

**Opinion of the European Economic and Social Committee 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 — 2015/0313 (COD))**

(2016/C 177/10)

**Rapporteur: Mr Jan SIMONS**

On 27 January 2016 and 21 January 2016 respectively, the Council and the European Parliament decided to consult the European Economic and Social Committee under Article 100(2) of the Treaty on the Functioning of the European Union (TFEU) 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 — 2015/0313 (COD)).

The Section for Transport, Energy, Infrastructure and the Information Society, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 4 March 2016.

At its 515th plenary session, held on 16 and 17 March 2016 (meeting of 16 March), the European Economic and Social Committee adopted the following opinion by 175 votes with 2 abstentions.

## **1. Conclusions and recommendations**

1.1. The EESC welcomes the Commission's proposal to amend Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency (EMSA), as it fits in with general efforts to monitor the EU's external maritime borders much more effectively than in the past.

1.2. However, in line with the resolutions it adopted in September and December 2015 on the massive arrival of refugees, it would once again stress that time is of the essence in implementing the proposed measures. The situation whereby the flow of refugees continues to claim human lives at sea, the irregular influx of migrants persists and Member States take unilateral measures by introducing permanent border controls cannot and must not be allowed to continue.

1.3. The Committee strongly recommends amending the title of the European Border and Coast Guard Agency in the draft regulations to read European Border Guard Agency. The border guard agency supports only one of the coastguard functions, while many others are already supported by EMSA. Using the term 'coast guard' in the name of the border guard agency will almost certainly lead to unnecessary confusion, and could also ultimately result in duplication of activities.

1.4. The Committee welcomes the proposal to expand the activities of EMSA, an agency that in recent years has made a real contribution to improving maritime safety and preventing and tackling pollution by ships; however, it has serious doubts as to whether EMSA has the human and financial resources to perform these additional activities properly.

1.5. It is concerning that small boats made of rubber or wood cannot, or cannot easily, be detected on satellite images. The Commission believes that this limitation can be overcome using remotely piloted aircraft systems (RPAS, also referred to as drones). The Committee endorses this because it enables full surveillance, among other things in order to avoid the loss of human life.

1.6. The Committee finds it equally concerning that Member States are introducing permanent border controls that, according to research, generate significant costs. In its opinion, a cost-efficient and cost-effective coastguard system would enable Member States to forgo permanent controls and allow Schengen to be restored to its former glory.

1.7. In the Committee's view, closer cooperation and information exchange between the three EU agencies in question, and between them and the national bodies carrying out coastguard functions, should result in an efficient and effective coastguard system. However, the Committee calls for a decision to be taken quickly: the urgency of the problems allows no delay.

## 2. Introduction

2.1. On 15 December 2015, the Commission published a 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), and the Council and the European Parliament then asked the European Economic and Social Committee to give its opinion on the text, in accordance with Article 100(2) of the Treaty on the Functioning of the European Union.

2.2. The Committee is happy to do so, as it sees the proposal to amend Regulation (EC) No 1406/2002 as a major step towards strengthening European cooperation in the field of coastal border control services and improving cooperation and coordination between the relevant EU agencies in order to achieve synergies to make their operation more efficient and cost-effective. This will enable the EU agencies to provide the national authorities carrying out border control and coastguard functions with high-quality, cost-effective information.

2.3. This is urgently necessary as, according to the Commission, there are currently more than 300 civilian and military authorities in the Member States responsible for carrying out coastguard functions in areas such as maritime safety, border control, fisheries control, customs control, environmental protection, etc.

2.4. These national authorities are supported in the exercise of their functions by a number of EU agencies, including the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (also known as Frontex), EMSA and the European Fisheries Control Agency (EFCA).

2.5. This legislative proposal is part of a set of measures proposed by the Commission to 'reinforce the protection of Europe's external borders' and to strengthen European cooperation in the field of coastal surveillance. The other proposals relate to a Regulation establishing a European Border and Coast Guard and an amendment to Regulation (EC) No 768/2005 establishing a European Fisheries Control Agency, similar to the present proposal.

2.6. The associated Commission communication on a European Border and Coast Guard and effective management of Europe's external borders (COM(2015) 673 final) indicates that the Commission's proposals were based on the enormous number of illegal crossings of the EU's external borders.

2.7. According to the Commission communication (COM(2015) 673 final, section 1 and footnote 1), more than 1,5 million irregular crossings of the EU's external borders took place from January to November 2015, with the result that streams of refugees and migrants continued their journeys across the EU without being identified or registered.

2.8. This resulted in the Schengen Agreement coming under pressure. Some Member States have chosen to reintroduce temporary controls at their internal borders — a situation that cannot continue in the long term.

2.9. A very recent study by the French government think tank France Stratégie shows that rolling back Schengen could cost up to EUR 100 billion in economic damage. In the longer term, trade between the 26 Schengen countries could decline by 10 % to 20 %, and gross national product in the Schengen countries could fall by 0,8 %.

2.10. In its communication of May 2015 on migration (COM(2015) 240 final), the Commission noted that shared management of external borders needed to be introduced, in line with Article 77 of the Treaty on the Functioning of the European Union.

