C/2025/6554

5.12.2025

POSITION (EU) NO 14/2025 OF THE COUNCIL AT FIRST READING

with a view to the adoption of a Regulation of the European Parliament and of the Council on the European Maritime Safety Agency and repealing Regulation (EC) No 1406/2002

Adopted by the Council on 13 October 2025

(Text with EEA relevance)

(C/2025/6554)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ([1]),

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure ([2]),

Whereas:

(1) A range of different legislative measures have been adopted by the Union in order to enhance maritime safety and maritime security, to promote the sustainability, including by preventing pollution, and the decarbonisation of shipping, and to facilitate the exchange of information and the digitalisation of the maritime sector. In order to be effective, such legislative measures need to be applied in a proper and uniform manner throughout the Union in order to ensure a level playing field, reduce the distortion of competition resulting from the economic advantages enjoyed by non-complying ships and to reward quality shipping operators.

(2) The pursuit of those goals requires substantial technical work led by a specialised body. For that reason it was necessary, as part of the measures set out in the communication of the Commission of 6 December 2000 on a second set of Community measures on maritime safety following the sinking of the oil tanker Erika , to establish, within the existing institutional framework and with respect for the responsibilities and rights of the Member States as flag, port and coastal States, a European agency for the purpose of ensuring a high, uniform and effective level of maritime safety and prevention of pollution by ships.

(3) Regulation (EC) No 1406/2002 of the European Parliament and of the Council ([3]) established the European Maritime Safety Agency ('the Agency') in order to assist the Commission and the Member States with the effective implementation at Union level of legislation in the areas of maritime safety and the prevention of pollution through appropriate visits to Member States for the monitoring of the relevant legislation and, upon the request of the Member States, with their agreement and in accordance with their needs, the provision of training and capacity building.

(4) Following the establishment of the Agency in 2002, Union legislation in the areas of maritime safety, maritime security, sustainability and the prevention of pollution has expanded significantly, resulting in five amendments to the Agency's mandate.

([1]) OJ C, C/2023/873, 8.12.2023, ELI: http://data.europa.eu/eli/C/2023/873/oj.
([2]) Position of the European Parliament of 12 March 2024 (OJ C, C/2025/1026, 27.2.2025, ELI: http://data.europa.eu/eli/C/2025/1026/oj) and position of the Council at first reading of 13 October 2025 (not yet published in the Official Journal). Position of the European Parliament of … (not yet published in the Official Journal).
([3]) 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, p. 1, ELI: http://data.europa.eu/eli/reg/2002/1406/oj).

(5) Since 2013 the Agency has continued to expand its tasks significantly, through the activation of relevant ancillary tasks provided for in Article 2a of Regulation (EC) No 1406/2002 and through requests for technical assistance to the Commission and the Member States, in particular in the area of decarbonisation and digitalisation of the maritime sector. In addition, amendments to Directives 2005/35/EC ([4]), 2009/16/EC ([5]), 2009/18/EC ([6]) and 2009/21/EC ([7]) of the European Parliament and of the Council have had a direct impact on the tasks of the Agency. Those Directives provide in particular for the performance of tasks by the Agency relating to ship-source pollution, the port State control regime at Union level, the Member States' activities concerning the investigations related to maritime accidents in Union waters and the obligations of the Member States as flag States.

(6) In addition, the governance of the Agency needs to be aligned with the Joint Statement of the European Parliament, the Council of the EU and the European Commission of 2012 on decentralised agencies ('Joint Statement and Common Approach') and Commission Delegated Regulation (EU) 2019/715 ([8]).

(7) Due to the substantial nature of the changes, it is appropriate to repeal Regulation (EC) No 1406/2002 and replace it with a new legislative act.

(8) The Agency was initially established with the objective of contributing to the establishment of a high level of maritime safety across the Union while also assisting with the prevention of pollution from ships and later also from oil and gas installations. While those objectives were further strengthened with the addition of promoting maritime security, the Agency's focus, during recent years, has been on supporting regulatory developments in the areas of decarbonisation and digitalisation of shipping. It is therefore appropriate for those areas to be incorporated into the overall objectives of the Agency, enabling it to contribute to the goals of the green and digital transition of the industry. Likewise, the crucial role of the Agency in the provision of a maritime awareness picture in the sea, through satellite images and the operation of remotely piloted aircraft systems, justifies the addition of a relevant overall objective for the Agency.

(9) Those objectives should indicate the areas in respect of which the Agency is to provide the Commission and the Member States with technical and operational assistance in order to implement the Union's policies in the maritime domain.

(10) In order to properly achieve those objectives, it is appropriate that the Agency carry out specific tasks in the area of maritime safety, environmental sustainability, decarbonisation of the maritime sector, maritime security and cybersecurity, maritime surveillance and maritime crises, the promotion of the digitalisation and facilitation of exchanges of data in the maritime domain. In order to focus on specific challenges and to ensure the cost-efficiency of the tasks the Agency is carrying out, the Management Board of the Agency ('the Management Board') should have the right to prioritise certain tasks and activities in the Agency's annual and multiannual planning.

(11) In addition to the specific tasks, the Agency should provide horizontal technical assistance, upon request by the Commission or the Member States, for the implementation of any task that falls within the remit of its competences and objectives and that stems from future needs and developments at Union level. When deciding whether to include such additional tasks in the single programming document of the Agency as part of its annual or multiannual work program, the Management Board should take into account the available human and financial resources. This is necessary to ensure that certain tasks which constitute the core of the Agency can be prioritised if needed.

([4]) Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on the enforcement of international standards on pollution from ships and on the introduction of administrative penalties for pollution offences (OJ L 255, 30.9.2005, p. 11, ELI: http://data.europa.eu/eli/dir/2005/35/oj).

([5]) 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, ELI: http://data.europa.eu/eli/dir/2009/16/oj).

([6]) Directive 2009/18/EC of the European Parliament and of the Council of 23 April 2009 establishing the fundamental principles governing the investigation of accidents in the maritime transport sector and amending Council Directive 1999/35/EC and Directive 2002/59/EC of the European Parliament and of the Council (OJ L 131, 28.5.2009, p. 114, ELI: http://data.europa.eu/eli/dir/2009/18/oj).

([7]) 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, ELI: http://data.europa.eu/eli/dir/2009/21/oj).

([8]) 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 p. 1, ELI: http://data.europa.eu/eli/reg_del/2019/715/oj).

(12) The Agency is at the forefront of technical expertise in the areas of its competence and should therefore provide training and capacity-building activities to the Member States upon their request, with their agreement and in accordance with their needs, and use the most technologically advanced tools in the delivery of those training and capacity-building activities.

(13) The technical expertise of the Agency should be further developed by conducting research in the maritime domain and contributing to the relevant Union's activities in that area. The Agency should contribute, in close cooperation with the Management Board, and with a proactive approach, to the objectives of enhancing maritime safety, maritime security, the decarbonisation of shipping and the prevention of pollution by ships. In that regard, the Agency could propose to the Commission relevant non-binding guidance, recommendations or manuals that could assist the Commission, the Member States or the maritime industry in attaining those objectives.

(14) As regards maritime safety, the Agency should develop a proactive approach in determining safety risks and challenges. On that basis, it should present to the Commission a report on the progress made in respect of maritime safety every three years. Moreover, the Agency should continue assisting the Commission and the Member States in the implementation of the relevant Union legal acts, in particular in the areas of flag and port State obligations, the marine safety investigations, the passenger ship safety, recognised organisations as defined in Article 2, point (e), of Regulation (EC) No 391/2009 of the European Parliament and of the Council ([9]) ('recognised organisations'), and marine equipment. Recognising the evolving nature of maritime safety, the Agency could, upon prior approval by the Management Board, assist the Commission and the Member States in emerging areas related to maritime safety, without prejudice to the competences of Member States in those areas. It is also important to collect further statistics in the area of the training and certification for seafarers and, upon the request of the Management Board, on the implementation of relevant international conventions regarding the on-board working and living conditions of seafarers including, as appropriate, the Maritime Labour Convention, 2006 (MLC, 2006), with the aim of assisting in improving the attractiveness of the seafaring profession and developing appropriate strategic responses to recruit and retain seafarers in activity. Special attention should be given to the work already carried out by relevant international organisations, in order to avoid duplication.

(15) Since the last substantial amendment of Regulation (EC) No 1406/2002 in 2013, there have been significant legislative developments in the maritime sector with regard to sustainability, such as the prevention of and response to pollution, environmental protection and decarbonisation. In addition to the tasks that the Agency's mandate covered until now, such as the prevention of pollution from ships and from oil and gas installations, mainly through the operation of CleanSeaNet, established under Directive 2005/35/EC, the Agency should continue assisting the Commission in the implementation of Directive (EU) 2019/883 of the European Parliament and of the Council ([10]). That task should be reflected in its updated mandate. Moreover, there is an increased need for the Agency to continue assisting in the implementation of the shipping-related elements of Directives 2008/56/EC ([11]) and (EU) 2016/802 ([12]) of the European Parliament and of the Council. The Agency should deliver a report on the progress made in the implementation of those directives every three years. Recognising the evolving nature of the maritime sector, the Agency could, upon prior approval by the Management Board, assist the Commission and the Member States in emerging areas related to environmental protection and air pollution, without prejudice to the competences of Member States in those areas.

(16) In the context of the Agency's assistance to the Commission and Member States in the implementation of Directive 2008/56/EC, the Agency should, where appropriate, conduct further research in respect of issues related to obtaining a good environmental status of marine waters, spills of plastic pellets and underwater-radiated noise.

([9]) Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations (OJ L 131, 28.5.2009, p. 11, ELI: http://data.europa.eu/eli/reg/2009/391/oj).

([10]) Directive (EU) 2019/883 of the European Parliament and of the Council of 17 April 2019 on port reception facilities for the delivery of waste from ships, amending Directive 2010/65/EU and repealing Directive 2000/59/EC (OJ L 151, 7.6.2019, p. 116, ELI: http://data.europa.eu/eli/dir/2019/883/oj).

