

**41st Meeting of the Administrative Board
Lisbon, 25 March 2015**

SUMMARY OF DECISIONS

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

In view of possible early departures, items 10 (Head of Department A, Corporate Services) and 9 (Visits to Member States) would be taken in the morning, after item 4 (Preliminary Work Programme Draft budget/establishment plan 2016).

2. Minutes of the last meeting

The Administrative Board approved the Summary of Decisions and the Minutes of the 40th meeting held on 13 and 14 November 2014 in Lisbon.

(The approved minutes, as signed by the Chairman of the Administrative Board, are available online here <http://www.emsa.europa.eu>).

3. Adoption of the list of “A” items

The Administrative Board adopted or took note of, as appropriate, the following “A” items, examined in detail by the Administrative and Finance Committee, on the basis of the recommendation by the Chairman of the Committee.

(a) EMSA Financial Statement for 2014 – Took note of the information provided by the Accounting Officer.

(b) School Arrangement – Annual Report 2014 – Took note of the Annual Report 2014 on School Arrangements in Lisbon.

(c) Monitoring of findings and recommendations from internal and external audits and EMSA follow up (ECA, IAS, IAC) – Took note of the information provided on findings and recommendations from internal and external audits and the EMSA follow-up.

(d) 2015 1st budget Amendment – Adopted a decision amending Budget 2015.

(e) Revised EMSA Financial Regulation and Implementing Rules – Took note of the information provided by the Agency on the main implications of the revised EMSA Financial Regulation and Implementing Rules for the EMSA Administrative Board.

(f) EMSA Implementing Rules to the Staff Regulations – Adopted the following Decisions:

- Decision laying down general provisions for implementing Article 87(1) of the Conditions of Employment of Other Servants of the European Union and implementing the first paragraph of Article 44 of the Staff Regulations;
- Decision laying down general provisions for implementing Article 43 of the Staff Regulations and implementing the first paragraph of Article 44 of the Staff Regulations for officials and temporary staff;
- Decision laying down general implementing provisions on the procedure governing the engagement and use of temporary staff under Article 2(f) of the Conditions of Employment of Other Servants of the European Union.
- Decision giving delegation to the Executive Director to act as Reporting Officer for the Accounting Officer in the context of the appraisal procedure.

4. Preliminary Work Programme 2016, Draft budget/establishment plan 2016

The Administrative Board discussed and adopted the Preliminary Work Programme 2016 and associated Draft Budget (€ 55,843,759 in Commitment Appropriations and € 56,743,759 in Payment Appropriations) and the Draft establishment plan 2016 (202 statutory staff in total, with a decrease of - 5 statutory posts compared to 2015, thus fully implementing the 5% cut requested of all Institutions), in line with the Commission's Communication on programming of human and financial resources for decentralised agencies 2014-2020 (COM (2013)519) and with the Regulation 911/2014 on the multiannual funding for the action of the European Maritime Safety Agency in the field of response to pollution caused by ships and to marine pollution caused by oil and gas installations.

Administrative Board Members were invited to provide written comments on the Preliminary Work Programme 2016 to the Secretariat by the end of April 2015, to be addressed as relevant at the June meeting.

10. Head of Department A, Corporate Services

In line with article 16 of the EMSA Founding Regulation, the Administrative Board provided a positive opinion on the proposed appointment by the Executive Director for the Head of Department A "Corporate Services".

9. Visits to Member States

The Administrative Board discussed the outcome of the High Level Project Group on the review of the experience of 10 years of EMSA visits to Member State aiming at maximising the value added to both Member States and the Commission of future EMSA visits and agree the possible way forward. Taking into account the debate and notably the shared support and concerns related to the possible and optional presence of observers during visits, the Chairman, with the support of the High Level Project Group, will produce a draft methodology for visits to be considered for further discussion at the June 2015 meeting, with a view to adopting a revised methodology for visits at the November 2015 meeting. Work will be conducted electronically. Finland, Greece, Norway and Poland indicated their wish to join the other Member States already part of the High Level Project Group.

5. EMSA Consolidated Annual Activity Report – Assessment by the Administrative Board

The Administrative Board considered and agreed on the proposed way forward for the assessment by the Administrative Board of the EMSA Consolidated Annual Activity Report. An initial draft of the assessment would be available to the Administrative Board two weeks before the June 2015 meeting, as foreseen by Article 5.2 of the Rules of Procedure.

6. Draft Administrative Arrangements

The Administrative Board took note of the information provided by the Agency on the draft Delegation Agreement between the European Commission (DG GROW) and EMSA on the provision of Copernicus Maritime Surveillance services for which a written procedure had been launched with as deadline the 14th of April 2015.

7. Internal Audit Capability

The Administrative Board considered and supported the plans of the Agency concerning the discontinuation of the Internal Audit Capability and reinforcement of the Internal Control Coordinator function.

8. Multi-Annual Staff Policy Plan 2016-2018

The Administrative Board discussed and approved the Multi Annual Staff Policy Plan for the period 2016-2018 with the understanding that the document is only indicative as concerns 2017 and 2018.

11. Any Other Business

(a) THETIS-S

The Administrative Board took note of the information provided by EMSA on the implementation of the new module THETIS-S.

(b) Conflict of Interest – position of the European Parliament within the Agency's discharge procedure

The Administrative Board took note of the request by the European Parliament to make available the CV of the members of the Board, with a view to agreeing on a possible way forward at the June 2015 meeting.

