68th Meeting of the Administrative Board
Lisbon, 14 and 15 November 2023

SUMMARY OF DECISIONS

1. Welcome from the Chairman and adoption of the draft agenda
No conflicts of interest were declared. The agenda was adopted.
New Board Members/alternates were welcomed, as listed below.

Nominations
Commission:
- Board Member: Ms. Magda Kopczynska, Director General DG MOVE (replacing Ms. Maja Bakran)

Malta:
- Board Member: Mr. David Bugeja, Chief Officer, Chairman & CEO's Office, Transport Malta (replacing Mr. Ivan Sammut)
- Alternate: Mr. Fritz Farrugia, Chief Officer, Chairman & CEO's Office, Ports and Yachting Directorate, Transport Malta (replacing Mr. Bugeja as alternate)

Estonia:
- Board Member: Mr. Kristjan Truu, Director of Maritime Division, Estonian Maritime Administration (replacing Mr. Marek Rauk)

Ireland:
- Board Member: Mr. Eamonn Kelly, Assistant Secretary, Head of Maritime Policy, Department of Transport (replacing Mr. Garret Doocey)

Proxies
Hungary: No representation, proxy provided to Latvia.
Slovakia: No representation, proxy provided to Poland.

Absences
Austria did not attend the meeting and no proxy was provided.

2. Minutes of the last meeting
The Administrative Board approved draft minutes and decisions of the last meeting, which took place on 14 and 15 June 2023 in Lisbon.

3. Update on Agency's activities and budget implementation
(a) The Administrative Board took note of the information provided by the Agency on the positive expectations concerning the overall implementation of the work programme and budget 2023.

The Administrative Board also took note of the written procedure to be launched on 20th November for the approval of transfers from Title II and Title III to Title I above the 10% threshold of appropriations for the financial year on the donating line, in order to address the estimated impact on salary expenditure of the update of remuneration and the adjustment of the correction coefficient, as expected and already signalled at the June
2023 Administrative Board Meeting. This written procedure supersedes the proposal presented by the Agency on 31st October under this agenda item.

The Administrative Board also took note of:
(b) the 2023 budget execution in the field of the European cooperation on coast guard functions;
(c) Anti-Pollution Measures activities and budget execution, including the unsuccessful vessel tender for the Lot “Canary Islands and Madeira” and resulting reprogramming of resources, including anticipation to 2023 of the renewal of the contracts for the vessel for the Central Mediterranean and for the EAS South, originally planned for 2024, to ensure availability of funds in 2024 to re-tender the Lot for the Canary Islands and Madeira;
(d) EMSA-led Central and Eastern Baltic Sea MMO – information and results;
(e) Update on the Seafarers’ eCertification platform.

1. The Administrative Board examined and approved the request for technical assistance from the Croatian Ministry of the Sea, Transport and Infrastructure on behalf of the Maritime Safety Permanent Transnational Network, to be reflected as proposed and appropriate in the EMSA Single Programming Document 2024-2026.
2. The Administrative Board took note of the revision compared to the draft circulated on 17 October 2023 notably the re-tendering of a vessel for the Canary Islands and Madeira in 2024, after the failure of the first tender in 2023, and the anticipation from 2024 to 2023 of the renewal of the existing contracts for the Central Mediterranean; discussed, agreed on minor adjustments and adopted the EMSA Single Programming Document 2024 – 2026, which takes into account the Commission’s formal opinion of July 2023, and the associated 2024 Budget (€ 93,278,457 in both Commitment and Payment Appropriations) and 2024 Establishment plan (212 statutory staff (AD/AST), as well as 31 contract agents and 18 seconded national experts allocated to the different activities under the EU Subsidy), subject to the final decision of the budgetary authority.

5. Election of the Chairman (this AI was taken immediately after AI 3)
The Administrative Board elected by acclamation the Chairman and Deputy Chairman of the EMSA Administrative Board, respectively Mr Wojciech Zdanowicz (Poland) and Benito Núñez Quintanilla (Spain) as of 5 December 2023.
In addition, the Administrative Board elected by acclamation the Chairman of the Administrative and Finance Committee Mr Eric Banel (France).

The Administrative Board took note of the information provided by the Commission and the EU Presidency on the state of play – Maritime Safety Package and EMSA founding regulation negotiations.

The Administrative Board considered the EMSA Single Programming Document 2025 – 2027, and the associated 2025 Budget (€ 94,172,022 in both Commitment and Payment Appropriations) and 2025 Establishment plan (212 statutory staff (AD/AST).
The Agency will work out a way forward to reflect the main lines of the potential changes to the Agency’s mandate and resources from 2025, subject and without prejudice to the outcome of the legislative process. The Administrative Board was invited to provide written comments by Thursday 30 November 2023, in time to be taken into account for the mid-December written procedure version.

8. EMSA Draft Administrative Arrangements
The Administrative Board considered and did not object to the requests of Abuja MoU to access to RuleCheck and MaKCs and agreed to the draft agreement with the Abuja MoU to access RuleCheck and MaKCs.
The Administrative Board also took note of the information provided by the Commission on the potential injection of an additional €350,000 before the end of the year into the EMSWe agreement in support of the implementation of the EMSWe Regulation, in view of two additional tasks. Subject to the Agency’s positive assessment of the Commission’s request, a written procedure to amend the existing Contribution Agreement between EMSA and DG MOVE may be launched.

9. Adoption of the list of “A” items
The Administrative Board took note, considered and adopted as appropriate the following “A” items:

   (a) EMSA Financial Statement for 2022 – took note of the final report of the European Court of Auditors and approved the final accounts for 2022.
   (b) Internal Audit Service Strategic Audit Plan 2024-2026 – considered the Internal Audit Service Strategic Audit Plan 2024-2026 plan.
   (c) Monitoring of findings and recommendations from internal and external audits and EMSA follow up – took note of the information provided on the findings and recommendations from internal and external audits and EMSA follow up.
   (d) 2023 Appropriations cashed – took note of the appropriations cashed.
   (e) EMSA 2023 Budget transfers – took note of the 2023 budget transfers.
   (f) Implementing Rules to the Staff Regulations – adopted the Decision on working time and hybrid working.

