

RESOLUTION (EU) 2022/1771 OF THE EUROPEAN PARLIAMENT**of 4 May 2022****with observations forming an integral part of the decision on discharge in respect of the implementation of the budget of the European Maritime Safety Agency (EMSA) for the financial year 2020**

THE EUROPEAN PARLIAMENT,

- having regard to its decision on discharge in respect of the implementation of the budget of the European Maritime Safety Agency for the financial year 2020,
 - having regard to Rule 100 of and Annex V to its Rules of Procedure,
 - having regard to the opinion of the Committee on Transport and Tourism,
 - having regard to the report of the Committee on Budgetary Control (A9-0100/2022),
- A. whereas, according to its statement of revenue and expenditure ⁽¹⁾, the final budget of the European Maritime Safety Agency (the 'Agency') for the financial year 2020 was EUR 96 724 337,95 representing a slight decrease of 0,07 % compared to 2019; whereas the Agency's budget derives entirely from the Union budget;
- B. whereas the Court of Auditors (the 'Court'), in its report on the annual accounts of the Agency for the financial year 2020 (the 'Court's report'), states that it has obtained reasonable assurance that the Agency's annual accounts are reliable and that the underlying transactions are legal and regular;

Budget and financial management

1. Notes with satisfaction that the budget monitoring efforts during the financial year 2020 resulted in a budget implementation rate of 98,89 %, representing a slight decrease of 0,33 % compared to 2019 and a payment appropriations execution rate of 96,08 %, representing also a slight decrease of 0,36 %;
2. Notes, following the observations of the Court, that the Agency has had a high rate of late payments in the last 4 years, and in 11 % of the payments in 2020; notes that the late payments for 2020 showed an improvement of 7 %, compared to 18 % of late payments in 2019; notes that the late payments' figure for 2020 still includes the backlog of late payments that was 'carried over' from 2019; notes that, without the aforementioned accumulation of late payments, the payments made later than the legal time limits and related to 2020 activities were equal to 3 %; notes that most late payments concerned the reimbursement of travel costs for participants to workshops; acknowledges the Agency's reply stating that additional staff were added to process payments and to fully clear the 2019 backlog during the course of 2020; notes that the Agency also decided to explore the possibility to outsource the reimbursements of expenses for experts and participants to workshops to the Commission's Paymaster Office; reiterates the need to address the late payment situation and to mitigate the financial and reputational risk described by the Court;

Performance

3. Welcomes the Agency's 2020-2024 strategy that will enable it to fulfil its maritime surveillance, safety and security tasks while contributing efficiently to the Union's digital and environmental priorities; welcomes in particular the Agency's drafting, with the European Environment Agency, of the first European Maritime Transport Environmental Report, collecting verified information on the environmental footprint of shipping activities; commends the Agency's continued enhancement of the THETIS-MRV system and stresses the importance of giving EMSA the necessary powers and resources to monitor emission reporting from vessels; welcomes in particular the fact that, for the second year in a row, EMSA gathered data on the CO₂ emissions from ships of over 5 000 GT operating in EU waters and made this information public in June 2020 for 12 000 ships thanks to THETIS-MRV; points out, moreover, that with additional capacity the Agency could play an even more important role in mitigating sectorial greenhouse gas emissions, as well as other shipping-related environmental risks;

⁽¹⁾ OJ C 114, 31.3.2021, p. 75.

