

# European Maritime Safety Agency: further development

2010/0303(COD) - 28/10/2010 - Legislative proposal

**PURPOSE:** to amend Regulation 1406/2002 by clarifying the European Maritime Safety Agency's (EMSA) existing tasks and role as well as by extending EMSA's tasks to new areas under development at international and/or EU level.

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

**BACKGROUND:** following the accident of the oil tanker "Erika" and the major oil pollution caused by this accident, the Commission set up the European Maritime Safety Agency (EMSA) as a technical body with the aim to ensure a high, uniform and effective level of maritime safety and prevention of pollution by ships in the EU.

Today, EMSA provides Member States and the Commission with technical and scientific assistance in order to help Member States to apply properly the Community legislation in the field of maritime safety, maritime security and prevention of pollution by ships, to monitor the implementation of this legislation and to evaluate the effectiveness of the measures in place and assist in the development of new measures.

The previous modifications made to regulation 1406/2002 have not been sufficient to address the new challenges ahead for EMSA, most of the challenges being external either to EMSA only or to EMSA and the EU as a whole.

Based on the findings of the external evaluation, the recommendations by the Administrative Board and the multi-annual strategy, some provisions of Regulation (EC) No 1406/2002 should be clarified and updated. Furthermore, the Agency should receive a number of additional tasks reflecting the development of the maritime safety policy at EU and international level.

**IMPACT ASSESSMENT:** the Impact Assessment report and the summary are attached to the proposal. The Impact Assessment Board issued its opinion on 22 June 2008 providing a number of recommendations for improvements of the draft report, which have been incorporated in the final version.

**LEGAL BASIS:** Article 100(2) of the Treaty on the Functioning of the European Union (TFEU), which has served as legal basis for Regulation 1406/2002.

**CONTENT:** the Commission proposes to maintain EMSA's current tasks and institutional structure, ensuring continuity for the Agency's activities which provide added value at EU-level and are well appreciated by the stakeholders. The proposal for a limited extension of EMSA's tasks reflects new needs. EMSA's updated mandate would:

- clarify that the Stand-by Oil Spill Response Vessels under contract by EMSA can intervene also in case of oil pollution caused by offshore installations;
- increase EMSA's involvement in EU research (analysis of research projects and identification of research priorities);
- extend EMSA's technical assistance to all European Neighbourhood Policy countries in order to promote the EU maritime safety policy in all the regional seas bordering the EU;
- emphasise the role of EMSA's operational vessel traffic monitoring services as basis for extended transport and maritime information services, including in the context of the development of a Common Information Sharing Environment for the EU maritime domain;
- extend EMSA's assistance in the development and implementation of EU policies, such as Motorways of the Sea, e-maritime as well as environmental aspects of shipping including climate change.

Following an invitation by the European Parliament and the Council, the Commission services are working on a feasibility study regarding a European Coastguard service. The Commission services have concluded so far that synergies at EU level regarding certain coastguard operations could be reinforced through EMSA's activities. This could be further supported by extending EMSA's tasks in selected areas, in particular regarding the monitoring of maritime traffic and shipping routes as well as assistance to Member States in the tracking of possible polluters.

Lastly, as regards the organisation of inspections by the Agency on behalf of the Commission, the roles of the Agency, the Commission, the Administrative Board and the Member States need to be clarified.

**BUDGETARY IMPLICATION:** the proposal has a modest budgetary implication insofar as the Agency receives a limited number of new or extended tasks, for which EMSA would need 18 posts to ensure effective and efficient operation. However, in the light of the current budgetary situation, the Commission has agreed with the Agency a considerable redeployment effort, as a result of which 6 of these posts will be provided by EMSA itself through internal redeployment.

This means that the Budgetary authority would need to decide in the forthcoming annual budgetary procedures only on a total of 12 additional posts for the Agency's establishment plan to be phased in between 2012 and 2014 (5 posts in 2012, 4 posts in 2013 and 3 posts in 2014).

The budgetary impact of this proposal is thus limited to a total of approximately EUR 3.9 million for the period 2012-2015.