



EUROPEAN
COMMISSION

Brussels, 15.10.2025
COM(2025) 640 final

2023/0163 (COD)

**COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT**

pursuant to Article 294(6) of the Treaty on the Functioning of the European Union

concerning the

**position of the Council on the adoption of the new Regulation on the European
Maritime Safety Agency and repealing Regulation (EC) No 1406/2002**

(Text with EEA relevance)

**COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT**

pursuant to Article 294(6) of the Treaty on the Functioning of the European Union

concerning the

**position of the Council on the adoption of the new Regulation on the European
Maritime Safety Agency and repealing Regulation (EC) No 1406/2002**

(Text with EEA relevance)

1. BACKGROUND

Date of transmission of the proposal to the European Parliament and to the Council 1 June 2023
(document COM(2023) 269 final – 2023/0163 COD):

Date of the opinion of the European Economic and Social Committee: 20 September 2023

Date of the position of the European Parliament, first reading: 12 March 2024

Date of adoption of the position of the Council: 13 October 2025

2. OBJECTIVE OF THE PROPOSAL FROM THE COMMISSION

The Regulation on the European Maritime Safety Agency and repealing Regulation (EC) 1406/2002¹ is one of five legislative proposals adopted on 1 June 2023 by the Commission as an update of previous maritime safety packages.

EMSA plays a key role in enhancing maritime safety by supporting the Member States and the Commission, while contributing to the green and digital transition of the EU's maritime sector. It is therefore crucial to ensure that the Agency has the proper mandate and resources to continue its activities in the years to come.

EMSA has taken over many new tasks since the last major amendment of its mandate in 2013. Yet, the wide majority of these are not properly reflected in its mandate. Most of these new tasks stem from the growing importance of the green transition and decarbonisation of the sector, where the EU is the frontrunner both at home and at the international level. Furthermore, with the wide range of databases and IT tools developed over time, the Agency is best placed to support the much-needed digitalisation of maritime services, as well as cybersecurity and surveillance.

At the same time, EMSA's mandate needs to be future proof. It needs to be able to accommodate the new tasks that will be entrusted to the Agency by upcoming EU legislation,

¹ Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency, OJ L 208, 5.8.2002, pp. 1–9.

such as the maritime package which includes new responsibilities for the Agency to support Member States in the areas of maritime safety and sustainability.

As a result, the proposal to revise the EMSA's mandate reflects the increased role that the Agency plays already today and the one it is expected to play in the future. While detailed, the mandate should remain flexible, to ensure that EMSA can remain agile in responding to the needs of Member States and the Commission – to both support the implementation of new policy priorities and respond to crises. The increased role of EMSA implies additional human and financial resources for the Agency.

Due to a substantial number of changes to the tasks of the Agency and its internal organisation, the Commission proposed to replace Regulation (EC) 1406/2002 by a new act.

3. COMMENTS ON THE POSITION OF THE COUNCIL

The position of the Council fully reflects the political agreement reached by the European Parliament and the Council on 20 May 2025. The main points of the agreement are the following:

- With respect to the scope and tasks of the Agency, the overwhelming majority of the tasks included in the Commission proposal have been maintained, with some changes in wording, updates with regard to the final version of the recently adopted Maritime Safety Package,² ship recycling, risk assessment on pollution, decarbonisation tasks, maritime surveillance tasks and the addition of new tasks. However the technical assistance from EMSA to the Commission or the Member States relating to the Marine Strategy Framework Directive³ and nitrogen oxides (NOx) was removed.
- As regards the international aspects the co-legislators have agreed that EMSA can locate staff to support the Commission and the Member States at the International Maritime Organisation in London. The co-legislators eventually agreed to retain the reference to the Agency's international strategy to be adopted by the EMSA Management Board within the context of the Agency's Single Programming Document.
- On governance and notwithstanding the Council's strong position to decrease the number of Commission representatives in the EMSA Management Board the co-legislators agreed to maintain the four Commission representatives.
- The co-legislators agreed to delete the Executive Board as well as the Commission's positive vote requirement on the draft Management Board decisions related to human resources and budgetary matters. This reduced the intended reinforced oversight role of the Commission and Member States over the Agency.
- However, the role of the Executive Board for EMSA is partially already played by an Advisory Committee to the Board which includes two representatives of the Commission and is tasked to prepare decisions on budgetary and human resources matters. Although the rejection of the Executive Board may have negative effects, the current role and composition of the Advisory Committee will serve as a mitigating factor.

