

44<sup>th</sup> Meeting of the Administrative Board

Lisbon, 17-18 March 2016

## SUMMARY OF DECISIONS

### 1. Welcome from the Chairman and adoption of the draft agenda

The Chairman announced newly appointed members and the proposed agenda was adopted.

### 2. Minutes of the last meeting

The Administrative Board approved the Summary of Decisions and the Minutes of the 43rd meeting held on 17 and 18 November 2015 in Lisbon.

(The approved minutes, as signed by the Chairman of the Administrative Board, are available online here <http://www.emsa.europa.eu>).

### 3. Adoption of the list of “A” items

The Administrative Board adopted or took note of, as appropriate, the following “A” items, examined in detail by the Administrative and Finance Committee, on the basis of the recommendation by the Chairman of the Committee.

**(a) EMSA Financial Statement for 2015 – Took note** of the information provided by the Accounting Officer.

**(b) School Arrangement – Annual Report 2015 – Took note** of the Annual Report 2015 on School Arrangements in Lisbon.

**(c) 2016 1st budget Amendment – Adopted** a decision amending Budget 2016 and **took note** of information provided by the Commission concerning earmarked revenues which, once cashed, would automatically be loaded into the Agency’s budget and therefore will not require an amendment of the budget and its adoption by the Administrative Board. The Agency will nevertheless continue to inform the Administrative Board of amounts as cashed.

**(d) Monitoring of findings and recommendations from internal and external audits and EMSA follow up (ECA, IAS) – Took note** of the information provided on findings and recommendations from internal and external audits and the EMSA follow-up.

**(e) Internal Audit Service Strategic Audit Plan 2016 - 2018 – Considered** the IAS Strategic Audit Plan for 2016-2017.

**(f) EMSA Implementing Rules to the Staff Regulations – Took note** of the explanation provided by the Agency on the role of the Administrative Board with regard to the adoption of Implementing Rules to the Staff Regulations.

### 4. Draft Single Programming Document 2017-2019, Draft budget/establishment plan 2017

The Administrative Board took note of the information provided by the Agency on:

- a) possible resource scenarios and impact on activities;
- b) maritime applications – key ICT activities and architecture;
- c) vessel and equipment arrangements for the Baltic Sea.

The Administrative Board also took note of the information provided by the Commission on the proposal for amending Regulation (EC) n° 1406/2002 establishing a European Maritime Safety Agency on developing European cooperation on coastguard functions.

The Administrative Board discussed and adopted the Draft Single Programming Document 2017-2019 and the associated Draft Budget 2017 (€ 74,760,115 in Commitment Appropriations and € 66,023,921 in Payment Appropriations, of which € 17,670,000 in Commitment Appropriations and € 11,050,000 in Payment Appropriations linked to the coastguard package, including the relevant multi-annual schedule of payments) and the Draft Establishment Plan for 2017 (212 statutory posts in total or 198 posts + 14 posts linked to the coastguard package), in line with the Commission's Communication on programming of human and financial resources for decentralised agencies 2014-2020 (COM (2013)519) and with the Regulation 911/2014 on the multiannual funding for the action of the European Maritime Safety Agency in the field of response to pollution caused by ships and to marine pollution caused by oil and gas installations and in line with the 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(2015) 667 final 2015/0313 (COD).

Vessel and equipment arrangements for the Baltic Sea will be fine-tuned in light of the discussions which took place at the meeting concerning the need for a pollution response vessel in the Northern Baltic Sea.

A forthcoming request for assistance on the implementation of the National Single Window was announced by the Portuguese representative.

Administrative Board Members were invited to provide written comments on the Draft Single Programming Document 2017-2019 to the Secretariat by the 10th of May 2016, to be addressed as relevant at the June 2016 meeting.

## **5. Draft Administrative Arrangements**

No draft administrative arrangements were submitted for consideration by the Administrative Board.

## **6. EMSA concept paper on the possible development of MS' profiles**

The Administrative Board confirmed the use of e-delivery for the transmission of visit-related documents from EMSA, giving the Agency a green light to go live with the system successfully tested with the participation of Italy, Poland and the Commission. The Administrative Board also took note of the additional comments by Member States and further discussed the EMSA concept paper on the possible development of Member State profiles. This second development would be placed on hold for the time being and possibly revisited after the experience gained from e-delivery.

## **7. Visits to Member States – Cost-Efficiency Assessment**

The Administrative Board took note of the concept paper by EMSA on a proposed methodology to conduct a cost-efficiency assessment as part of the horizontal analyses related to cycles of visits to Member States on the implementation of EU legislation. While recognising the advantages of initiating cost efficiency assessment alongside the visit cycle in order to integrate relevant data requirements from the start of the process, the Administrative Board chose to start with a trial assessment on a more mature Directive, the Port State Control Directive, and committed to providing, through an ad-hoc questionnaire, the supplementary information that would be necessary to retroactively assess the cost-efficiency of its implementation.

