Angelika Winzig
Renew	Olivier Chastel, Vlad Gheorghe, Valérie Hayer, Moritz Körner, Mauri Pekkarinen, Nils Torvalds
S&D	Mónica Silvana González, Eero Heinäluoma, Pierre Larrousurou, Margarida Marques, Predrag Fred Matić, Nils Ušakovs
Verts/ALE	Alexandra Geese

1	-
NI	Lefteris Nikolaou-Alavanos

1	0
ECR	Bogdan Rzońca

Key to symbols:

+ : in favour

- : against

0 : abstention

OPINION OF THE COMMITTEE ON FISHERIES

for the Committee on Transport and Tourism

on the proposal for a regulation of the European Parliament and of the Council on the European Maritime Safety Agency and repealing Regulation (EC) No 1406/2002 (COM(2023)0269 – C9-0190/2023 – 2023/0163(COD))

Rapporteur for opinion: Clara Aguilera

SHORT JUSTIFICATION

In 2002, the Regulation (EC) N°1406/2002 established the European Maritime Safety Agency (EMSA) in order to reinforce the EU legal framework regarding two main objectives: to establish a high level of maritime safety throughout the Union and to prevent and respond to pollution. Since its adoption, this Regulation has been subsequently modified, but after the external evaluation carried out on EMSA in 2017, it was concluded that a new Regulation needed to be adopted.

Consequently, the proposal for a Regulation of the European Parliament and the Council (COM(2023) 269final) aims at adapting the EMSA's mandate to the new developments of the EU legislation, the scientific community, the maritime sector and the social and environmental priorities. In particular, the Agency has been performing tasks that were not in the previous Regulation, therefore it is important to update them as well as provide certain flexibility in order to be able to address the future needs of the maritime sector.

For this reason, the rapporteur supports the regulation and wishes to draw attention to the following issues:

- The rapporteur considers that the Regulation proposal should refer to 'maritime activities' when addressing the tasks relating to maritime safety and not to 'maritime transport'. The fisheries sector has an important economic and social impact in the EU, not only creates wealth and jobs but it plays a key role in the food supply. Therefore, it cannot be disregarded, especially when fishing is considered a highly dangerous maritime activity and many of the accidents recorded by EMSA involve fishing vessels.

In addition, the rapporteur considers that EMSA should intervene, report and record data in relation with marine casualties and incidents involving any type and any size of vessel. Until now, it only does so when the vessel involved is more than 15 meters long or if a smaller vessel is involved in an accident with a vessel of 15 metres or more. The 85% of fishing vessels in the EU are less than 12 metres long and they are the ones that

face more safety risks since they lack protective spaces and are highly vulnerable to severe weather conditions and heavy fishing equipment.

- The rapporteur considers that to achieve a high, uniform and effective level of maritime safety, it is essential to ensure better safety and labour conditions for workers. Fishers specifically face serious health and safety risks usually due to the lack of safety awareness and of training among the personnel. Therefore, EMSA should work on harmonising adequate working and living conditions for fishers, as well as safety measures on board in any type of vessel. It should also provide effective training in safety, digitalization and nautical and fisheries activities. In addition, it is essential to ensure the mutual recognition of certificates and to increase the cooperation between Member States' education systems.
- The rapporteur considers that the Management Board of the Agency should include one representative of the European Parliament who shall not have voting rights. In the Control Fisheries Regulation (COM(2018)0368 – C8-0238/2018 – 2018/0193(COD)) this possibility has already been included, therefore, in order to maintain coherence within the European Agencies, the same approach should be taken here.
- The rapporteur considers that the proposal should establish the Agency's need of reinforcing the social dimension of the fisheries sector and have social indicators to assess whether social aspects are being taken into account when assisting the European Commission in the implementation of its legislation.

AMENDMENTS

The Committee on Fisheries calls on the Committee on Transport and Tourism, as the committee responsible, to take the following into account:

Amendment 1

Proposal for a regulation

Recital 1

Text proposed by the Commission

(1) A number of legislative measures have been adopted at the Union in order to enhance maritime safety and security, to promote the sustainability, by also preventing pollution, and the decarbonisation of shipping, and to facilitate the exchange of information and the digitalisation of the maritime sector. In order to be effective, such legislation should be applied in a proper and uniform

Amendment

(1) A number of legislative measures have been adopted at the Union in order to enhance maritime safety and security, to promote the sustainability, by also preventing pollution, and the decarbonisation of shipping ***and other maritime activities such as fisheries***, and to facilitate the exchange of information and the digitalisation of the maritime sector. In order to be effective, such

manner throughout the Union. That would ensure a level playing field, reduce the distortion of competition resulting from the economic advantages enjoyed by non-complying ships and would reward the serious maritime players.

legislation should be applied in a proper and uniform manner throughout the Union. That would ensure a level playing field, reduce the distortion of competition resulting from the economic advantages enjoyed by non-complying ships and would reward the serious maritime players.

