

63rd Meeting of the EMSA Administrative Board, Video Conference

SUMMARY OF DECISIONS

23 March 2022

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

In view of the virtual nature of the meeting a roll call was conducted to establish and confirm the presence of the quorum of 2/3 of the voting Members.

New Board Members/Alternates were welcomed, as listed below.

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

New Board Members and new alternates

MS	New Board Member	New Alternate Board Member
Norway	Knut Arild Hareide, Director General, Norwegian Maritime Administration	
Germany	Christian Kohlhase, Head of Division International and European Maritime Transport Policy, Integrated Maritime Policy Offshore Energy Transition, Federal Ministry for Digital and Transport	
Romania	Razvan Trandafir, Director, Romanian Naval Authority	
Ireland	Garret Doocey, Assistant Secretary, Head of Maritime Services, Department of Transport	

Proxies/absences

Austria	No representation, no proxy
Bulgaria	No representation, no proxy
Czech Republic	No representation, no proxy
Slovakia	No representation, no proxy

2. Minutes of the last meeting

The Administrative Board approved the draft minutes and decisions of the last meeting, which took place in Lisbon and by video conference on 17 and 18 November 2021.

3. Proposal by the Chairman for March EMSA Administrative Board meetings

The Administrative Board welcomed and agreed with the proposal by the Chairman to hold March Administrative Board meetings online, in principle. Should the need arise, the meeting could be held in person.

4. (a) and (b) EMSA Consolidated Annual Activity Report 2021 and the Administrative Board's Assessment

The Administrative Board adopted the EMSA Consolidated Annual Activity Report 2021, in accordance with Articles 15(2)(d) and 10(2)(b) of the EMSA Founding Regulation and provided its assessment of the EMSA Consolidated Annual Activity Report 2021, in accordance with Article 48 of the EMSA Financial Regulation, taking into account the European Court of Auditors' observations of previous years and subject to the preliminary observations of the European Court of Auditors.

The Board's adoption and assessment will be subsequently confirmed by written procedure if there are no substantial changes or revisited at the June meeting if there are, once the preliminary observations are available.

Editorial comments will be provided by the Commission to the Agency and integrated in the version to be confirmed/revisited in June.

5. Update on Agency's activities

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

- a) EMSAFE status;
- b) THETIS AP;
- c) Common Core Curriculum for Sulphur Inspectors.

6. Draft Administrative Arrangements

The Administrative Board **considered and did not object** to the following draft agreements, enabling the Executive Director to proceed with their signature:

- (1) Draft Agreement between Vina del Mar and EMSA on RuleCheck;
- (2) Agreement Between MedMoU and EMSA on THETIS-MED;
- (3) SAFEMED V;
- (4) BCSEA II.

The Administrative Board was informed of the prolongation of the current BCSEA project to 30 September 2022.

The Administrative Board was also informed that a written procedure would be launched to consider the request by the Australian Maritime Safety Authority (AMSA) to access RuleCheck and the assessment provided by EMSA and the European Commission, in line with the procedure for requests from third countries to access capacity building tools; and to consider the proposed draft Memorandum of Understanding between EMSA and AMSA, taking into consideration Articles 10(2)(cc) and 15(2)(ba) of the Founding Regulation.

7. Adoption of the list of "A" items

The Administrative Board took note of/adopted the following "A" items, following the report and recommendation of the Administrative and Finance Committee:

- (a) EMSA Financial Statement for 2021 – **took note**.

- (b) School Arrangement – Annual Report 2021 – **took note.**
- (c) 2022 Appropriations cashed – **took note.**
- (d) Monitoring of findings and recommendations from internal and external audits and EMSA follow up (ECA, IAS) – **took note.**
- (e) Implementing rules to the Staff Regulations on conduct of administrative inquiries and disciplinary proceedings – **adopted.**

The Agency will prepare a note for the June Board meeting addressing the suggestion of the Administrative and Finance Committee that the information provided by the Agency under the standing agenda item on monitoring of findings and recommendations from internal and external audits and EMSA follow up could include information from other audits, in addition to those conducted by the ECA and IAS.

8. Agenda item *in camera*

This agenda item was taken last in a separate online meeting including only voting Board Members, the Executive Director and the Head of Unit 4.1.

9. Any Other Business

None tabled.

