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3rd Asia Marine Casualty Forum

PLACES OF REFUGE ON A GLOBAL PERSPECTIVE
– Are We Nearly There?

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MSC Flaminia – Case



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Background

- **MSC Flaminia** incident (2012) triggered the implementation/application of the EU Legislative provisions
- Experts group established - Emphasis on **cooperation** and **information-sharing** (including States and Industry)
- Focus on **implementation** of existing framework





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EU Legislative Framework

- Places of Refuge provisions sit in the Vessel Traffic Monitoring Directive – Coastal State responsibilities – builds on the IMO PoR GL
- **Independent Decision** on the accommodation of ships by a **Competent Authority**
- **PoR Plans** and procedures for international coordination and decision-making, including, if appropriate, drawing up **concerted action plans**





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PoR Experts Group - Principles & Methods

- **Co-operation** among national competent authorities, in particular for incidents occurring beyond national jurisdiction
- Effective use of all available **information sources and data platforms**
- Seeking **industry's involvement** and expert input
- Establishing **network of contacts**





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Leading to - EU Operational Guidelines

- **WHY?**
- Each Member State required to have a PoR Plan and procedures in place; however...concerted action?
- Political unrest in EU that MSC Flaminia took 51 days to resolve;
- It was recognised that there was a need to **change attitudes** towards ships in need of assistance – within national administrations, competent authorities and industry; need **enhanced cooperation** and **coordination** among all actors involved in an incident
- Need for a **user-friendly guidelines** for implementation of existing rules





EU Operational Guidelines

▪ HOW?

Based on:

- ✓ IMO Guidelines (Resolution A.949(23))
- ✓ EU VTMIS Directive (2002/59/EC),
- ✓ MSs experience with Places of Refuge situations,
- ✓ 3 TTEs (testing the OGS), 4th in October 2019
- ✓ Other relevant work in similar areas (e.g. HAZMAT)

Making use of existing EU-wide maritime surveillance systems – The Union Maritime Information and Exchange System (SSN)





EU Operational Guidelines

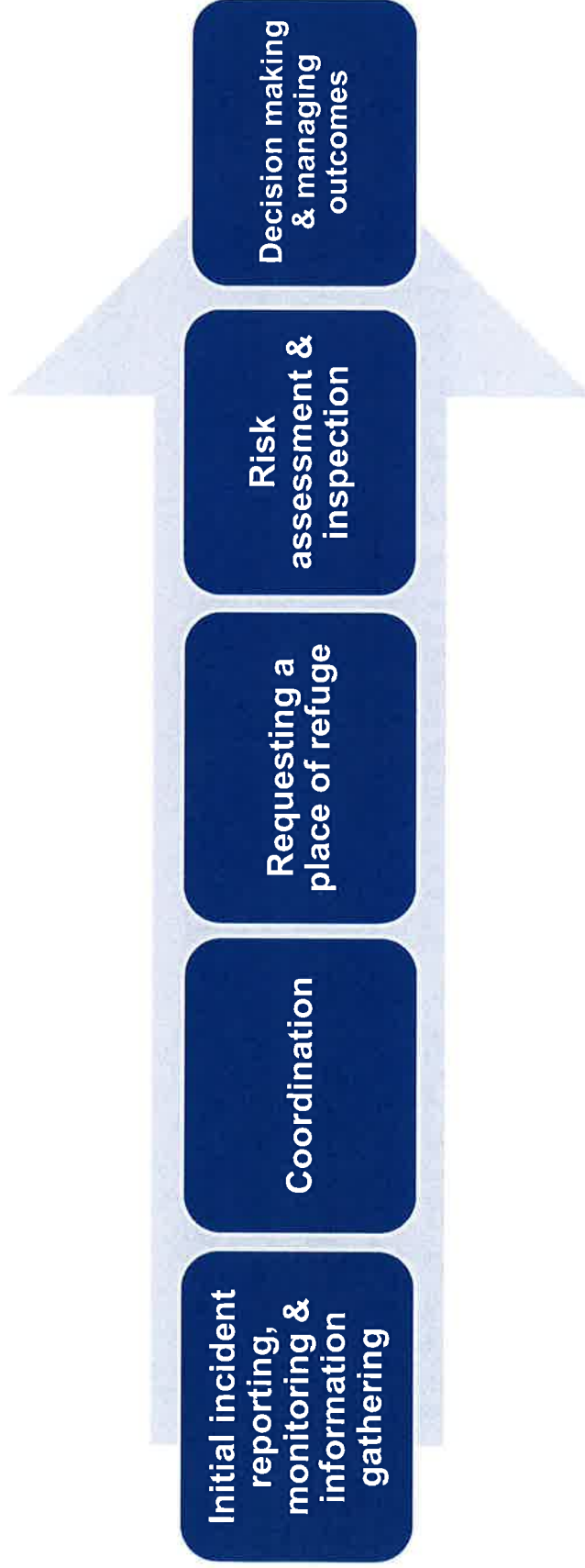
- **WHEN?**
 - Covering **all operational stages** of an incident that may lead to a ship in need of assistance
 - Do not cover SAR operations
 - Do not apply to incidents in inland waterways.





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EU Operational Guidelines





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Next steps - Continuing commitment

The **continuous improvement** of the EU Operational Guidelines through experience gained from real incidents (e.g. Modern Express);

- Setting up **appropriate training** on the Operational Guidelines with the support of EMSA;
- Developing further **risk assessment methodologies**, complementary in particular situations involving more than one jurisdiction;
- Engaging at IMO for the **continuous improvement of the international framework** on places of refuge.



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MARITIME SAFETY COMMITTEE 100th session

MSC100/17/1

Agenda item 17

WORK PROGRAMME

Proposal for a new output for a revision of resolution A.949(23) on Guidelines on places of refuge for ships in need of assistance

Submitted by Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom, EC, **ICS, IUMI, BIMCO, ISU, INTERTANKO and P&I Clubs**

Executive summary: This document **proposes a new output** for the Subcommittee on Navigation, Communications and Search and Rescue (NCSR) **for a revision of resolution A.949(23) on Guidelines on places of refuge for ships in need of assistance**. This is to ensure that the resolution remains up to date and continues to serve as an effective instrument providing a clear framework to deal with a ship in need of assistance seeking a place of refuge in a consistent and harmonized manner globally.



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Thank you for your attention!

