

**64th Meeting of the Administrative Board
Lisbon and Video Conference****SUMMARY OF DECISIONS****15 June 2022****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 minutes of the last Administrative Board meeting which took place via video conference on 23 March 2022.

3. EMSA Consolidated Annual Activity Report 2021

Following the circulation on 13/6 of an additional information note on the Preliminary Observations of the European Court of Auditors clarifying the Agency's legal analysis forming the basis for its decision to challenge the Court's conclusions through the ongoing so-called Adversarial procedure, the Commission expressed its alignment with the Agency's analysis and approach and confirmed that the nature of the qualified opinion did not prevent the adoption of the CAAR 2021. The Administrative and Finance Committee reported its deliberations on the matter and support for the Agency's approach and provided a positive opinion to the Administrative Board for the adoption of the CAAR 2021.

The Administrative Board **confirmed the adoption and assessment of the EMSA Consolidated Annual Activity Report 2021** in accordance with Articles 15(2)(d) and 10(2)(b) of the EMSA Founding Regulation and endorsed the position of the Agency on the preliminary observations of the European Court of Auditors.

4. Update on the implementation of the Agency activities in 2022

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

- (a) Relevant tenders and developments in the field of Anti-Pollution Measures;
- (b) European cooperation on coast guard functions - 2022 Budget execution;
- (c) Maritime Data Catalogue;
- (d) Guidance on Alternative Fuel Vehicles (AFV) and Ship to Shore Electricity (SSE);
- (e) Capacity Building activities.

The Administrative Board also **took note** of the learning services for 2022 and **endorsed** the proposed learning services for 2023.

The Administrative Board also **took note** of the impact on the 2022 budget of salary adjustments linked to indexation, to be covered as much as possible through reallocation of appropriations in Title I and Title II but that may also require a transfer from Title III towards the end of the year to be approved by the Administrative Board.

4bis. Request for technical assistance in 2022

The Administrative Board **examined and approved**, in line with article 10(2)(c) of the EMSA Founding Regulation, the request for technical assistance from Croatia on behalf of the EUREKA Consortium as referred to in Articles 2(3)(b) and 2(5).

5. Draft Administrative Arrangements

The Administrative Board **took note** of the main elements of the draft administrative arrangement with DG CLIMA to be presented in due course for consideration by the Administrative Board as foreseen by Article 10(2)(cc) of the Founding Regulation by written procedure.

6. Status of the EMSA Draft Single Programming Document 2023-2025

The Administrative Board **took note** of the information provided by the Agency on the latest operational and budgetary developments with potential impact on the Draft Single Programming Document 2023-2025 and the corresponding Draft Budget and Establishment Plan for 2023.

The Administrative Board was invited to provide any further comments in writing by 29 June 2022.

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

7. Adoption of the list of “A” items

The Administrative Board **took note and approved** as appropriate the following “A” items:

(a) EMSA Financial Statement for 2021 - provided a positive opinion and approved the EMSA 2021 final accounts.

(b) 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.

(c) 2022 Appropriations cashed - took note.

(d) Implementing Rules to the Staff Regulations – adopted the Decision giving mandate to the Executive Director to request the Commission’s agreement to the non-application of Commission Decision C(2022) 1788 on working time and hybrid working.

8. Any Other Business.

The Chair recalled that the Members of the Administrative and Finance Committee should have been (re)appointed at the end of their term in November 2021. The Administrative Board confirmed their confidence in the Committee and agreed to prepare the (re)appointment in November 2022.

Dates of next EMSA’s Administrative Board meeting

Administrative and Finance Committee: 15 November 2022 online

Administrative Board: 17-18 November 2022 in Lisbon and online

DETAILED MINUTES

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

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

Nomination:

The alternate Board Member for Estonia was welcomed: Mr Kaupo Läänerand, Deputy Secretary General for Maritime, Ministry of Economic Affairs and Communications, replacing Mr Tarmo Ots.

Proxies/absences:

Austria did not attend the meeting and no proxies were provided.

2. Minutes of the last meeting

*The Administrative Board **approved** the draft minutes and decisions of the last meeting, which took place via video conference on 23 March 2022.*

The draft minutes of the March online Board meeting were circulated 20 April 2022 and no comments were received.

3. EMSA Consolidated Annual Activity Report 2021

Following the circulation on 13 June of an additional information note on the Preliminary Observations of the European Court of Auditors clarifying the Agency's legal analysis forming the basis for its decision to challenge the Court's conclusions through the ongoing so-called Adversarial procedure, the Commission expressed its alignment with the Agency's analysis and approach and confirmed that the nature of the qualified opinion did not prevent the adoption of the CAAR 2021. The Administrative and Finance Committee reported its deliberations on the matter and support for the Agency's approach and provided a positive opinion to the Administrative Board for the adoption of the CAAR 2021.

*The Administrative Board **confirmed the adoption and assessment of the EMSA Consolidated Annual Activity Report 2021** in accordance with Articles 15(2)(d) and 10(2)(b) of the EMSA Founding Regulation.*

The Executive Director explained the Preliminary observations of the European Court of Auditors received on 25 May 2022 and circulated in the second set of documents with:

- a **positive opinion** on the reliability of the accounts
- a **positive opinion** on the legality and regularity of revenue underlying the accounts,
- a **qualified opinion** regarding the legality and regularity of payments underlying the accounts.

As indicated in the Information note provided to the Board on 13 June 2022, the basis for this qualified opinion related to the interpretation of the use of Article 172(3)(d) of the EMSA Financial Regulation:

"A contract, a framework contract or a specific contract under a framework contract may be modified without a new procurement procedure in any of the following cases: [...]

