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Revision of Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency

Accompanying the document

PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on the European Maritime Safety Agency and repealing Regulation (EC) No 1406/2002

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1. INTRODUCTION

The first building blocks of European maritime safety policy were laid out at the beginning of the 1990s, following the Aegean Sea (1992) and Brear (1993) oil tanker accidents. As the EU's internal market deepened, the risks in shipping activities were acknowledged, which made the need for stronger European action on maritime safety clear. European-level efforts in the field underwent significant acceleration following the Erika (1999) and the Prestige (2002) oil tanker accidents. By causing extremely high-cost damage to the environment, as well as to the fishery and tourism sectors, these accidents highlighted the need to take action in upgrading the EU legal framework on maritime safety but also the operational need for pollution prevention and response. The Erika oil tanker accident (1999) led to the proposal of the so-called Erika I (COM(2000) 142) and Erika II (COM (2000) 802) Maritime Safety packages. These respectively comprised a set of short-term measures and a set of more complex, long-term actions aimed at enhancing European maritime safety policy.

In particular, the Erika II Package provided for the establishment of the European Maritime Safety Agency (EMSA) ("the Agency"), with the specific aim of supporting both the Commission and EU Member States with the application and monitoring of Community legislation in the field of maritime safety, as well with the evaluation of its effectiveness. EMSA was then established by Regulation (EC) No 1406/2002 of 27 June 2002, with the purpose to ensure a 'high, uniform and effective level of maritime safety and prevention of pollution by ships within the Community'.

Following the adoption of its founding Regulation, successive amendments progressively expanded the Agency's objectives and tasks to adapt its activities to the evolution of European policy in the field. Regulation (EC) No 1406/2002 has been modified five times since 2002, mainly due to the evolution of the EU's maritime legislation.

The first modification[1] to the EMSA founding Regulation was of a horizontal nature and concerned financial and budgetary procedures as well as transparency. In the light of the "Prestige" accident in 2002, the second modification[2] which entered into force in May 2004 brought considerable new tasks to the Agency in particular regarding pollution preparedness and response. This second revision took also into account the development of EU competence in the area of maritime security, requesting the Agency to provide technical assistance to the Commission inspections in the framework of Regulation 725/2004[3] on enhancing ship and port facility security. The third modification[4] provided EMSA with a multi-annual financial framework of 154 M EUR for the pollution response activities for the period 2007-2013. The fourth modification[5] which came into force in 2013 provided for the current structure of the mandate with a division of the Agency's tasks between core and ancillary tasks in order to tackle budget constraints while also expanded the objectives by including response to marine pollution caused by oil and gas installations. Finally, the

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[1] First modification by Regulation (EC) No 1644/2003 of the European Parliament and of the Council of 22 July 2003, OJ L 245 of 29.9.2003, p. 10.

[2] Second modification by Regulation (EC) No 724/2004 of the European Parliament and of the Council of 31 March 2004, OJ L 129 of 29.4.2004, p. 1.

[3] Regulation (EC) No 725/2004 of the European Parliament and of the Council of 31 March 2004 on enhancing ship and port facility security, OJ L 129 of 29.4.2004, p. 6

[4] Third modification by Regulation (EC) No 2038/2006 of the European Parliament and of the Council of 18 December 2006, OJ L 394 of 30.12.2006, p. 1, see also the corrigendum in OJ L 30 of 3.2.2007, p. 12.

[5] Fourth modification by Regulation (EU) No 100/2013 of the European Parliament and of the Council of 15 January 2013, OJ L 39, 9.2.2013, p. 30

fifth and last modification[6] provided for the coast guard cooperation between EMSA, European Border and Coast Guard Agency (FRONTEX) and the European Fisheries Control Agency (EFCA) in order to allow an efficient and effective support to national authorities carrying out coast guard functions with the inclusion of a similar Article to the mandates of all the three aforementioned Agencies.

Overall, through the above amendments, the Agency has become a key actor in the provision of technical, scientific and operational assistance in the fields of maritime safety and security, as well as in that of prevention of and response to pollution caused by ships and oil and gas installations.

However, over the past few years, EMSA has nonetheless further expanded its activities and services to respond to maritime sector actors' new needs in a changing environment. These changes in the maritime landscape are on at least five different levels:

1) the changes in maritime technologies, practices and the natural evolution of a sector subject to increased global competition and geostrategic considerations;
2) the evolution of the international maritime agenda, notably since the adoption in 2018 of the International Maritime Organisation (IMO)'s initial strategy to reduce Greenhouse Gases (GHG) emissions in line with the internationally agreed temperature goals under the Paris Agreement – and the policy discussions currently undergoing both to implement in practice such ambition and review the initial strategy;
3) the evolution in the EU's own policy and political priorities, including the larger role devoted to decarbonisation and sustainability efforts, as reflected in the European Green Deal,[7] the Sustainable and Smart Mobility Strategy[8], the "Fit for 55" package[9] and the Zero Pollution Action Plan[10], to name the most notable ones; as well as the parallel revisions of a great part of the European maritime safety acquis, in particular the EU legislation on the responsibilities of Member States as flag states[11], port states[12] and in investigating maritime accidents[13], while also there is an upcoming revision of the Ship Source Pollution Directive[14]; and
4) the progressive digitalisation of exchanges of information between maritime operators and administrations, often accompanied by a harmonised digital environment.
5) The growing demand over the years for services provided to Member States related to the maritime awareness, maritime surveillance and the support to emergencies at sea.

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[6] Fourth modification by Regulation (EU) 2016/1625 of the European Parliament and of the Council of 14 September 2016

[7] https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/european-green-deal_en

[8] Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Sustainable and Smart Mobility Strategy – putting European transport on track for the future, COM/2020/789 final

[9] https://ec.europa.eu/commission/presscorner/detail/en/IP_21_3541

[10]SWD(2021) 141 final, https://ec.europa.eu/environment/pdf/zero-pollution-action-plan/swd-monitoring-outlook_en.pdf

[11]https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12640-Compliance-with-Flag-State-requirements-shipping-_en

[12] https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12641-Port-State-control-Further-improving-safety-security-and-sustainability-of-maritime-transport_en

[13] https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12642-Maritime-Accident-Investigation_en

[14]https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12680-Maritime-sector-revising-the-EU-rules-on-illegal-discharges-from-ships_en

2. EMSA: AT THE HEART OF THE EU'S QUALITY SHIPPING

2.1. EMSA's expanding mandate

The European Maritime Safety Agency (EMSA) was created in 2002 as part of the second maritime safety package in a general effort to improve maritime safety in European waters after a number of maritime accidents, some of them leading to environmental catastrophes in Europe. However, since then the activities of the Agency have increased in various aspects of the maritime sector and a short description of what the Agency is doing today could be found below.

Safety

Maritime safety is at the heart of EMSA's work. EMSA contributes through technical expertise and research, including through the provision of studies and analysis on different aspects of maritime safety, like fire safety on container vessels, passenger ship safety, and ship steering and manoeuvrability. EMSA also works on safety aspects related to new technologies, like autonomous ships, alternative fuels, and alternative sources of power for ships (e.g. electrification), which will gain even more importance over the coming years. In general, the Agency provides technical support to the Commission and Member States and supports them during the ongoing discussions at IMO, including at the different technical working and correspondence groups and assists in the technical preparation and analysis of submissions to IMO.

EMSA's role in relation to accident investigation is to bring together the Member States' accident investigation bodies to encourage a more uniform approach as well as to provide technical and operational support and training. Moreover, the Agency hosts the European Marine Casualty Information Platform (EMCIP), a centralised database, through which Member States store and analyse information on maritime casualties and safety incidents, which is hosted at EMSA. EMCIP's data can add value by identifying safety issues, as well as pointing out possible measures that could be made to implement an enhanced safety culture at sea.

Support to Maritime Administrations in their Flag State implementation effort and in their Port State Control role is also a key part of EMSA's work. In this regard, the Agency conducts worldwide inspections of the offices of the ship inspection and certification companies (classification societies) authorised to conduct such technical surveys on-board EU flagged ships. The Agency provides knowledge-based solutions and expertise, hosting specific applications, databases such as the Port State control database THETIS, and digital services to assist the broader maritime community.

When it comes to the human element, EMSA is conducting the inspections of the seafarers' education and certification systems of third countries recognised at the EU level.

Sustainability

EMSA offers expertise in the field of environmental protection and decarbonisation of the shipping sector, helping the European Commission and EU Member States address a wide variety of ship-sourced water and air pollution, as well as greenhouse gas emissions from ships.

As knowledge hub and as the developer and provider of tools and services EMSA is also giving support to the 'Fit for 55 Package' adopted in 2021 which encompasses the Zero Pollution Action Plan, the FuelEU Maritime Initiative and the extension of the European Emissions Trading System (ETS) to maritime transport, in line with the EU's 2030 climate objectives and the European Green Deal. EMSA is supporting the Commission in the implementation of the EU maritime MRV

Regulation [15], notably the development and management of the THETIS MRV IT system, to collect data from the monitoring, reporting and verification of emissions from ships, which will be necessary to the extension of the ETS to maritime and to the FuelEU Regulation.

With THETIS-EU, EMSA supports Member State environmental enforcement efforts in relation to the Sulphur Directive and the Port Reception Facilities PRF Directive. EMSA's assistance in the development and hosting of relevant IT systems in support of the implementation of different pieces of EU environmental legislation cast the Agency as the main provider of tools in support of the ongoing effort towards greener maritime shipping.

Technical work in support of the European Commission and Member States is also provided on alternative fuels and sources of renewable energy, marine litter, underwater noise, the Directive on ship-source pollution, the Zero Pollution initiative, and Greenhouse Gases reduction policies at international and European level thus confirming the commitment of the Agency towards sustainability goals and greener shipping. EMSA also supports the implementation of the Zero Pollution Action Plan, including addressing and monitoring air pollution, marine pollution, marine litter and underwater noise.

To mitigate shipping-related environmental risks, there is a need to get an informed picture of the current situation and trends. To that effect, EMSA, together with the European Environment Agency (EEA), produced since 2021 the European Maritime Transport Environmental Report and this will become a regular report in support of decision-making.

EMSA offers a range of services to help coastal States around Europe respond quickly, effectively and efficiently to oil or chemical marine pollution incidents from ships and oil and gas installations.

The services offered by the Agency can be described as a "toolbox" from which the requesting State can pick and choose the most suitable response means. Through these services, EMSA aims to complement and top-up existing response resources at national and regional level.

The services include:

- A network of stand-by oil spill response vessels made available through contracts with commercial vessel operators. EMSA's contracted vessels have been specifically adapted for oil spill response operations, including for most of them the use of small drones to facilitate recovery operations, and are on stand-by, carrying out their usual commercial activities.

- The Equipment Assistance Service (EAS), which consists of stand-alone oil pollution response equipment stockpiles in selected areas around Europe. This service complements the response capacity available through EMSA's network of oil spill response vessels. The EAS equipment is on stand-by, ready to be mobilised around-the-clock anywhere in European waters and shared sea basins.

- A set of dispersant stockpiles across Europe available to Member States.

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[15] Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC, OJ L 123, 19.5.2015, p. 55

- The MAR-ICE Network of experts, who provide upon request product-specific information and specialist advice on chemicals involved in maritime emergencies, both remotely (MAR-ICE level 1) and on-site at the requester's command centre (MAR-ICE level 2). The MAR-ICE Network is available 24/7 to EU Member States, EFTA coastal States, and coastal EU Candidate Countries via a dedicated contact point.

Coast guard cooperation

In order to set up a European cooperation among authorities carrying out coast guard functions, the mandates of Frontex, EMSA and EFCA were amended in parallel in October 2016.

The three Agencies play a crucial role in providing common information, surveillance and training services to national authorities as well as in planning and carrying out multipurpose operations, based on capacity sharing.

Under this framework, EMSA provides surveillance services to the other two Agencies and the Member States through the Integrated Maritime System, through tracking of vessels, satellite images and real time maritime surveillance through drones (Remoted Piloted Aircraft Systems).

Surveillance

EMSA offers two satellite-based Earth Observation services to offer a unique view of the maritime landscape: CleanSeaNet and the Copernicus Maritime Surveillance service.

CleanSeaNet is a European satellite-based oil spill and vessel detection service which offers assistance in identifying and tracing oil pollution on the sea surface, monitoring accidental pollution during emergencies and contributing to the identification of polluters. Using satellite-based surveillance, CleanSeaNet is able to detect possible oil spills at sea and alert EU Member States accordingly. The CleanSeaNet service is also available to beneficiary countries participating in programmes of the European Commission, such as IPA (Pre-Accession Assistance), SAFEMED, and the ENP-programme for the Black and Caspian Sea.

The Copernicus Maritime Surveillance (CMS) Service provides Earth Observation products (satellite images and value adding products) to support a better understanding and improved monitoring of activities at sea, within a wide range of operational functions such as maritime safety and security, fisheries control, customs, law enforcement, marine environment pollution monitoring, and others. Implemented by EMSA, it is a Security Service of the EU's Copernicus Programme.

EMSA also provides its Remotely Piloted Aircraft Systems (RPAS) services free of charge to EU Member States RPAS services have been developed to assist maritime surveillance operations, supporting authorities involved in Coast Guard functions at Member States level, including relevant EU bodies such as EFCA and Frontex.

RPAS can be used as aerial platforms for sensors such as optical cameras in the visible and infrared (IR) spectral range for night and day maritime surveillance. They can also be used as IR sensors for oil slick detection and analysis, radar for maritime surveillance, and oil spill detection, and gas sensors ("sniffers") to measure the amount of sulphur oxide in a plume emitted by a ship. Additionally, all RPAS are equipped with AIS sensors to have a complete picture of vessel movements and distress detecting sensors to be able to react in case of emergencies.

Digitalisation

EMSA supports greater simplification through a variety of digital services. Vessel and voyage related information across the EU is shared among defined users through the SafeSeaNet system, with national administrations (port authorities, coastal stations, search and rescue, vessel traffic services, pollution response bodies, etc.) having 24/7 access to the system. Interaction of national systems with SafeSeaNet allows it to function as a European platform for maritime data exchange.

Maritime transport operators face a wide range of legal reporting requirements each time a ship arrives at or leaves a port. To reduce this administrative burden, EMSA will support the European Commission in the replacement of the Reporting Formalities Directive with the European Maritime Single Window environment by developing the relevant datasets and necessary databases.

In line with a 2006 amendment to the International Convention for the Safety of Life at Sea (the SOLAS Convention) introduced by the International Maritime Organisation, ships transiting through international waters are tracked through the Long-Range Identification and Tracking (LRIT) system.

EMSA operates the European Union LRIT Cooperative Data Centre (EU LRIT CDC), through which Member States, Iceland, Norway, Georgia, Montenegro, and Tunisia users can access the LRIT information of their ships worldwide as well as of any non-EU LRIT CDC Participating Country vessel bound to EU ports or sailing within 1000 nautical miles of EU waters.

EMSA is also supporting the transition of the EU maritime sector to a paperless environment, through its work on e-Certification.

2.2. Evaluation and fitness check results

The EMSA mandate underwent two external evaluations, respectively in 2008 and in 2017. The former provided an overall positive assessment of the Agency, concluding that it had "filled a gap in the maritime safety area in the European Union"[16]. It presented a set of 11 recommendations, which the 2017 evaluation found to be fully implemented. The latter, focusing on the 2013-2016 period, re-confirmed the previous study's overall positive assessment of the Agency, concluding that EMSA was a key contributor to "a safer and more secure maritime environment as well as to the increased ability of Member States to prevent and to respond to Marine Pollution"[17].

Notwithstanding these overall positive assessments, the 2017 evaluation highlighted that, going forward, an enhanced mandate would likely become necessary, allowing EMSA to better respond to still heavy administrative burdens on the maritime industry, especially in relation to the better exchange of information and reporting formalities. Overall, the 2017 evaluation concluded that "a discontinuation or a reduction of EMSA's mandate would have significant, negative impacts on maritime safety and security in Europe"[18].

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[16] COWI, Evaluation of the European Maritime Safety Agency, April 2008, p. 60

[17] Ramboll Management Consulting, Evaluation on the Implementation of the Regulation (EC) No 1406/2002 Establishing EMSA, May 2017, p. 156 http://www.emsa.europa.eu/publications/item/3092-emsa-guidance-on-the-inventory-of-hazardous-materials-3092.html

18 Ramboll Management Consulting, Evaluation on the Implementation of the Regulation (EC) No 1406/2002 Establishing EMSA, May 2017, p. 155 http://www.emsa.europa.eu/publications/item/3092-emsa-guidance-on-the-inventory-of-hazardous-materials-3092.html

A specific assessment of the cost effectiveness and cost efficiency of EMSA's oil pollution response services was also conducted in 2017[19]. The latter found that EMSA adequately fulfilled its mandate of providing oil pollution operational assistance and support. Specifically, the Agency's activities in this regard were found to be cost-effective if compared to the economic consequences that would result from a lack of capacity on its part to respond to an oil spill and preventing it from reaching the shoreline. Notwithstanding this, the assessment provided a set of recommendations for some further improvement in the way that the operational response could be improved.

Finally, the Commission undertook a Fitness Check of the 2009 EU Maritime Transport Strategy (2018)[20]. This review underlined EMSA's contribution to the cost-effectiveness of EU involvement in the field of maritime transport, stemming from providing training, capacity-building, technical assistance and common databases. In particular, the report highlighted EMSA's added value in terms of its role in hosting and promoting the development of EU-level systems, such as SafeSeaNet, THETIS and, though to a lesser extent, the EMCIP database for accident investigation. Against this background, the Fitness Check recommended to continue building on EMSA's capacities, with a focus on promoting and investing in EMSA's digital systems, applications and databases.

2.3. EMSA in a changing world

Since the last substantial amendment of the EMSA mandate in 2013, which defined the core and ancillary tasks of the Agency, there were major transformations taking place in the maritime sector, influenced from the broader political considerations and priorities. The main development is the European Green Deal, reflected in the transport and maritime sector through the policy objectives and measures announced in the Sustainable and Smart Mobility Strategy, and the maritime related legislative proposals of the 'Fit for 55' package.

The maritime transport sector significantly contributes to increasing the world's environmental footprint. Global greenhouse gas (GHG) emissions of total shipping[21] (international, domestic and fishing) have increased from 977 million tonnes in 2012 to 1,076 million tonnes in 2018 (i.e. a 9.6% increase). In turn, the share of shipping GHG emissions in global anthropogenic emissions has increased from 2.76% in 2012 to 2.89% in 2018. In terms of future outlooks, emissions are projected to increase from about 90% with respect to 2008 emissions in 2018 to 90-130% of 2008 emissions by 2050, in a range of plausible long-term economic and energy scenarios[22].

Moreover, in terms of air pollutant emissions (e.g. sulphur and nitrogen oxides, such as SOx and NOx), the picture is very similar. For instance, NOx emissions from ships are expected to increase

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[19] Ramboll Management Consulting, Study on the Cost Effectiveness and Efficiency of EMSA's Oil Pollution Response Services, April 2017, https://ec.europa.eu/transport/sites/default/files/2018-cost-effectiveness-and-efficiency-of-emsa-oil-pollution-response-services.pdf

[20] Maritime Transport Fitness Check of the legislation on flag State responsibilities, accident investigation, port State control, the vessel traffic monitoring and information system and, the reporting formalities for ships arriving in and/or departing from ports of Member States, Commission Staff Working Document, May 2018, https://ec.europa.eu/transport/sites/default/files/3rd-mobility-pack/swd20180228-fitness-check.pdf

[21] Including carbon dioxide (CO2), methane (CH4) and nitrous oxide (N2O), expressed in CO2e

[22] International Maritime Organization (2020), Fourth IMO Greenhouse gas study.
See:
https://wwwcdn.imo.org/localresources/en/OurWork/Environment/Documents/Fourth%20IMO%20GHG%20Study%202020%20-%20Full%20report%20and%20annexes.pdf

by up to 300% in the period 2012-2050[23]. Furthermore, by 2030 NOx from the shipping sector are expected to become higher than NOx from land sources[24] and littoral states of the North and Baltic Seas have currently concerns regarding the implementation of their NECAs[25] and are calling for action from EMSA and the Commission in this regard. On the other hand, SOx emissions from international maritime transport are expected to decrease by 40%-80% by 2050 compared to emissions in 2012. As of 2015, the Emission Control Areas (SECAs) established in the North and Baltic Sea led already to significant SOx emissions reduction in the region. Outside SECAs, reduction is also substantial mainly because of the entry into force of the global sulphur cap, limiting the sulphur content of fuels to a maximum of 0.50 % m/m from 1 January 2020. In this context, there is a need to enhance the enforcement of existing and upcoming sulphur rules, in the EU and in the context of regional sea conventions,[26] also in view of the development of new ECAs in EU waters, as set out in the Smart and Sustainable Mobility Strategy.

Emissions are nonetheless not the only environmental challenge within the maritime sector. Ships cause water pollution, associated with ballast water, oil, anti-fouling components, cargo and solid waste discharged from vessels during their journeys. Underwater noise further represents a growing threat for marine wildlife and the conservation of endangered species at global level. In the EU specifically, between 2014 and 2019, underwater noise energy increased from 3,000 Joule to almost 8,000 Joule. Indeed, under the Marine Strategy Framework Directive, threshold values for pollution from continuous and impulsive underwater noise were also agreed upon in 2022[27]. In addition, work is currently ongoing at the IMO on the review of the 2014 Guidelines on underwater noise.

Furthermore, marine litter pollution continues to be a persisting issue with the waste coming from ships still attributing around 20% of all the marine litter[28]. In addition, the loss of containers at sea also has a significant impact on the environment and maritime safety, through spilling goods into the sea or polluting beaches, and poses a threat for ecology and navigation. On average, 1,382 containers are reported to be lost at sea annually, which corresponds to 13,820 t of CPG each year[29]. If catastrophic events are excluded, an estimated 612 containers are lost each year.[30]

The green and sustainable transition of the maritime sector is taking place in parallel with a push for the further digitalisation of the sector leading to the so-called twin transition. The need to facilitate the exchange of available data in an effective and efficient way and reduce reporting obligations, so that considerable cost savings are materialised, has led to major policy developments under the Sustainable and Smart Mobility Strategy and, specifically, the European Common Mobility Data Space activities, as well as Big Data for Transport.

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[23] European Environment Agency (EEA) and the European Maritime Safety Agency (EMSA) (2021), European Maritime Transport Environmental Report 2021. P.149, citing IMO (2015) Third IMO greenhouse gas study 2014, International Maritime Organization, London

[24] IIAS study 2018

[25] Recent study from BE on the issue of Tier III ships performing like Tier II ships in their ECAs

[26] Decision of the Mediterranean States and the EU in the Barcelona Convention framework in 2021 to designate the whole Mediterranean as an Emission Control Area for Sulphur Oxides (Med SOx ECA). The International Maritime Organisation adopt the designation in question pursuant to MARPOL Annex VI in December 2022 with a view to take effect in 2025.

[27]https://environment.ec.europa.eu/news/zero-pollution-and-biodiversity-first-ever-eu-wide-limits-underwater-noise-2022-11-29_en

[28] Supporting study p. 24

[29] Saliba, M., Frantzi, S. and van Beukering, P., 2022. Shipping spills and plastic pollution: A review of maritime governance in the North Sea. *Marine Pollution Bulletin*, *181*, p.113939.

[30] European Maritime Safety Report 2022, EMSA

Ongoing digital and technological changes constitute another important unfolding challenge within the maritime sector. The main challenge is linked with the development of better cybersecurity and resilience for the maritime sector against hybrid threats while a major transformation of the sector would be the deployment and operation of Maritime Autonomous Surface Ships (MASS). Furthermore, digital and technological developments also provide a wide range of new opportunities in terms of data collection and management of integrated systems. This creates opportunities for the potential digitalisation, automation and standardisation of several processes, which will allow for the facilitation of safety, security, sustainability and efficiency of maritime operations, including surveillance mechanisms, at EU level.

The importance of the above developments have also been confirmed in the online targeted stakeholders' consultation where 88% of the respondents considered them, especially the green and digital transition, as crucial or very important when it comes to EMSA's new mandate[31].

Finally, the COVID-19 crisis and Russia's war of aggression against Ukraine have also contributed to the further transformation of the sector. In particular, the COVID-19 crisis resulted in major difficulties in the crew changes while also led to bigger waiting times in major ports due to traffic congestion. On the other hand, the war in Ukraine and the EU response through the adoption of related sanctions against the Russian Federation, among others, also affected the maritime sector with EMSA play a crucial role not only in supporting the Commission and the Member States by the monitoring and implementation of the sanctions but also by alleviating the global food crises through supporting the UN Joint Coordination Center in monitoring of the UN Black Sea Grain.