Amendment 2

Proposal for a regulation Recital 1 a (new)

Text proposed by the Commission

Amendment

(1 a) The fishing sector has high accident rates, which also have high mortality levels, and the important role of fishers training when it comes to work safety.

Amendment 3

Proposal for a regulation Recital 5 a (new)

Text proposed by the Commission

Amendment

(5 a) As stated in the resolution adopted by the European Parliament on 16 September 2021 on attracting a new generation of workers to the fishing industry and creating jobs in coastal communities, it is essential to improve working and living conditions on board, as well as safety and the need to monitor and prevent incidents and accidents at sea. EMSA's mandate should be extended to those fishing vessels where significant safety concerns remain, by including the monitoring and reporting of incidents and accidents at sea, which are currently not covered by the EMSA Regulation, namely serious and fatal accidents involving small fishing vessels.

Amendment 4

Proposal for a regulation Recital 9

Text proposed by the Commission

(9) These objectives should define the areas of the Agency's engagement in supporting the Commission and the Member States with technical and operational assistance in order to implement the Union's policies in the maritime domain.

Amendment

(9) These objectives should define the areas of the Agency's engagement in supporting the Commission and the Member States with technical and operational assistance in order to implement the Union's policies in the maritime domain ***as well as its cooperation with other EU agencies such as EFCA.***

Amendment 5

Proposal for a regulation Recital 10

Text proposed by the Commission

(10) For the proper achievement of these objectives, it is appropriate that the Agency carries out specific tasks in the area of maritime safety, sustainability, decarbonisation of the maritime sector, maritime security and cybersecurity, maritime surveillance and maritime crises and the promotion of the digitalisation and facilitation of exchanges of data in the maritime domain.

Amendment

(10) For the proper achievement of these objectives, it is appropriate that the Agency carries out specific tasks in the area of maritime safety, ***prevention of pollution by ships***, sustainability, decarbonisation of the maritime sector, maritime security and cybersecurity, maritime surveillance and maritime crises and the promotion of the digitalisation and facilitation of exchanges of data in the maritime domain. ***While carrying out these tasks the Agency should pay attention to the specificities of the different types of maritime activities with a specific attention to the conditions applicable to the fishing sector.***

Amendment 6

Proposal for a regulation Recital 11 a (new)

(11 a) The Agency should pay special attention to the fisheries sector when carrying out its tasks, since it has an important economic and social impact in the EU. In particular, fishing vessels and workers are highly vulnerable to maritime safety risks and play a relevant role in the green transition.

Amendment 7

Proposal for a regulation Recital 14

(14) As regards maritime safety, the Agency should develop a proactive approach in **determining** safety risks and challenges on the basis of which it should present to the Commission every three years a report on the progress **on** maritime safety. Moreover, the Agency should continue assisting the Commission and the Member States in the implementation of the relevant Union legislation, especially in the areas of flag and port State obligations, the accident investigation of marine accidents, the passenger ship safety legislation, Recognised Organisations and marine equipment. Finally, the Agency should have a proactive role in assisting the deployment of maritime autonomous and automated surface ships while also it is important to collect further data in the area of the training and certification for seafarers and the Maritime Labour Convention (MLC, 2006).

(14) As regards maritime safety, the Agency should develop a proactive approach in **identifying** safety risks and challenges **for any type and size of vessel** on the basis of which it should present to the Commission **and the European Parliament** every three years a report on the progress **made in** maritime safety. **When the Agency states in a report the need for new safety standards, the implementation of these new requirements should be accelerated in order to avoid long delays between the official recognition of the issue and the impact on the vessels and, if needed, shall be followed up by a legislative proposal.** Moreover, the Agency should continue assisting the Commission and the Member States in the implementation of the relevant Union legislation, especially in the areas of flag and port State obligations, the accident investigation of marine accidents, the passenger ship safety legislation, Recognised Organisations and marine equipment. Finally, the Agency should have a proactive role in assisting the deployment of maritime autonomous and automated surface ships while also it is important to collect further data in the area

of the training and certification for seafarers and the Maritime Labour Convention (MLC, 2006). ***Finally, the Agency should work towards the mutual recognition of fishers and seafarers training and safety certificates in order to improve business opportunities, as well as increase the cooperation between member States, other Agencies, and the free movement of the workforce.***

Amendment 8

Proposal for a regulation Recital 14 a (new)

Text proposed by the Commission

Amendment

(14 a) Calls on the Commission to transpose the IMO International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F 1995), into EU law in order to achieve a harmonized framework for minimum level of training of fishers in Europe.

Amendment 9

Proposal for a regulation Recital 14 b (new)

Text proposed by the Commission

Amendment

(14 b) With regard to fishing vessels, EMSA's mandate should be extended to include regular monitoring and systematic statistical information, harmonised at EU level, on incidents and accidents involving vessels not covered by Directive 2009/18/EC. By monitoring and assessing the changes in these figures, in particular regarding geographical areas, fleets and fishing gear that is used, it will be possible to find solutions to improve, reduce and prevent the occurrence of

accidents, particularly in local and coastal fishing vessels.