4. Notes that the Agency uses key performance indicators (KPIs) to measure the implementation of its annual work programme; notes that the periodical evaluation of the Agency is the main instrument to assess the added value provided by its activities;
5. Welcomes the Agency's efforts to contribute to the European green agenda for maritime transport by strengthening the EU capacity to protect the marine environment, manage climate change including through the shift to sustainable mobility with the contribution of maritime transport reflected in the Sustainable and Smart Mobility Strategy adopted in December 2020, which announced the revision of EMSA's mandate in its accompanying Action Plan; highlights that maritime safety and environmental legislation is being updated in parallel with the launch of the revision of EMSA's mandate; furthermore, highlights the role that EMSA could play in enhancing risk-assessment capabilities in safety domains, including for alternative fuels infrastructure deployment; therefore stresses that adjustments to EMSA's mandate may need to be made accordingly to ensure the Agency can enhance its support, possibly accompanied by budgetary means;
6. Welcomes in particular the fact that the Agency's role in helping to assess and verify the implementation of EU maritime security legislation has increased over the years, in step with the demand for support to the Commission and the EFTA Surveillance Authority, which is expected to continue upwards, reflecting the growing priority at EU level;
7. Welcomes the rapid expansion of the Copernicus Maritime Surveillance Services, both in terms of the number of organisations served and earth surveillance products delivered;
8. Welcomes the Agency's assistance for the Commission and the Member States to advance the simplification, harmonisation and rationalisation of reporting formalities;
9. Welcomes the fact that for the third full year of Remotely Piloted Aircrafts Services (RPAS) operations offered by EMSA, the Agency increased its RPAS services to 944 operational days (1 372 flight hours) in the scope of coast guard functions and supporting the Member States and EU agencies in maritime surveillance operations;
10. Notes that the Agency experienced some limitations on its planned activities in 2020 due to the COVID-19 pandemic; notes that the Agency was unable to organise the participation of its pollution response assets in exercises, using the mobilisation procedure of the Emergency Response Coordination Centre; notes that the Agency could not arrange 'hands-on' training in the use of the equipment assistance service for Member States' operators; notes that the Agency was unsuccessful in organising meetings of the Agency's CleanSeaNet User Group; notes that despite the COVID-19 outbreak the Agency was able to successfully complete most of the objectives set in its performance plan for the year 2020;
11. Notes that the Agency cooperates closely with the European Border and Coastguard Agency and the European Fisheries Control Agency on coast guard functions following its Annual Strategic Plan 2020; welcomes the efforts of the Agency to collaborate with Member States and other Agencies on the exchange of operational information, surveillance, communication services and the identification of specific opportunities for capacity sharing;
12. Welcomes the fact that, since 2017, the tripartite working arrangement between the Agency, the European Fisheries Control Agency (EFCA) and the European Border and Coast Guard Agency (Frontex) has functioned well; considers the arrangement an example of synergy between EU agencies that should inspire agencies in other areas;
13. Notes that the European Aviation Safety Agency did not sign the service level agreement with the Agency in 2020, concerning safe and efficient remotely piloted services; calls on the Agency to inform the discharge authority about the state of play and to indicate any resulting consequences for the budget implementation of the Agency;

Staff policy

14. Notes that, on 31 December 2020, the establishment plan was 97,64 % fulfilled, with 207 officials and temporary agents appointed out of 212 officials and temporary agents authorised under the Union budget (compared to 212 authorised posts in 2019); notes that, in addition to 30 contract agents financed from the Agency's budget, 3 contract agents from the Copernicus budget and 14 seconded national experts worked for the Agency in 2020;
15. Notes the gender balance within the Agency's senior management members, with 3 out of 5 (60 %) being women; notes the lack of gender balance within the Agency's management board members, with 46 out of 61 (75,41 %) being men; further notes the lack of gender balance within the Agency's overall staff, with 159 out of 253 (62,85 %) being men; asks the Commission and the Member States to take into account the importance of ensuring gender balance when nominating their members to the Agency's management board;
16. Notes that the Agency has signed a new framework contract for interim services in May 2020, which is fully in line with the national law transposing the Directive 2008/104/EC of the European Parliament and of the Council ^(*);

Procurement

17. Notes that the three vessels contracted at the end of 2019 to replace the response capacity for the Adriatic Sea, Western and Central Mediterranean Sea, successfully completed the preparation phase and entered into operational service in mid-2020 and that, in addition, one vessel from a running contract in the Atlantic North area was replaced; notes that the Agency, following a public procurement procedure, awarded contracts for three vessels to replace the response capacity for the Southern Atlantic coast, Western and Central Mediterranean Sea, with the three vessels becoming operational by the end of 2021; further notes that in addition, the contracts covering the Baltic Sea, the Canary Islands and Madeira were renewed for an additional 4-year period;

Prevention and management of conflicts of interest and transparency

18. Notes, following the remarks of the Court, that the Agency reviewed its procedure and guidelines related to the identification and management of conflicts of interest of selection committee members; notes that the new procedure was implemented in early 2020 and ensures a proper reporting and management of potential conflicts of interest and a fair and transparent recruitment process;
19. Acknowledges that the Agency employs, and publishes, declarations of conflicts of interest for its management board members and senior management and that the Agency has issued guidelines on conflict of interest and has implemented whistleblowing arrangements, which are an important tool to detect fraud, corruption and serious irregularities;

