European Maritime Safety Agency

Annual Report 2009

EUROPEAN MARITIME SAFETY AGENCY

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Table of Contents

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FOREWORD

JØRGEN HAMMER HANSEN,
CHAIRMAN OF THE ADMINISTRATIVE BOARD

EMSA is not just steadily moving forward to fulfil its Work Programme as planned. EMSA is a dynamic European Agency which recognises new opportunities and is able to seize these opportunities.

2009 was yet another challenging year for EMSA at the service of European safety, security and prevention of pollution at sea. The 2009 Annual Report gives detailed and transparent information on the work done, the resources committed and the results achieved. It is a document that fully demonstrates that EMSA has come to play a key role in the comprehensive network of players representing the private and public sectors of the European maritime sphere – a role that goes beyond and is even more important than what we could have imagined when EMSA was created 8 years ago.

International and European legislation on safety, security and prevention of pollution at sea has developed significantly over the past 10 years. The maritime industry in its broadest sense as well as European Member States – acting as flag states, port states or coastal states – must live up to their obligations under this legislation to achieve safer, more secure and cleaner waters as envisaged by the legislators. Legislation that is not applied is just paper with limited impact.

EMSA's priorities for 2009 clearly aimed to help Member States and industry cope with the existing legislation and, at the same time, to contribute to making sure that those responsible meet their obligations. I am confident that EMSA's stakeholders will appreciate the successful efforts to improve existing measures and develop new tools and systems, in addition to the Agency's many other activities to coordinate, share knowledge and assist European Member States, the European Commission and the maritime industry.

Not everything achieved in 2009 was planned for in the Work Programme for 2009. The idea that EMSA was ideally placed to develop and submit, on behalf of the EU Member States and the Commission, the only European proposal to host the LRIT-International Data Exchange emerged during 2009. It was well received and a proposal was submitted to the IMO. At its May 2010 meeting the Maritime Safety Committee of the IMO decided to entrust the important assignment of hosting the LRIT-IDE to EMSA.

Likewise, the idea of developing an additional functionality to the European LRIT system for monitoring sensitive areas all over the world including waters posing a piracy threat emerged after the adoption of the 2009 Work Programme. This new functionality was already applied before the end of 2009.

These initiatives demonstrate that EMSA is not just steadily moving forward to fulfil its Work Programme as planned. EMSA is a dynamic European Agency which recognises new opportunities and is able to seize these opportunities.

In 2009 EMSA moved to its permanent premises. The magnificent new headquarters are beautifully placed in the city centre of Lisbon next to the river Tagus. We are all grateful to the Portuguese Government and the Lisbon Port Authority for this outstanding building which will be a most inspiring setting for EMSA's staff and for the many participants that visit the EMSA headquarters for workshops and meetings.

2009 was my first year serving as Chairman of the EMSA Administrative Board. The Agency has successfully developed its activities over the years and I am pleased to see that EMSA in 2009 was able to continue on this positive note.

It gives me great pleasure to present the 2009 Annual Report. It offers an excellent opportunity to learn about EMSA's many useful activities and excellent achievements.

I want to thank the Executive Director Willem de Ruiter and his dedicated team for work well done. I also want to thank the members of the Administrative Board for their active support and their many valid contributions to move EMSA forward as a European Agency at the heart of the EU maritime safety network.

Jørgen Hammer Hansen

Chairman of the Administrative Board

INTRODUCTION

WILLEM DE RUITER,
EXECUTIVE DIRECTOR

OLD SCHOOL
NEW SCHOOL

There was a time when presentations by EU officials at conferences were generally structured as follows. First, the speaker would declare that on a certain date an important piece of EU legislation regarding the subject at hand had been adopted. Next he would explain that this legislation, in view of its Article 'x', to be read in combination with provision 'y', had for effect that from now on national authorities were no longer free to decide as they deemed fit, but would have to implement the policies decided at EU level. The speaker would then enumerate the many actions taken by his institution and outline his personal role therein. Finally, he would indicate that these many actions, though impressive in themselves, were only the beginning.

At this point the speaker would look triumphantly into the conference room and open the floor for questions. The audience, consisting mainly of national civil servants and industry representatives, would look back with a mixture of admiration, disbelief and submission.

Being an EU official since 1985, I have delivered many such presentations.

And then came the 'New School'. A few months ago I attended a meeting where the President of the European Commission, Mr. Barroso, gave an inspiring speech on the challenges and the way ahead for the new Commission. The key phrase of his presentation that struck me was 'we have to demonstrate to the European citizens that one euro spent at EU level brings more benefit than one euro spent at national level'.

My heart skipped a beat! Indeed, the legitimacy of our actions should stem from the principle that common problems call for common solutions.

EMSA is clearly a product of the 'New School'. The setting up of an EU LRIT Data Centre, for example, generates substantial benefits compared to the alternative of each Member State acting alone. Most of the activities presented in this report, be it joint auditing of class societies or joint monitoring of European sea areas, are producing economies of scale through working together. In other words: a euro spent at EMSA is a euro well spent!

We are ready to submit ourselves to the new test.

Willem de Ruiter

Executive Director

European Maritime Safety Agency
Management Report 2009

Chapter 1

The European Maritime Safety Agency

CHAPTER

1

INTRODUCTION

This annual report is an account of the work undertaken by EMSA in 2009 to enhance the quality of shipping, strengthen maritime safety and achieve cleaner oceans. It measures the added value of EMSA's products and services for the EU in general and its principal stakeholders in particular: the EU Member States, Iceland, Norway and the Commission.

The report has two sections: a detailed management report followed by a summary activity report. This structure reflects the reporting recommendations of the 5 year evaluation of the Agency that were progressively implemented since their adoption in 2007.

A further improvement has been introduced into the present document: the activity report in the second section now includes for comparison planned and actual financial input for each activity, in addition to the usual ex-ante and ex-post presentation of human resources, output and outcomes.

The financial annex reflects the incorporation of additional financial reporting obligations and the successful implementation of improved financial systems.

The broad range of activities undertaken by the Agency in the fields of safety, security and prevention of pollution and response to pollution by ships can be subdivided in the following categories, each covered in a separate chapter:

➔ Major projects for traffic monitoring and acquiring information on ships and cargoes (chapter 2);

➔ Visits and inspections to monitor the implementation of EU legislation on request of the Commission (chapter 3);

➔ Providing Member States and the Commission with technical and scientific assistance and facilitating technical cooperation between Member States' maritime authorities and the Commission in specific fields (chapter 4);

➔ Pollution preparedness, response and detection (chapter 5).

Horizontal tasks are covered in chapters 1 and 6.

MISSION STATEMENT*

The European Maritime Safety Agency has been established for the purpose of ensuring a high, uniform and effective level of maritime safety, maritime security as well as prevention of and response to pollution by ships within the Community.

OBJECTIVES

➔ The Agency provides the Member States and the Commission with the technical and scientific assistance needed and with a high level of expertise,

in order to help them:

- Apply Community legislation properly in the field of maritime safety, maritime security and prevention of pollution by ships;

- Monitor its implementation;

- Evaluate the effectiveness of the measures in place.

➔ The Agency provides additional operational means, upon request, to assist Member States and the Commission to respond to marine pollution by ships within the Community.

* Mission statement and objectives established by the EMSA founding Regulation 1406/2002/EC

1.2 EMSA'S ORIGIN AND TASKS

The concept of setting up a European Maritime Safety Agency (EMSA), as a regulatory agency, originated in the late 1990s, along with a number of other major European level maritime safety initiatives. The setting-up process began at the end of a decade that had seen six major oil pollution accidents and the second of two major ferry accidents in EU waters, culminating in the Erika disaster in 1999. As a result of these and other accidents and incidents, hundreds of citizens had been injured or killed, thousands of tonnes of oil had been spilled in EU waters, either accidentally or deliberately, and a significant number of seafarers had been killed or injured. Consequently, EU decision makers decided that it was time to set in place a body of legislation and support which could substantially improve the situation. Within this package, EMSA was created to be a major source of support to the Commission and the Member States.

Maritime Transport Stakeholders gathered in Lisbon as EMSA's new HQ opened its doors

16 June saw the official opening of EMSA's brand new headquarters in Lisbon's city centre, on the banks of the river Tagus. Ceremonies began with the naming of the building's Conference Centre in honour of Loyola de Palacio, former Vice-President of the European Commission in charge of relations with the European Parliament, Energy and Transport. Mr Antonio Tajani, Vice-President of the European Commission, Mr Georg Jarzembowski, European Parliament and Ms Ana Palacio, sister of the late Commissioner, attended the ceremony. A welcome address by Mr Willem de Ruiter, Executive Director of EMSA and Mr Mario Lino, Portuguese Minister of Public Works, Transport and Telecommunications, was followed by a two-hour conference on maritime surveillance. Keynote speakers included: Mr Tajani, Vice-President of the European Commission; Rear Admiral Salerno, US Coast Guard; Mr Tallec, Secrétaire général de la Mer, France; Mr Briggs, Head of Earth Observation Science applications and future technologies at the European Space Agency; Mr Louis-Dreyfus, President of ECSA; and Mr Hammer Hansen, Chairman of EMSA's Administrative Board. The event included a practical demonstration of EMSA's maritime surveillance services.

Clockwise from top: the new EMSA HQ; Mr Jarzembowski, Mr de Ruiter, Ms de Palacio and Mr Lino look on as Mr Tajani unveils the plaque in honour of Ms Loyola de Palacio; Mr de Ruiter and Mr Tajani during the conference; EMSA HQ on the Lisbon waterfront, ideally located just West of the magnificent Praça do Comércio and next to the main ferry station Cais do Sodré.

The objectives, as mentioned before, are addressed through a matrix of mainly preventative, but also reactive, tasks in a number of key areas. Firstly, EMSA has been tasked with assisting the Commission in monitoring the implementation of EU legislation relating to ship construction and planned maintenance, ship inspection and the reception of ship waste in EU ports, certification of marine equipment, ship security and training of seafarers in non-EU countries.

Secondly, the Agency sets up EU level support capabilities. Significant examples are the SafeSeaNet system, which ensures effective tracking of vessels and their cargoes, the EU accident database, which contains comprehensive records of marine casualties and incidents occurring in EU waters and the EU LRIT Data Centre, for long range identification and tracking of ships. An important element in this part of the programme is the provision of training and assistance to new Member States or candidate and

potential candidates in aligning to, transposing and implementing EU legislation.

In addition, an oil pollution preparedness and response capability is available, including a small fleet of contracted pollution response vessels and a European satellite oil spill monitoring service: CleanSeaNet, both with the aim of contributing to an effective system for protecting EU coasts and waters from pollution by ships.

Finally, EMSA provides technical and scientific advice to the Commission in the field of maritime safety and prevention of pollution by ships in the continuous process of evaluating the effectiveness of the measures in place, and in the updating and development of new legislation. It also provides support to, and facilitate co-operation between, the Member States and disseminate best practice. As a body of the European Union, the Agency sits at the heart of the EU maritime safety network and collaborates with many industry stakeholders and public bodies, in close cooperation with the Commission.

1.3 ADMINISTRATIVE BOARD - GENERAL INFORMATION

EMSA's Administrative Board met three times in 2009. Seven new Board Members and four new alternate Members were welcomed in 2009 replacing previous representatives.

2009 was the first full year of the new EMSA Administrative Board that took office at the end of 2008, with Mr Jørgen Hammer Hansen and Mr Serghios Serghiou as Chairman and Deputy Chairman respectively. While the change of guard was symbolically marked by the inauguration a few months later of EMSA's new riverside headquarters, continuity was the main characteristic of the transition.

The previous Administrative Board concluded its tenure by ensuring that a five-year evaluation of EMSA was undertaken, in accordance with Article 22 of EMSA's Founding Regulation,[1] and adopting a set of recommendations descending from that evaluation.

The incumbent Board inherited the task of following up on these recommendations. The Board has taken note of a series of developments to improve the Agency's Human Resources, Information Technology, Communication and

Financial management systems and methods and its planning and reporting procedures, and took a particular interest and active role in following closely the development of operational projects and in shaping EMSA's 5 year strategy, set for adoption in early 2010.

1.3.1 SUMMARY OF BOARD DECISIONS

23rd Administrative Board meeting,12th March 2009 held in Lisbon, Portugal. The Administrative Board:

> Adopted the Preliminary Work Programme 2010;

> Adopted the Preliminary Draft Budget and Establishment Plan for 2010;

> Adopted the amendment to the Decision of 25/06/2004 concerning public access to documents;

> Adopted Rules for the implementation of the Financial Regulation of the European Maritime Safety Agency;

> Approved the Multi Annual Staff Policy Plan for the period 2010-2012;

> Approved the Phase 2 of the STCW (Standards of Training, Certification and Watch keeping for seafarers) Information System;

> Endorsed the Commission's Internal Audit Service Strategic Audit Plan 2009-2011 for EMSA;

> Took note of the progress report on the establishment of the EU LRIT Data Centre;

> Took note of the update provided by the Commission on the follow-up to EMSA's inspections;

> Took note of the progress report on the development of a 5-year Strategy for EMSA;

> Took note of the overview of the EMSA Financial Statement 2008 (including budget execution, balance sheet, profit and loss accounts);

> Took note of the information provided on the Agency's policy for access to documents related to the Administrative Board;

> Took note of the Annual Report on School Arrangements;

> Took note of the update provided by the Executive Director regarding new headquarters;

> Took note of the information provided by the Irish Board Member on the assistance provided by EMSA for an oil spill 50 miles off the West Cork coast.

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1 Article 22 of Regulation 1406/2002/EC establishing a European Maritime Safety Agency states that the Administrative Board shall "within five years from the date of the Agency having taken up its responsibilities,(...) commission an independent external evaluation on the implementation of this Regulation." The overall outcome was positive and demonstrated that the Agency had added value to the sector in general and in particular to its main stakeholders, the Member States and the Commission.

24th Administrative Board meeting, 15th June 2009 held in Lisbon, Portugal. The Administrative Board:

> Adopted the EMSA 2008 Annual Report subject to certification without reserve by the European Court of Auditors;

> Adopted a minor technical amendment to article 31 of the Implementing Rules for EMSA's Financial Regulation;

> Took note of the draft outline presented by the Agency for the 5-year Strategy;

> Took note of the relevant information provided by the Agency on the Consultative Technical Group (CTG), recognized the importance of, stressed that the Group is not a subsidiary of the Administrative Board and encouraged the Agency to use in the most efficient way the valuable expertise of the CTG;

> Took note of the progress report on the establishment of the EU LRIT Data Centre;

> Took note of the information provided on the Hosting of the Maritime Applications by the Agency;

> Took note of the information provided on the possible different actions within the framework of Maritime Surveillance;

> Took note of the information on the Commission's follow-up of EMSA inspections for the period 2004-2008;

> Took note of the information about the EMSA move to the final premises.

25th Administrative Board meeting, 20-21 November 2009 held in Lisbon, Portugal. The Administrative Board:

> Adopted the Work Programme 2010 and Budget/Establishment Plan 2010;

> Adopted a decision amending the Budget 2009, concerning the encoding of the "Equasis" funds and the funds dedicated to enlargement;

> Adopted the minimum standards for internal management and control systems, as foreseen by article 38.4 of the EMSA Financial Regulation;

> Adopted a third package of nine implementing rules, of which four were by analogy to the Commission rules, giving effect to the Staff Regulations (see Chapter 6);

> Commented in detail the different possible strategic themes outlined in the 5-year strategy discussion paper;

> Welcomed the formal opinion of the Court of Auditors and approved on that basis the final accounts for 2008;

> Took note of the information provided on the first months of operation of the EU LRIT Data Centre, on the pilot project on piracy in cooperation with EUNAVFOR and on the Maritime Support Services, now operational on a 24/7 basis;

> Took note of the information on the positive outcome of the tender procedures for 2009;

> Took note of the information provided on the ongoing exercise for a Mid-term report regarding the implementation of Regulation (EC) 2038/2006 for the period 2007-2009;

> Took note of the information provided on the New Inspection Regime for Port State Control (Directive 2009/16/EC) and the related requirements concerning notification of port calls;

> Took note of the revision of allowances for Seconded National Experts;

> Took note of 2009 budget transfers;

> Took note of the information provided on the Accident Investigation Judicial Symposium planned for 24 November 2009;

> Took note of information provided by Greece on the changes in the organisation of the national maritime administration.

1.4 PRIORITIES FOR 2009

The Agency's main priorities for 2009 were:

➜   Working on having the EU Long Range Identification and Tracking of Ships (LRIT) Data Centre (DC) operational. The development, testing and operational implementation of the EU LRIT DC was a very challenging task for the Agency, requiring efficient project management and effective control measures in order to meet the required timing and performance level. In addition to the technical development and formal IMO/IMSO acceptance phase, the implementation of the proper operational procedures - including training of users, setting up end-user access, and establishing proper, 24/7 Help Desk procedures - added an additional level of complexity for the Agency.

➜   With the successful establishment of the EU LRIT DC, EMSA was ideally placed to develop, on behalf of the EU Member States, the only proposal to host the international LRIT message handling service once the temporary hosting arrangement in the United States of America expires at the end of 2011. The LRIT-International Data Exchange (LRIT IDE) is a core element of the international LRIT system, facilitating the exchange of LRIT information amongst Data Centres worldwide to enable LRIT Data Users to obtain the information to which they are entitled.

➜   Working on having SafeSeaNet (the single EU System for exchange of maritime traffic monitoring information) operational and allowing for a real time exchange of information about vessels, their cargoes, and incidents at sea along the coasts of the EU, Iceland and Norway. A new version of SafeSeaNet was under development in 2009. Agreement was reached with Member States on requirements, and preparation for the next upgrade of the application was completed. The upgrade will provide an automatic record of ship calls to THETIS, the new information database supporting the new Port State Control inspection regime.

➜   Developing the first phase of THETIS, the electronic tool for implementing the new inspection regime introduced by the recast Directive on Port State Control. This database will help Paris MoU (Paris Memorandum of Understanding) signatory countries target the right ships for inspections, report PSC inspections and improve ship call management. Once fully operational this system will allow

Paris MoU countries to meet the requirements of the NIR (New Inspection Regime) due to enter into force on the 1 January 2011.

➜   Developing the next generation of CleanSeaNet (CSN) to ensure the continuation and improvement of CSN products in view of expiry of current contracts at the end of 2010. Timely actions needed to be taken during 2009 in particular system performance analysis to identify necessary upgrading, concept development, preparation of technical specifications and tendering documents and signing relevant contracts.

➜   Setting up 24/7 Maritime Support Services (MSS) at EMSA headquarters to operate and administer the critical operational systems of the Agency. The MSS is the single point of contact for mobilising assistance provided by the Agency to the Member States, the Commission and other EU institutions. The MSS also provides a central management and helpdesk function for all EMSA's vessel information and monitoring applications, ensuring data quality and availability at all times.

➜   Completion of the Network of Stand-by Oil Spill Response Vessels particularly in the Northern Baltic Sea and the Western Channel Approach. The Stand-by Oil Spill Response service network continues to cover all the regional seas of Europe. 2009 saw new contracts awarded for response capacity in the Atlantic/Channel area and the Northern Baltic Sea as well as the renewal of contracts in the Atlantic and the West Mediterranean Sea.

➜   Visits and inspections to monitor the implementation of EU legislation and to improve the efficiency and effectiveness of measures in place and underway remain a priority. The impetus towards consolidation of experience gained over the years gained momentum in 2009 leading to the creation of a horizontal assessment function within EMSA at the start of 2010.

➜   Implementing the recommendations resulting from the 5-year evaluation of the Agency continued in 2009 with further development of reporting, management and monitoring systems across the Agency (see introduction, 1. 3 and chapter 6), adoption of Key Performance Indicators for external services to be applied in 2010 and completion of the Agency's 5–year strategy.

EMSA Staff by Nationality 2005-2009
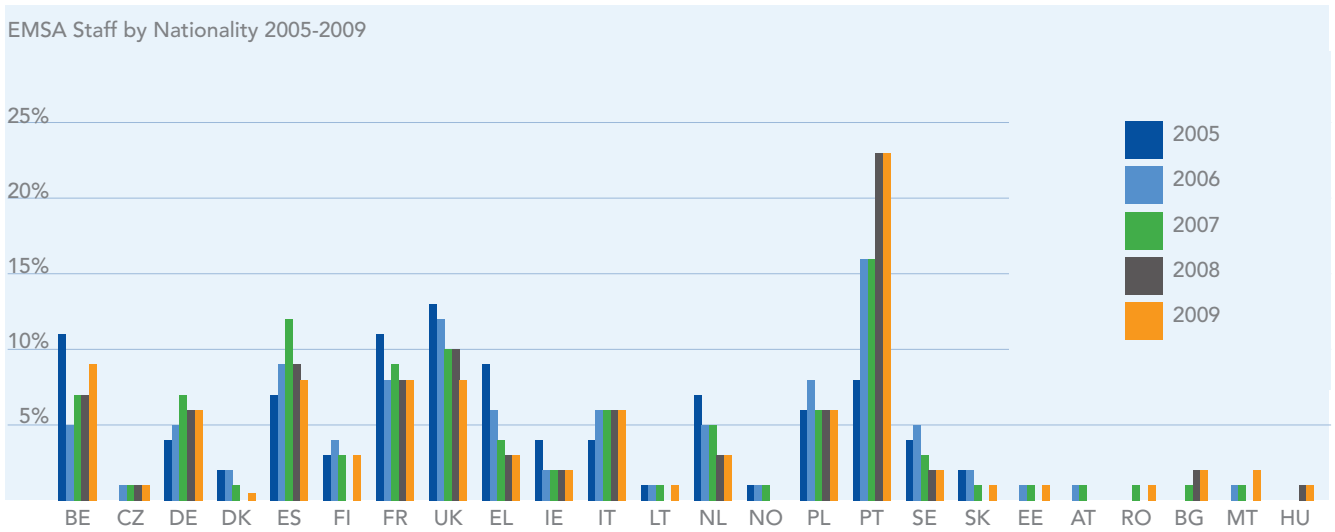
1.5 EMSA'S GROWTH IN 2009

Recruitment remained a key activity in 2009. The challenge has been to implement an establishment plan totalling 192 statutory positions, with 11 additional posts compared to 181 in 2008. In addition, the relatively high turnover has generated additional recruitment work.

Recruitment at EMSA is undertaken fully in line with the applicable legal and regulatory framework (EU Staff Regulations and relevant Implementing Rules) and the EU best working practises. Besides selecting the best candidates, EMSA pays special attention to gender and geographical balance.

The number of different nationalities of staff working at EMSA went up to 23, one more than in 2008. Latvia came off the list of countries with no staff at EMSA, which was reduced to six: Norway, Austria, Cyprus, Iceland, Luxembourg and Slovenia.

EMSA Staff Evolution 2003-2009

EMSA Gender Balance 2005-2009
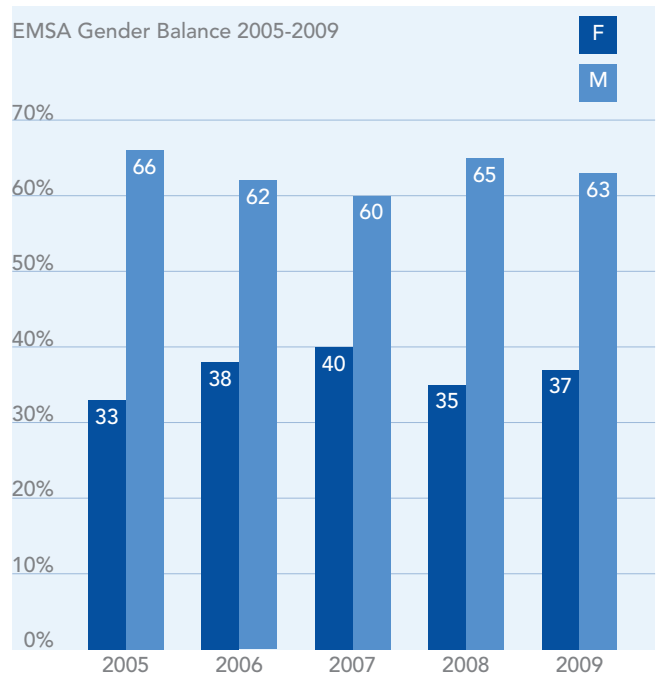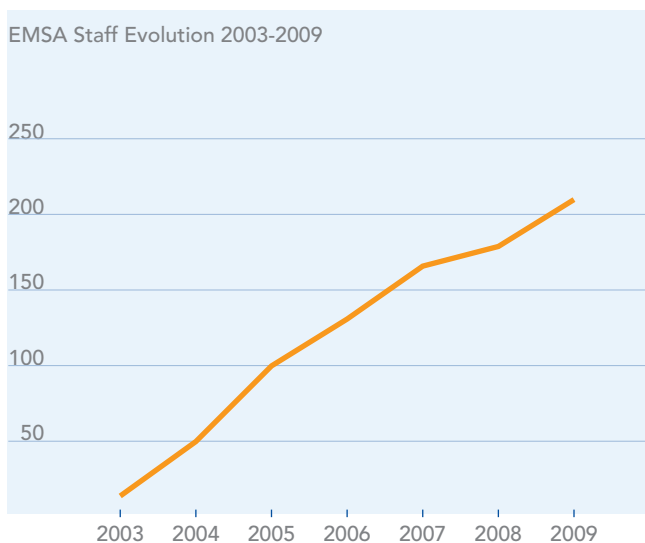
Chapter 2

Traffic monitoring and information on ships and cargoes

INTRODUCTION

The quantity of information supplied by a ship during any given voyage has increased substantially over the past decade. Each EU Member State handles a large volume of information concerning ships flying its flag, entering and leaving its ports, and transiting in front of its coastline. Ensuring that this information is shared is essential in order to enhance maritime safety, security and pollution prevention.

