



European
Maritime
Safety
Agency

Work Programme 2005



*“Assim foram cortando o mar sereno,
Com vento sempre manso e nunca irado,
Até que houveram vista do terreno
Em que naceram, sempre desejado.
Entraram pela foz do Tejo ameno,
E à sua pátria e Rei temido e amado
O prémio e glória dão por que mandou,
E com títulos novos se ilustrou “*

“Os Lusíadas”

(Luís Vaz Camões, poet of the XVI Century, Canto X – “Chegada das naus Lisboa”)

Explanation: Arrival of vessels at Lisbon. The strophe sings the arrival of the Portuguese, sailing in a calm sea with a light breeze, came in sight of the always wanted homeland. They entered by the pleasant mouth of Tagus, having with their expedition, given to their motherland and to their king the glory and honour that he was looking for, to present himself as the master of new lands.



European Maritime Safety Agency

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Foreword



Brian Wadsworth, Chairman of Administrative Board

The EMSA Work Programme for 2005 is another important milestone for our Agency, which is rapidly developing and already making a very positive contribution to our shared objectives of safer ships and cleaner seas.

Appropriately this document begins with echoes of EMSA's new home and of a former age, when the pioneers of maritime exploration and trade set out from Lisbon on voyages to then undiscovered worlds. The busy sea lanes of today's global economy cross and re-cross the long-vanished wakes of their small and vulnerable sailing ships. How fitting that EMSA's headquarters will stand on the banks of the river Tagus, on a site which speaks - perhaps like no other - of the pervading influence of the sea in the course of human history. The coming year will see work on the site commence and we look forward with great anticipation to the day when the doors of our new headquarters will open for the first time.

EMSA was established to play an important role in safeguarding our rich maritime heritage and environment. This work programme illustrates, in many different ways, how that contribution will be made.

- EMSA will promote harmonised implementation of Community legislation on maritime matters through a programme of visits to Member States, helping us to identify and develop best practice.

- EMSA will provide assistance to Member States in EU maritime safety requirements and procedures, in the form of seminars and workshops.
- EMSA will provide expert advice to the European Commission on proposed new legislation, for example in the field of port state control, as well as monitoring existing practice.
- EMSA will support and develop the sharing of information and data which is so crucial to our objective of increasing transparency and awareness of maritime safety issues.
- EMSA will contribute to the development of best practice in the field of maritime accident reporting and investigation.
- Other important tasks include assessments of classification societies and a range of work on ship safety standards, marine equipment and marine environmental issues.

Further information on all these tasks and more is brought together in this document.

EMSA's role is rapidly developing. During 2004 we determined the parameters of a new strategy for oil pollution response, which proceed towards implementation in 2005. Our aim is to add value to the pollution response resources and capabilities of Member States, particularly in relation to heavy grade oil spills. Preparations are being made to streamline the process of auditing training and certification systems in countries outside the EU whose seafarers serve on ships registered by EU Member States, and to evaluate the implementation of IMO ship security requirements.

I am sure that 2005 will be a busy and fruitful year. Let us hope that it will also prove to be a safe year for the shipping industry and for all whose livelihoods are earned at sea, on whose labours we all depend.

*Brian Wadsworth -
Chairman of the Administrative Board*

Message from the Executive Director



Willem de Ruyter, Executive Director and Francis Vallat, Vice President and acting Chairman of the Board in 2005

It gives me great pleasure to be able to write a word of introduction for EMSA's Work Programme 2005.

As our Chairman's foreword suggests, 2004 was the year when EMSA became operational on most of the tasks initially entrusted to it, and many of these will continue throughout 2005 and beyond. The European legislator also defined a number of new tasks for the Agency in 2004, and the execution of these will start to take effect as from 2005.

I would like to take this opportunity to stress that EMSA's staff, in both the technical and administrative areas, deserve great praise for their commitment and dedication in our formative period. Had it not been for the hard work done by this small group of pioneers, EMSA would not now be the functioning entity that it has become.

Progressively, over the last year, we have also been able to welcome new staff from all over the European Union, who have shown an equally high level of commitment to making EMSA a success. I also want to thank our colleagues from the European Commission for their continued support in our joint effort to set up an Agency that will contribute effectively to improved maritime safety in Europe and beyond.

Member States' maritime administrations have given their support to EMSA in various ways. Not only by their active participation in our Administrative Board, but also by making seconded national experts available to work at the Agency, and by sharing their know-how in EMSA workshops and in technical projects of common interest.

A good start has been made but there is much more to do. The preparations for the very welcome move to our permanent headquarters in Lisbon; the ongoing need to recruit; the likelihood of the definition of more new tasks by the European legislator and; the implementation of the first phase of our operational task in the field of pollution response, will all create new challenges.

EMSA is fully committed to making a significant difference in maritime safety, so there will be no time to rest.

Willem de Ruyter - Executive Director

Chapter 1

The European Maritime Safety Agency

1.1 INTRODUCTION

The European Maritime Safety Agency (EMSA) is a young organisation which is still in its development phase, and 2005 will be only its second full year of operation. Therefore, certain activities in the operational and administrative fields of the Agency will continue to be further developed in the coming year, and new tasks will begin. This applies mainly to the tasks assigned to EMSA¹ in the fields of oil pollution response, assessment of the training certification of seafarers from third countries and security.

This work programme is based on ongoing tasks, plus the Agency's current knowledge of forthcoming task requests from the European Commission (hereafter 'the Commission') which relate to existing legislation, as well as possible new requests from Member States for technical co-operation and assistance. New unforeseen developments in the field of maritime safety and the protection of the marine environment may lead to new activities for the Agency, which aims to improve maritime safety where possible. Therefore, some flexibility within the programme may be required.

The recruitment process is ongoing because the Agency is still in its growth stage. The approved budget proposal for 2005 shows that it will have 95 statutory staff, 20 seconded national experts and 10 auxiliary staff (contract agents), thus making 125 persons in total by the end of the year.

The agreement to move the Agency from its temporary location in Brussels to its final seat in Lisbon, Portugal has been signed. A Memorandum of Understanding on the establishment of the Agency's headquarters and the Protocol on Privileges and Immunities were signed with the Portuguese government on July 28th 2004².

These documents describe the exact location and buildings of the Agency in the city of Lisbon and set out all matters related to the legal status of EMSA and its staff in Portugal. A first group of staff (up to 35 persons) may go to Lisbon as of August 2005. Moving to Lisbon has a lot of implications in terms of preparation and logistics. A whole range of activities will result from this: from preparing offices with full communications equipment to paving the way for the re-settlement of staff.

Overall, 2005 will be a year of challenges and expansion for the Agency. It will have to continue developing existing tasks and implement new tasks at the same time. There is a high level of expectation regarding EMSA's contribution to improving maritime safety and protecting the marine environment. This Work Programme describes how the Agency aims to achieve this.