Dates of next EMSA's Administrative Board Meeting

Administrative and Finance Committee: **14 June 2022**

Administrative Board: **15 June 2022**

(subject to availability of the Czech Presidency Council calendar of meetings)

Administrative and Finance Committee: **Week of 14-18 November 2022**

Administrative Board: **Week of 14-18 November 2022**

DETAILED MINUTES

63rd Meeting of the EMSA Administrative Board

Video Conference, 23 March 2022

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

In view of the online nature of the meeting a roll call was conducted to establish the quorum of 2/3 of the voting Members.

New Members were welcomed, as listed below.

The representative of the EMSA Staff Committee was also welcomed as an observer on the invitation of the Chairman (Andreas Nordseth).

The Agenda was adopted.

No conflicts of interest were declared.

Nominations:

Norway

Board member: Knut Arild Hareide, Director General, Norwegian Maritime Administration, replacing Olav Akselsen.

Germany

Alternate member: Christian Kohlhase, Head of Division International and European Maritime Transport Policy, Integrated Maritime Policy Offshore Energy Transition, Federal Ministry for Digital and Transport, replacing Jan Reche.

Romania

Board member: Gabriel Razvan Trandafir, Director, Romanian Naval Authority, replacing Dorel Constantin Onaca.

Ireland

Board member: Garret Doocey, Assistant Secretary, Head of Maritime Services, Department of Transport, replacing Deirdre O'Keeffe.

Proxies/absences:

Austria, Bulgaria, Czech Republic and Slovakia did not attend the meeting and had not provided proxies to any other Member State.

2. Minutes of the last meeting

The Administrative Board approved the draft minutes and decisions of the last meeting, which took place in Lisbon and by video conference on 17 and 18 November 2021.

The draft minutes of the November 2021 Board meeting were circulated on 15 December 2021 and no comments were received.

3. Proposal by the Chairman for March EMSA Administrative Board meetings

The Administrative Board welcomed and agreed with the proposal by the Chairman to hold March Administrative Board meetings online, in principle. Should the need arise, the meeting could be held in person.

The Chairman introduced his informal proposal to hold March Administrative Board meetings, in principle, online. He further recalled the last amendment of the Rules of Procedure of the Administrative Board from November 2020 that introduced the provisions for online meetings and electronic voting.

Andreas Nordseth explained that the reason for this proposal, made in agreement with the Executive Director, was twofold: March meetings often did not require more than half a day and this was a way to capitalise on the experience gained throughout the pandemic in the conducting of meetings online. Beyond that, in addition to saving resources and time, it demonstrated both the Agency's and the Board's commitment to limiting CO₂ emissions.

Magda Kopczynska (Commission) agreed with the proposal on behalf of the Commission, stating that once again EMSA was at the forefront of many Agencies with this proposal that was very much in line with the efforts by the Commission on all fronts to limit its own emissions linked to travel.

The proposal was warmly welcomed and supported by many Member States: Italy, Luxembourg and many others via the chat function in ZOOM.

The Executive Director added that the proposal was in line with the EMSA greening project and its environmental performance for which the Agency expected to be certified in 2022.

Equally in support of the proposal, Ioannis Esftratiou (Cyprus) requested that the minutes nevertheless state that in case of need, the Board meeting could be held in person.

The Chairman confirmed the adoption of the proposal with the reservation of the possibility of a physical meeting if so required by the agenda.

4. EMSA Consolidated Annual Activity Report 2021

The Administrative Board adopted the EMSA Consolidated Annual Activity Report 2021, in accordance with Articles 15(2)(d) and 10(2)(b) of the EMSA Founding Regulation and provided its assessment of the EMSA Consolidated Annual Activity Report 2021, in accordance with Article 48 of the EMSA Financial Regulation, taking into account the European Court of Auditors' observations of previous years and subject to the preliminary observations of the European Court of Auditors.

The Board's adoption and assessment will be subsequently confirmed by written procedure if there are no substantial changes or revisited at the June meeting if there are, once the preliminary observations are available.

Editorial comments will be provided by the Commission to the Agency and integrated in the version to be confirmed/revisited in June.

On behalf of the EMSA Administrative Board the Chairman congratulated the EMSA staff for the progress achieved in another challenging year.

(a) Consideration and Adoption by the Administrative Board

Maja Markovčić-Kostelac warmly welcomed the Board members, and in particular the newcomers, to this first meeting of EMSA's 20th year.

