

## **DECISION OF THE ADMINISTRATIVE BOARD OF 15 NOVEMBER 2018 AMENDING THE DECISION OF 20 NOVEMBER 2012 ESTABLISHING AN ADMINISTRATIVE AND FINANCE COMMITTEE, AS AMENDED**

THE ADMINISTRATIVE BOARD OF THE EUROPEAN MARITIME SAFETY AGENCY (EMSA),

Having regard to Regulation (EC) N° 1406/2002 of the European Parliament and of the Council establishing a European Maritime Safety Agency, as amended, in particular Articles 10, 18, 19 and 21 thereof;

Having regard to the EMSA Financial Regulation, in particular Articles 44 and 50 thereof, on the powers and duties of, respectively, the Authorising Officer and the Accounting Officer;

Whereas:

- (1) The Administrative Board of EMSA decided at its meeting of 20 November 2012 to establish an Administrative and Finance Committee aiming to further increase efficiency in conducting its meetings;
- (2) The Decision of 20 November 2012 would be renewed annually by the Administrative Board and amended as deemed appropriate;
- (3) The forthcoming revision of the Framework Financial Regulation provides for a single book of rules and will render obsolete the concept of Implementing Rules to the EMSA Financial Regulation;
- (4) It was agreed at the 51<sup>st</sup> Administrative Board meeting to enhance and formalise the role of the Administrative Board in the recruitments, contract extensions and probationary reports relating to the Agency's Accounting Officer through the involvement of the Administrative and Finance Committee;
- (5) In view of the added value of the Administrative and Finance Committee in terms of facilitating Board deliberations on administrative and financial issues and increasing the efficiency in conducting its meetings, and without prejudice to the Administrative Board powers as defined in the Regulation (EC) N° 1406/2002, as amended, it is proposed to mandate the Administrative and Finance Committee to provide its opinion in relation to the adoption by the Administrative Board of the Agency's Internal Control Framework;

HAS DECIDED AS FOLLOWS:

### **Article 1**

The Decision of 20 November 2012 establishing an Administrative and Finance Committee, as amended shall be further amended as follows:

Article 3 (2) – Functions – shall be replaced by:

“The Administrative and Finance Committee shall prepare either for adoption or for discussion by the Administrative Board the following items, referred to as possible “A” items:

- a. Internal Audit Service Strategic Audit Plan
- b. Reports of the Internal Auditor and follow-up on action plan
- c. Information on budget transfers
- d. EMSA accounts/financial statement
- e. Budget amendments
- f. EMSA Financial Regulation and amendments thereof;

- g. EMSA Implementing Rules to Staff Regulations and their amendments
- h. Practical arrangements for implementing Regulation (EC) No 1049/2001 regarding public access to documents
- i. Annual report on the implementation of the Social Measure.”

Article 3 (4) – Functions – shall be replaced by:

“The Administrative and Finance Committee shall also provide an opinion to the Administrative Board on the following items, referred to as “B” items:

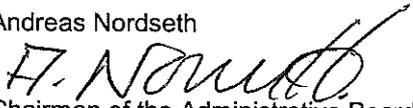
- a. Draft and Final Budget (annual)
- b. Draft and Final Establishment Plan (annual)
- c. Resource-related aspects of the Single Programming Document (multi-annual)
- d. Assessment of the Consolidated Annual Activity Report – part c) Management
- e. Budget transfers beyond the limits envisaged by the Financial Regulation
- f. Selection procedure for the recruitment of the Accounting Officer, probationary reports and contract extensions of the Accounting Officer
- g. Internal Control Framework.”

#### **Article 2 – Entry into force**

This decision shall take effect on the day following that of its adoption.

Done at Lisbon, on 15 November 2018

Andreas Nordseth



Chairman of the Administrative Board

Annex: Consolidated version of the Decision of the EMSA Administrative Board of 20 November 2012 establishing an Administrative and Finance Committee, as amended by the Decision of the Administrative Board of 15 November 2018.

**CONSOLIDATED VERSION OF THE DECISION OF THE ADMINISTRATIVE BOARD OF 20 NOVEMBER 2012 ESTABLISHING AN ADMINISTRATIVE AND FINANCE COMMITTEE, AS AMENDED BY THE DECISION OF THE ADMINISTRATIVE BOARD OF 15 NOVEMBER 2018**

THE ADMINISTRATIVE BOARD OF THE EUROPEAN MARITIME SAFETY AGENCY (EMSA),  
Having regard to Regulation (EC) N° 1406/2002 of the European Parliament and of the Council establishing a European Maritime Safety Agency, as amended, in particular Articles, 10, 18, 19 and 21 thereof;

Whereas:

- (1) The Administrative Board of EMSA decided at its meeting of 1 April 2003 to establish a standing Sub-Committee on financial/budgetary issues in order to facilitate the Board deliberations,
- (2) The Administrative Board aims to further increase efficiency in conducting its meetings,
- (3) The establishment of the Administrative and Finance Committee does not constitute delegation of any of the Administrative Board powers as defined in the Regulation (EC) N° 1406/2002 of the European Parliament and of the Council establishing a European Maritime Safety Agency, as amended.

