

43rd Meeting of the Administrative Board Lisbon, 17 and 18 November 2015

SUMMARY OF DECISIONS

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

The Chairman welcomed the newly appointed members and alternates and expressed, after the recent tragic events in Paris, deep condolences and support for France on behalf of the Administrative Board.

2. Minutes of the last meeting

The Administrative Board approved the Summary of Decisions and the Minutes of the 42nd meeting held on 1 and 2 June 2015 in Lisbon.

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

3. Adoption of the list of “A” items

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

(a) EMSA Financial Statement for 2014 – Adopted the EMSA final accounts for 2014 **taking note** of the Opinion of the European Court of Auditors.

(b) Monitoring of findings and recommendations from internal and external audits and EMSA follow up (ECA, IAS) - Took note

(c) 2015 third budget Amendment - Adopted

(d) EMSA 2015 Budget transfers - Took note

(e) EMSA Implementing Rules to the Staff Regulations

No implementing Rules were available for adoption. The Administrative Board **took note** of the information provided by the Agency on the recommendations of the Commission (DG HR) on adoption of Implementing Rules by written procedure. The next such procedure would be accompanied by a separate note including explanation on Implementing Rules in general and the role of the Administrative Board. The Administrative Board Handbook would be updated accordingly.

4. External Evaluation of the Agency

The Administrative Board discussed and adopted the proposal of the Chairman of the Administrative Board on an independent external evaluation on the implementation of Regulation (EC) 1406/2002 as amended, in accordance with its Article 22.

A High Level Steering Committee, chaired by the Chairperson of the Board, to lead the process as a whole and prepare Terms of Reference for adoption at the March 2016 meeting was nominated as follows:

Denmark, Finland, Ireland, Italy, Malta, the Netherlands, Spain and the Commission.

5. Work Programme 2016 and budget/establishment plan 2016

6. Anti-Pollution Measures

The Administrative Board **took note** of the update on relevant APM tenders and activities and related budget planning for 2016. Vessel and equipment arrangements for the Baltic Sea would be reassessed in the context of planning for 2017.

In line with article 10.2.c) of the EMSA Founding Regulation, the Administrative Board **examined and approved** one new request for technical assistance from Member States, as referred to in Article 2(3). As a consequence, Poland will join the list of Member States already receiving assistance linked to the National Single Windows, under Activity 2.1 (c) of the Work Programme 2016 (Bulgaria, Finland, Greece, Italy, Malta and Romania).

The Administrative Board **discussed and adopted** the Work Programme 2016 - subject to the availability of the Commission's formal opinion - and the associated budget (€ 55,221,879 in Commitment Appropriations and € 56,120,044 in Payment Appropriations) and establishment plan, with 202 statutory staff (AD/AST)(a decrease of 5 posts compared to 2015) 33 contract agents and 18 seconded national experts allocated to the different activities for 2016, subject to the final decision of the budgetary authority.

7. EMSA Draft Administrative arrangements

No administrative arrangements were available for consideration. The Administrative Board **took note** of:

- Information provided by the Agency on the planned agreement with the Commission (DG CLIMA) for the development of THETIS-MRV, as detailed in the relevant section of Work Programme 2016, for which a written procedure would be launched at the beginning of 2016.
- Information provided by the Agency on the planned renewal of the agreement with Frontex, as detailed in the relevant section of Work Programme 2016.
- Concerns expressed by Sweden regarding the use of written procedures, and clarifications provided by the Agency on the rules governing such procedures, the role of the Chairperson in launching them, and the importance for the Agency to address possible questions and if necessary cancel the procedures.

8. Methodology for Visits to Member States

The Administrative Board:

- **Adopted** the Methodology for Visits to Member States;
- **Took note** of the EMSA concept paper on the possible development of Member State profiles.

The e-delivery concept for making available only electronically to Member States documents originating from EMSA was welcomed as a first step and would be initiated in 2016 with the Commission offering its availability to test it, with sufficient lead time for Member States to inform relevant persons. Whilst recognising its potential, concerns were expressed on the possible second step of making the information commonly needed for visits available to EMSA on the same platform, in particular as regards the workload implied for the Member States. Written comments were encouraged in view of further discussions at the March 2016 Board meeting.

9. Draft Single Programming Document 2017-2019

The Administrative Board:

- **took note** of the new format of the Draft Single Programming Document 2017-2019, in accordance with Article 32 of the EMSA Financial Regulation and the Communication from the Commission C (2014) 9641.
- **considered** and **commented** on the Draft Single Programming Document 2017-2019, including qualitative indicators. A foot note would be added to clarify that the human resources proposed for 2017 and proposed indicatively for 2018 did not match the Commission Communication of July 2013.

No requests for assistance were put forward for examination.

Members were invited to provide written comments on the Draft SPD 2017-2019 by 8 January 2016.

The Chairperson and the Agency would consider what type of information could be provided for the March 2016 Board meeting to support a) a reflection on possible negative priorities, by way of preparation for future resource scenarios, and b) an overview of ICT governance across EMSA maritime information services.

10. Annual renewal of the mandate of the Administrative and Finance Committee

As foreseen by Article 6 of the Decision of the Administrative Board of 20 November 2012 establishing the Administrative and Finance Committee, as amended by Decision of the Administrative Board of 13 November 2013, the Administrative Board adopted a Decision renewing the mandate of the Committee and amending the same decision.

