

## REPORT

**on the annual accounts of the European Maritime Safety Agency for the financial year 2010,  
together with the Agency's reply**

(2011/C 366/10)

## INTRODUCTION

1. The European Maritime Safety Agency (hereinafter 'the Agency'), which is located in Lisbon, was set up by Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 <sup>(1)</sup>. The Agency's tasks are to ensure a high level of maritime safety and to prevent pollution by ships, provide the Commission and the Member States with technical assistance, and monitor the implementation of Union legislation, as well as to evaluate its effectiveness <sup>(2)</sup>.

2. The Agency's 2010 budget amounted to 50,1 million euro, compared with 53,3 million euro the previous year. The number of staff employed by the Agency at the end of the year was 219, compared with 212 the previous year.

## STATEMENT OF ASSURANCE

3. Pursuant to the provisions of Article 287(1), second subparagraph, of the Treaty on the Functioning of the European Union, the Court has audited the annual accounts <sup>(3)</sup> of the Agency, which comprise the 'financial statements' <sup>(4)</sup> and the 'reports on the implementation of the budget' <sup>(5)</sup> for the financial year ended 31 December 2010, and the legality and regularity of the transactions underlying those accounts.

4. This Statement of Assurance is addressed to the European Parliament and the Council in accordance with Article 185(2) of Council Regulation (EC, Euratom) No 1605/2002 <sup>(6)</sup>.

## The Director's responsibility

5. As authorising officer, the Director implements the revenue and expenditure of the budget in accordance with

the financial rules of the Agency, under his own responsibility and within the limits of the authorised appropriations <sup>(7)</sup>. The Director is responsible for putting in place <sup>(8)</sup> the organisational structure and the internal management and control systems and procedures relevant for drawing up final accounts <sup>(9)</sup> that are free from material misstatement, whether due to fraud or error, and for ensuring that the transactions underlying those accounts are legal and regular.

## The Court's responsibility

6. The Court's responsibility is to provide, on the basis of its audit, a statement of assurance as to the reliability of the annual accounts of the Agency and the legality and regularity of the transactions underlying them.

7. The Court conducted its audit in accordance with the IFAC and ISSAI <sup>(10)</sup> International Auditing Standards and Codes of Ethics. Those standards require the Court to comply with ethical requirements and to plan and perform the audit so as to obtain reasonable assurance as to whether the accounts are free of material misstatement and whether the underlying transactions are legal and regular.

8. The Court's audit involves performing procedures to obtain audit evidence of the amounts and disclosures in the accounts and of the legality and regularity of the transactions underlying them. The procedures selected, including its assessment of the risks of material misstatement of the accounts or of illegal or irregular transactions, whether due to fraud or error, depend on its audit judgement. In making those risk assessments, internal controls relevant to the entity's preparation and presentation of accounts are considered in order to design audit procedures that are appropriate in the circumstances. The Court's audit also includes evaluating the appropriateness of the accounting policies used and the reasonableness of the accounting estimates made by management, as well as evaluating the overall presentation of the accounts.

<sup>(1)</sup> OJ L 208, 5.8.2002, p. 1.

<sup>(2)</sup> The *Annex* summarises the Agency's competences and activities. It is presented for information purposes.

<sup>(3)</sup> These accounts are accompanied by a report on the budgetary and financial management during the year which gives inter alia an account of the rate of implementation of the appropriations, with summary information on the transfers of appropriations among the various budget items.

<sup>(4)</sup> The financial statements include the balance sheet and the economic outturn account, the cash-flow table, the statement of changes in capital and the annex to the financial statements, which includes a description of the main accounting policies and other explanatory information.

<sup>(5)</sup> The budget implementation reports comprise the budget outturn account and its annex.

<sup>(6)</sup> OJ L 248, 16.9.2002, p. 1.

<sup>(7)</sup> Article 33 of Commission Regulation (EC, Euratom) No 2343/2002 (OJ L 357, 31.12.2002, p. 72).

<sup>(8)</sup> Article 38 of Regulation (EC, Euratom) No 2343/2002.

<sup>(9)</sup> The rules concerning the presentation of the accounts and accounting by the Agencies are laid down in Chapter 1 of Title VII of Regulation (EC, Euratom) No 2343/2002 as last amended by Regulation (EC, Euratom) No 652/2008 (OJ L 181, 10.7.2008, p. 23) and are integrated as such in the Financial Regulation of the Agency.

<sup>(10)</sup> International Federation of Accountants (IFAC) and International Standards of Supreme Audit Institutions (ISSAI).

9. The Court believes that the audit evidence obtained is sufficient and appropriate to provide a basis for the opinions set out below.

***Opinion on the reliability of the accounts***

10. In the Court's opinion, the Agency's Annual Accounts <sup>(1)</sup> fairly present, in all material respects, its financial position as of 31 December 2010 and the results

of its operations and its cash flows for the year then ended, in accordance with the provisions of its Financial Regulation.

***Opinion on the legality and the regularity of the transactions underlying the accounts***

11. In the Court's opinion, the transactions underlying the annual accounts of the Agency for the financial year ended 31 December 2010 are, in all material respects, legal and regular.

This Report was adopted by Chamber IV, headed by Mr Igors LUDBORŽS, Member of the Court of Auditors, in Luxembourg at its meeting of 6 September 2011.

