

**65th Meeting of the Administrative Board
Lisbon, 17 and 18 November 2022****SUMMARY OF DECISIONS****1. Welcome from the Chairman and adoption of the draft agenda**

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

Nominations**France:**

- Board Member: Eric Banel, General Director of Maritime Affairs, Fisheries and Aquaculture (replacing Thierry Coquil).
- Alternate: Christophe Lenormand, Head of the Fleets and Seafarers Department, Directorate-General for Maritime Affairs, Fisheries and Aquaculture (replacing Vincent Denamur).

European Commission:

- Board Member: Julia Stewart-David, Acting Director Disaster Preparedness and Prevention, DH ECHO (replacing Mr Ilkka Salmi).

Italy:

- Alternate: Massimo di Marco, Head International Affairs Office, Italian Coast Guard (replacing Mr Claudio Manganiello).

Proxies

European Commission: Julia Stewart David (DG ECHO) to Magda Kopczynska (DG MOVE).

Luxembourg: proxy provided to Belgium.

Absences

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

2. Draft EMSA Single Programming Document 2024 – 2026**2a. Workshop – Priorities 2024-2026**

The Administrative Board took part in the workshop on the multi-annual programme 2024 - 2026 (section II). The outcomes would be assessed and considered by the Agency in view of the next iteration of the Single Programming Document 2024-2026 to be submitted for endorsement by written procedure in December 2022.

2b. Consideration – Draft Single Programming Document 2024 - 2026 (2nd set)

The Administrative Board considered the Draft Single Programming Document 2024 – 2026 and was invited to provide any further comments by Friday 25 November 2022, ahead of the written procedure to be launched in mid-December for the Board's formal endorsement of the document ahead of the Agency's input to the budgetary procedure 2024 by 31 January 2023.

3. Minutes of the last meeting

The Administrative Board approved the draft minutes and decisions of the last meeting, which took place on 15 June 2022 in Lisbon and by video conference.

4. Update on Agency's activities

The Administrative Board took note of the information provided by the Agency on the positive expectations concerning the overall implementation of the work programme and budget 2022.

The Administrative Board also took note of the ongoing production of daily, weekly and monthly reports requested by the Commission in the context of the war in Ukraine.

The Administrative Board also took note of the written procedure to be launched shortly after the meeting for the approval of a transfer from one title to another above the 10% threshold of appropriations for the financial year on the donating line, in order to address the estimated impact on salary expenditure of the update of remuneration and the adjustment of the correction coefficient, as expected and already signalled at the June 2022 Administrative Board Meeting.

The Administrative Board also took note of:

- (a) 2022 budget execution in the field of the European cooperation on coast guard functions;
- (b) Update on relevant tenders and developments in the fields of Anti-Pollution Measures.

5. EMSA Draft Administrative Arrangements

The Administrative Board considered and did not object to the following draft administrative arrangements as foreseen by Article 10(2)(cc) of the Founding Regulation:

- draft Amendment Cooperation Agreement MAOC (N)
- draft Working Arrangement with DG ECHO
- draft EFCA EMSA SLA
- draft Amendment No 4 EMSA DG ENV
- draft Amendment 6 MAR-ICE
- draft MOU Eurostat EMSA

6. Draft EMSA Single Programming Document 2023 – 2025

The Administrative Board discussed, agreed on minor adjustments and adopted the EMSA Single Programming Document 2023 – 2025, which takes into account the Commission's formal opinion of 13 July 2022, and the associated 2023 Budget (€ 89,671,038 in both Commitment and Payment Appropriations) and 2023 Establishment plan (212 statutory staff (AD/AST), as well as 30 contract agents and 18 seconded national experts allocated to the different activities under the EU Subsidy), subject to the final decision of the budgetary authority.

The Administrative Board also examined and approved the request for technical assistance from the Croatian Ministry of the Sea, Transport and Infrastructure on behalf of the EUREKA Consortium, to be reflected as proposed and appropriate in the EMSA Single Programming Document 2023 – 2025.

5. BIS Draft Cooperation Agreement EMSA/EUREKA

The Administrative Board took note of the draft Cooperation Agreement between EMSA and the EUREKA consortium. In line with the 4-week consultation period for consideration by the Administrative Board of draft administrative arrangements, if there is no objection by 16 December 2022, the Executive Director will be able

to enter into this Cooperation Agreement with the Ministry of the Sea, Transport and Infrastructure of the Republic of Croatia (acting on behalf of the EUREKA Consortium) for technical developments of Phase 2A.

7. (Re)appointment of the members of the Administrative and Finance Committee

The Administrative Board adopted the Decision appointing the current members of the Administrative and Finance Committee for an additional term of office of 3 years. The Chairman thanked the Committee for its invaluable service.