As foreseen by Article 2.3 of the same decision, the Administrative Board reappointed and appointed Members of the Committee as follows:

Reappointed	Capt. Agisilaos Anastasakos, Chairman	Greece
	Jean-Luc Le Liboux (soon to be replaced)	France
	Achim Wehrmann	Germany
	Wojciech Zdanowicz	Poland
	Pernilla Wallin	Sweden
	Lola Fadina (representing Ms Claire McAlister)	UK
Appointed	Fotis Karamitsos	EC
	Agnieszka Kazmierczak	EC

11. Adoption of the EMSA Fraud prevention and detection strategy

The Administrative Board discussed and adopted the EMSA's Fraud Prevention and Detection strategy.

12. Appraisal of the Executive Director

As foreseen by Decision 2009/11/20, the Administrative Board appointed Mr Henrik Hololei, Director General of DG MOVE and Board Member for the Commission, and Mr Achim Wehrmann, Board Member for Germany and Deputy Chairperson, as reporting officers for the annual appraisal of the Executive Director.

13. Any Other Business

(a) Workshop on fires on ro-ro ferry decks

The Administrative Board took note of the information provided by EMSA on the workshop on fires on ro-ro ferry decks that took place on 25 September 2015.

(b) CRIMARIO PROJECT

The Administrative Board took note of the information provided by Capt. Zhivko Petrov, Executive Director of the Bulgarian Maritime Administration and Bulgarian representative at the EMSA Administrative Board, on the CRIMARIO project - Critical Maritime Routes in the Indian Ocean.

Date of the next EMSA Administrative Board Meeting (March 2016) and planning for 2016.

2016 Dates	Morning	Afternoon
Wednesday 16 March		AFC
Thursday 17 March	AB	AB
Friday 18 March	AB	
Thursday 2 June	AFC	AB
Friday 3 June	AB	
Thursday 17 November <i>(to be confirmed at the March 2016 meeting)</i>	AFC	AB
Friday 18 November <i>(to be confirmed at the March 2016 meeting)</i>	AB	
AB = Administrative Board meeting AFC = Administrative and Finance Committee meeting		

MINUTES

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

The Chairman welcomed the newly appointed members and alternates and expressed, after the recent tragic events in Paris, deep condolences and support for France on behalf of the Administrative Board.

The Chairman welcomed new Members and Alternate Members:

- European Commission: Mr Henrik Hololei, Director General of DG MOVE replacing Mr Joao Machado, new Board member (not present at the meeting)
- Lithuania: Mr Robertinas Tarasevičius, Director of the Lithuanian Maritime Safety Administration, previously alternate
- Lithuania: Mindaugas Česnauskis, Head of Shipping Standards Division, Lithuanian Maritime Safety Administration, new alternate
- The Netherlands: Ms Lieske Streefkerk-Arts, Ministry of Infrastructure and Environment, replacing Ms Brigit Gijsbers as new alternate member
- United Kingdom: Ms Lola Fadina, Head of Maritime Safety and Environment Division, Department for Transport, UK, replacing Ms Claire McAllister during her maternity leave, new Board member

Absences and proxies were signalled as follows:

- Ms Florika Fink-Hooijer, EC, DG ECHO provided proxy to Ms Agnieszka Kazmierczak, Shared Resources Directorate ENER/MOVE.
- Austria was not represented at the meeting.

2. Minutes of the last meeting

The Administrative Board approved the Summary of Decisions and the Minutes of the 42nd meeting held on 1 and 2 June 2015 in Lisbon.

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

3. Adoption of the list of "A" items

The Chairman of the Administrative Board invited the Chairman of the Administrative and Finance Committee (AFC) to report on the recommendations of the Committee concerning the "A" items. Mr Agisilaos Anastasakos informed the Administrative Board that all Members with the exception of Germany had participated in the meeting (UK, France, Poland, Sweden, Greece and the Commission) and a quorum was established.

(a) EMSA Financial Statement for 2014

The Accounting Officer had presented the final accounts, with no changes with respect to those examined by the Committee at the previous meeting and for which the European Court of Auditors (ECA) had had no preliminary findings. The final opinion of the ECA was now available with no observations and stated the regularity and conformity of the accounts. The Committee had noted and commended the Agency for the fact that this was the second year in a row and the third time overall that the Agency had received no remarks.

Committee recommendation: Adoption.

Administrative Board Action: Adopted the EMSA final accounts for 2014 **taking note** of the Opinion of the European Court of Auditors.

(b) Monitoring of findings and recommendations from internal and external audits and EMSA follow up (ECA, IAS)

The Committee had examined the recommendations and findings stemming from various audit reports and evaluations covering the last two years, presented by the Internal Control Coordinator, and had noted that there were no open recommendations prior to the period covered. No recommendations had been issued regarding the 2013 accounts and the recommendations related to the Maritime Support Services audit had been closed.

Committee recommendation: Take note.

Administrative Board Action: Took note of findings and recommendations from internal and external audits and EMSA follow up (ECA, IAS)

(c) 2015 third budget Amendment

The Committee had examined the budget amendment, which was necessary due to the specificities of some sources of revenue for which funds can only be loaded once cash payment has been received by the Agency in the bank account. The amendment reflected such funds received since the second amended budget.

Committee recommendation: Adoption.

Administrative Board Action: Adopted the 2015 third budget Amendment.

(d) EMSA 2015 Budget transfers - Took note

The Committee had examined the budget transfers covering the period January 1-October 30, all of which were in line with the provisions of Article 27 of the Financial Regulation. Any further transfers in 2015 would be communicated in early 2016 in the final list of transfers.