In this 2nd year of implementation of the EMSA 5-year strategy, the Executive Director drew the attention of the Board to the improvements brought to the reporting with the new section on the achievements of multiannual strategic objectives that allowed for an easier follow-up of their implementation, in addition to the simplified reporting on the achievement of the annual outputs.

She highlighted the high level of implementation of the work programme and the excellent budgetary execution rates reached for commitment appropriations (99.67%) and payment appropriations (97.32%) for C1 credits.

As per the tradition established already for a number of years, Ms Markovčić-Kostelac announced the video presentation on the Agency's achievements by its staff and in their languages. The Chairman thanked the Executive Director and her staff for the presentation, welcoming the progress made in 2021.

Members were invited to comment on the report per chapter.

In response to Poland on the issue of the hosting of the LRIT-IDE, Ms Markovčić-Kostelac recalled that the issue was in the hands of the Member States. In the meanwhile, the service was running in accordance with the IMO performance standards.

Still in response to Poland, the Executive Director explained that the Maritime Data Catalogue under the EU coast guard cooperation was still under development and will be soon published.

Wojciech Zdanowicz (Poland) further suggested to include in the CAAR for 2022 an explanation on the external evaluation not being conducted following the exercise on the revision of the Agency's mandate.

Ioannis Esftratiou (Cyprus) praised the video presented by the staff and expressed satisfaction on the Agency's implementation of the IAS and ECA findings.

For Anne Montagnon (Commission), the Agency's accomplishments and work in this 2nd year of the pandemic, in particular its budget and establishment plan executions, were excellent. She further praised various checks and controls set up by the management.

Magda Kopczynska (Commission) welcomed the document on behalf of the Commission and announced some written comments on presentation aspects of the document, to be shared directly with the Agency.

Veronica Manfredi (Commission) praised the Agency's work, both from environmental and security perspectives. She complimented the Agency's support in the goal of transforming the Mediterranean into an Emission Control Area.

Mr Andreas Nordseth also congratulated the Agency on the accomplishments.

Ms Markovčić-Kostelac thanked the Agency's staff for its dedication and thanked the Administrative Board for its continued support and guidance and kindly requested the Board members to disseminate the video within their administrations and websites as much as possible as a useful proof of the added value of the European project.

(b) Assessment by the Administrative Board

The Chairman invited the Members to comment on the draft Assessment, presented on screen in this more compact version as requested by the Board last year.

Following a few suggestions from Commission representatives on the strategic part of the document and from various Members on the conclusion, to which the Board agreed, Mr Nordseth invited the Chairman of the Administrative and Finance Committee Mr Benito Núñez Quintanilla (Spain) to take the floor to report on part c) Management of the document.

Mr Núñez Quintanilla confirmed that the necessary quorum for the meeting had been in place with the participation in the meeting of all its Members and the Committee had been able to perform its role in relation

to the “A” and “B” points. Reporting to the Administrative Board on the discussions held in the morning at the Administrative and Finance Committee meeting on the Assessment’s part c) Management, Mr Núñez Quintanilla confirmed a favourable opinion on behalf of the Committee on the text.

The Chairman confirmed the adoption of the Assessment of the Consolidated Annual Activity Report 2021, greatly valuing the excellent performance of the EMSA staff in carrying out the tasks of the Agency even throughout another particularly challenging year.

5. Update on Agency’s activities

Maja Markovčić-Kostelac (Executive Director) introduced this agenda item by first explaining that, in agreement with the Commission and the Chairperson, the usual updates on the Anti-Pollution Measures and the European Cooperation on Coast Guard functions developments and budget execution were not included this time at this early stage of the year. A more mature update on both operational and financial developments would be provided at the June Board meeting.

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

(a) EMSAFE status

The Executive Director first recalled the context for the EMSAFE report: as a first report of its kind, EMSAFE was designed to bring to the stakeholders and to the general public a factual analysis with up-to-date information on the main topics affecting maritime safety in the European Union, providing a holistic view of the maritime safety picture by putting together information from different internal and external databases, with also an outlook towards future challenges and opportunities with highlights of possible areas for improvement and promotion of critical thinking.

The positive experience with the first European Maritime Environmental Report demonstrated the added value brought to the maritime community by a consistent and systematic compendium of knowledge.

In terms of structure, the report followed the lifecycle of a ship from the moment it is designed until it is recycled.

