# European Maritime Safety Agency: competence

2003/0159(COD) - 31/03/2004 - Final act

PURPOSE: to widen the European Maritime Safety Agency's competence in order to improve maritime safety and security.

LEGISLATIVE ACT: Regulation 724/2004/EC of the European Parliament and of the Council amending Regulation 1406/2002/EC establishing a European Maritime Safety Agency.

CONTENT: Regulation 1406/2002/EC established a European Maritime Safety Agency ("the Agency") for the purpose of ensuring a high, uniform and effective level of maritime safety and prevention of pollution by ships. Recent accidents in Community waters, particularly those of the oil tankers "Erika" and "Prestige", demonstrated the need for additional Community action not only in the field of pollution prevention, but also in the pollution response field. The Agency needed to be provided with the appropriate means to support on request the pollution response mechanisms of the Member States. The activities of the Agency in this field will not relieve coastal States of their responsibility to have appropriate pollution response mechanisms in place and will respect existing cooperation arrangements between Member States or groups of Member States in this field. In the event of a pollution incident, the Agency will assist the affected Member State under the authority of which the cleaning up operations will be conducted. The Agency will act in support of the Community mechanism in the field of civil protection. Furthermore: - Directive 2003/103/EC on the minimum level of training of seafarers introduces new procedures with regard to the recognition of certificates of competency of seafarers issued by third countries. The Agency will assist the Commission in the evaluation of the compliance of those countries with the requirements of the 1978 International Convention on Standards of Training, Certification and Watchkeeping (STCW Convention). - The Administrative Board of the Agency will have the competence, in agreement with the Commission, to define a policy plan with regard to the Agency's pollution preparedness and response activities. In drawing up the plan, the Administrative Board will take into account the added value which the Agency's pollution response activities involve for the activities of the Member States, as well as the best possible combination of cost and efficiency. - Regard will be had to the existing agreements on accidental pollution, such as the Agreement for cooperation in dealing with pollution of the North Sea by oil and other harmful substances, 1983 (Bonn Cooperation Agreement), which facilitate mutual assistance and cooperation between Member States in this field, as well as to the relevant international conventions and agreements for the protection of European maritime areas from pollution incidents, such as the International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990 (OPRC Convention) developed under the auspices of the IMO, the Convention for the Protection of the Marine Environment of the North-East Atlantic of 22 September 1992 (OSPAR Convention), the Barcelona Convention, the Helsinki Convention and the Lisbon Agreement. - For future appointments in the administrative structure of the Agency (Administrative Board, Executive Director), due account must be taken of the required experience and expertise in the newfields of competence of the Agency: the response to pollution caused by ships, and maritime security. - Third countries wishing to participate in the Agency must apply Community law in all fields of competence of the Agency, including the response to pollution caused by ships and maritime security.

ENTRY INTO FORCE : 19/05/04.