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INFORMATION NOTE

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| From: | General Secretariat of the Council |
| To: | Permanent Representatives Committee/Council |
| 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 - Outcome of the European Parliament's first reading (Strasbourg, 11 to 14 March 2024) |

I. INTRODUCTION

The rapporteur, Cláudia MONTEIRO DE AGUIAR (EPP, PT), presented a report on the above proposal for a Regulation on behalf of the Committee on Transport and Tourism (TRAN) which contained 94 amendments (amendments 1 to 94) to the proposal. No other amendment was tabled.

II. VOTE

When it voted on 12 March 2024, the plenary of the European Parliament adopted amendments 1 to 94 to the proposal for a Regulation.

The Commission's proposal as thus amended constitutes the Parliament's first-reading position which is contained in its legislative resolution as set out in the Annex hereto.

P9_TA(2024)0134

European Maritime Safety Agency and repealing Regulation (EC) No 1406/2002

European Parliament legislative resolution of 12 March 2024 on 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)0269 – C9-0190/2023 – 2023/0163(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2023)0269),
 - 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 (C9-0190/2023),
 - 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 20 September 2023¹,
 - after consulting the Committee of the Regions,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the opinions of the Committee on Budgets and of the Committee on Fisheries,
 - having regard to the report of the Committee on Transport and Tourism (A9-0423/2023),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

¹ OJ C, C/2023/873, 8.12.2023, ELI: <http://data.europa.eu/eli/C/2023/873/oj>.

Amendment 1
Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) The fishing sector has high accident rates, which also have high mortality levels, and the important role of fishers training when it comes to work safety.

Amendment 2
Proposal for a regulation
Recital 8

Text proposed by the Commission

Amendment

(8) The Agency was initially established with the objective of contributing to the establishment of a high level of maritime safety across the Union while also assisting the pollution prevention from ships and later also from oil and gas installations. While these objectives were further strengthened with the addition of promoting maritime security, the Agency's focus, during recent years, on support to regulatory developments in the area of decarbonisation and digitalisation of shipping merit the addition of those areas in the overall objectives of the Agency enabling it to contribute to the goals of the twin, green and digital, transition of the industry. Likewise, the crucial role of the Agency in the provision of a maritime awareness picture in the sea, through satellite images and the operation of remotely piloted aircraft systems, justifies the addition of a relevant overall objective for the Agency.

(8) The Agency was initially established with the objective of contributing to the establishment of a high level of maritime safety across the Union while also assisting the pollution prevention from ships and later also from oil and gas installations. While these objectives were further strengthened with the addition of promoting maritime security, the Agency's focus, during recent years, on support to regulatory developments in the area of decarbonisation and digitalisation of shipping, ***including port areas***, merit the addition of those areas in the overall objectives of the Agency enabling it to contribute to the goals of the twin, green and digital, transition of the industry. Likewise, the crucial role of the Agency in the provision of a maritime awareness picture in the sea, through satellite images and the operation of remotely piloted aircraft systems, justifies the addition of a relevant overall objective for the Agency.

Amendment 3
Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) For the proper achievement of these objectives, it is appropriate that the Agency carries out specific tasks in the area of maritime safety, sustainability, decarbonisation of the maritime sector, maritime security and cybersecurity, maritime surveillance and maritime crises and the promotion of the digitalisation and facilitation of exchanges of data in the maritime domain.

Amendment

(10) For the proper achievement of these objectives, it is appropriate that the Agency carries out specific tasks in the area of maritime safety, ***prevention of pollution by ships***, sustainability, decarbonisation of the maritime sector, maritime security and cybersecurity, maritime surveillance and maritime crises and the promotion of the digitalisation and facilitation of exchanges of data in the maritime domain. ***While carrying out these tasks the Agency should pay attention to the specificities of the different types of maritime activities with a specific attention to the conditions applicable to the fishing sector.***

Amendment 4
Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) In addition to the specific tasks, the Agency should provide horizontal, technical support, upon request by the Commission or the Member States, for the implementation of any task that falls under the remit of its competences and objectives, stemming from future needs and developments at the Union level. Such additional tasks shall be subjected to a consideration of the available human and financial resources, which the Management Board of the Agency should take into account before deciding to include them in the Single Programming Document of the Agency as part of its annual or multiannual work program. This is necessary to ensure that certain tasks which constitute the core of the Agency could be prioritised if needed.

Amendment

(11) In addition to the specific tasks, the Agency should provide horizontal, technical support, upon request by the Commission or the Member States, for the implementation of any task that falls under the remit of its competences and objectives, stemming from future needs and developments at the Union level ***under the remits of maritime legislation***. Such additional tasks shall be subjected to a consideration of the available human and financial resources, which the Management Board of the Agency should take into account before deciding to include them in the Single Programming Document of the Agency as part of its annual or multiannual work program. ***Therefore, new additional tasks should be accompanied with a legislative financial statement presented to the legislative and budgetary***

authorities. This is necessary to ensure that certain tasks which constitute the core of the Agency could be prioritised if needed.

Amendment 5
Proposal for a regulation
Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) The Agency should pay special attention to the fisheries sector when carrying out its tasks, since it has an important economic and social impact in the EU. In particular, fishing vessels and workers are highly vulnerable to maritime safety risks and play a relevant role in the green transition.

Amendment 6
Proposal for a regulation
Recital 12

Text proposed by the Commission

Amendment

(12) The Agency is at the forefront of the technical expertise in the areas of its competence and thus it should provide training and capacity building activities to the Member States with the development of common core curricula courses and the use of the most technologically advanced tools in their delivery.

(12) The Agency is at the forefront of the technical expertise in the areas of its competence and thus it should provide training and capacity building activities to the Member States with the development of common core curricula courses and the use of the most technologically advanced tools in their delivery. ***The Agency should inter alia support 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. In order to increase the attractiveness of maritime professions, the Agency should assess building up a network comprising academia and any other establishments providing for suitable qualifications for***

promoting lifelong learning needs.

Amendment 7
Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) This technical expertise of the Agency should be further cultivated by conducting research in the maritime field and contributing to the relevant Union's activities in the area. The Agency should contribute with a proactive approach to the objectives of enhancing maritime safety, security, decarbonisation of shipping and prevention of pollution by ships. In this regard, the Agency could issue relevant non-binding guidance, recommendations or manuals that could assist the Commission, the Member States and/or the maritime industry in attaining these objectives.

Amendment

(13) This technical expertise of the Agency should be further cultivated by conducting research in the maritime field and contributing to the relevant Union's activities in the area. The Agency should contribute with a proactive approach to the objectives of enhancing maritime safety, security, decarbonisation of shipping and **maritime ports and** prevention of pollution by ships. In this regard, the Agency could issue relevant non-binding guidance, recommendations or manuals that could assist the Commission, the Member States and/or the maritime industry in attaining these objectives.

Amendment 8
Proposal for a regulation
Recital 14

Text proposed by the Commission

(14) As regards maritime safety, the Agency should develop a proactive approach in determining safety risks and challenges on the basis of which it should present to the Commission every three years a report on the progress on maritime safety. Moreover, the Agency should continue assisting the Commission and the Member States in the implementation of the relevant Union legislation, especially in the areas of flag and port State obligations, **the** accident investigation of marine accidents, the passenger ship safety legislation, Recognised Organisations and marine equipment. Finally, the Agency should have a proactive role in assisting the deployment of maritime autonomous and

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(14) As regards maritime safety, the Agency should develop a proactive approach in determining safety risks and challenges on the basis of which it should present to the Commission every three years a report on the progress on maritime safety. Moreover, the Agency should continue assisting the Commission and the Member States in the implementation of the relevant Union legislation, especially in the areas of flag and port State obligations, **directly supporting** accident investigation of marine accidents, the passenger ship safety legislation, Recognised Organisations and marine equipment. Finally, the Agency should have a proactive role in assisting the deployment

automated surface ships while also it is important to collect further data in the area of the training and certification for seafarers and the Maritime Labour Convention (MLC, 2006).

of maritime autonomous and automated surface ships while also it is important to collect further data in the area of the training and certification for seafarers and the Maritime Labour Convention (MLC, 2006).