Ms Markovčić-Kostelac also recalled the consultation workshop that took place on 27 January with more than 150 online participants that was followed by a four-week written consultation process: around 170 comments from 20 different stakeholders were received. She thanked the Administrative Board for such a broad participation that will help improve the report, stating that feedback and comments received clearly showed the interest of the maritime community in this report.

Currently in its final validation cycle, the report would also be provided in a summarised ‘facts and figures’ version in 24 EU languages, and a press release would be ready for its dissemination.

A special section of the EMSA website would be dedicated to the EMSAFE report, with the use of interactive and downloadable data visualisation techniques to make its findings and data more accessible to the general public.

EMSAFE and its findings would be promoted through social media once it is launched, at the 20th anniversary conference at EMSA.

Magda Kopczynska (Commission) thanked the Agency for the work already accomplished and looked forward to a promising end result.

(b) THETIS AP

The Executive Director recalled the Service Level Agreement between DG SANTE and EMSA considered by the Administrative Board in March 2021 and signed in April 2021 which foresees the support of EMSA in the implementation of the Council Regulation (EC) 1/2005 on the protection of animals during transport and related operations. The experience proved again the central role played by the Agency as facilitator for maritime related solutions for the benefit of other communities working on maritime issues.

During the second semester of 2021 the new module of THETIS-EU for the Animal Welfare regime was developed and presented at the meeting of the National Contact Points for Animal Welfare-Transport in December 2021. The module was tested with a group of end-users from Ireland and Portugal in January 2022 and very positive feedback was received.

The module benefits from the existing technical framework for other inspection regimes supported by THETIS-EU. It allows veterinarian inspectors to target ships to be inspected, share data from previous inspections, declare non compliances and certificates of approval of livestock vessels and generate inspection reports.

Ms Markovčić-Kostelac further informed the Board that the module would first be available to users on a voluntary basis by the end of March 2022. Further enhancements were planned for the second part of 2022 and 2023.

In response to the Chairman on any specialised training needs for inspectors, Ms Markovčić-Kostelac explained that the Agency's expertise remained in relation to the system and the tool as such.

(c) Common Core Curriculum for Sulphur Inspectors

The Executive Director recalled the EMSA Academy project that started in 2020, the development of which continued with the use of new technologies, including the ones instituted during the pandemic, now established as regular tools that provide for an increased participation of wider audiences.

In addition, the Agency invested in state-of-the-art technology, such as Virtual Reality, Maritime Knowledge Centre Services (MaKCs) and the eLaboratory. The toolbox was in full use, with all courses delivered in MaKCs and some courses (like PSC Seminars) enriched with virtual ship inspections in a safe and controlled environment using the online version of VRESI.

Focussing on functions or specific job profiles and combining blended learning activities with state-of-the-art tools, the Agency had put together different learning services in support of professional development.

She further informed the Board that all building blocks for the Quality Management System implementing the relevant ISO Standard were put in place, aiming at certification by the end of the year.

Georgios Christofi, Head of Unit 1.3 Capacity Building, joined the Administrative Board meeting live from the eLaboratory with first an overview of the common core curriculum for Sulphur Inspectors, developed by the EMSA Academy and expected to be launched in May 2022. The invitations and the relevant course guide were expected to be sent out in April, for one participant per Member State.

Designed to increase knowledge, skills and individual competencies for carrying out duties associated with the inspection of ships for compliance with international and EU law in relation to the limits of sulphur in marine fuels, the common core curriculum was composed of 10 units, merged in three blocks, that covered the entire spectrum of associated competencies, including general legal and technical requirements, inspection techniques, fuel sampling and reporting practices in THETIS-EU.

The curriculum spans over a period of four months, from May to October 2022, to be delivered partially online, partially at the EMSA premises. It would include lectures, videos, meetings, group work, and Virtual Reality case studies, resulting in principle in a dedicated certificate for the learner.

Poland (Wojciech Zdanowicz) praised the work of the Agency and expressed appreciation for the presentation.

Veronica Manfredi (Commission) joined Poland in support of the Agency's work, highlighting its diligence in a wider perspective, especially in the context of compliance with the sulphur directive.

6. Draft Administrative Arrangements

*The Administrative Board **considered and did not object** to the following draft agreements, enabling the Executive Director to proceed with their signature. (no. 1-3 below)*

The Administrative Board was informed of the prolongation of the current BCSEA project to 30 September 2022.