EMSA has developed Europe-wide systems able to respond to this need for information sharing among EU Member States. SafeSeaNet and the EU LRIT systems offer respectively the possibility: 1) to gather information about ships and cargo movements around EU waters; and, 2) to monitor the position of EU ships worldwide.

During 2009, the Agency brought these two systems into operation, ensuring necessary developments and providing a hosting environment to some of the related applications, implementing relevant operational and monitoring procedures, including a 24/7 Help Desk. Work was also done on the interface and links between the different systems, with the objective of full integration by the end of 2010.

The final objective will be to provide an effective network for monitoring and acquiring information on ships moving along the European coast. Data provided by the new information system for Port State Control (THETIS) and CleanSeaNet will also contribute to achieving this objective.

2.1 EU VESSEL TRAFFIC MONITORING

The SafeSeaNet service is a vessel traffic and monitoring system which allows Member States, Norway, and Iceland, to access and exchange a range of information on ship and cargo movements in EU waters, and incidents at sea. Ships moving in EU waters transmit reports through radio signals, which are then picked up by receiving stations onshore. Coverage is short-range, about 60-80 km from shore. The radio report is transmitted through a ship's positioning device, and is known as the Automatic Identification System or AIS. Shore-based stations that receive the AIS information pass this on to national and/or regional traffic monitoring centres.

Within the EU, the SafeSeaNet service collects and distributes information gathered by these centres, forming a pan-European network for the exchange of maritime traffic information. Since 1 January 2009, full exchange of information through the SafeSeaNet system has become compulsory under Directive 2002/59/EC. By the end of 2009,
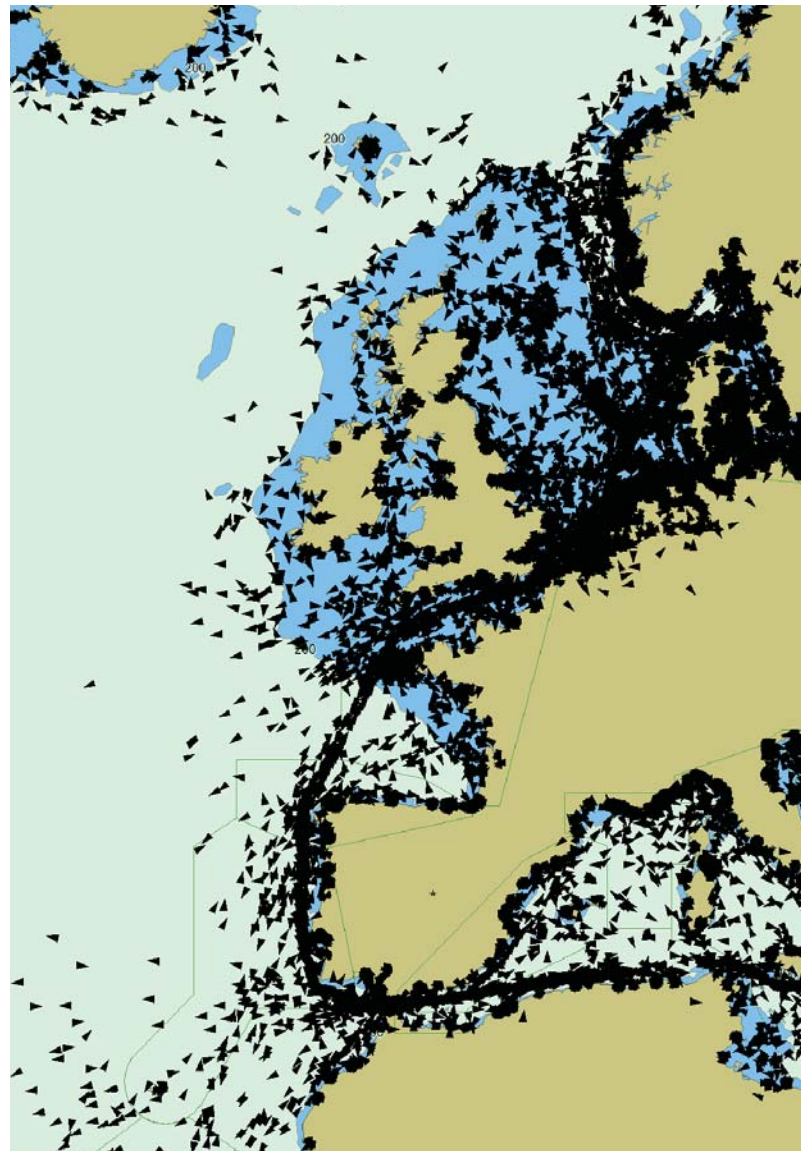
SafeSeaNet's map-based interface provides an image of all current vessel traffic in EU waters. Each black triangle represents a ship.

Data	History	Enrichment	Notification
MMSI:	565632000
Name:	MOOR
IMO:	9359595
Call Sign:	9V3Q6
Country:	Singapore (Republic of)
Vessel Status:	Valid
Contact DT:	3/1/2010 2:23:54 PM
Longitude:	003°29'47"E
Latitude:	52°11'12"N
Course:	120.7 deg
Speed:	13.6 kts
ROT:	- deg/min
True Heading:	123 deg
Length:	127 m
Width:	20 m
Draught:	8 m
Destination:	ROTTERDAM
Eta:	2010-03-01 17:00:57
Navigation Status:	Under Way Using Engine
AIS Class:	Class A
Ship Type:	Tanker
Cargo Type:	Unknown
EPFD Status:	Combined GPS/GLONASS
EPFD Type:	Inoperative

By clicking on the vessel icon (black triangle), users access multiple layers of specific vessel information.

with assistance from EMSA, most Member States' national systems had become operational in order to interact with SafeSeaNet. Some Member States are still only partially connected, but the majority are now fully active partners in SafeSeaNet. To improve the performance and increase the availability of the system, EMSA hosts and operates Safe-SeaNet at the EMSA premises, where it has been possible to provide continual oversight.

The SafeSeaNet service collects and distributes data between users based on the following four types of notifications, and information contained within them:

→ Port Notification: the port of destination, the Estimated Time of Arrival (ETA) and the number of persons on board are included in the message.

→ Ship Notification: details of a ship's voyage and movements.

→ Hazmat Notification: dangerous or polluting goods on board.

→ Incident Report: any incident or accident that affects the safety of ships, may lead to pollution, any slick of polluting materials, infringement of safety rules, etc.

The three images below demonstrate how SafeSeaNet allows users to zoom into areas of interest and identify single vessels.

During the course of 2009, the number of users (including, for example, Member State maritime administrations, vessel traffic services, search and rescue centres, and ports) exceeded 2000. More than 40 million reports were transmitted, and more than 3 million queries for information were made to the system.

SafeSeaNet underwent a continual process of development and improvement throughout 2009. In addition to the support given to Member States to become operational for SafeSeaNet, EMSA also initiated a series of upgrades which were necessary preconditions for the later launch (in 2010) of the SafeSeaNet module for Tracking Information Relay and Exchange (STIRES). STIRES is a user interface which enables the four notifications mentioned above to be visible on interactive nautical charts, and tracks positions of vessels every six minutes.

In response to developing needs, a second generation of SafeSeaNet is in the process of being implemented. The specifications for the evolution of the system, SafeSeaNet V2, have been agreed with Member States. The future system will manage the new port notifications required for the new Port State Control inspectionregime (see section 2.3).

In addition, SafeSeaNet V2 will allow distribution of Long Range Identification and Tracking of Ships (LRIT) data alongside AIS data (short-range tracking). LRIT data is produced through a system which is based on telecommunications satellites (see section 2.2).

2.1.1 COOPERATION WITH OTHER USERS
A pilot project for the exchange of SSN data with Russia on ships' voyages and dangerous cargoes has started in the Baltic Sea in the context of the EU-Russian Dialogue.

Pilot projects for combining other types of maritime information have been launched to assess the technical feasibility of using SafeSeaNet as a system for integrated maritime surveillance. SSN could potentially support i) the use of radar pictures for local tracking of non cooperative targets for border control and ii) the combined use of the Vessel Monitoring System (VMS) and the Automatic Identification System (AIS) reports for fisheries control.

2.1.2 AUTOMATIC IDENTIFICATION SYSTEM (AIS) SERVERS
In 2009 EMSA managed the registry of AIS shore stations in the EU and made it visible to Member States. Further support was provided to MS for the development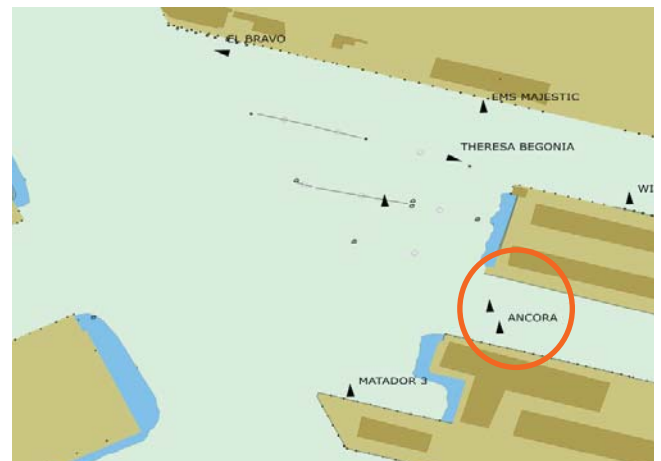 of the Mediterranean, HELCOM and North Sea AIS Servers as well as the launch of the North Atlantic and Adriatic servers. Service Level Agreements (SLA) were prepared with the regional servers.
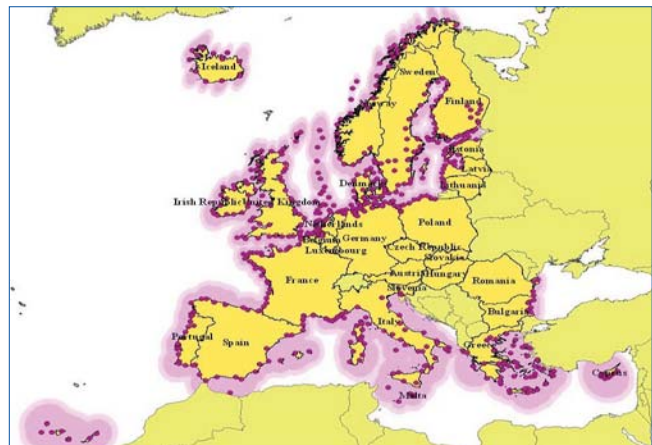
With 727 AIS shore stations and coastal coverage in all Member States, the EU is one of the most well monitored maritime regions.

STIRES on screen at the EMSA stand during the Mediterranean Coast Guard Services Forum in Genoa in May 2009.
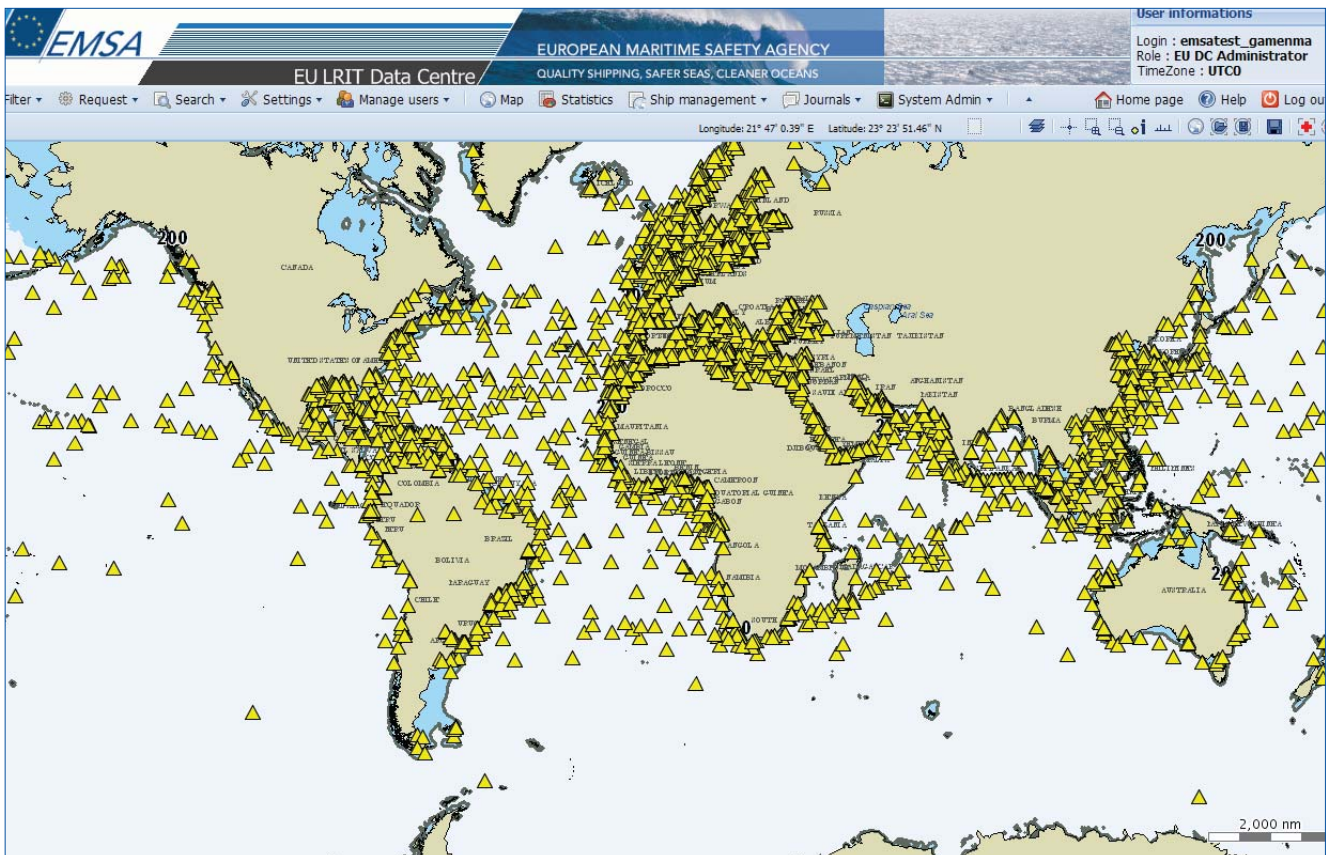
Each yellow triangle on the LRIT interface represents an EU flagged vessel. The LRIT system tracks 8 000 EU ships worlwide.

2.2 EU LRIT DATA CENTRE

On 19 May 2006 the International Maritime Organization (IMO) adopted amendments to the International Convention of Safety of Life At Sea (SOLAS-Chapter V) introducing requirements for Long Range Identification and Tracking of Ships (LRIT), which became operational worldwide on 31 December 2008.

On 1-2 October 2007 the Council of Ministers adopted a Council Resolution and agreed to the setting-up of the EU Long Range Identification and Tracking of Ships (LRIT) Data Centre. The Agency was put in charge of the technical development, operation and maintenance of the EU LRIT Data Centre (EU LRIT DC).

Following initial design and contracting in 2008, a dedicated LRIT ship database was developed in early 2009 for collecting information from participating Flag States on ships obliged to report to the EU LRIT DC. The SOLAS Convention requires that each ship registered in the system should send a position report message once every six hours (four position messages per ship per day). These are transmitted, via telecommunication satellites managed by Telecom Providers, to the EU-LRIT Data Centre.

After extensive testing in April and May 2009, the EU LRIT DC entered the production environment on 1st June 2009. At least two participants from each Member State were trained at trainer level, and thereafter set up their own national network of users. EMSA Maritime Support Services operators were also trained to use the EU LRIT DC Monitoring tool, and a 24/7 Help desk service was made available to the users.

In addition, the integration of EU flagged ships was a substantial task once the EU LRIT DC became operational. A number of ships did not report or did not report correctly. Extended investigations were therefore carried out, together with the contractor, to restore and ensure proper reporting of ships. By the end of 2009, the total number of EU LRIT Data Centre users had reached 400, and the total number of vessels reporting to the EU LRIT DC reached 8 000 (ca. 25% of the world fleet).

Other upgrades and improvements to services were carried out, as requested by Member State users. Two meetings were organised with the National Competent Authorities (NCA) to further enhance the understanding of the system and plan potential developments.
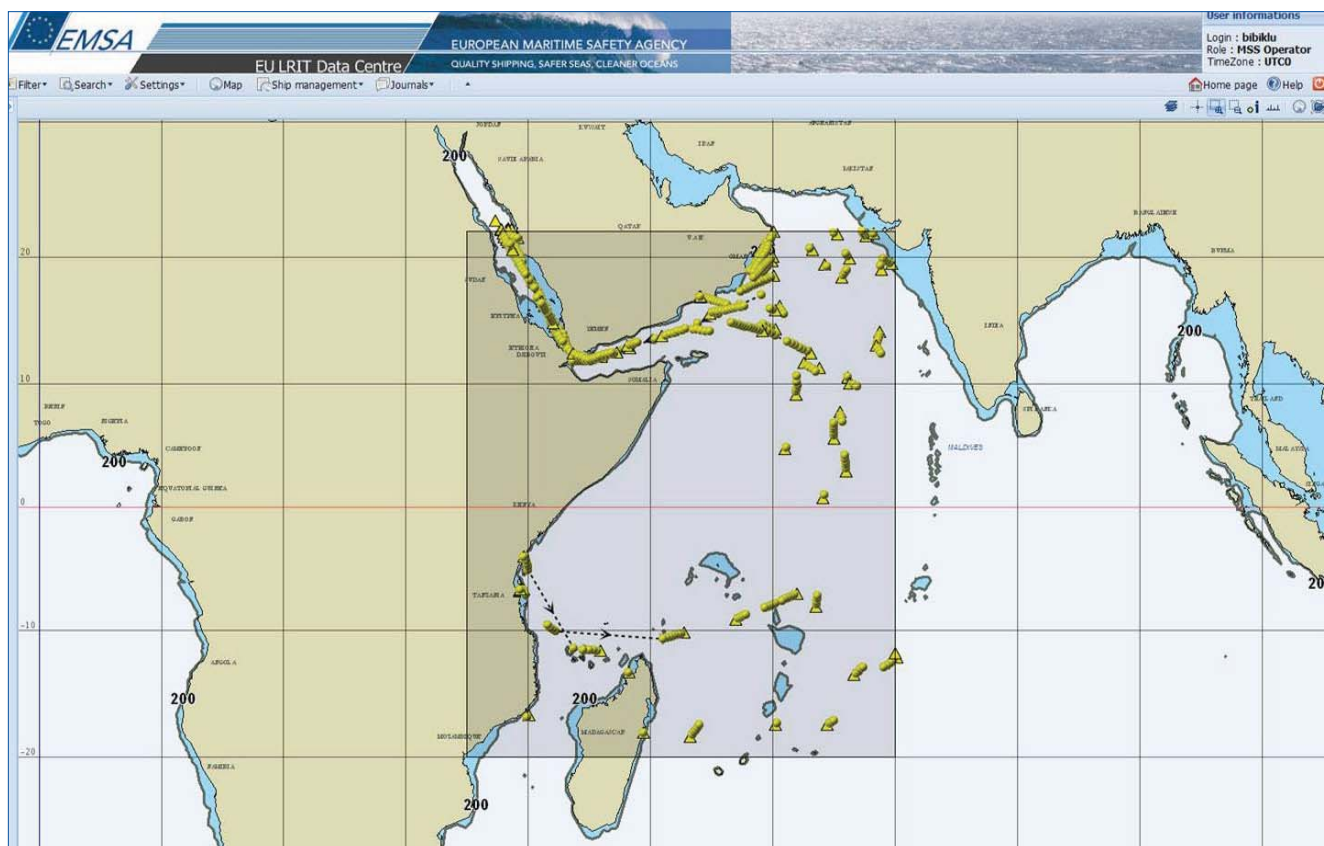
An additional function for monitoring sensitive areas all over the world was developed and made available to Member States in September 2009.

A sophisticated financial system traces and prices every single report handled by the EU LRIT DC. The Invoicing and Billing System was made operational in August 2009 and provides an accurate tagging and calculation of costs for each user. The EU LRIT financial arrangement is complicated by the fact that some of the messages (those which are mandatory and SAR) are paid for by EMSA, whilst the additional (on request) messages are paid for by each requestor. Furthermore, different price lists apply for Member States and for participating Overseas Territories and Third Countries. The design, development and implementation of such a complex financial system were among the most difficult tasks of the project.

By providing ship identity and location information, LRIT can help enhance security for ships passing through dangerous waters, including those which pose a piracy threat. An additional function for monitoring sensitive areas all over the world (anti-piracy tool) was therefore developed and made available to users in September 2009. This additional functionality provides users with an automatic alert when participating EU ships enter or leave the established monitoring area, and also automatically

changes the rate for ship position report messages from once every six hours to once per hour, thereby providing more detailed information on ships' routes. This feature was developed by EMSA, in cooperation with other partners, during the EU LRIT pilot project for monitoring ships in sensitive areas. Through this pilot project EU Member States provided the EU Naval Force Somalia (EUNAVFOR) with access to position information, for vessels under their flag, in the Gulf of Aden and Horn of Africa Region. The information produced was also integrated into the PIRASAT pilot project (described below).

2.2.1 PERMANENT LRIT INTERNATIONAL DATA EXCHANGE (IDE)

The International Data Exchange (IDE) system is a module of the worldwide LRIT system acting as a communications gateway routing data exchanged between all Data Centres. The IDE is presently hosted by the United States of America on a temporary basis until end of 2011.

In September 2009, IMO issued, via the LRIT Coordinator, a request for proposals to host and operate the IDE on a permanent basis. EMSA prepared a technical and financial offer in response to the IMO call, which the Commission

More integration of maritime systems means more cross-pollination between EMSA units: an internal information session on the New Inspection Regime brings together colleagues from the four corners of the building.

presented to the Council of Ministers. EMSA outlined and highlighted the advantages of hosting and operating the IDE in various meetings, the outcome of which was the submission of the offer by the 27 EU Member States to the IMO. The proposal was appraised by the IMO's LRIT coordinator and formally accepted by the 87th IMO Maritime Safety Committee in May 2010 with the adoption of resolution MSC 297(87).

2.3 NEW INFORMATION SYSTEM (THETIS) FOR PORT STATE CONTROL

The activities related to the implementation of the New Inspection Regime (Directive 2009/16/EC on Port State Control) are threefold:

Firstly, a tailor-made information system called THETIS (The Hybrid European Targeting and Inspection System) is being designed and developed to cater for the operational needs of the Member States as defined in the Directive. Member State experts participated in technical meetings organised by the Agency to identify user requirements. Following delivery of the specifications in the first quarter of the year, two major system deliverables took place in

2009. With the second deliverable, 80% of the intended user functionalities were made available.

Secondly, the Agency launched an information campaign. Port State Control in general will be affected by the new inspection regime and may require technical, procedural and operational amendments of the relevant systems and organisation in Member States. Ships arriving at ports in the EU will have to adhere to a stricter reporting regime than before. The campaign aimed to highlight the requirements and inform Member States and industry.

Thirdly, training and discussion sessions with groups of Member State representatives were held within the context of the Paris MoU to identify, define and draft guidelines necessary for the end-user of the information system and the inspection regime. To this effect EMSA is leading a working group of the Paris MoU to revise and update all procedures related to the New Inspection Regime. This working group closely interacts with the development group of the information system to ensure that the specifications and development of the system are meeting future operational needs.

Hands on at the EU LRIT Data Centre training for Member State representatives in April 2009.

Maritime Support Services operators work round the clock to ensure 24/7 availability and performance of maritime applications.

2.4 CLEANSEANET

A further element of this maritime monitoring cluster is CleanSeaNet (CSN) system, the European satellite oil pollution monitoring service, set up and operated by the Agency as of April 2007.

CleanSeaNet provides EU coastal states with satellite scenes of EU waters including reports of possible spills. In 2009, a total of 2107 possible oil slicks were detected on the 2113 delivered satellite scenes. The rate of confirmation, i.e. the number of spills confirmed against the number of possible spills checked on site, remained steady in 2009 at 26 %.

Since July 2009, all CleanSeaNet users have had access to AIS data via SafeSeaNet which substantially improved the system's capability for identification of polluters.

Timely action was taken in 2009 to ensure continuation of CSN services, given the expiration of existing contracts by the end of 2010. In this respect, new technical specifications were prepared for the next generation of the CSN system (CSN2) which will provide enhanced services and will increase EMSA's operational role by hosting and operating a CSN Data Centre (currently operated by contractors).

