

51st Meeting of the Administrative Board

Lisbon, 12-13 June 2018

SUMMARY OF DECISIONS

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

The Chairman announced newly appointed members and enquired if there were any conflicts of interest. No conflicts of interest were declared. Members were reminded that offers to host EMSA Board meetings should be communicated to the Chairman at least six months prior to the scheduled meeting. The revised agenda with an additional item 2a on the annual career extension of the Executive Director was adopted.

2. Minutes of the last meeting

The Administrative Board approved the Summary of Decisions and the Minutes of the 50th meeting held on 14-15 March 2018 in Lisbon, with clarifications requested by the Commission and Ireland integrated.

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

2(a). Annual extension of the Executive Director's career

The Administrative Board agreed on the extension of the career of the Executive Director until 31.12.2018.

3. Adoption of the list of "A" items

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

(a) EMSA Financial Statement for 2017 – Provided a positive opinion and approved the EMSA 2017 Accounts, subject to certification without reserve by the European Court of Auditors. Formal approval by the Court of Auditors certifying that the 2017 Accounts are regular, conform and legal should arrive early autumn.

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

(c) 2018 Budget Update – Took note of the various cash amounts received and recorded in the budget since the last meeting, as well as the potential need for a transfer of funds within EMSA budget from Title III to Title I, as a result of the unexpected high increase of the coefficient corrector and annual adjustment in the last two years.

8. Procedure for the Appointment of the Executive Director

The Administrative Board took note of the information provided by the Commission on the status of the process, and discussed and agreed on the procedure for the appointment of the Executive Director of the Agency.

9. Independence of the Accounting Officer

The Administrative Board discussed and agreed its involvement in future recruitments, contract extension, probationary reports and appraisals of the Accounting Officer of the Agency, in line with the approach proposed by the Agency in consultation with the Commission.

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

The Administrative Board took note of the information provided by the Agency on the 2018 budget execution in the field of the European cooperation on coast guard functions, in view of a possible budget amendment to be adopted at a later stage. The Administrative Board urged the Agency to provide early warnings concerning possible under-execution and acknowledged the pioneering nature and technical and regulatory challenges of the civilian maritime surveillance services being developed.

4. EMSA Consolidated Annual Activity Report 2017

(a) Consideration and Adoption by the Administrative Board

The Administrative Board considered and adopted the EMSA Consolidated Annual Activity Report 2017, in accordance with Articles 15(2)(d) and 10(2)(b) of the EMSA Founding Regulation.

(b) Assessment by the Administrative Board

The Administrative Board provided its assessment of the EMSA Consolidated Annual Activity Report 2017, in accordance with Article 47 of the EMSA Financial Regulation.

7. Draft Administrative Arrangements and Request from the Indian Ocean MoU to access RuleCheck

As foreseen by Article 10(2)(cc) of the revised Founding Regulation concerning administrative arrangements and in line with the way forward endorsed by the Board for requests from third countries to access EMSA tools for capacity building, the Administrative Board :

- considered the draft administrative arrangement with the Caribbean MoU (following approval by the Board of the request to access RuleCheck at the March meeting);
- approved the request to access RuleCheck and considered the draft administrative arrangement with the Indian Ocean MoU;
- agreed that the Agency could proceed with the draft administrative arrangement with EASA if the last minute changes proposed by EASA the same morning were, once analysed by the Agency, deemed unsubstantial. If the changes were deemed substantial the Administrative Board would consider a revised draft administrative arrangement through a written procedure.
- took note of the information provided by the Agency on the Interoperability Project with DG MARE that was under written procedure until 27 June 2018.

6. Draft Single Programming Document 2019-2021

The Administrative Board took note of the SPD cycle and possible adjustments ahead of final adoption in November 2018 in view of ongoing developments and in particular: the possible increase in the EFTA rate from 2.37% to 2.42%; the possible cut proposed by the Commission of -638 KEUR in commitment, -1,140 KEUR in payment appropriations, compared to the Agency's request; and the forthcoming Commission Opinion on the EMSA SPD 2019-2021, expected in early July 2018.

The Administrative Board also took note of the Annual Strategic Plan 2019 on European coast guard cooperation, drawn up in accordance with the Tripartite Working Arrangement by its Steering Committee, agreeing to its inclusion in the EMSA SPD 2019-2021 as drafted.

There were no additional written comments by Member States to the Draft SPD and no requests for assistance.

