



Transport Malta





Setting up a system for granting a Place of Refuge

BCSEA Project – Training on Places of
Refuge and TTX, EMSA Lisbon
19-20 June 2019

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Response

Outline



- Why do we require a system to grant a PoR?
- Legal obligations
- Setting up a system
- Responsibilities and Key Players
- Typical contents of a PoR plan
- Case Studies
- Conclusions

WHY do we require to set up a system?



Legal Obligations - International



- **UNCLOS** – Protect and Preserve the Marine Environment



- **Salvage Convention** – Cooperation between salvors and interested parties



Legal Obligations - International



- **Intervention Convention** – Gives the State rights to take measures to intervene in the high seas
- **IMO Guidelines on Places of Refuge 2003 (Resolution A.949(23))**



Legal Obligations - EU



- VTMIS Directive (2002/59/EC)
 - Article 20 – Designation of a competent Authority or Authorities to take independent decisions
 - Article 20a – Draw up plans for the accommodation of ships
 - Article 20b – on the basis of the plan, the competent Authority will decide to accept the ship or otherwise



EU rules - cont



- Article 20c – notes the relevance of insurance or other financial security, which MS may request evidence of.

However, the absence of such certificate does not exonerate a Member State from the preliminary assessment of the situation and is not a sufficient reason to refuse to accommodate a ship in a place of refuge.

EU rules – cont



- Article 21 - Competent Authorities of MS involved in the management of an incident shall broadcast relevant information to the parties concerned, and shall inform and exchange information with any other Member States with a potential interest in the case at hand.

Setting up a system



- What is expected from Coastal States? - IMO Guidelines on Places of Refuge 2003 (Resolution A.949(23)) ?
 - Assessment of Places of Refuge
 - Event-specific assessment
 - Expert Analysis
 - Decision making process

Generic assessment and preparatory measures -IMO Res. A.949 (23) 2003



- 3.4 It is recommended that coastal States endeavour to establish procedures consistent with these Guidelines by which to receive and act on requests for assistance with a view to authorizing, where appropriate, the use of a suitable place of refuge.
- 3.5 The maritime authorities (and, where necessary, the port authorities) should, for each place of refuge, make an objective analysis of the advantages and disadvantages of allowing a ship in need of assistance to proceed to a place of refuge, taking into consideration the analysis factors listed in paragraph 2 of Appendix 2.
- 3.6 The aforementioned analysis, which should take the form of contingency plans, is to be in preparation for the analysis provided for below when an incident occurs.

Generic assessment and preparatory measures -IMO Res. A.949 (23) 2003 - cont



- 3.7 The maritime authorities, port authorities, authorities responsible for shoreside safety and generally all governmental authorities concerned should ensure that an appropriate system for information-sharing exists and should establish communications and alert procedures (identification of contact persons, telephone numbers, etc.), as appropriate.
- 3.8 The aforementioned authorities should plan the modalities for a joint assessment of the situation.

Appendix 2 –Guidelines for the evaluation of risks associated with places of refuge –IMO Res. A.949 (23) 2003



- Assessment of risks related to the identified event taking into account:
 - Environmental and Social Factors
 - Natural Conditions
 - Contingency Planning
 - Foreseeable Consequences

POR Operational Guidelines – MS Responsibilities



- Designate one or more competent Authorities with the required **expertise** and **power** to take **independent decisions**
- Establish **assessment** procedures for acceptance or refusal of a ship in need of assistance in their plans
- Examine their own ability
- Ensure publicity of the name and up-to-date contact details
- Ensure availability of plans of neighbouring member states

POR Operational Guidelines – CA Responsibilities



- Taking independent decisions on the need for, and location of, a Place of Refuge
- Overall command and control of incident
- Liaising with other Authorities and ensure that information is made available to other State(s)

PoR Operational Guidelines – Players



Co-ordinating and Supporting Member State

- The Maritime Assistance Service (MAS) or the authority (or authorities) which has assumed co-ordination, will be known as the Co-ordinating Member State (**CMS**).
- Other Member States supporting the CMS will be known as Supporting Member States (**SMS**).

