



European
Maritime
Safety
Agency

Annual Report 2004





European Maritime Safety Agency

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Foreword



2004 was another year of evolution for our new Agency. A good part of this report is quite rightly concerned with the many tasks needed to form a professional and effective organisation, ready to tackle the Agency's work programme. Once again, I should like to pay tribute to our Executive Director and his team for all their hard work throughout the year, which has brought the Agency forward in leaps and bounds. It is encouraging to note that well-qualified candidates from across the expanded European Union are keen to compete for posts and contribute to our shared mission - promoting safer shipping and cleaner seas.

The support of EU Member States for EMSA's development was well evidenced during the year in the generosity of the Government of Ireland, which hosted one of our Board meetings in Wexford in March, and the Government of Portugal, which

invited us to meet in Lisbon in October. On behalf of the Administrative Board, I should like to thank our hosts most sincerely for their very warm welcome, including the regional and local representatives who played a part, as well as the national Governments. During our meeting in Lisbon we were able to visit the site where EMSA's permanent headquarters will be built, on the bank of the river Tagus, in the heart of the historic port area of the city. Preparations are well in hand for the construction of the new building and we look forward keenly to the day when EMSA's staff will be able to move in.

While EMSA was still in a developmental phase during 2004, an impressive start was made across a range of key activities, while substantial additional tasks for the Agency were also agreed. This report details EMSA's involvement during the year in auditing classification societies, monitoring Port State Control activities, overseeing surveys of passenger ferries, developing the SafeSeaNet data network, supporting implementation of the Marine Equipment Directive, development of marine accident investigation techniques, monitoring implementation of port waste reception facilities and discussing ship safety standards. This is by no means an exhaustive list.

The additional tasks agreed for EMSA during the year are significant in organisational and financial, as well as policy terms. We have set in hand a process intended to complement and enhance the resources

of EU Member States to deal with a future major oil spill at sea. Preparatory work was undertaken during 2004 for the new task of assessing seafarer training institutes in third countries. A third new task was agreed during the year in the area of maritime security.

Many of these tasks may sound rather technical, and perhaps a bit distant from the everyday concerns of citizens of the European Union. Shipping has been described as the 'invisible industry', although, as the Erika and Prestige accidents demonstrate, it can rapidly hit the political radar screen when things go wrong. Fortunately, such events are very exceptional. The shipping industry is 'invisible' precisely because it delivers, at low cost, reliably and from across the world, the amazing diversity of products and supplies which citizens throughout Europe nowadays take for granted, while respecting the marine environment which belongs to no one, but to all.

In that sense, all countries in the European Union are shipping states, whether we have merchant shipping fleets or not. All are coastal states, whether bordering the seas or landlocked. The creation of EMSA signals our intention to work together to protect our shared economic and environmental interests. I am confident that its dedicated and professional staff will continue to serve us well in that endeavour.

Brian Wadsworth
Chairman of the Board

Introduction



Since my nomination as Executive Director in mid-2003 till the end of 2004, I have been able to witness the growth of this Agency, from a small pioneer group of core people to a professional organisation ready to address EMSA's main tasks.

When setting up such an Agency, it is important to add value to maritime transport policy actions, while respecting the principle of subsidiarity. In certain cases economies of scale can be achieved by transferring activities to the Community level. The establishment of EMSA will clearly benefit the Member States by providing services that would otherwise have meant additional expenditure at national level. For example, for the task of assessing training and certification for seafarers in third countries, EMSA is replacing the services of the EU Member States and will avoid the multiplication of costs incurred by repeated visits. Another type of action where EMSA is able to reduce expenditure is by developing technical tools for the EU as a whole, such as the accident investigation

database. A common approach and a harmonised implementation of EU legislation are to the benefit of all. The Agency keeps these important factors in mind when carrying out its tasks, and aims to deliver an efficient and consistent service to the Member States, the European institutions and industry when working in the interests of the European public.

The Agency's mandate to improve safety at sea in general is very broad and encompasses a multitude of tasks in all the policy areas in which the EU is active. The Agency was set up to provide the Member States and the Commission with the technical and scientific assistance needed, so that Community legislation in the field of maritime safety and prevention of pollution by ships can be implemented effectively and evaluated consistently. This supports the creation of a level-playing field for the Member States and the maritime industry, with the ever present goals of improving safety and protecting the environment.

In 2004, the specific tasks associated with these aims were defined in EMSA's work programme for that year. As an infant organisation, a balance had to be struck between the priority maritime policy work and the administrative build-up to support these activities. In addition to this demanding programme, the mandate of EMSA was considerably expanded in April 2004 to include new major tasks in the areas of recognising certificates from seafarers in third countries, security and oil pollution response. To say we have been busy would be a modest way of describing our efforts.

Our priority activities belong to three different categories. They are either implementation actions in support of the European Commission and Community legislation, such as the assessment of classification societies; co-operative actions in support of the Member States, such the continued development of the SafeSeaNet system; or operational actions, such as the oil pollution response task. For all the tasks described in this annual report, progress has been made. It is still too early to be able to conclude on the outcome of many of our actions, as most project areas have yet to complete a full cycle. This cannot happen overnight, and following the enlargement of the European Union in May 2004, we have more Member States to work with, and to monitor.

The 2004 work programme can be summarised as the maturing of the administrative structures and the beginning of operational activities. These activities will continue to develop, and with the constant support from the Commission services and of the EMSA Administrative Board, I believe that EMSA will achieve all the goals that have been set out above.

Finally, I would like to thank the EMSA staff for their continued efforts through this busy growth period, but to remind them not to be complacent. There is still a lot to do, and with the move to Lisbon in sight, a large professional and personal effort will be required.

Willem de Ruiter
Executive Director

Section I

Building up the Agency

I.1 INTRODUCTION

The European Maritime Safety Agency, established as part of the second Erika legislative package, aims to be an active driver towards the improvement of maritime safety in the European Union.

The Agency's objective is to provide technical and scientific advice to the Commission in the fields of maritime safety, maritime security, prevention of pollution and response to pollution caused by ships, in the continuous process of updating and developing new legislation, monitoring its proper implementation and evaluating the effectiveness of the measures in place.

The Agency contributes to the evaluation of 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 pollution. Following major shipping disasters in European waters, such as the sinking of the ferry Estonia and the tankers Erika and Prestige, very substantial packages of EU legislation have been adopted to improve maritime safety and to reduce pollution from ships.

This annual report aims to present the work undertaken by the Agency during 2004, and includes the description of the tasks that have been carried out as required to enable the continued build up of EMSA since its establishment in 2003. The priorities identified in the Agency's Work Programme 2004 include auditing of the Community-recognised classification societies; strengthening of the EU Port State Control regime and the continued development of a Community vessel traffic monitoring and information system. A number of other areas have also seen a continued level of progress, in both the maritime and administrative sectors.

This progress could not have been achieved without the excellent support received from the EU institutions; first of all from the Commission, the European Parliament, and the Council; and directly from the Member States.

The report is divided into four sections. These will describe in more detail the progress made by EMSA in its first full year of operation. The first will present the build up of the Agency in terms of resources, the second will describe the work undertaken in the maritime policy area and the third section give an overview on progress made concerning infrastructure, the final section will conclude on the 2004 activities of the Agency and look forward to what can be expected in 2005.

I.2 ADMINISTRATIVE BOARD, DESCRIPTION, WORK TO DATE

The Administrative Board is the main governing and controlling body of the European Maritime Safety Agency. It is entrusted with the necessary powers to adopt the Agency's budget, verify the execution of tasks, adopt internal rules, establish transparent working procedures for the Agency and approve its work programme. The Chairman of the Board is Mr. Brian Wadsworth. The Board is composed of representatives of the European Commission, Member States, Norway and Iceland and independent experts from the sectors most concerned. At the second board meeting in 2004, EMSA welcomed the ten new Member States of the European Union as full members. Prior to May 2004 they had an observer status at the Board meetings. Each Member State has one representative in the Board. The European Commission is represented by four members, and four members represent the industry sectors most concerned, the latter without the

right to vote. The members of the Administrative Board are appointed on the basis of their degree of relevant experience and expertise in the field of maritime safety and prevention of pollution by ships.

The Administrative Board held three meetings in 2004. In the beginning of 2004 the Annual Report 2003 was adopted. With the entry into force of Regulation 724/2004/EC amending the founding Regulation 1406/2002/EC new tasks were given to the Agency and were included in its Work Programme by adopting the Complementary Work Programme for 2004 regarding the new tasks in the field of oil pollution response, training of seafarers and security. It discussed and adopted the Preliminary Work Programme 2005 and later in the year it approved the final Work Programme for 2005 and the budget with which to execute it.

Regarding the policy of the Agency two particularly important decisions were taken. In June 2004 the Administrative Board adopted a policy for visits to Member States, such a framework or set of procedures for visits to Member States was required to implement Article 3 of Regulation 1406/2002/EC. The Board decision enables EMSA to send assessor teams to Member States' maritime administrations and ports to verify the correct implementation of the Community acquis. In October 2004 the Administrative Board discussed and approved the Action Plan for Oil Pollution Preparedness and Response, being an important implementation framework for the Agency for its activities in this field in 2005. The implementation of this decision is explained in Section II.4 below.

Concerning the internal organisation and administration of the Agency, the Administrative Board adopted the implementation rules on access to documents, creating a structure for assisting the public to receive the documentation that may be of interest. Furthermore, the Board assessed the financial evolution of the Agency and approved the budget transfer required to accommodate the continued build-up of the Agency. The Board monitored the situation of implementing the new Staff Regulations and the developments regarding the decisions and preparations for the move to Lisbon.



The Administrative Board in session.

Seventh meeting On 25 March 2004

The Irish Presidency of the European Union generously hosted the seventh meeting of the Administrative Board in Wexford, Ireland. At that meeting the Board notably:

- Adopted the Preliminary Work Programme 2005, with priorities such as setting up a visits policy to Member States and to strengthen and broaden the assessments of classification societies.
- The Board held a first discussion on a strategy plan for the oil pollution response task of the Agency.

January 01. EMSA staff numbers 20+

06. The Irish presidency to EU Council confirms it will expand the remit of EMSA to include anti-pollution and ship security responsibilities

- Adopted the Preliminary Draft Budget for 2005,
- Approved the EMSA financial statement for 2003,
- Adopted the Annual Activity Report for 2003.
- The Administrative Board approved by written procedure the Implementation Rules on Access to Documents.

Eighth meeting

On 25 June 2004

During the eighth meeting, the Administrative Board:

- Adopted the Complementary Work Programme for 2004. The new tasks are in the field of oil pollution response, training of seafarers and security.
- Adopted a policy for visits to Member States as implementing procedures in order to allow visits to Member States taking place were required.

