



# EUROPEAN MARITIME SAFETY AGENCY

---

## 8<sup>th</sup> MEETING OF THE ADMINISTRATIVE BOARD

### Agenda number/item: 4

#### 4. COMPLEMENTARY WORK PROGRAMME 2004

**Executive Summary:** Please find a draft of the complementary Work Programme 2004. This is needed to cover in the running programme of this year the three additional tasks of EMSA that have been added by the latest amended Regulation, that has been published.

**Action required:** This Complementary Work Programme should be considered and adopted by the Administrative Board in order to enable EMSA to use budget that has been kept in reserve for the task of oil pollution response and to indicate what is the impact of the new tasks for the existing budget of the Agency.

#### Introduction

On April 29<sup>th</sup> 2004, Regulation 724/2004 of the European Parliament and the Council was published amending Regulation 1406/2002 establishing a European Maritime Safety Agency (OJ L 129/1). With this amendment three new tasks have been entrusted to EMSA. These tasks were already mentioned as possible new responsibilities in the Work Programme 2004:

- I) Assistance and support regarding response to pollution by ships within the Community,
- II) Technical assistance in the performance of inspection tasks by the European Commission related to the implementation of the ISPS code in the field of ship-related security,
- III) Verification of the compliance of third countries with the requirements of the 1978 International Convention on Standards of Training, Certification and Watchkeeping, and of the measures taken to prevent fraud involving certificates of competency.

According to the legislative financial statement of the European Commission, the impact of the three new tasks (when fully operational) on staff is that 25 people will have to be recruited as of 2004 (10 people for oil pollution response, 8 for maritime security and 7 for auditing seafarers qualifications). This recruitment process should be finalised by 2005.

## **Additional activities for 2004**

### **I) Oil Pollution response task of EMSA**

There is a separate budget line for oil pollution response. (Budget line and heading: 06020203: European Maritime Safety Agency (Subsidy for anti-pollution measures)). The Budget Authority has allocated in reserve a budget of 2 MEURO for the Agency in 2004 in order to make a start with the execution of the oil pollution response task without delay. Without prejudice to the ongoing discussion regarding the oil pollution response action plan and the final approval by the Administrative Board, EMSA will have to present its activities for 2004 and the related budget in order to release the amount in reserve.

According to the adopted Regulation, the Agency will have to provide Member States and the Commission with technical and scientific assistance in the field of accidental or deliberate pollution by ships and support on request with additional means in a cost-efficient way the pollution response mechanisms of Member States, without prejudice to the responsibility of coastal states to have appropriate pollution response mechanisms in place and respecting existing co-operation between Member States in this field.

The Executive Director of the Agency has prepared, in consultation with the European Commission, a first draft detailed plan for the Agency's pollution response activities, which was presented at the EMSA Administrative Board meeting of March 25<sup>th</sup> 2004. To further define the oil pollution response activities at EU level the Agency is organising a workshop for experts of Member States in June. A revised version of the Action Plan will be sent to the Administrative Board for consideration and adoption in October. Furthermore the amended Regulation stipulates that the Executive Director will have to implement the approved measures. Nevertheless, since the day of publication, EMSA already has the legal obligation to respond to any request by the Commission or by Member States in this field.

Resources of EMSA will have to be used to attain the required up-to-date knowledge and capabilities.

For 2004 several actions are planned:

1) In order to provide the Commission and Member States with technical and scientific assistance, it is the intention of the Agency to establish an Oil Pollution Response Unit. Within which there will be a sub-unit for the gathering, analysis and dissemination of best practices, techniques and innovation in the field of oil pollution response, in particular for at-sea oil recovery during large spills. In particular EMSA will use this information to develop a model to evaluate the effectiveness of existing measures.

To create such a 'center of knowledge' EMSA wishes to recruit as soon as possible the minimum staff needed to develop this in-house expertise. This staff will have to carry out the listed activities. It is expected that EMSA staff will contribute to regional and international discussions (meetings/conferences/seminars) concerning

oil pollution response activities, equipment, techniques and innovation. In addition, the inventory study contracted by the Commission regarding oil pollution response equipment in Member States will have to be supplemented by undertaking a similar study for the 10 new Member States. This may include visiting the competent authorities in each of the new Member States.

2) A database is urgently needed which will provide information regarding previous incidents, responses and the impacts. This will be an important information tool for several activities in this field. This database is of use for the Agency but should be available for consultation by Member States as well.

3) At short notice, EMSA will have to organise consultations with Member States in order to facilitate a common understanding of the existing means to combat pollution and in particular the use of different types of dispersants and their implications. In addition, EMSA has to study how on the spot testing equipment is provided to define the precise type of (crude/heavy) oil indicating the corresponding dispersant. At least a seminar will have to be organised and a correspondent group is needed to continue work on this subject and to discuss the outcome of the study.

4) EMSA will work closely with the services of the European Commission to cooperate within the existing co-ordination mechanisms in an efficient way and to avoid any duplication of activities. If the Agency wants to be able to respond to requests by coastal states to support them with additional means, an obligation imposed by the latest amendment, then in 2004 the basic infrastructure at least will have to be established within the Agency. In addition, there might be a need to establish common criteria for the classification of oil pollution response equipment to facilitate immediate and effective coastal state assistance by the Agency or any other coastal state through Community mechanisms. This possibility will be discussed with the services of the European Commission. To further explore the classification of equipment a seminar could be organised in the autumn of 2004.

5) Preparatory work will have to be carried out defining the "terms of operation" for the readiness of oil pollution response equipment. First of all, the relationships with regional agreements must be made clear. If needed, working agreements will have to be prepared and to be put in place with regional agreements. In addition, further work is needed regarding contractual arrangements for contracting (in and out of) multipurpose vessels. Particularities of the different market segments (ice breaking, dredging, salvage, oil supply, bunkering, et cetera) and their consequences for contractual arrangements will have to be mapped. Contractual conditions will have to be developed. These must be clear and transparent. The operational conditions will have to be developed before EMSA is able to take up its role as envisaged for 2005. Account will be taken of the work carried out within the Community framework for cooperation in the field of marine pollution.

6) EMSA should not only concentrate on the possibility of taking action in the event of an oil spill. At least a risk assessment is needed to define how urgent it is to conduct contingency planning regarding accidents involving hazardous and noxious ("chemical") substances. A wide range of chemical substances are transported through European waters. A prioritisation is needed of these hazardous and noxious

substances. This would be a useful basis to decide upon whether additional action is needed and what that might entail.

Budget required for these actions in 2004:

1) Technical and scientific assistance	
- Recruitment of staff (4 staff members and secretary)	200.000 EURO
- Missions and visits	50.000 EURO
2) Set up and maintenance of database	
- Database incidents, responses and impacts	250.000 EURO
3) Effective use of dispersants	
- Seminar	25.000 EURO
- Study	50.000 EURO
4) Classification of oil pollution equipment	
- Seminar	25.000 EURO
5) Pre-defining operational conditions for equipment	
- Analysis	200.000 EURO
6) Risk assessment hazardous and noxious substances	
- Risk assessments study	100.000 EURO
Total:	900.000 EURO

## **New tasks (II and III)**

The other new tasks of the Agency will have to be financed using the existing budget (0602201 and 06020202: European Maritime Safety Agency (Subsidy for 1, 2 and 3). This is of course an additional burden to the budget of 2004.

The amounts regarding the new tasks (II and III) should be found within the existing budget for 2004. A structural solution has to be found in the context of the 2005 budget.

### **II) Assistance in the field of ship-related security**

EMSA will have to provide the Commission with technical assistance in the performance of the inspection tasks assigned to it on the basis of Regulation 725/2004 enhancing ship and port facility security, implementing the ISPS Code in Community legislation. This assistance of the Agency to the Commission will be restricted to ship and relevant companies and Recognised Security Organisations authorised to undertake certain security-related activities in this context.

This is not only a new task for the Agency but a new working field for the Commission as well. The Commission will put in place a system to check the effectiveness of procedures for monitoring the implementation of each national system. The Commission is currently working on the implementation of its inspection task. A draft methodology for the maritime sector is being awaited.

Due to the unknown working method that is in the process of being developed, the Agency wants to further explore this area in 2004 by appointing two security officers on the basis of a short-term contract. It will be premature to contract security officers for a longer period in these circumstances. When there will be more certainty regarding the scope of assistance by the Agency in this field and when the related budget is secured, the Agency will further invest in staff and infrastructure.

Consequences for the 2004 budget:

- Recruitment of staff (2 senior security officers)	100.000 EURO
--	--------------

### **III) STCW compliance of third countries**

The European Commission and EMSA have discussed the procedure for transfer of the tasks related to the Training Directive from TREN to EMSA. The conclusion is that EMSA gradually takes over the assessments of the training systems of third countries as of the end of 2004.

EMSA will start doing preparatory work in the second half of 2004. This will be done on the basis of three factfinding studies in order to be able to clearly define and structure this new task.

First of all, EMSA wants to have a clear picture of the trends in employing third country seafarers. What are the number of seafarers, from what third country and what specific maritime training institute are they coming from? What are the variations among EU flags? What are current and future demands for third country seafarers on EU flagged ships?

Secondly, EMSA would like having an overview of the educational structure of the important seafarer supplying third countries, indications of quality of individual institutes, compliance with STCW criteria, etc.

Thirdly, to be able to conduct transparent and comparable visits to check the compliance with STCW, EMSA would like to develop a methodology and common criteria for inspections. It would like to assess experiences of visits carried out so far by the Commission and by EU Member States in this field. Furthermore, it will be likely that EMSA could build upon good experiences gained on Community and national level.

To cover those tasks it is planned to recruit 4 new staff officers, of whom 2 will be seconded national experts. It is expected that these staff members will be operational in the last quarter of this year.

Consequences for the 2004 budget:

- Studies as indicated	150.000 EURO
- Staff	75.000 EURO