Responsibilities of a Co-ordinating Member States



- Ensuring that the CA is in charge of overall co-ordination;
- Initiate their national PoR procedure;
- Being the main point of contact with representatives of the involved parties;
- Where necessary, coordinate response with potential Supporting Member States (SMS);

Responsibilities of a Co-ordinating Member States- cont



- Issuing SITREPS and alerting SMS and EMSA MSS;
- Determining whether a MS Co-operation Group and a Secretariat should be set-up;
- Organising Evaluation teams;
- Ensuring that those Authorities who may become responsible for the vessel once in a place of refuge are:
 - Informed as early as possible
 - Involved in the risk assessment process and are given all relevant information

Responsibilities of a Co-ordinating Member States- cont



- Following a balanced assessment of all factors involved , providing a PoR whenever reasonably possible; or where appropriate, initiating a dialogue to formalise the transfer of co-ordination to another State

Responsibilities of a Supporting member state (SMS)



- The Member States supporting the CMS in handling the PoR request procedures include:
 - those nearest the vicinity of the vessel in need of assistance
- and, if necessary,
 - the Flag State

Responsibilities of a Supporting member state (SMS) - cont



Each SMS should:

- Ensure that any relevant incident related information is passed to the CMS without delay;
- Be prepared to examine any requests from the CMS for assistance (logistical, expertise or evaluation);
- Be prepared to examine a request for a place of refuge within their jurisdiction by the CMS or the salvor as mandated by the owner;
- In particular,
 - Neighbouring Member States should examine the possibility of granting a place of refuge in their territory –even though the incident, at the time, is taking place outside their area of jurisdiction.

Role of Maritime Assistance Service and Maritime Rescue Co-ordination Centre



- In emergency situations other than those defined in the SAR Convention, the Maritime Assistance Service (MAS):
 - provides communication facilities for ships in need of assistance.
- In emergency situations as defined in the SAR Convention, including one that subsequently arises from efforts to assist a ship in need of assistance:
 - the national or regional Maritime Rescue Co-ordination Centre (MRCC) is responsible for communication and the management of the search and rescue operation;
 - the Maritime Assistance Service (MAS) should monitor developments, in case a need for a place of refuge arises, or if other measures (such as counter pollution activities) are required.
- Once the SAR functions are completed, communication and incident management normally transfers to the MAS.

Other involved parties



- The master
- Persons responsible for the vessel at the time of the incident:
 - Ship Operators
 - Ship agents
 - Charterers
- Cargo Owners / shippers
- The Flag State
- The Classification Society
- The Salvor
- Port & Harbour Authorities
- Insurers



Typical contents of a PoR plan

Information on the ship, owner, crew, etc...

Annex 1

a) General data - Page 1

Ship's name:		Nationality:	
Port of registry:		Call sign:	IMO No:
Master's name:		Nationality:	
Does the Captain speak the native language of the port?	Yes*/No*		
English*	Yes*/No*		
If not who else:			
Name of person:			
Rank on board:			
What is the working language on board?			
Contact details of the ship:	Satcom- number.: Mobile phone number: Fax number:		
Number of persons on board:		Nationalities:	
Passengers:			
Others:			
Name and address of the ship owner:			

Information on the cargo - Page 1 (Obtain a stowage plan as quickly as possible)

Annex 2

Part 1: General cargo/container/RoRo/Bulk carrier/Lash carrier/OBO ² with solid cargo

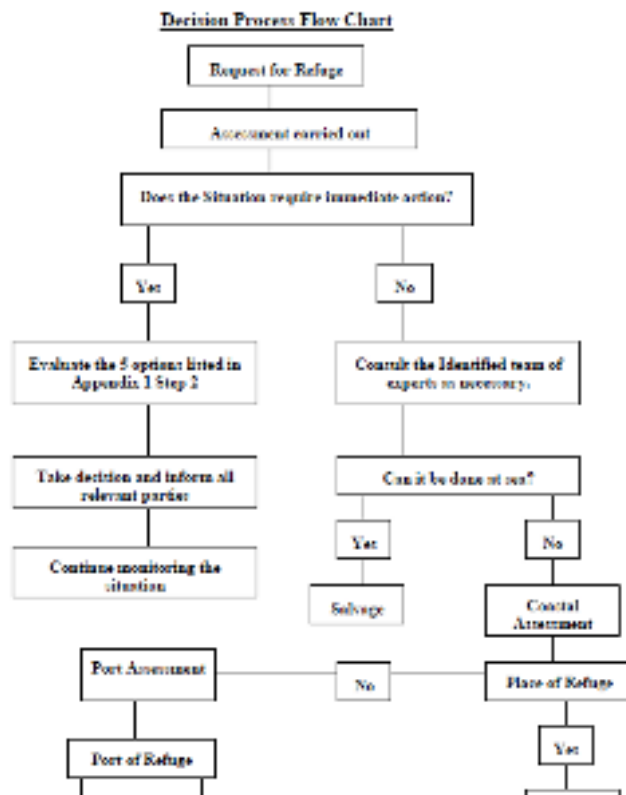
Cons. No.	Type of Cargo	Quantity In tonnes	Stowage Position	Trim moment Centre of Gravity	Discharge possible	Access Possible
					Yes*/No*	Yes*/No*
					Yes*/No*	Yes*/No*
					Yes*/No*	Yes*/No*
					Yes*/No*	Yes*/No*
					Yes*/No*	Yes*/No*
					Yes*/No*	Yes*/No*
					Yes*/No*	Yes*/No*
					Yes*/No*	Yes*/No*
					Yes*/No*	Yes*/No*

