



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 11 January 2012

16839/11

**Interinstitutional File:
2010/0303 (COD)**

**CODEC 2011
MAR 141
PE 481**

NOTE

from:	General Secretariat
to:	Permanent Representatives Committee/Council
Subject:	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency - Outcome of the European Parliament's first reading (Strasbourg, 12 to 15 December 2011)

I. INTRODUCTION

The Rapporteur, Mr Knut Fleckenstein (S&D, DE), presented a report consisting of 83 amendments (amendments 1-83) to the proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency on behalf of the Committee on Transport and Tourism. In addition, the ALDE political group tabled 7 amendments (amendments 84-90), and the Greens/EFA one amendment (amendment 91).

II. DEBATE

The Rapporteur Mr Knut Fleckenstein (S&D, DE) opened the debate, and:

- indicated that the extension of EMSA competencies should have European value added or synergy effects within the Member States;
- considered that the Gulf of Mexico incident on 20 April 2011, as well the one in the North Sea on 10 August 2011 demonstrated how appropriate it is to have a legislative package for better regulation for oil rigs;
- expressed the view that the monitoring by EMSA would be more efficient than starting from scratch, and that the lack of expertise of EMSA is a weak excuse;
- considered that on the issue of European maritime traffic things were not moving fast enough;
- indicated that there was a clear majority in favour of the Report in the Committee, and that in order to negotiate with the Council, the result of the vote by the European Parliament should evidence a strong support.

Siim Kallas, Vice-President of the Commission:

- indicated that EMSA had evolved into an operational agency supporting both the Commission and the Member States and which contributes to maritime security and to environmental aspects of shipping (network of pollution response vessels, satellite tracking of illegal discharges by ships and different systems to monitor maritime traffic);
- stressed that since EMSA's technical expertise is interesting for other policy areas, the Commission had made a proposal to extend EMSA's mandate with regard to certain aspects for which more EU added value is possible;

- highlighted three priorities consisting of the establishment of the European Maritime area without barriers in order to stop considering vessels as being on international voyage, the promotion of maritime professions in the EU, while refraining from turning EMSA in a maritime academy or delivering certificates to seafarers, and the improvement of the safety of offshore installations in the EU, with the objective to establish high safety standards across the EU;
- did not welcome European Parliament amendments giving EMSA a role in the prevention of pollution by offshore installations, in the licensing process and in third-party oversight, as EMSA has no expertise in drilling and well operations and should remain a maritime transport agency.

Speaking on behalf of the Committee on Environment, Public Health and Food Safety, Bart Staes (Greens/EFA, BE) insisted on the cost-effectiveness of any changes to be introduced in EMSA competencies.

Speaking on behalf of the EPP Group, Luis de Grandes Pascual (EPP, ES):

- praised the Rapporteur for its flexibility and its readiness to accept compromises which almost allowed for a consensus;
- explained that the purpose of the changes to be introduced in the EMSA Regulation is to build upon EMSA's success;
- considered that EMSA should remain under Commission and Member States directives;
- recalled that EMSA plays a key role in port State control and the fight against piracy, and the Report explicitly refers to satellite tracking and collaboration with ATALANTA operation;
- expressed the view that the composition of the board should be gender balanced, but that the issue should be dealt with in a recital instead of in an article;
- indicated that the EPP group will vote against articles 18 and 41 since the word "national" has been deleted.

Speaking on behalf of the S&D Group, Saïd El Khadraoui (S&D, BE) praised the work of the Rapporteur, stressed the efficiency of EMSA, and insisted on the need to work on the European maritime area without barriers, on the prevention and coordination in the area of safety and security and on the fight against piracy.

Speaking on behalf of the ALDE Group, Izaskun Bilbao Barandica (ALDE, ES):

- stressed that the expansion of the competencies of EMSA means coordination and integration of European and national resources, which means better resources management;
- regretted both the lack of regional perspective, the utility of which had been evidenced during the Prestige disaster, and the absence of criteria for a gender balanced board.

Speaking on behalf of the Greens/EFA Group, Keith Taylor (Greens/EFA, UK):

- thanked the Rapporteur and the shadow Rapporteurs for the very positive way in which the report was developed;
- supported the increased role for EMSA in the monitoring of offshore oil and gas installations, the increased preparedness to provide a response to maritime accidents; and the increase in partnership working to deliver maritime surveillance, including the SafeSeaNet programme.

Speaking on behalf of the ECR Group, Peter van Dalen (ECR, NL), though praising the work of EMSA in terms of safety and security, did not support the Report, as EMSA would unnecessarily receive a broader mandate, in particular as regards inland waterways traffic, oil rigs and platforms, and the European coastguard, all situations appropriately covered at national or international level in a satisfactory way.

Speaking on behalf of the EFD Group, Juozas Imbrasas (EFD, LT) stressed that EMSA should work for the benefit of the EU, which could imply acting outside EU territory, and should help creating a European maritime area without barriers.

Janusz Władysław Zemke (S&D, PL) wondered if will be possible to find adequate funding for the extension of the scope of EMSA activities under the new financial perspectives.

Jacqueline Foster (ECR, UK) praised the work of EMSA but did not support the extension of its competencies or the creation of a European coastguard.

Maria Da Graça Carvalho (EPP, PT) supported the extension of EMSA competencies, in particular as regards oil and gas rigs, in order to use existing infrastructures.

Nuno Teixeira (EPP, PT) supported the extension of EMSA competencies, in particular as regards prevention, assistance and fight against maritime pollution, especially oil and gas rigs, as well as the use of the full potential of EGNOS and GALILEO programmes for the creation of a real European maritime area without barriers.

Jan Kozłowski (EPP, PL) supported the extension of EMSA competencies.

Estelle Grelier (S&D, FR) supported the extension of EMSA competencies.

Silvia-Adriana Țicău (S&D, RO) supported the extension of EMSA competencies, in particular the use of the full potential of EGNOS and GALILEO programmes for the creation of a real European maritime area without barriers.

Zigmantas Balčytis (S&D, LT) supported the extension of EMSA competencies, while asking for adequate funding and better cooperation with neighbouring countries.

Josefa Andrés Barea (S&D, ES) supported the extension of EMSA competencies, in particular as regards the fight against piracy.

Gesine Meissner (ALDE, DE) supported the extension of EMSA competencies, while asking for adequate funding.

Pat the Cope Gallagher (ALDE, IR) supported both the delegation of more powers to strengthen and improve EMSA, as recent legislation called on the Commission to extend the responsibilities to safety inspections and offshore installations¹, and the proposal to provide EMSA with a greater scope to assist neighbouring countries as search and rescue knows no political or geographical boundaries.