Dates of next EMSA's Administrative Board Meetings:

June

Administrative and Finance Committee – Monday 1 June (morning)

Administrative Board – Monday 1 June (afternoon) and Tuesday 2 June (morning).

November

Administrative and Finance Committee – Tuesday 17 November (morning)

Administrative Board – Tuesday 17 November (afternoon) and Wednesday 18 November (morning).

MINUTES

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

Mr Frans Van Rompuy, Chairman, opened the 41st meeting of the Administrative Board.

The Chairman welcomed new Members and Alternate Members:

- **Poland:** Mr Wojciech Zdanowicz, Deputy Director, Department of Maritime Transport and Shipping Safety, Ministry of Infrastructure and Development, replacing Ms Katarzyna Krzywda as Board member;
- **Denmark:** Ms Anna Skov Strüver, Director, Maritime Regulation, Danish Maritime Authority, replacing Mr Francis Zachariae as Alternate member;
- **Ireland:** Ms Deirdre O’Keeffe, Assistant Secretary, Irish Maritime Administration, Department of Transport, Tourism and Sport, replacing Mr Maurice Mullen as Board member;
- **Sweden:** Ms Pernilla Wallin, Head of Personnel and Qualifications Unit, Deputy Civil Aviation and Maritime Director, Swedish Transport Agency, replacing Erik Eklund as Board member.

Absences and proxies were signalled as follows:

- Mr Joao Aguilar Machado, EC, DG MOVE provided proxy to Ms Agnieszka Kazmierczak, EC, DG SRD.
- Ms Florika Fink-Hooijer, EC, DG ECHO provided proxy to Mr Fotis Karamitsos, EC, DG MOVE.
- Lithuania and Romania were not represented and no proxies were provided.
- Iceland was not represented
- Industry representatives Mr Dirk Sterckx, who, for family reasons, resigned from the EMSA Administrative Board, and Ms Kaia Vask.

In view of possible early departures, items 10 (Head of Department A, Corporate Services) and 9 (Visits to Member States) would be taken in the morning, after item 4 (Preliminary Work Programme Draft budget/establishment plan 2016).

2. Minutes of the last meeting

The Administrative Board approved the Summary of Decisions and the Minutes of the 40th meeting held on 13 and 14 November 2014 in Lisbon.

(The approved minutes, as signed by the Chairman of the Administrative Board, are available online here <http://www.emsa.europa.eu>).

3. Adoption of the list of “A” items

The incoming Chairman of the Administrative and Finance Committee, Mr Agisilaos Anastasakos, was invited to present the recommendations of the Committee concerning the “A” items. The Committee had met the previous afternoon.

Mr Anastasakos recalled the mandate of the Committee renewed most recently by the Decision of the Administrative Board of November 14 2014, and listed the participants.

Members: France, United Kingdom, Greece and two Commission representatives.

Other participants: EMSA Executive Director, Head of Department B and Acting Head of Department A, Accounting Officer, Internal Audit Capability, Policy Advisor and other relevant EMSA staff.

The Chairman relayed an overall positive recommendation and reviewed each item as outlined below:

(a) EMSA Financial Statement for 2014:

The Committee had noted in particular the slight decrease in budget execution compared to 2014 and the considerable increase in earmarked revenues for dedicated projects and programmes. The reserve enclosed in the "Management Representation Letter" regarding the "ownership" of APM equipment and pre-fitting under the call option system, in view of the recent OW Tanker case, had been discussed in detail. The Agency would keep the Administrative and Finance Committee informed of any developments.

The Financial Statement was for information as this stage, with the final document set for adoption in November 2015.

Administrative Board action: Took note of the information provided by the Accounting Officer

(b) School Arrangement – Annual Report 2014:

The report had covered the choice of schools, the status of the administrative agreements with the schools, the work of the expert committee and the impact on the EMSA budget.

Administrative Board action: Took note of the Annual Report 2014 on School Arrangements in Lisbon.

(c) Monitoring of findings and recommendations from internal and external audits and EMSA follow up (ECA, IAS, IAC)

The Committee had examined the recommendations and findings stemming from various audit reports and evaluations covering the last two years, taken note of appropriate follow-up and welcomed the commitment of the senior management to maintaining this close follow-up. It was noted that there are no open recommendations stemming from audit reports and evaluations prior to the period covered in the summary table.

Administrative Board action: Took note of the information provided on findings and recommendations from internal and external audits and the EMSA follow-up.

(d) 2015 1st budget Amendment

The budget amendment reflected new cash payments received, mostly in connection with earmarked project financing and recorded at the start of the year as *pro memoria*. Once collected the revenue and expenditure sides of the budget needed to be amended accordingly.

Administrative Board action: Adopted a decision amending Budget 2015.

(e) Revised EMSA Financial Regulation and Implementing Rules

The revised EMSA Financial Regulation and the Implementing Rules to the EMSA Financial Regulation had respectively been adopted by the Administrative Board in December 2013 and November 2014 and both had entered into force on 1st January 2014. As requested by the Committee, the Agency had outlined the main impact on the role of the Administrative Board, which overall consisted in greater involvement in various areas including: delegation agreements, ex-ante and ex-post evaluations, amendments to the annual work programme and a number of planning and reporting milestones.

Administrative Board action: Took note of the information provided by the Agency on the main implications of the revised EMSA Financial Regulation and Implementing Rules for the EMSA Administrative Board.