Amendment 10

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) In this regard, while the Agency should continue assisting the Commission and the Member States in the implementation of Regulation (EU) 2015/757 of the European Parliament and of the Council²⁵ it should further assist in the implementation of the new regulatory measures to decarbonise the shipping sector, as stemming from the Fit for 55 legislative package, such as the Regulation [...] on the use of renewable and low-carbon fuels in maritime transport and the shipping-related elements of Directive 2003/87/EC of the European Parliament and of the Council²⁶ establishing a scheme for greenhouse gas emission allowance trading within the Community. The Agency should continue to be at the forefront of expertise at Union level to assist in the transition of the sector into renewable and low carbon fuels by conducting research and providing guidance on the uptake and deployment of sustainable alternative sources of power for ships, including onshore power supply to ships and in relation to the deployment of energy efficiency and wind propulsion assistance solutions. In order to monitor progress in the area of decarbonisation of the **shipping** sector, the Agency should report to the Commission on the greenhouse gas reduction efforts and any recommendations that might have every three years.

Amendment

(17) In this regard, while the Agency should continue assisting the Commission and the Member States in the implementation of Regulation (EU) 2015/757 of the European Parliament and of the Council²⁵ it should further assist in the implementation of the new regulatory measures to decarbonise the shipping sector ***and other maritime activities such as fisheries***, as stemming from the Fit for 55 legislative package, such as the Regulation [...] on the use of renewable and low-carbon fuels in maritime transport and the shipping-related elements of Directive 2003/87/EC of the European Parliament and of the Council²⁶ establishing a scheme for greenhouse gas emission allowance trading within the Community. The Agency should continue to be at the forefront of expertise at Union level to assist in the transition of the sector into renewable and low carbon fuels by conducting research and providing guidance on the uptake and deployment of sustainable alternative sources of power for ships, including onshore power supply to ships and in relation to the deployment of energy efficiency and wind propulsion assistance solutions. ***Regarding fishing vessels, the different fisheries gears and areas should be taken into account when researching alternatives sources of power.*** In order to monitor progress in the area of decarbonisation of the **maritime** sector, the Agency should report to the Commission on the greenhouse gas reduction efforts and any recommendations that might have

every three years.

²⁵ Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC (OJ L 123, 19.5.2015, p. 55).

²⁶ Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32).

²⁵ Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC (OJ L 123, 19.5.2015, p. 55).

²⁶ Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32).

Amendment 11

Proposal for a regulation Recital 17 a (new)

Text proposed by the Commission

Amendment

(17 a) As far as the fisheries sector is concerned, while all these measures are essential to ensure that we have clean seas, which in turn are essential for those who wish to fish, farm and sell quality products from the sea, these measures must be accompanied by the necessary allocation of funds and incentives in order to sustain fishing operations, especially those of the small-scale and artisanal segment.

Amendment 12

Proposal for a regulation Recital 23

Text proposed by the Commission

Amendment

(23) National authorities carrying out coast guard functions are responsible for a

(23) National authorities carrying out coast guard functions are responsible for a

wide range of tasks, which may include maritime safety, security, search and rescue, border control, fisheries control, customs control, general law enforcement and environmental protection. The Agency, the European Border and Coast Guard Agency, established by Regulation (EU) 2019/1896 of the European Parliament and of the Council²⁹, and the European Fisheries Control Agency, established by Regulation (EU) 2019/473 of the European Parliament and of the Council³⁰, should therefore strengthen their cooperation, within their mandate, both with each other and with the national authorities carrying out coast guard functions, in order to increase maritime situational awareness and to support coherent and cost-efficient action.

wide range of tasks, which may include maritime safety, security, search and rescue, border control, fisheries control, customs control, general law enforcement and environmental protection. The Agency, the European Border and Coast Guard Agency, established by Regulation (EU) 2019/1896 of the European Parliament and of the Council²⁹, and the European Fisheries Control Agency, established by Regulation (EU) 2019/473 of the European Parliament and of the Council³⁰, should therefore strengthen their cooperation, within their mandate, both with each other and with the national authorities carrying out coast guard functions, in order to increase maritime situational awareness and to support coherent and cost-efficient action, ***by providing services, information, technology, equipment and training, as well as by coordinating multi-purpose operations, collecting data for scientific research, monitoring European waters and implementing cooperation programmes with third countries.***

²⁹ Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1).

³⁰ Regulation (EU) 2019/473 of the European Parliament and of the Council of 19 March 2019 on the European Fisheries Control Agency (OJ L 83, 25.3.2019, p. 18).

²⁹ Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1).

³⁰ Regulation (EU) 2019/473 of the European Parliament and of the Council of 19 March 2019 on the European Fisheries Control Agency (OJ L 83, 25.3.2019, p. 18).

Amendment 13

Proposal for a regulation Recital 36 a (new)

Text proposed by the Commission

Amendment

(36 a) The Agency should strengthen its

cooperation with the European Fisheries Control Agency (EFCA) regarding the prevention and handling of incidents at sea involving fishing vessels.

