



European Maritime Safety Agency; Current Activities and Pending Tasks

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ABSTRACT

Maritime disasters that happened around the turn of the century led to the adoption of measures by the European Union in order to ensure a high, uniform and effective level of maritime safety and prevention of pollution by ships within the Community. Thus, the European Maritime Safety Agency (EMSA) was created, with headquarters in Lisbon (Portugal). It is comprised of members from all 27 states, being responsible for controlling 100,000 km of coastline and 1200 commercial ports. The control and identification work is done with the long tracking system (LRIT) which allows to evaluate and alert each EU Member State to the risk that each of the vessels leads to navigate international waters and jurisdictional European Space. Likewise the Automatic Identification System (AIS) recognizes the real time position of the vessels as they navigate the waters of the European Union. The agency is also responsible for monitoring fuel, for the supervision of ship dismantling (Control from the Cradle to the Grave), for the training of technical personnel, for the development of technical standards, for the advisory to Government Institutions (EU Member States), and Non-Governmental Organizations. This paper shows the main activities of EMSA and tasks for the future.

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1. Introduction

The European Union (EU) is a continental organization dedicated to increasing economic and political integration and strengthening cooperation among its member states. The European Union was born on November 1st, 1993, when the Treaty of European Union entered into force, previously ratified by the twelve members of the European Community (EC), Belgium, Denmark, France, Germany, United Kingdom, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal and Spain. With the Treaty of the European Union, European citizenship was granted to citizens of all member states. Customs and immigration agreements were intensified in order to allow European citizens greater freedom to live, work or study in any of the member states.

The functioning of the Union is structured around different institutions, organizations and agencies. These agencies play an important role in the implementation of public policies and carry out certain functions, especially technical, scientific, regulatory and operational.

One of these 30 agencies is the European Maritime Safety Agency (EMSA), which provides technical assistance and sup-

port to the EU and its member countries in the development and implementation of standards for ship safety, pollution by vessels, protection of life and goods transported. It also has responsibilities in preventing and combating oil spills, monitoring and identifying vessels by vessel long distance monitoring (called LRIT).

The best way to implement security standards are comprehensive controls of the material conditions of the ships, carried out in EU ports. The new rules of the Union (Directive of port state control) involve a more rigorous and frequent inspections: of the 11,000 ships that are inspected on average every year, about 4,000, considered "dangerous", will be subject to rigorous inspections, compared to the 700 that are currently going through them. And ships carrying dangerous cargoes such as oil, gas or chemicals, will not be allowed to enter EU ports if sailing under the flag of a country appearing on a blacklist and have been arrested by port authorities more than twice in the past two years. Despite stiff resistance from the governments of the EU, MEPs managed to add a rule that requires ships to be equipped with a data crossing logger (or "black box"), which can provide usable information for accident research. These rules should be applied since July 2003.

Governments delegate the structural checks on vessel safety in companies known as "classification societies" that have the necessary technical skills. But the EU decided that

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these companies had to meet a stringent quality requirements. European and national authorities grant or revoke licenses to such companies after carefully examining his background in safety and pollution prevention. Under a proposal by Parliament, classification societies may not be in the hands of shipowners, shipbuilders or other organizations engaged in commercial shipping, to avoid conflicts of interest. Also those rules should be applied since July 2003.

2. Materials and methods

In June 2002 two measures to improve maritime safety were approved. The Parliament supported with conviction the creation of a European Maritime Safety Agency, based in Lisbon, which will provide the member states with scientific and technical support to implement EU legislation and assess its impact on maritime safety. An information system that allows a more effective monitoring of maritime traffic was also established. Ships sailing in EU waters must have identification systems which allow them to be in communication with coastal authorities automatically. Data on hazardous transport will be more easily accessible and the Member States will have greater powers to intervene in the event of an accident or any risk of contamination.

The establishment of the European Maritime Safety Agency is structured around the Regulation (EC) No 1406/2002 of the European Parliament and Council, dated June 27 2002, which establishes a European Maritime Safety Agency. This regulation is structured in 4 chapters and 24 articles.

Chapter objectives, tasks, and I includes articles 1 to 4. Article 1 specifies in its 2 points the objectives of the Agency:

- a) This Regulation establishes the European Maritime Safety Agency (hereinafter "the Agency"), in order to ensure a high, uniform and effective level of maritime safety and prevention of pollution from ships in the Community.
- b) The Agency shall provide the Member States and the Commission with the necessary technical and scientific as support as well as with a high level of expertise, to assist them in the proper application of Community legislation in the field of maritime safety and prevention of pollution by ships within the Community, in monitoring its implementation and evaluating the effectiveness of existing measures.

