

# Procedure file

Basic information			
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation		Procedure completed	
European Maritime Safety Agency: response to pollution caused by ships and to marine pollution caused by oil and gas installations, multiannual funding 2014-2020			
Subject 3.20.03.01 Maritime safety 3.20.15.06 Maritime or inland transport agreements and cooperation 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
	<b>TRAN</b> Transport and Tourism		24/04/2013
		Verts/ALE <a href="#">TAYLOR Keith</a>	
		Shadow rapporteur	
		PPE <a href="#">DE GRANDES PASCUAL Luis</a>	
		S&D <a href="#">FLECKENSTEIN Knut</a>	
		ALDE <a href="#">BILBAO BARANDICA Izaskun</a>	
	ECR <a href="#">BRADBURN Philip</a>		
	EFD <a href="#">IMBRASAS Juozas</a>		
	Committee for opinion	Rapporteur for opinion	Appointed
	<b>BUDG</b> Budgets		24/04/2013
		S&D <a href="#">HAUG Jutta</a>	
	<b>ENVI</b> Environment, Public Health and Food Safety	The committee decided not to give an opinion.	
	<b>ITRE</b> Industry, Research and Energy	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">General Affairs</a>	<a href="#">3331</a>	23/07/2014
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">3261</a>	10/10/2013
European Commission	Commission DG	Commissioner	
	<a href="#">Mobility and Transport</a>	KALLAS Siim	
European Economic and Social Committee			
European Committee of the Regions			

## Key events

03/04/2013	Legislative proposal published	<a href="#">COM(2013)0174</a>	Summary
16/04/2013	Committee referral announced in Parliament, 1st reading		
17/09/2013	Vote in committee, 1st reading		
25/09/2013	Committee report tabled for plenary, 1st reading	<a href="#">A7-0300/2013</a>	Summary
10/10/2013	Debate in Council	<a href="#">3261</a>	
15/04/2014	Results of vote in Parliament		
15/04/2014	Decision by Parliament, 1st reading	<a href="#">T7-0393/2014</a>	Summary
23/07/2014	Act adopted by Council after Parliament's 1st reading		
23/07/2014	Final act signed		
23/07/2014	End of procedure in Parliament		
28/08/2014	Final act published in Official Journal		

## Technical information

Procedure reference	2013/0092(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Legal basis	Treaty on the Functioning of the EU TFEU 100-p2
Mandatory consultation of other institutions	<a href="#">European Economic and Social Committee</a> <a href="#">European Committee of the Regions</a>
Stage reached in procedure	Procedure completed
Committee dossier	TRAN/7/12395

## Documentation gateway

Legislative proposal		<a href="#">COM(2013)0174</a>	03/04/2013	EC	Summary
Document attached to the procedure		<a href="#">SWD(2013)0101</a>	03/04/2013	EC	
Committee draft report		<a href="#">PE513.009</a>	27/05/2013	EP	
Amendments tabled in committee		<a href="#">PE514.792</a>	02/07/2013	EP	
Economic and Social Committee: opinion, report		<a href="#">CES3357/2013</a>	10/07/2013	ESC	
Committee opinion	<b>BUDG</b>	<a href="#">PE510.877</a>	06/09/2013	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A7-0300/2013</a>	25/09/2013	EP	Summary
Text adopted by Parliament, 1st		<a href="#">T7-0393/2014</a>	15/04/2014	EP	Summary

reading/single reading					
Commission response to text adopted in plenary		<a href="#">SP(2014)471</a>	09/07/2014	EC	
Draft final act		<a href="#">00066/2014/LEX</a>	23/07/2014	CSL	
Follow-up document		<a href="#">COM(2018)0564</a>	31/07/2018	EC	Summary
Follow-up document		SWD(2018)0394	31/07/2018	EC	

Additional information	
National parliaments	<a href="#">IPEX</a>
European Commission	<a href="#">EUR-Lex</a>

Final act
<a href="#">Regulation 2014/911</a> <a href="#">OJ L 257 28.08.2014, p. 0115</a> Summary

## European Maritime Safety Agency: response to pollution caused by ships and to marine pollution caused by oil and gas installations, multiannual funding 2014-2020

**PURPOSE** : to provide financial security, in a multiannual perspective, for the tasks assigned to the European Maritime Safety Agency (EMSA) in the field of responding to pollution caused by ships and offshore oil and gas installations.

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

**ROLE OF THE EUROPEAN PARLIAMENT** : the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

**BACKGROUND** : the large-scale maritime accident of the oil tanker ERIKA in December 1999 involving an extensive oil spill led to the creation of the Agency in 2002. In the light of the oil spill caused by the accident of the oil tanker PRESTIGE in November 2002, the Agency was entrusted with specific tasks and obligations in the field of response to pollution caused by ships. Bearing in mind the long-term nature of the Agency's responsibility for pollution response, the efficient and thorough completion of the tasks involved requires appropriate financial security on the basis of a multiannual commitment. Therefore, in 2006 the EU legislator established multiannual funding for the Agency's action in the field of response to pollution caused by ships for the period from 2007 to 2013.