(d) where both of the following conditions are fulfilled:

(i) minimum requirements of the initial procurement procedure are not altered;

(ii) any ensuing modification of value complies with the conditions set out in point (c) of this subparagraph, unless such modification of value results from the strict application of the procurement documents or contractual provisions.”

The Agency believed that both conditions imposed by the legislator has been fulfilled and that the chosen approach to increase the SCs value by contract amendment, even if above 10% of the initial value, was in full compliance with the legal requirements. The Executive Director further recalled that all of the 14 contracts amended related to the extensions of provision of RPAS services under the same conditions as initially procured in the context of the Framework Contract, with no introduction of new services nor any price change. Moreover, the budget consumed had always remained within the ceiling of the respective Framework Contract.

The Agency therefore disagreed with the Court’s conclusions and would challenge them through a so-called “adversarial procedure”, the outcome of which would be available in July, and would be followed by the final report of the Court to be issued as usual in autumn 2022.

Should the Court maintain its position, the Agency would need to fully revise its current contract implementation practices for all its RPAS and SATCom services related contracts with possible negative impact on the running and continuity of operations, that could possibly lead to service interruptions and delays in service execution and thus impacting the Member States and the EU bodies, the users of these services and the Agency’s budget execution.

At this stage, nevertheless, in relation to the CAAR 2021, considering that the final observations of the Court would only be available in autumn and that the EMSA Financial Regulation requires the adoption of the CAAR by 1 July, the Agency proposed that the Board confirms its adoption and assessment from the March meeting.

The Administrative Board would be fully informed of the outcome of the “adversarial procedure” and the Court’s final findings would be fully included in the CAAR 2022.

As regards the adoption of the Accounts, the Court provided a positive opinion, and the Board had sufficient assurance as to the adoption of the Accounts (AI 7a).

Ms Anne Montagnon (EC) thanked the Executive Director for her clarifications and underlined that the qualified opinion only concerned one element and did not affect the confirmation of the adoption of the Agency’s Consolidated Annual Activity Report 2021. The issue in play was a difference in the interpretation of the EMSA Financial Regulation between the Court on one side and the Agency and the Commission on the other and the Agency was fully supported in its efforts to argue with the Court. Contract amendments are necessary during the life of contracts of such complexity, especially during difficult years such as 2021, and these amendments did not in any way alter the nature of the service. Nevertheless, uncertainties in respect of the outcome of the adversarial procedure remained and the Court could maintain its opinion in which case the Agency would need to find a way to address this issue.

Mr Benito Nunez Quintanilla (Chairman of the Administrative and Finance Committee, Spain) reported on the discussions from the Administrative and Finance Committee and confirmed that the Committee, under an additional agenda item 1 bis requested at the meeting by the Executive Director, was able to look in detail at the information provided, ask questions and also hear the views of the Commission which confirmed its support to the Agency and would back the Agency in its attempts to convince the Court of its position. The

Chairman of the Committee confirmed its positive opinion for the confirmation of the adoption and assessment of the CAAR 2021.

In relation to the Decision approving the EMSA accounts for 2021 subject to certification without reserve by the European Court of Auditors, the Committee was also able to provide a positive opinion to the Board and would therefore recommend its adoption “en bloc” under the Administrative Board’s AI 7 “Adoption of the list of “A” items”.

In response to concerns raised by Mr Ioannis Efstratiou (Cyprus) in relation to possible future contract management, the Executive Director further explained that in case the Court maintained its position, the Agency would need to change its contract management e.g one option is that instead of amending existing specific contracts, new specific contracts would have to be put in place. This would lead to more administrative burden with no change in the substance of the contracts and no additional transparency.

For Mr Achim Wehrmann (Germany) it was important that both the Commission and the Administrative and Finance Committee shared the position of the Agency.

The Chairman concluded that the Administrative Board, after having heard the position of the Commission and the Committee, was also aligned with the position of the Agency, and confirmed the adoption of the EMSA Consolidated Annual Activity Report for 2021.

4. Update on the implementation of the Agency activities in 2022

*The Administrative Board also **took note** of the impact on the 2022 budget of salary adjustments linked to indexation, to be covered as much as possible through reallocation of appropriations in Title I and Title II but that may also require a transfer from Title III towards the end of the year to be approved by the Administrative Board.*

The Executive Director introduced this agenda item by informing the Board of the status of the work programme and budget implementation for the current year which presented no risks but rather a forecast of full implementation.

The Board was informed of several developments affecting the budget for salaries (Title I) for all the EU staff during this year due mostly to the current high inflation rate. The first intermediate adjustment, with a retroactive effect from January 2022, has been implemented in June, following the publication of the Eurostat report.

In addition, the suspended part of the 2020 salary update (related to the increase in purchasing power) will have to be paid in December 2022 (with retroactive impact since July 2022).

Lastly and as it is the case every year, the usual annual adjustments of salaries and coefficient correctors will be implemented within the December payroll with retroactive effect since July 2022. This adjustment has been estimated at 3.7%.

While the final values will only be known in November, the Agency has estimated the financial impact of these adjustments and solutions were identified to cope with these unexpected and extraordinary increases by primarily reallocating appropriations within Titles I and II. The remaining gap will require funds from Title III, the operational part of the budget.

A budget transfer from Titles II and III to Title I, to be approved by the Administrative Board as per relevant requirements of the EMSA Financial Regulation, would probably be required by the end of the year.

