

53rd Meeting of the Administrative Board

Lisbon, 14 and 15 November 2018

SUMMARY OF DECISIONS

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

No conflicts of interest were declared. The Agenda was adopted.

2. Minutes of the last meeting

The Administrative Board approved the decisions and minutes of the last ordinary meeting, which took place on 12-13 June 2018 (51st meeting), and of the extraordinary meeting held on 26-27 September 2018 (52nd meeting), both in Lisbon.

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 positive recommendation by the Chairman of the Committee.

(a) EMSA Financial Statement for 2017 – took note of the opinion of the European Court of Auditors and **approved** the final accounts for 2017.

(b) Monitoring of findings and recommendations from internal and external audits and EMSA follow up (ECA, IAS) - took note of the information provided.

(c) 2018 Budget Update - took note

(d) EMSA 2018 Budget transfers - took note

Separately, the Administrative Board also took note of information provided by the Agency on indications that the new correction coefficient for Portugal combined with the annual adjustment of salaries for EU staff, that are to be paid in December 2018 retroactively from July 2018, will generate the need for a budget transfer between titles for which the 10% threshold requiring the Administrative Board’s approval applies. A written procedure would therefore be launched the same evening in order to allow the Agency to meet its payroll obligations by the required date in December.

The Administrative Board also welcomed EMSA’s new Accounting Officer, Mr Davide Mola, who took up duties in July 2018.

4. European cooperation on coast guard functions - 2018 Budget Execution

The Administrative Board took note of and welcomed the information provided by the Agency on the 2018 budget execution in the field of the European cooperation on coast guard functions, which was expected to be approximately 100% in commitments and 90% in payments, taking into account the planned transfer to meet the need in Title I for the December 2018 payroll obligations noted under the previous agenda item.

5. Anti-Pollution Measures

The Administrative Board took note of the update on relevant tenders and developments and endorsed the related budget allocation for 2018. The Administrative Board also took note of the regional concerns and budgetary constraints related to the re-tendering process for the Adriatic Sea, and commended the EMSA contribution to the response effort, including at sea recovery and satellite imagery, for the CSL Virginia / Ulysse collision and the m/v Mopang wreck.

6. Draft Programming Document 2019–2021

The Administrative Board discussed and adopted the Programming Document 2019-2021, which takes into account the Commission's formal opinion of 27 July 2018, and the associated 2019 budget (€ 80,950,242 in Commitment Appropriations and € 81,703,790 in Payment Appropriations) and the establishment plan, with 212 statutory staff (AD/AST) (no change compared to 2018 and in line with the Commission Communication on the "Programming of human and financial resources for the decentralised Agencies" dated July 2013 and with Regulation (EU) 2016/1625 of the European Parliament and of the Council amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency), 33 contract agents and 18 seconded national experts allocated to the different activities under the EU Subsidy (incl. EFTA contribution) for 2019, subject to the final decision of the budgetary authority.

However, should the total 2019 budget proposed be confirmed by the budgetary authority, a reallocation within this total budget will be necessary in view of the budgetary impact also in 2019 of the expected new coefficient corrector for Portugal combined with the annual adjustment of salaries for EU staff highlighted earlier. A written procedure would therefore be launched before the end of November 2018 to adopt a revised version of the Programming Document 2019-2021 and the associated 2019 budget and establishment plan.

No requests for assistance, as referred to in Article 10(2)(c) of the EMSA Founding Regulation, were tabled for examination.

7. IMO Global DCS - possible assistance to EU Member States by EMSA

The Administrative Board took note of the information provided by EMSA on options for development by the Agency of a THETIS-DCS module and confirmed that Member States were not interested in such development at this time.

8. EMSA Draft Administrative Arrangements

The Administrative Board considered and approved the administrative arrangement "Working Arrangement establishing cooperative relationships between the European Maritime Safety Agency (EMSA) and the European Union Agency for Law Enforcement Cooperation (EUROPOL)", as foreseen by Article 10(2)(cc) of the revised Founding Regulation.

