

# SENATE OF THE REPUBLIC

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## RESOLUTION OF THE 8TH STANDING COMMITTEE

(Public works, communications)

(Rapporteur: Valeria CARDINALI)

*approved at the session of 23 February 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) 667 FINAL)**

*pursuant to Article 144(1) and (6) of the Rules of Procedure*

**Sent to the President's Office on 26 February 2016**

<i>Parliamentary Acts</i>	<i>Senate of the Republic</i>
17TH LEGISLATURE – DRAFT LAWS AND REPORTS – DOCUMENTS – DOC. XVIII, NO 109	

## **CONTENTS**

Text of the resolution	p. 3
Opinion of the 14th Committee	p. 5

The Committee, having examined, pursuant to Article 144 of the Rules of Procedure, EU document COM(2015) 667 final 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, which was submitted for our reasoned opinion as regards subsidiarity;

whereas:

- the proposal for a regulation in question aims to improve European cooperation on coastguard functions by improving synergies between the various Agencies of the European Union that help the national authorities responsible for these functions;
- according to the report accompanying the proposal, there are currently more than 300 civilian and military authorities in the Member States responsible for carrying out coastguard functions in the various sectors. This makes it necessary to reinforce cooperation between these authorities, particularly in the areas of operational surveillance and data sharing, so as to increase the efficiency and effectiveness of the services provided at national level. This will facilitate controls and reduce the risks and threats in the maritime sector in a manner reflecting the provisions of the recent proposals aimed at amending the legislation on the Community Fisheries Control Agency (COM(2015) 669) and establishing the European Border and Coast Guard (COM(2015) 671);
- to that end, the proposal under examination, by amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency (EMSA) based in Lisbon, reinforces and expands the tasks of the Agency by providing for: close cooperation with the European Border and Coast Guard Agency and the European Fisheries Control Agency to support the national authorities carrying out coastguard functions; sharing, fusing and analysing the information available at national level; provision of surveillance and communication services based on state-of-the-art technology; development of capacities, guidelines, recommendations and best practices; sharing of resources and capacity, including the planning and implementation of multi-purpose operations;

given that:

- these innovations are consistent with the regulatory framework of the European Agency which, in order to ensure an effective and uniform level of maritime safety and security and prevention of marine pollution, already performs important tasks to assist the European Commission and numerous activities in cooperation with the Member States;
- cooperation between the Agency and the Member States involves technical assistance for the implementation of European legislation; staff training; facilitation of cooperation between the Member States and the Commission; gathering, analysis and provision of data on maritime safety and security and marine pollution and, as part of the European vessel traffic monitoring and information system established by Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002, the gathering of maritime surveillance data and the exchange of such data with the competent national authorities;
- pursuant to Legislative Decree No 196 of 19 August 2005, the Headquarters of the Harbourmasters' Corps/Coastguard is the competent national authority in Italy for vessel traffic monitoring and for gathering maritime surveillance data and exchanging them with the Agency;

- on the basis of the legislative framework in force, the Harbourmasters' Corps/Coastguard performs coastguard functions concerning maritime safety and security, search and rescue, fisheries control, general application of the law and environmental protection; in so doing, it is subordinate in organisational and functional terms to the Ministry of Infrastructure and Transport, the Ministry of Agricultural, Food and Forestry Policy and the Ministry of the Environment and Protection of Natural Resources and the Sea;

whereas the legal basis for the proposal under examination has been correctly identified as Article 100(2) of the Treaty on the Functioning of the European Union on establishing provisions for the pursuit of the objectives of the common sea transport policy;

hereby expresses, pursuant to Protocol (No 2) to the Treaty on the Functioning of the European Union on the application of the principles of subsidiarity and proportionality:

1) a favourable opinion as to compliance with the principle of subsidiarity, since the proposal concerns the common sea transport policy, which is a transnational matter.

Since the proposal aims to offer support to the national authorities carrying out coastguard functions by reinforcing the role of the European Maritime Safety Agency so as to ensure improved cooperation and promotion of more effective cross-border and cross-sector actions, intervention by the European Union offers added value since these objectives could not be properly achieved at national level;

2) a favourable opinion as to compliance with the principle of proportionality, since the proposal for a regulation introduces only the amendments strictly necessary to reinforce European cooperation in the area of coastguard functions with the aim of allowing the competent national authorities to perform these functions better and without changing those authorities' current organisational framework;

also expresses a favourable opinion on the substantive elements that are relevant in the context of political dialogue with the Union institutions, with the following comments:

- it is desirable that, once the proposal for a regulation has been approved, it be implemented in Italy quickly and in such a way as to ensure ever-improving performance of coastguard functions, with on the one hand a reinforcement of cooperation at European level with the Agency and the other Member States, and on the other hand enhancement and safeguarding of the numerous activities and organisational model of the Harbourmasters' Corps/Coastguard as the competent national authority in view of its enormous wealth of specialisation, competence and experience;
- in order to achieve ever-improving levels of efficiency and effectiveness in the performance of coastguard services, and in line with the objectives of the proposal for a regulation, it is recommended that the European Union and, for matters within its remit, the Italian Government ensure that sufficient material, human and financial resources are always available to the bodies performing those functions, namely the European Maritime Safety Agency at European level and the Harbourmasters' Corps/Coastguard at national level.

This document is also to be understood as guidance to the Government within the meaning of Article 7 of Law No 234 of 24 December 2012.

# RESOLUTION OF THE 14TH STANDING COMMITTEE

## (EUROPEAN UNION POLICIES)

(Rapporteur: Senator Liuzzi)

25 February 2016

The Committee, having examined the document,

whereas the proposal, which is one of a series of initiatives aimed at strengthening the defence of Europe's external borders, envisages reinforcing cooperation and coordination between the European Maritime Safety Agency, the European Border and Coast Guard Agency and the European Fisheries Control Agency, in particular in the sectors of operational surveillance and data sharing, so as to provide more effective support to the national authorities carrying out coastguard functions, giving the over 300 national coastguard authorities greater awareness of the maritime situation and allowing them to act in a more consistent, cost-efficient manner;

whereas the provisions of the proposal are essentially identical to those of the proposal to amend Regulation (EC) No 768/2005 establishing a Community Fisheries Control Agency (COM(2015) 669) and of the proposal for a Regulation on the European Border and Coast Guard (COM(2015) 671);

comments favourably, for matters within its remit, highlighting the following points:

the legal basis has been correctly identified as Article 102(2) [*sic*] of the Treaty on the Functioning of the European Union, which provides for the ordinary legislative procedure to be used to lay down appropriate provisions for sea and air transport. This is in fact the same legal basis as for Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 which established the European Maritime Safety Agency and is the subject of the proposed amendments;

the principle of subsidiarity has been fully complied with since the proposal lays down provisions aimed at remedying a lack of coordination between the national coastguard authorities, a problem which only action at European level can resolve. The two criteria of European action being necessary and of it providing added value are thus met;

the principle of proportionality also appears to be fully complied with, since the proposed provisions do not go beyond what is necessary to ensure reinforced cooperation between the European Maritime Safety Agency, the European Border and Coast Guard and the European Fisheries Control Agency in the sectors of operational surveillance and data sharing so as to provide more effective support to the national authorities in the performance of their coastguard functions. Moreover, data is to be shared 'without prejudice to the ownership of data by Member States'.