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

(f) Relevant tenders and developments in the fields of Anti-Pollution Measures

The Executive Director provided an overview of the **new vessel tenders**, including the tender for the Atlantic North, that was retendered following the unsuccessful tendering in 2021. Despite the fact that the technical specifications were adapted to widen the potential interest, the only company that had applied withdrew from the procedure, leading to the cancellation of the tender. This did not have a direct impact on the budget execution for 2022 under the condition that the three ongoing tenders would be successful: Channel and North Sea, Atlantic Middle and Black Sea North, all expiring in 2023.

The new tender for intermediate storage was launched in order to find a suitable tanker with large storage capacity (minimum 10,000 m³) for Ship To Ship Transfer operations in case of pollution at sea. EMSA welcomed Aktea II tanker to its fleet, the same contractor that had been awarded the previous contract in the area, now with a newer vessel and an increased storage capacity for the Aegean Sea with the pollution response equipment permanently on board and for which a project for RPAS equipment had been initiated but later abandoned due to technical and safety considerations. The vessel was expected to join the network by the end of June 2022.

A new tender was ongoing for the EAS Northern Baltic, expected to be contracted in August 2022 and become operational in December 2022. A new EAS was operational since April for the Black Sea in Varna. The new equipment for “near shore” response, which included working boats, inflatable barges and solid flotation booms, had started to be delivered in all EAS.

In relation to **exercises and trainings**, the Agency had taken a proactive approach with a very positive response from the Member States with several requests.

13 activations of the **Satellite based services** for emergency support had been requested since the beginning of the year.

The 21st CleanSeaNet User Group with almost 40 participants from maritime administrations from 21 Member States and Iceland took place.

An overview of the service results for 2021 was also provided, confirming a decrease in the number of CSN detections per million square kilometres.

The Executive Director further listed improvements that had taken place in the first part of the year in Earth Observations services with products such as wake, change and feature detections now available to users. She also informed the Board that the artificial intelligence for Earth Observation project was signed, and that the procurement for services from ICEYE - a new constellation of nanosatellites licenses to test the possibility for rapid tasking of services was launched. Another procurement for the new generation of contracts for EO services for SAR and Optical sensors was also ongoing.

Based on the requests received from the Member States, the interest in the RPAS technology in the area of antipollution was growing and more services for emissions monitoring were under preparation pending budget resources allocation and/or final authorizations.

The Executive Director concluded the presentation highlighting that the total estimated execution - that took into account all internal transfers done so far - was very positive both in commitment and payment appropriations.

Mr Vincent Denamur (France) thanked the Agency for the RPAS missions in the area of Port de Marseille and in the Strait of Pas de Calais and recalled the agreement by the MEPC to designate the entire Mediterranean Sea as an emission control area as from 2025.

For Mr Achim Wehrmann (Germany) the potential of RPAS missions for emission monitoring and other purposes was very promising and Germany was very much looking at using these services in the future.

In response to Mr Ioannis Efstratiou (Cyprus) on the question of responsibility for the RPAS operations onboard anti-pollution vessels, Ms Markovčić-Kostelac confirmed that while a pilot was responsible for overseeing the operations in relation to RPAS - which represented an additional equipment on board - the overall responsibility for the ship of course remained with the ship master.

The new Irish representative Mr Garret Doocey took this opportunity to thank the Agency for the second attempt at contracting a vessel for the Atlantic North.

(g) European cooperation on coast guard functions - 2022 Budget execution

The Executive Director presented developments in the area of **Information Sharing**, listing the continuous improvements in terms of Integrated Maritime Services (IMS): enhancement of the Historical Automated Behaviour Monitoring (H-ABM) benefiting from investments made and the experience gained from the HP-IMS Long Term Storage (LTS); further development of the Near Real Time ABMs based on user requirements; a new service of worldwide port calls detection, with an improved capacity to monitor the actual time of arrival and departure (ATD) of vessels; initial technical assessment on the plan to move the maritime picture to the cloud; finalized draft guidelines on business requirements of an IMS drift modelling interface submitted to the HLSC for approval.

Furthermore, the study for the use of Artificial Intelligence and Machine Learning solutions in Integrated Maritime Services was also finalised. The study aimed at, in addition to more efficiency and sustainability, reducing the workload of maritime administrations, maritime traffic and maritime surveillance operators through automation.

The quality of service of the RPAS DC was improved in 2022 through the implementation of an increased system capacity to support a higher number of RPAS missions in parallel and the integration with other available information such as oil spill and AIS information.

The SurvSeaNet project - the development of the new RPAS DC – was also underway, with enhanced security systems in view of the upcoming regulations on Information Security and Cybersecurity Regulation.

Ms Markovčić-Kostelac further listed the RPAS deployments that had taken place this first semester for 2022: for EFCA on board of their patrol vessels Lundy Sentinel and Aegis; in the Black Sea from Romania, building up on last year's experience in the context of the MMO; in the East Baltic flying from Finland, in the

West Baltic flying from Denmark, as well as the RPAS operations from the Icelandic coast guard patrol on two vessels, starting with THOR.

She also announced the following additional services that were expected to start shortly: RPAS operations in the Mediterranean flying from Italy and the extension of the regional service in the Baltic East to Estonia and Latvia.

Satellite communication services were deployed in support of these RPAS services, enabling the monitoring and sharing of the service via the RPAS-DC.

The cooperation with EASA was reinforced with the signature of the Memorandum of Cooperation. Moreover, EASA, EFCA and FRONTEX had been invited to contribute to the new procurement for the renewal of RPAS capacities for vertical take-off and landing.

