

**DECISION OF THE ADMINISTRATIVE BOARD**

**EARMARKED REVENUE OF THE EUROPEAN MARITIME SAFETY AGENCY**

THE ADMINISTRATIVE BOARD OF THE EUROPEAN MARITIME SAFETY AGENCY,

HAVING REGARD TO

Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002, setting up a European Maritime Safety Agency (hereafter EMSA or the Agency) as amended by Regulation (EC) No 1644/2003, Regulation (EC) 724/2004 and Regulation (EC) 2038/2006 of the European Parliament and of the Council of 31 March 2004;

the Financial Regulation of the European Maritime Safety Agency adopted by the Administrative Board on 3 July 2003;

Regulation of the European Maritime Safety Agency of 9 December 2003 laying down detailed rules for the implementation of the Financial Regulation applicable to the budget of the European Maritime Safety Agency, as amended by the Administrative Board decision of 20<sup>th</sup> March 2007 amending Implementing Rules of EMSA Financial Regulation;

Regulation (EC) No 2038/2006 of the European Parliament and of the Council of 18 December 2006 on multiannual funding for the action of the European Maritime Safety Agency in the field of response to pollution caused by ships and amending Regulation (EC) No 1406/2002

Whereas:

- (1) EMSA receives two types of subsidies granted for a particular purpose and for a period of implementation independent of and exceeding its budgetary year. These subsidies are the multi-annual funding to cover multi annual projects and related payments in the field of pollution response (Regulation 2038/2006/EC; Commission budget line 06 02 02 03, called 'antipollution') and Funds assigned to the Agency by the European Commission to finance or contribute to the involvement of candidate and potential candidate countries and, possibly in future, countries participating in the European Neighbourhood Policy in EMSA's work.
- (2) These funds are assigned for a special purpose. They should be administered separately from the general EMSA budget and shall not fall under the principle of annuality but under the terms and conditions with regard to the period of execution specifically attached to the revenue.

- (3) These funds shall consequently be treated as earmarked revenue in the sense of Article 19 of the EMSA Financial Regulation.

HAS DECIDED AS FOLLOWS:

**Article 1**

The Community contribution allocated to the European Maritime Safety Agency for the implementation of the tasks assigned to it in the field of responding to pollution caused by ships and other associated actions, pursuant to Art. 2 of Regulation (EC) No 1406/2002, as amended, with a multi-annual financial framework based on Regulation (EC) No 2038/2006, shall be treated as earmarked revenue in the sense of Article 19 of the EMSA Financial Regulation.

**Article 2**

Funds assigned to the European Maritime Safety Agency by the European Commission to finance or contribute to the involvement of candidate and potential candidate countries and countries participating in the European Neighbourhood Policy in EMSA's work shall be treated as earmarked revenue in the sense of Article 19 of the EMSA Financial Regulation.

**Article 3**

The expenditure related to the activity for which the revenue is granted shall be financed exclusively from the separate funds. This includes all operational expenditure (such as costs for stand-by pollution response vessels, for the acquisition and analysis of satellite imagery, training and exercise, special equipment, related missions and workshops, etc) and infrastructure expenditure (such as particular ICT equipment and software) clearly related to the activity in question. It does not include expenses related to the general functioning of the Agency including staff and administration/infrastructure cost for personnel involved in the administration of these funds covered by Title I and II of the general budget of the Agency. However, contract staff and specialists shall be financed from the separate fund if needed exclusively in the framework of the particular purpose.

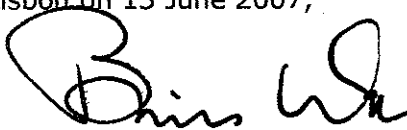
**Article 4**

The Executive Director shall issue the relevant detailed implementing rules necessary in order to give effect to the Decision.

**Article 5**

This Decision shall apply from the budgetary year 2007.

Done at Lisbon on 13 June 2007,



Brian Wadsworth

Chairman of the Administrative Board