10. Any other item upon request
None tabled.

Date of the next EMSA’s Administrative Board Meeting (March 2024) and planning for 2024.

March 2024
Administrative and Finance Committee meeting: 6 March am (online meeting)
Administrative Board meeting: 6 March pm (online meeting)

June 2024
Administrative and Finance Committee meeting: 3 June (online meeting)
Administrative Board meeting: 5 June pm and 6 June am (Lisbon)

November 2024
Week 18 to 22 November 2024
DETAILED MINUTES

1st Day – Tuesday 14 November 2023 (afternoon)

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

No conflicts of interest were declared. The agenda was adopted. New Board Members/alternates were welcomed, as listed below.

Nominations

Commission:
- Board Member: Ms. Magda Kopczynska, Director General DG MOVE (replacing Ms. Maja Bakran)

Malta:
- Board Member: Mr. David Bugeja, Chief Officer Chairman & CEO’s Office, Transport Malta (replacing Mr. Ivan Sammut)
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Proxies
Hungary: No representation, proxy provided to Latvia.
Slovakia: No representation, proxy provided to Poland.

Absences
Austria did not attend the meeting and no proxy was provided.

The Chairman recalled the obligation of the Administrative Board members and alternates to sign the Declarations of Commitment and Confidentiality for 2024 which were displayed on the Agency’s Administrative Board extranet and to send them back both by email and post by end of December. Printed copies for the members and alternates present were provided for signature on the day of the meeting.

2. Minutes of the last meeting

The Administrative Board approved the draft minutes and decisions of the last meeting, which took place in Lisbon on 14 and 15 June 2023.

The draft minutes of the June Board meeting were circulated on 13 July 2023 and no comments were received.
3. Update on Agency’s activities and budget implementation

(a) The Administrative Board took note of the update on the Agency’s activities and budget implementation

Ms Markovčić Kostelac recalled the purpose of this agenda item where the Agency traditionally updates the Board on ongoing projects and new developments at EMSA.

In terms of implementation of the work programme for 2023, the Executive Director informed the Board of the foreseen implementation of planned actions of 97.5%, with 0.5% of actions that were rescheduled for after the end of the year and 2% that were cancelled, most of which were linked to internal rescheduling or adjustments with no impact on deliverables (e.g. realignment of CISE deliverables, a number of corporate deliverables e.g. training, newsletter, extension of trainee period etc.) or to impediments on the side of our counterparts (e.g. 4 capacity building activities for third countries (Egypt and Kazakhstan), 3 national oil spill training and testing events due to technical or logistical issues).

In terms of budget implementation, she confirmed the expectation of the Agency, as per the trend in the last years, performing well above the 95% threshold.

Nevertheless, as anticipated and announced already at the June Board meeting, the impact of the inflation on the salary expenses and other fixed costs would require a transfer and prior approval of the Administrative Board.

Ms Markovčić Kostelac further recalled the estimations provided in June when the deficit in Title 1 was estimated at about 4.2 m EUR, of which 3.1 m EUR had already been filled via budget transfers from Title 2 (0.3 m EUR) and Title 3 (2.5 m EUR which included 1.5 m EUR from the Grande America and other oil response vessels’ recovery) as well as compensations resulting from other types of expenditure (0.3 m EUR). The remaining funds (1.1 m EUR) would have to be transferred once the annual update of remuneration (salary adjustment) and the correction coefficients applied thereto would be published. The shift of some appropriations would, as per the provisions of the EMSA Financial Regulation, require prior approval by the Board because they would be above the 10% threshold.

On 31 October, in the second set of documents, the Agency proposed a way forward based on the information known on that date with an estimated deficit of 0.35 m EUR.

In the meantime, new information in relation to the salary adjustment led to an estimated deficit higher than estimated on 31 October, up to 0.85 m EUR.

The Agency therefore proposed to disregard the 31 October proposal and instead launch a written procedure on 20 November for the approval by the Administrative Board in line with the new estimates. According to the provisions of the EMSA Financial Regulation, Article 26, the written procedure would have a duration of two weeks, ending on Monday 4 December, in time for the December payroll process.

The written procedure would cover the originally proposed transfer from Title 2 to Title 1 and an additional transfer from Title 3 to Title 1, both above the 10% threshold. Both transfers will require approval up to a certain amount so that the Agency can transfer less, according to the exact amounts calculated by the European Commission once the conclusive information is available at the end of November.

Transfers requiring the Administrative Board’s approval, combined with other transfers from Title 3 to Title 1 below the 10% threshold and thus not requiring approval by the Administrative Board, would cover the total estimated deficit of up to 0.85 m EUR in Title 1.
The Executive Director presented in detail the elements contributing to the estimated deficit:

- the initial estimation of the deficit for the salaries made in June was calculated taking into account the parameters communicated in December 2022 in the budget circular for 2023, which foresaw an increase in the annual remuneration adjustment of 4.4%.
- part of this increase, corresponding to 1.7%, already materialised in June but was accompanied by a 1.36% decrease in the coefficient corrector for Portugal retroactive from January to June 2023 and resulting in a smaller budgetary impact.
- while on 31 October the Agency anticipated a negative annual adjustment of remunerations for the period of July to December 2023, the latest informal information indicated an annual adjustment to be applied retroactively from July at 1% due to an increase in the coefficient corrector of 2.55%.

The Chairman of the Administrative and Finance Committee confirmed the discussions held at the online meeting of 10 November as well as the positive opinion on the approach proposed by the Agency and the announced written procedure.

