



Procedure file

| Basic information | | |
|---|--------------------------------|---------------------|
| DEC - Discharge procedure | 2004/2057(DEC) | Procedure completed |
| 2003 discharge: European Maritime Safety Agency | | |
| Subject 8.70.03.07 Previous discharges | | |

| Key players | | | |
|-------------------------------|---|---|------------|
| European Parliament | Committee responsible | Rapporteur | Appointed |
| | CONT Budgetary Control | | 26/07/2004 |
| | | PSE AYALA SENDER Inés | 22/09/2004 |
| | | | 22/09/2004 |
| | | PSE AYALA SENDER Inés | |
| | | Vers/ALE SCHLYTER Carl | |
| | Committee for opinion | Rapporteur for opinion | Appointed |
| | TRAN Transport and Tourism | The committee decided not to give an opinion. | |
| Council of the European Union | Council configuration | Meeting | Date |
| | Economic and Financial Affairs ECOFIN | 2646 | 08/03/2005 |

| Key events | | | |
|------------|--|---|---------|
| 01/03/2004 | Non-legislative basic document published | N6-0218/2004 | Summary |
| 10/01/2005 | Committee referral announced in Parliament | | |
| 16/03/2005 | Vote in committee | | |
| 16/03/2005 | Additional information | | Summary |
| 23/03/2005 | Committee report tabled for plenary | A6-0074/2005 | |
| 12/04/2005 | Results of vote in Parliament |  | |
| 12/04/2005 | Debate in Parliament |  | |
| 12/04/2005 | Decision by Parliament | T6-0112/2005 | Summary |
| 12/04/2005 | End of procedure in Parliament | | |
| 27/07/2005 | Final act published in Official Journal | | |

| Technical information | |
|----------------------------|---------------------------|
| Procedure reference | 2004/2057(DEC) |
| Procedure type | DEC - Discharge procedure |
| Legal basis | Rules of Procedure EP 100 |
| Stage reached in procedure | Procedure completed |

| Documentation gateway | | | | | |
|---|--|---|------------|------|---------|
| Non-legislative basic document | | N6-0218/2004 | 01/03/2004 | OS | Summary |
| Court of Auditors: opinion, report | | C324/2004 OJ C 324 30.12.2004, p. 0001 | 30/12/2004 | CofA | Summary |
| Supplementary non-legislative basic document | | 06855/2005 | 08/03/2005 | CSL | Summary |
| Committee report tabled for plenary, single reading | | A6-0074/2005 | 23/03/2005 | EP | |
| Text adopted by Parliament, single reading | | T6-0112/2005 OJ C 033 09.02.2006, p. 0029-0292 E | 12/04/2005 | EP | Summary |
| Commission response to text adopted in plenary | | SP(2005)2124 | 19/05/2005 | EC | |

| Final act |
|--|
| Budget 2005/550 OJ L 196 27.07.2005, p. 0138-0138 Summary |

2003 discharge: European Maritime Safety Agency

PURPOSE : presentation of the financial statements and the balance sheets for the European Maritime

Safety Agency for the financial year 2003.

CONTENT : this report presented by the European Maritime Safety Agency presents the financial statements and balance sheets of its activities in 2003.

The European Maritime Safety Agency was established by Regulation 1406/2002/EC of 27 June 2002 therefore the year 2003 was the first in which the Agency actually began to carry out its operational activities.

The final budget of the Agency amounts to EUR 4.5 million in 2003 with a 100% Community contribution.

As regards the staffing policy, the Agency, whose temporary headquarters is in Brussels but planned relocation to Lisbon, Portugal, has not provided data concerning this issue.

The main objective of the European Maritime Safety Agency is to ensure a high, uniform and effective level of maritime safety and prevention of pollution by ships. It should provide the Member States and the Commission with technical and scientific assistance and it should monitor the implementation of the relevant Community legislation and evaluate the effectiveness of the measures in place. To date, the Agency has delivered 2 opinions and 4 inspections.

2003 discharge: European Maritime Safety Agency

Having examined the revenue and expenditure account for the financial year 2003 and the balance sheet of revenue and expenditure at 31 December 2003 of the European Maritime Safety Agency and the Court of Auditors' report on the annual accounts of the Agency, the Council recommends that the European Parliament give a discharge to the Executive Director of the Agency in respect of the implementation of the budget for the financial year 2003.

To recall, EUR 0.5 million in appropriations have been carried forward from the financial year 2003 to the financial year 2004 and EUR 1.2 million have been cancelled.

Observations in the Court of Auditors' report in relation to the financial year 2003 call for certain comments by the Council, which are annexed to this Recommendation.

The Council welcomes the fact that the Court of Auditors has been able to obtain reasonable assurance that the Agency's annual accounts for the financial year ended 31 December 2003 are reliable and that the underlying transactions, taken as a whole, are legal and regular. However, some observations need to be made.

The Council invites the Agency to follow the Court's remarks regarding the duties of the authorizing officer and the accounting officer, in order to ensure that the Agency's financial regulation is respected. The Agency should also improve the checks on salary payments made to its employees and strengthen its computer system to deal with the increase of the Agency's activities.

