

RESOLUTION (EU) 2023/1902 OF THE EUROPEAN PARLIAMENT**of 10 May 2023****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 2021**

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 2021,
 - 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 (A9-0113/2023),
- 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 2021 was EUR 105 774 716,82 representing an increase of 9,36 % compared to 2020; whereas the Agency's budget derives from the Union budget and operational income;
- B. whereas the Court of Auditors (the 'Court'), in its report on the annual accounts of the Agency for the financial year 2021 (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 appreciation that the budget monitoring efforts during the financial year 2021 resulted in a budget implementation of current year commitment appropriations rate of 99,67 %, representing a slight increase of 0,78 % compared to 2020 and a current year payment appropriations execution rate of 97,32 %, representing also an increase of 1,24 %;
2. Notes with appreciation from the follow-up to the 2020 discharge that the different measures taken to address the issue of late payments have resulted in a very low rate of late payments of 0,56 % in 2021; notes, moreover, that in 2021 both targets of more than 95 % execution for Commitment Appropriations and of less than 5 % cancellation for Payment Appropriations were met;

Performance

3. Notes that the Agency uses key performance indicators (KPIs) to measure the implementation of its annual work programme in the key areas to which the Agency contributes (Sustainability and technical assistance, Safety, Security, digital services and Simplification and Surveillance), and its horizontal activities; notes that despite the persistent restrictions created by the COVID-19 pandemic, the objectives set out for 2021 were achieved overall through a high level of implementation of the annual work programme;
4. Notes that the Agency cooperated with the European Environmental Agency on an analysis of the environmental dimension of the maritime transport sector, resulting in the publication of the first European Maritime Transport Environmental Report; notes that, given their geographical proximity to one another, the Agency cooperates with EMCDDA; notes, moreover, the Service Level Agreement with EFCA with regard to the back-up mechanism for the accounting function;
5. 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; calls on the

⁽¹⁾ OJ C 141, 29.3.2022, p. 72.

Agency to continue its efforts in that regard and considers it appropriate to also increase the cooperation between the Agency, the European Environmental Agency and the European Fisheries Control Agency in order to collect data for scientific research on marine ecosystems;

6. Welcomes the fact that the Agency continues to implement two projects of cooperation for technical assistance with third countries of the Mediterranean Sea (SAFEMEDIV) and the Black and Caspian Sea (BCSEA); considers these projects with third countries to be a good example of cooperation to improve maritime safety, maritime security and preservation of the marine environment; calls on the Agency to continue its efforts in that regard and to consider new similar cooperation with third countries;
7. Welcomes the fact that the Agency continues to be a key partner to the Commission and to Member States when it comes to developing maritime safety standards, the digitalisation and simplification of EU shipping; also salutes the technical and operational assistance the Agency provides;
8. Welcomes in particular the increased role of the Agency in the assessment, verification and implementation of EU maritime security legislation, which has grown over the years, while the demand for support to the Commission and the EFTA Surveillance Authority is expected to continue to increase, reflecting the growing priority at EU level;
9. Underlines the Agency's role in monitoring European waters in cooperation with Member States to detect illegal waste spills and potential oil spills; calls on the Agency to continue strengthening its surveillance and digital capacities with a view to combating illegal water pollution; underlines the work the Agency does in supporting the Search & Rescue efforts of Member States;

Staff policy

10. Notes that, on 31 December 2021, the establishment plan was 99,06 % implemented, with 210 officials and temporary agents (TAs) appointed out of 212 authorised under the Union budget (compared to 212 authorised posts in 2020); notes that, in addition, 50 contract agents and 13 seconded national experts worked for the Agency in 2021;
11. Notes with satisfaction that gender balance was achieved among the Agency's senior management members, with 3 out of 5 (60 %) being women; notes with concern the lack of gender balance among the Agency's management board members, with 47 out of 65 (72 %) being men; further notes with concern the lack of gender balance within the Agency's overall staff, with 172 out of 268 (64 %) being men; notes, moreover, that in 2021 the Agency successfully launched the Speed Network initiative to offer women interested in a position at the Agency or a career in the maritime sector in general the opportunity of a short informal conversation with female staff members; encourages 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;
12. Notes that the Agency has a policy on the prevention of psychological and sexual harassment, which includes confidential counsellors to support staff as well as regular training and awareness sessions, and dedicated information on its intranet;