Ninth meeting

On 21st and 22nd October 2004

Following a kind invitation received from the Portuguese government, the Administrative Board held its ninth meeting in Lisbon, the location of the final seat of the Agency. The members of the Administrative Board were given the opportunity to visit the area in the historic centre of Lisbon where the new premises of the Agency are going to be built. During the meeting, the Board:

- Approved the Action Plan for Oil Pollution Preparedness and Response.
- Approved the Work Programme 2005, further developing technical assistance to the European Commission and Member States.
- Finally, the Board monitored the situation of implementing the new Staff Regulations and the developments regarding the decisions and preparations for the move to Lisbon.

I.3 HUMAN RESOURCES

Recruitment

Recruitment is a key element in building a new institution, and for EMSA, the amount of time spent on this reflects the considerable efforts made to ensure that the best possible candidates are selected for the available positions. The method of recruitment follows the principles described in the EU staff regulations, and as such can be lengthy. Following the publication of a position on the EMSA website, applicants are requested to send in their CV and a cover note explaining their motivation. A selection panel is drawn up for each position; the composition of this panel includes people with the skills that are relevant to the position in which the successful candidate will be employed. The panels have typically been composed of staff from different units and may include staff from the Commission and other EU agencies, to represent a broad cross-section of knowledge and experience. The panel then draws up a list of the most eligible candidates to be interviewed. This list is based on the essential requirements of a position as advertised which is compared to the CVs received. Interviews are then carried out where the candidates are tested based on their knowledge of the EU and EU maritime policy, specific knowledge of the job for which they are applying for and other information that will give the panel a good idea of the candidate's skills and competencies.

Following this, the most successful candidates will be put on a short list for the appointing authority, who may hold a further interview in order to decide if the person is suitable for a position at EMSA and will fit in with the team. This

whole process is carried out to ensure equality of treatment for all candidates, and allows the best candidates to be recruited. As this is a time consuming process, reserve lists of candidates are maintained for a period of time in order to avoid having to republish a post, if the first of choice of candidate cannot accept a position. This has happened in the past for family reasons (such as double relocation, Brussels then Lisbon) and professional reasons.

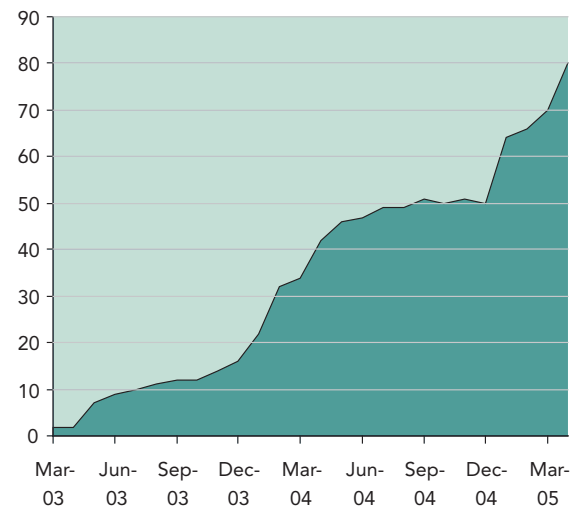
The recruitment procedure as described above has involved all members of the EMSA staff in one way or another in 2004. The pre-screening, reading of CVs and short listing of suitable profiles, as well as the time spent in interviews for all parties involved is considerable. It has been calculated that for the 32 successful nominations made in 2004, it took an average of 4.8 man days per nomination of A and B grade officials. Great efforts have been made by all members of staff involved to keep the process as short as possible in order to minimise the delays between the vacancy notice and the final offer of a contract.

Average number of applications for A and B temporary agent positions published in 2004
96 applications per post

At the end of 2003, EMSA was composed of a small team of auxiliaries and eight temporary agents. As shown in the table below the number of staff has increased to almost 80 at the beginning of 2005. Candidates from all over Europe have shown interest in working for EMSA, not only in the operational positions advertised, but also in the administrative ones. Two out of the four available

permanent positions were filled by inter-institutional transfers, which allowed to the Agency to benefit from EU institutional expertise and experience. National administrations have also shown interest in sharing their knowledge by helping in the work of the Agency; in 2004 eight national experts were seconded to EMSA.

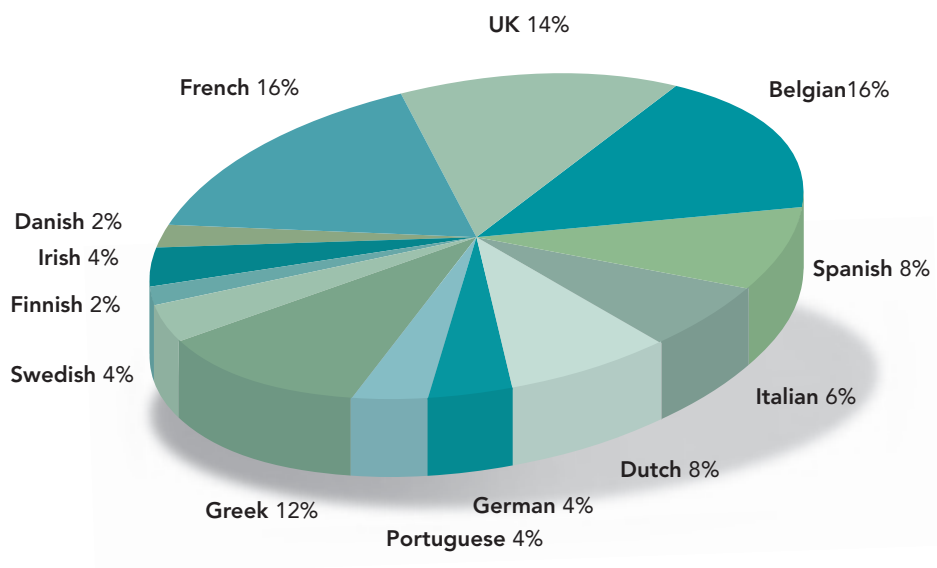
Number of staff



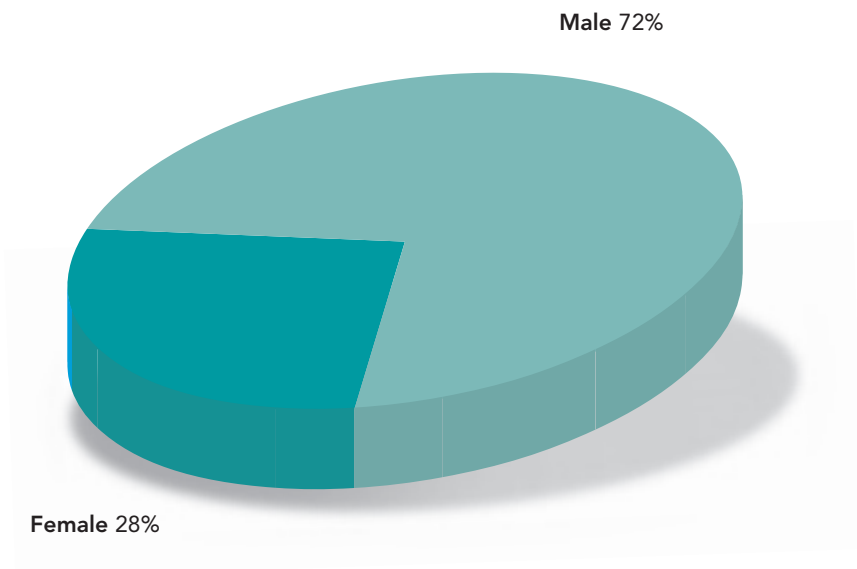
EMSA staff by nationality (31/12/2004)

The Agency has also taken into consideration the need to consider equality issues in general, and specifically promote gender equality in recruitment. This has taken the form of adopting the communication strategy of encouraging applications from women, especially in the vacancy notifications published by the Agency and with the appropriate follow-up once a staff member starts to work for the Agency. Despite this, for the technical positions, a disproportionately large percentage of applications come from men, reflecting the gender imbalance of the maritime sector.

EMSA staff by nationality (31/12/2004)



Gender balance 2004 (31/12/2004)



15. European parliamentarians give a green light to create an "operational capability" in the field of Oil Pollution Response

HR Activities

As new members of staff are recruited, the burden of administrative work increases. The typical activities related to new appointments are numerous. Upon entry into service, it is important to look after colleagues who have come from different countries and who will need assistance for themselves and their families to enable them to settle in their new environment. The HR department has been busy registering the new members of staff with the Belgian authorities, helping members of staff with issues such as car registration, and other taxes, helping staff members with regards to schooling for their children and other requests to help with the formalities that accompany the move to a new country.

From the professional point of view, the HR team also has to establish the correct grade for new colleagues; and allowances that depend on the colleagues specific circumstances. The career and training plan for each staff member also is established, in order to be able to assess the staff's performance and to be able to better respond to the needs and desired development of that colleague.

The more regular tasks such as preparing the salaries, calculating the allowances to which staff members are entitled to, explaining reimbursements of costs such as medical expenses, processing payments and looking after the personnel files also need to be addressed.

A startling statistic that has been recorded is the very low rate of days taken off work for sickness. The rate is just under one day per annum, per staff member. As a total percentage for the Agency, this represents 0.45% of total available work days taken as illness during 2004. An explanation for this low ratio can be the high level of motivation of the EMSA team

that has been characteristic of the overall approach during this pioneer phase.

<i>Average number of sick days</i>
<i>per staff member in 2004</i>
0.98 days (or 0.45%)

1.4 BUDGET

Building the financial system

EMSA is funded from the EU budget. The funding aims to cover the expenses that the Agency will incur to carry out its duties. The budget of the Agency is spent on salaries, office infrastructure, equipment, and on tools, including external contacts, that are required to help with the progress of the Agency's tasks. Spending the taxpayer's money has to be done in the most efficient way in order to obtain the best value and in order to optimise the scope of what the Agency can do. The execution of the budget also requires strict controls to ensure objectivity, efficiency, accountability to be able to control how the budget is being spent in a transparent and reliable manner.

Further to these principles which are not new, the Commission has reinforced its financial control system following a number of incidents concerning fraudulent practices. The strengthened rules are also applicable to the Agency.

The financial system put in place late 2003 has been considerably improved. The initial autonomy was granted following approval from the Commission that the agency had the minimum required systems in place these have been further developed.

