

EUDAIMONIA comparative table of institutional design obligations

<p style="text-align: center;">Sector covered</p> <p style="text-align: center;">Regulation 2018/1139 (Air)¹</p>	<p style="text-align: center;">Obligations flowing from EU primary law and/or secondary legislation</p>
<p style="text-align: center;">Legal form ?</p>	<p>No one single legal form or authority type, obligations by EU secondary legislation to designate one or more competent authorities by a Member State (Recital 52, art. 3(34)); independence requirement only by taking technical decisions (art. 62(3))</p> <p>National competent authorities shall have the necessary powers and allocated responsibilities for performing the tasks related to certification, oversight and enforcement (art. 3(34); shall be organised, staffed and managed accordingly and shall have the necessary resources and capabilities to carry out the tasks assigned to them in an efficient and timely manner (art. 62(3));</p> <p style="text-align: center;">conditional possibility for joint responsibility of national competent authorities for certain tasks in commercial air transport (art. 62(5))</p> <p style="text-align: center;">N.B: Voluntary reallocation: Possibility of a voluntary reallocation of certain certification, oversight and enforcement tasks from a national competent authorities to EASA (becoming then the competent authority) or to competent authorities of other Member State; Relocation to the EASA should not endanger the sustainability of national competent authorities in terms of their knowledge, skills, resources and economic viability, should not generate forms of</p>

¹ Regulation (EU) No 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91 (Text with EEA relevance.), [2018] O.J. L212/1.

	<p>competition between the EASA and national competent authorities; EASA or a Member State may accept such request only if it considers to have the necessary resources and it can effectively exercise the responsibility for the tasks concerned; detailed arrangements concerning the reallocation shall, at least, identify the legal, practical and administrative arrangements necessary to ensure an orderly transfer and the effective and uninterrupted continuation of the performance of the tasks concerned and shall include provisions on the transfer of relevant technical records and documentation. The reallocation process shall be carried out in accordance with those detailed arrangements (Recitals 37 - 40, art. 64); Reallocation also possible on request of an organisation operating in more than one Member State (art. 65)</p>
<p>Composition ?</p>	<p><i>No specific composition requirements</i></p> <p>N.B.: EASA and the national competent authorities shall establish a mechanism for the voluntary pooling and sharing of European aviation inspectors and other specialists/personnel, possible personnel exchanges between the national competent authorities; statements of European aviation inspectors shall be treated as equivalent to those of national inspectors and shall constitute admissible evidence in administrative and judicial proceedings (Recital 36, art. 63)</p>
<p>Process ?</p>	<p>national competent authorities shall be independent when taking technical decisions on certification, oversight and enforcement and exercise their tasks impartially, and transparently; they shall have the necessary resources and capabilities to carry out the tasks assigned to them in an efficient and timely manner (art. 62(3))</p> <p>European Commission shall adopt implementing acts to ensure the uniform implementation and compliance of tasks of the national competent authorities related to certification, (effective) oversight and enforcement under the Regulation 2018/1139, including i.a. various rules and</p>

procedures and allocation of responsibilities between the national competent authorities (art. 62(14)(a)-(e), (15)(a)-(e)). The European Commission may also adopt implementing acts laying down the rules of procedures concerning the assistance of the European aviation inspectors (art. 63(6))

General processual requirements:
Measures undertaken to be proportionate to the nature and risk of each particular activity (Article 4(2); uniform implementation of all necessary acts by the national competent authorities (art. 1(3)f)); Oversight conducted by EASA and national competent authorities shall be continuous and based on priorities set in the light of the risks to civil aviation (art. 62(6)); Promotion of common understanding and application of requirements by developing guidance material by EASA in consultation with the national competent authorities (art. 62(10)); penalties provided shall be effective, proportionate and dissuasive (art. 131)

The Commission, the EASA and the competent authorities shall cooperate within a single European aviation safety system (Recital 35, art. 62(1))

Common conditions for establishing a technical assistance programme (oversight support mechanism) (art. 66)