([11]) 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 (Marine Strategy Framework Directive) (OJ L 164, 25.6.2008, p. 19, ELI: http://data.europa.eu/eli/dir/2008/56/oj).

([12]) Directive (EU) 2016/802 of the European Parliament and of the Council of 11 May 2016 relating to a reduction in the sulphur content of certain liquid fuels (OJ L 132, 21.5.2016, p. 58, ELI: http://data.europa.eu/eli/dir/2016/802/oj).

(17) In the area of decarbonisation of the shipping sector, efforts to limit global maritime emissions through the International Maritime Organization (IMO) are underway and should be encouraged, including the rapid implementation of the revised IMO Strategy on Reduction of Greenhouse Gas Emissions from Ships, adopted in 2023. At Union level, a set of policies and legal acts to support the decarbonisation and further promote the sustainability of the maritime sector has been developed, as reflected in particular in the European Green Deal set out in the communication of the Commission of 11 December 2019, the Sustainable and Smart Mobility Strategy – putting European transport on track for the future set out in the Commission communication of 9 December 2020, the 'Fit for 55' legislative package set out in the communication of the Commission of 14 July 2021 entitled 'Fit for 55': delivering the EU's 2030 Climate Target on the way to climate neutrality' and the Zero Pollution Action Plan set out in Commission communication of 12 May 2021 entitled 'Pathway to a Healthy Planet for All, EU Action Plan: 'Towards Zero Pollution for Air, Water and Soil'. As a result, the need to reduce greenhouse gas emissions from the maritime sector should be reflected in the mandate of the Agency.

(18) While the Agency should continue assisting the Commission and the Member States in the implementation of Regulation (EU) 2015/757 of the European Parliament and of the Council ([13]), it should further assist in the implementation of the new regulatory measures to decarbonise the shipping sector stemming from the Fit for 55 legislative package, such as Regulation (EU) 2023/1805 of the European Parliament and of the Council ([14]) and the shipping-related elements of Directive 2003/87/EC of the European Parliament and of the Council ([15]). Such assistance includes monitoring and reporting on the impacts on port traffic, port evasion and traffic shift to transhipment ports in third countries, to the detriment of Union ports, of the EU Emissions Trading System (EU ETS) under Regulation (EU) 2015/757 and of Regulation (EU) 2023/1805. The Agency should continue to be at the forefront of expertise at Union level to assist in the transition of the maritime sector into renewable and low carbon fuels by conducting research relevant for the implementation and development of Union legal acts on the uptake and deployment of sustainable alternative sources of power for ships, such as zero-emission technologies, on-shore power supply or wind-assisted propulsion, as defined in Regulation (EU) 2023/1805, or solar-assisted propulsion, and in relation to the deployment of energy efficiency solutions, such as speed optimisation. In order to monitor progress in the area of decarbonisation of the shipping sector, the Agency should report to the Commission on greenhouse gas reduction efforts, including any recommendations that it might have in that respect, every three years.

(19) In the area of maritime security, the Agency should continue to provide technical assistance to inspections carried out by the Commission in the framework of Regulation (EC) No 725/2004 of the European Parliament and of the Council ([16]). Given that the number of cybersecurity incidents in the maritime sector has gone up significantly in recent years, the Agency should support Union efforts to prevent cybersecurity incidents and enhance cyber resilience in the maritime sector by facilitating the exchange of best practices and information on cybersecurity incidents between the Member States.

(20) The Agency should continue to host the vessel traffic monitoring and information system established under Directive 2002/59/EC of the European Parliament and of the Council ([17]) as well as other systems underpinning the establishment of maritime situational awareness. In that regard, the Agency should continue to play a vital role in the management of the maritime surveillance component of Copernicus Security Service within the governance and financial framework of the Copernicus programme established by Regulation (EU) 2021/696 of the European Parliament and of the Council ([18]) ('Copernicus programme') and should continue making use of available state-of-the-art technology, such as remotely piloted aircraft systems which provide to Member States and other Union bodies a useful tool for surveillance and monitoring. In addition to those services, the Agency has demonstrated its strategic role in providing maritime situational awareness during various crises, such as the COVID-19 crisis and Russia's war of aggression against Ukraine. As a result, the Agency should operate a centre, open 24 hours a day and 7 days a week, to assist the Commission and the Member States with such emergency situations.

([13]) Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of greenhouse gas emissions from maritime transport, and amending Directive 2009/16/EC (OJ L 123, 19.5.2015, p. 55, ELI: http://data.europa.eu/eli/reg/2015/757/oj).

([14]) Regulation (EU) 2023/1805 of the European Parliament and of the Council of 13 September 2023 on the use of renewable and low-carbon fuels in maritime transport, and amending Directive 2009/16/EC (OJ L 234, 22.9.2023, p. 48, ELI: http://data.europa.eu/eli/reg/2023/1805/oj).

([15]) Directive 2003/87/EC of the European Parliament and of the Council of 13 October 2003 establishing a system for greenhouse gas emission allowance trading within the Union and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32, ELI: http://data.europa.eu/eli/dir/2003/87/oj).

([16]) Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security (OJ L 129 of 29.4.2004, p. 6, ELI: http://data.europa.eu/eli/reg/2004/725/oj).

([17]) Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC (OJ L 208, 5.8.2002, p. 10, ELI: http://data.europa.eu/eli/dir/2002/59/oj).

([18]) Regulation (EU) 2021/696 of the European Parliament and of the Council of 28 April 2021 establishing the Union Space Programme and the European Union Agency for the Space Programme and repealing Regulations (EU) No 912/2010, (EU) No 1285/2013 and (EU) No 377/2014 and Decision No 541/2014/EU (OJ L 170, 12/05/2021, p. 69, ELI: http://data.europa.eu/eli/reg/2021/696/oj).

(21) The Union is facing new geopolitical challenges, resulting in additional threats to maritime safety and the marine environment. The Agency's existing capacities for providing maritime situational awareness, including surveillance of ships' movements, should support coastal Member States through, inter alia, the monitoring and notification of suspicious ship-to-ship transfers and incidents of illegally interfering with, switching off or otherwise disabling of the shipborne automatic identification system (AIS), and facilitating the exchange of information based on the Union maritime information and exchange system (SafeSeaNet) established under Directive 2002/59/EC, which enables the receipt, storage, retrieval and exchange of information for the purposes of maritime safety, port and maritime security, marine environment protection and the efficiency of maritime traffic and maritime transport. This would support coastal Member States to address the challenges posed by the 'dark fleet' or 'shadow fleet', as defined in IMO Assembly Resolution A.1192(33) adopted on 6 December 2023.

(22) As part of the Agency's task of providing maritime situational awareness and analytical data, it should assist Member States, the Commission and other Union bodies, as appropriate, in monitoring ship movements, including for ships using technologies with advanced automation, and hazards to navigation. Such hazards to navigation, which can also have an environmental impact, could include, for example, containers lost and drifting at sea, as well as larger pieces of lost or discarded fishing gear.

(23) Digitalisation of data is part of technological progress in the area of data collection and communication with a view to helping to bring down costs and making efficient use of human resources. The deployment and operation of Maritime Autonomous Surface Ships (MASS) and related digital and technological developments provide a wide range of new opportunities in terms of data collection and management of integrated systems. This creates opportunities for the potential digitalisation, automation and standardisation of several processes, which would contribute to safety, security, sustainability and efficiency of maritime operations, including surveillance mechanisms, at Union level, reducing in parallel the administrative burden to the Member States. In that regard, the Agency should, inter alia, facilitate and promote the use of electronic certificates, the collection, recording and evaluation of technical data, and the systematic exploitation of existing databases, including their cross-fertilisation through the use of innovative IT and artificial intelligence tools. The Agency could also contribute to the maritime domain of the common European mobility data space, with the aim of reducing administrative burden on Member States. In that work, the Agency should take into account the need for any tool or system to be user-friendly and interoperable with existing technical solutions in order not to create unnecessary costs for Member States or industry.

(24) In order to properly carry out the tasks entrusted to the Agency, it is appropriate that its officials carry out visits to the Member States in order to monitor the overall functioning of the Union maritime safety and pollution prevention system. The Agency should also carry out inspections in order to assist the Commission in the assessment of the effective implementation of Union law.

(25) To contribute to the relevant work of the technical bodies of the IMO, the International Labour Organization (ILO) and the Paris Memorandum of Understanding on Port State Control, signed at Paris on 26 January 1982 ('Paris MoU'), the Commission and the Member States should be able to request technical assistance regarding matters of Union competence. Likewise, the Commission might also need the technical assistance of the Agency in supporting third countries in the maritime domain, in particular with capacity building and pollution prevention and response means. Support for third countries should be subject to a consideration of the available human and financial resources and should not be detrimental to the Agency 's priorities.

(26) National authorities carrying out coast guard functions are responsible for a wide range of tasks, such as maritime safety, maritime security, search and rescue, border control, fisheries control, customs control, general law enforcement and environmental protection. In accordance in particular with the Revised EU Maritime Security Strategy (EUMSS) and its Action Plan, approved by the Council on 24 October 2023, the Agency, the European Border and Coast Guard Agency (Frontex), established by Regulation (EU) 2019/1896 of the European Parliament and of the Council ([19]), and the European Fisheries Control Agency (EFCA), established by Regulation (EU) 2019/473 of the European Parliament and of the Council ([20]), should therefore strengthen their cooperation, within their respective mandates, both with each other and with the national authorities carrying out coast guard functions, for example through the European Coast Guard Functions Forum (ECGFF), in order to increase maritime situational awareness and to support coherent and cost-efficient action.

(27) The implementation of this Regulation should not affect the division of competences between the Union and the Member States or the obligations of Member States pursuant to international conventions such as the United Nations Convention on the Law of the Sea (UNCLOS), IMO conventions such as the International Convention for the Safety of Life at Sea (SOLAS), the International Convention on Maritime Search and Rescue (SAR Convention), the International Convention for the Prevention of Pollution from Ships (MARPOL) and the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), and other relevant international maritime instruments.