In response to Denmark, the Agency explained that the transfer into the social measure budget line reflected the request of the Administrative Board that the Agency show the additional cost of having a social measure in place. For this purpose, the Agency needs to transfer on an annual basis the amount to which staff are entitled under the education allowance budget line into the social measure line.

Committee recommendation: Take note.

Administrative Board Action: Took note of EMSA 2015 Budget transfers

(e) EMSA Implementing Rules to the Staff Regulations

No Implementing Rules were available for adoption. The Agency informed the Committee that, in accordance with the recommendations of DG HR of the Commission, written procedures would therefore be launched as the Implementing Rules became available. In view of the Committee's earlier request, the next written procedure would be accompanied by an explanatory note.

Committee recommendation: Take note

Administrative Board Action: Took note of the information provided by the Agency on the recommendations of the Commission (DG HR) on adoption of Implementing Rules by written procedure. The next such procedure would be accompanied by a separate note including explanation on Implementing

Rules in general and the role of the Administrative Board. The Administrative Board Handbook would be updated accordingly.

4. External Evaluation of the Agency

The Chairman outlined the reasons and the timetable for the initiative. Given the evolving policy context, this important process for the future of the Agency, which would in any case have to be completed by 2018 as per the Founding Regulation, could be launched now in order to have results by end 2016 or early 2017. The approach would be similar to the previous evaluation with the appointment of a High Level Steering Committee (HLSC) to lead the process, for which Members were invited to register their interest, and the involvement of the entire Board. Funds would be earmarked from the EMSA budget 2016.

Member States welcomed the Chairman's initiative as timely and pertinent and supported the proposed approach. While the timing might need to be fine-tuned and advanced in view of policy and legislative developments with a potential bearing on the work of the Agency (Commission), the need to allow sufficient time for reflection and debate in relation to the initial Terms of Reference (TOR) but also throughout the process was stressed by many. In view of the latter the Chairman concluded that the draft TOR prepared by the HLSC would have to be ready in February, for circulation, comment and subsequent revision ready for adoption at the March meeting.

Member States having declared their interest in participating in the HLSC but already represented on the Administrative and Finance Committee agreed to stand down. For logistical and financial reasons it was agreed to maintain a relatively small HLSC provided regular, timely and substantive consultations by correspondence with the rest of the Administrative Board were conducted.

Invited to provide a first indication of matters that should be addressed in the evaluation, the following were highlighted: potential application or extension of existing tools to serve broader purposes, for example using RPAS to enhance maritime situational awareness not only for border control but also to support Coast Guard functions and developing the National Single Windows into a future Single European Window (Commission); harmonisation of rules and licensing for coastal navigation and small craft (Slovenia); IT governance and complementarity between EMSA and Member State systems and tasks in general (Netherlands); work with third countries, such as the current STCW visits, and possible unused potential for providing Member State services (Denmark).

As a general point, it was remarked that the evaluation should not be limited in terms of its outcomes to justifying already shaped desiderata (Netherlands); rather, new ideas for EMSA intervention should be based on the outcome of the evaluation (Poland). Members agreed that the 5 year Strategy should be taken into account, as a benchmark against which the Agency's achievements might be measured but also bearing in mind the considerable developments since it was adopted in 2013.

The Executive Director stressed the importance of the evaluation for assessing the Agency's past and planning its future. In relation to existing tasks, the efficiency, effectiveness and added value of the Agency for the Member States and the Commission would be judged. Areas for improvement, as well as future potential, would be identified.

The Commission recalled the general context of legislative development into which the EMSA evaluation would fit but with which it should not be confused. Efforts would be made to avoid overlap but ensure

relevance, also in terms of the evaluation standards that would have to be applied and which the Commission would share with HLSC.

The Administrative Board discussed and adopted the proposal of the Chairman concerning an independent external evaluation on the implementation of Regulation (EC) 1406/2002 as amended, in accordance with its Article 22.

The High Level Steering Committee, Chaired by the Chairperson of the Board, to lead the process as a whole and prepare Terms of Reference for adoption at the March 2016 meeting was nominated as follows: Denmark, Finland, Ireland, Italy, Malta, the Netherlands, Spain and the Commission. EMSA was tasked to provide the secretariat to the HLSC.

5. Work Programme 2016 and budget/establishment plan 2016

6. Anti-Pollution Measures

The Executive Director presented the Work Programme 2016, indicating the general legal framework for the activities developed in the programme and highlighting some key themes – safety, environment, good practices, effectiveness and efficiency, user communities and economies of scale – and the main related activities to be undertaken in 2016.

Mr Andrea Tassoni, Policy Adviser, presented the financial and human resources framework.

The Chairman of the AFC, who was invited to provide the Committee's opinion on the adoption by the Administrative Board of the Budget and Establishment Plan 2016, relayed the positive opinion of the Committee. The Committee had noted that the financial and human resources corresponded to those advanced by the Commission in the budgetary procedure, and welcomed the clarifications provided by the Agency concerning the impact of the operational aspects of APM activities on the agency's budget planning.

Anti-Pollution Measures

Anti-pollution measures for 2016 were discussed in conjunction with the update on measures in 2015.