Amendment 9
Proposal for a regulation
Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) Calls on the Commission to transpose the IMO International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F 1995), into EU law in order to achieve a harmonized framework for minimum level of training of fishers in Europe.

Amendment 10
Proposal for a regulation
Recital 16

Text proposed by the Commission

Amendment

(16) In the area of decarbonisation of the shipping sector, efforts to limit global maritime emissions through the International Maritime Organisation (IMO) are under way and should be encouraged, including the rapid implementation of the initial IMO Strategy on Reduction of Greenhouse Gas Emissions from Ships, adopted in 2018. Discussions are ***undergoing*** on the means to implement in practice such ambition, ***including on a revision of*** the initial strategy. At the Union level, a set of policies and legislative proposals to support the decarbonisation and further promote the sustainability of the maritime sector has been developed, as reflected in particular in the European Green Deal, the Sustainable and Smart Mobility Strategy, the “Fit for

(16) In the area of decarbonisation of the shipping sector, efforts to limit global maritime emissions through the International Maritime Organisation (IMO) are under way and should be encouraged, including the rapid implementation of the initial IMO Strategy on Reduction of Greenhouse Gas Emissions from Ships, adopted in 2018. Discussions are ***ongoing*** on the means to implement in practice such ambition. ***Those discussions cover the possibility of revising*** the initial strategy, ***and offer the opportunity to reflect on the Union’s ambitions at international level and the importance of securing a global level playing field that would result in the strengthening of EU maritime competitiveness.*** At the Union level, a set of policies and legislative proposals to

55” package and the Zero Pollution Strategy. As a result, the need to reduce greenhouse gas emissions from the maritime sector should be reflected in the mandate of the Agency.

support the decarbonisation and further promote the sustainability of the maritime sector has been developed, as reflected in particular in the European Green Deal, the Sustainable and Smart Mobility Strategy, the “Fit for 55” package and the Zero Pollution Strategy. As a result, the need to reduce greenhouse gas emissions from the maritime sector should be reflected in the mandate of the Agency.

Amendment 11
Proposal for a regulation
Recital 17

Text proposed by the Commission

(17) In this regard, while the Agency should continue assisting the Commission and the Member States in the implementation of Regulation (EU) 2015/757 of the European Parliament and of the Council²⁵ it should further assist in the implementation of the new regulatory measures to decarbonise the shipping sector, as stemming from the Fit for 55 legislative package, such as the Regulation [...] on the use of renewable and low-carbon fuels in maritime transport and the shipping-related elements of Directive 2003/87/EC of the European Parliament and of the Council²⁶ establishing a scheme for greenhouse gas emission allowance trading within the Community. The Agency should continue to be at the forefront of expertise at Union level to assist in the transition of the sector into renewable and low carbon fuels by conducting research and providing guidance on the uptake and deployment of sustainable alternative sources of power for ships, **including** onshore power supply to ships and in relation to the deployment of energy efficiency and **wind** propulsion **assistance** solutions. In order to monitor progress in the area of decarbonisation of the shipping sector, the Agency should report to the Commission on the greenhouse gas reduction efforts and any

Amendment

(17) In this regard, while the Agency should continue assisting the Commission and the Member States in the implementation of Regulation (EU) 2015/757 of the European Parliament and of the Council²⁵ it should further assist in the implementation of the new regulatory measures to decarbonise the shipping sector, as stemming from the Fit for 55 legislative package, such as the Regulation [...] on the use of renewable and low-carbon fuels in maritime transport and the shipping-related elements of Directive 2003/87/EC of the European Parliament and of the Council²⁶ establishing a scheme for greenhouse gas emission allowance trading within the Community. ***That includes monitoring and reporting on the impacts of EU ETS Maritime and FuelEU Maritime on port traffic, port evasion and traffic shift to transshipment ports in third countries, at the detriment of EU ports.*** The Agency should continue to be at the forefront of expertise at Union level to assist in the transition of the sector into renewable and low carbon fuels by conducting research and providing guidance on the uptake and deployment of sustainable alternative sources of power for ships ***and the related infrastructure in port areas***, onshore power supply to ships and in relation to the deployment of energy

recommendations that might have every three years.

efficiency and *wind-assisted, solar and kinetic wave* propulsion solutions. *That also includes new greenhouse gas abatement technologies, such as onboard carbon capture and energy efficiency practices, such as slow steaming. Furthermore, it should also share its expertise related with ports safety-related risks, bunkering and storage on uptaking sustainable alternative fuels, technological and regulatory barriers.* In order to monitor *and pave the way for* progress in the area of decarbonisation of the shipping sector *and port areas*, the Agency should report to the Commission *and the Parliament* on the greenhouse gas reduction efforts and any recommendations that might have every three years. *The Agency should also report on all the administrative and practical difficulties met by Member States in implementing the related legislative acts.*

²⁵ Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC (OJ L 123, 19.5.2015, p. 55).

²⁶ Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32).

²⁵ Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC (OJ L 123, 19.5.2015, p. 55).

²⁶ Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32).

Amendment 12

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) In the area of maritime security, the Agency should continue to provide technical assistance to the Commission

Amendment

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inspections in the framework of Regulation 725/2004 of the European Parliament and of the Council²⁷ on enhancing ship and port facility security. Given that the number of **cybersecurity** incidents in the maritime sector has gone up significantly in recent years, the Agency should assist Union efforts to enhance resilience **against cybersecurity incidents** in the maritime sector by facilitating the exchange of best practices and information on cyber security incidents between the Member States.

²⁷ Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security, OJ L 129 of 29.4.2004, p. 6

inspections in the framework of Regulation 725/2004 of the European Parliament and of the Council²⁷ on enhancing ship and port facility security. Given that the number of **cyber security** incidents in the maritime sector has gone up significantly in recent years, the Agency should assist Union efforts to **prevent cyber security incidents** and enhance **cyber** resilience in the maritime sector by **preparing guidelines**, facilitating the exchange of best practices and information on cyber security incidents between the Member States.

²⁷ Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security, OJ L 129 of 29.4.2004, p. 6

Amendment 13

Proposal for a regulation

Recital 19

Text proposed by the Commission

(19) The Agency should continue to host the vessel monitoring and information system established under Directive 2002/59/EC of the European Parliament and of the Council²⁸ together with other systems underpinning the establishment of a maritime awareness picture. In this regard, the Agency should continue to play a vital role in the management of the maritime security component of Copernicus programme and should continue making use of available state-of-the-art technology, such as remotely piloted aircraft systems providing to Member States and other Union bodies a useful tool for surveillance and monitoring. In addition to these services, the Agency has demonstrated its strategic role in providing maritime situational awareness supporting various crises, such as the COVID-19 and Russia's war of aggression against Ukraine. As a result, the Agency

Amendment

(19) The Agency should continue to host the vessel monitoring and information system established under Directive 2002/59/EC of the European Parliament and of the Council²⁸ together with other systems underpinning the establishment of a maritime awareness picture. In this regard, the Agency should continue to play a vital role in the management of the maritime security component of Copernicus programme and should continue making use of available state-of-the-art technology, such as remotely piloted aircraft systems providing to Member States and other Union bodies a useful tool for surveillance and monitoring. In addition to these services, the Agency has demonstrated its strategic role in providing maritime situational awareness supporting various crises, such as the COVID-19 and Russia's war of aggression against Ukraine. As a result, the Agency

should operate a centre, open 24 hours per day and 7 days per week, which should assist the Commission and the Member States *with such* emergency situations.

should operate a centre, open 24 hours per day and 7 days per week, which should assist the Commission and the Member States ***and provide information regarding potential and*** emergency situations. ***In support of a strong and united answer of the Union and its Member States to Russia's war of aggression against Ukraine, the Agency should, inter alia, monitor suspicious behaviour around pipelines and detect sanctions evasion at sea.***

²⁸ Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (OJ L 208, 5.8.2002, p. 10).

²⁸ Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (OJ L 208, 5.8.2002, p. 10).