Amendment 14

Proposal for a regulation
Article 1 – paragraph 2

Text proposed by the Commission

2. The Agency shall assist the Member States and the Commission in the effective application and implementation of Union law related to maritime **transport** across the Union. To that end, the Agency shall cooperate with the Member States and the Commission and provide them with technical, operational and scientific assistance within the scope of the Agency's objectives and tasks set out in Article 2 and Chapters II and III.

Amendment

2. The Agency shall assist the Member States and the Commission in the effective application and implementation of Union law related to maritime **traffic** across the Union. To that end, the Agency shall cooperate with the Member States and the Commission and provide them with technical, operational and scientific assistance within the scope of the Agency's objectives and tasks set out in Article 2 and Chapters II and III.

Amendment 15

Proposal for a regulation
Article 1 – paragraph 3

Text proposed by the Commission

3. By providing the assistance referred to in paragraph 2, the Agency shall in particular provide support to the Member States and the Commission to apply the relevant Union legal acts properly while contributing to the overall efficiency of maritime traffic and maritime transport as set out in this Regulation, so as to facilitate the achievement of the Union's objectives in the maritime **transport** domain.

Amendment

3. By providing the assistance referred to in paragraph 2, the Agency shall in particular provide support to the Member States and the Commission to apply the relevant Union legal acts properly while contributing to the overall efficiency of maritime traffic and maritime transport as set out in this Regulation, so as to facilitate the achievement of the Union's objectives in the maritime domain.

Amendment 16

Proposal for a regulation
Article 2 – paragraph 1

Text proposed by the Commission

1. The objectives of the Agency shall be the promotion and establishment of a high, uniform and effective level of maritime safety aiming towards zero accidents, maritime security, the reduction of greenhouse gas emissions from ships and the sustainability of the maritime sector as well as the prevention of and response to pollution caused by ships and the response to marine pollution caused by oil and gas installations.

Amendment

1. The objectives of the Agency shall be the promotion and establishment of a high, uniform and effective level of maritime safety aiming towards zero accidents, - ***all fishing vessels included*** -, maritime security, the reduction of greenhouse gas emissions from ships and the sustainability of the maritime sector as well as the prevention of and response to pollution caused by ***all types and size of*** ships and the response to marine pollution caused by oil and gas installations.

Amendment 17

Proposal for a regulation
Article 2 – paragraph 2

Text proposed by the Commission

2. Further objectives of the Agency shall be the promotion of digitalisation of the maritime sector by facilitating the electronic transmission of data supporting simplification and the provision of integrated maritime surveillance and awareness systems and services to the Commission and the Member States.

Amendment

2. Further objectives of the Agency shall be the ***harmonised*** promotion of digitalisation of the maritime sector by facilitating the electronic transmission of data supporting simplification and the provision of integrated maritime surveillance and awareness systems and services to the Commission and the Member States.

Amendment 18

Proposal for a regulation
Article 3 – paragraph 5

Text proposed by the Commission

5. Where required for the implementation of its tasks, the Agency shall undertake studies, involving the

Amendment

5. Where required for the implementation of its tasks, the Agency shall undertake studies, involving the

Commission and where applicable, through consultation steering groups, the Member States, and where appropriate, the social partners and industry representatives with expertise in the relevant topics.

Commission and where applicable, through consultation steering groups, the Member States, and where appropriate, the social partners and industry representatives with expertise in the relevant topics ***as well as consulting other relevant EU Agencies such as EFCA.***

Amendment 19

Proposal for a regulation Article 3 – paragraph 6

Text proposed by the Commission

6. On the basis of the research and studies conducted by the Agency, but also on the basis of the experience gained through its own activities, especially the visits and inspections, and exchange of information and good practices with the Member States ***and*** the Commission, the Agency may issue, after prior consultation with the Commission, relevant non-binding recommendations, guidelines or manuals to support and facilitate Member States, and where appropriate the industry, in the implementation of the Union legislation.

Amendment

6. On the basis of the research and studies conducted by the Agency, but also on the basis of the experience gained through its own activities, especially the visits and inspections, and exchange of information and good practices with the Member States, the Commission ***and other relevant EU Agencies***, the Agency may issue, after prior consultation with the Commission, relevant non-binding recommendations, guidelines or manuals to support and facilitate Member States, and where appropriate the industry, in the implementation of the Union legislation.

Amendment 20

Proposal for a regulation Article 4 – paragraph 1

Text proposed by the Commission

1. The Agency shall monitor progress on the safety of maritime ***transport*** in the Union, conduct risk analysis on the basis of the available data and develop safety risk assessment models to identify safety challenges and risks. Every three years it shall present to the Commission a report on progress on maritime safety with possible technical recommendations that could be

Amendment

1. The Agency shall monitor progress on the safety of maritime ***activities*** in the Union, conduct risk analysis on the basis of the available data and develop safety risk assessment models to identify safety challenges and risks ***regarding any type and size of vessel***. Every three years it shall present to the Commission a report on progress on maritime safety with possible

addressed at the Union or the international level. In this regard, the Agency shall in particular analyse and propose relevant guidance or recommendations in relation to potential safety risks stemming from the uptake and deployment of sustainable alternative sources of power for ships, including onshore power supply to ships at berth.

technical recommendations that could be addressed at the Union or the international level. In this regard, the Agency shall in particular analyse and propose relevant guidance or recommendations in relation to potential safety risks stemming from the uptake and deployment of sustainable alternative sources of power for ***all types and size of*** ships, including onshore power supply to ships at berth.

