MARITIME SAFETY GROUP
'COOPERATION GROUP ON PLACES OF REFUGE'
3rd MEETING – BRUSSELS, 15 JANUARY 2015

DRAFT SUMMARY RECORD

The third meeting of the Cooperation Group on Places of Refuge (‘PoR Group’) took place in Brussels on 15 January 2015. The meeting was chaired by Ms Christine Berg, Head of Unit DG MOVE, D2 – Maritime Safety, EMSA was represented by Ms Manuela Tomassini, Head of Department B (Safety and Standards). The following nineteen Member States and EFTA representatives attended the meeting: Belgium, Bulgaria, Finland, France, Hungary, Germany, Greece, Ireland, Italy, Latvia, Lithuania, Malta, the Netherlands, Norway, Poland, Portugal, Spain, Sweden and the United Kingdom.

Representatives from industry associations, BIMCO, ECSA, ESPO, FEPORT, IACS, ICS, INTERTANKO, ISU, IUMI, WSC and the IG P&I Clubs, had been invited for an exchange of views on the draft Operational Guidelines (‘OG’) on Places of Refuge in the afternoon.

The agenda and the list of participants are attached in ANNEX.

1. Welcome, Approval of the Agenda and Introduction

Approval of the Agenda

The Agenda, split in a morning sessions (MS only) and an afternoon sessions (MS and Industry) was approved.

Follow-up of the last meeting

In setting the scene for the meeting, the Chairperson recalled the remit of the group under the VTMIS Directive and emphasized the importance of cooperation between MS on the operational issue involved in applying the relevant provisions in the VTMIS Directive.

The Chairperson summarized the main events since the last meeting, 15 January 2014, where it was decided that a Correspondence Group would be set up, including volunteering MS, EMSA and the Commission, in order to draft a set of operational guidelines on Places of Refuge. In that context, it was also agreed that national best practices for risk assessment would be appraised with a view to building a common template for competent authorities.

The Correspondence Group consisted of 11 MS (BE, BG, DE, ES, FR, IT, MT, NL, PL, SE, UK), the Commission and EMSA – the latter also acting as a Secretariat for the Group. The Commission tried to host this third meeting earlier, in the last trimester of 2014, but this was impossible for administrative and logistics reasons.
Group met twice in March and September 2014 at EMSA in Lisbon, while most of the drafting took place by correspondence under the guidance of a chapter coordinator for each chapter. The draft OG was circulated on 27 October 2014. A presentation of the initiative and approach, aimed at industry, had been made during an IMO lunchtime presentation on 21 November 2014.

2. Discussion on the first Draft 'EU Operational Guidelines'

The Chairperson invited the group to focus the morning discussion on the operational chapters of the draft OG produced by the Correspondence Group as well as on the next steps for the PoR Group, but also on identifying any key issues to be raised in the afternoon session with industry stakeholders.

As introductory remarks it was pointed out that the draft OG introduce a new spirit of enhanced cooperation and coordination. The aim is a robust operational process leading to well-advised but quicker decision-making building on effective, speedy and accurate sharing of information as key enabling factors. The process is 'bottom up', aiming to foster wider involvement and drawing attention to a broader scenario extending beyond the EU borders, whereby, in order to fulfil the obligation deriving from the legal provisions, concerted plans/guidelines for decision-making could be envisaged. As a matter of principle, each State involved in an operation should examine their ability to provide a place of refuge.

It was further reiterated that this work is linked with related ongoing work in the context of the VTMIS Directive, in particular the work on HAZMAT Guidelines and Database. And, that the OG should support in a constructive way MS in implementing the rules and in assisting Competent Authorities, as the main operational bodies, in the decision making process.

The draft OG were generally welcomed by Member States. All are positive and agree in principle with the aim of the document, its format and, subject to making the draft more operational, the proposed structure. IE and PL raised queries for clarification in relation to the legal status of the OG, and in relation to national plans.

