

**DECISION OF THE MANAGEMENT BOARD OF THE EUROPEAN MARITIME SAFETY AGENCY ON THE ADOPTION OF GUIDELINES ON THE IMPLEMENTATION OF ARTICLES 1, 2 AND 5 OF THE DECISION OF THE MANAGEMENT BOARD OF THE EUROPEAN MARITIME SAFETY AGENCY OF 19 JANUARY 2026 ON THE DELEGATION TO THE EXECUTIVE DIRECTOR OF THE EUROPEAN MARITIME SAFETY AGENCY OF THE POWERS CONFERRED BY THE STAFF REGULATIONS ON THE APPOINTING AUTHORITY AND BY THE CONDITIONS OF EMPLOYMENT OF OTHER SERVANTS OF THE EUROPEAN UNION ON THE AUTHORITY AUTHORISED TO CONCLUDE CONTRACTS OF EMPLOYMENT**

**THE MANAGEMENT BOARD OF THE EUROPEAN MARITIME SAFETY AGENCY**

Having regard to Regulation (EU) 2025/2434 of the European Parliament and of the Council of 26 November 2025 on the European Maritime Safety Agency<sup>1</sup> (hereinafter referred to as 'the Founding Regulation'), and in particular Article 16(1), points (n), (r) and (x) and Article 16(2) and the first and second subparagraphs thereof,

Having regard to the Staff Regulations of Officials ('Staff Regulations') and the Conditions of Employment of Other Servants ('CEOS') of the European Union, laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68<sup>2</sup>, and in particular Articles 2(1), 40, 42(a) and (b), 43, 44, 45, 90(1) and (2) of the Staff Regulations and Articles 2(f), 6, 16, 17, 46, 54 and 117 of the CEOS,

Having regard to the delegated Regulation (EU) 2019/715 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, as implemented by the Financial Regulation of the European Maritime Safety Agency adopted by the Administrative Board on 25 July 2019, and in particular Article 50 thereof,

Having regard to 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, and in particular Article 44(3) thereof,

Having regard to the Decision of the Management Board of the European Maritime Safety Agency of 19 January 2026 on the delegation to the Executive Director of the European Maritime Safety Agency of the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants of the European Union on the Authority Authorised to Conclude Contracts of Employment (hereinafter referred to as 'the Delegation Decision'), and in particular Articles 1 and 2 thereof,

Having regard to the Decision of the EMSA Administrative Board of 25 March 2015 on the procedure governing the engagement and the use of temporary staff under 2(f) of the CEOS;

Having regard to the Decision of the EMSA Administrative Board of 29 April 2016 laying down general implementing provisions regarding Article 54 of the CEOS;

Having regard to the Decision of the EMSA Administrative Board of 25 March 2015 laying down general provisions for implementing Article 43 of the Staff Regulations and implementing the first paragraph of Article 44 of the Staff Regulations: appraisal for officials and temporary staff (hereinafter referred to as 'the Appraisal Decision');

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<sup>1</sup> Regulation (EU) 2025/2434 of the European Parliament and of the Council of 26 November 2025 on the European Maritime Safety Agency and repealing Regulation (EC) No 1406/2002 (Text with EEA relevance), OJ L, 2025/2434, 29.12.2025

<sup>2</sup>OJ L 56, 4.3.1968, p. 1.

Having regard to the Decision of the EMSA Administrative Board of 25 March 2015 to give a delegation to the Executive Director to act as Reporting Officer in the context of appraisal for the Accounting Officer;

Having regard to the Decision of the EMSA Administrative Board of 06 June 2024 to appoint an Accounting Officer;

Having regard to the Rules of Procedures of the Management Board of the European Maritime Safety Agency adopted by the Administrative Board on 19 January 2026, and in particular Article 12 thereof,

Having regard to the ED Decision No. 2025/011 of 08/04/25 repealing Decision 2022/026 of the Executive Director of 19/04/22 on the renewal of the appointment of the Data Protection Officer;

Whereas:

- (1) By virtue of Article 16(1)(n) of the Founding Regulation, the exercise of the powers of the appointing authority and the authority authorised to conclude contracts of employment in respect of the staff of the Agency are exercised by the Management Board;
- (2) By virtue of Article 16(1)(r) of the Founding Regulation, the Management Board shall, if appropriate, appoint an Accounting Officer, subject to the Staff Regulations and the CEOS, who shall be totally independent in the performance of his or her duties;
- (3) By virtue of Article 16(1)(x) of the Founding Regulation, the Management Board shall appoint a Data Protection Officer;
- (4) By virtue of Article 2.3 of the Delegation Decision, in case the Accounting Officer is a staff member of the Agency, decisions related to the extension of contract, termination of contract, appraisal and reclassification shall be subject to the approval of the Management Board;
- (5) By virtue of Article 2.4 of the Delegation Decision, in case the Data Protection Officer is a staff member of the Agency, decisions related to the extension of contract, termination of contract, appraisal and reclassification shall be subject to the approval of the Management Board.
- (6) Pursuant to Article 2.5 of the Delegation Decision, the powers referred to in Article 2.1 of the same decision concerning Article 90(2) of the Staff Regulations are exercised by a Complaints Committee on behalf of the Management Board when the contested decision was taken at the level of the Executive Director in accordance with Guidelines on the setting up and functioning of the Complaints Committee.
- (7) In order to support the implementation of the Articles referred to in the previous recitals, the Management Board should adopt Guidelines for the appointment, extension of contract, termination of contract, appraisal and reclassification of the Accounting Officer and for the appointment, the extension of contract, termination of contract, appraisal and reclassification of the Data Protection Officer, as well as on the setting up and functioning of the Complaints Committee.

HAS DECIDED AS FOLLOWS:

#### Article 1

The Guidelines for the appointment and approval of the extension of contract, termination of contract, appraisal and reclassification of the Accounting Officer and for the appointment and approval of the extension of contract, termination of contract, appraisal and reclassification of the Data Protection Officer, as well as on the setting up and functioning of the Complaints Committee as annexed to this decision are hereby adopted.

#### Article 2

The Executive Director shall act as Reporting Officer in the context of appraisal for the Accounting Officer and the Data Protection Officer.

In case of appeal or of a report concluding that the performance of the Accounting Officer and the Data Protection Officer has been unsatisfactory, the Commission representative on the Management Board who is the most senior in the highest grade shall be the Appeal Assessor.

#### Article 3

The powers of the Management Board on the appointment and approval of extension of contract, termination of contract, appraisal and reclassification of the Accounting Officer and Data Protection Officer, shall be exercised on behalf of the Management Board by three Management Board representatives (i.e. hereinafter 'the Representatives') identified for this purpose as follows: Chairperson, Deputy Chairperson of the Management Board and the MOVE SRD Commission Representative at the level of director.

#### Article 4

The powers of the Management Board in respect of Complaints under Article 90(2) of the Staff Regulations where the contested decision was taken at the level of the Executive Director, shall be exercised on behalf of the Management Board by a Complaints Committee composed of the representatives identified in Article 3.

#### Article 7

The Decision of the EMSA Administrative Board of 25 March 2015 to give a delegation to the Executive Director to act as Reporting Officer in the context of appraisal for the Accounting Officer is hereby repealed.

#### Article 8

This Decision shall take effect on the day following that of its adoption. It shall be brought to the attention of EMSA staff.

Done at Lisbon, 19 January 2026.

For the European Maritime Safety Agency



Wojciech Zdanowicz

Chairperson of the Management Board

## **Guidelines on the appointment and approval of extension of contract, termination of contract, appraisal and reclassification of the Accounting Officer and for the appointment and approval of the extension of contract, termination of contract, appraisal and reclassification of the Data Protection Officer, as well as on the setting up and functioning of the Complaints Committee**

### **The appointment and approval of extension of contract, termination of contract, appraisal and reclassification of the Accounting Officer and Data Protection Officer**

The Representatives will be assigned according to their role on the Management Board, rather than in a personal capacity.

Decisions taken by the Representatives and Committee on behalf of the Management Board will be signed by the Chairperson.

The Representatives shall report to the Management Board annually on decisions taken and shall bring matters to the attention of the Management Board, as deemed necessary.

