European Maritime Safety Agency: further development

2010/0303(COD) - 25/10/2011 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Transport and Tourism adopted the report by Knut FLECKENSTEIN (S&D, DE) on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency.

The report stresses that point 47 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management should apply for the extension of tasks of the European Maritime Safety Agency. It emphasises that any decision of the legislative authority in favour of such an extension of tasks shall be without prejudice to the decisions of the budgetary authority in the context of the annual budgetary procedure.

The committee recommends that the Parliament’s position adopted at first reading of the ordinary legislative procedure should be to amend the Commission proposal as follows:

Agency’s tasks: Member call for the **additional tasks** to be assigned to the EMSA.

The Agency should assist the Commission:

- in the provision of technical and scientific assistance needed and with a high level of expertise, in order to help them to apply the Union legislation properly with a view to ensuring a high, uniform and efficient level of maritime safety and security;
- in the development and implementation of EU policies related to the Agency's tasks, particularly those in the field of maritime safety as well as Motorways of the Sea, the European maritime space without barriers, the 'Blue Belt' project, emaritime, the Marine Strategy Framework Directive, climate change, in the analysis of the safety of offshore oil and gas installations and combating pollution;
- in the exchange of information concerning any other policy which may be appropriate given its areas of competence and its expertise;
- in the development and implementation of a policy to enhance the quality of the training of European seafarers, and in promoting maritime careers, taking account of the demand for highly qualified labour in the EU maritime cluster in the development of requirements or any guidance relating to the licensing of oil and gas exploration and production in the marine environment and, in particular, the environmental and civil protection aspects thereof.

The Agency should collaborate with the Member States to:

- support the monitoring of the recognised organisations that carry out certification tasks on behalf of the Member States in accordance with Article 9 of Directive 2009/151 without prejudice to the rights and obligations of the Flag State;
- assist the Commission in completing the tasks described in Regulation (EC) No 391/20091;
- gather and analyse national data on the qualifications and employment of seafarers so as to share best practice in the training of seafarers across Europe;
- facilitate the establishment of Erasmus type exchanges between maritime training institutions;

- provide technical expertise in the field of shipbuilding or any other relevant activity related to maritime traffic, so as to develop the use of environment-friendly technologies and ensure a high level of security;
- support the actions they take to combat illegal traffic and acts of piracy, by providing data and information which may facilitate these operations and, in particular, by using its Automatic Identification Systems and satellite images;
- develop and implement a macro-regional Union policy relating to the fields of activity of the Agency.

The Agency should assist the Member States and the Commission:

- regarding oil spills from offshore installations, the Agency shall assist the Member States and the Commission by using its CleanSeaNet service to monitor the extent and environmental impact of such spills;
- with respect to offshore oil and gas installations, in assessing Member States' arrangements concerning emergency response plans and emergency preparedness, and in coordinating the oil pollution response in the event of an accident;
- with respect to offshore installations, in ensuring independent third party oversight of the maritime aspects related to safety, prevention, protection of the environment, and contingency planning.

The Agency shall be invited to **assist the Member States during accident investigations** involving (costal and offshore) maritime installations including accidents affecting oil and gas installations while the Member States shall be invited to cooperate in a full and timely manner with the Agency.

The Agency shall compile a yearly overview of incidents and near-accidents from the relevant bodies of Member States.

Role of the Parliament: an amendment aims at enshrining in the regulation that the Parliament should be consulted for the adoption of the agencies' multi-annual strategy (Interinstitutional Working Group).

Administrative Board: for a better ownership and follow-up of audit and evaluations findings, the Administrative Board, to whom the Director is accountable, should explicitly be entrusted with their monitoring in line with the recommendation of the Interinstitutional Working Group on Agencies. There should be a provision aimed at preventing any conflict of interest. The duration of the mandate of the Administrative Board members should be aligned with that of other agencies in accordance with the recommendation of the Interinstitutional Working Group on Agencies. The Administrative Board, acting on a proposal from the Commission, taking into account the evaluation report may extend the term of office of the Executive Director for not more than five years.

Feasibility Study: within one year of the date of entry into force of this Regulation the Commission shall submit a feasibility study on a national coastguard coordination system, making clear the costs and the benefits, to the European Parliament and the Council. The report shall, if appropriate, be accompanied by a legislative proposal.

Progress Report: within three years of the date of entry into force of this Regulation, the Commission shall submit a report setting out how the Agency has undertaken the additional responsibilities assigned by this Regulation and the case for further extending its objectives or tasks. It shall include an analysis of the gains in effectiveness that have been realised through greater integration of the Agency and the Paris Memorandum of Understanding on Port State Control. It shall, if appropriate, be accompanied by a legislative proposal.

Lastly, the Commission shall be empowered to adopt **delegated acts** concerning the operational working methods of the Agency for conducting inspections.