Mutual recognition (without further technical requirements or evaluation) of accreditations of qualified entities granted by EASA or other national competent authorities (art. 69(4))

Coordination and cooperation:
Cooperation obligations between the European Commission, EASA and the national competent authorities (art. 2(6), art. 72(4)); Between EASA and national competent authorities: cooperation (art. 62(7)), work in partnership (Recital 37), sincere cooperation by reallocation of tasks to EASA (Recital 40); cooperation on environmental matters (art. 87(2));

cooperation on ensuring interdependencies between civil aviation safety and security and socioeconomic factors (art. 88 - 89); collaboration on technical matters in ICAO (International Civil Aviation Organization) between the European Commission, EASA and involved national competent authorities through a network on experts (art. 90(5))

Enforcement:

To ensure compliance, EASA and national competent authorities have a shared competence to amend, limit, suspend or revoke certificates issued by them, ground of aircraft and impose penalties in order to terminate identified infringements (art. 62(2)(d)) and to prohibit, limit or make subject to certain activities in the interest of safety (art. 62(2)(e)); investigations of EASA through national competent authorities (art. 83)

Information exchange:

Co-establishment and co-management of a repository of information (with EASA and the European Commission) (art. 74);

Information exchange between the European Commission, EASA and the national competent authorities (Recital 46, art. 62(9), art. 72(1)); between the national competent authorities, aeromedical examiners and aeromedical centers (art. 74(2)); information dissemination (art. 62(12)); European Commission can adopt implementing acts laying down detailed provisions on gathering, exchange and dissemination of relevant information between it, the EASA and the national competent authorities (art. 62(15)(a));

exchange of information about the accreditations granted, limited, suspended and revoked (art. 69(5)); The European Commission shall adopt implementing acts laying down detailed rules for the exchange of information related to investigation of civil aviation accidents and incidents between it, EASA and national competent authorities (art. 72(5)); national competent authorities shall inform EASA without undue delay about measures taken (art.

	<p>76(6)); EASA may require national competent authorities to provide with all necessary information for conducting inspections and other monitoring activities and to provide oral explanations (art. 85(2)); national competent authorities shall assist EASA by effectively communicating relevant safety information (art. 119(4))</p> <p>Data protection: National competent authorities (together with the European Commission and EASA) shall establish measures on appropriate protection of information gathered, exchanged and analysed and to ensure the protection of sources of such information (Recital 47, art. 73); obligation to establish appropriate measures to ensure the necessary protection of sensitive safety-related information (appropriate confidentiality) (Recital 74, art. 72(6))</p>
<p>Modus operandi (judicial review) ?</p>	<p><i>No specific (parliamentary or government) accountability mechanisms</i></p> <p><i>No specific judicial review mechanism.</i></p> <p>Any legal or natural person subject to the Regulation 2018/1139 may bring to the attention of EASA any alleged difference in the application of the rules between the Member States (to be addressed with national competent authorities, ultimately the European Commission) (art. 62(11))</p> <p>Measures established to protect information shall be without prejudice to the applicable national material and procedural criminal laws; Rights of third parties to institute civil proceedings should not be affected by those measures and should be subject only to national law (Recital 47)</p>

<p style="text-align: center;">Sector covered</p> <p>Directive (EU) 2016/798 (railway safety)²</p>	<p style="text-align: center;">Obligations flowing from EU primary law and/or secondary legislation</p>
<p style="text-align: center;">Legal form ?</p>	<p>No one single legal form or authority type, although the Directive aims at harmonising the regulatory structure in the Member States (art. 1(a)); obligations by EU secondary legislation to:</p> <ul style="list-style-type: none"> • Establish ‘National safety authority’ (art. 1(e)), being the national body entrusted with the tasks regarding railway safety (art. 3(7)(a)) OR any body entrusted by several Member States with such tasks to ensure a unified safety regime (art. 3(7)(b)) AND, to designate, in addition to the national safety authority otherwise competent for its territory, a specific safety authority, entrusted by a Member State and a third country with tasks related to a piece of engineering structure partially situated in a third country, given determined conditions are fulfilled (art. 3(7)(c), art. 16(4)); <p>the national safety authority shall have the necessary internal and external organisational capacity in terms of human and material resources, be independent in its organisation, legal structure and decision-making from any railway undertaking, infrastructure manager, applicant, or contracting entity and from any entity awarding public service contracts. Provided that such independence is guaranteed, that authority may be a department within the national ministry responsible for transport matters. (Recital (35), Art. 16(1))</p> <p style="text-align: center;">Tasks:</p> <p>The national safety authority shall be entrusted at least with tasks listed in art. 16(2), which cannot be transferred or</p>

² Directive (EU) No 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety (recast), [2016] O.J. L138/102.

	<p>subcontracted to any infrastructure management, railway undertaking or contracting entity (art. 16(3)); Supervisory/continued monitoring of compliance tasks (art. 17);</p> <ul style="list-style-type: none">• Establish an ‘Accident and incident investigating body’ (art. 1(e)), called also ‘investigating body’, carrying out investigations (art. 20(1) - (2)), being a permanent body, independent in its organisation, legal structure, decision-making [and task performance] from any infrastructure manager, railway undertaking, charging body, allocation body and conformity assessment body and from any party whose interests could conflict with the tasks entrusted to the investigating body. It shall, furthermore, be functionally independent from the national safety authority, from the EU Agency and from any regulator of railways (art. 22(1)); In particular, its functional independence should not be affected if it is closely linked, for organisational and legal structure purposes, to the national safety authority, the Agency or the regulator of railways (Recital (38)); An investigating body shall obtain sufficient resources (financial and human – Recital (36)) to perform its tasks independently (art. 22(2)) ; Investigating bodies from invited Member States shall be provided with the powers necessary to enable them, when requested, to assist in the collection of evidence for another Member State's investigating body (art. 23(1))• Indirectly: designate competent authorities for the monitoring of compliance with applicable working, driving and rest-time rules for train drivers, which can be different from the national safety authorities (art. 17(4))
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<p>Composition ?</p>	<p>Accident and incident investigating body shall comprise at least one investigator able to perform the function of investigator-in-charge in the event of an accident or incident (art. 22(1); ‘Investigator-in-charge’ is a person responsible for the organisation, conduct and control of an investigation (art. 3(10)); Such investigators shall be afforded status giving them the necessary guarantees of independence (22(2))</p>
<p>Process ?</p>	<p>Overall, Member States shall ensure that all applicable legislation is enforced in an open and non-discriminatory manner, fostering the development of a single European rail transport system (art. 4(1)(b))</p> <p>Principles of procedures of national safety authorities:</p> <p>the national safety authority shall be independent in its decision-making from any railway undertaking, infrastructure manager, applicant or contracting entity and from any entity awarding public service contracts (Art. 16(1))</p> <p>Decision-making principles (art. 18), in particular the national safety authorities shall be free to carry all inspections, audits and investigations needed for the accomplishment of their tasks (art. 18(2)), decisions taken by the national safety authorities shall be subject to judicial review (art. 18(3)); the national safety authorities shall conduct an active exchange of views and expertise, in particular within the network established by the EU Agency in order to harmonise their decision-making criteria across the Union (art. 18(4))</p> <p>Procedures related to the national safety authorities:</p> <p>Procedures related to single safety certificate (art. 10, art. 17(5)); In particular, issuing such certificate shall be done within a predeterminate and reasonable time (art. 10(4))</p>

	<p>Procedural requirements concerning safety authorisation of infrastructure managers issued by national safety authority, including the conditions and timeframes of their validity, revision, amendment, revocation and renewal (art. 12)</p> <p>The national safety authorities shall ensure that the training services meet specific requirements (art. 13(1))</p> <p>Procedures related to ECM certification by a national safety authority (art. 14(4) - (6), (8) and Annex III); the accreditation and recognition processes of certification process shall be based on criteria of independence, competence and impartiality (art. 14(4)(a)); criteria shall be applied consistently (art. 14(4)(c));</p> <p>Cooperation and coordination including the national safety authorities:</p> <p>coordination (art. 10(5)), cooperation (Recitals (23) and (29), art. 10(7), art. 17(6)), information sharing (art. 17(9)) between the EU Agency and the national safety authorities;</p> <p>Cooperation (art. 12(5), art. 17(9)) and information sharing (art. 17(9)) between the national safety authorities</p> <p>cooperation agreements (art. 76 of the Regulation (EU) 2016/769)) between the EU Agency and one or more national safety authorities (Recitals (24) – (25), art. 11(1)-(2));</p> <p>In specific cases, the national safety authorities in Member States whose rail networks have a track gauge that is different from that of the main rail network within the EU shall conclude with the EU Agency an additional multilateral agreement (art. 11(3))</p> <p>Cooperation to ensure monitoring of compliance between authorities competent for monitoring of working, driving and rest-</p>
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time rules and the national safety authorities (if they are not competent) (art. 17(4))

National safety authorities shall be obliged to immediately notify the accidents and incidents to the investigating body and to provide all available information (art. 22(3))

Investigation procedure by investigating bodies:

Investigation has a legal definition (art. 3(14)); The objective of investigation shall be to improve, where possible, rail safety and the prevention of accidents (art. 20(1));

The investigation (or a safety recommendation - art. 26(1) shall in no case be concerned with apportioning blame or liability (art. 20(4)); The investigation shall be carried out independently of any judicial inquiry (art. 21(4)) and with as much openness as possible (art. 23(4)); The investigating body shall take account of needs of the victims and keep them informed of the progress of investigation (art. 23(3)), as well as conclude its examinations at the accident site in the shortest possible time in order to enable the infrastructure manager to restore the infrastructure and open it to rail transport services as soon as possible.

The investigating bodies are playing a core role in the safety investigation process (Recital (36)); These bodies shall conduct an active exchange of views and experience for the purposes of the development of common investigation methods, drawing up common principles for follow up of safety recommendations and adaptation to the development of technical and scientific progress, as well as establish a programme of peer reviews where all investigating bodies are encouraged to participate so as to monitor their effectiveness and independence (art. 22(7))

An investigating body shall perform its tasks independently of any infrastructure manager, railway undertaking, charging body, allocation body and conformity

	<p>assessment body and from any party whose interests could conflict with the tasks entrusted to the investigating body (art. 22(2))</p> <p>The investigation shall be carried out after any serious accident on the Union rail system (art. 20(1)) or when such body makes a decision to investigate an accident or incident (art. 20(2)); After opening the investigation, the investigating body shall inform the EU Agency (art. 25(1)); As a rule, competence to investigate an accident or incident according to the place of occurrence, but investigations in cooperation also possible (art. 23(1));</p> <p>The investigating body shall decide within a deadline whether or not to start the investigation (art. 22(3)); possibility to investigate occurrences other than railway accidents and incidents as long as such other investigations do not endanger the independence of investigative bodies (art. 22(4)); has possibility to request the assistance of other investigating bodies from other Member States/EU Agency provided it does not undermine the independence of the investigating body (art. 22(5)).</p> <p>The extent of investigations and the procedure to be followed in carrying out investigations shall be determined by the investigating body (art. 20(3)); Member States shall define the legal status of the investigations to enable the investigators-in-charge to carry out their task in the most efficient way and within the shortest time (art. 21(1)); For each accident or incident the investigation body shall arrange for the appropriate means to carry out the investigation (art. 23 (2))</p> <p>Member States shall ensure full cooperation by authorities responsible for any judicial inquiry and shall ensure that investigators are given access as soon as possible to information and evidence relevant for the investigation (art. 21(2)); the EU Agency</p>
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	<p>shall cooperate with the investigating body (art. 21(3))</p>
<p>Modus operandi (judicial review) ?</p>	<p style="text-align: center;">Accountability:</p> <p style="text-align: center;">Annual report of the national safety authorities to the EU Agency (art. 19)</p> <p>Final reports on investigation of an accident or incident with safety recommendations shall be made public and communicated to relevant parties, bodies and parties concerned in other Member States (art. 24(1) - (2)) and to EU Agency (art. 25(2))</p> <p style="text-align: center;">By 30 September every year, the investigating body shall publish an annual report accounting for the investigations carried out in the preceding year, the safety recommendations that were issued and actions taken in accordance with recommendations issued previously (art. 24(3)) and send it to EU Agency (art. 25(2))</p> <p>Safety recommendations by investigating bodies addressed to the national safety authority and, where needed, to the EU Agency, to other bodies or authorities in the Member State concerned or to other Member States (art. 26(2), which, in turn, shall report back periodically (art. 26(3))</p> <p style="text-align: center;">Principles:</p> <p style="text-align: center;">The penalties provided for must be effective, proportionate, non-discriminatory, and dissuasive (art. 30)</p> <p style="text-align: center;">decisions taken by the national safety authorities shall be subject to judicial review (art. 18(3))</p>

Administrative and judicial review:

Review procedure before the national safety authority against a decision refusing the issuing of a single certificate or excluding part of a network in accordance with a negative assessment; If a negative decision of a national safety is confirmed, the applicant may bring an appeal before an appeal body in accordance with national law. Member States may designate the regulatory body referred to in Article 56 of the Directive 2012/34/EU for the purpose of this appeal procedure. (art. 10(12)); The administrative and judicial review procedure of art. 10(12) is also applicable in the case referred to in art. 17(5);

Judicial review of the decision of the national safety authority relating to temporary safety measures applied (art. 17(6), art. 18(3));

Judicial recourse in cases of international agreements:

CJEU's jurisdiction to give a preliminary ruling on the questions raised by an arbitral tribunal set up to settle disputes submitted to arbitration in accordance with an international agreement related to a specific safety authority/authorities; Where the arbitral tribunal fails to comply with any CJEU ruling, the Member State concerned shall without delay make use of the right granted by the international agreement (art. 16(5))

Arbitration:

Arbitration procedure before the Board of Appeal established under art. 55 of the Regulation (EU) 2016/769 in the case of disagreement of EU Agency on a negative assessment carried out by national safety authority/authorities (art. 10(7)); this arbitration procedure is also applicable in the case of disagreement referred to in art. 17(5)

<p style="text-align: center;">Sector covered Directive 2008/96/EC (road)³</p>	<p style="text-align: center;">Obligations flowing from EU primary law and/or secondary legislation</p>
<p style="text-align: center;">Legal form ?</p>	<p>No one single legal form or authority type, references to three types of national administrative authorities:</p> <ul style="list-style-type: none"> • ‘Competent entity’ meaning any public or private organisation set up at national, regional or local level, involved in the implementation of this Directive by reason of its competences, including bodies designated as competent entities which existed before the entry into force of this Directive, in so far as they meet the requirements of this Directive (art. 2(2)) • Member States shall appoint (road safety) ‘Auditor(s) who shall carry out an audit of the design characteristics of an infrastructure project (art. 4 (2)); • Expert teams (no legal definition) (art. 6a(3))
<p style="text-align: center;">Composition ?</p>	<p>Appointment requirements for auditors (art. 9(4))</p> <p>Training and certification of road safety auditors (art. 9(1) - (3))</p> <p>Where audits are undertaken by teams, at least one member of the team shall hold a certificate of competence (art. 4 (2)); 9(3)(4)</p> <p>At least one member of the expert team shall have the relevant experience or training in road design, road safety and accident analysis (art. 6a(3), art. 9(4)(a))</p>

³ Directive No 2008/96/EC of the European Parliament and of the Council on road infrastructure safety management, [2008] O.J. L/319/59.

