



Plenary sitting

A8-0130/2017

30.3.2017

REPORT

on discharge in respect of the implementation of the budget of the European
Maritime Safety Agency for the financial year 2015
(2016/2172(DEC))

Committee on Budgetary Control

Rapporteur: Inés Ayala Sender

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1. PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

**on discharge in respect of the implementation of the budget of the European Maritime Safety Agency for the financial year 2015
(2016/2172(DEC))**

The European Parliament,

- having regard to the final annual accounts of the European Maritime Safety Agency for the financial year 2015,
- having regard to the Court of Auditors' report on the annual accounts of the European Maritime Safety Agency for the financial year 2015, together with the Agency's reply¹,
- having regard to the statement of assurance² as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2015, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
- having regard to the Council's recommendation of 21 February 2017 on discharge to be given to the Agency in respect of the implementation of the budget for the financial year 2015 (05873/2017 – C8-0058/2017),
- having regard to Article 319 of the Treaty on the Functioning of the European Union,
- having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002³, and in particular Article 208 thereof,
- having regard to Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency⁴, and in particular Article 19 thereof,
- having regard to Commission Delegated Regulation (EU) No 1271/2013 of 30 September 2013 on the framework financial regulation for the bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council⁵, and in particular Article 108 thereof,
- having regard to Rule 94 of and Annex IV to its Rules of Procedure,
- having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Transport and Tourism (A8-0130/2017),

¹ OJ C 449, 1.12.2016, p. 133.

² OJ C 449, 1.12.2016, p. 133.

³ OJ L 298, 26.10.2012, p. 1.

⁴ OJ L 208, 5.8.2002, p. 1.

⁵ OJ L 328, 7.12.2013, p. 42.

1. Grants the Executive Director of the European Maritime Safety Agency discharge in respect of the implementation of the Agency's budget for the financial year 2015;
2. Sets out its observations in the resolution below;
3. Instructs its President to forward this decision, and the resolution forming an integral part of it, to the Executive Director of the European Maritime Safety Agency, the Council, the Commission and the Court of Auditors, and to arrange for their publication in the *Official Journal of the European Union* (L series).

2. PROPOSAL FOR A EUROPEAN PARLIAMENT DECISION

**on the closure of the accounts of the European Maritime Safety Agency for the financial year 2015
(2016/2172(DEC))**

The European Parliament,

- having regard to the final annual accounts of the European Maritime Safety Agency for the financial year 2015,
- having regard to the Court of Auditors' report on the annual accounts of the European Maritime Safety Agency for the financial year 2015, together with the Agency's replies¹,
- having regard to the statement of assurance² as to the reliability of the accounts and the legality and regularity of the underlying transactions provided by the Court of Auditors for the financial year 2015, pursuant to Article 287 of the Treaty on the Functioning of the European Union,
- having regard to the Council's recommendation of 21 February 2017 on discharge to be given to the Agency in respect of the implementation of the budget for the financial year 2015 (05873/2017 – C8-0058/2017),
- having regard to Article 319 of the Treaty on the Functioning of the European Union,
- having regard to Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002³, and in particular Article 208 thereof,
- having regard to Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency⁴, and in particular Article 19 thereof,
- having regard to Commission Delegated Regulation (EU) No 1271/2013 of 30 September 2013 on the framework financial regulation for the bodies referred to in Article 208 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council⁵, and in particular Article 108 thereof,
- having regard to Rule 94 of and Annex IV to its Rules of Procedure,
- having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Transport and Tourism (A8-0130/2017),

¹ OJ C 449, 1.12.2016, p. 133.

² OJ C 449, 1.12.2016, p. 133.

³ OJ L 298, 26.10.2012, p. 1.

⁴ OJ L 208, 5.8.2002, p. 1.

⁵ OJ L 328, 7.12.2013, p. 42.

1. Approves the closure of the accounts of the European Maritime Safety Agency for the financial year 2015;
2. Instructs its President to forward this decision to the Executive Director of the European Maritime Safety Agency, the Council, the Commission and the Court of Auditors, and to arrange for its publication in the *Official Journal of the European Union* (L series).

3. MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

**with observations forming an integral part of the decision on discharge in respect of the implementation of the budget of the European Maritime Safety Agency for the financial year 2015
(2016/2172(DEC))**

The European Parliament,

- having regard to its decision on discharge in respect of the implementation of the budget of the European Maritime Safety Agency for the financial year 2015,
 - having regard to Rule 94 of and Annex IV to its Rules of Procedure,
 - having regard to the report of the Committee on Budgetary Control and the opinion of the Committee on Transport and Tourism (A8-0130/2017),
- A. whereas, according to its financial statements, the final budget of the European Maritime Safety Agency (“the Agency”) for the financial year 2015 was EUR 54 611 883, representing an increase of 4,21 % compared to 2014,
- B. whereas the Court of Auditors (“the Court”), in its report on the annual accounts of the European Maritime Safety Agency for the financial year 2015 (“the Court’s report”), has stated that it has obtained reasonable assurances that the Agency’s annual accounts are reliable and that the underlying transactions are legal and regular,
- C. whereas in the context of the discharge procedure, Parliament stresses the special importance of further strengthening the democratic legitimacy of the institutions of the Union by improving transparency and accountability, implementing the concept of performance based budgeting and good governance of human resources,

Budget and financial management

1. Notes that the budget monitoring efforts during the financial year 2015 resulted in a budget implementation rate of 99,23 %, representing an increase of 4,45 % compared to 2014 and the payment appropriations execution rate was 96,52 %, representing an increase of 2,75 %;
2. Takes note of the fact that the Agency restructured its budget structure in 2014 with effect on Budget 2015 to better support the business needs of the Agency; observes, furthermore, that the second phase of the restructuring will have an effect on the budget in 2016; invites the Agency to inform the discharge authority on the practical impact and efficiencies gained with the new budget structure;

Commitments and carryovers

3. Acknowledges the fact that according to the Court of Auditors' annual audit, as well as to the Agency’s annual accounts report, no notable issues as regards the level of carryovers in 2015 were identified; observes that out of the total amount carried forward from 2014 to 2015 (EUR 35 987 101), 46 % were consumed, 50 % remained as “open

amount” (amount due, not yet paid) and 4% of the total were cancelled; notes that carry-overs may often be partly or fully justified by the multiannual nature of the agencies’ operational programmes, and do not necessarily indicate weaknesses in budget planning and implementation, nor are they always at odds with the budgetary principle of annuality, in particular if they are planned in advance by the Agency and communicated to the Court;

Transfer

4. Takes note of the fact that the Agency made a total of 10 transfers between budgetary titles in 2015; acknowledges the fact that these transfers were below 10% of the appropriations for the financial year of the budget line from which the transfer is made in the case of transfers from one title to another; observes that the level and nature of transfers in 2015 remained within the limits of the financial rules;

Procurement and recruitment procedures

5. Takes note of the fact that the Agency launched 88 procurement procedures, out of which 13 were special negotiated procedures and the remaining 75 encompassed open and low value negotiated procedures;
6. Notes from the Agency’s annual activity report that in 2015 the Agency had 207 posts in its authorised establishment plan; observes that while 207 statutory posts were indicated on the Agency’s Establishment Plan for 2015, the Agency delivered the activities proposed in the Work Programme 2015 with 202 statutory posts, as five posts were frozen for cuts foreseen in 2016;
7. Notes the results of the second benchmarking exercise on the Agency’s posts, with 21,67% of the jobs dedicated to administrative support and coordination, 71,29% to operational tasks and 7,05% to control and financial tasks; regrets the continuous reduction of staffing level, while at the same time tasks given to the Agency are increasing;

Prevention and management of conflicts of interests and transparency

8. Observes that the Agency made publicly available the “Declarations of Commitment and Confidentiality” signed by its Administrative Board members as well as their CVs, as requested by the discharge authority in the previous discharge procedures;
9. Notes with concern that the declarations of interest of its Administrative Board members are not published on its website and that the Agency has not provided for any check or update of the declarations of interest of its management board members; encourages the Agency to remedy the situation by publishing such documents and introducing checks, in order to ensure necessary public oversight and scrutiny of its management;
10. Notes with satisfaction that the Agency’s Administrative Board adopted in 2015 a fraud prevention and detection strategy which is based upon the methodology and guidance for anti-fraud strategy presented by OLAF as well as upon the Anti-Fraud Strategy of the Commission’s DG MOVE;

11. Notes with concern that the Agency has not taken specific initiatives in order to increase transparency relating to its contacts with stakeholders and lobbyists; calls on the Agency to enact a proactive lobby transparency policy;

Internal audit

12. Acknowledges the fact that, in 2015, the Agency's auditing bodies have not issued any critical audit recommendations or observations that could lead to a reservation in the annual declaration of assurance; notes with satisfaction that all recommendations and observations stemming from various audits from years before 2015 were closed at 31 December 2015;