The Agency adopted an Action Plan in October 2004 for oil pollution preparedness and response. In June 2007, a second Action Plan for Hazardous and Noxious Substances Pollution Preparedness and Response was adopted (the HNS Action Plan).

In March 2010, the Administrative Board endorsed a 5-year strategy which contains two themes relevant for response to pollution caused by ships. These two themes concern : (i) the development of EMSA's role with regard to illegal discharges by ships (enforcement issues, further enhancement of CleanSeaNet by integration of ship position information) ; (ii) marine pollution preparedness and response.

Lastly, [Regulation \(EU\) No 100/2013 of the European Parliament and of the Council](#) amending Regulation (EC) No 1406/2002, assigned to the Agency tasks with regard to response to marine pollution caused by oil and gas installations and extended the Agency's services to the countries covered by the enlargement policy and by the European Neighbourhood Policy.

This legislative proposal seeks to renew the multiannual funding for the period from 2014 to 2020 in the framework of the new financial perspectives.

**IMPACT ASSESSMENT** : no impact assessment was carried out. An ex ante evaluation was undertaken confirming the usefulness and the efficiency of the multiannual financial framework and determines the amount to be earmarked.

**LEGAL BASIS** : Article 100(2) of the Treaty on the Functioning of the European Union (TFEU).

**CONTENT** : the proposed Regulation lays down the detailed arrangements for the financial contribution of the Union to the budget of the European Maritime Safety Agency (EMSA) for the implementation of the tasks assigned to it in the field of responding to pollution caused by ships and offshore oil and gas installations.

With the entry into force of the amendments to the Founding Regulation in January 2013, EMSA received the following new tasks in the area of pollution response:

- (1) EMSA's current response actions in case of pollution caused by ships will also cover marine pollution caused by oil and gas installations,
- (2) EMSA's existing CleanSeaNet will also monitor the extent and environmental impact of marine oil pollution caused by oil and gas installations,
- (3) The current geographical coverage (Member States and accession countries) is extended to European Neighbourhood partner

countries and to countries taking part in the Paris

Memorandum of Understanding on Port State Control. With this, the EMSA vessels can be used throughout the entire area of the Union's regional sea basins.

The Commission proposes that the earmarked amount should only extend to the first two new tasks, with initial funding to start building up the new tasks while not compromising the existing tasks. The third new task should be financed from existing EU programmes for countries covered by the enlargement policy and by the European Neighbourhood Policy (the programme SAFEMED for the Mediterranean Sea and programmes under the TRACECA initiative for the Black Sea).

**BUDGETARY IMPLICATION** : the financial envelope for the period from 1 January 2014 to 31 December 2020 shall be EUR 160.500.000 in commitments.

## European Maritime Safety Agency: response to pollution caused by ships and to marine pollution caused by oil and gas installations, multiannual funding 2014-2020

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The Committee on Transport and Tourism adopted the report by Keith TAYLOR (Greens/EFA, UK) on the proposal for a regulation of the European Parliament and of the Council on multiannual funding for the action of the European Maritime Safety Agency in the field of response to pollution caused by ships and to marine pollution caused by oil and gas installations.

The committee recommended that the European Parliaments position adopted at first reading, following the ordinary legislative procedure, should amend the Commission proposal as follows:

**Oil and gas installation:** the report clarified in the definition that the oil and gas installations should include the facilities used to bring the oil and gas onshore and to onshore oil and gas terminals.

**Financial envelope:** Members stated that the proposed overall budgetary allocation falls beneath the minimum adequate threshold which would allow the Agency to continue with its current tasks as well as taking on new tasks assigned to it under Regulation No 100/2013. Therefore, it is necessary to allocate more resources to the Agency to take account of this.

Consequently, they proposed an additional EUR 25 million over 7 years (EUR 185 000 in current prices) for the period from 1 January 2014 to 31 December 2020 (as opposed to EUR 160 500 000).

**Monitoring existing capabilities:** in addition to the list of public and private pollution response mechanisms and associated response capabilities in the various regions of the Union, the Agency should draw up a list of requirements that have not been met, specifying the implications thereof.

In accordance with the principle of mutual assistance and in view of the expansion of the Agency's remit to cover the countries falling under the Union Enlargement policy and the European Neighbourhood Policy, countries bordering on Europe's sea basins should also facilitate the pooling of information and cooperate in setting up that list.

**Mid-term evaluation:** the report should clearly indicate the socio-economic, ecological and financial benefits of the Agency's response preparedness relating to pollution caused by ships and marine pollution caused by oil and gas installations.