Another important achievement during 2009 was the acceptance of CleanSeaNet as an operational Global Monitoring for Environment and Security (GMES) service. This allows CSN to benefit from the GMES Space Component Data Access Grant (GSCDA) which provides access to GMES satellite data free of charge.

In addition to the normal oil spill detection services delivered to Member States, the CSN was also used as a platform for integrated monitoring and surveillance capabilities within the PIRASAT project conducted in December 2009 in cooperation with European Space Agency and EUNAVFOR. The aim of the project was to combine different ship tracking systems in order to construct a complete picture of ships navigating in a defined area. The CSN system was used as the integrating platform for the ship detection information within the satellite image, the available LRIT and Satellite-AIS reports and "intelligence" ship information provided by the EUNAVFOR reporting system. The project was a very useful exercise for analysing gaps and collecting recommendations for operational improvements leading towards better future integration of data provided by EMSA and/or external data providers.

2.5 MARITIME SUPPORT SERVICES

Managing key applications at a central level required the Agency to guarantee a support service available 24 hours a day, 365 days a year (the Maritime Support Service) for all applications. Administrating, monitoring, promoting and reporting closely on the improvement of the data quality in the system, guaranteeing a 24/7 availability and performance of the IT application at core level and providing the helpdesk have proven essential to guarantee fully reliable systems and increase their level of use.

The Maritime Support Services started working 7 days a week from January 1, 2009 and round the clock on September 1, 2009. A team of 12 operators to cover 24/7 positions was recruited and trained. Necessary procedures, tools, applications and a brand new MSS monitoring centre were set up on EMSA premises allowing the operators to better monitor applications and incidents and track helpdesk issues.

Chapter 3

Visits and inspections to monitor the implementation of EU legislation

CHAPTER 3

INTRODUCTION

EMSA supports the Commission by providing consistent and comparable technical reports on the implementation of EU maritime legislation. EMSA's ongoing inspection work covers EU Member States; third countries with seafarers' training systems recognised or to be recognised at EU level and organisations that are recognised by the EU to carry out survey and certification duties on behalf of EU Member States when acting as Flag States.

The findings of the visits and inspections have led to EMSA assisting the Commission at international meetings on a technical level and providing input, including assistance at expert meetings, for the development of new and amended EU legislation. Another part of the follow-up process has included meetings with relevant parties that were visited or inspected by EMSA, to present generic findings and to discuss ways to enhance the implementation of a particular piece of legislation.

The technical contributions of EMSA to the legislative process have been welcomed by the Commission, Member States and other stakeholders, and have helped to produce technically sound legislation as demonstrated by the adoption of the third maritime safety package.

The added value of visits and inspections is twofold: on the one hand their outcome serves as a basis for the Commission to take corrective action and on the other hand the horizontal analysis of findings helps to assess and promote best practices.

3.1 CLASSIFICATION SOCIETIES

EU Member States rely on organisations (Recognised Organisations or ROs) to perform statutory work on their behalf for ships flying their flags. To receive that delegation Recognised Organisations must guarantee high quality standards at all times. This means that Recognised Organisations have to fulfil strict criteria to be recognised at EU level; monitoring the fulfilment of those criteria is a key task that the Commission has delegated to EMSA.

3.1.1 INSPECTION OF CLASSIFICATION SOCIETIES OR RECOGNISED ORGANISATIONS ON THE BASIS OF COUNCIL DIRECTIVE 94/57/EC AND REGULATION 391/2009/EC

The task of monitoring these Recognised Organisations continued during 2009. A total of 23 inspection visits were carried out to 10 of the 13 ROs. Inspections targeted Recognised Organisations' Head Offices, regional, field and site offices. In line with reporting procedures, a total of 22 inspection reports were sent to the inspected RO and the

Commission, and also to the Member State that requested the recognition of that organisation if it participated in the inspection.

Newbuilding activities continued to be the focus for 2009, together with ships-in-service activities, in particular to assess the effectiveness of ROs' quality management systems. Follow-up of findings of previous inspection visits was included.

In 2009, one "visit to ships" was undertaken. EMSA and the relevant RO attended a vessel following its detention for class-related deficiencies by Port State Control.

3.1.2 TECHNICAL ASSISTANCE TO THE COMMISSION AND TO THE MEMBER STATES

In 2009 new legislation dealing with ROs entered into force (Regulation 391/2009/EC). This Regulation introduced new elements for ROs to comply with. EMSA adapted its methodology for inspections accordingly.

One new element of the Regulation requires ROs to set up a Quality Certification and Assessment Entity. For this purpose, ROs held several meetings in which EMSA participated as observer on behalf of the Commission.

In line with a Commission Decision of March 2009 and at the request of the Commission, EMSA conducted several inspections of the Hellenic Register of Shipping (HRS) to monitor the follow-up actions initiated by HRS. These inspections included several visits to the HRS Head Office and a visit to a ship.

Further technical support was given to the Commission during various meetings, including the EU COSS (Committee on Safer Seas and the Prevention of Pollution from Ships) and the IMO's Maritime Safety Committee and Sub-Committees on Design and Equipment and on Flag State Implementation, where issues relating to ROs were on the agenda.

EU recognised classification societies are under constant scrutiny.

Maritime training centre inspections in third countres are carried out following notification to the Commission by a Member State of its intention to recognise the country's certificates of competency or as part of regular monitoring of compliance.

3.2 SYSTEMS FOR MARITIME EDUCATION, TRAINING AND CERTIFICATION OF SEAFARERS

Any country providing seafarers to work on board EU flagged vessels must have in place maritime education, training and certification (MET) systems that comply with the requirements of the STCW Convention. Under Directive 2008/106/EC, the Commission has been tasked to assess the systems in place in non-EU countries on behalf of the Member States. EMSA provides assistance to the Commission by inspecting the MET systems in these countries to collect information regarding the implementation of the Convention. The same approach is followed as regards the Member States.

3.2.1 INSPECTION OF MARITIME EDUCATION SYSTEMS IN THIRD COUNTRIES

EU flagged vessels continue to rely on seafarers from third countries. EMSA has an on-going task of inspecting the MET systems of these countries.

The inspections are carried out in third countries either following a notification to the Commission by a Member State of its intention to recognise a third country's certificates of competency, or as part of the regular re-assessment of compliance of these countries.

In 2009, six inspection visits, including one revisit, were completed to the following third countries; Turkey, Azerbaijan, South Africa, Peru, Jordan and Ghana.

3.2.2 VISITS TO MONITOR THE IMPLEMENTATION OF DIRECTIVE 2008/106/EC

At the request of the Commission, EMSA extended its inspection task to EU Member States to verify their compliance with Directive 2008/106/EC. Four such inspections were completed in 2009, to Ireland, Latvia, Estonia and Denmark. Taking into account the visits in previous years, fifteen Member States had been inspected by the end of 2009, including Romania and Bulgaria as third countries before they joined the EU.

The findings of the EMSA inspections provided valuable input to the Commission for their control of application of the requirements of the Directive.

EMSA has been made aware that as a result of its inspections Member States have taken corrective actions, among others, in the implementation of quality standards systems, in the requirements for certification, in the assessment of competency and in the provision of training equipment.

The development of an STCW Information System started in September 2009. The first phase of the system, as agreed with EMSA's Administrative Board, will cover the results of the Agency's inspection visits and descriptive information on maritime education, training and certification systems in both Member States and third countries.

A functional prototype was delivered in December 2009 and tests will be performed until the system can be finally accepted by EMSA. Delivery of the first phase is on target for the first half of 2010.

3.3 MONITORING THE IMPLEMENTATION OF THE PSC DIRECTIVE IN MEMBER STATES

Port State Control (PSC) inspections are one of the most effective tools to verify whether ships comply with safety regulations. They should be carried out in a harmonised way to ensure equivalent safety standards and to avoid variations in expectations and treatment of seafarers and ship owners. EMSA has been tasked to monitor the overall functioning of the EU Port State Control regime under Directive 95/21/EC on Port State Control, on behalf of the Commission. This task involves visits to Member States.

At the request of the Commission, five Member States were re-visited in 2009, to verify whether the findings reported after the initial visits had been addressed. A report covering each visit has been produced for further consideration by the Commission.

Furthermore, at the request of the EFTA Surveillance Authority (ESA), initial visits took place in 2009 to assess the compliance with the PSC Directive in both Iceland and Norway. Upon completion of each visit a report was submitted to the EFTA Surveillance Authority.

Thanks to the expertise gained through the inspections, EMSA was able to provide feedback to the Member States during training sessions organised to improve the harmonised application of PSC procedures.

3.4 MARITIME SECURITY

In the field of maritime security, EMSA was given the task of assisting the Commission in the monitoring of the application of Regulation (EC) No.725/2004, but restricted to the inspection of ships, related companies and Recognised Security Organisations (RSOs). EMSA provides similar assistance to the EFTA Surveillance Authority.

Inspections of Member States' implementation of the Regulation, which implements the ISPS Code in the EU Member States, continued during 2009 with EMSA providing technical assistance to the Commission for 53 individual inspections, a significantly higher figure than the 30 envisaged in the Work Programme 2009.

In respect of EMSA's assistance to the EFTA Surveillance Authority, during 2009 EMSA attended six ship inspections and one RSO inspection. In addition, a final draft of the inspection methodology for conducting maritime security inspections was submitted to the EFTA Surveillance Authority for approval.

Following each inspection EMSA completed a comprehensive report to assist the Commission or the EFTA Surveillance Authority in the preparation of their report to be sent to the Member State. EMSA's reports not only highlighted the observations identified, but also provided information on the implementation of the security system

Security inspections on ships assess implementation of existing legislation.

and suggestions for possible follow-up where deficiencies were identified.

Following a request from the Member States, EMSA organised in 2009 two training sessions on Maritime Administrations' responsibilities in respect of ship security.

Finally, EMSA continued to contribute to the MARSEC (Maritime Security) Committee chaired by the Commission, where issues relating to maritime security at both EU and international (IMO) level were discussed.

3.5 MONITORING OF THE IMPLEMENTATION OF OTHER EU MARITIME LEGISLATION

The inspection tasks for EMSA performed under the "policy on visits to Member States" in order to assist the Commission in its assessment and verification of the implementation of EU maritime legislation concerned Directive 2000/59/EC on port reception facilities for ship-generated waste and cargo residue and Directive 2002/59/EC on vessel traffic monitoring and information systems.

EMSA has also undertaken preparatory work for visits to Member States in respect of their implementation of Directive 96/98/EC on Marine Equipment and to verify how they fulfil their obligations in respect of Recognised Organisations they have authorised to carry out statutory tasks on their behalf (Directive 2009/15/EC on common rules and standards for ship inspection and survey organisations and for the relevant activities of maritime administrations, repealing Directive 94/57/EC). Visits in respect of both Directives are planned to start in 2010 in full coordination with the Commission.

3.5.1 PORT RECEPTION FACILITIES

Visits to Member States in respect of the requirements of Directive 2000/59/EC continued in 2009, with a further seven visits being carried out. They focus on the national implementation of the Directive by the responsible authorities as well as on the operational procedures applied by ports and marinas.

The visits included establishing the availability of port reception facilities for ships' waste, studying the cost recovery and fee systems applied by the ports and the national system of penalties for non-compliance including its application. Detailed reports were submitted to the Commission and the visited Member State based on the information gathered and the findings identified during each visit.

Port Reception Facilities (PRF) visits examine availability, cost and enforcement.

This inspection task has been carried out continuously since 2007 and the full round of visits to all coastal Member States is on target to be completed in 2010.

According to feedback received by EMSA these visits have increased the understanding of the Directive by certain Member States' responsible authorities, in particular with regard to enforcement procedures, the way to ensure compliance of ships excluded from the scope of the Directive, and also measures to be applied in marinas and other ports normally not visited by commercial ships.

3.5.2 VESSEL TRAFFIC MONITORING AND INFORMATION SYSTEMS (VTMIS)

In 2009, EMSA started visits to the Member States in respect of Directive 2002/59/EC, with six such visits being undertaken.

These inspection visits will continue in 2010. The VTMIS inspection visits also contribute to raising awareness of SafeSeaNet as an EU tool to be used by the Member States in their monitoring of their territorial sea as explained in Chapter 2.

3.6 SUMMARY, FOLLOW-UP AND ADDED VALUE OF INSPECTIONS

VISITS AND INSPECTIONS CARRIED OUT IN 2009	
TYPE OF INSPECTION	NO. OF INSPECTIONS
Classification Societies and related visits to ships	23 1
Training of Seafarers (STCW)	10
Maritime Security - assistance to Commission and EFTA Surveillance Authority inspections)	60
Port State Control	7
Port Reception Facilities	7
Vessel Traffic Monitoring and Information Systems	6

Inspection reports are a fundamental contribution for the Commission to assess the correct implementation and effectiveness of EU legislation. In case of major shortcomings, the Commission has the possibility of taking action, such as:

→ Opening an infringement procedure against a Member State;

→ Imposing fines and penalties against Recognised Organisations or

→ Withdrawing recognition of third countries' maritime training and education systems.

Inspection reports also identify minor shortcomings or practices that can be improved. In these cases, the Commission invites the inspected party to take corrective action and to report back. The inspection programme can then be used to follow-up and review the corrective action.

Inspection reports, when analysed horizontally, can identify "best practices" or problems in implementation and lead to recommendations on how to improve legislation.

Currently discussions with the Commission are ongoing on how to streamline the follow-up.

EMSA's inspections provide the feedback mechanism for continuous improvement, both in implementation and framing of legislation. The range of visits across Member States, third countries (for STCW) and Recognised Organisations, has allowed EMSA to develop a wide understanding of implementation across the board and to share best practices and problems to improve the effectiveness of the maritime transport acquis.

Chapter 4

Providing Member States and the Commission with technical and scientific assistance and facilitating technical cooperation between Member States' maritime authorities and with the Commission

CHAPTER 4

INTRODUCTION

The Agency is tasked to provide services to the Commission and the Member States in dealing with maritime safety and the prevention of pollution at sea. The number of areas where EMSA's expertise can provide an added value in terms of technical and scientific assistance has grown over the years.

The Agency has become a key player in European maritime affairs, offering a unique forum where the Commission and the EU Member States, Norway and Iceland can meet in a highly specialised environment. EMSA offers experts the possibility to discuss the preparation of new EU and IMO legislation; when legislation needs to be implemented, EMSA offers specialised training and disseminates best practices among Member States. This knowledge gained is also offered for the benefit of those countries that are in the process of acceding to the European Union, thus actively participating to the Union's enlargement process.

The benefits of having a specialised EU Agency to carry out these tasks are evident: it guarantees a coherent and uniform approach at EU level; and it centralises and makes available to Member States technical information that would be difficult for one single country to gather.

4.1 PORT STATE CONTROL

4.1.1 COMMON TRAINING

The Agency is best placed to co-operate with Member States and the Paris MoU to develop and implement a harmonized scheme for the training and qualification of Port State Control Officers (PSCOs) as well as tools to help them carry out their job. This EMSA task was further enhanced during 2009. This included training for new PSCOs; the delivery of the distance learning program (DLP) and the update of Rulecheck.

All PSC inspectors in the region are to be trained on Paris MoU procedures in a 5-year cycle according to an agreed training scheme developed with the assistance of EMSA. In 2009 a total of 194 inspectors participated in 4 sessions of one week each organised and lectured by EMSA staff. One of these sessions was attended by a representative of the Korean Maritime Authorities as part of a technical cooperation arrangement with EMSA.

2009 saw the further development of the e-learning system dubbed "Distance Learning Package 3". This state of the art e-learning package, consisting of 13 modules addressing various topics dealing with PSC, is being created in close cooperation with the Paris MoU member States

as end-users. The first five modules were delivered in a pre-final version and will be followed by the rest in 2010.

RuleCheck, the digital intelligent library, developed by EMSA, makes legislation easily accessible for all authorised users throughout the region. In the course of 2009, new documentation has been collected and included in the system to keep it up to date, for deployment at the end of the year.

4.1.2 IMPLEMENTATION ISSUES

With the third maritime safety package being published in the beginning of the year, the focus in the area of PSC has shifted from creating legislation to implementation. With this increased focus on operational needs, EMSA has been delegated to represent the Commission for various meetings in the Paris MoU.

The role of the Agency's PSC section has become of key importance for the alignment of the Paris MoU procedures and operations with the EU legal framework. Predominantly texts for the Paris MoU are drafted either under chairmanship by EMSA on behalf of the Commission or with EMSA as the main contributor to these activities. At the same time, this experience and knowledge is trans-ferred to the EU legal framework. This has led to technical contributions to the drafting of the new Directive on Port State Control and of four Implementing Regulations.

In parallel, this knowledge and experience have been made available for Member States to ensure proper understanding of the intricacies of the new legal framework.

Technical assistance also means quality control and accurate publication of data. For quality control purposes, statistics are frequently extracted from the information stored in the Port State Control inspection database. The statistics are shared with Member States for improvement and harmonisation of procedures and operations. At the same time, these statistics are used to detect patterns which might justify adjustment of the inspection strategy.

Information on banned ships continued to be published on the EMSA website and on Equasis to inform interested parties as soon as possible about ships for which a refusal of access has been imposed.

During 2009 the Agency continued to manage the Ropax inspections database and successfully prepared its integration into the new PSC information system (THETIS).

Left: Port State Control is at the core of maritime safety. Specially developed tools help PSC officers target which vessels to board (THETIS) as well as harmonise and facilitate procedures once on board (Rulecheck).

This page: PSC seminar participants pose in the courtyard outside EMSA's training facilities, November 2009.

4.2 ACCIDENT INVESTIGATION

The full version of the European Casualty Information Platform (EMCIP) database went live in 2009. This electronic tool will allow EU Member States to share relevant information concerning marine accident investigations. 15 Member States are already using the system for storing and analysing marine casualties on a voluntary basis. With the transposition of Directive 2009/18/EC by June 2011, this will become compulsory. EMCIP user training is thus ongoing.

During 2009, the Consultative Technical Group for Cooperation in Marine Accident Investigation met again, with EMSA playing a facilitating role in the cooperation between the Member States and the Commission in the development of a common methodology for investigating maritime accidents and draft elements for a Permanent Cooperation Framework prescribed by Article 10 of Directive 2009/18/EC.

The contract for voyage data recorder (VDR) support to Member States entered its third year, including the maintenance of the central resource of most used systems. As part of this undertaking, a third training seminar on VDR processing was provided to Member States.

An EMSA study regarding possibilities of a Marine Accident Investigation Training Package was concluded. The study provides an overview of needs within the European Union for training of Member States' marine accident investigators.

In addition, a judicial and safety investigation symposium was held in November. Its aim was to bring together major players from both judicial and safety investigation authorities to debate issues associated with conducting both types of investigation, in the light of the new Directive.

4.3 TECHNICAL ASSISTANCE - TRAINING AND COOPERATION

In 2009 EMSA continued to provide technical assistance through training and cooperation. The scope of training activities has focussed increasingly on single Directives and Regulations, the way they are implemented all over Europe and on how best to tackle common problems that have been identified by EU Member States. These fruitful discussions bring an added value as they make it easier for those countries that are now facing the challenges of implementing EU maritime safety legislation (candidate and potential candidate countries) to better understand the legal and practical requirements of the EU maritime acquis.

The total number of trained officials reached 442 (EU Member States, candidate and potential candidate countries). In addition, 66 officers from European Neighbourhood Policy countries attended three SAFEMED project awareness seminars. The regional distribution of participants reflected, as in past years, the size of the coastline and fleet of each beneficiary country. Regional activities organised or supported by EMSA, particularly in the Mediterranean area, have started to bring together EU and non EU countries with the common goal of protecting the marine environment and improving maritime safety.

Supporting the process of approximation to the EU maritime acquis in candidate countries.

TECHNICAL ASSISTANCE ACTIONS IN 2009
MEMBER STATES
1 workshop (Consultative Network on Technical Assistance).
13 training actions: newcomers on EU maritime legislation (2), ship security (2), ISM auditors (2), marine equipment (1), sulphur content of marine fuels (1), training and certification of seafarers (2), marine accident investigators (2), safety of ropax vessels (1).
1 expert visit: newcomers on EU maritime legislation for Poland and Sweden.
CANDIDATE AND POTENTIAL CANDIDATE COUNTRIES
7 training actions: ISPS Code, marine equipment, ISM auditors, EU environmental legislation, safety of ropax vessels, newcomers on EU maritime legislation, human element training.
2 expert visits: tutoring project on PSC in Turkey, places of refuge in Turkey.
1 information day in Montenegro.
EUROPEAN COMMISSION
Continuous monitoring of SAFEMED II activities and daily contact with REMPEC.
Attending 3 awareness seminars (Morocco, Algeria and Tunisia).
Attending SAFEMED II advisory committee meetings.

4.4 MARINE EQUIPMENT AND SHIP SAFETY STANDARDS

4.4.1 SHIP SAFETY STANDARDS

The Agency has continued the monitoring of developments in IMO in the field of ship safety standards, marine equipment and other issues that can have an impact on EU legislation. EMSA's contribution took the form of technical evaluations of IMO submissions, technical assistance in the preparation of submissions to IMO, and participation in IMO fora on behalf or in support of the Commission.

Issues addressed within this context included Ship recycling, LRIT, Accident investigation, Ship emissions, Liability and compensation, OPRC-HNS (Protocol on Preparedness, Response and Co-ordination to Pollutions Incidents by Hazardous and Noxious Substances), Passenger ship stability, Arctic navigation, Goal Based Standards, IACS Unified Interpretations and the ILO Maritime Labour Convention. The Agency has contributed actively on issues concerning ro-ro passenger ship stability, passenger ships in domestic services, the ISM code (International Safety Management) and Goal Based Standards.

In 2008, following concerns both in IMO and COSS about the ro-ro vessel safety level implications of the new SOLAS 2009 Damage Stability Rules, EMSA commissioned a study on the matter and started participating in the related Correspondence Group set up by the IMO's SLF Sub-Committee dealing with this matter. This study was concluded in July 2009. The final report was forwarded

The quality of marine equipment plays a key role in maritime safety.

to the Correspondence Group and served as a basis for an EU paper submitted to IMO in November, expressing concern on the application of water-on-deck requirements in conjunction with the new SOLAS 2009 damage stability rules for ropax (ro-ro passenger vessels) vessels. Moreover, in December, with a view to contributing to possible solutions to the problem, EMSA launched a second study on ropax damage stability, the results of which are scheduled for mid-2011. EMSA also started supporting the Commission in investigating possible implications of SOLAS 2009 on cruise and passenger ships.

4.4.2 MARINE EQUIPMENT

In 2008, EMSA had been called upon to provide technical assistance to the Commission in the preparation of the impact assessment for the revision of the Marine Equipment Directive (MED). In June 2009 EMSA issued a comprehensive report explaining the mechanism of the Directive, outlining the problems encountered in its

19th meeting of the MarED group, which is the co-ordination and co-operation forum for the Notified Bodies assigned by the Member States to carry out the conformity assessment procedures referred to in the Marine Equipment Directive (96/98/EC).

Member States and EMEC (a manufacturers' association) representatives attended the meeting as observers.

The MarED group members discussed technical issues and elaborated recommendations for Member States' consideration within the COSS. The group also monitored developments within the MarED database and website.

implementation and proposing possible improvements and ways to enhance MED effectiveness through a legislative update. EMSA was asked to elaborate further on topics related to the use of innovative technology (e.g. electronic tagging).

EMSA provided the Commission with technical support resulting in a draft decision for the 5th Amendment of the MED. The text was endorsed by the EU Member States and published in May 2009.

In addition, preparatory work for the 6th amendment proceeded in a timely manner and EMSA's proposal, submitted in September, is expected to be endorsed by COSS during 2010.

EMSA continued managing the MARED database of approved equipment that had reached 32,000 entries by the end of 2009. The database information facilitates the provision of technical advice to the Commission and the EU Member States, the follow up of certificates and the application of conformity assessment procedures. During 2009 the MARED Technical Secretariat for Notified Bodies under MED convened two meetings to promote the exchange of information concerning the interpretation of technical standards for the certification of equipment. Public access to the MARED database remains free of charge and its technology platform allows online forums for MED stakeholders to be set up rapidly.

EMSA continued to operate the alert system for safety issues concerning the marine equipment in the EU-USA Marine Equipment Mutual Recognition Agreement (MRA+). EMSA also submitted proposals for a wider scope of the agreement and also for updating the Agreement's annex.

In addition the Agency carried out preparatory work to provide EU Member States with a Common Audit Methodology for inspections of Notified Bodies. This proposal should be endorsed in 2010.

4.5 MARITIME INFORMATION, EQUASIS AND STATISTICS

In January 2009, EMSA began hosting the EQUASIS Management Unit. Whilst EQUASIS management remains a distinct operation from the Agency (to which EMSA participates), a number of synergies have accrued from this hosting arrangement, providing benefits for both EQUASIS and EMSA. The new agreement gave rise to a series of new tasks relating to substantive responsibilities, administration and finance, but the arrangement is widely recognised as having worked out very well.

