

Set of recommendations issued by the EMSA Administrative Board at its 49th meeting, 16 November 2017

LEGAL FRAMEWORK

Art. 22 of Regulation (EC) n° 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency, as amended, provides that the Board *shall commission an independent external evaluation on the implementation of that Regulation at regular intervals and at least every five years.*

At its 43rd Administrative Board meeting in November 2015, the Administrative Board established the High Level Steering Committee (HLSC) composed of Members of the EMSA Board for the External Evaluation of the Agency which prepared the Terms of Reference, followed the tendering process and the execution of the contract in its various phases, and provided updates to the Administrative Board at regular intervals.

The consultant Ramboll Group A/S, Denmark, was commissioned to conduct the evaluation as independent external evaluator in June 2016.

Moreover, Art. 22.3 provides that the Administrative Board *shall receive the evaluation and issue recommendations regarding changes to this Regulation, the Agency and its working practices to the Commission. Both the evaluation findings and recommendations shall be forwarded by the Commission to the European Parliament and the Council and shall be made public. An action plan with a timetable shall be included, if appropriate.*

Following the receipt and the adoption by the Administrative Board of the final External Evaluation Report of the Agency submitted by the contractor at the June 2017 meeting, Member States were invited to provide further written comments and suggestions for possible Administrative Board recommendations by mid-September 2017, ahead of a final High Level Steering Committee meeting (27 September 2017) and for further discussion and final adoption at the November 2017 meeting.

Both evaluation findings and recommendations shall be forwarded by the Commission to the European Parliament and the Council and shall be made public.

CONCLUSIONS OF THE INDEPENDENT EXTERNAL EVALUATION

The challenges faced by the maritime sector cannot be overcome at national level. By operating at EU level, EMSA is providing significant added value to the Member States. EMSA has become an important and respected player in the maritime community, providing state-of-the-art services that enhance the ability of stakeholders to respond to the challenges and, ultimately, contribute to make the EU maritime sector efficient, safer and more secure.

In the absence of EMSA, the activities the Agency undertakes would not be carried out at the same level (or would not be conducted at all). A discontinuation or reduction of EMSA's mandate would have significant negative impacts on maritime safety and security in Europe: standards and practices in the field would be significantly less harmonised, there would be less sharing of data, information and practices, and this would ultimately have a negative impact on efficient maritime transport, safety and security.

EMSA contributes to a safer and more secure maritime environment as well as to the increased ability of Member States to prevent and to respond to Marine Pollution by pursuing activities and objectives which correspond to the needs of the EU in the area.

Overall, EMSA's activities, outputs and objectives are well aligned with the needs of the Commission, Member States, and other maritime stakeholders. By providing highly appreciated services (i.e. information, knowledge, additional capacity and advice), tailored to the needs of its stakeholders, EMSA plays an important role in increasing the safety and security of the maritime domain and contributes to the prevention and response to Marine Pollution.

The contribution of EMSA's work to the safety and security of the maritime domain becomes evident when considering EMSA's contribution to the provision of data and information to key stakeholders (through EU-wide information systems and digital maritime services), to the improved application and further development of maritime legislation (through visits, inspections, and technical assistance) and to increasing the technical capacities of Member States (through training and operational support).

The development and operation of integrated information systems provided by EMSA, the Union Maritime Information and Exchange System, for the monitoring and surveillance of maritime traffic and maritime pollution and the efficiency of maritime transport; Integrated Maritime Services, the CleanSeaNet and SafeSeaNet systems, THETIS and its modules together with the visits and inspections and the capacity building initiatives have become ubiquitous elements of the European maritime safety domain, helping make EMSA a highly respected player in the field. In addition, EMSA continues to address the needs of the Commission by providing technical and scientific assistance on a range of issues informing policy related issues in a manner that is helping the Commission improve the development of EU legislation.

RECOMMENDATIONS

The Administrative Board proposes the following recommendations highlighting that in the current financial and political framework, any new tasks assigned to the Agency should be supported by the necessary human and financial resources in an efficient manner.

Draft AB Recommendation n°1

Support the Commission and Member States in the follow up to the review of the Reporting Formalities Directive, in order to set up a competitive, safe, secure and sustainable European Maritime Transport Space Without Barriers. Given the Agency's existing systems and services, make any significant investment in this field by EMSA conditional on political consensus regarding the way forward.

EMSA should continue to support the Commission and the Member States in setting up a European Maritime Transport Space Without Barriers. While the main focus of EMSA remains maritime safety, the Agency could also take additional steps to promote the objective of improving internal market and maritime transport and traffic efficiency within the remit of its amended mandate.

In this area, the latter can be achieved through:

- A continued involvement of EMSA in the REFIT review of Directive 2002/59/EC on Vessel Traffic Monitoring and Information System (VTMIS) and Directive 2010/65/EU on Reporting Formalities for ships arriving in and/or departing from the ports of the Member States (RFD) as well as in the related impact assessments.
- The operational development and enhancement of harmonised reporting solutions for the shipping industry in line with the objectives of the previous mentioned directives.

A clear consensus by the Member States and the Commission regarding the way forward is of paramount importance to continue efficient investment from EMSA on supporting the achievement of a European Maritime Transport Space Without Barriers.