Ahead of the usual presentation on the outcome of vessel tenders in 2015 by Dr Bernd Kröger, Member of the Board representing Industry, Mr Leendert Bal, Head of Department C "Operations", wished to thank Dr Kröger for the now ten years of dedicated support provided to the complex process of evaluating vessel tenders. His contribution to ensuring the transparency and correctness of the procedures and the quality of the bids had been unfailingly constructive and was deeply appreciated.

Dr Kröger, reporting on the outcome of the 2015 procurement, recalled that the geographical areas to be covered were identified through the analysis of cargo flows, of the concentration of offshore facilities and of regional readiness and response capacity. The expiring contracts were also taken into account. The Canary Islands and Madeira area would be covered for the first time, in view of the oil exploration activities in the area.

Whilst the Baltic area was affected overall by the termination of the South Baltic contract due to the bankruptcy of the mother company of the contractor, and the upcoming expiry of the North Baltic contract in April 2016, the Southern Baltic Sea would be particularly vulnerable due to the recent decision to pass Russian tankers through the port of Gdansk, considerably increasing vessel traffic in the Southern Baltic.

Dr Kröger also provided information on the number of applications and bids, as well as details concerning the awarded contracts, including vessel types and capacities and flash points.

Mr Bal explained the reasoning behind the response capacity arrangements in the Baltic Sea, which were related to the existing response capacities at national and regional level as well as to developments in the EMSA approach to response. While the Baltic Sea remained a high risk area for accidental pollution it was also one of the better covered areas in terms of preparedness. Given the characteristics of the regional response capacity and the relatively higher level of risk in the southern Baltic according to the BRISK report, it was concluded that an Equipment Assistance Service would provide a more appropriate level of top-up capacity for the Baltic Proper and northern Baltic for the time being. Furthermore, the contractual burden of this arrangement was lighter and would therefore contribute to the sustainability of APM activities through possible budget cuts, such as the unexpected 3 Million euro cut in payments in 2015.

Following concerns expressed by several Member States, both with the lack of vessel in the northern Baltic as well as the actual location of the newly contracted southern vessel (in Gothenburg) and the time it would take to get it to the northern Baltic (Estonia, Finland, Latvia, Lithuania), but acknowledging the leading role of HELCOM in the region and the opportunity to use a perceived gap to persuade contracting parties to contribute as much to response capacity as they do to risk (Commission), as well as the possible advantages of choosing equipment assistance service as a top-up in the context of strong regional response capacity, and given the calendar and the complexity of procuring vessels (Bal), Member States agreed with the proposed approach and would further assess the matter in the context of the annual work programme for 2017.

Mr Bal further informed the meeting of the failure of the procurement procedures for contracting aerial dispersant spraying capacity due to the small size of the market and the complex certification process for the on-board equipment. Following a question from Luxembourg about EMSA's existing stockpiles of dispersants, Mr Bal clarified that dispersants already purchased were stockpiled for vessels with spraying capability.

Request for assistance

Following Poland's official request, which was briefly presented by Poland, the Agency was ready, with the Board's agreement, to provide technical assistance related to the National Single Windows along the lines of that already provided to 6 Member States, notably Bulgaria, Finland, Greece, Italy, Malta and Romania.

THETIS-MRV

Ms Manuela Tomassini, Head of Department B "Safety and Standards", clarified for the Netherlands that access rights in the context of THETIS-MRV, the solution foreseen by the MRV Regulation to support its implementation, would be approached in the same manner as all other EMSA maritime systems, taking into consideration relevant legal requirements that will define the business rules and needs as discussed with the Commission and at the ESSF level, where all concerns were being tabled and addressed. Furthermore, the Administrative Board would be invited at the beginning of 2016 by written procedure to consider the draft agreement with the Commission, who was financing the project directly. The capability to cater for possible future international requirements would be included among the deliverables.

Frontex SLA

Mr Bal, in response to a question from Germany, explained that the Frontex SLA signed in 2013 would be up for renewal shortly and that to date the border control agency had invested around 12 million euro in this

SLA, including the contracting of 4 contract agents currently working at EMSA, towards *inter alia* the provision of satellite information to the Poseidon and Triton operations used to identify non-reporting vessels in the Mediterranean and the development of algorithms to detect unusual vessel behaviour.

Satellite AIS

Mr Bal also explained briefly to Denmark that the 2% cut had been absorbed by the satellite AIS budget item because at the time the agency expected to be able to receive the same data on the Mediterranean and the Arctic from the European Space Agency. That not being the case the agency was actively seeking other solutions to acquire this important data.

Interagency cooperation with EFCA and Frontex on coastguard functions

The Commission clarified for the United Kingdom and Germany that the cooperation project with Frontex and EFCA on coastguard functions reflected the persistent desire to find common ground at EU level with regard to these functions whilst recognizing national competency, diversity and sensitivity in the matter. The project, for which an amount of €750,000 had been reserved, would focus on exploring how the knowhow of the three highly operational agencies selected – notably related to RPAS technology and the integrated maritime picture - could support certain coastguard functions and the cooperation between national bodies to which such functions were assigned. In order to avoid any possible misunderstandings, and in view of concerns expressed by some, also in relation to the governance of any data involved (Ireland) **the word “national” would be added ahead of references to “coast guard functions” or “bodies”** to clarify that the idea was to seek possible synergies between national bodies and not (re)assess the (non)feasibility of an EU one.