8. Amendment of the Rules of Procedure of the Administrative Board

The Administrative Board adopted the Decision amending the Rules of Procedure of the Administrative Board.

9. 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 – took note of the final report of the European Court of Auditors and approved the final accounts for 2021.

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

(c) 2022 Appropriations cashed – took note of the appropriations cashed.

(d) EMSA 2022 Budget transfers – took note of the 2022 budget transfers.

10. Any other item upon request

None tabled.

Date of the next EMSA’s Administrative Board Meeting (March 2023) and planning for 2023.

March 2023: week 20 to 24 March 2023

June 2023: from 12 to 14 June 2023

November 2023: week 13-17 November 2023

65th Meeting of the Administrative Board Lisbon, 17 and 18 November 2022

DETAILED MINUTES

1st Day – 17 November 2022 (afternoon)

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

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

Nominations

France:

- Board Member: Eric Banel, General Director of Maritime Affairs, Fisheries and Aquaculture (replacing Thierry Coquil).
- Alternate: Christophe Lenormand, Head of the Fleets and Seafarers Department, Directorate-General for Maritime Affairs, Fisheries and Aquaculture (replacing Vincent Denamur).

European Commission:

- Board Member: Julia Stewart-David, Acting Director Disaster Preparedness and Prevention, DH ECHO (replacing Ilkka Salmi).

Italy:

- Alternate: Massimo di Marco, Head International Affairs Office, Italian Coast Guard (replacing Claudio Manganiello).

Proxies

European Commission: Julia Stewart David (DG ECHO) to Magda Kopczynska (DG MOVE).
Luxembourg: proxy provided to Belgium.

Absences

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

The Chairman recalled the obligation of the Administrative Board members and alternates to sign the Declarations of Commitment and Confidentiality for 2023 which were displayed on the Agency's Administrative Board extranet and to send them back both by email and post by end of November. Due to the workshop setting of the first day of the meeting, printed copies for the members and alternates present were provided for signature on the following day.

The Chairman opened the meeting by inviting Magda Kopczynska (European Commission) to update the Board on the ongoing process of revision of the Agency's mandate. Ms Kopczynska welcomed the organisation of the Workshop on the Priorities for 2024-2026 and stated the importance of preparing the ground for the future, also in the longer run. While EMSA's abilities were proven, its capacity was not infinite so it was important to remain

cautious and to be able to prioritise. She informed the Board that as a substitute to an Impact Assessment, a Staff Working Document was being prepared aiming at a consolidation of tasks with extensive focus on Sustainability, Digitalisation and the new Safety package and without differentiation between core and ancillary tasks. The possibility for project financed activities would remain to allow flexibility within the future mandate and avoid the need for revising the mandate again in a few years. The question of agreement on additional resources for EMSA was still on the table.

Ms Kopczynska moreover announced a questionnaire that would be addressed to the Member States by the consultant during the following week requesting information on costs of certain tasks when performed by EMSA rather than by individual Member States. She further confirmed that data provided would be for the consultant's eyes only and would not be shared with other entities.

2. Draft EMSA Single Programming Document 2024 – 2026

2a. Workshop – Priorities 2024-2026

The Administrative Board took part in the workshop on the multi-annual programme 2024 - 2026 (section II).

The purpose of the workshop on the three-year period 2024-2026 was to provide a clear and advanced opportunity for the Administrative Board to shape the focus of the Agency's activities over several years in the medium-term.

In order to generate as much debate and energy as possible, the workshop used a café format, with small groups of Board Members and/or alternates gathered around small tables to discuss the main themes. Themes were repeated over the course of the afternoon ensuring for everyone the opportunity to address each theme. The coffee tables were hosted by volunteer Board Members and assisted by EMSA management and staff members as penholders.

The themes for discussion were Sustainability, Safety & Security, and Simplification & Digitalisation with Technical Assistance contributing to all three themes. Two tables per theme took place in each round, with a total of three 30 minutes rounds.

The background document for the workshop was the Section II of the EMSA Single programming Document 2024-2026 and the participants were asked two key questions:

- *Are there any areas where the Agency should focus more, or which may even be missing?*
- *Should the need arise to prioritise resources, which areas have the highest priority, and which the lowest?*

Following the workshop, outcomes of different groups and themes were presented in the form of power point presentations, presenting gaps and priorities.

The Chairman thanked the Executive Director Ms Maja Markovčić Kostelac for organizing the workshop and informed the Board that a similar format of discussions will be organised in future at June Board meetings.

Ms Markovčić Kostelac reassured the Administrative Board that the Agency would consider the outcomes for the next iteration of the EMSA Single programming Document 2024-2026 to be submitted for endorsement by written procedure by the Administrative Board in mid-December.