#### *Selection and Appointment:*

The Executive Director shall seek the approval of the Representatives on the approach to be followed for the selection and appointment of the Accounting Officer and the Data Protection Officer.

In the event of a selection procedure, the Representatives shall validate the draft vacancy notice proposed by the Executive Director, and in particular the requested skills and competences as evidenced by diplomas or by equivalent professional experience.

The Representatives may ask to nominate one or several observers in the Selection Committee.

The Selection Committee shall propose a shortlist aiming at having at least 3 candidates to the Representatives. For this purpose, the internal and interagency selection may run in parallel.

The candidates concerned shall be informed that they have been placed on the shortlist.

Additional interviews may be organised by the Representatives before they take the final decision on the appointment of the Accounting Officer or Data Protection Officer.

The Executive Director, as the authority authorised to conclude contracts shall send an offer of employment to the Accounting Officer or the Data Protection Officer as appointed by the Representatives and the Executive Director shall sign the contract of employment with them.

The Representatives will report to the Management Board on the outcome of the appointment within 10 working days of the decision being taken. EMSA staff will be informed.

#### *Probation:*

For the probation of the Accounting Officer or the Data Protection Officer, if applicable, the Human Resources and Internal Support Unit shall transmit to the Executive Director (i.e. the Reporting Officer), the probationary report requesting his/her opinion on the ability of the Accounting Officer or the Data Protection Officer to perform the duties pertaining to the post and also on their efficiency and conduct in the service at least two months prior to expiry of the probationary period.

The Executive Director shall make his/her recommendation to the Representatives on the probationary period of the Accounting Officer or the Data Protection Officer at least six weeks prior to the foreseen expiry of the probationary period.

The Representatives shall provide their opinion on the probationary period of the Accounting Officer or the Data Protection Officer at least four weeks prior to the foreseen expiry of the probationary period, failing which it will be understood that the Representatives have given their tacit approval. Taking into account any opinion provided, the Executive Director will take the final decision.

The report shall be communicated to the member of the temporary staff, who shall have the right to submit his comments in writing within eight working days. The Executive Director will keep the Representatives informed of the outcome.

*Extension or renewal of contract and termination of contract:*

For the extension or renewal of the contract of employment of the Accounting Officer or the Data Protection Officer, if applicable, the Human Resources and Internal Support Unit of EMSA shall send EMSA's Executive Director (i.e. the delegated Reporting Officer) a note requesting his/her opinion on the renewal of the Accounting Officer or the Data Protection Officer at least seven months prior to the foreseen end date of the contract.

The Executive Director shall make his/her recommendation to the Representatives on the extension or renewal of the contract of employment of the Accounting Officer or the Data Protection Officer at least six months prior to the foreseen end date of the contract of employment.

The Representatives shall provide their opinion on the renewal of the Accounting Officer or the Data Protection Officer within 10 days. If no response or comments are forthcoming within those 10 working days, it will be understood that the Representatives have given their tacit approval.

The Human Resources and Internal Support Unit of EMSA shall then prepare the proposed contract amendment for signature by the staff member concerned and the Executive Director.

In the case of proposed termination, the staff member concerned must be given the possibility to be heard by the Executive Director, prior to a final decision being taken. If a decision to terminate is maintained, the Human Resources and Internal Support Unit will prepare the letter of termination to the staff member concerned for signature by the Executive Director.

The Representatives shall report to the Management Board on their decisions on the extension of contract or renewal or termination of contract for information within 10 working days of the decision being taken.

*Appraisal:*

Concerning the appraisal of the Accounting Officer and the Data Protection Officer, the Human Resources and Internal Support Unit shall inform the Representatives that the appraisal procedure has been launched for all EMSA staff, including the Data Protection Officer and the Accounting Officer.

Once EMSA's Executive Director (i.e. the Reporting Officer) has met with the staff member concerned, the appraisal of the Accounting Officer and the Data Protection Officer will be drafted by the Reporting Officer and provided to the Representatives at least 5 working days prior to the deadline for submission of the report by the Reporting Officer. If no response or comments are forthcoming within those 5 working days, it will be understood that the Representatives have given their tacit approval.