(f) EMSA Implementing Rules to the Staff Regulations

In line with the model decisions for the agencies drafted by the Commission services with the assistance of the Standing Working Group on Implementing Rules, in which representatives of the Agencies participate, the following decisions had been drawn up:

- Decision laying down general provisions for implementing Article 87(1) of the Conditions of Employment of Other Servants of the European Union and implementing the first paragraph of Article 44 of the Staff Regulations;
- Decision laying down general provisions for implementing Article 43 of the Staff Regulations and implementing the first paragraph of Article 44 of the Staff Regulations for officials and temporary staff;
- Decision laying down general implementing provisions on the procedure governing the engagement and use of temporary staff under Article 2(f) of the Conditions of Employment of Other Servants of the European Union.

In addition, the following adaptation was necessary:

- Decision giving delegation to the Executive Director to act as Reporting Officer for the Accounting Officer in the context of the appraisal procedure.

Administrative Board action: Adopted the Decisions listed above.

Any other business:

Under this item, Manuela Tomassini, Head of Department B “Safety and Standards” and acting Head of Department A “Corporate Services”, had announced that from April 1 she would be replaced in her function as Secretary of the Administrative Board by Andrea Tassoni, Policy Adviser. The Committee expressed its gratitude for her services over the years.

The United Kingdom took the floor to commend Mr Anastasakos for his first session as Chair of the Committee.

The Chairman of the Board informed members that Mr Erik Eklund (Sweden) and Mr Thomas Barry (UK) would be stepping down from the Administrative Board and would probably, with the agreement of the Board, be replaced as members of the Committee by their successors. The Board welcomed both proposals.

The Administrative Board adopted or took note of, as appropriate, the above-listed “A” items, examined in detail by the Administrative and Finance Committee, on the basis of the recommendation by the Chairman of the Committee.

4. Preliminary Work Programme 2016, Draft budget/establishment plan 2016

The Chairman invited the Agency to present the Preliminary Work Programme 2016, followed by the Draft Budget 2016 and related establishment plan.

Preliminary Work Programme 2016

The Executive Director, Mr Markku Mylly, recalled the genesis of the Preliminary Work Programme 2016, which had been viewed in its outline form at the previous meeting in November 2014 and took into account comments received at that time. The document was structured per activity, identifying for each one the added value and main challenges, the planned output, as well as the legal basis and the link to the multi-annual objectives of the 5-year Strategy. A presentation was given to summarize the main priorities presented in the work programme.

The Chairman opened the floor for comments.

In general, the document was welcomed for clarity and transparency in terms of objectives and planned actions (Commission, Netherlands and UK), as well as their evolution over time (France).

Comments and clarifications were provided as follows:

Union maritime information and exchange system:

Finland welcomed assistance under this heading and encouraged a focus on harmonisation at EU level.

Central Ship Database (CSD):

The objective of the CSD was to correlate and check data across the various systems to ensure coherence, for the benefit of EMSA maritime systems as well as Member States directly, for instance for checking ship particulars in house. The CSD was under development as part of the further upgrading of SafeSeaNet (SSN 3), and a pilot project version was scheduled to be available for testing by Member States in 2015. The pilot would cover only basic information required by all Member States in order to gauge interest and possibly proceed with a full consultation to ensure alignment with actual Member State needs. (Mr Leendert Bal, Head of Department C "Operations" responding to France and the Netherlands)

Port State Control:

EMSA informed of its plans for a two-day workshop at the end of June with the objective of analysing the outcome of the current cycle of visits to Member States, also in the light of discussions in May at the Paris MoU (day 1); and exploring a series of technical and operational issues (day 2) including the question raised by Poland on Black/Grey/White lists and the method of calculation. It was indeed the right time to take stock of lessons learned through the implementation of the Directive and assess how to proceed and steer the next stages.

(Manuela Tomassini, Head of Department B "Safety and Standards" responding to Poland).

Horizontal assessment:

More focus was encouraged in this area, notably on the sharing of information (Denmark) and possibly by working it into training (Poland). The Agency and the Commission were discussing possible ways to improve the flow of information. (Manuela Tomassini, Head of Department B "Safety and Standards")

Sulphur Directive:

Planned visits to monitor its implementation were welcomed (Denmark). Whilst the integration of sampling results in THETIS through THETIS-S in order to check results was welcomed, obligations resulting from the Sulphur Directive needed to be kept clearly distinct from PSC issues (Germany). The integration of MRV and PRF provisions in THETIS was also welcomed and would hopefully contribute to much-needed harmonisation in the application of the provisions (Germany).

More immediate and urgent efforts should be turned towards developing methods for sampling at sea, along the lines of the exploratory actions intimated under "2.1.a Integrated maritime services". These actions, planned for 2016, should be advanced to 2015 (Netherlands). EMSA is involved in a demonstration project initiated by Danish shipowners concerned with enforcement capacity in order to ensure a level playing field. A UAV carrying a sensor will fly over ships to detect emissions and determine the ship fuel used. This is of particular interest for monitoring the SECA areas and possible fuel changeover, and could possibly be linked to the new THETIS-S module (an update on THETIS-S including the use of alerts by sniffers and the

emissions inventory, based on ships movements, would be provided under AOB). But feasibility and costs were very unclear at this stage and results, when available, would be presented to Member States (EMSA response). Statistics from a monitoring exercise covering the entrance of the Channel were being run in France, and would be shared (France).

