



2023/0163(COD)

21.9.2023

DRAFT 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

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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 11 a (new)

Text proposed by the Commission

Amendment

(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. In addition, Directive 97/70/EC should be updated and aligned with the Cape Town Agreement, with port state control and with the SOLAS Convention in order to facilitate the control of European fishing vessels.

Or. en

Amendment 2

Proposal for a regulation

Recital 14

Text proposed by the Commission

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

(14) As regards maritime safety, the Agency should develop a proactive approach in determining safety risks and challenges ***for any type and size of vessel*** on the basis of which it should present to

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).

the Commission every three years a report on the progress on 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.** 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. 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 increase the cooperation between Member States workforce.**

Or. en

Amendment 3

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

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.

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).

[..] 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 alternative sources of power.*** 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.

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).

Or. en

Amendment 4

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, 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.

Or. en

Amendment 5

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.

Or. en

Amendment 6

Proposal for a regulation Article 4 – paragraph 1

Text proposed by the Commission

1. The Agency shall monitor progress

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.

on maritime *safety 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 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.

Or. en

Amendment 7

Proposal for a regulation

Article 4 – paragraph 4 – subparagraph 1

Text proposed by the Commission

4. 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

4. 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.

Or. en

Amendment 8

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 investigation Authorities.

Amendment

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

Or. en

Amendment 9

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..

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. It shall*** gather and analyse data on the implementation of the Maritime Labour Convention, 2006 (MLC, 2006) 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 analyse 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

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).

8 June 2022 on the minimum level of training of seafarers (OJ L 169, 27.6.2022, p. 45).

Or. en

Amendment 10

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 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.

Or. en

Amendment 11

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 12

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. ***The report shall be made publicly available in the Agency webpage.***

Or. en

Amendment 13

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.

Or. en

Amendment 14

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;

Or. en

Amendment 15

Proposal for a regulation

Article 15 – paragraph 1 – subparagraph 1

Text proposed by the Commission

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

Amendment

1. 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.

Or. en

Amendment 16

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.

Or. en