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**THIS ACTION IS FUNDED BY THE EUROPEAN UNION**

**ANNEX II**

of the Commission Implementing Decision on the financing of the multiannual action plan in favour of the NDICI Neighbourhood East Region part 1 for 2021-2022

**Action Document for Strengthening Environmental Resilience and Maritime Safety for Black and Caspian Sea riparian states**

**ANNUAL ACTION PLAN**

This document constitutes the annual work programme in the sense of Article 110(2) of the Financial Regulation, and action plan/measure in the sense of Article 23(2) of NDICI-Global Europe Regulation.

**1. SYNOPSIS**

**1.1. Action Summary Table**

|  |   |
|--|---|
| <b>1. Title<br/>CRIS/OPSYS<br/>Basic Act</b> | Strengthening Environmental Resilience and Maritime Safety for Black and Caspian Sea riparian states<br>Multiannual action plan<br>CRIS number: NDICI/ 2021 / 043-007<br>Financed under the Neighbourhood, Development and International Cooperation Instrument (NDICI-Global Europe)   |
| <b>2. Team Europe Initiative</b>             | No  |
| <b>3. Zone benefiting from the action</b>    | The action shall be carried out in the Black Sea region: in the Neighbourhood East: Georgia, Republic of Moldova, <sup>1</sup> Ukraine; and in the Republic of Turkey <sup>2</sup> .<br>In addition, the Caspian Sea basin countries: Azerbaijan, Kazakhstan, Turkmenistan and Iran are eligible for certain activities. <sup>3</sup> |

<sup>1</sup> Hereinafter “Moldova”.

<sup>2</sup> Hereinafter “Turkey”.

<sup>3</sup> Assistance to the following beneficiaries is limited to the provision of Clean Sea Net services, to training sessions, when justified and requested and if authorised by the Contracting Authority on case-by-case basis as outlined in the section 3.2 Indicative activities.

|   |   |                          |                              |                                     |
|---|---|--------------------------|------------------------------|-------------------------------------|
|   | In accordance with Article 43 (1) of NDICI-Global Europe Regulation, in line with the priorities of the Eastern Partnership and the aims of ensuring the coherence and effectiveness of EU financing and fostering regional and trans-regional cooperation, the Commission may decide that other countries, territories or regions different to partner countries in the Eastern Neighbourhood may be associated to the activities foreseen in this action, if duly justified by the specific circumstances of the activity and on a case-by-case basis. With this in mind, and in order to foster the regional cooperation and to ensure the homogenous application and implementation of international conventions and standards thus ensuring homogeneity and enhanced operation of a global maritime regulatory regime, the eligibility of the action extends exceptionally to Turkey, Iran, Kazakhstan and Turkmenistan. |                          |                              |                                     |
| <b>4. Programming document</b>                                  | Programming of the Neighbourhood, Development and International Cooperation Instrument – Global Europe (NDICI-Global Europe) 2021-2027, Regional Multiannual Indicative Programme for the Eastern neighbourhood 2021-2027 <sup>4</sup>  |                          |                              |                                     |
| <b>5. Link with relevant MIP(s) objectives/expected results</b> | Supporting transport and connectivity, including for the Black Sea<br><br>Preserving human health, biodiversity and natural assets  |                          |                              |                                     |
| <b>PRIORITY AREAS AND SECTOR INFORMATION</b>                    |   |                          |                              |                                     |
| <b>6. Priority Area(s), sectors</b>                             | Priority area 1: Resilient, sustainable and integrated economies and green jobs creation<br><br>Priority area 3: Environmental and climate resilience   |                          |                              |                                     |
| <b>7. Sustainable Development Goals (SDGs)</b>                  | Main SDG (1 only): 13 Climate Action; 14 : Life Below Water<br><br>Other significant SDGs: 12 Responsible Consumption and Production  |                          |                              |                                     |
| <b>8 a) DAC code(s)</b>   | 21010 Transport policy and administrative management (60%).<br><br>41020 – Biosphere protection (40%)   |                          |                              |                                     |
| <b>8 b) Main Delivery Channel</b>                               | 50000 – Other (EU AGENCY)   |                          |                              |                                     |
| <b>9. Targets</b>   | <input type="checkbox"/> Migration<br><input checked="" type="checkbox"/> Climate<br><input type="checkbox"/> Social inclusion and Human Development<br><input type="checkbox"/> Gender<br><input checked="" type="checkbox"/> Biodiversity<br><input type="checkbox"/> Education<br><input type="checkbox"/> Human Rights, Democracy and Governance  |                          |                              |                                     |
| <b>10. Markers (from DAC form)</b>                              | <b>General policy objective</b>   | <b>Not targeted</b>      | <b>Significant objective</b> | <b>Principal objective</b>          |
|   | Participation development/good governance   | <input type="checkbox"/> | <input type="checkbox"/>     | <input checked="" type="checkbox"/> |

<sup>4</sup> C(2021) 9370 adopted on 15/12/2021

|                              |   |                                     |   |  |
|------------------------------|---|-------------------------------------|---|--|
|                              | Aid to environment  | <input type="checkbox"/>            | <input type="checkbox"/>  | <input checked="" type="checkbox"/>  |
|                              | Gender equality and women's and girl's empowerment  | <input type="checkbox"/>            | <input checked="" type="checkbox"/>   | <input type="checkbox"/>   |
|                              | Trade development   | <input checked="" type="checkbox"/> | <input type="checkbox"/>  | <input type="checkbox"/>   |
|                              | Reproductive, maternal, new-born and child health   | <input checked="" type="checkbox"/> | <input type="checkbox"/>  | <input type="checkbox"/>   |
|                              | Disaster Risk Reduction   | <input type="checkbox"/>            | <input checked="" type="checkbox"/>   | <input type="checkbox"/>   |
|                              | Inclusion of persons with Disabilities  | <input checked="" type="checkbox"/> | <input type="checkbox"/>  | <input type="checkbox"/>   |
|                              | Nutrition   | <input checked="" type="checkbox"/> | <input type="checkbox"/>  | <input type="checkbox"/>   |
|                              | <b>RIO Convention markers</b>   | <b>Not targeted</b>                 | <b>Significant objective</b>  | <b>Principal objective</b>   |
|                              | Biological diversity  | <input type="checkbox"/>            | <input checked="" type="checkbox"/>   | <input type="checkbox"/>   |
|                              | Combat desertification  | <input checked="" type="checkbox"/> | <input type="checkbox"/>  | <input type="checkbox"/>   |
|                              | Climate change mitigation   | <input type="checkbox"/>            | <input checked="" type="checkbox"/>   | <input type="checkbox"/>   |
|                              | Climate change adaptation   | <input checked="" type="checkbox"/> | <input type="checkbox"/>  | <input type="checkbox"/>   |
| <b>11. Internal markers</b>  | <b>Policy objectives</b>  | <b>Not targeted</b>                 | <b>Significant objective</b>  | <b>Principal objective</b>   |
|                              | Digitalisation<br>Tags: digital connectivity<br>digital governance<br>digital entrepreneurship<br>job creation<br>digital skills/literacy<br>digital services | <input type="checkbox"/>            | <input type="checkbox"/><br><input checked="" type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> | <input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/> |
|                              | <u>Connectivity</u><br>Tags: transport<br>people2people<br>energy<br>digital connectivity   | <input type="checkbox"/>            | <input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/>  | <input type="checkbox"/><br><input checked="" type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/><br><input type="checkbox"/>  |
|                              | Migration   | <input checked="" type="checkbox"/> | <input type="checkbox"/>  | <input type="checkbox"/>   |
|                              | Reduction of Inequalities   | <input checked="" type="checkbox"/> | <input type="checkbox"/>  | <input type="checkbox"/>   |
|                              | COVID-19  | <input checked="" type="checkbox"/> | <input type="checkbox"/>  | <input type="checkbox"/>   |
|                              | <b>BUDGET INFORMATION</b>   |                                     |   |  |
| <b>12. Amounts concerned</b> | Budget line(s) (article, item): BGUE-B2021-14.020111-C1-NEAR<br>EUR 3 500 000.00  |                                     |   |  |

|  |  |
|--|--|
|  | Total estimated cost: EUR 3 500 000.00   |
|  | Total amount of EU budget contribution EUR 3 500 000.00  |
| <b>MANAGEMENT AND IMPLEMENTATION</b>   |  |
| <b>13. Implementation modalities (type of financing and management mode)</b> | Project Modality<br><b>Indirect management</b> with the European Maritime Safety Agency (EMSA) |

## 1.2. Summary of the Action

The action aims at further enhancing the cooperation between project beneficiaries among themselves and with the EU Members States in the field of maritime safety and security, prevention of pollution from ships and marine environmental issues by providing technical advice and support to the targeted non-EU countries. The objective is to mitigate the existing imbalance in the application of maritime legislation in the region through promoting a coherent, effective and uniform implementation of the relevant international conventions and rules and application of international and European standards. In this respect, the action will work together with the beneficiaries to reach the minimum standards set by the international conventions, with the International Maritime Organisation (IMO) Implementation Instruments Code (Code III) as a reference point.