1.2 EMSA - ITS ORIGIN AND ITS TASKS

The European Maritime Safety Agency, which was conceived in the aftermath of the *Erika* disaster, will contribute to the enhancement of the overall maritime safety system in the Community. Its goals are, through its tasks, to reduce the risk of maritime accidents, marine pollution from ships and the loss of human lives at sea.



Workshops facilitate dissemination of best practice throughout the Community

In general terms, the Agency will provide technical and scientific advice to the Commission in the field of maritime safety and prevention of pollution by ships via: the continuous process of evaluating the effectiveness of the measures in place; providing assistance in updating and developing new legislation and monitoring its implementation. Some of the key areas where the Agency will provide such assistance to the Commission are: strengthening the Port State Control regime; assessing the Community-recognised classification societies and; the establishment and management of a Community vessel traffic monitoring and information system. Regarding EMSA's involvement in monitoring the implementation of Community legislation it should be noted that, in 2004, the Administrative Board adopted a policy of visits to Member States. In 2005, there will be a number of such visits in order to monitor the ways in which Member States have implemented EU maritime safety legislation.

The Agency will continue to contribute to the process of evaluating the effectiveness of Community legislation by providing the Commission and the Member states with objective, reliable and comparable information and data on maritime safety and on ship generated pollution.

EMSA will work with Member States to enhance the level of maritime safety, and Agency officials will closely cooperate with Member States' maritime services in this respect. It will respond to their specific requests in relation to the practical implementation of Community legislation, such as the directive on traffic monitoring, and may organise appropriate training activities. The Agency will facilitate co-operation between the Member States and disseminate best practice within the Community. The Agency will also play a positive role in the process of helping new Member States come up to speed, where

necessary, in the field of EU maritime legislation and implementation. EMSA has developed a programme to assist the 10 new Member States with the implementation of Community legislation on maritime safety and the prevention of pollution by ships.

Following major shipping disasters in European waters, such as the sinking of the ferry *Estonia* and the tankers *Erika* and *Prestige*, substantial packages of EU legislation have been adopted to improve maritime safety and to reduce pollution from ships. To ensure a proper, harmonised and effective implementation of this vast package of legislation, an ongoing process of dialogue and cooperation is necessary between all the parties concerned. EMSA is actively involved in organising and structuring this dialogue between 27 European States³ and the European Commission.

1.3 MAIN ACHIEVEMENTS IN 2004 AND WORK IN PROGRESS

In 2004, EMSA made continued progress in all the fields described in its 2004 work programme. The Agency was particularly active in assisting the Commission and Member States in key areas of maritime safety policy, such as the monitoring of classification societies, port state control and the continued development of ship reporting systems. Additionally, EMSA was active in its support of the Commission and Member States in promoting the implementation of maritime safety legislation. This was done via studies, workshops and other means of evaluation in order to identify areas that have presented difficulties for Member States. Elements of particular importance were the presentation of best practice and the creation of a platform for the exchange of knowledge between administrations and other stakeholders. Policy areas that have benefited from this approach include port

reception facilities, ship construction standards, marine equipment certification and places of refuge. Furthermore, preparatory work has been initiated laying down the foundation for new activities in the fields of accident investigation and oil pollution response.

The Agency's progress in carrying out its 2004 work programme is also summarised in the specific titles of Chapter 2. More extensive information on the activities and achievements of EMSA in 2004 will be provided in the annual report for the year.

1 The new tasks are laid down in Regulation 724/2004/EC of 31 March 2004 amending Regulation No 1406/2002/EC establishing a European Maritime Safety Agency.

2 The Agency will be located on the same site as EMCDDA. For this purpose a 'Memorandum of understanding between the Portuguese Government, the European Maritime Safety Agency and the European Monitoring Centre for Drugs and Drug Addiction on the establishment of the headquarters of these two European entities in Lisbon' has been signed

on July 28th 2004, together with a headquarters agreement on privileges and immunities, called 'Protocol between the Government of the Portuguese Republic and the European Maritime Safety Agency'.

3 This number consists of 25 EU Member States, Norway and Iceland (members of the European Economic Area participating as from May 2004 as observers at the Administrative Board). In addition, EMSA is developing links with Candidate Countries and the Russian Federation.

Chapter 2

Work Programme 2005 – Operational tasks

2.1 INTRODUCTION

All of these tasks relate to Regulation 1406/2002/EC (and its later amendments), which establishes the European Maritime Safety Agency. The main tasks that the Agency will undertake in 2005 are summarised in the following chapter. Chapter 2 offers an insight into both the ongoing and new activities in these areas. EMSA aims to achieve the stated objectives in all areas presented in its work programme.

These planned activities may be changed during 2005 in response to developments in the field of maritime safety. So, the list of projects presented here is not necessarily exhaustive, as EMSA may be requested to undertake other additional activities to support the European Community's maritime safety policy, such as the provision of assistance to the Commission in developing new initiatives.

2.2 HORIZONTAL TASKS

2.2.1 – Technical and scientific assistance to the Commission:

(a) Monitoring the implementation of Community legislation: Visits to Member States

EMSA will be called upon to carry out visits to Member States and their relevant maritime administrations in line with its mandate. At the meeting of the EMSA Administrative Board on 25th June 2004, a policy for EMSA visits to Member States was adopted in accordance with Article 3 of the EMSA regulation and, as a result, the framework for future visits to Member States was established. The visits will be carried out on the basis of guidelines for each topic, so that there is a high degree of consistency in their preparation and execution, and so that the associated findings will be comparable between Member States.

There are two primary purposes to these visits. The first is to monitor the implementation of Community legislation in the Member States and the second is to assist the Member States in their implementation of the legislation. Following each visit, a report will be submitted to the Commission and copied to the Member State concerned.

Other than the ongoing task of assessing recognised organisations, the main reason for EMSA visits to Member States in 2005 is for the purpose of monitoring port state control compliance. In addition, a number of visits are planned in relation to the implementation of the Directive on port reception facilities for ship-generated waste and cargo residues, as well as to the provisions of Directive 2002/59/EC concerning places of refuge.

(b) Preparing new initiatives:

New maritime safety legislative package

The Commission has stated its intention to present a new maritime safety legislative package at the end of 2004 or at the beginning of 2005. A first consultation meeting with the Member States and industry was held by the Commission on 14th and 18th of May 2004 respectively. EMSA is supporting the Commission by providing technical assistance for the development of these and other legislative proposals. For example, the development of a new inspection policy for the port state control regime is one of the measures the Commission is considering for inclusion in this package. EMSA will continue to provide technical support in the preparation of the proposal amending the EU legislation on Port State Control (95/21/EC) and will also continue to assist in developing a legislative framework for casualty investigation.

Continued contacts with Member States, as well as the organisation of a special workshop, will serve to facilitate the development of such tools and the implementation of the Directive on accident investigation, once adopted.

(c) – International framework

EMSA will provide, on request, technical assistance to the Commission with respect to Community policies related to the International Maritime Organization (IMO) and regional organisations (eg. HELCOM, the OSPAR Convention, the Barcelona Convention and the Bonn Agreement) and will participate, in this context, in the work of these bodies. Technical assistance from the Agency will enhance the ability of the Commission to prepare Community positions in the work of international and regional organisations in the field of maritime safety and ship generated pollution.

