

**RULES OF PROCEDURE OF THE ADMINISTRATIVE BOARD OF THE EUROPEAN
MARITIME SAFETY AGENCY¹**

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¹ Consolidated text; Initial text adopted on 04.12.2002, amendments adopted on 13.03.2006 and 28.11.2007

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

Article 1 - Membership

1. The duration of the term of office for each member, as set by article 11.3 of the Regulation, shall be 4 years. The term of office is renewable.
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 Administrative Board will not have alternates. In case of absence the provision of article 3.2 applies.

Article 2 - Chairmanship

1. In accordance with Article 12 of the Regulation, the Administrative Board shall elect a Chairperson and a Deputy-Chairperson from amongst its members. The terms of office of the Chairperson and Deputy-Chairperson shall be three years, and shall expire when they cease to be members of the Administrative Board. Their terms of office shall be renewable once.
2. The Chairperson and Deputy-Chairperson shall be elected by secret ballot. The election will be held at a meeting of the Administrative Board convened by the outgoing Chairperson and/or Deputy-Chairperson, at least two months before the end of their terms of office.
3. The members who wish to put forward their candidature shall address motivation letters to the Executive Director, who shall circulate them to the Administrative Board before the relevant meeting for the election.
4. A ballot paper listing the candidates in the alphabetical order shall be issued to all members eligible to vote.
5. Each member eligible to vote shall cast one vote. The votes shall be counted by two members appointed as tellers by the Administrative Board.
6. The Chairperson shall be elected by a two-thirds majority of all members entitled to vote. The second most successful candidate shall be elected Deputy Chairperson.
7. If the first ballot does not result in a two-thirds majority for any candidate, a second ballot shall be held. Only the two leading candidates in terms of votes cast in the first ballot shall be entitled to stand for election in the second ballot. (In the event that equal numbers of votes are cast for two or more *leading* candidates, those candidates shall enter the second ballot. If an equal number of votes are cast in the first ballot for more than one candidate lying in *second place*, those candidates shall all enter the second ballot, in addition to the leading candidate.)
8. If the second ballot does not result in a two-thirds majority for any candidate, but one of the candidates has maintained a consistent lead in votes cast in both ballots, the Chairperson, having consulted the candidates for Chairperson, may invite the Administrative Board to agree to elect the leading candidate as Chairperson by consensus.

9. In the event that the Administrative Board is unable to agree on the election of a Chairperson and Deputy-Chairperson at the meeting convened for that purpose, an additional, extraordinary meeting of the Administrative Board may be convened for the purpose of concluding the election process.
10. In the event that the election process has not been concluded before the expiry of the terms of the existing Chairperson and Deputy-Chairperson, the previous Chairperson or Deputy-Chairperson shall Chair the ensuing meeting(s) of the Administrative Board, until such time as their successor is elected. However if they are candidates for re-election, the ensuing meeting(s) of the Administrative Board shall be Chaired by its longest-serving member, or the older of the longest-serving members in the event of equal length of service. Pending the election of the new Chairperson and Deputy-Chairperson, this member shall carry out the responsibilities of the Chairperson of the Administrative Board.
11. If the office of the Chairperson or Deputy-Chairperson falls vacant during their elected term of office, the Chairperson or Deputy-Chairperson, as the case may be, shall convene an Administrative Board meeting to elect a successor, to be held within three months of the office falling vacant. The succeeding Chairperson or Deputy-Chairperson thus elected shall hold office for the remainder of his/her predecessor's term of office, subject to remaining a member of the Administrative Board.
12. The terms of office of the Chairperson and Deputy Chairperson shall commence on the first day following the end of their predecessor's term of office.
13. The Deputy-Chairperson shall automatically take the place of the Chairperson, if the Chairperson is unable to attend to his/her duties. If both the Chairperson and Deputy-Chairperson are absent or unable to attend a meeting of the Administrative Board, the meeting shall be Chaired by the longest-serving member of the Administrative Board, or the older of the longest-serving members, in the event of equal length of service.

Article 3 - Attendance at meetings

1. The Administrative Board members shall attend all meetings of the Administrative Board. Where this is not possible, their alternate should attend in their stead. Both Administrative Board members and alternates can participate in the meetings. They may be assisted by one adviser, unless the Board decides otherwise in a particular case.
2. Any Administrative 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 Administrative Board's deliberations and may be assisted by other staff of the Agency.
4. In line with article 13.4 of the Regulation, where there is a matter of confidentiality or conflict of interest, the Administrative Board may decide to examine specific items of its agenda without the presence of the members concerned.
5. A request for application of the provision of paragraph 4 shall be addressed to the Chairperson of the Administrative Board at least 3 working days before the meeting in

question takes place and will have to be justified. Any Administrative 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 Administrative Board will decide with a two third majority.

6. Any Administrative Board member exposed to a potential matter of confidentiality or to a potential conflict of interest, which could negatively affect the exercise of his/her rights and obligations as Board member, shall inform immediately the Chairperson. At the opening of the Board meeting the Chairperson will present the case and suggest a decision.
7. In case of absence the members and alternates shall inform the Secretariat thereof.

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 European 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 Administrative 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. The Administrative Board shall hold an ordinary meeting three times 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 Administrative 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 Administrative 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 Administrative 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 Administrative 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 items whose inclusion is requested by a member, any item whose inclusion is requested by the Executive Director.
2. Notwithstanding paragraph 3, items 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 Administrative Board, urgent items 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

The members, alternate members or proxy holders of at least two third 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 Administrative 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 Administrative Board members by the Commission shall 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 Administrative 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 or she has cast.

Article 9 - Written procedure

1. Without prejudice to Articles 7 and 8, decisions of the Administrative 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. The result of a written procedure will be notified without delay to the Administrative Board members.

Article 10 – Committees and working groups

1. The Administrative Board may appoint standing or ad-hoc committees or working groups to facilitate the work of the Administrative Board.
2. The Administrative Board shall specify the mandate and the composition of any such committee or working group.
3. The Administrative Board shall appoint the Chairperson of the committee or working group.
4. The members of such committees or working groups shall be entitled to the same rules for reimbursement of costs as Administrative Board members.

Article 11 - Transmission of documents; minutes of meetings

1. A summary of the decisions taken at each meeting of the Administrative 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 Administrative Board shall be confidential. Members and others present at meetings of the Administrative Board shall respect the confidential character of these proceedings.
2. The Administrative 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. Travel and subsistence expenses incurred by the members of the Administrative Board in connection with meetings relating to Administrative Board business shall be paid by the Agency in accordance with its rules on the reimbursement of high level experts (Decision of the Executive Director No 19/2007 of 11 June 2007).
2. Expenses incurred by alternate members relating to the Administrative Board business shall be paid by the Agency in accordance with paragraph 1 only in case where the alternate member replaces the Administrative Board member for whom he/she has been appointed as alternate.
3. Travel and subsistence expenses incurred by observers and experts invited by the Administrative Board in connection with meetings related to the Administrative Board

business shall be paid by the Agency in accordance with its rules on the reimbursements of experts or high level experts. The Administrative Board shall decide when deciding to invite the person in question whether the person shall be considered participating (expert reimbursement) or contributing (high level expert reimbursement) to Administrative Board business.

Article 14 - Correspondence

All correspondence with the Administrative 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 Administrative Board to carry out its work.

Article 16 - Amendment of the rules of procedure

1. The Administrative 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 Administrative Board.