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TRACECA Maritime Safety and Security II

Beneficiary Countries: Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Turkmenistan, Ukraine, Uzbekistan



Mission Report

Ratification Workshop, Hamburg

25 – 27 March 2014

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TRACECA Maritime Safety and Security II

Contract number: 2012/308-311

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	Name	Date
Written by:	Stephan Assheuer	02.06.2014
Approved by:	Albert Bergonzo	29/08/14

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Summary

Name of the Expert:	Stephan Assheuer
Expert position:	Key Expert
Mission number:	
Mission start date:	25.03.2014
Mission end date:	27.03.2014
Number of working days:	2 1/2
Mission objective:	Introduction in the ratification process; signature, acceptance, accession. Discussion of planning of a ratification, consider the impact of the new instrument on the maritime strategy and national legislation Consider steps necessary for implementation, legal and technical Exchange of experience gained with the ratification and implementation of international instruments.
Main activities:	Regional Seminar
Main results:	Participants learned about ratification of international Instruments
Programme of next mission:	n/a
Annexes (documents produced during the mission):	Agenda, List of Participants, Presentations



Introduction

From 25 March to 27 March a two and a half day seminar on the ratification of conventions was conducted in Hamburg, Germany. The Seminar on "Ratification of Conventions – From Planning to Implementation" was organised within the framework of the European Union (EU) funded TRACECA Maritime Safety and Security II Project with the following main objectives:

- Introduction in the ratification process; signature, acceptance, accession.
- Discussion of planning of a ratification, consider the impact of the new instrument on the maritime strategy and national legislation
- Consider steps necessary for implementation, legal and technical
- Exchange of experience gained with the ratification and implementation of international instruments.

The seminar was aimed at persons responsible for the legal and/or technical implementation of international instruments at maritime administrations of the partner countries of the TRACECA Maritime Safety and Security II Project, the list of participants is attached as annex I to this report. The seminar addressed topics related to legal and high level technical implementation, the agenda is attached as annex II.

Due to the location Hamburg it was possible to invite representatives of the German Administration allowing for the exchange of experience with the administration of an EU Member State and in addition as Hamburg is the host town of the International Tribunal of the Law of the Seas (UNCLOS) it was possible to organize a visit of UNCLOS including a presentation held by the head of the legal section of UNCLOS about cases dealt with by that institution and the unique opportunity to have a discussion with Judge Vladimir Golitsyn about legal aspects related to UNCLOS topics in the TRACECA region.

Speaker

For the seminar Prof. Dr. Schröder-Hinrichs, Professor at the World Maritime University, could be hired as Short Term Expert and it was in addition possible to invite three guest speakers from the German Administration:

Prof. Dr. Dr. h.c. Peter Ehlers, President of the Federal Maritime and Hydrographic Agency (ret.),
Institute for the Law of the Sea and Maritime Law, Hamburg University,

Ms. Grit Tüngler, LL.M., Head of the legal section of the Federal Maritime and Hydrographic Agency and

Mr. Holger Steinbock, Deputy Director and Head of the Machinery Department of the German Ship Safety Division.



Programme

Day 1, 25 March 2014

On behalf of the project Stephan Assheuer welcomed the participants and introduced the agenda and programme of the seminar. Prof. Schröder then introduced during the first presentations of the day the fundamentals related to maritime conventions. In particular he addressed the Development of international maritime conventions, transformation of conventions into national legislation, requirements of the IMO III Code, implementation of conventions and international conventions and EU legislation. The full presentations are attached as annexes III and IV. The day concluded with a presentation of Prof. Schröder and Mr. Assheuer about the maritime legislative developments in the EU and the interrelation between EU legislation and IMO conventions. First Prof. Schröder introduced the developments of EU maritime legislation in the pre and post Erika phase highlighting first attempts towards a common policy on safe seas and consequences of the Erika and Prestige incidents in the Erika I and II packages and the 3. maritime safety package. In the second part of the presentation Mr. Assheuer described the difference between approaches of selected IMO instruments and their European correspondent.

