Basic information

2005/0098(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
European Maritime Safety Agency: response to pollution caused by ships, multiannual funding Amending Regulation (EC) No 1406/2002 2000/0327(COD) **Subject** 3.20.03.01 Maritime safety 3.70.05 Marine and coastal pollution, pollution from ships, oil pollution 8.40.08 Agencies and bodies of the EU	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
TRAN Transport and Tourism	DE GRANDES PASCUAL Luis (PPE-DE)	28/06/2005

Committee for opinion	Rapporteur for opinion	Appointed
BUDG Budgets	HAUG Jutta (PSE)	20/09/2004
CONT Budgetary Control	GUIDONI Umberto (GUE /NGL)	13/06/2005
ENVI Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
ITRE Industry, Research and Energy	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Transport, Telecommunications and Energy	2695	2005-12-01
Environment	2773	2006-12-18

European Commission

Commission DG	Commissioner
Energy and Transport	BARROT Jacques

Key events

Date	Event	Reference	Summary
25/05/2005	Legislative proposal published	COM(2005)0210	Summary
07/06/2005	Committee referral announced in Parliament, 1st reading		
01/12/2005	Debate in Council		
02/05/2006	Vote in committee, 1st reading		Summary
16/05/2006	Committee report tabled for plenary, 1st reading	A6-0184/2006	
04/09/2006	Debate in Parliament		
05/09/2006	Decision by Parliament, 1st reading	T6-0332/2006	Summary
05/09/2006	Results of vote in Parliament		
18/12/2006	Act adopted by Council after Parliament's 1st reading		
18/12/2006	Final act signed		
18/12/2006	End of procedure in Parliament		
30/12/2006	Final act published in Official Journal		

Technical information

Procedure reference	2005/0098(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation (EC) No 1406/2002 2000/0327(COD)
Legal basis	EC Treaty (after Amsterdam) EC 080-p2
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/6/28377

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee opinion	CONT	PE364.754	14/12/2005	
Committee opinion	BUDG	PE365.015	27/03/2006	
Amendments tabled in committee		PE371.909	04/04/2006	
Committee report tabled for plenary, 1st reading/single reading		A6-0184/2006	16/05/2006	
Text adopted by Parliament, 1st reading/single reading		T6-0332/2006	05/09/2006	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	03631/2/2006	18/12/2006	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2005)0210	25/05/2005	Summary
Commission response to text adopted in plenary	SP(2006)4772	19/10/2006	
Follow-up document	COM(2011)0286	23/05/2011	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1244/2005 OJ C 028 03.02.2006, p. 0016-0018	26/10/2005	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Corrigendum to final act 32006R2038R(02)
OJ L 030 03.02.2007, p. 0012 Summary

Corrigendum to final act 32006R2038R(01)
OJ L 030 03.02.2007, p. 0011 Summary

Regulation 2006/2038
OJ L 394 30.12.2006, p. 0001 Summary

European Maritime Safety Agency: response to pollution caused by ships, multiannual funding

2005/0098(COD) - 23/05/2011 - Follow-up document

The Commission presents a report on the implementation of Regulation 2038/2006 on multiannual funding for the action of the European Maritime Safety Agency in the field of response to pollution caused by ships for the period 1 January to 2007 31 December 2009.

Tasks of the Agency: the tasks of the Agency cover both accidental and illegal discharges. Initially, they were focused on oil pollution. However, since 2007 the Agency has also been active in the field of maritime pollution caused by hazardous and noxious substances (e.g. chemicals). The three main

tasks of the Agency are operational assistance to Member States, cooperation and coordination with Member States and the International Maritime Organisation (IMO), and the collection, analysis and dissemination of information on best practices, in the field of marine pollution preparedness and response.