Procurement

13. Notes that in 2021, 51 procurement procedures were initiated (25 open, 3 special negotiated, 4 competitive negotiated procedures and 19 very low and low value negotiated procedures) and that a total of 65 contracts were signed;
14. Notes that, according to the Court's report, the Agency amended 14 specific contracts for the provision of services, with the total value of the amendments being EUR 6,8 million, an increase of 76 % on the contracts' initial value, and that those amendments were not in line with Article 172(3)(d) of the Financial Regulation; notes, moreover, that the amounts paid in 2021 (EUR 5,4 million) resulted from the application of the unit prices set in the respective framework contracts and were within the original framework contract ceiling, and that the amendments in question

did not change the economic balance in favour of the contractor and did not lead to a distortion of competition, therefore the resulting payments were not affected; notes that, according to the Agency's reply, it has taken measures to amend future tender specifications and contract templates accordingly; calls on the Agency to report to the discharge authority any development in that regard;

Prevention and management of conflicts of interest and transparency

15. Acknowledges that the Agency employs declarations of conflicts of interest for its management board members and senior management; notes moreover, that additional particular declarations of conflicts of interest, such as of member in recruitment panels, are also signed; notes, furthermore, that the Agency has a number of policies and procedures in place to identify and avoid conflicts of interest, and that it has implemented internal rules on whistleblowing, including regular training;
16. Notes with appreciation that the Agency developed and implemented, in March 2022, its internal 'Rules on the EMSA Transparency Register' and participates in the newly established interinstitutional agreement on a mandatory transparency register for interest representatives, signed by the Commission, the Council and Parliament;
17. Insists on the need to put in place more systematic rules on transparency, incompatibilities, conflicts of interest, and illegal lobbying; calls on the Agency to strengthen its internal control mechanisms, including the setting up of an internal anticorruption mechanism;

Internal control

18. Notes that the Internal Audit Service (IAS) audit on the 'IT governance and IT portfolio management' was carried out remotely in 2021, and that the IAS concluded that due to the restructuring of ICT into one department, the Agency has overall designed and implemented efficient and effective management and control systems for its information technology governance arrangements; notes moreover that the IAS issued six recommendations for which the Agency issued an action plan; calls on the Agency to report to the discharge authority any development in that regard;
19. Welcomes the fact that in 2021 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; notes that in 2021 there was one recommendation related to an OLAF investigation that is in the course of being followed-up;
20. 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;

Digitalisation and the green transition

21. Notes that the Agency continued the ongoing digitalisation activities to support the eCertificates objectives to facilitate the work of the Member States in their capacity as Flag, Port and coastal States, and that it supported the Commission in preparation of the impact assessment in relation to the revision of Directive 2009/16/EC of the European Parliament and of the Council ^(²) and Directive 2009/21/EC of the European Parliament and of the Council ^(³), which foresee the inclusion of eCertificates; believes that the Agency can play a coordinating role in ensuring safety in European ports and can assist the Commission in working on effective implementation;
22. Notes the launch of the Agency's Cloud Strategy enabling the creation of state-of-art technological landscape accelerating maritime digital services; salutes the development of Maritime Picture and making the new SafeSeaNet operational;

⁽²⁾ Directive 2009/16/EC of the European Parliament and of the Council of 23 April 2009 on port State control (OJ L 131, 28.5.2009, p. 57).

⁽³⁾ Directive 2009/21/EC of the European Parliament and of the Council of 23 April 2009 on compliance with flag State requirements (OJ L 131, 28.5.2009, p. 132).

