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| From: | General Secretariat of the Council |
| To: | Delegations |
| Subject: | Proposal for a Regulation of the European Parliament and of the Council on the European Maritime Safety Agency and repealing Regulation (EC) No 1406/2002 [doc ST 10133/23COM(2023) 269 final Interinstitutional number - 2023/0163 (COD)] – Opinion of the European Economic and Social Committee |

Delegations will find, in annex, the opinion of the European Economic and Social Committee on the above-mentioned proposal.

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OPINION

European Economic and Social Committee

European Maritime Safety Agency

Proposal for a Regulation of the European Parliament and of the Council on the European Maritime
Safety Agency and repealing Regulation (EC) No 1406/2002
[COM(2023) 269 final – 2023/0163 (COD)]

TEN/810

Rapporteur: **Kaia VASK**

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| Referral | Council of the European Union, 13/07/2023 European Parliament, 10/07/2023 |
| Legal basis | Article 100(2) and 304 of the Treaty on the Functioning of the European Union |
| Section responsible | Transport, Energy, Infrastructure and the Information Society |
| Adopted in section | 06/09/2023 |
| Adopted at plenary | 20/09/2023 |
| Plenary session No | 581 |
| Outcome of vote (for/against/abstentions) | 222/0/2 |

1. Conclusions and recommendations

1.1 The Committee welcomes the role played by the European Maritime Safety Agency (EMSA) in improving maritime safety in the Member States. The Agency has made a real contribution in recent years to improving maritime safety and preventing and tackling pollution by ships.

1.2 The Committee considers the Proposal for a Regulation of the European Parliament and of the Council on the European Maritime Safety Agency and repealing Regulation (EC) No 1406/2002 [COM(2023) 269 final-2023.0163 (COD)] to be an important further step in improving maritime safety and sustainability and providing the EU with tools to support clean and modern shipping.

1.3 The Committee welcomes the proposal to expand the activities of EMSA; however, it has serious doubts as to whether EMSA has the human and financial resources to perform these additional activities properly. The proposed increase in EMSA's resources is insufficient given the extent of the proposed increase in the Agency's tasks and the scale of the EU's ambitions for maritime policy.

1.4 The EESC welcomes the aim of the proposal to bring the founding regulation more into line with EU legislation and the recently-published maritime safety legislative package¹, as well as with the *Joint communication on the update of the EU Maritime Security Strategy and its Action Plan: An enhanced EU Maritime Security Strategy for evolving maritime threats*².

1.5 The Committee believes that the Agency could play a substantial role in supporting the training of Port State Control inspectors of the Member States and officials of the Flag State Administrations to conduct targeted inspections as regards the implementation and enforcement of the MLC 2006 in relation to the implementation of seafarers' rights and working and living conditions on board ships.

1.6 The Committee would like to see EMSA more engaged with the recommendations of the Commission's *Study on social aspects within the maritime transport sector* (published in 2020)³.

1.7 The Committee would like to see a more active and substantial participation and contribution by the social partners. This will improve EMSA's relations with external stakeholders and increase the visibility and transparency of the Agency's activities.

2. Introduction

2.1 On 1 June 2023, the Commission published its *Proposal for a Regulation (EU) of the European Parliament and of the Council on the European Maritime Safety Agency and repealing Regulation (EC) No 1406/2002 (COM(2023) 269 final)*, and it has asked the European

¹ https://ec.europa.eu/commission/presscorner/detail/en/ip_23_2919

² [Update of the EU Maritime Security Strategy and its Action Plan](#)

³ Study on social aspects within the maritime transport sector:
<https://op.europa.eu/en/publication-detail/-/publication/a14413d7-bf30-11ea-901b-01aa75ed71a1>.

Economic and Social Committee, in accordance with Article 304 of the Treaty on the Functioning of the European Union, to give its opinion on the text.

2.2 The EESC is pleased to meet this request, as it considers this proposal to be an important further step in improving maritime safety and sustainability, providing the EU with tools to support clean and modern shipping, as well as tools supporting the Commission and the competent national authorities in combating threats of piracy and of intentional unlawful acts in the area of maritime transport.

2.3 The work of the Agency on sustainability, digitalisation, surveillance, simplification, safety, security and capacity building has evolved over the past years with the range of new tasks that EMSA has been entrusted with. A revision and future-proofing of the founding regulation of EMSA ((EC) No 1406/2002) was necessary, as the mandate of the Agency, except for the coast guard cooperation amendment, was last revised in 2013 and needed to be updated to reflect EMSA's current scope of activities, the evolving regulatory framework, the recently published maritime safety legislative package, and developments in the maritime sector.

2.4 Since 2002, the tasks of the Agency have indeed expanded and EMSA now offers technical, scientific, and operational assistance in a wide range of areas related to maritime transport, notably in relation to the green and digital transitions.