(28) In order to streamline the decision-making process within the Agency, an efficient and effective governance structure should be introduced. To that end, the Member States and the Commission should be represented on a Management Board vested with the necessary powers, including the power to establish the budget and approve the single programming document. The Management Board should give general and strategic orientations for the Agency's activities and be more closely involved in the monitoring of the Agency's activities, with a view to reinforcing supervision on administrative and budgetary matters. The Management Board should be able to establish advisory groups or working groups with the task of preparing the meetings of the Management Board in an appropriate manner and supporting its decision-making process, as well as the follow-up and the implementation of its decisions. The Agency should be led by an Executive Director.

(29) In order to ensure transparency of the Management Board's decisions, representatives of the sectors concerned could attend parts of its meetings, but without the right to vote. The representatives of the various stakeholders should be appointed by the Commission on the basis of their representativeness at Union level.

(30) In order to perform its tasks properly, the Agency should have legal personality and an autonomous budget funded mainly through a contribution by the Union and through charges paid by third countries or other entities. The Agency's independence and impartiality should not be compromised by any financial contribution that it receives from Member States or third countries. In order to ensure independence in its daily management and in the opinions, recommendations and decisions which it issues, the Agency's organisation should be transparent and the Executive Director should have full responsibility for the Agency. The Agency's staff should be independent and should be employed on both short-term and long-term contracts in order to maintain its organisational knowledge and business continuity, while keeping a necessary and ongoing exchange of expertise with the maritime sector. The expenditure of the Agency should include staff, administrative, infrastructure and operational expenses.

(31) 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 which conflict 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.

([19]) Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1, ELI: http://data.europa.eu/eli/reg/2019/1896/oj).

([20]) Regulation (EU) 2019/473 of the European Parliament and of the Council of 19 March 2019 on the European Fisheries Control Agency (OJ L 83, 25.3.2019, p. 18, ELI: http://data.europa.eu/eli/reg/2019/473/oj).

(32) A broader strategic perspective in relation to the activities of the Agency would facilitate the planning and management of its resources in a more effective manner and would contribute to a higher quality of its outputs. Such an approach is confirmed and reinforced by Delegated Regulation (EU) 2019/715. A single programming document containing the annual and multi-annual work programmes should therefore be adopted and updated periodically by the Management Board, following proper consultation of the relevant stakeholders.

(33) Where the Agency is asked to conduct a new task for which a consideration and an analysis of the impact on its resources, in human and budgetary terms, is necessary according to its mandate, the Management Board should include such tasks in the single programming document only after such an analysis. That analysis should identify the necessary resources with which the Agency could deliver upon those new tasks and whether the existing tasks of the Agency are negatively affected or should be reoriented.

(34) 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 European Court of Auditors.

(35) In order to achieve financial savings, the Agency should, where appropriate, cooperate closely with other Union institutions, agencies and bodies, especially those that have their seat in the same Member State.

(36) Over the past years, as more decentralised agencies have been created, transparency and control over the management of Union funding allocated to them has improved, in particular as regards the budgetisation of fees, financial control, power of discharge, pension scheme contributions and the internal budgetary procedure (code of conduct). Similarly, Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council ([21]) should apply without restriction to the Agency, which should accede to the Inter-institutional Agreement of 25 May 1999 between the European Parliament, the Council of the European Union and the Commission of the European Communities concerning internal investigations by the European Anti-Fraud Office (OLAF) ([22]).

(37) Since the objective of this Regulation, namely to establish a specialised body that can assist the Commission and the Member States in the effective application and implementation of Union law related to maritime transport across the Union, cannot be sufficiently achieved by the Member States but can rather, by reason of the cooperation to be done, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective.

(38) It is necessary for the proper functioning of the Agency to implement certain principles regarding the governance of the Agency in order to comply with the Joint Statement and Common Approach, the purpose of which is to streamline the activities of agencies and increase their performance.

(39) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union.

(40) The European Maritime Safety Agency established by Regulation (EC) No 1406/2002 remains the same legal person and will continue all its activities and procedures,

([21]) Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 11 September 2013 concerning investigations conducted by the European Anti-Fraud Office (OLAF) and repealing Regulation (EC) No 1073/1999 of the European Parliament and of the Council and Council Regulation (Euratom) No 1074/1999 (OJ L 248, 18.9.2013, p. 1, ELI: http://data.europa.eu/eli/reg/2013/883/oj).

([22]) OJ L 136, 31.5.1999, p. 15, ELI: http://data.europa.eu/eli/agree_interinstit/1999/531/oj.

HAVE ADOPTED THIS REGULATION:

Chapter I

Subject matter, scope and objectives

Article 1

Subject matter and scope

1. This Regulation establishes the European Maritime Safety Agency ('the Agency').

The Agency as established by this Regulation shall replace and succeed the European Maritime Safety Agency as established by Regulation (EC) No 1406/2002.

2. This Regulation provides comprehensive rules on the Agency's tasks, functioning and governance.

3. The Agency shall assist the Member States and the Commission in the effective application and implementation of Union law related to maritime transport across the Union. To that end, the Agency shall cooperate with the Member States and the Commission and provide them with technical, operational and scientific assistance within the scope of the Agency's objectives and tasks set out in Article 2 and Chapters II and III.

4. By providing the assistance referred to in paragraph 3, the Agency shall in particular support the Member States and the Commission in applying the relevant Union legal acts and in contributing to the overall efficiency of maritime traffic and maritime transport as set out in this Regulation, so as to facilitate the achievement of the Union's objectives in the maritime transport domain.

5. Any assistance provided by the Agency and any task set out in Articles 4 to 11 shall be without prejudice to the Member States' rights and responsibilities.

Article 2

Objectives of the Agency

1. The main objectives of the Agency shall be to ensure a high, uniform and effective level of maritime safety that aims at a maximum reduction of accidents, a high, uniform and effective level of maritime security, the reduction of greenhouse gas emissions from ships and the environmental sustainability of the maritime sector as well as the prevention of and response to pollution caused by ships and the response to marine pollution caused by oil and gas installations.

2. Further objectives of the Agency shall be to support digitalisation and the reduction of the administrative burden in the maritime sector by facilitating the electronic transmission of data and to support simplification and the provision of integrated maritime surveillance and maritime situational awareness systems and services to the Commission and the Member States.

Chapter II

Tasks of the Agency

Article 3

Horizontal technical assistance

1. The Agency shall assist the Commission:

(a) in monitoring the effective implementation of relevant binding Union legal acts falling under the objectives of the Agency, in particular by carrying out visits and inspections as referred to in Article 10;

(b) in the preparatory work for updating and developing relevant Union legal acts falling under the objectives of the Agency, in particular in accordance with the development of relevant international law;

(c) in the performance of any other task assigned to the Commission in Union legislative acts falling under the objectives of the Agency.

For the purposes of the first subparagraph, point (a), the Agency may suggest improvements to the Commission.

2. The Agency shall cooperate with the Member States to:

(a) organise, where appropriate, relevant capacity-building and training activities in fields which fall under the objectives of the Agency and are the responsibility of the Member States;

(b) develop technical solutions, including the provision of relevant operational services, and provide technical assistance in order to build up the necessary national capacity for the implementation of Union legal acts falling under the objectives of the Agency.

For the purposes of , the first subparagraph, point (a) of this paragraph, the Agency shall establish appropriate capabilities with the aim of developing, implementing and coordinating training activities related to the objectives of the Agency. The training activities provided shall be developed in close consultation with the Member States and the Commission, and approved by the Management Board in accordance with Article 17 of this Regulation, while fully respecting Article 166 of the Treaty on the Functioning of the European Union (TFEU).

3. The Agency shall promote and facilitate cooperation between Member States and between Member States and the Commission in the implementation of the Union legal acts by promoting the exchange and dissemination of experiences and good practices.

4. The Agency shall contribute, at the Commission's request, or on its own initiative, subject to prior approval of the Management Board in accordance with Article 17, to maritime research activities at the Union level when needed to fulfil the objectives of the Agency. In that regard, the Agency shall assist the Commission and the Member States in identifying key research themes, without prejudice to other research activities at Union level, and in analysing ongoing and completed research projects relevant to the objectives of the Agency. Where appropriate, subject to the applicable rules on intellectual property and security considerations, the Agency shall disseminate the results of its research and innovation activities, following approval by the Commission, as part of its contribution to creating synergies between the research and innovation activities of other Union bodies and the Member States.

5. Where required for the implementation of its tasks, the Agency may undertake studies, involving the Commission and where applicable, through consultation of steering groups, the Member States, and, where appropriate, the social partners and industry representatives with expertise in the relevant topics.

6. On the basis of research and studies conducted by the Agency and of experience gained through its own activities, in particular the visits and inspections, and exchange of information and good practices with the Member States and the Commission, the Agency may provide, in agreement with the Commission and the Management Board, relevant non-binding recommendations, guidance or manuals to support Member States, and where appropriate the industry, in the implementation of relevant Union legal acts.

Article 4

Tasks relating to maritime safety

1. The Agency shall monitor progress on the safety of maritime transport in the Union, conduct risk analyses on the basis of the available data and develop safety risk assessment models to identify safety challenges and risks. Every three years the Agency shall present to the Commission a report on progress on maritime safety with possible technical recommendations that could be addressed at Union or international level, in particular in relation to potential safety risks stemming from the development, uptake and deployment of sustainable alternative sources of power for ships, including zero-emission technologies and on-shore power supply as defined in Regulation (EU) 2023/1805.

2. The Agency shall assist the Commission and the Member States in the implementation of Directive 2009/21/EC. In particular, the Agency shall assist the Commission in organising, where appropriate and based on Member States' requests for assistance, relevant training activities for flag State inspectors and flag State surveyors as referred to in Article 4c of that Directive. The Agency shall also assist the Commission in developing, maintaining and updating a digital interoperable portal in accordance with Article 6 of that Directive, as well as the ship information database in accordance with Article 6a of that Directive, and in establishing the electronic reporting tool referred to in Article 9b of that Directive and may provide the Commission with recommendations on the basis of the data thereby collected.

The Agency shall assist the Commission in developing relevant tools and services to assist the Member States, upon their request, to fulfil their obligations pursuant to Directive 2009/21/EC.

