



Brussels, 3.4.2013  
COM(2013) 174 final

2013/0092 (COD)

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on 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**

(Text with EEA relevance)

{SWD(2013) 101 final}

## EXPLANATORY MEMORANDUM

### 1. OBJECTIVE OF THE PROPOSAL

The European Maritime Safety Agency ("the Agency" or "EMSA") established in 2002<sup>1</sup> was assigned tasks in the field of marine pollution response in 2004<sup>2</sup>. Bearing in mind the long-term nature of the Agency's responsibility for pollution response, the efficient and thorough completion of the tasks involved requires appropriate financial security on the basis of a multiannual commitment. Therefore, in 2006 the EU legislator established multiannual funding for the Agency's action in the field of response to pollution caused by ships for the period from 2007 to 2013<sup>3</sup>. This legislative proposal seeks to renew the multiannual funding for the period from 2014 to 2020 in the framework of the new financial perspectives<sup>4</sup>.

### 2. JUSTIFICATION FOR THE PROPOSED MEASURE

#### 2.1. Context

The large-scale maritime accident of the oil tanker ERIKA in December 1999 involving an extensive oil spill led to the creation of the Agency in 2002. In the light of the oil spill caused by the accident of the oil tanker PRESTIGE in November 2002, the Agency was entrusted with specific tasks and obligations in the field of response to pollution caused by ships. The Agency adopted an Action Plan in October 2004 for oil pollution preparedness and response (hereinafter "the Oil Action Plan"). In June 2007, a second Action Plan for Hazardous and Noxious Substances Pollution Preparedness and Response was adopted (hereinafter "the HNS Action Plan")<sup>5</sup>. The EMSA Administrative Board updates both Action Plans as part of the Agency's annual Work Programmes.

In March 2010, the Administrative Board endorsed a 5-year strategy<sup>6</sup> which contains two themes relevant for response to pollution caused by ships. Firstly, theme 8 develops EMSA's role with regard to illegal discharges by ships (enforcement issues, further enhancement of CleanSeaNet by integration of ship position information). Secondly, theme 12 deals with marine pollution preparedness and response.

Finally, the Commission proposed a modification to the EMSA Regulation in October 2010, which, *inter alia*, foresees an explicit extension of the pollution response activities to cover accidents by offshore oil and gas installations<sup>7</sup>. Furthermore, it is also suggested in this

---

<sup>1</sup> Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency (OJ L 208 of 5.8.2002, p. 1).

<sup>2</sup> Regulation (EC) No 724/2004 of the European Parliament and of the Council of 31 March 2004 (OJ L 129 of 31.4.2004, p. 1).

<sup>3</sup> Regulation (EC) No 2038/2006 of the European Parliament and of the Council of 18 December 2006 on multiannual funding for the action of the European Maritime Safety Agency in the field of response to pollution caused by ships and amending Regulation (EC) n° 1406/2002 (OJ L 394 of 30.12.2006, p. 1. See also corrigendum in OJ L 30 of 3.2.2007 p. 12).

<sup>4</sup> "A Budget for Europe 2020" COM(2011)500 and COM(2011)398, both dated 29.6.2011.

<sup>5</sup> Both action plans are available at the EMSA website under:

<sup>6</sup> <http://www.emsa.europa.eu/opr-documents/action-plans.html>

<sup>7</sup> The document is available at the EMSA website under:

<http://www.emsa.europa.eu/documents/item/145-emsa-5-year-strategy.html>

<sup>7</sup> COM(2010)611 of 28.10.2010.

proposal to extend EMSA's assistance to the EU neighbouring countries including the pollution response activities. The European Parliament and the Council reached an agreement on the proposal in April 2012 and the Regulation adopted in January 2013<sup>8</sup> confirms the aforementioned provisions.

## 2.2. Current tasks of EMSA in the field of pollution response

In accordance with Regulation 2038/2006 and Directive 2005/35/EC on ship source pollution<sup>9</sup>, the three main tasks of the Agency in the field of response to pollution caused by ships are the following:

### (a) Operational assistance to Member States

The Agency offers a network of stand-by oil spill response vessels to "top up" Member States' response capacity when affected by a spill. It also provides a satellite based oil spill detection and monitoring service called "CleanSeaNet" and information on chemical spills through the "MAR-ICE" network. Affected coastal states can request the intervention of oil spill response vessels through the Community Civil Protection Mechanism<sup>10</sup>. Smooth integration with Member State response mechanisms is undertaken through regular participation in national and regional exercises.

### (b) Cooperation and coordination

The Agency liaises with pollution response experts of Member States as well as with existing Regional Agreements and the International Maritime Organisation (IMO).

