



2023/0163(COD)

8.11.2023

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
on European Maritime Safety Agency and repealing regulation (EC) No
1406/2002
(COM(2023)0269 – C9-0190/2023 – 2023/0163(COD))

Rapporteur for opinion: Niclas Herbst

PA_Legam

SHORT JUSTIFICATION

The proposed revision of EMSA's mandate aims to: (1) better anchor and reflect the current tasks and objectives of the Agency in its founding Regulation so that it is legally mandated to fulfil these and support the Member States and the Commission with the necessary technical, operational and scientific assistance to ensure maritime safety and security, and the green and digital transition of the sector; (2) ensure that EMSA's founding Regulation is future proof by allowing enough flexibility to incorporate new tasks that address the evolving needs of the maritime sector; and (3) ensure that the Agency has adequate human and financial resources to fulfil its role.

Your Rapporteur welcomes the central aims of the proposal and sees the need to incorporate and reflect EMSA's new tasks in the areas of maritime safety, sustainability, decarbonisation, security and cybersecurity, surveillance and assistance in crises management. Nevertheless, in line with his approach to decentralised agency files, he considers that the policy substance of the proposal should be dealt with by the lead committees.

As such, the draft opinion focuses on those areas where the Committee on Budgets can add value, therefore in particular on the financial provisions, governance rules and provisions relating to reporting and evaluation to ensure proper parliamentary scrutiny. Your Rapporteur assesses the proposal notably against the 2019 Schoepflin report¹, the Joint Statement of the European Parliament, the Council and the Commission on decentralised agencies of 19 July 2012 and the Common Approach² and the Framework Financial Regulation governing decentralised agencies³.

Budgetary impact and financial provisions

In the Legislative Financial Statement annexed to the Proposal for the mandate revision, details are given on the impact on the budget and staff needs of the Agency as compared to the ones currently provided for in the Multiannual Financial Framework (MFF). An additional budget of EUR 50.997 million and 33 additional posts would be needed for the remainder of the period of the Multiannual Financial Framework (MFF) to ensure that the Agency has the necessary resources to enforce its revised mandate. It is of course imperative that the agency has sufficient financial and human resources to execute its reinforced mandate and it will be important to ensure that any further tasks and responsibilities that may be agreed in the final legislation are properly funded.

The budget impact beyond the current MFF - while it is obviously indicative and without prejudice to a future MFF Agreement - is quite significant and should be kept in mind during the deliberations of this proposal.

The Legislative Financial Statement furthermore indicates to offset this budgetary impact through a compensatory reduction from programmed spending under CEF-Transport under the current MFF.

¹ https://www.europarl.europa.eu/doceo/document/TA-8-2019-0134_EN.html

² <https://data.consilium.europa.eu/doc/document/ST-11450-2012-INIT/en/pdf>

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019R0715>

Your rapporteur strongly opposes this intention. The additional tasks assigned to EMSA under the proposal would otherwise not be carried out under CEF-Transport, which is a key programme ensuring funding for the Solidarity Lanes and which itself would need additional resources due to the association of Ukraine to the programme. It is therefore clearly not suitable for redeployments.

The funding of this extended mandate should not lead to a reduction of the funding for any other priority Union programmes. The amount of the financial resources dedicated to this proposal should be drawn from the unallocated margins under the MFF ceilings or mobilised through the non-thematic MFF special instruments.

Since the start of the MFF, EUR 1.2 bn have been or are planned to be redeployed from programmes to agencies. This is half the amount available in the flexibility instrument until today. The overall amounts at stake are not anecdotal and require that we carefully look into these redeployments.

The rapporteur stresses that plugging the structural lack of resources in agencies should not be corrected with unsustainable solutions. He regrets that agencies are not reinforced in the Commission proposal for a revision of the MFF. In the absence of such reinforcement, it is even more crucial to increase flexibility over the remainder of the MFF. The scope and tasks of agencies have been increasing immensely without corresponding increase in budgetary and human resources, and there is no reason it will stop in 2024.

Governance, parliamentary scrutiny and evaluation

The Commission argues in its Explanatory Memorandum that in Articles 14 to 26 which sets out the rules on the organisation of the Agency, the new proposed rules “*are based on Regulation (EC) No 1406/2002.*” and that “*the changes introduced to the rules in this Chapter are due to the implementation of the Joint Statement of the Commission, the European Parliament and the Council on decentralised agencies and the Common Approach (2012).*”

The Rapporteur instead estimates that some proposed changes are not in line with the Common Approach. He therefore proposes re-establish a better balance of power between the Commission and the agency and most importantly removes the Commission’s veto right over administrative and budgetary decisions taken by the Management Board where it in any case has a voting right in accordance with standard practice in agency governance.