Siim Kallas, Vice-President of the Commission indicated that EMSA was one of the most efficient and well-functioning agencies, but stressed the limits, based on human and financial resources, which, under the current circumstances shouldn't be expected to benefit from a very big increase.

The President closed the debate. In addition, MEP Ismail Ertug (S&D, DE), and MEP Valdemar Tomaševski (ECR, LT), submitted a written statement in accordance with rule 149 of the European Parliament's Rules of Procedure.

¹ See Regulation of the European Parliament and of the Council establishing a Programme to support the further development of an Integrated Maritime Policy, OJEU L321 of 5.12.2011, p. 1.

III. VOTE

When it voted in plenary on 15 December 2012, the European Parliament adopted amendments 1-17, 19-40, 42-51, 53-68, 70-83, 88, 90 and 91. The European Parliament also adopted part of amendment 18 and part of amendment 41. Amendment 69 was not submitted to the vote.

The text of the amendments adopted and the European Parliament's legislative resolution are annexed to this note.

European Maritime Safety Agency ***I

European Parliament legislative resolution of 15 December 2011 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency (COM(2010)0611 – C7-0343/2010 – 2010/0303(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2010)0611),
 - having regard to Article 294(2) and Article 100(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0343/2010),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the opinion of the European Economic and Social Committee of 16 February 2011¹,
 - after consulting the Committee of the Regions,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism and the opinions of the Committee on Budgets and the Committee on the Environment, Public Health and Food Safety (A7-0372/2011),
1. Adopts its position at first reading hereinafter set out;
 2. Stresses that point 47 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management² should apply for the extension of tasks of the European Maritime Safety Agency; emphasises that any decision of the legislative authority in favour of such an extension of tasks shall be without prejudice to the decisions of the budgetary authority in the context of the annual budgetary procedure;
 3. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 4. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C 107, 6.4.2011, p. 68.

² OJ C 139, 14.6.2006, p. 1.

Amendment 1

Proposal for a regulation – amending act Recital 1

Text proposed by the Commission

(1) Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 established a European Maritime Safety Agency (hereinafter the Agency) for the purpose of ensuring a high, uniform and effective level of maritime safety and prevention of pollution by ships.

Amendment

(1) Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002, ***which was adopted after the ‘Erika’ oil tanker disaster and the devastating oil pollution it caused,*** established a European Maritime Safety Agency (hereinafter the Agency) for the purpose of ensuring a high, uniform and effective level of maritime safety and prevention of pollution by ships.

Amendment 2

Proposal for a regulation – amending act Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) After the ‘Prestige’ oil tanker disaster in 2002, Regulation 1406/2002 was modified to give the Agency more power with regard to combating pollution.

Amendment 3

Proposal for a regulation – amending act Recital 2

Text proposed by the Commission

(2) In accordance with Article 22 of Regulation (EC) No 1406/2002, the Administrative Board of the Agency commissioned an independent external evaluation on the implementation of that Regulation in 2007. Based on this evaluation, it issued recommendations regarding changes to Regulation (EC) No 1406/2002, to the Agency and its working practices in June 2008.

Amendment

(2) In accordance with Article 22 of Regulation (EC) No 1406/2002, the Administrative Board of the Agency (*hereinafter the Administrative Board*) commissioned an independent external evaluation on the implementation of that Regulation in 2007. Based on this evaluation, it issued recommendations regarding changes to Regulation (EC) No 1406/2002, to the Agency, ***its areas of competence*** and its working practices in June 2008.

Amendment 4

**Proposal for a regulation – amending act
Recital 3**

Text proposed by the Commission

(3) 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. Considerable screening and redeployment efforts are necessary to guarantee cost and budget efficiency. **This should allow one third of additional** staffing needs for new tasks **to** be covered through internal redeployment by the Agency.

Amendment

(3) Based on the findings of the external evaluation, the recommendations by the Administrative Board and the multi-annual strategy **it adopted in March 2010**, some provisions of Regulation (EC) No 1406/2002 should be clarified and updated. **While focusing on its priority tasks in the area of maritime safety**, the Agency should **also** receive a number of additional tasks reflecting the development of the maritime safety policy at EU and international level. **Given the budget constraints facing the Union**, considerable screening and redeployment efforts are necessary to guarantee cost and budget efficiency **and to avoid any overlapping**. Staffing needs for **the** new tasks **should** be covered **as far as possible** through internal redeployment by the Agency.

Amendment 5

**Proposal for a regulation – amending act
Recital 3 a (new)**

Text proposed by the Commission

Amendment

(3a) This redeployment needs to be coordinated with agencies in the Member States.

Amendment 6

**Proposal for a regulation – amending act
Recital 3 b (new)**

Text proposed by the Commission

Amendment

(3b) The Agency has already demonstrated that certain tasks, such as satellite monitoring systems, can be more efficiently undertaken at the European level. Where these systems can be applied to support other policy objectives, this offers Member States savings on their national budgets and represents genuine

Amendment 7

Proposal for a regulation – amending act Recital 3 c (new)

Text proposed by the Commission

Amendment

(3c) In order to fulfil properly the new tasks entrusted to the Agency under this Regulation, an increase – albeit a limited one - in its resources is needed. This will require special attention is during the budgetary procedure.

Amendment 8

Proposal for a regulation – amending act Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) Appointments to the Administrative Board should take full account of the importance of ensuring balanced gender representation. The election of the Chair and Vice Chair should also pursue this objective as should the choice of representatives from third countries.

Amendment 9

Proposal for a regulation – amending act Recital 5

Text proposed by the Commission

Amendment

(5) The Agency should act in the interest of the Union. This should include that the Agency may act outside the territory of the EU in its fields of competence.

(5) The Agency should act in the interest of the Union ***and follow Commission guidelines.*** This should include that the Agency may act outside the territory of the EU in its fields of competence, ***promoting the Union's maritime safety policy by means of scientific and technical cooperation with third countries.***

Amendment 10

**Proposal for a regulation – amending act
Recital 5 a (new)**

Text proposed by the Commission

Amendment

(5a) The Agency should bring additional, cost-effective measures to support the response to marine pollution, including any pollution from offshore oil and gas installations, at the request of a Member State. In the event of marine pollution in a non-member State, the request should be made by the Commission.

Amendment 11

**Proposal for a regulation – amending act
Recital 6**

Text proposed by the Commission

Amendment

(6) The Agency should enhance its assistance to the Commission regarding research activities related to its field of competences. However, double work with the existing EU research framework should be avoided. In particular, the Agency should not be in charge of the management of research projects.