A market research had been launched to explore possibilities of deploying small footprint RPAS from patrol vessels, presenting simplified logistics but longer endurance than the existing light RPAS currently deployed on the OPRV and EFCA vessels.

With the Satellite AIS, more than 35 Million vessel positions were being detected per day and 8 (soon 9) Member States benefitted from a System-2-System interface for the use of data in their own national systems.

In the area of **Capacity Building**, VRESI was now fully integrated in the Agency's learning services in support of all Common Core Curricula. New training scenarios had already been developed in support of the courses and more scenarios were being developed and new features had been included, such as a multimedia player to enrich the training experience.

MAKCs had become the delivery platform of all learning services: synchronous and asynchronous learning activities, performance assessments, case studies, quizzes etc, integration with VRESI, evaluation of the courses and certification, allowing the streamlined delivery of "blended" training. In addition, the MaKCs national extensions (including the one for the Paris MoU Secretariat) were now operational and MAKCs with its new functionalities in support of the different courses had become the platform for the different learning services offered by the Agency.

The eLaboratory had been further enhanced and was used daily in support of learning activities with live deliveries, video production, photo-making and post-production techniques.

Common Core Curricula Competencies and learning outcomes were being worked out by the dedicated working groups for Port State Control (in cooperation with the Paris MoU on Port State Control), Accident Investigation (in cooperation with the Permanent Cooperation Framework) and Flag State inspectors.

The Sulphur Inspector Common Core Curriculum was completed and launched in May 2022 as a blended programme and two part time online courses were made available in 2022: on SAR Coordination and the Introduction to EU Maritime Legislation. The Flag State Inspector Common Core Curriculum would be delivered in September.

All learning activities followed the procedures of the EMSA Academy Quality Management System, which was expected to be certified by the end of 2022.

The Executive Director concluded that the estimated total execution of the overall coast guard functions envelope - with all internal transfers done so far - was very positive.

The Chairman of the Administrative and Finance Committee Mr Benito Nunez Quintanilla (Spain) confirmed the Committee's positive opinion on the status of implementation of the overall coast guard functions budget envelope for 2022 and the estimated total execution, considering all internal transfers done so far, which appeared **very positive both** in Commitments and Payments.

(h) Maritime Data Catalogue

Mr Peter Kirov, Head of Department 3, presented the Maritime Data Catalogue project, following the interest expressed by Members at the March meeting. The project was one of the main deliverables of the Technical Subcommittee 1 of the Tripartite Working Arrangement between EMSA, EFCA and Frontex and provided a single, centralised repository for all the information on the available maritime data across the EU through the three agencies. It aimed at raising awareness and contained information on 10 thematic data groups with more than 60 associated datasets hosted by the agencies.

Mr Kirov stressed the difference between the Maritime Data Catalogue and the Practical Handbook on European Cooperation on Coast Guard Functions. The handbook provided a wealth of information on services, products, training courses, best practice guidelines and manuals of all interagency activities supporting coast guard functions in Member States, as well as information on existing cooperation frameworks and country factsheets. The catalogue complemented the handbook, providing an in-depth description of the available datasets and how they can be accessed.

The document structure allows Member States to easily find the particular dataset they are interested in. As the premier maritime data provider, the Agency hosts 70% of the datasets listed in the catalogue and jointly hosts another 15%. The mapping of which datasets are available to which coast guard functions will help identify potential gaps in data sharing and possible areas for expanding sharing if appropriate and agreed by the Member States.

Following the first presentation of the catalogue to the Member States at the kick-off meeting in October 2021, initial feedback and comments were already integrated. Further feedback was also gathered at the dedicated breakout session during the Annual European Coast Guard Event 2022 in Warsaw which will lead to a version 2 in December 2022.

(i) Guidance on Alternative Fuel Vehicles (AFV) and Ship to Shore Electricity (SSE)

Guidance on Alternative Fuel Vehicles

Mr Leendert Bal, Head of Department 2, explained the background for the Guidance on Alternative Fuel Vehicles published in May 2022: with the increase in the transportation of AFVs and in particular Electric Vehicles in 2020, various Member States and stakeholders brought the issue to the attention of DG MOVE and EMSA was requested to draft the Guidance in December 2020.

EMSA formed a consultation group composed of around 30 experts representing a wide range of involved stakeholders: Maritime Administrations, Ship operators, Research institutes, Class Societies. The group also included charging station manufacturers and one car manufacturer. The exercise was broad in scope, covering both passenger ships and non-passenger ships carrying all possible AFVs, ranging from electric to LNG and, looking into the future, hydrogen vehicles. Due to their distinct fire characteristics, a different approach is needed for these vehicles.

The work that based on available research and included a risk assessment and operational elements. The document was structured in three main parts: 1. basic recommendations, with information on the characteristics of AFVs and their fire properties; 2. ropax ships and 3. ro-ro cargo and vehicle carriers. The document included also a number of recommendations, on the prevention of ignition on one side and on detection and fire suppression and extinguishment on the other. Particular focus was given to operational measures.

Guidance on Ship to Shore Electricity

Mr Bal also presented the Guidance on Shore-Side Electricity for Port Authorities and Administrations, the development of which represented a vote of confidence from the Sustainable Ports Subgroups of the European Ports Forum. He recalled the background of this Guidance, that had been requested in parallel by the Commission under the European Ports Forum framework and as a need stemming from EU legislation and in particular Directive 2014/94/EU that required EU core ports to develop, subject to a cost-benefit analysis, relevant shore-ship connections by the end of 2025.