Article 2 explains the tasks to be performed. In order to achieve the objectives set out in Article 1, the Agency shall perform the following tasks:

- a) To assist the Commission, if necessary, in preparation for updating and developing Community legislation in the field of maritime safety and preventing pollution from ships, especially in relation to the evolution of international law in this area. This will include the analysis of projects in the field of maritime safety and preventing pollution from ships.
- b) To assist the Commission in the effective application of community legislation on maritime safety and the pre-

vention of pollution by ships within the Community. In particular, the Agency:

- will monitor the overall functioning of the community port state control, which may include visits to the Member States, and suggest possible improvements to the Commission;
 - will provide the Commission with technical assistance necessary to participate in the work of the technical bodies of the Paris Memorandum of Understanding on the control of ships by the port State;
 - will assist the Commission in the performance of any task assigned to the Commission by the present and future Community legislation on maritime safety and the prevention of pollution from ships, especially the law applicable to the classification societies and safety passenger ships, as well as applicable to safety, training, certification and watchkeeping for seafarers;
- c) Collaborate with the Member States to:
 - organize, where appropriate, relevant training in areas under the jurisdiction of the port State and flag State;
 - develop technical solutions and provide technical assistance related to the implementation of Community legislation;
 - d) Facilitate cooperation between Member States and the Commission within the scope of Directive 2002/59/EC. In particular the Agency: i) will promote cooperation between riparian States in the shipping areas concerned in the fields covered by this Directive; ii) will develop and operate any information system necessary to achieve the objectives of the Directive.
 - e) Facilitate the cooperation between Member States and the Commission in the development of a common methodology to investigate maritime accidents.
 - f) Provide the Commission and the Member States with objective, reliable and comparable information and data related to maritime safety and preventing pollution from ships so that they can take steps to increase safety at sea, prevent pollution from ships and evaluate the effectiveness of existing provisions. The Agency will also assist the Commission and the Member States to improve the mechanisms of identification and pursuit of ships making unlawful discharges.
 - g) In the course of negotiations with the candidate countries for accession, the Agency may provide technical assistance regarding the implementation of Community legislation in the field of maritime safety and preventing pollution from ships. This task will be coordinated with the existing regional cooperation programs and include, if applicable, the organization of relevant training activities.

Sections 3 and 4 cover the topics of visits to the Member States and other issues regarding transparency and protection of information.

Chapter II deals with the internal structure and operation. It consists of items 5 to 17. Article 5 deals with the legal status:

- a) The Agency shall be a body of the Community and shall have legal personality.

- b) In each of the Member States the Agency shall enjoy the most extensive legal capacity recognized in national laws to legal persons.
- c) At the proposal of the Commission, the Board of Directors may decide, in agreement with the Member States concerned, the establishment of regional centers in order to carry out tasks related to the monitoring of navigation and maritime traffic, as provided Directive 2002/59/EC.

Article 10 onwards explains the constitution, powers and board members. For the operation a Board of Directors will be created, which will be composed of one representative from each Member State and four representatives of the Commission, as well as four professionals from the sectors most affected, appointed by the Commission, without voting rights. The Management Board shall elect from among its members a Chairman and a Vice President who shall have a term of three years renewable once. The Chairman shall convene meetings of the board of directors which shall normally be held 2 times a year but able to hold special sessions at the initiative of the president, the commission or one third of the Member States. The board's mission will:

- a) Approve the report of the agency.
- b) Prepare the work programs.
- c) Adopt the budget of the Agency.
- d) Appoint an executive director.
- e) Define a policy of inspections.
- f) Exert disciplinary authority over the Executive Director and the heads of unit.
- g) Approve the rules of procedure.

Article 15 defines the functions and powers of the Executive Director, who shall be completely independent in the performance of his/her functions without prejudice to the respective competences of the Commission and the Board of Directors. The Executive Director may be assisted by one or more heads of unit. In case of absence or impediment, will be replaced by one of the heads of unit. The Executive Director shall have the following duties and powers:

- a) To develop the work program and submit it to the Administrative Board after consultation with the Commission.
- b) To decide, after consultation with the Commission, to conduct inspection visits.
- c) To take the necessary measures to ensure the functioning of the Agency in accordance with the provisions of this Regulation.
- d) To organize an effective monitoring system in order to confront the performance of the Agency with its operational objectives.
- e) To exercise, in relation to staff, appointment of other agents.
- f) To make an estimate of revenue and expenditure of the Agency.

Chapter III deals with the financial provisions organized around articles 18 to 21. Article 18 explains the sources of

funding and expenditure that will be reflected in a budget that must be balanced:

- a) The revenues of the Agency will come from:
 - A contribution from the Community;
 - From possible contributions from third countries participating in the work of the Agency pursuant to Article 17;
 - Charges for publications, training and other services provided by the Agency;
- b) The expenditure of the Agency shall cover staff, administration, infrastructure and operations.

Article 19 deals with the implementation of the budget delegated to the executive director and with the control of the payment commitments of all expenses in the Controller of the Commission.

Finally, Chapter IV (final provisions) undertakes independent external evaluation (within five years) of the application of this Regulation. Likewise, it is stated that, in the maximum period of 12 months from the entry into force of the regulation, activity is initiated by the Agency. The entry into force of the regulation is effective on the twentieth day following its publication in the Official Journal of the European Communities.