These objectives will be primarily achieved by supporting the ongoing efforts of the beneficiary countries in acceding to and implementing the relevant international legislation, and, where relevant approximation of their regulatory frameworks with the EU legislation and improving the performance of their maritime activities. The action shall cover all three typical areas of responsibility - Flag State, Port State and Coastal State.

The action will be primarily focused on the Black Sea basin: in the Eastern Neighbourhood: Georgia, Moldova, Ukraine, and Turkey who will benefit from the action as an important actor in the Black Sea basin. Azerbaijan, Iran, Kazakhstan and Turkmenistan will be eligible for certain types of activities (e.g. provision of Clean Sea Net services, training sessions, etc.) on a case-by-case basis, when requested and with prior approval of the contracting authority.

Beneficiary countries will be provided with technical knowledge of the relevant international instruments. This shall help to gradually mitigate the existing imbalance between the EU countries and the beneficiaries in the application of the maritime legislation. They will be also provided with operational support through the provision of services: CleanSeaNet as part of the European Maritime Safety Agency (EMSA) Integrated Maritime Data Environment (IMDatE), RuleCheck, MaCKs, THETIS EU, etc. The availability of these services will on the one hand increase the capacity of the beneficiary countries to implement the adopted/amended harmonised legislation and on the other hand maintain their interest and motivation to continue the reform process.

Based on the experience gained with the current BCSEA project<sup>5</sup>, a new structure of the action is proposed. Under this structure, a clear link to the thematic areas defined by IMO Code III on the responsibilities of a maritime administration, to the strategic priorities of the European Commission, the Common Maritime Agenda for the Black Sea and EMSA 5-year strategy will be ensured. In addition, the new structure foresees that each thematic area will entail three types of actions namely “Tools & Services”, “Technical activities” and “Training activities”. Through this new enhanced approach, support in Flag, Coastal and Port State matters will be fostered and access to the services of the EMSA Academy in support of building national capacity will

<sup>5</sup> “Maritime safety, security and marine environmental protection in the Black and Caspian Sea Regions”

be provided. A Communication component will fulfil the project's outreach activities and ensure the sufficient level of visibility.

The action contributes to achieving the main policy objectives of the *Eastern Partnership policy beyond 2020* outlined in the March 2020 Joint Communication,<sup>6</sup> as concerns the maritime sector. In this respect, the action will contribute to environmental resilience and preservation of the biodiversity by strengthening maritime administrations around the Black Sea and foster their alignment with EU marine-related legislation. The action will work together with other stakeholders towards advancing the process of notification of the Black Sea as an emissions control area. The action will contribute to enhancing the maritime transport connectivity across the Black Sea by making it more resilient and sustainable and thus having an indirect impact over regional integration of the economies.

In line with the external dimension of the European Green Deal<sup>7</sup>, the Communication on a new approach for a sustainable blue economy<sup>8</sup> and the Sustainable and Smart Mobility Strategy<sup>9</sup>, the partner countries will complement the transition to greener shipping in seas shared with the European Union.

The action will contribute to the United Nations Sustainable Development Goals on climate actions and life below water. In addition, it will work towards the improved participation development, enhanced governance and aid to environment.

## 2. RATIONALE

### 2.1. Context

Since its establishment in 2009 the Eastern dimension of the European Neighbourhood Policy (ENP) aimed at deepening and strengthening relations between the EU and its Eastern neighbours by providing necessary support to political and socio-economic reforms in partner countries and enhance sectorial cooperation. As confirmed on numerous occasions and in different formats, transport connectivity is high on the agenda of the Eastern Partnership process, as it plays a key role in achieving the partnership's objectives and further integration.

The March 2020 Joint Communication on the Eastern Partnership (EaP) policy beyond 2020 outlined the long-term policy objectives for future cooperation. Based on the results of an extensive consultation process, the Joint Communication put forward a vision for the EaP mid-term agenda to: (1) deliver economies that work for all; (2) strengthen the fundamentals, such as accountable institutions and rule of law; (3) boost our green transformation; (4) support the digital transformation and (5) build fair and inclusive societies. Increasing resilience was defined as the central goal for the new Eastern Partnership agenda.

In this context, the EU and Partner Countries agreed to work together to transform the region into fair and prosperous societies, with modern, resource- and energy efficient, clean, circular and competitive economies, while increasing their environmental and climate resilience. The EU aims to support green, just and inclusive transformation with due respect to human and social rights, global challenges and environmental and climate realities in the partner countries.

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<sup>6</sup>[https://ec.europa.eu/info/publications/joint-communication-eastern-partnership-policy-beyond-2020-reinforcing-resilience-eastern-partnership-delivers-all\\_en](https://ec.europa.eu/info/publications/joint-communication-eastern-partnership-policy-beyond-2020-reinforcing-resilience-eastern-partnership-delivers-all_en)

<sup>7</sup> COM(2019) 640 final

<sup>8</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52021DC0240&from=EN>

<sup>9</sup> COM(2020) 789 final

One of the key elements for delivering on the ambitious agenda is enhancing the cooperation between the EU Member States and partner countries in the field of maritime safety and security, prevention of pollution from shipping and marine environmental issues in the region in order to contribute and create favourable environment for sustainable maritime transport.

In addition, in May 2019 the 6 coastal countries of the Black Sea (Bulgaria, Georgia, Romania, Russia, Turkey, Ukraine) and Moldova, endorsed the Bucharest Ministerial Declaration on the Common Maritime Agenda for the Black Sea as regional cooperation framework on sustainable blue economy and whose priorities include the promotion of sustainable transport in the region.

In recent years, the EU and its Member States have been at the forefront of improving maritime safety legislation and promoting high-quality standards. In line with these objectives, the EU is actively involved in engaging with the other countries in the region, particularly with those sharing the sea basins, to ensure improvement of the application of and compliance with international and European maritime legislation and standards. The Black and Caspian Seas are crucial for the EU from different perspectives: economic, political, social, environmental, and strategic. In the Black Sea, the Eastern Partner countries are key for delivering on EU's comprehensive connectivity agenda, promoting sustainable transport, creating trade links and ensuring high level of security. At the same time, as a candidate country, Turkey is EU's main partner in many areas of joint interest, including safety, security and maritime transport. Amongst all Black Sea coastal States, Turkey has the biggest fleet, the biggest coastline and control on Bosphorus - the main access point to the Black Sea from the Mediterranean Sea. The country participates in all regional activities concerning maritime safety and marine environment as signatory country of the Convention on protection of the Black Sea against Pollution and a member of the Black Sea Memorandum of Understanding (BS MoU) on Port State Control (PSC). It should be difficult to promote the EU interests and values, raise maritime safety, protect the marine environment, advocate for environmental standards and achieve an effective regional cooperation in the Black Sea without such an important player as Turkey. The continuous EU support in providing Turkey with tools and services and capacity building activities foreseen by the action is of paramount importance for achieving higher safety, security, and marine pollution prevention standards in the Black Sea basin.

The focus of the action is therefore on the Black Sea with Georgia, Moldova, Ukraine and Turkey benefiting directly from all the activities of the action. Turkey has been added as a beneficiary country to ensure that all non-EU Black Sea littoral States that have concluded association agreements with the EU are supported in the area of maritime safety, security and environmental protection. Azerbaijan, as a part of the Eastern Partnership, will benefit from the capacity building component of the project, from the support in fulfilling its obligation as a flag state and from provision of access to Clean Sea Net services to enhance country's capacity to detect and respond to environmental pollution. In order to promote the homogenous application and implementation of international conventions and standards in the area of maritime safety and security and environmental protection in the Caspian Sea littoral States, limited assistance will be provided to Iran, Kazakhstan and Turkmenistan to support the ratification process and to discharge their obligations as Flag state. Focusing on the transposition and implementation of international conventions that aim at addressing issues of maritime safety and security and prevention of marine pollution and homogenous application of standards will foster regional cooperation between the EU and Non-EU littoral states in the sea basins thus enhancing operation of a global maritime regulatory regime.