10. EMSA 5-year Strategy

The Administrative Board discussed and agreed on the proposed way forward to fill the gap in the EMSA 5-year Strategy and adopted a Decision to extend its validity until end 2019.

11. EMSA inspections and visits

The Administrative Board took note of the update provided by the Commission on the follow-up to EMSA's inspections and visits. The Administrative Board also took note of the information provided by the EFTA representative on their follow-up to EMSA visits.

12. Update on other Agency activities

The Administrative Board took note of the information provided by the Agency on the new EMCIP.

13. IMO Global Data Collection System (DCS) - possible assistance to EU Member States by EMSA

The Administrative Board considered the information provided by the Agency on the possible development of a voluntary THETIS-DCS module, including the need to take into consideration the possible impact on the level playing field between EU-ROs. Taking into account further information on future alignment of the EU-MRV to global requirements expected in the near future, as well as the main points of concern expressed by the Member States, notably the playing field between ROs, the availability and nature of equivalent, existing reporting tools, and issues of administrative burden/double reporting/interoperability between tools, the Agency was requested to provide more information at the November meeting in order to help Member States decide whether or not EMSA assistance in this area could add value.

14. Any Other Business

Italy and Croatia expressed their interest in hosting future EMSA Administrative Board meetings.

The Chairman recalled the paramount importance of establishing a quorum at the forthcoming extraordinary meeting and urged voting Members to ensure their presence and availability also in the evening of the first day, or establish the necessary proxies.

Next EMSA Administrative Board Meetings:

Extraordinary meeting: **26 September 2018 (afternoon) and 27 September 2018 (morning)**

Administrative and Finance Committee: **14 November 2018 (morning)**

Administrative Board: **14 November 2018 (afternoon), 15 November 2018 (all day)**

DETAILED MINUTES

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

The Chairman announced newly appointed members, proxies and absences as follows:

Nominations:

Lithuania Mr Saulius Šiaučiūnas, Director of Maritime department, Lithuanian Transport Safety Administration, replacing Mr Mindaugas Česnauskis

Poland Ms Katarzyna Krzywda, Director, Maritime Economy Department, Ministry of Maritime Economy and Inland Navigation, replacing Wojciech Zdanowicz who becomes the Polish alternate

Proxies:

Mr Johannes Luchner, **DG ECHO**, provided proxy to Magda Kopczynska, **DG MOVE**.

Absences:

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

In addition, the Chairman welcomed the following **invited observers**:

European Commission, DG CLIMA, Ms Katinka van der Jagt, Policy Officer, International Carbon Market, Aviation and Maritime Unit for the agenda item 13.

EFTA Surveillance Authority: Ms Milagros Varela Chouciño, Deputy Director, Internal Market Affairs Directorate, for the agenda item 11.

The Chairman enquired if there were any conflicts of interest. No conflicts of interest were declared. Members were reminded that offers to host EMSA Board meetings abroad should be communicated to the Chairman at least six months prior to the scheduled meeting. **The revised agenda with an additional item 2a on the annual career extension of the Executive Director was adopted.**

2. Minutes of the last meeting

The Administrative Board approved the Summary of Decisions and the Minutes of the 50th meeting held on 14-15 March 2018 in Lisbon, with clarifications requested by the Commission and Ireland integrated.

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

2(a). Annual extension of the Executive Director's career

The Administrative Board agreed on the extension of the career of the Executive Director until 31.12.2018.

3. Adoption of the list of "A" items

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

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

(a) EMSA Financial Statement for 2017

The Committee had examined the accounts presented by the Accountant ad interim Ms Malvine Tomusca with the following main elements:

- changes between the provisional and the final accounts were presented notably a decrease of the total assets, a decrease of the economic outturn and an increase in the bank guarantees disclosure of 1,463 MEUR;
- total balance of 61,1 MEUR (+5,5 MEUR compared to 2016) with increases in short term pre-financing (+0,663 MEUR compared to 2016) and in cash (+5,7 MEUR compared to 2016);
- economic outturn of the year was of -2,5 MEURO (+2,2 M EURO compared to 2016);
- budgetary execution was again high at 98,04% of commitment execution and 96.25% of payment execution;
- project-financed activities (SAFEMED - Black and Caspian Sea Project - FRONTEX SLA - EFCA SLA - Greenland CSN - COPERNICUS - EQUASIS - THETIS MRV - Emissions Inventories etc.) had an important impact on the financial management/accounts of the Agency (pre-financing received equalled 30% of the total balance sheet).