3. The Agency shall assist the Commission in the development, maintenance and update of the inspection database provided for in Article 24 of Directive 2009/16/EC and shall develop, maintain and update the validation tool provided for in Article 24a of that Directive and support Member States. On the basis of the data collected in that database, the Agency shall assist the Commission in the analysis of the relevant information and the publication of information concerning ships and companies with low and very low performance pursuant to Directive 2009/16/EC.

The Agency shall provide relevant tools and services to assist the Member States, upon their request, to fulfil their obligations pursuant to Directive 2009/16/EC.

The Agency shall also assist the Commission in developing a professional training programme for port State control inspectors of the Member States, in cooperation with Member States and as agreed within the Paris MoU, as provided for in Article 22(7) of Directive 2009/16/EC.

4. The Agency shall assist the Commission in the development and maintenance of the European database for marine casualties provided for in Article 17 of Directive 2009/18/EC. On the basis of the data collected in that database, the Agency shall compile a yearly overview of marine casualties and incidents. The Agency shall, at the request of the marine safety investigation authorities of the Member States concerned, and assuming that no conflict of interest arises, provide operational support to those Member States in the conduct of their marine safety investigations. The Agency shall also carry out an analysis of marine safety investigation reports provided for in Directive 2009/18/EC with a view to identifying added value at Union level in terms of any relevant lessons to be drawn.

The Agency shall provide regular training according to the needs of the marine safety investigation authorities of the Member States.

5. The Agency shall assist the Commission and the Member States in the implementation of Council Directive 98/41/EC ([23]) and of Directives 2003/25/EC and ([24]) 2009/45/EC ([25]) of the European Parliament and of the Council. The Agency shall assist the Commission, in particular, in establishing and maintaining a database of measures provided for in Article 9(4), seventh subparagraph, of Directive 2009/45/EC and Article 9(3) point (a), of Directive 98/41/EC and assist the Commission in the assessment of such measures.

6. The Agency shall facilitate the cooperation and the exchange of information between the Commission and the Member States for the assessment of the recognised organisations that carry out survey and certification tasks in accordance with Article 8(1) of Regulation (EC) No 391/2009. In particular, the Agency shall:

(a) provide the Commission with an opinion on its assessment of the recognised organisations under Article 8(1) of Regulation (EC) No 391/2009;

(b) provide the Member States with appropriate information in the context of the visits and inspections conducted by the Agency to support the Commission's assessment under Article 8(1) of Regulation (EC) No 391/2009 in order to support the monitoring of recognised organisations in accordance with Article 9 of Directive 2009/15/EC of the European Parliament and of the Council ([26]) in support of the Member States in the discharge of their Union and international obligations as flag States;

(c) provide the Commission with technical assistance on possible remedial measures or the imposition of fines to the recognised organisations in accordance with Articles 5 and 6 of Regulation (EC) No 391/2009 and the corresponding advance notice requirements.

For the purposes of the first subparagraph, point (b), of this paragraph, the Agency shall assist the Commission and the Member States in the implementation of Article 9a of Directive 2009/21/EC.

([23]) Council Directive 98/41/EC of 18 June 1998 on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community (OJ L 188, 2.7.1998, p. 35, ELI: http://data.europa.eu/eli/dir/1998/41/oj).

([24]) Directive 2003/25/EC of the European Parliament and of the Council of 14 April 2003 on specific stability requirements for ro-ro passenger ships (OJ L 123, 17.5.2003, p. 22, ELI: http://data.europa.eu/eli/dir/2003/25/oj).

([25]) Directive 2009/45/EC of the European Parliament and of the Council of 6 May 2009 on safety rules and standards for passenger ships (OJ L 163, 25.6.2009, p. 1, ELI: http://data.europa.eu/eli/dir/2009/45/oj).

([26]) Directive 2009/15/EC of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations (OJ L 131, 28.5.2009, p. 47, ELI: http://data.europa.eu/eli/dir/2009/15/oj).

7. The Agency shall assist the Commission in the implementation of Directive 2014/90/EU of the European Parliament and of the Council [27] by providing its technical assessment on safety and environmental aspects, providing recommendations with lists of the respective design, construction and performance requirements and testing standards, and shall assist the Commission in setting up and maintaining the database provided for in Article 35(4) of that Directive and facilitating cooperation between notified assessment bodies, acting as the technical secretariat for their coordination group.

8. The Agency shall assist the Commission and the Member States in the identification of safety risks related to the development of technologies with advanced automation.

9. The Agency shall analyse statistics on seafarers provided and used in accordance with Directive (EU) 2022/993 of the European Parliament and of the Council [28]. It may also, upon request of the Management Board, analyse statistics on the MLC, 2006-related deficiencies identified during port State control inspections carried out under Directive 2009/16/EC with the aim of assisting in the improvement of the on-board working and living conditions of seafarers.

10. After prior approval by the Management Board, the Agency may assist the Commission and the Member States in emerging areas related to maritime safety, as appropriate and without prejudice to the competences of Member States in those areas.

Article 5

Tasks relating to environmental sustainability

1. The Agency shall, in a cost-efficient way, support the Member States with additional pollution response operational means, including those to be developed for sustainable alternative fuels, for pollution caused by ships and for marine pollution caused by oil and gas installations.

The Agency shall provide such support on request of the Member State concerned under the authority of which the cleaning operations are conducted. Such support shall be without prejudice to the responsibility of coastal States to have appropriate pollution response mechanisms in place and shall respect existing cooperation between Member States in this field.

The operational means that the Agency provides to the Member States shall take into account and make provision for the transition of the sector to the use of sustainable alternative sources of power for ships. Where appropriate, requests for mobilisation of anti-pollution actions shall be relayed through the Union Civil Protection Mechanism established by Decision No 1313/2013/EU of the European Parliament and of the Council [29] ('the Union Civil Protection Mechanism').

2. The Agency shall prepare and update a risk assessment for all EU sea basins which shall serve as a basis for the location of the Agency's oil and chemical pollution response vessels for supporting the Member States in marine environment pollution response activities.

3. The Agency shall assist the Commission and the Member States with the detection of possible pollution and the pursuit of ships making illegal discharges, in accordance with Directive 2005/35/EC. The Agency shall in particular assist with the implementation of Articles 10 to 10d of that Directive by:

(a) developing and maintaining the European satellite-based pollution detection service (CleanSeaNet), as part of the SafeSeaNet, and other reporting mechanisms and systems;

(b) collecting, analysing and disseminating the relevant information on the implementation of, and enforcement pursuant to, Directive2005/35/EC;

[27] Directive 2014/90/EU of the European Parliament and of the Council of 23 July 2014 on marine equipment and repealing Council Directive 96/98/EC (OJ L 257, 28.8.2014, p. 146, ELI: http://data.europa.eu/eli/dir/2014/90/oj).

[28] Directive (EU) 2022/993 of the European Parliament and of the Council of 8 June 2022 on the minimum level of training of seafarers (OJ L 169, 27.6.2022, p. 45, ELI: http://data.europa.eu/eli/dir/2022/993/oj).

[29] Decision No 1313/2013/EU of the European Parliament and of the Council of 17 December 2013 on a Union Civil Protection Mechanism (OJ L 347, 20.12.2013, p. 924, ELI: http://data.europa.eu/eli/dec/2013/1313/oj).

(c) providing capacity building to the competent national authorities and facilitating the exchange of best practices between them;

(d) developing and maintaining the online external reporting channel for receiving and handling information on potential illegal discharges communicated by the crew, and relaying such information to the Member State or Member States concerned, while ensuring the necessary protection of persons who report potential infringements and of their personal data.

4. The Agency shall cooperate with other Union agencies, such as European Fisheries Control Agency (EFCA), established by Regulation (EU) 2019/473, in line with the working arrangement referred to in Article 12(2) of this Regulation.

5. The Agency shall provide the CleanSeaNet service and any other tools to assist the Commission and the Member States, upon the request of the Commission or a Member State, to monitor the extent and environmental impact of marine oil pollution caused by oil and gas installations.

6. The Agency shall assist the Commission and the Member States in the implementation of Directive (EU) 2019/883, including the development, maintenance and update of the inspection database provided for in Article 14 of that Directive.

7. The Agency shall assist the Commission and the Member States in the implementation of Directive 2008/56/EC, by contributing to the objective of achieving or maintaining good environmental status of marine waters as defined in that Directive with shipping-related elements of Directive 2008/56/EC and in making use of existing tools such as the Integrated Maritime Services provided by the Agency.

8. The Agency shall assist the Commission and the Member States, upon the request of the Commission or a Member State, including with operational tools and services, in the implementation of the shipping-related elements of Directive (EU) 2016/802. In that respect, the Agency shall also maintain the relevant inspection database to assist Member States in assessing the risk of ships' non-compliance with that Directive.

9. The Agency shall assist the Commission and the Member States in the implementation of Regulation (EU) No 1257/2013 of the European Parliament and of the Council [30] through the collection and analysis of data on compliance with that Regulation.

10. After prior approval by the Management Board, the Agency may support the Commission and the Member States in emerging areas related to environmental sustainability, as appropriate and without prejudice to the competences of Member States in those areas.

11. The Agency shall every three years present to the Commission a report on the progress made in reducing the environmental impact of maritime transport at the Union level.

Article 6

Tasks relating to decarbonisation

1. The Agency shall provide technical assistance to the Commission and the Member States, upon the request of the Commission or a Member State, in relation to operational and technical measures as well as regulatory efforts to reduce greenhouse gas emissions from ships. In that regard, the Agency may utilise any relevant operational tools or services. The Agency shall in particular research, analyse and propose to the Commission, after prior consultation of the Member States, relevant guidance or recommendations in relation to the uptake and deployment of sustainable alternative fuels, energy and power systems for ships, such as zero-emission technologies, on-shore power supply or wind-assisted propulsion, as defined in Regulation (EU) 2023/1805, or solar-assisted propulsion, as well as in relation to energy efficiency measures, such as speed optimisation.

[30] Regulation (EU) No 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC (OJ L 330, 10.12.2013, p. 1, ELI: http://data.europa.eu/eli/reg/2013/1257/oj).

