
International Seminar on Maritime Crisis Management.

Kotka, Finland. 28-29 November, 2006.

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Research: Places of Refuge in the BSR.

Kalmar Maritime Academy

World Maritime University:

M.Sc. in Maritime Administration thesis:

Baltic Master project:

Power Point presentation of the study is available.

What is a Place of Refuge?

2002/59/EC: port.....other protected area or anchorage identified by the MS to assist a ship in distress

IMO Guidelines: vessel in need of assistance

Protected area where a vessel's condition can be stabilised, its cargo secured and plans made for the vessel's continued voyage.

i.e. Port, anchorage, bay, beach.

History.



Maritime Codes.

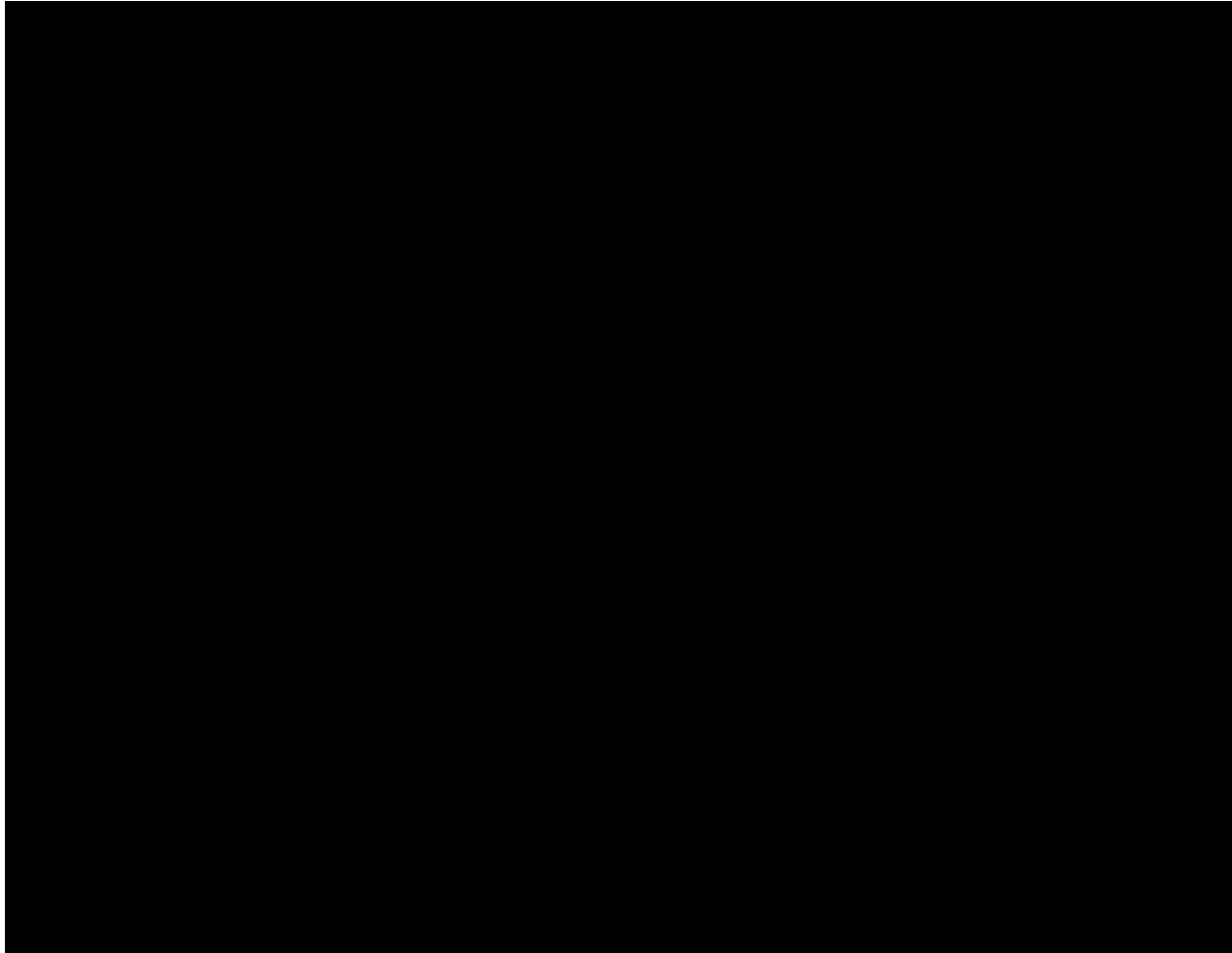
Ancient:

- Hammurabi 1780 BC.
- Laws of Manu 1500 BC.