Day 2, 26 March 2014

The second day of the seminar started with a presentation by Ms Grit Tüngler from the German Federal Maritime and Hydrographic Agency on the Implementation of International Liability Conventions, their European Allies and the German approach. Ms Tüngler introduced the framework of liability conventions, the link to related EU legislation and the way this framework has been ratified by Germany and subsequently implemented into German law. In second presentation of the day Mr Assheuer introduced the importance of the ratification and implementation of International Maritime Conventions for the stakeholders in the maritime industry highlighting the importance of world wide common standards for participants in the international shipping industry in terms of ship safety and level playing field. In the first afternoon session Mr Holger Steinbock, Deputy Director of the German Ship Safety Division, introduced the German approach to the technical interpretation of international instruments starting from the education and training of surveyors through the co-operation with classification societies and other stakeholders in the industry to the importance of professional judgement. He then illustrated the German approach by means of a number of practical examples. The last session of that day was devoted to the enforcement of International Instruments. Prof. Peter Ehlers, Professor at the Institute for the Law of the Sea and Maritime Law, Hamburg University and retired president of the Federal Maritime and Hydrographic Agency, introduced the legal background and subsequently addressed enforcement obligations by port, coastal and flag States.

Day 3, 27 March 2014



The final day of the seminar was assigned to the visit of the International Tribunal of the Law of the Seas (ITLOS). After the group was welcomed by ITLOS's press officer, Ms Julia Ritter, gave a introduction into the history of the ITLOS including a visit of the main court room. The head of the legal section guided the group through the most important cases and decisions brought in front of the tribunal until today. The visit concluded with an open discussion with Judge Vladimir Golytsin, one of the most experienced and longest serving judges at the Tribunal. The discussion was held very open and as an independed Member of the Tribunal, Judge Golytsin was prepared to answer also critical questions on the role of Russia in the area of beneficiary countries.

Summary

The seminar introduced the aspects of ratification of international instruments, from basics aspects up to technical interpretations and enforcement taking into account the related EU legislation and the implications of ratification on the IMO Member States Audit Scheme. The visit of the International Tribunal of the Law of the Seas gave a further insight into the link between the United Nations Convention on the Law of the Seas and the Instruments of the International Maritime Organization.

Annexes

Annex 1, Agenda

Annex 2, List of Participants

Annex 3 to 9, Presentations (separate documents)



Annex 1

**TRACECA Maritime Safety and Security II - Activity 2.2
Seminar on Ratification of Conventions – From Planning to Implementation**

Hamburg, Germany, 25 - 27 March 2014

AGENDA*

Day 1

Tuesday 25th March 2014 – International conventions and national legislation – the background

10:00 / 10:30	Registration and welcome
10:30 / 11:00	Opening address, introduction of participants and speakers, outline of the workshop <i>Mr. Stephan Assheuer</i>
11:00 / 11:15	Coffee
11:15/ 12:30	Who develops international maritime conventions and how? different UN bodies UN IMO ILO Why, when and how have international conventions to be transferred into national law? Ratification or accession What does the IMO III Code say about implementation? Maritime strategy Pros and Cons Integration in / Conflict with national legislation <i>Dr. Jens-Uwe Schröder-Hinrichs</i>
12:30/14:00	Lunch
14:00 / 15:30	Ratification The national ratification process Selected examples of implementation processes in different IMO member States Lessons learnt from the IMO VIMSAS <i>Dr. Jens-Uwe Schröder-Hinrichs</i>
15:30/ 16:00	Coffee break
16:00/17:00	International Maritime Conventions and EU legislation <i>Dr. Jens Uwe Schröder-Hinrichs, Stephan Assheuer</i>