The Agency's statistics team further cemented its role and function as a key provider of maritime information and statistics within and outside the Agency. The number and level of sophistication of requests, in particular the internal ones, increased significantly during 2009. The team provided: pre-mission data extraction, analysis and support to the EMSA Port State Control team, in advance of their monitoring mission visits to Member States; impact assessment reporting in support of the introduction of the NIR for Port State Control; and data analysis for two significant in-house reports on the transport of dangerous goods (HAZMAT notifications) and casualties (maritime accident statistics). Due to significant staff changes, the annual Equasis statistics for 2008 and 2009 will be prepared simultaneously and published in 2010.

The Agency's statistics team also strengthened its ties with relevant external organizations including the Commission (Eurostat, the Joint Research Centre, DG TREN and DG ENV), other EU agencies (CFCA, the Community Fisheries Control Agency and EASA, the European Aviation Safety Agency) and the International Maritime Statistics Forum for which EMSA will host the next annual 2010 conference in Lisbon.

4.6 PREVENTION OF POLLUTION BY SHIPS
4.6.1 PORT RECEPTION FACILITIES (PRF)

As described in Chapter 3 (3.5.1), monitoring visits to EU Member States to assess compliance with and implementation of Directive 2000/59/EC on port reception facilities were a major task for EMSA's port reception facility team in 2009. Seven visits were carried out in 2009.

The experience gained during these visits contributed to a report to the Commission on various elements of the Directive which give rise to uncertainties in its practical implementation. This is expected to be of help to the Commission when preparing its implementation report and proposal for a revised Directive.

At international level, an ever-increasing task for EMSA is the participation in various inter-sessional working and correspondence groups dealing with the more technical aspects of the delivery and reception of ship-generated waste and cargo residues. On behalf of the Commission, EMSA participated in the IMO correspondence groups on the revision of MARPOL Annex V (International Convention for the Prevention of Pollution from Ships) and "Tackling the Inadequacy of Port Reception Facilities", which ended

up as the Guide to Good Practice of PRF Providers and Users, adopted by IMO in 2009. Similar work was carried out within ISO Technical Committee 8 (Ships and Marine Technology) and Sub-Committee 2 (Marine Environmental Protection) and to some extent in HELCOM.

4.6.2 ANTI FOULING SYSTEM

The IMO Convention prohibiting the use of paint with organotin or TBT (tributylin) components which are environmentally harmful (AFS Convention of 2001) has been transposed into EU legislation by Regulation (EC) 782/2003 on the prohibition of organotin compounds (TBT) on ships and the related Commission Regulation (EC) 536/2008. At the request of the Commission, the Agency prepared an inventory on how Member States have applied and monitor the functioning of Regulation (EC) 782/2003 in relation to all ships. Based on the results, a report was prepared identifying the main findings and difficulties as well as suggestions for possible corrective actions.

4.6.3 AIR EMISSIONS

The Agency continues to provide technical assistance to the Commission on various issues related to air emissions and greenhouse gases from ships. In 2009, EMSA further strengthened its involvement in this area, by playing an
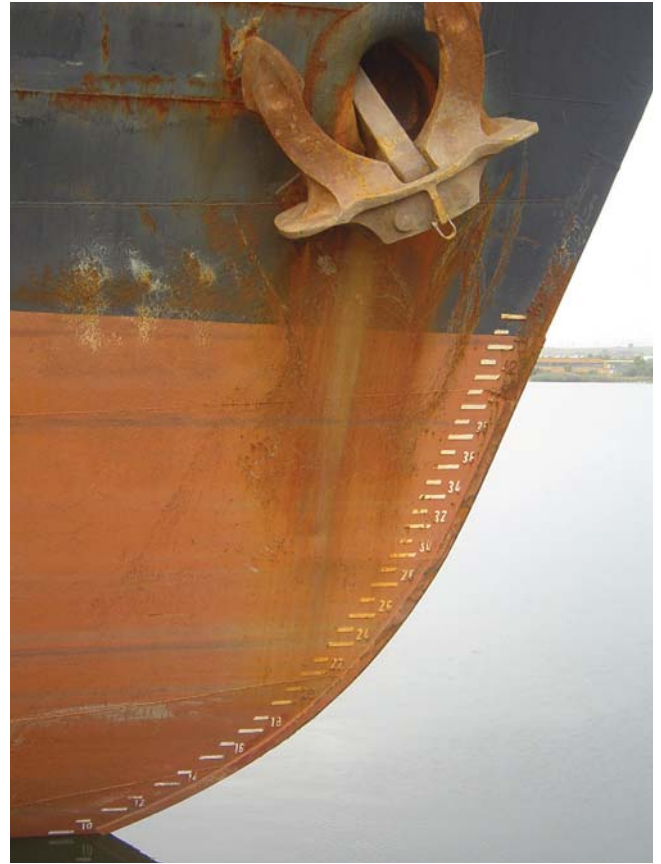
Particular attention is paid to the hull coating of ships.

Air emissions from ships are becoming a growing concern at EU and international level.

Further developments of EU legislation were also considered through the involvement of EMSA in studies on remote sensing techniques for air emissions and on the suitability of existing data systems to provide traffic information to support emissions regulation.

Greenhouse gases emissions from ships have been at the top of the maritime agenda during 2009, with numerous elements being discussed and developed. EMSA provided technical assistance to the Commission and organised discussions at EU level through two technical workshops in 2009.

An Energy Efficiency Design Index (EEDI) study to test the agreed formula on conventional recent new built ships was commissioned by the Agency and delivered during 2009. The results of this study were submitted by the EU Member States and the Commission to the IMO MEPC meeting in March 2010.

EMSA also participated actively in discussions on the prospects of new types of fuels, such as LNG, in ships, which may help to resolve several of the current environmental, economic and technical concerns relating to the new environmental standards, for short sea shipping at least.

The Ballast Water Action Programme drafted in 2009 outlines EMSA's work in this area for the next few years.

4.6.4 SHIP RECYCLING

The Agency contributed to the work of the Commission on developing the EU wide strategy for ship dismantling. In May 2009 the IMO Convention on this topic was adopted, which shifted the attention to how the convention is to be implemented and enforced at EU level. The Agency assisted the Commission by providing technical advice on this matter, including advice during the development of the studies supporting the impact assessment on the EU strategy and the study assessing the feasibility of the development of a list of ships likely to go for dismantling and a list of "green and safe" dismantling facilities. This work builds, inter alia, on the outcome of the Agency's 2008 study on the certification of recycling facilities.

The Agency also assisted the Commission with negotiations at IMO during the Diplomatic Conference on Ship Recycling where the Hong Kong Convention was adopted and at MEPC 59 (Marine Environment Protection Committee). EMSA represented the Commission at an IMO ship recycling workshop, and coordinated the input to the IMO Correspondence Group on ship recycling. A planned workshop on ship recycling was postponed for 2010.

4.6.5 BALLAST WATER MANAGEMENT

In 2009 EMSA formulated a Ballast Water Action Programme, agreed upon by the Commission. It will focus EMSA's work in this area over the next few years. The Agency also provided technical support to the Commission during the ballast water management discussions at IMO and debates on the formation of interim ballast water management strategies in European regional fora.

The Agency provided specific advice to individual Member States on various ballast water issues, including the relationship between the IMO Ballast Water Management (BWM) Convention and the Biocides Directive, applying for GESAMP (the UN's Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection) approval for systems that use active substances, additional measures and exemptions.

EMSA also provided industry and Member States with an overview of the development of regional and local legislation and regulations prior to the BWM Convention coming into force.

4.6.6 ENFORCEMENT BY PORT STATE OF EU LEGISLA-TION

An increasing number of EU instruments impose environmental and other obligations on ships entering EU ports. Most of these instruments provide for some kind of verification or control of ships to be undertaken in ports. However, such controls do not come within the scope of Port State Control under the Paris MoU, which is limited to the control and enforcement of international rules and standards. The Agency, in close cooperation with the Commission, continued analysing the extent of this problem and assessing the need for further consistency in the way EU obligations which do not have a counterpart in the international conventions are enforced in EU ports. To this end, work continued on the identification of which provisions of EU legal acts would most benefit from the production of technical guidelines in order to improve their enforcement through port State inspections, and on draft guidelines on the basis of a representative Directive as a practical example.

4.7 LIABILITY AND COMPENSATION

In 2009 EMSA continued to assist the Commission in following up the two initiatives of the third maritime safety package in relation to liability and compensation: a Regulation on compensation for injuries sustained by passengers carried by sea, and a Directive on civil liability until their adoption.

EMSA also provided, where requested, technical assistance to the Commission and represented or assisted it in relation to the proceedings of the International Oil Pollution Compensation Funds (IOPC Fund) and IMO's Legal Committee, especially with regard to the draft Protocol to the HNS Convention (International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996) and other liability issues.

Towards the end of the year EMSA also started working on a fact-finding report on the implementation of sanctions by Member States on the basis of Directive 2005/35/EC on ship sourced pollution.

Chapter 5

Pollution preparedness, detection and response

INTRODUCTION

Under the umbrella of operational support to the Member States, coastal European Free Trade Association (EFTA) States, Candidate Countries and the Commission with regard to marine pollution preparedness and response activities, EMSA provides, upon request of the affected country, the following services:

> → A network of stand-by oil spill response vessels distributed along the European coastline;

> → CleanSeaNet: the satellite based oil spill monitoring and detection service covering European waters;

> → The MAR-ICE Network (Marine Intervention in Chemical Emergencies) providing information in cases of marine chemical spills;

> → Experts and expertise.

Following successful procurement procedures in 2009, the Stand-by Oil Spill Response service network continues to cover all the regional seas of Europe. 2009 saw new contracts awarded for response capacity in the Atlantic/Channel area and the Northern Baltic Sea as well as the renewal of contracts in the Atlantic and the West Mediterranean Sea. Work was undertaken to further improve the efficiency of the contracted vessels and maintain the operational readiness of their crews through the regular drill and exercise programme.

The Agency's satellite oil pollution monitoring service (CleanSeaNet) is part of the national response chain of 24 Coastal States to address ship-sourced pollution. With the entry into operation in 2009 of the Azores ground station, CleanSeaNet to date covers all European waters including the Canary Islands.

With regard to responding to chemical spills, the MAR-ICE Network, which provides information in cases of marine chemical spills, became fully operational in 2009.

The Agency also supports the EU Member States, coastal EFTA States, Regional Agreements and the EU Candidate Countries with relevant information in the field of pollution preparedness and response. In addition, a number of co-operative activities are conducted such as the work of the Consultative Technical Group on Marine Pollution Preparedness and Response (CTG MPPR) and actions such as co-operation during at-sea exercises and participation in conferences and workshops.

5.1 STAND-BY OIL SPILL RESPONSE VESSEL NETWORK

5.1.1 STRENGTHENING THE STAND-BY OIL SPILL RESPONSE VESSEL NETWORK

Within the framework of the Agency's annual Work Programme, 2009 saw further procurement procedures to maintain the service network. A "Negotiated Procedure following publication of a Contract Notice in the Official Journal of the European Union (OJEU)" was launched covering two different geographical areas (lots):

> The Northern Baltic Sea; and
> The Atlantic Coast - Channel.

As with previous years, the Negotiated Procedure had three different phases and is effectively a year long project in itself. Following the results of the successful procurement procedure, contracts for response capacity have been established in both geographical areas.

The current network provides at-sea oil recovery services from vessels based in all the regional seas of Europe. The map opposite shows the distribution of vessel and stockpiles around Europe at the end of 2009.

Short descriptions of recent developments in the network are presented below on a regional sea basis. More technical and operational specifications of all the contracted services are available on the Agency website at www.emsa.europa.eu

The Agency currently maintains contracts for thirteen fully-equipped Stand-by Oil Spill Response Vessels (SOSRV). The vessels are available upon request, via the Monitoring and Information Centre of the Commission, to assist coastal states in at-sea oil recovery operations. Two additional contracted vessels are currently in the pre-fitting phase and are expected to be operational by mid 2010, which will bring the total number of available vessels to fifteen. The average storage capacity for recovered oil of the EMSA contracted vessels is 3,000 m³, which is significantly higher than typical SOSRV's operated by national governments.

Atlantic Coast – Channel: A 3 year contact has been awarded for a bunker tanker *Sara*, with an equipment stockpile situated in Portland on the Southern coast of UK. The ship is a double hulled Maltese flagged tanker built in 1988 with a speed of 13 knots and storage capacity for recovered oil of 6,658 m3, one of the largest with the Agency.

EMSA stand-by oil spill response vessel network in 2009
- Response vessel (prep. phase)
- Response vessel (fully eq.)
- Equipment stockpile
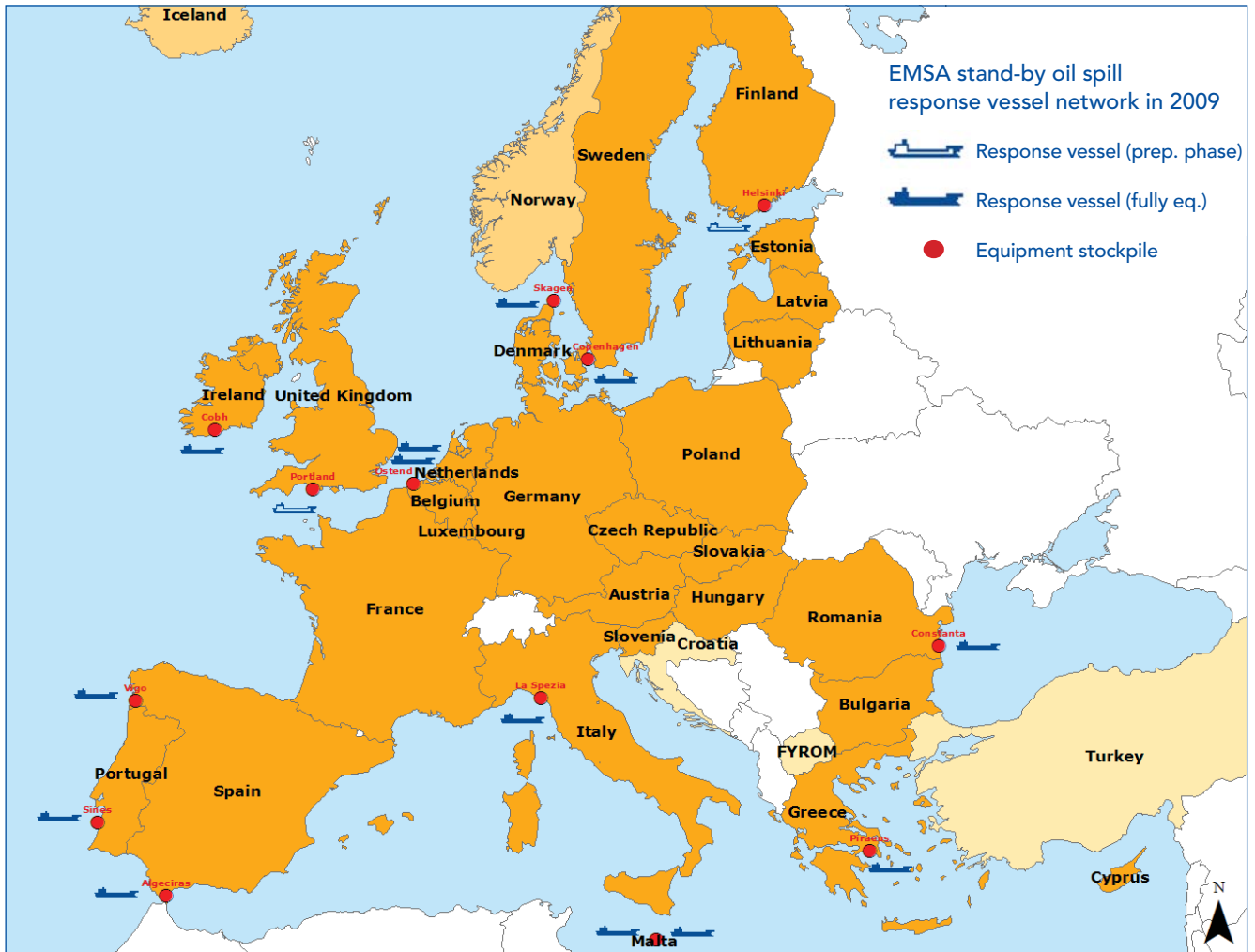
The Baltic Sea: Following the reconfiguration of the existing contract for services across the Baltic Sea, it was apparent that coverage for the Northern Baltic zone was not adequate. Accordingly a 3 year contract was awarded for the ice-breaker *Kontio*. This is the first of its type contracted by the Agency for at-sea oil spill response services. It was built in 1987, has a speed of 18.5 knots and a storage capacity for recovered oil capacity of 2,033 m3. During the ice-breaking season, approx. 140 days a year, the vessel will operate in the Gulf of Bothnia with the equipment stockpile based in the port of Oulu, Finland. For the remaining part of the year the equipment and vessel will stand-by in Helsinki, Finland.

Both vessels are expected to be operational by mid 2010.

5.1.2 RENEWAL/REPLACEMENT OF THE ARRANGE-MENTS CONTRACTED IN 2006

The expiry of 2006's contracts for stand-by oil response services called for a review of arrangements covering two

areas: the Atlantic coast and the Mediterranean. Accordingly, in 2009 the Agency carried out an evaluation of each contractor's performance, resulting in the renewal of both existing arrangements.

Atlantic Coast: Along the Atlantic coast, the GALP Marine operating from Sines, Portugal has had its contract renewed for a further final 3 year period. The above mentioned vessel combined with those based in Cobh, Ireland and Vigo, Spain (mentioned below) brings the total recovered oil storage capacity under contract to nearly 10,000 m3 for this area.

Mediterranean Sea: The contract established in 2006 for the vessel Santa Maria has been renewed for a further 3 years until March 2013. Other contracts are in place with regard to this regional sea basin for vessels operating out of Malta, Spain, Italy and Greece providing in excess of 17,000 m3 of additional recovered oil storage capacity.

Contract signature with shipping companies Aegean and Finstaship for the vessels Sara and Kontio respectively, November 2009.

5.1.3 COMPLETION OF PREPARATORY PHASE FOR VESSELS CONTRACTED IN 2008

In parallel to the activities above, three companies contracted in 2008 successfully completed the preparatory phase of their contracts with the Agency in 2009. Accordingly, four vessels were modified, equipped and their crews trained for their pollution response task. Once the vessels had been certified for oil recovery operations by an appropriate Classification Society (Recognised Organisation in accordance with Directive 94/57/EC as amended), the vessels were accepted into the Stand-by Phase of the contract and were available to respond to a request for assistance from a coastal State. The vessels concerned entered into service in November.

Atlantic Coast: The Ria de Vigo, following a period for pre-fitting works to adapt the vessel to use oil recovery equipment on-board, entered into operational service in 2009. The supply ship has an onboard storage capacity 1,522 m3 and operates out of Vigo, Spain, providing fishing monitoring services on a commercial basis to the regional government of Galicia.

The Black Sea: The EMSA contracted vessel GSP Orion, operating out of Constanta, Romania, completed successfully its first year of the three year contract. It is an off-shore supply vessel with a recovered oil capacity of 1,334 m3 and services the Constanta oilfield area about 30–50 nautical miles offshore.

The North Sea: Following a 2008 procurement procedure, a 3 year contract was awarded for an arrangement cover-

ing two hopper dredgers trading sand along the Belgian and Dutch coastlines. The Interballast III (storage capacity 1,886 m3) and DC Vlaanderen 3000 (storage capacity 2,744 m3) entered in service towards the end of 2009 and provide a total recovered oil storage capacity of more than 4,500 m3.

5.1.4 MAINTAINING THE SERVICE/ DRILLS AND EXERCISES

Contractual drills: In order to maintain the appropriate level of service during the stand-by period of the contracts, the companies and vessels concerned carry out a range of different types of activities. The primary tool is the vessel/crew drills which take place on a quarterly basis. In 2009, a total of 47 drills (including Acceptance Drills) were undertaken by vessels under contract to the Agency.

The aim of each drill is to verify that the basic capability of the vessel, specialised equipment and crew is at an appropriate level.

Regional and National at-sea response exercises: EMSA contracted vessels also participated in a range of notification, desktop and at-sea operational exercises in 2009. These types of exercise are, aside from being a useful method of maintaining the crew's response skills, an important tool for identifying potential areas for improvement. International exercises in particular greatly assist the integration of the Agency's resources into Member States' response mechanisms, improving coordination and cooperation of EMSA's contracted vessels among themselves and with Member State response units.

5.1.5 IMPROVEMENTS OF THE NETWORK SERVICE

EMSA has used the experience gained during the first three years of running the stand-by oil spill response vessel service to explore ways of achieving higher levels of performance in oil recovery capacity and cost efficiency.

Based on the above, options were explored to achieve a higher level of performance in terms of oil recovery
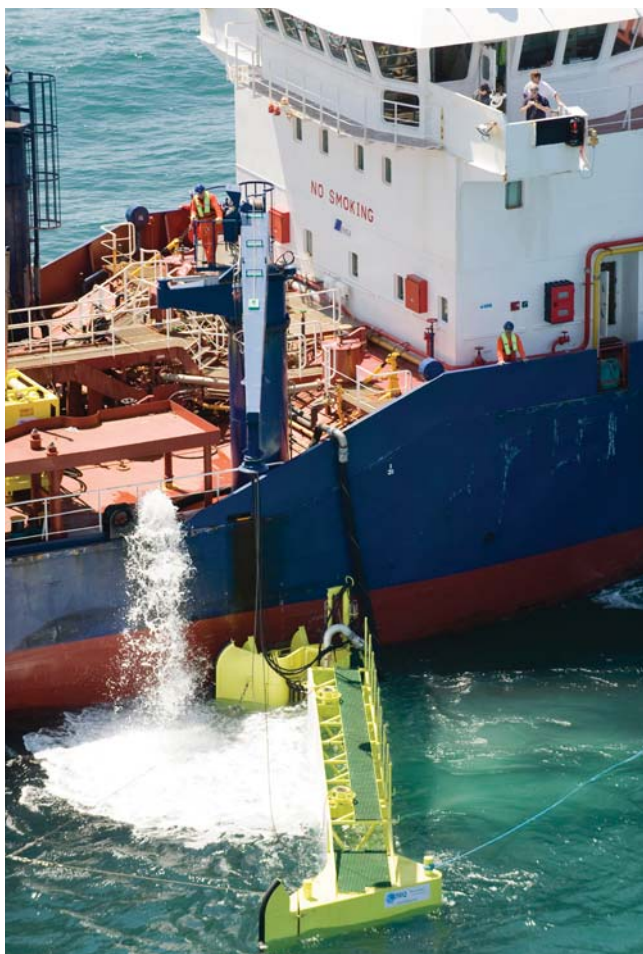
Ria de Vigo deploys booms during the Polmar Atlantique exercise.

capacity and cost efficiency. With this in mind, the Agency undertook a specific improvement action regarding the technical capacity of the Ria de Vigo (Atlantic Coast) and GSP Orion (Black Sea).

The purpose of the project was to double the oil recovery rate of the vessels' secondary response systems. The current pumping capacity (Name Plate capacity) of the skimmers fitted onboard ranges from 125 to 140 m³/h. After installing a 'trans-rec' type skimmer, the oil recovery rate will be upgraded up to 300 m³/h (single skimmer) or even 400m3/h if both skimmers ("old" and "new") are used simultaneously. The 'trans-rec' type skimmers are independent units specifically designed for use on supply vessels with a large deck space available such as Ria de Vigo and GSP Orion.

The procurement process including pre-financing was completed in 2009. The equipment will enter into operational service in mid 2010.

5.1.6 INTERNAL AUDIT OF THE EMSA STAND-BY OIL SPILL RESPONSE VESSEL NETWORK

In 2009, the Internal Audit Service (IAS) of the Commission undertook an audit of the EMSA Stand-by Oil Response Vessel Network. The overall objective was to provide the Agency's Executive Director and Administrative Board with an independent assurance on the adequacy and effectiveness of the internal control system regarding the network of contracted vessels. The overall finding of the IAS is that the internal control system in place provides reasonable assurance[1] regarding the achievement of the business objectives set up for the vessel network.

1 IAS Explanation: "Even an effective internal control system, no matter how well designed and operated, has inherent limitations - including the possibility of circumventing or overriding of controls - and therefore can provide only reasonable assurance to management regarding the achievement of business objectives and not absolute assurance."

INTERNATIONAL EXERCISES WITH EMSA PARTICIPATION IN 2009				
EXERCISE/LOCATION	MONTH	PARTICIPATING COUNTRIES	NO. OF PARTICIPATING VESSELS	EMSA VESSEL
Euronyme 2009 France	May	France, Italy, Spain	15	*Bahia Tres* and *Salina Bay*
Polmar Atlantique 2009 France	June	France, Spain	8	*Mersey Fisher* and *Ria de Vigo*
Mero 2009 Portugal (Madeira)	June	Portugal	3	*GALP Marine*
Rodelta 2009 Romania	August	Black Sea	10	*Aktea OSRV* and *GSP Orion*
Balex Delta 2009 Latvia	August	Baltic Sea	10	*OW Copenhagen*
Espadarte 2009 Portugal	October	Portugal, Spain	3	*GALP Marine*
Maltex 2009 Malta	November	Malta	8	*Mistra Bay*, *Santa Maria* and *Aktea OSRV*

5.2 CLEANSEANET: EU SATELLITE OIL SPILL MONITORING SERVICE AND ILLEGAL DISCHARGES

Following the Prestige accident, the mandate of the Agency was extended to include tasks in the field of accidental or deliberate pollution from ships, including the development of technical assistance in actions such as tracing discharges by satellite monitoring and surveillance. Accordingly, the Agency has set-up and operates CleanSeaNet system, the European satellite oil pollution monitoring service, as of April 2007. This system strengthens Member States response operations to accidental spills by providing oil spill alerts and clean sea reports less that 30 minutes after satellite overpass.

