Basic information

2000/0327(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
European Maritime Safety Agency Repealed by 2023/0163(COD) Amended by 2002/0182(COD) Amended by 2003/0159(COD) Amended by 2005/0098(COD) Amended by 2010/0303(COD) Amended by 2015/0313(COD) **Subject** 3.20.03.01 Maritime safety 8.40.08 Agencies and bodies of the EU	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
RETT Regional Policy, Transport and Tourism	MASTORAKIS Emmanouil (PSE)	24/01/2001

Former committee responsible	Former rapporteur	Appointed
RETT Regional Policy, Transport and Tourism	MASTORAKIS Emmanouil (PSE)	24/01/2001

Former committee for opinion	Former rapporteur for opinion	Appointed
BUDG Budgets	KUCKELKORN Wilfried (PSE)	08/12/2000
CONT Budgetary Control	POMÉS RUIZ José Javier (PPE-DE)	24/01/2001
ITRE Industry, External Trade, Research, Energy	VLASTO Dominique (PPE-DE)	13/02/2001
ENVI Environment, Public Health, Consumer Policy	VACHETTA Roseline (GUE/NGL)	12/03/2001

Council of the

Council configuration	Meetings	Date

European Union	Employment, Social Policy, Health and Consumer Affairs	2415	2002-03-07
	Transport, Telecommunications and Energy	2324	2000-12-20
	Environment	2321	2000-12-18
	Environment	2439	2002-06-25

	Commission DG	Commissioner
European Commission	Energy and Transport	

Key events

Date	Event	Reference	Summary
06/12/2000	Legislative proposal published	COM(2000)0802	Summary
18/12/2000	Debate in Council		
20/12/2000	Debate in Council		Summary
15/01/2001	Committee referral announced in Parliament, 1st reading		
29/05/2001	Vote in committee, 1st reading		Summary
29/05/2001	Committee report tabled for plenary, 1st reading	A5-0205/2001	
13/06/2001	Debate in Parliament		
14/06/2001	Decision by Parliament, 1st reading	T5-0335/2001	Summary
13/12/2001	Modified legislative proposal published	COM(2001)0676	Summary
07/03/2002	Council position published	15121/1/2001	Summary
13/03/2002	Committee referral announced in Parliament, 2nd reading		
22/05/2002	Vote in committee, 2nd reading		Summary
22/05/2002	Committee recommendation tabled for plenary, 2nd reading	A5-0187/2002	
10/06/2002	Debate in Parliament		
12/06/2002	Decision by Parliament, 2nd reading	T5-0299/2002	Summary
25/06/2002	Act approved by Council, 2nd reading		
27/06/2002	Final act signed		
27/06/2002	End of procedure in Parliament		
05/08/2002	Final act published in Official Journal		

Technical information

Procedure reference	2000/0327(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)

Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Repealed by 2023/0163(COD) Amended by 2002/0182(COD) Amended by 2003/0159(COD) Amended by 2005/0098(COD) Amended by 2010/0303(COD) Amended by 2015/0313(COD)
Legal basis	EC Treaty (after Amsterdam) EC 080-p2
Stage reached in procedure	Procedure completed
Committee dossier	RETT/5/14838

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0205/2001	29/05/2001	
Text adopted by Parliament, 1st reading/single reading		T5-0335/2001 OJ C 053 28.02.2002, p. 0239-0312 E	14/06/2001	Summary
Committee recommendation tabled for plenary, 2nd reading		A5-0187/2002	22/05/2002	
Text adopted by Parliament, 2nd reading		T5-0299/2002 OJ C 261 30.10.2003, p. 0150-0278 E	12/06/2002	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	15121/1/2001 OJ C 119 22.05.2002, p. 0027 E	07/03/2002	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2000)0802	06/12/2000	Summary
Modified legislative proposal	COM(2001)0676 OJ C 103 30.04.2002, p. 0184 E	13/12/2001	Summary
Commission communication on Council's position	SEC(2002)0270	08/03/2002	Summary
Document attached to the procedure	COM(2002)0374	08/07/2002	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES0706/2001 OJ C 221 07.08.2001, p. 0054	30/05/2001	
CofR	Committee of the Regions: opinion	CDR0050/2001 OJ C 357 14.12.2001, p. 0001	13/06/2001	