(6) The Agency should enhance its assistance to the Commission ***and the Member States*** regarding research activities related to its field of competences. However, double work with the existing EU research framework should be avoided. In particular, the Agency should not be in charge of the management of research projects. ***In extending the Agency’s tasks, attention should be paid to ensuring that the tasks are described clearly and precisely, and that there is no duplication and that any confusion is avoided.***

Amendment 12

**Proposal for a regulation – amending act
Recital 6 a (new)**

Text proposed by the Commission

Amendment

(6a) In the light of the development of new innovative applications and services and the improvement of the existing applications and services and with a view to implementing a barrier-free European maritime area, the Agency should make full use of the potential offered by the

Amendment 13

Proposal for a regulation – amending act Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) The Agency provides Member States with detailed information about cases of pollution by ships to enable them to fulfil their responsibilities under Directive 2005/35 of the European Parliament and the Council¹. However the effectiveness of enforcement and the penalties vary greatly despite such pollution having the potential to end up in other national waters.

¹ *OJ L 255, 30.9.2005, p. 11.*

Amendment 14

Proposal for a regulation – amending act Recital 8

Text proposed by the Commission

Amendment

(8) Recent events highlighted the risks of offshore oil and gas exploration and production activities to maritime transport and the marine environment. The use of the Agency's **response** capabilities should be explicitly extended to cover **response to** pollution originating from such activities. In addition, the Agency should assist the Commission in analysing the safety of **mobile** offshore gas and oil installations, in order to identify possible weaknesses, basing its contribution on the expertise it has developed with regard to maritime safety, maritime security, the prevention of pollution caused by ships and response to marine pollution.

(8) Recent events highlighted the risks of offshore oil and gas exploration and production activities to maritime transport and the marine environment. The use of the Agency's capabilities should be explicitly extended to cover pollution originating from such activities. In addition, the Agency should assist the Commission in analysing the safety of offshore gas and oil installations, in order to identify possible weaknesses, basing its contribution on the expertise it has developed with regard to maritime safety, maritime security, the prevention of pollution caused by ships and response to marine pollution. ***This additional role, which offers European added value by making use of the Agency's existing knowledge and expertise, should be accompanied by appropriate financial and staff resources.***

Amendment 15

Proposal for a regulation – amending act Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) In particular, the Agency's CleanSeaNet system, which is currently used to provide photographic evidence of oil spills from ships, should also be used to detect and report oil spills from coastal and offshore installations.

Amendment 16

Proposal for a regulation – amending act Recital 8 b (new)

Text proposed by the Commission

Amendment

(8b) With a view to achieving the single market, short-distance maritime transport should be used as much as possible and the administrative burden on shipping should be reduced. The 'Blue Belt' project will help to reduce the reporting formalities required from commercial shipping on entering or leaving ports in Member States.

Amendment 17

Proposal for a regulation – amending act Recital 9

Text proposed by the Commission

Amendment

(9) The Union has established a comprehensive maritime transport strategy up to 2018, which includes the e-maritime concept. Furthermore, it is developing an EU maritime surveillance network. The Agency has maritime systems and applications available which are of interest for the realisation of these policies. Therefore the Agency should make the systems and the data available to interested partners.

(9) The Union has established a comprehensive maritime transport strategy up to 2018, which includes the e-maritime concept. Furthermore, it is developing an EU maritime surveillance network. The Agency has maritime systems and applications available which are of interest for the realisation of these policies ***and, in particular, for the 'Blue Belt' project.*** Therefore the Agency should make the systems and the data available to interested partners.

Amendment 18

Proposal for a regulation – amending act Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) In order to contribute to the establishment of a ‘Single European Sea’ and to help prevent and combat marine pollution, synergies should be created between authorities, including coastguard services.

Amendment 19

Proposal for a regulation – amending act Recital 9 b (new)

Text proposed by the Commission

Amendment

(9b) The Agency should assist the Commission and Member States in developing and implementing the Union’s ‘e-maritime’ initiative, which is designed to improve the efficiency of the maritime sector through better use of information technologies, without prejudice to the areas of responsibility of competent authorities.

Amendment 20

Proposal for a regulation – amending act Recital 9 c (new)

Text proposed by the Commission

Amendment

(9c) In view of the importance of Europe continuing to attract new seafarers of high quality to replace the generation that is retiring, the Agency should support Member States and the Commission in promoting maritime training. In particular it should work to share best practice and facilitate exchanges between maritime training institutions based on the Erasmus model.

Amendment 21

Proposal for a regulation – amending act
Recital 10

Text proposed by the Commission

(10) The Agency has established itself as the authoritative provider of maritime traffic data at EU level which are of interest and relevance in other EU activities. Through its activities, in particular regarding port state control, the monitoring of maritime traffic and shipping routes as well as assistance for tracking possible polluters, the Agency should contribute to reinforce synergies at EU level regarding *certain coastguard* operations. In addition, the Agency's data monitoring and collection should also gather basic information on potential threats to maritime transport and the marine environment from offshore oil and gas exploration *and* production.

Amendment

(10) The Agency has established itself as the authoritative provider of maritime traffic data at EU level which are of interest and relevance in other EU activities. Through its activities, in particular regarding port state control, the monitoring of maritime traffic and shipping routes as well as assistance for tracking possible polluters, the Agency should contribute to reinforce synergies at EU level regarding operations *designed to prevent and combat marine pollution, encouraging the exchange of information and best practice among the various coastguard services*. In addition, the Agency's data monitoring and collection should also gather basic information *for example on piracy and* on potential threats to maritime transport and the marine environment from offshore oil and gas exploration, production *and transport*.

Amendment 22

Proposal for a regulation – amending act
Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) In order to counter the growing risk of piracy in the Gulf of Aden and the Western Indian Ocean, the Agency must forward to the EU Naval Force operation Atalanta detailed information about the position of EU-flag vessels transiting through these areas, which is classified as very dangerous. Hitherto, not all Member States have given permission for such activity. This Regulation should compel them to do so, in order to enhance the role of the Agency in combating piracy.

Amendment 23

Proposal for a regulation – amending act Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) In the area of port state control, the Union is working closely with the Paris Memorandum of Understanding on Port State Control. In order to maximise efficiency, the Agency and the Secretariat of the Paris Memorandum of Understanding on Port State Control should cooperate as closely as possible, while the Commission and Member States should examine all options for further efficiency gains.

Amendment 24

Proposal for a regulation – amending act Recital 11 b (new)

Text proposed by the Commission

Amendment

(11b) The Agency's expertise in the areas of pollution and accident response in the marine environment would also be valuable in the development of guidance on the licensing of oil and gas exploration and production. The Agency should therefore assist the Commission and Member States in this task.