Ms Anne Montagnon (Commission) thanked the Executive Director for the comprehensive overview and the good budgetary execution, for several successive years now. While in support of the announced transfers in the light of the well explained need to cover salary expenses, she stressed the risk of transfers from Title 3 to cover Title 1 needs becoming structural. In that respect, an action plan to cope with these issues would be welcome. Ms Montagnon was seconded in her view by Mr Eric Bale (France).

More generally, with a significant number of staff to be deployed at the Agency following the revision of the Agency’s mandate, if adopted, a debrief to the Administrative Board on the Agency’s HR Strategy and synergies and efficiencies to be found there would also be welcome.

The Executive Director reiterated the Agency’s efforts not to jeopardise its operational activities, as had been clarified at the Administrative and Finance Committee meeting: savings stemmed from shifts to online meetings when possible, with reduced costs compared to presental meetings, savings from Title 2 but also from costs recovered from the use of EMSA’s vessels for clean-up operations as well as from other actions that proved less costly than planned.

The Chairman confirmed that the Board took note of the future written procedure as well as of comments from the Commission and France.

(b) The Administrative Board took note of the 2023 budget execution in the field of the European cooperation on coast guard functions

The Executive Director started her presentation on Coast Guard activities in the area of Information sharing. She explained in detail enhancements brought to Integrated Maritime Services, Automated Behaviour Monitoring, Traffic Density Maps Service, the RPAS data centre and the Blue Datawarehouse.

She also detailed the Coast guard RPAS services that had been deployed for the Member States in 2023, as a continuation and reinforcement of the services already provided in previous years aiming at further developing the regional cooperation through the sharing of data and flight planning and promoting cross border flights.

All planned Capacity Building activities for 2023 within the context of the EMSA Academy and financed through the Coast Guard Cooperation budget were on track: four Common Core Curricula (CCC) were delivered in 2023, namely: one session for Sulphur Inspectors, two sessions of the Flag State Inspectors (basic level), and one session of the one for Maritime Auditors, covering ISM and ISPS Codes. Technical development for the CCC for Accident Investigators and for the one for Port State Control Inspectors had been completed.
By end of September 2023, 946 experts were trained through different learning services and the Agency also offered 6 Port State Control Seminars, 10 Short Courses, 3 Part-Time Courses, and 3 Awareness sessions.

The attention of the Board was drawn to the short course on Cybersecurity delivered in October as well as the SAR course, which was open both to experts from EU Member States and from ENP Countries, a formula that was particularly appreciated by the participants, representing a success story in terms of lessons learned and exchange of best practises.

The Executive Director further informed the Board of the current projection of the planned budget execution in this field in both Commitment and Payment appropriations.

On behalf of the Administrative and Finance Committee, Mr Núñez Quintanilla also conveyed its positive opinion.

Ms Montagnon (Commission) once again congratulated the Agency for the excellent execution in this field.

In response to the Chairman and his question on the data access planned for the Blue Data Warehouse, the Agency recalled that at this stage the architecture was being built. Data governance remained the same, with the proposal put forward at the relevant workshop to revisit and analyse its structure.

(c) The Administrative Board took note of the information provided by the Agency on relevant tenders and developments in the field of Anti-Pollution Measures

The Executive Director started her presentation with the expected geographical distribution of the different pollution response services at the end of 2023, with 15 oil pollution response vessels, 5 equipment assistance stockpiles with near-shore equipment, including working boats, and 8 dispersant stockpiles with 200 tons of dispersants each. In addition, the contract for an intermediate storage vessel had just been signed and was expected to become operational at the beginning of 2024.

However, following a recent withdrawal of the only tenderer in the “Canary Islands & Madeira” Lot, another attempt for this region would be made in 2024, which required a slight revision of the SPD 2024-2026, as explained in the meeting room document, and reshuffling of activities across 2023 and 2024.

To free appropriations in 2024, the renewal of the vessel contract in Central Mediterranean Sea as well of the EAS South was anticipated to 2023. In addition, remaining funds will be used to implement the equipment purchase plan as well as some containment and recovery systems for the EAS stockpiles.

The Board took note of the reprogramming of resources, including anticipation to 2023 of the renewal of the contracts for the vessel for the Central Mediterranean and for the EAS South, originally planned for 2024, to ensure availability of funds in 2024 to re-tender the Lot for the Canary Islands and Madeira.

3 vessels contracted in 2022 in the Atlantic South, Black Sea North, Channel and North Sea completed the preparation phase and were accepted into stand-by phase. 1 additional vessel will be equipped with onboard RPAS by the end of November 2023 and 6 vessels were already upgraded with RPAS on board.

A new tender for the EAS in the Southern Baltic and the North Sea was finalized and a new tender to diversify the equipment in stockpiles with HNS equipment was also concluded allowing for supply of portable emergency offloading pumping system for oil and liquid Hazardous Noxious Substances.

The Executive Director also provided detailed information on various training sessions, notification and exercises provided.
Following the initial request from Denmark and the decision taken at the June Administrative Board, a technical workshop was held with experts from the pollution preparedness and response community to further review the needs of the Member States as regards risk analysis for marine pollution. A Correspondence Group was also established with the experts from the Member States aiming at mapping data needs at national and regional level when performing this type of activity and identifying what EMSA could do to respond to such needs within its current mandate and the data sets already available inhouse. This included discussions on the possible scope for future joint work under the Consultative Technical Group to identify a common ground – including terminology - that could be used by the Member States and the Regional Agreements when performing risk assessments. The technical meeting also highlighted that, while a common interest in exploring the issue further existed, expectations were quite diverse, including in relation to the possible role of EMSA. In the context of to the revision of the EMSA mandate, interested Member States could put forward the idea of a new task for the Agency provided that adequate additional resources would accompany an enhanced role for EMSA in relation to risk analysis.