Autonomy in budgetary and administrative decision-making is important for the Agencies effectiveness. Other amendments seek to enhance parliamentary scrutiny and accountability.

Fees

Your Rapporteur’s starting point is that agencies should have the budget required to perform the tasks assigned to them by the legislator. While fee-based financing models are entirely legitimate, the provisions governing fees are unspecified with very limited parliamentary control. As such, your Rapporteur introduces an amendment reducing the scope for fee services and proposes - should the scope of fees not be further defined in the basic act - to define this later through a delegated act instead of the proposed implementing act. Greater clarity in terms of the purpose and nature of the fees and clear provisions on parliamentary scrutiny would be required to consider the introduction of such fees.

AMENDMENTS

The Committee on Budgets calls on the Committee on Transport and Tourism, as the committee responsible, to take the following into account:

Amendment 1

Proposal for a regulation

Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) The Agency should proactively contribute to national and Union efforts while carrying out its tasks in full cooperation with Union institutions, bodies, offices and agencies, and Member States, avoiding any duplication of work, promoting synergy and complementarity and thus achieving coordination and fiscal savings.

Amendment 2

Proposal for a regulation

Recital 28

Text proposed by the Commission

Amendment

(28) With regard to the prevention and management of conflicts of interest, it is essential that the Agency acts impartially, demonstrates integrity and establishes high professional standards. There should never be any legitimate reason to suspect that decisions might be influenced by interests conflicting with the role of the Agency as a body serving the Union as a whole or by private interests or affiliations of any member of the Management Board which would create, or have the potential to create, a conflict with the proper performance of the official duties of the person concerned. The Management Board should therefore adopt comprehensive rules on conflicts of interests.

(28) With regard to the prevention and management of conflicts of interest, it is essential that the Agency acts impartially, demonstrates integrity and establishes high professional standards. There should never be any legitimate reason to suspect that decisions might be influenced by interests conflicting with the role of the Agency as a body serving the Union as a whole or by private interests or affiliations of any member of the Management Board which would create, or have the potential to create, a conflict with the proper performance of the official duties of the person concerned. The Management Board should therefore adopt ***and make publicly available*** comprehensive rules on conflicts of interests, ***giving due consideration to the recommendations of the European Ombudsman. Those arrangements should***

ensure in particular that senior representatives of the Agency do not undermine its integrity during or after their term of office.

Amendment 3
Proposal for a regulation
Recital 31

Text proposed by the Commission

(31) The Agency should be properly resourced to carry out its tasks and granted an autonomous budget. It should be mainly financed by a contribution from the general budget of the Union. The Union budgetary procedure should be applicable to the Union contribution and to any other subsidies chargeable to the general budget of the Union. The auditing of accounts should be undertaken by the Court of Auditors of the Union.

Amendment

(31) The Agency should be properly resourced to carry out its tasks and granted an autonomous budget. It should be mainly financed by a contribution from the general budget of the Union. ***The increased contribution from the Union budget meant to cover the additional tasks entrusted to EMSA as a result of the revised mandate should be drawn exclusively from unallocated margins under the relevant heading of the multiannual financial framework and/or through the mobilisation of the relevant special instruments.*** The Union budgetary procedure should be applicable to the Union contribution and to any other subsidies chargeable to the general budget of the Union. The auditing of accounts should be undertaken by the Court of Auditors of the Union.

Amendment 4
Proposal for a regulation
Recital 33

Text proposed by the Commission

(33) In order to ensure uniform conditions for the implementation of this Regulation with regards to fees and charges, ***implementing powers should be conferred on the Commission. Those powers should be exercised*** in accordance with ***Regulation (EU) No 182/2011*** of the

Amendment

(33) In order to ensure uniform conditions for the implementation of this Regulation with regards to fees and charges, ***the power to adopt acts*** in accordance with ***Article 290 of the Treaty on the Functioning of the European Union*** should be delegated to the

European Parliament and *of* the Council³¹ .

Commission in respect of fees and charges. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement on Better Law-Making of 13 April 2016. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

³¹ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L55, 28.2.2011, p. 13)

Amendment 5

Proposal for a regulation Article 11 – paragraph 2

Text proposed by the Commission

2. The Agency may, ***upon the request of*** the Commission, provide technical assistance, including the organisation of relevant training activities, as regards relevant legal acts of the Union, to States applying for accession to the Union, and, where applicable, to European Neighbourhood partner countries and to countries taking part in the Paris MoU.