Evolving regulatory framework

The above policy developments have been reflected in the previous years, since the last amendment of the EMSA Regulation in 2013, in a new regulatory framework adopted or under development which had also an impact in the tasks that the Agency is called to deliver upon.

In the area of maritime safety, one of the main developments was related with the initiation of discussion in 2015, at the IMO level, and the development of the scoping regulatory exercise on the deployment of maritime autonomous and automated surface ships (MASS)[32]. Moreover, at EU level the framework related to the EU Recognised Organisations (ROs)[33] was amended in 2019 in order to incorporate necessary changes stemming from the withdrawal of the United Kingdom from the EU with the establishment of a more integrated EU oversight and monitoring programme in order to allow for a better coordination between the assessment of the ROs conducted by the Commission and the national oversight activities by the Member States.

Finally, the Commission has put forward three new proposals with the aim to improve the core legislative framework related to the flag[34] and port State[35] responsibilities of the EU Member States and the framework on maritime accident investigation[36]. This maritime safety packages aims to reflect in the EU legal order the IMO requirements under the III Code, the developments on Paris MoU in relation to port State control while the proposed revision on the accident investigation

[31] Support study p.22
[32] See: https://www.imo.org/en/MediaCentre/HotTopics/Pages/Autonomous-shipping.aspx
[33] Regulation (EC) No 391/2009 of the European Parliament and of the Council of 23 April 2009 on common rules and standards for ship inspection and survey organisations, OJ L 131, 28.5.2009, p. 11
[34] Proposal for revision of Directive 2009/21/EC on flag state control
[35] Proposal for revision of Directive 2009/16/EC on port state control
[36] Proposal for revision of Directive 2009/18/EC on maritime accident investigation

bodies aims to enhance their capacity to conduct (and report on) accident investigations in a timely, expert and independent manner. Finally, overall the package aims to introduce the digitalisation in all aspects of flag and port State functions with the promotion of electronic certificates.

Furthermore, in the area of digitalisation, Regulation (EU) 2019/1239[37] on a European Maritime Single Window environment (EMSWe)**,** which has already entered into force, introduced an interoperable system with harmonised interfaces to simplify reporting obligations for ships arriving at, staying in, and departing from EU ports. It introduced a simplified digital information system to harmonise Member States' existing national single windows and reduce the need for paperwork.

In terms of the decarbonisation of shipping, four major new legislative initiatives were introduced in this period since 2013 at EU level with the aim to reduce greenhouse gas emissions from shipping. Firstly, in 2015 the MRV Regulation on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport[38] introduced a system to collect reliable data for CO2 emissions from maritime transport. More recently, in July 2021, the Commission proposed the 'Fit for 55 package', a set of legislative proposals aiming at delivering the EU's 2030 climate objectives, and ensuring that maritime transport contributes to the increased EU climate effort and to the Paris Agreement commitments. As part of this legislative package, the FuelEU Maritime proposal[39] is set to play a key role in supporting the greening of the maritime sector, through the establishment of a common EU regulatory framework to increase the share of renewable and low-carbon fuels in the fuel mix of international maritime transport. In addition, the proposal for the extension of the EU Emissions Trading System (EU ETS) to maritime transport[40] will cap maritime transport emissions as part of the overall ETS cap, resulting in a price signal to incentivise improvements in energy efficiency and low-carbon solutions, and reduce the price difference between alternative fuels and traditional maritime fuels. Finally, the Proposal for a Regulation on the deployment of alternative fuels infrastructure[41] will set targets for shore-side electricity supply in maritime ports and set targets for supply of LNG in maritime ports.

In parallel, at the IMO level, there were major policy and legislative developments in the area of decarbonising shipping. The IMO's Initial GHG Strategy has three interlinked ambitions:

- A reduction in carbon intensity of international shipping by at least 40 per cent by 2030 compared to 2008.
- Pursuing efforts to achieve a 70% reduction by 2050, compared to 2008.

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[37] Regulation (EU) 2019/1239 of the European Parliament and of the Council of 20 June 2019 establishing a European Maritime Single Window environment and repealing Directive 2010/65/EU, OJ L 198, 25.7.2019, p. 64

[38] Regulation (EU) 2015/757 of the European Parliament and of the Council of 29 April 2015 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport, and amending Directive 2009/16/EC, OJ L 123, 19.5.2015, p. 55

[39] Proposal for a Regulation of the European Parliament and of the Council on the use of renewable and low-carbon fuels in maritime transport and amending Directive 2009/16/EC, COM/2021/562 final

[40] Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/87/EC establishing a system for greenhouse gas emission allowance trading within the Union, Decision (EU) 2015/1814 concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading scheme and Regulation (EU) 2015/757, COM/2021/551 final

[41] Proposal for a Regulation of the European Parliament and of the Council on the deployment of alternative fuels infrastructure, and repealing Directive 2014/94/EU of the European Parliament and of the Council, COM/2021/559 final

- Reduce the total annual GHG emissions from international shipping by at least 50 percent by 2050.

To provide a regulatory framework to achieve these targets, existing (and proposed) amendments to the MARPOL take a technical and operational approach to reducing GHGs. These include:

- Energy Efficiency Design Index (EEDI): New ships must be built and designed to be more energy efficient.

- Ship Energy Efficiency Management Plan (SEEMP): A practical tool for helping shipowners manage their environmental performance and improve operational efficiency.

- Energy Efficiency Existing Ship Index (EEXI): Set to enter into force in 2023, EEXI applies many of the same design requirements as the EEDI, with some adaptations regarding limited access to design data.

- The Fuel Oil Consumption Data Collection System (DCS): Mandates annual reporting of CO2 emissions and other activity data and ship particulars for all ships above 5,000 GT.

- Carbon Intensity Indicator (CII) is a rating scheme (A-E) developed by the IMO to measure the annual performance of all ships above 5,000 GT in terms of CO2 per DWT and distance covered.

Except for the above, the Initial IMO GHG Strategy is expected to be revised in 2023 together with progress on the selection of mid- and long-term measures.

In terms of the sustainability agenda, since 2013 there were three main new legislations in the policy area. Firstly, Regulation (EC) 2013/1257 on Ship Recycling[42] aims to prevent, reduce and minimise accidents, injuries and other negative effects on human health and the environment when ships are recycled and the hazardous waste they contain is removed. Moreover, the Directive on sulphur content[43] incorporated the main changes in international law on preventing air pollution from ships and especially the revised Annex VI to MARPOL convention in relation to the sulphur limits of marine fuel. In addition, the Directive on port reception facilities[44] aims to protect the marine environment from the negative effects of waste from ships using EU ports, by improving port reception facilities for waste from ships.

Except for the above new legislations, there is the proposal on the revision of the Directive on ambient air quality and cleaner air for Europe[45], which requires further monitoring by the Member States of the NOx emissions from ships in the port areas while the new proposal on the revision of the ship source pollution Directive[46] aims to incorporate all annexes of the MARPOL convention

[42] Regulation (EU) No 1257/2013 of the European Parliament and of the Council of 20 November 2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC, OJ L 330, 10.12.2013, p. 1

[43] Directive (EU) 2016/802 of the European Parliament and of the Council of 11 May 2016 relating to a reduction in the sulphur content of certain liquid fuels, OJ L 132, 21.5.2016, p. 58

[44] Directive (EU) 2019/883 of the European Parliament and of the Council of 17 April 2019 on port reception facilities for the delivery of waste from ships, amending Directive 2010/65/EU and repealing Directive 2000/59/EC, OJ L 151, 7.6.2019, p. 116

[45] Proposal for a Directive of the European Parliament and of the Council on ambient air quality and cleaner air for Europe (recast), COM/2022/542 final

[46] Proposal to revise 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

into the EU law, with the exception of Annex VI from which only the requirements on the residues from scrubbers are proposed to be transposed.

Limited capacity (resources, competences) in Member States to fulfil all their tasks to regulate the maritime sector

A third development affecting the current EMSA mandate are the constraints at the level of the Member States resources. Significant capacity, both in terms of available resources and competences, is currently required of national maritime authorities to fulfil their legal obligations and responsibilities as port, flag and coastal states. The list of tasks required of port, flag and coastal States will further increase in the foreseeable future, as a consequence of the need for them to align with changing legal frameworks and procedures at EU level.

A number of examples of the additional resources that will be required of national maritime authorities can be mentioned. The Impact Assessment report on the European Single Window environment expects additional costs for Member States to stem from making their national single windows interoperable with the newly set up European Maritime Single Window environment[47]. Another, example relates to the Impact Assessment of the FuelEU maritime proposal, which outlines the costs that will be incurred by different maritime sector actors. In particular, concerning public authorities, the Impact Assessment finds that direct costs will amount to approximately EUR 1.5 million (over the 2021-2050 period), which will be primarily related to the additional 15 minutes that will be required by port State control officers during inspections to verify documents compliance[48,49]. In turn, the Impact Assessment for the EU ETS extension to the maritime sector estimates the additional administrative costs borne by national authorities – related to the implementation of the extension of the EU ETS to the maritime sector – to consist of EUR 0.5- 1.5 million as one-off costs, and of EUR 0.5-6.4 million annually for all Member States[50].

The impact assessment of Directive 2009/21/EC on flag State control acknowledges the possible increase of administrative requirements for Member States, especially for those with small fleets. Moreover, the impact assessment of Directive 2009/16/EC on port State control (PSC) proposes to extend the scope of the Directive in order to cover more international conventions, which would increase the overall burden on Member State authorities. In addition, the ongoing revision of Directive 2009/18/EC on maritime accident investigation may result to an increase on the number of investigations by the maritime accident investigation bodies. Finally, the proposed revision for the Ship Source pollution Directive will increase the compliance cost for the maritime authorities by the inclusion of more Annexes from MARPOL in the scope of the Directive[51].

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[47] Commission Staff Working Document Impact Assessment Accompanying the document Proposal for a Regulation establishing a European Maritime Single Window environment and repealing directive 2010/65/EU, p. 52

[48] Commission Staff Working Document Impact Assessment Accompanying the Proposal for a Regulation of the European Parliament and of the Council on the use of renewable and low-carbon fuels in maritime transport, p. 63

[49] While these are the main costs expected for public authorities, it is to be noted that these are relatively low compared to the costs estimated by the Impact assessment for other maritime sector actors, in particular ship operators, who will bear the main cost under the proposal

[50] Commission Staff Working Document Impact Assessment Report Accompanying the document Directive amending Directive 2003/87/EC establishing a system for greenhouse gas emission allowance trading within the Union, Decision (EU) 2015/1814 concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading scheme and Regulation (EU) 2015/757, p. 103

[51] For the specific impacts of each initiative please check the relevant impact assessments.

Notwithstanding this, the proposals outlined above will also contribute to simplifying general administrative procedures, by allowing for more flexible mechanisms and making use of IT and information sharing tools. In particular, the revisions of the Directives on port and flag State control, as well as on maritime accident investigation, will likely call for more digitalised processes and increased information sharing between national maritime authorities. While providing long-term benefits of such changes, these will require national maritime authorities to dedicate further resources and build competence to implement new systems and meet new requirements, where national capacity might already be limited. Notably, Regulation (EU) 2019/1239 establishing a European Maritime Single Window environment further increases the need of Member States to develop and build competences in digitalising administrative processes in the maritime sector.

Besides the financial aspect, the green and digital transitions also call for a change in the skillset of the staff involved in regulating the maritime sector. The issues that play a role today are completely different from those that were most relevant in the past and these will continue to evolve during the years to come. This suggests that an increase in capacity at national level will be needed in terms of both resources and competences. As a result, it is expected that the demand for EMSA to support Member States' maritime authorities with developing guidance, technical assistance, expertise and sharing of information will increase in the future.

The importance of this development was highlighted also by the replies of the respondents in the targeted survey where 80 out of 120 respondents agreed that the issue of limited capacity amongst national authorities will be crucial or very important. Similarly, over 70% of respondents agreed to some or a large extent, that the objective of ensuring that EMSA can play a better role in supporting national administrations is relevant.

3. REVISING EMSA'S MANDATE

Given the situation outlined above, EMSA's mandate needs to be updated for the following reasons:

1) EMSA's current scope of activities, whereby it has already undertaken additional tasks to respond to emerging needs of the sector, is not properly reflected in its mandate, thus creating legal uncertainty;
2) EMSA's mandate needs to be future-proof, able to accommodate new legislation such as the maritime package;
3) EMSA needs to have the proper resources to ensure it can continue to assist Member States and the Commission;
4) The administrative and financial provisions of EMSA's mandate do not reflect the latest EU Regulatory framework.

EMSA's current scope of activities, whereby it has already undertaken additional tasks to respond to the emerging needs of the sector, is not properly reflected in its mandate, thus creating legal uncertainty

The current EMSA mandate provides for various tasks related to the Agency's objectives which could be categorised in the areas of maritime safety, sustainability and pollution response, decarbonisation, security, digitalisation and simplification, surveillance and technical support to the Member States and the Commission. A detailed overview of the current mandate and tasks of EMSA is provided in Annex I.

The structure of the current mandate has proven to be both very prescriptive one but also very flexible. In particular, although it entrusts very specific tasks to the Agency, it also has also two elements of flexibility: the division of tasks between core and ancillary together with the possibility for the Commission and the Member States to request the Agency for assistance in relation to any piece of Union legislation falling under the objectives of the Agency.

Ancillary tasks

The distinction between core and ancillary tasks[52], which was inserted as a compromise during the inter-institutional negotiations in 2013 to address the need for the Agency to be allocated more tasks, appears outdated. The policy priorities of the Commission are not adequately reflected in this distinction, especially those relating to the sustainability and decarbonisation of maritime transport.

In this regard, the ancillary task relating to addressing GHG emissions was activated in order to allow the Agency to be fully involved in the efforts under the European Green Deal and the IMO discussions. In this regard, the Agency is assisting the Commission and the Member States in the implementation of the EU MRV Regulation since 2015, through the IT system THETIS-MRV, and the preparation of relevant submissions and technical work at the Marine Environment Protection Committee (MEPC) and relevant sub-committees of the IMO. As a result, the ancillary task described in Article 2a paragraph 2(b) providing for technical assistance in relation tothe decarbonisation of the sector can no longer be considered as ancillary.

Likewise, EMSA is playing a crucial role under the Commission's proposal foreseeing the extension of the **EU Emission Trading System** (EU ETS) to maritime transport[53], for which EMSA will assist the Commission in its implementation in particular but not exclusively by developing the relevant monitoring IT tools. In turn, the Agency is going to play a crucial role in the implementation of the **FuelEU Maritime** initiative, which proposes a common EU regulatory framework to increase the share of renewable and low-carbon fuels in the fuel mix of international maritime transport[54], by already developing relevant IT and monitoring tools. Finally, the Commission proposal for a **Regulation on the deployment of alternative fuels infrastructure** will set targets for shore-side electricity supply in maritime ports and set targets for supply of LNG in maritime ports. EMSA is already supporting in this regard the Commission and the Member States by having **developed guidance documents for LNG bunkering[55], Shore-Side Electricity[56], for biofuels[57] and ammonia[58] while further research in alternative fuels and their safety risks are under way**. The Agency has also started looking into the issue of alternative sources of power for shipping, and two studies were delivered on the potential of bio-fuels and ammonia, looking at options that could support the ambitious objectives towards greener shipping.

Furthermore, EMSA is also increasingly involved in assisting the Commission in the implementation of additional aspects of environmental sustainability policy and legislation,

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[52] Article 2a of the current EMSA mandate
[53] https://eur-lex.europa.eu/resource.html?uri=cellar:5e601657-3b06-11eb-b27b-01aa75ed71a1.0001.02/DOC_1&format=PDF; https://ec.europa.eu/clima/system/files/2016-11/com_2013_479_en.pdf
[54] COM(2020) 789 final
[55] Reference to EMSA Guidance on LNG Bunkering to Port Authorities and Administrations (EMSA, 2018)
[56] Reference to EMSA Guidance on Shore-Side Electricity to Port Authorities and Administrations (EMSA, 2021)
[57] Reference to EMSA Guidance: Update on Potential of Biofuels for Shipping (EMSA, 2022)
[58] Reference to EMSA Guidance: Potential of Ammonia as Fuel in Shipping (EMSA, 2022)

including the **Zero Pollution Action Plan**[59] and the **EU Marine Strategy Framework Directive (MSFD)**[60]. The Agency, on the basis of the relevant ancillary task in Article 2a paragraph 2 point (a), is already conducting research and supports the Commission and the Member States with its scientific and technical knowledge on the issues of underwater noise and lost containers.

Finally, in the area of digitalisation and surveillance, EMSA has been delegated the management of the maritime surveillance service under the Copernicus Maritime Security Services program of the Commission and the interoperability project for facilitating the exchange of information, the Common Information Sharing Environment (CISE), under the relevant ancillary tasks, envisaged in Article 2a paragraph 2 points (c) and (d).

On the other hand, other ancillary tasks have disappeared from the policy agenda. For instance, EMSA has never become active in the area of inland waterways (Article 2a paragraph 2 point (f) and paragraph 3 point (b)), which are still listed as ancillary tasks in EMSA's founding Regulation.

Tasks on the basis of requests by the Commission and the Member States

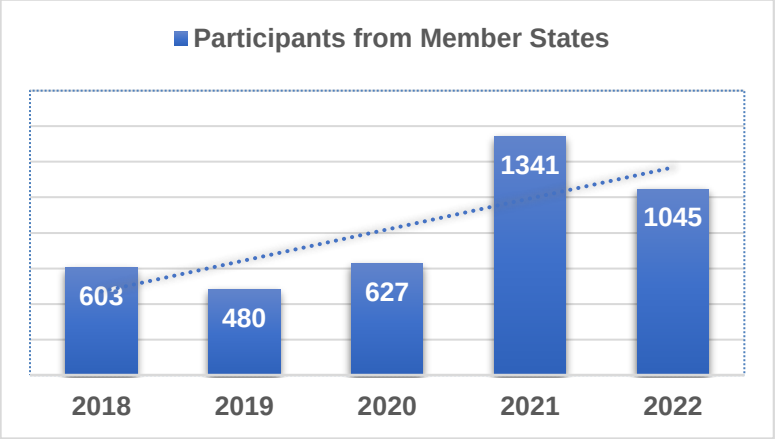
The mandate provides that the Commission and the Member States could request the Agency for assistance in relation to any piece of Union legislation falling under the objectives of the Agency. On the basis of this possibility, the Agency has undertaken many tasks which are not specifically referred to in its current mandate.

A full list of these tasks with their detailed description is provided in Annex II. In terms of horizontal activities, the Agency has developed further the capacity building activities offered by the development of common core curricula, online part-time courses, eLearning modules, learning services and enhancement and maintenance of relevant tools, now under the umbrella of the so-called EMSA Academy which was created in 2020. The capacity building portfolio of the Agency has substantially grown. Today, learning services are designed, developed and delivered by the Agency in a blended mode (in person and online, both in synchronous and asynchronous mode), thus increasing the possibility to reach new or greater number of participants. **52 learning services were delivered in 2022** (common core curricula, part-time online courses and short courses), compared to 24 in 2018. They **were attended by 1,045 participants** from different competent authorities (in charge of Flag State responsibilities, Port State Control, Sulphur and Ship Recycling Inspectors, new entrants from Maritime Administrations, Accident Investigators, Anti-pollution personnel, CSN and SSN operators, RPAS, etc.) compared to a total of 603 in 2018.

[59] SWD(2021) 141 final, https://ec.europa.eu/environment/pdf/zero-pollution-action-plan/swd-monitoring-outlook_en.pdf

[60] https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32008L0056&from=EN

Figure 1: Evolution of participation by Member States in EMSA's capacity building (source: EMSA)



Maritime safety

Moreover, in the area of safety the Agency has enhanced its offer on many existing pieces of legislation with the expansion of the relevant tasks already allocated to it but not properly reflected in its mandate. In particular, the Agency has now upgraded its **research capabilities** with the undertaking of many studies in issues related to maritime safety, such as passenger ship stability and fire protection, while it issued the first ever European Maritime Safety Report (EMSAFE) with the identification of relevant risk trends underpinned by safety risk models and continues to issue ad hoc studies and guidance on various safety issues.

In this regard, the Agency is also playing a pivotal leading role in exploring the risks of the deployment of Maritime Autonomous and Automated Surface Ships (**MASS**) by assisting the Member States and the Commission with the risk assessment for the deployment of such new types of innovative ships.

Furthermore, the Agency, especially following the revision of the Recognised Organisations (**ROs**) Regulation in 2019, has become the facilitator of the exchange of information between the Commission and the Member States providing vital assistance to both for the monitoring and oversight activities of the EU ROs. These tasks in combination with the Agency providing technical assistance and its technical opinion to the Commission on the assessment of the ROs and the possibility to follow up any infringements with remedial actions are currently not anchored properly in the Agency's mandate.

Finally, the Agency has developed databases and IT tools for the implementation of the passenger ship safety legislation and the marine equipment Directive. While for the former the Agency is also assisting the Commission in the assessment of the exemptions and equivalences communicated by the Member States, for the latter the Agency is assisting the Commission by acting as the secretariat for the relevant coordination group of the notified bodies.

Sustainability

In terms of the assistance requested by the Commission in the area of sustainability, outside of the context of the activation of the relevant ancillary tasks described above, there was a considerable increase in these tasks in comparison to the previous period and what was reflected in the EMSA mandate in 2013. First of all, the Agency, together with the European Environment Agency (EEA), has been tasked by the Commission to issue the **European Maritime Transport Environmental Report** (EMTER) which provides a factual analysis of the environmental pressures exerted by the maritime transport sector. It gives up-to-date information on the relevant EU and international environmental standards and describes current and future actions to reduce the sector's impact on our environment.

Moreover, since the introduction of EU legislation on the **reduction in the sulphur content of marine fuels** in 2012, EMSA has been contributing to the implementation of this legislation through the establishment of the Sulphur module in the THETIS-EU database, assisting Member States in the inspections under the Directive[61], while also providing key operational assistance through the monitoring of the sulphur content of ship emissions by remotely piloted aircraft systems (RPAS). In the same vein, it also provides upon requests of the Member States similar

[61] EMSA sulphur guidance which supported discussion at IMO on sulphur enforcement, https://www.emsa.europa.eu/about/items.html?cid=14&id=2407

services for NOx emissions assisting them in the collection of data, especially in port areas, in order to assist them with the implementation of the Ambient Air Quality Directive[62]. Moreover, the Agency provides assistance to the Commission in the implementation of the Ship Recycling Regulation with provision of guidance on inspections and on the Inventory of Hazardous material and with the development of the Ship Recycling module in the THETIS EU database. In addition, the Agency is assisting the Commission with the implementation of the **Port Reception Facilities Directive**[63] by developing relevant databases and IT tools which provide a system for users to register and exchange data on inspections and verifications foreseen by EU legislation that are not covered by the Port State Control Directive.

EMSA is also continuing to provide the operational pollution response services to top-up the capacities of EU coastal States in response to marine pollution caused by ships or oil and gas installations. EMSA's current operational response toolbox includes the network of stand-by oil spill response vessels, the Equipment Assistance Service (EAS) available for Vessels of Opportunity (VOO), the stockpiles of dispersants and the operational tools for incidents involving hazardous and noxious substances (MAR-ICE service and MAR-CIS database). However, on the basis of the developments described above, and in particular, the deployment of new alternative sustainable fuels for shipping, EMSA would have to adjust the response mechanisms and the operational tools to be able to respond to potential pollution from these new fuels.

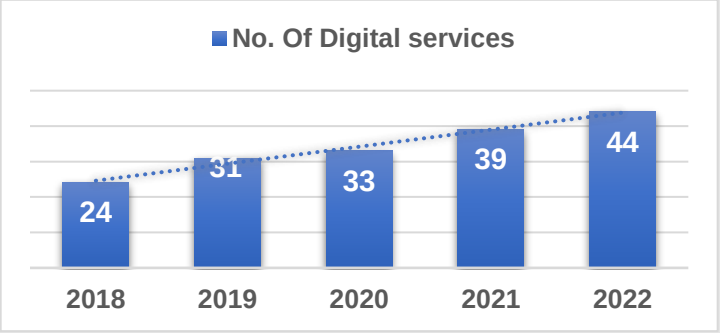
Digitalisation

Given the wealth of data the Agency has access to, along with the digital services, networks and knowhow it has developed over time, EMSA is uniquely placed to further support a safe, secure and sustainable digitalisation of the maritime sector at the EU level by being the EU data hub of the maritime domain under the **EU mobility data space**. In this regard, the Agency is providing crucial assistance to the development of the **European Maritime Single Window Environment** (EMSWe). The latter will contribute to the simplification and harmonisation of the information procedures behind the reporting obligations imposed on shipping companies through national, EU and international law. Moreover, the Agency is already contributing to the digitalisation of the Member States registries, including by issuing electronic certificates through the development of relevant databases and innovative tools. Overall, **30,000 individual users** are today benefitting from these services, which have also increased over time.

