EU Operational Guidelines on Places of Refuge

TRACECA Maritime Safety and Security Course on Places of Refuge

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Lisbon / Date
Cooperation Group on Places of Refuge

Created in 2013

Representatives of EU and EEA states

Meetings 2 x year: platform for cooperation, exchange of experiences and best practices

Complementing the regulatory framework (Directive 2002/59 as amended) with practical action
Art. 20: Competent authority “Member States shall designate one or more competent authorities which have the required expertise and the power, at the time of the operation, to take independent decisions on their own initiative concerning the accommodation of ships in need of assistance. “

Art. 20a: Plans “Member States shall draw up plans for the accommodation of ships in order to respond to threats presented by ships in need of assistance” [+list of required elements]
Art. 20b: Decision on the accommodation of ships. The authority (…) shall decide on the acceptance of a ship in a place of refuge following a prior assessment of the situation carried out on the basis of the plans.

Art. 20c: Financial security and compensation. The absence of an insurance certificate (…) shall not exonerate a Member State from the preliminary assessment and decision (…), and shall not in itself be considered sufficient reason for a Member State to refuse to accommodate a ship in a place of refuge.
1st TT Exercise: Rotterdam November 2013
Conclusions: operational guidance needed
Guidelines to be drafted

2nd TT Exercise: Malta September 2015
Testing the Guidelines and final amendments
• Correspondence Group with EMSA as a secretariat
• Drafting in 2014
• Final draft submitted to the Commission Nov 2014
• Consultations with the industry early 2015
• Testing the Guidelines – 2nd TT Exercise Sept 2015
• Approval by the Cooperation Group Nov 2015
• Presentation at the European Parliament Jan 2016
The Guidelines provide practical guidance for the competent authorities (CA) and the main parties involved in managing a request for a place of refuge from a ship in need of assistance, including where an incident occurs on the high seas or outside of the jurisdiction of any one Member State.

They are drafted with a real operational situation for a vessel in need of assistance in mind. They aim at a robust operational process leading to well advised and, where possible, quick decision making.

Although non-mandatory in nature, they are intended to support the more uniform application of the underlying legal provisions of the Directive 2002/59/EC (as amended)
Chapter 1: Roles and Responsibilities of Key Players

• Member States (coordinating and supporting)
• Ship master
• Others: ship operator, charterer, agent, cargo owners, shippers
• Flag State
• Class
• Salvors
• Ports
• Insurers
Chapter 2: Initial Incident Reporting, Monitoring, Information gathering

- **Initial Incident Reporting**: information to be gathered by coordinating MS as soon as possible – drafting and sharing SITREPS in SSN.

- **Monitoring the situation** – use of Integrated Maritime Services

- **Information gathering** – further (dangerous cargo, insurance, etc.)
Chapter 3: Places of Refuge Coordination

- **Incidents within jurisdiction of a MS** (the deciding factor being the Maritime Assistance Service Service declared by the state for the relevant area. If there is no MAS declared, the it will be the MS with jurisdiction over the waters in which the vessel is located)

- **Incidents outside of jurisdiction of any MS** (the deciding factor being the Search and Rescue Region declared for the relevant area)
Chapter 4: Requesting a Place of Refuge

Master / Salvor:

- Appraisal of the situation
- Identification of hazards and assessment of risks
- Identification of assistance services in place
- Request to a MS for a place of refuge
Chapter 5: Risk Assessment and Inspection

Member State:

- Decision Making Tool (elements to take into account in the assessment: re vessel, nature of incident, environmental conditions, pollution, risk assessment for a vessel to remain at sea, risk assessment for a vessel to be directed to a PoR, analysis of shelters available, etc.)

- Inspection / Expert Analysis
Chapter 6: Decision Making & Outcomes

- To grant a place of refuge
- Not to grant a place of refuge
Chapter 7: Financial security

- Competent Authority can seek proof of financial security but cannot be exonerated from the obligation to assess and respond in a timely manner to a request for a place of refuge on the basis of the absence of a certificate of insurance

- CA cannot refuse to accommodate a ship in a place of refuge merely due to the absence of a certificate of insurance
Chapter 8: Media Information Handling

Chapter 9: Lessons Learned
Guidelines are a live document – will be updated

3rd TT Exercise on PoR - 2017

Thank you for your attention

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