Amendment 21

Proposal for a regulation

Article 4 – paragraph 4 – subparagraph 1

Text proposed by the Commission

The Agency shall assist the Commission in the development and maintenance of the database provided for in Article 17 of Directive 2009/18/EC. On the basis of the data collected the Agency shall compile a yearly overview of marine casualties and incidents. The Agency shall, if requested by the concerned Member States and where no conflict of interest arises, provide operational support to these Member States concerning safety investigations. The Agency shall also carry out an analysis of safety investigation reports with a view to identify added value at Union level in terms of any relevant lessons to be drawn.

Amendment

The Agency shall assist the Commission in the development and maintenance of the database provided for in Article 17 of Directive 2009/18/EC. On the basis of the data collected the Agency shall compile a yearly overview of marine casualties and incidents, ***to be presented by different Member State and different maritime activities***. The Agency shall, if requested by the concerned Member States and where no conflict of interest arises, provide operational support to these Member States concerning safety investigations. The Agency shall also carry out an analysis of safety investigation reports with a view to identify added value at Union level in terms of any relevant lessons to be drawn.

Amendment 22

Proposal for a regulation

Article 4 – paragraph 4 – subparagraph 2

Text proposed by the Commission

The Agency shall provide a professional development and training program to the competent marine safety accident

Amendment

The Agency shall provide a professional development and training program to the competent marine safety accident

investigation Authorities.

investigation Authorities. ***It shall also provide effective training in safety, digitalization, nautical and fisheries activities to the workers of the fisheries sector given that the majority operate in small vessels which are more at risk of suffering incidents.***

Amendment 23

Proposal for a regulation Article 4 – paragraph 9

Text proposed by the Commission

9. The Agency shall gather and analyse data on seafarers provided and used in accordance with Directive (EU) 2022/993 of the European Parliament and of the Council⁴⁰. It ***may also*** gather and analyse data on the implementation of the Maritime Labour Convention, 2006 (MLC, 2006) with the aim of assisting in the improvement of the onboard working and living conditions of seafarers..

⁴⁰ Directive (EU) 2022/993 of the European Parliament and of the Council of 8 June 2022 on the minimum level of training of seafarers (OJ L 169, 27.6.2022, p. 45).

Amendment

9. The Agency shall gather and analyse data on seafarers provided and used in accordance with Directive (EU) 2022/993 of the European Parliament and of the Council⁴⁰. It ***shall do the same in particular regarding fishers in line with the requirements of the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F). It shall*** gather and analyse data on the implementation of the Maritime Labour Convention, 2006 (MLC, 2006) ***and the Work in Fishing Convention, 2007 (C188)*** with the aim of assisting in the improvement ***and harmonisation*** of the onboard ***safety***, working and living conditions of seafarers ***and fishers***. ***It shall also gather and analyze social indicators which shall be taken into account when providing horizontal technical support to the European Commission and the Member States.***

⁴⁰ Directive (EU) 2022/993 of the European Parliament and of the Council of 8 June 2022 on the minimum level of training of seafarers (OJ L 169, 27.6.2022, p. 45).

Amendment 24

Proposal for a regulation Article 4 – paragraph 9 a (new)

Text proposed by the Commission

Amendment

9 a. The Agency shall work closely with the Commission in order to transpose the IMO STCW-F Convention into Union law with the goal to set a harmonized framework for minimum level of training of fishers in Europe, including safety training and digitalization.

Amendment 25

Proposal for a regulation Article 5 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) sharing and recieveing relevant information from other EU Agencies, such as EFCA, especially in relation to lost fishing gear

Amendment 26

Proposal for a regulation Article 6 – paragraph 1

Text proposed by the Commission

Amendment

1. The Agency shall monitor progress on the operational and technical measures undertaken to increase the energy efficiency of ships and the deployment of sustainable alternative fuels, energy and power systems for ships, including onshore power supply and wind propulsion assistance, to reduce greenhouse gas emissions from ships.

1. The Agency shall monitor progress on the operational and technical measures undertaken to increase the energy efficiency of ships and the deployment of sustainable alternative fuels, energy and power systems for **all types and size of** ships, including onshore power supply and wind propulsion assistance, to reduce greenhouse gas emissions from ships.