Medieval:

- Barcelona Maritime Code 1258
 - Rules of Oleron 1266
 - Laws of Wisby 1500s
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Erika and Prestige.



Legislation.

- IMO Guidelines: Assembly Resolutions A.949(23) and A.950 (23).
 - EU: Article 20 of 2002/59/EC and its amendment COM(2005) 589 final.
 - HELCOM Copenhagen Declaration (para XII).
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Results.

Including the Master's perspective, the land-based perspective, legislation and compensation matters.

1) The chain of command.

(Execution/Emergency level) The authority for directing a vessel to a the Place of Refuge and the individual or group of individuals that has the ultimate responsibility in the allocation of a PoR to a vessel.

(Preparation level) Are poRs pre-designated and on the public domain or not / were local communities involved in the decision-making process to provide named PoRs?

2) Cooperation with neighbouring states.

3) Financial warranties and compensation procedures.

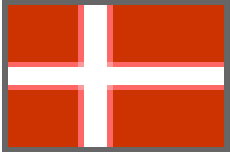
National approaches.

- Pre-designated PoRs on the public domain
Denmark, Estonia, Lithuania, Latvia, Russia -
Kaliningrad.
 - An inventory exists, but is not on the public domain .
Germany, Poland.
 - States that use a case-by-case system.
Finland, Sweden.
 - States that can exercise a combined approach.
e.g. Denmark.
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Germany. 4th April, 2006.

- Pallas 1998 Federal Min/Tran set up the Groebeecker Commission (11 experts) – no PoRs.
 - The Seeamt (German Casualty Investigation Board) heard the Pallas case – highlighted federal/regional conflicts – its 1999 Report advice: choice of ports be classed in advance.
 - The Federal Minister of Transport set up a temporary Project Group on Maritime Accident M'Ment in August 2000 (130 reps from Federal and Länder organisations).
 - This Project Group finished its work in 2002 – 2 main results: 8 emergency tugs on German coast and setting up of the CCME in Cuxhaven.
 - Project Group (via questionnaire) compiled an inventory of German PoRs – 21 ports and 37 roadsteads. This made available to the Head of the CCME who has overriding authority on designation of PoR (according to the National Agreement Chapter 7) although no jurisdiction over Hamburg (ibid. Chapter 6).
- 1) Chain of command – CCME (Havariekommando) and within that the MERAC act as the point of contact under MAS . In routine circumstances CCME acts as a reporting centre with alert function. In a complex situation CCME coordinates all federal and Länder services in Germany. Potential places of refuge are not on the public domain. Environmental Atlas available (\$100 licence).
 - 2) SweDenGer; NETGER; Poland and Germany; Bonn Agreement; HELCOM.
 - 3) Financial warranties – The existing IMO Conventions.
IMO Guidelines present in NLPV (Notliegeplatzverinbeirang).
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Denmark. 6th April, 2006.

- 1) Chain of command – Based in Århus – All information via The Admiral of the Danish Fleet (SOK). In SOK – team of 6 former Naval Captains in contact with the Ministers from the three Ministries Defence, Environment and Trade. The team that works upon the designation of a PoR at any one time is:

A Captain (one of the six), the regular Århus surveillance team, SAR Sea, SAR Air also contact with Ministers. The ultimate responsibility is the Captain's. Places of Refuge – Well publicised system of 22 A and B level PoRs – other areas can and would be used adhoc.

The 22 Places of Refuge in Denmark were decided upon with consultation with local communities. They are on the public domain.

- 2) Cooperation – Bonn Agreement; SweDenGer; planned development within HELCOM of a system involving Heads of Sweden, Germany and Denmark in a computerised system similar to the one being developed in Denmark including data from all 22 PoRs.
- 3) Financial warranties – IMO – IOPC and CLC funding. Denmark opposed the proposed COPE Fund.

IMO Guidelines already present in existing Legislation:

Para 43 National Maritime Law – Lov om beskyttelse af havmiljøet.

Lov. Nr.476 af 30 juni 1993.



Latvia. 26th April, 2006.

- 1) Ship encounters serious difficulty - MRCC – Duty Officer at MRCC informs the MRCC Committee - RC Informs Master that PoR will be granted if written confirmation received covering all losses caused to port, environment and third persons. MRCC RC can allocate PoR WITHOUT Committee's consent if ship has not encountered serious difficulty – then informs the Harbour Master.