Budget: the total envelope allocated to the Agency to finance the above actions during the period from 1 January 2007 until 31 December 2013 amounts to EUR154 million euros. Of this amount, around EUR 60 million (i.e. almost 40 %) were committed during the first three years. This corresponds to a proportionate use of the funds available. Between 1 January 2007 and 31 December 2009, about 98 % of the commitments were dedicated to financing operational assistance, predominantly the network of stand-by oil spill response vessels. The remaining 2 % were dedicated to cooperation and information. Payments amount to around EUR 48 million The fact that payments are below commitments can be explained by a number of factors. Payments under multi-annual contracts may be spread over a number of years, sometimes beyond the reference period. Besides, delays in relation to new contracts for stand-by vessels or unsatisfactory services by satellite image providers have also resulted in lower payments.

Adequacy of financial framework: the envelope allocated to the Agency is adequate. It has allowed the Agency to have in place in 2009 a network of 13 fully equipped stand-by oil spill response vessels which can be mobilised simultaneously and which are covering most of the EU coastline5. It has also allowed the Agency to develop the CleanSeaNet system offering an oil spill monitoring service by satellite to 24 European coastal States (including Croatia and Norway) while only 12 of these coastal States had previous experience in this field. Feedback from stakeholders is also positive on the coordination and information actions provided for by the Agency under the framework. The fact that the financial framework is multiannual is essential to allow the conclusion of multiannual contracts with the industry. Such contracts are needed both in relation to stand-by oil spill response vessels and for organising CleanSeaNet. The adequacy of the financial framework is confirmed in the longer term by the fact that the Agency foresees the commitment of up to 97% of the overall financial envelope by the end of 2013.

Efficiency and added value: the report states that the measures financed so far under the framework are cost efficient and provide added value. Oil spill response vessels have not been acquired by the Agency, as this would not have been cost efficient considering their frequency of use. Instead, vessels are contracted from commercial operators through a system ensuring that they are both adequately fitted and available upon request. Figures show that choosing this system instead of buying vessels has reduced costs by around 60% per year even though providing 60% more storage. The "transferable call option" on the equipment allowing passing it on to another ship is essential as it minimises investment losses in case of change of contractor.

The primary responsibility to respond to an incident remains with national authorities whose investments vary considerably. However, spill scenarios drawn up by the Agency, essentially based on major incidents having occurred in the past (e.g. the Erika and the Prestige), clearly show that the Member State affected would have benefited from substantial savings, should the network of vessels have been in place at the time. **Organising the oil spill detection and monitoring systemat EU level is also less costly** (by around 20 %) and more efficient than doing it at national level. Indeed, on average, one image acquired covers the needs of nearly two coastal States. The rigorous quality control system put in place by the Agency also ensures that payments are only made when contractual specifications are fully met.

Scope for improvement outside the financial framework: the Commission notes that a number of improvements, outside the financial framework, remain possible:

- the ratification by all Member States of the relevant international conventions is essential to create a common minimum level of preparedness and response. It is therefore regrettable that the International Convention on Oil pollution Preparedness, Response and Cooperation, 1990 and the Protocol to the Convention on pollution incidents by Hazardous and Noxious Substances of 2000 have not yet been ratified by all Member States. Similarly, the conventions setting up the international compensation regime for the victims of spills resulting from accidents involving tankers (CLC 92, Fund 92, and Supplementary Fund 2003) have not yet been ratified by all Member States;
- the availability of discharging facilities for oil recovered at sea seems to be a common problem across Europe. The "lightering clause" inserted by the Agency in vessels contracts (i.e. the provision according to which the contractor may be requested to find a suitable lightering vessel), contributes to addressing the issue but cannot replace appropriate solutions at national level;
- the follow-up of potential oil spills detected by the CleanSeaNet service could be improved in some Member States. While the Agency is in charge of delivering the oil spill detection and monitoring service, it is up to the national authorities to confirm a possible spill and undertake appropriate follow-up against the polluter. The overall rate of confirmation (27%) hides strong regional imbalances based on national verification capabilities in particular by aerial surveillance. This bears the risk that unscrupulous ship operators might carry out illegal discharges in regions where the follow-up is less stringent.

