

TRACECA Maritime Safety and Security II Places of Refuge Seminar

Kiev, Ukraine
11th and 12th May 2016

TRACECA Maritime Safety and Security II Project

A large, multi-masted sailing ship, possibly a clipper, is shown from a low angle on the water. The ship has several masts with white sails, some of which are partially unfurled. The ship is white with dark trim. The background is a clear blue sky and a dark blue sea with some whitecaps. The ship is moving towards the right of the frame.

General objective:

- to approximate the Armenia, Azerbaijan, Georgia, Kazakhstan, Moldova, Ukraine and Turkmenistan national legislation with the EU regulatory framework, support the further ratification and implementation of international maritime safety and security conventions;
- improving the level quality and coordination of maritime administrations in the Black and Caspian seas countries with the aim of making shipping safer, more secure and environment friendly;

Scope of this presentation: - to share our own experience regarding implementation of PLACE OF REFUGE legislation;

- Better information available and increased sharing of data among neighbouring countries.

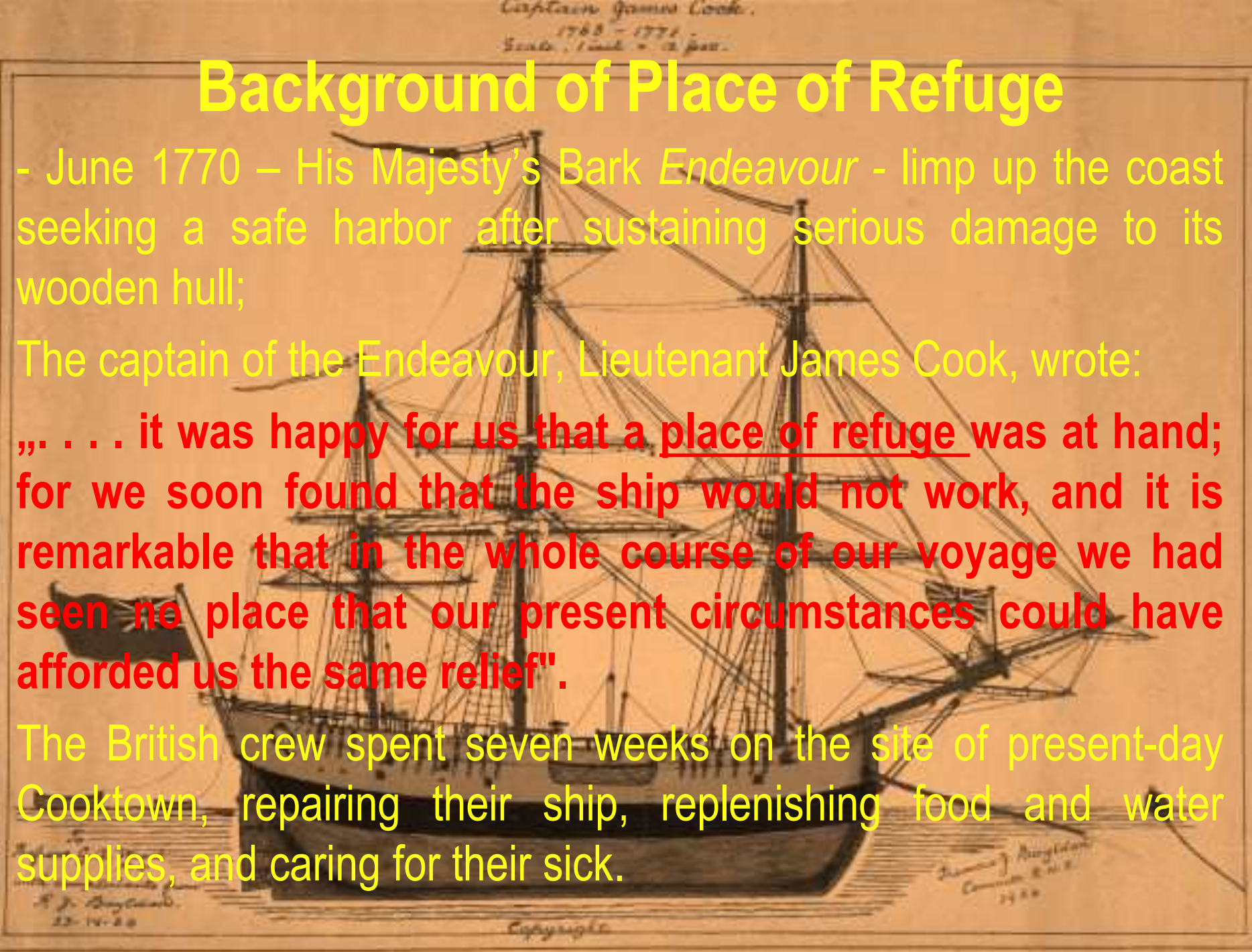
Background of Place of Refuge

- June 1770 – His Majesty's Bark *Endeavour* - limp up the coast seeking a safe harbor after sustaining serious damage to its wooden hull;