HAS DECIDED AS FOLLOWS:

**Article 1 - Establishment**

1. The Administrative and Finance Committee is established and replaces the Sub-Committee on financial/budgetary issues.
2. The objective of the Administrative and Finance Committee is to provide a list of “A” items for adoption, as defined in Article 3.2 and to provide an opinion to the Administrative Board on “B” items for discussion as defined in Article 3.4.
3. In addition to the tasks already identified in Article 3, the Administrative and Finance Committee shall provide its assistance to the Administrative Board to monitor the findings and recommendations stemming from various audit reports and evaluations, whether internal or external, and the EMSA follow up.

**Article 2 - Composition**

1. The Administrative and Finance Committee is composed in total of eight members being members or alternates of the Administrative Board, of which two members of the Administrative and Finance Committee are representatives of the European Commission.
2. The members of the Administrative and Finance Committee are appointed for a period of three years and may be reappointed.
3. The Administrative Board appoints the Chairperson of the Administrative and Finance Committee.
4. The Agency's and additional Commission's staff may take part in meetings of the Committee as experts.
5. The Agency provides the Secretariat of the Administrative and Finance Committee.

### Article 3 - Functions

1. The Administrative and Finance Committee has an advisory function.
2. The Administrative and Finance Committee shall prepare either for adoption or for discussion by the Administrative Board the following items, referred to as possible "A" items:
  - a. Internal Audit Service Strategic Audit Plan
  - b. Reports of the Internal Auditor and follow-up on action plan
  - c. Information on budget transfers
  - d. EMSA accounts/financial statement
  - e. Budget amendments
  - f. EMSA Financial Regulation and amendments thereof
  - g. EMSA Implementing Rules to Staff Regulations and their amendments
  - h. Practical arrangements for implementing Regulation (EC) No 1049/2001 regarding public access to documents
  - i. Annual report on the implementation of the Social Measure
3. "A" items are grouped under one agenda item for adoption by the Administrative Board. The Administrative Board is invited to adopt these items "en bloc", unless an Administrative Board Member asks for a separate deliberation on a specific point.
4. The Administrative and Finance Committee shall also provide an opinion to the Administrative Board on the following items, referred to as "B" items:
  - a. Draft and Final Budget (annual)
  - b. Draft and Final Establishment Plan (annual)
  - c. Resource-related aspects of the Single Programming Document (multi-annual)
  - d. Assessment of the Consolidated Annual Activity Report – part c) Management
  - e. Budget transfers beyond the limits envisaged by the Financial Regulation
  - f. Selection procedure for the recruitment of the Accounting Officer, probationary reports and contract extensions of the Accounting Officer
  - g. Internal Control Framework.
5. The Administrative and Finance Committee shall endeavour to establish its opinions by consensus. In case a member has a dissenting opinion, the issue will be a "B" item.

#### **Article 4 - Meetings**

1. The Administrative and Finance Committee shall usually meet preceding Administrative Board meetings. The Chairperson of the Administrative and Finance Committee shall convene the meeting. The meeting shall take place only if 5 (2/3) of its members are present. In the absence of a quorum, upon decision of the Chairperson, the meeting may take place, but all items shall become "B" items. If the Chairperson is unavailable, the meeting shall be chaired by the Member of the Committee, from a Member State, who is the longest serving Member of the Administrative Board.
2. Administrative and Finance Committee members shall attend all meetings of the Administrative and Finance Committee. Where this is not possible, they may be replaced by the respective member or alternate of the Administrative Board.
3. Any Administrative and Finance Committee member can also represent one other member of the Administrative and Finance Committee, provided that a written authorisation from the absent member is provided to the Chairman of the Administrative and Finance Committee.
4. The members of the Administrative and Finance Committee are entitled to the same rules for reimbursement of costs as Administrative Board Members.

#### **Article 5 – Renewal of mandate**

This decision will be renewed annually by the Administrative Board and amended as deemed appropriate.

#### **Article 6 – Entry into force**

This decision shall take effect on the day following that of its adoption.