The maritime sector continues to be one of the most male dominated areas, particularly in terms of the following functions: officials, port operators, port state control officers and seafarers. Even in recent years, female underrepresentation remains unchanged. The said underrepresentation coupled with stereotyping and generalisation affect working conditions, equal access to education and training as well as career opportunities. Women face a range of integration issues in terms of working conditions (safety, security, hygiene, leave rights), training opportunities and employment. It is therefore necessary to encourage female capacity-building

programmes and promote training for women to obtain knowledge and skills required by maritime transport sector at regional and national levels.

The action falls into the beneficiary countries strategies and policies aimed at enhancing sustainability of transport, maritime safety and security, fostering digitalisation of operation of the maritime national administrations, preserving marine environment and contributing to the climate change mitigation measures as it was stressed by countries' competent authorities within the virtual programming missions and outlined in the framework of 2020 Eastern Partnership Transport panel and 2020 Platform 3 "Connectivity, energy efficiency, environment and climate change" meeting. Importantly, Georgia, Moldova and Ukraine have signed Association Agreements with the EU. Turkey has signed in 2008 an Accession Partnership based on the pre-accession strategy which is the main instrument providing guidance in the preparation for its accession. Based on such agreements the beneficiaries are bound to implement the EU maritime *acquis* and meet the EU standards in the field of maritime safety, maritime security and prevention of, preparedness and response to marine pollution. In the framework of the action the countries will be supported in delivering on their commitments under these international arrangements.

In addition, this action provides assistance to maritime administrations in the implementation of commitments taken by the relevant authorities in the framework of regional arrangements. This action is planned in a context that underscores the importance of supporting international standards in the maritime administrations of beneficiaries and the key role of regional coordination.

i) *Eastern Partnership*

Representing the Eastern dimension of the European Neighbourhood Policy (ENP), this initiative was launched in 2009. It aims to deepen and strengthen relations between the EU and its six Eastern neighbours, Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine. The European Neighbourhood Policy was revised in November 2015 aiming to build more effective partnerships between the EU and its neighbours towards a more stable EU Neighbourhood, in political, socio-economic and security terms. The revised policy identified four main domains: Good governance, democracy, rule of law and human rights; Economic development for stabilisation; Security and; Migration and mobility. As confirmed on multiple occasions, transport interconnectivity is high on the agenda of the Eastern Partner Countries as it is of utmost importance to ensure regional integration and make the transport links between the EU and Eastern European partners safer and more efficient by supporting the improvement of logistics systems, including motorways of the sea.

Transport connectivity is a priority of the Eastern Partnership (EaP) as provided by the Joint Communication of the Eastern partnership policy beyond 2020 – *Reinforcing Resilience – an Eastern Partnership that delivers for all*. Enhanced connectivity both within the EaP region, and between the EaP region and the EU has the potential to bolster economic growth and create job opportunities for citizens. Improved transport links will provide greater access to basic services and markets, enhancing resilience and reducing vulnerability to shocks. In the post COVID-19 period, the focus should be on "building back better" and there is high potential today for making transport infrastructure more sustainable and environmentally friendly. The joint communication sets strengthened interconnectivity as one of its key priorities. "*Strong interconnections between the EU and the EaP as well as among the partner countries are important drivers for economic development, regional integration, trade and mobility. Sustainable, rules-based and secure connectivity is key for both the EU and partner countries.*" Reinforcement of Environmental Protection and Climate resilience is also one of its main priorities. "*The EU will work together with the partner countries to transform the region into fair and prosperous societies, with modern, resource-efficient, clean, circular and competitive economies, while increasing their environmental and climate resilience, including through more sustainable use of natural resources.*"

ii) *Common Maritime Agenda for the Black Sea (CMA)*

Georgia, Moldova, Ukraine and Turkey are part of the Black Sea CMA sea basin initiative that aims at supporting regional cooperation for a more sustainable Blue Economy in the Black Sea and it is developed in the broader framework of the Black Sea Strategy. Republic of Bulgaria, Romania and Russian Federation are other participating countries. The CMA sets 3 goals - Healthy marine ecosystems; Competitive and innovative Blue Economy; Fostering investments in blue economy– and 10 priorities further developed into actions that include the promotion of sustainable transport in the region, the implementation of all relevant International Maritime Organisation instruments, sustainable and safe shipping, smart connectivity and digitalisation of ports and infrastructures, and the use of liquefied natural gas (LNG) and compressed natural gas (CNG) as an alternative to oil-derived fuels.. The Organization of the Black Sea Economic Cooperation (BSEC) and the Permanent Secretariat of the Commission on the Protection of the Black Sea Against Pollution (BSC) are consultative bodies of the CMA Steering Group. The Secretariat of the General Fisheries Commission for the Mediterranean (GFCM), the Conference of Peripheral and Maritime Regions (CPMR) and the Managing Authority of the Joint Operational Programme Black Sea Basin are CMA observers.

iii) *Black Sea Synergy*

This initiative, initiated in 2008, is designed as a flexible framework to ensure greater coherence and policy-guidance, while also inviting a more integrated approach and closer regional ties in order to stimulate democratic and economic reforms, support stability and promote development, facilitate practical projects in areas of common concern, open up opportunities and challenges through coordinated action in a regional framework and encourage the peaceful resolution of conflicts in the region. Under the Synergy, three sectoral partnerships were established: environment, transport and energy.

iv) *New approach for a sustainable blue economy*

The Communication on the new approach for a sustainable blue economy in the EU<sup>10</sup> was adopted in May 2021 and it is a key pillar of the European Green Deal objectives. All blue economy sectors including fisheries, aquaculture, coastal tourism, maritime transport, port activities and shipbuilding will have to reduce their environmental and climate impact. Accordingly the Communication sets out a detailed agenda for the blue economy to: a) Achieve the objectives of climate neutrality and zero pollution notably by developing offshore renewable energy, by decarbonising maritime transport and by greening ports; b) Switch to a circular economy and reduce pollution; c) Preserve biodiversity and invest in nature protecting 30% of the EU's sea; d) Support climate adaptation and coastal resilience through adaptation activities, such as developing green infrastructure in coastal areas; e) Ensure sustainable food production; f) Improve management of space at sea by coordinating a dialogue between stakeholders engaged in fisheries, aquaculture, shipping, tourism, renewable energy.

The action will complement other ongoing EU initiatives in the field of maritime safety, security and prevention of pollution and build on the existing structures, deliverables and mechanisms established through this regional initiative in all countries. Coordination with other EU-funded projects will ensure alignment and complementarity. Specific mechanisms to coordinate the action will be established. The action is in line with the objectives of the Green Deal and its external dimension. In order to avoid overlapping and to create maximum synergies the coordination is necessary with the other EU-funded initiatives under e.g. NDICI cross-border and transboundary territorial cooperation programmes, Common maritime Agenda for the Black Sea and Sustainable and Smart Mobility Strategy actions, etc. In addition, the action will align, where

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<sup>10</sup> [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_21\\_2341](https://ec.europa.eu/commission/presscorner/detail/en/ip_21_2341)



necessary, its activities with the EU-funded bilateral cooperation with the beneficiary countries as provided by for example 2021 Annual Action Programmes, the Georgia Green Connectivity programme and other maritime and marine environmental strategies.

Donor coordination at country level is ensured by the respective EU Delegations. For the purpose of ensuring complementarity, synergy and coordination, the Commission may sign or enter into joint donor coordination declarations or statements and may participate in donor coordination structures, as part of its prerogative of budget implementation and to safeguard the financial interests of the Union.

Consequently, the action will contribute to the establishment of a climate-neutral continent and fit for digital age thus building social fairness and prosperity by exporting the priorities such as pursuing green and digital transition as well as preserving environment and biodiversity, to the neighbouring countries with benefits for the citizens and the environmental conditions of the EU MSs coastlines in the region. The action will also contribute to the improvement of the transport safety, digitalisation, and sustainability in the region.

## **2.2. Problem Analysis**

### Short problem analysis

Maritime transport is dependent on a global regulatory system to operate efficiently. It is vital for its proper functioning that the same regulatory framework governing the areas of maritime safety and security, protection against environmental pollution, protection of seafarers' working conditions apply to all ships and to all elements of the voyage. This regulatory framework stems from the IMO/ILO international conventions. The majority of these conventions adopted under the auspices of IMO/ILO or for which the IMO is otherwise responsible, address issues of maritime safety and security and prevention of marine pollution. It is therefore important that governments adopt, transpose and implement these international conventions into national legislation for smooth operation of a global maritime regulatory regime. Any failure or delay in the ratification or implementation of IMO and ILO international instruments puts maritime operations in jeopardy thus undermining the sustainability of supply chains, affecting international trade and damaging the marine environment.

