



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Budgets

2010/0303(COD)

16.6.2011

OPINION

of the Committee on Budgets

for the Committee on Transport and Tourism

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(2010)0611 – C7-0343/2010 – 2010/0303(COD))

Rapporteur: Jutta Haug

PA_Legam

SHORT JUSTIFICATION

The objective of the proposed measure is to amend Regulation 1406/2002 by clarifying EMSA's existing tasks and role as well as by extending EMSA's tasks to new areas under development at international and/or EU level.

General aspects and the Interinstitutional working group on agencies

Your Rapporteur has taken good note of the proposed extension of tasks, and of the Commission's impact assessment carried out in this respect. She would like to draw the BUDG and TRAN committees' attention that further impact assessments should be carried out on the opportunity and consequences of any additional task that would be proposed by the lead committee (c.f. working document by the lead Rapporteur, EESC opinion), including in budgetary and staff terms, in line with the Inter-Institutional Common Approach to Impact Assessment (IA) regarding substantive amendments.

Your Rapporteur takes the view that the advancement of the works of the IWG also makes it possible to integrate its first conclusions on governance issues already in the present opinion. These conclusions have already been endorsed by the three institutions on their last meeting of 23 March 2011. They have resulted in the amendments below dealing with:

- enhancing Parliament's scrutiny powers on the agency's multi-annual strategy (opinion) and annual work programme,
- monitoring tasks of the management Board, and the corresponding required skills of its members,
- the setting-up of an executive Board,
- preventing any conflict of interest within the Management Board,
- the establishment of tailored indicators to assess the agency's performance,
- the regular evaluation of the agency.

Budgetary issues

On strictly budget related issues, your Rapporteur identified a need for further clarification in the financial statement and the proposal's budgetary implications:

- The financial statement seems erroneous since one additional post within DG MOVE is mentioned that is though already assigned to the management of the activity. Your Rapporteur will make sure that this will not result in additional spending (the impact is some EUR 0.5 million for four years).
- On the redeployment of 6 staff within the agency to cope with the new tasks, the timing and the activities from which the redeployment will be made deserve further clarification.
- Further information will also be needed on the precise resource implication of the agencies' new tasks that are not included in the regulation: the sections related to 'the human element' and 'e-maritime' in the administrative board's multi-annual strategy.
- Finally, it will be examined how much can be expected from the collection of fees stemming from the exchange of maritime data, and also what guarantee there is that the legislative authority keeps a say on any other source of revenue for the agency, despite the general wording of the new provision.

AMENDMENTS

The Committee on Budgets calls on the Committee on Transport and Tourism, as the committee responsible, to incorporate the following amendments in its report:

Amendment 1

Draft legislative resolution

Paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Stresses that point 47 of the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management should apply for the extension of tasks of the European Maritime Safety Agency; emphasises that any decision of the legislative authority in favour of such an extension of tasks shall be without prejudice to the decisions of the budgetary authority in the context of the annual budgetary procedure;

Justification

Reiterating Parliament's budgetary prerogatives.

Amendment 2

Proposal for a regulation - amending act

Recital 3

Text proposed by the Commission

Amendment

(3) Based on the findings of the external evaluation, the recommendations by the Administrative Board and the multi-annual strategy, some provisions of Regulation (EC) No 1406/2002 should be clarified and updated. Furthermore, the Agency should receive a number of additional tasks reflecting the development of the maritime safety policy at EU and international level. Considerable screening and redeployment efforts are necessary to guarantee cost and

(3) Based on the findings of the external evaluation, the recommendations by the Administrative Board and the multi-annual strategy ***adopted by that Board in March 2010***, some provisions of Regulation (EC) No 1406/2002 should be clarified and updated. Furthermore, the Agency should receive a number of additional tasks reflecting the development of the maritime safety policy at EU and international level. Considerable screening and redeployment

budget efficiency. This should allow one third of additional staffing needs for new tasks to be covered through internal redeployment by the Agency.

efforts are necessary to guarantee cost and budget efficiency. This should allow one third of additional staffing needs for new tasks to be covered through internal redeployment by the Agency.

Justification

The legal act should be sufficiently precise when referring to the source of its contents.