## **8. External Evaluation of the Agency**

The Administrative Board discussed and adopted the draft Terms of Reference prepared by the High Level Steering Committee, allowing for immediate launch of the relevant procurement procedure. The Administrative Board also took note of the proposed calendar, which if respected would allow the Administrative Board to adopt and issue to the Commission recommendations regarding changes to the Regulation, the Agency and its working practices at the June 2017 Administrative Board meeting.

## **9. Copernicus Services**

The Administrative Board took note of the information provided by the Agency on Copernicus Services.

## **10. Implementation of the Sulphur Directive: one year of operation of THETIS-S**

The Administrative Board took note of the information provided by EMSA about one year of operation of THETIS-S, and about the development of THETIS-EU.

## **11. Any Other Business**

The Administrative Board took note of the information provided by the Commission on the Commission's Non Paper regarding the continuing non-incorporation of the EU RO acquis in its up-to-date form into the EEA Agreement. The document was distributed in the 2nd set of documents. The Administrative Board took note of the statement in this regard by the representative of Iceland.

### **Dates of next EMSA's Administrative Board Meetings:**

#### **June 2016:**

Administrative and Finance Committee: Thursday 2 June morning

Administrative Board: Thursday 2 June afternoon and Friday 3 June morning

#### **November 2016:**

Administrative and Finance Committee: Thursday 17 November morning

Administrative Board: Thursday 17 November afternoon and Friday 18 November morning



## DETAILED MINUTES

### 1. Welcome from the Chairman and adoption of the draft agenda

The Chairman announced newly appointed members and the proposed agenda was adopted.

New Members and Alternate Members were announced as follows:

- nomination of the newly appointed Administrative Board Member from Croatia, Mr Goran Šarin, Assistant Minister, Ministry of Maritime Affairs, Transport and Infrastructure of Croatia, replacing Mr Igor Butorac (Mr Šarin was not present at the meeting).

Absences and proxies were signalled as follows:

- Ms Florika Fink-Hooijer, EC, DG ECHO provided proxy to Mr Fotis Karamitsos, DG MOVE
- Austria, Cyprus and Slovakia were not represented at the meeting and did not provide proxies.

### 2. Minutes of the last meeting

The Administrative Board approved the Summary of Decisions and the Minutes of the 43rd meeting held on 17 and 18 November 2015 in Lisbon.

(The approved minutes, as signed by the Chairman of the Administrative Board, are available online here <http://www.emsa.europa.eu>).

### 3. Adoption of the list of “A” items

The Chairman of the Administrative and Finance Committee (AFC), Mr Agisilaos Anastasakos, reported on the deliberations and the recommendations of the Committee concerning the “A” items. Mr Agisilaos Anastasakos informed the Administrative Board that a quorum was in place, with the representatives from the United Kingdom, Poland, Germany, Greece and the Commission attending the meeting, allowing the Committee to perform its role in relation to the “A” points and “B” points on the Administrative Board agenda.

The Committee had been satisfied with all the “A” points and could recommend that the Administrative Board take note, consider or adopt them as appropriate, “*en bloc*”; and the Administrative Board took note, considered and adopted them as appropriate, “*en bloc*”, as detailed below:

#### **(a) EMSA Financial Statement for 2015 – Took note** of the information provided by the Accounting Officer.

The Accounting Officer had presented the Financial Statement, which included the Budget Execution statement, the Agency’s accounts and the Report on Budgetary and Financial Management together with a certification letter from the EMSA Accounting Officer signing the accounts. The key element had been the budgetary execution increase in 2015 compared to 2014, representing the best ever budgetary execution of the Agency at 99.2% in commitment and 96.52% of payment execution. No reservations were enclosed in the “Management Representation Letter” signed jointly by the Executive Director and the Accounting Officer.

#### **(b) School Arrangement – Annual Report 2015 – Took note** of the Annual Report 2015 on School Arrangements in Lisbon.

Ms Cristina Romay Lopez, Head of Unit A.1 “Human Resources & Internal Support” had presented this item. The budget impact of 550,000 continued to be significantly lower than the average cost per student of the European Schools.

**(c) 2016 1st budget Amendment – Adopted** a decision amending Budget 2016 and **took note** of information provided by the Commission concerning earmarked revenues which, once cashed, would automatically be loaded into the Agency's budget and therefore will not require an amendment of the budget and its adoption by the Administrative Board. The Agency will nevertheless continue to inform the Administrative Board of amounts as cashed.

