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INFORMATION NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Proposal for a Regualtion of the European Parliament and of the Council amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency - Outcome of the European Parliament's first reading (Strasbourg, 4 to 7 July 2016)

I. INTRODUCTION

The proposal for a Regulation is part of the European Boarder and Cost Guard package together with two other proposals (proposal for a regulation on the European Border and Coast Guard and proposal for a regulation amending the regulation on the Community Fisheries Control Agency)[1].

The rapporteur, Mr Michael CRAMER (Greens/EFA, DE), presented a report on the proposal for a regulation on behalf of the Committee on Transport and Tourism, proposing to take over the Commission proposal[2].

[1] See documents 10809/16 and 10814/16.
[2] The report was presented in accordance with Rule 50(1) of the Rules of Procedure of the Parliament - Simplified procedure).

In accordance with the provisions of Article 294 of the TFEU and the joint declaration on practical arrangements for the codecision procedure[1], informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this dossier at first reading, thereby avoiding the need for second reading and conciliation.

In this context, one compromise amendment (amendment 1) to the proposal for a Regulation was tabled by the Greens/EFA, S&D, EPP, ECR and ALDE political groups. This amendment had been agreed during the informal contacts referred to above.

In addition, 15 other amendments were tabled by other political groups (amendments 2 - 5 by ENF, amendment 6 by EUL/NGL and amendments 7 - 15 by EFDD).

II. VOTE

When it voted on 6 July 2016, the plenary adopted the single compromise amendment (amendment 1) to the proposal for a Regulation. No other amendments were adopted.

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[2].

It reflects what had been previously agreed between the three institutions. The Council should therefore be in a position to approve the position of the European Parliament, once the Legal/Linguistic Experts have examined the text. The legislative act would then be adopted in the wording which corresponds to the position of the Parliament at first reading.

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1 OJ C 145, 30.6.2007, p.5

2 The amendment is presented in the form of a consolidated text, where changes to the Commission's proposal are highlighted in ***bold and italics***. The symbol " ▌ " indicates deleted text.

European Maritime Safety Agency ***I

European Parliament legislative resolution of 6 July 2016 on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency (COM(2015)0667 – C8-0404/2015 – 2015/0313(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

– having regard to the Commission proposal to Parliament and the Council (COM(2015)0667),

– 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 (C8-0404/2015),

– 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 16 March 2016[1],

– after consulting the Committee of the Regions,

– having regard to Rule 59 and 50(1) of its Rules of Procedure,

– having regard to the report of the Committee on Transport and Tourism and the opinion of the Committee on Civil Liberties, Justice and Home Affairs (A8-0215/2016),

1. Adopts its position at first reading hereinafter set out;

[1] Not yet published in the Official Journal.

2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;

3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

P8_TC1-COD(2015)0313

Position of the European Parliament adopted at first reading on 6 July 2016 with a view to the adoption of Regulation (EU) 2016/... of the European Parliament and of the Council amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency[*]

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[1],

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure[2],

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[*] TEXT HAS NOT YET UNDERGONE LEGAL-LINGUISTIC FINALISATION.

[1] ***Opinion of 16 March 2016 (not yet published in the Official Journal)***

[2] Position of the European Parliament of 6 July 2016.

Whereas:

(1) National authorities carrying out coastguard 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 European Border and Coast Guard Agency, the European Fisheries Control Agency and the European Maritime Safety Agency should therefore strengthen their cooperation***, within their mandate,*** both with each other and with the national authorities carrying out coastguard functions to increase maritime situational awareness as well as to support coherent and cost-efficient action.

(2) The implementation of this Regulation does not affect the division of competence between the Union and the Member States or the obligations of Member States under international conventions such as the United Nations Convention on the Law of the Sea, the International Convention for the Safety of Life at Sea, the International Convention on Maritime Search and Rescue, the International Convention for the Prevention of Pollution from Ships, the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers and other relevant maritime international instruments.

(3) In order to allow for an efficient and effective support to national authorities carrying out coastguard functions, the Agency should make use of available state-of-the-art technology, such as remotely piloted aircraft systems.

(4) It is appropriate that the Administrative Board of the Agency be fully involved in the decision-making on issues referred to in this Regulation, which might have an impact on the Agency's other tasks and budget, including the working arrangement for co-operation between agencies.

(5) Regulation (EC) No 1406/2002 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

Article 1

Amendments

The following article is inserted in Regulation (EC) No 1406/2002 ▌:

"Article 2b

European cooperation on coastguard functions

1. The Agency shall, in cooperation with the European Border and Coast Guard Agency and the European Fisheries Control Agency, ***each within their mandate,*** support national authorities carrying out coast guard functions at national and Union level, and where appropriate, at international level by:

   (a) sharing***, fusing and analysing*** information ▌ available in ship reporting systems and other information systems hosted by or accessible to the agencies, in accordance with their respective legal bases and without prejudice to the ownership of data by Member States;

   (b) providing surveillance and communication services based on state-of-the-art technology, including space-based and ground infrastructure and sensors mounted on any kind of platform▌;

   (c) capacity building by elaborating guidelines, recommendations and best practices as well as by ***providing*** training and exchange of staff ▌;

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

   (e) capacity sharing ***by*** planning and implementation of multipurpose operations and the sharing of assets and other capabilities***, to the extent those are coordinated by the agencies and with the agreement of the competent authorities of the Member States concerned***.

2. ***Without prejudice to the powers of the Administrative Board of the Agency set out in Article 10(2), the*** modalities of the cooperation on coast guard functions of the

Agency with the European Border and Coast Guard Agency and the European Fisheries Control Agency shall be determined in a working arrangement, in accordance with ***their respective mandates and*** the financial rules applicable to the agencies. ***Such arrangement shall be approved by the Administrative Boards of the Agency, the European Fisheries Control Agency and the Management Board of the European Border and Coast Guard Agency.***

3. The Commission ***shall, in close cooperation with the Member States, the Agency and the European Border and Coast Guard Agency and the European Fisheries Control Agency, make available*** a practical handbook on European cooperation on coast guard functions, containing guidelines, recommendations and best practices for the exchange of information ▌. ***The Commission shall adopt the handbook in the form of a recommendation.***

4. The tasks set out in this Article shall not be detrimental to the Agency's tasks referred to in Article 2 and not infringe upon Member States' rights and obligations, in particular as flag States, port States and coastal States."

Article 2

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at …,

For the European Parliament	*For the Council*
The President	*The President*