RESOLUTION (EU) 2021/1594 OF THE EUROPEAN PARLIAMENT

of 29 April 2021

with observations forming an integral part of the decision on discharge in respect of the implementation of the budget of the European Maritime Safety Agency for the financial year 2019

THE EUROPEAN PARLIAMENT,

— having regard to its decision on discharge in respect of the implementation of the budget of the European Maritime Safety Agency for the financial year 2019,

— having regard to Rule 100 of and Annex V to its Rules of Procedure,

— having regard to the opinion of the Committee on Transport and Tourism,

— having regard to the report of the Committee on Budgetary Control (A9-0099/2021),

A. whereas, according to its statement of revenue and expenditure [1], the final budget of the European Maritime Safety Agency (the 'Agency') for the financial year 2019 was EUR 96 792 026,82 representing a decrease of 9,35 % compared to 2018; whereas the Agency's budget derives entirely from the Union budget;

B. whereas the Court of Auditors (the 'Court'), in its report on the annual accounts of the Agency for the financial year 2019 (the 'Court's report'), states that it has obtained reasonable assurance that the Agency's annual accounts are reliable and that the underlying transactions are legal and regular;

Budget and financial management

1. Notes with satisfaction that the budget monitoring efforts during the financial year 2019 resulted in a budget implementation rate of 99,22 %, representing a slight increase of 0,20 % compared to 2018 and a payment appropriations execution rate of 96,44 %, representing an increase of 3,60 %;

2. Notes the adoption of the financial rules of the Agency; welcomes the new provisions regarding conflicts of interest, which require declarations of commitment and confidentiality to be published annually;

3. Notes the observation in the Court's report on timely payments and the fact that in 2019, in 18 % of the cases, the Agency paid interest on late payments; notes with concern that the Court observed similar or higher levels of delays in 2018, 2017 and 2016; notes that most late payments concerned the reimbursement of travel costs for participants to workshops, despite efforts to reduce the backlog of these reimbursements; notes the reply of the Agency to the Court's finding; reiterates the need to address the late payment situation and to mitigate the financial and reputational risk described by the Court; calls on the Agency to inform the discharge authority by June 2021 about the results of the measures taken as regards late payments; highlights, however, the Agency's efforts to provide continuous technical assistance to national maritime organisations and other stakeholders through such workshops; invites the Agency to develop new remote and online learning modules to adapt to the sanitary situation and to reduce costs;

Performance

4. Notes that the Agency adopted its EMSA 5-year strategy 2020-2024 in the 56th administrative board meeting in November; welcomes the fact that the strategy addresses the challenges and opportunities that the maritime sector faces, such as zero pollution, sustainability, digitalisation, data exchange, safety and security, compliance and effective enforcement, and that it will contribute to the headline ambitions of the von der Leyen Commission;

5. Notes that the Agency uses key performance indicators (KPIs) to measure the implementation of its annual work programme; notes that the periodical evaluation of the Agency is the main instrument to assess the added value provided by its activities;

[1] OJ C 107, 31.3.2020, p. 229.

6. Welcomes the administrative arrangement regarding the establishment of unmanned/remotely piloted aircraft services with the European Union Aviation Safety Agency;

7. Welcomes the fact that, since 2017, the tripartite working arrangement between the Agency, the European Fisheries Control Agency (EFCA) and the European Border and Coast Guard Agency (Frontex) has functioned well; considers the arrangement an example of synergy between EU agencies that should inspire agencies in other areas;

8. Notes that the Agency closely cooperates with other Union agencies such as with the European Fisheries Control Agency, the European Border and Cost Guard Agency and the European Monitoring Centre for Drugs and Drug Addiction; strongly encourages the Agency to actively seek further deeper and broader cooperation with all Union agencies, notably EFCA (European Fisheries Control Agency) and Frontex through joint maritime surveillance services, as well as through information and capacity sharing;

9. Encourages the Agency to pursue the digitalisation of its services, as a way to reduce bureaucracy;

10. Calls upon the Agency to aim its focus on disseminating the results of its research to the general public;

11. Welcomes that, in the second full year of Remotely Piloted Aircrafts Services (RPAS) operations offered by EMSA, the Agency increased its RPAS services to 642 operational days (1 488 flight hours), within the scope of coast guard functions and supporting the Member States in maritime surveillance operations;

12. Welcomes the development by the Agency of new tools to monitor maritime traffic and the fact that Traffic Density Maps, displaying vessel movement patterns contributing to a better understanding of maritime traffic, including risk assessments and traffic planning, were made available to authorised users from September 2019;

13. Stresses that the Agency's expertise and operational capabilities offer the opportunity for it to expand its action and service provision on a more global scale, which may increase the reach of the Union's regulatory frameworks and safety and environmental standards;