In addition, the “Fit for 55” legislative package included proposals relevant to the promotion and deployment of shore-side electricity with new mandatory requirements for ports to have in place an OPS infrastructure to supply passenger ships and containerships of gross tonnage above 5,000 GT. On the demand side, the FuelEU Maritime regulation proposal included specific provisions also promoting the use of OPS in ports by the same ships, requiring them to be zero-emissions at berth as from 1 January 2030.

The document was divided in two parts:

1. an introduction and an overview of infrastructure, equipment and technology for shore-side electricity, with a detailed description of the functions of the system’s components, power characteristics and a list of the relevant standards associated;
2. a support guide for the SSE project focused on safety of implementation and operation, describing the regulatory framework, hazards involved, risk assessment elements, risk control measures and safety verification procedures.

Mr Bal also provided examples on how this practical guidance document could be useful for port authorities: the estimate of power demand for new installation based on the fuel consumption of the ship/s at berth and on port calls information for multiple ships, detailed information for different ship types on voltage, average power demand, operating profile at berth, average time at berth, cost, safety and available connectivity standards.

With focus on safety, the document provided guidance on hazard identification (such as risk of electrical fire and/or explosion or occupational incidents such as shocks and blackout during shore power supply) and risk assessment and mitigation options.

For the drafting of the Guidance a large effort had been undertaken for the development of compatibility and interoperability standards in the ship-shore interface. Other projects from private industry and public initiative (e.g. Malta) were being developed in parallel, exploring specific business cases for which the use of SSE represented a feasible option.

Mr Ivan Sammut (Malta) thanked the Agency for this important initiative that now included a wide scope of users involved for the first time. The Guidance on alternative fuel vehicles was very useful and needed to be dynamic and aligned to the developments in the field. Mr Sammut recalled the important national project in Malta focused on providing, in major ports, ship to shore electricity connected to the national grid with electricity generated from LNG. In that context, the guidance document provided by the Agency was very useful.

Mr Ioannis Efstratiou (Cyprus) praised the work of the Agency. He underlined the need for the industry to have specifications, in terms of, for example, compatibility. He also recalled emissions reduction as the ultimate objective; in that sense, the industry needed to be given a signal to follow.

Ms Magda Kopczynska (EC) complimented the Agency on both guidance documents, but specifically on the one on Alternative Fuel Vehicles, stating that the previous guidance on LNG had become a benchmark for the community and she expected the same for this one.

(j) Capacity Building activities

The Executive Director presented the developments in the area of Capacity Building. Highlights of the 2022 activities were already provided in the previous presentation on the coast guard functions budget that financed many of the Agency's capacity building activities.

Ms Markovčić Kostelac underlined that the Board was expected to endorse the activities planned for 2023 that took into consideration the requests from the Member States and matched them with available resources and expertise. The proposed list, circulated in the 2nd set of documents, covered Common Core Curricula, on-line part-time courses, trainings on specific topics and trainings on operational applications.

The Chairman confirmed the endorsement by the Board of the list of proposed learning activities for 2023.

Ms Manuela Tomassini, Head of Department 1, introduced DONA (Dynamic Overview of National Authorities) the Phase 1 of which went live on 8 June, with its three distinguished functionalities:

- Country profile: a publicly available section of DONA which includes information on how Member States have organised their competent authorities responsible for their Flag, Port and Coastal State obligations, as well as on authorities performing coast guard functions, or other competent authorities responsible for the implementation of EU legal acts falling within the mandate of EMSA;
- Reporting gate: a single-entry portal with restricted access, through which Member States could, in accordance with a pre-agreed list of reports and templates report to the Commission on the implementation of various EU legal acts;
- Statistics: a restricted area of DONA, available only to designated users from the Member States, where EMSA regularly uploads maritime related statistics from data sources available in EMSA, thus

supporting the Member States in their capacity as Flag, Port and Coastal States and their monitoring activities and in measuring their own performance.

Ms Tomassini stressed, namely in response to Cyprus, that the use of DONA was not mandatory at this stage.

4bis. Request for technical assistance in 2022

*The Administrative Board **examined and approved**, in line with article 10(2)(c) of the EMSA Founding Regulation, the request for technical assistance from Croatia on behalf of the EUREKA Consortium as referred to in Articles 2(3)(b) and 2(5).*

The Chairman invited Croatia to introduce the request for technical assistance addressed to the Agency on 23 May from the Croatian Ministry of the Sea, Transport and Infrastructure on behalf of the EUREKA Consortium.

Mr Siniša Orlić (Croatia) explained that the request aimed at modernizing the Mandatory Ship Reporting System ADRIREP in the Adriatic Sea ensuring an effective response to modern safety challenges and the provision of harmonized maritime services in the Adriatic-Ionian region. He recalled the adoption by the IMO Maritime Safety Committee of Resolution MSC.139/76 for mandatory reporting for oil tankers beyond 150 gross tonnage and for all ships beyond 300 gross tonnage carrying dangerous or polluting goods, in force since July 2003. The ADRIREP system was now outdated and not fully serving its objectives. A modernized system, based on technology available today, would be beneficial for the Adriatic-Ionian region.

Mr Orlić further detailed the composition of the EUREKA Consortium: Croatia, Italy, Greece and Slovenia from the Member States, and Albania, Bosnia and Herzegovina and Montenegro from the States applying for accession to the Union.

Due to the involvement of non-EU countries in the project (2 of which are candidate countries), in line with the requirements stemming from the EMSA Founding Regulation Article 2.5, a separate request had been addressed to the Agency by the Commission. The Commission considered as beneficial to include the non-EU states in the technical support for Phase 1 at their cost. Ms Kopczynska confirmed that the project was fully in line with the common objective for the shared sea basin and the ambitions of the project to attain EU digitalisation and facilitation objectives.