Places of Refuge – Published in Regulations of Cabinet of Ministers of the Republic of Latvia of 12 July, 2005, No. 508 `Regulations on use of Latvian waters navigational regime in thereof.´ : Port of Liepaja, Liepaja Port anchorage L3, Port of Riga, Riga Port anchorage, Port of Ventspils, Ventspils Port anchorage V2, Anchorage in the lee of Kolka Coastal Guard of the Navy (NB not oil leakage).

The decision to name Places of Refuge was a governmental decision, local communities were not consulted.

- 2) Helcom
 - 3) Financial warranties – CLC, LLMC transposed into the Latvian Maritime Code (0553).
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Poland. 28th April, 2006.

- 1) Chain of command. Three coastal regions. Each has responsibility for allocation of the PoR within its region. My focus was on Szczecin and Swinoujscie.

Relevant legislation: 'Regulation No.1 of the Director of the Maritime Office in Szczecin of 1st March 2006 on determining the plan for providing Places of Refuge for Ships in Distress in Polish Sea Areas'.

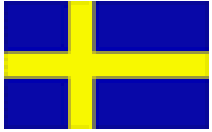
The VTS acts as MAS. The Director of the Maritime Office in Szczecin (DMO) has the ultimate responsibility for sending a ship to a PoR. The DMO cooperates with: West Pomeranian Voivode (WPV), Regional inspector for the planned PoR, the Master, SAR, State Fire Brigades, Navy and the VTS.

The vessel notifies VTS or a coastal radio station – DMO (also SAR) – the DMO notifies the responsible Minister, the WPV by means of RCC, and the regional inspector the intention to send to a PoR. After consulting with the WPV, the DMO may call for expert help from a team of experts: Harbour Master/representative for the PoR, Voivode rep, SAR, Coastguard rep, Polish Navy staff rep, Fire rep, Meteorology and Water Economy rep.

DMO bases decision on National Plan for fighting against Threats and Pollution at Sea and the opinion of the proper voivode, makes the decision to grant a PoR and then notifies the resp Minister, West Pomeranian Voivode and the regional inspector for environmental protection.

Places of refuge: The inventory is a confidential document. Accessed by DMO and SAR services.

- 2) Cooperation – Helcom.
- 3) Financial warranties – Chapter 8 of Regulation No. 1 relates to insurance guarantees. Relevant IMO Conventions apply.



Sweden. 3rd May, 2006.

1) EU Direktivet 2002/59/EC has led to:

- Amendment 2004:416 to Ship Safety Act *F.säkerhetslag* (2003: 364) Amend: 2004:415 Ordinance(2003:438)
- Statens räddningsverks allmänna råd (farlig verksamhet) (SjöFS 2004:8) fr.o.m 1 Jan 2006 SjöFS 2005:19
- **Accident Prevention Act. Lagen om Skydd mot Olyckor (2003:778).** (Diariernr Fö2006/1264/CIV). Advice from SCG and the SMA: Ch 3 and 5 be amended division of responsibilities between the actors.

Calls to MRCC Gothenburg. SMSI (a division of the SMA) and the SCG (2003:778) share responsibility for the designation of PoR. SMA – SAR and the SMSI within it deals with ships threatening to pollute or polluting Swedish waters. SCG – Combats pollution from ships.

Director of SMSI bears overall responsibility for PoR. This authority can be delegated. Chain of events: MRCC – operating team + senior ship surveyor + ship surveyor: the senior surveyor has delegated authority to take decisions.

PoRs: Off -shore anchorages/ possible PoRs: `Swedish Pilot: Charts and Ports.` Case-by-case. Heads of SCG and SMSI on 22 May 2006: `will provide 2 examples` As in Oct. within a Working Group.

2) Cooperation: Sweden – Estonia – Latvia. (Swedish contact at SCG), Helcom: Finland: Gulf of Finland, SweDenGer, Copenhagen Agreement 1969.

3) Lack of financial warranty does not affect the designation of a PoR. IOPC Fund, CLC Conventions apply, no specific national law. All vessels in Swedish waters P+ I coverage.



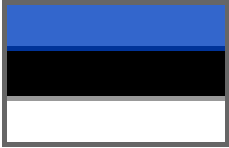
Finland. 6th June, 2006.