2. The Agency shall assist the Commission and the Member States in the implementation of Regulation (EU) 2023/1805. In particular, the Agency shall assist the Commission with the development and maintenance of the FuelEU database, established by Article 19 of Regulation (EU) 2023/1805, and other relevant IT tools as referred to in Article 19 of that Regulation, in the development of the appropriate monitoring tools, guidance and risk-based targeting tools provided for, in particular, in Article 18 of that Regulation, to facilitate implementation, verification and enforcement activities, as well as with the analysis of the relevant data and the preparation of the reporting under Article 30 of that Regulation.

3. The Agency shall assist the Commission and the Member States in the implementation of Regulation (EU) 2015/757. In particular, the Agency shall assist the Commission with the development, update and maintenance of relevant IT tools, databases and guidance for the purpose of implementing that Regulation and facilitating enforcement activities, assist the Commission with the analysis of relevant data reported under that Regulation, and support the Commission in its activities to comply with the obligations pursuant to Article 21 of that Regulation.

4. The Agency shall assist the Commission and the Member States in the implementation of Directive 2003/87/EC in relation to the maritime sector. In particular, the Agency shall assist the Commission with the development of the appropriate IT implementation tools, monitoring tools, guidance and risk-based targeting tools to facilitate verification, enforcement and implementation activities related to that Directive as regards the maritime sector, while making use of existing relevant tools, services and databases.

5. The assistance referred to in paragraphs 1 to 4 shall also include monitoring and reporting on potential impacts on port traffic, port evasion and traffic shift to the neighbouring container transhipment ports to the detriment of Union ports.

6. Every three years, the Agency shall present to the Commission a report on the progress made in achieving the decarbonisation of maritime transport at the Union level. Where possible, the report shall include technical analysis on identified issues that could be addressed at Union level. The report shall be made publicly available on the Agency's website in a searchable format.

Article 7

Tasks relating to maritime security and cybersecurity

1. The Agency shall provide technical assistance to the Commission in the performance of the inspection tasks assigned to it pursuant to Article 9(4) of Regulation (EC) No 725/2004.

2. The Agency shall assist the Commission and the Member States, upon the request of the Commission or a Member State, together with any other relevant Union body, by providing technical guidance and by facilitating the exchange of best practices and information on cyber resilience and cybersecurity incidents between the Member States.

Article 8

Tasks relating to maritime surveillance and maritime crises

1. The Agency shall provide the Commission and the Member States, upon the request of the Commission or a Member State, with state-of-the-art maritime surveillance and communication services, including space-based and ground infrastructure and sensors mounted on any kind of platform, that improve maritime situational awareness, including with regard to geopolitical challenges.

2. In the field of traffic monitoring covered by Directive 2002/59/EC, the Agency shall in particular promote cooperation between riparian States in the shipping areas concerned, and develop, maintain and operate the long-range identification and tracking of ships (LRIT) European Data Centre as defined in Article 6b and SafeSeaNet as referred to in Article 22a, of that Directive as well as the LRIT International Data Exchange system in accordance with the commitment made within the IMO.

3. The Agency shall provide, upon request and without prejudice to Union law and national law, relevant vessel positioning and Earth observation data to the Commission, to the competent national authorities and relevant Union bodies, within their mandate, in order to facilitate measures against threats of piracy and of intentional unlawful acts as provided for in applicable Union law or under internationally agreed legal instruments in the area of maritime transport, subject to applicable data protection rules and in accordance with administrative procedures as established by Directive 2002/59/EC. The provision of LRIT information shall be subject to the consent of the flag State concerned.

4. The Agency shall operate a centre available 24 hours a day and 7 days a week providing, upon request and without prejudice to Union law and national law, to the Commission, to the competent national authorities without prejudice to their rights and responsibilities as flag, coastal and port States, and to relevant Union bodies, within their mandate, maritime situational awareness and analytical data, as appropriate, supporting them in:

(a) safety, security and pollution at sea;

(b) situations of emergency at sea;

(c) the implementation of Union legal acts requiring the monitoring of ship movements and hazards to navigation;

(d) measures against threats of piracy and of other intentional unlawful acts as provided for in applicable Union law or under internationally agreed legal instruments in the area of maritime transport;

(e) the implementation of the Union restrictive measures adopted under Article 29 TEU or Article 215 TFEU that fall under the remit of the competences of the Agency.

The provision of such information shall be subject to applicable data protection rules and in accordance with guidelines to be issued by the high-level steering group established in accordance with Directive 2002/59/EC, as appropriate. The provision of LRIT information shall be subject to the consent of the flag State concerned.

5. The Agency shall, within its field of competence, contribute to the timely response to, and mitigation of, crises by assisting, upon request, the Member States and the Commission with the execution of contingency plans and by facilitating the exchange of information and best practices between them.

6. The Agency shall assist the Commission in the operation of the maritime surveillance component of the Copernicus Security Service within the governance and financial framework of the Copernicus programme.

7. The Agency shall assist the Commission and the Member States in the development and maintenance of the voluntary Common Information Sharing Environment (CISE), an interoperability solution, with the aim of facilitating information exchange between different systems used by national civil and military authorities with responsibility in the maritime domain complementing the information already available through the mandatory information systems.

Article 9

Tasks relating to digitalisation and simplification

1. In the areas of Union law falling within the Agency's competence, the Agency shall, where appropriate, collect and provide objective, reliable and comparable statistics, information and data, to evaluate the effectiveness and cost-efficiency of existing measures. Such tasks shall include the facilitation and promotion of electronic certificates, the making use of existing databases, and the use of innovative IT and artificial intelligence tools.

2. The Agency shall assist the Commission in the implementation of Regulation (EU) 2019/1239 of the European Parliament and of the Council ([31]) with the following tasks:

(a) to develop and maintain the common IT components and services of the European Maritime Single Window environment ('EMSWe'), established by Article 1 of Regulation (EU) 2019/1239, under the responsibility of the Commission;

(b) to maintain the EMSWe Data Set, established by Regulation (EU) 2019/1239, the Message Implementation Guide and the templates of the digital spreadsheets;

(c) to provide non-binding technical guidance to the Member States for the implementation of the EMSWe;

(d) to facilitate better re-use and sharing of data exchanged in the EMSWe using SafeSeaNet.

([31]) Regulation (EU) 2019/1239 of the European Parliament and of the Council of 20 June 2019 establishing a European Maritime Single Window environment and repealing Directive 2010/65/EU (OJ L 198, 25.7.2019, p. 64, ELI: http://data.europa.eu/eli/reg/2019/1239/oj).

3. The Agency shall provide assistance, including training, to the Member States, upon their request and without prejudice to the existing technical solutions for their registries or their rights and obligations as flag States, in the digitalisation of their registries and their procedures facilitating the uptake of electronic certificates and the reduction of administrative burden.

4. When developing IT tools and other technical solutions, the Agency shall always take cybersecurity into account.

Article 10

Visits to Member States and inspections

1. In order to assist the Commission in fulfilling its duties under the TFEU, and in particular the assessment of the effective implementation of relevant Union law in the areas of maritime safety and the prevention of pollution, the Agency shall carry out visits to Member States, if the Commission delegates such a task to the Agency, in accordance with a methodology established by the Management Board. Such methodology shall involve an integrated approach which aims to verify more than one piece of legislation relevant to the function of flag, port or coastal State of the Member State concerned.

2. The Agency shall inform the Member State concerned, in accordance with the methodology referred to in paragraph 1, of the planned visit, the names of the authorised officials, and the date on which the visit starts and its expected duration. The Agency officials delegated to carry out such visits shall do so on presentation of a decision in writing from the Executive Director of the Agency ('the Executive Director') specifying the purpose and the aims of their mission.

3. The Agency may carry out inspections on behalf of the Commission as required by binding Union legal acts, including as regards recognised organisations, and as regards the training and certification of seafarers in third countries in accordance with Directive (EU) 2022/993, if the Commission delegates such a task to the Agency.

4. The Agency may also carry out site inspections of recycling facilities in third countries on behalf of the Commission in accordance with Regulation (EU) No 1257/2013, if the Commission delegates such a task to the Agency.

5. At the end of each visit or inspection referred to in this Article, the Agency shall draw up a report and send it to the Commission and to the Member State concerned. The report shall follow a template established by the Commission.

6. Where appropriate, and in any case when a cycle of visits or inspections referred to in this Article is concluded, the Agency shall analyse reports from that cycle with a view to identifying horizontal findings and general conclusions on the effectiveness and cost-efficiency of the measures in place. The Agency shall present that analysis to the Commission and the Member States for further discussion in order to draw any relevant lessons and facilitate the dissemination of good working practices.

Chapter III

Other tasks of the Agency regarding international relations and European coast guard cooperation

Article 11

International relations

1. Upon the request of the Commission or a Member State, the Agency shall provide the technical assistance necessary for the Member States and the Commission to contribute to the relevant work of the technical bodies of the IMO, the ILO, as far as shipping is concerned, the Paris MoU and relevant regional organisations with regard to matters of Union competence.

For the purpose of carrying out those tasks in an efficient and effective manner, the Executive Director may decide to locate staff in the Union delegation to the United Kingdom, subject to the appropriate agreements with the European External Action Service (EEAS), in order to support Member States and the Commission in activities related to their participation to the work of the IMO. Such a decision requires the prior consent of the Commission and of the Management Board. Such a decision shall specify the scope of the activities to be carried out by the located staff in a manner that avoids unnecessary costs and duplication of administrative functions of the Agency.

2. The Agency may, upon the request of the Commission, provide technical assistance, including the organisation of relevant training activities, as regards relevant Union legal acts, to States applying for accession to the Union, and, where applicable, to European Neighbourhood partner countries and to countries taking part in the Paris MoU.

3. The Agency may, upon the request of the Commission or the EEAS, or both, or the Member States, provide assistance for pollution caused by ships and for marine pollution caused by oil and gas installations affecting third countries sharing a regional sea basin with the Union. The Agency shall provide the assistance in accordance with the Union Civil Protection Mechanism , and with the conditions applicable to Member States as referred to in Article 5(1) applied by analogy to those third countries. Those tasks shall be coordinated with the existing regional cooperation arrangements related to marine pollution.