In addition, the European Commission may request EMSA to provide technical working papers in support of: preparatory meetings with Member States; informal EU coordination meetings with Member States; formal coordination meetings in the Council and; if necessary, during technical meetings organised by international and regional organisations.

2.2.2.- Work with Member States

In an enlarging European Union, the growing need for harmonisation of the different approaches to maritime safety has been recognised. In order to enable effective convergence, EMSA will provide information and technical assistance to the administrations of new Member States and candidate countries. EMSA will also carry out visits to Member States, where necessary, to evaluate their procedures for the transposition and implementation of Community legislation in the field of maritime safety.

EMSA will organise meetings and workshops with experts from the Member States and candidate countries in order to respond to their requests for training in the fields of port state control, port reception facilities, classification societies, marine equipment and VTMS (Vessel Traffic Monitoring and Information Services). With this in mind, three training sessions were organised in 2004 and this number will gradually increase in 2005. To continue in the execution of this task, EMSA will operate through existing EU instruments available in the field of technical co-operation (eg TAIEX, Technical Assistance and Information Exchange - Unit of DG Enlargement). The Agency will also monitor and participate in specific projects in new Member States and candidate countries on maritime safety and prevention of pollution by ships. With respect to the implementation of flag state and port state responsibilities, EMSA will further explore which training activities could best be provided.



In 2005, more meetings are planned with Member States

2.2.3 – Development and cross-fertilisation of databases

The Agency will continue to contribute to the important process of evaluating the effectiveness of Community legislation by providing the Commission and the Member states with objective, reliable and comparable information and data on maritime safety and on ship generated pollution.

The main objective of creating, accessing, cross-fertilising and analysing databases is to identify potentially dangerous ships entering Community waters and to highlight areas where further improvements could be introduced in the Community framework of maritime safety and pollution prevention.

In this context, important progress has been made in 2004. For example, EMSA publishes, on an ongoing basis, the list of ships being denied access to EU ports due to multiple detentions under Port State Control (Article 7.b of Directive 95/21/EC as amended). EMSA also manages the so-called Ro-Ro Database, as referred to in Directive 99/35/EC. The Agency acquired the operational responsibility for this system in September 2004. In a similar way, the responsibility for the development of the SafeSeaNet system was transferred from the European Commission to EMSA in October 2004.

Furthermore, EMSA is actively involved in the further development of Equasis and in the production of relevant maritime safety statistics by combining information received from various databases. EMSA's port state control team has also recently become involved in the statistical work of the Paris MoU and work on the Sirenac database.

All the previously mentioned tasks will continue throughout 2005 and will be intensified, where possible, within the limits of competence granted to EMSA by Community legislation.

2.2.4 - Accident/casualty investigation

In 2005, EMSA will launch the process of building a European Marine Casualty Information Platform. The platform, which is scheduled to be operational in the first half of 2006, will be database driven and will form a European network

for the exchange of casualty-related information. EMSA will, in consultation with Member States, develop the formats and procedures necessary to populate the database.

EMSA has conducted an inventory and analysis of existing principles and practices in marine casualty investigation in close collaboration with investigation authorities in the Member States, and is developing draft guidelines for a common methodology. This will include consultation with Member States' experts (using workshops) in the course of 2005.

To enable EMSA to provide the Commission and the Member States with objective, reliable and comparable information and data on maritime safety, the Agency would like to begin analysing casualty investigation reports and other casualty-related data in 2005. At the present time, some Member States have already submitted reports to the Agency on a voluntary basis. EMSA would like to be ready, as soon as possible, to disseminate statistics on casualties as well as information on safety and general issues, of common interest, which relate to investigation methodology.

2.3 SPECIFIC TASKS RELATING TO THE IMPLEMENTATION AND MONITORING OF THE COMMUNITY ACQUIS IN THE FIELD OF MARITIME SAFETY

2.3.1 - Classification societies

By the end of the first quarter of 2004, the recruitment, training and deployment of a team of assessors to deal with EU-recognised classification societies or recognised organisations (hereafter ROs) had been completed and the technical responsibility for the assessments had been passed to EMSA.

Directive 94/57/EC (as amended) states that EU-recognised ROs shall be assessed at least once every 2 years. The assessments shall cover both head offices and selected regional offices and may include visits to specific ships to assess the performance of the ROs. All EU recognised ROs must be assessed against all criteria in the amended Directive during the first two year cycle.

At present there are 12 EU-recognised organisations and the process to phase all ROs into the two year cycle began in 2004. Assessments planned for 2005 include the head offices of at least six ROs. However, based on the experience gained in 2004, the work will gradually place more emphasis on regional offices, plan approval offices and local survey stations. To support the assessments, a lot of work has been done in further developing and fine tuning the assessment methodology developed in 2004. As experience has been gained, EMSA has analysed how best to organise visits to individual ships, given the possible constraints, both from a practical and a legal point of view. While the assessments carried out in 2004 have, as far as possible, been both 'horizontal' and 'vertical', the inclusion of ship visits is seen as an important complement to give a more complete picture of the performance of the ROs. Consequently, the assessments undertaken during 2005 aim to include, where possible, visits to selected ships.

Based on current practice, an average assessment requires a team of 3 assessors and, in order to perform the assessment cycles effectively, two operational teams of assessors are required. EMSA aims to have both teams fully operational in 2005.

In order to further improve the preparation of assessments, as well as the gathering of general intelligence, EMSA assessors have developed and begun testing a pilot project for the continuous

monitoring of all ROs by identifying, evaluating and using the data and information sources available. This work will continue in 2005, with the aim of having an operational system in place within the first half of the year.

In 2005, EMSA also plans to continue to cooperate and arrange meetings with recognising and authorising Member States at regular intervals, in order to draw from their experiences in working with ROs.

In addition to the regular assessments in 2005, EMSA may be asked to carry out special initial assessments related to classification societies for which EU recognition is being requested by one or more Member States, and/or where a request for the extension of a limited EU recognition has been made.



Ship visits are seen as an important complement to assess recognised organisations' performance

2.3.2 - Port state control (PSC)

During 2005, EMSA will continue work which began in 2004 on the updating of the list of ships banned from entering European ports due to multiple detentions, and on the analysis of the application of banning provisions of the Port State Control Directive (95/21/EC as amended, see Article 7b). The list of banned ships is published on the EMSA website and is continuously revised.



Behind statistics, a bleak reality

The contribution to work related to Paris MOU activities will involve participation, on behalf of the Commission, in the different meetings of the Paris MOU bodies. The Agency will also participate in the annual committee meeting, where it will provide technical support to the Commission delegation. EMSA will contribute to the work of the 10 task forces (eg, information systems, evaluation of PSC statistics and new inspection policy) which operate under the Paris MOU, and will report to the Commission services on progress. It is generally recognised that a detailed statistical analysis of the results of PSC inspections provides a good insight into the level of compliance with international safety requirements. Consequently, such information is of great importance to policy makers. The European Commission and the Paris MOU therefore attribute great importance to the production of statistics on the safety stand-

ards of the vessels calling within the European region, as well as to the improvement of the relevant analyses. EMSA has established a statistical desk for this purpose and will provide technical/scientific input.