Amendment 14

Proposal for a regulation

Recital 20

Text proposed by the Commission

(20) Digitalisation of data is part of technological progress in the area of data collection and communication with a view to helping to bring down costs and making efficient use of human resources. The deployment and operation of Maritime Autonomous Surface Ships (MASS) and the digital and technological developments provide a wide range of new opportunities in terms of data collection and management of integrated systems. This creates opportunities for the potential digitalisation, automation and standardisation of several processes, which would allow for the facilitation of safety, security, sustainability and efficiency of maritime operations, including surveillance mechanisms, at Union level, reducing in parallel the administrative burden to the Member States. In this regard, the Agency should, among others, facilitate and promote the use of electronic certificates,

Amendment

(20) Digitalisation of data is part of technological progress in the area of data collection and communication with a view to helping to bring down costs, ***reducing administrative burden*** and making efficient use of human resources. The deployment and operation of Maritime Autonomous Surface Ships (MASS) and the digital and technological developments provide a wide range of new opportunities in terms of data collection and management of integrated systems. This creates opportunities for the potential digitalisation, automation and standardisation of several processes, which would allow for the facilitation of safety, security, sustainability and efficiency of maritime operations, including surveillance mechanisms, at Union level, reducing in parallel the administrative burden to the Member States. In this regard, the Agency should, among others, facilitate and

the collection, recording and evaluation of technical data, the systematic exploitation of existing databases, including their cross-fertilisation through the use of innovative IT and artificial intelligence tools, and, where appropriate, the development of additional interoperable databases.

promote the use of electronic certificates, the collection, recording and evaluation of technical data, the systematic exploitation of existing databases, including their cross-fertilisation through the use of innovative IT and artificial intelligence tools, and, where appropriate, the development of additional interoperable databases.

Amendment 15
Proposal for a regulation
Recital 22

Text proposed by the Commission

(22) In the context of the IMO, the International Labour Organisation (ILO) and the Paris Memorandum of Understanding on Port State Control, signed at Paris on 26 January 1982 ('Paris MoU'), the Commission and the Member States may need technical assistance and expertise. Likewise, the Commission may also need the technical assistance of the Agency in supporting third countries in the maritime domain, in particular with capacity building and pollution prevention and response means. The Management Board of the Agency should be tasked with adopting a strategy for international relations of the Agency concerning matters under its competence, as part of the single programming document.

Amendment

(22) In the context of the IMO, the International Labour Organisation (ILO) and the Paris Memorandum of Understanding on Port State Control, signed at Paris on 26 January 1982 ('Paris MoU'), the Commission and the Member States may need technical assistance and expertise, ***thus the role of EMSA should be reinforced, in particular within IMO, where EMSA should participate in and attend the discussions***. Likewise, the Commission may also need the technical assistance of the Agency in supporting third countries in the maritime domain, in particular with capacity building and pollution prevention and response means. The Management Board of the Agency should be tasked with adopting a strategy for international relations of the Agency concerning matters under its competence, as part of the single programming document.

Amendment 16
Proposal for a regulation
Recital 23

Text proposed by the Commission

(23) National authorities carrying out coast guard functions are responsible for a wide range of tasks, which may include

Amendment

(23) National authorities carrying out coast guard functions are responsible for a wide range of tasks, which may include

maritime safety, security, search and rescue, border control, fisheries control, customs control, general law enforcement and environmental protection. The Agency, the European Border and Coast Guard Agency, established by Regulation (EU) 2019/1896 of the European Parliament and of the Council²⁹, and the European Fisheries Control Agency, established by Regulation (EU) 2019/473 of the European Parliament and of the Council³⁰, should therefore strengthen their cooperation, within their mandate, both with each other and with the national authorities carrying out coast guard functions, in order to increase maritime situational awareness and to support coherent and cost-efficient action.

maritime safety, security, search and rescue, border control, fisheries control, customs control, general law enforcement and environmental protection. The Agency, the European Border and Coast Guard Agency, established by Regulation (EU) 2019/1896 of the European Parliament and of the Council²⁹, and the European Fisheries Control Agency, established by Regulation (EU) 2019/473 of the European Parliament and of the Council³⁰, should therefore strengthen their cooperation, within their mandate, both with each other and with the national authorities carrying out coast guard functions, in order to increase maritime situational awareness and to support coherent and cost-efficient action, ***by providing services, information, technology, equipment and training, as well as by coordinating multi-purpose operations, collecting data for scientific research, monitoring European waters and implementing cooperation programmes with third countries.***

²⁹ Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1).

³⁰ Regulation (EU) 2019/473 of the European Parliament and of the Council of 19 March 2019 on the European Fisheries Control Agency (OJ L 83, 25.3.2019, p. 18).

²⁹ Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1).

³⁰ Regulation (EU) 2019/473 of the European Parliament and of the Council of 19 March 2019 on the European Fisheries Control Agency (OJ L 83, 25.3.2019, p. 18).

Amendment 17

Proposal for a regulation

Recital 25

Text proposed by the Commission

(25) In order to streamline the decision-making process in the Agency and to contribute to enhancing efficiency and effectiveness, a two-level governance

Amendment

(25) In order to streamline the decision-making process in the Agency and to contribute to enhancing efficiency and effectiveness, a two-level governance

structure should be introduced. To that end, the Member States and the Commission should be represented on a Management Board vested with the necessary powers, including the power to establish the budget and approve the programming document. The Management Board should give general orientations for the Agency's activities and be more closely involved in the monitoring of the Agency's activities, with a view to reinforcing supervision on administrative and budgetary matters. A smaller Executive Board should be set up with the task of preparing the meetings of the Management Board in an appropriate manner and supporting its decision-making process. The powers of the Executive Board should be defined in a mandate to be adopted by the Management Board and should, where necessary, include opinions and provisional decisions subject to final endorsement by the Management Board. The Agency should be headed by an Executive Director.

structure should be introduced. To that end the Member States and the Commission should be represented on a Management Board vested with the necessary powers, including the power to establish the budget and approve the programming document. ***The European Parliament should be represented as an observer.*** The Management Board should give general orientations for the Agency's activities and be more closely involved in the monitoring of the Agency's activities, with a view to reinforcing supervision on administrative and budgetary matters. A smaller Executive Board should be set up with the task of preparing the meetings of the Management Board in an appropriate manner and supporting its decision-making process. The powers of the Executive Board should be defined in a mandate to be adopted by the Management Board and should, where necessary, include opinions and provisional decisions subject to final endorsement by the Management Board. The Agency should be headed by an Executive Director.

Amendment 18
Proposal for a regulation
Recital 27

Text proposed by the Commission

(27) In order to perform its tasks properly, the Agency should have legal personality and an autonomous budget funded mainly through a contribution by the Union and through fees and charges paid by third countries or other entities. The Agency's independence and impartiality should not be compromised by any financial contribution that it receives from Member States, third countries or other entities. In order to ensure independence in its daily management and in the opinions, recommendations and decisions which it issues, the Agency's organisation should be transparent and the Executive Director should have full responsibility. The

Amendment

(27) In order to perform its tasks properly, the Agency should have legal personality and an autonomous budget funded mainly through a contribution by the Union and through ***proportional*** fees and charges paid by third countries or other entities. The Agency's independence and impartiality should not be compromised by any financial contribution that it receives from Member States, third countries or other entities. In order to ensure independence in its daily management and in the opinions, recommendations and decisions which it issues, the Agency's organisation should be transparent and the Executive Director should have full responsibility. The

Agency's staff should be independent and should be employed on both short-term and long-term contracts in order to maintain its organisational knowledge and business continuity, while keeping a necessary and ongoing exchange of expertise with the maritime sector. The expenditure of the Agency should include staff, administrative, infrastructure and operational expenses.

Agency's staff should be independent and should be employed on both short-term and long-term contracts in order to maintain its organisational knowledge and business continuity, while keeping a necessary and ongoing exchange of expertise with the maritime sector. The expenditure of the Agency should include staff, administrative, infrastructure and operational expenses.