* may be subject to minor adjustments



Day 2

Wed 26th March 2014 – Implementation examples

10:00 / 11:00	Implementation of international conventions - focus on international liability conventions and the German approach <i>Grit Tüngler,</i>
	Coffee break
11:00 / 12:00	Implementation of international conventions - focus on international liability conventions and the German approach <i>Grit Tüngler</i>
12:30 / 14:00	Lunch
14:00 / 14:45	The importance of the ratification and implementation of International Maritime Conventions for the maritime industry <i>NN</i>
14:45 / 15:30	Technical interpretation by the Administration Implementation of the phrase “to the satisfaction of the administration” <i>Mr. Holger Steinbock</i>
	Coffee break
16:00 / 17:00	Enforcement of International Instruments <i>Prof. Ehlers</i>

Stephan Assheuer, Key Expert, TRACECA Maritime Safety and Security II

Prof. Dr. Jens-Uwe Schröder-Hinrichs, Expert, TRACECA Maritime Safety and Security II

Guest Speaker:

Ms. Grit Tüngler, Head of Section Legal Matters at BSH, Hamburg

Mr. Holger Steinbock, Deputy Director, German Ship Safety Division, Hamburg (request pending)

Prof. Dr. Dr. h.c. Peter Ehlers, President of BSH, rtd.

Day 3

Thursday 27th March 2014

Visit of the International Tribunal of the Law of the Seas:

09:30 / 10:00	Arrival at the Tribunal and welcome: <i>Mr Philippe Gautier, Registrar</i>
10:00 / 11:30	Presentation of the organization and work of the Tribunal: <i>Ms Julia Ritter, Press Officer and a Legal Officer</i>
11:30 / 12:00	Meeting with Judge Vladimir Golitsyn



Annex 2

**TRACECA Maritime Safety and Security II Activity 2.2
Seminar on Ratification of Conventions – From Planning to Implementation
Hamburg, Germany, 25-27 March 2014**

	Invitee	Position and Organisation	Telephone	e-mail	Post address
1.	Mr. Farhad Mammadov	Head of the Law and International Relations Department, State Maritime Administration of the Republic of Azerbaijan	+994502635415 Fax: 994124974406	Farhad.mamedov@gmail.com	Khanlar street, 2B, Baku, 1003, Azerbaijan Republic
2.	Mr. Elvin Seyfullayev	Chief Adviser, Law, Human resources and International Relations Department, Law and Human resources Sector, State Maritime Administration of the Republic of Azerbaijan	+994124974405 Mob.:+994557835352 Fax: +994124974406	e.seyfullayev@yahoo.com	Khanlar street, 2B, Baku, 1003, Azerbaijan Republic
3.	Ms. Kristina Rzgoeva	Head of the Legal Department, LEPL Maritime Transport Agency/ Ministry of Economy and Sustainable Development of Georgia	+995577528325 Fax: +995422273929	K.Rzgoeva@mta.gov.ge	23, Ninoshvili Str. Batumi City, Georgia
4.	Ms. Natia Miminoshvili	Chief Specialist, International Relations Department, LEPL Maritime Transport Agency/ Ministry of Economy and Sustainable Development of	+995577221612 Fax: +995422273929	n.miminoshvili@mta.gov.ge	23, Ninoshvili Str. Batumi City, Georgia