In order to balance the perspective, it was recalled that SECA areas and enforcement were only part of the puzzle. Based on experience showing that industry was generally fulfilling its obligations, market pressures generated by the Charter itself were also playing a very, if not more, important part (Industry). This carried an important lesson for other areas also (Industry – see comment on HNS). A forum to gather the full range of efforts and lessons learned towards compliance with the directive was encouraged (UK) and the continuation of the ESSF was confirmed (Commission).

The Netherlands recalled a now absent reference in the previous iteration of the document to possible modal backshift, and its request to EMSA to monitor this. A written comment would be provided.

Reporting Formalities:

References to the revision of the Reporting Formalities Directive even prior to its entry into force reflected awareness of the difficulties with implementation and the Commission's commitment to a collaborative approach with Member States and with the assistance of EMSA. (Commission in response to the Netherlands)

Operational pollution response service in the Baltic:

In view of considerable cuts in the APM budget, as well as the relatively high capacity available in the Baltic States, coverage in terms of vessels in that region would likely be reduced from 2 to 1 in case the budget will fall short due to further budget cuts. Innovative equipment solutions would be sought instead, also taking into account requests of the Board in the past to explore such options. Further details would have to wait until the outcome of the budgetary procedure. (Mr Bal, Head of Department C "Operations" responding to query from Finland).

Implementation of the HNS Action Plan:

A workshop on claims management and cost recovery saw industry and insurance market representatives confirming the need and their support for a harmonised legal basis in Europe, in order to improve efficiency and effectiveness in this area. Such legal basis could be provided by the HNS Convention which, despite providing their full support at IMO, Member States were reluctant to ratify. An opportunity was being lost. (Industry)

Ballast water:

The Commission recalled that only very limited assistance could be provided in the absence of both EU competence and Agency mandate in this area. The Agency recalled the demand for assistance in this area from Member States and from the Commission in view of the imminent entry into force of the Convention – there was EU interest if not EU competence - and pointed out the cautious wording and limited resources assigned to it.

Staff expenditure:

The staff cut of 5% in the establishment plan had no impact on the budget because the posts were not occupied – they were frozen in view of the cut. (Manuela Tomassini responding to Denmark)

Minor adjustments to the draft of the Preliminary Work Programme 2016 were agreed following a small number of queries and clarifications.

Draft budget/establishment plan 2016

Manuela Tomassini outlined the Draft Budget 2016 and related establishment plan, which were in line with the Commission's Communication on programming of human and financial resources for decentralised agencies and, specifically for Anti-Pollution Measures, in line with Regulation 911/2014 on the multiannual funding for APM.

The establishment plan presented 202 statutory posts (compared to 207 in 2015). 5 posts had been earmarked for cuts foreseen in 2016, meaning that by 2016 the Agency would have already implemented the required target for all EU Institutions of 5% staff cut. The ramifications of the redeployment pool conceived by the Commission were as yet unclear.

Following on from the reorganisation of Chapters in 2015, the 2016 Draft Budget completed the process with the introduction of two new Chapters to facilitate the management of the APM and growing project financed funds: Title 4 for Anti-Pollution Measures (former Chapter 38 in previous budgetary years) and Title 5 for Project Financed Actions solely dedicated to specific earmarked revenue (R0 funds).

The 2016 Draft Budget proposed 55,843,759 in Commitment Appropriations (+ € 1,262,613 in CA compared to 2015) and 56,743,759 Payment Appropriations (+ € 3,651,562 in PA compared to 2015). Finally, whilst the proposed budget was in line with the relevant ceilings, cuts during the budgetary procedure could as usual not be excluded. A Multi Annual Schedule of Payments was also provided.

Looking in more detail per title, Title 1 and Title 2 had been kept practically at the same level whilst Title 3 "Operational Expenditure" showed an increase of € 344,108 compared to 2015 in both CA and PA. The principle variations per Chapter within Title 3 were outlined. In Title 4 Anti-Pollution Measures there was an increase of € 1,000,000 compared to 2015 in CA, and of € 3,346,003 in PA. The Title 4 figures were in line with the multi-annual envelope for APM and the considerable increase in Payment Appropriations reflected the cut in Payment Appropriations the previous year.

The Chairman of the Administrative and Finance Committee was invited to present the opinion of the Committee. It had reviewed the budget and the variations compared to the previous year, as well as the new budget structure. The Committee had also taken note of the moderate increase of 2.31% in Commitment Appropriations, which remained in line with the Communication of the Commission. The draft establishment plan and the implementation of the 5% cut required of all agencies had also been reviewed. The Committee's unanimous opinion on the Draft budget 2016 and associated establishment plan was positive.

The Administrative Board adopted the Preliminary Work Programme 2016 and associated Draft Budget (€ 55,843,759 in Commitment Appropriations and € 56,743,759 Euros in Payment Appropriations) and the Draft establishment plan 2016 (202 statutory staff in total, with a decrease of - 5 statutory posts compared to 2015, thus fully implementing the 5% cut requested of all Institutions), in line with the Commission's Communication on programming of human and financial resources for decentralised agencies 2014-2020 (COM (2013)519) and with the Regulation 911/2014 on the multiannual funding for the action of the European Maritime Safety Agency in the field of response to pollution caused by ships and to marine pollution caused by oil and gas installations.

Administrative Board Members were invited to provide written comments on the Preliminary Work Programme 2016 to the Secretariat by the end of April 2015, to be addressed as relevant at the June meeting.

10. Head of Department A, Corporate Services

With the exception of the Executive Director, the acting Head of Department A and relevant HR staff, EMSA staff was invited to leave the room for this agenda item.