The basic principles of these systems are that the financial system and other activities of the Agency

March

01. EMSA celebrates its first year of operations

04/05. EMSA organises its first workshop (on places of refuge) for Member States

are audited, both externally by the Court of Auditors and internally through a two stage process in order to safeguard the correct execution of the budget. The internal verifications take place when a potential provider of goods or services has been identified to ensure the correct procedure has been followed, and before a contract needs to be signed by the ex-post evaluation committee known as the ACPC, to examine at the overall picture, was set up in 2004.

Another financial system that has been further improved is the application that allows the booking

of all operations made in the budget management system (SINCOM2) into the general ledger system (EXACT) without manual intervention, generating substantial productivity gains.

The financial reporting system (Business Objects) has been reinforced by the creation of a financial datawarehouse shared by several Agencies and located in DG BUDG. This datawarehouse will keep the history of all EMSA financial transactions and will allow the EMSA financial actors to build reports on demand through user friendly and web based

EMSA - Balance sheet at 31 December 2004 (EUR)

ACTIF	2004	2003	PASSIF	2004	2003
Fixed assets			Capital		
Intangible assets	30 095,37	10 977,27	Economic outturn	2 750 023,28	406 967,33
Office equipment	26 575,78		Sub-total	2 750 023,28	406 967,33
Computer equipment	193 355,99				
Depreciation	43 654,49	2 744,25	Long-term liabilities		
Sub-total	206 372,65	8 233,02	Budgetary outturn of the year	5 488 771,02	1 197 966,18
			Sub-total	5 488 771,02	1 197 966,18
Current assets			Current liabilities		
Other debtors	37 588,46	1 959,62	Budgetary outturn of 2003	1 197 966,18	
VAT to be collected	1 836,02		Invoices to be received	413 292,87	137 372,55
Other advances (staff)	19 160,36	17 057,51	Other creditors	248 402,76	29 131,97
Advances to EU bodies	832,12	898,32	Miscellaneous creditors		274,90
Avances to suppliers	55 844,40		Sub-total	1 859 661,81	166 779,42
Avances to Belgian social security	22 420,80				
Sub-total	137 682,16	19 915,45			
Cash accounts					
Bank	9 754 401,30	1 743 564,46			
Sub-total	9 754 401,30	1 743 564,46			
Total	10 098 456,11	1 771 712,93	Total	10 098 456,11	1 771 712,93

22. First visit of EMSA's delegation to Lisbon

25. Seventh EMSA Administrative Board in Wexford (Ireland)

25. First draft of Action Plan for Oil Pollution Preparedness and Response

30. Decision on Code for good behaviour

EMSA - Revenue and expenditure for the 2004 financial year (EUR)		
	2004	2003
Income		
Community subsidies	12 800 000,00	2 630 000,00
Miscellaneous revenue	5 488,10	1 933,12
Total income (a)	12 805 488,10	2 631 933,12
Expenditure		
Staff - Title I		
Payments	3 593 516,34	647 200,97
Carried over	142 568,64	66 294,16
Administration - Title II		
Payments	635 065,95	238 054,16
Carried over	683 581,64	315 005,22
Operational activities - Title III		
Payments	437 442,37	12 571,64
Carried over	2 074 948,82	154 807,62
Total expenditure (b)	7 567 123,76	1 433 933,77
Result of the year (c=a-b)	5 238 364,34	1 197 999,35
Cancellation of 2003 carry-over	251 219,50	
Exchange-rate differences	812,82	33,00
Budgetary outturn of the year	5 488 771,02	1 197 966,35
Variations of carry-over & invoices to be received	2 089 071,92	398 734,31
Variations of investments	241 794,12	10 977,27
Variations of liabilities (Commission)	-5 488 771,02	-1 197 999,35
Variations of depreciation	-43 654,49	-2 744,25
Variations of advances to suppliers	55 844,40	
Economic result of the year	2 343 055,95	406 967,33

interfaces. During the last quarter of 2004, EMSA put in production its electronic payment system (ISABEL) to fully integrate the payment cycle and minimize the risk of error. To maximise the value of the financial software deployment, several SINCOM2 training sessions were organised throughout 2004 in accordance with the successive waves of recruitment.

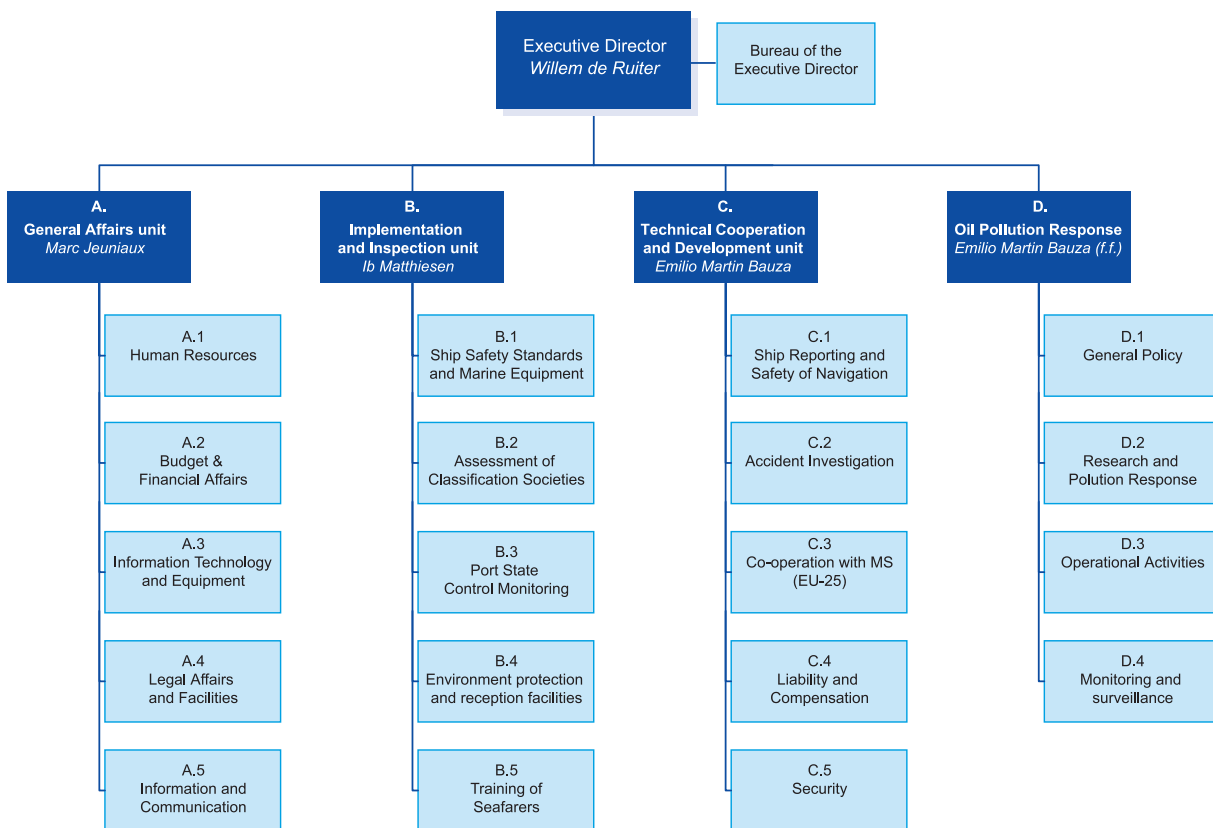
External audit – the European Court of Auditors
As foreseen by the Financial Regulation (article 91), EMSA

2004 operations have been audited by the European Court of Auditors. For the 2004 accounts certification process taking place in 2005, the Executive Director is required to forward the report to the Budgetary Authorities by July 1st of each year. With this in mind, the Administrative Board is required to approve the set of accounts prior to this date, taking into account the opinion of the Court of Auditors which was received in Autumn 2005. The pro-forma accounts are presented in the previous table.

I.5 ORGANISATION CHART

The development of the Agency and the increase in tasks attributed to EMSA were reflected at organisational level. The organisational chart of the

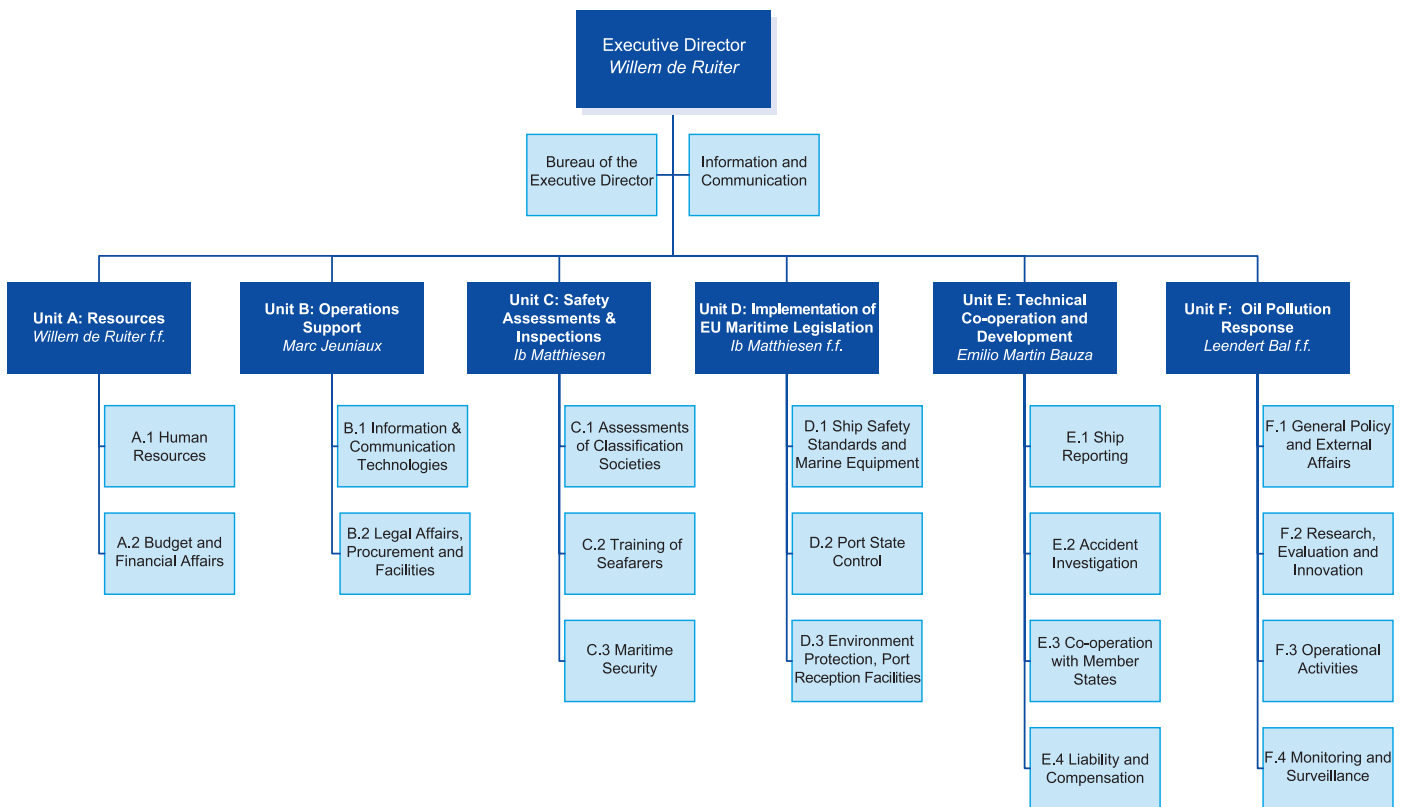
Agency has changed in the following ways. At the beginning of 2004, EMSA was organised around four functional units, one administrative and three dealing with maritime issues. This is represented as follows:



Beginning 2004

Following the additional tasks that the Agency was given, and the additional work associated with the administration of a growing EU body, the organisation chart was expanded to six functional units, two dealing with administrative issues, and four dealing with maritime affairs. The reorganisation took effect on 1st December 2004. The procedure for the recruitment of

additional Heads of Unit was launched immediately. This new structure reflects the visits policy adopted by the Administrative Board and the enlarged establishment plan that followed the approval of the oil pollution response plan and the tasks related to the training of seafarers. At the end of 2004, the EMSA organisation chart looked like this:



End 2004

Section II

Execution of Technical Work Programme 2004

II.1 GENERAL INTRODUCTION

General introduction on achievements¹

As previously mentioned, thanks to an increase in staff numbers, EMSA was in a better position to carry out the tasks described in work programme 2004. As the arrival of colleagues was steady throughout 2004, the operational units still had to carry out preparatory work in many fields as new tasks got underway. Despite this, and thanks to support from the Commission and the EMSA Administrative Board, who together provided the necessary framework for the Agency to operate, EMSA has nevertheless been able to cover an extensive amount of ground in its first full year of existence. These efforts are a strong starting point that will enable EMSA to support the Commission in reducing the differences in implementation of EU legislation that can be witnessed across the EU.



Promoting uniform implementation of EU legislation.

This section will describe progress in the maritime policy areas achieved by the staff of EMSA since the end of 2003. Although every effort has been made to present as much detail as necessary, it is beyond the scope of this annual report to mention every meeting with external partners, every report prepared by the Agency and every visit carried out by EMSA staff. However, for each major policy area, summary information has been included on the impact that that task has had on

the Agency's resources, in terms of number of colleagues involved, number of man days needed and costs incurred based on external expenditure such as studies, technical developments (database development), materials purchased (statistics and other necessary materials that support technical work) and travel expenditure.

The tasks that will be described below follow the structure as set out in the Work Programme 2004. A short reminder of what each task involves is given so that the reader may be able to better understand the necessary steps that have been taken in order to ensure a successful completion of the areas that were identified for action in 2004.

Factbox – explanation of the summary information presented

Staff: relates to the number of staff involved in the task at the end of 2004

Time (total): in man days

Cost: expenditure on external resources such as database development, studies, other services and mission costs

II.2 TASKS IDENTIFIED IN WORK PROGRAMME 2004, ACHIEVEMENTS

Classification societies

The task of assessing classification societies was one of the first pieces of EU maritime safety legislation. The task consists of auditing those classification societies that EU Member States employ to carry out surveys on ships flying their flag. The classification societies concerned need to fulfil the qualitative and quantitative criteria as laid down in the Directive in order to gain EU recognition.

Classification societies are organisations which develop and apply technical standards to the design, construction and assessment of ships and other marine facilities. Flag states can authorise

¹ The order of the section refers to the numbering used in Work Programme 2004.

classification societies to carry out the inspection and statutory certification of their ships. There are more than 50 organisations worldwide which define their activities as providing marine classification, but only 12 classification societies are presently recognised by the European Union (see Commission Decision 2002/221/EC).



During 2004, 10 monitoring assessments were carried out, including 6 of the currently recognised organisations covering head offices, regional branch offices, site offices at shipyards and even onboard ships. Reports have been submitted to the European Commission for subsequent action.

Only Member States can request EU recognition of a classification society and the enlargement of the EU from 1st May 2004 means that there may be additions to the EU recognised list.

The main EU legislation which deals with classification societies is Directive 94/57 (as amended after the Erika disaster). This requires that each of the 12 EU recognised classification societies should be assessed once every two years, and EMSA has been entrusted to assist the European Commission in carrying out this task. Based on the present list, it will be necessary for EMSA to organise six assessments per year, which will cover both head offices and selected regional offices, and may also include visits

to specific ships. EMSA will also have to carry out special assessments of classification societies for which EU recognition is being requested by one or more Member States.

A standard assessment requires a team of three assessors who, during a typical assessment, will spend up to five days in a head office and up to two days in a regional or branch office. The assessment cycle includes preparation, visits and reporting. In order to carry out the work efficiently and effectively, EMSA has set up a system to continuously monitor societies' performance based on data and information from port state control systems and other sources.

The assessment of classification societies was one of the urgent priorities for EMSA in 2004. During 2004, 10 monitoring assessments were carried out, covering 6 of the currently recognised organisations including head offices, regional branch offices, and site offices at shipyards. When the full cycle of assessments is complete, the generic findings will be presented to the Member States and the classification societies at a workshop that will be organised by EMSA. This will allow lessons learnt to be shared and may provide the Commission with the necessary information for any future update to the Directive.

In addition, following a request for the limited recognition of a classification society that is currently not recognised, EMSA carried out a thorough desk assessment on the basis of the request and supporting documents and, subsequently an initial assessment was carried out both at head office and at a major regional branch office.

The assessment team has simultaneously continued the monitoring of recognised organisations and has

May

01. European Union enlargement, EU flagged fleet effectively doubles in size. EMSA welcome colleagues from the ten new Member States. Entry into force of the amended EMSA Regulation regarding later training, security and oil pollution

further fine tuned the assessment methodology used to carry out audits. Internal procedures in relation to the work described above and for handling documents and filing have also been developed. This includes procedures concerning the transmission and follow up of the completed audits to the Commission and the subsequent actions that may be required following discussions at COSS.

Additionally, in support of the Commission, the Agency has provided input and technical reports to the Commission in respect of updating and developing new legislation. This involved participation in the work of the IMO in the relevant technical areas and led to the development of a draft performance criteria scheme in accordance with article 9 of Directive 94/57.

Average time spent on an assessment

99 man days

Classification societies: factbox

Staff: 5

Time (total): 952 man days

Cost: 73000 euros

Port State Control

Port State Control (PSC) inspections by a Member State of ships calling at its port are considered to be the best method to monitor and reduce substandard shipping in EU waters. The PSC regime, established by Directive 95/21/EC as amended, developed over the past years aims at fostering a climate in which maritime players are given incentives to operate above the required standards and to dissuade cargo interests from using substandard ships.



Monitoring the functioning of the PSC regime in Member States.

To achieve these goals the EU PSC system has to base its features and set its course on the relentless targeting of substandard ships. It also aims to achieve a higher degree of harmonisation and quality of the inspections, and provides for greater transparency of the PSC results to the outside world. In this perspective EMSA has been asked to provide the Commission services and the Member States with technical and scientific assistance.

The PSC regime is constantly evolving. In this field EMSA is required to carry out the following general tasks: the monitoring of the EU PSC system; the provision of assistance to the Commission where necessary; participation on behalf of or with the Commission to the work of the international technical bodies dealing with PSC; assistance to the Commission in the development of future legislation related to PSC and the organisation of training and exchange of best practice with Member States to ensure the correct implementation of the PSC directive.

The three different specific areas where EMSA was active during 2004 are namely; support to the

Commission in preparing a new legislative proposal; monitoring Member State's performance with regards to the Port State Control Directive; and finally, by managing and publishing the list of banned vessels.

In the first instance, the Port State Control team has co-operated with the Commission regarding the consultation paper on the amendment to the EU legislation on Port State Control. This has involved developing the concepts and the main elements of a new PSC regime. In order to do this with the participation of the most concerned stakeholders, the Agency worked with and contributed to the relevant meetings of the Paris MOU on Port State Control. The PSC team has also provided technical assistance related to the Commission's delegation – or represents the Commission where appropriate – in the various bodies of the Paris MOU on Port State Control.

The second main area of activity was to monitor the functioning of the PSC regime in Member States which required several preparatory actions. This involved the development of a database on ship movements capable to help prepare and support the assessment teams for their visits to Member States. Additionally, an ongoing monitoring system was set up which will allow the evaluation of the Member State's PSC performance and will lead to the production of impact studies.

An initial result of these monitoring actions was the definition of a methodology to evaluate the PSC system established by Member States in order to obtain a clear idea of how the systems are implemented in practice. The methodology has already been tested during the course of two assessment visits, performed in France and Poland at the end of 2004.

The third main task undertaken by the Port State Control team was the administration of a list of banned vessels. This states that the Commission must publish a list of vessels banned for the Community waters for repeated failure to comply with the required international safety standards. Since April 2004, EMSA has maintained the list of vessels banned for multiple detentions. Finally, in October EMSA produced a study for the Commission on the application of the banning provision introduced by the Directive.

Port state control: factbox

Staff: 3

Time (total): 673 man days

Cost: 40000 euros

Management of the ro-ro ferry database

Safety of passengers aboard ships is an important part of maritime safety legislation. Part of the EU policy includes increased surveys to ensure the seaworthiness of ferries and high speed craft carrying passengers on regular services originating from or whose final destination is an EU port. EMSA has taken over the responsibility to manage the database set up by the Commission pursuant Article 13 of the Council Directive 99/35/EC on a mandatory survey regime for regular ferry services. Since September 2004 EMSA has been ensuring the administration of the database where Member States shall submit reports of the surveys carried out in accordance with the Directive.

In view of the enlargement of the EU, EMSA has provided training on the implementation of the Directive and on the use of the database. An analysis of the implementation of the directive (part of the 2004 work programme) will be finalised in March 2005.



High speed craft are included in the ro-ro ferry database.

Ship reporting - Vessel traffic monitoring

Directive 2002/59/EC requires Member States and the Commission to co-operate to develop computerised data exchange and to develop the necessary infrastructure to this end. In order to fulfil this objective the Commission launched in 2001 the development of a European Platform for Maritime Data Exchange, the so-called SafeSeaNet project.