Amendment 27

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

2. The Agency shall provide technical assistance to the Commission and the Member States, upon their request, in relation to regulatory efforts to reduce greenhouse gas emissions from ships. In this regard, the Agency may utilize any operational tools or services pertinent to the task. The Agency shall in particular research, analyse and propose relevant guidance or recommendations in relation to the uptake and deployment of sustainable alternative fuels, energy and power systems for ships, including onshore power supply and wind propulsion assistance as well as in relation to energy efficiency measures.

Amendment

2. The Agency shall provide technical assistance to the Commission and the Member States, upon their request, in relation to regulatory efforts to reduce greenhouse gas emissions from ships. In this regard, the Agency may utilize any operational tools or services pertinent to the task. The Agency shall in particular research, analyse and propose relevant guidance or recommendations in relation to the uptake and deployment of sustainable alternative fuels, energy and power systems for ***all types and size of*** ships, including onshore power supply and wind propulsion assistance as well as in relation to energy efficiency measures.

Amendment 28

Proposal for a regulation
Article 6 – paragraph 6

Text proposed by the Commission

6. The Agency shall every three years present to the Commission a report on the progress made in achieving the decarbonisation of maritime ***transport*** at the Union level. Where possible, the report shall include technical analysis on identified issues that could to be addressed at the Union level.

Amendment

6. The Agency shall every three years present to the Commission a report on the progress made in achieving the decarbonisation of maritime ***activities*** at the Union level. Where possible, the report shall include technical analysis on identified issues that could to be addressed at the Union level ***taking into account the specificities of different fleet segments and types for ships. The report shall be made publicly available in the Agency webpage.***

Amendment 29

Proposal for a regulation

Article 7 – paragraph 2

Text proposed by the Commission

2. The Agency shall assist the Commission and the Member States, together with any other relevant Union body, in developing resilience against cybersecurity incidents in the maritime sector in particular by facilitating the exchange of best practices and information on cyber security incidents between the Member States.

Amendment

2. The Agency shall assist the Commission and the Member States, together with any other relevant Union body, **especially EFCA**, in developing resilience against cybersecurity incidents in the maritime sector in particular by facilitating the exchange of best practices and information on cyber security incidents between the Member States.

Amendment 30

Proposal for a regulation

Article 9 – paragraph 2 – point d

Text proposed by the Commission

(d) to facilitate the re-use and the sharing of data exchanged in the EMSWe using SafeSeaNet.

Amendment

(d) to facilitate **and improve** the re-use and the sharing of **reliable** data exchanged in the EMSWe using SafeSeaNet.

Amendment 31

Proposal for a regulation

Article 12 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Agency shall, in cooperation with the European Border and Coast Guard Agency, established by Regulation (EU) 2019/1896, and the European Fisheries Control Agency, established by Regulation (EU) 2019/473, each within their mandate, support national authorities carrying out coast guard functions at national and Union level and, where appropriate, at international level by:

Amendment

1. The Agency shall, in cooperation with the European Border and Coast Guard Agency, established by Regulation (EU) 2019/1896, and the European Fisheries Control Agency, established by Regulation (EU) 2019/473, each within their **respective** mandate, support national authorities carrying out coast guard functions, **namely fisheries monitoring, border control, maritime safety, security, search and rescue, customs control, general law enforcement and environmental protection**, at national and Union level and, where appropriate, at

international level by:

Amendment 32

Proposal for a regulation

Article 12 – paragraph 1 – point a

Text proposed by the Commission

(a) sharing, fusing and analysing information available in ship reporting systems and other information systems hosted by or accessible to those agencies, in accordance with their respective legal bases and without prejudice to the ownership of data by Member States;

Amendment

(a) sharing, fusing and analysing **data and** information available in ship reporting systems and other information systems hosted by or accessible to those agencies, in accordance with their respective legal bases and without prejudice to the ownership of data by Member States;

Amendment 33

Proposal for a regulation

Article 12 – paragraph 1 – point c

Text proposed by the Commission

(c) building capacity by drawing up guidelines and recommendations and by establishing best practices as well as by providing training and exchange of staff;

Amendment

(c) building capacity by drawing up guidelines and recommendations and by establishing **and sharing** best practices as well as by providing training and exchange of staff;

Amendment 34

Proposal for a regulation

Article 12 – paragraph 1 – point d

Text proposed by the Commission

(d) enhancing the exchange of information and cooperation on coast guard functions including by analysing operational challenges and emerging risks in the maritime domain;

Amendment

(d) enhancing the exchange of information and cooperation on coast guard functions including by analysing operational challenges and emerging risks in the maritime domain **by using, among others, available digital tools to simulate the effect of accidents in order to support coast guard authorities in the their**

functions;

Amendment 35

Proposal for a regulation

Article 12 – paragraph 1 – point e

Text proposed by the Commission

(e) sharing capacity by planning and implementing multipurpose operations and by sharing assets and other capabilities, to the extent that these activities are coordinated by those agencies and are agreed to by the competent authorities of the Member States concerned.

