

ADMINISTRATIVE BOARD OF 04 12 2002

Annex 2

EMSA

EUROPEAN MARITIME SAFETY AGENCY

RULES OF PROCEDURE OF THE ADMINISTRATIVE BOARD

CONTENTS

HEADING	Page
Membership	3
Chairmanship	3
Attendance at meetings	4
Admission of observers / Representatives of third countries	5
Convening of meetings	5
Agenda	6
Quorum	6
Voting	6
Written procedure	7
Appointment and dismissal of the Executive Director	7
Transmission of documents; minutes of meetings	8
Confidentiality	8
Reimbursement of expenses	8
Correspondence	8
Secretariat	9
Amendment of the rules of procedures	9
Entry into force	9

**RULES OF PROCEDURE OF THE ADMINISTRATIVE BOARD OF THE
EUROPEAN MARITIME SAFETY AGENCY**

Having regard to the Regulation (EC) No 1406/2002¹ of the European Parliament and the Council of 27 June 2002 establishing a European Maritime Safety Agency and particular its article 10 thereof,

Having regard to the appointment of Member States' representatives, one from each Member State, to the Administrative Board of the European Maritime Safety Agency,

Having regard to the Commission Decision of 28 October 2002¹, appointing 4 Commission representatives and 4 professionals from the sectors most concerned, to the Administrative Board of the European Maritime Safety Agency,

In order for the Administrative Board, hereafter called the "Board", to ensure that the Agency carries out its mission and performs the tasks assigned to it under the conditions laid down in the Regulation, the following rules of procedure are adopted.

Article 1
Membership

1. The duration of the term of office for each member, as set by article 11.3 of the Regulation, is 5 years. This term of office is renewable once.
2. Each Member shall have an alternate member nominated by the Member State or the European Commission, as appropriate
3. The four professionals nominated by the Commission to the Board will not have alternates. In case of absence the provision of article 3 2 will apply

Article 2
Chairmanship

1. In line with article 12 of the Regulation, the Board shall elect a Chairperson and a Deputy-Chairperson from among its Members by a two-thirds majority of all Members with the right to vote. The term of office of the Chairperson and the Deputy Chairperson will be of three years and shall expire when they cease to be members of the Board. The terms of office shall be renewable once.
2. The vote for the election of Chairperson and the Deputy Chairperson shall be taken by secret ballot.

¹ Official Journal L 208 of 5.8.2002
¹ Unpublished Commission document

3. The Deputy Chairperson shall automatically take the place of the Chairperson if he/she is prevented from attending to his/her duties.
4. The first election of the Chairperson shall take place after the Board adopts these Rules of Procedure. The election of his/her successor shall take place at a meeting of the Board convened by the outgoing Chairperson at least two months before the end of his or her term
5. If the office of Chairperson or Deputy Chairperson falls vacant, the Deputy Chairperson or Chairperson as the case may be shall convene a meeting to elect a successor, to be held within three months. The member then elected shall serve as Chairperson or Deputy Chairperson for the remainder of his predecessor's term or until the end of his membership of the Management Board, whichever is the earlier
6. The terms of office of Chairpersons and Deputy Chairpersons shall begin on the first day after their predecessors' terms of office.
7. If both the Chairperson and the Deputy Chairperson are absent or unable to attend a meeting, the meeting shall be chaired by the longest serving member or, in the event of equal length of service, by the oldest of the longest serving members.

Article 3

Attendance at meetings

1. The Board members should attend all meetings of the Board. Where this is not possible, their alternate should attend in their stead. Both Board members and alternates can participate to the meetings. They may be assisted by one adviser, unless the Board decides otherwise in a particular case.
2. Any Board member can also represent one other member, provided that a written authorisation from the absent member is provided to the Chairperson.
3. Unless the Board decides otherwise in a particular case, the Executive Director shall also take part in the Board's deliberations and may be assisted by other staff of the Agency.
4. In line with article 13 4 of the Regulation, the Board may decide to examine specific items of its agenda without the presence of the members nominated in their capacity as professionals from the sectors most concerned, in case of confidentiality or conflict of interest.
5. A request for application of the provision of paragraph 4 have to be addressed to the Chairperson of the Board at least 3 working days before the meeting in

question takes place and will have to be justified. Any Board Member is entitled to introduce such request. The Chairperson will present such request and the associated justification at the opening of the meeting and the Board will decide with a two third majority.

Article 4

Admission of observers/ Representatives of third countries

1. In line with article 13.5 of the Regulation, the Board may invite any person whose opinion can be of interest to attend its meetings or part of its meetings as an observer.
2. Representatives of third countries having entered into agreements with the Community in accordance with article 17 of the Regulation, shall be entitled to attend Board's meetings under the terms and conditions specified in such agreements.
3. The Board may invite any State which has applied for membership of the European Union, on condition that the accession negotiations have been successfully completed, to attend its meetings or part of its meetings as observer.
4. Representatives of third countries not covered by paragraphs 2. or 3 may be invited to attend Board meetings as observers in case an agenda item is of particular interest to these countries.

Article 5

Convening of meetings

1. As set in article 13.3 of the Regulation, the Board shall hold an ordinary meeting twice a year. Additional meetings may be organised on the initiative of the Chairperson, or at the request of the Commission or of one-third of the Member States. The date of the meetings shall be decided by the Board at least at its preceding meetings.
2. An agenda, accompanied by the relevant material for decision making, will be forwarded to the members at least two weeks prior to each ordinary meeting.
3. When the Board is to meet at the instigation of the Chairperson or at the request of the Commission or of one-third of the Member States, the Chairperson shall convene a meeting to take place within six weeks of receipt of the request, or as soon as practicable in urgent cases.
4. When the Board is convened to deliberate on a matter of urgency, the notice of convocation, the provisional agenda and eventual working documents shall be

transmitted by the Chairperson to members no later than the tenth day before the start of the meeting, except in cases of 'force majeure'.

