European Maritime Safety Agency

2000/0327(COD) - 27/06/2002 - Final act

PURPOSE: to establish a European Maritime Safety and Ship Pollution Prevention Agency.

COMMUNITY MEASURE: Regulation (EC) No 1406/2002 of the European Parliament and of the Council establishing a European Maritime Safety Agency.

CONTENT: The Regulation aims to ensure a high, uniform and effective level of maritime safety by creating this European Agency which will provide the Member States and the Commission with the technical and scientific assistance needed and with a high level of expertise in order to help them to apply Community legislation in the field of maritime safety properly, to monitor its implementation and to evaluate the effectiveness of the measures in place.

In order to ensure that the objectives are met in the appropriate manner, the Agency shall perform the following tasks:

- it shall assist the Commission in the preparatory works for updating and developing Community legislation in the field of maritime safety and prevention of pollution by ships, in particular in line with the development of international legislation in that field. That task shall include the analysis of research projects carried out in the field of maritime safety and prevention of pollution by ships;
- it shall assist the Commission in the effective implementation of Community legislation on maritime safety and prevention of pollution by ships throughout the Community.

In particular, the Agency shall:

- monitor the overall functioning of the Community port State control regime, which may include visits to the Member States, and suggest to the Commission any possible improvements in that field;
- provide the Commission with the technical assistance necessary to take part in the work of the technical bodies of the Paris Memorandum of Understanding on port State control;
- assist the Commission in the performance of any task assigned to the Commission by existing and future Community legislation on maritime safety and ship pollution prevention, notably legislation applicable to classification societies, the safety of passenger ships, as well as that applicable to the safety, training, certification and watchkeeping of ships' crews;
- it shall work with the Member States to:
- organise, where appropriate, relevant training activities in fields which are the responsibility of the port State and flag State;
- develop technical solutions and provide technical assistance related to the implementation of Community legislation;
- it shall facilitate cooperation between the Member States and the Commission in the field covered by Directive 2002/59/EC.

In particular the Agency shall:

- promote cooperation between riparian States in the shipping areas concerned in the fields covered by that Directive;
- develop and operate any information system necessary for attaining the objectives of that Directive;
- it shall facilitate cooperation between the Member States andthe Commission in the development, with due regard to the different legal systems in the Member States, of a common methodology for investigating maritime accidents according to agreed international principles, in the provision of the

support of the Member States in activities concerning investigations related to serious maritime accidents, and in the carrying out of an analysis of existing accident investigation reports;
- it shall provide the Commission and the Member States with objective, reliable and comparable information and data on maritime safety and on pollution by ships to enable them to take the necessary steps to improve maritime safety and prevention of pollution by ships and to evaluate the effectiveness of existing measures. Such tasks shall include the collection, recording and evaluation of technical data in the fields of maritime safety and maritime traffic, as well as in the field of marine pollution, both accidental and deliberate, the systematic exploitation of existing databases, including their cross-fertilisation, and, where appropriate, the development of additional databases.

On the basis of the data collected, the Agency shall assist the Commission in the publication, every six months, of information relating to ships that have been refused access to Community ports pursuant to Council Directive 95/21/EC of 19 June 1995 concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (port State control)(8). The Agency will also assist the Commission and the Member States in their activities to improve the identification and pursuit of ships making unlawful discharges; - in the course of negotiations with States applying for accession the Agency may provide technical assistance as regards the implementation of Community legislation in the field of maritime safety and prevention of pollution by ships. That task shall be coordinated with the existing regional cooperation programmes and shall include, where appropriate, the organisation of relevant training activities. The Agency shall be open to the participation of third countries, which have entered into agreements with the European Community, whereby they have adopted and are applying Community law in the field of maritime safety and prevention of pollution by ships. An Executive Director of the Agency shall be appointed by the Administrative Board. The Agency's revenues shall consist mainly of a contribution from the Community.

ENTRY INTO FORCE : 25/08/2002. The Agency shall be operational within twelve months of the entry into force of this Regulation.