The fourth meeting of the Cooperation Group on Places of Refuge (‘PoR Group’) took place in Brussels on 13 November 2015. The meeting was chaired by Ms Christine Berg, Head of Unit DG MOVE, D2 – Maritime Safety, and EMSA was represented by Mr Mario Mifsud, Head of Unit B.1 (Visits and Inspections). The following seventeen Member States representatives attended the meeting: Belgium, Bulgaria, Finland, France, Germany, Greece, Ireland, Italy, Latvia, Malta, the Netherlands, Norway, Poland, Portugal, Spain, Sweden and the United Kingdom.

Representatives from industry associations had been invited for an exchange of views in the afternoon with attendance from: ECSA, ESPO, IACS, ICS, INTERTANKO, ISU, IUMI and WSC, while BIMCO and IG P&I Clubs sent their apologies for not being able to attend however indicating their continued interest and support for the work. The European Dredging Association (EuDA) was invited to give a presentation in the afternoon on the topic of artificial islands in the context of places of refuge.

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

1. **Welcome, Approval of the Agenda and Introduction**

1.1 **Approval of the Agenda**

The summary minutes from the 3rd meeting of the Group, held on 15 January 2015 were approved. The Agenda of the Meeting, split in a morning session (MS only) and an afternoon session (MS and Industry), was approved.

1.2 **Follow-up of the last meeting**

The Chairperson summarized the main events since the last meeting, 15 January 2015, and that all actions agreed had been tended to, in particular the agreement to arrange for a 2nd table top exercise (TTE) with the aim to test the EU Operational Guidelines (‘OGs’) for Places of Refuge in a situation as close to a real situation as possible.

The Chairperson recalled the successful TTE in September, congratulating all involved, allowing the group to progress with the work, with the overall aim to finalise the operational guidelines and to put them into practice.
2. **Finalisation of the 'EU Operational Guidelines'**

Following invitation from the Chairperson, EMSA gave a brief presentation regarding the role of EMSA in the preparation of the TTE and the activities of the planning group, that met three times to prepare the scenario and related injects.

Capt. Richard Gabriele, as host for the TTE and Maltex pollution response exercise, was invited to share his experience in coordinating the exercises, for which Malta was thanked and congratulated by all Members of the Group. Capt Gabriele explained the logistics involved in arranging the event and underlined the efforts and positive synergies in linking the TTE with the pollution preparedness exercise on the following day. He also underlined the valuable input and exchanges with Industry representatives during the TTE. All in all Capt. Gabriele suggested that holding such type of exercises every second year would be the right approach.

Capt. Thomas Erlund (Finnish Transport Administration) as rapporteur for the TTE, presented the main outputs of the TTE identified in the exercise report, which was circulated to all participants as well as all Members of the Group in advance of the Meeting. Namely, the exercise resulted in some constructive suggestions for further adjustments and improvements of the OGs:

1. **The EU Operational Guidelines**, having been tested and agreed to be a good platform for a multi–State response to a PoR incident, should now be adopted and promoted as best practice by EU coastal Member States.
2. Continued consideration should be given to promoting the approach developed in the OGs internationally, in the IMO.
3. **SITREPs (Annex G)** - it was agreed that a single entry would be made via SSN (to be developed as a next step with EMSA);
4. **Further improvement to Annex C and how to respond to PoR requests**: Three suggestions were made:
   (a) a plain text email,
   (b) a new template for a reply form, or
   (c) an additional section to the request itself to be incorporated by the competent authority;
5. **Transfer of coordination form (Annex F)** was considered fit for purpose with small adjustment to reflect the fact that PoR may not yet be determined at the time of the transfer.
6. **Adding a link to the IMO file with current ratifications of international conventions by States.**

In direct connection to this, the Commission presented how the output and suggestions from the TTE had translated into adjustments and changes in the EU OGs. The main adjustments related to the templates in the Appendixes to the OGs and their further improvements and clarifications, as well as relevant cross references.