Mr Andrea Tassoni, Policy Adviser had presented the budget amendment, following the receipt of cash payment of earmarked revenues recorded until that moment as "p.m." in the budget.

**(d) Monitoring of findings and recommendations from internal and external audits and EMSA follow up (ECA, IAS) – Took note** of the information provided on findings and recommendations from internal and external audits and the EMSA follow-up.

Mr Tom Van Hees, Internal Control Coordinator, had presented this item. The Committee had examined the recommendations and findings stemming from various audit reports and evaluations covering the last two years. It was noted that there are no open recommendations stemming from audit reports and evaluations prior to the period covered in the summary table. Furthermore, no audit reports related to previous periods remained open. The IAS had not performed an audit in 2015, but rather a risk assessment, resulting in the Audit Plan under the next item.

**(e) Internal Audit Service Strategic Audit Plan 2016-2018 – Considered** the IAS Strategic Audit Plan for 2016-2018.

The Committee had discussed and welcomed the Strategic Audit Plan, which presented a short-list of audit topics for the next three years, and looked forward to further updates.

**(f) EMSA Implementing Rules to the Staff Regulations – Took note** of the explanation provided by the Agency on the role of the Administrative Board with regard to the adoption of Implementing Rules to the Staff Regulations.

The Committee received the requested background information on Implementing Rules and their purpose, and the role of the Administrative Board. The Written Procedure for the adoption of such rules was recommended by the Commission in order to ensure business continuity when Administrative Board meeting dates did not match the legal deadlines for the adoption of the Implementing Rules.

#### **4. Draft Single Programming Document 2017-2019, Draft budget/establishment plan 2017**

The Chairman invited Member States to discuss the multiannual dimension of the document first, followed by the annual programme embedded within it.

##### **Multi-annual:**

Mr Andrea Tassoni, Policy Adviser, outlined the status and evolution of the SPD 2017-2019, which had been presented for the first time at the previous meeting for consideration by the Administrative Board. The principal novelty with respect to the previous version was the detailed financial and human resource information included in the draft that was submitted as part of the Agency's input to the budgetary procedure on 31 January 2016.



The Agency had been requested by the Commission to present an aggregated proposal in line not only with the Commission Communication<sup>1</sup> but also with the proposed so-called coastguard package<sup>2</sup>. In view of the ongoing legislative process and in the interest of transparency, the proposed financial and human resource contribution of the coastguard package to the aggregated request remained visible throughout the documents.

It was recalled that not taking into account the coastguard package, between 2013 and 2018 the Agency was expected to have fully implemented the 5%+5% staff reduction provided for in the Communication and cut 20 posts. The Executive Director confirmed that the Agency was now in a position to absorb the expected staff cut for 2017 (– 4 posts, in line with Section III “Work programme 2017” of the draft SPD 2017-2019), while maintaining the overall output without setting negative priorities. However, further requests for extra tasks not foreseen at this stage, or an increase in the workload linked to existing tasks, would have to be thoroughly analysed before a positive follow-up is decided and could result in the downsizing or discontinuation of other tasks.

The Executive Director went on to present the strategic outlook for 2017-2019, highlighting some of the challenges ahead notably the task introduced with the last revision of the Founding Regulation related to response to oil pollution from oil and gas installations, given the more than one thousand such installations in European waters and the limited resources available; and growing demand for tailor-made information services to support specific surveillance activities such as ongoing work with MAOC-N and Frontex. In this context, the proposed support outlined in the coastguard package was capitalising on existing capabilities and potential – and would also enhance these. Preparatory discussions continued between the relevant Commission services (MOVE, HOME and MARE) and the Agencies involved (EMSA, EFCA and Frontex) in anticipation of a positive outcome in the legislature. This project was very ambitious, and very high on the current EU Presidency’s agenda.

The Chairman of the Administrative and Finance Committee (AFC) was invited to report on the recommendations of the Committee concerning the multiannual resource related aspects of the draft SPD 2017-2019. The main parameters for assessment had been alignment of human and financial resources with the Commission Communication, which provided for a progressive reduction of staff, the first 5% being completed and the second 5% planned; and alignment with the Budget Circular instructions, notably requesting an aggregated approach in respect of the coastguard package which likewise had been followed. The Committee had focused on the relevant Section II.3 of the Draft SPD 2017-2019 and technical annexes 1-7, and looked forward to subsequent versions. Pending the outcome of the legislative process related to the coastguard package, the Committee was able to provide a positive opinion.

