



**COUNCIL OF
THE EUROPEAN UNION**

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ADDENDUM TO THE "I/A" ITEM NOTE

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| from: | General Secretariat of the Council |
| to: | COREPER/COUNCIL |

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| 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 [first reading] - Adoption (a) of the Council's position (b) of the statement of the Council's reasons - Statements COMMON GUIDELINES Consultation deadline: 19 September 2012 |
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STATEMENTS BY THE COMMISSION

At the stage of Council's general approach of 16 June 2011, the Commission announced to make 4 statements, at the time of the adoption of the Regulation, on Article 2(2)(b), on Article 2(4)(h), on Article 2a(2)(a) and (b) as well as on Article 2a(2)(f).

1. Maritime security inspections

With regard to the technical assistance the Agency is providing to the Commission in the performance of maritime security inspection tasks as referred to in Article 2(2)(b), the Commission confirms that this provision does not affect the character of maritime security inspections as foreseen by Commission Regulation (EC) No 324/2008 of 9 April 2008 laying down revised procedures for conducting Commission inspections in the field of maritime security.

In particular, this provision does neither extend the Commission powers to undertake inspections nor does it confer any power to EMSA for carrying out maritime security inspections on its own.

2. Union competence

With regard to the technical assistance for the Member States and the Commission to contribute to the relevant work of the technical bodies of IMO, the Commission understands the notion of competence in the sense of the Treaty as encompassing the notion of Union interest currently used in the EU coordination practice with regard to IMO.

3. Marine Strategy Framework Directive and greenhouse gas emissions from ships

With regard to the ancillary tasks listed in Article (2a), the Commission recalls the following:

(1) The Marine Strategy Framework Directive has the objective to achieve good environmental status of marine waters. Some of the pressures and impacts listed in Table 2 of Annex III are shipping related. The Commission, which has inter alia to measure progress in the implementation of the various areas covered by the Directive, considers it useful to receive the Agency's technical assistance for the shipping-related elements, in particular through exploiting the results of existing tools such as SafeSeaNet and CleanSeaNet;

(2) With regard to greenhouse gas emissions from ships, the Commission considers that the Agency's potential technical assistance should not be limited to the calculation of emissions, as this could be seen as an EU preference for a certain market-based instrument. Furthermore, the Commission considers that any technical assistance provided by EMSA will not affect the EU's position with regard to a global or regional situation.

4. Classification societies for inland waterway vessels

The Commission takes the view that the provision of relevant information by the Agency to the Commission as foreseen in Article 2a (2) (f) can be undertaken on the basis of EMSA's existing expertise and therefore does not require additional resources for inspections.