Internal control

20. Notes that the Agency paid installation and daily subsistence allowances to all staff members who were recruited as temporary agents immediately after their secondment to the Agency; notes that the Agency did not take sufficient steps to verify entitlements to these allowances and concludes that this practice constitutes an internal control weakness;
21. Notes that five staff members in management positions at the Agency had delegations of power that enabled them to exercise exactly the same powers as the Executive Director for all budget items; notes that this, in itself, constitutes a risk, and is not conducive to a clear hierarchy of authority, responsibility and accountability at the Agency;

^(*) Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work (OJ L 327, 5.12.2008, p. 9).

22. Notes that the Agency's Executive Director signed a decision appointing acting Executive Directors and acting appointing authorities by delegation during the Executive Director's annual leave, delegating the exercise of those two roles completely during that period; notes that this decision exceeded the powers assigned to the Executive Director in Article 15 of the Agency's founding regulation;
23. Notes the increase of registered exceptions that were, according to the Agency, directly relating to the COVID-19 pandemic; welcomes the report on these exceptions by the Agency, since it shows that the Agency has internal control procedures in place and also makes reasoned decisions to deviate from them, when the circumstances so require;
24. Notes the annual assessment on the internal control system carried out by the Agency and its conclusion that all internal control principles and the five internal control components have been adequately implemented and are effective overall, that only minor improvements are needed, and that no significant control weaknesses were reported; calls on the Agency to take account of the weaknesses identified by the Court as they seem to indicate that certain internal control principles are in need of reinforcement;
25. Welcomes the fact that in 2020 the Internal Audit Service of the Commission and the European Court of Auditors did not issue any critical recommendations or observations that could lead to a reservation in the annual declaration of assurance; however, stresses the need to minimise risks for internal budgetary control weaknesses as much as possible ⁽³⁾ but welcomes the Agency's measures of June 2021 as a response to that;

COVID response and business continuity

26. Salutes the fact that the Agency was able to adapt quickly to the COVID-19 crisis and the fact that it was able to continue providing its stakeholders with the range and quality of services they expect;
27. Notes that, in light of the developments of the COVID-19 pandemic, the Agency's staff was provided with computers to work remotely and that work continued as planned in 2020; notes that the Agency increased the use of video conferencing for internal meetings, selection committees for recruitment and meetings with external stakeholders; further notes that the Agency adjusted its working methods to ensure alternative forms of delivery of as many services as possible and developed new methods and tools that could continue to be useful in the future, such as live broadcast workshops and eTraining modules; encourages the Agency to continue to maintain lessons learned during the pandemic and to keep using the working methods developed out of necessity during the pandemic, if they serve an added value in the post-pandemic era;
28. Notes that the Agency adjusted its budget and activities to the COVID-19 outbreak through an in-house analysis of the evolution of the pandemic and its impact on the Agency's work programme; notes that the Agency's total excess from the reprogramming of its activities during this period was estimated at EUR 1 379 110 in commitment appropriations and EUR 1 602 088 in payment appropriations which were returned to the European Commission in the framework of its global transfer exercise;
29. Notes from the Court's report that the Agency organised teleworking for all staff, starting from 16 March 2020, and was immediately operational; notes the Agency's statement that by 3 June 2020, its staff had carried out 68 000 one-to-one Skype meetings, organised 3 444 Skype conferences, 2 203 one-to-one Teams meetings and 287 group Teams meetings;

Other comments

30. Notes that the Agency is progressing with the implementation of the European Union Eco-Management and Audit Scheme, which supports the Agency's commitment to creating and sustaining an environmentally-friendly workplace and to improving its environmental performance in general; calls on the Agency to inform the Discharge Authority of the progress made in the implementation in the course of 2021;

⁽³⁾ ECA annual report on EU agencies for the financial year 2020, p. 130.

31. Reiterates its call to the Agency to increase the availability of its website in languages other than English; considers that greater linguistic diversity will facilitate access to information for European citizens and thus enhance their understanding and knowledge of the European Union's action in terms of maritime safety;
 32. Refers, for other observations of a cross-cutting nature accompanying its decision on discharge, to its resolution of 4 May 2022 ⁽⁴⁾ on the performance, financial management and control of the agencies.
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⁽⁴⁾ Texts adopted, P9_TA(2022)0196.