

## **EU STATES CLAIMS MANAGEMENT GUIDELINES**

### **List of on-going and up-coming amendments**

The EU States Claims Management Guidelines is a “living document” reviewed at regular intervals by the Claims Management Working Group members.

The document initially drafted in 2009 was revised in the course of 2012. Depending on developments in the field of marine pollution response costs recovery, the current version of the Guidelines will be up dated.

Please find below a non-exhaustive list of forthcoming amendments to the Guidelines.

- **VAT**

The issue of whether VAT should be included within a claim depends on whether a State can recover the VAT element of a cost within their normal VAT process. This work is being expanded upon within the working group.

- **Mark-ups**

A State may decide to apply mark-ups on the overall claim. A common approach regarding the general definition, type of costs to be included and level of the mark-ups is being developed.

- **Staff costs**

The issue of government authorities charging for staff costs is already addressed under chapter 9 of the Guidelines. This section of the Guidelines will be further developed.

- **Conducts barring limitation**

Under the International Conventions on liability and compensation the shipowner is entitled to limit his financial liability up to a maximum ceiling calculated on the basis of the tonnage of the ship involved in the incident.

Under certain circumstances, the Conventions foresee that the shipowner may lose the right to limit his financial liability. These circumstances “conducts barring limitation” will be described in the Guidelines.

- **Photographic evidences**

The compilation of photographic evidences as justification of the response activities is one of the good practice that may be adopted by a State. This topic will be developed by the working group.