9. Draft Programming Document 2020–2022

The Administrative Board considered and commented on the Draft Programming Document 2020–2022. Following the inclusion of the technical annexes, a written procedure would be launched as usual in December for conclusion in January ahead of transmission by 31 January 2019 as part of the Agency's input to the 2020 budgetary procedure.

No requests for assistance, as referred to in Article 10(2)(c) of the EMSA Founding Regulation, were tabled for examination.

10. Multi-annual Financial Framework 2021-2027

The Administrative Board took note of information provided by the Agency on the draft proposal for the Multiannual Financial Framework 2021-2027. It was agreed that potential constraints arising from the envisaged framework should be taken into account in the development of the Agency's new 5-year Strategy to support future prioritisation.

11. EMSA 5-year Strategy

The Administrative Board took note of the information provided by the incoming Executive Director on the timeline and process for developing the next EMSA 5-year Strategy in view of its adoption by the Administrative Board by November 2019. A strategic workshop would be organised back to back with the March 2019 Board meeting. Experts would be welcome to attend alongside and at the expense of Member States.

12. Programming Document (PD) and Annual Report (CAAR) processes

The Administrative Board took note of and welcomed the future steps taken by the Agency to streamline the Programming Document (PD) and Annual Report (CAAR) processes. The Draft CAAR 2018 would be adopted and assessed by Decision at the March 2019 meeting, subject to the provisional observations of the Court of Auditors, and that Decision would be confirmed or reviewed by written procedure, and with the recommendation of the Administrative and Finance Committee if necessary, in time for the applicable deadline for transmission to the institutions.

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

The Administrative Board adopted the Decision to amend the mandate of the Administrative and Finance Committee and to (re)appoint its members. Mr Benito Núñez Quintanilla (Spain) was appointed the new Chairman by acclamation. The Administrative Board thanked the outgoing Chairman Mr Agisilaos Anastasakos (Greece) for his many years of dedicated service.

14. EMSA Internal Control Framework

The Administrative Board adopted the new EMSA Internal Control Framework.

15. Update on Agency's activities

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

- (a) Safety analysis of data reported in EMCIP: marine casualties and incidents involving Ro-Ro vessels.
- (b) Implementation of Directive 2009/18/EC establishing the fundamental principles governing the investigation of accidents in the maritime transport sector- Visits to Member States 2012-2017: End of cycle Horizontal Analysis.

16. Appraisal of the Executive Director

The Administrative Board appointed Director General Henrik Hololei and Deputy Chairman of the EMSA Administrative Board Nicola Carlone as the two reporting officers for the annual appraisal, probationary period and the management probationary period of the Executive Director, as foreseen by Decision 2009/11/20.

17. Future activities of the current EMSA Executive Director

The Administrative Board adopted a Decision granting the Executive Director of EMSA authorisation to carry out future teaching and academic activities upon his/her retirement, provided he/she reports annually to the Administrative Board on these activities on a case by case basis, as well as on their revenues. Any other outside activity will be subject to prior authorisation from the Administrative Board.

18. Any other item upon request

Italy confirmed its invitation to host the June 2019 EMSA Administrative Board meeting in Genova on 26-27 June 2019, alongside the Genova Shipping Week.

Date of the next EMSA's Administrative Board Meeting (March 2019) and planning for 2019.

March – Lisbon, Portugal:

Administrative and Finance Committee: 19 March 2019 (afternoon)

5-year Strategy Workshop: 20 March 2019 (all day)

Administrative Board: 21 March (morning and ½ afternoon)

June – Genova, Italy:

Administrative and Finance Committee: 26 June 2019 (morning)

Administrative Board: 26 June 2019 (afternoon) and 27 June 2019 (all day)

DETAILED MINUTES

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

No conflicts of interest were declared. The Chairman announced the adoption of the draft agenda, welcomed the newly appointed members and alternates, and listed proxies as follows:

Nominations:

Greece: Mr Agisilaos Anastasakos, Director for Shipping Policy and Development, as member; Mr Christos Kontorouchas, Head of Unit for the EU and International Organizations, as alternate.

Iceland: Mr Einar Orn Hedinsson, Director Transport Operations, Icelandic Transport Authority, replacing Mr. Ólafur J. Briem, as alternate (not present at the meeting).