The Accounting Officer ad interim would terminate her duties by end of June 2018. In accordance with relevant legal requirements, a handover letter, with recommendations on an approach agreed with DG BUDG on R0 funds, would be provided for the incoming EMSA Accounting Officer.

Committee recommendation: Provide a positive opinion and approve

Administrative Board Action: Provided a positive opinion and approved the EMSA 2017 Accounts, subject to certification without reserve by the European Court of Auditors. Formal approval by the Court of Auditors certifying that the 2017 Accounts are regular, conform and legal should arrive early autumn.

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

The Committee took note of the fact that there were 5 "open" and 3 "closed" recommendations stemming from the various audit reports and evaluations covering the last two years. The "open" recommendations were the following ones stemming from the IAS HR Audit for which the Agency presented also an action plan for their implementation:

- Enhance internal communication in the human resources area.
- Strengthen the workload assessment and mapping of human resources process.
- Define a Learning & Development Strategy.
- Update the job descriptions.
- Strengthen the Staff Committee function.

The Committee was informed by the Internal Control Coordinator that the implementation of these recommendations was going according to plan. He also outlined the Preliminary observations from the European Court of Auditors stating that:

- *the accounts of the Agency for the year ended 31 December 2017 present fairly, in all material respects, the financial position of the Agency at 31 December 2017, the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with its Financial Regulation and with accounting rules adopted by the Commission’s accounting officer.*
- *Revenue underlying the accounts for the year ended 31 December 2017 is legal and regular in all material respects.*

Committee recommendation: Take note.

Administrative Board Action: Took note of the information provided on findings and recommendations from internal and external audits and EMSA follow up.

(c) 2018 Budget Update

The Committee noted the information provided by the Agency concerning received cash payment of earmarked revenues, which until receipt is recorded as “p.m.” in the budget. 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.

The Committee also discussed and took note of the detailed information provided by the Agency on the potential need for a transfer of funds within EMSA budget from Title III to Title I, as a result of the unexpected high increase of the coefficient corrector and annual adjustment in the last two years.

Committee recommendation: Take note.

Administrative Board Action: Took note of the various cash amounts received and recorded in the budget since the last meeting, as well as the potential need for a transfer of funds within EMSA budget from Title III to Title I, as a result of the unexpected high increase of the coefficient corrector and annual adjustment in the last two years.

The Chairman of the Administrative and Finance Committee also reported to the Administrative Board on the points discussed at the Committee under AOB, as follows:

Forthcoming written procedures to be launched on Implementing Rules of the Staff Regulations:

- Temporary occupation of management posts;
- Whistleblowing;
- Middle management staff;
- Function of advisor;
- Types of post and post titles;
- Contract staff;
- Administrative procedures;
- Outside activities.

The Administrative Board was reminded of its limited margin of manoeuvre in this process of adaptation to agency specificities which involves opting out of Commission Implementing Rules that are otherwise

automatically applicable and then adopting Model Decisions for all agencies drafted by the Commission in cooperation with the Standard Working Party composed of agency representatives.

DG MOVE strategy for decentralised agencies and joint undertakings:

The DG MOVE strategy, presented to the Committee by the Commission, covers programming, monitoring, and supervision tools as well as assurance building/reporting and describes the necessary processes within the DG to improve performance, by ensuring that entrusted entities achieve their strategic objectives and that the delegated EU budget is implemented according to principles of sound financial management.

The Strategy is articulated around a Risk Control Matrix that identifies supervision risks and responsible actors on both sides, as well as sensitive issues and mitigating measures taken.

The Strategy will be monitored via the DG MOVE Control Board and covers a 3-year period, and is complemented by workshops with agencies and joint undertakings to enhance knowledge, mutual understanding and share of best practices.

8. Procedure for the Appointment of the Executive Director

The Administrative Board took note of the information provided by the Commission on the status of the process, and discussed and agreed on the procedure for the appointment of the Executive Director of the Agency.

Participants with a personal interest in the matter were not present during the deliberations on this point.

The importance of ensuring representation at the dedicated extraordinary meeting in person or by proxy was reiterated.

9. Independence of the Accounting Officer

Mr Andrea Tassoni, Head of the Executive Office, outlined the proposed approach. The Commission thanked the Agency for its cooperation on this matter and reiterated its support for the outcome.

The Administrative Board discussed and agreed its involvement in future recruitments, contract extension, probationary reports and appraisals of the Accounting Officer of the Agency, in line with the approach proposed by the Agency in consultation with the Commission.