As part of the ongoing programme,<sup>11</sup> the gap analysis was conducted for all beneficiary countries to identify the imbalances in application of IMO and ILO international conventions. The findings have identified that common gaps are mainly due to the lack of a consistent and organised approach of implementation, to the lack of staff with maritime expertise, and to the lack of financial resources to simplify the procedures in maritime authorities' operations.

Addressing the gaps identified in the analysis and providing necessary support to the countries is crucial to further enhance their capacities to discharge their obligations under international conventions. For this purpose, the beneficiary countries require support and expertise to draft national legislation, undergo and follow-up the IMO audits and they need a professional development scheme at their disposal to prepare their staff to carry out tasks deriving from international conventions and thus fulfil international obligations as a flag, port and coastal State.

Being the biggest global challenge, the climate crisis requires countries to readjust their ecological, social, and economic systems in response to actual or expected climate change effects and impacts as well as to mitigate its consequences by limiting the global warming and its related effects. Slow progress in ratification and implementation of relevant international conventions (e.g. MARPOL Annex VI) as well as lack of awareness

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<sup>11</sup> "Maritime safety, security and marine environmental protection in the Black and Caspian Sea Regions" (BCSEA)

and reliable information regarding the environmental and climate risks are among the key issues halting countries' actions to mitigate the effects of the climate change. It is thus necessary to incentivise the countries to act on their commitments to reduce GHG emissions, pollution from ships and marine litter. For this purpose, the action will promote the process of ratification of and support the implementation of relevant international conventions into the national legal frameworks. In addition, to increase the awareness and to support beneficiary countries in this process, the action will conduct a number of in-depth studies on port facilities, alternative fuels and refuelling infrastructure, as well as waste management and handling, while focusing also on environmental change considerations. This will reduce the emissions into the atmosphere arising from maritime traffic, prevent the consequent harmful impact on the marine environment and on the health of populations of coastal areas and help countries deliver on their obligations to mitigate the climate change.

In terms of prevention of marine pollution at sea, beneficiary countries have limited (financial and human) capacity to prevent, detect and respond to environmental threats. Protecting marine and coastal environment requires a more comprehensive regional mechanisms for information exchange and monitoring of ship traffic. Insufficiently trained personnel, lack of infrastructure and absence of operational tools and services, which would enable the authorities of the coastal states to forecast and prevent potential incidents and to better respond to them, substantially undermines the capacity of maritime administrations to respond to marine pollution. Providing the beneficiary countries with operational support via oil spill monitoring, vessel detection and chemical content information services and tools to combat deliberate or accidental pollution is therefore crucial to enhance countries' capacity to better respond to marine pollution. It is necessary to build on the results of the previous action and further incentivise beneficiary countries to share automatic identification system (AIS) information through the Mediterranean Server (MAREΣ) to provide a better picture of the maritime traffic in the region.

Administrative burden, scarce digitalisation, absence of data records, and lack of structured and clear division of responsibilities are common issues that may hamper the effectiveness and efficiency of maritime administrations. Currently, the beneficiary countries are heavily reliant on paper instructions and recording of information in their operations. There is a substantial lack of use of digital tools and solutions in their day-to-day activity, particularly in terms of national registers, documents evidencing ships statutory and seafarers' registration, as well as lack of structural approach to fulfilling their reporting obligations. Addressing these issues will support countries in harmonisation and simplification of reporting formalities deriving from the international conventions, In addition, use of e-certificate will allow to easily accessing online the ships' statutory data and seafarers' registration documents eliminating the possibilities of fraud and misplaced documentation.

Identification of main stakeholders and corresponding institutional and/or organisational issues (mandates, potential roles, and capacities) to be covered by the action

On country level, the action's main stakeholders are the ministries of transport or equivalent, maritime administrations and authorities, port authorities and maritime academies. The project will provide technical assistance, capacity-building activities and tools and service to enhance their capacity as contracting government, Flag, Port and Coastal State and ensure proper implementation and enforcement of the international maritime legal framework. While the Maritime Administrations of the beneficiaries have been established now for many years, some are struggling in keeping up with the fast-changing pace of shipping. This is mainly due to lack of financial and human resources. Capacity-building activities aim at keeping the Maritime Administrations always up to date with the latest developments, while Digitalisation efforts will ensure to facilitate their day-to-day work and reduce administrative burden.

Indirectly, several regional organisations involved in policy formulation or implementation in the fields of maritime safety, security and marine environment and the shipping companies in the region could also benefit from the project.

### **3. DESCRIPTION OF THE ACTION**

#### **3.1. Objectives and Expected Outputs**

The Overall Objective (Impact) of this action is to strengthen maritime safety and security as well as marine environmental protection in the wider Black Sea region.

The Specific(s) Objective(s) (Outcomes) of this action is to:

1. Improve capacities of maritime national administrations to discharge their obligations under international conventions of IMO/ILO and, where relevant, align with the EU-marine legislation.

The Outputs to be delivered by this action contributing to the corresponding Specific Objectives (Outcomes) are

- 1.1 Improved capacities of maritime national administrations to discharge their obligations as Flag, Coastal and Port State under the IMO III Code and, where relevant, align with the EU-marine legislation
- 1.2 Enhanced capacity of beneficiary states to prevent, detect and respond to marine pollution
- 1.3 Digitalisation of operations of maritime administrations

#### **3.2. Indicative Activities**

Indicative activities will comprise technical, capacity-building and training activities and provision of tools and services.

*Activities related to Output 1.1 Improved capacities of maritime national administrations to discharge their obligations as Flag, Coastal and Port State under the IMO III Code and, where relevant, align with the EU-marine legislation:*

The outlined indicative activities aim at supporting the national maritime administrations of the beneficiary countries in transposition and implementation of the IMO/ILO international conventions, including ratification of the Maritime Labour Convention (2006) in order to establish a functioning global regulatory regime in the region.

The action will provide support in transposition and implementation of IMO and ILO conventions ratified by the beneficiaries. This includes but is not limited to the 1974 SOLAS Convention, MARPOL, Ballast Water Management, International Ship and Port facility Security (ISPS) Code, and AFS Conventions; International Safety Management (ISM) Code; Code for recognised organisations (RO Code); IMO Instruments Implementation Code (III Code); and Casualty Investigation Code, 2008. For this purpose, the action will assist beneficiary countries in drafting the national legislation to transpose the most up-to-date versions of the

international instruments and will support its implementation by providing support to establish national procedures to ensure compliance to the III Code.

The action will provide required assistance to the maritime administrations in preparation and follow-up of the IMO Member State Audit Scheme (IMSAS). This audit scheme, using the IMO Instruments Implementation Code (III Code) as the audit standard, aims to provide audited countries with a comprehensive and objective assessment of how effectively they administer and implement those mandatory IMO instruments. The audit will assess countries' capability to establish and maintain an adequate and effective system to discharge their obligations as Port State, Coastal State and Flag State deriving from applicable international law.

The action will work towards harmonisation of the Port State Control (PSC) inspections' standards in line with the Paris Memorandum of Understanding in the Black Sea region by continuing providing tools to Port State Control inspectors such as RuleCheck and by enhancing the quality of training provided to Port State Control Officers (PSCOs). The Black Sea MoU dedicated folder in RuleCheck will continue to be updated in cooperation with the Black Sea MoU Secretariat and made available to Black Sea MoU Authorities and relevant PSCOs.

The access to the professional development of staff scheme via EMSA Academy will be ensured. This will provide a modular approach to learning activities with a focus on common core curricula for the job profiles i.e. ship inspector, auditor, investigator, maritime rescuer coordination centres' operators, etc. This will support the staff of the national maritime administrations in acquiring skills, knowledge, and competence on work-related activities and topics (e.g. ISM Auditing Techniques, Pollution Response Techniques, MLC implementation, etc.) or functions relevant to the competent beneficiary organisations (e.g. Port State Control, Flag State, Environmental Protection, etc.). EMSA Academy will offer training sessions on specific topics on EU/International maritime legislation and trainings on operational maritime applications and tools (CleanSeaNet, SafeSeaNet, etc.). The action will provide gender specific fellowships for participation in the EMSA Academy and promote career development opportunities in maritime administrations for women.