[62] Directive 2008/50/EC of the European Parliament and of the Council of 21 May 2008 on ambient air quality and cleaner air for Europe, OJ L 152, 11.6.2008, p. 1 and also Proposal for a revision of the Ambient Air Quality Directives (2022), https://environment.ec.europa.eu/publications/revision-eu-ambient-air-quality-legislation_en

[63] Directive (EU) 2019/883 of the European Parliament and of the Council of 17 April 2019 on port reception facilities for the delivery of waste from ships, amending Directive 2010/65/EU and repealing Directive 2000/59/EC, OJ L 151, 7.6.2019, p. 116

Figure 2: Number of digital services offered by EMSA (source: EMSA)



Furthermore, EMSA plays a vital role in the development of cybersecurity and cyber resilience in the maritime domain. **The number of cybersecurity incidents in the maritime sector has gone up** significantly and there is a growing concern amongst Member States, but also expressed in recent EU policy documents[64]. As the number of cybersecurity incidents and accidents have been growing in the maritime sector, the Agency started to have a closer look at this issue.

Surveillance and crisis management

In terms of crisis management assistance, EMSA was tasked by the **Offshore Safety Directive**[65] to further assist the Member States and the Commission in the preparation and execution of external emergency response plans.

However, the main change in terms of the Agency tasks in the area of surveillance and crisis management was the COVID-19 crisis and Russia's war of aggression. Monitoring the impact of the COVID-19 pandemic, the EMSA Maritime Support Service (MSS) provided **regular reports on the movements** of cruise ships (as passenger demand collapsed) and oil tankers (used as additional storage as consumption declined). Equally important, the Agency produced regularly **reports on the impact of COVID-19 on maritime traffic** and guidelines for the resumption of cruise operations in Europe in the aftermath of the pandemic. The operational support with RPAS deployments and satellite earth observation products has helped Member States to further improve the surveillance of their waters with a view of performing all kinds of coast guard functions. The satellite imagery and vessel positioning information also helped to support EU interests elsewhere in the world, ranging from monitoring EU flagged vessels to giving technical assistance to antipiracy operations, thereby helping to better protect the EU merchant fleet on a global scale.

Just as the maritime sector started to recover from the pandemic, **the Russian Federation's invasion of Ukraine required an immediate response from EMSA**. MSS is actively assisting the implementation of sanctions with quasi-real-time reporting on the arrival of vessels carrying solid fuels (coal), crude oil and petroleum products exported by the Russian Federation, as well as on calls by vessels under the Russian flag. **Digital services were developed** to facilitate the identification and monitoring of suspicious vessels that could fall under the sanctions regime. Furthermore, reports on the impact of the war on maritime traffic in the Black Sea are also regularly produced.

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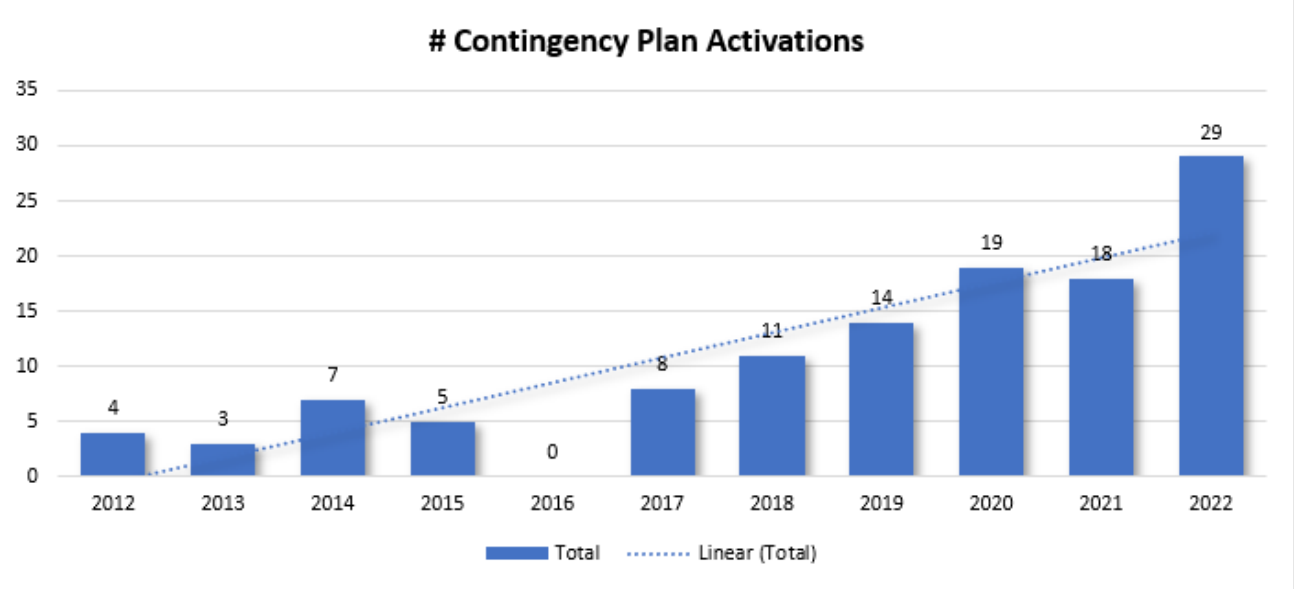
[64] Council Recommendation of 8 December 2022 on a Union-wide coordinated approach to strengthen the resilience of critical infrastructure, ST/15623/2022/INIT, OJ C 20, 20.1.2023, p. 1

[65] Directive 2013/30/EU of the European Parliament and of the Council of 12 June 2013 on safety of offshore oil and gas operations and amending Directive 2004/35/EC, OJ L 178, 28.6.2013, p. 66

Likewise, MSS has also produced daily reporting on the Black Sea Grain Initiative, **providing the Commission, the Joint Coordination Centre/UN and Ukraine with a regular overview of the use of the established transit corridor**, the locations of vessels loaded with agricultural products and alerting on any major deviations from expected routes. MSS has also leveraged the data available to EMSA to identify vessels suspected of transporting grain stolen from Ukraine. Moving from the tactical to operational level, MSS is providing regular reporting on LNG tankers and container vessels loitering around the European Union, as well as extensive reporting on the overall impact on trends on vessel movements in the Black Sea. Exploiting an evolving analytical capability, MSS **is producing specific reports when requested on the movements of banned vessels and flag changes for ships falling under the EU sanctions**.

As the above demonstrates, this unique service for responding to maritime accidents and pollution is in high demand, with 2022 showing a 61% increase in activations compared to 2021 and having almost tripled when compared to 2018 (11 activations in 2018 vs. 29 in 2022). Simultaneously, the average length of Contingency Plan Activations, following a maritime accident, is increasing, up to 12.7 days in 2022.

Figure 3: Contingency plan activations (source: EMSA)



All in all, the current EMSA mandate does not reflect properly the wide range of tasks that Agency has been called to act and deliver upon. This problem was also identified by the stakeholders consulted. Based on the results of the targeted stakeholders consultation, the majority of the respondents agree with the fact that EMSA's mandate is outdated by the evolution of the Agency's scope of activities and does not provide a clear legal basis reflecting EMSA's actual role. In turn, the open public consultation results revealed **that 73% of respondents strongly (33.3%) or somewhat agreed (40%) with the same statement**[66].

[66] See p.37 of the supporting study.

EMSA's mandate needs to be future-proof, able to accommodate upcoming legislation such as the maritime package

Whilst the first reason focuses on the tasks currently being carried out by EMSA (while not being clearly included in its mandate), the second reason for amending the Agency's mandate is more forward-looking and considers new tasks that will stem from upcoming legislation – namely, the new maritime package. In this regard, the Agency's new actions in the areas provided by the proposal on the new Flag State Directive[67], the proposal on the new Port State Directive[68], the proposal on the new Accident Investigation Directive[69] and the new proposal on the Ship Source Pollution Directive[70], will also need to be reflected properly in the Agency's.

In this context, the below table provides an overview of the main changes for each of the pieces of legislation mentioned above, which all set the basis for potential additional tasks for EMSA.

Legislation recently adopted/under preparation	**Main (expected or proposed) additional tasks for EMSA**
Revision of Directive 2009/21/EC on flag state control	• Provide information systems and services (the Union Maritime Information and Exchange System) for risk assessment. • Support in training, sharing of experience and capacity building for flag State work/inspectors • Support in the modernisation of the currently mostly paper-based ship registers (ship records and certificates)
Revision of Directive 2009/16/EC on port state control	• Develop training programmes for PSCOs adopting a more pro-active (rather then as now a more re-active) safety, and pollution prevention approach • Support the inclusion of fishing vessels within the scope of port State control
Revision of Directive 2009/18/EC on maritime accident investigation	• Provide Member States accident investigation bodies with clarity and precision regarding definitions • Provide assistance and support to Member States with small fleets and/or limited coastlines • Provide further operational assistance to Member States, including also capacity building

[67] COM (2023)272
[68] COM (2023)271
[69] COM (2023)270
[70] COM (2023)273

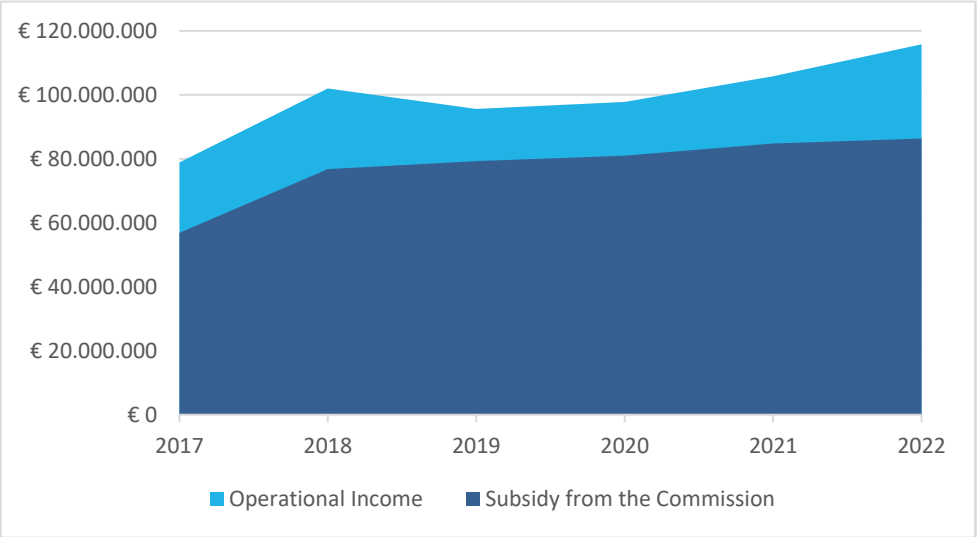
Legislation recently adopted/under preparation	Main (expected or proposed) additional tasks for EMSA
Revision of Directive 2005/35/EC on ship-source pollution	• Include more Annexes from MARPOL in the scope of the Directive • Build upon THETIS EU, SSN and CSN, develop a specific digital tool to collect data on illegal discharges from ships and the related prosecution (to monitor the implementation of the Ship Source Pollution Directive) • Provide more technical and operational assistance to MS in aerial surveillance and reaction to pollution /illegal discharge, including pollution from hazardous and noxious substances (HNS) to MS • Provide an online tool for the possibility to report illegal discharges

EMSA needs to have the proper resources to ensure it can continue to assist Member States and the Commission

Over the most recent years (2017-2022), EMSA's revenues and expenditure have evolved alongside the expansion of the Agency's tasks. EMSA's revenues are composed of the Commission's subsidy, the EFTA contribution and EMSA's operational income, which includes project-financed actions as well as other revenue. EMSA's revenues have followed a stable trend between 2017 and 2022, after their last expansion due to the coast guard cooperation activities integrated in the EMSA mandate in 2016. Figure 4 provides an overview of the evolution of EMSA's revenues over the 2017-2022 period[71].

[71] The figure is based EMSA's last amending budgets.

Figure 4: EMSA's revenues, 2017-2022



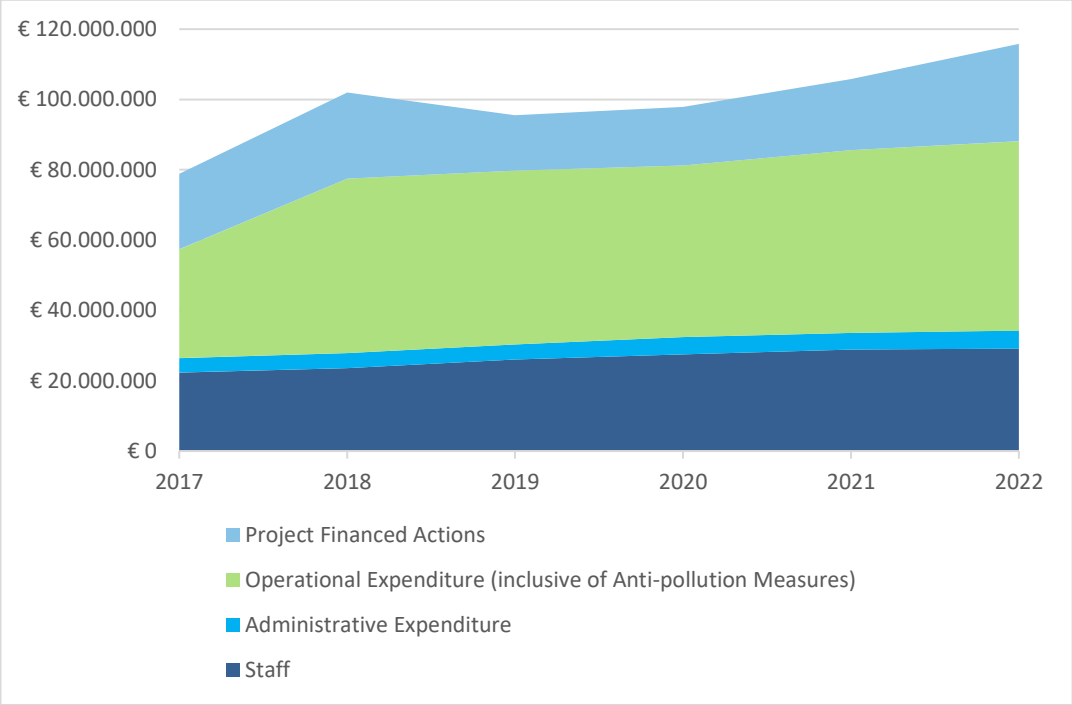
Source: EMSA Amended Budget 2017, 2018, 2019, 2020, 2021,2022

Mirroring the increased budget, EMSA's expenditures have also followed a similarly stable throughout the period considered. The main source of increase during this period was driven primarily by EMSA's operational expenditure[72] and by its project-financed actions[73]. Figure 5 below provides an overview of the evolution of EMSA's expenditure over the 2017-2022 period.

[72] Including information services and databases, information and communication, operational workshops and training, studies in support of the Agency's operations, mission expenses, long range identification and tracking data centre, anti-pollution measures, cooperation on coast guard functions.

[73] Including maritime information services, assistance to candidate and ENP countries, surveillance service level agreements, Cleanseanet services to third parties, Copernicus, Equasis, Thetis modules, and other miscellaneous expenditures.

Figure 5: EMSA expenditure, 2017-2022[74]



Source: EMSA Budget 2017, 2018, 2019, 2020, 2021, 2022

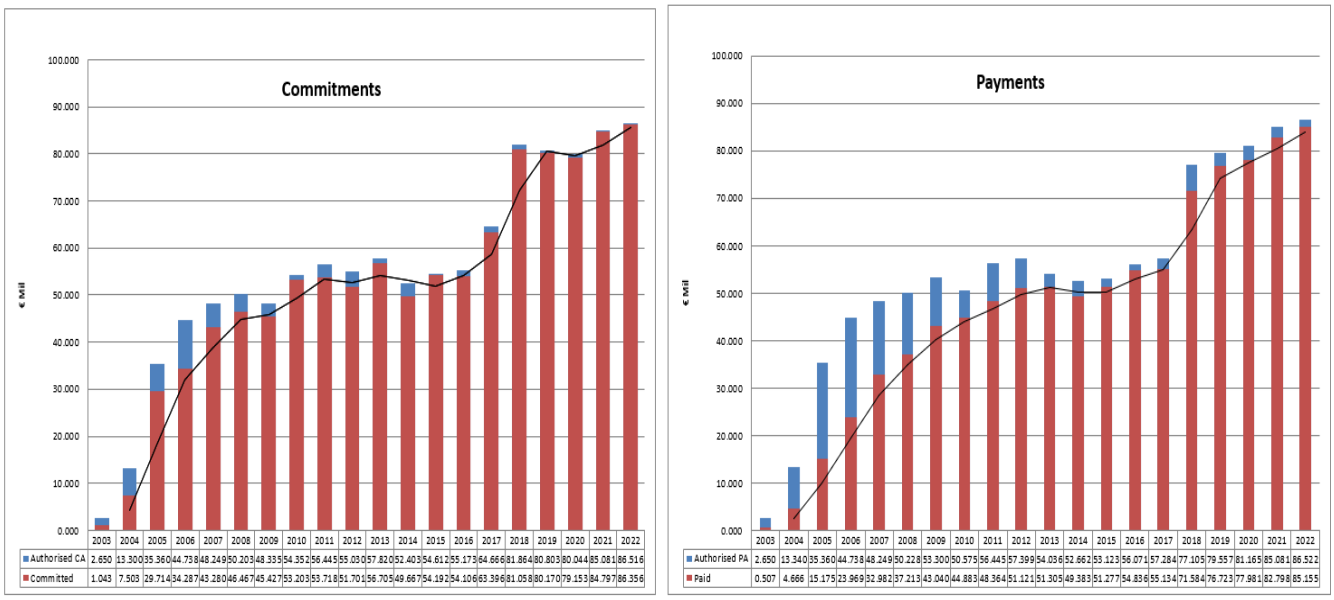
In this regard, the EMSA's 2017 evaluation highlighted the need to expand even further the Commission's subsidy to the Agency to allow for the uptake of EMSA's progressively growing set of tasks[75]. Indeed, even though the Agency has undertaken more tasks in the past years, its budget has remained stable, with the exception of the increase dedicated to the coast guard cooperation functions.

Furthermore, it must be underscored that the flexibility mechanisms allowed the Commission and Member States to entrust new tasks to EMSA without an assessment of the human and financial resources implications of doing so. As a result, since 2013, the Agency has taken over without a proper analysis of the financial and human implications. Any reinforcement of the Agency could only take place through project financed activities under the activation of the ancillary tasks prescribed in Article 2a of its current mandate.

Therefore, while preserving the flexibility mechanism to make sure that EMSA's mandate remains future-proof, the new mandate should also introduce a safeguard whereby an analysis of the financial and human implications of each additional task is done prior to entrusting a new task to the Agency.

[74] The figure is based EMSA's last amending budgets..
[75] Evaluation on the implementation of the Regulation (EC) no 1406/2002 establishing EMSA, final report, 2017, p. 129

Figure 6: EMSA's budget 2003-2022 (Source: EMSA)



An analytical table with the financial and human resources that the Agency is going to need in order to continue delivering on the existing tasks and the tasks allocated to it through other pieces of legislation is provided in Annex II. These resources are necessary for the Agency to be able to continue delivering at the same level as today on the tasks allocated to it. Most of the resources needed by the Agency have been the subject of individual impact assessments for the relevant pieces of legislation while the expanded tasks in section 4 were the subject of an analysis by the support study underpinning the revision of the current EMSA mandate.

The administrative and financial provisions of EMSA's mandate do not reflect the latest EU Regulatory framework

The current governance and financial framework of the EMSA mandate was crafted in 2013 and has remained unchanged since then. However, the governance provisions were not aligned with the Common Approach adopted by the European Parliament, the Council and the Commission[76]. As a result, the governance structure of the Agency is not up to date with the common approach taken on issues spanning from the management board and the voting rights the lack of an executive board to assist the executive Director in the daily issues of the Agency, mainly of financial and administrative nature, as well as the new procedures and content of the annual and multiannual work programme. Moreover, in 2019 the new financial framework[77] came into force which also affected the budgetary provisions of the current mandate.

As a result, the Agency has been forced to operate with two parallel legislative frameworks, which are not fully aligned. This has led the mandate to be outdated and created problems with the compliance of the Agency, especially with the new multiannual financial framework (MFF). Thus, it is imperative to align the mandate with these new developments.

[76] https://european-union.europa.eu/system/files/2022-06/joint_statement_on_decentralised_agencies_en.pdf
[77] Commission Delegated Regulation (EU) 2019/715 of 18 December 2018 on the framework financial regulation for the bodies set up under the TFEU and Euratom Treaty and referred to in Article 70 of Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council, OJ L 122, p.1

A related issue is the fact that the current mandate needs to be updated also in relation to the possibility of the Agency to provide services against fees. The current mandate provides already for the possibility the Agency to provide services against fees but there no proper legal mechanism to facilitate that this possibility can be exploited. In particular, there is no decision-making mechanism whereby the Commission and the Agency's governing bodies could decide which kind of potential services, falling under the objectives and scope of the Agency's mandate, should be offered against fees, and to which parties, such as possibly third countries and the industry.

4. EXPANDED FUTURE TASKS OF THE AGENCY

This part focuses on the description of tasks that the Agency has to some extend already undertaken but which are proposed to be expanded and reflected in the legal mandate of the Agency. A more detailed analysis of the potential cost savings for the Member States by the Agency undertaking these tasks is provided in the support study, while a detailed tabled is provided in Annex II. The stakeholders consulted under the targeted consultation showed to a great degree their agreement with these expanded tasks, supported "to a large extent" or "to some extent" by over 50% of total respondents[78].

Assist the Commission and the Member States in crisis management and in the execution of their contingency plans

The Agency demonstrated during the COVID-19 crisis and the war in Ukraine its capacity to assist the Commission and the Member States in tackling such situations of crisis, by especially providing them valuable information assisting in the execution of their contingency plans.

The Agency will continue to provide multi-disciplinary technical and operational support to Member States and the Commission in relation to crisis preparedness and response, including:

- Preparing guidelines and contingency measures
- Acquiring and sharing data
- Providing aggregation and analytical capabilities
- Providing services needed to support crisis management development and operation

Notably, through the Maritime Awareness Centre, described below, EMSA will provide intelligence on global and EU maritime operations, by sharing near real-time information to assist EU and national level decision-making structures and contributing to the early detection of significant changes and aggregated risks. Moreover, via the Maritime awareness centre, EMSA will support reaction, response, management and monitoring of occurring or evolving events both on a strategic and tactical level, with a near-real time overview.

24/7 Maritime Awareness Center

The Maritime Awareness Centre will be the expanded version of the Maritime Support Services (MSS), which is currently the focal point for the activation of the Contingency Plan of EMSA supporting Member States and the Commission.

[78] For a detailed analysis of the consultation results please see the supporting study p. 48 onwards

EMSA has so far absorbed the growth of the service, described above, by limiting the scope of its service, both in depth (providing a minimum support service only) and timeframe (working hours only). The activation of the Contingency Plan outside of working hours relies on stand-by officers and on officers on shift. As a result, and due to the human and financial resources constraints outlined above, it is limited to relaying requests for satellite imagery and the activation of services such as pollution response vessels, rather than providing a complete maritime expertise service.

To absorb the workload generated by a continued growth of activations for safety, security and sustainability related incidents, as well as, to responding to extraordinary situations such as COVID-19 and Russia's large scale invasion of Ukraine, support is limited to extended office hours only. In effect, this means that a potential crisis situation or a sanctions violation will only be detected *a posteriori*.

The Maritime Awareness Centre will therefore provide the platform for the Member States to receive tailored support from EMSA**,** where a 24/7 service can be efficiently centralised and available whenever a vessel arrives or departs the EU.

This measure is a suitable response to the notable growth in Contingency Plan activations, with a 24/7 availability being fundamental for an efficient response, ensuring that action is taken whenever a situation occurs. Likewise, a 24/7 service will enable round-the-clock assistance in extraordinary circumstances, for example the early detection and avoidance of safety risks, sanctions violation, rather than *a posteriori* remedial action.

This service will also enable EMSA, and by extension the Commission, to offer more added-value services to Contingency Plan activations and to build more in-depth relationships with operators in the Member States. Under this policy measure, an EMSA Analyst can be made available for each case, providing the Member States and/or the Commission with expertise for exploiting the full suite of information and services available. For example, the EMSA Analyst can quickly help to identify relevant information (e.g. ownership, inspections, deficiencies, other vessels potentially involved), services and facilitate contact to the wider Agency, as Member States focus on responding to emergency situations.