Amendment

2. The Agency may, ***in consultation with*** the Commission, provide technical assistance, including the organisation of relevant training activities, as regards relevant legal acts of the Union, to States applying for accession to the Union, and, where applicable, to European Neighbourhood partner countries and to countries taking part in the Paris MoU.

Justification

A bit more of autonomy for the Agency seems not only more efficient but also more in line with the Common approach

Amendment 6

Proposal for a regulation Article 11 – paragraph 3

Text proposed by the Commission

3. The Agency may, ***upon the request of*** the Commission or the European External Action Service, or both, provide assistance in case of pollution caused by ships as well as marine pollution caused by oil and gas installations affecting third countries sharing a regional sea basin with the Union. The Agency shall provide the assistance in line with the Union Civil Protection Mechanism established by Decision No 1313/2013/EU, and with the conditions applicable to Member States as referred to in Article 5 (1) of this Regulation applied by analogy to the third countries. Those tasks shall be coordinated with the existing regional cooperation arrangements related to marine pollution.

Amendment

3. The Agency may, ***in consultation with*** the Commission or the European External Action Service, or both, provide assistance in case of pollution caused by ships as well as marine pollution caused by oil and gas installations affecting third countries sharing a regional sea basin with the Union. The Agency shall provide the assistance in line with the Union Civil Protection Mechanism established by Decision No 1313/2013/EU, and with the conditions applicable to Member States as referred to in Article 5 (1) of this Regulation applied by analogy to the third countries. Those tasks shall be coordinated with the existing regional cooperation arrangements related to marine pollution.

Justification

A bit more of autonomy for the Agency seems not only more efficient but also more in line with the Common approach

Amendment 7

Proposal for a regulation Article 11 – paragraph 4

Text proposed by the Commission

4. Without prejudice to Article 24, the Agency may provide, ***upon the request of*** the Commission, technical assistance to third countries for matters falling under its competence.

Amendment

4. Without prejudice to Article 24, the Agency may provide, ***in consultation with*** the Commission, technical assistance to third countries for matters falling under its competence.

Justification

A bit more of autonomy for the Agency seems not only more efficient but also more in line with the Common approach

Amendment 8

Proposal for a regulation Article 11 – paragraph 5

Text proposed by the Commission

5. The Agency may enter into administrative arrangements and cooperation with other Union bodies working in the matters falling within the scope of the Agency's competence ***following the approval of the Commission***. Such arrangements and cooperation shall be subject to the opinion of the Commission and periodical reporting to it.

Amendment

5. The Agency may enter into administrative arrangements and cooperation with other Union bodies working in the matters falling within the scope of the Agency's competence. Such arrangements and cooperation shall be subject to the opinion of the Commission and periodical reporting to it.

Justification

A bit more of autonomy for the Agency seems not only more efficient but also more in line with the Common approach

Amendment 9

Proposal for a regulation Article 11 – paragraph 6

Text proposed by the Commission

6. The Management Board shall adopt a strategy for international relations of the Agency concerning matters under its competence. That strategy shall ***be in line with the Commission's political priorities and shall*** aim at assisting the Commission and the European External Action Service in fulfilling ***such*** priorities. It shall be included in the programming document of the Agency, with a specification of

Amendment

6. The Management Board shall adopt a strategy for international relations of the Agency concerning matters under its competence. That strategy shall aim at assisting the Commission and the European External Action Service in fulfilling ***the EU*** priorities. It shall be included in the programming document of the Agency, with a specification of associated resources.

associated resources.

Amendment 10

Proposal for a regulation

Article 15 – paragraph 1 – subparagraph 2

Text proposed by the Commission

The Management Board shall also include as well as of four professionals from the sectors most concerned, as referred to in Article 2, appointed by the Commission, without the right to vote.

Amendment

The Management Board shall also include as well as of four professionals from the sectors most concerned, as referred to in Article 2, appointed by the Commission, without the right to vote ***as well as one independent expert particularly knowledgeable in the field of maritime safety designated by the European Parliament, with the right to vote.***

Justification

In line with the Common approach and similar wording than in the Drug agency.