As one of the major tasks to be undertaken in 2005 within the PSC area, EMSA will monitor the effectiveness of the implementation of the PSC system by assessing data on ship's movements and inspections carried out by Member States. Following the recruitment of additional staff, EMSA will be ready to perform this monitoring activity in greater depth by visiting Member States to verify the levels of compliance, quality and effectiveness of the PSC system implemented by the various competent authorities. To perform this task with maximum effectiveness, EMSA will develop an assessment methodology and will undertake detailed preparation for visits. This work began in 2004 and, during 2005, visits to, and assessments of, PSC head offices and some regional offices in at least 20% of the Member States concerned are envisaged.

2.3.3 - Ship safety standards

The main areas of activity for 2005, within the scope of EMSA's ship safety standards task, will include the continuation of ongoing work in areas that have been identified as requiring action. This includes the monitoring of developments, and any necessary follow-up relating to the following Directives, Regulations and their amendments:

- Domestic passenger ship safety (Directive 98/18/EC)
- Safety of ro-ro passenger ferries and high speed passenger craft in regular service (Directive 99/35/EC)
- Specific stability requirements for ro-ro passenger ships (Directive 2003/25/EC)
- Harmonised safety regime for fishing vessels (Directive 97/70/EC)

- Harmonised requirements and procedures for the safe loading and unloading of bulk carriers (Directive 2001/96/EC).
- The accelerated phasing-in of double hull or equivalent design requirements for single hull oil tankers (Regulation N° 417/2002/EC)

In the framework of Directive 99/35/EC on the safety of ro-ro passenger ferries and high speed passenger craft operating in regular service, a survey regime has been set up with operational procedures similar to those applied by the PSC officers. In 2005, EMSA will continue managing the database on ferry surveys set up by the Commission in the context of the above Directive, including the development of proposals to improve the performance of the database and the operational procedures to record survey reports in the system. Furthermore, it will continue to evaluate the information contained in the database in order to advise the Commission on the implementation of the Directive.

New tasks for EMSA in 2005 will include the monitoring and assessment of developments at the IMO, and reporting to the Commission on issues relating to its Maritime Safety Committee (MSC), such as: the safety of large passenger ships; ice-navigation and; the safety rules for bulk carriers and tankers.

A new approach to rule making for ship construction (goal based construction standards) is being considered by the IMO following a joint initiative by Greece, the Bahamas and the International Association of Classification Societies (IACS). EMSA will monitor and assess developments related to this new approach. EMSA will also participate in relevant IMO meetings, monitor the indicated issues and provide appropriate technical advice to the Commission.

2.3.4 - Safety of double hull oil tankers

As a follow-up to the "Seminar on Maritime Safety and Double Hull Tanker Design" organised by the European Commission on November 7th 2003, the Agency has formed a high level panel to discuss matters related to the safety of double hull tanker designs. The objective of the panel is: *"To provide a summary report that will contribute towards the goal of safer ships"*. In addition to EMSA and the Commission, panel members include representatives of tanker owners and operators, shipbuilders, international shipping bodies and classification societies. The panel's first meeting was held in April 2004 and it is anticipated that its work will be concluded in early 2005.

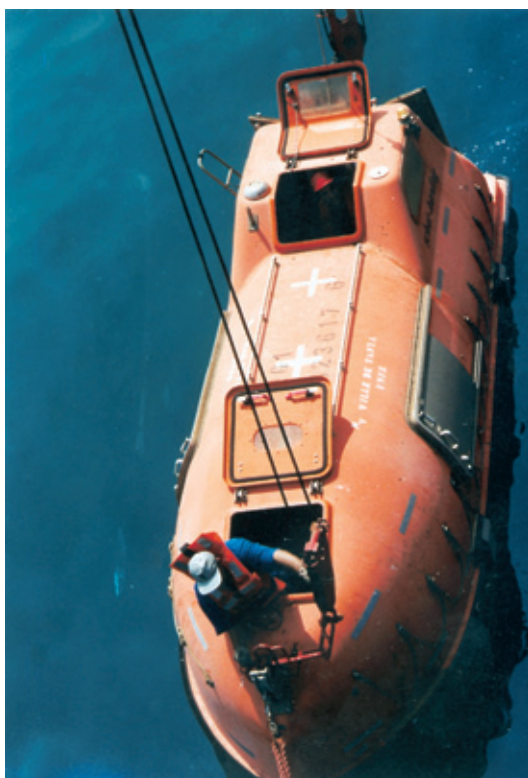
EMSA chairs the high level panel and provides its secretariat. Additionally, EMSA will support any follow-up work arising from the panel's summary report and its recommendations. Technical analysis work on the safety of double hull tankers will be undertaken by the Agency in accordance with a tightly defined schedule.

2.3.5 - Marine equipment

A number of activities were initiated in 2004 by the Agency within the scope of the Marine Equipment Directive (Directive 96/98/EC and amendments). During 2005, EMSA will continue the work on these ongoing tasks, as well as undertaking work on new tasks as required.

The ongoing tasks in this area include the monitoring of the activities of the notified bodies (organisations assigned by the Member States to carry out the conformity assessment procedures referred to in the Marine Equipment Directive-MED) and attendance at the bi-annual meetings of the MarED group. The MarED group is the co-ordination group for the notified bodies and,

through this group, EMSA will continue to manage the database of EU approved marine equipment, (<http://www.mared.org/>), and provide the group with a technical secretariat.



EMSA will monitor international standards that underpin marine equipment certification

Additionally, as a result of recent developments in international conventions, standards and regulations, and in performance and testing standards for marine equipment, it has been concluded that an update to the technical annexes of the Directive is now required. EMSA will provide the Commission with the basic technical input for this exercise. Other tasks which began in 2004, and which will continue in 2005, include monitoring the implementation of the mutual recognition agreement between the EU and the USA that came into force in July 2004. Difficulties in

implementation and interpretation of the new agreement may also arise and, whenever necessary, EMSA will provide technical assistance to the Commission in the resolution of such difficulties. EMSA will also participate actively in the joint technical committee in order to assess the way in which the agreement is working in practice.

Certain new tasks, associated with the Marine Equipment Directive result from feedback received from Member States following a workshop that was organised by EMSA in June 2004, as well as through other requests that have been received from the Commission.

These include:

- monitoring the development and evolution of the international standards that underpin marine equipment certification (eg, IMO, SOLAS, MARPOL, CEN, CENELEC, ISO, EURONORM, ETSI, etc), in order to ensure the accuracy and consistency of the standards listed in the annexes to the Directive.
- the provision of assistance to the Commission in the preparation of an amendment to the Directive. The preparatory work is expected to take place during the course of 2005.
- The provision of assistance to the Commission in the resolution of disputes through the technical assessment of a dossier (with regard to Article 13 of Directive 96/98/EC, in the event of objections raised by Member States over equipment that has been certified under the MED). In this respect, a pool of experts (mostly drawn from Member State administrations in order to maintain a high degree of independence) has been established and will be used as appropriate.