The action will promote the ratification of the Maritime Labour Convention to establish minimum requirements for working conditions for seafarers including conditions of employment, hours of work and rest, accommodation, recreational facilities, food and catering, health protection, medical care, welfare and social security protection. In addition, the action will provide capacity-building activities for staff members involved in MLC implementation.

In addition, in order to promote ratification of MARPOL ANNEX VI by the countries who are yet to ratify this international convention (Georgia, Moldova, Kazakhstan), the action will conduct consultations with the beneficiary countries to identify their needs and provide a tailored-made technical assistance in this respect. The indicative activities in this regard may include conducting studies on the impact of the ratification (including in terms of its impact on the structure of maritime administrations, effect on the fleet, and expected benefits on air quality in the coastal areas, etc.), drafting the transposition law and implementing procedures as well as carrying out trainings for central level staff and ships' inspectors. In addition, a gap analysis to identify the existing imbalances in the country's legal framework regarding the requirements of the MARPOL Annex VI will be conducted for Kazakhstan prior to carrying out other activities.

Under this output, the Caspian Sea basin countries may be also involved in the activities aiming at supporting them in discharging their responsibilities as Flag state when requested, on a case-by-case basis and with prior

approval. These indicative activities include training sessions, support in preparation/revision of maritime strategies according the III Code, support in drafting implementing procedures for the IMO mandatory instruments; support in following-up the mandatory audit by IMO (IMSAS).

As a result, the action will assist the beneficiary countries in further enhancing countries' performance as Flag State, Coastal and Port State.

*Activities related to Output 1.2 Enhanced capacity of beneficiary states to prevent, detect and respond to marine pollution:*

The action will provide support to the maritime administrations to enhance their capacity to prevent, detect and respond to marine pollution in the wider Black Sea region.

In order to enhance the prevention and detection of possible incidents the action will focus on provision of tools and services to the beneficiary counties such as CleanSeaNet, services, as well as activities on sharing of Automatic identification system (AIS) information through the SafeSeaNet (SSN) regional server. Provision of mentioned services will assist the beneficiary countries in monitoring the sea traffic to forecast and prevent potential incidents, in spotting potential or actual spills in the sea basins and identifying the potential polluters.

In addition, the action will conduct a feasibility study on the Sea Traffic Monitoring for the Black Sea region, in the framework of the Common Maritime Agenda for the Black Sea (CMA). The study will explore interest and potential for the region to develop and apply the concept of sea traffic management; investigating the digital infrastructure and eco-system for development of sea traffic management. The study will target relevant authorities of the Black Sea basin EU and non-EU countries involved in the CMA, including maritime administrations of the Black Sea countries and Port Authorities of the main seaports in the Black Sea. The study will explore the possibility to develop a concept for the implementation of a pilot project that will enable personnel on board ships and on shore to take decisions based on real-time information. Developed strategy will outline conditions for safer, more efficient and environmentally friendly maritime transport.

In order to enhance the countries' capacity to respond to environmental incidents, the action will provide assistance via carrying-out of regional capacity-building exercises to timely and effectively respond to accidents and provision of tools i.e. Marine Chemical Information Sheets (MAR-CIS) services and Marine Intervention in Chemical Emergencies (MAR-ICE). Provision of MAR-CIS and MAR-ICE will strengthen the marine pollution response capacity to hydrocarbons and chemical products and facilitate rapid access to specialist product-specific information on chemicals. The action will develop the pollution response tactics for the beneficiary countries, which will be the basis for the capacity building anti-pollution exercises. This will enhance Black Sea countries' capacity to respond to new evolving and diversified environmental challenges. The action will explore the possibility to purchase the oil pollution response equipment for the beneficiary countries analysing its cost-effectiveness and feasibility in terms of foreseen results and objectives.

To support zero pollution and climate change mitigation measures, the action will assist countries with implementation of the IMO MARPOL Annex VI, the main international treaty regarding the prevention of marine pollution from ships, which among other provisions include measures on air pollution prevention by limiting the main air pollutants contained in ships exhaust gas, including sulphur oxides (SO<sub>x</sub>) and nitrous oxides (NO<sub>x</sub>), promoting energy efficiency and use of alternative fuels and on reducing the carbon intensity of ships. For this purpose, the action will analyse countries needs and assist with implementation of MARPOL

Annex VI into their regulatory framework. In addition, the Beneficiaries - parties to the convention will be provided with portable equipment to control of sulphur in marine fuels to carry out speedy tests during the on-board ships' inspections. The action will also conduct a number of studies, including on Port Reception Facilities, and will focus on updating the port Waste Management and Handling Plans (WHRM) for the beneficiary countries with an aim to enhance the management of waste produced by ships. Depending on the needs of the beneficiaries, the action will explore carrying out of ad-hoc studies on LNG bunkering facilities to provide beneficiaries with information supporting the establishment of bunkering facilities for alternative fuels and studies on network of refuelling infrastructures to enable uptake of low-emission fuels. These studies might take into account environmental and climate change aspects, particularly in terms of sea-level rising, temperature increase, etc. In addition energy audits/ analyses on the potential for creating green jobs as well as studies on climate resilience of existing port architecture will be considered in relation to climate change adaptation. This will give guidance to public authorities in the partner countries and provide framework for future priority interventions, provide opportunities for investments and investment-related cooperation, and potentially lead to the reduction of pollution caused by ships.

The action will also promote and support the process of establishing an Emissions Control Area in the Black Sea. Considering that the Emission Control Areas are established in accordance to the Article 13.6 and 14.3 of MARPOL Annex VI and that the criteria and procedures for designation of Emission Control Areas are defined by the Appendix III to the MARPOL Annex IV, the type or types of emission(s) that could be proposed for control are Nitrogen Oxides (NOx) or Sulphur Oxides (Sox) and particulate matter or all three types of emissions.

Under this output the Caspian Sea countries, particularly Iran and Azerbaijan, will be provided with Clean Sea Net services.

#### *Activities related to Output 1.3 Digitalisation of operations of national maritime administrations*

The action will provide technical support aimed at reducing the administrative burden on the national maritime administrations in carrying out activities by introducing the digital means compliant with the EU standards. For this purpose, the action will work towards simplification of operation of the Black Sea riparian states' maritime administrations by exploring the possibility of developing National Single Windows for the countries and incentivise their participation in DONA – Dynamic Overview of National Administration to facilitate the carrying out of the reporting obligations stemming from the international conventions. In addition, the action will support the countries to make progress in digitalisation of their National Registries and assist countries in using the e-Certificates (ship's statutory certificates and seafarers' certificates that allow the maritime administrations, the ship owners, the ships' companies and seafarers to easily access registration data eliminating the possibilities of fraud and misplaced documentation).

### **3.3. Mainstreaming**

#### **Environmental Protection, Climate Change and Biodiversity**

The environmental and climate change risk screenings carried out in the design stage concluded that no further action was required. The action is primarily focused on the engagement with the beneficiary countries to encourage adherence to the international conventions, approximation with the EU legislation in the field of maritime safety and security and application of international and European standards, as well as capacity-building. This might also include awareness raising regarding consequences of climate change, climate

proofing of future investments, climate resilience, sustainability, decarbonisation, climate-friendly infrastructure solutions and low-carbon technologies.

### **Outcomes of the Environmental Impact Assessment (EIA) screening**

The EIA screening classified the action as as Category C (no need for further assessment). Although the action does not foresee designing/construction of facilities or other types of infrastructure interventions, environmental issues will be addressed, particularly under the proposed output 1.2 *Enhanced capacity of beneficiary states to prevent, detect and respond to marine pollution* e.g. in providing support to the implementation of MARPOL Annex VI and conducting studies including on Port Reception Facilities and updating the port Waste Management and Handling Plans.

### **Outcome of the Climate Risk Assessment (CRA) screening**

The CRA screening concluded that this action is low risk. Although the action does not foresee designing/construction of facilities or other types of infrastructure interventions, climate change mitigation will be addressed, particularly under the proposed output 1.2 *Enhanced capacity of beneficiary states to prevent, detect and respond to marine pollution*. For this purpose, the preparation of number of studies will explore the possibilities to include other environmental and climate change considerations and possibly conduct a Climate Risk Assessment (CRA) as well as conducting studies / audits on climate resilience of existing port architecture to achieve climate adaptation. The action will take measures to promote energy efficiency and the use of alternative fuels and to reduce the carbon intensity of ships.