Amendment 11

Proposal for a regulation

Article 15 – paragraph 1 – subparagraph 3

Text proposed by the Commission

All Management Board members shall be appointed on the basis of their degree of relevant experience and expertise in the areas referred to in Article 2. The Member States and the Commission shall each ***strive for*** a balanced representation between men and women on the Management Board. One of the four professionals shall be a representative of the Permanent Cooperation Framework of accident investigation bodies in accordance with Article 10 of Directive 2009/18/EC.

Amendment

All Management Board members shall be appointed on the basis of their degree of relevant experience and expertise in the areas referred to in Article 2. The Member States and the Commission shall each ***ensure*** a balanced representation between men and women on the Management Board. One of the four professionals shall be a representative of the Permanent Cooperation Framework of accident investigation bodies in accordance with Article 10 of Directive 2009/18/EC.

Amendment 12

Proposal for a regulation

Article 15 – paragraph 2

Text proposed by the Commission

2. Each Member State and the Commission shall appoint their members of the Management Board as well as an alternate who will represent the member in his or her absence.

Amendment

2. Each Member State, ***the European Parliament*** and the Commission shall, ***while paying due attention to gender balance***, appoint their members of the Management Board as well as an alternate who will represent the member in his or her absence.

Amendment 13
Proposal for a regulation
Article 15 – paragraph 4

Text proposed by the Commission

4. Each member and alternate shall sign a written statement at the time of taking office declaring that he or she is not in a situation of conflict of interests. Each member and alternate shall update his or her statement in the case of a change of circumstances with regard to any conflict of interests. The Agency shall publish the statements and updates on its website.

Amendment

4. Each member and alternate shall sign a written statement at the time of taking office declaring that he or she is not in a situation of conflict of interests. Each member and alternate shall update his or her statement in the case of a change of circumstances with regard to any conflict of interests ***or at least on an annual basis***. The Agency shall publish the statements and updates on its website.

Amendment 14

Proposal for a regulation
Article 16 – paragraph 1 – point b

Text proposed by the Commission

(b) adopt each year, by a two-thirds majority of its members with voting rights, ***after having received the opinion of the Commission and*** in accordance with Article 17, the single programming document of the Agency;

Amendment

(b) adopt each year, by a two-thirds majority of its members with voting rights, in accordance with Article 17, the single programming document of the Agency;

Justification

A bit more of autonomy for the Agency seems not only more efficient but also more in line with the Common approach which does not foresee such role for the Commission.

Amendment 15

Proposal for a regulation

Article 16 – paragraph 1 – point g

Text proposed by the Commission

(g) establish the methodology for the visits to be carried out pursuant to Article 10. ***In the event that the Commission expresses, within 15 days from the date of adoption of the methodology, its disagreement, the Management Board shall re-examine and adopt it, possibly amended, in second reading either with a two- thirds majority, including the Commission representatives, or by unanimity of the representatives of the Member States;***

Amendment

(g) establish the methodology for the visits to be carried out pursuant to Article 10.

Justification

A bit more of autonomy for the Agency seems not only more efficient but also more in line with the Common approach which does not foresee or contemplate such a special and quasi veto right for the Commission.

Amendment 16

Proposal for a regulation

Article 16 – paragraph 1 – point j

Text proposed by the Commission

(j) adopt rules for the prevention and management of conflicts of interest in respect of its members and publish annually on its website the declaration of interests of the Management Board members;

Amendment

(j) adopt ***and make publicly available*** ~~the~~ rules for the prevention and management of conflicts of interest in respect of its members and publish annually on its website the declaration of interests of the Management Board members;

Amendment 17

Proposal for a regulation

Article 16 – paragraph 1 – point l

Text proposed by the Commission

Amendment

(l) adopt its rules of procedure;

(l) adopt ***and make publicly available*** its rules of procedure;

Amendment 18

Proposal for a regulation

Article 16 – paragraph 1 – point u

Text proposed by the Commission

Amendment

(u) take all decisions on the establishment of the Agency's internal structures, including the set-up of advisory or working groups and, where necessary, their modification;

(u) take all decisions on the establishment of the Agency's internal structures, including the set-up of advisory or working groups and, where necessary, their modification ***taking into consideration the Agency's activity needs and having regard to sound budgetary management;***

Amendment 19

Proposal for a regulation

Article 16 – paragraph 1 – point v

Text proposed by the Commission

Amendment

(v) decide on the services that the Agency may offer against fees and charges ***and a adopt a framework model for the financial apportionment of the fees and charges payable*** as referred to in Article 26 (3), point (c). ***In the event that the Commission expresses, within 15 days from the date of adoption of the Management Board's decision concerning the services offered against fees or the framework model, its disagreement, the Management Board shall re-examine and adopt it, possibly amended, in second reading either with a two- thirds majority, including the Commission representatives, or by unanimity of the representatives of the Member States;***

(v) decide on the services that the Agency may offer against fees and charges as referred to in Article 26 (3), point (c).