The Commission took the floor to present the coastguard package, highlighting the acute character of the policy issue behind it, and the unique position of EMSA in this context, along with the two other Agencies to be mobilised, Frontex and EFCA, to bring its capacity and expertise to bear on this situation. Together, the three agencies provided the broadest support to Member States in their operations at sea and to the wide range of coastguard functions. Enhancing cooperation between them was a logical step towards addressing the policy issues and to getting more out of every euro invested in that effort. Furthermore, the resources provided for in the package would enlarge the Agency’s subsidy and establishment plan, and given the multiple uses to which the services thus strengthened could be put, the knock-on benefits for the Agency as

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<sup>1</sup> Commission Communication on the “Programming of human and financial resources for the decentralised Agencies” dated July 2013.

<sup>2</sup> 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(2015) 667 final 2015/0313 (COD)



a whole and its various stakeholders were considerable, for example in the areas of emissions control and pollution prevention. In view of the budgetary constraints that the Agency was grappling with, as was every other public administration, the package represented an extraordinary boost. The legislative process was expected to move forward steadily with the trilogue beginning in June.

While welcoming the package and acknowledging the political impetus behind it, Member States had reservations pending confirmation of resources and the outcome of the legislative process, certainly (Finland, Italy), but also in relation to the impact on the balance of activities of the Agency and on safety as a core task in particular, an issue that would need to be discussed as more information on the substance of the package became available (Germany, Malta, France).

Mr Leendert Bal, Head of Department C "Operations", wished to underscore that the boarder package, if adopted, would not compete with existing EMSA activities, neither for resources, as it came with its own envelope, nor for attention, as EMSA's lens would remain focused on enhancing situational awareness at sea to improve safety and protect the environment. Rather, the package would complement existing activities, increasing the critical mass of information and improving the maritime picture for everyone. The efforts that would be put into drones would benefit all areas of maritime safety and prevention of pollution; the imminent SAT-AIS gap, once the free ESA service was terminated, would be filled; and further synergies between the three agencies and opportunities to build capacity would be identified.

The Chairman recalled that the upcoming evaluation of the Agency was intended to assess the role of the Agency and allow the Administrative Board to make recommendations, based on the findings, concerning the direction the Agency should take in the future. The evaluation, which would start soon, was precisely the appropriate context in which to discuss the tasks and the future of the Agency.

On technical issues, the Commission clarified for Germany that the weight of the Commission Communication was that it reflected budgetary pressures from the Council and was the benchmark against which the Finance Ministers' Council evaluated the Commission's annual budgetary proposal in preparation for negotiations with the Parliament. The Agency indicated that project financed activities were clearly and distinctly marked and that the track changes version of the Draft SPD 2017-2019, comparing the present version against the one tabled at the previous meeting, was available on the dedicated extranet, alongside a document detailing Member States' written comments on the document and the EMSA reaction and the impact on the Draft SPD as appropriate.

Member States were invited to comment on the multi-annual aspects of the Draft SPD 2017-2019 by section. In addition to adding wording to reinforce awareness of the need to find synergies and areas of cooperation between Agencies, as suggested by Germany, a small number of minor editorial adjustments were agreed (see track changes on Administrative Board dedicated extranet). There were no further comments.

#### **Annual – operational:**

The Executive Director presented the annual programme for 2017, highlighting some key targets such as the incorporation of the e-manifest into the SafeSeaNet system in support of the EU maritime transport space without barriers, the continuation of the supply of SAT-AIS data after the conclusion of the ESA arrangement through Copernicus, the development of THETIS-MRV ahead of the entry into force of the Directive on 1 January 2018 and under specifications that would allow for possibly meeting the requirements of a global system if needed in the future, and the ongoing input to the REFIT exercise on passenger ship safety legislation to revise and revamp standards based on the experience and expertise gained.

Member States were invited to comment by chapter.



In the context of **Chapter 2**, Mr Leendert Bal introduced the information provided by the Agency on key ICT activities and architecture, which aimed to outline current activities and planned developments. Chief among these was the move from multiple databases for multiple systems to a modular approach based on a central database, significantly improving the user experience with integrated interfaces and a single sign-on across the systems, and very substantially rationalising internal business processes.

Portugal announced that a request for assistance for the implementation of the NSW and probably in particular the use of the NSW prototype would be forthcoming.

**Chapter 3:** no comments.

**Chapter 4:** Ms Manuela Tomassini, Head of Department B "Safety and Standards", reassured Malta that the apparently lower targets for the number of training sessions delivered reflected a conservative estimate which did not prevent the delivery of more training by EMSA staff in situ if requested, given the limited cost this represented to EMSA and the large number of experts benefitting; and a more innovative approach to capacity building, notably plans to increasingly cover basic training with e-learning and free up face-to-face sessions for more practical, needs-based, tailor-made training. The plans to develop more e-learning modules would be reflected in the document.

