Basic information

2010/2176(DEC) DEC - Discharge procedure	Procedure completed
2009 discharge: European Maritime Safety Agency EMSA **Subject** 8.70.03.07 Previous discharges	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
CONT Budgetary Control	STAVRAKAKIS Georgios (S&D)	23/03/2010
	Shadow rapporteur MACOVEI Monica (PPE) GERBRANDY Gerben-Jan (ALDE) STAES Bart (Verts/ALE) SØNDERGAARD Søren Bo (GUE/NGL)	

Committee for opinion	Rapporteur for opinion	Appointed
TRAN Transport and Tourism	UGGIAS Giommaria (ALDE)	26/10/2010

European Commission

Commission DG	Commissioner
Budget	ŠEMETA Algirdas

Key events

Date	Event	Reference	Summary
20/07/2010	Non-legislative basic document published	SEC(2010)0963	Summary
07/10/2010	Committee referral announced in Parliament		
21/03/2011	Vote in committee		Summary
06/04/2011	Committee report tabled for plenary	A7-0132/2011	
10/05/2011	Decision by Parliament	T7-0174/2011	Summary

10/05/2011	Results of vote in Parliament		
10/05/2011	Debate in Parliament		
10/05/2011	End of procedure in Parliament		
27/09/2011	Final act published in Official Journal		

Technical information

Procedure reference	2010/2176(DEC)
Procedure type	DEC - Discharge procedure
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	CONT/7/04051

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE450.721	01/02/2011	
Committee opinion	TRAN	PE454.410	01/03/2011	
Committee report tabled for plenary, single reading		A7-0132/2011	06/04/2011	
Text adopted by Parliament, single reading		T7-0174/2011	10/05/2011	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	05892/2011	03/02/2011	Summary

European Commission

Document type	Reference	Date	Summary
Non-legislative basic document	SEC(2010)0963	20/07/2010	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CofA	Court of Auditors: opinion, report	N7-0016/2011 OJ C 338 14.12.2010, p. 0052	16/09/2010	Summary

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act	
Decision 2011/0586 OJ L 250 27.09.2011, p. 0181	Summary

2009 discharge: European Maritime Safety Agency EMSA

2010/2176(DEC) - 10/05/2011 - Text adopted by Parliament, single reading

The European Parliament adopted by 529 votes to 75, with 31 abstentions a decision to grant discharge to the Executive Director of the European Maritime Safety Agency for implementation of the Agency's budget for the financial year 2009.

Noting that the Agency’s annual accounts for the financial year 2009 are reliable, and the underlying transactions are legal and regular, Parliament approves the closure of the Agency’s accounts. However, it makes a number of recommendations that need to be taken into account when the discharge is granted (in addition to the general recommendations that appear in the resolution on financial management and control of EU agencies - see DEC/2010/2271):

- **budget transfers:** Parliament considers it a matter of concern that the Court of Auditors has again noted a high number of budget transfers in 2009 and urges the Agency to improve its planning and monitoring in order to reduce the number of budget transfers;
- ***a posteriori* commitments:** Parliament calls on the Agency to further reduce the number of *a posteriori* commitments (i.e. legal commitments that were entered into before the corresponding budgetary commitments were made);
- **procurement procedure:** Parliament urges the Agency to correctly apply procurement procedures and notes with satisfaction that in the Annual Report of 2009 the Agency has included a specific Annex on negotiated procedures, in order to inform the budgetary authority;
- **human resources:** Parliament urges the Agency to redress the present weaknesses, namely : the lack of respect for the anonymity of candidates completing written tests, the lack of compliance with the predefined criteria, and the inconsistency of criteria for short-listing candidates;
- **internal audit:** Parliament notes that the Agency does not employ a full time Internal Audit Capability (IAC) but shares the IAC with the Community Fisheries Control Agency (CFCA). It considers this shared service to be a best practice that should be promoted among other Agencies.

2009 discharge: European Maritime Safety Agency EMSA

2010/2176(DEC) - 10/05/2011 - Final act

PURPOSE: to grant discharge to the European Maritime Safety Agency in respect of the implementation of the Agency's budget for the financial year 2009.

NON-LEGISLATIVE ACT: Decision 2011/586/EU on discharge in respect of the implementation of the budget of the European Maritime Safety Agency for the financial year 2009.

CONTENT: with the present decision, the European Parliament grants discharge to the Executive Director of the European Maritime Safety Agency for the implementation of its budget for the financial year 2009.

This decision is in line with the European Parliament's resolution adopted on 10 May 2011 and comprises a series of observations that form an integral part of the discharge decision (please refer to the summary of the opinion of 10/05/2011).

A parallel decision, adopted on the same day, approves the closure of this Agency's accounts.

2009 discharge: European Maritime Safety Agency EMSA

2010/2176(DEC) - 20/07/2010 - Non-legislative basic document

PURPOSE: presentation by the Commission of the consolidated annual accounts of the European Union for the financial year 2009, as part of the 2009 discharge procedure.

Analysis of the accounts of the **European Maritime Safety Agency (EMSA).**

CONTENT: this Commission document sets out the consolidated annual accounts of the European Union for the financial year 2009 as prepared on the basis of the information presented by the institutions, organisations and bodies of the EU, in accordance with Article 129 (2) of the Financial Regulation applicable to the EU's General Budget, including the European Maritime Safety Agency (EMSA).