3. Operating structure of the agency

The agency is organized operationally with an executive director and the heads of its three departments. The Executive Director is in charge of decision-making with the assistance of an accountant, an internal auditor and chief executive office, which is responsible for external communications.

3.1. Department A: Corporate services (information)

The mission of the Department of A-Services for the company is to provide high quality and timely support to the operating businesses of EMSA, and to assist management and staff in the areas of human resources, legal and financial issues, information technology and logistics services, meeting and conference management, protocol, budget planning and monitoring.

3.2. Department B: Implementation (Planning)

Reporting to the Executive Director, this department is responsible for the verification and monitoring of the implementation of maritime safety legislation that falls within the competence of the Agency.

Support to the Head of Department involves two functions: to support the planning and monitoring of the budget, and to perform a horizontal analysis regarding the application of the relevant legislation, including information on the results of the visits and cycles of inspections carried out by the Agency.

3.3. Department C: Operations (execution)

This department provides operational assistance to Member States and the Commission in the field of preparedness and re-

sponse to pollution at sea. In addition, the department C facilitates technical cooperation between Member States and the Commission to monitor the EU's maritime traffic, identification and long-range tracking of ships, and satellite tracking. The Department also offers a platform of integrated services adapted to the needs of users. The Department is comprised of three units, and also has a horizontal "coordination and support".

The Executive Director is assisted for decision-making by an accountant, an internal auditor and chief executive office itself that is responsible for external communications.

The establishment of a Community vessel traffic monitoring and information system for maritime traffic should contribute to the prevention of accidents and pollution at sea and to minimize their impact on the marine and coastal environment.

Along European coasts several mandatory reporting systems for ships have been established. Vessel traffic services and traffic organization have also been established, which played an important role in preventing accidents and pollution in certain areas or dangerous shipping lane for navigation. There have been technological advances in the field of onboard equipment allowing automatic identification of ships (AIS) to keep better track of them, and in the area of registration of the voyage data (VDR systems or "black boxes") in order to facilitate them post-accident investigations.

The Member State concerned shall monitor and take all necessary and appropriate measures to ensure that all ships entering the area of a mandatory ship reporting, comply with that system in reporting the information required without prejudice to any additional information a Member State may require.

The management and control tools of EMSA are:

1. Community monitoring and information system for maritime traffic
 - 1.1. Use of automatic identification systems (AIS)
 - 1.2 Voyage data registration (VDR) systems 'black boxes'
 - 1.2.1. Notification of dangerous or polluting goods carried on board
 - 1.2.2. Electronic exchange of data between Member States
 - 1.2.3. Monitoring of hazardous ships and intervention in case of incidents and accidents at sea
 - 1.3. Establishment of a Community vessel traffic monitoring and information system
 - 1.3.1. Information requirements for the transport of dangerous goods
 - 1.3.2. Electronic messages and SafeSeaNet
 - 1.3.3. Management, operation, development and maintenance of SafeSeaNet
 - 1.3.4. Data exchange through SafeSeaNet
 - 1.3.5. Security and access rights
 - 1.4. Identification System and Long Range Tracking (LRIT)
2. Visits and Inspections
 - 2.1. Monitoring and vessel traffic information systems

4. Conclusions

If we consider that we started from the need to protect the Environment / Human Beings and the potential damage that could be caused to continue with the methodologies of running after catastrophic events, beyond economic interests related to Naval Transportation, it is clear that much progress has been made in combating this scourge caused by the actions of man.

Evaluate the progress of the results shown by the actions of the EMSA, is based on correct operating distortions, whose detection is revealed through inspections carried out by technicians of the Agency to the Member States, by which chips are made containing data (statistical) that are used to draw conclusions on the effectiveness of the implementation of the tests. And from the analysis of data records received by satellites and processed with georeferenced information management tools and technical / commercial databases crosses.

The findings lead to perfect the system, within this continuous improvement actions, allowing prevention of potential current and future risks to the inhabitants in the area of competence (EU).

The correct application of new technologies, permanent technical/scientific training, earlier and effective intervention in the fight against disasters at sea, dissemination of knowledge, advice on building regulations of immediate applicability; all of them make this Agency a summary of the actions of the European Union.

The creation of EMSA marks a milestone, justified in the context of globalization. It is a clear example of a Continental Organization compliant with the lofty goal of working in an organized effort to improve people's life quality.

References

- EMSA, European Maritime Safety Agency (n.d.): European Maritime Safety Agency [online]. Available from: <http://www.emsa.europa.eu> [Accessed 07/04/2013]
- European Parliament and the Council, Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency (Text with EEA relevance). Available from: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32002R1406:EN:NOT> [Accessed 12 January 2013]
- European Parliament and the Council, Regulation 2001/25/EC of the European Parliament and of the Council of 4 April 2001 on the minimum level of training of seafarers. Available from: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32001L0025:EN:HTML> [Accessed 7 April 2012]
- News Room (n.d.): Unas rutas marítimas más seguras para Europa [online]. Available from: <http://www.europarl.europa.eu/highlights/es/801.html> [Accessed 07/04/2013].