In the event of any particular issues relating to the performance of the Data Protection Officer or the Accounting Officer during the course of the appraisal period (calendar year), the Executive Director will keep the Representatives informed, who in turn may inform the Management Board if deemed necessary.

*Reclassification:*

The Human Resources and Internal Support Unit shall inform the Representatives that the reclassification exercise has been launched for all EMSA staff, including the Data Protection Officer and the Accounting Officer, in the event that one or both of them are eligible (i.e. having at least two years of seniority in the grade and having fulfilled the third language requirement, if applicable)

At the same time as the Executive Director consults the Heads of Department on the staff under their responsibility, the Executive Director shall inform the Representatives of his/her intended proposal on the reclassification of the Data Protection Officer and the Accounting Officer in the event that one or both of them are eligible and request the Representatives to provide their opinion. The

Representatives will have 10 working days to provide an opinion, failing which it will be understood that the Representatives have given their tacit approval.

Following the final comparison of merits by the Executive Director, the Executive Director adopts the list of reclassified staff per category of staff and the list of reclassified staff per category of staff is published. The Executive Director will keep the Representatives informed of the outcome of the reclassification exercise in respect of the Data Protection Officer and/or the Accounting Officer in the case that they have been eligible and considered for reclassification.

*Other HR related matters:*

The Executive Director will duly inform the Representatives of any relevant Human Resources matters in respect of the Data Protection Officer and the Accounting Officer such as requests for long term leave, including unpaid leave, parental and family leave, as well as any requests that they may make in the area of ethics and integrity, e.g. acceptance of gifts/hospitality, publications and speeches on professional and EU matters, outside activities.

**Complaints Committee**

*Scope:*

The powers concerning Article 90(2) of the Staff Regulations are exercised by a Complaints Committee on behalf of the Management Board when the contested decision was taken at the level of the Executive Director in accordance with Guidelines on the setting up and functioning of the Complaints Committee

*Proceedings of the Complaints Committee:*

The legal assessment of the complaint will be carried out by the Human Resources and Internal Support in cooperation with Legal, Finance and Facilities and presented to the Complaints Committee by the latest, six weeks, prior to the deadline to respond to the complainant.

The secretariat will be provided by an EMSA staff member with the relevant background in the Staff Regulations and Conditions of Employment of Other Servants.

*Decision of the Complaints Committee:*

The decision taken by the Complaints Committee on behalf of the Management Board will be signed by the Chairperson by the latest, two weeks, prior to the deadline to respond to the complainant.

*Communication of the Complaints Committee's decision to the complainant:*

The Human Resources and Internal Support Unit will communicate the Complaints Committee's decision to the complainant.

*Ex post information to the Complaints Committee:*

The Head of Unit Legal, Finance and Facilities shall inform the Complaints Committee of the actions taken by the complainant upon expiry of the three-month period during which he or she may lodge an application for annulment to the General Court of the European Court of Justice against the decision taken.

The agents appointed from the relevant EMSA services shall handle any application lodged with the Court of Justice of the European Union.

The Complaints Committee will be kept informed of developments should such a case be brought before the Court of Justice of the European Union.

### **Confidentiality and data protection**

All details, personal data and information obtained in the course of duties as a Representative on behalf of the Management Board must be held in strict confidence and only processed for the purpose of exercising functions related to the exercise of duties as a Representative on behalf of the Management Board.

Both during and after the completion of the tasks related to such duties as a Representative on behalf of the Management Board, the highest degree of discretion must be exercised and the tasks carried out and information handled must be kept in confidence to the fullest extent possible.

No details, personal data or information may be disclosed to any unauthorised third party and the Representatives must also confirm that, to their knowledge, they have no conflict of interest with regard to the staff concerned. There is a conflict of interest in situations a Representative may have a personal interest (direct or indirect) such as to impair his/her independence. The impartial and objective exercise of the functions can be compromised for reasons involving family, emotional life, political or national affinity, economic interest, etc.

If a Representative discovers that such a conflict exists, they must immediately inform the Chairperson of the Management Board who will decide on appropriate measures to be taken.