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Final act	
Regulation 2002/1406 OJ L 208 05.08.2002, p. 0001-0009	Summary

European Maritime Safety Agency

2000/0327(COD) - 20/12/2000

At the end of a wide-ranging discussion the Council gave its agreement to common positions on the Directive on ship inspection organisations and the Directive on port State control. Moreover, in response to the request by the Nice European Council to adopt provisions on maritime safety as soon as possible, the Council and the Commission reaffirm their determination that satisfactory Community provisions on the accelerated phasing out of single-hull tankers will be adopted by the end of June 2001. Furthermore, the Council took note of the Commission's submission of its "second ERIKA package" and of delegations' comments on it. At the end of its discussions on maritime safety, the Council adopted the following conclusions: - notes the commitment by Member States to intensify their efforts, in the framework of Port State Control, by henceforth increasing the number of inspections, where these are insufficient, and their efficiency, and by targeting ships with the highest risk, such as gas and chemical tankers over 10 years of age, bulk carriers over 12 years of age and oil tankers and passenger ships over 15 years of age not covered by Directive 99/35, in accordance with the procedures laid down in the Council's common position. It emphasises the need to properly implement and enforce Port State Control obligations and the need to harmonise such controls at a high level in the Community. It - - welcomes the prospect of being able to ban sub-standard ships from Community ports as from the entry into force of the necessary legal instrument; underlines the need to ensure a proper and, as far as possible, global regime for liability and compensation in cases of pollution damage resulting from contamination by petroleum products or other noxious and hazardous substances transported by ship; - calls on Member States to pursue their joint cooperation efforts with a view to increasing the quality and availability of information on maritime traffic by submitting appropriate proposals to the IMO and by setting up a regional information system between their processing centres in order to make as effective as possible the procedures for maritime traffic surveillance and for the prevention of risks to shipping and the environment; - invites the Commission to draw up regularly an inventory of the international and Community provisions of maritime social legislation applied by Member States.

European Maritime Safety Agency

2000/0327(COD) - 08/07/2002 - Document attached to the procedure

The Commission accepts all of the 5 amendments proposed by the Parliament at second reading and consequently amends its proposal. The amendments relate in particular to: - creation and powers of the Administrative Board, it is proposed that a second reading should be finalised with a period of two months (from the date of initiating the re-examination procedure); - meetings of the Administrative Board, it is proposed that not only the Chairperson, but all the members of the Administrative Board with the right to vote, may submit a request for such restricted meetings (in the case of confidentiality or conflict of interests); - duties and powers of the Executive Director, the deletion of a repetitive reference to the independence of the of the Executive Director of the Board. The Commission accepts a minor amendment concerning only the Greek version text.