Amendment

(e) sharing capacity by planning and implementing multipurpose operations and by sharing assets, **equipment** and other capabilities, to the extent that these activities are coordinated by those agencies and are agreed to by the competent authorities of the Member States concerned;

Amendment 36

Proposal for a regulation

Article 12 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(e a) sharing the relevant research, developments and technologies, including artificial intelligence, in a collaborative and flexible way, to find solutions to the challenges faced in the different areas;

Amendment 37

Proposal for a regulation

Article 12 – paragraph 1 – point e b (new)

Text proposed by the Commission

Amendment

(e b) increasing the cooperation in order to collect data for marine scientific research purpose on marine ecosystems, physical oceanography, marine chemistry, marine biology, fisheries, scientific ocean drilling and coring, geological and geophysical research, and other activities;

Amendment 38

Proposal for a regulation

Article 12 – paragraph 1 – point e c (new)

Text proposed by the Commission

Amendment

(e c) implementing cooperation projects with third countries to improve maritime safety, pollution prevention by ships, maritime security and preservation of the marine environment;

Amendment 39

Proposal for a regulation

Article 12 – paragraph 1 – point e d (new)

Text proposed by the Commission

Amendment

(e d) reinforcing the monitoring of European waters to detect illegal waste spills and potential oil spills;

Amendment 40

Proposal for a regulation

Article 12 – paragraph 2

Text proposed by the Commission

Amendment

2. Without prejudice to the powers of the Management Board of the Agency set out in Article 15, the precise forms of cooperation on coast guard functions between the Agency, the European Border and Coast Guard Agency and the European Fisheries Control Agency shall be determined in a working arrangement, in accordance with their respective mandates and the financial rules applicable to those agencies. Such an arrangement shall be approved by the management Board of the Agency, the Administrative Board of the European Fisheries Control Agency and

2. Without prejudice to the powers of the Management Board of the Agency set out in Article 15, the precise forms of cooperation on coast guard functions between the Agency, the European Border and Coast Guard Agency and the European Fisheries Control Agency shall be determined in a ***flexible*** working arrangement, in accordance with their respective mandates and the financial rules applicable to those agencies. Such an arrangement shall be approved by the management Board of the Agency, the Administrative Board of the European

the management board of the European Border and Coast Guard Agency.

Fisheries Control Agency and the management board of the European Border and Coast Guard Agency.

Amendment 41

Proposal for a regulation

Article 15 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The Management Board shall be composed of one representative of each Member State **and** four representatives of the Commission, **all with** voting rights.

Amendment

The Management Board shall be composed of one representative of each Member State, four representatives of the Commission **and one representative of the European Parliament. Only representatives of the Member States and the Commission shall have** voting rights.

Amendment 42

Proposal for a regulation

Article 15 – paragraph 2

Text proposed by the Commission

2. Each Member State **and** the Commission shall appoint their members of the Management Board as well as an alternate who will represent the member in his or her absence.

Amendment

2. Each Member State, the Commission **and the European Parliament** shall appoint their members of the Management Board as well as an alternate who will represent the member in his or her absence.

Amendment 43

Proposal for a regulation

Article 41 – paragraph 1

Text proposed by the Commission

1. No later than 5 years after the [date of entry into force], and every 5 years thereafter, the Commission shall conduct an evaluation to assess particularly the impact, effectiveness and efficiency of the

Amendment

1. No later than 5 years after the [date of entry into force], and every 5 years thereafter, the Commission shall conduct an evaluation to assess particularly the impact, effectiveness and efficiency of the

Agency and its working practices. The evaluation shall, in particular, address the possible need to modify the mandate of the Agency, and the financial implications of any such modification.

Agency and its working practices, ***including its cooperation with other EU Agencies and especially those referred to in Article 12.*** The evaluation shall, in particular, address the possible need to modify the mandate of the Agency, ***including how cooperation with other EU Agencies can be improved,*** and the financial implications of any such modification.

ANNEX: ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT

The rapporteur has received input from the following entities or persons in the preparation of the opinion, until the adoption thereof in committee:

Entity and/or person
Europeche, Association of National Organizations of Fishing Enterprises in the European Union
Comisiones Obreras (CC.OO) - Fisheries sector
Federación Andaluza de Cofradías
Permanent Representation of Spain to the European Union

The list above is drawn up under the exclusive responsibility of the rapporteur.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	European Maritime Safety Agency and repealing Regulation (EC) No 1406/2002
References	COM(2023)0269 – C9-0190/2023 – 2023/0163(COD)
Committee responsible Date announced in plenary	TRAN 10.7.2023
Opinion by Date announced in plenary	PECH 10.7.2023
Rapporteur for the opinion Date appointed	Clara Aguilera 5.9.2023
Discussed in committee	9.10.2023
Date adopted	29.11.2023
Result of final vote	<div style="display: flex; justify-content: flex-end; align-items: center;"> <div style="text-align: right; padding-right: 10px;">+:</div> <div>22</div> </div> <div style="display: flex; justify-content: flex-end; align-items: center;"> <div style="text-align: right; padding-right: 10px;">–:</div> <div>1</div> </div> <div style="display: flex; justify-content: flex-end; align-items: center;"> <div style="text-align: right; padding-right: 10px;">0:</div> <div>1</div> </div>
Members present for the final vote	Clara Aguilera, João Albuquerque, Pietro Bartolo, Izaskun Bilbao Barandica, Isabel Carvalhais, Maria da Graça Carvalho, Asger Christensen, Rosa D’Amato, Francisco Guerreiro, Anja Haga, Niclas Herbst, Ladislav Ilčić, France Jamet, Predrag Fred Matić, Francisco José Millán Mon, Ana Miranda, João Pimenta Lopes, Caroline Roose, Bert-Jan Ruissen, Marc Tarabella, Theodoros Zagorakis
Substitutes present for the final vote	Gabriel Mato
Substitutes under Rule 209(7) present for the final vote	Erik Poulsen, Anne Sander