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

Mr Leendert Bal, Head of Department C "Operations" provided an update on the outlook for the budget execution in 2018 in the field of European cooperation on coast guard functions. The development of RPAS services was one of the five activities in this field, but represented the bulk of the overall budget. Delays in rolling out the service would therefore have an impact on overall budget execution.

Technically, the majority of the providers with which the Agency had signed contracts were not sufficiently mature to be able to deliver to the standards required. The least performant contracts had been terminated and procurement procedures adjusted to include a kind of pre-contractual acceptance test. Re-tendering was underway to replace about half of the previous contracts and pressure was being exerted to push delivery on remaining contracts.

On the regulatory front, concerning the difficulties in obtaining permits to fly, the Commission had stepped in to try to garner support particularly in the Mediterranean region where actions related to migration and fisheries control would be very important.

In view of the RPAS setbacks and with the aim of making a sound management of its financial resources, the Agency had shifted some resources to the Information Sharing volet, another one of the five activities under the European cooperation on coast guard functions. The goal here had been to strengthen the ICT infrastructure to better support retrieval of historical ship data, which was important not for traffic monitoring per se but for any law enforcement activities based thereon, and to shift data processing towards the cloud in order to improve performance for users and processing capabilities for instance for Automated Behaviour Monitoring (ABM).

The Chairman of the Administrative and Finance Committee reported on the Committee's deliberations on this point. The budget execution issue would affect payments primarily and the Agency would as requested provide exact figures to the Commission before the end of July in order to allow the Commission time to re-channel the resources. A budget amendment would be initiated shortly afterwards. **The Committee recommended that the Administrative Board take note of the 2018 Budget Execution on European Cooperation on coast guard functions.**

The Commission welcomed the early warning and reiterated the need to act rapidly to mitigate risks related to both budget execution and service delivery. In view of ongoing negotiations for the next financial framework it was important to demonstrate the Agency's ability to absorb resources as intended.

Member States expressed some concern on the budget execution but also called for more concerted political action to resolve regulatory issues (Croatia), recalled the pioneering nature of the services being developed and commended the Agency's proactivity and dedication to get the services back on track and put the resources to good use (Poland).

The Administrative Board took note of the information provided by the Agency on the 2018 budget execution in the field of the European cooperation on coast guard functions, in view of a possible budget amendment to be adopted at a later stage.

The Administrative Board urged the Agency to provide early warnings concerning possible under-execution and acknowledged the pioneering nature and technical and regulatory challenges of the civilian maritime surveillance services being developed.

4. EMSA Consolidated Annual Activity Report 2017

(a) Consideration and Adoption by the Administrative Board

Mr Andrea Tassoni introduced the report, which was in line with relevant requirements and identical in structure to previous years.

The Executive Director gave the floor to staff members in the now traditional EMSA annual report film.

The Chairman of the Administrative and Finance Committee reported on the Committee's deliberations on this point. The Committee had taken note of the revised Annex V making a small correction in the allocation of resources per activity and could **provide a clear positive opinion to the Administrative Board concerning the report.**

It was confirmed to Denmark that the SafeSeaNet KPIs scoring well above target had been revised already for the SPD 2018-2021. Updates were requested by Poland on the outcome of the VDE-SAT demonstration mentioned on p. 20 and on Agency activities in the area of e-certificates. The Agency would provide such updates at upcoming meetings. Croatia wished to highlight the new EAS arrangement in the Adriatic, which had already been tested in the context of the Adriatic 2018 exercise.

The Administrative Board considered and adopted the EMSA Consolidated Annual Activity Report 2017, in accordance with Articles 15(2)(d) and 10(2)(b) of the EMSA Founding Regulation.

(b) Assessment by the Administrative Board

The Chairman presented the draft document proposed as a basis for developing the Administrative Board's assessment. The Administrative and Finance Committee provided a positive opinion on section c) on management, which took into account the suggestions provided by the Commission ahead of that meeting. Members discussed sections a) and b) on strategic and operational achievements as well as the conclusion, and agreed on a final draft.

The Administrative Board provided its assessment of the EMSA Consolidated Annual Activity Report 2017, in accordance with Article 47 of the EMSA Financial Regulation.

7. Draft Administrative Arrangements and Request from the Indian Ocean MoU to access RuleCheck

Ms Manuela Tomassini, Head of Department B "Safety and Standards", recalled that the Caribbean MoU's request for access to EMSA tools had been approved at the previous Administrative Board meeting and the present Indian Ocean MoU request was identical in substance and also had no impact on EMSA financial and human resources. The Administrative Board was therefore being asked to give its green light on three counts: the one request from the Indian Ocean MoU, and the two administrative arrangements for the Indian Ocean and the Caribbean MoUs.