The Administrative Board was briefed on the outcome of the selection procedure for the Head of Department A "Corporate Services". The CV of the successful candidate was distributed to Board Members within the meeting room, and collected at the close of the Agenda item.

In line with article 16 of the EMSA Founding Regulation, the Administrative Board provided a positive opinion on the proposed appointment by the Executive Director of Mrs Isabel Torné as Head of Department A "Corporate Services".

9. Visits to Member States

The Chairman reviewed the work of the High Level Project Group since the last meeting, as well as the status and content of the document "Possible canvas for the methodology for EMSA visits to Member States". After examining the background and framework for a future methodology, as detailed in the cover note for the agenda item, the Project Group focused on establishing what the added value of visits should be and working this into the detail of the canvas.

New elements in the document with respect to the previous version were outlined as follows:

- **Added value:** explicit and specific reference to the added value of visits at the beginning of the canvas;
- **Scope:** definition of what was out of scope of the methodology and in particular security visits;
- **Preparation of visit cycles:** section on the preparation of cycles and notably the inclusion of a workshop with Member States during this preparatory phase;
- **Observers:** possibility of observers from other Member States participating in visits;
- **Living document:** a review scheme was embedded within the methodology to ensure it can evolve with the lessons learned from Horizontal Analysis and other relevant experience, as well as accommodate new initiatives such as the possible development of KPIs in the future, or the creation of a Member State profile database.

As regards the timeline, the Chairman proposed to present a Draft Methodology at the June meeting for debate, with a view to adopting a Methodology in November.

Members warmly welcomed the canvas which, whilst not being revolutionary, covered all relevant issues and pointed in the right direction. Particular appreciation was expressed for the importance given to the dissemination of best practices and knowledge sharing (France, Denmark), including the regular feedback on Horizontal Analysis to the Board (Commission); the multi-annual dimension of the visits planning (Commission); the fact that there were no plans for multi-directive visits (Poland); and the possible initiative to develop a Member State profile database, which had been suggested by Belgium with a view to reducing the administrative burden of visits on Member States (Belgium).

Suggestions for improvement to the text included:

- attribute a higher profile and priority to concrete actions and measures to support Member States (Greece)
- include a reference to equal treatment of Member States with regard to the frequency of visits (Greece)
- add the reduction of the administrative burden on Member States to the added value list (Netherlands)
- redraft the reference to avoidance of leave periods to take into account variations in peak holiday periods across the EU as well as exceptionally heavy workload periods for certain Member States (Denmark, Italy, Spain)
- take into account the existence of Member States that are neither flag, port or coastal states (Cyprus)

Member States also raised some points for consideration: the length, extent and possibly substance of specific visits could be guided by relevant background information such as that listed as additional guidance for visit cycle specification at the end of section 2.1 (Denmark); information on key risks identified during a visit could be shared as soon as possible rather than at the end of the cycle (Denmark); an impact assessment should be planned to track possible additional costs (Germany).

Several Member States wished to see security inspections included in the maximum number of visits to any one Member State per year (Italy, seconded by Poland and Latvia) notwithstanding the fact that the mandate for those inspections belonged to the Commission with the support of the relevant national authorities gathered in MARSEC. The Commission advised against setting a maximum number at all, in order to allow for unexpected developments that meant more than two visits in one year were justified. The Agency reassured Member States that the scheduling of visits and inspections was being done in a more co-ordinated way with the Commission.

The possibility of observers participating in inspections was the main subject of debate. Overall, the initiative enjoyed broad support for the range of positive elements it would introduce, including transparency, learning and sharing of information, and peer review. However, this was inflected equally broadly with several concerns. In addition to stressing the voluntary nature of the initiative for the visited Member State, a framework for such participation would have to be developed to clarify in detail the modalities to be followed and the role of the observer.

Taking into account the debate and notably the shared support and concerns related to the possible and optional presence of observers during visits, the Chairman, with the support of the High Level Project Group, will produce a draft methodology for visits to be considered for further discussion at the June 2015 meeting, with a view to adopting a revised methodology for visits at the November 2015 meeting. Work will be conducted electronically. Finland, Greece, Norway and Poland indicated their wish to join the other Member States already part of the High Level Project Group.

5. EMSA Consolidated Annual Activity Report – Assessment by the Administrative Board

Mr Andrea Tassoni, Policy Adviser outlined the evolution of the planning and reporting requirements that had progressively been introduced into the Agency's documents, notably the present structure of the annual report where activity tables represented the core of the document, each preceded by a short explanatory text, highlighting the main achievements during the year; and the specification of budget and staff resources devoted to each activity, both in terms of "planned input" and "actual input", as well as relevant key performance indicators.

In view of the entry into force of Article 47 of the EMSA Financial Regulation and the outcome of the IAS audit on the Building Blocks of Assurance, the remaining elements needed to be put in place to fulfil the requirements of what was now referred to as the Consolidated Annual Activity Report (CAAR) 2014. A substantial increase in reporting on the management of the Agency and management assurance, following a template developed by the EU Agency network in cooperation with the Commission, would be included in the CAAR; a formal internal procedure for the drawing up of the CAAR had been developed, and the assessment of the Administrative Board would be formalised through a separate document, based on a checklist developed also by the EU Agency network, to be included in the CAAR.