2b. Consideration – Draft Single Programming Document 2024 – 2026

*The Administrative Board **considered** the annual part of the Draft Single Programming Document 2024 – 2026 and was invited to provide any further comments by Friday 25 November, ahead of the written procedure to be launched in mid-December for the Board’s formal endorsement of the document ahead of the Agency’s input to the budgetary procedure 2024 by 31 January 2023.*

No requests for technical assistance were tabled for discussion for 2024.

The Executive Director recalled the timeline of the document and the various future opportunities for the Administrative Board to comment on it. In particular, she informed the Board that the document had been shared with the Commission and that the comments received would be considered for integration in the next version of the document to be submitted for endorsement by written procedure in mid-December, along with the outcome of the workshop.

In terms of resources, the budget proposed for 2024 was expected to enable the Agency to provide planned services and assistance to the Commission and the Member States as outlined in SECTION III: Work programme 2024 and was in line with the Multi-annual Financial Framework 2021-2027, which defined funding for EMSA for that period, plus additional resources made available for salary expenditure due to high inflation.

Ms Markovčić Kostelac further explained that the budget proposed for 2024 would also have to cope with the significant increase of the administrative expenditure both in Titles I (staff - due to the salary increase) and II (infrastructure - due to the increase in energy prices).

The Draft Budget 2024 was also presented both on Revenue and Expenditure sides with the budget of 91,466,820 € proposed in both Commitment and Payment appropriations.

In terms of human resources, the establishment plan for 2024 was composed of 212 staff members which represented stability since 2019. This may be affected in the future with the revision of the EMSA Founding Regulation.

The Chairman of the Administrative and Finance Committee reported that the necessary quorum for the meeting had been in place and that the Committee was able to perform its role in relation to the “A” and “B” points. The Committee had reviewed the resource related aspects of SPD 2024-2026, in particular an Establishment Plan 2024 of 212 statutory posts and a proposed revenue for 2024 of € 91,466,820. **The Committee could provide a positive opinion to the Administrative Board.**

The Chairman opened the floor for general comments on the Draft EMSA Single Programming Document 2024-2026 followed by comments per section.

In the area of **Sustainability**, Denmark would provide a paper to the Agency to clarify its proposal in relation to the role of EMSA for possible analysis and risk assessment of chemicals transported at sea.

In relation to **resources**, Anne Montagnon (Commission) recalled that the Agency’s resources were limited by the current MFF, like all agencies. In the case of EMSA, additional resources were available through the Project Finance Activities.

In the area of **Safety and Security** Magda Kopczynska (Commission), highlighted the document was aligned with the Commission priorities and hoped for the Agency's assistance in the implementation of the new safety package.

The Executive Director thanked the Commission for the comments already provided to the Agency on the document stating that with an implementation of 97% of the work programme for the current year, so far, the need for negative priorities had not arisen.

In relation to negative priorities, Magda Kopczynska (Commission) found important to demonstrate to the citizens the ability to prioritise and suggested STCW for fishing vessels as a possibility to label as such. She also announced a written communication from the Commission clarifying the situation in relation to CISE.

The Chairman suggested this be a specific agenda item for some future discussion, the subject being complex and requiring many aspects to be taken into consideration.

The Chairman concluded the agenda item and recalled the deadline of 25 November for written comments in time for the written procedure to be launched mid-December.

3. 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 15 June 2022.*

The draft minutes of the June Board meeting were circulated on 13 July 2022 and no comments were received.

4. Update on Agency's activities

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

In terms of implementation of the work programme for 2022, the Executive Director informed the Board of the foreseen implementation of planned actions of 97%, with 1% of actions that were rescheduled for after the end of the year and 2% that were cancelled, mostly due to external factors.

In the context of the war in Ukraine, various reports were being produced by the Agency on a daily, weekly and monthly basis such as the monthly reports on the impact of the war on commodities traffic and maritime traffic in general.

Furthermore, the Agency had developed a tool assisting Member States with the implementation of sanctions. The tool provided information on vessels sanctioned or identified to be under sanctions and distributed such information amongst Member States.

The Executive Director also informed the Board that the Agency was already preparing for the entry into force of further sanctions in the forthcoming weeks, such as the ones applicable to crude oil and oil products, including ship-to-ship oil transfers.

As concerns budget execution, the Agency planned to perform well above the acceptable 95% threshold.

Following the information already provided at the June Board meeting in relation to the rise in inflation with an intermediate update of salaries of +2.4% and an adjustment in the coefficient for Portugal from 91.10% to 90.6% retroactively applicable from January 2022 already implemented, an additional annual update of salaries would be known at the end of November upon adoption by the Commission of the relevant report by Eurostat.

Estimated at this stage to an increase of 4.5% for the annual adjustment compounded by an expected increase of the coefficient to 95.5% against the current 90.6%, the Agency assessed that budget transfers would be needed from one title to another of an amount up to 2,450,000 € in both commitment appropriations (CA) and payment appropriations (PA). Out of this amount, about 1,950,000 € would represent a normal transfer currently ongoing (mainly from Title 2 and Title 3 to Title 1).