The captain of the *Endeavour*, Lieutenant James Cook, wrote:

„. . . it was happy for us that a place of refuge was at hand; for we soon found that the ship would not work, and it is remarkable that in the whole course of our voyage we had seen no place that our present circumstances could have afforded us the same relief".

The British crew spent seven weeks on the site of present-day Cooktown, repairing their ship, replenishing food and water supplies, and caring for their sick.



Background of Place of Refuge (continued)

- M/T ERIKA – 12 december 1999 sank off the coast of Brittany, France;
- M/T CASTOR – december 2000 – fully laden develop a structural problem in Mediteranea Sea;
- M/T PRESTIGE – november 2002 – sank off the coast of Galicia, Spain;
- M/V MSC FLAMINIA – July 2012 – get fire and explosion on board in the Atlantic Ocean – place of refuge granted in september, in Germany;



Port of Refuge or Place of Refuge ?

Port of Refuge:

- has always to the benefit of ships in need of assistance, but not in distress;
- the property and environmental damages were limited;

Place of Refuge:

- widens the scope of refugee waters in a coastal state;
- the ship in need of assistance can take actions such the condition of the vessel is stabilized and further loss to property or the environment is restricted.

Definitions

Place of refuge – a place where a ship in need of assistance can take action to enable it to stabilize its condition and reduce the hazards to navigation, and to protect human life and the environment.

Ship in need of assistance – a ship in a situation, apart from one requiring rescue of persons, that could give rise to loss of the vessel or an environmental or navigational hazard.

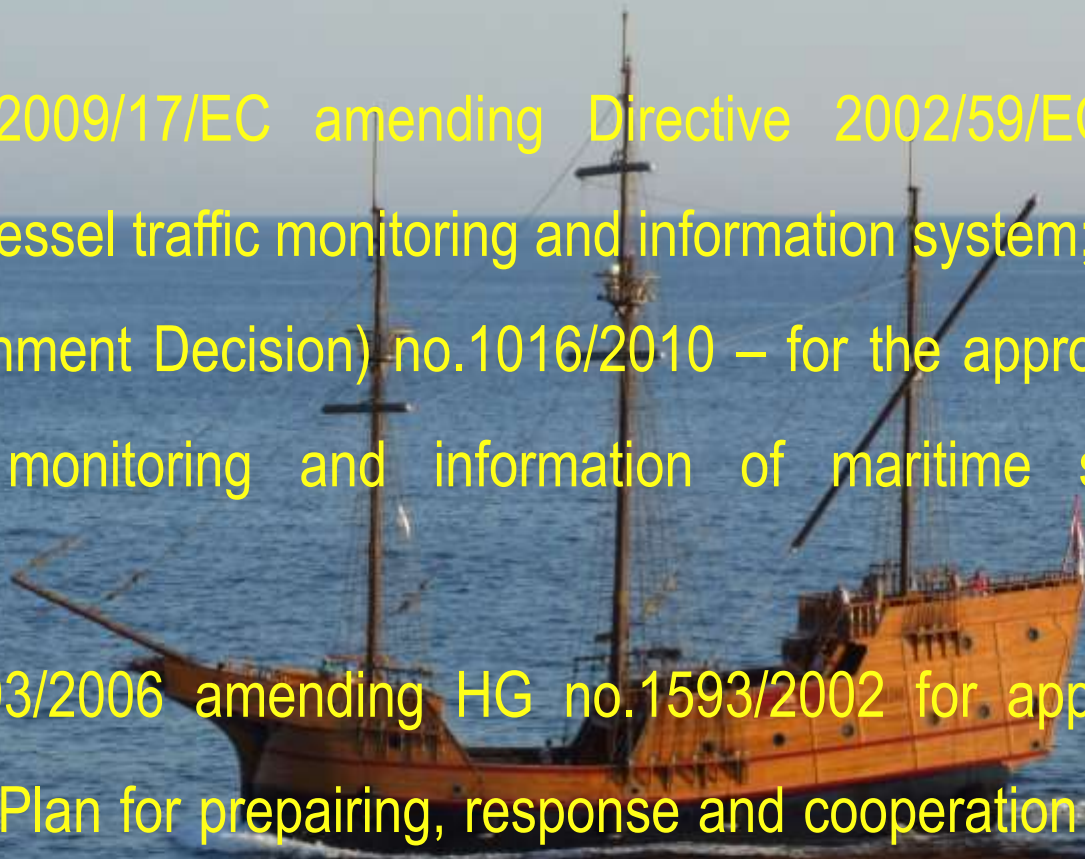
Maritime Assistance Service (MAS) - a maritime service responsible for receiving reports in the event of incidents and serving as a point of contact between the shipmaster and the authorities of the coastal State in the event of an incident