Amendment 3

Proposal for a regulation - amending act Recital 14 a (new)

Text proposed by the Commission

Amendment

(14a) Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities¹ (Financial Regulation), and in particular Article 185 thereof, and the Interinstitutional Agreement of 17 May 2006 between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management² (IIA of 17 May 2006), and in particular point 47 thereof, should be taken into account.

¹ *OJ L 248, 16.9.2002, p. 1.*

² *OJ C 139, 14.6.2006, p. 1.*

Justification

The Financial Regulation (art 185) and the Interinstitutional Agreement on budgetary management and budgetary discipline (Art. 47) should be referred to as legal basis for the establishment of a new EU agency.

Amendment 4

Proposal for a regulation - amending act Article 1 – point 3 - point a Regulation (EC)1406/2002 Article 10 – paragraph 2

Text proposed by the Commission

(a) *the* point (c) is replaced by the following:

'(c) examine, in the framework of the preparation of the work programme, requests from Member States for technical assistance, as referred to in Article 2(3);
(ca) adopt a multi-annual strategy for the Agency covering a period of five years ahead taking the *opinion* of the Commission into account;

(cb) adopt the multi-annual staff policy plan of the Agency;'

Amendment

(a) *points (b) and (c) are* replaced by the following:

'(b) adopt the annual report on the Agency's activities and forward it by 15 June at the latest to the European Parliament, the Council, the Commission, the Court of Auditors and the Member States.

The Agency shall annually forward to the budgetary authority all information regarding the outcome of the evaluation procedures;

(c) examine, in the framework of the preparation of the work programme, requests from Member States for technical assistance, as referred to in Article 2(3);
(ca) adopt a multi-annual strategy for the Agency covering a period of five years ahead taking the *opinions* of the **Parliament and the** Commission into account;

(cb) adopt the multi-annual staff policy plan of the Agency;'

Justification

The first modification aims at making clear that the Agency cannot itself consider what is relevant for the Parliament. The second aims at enshrining in the regulation that the Parliament should be consulted for the adoption of the agencies' multi-annual strategy (IWG).

Amendment 5

Proposal for a regulation - amending act

Article 1 – point 3 – point d a (new)

Regulation (EC)1406/2002

Article 10 – paragraph 2 – point (h)

Text proposed by the Commission

Amendment

(da) point (h) is replaced by the following:

'(h) perform its duties in relation to the Agency's budget pursuant to Articles 18, 19 and 21 and monitor and give adequate

follow-up to the findings and recommendations stemming from various audit reports and evaluations, whether internal or external;'

Justification

For a better ownership and follow-up of audit and evaluations findings, the Management Board, to whom the Director is accountable, should explicitly be entrusted with their monitoring (IWG)

Amendment 6

Proposal for a regulation - amending act

Article 1 – point 3 a (new)

Regulation (EC)1406/2002

Article 11

Text proposed by the Commission

Amendment

(3a) Article 11 is amended as follows:

(a) paragraph 1 is replaced by the following:

'1. The Administrative Board shall be composed of one representative of each Member State and four representatives of the Commission, as well as of four professionals from the sectors most concerned, nominated by the Commission, without the right to vote.

Board members shall be appointed on the basis of their degree of relevant experience and expertise in the field of maritime safety, maritime security, prevention of pollution and response to pollution caused by ships. They shall also have the necessary managerial, administrative and budgetary skills to fulfil the tasks listed in Article 10.

Members of the Administrative Board shall make a written declaration of commitments and a written declaration indicating any direct or indirect interest which might be considered prejudicial to

their independence. They shall declare at each meeting any interest which might be considered prejudicial to their independence in relation to the items on the agenda and abstain from participating in the discussions and voting on such points.'

(b) paragraph 3 is replaced by the following:

'3. The duration of the term of office shall be *four* years. The term of office may be renewed once.'

Justification

The skills of the members of the Management Board should be in line with the functions assigned to them. Besides, there should be a provision aimed at preventing any conflict of interest and the duration of their mandate should be aligned with other agencies' (IWG).

Amendment 7

Proposal for a regulation - amending act

Article 1 – point 3 b (new)

Regulation (EC)1406/2002

Article 14 a (new)

Text proposed by the Commission

Amendment

(3b) The following article is inserted:

'Article 14a

Executive Board

1. An Executive Board, composed of members of the Administrative Board including two representatives of the Commission, shall be set up. Its size shall not exceed one third of that of the Administrative Board. It shall meet at least on a quarterly basis.