2.3.6 - Ship reporting

In implementing Directive 2002/59/EC on traffic monitoring, the Commission has initiated the development of a Europe-wide communication

system that is able to track and follow ships and obtain information on their cargoes (in particular when hazardous substances are being transported). This system, called SafeSeaNet (SSN), will facilitate the identification of vessels and action to be undertaken by authorities after an incident or accident. The operational responsibility for SafeSeaNet was transferred from the Commission to EMSA in late 2004.

It is expected that the majority of countries participating in the SSN system (20 EU coastal states, plus Norway and Iceland), will have successfully completed the required tests by the end of 2005.



SafeSeaNet will provide vital information on cargoes in EU waters

EMSA will organise regular technical meetings with the participant countries in order to review and continue the development of the system. Special assistance will be provided by EMSA to new Member States in order that they fully understand and effectively apply the SafeSeaNet requirements. EMSA may also schedule visits to Member States in order to verify the implementation of SafeSeaNet in accordance with Directive 2002/59/EC. In addition, EMSA will examine the possibility of integrating other applications and functionalities into SafeSeaNet (eg, waste notification messages).

In support of the development of a comprehensive EU vessel traffic monitoring and information system, EMSA will cooperate closely with national administrations on several issues, such as the implementation of plans for place of refuge and the development of means for the long range identification and tracking of ships. EMSA will monitor the set-up of shore-based traffic monitoring and information infrastructure by Member States and will facilitate cooperation relating to interconnectivity until the end of 2008.

Furthermore, EMSA will provide technical input to discussions within IMO, and to the development of GALILEO (European satellite navigation system) and its applications in maritime navigation.

2.3.7 - Liability and compensation

Following on from initiatives taken in 2004, EMSA will provide assistance to the Commission, at its request, in the definition and development of its policies on liability, insurance and compensation relating to damage caused by ships in a number of specific areas.

The priorities in 2005 will be the legal and insurance aspects relating to the use and possible contamination of *places-of-refuge* and the *carriage of passengers at sea*, including a comparison of national and international legislation and instruments. The Agency may be asked to assist the Commission in relation to the legislative initiative and to its follow up in implementing the Athens Convention 2002 in Community law.

EMSA will monitor developments at international level relating to liability and compensation issues associated with maritime accidents and will assist the Commission in this area with its legal and technical expertise. For example, EMSA will closely follow IMO developments relevant to the draft Wreck Removal Convention and will advise the Commission on aspects of EU interest.

2.4 SPECIFIC TASKS RELATING TO THE IMPLEMENTATION AND MONITORING OF THE COMMUNITY ACQUIS IN THE FIELD OF PREVENTION OF POLLUTION BY SHIPS

2.4.1 - Port reception facilities

In September 2004, EMSA launched a study to obtain a clear understanding of the establishment of port reception facilities in Community ports. The results of this study, which is to be completed before July 2005, will provide EMSA with the information needed to assist the Commission in its reporting tasks relating to the impact of the different cost recovery systems and waste flow patterns (see Article 8.4 of Directive 2000/59/EC). This study will also provide information on ports which have a reduced fee policy for "clean-ships". In collaboration with interested parties, EMSA will work on the development of common criteria for "clean-ships" and will assist the Commission in coordinating associated technical discussions with Member States.

Article 9 of Directive 2000/59/EC allows exemptions to be granted to certain ships, under specified conditions, for waste delivery and notification, and for payment of the fee. EMSA will work with the Commission and Member States to analyse the possible difficulties faced by Member States in this respect and to ensure the harmonised application of exemptions across the Member States.

The Agency will conduct a programme of visits to European ports and central administrations in order to complete the tasks begun in 2004, such as monitoring the development and implementation of waste reception and handling plans. These visits will help to ensure that EMSA provides the necessary information to the Commission, so that it can submit its evaluation report to the European Parliament and Council before the end of 2005.



Waste reception facilities: EMSA will conduct a programme of visits to European ports

2.4.2 - Prohibition of organotin compounds on ships

As from 1st July 2003, the application or re-application of organotin compounds which act as biocides in anti-fouling systems has not been allowed on ships in the European Union. EMSA will investigate the extent to which port state control inspections relating to TBT (Tributyltin) carried out on EU flag ships have monitored the implementation of Regulation 782/2003/EC.

EMSA will follow the ratification process of the Anti-Fouling Systems (AFS) Convention adopted by the IMO, and will assist the Commission in any necessary action should the convention not enter in force (as planned) by 1st January 2007.

EMSA will investigate the necessity for launching a research study on the possible prohibition of TBT coatings on ships which fly non-EU flags and visit Community ports. This will take into account the report to the European Parliament and the Council on the state of ratification of the AFS Convention and the extent to which organotin compounds are still used on ships which do not fly the flag of a Member State, but which operate to or from Community ports. The investigation will take place well before the envisaged cut-off date of 2008.

2.5 NEW AND ENLARGED TASKS OF EMSA: FURTHER ASSISTANCE TO THE COMMISSION AND MEMBER STATES

2.5.1 - Oil pollution response

In 2004, with the adoption of Regulation 724/2004/EC, the Agency was assigned an important task in the field of oil pollution response, which will have to be fully implemented in 2005. EMSA is required to provide Member States and the Commission with technical and scientific assistance in the field of accidental or deliberate pollution by ships

and to give support, on request, with additional means in a cost-efficient way, to the pollution response mechanisms of Member States. EMSA's oil pollution response activities will be determined by the detailed plan developed in response to Regulation 724/2004/EC (the Action Plan on Oil Pollution Preparedness and Response). In implementing the plan, EMSA will very much depend on the budget assigned to it by the Budgetary Authority (European Parliament and Council).

For the implementation of all activities related to oil pollution response, a framework is needed within the Agency and this will be established in 2005. EMSA will work:

- to develop its technical and scientific assistance to Member States in the field of oil and hazardous material pollution, taking into account the initiatives of the relevant regional agreements in this field.
- to build up a centre of knowledge which includes: information on the characteristics of different types of oil and hazardous materials (eg, viscosity) and the most suitable pollution response techniques for dealing with them; the preparations of studies and initiatives needed to test and evaluate the efficiency of existing contingency plans and; the encouragement of the development of new techniques.
- to set up and monitor EMSA's operational tasks in the field of oil pollution response by: assisting Member States with their operational, at sea, responses to large oil spills; assisting in the classification of related response equipment; providing technical support and; providing technical expertise for the deployment of oil pollution response equipment.
- to co-operate with the Commission and Member States in the development of the necessary information systems to trace ship-sourced pollution; to work on the monitoring and early identification of ships; to assist in developing

methods of tracing polluting substances in the sea and; to set up a system of aerial and/or satellite surveillance of oil slicks that will provide support to oil recovery vessels.

