



EUROPEAN COMMISSION  
IMPACT ASSESSMENT BOARD

Brussels, 22 -07- 2008  
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## Opinion

**Title**                                    **Impact Assessment on: Proposal for amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency (EMSA) (draft version of 11 July 2008)**

**Lead DG**                                    **DG TREN**

### **1) Impact Assessment Board Opinion**

#### **(A) Context**

As a result of both internal and external developments, the original Regulation 1406/2002 in which EMSA was established faces new problems that need to be addressed at Community level. Internally, the appropriate legal basis of EMSA has to be clarified, due to the development of the EU maritime policy. Externally, a number of governance issues need to be solved, which have been experienced in the first years of EMSA's existence.

#### **(B) Positive aspects**

The report is written in a clear and concise way. Consultation with stakeholders has been extensive, using a variety of channels.

#### **(C) Main recommendations for improvements**

*The recommendations below are listed in order of descending importance. Some more technical comments have been transmitted directly to the author DG and are expected to be incorporated in the final version of the impact assessment report,*

**General recommendation: The IA report should better demonstrate the main inefficiencies of the status-quo by providing a clear description of the baseline scenario. On this basis the report should provide a clearer justification in terms of subsidiarity for changing the current regulatory framework. The presentation of policy options needs to be restructured to present real policy alternatives consisting of coherent packages of tasks. The assessment of economic impacts should be presented more in terms of expected costs and benefits, preferably in quantified form.**

**In its written exchange with the Board DG TREN agreed to revise the IA report in line with these recommendations.**

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### **Specific recommendations:**

**(1) Present the problems more clearly and strengthen the baseline scenario.** The IA report should be restructured to provide a clear description of the baseline scenario, showing to what extent there are problems with the current organisation and governance of EMSA that are unsustainable, and need to be addressed by modifying the constituting act (Regulation 1406/2002). This is especially important in the light of previous modifications of the EMSA Regulation, in which the issues presented in the problem description have already been dealt with in Action Plans or otherwise. The findings of the external evaluation of EMSA effectiveness should be better integrated in this context. Given that the stakeholders are neither in favour of extending EMSA's competences to assistance to the EC in identifying research subjects nor in favour of EMSA cooperation with third countries, the report should clearly demonstrate from a subsidiarity perspective why the current regulatory framework proves to have inefficiencies that need to be tackled by EMSA.

**(2) Develop more differentiated policy options.** The presentation of policy options needs to be restructured with a view to present real and distinctive policy alternatives. This can be done by integrating and briefly explaining up-front the set of possible future tasks currently presented in the table of Annex III. On that basis a number of coherent broad strategic packages, combining tasks that are currently defined in the report under different options should be developed, representing varying degrees of intensity and scope of EMSA's intervention. In this context the IA report should also clarify whether examining the need to increase the role of EMSA, including the organisation of the workshops and studies, technical assistance in the event of disasters is an option to be assessed or not. Finally a comparison of the restructured options against the more fully developed baseline scenario should be included within the report.

**(3) Improve the assessment of impacts.** The IA report should analyse impacts more thoroughly, for instance by supporting qualitative statements with more quantitative information. Economic impacts associated with the different proposed options should be presented in terms of expected costs and benefits. The IA report should demonstrate that the preferred option produces the greatest net benefits. This can be achieved by adopting a structure based on comparing costs and benefits of additional tasks to be handled by the Agency.

### **(D) Procedure and presentation**

The Executive Summary should be more self-standing and should present in a succinct way all the quantitative information on compliance costs, including administrative costs and benefits. The information from the COWI study should be more clearly summarised and presented as an Annex.

## 2) IAB scrutiny process

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|-----------------------------|--|
| Reference number            | 2008/TREN/047; CLWP 2008 (priority initiative) |
| Author DG                   | TREN   |
| External expertise used     | No   |
| Date of Board Meeting       | Written procedure                              |
| Date of adoption of Opinion | 22 -07- 2008                                   |