RuleCheck and MaCKs

Ms Manuela Tomassini confirmed to Malta that, following their extension to supporting the implementation of the sulphur directive, some traditionally port State control tools such as RuleCheck and MaCKs were no longer limited to the authority and officers of the same name. In fact, both items had been moved to a new section in the annual programme for 2017 called Ship Inspection Support but in the meantime, for 2016, **the relevant references to port State control would be replaced by or complemented with a reference to competent authorities.**

Commission opinion

The Commission wished to highlight that its draft opinion of the Work Programme 2016 which had been made available in the meeting room was positive and was expected to be formalised.

The Administrative Board took note of the update on relevant APM tenders and activities and related budget planning for 2016. Vessel and equipment arrangements for the Baltic Sea would be reassessed in the context of planning for 2017.

In line with article 10.2.c) of the EMSA Founding Regulation, the Administrative Board examined and approved one new request for technical assistance from Poland, as referred to in Article 2(3) of the Founding Regulation.

The Administrative Board discussed and adopted the Work Programme 2016 - subject to the availability of the Commission’s formal opinion - and the associated budget (€ 55,221,879 in Commitment Appropriations and € 56,120,044 in Payment Appropriations) and establishment plan (202 statutory staff (AD/AST), a decrease of 5 posts compared to 2015, 33 contract agents and 18 seconded national experts allocated to the different activities for 2016), subject to the final decision of the budgetary authority.

7. EMSA Draft Administrative arrangements

No administrative arrangements were available for consideration.

Under this agenda item, Sweden wished to have an exchange of views on the use of written procedures particularly in the case of administrative arrangements being submitted for consideration by the Administrative Board. Recalling the written procedure launched for consulting the Administrative Board on the cooperation agreement between DG ENV and EMSA for the development of THETIS-S, Sweden had fully supported the arrangement in principle but lacked sufficient background and detail to assess it properly. In general, it would be preferable for such matters to be handled at an actual board meeting except in exceptional cases of urgency.

The Agency provided an overview of the written procedures launched over the past three years. A total of 21 had been launched, the majority serving to formalise standing administrative items such as budget amendments or the adoption of Implementing Rules to the Staff Regulations. The five procedures that had been launched concerning Administrative Arrangements had all been previously discussed during Administrative Board meetings. The cooperation agreement for THETIS-S, which was signed in August 2015, had been very urgent, given the roll-out deadline of 1 January 2016. Waiting until the November 2015 Board Meeting would have made it impossible to deliver on time. The planned agreement with DG-CLIMA for THETIS-MRV was already urgent given the delivery date of 1 January 2018 and would most likely be the subject of a written procedure in early 2016. In all cases, the substance and the tasks were discussed previously at Board meetings and Member States were involved in the details of the draft agreements as they developed in the relevant channels.

Member States recognised the need for and efficiency of written procedures (Germany, Denmark) but also wished to have an opportunity to request clarifications or make adjustments (Denmark, UK). The Agency explained that adjustments were not possible, as decisions taken by written procedure had to be accepted or rejected in their entirety, in accordance with the rules of procedure of the Administrative Board. However, the Chairman was involved in the process as written procedures were in fact launched by the Chairman and could also be cancelled if necessary by the Chairman. Furthermore, the Agency was committed to addressing any queries during a procedure.

The Administrative Board took note of:

- **Information provided by the Agency on the planned agreement with the Commission (DG CLIMA) for the development of THETIS-MRV, as detailed in the relevant section of Work Programme 2016, for which a written procedure would be launched at the beginning of 2016.**
- **Information provided by the Agency on the planned renewal of the agreement with Frontex, as detailed in the relevant section of Work Programme 2016.**
- **Concerns expressed by Sweden regarding the use of written procedures, and clarifications provided by the Agency on the rules governing such procedures, the role of the Chairperson in launching them, and the importance for the Agency to address possible questions and if necessary cancel the procedures.**

8. Methodology for Visits to Member States

Members welcomed and adopted the Methodology for Visits to Member States, and thanked the Chairman for steering the process.

Ms Manuela Tomassini described the methodology as a complete change of culture with a strong potential for very fruitful exchanges provided all actors played their part in the process, as some workshops already held in the spirit of the methodology had shown.

The concept paper on Member State profiles, requested by the Chairman at the previous Board meeting, was presented by Ms Manuela Tomassini.

The purpose of Member State profiles would be to centralise and update information of a stable and horizontal nature that is relevant for a visit, in order to avoid duplication of requests for such information and reduce the workload of Member States during the preparation of a visit. Such profiles could also become an information source on each Member States' implementation of EU law. While such profiles could offer benefits, the fact that Member States would be required to keep the profile information up to date and in any case ensure the accuracy and completeness of the information at the time of an EMSA visit, could represent overall additional work though it might reduce pressure immediately prior to visits.

The Agency's current work to develop an e-delivery tool to facilitate and streamline the distribution of documents originating from EMSA to the Member States and the Commission could be seen as a precursor of, and used later as a platform for possible Member State profiles. This one-way e-delivery tool, which would be developed in house and implemented with ease, could be launched as a first phase, allowing Member States to reflect on the possible added value but also added effort of a more dynamic tool in a second phase.

Members welcomed the proposal on the e-delivery tool and the information on the pros and cons of Member State profiles. While concerns were expressed on several levels regarding the profiles, and shared by most Member States, from the burden of keeping the information updated (Denmark, Spain) and identifying a focal point for carrying that burden (UK), to confidentiality issues related to certain types of information relevant to visits (Greece, Commission) and possible duplication with other centralised information exchange channels between the Member States and the Commission (Malta), the potential of the profiles was also recognised, not only as presented but also taken further to cover the full range of communication and data related to an inspection (Poland), to include a system of alerts, thereby maximising the use of available information and supporting risk-based elements, within the limits discussed during the drafting of the methodology (Commission) or as a multi-directional information portal extending beyond the visit and inspection scenario (Belgium). Members suggested a pilot be launched (France) on a voluntary basis (Denmark).