### (c) Information

The Agency collects, analyses and disseminates information on best practices, techniques and innovation in the field of marine pollution response.

| <b>Summary of deliverables (2007 – September 2012)</b>   |  |
|--|--|
| Key EMSA marine pollution preparedness and response service and associated deliverables that have been made available using the existing multi-annual funding framework are shown below. |  |
| <b>Network of Stand-by Oil Spill Response Vessels:</b>   |  |
| 16 contracts are currently active providing coverage for all the regional sea basins around the European Union.  | The EMSA vessels have participated in 36 international (cross border) operational exercises since 2007.                |
| 18 vessels, with an average recovered oil storage capacity of approximately 3500 m <sup>3</sup> can be mobilised simultaneously and ready  | Participation in exercises facilitates the integration of EMSA services with the response mechanisms of Member States. |

<sup>8</sup> Regulation (EU) No 100/2013 of the European Parliament and of the Council of 15 January 2013 amending Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency (OJ L 39, 9.2.2013, p. 30).

<sup>9</sup> Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 on ship-source pollution and on the introduction of penalties for infringements (OJ L 255, 30.9.2005, p. 11).

<sup>10</sup> Council Decision 2007/779/EC of 8 November 2007 establishing a Community Civil Protection Mechanism (OJ L 314, 1.12.2007, p. 9).

|                        |  |
|------------------------|--|
| to sail within 24 hrs. |  |
|------------------------|--|

| <b>CleanSeaNet</b>   |   |   |   |
|--|---|---|---|
| Over 12,000 satellite images have been delivered since the service was launched in April 2007, an average of over 2000 images per year.  | Over 1,000 million km <sup>2</sup> has been monitored.  | Around 200 illegal discharges per year are confirmed by Member States following “on the spot” surveillance.   |   |
| <b>Incident Response</b>   |   |   |   |
| EMSA pollution response services have been used in a total of 25 incidents since 2007. Emergency support to affected coastal states has included:<br><br>Response vessels,<br><br>Satellite imagery,<br><br>MAR-ICE activation, and<br><br>Onsite expertise. | Emergency support includes 4 mobilisations of response vessels in Europe.   | Emergency support includes 1 equipment assistance package to the USA during the Deepwater Horizon incident.   |   |
| <b>Best practice: Development and promotion</b>  |   |   |   |
| EMSA has hosted 20 expert meetings and workshops. (This is in addition to regular training with Member State duty officers regarding CleanSeaNet and/or meetings with Network vessel operators.)   | Published 7 inventories on different aspects of Member States’ preparedness and response policies and capacities. | Managed the civil servant exchange programme “EMPOLLEX”, which has facilitated the exchange of 21 experts between Member States since its inception in June 2008. | Developed one decision response tool for the application of dispersants during an incident.<br><br>Coordinated specific studies when needed (e.g. Study on discharge facilities, Safe Platform study: development of vessel requirements to operate in dangerous atmospheres) |

**2.3. Future tasks**

As explained above, with the entry into force of the amendments to the Founding Regulation in January 2013, EMSA received the following new tasks in the area of pollution response:

- a) EMSA's current response actions in case of "pollution caused by ships" will also cover "marine pollution caused by oil and gas installations",
- b) EMSA's existing CleanSeaNet will also "monitor the extent and environmental impact of marine oil pollution caused by oil and gas installations",

c) The current geographical coverage (Member States and accession countries) is extended to "European Neighbourhood partner countries and to countries taking part in the Paris Memorandum of Understanding on Port State Control". With this, the EMSA vessels can be used throughout the entire area of the Union's regional sea basins.

The Commission proposes that the earmarked amount should only extend to the first two new tasks, with initial funding to start building up the new tasks while not compromising the existing tasks. The third new task should be financed from existing EU programmes for countries covered by the enlargement policy and by the European Neighbourhood Policy (the programme SAFEMED for the Mediterranean Sea and programmes under the TRACECA initiative for the Black Sea). It is considered more appropriate from a programme management and a budgetary perspective to finance this new task from within the existing framework of EU support to these countries.

#### **2.4. Evaluation of EMSA's current activities in the field of pollution response**

In accordance with Regulation 1406/2002, the Agency has submitted reports on the financial execution of the action plans by 31 January of each year until 2012. These reports are available on the agency's website. As from 2013, the reporting will be integrated in the Agency's Annual Activity Report.

Furthermore, the Commission submitted in May 2011 a report on the implementation of Regulation 2038/2006<sup>11</sup>. This report is based on a comprehensive contribution from the Agency, as endorsed by the EMSA Administrative Board, including a stakeholder consultation and detailed scenarios<sup>12</sup>. EMSA's Administrative Board - in particular through the adoption of the work programme, the budget and the annual report - the Court of Auditors and the Budgetary Authority through the discharge procedure are supervising and monitoring the Agency's action.

The two main conclusions drawn from these evaluation activities are:

- (1) The budget dedicated to pollution response is adequate and
- (2) The measures financed are cost efficient, provide added value and are appropriately managed.