5. Meetings shall normally be held at the seat of the Agency
6. When circumstances require, and provided a majority of the members does not object, the Chairperson may change the date or place of a meeting of the Board. Notification of such change shall be given to members no later than three weeks before the original or revised date of the start of the meeting, whichever is the earlier.

Article 6

Agenda

1. A provisional agenda shall be drawn up by the Chairperson. It shall contain, in addition to those questions whose inclusion is requested by a member, any question whose inclusion is requested by the Executive Director.
2. Notwithstanding paragraph 3, questions to be included on the provisional agenda shall be submitted to the Chairperson not less than six weeks before the date of the start of the meeting, except in cases of "force majeure".
3. The agenda shall be adopted at the beginning of each meeting.
4. With the agreement of the Board, urgent questions may be added to the agenda at any time prior to the end of the meeting, and items on the agenda may be deleted or carried over to a subsequent meeting.

Article 7

Quorum

1. The representatives, alternate representatives or proxy holders of at least two thirds of the members with a right to vote shall constitute the quorum necessary for the meeting to be valid. In the absence of a quorum, the Chairperson shall close the meeting and convene another as soon as possible.

Article 8

Voting

1. The Board shall take its decisions by a two-thirds majority in accordance with article 14 of the Regulation. Each member shall have one vote. The four professionals from the sectors more concerned, nominated Board members by the Commission will have no vote. The Executive Director of the Agency shall have no vote.

2. In the absence of a member, his/her alternate or nominated proxy according to Article 3.2 shall be entitled to exercise his/her right to vote. In addition to his/her own vote, each voting member may receive only one vote by proxy. The proxy shall be notified to the Chairman at the beginning of the meeting.
3. Unless a secret ballot is requested by at least one-third of the members present, votes shall be taken by show of hands.
4. For each decision adopted by the Board, figures for the votes cast shall be recorded. A statement of the views of the minority may be entered in the minutes along with the decision, if the minority so requests.
5. The Chairperson may authorise a member to speak briefly in explanation of a vote he has cast.

Article 9

Written procedure

1. Without prejudice to Articles 7 and 8, decisions of the Board may be taken by written procedure, on a proposal from the Chairperson.
2. A proposal for a decision to be taken by written procedure shall not be subject to amendment; it shall be approved or rejected in its entirety.
3. Notwithstanding the provisions in paragraphs 1 and 2, in exceptional cases, where a decision of the Board is needed in an emergency situation, documents and information may be transmitted by the quickest means available and votes cast without the need to convene a meeting.
4. The result of a written procedure will be notified without delay to the Board members.

Article 10

Appointment and dismissal of the Executive Director

1. In accordance with article 16 of the Regulation, the Board shall appoint the Executive Director and shall have the power to dismiss the Executive Director.
2. In accordance with article 10.2 (i) of the Regulation, the Board shall exercise disciplinary authority over the heads of Unit of the Agency, including their dismissal. In applying this provision, the Board shall act on a proposal by the Executive Director.

Article 11

Transmission of documents; minutes of meetings

1. A summary of the decisions taken at each meeting of the Board shall be forwarded to members not later than two weeks after the end of the meeting.
2. The draft minutes, to which shall be attached the summary referred to in paragraph 1, the attendance list, and the decisions taken with figures for the votes cast at each vote, shall be forwarded to members not later than four weeks after the end of the meeting.
3. Once approved, the minutes shall be signed by the Chairperson. The signed copy of the minutes shall be kept in the archives of the Agency.
4. The final text of the minutes shall be forwarded to members not later than two weeks after its approval.

Article 12

Confidentiality

1. All proceedings of the Board shall be confidential. Members and others present at meetings of the Board shall respect the confidential character of these proceedings.
2. The Board's decisions and minutes of meetings shall be subject to the provisions of article 4 of the Regulation and measures taken for its implementation.

Article 13

Reimbursement of expenses

1. All travel and subsistence expenses incurred by the members in connection with meetings relating to Board business shall be paid by the Agency in accordance with the scales laid down by the Staff Regulations of Officials of the European Communities for officials in grades A1 to A3.
2. Expenses incurred by alternate members relating to Board business shall be paid by the Agency in accordance with paragraph 1, only in the case where the substitute replaces the Board member for whom he/she has been appointed as alternate.
3. All travel and subsistence expenses incurred by observers and experts invited by the Board in connection with meetings relating to Board business shall be paid by the Agency in accordance with the scales laid down by the Staff Regulations of Officials of the European Communities for officials in grades A4 to A8.

Article 14
Correspondence

All correspondence with the Board shall be addressed to the Agency in its Headquarters location

Article 15
Secretariat

The Executive Director shall provide the Secretariat and the appropriate administrative support to enable the Board to carry out its work.

Article 16
Amendment of the rules of procedure

1. The Board may amend these Rules of Procedure by a two-thirds majority
2. Amendments to the Rules of Procedure shall enter into force on the date decided by the Board.

Article 17
Entry into force

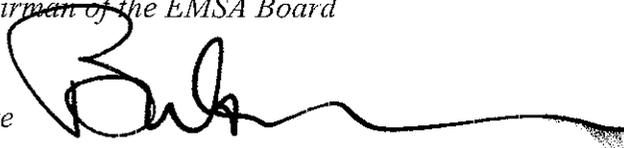
These Rules shall enter into force as soon as they are adopted by the Board.

Done at Brussels,

For the Administrative Board

Name **BRIAN WADSWORTH**
The Chairman of the EMSA Board

Signature

A handwritten signature in black ink, appearing to read 'B. Wadsworth', written over the printed name and title.