The Administrative Board:

- **Adopted the Methodology for Visits to Member States;**
- **Took note of the EMSA concept paper on the possible development of Member State profiles. The e-delivery concept for making available only electronically to Member States documents originating from EMSA was welcomed as a first step and would be initiated in 2016 with the Commission offering its availability to test it, with sufficient lead time for Member States to inform relevant persons. Whilst recognising its potential, concerns were expressed on the possible second step of making the information commonly needed for visits available to EMSA on the same platform, in particular as regards the workload implied for the Member**

States. Written comments were encouraged in view of further discussions at the March 2016 Board meeting.

9. Draft Single Programming Document 2017-2019

Mr Andrea Tassoni presented the new format of the Draft Single Programming Document 2017-2019, which had been drawn up in accordance with the new rules deriving from the EMSA Founding Regulation and applicable from 1 January 2016 and having effects on planning for 2017 and onwards, notably its articles 32 and 33. Relevant guidelines set by the Commission and applicable to all decentralised agencies had been applied. The document replaced the former "Outline for Preliminary Work Programme" which had been presented to the Board at the same time, for the year n+2, and the Multi-Annual Staff Policy Plan and the Financial Statement, as input for the draft budget. As in the past with the work programmes, the Administrative Board would revisit successive versions of the document in March and in June before final adoption in November next year. In line with the now multi-annual character of the document, the human and financial resource outlook for the years 2017-2019 was also included, with purely indicative figures for 2018 and 2019.

The Executive Director presented key priorities for the multi-annual period covered. Under the heading of digitalisation, the services and support provided through the Union Maritime Information Exchange System and the Integrated Maritime Services were highlighted. Grouped under decarbonisation, key initiatives to support greener shipping and the implementation of maritime environmental legislation, and to provide relevant surveillance and detection systems were listed. Monitoring the implementation of maritime legislation and contributing to its further development would remain central to the safety of seafarers and passengers at sea, as would strengthening capacity and know-how through technical assistance and through the dissemination and exchange of good practice. Internationally, the Agency would continue to export good practices to neighbouring countries and to contribute to the development of standards also beyond the EU.

Finland welcomed the document and recalled that, as discussed under agenda item 5, it would need to reflect further discussions on and developments in the Baltic, including the question of how to share the burden for response capability among key HELCOM members.

Members exchanged views on the inclusion as a possible "new task" under Section II Multi-Annual Programming and subject to an agreement and request to that effect in the relevant instance, of the hosting the Paris MoU by EMSA. The Agency clarified that the inclusion of the item in the draft did not signal any initiative in that direction on the part of the Agency but merely reflected, as with other potential new tasks or extension of existing tasks, the need and responsibility of the Agency to anticipate the impact, from a resource as well as operational perspective, of any possible additional work in the future, in order to support decision-making processes.

Taking into account the excellent working relationship between EMSA and the Paris MoU and the added value this positive dynamic presented to Member States, and having noted the convergence of apparently differing views towards the same target, notably ensuring the continuity of the Paris MoU, **Member States agreed to take note of the information and remove the item from the document and to further consider the matter only if requested by the correct instance.**

The Chairman of the Administrative and Finance Committee, who was invited to provide the Committee's opinion on the resource related aspects of SPD 2017-2019, relayed the positive opinion of the Committee.

The Committee wished to highlight that the figures for 2018 and 2019 were purely indicative and did not reflect the Commission position which carried a further 5% staff cut, in addition to the over 5% already implemented by the Agency. The Administrative Board would need to consider this scenario when prioritizing the Agency's tasks.

The Agency clarified that the 5% cut clearly stated in the Commission Communication of July 2013 had been proactively implemented by the Agency. Concerning the 1% annual levy for the redeployment pool proposed in the same document, the Heads of Agencies had collectively shared their concerns with the Commission and the Parliament. The methodology to be applied remained ambiguous and the Agencies appeared not to be alone in seeking clarification. The Agency would, as usual and as required, adapt to the decisions of the budgetary authority as they unfolded and would adjust 2018 and 2019 accordingly.

The Commission wished to specifically highlight that the figure of 202 statutory staff for 2017 could go down to 198 if the Commission's approach prevailed, and that it intended to apply the pooling mechanism as defined unless an alternative was adopted. From a practical point of view the Administrative Board should be prepared for cuts and be ready to prioritize between tasks. In parallel, and taking into consideration the broader political and budgetary landscape, work needed to be done at national level to prepare the national positions for the budgetary process.