Internal control

13. Takes note of the fact that the Agency has developed and implemented a series of internal measures to ensure that its activities are subject to control and to provide reasonable assurance to management of the achievement of its objectives; observes that the Agency has implemented a full set of Internal Control Standards (ICS), based on equivalent standards established by the Commission, and minimum requirements which have been adopted by its Administrative Board;

Performance

14. Takes note of the fact that the Agency has cooperated extensively on the operational level, in the field of maritime monitoring, surveillance and information sharing, with other Union agencies and bodies (EFCA, Frontex, EU NAVFOR, MAOC-N), in order to capitalise on existing expertise and services in mutually beneficial ways; notes that as from December 2014, the Agency has been hosting the Business Continuity Facility of the Fusion for Energy Joint Undertaking (F4E) in Madrid; takes note of the fact that the Agency has continued cooperating with European Fisheries Control Agency (EFCA) so that it can also use the Agency's business continuity centre; acknowledges the fact that it has worked closely with European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) to develop cooperation and synergies between the two agencies with a view to increasing effectiveness, efficiency and saving costs, given the geographical proximity of the agencies;

Other comments

15. Notes with concern a significant gender imbalance of 20 % / 80 % within the Agency's Management Board members and alternate members; urges the Agency to correct this imbalance and to communicate progress made to the Parliament as quickly as possible;
16. Highlights the Agency's contribution to maritime safety, the prevention of pollution from ships as well as from offshore installations for gas and oil exploitation in Europe, and the assistance provided to Member States and the Commission under international and Union law; welcomes and encourages the Agency collaboration with other European Agencies regarding the refugees crisis and reaffirms that the Agency has to be given the financial, material and human resources it needs in order to perform its tasks effectively, including when dealing with critically important activities outside its mandate, i.e. contribution to the refugee crisis in the form of "know-how", operational

support and involvement of staff of the Agency ;

17. Highlights that the Agency's "know-how" and in-house capabilities provide the opportunity to expand its action and service provision to a more global scale, thereby contributing to increasing the reach of Union regulatory frameworks and safety and environmental standards;

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18. Refers, for other observations of a cross-cutting nature accompanying its decision on discharge, to its resolution of [xx xxxx 2017]¹ [on the performance, financial management and control of the agencies].).

¹ Texts adopted of that date, P[8_TA(-PROV)(2017)0000].

OPINION OF THE COMMITTEE ON TRANSPORT AND TOURISM

for the Committee on Budgetary Control

on discharge in respect of the implementation of the budget of the European Maritime Safety Agency for the financial year 2015
(2016/2172(DEC))

Rapporteur: Claudia Schmidt

SUGGESTIONS

The Committee on Transport and Tourism calls on the Committee on Budgetary Control, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Welcomes the finding of the Court of Auditors that the transactions underlying the accounts of the European Maritime Safety Agency ('the Agency') for the 2015 financial year are legal and regular in all material respects;
2. Notes that the Agency's annual budget for 2015, excluding internal and external assigned revenues, was EUR 54,61 million in commitment appropriations and EUR 53,12 million in payment appropriations, and that the implementation rates were 99,23% and 96,52% respectively; welcomes the improvements in implementation rates compared to 2014; welcomes the fact that the Agency reached 97,96% of payment execution also taking into account the automatic carry-overs of payment appropriations;
3. Welcomes the adoption by the Administrative Board of a Fraud prevention and detection strategy, based on the methodology and guidance of OLAF and on the Anti-fraud strategy of DG MOVE, and expects it to be fully and speedily implemented;
4. Welcomes the fact that all recommendations and observations stemming from various audits from years before 2015 were addressed and that there were no pending actions that could have a negative influence on the risks linked to the Agency's activities in 2015;
5. Welcomes the fact that the Agency is looking for synergies of actions with other EU decentralised agencies in order to gain in effectiveness, efficiency, and costs, in particular as regards horizontal and administrative areas;
6. Highlights the Agency's contribution to maritime safety, the prevention of pollution from

ships as well as from offshore installations for gas and oil exploitation in Europe, and the assistance provided to Member States and the Commission under international and Union law; welcomes and encourages the Agency collaboration with other European Agencies regarding the refugees crisis and reaffirms that the Agency has to be given the financial, material and human resources it needs in order to perform its tasks effectively, including when dealing with critically important activities outside its mandate, i.e. contribution with know-how, operational support and staff of the Agency to the refugee crisis;