Amendment 19
Proposal for a regulation
Recital 28

Text proposed by the Commission

(28) With regard to the prevention and management of conflicts of interest, it is essential that the Agency acts impartially, demonstrates integrity and establishes high professional standards. There should never be any legitimate reason to suspect that decisions might be influenced by interests conflicting with the role of the Agency as a body serving the Union as a whole or by private interests or affiliations of any member of the Management Board which would create, or have the potential to create, a conflict with the proper performance of the official duties of the person concerned. The Management Board should therefore adopt comprehensive rules on conflicts of interests.

Amendment

(28) With regard to the prevention and management of conflicts of interest, it is essential that the Agency acts impartially, demonstrates integrity and establishes high professional standards. There should never be any legitimate reason to suspect that decisions might be influenced by interests conflicting with the role of the Agency as a body serving the Union as a whole or by private interests or affiliations of any member of the Management Board which would create, or have the potential to create, a conflict with the proper performance of the official duties of the person concerned. The Management Board should therefore adopt ***and make publicly available*** comprehensive rules on conflicts of interests, ***giving due consideration to the recommendations of the European Ombudsman***.

Amendment 20
Proposal for a regulation
Recital 33

Text proposed by the Commission

(33) In order to ensure uniform conditions for the implementation of this Regulation with regards to fees and charges,

Amendment

(33) In order to ensure uniform conditions for the implementation of this Regulation with regards to fees and charges,

implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council³¹ .

implementing powers should be conferred on the Commission ***in respect of the determination of the fees and charges for the delivery of services***. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council³¹ .

³¹ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L55, 28.2.2011, p. 13)

³¹ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L55, 28.2.2011, p. 13)

Amendment 21
Proposal for a regulation
Recital 33 a (new)

Text proposed by the Commission

Amendment

(33a) In order to specify the methodology for the calculation of those fees and charges, 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 in respect of ... [content and scope]. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making^{1a}. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Amendment 22
Proposal for a regulation
Recital 34 a (new)

Text proposed by the Commission

Amendment

(34a) 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. Thus, the amount of the financial resources dedicated to this proposal should be drawn from the unallocated margins under MFF ceilings or mobilised through the non-thematic MFF special instruments. Since the Commission proposal for MFF revision did not reinforce EMSA budget, the increase in appropriations for EMSA cannot be offset by a compensatory reduction of programmed spending under CEF Transport or lead to a reduction of the funding for any other Union programmes.

Amendment 23
Proposal for a regulation
Article 2 – paragraph 1

Text proposed by the Commission

Amendment

1. The objectives of the Agency shall be the promotion and establishment of a high, uniform and effective level of maritime safety aiming **towards zero** accidents, maritime security, the reduction of greenhouse gas emissions from ships and the sustainability of the maritime sector as well as the prevention of and response to pollution caused by ships and the response to marine pollution caused by oil and gas installations.

1. The objectives of the Agency shall be the promotion and establishment of a high, uniform and effective level of maritime safety aiming **at the maximum reduction of** accidents, maritime security, the reduction of greenhouse gas emissions from ships and the sustainability of the maritime sector as well as the prevention of and response to pollution caused by ships and the response to marine pollution caused by oil and gas installations.

Amendment 24
Proposal for a regulation
Article 2 – paragraph 2

Text proposed by the Commission

2. Further objectives of the Agency shall be the promotion of digitalisation of the maritime sector by facilitating the electronic transmission of data supporting simplification and the provision of integrated maritime surveillance and awareness systems and services to the Commission and the Member States.

Amendment

2. Further objectives of the Agency shall be the promotion of digitalisation of the maritime sector by facilitating the electronic transmission of data supporting simplification, ***the reduction of the administrative burden*** and the provision of integrated maritime surveillance and awareness systems and services to the Commission and the Member States.

Amendment 25
Proposal for a regulation
Article 3 – paragraph 1 – introductory part

Text proposed by the Commission

1. The Agency shall assist the Commission:

Amendment

1. The Agency shall assist the Commission ***and the Member States***:

Amendment 26
Proposal for a regulation
Article 3 – paragraph 4

Text proposed by the Commission

4. The Agency shall contribute, at the Commission's request, or on its own initiative, subject to the approval of the Management Board in accordance with Article 17, to maritime research activities at the Union level consistent with the objectives of the Agency. In this regard, the Agency shall assist the Commission and the Member States in identifying key research themes, without prejudice to other research activities at the Union level, and in analyzing ongoing and completed research projects relevant to the objectives of the Agency. Where appropriate, subject to the applicable rules on intellectual

Amendment

4. The Agency shall contribute, at the Commission's request, or on its own initiative, subject to the approval of the Management Board in accordance with Article 17, to maritime research activities at the Union level consistent with the objectives of the Agency. In this regard, the Agency shall assist the Commission and the Member States in identifying key research themes, without prejudice to other research activities at the Union level, and in analyzing ongoing and completed research projects relevant to the objectives of the Agency. Where appropriate, subject to the applicable rules on intellectual

property and security considerations, the Agency **may** disseminate the results of its research and innovation activities, following approval by the Commission, as part of its contribution to creating synergies between the research and innovation activities of other Union bodies and the Member States.

property and security considerations, the Agency **shall** disseminate the results of its research and innovation activities, following approval by the Commission, as part of its contribution to creating synergies between the research and innovation activities of other Union bodies and the Member States.

Amendment 27
Proposal for a regulation
Article 4 – paragraph 1

Text proposed by the Commission

1. The Agency shall monitor progress on the safety of maritime transport in the Union, conduct risk analysis on the basis of the available data and develop safety risk assessment models to identify safety challenges and risks. Every three years it shall present to the Commission a report on progress on maritime safety with possible technical recommendations that could be addressed at the Union or the international level. In this regard, the Agency shall in particular analyse and propose relevant guidance or recommendations in relation to potential safety risks stemming from the uptake and deployment of sustainable alternative sources of power for ships, including onshore power supply to ships at berth.

Amendment

1. The Agency shall monitor progress on the safety of maritime transport in the Union, conduct risk analysis on the basis of the available data and develop safety risk assessment models to identify safety challenges and risks. Every three years it shall present to the Commission a report on progress on maritime safety with possible technical recommendations that could be addressed at the Union or the international level. In this regard, the Agency shall in particular analyse and propose relevant guidance or recommendations in relation to potential safety risks stemming from the uptake and deployment of sustainable alternative sources of power for ships, including onshore power supply to ships at berth, ***battery technologies used for propulsion, “zero emission technologies”, as defined in [FuelEU Maritime] or other future technologies on board of ships or in port areas.***

Amendment 28
Proposal for a regulation
Article 4 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The Agency shall assist the Commission in the development and maintenance of the databases provided for in Articles 24 and

Amendment

The Agency shall assist the Commission ***and the Member States*** in the development and maintenance of the databases provided

24a of Directive 2009/16/EC. On the basis of the data collected, the Agency shall assist the Commission in the analysis of the relevant information and the publication of information concerning ships and companies with low and very low performance pursuant to Directive 2009/16/EC.

for in Articles 24 and 24a of Directive 2009/16/EC. On the basis of the data collected, the Agency shall assist the Commission in the analysis of the relevant information and the publication of information concerning ships and companies with low and very low performance pursuant to Directive 2009/16/EC.

Amendment 29

Proposal for a regulation

Article 4 – paragraph 4 – subparagraph 1

Text proposed by the Commission

The Agency shall assist the Commission in the development and maintenance of the database provided for in Article 17 of Directive 2009/18/EC. On the basis of the data collected the Agency shall compile a yearly overview of marine casualties and incidents. The Agency ***shall, if requested by the concerned*** Member States ***and*** where no conflict of interest arises, ***provide operational support to these Member States concerning safety investigations.*** The Agency shall also carry out an analysis of safety investigation reports with a view to identify added value at Union level in terms of any relevant lessons to be drawn.

Amendment

The Agency shall assist the Commission in the development and maintenance of the database provided for in Article 17 of Directive 2009/18/EC. On the basis of the data collected the Agency shall compile a yearly overview of marine casualties and incidents. The Agency ***may be invited by*** Member States ***to provide operational and technical support concerning safety investigations. The Agency shall comply with such requests*** where no conflict of interest arises ***for the Agency.*** The Agency shall also carry out an analysis of safety investigation reports with a view to identify added value at Union level in terms of any relevant lessons to be drawn.

Amendment 30

Proposal for a regulation

Article 4 – paragraph 7

Text proposed by the Commission

7. The Agency shall assist the Commission in the implementation of Directive 2014/90/EU of the European Parliament and of the Council³⁹ by providing its technical assessment on safety aspects, providing recommendations with lists of the respective design, construction and performance requirements

Amendment

7. The Agency shall assist the Commission ***and the Member States*** in the implementation of Directive 2014/90/EU of the European Parliament and of the Council³⁹ by providing its technical assessment on safety aspects, providing recommendations with lists of the respective design, construction and

and testing standards, developing and maintaining the database provided for in Article 35(4) of that Directive and facilitating cooperation between notified assessment bodies acting as the technical secretariat for their coordination group.

³⁹ Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC (OJ L 257, 28.8.2014, p. 146).

performance requirements and testing standards, developing and maintaining the database provided for in Article 35(4) of that Directive and facilitating cooperation between notified assessment bodies acting as the technical secretariat for their coordination group.

³⁹ Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC (OJ L 257, 28.8.2014, p. 146).

Amendment 31

Proposal for a regulation

Article 4 – paragraph 9

Text proposed by the Commission

9. The Agency shall gather and analyse data on seafarers provided and used in accordance with Directive (EU) 2022/993 of the European Parliament and of the Council⁴⁰. It may also gather and analyse data on the implementation of the Maritime Labour Convention, 2006 (MLC, 2006) with the aim of assisting in the improvement of the onboard working and living conditions of seafarers.

⁴⁰ Directive (EU) 2022/993 of the European Parliament and of the Council of 8 June 2022 on the minimum level of training of seafarers (OJ L 169, 27.6.2022, p. 45).

Amendment

9. The Agency shall gather and analyse data on seafarers provided and used in accordance with Directive (EU) 2022/993 of the European Parliament and of the Council⁴⁰. It may also gather and analyse data on the implementation of the Maritime Labour Convention, 2006 (MLC, 2006) with the aim of assisting in the improvement of the onboard working and living conditions of seafarers. ***The Commission shall use that data, jointly with the data generated by the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers information system (STCW IS) for developing appropriate strategic responses to recruit and retain seafarers in activity.***

⁴⁰ Directive (EU) 2022/993 of the European Parliament and of the Council of 8 June 2022 on the minimum level of training of seafarers (OJ L 169, 27.6.2022, p. 45).

Amendment 32
Proposal for a regulation
Article 5 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) sharing and receiving relevant information from other EU Agencies, such as EFCA, especially in relation to lost fishing gear.

Amendment 33
Proposal for a regulation
Article 5 – paragraph 5

Text proposed by the Commission

Amendment

5. The Agency shall assist the Commission and the Member States in the context of the implementation of Directive 2008/56/EC, by contributing to the objective of achieving good environmental status of marine waters with its shipping-related elements and in exploiting the results of existing tools such as the Integrated Maritime Services. In this regard, the Agency shall conduct further research in issues related to lost containers, including plastic pellets, and underwater noise **and** provide recommendations to the Commission and the Member States.

5. The Agency shall assist the Commission and the Member States in the context of the implementation of Directive 2008/56/EC, by contributing to the objective of achieving good environmental status of marine waters with its shipping-related elements and in exploiting the results of existing tools such as the Integrated Maritime Services. In this regard, the Agency shall conduct further research in issues related to lost containers, including plastic pellets, and underwater noise, provide recommendations to the Commission and the Member States.

On the containers lost at the Sea, the Agency shall provide guidance to the industry stakeholders and to the Flag State on the requirements agreed at IMO for mandatory reporting of lost containers. The possibility of collective and coordinated response mechanisms at EU and international level shall also be examined.

Amendment 34
Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

Amendment

1. The Agency shall monitor progress on the operational and technical measures undertaken to increase the energy efficiency of ships and the deployment of sustainable alternative fuels, energy and power systems for ships, including onshore power supply and *wind* propulsion *assistance*, to reduce greenhouse gas emissions from ships.

1. The Agency shall monitor progress on the operational and technical measures undertaken to increase the energy efficiency of ships and *ports and* the deployment of sustainable alternative fuels, energy and power systems for ships, including onshore power supply and *wind-assisted* propulsion *and onboard carbon capture*, to reduce greenhouse gas emissions from ships.

Amendment 35

Proposal for a regulation

Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Agency shall assess the need to implement additional training modules for maritime professionals handling new and often complex hybrid and zero emission systems.

Amendment 36

Proposal for a regulation

Article 6 – paragraph 2

Text proposed by the Commission

Amendment

2. The Agency shall provide technical assistance to the Commission and the Member States, upon their request, in relation to regulatory efforts to reduce greenhouse gas emissions from ships. In this regard, the Agency may utilize any operational tools or services pertinent to the task. The Agency shall in particular research, analyse and propose relevant guidance or recommendations in relation to the uptake and deployment of sustainable alternative fuels, energy and power systems for ships, including onshore power supply *and wind* propulsion *assistance* as well as in relation to energy efficiency measures.

2. The Agency shall provide technical assistance to the Commission and the Member States, upon their request, in relation to regulatory efforts to reduce greenhouse gas emissions from ships *and ports*. In this regard, the Agency may utilize any operational tools or services pertinent to the task. The Agency shall in particular research, analyse and propose relevant guidance or recommendations in relation to the uptake and deployment of sustainable alternative fuels, energy and power systems for ships, including, onshore power supply, *wind-assisted, solar and kinetic wave* propulsion *and on-board carbon capture, ensuring respect for technology neutrality*, as well as in relation to energy efficiency measures, *with*

practices such as slow steaming and speed optimisation.

Amendment 37

Proposal for a regulation

Article 6 – paragraph 5 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Such assistance shall also include monitoring and reporting on impacts on port traffic, port evasion and traffic shift to the neighbouring container transshipment ports, to the detriment of EU ports.

Amendment 38

Proposal for a regulation

Article 6 – paragraph 6

Text proposed by the Commission

Amendment

6. The Agency shall every three years present to the Commission a report on the progress made in achieving the decarbonisation of maritime transport at the Union level. Where possible, the report shall include technical analysis on identified issues that could to be addressed at the Union level.

6. The Agency shall every three years present to the Commission a report on the progress made in achieving the decarbonisation of maritime transport at the Union level. Where possible, the report shall include technical analysis on identified issues that could to be addressed at the Union level. ***The report shall be made publicly available on the Agency's website in a searchable format and in a disaggregated manner.***

Amendment 39

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

Amendment

1. The Agency shall provide technical assistance to the Commission in the performance of the ***inspection*** tasks assigned to it pursuant to Article ***9(4)*** of Regulation (EC) No 725/2004.

1. The Agency shall provide technical assistance to the Commission ***and the Member States*** in the performance of the tasks assigned to it pursuant to Article ***9*** of Regulation (EC) No 725/2004.

Amendment 40
Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission

2. The Agency shall assist the Commission and the Member States, together with any other relevant Union body, in developing resilience against cybersecurity incidents in the maritime sector in particular by facilitating the exchange of best practices and information on cyber security incidents between the Member States.

Amendment

2. The Agency shall assist the Commission and the Member States, together with any other relevant Union body, in developing resilience against cybersecurity incidents in the maritime sector in particular by ***providing guidelines***, facilitating the exchange of best practices and information on cyber security incidents between the Member States.

Amendment 41
Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. The Agency shall provide to the Commission and the Member States, upon their request, maritime surveillance and communication services based on state-of-the-art, including space-based and ground infrastructure and sensors mounted on any kind of platform, improving maritime situational awareness.