The Chairman of the Administrative and Finance Committee was invited to present the opinion of the Committee. It had reviewed the proposed way forward for the assessment by the Administrative Board of the EMSA CAAR. The Committee's unanimous opinion on the proposed approach and outline, which covered the three main areas of strategic achievements, operational achievements, and management and would be further developed and completed by the Board, was positive.

The Administrative Board considered and agreed on the proposed way forward for the assessment by the Administrative Board of the EMSA Consolidated Annual Activity Report. An initial draft of the assessment would be available to the Administrative Board two weeks before the June 2015 meeting, as foreseen by Article 5.2 of the Rules of Procedure.

6. Draft Administrative Arrangements

The Chairman recalled the ongoing written procedure on the draft Delegation Agreement between the European Commission (DG GROW) and EMSA on the provision of Copernicus Maritime Surveillance services and invited members to take the opportunity to discuss the matter before the deadline (14 April 2015).

Mr Leendert Bal, Head of Department C "Operations" briefly presented the Copernicus programme as a whole, which aimed to provide continuous, independent and reliable access to observation data and information through six sets of services: marine monitoring, atmosphere monitoring, land monitoring, climate change, emergency management and security. The proposed role of EMSA was to implement the maritime surveillance element of the security services. The maritime surveillance services would provide support to multiple maritime tasks notably maritime security and safety, marine environment, fisheries control, customs, general law enforcement and defence (border control would be covered by a dedicated Copernicus service).

Mr Bal described the funding structure and in particular the benefits to EMSA. In addition to covering the full costs of the Copernicus activities, the shared use of EMSA's ICT infrastructure and the possibility to re-use the new capabilities funded by Copernicus for future services had been taken into account. Furthermore, EMSA's CleanSeaNet service would benefit from both economies of scale and dual use of satellite data. Finally, three Contract Agents would be supported by the earmarked funds for 2015 and 2016, and integrated thereafter into the EMSA budget, which would be increased accordingly.

The Commission welcomed the draft Delegation Agreement in substance and attributed delays on the Commission side to financial fine-tuning. In view of this, the Agency proposed to conclude the written procedure as launched in order to give the Executive Director the possibility to sign the result reached, and present the draft for agreement to the Commission. Whatever the outcome of the overall process, the Administrative Board should consider the current draft agreement as the minimum result in order to safeguard the conditions laid down in the Founding Regulation to accept an ancillary task.

Mr Bal explained to Finland that presenting a draft agreement to the Board earlier for their comments would not have been possible, given the complexity of the genesis of the document, which was aligned to the other Delegation Agreements that had already been signed but also adapted to EMSA specificities, and the considerable delays already encountered.

Members were also reassured that there were no firm obligations beyond 2020, which was the limit of the financial horizon at this stage. Whilst bringing the investment to a complete halt at that point was unlikely, the iterative nature of the project, which would be implemented through annual plans based on consultations with users made it difficult to foresee where the project would stand in five years. Furthermore, the Copernicus work would not represent any risk to EMSA's current systems; rather it would contribute to the evolution of EMSA applications and functionalities in a positive way, and notably the move towards system integration, of which the phasing out of old technologies and interfaces was a natural part.

The Administrative Board took note of the information provided by the Agency on the draft Delegation Agreement between the European Commission (DG GROW) and EMSA on the provision of Copernicus Maritime Surveillance services for which a written procedure had been launched with as deadline the 14th of April 2015.

7. Internal Audit Capability

Mr Tom Van Hees, Internal Audit Capability (IAC) of the Agency, was invited to present the plans of the Agency concerning the IAC.

The function of Internal Audit Capability was created by the EMSA Executive Director in 2008. This function, which is currently shared with the European Fisheries Control Agency (EFCA), mainly focusses on providing independent, objective assurance and consulting services designed to improve the operations of the Agency and liaising with the Internal Audit Service of the Commission and the European Court of Auditors, as well as supporting the Executive Director in the discharge procedure. The internal audit function itself, according to the EMSA Financial Regulation, is ensured by the Commission's internal auditor, and the tasks of the IAC complement the audits performed by the Commission's Internal Audit Service.

The new EMSA Financial Regulation introduced a requirement for the IAC to comply with the relevant international standards, with considerable impact on the organisation and activities of the IAC, notably additional administrative burden for the (single staffed) IAC and a restriction to auditing and limited consulting roles. The IAC will no longer be permitted to assist in the development of internal controls. The latter has also been pointed out by the Commission Internal Audit Service who recommended a clear segregation of tasks between the IAC and ICC in the recent audit on "Building Blocks of Assurance".

At the same time, recent evolutions and reporting obligations imposed on the Agency as well as new requirements stemming from the Financial Regulation have increased the need to further develop and strengthen management controls and reporting. Therefore, the role of the Agency's Internal Control Coordinator needs to be reinforced.

In view of the above and having noted similar choices in various other Agencies such as Frontex, Cdt, IMI and ERA, and even within the Commission, the Agency plans to discontinue the function of Internal Audit Capability, and strengthen the Internal Control Coordination function and attach this function directly to the Executive Director.

The impact for the Administrative Board would be limited. The newly appointed Internal Control Coordinator would provide the Executive Director and Administrative Board with an objective opinion on the state of play of the Agency's Internal Control systems, thus maintaining the same level of assurance provided to date; and would provide the Administrative Board with the relevant reports related to the Agency's internal control system, audit activities and the monitoring of the resulting action plans.

The Chairman of the Administrative and Finance Committee was invited to present the opinion of the Committee. It had reviewed the plans, which represented a cost effective approach to further strengthening of internal and management controls with no effect on the Administrative Board's access to audit results and the follow up thereof. The Committee's unanimous opinion was positive.