#### **2.5. Ex ante evaluation of the proposed activities**

An ex ante evaluation has been carried out and is attached to this proposal (document SEC(2013)xxx). It confirms the usefulness and the efficiency of the multiannual financial framework and determines the amount to be earmarked.

---

<sup>11</sup> COM(2011)286 of 23.5.2011.

<sup>12</sup> EMSA's contribution is available at <http://www.emsa.europa.eu/opr-documents/item/617-multi-annual-funding-mid-term-report-emsas-contribution.html>

### **3. LEGAL ELEMENTS OF THE PROPOSAL**

#### **3.1. Legal basis**

The legal basis for the proposal is Article 100 (2) TFEU, which has served as legal basis for Regulation 2038/2006 under the previous version of the Treaty.

#### **3.2. Subsidiarity and proportionality principles**

The principles of subsidiarity and proportionality are fully respected, as the Agency's action presents the European tier of a differentiated system of response to pollution caused by ships and offshore installations. Most activities are triggered by requests from the affected coastal States. The fact that the EU is contracting party to the following regional organisations might illustrate the close coordination at regional level:

- the Convention on the Protection of the Marine Environment of the Baltic Sea Area (Helsinki Convention as revised in 1992);
- the Convention for the Protection of the Mediterranean Sea against Pollution (Barcelona Convention) and to a number of protocols thereof;
- the Agreement for cooperation in dealing with pollution of the North Sea by oil and other harmful substances (Bonn Agreement);
- the Convention for the protection of the marine environment of the North-East Atlantic (OSPAR Convention);
- the Cooperation Agreement for the protection of the coasts and waters of the north-east Atlantic against pollution, (Lisbon Agreement), with its Additional Protocol, which have not yet entered into force.

The Union is also negotiating accession to the Convention on the Protection of the Black Sea against Pollution (Bucharest Convention).

#### **3.3. Choice of instrument**

A Regulation is the most appropriate legal instrument to establish a multiannual financial framework. This instrument was already chosen in 2006.

### **4. BUDGETARY IMPLICATION**

In the light of the above the Commission proposes to provide again for a multiannual financial envelope to be imputed into the Union budget for the period from 1 January 2014 to 31 December 2020 coinciding with the new multiannual financial framework. In accordance with the Commission package of June 2011 "A Budget for Europe 2020" and the current practice the amount should be taken from Heading 1 "Smart and Inclusive Growth". The Commission thus proposes earmarking an amount of € 160.5 million for the reference period. Further details are provided in the attached legislative financial statement and the ex ante evaluation. The annual amounts should be authorised by the Budgetary Authority in accordance with the budgetary procedure.

## **5. CONTENT OF THE PROPOSAL**

The proposal follows closely the structure of Regulation 2038/2006 with the necessary adaptations. It consists of the following 8 articles:

- Article 1: Objective
- Article 2: Definitions
- Article 3: Scope
- Article 4: Union funding
- Article 5: Monitoring existing capabilities
- Article 6: Protection of Union financial interests
- Article 7: Mid-term evaluation
- Article 8: Entry into force

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on 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**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the proposal to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>13</sup>,

Having regard to the opinion of the Committee of the Regions<sup>14</sup>,

Acting in accordance with the ordinary legislative procedure<sup>15</sup>,

Whereas:

- (1) Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002<sup>16</sup> established a European Maritime Safety Agency (hereinafter 'the Agency') for the purpose of ensuring a high, uniform and effective level of maritime safety and prevention of pollution by ships.
- (2) Regulation (EC) No 724/2004 of the European Parliament and of the Council of 31 March 2004<sup>17</sup>, which amended Regulation (EC) No 1406/2002, assigned to the Agency tasks in the fields of prevention and response to pollution caused by ships, following accidents in European waters, particularly those of the oil tankers "Erika" and "Prestige".

---

<sup>13</sup> OJ C , , p. .

<sup>14</sup> OJ C , , p. .

<sup>15</sup> OJ C , , p. .

<sup>16</sup> OJ L 208 of 5.8.2002, p.1.

<sup>17</sup> OJ L 129 of 31.4.2004, p. 1.