- 1) The Act on the Prevention of Pollution from Ships (16/3/79) (Chapter 6) outlines the Finnish Environment Institute (SYKE) as the competent pollution response authority. The General Director of SYKE may delegate the responsibilities of granted a vessel a PoR to the Duty Officer in charge who has the authority to order the vessel to a PoR (refers first to a checklist). SYKE has overall responsibility, Finnish State compensation an important factor.

The first information of a vessel in distress. If vessel asks for assistance: MRCC/MRSC
If not, MRCC/MRSC or VTS centre which monitors the vessel's actions.

Then, MRCC contacts the SYKE's oil Duty Officer: always available (3 on shift), has computer access to a GIS map application (Environmental Atlas), oil drifting models, Internet and e-mail access. Bases decision on the checklist and the Environmental Atlas (also oil spreading risk scenarios). No pre-designated PoRs. Case-by-case system used and local communities not consulted.

- 2) Cooperation – HELCOM. Bilateral agreements with Estonia, Russia and with Sweden. Copenhagen Agreement 1969 Sweden, Norway, Denmark.
- 3) Compensation – IOPC Fund, CLC Fund and the Finnish Oil Pollution Compensation Fund.: Act on the FOPC Fund (1406/2004) and Government Decree on the FOPC (1409/2004). An extra budgetary government fund administered by the Ministry of the Environment – decisions taken by the FOPC Board. Personnel of two working in government service. Fairly rare to have national compensation funds (others: Canada, Australia, Draft version: Estonia).



Estonia. 7th June, 2006.

- 1) The Border Guard (Ministry of the Interior) Administration makes the decision to send a ship to a PoR and obtains approval of the Maritime Administration (Ministry of Economic Affairs and Communications) and the Environmental Inspectorate (Ministry of the Environment). The Border Guard acts as the MAS. It's role is to organise, conduct and manage search and rescue operations in the Estonian marine rescue region and to discover, localize and liquidate marine pollution;

The Maritime Safety Act 2005. § 1. Scope of application of Act

(1) This Act regulates the seaworthiness of ships, recreational craft and other water craft and their navigability in navigable inland waters, the safety of ships and ensuring the safety of vessel traffic on waterways.

The Estonian Maritime Administration determined the specific areas and their restrictions. The Govt. Of the Republic determined the PoRs on proposal of the Minister of Economic Affairs and Communications, local communities not consulted.

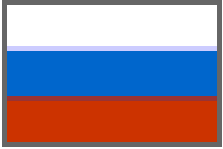
Three ports have been named: Muuga, Paldiski South and Kunda.

- 2) Sweden – Latvia – Estonia. Helcom. Within SAR Convention: Fin, Russia, Latvia and Sweden
- 3) Compensation at the national level involves the National Marine Pollution Abatement Plan – Working Draft May 2006. Plan covers coast, inland and territorial seas, EEZ of Estonia. It creates a basis for drafting response plans for other agencies. MRCC and JRCC.



Lithuania. 15th June, 2006.

- (1) Order No.- 3-333 is the relevant legislation. Under Clause 5, the MRCC after initial event-specific assessment, in cooperation with the Harbour Master (Klaipeda State Sea Port Authority) and Klaipeda Region Environmental Protection Department shall:
 - consult the master of the ship on initial actions necessary for vessel stability, buoyancy, etc;
 - make an analysis of ship accident particulars and plan to accommodate the ship in a place of refuge;
 - when appropriate, organise an inspection team to board the ship to evaluate the level of risk involved.Final decision to direct a ship to a place of refuge lies with the Director of the Lithuanian Maritime Safety Administration. If dangerous or hazardous cargo involved the decision is coordinated with the Harbour Master (Klaipeda State Sea Port Authority) and Klaipeda Region Environmental Protection Department
The list of potential places of refuge are presented in the Order and have been defined by the Minister of Transport and Communications of the Republic of Lithuania. They are Berth No. 1 - 6 and the outer Roads of Klaipeda Sea Port. The decision on the naming the PoRs was governmental.
 - (2) Lithuania is operative within HELCOM' s South-east region.
 - (3) Clause 10 of Order No. 3-333: Once access for a PoR to a ship is granted, the ship owner shall cover all expenses/damages in relation to the granted access and take into account all appropriate insurance and financial guarantee requirements. Relevant IMO Conventions apply.
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Kaliningrad, 28th July, 2006.