The Administrative Board was informed that a written procedure would be launched to consider the request by AMSA to access RuleCheck and the assessment provided by EMSA and the European Commission, in line with the procedure for requests from third countries to access capacity building tools; and to consider the proposed draft Memorandum of Understanding between EMSA and AMSA, taking into consideration Articles 10(2)(cc) and 15(2)(ba) of the Founding Regulation. (no. 4 below)

1. Granting access to RuleCheck to the members of the Viña del Mar Agreement on Port State Control

The Executive Director recalled that RuleCheck was a decision-support tool owned by EMSA that contains all applicable maritime legislation such as IMO Conventions, Codes, Resolutions and Circulars, ILO Conventions and guidelines, relevant EU Regulations and Directives as well as the respective manuals and Instructions of the Paris, Black Sea and Mediterranean Memoranda of Understanding on Port State Control.

Originally developed for the Paris MoU Port State Control authorities, RuleCheck now served 4510 users from 101 countries (eight out of nine regional Port State Control Regimes, Flag State Administrations from Member States and ENP beneficiary countries, as well as Accident Investigation Bodies from the Member States).

Following the request on 17 November 2021 by the Secretariat of the Viña del Mar Agreement on Port State Control requesting access to RuleCheck for the Port State Control Officers of the region, the EMSA assessment concluded that the additional workload to be expected was minimal. Furthermore, there was no negative impact on the core tasks of the Agency and no additional cost for maintenance and enhancement. The assessment by the Commission on potential added value in the EU perspective was also positive.

The Administrative Board considered and did not object to the draft agreement granting access to RuleCheck to the members of the Viña del Mar Agreement on Port State Control.

2. Agreement between the Agency and the MEDMOU on THETIS-Med information system management

The Executive Director listed the main elements of the new MEDMOU inspection database "THETIS-Med", developed within the context of the SAFEMED IV project and now available for the MEDMOU Member States.

Since 1 December 2021 THETIS-Med was the sole inspection database supporting the PSC regime in the MED Region.

Considering that EMSA will be hosting, maintaining, and further enhancing THETIS-Med, the role of the Agency in relation to this inspection database, as well as its relations with the MEDMOU, had to be formalized through a draft agreement, similar to the existing one with the Paris MoU for THETIS.

The agreement defined the roles and obligations of all interested parties, such as the MEDMOU Secretariat, CIMED and EMSA and clarified technical matters related to ownership of data, export file specifications, Port call technical specifications interfaces, agreements with third parties for data exchange, etc.

Maintenance and enhancement costs for this activity were covered through the SAFEMED project, whilst additional workload for EMSA was not expected, taking into consideration the synergies in place linked to the fact that THETIS-Med followed the same business logic of THETIS for maintenance and enhancement.

The draft agreement had been endorsed by the MEDMOU MAB and approved by the MEDMOU Committee.

The Administrative Board considered and did not object to the draft agreement between the Agency and the MEDMOU on THETIS-Med information system management.

Ioannis Esftratiou (Cyprus) took this opportunity to inform the Board that his Minister sent letters to various Mediterranean Member States, inviting them to join the MEDMOU. He further stated that a signing ceremony was planned for October in the margins of the Maritime Cyprus event.

3. Contribution Agreement between the European Commission and the Agency - SAFEMED V and Black and Caspian Sea II

Ms Markovčić-Kostelac reminded the Board of the implementation by the Agency of the EU funded projects BC SEA and SAFEMED IV under the contracts with DG NEAR, originally due to expire in January 2021 and March 2021 respectively. Both contracts were extended first until the end of 2021, then until 31 March 2022 due to the impact of the pandemic and in order to allow the Commission to finalise the process for the new contracts.

Considering the positive impact of the projects in the regions, the Commission decided to entrust to EMSA the management of the two new projects through separate Contribution Agreements ensuring continuity of actions: support towards approximation to international and EU standards, ratification of International conventions, support for IMSAS, capacity building, training, etc., provision of tools and services (CleanSeaNet, RuleCheck, MAR-ICE, MAR-CIS, THETIS-Med, TIER project, AIS exchange of data).