Justification

No such special and quasi veto right is foreseen or contemplated in the Common approach. The Commission is fully involved in designing any delegated act.

Amendment 20

Proposal for a regulation

Article 16 – paragraph 1 – point x

Text proposed by the Commission

(x) adopt a strategy for cooperation with third countries or international organisations, or both, referred to in Article 11 (6). ***In the event that the Commission expresses, within 15 days from the date of adoption of the strategy, its disagreement, the Management Board shall re-examine and adopt it, possibly amended, in second reading either with a two- thirds majority, including the Commission representatives, or by unanimity of the representatives of the Member States;***

Amendment

(x) adopt a strategy for cooperation with third countries or international organisations, or both, referred to in Article 11 (6).

Justification

A bit more of autonomy for the Agency seems not only more efficient but also more in line with the Common approach where no such special and quasi veto right is foreseen or contemplated for the Commission.

Amendment 21

Proposal for a regulation

Article 17 – paragraph 1 – subparagraph 1

Text proposed by the Commission

By 30 November each year the Management Board shall adopt a single programming document containing multi-annual and annual programming, based on a draft put forward by the Executive Director, taking into account the opinion of the Commission. ***It*** shall forward ***it*** to the European Parliament, the Council and the

Amendment

By 30 November each year the Management Board shall adopt a single programming document containing multi-annual and annual programming, based on a draft put forward by the Executive Director, taking into account the opinion of the Commission ***and in relation to multiannual programming after***

Commission.

consulting the European Parliament. If the Management Board decides not to take into account elements of the opinion of the Commission, it shall provide a thorough justification therefor. The obligation to provide a thorough justification shall also apply to the elements raised by the European Parliament when it is consulted. The management board shall forward the single programming document to the European Parliament, the Council and the Commission by 31 January of the following year.

Justification

This provision is included, for example, in the Frontex Regulation and strengthens accountability.

Amendment 22

Proposal for a regulation

Article 17 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

In the event that the Commission expresses, within 15 days from the date of adoption of the single programming document, its disagreement with the document, the Management Board shall re-examine the single programming document and adopt it, possibly amended, within a period of two months, in second reading either with a two-thirds majority, including the Commission representatives, or by unanimity of the representatives of the Member States.

deleted

Justification

Article 16 details already the voting mechanism of the single programming document. a 2/3 majority of the management board seems a sufficient and adequate safeguard and is in line with the Common approach.

Amendment 23

Proposal for a regulation Article 17 – paragraph 3

Text proposed by the Commission

3. The annual work programme shall comprise detailed objectives and expected results including performance indicators. It shall also contain a description of the actions to be financed and an indication of the financial and human resources allocated to each action, in accordance with the principles of activity-based budgeting and management. The annual work programme shall be coherent with the multi-annual work programme referred to in paragraph 7. It shall clearly indicate tasks that have been added, changed or deleted in comparison with the previous financial year. Annual or multi-annual programming, or both, shall include the strategy for relations with third countries or international organisations referred to in Article 11 and the actions linked to this strategy.

Amendment

3. The annual work programme shall comprise detailed objectives and expected results including performance indicators. It shall also contain a description of the actions to be financed and an indication of the financial and human resources allocated to each action, in accordance with the principles of activity-based budgeting and management. The annual work programme shall be coherent with the multi-annual work programme referred to in paragraph 7. It shall clearly indicate tasks that have been added, changed or deleted in comparison with the previous financial year. Annual or multi-annual programming, or both, shall include the strategy for relations with third countries or international organisations referred to in Article 11 and the actions linked to this strategy. ***It shall also include the Agency's planned research and innovation activities referred to in Article 3.***

Justification

Similar to Europol.

Amendment 24

Proposal for a regulation Article 19 – paragraph 3

Text proposed by the Commission

3. The Management Board shall hold an ordinary meeting twice a year. In addition, it shall meet on the initiative of the Chairperson or at the request of the Commission or of one-third of ***the Member States***.

Amendment

3. The Management Board shall hold an ordinary meeting twice a year. In addition, it shall meet on the initiative of the Chairperson or at the request of the Commission or of one-third of ***its members***.

