

# **EuDA Seminar "Multipurpose artificial islands"**

## **Port of Zeebrugge**

**Thursday 5 March 2015**

- I would like to close this very interesting seminar by referring more in detail to the European Commission recent initiatives on places of refuge which aim at improving existing processes and have immediate effect.
- Accommodation of ships in need of assistance is a very sensitive and important issue, where various risks need to be balanced and timely and informed decision-making by the various concerned actors is decisive.
- The EU acquis on maritime safety, consolidated by three legislative packages adopted over the last 12 years, places particular emphasis on the cooperation between Member States, on one hand, and, on the other hand, between Member States and the Commission in the implementation of the specific obligations to monitor, report, notify and respond to incidents posing a threat to safety at sea or the environment.
- The response to such incidents often involves the decision to provide ships in need of assistance with a 'place of refuge'. That is: "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"<sup>1</sup>.

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<sup>1</sup> IMO Resolution A. 949 (23) adopted on 5 December 2003, "Guidelines on Places of Refuge for Ships in Need of Assistance".

- In the EU we have sadly experienced the consequences of accidents where the question of providing a place of refuge was underestimated. We have grown wiser by these experiences and our law now reflects a very comprehensive response to this particular question.
- Accommodation of ships in need of assistance is an issue where information sharing is key. The Directive establishing a Community vessel traffic monitoring and information system includes a broad range of monitoring and reporting obligations concerning maritime traffic in EU waters.
- It specifically addresses incidents involving a ship in need of assistance and its accommodation in a place of refuge. It includes a list of obligations for coastal States that may be faced with an incident taking place within their jurisdiction, among which is an obligation to designate competent authorities with the experience and expertise to make independent decisions on accommodating a ship in a place of refuge.
- Furthermore, Member States' competent authorities are required to engage in regular experience-sharing and cooperation aiming at better implementation of the provisions concerning the accommodation of ships in a place of refuge.
- Further to these legal requirements, we have invested in the EU to set up a high performing vessel-traffic monitoring and information system. EMSA is operating the exchange of AIS and LRIT data through Safe Sea Net.

- However the accident of the MSC Flaminia during the summer 2012 raised attention to the implementation of the existing EU legal framework and the preparedness of Member States to coordinate in similar circumstances reaching across national borders.
- Fortunately, in the end, a solution was found for the ship but the incident prompted the Commission to convene in 2013 a specific group with Member States' experts and a broad mandate to address any specific questions arising in relation to places of refuge with a view to assisting Member States faced with the obligation to respond to a ship's call for assistance.
- This Cooperation Group has since engaged in operational work: holding a table top exercise held in Rotterdam in November 2013 based on a mock scenario of an accident at sea, the purpose of which was to bring practitioners together and facilitate a discussion on operational aspects with a view to allowing a common thinking on how emergency situations should be handled.
- On the basis of that exercise and the group's discussions, operational guidelines were drafted, building on existing EU legislation and the IMO Guidelines on Places of Refuge, but also covering cases, like the MSC Flaminia, beyond any coastal State's jurisdiction.
- The new guidelines lay down a more robust operational process for both well-advised and quicker decision-making building on effective, speedy and accurate sharing of information as key enabling factors.

- After consultation with Member States and industry in order to achieve full involvement and cooperation of all interested parties, these operational guidelines are now being finalised which the aim that they will allow for a more expeditious EU-wide approach in addressing situations like the MSC Flaminia in the future.
- It is also envisaged that the final guidelines could be sent to the IMO as input and inspiration to increase effectiveness internationally in the response to ships in need of assistance.
- For the near future the guidelines will be tested in a second table top exercise in a different region and situation (possibly the Mediterranean).
- The work of the Cooperation Group will also continue with Member States presenting their national organisational set up and decision making process when dealing with ships in need of assistance and discussing particular places of refuge situations for sharing operational experiences. The next meeting of the Cooperation Group is foreseen towards the end of 2015.
- Other issues such as financial security and liability or mega-vessels could also be addressed. The issue of ever larger mega carriers in particular was raised as a strategic issue, which is worth examining in further discussions in connection with the lack of suitable infrastructure for dealing with such vessels.
- This gives me the opportunity to make the link with our discussion today on multipurpose artificial islands which could

provide such a missing infrastructure link in particular for these mega vessels.

- We have seen this morning the number of challenges in making this concept a reality in terms of financing, public acceptance, multiplicity of actors involved, etc. However innovative ideas like this one can also present a wealth of opportunities for industry and local authorities and may be an interesting concept for Member States who need to identify suitable places of refuge.