

**RESOLUTION (EU) 2020/1866 OF THE EUROPEAN PARLIAMENT****of 14 May 2020****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 2018**

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 2018,
  - 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 (A9-0066/2020),
- A. whereas, according to its statement of revenue and expenditure <sup>(1)</sup>, the final budget of the European Maritime Safety Agency (the 'Agency') for the financial year 2018 was EUR 106 777 232,65 representing an increase of 23,76 % compared to 2017; whereas the increase was mainly related to the enhanced mandate of the Agency; whereas the Agency's budget derives entirely from the Union budget <sup>(2)</sup>;
- B. whereas the Court of Auditors (the 'Court'), in its report on the annual accounts of the Agency for the financial year 2018 (the 'Court's report'), states that it has obtained reasonable assurances 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 2018 resulted in a budget implementation rate of 99,02 %, representing a slight increase of 0,98 % compared to 2017 and a payment appropriations execution rate of 92,84 %, representing a decrease of 3,41 %;

**Performance**

2. Notes that the Agency uses a number of specific key performance indicators (KPIs) to measure the implementation of its annual work programme and that the evaluation of the Agency represents the main instrument to assess the added value provided by its activities; acknowledges the Agency's performance management system which sets both multiannual objectives and quarterly KPIs in the periodic monitoring of the implementation of the annual work programmes; notes that the Agency uses only the budgetary execution rate as the main KPI to improve its budget management;
3. Notes that the Agency's KPI of continuity and quality of its external services have met overall their respective targets, and that its quality system for visits and inspections was expanded;
4. Encourages the Agency to implement the Court's recommendations;
5. Notes that the Agency cooperates closely with other Union agencies such as with the European Fisheries Control Agency and the European Border and Coast Guard Agency for what concerns the European coastguard function; further strongly encourages the Agency to seek further and broader cooperation with all of the Union agencies;
6. Notes that following the approval of the independent external evaluation on the implementation of the Agency's Founding Regulation in 2017, the Agency presented its Action Plan in March 2018; notes with satisfaction that actions, potential risks and mitigating measures were identified, as well as a timeframe for implementation and a realistic budgetary impact;

<sup>(1)</sup> OJ C 120, 29.3.2019, p. 201.

<sup>(2)</sup> OJ C 120, 29.3.2019, p. 202.

7. Encourages the Agency to pursue the digitalisation of its services;
8. Notes that the delay in the Remotely Piloted Aircraft Systems (RPAS) operations linked to European cooperation on coast guard functions due to technical challenges and continuing difficulties in obtaining from national authorities the permits to fly led to a budget amendment reducing the EU subsidy and to the return of EUR 6 000 000 in payment appropriations to the Commission; notes that this reduction proved insufficient due to further delays caused by technical problems and bad weather, leading to lower consumption of payment appropriations; supports the recommendation of the Administrative Board that the Agency should address the risk resulting from the 'Permits to Fly' issue in respect of full budget execution;
9. Welcomes the Agency's direct support to Member States' environmental enforcement efforts in implementing environmental legislation, as well as the EMSA RPAS services assisting in maritime surveillance operations such as maritime pollution and emissions monitoring; believes that, with further resources, the Agency can play an important role in supporting Member States in mitigating shipping-related environmental risks and in improving the sustainability of the maritime sector;
10. Appreciates that the Agency is only in its second full year of operations following the extension of the mandate at the end of 2016 and that some of the factors that led to budgetary modifications were not known at the time of the drafting of the 2018 budget; notes that the Agency had to carry out budgetary modifications to cater for salary increases due to the correction coefficient for Portugal;
11. Notes with satisfaction that the Agency is testing High Altitude Pseudo-Satellites (HAPS), and welcomes the fact that, in this way, the gap between satellites and drones is being filled;
12. Welcomes the Agency's efforts to make operational services, analyses, specialist knowledge and the best possible technical support available in the context of Commission and Member State projects and to users in the maritime transport sector;
13. Calls on the Agency to exploit to the full, and if necessary to adapt, the operational possibilities offered by drones, HAPS and satellites; emphasises the multi-functional nature of the systems, covering the spectrum from rescue at sea to early detection and monitoring of maritime pollution and the vital efforts to combat illegal activities, such as drug trafficking, people smuggling and unlicensed fishing;
14. Notes that the Administrative board of the Agency has adopted in November 2018 a new Internal Control Framework based on the 2017 Commission framework;
15. Notes that, at the beginning of 2018, the Agency expanded the scope of the Visits & Inspections Quality Management System (V&I QMS) to include the maritime security inspections and the horizontal analysis process; welcomes that the annual verification audit of the enlarged QMS was successfully performed by TUV Rheinland Portugal without any non-conformity;
16. Notes that no case of conflict of interest was reported in 2018; notes that, in accordance with the Risk Management Policy, the risk register was updated in 2018, and that this update did not result in any critical risks that could lead to a formal reservation to the Authorising Officer's annual declaration of assurance; notes further that none of the risks previously identified materialised in 2018;
17. Appreciates that the Agency has introduced appropriate control mechanisms on payments in the Agency contracts;
18. Notes that the results of the fifth benchmarking exercise regarding the staff are similar to those of 2017 with 20,20 % (20,42 % in 2017) of the jobs dedicated to administrative support of coordination, 71,65 % (72,08 %) to operational tasks and 8,15 % (7,50 %) to neutral tasks;