The SafeSeaNet system is the result of the cooperation between Member States and the Commission in order to develop specifications for the data exchange, to develop telematic links between ports and coastal stations, to improve links between coastal stations,

to extend and improve ships' identification and monitoring by MRS, VTS and other traffic routing systems. Furthermore, following discussion with national administrations, it has been agreed that SafeSeaNet should aim at going beyond the mere legal obligations, taking into consideration a wider objective as the development of a "one stop shop" concept aimed to reduce the administrative burden for ships' masters and agents.

The maintenance and further development of SafeSeaNet are technical tasks and EMSA took over the operational responsibility to run SSN in October 2004. The work of SafeSeaNet is driven by requirements determined by EMSA and the Member States. Additionally, new IT technologies and technological developments and new data exchange requirements contained in other EU Directives that require information from ships by ports and coastal administration will also influence how the system will be further adapted and deployed. EMSA has been working with specialised IT companies to continue the development of the SafeSeaNet system. The hosting solution has been provided by the Informatics Directorate (DI) of the Commission through a specific service agreement, in order to have access to the necessary EU wide network.

The areas of work undertaken by EMSA on the SafeSeaNet project were, to assist the continued development of the SafeSeaNet application. Additionally, technical assistance and helpdesk support was provided to the Member States who were entering into production of the system and to those performing testing. The development of the SSN core application was completed. Six countries carried out extensive testing on the interface of their national SSN applications and on the SSN

core application. Three Member States are now ready to enter into production. As with most new applications, corrective and adaptive maintenance took place on the core application. In parallel to this work, EMSA started the planning of future SSN developments.



Through SafeSeaNet, EMSA helps improve links between Member States, ports and coastal stations.

Finally, within the context of Article 20 of Directive 2002/59/EC regarding "Places of Refuge", the Agency, in support of the Commission, carried out an evaluation of the national plans of the EU-15 Member States. The initial results of the evaluation were presented to the Member States at a workshop in March 2004. Further work is being carried out on this subject, partly due the enlargement of the European Union and partly due to subsequent changes in implementation by the EU-15 Member States that have been carried out following the findings presented at the workshop.

Vessel traffic system: factbox

Staff: 4

Time (total): 658 man days

Cost: 570000 euros

Cross fertilisation of databases

The Agency aims to obtain reliable and comparable information to support future policy developments by combining the output of relevant databases and to contribute to the process of evaluating the effectiveness of Community legislation.

The main objective behind the creation, cross-fertilisation and analysis of 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, progress was made in 2004, when EMSA started analysis on a number of databases for the collection and dissemination of information. When this process is complete, EMSA will increasingly be able to analyse and evaluate the data.

For example, EMSA publishes on an ongoing basis the list of ships being denied access to EU ports, because of multiple detentions under Port State Control (Article 7.b of Directive 95/21/EC as amended). EMSA also manages the ro-ro ferry survey 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.

Finally, 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 data sources. EMSA's port state control team is involved in the statistical work of the Paris MOU and work with the Sirenac database.

July

01. EMSA give training to colleagues from DG TREN on EMSA

02. First EMSA team building day

In order to be able to continue in this task, a common policy for database related information technology, including the definition of a standard platform and hosting solution, began in 2004. This will allow the future integration of all the requisite information by linking databases in order to be able to extract data in a uniform and consistent manner. Work in this area will continue in 2005.

Marine equipment

A critical part of maritime safety and the prevention of loss of life and environmental protection is the development and implementation of common standards which ensure high safety levels in the performance of equipment which is carried on board ships.

With this in mind, Directive 96/98/EC as amended was drafted. This instrument seeks the uniform application of the relevant international instruments relating to equipment to be placed on board ships for which safety certificates are issued by or on behalf of Member States pursuant to international conventions and to ensure the free movement of such equipment within the Community. Certificates for marine equipment are issued by notified bodies on behalf of the EU Member States.

The main aim of the Directive is to ensure, as far as possible, that marine equipment on EU flagged ships is designed and constructed to appropriate standards. The Directive places a number of key requirements on the European Commission, the technical elements of which have become the responsibility of EMSA. EMSA's tasks in general during 2004 concerning the Marine Equipment Directive have included:

- monitoring of developments relating to performance and testing standards.

- monitoring of the work of the group of notified bodies (MARED).
- the management of the database of EU approved marine equipment.

Furthermore, following a number of requests regarding assistance for the implementation of the Marine Equipment Directive by the Member States, two workshops were organised by EMSA to discuss market surveillance and auditing notified bodies.

The entry into force of the MRA+ with the USA in July led to concrete action by EMSA, this included participation at the 1st Joint Technical Committee meeting with other Commission services such as DG TRADE and DG ENTR. The opposite numbers from the Joint Committee were represented by the US Trade Representative, the US Department of Commerce and the US Coastguard.

Another important development in 2004 was setting up a procedure to deal with issues that come under the scope of Article 13 of Directive 96/98/EC. This provides for arbitration in situations where market surveillance has detected a problem with MED certified equipment that is on the market or installed on an EU flagged ship. In these instances, an analysis of the issue needs to be carried out and the Agency has the technical responsibility to carry out this analysis. A first test case has been examined and will enable EMSA, with the support of the Commission, to refine the established procedures for future complaints.

Marine equipment Directive: factbox

Staff: 1

Time (total): 109 man days

Cost: 210000 euros

Accident investigation

Notwithstanding the preventative measures that are in place with regards to maritime safety, when a significant accident occurs, it is vital that the causes and consequences of accidents are thoroughly investigated. This ensures that there is an understanding of exactly what happened and that key lessons can be learned for the future. As a result of these lessons, accident prevention and response systems can be continually improved and risks can be continually reduced.



Accidents: it is vital to investigate and determine actual causes.

EMSA has been given the task, as defined by Article 2(e) of EU Regulation 1406/2002, to work with the Member States and the European Commission to develop a common methodology for investigating maritime accidents. In addition, the Agency has been asked to facilitate co-operation and, where appropriate, to provide support for activities concerning investigations related to serious maritime accidents. EMSA is also required to provide technical support to the European Commission in proposing legislation relating to maritime accident investigation and to create a database of maritime accidents relevant to EU maritime safety policy.

A preparatory task which aims to further develop an understanding of the present EU situation, EMSA's experts began making an inventory of existing legislation and procedures concerning post accident investigation in all EU and EEA Member States with maritime interests. Of particular importance in undertaking this task is the assessment of the levels of technical independence and permanence in investigators' work. This will provide a solid foundation for subsequent work for accomplishing the main objective of developing a common EU methodology and information network for maritime accident investigations.

The new legislative proposal that will be proposed by the European Commission is currently being drafted, and the preparatory work takes into account the complex international framework currently in place.

This initiative has led to EMSA undertaking additional initiatives in such areas as the collection of statistics, the analysis of statistical trends, the establishment of additional databases and the organisation of stakeholder meetings and events.

The accident investigation unit of EMSA has been collecting data on the legal, administrative, procedural and methodological structures for marine casualty investigation in the EU and EEA Member States. Common usage needs to take into account the international dimension; this was done within the current international legal framework of casualty investigation and anticipates forthcoming changes to this instrument by the IMO. This research has led the development of a draft EMSA methodology for marine casualty investigation.

The results of this work also allowed EMSA to support the Commission in its preparations for a legislative initiative in the field of marine casualty investigation by providing the draft technical elements for future legislation.

Finally, in order to prepare the development of an EU database on marine casualty investigation, EMSA also started to collect investigation reports sent by the Member States and others that were produced following major accidents in European waters. This has included the definition of the common database fields that need to be defined and structured, the necessary IT design for the future database and an internet-information platform on marine casualties and casualty investigation. This work is being carried out with the services of a specialised consultant who will assist EMSA in this task.

Accident investigation: factbox

Staff: 3

Time (total): 564 man days

Cost: 520000 euros

Port reception facilities

With more than 1000 seaports in the EU, waste management is a serious issue for shipowners, port operators and environmental concerns. Appropriate methods need to be in place to manage the waste and, and ships must be encouraged to use these facilities rather than to discharge waste into the sea.

To address this issue, the EU established Directive 2000/59/EC on port reception facilities, which aims to reduce discharges of ship-generated waste and cargo residues into the sea. The Directive especially aims at reducing illegal discharges from ships, by

improving the availability and use of port reception facilities, thereby enhancing the protection of the marine environment. This is not a new concept, and was previously addressed by the Marpol 73/78 Convention in 1973, although Member States are still encountering difficulties in fully implementing the requirements. In addition to this, the overall situation is changing, with more and more through traffic, particularly oil tankers, travelling through EU waters without calling at EU ports.



The Agency will contribute to measures for reducing illegal discharges from ships by controlling the availability and use of port reception facilities.

The main focus of EMSA's tasks on port reception facilities during 2004 was to collect information from the Member States in order to assess the implementation of Directive 2000/59 and to evaluate whether the goals of the Directive have been met. After agreeing with the Commission on a selection of ports (sample of the most representative of ports that are covered by the Directive, including fishing and recreational ports) the Commission asked Member States to provide waste reception and handling plans (art.5 of Directive 2000/59). EMSA is currently assessing these waste handling plans based

on a methodology elaborated by EMSA. This work started in the last quarter of 2004 and will end by September 2005.

In 2004, the Commission also requested EMSA to assist in assessing the current fee systems applied in Member States in order to evaluate their strengths and weaknesses. This assessment started at the end of 2004 and is due to be completed by November 2005 and may lead to recommendations on the effectiveness of the Directive. This assessment will provide the requested background information that EMSA will send to the Commission in its reporting obligation to the European Parliament and the Council in accordance with Art. 8.4 of the Directive.

Over the longer term, EMSA assistance will be required by the European Commission to establish appropriate information and monitoring systems to enable improved identification of ships that have discharged illegally. EMSA's assessment, started in 2004, is partially addressing this issue with the evaluation of the notification procedure and the notification flow (article 6 of the Directive).

Environment: factbox

Staff: 1

Time (total): 189 man days

Cost: 290000 euros

Ship safety standards

The tasks related to ship safety standards and ship construction standards stem from concerns within the EU that the level of safety standards as defined by current maritime safety legislation may be inadequate in some areas and that legislation is not always implemented in a consistent manner on vessels trading within EU waters. Inadequate safety standards

can lead to loss of life, pollution, destruction of the environment and significant financial costs and losses to communities, governments, industry and others.



Concerns about the level of safety on ships as standards may be inadequate in some areas.

During 2004, the work of EMSA on the ship safety standards section was driven by maritime issues that were discussed at IMO. The focus was on safety issues and legislation on oil tankers, passenger ships and bulk carriers.