In 2009, the tasks and budget of this agency were as follows:

- **description of EMSA's tasks:** the Agency, which is located in Lisbon, was established by was set up by Regulation (EC) No 1406/2002 of the European Parliament and of the Council. The Agency's tasks are to ensure a high level of maritime safety and to prevent pollution by ships, provide the Commission and the Member States with technical assistance, and monitor the implementation of Union legislation, as well as to evaluate its effectiveness;
- **EMSA's budget for the 2009 financial year:** the Agency's 2009 budget amounted to EUR 53.3 million, compared with EUR 50.2 million the previous year. The number of staff employed by the Agency at the end of the year was 212, as compared to 211 in the previous year.

The complete version of the Agency's final accounts may be found at the following address: www.emsa.europa.eu

2009 discharge: European Maritime Safety Agency EMSA

2010/2176(DEC) - 03/02/2011

Based on the observations contained in the revenue and expenditure account and the balance sheet of the European Maritime Safety Agency for the financial year 2009, as well as on the Court of Auditor's report and the Agency's replies to the Court's observations, the Council recommends that the Parliament grant the Executive Director of the Agency discharge in respect of the implementation of the budget for the financial year 2009.

The Council welcomes the Court's opinion that, on the one hand, the Agency's annual accounts present fairly, in all material aspects, the financial position as at 31 December 2009 and the results of operations and cash-flows for the year then ended, in accordance with the provisions of the Agency's Financial Regulation, and that, on the other hand, the underlying transactions for the financial year ended on 31 December 2009 are, in all material respects, legal and regular.

However, the Council considers that observations made in the Court of Auditor's report call for a certain number of observations to be taken into account when granting discharge, particularly on the following points:

- **budgetary management**: the Council regrets the persistent deficiencies in the Agency's management of budgetary and financial resources, which led again to a high cancellation rate for payment appropriations, notably for operational activities, and to an important number of transfers. Therefore, the Council reiterates its call on the Agency to intensify efforts to improve its planning and monitoring, also with a view to be better prepared to face possible unexpected situations;
- **procurement procedures**: the Council notes with concern the Court's finding that procurement rules and procedures were not rigorously applied and that in one case the budgetary principle of annuality was not respected. The Council urges the Agency to take the necessary measures, particularly in relation to financial actors, in order to prevent this kind of irregularities in the future;
- **recruitment procedures**: lastly, the Council takes note that the Agency has taken action in order to remedy the weaknesses identified in its recruitment procedures and expects that transparency and non- discrimination be fully assured.

2009 discharge: European Maritime Safety Agency EMSA

2010/2176(DEC) - 16/09/2010 - Court of Auditors: opinion, report

PURPOSE: presentation by the Court of Auditors of its report on the annual accounts of the European Maritime Safety Agency (EMSA) for the financial year 2009, together with the Agency's replies.

CONTENT: in accordance with the tasks and objectives conferred on it by the Treaty on the Functioning of the European Union (TFEU), the Court of Auditors, in the context of the discharge procedure, addresses to the European Parliament and the Council a Statement of Assurance on the reliability of the annual accounts, as well as of the legality and regularity of the transactions underlying them of each EU institution, body or agency, on the basis of an external, independent audit.

This audit also covered the annual accounts of the European Maritime Safety Agency (EMSA).

In the Court's opinion, **the Agency's annual accounts presented "fairly, in all material respects", its financial position as of 31 December 2009** and the results of its operations and its cash flows for the year then ended, in accordance with the provisions of its Financial Regulation.

The Court also stated that the **transactions underlying the annual accounts** of the Agency for the financial year ended 31 December 2009 were, "in all material respects, **legal and regular**".

The report again confirmed that the Agency's 2009 final budget amounted to EUR 53.3 million and that it employed 212 agents during the financial year.

The report also included comments on the Agency's budgetary and financial management, together with the Agency's replies. The main comments are as follows:

The Court's comments:

- the procedures for drawing up the budget were not sufficiently rigorous and led to a significant number of budgetary transfers. This situation shows that the linkages between the budget and the work programme need to be improved;
- more than 75% of the procurement procedures launched in 2009 were negotiated procedures, which is not in compliance with the Agency's Financial Regulation;
- weaknesses and lack of transparency in certain recruitment procedures.

The Agency's replies:

- continuation of efforts to improve planning and monitoring and, consequently, the number of budget transfers;
- measures to better inform the budgetary authority of procurement procedures in order to comply with the provisions of the financial regulation;
- updating of recruitment procedures to ensure an even more transparent and non-discriminatory recruitment procedure.

Lastly, the Court of Auditor's report contained a summary of the **Agency's activities in 2009** in the following areas:

- organisation of workshops and other events;
- training for inspectors in charge of Port State Control;
- inspections and visits;
- setting in place of technological tools such as SafeSeaNet and CleanSeaNet (satellite monitoring);
- signature of contracts for anti-pollution vessels;
- drills and exercises with the anti-pollution vessels
- EMSA Maritime Support Services operating on a 24/7 basis.