Amendment 25

Proposal for a regulation – amending act Recital 13

Text proposed by the Commission

Amendment

(13) The Commission and the Agency should cooperate closely ***in*** the ***preparation of the*** operational working methods of the Agency regarding inspections. As long as the measures concerning those working methods have not entered into force, the Agency should follow the existing *practise* for the conduct of the inspections.

(13) The Commission and the Agency should cooperate closely ***to prepare as urgently as possible*** the operational working methods of the Agency regarding inspections. As long as the measures concerning those working methods have not entered into force, the Agency should follow the existing *practice* for the conduct of the inspections.

Amendment 26

Proposal for a regulation – amending act Recital 14

Text proposed by the Commission

14. The requirements for the operational working methods of the Agency for conducting inspections ***should be adopted by in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission.***

Amendment

(14) ***In order to adopt*** the requirements for the operational working methods of the Agency for conducting inspections, ***the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission.***

Amendment 27

Proposal for a regulation – amending act Recital 14 a (new)

Text proposed by the Commission

(14a) All these measures, and the Agency’s contribution to coordination between the Member States and the Commission, should be directed towards the development of a genuine European Maritime Area.

Amendment

Amendment 28

Proposal for a regulation – amending act Recital 14 b (new)

Text proposed by the Commission

(14b) Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities¹ (Financial Regulation), and in particular Article 185 thereof, and the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management² (IIA of 17 May 2006), and in particular point 47 thereof, should be taken into account.

Amendment

¹ OJ L 248, 16.9.2002, p. 1.

² OJ C 139, 14.6.2006, p. 1.

Amendment 29

Proposal for a regulation – amending act

Article 1 – point 1

Regulation (EC) No 1406/2002

Article 1 – paragraph 2

Text proposed by the Commission

2. The Agency shall 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 the Union legislation properly ***in the field of maritime safety, maritime security, prevention of pollution caused by ships***, to monitor its implementation and to evaluate the effectiveness of the measures in place.

Amendment

2. The Agency shall 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 the Union legislation properly ***with a view to ensuring a high, uniform and efficient level of maritime safety and security, using their existing capabilities for assistance, preventing and tackling marine pollution, including from offshore oil and gas installations, developing a European maritime space without barriers***, to monitor its implementation and to evaluate the effectiveness of the measures in place.

Amendment 30

Proposal for a regulation – amending act

Article 1 – point 1

Regulation (EC) No 1406/2002

Article 2 – paragraph 1

Text proposed by the Commission

1. ***In order to ensure that the objectives set out in Article 1 are met in the appropriate manner, the Agency shall perform the tasks listed in paragraph 2 of this Article in the fields of maritime safety and maritime security, the prevention of pollution caused by ships and response to marine pollution.***

Amendment

1. ***The objectives set out in Article 1 represent the primary responsibilities of the Agency and must be met as a priority. The attribution to the Agency of the tasks listed in paragraph 2 of this Article shall avoid duplication of efforts and be subject to the proper performance of the tasks relating to maritime safety and maritime security, the prevention of and response to marine pollution at the request of the Member States or the Commission.***

Amendment 31

Proposal for a regulation – amending act

Article 1 – point 1

Regulation (EC) No 1406/2002

Article 2 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) in the provision of technical assistance to the Commission in the performance of the monitoring tasks assigned to it pursuant to Article 13(2) of Directive 2005/65/EC of the European Parliament and the Council of 26 October 2005 on enhancing port security¹;

¹ OJ L 310, 25.11.2005, p 28.

Amendment 32

Proposal for a regulation – amending act

Article 1 – point 1

Regulation (EC) No 1406/2002

Article 2 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) in the ***provision*** of ***technical assistance*** necessary to take part in the work of the technical bodies of IMO, ILO, the Paris Memorandum of Understanding on Port State Control and other relevant international or regional organisations;

(c) in the ***updating and development*** of ***provisions*** necessary to take part in the work of the technical bodies of IMO, ILO, the Paris Memorandum of Understanding on Port State Control and other relevant international or regional organisations;

Amendment 33

Proposal for a regulation – amending act

Article 1 – point 1

Regulation (EC) No 1406/2002

Article 2 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) in the development and implementation of EU policies related to the Agency's tasks ***such*** as Motorways of the Sea, the European maritime space without barriers, e-maritime, ***inland waterways***, the Marine Strategy Framework Directive, climate

(d) in the development and implementation of EU policies related to the Agency's tasks, ***particularly those in the field of maritime safety as well*** as Motorways of the Sea, the European maritime space without barriers, ***the 'Blue Belt' project***, e-

change and in the analysis of the safety of *mobile* offshore *gas and oil* installations;

maritime, the Marine Strategy Framework Directive, climate change, in the analysis of the safety of offshore *oil and gas* installations *and combating pollution*;

Amendment 34

Proposal for a regulation – amending act

Article 1 – point 1

Regulation (EC) No 1406/2002

Article 2 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) in the exchange of information concerning any other policy which may be appropriate given its areas of competence and its expertise;

Amendment 35

Proposal for a regulation – amending act

Article 1 – point 1

Regulation (EC) No 1406/2002

Article 2 – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(ea) in the development and implementation of a policy to enhance the quality of the training of European seafarers, and in promoting maritime careers, taking account of the demand for highly qualified labour in the EU maritime cluster;

Amendment 36

Proposal for a regulation – amending act

Article 1 – point 1

Regulation (EC) No 1406/2002

Article 2 – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) in the analysis of ongoing and completed research projects relevant to the fields of activity of the Agency; this shall include the identification of possible regulatory follow-up measures resulting from specific research projects *and the*

(f) in the analysis of ongoing and completed research projects relevant to the fields of activity of the Agency; this shall include the identification of possible regulatory follow-up measures resulting

*identification of key themes and priorities
for further research at EU level;*

from specific research projects;

Amendment 37

Proposal for a regulation – amending act

Article 1 - point 1

Regulation (EC) No 1406/2002

Article 2 – paragraph 2 – point f a (new)

Text proposed by the Commission

Amendment

(fa) in the development of requirements or any guidance relating to the licensing of oil and gas exploration and production in the marine environment and, in particular, the environmental and civil protection aspects thereof;

Amendment 38

Proposal for a regulation – amending act

Article 1 – point 1

Regulation (EC) No 1406/2002

Article 2 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) support the monitoring of the recognised organisations that carry out certification tasks on behalf of the Member States in accordance with Article 9 of Directive 2009/15/EC of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations¹ without prejudice to the rights and obligations of the Flag State;

¹ OJ L 131, 28.05.2009, p. 47

Amendment 39

Proposal for a regulation – amending act

Article 1 – point 1

Regulation (EC) No 1406/2002

Article 2 – paragraph 3 – point b b (new)

(bb) assist the Commission in completing the tasks described in Articles 3, 5, 6, 7 and 8 of Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations¹, and advise on the application and implementation of Article 10 of that Regulation;

¹ *OJ L 131, 28.05.2009, p. 11*

Amendment 40

Proposal for a regulation – amending act

Article 1 – point 1

Regulation (EC) No 1406/2002

Article 2 – paragraph 3 – point c

Text proposed by the Commission

(c) support with additional means in a cost efficient way, through the EU Civil Protection Mechanism established by Decision 2007/779/EC, Euratom, their pollution response actions in case of accidental or deliberate marine pollution, when such a request has been presented; in this respect, the Agency shall assist the affected Member State under which the cleaning operations are conducted.