Ms Markovčić Kostelac also called upon the Administrative Board to respond to the questionnaire on the rules and requirements applicable to the latest addition in the EAS, namely the working boats. The questionnaire was initiated as the Agency observed a variety of approaches applied by the Member States in relation to registration and operation of these boats, which may hamper their possible operational use in case of an emergency, of a hands-on training, or an exercise. She therefore called upon the Board Members to respond to the questionnaire, allowing the Agency to carry out a proper assessment and the definition of the policy and conditions of use.

The Executive Director also informed the Board of the CSN monitoring activities and procurements in that field as well as the RPAS services for emissions monitoring.

Taking into account the transfer to Title 1 as proposed under agenda item 3(a), the planned budgetary execution in this field, both in commitment and payment appropriations, would be excellent.

In response to Ms Ioannidou (Commission) on specific actions taken to cover areas with higher oil pollution risks, the Executive Director informed the Board that, subject to availability of resources, an internal risk assessment would be conducted.

(d) The Administrative Board took note of the EMSA-led Central and Eastern Baltic Sea MMO – information and results

Mr Lazaros Aichmalotidis, Head of Unit 3.1 Simplification, recalled that MMOs were operational activities coordinated jointly by EFCA, EMSA and Frontex, as per the common article on the European cooperation on Coast Guard functions of the Founding Regulations of the three Agencies.

For the first time in 2023 EMSA took the lead in the MMO in the Central and Eastern Baltic Sea together with Frontex, EFCA and the Baltic Sea States of Finland, Estonia and Latvia (and Sweden as observer), focusing, in the case of EMSA on maritime safety, including vessel traffic management, environmental monitoring and response and SAR. The Specific Modalities were commonly drafted establishing the tasks and responsibilities of each Agency and the involvement of a range of authorities from each of the hosting Member States, including the Police and Border Guard Board, Navy, Ministry of the Environment, Maritime Administration, Port and Fisheries Authorities. The MMO lasted for 3 months, with its opening in Helsinki on 1 June until its closing in Riga on 31 August.

The MMO’s operational performance was defined and reflected in the Specific Modalities with 35 defined KPIs, out of which 29 were fully and 6 partially achieved, with a range of services deployed by the Agencies and the Member States, such as:
- a real-time situational picture of the more than 1200 vessels detected daily in the region through IMS, with algorithms introduced to detect specific patterns of movement of ships in the area;
- more than 250 products delivered to the authorities of the Member States using CleanSeaNet, the Copernicus Maritime Surveillance service and the SLA between EMSA and Frontex;
- underwater surveys via Remotely Operated Vehicles deployed by EMSA for the first time in Finland and Estonia to support of Coast Guard Functions with positive feedback received indicating a very easy to set-up service for the end users;

A total of 41 events covering 8 Coast Guard Functions were reported to the European Coordination Centre (ECC), with more than half of these reported as of particular relevance to EMSA stakeholders: environmental protection, maritime safety, Search and Rescue and ship casualty. 11 out of 13 environmental protection events were reported with RPAS as the source of the operational information.

In response to various interests expressed (Croatia, France), the Executive Director thanked Member States for the appreciation shown and recalled the dynamic of the MMOs, which, according to the trilateral agreement, should be led by each of the three agencies. In 2024, EMSA would lead the MMO in the North Sea.

(e) The Administrative Board took note of the update on the Seafarers’ eCertification platform

Ms Manuela Tomassini, Head of Department 1, recalled the agreement reached during the 60th Administrative Board meeting when the project was presented and endorsed and various subsequent meetings and correspondence groups that led to the functional and technical specifications delivered in September 2023.

The project envisaged a platform with a modular approach where Member States would be able to choose from different options of use, with around 17 modules to be developed and used on a voluntary basis, enabling Member States to use a Search & Verification facility at EU level, where the authenticity and validity of the certificates can be checked against the information available in the Platform or in the Member States national systems, the e-Sign and e-Seal services of the Commission, where the use of a qualified trusted signature imprinted in the certificates will be made possible, and a state-of-the-art system in support of their transition to a paperless environment by aiming at the digitalisation of the whole seafarers’ Certification process.

Additional functionalities were identified during the process adding value to the platform. These features were subject to budget availability, and could link all information regarding the process of certification of seafarers in a single system, allowing Administrations to benefit from accessing the complete set of information regarding their approval of MET institutions, accessors and medical practitioners, records on the education, training and assessment of seafarers alongside with the details of their certification, all of which assembled in a common infrastructure connected to the stakeholders involved.

Denmark showed strong appreciation for the platform. In response to concerns raised by the Netherlands on the possible complexity of the IT system, looking at a similar parallel experience in the aviation domain, Ms Tomassini recalled the Agency’s role as facilitator with a tool in support of interested Member States, and the bottom-up approach followed since the start of the project, with at first identification and mapping of needs that were now defined in technical requirements. She further explained the advantage of teams working both on the business and IT side, inhouse and together with the support from the Member States, highlighting the added value of the tool, which nevertheless depended on the voluntary participation of the Member States, the latter being more of an issue.

The Chairman concluded the agenda item stating the importance of getting all the Member States together for this important project that could make a difference for the seafarers.

1. The Administrative Board examined and approved the requests for assistance to the Commission, as referred to in Article 2(2)(d), requests from Member States for technical assistance, as referred to in Article 2(3), and requests for technical assistance, as referred to in Article 2(5) as well as requests for assistance as referred to in Article 2a (ancillary tasks), in line with Article 10(2)(c) of the EMSA Founding Regulation.

Mr Toni Maričević (Croatia) recalled the two previous phases of the project that aimed at modernizing the Mandatory Ship Reporting System ADIREP in the Adriatic ensuring an effective response to modern safety challenges and the provision of harmonized maritime services in the Adriatic-Ionian region. With the EUREKA project finalised in September, the cooperation now continued with the request for Technical Assistance from the Maritime Safety Permanent Transnational Network (MSPTN) for Phase 2b addressed to the Agency and the Commission on 10 October 2023.