The Executive Director also confirmed a positive assessment by the Agency of the relevance and compatibility of the request with its resources. The Agency was ready to provide the technical assistance for Phase 1 of the project. Phase 2 would very much depend on the outcome of Phase 1 and would be the subject of a separate request for technical assistance to be presented ahead of the November board.

Both countries involved in the project (Italy, Greece and Slovenia) and countries not part of the consortium (France, Germany) expressed their support for this project and the Agency's technical assistance.

The Chairman welcomed the possible future expansion of the system to other regions and confirmed the approval by the Administrative Board of the request for technical assistance from Croatia on behalf of the EUREKA Consortium as referred to in Articles 2(3)(b) and 2(5) for its Phase 1.

5. Draft Administrative Arrangements

*The Administrative Board **took note** of the main elements of the draft administrative arrangement with DG CLIMA to be presented in due course for consideration by the Administrative Board as foreseen by Article 10(2)(cc) of the Founding Regulation by written procedure.*

The Executive Director recalled the Cooperation Agreement with DG CLIMA for the support of the implementation of the Regulation on the monitoring, reporting and verification of emissions of carbon dioxide, from maritime transport and amending Directive 2009/16/EC on port State control and relevant technical assistance, which was in place since 2016 and under which EMSA has developed and maintained the THETIS-MRV system.

The duration of that SLA had been extended twice and would end on 30 September 2022.

Following the adoption by the Commission of the "Fit for 55" package, discussions were ongoing within the context of the co-decision procedure on the proposal for amending Directive 2003/87/EC establishing a system for greenhouse gas emission allowance trading within the Union. The proposal foresaw the extension of the European Emission Trading Scheme (ETS) to maritime transport. With THETIS-MRV as a cornerstone of the reporting system within the context of the proposed extension, it was the intention of DG CLIMA to enter into a new SLA with the Agency in order to ensure its technical assistance in support to this new development.

The draft SLA was currently under discussion between DG CLIMA and the Agency and it was expected to enter into force in the last quarter of 2022 for a duration of 4 years.

The main tasks entrusted to the Agency are support the Commission in the legislative process, including the development of relevant implementing acts, design and development of the necessary adaptations and enhancements of the THETIS-MRV system for the purpose of the ETS directive and its implementing and delegated acts, establishment of a reliable solution for the transfer of data between the THETIS-MRV system and the Union Registry for ETS and support to Member States, the Commission and stakeholders in the implementation and monitoring of the legal acts through the development of tools guidance and training activities.

The SLA would follow the logic of a project-financed action with a budget of € 3,185,000 and 5 additional project-financed staff.

Once finalised, a written procedure would be launched for the Administrative Board's consideration.

The Chairman confirmed that the Administrative Board took note of the future written procedure for the consideration by the Board of the draft SLA with DG CLIMA to ensure the Agency's technical assistance in support to the extension of the ETS to maritime transport.

6. Status of the EMSA Draft Single Programming Document 2023-2025

*The Administrative Board **took note** of the information provided by the Agency on the latest operational and budgetary developments with potential impact on the Draft Single Programming Document 2023-2025 and the corresponding Draft Budget and Establishment Plan for 2023.*

The Administrative Board was invited to provide any further comments in writing by 29 June 2022.

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

The Executive Director recalled that the document had first been considered by the Administrative Board in November 2021. After the addition of technical annexes and of detailed human and financial resource information, it was then endorsed by written procedure in December-January prior to its transmission to the Institutions by the end of January as the Agency's input to the budgetary procedure for 2023.

In the view of the final adoption of the document in November, Ms Markovčić-Kostelac invited Member States to provide their comments and thus further shape the substance of the Agency's programming for the next year.

The Executive Director presented some of the highlights for 2023 under the headings of Sustainability, Safety, Security, Simplification, Surveillance, Digitalisation and Technical Assistance and welcomed the request to share the text of her presentation, which was made available on the Administrative Board extranet after the meeting.

Ms Markovčić-Kostelac also informed the Board of the following changes in the draft budget for 2023 compared to the figures presented in the draft SPD 2023-2025 that was endorsed in January 2022:

- an increase by € 866,932 in the EU Subsidy due to a higher forecast for the salary adjustments for 2023
- an increase by € 286,961 in the assigned revenue as the figures deriving from previous year's surpluses for the calculation of the budget outturn of 2021 were now available
- the EFTA rate for 2023 was known since April 2022 and had been set at 2.93% which represented also a slight increase compared to last year.

In terms of overall revenue, the increase amounted to +1,40% and would be used to cover the higher than originally foreseen need in Title I while the operational budget would remain at the same level.

The Executive Director further reminded the Administrative Board that in terms of human resources the Agency continued to maintain stability since 2019. She nevertheless also recalled that the revision of the EMSA Founding Regulation might have an impact on the resources in the years to come.

In response to Mr Wojciech Zdanowicz (Poland) on the intention of the Agency to explore the possibility to provide learning services against fees, Ms Manuela Tomassini, Head of Department 1 – Sustainability, recalled the multi-annual perspective of the document. The future revision of the Agency's mandate could alter the Capacity Building activities in that direction.

Following his suggestion, the Board agreed to add some wording that reflects the situation in Ukraine in the introduction to Section II on multi-annual programming. The wording agreed at the last Board meeting in the context of the Administrative Board's assessment of the CAAR would be reused.