Draft AB Recommendation n°2

Continue development and improvement of EMSA's information systems, taking into account user needs. Explore opening access to systems and facilitate the sharing of non-sensitive maritime data with relevant users whose access is currently restricted. Development and improvement should be based on increased monitoring and analysis of the use of the underlying services based on refined usage.

EMSA should continue to deliver high-quality Monitoring, Surveillance and Information Sharing systems to its users, including constant improvement and adjustments to evolving user needs. In a fast changing working and ICT environment where more and more data are made publicly available, the Agency should further explore with its stakeholders the possibility to provide relevant users with data that would benefit the maritime cluster in particular the authorities with tasks at sea and industry where appropriate. The ongoing integration of EMSA systems should be further continued aiming at providing users with the best possible array of fused information, thus facilitating their work whilst reducing the burden on administrations and industry.

Draft AB Recommendation n°3

Continue efforts to implement a more open, responsive and purpose-driven approach to visits to Member States through the Methodology for Visits, including encouraging the involvement of national experts in EMSA's visits to Member States.

The Methodology for the visits to Member States has over the years developed towards a more open and responsive approach. Even if EMSA needs to maintain the audit element of its visits due to its statutory role under the Founding Regulation, there is a strong demand from Member States to continue the trend of focusing resources on areas where there is a strong need and purpose for EMSA to play a role. In line with the above mentioned Methodology, Member States should also be more responsive and, if they so wish, participate with their national experts in EMSA's visits. These initiatives are only relevant and valuable if Member States are committed to be a constructive collaborative partner and work together with EMSA, in pursuit of continuous improvement

Draft AB Recommendation n°4

Further analyse the efficiency of oil pollution response services, taking into account the outcome of the mid-term evaluation of Regulation (EU) No 911/2014 of the European Parliament and of the Council of 23 July 2014 on multiannual funding for the action of EMSA in the field of response to marine pollution caused by ships and oil and gas installations, and also the results of previous regional risk assessments.

EMSA should work with coastal Member States and regional agreements in order to map the environmental risks of oil spills and potential impacts in European waters. This will assist coastal states making informed decisions regarding efficient response options.

Draft AB Recommendation n°5

Increase awareness and understanding of EMSA' mandate, role and activities, among its stakeholders.

With respect to the Agency's core stakeholder community, and the maritime industry more broadly, awareness can be increased by improving the visibility of its existing functionalities and products. External communication activities are to be further developed targeting both the maritime cluster and the general public. This effort should be continued and enhanced so those relevant stakeholders are more and more informed about EMSA's activities and the added value they bring.

Draft AB Recommendation n°6

Further develop internal communication and organisational processes to enhance the achievements of EMSA's objectives.

Internal work processes related to communication, coordination and management could be improved so as to further enhance staff engagement and collaboration.

Draft AB Recommendation n°7

Further develop capacity building activities responsive to Member States' needs taking also into account the results of Horizontal Analysis.

The Agency has over years developed a comprehensive portfolio of capacity building activities ranging from training, tools, development of guidance, exchange of best practices and e-learning that are made available to relevant beneficiary administrations. These cover all fields of activities of EMSA's mandate: Flag state responsibilities, port state control, environment, ship and port facility security, passenger ship safety, traffic monitoring, reporting formalities, marine equipment, etc.

EMSA should continue to foster a bottom-up approach to identify relevant Member States' needs, and ensure a portfolio of services aimed at supporting training and exchange of experience in the implementation of EU and International legislation. The possibilities offered by new technologies, such as virtual reality and 3D simulation of vessel inspections for training purposes should be explored in order to enhance the services offered to the Member States.

The outcome of Horizontal Analysis following the completion of a cycle of visits should be shared with the Member States and used to improve operations and application of rules and to shape relevant initiatives, including in the field of capacity building.

Draft AB Recommendation n°8

Supporting EU policies, and helping export EU solutions, internationally.

The amount of expertise, skills, data and information available in EMSA has over time made it a centre of excellence.

The systems and solutions developed by the Agency can be of help in supporting EU policies and exporting EU solutions worldwide, beyond the EU Member States and the Neighbouring Countries.

The Agency could explore further ways of making these products available to third countries under relevant conditions to be developed.

ADDITIONAL COMMENTS

Further to the above mentioned recommendations the Administrative Board wishes to highlight other considerations as a result of the external independent evaluation that relate to matters that are also regulated by EU instruments other than the Agency's Founding Regulation. Therefore they cannot be part of the AB recommendations as such because these can only address proposals for changes to the Founding Regulation.

The AB expressed an interest that the following issues could be explored at EU level:

- The possible enhanced role of EMSA in EU in relation to maritime security visits and inspections:
To this moment EMSA in conformity with its mandate, is involved in inspections of ships and port facilities for the implementation of Regulation 725/2004 by providing assistance to the Commission. However the Agency could also play a role in the inspections related to the implementation of Directive 2005/65/EC concerning Port Security, as they are all conducted during one visit to a Member State. It would be most beneficial to eventually transfer to EMSA all kinds of and full scope of inspections concerning maritime security in order to make better use of the resources and expertise available in the Agency and it would streamline the cooperation in the field of maritime security with Member States and the Commission as all aspects would be in one hand.
- The potential to further enhance EMSA's involvement in the implementation of the ILO Maritime Labour Convention 2006 and related EU legislation by third countries and Member States, in order to ensure better working and living conditions for seafarers and to further strengthen the establishment of a social level playing field in shipping.