- (1) Relevant legislation: the 'Federal Act on the internal maritime waters, territorial sea and contiguous zone of the Russian Federation' (the 'Federal Act')

It is primarily in Article 9 of the Federal Act entitled 'Emergency calls by foreign ships, foreign warships and other government ships in the territorial sea, internal maritime waters and seaports,' that the issue of places of refuge is addressed. Article 9 Section 8 of the Federal Act reads:

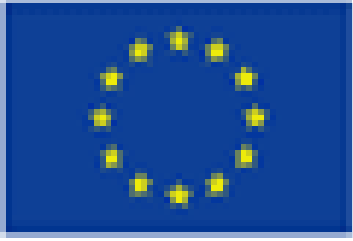
"The decision to refuse exercise of the right of an emergency call shall be taken by the official of the federal executive body for the border service independently or in agreement with an official of the seaport, naval base or area where warships are based."

The MRCC contacts the Harbour Master in Kaliningrad directly. Ultimate responsibility as above.

All vessels allowed access to Kaliningrad. However, NB observation of Article 9 Para 7 regarding refusal in respect of damaged foreign ships, foreign warships and other govt. ships with nuclear engines or foreign ships transporting nuclear or other inherently dangerous or noxious substances or materials (damage or harm to citizens/resources/environment outweighs damage to the ship concerned).

- (2) One of the results of the recent Helcom Action Plan was to create sub-regions within the Baltic Sea. Kaliningrad, Sweden, Lithuania and Poland comprise the South-east region and are at present working on an elaboration of the sub-regional contingency plan that is to include places of refuge. The planned Helcom Response Conference in Gdynia on 13-15 September is likely to contain issues concerning places of refuge in its draft agenda.

- (3) IOPC and CLC. The Russian Federation has ratified the LLMC.
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The EU Green Paper on Maritime Safety:

- **Maritime governance**
- **stakeholders**
- **best practice**
- **different layers of government (MLG)**

How can an integrated approach to maritime affairs be implemented in the EU?



HELCOM RESPONSE 7/2006

Response Group

Seventh Meeting

Gdynia, Poland,

13-15 September 2006.

7.6 Places of refuge.

Meeting to discuss **further cooperation** with regard to places of refuge.

Added value

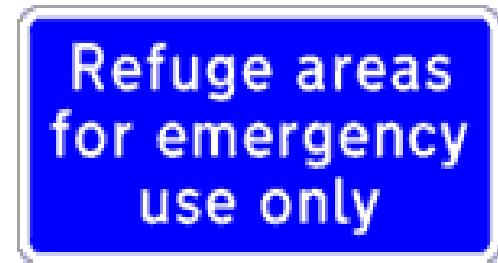
- Joint actions and measures. Common standards;
- local and regional preparedness;
- Increased cooperation between authorities on different levels (MLG);
- Integration of coastal zone management and marine area spatial planning in the planning processes of local and regional authorities (ICOM).

How can an integrated approach to Places of Refuge be implemented in the Baltic Sea Region?

Safety on Motorways



This sign marks the start of an emergency refuge area



An emergency refuge area





An aerial view of the M42.

Terminology (2)

Motorways of the Sea

Legal basis:

29 April 2004, Council and Parliament adopted a revision of the Trans-European Network Transport Guidelines (TEN-T)

(Brussels, 30 July 2004 D(2004))

Safety

Legal basis:

Maritime Safety Committee.



Potential Places of Refuge - PPRs

po·ten·tial

Capable of being but not yet in existence, latent.
adj.

The inherent ability or capacity for growth, development, or coming into being. *n.*

COM (2005) 589 Final - amending 2002/59/EC

Article 20a Para.2c: “the inventory of potential Places of Refuge.”

Para 3: MS shall communicate to the Commission and neighbouring states the inventory (plans and potential Places of Refuge).

The not so distant future.....

National charts

International Hydrographic Office

Symbols

International charts

ECDIS



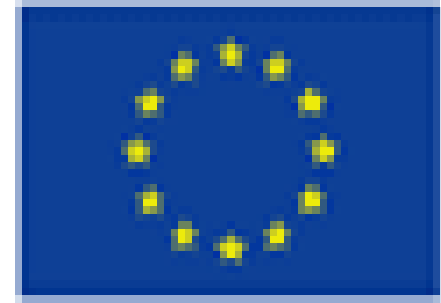
Refuge areas
for emergency
use only



An aerial view of the M42

Maritime governance

stakeholders



best practice



Multi-level governance (MLG)

co-operation

ICOM



Systems already in existence or under development:

- The Environmental Atlas (Fin/Est/Rus);
 - Regional co-operation (Den/Ger/Swe);
 - Link the South and the North via a network with Latvia, Lithuania, and Poland.
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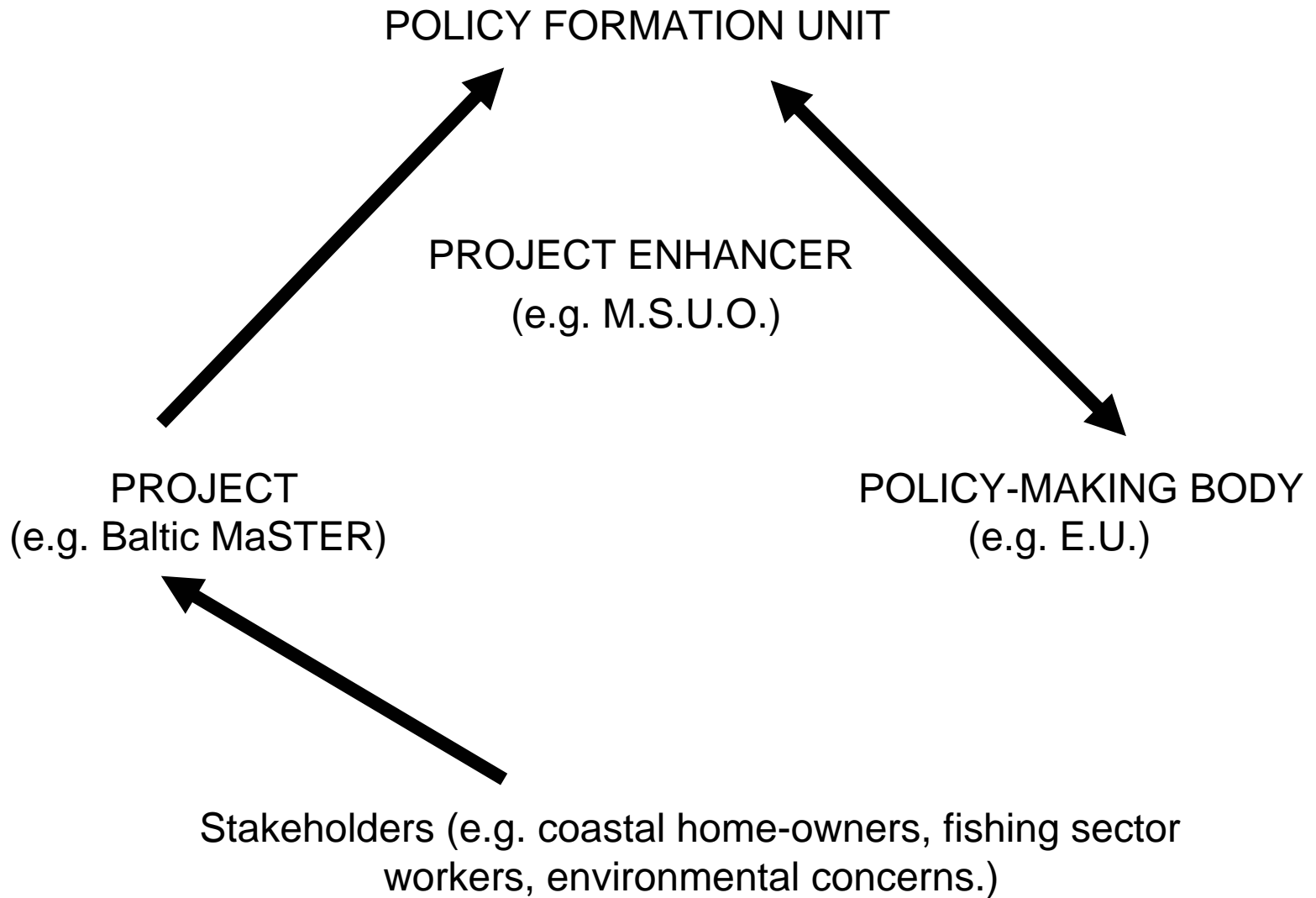
The three levels..... Separately.....

- International: EU (EMSA)
 - Intergovernmental: HELCOM
 - Local – Regional: Baltic Master II
2008 – 2013
-

Or together.....ICAPN

Integrated Coastal Area Policy Networks.





Tak!



Tack!



Kiitos!

aitäh!

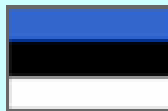


danke!



Dziękuję!

Спасибо!



Paldies!

Achu!