European Maritime Safety Agency

2000/0327(COD) - 07/03/2002 - Council position

The Council, unanimously, has brought an important number of amendments to the initial proposal of the Commission. Many of them however mainly aim at clarifying the text. The objectives of the initial Commission's proposal have largely been kept intact or even been strengthened. The Common position also takes largely into account the views of the European Parliament in first reading. The Council in its common position have accepted the following amendments: - the addition of a new recital in relation to the transparency and control of the Community budget allocated to the Agency; - the possibility for the Agency to act with regard to assistance to accession countries; without an explicit request by the Commission; - the obligation for the Agency to communicate the findings of the visits to Member States, not only to the Commission but also to the Member State concerned; - the requirement for the Members of the Administrative Board to be appointed on the basis of their degree of experience and expertise in the fields dealt with by the Agency; - the appointment/dismissal of the Executive Director to be decided by the Administrative Board, in relation to which the Commission may propose a candidate or candidates; - a specific article regarding the combat against fraud. The Council also partially accepted the following amendments: - the provision concerning the composition of the Administrative Board of the Agency, in which the Parliament decided not to be represented. The new text provides that the Administrative Board will consist of one representative of each Member State, four representatives of the Commission and four professionals nominated by the Commission. Furthermore, the Common position provides that in order to exclude cases of conflict of interest, these professionals should not represent specific organisations and that they will not have the right to vote; - most of the provisions concerning the Agency budget; - the provisions regarding the evaluation of the Agency, within five years of its operation. In the following three cases the Council accepted unanimously the Parliament amendments which were not included in the amended proposal: - the Commission's role in the adoption of the work programme of the Agency by its Administrative Board. Almost in line with the Parliament, the Council has agreed that the Administrative Board will proceed taking the opinion of the Commission into account; - the obligation for the Executive Director to respond to requests for assistance from a Member State; - the process of preparation of the work programme. The Council has specified that the Executive Director will submit the work programme to the Administrative Board after consultation with the Commission. The Council rejected amendments which concern the name of the Agency and the terms of Office of the Chairman and Vice-Chairman of the Administrative Board. New provisions introduced by the Council concern : - the tasks of the Agency : the common position improves the text presenting clearly the Agency tasks, under seven sections:assistance to the Commission, co-operation with Member States, facilitation of the co-operation between Member States and the Commission, elaboration and treatment of the relevant data bases on maritime safety and pollution prevention and assistance to accession countries; - visits to Member States : the Council has deleted from the text the reference to the specific tasks of the Agency officials, during their visits to Member States and has included a provision according to which these visits will be carried out in accordance with the policy defined by the Administrative Board; - transparency and protection of information : the modified title now makes reference to the new Regulations EC/1049/2001 and EC/45/2001, which relate to transparency and the protection of information on individuals; - legal status, regional centres : the Council has deleted the reference to the decision regarding the location for the Agency; - staff : the text contains a specific reference to officials seconded to the Agency by Member States; - languages : the Council has established that the official language regime of the Community (Regulation 1/58/EC) shall apply to the Agency; - powers of the Administrative Board : the Council has included a number of modifications, the most important of which are: the addition of a provision whereby the Administrative Board examine the requests of assistance from Member States and the establishment of a special procedure for the adoption of the work programme of the Agency in case of Commission disagreement with this programme; - procedures for the meetings : the Council has specified that the Administrative Board may decide to examine certain questions without the presence of the four professionals, when there is matter of confidentiality or conflict of interest; - voting : the new text has been clarified and improved and specifies that the Executive Director will not have the right to vote in the meetings of the Administrative Board; - verification of lawfulness : the article was deleted by the Council on the grounds of transparency, with the reasoning that the Agency will not take any binding legal decisions affecting third parties. For all cases where third parties may be affected by administrative decisions of the Agency, they will have the possibility to challenge such decisions before the competent Community bodies.

European Maritime Safety Agency

2000/0327(COD) - 12/06/2002 - Text adopted by Parliament, 2nd reading

By adopting the recommendation by Mr Emmanouil MASTORAKIS (PES, GR), the Parliament has approved the common position subject to some technical amendments.

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.

European Maritime Safety Agency

2000/0327(COD) - 14/06/2001 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the report drafted by Mr Emmanouil MASTORAKIS (PES, GR). The Parliament wants the name of the Agency to contain a reference to pollution prevention order to make clear that its activities are not restricted to safety but include preventing pollution of the maritime environment. MEPs also felt the Agency should able to carry unannounced on-the-spot inspections.