Applicable Law

- UN Law of the Sea (UNCLOS) – 1982;
- SOLAS '74 – Ch.V;
- MARPOL 1973/78;
- SAR Convention – Hamburg 1979
- International Convention on Salvage - 1989;
- Oil Pollution Response Convention (OPRC) – 1990;
- The HNS Convention 1996
- The Civil Liability Convention (CLC) 1992;
- The Fund Convention 1992;
- The Supplementary Fund Convention 2003;
- The Bunkers Convention 2006;
- IMO Resolution A 949(23) - Guidelines on places of refuge for ships in need of assistance;
- IMO Resolution A 950(23) - Maritime Assistance Service;

Applicable Law (continued)

- Directive 2009/17/EC amending Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system;
- HG (Government Decision) no.1016/2010 – for the approval of community system for monitoring and information of maritime ships (Romanian legislation);
- HG no. 893/2006 amending HG no.1593/2002 for approval of National Contingency Plan for preparing, response and cooperation in case of marine pollution by oil (Place of refuge Chapter) – Romanian legislation;



Romanian coastline

- Romanian coastline – 245 km, is located on west part of Black Sea, and it is bordered in north part with Ukraine(Musura Bay) and in south with Bulgaria (south of Vama Veche village).
- Along Romanian coastline, there are two marine protected areas:
 - UNESCO Danube Delta Biosphere – about 163 km length/abt. 1.030 sq.km;
 - „2 Mai – Vama Veche” – about 50 sq.km;
- Black Sea is a real biological factory, with unseen particularities into other seas, with specific flora and fauna, being considered as „ *unicum hidrobiologicum*”;



Romania – Maritime Administration



- In Romania, the Maritime Administration is represented by the Romanian Naval Authority (RNA);
- RNA was founded by HG (Government Decision no.1133/2002), and it is under the authority of the Ministry of Transportation.
- RNA is the technical body of Ministry of Transportation and it representing the State Authority in the field of the safety and security of navigation and environmental protection into all national navigable waters.
- RNA has the mission to accomplish with all duties and obligations which Romania had established by agreements and international conventions in her field of activity.

Romanian - Place of Refuge Plan

- As related to POR, Romanian Legislation is in concordance with EU Legislation as well as with the International Law, being part of the majority of the conventions noted by the industry.
- Romania has developed a legislation as to meet the necessities as seen by EU and IMO guidelines.

As a result, in 2011 it was issued The Plan for Sheltering vessels in need of assistance and Rules for granting a Place of Refuge.

According with national legislation, in Romania, the decision to receive (or not!) a vessel in POR has to be granted, by the Prefect of Constanta County, as National Competent Authority.

The POR plan contains all information required by article 20 (a-g) of Directive 2009/17/EC, which amending Directive 2002/59/EC.

