Regulation (EU) No 911/2014 of the European Parliament and of the Council of 23 July 2014 on multiannual funding for the action of the European Maritime Safety Agency in the field of response to marine pollution caused by ships and oil and gas installations (Text with EEA relevance)

REGULATION (EU) No 911/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 23 July 2014

on multiannual funding for the action of the European Maritime Safety Agency in the field of response to marine pollution caused by ships and oil and gas installations

(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)],

Whereas:

(1) Regulation (EC) No 1406/2002 of the European Parliament and of the Council[(3)] established a European Maritime Safety Agency (‘the Agency’) for the purpose of ensuring a high, uniform and effective level of maritime safety and prevention of pollution by ships.

(2) Regulation (EC) No 724/2004 of the European Parliament and of the Council[(4)], which amended Regulation (EC) No 1406/2002, assigned to the Agency tasks in the fields of prevention and response to pollution caused by ships, following accidents in Union waters, particularly those of the oil tankers ‘Erika’ and ‘Prestige’.

(3) Regulation (EU) No 100/2013 of the European Parliament and of the Council[(5)], amending Regulation (EC) No 1406/2002, assigned to the Agency tasks with regard to response to marine pollution caused by oil and gas installations and extended the Agency’s services to the States applying for accession to the Union and to the European Neighbourhood partner countries.

(4) Regulation (EC) No 2038/2006 of the European Parliament and of the Council[(6)] established a multiannual funding for the action of the Agency in the field of response to pollution caused by ships which expired on 31 December 2013.

Changes to legislation: *Regulation (EU) No 911/2014 of the European Parliament and of the Council is up to date with all changes known to be in force on or before 28 December 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) Given the potentially devastating ecological impact and extremely high economic costs of pollution incidents, as well as the possible socioeconomic impact of such incidents on other sectors, such as tourism and fisheries, the Agency should have sufficient means to allow it to carry out its assigned tasks in relation to response to marine pollution by ships and oil and gas installations. Those tasks are important in preventing further damage of both a monetary and non-monetary nature.

(6) For the purposes of implementing the tasks of preventing and responding to pollution by ships, the Administrative Board of the Agency adopted on 22 October 2004 an Action Plan for Oil Pollution Preparedness and Response, which determines the Agency's oil pollution response activities and which is aimed at the optimum use of the financial resources available to the Agency. On 12 June 2007, the Administrative Board adopted an Action Plan for Hazardous and Noxious Substances Pollution Preparedness and Response. In accordance with Article 15 of Regulation (EC) No 1406/2002, both Action Plans are updated yearly through the Agency's annual work programme.

(7) Regard should be had to the existing agreements on accidental pollution, which facilitate mutual assistance and cooperation between Member States in this field, as well as to the relevant international conventions and agreements for the protection of European maritime areas from pollution incidents requiring parties to take all appropriate measures to prepare for and respond to an oil pollution incident.

(8) The pollution response action of the Agency, as specified in its action plans, relates to activities in the fields of information, cooperation and coordination, including with regard to marine pollution caused by hazardous and noxious substances. Above all, that response action relates to the provision of operational assistance to the affected Member States or third countries sharing a regional sea basin with the Union ('affected States') by supplying, on request, additional anti-pollution vessels to combat oil pollution caused by ships as well as marine pollution caused by oil and gas installations. The Agency should pay particular attention to those areas identified as most vulnerable without prejudice to any other area in need.

(9) The activities of the Agency in the field of pollution response should comply with existing cooperation arrangements providing for mutual assistance in the event of a maritime pollution incident. The Union has acceded to various regional organisations and is preparing to accede to other regional organisations.

(10) The Agency's action should be coordinated with the activities under the bilateral and regional agreements to which the Union is a party. In the event of a maritime pollution incident, the Agency should assist affected States, under whose authority clean-up operations are conducted.

(11) The Agency should play an active role in maintaining and further developing the European Satellite Oil Monitoring Service (CleanSeaNet) for surveillance, the early detection of pollution and the identification of the ships or oil and gas installations responsible, for example in the case of discharges of oil from ships and of operational releases and accidental spills from offshore platforms. That service should improve the availability of data and the effectiveness and timeliness of the pollution response.