Member States were overwhelmingly supportive of the spirit of these arrangements, which promote EMSA and EU solutions in the international arena and contribute to global harmonisation and a level playing field for the EU shipping industry (Bulgaria, Greece, Netherlands, Croatia, Ireland), recognising the importance of extending the same courtesy in case of similar requests (Greece) while continuing to ensure the integrity of Agency resources (Cyprus). In this context the Commission recalled the value of the approach endorsed by the Administrative Board, which was precisely to assess each request on a case by case basis and thus ensure each time that agreed conditions are met, and any lessons learned are taken into account.

On a different subject, Mr Leendert Bal outlined the purpose of the proposed agreement with EASA, which was to support, promote and facilitate the safe and efficient operation of unmanned aircraft used in the framework of EMSA activities and to share feedback on the experience with unmanned aircraft to the benefit of the development and/or improvement of the regulatory framework. Because EASA is partially self-financed, EMSA would be charged for this cooperation. The agreement therefore foresaw a maximum budget per year, amounting to EURO 100,000.

Following changes submitted by EASA that very morning, EMSA proposed to assess them and either resubmit the agreement for the Administrative Board's consideration or, if the changes were not substantial and if the Administrative Board agreed, go ahead with the agreement. This approach was supported.

In response to Bulgaria, Mr Leendert Bal indicated that the Agency was aware of Frontex also having difficulties in obtaining permits to fly but not of how or with whom they were addressing the issue. In response to Croatia, the Agency expected that the new regulatory framework would give EASA the task of issuing permits to fly for unmanned aircraft systems with a mass of 150 kg or above.

Concerning the agreement with DG MARE currently under written procedure, Mr Leendert Bal recalled that it had been necessary to launch the written procedure upon receipt of the draft agreement on 29 May in order to comply with the four-week period required for the Administrative Board's consideration within the deadline for signature by 2 July 2018.

As foreseen by Article 10(2)(cc) of the revised Founding Regulation concerning administrative arrangements and in line with the way forward endorsed by the Board for requests from third countries to access EMSA tools for capacity building, the Administrative Board :

- **considered the draft administrative arrangement with the Caribbean MoU (following approval by the Board of the request to access RuleCheck at the March meeting);**

- approved the request to access RuleCheck and considered the draft administrative arrangement with the Indian Ocean MoU;
- agreed that the Agency could proceed with the draft administrative arrangement with EASA if the last minute changes proposed by EASA the same morning were, once analysed by the Agency, deemed unsubstantial. If the changes were deemed substantial the Administrative Board would consider a revised draft administrative arrangement through a written procedure.
- took note of the information provided by the Agency on the Interoperability Project with DG MARE that was under written procedure until 27 June 2018.

6. Draft Single Programming Document 2019-2021

Mr Andrea Tassoni provided an overview of the programming cycle, recalling that the Commission opinion expected in early July would be taken into account for the final version of the SPD that would be discussed and adopted by the Administrative Board at its meeting in November 2018.

The Chairman of the Administrative and Finance Committee transmitted the Committee's positive opinion on the resource related aspects of the Draft SPD 2019-2021, including possible adjustments ahead of final adoption in November 2018 to reflect the possible increase in the EFTA rate applied from 2.37% to 2.42% and the possible cut proposed by the Commission of -638 KEUR in commitment appropriations and -1,140 KEUR in payment appropriations, compared to the Agency's request.

The Commission provided some preliminary information on its Opinion, highlighting the added value of the Agency for the Commission and the Member States in line with the political priorities of the EU, listing a series of key activities and services provided by EMSA and commending the continued excellent cooperation with EU bodies and national administrations, not least in the context of the European cooperation on coast guard functions.

In response to Greece, the Agency proposed to incorporate some text from EU Maritime Security Strategy (EUMSS) Action Plan into the SPD for November, in the light of upcoming legislative developments.

Mr Andrea Tassoni presented the Annual Strategic Plan 2019 on European coast guard cooperation, which had been drawn up in accordance with the Tripartite Working Arrangement (TWA – to be chaired by EMSA from May 2019) by its Steering Committee following the event in April in La Toja (Spain) which brought together user communities of the three agencies to exchange views on the work done so far and shape future activities.