The remaining amount of about 500,000 € required approval of the Administrative Board, in line with Article 26 of the EMSA Financial Regulation for transfers from one title to another that exceed 10% of the appropriations for the financial year on the donating line.

The Executive Director therefore announced to the Administrative Board that a written procedure for the approval of such a transfer would be launched shortly after the Board meeting so that the appropriations can be shifted in due time to allow payment of the December payroll.

*(a) The Administrative Board **took note** of the information provided by the Agency on the 2022 budget execution in the field of the European cooperation on coast guard functions*

In relation to **Information sharing**, the Executive Director informed the Board of continuous improvements of the IMS with the creation of the correspondence expert group on drift modelling and the development of draft guidelines defining the business requirements of an IMS drift modelling interface. The study for the use of Artificial Intelligence and Machine Learning solutions in the Integrated Maritime Services (IMS) was also finalised contributing to the development of new ABMs and Advanced Analytics tools.

The RPAS data centre quality was improved through the implementation of an increased system capacity and the enhancement of security systems. Since June six RPAS missions were deployed for the Member States and the Coast Guard Agencies and the RPAS Annual User Group meeting - with 74 participants from various entities - was also held, showing that the use of RPAS for maritime surveillance was reaching a higher level of maturity. The new procurement procedure for Vertical take-off and Landing had been awarded with the signature of the contract expected in December, pending successful preliminary flight tests.

In the area of **Capacity Building**, the Agency's various platforms or learning services were fully operational. Furthermore, following an internal audit run by an external auditor the EMSA Academy was mature for certification under the ISO 29993:2017 standard.

The planned budget execution was very high in both commitment and payment appropriations, confirming the forecast provided to the Administrative Board in June.

The Chairman of the Administrative and Finance Committee reported the information on the 2022 budget execution in the field of the European cooperation on coast guard functions had been provided and discussed, and positively received by the Committee. **The Committee could provide a positive opinion to the Administrative Board.**

A video of the EMSA RPAS flying in support of the Italian Coast Guard in the protected Pelagos marine sanctuary in the Gulf of Genoa was presented to the Administrative Board with footage of both mature and

young whales in the open sea. The mission was meant to collect additional data to study whale migration patterns.

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

The Executive Director informed the Board of the new vessels and EAS tenders and of exercises and training sessions in the field of Anti-Pollution Measures, with very positive reactions from the Member States.

She further informed the Administrative Board that Satellite based services had been requested for emergency support twice as much as last year and that the new CleanSeaNet backend service to improve the planning, management and delivery of EMSA satellite-based services had been kicked off.

In 2022, the RPAS services had been relaunched in several regions based on Member States' requests confirming the interest of this technology in the Antipollution domain.

Finally, in terms of estimated total execution and considering all internal transfers done so far, the Agency expected full consumption of the current year's budget.

In response to France on the Agency's strategy in relation to inflation, the Executive Director recalled that the Agency's budget was defined by the Multi Annual Financial Framework. In addition to the strategy explained previously in relation to salaries and the known increases in energy prices were planned through reduced consumption. She also stated that the situation the Agency was facing was common to all institutions, but at this stage no horizontal measures were announced.

In terms of procurement, the Executive Director recalled the Agency's efforts to support a regional approach with increased efficiency and longer deployments.

5. EMSA Draft Administrative Arrangements

The Administrative Board considered and did not object to the following draft administrative arrangements as foreseen by Article 10(2)(cc) of the Founding Regulation:

- *draft Amendment Cooperation Agreement MAOC (N)*
- *draft Working Arrangement with DG ECHO*
- *draft EFCA EMSA SLA*
- *draft Amendment No 4 EMSA DG ENV*
- *draft Amendment 6 MAR-ICE*
- *draft MOU Eurostat EMSA*

The Executive Director presented each of the draft administrative arrangements submitted for consideration by the Board.

- *draft Amendment Cooperation Agreement MAOC (N)*

Recalling the background of the first Cooperation Agreement signed in 2014 with an initial duration of 5 years, followed by the Cooperation Agreement signed in December 2020 with access to EMSA's maritime/surveillance services as main activity, Ms Markovčić Kostelac notified the Board that these draft Implementation Addenda

mainly aimed at providing a basis for additional expenses of 28,000 € and the discontinuation of data sharing with the UK related users at MAOC (N).

In response to France on the status of relations between the UK and MAOC (N), the Executive Director confirmed that the amendment only aimed at disconnecting UK from the use of data deriving from IMS, with no change in the UK status within MAOC (N).

The Board considered and did not object to the draft Amendment to the Cooperation Agreement between EMSA and MAOC (N).