Amendment

1. The Agency shall provide to the Commission and the Member States, upon their request, maritime surveillance and communication services based on state-of-the-art, including space-based and ground infrastructure and sensors mounted on any kind of platform, improving maritime situational awareness, ***including with regard to new geopolitical challenges, such as Russia's war of aggression against Ukraine and the related security threats to specific Member States and to the Union as a whole.***

Amendment 42
Proposal for a regulation
Article 8 – paragraph 4 – subparagraph 1 – introductory part

Text proposed by the Commission

The Agency shall operate a center available 24 hours a day and 7 days a week providing, ***upon request and*** without

Amendment

The Agency shall operate a center available 24 hours a day and 7 days a week providing, without prejudice to national

prejudice to national and Union law, to the Commission, the competent national authorities, without prejudice to their rights and responsibilities as flag, coastal and port States, and to relevant Union bodies, within their mandate, maritime situational awareness and analytical data, as appropriate, supporting them in:

and Union law, to the Commission, the competent national authorities, without prejudice to their rights and responsibilities as flag, coastal and port States, and to relevant Union bodies, within their mandate, maritime situational awareness and analytical data, as appropriate, supporting them in:

Amendment 43

Proposal for a regulation

Article 8 – paragraph 4 – subparagraph 1 – point c

Text proposed by the Commission

(c) the implementation of any Union legislation requiring the monitoring of ship movements;

Amendment

(c) the implementation of any Union legislation requiring the monitoring of ship movements ***and containers lost at sea***;

Amendment 44

Proposal for a regulation

Article 9 – paragraph 2 – point d

Text proposed by the Commission

(d) to facilitate the re-use and the sharing of data exchanged in the EMSWe using SafeSeaNet.

Amendment

(d) to facilitate ***and improve*** the re-use and the sharing of data exchanged in the EMSWe using SafeSeaNet.

Amendment 45

Proposal for a regulation

Article 9 – paragraph 3

Text proposed by the Commission

3. The Agency shall provide technical assistance to the Member States, upon their request and without prejudice to their rights and obligations as flag States, in the digitalization of their registries and their procedures facilitating the uptake of electronic certificates.

Amendment

3. The Agency shall provide technical ***and operational*** assistance, ***as well as regular training and certification programmes*** to the Member States, upon their request and without prejudice to their rights and obligations as flag States, in the digitalization of their registries and their procedures facilitating the uptake of electronic certificates ***and in the digitalisation of any other procedures, which may have a positive effect in***

reducing the administrative burden on flag, port or coastal State Authorities.

Amendment 46
Proposal for a regulation
Article 10 – paragraph 6

Text proposed by the Commission

6. Where appropriate, and in any case when a cycle of visits or 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 in order to draw any relevant lessons and facilitate the dissemination of good working practices.

Amendment

6. Where appropriate, and in any case when a cycle of visits or 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 in order to draw any relevant lessons and facilitate the dissemination of good working practices, ***in particular as regards the implementation of Union law.***

Amendment 47
Proposal for a regulation
Article 11 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The Agency shall provide technical assistance necessary for the Member States and the Commission, upon their request, to contribute to the relevant work of the technical bodies of the IMO, the International Labour Organisation as far as shipping is concerned, and the ***Paris Memorandum*** of Understanding on Port State Control (***‘Paris MoU’***) and relevant regional organisations to which the Union has acceded, with regard to matters of Union competence.

Amendment

The Agency shall provide technical assistance necessary for the Member States and the Commission, upon their request, to contribute to the relevant work of the technical bodies of the IMO, ***where EMSA should, within the Commission delegation, participate in and attend the discussions,*** the International Labour Organisation as far as shipping is concerned, and the ***relevant Memoranda*** of Understanding on Port State Control and relevant regional organisations to which the Union has acceded, with regard to matters of Union competence.

Amendment 48
Proposal for a regulation
Article 11 – paragraph 2

Text proposed by the Commission

2. The Agency may, ***upon the request of*** the Commission, provide technical assistance, including the organisation of relevant training activities, as regards relevant legal acts of the Union, to States applying for accession to the Union, and, where applicable, to European Neighbourhood partner countries and to countries taking part in the Paris MoU.

Amendment

2. The Agency may, ***in consultation with*** the Commission, provide technical assistance, including the organisation of relevant training activities, as regards relevant legal acts of the Union, to States applying for accession to the Union, and, where applicable, to European Neighbourhood partner countries and to countries taking part in the Paris MoU.

Amendment 49
Proposal for a regulation
Article 11 – paragraph 3

Text proposed by the Commission

3. The Agency may, ***upon the request of*** the Commission or the European External Action Service, or both, provide assistance in case of pollution caused by ships as well as marine pollution caused by oil and gas installations affecting third countries sharing a regional sea basin with the Union. The Agency shall provide the assistance in line with the Union Civil Protection Mechanism established by Decision No 1313/2013/EU, and with the conditions applicable to Member States as referred to in Article 5 (1) of this Regulation applied by analogy to the third countries. Those tasks shall be coordinated with the existing regional cooperation arrangements related to marine pollution.

Amendment

3. The Agency may, ***in consultation with*** the Commission or the European External Action Service, or both, provide assistance in case of pollution caused by ships as well as marine pollution caused by oil and gas installations affecting third countries sharing a regional sea basin with the Union. The Agency shall provide the assistance in line with the Union Civil Protection Mechanism established by Decision No 1313/2013/EU, and with the conditions applicable to Member States as referred to in Article 5 (1) of this Regulation applied by analogy to the third countries. Those tasks shall be coordinated with the existing regional cooperation arrangements related to marine pollution.

Amendment 50
Proposal for a regulation
Article 11 – paragraph 4

Text proposed by the Commission

Amendment

4. Without prejudice to Article 24, the Agency may provide, ***upon the request of*** the Commission, technical assistance to third countries for matters falling under its competence.

4. Without prejudice to Article 24, the Agency may provide, ***in consultation with*** the Commission, technical assistance to third countries for matters falling under its competence.

Amendment 51
Proposal for a regulation
Article 11 – paragraph 5

Text proposed by the Commission

5. The Agency may enter into administrative arrangements and cooperation with other Union bodies working in the matters falling within the scope of the Agency's competence ***following the approval of the Commission***. Such arrangements and cooperation shall be subject to the opinion of the Commission and periodical reporting to it.

Amendment

5. The Agency may enter into administrative arrangements and cooperation with other Union bodies working in the matters falling within the scope of the Agency's competence. Such arrangements and cooperation shall be subject to the opinion of the Commission and periodical reporting to it.

Amendment 52
Proposal for a regulation
Article 11 – paragraph 6

Text proposed by the Commission

6. The Management Board shall adopt a strategy for international relations of the Agency concerning matters under its competence. That strategy shall ***be in line with the Commission's political priorities and shall*** aim at assisting the Commission and the European External Action Service in fulfilling ***such*** priorities. It shall be included in the programming document of the Agency, with a specification of associated resources.

Amendment

6. The Management Board shall adopt a strategy for international relations of the Agency concerning matters under its competence. That strategy shall aim at assisting the Commission and the European External Action Service in fulfilling ***the Union's*** priorities. It shall be included in the programming document of the Agency, with a specification of associated resources.

Amendment 53
Proposal for a regulation
Article 12 – paragraph 1 – point d

Text proposed by the Commission

(d) enhancing the exchange of information and cooperation on coast guard functions including by analysing operational challenges and emerging risks in the maritime domain;

Amendment

(d) enhancing the exchange of information and cooperation on coast guard functions including by analysing operational challenges and emerging risks in the maritime domain ***including by using digital simulation tools to study the effect of accidents;***

Amendment 54

Proposal for a regulation

Article 12 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) sharing the relevant research, developments and technologies, including artificial intelligence, in a collaborative and flexible way, to find solutions to the challenges faced in the different areas;

Amendment 55

Proposal for a regulation

Article 12 – paragraph 1 – point e b (new)

Text proposed by the Commission

Amendment

(eb) increasing the cooperation in order to collect data for marine scientific research purpose on marine ecosystems, physical oceanography, marine chemistry, marine biology, fisheries, scientific ocean drilling and coring, geological and geophysical research, and other activities;

Amendment 56

Proposal for a regulation

Article 12 – paragraph 1 – point e c (new)

Text proposed by the Commission

Amendment

(ec) implementing cooperation projects with third countries to improve maritime safety, pollution prevention by ships, maritime security and preservation of the

marine environment;

Amendment 57

Proposal for a regulation

Article 15 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The Management Board shall also include ***as well as of*** four professionals from the sectors most concerned, as referred to in Article 2, appointed by the Commission, without the right to vote.

