

Lisbon, 15 June 2022

**DECISION OF THE ADMINISTRATIVE BOARD CONFIRMING THE ADOPTION AND ASSESSMENT OF THE EMSA CONSOLIDATED ANNUAL ACTIVITY REPORT 2021**

THE ADMINISTRATIVE BOARD OF THE EUROPEAN MARITIME SAFETY AGENCY,

Having regard to the European Parliament and Council Regulation 1406/2002, of 27 June 2002, as amended, establishing a European Maritime Safety Agency (hereafter EMSA or the Agency);

Having regard to the Financial Regulation of the Agency adopted by the Administrative Board on 25 July 2019 and in particular Articles 33.5, 33.8 and 48 thereof;

- (1) Whereas the EMSA Administrative Board at its 53<sup>rd</sup> meeting in November 2018 agreed to an initiative to streamline and enhance programming and reporting processes by moving the Programming Document exercise from the March to the June Board meeting and bringing the Consolidated Annual Activity Report exercise forward, from the June to the March meeting;
- (2) Whereas the Agency's provisional accounts are due to the Commission by 1 March and the European Court of Auditors' observations thereto by 1 June;
- (3) Whereas the draft EMSA Consolidated Annual Activity Report 2021 contains the provisional accounts;
- (4) Whereas the Agency has submitted the draft EMSA Consolidated Annual Activity Report 2021 taking into account the European Court of Auditors' observations of previous years, for adoption and assessment by the Administrative Board subject to the preliminary observations of the European Court of Auditors;
- (5) Whereas the preliminary observation of the European Court of Auditors with a view to a report on the annual accounts of the European Maritime Safety Agency for the financial year 2021 received on 25 May 2022 state that:
  - a) "EMSA's accounts for the year ended 31 December 2021 present fairly, in all material respects, EMSA's financial position at 31 December 2021, the results of its operations, its cash flows, and the changes in net assets for the year then ended, in accordance with its Financial Regulation and with accounting rules adopted by the Commission's accounting officer. These are based on internationally accepted accounting standards for the public sector."
  - b) "The revenue underlying the accounts for the year ended 31 December 2021 are legal and regular in all material respects."
- (6) Whereas, in the Court's opinion "except for the issues explained in the "Basis for a qualified opinion on the legality and regularity of payments" paragraph, the payments underlying the accounts for the year ended 31 December 2021 are legal and regular in all material respects.";
- (7) Whereas based upon its legal analysis the Agency has decided to enter in an adversarial procedure with the Court of Auditors to contest the observations made by the Court regarding the qualified opinion on certain payments;
- (8) Whereas the final outcome of the adversarial procedure and the final observations of the Court will be reflected in the Consolidated Annual Activity Report 2022;

HAS DECIDED AS FOLLOWS:

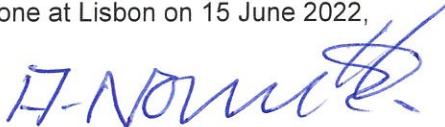
**Article 1**

The Administrative Board hereby confirms the adoption and assessment of the EMSA Consolidated Annual Activity Report 2021 taking into account the preliminary observations of the European Court of Auditors.

**Article 2**

The accounts 2021 are only formally approved by the Board once the formal approval of the Court of Auditors becomes available in early autumn.

Done at Lisbon on 15 June 2022,

A handwritten signature in blue ink, appearing to read 'A. Nordseth', with a stylized flourish at the end.

Andreas Nordseth  
Chairman of the Administrative Board