The projects foresaw also new activities, such as enhanced learning services from the EMSA Academy, and actions in support of digitalisation, safety and sustainability. Actions would be planned to take into consideration the specificities of each individual beneficiary, following regular consultations with them and in line with the steering provided by the Commission.

In the case of SAFEMED V, EuroMed Maritime Safety Project the project would start from 1 April 2022, for a duration of 72 months, a budget of 8,000,000 euros and 4.5 contract agents. The Executive Director recalled the SAFEMED V beneficiaries: Algeria, Egypt, Jordan, Israel, Libya, Lebanon, Morocco, Palestine and Tunisia.

The BC SEA II - Maritime safety, security and marine environmental protection in the Black and Caspian Sea Region project was originally scheduled to start from 1 April 2022, for a duration of 48 months, a budget of 3,500,000 euros and 2.5 contract agents. The beneficiaries of the BCSEA II projects were the countries of the Black Sea Region: Moldova, Georgia Turkey and Ukraine.

Following a specific request by DG NEAR that takes into consideration the increased need for technical assistance in the Region, the existing BCSEA project would be extended one last time until 30 September 2022, allowing for the use of some unspent funds - originating from the impact of the pandemic on the

project – mainly to purchase oil pollution response equipment, that would be delivered by 30 September 2022 to the EMSA EAS stockpile in the region, situated in Varna, Bulgaria, and earmarked for Georgia and Ukraine.

The equipment would be readily available for any pollution response operation in the Black Sea. As agreed with the Commission, the subsequent delivery to Georgia and Ukraine would take place within the context of the follow-up BCSEA project, when the geopolitical conditions in the region would so allow. Consequently, the follow-up BC SEA II project will start from 1 October 2022.

As foreseen in the previous agreement, the Actions would be entrusted to the Agency with 100% pre-financing while the necessary supervision and support would be provided by EMSA staff for the delivery of the activities foreseen in the project's action plans.

Under the understanding that activities were planned for the 2nd semester, Vincent Denamur (France) enquired about the Agency's assessment of the impact of the war against Ukraine on the BCSEA project.

The Executive Director stated that the existing agreement had been prolonged originally due to the pandemic until October to purchase equipment for the stockpile in Varna. Only after that the Agency would start with the implementation of the new project. Some of the planned activities would be prevented due to the war but the Agency would adapt depending on how the situation evolves.

Magda Kopczynska (Commission) highlighted the importance of both projects, but the BCSEA in particular. Ukraine was at this point a focus country and a flexible approach would be taken in case of delays in the implementation of the actions due to the war. The Commission was already looking at how to assist Ukraine and facilitate cooperation in the sector once the war is over and thus address concerns from the transport Minister of Ukraine.

4. Draft Memorandum of Understanding with the Australian Maritime Safety Authority (AMSA)

The Executive Director informed the Board of the request from 17 February 2022 from the Australian Maritime Safety Authority (AMSA) to be granted access to RuleCheck.

The assessment by EMSA concluded that this would have a minimal impact on staff, with no additional cost for maintenance or enhancement and that there would be no negative impact on the core tasks of the Agency.

The assessment by the Commission confirmed a potential added value in the EU perspective taking into consideration that the provision of this tool to AMSA would contribute to further global harmonization of the implementation of international conventions, including on Flag State practices, as well as exporting EU solutions and best practises worldwide.

The Administrative Board was informed that a written procedure would be launched to consider the request by AMSA to access RuleCheck and the assessment provided by EMSA and the European Commission, in line with the procedure for requests from third countries to access capacity building tools; and to consider the proposed draft Memorandum of Understanding between EMSA and AMSA, taking into consideration Articles 10(2)(cc) and 15(2)(ba) of the Founding Regulation.

7. Adoption of the list of “A” items

The Administrative Board took note of/adopted the following “A” items, following the report and recommendation of the Administrative and Finance Committee.

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 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 – *took note of the information provided by the Agency.*

Main elements of the EMSA Financial Statement for 2021 were presented to the Administrative and Committee by the Accounting Officer:

- The overall balance was of a total 67.6 Mio (+1.79%) mainly due to the increase in the computer software (+3.4 Mio) and an increase in cash (+1.5 Mio).
- The economic outturn of the year was of +1.7 Mio (vs. +1.5 Mio in 2020).
- Total revenues were up +2.72% due to increase in Commission subsidy (+4.1 Mio) representing 82% of the total revenue, while the Project-financed activities (COPERNICUS - FRONTEX SLA - etc.) had an important impact on the revenue of the Agency 17% of the total revenue.
- The budgetary execution for C1 (credits of the year) was high: 99,67% of commitment execution and 97.32% of payment execution.