- *draft Working Arrangement with DG ECHO*

The cooperation between DG ECHO and EMSA – although formalised only in 2014 through the first Working Arrangement – had been effective since the creation of the Agency mainly through the DG ECHO Emergency Response Coordination Centre and EMSA's 24/7 Maritime Support Services in the context of maritime emergencies and requests for assistance from Member States, covering mutual alert, exchange of information and coordination in the event of emergencies at sea, coordination, channelling and provision of EU assistance in response to these emergencies, capacity building - both training and scientific cooperation activities - and relations with international organisations and regional conventions.

With a view to improving effectiveness of EU support to response to emergencies at sea, DG ECHO and EMSA, in full coordination with DG MOVE prepared the new draft of the Working Arrangement, proposing in particular to extend its scope reflecting already established common working practices to requests for assistance in the context of Search and Rescue operations, in cases of maritime security incidents such as piracy and other safety related emergencies but also to further clarify decision making processes at Commission level for requests for assistance. The new Working Arrangement also incorporated an annex listing new or upgraded EMSA services available from EMSA in the context of emergencies, including alert and emergency information services: CleanSeaNet, Copernicus Maritime Surveillance services, LRIT/SARSURPIC, SafeSeaNet / Integrated Maritime Services, oil and chemical spill response services and RPAS.

Fully in support of the draft WA, Ms Kopczynska considered - on behalf of the Commission - that this agreement was more straightforward and better reflected the assistance already in place, in particular for requests coming from 3rd countries.

The Board considered and did not object to the draft Working Arrangement with DG ECHO.

- *draft EFCA EMSA SLA*

The Executive Director recalled that the first SLA between EFCA and EMSA was established in 2012 to set up an Integrated Maritime Service to support the fisheries control inspection and surveillance activities using the EMSA Integrated Maritime Services (AIS, VMS, and LRIT), earth observation data and fisheries control related data.

Renewed already in 2015 with a broadened scope (provision of RPAS services, provision of vessel based services to support fisheries monitoring and control and provision of pollution response service), and increasingly tailored for the specific business needs of the fisheries control user community, a more structured approach was needed, leading to the new draft SLA for the provision of IMS to support fisheries monitoring and control, vessels suitable for fisheries monitoring and control purposes, RPAS based services and Copernicus

Maritime Surveillance and pollution response services. Furthermore, capacity building activities and support to the evolution of maritime situational awareness were planned under the new draft SLA with a 300,000 € yearly budget and a foreseen recruitment of 2 Contract agents.

Following the statement by the Commission (Anne Montagnon) on the need for a more coherent approach across the Agencies, in particular in relation to additional staff planned under such agreements and the need to engage DG BUDG in such negotiations, the Chairman urged the Agency and the Commission to work together to improve communication on these issues in the future.

The Board considered and did not object to the draft SLA between EMSA and EFCA.

- *draft Amendment No 4 EMSA DG ENV*

The Agreement with DG ENV already in place in support of the implementation of the Sulphur Directive and the development of THETIS-EU “Sulphur” was ending on 7 March 2023 and an amendment with an 18-month extension period was required with an additional 50,000 € budget necessary for further improvements to THETIS-EU based on Member States’ feedback.

The proposed amendment also contained minor editorial changes in relation to the schedule of payments and the change in the Agency’s bank account.

The workload linked to the amendment was considered by the Agency compatible with the delivery of other planned outputs.

The Board considered and did not object to the draft amendment No 4 between EMSA and DG ENV.

- *draft Amendment No 6 to the 3-party Cooperation Agreement establishing the MAR-ICE Network.*

The Executive Director recalled that the MAR-ICE Network provided the Member States, the coastal EFTA states and the coastal EU Candidate Countries (on a 24/7 basis and upon request and free of charge) with an expert information service on chemicals, supporting their decision-making process when responding to maritime incidents involving the release of chemicals. Cedre provided the 24/7 single “MAR-ICE Contact Point”, which receives and responds to the MAR-ICE service activations, by providing product specific and incident relevant information, documentation and advice on chemical products.

With the existing 3-party Cooperation Agreement establishing the MAR-ICE Network expiring on 16 December 2022, the draft amendment No 6 aimed at extending the cooperation for another five-year period with an additional budget of 60,000 €, reflecting the lessons learned and the experience gained through the various MAR-ICE Network activations and improving communication between EMSA and Cedre.

More specifically, the changes introduced by this Amendment aimed at clarifying tasks and enhanced awareness amongst Member States and the ICE members and the National ICE Centres on the scope of the MAR-ICE Network and the service provided, and submission of annual reports from Cedre to EMSA in an electronic format. In addition, unnecessary procedural paragraphs were deleted as relevant provisions of the Financial Regulation would be applied.