These exchanges had highlighted the added value of the Automated Behaviour Monitoring (ABM) tools, which should be further developed, and a number of other key issues of common interest such as the evolution of the regulatory framework for RPAS and preventing duplication in this area; the coast guard cooperation handbook; ensuring that existing international and EU regulatory framework on maritime safety, security, and prevention and response to pollution were taken into account in the sector qualification framework; possible ad hoc joint projects in the Mediterranean and Black sea areas; and sharing risk analysis methodologies and tools.

Concerning the handbook, the Commission confirmed for Germany that it was indeed a non-mandatory tool detailing possible ways of cooperating on coast guard functions. The Commission would issue recommendations as a result but these remained voluntary.

Member States reiterated the importance of EMSA's role in this work, given the number of coast guard functions and activities within its remit (Italy), the growing importance of European cooperation in this area (Bulgaria), and in particular the RPAS dimension (Bulgaria, Denmark).

Concerning the issues of interoperability and cybersecurity raised by Bulgaria, the Agency could acknowledge the concerns of Member States in these areas in the context of their national systems and

interactions between them but could also reassure them that interoperability between the three agencies EMSA, Frontex and EFCA was not an issue, and that the security of EMSA systems was maintained by a package of sufficient measures. The Agency further informed Members that an e-learning module on maritime cybersecurity was being developed and a workshop was planned to bring Member States and Industry together to exchange experience in this area. Furthermore, the Agency would follow-up to make sure that the report on the outcome of the coast guard event in Spain, where some ideas on interoperability between Member States were floated (Poland), was circulated to Members.

The Administrative Board took note of the SPD cycle and possible adjustments ahead of final adoption in November 2018 in view of ongoing developments and in particular: the possible increase in the EFTA rate from 2.37% to 2.42%; the possible cut proposed by the Commission of -638 KEUR in commitment appropriations and -1,140 KEUR in payment appropriations, compared to the Agency's request; and the forthcoming Commission Opinion on the EMSA SPD 2019-2021, expected in early July 2018.

The Administrative Board also took note of the Annual Strategic Plan 2019 on European coast guard cooperation, drawn up in accordance with the Tripartite Working Arrangement by its Steering Committee, agreeing to its inclusion in the EMSA SPD 2019-2021 as drafted.

There were no additional written comments by Member States to the Draft SPD and no requests for assistance.

10. EMSA 5-year Strategy

The Chairman recalled that the EMSA 5-year Strategy, adopted by the Administrative Board in November 2013, was set to expire at the end of 2018, and that its preparation was the responsibility of the Executive Director, who then submits it to the Administrative Board to be examined and adopted.

With the current Executive Director's term coming to an end and the process for appointing a new Executive Director underway, the Agency considered it more appropriate and constructive to extend the validity of the current 5-year Strategy by one year, until the end of 2019. The incoming Executive Director would prepare a new 5-year Strategy covering the years 2020-2025 in his/her first year of office, during the course of 2019.

Furthermore, by that time, a series of developments that will have an impact on EMSA in the medium to long term would be more advanced, notably the negotiations for the next Multi annual Financial Framework 2021-2027, the impact of Brexit and the election of the European Parliament and subsequent appointment of the European Commission. Information on the future political and financial framework would be more accurate.

The multi-annual elements of the Single Programming Document, which are drafted in compliance with Article 32(2) of the EMSA Financial Regulation and with reference to the 5-year Strategy, would be used to complement the information in the 5-year Strategy if and as deemed necessary by the Administrative Board, in the context of the preparation and adoption of the Single Programming Document.

Member States acknowledged the common sense of the approach (Poland, Greece) but hoped that the Commission would be able to provide some insight into the impact of Brexit on the Agency (Cyprus, Germany) and expressed some concern regarding the timeline (Italy, Croatia).

The Chairman recalled that the timing would be in the hands of the incoming Executive Director but suggested that a game plan could be proposed in November in order to anticipate the first steps in March 2019, have a first draft on the table for discussion in June 2019 and a final one for adoption in November 2019.

The Commission acknowledged the uncertainty surrounding Brexit and would bring any information on the impact for the Agency to the Board as soon as there was some clarity on the subject.

The Administrative Board discussed and agreed on the proposed way forward to fill the gap in the EMSA 5-year Strategy and adopted a Decision to extend its validity until end 2019.

11. EMSA inspections and visits

The Chairman welcomed the representative of the EFTA Surveillance Authority, Ms Milagros Varela Chouciño, Deputy Director of Transport.