In 2009, the Agency received 4852 requests for SAR images from the Member States. To fulfil these requirements, the Agency ordered 2275 satellite scenes of which 2113 were successfully delivered containing 2107 detections of possible spills. The Member States checked on site 759 of the 2107 possible spills reported by the service and 194 were confirmed as mineral oil spills.

A joint Irish Coast Guard - UK Maritime Coastguard Agency aerial mission confirms oil pollution initially detected and reported by CleanSeaNet to the Irish authorities.

In addition to the regular monitoring service, in 2009 the Agency also provided assistance to Member States during two emergency situations (see Incident Reports in blue).

INCIDENT REPORT

Admiral Kuzenov, Ireland, February 2009

Following a CleanSeaNet alert, an Irish Coast Guard helicopter confirmed an oil spill off the Irish coast, and concluded that it was probably due to a refuelling-at-sea incident involving the Russian aircraft carrier Admiral Kuznetsov. Initial estimates put the spill at around 1,000 tonnes, but further aerial surveillance by the Irish and British maritime authorities concluded that it was in the region of 400-500 tonnes. On 17 February, a CleanSeaNet image showed the slick expanded to 8 x 1 km and to have drifted around 30 km East-North-East of the original position. The spill was closely monitored until it naturally dispersed without hitting the coastline. 15 SAR images were acquired between 14 February and 8 March 2009 to monitor the affected area. (See satelite and aerial images below)
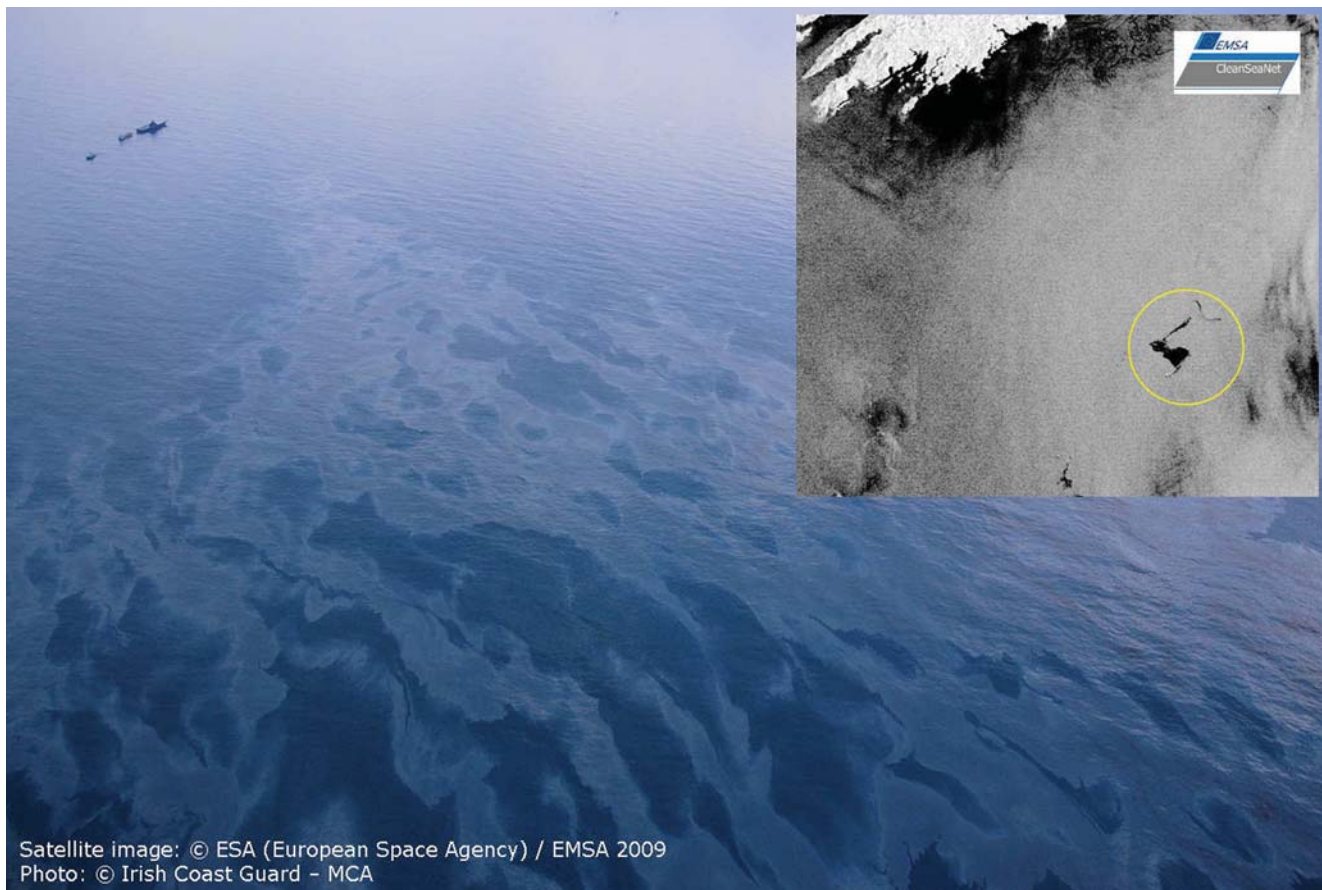
Satellite image: © ESA (European Space Agency) / EMSA 2009
Photo: © Irish Coast Guard – MCA
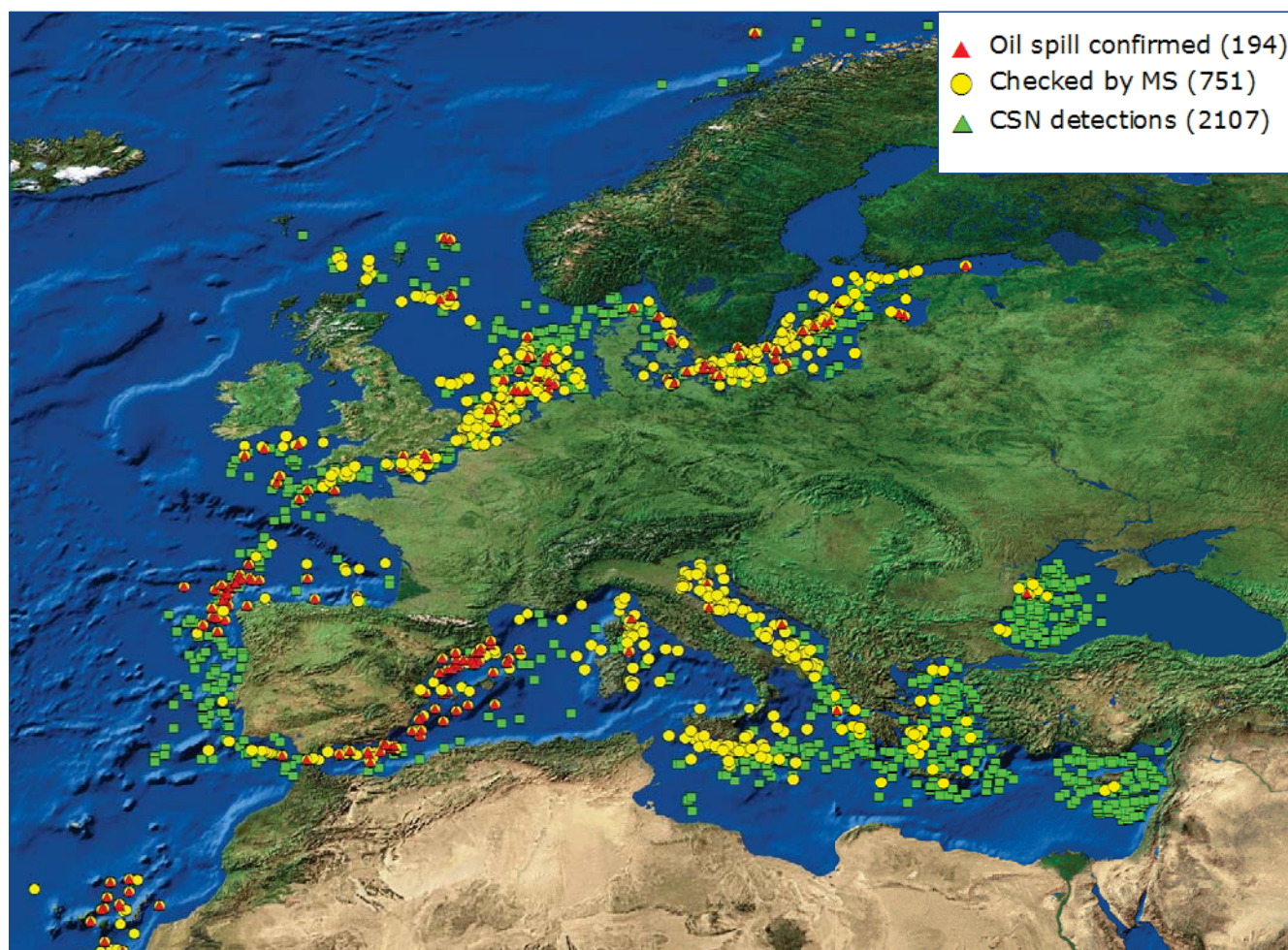
CleanSeaNet verification activities in 2009: detection and follow-up.

EMSA's CleanSeaNet service also supported two Super-CEPCO operations (Coordinated Extended Pollution Control Operation), one in the Baltic Sea and one in the Mediterranean Sea.

INCIDENT REPORT

Topaz A, Norway, January 2009

The fish factory vessel Topaz A (1024 gt, built 1978, IMO 7704980, Russian flagged and owned) took on water and sank in the Barents Sea off Bear Island around 250 nautical miles north of northern Norway on 12th January 2009. As many fishing vessels in the area use heavy fuel oil, the Norwegian Coastal Administration requested satellite monitoring from EMSA until the cargo of the ship was confirmed. 3 RADARSAT and 5 ENVISAT Clean-SeaNet images were acquired over the area between 12 and 21 January 2009. No pollution was detected.

Since July 2009, all users have access to AIS data within CleanSeaNet; this provides an additional tool for the identification of the polluters. With the aim of further enhancing the system, three oil spill models were connected to assist users with a fast drifting calculation tool.

Another priority in 2009 was to identify and refine users' requirements for CleanSeaNet after 2010. In this respect two User Meetings and two training sessions were organised in 2009 where users expressed their needs, which will then be included within the new second generation CleanSeaNet (CSN2) platform.

In 2009, EMSA issued an open tender for the development, implementation, and maintenance of a CleanSeaNet Data Centre (CSN DC), to be hosted and operated by EMSA. The CSN DC is the core element of CSN2 and will enable EMSA to receive, store, process and distribute satellite images provided by different satellite networks.

In addition, the system will also be able to ingest and process various data provided by external systems, such as S-AIS, combined AIS/LRIT data, meteorological and oceanographic data, optical images, etc. Having the CSN DC hosted and operated by EMSA is a major achievement which will substantially increase the level of performance and will reduce the Agency's dependence on external contractors. In addition to providing enhanced services for the oil pollution and polluter detection, the CSN DC will also provide the Agency with the capacity to develop other integrated maritime surveillance projects and/or earth observation services. The new hosting environment will provide continuity and enhancement of services after 2010 when the current contracts will expire.

5.3 SUPPORTING HAZARDOUS AND NOXIOUS SUBSTANCES (HNS) MARINE POLLUTION PREPAREDNESS AND RESPONSE

The Marine-Intervention in Chemical Emergencies (MAR-ICE) Network aims to strengthen the rapid exchange of information regarding chemical substances involved in marine pollution emergencies. The 24/7 service is provided free of charge to the EU Member States and coastal EFTA States. This service addresses a common gap in this field identified across the EU.

The MAR-ICE Network became operational in January 2009, following the signing of an MoU by the European Chemical Industry Council (CEFIC), the Centre de Documentation, de Recherche et d'Expérimentations sur les pollutions accidentelles des eaux (Cedre) and EMSA and the approval of the MAR-ICE Implementation Plan, detailing operational aspects of this information service, in late 2008. The MAR-ICE service can advise and support Member States and the Commission upon request with timely information on scientific, technical, and operational aspects of an HNS spill, by providing remote product specific information on chemical substances, as well as information on the fate of a substance in the marine environment, where available. EMSA monitored the first year of operation of the MAR-ICE Network and the service was used successfully for spill exercises in 2009.

EMSA undertook preparatory work to launch a public procurement for the development of a "Safe Platform" study regarding the evaluation of regulations and technical specifications of vessels to enter and operate in dangerous atmospheres and presented the proposal to the EMSA Consultative Technical Group for Marine Pollution Preparedness and Response (CTG MPPR) in October 2009.

Following the positive feedback received by the Member States, EMSA will launch the tender for this study in early 2010.

The EMSA HNS Action Plan identified the statistical analysis of information regarding seaborne transportation of HNS in European waters as a priority. The aim of such analyses is to provide contextual information on maritime transport of hazardous and noxious substances in European waters and provide authorities with valuable information on which to base risk assessments and set contingency planning priorities.

In 2009, EMSA reviewed existing studies on HNS maritime transport and, at the request of Italy, completed a pilot study that analysed detailed data (1000 HAZMAT Notifications) collected in 2007 from an Italian port. A novel approach was used by EMSA to determine actual cargo routes. For this purpose, the cargo declarations were used in combination with other data available to EMSA. The report was submitted to Italy.

5.4 COOPERATION AND COORDINATION RELATING TO POLLUTION PREPAREDNESS AND RESPONSE

5.4.1 COOPERATION WITH REGIONAL AGREEMENTS, IMO AND OTHER BODIES

In terms of operational co-operation in 2009, EMSA participated in a number of at-sea oil recovery exercises in 2009 including those organised by Regional Agreements i.e. HELCOM Balex Delta (Baltic Sea) and Rodelta (Black Sea) (see table p.49). The Agency also attended, as part of the EU delegation, the relevant technical meetings of the Regional Agreements (e.g. Bonn Agreement/OTSOPA meeting) held in 2009.

The annual Inter-Secretariat meeting between Regional Agreements, the Commission and EMSA was held in Lisbon in January, promoting the exchange of information and coordination between the different bodies.

Furthermore, EMSA continued its contribution on behalf of the Commission to the work of the IMO OPRC-HNS technical group, which is the main technical IMO forum on marine pollution preparedness and response and submitted a paper to the group's 9th meeting.

EMSA, as a full member of the INTERSPILL Steering Committee contributed to the organisation of and participated in the 2009 INTERSPILL Conference and Exhibition.

The Agency's Executive Director gives the keynote address at the INTERSPILL Conference and Exhibition in Marseille, May 2009.

5.4.2 ACTIVITIES OF THE CONSULTATIVE TECHNICAL GROUP FOR MARINE POLLUTION PREPAREDNESS AND RESPONSE (CTG MPPR)

The main objective of the CTG MPPR is to provide at EU level a platform for Member States, contributing to the improvement in preparedness for and response to accidental and deliberate pollution from ships. At its fourth meeting in October 2009, the status of priority actions agreed for 2008-09 was reviewed and new projects were included in the group's Work Programme for 2009-10.

More specifically, the work of the CTG included the following projects in 2009:

A joint workshop organised by the Commission and EMSA on "coordinated at-sea and shoreline pollution response" was held in June, in which the whole marine pollution response chain was considered and participants included civil protection and marine pollution experts.

An inventory of all the main pollution response training centres around Europe, for both oil and chemical spills, was completed and is available on EMSA's website.

EMSA continued coordinating the EMPOLLEX Programme (EMSA Marine Pollution Expert Exchange Programme). The main objective of EMPOLLEX is to enhance contacts and cooperation and to promote the exchange of best practice between the Member States in the field of marine pollution with a view to improve national preparedness and capabilities for response. The first 7 exchanges of experts under the EMPOLLEX umbrella took place in 2009.

EMSA hosted a "Claims Management" workshop in December, with the aim of finalising the "EU States Guidelines on Claims Management". Participants from 20

coastal EU countries screened the text of the guidelines, discussed comments and agreed on a final version to be published by EMSA in early 2010. The guidelines will be the first document at the EU level to comprehensively describe, from the operational/practical point of view, the preparation of claims following maritime incidents.

5.4.3 ACTIVITIES IN THE FIELD OF OIL SPILL DISPERSANT USE

In 2009 EMSA updated its Operational Manual on the Applicability of Oil Spill Dispersants, by developing a new software tool, the DUET (Dispersant Usage Evaluation Tool), a tool intended to provide support for contingency planning regarding the use of dispersants. Dedicated training was provided to Member States and coastal EFTA country experts in December 2009.

Following a specific recommendation from the 2nd EMSA Dispersant workshop in late 2008, EMSA set up a Technical Correspondence Group (TCG Dispersants) with the aim of defining a way forward towards a more harmonised approach for dispersant testing and approval procedures in the EU.

5.4.4 INVENTORIES

The Agency prepared a number of inventories during 2009. In February, EMSA published the revised "Inventory of EU Member States Oil Pollution Response Vessels", which was first compiled in 2004 and updated in 2006.

Furthermore, in November, EMSA developed an "Inventory of R&D projects relevant to marine pollution preparedness, detection and response", updating the Overview Report of EC funded projects published in 2006.

Chapter 6

Administrative structure and horizontal tasks

CHAPTER

6

INTRODUCTION

6.1 MANAGEMENT TEAM

The Executive Director, the Heads of Department and the Heads of Unit meet on a regular basis to monitor progress of the ongoing projects and to discuss any outstanding issue of an administrative or technical nature that is of interest to the entire Agency. The Executive Director is supported by his Policy Adviser and Communication Advisor.

The topics for discussions typically include:

→ monitoring the follow up of the work programme;

→ setting priorities for EMSA activities;

→ planning and monitoring of projects and budget allocations;

→ human resources;

→ preparation of the Work Programme and Annual Report

→ preparation and coordination of visits from the European Court of Auditors and Commission Internal Audit Service;

→ discussing infrastructure issues,

→ preparing the EMSA Administrative Board;

→ preparing coordination meetings with the Commission;

→ responding to external enquiries;

→ announcing information of a horizontal nature that concern all staff.

In 2009, the particular focus for the management team concerned the move to the final headquarters building, changes to the EMSA financial systems resulting from the conclusion of the 5-year evaluation of the Agency, the Agency's 5-year strategy and the impact of the third maritime package at EMSA level.

The reorganisation of EMSA in 2008, notably the division into three activity clusters and the introduction of a new management level "Head of Department" to lead each cluster, was consolidated through 2009. The organisational chart is provided in annex.

6.2 HUMAN RESOURCES

6.2.1 TRAINING OF EMSA STAFF

In 2009 a comprehensive Staff Development Policy was adopted by the Executive Director. This policy covers different actions, such as training, an induction programme for newcomers, mentoring, coaching, on the job training, and a study support scheme.

In order to implement this policy the Agency decided to launch an open call for tender to find suitable service providers for the different training areas. Contracts will be signed for a period of one year with possibility of renewal for three more years. The tender was composed of 13 lots, covering professional ICT training, languages, management and leadership skills, EU and maritime institutional and legislative framework, audit and quality assurance, MS office, soft skills and oil spill and HNS preparedness and response.

In addition, EMSA has signed the new version of the Service Level Agreement (SLA) for learning and development with the Commission services which gives EMSA staff access to all training available in the Commission catalogue. In addition, EMSA will continue to use the SLA signed with the European Administrative School.

SPECIALISED COURSES 2008-2009			
YEAR	COURSES OFFERED	PARTICIPANTS	TRAINING DAYS
2008	44	324	106
2009	74	528	123

The Staff General Assembly in January 2009.

Training actions aimed at integrating newcomers initiated in 2008 and continued in 2009 covering various issues such as EU decision making, project management, finance and procurement and on the job training.

EMSA also organises lunchtime seminars during which the various units present their activities to colleagues. This contributes to building knowledge and sharing information among EMSA staff across different units and functions. The sessions take place about once a month and attract around one hundred participants, i.e. half the EMSA staff.

LANGUAGE CLASSES 2008-2009 AVERAGE NUMBER OF PARTICIPANTS PER SEMESTER		
LANGUAGE	2008	2009
Portuguese	60 (incl. partners)	85 (incl. partners)
English	33	42
French	22	29
German	10	8

EMSA continued to encourage staff members to learn other EU languages (French and German, in particular) and to improve their level of English, which is the main working language of the Agency. Portuguese courses for EMSA staff and their partners continued to be delivered in order to help them to better integrate in Portugal.

6.2.2 TRAINEESHIP SCHEME

In 2009 the traineeship scheme, developed and implemented in 2008 has gone into its 2nd year. The scheme had to be suspended for the first 2009 session due to the Agency's move to its new premises. The Agency did however offer work experience to young graduates for the autumn session from 1 October 2009 – 28 February 2010. Six trainees from six countries were successfully integrated into various sectors. A new call has been launched for the 2010 sessions with a large number of candidates applying.

6.2.3 ICT SYSTEM FOR HR MANAGEMENT

In 2009 two procurement procedures were concluded to implement a HR IT tool developed by another EU Agency (EASA) at EMSA. A project team composed of representatives from HR and IT cooperated with the contractor and implemented the following solutions:

→ Central repository for personal data (end 2009);
→ Online application to request employment & tax certificates (end 2009);
→ Online access of all staff to their own personal data (end 2009);
→ Appraisal application (launch 2010);
→ Leave Management application (launch 2010).

The implementation of these projects resulted in an increased workload for the HR team. This was due to the mandatory manual migration of personal data into the central repository, increased number of service requests from staff regarding changes to personal data entries following online accessibility, creation of user friendly user guides and video tutorials and changes to existing processes.

6.2.4 IMPLEMENTING RULES

EMSA continued completing the adoption of a series of implementing rules giving effect to the Staff Regulations. After careful analysis and following several meetings with the relevant services of the Commission and other Agencies, a third package was prepared. Under Article 110 of the Staff Regulations, the Agencies 'shall adopt the appropriate implementing rules for giving effect to these Staff Regulations, after consultation of the relevant Staff Committee and in agreement with the Commission'.

The Staff Committee was consulted during 2009 and the Commission gave its agreement in 2009, subsequently the third package of implementing rules, as listed below, was adopted by the Administrative Board in November 2009.

36 young Europeans learn about EMSA during a visit in August 2009.

IMPLEMENTING RULES 2009		
NO.	SUBJECT	STAFF REGULATION AND CEOS* REFERENCE
1	Driver	Art. 56 and art.3 of Annex VI
2	Reimbursement of medical expenses	Art. 72 (1)
3	Early retirement of officials and temporary agents without reduction of pension rights	Art. 9 of Annex VIII SR and Art. 39 CEOS
4	Job Sharing	Art. 55b of SR
5	Middle Management Staff	Art. 2, 4, 5, 7, 29 and 44 SR
6	Psychological and sexual harassment	Art. 1d, 12 and 12a of SR and Art 11 of CEOS
7	Appraisal of the Director	Art. 43 of SR
8	Certification	Art. 45a of SR
9	Temporary Agents	Art 2 (a) and (b) and 12 (5) of CEOS

Conditions of Employment of Other Servants of the European Communities

The adoption of the Implementing rule related to the procedure governing the engagement and use of temporary agents has enabled the Agency to be part of the Inter-Agency Job Market (IAJM). EMSA joined the IAJM on the 8th of December 2009.

In addition, the Administrative Board adopted on the 20th of November 2009 a new decision laying down the rules on the secondment to EMSA of National Experts and National Experts in Professional Training.

6.3 LEGAL AND FINANCIAL AFFAIRS
The execution of the budget is managed by the Agency on the basis of its Financial Regulation and related provisions. The European Court of Auditors verifies the compliance of the Agency annually which serves as a basis for the annual discharge by the European Parliament.

The Legal and Financial Affairs unit carries out the mandatory ex-ante verification of all budgetary and legal commitments and payments. It further monitors and reports on budget execution and coordinates the preparation of the budget proposals of the Agency. The unit provides assistance and advice in legal and finance issues and maintains the EMSA Finance Manual and the EMSA Procurement Manual and templates. In addition, the unit operates a Legal and Financial Affairs helpdesk.

In 2009, a total of over 12300 verification files and over 800 helpdesk calls were handled. A total of 53 procurement procedures were supported in 2009. Details concerning negotiated procedures and a posteriori commitments are provided separately in the financial annex.

Following the adoption of the new Financial Regulation and related Implementing Rules by the Administrative Board, the respective Manuals, templates and procedures were updated.