Amendment

(c) support with additional means in a cost efficient way, through the EU Civil Protection Mechanism established by Decision 2007/779/EC, Euratom, their pollution response actions in case of accidental or deliberate marine pollution, when such a request has been presented; in this respect, the Agency shall assist the affected Member State under which the cleaning operations are conducted, ***by providing the appropriate technical resources;***

Amendment 41

Proposal for a regulation – amending act

Article 1 – point 1

Regulation (EC) No 1406/2002

Article 2 – paragraph 3 – point c a (new)

Text proposed by the Commission

Amendment

(ca) gather and analyse data on the qualifications and employment of seafarers so as to share best practice in

Amendment 42

Proposal for a regulation – amending act

Article 1 – point 1

Regulation (EC) No 1406/2002

Article 2 – paragraph 3 – point c b (new)

Text proposed by the Commission

Amendment

(cb) coordinate the training schools' programmes to ensure consistency;

Amendment 43

Proposal for a regulation – amending act

Article 1 – point 1

Regulation (EC) No 1406/2002

Article 2 – paragraph 3 – point c c (new)

Text proposed by the Commission

Amendment

(cc) facilitate the establishment of Erasmus type exchanges between maritime training institutions;

Amendment 44

Proposal for a regulation – amending act

Article 1 – point 1

Regulation (EC) No 1406/2002

Article 2 – paragraph 3 – point c d (new)

Text proposed by the Commission

Amendment

(cd) provide technical expertise in the field of shipbuilding or any other relevant activity related to maritime traffic, so as to develop the use of environment-friendly technologies and ensure a high level of security;

Amendment 45

Proposal for a regulation – amending act

Article 1 – point 1

Regulation (EC) No 1406/2002

Article 2 – paragraph 4 – point a a (new)

Text proposed by the Commission

Amendment

(aa) in supporting the actions they take to combat illegal traffic and acts of piracy, by providing data and information which may facilitate these operations and, in particular, by using its Automatic Identification Systems and satellite images;

Amendment 46

Proposal for a regulation – amending act

Article 1 – point 1

Regulation (EC) No 1406/2002

Article 2 – paragraph 4 – point a b (new)

Text proposed by the Commission

Amendment

(ab) in developing and implementing a macro-regional Union policy relating to the fields of activity of the Agency;

Amendment 47

Proposal for a regulation – amending act

Article 1 – point 1

Regulation (EC) No 1406/2002

Article 2 – paragraph 4 – point b

Text proposed by the Commission

Amendment

(b) regarding the investigation of maritime accidents in accordance with Directive 2009/18/EC of the European Parliament and of the Council; the Agency shall provide support to the Member States in the conduct of investigations related to serious maritime accidents, and it shall carry out analysis of accident investigation reports with a view to identify added value at EU level in terms of lessons to be learnt;

(b) regarding the investigation of maritime accidents in accordance with Directive 2009/18/EC of the European Parliament and of the Council; the Agency shall, ***if requested by the competent Member States***, provide support to the Member States in the conduct of investigations related to serious maritime accidents, and it shall carry out analysis of accident investigation reports with a view to identify added value at EU level in terms of lessons to be learnt. ***In this connection, the Agency shall be invited to assist the Member States during accident investigations involving (costal and offshore) maritime installations including accidents affecting oil and gas installations while the Member States***

shall be invited to cooperate in a full and timely manner with the Agency;

Amendment 48

Proposal for a regulation – amending act

Article 1 – point 1

Regulation (EC) No 1406/2002

Article 2 – paragraph 4 – point b a (new)

Text proposed by the Commission

Amendment

(ba) regarding oil spills from offshore installations, the Agency shall assist the Member States and the Commission by using its CleanSeaNet service to monitor the extent and environmental impact of such spills;

Amendment 49

Proposal for a regulation – amending act

Article 1 - point 1

Regulation (EC) No 1406/2002

Article 2 – paragraph 4 – point b b (new)

Text proposed by the Commission

Amendment

(bb) with respect to offshore oil and gas installations, in assessing Member States' arrangements concerning emergency response plans and emergency preparedness, and in coordinating the oil pollution response in the event of an accident;

Amendment 50

Proposal for a regulation – amending act

Article 1 - point 1

Regulation (EC) No 1406/2002

Article 2 – paragraph 4 – point b c (new)

Text proposed by the Commission

Amendment

(bc) with respect to offshore installations, in ensuring independent third party oversight of the maritime aspects related to safety, prevention, protection of the environment, and contingency planning;

Amendment 51

Proposal for a regulation – amending act

Article 1 – point 1

Regulation (EC) No 1406/2002

Article 2 – paragraph 4 – point c

Text proposed by the Commission

(c) in providing objective, reliable and comparable statistics, information and data, the Agency shall enable the Commission and the Member States to take the necessary steps to improve their actions and to evaluate the effectiveness of existing measures. Such tasks shall include the collection, recording and evaluation of technical data, 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 of information relating to ships pursuant to Directive 2009/16/EC of the European Parliament and of the Council. The Agency shall also assist the Commission and the Member States in their activities to improve the identification and pursuit of ships making unlawful discharges in the context of Directive 2005/35/EC of the European Parliament and of the Council.

Amendment

(c) in providing objective, reliable and comparable statistics, information and data, the Agency shall enable the Commission and the Member States to take the necessary steps to improve their actions and to evaluate the effectiveness **and cost-efficiency** of existing measures. Such tasks shall include the collection, recording and evaluation of technical data, 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 of information relating to ships pursuant to Directive 2009/16/EC of the European Parliament and of the Council. The Agency shall also assist the Commission and the Member States in their activities to improve the identification and pursuit of ships making unlawful discharges in the context of Directive 2005/35/EC of the European Parliament and of the Council.