European Commission: Ms Veronica Manfredi, Director for Quality of life, DG ENV, as alternate (not present at the meeting).

Proxies:

Austria did not attend the meeting and had not provided proxies to any other Member State.

European Commission: Mr Johannes Luchner, DG ECHO, provided a proxy to Magda Kopczynska, DG MOVE.

Lithuania: provided proxy to Latvia.

Germany: provided proxy to France.

In addition, the Chairman welcomed the following observers/experts present:

Romania: Ms Cristina Calintaru, Economic Director of the Romanian Naval Authority.

Croatia: Mr Siniša Orlić, Director, Ministry of the Sea, Transport and Infrastructure; Ms Maja Markovčić Kostelac, State Secretary, Ministry of the Sea, Transport and Infrastructure.

The Netherlands: Mr Kasper van der Gugten, Ministry of Infrastructure and Water Management, expert.

Germany: Ms Annika Nagel, Federal Ministry of Transport, Building and Urban Development, expert.

2. Minutes of the last meeting

The Administrative Board approved the decisions and minutes of the last ordinary meeting, which took place on 12-13 June 2018 (51st meeting), and of the extraordinary meeting held on 26-27 September 2018 (52nd meeting), both in Lisbon.

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 positive recommendation by the Chairman of the Committee.

The Chairman of the Administrative and Finance Committee, Mr Agisilaos Anastasakos, reported that the necessary quorum for the meeting had been in place with the participation in the meeting of the representatives from Greece, France, Poland, Sweden, United Kingdom, and the Commission. Relevant EMSA staff members and management were also present. The Committee had reviewed all the “A” points and could recommend that the Administrative Board take note, consider or adopt them as appropriate, “en bloc”.

(a) EMSA Financial Statement for 2017 – took note of the opinion of the European Court of Auditors and **approved** the final accounts for 2017.

Mr Davide Mola, Accounting Officer, had provided the Committee with a detailed presentation of the financial statement, which had also been presented in June and before that in March. The preliminary observations of the European Court of Auditors had been confirmed in the final report, which stated that the accounts of the Agency

for the year ended 31 December 2017 presented fairly, in all material respects, the financial position of the Agency at 31 December 2017, the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with its Financial Regulation and with accounting rules adopted by the Commission's accounting officer; and that the revenue underlying the accounts for the year ended 31 December 2017 was legal and regular in all material respects.

(b) Monitoring of findings and recommendations from internal and external audits and EMSA follow up (ECA, IAS) - took note of the information provided.

Mr Tom Van Hees, Internal Control Coordinator, had presented the summary table listing the auditing entity, the recommendations/findings and the EMSA action planned or undertaken. In all, there were two Internal Audit Service recommendations with status "open", three "for review", and six were "closed".

(c) 2018 Budget Update - took note

Mr Andrea Tassoni, Head of the Executive Office, had presented the cash payments received by the Agency since the first amending budget adopted on 28 August 2018, mostly related to project-financed activities. These would be recorded as usual in the final 2018 budget amendment after year end.

(d) EMSA 2018 Budget transfers - took note

Mr Andrea Tassoni had presented the budget transfers undertaken since the beginning of the year, all of which were below the threshold requiring Administrative Board approval, in line with the relevant provisions of the EMSA Financial Regulation.

Separately, the Administrative Board also took note of information provided by the Agency on indications that the new correction coefficient for Portugal combined with the annual adjustment of salaries for EU staff, that are to be paid in December 2018 retroactively from July 2018, will generate the need for a budget transfer between titles for which the 10% threshold requiring the Administrative Board's approval applies. A written procedure would therefore be launched the same evening in order to allow the Agency to meet its payroll obligations by the required date in December.

The Administrative Board also welcomed EMSA's new Accounting Officer, Mr Davide Mola, who took up duties in July 2018.

4. European cooperation on coast guard functions - 2018 Budget Execution

Mr Leendert Bal, Head of Department C "Operations" presented developments since the last meeting and status report provided in to the Administrative Board in June concerning the contracting and deployment of RPAS services. Progress had been made on both counts with four new RPAS contracts established in 2018, replacing the under-performing contracts which had to be terminated and completing the RPAS portfolio, and three contracts for satellite communication to cover issues that had represented bottlenecks in the previous contracts. At the same time the Agency managed to have four parallel RPAS deployments in four countries since late October.