Finally, thanks to the use of new technologies, the Maritime Awareness Centre will help identify new threats more quickly, enabling a pre-emptive reporting in scenarios that can impact efficiency in maritime transport or situations that are more prone to accidents.

The stakeholders consulted supported the further engagement of EMSA in assisting the Member States and the Commission in crisis management, also through the 24/7 Maritime Awareness Center, with 70% agreeing to the need for such an assistance.

Assistance to the Commission and the Member States with the monitoring and oversight of the ROs

The current activity of the Agency related to ROs consists of assistance to the Commission in monitoring the work of ROs with a view to enabling the Commission to assess their performance in terms of retaining recognition. This entails the conduct of an annual inspection programme to RO head offices, regional offices and ships, the drafting of pre-assessment documents for the Commission and extensive evaluation follow-up stemming from these activities. In terms of its assistance to the Commission, EMSA is also expected not only to assess the seriousness and effects of RO infringements but also to assist in the determination of the magnitude and terms of payment of the fines.

The revision of the RO Regulation in 2019 and the new working arrangements with the European Commission has also generated additional workload for the Agency. Regarding the **European Monitoring and Oversight Programme,** EMSA's monitoring activity in support of the European Commission's oversight of ROs has already expanded to cover assistance to the Member States' RO oversight obligations under the III/RO Codes[79]. Thus, this task will reflect the current situation but also will be expanded due to the need for further assistance to the Member States stemming also from the new proposal on the flag State Directive.

Research on the deployment of alternative fuels, including safety risks stemming from these developments and electrification of maritime transport, and assist Member States

The support that EMSA provides in relation to alternative fuels is an expanded task within the context of the core task of prevention of pollution from ships, which has substantially increased since 2018, both at international and EU level, due to the green agenda for shipping.

In 2018 there were no tasks related to the safety implications of alternative fuels and the progress in electrification. The use of new fuels entails serious safety risks, as the most performing environmentally friendly fuels could be associated with higher safety risks such as with ammonia and hydrogen. Also, the carriage on board of vessels of electrical vehicles and the use of electricity for propulsion create safety challenges, which need to be addressed.

Since 2018, **the Agency has seen an exponential increase in requests for assistance by the Commission and the Member States**. This has materialised in new tasks linked the implementation and enforcement of the Sulphur Directive (and since 2020 of the global Sulphur cap), the revision of the PRF Directive and the assistance regarding the EU MRV Regulation.

This substantial EU legislative *acquis* has materialised in constantly increasing technical assistance by EMSA to the Commission and the EU Member States, for example with provision of data and analyses, support in the drafting of the annual reports, production of guidance, support to training, organisation of workshops and additional assistance to the Commission upon request.

The Agency has also ensured the technical secretariat to the ESSF (European Sustainable Shipping Forum) and its increased contribution in number sub-groups (with one dedicated to Sustainable Alternative Sources of Power, and one on Energy Efficiency) and to the European Ports Forum and its Sustainable Ports Subgroup (where EMSA can play an increasingly active role).

The current staff has also been involved with their expertise in the visits' cycle for the Sulphur Directive and will be needed for the new cycle expected to start in 2024 for PRF Directive.

Moreover, new topics have also emerged, such as underwater generated noise, Marine Strategy Framework Directive and the Zero Pollution Action Plan. On top of that, the EMTER developed and delivered together with the EEA has become a recurrent task for the Agency (next iteration in 2024).

The European Green Deal has finally requested the heavy involvement from EMSA at the side of the Commission for the shaping of two fundamental pieces of legislation: the extension of the ETS to maritime transport and the FuelEU Maritime proposal. EMSA already contributed to the

[79] IMO Instruments Implementation Code (III Code) (adopted by resolution A.1070(28) of IMO) and Code for Recognized Organizations (RO Code) (adopted by resolutions MEPC.237(65) and MSC.349(92) of IMO).

development of the legislative proposals and will also be heavily involved in the development of secondary legislation and the necessary IT tools. Assistance in implementation of such legislations and maintenance of the underlying IT systems will become structural permanent tasks for the Agency also in the longer term.

Regarding IMO, the Agency has been called upon to support the Commission in the growing discussions on agenda items falling under the remit of the MEPC (Marine Environment Protection Committee) and the PPR (Pollution Prevention and Response) Sub-Committee, as well as all the Inter-sessional working groups and correspondence groups where the technical expertise of the Agency is considered essential.

65% of the stakeholders consulted agreed that this expanded task should be properly reflected in EMSA's mandate. Under this task, EMSA will continue providing support to Member States in the study and deployment of alternative fuels. Research and assistance will entail multiple activities, such as the conduction of further studies, the development of guidance, the organisation of meetings with Member State experts. Research and guidance in this area will dedicate particular attention not only to the sustainability dimension but also to the safety risks associated with alternative fuels.

In particular, studies might be of a more general nature (e.g. those currently being delivered on a specific "fuel"), or more specific, leading to the delivery of guidance, for instance on the safe bunkering operation, or on how to respond to a spillage from a specific substance or the deployment of Onshore Power Supply (OPS). Regarding safety specifically, studies may consist of safety assessments of new types of technological developments using risk-based and goal-based models; these would also result in guidance documents for industry regarding their safe implementation.

Assistance for developing cybersecurity resilience

This task was also not present during the last amendments of the mandate.

Building upon its current involvement in establishing cybersecurity resilience in the maritime domain, the Agency will set up a system to allow Member States to inform each other about cyber incidents and accidents in the maritime domain and to collect and disseminate best practices regarding measures for the maritime sector to better protect them against cybersecurity threats.

Support the Commission and the Member States in the implementation of the EMSWe

The Commission has heavily relied until now on EMSA for the implementation of the EMSWe without this being planned in the initially adopted legislative proposal and the resources allocated from the EU budget. The Agency's contribution aimed at defining common standards for exchanging information between declarants and the National Single Windows and at developing information services that allow the interoperability of all National Single Windows. In particular EMSA has delivered the bellow actions:

- EMSA delivered the specifications of the common reference EMSWe dataset, of the functionalities of National Single Windows' user interfaces, and of common database services. For that task, EMSA worked with transport and customs experts from the Commission, Member States and the Shipping Industry.
- The specifications delivered by EMSA were reflected in Delegated and Implementing adopted by the College of Commissioners published in February 2023.

- EMSA contributed on behalf of the Commission to the elaboration of the IMO Compendium on Facilitation and Electronic Business which defines a harmonised worldwide standard for the electronic fulfilment of reporting obligations in Maritime Single Windows.

The implementation of the EMSWe requires the following additional tasks to be carried out by EMSA:

1. Maintenance of the EMSWe specifications including the EMSWe reference data set and the Message Implementation Guide (MIG, which specifies the information message exchanges between declarants and the National Maritime Single Windows). Changes of the EMSWe dataset are foreseen by the EMSWe Regulation to reflect changes in reporting obligations applied to ships in EU ports. Corresponding changes will be needed in the MIG. The maintenance work will require cooperation with experts from the Commission (MOVE, TAXUD), from the Member States and from the Shipping Industry.

2. Maintenance of the EMSWe databases (EMSWe Ship Database, Common Location Database, Common Hazmat Database), once they are made available by mid-2024. This includes correction of technical issues, and small software upgrades.

3. Testing, validation, operation and monitoring of the EMSWe IT components (Reporting Interface Module - RIM, User Registry and Access Management system – URAM, and EMSWe databases). The EMSWe databases will be developed by EMSA. RIM and URAM are being developed by DIGIT. The activities would entail:

    - Coordination of testing and validation of the EMSWe components with the Commission services,

    - Sharing best practices and provision of technical assistance to MS (including training) during the integration of the Member States national single windows with the EMSWe components,

    - Maintenance and update of operational and technical documents,

    - Technical helpdesk and online support website to facilitate the tasks above,

    - Data quality controls, service monitoring and operation.

4. Upgrade of SSN to ensure interoperability with the Maritime National Single Windows (to address reuse of data between ports of call, as required by the EMSWe Regulation). Architectural changes are expected to handle the quantity of data, the high frequency of data exchanges and high availability of the service, as well as higher level of data protection. The architectural and budget impacts were assessed by a study financed by the interoperability project and completed in January 2022.

EMSA as the hub managing big data of the maritime sector under the Mobility Data Space

EMSA will implement measures to assist Member States' maritime administrations in their digital transformation, building upon the ad hoc assistance it has already provided to individual Member States.

Moreover, the Agency will play a role in managing big data within the maritime sector. By mining relevant data from the different databases it hosts, EMSA will be able to identify safety, security and sustainability trends, thus supporting research and the formulation of recommendations.

This task will be implemented through the development of data warehouses and data lakes with clearly defined access rights. Big data management should allow for cross-fertilisation and further enrichment of existing datasets.

5. CONCLUSIONS

EMSA is at the heart of the EU's quality shipping. Its contribution to enhancing maritime safety, while fostering the green and digital transition of the EU's maritime sector, is undeniable. It is therefore crucial to ensure that the Agency has the proper mandate and resources to continue to support Member States and the Commission in the years to come.

EMSA has taken over many new tasks since the last major amendment of its mandate in 2013. Yet, the wide majority of these are not properly reflected in its mandate. Most of these new tasks result from the growing importance attached to the green transition of the sector, including its decarbonisation, where the EU, with the European Green Deal, is the frontrunner both at home and at the international level. Furthermore, with the wide range of databases and IT tools it has developed over time, the Agency is best placed to support the much-needed digitalisation of maritime services, as well as cybersecurity and surveillance.

At the same time, EMSA's mandate needs to be future-proof. It needs to be able to accommodate the new tasks that will be entrusted to the Agency by upcoming EU legislation, such as the maritime package which includes new responsibilities for the Agency to support Member States in the areas of maritime safety and sustainability.

As a result, EMSA's mandate needs to be updated to reflect the bigger role that the Agency is already playing today – and the one it will play in the future. While detailed, the mandate should remain flexible, so as to ensure that EMSA can continue to respond to the needs of Member States and the Commission – to both support the implementation of new policy priorities and crisis response. This flexibility needs to be accompanied by the necessary human and financial resources so that the Agency can continue to deliver high quality output without compromising its core mission.

Ultimately, this revision of EMSA's mandate will ensure that the Agency can continue to support the EU's maritime sector become more sustainable, smart and resilient – all while keeping its leading role at the international level.

ANNEX I: EMSA'S CURRENT MANDATE AND TASKS

General objectives

Ensure a high, uniform and effective level of maritime safety, maritime security, prevention of, and response to, pollution caused by ships as well as response to marine pollution caused by oil and gas installations.

Provide technical, operational and scientific assistance to MS and EC, in particular to help them apply the relevant EU legislation properly.

Contribute to the overall efficiency of maritime traffic and maritime transport, so as to facilitate the establishment of a European Maritime Transport Space without Barriers.

Core tasks (Art. 2)

Assist the EC

- In updating and developing EU legislation
- In the effective implementation of EU legislation, in particular through visits and inspections
- In the analysis of on-going and completed research projects
- Other relevant tasks

Work with Member States

- Organise training activities
- Develop technical solutions and provide technical assistance
- Provide information resulting from inspections
- Support pollution response actions upon request

Cooperate with third countries (sharing a sea basin with the EU)

- Provide technical assistance, including the organisation of relevant training activities, upon the request of the EC
- Provide assistance in case of pollution caused by ships as well as marine pollution caused by oil and gas installations

Facilitate cooperation between EC and MS

- In the field of **traffic monitoring:**
  - Promote cooperation between riparian States
  - Develop and operate SafeSeaNet and the International Long-Range Identification and Tracking information data exchange system
- Provide relevant **vessel positioning and Earth observation data** to the competent national authorities and relevant Union bodies
- In the field of the **investigation** of marine casualties and incidents:
  - Provide operational support to MS
  - Analyse safety investigation reports
  - Compile a yearly overview of marine casualties and incidents
- Provide **statistics, information and data** to EC and MS
- Gather and analyse data on **seafarers**
- Improve the identification and pursuit of **ships making unlawful discharges**
- Monitor the extent and environmental impact of **marine oil pollution** through CleanSeaNet
- Provide EC and MS with technical assistance to contribute to work of **IMO, ILO, Paris MoU**, regional organisations
- Support the implementation of Directive 2010/65/EU on **reporting formalities for ships**, in particular by facilitating the electronic transmission of data through SafeSeaNet and supporting the development of the single window

Ancillary tasks (Art 2a)

Assist the EC...

- in the context of the **Marine Strategy Framework Directive**
- Provide technical assistance in relation to **greenhouse gas emissions from ships**
- Promote the use of **GMES data** and services for maritime purposes
- Assist in the development of a **Common Information Sharing Environment** for the EU maritime domain
- Assist with respect to **mobile offshore oil and gas installations**
- Provide relevant information with regard to **classification societies for inland waterway vessels**

Assist the EC and MS...

- in the examination of the feasibility and the implementation of policies and projects supporting the establishment of the **European Maritime Transport Space without Barriers**
- Explore the possibility of sharing information between the **River Information Services System** and maritime transport information systems
- Facilitate **voluntary exchange of best practices** in maritime training and education and provide information on **EU exchange programmes**

Coast Guard Cooperation (Art. 2b)

Cooperate on European coast guard functions with EFCA and Frontex

- Share, fuse and analyse information of ship reporting (or other information) systems
- Provide surveillance and communication services
- Draw guidelines and recommendations, establish best practices, provide training and exchange of staff
- Analyse operational challenges and emerging risks in the maritime domain
- Plan and implement multipurpose operations, share assets and other capabilities

Area of activity	Tasks based on EMSA's mandate	Tasks stemming from secondary legislation
Maritime Transport and Surveillance - information on ships, cargos and ship movements	The Union Maritime Information and Exchange System • Integrated Maritime Services • Remotely Piloted Aircraft services • **Integrated maritime services and SafeSeaNet (SSN)** European Maritime Single Window environment, including: ▪ Establishment and maintenance of the EMSWe Data Set, and spreadsheets ▪ Drafting sets of technical specifications for EMSWe (Regulation (EU) 2019/1239 establishing a European Maritime Single Window environment) EU Long Range Identification and Tracking (LRIT) Cooperative Data Centre (CDC) and LRIT International Data Exchange (IDE) THETIS Maritime Support services	THETHIS Modules based on secondary legislation: • **THETIS EU – PRF** (Directive (EU) 2019/883 on port reception facilities for the delivery of waste from ships) • **THETIS EU – MARSEC** (Commission Regulation (EC) No 725/2004 on enhancing ship and port facility security and Commission Regulation (EC) No 884/2005 laying down procedures for conducting Commission inspections in the field of maritime security) • **THETIS EU – SRR** (EU Ship Recycling Regulation (EU) 1257/2013 and EC Notice 2020/C 349/01 on the enforcement of obligations under the EU Ship Recycling Regulation relating to the Inventory of Hazardous Materials of vessels operating in European waters • **THETIS EU – RoPAX** (Directive (EU) 2017/2110 on a system of inspections for the safe operation of ro-ro passenger ships and high-speed passenger craft in regular service) • **THETIS MRV** (Regulation (EU) 2015/757 on the monitoring, reporting and verification of carbon dioxide emissions from maritime transport) • **THETIS EU** – **Sulphur** (Directive (EU) 2016/802 relating to a reduction in the sulphur content of certain liquid fuels) Definition and maintenance of a Message Implementation Guide (MIG) and System Interface Guidelines (SIG) for

Area of activity	Tasks based on EMSA's mandate	Tasks stemming from secondary legislation
		the EMSWe components (Regulation (EU) 2019/1239 on EMSWe)
Visits and Inspections to monitor the implementation of EU legislation	Classification societies STCW visits to third countries Visits to Member States to monitor the implementation of union law Maritime security Horizontal analysis and research	
Providing Member States and the Commission with technical and scientific assistance and facilitating technical cooperation between Member States' Maritime Authorities and with the Commission	Port state control & flag state enforcement Accident investigation Training, cooperation and capacity building Marine equipment, and ship safety standards (including IMO) Enforcement and capacity building tools Prevention of pollution by ships	**European Marine Casualty Information Platform** (EMCIP) (Directive 2009/18/EC establishing the fundamental principles governing the investigation of accidents in the maritime transport sector) **MED Database – 'Marine Equipment Directive Database'** (Directive 2014/90/EU on Marine Equipment) **Assessment of exemptions, equivalencies and additional safety measures** (Directive 2009/45/EC on safety rules and standards for passenger ships and Delegation by the Commission Regular update of the Annex I of Directive 2009/45/EC)
Pollution preparedness, detection and response	Operational pollution response services Pollution surveillance Cooperation and information relating to pollution preparedness and response **CleanSeaNet (CSN)/Earth Observation Data centre** (Directive 2009/123/EC amending Directive 2005/35/EC on ship-source pollution and on the introduction of penalties for infringements) Article 2(4)(f) of the Mandate	

Area of activity	Tasks based on EMSA's mandate	Tasks stemming from secondary legislation
Horizontal activities	Communication, missions and events support Overhead/horizontal tasks	

ANNEX II- COST ESTIMATIONS

PM category	Key assumptions
1. Codification of existing/ongoing tasks	Main assumption is stability i.e. zero growth in task and zero growth in resources compared to the current situation.
2. Expanded tasks	Resource needs for the EU subsidy are estimated based on future expanded service.
3. Legislative developments	Resources needs for the EU subsidy are estimated based on the accompanying impact assessments of the relevant proposals.
4. Project financed activities	The resources required for these task are already agreed or are to be agreed by the relevant DG of the Commission and are currently project financed therefore there is no need for additional resources under the EU subsidy.

Task Category	Task	One-off costs		Recurrent costs (e.g. annual)			
Task category	Task	Costs in EUR	Explanation (Origin of the costs, whether they originate from e.g. purchasing equipment, hiring additional staff, IT systems etc.	Staff costs in FTEs80 An annex with all the consolidated staff needs has been prepared	Seniority level (Level of seniority associated with the FTE)	Other recurrent costs in EUR	Explanation (Origin of the costs, whether they originate from (e.g. purchasing equipment, hiring additional staff, IT systems etc.)
Cat.1: Codification of existing/ongoing tasks Horizontal Measures	1. Capacity building through the EMSA Academy (Quantification of current state of play together with the needs to be established under the new PSC, AI and FS Directives)	€ 1,000,000 Already included in EMSA Subsidy	Cost for the development of Common Core Curricula, online part-time courses, eLearning modules, learning services of the EMSA Academy and enhancement and maintenance of relevant tools.	N/A	Current staff level (2022) is: 7.5 AD, 0.5 AST, 2 SNE Contribution by subject matter experts (whenever required) from the Business Units	€1,400,000 Already included in EMSA budget	Costs are currently budgeted on annual basis for the maintenance and enhancement of supporting tools (VRESI, MaKCs), the continuous update of existing courses and CCCs, reimbursements for face-to-face learning activities and the maintenance and enhancement of the eLab (software, hardware, training of staff) Use of EMSA hosted applications would increase with systematic and reusable training content modules available and updated with enhancements of the applications.

Cat.1: Codification of existing/ongoing tasks Horizontal Measures	2. Introduce a more integrated approach for visits to Member States, as flag States, including the verification of more functions and more than one piece of legislation at any one visit (Slight modification of existing Article 3)	The approach in question has been considered by EMSA only preliminarily and includes various alternative scenarios, each tied to a wide range of varying assumptions which would each result in different cost quantifications. In general, it appears that no scenario would entail significant initial costs, except for the effort required to formulate the new approach and put in place the related arrangements. Assuming the current level of staff as a starting point, the possible output in terms of duration and scope of the cycle may be conditioned, also taking into consideration the necessary contribution from the business units.		N/A	Current staff levels (see SPD)	€ 60,000 (mission costs, based on historical data. Inflation not included) Already included in EMSA's budget	The approach in question has been considered by EMSA only preliminarily and includes alternative scenarios; these are in turn tied to a wide range of assumptions that could each result in different cost quantifications. By way of an indicative, broad order of magnitude, it appears that there will be no cost savings. Instead, it will be necessary to increase capacity by an additional 4 FTEs in total. Costs in respect of missions undertaken are based on an average €2500 per mission per officer with an annual average of 6 missions per officer should this be the assumption under consideration.
Cat.1: Codification of existing/ongoing tasks Horizontal Measures	3. Issue recommendations in the area of safety, sustainability, digitalisation and security. (This builds on the idea of risk-based safety models upon relevant research which is already part of the mandate under Art. 2(2)(c).	NA	NA	N/A		NA	New type of expertise is required.

Cat.1: Codification of existing/ongoing tasks Horizontal Measures	4. Provide an opinion to the Commission on the assessment of ROs under Art 4 of Reg. 391/2009 (Current task on draft Commission assessment. The process will be formalised.)		No costs involved since this is a codification exercise establishing what is already being done	N/A			No extra costs if the task and the workload stay as they are.
Cat.1: Codification of existing/ongoing tasks Sustainability	5. Provide digital services to support the Commission and the Member States in the implementation of the PRF Directive 2019/883		The one-off costs have already been incurred in the previous year in the establishment of the THETIS-EU PRF Inspection Module and the necessary adaptations to SafeSeaNet. Only operational/evolutive maintenance costs are to be estimated.	N/A			
Cat.1: Codification of existing/ongoing tasks Sustainability	6. Assist in the implementation of the MRV Regulation (EU) 2015/757	See Tasks 33 and 19		N/A			

Cat.1: Codification of existing/ongoing tasks Sustainability	7. Assist the Commission in the implementation of the Sulphur Directive (EU) 2016/802 (As per the current cooperation agreement with ENV)		Cost to enhance THETIS EU – sulphur capabilities (partly covered by a cooperation agreement with DG ENV) and to assist EU and non-EU Med countries in the implementation of the Med SOX ECA				
Cat.1: Codification of existing/ongoing tasks Sustainability	8. Assist the Commission and the Member States in the implementation of Regulation (EU) No 1257/2013 on ship recycling and amending Regulation (EC) No 1013/2006 and Directive 2009/16/EC		Provision of training and capacity building to Member States, and of assistance the Commission in the implementation of the Regulation				
Cat.1: Codification of existing/ongoing tasks Sustainability	9. Support Member States with surveillance of pollution events and monitoring of emissions to air, including nitrogen oxides, and water including follow up and management of alerts						
Cat.1: Codification of existing/ongoing tasks	10. Codify the RPAS services assisting MS, the Commission, FRONTEX and EFCA with surveillance	N/A	N/A	N/A	As defined in SPD 2023.	As defined in SPD 2023.	As defined in SPD 2023.

Security	regarding safety, sustainability and security						
Cat.1: Codification of existing/ongoing tasks Security	11. Reflect the role of the Maritime Support Services centre	€ 350K	The Videowall renewal in 2028 (every 6-8 years renewal)	N/A	Current staff levels: 3 FTE, CA GFIV 3 FTE, SNEs MSS front office 2 shifts/7/365 1 FTE, CA FGIV Service manager Outsourced nightshifts Outsourced EIM 1 FTE, CA FGIV MSS front office back up MSS daily tasks 1FTE, AST MSS assistant coordinator	NA	NA

					1 FTE, AD MSS Coordinator		

Cat.1: Codification of existing/ongoing tasks	Taking into account cost estimations with respect to operational staff and the corresponding budget, estimations with respect to overhead staff as well as any operational support staff are included. For category 1 – there is 0 increase in staff

Task Category	Task	One-off costs		Recurrent costs (e.g. annual)			
Task category	Task	Costs in EUR	Explanation (Origin of the costs, whether they originate from e.g. purchasing equipment, hiring additional staff, IT systems etc.	Staff costs in FTEs[81] An annex with all the consolidated staff needs has been prepared	Seniority level (Level of seniority associated with the FTE)	Other recurrent costs in EUR	Explanation (Origin of the costs, whether they originate from (e.g. purchasing equipment, hiring additional staff, IT systems etc.)
Cat. 2: Expanded tasks Horizontal Measures To be seen in conjunction with PM 30	12. Prepare contingency plans and assist the Commission and the Member States in crisis management			1 FTE will be redeployed internally from EMSA from 2028.			This will be an expanded service with an annual workshop on crisis management

81 The estimated cost includes Annual remuneration costs and administrative costs in title I and title II. It does not include recruitment costs. It does not reflect on the issues of size of premises.