7. Notes the results of the second benchmarking exercise on the Agency's posts, with 21,67% of the jobs dedicated to administrative support and coordination, 71,29% to operational tasks and 7,05% to control and financial tasks; regrets the continuous reduction of staffing level, while at the same time tasks given to the Agency are increasing;
8. Highlights that the Agency's know-how and in-house capabilities provide the opportunity to expand its action and service provision to a more global scale, thereby contributing to increasing the reach of Union regulatory frameworks and safety and environmental standards;
9. Acknowledges the progress of the Agency with regard to the publication on the Agency's website of the CVs and declarations of interests of the Administrative Board members and alternates; regrets, however, that declarations of interest have not been provided by all members and alternates as it has been requested by the Parliament and recommended by the Court of Auditors; invites therefore the Agency to publish without delay all declarations of interests of the Administrative Board members and alternates;
10. Proposes that Parliament grants the Executive Director of the European Maritime Safety Agency discharge in respect of the implementation of the Agency's budget for the financial year 2015.

RESULT OF FINAL VOTE IN COMMITTEE ASKED FOR OPINION

Date adopted	28.2.2017
Result of final vote	+: 41 -: 3 0: 2
Members present for the final vote	Daniela Aiuto, Lucy Anderson, Marie-Christine Arnautu, Georges Bach, Izaskun Bilbao Barandica, Luis de Grandes Pascual, Andor Deli, Karima Delli, Isabella De Monte, Ismail Ertug, Jacqueline Foster, Bruno Gollnisch, Dieter-Lebrecht Koch, Merja Kyllönen, Miltiadis Kyrkos, Bogusław Liberadzki, Peter Lundgren, Marian-Jean Marinescu, Georg Mayer, Gesine Meissner, Cláudia Monteiro de Aguiar, Jens Nilsson, Markus Pieper, Salvatore Domenico Pogliese, Tomasz Piotr Poręba, Gabriele Preuß, Christine Revault D'Allonnes Bonnefoy, Dominique Riquet, Massimiliano Salini, Claudia Schmidt, Jill Seymour, Claudia Țapardel, Keith Taylor, Pavel Telička, István Ujhelyi, Wim van de Camp, Janusz Zemke, Roberts Zīle, Kosma Złotowski, Elżbieta Katarzyna Łukacijewska
Substitutes present for the final vote	Jakop Dalunde, Mark Demesmaeker, Markus Ferber, Karoline Graswander-Hainz, Kateřina Konečná, Franck Proust

INFORMATION ON ADOPTION IN COMMITTEE RESPONSIBLE

Date adopted	22.3.2017
Result of final vote	+: 23 -: 4 0: 0
Members present for the final vote	Inés Ayala Sender, Dennis de Jong, Tamás Deutsch, Martina Dlabajová, Luke Ming Flanagan, Ingeborg Gräßle, Cătălin Sorin Ivan, Jean-François Jalkh, Bogusław Liberadzki, Monica Macovei, Notis Marias, José Ignacio Salafranca Sánchez-Neyra, Petri Sarvamaa, Claudia Schmidt, Bart Staes, Hannu Takkula, Derek Vaughan, Joachim Zeller
Substitutes present for the final vote	Gerben-Jan Gerbrandy, Benedek Jávor, Karin Kadenbach, Julia Pitera, Patricija Šulin
Substitutes under Rule 200(2) present for the final vote	Raymond Finch, Jens Geier, Piernicola Pedicini, Janusz Zemke

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

23	+
ALDE	Martina Dlabajová, Gerben-Jan Gerbrandy, Hannu Takkula
ECR	Monica Macovei
GUE/NGL	Luke Ming Flanagan, Dennis de Jong
PPE	Tamás Deutsch, Ingeborg Gräble, Julia Pitera, José Ignacio Salafranca Sánchez-Neyra, Petri Sarvamaa, Claudia Schmidt, Joachim Zeller, Patricija Šulin
S&D	Inés Ayala Sender, Jens Geier, Cătălin Sorin Ivan, Karin Kadenbach, Bogusław Liberadzki, Derek Vaughan, Janusz Zemke
VERTS/ALE	Benedek Jávor, Bart Staes

4	-
ECR	Notis Marias
EFDD	Raymond Finch, Piernicola Pedicini
ENF	Jean-François Jalkh

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention