

European Maritime Safety Agency
Work Programme 2004





Work programme 2004

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Introduction

Introduction

THE European Maritime Safety Agency was established by Regulation (EC) 1406/2002 of the European Parliament and of the Council of 27th June ⁽¹⁾. The first meeting of the Administrative Board of the European Maritime Safety Agency (EMSA) took place on 4th December 2002 in Brussels following an invitation by the Commission.

The Board nominated the Executive Director on 29th January 2003, who undertook to engage a small cell of administrative staff. This team effectively started its work at the beginning of May 2003.

At the time of writing (September 2003) the Agency has a staff of 15. The administrative systems necessary for its proper functioning (financial, human resources, IT, etc.) are largely operational. The process for the recruitment of specialised staff has been launched and is ongoing.

This document gives a detailed overview of the technical activities of the Agency programmed for 2004 (Part II) and a snapshot of the ongoing work so far undertaken that is needed to build an EU agency for maritime safety (Part III).

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The European Maritime Safety Agency : Its origin and its tasks

CREATED in the aftermath of the *Erika* disaster, the European Maritime Safety Agency will contribute to the enhancement of the overall maritime safety system in the Community. Its goals are, through its tasks, to reduce the risk of maritime accidents, marine pollution from ships and the loss of human life at sea. In general terms, the agency will provide technical and scientific advice to the Commission in the field of maritime safety and prevention of pollution by ships in the continuous process of updating and developing new legislation, monitoring its implementation and evaluating the effectiveness of the measures in place. Agency officials will closely cooperate with Member States maritime services.

Other specific tasks that the Agency shall be active in are inter alia: strengthening the Port State Control regime, auditing the Community-recognised classification societies, developing a common methodology for the investigation of maritime accidents and the establishment of a Community vessel traffic and information system.

The Agency will work very closely with Member States. It will respond to their specific requests in relation to the practical implementation of Community legislation, such as the recently adopted directive on traffic monitoring, and may organise appropriate training activities. The Agency will facilitate co-operation between the Member States and disseminate best practices in the Community. The Agency may also play a positive role in the process of European Union enlargement, by assisting the accession countries in the implementation of Community legislation on maritime safety and the prevention of pollution by ships.

The Agency will contribute to the process of evaluating the effectiveness of Community legislation by providing the Commission and the Member



states with objective, reliable and comparable information and data on maritime safety and on ship pollution.

Following major shipping disasters in European waters, such as the sinking of the ferry *Estonia* and the tankers *Erika* and *Prestige*, very substantial packages of EU legislation have been adopted to improve maritime safety and to reduce pollution from ships. An overview of the most important directives and regulations is presented in Annex I.

To ensure a proper, harmonised and effective implementation of this vast package of legislation, an ongoing process of dialogue and cooperation is necessary between all the parties concerned. In summary, one could say that the main task of EMSA is to organise and structure this dialogue between experts of 27 European States⁽²⁾ and the European Commission.

THE SITUATION TODAY

The first meeting of the administrative board of the European Maritime Safety Agency took place on 4th December 2002 in Brussels following an invitation by the Commission.

The Administrative Board is composed of one representative of each Member State (15), 4 representatives of the Commission and 4 professionals from the sectors most concerned. Norway and Iceland have reached an agreement with the European Union which allow them to participate fully in the work of EMSA. As from May 2004, the 10 new Member States will take their seat in the Administrative Board. At present, the new Members states participate as observers.

Following his nomination by the Board, the Agency's Executive Director, Mr Willem de Ruiter, was appointed in early 2003 following a proposal by the Commission and a selection process





launched in August 2002. He officially took his duties as the executive director of EMSA on the 16th March 2003. He will, in particular, be responsible for defining and achieving the Agency's strategic objectives, establishing long term co-operation with the relevant Commission departments and the Member States.

During the administrative board of 1st April, 2003, Mr de Ruyter presented a short term Work Programme for the remainder of 2003 which included the following priorities: places of refuge, auditing of classification societies, port state control, ship reporting, accident investigation methodology. Furthermore, it provided technical support to the Commission in the areas of new legislation, namely: training of seafarers, pollution response, liability and compensation.

The organisation chart provides for the creation of three units:

→ **The administrative unit**, which is already almost fully staffed: includes human resources; budget; accounting; external communications; information technology; economic affairs; inter-institutional relations and legal issues.

→ **The implementation and control unit**, dealing with: ship safety standards; classification societies; port state control monitoring; environment protection and port reception facilities; training of seafarers and marine equipment certification.

→ **The technical co-operation and development unit**: ship reporting; accident investigation; maritime data bases; assistance to candidates and new Member States; liability and compensation.

On 6th August 2003, the European Commission submitted a proposal to the European Parliament and Council amending Regulation 1406/2002 in order to confer certain new tasks to the Agency. A key element of the proposal is the creation of a department for oil pollution response. Depending on the outcome of the debate in Council and European Parliament, EMSA will set up a special unit for this task, as illustrated in the indicative organigramme for 2004 (see Annex II).

Finally, until such time as the European Council finally takes a decision on the location of the Agency, the Commission will provide the Agency with temporary accommodation in its premises in Brussels.

The 2004 EMSA Work Plan

I. INTRODUCTION

For a new organisation entering its initial operating phase, it is quite understandable that there are considerable uncertainties concerning the precise workload and priorities for 2004. For example, the discussions with the Commission's services on the technical tasks to be delegated to EMSA have advanced considerably but have not yet been completed. Moreover, the Commission has recently put forward a proposal amending Regulation 1406/2002 introducing additional tasks for EMSA⁽³⁾. However, at this stage the outcome of the decision making process in the European Parliament and European Council cannot be (fully) predicted.

Furthermore, the enlargement of the EU in May 2004 will generate certain changes, the impact of which cannot as yet be assessed with certainty or precision.

For these reasons a distinction is being made in the following between:

→ Chapter 2: activities that have to be undertaken by EMSA in 2004 and

→ Chapter 3: planned activities for which, however,

a separate formal decision-making procedure (external to EMSA) is required and, other possible activities for which the opportunity / priority shall need to be established.

2. CURRENT TASKS

2.1 Assessment of classification societies (Directive 94/57 as amended)

According to Directive 94/57 as amended after *Erika*, the EU-recognised classification societies shall be audited once every 2 years. At present



⁽³⁾ Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency - COM/2003/0440 final - COD 2003/0159



there are 12 EU-recognised organisations, hence, 6 audits per year. The assessment shall cover both head offices and selected regional offices and may include visits to specific ships.

Based on existing practice, an average audit requires a team of 3 assessors. The total cycle consisting of: preparation, visits and reporting, takes normally about 4 weeks.

In order to perform this task properly, EMSA will have to set up a system to continuously monitor the performance of recognised organisations on the basis of statistics from Port State Control and other sources.

In addition to the 6 regular audits per year, EMSA may be asked to carry out special audits related to classification societies for which EU recognition is being requested by one or more (new) Member States.

Furthermore the Commission is considering putting forward a proposal on Flag State Implementation, in which case EMSA will be required to provide technical input, including the provision of factual information with regard to compliance of Member States with IMO Resolution A 847.

2.2 Port State Control (Directive 95/21 as amended)

The Commission services require EMSA to provide technical assistance related to the Commission participation in the various bodies of the Paris Memorandum of Understanding (Pmou) and to participate in certain task forces of the Pmou.

The Pmou has identified the ShipCheck programme as the best electronic rule finder to be used in the future by the various Port State



Control (PSC) administrations. EMSA has offered to ensure the completion and the maintenance of the ShipCheck programme. Recent discussions between the Dutch authorities (the author of the programme) and EMSA management has resulted in a common understanding to transfer ShipCheck to EMSA for completion (details of the agreement remain to be decided). Once completed, EMSA will make the product available to all PSC administrations co-operating in the framework of EMSA.

EMSA will assist the Commission in analysing statistics on ships visiting Member States ports with a view to monitoring Member States inspection performance. This task may include visits to Member States.

Assistance will also be required with the implementation of the banning of ships flying a black listed flag that have been detained repeatedly, and in particular the preparation of the list of banned ships to be published by the Commission in accordance with the Port State Control Directive.

Following the Council Conclusion of 6th December 2002 adopted in the aftermath of the *Prestige* incident, the Commission is planning to put forward a proposal amending Directive 95/21. The Commission will require technical input from EMSA for the preparation of this proposal.



2.3 Ship reporting (Directive 2002/59)

In view of the implementation of Directive 2002/59, the Commission is developing the SafeSeaNet project, which consists of a telematic network set-up between Member States and connected to a European Index Server; aiming at exchanging data on ships' movements and their cargoes. After the completion of the project, EMSA will gradually take over from DGTREN the management of SafeSeaNet and organise the follow-up in co-operation with Member States' maritime administrations.

The issue of places of refuge, as set out in Article 20 of Directive 2002/59 requires special attention. A first meeting with experts of Member States was held on 8 May 2003. Follow-up activities will be ongoing in 2004 in order to arrive at convergence in application practices and in order to provide the Commission with appropriate material in

developing further initiatives in this field. The Member States have agreed to provide EMSA with detailed information on the inventory of places of refuge, the command structures, equipment for providing assistance, etc. EMSA will use this information for exchanging "best practice" and to promote cooperation between Member States. It is recalled that the Directive has to be transposed by February 2004.

The Commission plans to propose an amendment to Directive 2002/59 aiming at the further development of a maritime transport management and information system. The Agency will be required to provide technical support in this context; the modalities of which remain to be decided.

Developments in IMO and IALA on long distance AIS will have to be followed closely because of their particular relevance for the European ship reporting and monitoring system as provided for in Directive 2002/59.

2.4 Marine Equipment (Directive 96/98 as amended)

The existing directive imposes several technical tasks on the Commission which will be delegated to EMSA and which include in particular:

- The preparation of updates of technical annexes
- Monitoring of developments of performance and testing standards
- Monitoring of the work of the group of notified bodies (MarED)
- Manage a database of EU approved marine equipment

The Commission is considering a proposal amending the Marine Equipment Directive in order to simplify its application and to bring it more in line with the "new approach" followed in other type approval legislation. EMSA will carry out the necessary technical preparatory work.

An MRA+ agreement between the Community and the United States was initialled end of June 2003 and should enter into force before the end of 2003. EMSA will provide input to the work of the Joint Committee and will assist the Commission in the further development of the technical annex to the MRA + agreement in 2004.

2.5 Accident Investigation

As stated in Article 2(e) of Regulation 1406/2002, EMSA shall work with Member States and the Commission to develop a common methodology for investigating maritime accidents.

According to the same Regulation, EMSA must also facilitate co-operation and may provide support in activities concerning investigations related to serious maritime accidents. The case of the *Prestige* has been particularly highlighted by the European Parliament. On the basis of the information currently available, it is planned to undertake activities in order to facilitate the co-operation between parties concerned.

The Commission is planning to put forward a legislative initiative in the field of accident investigation. In this context the Agency will be required to provide technical assistance; the modalities of which remain to be decided.

Finally, it is planned for work to begin on the creation of a European database for maritime accidents relevant to the EU's maritime safety policy.

2.6 Port Reception Facilities (Directive 2000/56)

Many Member States have failed to implement this Directive within the deadline set by Council and Parliament. Other Member States have also reported difficulties in translating the principles laid down in the Directive into practical arrangements which can be properly implemented and verified.

EMSA will work with Member States to analyse the problems that have occurred, and to find solutions based on best practice. The issue of a common information system to keep track of waste deliveries by ships visiting a series of EU ports will be given special attention. Also, the issue of the fee systems applied in Member States will require further consideration.

2.7 Safety standards (by ship type)

a) There exist detailed Community legislation on **passenger ship safety**, in particular Regulation 3051/95 on the safety management of ro-ro ferries (ISM Code), Directive 98/18 on passenger ships operating domestic services, Directive 98/41 on the registration of persons on board passenger ships and Directive 99/35 on the safety of ro-ro passenger ships operating to and from EU ports.

Under this latter Directive the Commission has recently set up a database of ferry surveys. EMSA

has to take over this project and will ensure the responsibility of managing it. On average some 600 survey reports will be received per annum. EMSA should also analyse the content of these reports with a view to formulating policy relevant conclusions or recommendations. In 2004 EMSA will assist the Commission in its assessment of the application of the Directive on the basis of the survey reports received (ref. Art. 20 of the Directive).

Further improvements to the present database can be envisaged, both as regards the content of the reports and as regards the "mechanics" of the operation of the database (i.e. in the way data is transmitted by Member States, links to other related databases, etc.).

EMSA will have to provide technical advice to the Commission in case of modifications or updates to international instruments, which will imply modifications to the technical annexes in the Community instruments referred to above.





The same applies for the recently adopted Directive 2002/25 on specific stability requirements for ro-ro passenger ships.

Furthermore, EMSA will assist the Commission in monitoring and assessing the effectiveness of all the above instruments (assessment which may involve visits to Member States).

b) On fishing vessels, EMSA will also have to provide technical advice to the Commission in case of modifications or updates to international instruments, which will imply modifications to the technical annexes to Directive 97/70 on the safety of fishing vessels.

c) Bulk carrier safety is an issue requiring special attention. Following the investigation of the sinking of the *Derbyshire*, various measures to improve bulk carrier safety have been agreed by the IMO and at the level of the International Association of Classification Societies. EMSA will have to analyse the effectiveness of the measures referred to above

with a view to advising the Commission on possible measures to be taken at EU level.

d) Oil tanker safety has been at the heart of the Communities maritime safety policy over the last years. EMSA will have a role to play in monitoring the correct implementation of the double hull requirements as agreed after the Erika and Prestige incidents. The development of a Condition Assessment Scheme for ageing double hull tankers will require a co-ordinated input from the EU Member States in the IMO. EMSA will facilitate the co-operation between Member States experts on this and related issues and could become the catalyst for defining an EU stance on this highly technical matter.

In this context, the recent Greek/Bahamas initiative in the IMO pleading for improved construction standards and increased safety margins will also require special attention. EMSA will facilitate the development of a common position between Member States' experts. This process will require close co-operation with the EU-recognised classification societies.

2.8 Training

Art 2. (c) of Regulation 1406/2002 provides that EMSA "shall work with the Member States to (i) organise, where appropriate, relevant training activities in fields which are the responsibility of the port State and flag State;"

Further discussion with Member States will be needed to make a more detailed inventory of such common training needs.

Article 2. (b) (iii) further specifies that the Agency shall assist the Commission in any task assigned to the Commission by existing and future Community legislation on maritime safety and ship pollution prevention. The field of "training, certification and watchkeeping of ships' crews is specially mentioned in the Article as an area where such assistance is likely to be required.

In this context, the Commission proposal of 13.01.2003 for a Directive amending Directive 2001/25/EC on the minimum level of training of seafarers should be mentioned. This proposal introduces new procedures with regard to the recognition of certificates of competency of seafarers issued by third countries. More specifically it introduces a centralised and harmonised procedure for a community-wide recognition of third countries complying with the STCW Convention.

Although the decision-making process has not been completed, the Council's and EP's initial response has been positive. Such centralised Community-wide recognition will become the responsibility of the Commission and requires additional resources at Community level, in order to perform a task which was previously under the responsibility of Member States. The proposal specifies that EMSA will have to provide the necessary technical assistance to the Commission for it to carry out this task.

The new Directive will have to be implemented by the Member States in 2005. However, already in 2004 EMSA must undertake certain activities in order to be prepared for this substantial task.



When implemented fully, EMSA will have to carry out assessments once in every 5 years of each third country having seafarers working on board EU flagged ships. This will require 8 to 12 assessments per year.

As stated before, EMSA will have to build up a team having the specific expertise required for this task in 2004, and will carry out some first assessments in close co-operation with Member States during that year.

2.9 Accident response and general support to the common maritime safety policy

The Commission has asked EMSA to set up an early alert system for (substantial) maritime accidents occurring in the European area, and other important accident in other parts of the world (in particular accidents involving European interests), in order to be immediately informed whenever an incident occurs that could have an impact on the European maritime safety and pollution preven-

tion policy. In this context EMSA should also manage a network of contact points in Member States and develop cross-fertilisation of relevant data-bases. Work on this issue will start in the course of 2003 and will be ongoing in 2004.

In order to support with relevant data the common maritime safety policy, EMSA will work on the development of new data bases and the integration of existing data bases in the fields of maritime safety and pollution caused by ships.

2.10 Issues relating to shipowners' liability

Following the *Erika* accident, the Community has been increasingly involved in matters relating to liability and compensation of damages. Great progress was made in May 2003 when the Supplementary Fund Protocol was adopted, raising the ceiling for oil pollution incidents to 1 billion euros. The current and future changes in liability regimes may have implications on the work of EMSA.

Apart from requiring EMSA to be up to date with various policies and developments relating to pollution liability, the most specific tasks for the Agency on this subject in the short term relate to the forthcoming proposal on passenger carriers' liabilities, based on the passenger communication COM(2002)158, and the decision for the EC to ratify the Athens Protocol E/2003/1020. In this context, EMSA will provide technical input to allow the Commission to make informed decisions relating to the coverage of the liability requirements for ships in domestic trade.

Note:

The list of projects presented above is not exhaustive. EMSA may and will be asked to undertake other activities to support the common maritime safety policy, such as extra assistance to the Commission, the provision of technical assistance to administrations of new Member States, or to play a role of technical co-ordinator for common positions to be presented to IMO. Certain activities in the field of maritime research and development are not to be excluded either.

Resources needed

In order to carry out the tasks identified before, it has been established that EMSA would require a staff of 55, of which roughly 40 would be assigned to the technical department and 15 would be assigned to administrative and management functions.

The enlarged task in the field of training (STCW) as described in paragraph 2.8 is a new development, not fully covered in the establishment plan for 2004. It will have to be examined in more detail to see whether a shift in priorities will have to be made in order to cover this task.

The accession of 10 new Member States, including States with a very large fleet under their flag (the EU fleet will almost double in tonnage) will require a substantial increase in scale of the aforementioned activities. The enlargement will also entail an increase in divergences in safety performance standards within the union.

This issue will require a special effort from the Agency in order to foster a process of convergence and harmonisation of safety level.

It was estimated in the budget proposal for 2004 that the performance of the existing tasks in respect of 25 Member States instead of 15, would require an increase in staff of 25 people. The recruitment will be undertaken gradually in 2004.

3. POSSIBLE NEW TASKS

On the 6th of August 2003, the Commission has put forward a proposal amending ⁽⁴⁾ Regulation 1406/2002 in order to define new tasks for EMSA in the fields of :

- Oil pollution response (covering both accidental spills and illegal discharges)
- Security
- And, to further develop existing tasks in the field of training of seafarers (see *paragraph 2.8*)

3.1 Oil pollution response

On **oil pollution response**, a detailed study will be carried out in the second half of 2003 to analyse strengths, weaknesses and shortcomings in the systems presently available in Member States. This study should identify best practices (both from a technical and cost/benefit point of view) and should result in recommendations on the details of EMSA's pollution response plan due to be adopted by the Board, with the agreement of the Commission.

According to the Commission proposal, any activities undertaken by EMSA in the field of oil pollution response shall be complementary to the pollution response mechanisms of Member States and not replace them. To achieve this, the best solution would seem to create a closer co-operation between Member States and the Agency within the existing civil protection co-operation framework of the Community.

This means that oil pollution response equipment operating under the responsibility of EMSA will intervene on oil spill only on specific request of the coastal State(s) being affected by the pollution incident.

Provided that the Council and the Parliament endorse the Commission proposal, EMSA will proceed in 4 steps:

- a - The development of strategic plan (based on expert's advice) designed to remedy the weakness in the existing oil pollution response system. The relevant studies are currently underway.



-b - The creation of an expert team within EMSA largely composed of Member States' experts working together to identify best practices and develop innovative techniques.

-c - The development of a detailed action plan by EMSA to be adopted by the Administrative Board.

-d - To draw up the specifications for oil pollution response equipment to be operated under EMSA responsibility, in the framework of a public tendering process. Through the tender process private companies will be invited to present their services using either existing vessels adapted to the tender specifications or custom built. Offers will have to include crew and maintenance.

Resources needed

It has been estimated that an additional unit with a staff of 15 people would be required to take up the aforementioned tasks in 2004. In the Communities budget proposal for 2004 an amount of 20 million Euros has been earmarked for the task as described above

3.2 Security

The Commission proposal of 2nd May 2003 for a Regulation on enhancing ship and port facility security sets out Member States' obligations as regards administration, monitoring and provision of resources necessary for achieving the objectives of the Regulation, and requires them to adopt a national plan for implementing its provisions.

The proposed Regulation introduces a process



whereby inspections supervised by the Commission are put in place to check the effectiveness of procedures for monitoring the implementation of each national system. Under this process the Agency would - according to the proposal - be required to assist the Commission in the tasks assigned to it by this Regulation.

Resources needed

The outcome of the co-decision procedure of the EP and Council, has to be awaited in order to get a more precise picture of the size of the additional workload for EMSA in the security field. At this moment in time (September 2003) it seems likely that EMSA's tasks might be rather limited. A decision on the recruitment of specialists in security is therefore to be taken at a later stage.



3.3 Illegal discharges

The Commission's proposal on ship-source pollution and penal sanctions COM(2003)92 introduces a number of tasks, which are supposed to be developed in close co-operation with EMSA. More particularly, Article 8 of the proposal lists the following areas of such co-operation:

- (a)** Developing the necessary information systems required for the effective implementation of this Directive;
- (b)** Establishing common practices and guidelines for, in particular:
 - the monitoring and early identification of ships

discharging polluting substances in violation of this Directive, including, where appropriate, on-board monitoring equipment;

- reliable methods of tracing polluting substances in the sea to a particular ship; and
- the effective legal enforcement of this Directive.

The exact nature of these obligations will depend on the outcome of the final instrument. However, this part of the proposal is not controversial and has generally been welcomed by Member States and the Parliament. Hence, it is to be assumed that EMSA has to undertake the aforementioned technical co-operation activities in 2004.

3 Building EMSA

IN order to undertake the tasks described in the previous Chapter, EMSA staff have been working very hard to set up the Agency in order to organise its resources and define its procedures.

Below, a brief description is given of how the internal departments - namely the Human Resource Department, the Financial Department, the IT Department and the Legal Department -

will be evolving in the remaining part of 2003 and throughout 2004. Because some of the projects and tasks listed in the 2004 Work Programme have already been initiated under the 2003 Work Programme, a project status report is also given.

As stated earlier, EMSA will organise its work on a project basis. In practical terms, this means that all substantial activities will be registered as projects, with a clear definition of objective; a project leader - and if necessary a project team - will be nominated. The project management approach will ensure:



→ A consistent approach that requires defined reporting mechanisms within the project teams and to the management according to the defined timetable,

→ An effective allocation of resources identified by the early and accurate prevision of budgetary and work (in terms of time and personnel) needs,

and finally,

→ the approach precisely determines the goals and deliverables that are achievable based on realistic forecasting.

To complement this, a system of timetracking according to task has been set up to monitor time spent on specific areas. This management tool permits project officers to flag potential bottlenecks and keep a close eye on progress of a task as work develops. It will facilitate the reporting of EMSA to budgetary authority and others.

THE HUMAN RESOURCES DEPARTMENT

Recruitment will continue to be the main task of the Human Resources Department for 2004. However, and in parallel, a large amount of day to day management issues will have to be addressed. This will be facilitated by the fact that from the first of November 2003 EMSA will have a Head of the Administration who will take the lead in the development of the departments' activities.

Progress made in recruitment during 2003

The establishment plan for 2003 foresaw the

recruitment of 20 Temporary Agents, 12 Auxiliary Agents and 8 Seconded National Experts.

At this date (16th September 2003) the breakdown of staff is the following:

a) - Auxiliary Agents

10 Auxiliaries Agents are already working for EMSA, mainly in administrative functions. Auxiliaries' contracts will end by the end of the year (2003) and will be renewed in most cases.

b) - Temporary Agents

18 posts of Temporary Agents (out of 20) were published during the months of May-June and July. Most of the recruitment procedures are well advanced, allowing for nomination in the very near future. Priority has been given to the recruitment of the three Heads of Unit as well as to certain technical experts. Posts concerning financial issues have also been published to ensure the correct functioning of EMSA's financial system.

c) - Seconded National Experts

12 posts of Seconded National Experts have been published; deadline for the submission of applications is 30th September 2003.

Recruitment Procedures for temporary agents

EMSA's vacancy notifications have successfully reached the targeted people. Even if the final seat of the Agency is unknown, many candidates have shown their interest in joining EMSA as a temporary agent.

On average more than 60 applications have been received for each job advertised. Candidates originate from all over Europe and represent a fair geographical spread. To be able to address this volume of applications, EMSA has established a two-stage selection process. For each group of functions a Selection Board is nominated, consisting of at least three people of which at least one expert from outside EMSA. The Selection Board analyses the applications received, interviews the most promising candidates and submits a short list to the Appointing Authority (Executive Director), who makes the final choice after further interviews.

The successful candidate will then receive an offer to work for EMSA. Other short-listed candidates may be put on a reserve list to facilitate the recruitment for similar functions in the future.

Recruitment plan for 2004

a) - Auxiliary Agents

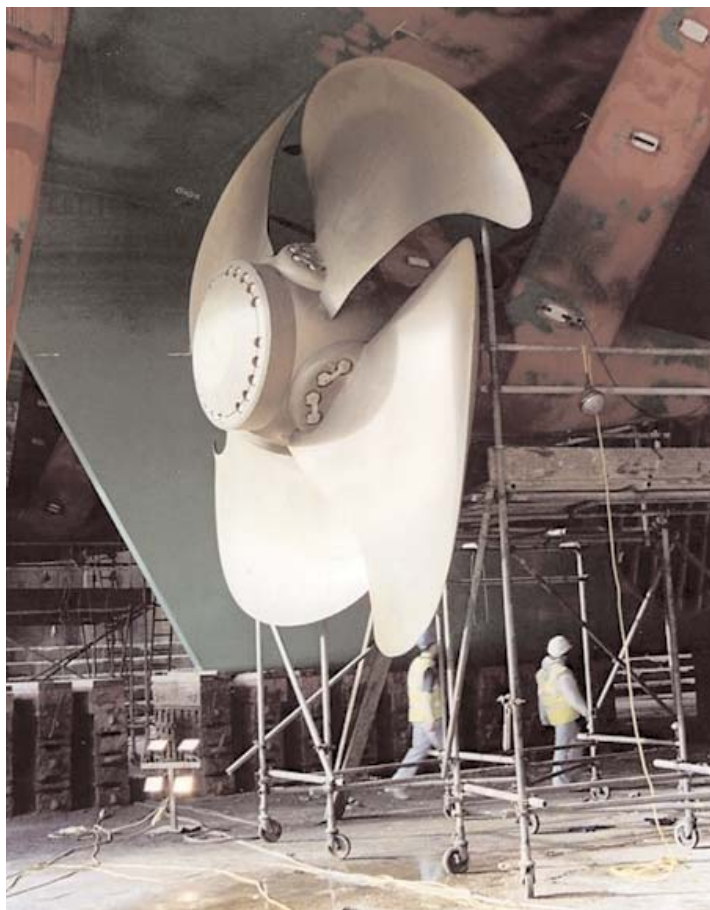
For 2004, EMSA will have 10 Auxiliary posts (A, B and C grades).

b) - Seconded National Experts

For 2004, the establishment plan provides for a total of 20 SNE posts of which 12 were published in 2003. The additional 8 SNE posts will be published in the course of 2004. Measures will be taken to ensure the proper influx of candidates from the new Member States.

c) - Temporary Agents

For 2004, the establishment plan foresees the recruitment of 35 Temporary Agents, in the following grades:



→ Grade A: 15 posts available (4 permanent)

→ Grade B: 9 posts available (1 permanent)

→ Grade C: 8 posts available

→ Grade D: 3 posts available

The first priority for 2004 is to staff the technical units with a sufficient pool of expertise consisting of both Temporary Agents and Seconded National Experts. In parallel, the administrative unit will need further strengthening.

It should be remembered that the figures presented above are based on the EMSA tasks as laid down in Regulation 1406/2002. If these tasks are enlarged, or if new tasks are added the human resources will have to be increased accordingly.

THE FINANCE DEPARTMENT

The establishment of the financial system in 2003

In order to execute its mission of budget preparation, budget execution and budget payment, the Financial Department has quickly deployed a set of information systems that cover budget execution (SI2), book keeping (EXACT), legal financial reporting (Business Objects) and financial payments (ISABEL).

To limit the financial costs and considering the current limited IT human resources, EMSA has outsourced the maintenance of its financial system to the European Commission Data Centre in Luxembourg.

While this set-up provided some sound technical and operational foundations for the future, the EMSA Financial Department has also worked on the legal issues associated with the financial administration of an Agency. This has already allowed the Administration Board to adopt the Agency's financial regulations. Secondly, the EMSA rules of implementation have been prepared and are currently being scrutinised by the Board's Budget Committee for final adoption in December 2003.

The 2004 Financial Department Work Plan

The main objective of the Financial Department for 2004 is to ensure the highest quality of financial management and, in line with the growth of the Agency, the capacity for financial management.

Following the adoption of the Financial Regulations and Implementing Rules, a sound legal basis was established. Due to the definition of some further detailed internal rules, the rule making process will be largely completed. As a next step, training of project officers on financial matters will be undertaken in order to ensure that the technical staff have a good understanding of the financial procedures.

In order to meet the requirements of the new Financial Regulations that stress the importance of Activity Based Budgeting, the EMSA financial system will be further developed to support this type of management analysis and a special attention will be given to Business Objects, where specific Activity Based Budgeting reporting functionality will be built in. In this regard, the budget execution of each EMSA budget line will be followed in Business Objects and a set of alerts will be defined, providing the foundation of a risk management system.

THE IT DEPARTMENT

Building up of the IT Department in 2003

As with all organisations, getting the IT systems up and running has been a major priority. The IT Department has been involved in extensive planning and implementation to get the basic services running, and is also involved in the future long-term requirements of the Agency. The following section outlines the steps that have been taken so far.

IT infrastructure and Financial IT

The first step for IT was to set up the hardware for the financial system to give financial autonomy to EMSA. This is now complete and should help ensure a high level of protection and operability for the Finance Department. On the general user side, EMSA uses workstations and servers space from Commission services made available free on a temporary basis. The most important part of EMSA's IT infrastructure is to get its core services set up. Core IT services are defined as basic File, Print, Intranet and E-Mail services. It is currently in the design phase and no significant problems have been encountered. Implementation, configuration and tuning of EMSA servers should be complete by the end of 2003. These will ensure interoperability between the Commission IT services and the EMSA IT infrastructure tools such as Network management (SNET), Internet access, E-Mail routing and IntraCom that also need to be set up. Framework contracts with IT suppliers have been negotiated and signed. This will allow EMSA to order a first package of IT hardware, software and services towards the end of 2003.

Internet

The <http://www.emsa.eu.int> internet web site infrastructure was implemented at the Data Centre in Luxembourg. It will be switched live when the web content has been drafted and uploaded. The initial design architecture of the EMSA website has been agreed and is in production.

(5) It should be noted that in other administrative fields, such as in the fields of finance and housing, mutually beneficial relationships have been enjoyed between EASA and EMSA.

Cooperation

It should be highlighted here that an excellent cooperation has developed between the IT staff of the European Aviation Safety Agency (EASA) and of EMSA. The two Agencies are presently located in the same Commission building and are in the same phase of development⁽⁵⁾. This cooperation between the IT staff of the two Agencies in such that they effectively work as if they were one single IT team. They have been simultaneously setting up the IT systems for the two Agencies. This cooperation leads to substantial synergies and it is expected to continue well into 2004.

IT Department Plan for 2004

As explained, the current IT system leans heavily on the Commission's infrastructure and services. This is acceptable and efficient in the initial operating phase. However, the Agency needs to be prepared to be re-located to a different place in the EU. Therefore it is mandatory to develop a standalone IT system that will be portable to a different location once the question has been resolved.



a) Last phase for the Core IT infrastructure

a.1) Workstations, Printers

As the core services should be operational by the end of 2003, the design, configuration and installation of workstations and printers will be the next step towards an autonomous IT infrastructure. Default EMSA workstation configuration for standard, mobile, multimedia and high-end profiles must be set up, configured, and tested with all the respective software before being installed for the users. Printers configurations should also be added to all workstations.

a.2) Migrating users from DG TREN to EMSA environment

Once the EMSA IT core services are set up and running, and the workstations are configured and ready, users will be migrated from the DG TREN to the EMSA IT infrastructure with the new computers and configurations.

b) To an autonomous IT infrastructure

b.1) To get an autonomous IT infrastructure, critical services that the Commission was offering hitherto will be also implemented and managed by EMSA.

b.2) Demilitarised Zone (DMZ)

A DMZ is a network zone that can be accessed under certain conditions and where public information is stored, such as the internet web site. By definition, when a DMZ is created, a private and secure network is also created. In this case, this will

be EMSA's internal network used by the agency. To create the DMZ, active hardware like firewalls, and proxies need to be configured in order to protect and filter the internal network. This will allow to install EMSA's own front-end mail servers and internet web site server.

b.3) Security

Viruses, Spam and hacking are growing on the internet. That is why after having configured the DMZ and installed all the active components, and before switching to the 'production mode' of the autonomous environment, some tools to monitor, manage, and detect security problems will need to be installed.

THE LEGAL DEPARTMENT

The tasks of the legal department for both 2003 and 2004 could be categorised into three main sections:

- Current legal affairs
- Interinstitutional issues
- Contracts with suppliers

Whilst these tasks vary in nature, they are generally speaking all related to the setting up of the Agency and establishing procedures.

The Legal Department's tasks for 2003

Despite the Agency being well supported by DG TREN on many of its logistics needs in its setting up phase, it had to rapidly establish agreements with various service providers so as to become

autonomous as soon as possible. One of the priorities among others was to establish contractual relationships with IT and general office stationary suppliers.

Time and cost efficiency constraints encouraged the Agency to attach itself to existing Framework Agreements between the Commission and various 'goods and services' suppliers. All contracts will be in force by 2003.

Similarly, Service Level Agreements have been signed with European Communities service providers for services such as:

- Office space for the Agency, including furniture and services (OIB)
- Translation services (Translation Centre)
- Interpretation Services (SCIC)
- Medical Services of the European Commission, etc.

The tasks of the legal department in 2004

The tasks of the legal department in 2004 will be a continuation of what has already been started in 2003. The increasing activities of the technical units will generate a certain demand of legal support, such as for the drafting of contracts with consultants.

The volume of legal work relating to the setting up of the organisation will be strongly influenced by the decision on EMSA's future location.

PROJECTS STARTED IN 2003

From the start, the Agency's operational role has been clearly defined, the tasks described in Council Regulation 1406/2002 are extensive and cover all aspects of maritime safety that are dealt with at an EU level. Some of the tasks that EMSA will take on have been operating for some time, some are new, and in both cases require planning and a structured approach before they can be taken on by the Agency.

In order to be able to respond to the demands specified in Section II, a project management approach was chosen by EMSA to execute the work that had been entrusted to the Agency. These tasks include ship safety standards, the inspection of classification societies, port state control monitoring, port reception facilities, marine equipment certification, ship reporting, accident investigation, designing and maintaining maritime databases and assistance to candidate countries and the new Member States. The extension of EMSA's role in the field of the training of seafarers, security and oil pollution response also need to be anticipated.

In this light, the following section will analyse the progress that EMSA has achieved on the maritime policy tasks since June 2003. This will be organised according to the source of the task, that is, if it supports existing work being carried out in the Commission or if it is a new task. Furthermore, the lifetime of tasks vary, some will be ongoing without a fixed end date, others are more finite, such as the preparation of a one-off report requested

from the Commission or Council based on a priority policy area or contributing to a discussion on a safety-related topic. Finally, despite the fact that many actions are not yet operational, all the areas that EMSA will deal with as mentioned in Section II are in preparation. This is to ensure that when new members of the team are recruited, they will have the full complement of resources needed for the execution of their tasks from day one.

Current projects

Tasks from the EU Commission

To date, an important step has been reached with the ongoing work concerning the auditing of classification societies and marine equipment certification. The full transfer of supporting technical duties for these two policy areas should be complete by the end of 2003. The situation at present is as follows :

→ Auditing classification societies is an urgent task for EMSA. The classification team, when it has its full complement of seven assessors, will be in position to carry out six inspections of head offices a year, and at least as many regional offices. To support their work, EMSA has been busy establishing an inspection methodology that takes into account the requirements of Directive 94/57/EC amended by Directive 2001/105/EC, the lessons learnt from the inspections regime carried out by the Food and Veterinary Office in Grange, Ireland, as well as industry expertise. The EMSA assessment team will participate in the last inspection of a classification society that will be carried out under the present system, and will be fully opera-

tional for the next round.

→ One of the most immediate priorities of EMSA is Marine equipment certification. For procedural reasons and due to the nature of the task, the transfer has been carried out sooner rather than later. The first steps of assigning a suitable technical secretariat for the notified bodies is progressing well and the database update cycle is being assessed. Despite the failure to sign the MRA+ agreement with the USA at the Thessaloniki Council in June, work is being carried out with officials with DG TRADE and the relevant notified body to ensure a smooth continuation of trans-Atlantic ties.

Other tasks

Places of refuge

Places of refuge and the post-*Prestige* follow up has been highly publicised policy area for the EU Commission. EMSA's involvement in this has been to chair a meeting of experts to discuss the way



ahead in order to help the Member States prepared their national plans to accommodate ships in distress, in line with Article 20 of Directive 2002/59/EC. Work has been done on preparing a report that aims to synthesise the Member States' contributions. This report has been submitted to the Commission in mid-September, and further Community action on the question of « places of refuge » will follow.

The early warning alert mechanism and Accident response

The Commission asked EMSA to set up an early alert system for substantial maritime accidents with EU relevance. This service aims to accurately inform of incidents that could have an impact on the European maritime safety and pollution prevention policy in a timely and accurate fashion. With the assistance of the JRC, EMSA has been able to set up a real time monitoring service of over 400 newswires to report on maritime-specific incidents.

This system, part of the "Early Warning Alert Mechanism" is currently reaching the end of its test phase, the next steps will require communication hardware and the development of a network of information relays in the EU/EEA to complement the incident response sheets that have been designed. In addition to this, EMSA is actively monitoring shipping incidents and is collecting data on maritime incidents. So far, the format of this consists of post-incident assessment notes that state the facts and asks questions on the causes of accidents and lists the action taken. These reports

are currently being prepared after every incident where European interests are involved, for instance, the Maltese flagged *Tasman Spirit* grounding off Karachi or the *Sea-Land Express* grounding off Capetown. They will be stored in a database for future analysis.

News gathering and dissemination

Regulation 1406/2002 states that "the Agency may communicate on its own initiative in the fields within its missions. It shall ensure, in particular, that the public and any interested party are rapid by given objective, reliable and easily understandable information with regard to its work" (*chapter III, article 4, paragraph 2*).

In order to fulfil these obligations, EMSA will publish the Administration Board agenda and minutes, the annual general report, general policy brochures and any other information that may be of interest. The target audience includes: the general public; government organisations; the media; industry associations; non-governmental organisations; technical audiences; and academia. To this end, the following is being developed:

- Website : the EMSA website will be the primary tool for disseminating information to all user groups. The structure of this website is already designed and now ready to host the first information.
- Monitoring; the Agency is constantly monitoring any maritime-safety related issues using press services, events, publications and industry letters. The Agency is also in regular touch with industry by participating, whenever feasible, to outside

events such as conferences, seminars, workshops and expert groups. The Agency feels it is important to be represented and to interact with all its stakeholders. This includes meeting representatives from all parts of the maritime sector, as well as interested parties from different but related sectors (such as the environmental sector).

→ The production of brochures, leaflets and information notices describing the work of the Agency are scheduled for publication.

The future

Current work on the areas mentioned in Part II include the EMSA participation in conferences, seminars and working groups, contribution to papers, setting up the databases to compile data on maritime safety, creation of computer infrastructure and development of applications, monitoring and evaluation of maritime safety measures.

The new tasks as defined in the Commission proposal, which are subject to the European Parliament and Council's approval, oil pollution response, security and training are also being prepared. Again, the project management approach is being used following the budget estimations, deadlines and deliverables. Preparatory information is being collected so that the Agency can react quickly to the new tasks and be in a strong position to do so come January 2004.

The Member States and other stakeholders have shown a great interest in the activities of the Agency. Their positive support must be mentioned and that the results have been partly attributable to exchanges, often frank, with these parties. Continued cooperation, in the form of working groups, information sharing and through the support of EMSA's managing body is foreseen and desired ■