### **Gender equality and empowerment of women and girls**

As per OECD Gender DAC codes identified in section 1.1, this action is labelled as G1. This implies that the gender equality is an important and deliberate objective but not the principal reason of the action, thus, it will be mainstreamed in the activities. For example, the action will support the empowerment of women in maritime, through gender specific fellowships for participation in the EMSA Academy and promoting career development opportunities in maritime administrations. The action will be coherent with the EU Gender Equality Strategy<sup>12</sup> and the EU Gender Action Plan (GAP) III<sup>13</sup>. The evaluation and monitoring framework of the action will consider gender-disaggregated indicators.

### **Human Rights**

The Maritime Labour Convention, 2006, as the fourth pillar of international maritime law and embodies all up-to-date standards of existing international maritime labour Conventions and Recommendations, as well as the fundamental principles to be found in other international labour Conventions. It provides a broad perspective to the seafarer's rights and fortification at work, including working and living conditions of seafarers. Ratification of the convention by the countries is therefore an important element and will be addressed within the implementation of the action.

## **3.4. Risks and Lessons Learned**

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<sup>12</sup> COM(2020) 152 final

<sup>13</sup> JOIN (2020) 17 final.

| <b>Category<sup>14</sup></b> | <b>Risks</b>  | <b>Likelihood<br/>(High/<br/>Medium/<br/>Low)</b> | <b>Impact<br/>(High/<br/>Medium/<br/>Low)</b> | <b>Mitigating measures</b>  |
|------------------------------|---|---|---|---|
| 1                            | Risk 1 Political instability and security constraints   | M   | M   | Strong existing cooperation with existing administration to ensure continuity despite political changes. Flexibility in implementation to account for change of priorities. |
| 1                            | Risk 2 Maritime safety and marine pollution caused by ships is not among the priorities of some of the partner countries' policies and cannot rely on abundant financial resources. | H   | H   | The risk could be mitigated by supporting beneficiaries to establish an organisational structure enabling them to make the best use of the limited resources available.     |
| 3                            | Risk 3 Insufficient human resources and technical expertise required from the attendants to activities of this programme  | M   | M   | Partner countries will be asked at the inception phase of the project to commit enough resources for the implementation of the programme.                                   |
| 4                            | Risk 4 Ambiguous interpretations of rules and requirements  | M   | M   | This will be mitigated by providing appropriate training and information on the experience of EU-Member States implementing these rules and requirements.                   |
| 2, 5                         | Risk 5 Complexity of the programme, involving the participation of a larger number of countries, beneficiary institutions and administrations                                       | M   | M   | The implementing bodies will mitigate this risk by having a strong project monitoring system established.   |
| 2, 5                         | Risk 6 Lack of coordination between similar   | M   | M   | To mitigate this risk a technical coordination mechanism will be  |

<sup>14</sup> The risk (category) can be related 1-to the external environment; 2-to planning, processes and systems; 3-to people and the organisation; 4-to legality and regularity aspects; 5-to communication and information. See pp44-48 of [Implementation Guide of the Risk management in the Commission](#).



|   |  |   |   |   |
|---|--|---|---|---|
|   | simultaneous projects and initiatives of relevant regional cooperation   |   |   | integrated in the organisational set-up of the project (see below).   |
| 1 | Risk 7 Insufficient cooperation between the beneficiary countries on the cross-regional level, and limited engagement of partner countries | M | M | To mitigate the risks the project will incentivise regional cooperation and initiatives aiming at sharing information and best practices in the region. The project provides a formula for flexible participation, which may be applied where there is a consensus to do so. This formula will allow the speed up of cooperation among the readied countries, rather than having to wait for all members to join all aspects of cooperation from the start. |
| 1 | Risk 8 Lack of sustainability of the action  | M | M | The project will propose an exit strategy.  |

### Lessons Learned:

The experience from the previous “Maritime safety, security and marine environmental protection in the Black and Caspian Sea Regions” (BCSEA Project, 01.02.2017 – 31.12.2021) demonstrated high level of involvement on behalf of the beneficiaries to pursue and achieve the necessary improvements in the areas of maritime safety, maritime security and marine environmental protection. Furthermore, the cooperation achievements and experience gained in the previous project together with the trust established with partner countries is an excellent platform for a new cooperation project to build on. Achievements and lessons learned from previous project should be considered as important references for new project.

Key enabling factor during the previous action was the high commitment and dedication of the countries to actively benefit from all regional and bilateral actions, technical activities and capacity-building events held under the Project’s components (Flag State, Port State, VTMIS, Marine Environment, Human Element and Maritime Security). This led to further progress in building their capacities in discharging their obligations as Flag, Coastal and Port States. For some of the beneficiaries, the Project was the main source of information, technical assistance, and guidance for the establishment of their maritime administrations in accordance with the requirements of the international applicable instruments. Although the project showed progress in countries’ performance, some beneficiaries’ performance as flag state remains below average and needs to be further addressed and brought up to the international standard as shown by their Port State Control performance and the experience gained with coordination missions in the countries.

Limited capacity (human and financial) of the beneficiary countries, which, together with high fluctuation and/or rotation of not only managing positions but also technical staff were the main limiting factors of the previous action. The lack of political will and complex national procedures, the specifics of the decision-making process, which was concentrated in the high-level management are the main reasons for countries’ slow ratification process of international conventions. Another limiting factor was the language barrier in two of the beneficiaries from the Caspian Sea countries, imposing the necessity of having interpretation services during the training sessions. Another limiting factor was the complete loss of communication with the beneficiary Islamic Republic of Iran for some periods due to their internal political situation and conflicts.

Thus, an important lesson learnt that must be taken into consideration in the new phase of the action is the different level of development (legislative, institutional, and administrative and the human factor) of the beneficiary countries, which requires a differentiated approach to the technical assistance provided. This experience should be integrated in the new action by providing continuous tailor-made support to the maritime administrations together with a number of new activities to reflect the developments in the maritime domain and the subsequent necessity to modernise the maritime administrations. In addition, considering that the human resources dedicated to the action were very limited in comparison with the number and relevance of tasks to be accomplished and that the additional support from EMSA personnel was often required, the increase of the project related staff would contribute to a smoother implementation of the action.

The COVID-19 world pandemic had a profound impact on partner countries and project in particular. Planned activities had to be re-planned and readjusted for the new virtual environment and were successfully carried out. However, those requiring the on-site presence and direct interaction with maritime administrations' had to be rescheduled or cancelled. Thus, the new action should take into consideration this experience in planning of project activities particularly in terms of physical presence. The rescheduled and/or cancelled activities should be re-planned to reflect the new developments in maritime sector and conducted during the new phase.

In addition, building on the progress already achieved in the context of the Eastern Partnership projects and considering EU regulatory solutions, the support under the new phase of the action would also focus on exploring new tools (national single window, DONA participation and e-certificates, ) and use of the enhanced capacities of the EMSA Academy.

### **3.5. The Intervention Logic**

The underlying intervention logic for this action is that strengthening the national maritime administrations around the Black and Caspian Sea basins is a crucial element necessary for achieving the sustainability of the maritime transport and protection of the marine environment and preservation of marine biodiversity. This can be ensured by providing required support to the beneficiary countries via technical assistance and capacity-building to enhance their capacities to discharge responsibilities under the international conventions, as Flag, Coastal and Port State by aligning with the EU and international marine legislation and standards.

The action will focus on mitigating the existing imbalance between the EU Member States and the Black and Caspian seas partner countries in the application of maritime legislation by promoting a coherent, effective and uniform implementation of the relevant international conventions, application of high standards and rules aimed at preventing pollution from ships. With this in mind, the action will work on enhancing beneficiaries' capacities in five main priority areas: maritime safety, maritime security, sustainability, surveillance and simplification via digitalisation.

The action's capacity to implement the activities within the outline priority area will depend on and will be addressed through a combination of tailored-made technical assistance, training activities and provision of services and tools.

The implementation of activities across all outputs of the action requires technical expertise, which will be provided by EMSA based on its competences in the field and particularly on the obtained experience and acquired lessons learnt in implementation of the previous phase of the action.