Amendment 25

Proposal for a regulation Article 20 – paragraph 2

Text proposed by the Commission

Amendment

2. *The decisions referred to in Article 16(1) points (c) to (e) and points (i), (j), (n), (o), (p), (q), (t), (u) and in Article 16(2) may only be taken if the representatives of the Commission cast a positive vote. For the purposes of taking the decisions referred to in Article 16(1), point (b), the positive vote of the representative of the Commission shall only be required on the elements of the decision not related to the annual and multi-annual working programme of the Agency.* **deleted**

Justification

Granting the Commission a veto right in such cases is not in line with standard agency governance or the Common Approach which foresee no special role for the Commission and speaks only about absolute majority voting for current business matters and a 2/3 majority for the appointment and dismissal of the director, the designation of the chairperson of the board, adoption of the annual budget and of the work programme. The Commission approach foresees only exceptions to this approach if justified in specific cases. The Commission has not given any reasoning in this sense.

Amendment 26

Proposal for a regulation Article 20 – paragraph 3

Text proposed by the Commission

Amendment

3. Each member shall have one vote. The Executive Director of the Agency shall not vote.

3. Each member **with voting rights** shall have one vote. The Executive Director of the Agency shall not vote.

Amendment 27

Proposal for a regulation

Article 21 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(a a) decide on those matters provided for in the financial rules adopted pursuant to Article 25 that are not reserved to the Management Board by this Regulation;

Amendment 28

Proposal for a regulation

Article 21 – paragraph 4

Text proposed by the Commission

Amendment

4. The Executive Board shall be composed of the Chairperson of the Management Board, one representative of the Commission to the Management Board and **three** other members appointed by the Management Board from among its members **with the right to vote**. The Chairperson of the Management Board shall also be the Chairperson of the Executive Board. The Executive Director shall take part in the meetings of the Executive Board, **but shall not have the right to vote**.

4. The Executive Board shall be composed of the **Chairperson and the deputy** Chairperson of the Management Board, one representative of the Commission to the Management Board and **two** other members appointed by the Management Board from among its members. The Chairperson of the Management Board shall also be the Chairperson of the Executive Board. The Executive Director shall take part in the meetings of the Executive Board. **The executive board may invite other observes to attend its meetings."**

Amendment 29

Proposal for a regulation

Article 21 – paragraph 5

Text proposed by the Commission

Amendment

5. The term of office of members of the Executive Board shall be four years with the possibility to be renewed. The term of office of members of the Executive Board shall end when their membership of

5. The term of office of members of the Executive Board shall be four years with the possibility to be renewed **once**. The term of office of members of the Executive Board shall end when their

the Management Board ends.

membership of the Management Board ends.

Amendment 30

Proposal for a regulation

Article 21 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6 a. The Executive Board shall take its decision by consensus. If the Executive Board is not in a position to take a decision by consensus, the matter shall be referred to the Management Board.

Amendment 31

Proposal for a regulation

Article 22 – paragraph 1

Text proposed by the Commission

Amendment

1. The Executive Director shall be appointed by the Management Board on the basis of ***merit and skills from a list of candidates proposed*** by the Commission ***following an open and*** transparent selection procedure which shall respect the principle of gender balance.

1. The Executive Director shall be appointed by the Management Board ***in accordance with the following procedure:***

(a) on the basis of a shortlist drawn up by the Commission after a call for candidates and a transparent selection procedure which shall respect the principle of gender balance, applicants will be asked to address the Council and the competent committee of the European Parliament and to reply to questions;

(b) the European Parliament and the Council will then give their opinions and state their preferences;

(c) the Management Board will appoint the Executive Director taking these opinions into account.

Justification

Similar to FRA agency

Amendment 32

Proposal for a regulation

Article 22 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The Executive Director shall be engaged as a temporary agent of the Agency under Article 2, point (a), of the Conditions of Employment of Other Servants and be responsible for the day-to-day management of the Agency.

Amendment 33

Proposal for a regulation

Article 22 – paragraph 4

Text proposed by the Commission

Amendment

4. The Management Board, acting on a proposal from the Commission, taking into account the assessment referred to in paragraph 3, may extend once the term of office of the Executive Director, for not more than five years.