European Maritime Safety Agency

2000/0327(COD) - 06/12/2000 - Legislative proposal

PURPOSE : to establish a European Maritime Safety Agency. CONTENT : the present proposal is part of the second set of Community measures on maritime safety following the sinking of the oil tanker Erika (the first measures were adopted by the Commission on 21 March 2000). The creation of a European Maritime Safety Agency would provide the Commission and Member States with support in applying and monitoring compliance with Community law and in assessing the effectiveness of the measures in place. The Agency will have a staff of about 50, mainly with a background in the national maritime administrations and the industry. In its proposal, the Commission sets out the following tasks for the Agency, the organisation and role of which are largely based on the Aviation Safety Agency: - technical assistance in preparing proposals for amendments to the Community legislative texts, particularly in the light of changes in the international rules; - on-the-spot inspections of the conditions under which port State control is carried out by Member States; - organisation of appropriate training activities; - collection of data and operation of databases on safety at sea that will, among other things, enable the Commission to draw up a "black list" of sub-standard shipping. All the information will be placed at the disposal of Member States' inspectors, who will thus immediately have at their finger tips all the data relating to a ship and so be able to detain it if necessary; -

tasks relating to the monitoring of shipping and the management of traffic data; - assessment and auditing of the classification societies; - participation in, or coordination of, activities relating to investigations following an accident at sea; - provision of assistance to the EU candidate countries, in order to assess the manner in which their maritime administrations meet their obligations as flag States and port States.

European Maritime Safety Agency

2000/0327(COD) - 13/12/2001 - Modified legislative proposal

The Commission accepted the following parts of the Parliament's amendments: -the visibility of the Agency mission to prevent pollution originated from ships, which is highlighted by the change in the title. -the transparency and control over the management of the Community funding allocated to the Agency, in particular concerning the budgetisation of fees, financial control, power of discharge, pension scheme contributions and internal budgetary procedure. -the possibility that the Agency may act not only upon the exclusive request of the Commission in relation to assistance to be provided by the Agency to the candidate countries. -the efficiency of the Administrative Board of the Agency by securing a high degree of experience in the field of Maritime safety for Board Members, representing the Member States, the Commission and the relevant professional organisations. The term of the Chairman and Vice-Chairman of the Administrative Board is extended to five years to equal the Executive Director. The increased competence of the Board in the appointment and dismissal of the executive Director and the possibility of meeting in extraordinary session following a specific request of the Parliament. -the transparency of the Agency reports regarding the results of the visits in the Member States, which will be made available to the Member States. -the independence of the Agency evaluation, which will be an external exercise to which the Commission will make available any relevant information. The evaluation will take place after five years and not after three years, and will not be repeated every five years. The Commission considers this to be unjustified and onerous. The Commission cannot accept the following amendments: -those which aim to decrease the Commission supervision of the Agency in the adoption of the work programme and the decisions on the visits to be effectuated by the Agency to the Member States. The Commission must be in agreement and not only consulted on such matters. -the amendments which relate to the way in which Agency visits to the Member States are made. Parliament's amendments are contradictory and would be counter-productive. -the amendment which eliminates the condition of impartiality of the Executive Director towards Member States or other bodies.

European Maritime Safety Agency

2000/0327(COD) - 08/03/2002 - Commission communication on Council's position

The Commission considers that the text of the common position, adopted unanimously by the Council, is acceptable as it respects the key principles of the original proposal. It increases the transparency in the Agency functioning and contributes to a higher involvement of Member States in the Agency, which is in line with its aim. The objectives of the initial Commission's proposal have largely been kept intact or even been strengthened. The Common position also takes largely into account the views of the European Parliament in first reading. In a statement from the Commission attached to the Council's minutes, the Commission maintains its right to re-evaluate in the future the composition of the Administrative Board of the Agency, in the light of the experience gained and the proven efficiency of the Agency functioning. The Commission considers that the location is one of the constitutional elements of its original proposal. Consequently, the Commission reserves its position for making a proposal for the location of the Agency at the appropriate moment. Consequently, the Council and the Commission agree to intensify contacts with third countries in order to agree in due time on the conditions of their association.