<p>Process ?</p>	<p>"Competent entities shall participate in joint [periodic] road safety inspections (art. 2(7a), art. 6(3))</p> <p>For each fatal accident occurring on a road (within the meaning of art. 1(2)) an accident report shall be drawn by the competent entity; Such report shall include each of the elements listed in Annex IV (art. 7(1))</p> <p>Competent entities shall be supported in the application of the Directive by guidelines (art. 2(8)) prepared by the Member States (art. 8(1))</p> <p>‘Road safety audit’ means an independent detailed systemic and technical safety check, which meets the criteria set out in Annex II and resulting in relevant recommendations (art. 2(4), art 4); Auditor must set out safety critical design elements in an audit report for each stage of the infrastructure project (art. 4(4); The European Commission provides guidance for certain aspects of audit (art. 4(6))</p> <p>Targeted road safety inspections (art. 2(7)) shall be carried out by expert teams (art. 6a(3)). By that, indicative elements set out in Annex IIa may be taken into account (art. 6a(2)).</p>
<p>Modus operandi (judicial review) ?</p>	<p><i>No specific (parliamentary or government) accountability mechanisms</i></p> <p><i>No specific judicial review mechanism</i></p> <p>Reporting of Member States only (voluntary – art. 6e; to the European Commission – art. 11a)</p>

<p>Directive (EU) 2016/1629⁴ and Directive 2009/100/EC⁵</p>	<p>Obligations flowing from EU primary law and/or secondary legislation</p>	
<p>Legal form ?</p>	<p><i>No one single legal form or authority type</i></p> <p>For reasons of administrative, technical and economic efficiency, Member States should have the possibility to designate competent authorities responsible for ensuring conformity with this Directive and its correct application in accordance with their national practices (Recital (12))</p> <p>Two general types of competent authorities, which list Member States shall draw up and shall notify the European Commission thereof (incl. any changes):</p> <ul style="list-style-type: none"> • competent authorities in charge of inland navigation 	<p><i>No one single legal form or authority type,</i></p> <p><i>No specific references to national competent authority/authorities</i></p> <p><i>No references to independence, budgetary autonomy or the need for sufficient budget</i></p>

⁴ Directive (EU) 2016/1629 of the European Parliament and of the Council of 14 September 2016 laying down technical requirements for inland waterway vessels, amending Directive 2009/100/EC and repealing Directive 2006/87/EC, [2016] O.J. L252/118.

⁵ Directive 2009/100/EC of the European Parliament and of the Council of 16 September 2009 on reciprocal recognition of navigability licences for inland waterway vessels (codified version), [2009] O.J. L259/8.

	<p>certificates (art. 6(3), art. 9 – 17);</p> <ul style="list-style-type: none"> • competent authorities responsible for carrying out technical inspections (art. 20(3)) <p>Unclear, whether the competent authorities in charge of control of compliance are the same or distinct from competent authorities in charge of inland navigation certificates (Recital 13, art. 22)</p> <p><i>No references to independence, budgetary autonomy or the need for sufficient budget</i></p> <p>The procedures for making a request for an inspection and for establishing the place and time of that inspection shall fall within the powers of the competent authorities (art. 6(6))</p>	
<p>Composition ?</p>	<p><i>No specific composition requirements</i></p>	<p><i>No specific composition requirements</i></p>