In addition to the normal training activities of the Agency in the framework of its staff policy, the Legal and Financial Affairs unit provides in-house training for staff on finance management and procurement. All newly appointed Authorising Officers by delegation receive initial training.

6.4 INFORMATION AND COMMUNICATION TECHNOLOGY, FACILITIES AND LOGISTICS

6.4.1 IT STRATEGY
As EMSA expands, the need for a structured and business-aligned IT strategy has become mandatory and the major IT processes need to be standardized. A long-term IT plan was thus developed in 2008 and 2009 saw the conclusion of many important steps to move forward with the ICT Governance, Architecture, Processes and Strategy.

→ ICT Governance: regular meetings held for relevant management level staff.
→ Enterprise Architecture and ICT Standards: established and regularly up-dated.
→ System Acceptance: all new applications are tested for compliance with EMSA ICT Standards related to ICT Security and non-functional attributes (reliability, performance, scalability, maintainability);
→ Centralisation of critical ICT Support Functions: necessary due to the growing portfolio of EMSA Maritime Applications and the evolution of Service Level Agreement (SLA) availability requirements from 99% (SSN) to 99.9% (THETIS).
→ 24/7 ICT Operational Support: from 1 September the MSS was staffed on a 24/7 basis to provide a 24/7 Level 1 Help Desk for Member States for EMSA Maritime Applications. A 24/7 'Level 2' ICT Support capability was also implemented through an 'on-call' stand-by duty rota system;
→ Enterprise Architecture Evolution: infrastructure upgrades planned to ensure compliance with the 99.9% availability SLAs of future EMSA Maritime Applications. The first steps were taken in 2009 for completion in early 2010;
→ WiFi Access at EMSA: The first phase of WiFi access at the new headquarters was provided in the EMSA Conference Centre and meeting rooms. The second phase to cover all of EMSA will be added in 2010.

6.4.2 MARITIME APPLICATIONS

Maritime applications are the cornerstone of some of the key services EMSA provides to its stakeholders and are extremely important for supporting the daily work of the Operational Units. Providing ICT technical expertise in the design and implementation of new projects and maintaining existing applications is a permanent task. The table below summarizes activities per application in 2009:

6.4.3 HOSTING MARITIME APPLICATIONS

The key challenge in 2009 was to build a state-of-the-art data centre to host the maritime applications (SafeSeaNet, CleanSeaNet, LRIT, THETIS) and actively support their integration at a time when the majority were entering into an operational phase. In this context, the focus was on ensuring the end-to-end service availability, performance and reliability through implementing best practice hosting,

MARITIME APPLICATIONS ACTIVITIES 2009										
APPLICATION	Preparation of call for tenders	Evaluation of bids	Preparation of Cost-Benefit analysis	IT solution outline	Requirements specifications	Project implementation	Validation of the project technical documentation	Infrastructure definition and design	Validation of the technical deliveries	Ongoing maintenance and operation
THETIS The Hybrid Targeting and Inspection System					X	X	X	X	X	X
STCW-IS Standards For Training, Certification and Watch keeping Information System					X	X	X	X	X	X
LRIT B&I LRIT Billing & Invoicing							X	X	X	X
LRIT DC LRIT Data Centre							X	X	X	
LRIT Ship Database							X	X	X	X
EMS Equipment Maintenance System for Oil Pollution Response					X					
DLP3 Distant Learning Package 3							X	X	X	
CleanSeaNet										X
RuleCheck										X
RoRo Ferries Surveys										X
MARINFO DB Maritime Information database					X	X	X	X	X	X
EMCIP European Marine Casualty Information Platform *										
STIRES SafeSeaNet Tracking Information Relay and Exchange System							X	X	X	X
SafeSeaNet	X	X					X	X	X	X
CleanSeaNet II	X	X		X			X	X	X	
APPLICATION	Preparation of call for tenders	Evaluation of bids	Preparation of Cost-Benefit analysis	IT solution outline	Requirements specifications	Project implementation	Validation of the project technical documentation	Infrastructure definition and design	Validation of the technical deliveries	Ongoing maintenance and operation

*Note: the EMCIP application was completed in 2008. It is currently hosted outside EMSA but will be migrated in-house in the future.

monitoring, business continuity and disaster recovery processes based on an advanced virtualised ICT architecture/ infrastructure to support development, testing and rollout of operational projects such as SafeSeaNet (and STIRES), CleanSeaNet, THETIS and LRIT Data Centre.

The first half of 2009 saw the completion of the new EMSA Data Centre in the new headquarters building to host all EMSA Maritime Applications and internal EMSA Applications in-house in a state-of-the-art ICT hosting facility. The hosting facility is fault-tolerant, reliable, scalable, future-safe (to leverage advances in virtualisation and cloud computing), easy to operate and maintain and secured with a full UPS electrical back-up. To summarize the tasks:

→ The new Data Centre was up-and-running shortly after a testing and commissioning period before the summer and has already proven itself to be reliable, scalable and secure.

→ Began 24/7 ICT Operations with the MSS in September.

→ Several upgrades of SafeSeaNet, STIRES, LRIT Ship Database and LRIT Invoicing and Billing during the second half of 2009.

→ Addition of all test and pre-production environments for new EMSA Maritime Applications e.g. THETIS.

6.4.4 MOVING TO THE EMSA FINAL HEADQUARTERS BUILDING

EMSA finally moved to its new headquarters in mid-May at rather short notice, putting significant pressure on staff particularly in the ICT and Facilities teams.

EMSA was successfully back 'up and running' three days after the main move, with minimum disruption to staff and no disruption to critical services and applications. Shortly after the move (by the end of June) the following related activities had already been completed:

→ The June EMSA Administrative Board meeting took place in the new conference centre;

→ An 'Inauguration Event' was held at the new premises with 200 guests;

→ The ICT Data Centre from EMSA's old HQ in the 'Expo' building was fully transferred to the new premises;

→ The 'Expo' building was vacated and 'handed back' to the Lisbon Port Authority.

Since the move, a small number of 'teething issues' have been resolved. The security of the building has also been further enhanced in particular with the introduction of a new entrance control system.

Before and After: EMSA's data centre gets a complete make-over with the move to the final HQ.
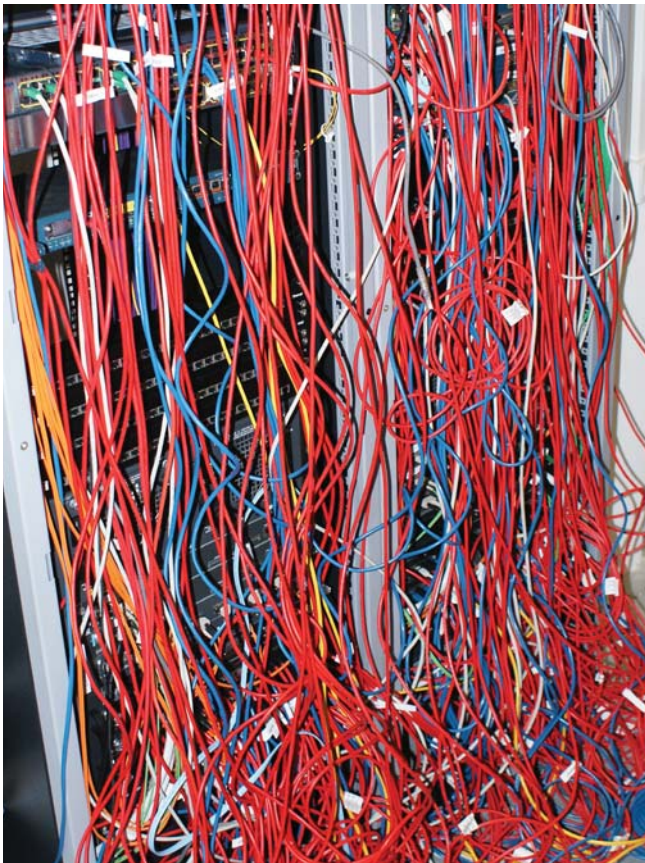
6.5 COMMUNICATION, EVENTS AND PROTOCOL

EMSA's communication activities involve a variety of tasks aimed at informing stakeholders about the Agency's tasks, role and services. The two main institutional publications for providing transparent, detailed information about the practical aspects of EMSA's work — that is projects, resources, structure, budget, performance etc. — remain:

→ the 'a priori' Work Programme , which explains the tasks of the upcoming year, and

→ the 'a posteriori' Annual Report, which reports on the actual tasks carried out by the Agency during the previous year.

The contents of these publications are approved each year by the Administrative Board.

Besides these institutional documents, numerous cyclical as well as one-off publications provide accessible information to a specialised or wider public. Notably, 2009 saw the production, in all official EU languages, of a revised EMSA general brochure. This is a significant project that is repeated on a three-yearly cycle. Other examples include a Multi-Annual Funding Report for Oil Pollution Preparedness Activities published in January and the Maritime Accident Review produced in April-May. The main regular publication for publicising the day-to-day activities of the agency is the monthly newsletter, released in the first few days of the month. The format of the newsletter was redesigned during 2009, to enable greater use of hyperlinks and images.

A new initiative during 2009 was the launch of an internal e-newsletter, Gateway: better, more structured internal communication has become necessary given the growth in the Agency, with the e-newsletter forming part of an increasingly self-populated intranet.

From a human resources perspective, much work was done to develop in-house skills in print publishing (in particular, desktop and web publishing), so a notable achievement for EMSA Communications in 2009 was to 'internalise' production tasks previously outsourced, with related time, efficiency and cost savings.

The day-to-day communication activities include: continuous updates to the website and extranets; answering of external enquiries; support of EMSA workshops and events; preparation of presentation materials (slideshows, posters); media relations and, where relevant, issuance of press releases.

Events are a useful means of introducing EMSA to the wider public. The full EMSA exhibition booth was set up for the Interspill conference (an oil spill response event of global significance) which took place in Marseille in May. The Agency also attended, together with the CFCA and the Commission, a large stand at the World Fishing Exhibition (WFE) in September 2009 in Vigo. Organised only every six years, the WFE is the fishing industry's most important event, and represented an opportunity to publicise a number of EMSA activities linked to the industry (environmental protection, vessel monitoring using AIS), summarised in a leaflet produced for the event.

Meetings, workshops and training events organised by EMSA for a broad range of stakeholders also have a spin-off effect in terms of building EMSA's profile as well as cementing relationships with stakeholders. The majority of the meetings listed below take place on the Agency's premises, giving participants the opportunity to experience EMSA's headquarters and interact with its staff.

MEETINGS ORGANISED BY EMSA 2009		
NO.	TYPE	PARTICIPANTS/ EXPERTS
34 incl. 6 for PSC officers	Training	694 incl. 230 PSC officers
26	Workshops	879
17	Working groups	198
8	Hosting	328
3	Administrative Board meetings	165

The Protocol between the Government of the Portuguese Republic and the European Maritime Safety Agency covers the relations between the Agency and Portugal (Seat Agreement). Clarification of outstanding administrative and procedural issues with the Portuguese authorities was finalised in 2009 allowing for the complete implementation of the Protocol.

Management of the rights, privileges and immunities under the Protocol allows for the proper functioning of the Agency, in particular with regard to the recovery and exemption of direct and indirect taxes, and implies ongoing support to EMSA's administrative and operational units as well as its staff.

EMSA CELEBRATES EUROPE DAY AT THE WORLD FISHING EXHIBITION

Vigo, September 2009

The EU's work in managing the oceans was presented from 15-19 September at the 6th World Fishing Exhibition held in Vigo (Spain). During a special Europe Day on 18 September, EMSA together with the Vigo-based Community Fisheries Control Agency (CFCA) met Spanish stakeholders and visitors from around the world. The exhibition attracts tens of thousand visitors to Vigo every six years. EMSA also organised an open ship event in the port of Vigo with its contracted oil pollution response vessel Ria de Vigo. The event brought both the general public and VIPs into direct contact with the vessel, crew and pollution response equipment. Both CFCA and EMSA may be called upon to work in a closer way in the future.

6.6 BUDGET MONITORING AND EXECUTION

In order to better follow the budget execution per activity, all 2009 commitments and payments have been associated to a posting criteria (each posting criteria being directly linked to an activity of the EMSA 2009 Work Programme).

Specific reports have been designed in the BUDG data warehouse to support this financial reconciliation between activity and budget that has been fully exploited for the first time in this Annual Report.

A new and more sophisticated generation of the activity based costing system, based on the SAP Controlling module, was put in production during the Spring 2009. This software, fully integrated with the EMSA SAP accounting system, has entirely replaced the use of posting criteria since January 1st 2010.

Because the SAP Controlling module is an industry standard, a wide number of technical possibilities are now available to EMSA. In this regard, the Agency will explore the possibility of using SAP time registration by activity functionalities, in order to provide a better estimation of the resources allocated per activity while improving the quality of the data extracted from the accounting system.

The deployment of the SAP Controlling module was a pilot project between the Commission (DG BUDG) and EMSA and this experience will benefit other EU Agencies using the ABAC system.

Budget execution figures are reported in Annex 1.

Last night of 2009: business as usual on New Year's eve for the 24/7 Maritime Support Services operators.

European Maritime Safety Agency
Activity Report 2009

This section provides an overview of the activities that were carried out in 2009 pursuant to the Work Programme for the same year.

Each entry states the actual input, output and outcome of the activity in question against the human and financial resources that were allocated in Work Programme 2009, and the objectives stated therein.

2.1 EU VESSEL TRAFFIC MONITORING

Financial and Human Resources	Planned Input	Actual Input
Commitment appropriations in EUR	4,968,369	4,197,355
Payment appropriations in EUR	4,011,224	3,596,230
Staff	15 AD, 6 AST, 2 END*	12 AD, 4 AST, 3 END, 2 CA

OUTCOME

SafeSeaNet is fully operational, covering the whole EU coastline and providing information on vessel position, vessel destination and the contact address for vessel cargo upon request. This information system assists search and rescue bodies in accessing information on the cargo (hazardous goods), facilitates port logistics and provides overall information on vessel traffic to public authorities, representing a fundamental tool to assist tracking the position of ships along EU coasts.

Objectives	Output
1. SafeSeaNet fully operational, including STIRES (SafeSeaNet Information, Relay and Exchange System). (note: STIRES is the next generation of SSN: a real time tracking system, visualizing the positions of vessels on nautical charts) 2. Availability of the Maritime Support Services (MSS) 24/7. 3. Support to all Member States in taking part in SafeSeaNet: connecting their national information systems to SafeSeaNet and actively exchanging through the system, information on vessel traffic movements. The support will consist of: - Maintenance, hosting of the core of the system to support the exchange of an increased number of messages; - Technical assistance and helpdesk; - Check of the completeness and reliability of data; - Trainings upon request; - Regular meetings with experts from Member States. 4. Development of global requirements for a future upgrade of the application agreed with Member States and the Commission 5. Support to Member States to develop and maintain an AIS Master Plan, including regional cooperation.	1. - On 1 January 2009, the SafeSeaNet system became fully operational as the single EU system for the exchange of maritime information. - A new interface that provides the possibility for Member States to track vessels in real time on nautical charts along the whole EU coast, and to retrieve information about cargo, incidents and vessels causing a potential risk at the click of a button. - Over 40 million messages (alerts, port calls, declarations of dangerous goods on board and positions of vessels) were shared through the system in 2009 (21 million in 2008), 3 million queries were answered nearly instantaneously (550,000 in 2008), and 2000 MS users accessed the system. - The core SafeSeaNet System has been fully hosted, maintained and operated in EMSA since June 2009, guaranteeing 99% availability to Member States at the agreed level of performance. 2. - The EMSA Maritime Support Service was upgraded. A state of the art monitoring centre became operational and has been working round the clock (24/7) since 1 September 2009, covering all EMSA-based traffic monitoring and surveillance systems (SSN, LRIT, CSN) and pollution response capacities. This team undertook over 10,000 monitoring, helpdesk, information and alert actions during the year. - Recruitment, training and set-up of procedures of MSS 24/7 operator team took place (over 70 days of training was provided for 12 operators and more than 80 operational procedures were established for monitoring, helpdesk and communication among Member States or with EMSA). 3. In 2009 EMSA supported in cooperation with Member States the permanent maintenance and review of the SafeSeaNet system through: - 13 full tests of the new upgraded applications, either at the core in EMSA or at Member State level (Commissioning tests). - Continuous monitoring of SSN system usage and data quality. - Permanent dialogue and communication with Member States representatives through 6 technical meetings, 46 detailed reports on the system health at national or EU level, updates of the system documentation, and production of a SSN user leaflet.

* Types of post: Temporary Agent (AD and AST), National Seconded Expert (END) and Contract Agent (CA).

2.1 EU VESSEL TRAFFIC MONITORING *CONTINUED*

Objectives	Output
	4. - EMSA prepared and agreed with Member States the requirements for the next upgrade of the application (SSN V.2) which will, from 2011, provide information to THETIS, the new information system to support new Port State control legislation. - SSN was prepared to receive and distribute LRIT reports to Member States in 2010. 5. - EMSA supported the development of the AIS (Automatic Identification System) at national and regional level leading to implementation of HEL-COM, North Sea and Mediterranean region plans. - The map of shore based stations for reception of AIS signals was maintained at EMSA database and is ready for full AIS base station data from all MS, and from neighbouring 3rd countries, when available.

2.2 EU LRIT DC

Financial and Human Resources	Planned Input	Actual Input	OUTCOME
Commitment appropriations in EUR	4,931,568	4,169,662	Based on the EU LRIT DC established by the Agency, all MS are able to demonstrate compliance with IMO LRIT requirements.
Payment appropriations in EUR	6,921,205	4,468,808	
Staff	14 AD, 8 AST, 1 END, 3 CA	14 AD, 8 AST, 1 END, 1 CA	

Objectives	Output
1. On behalf of the MS, the Agency will establish and operate the EU LRIT DC in compliance with IMO requirements. 2. The Agency shall provide MS with necessary assistance and Help-Desk for the integration of EU ships in the EU LRIT DC. 3. The Agency shall implement necessary invoicing and billing system for the purpose of LRIT activity.	1. The development of the EU LRIT system commenced in November 2008 and the EU LRIT DC was accepted by IMO on the LRIT production environment on 1st of June 2009, one month in advance of the IMO deadline. 2. All ships (approximately 8000) registered by the MS in the LRIT Ship Database have been integrated in the EU LRIT DC. This includes the SatPro LRIT system (at the end of 2009 the EU DC was the only DC in the world able to handle SatPro LRIT ships). Training was provided to MS users and EMSA MSS operators and a permanent (24/7) Help-Desk assistance has been provided to MS through the MSS service. 3. A dedicated complex I&B system was implemented as part of the EU LRIT DC providing reliable tagging, pricing and monthly invoicing of all reports handled by the EU DC. Each user can monitor her/his financial situation via a web-based Financial LRIT interface.

2.3 THETIS – NEW INFORMATION SYSTEM FOR PSC

Financial and Human Resources	Planned Input	Actual Input
Commitment appropriations in EUR	1,126,633	571,278
Payment appropriations in EUR	1,021,191	929,283
Staff	2 AD, 2 AST	2 AD, 1 AST, 1 END

Objectives	Output
1. Development of the new database 'New Information System (THESIS): launching of the first testing. The Agency shall provide MS with necessary assistance and Help-Desk for the integration of EU ships in the EU LRIT DC. 2. Cooperation with Paris MoU and Member States to supervise, verify and validate the development of the system. 3. Training to Member States.	1. Two major prototypes delivered covering 80% of the functional coverage. Testing was undertaken and continues as further prototypes are released. 2. Three dedicated meetings with experts from MS and the Paris MoU to further define and later validate and test relevant stages of the development. 3. Demonstrations of the system to all MS not involved in the dedicated expert workshops. These also served as induction to the New Inspection Regime, for which THETIS will play a pivotal role. Further training in 2010 will consolidate induction process.

OUTCOME

The Agency is contributing to setting-up the new Port State Control system under the recast Directive, which introduces a new inspection regime based on a new information system.

3.1 CLASSIFICATION SOCIETIES

Financial and Human Resources	Planned Input	Actual Input
Commitment appropriations in EUR	2,014,056	1,783,307
Payment appropriations in EUR	2,142,621	1,661,227
Staff	8 AD, 2 AST, 3 END	9 AD, 1 AST, 1 END, 1 CA

Objectives	Output
1. On behalf of the Commission, the Agency will carry out 16-18 inspections of offices of Recognised Organisations. When requested by the Commission, the Agency will carry out initial inspections of classification societies following any new request for EU recognition. 2. On behalf of the Commission, the Agency may carry out 6-8 visits to Member States, to monitor how they fulfil their duties in accordance with Directive 94/57/EC. 3. The methodology for inspection visits will be refined.	1. 23 inspections; 22 inspection reports sent to the Commission. - One visit to a ship as part of follow-up inspection; one report sent to Commission. - No Commission requests for initial inspections of classification societies resulting from new EU recognition requests. 2. MS visits with respect to Directive 94/57/EC (now replaced by Directive 2009/15/EC) postponed to 2010. Methodology prepared. 3. Ongoing process with specific changes made in view of new Regulation (EC) No 391/2009 . 4. Other: Participation as an observer in various with ROs on the setting up of a quality assessment and certification entity as envisaged by Regulation (EC) No 391/2009.

OUTCOME

Based on the reports submitted by the Agency, the Commission is able to assess and as a result take policy decisions and/or request corrective measures of Recognised Organisations or the responsible Member State, in order to improve the overall quality of the certification work undertaken by those companies.

3.2 SYSTEMS FOR MARITIME EDUCATION, TRAINING AND CERTIFICATION OF SEAFARERS

Financial and Human Resources	Planned Input	Actual Input
Commitment appropriations in EUR	1,492,927	1,846,056
Payment appropriations in EUR	1,601,713	1,654,250
Staff	6 AD, 2 AST, 2 END, 1 CA	6 AD, 1 AST, 1 END, 1 CA

OUTCOME

Based on the reports submitted by the Agency, the European Commission was able to take policy decisions and/or request corrective measures of third countries and Member States, in order to improve the correctness of the certification and overall quality of seafarers in line with respectively the STCW Convention or Directive 2008/106/EC (revoking Directive 2001/25/EC) respectively.

Objectives	Output
1. 6-8 visits to third countries. 2. 4-6 visits to EU Member States. 3. Developing and testing the STCW Information System (STCW-IS).	1. Six inspection visits to third countries; three inspection reports sent to Commission. Consolidated third country findings also submitted to the Commission. 2. Four inspection visits to MS; seven reports sent to Commission. 3. Functional prototype of STCW-IS delivered in December 2009 following contract award in September 2009. 4. Other: - Technical participation and contributions to assist Commission and MS IMO review of STCW Convention. - Workshop for MS on Training Capacities including presentation of reports on Training capacities and on Computer based assessment related to seafarer licenses.

3.3 IMPLEMENTATION OF PSC DIRECTIVES IN MEMBER STATES

Financial and Human Resources	Planned Input	Actual Input
Commitment appropriations in EUR	518,820	411,461
Payment appropriations in EUR	558,379	345,303
Staff	2 AD, 1 END, 1 CA	1 AD, 1 END, 1 CA

OUTCOME

Provided information to the Commission on the implementation of the PSC Directive 95/21/EC by Member States, enabling the Commission to assess Member States' compliance with the legislation and undertake follow-up actions where necessary. This information was provided to the EFTA Surveillance Authority in respect of the visits to Iceland and Norway.

Objectives	Output
1. Upon request by the Commission, follow-up visits in Member States. 2. Upon request of the EFTA Surveillance Authority, visits to Iceland and Norway.	1. Five visits to Member States; five reports sent to the Commission. 2. Full initial visits to Iceland and Norway. 3. Other: Feedback into Port State control training under activity 4.1.

3.4 MARITIME SECURITY

Financial and Human Resources	Planned Input	Actual Input
Commitment appropriations in EUR	757,666	650,914
Payment appropriations in EUR	807,114	594,141
Staff	4 AD, 1 AST	3 AD, 1 AST

OUTCOME

Provide advice to the Commission and the EFTA Surveillance Authority based on the outcome of the security inspections enabling them to assess the effectiveness of Member States' implementation of the relevant maritime security legislation.

Objectives	Output
1. Upon request of the Commission, 30 visits to EU Member States. 2. Development of a methodology for inspections with EFTA Surveillance Authority. 3. Upon request of the EFTA Surveillance Authority, assistance to inspections to Norway and Iceland.	1. 53 ship inspections; 54 inspection reports sent to the Commission. 2. Standard methodology prepared and submitted to the EFTA Surveillance Authority. 3. Assistance provided to the EFTA Surveillance Authority for seven inspections; seven inspection reports sent to the EFTA Surveillance Authority. 4. Two training sessions for Maritime Administrations on their responsibilities with regard to ship security.

3.5 MONITORING OF THE IMPLEMENTATION OF OTHER EU MARITIME LEGISLATION

Financial and Human Resources	Planned Input	Actual Input
Commitment appropriations in EUR	1,332,232	1,101,703
Payment appropriations in EUR	1,401,459	1,023,987
Staff	6 AD, 1 AST	5 AD, 2 AST

OUTCOME

Provide advice to enable the Commission and the EFTA surveillance Authority to assess and verify the implementation of EU maritime legislation. The final aim is to assess and improve the level of maritime safety and the prevention of pollution by ships in the Community.