2.11. In addition, Commission President Jean-Claude Juncker announced, in his State of the Union address in September 2015, that he would present proposals for a 'fully operational European border and coast guard system' by the end of 2015, and indeed he did so on 15 December 2015. The present communication is one of those proposals.

### 3. General comments

3.1. In its resolution on the current refugee crisis, adopted on 16 September 2015, the Committee called for immediate responsible and collective European action to address the massive arrival of refugees.

3.2. In the same resolution, the Committee expressed concern that the Schengen Agreement and the free movement of goods and persons were being undermined. This was highlighted once again in the resolution on refugees adopted by the Committee on 10 December 2015, which stated 'It is important to properly secure the external borders of the Schengen countries. However, reinstalling internal barriers and building walls will do nothing to bring EU citizens closer together or foster EU citizenship'.

3.3. In the Committee's view, it is vitally important for action to be taken in the short term to improve cooperation in the field of border controls, including control of coastal borders. It therefore endorses the Commission's proposal to amend Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency, and particularly endorses the idea — though not the proposal as it stands — of establishing a European Border and Coast Guard, based on Frontex, that would work in close cooperation with the European Maritime Safety Agency (EMSA) and the European Fisheries Control Agency (EFCA).

3.4. Indeed, the Committee does not understand why the Commission's proposal on the 'new' Frontex refers to the 'coast guard': EMSA has already developed various unique maritime-related information systems and gained experience in them and, under the Commission's proposals, will also be given additional tasks in this field in the future.

3.5. According to experts in the field, this can be concluded from the budget proposals. For example, it can be concluded from the financial data that EMSA will hire RPAS (drone) services, which will add an additional layer of data to EMSA's system that covers more than just border control data.

3.6. The Committee therefore recommends avoiding the term 'coastguard', in order to avoid possible misunderstandings. Moreover, current cooperation between the three agencies already shows that the division of labour has proved to be efficient and effective in practice.

3.7. The Committee stresses that the national authorities responsible for carrying out coastguard functions should be able to reap the benefits of this improved cooperation in the short term in the form of improvements in data sharing and operational surveillance at the EU's external borders.

3.8. The Committee welcomes the fact that EMSA is taking the lead in significantly improving RPAS (drone) surveillance capabilities at the European Union's external maritime borders. Not only will this facilitate more efficient and effective controls; RPASs (drones) can also be used for a variety of purposes.

3.9. In its opinion on the amendment to the Regulation establishing a European Maritime Safety Agency<sup>(1)</sup>, the Committee stated in its conclusions that it welcomed the role played by EMSA in improving maritime safety in the Member States. It also stated, even back then, that it considered it very important for EMSA's tasks and competences to be extended in a sensible way.

3.10. In order for EMSA to perform these additional tasks properly, it is vital for the agency to have adequate human and financial resources. The EU budget provides for EMSA's budget to be increased by EUR 22 million per year until 2020, and for 17 temporary staff members to be recruited. The Committee doubts whether this will be enough. Although the parties directly involved, including EMSA, consider it to be sufficient, the Committee believes that it leaves no scope for dealing with the inevitable disasters, and thinks that it would make sense to establish a financial buffer.

3.11. The Committee is deeply concerned about the fact that it is difficult, with current technologies, to trace refugees in small wooden or rubber boats. Satellite information is only available at certain times according to the flight track of the satellites. According to the Commission, these limitations could be overcome by using RPASs (drones).

3.12. Given the extent of the flow of refugees, the Committee considers it essential, from a humanitarian point of view and in the interests of efficient and effective coastal surveillance, to ensure that all vessel movements at sea can be detected so that rescue services can be deployed promptly.

3.13. The Committee believes that, of the three agencies, EMSA was the right choice to be given a leading role in organising RPAS (drone) services.

#### 4. Specific comments

4.1. The Committee is in favour of improving cooperation between the EU agencies and with the national coastguard bodies, which should result in cost-efficient and cost-effective surveillance of the EU's external maritime borders.

4.2. Given the huge scale of the flows of migrants, this needs to take effect in the near future. In the Committee's view, any procrastination in the implementation of measures — for whatever reason — would be unacceptable. On the contrary, all of the Commission's proposals, and not just the EMSA proposal under discussion, should be adopted and implemented without delay — taking account of the Committee's comments, of course.

4.3. The Committee is in favour of expanding EMSA's activities, because EMSA is an organisation that, in recent years, has proved successful in guaranteeing a high level of maritime safety and security and has played a significant role in tackling pollution by ships.

4.4. Expanding EMSA's activities should result in improvements to the dissemination of real-time maritime surveillance data between the three EU agencies and national coastguard authorities, in the use of RPASs (drones) for surveillance of the EU's external maritime borders, in the availability of data collected by satellite, in better communication services in support of joint operations, and in much more focus on and investment in education and training.

4.5. The Committee wonders why the Commission devotes a section to the fact that the European Space Agency (ESA) will stop providing Satellite Automatic Identification System services (SAT-AIS data) free of charge, without also referring to the financial sections of its proposal, in which funds are allocated for this purpose as from 2017, while 2016 is expected to be covered via the Copernicus programme. The Committee trusts that the latter plan will be confirmed.

Brussels, 16 March 2016.

*The President*  
*of the European Economic and Social Committee*  
Georges DASSIS

---

<sup>(1)</sup> OJ C 107, 6.4.2011, p. 68.