While pooling was a recognised mechanism for managing scarce resources, the process needed to be clear (Germany, Denmark). Member States requested additional information from the Agency in order to support a prioritization exercise (Denmark, Netherlands, France), referring for instance to tasks compulsory for the Agency to perform on the basis of a legal obligation (Netherlands) though it was recalled that only ancillary tasks could be subject to negative prioritization (Poland). The Chairman clarified for France that the Board would focus on the tasks defined in the SPD and the possible impact of reduced resources, whereas the evaluation would take in to account and have an impact on the 5 year Strategy. **Finally, a footnote would be introduced to qualify the human resources indicated for 2018-2019 as "not being in line with the Commission Communication on the "Programming of human and financial resources for the decentralised Agencies" dated July 2013, which provides for a further cut of -4 posts in 2017 and -3 in 2018 linked to the "redemption pool", in addition to the over 5% cut already implemented by the Agency by 2016".**

Member States also requested information that would offer an overview of ICT governance across EMSA maritime information services, in view of gaining more insight into the degree to which the various systems are user or developer driven, and how the data within them are governed (Netherlands, Ireland). It was recalled that this was the primary purpose of the HLSG (Italy) and that its workload was commensurate with the importance given to the issue raised and the increasing number of services provided, all of which were subject to strict data governance rules in accordance with the relevant legal texts that were applied rigidly whatever the level of integration between data and in accordance with every single user profile, thus adding to the complexity of the HLSG's work and the technical implementation (Commission, Bal). Concerning the driver of development, user demands were clearly the impetus for new services (Commission) and on an operational level the development cycles were centred on users through multiple rounds of consultation and testing with the specific user groups and in situ (Bal). In view of the concerns expressed however, information would be provided to give Board Members insight into the afore-described environment and processes.

Concerning support for the implementation of the market surveillance requirement introduced by the new marine equipment directive, the Commission referred France to the existing administrative cooperation group on market surveillance chaired by Germany, where Member States could fruitfully exchange and apply to the maritime sector available knowledge and experience on sampling and testing.

The Agency referred Poland the end of Section II.1 on Multi-annual Objectives where the qualitative targets developed by the Agency on the basis of its experience and input from stakeholders were outlined, as well as the set of specific actions and indicators developed to support the achievement of those targets.

The Agency also clarified for Poland that, in line with the Commission guidelines, 2015 KPIs (year n-1) were provided as the comparison point for the 2017 targets (year n+1) because in 2016 (year n), the year of adoption of the SPD 2017-2019, the 2015 results would be confirmed. The 2016 KPIs would still show targets and not results during 2016. The Agency also confirmed that the Board Members would be able to follow the evolution of the document.

No requests for assistance were put forward for examination.

The Administrative Board:

- **took note of the new format of the Draft Single Programming Document 2017-2019, in accordance with Article 32 of the EMSA Financial Regulation and the Communication from the Commission C (2014) 9641.**
- **considered and commented on the Draft Single Programming Document 2017-2019, including qualitative indicators. A foot note would be added to clarify that the human resources proposed for 2017 and proposed indicatively for 2018 did not match the Commission Communication of July 2013.**

Members were invited to provide written comments on the Draft SPD 2017-2019 by 8 January 2016. The Chairperson and the Agency would consider what type of information could be provided for the March 2016 Board meeting to support a) a reflection on possible negative priorities, by way of preparation for future resource scenarios, and b) an overview of ICT governance across EMSA maritime information services.

10. Annual renewal of the mandate of the Administrative and Finance Committee

Mr Andrea Tassoni outlined the purpose of the decision, which was to renew the mandate of the Administrative and Finance Committee, as required annually by Article 6 of the decision establishing the Committee (Article 5 following adoption of the decision), and also to amend its mandate, as is possible annually according to the same Article.

The Chairman of the Administrative and Finance Committee relayed the Committee's positive opinion on the proposed renewal and amendments, as well as the willingness of the existing members to be reappointed and the proposed appointment of two new members representing the Commission.

As foreseen by Article 6 of the Decision of the Administrative Board of 20 November 2012 establishing the Administrative and Finance Committee, as amended by Decision of the Administrative Board of 13 November 2013, the Administrative Board adopted a Decision renewing the mandate of the Committee and amending the same decision.

As foreseen by Article 2.3 of the same decision, the Administrative Board reappointed and appointed Members of the Committee as follows:

Reappointed	Capt. Agisilaos Anastasakos, Chairman	Greece
	Jean-Luc Le Liboux (soon to be replaced)	France
	Achim Wehrmann	Germany
	Wojciech Zdanowicz	Poland
	Pernilla Wallin	Sweden
	Lola Fadina (representing Ms Claire McAlister)	UK
Appointed	Fotis Karamitsos	EC
	Agnieszka Kazmierczak	EC

11. Adoption of the EMSA Fraud prevention and detection strategy

Mr Tom Van Hees, Internal Control Coordinator, recalled that in agreement with the Commission the document presented at the previous meeting had been revised and was now available for adoption. The draft was in line with the methodology suggested by OLAF, the European Anti-Fraud Office, and formalised the broad set of fraud prevention measures already developed and in place in the Agency as part of the internal control system. The Chairman of the Administrative and Finance Committee relayed the Committee's positive opinion on the EMSA Fraud Prevention and Detection strategy

The Administrative Board adopted the EMSA Fraud Prevention and Detection strategy.

12. Appraisal of the Executive Director

The Chairman conveyed the availability of Mr Henrik Hololei, Director General of DG MOVE and Board Member for the Commission, and Mr Achim Wehrmann, Board Member for Germany and Deputy Chairman, for the proposed functions.

As foreseen by Decision 2009/11/20, the Administrative Board appointed Mr Henrik Hololei, Director General of DG MOVE and Board Member for the Commission, and Mr Achim Wehrmann, Board Member for Germany and Deputy Chairman, as reporting officers for the annual appraisal of the Executive Director.