#### **Staff policy**

19. Notes that, on 31 December 2018, the establishment plan was 98,58 % filled, with 209 officials and temporary agents (TAs) appointed out of 212 officials and TAs authorised under the Union budget (212 authorised posts in 2017); notes that in addition 30 contract agents and 17 seconded national experts have been working for the Agency in 2018; encourages the Agency to perform a research on the topic of sharing staff among other Union agencies, with a special emphasis on possibilities of further connection of administrative staff with other Lisbon-based Agencies, namely the European Monitoring Centre for Drugs and Drug Addiction;

20. Notes with satisfaction that an equal gender balance was achieved for senior managers (2 men and 2 women); is concerned, however, that at the management board level there is unbalanced participation of men (44 members) and women (12 members);
21. Regrets the lack of information and details regarding the 'Action Plan for Gender Balance at EMSA';

#### **Procurement**

22. Notes from the Court's report that by the end of 2018 the Agency did not systematically check prices and uplifts charged with supplier's quotes and invoices issued to the framework contractor for the acquisition of software licences; notes from the Agency's reply that the implementation mechanism for this framework contract did not include a fixed price list but instead that the Commission decided to opt for a system of applying price uplifts and that the contractor has exercised its rights to terminate the contract with effect on 12 October 2019;

#### **Prevention and management of conflicts of interests and transparency**

23. 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 controls**

24. Takes note that the Commission's Internal Audit Service (IAS) issued an audit report on 'Visits and Inspections' in the Agency, concluding that the management and control systems designed for this subject are adequately designed and effectively and efficiently implemented; points out that the IAS issued four recommendations that the Agency accepted and committed to address;
25. Notes that, in 2018, the Agency implemented all action plans related to the IAS Audit on Human Resources Management at EMSA that took place in 2017;

#### **Other comments**

26. Notes the Agency's efforts to promoting a cost-effective and environment-friendly working place; points out, however, that the Agency does not have any additional measures in place to reduce or offset CO<sub>2</sub> emissions;
27. Calls upon the Agency to focus on disseminating the results of its research to the public, and to reach out to public via the social media and other media outlets;
28. Refers, for other observations of a cross-cutting nature accompanying its decision on discharge, to its resolution of 14 May 2020 <sup>(3)</sup> on the performance, financial management and control of the agencies.

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<sup>(3)</sup> Texts adopted, P9\_TA(2020)0121.