In terms of lessons learned, which Member States were eager to hear about, valuable experience had been exchanged and gathered from the first user group meeting held in early October involving the three agencies, member states and EASA, and procedures had been drawn up, but the legislative gap remained. The range of practices thus in place across Member States was highly diverse, the challenges and solutions varied and there was no one-size-fits approach.

Concerning the added value, and cost vs. benefit, the potential in terms of enhancing Member State capacity to monitor their seas while reducing the need to acquire satellite imagery was very significant but it was premature to conclude and feedback from actual users in another year would be more informative. Looking ahead to possible novel deployment modalities, for instance at regional level (Croatia), and to the resolution of the various technical challenges, and taking into account the availability/cost of satellite imagery Member States

and the Commission looked forward to further developments and discussions. They also congratulated the Agency on progress made in 2018 towards delivering the services and executing the funds.

The Administrative Board took note of and welcomed the information provided by the Agency on the 2018 budget execution in the field of the European cooperation on coast guard functions, which was expected to be approximately 100% in commitments and 90% in payments, taking into account the planned transfer to meet the need in Title I for the December 2018 payroll obligations noted under the previous agenda item.

5. Anti-Pollution Measures

Mr Leendert Bal clarified, following concerns and questions raised by Member States (Croatia, Slovenia, Italy), that the vessel gap in the Adriatic was due not to a failed procurement but to non-renewal of an existing contract due to failure of the contractor to deliver adequately despite extensive efforts on the part of the agency to help the contractor create the necessary conditions for renewal. This situation had only become clear the previous week. Re-tendering for the Adriatic would be scheduled for 2019 in parallel with the two tenders already planned and, in the meantime, the EAS stockpile in Ravenna would be strengthened.

Member States spoke very highly of the agency's participation in the response to the CSL Virginia / Ulysse collision and the m/v Mopang wreck, as well as of the cooperation between the relevant interested States (France, Italy, Bulgaria, Cyprus). The agency concurred that one lesson learned was the need to establish a dispersant stockpile in the Black Sea. As with the gap in the Adriatic, coverage was a balancing act involving many factors including budget and lead times and the agency would as usual strive to make the most out of the resources available. Nevertheless, the procurement process for the Adriatic will start in 2019.

The Administrative Board took note of the update on relevant tenders and developments and endorsed the related budget allocation for 2018. The Administrative Board also took note of the regional concerns and budgetary constraints related to the re-tendering process for the Adriatic Sea, and commended the EMSA contribution to the response effort, including at sea recovery and satellite imagery, for the CSL Virginia / Ulysse collision and the m/v Mopang wreck.

6. Draft Programming Document 2019 - 2021

The Chairman of the Administrative and Finance Committee transmitted the Committee's positive opinion on the resource related aspects of the Draft PD 2019-2021 in particular the proposed adoption of the draft budget and establishment plan 2019.

Mr Andrea Tassoni, Head of the Executive Office, recalled the point on the impact of the rising coefficient corrector on the Title I needs. This very recent information would also have an impact on the draft budget 2019, which would need to be reshuffled accordingly. Therefore, a written procedure amending the draft budget 2019 tabled for this meeting would be launched ahead of the 30 November due date for transmitting the programming document 2019-2021 to the institutions.

Mr Leendert Bal clarified that the planned CISE activities would be entirely project financed for a two-year transitional period based on which the agency and the Administrative Board would make an informed and experienced decision on whether and how to continue in the future possibly as a so-called ancillary task in the meaning of the EMSA Founding Regulation. For the time being however this was a project and the terms of the grant agreement would be submitted for the Administrative Board's consent as usual once the document was available. Member States welcomed and asked to be kept informed of the planned CISE user group in order to arrange their participation (Poland).

Appreciation was expressed for the agency's work in training, cooperation and capacity building to support the implementation of environmental legislation and looked forward to further work and investment in this area (Greece).