Objectives	Output
1. 7 visits to EU Member States for Directive 2000/59/EC on Port Reception Facilities. 2. Following adoption of the methodology for the visits, 7 visits to EU Member States for Directive 2002/59/EC on Vessel Traffic Monitoring. 3. Participation as an observer in the voluntary flag audit scheme carried out by IMO in EU Member States. 4. Upon request of the Commission, assistance to verify the implementation of any other EU legislative acts in the field of maritime safety or ship-sourced pollution.	1. Seven inspection visits to MS; seven reports sent to the Commission. 2. The methodology was finalised and inspection visits began in March 2009 resulting in six inspection visits and three reports to the Commission. 3. No requests. 4. No requests.

4.1 PORT STATE CONTROL

Financial and Human Resources	Planned Input	Actual Input
Commitment appropriations in EUR	1,565,482	1,413,141
Payment appropriations in EUR	1,601,710	1,268,454
Staff	4 AD, 1 AST, 2 END	4 AD, 1 AST, 1 END

OUTCOME

The Agency is contributing to setting-up the new Port State Control system in line with the recast Directive, introducing a new inspection regime based upon a new information system.

The Agency is working towards harmonising Port State Control in and by Member States, by developing and organising common training and common PSC tools. This will contribute to a more harmonized level of PSC in the European Union, establishing a more unified level of maritime safety.

Objectives	Output
1. Development of harmonized training tools for Port State Control Officers.	1. Main contribution to ongoing update of Distance Learning Project no. 2 on Paris MoU procedures.
2. Providing training: New Entrants Seminars and Refresher Seminars.	2. 194 individuals trained in 4 sessions of 1 week each.
3. Project management for the development and delivery of the Distance Learning Project Nr. 3.	3. Definition of specifications and content for ongoing development of 13 e-learning modules.
4. Focal point of 'Rulecheck'.	4. Annual update delivered.
5. Keeping up-to-date official list of banned vessels.	5. Lists published on the Agency's website and Equasis are updated immediately after reception of relevant information.
6. Providing statistics upon request.	6. Targeted statistics provided to MS and to the Commission on request.
7. Participation in certain meetings of the Paris MoU on behalf of the Commission.	7. Participated in all formal meetings on the Paris MoU where one or more MS were present.
	8. Drafting and technical support to Commission: four Implementing Rules for the new Directive, Paris MoU operational procedures, new Paris MoU text.

4.2 ACCIDENT INVESTIGATION

Financial and Human Resources	Planned Input	Actual Input
Commitment appropriations in EUR	703,474	713,322
Payment appropriations in EUR	553,143	847,992
Staff	2 AD, 1 END	2 AD, 1 END

OUTCOME

Activities are aimed at further developing the accident investigation capabilities of Member States and the ability to collect and compare investigation data at EU level

Objectives	Output
1. Running the accident investigation database (EMCIP). 2. Consulting Member States' experts within the framework of the Consultative Technical Group. 3. Development of common methodology and guidelines for investigation. 4. Supporting Member States with processing VDR information. 5. Develop training activities.	1. The full version of the European Casualty Information Platform (EMCIP) database went live. 2. CTG intersessional consultation; organisation and facilitation of CTG meeting on, inter alia, the Rules of Procedure for the setting up of a Permanent Co-operation Framework as per Article 10 of Dir 2009/18. 3. Facilitated development of a common methodology that was proposed to the CTG; supported the completion of a draft set of guidelines by the CTG CMAI and proposed alternatives for disseminating the guidelines following their rejection by the European Institutions as support for Directive 2009/18. 4. Maintenance of the VDR resource; third VDR processing training seminar provided. 5. EMCIP training sessions, various types: Familiarisation, User Administrators, Investigators, Accident Investigation Awareness. Study on needs and options for a European Training Framework for Accident Investigation.

4.3 TECHNICAL ASSISTANCE (TRAINING AND COOPERATION)

Financial and Human Resources	Planned Input	Actual Input
Commitment appropriations in EUR	1,036,008	962,854
Payment appropriations in EUR	1,075,566	815,467
Staff	2 AD, 1 AST, 1 END	2 AD, 1 AST

OUTCOME

To promote best practices between EU Member States and increase knowledge and awareness of solutions found, benefiting maritime safety, security and prevention of and response to marine pollution by ships.

To support the process of approximation to EU maritime safety acquis for candidate and potential candidates.

Objectives	Output
1. Up to 10 training sessions and workshops for Member States. 2. Training/Technical assistance for officials from Croatia, Turkey and the Western Balkans related to EU-legislation and EMSA activities. 3. Support the Commission in implementing the SAFEMED II Project.	1. 15 training activities delivered to Member States, 256 trained (2 newcomers on EU maritime legislation, 2 ship security, 2 ISM auditors, 1 marine equipment, 1 sulphur content of marine fuels, 2 training and certification of seafarers, 2 marine accident investigators, 1 safety of ropax vessels, 1 expert visit for newcomers Poland +Sweden, 1 CNTA workshop). 2. 10 training activities delivered to candidate and potential candidate countries, 186 trained (1 ISPS Code, 1 marine equipment, 1 ISM auditors, 1 EU environmental legislation, 1 safety of ropax vessels, 1 newcomers on EU maritime legislation, 1 human element , 1 info-day Montenegro, 2 expert visits to Turkey PSC and place of refuge). Report on peer review exercise on implementation of Maritime Safety in Croatia. 3. Technical assistance to Commission: project Advisory Committee, training agenda, nomination of experts and awareness seminars (Morocco, Algeria, and Tunisia - 66 officers).

4.4 MARINE EQUIPMENT AND SHIP SAFETY STANDARDS

Financial and Human Resources	Planned Input	Actual Input
Commitment appropriations in EUR	914,132	1,360,518
Payment appropriations in EUR	953,691	1,176,898
Staff	4 AD	5 AD

OUTCOME

The Agency contributes to the safety of marine equipment and the functioning of the internal market by assessing safety problems and/or market distortions. Member States are supported with monitoring the work of the Notified Bodies certifying marine equipment.

Objectives	Output
1. Monitoring of the work at IMO in the field of Ship Safety Standards and technical support to the Commission. 2. Technical support regarding passenger ship stability. 3. Assistance to the update of Directive 2009/45/EC (ex-98/18/) on safety rules and standards for passenger ships. 4. Assistance in the update of the technical annexes of the Marine Equipment Directive (yearly basis). 5. Examination of submissions under article 13 of the Marine Equipment Directive. 6. Update of the MARED database. 7. Management of the alert system foreseen by the MRA signed between EU and USA.	1. Technical reports, evaluations and submissions on i.a. fishing vessel safety, ISM, Goal Based Standards, Arctic Navigation etc. 2. Study on damage stability of ropax vessels; second study to consolidate findings and propose remedies commissioned. 3. No further activity due to delayed approval of latest update. 4. MED Annex A amendments (5th: published; 6th: submitted). 5. Technical and scientific advice for resolution, litigation and/or rapid action resulting from safeguard clause in order to prevent safety breaches and product certification controversies. 6. Ensured MARED operability, accessibility and updates and supported Notified Bodies sub-group within MARED, which submitted 36 Draft Recommendations to COSS. 7. Continued managing system but no alerts received in 2009.

4.5 MARITIME INFORMATION, EQUASIS AND STATISTICS

OUTCOME

Financial and Human Resources	Planned Input	Actual Input
Commitment appropriations in EUR	1,327,354	1,051,348
Payment appropriations in EUR	1,376,802	1,006,763
Staff	2 AD, 1 AST, 1 END, 1 CA	2 AD, 1 AST

Ensure the provision, and availability of reliable up-to-date data for use in assisting the agency with its roles of monitoring the implementation of EU legislation.

Objectives	Output
1. Take responsibility for Hosting the management unit of EQUASIS.	1. EQUASIS management unit hosted at EMSA since January 2009.

1. Take responsibility for Hosting the management unit of EQUASIS.

2. Enhance and use the MARINFO database.

3. Extend the use of the MARINFO database allowing access to the data by other EMSA Systems.

4. Provide agency assistance concerning the provision of mission support information and statistical information.

5. Publication of the third annual statistical report on the world merchant fleet in EQUASIS.

1. EQUASIS management unit hosted at EMSA since January 2009.

2. Data uploading improved; MARINFO is the primary source for answering the Sector's helpdesk questions.

3. MARINFO is accessible to other EMSA users and is used regularly to crosscheck information from other sources.

4.

- Agency-wide statistics helpdesk service established;

- Monitoring and follow-up of helpdesk requests enhanced;

- Over 50 requests requiring data extraction, processing and analysis were fulfilled, in addition to regular support work.

- Pre-mission data, ad hoc studies and monitoring of implementation of PSC Directive based on weekly data download from the SIRENAC PSC database provided to Port State control team; methodology for pre-mission surveys for RO inspections developed; in-house reports on transport of dangerous goods (Hazmat notifications) and casualties (maritime accident statistics).

5. Incomplete due to departure of 2 out of the 3 assigned staff members. Work expected to resume and be concluded in 2010.

4.6 PREVENTION OF POLLUTION BY SHIPS

Financial and Human Resources	Planned Input	Actual Input
Commitment appropriations in EUR	1,717,736	1,163,964
Payment appropriations in EUR	1,806,742	1,160,727
Staff	7 AD, 1 END, 1 CA	6 AD, 1 CA

OUTCOME

Contributions are made to better tackle the problem of ship-sourced pollution by providing information on the implementation of EU legislation at national level and with technical advice concerning possible improvements. The Agency assists the Commission in the work of the International Maritime Organisation on these issues.

Objectives	Output

Objectives

1. Port reception facilities

- Preparing reports for the Commission on various technical aspects of Directive 2000/59/EC.

- Drafting a report with specific suggestions in the context of the wider review of the Directive.

- Analysing international instruments aiming to clarify legal and technical aspects for the delivery and reception of ship-generated waste and cargo residues, including a close monitoring of on-going IMO discussions.

2. Anti-fouling systems

- Drafting a report to identify main findings and difficulties and suggestions for possible corrective actions.

- Providing technical assistance to Member States for the enforcement of the Regulation.

3. Air emissions

- Providing technical assistance to the Commission in the field of air emissions in the context of the MARPOL Annex VI revision and in the field of green house gases and on the implementation of Directive 2005/33/EC by Member States.

- Providing reports on the implementation of Directive 2005/33/EC.

4. Ship recycling

- Assisting the Commission in developing an EU wide strategy for ship dismantling

- Assisting the Commission with negotiations at IMO on the Convention on Ship Recycling

- If requested, assisting in developing a scheme for the certification of ship recycling facilities

5. Ballast water

- Contributing to the implementation of the International Convention and identifying possible actions to ensure consistency between regional approaches in Europe.

Output

1. Port reception facilities

- Information on development of standardisation and certification scheme and on follow-up actions to PRF visit reports.

- Submissions for and monitoring of IMO inter-sessional groups and discussions: MARPOL Annex V, PRF Issues, ISO, FSI 17, BLG 13 and MEPC 59. "Guide for Good Practice of PRF Providers and Users" published by IMO.

2. Anti-fouling systems

- Report on the implementation of Regulation (EC) 782/2003 distributed to Member States by Commission to prepare potential follow-up actions.

3. Air emissions

- Study on sulphur content of marine fuels communicated to the Commission; pilot project in cooperation with the French Authorities, to explore potential role of EMSA in sampling of ships and fuel suppliers to verify the implementation of Directive 2005/33/EC.

- Advice to Commission on: IMO work, risk assessment and safe implementation of 0,1% sulphur content requirement, review of the Directive and transposition of MARPOL Annex VI, assessment of policy options for reducing GHG emissions through market based measures.

- Technical study on the Energy Efficiency Design Index (EEDI).

- GHG: 2 workshops and 1 focus group on voluntary measures.

- Reports on: Sulphur content in fuels delivered in EU ports (in 2008); LNG propelled ships; Potential role of vessel traffic monitoring tools in reducing GHG emissions from ships; Safety implications of the imminent sulphur requirements for ships at berth in EU ports.

4. Ship recycling

- Technical advice and support for: Impact Assessment of the EU strategy; support at IMO Diplomatic Conference on Ship Recycling where the Hong Kong Convention was adopted, during MEPC 59; IMO ship recycling workshop in Turkey.

- Provided ship recycling statistics.

- Coordinated the EC submission to the IMO CG on ship recycling, in preparation of MEPC 60.

5. Ballast water

- Technical advice and support to Commission for work at IMO level.

- Monitoring and participating in the work of IMO, the Regional Seas organizations and North Sea Ballast Water Opportunity project.

- Assistance to MS in preparing for implementation of the BWC e.g. on relationship between the IMO BWM Convention and the Biocides Directive; GESAMP approval; and exemptions.

- EMSA's Ballast Water Action Programme.

4.6 PREVENTION OF POLLUTION BY SHIPS *CONTINUED*

6. Horizontal	6. Horizontal
- Assessing the need for further consistency in the way EU obligations which do not have a counterpart in the international conventions are enforced in EU ports.	Ongoing work to identify enforcement gaps and draft targeted technical guidelines to bridge them.

4.7 LIABILITY AND COMPENSATION

OUTCOME

Financial and Human Resources	Planned Input	Actual Input
Commitment appropriations in EUR	159,783	155,592
Payment appropriations in EUR	169,673	149,270
Staff	1 AD	1 AD

The Agency contributes to a better regulatory system regarding liability and compensation related to pollution caused by ships.

Objectives	Output
1. Support the Commission in preparing for and at discussions at IMO regarding liability and compensation issues. 2. Support Member States upon request with the ratification and implementation of international conventions and relevant EU legal instruments in this field. 3. Support Member State in developing a common understanding of issues related to claims management.	1. Monitoring work of IMO Legal Committee and IOPC Fund and supporting and/or representing the Commission at their meetings. 2. Ongoing support to Member States on request. 3. Support to Consultative Technical Group meetings under EMSA's Pollution Preparedness and Response unit and to drafting of claims management guidelines.

5.1 STAND-BY OIL SPILL RESPONSE VESSEL NETWORK

OUTCOME

Financial and Human Resources	Planned Input	Actual Input
Commitment appropriations in EUR	13,335,430	15,496,340
Payment appropriations in EUR	16,363,430	15,311,740
Staff	8 AD, 2 AST, 1 END, 1 CA	8 AD, 2 AST, 1 CA

The system of stand-by oil response vessels and its proper functioning is aimed to offer top-up oil pollution response capabilities to EU Member States to better protect the coasts of EU Member States, as defined by the EMSA Founding Regulation as amended and the Action Plan for Pollution Preparedness and Response.

Objectives	Output
1. Strengthening the Network, organising a tender for an stand-by oil recovery arrangement. 2. Renewing or replacing the stand-by oil recovery contracts of 2006 for an additional period of 3 years. 3. Organising the participation of EMSA contracted oil recovery vessels in regional and/or national at-sea response exercises. 4. Supervising vessel and equipment maintenance as well as crew capacity to undertake contracted services. 5. Providing expertise to MS or COM in case of an accident.	1. Action Plan updated, 2 new arrangements contracted (Atlantic and Channel + Northern Baltic Sea) 2. Renewal of existing arrangements of 2006: FALZON (Santa Maria) and LAMOR (Galp Marine) 3. Participation in 8 International exercises and regular internal notification (alert) exercises 4. 47 drills, including acceptance tests of new vessels ; Completion of Preparation Phase of 4 vessels contracted in 2008, and of 2 replacement vessels in the Baltic arrangement 5. 1 incident was dealt with in 2009 requiring the deployment of EMSA pollution response vessels and images from CleanSeaNet

5.2 CLEANSEANET AND ILLEGAL DISCHARGES

Financial and Human Resources	Planned Input	Actual Input
Commitment appropriations in EUR	7,607,681	5,990,083
Payment appropriations in EUR	7,951,681	4,798,569
Staff	7 AD, 2 AST	8 AD, 1 AST

OUTCOME

The Agency is providing technical support to Member States in the field of tracing and tracking illegal discharges and polluters by its CleanSeaNet service. This service provides a sustainable and extensive basis on which Member States can extend their activities targeting illegal discharges in European waters.

Objectives	Output
1. Provide CleanSeaNet satellite images and alerts to EU Member States on a regular basis for the monitoring of seas and detection of illegal discharges.	1. The CSN delivered 2113 SAR images during 2009 at the required level of quality. A total of 2107 alerts were sent to Member States for possible oil spills detected within the images.
2. Provide assistance to EU Member States in case of accidental spills.	2. CSN has promptly answered all Member States' emergency requests and has provided valuable information for tracking of accidental spills.
3. Provide assistance upon request to EU Member States in setting-up a response chain targeting illegal discharges.	3. Assistance was provided during the dedicated surveillance operations organised by Member States and the Regional Agreements organisations (2 SuperCEPCO operations, one in Baltic Sea and one in Mediterranean Sea).
4. Enhance the CleanSeaNet service with vessel traffic information, models and oceanographic information.	4. AIS data ingestion and oil spill tracking models were provided to CSN users as part of the service products.
5. Provide training to EU Member States on CleanSeaNet.	5. Training was provided for 33 CSN duty officers from all MS.
6. Develop an implementation plan for service continuation from 2010 onwards.	6. Tender for continuation of CSN services over the expiring date of 2010 was launched in 2009 and contract for setting-up the new platform (CSN2) was sign in November 2009.
7. Organise regular meetings of the EMSA Satellite Monitoring User Group.	7. Two Users Group meetings were organised in 2009 to collect user feedback, requirements and to agree further developments and procedures.

5.3 HNS OPERATIONAL SUPPORT

Financial and Human Resources	Planned Input	Actual Input
Commitment appropriations in EUR	729,060	408,028
Payment appropriations in EUR	729,060	379,827
Staff	3 AD	2 AD, 1 CA

OUTCOME

The Agency aims to disclose as much as possible relevant information regarding chemicals and its treatment in the environment in order to assist Member States dealing with spills involving hazardous and noxious substances.

Objectives	Output
1. Establish and maintain a network of specialised chemical experts (MAR-ICE Service).	1. MAR-ICE Network operational since January 2009; monitoring of first year of service shows successful use by MS for exercises; brochures developed and distributed to the MS.
2. Develop operational manuals and information support systems.	2. Review of existing studies on HNS maritime transport; pilot study analysing HAZMAT notifications on request from a MS.
3. Develop an evaluation study and launch a pilot project on the technical requirements for a "safe platform" to enter an incident "hot-zone".	3. TOR for "Safe Platform" study presented to and approved by MS experts at the 4th CTG MPPR.

5.4 CO-OPERATION AND COORDINATION RELATING TO POLLUTION PREPAREDNESS & RESPONSE

Financial and Human Resources	Planned Input	Actual Input
Commitment appropriations in EUR	1,259,164	757,554
Payment appropriations in EUR	1,347,164	719,696
Staff	3 AD, 1 AST	3 AD, 1 AST

OUTCOME

Activities of the Agency in this field are aimed at supporting the preparedness structures and response capabilities of Member States to marine pollution incidents, as well as to disseminate best practice and exchange information between Member States, their Regional Agreements and other relevant international bodies.

Objectives	Output
1. Support of exercises and activities of Regional Agreements where possible. 2. Coordinating activities with Regional Agreements. 3. Contribution and participation on behalf of the Commission at the IMO OPRC/HNS Technical Group 4. Developing and implementing a rolling programme with Member States experts in the context of the Consultative Technical Group for Marine Pollution Preparedness and Response (CTG MPPR). 5. Developing and updating information, inventories and decision making support tools.	1. - EMSA vessels participated in international at-sea exercises organised by the Regional Agreements, such as Balex Delta and Rodelta. - CleanSeaNet supported 2 SuperCEPCO operations (Coordinated Extended Pollution Control Operation), one in the Baltic Sea and one in the Mediterranean Sea. 2. - 5th Inter-Secretariat meeting between Regional Agreements, DG Environment and EMSA held in Lisbon. - Part of Community delegation at the relevant meetings of the Regional Agreements (e.g. HELCOM Response) 3. Part of Commission delegation and presented paper on the MAR-ICE Network at the 9th OPRC/HNS Technical Meeting 4. 4th CTG MPPR meeting held in Lisbon and following CTG MPPR projects undertaken: - Joint DG Environment-EMSA Workshop on "coordinated at-sea and shoreline pollution response". - Completed the inventory of all the main pollution response training centres around Europe, for both oil and chemical spills. - Coordinated the EMPOLLEX Programme (EMSA Marine Pollution Expert Exchange Programme), incl. expert exchanges. - Hosted a workshop to finalising the "EU States Guidelines on Claims Management". 5. - Updated the EMSA Operational Manual on the Applicability of Oil Spill Dispersants, by developing DUET (Dispersant Usage Evaluation Tool), a tool to support contingency planning regarding the use of dispersants. Training on DUET's functionalities provided to MS. - Set up a Technical Correspondence Group (TCG Dispersants) to define steps towards a more harmonised approach for dispersant testing and approval procedures in the EU. - Published the revised "Inventory of EU Member States Oil Pollution Response Vessels". - Developed an "Inventory of R&D projects relevant to marine pollution preparedness, detection and response". - Member of the INTERSPILL Steering Committee; contributed to the organisation of and participated in the 2009 INTERSPILL Conference and Exhibition.

6.1, 6.2, 6.3, 6.4 OVERHEAD/HORIZONTAL TASKS

Human Resources*	Planned Input	Actual Input
Management team/ Bureau of the Executive Director**	13 AD, 6 AST and 5 CA	13 AD, 5 AST, 2 CA
Human resources:	1 AD, 10 AST and 2 CA	1 AD, 9 AST, 1 CA
Legal and financial affairs:	5 AD, 4 AST and 2 CA	4 AD, 4 AST, 2 CA
Operations Support (ICT, facilities and logistics):	5 AD, 11 AST and 8 CA	4 AD, 11 AST, 7 CA

OUTCOME

The functions mentioned should further structure and facilitate the working practices and projects of the Agency to enable staff with the allocated resources to work towards meeting the objectives in an efficient and cost-effective manner in line with the Financial and Staff Regulations.

Objectives	Output

1. Management team/Bureau of the Executive Director
- Work programme
- Action Plan for Pollution Preparedness and Response
- Strategy document.
- Annual report and accounts.
- Multi Annual Staff Policy Plan.
- Preparation of meetings of the Administrative Board, decisions, minutes.
- Regular monitoring of ongoing projects.

2. Human resources
- Management of the establishment plan (new recruits, turnover, etc.).
- Administration and Management of the payroll.
- Development and Implementation of a traineeship policy.
- Implementation of rights and obligations arising from the Staff Regulations.
- Further development of training policy (in particular regarding implementation of individual Training Plans).
- Introduction of electronic HR tools.
- Implementation and improvement of existing HR policies related to career development.

3. Legal and financial affairs
- Verification of commitment and payments files.
- Organising and executing transfers.
- Budget preparation and follow-up.
- Providing budget overviews.
- Advising on and verifying contracts and procurement procedures.
- Providing legal advice to the Executive Director and the units.

4. Operations support (ICT, facilities and logistics)
- Building a state-of-the-art Data Centre to host maritime applications.
- Providing advanced business continuity and ICT security services.
- Providing 24/7 hosting of maritime applications.
- Providing advanced ICT services to staff.
- Managing facilities and support services of the Agency.