- (3) Regulation (EU) No 100/2013 of the European Parliament and of the Council of 15 January 2013<sup>18</sup>, amending Regulation (EC) No 1406/2002, assigned to the Agency tasks with regard to response to marine pollution caused by oil and gas installations and extended the Agency's services to the countries covered by the enlargement policy and by the European Neighbourhood Policy.
- (4) Regulation (EC) No 2038/2006 of the European Parliament and of the Council of 18 December 2006<sup>19</sup> established a multiannual funding for the action of the European Maritime Safety Agency in the field of response to pollution caused by ships which expires on 31 December 2013.
- (5) For the purposes of implementing the tasks of preventing and responding to pollution by ships, the Administrative Board of the Agency adopted on 22 October 2004 an Action Plan for Oil Pollution Preparedness and Response, which determines the Agency's oil pollution response activities and is aimed at optimum use of the financial resources available to the Agency. On 12 June 2007, the Administrative Board adopted an Action Plan for Hazardous and Noxious Substances Pollution Preparedness and Response. In accordance with Article 15 of Regulation 1406/2002, both action plans are updated yearly through the Agency's annual work programme.
- (6) The pollution response action of the Agency, as specified in the Action Plans, relates to activities in the fields of information, cooperation and coordination and above all the provision of operational assistance to the affected States by supplying, on request, additional anti-pollution vessels to combat oil pollution and other types of pollution such as that caused by hazardous and noxious substances. The Agency should pay particular attention to those areas identified as most vulnerable without prejudice to any other area in need.
- (7) The activities of the Agency in this field should not relieve coastal states of their responsibility to have appropriate pollution response mechanisms in place and should comply with existing cooperation arrangements providing for mutual assistance in the event of a maritime pollution incident. The Union has acceded to various regional organisations and is preparing accession to other regional organisations.
- (8) The Agency's action should be coordinated with the activities of the bilateral and regional agreements that the Union has acceded to. In the event of a maritime pollution incident, the Agency should assist the affected State(s), under whose authority clean-up operations are conducted.
- (9) The Agency should play an active role in maintaining and developing further the satellite imagery service for surveillance, the early detection of pollution and identification of the responsible ships or oil and gas installations. This system should improve the availability of data and the effectiveness of the response to pollution.
- (10) The additional means to be provided by the Agency to the affected States should be made available through the Community Civil Protection Mechanism established by Council Decision 2007/779/EC, Euratom of 8 November 2007<sup>20</sup>.

---

<sup>18</sup> OJ L 39 of 9.2.2013, p.30. .

<sup>19</sup> OJ L 394 of 30.12.2006, p.1.

<sup>20</sup> OJ L 314, 1.12.2007, p. 9.

- (11) In order to ensure thorough implementation, the Agency should be provided with a viable and cost-effective system for financing, in particular, its operational assistance to the affected States.
- (12) Financial security should therefore be provided for the funding of the tasks entrusted to the Agency in the field of pollution response and associated actions on the basis of a multiannual commitment. The annual amounts of the Union contribution should be determined by the Budgetary Authority in accordance with the annual budgetary procedure.
- (13) The amounts to be committed for the funding of pollution response should cover the period from 1 January 2014 to 31 December 2020, in line with the new multiannual financial framework. A financial envelope covering the same period should therefore be provided.
- (14) The Agency's support to countries covered by the enlargement policy and by the European Neighbourhood Policy should be financed through existing Union programmes for these countries and should therefore not be part of this multiannual financial framework.
- (15) In order to optimise the allocation of commitments and take into account any changes with regard to activities in response to pollution caused by ships, it is necessary to ensure continuous monitoring of the particular needs for action so as to allow for adaptation of the annual financial commitments.
- (16) In accordance with Regulation (EU) No 100/2013 amending Regulation 1406/2002, the Agency should report on the financial execution of the multiannual framework in its annual report.

HAVE ADOPTED THIS REGULATION:

## *Article 1*

### *Subject matter*

This Regulation lays down the detailed arrangements for the financial contribution of the Union to the budget of the European Maritime Safety Agency for the implementation of the tasks assigned to it in the field of responding to pollution caused by ships and offshore oil and gas installations, pursuant to Articles 1 and 2 of Regulation (EC) No 1406/2002.

## *Article 2*

### *Definitions*

For the purposes of this Regulation the following definitions shall apply:

- (a) "oil" means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products as established by the International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990;
- (b) "hazardous and noxious substances" means any substance other than oil which, if introduced into the marine environment, is likely to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea, as established by the Protocol on Preparedness, Response and Cooperation to Pollution Incidents by Hazardous and Noxious Substances, 2000.

## *Article 3*

### *Scope*

The financial contribution of the Union referred to in Article 1 shall be allocated to the Agency with the aim of financing actions in the field of response to pollution caused by ships and to marine pollution caused by offshore oil and gas installations such as the ones mentioned in the Agency's Action Plans for Oil Pollution Preparedness and Response and for Hazardous and Noxious Substances Pollution Preparedness and Response, in particular those relating to:

- (a) information, in particular the assemble, analysis and dissemination of best practices, techniques and innovations, such as instruments for monitoring ships' tank-emptying and for monitoring of offshore platforms for operational releases and accidental spills;
- (b) cooperation and coordination and the provision to the Member States and the Commission of technical and scientific assistance in the framework of the relevant activities of the EU Civil Protection Mechanism, the International Maritime Organization and the relevant regional agreements;
- (c) operational assistance and supporting, on request, with additional means, such as stand-by anti-pollution ships, satellite images and equipment, pollution response actions by the affected

States in the event of accidental or deliberate pollution caused by ships or marine pollution caused by offshore oil and gas installations.