Cat. 2: Expanded tasks Sustainability	13. Assist the Commission and the Member States in support of preparedness measures for oil and gas installations under Article 10 of the Offshore Safety Directive (2013/30/EU)	€ 300,000 for the next MFF (2028-2034)	Study in support of the task + meetings and missions in MS	2 FTE will be redeployed internally from EMSA from 2028.	1 FTE with previous expertise in offshore exploration and exploitation and contingency planning (next MFF)	€ 100,000 for the next MFF (2028-2034)	Annual workshop with Member States+ missions
Cat. 2: Expanded tasks Safety	14. Research in MASS		Making vessels automated is a complex challenge, touching upon all technical functions of a vessel. At the moment there is a large number of research projects ongoing (also in the context of Horizon 2020). There is currently no staff following these studies and giving input, analysing results, etc. The outcome has a direct impact on the discussions in IMO on this topic.	€ 116,448.49	1 FTE AD 6 from 2028	250k per year in this MFF and 500k per year in the next MFF for the annual study on MASS, building upon the RBAT tool (Risk Based Assessment Tool) for Member States, which only covers the first level of risk assessment. The definition of equivalent safety standards is a complex task which is still to be undertaken.	Additional workload is required, for which particular expertise is needed.
Cat. 2: Expanded tasks Safety	15. EMSA proposes to the Commission the imposition of fines to ROs under Art 6 of Reg. 391/2009		A consultancy framework contract would be necessary to enable EMSA to acquire ad hoc support in case of an identified need for a fine imposition. This support would be in the form of financial, legal and technical expertise, especially in terms of assessing seriousness and effects of RO infringements under Art. 4,5 and 6 of Reg 788/2014 and determination of the magnitude and terms of	2 FTEs will be redeployed internally from EMSA during this MFF.	Task to be performed together with Task 17. EMSA	Up to € 150,000 per year	Given the expected exceptional nature of this occurrence (EMSA can identify about 5 cases that could have, until now, potentially resulted in fines since 2014), no recurrent costs are expected in this area, except for the cost of any specific contract issued under the framework being contemplated and the man-hours involved in the work of internal ad hoc task forces.

			payment of the fines. A complementary measure would be to establish an ad hoc task force in EMSA to rope-in internal resources that could contribute to the required output. This would not entail any additional costs.				
Cat. 2: Expanded tasks Safety	16. Development of guidance for safety risk assessment models to foresee future trends.	N/A	N/A	2 FTEs will be redeployed internally from EMSA from 2028.		N/A	Two POs will be needed to deal with this new separate task which will look into safety risks from future trends and issue recommendations/ guidance on this basis.
Cat. 2: Expanded Tasks Safety	17. Introduce a European Monitoring and Oversight programme to structure EMSA's activities for the monitoring and oversight of Recognised Organisations (ROs)				To be read together with Task 15		EMSA is already supporting the EU oversight of ROs on behalf of the EC. This measure aims to expand such a monitoring activity to Member States' RO oversight obligations under the III/RO Codes. The task still needs to be codified. Moreover, the model has a number of variables which still require to be discussed and determined. Nonetheless, it is estimated that to ensure EMSA covers the scope of Member State monitoring functions, the scope of inspections will need to expand. Even though the extent of the expanded tasks may vary from Member State to Member State, the scope would increase. 2 additional project officers would be needed for such an expanded approach.
Cat. 2: Expanded	18. Support in the implementation of the passenger ship	€ 150k	Database supporting Article 9 – electronic database.			€ 240K	PSS is a crucial core task of the Agency. New challenges are emerging (e.g. evacuation of ultra large passenger vessels), which entail significant reputational

Tasks Safety	safety legislation by assessment of exemptions, equivalences and additional safety measures		One off cost for development, testing and validation and IT operations, infrastructure.				risks in case of accidents or failure. In this respect, the engagement and deliverables of the Agency should be of the highest quality and address all potential challenges. Furthermore, COM has expressed the need to establish a harmonised database for the recording of exemptions, equivalences, etc, as per Article 9 of the 2009/45/EC Directive. Maintenance, regular enhancements and operations costs for the database are based on the assumption of integration with DONA.
Cat. 2: Expanded Tasks Sustainability	19. Research and assist Member States and the Commission in the deployment of alternative fuels, including safety risks stemming from these developments		The additional operational budget for possible studies and support to the Commission would depend on expectations on the part of the Commission and Member States and would be handled within the multi-annual and annual planning of activities and budget. EMSA studies would be a reference point. Moreover, the Agency would develop guidance, organise meetings with Member States' experts, offer conduct feasibility studies. In this context, consultancy services may be needed. Finally the Agency will build the expertise with additional human resources to assist the Commission and the Member States in the relevant IMO discussions.	€ 582,242.45	5 AD 6 additional technical experts will be needed for these tasks (2 in 2025, 2 in 2026 and 1 next MFF): 3 AD 6 staff for EU and International development related to the sustainability agenda. Additional technical expertise to complement already available knowledge within the Agency and to ensure the implementation of the recurring tasks stemming from providing assistance to the European Commission (different services) and the Member States For safety risks stemming from new alternative sources of power (Tasks 16 and Task 19, 2 FTEs will be required: 1 AD6: Alternative Fuel	€ 400K for one study to be multiplied with the number of expected studies To be combined with Task 16 and 20 the total annual cost is expected to be €1.050.000 from 2026.	This will be an important expanded service in a field which has received a lot of attention for sustainability purposes. Addressing the safety challenges will be the most important enabler for the commercial, sustainable use of new alternative sources of power. Therefore, relevant expertise is needed.

					expert 1 AD6: Alternative Fuel and other sources of power (SSE) expert		
Cat. 2: Expanded Tasks Sustainability	20. Provide operational measures, with possible adjustment of the existing oil recovery fleet, for the possible marine pollution caused by renewable and low-carbon fuels, including chemical pollution	500k in 2026	EMSA to conduct a feasibility study on how to adjust the response fleet in view of the alternative fuels.	N/A		This policy measure will result in important additional recurrent costs, the magnitude of which will depend on the level of ambition. The overall cost for the next MFF (2028-2034) is calculated to be 21.000.000. (3M per year from 2028)	This task consists of an adjustment of an existing task. To date, the hazards related to the release of substances considered as potential renewable and low-carbon fuels for shipping are not well identified. If an accidental release of these substances happened. it would result either in a blaze, or an instant chemical reaction (ammonia), leaving no time to address the source of pollution. Oil as a cargo will still remain a largely used commodity for the chemical, plastic and pharmaceutical industries. At the same time, the traffic of chemical substances is intensifying, which may require to consider a new set up for the European Disaster Tier (which is included in EMSA's mandate). Compared to oil pollution response, the level of preparedness is generally lower (less specialised equipment and trained personnel available). For this reason, European response capacity will be highly relevant, provided it is available on site, with minimum delay.

Cat. 2: Expanded Tasks Sustainability	21. Provide new tasks on research related to lost containers and underwater noise and marine litter from ships, under the Marine Strategy Framework Directive, along with possible assistance to the Commission on the development of guidelines and regulations, including at IMO level and in the context of the regional sea conventions		The additional operational budget for possible studies and support to DG ENV would depend on expectations on the part of the Commission and Member States and would be handled within the multi-annual and annual planning of activities and budget.	N/A		€ 300K for one study from 2026 It is expected that two studies will be conducted in this MFF with a total cost of € 600k.	Recurrent costs are related to studies, modelling and other research work. Guidelines on these topics are being developed, therefore, this is expected to be established as a more permanent task as a potential part of the EMTER, as well as in view of the possible provision of assistance to the Commission in the development of guidelines and regulations at the IMO level. .
Cat. 2: Expanded Tasks Sustainability	22. Research and assist Member States and the Commission in the deployment of OPS			N/A	See Task 19	See task 19	Recurrent costs may be associated with the provision of feasibility studies to individual MS (outsourced through procurement) or the development of guidance documents, if necessary. It is not considered feasible to assist more MS in the deployment of OPS solution (infrastructure projects are outside the scope of EMSA's mandate). Guidelines in this domain are already issued, however, this is expected to be established as a more permanent task, as well as a potential part of the EMTER.
Cat. 2: Expanded Tasks Security	23. Include a reference to cybersecurity in EMSA's mandate by issuing guidelines and facilitating exchange of experience		To develop training, guidelines on cyber security for the maritime sector and to establish a cyber threat and cyber incident alerting service or information exchange for Member States and the Commission, using one of the	€ 125,504.30	For providing enhanced maritime cybersecurity know-how and an alerting service to COM and the MS, 1 FTE is required (2026): AD7: Cybersecurity expert		This will be an important expanded service, in a field which has received a lot of attention, due to recent incidents. In this context, cybersecurity has become important for the smooth and safe functioning of the shipping industry. Therefore, relevant expertise is needed.

	between MS.		existing networks.				
Cat. 2: Expanded Tasks Security To be seen in conjunction with Tasks 24 and 10	24. Establish an expanded 24/7 Maritime Awareness Centre to provide assistance when requested to the Commission and the MS, by sharing information building upon the existing databases and surveillance systems of the Agency	€ 2,3 M (1,45 in this MFF, divided into 700K in 2026 and 750K in 2027, and 850K in the next MFF)	€ 800K Development of maritime intelligence capabilities (AI and ML), and awareness centre operational model and technical solutions. € 1 M The EMAC should be supported by the new data collection and data analytical tools. € 500K In order to share information and reports with MS and COM, the advanced platform should be developed to avoid the ad-hoc e-mail communication Services: Periodical reports Ad-hoc reports Forecasts Alerts	€ 1.111.482,35	EMAC front office: 6 FTE (2025) CA FGIV to cover the 24/7/365 service 2 FTEs (AD6) in this MFF (2025) and 3 additional FTEs in the next MFF (2AD5 and 1 AST4)	€ 1.1 M per year from 2027	€ 200K Surveillance services, additional Earth observation products, Global scope (in areas of EU interest), considering the need of the MS not only as a Coast and Flag state € 600K IT enhancements, testing, maintenance and operations € 100K IT Cloud consumption € 200K Licenses renewal The EMAC would correspond to the existing Maritime Support Services but with stronger capabilities. Cost estimations are calculated on the basis of the scenario under EMSA's paper Earth observation costs based on historical usage for emergencies, which covers a similar set of use cases and frequency of activation. This service will provide 24/7 active monitoring, analysis and reporting, for different maritime related events (e.g. tracking containers lost at sea or monitoring a safe lane in the Black Sea etc.).

Cat. 2: Expanded Tasks Digitalisation	25. Provide support to the Commission and the Member States in the implementation of the EMSWe (Current task but quantified also on permanent basis)	€1 M (300K in 2025 and 700K in 2026) Investment for the adaptation, and operational costs of the IT EMSWe systems	For developing a solution to re-use data from previous port of call (implementation of the "once-only" principle for EMSWe). The budget was defined by the Impact assessment of Regulation (EU) 2019/1239 establishing a EMSWe). This budget will be assigned to other EU services (not to EMSA) in charge for the technical implementation, maintenance and operation of the IT systems.	€ 347,096.77	FTEs for further development and maintenance of EMSWe: 1 AD 6 (Business Validation and IT testing, 2025) 1 AD 5 (Data access management, 2026) 1 AD5 (2027)	€ 200K annually for maintenance of the EMSWe dataset and Data Model (consultancy services). € 100K annually for operation and maintenance of the four EMSWe databases (including the ship sanitation database). € 50K annually to maintain a central solution for re-using data from previous port of call. € 650k for the Reporting Interface Module (RIM) and the User Registry and Access management (URAM) A total of €1.000.000 per year from 2026	Cost required on an annual basis to maintain the EMSWe dataset and data model. Cost required on an annual basis to maintain the four EMSWe databases. COM plans to assign to EMSA activities related to testing, validation, operation and monitoring of the EMSWe IT components (RIM, URAM and EMSWe databases). These activities require: Provision of technical assistance to MSs (including training) during the integration of the EMSWe IT components. Maintain and update operational and technical documents. Setup a technical helpdesk and an online support website to facilitate the tasks above Perform data quality monitoring of the EMSWe.
Cat. 2: Expanded Tasks Digitalisation To be seen in conjunction	26. Building upon SSN and the Union Maritime Information and Exchange system, develop specific digital tools to monitor and exchange data on MASS and hybrid	€ 800K (266.667 in this MFF and the rest in the period 2028-2034)	Integration and usage of Integrated Maritime Services – new Automated Behaviour Monitoring (ABM), further development of the Integrated Report Distribution (IRD) and development of new solutions for the information exchange on MASS operations and			€ 380K per year as of the next MFF (2028-2034)	MASS data will be part of the Maritime Picture in the Cloud. It will be operated from the Cloud, thus being associated with the recurrent cost of the Cloud consumption – € 80K For evolutive maintenance and operations of the solution – € 200K

with PM 30	traffic		hybrid traffic.				100K test, validation
Cat. 2: Expanded Tasks Digitalisation	27. Provide assistance in digital transformation of MS maritime authorities/registries	N/A	N/A				Technical workshops, missions, development of feasibility studies, technical architecture and design documentation
Cat. 2: Expanded Tasks Digitalisation	28. EMSA as the hub managing big data of the maritime sector under the Mobility Data Space	€ 1,350,000 for the total infrastructure (Capex) as of the next MFF (2028-2034)	Cost of the Datawarehouse infrastructure (cloud native with ETL and AI/ML capabilities) and costs related to the software adaption (gateways or other solutions) for data migration off the operational systems of EMSA			For the operational phase: a total of €2.160.000 for the next MFF 2028-2034	Data mining, data governance and maintenance are continuous processes that need recurrent support and investment.

Task Category	Task	One-off costs		Recurrent costs (e.g. annual)			
Task category	Task	Costs in EUR	Explanation (Origin of the costs, whether they originate from e.g. purchasing equipment, hiring additional staff, IT systems etc.	Staff costs in FTEs[82] An annex with all the consolidated staff needs has been prepared	Seniority level (Please specify the level of seniority associated with the FTE)	Other recurrent costs in EUR	Explanation (Origin of the costs, whether they originate from (e.g. purchasing equipment, hiring additional staff, IT systems etc.)
Cat. 3: Legislative developments Safety	29. Include changes stemming from the Accident Investigation Directive (Directive 2009/18/EC) 83	N/A	N/A	€ 230.648,28	For additional AI support services to COM and MS: including enhanced operational support services to MS (e.g. ROVs): 2 FTE (2 AD 6 in 2025):	€ 1.880.000 € 1.880.000 per year from 2027. Prior to this, 36,000 in 2025 and 1,637,000 in 2026	Costs for highly specialised support.
Cat. 3: Legislative developments	30. Include changes stemming from the Flag State Directive 2009/21/EC84	3 M EUR (1,5 M in this MFF and 1,5 in the	Required for the complete overhaul of the inspection database supporting the alignment with the new	€ 251.008,6	2 FTEs AD7 (2025)	€348K per year from 2026	Maintenance and operations costs of IT solution. Extra staff will be needed to meet the additional requirements.

83 Final estimations on the staff and cost are subject to the finalisation of the impact assessment

84 Final estimations on the staff and cost are subject to the finalisation of the impact assessment

Safety		next MFF	requirements of the PSC Directive. € 1.75M– SW development € 0.75M – test and validation € 0.5M – operations, infra				
Cat. 3: Legislative developments Safety	31. Include changes stemming from the PSC Directive 2009/16/EC85	NA	€650 for harmonised template and EU-wide platform for ships e-Certificates. Standard certificate data model, certificate consolidation and extension of THETIS for inspection;	€ 251.008,6	2 FTE AD7 (2025 and 2026)	322K per year	Extra staff will be needed to meet the additional requirements.

Cat. 3: Legislative developments Sustainability	32. Include changes stemming from the SSP Directive 2005/35/EC86	€2,9 M ,9 M (600K in 2026, 800K in 2027 and 1,5M in next MFF)	IT costs will emerge with respect to setting up the alert/detection/reporting/ enforcement platform. IT costs that will emerge with respect to setting up the alert/detection/reporting/ enforcement platform (€2.4 M) and costs for developing the guidance documents and initial training set-up (€500,000).	€ 1,770,940.48	12 FTEs (11 in this MFF and 1 in the next MFF 12 FTEs (11 in this MFF [6 in 2025 and 5 in 2026] and 1 in the next mFFMFF 2025: 2 AD5, 2 AD7 and 2 AST3 2026: 4 AD5 and 1 AD7 NEXT MFF: 1 AD5	EO operational annual costs: - MARPOL Annex III activities: 2.4 M EUR - MARPOL Annex IV and V activities: 2.6 M EUR RPAS operations annual costs: - MARPOL Annexes III, IV and V: 1,45 M EUR A total of €6.450.000 per year	These estimates assume an increase in scope of the SSP directive to include MARPOL Annexes III, IV, V and part of VI.

Task Category	Task	One-off costs		Recurrent costs (e.g. annual)				Comments	
Task category	**Task**	**Costs in EUR**	**Explanation** **(Origin of the costs, whether they originate from e.g. purchasing equipment, hiring additional staff, IT systems etc.**	**Staff costs in FTEs[87] An annex with all the consolidated staff needs has been prepared**	**Seniority level** **(Level of seniority associated with the FTE)**	**Other recurrent costs in EUR**	**Explanation** **(Origin of the costs, whether they originate from (e.g. purchasing equipment, hiring additional staff, IT systems etc.)**	**Comments on assumptions made when estimating costs and interpreting the measure**	**Qualitative assessment of the future developments of costs**
Cat. 4: Project Financed Activities **Sustainability**	33. Provide support to the MS, the Commission and the industry in the implementation of the ETS Directive (extension to maritime transport As per the current agreement with CLIMA)	€ 3,185,000 € 1,624,000 for operational services	Upgrade of THETIS MRV and development of assisting tools for MS, verifiers, competent authorities. Support to Member States, the European Commission and stakeholders in the implementation and monitoring of the ETS 5 FTEs for the period 2023-2026	€ 462,856.20	Current under SLA – Contract Agents 5 FTE (2 business, 2 technical and 1 FIA) for the maintenance of the system and operations (business and IT dev and op) Should this be recognised as a core task of the Agency, the FTEs should be converted into TAs 5 additional TAs: 4 AD 6 1 AST 4	€ 200k	Recurrent costs are related to the maintenance of the system as well as training activities and technical support in relation to the implementation of the ETS Directive	The resources required for the task are already agreed and currently project financed. Costs are reflected in the agreement with DG CLIMA. Please note that there is a revision clause that may imply additional financial resources (multiple uncertainties are linked to the implementing and delegated acts).	Future developments (enhancements) of IT solutions are dependent on scope and extent of future enhancements of the features of digital solutions, stemming from regulatory changes as well as needs of the user community. Based on experience, these expenses in average amount to 7-15% of the total value of the application per year.

Cat. 4: Project Financed Activities Security	**36. Enhance interconnection and information exchange between civil and military authorities through the further development and operability of the maritime Common Information Sharing Environment (CISE)**			€ 1,066,222.55	For the operational phase (as of 01/01/24): 10 FTE: 1 Project manager (AD7) 1 Maritime expert (AD7) 2 Administrative staff (AST2) 1 Financial staff (AST2) 2 Application Architects (AD5) 1 Technical Development expert (AD5) 1 Deployment and configuration manager (AD5) 1 Security Officer (AD5)	6.000.000 for programmatic costs and HR costs.	Coordination (CSG, workshop, training, events), administrative (budget, financial, contract management), communication (media and on paper support material), project library, business (Information Sharing plan, implement Responsibility to Share, maintain Cooperation Agreement, Operational Services), Technical (maintain and evolve node, maintain and evolve adaptor, maintain and evolve thematic node, establish and maintain classified/unclassified network, monitor the security, 1-2-3 line support, support the standardization, maintain and	The resources required for the task are to be agreed by the relevant DG of the Commission. CISE is currently project financed.	

							evolve the test suite). Additional details can be found in the attached annex.		
Cat. 4: Project Financed Activities **Security**	**37. Assist the Commission in the Copernicus Maritime Surveillance Service**	N/A	N/A	€ 1,255,381.51	**11 FTE:** 1 Project Manager for links with R&D (AD7) 1 Project Manager for operations (AD7) 4 Earth Observation Experts (AD5) 1 Financial Officer (AST3) 2 IT development (AD6) 2 IT operations (AD5)	Current costs already defined in the agreement, excluding HR: 2024: € 10.5 M 2025: € 11.0 M 2026: € 11.0 M 2027: € 11.2M	7 FTEs and respective profiles are already defined for the current contribution agreement (this being a project-based activity, the FTEs are Contract Agents (6 FGIV and 1 FGIII).	The resources required for the task are decided by the relevant DG of the Commission. Copernicus is currently project financed and resources are designated by the governance structure of Copernicus led by DG DEFIS. All cost assumptions are made considering the signed Contribution Agreement with DG-DEFIS, covering activities from 2021 to 2027. <u>Note:</u> 2 IT development and 2 IT operations posts are additional posts currently not covered by the Contribution	Costs are expected to rise steadily with inflation, assuming that the scope of tasks is not enlarged.

								Agreement with DG-DEFIS.	

ANNEX III-TABLE WITH EXPANDED TASKS FOR EMSA

Category	Cluster	Potential task	Short description	Reasoning
Cat. 2: Expanded Tasks **Sub-category: horizontal**	Tasks related preparedness and crisis management	Prepare contingency plans and assist the Commission and the Member States in crisis management	EMSA will assist the Commission and Member States in crisis management. This will take the form of providing multi-disciplinary technical and operational support to Member States and the Commission in relation to crisis preparedness and response, including: Preparing guidelines and contingency measures Acquiring and sharing data Providing aggregation and analytical capabilities Providing services needed to support crisis management structures development and operation Notably, through the Maritime Awareness Centre, EMSA would provide intelligence on global and EU maritime operations, by sharing near real-time information in order to assist EU and national level decision-making structures and contributing to the early detection of significant changes and aggregated risks. Moreover, via the Maritime awareness centre, EMSA would provide decision supporting resources for reaction, response, management and monitoring of occurring or evolving events both on a strategic and tactical level, with a near-real time overview.	Maritime transport accounts for more than 90% of global trade. Large scale natural disasters (pandemics, adverse effects of climate change) and man-made crises (wars, political instabilities, migration as well as global economic shifts) have an economic impact on the maritime transport sector and negatively affect maritime safety, security and the environment (all core objectives of the Agency). As the frequency of such events is increasing, having impacts at a global level, mechanisms for manging and coping with natural and man-made crises are necessary to improve stakeholders' resilience in maritime affairs and ensure maritime safety. Overall, this task builds and reflects on the actions undertaken by EMSA during the COVID-19 and UA crises, issuing guidelines on cruise ships and regular reporting.

Category	Cluster	Potential task	Short description	Reasoning
Cat. 2: Expanded Tasks **Sub-category:** **sustainability**		Assist the Commission and the Member States in support of preparedness measures for oil and gas installations under Article 10 of the Offshore Safety Directive (2013/30/EU)	. As per the Offshore Safety Directive, EMSA shall: Assist Member States, at their request, with the preparation and execution of external emergency response plans, especially when there are transboundary impacts within and beyond offshore waters of Member States; On the basis of the Member States' external and internal emergency response plans, develop with Member States and operators a catalogue of emergency equipment and services available. The Agency may, if requested: Assist the Commission in assessing the external emergency response plans of Member States to check whether the plans are in conformity with this Directive; Review exercises that focus on testing transboundary and Union emergency mechanisms.	At the moment, there is no specific "offshore contingency plan" set up in Member States. Offshore incidents are considered under the national contingency plan, which also addresses shipping risks. Directive 2013/30/EU requires Member States to draw their "external emergency response plan", taking into account the "internal contingency plan" (the one submitted by the operator and approved by the Member State). The validity and consistency of such national contingency plans has to be checked on EU-level.
Cat. 2: Expanded Tasks **Sub-category:** **safety**		Development of guidance for safety risk assessment models to foresee future trends	EMSA will play a role in developing guidance for Member States, the Commission and the Industry in the use of safety risk assessment models to foresee future trends.	Risk Assessment is at the basis of all safety measures. It represents a widely used tool in the maritime world, both for the adoption of legislative measures (e.g. by the EU or IMO) and for the implementation of policy measures by maritime sector actors (e.g. Member States or the Industry). EMSA has significant experience in various safety risk models (e.g. Formal Safety Assessments, HAZID exercises, among others), which places it in a good position to provide guidance on and foster a cohesive approach to the use of such models.