2.5 In the area of decarbonisation of shipping, the Agency is expected to support the Commission and the Member States in the implementation of new rules on the use of renewable and low-carbon fuels in maritime transport. The Agency will also continue assisting the Commission and the Member States with maritime surveillance, cybersecurity resilience and crisis preparedness and play a significant role in simplifying reporting between Member States through the use of IT tools, while continuing to offer training and capacity building for Member State administrations.

2.6 This legislative proposal is part of a set of revision proposals by the Commission to ensure efficient, sustainable, and safe maritime traffic and transport in EU waters, for the benefit of our citizens, coastal communities, marine environment, and healthy oceans.⁴

3. General comments

3.1 The Committee welcomes the revision of the objectives to reflect new tasks of the Agency in the areas of sustainability, decarbonisation, digitalisation, surveillance and maritime awareness.

3.2 The Committee would like to see a more active and substantial participation and contribution by the social partners through a formal role and participation in consultation steering groups, working groups and task forces via representatives with expertise in the relevant topics. This will improve EMSA's relations with external stakeholders and increase the visibility and transparency of the Agency's activities.

⁴ [COM\(2023\) 268 final](#).

3.3 Fatigue and deterioration of working and living conditions on board are directly linked to risks to safety and security. Having the presence of mentally and physically exhausted seafarers on board increases not only the risk of human error but puts at risk the safety of lives and ships at sea, as well as the marine and coastal environment. Moreover, this also goes against the EU's maritime security objectives.

3.4 Recent reports⁵ have shown that there is a culture of systematic adjustment of work and rest hours and there is a great need for systematic verification of records and for Port State Control inspectors to be adequately trained to conduct targeted inspections in such crucial areas. Also Flag States should review the guidance given to their surveyors and those authorised to act on their behalf to include systematic verification of the accuracy of records.

3.5 In this regard, the EESC would like to see EMSA engage more with the following recommendations of the Commission's *Study on social aspects within the maritime transport sector* (published in 2020)⁶:

Achieving a common approach in the implementation and enforcement of the MLC 2006 by increasing levels of cooperation and exchange of information between EU Port State authorities:

- The publication of a guidance document by EMSA offering advice on how to address the vague or ambiguous provisions of the MLC 2006. This could also provide a list of the most frequent problems detected during Port State inspections of ships under each flag, as well as explanations and clarifications on each Flag State's specific documentation and certificates.
- Reinforcement of training provided by EMSA to EU Port State control officers, ensuring that it covers aspects related to the MLC 2006 with enough level of detail. It is important to focus on those MLC 2006 deficiencies that are more serious, such as non-payment of salaries, social security issues and other detainable deficiencies. Moreover, training sessions could include activities that encourage discussions between EU Port State authorities to improve communication and exchange of information and good practices.

3.6 The Committee welcomes the provision for EMSA to publish data and/or provide feedback to authorities on the outcomes of their visits to Member States. Member States could benefit from learning what difficulties/challenges other Member States face and how these compare to their own situations (as also recommended by the above-mentioned study).

⁵ WMU report: *A culture of Adjustment* <https://www.seafarerstrust.org/publications/culture-adjustment-baumler-et-al-wmu>.
ITF report: *Beyond the limit* <https://www.itfglobal.org/en/reports-publications/beyond-limit>.

⁶ Study on social aspects within the maritime transport sector: <https://op.europa.eu/en/publication-detail/-/publication/a14413d7-bf30-11ea-901b-01aa75ed71a1>.

3.7 As civil society organisations, we often observe situations where certain public administration entities are burdened with additional tasks while their resources, both in terms of personnel and funding, are far from sufficient. Here again, the proposed increase in funding and staff numbers do not seem to correspond to a quite substantial expansion of EMSA's remit. The Committee therefore recommends reassessing the funding and staffing needs so that the Agency can carry out its future tasks effectively.

3.8 Regarding satellite-based surveillance, the Committee welcomes EMSA's efforts to improve its CleanSeaNet service (CSN) for routine monitoring of the seas and detection of illegal discharges and polluting vessels, as well as in support of emergency response in the event of large-scale accidental spills. In addition, the Agency should further support Member States in their Search and Rescue activities. The detection and monitoring of pollution at sea and satellite-based surveillance services should continue to be provided by EMSA for all Member States and EU authorities with surveillance competences and it should also continue providing operational worldwide monitoring services from satellites to a wide range of user communities (fisheries control, maritime safety, maritime security, law enforcement, including combating illegal trafficking, and marine pollution monitoring and customs, as well as supporting Member States' search and rescue operations).

3.9 Regarding pollution and illegal discharges as referred to in Directive 2005/35/EC, the Committee believes that the correct use of the available information from the Exchange System and information systems could contribute to the avoidance of criminalisation of seafarers in the event of pollution incidents. Seafarers have a right to undertake their work without fear of being treated unfairly, or, even worse, placed in detention without recourse to fair justice and representation.

3.10 The Committee would like to see EMSA having a more prominent role in the European Marine Casualty Information Platform (EMCIP), and for this to be reflected in the updated mandate. It is important for EMSA to be able to compare, evaluate and share lessons learned, especially in the most serious cases.