4. The Management Board, acting on a proposal from the Commission, taking into account the assessment referred to in paragraph 3, may extend once the term of office of the Executive Director, for not more than five years. ***The Management Board shall inform the European Parliament and the Council about its intention to extend the Executive Director's mandate. Before the Management Board takes its decision to extend the mandate, the Executive Director may be asked to make a declaration before the competent committee of the European Parliament and answer questions.***

Justification

Similar to FRA agency

Amendment 34

Proposal for a regulation Article 22 – paragraph 5

Text proposed by the Commission

5. An Executive Director whose term of office has been extended may not participate in another selection procedure for the same post.

Amendment

5. An Executive Director whose term of office has been extended may not participate in another selection procedure for the same post ***at the end of the overall period.***

Amendment 35

Proposal for a regulation Article 22 – paragraph 6

Text proposed by the Commission

6. The Executive Director may be removed from office only upon a decision of the Management Board acting on a proposal from the Commission.

Amendment

6. The Executive Director may be removed from office only upon a decision of the Management Board acting on a proposal from the Commission. ***The European Parliament and the Council shall be informed of the reasons.***

Amendment 36

Proposal for a regulation Article 22 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. The Management Board shall reach decisions on appointment, extension of the term of office or removal from office of the Executive Director on the basis of a two-thirds majority of its members with voting rights.

Amendment 37

Proposal for a regulation Article 22 – paragraph 7

Text proposed by the Commission

Amendment

7. The Executive Director shall be engaged as a temporary agent of the Agency under Article 2(a) of the Conditions of Employment of Other servants. **deleted**

Justification

Shifted to the beginning of this Article.

Amendment 38

Proposal for a regulation Article 23 – paragraph 3

Text proposed by the Commission

Amendment

3. The Executive Director shall report to the European Parliament on the performance of his/her duties when invited to do so. The Council may invite the Executive Director to report on the performance of his/her duties.

3. The Executive Director shall report to the European Parliament on the performance of his/her duties when invited to do so. The Council may invite the Executive Director to report on the performance of his/her duties. ***The Executive Director may be called upon at any time by the European Parliament or by the Council to attend a hearing on any matter linked to the Agency's activities.***

Amendment 39

Proposal for a regulation Article 23 – paragraph 5 – point a

Text proposed by the Commission

Amendment

(a) ensure the ***sustainable and efficient*** day-to-day administration of the Agency;

(a) ensure the day-to-day administration of the Agency;

Amendment 40

Proposal for a regulation Article 26 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) **any** fees and charges for infrastructure, publications, training **or any other services** falling under the scope of this Regulation provided by the Agency in accordance with the **implementing** acts adopted pursuant to Article 33;

(c) fees and charges for infrastructure, publications **and** training falling under the scope of this Regulation provided by the Agency in accordance with the **delegated** acts adopted pursuant to Article 33;

Justification

As a starting point, the view is that the Commission wording provides a too large and undefined scope for any possible fee and no clear distinction is made where EU budget and where fees should be used to finance the agencies activities. Delegating this to implementing acts seems not appropriate. More analysis needed.

Amendment 41

Proposal for a regulation

Article 26 – paragraph 3 – point d a (new)

Text proposed by the Commission

Amendment

(d a) The amount and origin of any revenue referred to in points (b) (c) and (d) of the first sub-paragraph of this paragraph shall be included in the annual accounts of the Agency and clearly detailed in the annual report on the Agency's budgetary and financial management referred to in paragraph 2 of Article 29.

Amendment 42

Proposal for a regulation

Article 27 – paragraph 8

Text proposed by the Commission

Amendment

8. The Agency's budget shall be adopted by the Management Board. It shall become final following final adoption of the general budget of the European Union. Where necessary, it shall be adjusted

8. The Agency's budget shall be adopted by the Management Board **by a majority of two-thirds of members entitled to vote**. It shall become final following final adoption of the general budget of the

accordingly.

European Union. Where necessary, it shall be adjusted accordingly.

Amendment 43

Proposal for a regulation

Article 32 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. In order to achieve financial savings, the Agency shall where appropriate cooperate closely with other Union institutions, agencies and bodies, especially those that have their seat in the same Member State.