In the context of **Chapter 5**, and in order to complement the information paper provided by the Agency concerning the background for the vessel and equipment arrangements for the Baltic Sea, Mr Leendert Bal presented the new type of pollution response service called the Equipment Assistance Service or EAS. In summary, in regions of relatively high preparedness due to the existing availability of response vessels at national level or of appropriate so-called "vessels of opportunity", as was the case in the Northern North Sea due traffic linked to oil installations, the provision of specialised and not readily available equipment, such as fire booms, under the appropriate readiness and mobilisation conditions, and accompanied where requested by specialised personnel, added more value than provision of vessels. The relative costs to users should also be taken into account: vessels incurred a daily operational cost, equipment was free provided it was returned in good order with users covering transport only. From a technical point of view, the combination of one vessel and an EAS covered the needs of the Baltic but the point could be revisited for political reasons.

Some Member States disagreed with the assessment of existing preparedness in the region, in terms of the number of vessels and the overall storage capacity and in view of the evolving risk scenario, and reiterated the view that a second EMSA vessel was necessary to complement that preparedness (Estonia, Finland, Latvia), following which some positions were reserved on the matter (Sweden) and it was agreed to fine-tune the arrangements for the Baltic Sea accordingly, taking into account the fixed nature of the APM envelope.

**Annex V-IX:** no comments

#### **Annual – resources:**

Mr Andrea Tassoni presented the resource planning for 2017, which would implement the cuts on existing staff as requested in the Commission Communication bringing their number down to 198, but included the proposed additional 14 posts under the coastguard package, for a total establishment plan of 212 posts. The number of contract agents under the EMSA budget would remain stable compared to 2016 at 33 while project financed contract agents would increase from 7 to 8. The number of authorised SNEs was also expected to remain at 18, thus maintaining this valuable input from Member States.

Compared to the documents circulated in February, ahead of the meeting, a reduction of 513,800 euro had been absorbed essentially through the postponement of hardware and software developments and a small reduction in operational missions with an impact on the number of planned training sessions and workshops.

The Chairman of the Administrative and Finance Committee was invited to report on the recommendations of the Committee concerning the Draft Budget 2017 and the Establishment Plan 2017. Being aligned with the



Commission Communication and the proposed coastguard package, and having received satisfactory explanations concerning the absorption of the 513,800 euro and the impact on core tasks such as training and workshops, and pending the outcome of the legislative process related to the coastguard package, the Committee was able to provide a positive opinion.

**The Administrative Board took note of the information provided by the Agency on:**

- (a) possible resource scenarios and impact on activities;**
- (b) maritime applications – key ICT activities and architecture;**
- (c) vessel and equipment arrangements for the Baltic Sea.**

**The Administrative Board also took note of the information provided by the Commission on the proposal for amending Regulation (EC) n° 1406/2002 establishing a European Maritime Safety Agency on developing European cooperation on coastguard functions.**

**The Administrative Board discussed and adopted the Draft Single Programming Document 2017-2019 and the associated Draft Budget 2017 (€ 74,760,115 in Commitment Appropriations and € 66,023,921 in Payment Appropriations, of which € 17,670,000 in Commitment Appropriations and € 11,050,000 in Payment Appropriations linked to the coastguard package, including the relevant multi-annual schedule of payments) and the Draft Establishment Plan for 2017 (212 statutory posts in total or 198 posts + 14 posts linked to the coastguard package), in line with the Commission's Communication on programming of human and financial resources for decentralised agencies 2014-2020 (COM (2013)519) and with the Regulation 911/2014 on the multiannual funding for the action of the European Maritime Safety Agency in the field of response to pollution caused by ships and to marine pollution caused by oil and gas installations and in line with the 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(2015) 667 final 2015/0313 (COD).**

**Vessel and equipment arrangements for the Baltic Sea will be fine-tuned in light of the discussions which took place at the meeting concerning the need for a pollution response vessel in the Northern Baltic Sea.**

**A forthcoming request for assistance on the implementation of the National Single Window was announced by the Portuguese representative.**

**Administrative Board Members were invited to provide written comments on the Draft Single Programming Document 2017-2019 to the Secretariat by the 10th of May 2016, to be addressed as relevant at the June 2016 meeting.**

## **5. Draft Administrative Arrangements**

No draft administrative arrangements were submitted for consideration by the Administrative Board.

## **6. EMSA concept paper on the possible development of MS' profiles**

Ms Manuela Tomassini recalled the two-step process proposed and agreed at the last meeting. The Agency would develop and test an e-delivery tool, to be launched in the first phase, and Member States would reflect further on the possible added value but also added effort of upgrading towards a more dynamic platform housing up-to-date Member State profiles. The e-delivery application, after a testing phase, was ready and the Agency was seeking the go-ahead to launch it, as well as an indication of Member States' views on the possible second phase.

Comments on the possible development of MS' profiles were received by Belgium and Poland and shared with the Administrative Board.