EMSA's task on tracing ship-sourced pollution will depend very much on the outcome of the EU decision making process related to the 'Proposal of the European Parliament and of the Council on ship-source pollution and on the introduction of sanctions, including criminal sanctions, for pollution offences'. In 2004, the European Parliament delivered its first reading and the Council established its common position. The co-decision procedure is expected to be finalised in the first half of 2005. The draft Directive stipulates possible tasks for EMSA. Its desired contribution will have to be clarified by the European institutions before EMSA will be able to begin the task.

2.5.2 - Training of seafarers

This new task (see Regulation 724/2004/EC) includes the audit of training and certification systems in third countries that supply seafarers to ships flying an EU flag (in accordance with Directive 2001/25/EC on the minimum level of seafarers, as amended, and the STCW Convention). At present around 40 such countries have received EU recognition of their training and certification systems. As it is likely that the Commission will receive further requests from other countries seeking such approvals, it is estimated that a total of around 10 audits will need to be carried out each year.

In support of preparations for the assessment of the training and certification systems in third countries, EMSA has launched two external studies. One is directly related to the audit and assessment of training systems in third countries (such as: the present methodologies used by Member States when auditing and as-

sessing such training systems; the setting up of a methodology to be used by EMSA and; the establishment of criteria against which to assess the compliance of third countries). The other study aims to establish an overview of the countries of origin of the seafarers; the EU ships on which they are employed and; changes required in the medium term to obtain data on the employment of third country seafarers on board EU flagged ships, as well as estimates of future trends. The outcome of these studies will provide the basis for EMSA's proposal on defining the criteria for the audits and subsequent assessments in the coming 2-3 years. Early in 2005, a meeting will be organised with experts from the Member States and the Commission, in order to present the assessment plan and methodology.



Training of seafarers: EMSA has already launched two external studies

It is estimated that each on site audit of the training and certification systems in a third country will take five working days. In addition, considerable time has to be spent on preparing studies and planning the visit. In addition, appropriate time for drafting and processing the report to the Commission has to be taken into account. Consequently, a full audit cycle will take 3-4 weeks for a team of two auditors.

On the basis of the present information on third countries that have been recognised by the Member States, EMSA will begin work on establishing a database of approved training institutions and the number of certificates issued by such institutions.

2.5.3 - Security

EMSA will provide the Commission with technical assistance in the performance of the inspection tasks assigned to it on the basis of Regulation 725/2004/EC (enhancing ship and port facility security, implementing the ISPS Code in Community legislation). In accordance with the Regulation, the assistance provided by EMSA to the Commission will be restricted to the ship, the responsible ship operating companies and the recognised security organisations that are authorised to undertake certain security-related activities in this context.

In order to deal with information related to ship security, EMSA will need to enhance its electronic and physical infrastructure in certain key areas. These security levels have yet to be defined and implemented in order that the Agency can operate in compliance with the decision of the Administrative Board of 25.6.2004.

Once the security framework for these activities has been established, EMSA will assist the Commission's inspection services in developing a methodology for inspections and for the analysis of data collected on recognised security organisations (RSO's), shipping companies and ships. In addition, an inspection plan and the rules of procedure for inspection will have to be developed, so that they fit into the general framework for this type of activity, as defined by the Commission. EMSA will be in close contact with the Commission to ensure that its technical assistance is available from the time at which Commission inspections begin.

2.6 LOOKING FORWARD

One of the aims of the Agency is to become the European platform used by experts to meet and exchange information in the fields of maritime safety and pollution prevention and response. Consequently, EMSA will increase the number of workshops and seminars that it hosts in 2005. These will offer maritime experts the opportunity to exchange views, disseminate best practice and provide the level of expertise necessary to contribute to high, uniform and effective standards of maritime safety and ship generated pollution prevention and response within the Community.

At the moment, EMSA is setting up and improving a variety of databases for the collection and dissemination of information. As these databases mature, EMSA will increasingly be able to analyse and evaluate the data to greater effect. This will enable the Agency to supply progressively more reliable and comparable information to future policy decision making by combining the output of its databases. These efforts should lead to new and improved recommendations for future policy on maritime safety in the European Union.

EMSA will progressively invest in its IT infrastructure and maritime regulatory applications over the coming years. It is important to build up an autonomous capability and network in order to strengthen EMSA's ability to provide information services to the Member States, Commission and other stakeholders, both on a public basis and via the operational databases such as SafeSeaNet and the RoRo Ferry Survey database. The preparation of an appropriate environment for these services in Lisbon will be a key concern. Finally, further attention will be given to security matters

in order to take into account the many types of information that the Agency handles.

In order to assist the Commission in the preparatory work related to the updating and development of new legislation, EMSA will, where appropriate, analyse the results of research projects carried out in the fields within its mandate.

The majority of maritime accidents are caused by the 'human factor'. However, the best ways of mitigating the impact of the human element by developing new standards are not always evident. The evaluation of accident investigation data over the coming years will provide a better understanding of the circumstances and decision making factors leading to accidents. This will lead to the identification of potential new improvements to current practices. EMSA will assist the Commission in the evaluation of the associated issues, particularly in the context of accident/casualty investigations.



EMSA will evaluate accident investigation data over the coming years

In the coming years, EMSA will build up a more comprehensive view on how the *acquis communautaire* has been implemented in Member States, and on the problems that have occurred in implementing EU legislation and carrying out its provisions in practice. This knowledge will be available to be taken into account in the EU policy cycle. EMSA could, i.a., become a think-tank for the Commission and the Member States, providing structured reports on ways of improving maritime safety.

Chapter 3

Work Programme 2005 – Administrative support



EMSA's future location will be close to the historic centre of Lisbon

As EMSA is a young organisation, many tasks are still in their starting up phase. Consequently, in 2005, EMSA's establishment plan foresees a significant increase in its statutory positions (see Annex I). This is directly related to the fact that the staff requirement for the execution of the new tasks (as defined in Regulation 724/2004/EC published in March 2004), was not included in the establishment plan 2004, but will be included in the establishment plan for 2005.

In order to be able to accommodate this growth under the best possible conditions, the organisation chart was amended on 1st December 2004. This takes into account the fact that the proper implementation of Community legislation is an important priority for the new Commission. In order to better equip the Agency to support the Commission's tasks in this respect, and to

reflect the ongoing work in this field, two units have been created. The Safety Assessment and Inspection Unit will carry out assessments/inspections in Member States to determine whether Community legislation is being transposed and carried out in the required way. Their task will be to identify deficiencies and/or problems in implementation systems at different levels; in national legislation; or even in EU legislation, and to report on their findings in order to target areas for improving maritime safety.

The Implementation of EU Maritime Legislation Unit will provide assistance to Member States, and also to the Commission, in order to ensure that EU legislation is effectively implemented. In addition, they will use experience gained to provide technical assistance to the Commission in the development of new EU legislation.

