

**DECISION OF THE ADMINISTRATIVE BOARD
of 28 November 2007**

EARMARKED REVENUE OF THE EUROPEAN MARITIME SAFETY AGENCY

THE ADMINISTRATIVE BOARD OF THE EUROPEAN MARITIME SAFETY AGENCY,

HAVING REGARD TO

Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002, setting up a European Maritime Safety Agency (hereafter EMSA or the Agency) as amended by Regulation (EC) No 1644/2003, Regulation (EC) 724/2004 and Regulation (EC) 2038/2006 of the European Parliament and of the Council of 31 March 2004;

the Financial Regulation of the European Maritime Safety Agency adopted by the Administrative Board on 3 July 2003;

Regulation of the European Maritime Safety Agency of 9 December 2003 laying down detailed rules for the implementation of the Financial Regulation applicable to the budget of the European Maritime Safety Agency, as amended by the Administrative Board decision of 20th March 2007 amending Implementing Rules of EMSA Financial Regulation;

Regulation (EC) No 2038/2006 of the European Parliament and of the Council of 18 December 2006 on multiannual funding for the action of the European Maritime Safety Agency in the field of response to pollution caused by ships and amending Regulation (EC) No 1406/2002

Whereas:

- (1) In June 2007 the Administrative Board decided that the Community contribution allocated to the European Maritime Safety Agency for the implementation of the tasks assigned to it in the field of responding to pollution caused by ships and other associated actions, pursuant to Art. 2 of Regulation (EC) No 1406/2002, as amended, with a multi-annual financial framework based on Regulation (EC) No 2038/2006 shall be treated as earmarked revenue in the sense of Article 19 of the EMSA Financial Regulation;
- (2) In the course of the budgetary procedure for 2008, the European Parliament, the Council and the Commission adopted in July 2007 a common declaration regarding such type of revenue used by Community agencies;

- (3) The Commission has thus reconsidered the approach taken by the EMSA Administrative Board in June in the light of the principles underlying the common declaration and has come to the conclusion that the decision taken by the Administrative Board was not supported by Regulation Nr 2038/2006 relating to the multi-annual financial framework for anti-pollution measures.
- (3) These funds shall consequently no longer be treated as earmarked revenue in the sense of Article 19 of the EMSA Financial Regulation.

HAS DECIDED AS FOLLOWS:

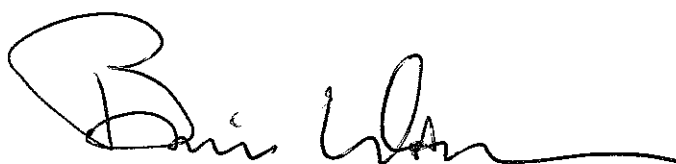
Article 1

The Community contribution allocated to the European Maritime Safety Agency for the implementation of the tasks assigned to it in the field of responding to pollution caused by ships and other associated actions, pursuant to Art. 2 of Regulation (EC) No 1406/2002, as amended, with a multi-annual financial framework based on Regulation (EC) No 2038/2006 shall no longer be treated as earmarked revenue in the sense of Article 19 of the EMSA Financial Regulation.

Article 2

This Decision shall apply from the budgetary year 2008.

Done at Lisbon on 28 November 2007,



Brian Wadsworth

Chairman of the Administrative Board