The Commission provided its traditional annual update on the status of its follow-up to EMSA inspections and visits, highlighting: the high number of inspections and visits due to the new cycles (sulphur and marine equipment) being launched while the old cycles were still ongoing; the rising rate of completion of the Commission assessments, above 85 % compared to 80% three years ago; and the important role of the Agency to help implement the new maritime safety framework encompassing passenger ship safety, port reception facilities and STCW. The Commission also recalled the purpose of the letter of formal notice, which was to request additional information as a first step in the infringement procedure. The procedure would normally end once the information was provided.

In relation to the Philippines, the Commission was hoping to receive additional information by October which would feed into a full assessment of the situation and in the meantime potential issues that might need to be anticipated would be addressed bilaterally with Member States and/or the IMO.

The EFTA representative commended and provided a brief overview of EMSA's work on its behalf, notably one visit in 2017 which completed a small cycle on fishing vessels and two visits in 2018 on marine equipment in Norway and on STCW in Iceland prompted by changes in national legislation. No infringement procedures had been launched on the basis of the EMSA visits.

Following Greece's reflections on the recognition of third countries' STCW and the challenges therein, the Commission took the opportunity to explain that the revision of the STCW framework was intended to improve the legislation but also reduce the visit burden and help focus resources, notably EMSA resources, where they were most needed.

The Administrative Board took note of the update provided by the Commission on the follow-up to EMSA's inspections and visits. The Administrative Board also took note of the information provided by the EFTA representative on their follow-up to EMSA visits.

12. Update on other Agency activities

Ms Manuela Tomassini recalled that the motivation for hosting EMCIP in-house at EMSA was to improve user-friendliness and facilitate integration with other EMSA systems. The data recorded in the system was useful for investigative as well as preventative purposes and the new system would therefore provide tailored Accident Investigation Bodies and flag state views, and allow for different users to work on the same incident. The new system was being tested in-house and was expected to be available in September.

The Administrative Board took note of the information provided by the Agency on the new EMCIP.

13. IMO Global Data Collection System (DCS) - possible assistance to EU Member States by EMSA

Ms Manuela Tomassini highlighted the fact that the item was on the agenda in order to understand the level of interest of Member States in this possible assistance by EMSA. Furthermore, the possible impact of a THETIS-DCS module developed by EMSA on the level playing field between EU-ROs that have already developed such reporting tools and the others would have to be taken into account. The voluntary nature of a possible module developed by EMSA, as well as the estimated cost of EURO 250,000 should also be considered. Finally, and in response to a point raised by Finland, the fact that it would support international

obligations and not EU obligations would be a limiting factor in terms of interaction with other THETIS modules.

Member States expressed a range of views from concerns about the lack of legal basis (Malta), possible additional burden on ship owners and maritime administrations and double reporting (Finland), delegation of the task to ROs already done (Norway) or being considered (Croatia), how the module would compare to the tool being developed by the IMO as well as impact on EMSA human and/or financial resources beyond the initial investment (Denmark), to welcoming EMSA's help with to fulfilling a Member State obligation provided the module remained voluntary and there was no additional burden (Cyprus, Poland, Greece, Shipowners).

While the need to come to a decision relatively urgently given the deadlines (Estonia) was appreciated, the Commission recalled that some steps were pending, including the conclusion of the regulatory scrutiny board and the proposal for alignment of the EU-MRV to global requirements, both of which would have a bearing on the decision-making process.

Member States therefore agreed to await the developments mentioned by the Commission, ask EMSA for further information and revisit the matter in November.

The Administrative Board considered the information provided by the Agency on the possible development of a voluntary THETIS-DCS module, including the need to take into consideration the possible impact on the level playing field between EU-ROs. Taking into account further information on future alignment of the EU-MRV to global requirements expected in the near future, as well as the main points of concern expressed by the Member States, notably the playing field between ROs, the availability and nature of equivalent, existing reporting tools, and issues of administrative burden/double reporting/interoperability between tools, the Agency was requested to provide more information at the November meeting in order to help Member States decide whether or not EMSA assistance in this area could add value.

14. Any Other Business

Cyprus announced that its Minister of shipping planned to visit EMSA during the November 2018 meeting and the intention to invite Board members to a cocktail reception.

Italy and Croatia expressed their interest in hosting future EMSA Administrative Board meetings.

The Chairman recalled the paramount importance of establishing a quorum at the forthcoming extraordinary meeting and urged voting Members to ensure their presence and availability also in the evening of the first day, or establish the necessary proxies.