The Board considered and did not object to the draft Amendment No 6 to the 3-party Cooperation Agreement establishing the MAR-ICE Network.

- *draft MOU Eurostat EMSA*

As the statistical authority of the Union, EUROSTAT develops, produces and disseminates European statistics.

The purpose of the draft MoU between EMSA and EUROSTAT was a study using SafeSeaNet and other EMSA data for maritime statistics with the new EUROSTAT Statistical Methodology Framework contract under the coordination of EUROSTAT who would also cover its costs while EMSA would provide technical support and expertise, estimated at around 15 man-days.

No raw data would be provided to EUROSTAT for the purposes of the study and in case of such data being requested in the future, relevant HLSG procedures would apply to EUROSTAT for gaining access to the SSN data.

The Board considered and did not object to the draft MoU between Eurostat and EMSA.

6. Draft EMSA Single Programming Document 2023 – 2025

The Administrative Board discussed, agreed on minor adjustments and adopted the EMSA Single Programming Document 2023 – 2025, which takes into account the Commission's formal opinion of 13 July 2022, and the associated 2023 Budget (€ 89,671,038 in both Commitment and Payment Appropriations) and 2023 Establishment plan (212 statutory staff (AD/AST), as well as 30 contract agents and 18 seconded national experts allocated to the different activities under the EU Subsidy), subject to the final decision of the budgetary authority.

The Executive Director recalled that the document was submitted for final adoption by the Administrative Board in view of its transmission to the Institutions by 30 November.

The document now incorporated comments made at the last June Administrative Board meeting, as well as comments from the Commission formal Opinion of 13 July 2022. The Annual Strategic Plan on Coastguard cooperation as proposed by three Agencies (EMSA, EFCA and Frontex) was also integrated in the document.

Ms Markovčić Kostelac also informed the Administrative Board that there were no changes in the Draft Budget and the Draft Establishment Plan for 2023 compared to the figures presented in June.

The Chairman of the Administrative and Finance Committee reported that the Committee reviewed the resource related aspects of SPD 2023-2025, in particular an Establishment Plan 2023 of 212 statutory posts and a proposed revenue for 2023 of € 89,671,038. **The Committee could provide a positive opinion to the Administrative Board.**

Under Sustainability in the Section II, Cyprus suggested a reference to the process of revision of the IMO Strategy on the reduction of GHG emission from ships.

For Iceland, with the repeated vessel procurement failures that occurred in certain geographical areas, a more strategic approach was needed for the multi-annual APM planning. He was seconded in this statement by the Chairman, who recalled that a data driven approach was one of the outcomes of the workshop discussions from the previous day.

The Executive Director evoked the survey conducted amongst various Member States' authorities where certain risks and mitigating measures had been identified. She also acknowledged recurrent difficulties to attract shipowners in certain areas. In these cases the strategy had been to strengthen the Equipment Assistance Services in those regions but alternative solutions were more than welcome.

Manuela Tomassini, Head of Department 1, also informed the Board of a slight shift in the number of planned visits in particular in EFTA states, reflecting very recent exchanges between the EFTA Surveillance Authority and the Commission.

At the suggestion of Finland, a minor adjustment was also brought to the target number for 2023 of pollution response meetings, workshops, guidance documents or studies.

The Executive Director took the opportunity to thank Finland for their support for the planned MMO, in which Finland was looking forward to participating.

The Administrative Board also examined and approved the request for technical assistance from the Croatian Ministry of the Sea, Transport and Infrastructure on behalf of the EUREKA Consortium, to be reflected as proposed and appropriate in the EMSA Single Programming Document 2023 – 2025.

In the context of the discussions and adoption of the SPD 2023-2025, the Administrative Board was also invited to examine and approve the request for technical assistance from the Croatian Ministry of the Sea, Transport and Infrastructure on behalf of the EUREKA Consortium.

This followed the request presented at the June meeting when the Board examined and approved the Request for Technical Assistance to the EUREKA Consortium for Phase 1 of the modernization of 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.

The request for technical assistance for Phase 2A of the project had reached the Agency on 21 October 2022. Given the composition of the EUREKA Consortium that included, in addition to Member States (Croatia, Italy, Greece and Slovenia) States applying for accession to the Union (Albania, Bosnia and Herzegovina and Montenegro) and in line with the requirements stemming from the EMSA Founding Regulation Article 2.5, a request had also been addressed to the Agency by the Commission.

The Executive Director presented the EMSA assessment of the relevance and compatibility of the request with its priorities, as well as the resource implications, and was able to confirm the Agency's ability to provide assistance for Phase 2A.

Based on the EMSA assessment, these technical developments could be completed by the end of July 2023 with an estimated cost of around 60,000 € to be covered by the EUREKA Consortium.