### **3.6. Indicative Logical Framework Matrix**

| Results          | Results chain:<br>Main expected results<br>[maximum 10]  | Indicators<br>[it least one indicator per<br>expected result]  | Baselines <sup>15</sup><br>(values and<br>years)   | Targets <sup>16</sup><br>(values and<br>years)  | Sources of<br>data   | Assumptions |
|------------------|--|--|--|---|--|-------------|
| <b>Impact</b>    | Strengthen maritime safety, security as well as marine environmental protection in the wider Black Sea region  | 1 # of ratified international conventions<br>2 # of maritime strategies according III Code developed<br>3 # of beneficiaries supported to draft and adopt procedures for communication to IMO according III Code and international conventions   | 1. 205 <sup>17</sup><br>2. TBD <sup>18</sup><br>3. NA  | 1. +4<br>2. +2<br>3. 3  | MoU on PSC performance lists,<br><br>GISIS<br><br>Beneficiaries' maritime administrations            |             |
| <b>Outcome 1</b> | Capacities of maritime national administrations to discharge their obligations under international conventions of IMO/ILO and, where relevant, align with the EU-marine legislation improved | 1.1. # of transposed international conventions;<br>1.2. # of implementing procedures adopted/revised<br>1.3. # of ISPS Code deficiencies on board vessels flying the Flag of the beneficiaries detected in PMoU region<br>1.4. Improved performance of the beneficiaries in the PMOU region as resulting by the PMOU Excess Factor<br>1.5. # of PSC inspection carried in the BSMOU region<br>1.6. # of countries' operation | 1.1. 205<br>1.2. TBD<br>1.3. TBD<br>1.4. <sup>19</sup> AZ<br>+0.37<br>GE <sup>20</sup><br>IR +0.38<br>KZ<br>+0.27<br>MD<br>+1.69<br>TR -1.34<br>TM <sup>21</sup><br>UA +<br>0.98<br>1.5. TBD | 1.1. +4<br>1.2. +10<br>1.3. 10%<br>1.4. AZ<br>+0.15<br>GE <sup>22</sup><br>IR +0.10<br>KZ<br>+0.10<br>MD +0.9<br>TR -1.4<br>TM <sup>23</sup><br>UA +0.7<br>1.5. 10%<br>increase<br>1.6. 3 | IMO and ILO website (conventions) and Project's record (strategies and procedures) Project's records |             |

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<sup>15</sup> Baseline values will be inserted at a later stage in the description of the action

<sup>16</sup> Idem.

<sup>17</sup> Data from IMO website as of June 2021

<sup>18</sup> To be completed at a later stage as for some beneficiaries baselines will be available after the gap analysis of legislation to be completed in 2021

<sup>19</sup> Data from the last available draft 2020 Annual Report of the Paris MoU on Port State Control

<sup>20</sup> Flags whose total number of inspections over a 3-years rolling period do not meet the minimum of 30 inspections are not included in the Paris MoU White, Grey and Black lists. The flag did not undergo sufficient number of inspections to be included in the lists. In case of more than 30 inspections performed in 3-years' time, values will be included.

<sup>21</sup> Idem

<sup>22</sup> Idem

<sup>23</sup> Idem

|  |  |  |   |  |  |  |
|--|--|--|---|--|--|--|
|  |  | improved via digitalisation  | 1.6. 0  |  |  |  |
| <b>Output 1<br/>related to Outcome<br/>1</b> | 1.1 Capacities of maritime national administrations to discharge their obligations as Flag, Coastal and Port State under the IMO III Code and, where relevant, align with the EU-marine legislation improved | <p>1.1.1. # of countries benefiting from preparation and follow-up actions for IMSAS</p> <p>1.1.2. # of users of EMSA's RuleCheck</p> <p>1.1.3. Rate of data availability in MAREΣ</p>   | <p>1.1.1. 4</p> <p>1.1.2. 106</p> <p>1.1.3. TBD</p>   | <p>1.1.1 +1</p> <p>1.1.2 +30</p> <p>1.1.3 90%</p>  | Information according international conventions and Codes provided by IMO/ILO Project's records Italian Coast Guard as MAREΣ manager |  |
| <b>Output 2<br/>related to Outcome<br/>1</b> | 1.2 Capacity of beneficiary states to prevent, detect and respond to marine pollution enhanced   | <p>1.2.1. # of pollution response plans updated</p> <p>1.2.2. # of waste management and handling plans updated during the implementation period</p> <p>1.2.3. # of studies on Port Reception Facilities and LNG conducted during the implementation period</p> <p>1.2.4. # of beneficiary countries participating in oil pollution</p> | <p>1.2.1 N/A</p> <p>1.2.2 TBD</p> <p>1.2.3 8</p> <p>1.2.4 8</p> <p>1.2.5 3</p> <p>1.2.6 0</p> <p>1.2.7 TBD</p> <p>1.2.8 0</p> | <p>1.2.1 5</p> <p>1.2.2 5</p> <p>1.2.3 +4</p> <p>1.2.4 8</p> <p>1.2.5 4</p> <p>1.2.6 1</p> <p>1.2.7 10%</p> <p>1.2.8 2</p> | Project's records PMOU website and database  |  |

|   |  |  |  |  |                          |  |
|---|--|--|--|--|--------------------------|--|
|   |  | <p>response exercises</p> <p>1.2.5. # services and tools to detect and respond to marine pollution used</p> <p>1.2.6. # of feasibility studies on maritime traffic monitoring</p> <p>1.2.7. # MARPOL Annex VI related deficiencies detected on board vessels flying the Flag of beneficiaries in PMoU region</p> <p>1.2.8. # of supporting measures to the process of establishing the Emission Control areas in the Black Sea</p> |  |  |                          |  |
| <p><b>Output 3 related to Outcome 1</b></p> | <p>1.3 Digitalisation of operations of national maritime administrations supported</p> | <p>1.3.1. # of prototypes of National Maritime Single Window made available to beneficiaries</p> <p>1.3.2. # of countries participating in DONA</p> <p>1.3.3. # of beneficiaries supported with needs identifying and providing possible solutions for digitalisation</p>  | <p>1.3.1 0</p> <p>1.3.2 0</p> <p>1.3.3 0</p> | <p>1.3.1 3</p> <p>1.3.2 3</p> <p>1.3.3 3</p> | <p>Project's records</p> |  |

## **4. IMPLEMENTATION ARRANGEMENTS**

### **4.1. Financing Agreement**

In order to implement this action, it is not envisaged to conclude a financing agreement.

### **4.2. Indicative Implementation Period**

The indicative operational implementation period of this action, during which the activities described in section 3 will be carried out and the corresponding contracts and agreements implemented, is 60 months from the date of adoption by the Commission of this Financing Decision.

Extensions of the implementation period may be agreed by the Commission's responsible authorising officer by amending this Financing Decision and the relevant contracts and agreements.

### **4.3. Implementation Modalities**

The Commission will ensure that the EU appropriate rules and procedures for providing financing to third parties are respected, including review procedures, where appropriate, and compliance of the action with EU restrictive measures<sup>24</sup>.

#### **4.3.1. Indirect Management with EU specialised (traditional/regulatory) agency**

This action may be implemented in indirect management with European Maritime Safety Agency (EMSA). This implementation entails carrying out activities identified in section 3. EMSA has been selected for attaining the objectives, outcomes and outputs specified in section 3 by the Commission's services based on the fact that the entity has strong technical expertise and knowledge of the maritime sector both inside the EU and in the EaP countries. The envisaged entity has been selected using the following criteria: nature of the action, its thematic area of maritime safety, security and prevention of environmental pollution caused by shipping and required operational capacity for its effective implementation. A clear value added of the implantation by EMSA is their experience from previous phases of the action as well as competences not only in the transposition and implementation of international conventions, but also with the EU-marine legislation and applicable standards.

EMSA was conferred with specific regulatory and executive tasks in the field of maritime safety, security and marine environmental protection. Regulation 1406/2002 establishing EMSA was adopted by the European Parliament and the Council on 27 June 2002 and entered into force in August of the same year. EMSA provides technical and scientific assistance to the Commission in the fields of maritime safety, maritime security, prevention of pollution, and response to pollution caused by ships. In addition, as foreseen by Directive 2009/16/EC as amended, the European Maritime Safety Agency (EMSA) provides the necessary support to ensure the convergent and effective implementation of the port State control system. Thus EMSA possesses expertise in development and implementation of the inspection database and of a harmonised scheme for the training and assessment of competences of port State control inspectors. Moreover, the Agency provides technical assistance to the European Commission thus participating and often representing the latter in various meetings of the Paris MoU. EMSA continues to develop and manage tools such as RuleCheck and MaCKs,

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<sup>24</sup> [www.sanctionsmap.eu](http://www.sanctionsmap.eu) Please note that the sanctions map is an IT tool for identifying the sanctions regimes. The source of the sanctions stems from legal acts published in the Official Journal (OJ). In case of discrepancy between the published legal acts and the updates on the website it is the OJ version that prevails.



on behalf of the EC, which will be provided to the beneficiary countries. The Agency also has competences and expertise to intervene in the event of pollution from oil and gas installations.

