

# European Maritime Safety Agency: further development

2010/0303(COD) - 15/01/2013 - Final act

**PURPOSE:** to amend Regulation 1406/2002 by clarifying the European Maritime Safety Agency's (EMSA) existing tasks and role as well as by extending EMSA's tasks to new areas under development at international and/or EU level.

**LEGISLATIVE ACT:** Regulation (EU) No 100/2013 of the European Parliament and of the Council amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency (EMSA).

**CONTENT:** the main amendments introduced by the new Regulation are the following:

**Objectives:** it is clarified that EMSA's objective is to ensure a high, uniform and effective level of maritime safety, maritime security, prevention of, and response to, pollution caused by ships, as well as response to **marine pollution caused by oil and gas installations**.

To this end, the Agency will cooperate with the Member States and will provide them with technical assistance operational and scientific assistance to help the Member States and the Commission to apply the relevant legal acts of the Union properly.

**As regards the field of response to pollution**, the Agency shall provide operational assistance **only upon the request of the affected State(s)**.

The ESMA will also be invited to contribute to other EU policies and projects that fall within its field of competence, such as the **European Maritime Transport Space without Barriers**, as well as “**Motorways of the Sea**”.

**Tasks of the Agency:** a clear distinction is made between the Agency's core and ancillary tasks.

1. The Agency's **core tasks** relate mainly to the following areas: (i) the preparatory work for updating and developing relevant legal acts of the Union, in particular in line with the development of international legislation; (ii) the effective implementation of relevant binding legal acts of the Union; (iii) provide appropriate information resulting from the inspections in order to support the monitoring of the recognised organisations that carry out certification tasks on behalf of the Member States (iv) support pollution response actions in case of pollution caused by ships as well as marine pollution caused by oil and gas installations.

**The Agency shall also facilitate cooperation between the Member States and the Commission:** (i) by developing and operating the European Union Long-Range Identification and Tracking of Ships European Data Centre and the Union Maritime Information and Exchange System (SafeSeaNet); (ii) by providing relevant vessel positioning and Earth observation data to the competent national authorities and relevant Union bodies; (iii) provide operational support to these Member States concerning investigations related to serious or very serious casualties.

**2. Ancillary tasks** shall only be entrusted to the Agency if they create substantial added value, avoid the duplication of efforts and if they do not infringe upon Member States' rights and obligations. These tasks relate for the most part to environmental matters such as: (i) the objective of achieving good environmental status of marine waters; (ii) greenhouse gas emissions from ships; (iii) the development of

a Common Information Sharing Environment for the EU maritime domain; (iv) the potential threats arising from mobile offshore oil and gas installations; (v) provision of relevant information with regard to classification societies for inland waterway vessels; (vi) facilitating voluntary exchange of best practices in maritime training and education in the Union

**Visits to Member States and inspections:** in order to perform the tasks entrusted to it and to assist the Commission in fulfilling its duties, the Agency shall carry out visits to Member States in accordance with the methodology established by the Administrative Board. At the end of each visit or inspection, the Agency shall draw up a report and send it to the Commission and to the Member State concerned.

**Governance:** the new Regulation stipulates the role of its Administrative Board on which the Member States are represented, in particular in regard to the **procedure for the appointment of the Agency's Executive Director**. The Executive Director shall be appointed and dismissed by the Administrative Board. The appointment shall be made for a period of five years on grounds of merit and documented administrative and managerial competence.

The text also provides for multiannual planning concerning the Agency's strategy and policy as regards human resources, as well as for an **independent external evaluation** of the implementation of the Regulation at regular intervals and at least every five years.

By 2 March 2018, and taking into account the evaluation report, the Commission shall submit a report to the European Parliament and the Council setting out how the Agency has undertaken its additional responsibilities.

ENTRY INTO FORCE: 01/03/2013.