Ms Ioannidou (Commission) drew the attention of the Administrative Board to the positive assessment from the Commission in relation to the extension of the project, in line with the requirements stemming from the EMSA Founding Regulation Article 2.5, highlighting the clear added value both for the Member States and the candidate countries.

Greece, Italy and Slovenia also expressed support to the continuation of the project as well as their deep appreciation of the Croatian chairmanship of the MSPTN and an excellent cooperation amongst the members of the consortium.

The Executive Director confirmed the Agency’s positive assessment of the relevance and compatibility of the request with its priorities and informed the Board that the relevant sections of the SPD 2024-2026 would be updated to reflect the approval by the Board of the request for technical assistance.

The Chairman confirmed that the Administrative Board examined and approved the requests for assistance from the Croatian Ministry of the Sea, Transport and Infrastructure on behalf of the Maritime Safety Permanent Transnational Network, to be reflected as proposed and appropriate in the EMSA Single Programming Document 2024-2026.

2. The Administrative Board discussed and adopted the Draft EMSA Single Programming Document 2024 – 2026 and the associated Budget and Establishment plan 2024, subject to the final decision of the budgetary authority

The Chairman opened the discussions on the SPD 2024-2026 by drawing the attention of the Board to the meeting room document containing revisions linked to the unsuccessful vessel tender for the Canary Islands and Madeira to be retendered in 2024, with an impact on KPIs, outputs and the Indicative Procurement Plan. The meeting room document also contained a corrigendum for a clerical error in Annex XI on page 125.

Ms Markovčić Kostelac recalled the cycle of the document, starting with the workshop on “Priorities 2024-2026” in November 2022, leading to its final adoption at this meeting.

In the area of Sustainability, the Executive Director explained that support to ETS and FuelEU Maritime remained the priority for 2024 with the delivery of the necessary IT support tools for both pieces of legislation and support to the various stakeholders for their adaptation to the new context. Work will intensify on stakeholder outreach through regular webinars as started already in 2023. As from the beginning of 2024 the
first draft of EMTER 2.0 will undergo the stakeholders’ consultation, with publication planned in the third quarter of 2024.

In view of recent developments, the Agency’s efforts switched from the study on synthetic fuels towards the potential of nuclear energy in shipping to be launched before the end of this year and delivered before end of 2024. In addition, a procurement for a new framework contract will be launched to continue filling knowledge gaps that may still exist in relation to alternative sources of power or update of previous studies.

Subject to availability of resources, the Agency will also start assessing the response scenarios to spills involving these new substances, in a “forward-looking” perspective, potentially transforming the pollution response toolbox.

Safety aspects of the alternative fuels being essential for their adoption, EMSA will continue looking at ammonia, hydrogen and biofuels and will, throughout 2024 and 2025, develop practical safety guidances on the use of ammonia and hydrogen as marine fuels and in relation to the bunkering of biofuels.

A study on mass evacuation systems for large passenger ships will also be delivered, following the risks as identified in the EMSAFE report.

In the area of Security, at the end of 2023 a new guidance document will be co-published by the Commission and EMSA introducing cybersecurity checks in the context of ISPS based maritime security inspections, adding this important element to the joint Commission/EMSA inspections.

In relation to Surveillance, focus on regional RPAS services for multipurpose maritime surveillance in support to the Coast Guard activities will be consolidated in 2024, with 8 RPAS operations that will deliver more than 900 deployment days to Member States, including enhancement of EMSA’s RPAS regional Strategy. RPAS services, including emissions monitoring, will be provided in the scope of EMSA’s MMO in 2024 in the Channel, with the participation of various National Administrations from France and Belgium.

Earth Observation services will continue to be delivered in support to a wide range of maritime functions and communities and the new satellite-based oil spill volume quantification services will be deployed in operations.

In the areas of Digitalisation & Simplification in 2024 the support of EMSA to the CISE Operational phase should be established based on a new Contribution Agreement with DG MARE, upon consideration by the Administrative Board.

Assistance to the Commission in the implementation of the European Maritime Single Window environment (EMSWe) Regulation (EU) 2019/1239 will continue with the elaboration of the Message Implementation Guide (MEG) and revised EMSWe data sets, aiming at offering harmonised reporting interfaces for the shipping industry in all ports of the Union.

During 2024, e-Sign, e-Seal and Search & Verification of Certificates modules will be encompassed in the EU Seafarers certification platform and a further enhancement of the Integrated Maritime Services will take place: SAR drift model demonstrator, Artificial Intelligence-based standardization of AIS destination message module, trial version of near-real time monitoring and classification of maritime events, coastal radar tracks integration interface, EMSA Maritime Analytics Tools (EMAT) dashboards, etc.

The Executive Director also explained the consolidation of existing services: completion of the plan for the overhaul of THETIS information system to cater for functional and technological modernization, DONA enhancement to cater for the exemptions database pursuant to passenger ship safety directives, consolidation of the Earth Observation Data Centre (EODC) gradually replacing the existing system, improving its
performance and adding new satellite data sources. Furthermore, in 2024 the current RPAS DC will transition to the new solution facilitating the growth of the RPAS services.

In the area of Technical Assistance, new Common Core Curricula for Accident Investigators and for Port State Control Officers will be delivered. The new visits cycle for the PRF Directive will also start and the programme of visits and inspections will continue to be implemented, including 7 to 9 STCW visits and inspections and 16 to 20 RO inspections.

Ms Markovčić Kostelac recalled that the Draft Budget 2024 had not changed compared to the figures presented in June, set at €93,278,457 in both commitment and payment appropriations.

The establishment plan remained stable since 2019 with 212 statutory staff posts, 31 Contract Agents and 18 Seconded National Experts. In addition, 38 Contract Agents were dedicated to project financed activities.