The Administrative Board considered and supported the plans of the Agency concerning the discontinuation of the Internal Audit Capability and reinforcement of the Internal Control Coordinator function.

8. Multi-Annual Staff Policy Plan 2016-2018

Manuela Tomassini was invited to present the MASPP, which was presented for adoption by the Administrative Board as usual, in accordance with Article 10.2 (cb) of the EMSA Financial Regulation. The document followed the template set by the Commission and covered a three-year period 2016-2018, with the understanding that information for the years 2017 and 2018 was purely indicative and non-binding. The Administrative Board was informed that as of planning 2017, the information in the MASPP would be embedded in the Single Programming Document.

Key sections included the overview of so-called "new tasks" and "growth of existing tasks" where it was important to note that tasks could only be described as new if they resulted from a revision of the legal basis. Therefore, tasks never performed before but covered by an existing legal basis were classified as "growth in existing task".

Slides with figures for statutory and non-statutory (contract agents and seconded national experts) posts were presented, and the breakdown of contract agents from 2015-2018 was given in detail showing the evolution of the project financed share.

With minus 5 posts in the draft establishment plan of 2016, the Agency would have successfully completed the 5 % cut required of all agencies and sincerely hoped for stability in subsequent years. However, the possible impact of the redeployment pool proposed by the Commission, if implemented, remained an unknown, as did the outcome of the budgetary procedures for each year.

The MASPP also contained a section on efficiency gains which covered gains in overhead/horizontal functions through the centralisation of administrative and support functions; the introduction of supporting electronic tools in the field of HR, procurement and budget monitoring, which reduced administrative workload allowing certain staff members to focus on tasks with higher added value; the use of in-house available expertise through the creation of tasks forces for carrying out specific projects; the implementation of an internal mobility policy and relevant tools including the creation of the Human Capital Database and clear definition of job families and career paths to support internal mobility; a screening and benchmarking exercise allowing reallocation of resources from 'overheads' to 'frontline' operational activities; and cooperation with other agencies: synergies with EMCDDA (HR, infrastructure, ICT), cooperation with EFCA (Business Continuity Facility and IAC), and with F4E (Business Continuity Facility)

The Chairman of the Administrative and Finance Committee was invited to present the opinion of the Committee. The Committee had examined the agenda item noting in particular the indicative nature of the information for 2017 and 2018 and the unknown impact of the possible redeployment pool. The Committee's unanimous opinion was positive.

The Commission, having welcomed the draft MASPP and the efficiency gains on horizontal and overhead tasks in particular, explained that the proposed 2nd layer of 5% cuts was intended to create a pool of posts from which contributing agencies could request reinforcement. The idea was to create flexibility with respect to evolving policy priorities and would not necessarily imply a loss of posts.

The Netherlands regretted that the document paid little attention to the issue of quality, alongside quantity.

The Administrative Board discussed and approved the Multi Annual Staff Policy Plan for the period 2016-2018 with the understanding that the document is only indicative as concerns 2017 and 2018.

11. Any Other Business

Being the last meeting with Manuela Tomassini as Secretary of the Administrative Board, the Chairman took the opportunity under this agenda item to express on behalf of the Board appreciation for the excellent services rendered by her over many years.

(a) THETIS-S

Manuela Tomassini was invited to present the status of the implementation of the new module THETIS-S to support the enforcement of the Sulphur Directive, which went "live" on 1.1.2015.

EMSA's role in relation to the Sulphur Directive consisted of: providing technical and scientific assistance to the Commission in the preparation of the Implementing Acts foreseen by the Revised Sulphur Directive; developing THETIS-S; providing technical support to Member States; and providing training.

Thanks to the flexibility of THETIS and the existing contractual framework for its further development, THETIS-S was created rapidly. The first figures on the number of inspections with non-compliances in and outside the SECA areas tended to support the industry perspective expressed earlier (agenda item 4) concerning its high level of preparedness for and compliance with the entry into force of the new rules, and the issue of low-sulphur fuel availability which had turned to be less of a problem than anticipated. Differences between SECA and outside SECA areas however did emerge in relation to enforcement.

The data suggested that more support was needed for Member States outside SECA, but more information and lessons needed to be gathered from the field. Two workshops were planned for 2015 to bring both PSC and sulphur experts from the Member States to contribute to the development of inspection guidance. Training had already been provided for THETIS-S users and Sulphur inspectors and more sessions were planned for the end of the year, and Member State specific learning material had been developed.

Next steps included further training courses for Sulphur Inspectors and a cycle of visits to Member States to verify appropriate implementation of the Sulphur Directive. EMSA was well placed to help develop emission inventories based on activity (calculating ship emissions on the basis of real ships' movements) for international and domestic shipping in EU. The SafeSeaNet High Level Steering Group would have to be involved in this project. This was budget neutral as funds would be organised by DG ENV. Finally, the

objective would be to enhance THETIS-S to incorporate new technologies (e.g. sniffers) in order to broaden the source of data feeding the system.

Denmark reported that THETIS-S had been identified as a vital tool for sharing data at a workshop attended by all SECA countries (EMSA had been present also). Areas for improvement such as new types of data incl. sniffer data and registration of non-availability claims in THETIS-S had also been identified and would be shared with EMSA. Data from Russia, Canada and the USA would also enrich the tool, and Demark wished to know what the feeling was concerning such extension of access. The Agency recalled that any extension to third countries would be technically possible but was the prerogative of the Commission to authorize, and any requests should be directed to it.