The Board approved the request and consequently the inclusion in the draft EMSA Single Programming Document 2023-2025, Section III, Work programme 2023 of an additional activity table outlining the relevant actions in 2023 as circulated to the Administrative Board separately in the 2nd set of documents.

Furthermore, in view of the 30 November deadline for the transmission of the SPD 2023-2025, references to the related draft Cooperation Agreement, to be considered under Agenda Item 5bis, would be included in the SPD 2023-2025, the Draft Budget 2023 and the Detailed Draft Budget 2023 with the condition "subject to the approval by the EMSA Administrative Board of the draft Cooperation Agreement between EMSA and the

Ministry of the Sea, Transport and Infrastructure of the Republic of Croatia (acting on behalf of the EUREKA Consortium)".

The Chairman concluded, subject to the agreed adjustments, the Administrative Board's adoption of the EMSA SPD 2023-2025, the draft budget 2023 and the draft establishment plan for 2023.

5BIS. EMSA Draft Administrative Arrangements

*The Administrative Board **took note** of the draft Cooperation Agreement between EMSA and the EUREKA consortium. In line with the 4-week consultation period for consideration by the Administrative Board of draft administrative arrangements, if there is no objection by 16 December 2022, the Executive Director will be able to enter into this Cooperation Agreement with the Ministry of the Sea, Transport and Infrastructure of the Republic of Croatia (acting on behalf of the EUREKA Consortium) for technical developments of Phase 2A.*

The draft Cooperation Agreement specified the conditions related to the EMSA technical developments as defined in the request of the EUREKA Consortium for Phase 2A of Technical Assistance of the modernised ADRIREP system.

In line with Article 15(2)(ba) of the EMSA Founding Regulation providing for a four-week consultation period for consideration by the Administrative Board of draft administrative arrangements, if there is no objection by 16 December 2022, the Executive Director will be able to enter into this Cooperation Agreement with the Ministry of the Sea, Transport and Infrastructure of the Republic of Croatia (acting on behalf of the EUREKA Consortium) for technical developments of Phase 2A.

7. (Re)appointment of the members of the Administrative and Finance Committee

*The Administrative Board **adopted** the Decision appointing the current members of the Administrative and Finance Committee for an additional term of office of three years. The Chairman thanked the Committee for its invaluable service.*

The Executive Director, recalled that, in accordance with the Decision establishing the Administrative and Finance Committee of 20 November 2012 as amended, its members were appointed for a period of three years in November 2018.

As recalled by the Chairman at the June Board meeting, the Members of the Administrative and Finance Committee should have been (re)appointed at the end of their term in November 2021. Following confirmation of the Administrative Board's confidence in the Committee, it was agreed that the (re)appointment would be prepared for this November meeting.

In preparation for this meeting, the Chairman of the Administrative Board conducted a survey to determine the availability of the current members of the Administrative and Finance Committee to be reappointed.

While all the current members of the Administrative and Finance Committee from the Member States confirmed their availability, the Chairman also enquired whether any other Member State might be interested in joining the Committee.

As no such interest has been communicated it was proposed to reappoint the current members of the Administrative and Finance Committee for another 3-year period:

- Belgium
- France
- Germany
- Poland
- Spain
- Sweden
- European Commission (2 representatives).

The Chairman thanked the members of the Administrative and Finance Committee for their invaluable service.

8. Amendment of the Rules of Procedure of the Administrative Board

*The Administrative Board **adopted** the Decision amending the Rules of Procedure of the Administrative Board.*

Dominika Łempicka-Fichter, Head of Department 4, recalled the last review of the EMSA Rules on Reimbursement of Expenses to Experts and High-Level Experts in September of 2018 which had shown that certain provisions were either not entirely clearly worded or were impossible to verify in practice leading to delays in experts' planning/booking process and to higher costs for EMSA. The process therefore needed to be streamlined and simplified based on the experience gained as well as on the rules of the Commission and other Agencies, while catering for the EMSA characteristics and practices and were adopted by the EMSA Executive Director Decision 2022/048 on 30 August 2022.

Therefore, there was a need to amend Article 13.1 of the Rules of the Procedure ensuring that updated Rules on Reimbursement of Expenses to High-Level Experts are in use for the Administrative Board and any future amendment of the Rules would not trigger the need for an amendment of the Rules of Procedure, but instead the Rules on Reimbursement of Expenses to High-Level Experts in the version in force will be applicable.

The Administrative Board adopted the Decision amending the Rules of Procedure of the Administrative Board.

9. 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, 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 – *took note of the final report of the European Court of Auditors and approved the final accounts for 2021.*

The Committee was informed by the Agency's Accountant that the final report by the Court of Auditors was received on 27 October. In relation to its preliminary observations from May 2022 where the Court expressed a qualified opinion regarding the legality and regularity of the transactions underlying the accounts for payments, following extensive discussions and taking into account EMSA's legal analysis, the Court confirmed the positive opinion on the reliability of the accounts as well as on the legality and regularity of revenue and payments underlying the accounts in all material respects.