<p>Process ?</p>	<p>Harmonisation of procedures (Recital 5, Recitals 8 – 9)</p> <p>Union inland navigation certificates shall be issued, recognised, renewed, replaced, amended, refused and withdrawn by the competent authorities of Member States, according to the procedure determined in the Directive and its Annexes (Recitals 13 – 15, art. 6, art. 9 – art. 17, art. 28 - 29); Control of compliance with certification obligations (art. 22); specification of derogations (art. 26(2))</p> <p>Data protection by personal data transfer related to the European Hull Data Base (EHDB) to the Commission and third countries (art. 19(1), (3), (4) – (6))</p> <p>Technical inspections (art. 20);</p> <p>Competent authorities shall specify derogations for specific craft (art. 25(2));</p>	<p><i>No specific processual requirements</i></p> <p>Directive 2009/100/EC: Procedures for the issue of navigability licences by Member States, including the territorial competence, form of licence (art. 2, Annex I), reciprocal recognition and specific requirements/conditions (art. 3), licence withdrawal and interruption of vessel passage (art. 4)</p>
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<p>Modus operandi (accountability, judicial review) ?</p>	<p><i>No specific (parliamentary or government) accountability mechanisms No specific judicial review mechanism</i></p> <p>Obligation of competent authorities to keep a register of all certificates they have issued/renewed (art. 17), assign/include to a certificate and report to the European Commission a (list of) unique European vessel identification number (ENI) (art. 18); obligation of Member States to enter specific data in the EHDB (Recitals 16, 23, art. 19)</p> <p>Any decision not to issue/renew a Union inland navigation certificate (art. 15(1)) AND to interrupt the passage of a craft taken in the implementation of this Directive (art. 22(5)), shall state the grounds/reasons on which is based, notified thereof and shall be informed about the appeal procedure and the time limits applicable in the Member State concerned;</p>	<p><i>No specific (parliamentary or government) accountability mechanisms No specific judicial review mechanism</i></p>
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	<p>A Member State (de facto competent authority) which prevented a craft from proceeding with its voyage, or has notified the owner of the craft or its representative of its intention to so prevent it if the defects found are not corrected, shall inform the competent authority in the Member State which issued or last renewed the craft's certificate, within seven days of the decision which it has taken or intends to take. (art. 22(4))</p> <p>Member States shall lay down the rules on penalties applicable to infringements of the national provisions adopted pursuant to this Directive and shall take the measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive (art. 35);</p>	
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<p style="text-align: center;">Sector covered</p> <p style="text-align: center;">Regulation (EC) No 1406/2002,⁶ as amended by Regulation (EU) No 2016/1625⁷</p>	<p style="text-align: center;">Obligations flowing from EU primary law and/or secondary legislation</p>
<p style="text-align: center;">Legal form ?</p>	<p><i>No one single legal form or authority type,</i></p> <p><i>No specific references to national competent authority/authorities</i></p> <p>In Recitals 1 and 3 of Regulation (EU) No 2016/1625, two times only appears a general reference to broad scope of tasks of the national authorities carrying out coast guard functions at the national level</p> <p>In art. 2b(1), general reference to national authorities carrying out coast guard functions at national (Union and, where appropriate, international) level and the ways of support of their functions</p> <p><i>No references to independence, budgetary autonomy or the need for sufficient budget</i></p> <p>N.B. At the request of the European Commission, the Administrative Board of the European Maritime Safety Agency (EMSA), with the agreement of and in cooperation with the Member States concerned and with due regard to budgetary implications, may provide to establish the regional centres to carry out some EMSA's tasks (art. 5(3))</p>
<p style="text-align: center;">Composition ?</p>	<p style="text-align: center;"><i>No specific composition requirements</i></p>

⁶ Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency, [2002] O.J.L208/1.

⁷ Regulation (EU) 2016/1625 of the European Parliament and of the Council of 14 September 2016 amending Regulation (EC) No. 1406/2002 establishing a European Maritime Safety Agency [2016] O.J. L251/77.

<p>Process ?</p>	<p><i>No specific processual requirements</i></p> <p>Authorities of Member States shall facilitate visits of officials of the EMSA(Recital 6 of Regulation 1406/2002)</p> <p>(facilitated) cooperation of the EMSA with Member States (art. 1(2)); EMSA shall facilitate cooperation between the Member States and the European Commission (Recital 4, art. 2(3) of Regulation 1406/2002); EMSA shall favour the establishment of better cooperation between the Member States (Recital 5 of Regulation 1406/2002)</p> <p>EMSA, Frontex and the European Fisheries Control Agency shall strengthen cooperation with the national authorities carrying out coast guard functions (Recital 1 of Regulation (EU) No 2016/1625)</p> <p>Exploration with competent authorities (of Member States) for the River Information Services System the possibility of sharing information between this system and maritime transport information systems (art. 2a(3)(b) of Regulation 1406/2002)</p>
<p>Modus operandi (judicial review) ?</p>	<p><i>No specific (parliamentary or government) accountability mechanisms No specific judicial review mechanism</i></p>