4. Without prejudice to Article 24, the Agency may provide, upon the request of the Commission, technical assistance to third countries for matters falling under the Commission's competence.

5. The Agency may enter into administrative arrangements and cooperation with other Union bodies working in the matters that fall within the scope of the Agency's competence, subject to the approval of the Commission. Such arrangements and cooperation shall be subject to the favourable opinion of the Management Board and subsequent periodical reporting to it.

6. The Management Board shall adopt, as part of the single programming document, a strategy for international relations of the Agency concerning matters that fall within the scope of the Agency's competence.

Article 12

European cooperation on coast guard functions

1. The Agency shall, in cooperation with the European Border and Coast Guard Agency (Frontex), and the European Fisheries Control Agency (EFCA), each within their respective mandates, support national authorities carrying out coast guard functions at national and Union level and, where appropriate, at international level by:

(a) sharing, fusing and analysing information available in ship reporting systems and other information systems hosted by or accessible to those agencies, in accordance with their respective legal bases and without prejudice to the ownership of data by Member States;

(b) providing with state-of-the art surveillance and communication services, including space-based and ground infrastructure and sensors mounted on any kind of platform;

(c) building capacity by drawing up guidelines and recommendations and by establishing best practices as well as by providing training and exchange of staff;

(d) enhancing the exchange of information and cooperation on coast guard functions, including by analysing operational challenges and emerging risks in the maritime domain;

(e) sharing capacity by planning and implementing multipurpose operations and by sharing assets and other capabilities, to the extent that those activities are coordinated by those agencies and are agreed to by the competent authorities of the Member States concerned.

2. Without prejudice to the powers of the Management Board set out in Article 15, the precise forms of cooperation on coast guard functions between the Agency, Frontex and the EFCA shall be determined in a working arrangement, in accordance with their respective mandates and the financial rules applicable to those agencies. Such an arrangement shall be approved by the Management Board, the management board of Frontex and the Administrative Board of the EFCA.

3. The Commission shall, in close cooperation with the Member States, the Agency, Frontex and the EFCA, make available a practical handbook on European cooperation on coast guard functions. That handbook shall contain guidelines, recommendations and best practices for the exchange of information. The Commission shall adopt the handbook in the form of a recommendation.

4. The tasks set out in this Article shall be without prejudice to the Agency's tasks referred to in Articles 4 to 11 or to the Member States' rights and obligations, in particular as flag States, port States or coastal States.

Article 13

Communication and dissemination

The Agency may engage in communication activities on its own initiative in the fields within its mandate in order to promote its work and disseminate relevant guidance. Communication activities shall support the rest of the tasks referred to in the Articles 3 to 12 and shall be carried out in accordance with relevant communication and dissemination plans adopted by the Management Board. The Management Board shall regularly update those plans, based on an analysis of needs.

Chapter IV

Organisation of the Agency

Article 14

Administrative and management structure

The Agency's administrative and management structure shall comprise:

(a) a Management Board, which shall exercise the functions set out in Article 16;

(b) an Executive Director, who shall exercise the duties set out in Article 22.

Article 15

Composition of the Management Board

1. The Management Board shall be composed of one representative of each Member State and four representatives of the Commission, all with voting rights.

The Management Board shall also include four professionals from the sectors most concerned by the objectives of the Agency, as provided for in in Article 2, appointed by the Commission, without the right to vote.

All Management Board members shall be appointed on the basis of the degree of their 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 marine safety investigation authorities referred to in Article 10 of Directive 2009/18/EC.

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.

3. The duration of the term of office of the members of the Management Board shall be 4 years. The term of office of the members of the Management Board may be renewed.

4. Each member and alternate of the Management Board shall sign a written statement at the time of taking office declaring that he or she is not in a situation of conflict of interest. Each member and alternate of the Management Board shall update his or her statement in the case of a change of circumstances with regard to any conflict of interest. The Agency shall publish those statements and updates on its website.

Article 16

Functions of the Management Board

1. In order to ensure that the Agency carries out its tasks, the Management Board shall:

(a) give general and strategic orientations for the Agency's activities;

(b) adopt each year, by a two-thirds majority of its members with voting rights, after having received the opinion of the Commission and in accordance with Article 17, the single programming document of the Agency;

(c) adopt, by a two-thirds majority of its members with voting rights, the annual budget and the staff establishment plan of the Agency, and exercise other functions in respect of the Agency's budget pursuant to Chapter VI;

(d) adopt, by a two-thirds majority of its members with voting rights, the consolidated annual activity report on the Agency's activities, submit it each year by 1 July to the European Parliament, the Council, the Commission, the Court of Auditors and the Member States and make it public;

(e) adopt the financial rules applicable to the Agency in accordance with Article 24;

(f) deliver an opinion, by a two-thirds majority of its members with voting rights, on the Agency's final accounts;

(g) establish the methodology for the visits to be carried out pursuant to Article 10;

(h) consider and approve administrative arrangements, in accordance with Article 11(5);

(i) adopt an anti-fraud strategy, proportionate to fraud risks, taking into account the costs and benefits of the measures to be implemented;

(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;

(k) adopt rules and procedures on transparency as regards lobbying activities and the involvement of third entities in the preparation of reports or other documents issued by the Agency, in particular those concerning such third entities, to be published on its website;

(l) adopt and regularly update the communication and dissemination plans referred to in Article 13, based on an analysis of needs;

(m) adopt its rules of procedure, by a two-thirds majority of its members with voting rights, and make them publicly available;

(n) in accordance with paragraph 2, exercise, with respect to the staff of the Agency, the powers conferred by the Staff Regulations of Officials of the European Union ('Staff Regulations') on the Appointing Authority and by the Conditions of Employment of Other Servants of the Union ('Conditions of Employment of Other Servants') on the Authority Empowered to Conclude a Contract of Employment, laid down in Council Regulation (EEC, Euratom, ECSC) No 259/68 ([32]);

(o) adopt implementing rules for giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110(2) of the Staff Regulations;

(p) appoint, provide guidance and monitor the performance of the Executive Director and where relevant extend his or her term of office or remove him or her from office, by a two-thirds majority of its members with voting rights, in accordance with Article 21;

(q) establish procedures for decision-making by the Executive Director;

(r) if appropriate, appoint an Accounting Officer, subject to the Staff Regulations and the Conditions of Employment of Other Servants, who shall be totally independent in the performance of his or her duties;

(s) ensure adequate follow-up to findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of the European Anti-Fraud Office (OLAF) and the European Public Prosecutor's Office (EPPO);

(t) take all decisions on the establishment of the Agency's internal structures by a two-thirds majority of its members with voting rights, including the set-up of advisory or working groups without decision-making powers and, where necessary, their modification, having regard to sound budgetary management;

(u) authorise, by a two-thirds majority of its members with voting rights, the arrangements for the participation of third countries in the work of the Agency, in accordance with Article 23;

([32]) OJ L 56, 4.3.1968, p. 1, ELI: http://data.europa.eu/eli/reg/1968/259(1)/oj.

(v) adopt an efficiency gains and synergies strategy;

(w) adopt the internal security rules of the Agency referred to in Article 36;

(x) appoint the data protection officer of the Agency.

For the purposes of the first subparagraph, point (g), in the event that the Commission expresses, within 15 days of the date of adoption of that methodology, its disagreement, the Management Board shall re-examine and establish it, possibly amended, at second reading either with a two-thirds majority of its members with voting rights, including the Commission representatives, or by unanimity of the representatives of the Member States.

2. The Management Board shall adopt, in accordance with Article 110(2), of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and on Article 6 of the Conditions of Employment of Other Servants, delegating relevant appointing authority powers to the Executive Director and defining the conditions under which this delegation of powers can be suspended. The Executive Director shall be authorised to sub-delegate those powers.

Where exceptional circumstances so require, the Management Board may, by way of a decision, temporarily suspend the delegation of appointing authority powers to the Executive Director and those sub-delegated by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Executive Director.

Article 17

Annual and multi-annual programming

1. By 30 November each year the Management Board shall adopt a single programming document containing annual and multi-annual programming, based on a draft presented by the Executive Director, taking into account the opinion of the Commission. The Management Board shall submit it to the European Parliament, the Council and the Commission.

In the event that the Commission expresses, within 15 days from the date of adoption of the single programming document, its disagreement with the document, the Management Board shall re-examine the single programming document and adopt it, possibly amended, within a period of 2 months of the Commission's expression of disagreement, at second reading either with a two-thirds majority of its members with voting rights, including the Commission representatives, or by unanimity of the representatives of the Member States.

2. The single programming document shall become definitive after final adoption of the general budget of the Union and, if necessary, shall be adjusted accordingly.

3. The annual work programme shall comprise detailed objectives and expected results including performance indicators. It shall also contain a description of the actions to be financed and an indication of the financial and human resources allocated to each action, in accordance with the principles of activity-based budgeting and management. The annual work programme shall be consistent with the multi-annual work programme. It shall clearly indicate tasks that have been added, changed or deleted in comparison with the previous financial year. Annual or multi- annual programming, or both, shall include the strategy for relations with third countries or international organisations referred to in Article 11 and the actions linked to this strategy.

4. The Management Board shall amend the adopted annual work programme when a new task is given to the Agency. The inclusion of such a new task shall be subject to an analysis of the human and budgetary resources implications and may be subject to a decision by the Management Board to postpone other tasks.

5. Notwithstanding the right of the Management Board to prioritise certain tasks and activities in the annual and multi-annual planning, the Management Board shall examine and approve, in the framework of the preparation of the single programming document, Commission's or Member States' requests for technical assistance, as referred to in Article 3(1), point (c), Article 3(2), point (b), Article 4(2), (9) and (10), Article 5(6), (8) and (10), Article 7(2), Article 8(6) and (7), Article 9(3), Article 10(4) and Article 11(2) and (4). The approval of such requests:

(a) shall be without prejudice to the other tasks of the Agency;

(b) shall avoid duplication of efforts;

(c) shall be subject to an analysis of the human and budgetary resources implications; and

(d) may be subject to a decision by the Management Board to postpone other tasks.