2003 discharge: European Maritime Safety Agency

EP: decision of committee responsible, 1st reading/single reading

The committee adopted the report by Inés AYALA SENDER (PES, ES) and Carl SCHLYTER (Greens/EFA, SE) giving discharge to the Director of the European Maritime Safety Authority for the 2003 financial year.

In its accompanying comments, the committee made a number of general points addressed to the Commission, the Agencies and the Court of Auditors (ECA):

- before the Commission defines the framework conditions for the use of regulatory agencies, an interinstitutional agreement should spell out common guidelines;
- the Commission should carry out a cross-cutting analysis, on a standard three-year cycle, of the coherence of agency activity with EU policy in general. It should also assess "the broader European added value" of the Agencies' work in their respective fields. Before any decision is taken to propose the creation of a new agency, the need for such an agency should be carefully evaluated, bearing in mind existing structures and the principles of subsidiarity, budgetary austerity and simplification of procedures;
- the Agencies were urged to comply fully with the budgetary principles set out in the Financial Regulation, further strengthen their internal management and control procedures and pay "special attention" to procedures for the award and management of contracts. They should also step up cooperation with each other, avoid duplication of work and develop a comprehensive strategy for making the results of their work available to the general public;
- the ECA and the Agencies were urged to strengthen their cooperation and establish a methodology "that prepares the ground for a positive budget discharge from the start of the process".

2003 discharge: European Maritime Safety Agency

OBJECTIVE: granting of discharge for implementing the EU's general budget for 2003 - European Maritime Safety Agency.

LEGISLATIVE ACT: Decision 2005/550/EC of the European Parliament concerning the discharge for implementing the general budget of the EU for the 2003 financial year ? European Maritime Safety Agency.

CONTENT: With this Decision, the European Parliament grants discharge to the Director of the European Maritime Safety Agency for the implementation of the budget for the 2003 financial year.

This decision is in line with the European Parliament's resolution adopted on 12 April 2005 and comprises a series of observations that form an integral part of the discharge decision (please refer to the summary of the opinion of 12/04/2005).

2003 discharge: European Maritime Safety Agency

The European Parliament adopted the report by Inés AYALA SENDER (PES, ES) and Carl SCHLYTER (Greens/EFA, SE) by 563 votes for, 49 against and 26 abstentions giving discharge to the Director of the European Maritime Safety Authority for the 2003 financial year.

Parliament notes the observations of the ECA in relation to problems encountered as regards compliance with the Financial Regulation (for example, on the lack of segregation of duties between financial actors or on delays in systems' validation for supplying accounting information). It also notes the ECA's findings with regard to deficiencies in the application of the rules concerning the determination of remuneration and entitlements of recruited staff. It takes the view that such deficiencies largely related to the fact that the Agency was in its start-up phase and it invites the Agency to take further remedial action, where appropriate, so as to fully comply with the Court's observations. Parliament regrets the absence of an equality plan and expects the Agency to develop a plan shortly in order to become an equal opportunities employer.

In its accompanying comments, the committee made a number of general points addressed to the Commission, the Agencies and the Court of Auditors (ECA):

General points addressed to the Commission and the Agencies: Parliament notes the Commission's position with regard to delegating responsibility for the execution of tasks to bodies, including agencies, other than the Commission's core administration and it takes the view that this does not answer Parliament's call for in-depth consideration at inter-institutional level of the structure of existing agencies. It therefore invites the Commission to provide clarification on this point and on the future overall inter-institutional agreement related to the new arrangements to be set up within or in parallel with the Financial Perspective and invites the Commission to organise and perform in the medium term, e.g. on a standard three-year cycle, a cross-cutting analysis of the evaluations carried out on individual Agencies in order to:

- reach conclusions with regard to the coherence of Agency activity with EU policies in general and as regards the synergies existing or to be developed between the agencies and Commission departments and the avoidance of overlapping between them;

- make an assessment of the broader European added value of the Agencies' outputs in their respective area of activity and of the relevance, efficiency and effectiveness of the Agency model in implementing or contributing to EU policies;
- determine and enhance the impact of the Agencies' actions in terms of the proximity, accessibility and visibility of the EU to its citizens.

In addition, Parliament calls on the Commission, in parallel with this exercise, to present by the end of 2005 at the latest, proposals for changes to be made in the existing Agencies' Constituent Acts with a view, inter alia, to optimising its relationship with the Agencies.

General points addressed to the Agencies: Parliament expects to receive from now on, from each of the Agencies, the report summarising information on the audits carried out by the Internal Auditor. It invites the Agencies to make further efforts to apply correctly the staff regulations and rules applicable to other civil servants with regard to their staff (recruitment procedures and relevant decisions taken, personal files, calculation of remuneration and other entitlements, promotions policy, percentage of vacant posts, quotas for respecting gender equality, etc.). Moreover, the Parliament expects the Agencies, in response to the relevant observations of the ECA, to comply fully with the budgetary principles as set out in the Financial Regulation, in particular those of unity and budgetary accuracy.

Parliament invites the Agencies to develop a comprehensive strategy of communication addressing the need to make available, in the appropriate form, the results of their work to the general public beyond the presentation of such results to the Institutions, Member States' competent services, specialists, partners or specific beneficiaries.

General points addressed to the ECA and the Agencies: Parliament welcomes the ECA's initiative to add a table to its specific reports on the Agencies presenting summary information on the competences, governance, resources available and products/output of the particular agency.