Ms Manuela Tomassini, Head of Department B “Safety and Standards” clarified that Goal Based Standards referred to the methodology applied by IMO in its technical work. Elsewhere, the heading Ship Inspection Support tools would be changed to reflect the much broader range of tools provided, for instance the Dynamic Overview of National Authorities (DONA) which would be developed in 2019 and was much welcomed (Germany).

Member States agreed to the inclusion of new text as circulated in the meeting room on preliminary work to explore whether the agency could add value in the field of marine litter.

The Commission referred Member States to their member of the Task Force 50 for information on Brexit preparedness and contingency measures. At this stage, that was the correct forum for any issues arising from this topic. At a later a stage, information for the transport sector and on a horizontal approach for agencies was expected.

The Administrative Board discussed and adopted the Programming Document 2019-2021, which takes into account the Commission’s formal opinion of 27 July 2018, and the associated 2019 budget (€ 80,950,242 in Commitment Appropriations and € 81,703,790 in Payment Appropriations) and the establishment plan, with 212 statutory staff (AD/AST) (no change compared to 2018 and in line with the Commission Communication on the “Programming of human and financial resources for the decentralised Agencies” dated July 2013 and with Regulation (EU) 2016/1625 of the European Parliament and of the Council amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency), 33 contract agents and 18 seconded national experts allocated to the different activities under the EU Subsidy (incl. EFTA contribution) for 2019, subject to the final decision of the budgetary authority.

However, should the total 2019 budget proposed be confirmed by the budgetary authority, a reallocation within this total budget will be necessary in view of the budgetary impact also in 2019 of the expected new coefficient corrector for Portugal combined with the annual adjustment of salaries for EU staff highlighted earlier. A written procedure would therefore be launched before the end of November 2018 to adopt a revised version of the Programming Document 2019-2021 and the associated 2019 budget and establishment plan.

No requests for assistance, as referred to in Article 10(2)(c) of the EMSA Founding Regulation, were tabled for examination.

7. IMO Global DCS - possible assistance to EU Member States by EMSA

Ms Manuela Tomassini recalled that the Administrative Board had requested more information on this topic following the initial information provided at the June meeting. Three possible technical options for developing and deploying a voluntary module of THETIS to support Member States’ obligations under the MARPOL convention had been identified. Member States decision as to whether or not EMSA should proceed would have to take into account a number of factors in particular uncertainty concerning future alignment of EU Standards and the risk of duplication with efforts already deployed by Member States or the ROs to which they may have delegated the task. Member States concurred with these hesitations (Norway, Germany, France, Netherlands, Malta, Cyprus) though they might revisit the idea at a later point (Netherlands, Greece).

The Administrative Board took note of the information provided by EMSA on options for development by the Agency of a THETIS-DCS module and confirmed that Member States were not interested in such development at this time.

8. EMSA Draft Administrative Arrangements

Mr Leendert Bal confirmed for the Netherlands that giving access to data did not change the conditions applicable to the data, which would be used to support surveillance and intelligence and not in court. Such a decision to provide data to courts should be taken by the data owner, which is either a Member State or a company depending on the type of data.

The Administrative Board considered and approved the administrative arrangement “Working Arrangement establishing cooperative relationships between the European Maritime Safety Agency (EMSA) and the European Union Agency for Law Enforcement Cooperation (EUROPOL)”, as foreseen by Article 10(2)(cc) of the revised Founding Regulation.

9. Draft Programming Document 2020 - 2022

Mr Andrea Tassoni presented the timeline for the document, which was business as usual except for that the former March review would take place in June, as explained under the agenda item 12 which was presented before this agenda item 9.

Mr Markku Mylly, Executive Director, highlighted the priorities for 2019.

Mr Leendert Bal clarified for Germany that work in relation to the NSW and the EMSW was ongoing and of a very technical nature, and more information would be available when the proposed new legislation was more advanced. The agency was providing technical assistance to the Commission in this context, but Member States could also request assistance directly, subject to approval by the Administrative Board following the established procedure for such requests for assistance.

Ms Manuela Tomassini confirmed to Croatia that no Member State so far had availed itself of the option under the Methodology for Visits to participate in a visit to another Member State as an observer. Cost (to the observer), efficiency (of the visit) and agreement (from the visited Member State) were probably all somewhat dissuasive. The Chairman suggested identifying a group of interested Member States to raise awareness and willingness and urged Member States to communicate their interest to the agency before Christmas so a list to that effect could be circulated.

The Commission noted that the document was still at an early stage and would need to evolve to reflect the next 5-year Strategy as well as the priorities of the next Commission. It hoped to see more in future on social issues and MLC and was concerned from a presentation point of view not to lose site of the classical core tasks such as passenger ship safety, amidst the various novelties and high-profile activities.

The Chairman of the Administrative and Finance Committee transmitted the Committee’s positive opinion on the resource related aspects of the Draft PD 2020-2022.

The Administrative Board considered and commented on the Draft Programming Document 2020 – 2022. Following the inclusion of the technical annexes, a written procedure would be launched as usual in December for conclusion in January ahead of transmission by 31 January 2019 as part of the Agency’s input to the 2020 budgetary procedure.

No requests for assistance, as referred to in Article 10(2)(c) of the EMSA Founding Regulation, were tabled for examination.

10. Multi-annual Financial Framework 2021-2027

Mr Andrea Tassoni outlined the information available to the Agency to date concerning the proposed envelope for EMSA under the next multiannual financial framework. The constant nominal budget proposed represented, in real terms, a steady decrease in purchasing power that would impact operational capacity. Anticipated growth in routine administrative costs due the coefficient corrector, the annual adjustment of salaries and the indexation of rent would add to the operational challenge.

The Chairman of the Administrative and Finance Committee informed the Board that the Committee had taken note of the potential evolution of the budget of the Agency.

The Commission recalled the financially stringent and politically uncertain context of its proposal and the plight of most public entities, inviting the Agency to adopt a more positive stance and prepare for setting realistic priorities and taking advantage of opportunities such as project-financing.

Member States expressed concern at a decreasing budget in real terms in view of the contribution of the maritime sector in general to the economy (Italy) and of EMSA in particular to the migration and security response, not least in view of the funds earmarked for that response (Poland).

The Chairman recalled the political nature of the negotiations and invited Member States to communicate their concerns to their finance ministers. In their capacity as Board Members they would need to get ready to help the agency steer a course through a potentially challenging framework.

The Administrative Board took note of information provided by the Agency on the draft proposal for the Multiannual Financial Framework 2021-2027. It was agreed that potential constraints arising from the envisaged framework should be taken into account in the development of the Agency's new 5-year Strategy to support future prioritisation.

11. EMSA 5-year Strategy

The incoming Executive Director Ms Maja Markovčić Kostelac outlined the steps for developing the next 5-year Strategy, which was envisioned as an open and inclusive process leading to a joint commitment. A paper would be prepared to frame a dedicated workshop in March 2019, followed by a first draft to be debated in June 2019 leading to a final draft for November 2019.

The Administrative Board took note of the information provided by the incoming Executive Director on the timeline and process for developing the next EMSA 5-year Strategy in view of its adoption by the Administrative Board by November 2019. A strategic workshop would be organised back to back with the March 2019 Board meeting. Experts would be welcome to attend alongside and at the expense of Member States.

12. Programming Document (PD) and Annual Report (CAAR) processes

Mr Andrea Tassoni explained the Agency's plans to invert the traditional focus of the March and June Administrative Board meetings by shifting the programming document to the June meeting and bringing the CAAR forward to the March meeting. This would enhance the programming exercise because of the higher level of maturity in June of processes relevant to annual and multi-annual programming including the budgetary procedure, EFTA rate estimations, the discharge procedure and development of the coast guard annual strategic plan. Bringing the CAAR to March would both free up the June meeting for programming and conclude reporting on previous year much earlier. The approach, which aimed to increase the efficiency and added value of the programming and reporting exercises, reduce duplication, and maintain compliance with institutional deadlines, had been discussed with the Commission and would be fine-tuned and piloted in cooperation with them.