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

22	+
ECR	Ladislav Ilčić, Bert-Jan Ruissen
NI	Marc Tarabella
PPE	Maria da Graça Carvalho, Anja Haga, Niclas Herbst, Gabriel Mato, Francisco José Millán Mon, Anne Sander, Theodoros Zagorakis
Renew	Izaskun Bilbao Barandica, Asger Christensen, Erik Poulsen
S&D	Clara Aguilera, João Albuquerque, Pietro Bartolo, Isabel Carvalhais, Predrag Fred Matić
Verts/ALE	Rosa D'Amato, Francisco Guerreiro, Ana Miranda, Caroline Roose

1	-
ID	France Jamet

1	0
The Left	João Pimenta Lopes

Key to symbols:

+ : in favour

- : against

0 : abstention

PROCEDURE – COMMITTEE RESPONSIBLE

Title	European Maritime Safety Agency and repealing Regulation (EC) No 1406/2002			
References	COM(2023)0269 – C9-0190/2023 – 2023/0163(COD)			
Date submitted to Parliament	1.6.2023			
Committee responsible Date announced in plenary	TRAN 10.7.2023			
Committees asked for opinions Date announced in plenary	BUDG 10.7.2023	CONT 10.7.2023	ENVI 10.7.2023	ITRE 10.7.2023
	PECH 10.7.2023			
Not delivering opinions Date of decision	CONT 27.6.2023	ENVI 17.7.2023	ITRE 28.6.2023	
Rapporteurs Date appointed	Cláudia Monteiro de Aguiar 7.7.2023			
Discussed in committee	9.10.2023			
Date adopted	7.12.2023			
Result of final vote	+: 39 -: 0 0: 0			
Members present for the final vote	José Ramón Bauzá Díaz, Izaskun Bilbao Barandica, Karolin Braunsberger-Reinhold, Marco Campomenosi, Jakop G. Dalunde, Karima Delli, Isabel García Muñoz, Jens Gieseke, Bogusław Liberadzki, Peter Lundgren, Elżbieta Katarzyna Łukacijewska, Tilly Metz, Cláudia Monteiro de Aguiar, Caroline Nagtegaal, Tomasz Piotr Poręba, Bergur Løkke Rasmussen, Dominique Riquet, Thomas Rudner, Vera Tax, Barbara Thaler, István Ujhelyi, Achille Variati, Elissavet Vozemberg-Vrionidi, Lucia Vuolo, Kosma Złotowski			
Substitutes present for the final vote	Tom Berendsen, Sara Cerdas, Maria Grapini, Ondřej Kovařík, Ljudmila Novak, Dorien Rookmaker, Nicolae Ștefănuță, Kathleen Van Brempt			
Substitutes under Rule 209(7) present for the final vote	Pascal Arimont, Andreas Glück, Erik Marquardt, Andželika Anna Możdżanowska, Wolfram Pirchner, Eugen Tomac			
Date tabled	8.12.2023			

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

39	+
ECR	Peter Lundgren, Andżelika Anna Mozdżanowska, Tomasz Piotr Poręba, Dorien Rookmaker, Kosma Złotowski
ID	Marco Campomenosi
PPE	Pascal Arimont, Tom Berendsen, Karolin Braunsberger-Reinhold, Jens Gieseke, Elżbieta Katarzyna Łukacijewska, Cláudia Monteiro de Aguiar, Ljudmila Novak, Wolfram Pirchner, Barbara Thaler, Eugen Tomac, Elissavet Vozemberg-Vrionidi, Lucia Vuolo
Renew	José Ramón Bauzá Díaz, Izaskun Bilbao Barandica, Andreas Glück, Ondřej Kovařík, Caroline Nagtegaal, Bergur Løkke Rasmussen, Dominique Riquet
S&D	Sara Cerdas, Isabel García Muñoz, Maria Grapini, Bogusław Liberadzki, Thomas Rudner, Vera Tax, István Ujhelyi, Kathleen Van Brempt, Achille Variati
Verts/ALE	Jakop G. Dalunde, Karima Delli, Erik Marquardt, Tilly Metz, Nicolae Ștefănuță

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0	0

Key to symbols:

+ : in favour

- : against

0 : abstention