

Brussels, 3 October 2025
(OR. en)

13375/25
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Interinstitutional File:
2023/0163 (COD)

CODEC 1383
TRANS 416
MAR 127

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the European Maritime Safety Agency and repealing Regulation (EC) No 1406/2002 - Adoption of the Council's position at first reading and of the statement of the Council's reasons = Statement

Statement by the Commission

The Commission recalls that the final agreement reached by the co-legislators on the amended proposal for a Regulation on the European Maritime Safety Agency (“EMSA”) introduces changes to the governance in comparison with the Commission proposal. These changes reduce the Commission’s capacity to ensure compliance with Union law in human resources and budgetary matters.

The shift from unanimity to a four-fifths majority in the second round of voting in Article 20 paragraph 2 weakens the effectiveness of the Commission's safeguard to ensure good administration and sound financial management. This introduces the risk that decisions contrary to the applicable Union legal framework - particularly the Framework Financial Regulation and the Staff Regulations and the Conditions of Employment of other Servants of the European Union - could nonetheless be adopted, despite the Commission's formal objection. This could also result in serious financial and reputational risks not only for EMSA but also for the Commission and the European Union as a whole.

In this context, the Commission calls upon the Agency and its Management Board to engage in early and structured coordination with the Commission on all draft decisions to be submitted for adoption.