2. The Executive Board shall have a clear formal mandate from the Administrative Board. Its tasks shall include monitoring the implementation of the Administrative Board's decisions, tackling administrative and budgetary issues on behalf of the

Administrative Board, and preparing decisions, programmes and activities to be adopted by the Administrative Board. The Executive Board shall be accountable to the Administrative Board; in this context it shall submit an activity report to each Administrative Board meeting.'

Justification

An executive board should be set up aiming at reinforcing supervision of administrative and budgetary management through the preparation of Management Board decisions (IWG).

Amendment 8

Proposal for a regulation - amending act

Article 1 – point 4 – point (a)

Regulation (EC)1406/2002

Article 15 – paragraph 2 – points (a) and (b)

Text proposed by the Commission

(a) in paragraph 2, *the* points (a) and (b) are replaced by the following:

'(a) he shall prepare the multi-annual strategy of the Agency and submit it to the Administrative Board after consultation of the Commission at least 8 weeks before the relevant Board meeting;

(aa) he shall prepare the multi-annual staff policy plan of the Agency and submit it to the Administrative Board after consultation of the Commission;

(ab) he shall prepare the annual work programme and the detailed plan for the Agency's pollution preparedness and response activities, and submit them to the Administrative Board after consultation of the Commission at least 8 weeks before the relevant Board meeting. He shall take the necessary steps for their implementation. He shall respond to any requests for assistance from a Member State in accordance with Article 10(2)(c);

Amendment

(a) in paragraph 2, points (a) and (b) are replaced by the following:

'(a) he shall prepare the multi-annual strategy of the Agency and submit it to the Administrative Board after consultation of the ***Parliament and of the*** Commission at least 8 weeks before the relevant Board meeting;

(aa) he shall prepare the multi-annual staff policy plan of the Agency and submit it to the Administrative Board after consultation of the Commission;

(ab) he shall prepare the annual work programme, ***with an indication of the expected human and financial resources allocated to each activity***, and the detailed plan for the Agency's pollution preparedness and response activities, and submit them to the Administrative Board after consultation of the Commission at least 8 weeks before the relevant Board meeting. ***He shall reply positively to any invitation by the European Parliament's competent committee to present and hold an exchange of views on the annual work***

(b) he shall decide to carry out the inspections provided for in Article 3, after consultation of the Commission and in line with the requirements referred to in the same Article 3. He shall cooperate closely with the Commission in the preparation of the measures referred to in Article 3(2);

programme. He shall take the necessary steps for their implementation. He shall respond to any requests for assistance from a Member State in accordance with Article 10(2)(c);

(b) he shall decide to carry out the inspections provided for in Article 3, after consultation of the Commission and in line with the requirements referred to in the same Article 3. He shall cooperate closely with the Commission in the preparation of the measures referred to in Article 3(2);'

Justification

The first modification aims at enshrining in the regulation that the Parliament should be consulted for the adoption of the agencies' multi-annual strategy (IWG). The second is in line with the principles of ABM-ABB: the Agency's work programme and annual activity report should provide information on the resources allocated to the activities which are necessary to reach the Agency's objectives. The third aims at formalising the practice of having exchange of views between the Director and the competent committee on the annual work programme.

Amendment 9

Proposal for a regulation - amending act

Article 1 – point 4 – point (b)

Regulation (EC)1406/2002

Article 15 – paragraph 2 – point (d)

Text proposed by the Commission

'(d) he shall organise an effective monitoring system in order to be able to compare the Agency's achievements with its objectives and tasks as laid down in this Regulation. He shall ensure that the Agency's organisational structure will be regularly adapted to the evolving needs within the available financial and human resources. On this basis the Executive Director shall prepare a draft general report each year and submit it to the Administrative Board. The report shall include a dedicated section concerning the financial execution of the detailed plan for the Agency's pollution preparedness and response activities and give an update of the status of all actions funded under that

Amendment

'(d) he shall organise an effective monitoring system in order to be able to compare the Agency's achievements with its objectives and tasks as laid down in this Regulation. ***To this end, he shall establish, in agreement with the Commission, tailored performance indicators allowing for an effective assessment of the results achieved.*** He shall ensure that the Agency's organisational structure will be regularly adapted to the evolving needs within the available financial and human resources. On this basis the Executive Director shall prepare a draft general report each year and submit it to the Administrative Board. The report shall include a dedicated section concerning the financial execution of the

plan. He shall establish regular evaluation procedures that meet recognised professional standards;'

detailed plan for the Agency's pollution preparedness and response activities and give an update of the status of all actions funded under that plan. He shall establish regular evaluation procedures that meet recognised professional standards;'

Justification

In line with the principles of Activity based management and Activity based budgeting (ABM-ABB), the Agency's work programme and annual activity report should provide information on the resources allocated to the activities which are necessary to reach the Agency's objectives and on the overall performance in achieving these objectives.

