



**2023/0163(COD)**

16.10.2023

# **AMENDMENTS**

## **38 - 70**

**Draft opinion**

**Niclas Herbst**

(PE753.727v01-00)

European Maritime Safety Agency and repealing Regulation (EC) No  
1406/2002

Proposal for a regulation

(COM(2023)0269 – C9-0190/2023 – 2023/0163(COD))

AM\_Com\_LegOpinion

## Amendment 38

Nils Ušakovs

### 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.***

Or. en

## Amendment 39

Nils Ušakovs

### 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.*

Or. en

**Amendment 40**  
**Nils Ušakovs**

**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 contribution from the Union budget 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.

Or. en

**Amendment 41**  
**Henrike Hahn**

**Proposal for a regulation**  
**Recital 33**

*Text proposed by the Commission*

*Amendment*

(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 European Parliament and of the Council***<sup>31</sup>.

(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 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.***

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<sup>31</sup> ***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)***

Or. en

**Amendment 42**  
**Henrike Hahn**

**Proposal for a regulation**  
**Article 15 – paragraph 1 – subparagraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***The Management Board shall also***

*include one independent expert particularly knowledgeable in the sectors most concerned, as referred to in Article 2, in particular in the areas of sustainability and decarbonisation, designated by the European Parliament, with the right to vote.*

Or. en

**Amendment 43**  
**Henrike Hahn**

**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.

Or. en

**Amendment 44**  
**Nils Ušakovs**

**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

*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 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.

States and the Commission shall ***pay due attention to gender balance*** 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.

Or. en

#### **Amendment 45**

**Nils Ušakovs**

#### **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.

Or. en

#### **Amendment 46**

**Henrike Hahn**

#### **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 appoint their members of the Management Board as well as an alternate who will represent the member in his or her absence.

Or. en

**Amendment 47**  
**Henrike Hahn**

**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.

Or. en

**Amendment 48**  
**Nils Ušakovs**

**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;

Or. en

**Amendment 49**  
**Nils Ušakovs**

**Proposal for a regulation**



## Article 16 – paragraph 1 – point 1

*Text proposed by the Commission*

- (1) adopt its rules of procedure;

*Amendment*

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

Or. en

## Amendment 50 Henrike Hahn

### 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 Commission.

*Amendment*

**1.** 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 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.**

Or. en

## Amendment 51 Henrike Hahn

**Proposal for a regulation**  
**Article 21 – paragraph 4**

*Text proposed by the Commission*

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.

*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 ***and ensuring gender balance***. 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.

Or. en

**Amendment 52**  
**Henrike Hahn**

**Proposal for a regulation**  
**Article 22 – paragraph 1**

*Text proposed by the Commission*

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***.

*Amendment*

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

Or. en

**Amendment 53**  
**Henrike Hahn**

**Proposal for a regulation**  
**Article 22 – paragraph 1 – point a (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

#### **Amendment 54**

**Henrike Hahn**

**Proposal for a regulation**

**Article 22 – paragraph 1 – point b (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

#### **Amendment 55**

**Henrike Hahn**

**Proposal for a regulation**

**Article 22 – paragraph 1 – point c (new)**

*Text proposed by the Commission*

*Amendment*

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

Or. en

#### **Amendment 56**

**Henrike Hahn**

**Proposal for a regulation**  
**Article 22 – paragraph 4**

*Text proposed by the Commission*

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.

*Amendment*

4. The Management Board, acting on a proposal from the Commission **that takes** into account the assessment referred to in paragraph 3, may extend the term of office of the Executive Director **once, for no** 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.**

Or. en

**Amendment 57**  
**Henrike Hahn**

**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.**

Or. en

**Amendment 58**  
**Henrike Hahn**

**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.**

Or. en

**Amendment 59**  
**Henrike Hahn**

**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.**

Or. en

**Amendment 60**  
**Henrike Hahn**

**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 sustainable and efficient day-to-day administration of the Agency **in**

*line with the ‘Do No Significant Harm’ principle;*

Or. en

## **Amendment 61**

**Henrike Hahn**

### **Proposal for a regulation**

#### **Article 26 – paragraph 3 – point c**

*Text proposed by the Commission*

(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;

*Amendment*

(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;

Or. en

## **Amendment 62**

**Nils Ušakovs**

### **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 cooperate closely with other Union institutions, agencies and bodies, especially those that have their seat in the same Member State.**

Or. en

## **Amendment 63**

**Henrike Hahn**

### **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

Or. en

**Amendment 64**  
**Henrike Hahn**

**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:

Or. en

**Amendment 65**  
**Henrike Hahn**

**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

Or. en

**Amendment 66**  
**Henrike Hahn**

**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***

Or. en

## **Amendment 67**

**Henrike Hahn**

### **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 Council<sup>45</sup>. 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.***

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<sup>45</sup> ***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).***

Or. en



**Amendment 68**  
**Nils Ušakovs**

**Proposal for a regulation**  
**Article 36 – paragraph 2**

*Text proposed by the Commission*

2. The translation services required for the functioning of the Agency shall be provided by the Translation Centre of the Bodies of the European Union.

*Amendment*

2. The translation services required for the functioning of the Agency shall be provided by the Translation Centre of the Bodies of the European Union ***or other translation service providers in accordance with the procurement rules and within the limits established by the relevant financial rules.***

Or. en

**Amendment 69**  
**Henrike Hahn**

**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.

Or. en

**Amendment 70**  
**Henrike Hahn**

**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.**

Or. en