Amendment 91

Proposal for a regulation

Article 1 – point 1

Regulation (EC) No 1406/2002

Article 2 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The Agency shall compile a yearly overview of 'marine incidents', which shall include 'hazardous incidents' and 'near misses', based on data submitted by the relevant national bodies of Member States. This overview shall be made available annually to the European

Amendment 53

Proposal for a regulation – amending act

Article 1 – point 1

Regulation (EC) No 1406/2002

Article 2 – paragraph 5 – subparagraph 1

Text proposed by the Commission

5. The Agency shall at the request of the Commission provide technical assistance as regards the implementation of relevant EU legislation to States applying for accession to the Union, to all European Neighbourhood partner countries and to countries taking part in the Paris Memorandum of Understanding on Port State Control.

Amendment

5. The Agency shall at the request of the Commission provide technical assistance as regards the implementation of relevant EU legislation to States applying for accession to the Union, to all European Neighbourhood partner countries, **as** and **when applicable, and** to countries taking part in the Paris Memorandum of Understanding on Port State Control.

Amendment 54

Proposal for a regulation – amending act

Article 1 – point 1

Regulation (EC) No 1406/2002

Article 3 – paragraph 1 – subparagraph 1

Text proposed by the Commission

1. In order to perform the tasks entrusted to it and to assist the Commission in fulfilling its duties under the Treaty in particular the assessment of the effective implementation of Union law, the Agency shall carry out inspections in the Member States.

Amendment

1. In order to perform the tasks entrusted to it and to assist the Commission in fulfilling its duties under the Treaty in particular the assessment of the effective implementation of Union law, the Agency shall **assist the Commission in reviewing environmental impact assessments and** carry out inspections in the Member States, **at the request of the Commission.**

Amendment 55

Proposal for a regulation – amending act

Article 1 – point 1

Regulation (EC) No 1406/2002

Article 3 – paragraph 2

Text proposed by the Commission

2. The operational working methods of the Agency for conducting the inspections

Amendment

2. The operational working methods of the Agency for conducting the inspections

referred to in paragraph 1 shall be subject to requirements to be adopted in accordance with the procedure referred to in *Article 23(2)*.

referred to in paragraph 1 shall be subject to requirements to be adopted in accordance with the procedure referred to in *Article 23(1)*.

Amendment 56

Proposal for a regulation – amending act

Article 1 – point 1

Regulation (EC) No 1406/2002

Article 3 – paragraph 3

Text proposed by the Commission

3. Where appropriate, and in any case when a cycle of inspections is concluded, the Agency shall analyse reports from that cycle with a view to identifying horizontal findings and general conclusions on the effectiveness of the measures in place. The Agency shall present this analysis to the Commission for further discussion with Member States.

Amendment

3. Where appropriate, and in any case when a cycle of inspections is concluded, the Agency shall analyse reports from that cycle with a view to identifying horizontal findings and general conclusions on the effectiveness ***and cost-efficiency*** of the measures in place. The Agency shall present this analysis to the Commission for further discussion with Member States, ***and shall make it available to the public in an easily accessible format, including in electronic form.***

Amendment 57

Proposal for a regulation – amending act

Article 1 – point 2

Regulation (EC) No 1406/2002

Article 5 – paragraph 3

Text proposed by the Commission

3. At the request of the Commission, the Administrative Board may decide, with the agreement of the Member States concerned, to establish the regional centres necessary in order to carry out the Agency's tasks in the most efficient and effective way.

Amendment

3. At the request of the Commission, the Administrative Board may decide, with the agreement ***and cooperation*** of the Member States concerned, to establish the regional centres necessary in order to carry out the Agency's tasks in the most efficient and effective way, ***enhancing cooperation with existing regional and national networks already engaged in prevention measures. and by defining the precise scope of activities of the regional centre while avoiding unnecessary financial costs.***

Amendment 58

Proposal for a regulation – amending act

Article 1 – point 3 - point - a (new)

Regulation (EC) No 1406/2002

Article 10 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(-a) point b shall be replaced by the following:

"(b) adopt the annual report on the Agency's activities and forward it by 15 June at the latest to the European Parliament, the Council, the Commission, the Court of Auditors and the Member States.

The Agency shall annually forward to the budgetary authority all information regarding the outcome of the evaluation procedures;"

Amendment 59

Proposal for a regulation – amending act

Article 1 – point 3 – point a

Regulation (EC) No 1406/2002

Article 10 – paragraph 2 – point c a

Text proposed by the Commission

Amendment

(ca) adopt a multi-annual strategy for the Agency covering a period of five years ahead taking the *opinion* of the Commission into account;

(ca) adopt a multi-annual strategy for the Agency covering a period of five years ahead taking the *opinions* of the **European Parliament and the** Commission into account;

Amendment 60

Proposal for a regulation – amending act

Article 1 – point 3 - point b a new

Regulation (EC) No 1406/2002

Article 10 – paragraph 2 – point h

Text proposed by the Commission

Amendment

(ba) point h shall be replaced by the following:

"(h) perform its duties in relation to the Agency's budget pursuant to Articles 18,

19 and 21 and monitor and ensure adequate follow-up to the findings and recommendations stemming from various audit reports and evaluations, whether internal or external;"

Amendment 61

Proposal for a regulation – amending act

Article 1 – point 3 a - point a (new)

Regulation (EC) No 1406/2002

Article 11 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

(3a) Article 11, shall be amended as follows:

(a) paragraph 1, subparagraph 2 shall be replaced by the following:

"Board members shall be appointed on the basis of their degree of relevant experience and expertise in the field of maritime safety, security and response to marine pollution. They shall also have experience and expertise in general financial management, administration and personnel management."

Amendment 62

Proposal for a regulation – amending act

Article 1 – point 3 a - point b (new)

Regulation (EC) No 1406/2002

Article 11 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

(b) new subparagraph 2 a shall be inserted as follows :

" Members of the Administrative Board shall make a written declaration of commitments and a written declaration indicating any direct or indirect interest which might be considered prejudicial to their independence. They shall declare at each meeting any interest which might be considered prejudicial to their independence in relation to the items on the agenda and abstain from participating

in the discussions and voting on these items."

Amendment 63

Proposal for a regulation – amending act

Article 1 – point 3 a - point c (new)

Regulation (EC) No 1406/2002

Article 11 – paragraph 3

Text proposed by the Commission

Amendment

(c) paragraph 3 shall be replaced by the following:

"3. The duration of the term of office shall be *four* years. The term of office may be renewed once."

Amendment 64

Proposal for a regulation – amending act

Article 1 – point 3 a - point d (new)

Regulation (EC) No 1406/2002

Article 11 – paragraph 4

Text proposed by the Commission

Amendment

(d) paragraph 4 shall be replaced by the following:

"4. When appropriate, the participation of representatives of third countries and the conditions thereof shall be established in the arrangements referred to in Article 17(2). *Such participation shall not affect the Commission representatives' share of votes on the Administrative Board.*"

Amendment 88

Proposal for a regulation

Article 1 – point 3 b (new)

Regulation (EC) No 1406/2002

Article 12 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

(3b) Paragraph 1 a shall be added to

Article 12:

"1a. Gender equality shall also be maintained in the election of the Chairperson and Deputy Chairperson."