Furthermore, as the implementing partner responsible for the overall coordination of the on the ongoing project, EMSA proved to be effective and efficient in delivering regional and bilateral training activities, providing access to its tools and services, carrying out studies and gap analyses to ensure tailored approach to countries' needs. Due to its competences and responsibilities within the EU, EMSA used its technical capacity and expertise to support countries in drafting relevant legislation and working practices to transpose and implement international conventions and EU-marine legislation into their regulatory framework as well as in promoting the international and European standards in the area of maritime safety and security and environmental protection. In addition, the links created with competent national authorities are vital to achieve the objectives of the new proposed action. Consequently, EMSA is the most suited to achieve the necessary results as the above elements give clear evidence of the specific experience, capacities and mandate in the fields of intervention.

If negotiations with the above-mentioned entity fail, that part of this action may be implemented in indirect management with alternative entity e.g. international organisation. The implementation by this alternative entity would be justified because of the following criteria: technical expertise and capacity to ensure carrying out capacity-building activities and actions aimed at harmonising the regulatory legislation with international standards. . Should negotiations with another international organisations also fail, the action may be implemented in direct management.

#### 4.4. Scope of geographical eligibility for procurement and grants

The geographical eligibility in terms of place of establishment for participating in procurement and grant award procedures and in terms of origin of supplies purchased as established in the basic act and set out in the relevant contractual documents shall apply, subject to the following provisions.

The Commission's authorising officer responsible may extend the geographical eligibility on the basis of urgency or of unavailability of services in the markets of the countries or territories concerned, or in other duly substantiated cases where application of the eligibility rules would make the realisation of this action impossible or exceedingly difficult (Article 28(10) NDICI-Global Europe Regulation).

#### 4.5. Indicative Budget

| <b>Indicative Budget components</b>                                   | <b>EU contribution<br/>(amount in EUR)</b> |
|---|--|
| Indirect management EU decentralised agency                           | 3,500,000.00                               |
| <b>Evaluation</b> – cf. section 5.2<br><b>Audit</b> – cf. section 5.3 | will be covered by<br>another decision     |
| <b>Communication and visibility</b> – cf. section 6                   | N.A.                                       |
| <b>Totals</b>   | 3,500,000.00                               |

## 4.6. Organisational Set-up and Responsibilities

A steering committee will be set up to ensure coordination and complementarity of the different project activities. It will comprise representatives of the European Commission, implementing partner and other stakeholders as appropriate. It will be co-chaired by the Commission and EMSA to ensure strategic guidance of the action, with DG NEAR as contracting authority and DG MOVE for thematic guidance. The steering committee will meet at least once a year and on a case-by-case basis if such a necessity arises. Performance, monitoring and reporting, including in terms of visibility obligations, of the Action will be undertaken in accordance with signed agreement and will be presented during the steering committee's meetings.

In addition, EMSA will ensure that regular exchanges and consultations where relevant with International Maritime Organisation; national maritime administrations, EUDs and other Commission services (DG MARE, geographical units/desks, Support Group for Ukraine, etc.) through a **technical coordination mechanism**. This will ensure that the implementation of the action is fully aligned with the national objectives but also strengthen project coordination processes to avoid risk of duplication of financing and overlap of activities, create synergies and complementarity between different actions and initiatives.

As part of its prerogative of budget implementation and to safeguard the financial interests of the Union, the Commission may participate in the above governance structures set up for governing the implementation of the action.

## 5. PERFORMANCE MEASUREMENT

### 5.1. Monitoring and Reporting

The day-to-day technical and financial monitoring of the implementation of this action will be a continuous process, and part of the implementing partner's responsibilities. To this aim, the implementing partner shall establish a permanent internal, technical and financial monitoring system for the action and elaborate regular progress reports (not less than annual) and final reports. Every report shall provide an accurate account of implementation of the action, difficulties encountered, changes introduced, as well as the degree of achievement of its results (Outputs and direct Outcomes) as measured by corresponding indicators, using as reference the logframe matrix (for project modality) and the partner's strategy, policy or reform action plan list (for budget support).

The Commission may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the Commission for independent monitoring reviews (or recruited by the responsible agent contracted by the Commission for implementing such reviews). Performance measurement will be based on the intervention logic and the log frame matrix, including its indicators.

#### *Internal monitoring:*

Each of the project activity is related to specific outcomes/outputs and equipped with quantified indicators and deliverables. Throughout the implementation, the achieved results will be checked against original activity plans and project deliverables set as milestones. Indicator-based reporting will be performed based on the Logframe. Relevant indicators will have to be disaggregated by country, geographic unit, age group, and gender. Where feasible, data specific for most vulnerable groups should be included.

EMSA as the implementing partner will be responsible for the day to day execution and monitoring of the activities. In case of discrepancies the project team will propose and introduce corrective measures. The normal procedure for eliminating discrepancies will be (a) recognition of discrepancy, (b) estimation of the level of discrepancy and potential impact (time, quantity and quality wise), (c) definition of reasons (internal and external), (d) preparation of a contingency plan (responsibilities, activities), (e) implementation of a contingency plan and (f) review.

DG NEAR will be regularly updated on progress made and any issues encountered. EU Delegations in beneficiary countries will be systematically informed of annual project work plans and on the progress of any activities within the project. DG MOVE will be regularly consulted by NEAR and the EMSA project team on thematic issues. DG MARE will be regularly consulted by NEAR and the EMSA project team on thematic issues and when relevant will be invited to participate in steering committee meetings.

Regular internal reporting will be established at the onset of the project with all project stakeholders and will contribute to the overall project evaluation reporting. While the monitoring will be a constant process, at the key milestones of the project, internal evaluation will be implemented.

## **5.2. Evaluation**

Having regard to the importance of the action, a final evaluation will be carried out for this action or its components via independent consultants.

It will be carried out for accountability and learning purposes at various levels (including for policy revision), taking into account in particular the complexity and the various topics covered by the action.

The Commission shall inform the implementing partner at least 3 months in advance of the dates envisaged for the evaluation missions. The implementing partner shall collaborate efficiently and effectively with the evaluation experts, and inter alia provide them with all necessary information and documentation, as well as access to the project premises and activities.

The evaluation reports shall be shared with the partner country and other key stakeholders following the best practice of evaluation dissemination<sup>25</sup>. The implementing partner and the Commission shall analyse the conclusions and recommendations of the evaluations and, where appropriate, in agreement with the partner country, jointly decide on the follow-up actions to be taken and any adjustments necessary, including, if indicated, the reorientation of the project. The financing of the evaluation shall be covered by another measure constituting a Financing Decision.

## **5.3. Audit and Verifications**

Without prejudice to the obligations applicable to contracts concluded for the implementation of this action, the Commission may, on the basis of a risk assessment, contract independent audit or verification assignments for one or several contracts or agreements.

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<sup>25</sup> See best [practice of evaluation dissemination](#)

## 6. COMMUNICATION AND VISIBILITY

Communication and visibility is a contractual obligation for all entities implementing EU-funded external actions to advertise the European Union's support for their work to the relevant audiences.

To that end they must comply with the instructions given in the [Communication and Visibility Requirements of 2018](#) (or any successor document), notably with regard to the use of the EU emblem and the elaboration of a dedicated communication and visibility plan, to be completed for every action at the start of implementation.

These obligations apply equally, regardless of whether the actions concerned are implemented by the Commission, the partner country (for instance, concerning the reforms supported through budget support), contractors, grant beneficiaries or entrusted entities. In each case, a reference to the relevant contractual obligations must be included in the respective financing agreement, procurement and grant contracts, and delegation agreements.

Communication and visibility measures may be funded from the amounts allocated to the action. For the purpose of enhancing the visibility of the EU and its contribution to this action, the Commission may sign or enter into joint declarations or statements, as part of its prerogative of budget implementation and to safeguard the financial interests of the Union. Visibility and communication measures should also promote transparency and accountability on the use of funds.

Effectiveness of communication activities on awareness about the action and its objectives as well as on EU funding of the action should be measured.

Implementing partners shall keep the Commission and concerned EU Delegation/Office fully informed of the planning and implementation of specific visibility and communication activities before work starts. Implementing partners will ensure adequate visibility of EU financing and will report on visibility and communication actions as well as the results of the overall action to the relevant monitoring committees.