6. Any substantial amendment to the annual work programme shall be adopted by the same procedure as the initial annual work programme. The Management Board may delegate the power to make non-substantial amendments to the annual work programme to the Executive Director.

7. The multi-annual work programme shall set out overall strategic programming including objectives, expected results and performance indicators. It shall also set out resource programming including multi-annual budget and staff.

8. The strategic programming referred to in paragraph 7 shall be updated where appropriate, and in particular to address the outcome of the evaluation referred to in Article 38. The resource programming referred to in paragraph 7 shall be updated annually.

Article 18

Chairperson of the Management Board

1. The Management Board shall elect a Chairperson and a Deputy Chairperson from among its members with voting rights. The Chairperson and the Deputy Chairperson shall be elected by a two-thirds majority of the members of the Management Board with voting rights.

2. The Deputy Chairperson shall automatically take the place of the Chairperson if the Chairperson is prevented from attending to his or her duties.

3. The term of office of the Chairperson and of the Deputy Chairperson shall be four years, renewable once. If, however, the Chairperson's or the Deputy Chairperson's membership of the Management Board ends at any time during his or her term of office, his or her term of office shall automatically expire on that date.

Article 19

Meetings of the Management Board

1. Meetings of the Management Board shall be conducted in accordance with its rules of procedure and convened by its Chairperson.

2. The Executive Director shall take part in the deliberations except where his or her participation may lead to a conflict of interest, as decided by the Chairperson, or where the Management Board is to take a decision in accordance with Article 32.

3. The Management Board shall hold an ordinary meeting twice a year. In addition, it shall meet on the initiative of the Chairperson or at the request of the Commission or of one-third of the Member States.

4. When a matter of confidentiality or a conflict of interest arises, the Management Board may decide to examine specific items on its agenda without the members concerned being present. This shall not affect the right of the Member States and of the Commission to be represented by an alternate or by any other person. Detailed rules for the application of this provision shall be laid down in the Management Board's rules of procedure.

5. The Management Board may invite any person whose opinion can be of interest to attend specific agenda items of its meetings as an observer.

6. The members of the Management Board may, in accordance with its rules of procedure, be assisted by advisers or experts.

7. The secretariat for the Management Board shall be provided by the Agency.

Article 20

Voting rules of the Management Board

1. The Management Board shall take its decisions by absolute majority of its members with voting rights, unless provided otherwise in this Regulation.

2. In the event that the Commission raises serious concerns on a decision proposal presented to the Management Board on matters related to Delegated Regulation (EU) 2019/715, the Staff Regulations and the Conditions of Employment of Other Servants, the Management Board shall postpone the adoption of the decision concerned. Within 15 days of the Commission's raising of serious concerns on a decision proposal presented to the Management Board, the Management Board shall re-examine and adopt that decision, possibly amended, at second reading either by a two-thirds majority of its members with voting rights, including the Commission representatives, or by a four-fifths majority of the representatives of the Member States.

3. Each member of the Management Board shall have one vote. The Executive Director shall not vote.

4. In the absence of a member of the Management Board, his or her alternate shall be entitled to exercise the member's right to vote.

5. The rules of procedure shall establish more detailed voting arrangements, including the conditions for a member of the Management Board to act on behalf of another member.

Chapter V

Executive Director

Article 21

Appointment, extension of the term of office and removal from office

1. The Executive Director shall be appointed by the Management Board on grounds of merit and of documented competence and experience relevant for the maritime sector, from a list of candidates proposed by the Commission following an open and transparent selection procedure which shall respect the principle of gender balance and geographical balance.

2. Before appointment, the candidate selected by the Management Board shall be invited to make a statement to the competent committee of the European Parliament and to answer questions posed by its members.

3. For the purpose of concluding the contract of the Executive Director, the Agency shall be represented by the Chairperson of the Management Board.

4. The term of office of the Executive Director shall be five years. In due time before the end of that period, the Commission shall undertake an assessment that takes into account an evaluation of the Executive Director's performance and the Agency's future tasks and challenges and submit it to the Management Board for information together with the proposal for term of office renewal.

5. The Management Board, acting on a proposal from the Commission, taking into account the assessment referred to in paragraph 4, may extend once the term of office of the Executive Director, for not more than five years. The Management Board shall inform the European Parliament and the Council about its intention to extend the Executive Director's term of office. Before the Management Board takes a decision to extend the term of office of the Executive Director, the Executive Director may be invited to make a statement to the competent committee of the European Parliament and to answer questions posed by its members.

6. An Executive Director whose term of office has been extended may not participate in another selection procedure for the same post.

7. The Executive Director may be removed from office only upon a decision of the Management Board acting on a proposal which can be submitted by either the Commission or at least one third of the members of the Management Board with voting rights.

8. The Executive Director shall be engaged as a temporary agent of the Agency under Article 2(a) of the Conditions of Employment of Other Servants.

Article 22

Tasks and responsibilities of the Executive Director

1. The Executive Director shall manage the Agency in accordance with the decisions of the Management Board and shall be accountable to the Management Board.

2. Without prejudice to the powers of the Commission and the Management Board, the Executive Director shall be independent in the performance of the duties and shall neither seek nor take instructions from any government nor from any other body.

3. The Executive Director shall report to the European Parliament on the performance of his or her duties when invited to do so. The Council may invite the Executive Director to report on the performance of his or her duties.

4. The Executive Director shall be the legal representative of the Agency.

5. The Executive Director shall be responsible for the implementation of the tasks assigned to the Agency by this Regulation. In particular, the Executive Director shall:

(a) ensure the sustainable and efficient day-to-day administration of the Agency;

(b) organise, direct and supervise the operations and the staff of the Agency within the limits of the decisions of the Management Board;

(c) prepare and implement the decisions adopted by the Management Board;

(d) prepare draft financial rules applicable to the Agency for adoption by the Management Board;

(e) draw up a draft statement of estimates of the Agency's revenue and expenditure, in accordance with Article 26, and implement the budget of the Agency in accordance with Article 27;

(f) prepare the draft single programming document and submit it for adoption to the Management Board after consulting the Commission at least four weeks before the relevant Management Board meeting;

(g) implement the single programming document, assessing progress compared to the relevant indicators and report to the Management Board on its implementation;

(h) prepare the Agency's consolidated annual activity report and present it to the Management Board for assessment and adoption;

(i) respond to any requests for technical assistance in accordance with Article 17(5);

(j) decide to carry out the visits and inspections provided for in Article 10, after consultation of the Commission and following the methodology for visits established by the Management Board in accordance with Article 16(1), point(g);

(k) decide to enter into administrative arrangements with other Union bodies working in the Agency's fields of activities provided that the draft arrangement has been submitted for consultation to the Commission first and the Management Board in accordance with Article 11(5) and provided that the Management Board has not objected within 4 weeks of its submission;

(l) take all necessary steps, including the adoption of internal administrative instructions and the publication of notices, to ensure the functioning of the Agency in accordance with this Regulation;

(m) organise an effective monitoring system in order to be able to compare the Agency's achievements with its objectives and tasks as laid down in this Regulation;

(n) establish and ensure the functioning of an effective and efficient internal control system and report any significant change to it to the Management Board;

(o) ensure the carrying out of risk assessments and risk management for the Agency;

(p) prepare a follow-up action plan in relation to the conclusions of internal or external audit reports and evaluations, as well as investigations by OLAF and EPPO, as referred to in Article 35, and report on progress twice a year to the Commission and regularly to the Management Board;

(q) protect the financial interests of the Union by applying preventive measures against fraud, corruption and any other illegal activities, without prejudicing the investigative competence of OLAF and EPPO, by effective checks and, if irregularities are detected, by recovering amounts wrongly paid and, where appropriate, by imposing effective, proportionate and dissuasive administrative, including financial, penalties;

(r) prepare an anti-fraud strategy, an efficiency gains and synergies strategy, a strategy for cooperation with third countries or international organisations, or both, and a strategy for the organisational management and internal control systems, for the Agency and present it to the Management Board for approval;

(s) promote diversity and ensure gender balance as regards the recruitment of the Agency's staff;

(t) recruit staff on the broadest possible geographical basis;

(u) design and implement a communication policy for the Agency;

(v) perform any other tasks entrusted or delegated to him or her by the Management Board or as may be required by this Regulation.

For the purposes of the first subparagraph, point (m), the Executive Director shall establish, in agreement with the Commission and the Management Board, tailored performance indicators allowing for an effective assessment of the results achieved. The Executive Director shall ensure that the Agency's organisational structure be regularly adapted to the evolving needs within the available financial and human resources. In that regard, the Executive Director shall establish regular evaluation procedures that meet recognised professional standards.

Article 23

Participation of third countries

1. The Agency shall be open to the participation of third countries which have entered into agreements with the Union, by which they have adopted and are applying Union law in the field of maritime safety, maritime security, prevention of pollution and response to pollution caused by ships.

2. Under the relevant provisions of those agreements, arrangements specifying the nature and the extent of the detailed rules for the participation by those third countries in the work of the Agency, including provisions on financial contributions and staff, shall be concluded by the Agency following the opinion of the Commission and the approval of the Management Board.

Chapter VI

Financial provisions

Article 24

Financial rules

The financial rules applicable to the Agency shall be adopted by the Management Board after consulting the Commission. The financial rules shall not depart from Delegated Regulation (EU) 2019/715 unless such a departure is specifically required for the Agency's operation and the Commission has given its prior consent.

Article 25

Budget

1. Estimates of all revenue and expenditure for the Agency shall be prepared each financial year, corresponding to the calendar year, and shall be shown in the Agency's budget.

2. The Agency's budget shall be balanced in terms of revenue and of expenditure.

3. Without prejudice to other resources, the Agency's revenue shall comprise:

(a) a contribution from the Union entered in the general budget of the Union and grants from Union bodies;

(b) possible contributions from any third country which participates in the work of the Agency in accordance with Article 23;

(c) any charges for infrastructure, publications, training or any other services falling under the scope of this Regulation provided by the Agency;

(d) any voluntary financial contribution from Member States, third countries or other entities, provided that such contribution is transparent, is clearly identified in the budget and does not compromise the independence and impartiality of the Agency.