The European Maritime Safety Agency

Annexes

EC REGULATIONS AND DIRECTIVES IN THE FIELD OF MARITIME SAFETY

| Titles | O. J. Ref |
|---|--|
| Directive 2003/25/EC of the European Parliament and of the Council of 14 April 2003 on specific stability requirements for ro-ro passenger ships | OJ L 123 17.05.2003 p.22 |
| Directive 2003/24/EC of the European Parliament and of the Council of 14 April 2003 amending Council Directive 98/18/EC on safety rules and standards for passenger ships | OJ L 123 , 17/05/2003 P.0018 - 0021 |
| Regulation (EC) No 2099/2002 of the European Parliament and of the Council of 5 November 2002 establishing a Committee on Safe Seas and the Prevention of Pollution from Ships (COSS) and amending the Regulations on maritime safety and the prevention of pollution from ships and the corresponding Directive 2002/84/EC of the European Parliament and of the Council of 5 November 2002 amending the Directives on maritime safety and the prevention of pollution from ships | OJ L 324, 29.11.2002 p.1 OJ L 324 , 29/11/2002 P.0053 - 0058 |
| Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency | OJ L 208 05.08.2002 p.1 |
| Regulation (EC) No 417/2002 of the European Parliament and of the Council of 18 February 2002 on the accelerated phasing-in of double hull or equivalent design requirements for single hull oil tankers and repealing Council Regulation (EC) No 2978/94 | OJ L 064 07.03.2002 p.1 |
| Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC | OJ L 208 05.08.2002 p.10 |
| Directive 2001/106/EC of the European Parliament and of the Council of 19 December 2001 amending Council Directive 95/21/EC concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (port State control) | OJ L 019 , 22/01/2002 P.0017 - 0031 |
| Directive 2001/96/EC of the European Parliament and of the Council of 4 December 2001 establishing harmonised requirements and procedures for the safe loading and unloading of bulk carriers (Text with EEA relevance) | OJ L 013 16.01.2002 |
| establishing harmonised requirements and procedures for the safe loading and unloading of bulk carriers (Text with EEA relevance) | p.91 |
| Directive 2001/25/EC of the European Parliament and of the Council of 4 April 2001 on the minimum level of training of seafarers | OJ L 136 18.05.2001 p.17 |

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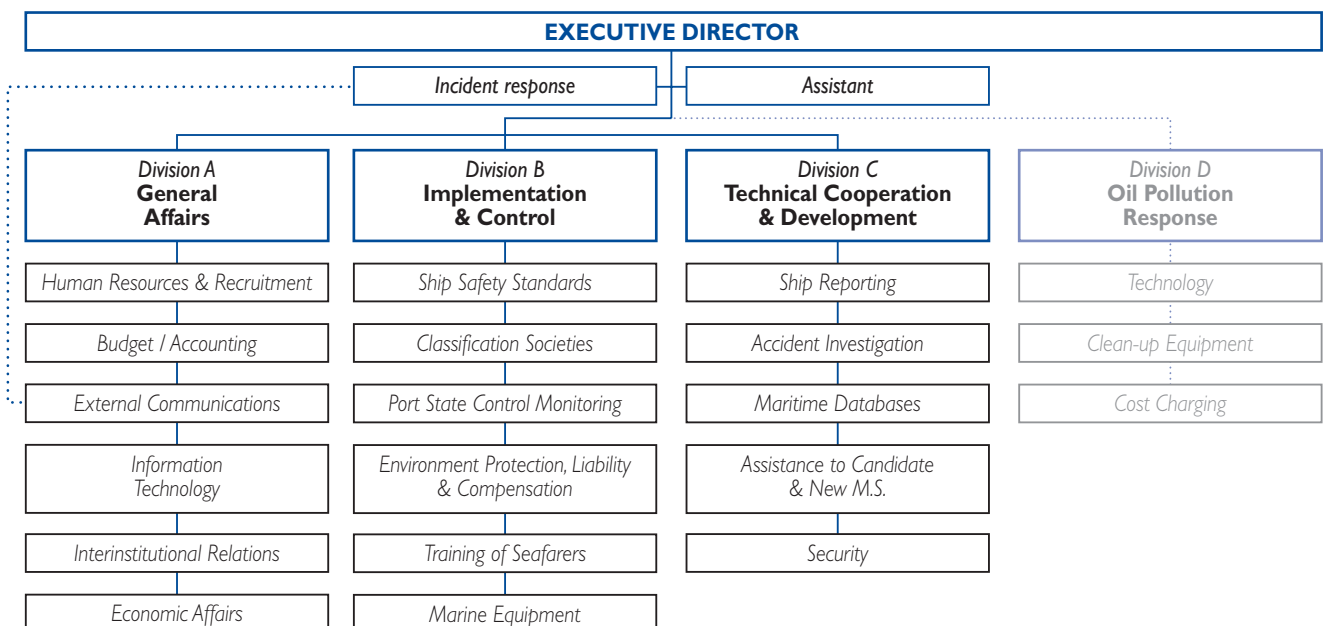
Introduction > Its origin and its tasks > Work Plan 2004 > Building EMSA > Annexes

Titles

O. J. Ref

| | |
|--|---|
| Directive 1999/95/EC of the European Parliament and of the Council of 13 December 1999 concerning the enforcement of provisions in respect of seafarers' hours of work on board ships calling at Community ports | OJ L 014 , 20/01/2000 p. 0029 - 0035 |
| Council Directive 1999/35/EC of 29 April 1999 on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community | OJ L 138 01.06.1999 p.1 |
| Council Directive 98/18/EC of 17 March 1998 on the registration of persons sailing on board passenger ships operating to or from ports of the Member States of the Community | OJ L 188 02.07.1998 p.35 |
| Council Directive 98/18/EC of 17 March 1998 on safety rules and standards for passenger ships | OJ L 144 15.05.1998 p.1 |
| Council Directive 97/70/EC of 11 December 1997 setting up a harmonised safety regime for fishing vessels of 24 metres in length and over | OJ L 034 09.02.1998 p.1 |
| Council Directive 96/98/EC of 20 December 1996 on marine equipment | OJ L 046 17.02.1997 p.25 |
| Council Regulation (EC) No 3051/95 of 8 December 1995 on the safety management of roll-on/roll-off passenger ferries (ro-ro ferries) | OJ L 320 30.12.1995 p.14 |
| Council Directive 95/21/EC of 19 June 1995 concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (port State control) | OJ L 157 07.07.1995 p.1 |
| Council Directive 94/57/EC of 22 November 1994 on common rules and standards for ship inspection and survey organizations and for the relevant activities of maritime administrations | OJ L 319 12.12.1994 p.20 |
| Council Regulation (EEC) No 613/91 of 4 March 1991 on the transfer of ships from one register to another within the Community | OJ L 068 , 15/03/1991 p. 0001 - 0003 |

EMSA organigramme



Credits

European Community Shipowners' Association - ECSA (pages 5, 8, 10, 12, 15, 19 and 26)
French Navy (pages 3 and 4)
Alstom Marine (pages 17 and 21)
Ramón Millán (page 16)
Paris Memorandum of Understanding (pages 6 and 7)
Yves Alainmat (pages 11, 14 and 24)

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