Amendment 65

Proposal for a regulation – amending act

Article 1 – point 3 c (new)

Regulation (EC) No 1406/2002

Article 14 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

(3c) Article 14, paragraph 2, subparagraph 1 shall be replaced by the following:

"2. Each Member State representative shall have an equal share of 75 per cent of the total votes. Each Commission representative shall have an equal share of 25 per cent of the total votes. The Executive Director of the Agency shall not vote."

Amendment 66

Proposal for a regulation – amending act

Article 1 – point 4 - point (a)

Regulation (EC) No 1406/2002

Article 15 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) ***he*** shall prepare the multi-annual strategy of the Agency and submit it to the Administrative Board after consultation of the Commission at least 8 weeks before the relevant Board meeting;

(a) ***he/she*** shall prepare the multi-annual strategy of the Agency and submit it to the Administrative Board, after consultation of the Commission ***and the responsible Committee of the European Parliament***, at least 8 weeks before the relevant Board meeting;

(The first part of this amendment (he/she) applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Amendment 67

Proposal for a regulation – amending act

Article 1 – point 4 - point (a)

Regulation (EC) No 1406/2002

Article 15 – paragraph 2 – point a a

Text proposed by the Commission

(aa) **he** shall prepare the multi-annual staff policy plan of the Agency and submit it to the Administrative Board after consultation of the Commission;

Amendment

(aa) **he/she** shall prepare the multi-annual staff policy plan of the Agency and submit it to the Administrative Board after consultation of the Commission **and the competent Committee of the European Parliament**;

Amendment 68

Proposal for a regulation – amending act

Article 1 – point 4 – point (a)

Regulation (EC) No 1406/2002

Article 15 – paragraph 2 – point a b

Text proposed by the Commission

(ab) **he** shall prepare the annual work programme and the detailed plan for the Agency's pollution preparedness and response activities, and submit them to the Administrative Board after consultation of the Commission at least 8 weeks before the relevant Board meeting. **He** shall take the necessary steps for their implementation. **He** shall respond to any requests for assistance from a Member State in accordance with Article 10(2)(c);

Amendment

(ab) **he/she** shall prepare the annual work programme, **with an indication of the expected human and financial resources allocated to each activity**, and the detailed plan for the Agency's pollution preparedness and response activities, and submit them to the Administrative Board after consultation of the Commission at least 8 weeks before the relevant Board meeting. **He/she shall reply positively to any invitation by the competent committee of the European Parliament to present and hold an exchange of views on the annual work programme. He/she** shall take the necessary steps for their implementation **and** shall respond to any requests for assistance from a Member State in accordance with Article 10(2)(c);

Amendment 70

Proposal for a regulation – amending act

Article 1 – point 4 – point (b)

Regulation (EC) No 1406/2002

Article 15 – paragraph 2 – point d

Text proposed by the Commission

(d) **he** shall organise an effective monitoring system in order to be able to compare the Agency's achievements with its objectives and tasks as laid down in this Regulation. **He** shall ensure that the Agency's organisational structure will be regularly adapted to the evolving needs within the available financial and human resources. On this basis the Executive Director shall prepare a draft general report each year and submit it to the Administrative Board. The report shall include a dedicated section concerning the financial execution of the detailed plan for the Agency's pollution preparedness and response activities and give an update of the status of all actions funded under that plan. **He** shall establish regular evaluation procedures that meet recognised professional standards;

Amendment

(d) **he/she** shall organise an effective monitoring system in order to be able to compare the Agency's achievements with its objectives and tasks as laid down in this Regulation. **To this end, he/she shall establish, in agreement with the Commission, tailored performance indicators allowing for an effective assessment of the results achieved. He/she** shall ensure that the Agency's organisational structure will be regularly adapted to the evolving needs within the available financial and human resources. On this basis the Executive Director shall prepare a draft general report each year and submit it to the Administrative Board. The report shall include a dedicated section concerning the financial execution of the detailed plan for the Agency's pollution preparedness and response activities and give an update of the status of all actions funded under that plan. **He/she** shall establish regular evaluation procedures that meet recognised professional standards;

Amendment 71

Proposal for a regulation – amending act

Article 1 – point 5

Regulation (EC) No 1406/2002

Article 16 – paragraph 1

Text proposed by the Commission

1. The Executive Director shall be appointed and dismissed by the Administrative Board. The appointment shall be made from a list of candidates proposed by the Commission for a period of five years on grounds of merit and documented administrative and managerial skills, as well as competence and experience relevant for maritime safety, maritime security, prevention of pollution **caused by ships** and response to marine pollution. Before appointment, the candidate selected by the Administrative Board may be invited to make a statement

Amendment

1. The Executive Director shall be appointed and dismissed by the Administrative Board. The appointment shall be made from a list of candidates proposed by the Commission for a period of five years on grounds of merit and documented administrative and managerial skills, as well as competence and experience relevant for maritime safety, maritime security, prevention of pollution and response to marine pollution. Before appointment, the candidate selected by the Administrative Board may be invited to make a statement before the competent

before the competent committee of the European Parliament and answer questions put by its members. The Administrative Board shall take its decision by a four-fifths majority of all members with the right to vote.

committee of the European Parliament and answer questions put by its members. ***Its opinion, if any, shall be considered before formal appointment.*** The Administrative Board shall take its decision by a four-fifths majority of all members with the right to vote.

Amendment 72

Proposal for a regulation – amending act

Article 1 – point 5

Regulation (EC) No 1406/2002

Article 16 – paragraph 2

Text proposed by the Commission

2. The Administrative Board, acting on a proposal from the Commission, taking into account the evaluation report may extend the term of office of the Executive Director for not more than **three years**. The Administrative Board shall take its decision by a four-fifths majority of all members with the right to vote. The Administrative Board shall inform the European Parliament about its intention to extend the Executive Director's term of office. Within a month before the extension of his/her term of office, the Executive Director may be invited to make a statement before the competent committee of the European Parliament and answer questions put by its members. If the term of office is not extended, the Executive Director shall remain in office until the appointment of his/her successor.

Amendment

2. The Administrative Board, acting on a proposal from the Commission, taking into account the evaluation report may extend the term of office of the Executive Director for not more than **five years**. The Administrative Board shall take its decision by a four-fifths majority of all members with the right to vote. The Administrative Board shall inform the European Parliament about its intention to extend the Executive Director's term of office. Within a month before the extension of his/her term of office, the Executive Director may be invited to make a statement before the competent committee of the European Parliament and answer questions put by its members. ***Its opinion, if any, shall be considered before formal reappointment.*** If the term of office is not extended, the Executive Director shall remain in office until the appointment of his/her successor.