## European Maritime Safety Agency: response to pollution caused by ships and to marine pollution caused by oil and gas installations, multiannual funding 2014-2020

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The European Parliament adopted by 532 votes to 73, with 5 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on multiannual funding for the action of the European Maritime Safety Agency in the field of response to pollution caused by ships and to marine pollution caused by oil and gas installations.

Parliament adopted its position at first reading under the ordinary legislative procedure. The amendments adopted in plenary were the result of a compromise between Parliament and Council. They amend the Commission's proposal as follows:

**Oil and gas installation:** the definition has been laid down. Oil and gas installation should include: (i) mobile offshore drilling units only if they are stationed in offshore waters for drilling, production or other activities associated with offshore oil or gas operations; (ii) as well as infrastructure and facilities used to transport the oil and gas onshore and to onshore terminals.

**Scope:** the financial contribution of the Union should be allocated to the Agency with the aim of:

financing actions in the field of response to marine pollution upon request of the affected Member States or third countries sharing a regional sea basin with the Union in the event of accidental or deliberate marine pollution caused by ships or oil and gas installations;

information, in particular the gathering, analysis and dissemination of best practices, expertise, techniques and innovations in the field of responding to marine pollution caused by ships and oil and gas installations.

It is stressed that the activities of the Agency in this field shall not relieve coastal states of their responsibility to have appropriate pollution response mechanisms in place.

**Financial framework:** as proposed by the Commission, the financial envelope for the period from 1 January 2014 to 31 December 2020 shall be EUR 160 500 000 expressed in current prices.

Within the limits of the multiannual financial framework, the Agency should be given the appropriations necessary to fulfil its responsibilities in the field of response to marine pollution caused by ships and oil and gas installations in an effective and cost-efficient manner.

**Monitoring existing capabilities:** the Agency should maintain a list of the public and, where available, private pollution response mechanisms and associated response capabilities in the various regions of the Union. In maintaining the list, the Agency should aim at obtaining information

on pollution response mechanisms and associated response capabilities from third countries sharing a regional sea basin with the Union.

In this context, the Agency should pay particular attention to those areas identified as most vulnerable without prejudice to any other area in need.

Mid-term evaluation: in its report, the Commission should present an evaluation of the Agency's ability to fulfil its responsibilities in an effective and cost-efficient manner. For the period of 2018-2020, the Commission should, if necessary, propose an appropriate adjustment, to a maximum of 8%, of the multiannual financial envelope allocated to the Agency for the implementation of its tasks.

The Regulation should apply from 1 January 2014.

## European Maritime Safety Agency: response to pollution caused by ships and to marine pollution caused by oil and gas installations, multiannual funding 2014-2020

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**PURPOSE:** to ensure funding for the action of the European Maritime Safety Agency in the field of response to marine pollution.

**LEGISLATIVE ACT:** Regulation (EU) n° 911/2014 of the European Parliament and of the Council on multiannual funding for the action of the European Maritime Safety Agency in the field of response to marine pollution caused by ships and oil and gas installations.

**CONTENT:** Regulation (EC) No 1406/2002 of the European Parliament and of the Council established a European Maritime Safety Agency (EMSA) for the purpose of ensuring a high, uniform and effective level of maritime safety and prevention of pollution by ships.

In 2013, the task of EMSA, previously limited to prevention and response to pollution caused by ships, was extended by [Regulation \(EU\) No 100/2013](#) to cover response to marine pollution caused by oil and gas installations.

The new Regulation aims to ensure that the Agency has sufficient means to allow it to carry out its assigned tasks.

The activities of the Agency in the field of pollution response shall not relieve coastal States of their responsibility to have appropriate pollution response mechanisms in place.

**Scope:** the financial contribution of the Union shall be allocated to the Agency with the aim of financing in particular:

- operational assistance and supporting with additional means, such as stand-by anti-pollution ships, satellite images and equipment, of pollution response actions, upon request by the affected States, in the event of accidental or deliberate marine pollution caused by ships or oil and gas installations;
- cooperation and coordination and the provision to the Member States and the Commission of technical and scientific assistance in the framework of the relevant activities of the Union Civil Protection Mechanism, the IMO and the relevant regional organisations;
- information, in particular the gathering, analysis and dissemination of best practices, expertise, techniques and innovations in the field of response to marine pollution caused by ships and oil and gas installations.

**Union funding:** the financial envelope for the implementation of the tasks assigned to EMSA for the period from 1 January 2014 to 31 December 2020 shall be EUR 160 500 000 expressed in current prices. Annual appropriations shall be determined by the European Parliament and the Council within the limits of the multiannual financial framework.

**Monitoring existing capabilities:** on the basis of information provided by Member States, the Agency shall maintain a list of the public and, where available, private pollution response mechanisms and associated response capabilities in the various regions of the Union.