The size of the Agency is expected to double in 2005 and this has consequences for administrative support. Additional staff are required: to provide IT support; to ensure the effective application of a series of provisions relating to the new Staff Regulations and; to enable ongoing requirements in the field of recruitment to be met. Also, an increasing number of projects, and the associated expenditure, mean that additional support is needed in the field of budget management; the application of procurement rules and; guidance on the correct application of the financial regulations by the Agency.

Another challenge for 2005 will be the setting up of an 'antenna office' in Lisbon. This will require a lot of additional work for the IT and HR departments. If sufficient progress can be made, this will mark the completion of the first part of the Council decision taken in December 2003 to host the permanent seat of the Agency in Lisbon. When the construction of the office building and facilities is completed, the whole Agency will move to Lisbon. This will probably be in 2006.

3.1 - HUMAN RESOURCES

It is clear from the introductory paragraph that recruitment will continue to be an important task for the Agency during 2005. A transparent process is being followed for recruitment, based on the procedures applicable to EU institutions. Besides temporary agents, the Agency will also continue to recruit seconded national experts. These national experts add very valuable technical experience and will strengthen the Agency's relations with the Member States. In order to have staff with a solid background in EU working methods, a number of staff will also be recruited from other EU Institutions. During 2005, a new staff category of 'contract agent' will be introduced. This new category will gradually replace the 'auxiliary

agent' category. Another of the Agency's objectives is to encourage women to apply for posts and, in particular, for 'technical positions' as it is important to improve the gender balance within the Agency, although this will not be an easy task in the male dominated maritime environment.

The process of recruitment will be affected by the move to Lisbon, as some staff members may not be able to transfer. In such cases, the recruitment of replacements will have to be undertaken to fill certain positions and to strengthen the team operating in Lisbon.

The move to Portugal also requires plans to be made for moving families from Brussels to Lisbon, whilst at the same time the work of the Agency must continue with as little disruption as possible and the private lives of staff should not be excessively disturbed. This is indeed a real challenge for 2005 and 2006.

As with all recently created Agencies, EMSA is generating and implementing a full set of internal procedures and policies and, at present, it is finalising the development and implementation of a training policy and a career development and promotion system. These will be essential to keep the best staff in house and to attract new staff.

In 2004, various training activities were undertaken, and one of the 2005 objectives is to launch a policy for training by establishing clear guidelines and creating individual training plans. Language courses will also be introduced in 2005 for staff, as well as further in-house training activities which have yet to be defined.

EMSA will also have to fine tune its personnel management systems in order to be able to grow without overloading the administrative work of the Agency.

3.2 - INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

In 2005, the IT team will further enhance the capabilities of EMSA. The existing systems will undergo further development and integration, particularly in the area of web based systems (Internet site and intranet) and policy oriented databases. One of the more important developments in 2005 will be the approaching 'end of life' for SI2 (the internal budget system: 'Système Informatique Version 2')⁴. The replacement for this system is not obvious, particularly considering the coincidence with the first move to Lisbon. EMSA needs to ensure that the administrative functions have access to adequate tools for implementing the required regulations in order to carry out their work.

An important step in the preparation of the move to Lisbon is the realisation of EMSA's telecommunications autonomy. Establishing an autonomous telephony, LAN and Internet infrastructure while still in Brussels will be crucial for two main reasons:

1. To ensure that we have an environment comparable to what will be required in Lisbon, so that we know how the systems will work via 'remote' connections to the Commission's systems.
2. To have the ability to link these sites together according to EMSA's requirements without needing the Commission to alter its systems.

The first stage in moving to Lisbon will probably entail the establishment of a satellite office as of August 2005. This office will need to be linked to the IT systems in Brussels and supported by the IT Department, either remotely or locally, depending on the office size. Enabling such a move requires that e-mail and telephone calls continue to reach staff regardless of their location. This is a key requirement of the telecommunications autonomy mentioned above. It is also vital that all users are able to access all the systems available in Brussels and have the appropriate tools to collaborate with colleagues remotely.

3.3 - EXTERNAL COMMUNICATIONS

In the field of external communications, a number of key objectives will have to be achieved during 2005. Overall, it is important that EMSA further develops its visibility with respect to the European institutions and its stakeholders when it has moved to Lisbon. The further development and operation of the network of communications contact points in stakeholder organisations is a vital component in ensuring that the most effective maritime safety communications network is developed. This will enable a far wider selection of maritime stakeholders to be targeted than was previously possible. A linked networking objective is the further development of the specialist and general media network, and the strengthening of the associated relationships. Balanced development across the Member States will be of particular importance to ensure effective media coverage as the information output of EMSA improves.

Following on from initiatives taken in 2004, the further development of the structure, presentation and content of the website is another particularly important objective for 2005. The linking of the electronic information centre with the external presentation elements (the website and eventually an extranet) is at the core of this strategy.



Willem de Ruiter presents EMSA to stakeholders, including Vice President and Transport Commissioner Jacques Barrot (left)

With respect to publication requirements, the production and distribution of the annual report and work programme documents will be the main regular elements. In addition, a number of additional publications, such as a newsletter, operational leaflets and/or brochures and event specific publications (e.g. workshops), will have to be produced. It is also likely that EMSA will contribute articles to the external media.

Another element in the EMSA external communications work programme is the development and operation of the EU level early warning system for maritime accidents and incidents. The links between this and other such systems will be examined closely during 2005.

Finally, one of the most important elements in EMSA's external communications is the personal interaction with stakeholders. In particular, the programme of workshops and external presentations in 2005 shows an increase emphasis on this form of communications.

3.4 - FINANCE AND ACCOUNTING

From 1st January 2005, the Agency will abandon the cash accounting model and will adopt the new International Public Service Accounting Standards (IPSAS). By moving to the accrual basis accounting model, in accordance with IPSAS standards, the Agency will be able to better monitor its assets and liabilities and will be fully aligned with the EU Commission accounting rules for consolidation purposes.

Adopting the new standards will require a substantial reinforcement of the EMSA invoice management system and will slightly modify the current financial workflow.

The Commission is facing the same situation and has developed a new budgetary application called *ABAC workflow* to meet the new regulatory requirements. This application was proposed to the Agencies in June 2004 and should be made available by the Commission in 2005.

By adopting *ABAC workflow* in 2005, EMSA will be able to capitalise on the training already carried out on SI2 (the current budget management system) as *ABAC workflow* uses the same logic and business rules. Additional resources will be required to support the adoption of the new systems (to be customised and tested for an Agency) and accounting standards, as well the growing number of payments being handled.