Amendments 90 and 73

Proposal for a regulation – amending act

Article 1 – point 5

Regulation (EC) No 1406/2002

Article 16 – paragraph 4

Text proposed by the Commission

4. The Heads of Department shall be appointed on grounds of merit and

Amendment

4. The Heads of Department shall be appointed, ***upholding gender balance***, on

documented administrative and managerial skills, as well as professional competence and experience relevant for maritime safety, maritime security, prevention of pollution *caused by ships* and response to marine pollution. The Heads of Department shall be appointed or dismissed by the Executive Director after having received a positive opinion of the Administrative Board.

grounds of merit and documented administrative and managerial skills, as well as professional competence and experience relevant for maritime safety, maritime security, prevention of pollution and response to marine pollution. The Heads of Department shall be appointed or dismissed by the Executive Director after having received a positive opinion of the Administrative Board.

Amendment 74

Proposal for a regulation – amending act

Article 1 – point 6 a (new)

Regulation (EC) No 1406/2002

Article 18 – paragraph 3

Text proposed by the Commission

Amendment

(6a) In Article 18, paragraph 3 is replaced by the following:

"3. The Executive Director shall draw up a draft statement of estimates of the Agency's revenues and expenditure for the following financial year, *on the basis of activity-based budgeting*, and shall forward it to the Administrative Board, together with a draft establishment plan."

Amendment 75

Proposal for a regulation – amending act

Article 1 – point 6 b (new)

Regulation (EC) No 1406/2002

Article 18 – paragraphs 7 and 8

Text proposed by the Commission

Amendment

(6b) In Article 18, paragraphs 7 and 8 are replaced by the following:

"7. The statement of estimates shall be forwarded by the Commission to the European Parliament and the Council (hereinafter referred to as the budgetary authority) together with the [...] draft general budget of the European Union."

8. On the basis of the statement of estimates, the Commission shall enter in the [...] draft general budget of the European Union the estimates it deems necessary for the establishment plan and the amount of the subsidy to be charged to the general budget, which it shall place before the budgetary authority in accordance with Article 314 of the TFEU, together with a description of and justification for any difference between the Agency's statement of estimates and the subsidy to be charged to the general budget."

Amendment 76

Proposal for a regulation – amending act

Article 1 – point 6 c (new)

Regulation (EC) No 1406/2002

Article 18 – paragraph 10

Text proposed by the Commission

Amendment

(6c) In Article 18, paragraph 10 is replaced by the following:

"10. The budget shall be adopted by the Administrative Board. It shall become final following final adoption of the general budget of the European Union. Where appropriate, it shall be adjusted accordingly, together with the annual work programme."

Amendment 77

Proposal for a regulation – amending act

Article 1 – point 7

Regulation (EC) No 1406/2002

Article 22 – paragraph 1

Text proposed by the Commission

Amendment

1. At regular intervals and at least every five years, the Administrative Board shall commission an independent external evaluation on the implementation of this Regulation. The Commission shall make available to the Agency any information

1. At regular intervals and at least every five years, the Administrative Board shall commission an independent external evaluation on the implementation of this Regulation, **assessing its relevance, effectiveness and cost-efficiency.** The

the latter considers relevant to that evaluation.

Commission shall make available to the Agency any information the latter considers relevant to that evaluation.

Amendment 78

Proposal for a regulation – amending act

Article 1 – point 7a (new)

Regulation (EC) No 1406/2002

Article 22 – paragraph 2

Text proposed by the Commission

Amendment

(7a) In Article 22, paragraph 2 is replaced by the following:

"2. That evaluation shall assess the utility, relevance, achieved added value and effectiveness of the Agency and its working practices. The evaluation shall take into account the views of stakeholders, at both European and national level. It shall, in particular, address the possible need to modify or extend the Agency's tasks or to put an end to its activities in the event of its role having become superfluous."

Amendment 79

Proposal for a regulation – amending act

Article 1 – point 7 b (new)

Regulation (EC) No 1406/2002

Article 22 a (new)

Text proposed by the Commission

Amendment

(7b) The following article shall be inserted:

"Article 22a

Feasibility Study

Within one year of the date of entry into force of this Regulation the Commission shall submit a feasibility study on a national coastguard coordination system, making clear the costs and the benefits, to the European Parliament and the Council.

The report shall, if appropriate, be accompanied by a legislative proposal."

Amendment 80

Proposal for a regulation – amending act

Article 1 – point 7 c (new)

Regulation (EC) No 1406/2002

Article 22 b (new)

Text proposed by the Commission

Amendment

(7c) The following article shall be inserted:"

"Article 22b

Progress Report

Within [three] years of the date of entry into force of this Regulation the Commission shall submit a report to the European Parliament and the Council setting out how the Agency has undertaken the additional responsibilities assigned by this Regulation and the case for further extending its objectives or tasks. In particular, this report shall include:

(a) an analysis of the gains in effectiveness that have been realised through greater integration of the Agency and the Paris Memorandum of Understanding on Port State Control;

(b) information about the effectiveness and consistency of Member States' enforcement of Directive 2005/35/EC and detailed statistical information about the penalties that have been applied.

The report shall, if appropriate, be accompanied by a legislative proposal."

Amendment 81

Proposal for a regulation – amending act

Article 1 – point 8

Regulation (EC) No 1406/2002

Article 23 – paragraph 1

Text proposed by the Commission

1. The Commission *shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) set up under Article 3 of Regulation (EC) No 2099/2002 of the European Parliament and of the Council.*

Amendment

1. The Commission *shall be empowered to adopt delegated acts in accordance with Article 23a concerning the operational working methods of the Agency for conducting the inspections referred to it in Article 3 paragraph 1.*

Amendment 82

Proposal for a regulation – amending act

Article 1 – point 8

Regulation (EC) No 1406/2002

Article 23 – paragraph 2

Text proposed by the Commission

2. *Where reference is made to this paragraph, Articles 3 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.*

Amendment

deleted

Amendment 83

Proposal for a regulation – amending act

Article 1 – point 8 a (new)

Regulation (EC) No 1406/2002

Article 23 a (new)

Text proposed by the Commission

Amendment

(8a) The following article shall be inserted:

"Article 23a

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt the delegated acts referred to in Article 23(1) shall be conferred on the Commission for a period

of 5 years from date of entry into force. The Commission shall draw up a report in respect of the delegation of powers no later than 6 months before the end of the 5-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in Article 23 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 23 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council."