Amendment 10

Proposal for a regulation - amending act

Article 1 – point 5

Regulation (EC)1406/2002

Article 16 – paragraph 1

Text proposed by the Commission

1. The Executive Director shall be appointed and dismissed by the Administrative Board. The appointment shall be made from a list of candidates proposed by the Commission for a period of five years on grounds of merit and documented administrative and managerial skills, as well as competence and experience relevant for maritime safety, maritime security, prevention of pollution caused by ships and response to marine pollution. Before appointment, the candidate selected by the Administrative Board may be invited to make a statement before the competent committee of the European Parliament and answer questions put by its members. The Administrative Board shall take its decision by a four-fifths majority of all members with the right to vote.

Amendment

1. The Executive Director shall be appointed and dismissed by the Administrative Board. The appointment shall be made from a list of candidates proposed by the Commission for a period of five years on grounds of merit and documented administrative and managerial skills, as well as competence and experience relevant for maritime safety, maritime security, prevention of pollution caused by ships and response to marine pollution. Before appointment, the candidate selected by the Administrative Board may be invited to make a statement before the competent committee of the European Parliament and answer questions put by its members. ***Its opinion, if any, shall be considered before formal appointment.*** The Administrative Board shall take its decision by a four-fifths majority of all members with the right to vote.

Justification

It should be made explicit that any Parliament's opinion on the selected candidate shall be taken into consideration before its appointment.

Amendment 11

Proposal for a regulation - amending act

Article 1 – point 5

Regulation (EC)1406/2002

Article 16 – paragraph 2

Text proposed by the Commission

2. The Administrative Board, acting on a proposal from the Commission, taking into account the evaluation report may extend the term of office of the Executive Director for not more than **three years**. The Administrative Board shall take its decision by a four-fifths majority of all members with the right to vote. The Administrative Board shall inform the European Parliament about its intention to extend the Executive Director's term of office. Within a month before the extension of his/her term of office, the Executive Director may be invited to make a statement before the competent committee of the European Parliament and answer questions put by its members. If the term of office is not extended, the Executive Director shall remain in office until the appointment of his/her successor.

Amendment

2. The Administrative Board, acting on a proposal from the Commission, taking into account the evaluation report may extend the term of office of the Executive Director for not more than **five years**. The Administrative Board shall take its decision by a four-fifths majority of all members with the right to vote. The Administrative Board shall inform the European Parliament about its intention to extend the Executive Director's term of office. Within a month before the extension of his/her term of office, the Executive Director may be invited to make a statement before the competent committee of the European Parliament and answer questions put by its members. ***Its opinion, if any, shall be considered before formal reappointment.*** If the term of office is not extended, the Executive Director shall remain in office until the appointment of his/her successor.

Justification

The renewal of the Director's mandate should be for the same duration as for the first mandate. Any opinion given by Parliament on the selected candidate shall be taken into consideration before its appointment.

Amendment 12

Proposal for a regulation - amending act

Article 1 – point 6 a (new)

Regulation (EC)1406/2002

Article 18 – paragraph 3

Text proposed by the Commission

Amendment

(6a) In Article 18, paragraph 3 is replaced by the following:

'3. The Executive Director shall draw up a draft statement of estimates of the Agency's revenue and expenditure for the following year, *on the basis of activity-based budgeting*, and shall forward it to the Administrative Board, together with a draft establishment plan.'

Justification

In line with the principles of Activity based management and Activity based budgeting (ABM-ABB), the Agency's budget should explicitly be based on the Agency's objectives and activities, making the link between the Agency's mission and objectives and its activities and resources.