Romanian - Place of Refuge Plan (continued)

- POR Plan – establish procedures to be followed by Romanian authorities in case a vessel is in need of assistance;
- POR Plan – is not cover the Search and Rescue operations;
- POR Plan – is not applicable to any incidents on inland waters;
- POR Plan – designate identity and responsibilities of authorities in charge with receiving and manangement of alerts;
- POR Plan – designate the Assessment Committee – componence, competence and responsibilities;
- POR Plan – establish procedures and rules applicable to ship's granted a place of refuge;

Romanian - Place of Refuge Plan (continued)

- POR Plan – include environment and economic information regarding coastal area and other evaluation criterias for an initial assessment of situation.
- The initial assessment will be continued as long as necessary taking into account latest evolution and information from the scene;
- POR Plan – contain description of resources necessary for assistance, salvage and pollution control, ready to be used by government, state owned or private companies;
- According with national legislation, decision to ask for international support is going to be taken, by Constanta County Prefect, after Prime Minister prior information and approval;

FINANCIAL SECURITY

- Financial security – for specific types of damage and costs, like oil pollution, wreck removal etc.;
- Procedures applicable to financial security, cost recovery and compensation – are outlined in the National Plans;
- Financial-Administrative Committee is made up by the Evaluation Committee experts;
- In the absence of a certificate of insurance, Competent Authority cannot be exonerated from their obligation to assess and respond in a timely manner to a request for a POR;
- CAs cannot refuse to accommodate a ship in a POR on the basis of the lack of an insurance certificate;
- There are financial risks for the POR once the admission of the vessel in distress is granted .

Risks applicable to Place of Refuge

The risks are evaluated as follows :

- Collision underway to POR;
- Fire/Explosion;
- Grounding/Sinkage;
- Unloading cargo;
- Incidents while discharging cargo;
- Cargo storage;
- Pollution;
- Garbage;
- Public services;
- Personal accidents;



Presently, Romanian Naval Authority, together with Constanta County Prefect Institution, Ministry of Environment, Constanta Maritime Port Administration, Ministry of Internal Affairs and other stockholders involved in Place of Refuge for vessels in need of assistance, are in process of updating the actual plan, based on EU Operational Guideilines - version 3 Final.

Places of Refuge

EU Operational Guidelines

Version 3 - Final 13 November 2015

Reporting obligation of the Commission to European Parliament and Council

- Obligation to evaluate and report on existing compensation mechanisms for potential economic losses suffered by ports or other bodies in acting of places of refuge when accommodating a ship in need of assistance (*Directive 2002/59/EC, as amended in 2009 by Directive 2009/17/EC*)
- Outcome: Report to Council and Parliament

Place of Refuge – Procedures

1. Ship incident reporting

- ❖ to MAS/MRCC, as competent authority;
- ❖ initial SITREP – on initial measures taken;
- ❖ report of an evaluation/inspection team;
- ❖ successive SITREPs – new informations abt. Vessel in need of assistance;
- ❖ when decision to grant/ no to grant a place of refuge is made;
- ❖ arrival of the vessel in place of refuge;
- ❖ reporting obligation and recap. of data through EU information system (SSN);

2. Monitorins the situation:

- ❖ Any actions of the part of one EU Member States – to formalise the info with other parties involved;
- ❖ Once the MSs have been aware of the incident, they should keep themlevs updated via S

3. Information gathering:

ship's particulars (type, flag, name, IMO no), position, last + next port of call, nature of damage reported, cargo on board, total persons on board, condition of the vessel, outfolw of oil/othe harmful substances, intact and damaged stability, flotability,grounding forces, info on isurance coverage;

Place of Refuge – Procedures (continued)

4. Contacts:

List of contacts should include Classification Societies, Flag administrations, ship's agents, P&I Clubs, ITOPE, Salvage Companies, Maritime experts and surveyors, Lead Hull Underwriters;

5. Information on insurance coverage:

Various source of information – THETIS, EQUASIS, any other available;

6. Actions in case of absence of proof of insurance:

- If cannot present proof of valid insurance – request insurance information, proof of a bank guarantee, directly from the company/shipowner;
- Pending the request for a proof a insurance/finacial guarantee – the Competent Authority, according with EU laws, to copntinuing analysis and identify the best action possible for protection of human life and environment;
- Lack of proof of insurance/ fincial guarantee, cannot be itself a sufficient reason to refuse such a request.

Conclusion

- Romanian Plan of Refuge, including his Annexes, is ammended as necessary, accounting legislation update, as well as participants and equipments involved in operations;
- The de-brief session will be hold after each appropriate incident and should consider:
 - incident background;
 - response factors (co-ordination, communications, risk assessment, decision making, any other relevant aspects);
- After the de-brief session, the task manager is appointed to report on the evaluation, conclude of the outcomes and produce a list of action points aimed at improving procedures for the future handling of vessels in need of assistance.



Thank you very much for attending RNA presentation on
TRACECA II seminar !

Kiev, 11th-12th of May 2016