Poland, who had volunteered to test the application, shared their positive experiences including the added value in terms of efficiency, the potential for further development and the fact that their data security concerns had been dispelled by a system of access rights to different types of information.

Member States welcomed the e-delivery tool but remained reticent about proceeding at this stage with the development of Member State profiles due to the burden of keeping the information up to date, possible duplication and/or incompatibility with national information gathering processes and lingering data security concerns (Belgium, Germany, United Kingdom, Denmark, Sweden, Greece, Estonia, Malta, Norway).

**The Administrative Board confirmed the use of e-delivery for the transmission of visit-related documents from EMSA, giving the Agency a green light to go live with the system successfully tested with the participation of Italy, Poland and the Commission. The Administrative Board also took note of the additional comments by Member States and further discussed the EMSA concept paper on the possible development of Member State profiles. This second development would be placed on hold for the time being and possibly revisited after the experience gained from e-delivery.**

## **7. Visits to Member States – Cost-Efficiency Assessment**

Ms Manuela Tomassini presented the proposed methodology for incorporating cost efficiency assessment in the horizontal analysis process, as provided for in both the Founding Regulation and the EMSA Methodology for Visits to Member States. Cost efficiency assessment would focus on the relationship between inputs and outputs, and the relative costs of the range of practices in Member States to implement legislation, and contribute another tier of information to the ongoing process of improving the implementation of legislation and the legislation itself. The added value of such analysis would be very much linked to the quality of the data, implying commitment on the part of Member States to provide regular and timely information, in order to generate meaningful insight into the relevant processes. Single snapshots would not serve this purpose. The Agency for its part would extract all information already available to it, for example in THETIS, and not duplicate any requests, and use pre-cycle and pre-visit workshops and questionnaires to announce and request the additional information that would be needed. In order to integrate the assessment in the horizontal analysis from the beginning, the Agency proposed to start with the Sulphur Directive, for which a new cycle of visits is planned starting in the second half of 2016.

Member States welcomed the launch of cost efficiency assessment in principle but generally wished to simplify both the methodology and the subject of the first exercise, taking into consideration the burden of information on the Member States, the complexity of the target legislation, and lack of clarity concerning the scope of the assessment provided for in the Founding Regulation, which in its Article 3(5) referred to "the measures in place" which could be and was variously interpreted as Member State measures to implement legislation and/or the legislation itself (Denmark, Germany, Croatia, United Kingdom, Belgium, Malta, Spain, Sweden, Netherlands, Greece). At the same time, the impact on industry was seen as an important element to include (Denmark, United Kingdom, Malta, Sweden), a welcome but potentially very burdensome component that might be simplified by focusing only on the impact to the international competitiveness of the EU sector (Industry).

The Commission reminded Member States that the assessment of legislation was the prerogative of the Commission, as exercised through the ambitious and far-reaching REFIT exercises on rafts of interacting legal acts. The legislator's intention in the EMSA Founding Regulation was to use EMSA's bird's eye view to help Member States identify, compare and share better implementation practices. Considered narrow by some (Denmark, Industry), the interpretation did not nevertheless exclude lessons learned feeding into the Commission's work on legislative development.



In view of the preferences expressed by Member States for starting with a pilot assessment on the Port State Control Directive, and underscoring the methodological reasoning behind and preference for linking the start of cost efficiency assessment to the start of a cycle, the Agency pointed out that no additional insights, and certainly not ones on cost-efficiency, could be attached to the completed Port State Control Horizontal Analysis without the collection of cost-efficiency data. This data had not been collected at that time and would have to be collected now if anything further was to be produced.

**The Administrative Board took note of the concept paper by EMSA on a proposed methodology to conduct a cost-efficiency assessment as part of the horizontal analyses related to cycles of visits to Member States on the implementation of EU legislation. While recognising the advantages of initiating cost efficiency assessment alongside the visit cycle in order to integrate relevant data requirements from the start of the process, the Administrative Board chose to start with a trial assessment on a more mature Directive, the Port State Control Directive, and committed to providing, through an ad-hoc questionnaire, the supplementary information that would be necessary to retroactively assess the cost-efficiency of its implementation.**

## **8. External Evaluation of the Agency**

Mr Andrea Tassoni recalled the steps completed so far. The High Level Steering Committee, established in November 2015, had submitted the Draft Terms of Reference to the Administrative Board members for comments in January 2016. Having received written comments from Greece, Poland, Sweden and Belgium, the High Level Steering Committee held its second meeting on 25 February 2016 and fine-tuned the document presented today for adoption.

While still very ambitious, Poland indicated that the proposed calendar could be achieved and the document as a whole supported. The Agency confirmed to Germany that the Draft Terms of Reference listed the proposed coastguard package as one of the relevant documents to be provided to the contractor.