In response to Malta (Ivan Sammut) on the possible role of the Agency to assess and help overcome ongoing challenges for the maritime sector in relation to the pandemic, Ms Markovčić-Kostelac recalled the Covid-19 impact report that indeed covered various aspects of the effect of the pandemic on maritime transport. While recalling that the Agency's mandate focused on safety and environmental rather than economic issues, she stated that the report could be updated with longer-term consequences of such events on the sector. In view of the importance of analysing all aspects of the impact of COVID-19 on shipping also

in the long term, it was agreed to add a sentence in the programming document indicating the Agency's readiness if requested to help with further assessment of impacts, responses and lessons learned.

In the area of Sustainability, for Mr Vincent Denamur (France), the extension of ETS to maritime transport represented an important challenge for Member States in terms of implementation and verification. He hoped that the potential role of the Agency to provide much needed support in this area would be adequately reflected in the programme for 2023.

Ms Magda Kopczynska (EC) announced that the formal opinion by the Commission would be made available in the coming weeks. Echoing the comment by the French representative, she evoked the Agency's challenging task of balancing resources and ever evolving needs for support in the light of new legislative pieces that were on their way, especially in relation to decarbonisation.

The Executive Director confirmed the readiness of the Agency to pursue its efforts to support both the Commission in the decision-making processes and the Member States in the development of appropriate tools for their implementation. She confirmed the Agency's cautious approach in relation to resources, especially with the substantial growth in the sustainability agenda.

Mr Benito Nunez Quintanilla (Chairman of the Administrative and Finance Committee, Spain) confirmed that the Committee took note of the resource-related aspects of the Draft EMSA single Programming Document 2023-2025.

The Chairman concluded the discussions on the programming document recalling the deadline of 29 June for submission of written comments.

7. Adoption of the list of "A" items

*The Administrative Board **took note and approved as appropriate the following "A" items:***

The Chairman of the Administrative and Finance Committee reported that the necessary quorum for the meeting had been in place with the participation in the meeting of the representatives from Spain, Germany, Poland, Belgium, France, Sweden and the Commission.

Relevant EMSA management were also present. The Committee had reviewed all the "A" points and could recommend that the Administrative Board take note/adopt them "en bloc".

(a) EMSA Financial Statement for 2021 - *provided a positive opinion and approved the EMSA 2021 final accounts subject to certification without reserve by the European Court of Auditors. Formal Approval by the Court of Auditors certifying that the 2021 Accounts are regular, conform and legal should arrive early autumn.*

The EMSA Financial Statement for 2021 was presented by the EMSA Accounting Officer. The main elements were recalled and represented no major changes compared to the Provisional EMSA Financial Statement 2021 presented at the previous meeting in March.

The preliminary observations by the Court of Auditors were received on 25 May and provided a positive opinion on the reliability of the accounts as well as on the legality and regularity in all material aspects of

revenue underlying the accounts. Concerning payments, the court stated that “except for the issues explained in the “Basis for a qualified opinion on the legality and regularity of payments” paragraph, the payments underlying the accounts for the year ended 31 December 2021 are legal and regular in all material respects.” As reported under the Administrative Board’s AI 3, given the discussion at the Committee meeting including the Commission’s positive input, the Committee could provide a positive opinion on the approval of the accounts.

(b) 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 usual summary table outlining the recommendations/findings, their current status and the EMSA actions planned or undertaken was presented by the EMSA Internal Control Coordinator. Out of 17 recommendations issued, 6 were now ‘closed’ and 11 were ‘ready for review’.

As agreed at the last meeting, the Agency broadened the scope of this agenda item to cover other audit recommendations, not only those stemming from the EMSA Financial Regulation. For example, the audit related to the certification of the EMSA Quality System and other ad-hoc audits such as the ones performed by the European Data Protection Supervisor.

(c) 2022 Appropriations cashed - *took note.*

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 € 11,590,929.60 received since March, consisting of pre-financing payments for Copernicus and SAFEMED V, the Equasis contribution paid by France, and funds cashed from EMCDDA in accordance with the SLA with EMCDDA for the management of the Ribeira das Naus premises for joint use and associated services. Once cashed, such revenues are automatically loaded into the Agency’s budget. The Agency duly informs the Administrative Board of such amounts, which would be taken into account at the end of the calendar year in the usual final budget amendment submitted for adoption by the Administrative Board.

(d) Implementing Rules to the Staff Regulations – *adopted the Decision giving mandate to the Executive Director to request the Commission’s agreement to the non-application of Commission Decision C(2022) 1788 on working time and hybrid working.*

Ms Dominika Lempicka-Fichter, Head of Department 4, explained the adoption by the Commission on 24 March 2022 of its Decision on working time and hybrid working which brings together elements of telework and working time in one decision and which is applied from 1 April 2022 at the Commission. According to article 110 (2) of the Staff regulations, Commission Decisions normally apply by analogy to the agencies after a period of nine months from their adoption. However, in certain cases and in agreement with DG HR, it may be appropriate to develop model decisions with key principles of the Commission Decision for the agencies but considering agencies’ specificities. Agencies wishing to go forward with the option of a model decision needed to request the agreement of the Commission to opt out from the Commission decision.

In the meantime, while the model decision is being finalised by the Commission and presented to the agencies for adoption, EMSA applies the current rules on telework with a few transitional elements, that have been discussed with the EMSA’s Staff Committee and which are in line with the current Commission

decision. These transitional elements allow staff to telework up to two days per week, with core hours in place with also provisions for teleworking from abroad up to a maximum of ten days per calendar year.

