

European Maritime Safety Agency: further development

2010/0303(COD) - 16/10/2012 - Commission communication on Council's position

The Commission supports the results of the inter-institutional negotiations and can therefore accept the Council's position at first reading. The latter reflects the political agreement reached between the European Parliament and the Council on 12 April 2012. The Commission supports this agreement and has made the following observations:

- The Council has made a distinction between core and ancillary tasks. All Commission objectives with regard to EMSA's tasks have been adequately reflected in the final text, in some cases additional safeguards or limitations are provided. This gives EMSA a clear mandate for the future.
- While focus remains on maritime safety, it allows EMSA to contribute with its expertise and tools to other EU policies in the interest of creating EU added value in the most efficient way.
- It seems possible to implement the new mandate with the resources identified in the legislative financial statement attached to the initial Commission proposal.
- Lastly, the Commission accepts the revised methodology for EMSA's visits to Member States as it appropriately covers the policy concerns of the Commission.

The Commission has made **four statements** to clarify the understanding.

1) Statement on maritime security inspections: with regard to the technical assistance the Agency is providing to the Commission in the performance of maritime security inspection tasks, the Commission confirms that this provision does not affect the character of maritime security inspections in Commission Regulation (EC) No 324/2008 and does neither extend the Commission powers to undertake inspections nor does it confer any power to EMSA for carrying out maritime security inspections on its own.

2) Statement on Union competence: with regard to the technical assistance for Member States and the Commission to contribute to the work of the technical bodies of IMO, the Commission understands the notion of competence in the sense of the Treaty as encompassing the notion of Union interest currently used in the EU coordination practice with regard to IMO.

3) Statement on the Marine Strategy Framework Directive and greenhouse gas emissions from ships: with regard to the ancillary tasks listed in Article (2a), the Commission recalls the following:

- the Marine Strategy Framework Directive has the objective of achieving good environmental status of marine waters. Some of the pressures and impacts listed in Table 2 of Annex III are shipping related. The Commission, which has *inter alia* to measure progress in the implementation of the various areas covered by the Directive, considers it useful to receive the Agency's technical assistance for the shipping-related elements, in particular through exploiting the results of existing tools such as SafeSeaNet and CleanSeaNet;
- with regard to greenhouse gas emissions from ships, the Commission considers that the Agency's potential technical assistance should not be limited to the calculation of emissions, as this could be seen as an EU preference for a certain market-based instrument. Furthermore, the Commission considers that any technical assistance provided by EMSA will not affect the EU's position with regard to a global or regional situation.

4) Statement on classification societies for inland waterway vessels: the Commission takes the view that the provision of relevant information by the Agency can be undertaken on the basis of EMSA's existing expertise and therefore does not require additional resources for inspections.