The UK recalled the need for a cohesive strategy to bring all lessons learned together, the overall immense cost of compliance to industry, which may not have been anticipated due to inadequate impact assessment prior to policy decisions, and that the even bigger challenge would come in 2020 with the special limits and the global regime. The Agency agreed at the UK's request to look into the different types of non-compliances, notably whether intentional or accidental.

The Administrative Board took note of the information provided by EMSA on the implementation of the new module THETIS-S.

(b) Conflict of Interest – position of the European Parliament within the Agency's discharge procedure

Manuela Tomassini recalled the Administrative Board's decision in November 2013 to publish a model declaration of commitment and confidentiality on the EMSA website and inform the public that all Board Members had signed such declaration. Whilst the discharge 2013 did not specifically single out EMSA, the general request for all agencies that had not yet done so to make publicly available the CVs of their Board Members stood. The Commission strongly supported the publication of the CVs on the website, as requested by the Discharge Authority in the 2011 and 2012 resolutions. A revision of the Policy on Conflict of Interest would therefore become necessary and would be tabled in June. Abridged CV's of EMSA's senior management published on the website served as an example of a possible format. The Commission encouraged the Board to proceed with the revision of the policy as, following ERA's confirmation the previous day, EMSA would become the only DG MOVE agency not to have implemented the request.

The Administrative Board took note of the request by the European Parliament to make available the CVs of the members of the Board, with a view to agreeing on a possible way forward at the June 2015 meeting.

Dates of next EMSA's Administrative Board Meetings:

June

Administrative and Finance Committee – Monday 1 June (morning)

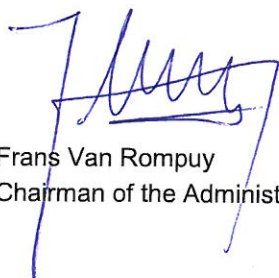
Administrative Board – Monday 1 June (afternoon) and Tuesday 2 June (morning).

November

Administrative and Finance Committee – Tuesday 17 November (morning)

Administrative Board – Tuesday 17 November (afternoon) and Wednesday 18 November (morning).

Signed:

A handwritten signature in blue ink, appearing to read 'Frans Van Rompuy', is written over a rectangular box. The signature is stylized and cursive.

Frans Van Rompuy
Chairman of the Administrative Board

Lisbon, 1 June 2015

EUROPEAN MARITIME SAFETY AGENCY (EMSA)**41st Meeting of the Administrative Board, Lisbon, 25 March 2015****LIST OF ATTENDANCE**

MEMBER STATES	
BELGIUM	
Frans Van Rompuy	Board Member - Chairman of the Board
Peter Claeysens	Alternate Member
BULGARIA	
Zhivko Petrov	Board Member
CROATIA	
Zdravko Seidel	Expert
CYPRUS	
George Demetriades	Alternate Member
CZECH REPUBLIC	
Evzen Vydra	Board Member
DENMARK	
Anne Skov Strüver	Alternate Member
ESTONIA	
Tarmo Ots	Alternate Member
FINLAND	
Tuomas Ruota	Board Member
FRANCE	
Jean-Luc Le Liboux	Alternate Member
GERMANY	
Jan Reche	Alternate Member
GREECE	
Agisilaos Anastasakos	Alternate Member
HUNGARY	
Robert Kojnok	Board Member
IRELAND	
Deirdre O'Keeffe	Board Member

ITALY	
Nicola Carlone	Board Member
Piero Pellizzari	Alternate Member
LATVIA	
Janis Krastins	Board Member
LUXEMBOURG	
Robert Biber	Board Member
MALTA	
Dulcie Tabone	Expert
THE NETHERLANDS	
Arnold van Vuuren	Board Member
A.W. de Jong	Expert
POLAND	
Wojciech Zdanowicz	Board Member
PORTUGAL	
Miguel Sequeira	Board Member
José Maciel	Alternate Member
SLOVENIA	
Jadran Klinec	Board Member
SLOVAKIA	
Josef Mrkva	Board Member
SPAIN	
Benito Núñez Quintanilla	Alternate Member
SWEDEN	
Pernilla Wallin	Board Member
Maria Gelin	Alternate Member
THE UNITED KINGDOM	
Thomas Barry	Board Member
Andrew Angel	Alternate Member

EUROPEAN COMMISSION	
Fotis Karamitsos	Board Member
Agnieszka Kazmierczak	Board Member
Barbara Sellier	Expert

PROFESSIONALS FROM SECTORS CONCERNED	
Bernd Kröger	Board Member

EFTA STATES	
NORWAY	
Olav Akselsen	Board Member

EMSA STAFF	
Markku Mylly	Executive Director
Manuela Tomassini	Head of Department B – Safety and Standards and Head of Department A f.f.
Leendert Bal	Head of Department C – Operations
Cristina Romay Lopez	Head of Unit A.1 – Human Resources and Internal Support
Dominika Lempicka-Fichter	Head of Unit A.2 – Legal, Financial and Facilities Support
Mario Mifsud	Head of Unit B.1 – Visits and Inspections
Georgios Christofi	Head of Unit B.3 – Marine Environment & Port State Control
Andrea Tassoni	Policy Advisor
Tom van Hees	Internal Audit Capability
Soraya Obura	Senior Assistant for Planning and Reporting
Selena Matic	Senior Administrative Assistant