#### *Article 4*

##### *Union funding*

The financial envelope for the implementation of the tasks referred to in Article 3 for the period from 1 January 2014 to 31 December 2020 shall be EUR 160.500.000 expressed in current prices.

Annual appropriations shall be determined by the budgetary authority within the limits of the financial framework. In this connection the necessary funding of operational assistance to the Member States pursuant to Article 3(c) shall be guaranteed.

#### *Article 5*

##### *Monitoring existing capabilities*

In order to define the requirements for the provision of operational assistance by the Agency, such as additional anti-pollution vessels, the Agency shall set up on a regular basis a list of the public and, where available, private pollution response mechanisms and associated response capabilities in the various regions of the Union.

The Member States shall provide the Agency with the necessary information to set up this list.

The Agency's Administrative Board shall take this list into account before deciding on the Agency's pollution response activities in the framework of the annual work programmes.

#### *Article 6*

##### *Protection of Union financial interests*

1. The Commission and the Agency shall ensure that, when actions funded under this Regulation are implemented, the financial interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by means of effective checks and the recovery of any amounts unduly paid and, where irregularities are detected, by effective, proportional and dissuasive penalties, in accordance with Council Regulations (EC, Euratom) No 2988/95<sup>21</sup> and (Euratom, EC) No 2185/96<sup>22</sup> and Regulation (EC) No 1073/1999<sup>23</sup> of the European Parliament and of the Council.

2. For the Union actions funded under this Regulation, the notion of irregularity referred to in Article 1(2) of Regulation (EC, Euratom) No 2988/95 shall mean any infringement of a

---

<sup>21</sup> OJ L 312, 23.12.1995, p. 1.

<sup>22</sup> OJ L 292, 15.11.1996, p. 2.

<sup>23</sup> OJ L 136, 31.5.1999, p. 1.

provision of Union law or any breach of a contractual obligation resulting from an act or omission by an economic operator, which has, or would have, the effect of prejudicing the general budget of the European Union or budgets managed by it, by an unjustified item of expenditure.

3. The Commission and the Agency shall, each within its respective sphere of competence, ensure that best value for money is achieved in the funding of Union actions under this Regulation.

#### *Article 7*

##### *Mid-term evaluation*

The Commission shall submit to the European Parliament and the Council, on the basis of information provided by the Agency, a report on the implementation of this Regulation no later than 31 December 2017. The report, which shall be established without prejudice to the role of the Administrative Board of the Agency, shall set out the results of the utilisation of the Union contribution referred to in Article 4 as regards commitments and expenditure covering the period between 1 January 2014 and 31 December 2016.

On the basis of this report, the Commission may, if appropriate, propose amendments to this Regulation in particular in order to take account of scientific progress in the field of combating pollution caused by ships and marine pollution caused by oil and gas installations, especially pollution caused by oil or hazardous and noxious substances.

#### *Article 8*

##### *Entry into force*

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

*For the European Parliament*  
*The President*  
[...]

*For the Council*  
*The President*  
[...]

## LEGISLATIVE FINANCIAL STATEMENT FOR PROPOSALS

### 1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

#### 1.1. Title of the proposal/initiative

Proposal for a Regulation (EU) of the European Parliament and of the Council on 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

#### 1.2. Policy area(s) concerned in the ABM/ABB structure<sup>24</sup>

06: Energy and Transport

0602: Inland, air and maritime transport policy

060203: European Maritime Safety Agency

06020302: European Maritime Safety Agency, Anti-pollution measures

Implementation of provisions related to pollution response caused by ships and to marine pollution caused by oil and gas installations

#### 1.3. Nature of the proposal/initiative

The proposal/initiative relates to **a new action**

The proposal/initiative relates to **a new action following a pilot project/preparatory action**<sup>25</sup>

The proposal/initiative relates to **the extension of an existing action**

The proposal/initiative relates to **an action redirected towards a new action**

#### 1.4. Objectives

##### 1.4.1. *The Commission's multiannual strategic objective(s) targeted by the proposal/initiative*

Objectives/EU added value in line with Europe 2020:

The Agency contributes to safe, secure and sustainable maritime transport for the EU economy and for the EU citizens. This is fully in line with the three priorities of Europe 2020:

– Smart growth: developing an economy based on knowledge and innovation. The Agency contributes to the development of the highest possible technical standards for vessels, thus promoting knowledge and innovation.

– Sustainable growth: promoting a more resource efficient, greener and more competitive economy. The Agency contributes to the prevention of pollution by vessels and the

<sup>24</sup> ABM: Activity-Based Management – ABB: Activity-Based Budgeting.  
<sup>25</sup> As referred to in Article 49(6)(a) or (b) of the Financial Regulation.

response to marine pollution in different areas. Shipping will contribute to the flagship initiative "Resource efficient Europe". The Agency will play its role in the sector implementation.