This advice has resulted in the production of reports, briefings and ad hoc advice on receipt of requests from the Commission. Attendance at IMO meetings and participation in meetings and workshops with industry, non governmental organisations and Member States were also substantial tasks for EMSA in 2004. For example, a workshop was hosted by EMSA for Member States on Goal Based Standards. IACS, the International Association of Classification Societies, provided an active input for this meeting.

Another series of meetings that were organised by the Agency throughout 2004 concerned safety standards of double hull tankers. The purpose of the meetings was to identify concerns associated with the

future operation of double hulled tankers with a view to seeking regulatory change where deemed to be appropriate. The meetings will conclude in 2005 and at this time the panel will deliver a summary report containing its conclusions and recommendations for action. The technical secretariat and chairmanship for these meetings on Double Hulled Tanker safety issues was provided by EMSA. The participation included IACS, IMO, and a number of international organisations representing tanker owners, operators and shipbuilders. Up until the end of 2004, EMSA has drafted Terms of reference for the Panel and provided a number of technical papers for discussion.

Another area where EMSA has provided technical advice on ship construction standards was in support of the Commission for the third maritime safety regulatory package. Three interim reports were drafted. The subject of these reports concerned an analysis of Member States SAF data and performance indicators from the Paris MOU, the USCG and the Tokyo MOU. The second report presented the status of adoption of the various IMO conventions by Member States. And the third report was an analysis of class delegations for statutory work from Member States.

Finally, technical advice was also provided to the Commission prior to the debate in IMO MSC 78 on Double Hulled Bulk Carriers. This involved the preparation of a paper that covered all the issues surrounding the debate at IMO between Greece and UK, on the proposed amendments to SOLAS which mandate double hulls for bulk carriers.

Ship safety standards: factbox

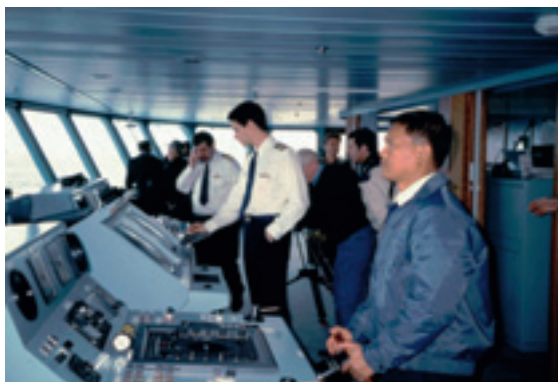
Staff: 2

Time (total): 305 man days

Cost: 22500 euros

Training of seafarers in third countries

Ships operating in EU waters are often manned by seafarers who are not nationals of EU Member States. This must be taken into account when determining the best ways of ensuring that crew members on board ships sailing in EU waters are appropriately trained in order to save lives, prevent accidents and pollution at sea.



Auditing of crew training and certification systems in third countries that supply seafarers was one of EMSA's most recently assigned tasks.

The legal instrument that is in place to assess the minimum level of training of seafarers is provided by Directive 2001/25/EC. EMSA has been tasked by Article 2 (b) (iii) of its governing Regulation with assisting the Commission in any task assigned to it by existing and future Community legislation in the "training, certification and watch keeping of ships crews" in Member States.

EMSA will provide technical assistance to the Commission to enable this task to be carried out. This will take the form of assessments of training systems in third countries, to be carried out once every five years, that provide seafarers working on board EU flagged ships. This will require eight to twelve assessments per year.

In order to accomplish this, three staff members were recruited in 2004 and will begin work in early 2005. In order to determine the priority criteria for assessments and to define the methodology to be used by EMSA teams for this task, two external studies were launched.

The first is related to the audit and assessment of training systems in third countries and aims to identify the methodologies used by Member States during their assessments of third countries in accordance to the Directive 2001/25/EC. Furthermore, a common methodology to be used during the assessments to be conducted by EMSA in support of the Commission will be provided.

The second study will analyse the employment of seafarers from third countries in the EU. It aims at obtaining precise information on the third countries which are the main suppliers of seafarers to ships registered in the EU in terms of numbers of seafarers, their position and an estimate of future trends. The study will also examine the maritime education and training institutions in those countries. The results of the study will contribute to the definition of selection criteria for auditing maritime training systems of third countries. Both studies should be concluded in 2005.

Training of seafarers: factbox

Staff: 1

Time (total): 30 man days

Cost: 310000 euros

Accident response

The EMSA accident response system monitors significant maritime accidents or security incidents occurring in European waters, as well as in other parts of the world where there is a European interest. The

objective is to ensure that EU level decision makers are quickly informed when an accident or incident occurs, so that effective decisions, for example those affecting procedures or policy, can be made. The Agency's founding regulation (1406/2002) requires it to provide the Commission with objective, reliable and comparable information and data for this purpose.

Consequently, during 2004, a system was developed which focuses on rapid alert and key information modules. The system obtains its primary information from a large number of international, specialist and general, media sources, while supporting information is obtained from specialist sources such as maritime databases and the emergency services. Accidents, incidents, and associated information are reported on a daily basis to a wide range of EU level decision makers.

The monitoring system was designed and tested in 2003, and was formally deployed in 2004. This included the participation of additional staff members to maintain constant supervision of the situation with regards to possible maritime incidents on a 24 hours, seven days a week basis, and was strengthened through material support and IT equipment to allow immediate reporting should a major incident occur.

Liability and compensation issues

As a consequence of a number of accidents, the international community has developed a series of instruments to manage liability and compensation with regard to damages resulting from maritime transport. The platform for this development at international level is the IMO. The main operational body is the International

October 08. EMSA starts publishing its monthly newsletter intended to give an overview and update on issues and activities of general interest

20. The technical responsibility for SafeSeaNet is transferred from DG TREN to EMSA

Oil Pollution Compensation Fund (IOPC). After the Erika accident in 1999, the need for an increase of involvement at EU level was identified. Consequently, EMSA participates in the key meetings of the aforementioned bodies.

The Agency has begun to create a knowledge centre with regard to liability and compensation related to risks which have the potential to compromise safety of life at sea, environmental protection and ship security.

In 2004, EMSA supported the work of the Commission for the consultation on the third maritime package with regards to the Athens protocol on liability of carriers of passengers by sea. Additionally, EMSA's other tasks in this field involved monitoring the current situation regarding ongoing work at the IMO, the ratification process for the relevant conventions and observing the work carried out by the IOPC fund.

Liability and compensation: factbox

Staff: 1

Time (total): 64 man days

Cost: 43000 euros

Cooperation with Member States

The Agency has been required to organise training activities in the areas of maritime safety and prevention of marine pollution. Technical assistance also needs to be provided for those States applying for accession. To fulfil this task for Member States that acceded on 1st May 2004 and the Candidate Countries, EMSA has worked in cooperation with the European Commission's service TAIEX, as well as with PHARE programmes and within the Agency's own regulation.



EMSA assistance: provided through workshops and visits.

Currently, EMSA's technical assistance is provided through workshops, visits by experts and study visits. The subjects for these training activities are established on the basis of an examination of national legislation and questionnaires sent to Member States. EMSA's objective is to assist recently acceded Member States and Candidate Countries in the areas where they need support, and if national administrations believe that they require some assistance, they are invited to let the Agency know of their needs.

The first action in the field of cooperation in 2004 was the establishment of a network of contact points within the ten Member States that joined the EU in May 2004, and the two acceding countries. This helped the preparation of a technical assistance programme on maritime safety issues in cooperation with DG Enlargement's TAIEX unit for the above mentioned beneficiary countries.

EMSA has also started the procedures for obtaining funds within the Phare programme, in order to support participation of representatives from Bulgaria and Romania in the work of EMSA, prior to accession.

During 2004, the Agency has also provided assistance to the Commission by participating in two monitoring visits to Malta and Cyprus and by attending two peer reviews in Bulgaria and Romania. Additionally, EMSA has provided technical reports to the Commission for the preparation of the flag state initiative for the Member States that joined the EU in May 2004, and the Candidate Countries.

Co-operation: factbox

Staff: 1

Time (total): 194 man days

Cost: 4700 euros

Completion of Work Programme 2004

As follows from the above description, practically all activities announced in the Work Programme 2004 have been undertaken. Some actions were completed, for other multi-annual tasks a good start has been made. This is an achievement in particular when the additional request for reports and tasks that were not part of the work programme are also taken into account. These will be explored in the following section.

The areas of activity described in the work programme that were not begun can be explained as follows: for example, the Condition Assessment Scheme for phasing out Type I single hulled tankers was no longer required; thanks to the IMO action in bringing forward the timetable at the global level. Also, regarding EMSA's security task, due to the amending regulation being passed at the end of April and the fact that the current discussions with the Commission on the precise nature of EMSA's support to the Commission's inspection services are ongoing, the actual set up of this task will take shape in 2005.

II.3 TASKS CARRIED OUT, NOT PART OF WP 2004

Of the EMSA projects begun in 2004, many were not explicitly foreseen in the work programme for that year. These included requests for reports concerning the follow up of ships banned from the EU, which now has become a regular report to be published every six months. Another request was received for a report analysing the impact of the flag state initiative. Such additional reporting has also included research carried out concerning Directive 1998/41 on the registration of persons, monitoring the ongoing work concerning ballast water management; research projects related to traffic monitoring assessments to name but a few. Below are examples of the more substantial additional work that was provided by EMSA which did not feature in work programme 2004.

Voyage data recorders



Appropriate procedures for inspections of VDR.

During the meeting of the Port State Control Committee (Paris MOU) in May 2004, the requirements of EU Directive 95/21/EC concerning vessel detentions were discussed. The specific issue of detentions related to Voyage Data Recorders was

November 05/07. EMSA visit maritime administration of Federation of Russia

10. Setting up of an advisory committee on Procurement and Contracts

raised by the UK and submitted for consideration to the Commission. The Commission sought technical advice on this issue from EMSA and, following a period of research, this was given by means of a report. The report proposed appropriate procedures for inspection of VDRs and detention by PSC Inspectors

The guidance and procedures for PSC Inspectors that are contained within this report have now been adopted by the Paris MOU.

Shore based traffic monitoring infrastructure

Following a request from the Commission that concerned the possible future of vessel traffic monitoring infrastructures in the EU, EMSA sent a questionnaire to the Member States asking for information regarding the existing status and design of their traffic monitoring infrastructure as well as their future plans. EMSA analysed the responses and will organise follow up action accordingly including an expert meeting and a technical report that will pave the way towards common requirements for such infrastructure at EU level. (This meeting took place in January 2005)

Liability and compensation in relation to places of refuge

Art. 26 of Directive 2002/59/EC of the Vessel Traffic Monitoring Directive required the Commission to report on the need for, and feasibility of, measures at Community level aimed at facilitating the recovery of, or compensation for, costs and damage incurred for the accommodation of ships in distress.