In the event that a mandate is given by the Board, the Executive Director would send a letter to the Commission formally requesting the opt out from the decision. Subsequently the model decision would be developed and brought before the Board for adoption, which is expected in early 2023.

Ms Anne Montagnon (EC) evoked the accelerated digitalisation in relation to working time and hybrid working as lessons learnt from the pandemic. While she recognised the need for the agencies to have rules adapted to their specific environments, she stressed the importance for the Commission of similar principles across agencies so as not to prevent mobility. In that respect, she suggested the Agency to inform DG HR on the few transitional elements put in place until the model decision would be adopted.

The Chairman confirmed the positive view of the transitional elements by the EMSA Staff Committee from the meeting that took place in the margins on the Administrative Board.

8. Any Other Business

The Chair recalled that the Members of the Administrative and Finance Committee should have been (re)appointed at the end of their term in November 2021. The Administrative Board confirmed their confidence in the Committee and agreed to prepare the (re)appointment in November 2022.

Dates of next EMSA's Administrative Board meeting

Administrative and Finance Committee: 15 November 2022 online

Administrative Board: 17-18 November 2022 in Lisbon and online

Signed:

A handwritten signature in blue ink, appearing to read "H. Nordseth", is written over a light blue rectangular background.

Andreas Nordseth
Chairman of the Administrative Board

Lisbon, 18 November 2022

EUROPEAN MARITIME SAFETY AGENCY (EMSA)

64th Meeting of the Administrative Board, Lisbon and Video Conference, 15 June 2022

LIST OF ATTENDANCE

MEMBER STATES	
BELGIUM	
Els Claeys	Board Member
Peter Claeysens	Alternate Member
BULGARIA	
Ventsislav Ivanov	Board Member
CROATIA	
Siniša Orlić	Board member
Zdravko Seidel	Alternate Member
CYPRUS	
Ioannis Efstratiou	Board member
CZECH REPUBLIC	
Evžen Vydra	Board member
DENMARK	
Andreas Nordseth	Board Member - Chairman of the Board
Niels Peter Fredslund	Alternate Member
ESTONIA	
Marek Rauk (online attendance)	Board Member
FINLAND	
Juha-Matti Korsi	Board Member
FRANCE	
Vincent Denamur	Alternate Member
Christophe Lenormand	Expert
GERMANY	
Achim Wehrmann	Board Member
Christian Kohlhase	Alternate Member

Marc Müller (online attendance)	Expert
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GREECE	
Christos Kontorouchas	Board Member
HUNGARY	
Csaba Bellyei	Board Member
IRELAND	
Garret Doocey	Board Member
ITALY	
Enrico Castioni	Board Member
LATVIA	
Jānis Krastiņš	Board Member
LITHUANIA	
Linas Kasparavicius	Board Member
LUXEMBOURG	
Robert Biwer	Board Member
MALTA	
Ivan Sammut	Board Member (online attendance)
THE NETHERLANDS	
Paul van Gorp	Board Member
POLAND	
Wojciech Zdanowicz	Board Member
PORTUGAL	
Paolo Pamplona	Alternate Member
ROMANIA	
Gabriel Razvan Trandafir	Board Member
Lacrima Hornet	Alternate Member
SLOVAKIA	
Josef Mrkva	Board Member
SLOVENIA	
Jadran Klinec	Board Member
Vladimir Vladovic	Alternate Member
SPAIN	
Benito Núñez Quintanilla	Board Member – Chairman of the Administrative and Finance Committee

Javier Fernandez Abad (online attendance)	Alternate Member
SWEDEN	
Pernilla Wallin	Board Member
EUROPEAN COMMISSION	
Magda Kopczynska	Board Member
Fotini Ioannidou	Alternate Member
Barbara Sellier	Alternate Member
Anne Montagnon	Board Member
Cristina Cuadra Garcia	Alternate Member
Isabel Baez (online attendance)	Expert
Pantelis Lamprianidis	Expert
Rosa Antidormi (online attendance)	Expert
EFTA STATES	
NORWAY	
Knut Arild Hareide	Board Member
Einar Arset	Alternate Member
ICELAND	
Jon Gunnar Jonsson	Board Member
PROFESSIONAL SECTOR	
Thomas Kazakos	Board Member
Henrik Ringbom	Board Member
EMSA	
Maja Markovčić Kostelac	Executive Director
Manuela Tomassini	Head of Department 1 Sustainability
Leendert Bal	Head of Department 2 Safety, Security & Surveillance
Peter Kirov	Head of Department 3 Digital Services & Simplification
Dominika Lempicka-Fichter	Head of Department 4 Corporate Services
Andrea Tassoni	Head of Unit Executive Office, Administrative Board Secretariat
Mario Mifsud	Head of Unit 1.2

Georgios Christofi (online attendance)	Head of Unit 1.3
Ioannis Mispinas	Head of Unit 2.1
Pedro Lourenço (online attendance)	Head of Unit 2.2
Luksa Čičovački	Head of Unit 3.1
Ivo Kupsky (online attendance)	Head of Unit 3.2
Cristina Romay Lopez	Head of Unit 4.1
Andrea Iber	Head of Unit 4.2
Tom Van Hees	Internal Control Coordinator
Davide Mola	Accounting Officer
Lorenzo Fiamma	Chairman, EMSA Staff Committee
Brian Elliott	EMSA Staff Committee
Marco Ingrosso	Budget and Finance Specialist – Planning and Monitoring
Soraya Obura	Senior Assistant for Planning and Reporting – Planning and Monitoring
Selena Matic	Senior Administrative Assistant – Planning and Monitoring