– Inclusive growth: fostering a high-employment economy delivering social and territorial cohesion. With regard to islands and ultra-peripheral regions, maritime transport is an essential element for ensuring territorial cohesion and integration into the EU. The Agency contributes to make maritime transport safe, secure and sustainable for the EU.

*1.4.2. Specific objective(s) and ABM/ABB activity(ies) concerned*

Budget area 06 02 Specific objective No. 3 Improve transport safety

ABM/ABB activity(ies) concerned 06020302 European Maritime Safety Agency

*1.4.3. Expected result(s) and impact*

*Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.*

Provide financial security in a multiannual perspective to the Agency's action in the field of response to pollution

*1.4.4. Indicators of results and impact*

*Specify the indicators for monitoring implementation of the proposal/initiative.*

EMSA has developed performance indicators, which are published in its annual work programmes. These are monitored constantly by the Administrative Board. The Agency's annual reports are the main monitoring tool.

**1.5. Grounds for the proposal/initiative**

*1.5.1. Requirement(s) to be met in the short or long term*

Allow EMSA to conclude multiannual contracts and make the necessary budgetary planning.

*1.5.2. Added value of EU involvement*

EU involvement is laid down in EMSA's Founding Regulation 1406/2002 as amended; this proposal will provide added value by allowing better planning and spending of EU money.

*1.5.3. Lessons learned from similar experiences in the past*

EMSA's specific evaluation in 2008 as well as the general evaluation of the EU Agencies in 2009 both showed the added value provided by the Agency.

The Commission submitted in May 2011 its mid-term report under reference COM(2011)286 as foreseen by Article 8 of Regulation 2038/2006.

The Internal Audit Service (IAS) of the Commission carried out a dedicated audit in 2009 regarding the network of stand-by oil spill response vessels.

1.5.4. *Coherence and possible synergy with other relevant instruments*

The proposal is coherent with the EU maritime safety policy and legislation, in particular with the EMSA Founding Regulation 100/2013 reviewing the Agency's mandate. The proposal is a follow up to Regulation 2038/2006 which will expire at the end of 2013.

**1.6. Duration and financial impact**

Proposal/initiative of **limited duration**

- Proposal/initiative in effect from 01/01/2014 to 31/12/2020
- Financial impact from 2014 to 2020 (plus outstanding payments)

Proposal/initiative of **unlimited duration**

**1.7. Management mode(s) envisaged<sup>26</sup>**

**Centralised direct management** by the Commission

**Centralised indirect management** with the delegation of implementation tasks to:

- executive agencies
- bodies set up by the Communities<sup>27</sup>
- national public-sector bodies/bodies with public-service mission
- persons entrusted with the implementation of specific actions pursuant to Title V of the Treaty on European Union and identified in the relevant basic act within the meaning of Article 49 of the Financial Regulation

**Shared management** with the Member States

**Decentralised management** with third countries

**Joint management** with international organisations (*to be specified*)

---

<sup>26</sup> Details of management modes and references to the Financial Regulation may be found on the BudgWeb site: [http://www.cc.cec/budg/man/budgmanag/budgmanag\\_en.html](http://www.cc.cec/budg/man/budgmanag/budgmanag_en.html)

<sup>27</sup> As referred to in Article 185 of the Financial Regulation.



## **2. MANAGEMENT MEASURES**

### **2.1. Monitoring and reporting rules**

*Specify frequency and conditions.*

All EU agencies work under a strict monitoring system involving internal audit capability, the Internal Audit Service of the Commission, the Administrative Board, the Commission, the Court of Auditors and the Budgetary Authority. This system as laid down in EMSA's Founding Regulation will continue to apply.

### **2.2. Management and control system**

#### *2.2.1. Risk(s) identified*

None

#### *2.2.2. Control method(s) envisaged*

Not applicable

### **2.3. Measures to prevent fraud and irregularities**

*Specify existing or envisaged prevention and protection measures.*

The anti-fraud measures under Article 20 of EMSA's Founding Regulation continue to apply. In addition, the proposal has a specific Article on protection of the Union's financial interests.

### 3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

#### 3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

- Existing expenditure budget lines

In order of multiannual financial framework headings and budget lines.

| Heading of multiannual financial framework | Budget line   | Type of expenditure    | Contribution                      |  |                      |   |
|--|---|------------------------|-----------------------------------|--|----------------------|---|
|  | Number<br>[Description.....]  | DA/NDA <sup>(28)</sup> | from EFTA <sup>29</sup> countries | from candidate countries <sup>30</sup> | from third countries | within the meaning of Article 18(1)(aa) of the Financial Regulation |
| 1a   | 06.02.03.02<br>[Contribution to EMSA Title III Anti-Pollution Measures] | DA                     | YES                               | NO                                     | NO                   | NO  |

<sup>28</sup> DA= Differentiated appropriations / DNA= Non-Differentiated Appropriations

<sup>29</sup> EFTA: European Free Trade Association.