It was reiterated that the OGs are not meant to be static but should be regularly adjusted and updated if necessary, as experience is gained and technological developments allowing further improvements, in particular as regards information sharing. Reference was also made to the related on-going work in the context of the VTMIS Directive, in particular the work on a HAZMAT Database (expected to become operational in mid 2016) under the High Level Steering Group on SSN. Finally, the OGs should support in a constructive way Member States in implementing the rules of the VTMIS Directive and assisting Competent Authorities, as the main operational bodies, in the decision-making process.

Following a constructive exchange of views, some points for further improvement and clarification were identified in the text, in particular as regards the relevant list of contact...
points (Appendixes A and B), the group agreed to finalise the OGs (version 3 as per the date of the meeting – 13 November 2015) and put them into practice, as soon as the final version becomes available.

On the suggestion of the Commission, taking into consideration the joint information submission made to IMO MSC95 (in particular point 14 thereof), the group consequently also agreed to make a joint submission of the finalised OGs to the IMO, in the Maritime Safety Committee's 96th Session, for information. It would then be left for the IMO to decide if this should trigger any need to discuss the IMO PoR guidelines (Resolution A.949(23)) in any appropriate IMO Committee (i.e. LEG) or Sub-Committee.


The EMSA founding Regulation (EU Regulation 1406/2002 as amended) in its Article 3.5 requires EMSA to carry out horizontal analysis on the basis of the cycles of visits carried out by EMSA on behalf of the Commission.

The purpose is to look at the effectiveness of the measures and legislation in place (horizontally across all Member States visited by EMSA) both in terms of implementation in national law and application in practice. EMSA presents its analysis to the Commission for further discussion with Member States in order to draw any relevant lessons and facilitate the dissemination of good working practices.

Mr. Mifsud, on the basis of an excerpt from the Horizontal Analysis report, in relation to the VTMIS Directive (2002/59/EC), with special focus on the provisions contained therein regarding ships in need of assistance and Places of Refuge, in particular looked into the provisions in Articles '20a.2 (f) procedures for international coordination and decision-making' and '23 (d) drawing up, if appropriate, concerted plans to accommodate ships…'.

The Horizontal Analysis had identified a “gap” in the implementation across the Member States and the group discussed how the OGs could support Member States in reducing that “gap” and in the harmonised implementation of the two provisions. A good point raised during this discussion by IE was that the OGs should now ‘filter through’ all three operational levels, including EU, regional and national level. In this respect, NL, supported by IE (current chair of the Bonn Agreement) informed that the Bonn Agreement would look into referring directly to the EU OGs in the relevant Chapter (27) of its Counter-Pollution Manual.

The Chairperson welcomed such a development which could provide inspiration also for other regional agreements (e.g. HELCOM, Rempec etc.) as well as for individual MS, which could make reference to the OGs in the national plans for dealing with situations requiring coordination and decision-making involving more than one State.

4. **Next Steps**

4.1 **Event to be hosted by the European Parliament**

The Commission provided information about the contacts with the European Parliament and the advanced planning for an event in the context of the EP Seas, Rivers, Islands and Coastal Areas (SEARICA) Intergroup. The idea is to hold the 5th PoR Group meeting on the 27th of January 2016, in the morning, and then have the event in the EP in the afternoon.

The aim of the event would be to promote the work of the PoR Group and, in particular its joint effort with the concerned industry stakeholders, culminating in the common endorsement of the EU OGs. This would be commending the work carried out under the EU
legal framework in place, while also advocating in favour of increased effectiveness internationally in the response to incidents involving ships in need of assistance.

The Group generally welcomed such an event. For the purposes of the event, and as a symbolic gesture by all parties involved in the joint effort resulting in the OGs, the Commission circulated a draft Common Declaration on the OGs, and asked the group for comments until 7 December 2015 (to the following address MOVE-MARITIME-TRANSPORT-AND-SAFLETY@ec.europa.eu).

4.2 Further work items for the Group

The Group, after discussion, agreed to proceed with the following subjects as further work items:

- OG training (curricula/programme)
  
MS were asked to indicate any plans they have or steps taken at national level, for developing and providing training on the OGs. EMSA was invited to explore how the training already provided could be used/adapted to cover the OGs (at least in parts e.g. the use of the Union maritime information and exchange system) or used for inspiration in developing a common framework for uniform training.