The Chairman of the Administrative and Finance Committee informed the Board that the Committee reviewed the resource related aspects for the SPD 2024-2026, in particular an Establishment Plan 2024 of 212 statutory posts and a proposed revenue of €93,278,457 and could provide a positive opinion to the Board.

Regarding negative priorities raised by Mr Ringbom (Industry), the Executive Director stated that, while the Agency had been able to absorb all the Member States’ and Commission needs so far, critical areas have been identified: expansion of IT service and the Cloud and its maintenance costs.

In response to Poland in relation to the future strategy, she informed the Administrative Board of the future extension of the current EMSA 5-year Strategy to include 2025, in view of possible changes to policy areas and priorities with the future European Parliament and the new Commission and recalling that the proposal for the future Founding Regulation of the Agency does not foresee a separate strategy.

Confirming the information provided by the Executive Director, Ms Ioannidou (Commission) stated that the proposal for the revised mandate foresees the strategy as part of the Single Programming Document, to not to proliferate documents.

Ms Montagnon stressed the importance of efficiency and staff redeployment plans, action plans to reduce administrative expenses and transfers, as well as projections of establishment plans for 2025 and 2026 that should take into account internal mobility, promotions and retirements. For Ms Montagnon, these issues were essential and should be included in the document for the next years. She further stressed the efforts to be made in the areas of gender and geographical balance as well as on ethics and integrity on which central Commission services will strongly focus in the coming years.

5. Election of the Chairman of the Administrative Board (this agenda item was taken before agenda item 4)

The Administrative Board elected by acclamation the Chairman and Deputy Chairman of the EMSA Administrative Board, respectively Mr Wojciech Zdanowicz (Poland) and Benito Nuñez Quintanilla (Spain) as of 5 December 2023.

In addition, the Administrative Board elected by acclamation the Chairman of the Administrative and Finance Committee Mr Eric Banel (France).
The Chairman reminded the Board that his second term as its Chairman was coming to an end and that three candidacies had been received by 30 September 2023 and circulated to the Board by the Executive Director on 3 October, as foreseen by the Rules of Procedure of the Board:

- Eric Banel, France
- Benito Núñez Quintanilla, Spain
- Wojciech Zdanowicz, Poland

Before recalling the procedure for voting, the Chairman gave the floor at his request to Mr Eric Banel (France) who thanked the Chairman for the outstanding work done for EMSA.

Mr Banel informed the Board of the discussions held with the two other candidates and their shared wish to reach a common agreement and to propose Mr Zdanowicz (Poland) as Chairman and Mr Núñez Quintanilla (Spain) as Deputy-Chairman, with the withdrawal of his own candidacy. He expressed his willingness to serve instead as Chairman of the Administrative and Finance Committee.

Mr Núñez Quintanilla congratulated the Chairman on two successful terms and confirmed the discussions held and his willingness to serve as Deputy Chairman of the Administrative Board.

For the sake of good order, the Chairman enquired whether any other Board Members were interested in the Administrative and Finance Committee Chairmanship.

With no other candidates for this position, the Chairman of the Board thanked the candidates for their proposal and invited the Administrative Board members to take the decision by acclamation.

The Administrative Board elected by acclamation the Chairman and Deputy Chairman of the EMSA Administrative Board, respectively Mr Wojciech Zdanowicz (Poland) and Benito Núñez Quintanilla (Spain) as of 5 December 2023. In addition, the Administrative Board elected by acclamation the Chairman of the Administrative and Finance Committee Mr Eric Banel (France).

Both Mr Zdanowicz and Mr Núñez Quintanilla thanked the Chairman for his successful chairing of Administrative Board meetings throughout the years.

The Executive Director congratulated and looked forward to welcoming the new Chairmanship, which would enjoy the continuous support of EMSA as its Secretariat.

2nd day – Wednesday 15 November 2023 (morning)


The Administrative Board took note of the information provided by the Commission and the Presidency of the Council of the European Union on the state of play of the Maritime Safety Package negotiations.

Ms Fotini Ioannidou provided a brief update on the timing of the next steps in the process. Stumbling blocks had emerged in relation to digitalisation and training, areas in which some Member States were reluctant to commit, at this stage, to future common solutions. In this context Cyprus and France encouraged the Commission to allow the time needed to clarify the proposals and build satisfactory compromises.

On behalf of the Spanish Presidency, Mr Núñez Quintanilla informed the Board on the state of the negotiations, with difficult discussions on the Accident Investigation directive. He also confirmed the issues highlighted by the Commission on Flag State and the PSC Directives. Hopefully by the end of November the discussions on the SSP Directive would conclude and those on the revision of the EMSA Founding Regulation would start.

The Chairman thanked the Commission and Mr Núñez Quintanilla for the information provided.

The Administrative Board considered the EMSA Single Programming Document 2025 – 2027, and the associated 2025 Budget (€ 94,172,022 in both Commitment and Payment Appropriations) and 2025 Establishment plan (212 statutory staff (AD/AST)).

The Agency will work out a way forward to reflect the main lines of the potential changes to the Agency’s mandate and resources from 2025, subject and without prejudice to the outcome of the legislative process. The Administrative Board was invited to provide written comments by Thursday 30 November 2023, in time to be taken into account for the mid-December written procedure version.

The Executive Director presented to the Administrative Board the initial draft of the planning document for 2025-2027. She reminded the Administrative Board that written comments were welcome by Thursday 30 November after this first round of discussions, for their inclusion in the version that will be submitted for endorsement by written procedure in December.

Ms Markovčić Kostelac stressed the importance of bearing in mind the maritime package, currently under negotiations and its impact on the Agency’s activities in the years to come. In addition to new activities and additional resources, the new European Parliament would be elected in June and the new Commission nominated shortly after, with a possible impact on the policy context in which the Agency operated.

In the area of Surveillance, Ms Markovčić Kostelac highlighted, in addition to the developments planned for the RPAS multipurpose regional services and the replacement of the majority of EMSA’s RPAS portfolio, the first deployment to operations of Earth observation products based on artificial intelligence.