Staff policy

14. Notes that, on 31 December 2019, the establishment plan was 96,23 % implemented, with 204 officials and temporary agents appointed out of 212 officials and temporary agents authorised under the Union budget (compared to 212 authorised posts in 2018); notes that in addition to 30 contract agents financed from the EMSA budget, 3 contract agents from the Copernicus budget and 14 seconded national experts worked for the Agency in 2019;

15. Notes with concern that, in 2019, the agency's administrative board was composed only of 21 % of women (43 men and 14 women) while gender balance has been achieved within the senior management (8 men and 5 women); calls on the Agency to ensure gender balance at the staff and senior management levels in the future; further calls on the Commission and the Member States to take into account the importance of ensuring gender balance when nominating their members to the Agency's administrative board;

16. Notes that the results of the fifth benchmarking exercise regarding the Agency staff are similar to those of 2018, with 19,5 % (20,20 % in 2018) of the jobs dedicated to administrative support and coordination, 71,6 % (71,65 %) to operational tasks and 8,9 % (8,15 %) to finance and control tasks;

17. Notes the finding in the Court's report concerning the framework contract with a temporary-work agency to provide temporary workers and in particular that the remuneration of interim workers in the Agency was lower than the lowest possible remuneration that would have been due to a contract agent directly employed by the Agency for performing the same task; notes the pending case before the Court of Justice; notes the reply of the Agency stating that the contract with the temporary-work agency was terminated and a new framework contract was signed in May 2020; calls on the Agency to keep the discharge authority informed about the outcome of the case pending before the Court of Justice and possible resulting financial consequences;

Procurement

18. Notes that in 2019, 80 procurement procedures were initiated, of which 65 were launched (36,93 % open procedures, 10,77 % special negotiated procedures and 52,30 % negotiated procedures);

Prevention and management of conflicts of interest and transparency

19. Notes the observation in the Court's report concerning management of conflicts of interest in recruitment procedures in the Agency and the fact that selection board members did not always declare personal interests, potentially calling into question their independence with regard to all candidates; calls on the Agency to review its guidelines on conflicts of interest, monitor adherence to these guidelines and report to the discharge authority on measures taken to prevent these situations from happening by June 2021;

20. Welcomes the fact that the Agency employs, and publishes, declarations of conflicts of interest and CVs for its management board members and senior management and that the Agency has issued guidelines on conflict of interest and has implemented whistleblowing arrangements, which are an important tool for detecting fraud, corruption and serious irregularities;

21. Notes with concern the finding of the Court that weaknesses exist in recruitment procedures concerning the application of the principle of equal treatment and/or transparency and lack of audit trail in the Agency;

Internal Controls

22. Notes the assessment carried out by the Agency that concludes that all internal control principles and components are adequately implemented and effective with some minor improvements needed;

23. Underlines that, with additional resources, the Agency could play an even more important role in supporting Member States in mitigating shipping-related environmental risks and in improving the overall sustainability of the maritime sector; recalls, in this context, that, in 2019, the first overview of CO_2 emissions, representing almost 11 000 ships, was made public, thanks to the THETIS-MRV system, managed by the Agency;

24. Welcomes the fact that in 2019 the Internal Audit Service of the Commission and the Court did not issue any critical recommendations or observations that could have led to a reservation in the annual declaration of assurance;

25. Welcomes the conclusions of the IAS audit that the EMSA management and control systems that it has put in place for Visits and Inspections are adequately designed, efficient and effectively implemented and support the Agency in achieving its strategic objectives;

Other comments

26. Notes that the Agency in 2019 initiated the implementation of the European Union Eco-Management and Audit Scheme (EMAS) which should lead to EMAS registration, supporting the Agency's commitment to creating and sustaining an environmentally-friendly working place and to improving its environmental performance in general; calls on the Agency to inform the Discharge authority of the progress made in that implementation by June 2021;

27. Stresses that the Agency's expertise and operational capabilities offer the opportunity for it to expand its action and service provision on a more global scale, which may increase the reach of the Union's regulatory frameworks and safety and environmental standards;

28. Welcomes the commitment made by the Agency to procure energy from 100 % renewable sources by 2021;

29. Invites the Agency to increase the availability of its website in languages other than English; considers that greater linguistic diversity will facilitate access to information for European citizens and thus enhance their understanding and knowledge of the Union's action in terms of maritime safety;

30. Points out that a complex approach is needed in order to make the European institutions' home pages accessible to persons with all kind of disabilities as foreseen in Directive (EU) 2016/2102, including the availability of national sign languages; suggests that organisations representing disabled persons be involved in this process;

31. Refers, for other observations of a cross-cutting nature accompanying its decision on discharge, to its resolution of 29 April 2021 ([2]) on the performance, financial management and control of the agencies.

([2]) Texts adopted, P9_TA(2021)0215.