23. Encourages the Agency's efforts to contribute to the European green agenda for maritime transport by strengthening the Union's 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; furthermore, recalls the role that the Agency could play in enhancing risk-assessment capabilities in safety domains, including for alternative fuels infrastructure deployment;
24. Welcomes the Agency's continued implementation of its 2020-2024 strategy, since it will enable the Agency 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 publication – with the European Environment Agency – of the first European Maritime Transport Environmental Report, collecting verified information on the environmental footprint of shipping activities; recalls in this context that all future climate and environmental measures have to be based on thorough impact assessment and recognises that a global approach on maritime emission reduction via IMO is crucial;
25. Believes that the Agency has an important role to play in making European waters not only safer but also more sustainable and contributing to the green agenda; welcomes the adoption of the EMSA Environmental Policy and the strategic pillars and objectives for the following years by strengthening the EU capacity to protect the marine environment, manage climate change including through the shift to sustainable mobility; encourages the Agency to develop measures to reduce the use of plastics on board of ships;
26. Underlines the role of the Agency in the successful implementation of the transition to renewable and low-carbon fuels in maritime transport; commends in that regard the contribution the Agency has made in giving technical support and data for initiatives related to the European Green Deal including the FuelEU Maritime initiative, the Zero Pollution Action Plan initiative and work at IMO on energy efficiency and carbon intensity; highlights the role that the Agency could play for alternative fuels infrastructure and wind propulsion technologies deployment, as well as renewable energy installations at sea; therefore stresses that adjustments to the Agency's mandate could be made accordingly so that the Agency can strengthen its support, possibly accompanied by budgetary means;
27. Encourages the usage of new technologies (Artificial Intelligence and Machine Learning) and the potential future evolution of the EMSA Maritime Analytics Tool (EMAT) prototype presented during the workshop on the Agency's maritime digital services which took place on 15 December 2021; calls on the Agency to report to the discharge authority in that regard;
28. Notes with appreciation that, during the last quarter of 2021, the Agency started a project for implementing the ISO 27.001 standard (on Information security management) in preparation for the upcoming Cybersecurity and Information Security regulations; calls on the Agency to report to the discharge authority on developments in that regard;
29. Encourages the Agency to work in close cooperation with ENISA (European Union Agency for Cybersecurity) and CERT-EU (Computer Emergency Response Team for the Union Institutions, bodies and agencies) and to carry out regular risk assessments in respect of its IT infrastructure and to ensure regular audits and tests are carried out on its cyber defences; suggests to offer regularly updated cybersecurity-related training programmes to all staff members within the Agency; calls on the Agency to develop its cybersecurity policy swifter, deliver it before 31 December 2023 and report back to the discharge authority;
30. Notes that in 2021 the Agency proceeded with implementing its environmental management, and prepared and adopted its first Environmental Statement; notes with appreciation the Agency's greening activities and projects in 2021, such as ensuring that the energy that it uses is provided from 100 % renewable green sources, its installation of photovoltaic solar panels, its paperless office policy, and its efforts to minimise water consumption;

31. Notes that the internal audit regarding the registration under EU Eco-Management and Audit Scheme (EMAS) took place in June 2021 and that the first part of the external certification audit for the EMAS registration was performed in November 2021; notes with satisfaction that the external verification was completed in 2022 and the Agency is now EMAS registered and has its environmental statement published;

Business continuity during the COVID-19 crisis

32. Notes that the pandemic fast-tracked the integration in the Agency of a series of tools and methods to enable work to continue remotely, from live broadcasting to virtual reality technology to remote auditing techniques; encourages the Agency to put the lessons learned regarding remote and hybrid working methods into practice, in order to better recognise what meetings and tasks could be carried out more efficiently remotely than in-person in the future; notes, moreover, that staff dealing with functions directly affected by the COVID-19 travel restrictions, such as expert and mission reimbursements, were temporarily assigned to perform other duties and to cover for staff absences; notes, furthermore, that a number of new identified risks and opportunities related to this major health crisis were identified and included in the updated risk registers;
33. Notes with appreciation the Agency's report 'Impact of COVID-19 on the Maritime Sector in the EU', which provided an in-depth overview of the impact of the pandemic on shipping in relation to traffic, trade, EU Flags and ownership, shipbuilding, safety and environmental inspections, as well as specific segments such as cruise and passenger;

Other comments

34. 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;
35. Welcomes the publication by the Agency of its Annual Overview of Marine Casualties and Incidents 2021 which presents statistical data on marine casualties and incidents for the 2014-2020 period;
36. Refers, for other observations of a cross-cutting nature accompanying its decision on discharge, to its resolution of 10 May 2023 ⁽⁴⁾ on the performance, financial management and control of the agencies.

⁽⁴⁾ Texts adopted, P9_TA(2023)0190.