Category	Cluster	Potential task	Short description	Reasoning
Cat. 2: Expanded Tasks **Sub-category:** **safety**	Tasks to support automation in the maritime sector	Research in MASS	EMSA will continue to be involved in conducting research in the area of MASS. This will facilitate the further development of MASS concepts (e.g. RBAT). Moreover, it will foster further engagement in operational projects (e.g. on Communications for MASS, development of specific tools for MASS, development of capacity building tools for MASS etc.) in cooperation with the industry, Member States and Academia. EMSA will also (indirectly) contribute to the "translation" of research findings and results into technical requirements for the IMO MASS Code, by producing non-mandatory standards and technical guidance or by providing feedback to the relevant institutions (EU/IMO/ISO) for the adoption of relevant technical requirements.	Making vessels automated is a complex challenge touching upon all technical functions of a vessel. At present, a large number of research projects are ongoing (also in the context of Horizon 2020), whose outcome has a direct impact on IMO discussions on the topic. However, there is currently no staff following these studies and giving input, analysing results, etc.
Cat. 2: Expanded Tasks **Sub-category:** **digitalisation**		Building upon SSN and the Union Maritime Information and Exchange system, develop specific digital tools to monitor and exchange data on MASS and hybrid traffic	EMSA will continue its work towards developing specific digital tools to monitor and exchange data on MASS and hybrid traffic. Integration and usage of Integrated Maritime Services – new Automated Behaviour Monitoring (ABM) and the Integrated Report Distribution (IRD) – will be further developed.	EMSA was tasked by the High-Level Steering Group (consisting of the Commission and Member States) to work on MASS, including by defining actions to ensure navigation safety in areas where MASS trials take place. Once these are defined, a monitoring tool will need to be put in place. This will require to amend/modify EMSA SSN and the IRD.

Category	Cluster	Potential task	Short description	Reasoning
Cat. 2: Expanded Tasks **Sub-category:** **safety**	Tasks related to ROs	EMSA proposes to the Commission the imposition of fines to ROs under Art 6 of Reg. 391/2009	EMSA will acquire the authority to make recommendations to the Commission regarding the imposition of fines to ROs, in all instances where this is required under article 6 of Regulation 391/2009. In order to implement this task, EMSA should be able to: Establish a consultancy framework contract, which would provide ad-hoc financial, legal and technical support in case of an identified need for a fine imposition, in particular in terms of assessing the seriousness and effects of RO infringements under Articles 4,5 and 6 of Regulation 788/2014, and determining the magnitude and terms of payment of the fines. Establish and internal taskforce to employ resources within the Agency.	The current provision establishes that EMSA can propose the imposition of a fine if it finds something of utmost safety risk. Given its experience and technical insight, EMSA could be well positioned to assess the seriousness and effects of ROs' infringements beyond cases of utmost safety risk and being able to recommend commensurate fines. In this respect, it is necessary that the Agency's capabilities are supplemented in order to enable it to arrive at recommendations on fines to the Commission.
Cat. 2: Expanded Tasks **Sub-category:** **safety**		Introduce a European Monitoring and Oversight programme to structure EMSA's activities for the monitoring and oversight of Recognised Organisations (ROs)	EMSA will formally assist the Commission in managing the programme while undertaking part of the Member States' RO oversight obligations under the III/RO Codes. In this respect, EMSA will be charged with the relevant horizontal measures, which mainly consist of the audit element of the RO monitoring functions that Flag States are bound by. On the other hand, Member States will continue to focus on their fleet and national requirements. EMSA will also be able to provide more information to MS regarding the outcome of the 'audit' activities it undertakes, and which MS would otherwise have to carry out themselves separately. This would cover the oversight of the ROs' QMSs, among others.	This task will be added to EMSA's current role in supporting the Commission in overseeing the ROs. Firstly, the current work which is already being done and which can be used by the MS will be codified as such. This consists of the 'audit' part of RO monitoring, thus covering the systemic issues of each RO. The benefit of this is that under the current inspection regime, EMSA is already conducting a number of monitoring functions and collecting data elements that would also feature in the Member States' role. To this effect, EMSA's help in this respect would facilitate and expedite the work of the MS. Moreover, EMSA could cover within the scope of its work, specific MS' Flag State issues (this tailoring to individual MS needs is what gave rise to the envisaged increase in resources that would be needed).

Category	Cluster	Potential task	Short description	Reasoning
Cat. 2: Expanded Tasks **Sub-category:** **safety**	Tasks to support the implementation of safety legislation	Support in the implementation of the passenger ship safety legislation by assessment of exemptions, equivalences and additional safety measures	EMSA will continue to support the Commission in the implementation of passenger ship safety legislation, by assessing exemptions, equivalences and additional safety measures. Moreover, it will maintain a harmonised database for the recording of exemptions, equivalences, etc, as per Article 9 of the 2009/45/EC Directive.	Port State Control is a crucial core task of the Agency. New challenges are emerging (e.g. evacuation of ultra large passenger vessels), which, among others, entail huge reputational risks in case of accidents or failure. Therefore, the Agency's engagement and deliverables in this context should be of the highest quality and cover all challenges. Furthermore, the Commission has expressed the need to establish a harmonised database for the recording of exemptions, equivalences, etc, as per Article 9 of the 2009/45/EC Directive.

Category	Cluster	Potential task	Short description	Reasoning
Cat. 2: Expanded Tasks **Sub-category:** **sustainability**	Tasks related to the use of renewable and low-carbon fuels and marine pollution caused by hazardous noxious substances	Research and assist Member States in the deployment of renewable and low-carbon fuels, including safety risks stemming from these developments	EMSA will provide support to Member States in the deployment of renewable and low-carbon fuels, including wind propulsion assistance. Research and assistance will entail multiple activities, such as the conduction of studies, the development of guidance, the organisation of meetings with Member State experts. Research and guidance in this area will dedicate particular attention to the safety risks associated with alternative fuels. In particular, studies might be of more general nature (e.g. those currently being delivered on a specific "fuel"), or more specific, leading to the delivery of guidance, for instance on the safe bunkering operation, or on how to respond to a spillage from a specific substance. Regarding safety specifically, studies may consist of safety assessments of new types of technological developments using risk-based and goal-based models; these would also result in guidance documents for industry regarding their safe implementation. The target groups for such services will depend on the topic and type of deliverable produced; for instance, the topic of new fuels concerns maritime administrations as well as ports (availability/safety).	The subject of renewable and low-carbon fuels has recently received significant attention, particularly in relation to sustainability. Addressing the safety challenges associated with renewable and low-carbon fuels will be the most important enabler for the commercial and sustainable use of new alternative sources of power.

Category	Cluster	Potential task	Short description	Reasoning
Cat. 2: Expanded Tasks **Sub-category:** **sustainability**		Provide operational measures, with possible adjustment of the existing oil recovery fleet, for the possible marine pollution caused by alternative fuels, including chemical pollution and pollution by hazardous noxious substances	EMSA will implement operational measures allowing to respond to the possible marine pollution caused by alternative fuels. As such, this task will lead to the progressive phasing out of current operational measures to respond to marine oil pollution. The use of oil will decrease, making space for tasks aimed at responding to marine pollution caused by alternative fuels. These tasks will develop progressively, alongside the development of knowledge on the hazards associated with the release of alternative fuels and the necessary operations to address them. EMSA will also provide possible assistance to the Commission and the Member States on development of guidelines and regulation at the IMO level.	At present, the hazards related to the release of substances considered as potential alternative fuels for shipping are not well identified. However, an accidental release of these substances could result either in a blaze, or in an instant chemical reaction (ammonia), leaving no time to address the source of pollution. Oil as a cargo will still remain a largely used commodity for the chemical, plastic and pharmaceutical industries. At the same time, the traffic of chemical substances is intensifying, which may require to consider a new set up for the European Disaster Tier (which is included in EMSA's mandate). Compared to oil pollution response, the level of preparedness is generally lower (less specialised equipment and trained personnel available). For this reason, European response capacity will be highly relevant, provided it is available on site, with minimum delay

Category	Cluster	Potential task	Short description	Reasoning
Cat. 2: Expanded Tasks **Sub-category:** **sustainability**	Tasks related to the conduct of research on specific topics	Provide new tasks on research related to lost containers, underwater noise and marine litter from ships, under the Marine Strategy Framework Directive, along with possible assistance to the Commission on the development of guidelines and regulations, including at IMO level and in the context of the regional sea conventions	In the context of the Marine Strategy Framework Directive, the topics of lost containers, underwater noise and marine litter from ships will become permanent areas of research for EMSA, with associated release of guidelines. EMSA will both be developing further knowledge on these topics internally and procuring external studies. Relevant findings in these areas will be included in the EMTER.	Lost containers, underwater noise and marine litter have emerged has new global challenges. This has created a demand for EMSA by MS to look into such matters and provide support with knowledge and tools.
Cat. 2: Expanded Tasks **Sub-category:** **sustainability**		Research and assist Member States in the deployment of Onshore Power Supply	EMSA will conduct research, feasibility and technical studies, and, if necessary, develop guidance for Member States - in particular for ports and users – regarding the deployment of Onshore Power Supply (OPS).	OPS is seen as the main way to reduce GHG emissions at ports and decrease air pollution in populated areas. However, knowledge regarding OPS is still developing and is not sufficiently spread in Europe. EMSA has developed preliminary guidance on this, but further specific work is needed, particularly on the basis of the feedback received from ports.

Category	Cluster	Potential task	Short description	Reasoning
Cat. 2: Expanded Tasks **Sub-category:** **security**	Tasks to support MS with surveillance and cyber security alerts	Include a reference to cybersecurity in EMSA's mandate by issuing guidelines and facilitating exchange of experience between MS	EMSA will undertake a role in the cybersecurity field within the maritime sector. This will take the form of increasing cybersecurity know-how and exchange of best practices, by organising discussions, issuing guidelines, developing trainings. In addition, EMSA will set up an alerting service for cyber-threats and cyber-incidents for Member States and the Commission. While the exact format of such an alerting system is to be further defined, it could comprise measures for communication (e.g. for new MASS concepts), operational guidance to stakeholders, sharing of knowledge and information; it could be established by using existing platforms or by developing new ones.	The area of cybersecurity has become increasingly relevant over recent years, gaining significant attention particularly as a consequence of recent incidents. As such, it has become of high importance for the smooth and safe functioning of the shipping industry, which motivates the introduction of cybersecurity-related activities in EMSA's mandate. EMSA has a unique maritime know-how (including in maritime security/cybersecurity), acknowledged by both the Commission and ENISA in the pursuit of common actions in the area of maritime cybersecurity. Simultaneously, EMSA has solid expertise and understanding of the peculiarities of the maritime sector industry and of the specific, tailor-made instruments used in the maritime sector (e.g. ISPS). While the work of ENISA mainly focuses on ports, there is still no harmonisation of cybersecurity recommendations/measures in relation to ships. In certain occasions, different legal frameworks may even apply. Such a lack of harmonisation is a risk in itself, while it also undermines efforts to assess whether the maritime sector complies with all relevant requirements and has taken sufficient measures in the area of cybersecurity.

Category	Cluster	Potential task	Short description	Reasoning
Cat. 2: Expanded Tasks **Sub-category:** **security**		Establish an expanded 24/7 Maritime Awareness Centre to provide assistance when requested by the Commission and the MS, by sharing information stemmed from the existing databases and surveillance systems of the Agency	The Maritime Awareness Centre will be enhanced in order to provide stronger assistance to Member States and the Commission. This is to be achieved via the development of marine intelligence capabilities, the use of new data collection and data analysis tools, as well as via the implementation of surveillance services and additional Earth observation products. These may include a range of SAR and optical products (both images and added value products) of varying resolutions and from multiple constellations, taking advantage of existing framework contracts that the Agency already has in place with satellite owners and ground station service providers. Such products (both satellite licenses and services) will be procured to the Industry. The service will provide 24/7 active monitoring, analysis and reporting for different maritime related events (e.g. tracking containers lost at sea or monitoring a safe lane in the Black Sea etc.). It will be available to different Commission services (e.g. MOVE, MARE), EU bodies (e.g. EEAS), operations (e.g. naval operations) and Member States. In addition to the existing tools, new AI/ML tools will be developed in the area of advanced analytics, predictive behaviour, web scraping, etc. Data collection and fusion capabilities will be based both on open sources and external databases.	The 24/7 surveillance capabilities of the EMAC will allow for more robust services in relation to newly emerging challenges; for instance, it will allow for the monitoring of critical maritime underwater infrastructure (cables, pipelines). Moreover, it will allow for the real-time monitoring and support of different operations on a global scale (in different time zones) where there is an EU interest. Additional data sources, advanced analytical capabilities and intelligence will be needed to improve awareness and therefore allow for a high-quality service.

Category	Cluster	Potential task	Short description	Reasoning
Cat. 2: Expanded Tasks **Sub-category:** **digitalisation**	Tasks to support MS with digital services	Provide support to the Commission and the Member States in the implementation of the EMSWe	EMSA will provide Member States with assistance in the implementation of the EMSWe on a permanent basis. In particular, this will include the maintenance of the EMSWe databases and data model. Moreover, EMSA will be in charge of activities related to testing, validation, operation and monitoring of the EMSWe IT components (RIM, URAM and EMSWe databases). These activities will include: Provision of technical assistance to MS (including training) during the integration of the EMSWe IT components. Maintenance and updating of operational and technical documents. Setup of a technical helpdesk and an online support website to facilitate the tasks above Stata quality monitoring of the EMSWe.	This task is based on the EMSWe Regulation and on DG MOVE's proposal to allocate resources to EMSA to implement EMSWe related tasks.
Cat. 2: Expanded Tasks **Sub-category:** **digitalisation**		Provide assistance in digital transformation of Member States maritime authorities/registries	EMSA will implement measures to assist Member States' maritime administrations in their digital transformation; these will include technical workshops, missions, feasibility studies, technical architecture and design documentation.	EMSA already provides several digital services as a S2S interface. Given the increasing digitalisation of the maritime sector, enhanced EMSA support is needed by MS in the design and implementation of national plans for digitalisation, in order to allow for seamless integration of their national solutions in EMSA's digital services.

Category	Cluster	Potential task	Short description	Reasoning
Cat. 2: Expanded Tasks **Sub-category:** **digitalisation**		EMSA as the hub managing big data of the maritime sector under the Mobility Data Space.	EMSA will play a role in managing big data within the maritime sector. By mining relevant data from the different databases it hosts, EMSA will be able to identify safety, security and sustainability trends, thus supporting research and the formulation of recommendations. This task will be implemented through the development of data warehouses and data lakes with clearly defined access rights. The solutions will be cloud based, so additional budget for cloud consumption will be needed. The data sources will be EMSA hosted. EU academia and industry will have access to the data to allow for the development of an ecosystem of innovation in the area of maritime safety, security and sustainability. Big data management should allow for cross-fertilisation and further enrichment of existing datasets.	This task aims at enhancing EMSA's ability of mining existing data, while also benefitting from the assistance of industry and academia in doing so. EMSA is already hosting and managing most of the datasets and the databases in the maritime domain. Thus, it is better positioned than other public entities and the private sector to support research in the area of the maritime safety, sustainability and security.

ANNEX IV-FACTUAL SUMMARY REPORT ON THE PUBLIC CONSULTATION

Disclaimer: This Annex should be regarded solely as a summary of the contributions made by the stakeholders of the public consultation on the revision of Regulation (EC) No 1406/2002 establishing a European Maritime Safety Agency. It cannot in any circumstances be regarded as the official position of the Commission or its services. Responses to the consultation activities cannot be considered as a representative sample of the views of the EU population.

1. INTRODUCTION

This Annex forms the factual report of the public consultation for the Study on Revised Mandate for the European Maritime Safety Agency (EMSA). The study, running from December 2021 until January 2023, has been commissioned by the Directorate-General for Mobility and Transport and will be carried out by a Consortium led by Ramboll Management Consulting and a group of external experts.

The goal of this report is to provide a short factual overview of the most important results of the public consultation which ran from March – June 2021.

The overview is divided into three chapters, following the different sections that structured the PC, including a section on the position papers:

- General information about the respondents
- Familiarity with EMSA and the maritime transport sector
- Problem definition, objectives, tasks and policy options for the future
- Position papers

The total number of replies received in the consultation was 15, whilst no duplicates, or other reasons to delete responses, were found. All respondents replied to all multiple-choice questions, with the exception of one, who did not provide answers to the questions aimed at gathering general information about the respondents. However, it was still possible to retrieve information on the language chosen by this respondent, country of origin and category of stakeholder it belonged to. Part of the PC participants also provided answers to some or all of the open questions.

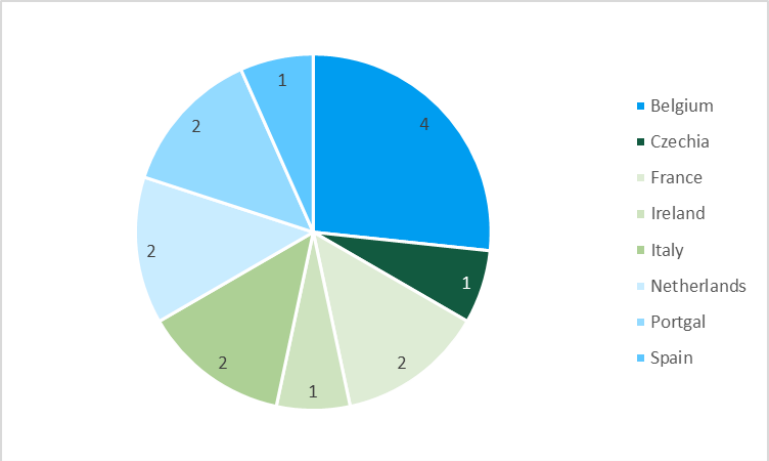
2. WHO CONTRIBUTED?

This section will focus on the general profiling information of the respondents.

10 out of 15 contributions were provided in English, while one was in Czech, one in French, two in Dutch and one in Spanish.

All respondents were from EU countries. The figure below provides more details for the total sample of respondents.

Figure 1: Country of origin of respondents (n=15)



Source: elaboration of the contractor (2022)

Amongst respondents, there were:

- 6 non-governmental organisations
- 4 public authorities
- 3 business associations
- 1 company/business organisation
- 1 EU citizen

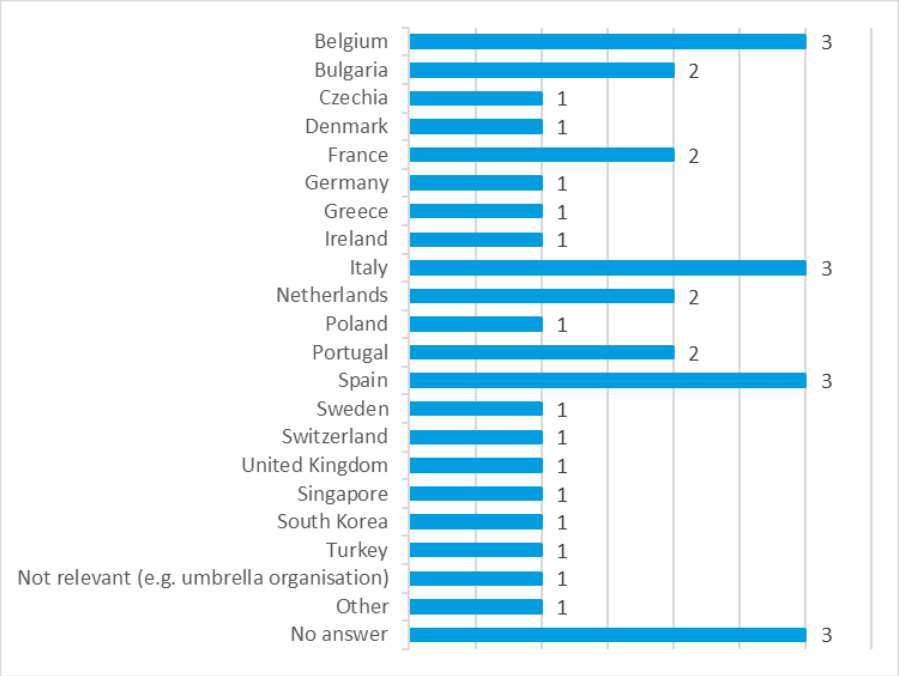
Three of the four public authorities reported their scope of work: two of them are active at regional level, while one is active at national level. In addition, all three reported being an "authority" in terms of their governance level (instead of the Parliament or an agency, which were the two other options available).

More specifically, respondents were asked to indicate the category of the organisation they responded on behalf of, or are active in. They thus reported representing:

- 3 public authorities
- 1 European organisation or agency
- 1 shipowner/ship manager/charterer
- 1 recognised organisation
- 7 “other” categories, including
    - 1 Research-based Community Group
    - representative associations
    - 2 NGOs

In case respondents were participating in the PC on behalf of their organisation, they were asked to indicate the organisations’ country(s) of operation. Figure 2 provides an overview of the countries of operation indicated by respondents.

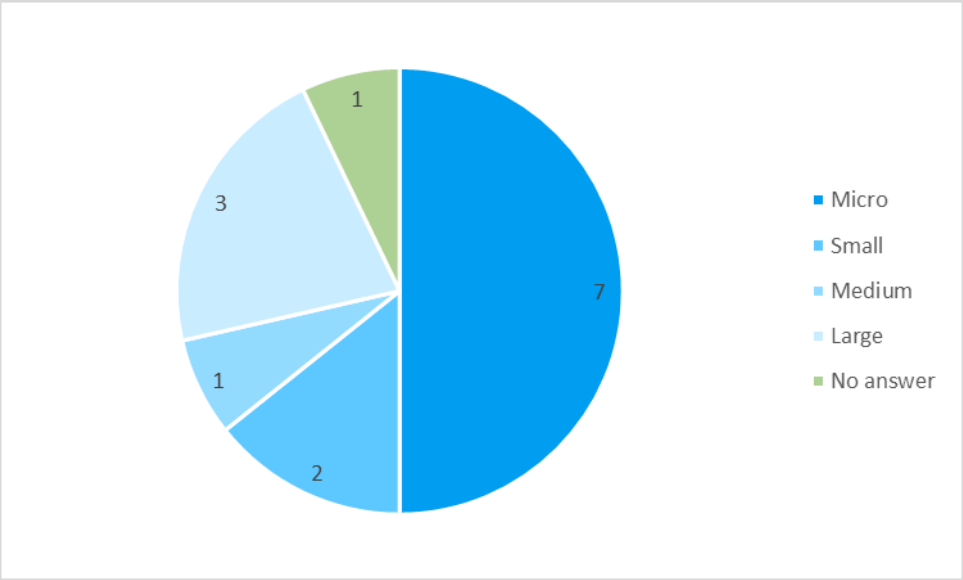
Figure 2 Countries of operation (n=15)



Source: elaboration of the contractor (2022)

In turn, Figure 3 shows the organisation size of the respondents.

Figure 3: Organisation size of respondents (n=15)



Source: elaboration of the contractor (2022)

3. KEY RESPONSE TO QUESTIONS

The following section provides an overview of the responses to questions posed in the OPC. This includes questions focused on the respondent's experience with EMSA and the maritime sector (section 3.1), questions relating to on the definition of the problems associated with EMSA's mandate (section 3.2), policy objectives to be achieved through the revision of the mandate (section 3.3), as well as on potential tasks to be attributed to the Agency (section 3.4).

3.1. Respondent's experience with EMSA and the maritime sector

Following the section on general respondents' information, the PC enquired about respondents' experience with EMSA and the transport sector.

14 out of 15 respondents reported being familiar with the work of EMSA. One NGO declared not being familiar with EMSA's work. 12 out of 15 respondents regularly conduct work related to maritime transport activities, while 3 only sometimes do work related to maritime transport activities. These included two NGOs and one business association. Moreover, 12 out of 15 had interactions with EMSA in the context of their professional capacity, while 3 did not. Those who did not included one public authority and two NGOs.

Finally, all respondents except for one NGO stated they were aware of EMSA's services. Multiple respondents further specified which EMSA services they were familiar with. The services mentioned included the offering of technical and operational assistance in the field of safety, security, and sustainability; the collection of data and maintenance of multiple databases; the provision of support to Member States; training and capacity building activities; the carrying out of monitoring activities, such as monitoring of ship emissions and maritime pollution, shipping routes,

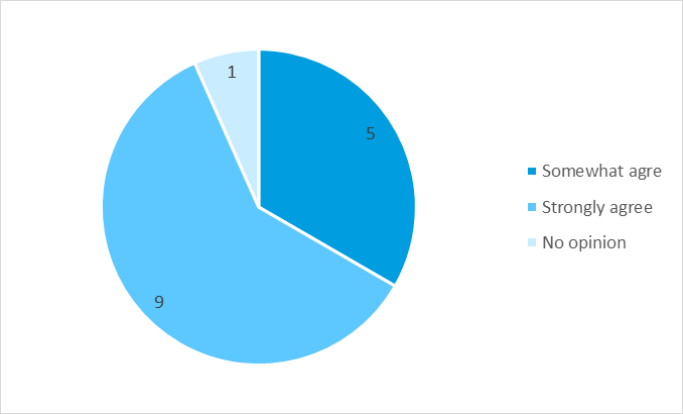
vessel traffic, drones, fisheries; the running of maritime surveillance services and all related maritime surveillance modules (e.g. Thetis); audits and inspections; research and analytics; publishing of reports; cooperation with EFCA and Frontex.