In conclusion, the budget dedicated to oil pollution response by the European Maritime Safety Agency is adequate and the measures financed so far under the framework are cost efficient and provide added value. In October 2010, the Commission proposed an amendment to the Regulation establishing the EMSA in which it is provided that a Member State that is affected may request EMSA's assistance also in the case of marine pollution caused by oil and gas installations. However, the Commission does not consider necessary to propose a modification to the multiannual financial framework in Regulation 2038/2006. The Commission will use the Agency's contribution to this report in the context of the preparation of the next financial programming.

European Maritime Safety Agency: response to pollution caused by ships, multiannual funding

2005/0098(COD) - 05/09/2006 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a report by Luis de **GRANDES PASCUAL** (EPP-ED, ES) and made some amendments to the proposal:

- a new recital states that the activities of the Agency in this field should not relieve coastal states of their responsibility to have appropriate pollution response mechanisms in place and should respect existing co-operation arrangements between Member States or groups of Member States in this

field. In the event of a maritime pollution incident, the Agency should assist the Member State(s) affected, under the authority of which the clean-up operations will be conducted.

- In accordance with the Action Plan, the Agency is to play an active role in developing a centralised satellite imagery service for surveillance, the early detection of pollution and identification of the ships responsible. This new system will improve the availability of data and the effectiveness of the response to pollution caused by ships.

- New definitions were adopted by Parliament. "Oil" means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products as established by the OPRC 1990 (International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990). In addition, Parliament adopted a definition on "hazardous and noxious substances".

- The Agency should pay particular attention to those areas identified as most vulnerable without prejudice to any other area in need.

- A new article states that in order to define the requirements for operational assistance, such as additional anti-pollution vessels, provided by the Agency to the Member States, it is important that the Agency draw up on a regular basis a list of the private and State pollution response mechanisms and response capacity available in the various regions of the Union.

- The Commission and the Agency, within their respective duties, shall ensure that best value for money is achieved in the financing of Community actions under this Regulation.

- The Commission should carry out a mid-term evaluation of the regulation. On the basis of this report the Commission, if appropriate, shall propose relevant changes to this Regulation to take account of scientific progress in the field of combating pollution from ships, including that caused by oil or hazardous and noxious substances.

European Maritime Safety Agency: response to pollution caused by ships, multiannual funding

2005/0098(COD) - 18/12/2006 - Corrigendum to final act

Corrigendum to Regulation (EC) No 1891/2006 of the European Parliament and of the Council of 18 December 2006 on multiannual funding for the action of the European Maritime Safety Agency in the field of response to pollution caused by ships and amending Regulation (EC) No 1406/2002
(Official Journal of the European Union L 394 of 30 December 2006)

In the contents and in the title, on page 1:

for: '1891/2006',

read: '2038/2006'.

European Maritime Safety Agency: response to pollution caused by ships, multiannual funding

2005/0098(COD) - 18/12/2006 - Corrigendum to final act

This corrigendum does not concern the English version.

European Maritime Safety Agency: response to pollution caused by ships, multiannual funding

2005/0098(COD) - 25/05/2005 - Legislative proposal

PURPOSE : to propose a financial package to the European Maritime Safety Agency with a view to combating pollution caused by ships.

PROPOSED ACT : Regulation of the European Parliament and of the Council.

CONTENT : In 2004, EU legislation gave the European Maritime Safety Agency a mandate to combat pollution caused by ships. Carrying out these tasks calls for substantial funding which the Agency must be given on a multiannual basis in order to guarantee its financial security and to make it effective.

Consequently, the Commission is proposing a financial package of EUR 154 million over a period of seven years for the European Maritime Safety Agency to allow it to combat pollution caused by ships. The EU funding for the Agency should cover the period corresponding to that of the new financial perspective (2007-2013). The funds are intended to strengthen the capability of the Member States to respond to pollution caused by oil and other substances using specialised anti-pollution vessels. Member States affected by oil slicks with which they cannot deal themselves will be able to

call on the Agency to increase their capability for dealing with pollution by using additional resources for the recovery of oil at sea. This system of “reserve vessels” which the Agency will place at the disposal of Member States affected will have equipment for recovering pollutants from the sea.