To do this, EMSA prepared a study related to these issues with regards to the legal situation concerning places of refuge. Thus an expert study

was commissioned and completed in December 2004. This study gives an overview on the current legal situation at international level, as well as advice on the way forward.

Oil tanker traffic study

Following a request from the Commission for a study on oil tanker movements in EU waters, EMSA designed and developed a database to process data purchased on ship movements. A draft report – “An Analysis of Non European Union Registered Shipping Carrying Oil and Oil Related Products in Transit near European Waters” – has been sent to the Commission in December, and was finalised in January 2005.

Monitoring and preparation for IMO meetings

In general, EMSA provided research and technical comments to the Commission on papers prepared by Member States and on issues associated with preparations for IMO committee meetings in order to facilitate co-ordination meetings between the Commission and the Member States.

Environmental monitoring

Regarding work by EMSA related to other issues linked to environmental protection, throughout 2004, EMSA has monitored developments in the International Maritime Organisation – specifically in the MEPC sub-committee, and by participating for the Commission at the Diplomatic Conference on the Ballast Water Management Convention. At the European level, the Agency has been involved with preparations concerning the forthcoming Directive on emissions, specifically sulphur emissions, that is due to come into force following the entry into force of MARPOL Annex VI.

II.4 NEW TASK OF OIL POLLUTION RESPONSE



An EMSA expert visits an equipment store onboard an anti-pollution vessel.

Description of the legal process leading to the European Parliament giving EMSA new tasks

The European institutions gave EMSA a new task in the field of oil pollution response with the adoption and publication of the amended regulation on 29th April 2004. This extension of the EMSA regulation calls on the Agency to address the following tasks: developing concrete oil pollution response action at Community level, the assessment of seafarers qualifications issued by institutes in third countries and assistance to the Commission on security aspects related to ships, shipping companies and recognised organisations.

Oil pollution response

In the field of oil pollution response, the Agency shall provide Member States and the Commission with technical and scientific assistance in the field of accidental or deliberate pollution by ships and support on request with additional means in a cost efficient way, via the Community mechanism in the field of civil protection, the pollution response mechanisms of Member States, without prejudice

to the responsibility of coastal States to have appropriate pollution response mechanisms in place and respecting existing cooperation between Member States in this field.

The newly established European Maritime Safety Agency provided the appropriate framework for developing concrete pollution response actions at Community level. The amended Regulation provides that the Administrative Board shall adopt a plan for the Agency's pollution preparedness and response activities and that the Executive Director shall present, after consultation with the Commission, such a plan to the Administrative Board.

To help prepare this action plan, a study was carried out to assess current means available at Member States level and EMSA organised a workshop entitled "Oil Pollution Response in the European Union" with oil pollution experts and Administrative Board members from the Member States (June 2004). Issues addressed and extensively discussed at the workshop included: Member States experience and best practice, international and regional agreements to name a few.

The conclusions of the workshop could be summarised as follows:

Regarding the regional agreements

- Co-ordination with and between agreements is necessary.
- Support of at-sea multinational response exercises is required.

Regarding techniques and innovation for oil pollution response

- EMSA needs to build up a centre of knowledge concerning oil & HNS pollution.

- Classification of response equipment is needed.
- The definition and application of standards related to response equipment needs to be facilitated by EMSA.

Regarding additional oil recovery capacity in the EU

- Cost-efficient 'private or public' multipurpose vessels, stand-by contracts, cover areas of high risk need to be provided.
- Other equipment: aerial and/or satellite support is essential to a successful operation.

In parallel, EMSA was required to start working on the terms under which the operational activities of the Agency would be deployed. To enable this, meetings with Member States experts were organised in order to collect input for the technical requirements to be used in the tender process. Moreover, two studies have been launched; one to allow the classification

of antipollution equipment and another to examine the modalities of existing contractual arrangements for the time chartering, on a stand-by basis, of anti-pollution response vessels.

On the basis of this solid preparatory work, the final Action Plan for Oil Pollution Preparedness and Response was drafted and presented to the Administrative Board for discussion and adoption at its ninth meeting on the 21st and 22nd October 2004. Upon receipt of the Board's approval, EMSA immediately moved to strengthen the oil pollution response unit in order to give effect to the whole range of actions identified in the Action Plan.

Oil pollution response: factbox

Staff: 3

Time (total): 531 man days

Cost: 170000

EMSA in 2004 - Where have we been?



06. Vice-president of EU Commission Jacques Barrot and Willem de Ruyter present together the EU maritime safety approach

15. Meeting with US Coastguard (antipollution)

16. EMSA staff dinner, shipbuilding as central theme

Section III

Infrastructure



The clock displaying the official time, located at Cais do Sodré (close to the future EMSA headquarters building). When the services establishing the official time were created in the beginning of the 20th century, the clock was used to mark the exact hour and to serve as a reference to the pilots, allowing them to confirm the state of their chronometers. Maritime chronometers, necessary for the measurement of longitude at sea, are not setup as regular clocks. What is important is to know its state, in other words, its difference in relation to the hour: sailors deducted or added the necessary minutes and seconds.

Relocation to Lisbon

Following the European Council decision of 13th December 2003 designating Lisbon (Portugal) as the location for EMSA Headquarters, a dialogue was initiated between EMSA and Portuguese authorities in the first half of the year. This dialogue resulted in the signing on July 28th 2004 of two agreements:

- Memorandum of Understanding between the Portuguese government, the European Maritime Safety Agency and the European Monitoring Centre for Drugs and Drugs Addiction on the establishment of the headquarters of these two European entities in Lisbon;
- Protocol between the Portuguese Republic and the European Maritime Safety Agency (on privileges and immunities).

The efforts of the Portuguese government to reach a common understanding, as laid down in these two agreements, have been very much appreciated by the Agency. Both documents were published in the Official Journal of the Portuguese Republic.

The Protocol that has been signed, stipulates the privileges and immunities of the Agency and its staff in Portugal. It deals with financial facilities, imports and exports, the rights of staff and rules regarding access and security of the buildings of the Agency.

Regarding the seat of the Agency, it was decided that the chosen location would host the headquarters of both Portugal based European entities: EMSA and the EMCDDA (European Monitoring Centre for Drugs and Drug Addiction). This decision aimed to take advantage of shared facilities such as meeting rooms, a canteen and conference hall. From the several options presented by the Portuguese authorities, EMSA and EMCDDA selected the option that best suited all parties in terms of potential, location and cost. The emblematic area of Ribeira das Naus in the town centre was selected as the final choice for the location of the seat.

The Memorandum of Understanding presents the main elements required for the establishment of the headquarters of the Agency in Lisbon. A plot of land of approximately 30000 square meters has been reserved for the location of the Agency (together with the EMCDDA). A lease contract for 25 years is foreseen. The basic features of the buildings are also listed. The two Agencies notified the MOU to the EU budget authority for approval shortly after the signing of 28th July. Both branches of the budget authority (the European Parliament and the Council) marked their approval in September 2004. The building will have to be

delivered 16 months after the signature of a contract with the Port Authority of Lisbon (APL), who owns the designated area for the agencies and who will become the landlord.

Throughout the remainder of the year discussions were ongoing regarding the architectural concept of the buildings and the design of the lease contract. In these discussions the Agency is kindly supported by the Office for Infrastructure and Logistics (OIB) of the European Commission. These discussions with the Portuguese authorities have not been finalised in 2004 and are ongoing in 2005.

Temporary location in Brussels

Against the ongoing negotiations for the final seat of the Agency in Lisbon, EMSA has continued to benefit from offices provided by the European Commission in Brussels. The temporary seat is still currently in Rue de Genève. In 2004, due to growing staff numbers, the Agency managed to secure another floor for offices. This floor was progressively occupied from the last quarter of the year. Work was also started to obtain additional facilities for the Agency in the buildings server room. Discussions to secure a sealed area were begun in 2004, in order to help the Agency move to an autonomous IT system environment.

Information technology

The Information and Communication Technology (ICT) team, represented by one member of staff at the beginning of 2004, was augmented by the recruitment of five new staff during the year. With this increase in ICT capabilities in-house came an increasing level of autonomy for the Agency – an important step in preparing for the move to Lisbon.

At the beginning of the year the Agency relied 100% on the ICT resources of the Commission (DG TREN). During the year the Agency increased its ability to provide ICT systems to support the operation of the Agency. This included the purchase of PCs, printers, faxes and copiers as well as central servers for document storage, e-mail, the general ledger and intranet with data backup and archiving systems.

This allowed the Agency to commence managing many of the essential business applications itself. This includes the budgetary management system (SI2), the HR system (SIC), electronic banking and general ledger systems.

By the end of 2004 all of the tendering and ordering of the telecommunications systems necessary to finalise the migration of these ICT facilities off the Commission's network and onto the Agency's own had been completed.

Progress was also made towards an integrated IT policy, which will allow the future cross-fertilisation of maritime databases. This will provide a useful tool to help support EU maritime policy by providing links between different maritime policy areas, as well as sound data to help assess and determine the successful implementation of EU maritime legislation.

Communications and external relations

With the recruitment of an additional member of staff, the communications team was in a good position to carry out essential tasks that relate to providing information to the public about the Agency, and to keep EMSA staff informed of the major news events that concern the maritime sector. Part of this work included setting up the EMSA corporate style guide for all EMSA publications, internal documents and a new look website.



Several EMSA staff members attended a conference organised by the association "Friends of Europe" with Commission vice-president Jacques Barrot on 6th December, a few weeks after he took up his duties.

Media relations included responding to queries from the media and the general public, writing press releases and setting up a newsletter. Visits were organised to outline the work of the Agency, as well as representation of the Agency at external meetings.

The Agency is very aware of the importance of visibility and of dialogue with its stakeholders and has been fortunate to be invited to participate at many of the major conferences and events concerning maritime safety. Such engagements included presentations to the European Parliament Transport Committee, meetings with the Commissioners who

have responsibilities involving maritime transport and maritime policy, to the relevant Commission services as well as to other EU bodies who have a role to play in maritime safety issues, specifically the Committee of the Regions.

EMSA has also been active in 2004 with external stakeholders, by regular participation at international conferences, seminars and other events organised by the Member States and industry groups. Such groups represent interests as diverse as environmental groups, ship owner associations, ports organisations and other interested parties.