3.2. Problem definition

Respondents were invited to express their level of agreement with five identified problems in relation to EMSA's mandate. A summary of the level of agreement and related stakeholder categories per problem will be presented below.

Nine respondents strongly agreed and five somewhat agreed with the fact that EMSA's current mandate does not properly reflect its growing role in supporting the maritime sector become more sustainable. Those who strongly agreed included an EU citizen, two NGOs, two business associations and two public authorities. Those who somewhat agreed included two public authorities, three NGOs, three business associations and a company/business organisation. Only one respondent, representing an NGO, had no opinion on this.

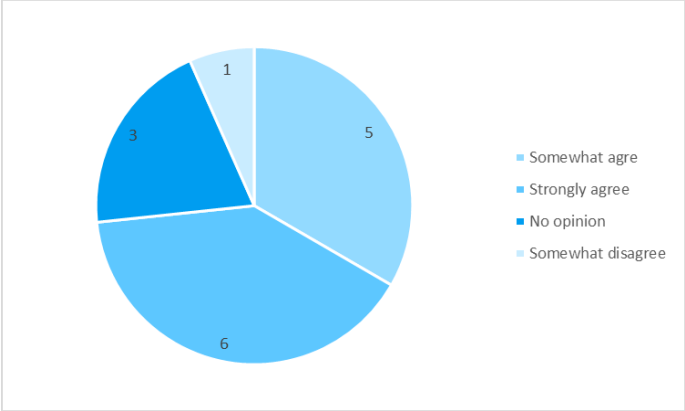
Figure 4 EMSA's current mandate does not reflect properly its growing role in supporting the maritime sector become more sustainable



Source: elaboration of the contractor (2022)

In turn, six respondents strongly agreed and four somewhat agreed with the fact that EMSA's current mandate does not properly reflect its growing role in supporting the maritime sector embracing the digital transition. Those who strongly agreed included an EU citizen, three business associations, a public authority, and an NGO. Those who somewhat agreed included two NGOs, and two public authorities. On the other hand, three respondents had no opinion on this, including a company/business organisation, and two NGOs, while one NGO somewhat disagreed.

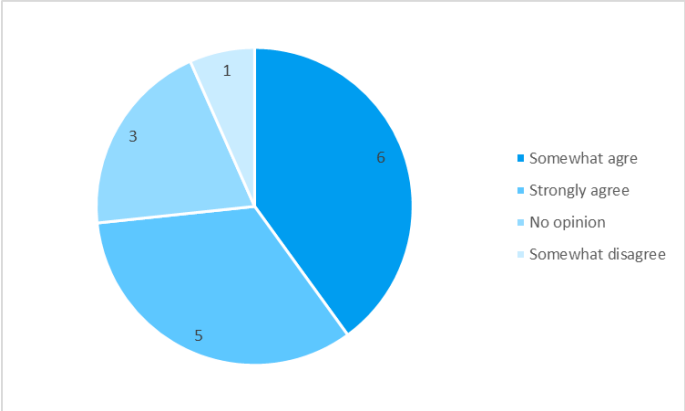
Figure 5 EMSA's current mandate does not reflect properly its growing role in supporting the maritime sector embracing the digital transition



Source: elaboration of the contractor (2022)

The following problem presented to PC participants stated that EMSA's mandate is outdated by the evolution of the Agency's scope of activities and does not provide a clear legal basis reflecting EMSA's actual role. 11 out of 15 respondents agreed with this, either strongly (6) or somewhat (5). Those who strongly agreed with the problem included one EU citizen, one NGO, two public authorities, and one business association. Those who somewhat agreed included one company/business organisation, four NGOs, and one public authority. However, one NGO somewhat disagreed with the statement, while three had no opinion on it, including one NGO, one business association and one public authority.

Figure 6 The mandate is outdated by the evolution of the Agency's scope of activities and does not provide a clear legal basis reflecting EMSA's actual role

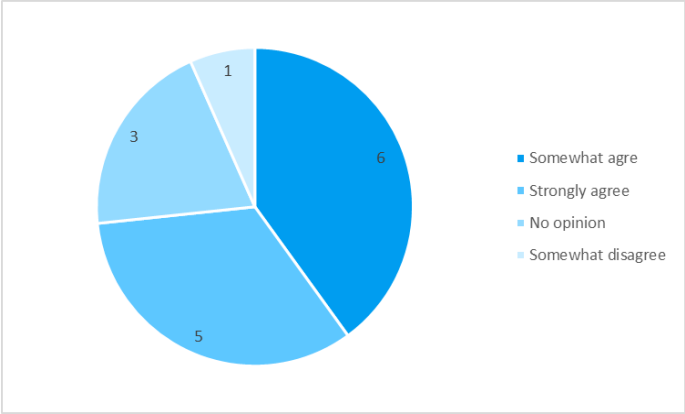


Source: elaboration of the contractor (2022)

Further, most respondents agreed, either strongly (four) or somewhat (six), with the fact that EMSA's mandate is lagging behind on reflecting crucial developments under the EU and international maritime legislation that are adherent to the capacity of the EU Member States' administrations in their roles as flag, coastal or port States. Those who strongly agreed included an EU citizen, one NGO, two business associations, and one public authority. Those who somewhat

agreed included three NGOs, one business association, two public authorities. One NGO somewhat disagreed, while three had no opinion to share, including one company/business organisation, one Ngo and one public authority.

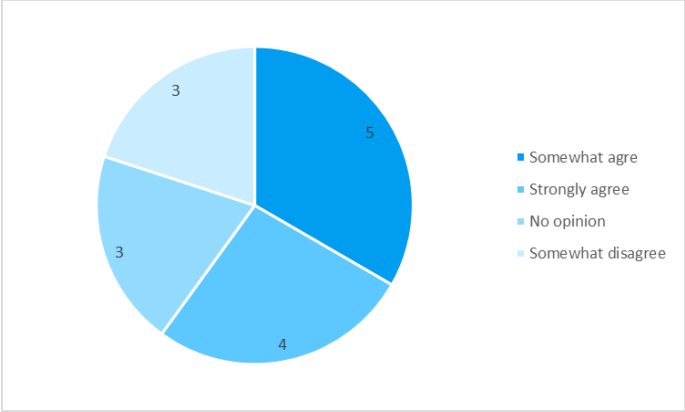
Figure 7 EMSA's mandate is lagging behind on reflecting crucial developments under the EU and international maritime legislation that are adherent to the capacity of the EU Member States' administrations in their roles as flag, coastal or port States



Source: elaboration of the contractor (2022)

Four respondents strongly agreed and five somewhat agreed with the fact that EMSA's mandate is misaligned with new security challenges, alongside competitiveness pressures in ensuring a level-playing field for the sector as well as for EU interests more widely. Those who strongly agreed included two public authorities, one NGO, and one business association. Those who somewhat agreed included one EU citizen, two NGOs, two public authorities. On the other hand, three respondents somewhat disagreed with this problem, including two NGOs and one business association. Four respondents (an NGO, a company/business organisation and one business association) had no opinion on the matter.

Figure 8 EMSA's mandate is misaligned with new security challenges, alongside competitiveness pressures in ensuring a level-playing field for the sector as well as for EU interests more widely



Source: elaboration of the contractor (2022)

Finally, respondents were asked whether they saw any other problem in relation to EMSA's current mandate. 14 out of 15 respondents answered to this question. Eight respondents did not identify any other problem. These were an EU citizen, three NGOs, two business associations, two public authorities. Three respondents (two NGOS and one public authority) did not know whether the EMSA's mandate had any additional problem. Finally, three respondents believed there are additional problems with EMSA's mandate; these were one company/business organisation, one NGO and one business association.

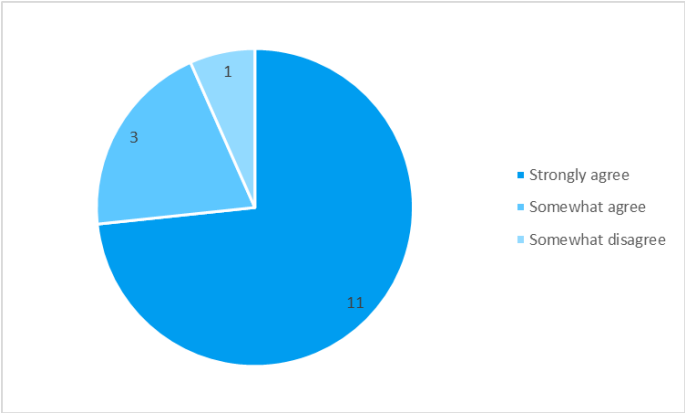
When further specifying their reasons, the NGO mentioned that shipping is generally too loosely regulated, while significant differences exist in regulation across Europe, and many ports/member states implement monitoring that is weaker than it could/should be. The business association stated that EMSA's mandate does not currently reflect that it has become increasingly difficult for independent spare parts supplier/producers to obtain Type Approval from ROs, in relation to the Mutual Recognition Scheme and Type Approval (TA) certificates for marine engine equipment and spare parts.

3.3. Policy Objective

Stakeholders were questioned on which policy objectives, in relation to the revision of EMSA's mandate, they considered relevant.

11 respondents strongly agreed with better defining the role of EMSA in the area of sustainability, ensuring the Agency can support the sector in this transition, as a relevant policy objective. These were one EU citizen, five NGOs, three business associations, and two public authorities. Three respondents somewhat agreed with this policy objective. These were one company/business organisation, one NGO and one public authority. Finally, one public authority somewhat disagreed.

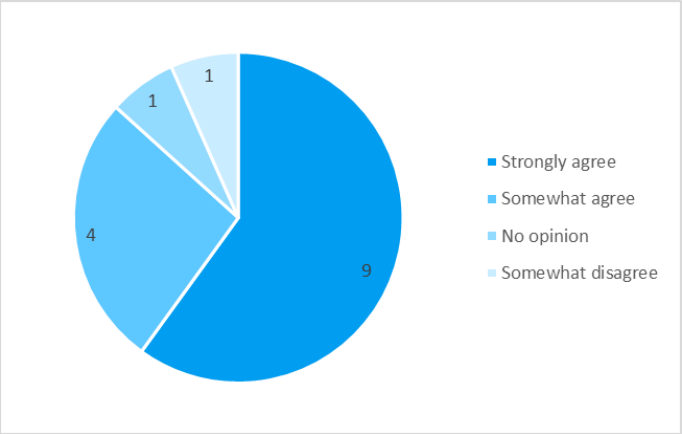
Figure 9 Better define the role of EMSA in the area of sustainability, ensuring the Agency can support the sector in this transition



Source: elaboration of the contractor (2022)

Better defining the role of EMSA in the area of sustainability, ensuring the Agency can support the sector in this transition, was considered as a relevant policy objective by 13 respondents. Out of these, nine strongly agreed, including one EU citizen, three NGOs, three business associations, and two public authorities. Four respondents somewhat agreed with this policy objective, including two NGOs, one company/business organisation and one public authority. One public authority somewhat disagreed. Finally, one NGO had no opinion on this.

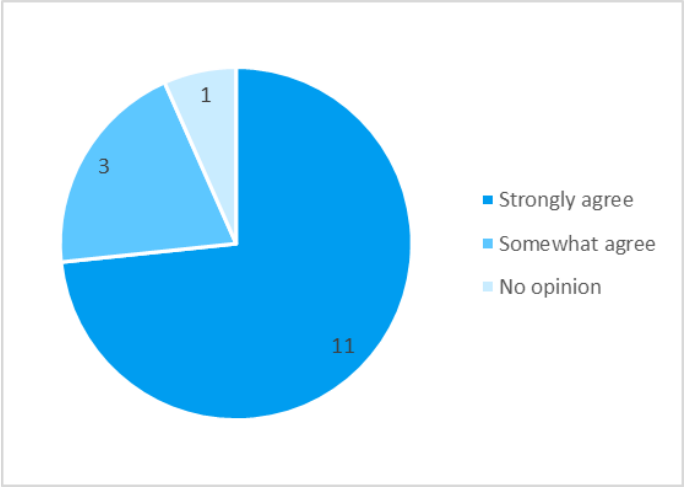
Figure 10 Better define the role of EMSA in the area of digitalisation ensuring the Agency can support the sector in this transition



Source: elaboration of the contractor (2022)

11 stakeholders strongly agreed with the policy objective of making EMSA's formal role and hierarchy of tasks fit for purpose and reflect new tasks and operational practice, in order to provide the Agency with a solid and clearer legal basis. These included one EU citizen four NGOs, four public authorities and two business associations. Three stakeholders somewhat agreed with this objective, including two NGOs and one business association. Finally, one company/business organisation had no opinion on this.

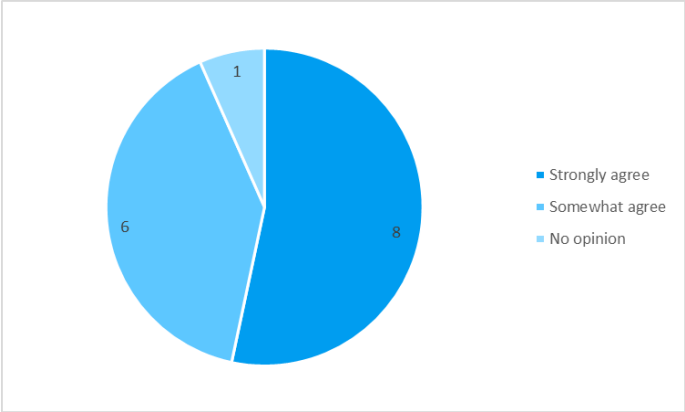
Figure 11 EMSA's formal role and hierarchy of tasks to be fit for purpose and reflect new tasks and operational practice, in order to provide the Agency with a solid and clearer legal basis



Source: elaboration of the contractor (2022)

Ensuring that EMSA can play a better supporting role for maritime administrations and exploit economies of scale and bringing the mandate in alignment with parallel provisions in the maritime safety acquis was overall considered as a relevant policy objective by 13 respondents. Out of these, eight strongly agreed, including one EU citizen, two NGOs, three public authorities and two business associations. Six respondents somewhat agreed with this policy objective, including four NGOs, one company/business organisation, and one business association. Finally, one public authority had no opinion on it.

Figure 12 Ensure EMSA can play a better supporting role for maritime administrations and exploit economies of scale; bringing the mandate in alignment with parallel provisions in the maritime safety acquis

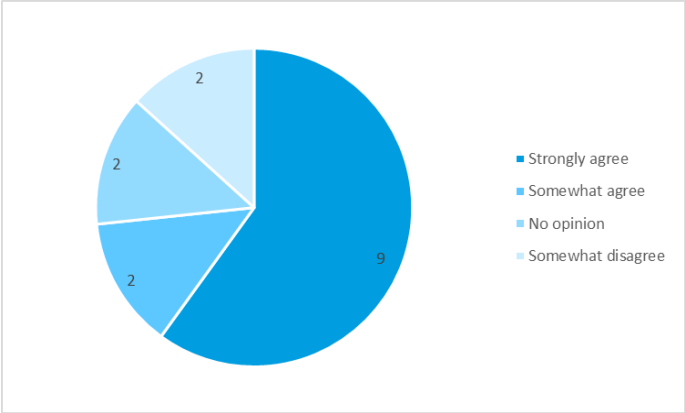


Source: elaboration of the contractor (2022)

Nine respondents strongly agreed with the fact that EMSA's mandate should cover developing security threats, from piracy to cybersecurity, and better integrate EMSA's mission into the wider

global landscape. These included four NGOs, four public authorities and one business association. Two respondents somewhat agreed with this policy objective, including one EU citizen and one business association. Two respondents somewhat disagreed with this policy objective, including one company/business organisation and one NGO. Finally, two respondents had no opinion on it, including one NGO and one business association.

Figure 13 EMSA's mandate to cover developing security threats, from piracy to cybersecurity, and better integrate EMSA's mission into the wider global landscape



Source: elaboration of the contractor (2022)

Respondents were given the possibility to specify any other policy objectives that they believed should be set for the revision of EMSA's mandate. One NGO suggested that stronger and broader sustainability parameters should be introduced, in order to include the full range of stakeholders affected by ship traffic (e.g. port communities). Another NGO underlined that the role of EMSA in the field of sustainability and environmental protection should be wider and more structured, in order to allow EMSA to support Member States, and provide them with complementary capacity to implement environmental provisions in various domains relating to shipping. Finally, another NGO stated that Member States should be actively encouraged to promote stakeholder participation when trying to improve maritime safety (e.g. by setting up working groups within Member States).

3.4. Potential future tasks

The PC presented four lists of potential tasks that might be attributed to EMSA in the fields of safety, sustainability, digitalisation and security. Within each field, respondents were asked to indicate which specific tasks they believed EMSA should be attributed.

In the following subsections, each task will be presented, along with the number of respondents that selected each of them. Tasks will be presented in descending order, from those that were most frequently selected, to those that were less frequently selected.

3.4.1. Tasks in the field of safety

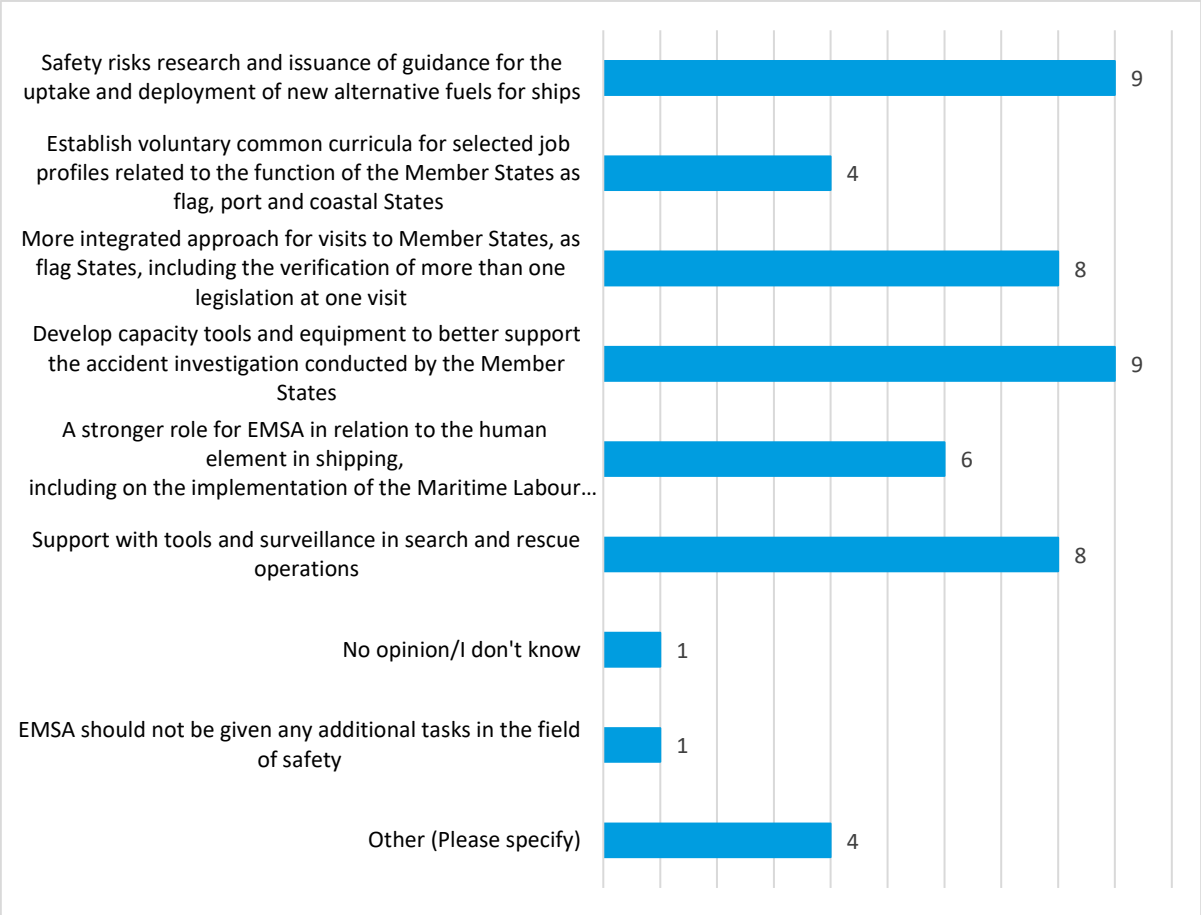
- Safety risks research and issuance of guidance for the uptake and deployment of new alternative fuels for ships was selected by nine respondents, including four NGOs, two business associations, two public authorities, and one company/business organisation.

- The development of capacity tools and equipment to better support the accident investigation conducted by the Member States was selected by nine respondents, including four NGOs, two public authorities, one company/business organisation and one EU citizen and one business association.
- The provision of support with tools and surveillance in search and rescue operations was selected by eight respondents, including three NGOs, three public authorities, one business association and one EU citizen.
- A stronger role for EMSA in relation to the human element in shipping, including on the implementation of the Maritime Labour Convention was selected by six respondents, including four NGOs, one public authority and one business association.
- The establishment of voluntary common curricula for selected job profiles related to the function of the Member States as flag, port and coastal States was selected by four respondents, including two public authorities and two NGOs.
- One NGO had no opinion
- One public authority believed EMSA should not be given any additional tasks in the field of safety (although this stakeholder had already selected some from the list)
- Four respondents indicated additional tasks by selecting "Other". These included two public authorities, one NGO and one business association

These four stakeholders subsequently provided an indication for additional tasks that they would attribute to EMSA. One public authority suggested that EMSA should provide courses and training for Search and Rescue (SAR) personnel and facilitate a complete EU SAR framework. Moreover, EMSA should develop a roadmap, together with EASA, to facilitate MRCC's and ARCC's to integrate into JRCC's. Another public authority wrote that the EMSA ship database should include all recreational crafts under European flags. On the same topic, one business association underlined that support should be provided to the recreational boating sector and users, in terms of accident investigation and on EMCIP.

In turn, one NGO pointed at the fact that LNG – which is a widely used fuel – should be monitored and subject to safety controls. One business association mentioned that safety/security rules should be limited to what is strictly necessary, in order to avoid misuse that may be detrimental to competition.

Figure 14 Safety related tasks



Source: elaboration of the contractor (2022)

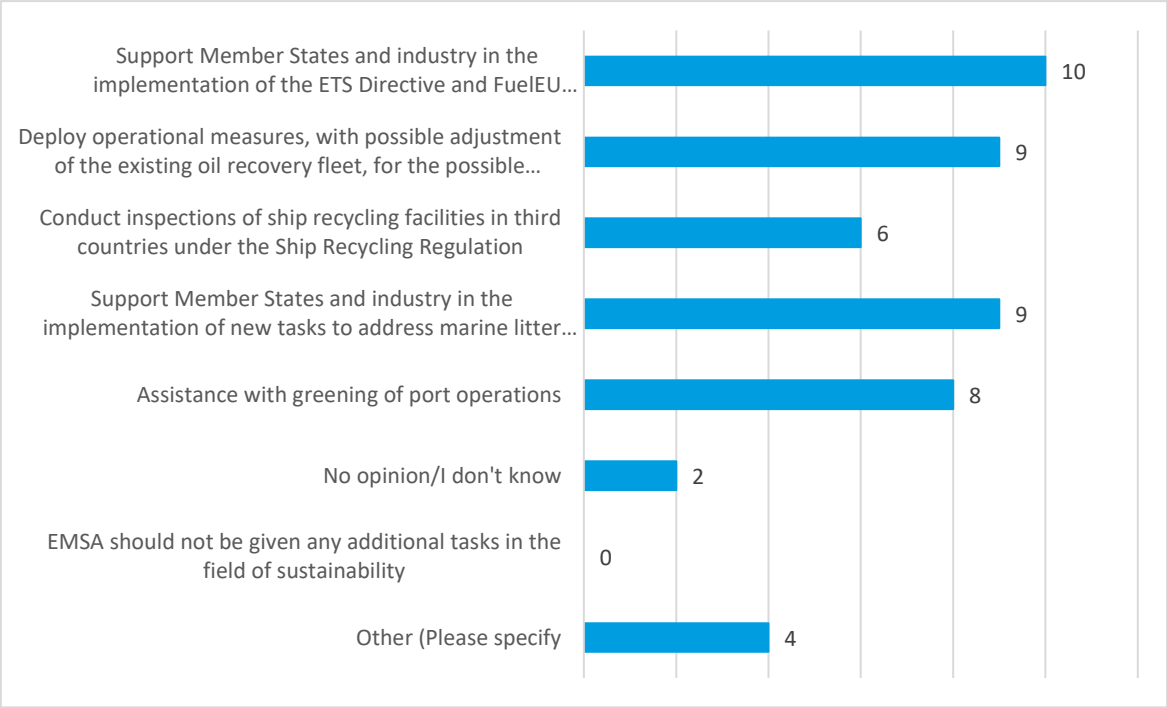
3.4.2. Tasks in the field of sustainability

- The provision of support Member States and industry in the implementation of the ETS Directive and FuelEU Maritime Regulation and Alternative Fuel Infrastructure Regulation proposals addressing climate change was selected by ten respondents. These included three public authorities, four NGOs, two business associations and one company/business organisation.
- Deploying operational measures, with possible adjustment of the existing oil recovery fleet, for the possible marine pollution caused by new pollutants as cargo or sources of power, including chemical pollution was selected by nine respondents. These included four NGOs, two public authorities, one business association, one EU citizen and one company/business organisation.
- The provision of support Member States and industry in the implementation of new tasks to address marine litter in general, including lost containers and underwater noise, under the umbrella of the Marine Strategy Framework Directive, and to support its revision was selected by nine respondents. These included five NGOs, three public authorities, and one business association.