3.11 With increasing urgency for action in the field of sustainability, the Committee welcomes the role of EMSA in providing support in the implementation of the measures linked to the European Green Deal, such as the Fit for 55 package, which refers to the EU's target of reducing net GHG emissions at least 55% by 2030⁷.

3.12 The common fight against climate change and the sustainability of the maritime transport sector requires extensive research, development and innovation in new, alternative fuels, and EMSA should continue to assist Member States and the Commission in this regard.

3.13 EMSA studies should also continue in the field of sustainable alternative sources of power for ships. The maritime sector faces increasing challenges and opportunities with the various transitions underway, including efforts towards zero-carbon fuels and the propulsion systems required to use them, and the drive towards digitalisation and automation. EMSA should further study the safety risks

⁷ [Communication from the Commission: Stepping up Europe's 2030 climate ambition.](#)

posed by alternative fuels and should start to work on guidance for the safe use of these fuels together with stakeholders and social partners.

3.14 Maritime professionals need in-depth understanding of the complex systems on board to be able to serve the needed cooperation of all systems. Health and Safety needs to be the first priority when handling new and complex hybrid and zero emission systems.

3.15 The Committee believes that in the effort to develop new green types of energy production with innovative engine technologies, safety aspects should not be overlooked. Engineer officers and crew will face the greatest safety challenges with energy sources for propulsion, such as high temperature, high pressure, high voltage, toxicity and corrosivity. Hazards need to be carefully considered and EMSA can contribute to assessing and analysing all risks based on the technical characteristics of the energy sources on board.

3.16 The regulatory regime must fully take into consideration safety aspects for maritime workers and their practical viability for shipboard working and living conditions.

3.17 The Committee welcomes the requirement of facilitating the exchange of best practices and information between Member States on cyber security incidents. The Agency could also assist by providing technical assistance to always maintain connectivity for seafarers without compromising the cybersecurity of ships. Cybersecurity should not be an excuse for limiting connectivity of seafarers on board ships.

3.18 The Committee welcomes the operation of a centre available 24/7 providing maritime situational awareness and analytical data to the Commission, the competent national authorities, and to relevant Union bodies, supporting them in relation to emergency situations at sea, measures against threats of piracy and of intentional unlawful acts, safety, security and pollution at sea, monitoring of ship movement data and the deployment of MASS.

3.19 The Committee is looking forward to the Common Information Sharing Environment (CISE) programme becoming operational in 2024, and considers it an important step forward in maritime surveillance, building on real-time collaboration between different existing systems used by civil and military authorities, while ensuring the effectiveness and cost-efficiency of maritime surveillance activities. This operational network will allow, for the first time, all EU Member State authorities and EU bodies with an interest in maritime surveillance to share information.

3.20 The Committee welcomes the tasks relating to digitalisation and the provision of technical assistance to the Member States, upon their request, in the digitalisation of their registries and their procedures facilitating the uptake of electronic certificates.

3.21 The Committee welcomes the tasks relating to simplification of reporting obligations by reusing information already reported and applying the 'once only' principle of the European Maritime Single Window environment. This Regulation was a much-awaited administrative simplification for shipping and for several years now the maritime transport social partners have called for a reduction of the administrative burden for shipping.

3.22 The effective implementation of a European Maritime Single Window environment by the Member States will bring harmonisation and can reduce the administrative burden for crew and operators caused by the previous Reporting Formalities Directive. The technical support and facilitation provided by EMSA to the Member States and to the Commission is crucial for the effective implementation of the European Maritime Single Window Regulation (Regulation (EU) 2019/1239).

3.23 The Committee proposes that more work be carried out as regards the development and analysis of statistical data and indicators. Currently there are no reliable, standardised data to describe and monitor the European maritime labour market. There is a great need for accurate, reliable data for the development of appropriate strategic responses to the problems and challenges the industry faces, with one of the most pressing of these, in the European context, being the retention of seafarers. EMSA has developed a large amount of statistical analysis and reports during the last years and this support should continue to be provided.

3.24 In a previous opinion⁸, the EESC emphasised that closer cooperation and information exchange between the three EU agencies concerned, as well as between them and the national bodies carrying out coastguard functions, should result in an efficient and effective coastguard system.

3.25 The Committee welcomes European cooperation on coast guard functions as a major step towards improving cooperation and coordination between the relevant EU agencies in order to achieve synergies to make their operation more efficient and cost-effective. This will enable the EU agencies to provide the national authorities carrying out border control and coastguard functions with high-quality, cost-effective information.

3.26 The Committee considers it essential, from a humanitarian point of view and in the interests of efficient and effective coastal surveillance, to ensure that all vessel movements at sea can be detected so that rescue services can be deployed promptly.

Brussels, 20 September 2023

Oliver Röpke

The president of the European Economic and Social Committee

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[OJ C 177, 18.5.2016, p.57.](#)