Amendment

The Management Board shall also include four professionals from the sectors most concerned, as referred to in Article 2, appointed by the Commission, without the right to vote.

Amendment 58

Proposal for a regulation

Article 15 – paragraph 1 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

The Management Board shall also include two representatives of the European Parliament, acting as observers, without voting rights.

Amendment 59

Proposal for a regulation

Article 15 – paragraph 2

Text proposed by the Commission

Amendment

2. Each Member State and the Commission shall appoint their members of the Management Board as well as an alternate who will represent the member in his or her absence.

2. Each Member State, ***the European Parliament*** and the Commission shall appoint their members of the Management Board as well as an alternate who will represent the member in his or her absence.

Amendment 60

Proposal for a regulation

Article 16 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) establish the methodology for the

(g) establish the methodology for the

visits to be carried out pursuant to Article 10. *In the event that the Commission expresses, within 15 days from the date of adoption of the methodology, its disagreement, the Management Board shall re-examine and adopt it, possibly amended, in second reading either with a two- thirds majority, including the Commission representatives, or by unanimity of the representatives of the Member States;*

visits to be carried out pursuant to Article 10;

Amendment 61
Proposal for a regulation
Article 16 – paragraph 1 – point j

Text proposed by the Commission

(j) adopt rules for the prevention and management of conflicts of interest in respect of its members and publish annually on its website the declaration of interests of the Management Board members;

Amendment

(j) adopt ***and make publicly available the*** rules for the prevention and management of conflicts of interest in respect of its members and publish annually on its website the declaration of interests of the Management Board members;

Amendment 62
Proposal for a regulation
Article 16 – paragraph 1 – point l

Text proposed by the Commission

(l) adopt its rules of procedure;

Amendment

(l) adopt ***and make publicly available*** its rules of procedure;

Amendment 63
Proposal for a regulation
Article 16 – paragraph 1 – point u

Text proposed by the Commission

(u) take all decisions on the establishment of the Agency's internal structures, including the set-up of advisory or working groups and, where necessary,

Amendment

(u) take all decisions on the establishment of the Agency's internal structures, including the set-up of advisory or working groups and, where necessary, their modification ***taking into***

their modification;

consideration the Agency's activity needs and having regard to sound budgetary management;

Amendment 64

Proposal for a regulation

Article 16 – paragraph 1 – point v

Text proposed by the Commission

(v) decide on the services that the Agency may offer against fees and charges and **a** adopt a framework model for the financial apportionment of the fees and charges payable as referred to in Article 26 (3), point (c). ***In the event that the Commission expresses, within 15 days from the date of adoption of the Management Board's decision concerning the services offered against fees or the framework model, its disagreement, the Management Board shall re-examine and adopt it, possibly amended, in second reading either with a two- thirds majority, including the Commission representatives, or by unanimity of the representatives of the Member States;***

Amendment

(v) decide on the services that the Agency may offer against fees and charges and adopt a framework model for the financial apportionment of the fees and charges payable as referred to in Article 26 (3), point (c);

Amendment 65

Proposal for a regulation

Article 16 – paragraph 1 – point x

Text proposed by the Commission

(x) adopt a strategy for cooperation with third countries or international organisations, or both, referred to in Article 11 (6). ***In the event that the Commission expresses, within 15 days from the date of adoption of the strategy, its disagreement, the Management Board shall re-examine and adopt it, possibly amended, in second reading either with a two- thirds majority, including the Commission representatives, or by unanimity of the representatives of the Member States;***

Amendment

(x) adopt a strategy for cooperation with third countries or international organisations, or both, referred to in Article 11 (6);

Amendment 66
Proposal for a regulation
Article 17 – paragraph 1 – subparagraph 1

Text proposed by the Commission

By 30 November each year the Management Board shall adopt a single programming document containing **multi-annual** and annual programming, based on a draft put forward by the Executive Director, taking into account the opinion of the Commission. **It** shall forward **it** to the European Parliament, the Council and the Commission.

Amendment

By 30 November each year the Management Board shall adopt a single programming document containing **multiannual** and annual programming, based on a draft put forward by the Executive Director, taking into account the opinion of the Commission **and in relation to multiannual programming after consulting the European Parliament. If the Management Board decides not to take into account elements of the opinion of the Commission, it shall provide a thorough justification. The obligation to provide a thorough justification shall also apply to the elements raised by the European Parliament during the consultation. The management board shall forward the single programming document** to the European Parliament, the Council and the Commission **by 31 January of the following year.**

Amendment 67
Proposal for a regulation
Article 17 – paragraph 1 – subparagraph 2

Text proposed by the Commission

In the event that the Commission expresses, within 15 days from the date of adoption of the single programming document, its disagreement with the document, the Management Board shall re-examine the single programming document and adopt it, possibly amended, within a period of two months, in second reading either with a two-thirds majority, including the Commission representatives, or by unanimity of the representatives of the Member States.

Amendment

deleted

Amendment 68
Proposal for a regulation
Article 19 – paragraph 3

Text proposed by the Commission

3. The Management Board shall hold an ordinary meeting twice a year. In addition, it shall meet on the initiative of the Chairperson or at the request of the Commission or of one-third of ***the Member States***.

Amendment

3. The Management Board shall hold an ordinary meeting twice a year. In addition, it shall meet on the initiative of the Chairperson or at the request of the Commission or of one-third of ***its members***.

Amendment 69
Proposal for a regulation
Article 20 – paragraph 2

Text proposed by the Commission

2. ***The decisions referred to in Article 16(1) points (c) to (e) and points (i), (j), (n), (o), (p), (q), (t), (u) and in Article 16(2) may only be taken if the representatives of the Commission cast a positive vote. For the purposes of taking the decisions referred to in Article 16(1), point (b), the positive vote of the representative of the Commission shall only be required on the elements of the decision not related to the annual and multi-annual working programme of the Agency.***

Amendment

deleted

Amendment 70
Proposal for a regulation
Article 20 – paragraph 3

Text proposed by the Commission

3. Each member shall have one vote. The Executive Director of the Agency shall not vote.

Amendment

3. Each member ***with voting rights*** shall have one vote. The Executive Director of the Agency shall not vote.

Amendment 71
Proposal for a regulation
Article 21 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) decide on those matters provided for in the financial rules adopted pursuant to Article 25 that are not reserved to the Management Board by this Regulation;

Amendment 72
Proposal for a regulation
Article 21 – paragraph 4

Text proposed by the Commission

Amendment

4. The Executive Board shall be composed of the Chairperson of the Management Board, one representative of the Commission to the Management Board and three other members appointed by the Management Board from among its members with the right to vote. The Chairperson of the Management Board shall also be the Chairperson of the Executive Board. The Executive Director shall take part in the meetings of the Executive Board, but shall not have the right to vote.

4. The Executive Board shall be composed of the ***Chairperson and the deputy*** Chairperson of the Management Board, one representative of the Commission to the Management Board and three other members appointed by the Management Board from among its members with the right to vote. The Chairperson of the Management Board shall also be the Chairperson of the Executive Board. The Executive Director shall take part in the meetings of the Executive Board, but shall not have the right to vote. ***The Executive board may invite other observers to attend its meetings.***

Amendment 73
Proposal for a regulation
Article 21 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The Executive Board shall take its decisions by consensus. If the Executive Board is not in a position to take a decision by consensus, the matter shall be referred to the Management Board.

Amendment 74
Proposal for a regulation
Article 22 – paragraph 1

Text proposed by the Commission

1. The Executive Director shall be appointed by the Management Board on the basis of merit **and** skills from a list of candidates proposed by the Commission following an open and transparent selection procedure which shall respect the principle of gender balance.

Amendment

1. The Executive Director shall be appointed by the Management Board on the basis of merit, skills, **expertise and proven competence and experience relevant to the maritime sector**, from a list of candidates proposed by the Commission following an open and transparent selection procedure which shall respect the principle of gender balance.