In the area of Simplification, she announced the European Maritime Single Window environment, which would be operational in August 2025, improvements to SafeSeaNet in support of new and revised EU legislation and development of the EU Seafarers’ Certification Platform, allowing Member States to modernise their administrations without the burden of creating their own system.

In the area of Digitalization, she informed the Board that the main driver in this area will be consolidation of the Agency’s flagship tools and services (THETIS, IMS, DONA, etc.), but also an operational THETIS FuelEU Maritime with additional features (e.g., flexibility mechanism, management of penalties) to be implemented in 2025. She further announced the new Earth Observation Data Center (EODC) aiming at completing the modernization project for this application in 2026 and finally CISE, already in operational phase, subject to the Board’s agreement on the future Contribution Agreement.

In the area of Technical Assistance, the EMSA Academy will continue to provide its full set of learning services, based on the Member States’ Training Needs Analysis, including needs stemming from the new legislative framework from FuelEU Maritime and the extension of the ETS to maritime transport. Further work may be carried out on possible fee-based services from the EMSA Academy to third countries and industry, where this would be of added value from an EU perspective and in close cooperation with the Administrative Board.

Ms Markovčić Kostelac recalled the budget proposed for 2025 which was expected to enable the Agency to provide planned services and assistance to both the Commission and the Member States as outlined in SECTION III: Work programme 2025 that was in line with the Multi-annual Financial Framework 2021-2027, plus the additional resources made available for salary expenditure due to high inflation and for FuelEU.

She also recalled the ongoing legislative processes and the various elements of the maritime package that foresee more tasks for EMSA and the corresponding resources.
The figures presented in the SPD2025-2027 were therefore without prejudice to the outcome of these legislative processes and would be revisited in due course.

Ms Fotini Ioannidou (Commission) thanked the Agency for consulting the Commission before submitting the document to the Administrative Board for consideration. Despite the fact that negotiations were still ongoing, possible new tasks and resources should be reflected in the SPD 2025-2027 in order to prepare for their integration. The document would in any case need to be revised over the summer to take into account the Commission’s formal Opinion, as usual, but also possible future new political priorities from the future College. The Commission highlighted the importance of demonstrating efficiency gains in the context of the potential growth in resources.

The document was further welcomed by France, Greece and Italy, including in its future version that would reflect the revision of the mandate if, as suggested by Cyprus, they were clearly marked as such.

In the light of the comments received, the Executive Director announced that the Agency would work out a way forward to reflect the main lines of the potential changes to the Agency’s mandate and resources from 2025, subject and without prejudice to the outcome of the legislative process.

In response to Denmark, Finland, Norway and Estonia and the Agency’s role in relation to risk-assessment, the Executive Director took note but also mentioned the lack of legal basis for that set of activities.

The Commission welcomed the focus on Human Element. Ms Tomassini clarified that the planned study would fill a knowledge gap in that area capitalising on the available data not only on holders of certificates but also which of them are in active employment and work on board of ships, and their different profiles.

The Chairman of the Administrative and Finance Committee informed the Board that the Committee reviewed the resource related aspects for the SPD 2025-2027, in particular an Establishment Plan 2025 of 212 statutory posts and a proposed revenue of €94,172,022 based on the current Founding Regulation and could provide a favourable opinion to the Board.

The Chairman concluded the agenda item and recalled the deadline of 30 November for written comments in time for the written procedure to be launched mid-December.

8. EMSA Draft Administrative Arrangements

The Administrative Board considered and did not object to the request of Abuja MoU to access to RuleCheck and MaKCs and agreed to the draft agreement with the Abuja MoU to access RuleCheck and MaKCs.

Ms Markovčić Kostelac presented the request from 23 May 2023 to provide access to RuleCheck and MAKCs to the members of the Memorandum of Understanding on Port State Control for the West and Central African Region (Abuja MoU).

She recalled that RuleCheck is a decision-support tool owned by EMSA, developed and maintained under an ongoing Framework Contract with the Korean Register of Shipping (KR Hellas Ltd.) that contained all applicable maritime legislation such as IMO Conventions, Codes, Resolutions and Circulars, ILO Conventions and guidelines, relevant EU Regulations and Directives as well as the respective manuals and Instructions of the Paris, Black Sea and Mediterranean Memoranda of Understanding on Port State Control.
RuleCheck was currently in use by different Memoranda on Port State Control (Paris MoU, MedMoU, BS MoU, Caribbean MoU, Indian Ocean MoU, Vina del Mar), plus Flag State Administrations of EU Member States and ENP beneficiary countries, Accident Investigation Bodies in the EU and Flag State Inspectors from the Australian Maritime Safety Agency.

The Executive Director also recalled that MaKCs is the EMSA Academy’s e-learning Platform / Learning Management System (LMS) that offers training modules accessible to different PSC regimes (MED, Black Sea, Riyadh and Caribbean MoUs) beyond the Paris MoU, thus fostering professional competency while ensuring a harmonised approach by PSCOs during PSC inspections.

The Commission also confirmed the potential added value in the EU perspective for the provision of these tools to the Abuja MoU by EMSA, as this will contribute to the further global harmonization of the implementation of the international conventions as well as exporting EU solutions and best practices worldwide.

For access to both RuleCheck and MaKCs, the Agency’s assessment was similar to past requests, the only expected workload would be related to the creation of new users, calculated to maximum 5 minutes per user adding up to approximately 12.5 hours in this case, handled by existing staff, with no additional workload for the helpdesk expected and no negative impact on the core tasks of the Agency. In terms of financial resources, the increase of the users from the Abuja MoU did not entail any additional cost as no specific development was needed since access will be granted to the existing tool and no licence fee costs were to be foreseen.