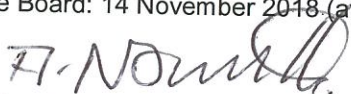
Next EMSA Administrative Board Meetings:

Extraordinary meeting: 26 September 2018 (afternoon) and 27 September 2018 (morning)

Administrative and Finance Committee: 14 November 2018 (morning)

Administrative Board: 14 November 2018 (afternoon), 15 November 2018 (all day)

Signed:



Andreas Nordseth

Chairman of the Administrative Board

Lisbon, 15 November 2018

EUROPEAN MARITIME SAFETY AGENCY (EMSA)51st Meeting of the Administrative Board, Lisbon, 12-13 June 2018**LIST OF ATTENDANCE**

MEMBER STATES	
BELGIUM	
Els Claeys	Board Member
BULGARIA	
Zhivko Petrov	Board Member
Petar Kirov	Alternate Member
CROATIA	
Maja Markovčić Kostelac	Board Member
Lukša Čičovački	Alternate Member
CZECH REPUBLIC	
Evzen Vydra	Board Member
CYPRUS	
Ioannis Efstratiou	Board Member
DENMARK	
Andreas Nordseth	Board Member - Chairman of the Board
Jakob Ejlers	Alternate Member
Pernille Palmelund Sørensen	Expert
ESTONIA	
René Arikas	Board Member
Tarmo Ots	Alternate Member
FINLAND	
Tuomas Routa	Board Member
FRANCE	
Vincent Denamur	Alternate Member

GERMANY	
Jan Reche	Alternate Member
GREECE	
Agisilaos Anastasakos	Board Member – Chairman of the Administrative and Finance Committee
HUNGARY	
Csaba Bellyei	Board Member
IRELAND	
Deirdre Mary O’Keeffe	Board Member
ITALY	
Nicola Carlone	Board Member – Deputy Chairman of the Board
LATVIA	
Jānis Krastiņš	Board Member
LITHUANIA	
Justas Rašomavičius	Board Member
LUXEMBOURG	
Robert Biwer	Board Member
THE NETHERLANDS	
Lieske Streefkerk-Arts	Alternate Member
POLAND	
Katarzyna Krzywda	Board Member
Wojciech Zdanowicz	Alternate Member
PORTUGAL	
José Simao	Board Member
José Maciel	Alternate Member
ROMANIA	
Razvan Gabriel Trandafir	Alternate Member

SLOVAKIA	
Josef Mrkva	Board Member
SPAIN	
Benito Núñez Quintanilla	Alternate Member
SWEDEN	
Pernilla Wallin	Board Member
THE UNITED KINGDOM	
Haroona Chughtai	Board Member
Enrico Russo	Expert

PROFESSIONAL SECTOR	
Thomas Kazakos, Director General of the Cyprus Shipping Chamber	Board Member
Dorotea Zec, Seafarers' Union of Croatia	Board Member
Henrik Ringbom, Scandinavian Institute of Maritime Law	Board Member

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

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

INVITED OBSERVERS	
EUROPEAN COMMISSION	
Katinka van der Jagt, Policy Officer, International Carbon Market, Aviation and Maritime Unit	Expert
EFTA SURVEILLANCE AUTHORITY	
Milagros Varela Choucino, Deputy Director, Internal Market Affairs Directorate	Expert

EMSA STAFF	
Markku Mylly	Executive Director
Isabel Torné	Head of Department A – Corporate Services
Manuela Tomassini	Head of Department B – Safety and Standards
Leendert Bal	Head of Department C – Operations
Cristina Romay Lopez	Head of Unit A.1 – Human Resources and Internal Support
Dominika Lempicka-Fischter	Head of Unit A.2 - Legal, Financial & Facilities Support
Ivo Kupsky	Head of Unit A.3 – Operations Support
Mario Mifsud	Head of Unit B.1 – Visits and Inspections
Georgios Christofi	Head of Unit B.3 – Environment & Enforcement
Lazaros Aichmalotidis	Head of Unit C.2 – Vessel and Port Reporting
Helena Ramon Jarraud	Head of Unit C.3 – Maritime Surveillance
Andrea Tassoni	Head of Unit Executive Office
Tom Van Hees	Internal Control Coordinator
Henning Stelter	Senior Budget and Finance Officer
Soraya Obura	Senior Assistant for Planning and Reporting
Selena Matic	Senior Administrative Assistant