In maintaining that list, the Agency shall aim at obtaining information on pollution response mechanisms and associated response capabilities from third countries sharing a regional sea basin with the Union. In this context, the Agency shall pay particular attention to those areas identified as most vulnerable, without prejudice to any other area in need.

Mid-term evaluation: no later than 31 December 2017, the Commission shall submit to a report on the implementation of the Regulation. In that report, the Commission shall present an evaluation of the Agency's ability to fulfil its responsibilities in an effective and cost-efficient manner. Based on the evaluation and considering the need for the Agency to carry out the tasks assigned to it, the Commission shall, if necessary, propose an appropriate adjustment, by a maximum of 8 %, of the multiannual financial envelope allocated to the Agency for the period 2018-2020.

The Commission may also propose amendments to the Regulation, in particular in order to take account of scientific progress in the field of combating marine pollution caused by ships and oil and gas installations, including with regard to pollution caused by hazardous and noxious substances.

**ENTRY INTO FORCE:** 29.8.2014.

**APPLICATION:** the Regulation shall apply retroactively from 1 January 2014 to 31 December 2020.

## European Maritime Safety Agency: response to pollution caused by ships and to marine pollution caused by oil and gas installations, multiannual funding 2014-2020

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The Commission presents the mid-term evaluation of Regulation (EU) No 911/2014 on multiannual funding for the action of the European Maritime Safety Agency (EMSA) in the field of response to marine pollution caused by ships and oil and gas installations. The report and its annex present the results of the use of the Union contribution as well as an evaluation of the Agency's ability to fulfil its responsibilities in an effective and cost-efficient manner.

To recall, the Regulation sets up the creation of a multi-annual financial framework for the pollution response activities of the Agency so that the latter may enter into long term financial commitments in order to offer adequate and sustainable operational support to the Commission

and the Member States, using services provided by industry. The financial envelope for the current period 2014-2020 is EUR 160.5 million, slightly more than that allocated for the period 2007-2013 (EUR 154 million (in order to cater for the extension of the mandate covering oil and gas installations).

Oil pollution response services: at the end of 2016, EMSAs oil pollution response capability comprised the following arrangements:

- 17 fully equipped stand-by oil spill response vessels for mechanical recovery of oil, 4 of which equipped in addition with dispersant spraying capability;
- 4 dispersant stockpiles;
- 2 Equipment Assistance Service stockpiles established in the North Sea and the Baltic Sea.

According to its mandate, EMSA has focused on assets designed for spills of a significant amount, an investment that Member States could not have achieved at national level. The report notes that the Agency's 17 vessels nearly equal the storage capacity of all Member States vessels of comparable capacity.

The financing envelope allocated to the Network of Standby Oil Spill Response Vessels represents the larger part of EMSA pollution response budget. An analysis of the cost-effectiveness of the existing model of chartered vessels suggest that EMSAs oil pollution response activities would be cost effective when compared to the economic consequences that would result from the absence of capacity on its part to adequately deal with an oil spill and prevent it from reaching the shoreline.

The evaluation support study has also shown that the existence of EMSAs oil pollution response services topping up national and private resources does not seem to be having an adverse impact on the level of preparedness of the EU Member States and EFTA countries.

CleanSeaNet: as a reminder, this is the satellite based oil spill detection service, which was established in 2007. The report states that the service ensures a uniform assessment and overview of discharge trends and the deterrent effect of the spill-monitoring programme. The use of European Space Agency managed satellites has brought considerable cost reductions to the service as licenses are available free of charge. Over the period 2014-2016, the costs of the service per 1,000 km<sup>2</sup> monitored decreased approximately by 22% and EMSA has been ordering proportionally more Sentinel-1 Earth Observation products as a result. The previously declining trend of oil spills detected reversed in 2016, and the report suggests that a possible reason is the introduction of the Sentinel-1 satellites, which resulted in improved detection capabilities.

Risk assessment: EMSA will launch a further risk assessment exercise in 2018-2019, working with regional and national authorities to carry out a sort of stress test of existing capacities. For the future, [Regulation \(EU\) 2016/1625](#) revising EMSAs mandate fosters cooperation with the European Border and Coast Guard Agency ([Frontex](#)) and the European Fisheries Control Agency, which entails exploring the possible sharing of assets.

Overall, the Commission considers that the mid-term evaluation shows that EMSA has established and maintains a comprehensive pollution detection, preparedness and response program in line with its mandate to top-up EU/EFTA coastal Member States capacities to respond to large-scale incidents. It adds that there is a possibility of facilitating the financing pollution response equipment transportation costs through the [EU Civil Protection Mechanism](#). The budget to continue financing these activities, taking into account the current and future budgetary constraints, will remain an integral part of the annual Union subsidy.