Following a constructive exchange of views a number of points for further improvement and clarification were identified, and MS were invited to provide their comments or suggestions in written by 13 February 2015 (to the following address MOVE-MARITIME-TRANSPORT-AND-SAFETY@ec.europa.eu.).

The Commission informed about contacts with and interest from EP for a possible 'event' with EP involvement. Moreover, following the presentation in the IMO, interest has been expressed for the work underway as a useful approach for the wider maritime community. The group positively discussed the idea that the initiative could be submitted to the IMO (MSC95 in June) in the form joint information paper supported by EU MS and possibly the industry. This would be promoting the work done under the legal framework in place at EU level, supporting also increased effectiveness internationally in the response to ships in need of assistance.

3. Next steps

The Commission will:
- collect all input from MS and Industry, edit, and turn the draft OG into a more operational version (exploring interactive flowcharts);
- on that basis, prepare a draft joint information paper to IMO (MCS 95);
- investigate interest from EP for a possible 'event' related to Places of Refuge.

The MS and the Commission/EMSA will:
- Building on the positive 1st table top exercise ('TTE') held in Rotterdam in November 2013, explore if and how testing the OG in a second table top exercise (or combined with an EMSA oil pollution preparedness exercise) could be done, in a different region and situation.
- Continue, like in previous meetings, with MS presenting their national organizational set up and decision making process when dealing with ships in need of assistance and PoR situations sharing operational experiences.
- Continue work on other aspects of PoR, e.g. mega-vessels, financial security and liability, beyond the OG, including any possible Horizontal Analysis done by EMSA.

The next meeting of the PoR Cooperation Group is foreseen towards the end of 2015.

4. **Round of discussions with industry stakeholders on the Draft 'EU Operational Guidelines'.**

Eleven industry associations (BIMCO, ECSA, ESPO, FEPORT, IACS, ICS, INTERTANKO, ISU, IUMI, WSC and the IG P&IClubs) attended the afternoon session of the meeting. After a short round of presentations, the representatives were invited to exchange views with the Member States and the Commission on the draft OG.

All Industry representatives welcomed the draft OG, expressing support for the initiative. (Some suggesting it was an unprecedented occasion having so many industry associations of the maritime cluster together in such a setting). IACS did not ask for the floor.

A constructive exchange of views and Q&A session between Industry and MS ensued. There was a general willingness to participate in fine-tuning and to make suggestions by all, who also offered expertise and raised specific issues, which would need clarification. Industry also endorsed the spirit of working closely with all parties involved in providing places of refuge to achieve better implementation of the existing international and regional rules.

Points raised reiterated many issues from the morning session and thus allowed for better mutual understanding between Industry and MS. Positive comments were addressed specifically on the possibility for, where possible, a clearer, speedier decision-making process and on the availability of a transparent tool. MS representatives highlighted the need to receive as complete and clear information on the situation as possible from those directly involved or closest to the vessel.

A central point underlined by industry was the need to make the OG more operational and therefore a better support in real incidents for all parties involved. Several other points for improvement were offered and Industry were invited to provide their comments or suggestions in writing by 31 January 2015 (to the following address MOVE-MARITIME-TRANSPORT-AND-SAFETY@ec.europa.eu).

The Chairperson informed about the idea to submit an INF paper, outlining the initiative and the process (but not the Guidelines themselves at this point), to IMO (MSC95) and invited Industry to consider co-sponsoring such a submission. Associations were, by and large, positive.

The issue of ever larger mega carriers was also brought to the attention of the Industry as a strategic issue, which is worth examining in further discussions in connection with the lack of suitable infrastructure for dealing with such vessels.
The Chairperson thanked both Member States and Industry for a constructive exchange of views and their support for the process (reminding all about the deadlines for sending in comments), and recalled the possibility to share this important work both in the EU and internationally. There was a sense of common ownership and the focus was placed on the 'real' (i.e. operational) issues involved.

5. **A.O.B**

None