		Georgia			
5.	Mr. Tato Makharadze	Chief Marketer, Marketing Unit, JSC „Georgian Railway”	+995 (032) 199552 Mobile: +995 (591) 116655	tato.makharadze@railway.ge	15, Tamar Mepe Avenue Tbilisi, 0112 Georgia
6.	Ms. Gulshat Dauyeshova	Head of Division, Ministry of Transport and Communications of the Republic of Kazakhstan	+77172241823 Fax: +77172290872	g.daueshova@mtc.gov.kz	Kabanbay Batyr Street, 32/1, Astana, 010000, Republic of Kazakhstan
7.	Mr. Arlan Zakaryanov	Head of Department, Ministry of Transport and Communications of the Republic of Kazakhstan	+77172243801 Fax: +77172242528	a.zakaryanov@mtc.gov.kz	Kabanbay Batyr Street, Astana, Republic of Kazakhstan
8.	Mr. Igor Zaharia	Chief of Naval Transport Division, Ministry of Transport and Road Infrastructure of Republic of Moldova	+37322820714 Fax: +37322731396	igor.zaharia@mtid.gov.md	162, Stefan Cel Mare Si Sfint Ave, Chisinau City, 2004, Republic of Moldova
9.	Mr. Vasile Raileanu	Director of Legal Division of the Ministry of Transport and Road Infrastructure of Republic of Moldova	+373022820715 Fax: 373022546564	vasilerailleanu13@gmail.com	162, Stefan Cel Mare Si Sfint Ave, Chisinau City, 2004, Republic of Moldova
10.	Mr. Cem Orkun Kiraç	Engineer, Ministry of Transport, Maritime and Communications of Turkey	+905334885858 Fax: +903122313306	cemorkunkirac@denizcilik.gov.tr cem.kirac@udhb.gov.tr	Hakki Turaylic Cad. EMEK, Ankara, Turkey
11.	Capt. Tamay Çetin	Ship Inspection Officer, Ministry of Transport, Maritime and	+905055978294 Fax: +903122313306	tamay.cetin@gmail.com	Hakki Turaylic Cad. EMEK, Ankara, Turkey



		Communications of Turkey			
12.	Ms. Oksana Babii	Chief of the Division for Perspective Development of Priority Transport Networks, Department for Cooperation of Infrastructure and Tourism Development Policy, Ministry of Infrastructure of Ukraine;	+380443514175 Fax: +380443511141	babiy@mtu.gov.ua	14, Peremohy Ave, 01135, Kyiv, Ukraine
13.	Mr. Sergii Kazantsev	Deputy Chief of Division for control of shipping companies, maritime and Inland Water Transport Enterprises, Department of State Supervision and Control for Maritime and Inland Water transport Safety, State Inspectorate of Ukraine for Maritime and Inland Water Transport Safety.	+380443514432 Fax: +380443514475	safety_control@ukr.net	14, Peremohy Ave, 01135, Kyiv, Ukraine
14.	Mr. Holger Steinbock – guest speaker	Deputy Director, German Ship Owners Association			Hamburg, Germany
15.	Ms. Grit Tüngler – guest speaker	Head of department Legal Matters at BSH			Hamburg, Germany
16.	Mr. Stephan Assheuer	Expert, TRACECA Maritime Safety and Security II Project	+380442355344	assheuer@ntu.eu	119, Saksaganskogo Street, 01032, Kiev,



					Ukraine
17.	Dr. Jens-Uwe Schroeder-Hinrichs	Expert, TRACECA Maritime Safety and Security II Project	+380442355344	jus@wmu.se	119, Saksaganskogo Street, 01032, Kiev, Ukraine
18.	Ms. Anzhela Markova	Assistant to the TRACECA Maritime Safety and Security II Project	+380442355344	tracecamar@ntu.ua	119, Saksaganskogo Street, 01032, Kiev, Ukraine
19.	Ms. Dana Quarg	Interpreter 1	Tel +49 4102 6919 855 Mobile +49 172 7850097	d.quarg@gmx.de	PO Box 1232 Germany - 22902 Ahrensburg
20.	Mr. Werner Töpperwien	Interpreter 2	Tel: (04131) 40 41 60 Mobile +49-173-9194110	wtoepperwien@t-online.de	Germany



Annex 3 (separate document)

Presentation 1 Ratification of Conventions, Part 1 - Background

Annex 4 (separate document)

Ratification of Conventions, Part 2 – Implementation of Conventions

Annex 5 (separate document)

International Maritime Conventions and EU Legislation

Annex 6 (separate document)

Implementation of International Liability Conventions, their European Allies and the German approach

Annex 7 (separate document)

Value of Conventions for maritime Stakeholders

Annex 8 (separate document)

Technical Interpretation by the Administration Implementation of the phrase “to the satisfaction of the administration”

Annex 9 (separate document)

Enforcement of international maritime legal instruments