Amendment 44

Proposal for a regulation

Article 33 – title

Text proposed by the Commission

Amendment

Implementing acts relating to fees and charges

Delegated acts relating to fees and charges

Amendment 45

Proposal for a regulation

Article 33 – paragraph 1 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

The Commission shall adopt, in accordance with the principles set out in paragraphs 2, 3 and 4 **implementing** acts specifying:

The Commission shall adopt, in accordance with the principles set out in paragraphs 2, 3 and 4 **delegated** acts specifying:

Amendment 46

Proposal for a regulation

Article 33 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) the fees and charges payable to the Agency, ***in particular*** in application of Article 26 (3) point (c); and

(a) the fees and charges payable to the Agency in application of Article 26 (3) point (c); and

Amendment 47

Proposal for a regulation

Article 33 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 34 (2).

deleted

Amendment 48

Proposal for a regulation

Article 34

Text proposed by the Commission

Amendment

Article 34

deleted

Committee procedure

1. The Commission shall be assisted by the Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) established by Regulation (EC) No 2099/2002 of the European Parliament and of the Council⁴⁵. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

⁴⁵ ***Regulation (EC) No 2099/2002 of the European Parliament and of the Council of 5 November 2002 establishing a Committee on Safe Seas and the Prevention of Pollution from Ships***

(COSS) and amending the Regulations on maritime safety and the prevention of pollution from ships (OJ L 324, 29.11.2002, p. 1).

Amendment 49
Proposal for a regulation
Article 38 – paragraph 1

Text proposed by the Commission

1. In order to facilitate combating fraud, corruption and other unlawful activities under Regulation (EU, Euratom) No 883/2013 the Agency shall adopt appropriate provisions applicable to all employees of the Agency.

Amendment

1. In order to facilitate combating fraud, corruption and other unlawful activities under Regulation (EU, Euratom) No 883/2013, ***as well as observance of human rights and environmental protection principles***, the Agency shall adopt appropriate provisions applicable to all employees of the Agency.

Amendment 50
Proposal for a regulation
Article 38 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Agency shall be encouraged to deploy interoperable platforms such as EDES, in order to mitigate potential risks listed in paragraph 1.

ANNEX: LIST OF ENTITIES OR PERSONS FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT

The following list is drawn up under the exclusive responsibility of the rapporteur. The rapporteur has received input from the following entities or persons in the preparation of the opinion, until the adoption thereof in committee:

| Entity and/or person |
|--|
| The rapporteur has received no input from entities or persons in the preparation of the draft opinion until its adoption in committee. |

PROCEDURE – COMMITTEE ASKED FOR OPINION

| | |
|---|--|
| Title | European Maritime Safety Agency and repealing Regulation (EC) No 1406/2002 |
| References | COM(2023)0269 – C9-0190/2023 – 2023/0163(COD) |
| Committee responsible Date announced in plenary | TRAN 10.7.2023 |
| Opinion by Date announced in plenary | BUDG 10.7.2023 |
| Rapporteur for the opinion Date appointed | Niclas Herbst 28.6.2023 |
| Discussed in committee | 9.10.2023 |
| Date adopted | 7.11.2023 |
| Result of final vote | +: 25 –: 1 0: 1 |
| Members present for the final vote | Olivier Chastel, Andor Deli, José Manuel Fernandes, Alexandra Geese, Vlad Gheorghe, Valérie Hayer, Eero Heinäluoma, Hervé Juvin, Moritz Körner, Pierre Larroustourou, Janusz Lewandowski, Margarida Marques, Siegfried Mureşan, Lefteris Nikolaou-Alavanos, Andrey Novakov, Bogdan Rzońca, Eleni Stavrou, Nils Torvalds, Nils Ušakovs, Rainer Wieland, Angelika Winzig |
| Substitutes present for the final vote | Jan Olbrycht, Mauri Pekkarinen |
| Substitutes under Rule 209(7) present for the final vote | Lena Düpont, Mónica Silvana González, Catherine Griset, Predrag Fred Matić |

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

| 25 | + |
|-----------|---|
| ID | Catherine Griset |
| NI | Andor Deli, Hervé Juvín |
| PPE | Lena Düpont, José Manuel Fernandes, Janusz Lewandowski, Siegfried Mureşan, Andrey Novakov, Jan Olbrycht, Eleni Stavrou, Rainer Wieland, Angelika Winzig |
| Renew | Olivier Chastel, Vlad Gheorghe, Valérie Hayer, Moritz Körner, Mauri Pekkarinen, Nils Torvalds |
| S&D | Mónica Silvana González, Eero Heinäluoma, Pierre Larrousurou, Margarida Marques, Predrag Fred Matić, Nils Uşakovs |
| Verts/ALE | Alexandra Geese |

| 1 | - |
|----|----------------------------|
| NI | Lefteris Nikolaou-Alavanos |

| 1 | 0 |
|-----|---------------|
| ECR | Bogdan Rzońca |

Key to symbols:

+ : in favour

- : against

0 : abstention