13. Any Other Business

(a) Workshop on fires on ro-ro ferry decks

Ms Manuela Tomassini conveyed the very dynamic and encouraging outcome of the workshop on fires on ro-ro ferry decks organised by EMSA on 25 September 2015. By bringing together experts from different perspectives, both the prevention and response angles as well as a range of actors notably Maritime Administrations, Accident Investigation Bodies, industry and research, extensive and fruitful technical discussions had taken place. An expert group coordinated by EMSA has started working on the identification of Key Risk Areas and a small study project would be launched in 2016. In response to Sweden's enquiry about the focus of the exercise and whether small scale rebuilding and restructuring had been identified as a risk, it was clarified that a preliminary list would be fine-tuned through further enquiries including a questionnaire.

The Commission welcomed the information but invited Board Members to ensure an active flow of information between technical and political actors in order to prevent unexpected setbacks further downstream in the process.

The Administrative Board took note of the information provided by EMSA on the workshop on fires on ro-ro ferry decks that took place on 25 September 2015.

(b) CRIMARIO PROJECT

The Administrative Board took note of the information provided by Capt. Zhivko Petrov, Executive Director of the Bulgarian Maritime Administration and Bulgarian representative at the EMSA Administrative Board, on the CRIMARIO project - Critical Maritime Routes in the Indian Ocean. The project, funded by the Commission's Stability and Peace instrument with 5.5 million euros aims to enhance maritime situational awareness in the Indian Ocean to secure maritime routes and protect the European economy.

(c) Other business announced at the meeting

Sweden took the floor to provide information on new rules concerning passenger ships in Sweden. As from 21 November, passenger ID control will be required on all passenger ships. This safety measure was not to be confused with border or passport control and shipping companies would assess at their discretion the validity of the identification provided.

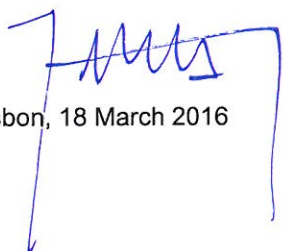
France took the floor to provide information on the ongoing successful evacuation of a French vessel off the Falklands that had suffered a fire in the machine room. Mr Jean-Luc Le Liboux also announced that this was his last EMSA Administrative Board meeting. After 10 years of active participation he wished to thank his colleagues on the Board as well as the Agency for a fruitful and enriching experience. The Chairman expressed the Administrative Board's appreciation for his contribution over the years, also within the Administrative and Finance Committee, and wished him well in his new functions.

Date of the next EMSA's Administrative Board Meeting (March 2016) and planning for 2016.

2016 Dates	Morning	Afternoon
Wednesday 16 March		AFC
Thursday 17 March	AB	AB
Friday 18 March	AB	
Thursday 2 June	AFC	AB
Friday 3 June	AB	
Thursday 17 November <i>(to be confirmed at the March 2016 meeting)</i>	AFC	AB
Friday 18 November <i>(to be confirmed at the March 2016 meeting)</i>	AB	
AB = Administrative Board meeting AFC = Administrative and Finance Committee meeting		

Signed:

Frans Van Rompuy
Chairman of the Administrative Board

A handwritten signature in blue ink, consisting of a large 'F' followed by several loops and a final vertical stroke.

Lisbon, 18 March 2016

EUROPEAN MARITIME SAFETY AGENCY (EMSA)

43rd Meeting of the Administrative Board, Lisbon, 17-18 November 2015

LIST OF ATTENDANCE

MEMBER STATES	
BELGIUM	
Frans Van Rompuy	Board Member - Chairman of the Board
Peter Claeysens	Alternate Member
BULGARIA	
Zhivko Petrov	Member
CROATIA	
Lukša Čičovački	Alternate Member
CYPRUS	
Adonis Pavlides	Expert
CZECH REPUBLIC	
Vojtech Dabrowski	Expert
DENMARK	
Andreas Nordseth	Board Member
ESTONIA	
Tarmo Ots	Alternate Member
FINLAND	
Tuomas Routa	Board Member
FRANCE	
Jean-Luc Le Liboux	Alternate Member
GERMANY	
Achim Wehrmann	Board Member – Deputy Chairman of the Board
GREECE	
Agisilaos Anastasakos	Alternate Member – Chairman of the Administrative and Finance Committee
HUNGARY	
Robert Kojnok	Board Member

IRELAND	
Deirdre Mary O’Keeffe	Board Member
ITALY	
Piero Pellizzari	Alternate Member
LATVIA	
Janis Krastins	Board Member
LITHUANIA	
Robertinas Tarasevičius	Board Member
LUXEMBOURG	
Robert Biber	Board Member
MALTA	
Dulcie Tabone	Expert
THE NETHERLANDS	
Arnold van Vuuren	Board Member
Lieske Streefkerk-Arts	Alternate Member
POLAND	
Wojciech Zdanowicz	Board Member
PORTUGAL	
Miguel Sequeira	Board Member
José Maciel	Alternate Member
ROMANIA	
Constantin Casiade	Board Member
SLOVENIA	
Jadran Klinec	Board Member
SLOVAKIA	
Josef Mrkva	Board Member
SPAIN	
Benito Núñez Quintanilla	Alternate Member
SWEDEN	
Pernilla Wallin	Board Member

THE UNITED KINGDOM	
Lola Fadina	Board Member
Andrew Angel	Alternate Member

EUROPEAN COMMISSION	
Fotis Karamitsos	Board Member
Agnieszka Kazmierczak	Board Member
Christine Berg	Alternate Member
Barbara Sellier	Alternate Member
Yolanda Villar	Expert

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

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

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