The Chairman concluded that, considering the positive assessments from the Commission and the Agency, the request from the Memorandum of Understanding on Port State Control for the West and Central African Region (Abuja MoU) for access to the EMSA RuleCheck / MaKCs can be granted. He further concluded that the Administrative Board considered and had no objections to the related MoU between the European Maritime Safety Agency (EMSA) and the Abuja MoU.

The Administrative Board also took note of the information provided by the Commission on the potential injection of an additional € 350,000 before the end of the year into the EMSWe agreement in support of the implementation of the EMSWe Regulation, in view of two additional tasks. Subject to the Agency’s positive assessment of the Commission’s request, a written procedure to amend the existing Contribution Agreement between EMSA and DG MOVE may be launched.

9. Adoption of the list of “A” items

The Administrative Board took note, considered and adopted as appropriate the following “A” items:

(a) EMSA Financial Statement for 2022 – took note of the final report of the European Court of Auditors and approved the final accounts for 2022.

The Committee was informed by the Agency’s Accountant that the final report by the Court of Auditors was received on 26 October.
The Court confirmed the positive opinion on the reliability of the accounts as well as on the legality and regularity of revenue and payments underlying the accounts in all material respects.

(b) Internal Audit Service Strategic Audit Plan 2024-2026 – considered the IAS Strategic plan for 2024-2026.

A new strategic audit plan was established by the Internal Audit Service (IAS) for the period of 2024-2026, based on the results of an in-depth risk assessment carried out by the IAS in March 2023 and covering all EMSA auditable entities.

The plan contained 3 audit topics:

- 1. Human resources management and ethics
- 2. CleanSeaNet and illegal discharges
- 3. Procurement and contract management

Ms Anne Montagnon (Commission) congratulated the Agency on the positive opinion of the Court of Auditors on the Agency’s accounts in the previous agenda item, which was the case for several years in the row now, stating that the reliability was now established. She further stressed the importance of the accounting work which was usually invisible but time consuming both on the side of the Agency and the Commission.

In relation to the IAS Strategic Audit Plan with focus on ethics, she hoped that the seminars recently provided by the SRD services to their Agencies would give the necessary tools for a smooth preparation for the future audit.

(c) Monitoring of findings and recommendations from internal and external audits and EMSA follow up - took note of the information provided on findings and recommendations from internal and external audits and the EMSA follow-up.

The Administrative and Finance Committee was presented as usual with a summary table by the Agency’s Internal Control Coordinator, outlining the recommendations and findings and the EMSA actions planned or undertaken.

Out of 23 recommendations, 1 remained open, 4 were ‘ready for review’, meaning that the Agency has taken the requested action and 18 were closed. The open recommendation will be closed within the agreed due date.

(d) 2023 Appropriations cashed – took note of the appropriations cashed in the current year.

The Committee was informed by the Head of the Executive Office of cash payments of earmarked revenues, which until receipt are recorded as “p.m.” in the budget, amounting to a total of €9,809,102.87 received since June, mostly consisting of pre-financings for COPERNICUS, support in the implementation of the EMSWe Regulation, support in the implementation of the FuelEU Maritime Regulation and for the IPA III project.

The Board was being informed throughout the year of cash received in the bank account in the interest of transparency.

Once cashed, such revenues are automatically loaded into the Agency’s budget. The Agency duly informs the Administrative Board of such amounts, which are taken into account after the end of the calendar year in the usual final budget amendment submitted for adoption by the Administrative Board.

(e) EMSA 2023 Budget transfers – took note of the 2023 budget transfers.
This standing agenda item at November meetings, stemming from the Financial Regulation, was presented to the Administrative and Finance Committee by the Head of the Executive Office. None of the transfers made needed approval by the Board.

After the year end, a note will be sent to the Board informing of possible additional transfers that may occur until the end of the year.

(f) Implementing Rules to the Staff Regulations – adopted the Decision on working time and hybrid working.

Following finalisation of the model Decision text by the Commission in cooperation with the Standing Working Group on Implementing Rules and completion of the Inter Service Consultation at the Commission, on 25 July 2023 the Commission informed the Agencies that an ex-ante agreement concerning a model decision on working time and hybrid working had been adopted.

The EMSA Staff Committee was consulted and provided their opinion, so the remaining step is the adoption of the model Decision by the Administrative Board.

The attention of the Administrative and Finance Committee was drawn to the clerical error to be corrected in the final draft (Article 4.2 of the draft Decision).

In response to the Commission on the feedback from staff in relation to the new ways of working, the Agency explained that it worked in close cooperation with the Staff Committee, with no negative feedback so far. The new regime being even more flexible for staff, positive feedback was to be expected. A staff satisfaction survey would be launched at the beginning of 2024 in line with EMSA HR strategy.

Ms Montagnon (Commission) welcomed the adoption of the Decision and looked forward to receiving the results of the staff survey.

10. Any other item upon request

The long-standing German representative and former Deputy Chairman of the EMSA Administrative Board, Mr Achim Wehrmann, for whom this would be the last meeting, thanked the Agency and the Administrative Board for the work accomplished together since 2009.

The Executive Director also thanked all the long-standing EMSA Administrative Board members for their support and wisdom, and in particular Mr Andreas Nordseth.

Mr Nordseth thanked the Executive Director and the EMSA Administrative Board, stating that the most important ships in life are partnership and friendship.

Date of the next EMSA’s Administrative Board Meeting (March 2024) and planning for 2024:

March 2024:
Administrative and Finance Committee meeting: 6 March am (online meeting)
Administrative Board meeting: 6 March pm (online meeting)

June 2024:
Administrative and Finance Committee: meeting 3 June (online meeting)
Administrative Board meeting: 5 June pm and 6 June am (Lisbon)
November 2024: week 18 to 22 November 2024

Signed:

Wojciech Zdanowicz
Chairman of the EMSA Administrative Board

Done at Lisbon, 6 March 2024
LIST OF PARTICIPANTS

68th Meeting of the Administrative Board, 14 and 15 November 2023

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