Remarks: ¹ In case of dangerous goods/Marine pollutants complete also part 2
² Details of the last three liquid cargoes including dates
 * Delete, if not applicable

Part 2: Dangerous Goods/Marine pollutants

Cons. Number	Un	Proper Shipping Name	Class	Secondary hazards	Packaging Group	Flashpoint	Marine pollutant
							Yes*/No*
							Yes*/No*

Typical contents of a PoR plan - cont



Annex 4

Risk assessment for ship remaining at sea

		Details / Statement for reasons
Risks for persons on board (passengers/crew/others)?	Yes*/No*	
For other persons in the vicinity of ship in distress?	Yes*/No*	
Removal of persons from ship necessary?	Yes*/No*	
Can salvage operation be conducted successfully?	Yes*/No*	
Environment pollution likely?	Yes*/No*	
Risk for fire/harm?	Yes*/No*	
Risks for installations such as RO requiring special protection?	Yes*/No*	
Prevailing weather conditions and weather forecast		
Current, tidal and other conditions		
Others		
Remaining at sea possible? ¹	Yes*/No*	
Shifting to sea areas of neighbouring states possible? ²	Yes*/No*	

*Remember: ¹ If no, go to Annex 5
 *Delete, if not applicable

For detailed questions see Annex 4 on the previous Page

Typical contents of a PoR plan - cont



Marsaxlokk

The port of Marsaxlokk lies on the South East tip of Malta with the main activity being container transshipment.

There are also a number of petroleum facilities as this is the main port where petroleum products are handled. Tankers up to 250m LOA with a draft up to 15m can be accommodated on two berths.

The container terminal can accommodate vessels up to 350m LOA with a draft up to 15 m.

Storage facilities

A capacity of about 900,000 cbm of petroleum products is available at different terminals. This does not mean that the island would have this spare capacity as it would depend on the stock at each individual terminal.

General Remarks

This harbour is exposed to westerly weather and certain berths cannot be used as they are exposed. Therefore in such conditions berths are limited.

An Electrical power station's sea water cooling intake is located inside Marsaxlokk Harbour; the outlet is located in the adjacent bay.

Tanker berths

Berth	Operator	LOA m	Draft m	Storage Capacity
St. Paul's Bay	Emmalta	125	9	Diesel/petrol 40,000cbm
MCN Dolphins	Emmalta	188	12.2	77
Dakshana Power station quay	Emmalta	170	9.5	HFO 2x2,500cbm 1x5,500cbm Gas oil 4x 6,500cbm
San Lazzaro Oil Terminal	San Lazzaro Oil Co Ltd	190	11.5	Heavy Fuel Oil 31,172cbm Gas oil 7,255cbm L.C.O. 7,030cbm
OTM Jemba 1,2,3,4	Oil Tankers Malta Ltd	250	16	Products 560,000cbm

Case studies involving MT



- M/T Castor vs M/V Bekir Hacibekiroglu



M/T CASTOR



- December 2000
- Cargo – 30,000MT of Gasoline
- Transverse crack on deck
- MT took one (1) week to take decision – REFUSAL
- 6 weeks in heavy weather with a deteriorating hull
- NO PoR system/plans and NO Guidelines

M/V Bekir Hacibekiroglu



- November 2013
- Cargo – 3,100MT Cement Sleepers in bundles
- Due to adverse weather, cargo shifted and a 15° list developed
- Received SSN report from IT and a request for a PoR from vessel
- MT requested vessel to fill forms and checklists and issue a LOU

M/V Bekir Hacibekiroglu - cont



- Surveying team deployed onboard to carry out an inspection
- MT carried out the necessary Risk Assessments
- Vessel granted PoR within **48 hours**
- Secured alongside quay to commence re-stowage of cargo
- **PoR system/plan was in place**

Conclusions



- IMO Guidelines on Places of Refuge 2003 (Resolution A.949(23) – Provide a solid foundation to set PoR plan
- National PoR plan and EU Operational Guidelines complement each other
- PoR national systems are specific to each state
- Identifying potential PoR sites beforehand
- Unified command and control structure
- Important to have all stakeholders onboard from the initial drawing stages

Conclusions



- One can see that having a POR Plan and adopting the EU Operational Guidelines far outweigh the benefits of having sparse to no plans at all.
- It is therefore highly recommended that non EU neighbouring/bordering States consider the adoption of Plans and incorporating the Guidelines.
- An EU State may also be a SMS in an incident hence the decision making process will be made easier and in good time

Questions?

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