The Commission representative, Cristina Cuadra Garcia, congratulated once again the Agency on the excellent 2021 budget execution.

(b) School Arrangement – Annual Report 2021 – *took note of the information provided by the Agency.*

Dominika Lempicka-Fichter, Head of Department 4 - Corporate Services - first stressed the importance of having the social measure in place for the children of staff for the attractiveness of the Agency as an employer.

The Committee took note of the Annual Report 2021 on School Arrangements in Lisbon for the academic year 2021/22 with a total number of 117 children of staff members enrolled in the different schools, and for a total budget amounting to € 645,000, which was still below the cost per pupil of the European Schools.

Dominika Lempicka-Fichter further recalled the Committee members of continuous efforts towards the goal of setting up an Accredited European School in Lisbon and the European School Board of Governors approved in December 2019 the General Interest file for the creation of an Accredited European School in Lisbon.

The next step for the Portuguese authorities was the submission of a Dossier of Conformity to the Board of Governors laying down the specific details for the setting up and functioning of the school, a process that was heavily delayed by the COVID-19 pandemic.

(c) 2022 Appropriations cashed – *took note of the information provided by the Agency.*

The Administrative and Finance Committee was presented this agenda item by Andrea Tassoni, Head of the Executive Office and Administrative Board Secretariat, who recalled that the Committee was being informed throughout the year of cash received in the bank account in the interest of transparency.

A total of € 6,732,575.19 were received since the beginning of the year.

Updates would be provided at the next meetings and the final amounts will be recorded and adopted as usual by the Administrative Board through the final budget amendment after 31st December of the current year.

Anne Montagnon (Commission) thanked the Agency for the detailed report provided and underlined the importance of the information due to increased scrutiny on this subject.

(d) Monitoring of findings and recommendations from internal and external audits and EMSA follow up (ECA, IAS) – *took note of the information provided by the Agency.*

The Administrative and Finance Committee was presented with the summary table outlining the recommendations and findings and the EMSA actions planned or undertaken. Out of 13 recommendations issued, 6 were “open” at this stage, 3 “closed” and 4 were “ready for review”, meaning that they have been implemented by the Agency and forwarded to the Auditors with the request to formally close them.

In addition, the Administrative Board was provided with the IAS Audit on IT Governance and IT Portfolio management, originally foreseen for 2020, then postponed due to the pandemic. The audit had been completed in 2021 and the final audit report was issued on 23 November 2021, the results of which were included in the summary table: the audit resulted in 6 recommendations, none of which were ‘critical’ or ‘very important’. The Agency developed an action plan, already accepted by the IAS, to address all recommendations.

Following the question from Wojciech Zdanowicz (Poland) on other audits - such as the one performed by the European Data Protection Supervisor and reported on in the Draft CAAR 2021 however not included in the summary table - Tom Van Hees (ICC) explained that the table was based on the requirements stemming from the EMSA Financial Regulation. This had also served as a basis for the current mandate of the Administrative and Finance Committee. Audits not covered by the EMSA Financial Regulation were for the moment not included, however, this issue could be discussed at the Board for their possible future inclusion in the mandate of the Committee. The Secretariat would bring this issue to the next Board meeting.

Cristina Cuadra Garcia (Commission) again congratulated the Agency on the annual accounts 2020 that were now “ready for review”. She further stated that in the case of some agencies, ECA recommendations become recurrent and come back every year. At EMSA things were different and were going well. She also thanked the Agency for sharing the IAS report on the ICT audit, highlighting the importance of having a robust ICT framework in the current situation.

Anne Montagnon (Commission) also welcomed the efforts of the Agency in relation to late payments, important not only for the beneficiaries but also for the image of the Agency.

(e) Implementing rules to the Staff Regulations – *adopted the Implementing Rules to the Staff Regulations on the conduct of administrative inquiries and disciplinary proceedings.*

Dominika Lempicka-Fichter recalled that in line with Article 6 of the EMSA Founding Regulation, the Staff Regulations of officials of the European Union and the Conditions of employment of other servants of the European Union apply to EMSA staff, ensuring a harmonised European civil service with common rules in place throughout the EU institutional environment. Implementing rules were required to flesh out the Staff Regulations by laying down the necessary technical details.