The Administrative Board took note of and welcomed the future steps taken by the Agency to streamline the Programming Document (PD) and Annual Report (CAAR) processes. The Draft CAAR 2018 would be adopted and assessed by Decision at the March 2019 meeting, subject to the provisional observations of the Court of Auditors, and that Decision would be confirmed or reviewed by written procedure, and with the recommendation of the Administrative and Finance Committee if necessary, in time for the applicable deadline for transmission to the institutions.

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

The Chairman of the Administrative and Finance Committee transmitted the Committee's positive opinion on the proposed amendments to its mandate introduced to:

- enhance and formalise the role of the Administrative Board in future recruitments of the Agency's Accounting Officer, contract extensions and probationary reports, through the involvement of the Administrative and Finance Committee, as agreed at the 51st Administrative Board meeting in the context of the agenda item on the Independence of the Accounting Officer;
- mandate the Administrative and Finance Committee to provide its opinion in relation to the Agency's Internal Control Framework, scheduled for adoption by the Administrative Board at the present meeting;
- and prepare for the forthcoming revision of the Framework Financial Regulation which provides for a single book of rules and will render obsolete the concept of Implementing Rules to the EMSA Financial Regulation.

The Chairman of the Board recalled that Mr Agis Agisilaos Anastasakos (Greece) would be stepping down from his role as Chairman of the Committee and announced that Mr Benito Núñez Quintanilla (Spain) had volunteered to replace him.

The Administrative Board adopted the Decision to amend the mandate of the Administrative and Finance Committee and to (re)appoint its members. Mr Benito Núñez Quintanilla (Spain) was appointed the new Chairman by acclamation. The Administrative Board thanked the outgoing Chairman Mr Agisilaos Anastasakos (Greece) for his many years of dedicated service.

14. EMSA Internal Control Framework (ICF)

Mr Tom Van Hees, Internal Control Coordinator, explained that a new EMSA ICF had been introduced in line with, and following the revision of, the Commission's ICF. The Chairman of the Administrative and Finance Committee transmitted the Committee's positive opinion on the proposed ICF which was based on the Commission's but adapted to the organisational and governance structure of the Agency.

The Administrative Board adopted the new EMSA Internal Control Framework.

15. Update on Agency's activities

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

(c) Safety analysis of data reported in EMCIP: marine casualties and incidents involving Ro-Ro vessels.

Ms Manuela Tomassini recalled the pilot analysis on fishing vessels which had allowed the agency to develop and finetune a methodology which had been shared with and validated by Member States' experts. The same data driven approach had been applied, following the interest expressed by the Administrative Board and given the particular hazards linked to ship design and operation, to Ro-Ro vessels, with the aim of detecting the safety issues and support raising awareness and/or follow-up actions, as appropriate. Interestingly, the human element emerges as an important theme across the top findings.

(d) Implementation of Directive 2009/18/EC establishing the fundamental principles governing the investigation of accidents in the maritime transport sector- Visits to Member States 2012-2017: End of cycle Horizontal Analysis.

Ms Manuela Tomassini recalled first of all the complexity of the accident investigation directive from an implementation point of view, as well as the purpose of horizontal analysis which was not to benchmark between Member States but to provide information for Member States to benchmark themselves. The report was anonymised, but Member States could request the "key" to identify themselves. The analysis had been shared with the Accident Investigation Bodies (AIBs) without prejudice to the fact of course that Member States were the competent authorities for the implementation of the Directive. Recurring issues identified by the report

include the independence of the AIB and methods to avoid conflicts of interest; independence of the safety investigation from other criminal investigations; shortage of experienced investigators; staff turnover; and overload of work.

The report was warmly welcomed (Poland).

The agency also announced that the 1st table top exercise on maritime cyber-security would be held in March 2019, in connection with the MARSEC committee meeting but involving industry representatives also.

16. Appraisal of the Executive Director

Mr Andrea Tassoni recalled the usual annual appraisal exercise which also required annually the appointment of the reporting officers.

The Administrative Board appointed DG MOVE Director General Henrik Hololei and Deputy Chairman of the EMSA Administrative Board Nicola Carlone as the two reporting officers for the annual appraisal, probationary period and the management probationary period of the Executive Director, as foreseen by Decision 2009/11/20.