*For the Court of Auditors*  
Vitor Manuel da SILVA CALDEIRA  
*President*

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<sup>(1)</sup> The Final Annual Accounts were drawn up on 8 June 2011 and received by the Court on 21 June 2011. The Final Annual Accounts can be found on the following website <http://eca.europa.eu> or [www.emsa.europa.eu](http://www.emsa.europa.eu)

## ANNEX

**European Maritime Safety Agency (Lisbon)****Competences and activities**

<p><b>Areas of Union competence deriving from the Treaty</b></p> <p><i>(Article 100 of the Treaty on the Functioning of the European Union)</i></p>	<p><b>Common transport policy</b></p> <p>The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may lay down appropriate provisions for sea and air transport'.</p>
<p><b>Competences of the Agency</b></p> <p><i>(Regulation (EC) No 1406/2002 of the European Parliament and of the Council as amended by Regulations (EC) No 1644/2003 and (EC) No 724/2004)</i></p>	<p><b>Objectives</b></p> <ul style="list-style-type: none"> <li>— To ensure a high, uniform and effective level of maritime safety and prevention of pollution by ships.</li> <li>— To provide the Member States and the Commission with technical and scientific assistance.</li> <li>— To monitor the implementation of Union legislation in this field and to evaluate the effectiveness of the measures in place.</li> <li>— To introduce operational methods for fighting pollution in European waters.</li> </ul> <p><b>Tasks</b></p> <p>The Agency undertakes a broad range of activities in the fields of maritime safety, security and prevention of pollution and response to pollution by ships.</p> <p>Firstly, the Agency has been tasked with assisting the Commission in monitoring the implementation of EU legislation relating, among others, to classification societies, Port State Control, the reception of ship waste in EU ports, certification of marine equipment, ship security, the training of seafarers in EU and non-EU countries and vessel traffic monitoring.</p> <p>Secondly, the Agency develops and operates maritime information capabilities at EU level. Significant examples are the SafeSeaNet vessel traffic monitoring system, to enable effective tracking of vessels and their cargoes; the EU LRIT Data Centre, to ensure the identification and tracking of EU flagged ships worldwide; THETIS, the information system needed for the implementation of the EU Port State Control regime.</p> <p>In parallel, a marine pollution preparedness, detection and response capability has been established, including a European network of stand-by oil spill response vessels as well as a European satellite oil spill monitoring service (CleanSeaNet), both with the aim of contributing to an effective system for protecting EU coasts and waters from pollution by ships.</p> <p>Finally, the Agency provides technical and scientific advice to the Commission in the field of maritime safety and prevention of pollution by ships in the continuous process of evaluating the effectiveness of the measures in place, and in the updating and development of new legislation. It also provides support to, and facilitates co-operation between, the Member States and disseminates best practices. A substantial programme of training has been made available to Member States' experts. At the same time assistance is provided to new and incoming Member States in transposing and implementing EU legislation.</p>
<p><b>Governance</b></p>	<p><b>1 — Administrative Board</b></p> <p><i>Composition</i></p> <p>One representative per Member State, four representatives of the Commission and four representatives, without the right to vote from the professional sectors concerned.</p>

	<p><i>Tasks</i></p> <ul style="list-style-type: none"> <li>— To adopt the multiannual staff policy plan, the annual budget, the work programme, the annual report and a detailed plan for the Agency's pollution preparedness and response activities.</li> <li>— To supervise the work undertaken by the Executive Director.</li> </ul> <p><b>2 — Executive Director</b></p> <p>Appointed by the Administrative Board. The Commission may propose one or more candidates.</p> <p><b>3 — External audit</b></p> <p>Court of Auditors.</p> <p><b>4 — Discharge Authority</b></p> <p>Parliament, acting on a recommendation from the Council.</p>
<p><b>Resources made available to the Agency in 2010 (2009)</b></p>	<p><b>Final Budget</b></p> <p><i>Commitment Appropriations</i></p> <p>54,4 (48,3) million euro</p> <p><i>Payment Appropriations</i></p> <p>50,6 (53,3) million euro</p> <p><b>Staff as at 31 December 2010</b></p> <p><i>Statutory Staff</i></p> <p>200 (192) authorised in the establishment plan, of which occupied: 196 (179).</p> <p><i>Contract Agents</i></p> <p>27 (27) planned in the budget, of which occupied: 23 (23).</p> <p><i>Seconded National Experts</i></p> <p>15 (15) planned in the budget, of which occupied: 12 (10).</p>
<p><b>Products and services 2010</b></p>	<ul style="list-style-type: none"> <li>— 36 Workshops and other events (with 1 170 participants in workshops)</li> <li>— 34 training sessions (including 7 for Port State Control (PSC) officers) which resulted in 753 national experts trained (from which 210 PSC officers)</li> <li>— 88 inspections and visits</li> <li>— SafeSeaNet (SSN) Version 2 launched; SSN was available during 99,4 % of time throughout the year</li> <li>— 2 651 satellite images ordered and 2 366 analysed through CleanSeaNet</li> <li>— EU Long Range Identification and Tracking Data Centre (LRIT) was available during 99,9 % of time throughout the year</li> <li>— 14 anti-pollution vessel contracted (1 new vessel contracted in 2010)</li> <li>— 59 drills and 14 exercises with the anti-pollution vessels</li> <li>— EMSA Maritime Support Services operating on a 24/7 basis</li> <li>— THETIS, the information system in support of the new Port State Control inspection regime (PSC) was launched</li> </ul>

Source: Information supplied by the Agency.

**THE AGENCY'S REPLY**

1. The Agency has taken note of the Court's report.
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