<sup>30</sup> Candidate countries and, where applicable, potential candidate countries from the Western Balkans.

### 3.2. Estimated impact on expenditure

#### 3.2.1. Summary of estimated impact on expenditure

EUR million (to 3 decimal places) expressed in current prices

| <b>Heading of next multiannual financial framework:</b>   |             | 1       | Smart and Inclusive Growth |        |        |        |        |        |        |              |
|---|-------------|---------|----------------------------|--------|--------|--------|--------|--------|--------|--------------|
| DG: MOVE  |             |         | 2014                       | 2015   | 2016   | 2017   | 2018   | 2019   | 2020   | <b>TOTAL</b> |
| • Operational appropriations  |             |         |                            |        |        |        |        |        |        |              |
| Number of budget line 06.02.03.02   | Commitments | (1)     | 19,675                     | 20,600 | 21,600 | 22,800 | 24,675 | 25,050 | 26,100 | 160,500      |
|   | Payments    | (2)     | 19,926                     | 22,239 | 23,318 | 20,245 | 23,268 | 23,833 | 25,175 | 158,004      |
| Appropriations of an administrative nature financed from the envelop of specific programs <sup>31</sup> |             |         |                            |        |        |        |        |        |        |              |
| Number of budget line: n/a  |             | (3)     | 0                          | 0      | 0      | 0      | 0      | 0      | 0      | 0            |
| <b>TOTAL appropriations for DG MOVE</b>   | Commitments | = 1 + 3 | 19,675                     | 20,600 | 21,600 | 22,800 | 24,675 | 25,050 | 26,100 | 160,500      |
|   | Payments    | = 2 + 3 | 19,926                     | 22,239 | 23,318 | 20,245 | 23,268 | 23,833 | 25,175 | 158,004      |
| • TOTAL operational appropriations  | Commitments | (4)     | 19,675                     | 20,600 | 21,600 | 22,800 | 24,675 | 25,050 | 26,100 | 160,500      |
|   | Payments    | (5)     | 19,926                     | 22,239 | 23,318 | 20,245 | 23,268 | 23,833 | 25,175 | 158,004      |
| • TOTAL appropriations of an administrative nature financed from the envelop of specific programs       |             |         |                            |        |        |        |        |        |        |              |
| <b>TOTAL appropriations under HEADING 1 of the multiannual financial framework</b>                      | Commitments | = 4 + 6 | 19,675                     | 20,600 | 21,600 | 22,800 | 24,675 | 25,050 | 26,100 | 160,500      |
|   | Payments    | = 5 + 6 | 19,926                     | 22,239 | 23,318 | 20,245 | 23,268 | 23,833 | 25,175 | 158,004      |

<sup>31</sup> Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former "BA" lines), indirect research, direct research.

|  |          |                                |
|--|----------|--------------------------------|
| <b>Heading of multiannual financial framework:</b> | <b>5</b> | " Administrative expenditure " |
|--|----------|--------------------------------|

EUR million (to 3 decimal places)

|                                    |                | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | <b>TOTAL</b> |
|------------------------------------|----------------|------|------|------|------|------|------|------|--------------|
| <b>DG: MOVE</b>                    |                |      |      |      |      |      |      |      |              |
| • Human resources                  |                | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0            |
| • Other administrative expenditure |                | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0            |
| <b>TOTAL DG MOVE</b>               | Appropriations | 0    | 0    | 0    | 0    | 0    | 0    | 0    | 0            |

|  |                                      |   |   |   |   |   |   |   |   |
|--|--------------------------------------|---|---|---|---|---|---|---|---|
| <b>TOTAL appropriations under HEADING 5 of the multiannual financial framework</b> | (Total commitments = Total payments) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|--|--------------------------------------|---|---|---|---|---|---|---|---|

EUR million (to 3 decimal places)

|  |             | 2014   | 2015   | 2016   | 2017   | 2018   | 2019   | 2020   | <b>TOTAL</b> |
|--|-------------|--------|--------|--------|--------|--------|--------|--------|--------------|
| <b>TOTAL appropriations under HEADINGS 1 to 5 of the multiannual financial framework</b> | Commitments | 19,675 | 20,600 | 21,600 | 22,800 | 24,675 | 25,050 | 26,100 | 160,500      |
|  | Payments    | 19,926 | 22,239 | 23,318 | 20,245 | 23,268 | 23,833 | 25,175 | 158,004      |

### 3.2.2. Estimated impact on operational appropriations

- The proposal/initiative does not require the use of operational appropriations
- The proposal/initiative requires the use of operational appropriations, as explained below:

Commitment appropriations in EUR million (to 3 decimal places)

| Indicate objectives and outputs<br><br>↓   |  |                                     | 2014              |        | 2015              |        | 2016              |        | 2017              |        | 2018              |        | 2019              |        | 2020              |        | TOTAL                   |            |
|--|--|-------------------------------------|-------------------|--------|-------------------|--------|-------------------|--------|-------------------|--------|-------------------|--------|-------------------|--------|-------------------|--------|-------------------------|------------|
|  | OUTPUTS  |                                     |                   |        |                   |        |                   |        |                   |        |                   |        |                   |        |                   |        |                         |            |
|  | Type of output   | Average cost of the output          | Number of outputs | Cost   | Number of outputs | Cost   | Number of outputs | Cost   | Number of outputs | Cost   | Number of outputs | Cost   | Number of outputs | Cost   | Number of outputs | Cost   | Total number of outputs | Total cost |
| Improve Transport Safety                   |  |                                     |                   |        |                   |        |                   |        |                   |        |                   |        |                   |        |                   |        |                         |            |
| Network of Response Vessels <sup>32</sup>  | Number of vessels available for simultaneous mobilisation    | Approx. EURO 0.95 M / vessel/year   | 19                | 15,620 | 19                | 16,150 | 19                | 17,100 | 19                | 17,600 | 19                | 19,975 | 19                | 20,000 | 19                | 21,000 | 19                      | 127,445    |
| CleanSeaNet                                | Number of satellite images processed per year                | Approx. EURO 2,05 / satellite image | 2000              | 3,605  | 2000              | 3,850  | 2000              | 3,900  | 2000              | 4,550  | 2000              | 4,050  | 2000              | 4,350  | 2000              | 4,400  | 14,000                  | 28,705     |
| Cooperation and coordination / Information | Activities with Member States including training and studies | Not quantifiable                    | N/A               | 0,450  | N/A               | 0,600  | N/A               | 0,600  | N/A               | 0,650  | N/A               | 0,650  | N/A               | 0,700  | N/A               | 0,700  | N/A                     | 4,350      |

<sup>32</sup> This includes amounts for at-sea exercises as well as EUR 6.02 M to combat marine pollution caused by oil and gas installations.

|                   |  |  | 2014   | 2015   | 2016   | 2017   | 2018   | 2019   | 2020   | TOTAL   |
|-------------------|--|--|--------|--------|--------|--------|--------|--------|--------|---------|
| <b>TOTAL COST</b> |  |  | 19,675 | 20,600 | 21,600 | 22,800 | 24,675 | 25,050 | 26,100 | 160,500 |

3.2.3. *Estimated impact on appropriations of an administrative nature*

3.2.3.1. Summary

- The proposal/initiative does not require the use of administrative appropriations
- The proposal/initiative requires the use of administrative appropriations, as explained below:

EUR million (to 3 decimal places)

|  | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | TOTAL |
|--|------|------|------|------|------|------|------|-------|
|--|------|------|------|------|------|------|------|-------|

|  |   |   |   |   |   |   |   |   |
|--|---|---|---|---|---|---|---|---|
| <b>HEADING 5<br/>of the multiannual<br/>financial framework</b>          |   |   |   |   |   |   |   |   |
| Human resources  | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Other administrative<br>expenditure                                      | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| <b>Subtotal HEADING 5<br/>of the multiannual<br/>financial framework</b> | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

|              |   |   |   |   |   |   |   |   |
|--------------|---|---|---|---|---|---|---|---|
| <b>TOTAL</b> | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
|--------------|---|---|---|---|---|---|---|---|

### 3.2.3.2. Estimated requirements of human resources

- The proposal/initiative does not require the use of human resources
- The proposal/initiative requires the use of human resources, as explained below:

### 3.2.4. Compatibility with the current multiannual financial framework

- Proposal/initiative is compatible with the current multiannual financial framework.
- Proposal/initiative will entail reprogramming of the relevant heading in the multiannual financial framework.

Explain what reprogramming is required, specifying the budget lines concerned and the corresponding amounts.

The proposal concerns the multiannual financial framework for the period 2014-2020.

- Proposal/initiative requires application of the flexibility instrument or revision of the multiannual financial framework<sup>33</sup>.

Explain what is required, specifying the headings and budget lines concerned and the corresponding amounts.

### 3.2.5. Third-party contributions

- The proposal/initiative provides for the co-financing estimated below:

Appropriations in EUR million (to 3 decimal places)

|   | 2014   | 2015   | 2016   | 2017   | 2018   | 2019   | 2020   | Total   |
|---|--------|--------|--------|--------|--------|--------|--------|---------|
| <i>EFTA Contribution from Norway and Iceland calculated at 2% of the budget</i> | 0,472  | 0,407  | 0,466  | 0,407  | 0,481  | 0,481  | 0,496  | 3,210   |
| TOTAL appropriations cofinanced   | 20,147 | 21,007 | 22,066 | 23,207 | 25,156 | 25,531 | 26,596 | 163,710 |

### 3.3. Estimated impact on revenue

- Proposal/initiative has no financial impact on revenue.

<sup>33</sup> See points 19 and 24 of the Interinstitutional Agreement.