17. Future activities of the current EMSA Executive Director

Mr Andrea Tassoni explained the approach, which was identical to the one employed at the Commission and would allow Mr Markku Mylly to engage in teaching and academic activities once he leaves EMSA without requesting permission on each occasion. The Chairman clarified that for any other type of activity authorisation from the Board would have to be requested, and that the rules applied for two years following the end of employment.

The Administrative Board adopted a Decision granting the Executive Director of EMSA authorisation to carry out future teaching and academic activities upon his/her retirement, provided he/she reports annually to the Administrative Board on these activities on a case by case basis, as well as on their revenues. Any other outside activity will be subject to prior authorisation from the Administrative Board.

18. Any other item upon request

Italy confirmed its invitation to host the June 2019 EMSA Administrative Board meeting in Genova on 26-27 June 2019, alongside the Genova Shipping Week.

Date of the next EMSA's Administrative Board Meeting (March 2019) and planning for 2019.

March – Lisbon, Portugal:

Administrative and Finance Committee: 19 March 2019 (afternoon)

5-year Strategy Workshop: 20 March 2019 (all day)

Administrative Board: 21 March (morning and ½ afternoon)

June – Genova, Italy:

Administrative and Finance Committee: 26 June 2019 (morning)

Administrative Board: 26 June 2019 (afternoon) and 27 June 2019 (all day)

Signed:



Andreas Nordseth - Chairman of the Administrative Board

Lisbon, 21 March 2019

LIST OF ATTENDANCE

MEMBER STATES	
BELGIUM	
Els Claeys	Board Member
BULGARIA	
Zhivko Petrov	Board Member
CROATIA	
Lukša Čičovački	Board Member
Maja Markovčić Kostelac	Expert
Siniša Orlić	Expert
CZECH REPUBLIC	
Evzen Vydra	Board Member
CYPRUS	
Ioannis Efstratiou	Board Member
DENMARK	
Andreas Nordseth	Board Member - Chairman of the Board
Jakob Ejlers	Alternate Member
Stine Vahl Rasmussen	Expert
ESTONIA	
René Arikas	Board Member
Kaidi Katus	Expert
FINLAND	
Tuomas Routa	Board Member
Katja Viertävä	Alternate Member

FRANCE	
Vincent Denamur	Alternate Member
GERMANY	
Annika Nagel	Expert
GREECE	
Agisilaos Anastasakos	Board Member – Chairman of the Administrative and Finance Committee
HUNGARY	
Csaba Bellyei	Board Member
IRELAND	
Deirdre Mary O’Keeffe	Board Member
ITALY	
Nicola Carlone	Board Member – Deputy Chairman of the Board
LATVIA	
Laima Rituma	Alternate Member
LUXEMBOURG	
Robert Biwer	Board Member
MALTA	
Ivan Sammut	Alternate Member
THE NETHERLANDS	
Kasper van der Gugten	Expert
POLAND	
Wojciech Zdanowicz	Alternate Member
PORTUGAL	
Paulo Pamplona	Alternate Member

ROMANIA	
Cristina Calintaru	Expert
SLOVAKIA	
Josef Mrkva	Board Member
SLOVENIA	
Jadran Klinec	Board Member
SPAIN	
Benito Núñez Quintanilla	Board Member
SWEDEN	
Pernilla Wallin	Board Member
THE UNITED KINGDOM	
Andrew Angel	Alternate Member
Enrico Russo	Expert

PROFESSIONAL SECTOR	
Dorotea Zec, Seafarers' Union of Croatia	Board Member

EUROPEAN COMMISSION	
Magda Kopczynska	Board Member
Anne Montagnon	Alternate Member
Barbara Sellier	Alternate Member
Anne-Cécile Swinnen	Expert

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

EMSA STAFF	
Markku Mylly	Executive Director
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Manuela Tomassini	Head of Department B – Safety and Standards
Leendert Bal	Head of Department C – Operations
Andrea Tassoni	Head of Unit Executive Office
Davide Mola	Accounting Officer
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