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(12) The additional means to be provided by the Agency to affected States should be made available through the Union Civil Protection Mechanism established by Decision No 1313/2013/EU of the European Parliament and of the Council[(7)].

(13) The information related to public and private pollution response mechanisms and associated response capabilities in the various regions of the Union should be made available by Member States through the Common Emergency Communication and Information System (CECIS) established by Council Decision 2007/779/EC, Euratom[(8)], when available for that purpose.

(14) In order to make the Agency's operational assistance more efficient in view of the extension of the Agency's pollution response mandate to third countries sharing a regional sea basin with the Union, the Agency should make every effort to encourage those third countries to pool information and cooperate in the maintenance by the Agency of a list of response mechanisms and associated response capabilities.

(15) In order to improve the effectiveness of the Agency's pollution response activities, Member States should share with the Agency scientific studies they may have carried out on the effects of chemicals used as dispersants which could be relevant for those activities.

(16) In order to ensure thorough implementation of the Agency's action plans, the Agency should be provided with a viable and cost-effective system for financing, in particular, the provision of operational assistance to affected States.

(17) Financial security should therefore be provided for the funding of the tasks entrusted to the Agency in the field of pollution response and associated actions on the basis of a multiannual commitment. The size of that multiannual commitment should reflect the expansion of the Agency's remit with regard to pollution response, and also the need for the Agency to increase the efficiency in using the funds allocated to it, in a context of budgetary constraints. The annual amounts of the Union contribution should be determined by the European Parliament and the Council in accordance with the annual budgetary procedure. It is of particular importance that the Commission carry out a mid-term evaluation of the Agency's ability to fulfil its responsibilities in the field of response to marine pollution caused by ships and oil and gas installations in an effective and cost-efficient manner.

(18) The amounts to be committed for the funding of pollution response should cover the period from 1 January 2014 to 31 December 2020, in line with the multiannual financial framework laid down in Council Regulation (EU, Euratom) No 1311/2013[(9)] ('the multiannual financial framework'). A financial envelope covering the same period should therefore be provided.

(19) The Agency's support to States applying for accession to the Union and to the European Neighbourhood partner countries should be financed through existing Union programmes for those States and countries and should therefore not be part of the multiannual funding of the Agency.

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(20) In order to optimise the allocation of commitments and take into account any changes with regard to activities in response to pollution caused by ships, it is necessary to ensure continuous monitoring of the particular needs for action so as to allow for adaptation of the annual financial commitments.

(21) In accordance with Regulation (EC) No 1406/2002, the Agency should report on the financial execution of the multiannual funding of the Agency in its annual report.

(22) It is appropriate to ensure continuity in the funding support provided under the action of the Agency in the field of response to marine pollution caused by ships and oil and gas installations, and to align the period of application of this Regulation with that of Regulation (EU, Euratom) No 1311/2013. Therefore, this Regulation should apply from 1 January 2014,

HAVE ADOPTED THIS REGULATION:

Article 1

Subject matter

1 This Regulation lays down the detailed arrangements for the financial contribution of the Union to the budget of the European Maritime Safety Agency ('the Agency') for the implementation of the tasks assigned to it in the field of response to marine pollution caused by ships and oil and gas installations, pursuant to Articles 1 and 2 of Regulation (EC) No 1406/2002.

2 The activities of the Agency in the field of pollution response shall not relieve coastal States of their responsibility to have appropriate pollution response mechanisms in place.

Article 2

Definitions

For the purposes of this Regulation the following definitions shall apply:

(a) 'oil' means petroleum in any form, including crude oil, fuel oil, sludge, oil refuse and refined products as established by the International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990, of the International Maritime Organisation (IMO);

(b) 'hazardous and noxious substances' means any substance other than oil which, if introduced into the marine environment, is likely to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea, as established by the Protocol on Preparedness, Response and Cooperation to Pollution Incidents by Hazardous and Noxious Substances, 2000, of the IMO;

(c) 'oil and gas installation' means a stationary fixed or mobile facility, or a combination of facilities permanently interconnected by bridges or other structures, used for offshore oil or gas operations or in connection with those operations; 'oil and gas installation' includes mobile offshore drilling units only if they are stationed in offshore waters for drilling, production or other activities associated with offshore oil