While the rules on the conduct of administrative inquiries and disciplinary proceedings were broadly laid down in Annex IX of the Staff Regulations, it was necessary to have implementing rules in place to lay down technical details that were important to individual cases and the consistent application of the Staff Regulations.

Implementing Rules adopted by the Commission shall normally apply by analogy to the agencies and enter into force nine months after their entry into force at the Commission. On 17 June 2019, the Commission informed the Agencies that it had adopted Decision C(2019)4231 laying down general implementing

provisions on the conduct of administrative inquiries and disciplinary proceedings. The Commission Decision was suitable to apply to the Agencies if adapted to its peculiarities, in particular the Agencies' internal structure, which did not include an administrative service dedicated to administrative inquiries and disciplinary proceedings, the possibility for appointing staff members from outside the agency or a person who was not a staff member of an EU Institution or Agency to carry out administrative inquiries and the possibility for establishing a Common Disciplinary Board by two or more agencies.

On this basis, the Commission, in cooperation with the Standing Working Party on Implementing Rules, developed a model decision for the Agencies taking into account the above-mentioned points. On 26 January 2022, the Commission informed the Agencies that the ex-ante agreement on the model decision had been adopted.

Following consultation with the EMSA Staff Committee on 31 January 2022 and its positive opinion provided on 14 February 2022, the Administrative Board was invited to adopt the Decision on the conduct of administrative inquiries and disciplinary proceedings.

8. Any Other Business – None tabled.

9. Agenda item *in camera*

This agenda item was conducted in the presence of Administrative Board members with voting rights only the Executive Director, and the Head of Unit 4.1 Human Resources and internal support.

Due to its confidential nature, no minutes were taken for this agenda item.

Dates of next EMSA's Administrative Board Meeting

Administrative and Finance Committee: **14 June 2022**

Administrative Board: **15 June 2022**

(subject to availability of the Czech Presidency Council calendar of meetings)

Administrative and Finance Committee: **Week of 14-18 November 2022**

Administrative Board: **Week of 14-18 November 2022**

Signed:



Andreas Nordseth
Chairman of the Administrative Board

Lisbon, 15 June 2022

EUROPEAN MARITIME SAFETY AGENCY (EMSA)

63rd Meeting of the Administrative Board, Lisbon, Video Conference, 23 March 2022

LIST OF ATTENDANCE

MEMBER STATES	
BELGIUM	
Els Claeys	Board Member
CROATIA	
Siniša Orlić	Board member
Zdravko Seidel	Alternate Member
CYPRUS	
Ioannis Esfratiou	Board member
DENMARK	
Andreas Nordseth	Board Member - Chairman of the Board
Niels Peter Fredslund	Alternate Member
ESTONIA	
Marek Rauk	Board Member
FINLAND	
Juha-Matti Korsi	Board Member
FRANCE	
Vincent Denamur	Alternate Member
GERMANY	
Achim Wehrmann	Board Member
Marc Müller	Expert
GREECE	
Christos Kontorouchas	Board Member
HUNGARY	
Csaba Bellyei	Board Member
IRELAND	
Clare Finnegan	Alternate Member
ITALY	
Enrico Castioni	Board Member
LATVIA	

Janis Krastins	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
SLOVENIA	
Jadran Klinec	Board Member
SPAIN	
Benito Núñez Quintanilla	Board Member – Chairman of the Administrative and Finance Committee
SWEDEN	
Pernilla Wallin	Board Member
EUROPEAN COMMISSION	
Magda Kopczynska	Board Member
Fotini Ioannidou	Alternate Member
Barbara Sellier	Alternate Member
Veronica Manfredi	Alternate Member
Anne Montagnon	Board Member
Cristina Cuadra Garcia	Alternate Member
Isabel Baez	Expert

Pantelis Lamprianidis	Expert
Rosa Antidormi	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
Dorotea Zec	Board Member
EMSA (no need to include EMSA in the roll call)	
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	Head of Unit 1.3
Ioannis Mispinas	Head of Unit 2.1
Pedro Lourenço	Head of Unit 2.2
Lukša Čičovački	Head of Unit 3.1
Ivo Kupsky	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
Henning Stelter	Senior Budget Officer – Planning and Monitoring

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