- Assistance with greening of port operations was selected by eight respondents, including five NGOs and three business associations.
- The conduct of inspections of ship recycling facilities in third countries under the Ship Recycling Regulation was selected by six respondents, including four NGOs, one business association and one public authority.
- Two respondents had no opinion, including one NGO and one public authority
- No respondent selected the option "EMSA should not be given any additional tasks in the field of sustainability"
- Four respondents indicated additional tasks by selecting "Other". These included two NGOs and two business associations.

In this perspective, one of the two NGOs highlighted that the issues of "closed loop" scrubbers and disposal of waste in ports should be addressed. The other NGO suggested to establish a system to monitor, analyse and pinpoint sources of marine litter and noise. In turn, one of the business associations mentioned that, in the context of sustainability/innovation developments, a level playing field should be maintained on the marine equipment aftermarket. The other business organisation a recreational boating perspective should be considered in relation to fuels, engines and (leisure) ports.

Figure 15 Sustainability related tasks



Source: elaboration of the contractor (2022)

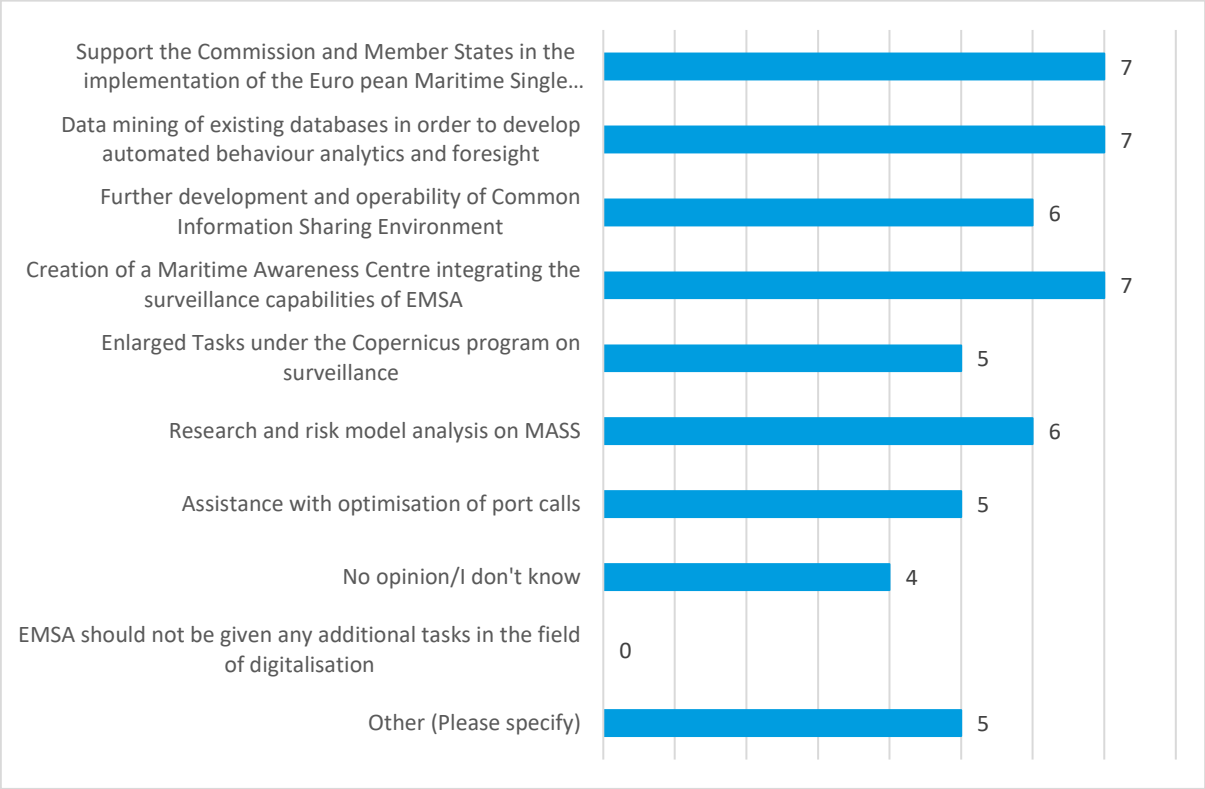
3.4.3. Tasks in the field of digitalisation

- The provision of support to the Commission and Member States in the implementation of the European Maritime Single Window environment (EMSWe) was selected by seven respondents, including three public authorities, two business associations, one NGO and one company/business organisation
- Data mining of existing databases in order to develop automated behaviour analytics and foresight was selected by seven respondents, including two business associations, two NGOs and three public authorities
- The creation of a Maritime Awareness Centre integrating the surveillance capabilities of EMSA was selected by seven respondents, including four NGOs, two public authorities and one company/business organisation
- The further development and operability of Common Information Sharing Environment was selected by six respondents, including three public authorities, two business associations and one NGO
- Research and risk model analysis on MASS was selected by six respondents, including three public authorities, two NGOs and one company/business organisation
- The enlargement of tasks under the Copernicus program on surveillance was selected by five respondents, including three NGOs and two public authorities
- Assistance with optimisation of port calls was selected by five respondents, including two business associations, one company/business organisation, one NGO and one public authority.
- Four respondents had no opinion on this, including two NGOs, one business association and one EU citizen.
- No respondent selected the option "EMSA should not be given any additional tasks in the field of digitalisation"
- Five respondents indicated additional tasks by selecting "Other". These included two NGOs, one public authority, one company/business organisation and one business association

In relation to these, the company/business organisation stated that the Maritime Awareness centre should be integrated in already existing bodies (e.g. MAICC, MDaTGoG or Yaris). One of the NGOs suggested to create a working group on MASS, which incorporates marine pilots. The other NGO indicated that the THETIS system should be turned into a system identifying and disclosing the identity of polluters.

The business association stated that the use or implementation of digital emission monitors should be promoted. Finally, the public authority suggested that standards for MRCC incident management systems and their cross-border and cross-sector interfaces should be developed. Moreover, a common/joint EU database on leisure craft should be created. Finally, outdated reporting systems should be replaced and integrated into new digitised systems.

Figure 16 Digitalisation related tasks



Source: elaboration of the contractor (2022)

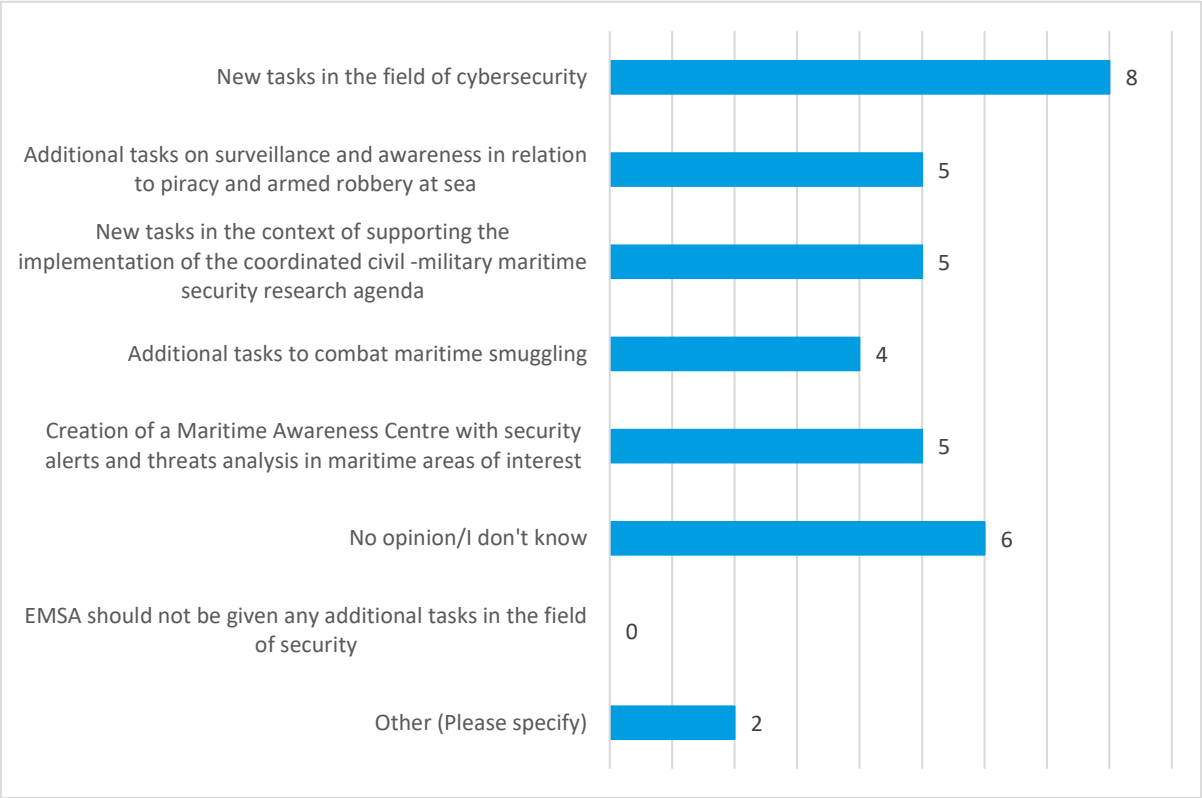
3.4.4. Tasks related to security

- The introduction of new tasks in the field of cybersecurity was selected by eight respondents. These included three public authorities, two business associations, one NGO and ne EU citizen
- The introduction of additional tasks on surveillance and awareness in relation to piracy and armed robbery at sea was selected by five respondents. These included two public authorities, two NGOs and one business association
- The introduction of new tasks in the context of supporting the implementation of the coordinated civil - military maritime security research agenda was selected by five respondents, including two public authorities, one NGO, one business association and one company/business organisation
- The creation of a Maritime Awareness Centre with security alerts and threats analysis in maritime areas of interest was selected by five respondents. These included two business associations, one NGO, one public authority and one company/business organisation.
- The introduction of additional tasks to combat maritime smuggling was selected by four respondents. These included one business association, two NGOs and one public authority

- Six respondents had no opinion on this. These were four NGOs, one public authority, and one business association
- Two respondents indicated additional tasks by selecting "Other". These included one company/business organisation and one business association

In this respect, the company/business organisation re-stated that the Maritime Awareness centre should be integrated in already existing bodies (e.g. MAICC, MDaTGoG or Yaris) (see digitalisation related tasks above). The business association similarly re-stated that safety/security rules should be limited to what is strictly necessary, in order to avoid misuse that may be detrimental to competition (see safety related tasks above).

Figure 17 Security related tasks



Source: elaboration of the contractor (2022)

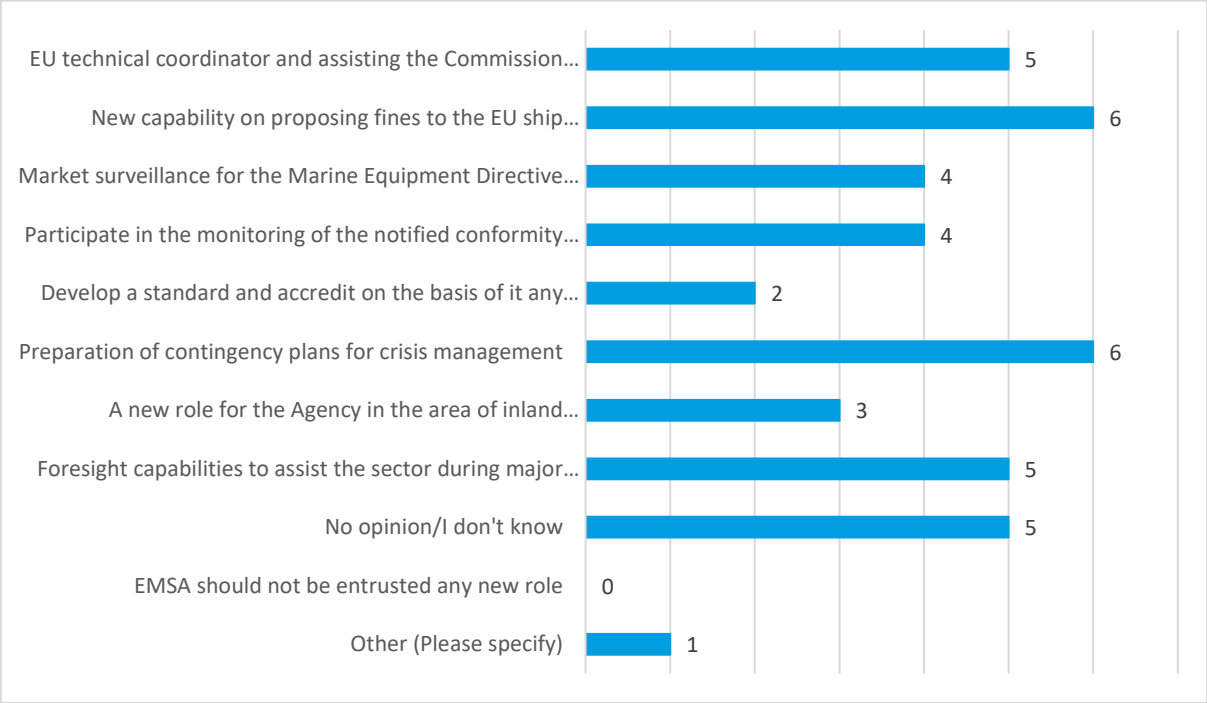
3.5. Potential roles for EMSA

The PC further asked respondents to indicate which new roles EMSA could undertake, which would allow it to better attain its policy objectives. respondents could select multiple roles from a pre-defined list. these will be presented below, in descending order, starting from those selected by the highest number of respondents.

- Preparation of contingency plans for crisis management was selected by six respondents, including three public authorities, two NGOs and one company/business organisation

- The acquisition of a new capability on proposing fines to the EU ship inspection and survey organisations (ROs) was selected by six respondents, including two business associations, two NGOs, one EU citizen and one public authority
- Foresight capabilities to assist the sector during major future crises was selected by five respondents, including two public authorities, two NGOs and one business association
- Becoming the EU technical coordinator and assisting the Commission and the Member States on the European Monitoring and Oversight program of the ship inspection and survey organisations (ROs) was selected by five respondents, including two business associations, two NGOs and one company/business organisation
- Market surveillance for the Marine Equipment Directive (MED) was selected by four respondents, including two business associations, one NGO and one public authority
- Participating in the monitoring of the notified conformity assessment bodies under MED was selected by four respondents, including two business associations, one NGO and one public authority
- A new role for the Agency in the area of inland waterways and ports was selected by three respondents, including two NGOs and one public authority
- Developing a standard and accredit on the basis of it any training and educational institutions issuing an EU certificate of excellence was selected by two respondents, including one NGO and one public authority
- Five respondents had no opinion on this, including three NGOs, one business association and one public authority
- One business association selected “Other”, on top of the roles it had already selected, and mentioned that the implementation of Mutual Recognition requirements should be timely and effectively supervised.

Figure 18 EMSA's potential roles

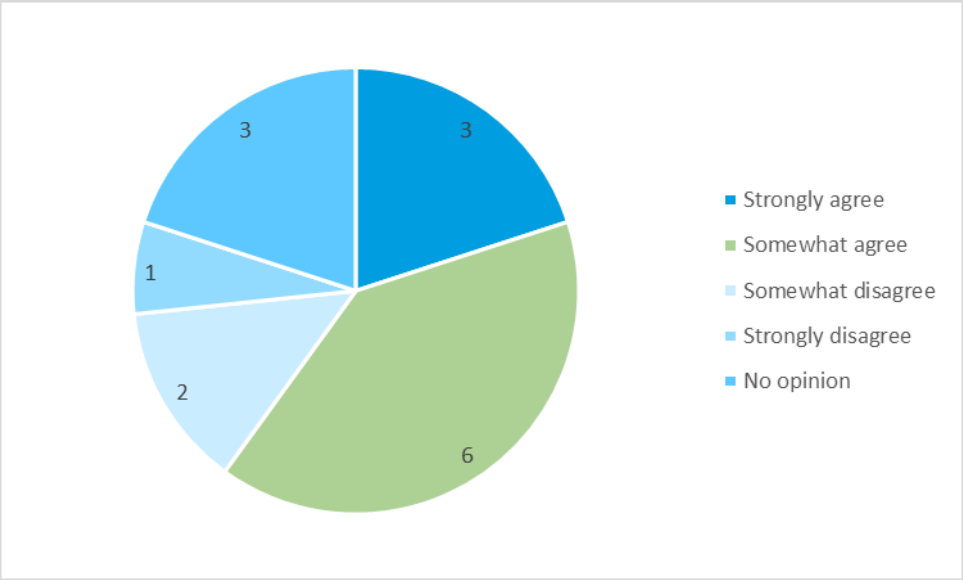


Source: elaboration of the contractor (2022)

3.6. Fee-based services

A total of nine respondents agreed with the fact that EMSA should provide some of its services against fees to third countries and the industry. Among these, three strongly agreed with this statement, including two NGOs and one public authority, while six somewhat agreed. These included three NGOs, two public authorities and one company/business organisation. On the other hand, two respondents somewhat disagreed, including one public authority and one business association, while one EU citizen strongly disagreed. Three respondents had no opinion on this, including two business associations and one NGO.

Figure 19 Degree of agreement with the provision of EMSA services against a fee



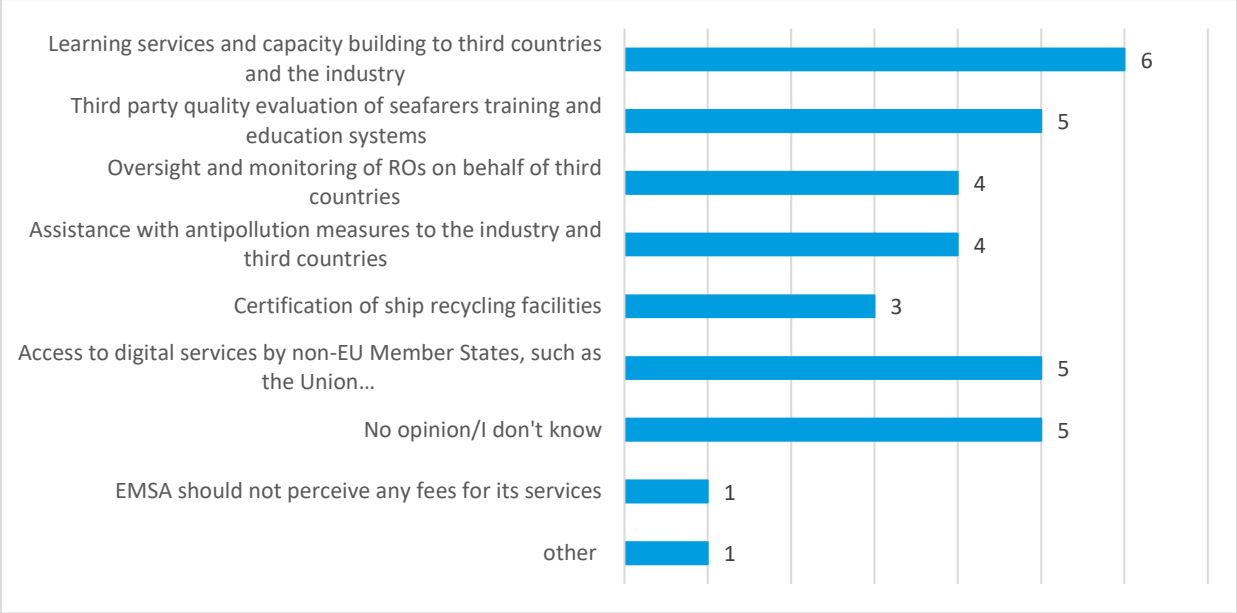
Source: elaboration of the contractor (2022)

In terms of potential fee-based tasks, respondents were invited to select the ones they believed EMSA should be assigned.

- The provision of learning services and capacity building to third countries and the industry was selected by six respondents, including three NGOs and three public authorities
- Third party quality evaluation of seafarers training and education systems was selected by five respondents, including two NGOs, two public authorities and one business association
- Access to digital services by non-EU Member States, such as the Union Maritime Information and Exchange System (SafeSeaNet) and CleanSeaNet was selected by five respondents. These included three public authorities and two NGOs
- Oversight and monitoring of ROs on behalf of third countries was selected by four respondents, including two NGOs, one business association and one public authority
- Assistance with antipollution measures to the industry and third countries was selected by four respondents, including two NGOs and two public authorities
- The certification of ship recycling facilities was selected by three respondents, including two NGOs and one public authority
- Five respondents had no opinion on potential fee-based services, including three NGOs and two business associations
- One EU citizen believed EMSA should not perceive any fees for its services
- One company/business organisation suggested additional services by selecting "other". Firstly, it underlined that any possibility for Member States to pay for EMSA to prepare reports should be inexpedient, given the impact these can have at IMO level. Further, the company/business organisation expressed concerns in terms of the fee-based provision of training and capacity building to industry. These relate to the fact that such services are

usually provided to shipping companies free of charge by national maritime administrations and, in particular, SMEs could not afford their costs. Fees could be charged for trainings provided to third countries, while the EMSA databases should remain available for free.

Figure 20 Fee-based tasks



Source: elaboration of the contractor (2022)

3.7. Other measures

After presenting the tasks per category, the PC asked respondents to provide any additional input, in terms of other measures to be considered in response to the set of problems identified. Four PC participants provided answers in this regard. However, one of them had referenced the answer provided to this question – which focused entirely on fee-based services, as the answer to the previous question under “other”. Therefore, it was reported in the previous section on fee-based tasks as the input provided by the company/business organisation.

One NGO provided suggestions in terms of improving EMSA’s activity in relation to the sustainability of shipping and to the implementation of existing and future legislation. These included enabling EMSA to conduct periodic controls with "sniffers" drones inside and around EU ports, regardless of member states’ requests, so as to enforce the sulphur Directive and the other relevant legislation that pertain to the reduction of emissions from ships. Moreover, a stronger cooperation should be enacted, through EMSA, at EU level among coast guard and port authorities. EMSA could also contribute to the monitoring of the operation of closed and open loops scrubbers. It could, under certain circumstances, acquire the capacity to control and highlight Member States’ correct or incorrect implementation of environmental legislation. finally, the THETIS database should be open to the public and, in particular, data and evidence could be used as environmental information.

One business association highlighted that the implementation of the Mutual Recognition requirements under Regulation (EC) No 391/2009 should be supervised in order to attain EMSA's objectives. Moreover, given the need to ensure the impartiality and independence of recognised organisations, EMSA's mandate could include appropriate measures to supervise their work more closely. Finally, one public authority underlined that the data quality of SafeSeaNet should be improved.

3.8. Further comments

In conclusion, further comments were provided by four respondents.

One company/business organisation mentioned that the extension of EMSA's activities in the security area should only be enforced if it can bring any added value to the already existing EU initiatives to tackle maritime security.

One NGO suggested that cooperation with citizens in science campaign could lead to enhanced public participation and a greater amount of data collected in relation to Member States' implementation of existing and future legislation.

In terms of the preparation of contingency plans by EMSA, one public authority noted that most Member States already have one national emergency plan.

Finally, another NGO highlighted that EMSA is a well-organised and professional body that will be able to further support maritime safety and security in the future. EMSA's contribution could therefore be to support those countries needing assistance, as well as promote regional cooperation.

4. POSITION PAPERS

Four position papers were submitted with the PC. Two were submitted by public authorities, namely the Danish Ministry of Industry, Business and Financial Affairs and the French Authorities. One was submitted by a business association, the European International Shipowners' Association of Portugal (EISAP). And one was submitted by an NGO, the European Maritime Pilots' Association (EMPA).