Amendment 13

Proposal for a regulation - amending act

Article 1 – point 6 b (new)

Regulation (EC)1406/2002

Article 18 – paragraphs 7 and 8

Text proposed by the Commission

Amendment

(6b) In Article 18, paragraphs 7 and 8 are replaced by the following:

'7. The statement of estimates shall be forwarded by the Commission to the Parliament and the Council (hereinafter referred to as the budgetary authority) together with the [...] draft general budget of the European Union.

8. On the basis of the statement of estimates, the Commission shall enter in

the [...] draft general budget of the European Union the estimates it deems necessary for the establishment plan and the amount of the subsidy to be charged to the general budget, which it shall place before the budgetary authority in accordance with Article 314 of the TFEU, together with a description of and justification for any difference between the Agency's statement of estimates and the subsidy to be charged to the general budget.'

Justification

The first part of the amendment refers to the application of Lisbon Treaty nomenclature. The second aims at providing the budgetary authority with adequate information where the Agency's estimates have been modified by the Commission.

Amendment 14

Proposal for a regulation - amending act

Article 1 – point 6 c (new)

Regulation (EC)1406/2002

Article 18 – paragraph 10

Text proposed by the Commission

Amendment

(6c) In Article 18, paragraph 10 is replaced by the following:

'10. The budget shall be adopted by the Administrative Board. It shall become final following final adoption of the general budget of the European Union. Where appropriate, it shall be adjusted accordingly, *together with the annual work programme.*'

Justification

This aims at preventing that, in case of significant budgetary cuts, the Agency finds itself having to carry out the same tasks and activities with significantly reduced resources.

Amendment 15

Proposal for a regulation - amending act

Article 1 – point 7

Regulation (EC)1406/2002

Article 22 – paragraphs 1 and 2

Text proposed by the Commission

(7) In Article 22, **paragraph 1 is** replaced by the following:

'1. At regular intervals and at least every five years, the Administrative Board shall commission an independent external evaluation on the implementation of this Regulation. The Commission shall make available to the Agency any information the latter considers relevant to that evaluation.'

Amendment

(7) In Article 22, **paragraphs 1 and 2 are** replaced by the following:

'1. At regular intervals and at least every five years, the Administrative Board shall commission an independent external evaluation on the implementation of this Regulation. The Commission shall make available to the Agency any information the latter considers relevant to that evaluation.

2. That evaluation shall assess the utility, relevance, achieved added value and effectiveness of the Agency and its working practices. The evaluation shall take into account the views of stakeholders, at both European and national level. It shall, in particular, address the possible need to modify or extend the Agency's tasks or to put an end to its activities in the event of its role having become superfluous.'

Justification

It should be mentioned that regular evaluations may also result in the reconsideration of the Agency's tasks or existence, should this prove necessary.

PROCEDURE

Title	Amendment of Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency			
References	COM(2010)0611 – C7-0343/2010 – 2010/0303(COD)			
Committee responsible Date announced in plenary	TRAN 10.11.2010			
Committee(s) asked for opinion(s) Date announced in plenary	BUDG 10.11.2010			
Rapporteur(s) Date appointed	Jutta Haug 18.11.2010	Jutta Haug 18.11.2010	Jutta Haug 18.11.2010	Jutta Haug 18.11.2010
Rule 51 – joint committee meetings Date announced in plenary				
Date adopted	15.6.2011			
Result of final vote	+: -: 0:	37 1 0		
Members present for the final vote	Damien Abad, Alexander Alvaro, Marta Andreasen, Francesca Balzani, Reimer Böge, Lajos Bokros, Andrea Cozzolino, Jean-Luc Dehaene, Isabelle Durant, James Elles, Göran Färm, José Manuel Fernandes, Eider Gardiazábal Rubial, Salvador Garriga Polledo, Jens Geier, Ivars Godmanis, Estelle Grelier, Jutta Haug, Monika Hohlmeier, Sidonia Elżbieta Jędrzejewska, Anne E. Jensen, Sergej Kozlík, Jan Kozłowski, Alain Lamassoure, Giovanni La Via, Vladimír Maňka, Barbara Matera, Claudio Morganti, Nadezhda Neynsky, Miguel Portas, László Surján, Helga Trüpel, Angelika Werthmann, Jacek Włosowicz			
Substitute(s) present for the final vote	Frédéric Daerden, Edit Herczog, Jan Mulder, María Muñoz De Urquiza			