4. The expenditure of the Agency shall include staff remuneration, administrative and infrastructure expenses and operating costs.

Article 26

Establishment of the budget

1. Each year, the Executive Director shall draw up a draft statement of estimates of the Agency's revenue and expenditure for the following financial year, including the establishment plan, and send it to the Management Board.

2. The Management Board shall, on the basis of the draft referred to in paragraph 1, adopt a provisional draft estimate of the Agency's revenue and expenditure for the following financial year.

3. The provisional draft estimate of the Agency's revenue and expenditure shall be sent to the Commission by 31 January each year. The Management Board shall send the final draft estimate to the Commission by 31 March of that year.

4. The Commission shall send the statement of estimates to the European Parliament and the Council ('the budgetary authority') together with the draft general budget of the Union.

5. On the basis of the statement of estimates, the Commission shall enter in the draft general budget of the Union the estimates it considers necessary for the establishment plan and the amount of the subsidy to be charged to the general budget of the Union, which it shall place before the budgetary authority in accordance with Articles 313 and 314 TFEU.

6. The budgetary authority shall authorise the appropriations for the contribution to the Agency.

7. The budgetary authority shall adopt the Agency's establishment plan.

8. The Agency's budget shall be adopted by the Management Board. It shall become final following final adoption of the general budget of the Union. Where necessary, it shall be adjusted accordingly.

9. For any building project likely to have significant implications for the Agency's budget, Delegated Regulation (EU) 2019/715 shall apply.

Article 27

Implementation of the budget

1. The Executive Director shall implement the Agency's budget.

2. Each year the Executive Director shall send to the budgetary authority all information relevant to the findings of evaluation procedures.

Article 28

Presentation of accounts and discharge

1. By 1 March of the following financial year, the Agency's accounting officer shall send the provisional accounts to the Commission's accounting officer and to the European Court of Auditors.

2. By 31 March of the following financial year, the Agency shall send the report on the budgetary and financial management to the European Parliament, the Council and the European Court of Auditors.

3. By 31 March of the following financial year, the Commission's accounting officer shall send the Agency's provisional accounts, consolidated with the Commission's accounts, to the European Court of Auditors.

4. On receipt of the European Court of Auditors' observations on the Agency's provisional accounts pursuant to Article 252 of the Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council ([33]), the Executive Director shall draw up the Agency's final accounts under his or her own responsibility and submit them to the Management Board for an opinion.

5. The Management Board shall deliver an opinion on the Agency's final accounts.

6. The Agency's accounting officer shall, by 1 July of the following financial year, send the final accounts to the European Parliament, the Council, the Commission and the European Court of Auditors, together with the Management Board's opinion.

7. The final accounts shall be published in the *Official Journal of the European Union* by 15 November of the following financial year.

8. The Executive Director shall send the European Court of Auditors a reply to its observations by 30 September. The Executive Director shall also send that reply to the Management Board.

9. The Executive Director shall submit to the European Parliament, at the latter's request, any information required for the smooth application of the discharge procedure for the financial year in question, in accordance with Article 267(3) of Regulation (EU, Euratom) 2024/2509.

10. On a recommendation from the Council acting by a qualified majority, the European Parliament shall, before 15 May of year N + 2, give a discharge to the Executive Director in respect of the implementation of the budget for year N.

Chapter VII

Staff

Article 29

General provision

The Staff Regulations and the Conditions of Employment of Other Servants and the rules adopted by agreement between the institutions of the Union for giving effect to those Staff Regulations and the Conditions of Employment of Other Servants shall apply to the staff of the Agency.

Article 30

Seconded national experts and other staff

1. The Agency may make use of seconded national experts or other staff not employed by the Agency.

2. The Management Board shall adopt a decision laying down rules on the secondment of national experts to the Agency.

Chapter VIII

General and final provisions

Article 31

Legal status and seat

1. The Agency shall be a body of the Union and shall have legal personality.

2. In each of the Member States, the Agency shall enjoy the most extensive legal capacity accorded to legal persons under their laws. It may, in particular, acquire and dispose of movable and immovable property and be a party to legal proceedings.

3. The Agency shall be represented by its Executive Director.

([33]) Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (OJ L, 2024/2509, 26.9.2024, ELI: http://data.europa.eu/eli/reg/2024/2509/oj).

4. The seat of the Agency shall be in Lisbon, the Republic of Portugal.

5. At the request of the Commission, the Management Board may decide, with the agreement of and in cooperation with the Member States concerned and with due regard to budgetary implications, including any contribution the Member States concerned may provide, to establish regional centres necessary in order to carry out, in the most efficient and effective way, some of the Agency's tasks. When taking such a decision, the Management Board shall define the precise scope of activities of the regional centre while avoiding unnecessary financial costs and enhancing cooperation with existing regional and national networks.

Article 32

Privileges and immunities

The Protocol on the Privileges and Immunities of the European Union shall apply to the Agency and its staff.

Article 33

Language arrangements

1. The provisions laid down in Council Regulation No 1 ([34]) shall apply to the Agency.

2. The translation and all other linguistic services required by the Agency, other than interpretation, shall be provided by the Translation Centre for the Bodies of the European Union.

Article 34

Transparency

1. Regulation (EC) No 1049/2001 of the European Parliament and of the Council ([35]) shall apply to documents held by the Agency.

2. The Management Board shall, within six months of the date of its first meeting, adopt the detailed rules for applying Regulation (EC) No 1049/2001.

3. Decisions taken by the Agency pursuant to Article 8 of Regulation (EC) No 1049/2001 may form the subject of a complaint to the European Ombudsman or of an action before the Court of Justice of the European Union (CJEU), under the conditions laid down in Articles 228 and 263 TFEU respectively.

4. The processing of personal data by the Agency shall be subject to Regulation (EU) 2018/1725 of the European Parliament and of the Council ([36]).

Article 35

Combating fraud

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 staff of the Agency.

2. The European Court of Auditors shall have the power of audit, on the basis of documents and on the spot, over all grant beneficiaries, contractors and subcontractors who have received Union funds from the Agency.

3. OLAF may carry out investigations, including on-the-spot checks and inspections, with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the Union in connection with a grant or a contract funded by the Agency, in accordance with the provisions and procedures laid down in Regulation (EU, Euratom) No 883/2013.

([34]) Council Regulation No 1 determining the languages to be used by the European Economic Community (OJ 17, 6.10.1958, p. 385, ELI: http://data.europa.eu/eli/reg/1958/1(1)/oj).

([35]) Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43, ELI: http://data.europa.eu/eli/reg/2001/1049/oj).

([36]) Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: http://data.europa.eu/eli/reg/2018/1725/oj).

4. Without prejudice to paragraphs 1, 2 and 3, cooperation agreements with third countries and international organisations, contracts, grant agreements and grant decisions of the Agency shall contain provisions expressly empowering the European Court of Auditors OLAF and EPPO to conduct such audits and investigations, according to their respective competences.

Article 36

Security rules on the protection of classified and sensitive non-classified information

The Agency shall adopt its own security rules equivalent to the Commission's security rules for protecting European Union Classified Information and sensitive non-classified information, as set out in the Commission Decisions (EU, Euratom) 2015/443 ([37]) and 2015/444 ([38]). The security rules of the Agency shall include provisions for the exchange, processing and storage of such information.

Article 37

Liability

1. The Agency's contractual liability shall be governed by the law applicable to the contract concerned.

2. The CJEU shall have jurisdiction to give judgment pursuant to any arbitration clause contained in a contract concluded by the Agency.

3. In the case of non-contractual liability, the Agency shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by the Agency or by its staff in the performance of their duties.

4. The CJEU shall have jurisdiction in disputes over compensation for damages referred to in paragraph 3.

5. The personal liability of the Agency's staff towards the Agency shall be governed by the provisions laid down in the Staff Regulations or Conditions of Employment of Other Servants applicable to them.

Article 38

Evaluation and review

1. By …[5 years from the date of entry into force of this Regulation], and every five years thereafter, the Commission shall conduct an evaluation to assess in particular the impact, effectiveness and efficiency of the Agency and its working practices, taking into account the opinion of the Management Board. That evaluation shall, in particular, address the possible need to amend the mandate of the Agency, in particular in order to take account of the development of Union law in the maritime transport field, and the financial implications of any such amendment, as well as the need to establish a scheme for fees and charges and to identify the services that the Agency may offer under such a scheme.

2. The Commission shall submit the evaluation report together with its conclusions on that report, to the European Parliament, the Council and the Management Board. The findings of the evaluation shall be made public.

3. On the occasion of every second evaluation, the Commission shall also assess the results achieved by the Agency, having regard to the Agency's objectives, mandate and tasks. If the Commission considers that the continuation of the Agency is no longer justified with regard to its assigned objectives, mandate and tasks, it may propose that this Regulation be amended accordingly or repealed.

Article 39

Administrative inquiries of the European Ombudsman

The activities of the Agency shall be subject to the inquiries of the European Ombudsman in accordance with Article 228 TFEU.

([37]) Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41, ELI: http://data.europa.eu/eli/dec/2015/443/oj).

([38]) Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53, ELI: http://data.europa.eu/eli/dec/2015/444/oj).

Article 40

Transitional provisions

1. By way of derogation from Article 15 of this Regulation, the members of the Administrative Board appointed under Regulation (EC) No 1406/2002 before … [date of entry into force of this Regulation] shall remain in office as members of the Management Board until the expiry date of their term of office, without prejudice to the right of each Member State to appoint a new representative.

2. The Executive Director appointed on the basis of Article 16 of Regulation (EC) No 1406/2002 shall remain assigned to the post of the Executive Director with the tasks and responsibilities provided for in Article 22 of this Regulation.

3. The entry into force of this Regulation shall be without prejudice to all employment contracts in force on … [date of entry into force of this Regulation].

Article 41

Repeal

Regulation (EC) No 1406/2002 is repealed.

Article 42

Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at …, …

For the European Parliament	*For the Council*
The President	*The President*