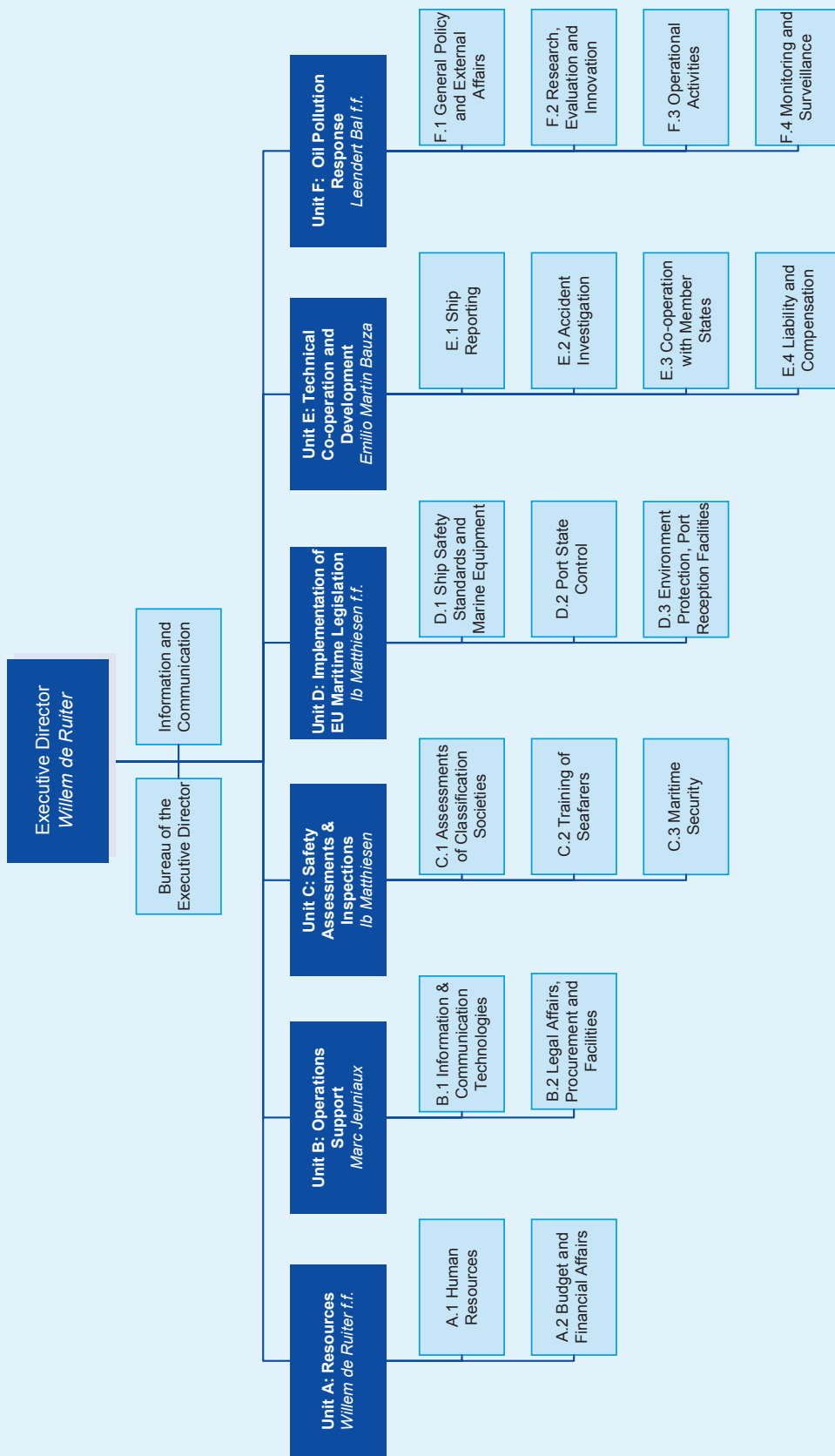
In terms of financial management, the current set of financial reports developed using the Business Objects System will be strengthened and made available to the relevant EMSA staff via a financial information server which will be maintained in collaboration with other Agencies.

Finally, the move to Portugal will require the adaptation of the financial systems to the Lisbon environment including, when appropriate, the identification of new suppliers of financial services.

⁴ SI2 is a system currently used by all Commission services and most of the Agencies. The Commission has,

however, decided to abandon the SI2 system in 2005 (see also Finance and accounting).

Annex I – Organisation chart



Annex II - Indicative establishment plan 2005

Categories and grades	STAFF					
	2003		2004		2005	
	Actual level at 31.12.2003		Authorised by the Community budget		Authorised by the Community budget	
	Permanent	Temporary	Permanent	Temporary	Permanent	Temporary
A*16						
A*15		1		1		1
A*14		1		1		1
A*13						
A*12		1	1	3	1	4
A*11		1	1	5	1	5
A*10			2	6	2	6
A*9				1	0	8
A*8				2		2
A*7				4	3	15
A*6						
A*5						6
Total grade A	0	4	4	23	7	48
B*11						
B*10						
B*9						
B*8			1	1	1	1
B*7		2		3		3
B*6				2		2
B*5				2		2
B*4				1		5
B*3				3		5
Total grade B	0	2	1	12	1	18
C*7						
C*6				1		1
C*5						
C*4		1		2		2
C*3				3		3
C*2		1		5		6
C*1				1		9
Total grade C	0	2	0	12	0	21
D*5						
D*4						
D*3				1		
D*2				2		
Total grade D	0	0	0	3	0	0
Sub-total	0	8	5	50	8	87
General total	8		55		95	

Annex III – Budget 2005

Figures of the final outcome of the Budgetary Procedure

Title 1 – Staff			
Budget line position	Description	2005	2004
Chapter 11	Staff in active employment	9,675,000.00	8,250,000.00
Chapter 12	Miscellaneous expenditure on staff requirement and transfer	1,350,000.00	170,000.00
Chapter 13	Temporary daily subsistence allowances	150,000.00	100,000.00
Chapter 14	Socio-medical infrastructure	170,000.00	140,000.00
Chapter 17	Representation	15,000.00	10,000.00
Total Title 1		11,360,000.00	8,670,000.00
Title 2 – Building, equipment and miscellaneous operating expenditure			
Chapter 20	Rental of buildings and associated costs	740,000.00	750,000.00
Chapter 21	Information technologies purchase	700,000.00	190,000.00
Chapter 22	Movable property and associated costs	152,000.00	30,000.00
Chapter 23	Current administrative expenditure	268,000.00	50,000.00
Chapter 24	Postage and telecommunication	160,000.00	50,000.00
Chapter 25	Expenditures on meetings	120,000.00	60,000.00
Total Title 2		2,140,000.00	1,130,000.00
Title 3 – Operational expenditures			
Chapter 31	Development of databases	1,350,000.00	1,350,000.00
Chapter 32	Information and publication	200,000.00	180,000.00
Chapter 33	Meetings in connection with operational activities	400,000.00	200,000.00
Chapter 34	Expenditures on translation	100,000.00	80,000.00
Chapter 35	Studies	920,000.00	620,000.00
Chapter 36	Mission expenses linked to maritime affairs	830,000.00	370,000.00
Chapter 37	Training for newest Member States	200,000.00	0
Chapter 38	Anti-pollution measures	17,800,000.00	0
Total Title 3		21,800,000.00	2,800,000.00
Grand Total (Title 1+2+3)		35,300,000.00	12,600,000.00





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