



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 18 September 2012**

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**REVISED 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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**COUNCIL STATEMENT ON RECITAL 44 AND ARTICLE 2A(2)(E)**

With regard to recital (44), the Council notes that the Commission should examine the Agency's potential contribution with regard to the prevention of pollution from offshore oil and gas installations in the context of the implementation of a possible future legislative act on safety of offshore oil and gas activities.

In this respect, the Council takes the view that the Agency should continue to operate under its current mandate focussed on maritime safety and shipping-related tasks and under the transport legal basis.

Furthermore, with regard to Article 2a(2)(e) the Council reiterates the fact that the examination of IMO requirements and the gathering of basic information on potential threats to maritime transport and the marine environment does not include any inspection activities or any activities specifically related to the exploration or exploitation of mineral resources.

### **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.