**The Administrative Board discussed and adopted the draft Terms of Reference prepared by the High Level Steering Committee, allowing for immediate launch of the relevant procurement procedure. The Administrative Board also took note of the proposed calendar, which if respected would allow the Administrative Board to adopt and issue to the Commission recommendations regarding changes to the Regulation, the Agency and its working practices at the June 2017 Administrative Board meeting.**

## **9. Copernicus Services**

Mr Leendert Bal provided an update on the Agency's activities in this area following the signature of the Delegation Agreement with DG GROW on 3 December 2015, making EMSA the "Entrusted Entity" for the implementation of Maritime Surveillance Services, with a budget of 40 million euro from 2016 to 2020. The overall objective was to add earth observation products to, and thereby strengthen, existing services and user communities, in accordance with applicable access rights. Preparatory work had included launching the recruitment of 3 Contract Agents at the end of last year, drafting the yearly implementation plan and setting up ICT infrastructure and administrative and operational procedures.

Operational activities in 2016 would start with identifying user requirements and assessing feasibility for the provision of satellite imagery beyond what was already available in CleanSeaNet to maritime authorities to support maritime safety. Support would also be provided for fisheries control (to EFCA) and law enforcement (to MAOC-N). Efforts would also be turned to identifying further user requirements for implementation in subsequent years, and supporting user uptake through training and service promotion.

The Commission highlighted the need for multiple sources of information in order to create sufficient maritime situational awareness, taking the opportunity to point out that SAT-AIS which could not be provided

through the Copernicus project because it wasn't strictly speaking earth observation had therefore been written into the coastguard package. This was yet another example of how additional tasks given to EMSA did not detract from existing services but actually enhance them and even prevent their deterioration.

Members welcomed progress on this project, citing the considerable challenges at national level that would be supported (Italy) and the need to clearly state the coastguard package priorities in the Agency's work programme for 2017 (Greece).

Poland looked forward to a further update on Copernicus in June and Germany to the availability of the relevant annual implementation plan.

**The Administrative Board took note of the information provided by the Agency on Copernicus Services.**

#### **10. Implementation of the Sulphur Directive: one year of operation of THETIS-S**

Ms Manuela Tomassini recalled the impetus for THETIS-S, which was to develop a cost-effective system for reporting Sulphur inspections under Directive 1999/33/EC as amended. THETIS-S was developed in record time following an agreement signed between EMSA and the Commission in September 2014 and operational on 1 January 2015. THETIS-S is used on a voluntary basis by the vast majority of Member States and around 6800 relevant inspections were reported in 2015.

Member States were briefed on key statistics coming out of the system, such as the relatively stable reporting of inspections from March 2015 onwards and, per region, the number of recorded inspections against required inspections, which was only very marginally lower inside the SECA area, the number of non-compliances compared to the number of recorded inspections, and the percentage of analysed samples where fuel was found no-compliant.

Further development of THETIS-S was under discussion, including the possibility of recording remote measurements and introducing alerts based on those measurements, of introducing a risk based inspection and of providing a fuel calculator based on vessel type and voyage data. Developing a public THETIS-S site for dissemination of selected information was also under discussion.

While the data appeared to suggest much lower usage of abatement methods than had been expected, in turn suggesting the ready availability of alternative fuels contrary to earlier fears, Malta indicated that this interpretation may be misleading, particularly in the run up to more stringent requirements for 2020. Abatement methods would become even more important and it was still not clear that low usage was not linked to the excessive bureaucracy surrounding them rather than the availability of alternative fuels.

Malta also hoped that more detailed statistics on non-compliance by vessel type and areas of operation (coastal vs. open sea) would be available. Projections also at international level on the impact of increasingly stringent requirements on the availability of fuels would be important to take into account.

Industry welcomed the very high degree of compliance, noting that many concerns had indeed been overcome but pointing out that the dramatic fall in fuel prices had contributed to this very positive outcome and would eventually be outlived.

Denmark expressed its appreciation for THETIS-S and welcomed the future developments announced by the Agency which would support enforcement and risk-based targeting. The fuel calculator was particularly important for documenting compliance at international level.

The Commission joined in commending the work done and planned. Remote sensing tools and algorithms to calculate compliance were indeed the future, though judicial cooperation needed to catch up to allow enforcement.