² https://ec.europa.eu/commission/presscorner/detail/en/ip_23_2919

³ Directive 2008/56/EC of the European Parliament and of the Council of 17 June 2008 establishing a framework for community action in the field of marine environmental policy, OJ L 164, 25.6.2008, pp. 19–40.

- Furthermore, the co-legislators agreed during the trilogue on an alert mechanism that will be triggered if the Commission raises serious concerns regarding decision proposals on matters related to the Framework Financial Regulation⁴ and the Staff Regulations and the Conditions of Employment of Other Servants of the European Union⁵. However, on the voting rule, the co-legislators disregarded the strong reservations expressed by the Commission and agreed to move from unanimity to a four-fifths majority vote for the Management Board to adopt decisions after the triggering of the alert system by the Commission. This will weaken the deterrent effect of the provision, and consequently, reduce the Commission's capacity to ensure compliance with Union law in human resources and budgetary matters. In this context, the Commission has issued a statement calling on structured coordination between the Agency and the Management Board and the Commission on draft Board decisions related to these matters.
- The co-legislators agreed to change the voting rules in the Management Board from an absolute to a two-thirds majority as regards the opinion on accounts, Management Board rules, agency internal structure, arrangements with third countries and the appointment, removal and extension of the Executive Director. In addition, the co-legislators agreed to reintroduce the current option for the Management Board to act on a proposal for removal of the Executive Director by not only the Commission, but also at least one-third of the voting members of the Management Board.
- As regards the Executive Director, the co-legislators agreed to add geographical balance as a principle to be respected in the Commission pre-selection procedure. Furthermore, they agreed that before the appointment, and also possibly before the extension of his/her term of office, the selected candidate or the Executive Director in duty will be invited to make a statement to the competent committee of the European Parliament and to answer questions posed by its members.
- The co-legislators agreed that as regard the extension of the Executive Director's term of office, the dual assessment (that takes into account an evaluation of the Executive Director's performance and the Agency's future tasks and challenges) is to be transmitted to the Management Board for information, together with the Commission proposal for extension. The co-legislators also agreed to delete the transitional provision on the extension of the duration of the term of office of the current Executive Director for one year.
- The co-legislators agreed to keep the possibility for the Agency to establish regional centres in the EU Member States, at the request of the Commission, in order to carry out some of the Agency's tasks in a most efficient way.
- Finally, the co-legislators agreed to remove the option for the Agency to set and collect fees at this point in time: any potential need to establish a fee scheme with the identification of the services that could be financed by fees will be assessed in the

⁴ Commission Delegated Regulation (EU) 2019/715 of 18 December 2018 on the framework financial regulation for the bodies set up under the TFEU and Euratom Treaty and referred to in Article 70 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council, OJ L 122, 10.5.2019, pp. 1–38.

⁵ Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission, OJ L 56, 4.3.1968, p. 1

periodic evaluation of the Agency no later than five years after the entry into force of the Regulation.

4. CONCLUSION

In the spirit of compromise the Commission supports the results of the interinstitutional negotiations and can therefore accept the Council's position at first reading, thereby allowing the European Parliament to adopt the final text in second reading,

5. DECLARATION FROM THE COMMISSION

The Commission has made a unilateral declaration which can be found in the appendix.

Appendix

Commission declaration on the alert system on human resources and budget matters (Article 20(2))

“The Commission recalls that the final agreement reached by the co-legislators on the amended proposal for a Regulation on the European Maritime Safety Agency (“EMSA”) introduces changes to the governance in comparison with the Commission proposal. These changes reduce the Commission’s capacity to ensure compliance with Union law in human resources and budgetary matters.

The shift from unanimity to a four-fifths majority in the second round of voting in article 20 paragraph 2 weakens the effectiveness of the Commission’s safeguard to ensure good administration and sound financial management. This introduces the risk that decisions contrary to the applicable Union legal framework - particularly the Framework Financial Regulation and the Staff Regulations and the Conditions of Employment of other Servants of the European Union - could nonetheless be adopted, despite the Commission’s formal objection. This could also result in serious financial and reputational risks not only for EMSA but also for the Commission and the European Union as a whole.

In this context, the Commission calls upon the Agency and its Management Board to engage in early and structured coordination with the Commission on all draft decisions to be submitted for adoption.”