- Insurance, liability and compensation

The group recognised that the issues regarding insurance, liability and compensation are important and merit further discussion. It was also noted that ESPO, on behalf of European ports, had commissioned a study looking into the issue of liability and compensation for damages suffered by the accommodation of a ship in need of assistance in a place of refuge, from their sector's perspective. For these purposes, it is important to create a clear understanding of the applicable rules and conventions for all parties involved.

- 'Mega ships'

It was acknowledged that Mega ships pose multifaceted challenges and issues and that the Group should follow developments, from the Places of Refuge angle. In this context the upcoming conference organized by FEPORT on 2 December was noted.

- Risk assessment matrixes

The group recalled that this point had been raised in relation to the discussion and development of Appendix D of the OGs and that some suggestions had been made at previous meetings to start looking into this issue and explore what could be possible ways forward.

5. Best Practices Exchange

As a direct illustration of a project exploring risk assessment, FI presented its “Vessel Triage Multinational Project” on categorization and risk identification systems/assessments. The goal of the system is to facilitate the maintenance of situational awareness between the authorities and the distress vessel, and enhance the communications between them, making the cooperation between SAR services and various actors significantly more effective – both nationally and internationally. Actors participating in the events on shore, for example in the preparation of place of refuge decisions and at evacuation centres, would also benefit from the categorisation system.
For further information please go to www.raja.fi/vesseltriage.

6. Discussion with industry stakeholders on the EU Operational Guidelines & Next steps

6.1 Discussion with industry stakeholders

Eight industry associations (ECSA, ESPO, IACS, ICS, INTERTANKO, ISU, IUMI, and WSC) attended the afternoon session of the meeting (while BIMCO and IG P&I were excused).

The Chairperson (the p.m. session was chaired by Mr. Jacob Terling DG MOVE D.2) informed participants of the morning discussions among Member States and of the main outcomes, notably the agreement on the EU Operational Guidelines and the submission of the OGs to the IMO, in MSC 96, for information.

Following MT's reminder, the Group thanked and expressed their gratitude for the constructive approach and role industry stakeholders had taken during the TTE in Malta and in suggesting improvements to the OGs.

The Chairperson further presented the ideas for next steps and future work, including the planned event in the European Parliament to which Industry Stakeholders would be invited. All Industry representatives welcomed the finalised OGs¹, expressing support and willingness to also co-sponsor the planned (joint) submission to IMO MSC96.

A central point underlined by industry stakeholders was the need not only to make the OGs operational but also start using them in practice. That would, in their view, also be an important element in the context of any discussions in the IMO. Industry Associations therefore, by and large, welcomed the draft Common Declaration on the OGs for the EP event.

The Chairperson welcomed the positive response from Industry and invited them to consider the draft Declaration and to provide their comments or suggestions by 7 December 2015 (to the following address MOVE-MARITIME-TRANSPORT-AND-SAFETY@ec.europa.eu.).

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.

6.2 Presentation on 'artificial islands'

In this context the group benefitted from a presentation by the Secretary General of EuDA regarding the concept of artificial islands, as multipurpose maritime infrastructures. These could include ‘Maritime Safety Islands’, which are islands built for the purpose of harbouring, isolating, dry-docking and repairing ships in distress. EuDA remains at the disposal of the Group should it wish to further examine this idea in its future deliberations.

6.3 Concluding remarks

In the end, the Chairperson thanked both Member States and Industry for a constructive exchange of views and their support to the whole process of developing the OGs. There was a sense of common ownership and the focus was placed on the 'real' (i.e. operational) issues involved. He further recalled the possibility to share this important work both in the EU and internationally and noted that, in this context, the Commission and EMSA would be

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¹ IACS was only attending the meeting as an observer so did not ask for the floor.
publishing the finalised OGs on their respective webpages (publication to be notified to the Group). The Group members were encouraged to do the same.

*The next meeting of the PoR Cooperation Group is tentatively planned for the end of January 2016 (27 January - to be confirmed).*