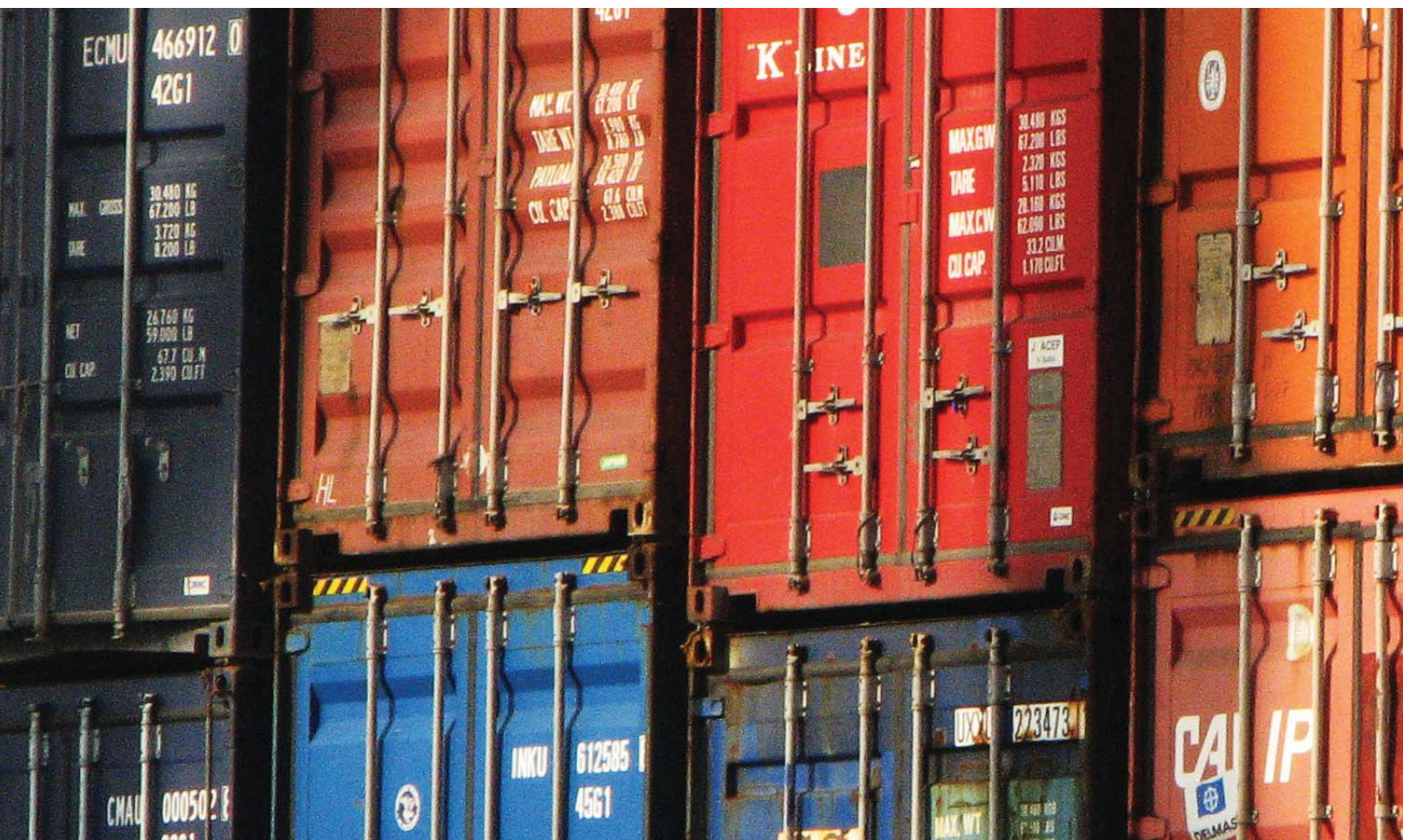*Financial resources not applicable here as already distributed across the activities.*
*** Includes the Executive Director and his staff, Heads of Department and their staff, Heads of Horizontal Units and the accountancy function.*

6.5 EXTERNAL COMMUNICATION, PROTOCOL AND EVENTS SUPPORT

Financial and Human Resources	Planned Input	Actual Input
Commitment appropriations in EUR	1,367,424	1,487,213
Payment appropriations in EUR	1,456,430	1,331,142
Staff	4 AD, 3 AST, 2 CA	4 AD, 4 AST, 2 CA

OUTCOME

Activities should aim at giving public and interested parties objective, reliable and easily understandable information with regard to the Agency's work (Reg. 1406/2002/EC, Art. 4.2).

Objectives	Output
1. Preparing regular publications and completing/updating brochures and leaflets. 2. Creating/updating electronic information tools (e.g. website and videos). 3. Presenting at meetings, exhibitions and conferences. 4. Dealing with protocol related issues. 5. Supporting the organisation of events/meetings in the Agency.	1. - EMSA Work Programme 2009 and EMSA Annual Report 2008. - 12 monthly newsletters and 1 special inauguration issue. - EU Maritime Accident Review 2008. - General Brochure about EMSA in 21 languages. - MAR-ICE leaflet and photocopiable on-board reporting form/instruction leaflet. - EU LRIT Data Centre leaflet. - Oil pollution response communication materials: 1 leaflet, 13 vessel information sheets and 1 information folder. - 2 quarterly training and cooperation newsletters . 2. - Finalisation of EMSA general video project begun during 2008. - Oil spill response services DVD/video. - Continuous updates to the EMSA websites and extranet. 3. - Segurex conference in Lisbon (March 2009). - Interspill conference in Marseille. - Coastguard event in Genoa (May 2009). - Attendance at World Fishing Exhibition, Vigo (September 2009). 4. Ongoing management of the existing Protocol in particular regarding taxation issues. 5. 88 meetings (incl. training, workshops, working groups, hosting and Admin Board) for 2264 participants.

EMSA

European Maritime Safety Agency
Annexes to Annual Report 2009

ANNEX 1: IMPLEMENTATION OF THE BUDGET FOR FINANCIAL YEAR 2009

REVENUE			EXPENDITURE									
				Final budget appropriations for the financial year					Appropriations carried over from the previous financial year		
Origin of revenue	Revenue entered in the final budget for the financial year	Revenue received	Allocation of expenditure	entered	committed	paid	carried over	cancelled	entered	paid	cancelled
Community subsidies	53,300	50,345	Title I Staff (NDA)	18,510	16,672	16,426	239	1,845	507	209	298
			Title II Administration (NDA)	4,091	3,883	2,534	1349	208	2,798	2,718	80
Other income		778	Title III CA Operating activities (DA)	26,477	25,136	0	426	915	44	44	0
			Title III PA Operating activities (DA)	31,418	0	24,280	467	6,671	44	44	0
Total	53,300	51,123	Total CA	49,078	45,691	0	2,014	2,968	3,349	2,971	378
			Total PA	54,019	0	43,240	2,055	8,724			

NDA: non-differentiated appropriations (commitment appropriations equal payment appropriations).

DA: differentiated appropriations (commitment and payment appropriations may differ).

CA: commitment appropriations in a system of differentiated appropriations.

PA: payment appropriations in a system of differentiated appropriations.

Carried over appropriations for the financial year linked to Title III are exclusively for re-used income (EUR 1.604,10) and assigned revenues/PHARE (CA 426.310,95 EUR – PA 467.187,81 EUR).

Revenue collected and payments are estimated on a cash basis.

Annex 1, 2 and 3 are summaries of data provided by the Agency in its annual financial statement.

ANNEX 2: ECONOMIC OUTURN ACCOUNT

	2009	2008
OPERATING REVENUE		
EU subsidies	46,612	38,473
Other subsidies	120	22
Total (a)	**46,732**	**38,495**
OPERATING EXPENDITURE		
Staff expenditure	15,265	12,335
Fixed asset related expenditure	4,133	4,571
Other administrative expenditure	2,718	5,092
Operational expenditure	18,994	8,797
Total (b)	**41,110**	**30,796**
SURPLUS /(DEFICIT) FROM OPERATING ACTIVITIES (c = a-b)	5,622	7,699
Financial operations revenue (e)	0	0
Financial operations expenditure (f)	0	0
SURPLUS /(DEFICIT) FROM NON-OPERATING ACTIVITIES (g = e-f)		
ECONOMIC RESULT FOR THE YEAR (h = c+g)	**5,622**	**7,699**

ANNEX 3: BALANCE SHEET

	2009	2008
NON-CURRENT ASSETS		
Intangible fixed assets	1,220	332
Tangible fixed assets	23,400	16,688
Long term pre-financing	1,525	
CURRENT ASSETS		
Short-term pre-financing	9,514	14,009
Short-term receivables	752	336
Cash and cash equivalents	8,278	3,610
Total assets	**44,689**	**36,975**
NON-CURRENT LIABILITIES		
LT provisions for risks and charges	128	
Other LT liabilities	77	
CURRENT LIABILITIES		
Provisions for risks and charges	31	16
Accounts payable	7,423	5,550
Total liabilities	**7,659**	**5,566**
NET ASSETS		
Accumulated surplus/deficit	31,408	23,709
Economic result for the year	5,622	7,699
Total net assets	**37,030**	**31,408**
TOTAL LIABILITIES AND NET ASSETS	**44,689**	**36,975**

The accounts in Annex 2 and 3 above are drawn up on an accrual basis and are rounded off.

ANNEX 4: INFORMATION ON NEGOTIATED PROCEDURES

The following negotiated procedures based on articles 126(1) (a) to (g), 127(1) (a) to (d) of Commission Implementing Rules of the Financial Regulation were launched in 2009:

NEGOTIATED PROCEDURES WITH PUBLICATION OF CONTRACT NOTICE ART. 127(1) (A) TO (D):	
NEG/01/2009	Service Contracts for Stand-by Oil Spill Recovery Vessel(s) - Baltic Sea and Atlantic Channel

NEGOTIATED PROCEDURES WITHOUT PUBLICATION OF CONTRACT NOTICE ART 126(1) (A) TO (G):	
NEG/03/2009	Network Infrastructure & Systems Equipment & Services
NEG/05/2009	Provision of second connectivity for Ribeira das Naus Offices (RdN)
NEG/07/2009	Fitting-out of the MSS monitoring centre
NEG/09/2009	Purchase of maritime information for Equasis
NEG/16/2009	Changes to security infrastructure arrangements in place at RdN
NEG/17/2009	SAP Licenses for LRIT
NEG/19/2009	Installation of new power line in RdN
NEG/21/2009	Purchase of historical ship and company data for Equasis
NEG/22/2009	Anti Piracy tool
NEG/23/2009	Sound proofing of offices
NEG/24/2009 A	Training with ILO
NEG/28/2009	Training for Dispersant Tool
NEG/29/2009	Provision of Software Products, related documentation, maintenance services
NEG/30/2009	Satellite monitoring service for oil spill detection and surveillance
NEG/33/2009	Additional services to STIRES
NEG/39/2009	Additional cleaning services
NEG/40/2009	Consulting services for improvements of I&B system
NEG/45/2009	Integration of ships fitted with SatPro

The table below summarizes negotiated procedures in 2008 and 2009.

TYPE OF PROCEDURE	2008	2009
NEG based on art 127 IR	2	1
NEG based on art 126 IR	5	18
Total	7	19

It should be noted that 2009 represented a rather exceptional year for the Agency. The uncertainty about the move to the new building in Ribeira das Naus characterised the first months of the year. An unexpected acceleration in the negotiations at the end of April 2009 led to the Agency's move in the second half of May 2009 with very short preparation time.

Seven negotiated procedures recorded in 2009 are linked to the move and justified by specific IT and infrastructure needs (NEG/03/2009, NEG/05/2009, NEG/07/2009, NEG/16/2009, NEG/19/2009, NEG/23/2009, NEG/39/2009).

Two other procedures (NEG/09/2009 and NEG/21/2009) are related to another specific event that occurred at the beginning of 2009 - the transfer of the Equasis management unit to EMSA – and were justified by the need to conclude contracts for the provision of statistical information and data.

In conclusion, out of the 19 negotiated procedures for 2009, 11 related to exceptional circumstances, in particular the move to the new premises and the transfer of the Equasis management unit to EMSA.

The remaining number of 8 negotiated procedures is similar to the number of negotiated procedures recorded in 2008, which may be considered an acceptable average.

ANNEX 5: INFORMATION ON A POSTERIORI COMMITMENTS

Measures have been successfully taken to progressively reduce the number of a posteriori commitments[1] occurring in the Agency.

In the past, a high number of a posteriori commitments occurred in the Agency. In order to remedy the situation a number of measures were taken from the beginning of 2008. The relevant financial actors received ad hoc training as to the relevance of budget commitments and ways to avoid a posteriori commitments. A separation between the files covering a budget commitment and files covering the related legal commitment was introduced and an additional internal verification on the latter introduced. These measures showed the desired effect as illustrated in the graph.

A residual risk that a posteriori commitments occur remains. In some cases the administrative action that constitutes entering into a legal obligation with third parties cannot be identified as such easily by an authorising officer. This is in particular the case when unilateral declarations or even actions that at face value have no contractual nature lead to a legal obligation vis-à-vis a third party. In other cases an unplanned technical downtime of the electronic system coupled with a deadline to sign a contract may lead to a mere technical commitment a posteriori. However, the Agency is confident that the number of a posteriori commitments will as a result of the measures taken remain acceptably low and concern amounts that can be considered non-material.

Number of a posteriori commitments per semester

2007 01-06	2007 07-12	2008 01-06	2008 07-12	2009 01-06	2009 07-12	2010 01-06
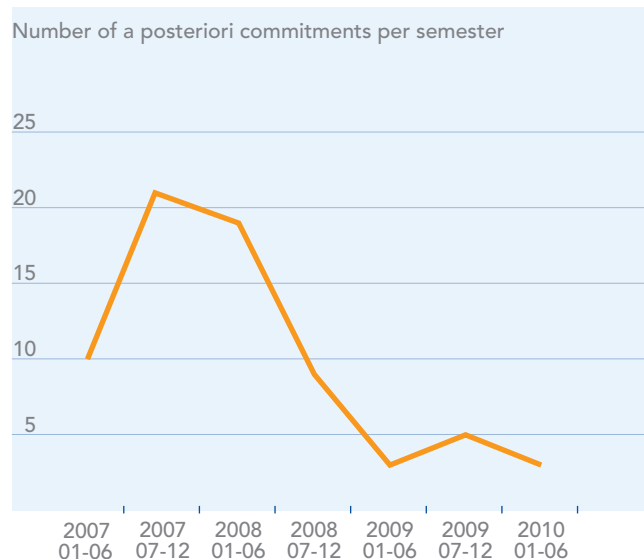
1 An a posteriori commitment is a budget commitment made after entering into a legal obligation with a third party and constitutes an infringement of the Financial Regulation. According to Art. 62 (1) of the Financial Regulation the Authorising Officer must first make a budget commitment before entering into a legal obligation with third parties. The purpose of this rule is to ensure that no legal commitment is made without ensuring in advance that the related budget means are reserved for the purpose in question. The budget commitment must be made in the electronic system ABAC to be valid and a signature of the Authorising Officer on the physical commitment file is necessary but not sufficient for the budget commitment to be valid.

ANNEX 6: INFORMATION ON COMPLIANCE WITH TIME LIMITS AND SUSPENSION OF TIME LIMITS

COMPLIANCE WITH TIME LIMITS

EMSA's compliance with time limits has improved, with a decreasing percentage of late payments from 2008 to 2009 alongside an increasing number of total payments.
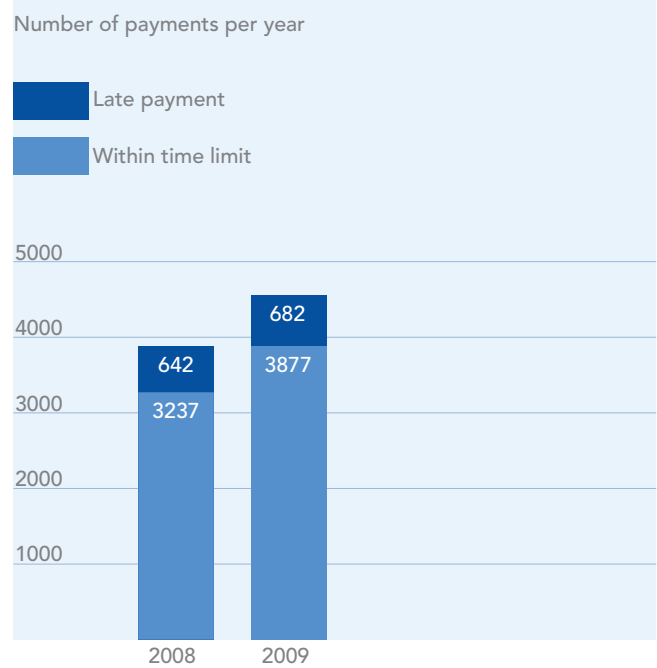
From 2008 to 2009, the number of payments carried out within the time limit increased from 83% to 85%. The total number of payments grew from 3 879 in 2008 to 4 559 in 2009, equalling a rise of 18%.
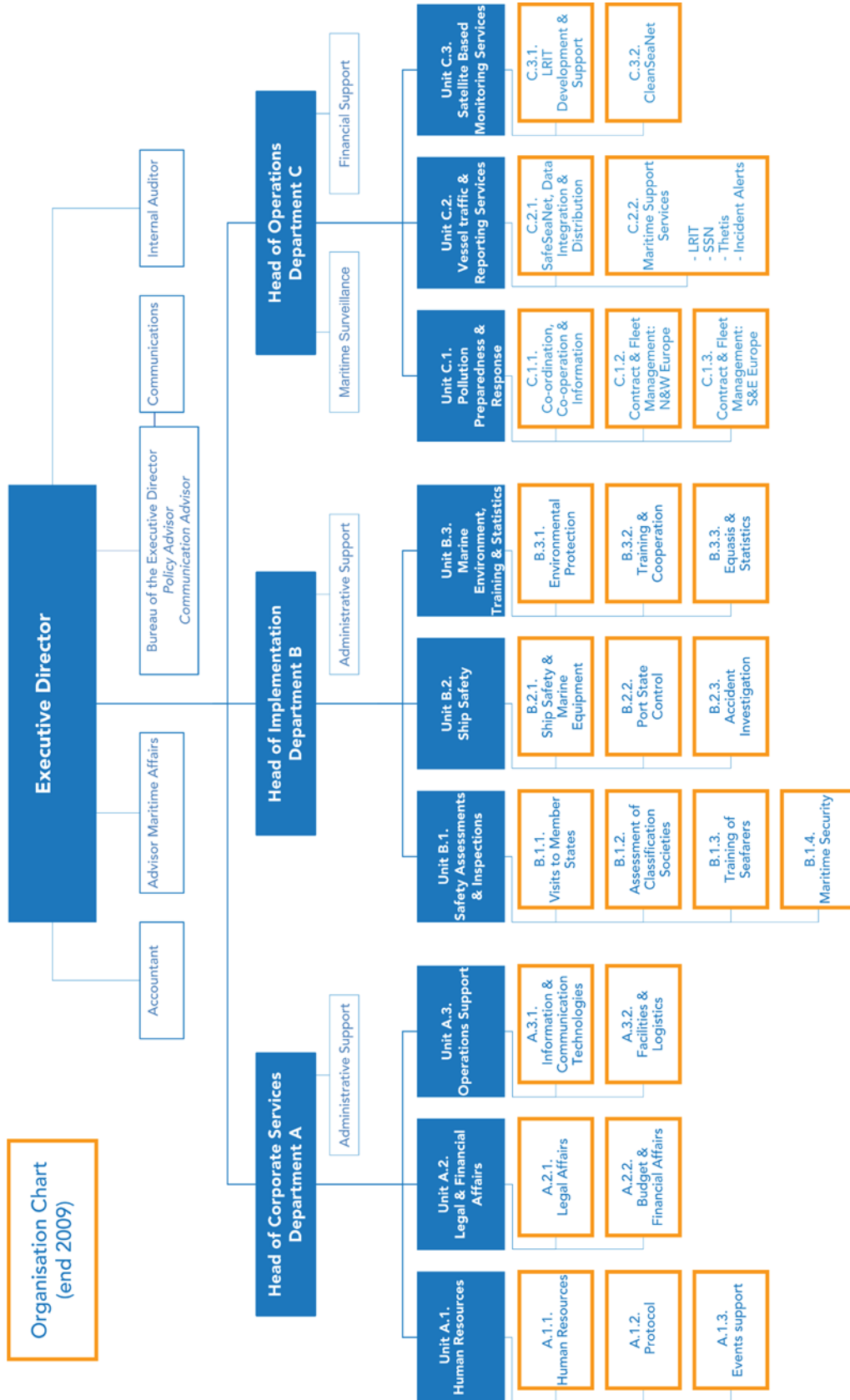
SUSPENSION OF TIME LIMITS

Following changes in the Financial Regulation, applicable since 1 January 2009, the formal suspension of time limits became necessary in order not to incur interest on late payments (in the case of interest above EUR 200).

As a result, formal suspensions, whereby the Authorising Officer informs the beneficiary in writing that payment will be late, increased considerably, from 2% in 2008 to 5% in 2009. The average suspension period in both years was 50 days.

SUSPENSIONS	2008	2009
Total Number	92	247
Average Suspension Period	50	50
Share of Payments	2%	5%

Number of payments per year

Late payment
Within time limit

	2008	2009
Late payment	642	682
Within time limit	3237	3877

ANNEX 7: ORGANISATION CHART

Organisation Chart
(end 2009)

Executive Director

Internal Auditor

Communications

Bureau of the Executive Director
Policy Advisor
Communication Advisor

Advisor Maritime Affairs

Accountant

**Head of Operations
Department C**

Financial Support

Maritime Surveillance

Unit C.3.
Satellite Based
Monitoring Services

C.3.1.
LRIT
Development &
Support

C.3.2.
CleanSeaNet

Unit C.2.
Vessel traffic &
Reporting Services

C.2.1.
SafeSeaNet, Data
Integration &
Distribution

C.2.2.
Maritime Support
Services
- LRIT
- SSN
- Thetis
- Incident Alerts

Unit C.1.
Pollution
Preparedness &
Response

C.1.1.
Co-ordination,
Co-operation &
Information

C.1.2.
Contract & Fleet
Management:
N&W Europe

C.1.3.
Contract & Fleet
Management:
S&E Europe

**Head of Implementation
Department B**

Administrative Support

Unit B.3.
Marine
Environment,
Training & Statistics

B.3.1.
Environmental
Protection

B.3.2.
Training &
Cooperation

B.3.3.
Equasis &
Statistics

Unit B.2.
Ship Safety

B.2.1.
Ship Safety &
Marine
Equipment

B.2.2.
Port State
Control

B.2.3.
Accident
Investigation

Unit B.1.
Safety Assessments
& Inspections

B.1.1.
Visits to Member
States

B.1.2.
Assessment of
Classification
Societies

B.1.3.
Training of
Seafarers

B.1.4.
Maritime Security

**Head of Corporate Services
Department A**

Administrative Support

Unit A.3.
Operations Support

A.3.1.
Information &
Communication
Technologies

A.3.2.
Facilities &
Logistics

Unit A.2.
Legal & Financial
Affairs

A.2.1.
Legal Affairs

A.2.2.
Budget &
Financial Affairs

Unit A.1.
Human Resources

A.1.1.
Human Resources

A.1.2.
Protocol

A.1.3.
Events support

ANNEX 8: DECLARATION OF THE EXECUTIVE DIRECTOR

I, the undersigned, Willem de Ruiter, Executive Director of the European Maritime Safety Agency,
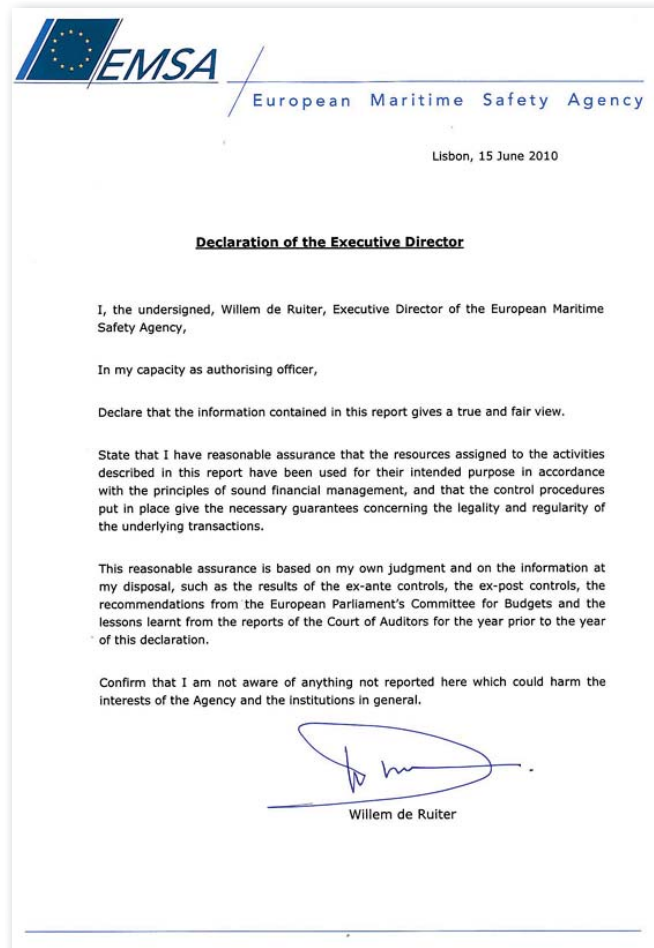
In my capacity as authorising officer,

Declare that the information contained in this report gives a true and fair view.

State that I have reasonable assurance that the resources assigned to the activities described in this report have been used for their intended purpose in accordance with the principles of sound financial management, and that the control procedures put in place give the necessary guarantees concerning the legality and regularity of the underlying transactions.

This reasonable assurance is based on my own judgment and on the information at my disposal, such as the results of the ex-ante controls, the ex-post controls, the recommendations from the European Parliament's Committee for Budgets and the lessons learnt from the reports of the Court of Auditors for the year prior to the year of this declaration.

Confirm that I am not aware of anything not reported here which could harm the interests of the Agency and the institutions in general.

Willem de Ruiter

About EMSA

The European Maritime Safety Agency is one of the European Union's decentralised agencies. Based in Lisbon, the Agency provides technical assistance and support to the European Commission and Member States in the development and implementation of EU legislation on maritime safety, pollution by ships and maritime security. It has also been given operational tasks in the field of oil pollution response, vessel monitoring and in long-range identification and tracking of vessels.

EMSA's Annual Reports

The Agency publishes each year a report of its activities for the previous year, including a summary of operations and financial annexes, plus a section detailing how activities have reflected the Work Programe for the year under review. The content of the Annual Report is approved each year by EMSA's Administrative Board. Annual reports are available for every year since the Agency was set up in 2003.

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