Training and team building

During 2004 progress was made on staff training and the Agency was able to provide various courses to its staff. These have included courses on internal administrative procedures and a training session introducing the workings of the EU Institutions and the general EU legislative framework. This course, which was provided by the Commission, was very important, as most new staff members were new to the EU system and needed to adapt quickly to the administrative environment within which EMSA is required to operate. Training on IT systems has also been provided to assist colleagues from different administrative backgrounds understand and work within the EMSA IT environment.

Furthermore, EMSA, as a growing organisation, needed to start team building exercises so that colleagues with different backgrounds, administrative experiences and nationalities who are dealing with different policy briefs get to know each other and learn to work together. To address this, a team building day was organised where DG TREN colleagues were also invited, as EMSA's primary counterparts.

The type of team building exercise was chosen in order to allow colleagues to learn or refresh key skills that are related to the maritime sector.



On 2nd July, the EMSA pioneer staff members took part to a maritime teambuilding day with colleagues from DG TREN.

Finally, in preparation for the move to Lisbon and taking into account the effects this will have on

staff, the provision of cross cultural and Portuguese language training for EMSA staff was initiated.

Average number of training days per staff member in 2004
3.4 days

Development of EMSA's corporate identity

As the Agency reached the end of its first full year of operations, work was undertaken to establish a corporate identity to be launched in early 2005. The corporate style guide aims to define the identity of the Agency as an EU institution while also situating it at the forefront of maritime safety. A service contract was commissioned to prepare a style guide as well as templates for all the types of correspondence that the Agency needs, to redesign the EMSA website and to be applied to Agency publications in the future.

The Executive Director

Brussels, June 1st 2005
WdR/nde (2005)

Declaration of the Executive Director

I, the undersigned, Willem de Ruiter, Executive Director of the European Maritime Safety Agency,

In my capacity as authorising officer,

Declare that the information contained in this report gives a true and fair view.

State that I have reasonable assurance that the resources assigned to the activities described in this report have been used for their intended purpose in accordance with the principles of sound financial management, and that the control procedures put in place give the necessary guarantees concerning the legality and regularity of the underlying transactions.

This reasonable assurance is based on my own judgment and on the information at my disposal, such as the results of the ex-ante controls, the ex-post controls, the recommendations from the European Parliament's Committee for Budgets and the lessons learnt from the reports of the Court of Auditors for the year prior to the year of this declaration.

Confirm that I am not aware of anything not reported here which could harm the interests of the Agency and the institutions in general.



Willem de Ruiter

Section IV

Outlook for 2005

...and closing remarks

On 29th December 2004, EMSA's work programme 2005 was approved. Following on from activities that began in 2003 and 2004, the focus for the next years will be on strengthening the assessment of the implementation of EU legislation in all aspects, providing ongoing support to the Commission in preparing the third legislative package, putting into operation the oil pollution response action plan, launching activities with regard to the training of seafarers and last but not least completing the move to Lisbon.

These activities will be possible thanks to the fact that most operational sub units will be up to strength in terms of personnel, and that the necessary support functions of the Agency will almost be operating at full capacity by mid 2005.

A full description of the tasks, continued work and deliverables expected in 2005 can be obtained from the Work Programme which is published on EMSA's website (<http://www.emsa.eu.int/>).

Administrative Board Members

Member State	Member Name	Origin and Position	Alternate	Origin and Position
Austria	Andreas Linhart	Bundesministerium für Verkehr, Innovation und Technologie Wien, Austria	Viktor Siegl	Bundesministerium für Verkehr, Innovation und Technologie Wien, Austria
Belgium	Frans Van Rompuy	Conseiller général, Service public fédéral Mobilité et Transport Bruxelles, Belgium	Peter Claeysens	Ingénieur, Service public fédéral Mobilité et Transport Bruxelles, Belgium
Cyprus	Serghios Serghiou	Director, Merchant Shipping Department, Ministry of Communications	Andreas Chrisostomou	Ship Surveyor A' Maritime Section, Cyprus High Commission
Czech Republic	Petr Kouril	Head of Maritime Division, Ministry of Transport Praha, Czech Republic	Vladislav Zemanék	Maritime Division, Ministry of Transport, Praha, Czech Republic
Denmark	Jörgen Hammer Hansen	General Director of the Danish Marine Authority, Copenhagen, Denmark	Svend Eskildsen	Director, Danish Administration of Navigation and Hydrography, Copenhagen, Denmark
Estonia	Andrus Maide	Director General, Estonian Maritime Administration, Tallinn, Estonia	Renè Sirol	Deputy Director General Estonian Maritime Administration
Finland	Markku Mylly	Director of Maritime Safety, Maritime Department, Finnish Maritime Administration, Helsinki, Finland	Raimo Kurki	Director of Shipping Unit, Transport policy Department Ministry of Transport and Communication, Helsinki, Finland
France	Francis Vallat	Président de l'Institut français de la Mer, Paris, France	Michel Aymeric	Directeur des Affaires maritimes et des Gens de Mer, Ministère de l'Équipement et des Transports Paris, France
Germany		Leiter der Unterabteilung Schifffahrt, Bundesministerium für Verkehr, Bau und Wohnungswesen, Bonn, Germany	Klaus Grensemann	Referat Verkehrsvorschriften in der Seeschifffahrt Bundesministerium für Verkehr, Bau und Wohnungswesen, Bonn, Germany
Greece	Panagiotis Petropoulos	Commander of the Hellenic Coast Guard (Maritime Transport Attaché) Permanent Representation of Greece to EU Brussels, Belgium	Ioannis Karageorgopoulos	Lieutenant Commander Hellenic Coast Guard (Maritime Transport Attaché). Permanent Representation of Greece to EU Brussels, Belgium
Hungary	István Valkár	Head of Department, Maritime and Island Waterways Transport Department, Ministry of Economy and Transport Budapest, Hungary	Tamás Marton	Deputy Head, Maritime and Island Waterways Transport Department, Ministry of Economy and Transport Budapest, Hungary
Ireland	Maurice Mullen	Director General Maritime safety Directorate Department of Communications, Marine and natural Resources. Dublin, Ireland	Ms Mary Lally	Principal officer, Maritime Safety Directorate Department of Communications, Marine and natural Resources. Dublin, Ireland

Member State	Member Name	Origin and Position	Alternate	Origin and Position
Italy	Nicola Morello	Esperto Sicurezza Navigazione del Ministero Infrastrutture e Trasporti	Manuela Tomassini	Transport Attaché, Permanent Representation of Italy to the EU, Brussels, Belgium
The Republic of Latvia	Aigars Krastins	Director, Maritime Department, Ministry of transport, Riga, Latvia	Janis Lagzdons	Head of Port Division, Maritime Department, Ministry of Transport Riga, Latvia
Lithuania	Mr Zacharevicius	Director, Lithuanian Maritime Safety Administration	Robertinas Tarasevicius	Deputy Director Lithuanian Maritime Safety Administration
Luxembourg	Marc Glodt	Commissaire du gouvernement aux Affaires maritimes, Ministère des Transports Luxembourg	Joël Mathieu	Conseiller technique auprès du Commissariat aux Affaires maritimes, Luxembourg
Malta	Leo Vassallo	Executive Director Merchant Shipping, Malta Maritime Authority	Mario Mifsud	Research and Development Manager, Malta Maritime Authority
Netherlands	G.J. Olthoff	Directeur Maritiem Transport veiligheid van Directoraat Generaal Goederenvervoer het Ministerie van Verkeer en Waterstaat. Den Haag, Nederland	Paul Gelton	Directeur van de Divisie Scheepvaart van de Inspectie Verkeer en Waterstaat. Den Haag, Nederland
The Republic of Poland	Piotr Nowakowski	Director, Maritime Office Szczecin, Szczecin, Poland	Igor Jagniszczak	Director, Maritime Office Gdynia, Gdynia, Poland
Portugal	Eduardo Martins	President of Instituto Marítimo Portuario, Lisboa, Portugal	Jorge Santos Leonardo	Transport attaché, Permanent representation of Portugal to the EU, Brussels, Belgium
Slovakia	Jaroslav Coplak	Head of Maritime Unit, Ministry of transport, Post and Telecommunication, Bratislava, Slovakia	Fedor Holcik	Ministry of transport, Post and Telecommunication, Bratislava, Slovakia
Slovenia	Ivo Maraspin	Deputy Director, Slovenian Maritime Directorate, Koper, Slovenia	Bruno Potokar	Slovenian Maritime Directorate, Koper, Slovenia
Spain	Felipe Martinez Martinez	Director General de la Marina Mercante, Madrid, Espana	Luis-Miguel Guérez Roig	Subdirector General de Ordenacion y Normativa Maritima, Madrid, Espana
Sweden	Johan Franson	Director and Head of Maritime Safety Inspection, Norkopping, Sweden	Ms Margaretha Granborg	Legal Adviser, Ministry of Industry, Employment and Communication, Stockholm, Sweden
United Kingdom	Brian Wadworth (chairman)	Director for Logistics and Maritime Transport, Department for Transport, London, Great Britain	David Rowe	Head of Shipping Policy Department for Transport London, Great Britain

Member State	Member Name	Origin and Position	Alternate	Origin and Position
Iceland	Hermann Gudjonsson	Director General, Icelandic Maritime Administration, Kopavogur, Iceland	Kristján Vigfússon	Deputy Director General, Icelandic Maritime Administration, Kopavogur, Iceland
Norway	Rune Teisrud	Director General, Maritime Directorate, Oslo, Norway	Oyvind Stene	Director General of the Norwegian Coastal Administration, Oslo, Norway

Full Member Name	Alternate
Fernando de Esteban, Deputy Director general, Directorate General for Energy and Transport (DG TREN)	Christos Economou, Administrator, Maritime Safety Unit, Directorate General for Energy and Transport
Fotis Karamitsos, Director in charge of the Maritime Transport and Intermodality Directorate, Directorate General for Energy and Transport	Jean Trestour, Head of Unit, Maritime Policy and Technology, Directorate General for Energy and Transport
Philippe Burghelle-Vernet, Head of Unit Maritime Safety, Directorate General for Energy and Transport	Stefan Tostman, Head of Unit, Intermodality and Logistics, Directorate General for Energy and Transport
David-Grant Lawrence Director, Sustainable Development and Policy Instruments, Directorate General for the Environment	Pia Bucella, Head of Unit, Civil Protection Directorate General for the Environment

Professionals from the sectors most concerned named for their experience and merit

Name	Position
Raymond Simonnet	Bruxelles, Belgique
Tomas Abrahamsson	Stockholm, Sweden
Berndt Kröger	Hamburg, Germany
Diamandis Manos	Athens, Greece



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