These resources will also help in the development of satellite imaging to enable pollution to be detected in good time and will underpin efforts by the Member States to prevent illegal discharges and accidental spillages of oil.

FINANCIAL IMPLICATIONS :

- Budget line : 06020203: European Maritime Safety Agency- Anti-pollution measures.

- Total financial reference amount : EUR 154 million for the period 2007-2013.

- Operational objective 1: operational assistance:

- action 1: Baltic Sea : EUR 33 million;

- action 2: Mediterranean Sea: EUR 38 million;

- action 3: Atlantic Coast: EUR 51 million;

- action 4: Black Sea: EUR 13,5 million;

- action 5: Satellite Imagery: EUR 7 million.

- Operational objectives 2: Information, cooperation and coordination: EUR 11 million.

As regards the operational assistance, it should be noted that the figures used for estimating the budget of the multiannual programme for oil pollution response are based on the activities deployed in 2005 and 2006. Although the multiannual programme is due to begin as of 2007, the activities for 2005 and 2006 are directly relevant because contracts will still be valid and will need to be renewed during the period covered by the multiannual programme.

European Maritime Safety Agency: response to pollution caused by ships, multiannual funding

2005/0098(COD) - 18/12/2006 - Final act

PURPOSE: to lay down arrangements for the Community's financial contribution concerning pollution caused by ships and other associated actions.

LEGISLATIVE ACT: Regulation 1891/2006/EC of the European Parliament and of the Council on multi-annual funding for the action of the European Maritime Safety Agency in the field of response to pollution caused by ships and amending Regulation 1406/2002/EC.

CONTENT: the Council adopted, at first reading, a Regulation concerning multi-annual financing for pollution caused by ships and to amend Regulation 1406/2002/EC which establishes the European Maritime Agency. See COD/2000/0327.

The purpose of this Regulation is to lay down the detailed arrangements for the Community's financial contribution to the budget of the European Maritime Safety Agency vis-à-vis tasks assigned to it in the field of responding to pollution caused by ships and other associated actions. It has been awarded a **EUR 154 million** budget (2007-2013) to realise these objectives.

The financial contribution of the Community will be allocated to the Agency with the aim of financing actions concerning:

a) information and the assembling, analysing and dissemination of best practices, techniques and innovations, such as instruments for monitoring tank-emptying, in the field of responding to pollution caused by ships;

b) co-operation, co-ordination and providing the Member States and the Commission with technical and scientific assistance in the framework of the activities of relevant regional agreements; and

c) operational assistance; support, on request, for actions such as stand-by anti-pollution ships and equipment; and Member States' pollution response actions in the event of accidental or deliberate pollution caused by ships.

In order to define the requirements for operational assistance, such as additional anti-pollution vessels, which are to be provided by the Agency to the Member States, the Agency is expected to draw up, on a regular basis, a list of private and state pollution response mechanisms and response capabilities in the various regions of the European Union.

The Commission and the Agency, together, will ensure that when actions, funded under this Regulation are implemented, the financial interests of the Community are protected by the application of preventative measures against fraud, corruption and any other illegal activities, by means of effective checks and the recovery of any amounts unduly paid.

The Commission and the Agency must ensure that best value for money is achieved in the funding of Community actions.

The Commission will submit a report to both the European Parliament and to the Council on the implementation of this Regulation no later than 31 December 2010. The Report will set out how Community finances have been utilised between 2007 and 2009. On the basis of this report, the

Commission may, if necessary, propose amendments to the Regulation, taking account of scientific progress in the field of combating pollution from ships - including that caused by oil or hazardous and noxious substances.

ENTRY INTO FORCE: 31 December 2006.