Amendment 75
Proposal for a regulation
Article 22 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Before appointment, the candidate selected by the Management Board shall be invited to make a statement to the competent committee of the European Parliament and to answer questions posed by its members.

Amendment 76
Proposal for a regulation
Article 22 – paragraph 4

Text proposed by the Commission

Amendment

4. The Management Board, acting on a proposal from the Commission, taking into account the assessment referred to in paragraph 3, may extend once the term of office of the Executive Director, for not more than five years.

4. The Management Board, acting on a proposal from the Commission, taking into account the assessment referred to in paragraph 3, may extend once the term of office of the Executive Director, for not more than five years. **The Management Board shall inform the European Parliament and the Council about its intention to extend the Executive Director's mandate. Before the Management Board takes a decision to**

extend the mandate, the Executive Director may be invited to make a statement to the competent committee of the European Parliament and to answer questions posed by its members.

Amendment 77
Proposal for a regulation
Article 22 – paragraph 6

Text proposed by the Commission

6. The Executive Director may be removed from office only upon a decision of the Management Board acting on a proposal from the Commission.

Amendment

6. The Executive Director may be removed from office only upon a decision of the Management Board acting on a proposal from the Commission. *The European Parliament and the Council shall be informed in a manner that complies with the applicable confidentiality requirements, about the reasons for such a decision.*

Amendment 78
Proposal for a regulation
Article 22 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The Management Board shall reach decisions on appointment, extension of the term of office or removal from office of the Executive Director on the basis of a two-thirds majority of its members with voting rights.

Amendment 79
Proposal for a regulation
Article 23 – paragraph 4

Text proposed by the Commission

Amendment

4. The Executive Director shall be the legal representative of the Agency.

4. The Executive Director shall be the legal representative of the Agency.
Therefore, the Executive Director shall:

Amendment 80
Proposal for a regulation
Article 23 – paragraph 4 – point a (new)

Text proposed by the Commission

Amendment

(a) provide for technical assistance and expertise to the Commission and the Member States in the context of the IMO;

Amendment 81
Proposal for a regulation
Article 23 – paragraph 4 – point b (new)

Text proposed by the Commission

Amendment

(b) be accountable to the Management Board of the Agency, when taking politically sensitive decisions in the interest of the Union.

Amendment 82
Proposal for a regulation
Article 23 – paragraph 5 – point a

Text proposed by the Commission

Amendment

(a) ensure the **sustainable and efficient** day-to-day administration of the Agency;

(a) ensure the day-to-day administration of the Agency;

Amendment 83
Proposal for a regulation
Article 26 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) any fees and charges for infrastructure, publications, training or any other services falling under the scope of this Regulation provided by the Agency in accordance with the implementing acts **adopted pursuant to** Article 33;

(c) any fees and charges for infrastructure, publications, training or any other services falling under the scope of this Regulation provided by the Agency in accordance with the **delegated acts and** implementing acts **referred to in** Article 33;

Amendment 84
Proposal for a regulation
Article 27 – paragraph 8

Text proposed by the Commission

8. The Agency's budget shall be adopted by the Management Board. It shall become final following final adoption of the general budget of the European Union. Where necessary, it shall be adjusted accordingly.

Amendment

8. The Agency's budget shall be adopted by the Management Board ***by a majority of two-thirds of members entitled to vote***. It shall become final following final adoption of the general budget of the European Union. Where necessary, it shall be adjusted accordingly.

Amendment 85
Proposal for a regulation
Article 32 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. In order to achieve financial savings, the Agency shall where appropriate cooperate closely with other Union institutions, agencies and bodies, especially those that have their seat in the same Member State.

Amendment 86
Proposal for a regulation
Article 32 – paragraph 5

Text proposed by the Commission

Amendment

5. At the request of the Commission, the Management Board may decide, with the agreement of and in cooperation with the Member States concerned and with due regard to budgetary implications, including any contribution the Member States concerned may provide, to establish regional centers necessary in order to carry out, in the most efficient and effective way, some of the Agency's tasks. When taking such a decision, the Management Board shall define the precise scope of activities of the regional centre while avoiding

5. At the request of the Commission, the Management Board may decide, ***after informing the competent committee of the European Parliament***, with the agreement of and in cooperation with the Member States concerned and with due regard to budgetary implications, including any contribution the Member States concerned may provide, to establish regional centers necessary in order to carry out, in the most efficient and effective way, some of the Agency's tasks. When taking such a decision, the Management Board shall

unnecessary financial costs and enhancing cooperation with existing regional and national networks.

define the precise scope of activities of the regional centre while avoiding unnecessary financial costs and enhancing cooperation with existing regional and national networks.

Amendment 87
Proposal for a regulation
Article 33 – title

Text proposed by the Commission

Amendment

Implementing acts relating to fees and charges

Fees and charges

Amendment 88
Proposal for a regulation
Article 33 – paragraph 1

Text proposed by the Commission

Amendment

The Commission shall adopt, in accordance with the principles set out in paragraphs 2, 3 and 4 implementing acts specifying:

deleted

(a) the fees and charges payable to the Agency, in particular in application of Article 26 (3) point (c); and

(b) the conditions of payment.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34 (2).

Amendment 89
Proposal for a regulation
Article 33 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The Commission shall adopt delegated acts in accordance with Article 33a, supplementing this Regulation by laying down the methodology for

calculating the fees and charges referred to in in paragraph 2. That methodology shall be based on the principles laid down in paragraphs 3 and 4.

Amendment 90
Proposal for a regulation
Article 33 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. *On the basis of the methodology laid down pursuant to paragraph 4a, the Commission shall adopt implementing acts specifying the fees and charges for the delivery of services. Those acts shall be adopted in accordance with the examination procedure referred to in Article 34(2).*

Amendment 91
Proposal for a regulation
Article 33 a (new)

Text proposed by the Commission

Amendment

Article 33a

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 delegated acts referred to in Article 33(4a) shall be conferred on the Commission for an indeterminate period of time from ...[date of application of the Regulation]. / for a period of ... years from ...*
- 3.** *The delegation of power referred to in Article 33(4a) 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. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Inter-institutional Agreement of 13 April 2016 on Better Law-Making.

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

6. A delegated act adopted pursuant to Article 33(4a) shall enter into force only if no objection has been expressed either by the European Parliament or by 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.

Amendment 92
Proposal for a regulation
Article 38 – paragraph 1

Text proposed by the Commission

1. In order to facilitate combating fraud, corruption and other unlawful activities under Regulation (EU, Euratom) No 883/2013 the Agency shall adopt appropriate provisions applicable to all employees of the Agency.

Amendment

1. In order to facilitate combating fraud, corruption, ***abuse of office*** and other unlawful activities under Regulation (EU, Euratom) No 883/2013 the Agency shall adopt appropriate provisions applicable to all employees of the Agency.

Amendment 93
Proposal for a regulation
Article 38 – paragraph 3

Text proposed by the Commission

Amendment

3. OLAF may carry out investigations, including on-the-spot checks and inspections with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant or a contract funded by the Agency, in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013.

3. OLAF may carry out investigations, including on-the-spot checks and inspections with a view to establishing whether there has been fraud, corruption, ***abuse of office*** or any other illegal activity affecting the financial interests of the Union in connection with a grant or a contract funded by the Agency, in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013.

Amendment 94
Proposal for a regulation
Article 41 – paragraph 1

Text proposed by the Commission

1. No later than 5 years after the [date of entry into force], and every 5 years thereafter, the Commission shall conduct an evaluation to assess particularly the impact, effectiveness ***and*** efficiency of the Agency and its working practices. The evaluation shall, in particular, address the possible need to modify the mandate of the Agency, and the financial implications of any such modification.

Amendment

1. No later than 5 years after the [date of entry into force], and every 5 years thereafter, the Commission shall conduct an evaluation to assess particularly the impact, effectiveness, efficiency ***and the cost-benefit analysis*** of the Agency and its working practices. The evaluation shall, in particular, address the possible need to modify the mandate of the Agency, and the financial implications of any such modification.