Ms Manuela Tomassini also took the opportunity to provide an update on THETIS-EU, which will provide a cost-effective solution for tackling in first place the PRF Directive, with this development currently in pre-production testing, and will in future support other enforcement and inspection obligations stemming from the EU legislation

**The Administrative Board took note of the information provided by EMSA about one year of operation of THETIS-S, and about the development of THETIS-EU.**

#### **11. Any Other Business**

The Commission informed the Administrative Board of severe delays in the implementation by EFTA States of the EU rules on ROs, well beyond the usually acceptable timeframe. While the combination of a regulation and a directive added to the complexity, the implementation delay and resulting distortions and risk of ROs interacting with organisations recognised under outdated criteria could no longer be tolerated. This position had now been clarified to the EFTA States and it was hoped that progress would ensue. Iceland read a statement explaining the constitutional issues and regretting the much longer than expected delay and hoping these would be overcome in the coming months.

**The Administrative Board took note of the information provided by the European Commission on the Commission's Non Paper, provided in the second set of documents, on the continuing non-incorporation of the EU RO acquis in its up-to-date form into the EEA Agreement. The Administrative Board took note of the statement in this regard by the representative of Iceland.**

Italy announced the Naples Shipping Week that would take place end June/beginning July.

#### **Dates of next EMSA's Administrative Board Meetings:**

##### **June 2016:**

Administrative and Finance Committee: Thursday 2 June morning

Administrative Board: Thursday 2 June afternoon and Friday 3 June morning

##### **November 2016:**

Administrative and Finance Committee: Thursday 17 November morning

Administrative Board: Thursday 17 November afternoon and Friday 18 November morning

Signed:



Frans Van Rompuy

Chairman of the Administrative Board

Lisbon, 3 June 2016

**LIST OF ATTENDANCE**

MEMBER STATES	
BELGIUM	
Frans Van Rompuy	Board Member - Chairman of the Board
Peter Claeysens	Alternate Member
BULGARIA	
Zhivko Petrov	Member
CROATIA	
Lukša Čičovački	Alternate Member
CZECH REPUBLIC	
Evzen Vydra	Board Member
DENMARK	
Andreas Nordseth	Board Member
ESTONIA	
Rene Arikas	Board Member
Tarmo Ots	Alternate Member
FINLAND	
Tuomas Routa	Board Member
FRANCE	
Régine Bréhier	Board Member
Vincent Denamur	Expert
GERMANY	
Jan Reche	Alternate Member
GREECE	



Agisilaos Anastasakos	Alternate Member – Chairman of the Administrative and Finance Committee
HUNGARY	
Robert Kojnok	Board Member
IRELAND	
Deirdre Mary O’Keeffe	Board Member
ITALY	
Nicola Carlone	Board Member
Piero Pellizzari	Alternate Member
LATVIA	
Janis Krastins	Board Member
LITHUANIA	
Robertinas Tarasevičius	Board Member
LUXEMBOURG	
Joël Mathieu	Alternate Member
MALTA	
Ivan Sammut	Board Member
THE NETHERLANDS	
Arnold van Vuuren	Board Member
Lieske Streefkerk-Arts	Alternate Member
POLAND	
Wojciech Zdanowicz	Board Member
PORTUGAL	
Miguel Sequeira	Board Member
José Maciel	Alternate Member
ROMANIA	

Cristina Calintaru	Expert
SLOVENIA	
Jadran Klinec	Board Member
SPAIN	
Benito Núñez Quintanilla	Alternate Member
SWEDEN	
Maria Gelin	Alternate Member
THE UNITED KINGDOM	
Lola Fadina	Board Member
Ana de Miguel	Expert

EUROPEAN COMMISSION	
Christine Berg	Alternate Member
Paloma Aba Garrote	Alternate Member
John Burke	Expert

PROFESSIONALS FROM SECTORS CONCERNED	
Bernd Kröger	Board Member
Kaia Vask	Board Member

EFTA STATES	
NORWAY	
Olav Akselsen	Board Member
ICELAND	
Thorolfur Arnason	Board Member



EMSA STAFF	
Markku Mylly	Executive Director
Isabel Torné	Head of Department A – Corporate Services
Manuela Tomassini	Head of Department B – Safety and Standards
Leendert Bal	Head of Department C – Operations
Cristina Romay Lopez	Head of Unit A.1 – Human Resources and Internal Support
Dominika Lempicka-Fichter	Head of Unit A.2 – Legal, Financial and Facilities Support
Mario Mifsud	Head of Unit B.1 – Visits & Inspections
Michael Hunter	Head of Unit B.2 – Ship Safety
Georgios Christofi	Head of Unit B.3 – Environment & Enforcement
Bernd Bluhm	Head of Unit C.1 – Pollution Preparedness Services
Helena Ramon Jarraud	Deputy Head of Unit C.1 – Pollution Preparedness Services
Ivo Kupsky	Head of Unit C.4 – Digitalisation and Application Development
Andrea Tassoni	Policy Adviser
Tom van Hees	Internal Control Coordinator
Soraya Obura	Senior Assistant for Planning and Reporting
Selena Matic	Senior Administrative Assistant