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

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

The table now included the final observations by the Court of Auditors on the Agency's accounts for 2021 received on 27 October 2022 with a clean opinion regarding the legality and regularity of the transactions underlying the accounts for payments.

The Court of Auditors also confirmed that all previous observations were correctly addressed by the Agency and were now all 'closed'.

(c) 2022 Appropriations cashed – *took note of the appropriations cashed in the current year.*

The Committee was informed by the Head of the Executive Office of cash payments of earmarked revenues, which until receipt are recorded as "p.m." in the budget, amounting to a total of **€ 10,734,202.88** received since June, mostly consisting of pre-financings for CISE, COPERNICUS and Black and Caspian Sea II.

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

Once cashed, such revenues are automatically loaded into the Agency's budget. The Agency duly informs the Administrative Board of such amounts, which 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) EMSA 2022 Budget transfers – *took note of the 2022 budget transfers.*

This standing agenda item at November meetings, stemming from the Financial Regulation, was presented to the Board by the Head of the Executive Office in the interest of transparency. None of the transfers made needed approval by the Board.

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

10. Any other item upon request

The 65th EMSA Administrative Board meeting was the last meeting for Magda Kopczynska due to changes in her position with the Commission. She wholeheartedly thanked the EMSA Administrative Board and the Agency for the amazing experience as a Board Member. The Agency and the Chairman thanked her for her contribution over the years.

Date of the next EMSA's Administrative Board Meeting (March 2023) and planning for 2023:

March 2023: week 20 to 24 March 2023

June 2023: from 12 to 14 June 2023

November 2023: week 13-17 November 2023

Signed

A handwritten signature in blue ink, appearing to read 'H. Norwitz', is written over a faint, light blue rectangular stamp.

Done at Lisbon, 15 March 2023

LIST OF ATTENDANCE

65th Meeting of the Administrative Board, Lisbon, 17-18 November 2022

MEMBER STATES	
BELGIUM	
Els Claeys	Board Member
BULGARIA	
Ventsislav Ivanov	Board Member
CROATIA	
Zdravko Seidel	Alternate Member
CZECH REPUBLIC	
Evzen Vydra	Board Member
CYPRUS	
Ioannis Efstratiou	Board Member
DENMARK	
Andreas Nordseth	Board Member - Chairman of the Board
Niels Peter Fredslund	Alternate Member
Jesper Aksel Gebauer Christensen	Expert
ESTONIA	
Marek Rauk	Board Member
FINLAND	
Juha-Matti Korsi	Board Member
FRANCE	
Christophe Lenormand	Alternate Member
GERMANY	
Christian Kohlhase	Alternate Member
GREECE	
Christos Kontorouchas	Board Member
HUNGARY	
György Skelec	Alternate Member
IRELAND	
Clare Finnegan	Alternate Member

ITALY	
Enrico Castioni	Board Member
LATVIA	
Jānis Krastiņš	Board Member
LITHUANIA	
Linas Kasparavicius	Board Member
MALTA	
Ivan Sammut	Board Member
THE NETHERLANDS	
Paul van Gurp	Board Member
POLAND	
Wojciech Zdanowicz	Board Member - Deputy Chairman of the EMSA Administrative Board
PORTUGAL	
José Simão	Board Member
Paolo Pamplona	Alternate Member
ROMANIA	
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
Anne Montagnon	Board Member
Fotini Ioannidou	Alternate Member
Cristina Cuadra Garcia	Alternate Member
Isabel Bàez Lechuga	Expert
Pantelis Lamprianidis	Expert
Charlotte Norlund-Matheissen	Expert

EFTA STATES	
ICELAND	
Jon Gunnar Jonsson	Board Member
PROFESSIONAL SECTOR	
Thomas Kazakos	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 Łempicka-Fichter	Head of Department 4 Corporate Services
Andrea Tassoni	Head of Unit Executive Office, Board Secretariat
Frédéric Hébert	Head of Unit 1.1
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 if Unit 3.2
Lazaros Aichmalotidis	Head if Unit 3.3
Cristina Romay-Lopez	Head if Unit 4.1
Andrea Iber	Head if Unit 4.2
Helena Ramon Jarraud	Senior Project Officer, 2.2
Lorenzo Fiamma	Chairman EMSA Staff Committee
Tom Van Hees	Internal Control Coordinator
Davide Mola	Accountant
Marco Ingresso	Budget and Finance Specialist – Planning and Monitoring
Soraya Obura	Senior Assistant for Planning and Reporting – Planning and Monitoring
Selena Matić	Senior Administrative Assistant – Planning and Monitoring