



**COUNCIL OF
THE EUROPEAN UNION**



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**European Maritime Safety Agency:
Council decision on revised regulation paves the way for final
adoption**

The Council today¹ adopted its position at first reading on a revision of the current regulation on the European Maritime Safety Agency (EMSA), extending EMSA's tasks and clarifying some governance issues ([10090/12](#); statement of reasons: [10090/12 ADD 1](#); statements: [12062/12 ADD 1 REV 1](#)). This Council position is the result of negotiations undertaken with the European Parliament on the basis of the Council's general approach of June 2011 ([11769/11](#)) and the Parliament's first-reading position of December 2011 ([P7_TA\(2011\)0581](#)). The Parliament should therefore be able to endorse it at its second reading of this legislative proposal, expected to take place in the autumn, thereby completing the adoption of the revised regulation.

EMSA, set up in response to the oil spill caused by the accident involving the oil tanker "Erika" in 1999 and operational since 2003, provides assistance to the member states and the Commission to help ensure maritime safety and security and prevent marine pollution from ships, including by monitoring and assessing implementation of relevant EU law.

¹ The decision was taken without discussion at a meeting of the Employment, social policy, health and consumer affairs Council. The United Kingdom voted against.

P R E S S

Under the new draft regulation, EMSA's competence will be extended, in particular to enable the agency also to intervene, at the request of the member states concerned, in the event of pollution from oil and gas installations, and not only from ships, as under the current regulation. EMSA will also be asked to contribute to other EU policies and projects related to its field of expertise, such as the European maritime transport space without barriers or the "motorways of the sea". In addition, the agency will provide assistance for technical work in international and regional organisations, and cooperation with neighbouring countries will be enhanced.

There will be a clear distinction between the agency's **core** and **ancillary tasks**. The core tasks are strictly linked to the agency's core business, that is, maritime safety and security and prevention of, and response to, marine oil pollution. The ancillary tasks will be entrusted to the agency only on condition that they provide real added value, without duplicating work undertaken elsewhere, and do not infringe member states' rights and obligations; these tasks include environmental issues such as greenhouse gas emissions from shipping and the environmental status of marine waters, the development of an information sharing system, specific tasks related to inland waterway transport, namely inspecting classification societies for inland waterway vessels and exploring the possibility of interlinking maritime and inland waterway information systems, or contributions to other EU policies.

With respect to the **governance** of EMSA, the revised text clarifies the role of the administrative board on which member states are represented, in particular as regards the procedure for the appointment of the agency's executive director. The text also provides for multiannual planning concerning the agency's strategy and staff policy, and for an independent external evaluation of the implementation of the regulation at regular intervals, at least every five years.

As a result of the negotiations between the European Parliament and the Council, the general approach adopted by the Council in June 2011 has been amended, in particular to complement the list of the agency's new tasks, to stipulate that a balanced representation of men and women on EMSA's administrative board should be striven for, and to provide for a progress report to be drawn up by the Commission after five years on the implementation of the new tasks and a possible need for modification.

The tasks added at the Parliament's request include assistance to the member states or the Commission as regards:

- provision of data to facilitate measures against threats of piracy and intentional unlawful acts;
- monitoring of recognised organisations that carry out certification tasks;
- gathering and analysing data on seafarers;
- the use of the CleanSeaNet information system to monitor the impact of oil pollution from offshore installations;
- the use of the SafeSeaNet information system to facilitate implementation of the directive on reporting formalities for ships, and
- voluntary exchange of best practices in maritime training and education.

In addition, the preamble to the regulation, which sets out the reasons behind the provisions and puts them in context, has been modified to accommodate a number of concerns expressed by the European Parliament. In particular, account has been taken of the Parliament's request that the Commission examine in its progress report whether EMSA could contribute, not only to the response to, but also to the prevention of pollution from offshore installations, though the Council is of the opinion that EMSA should stick to the mandate defined in the new regulation.

The initial proposal was presented by the Commission in November 2010 ([15717/10](#)).
