

Seminar EMSA-SAFEMED III

Mobilisation procedures

Mr Victor Diaz Seco / Head of Section

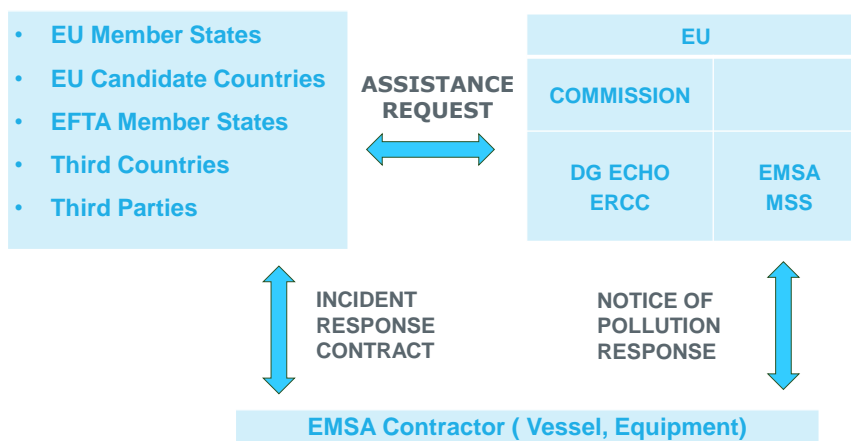
Ms Teresa Cunha / Project Officer

Pollution Response Services Unit

Bilbao / 21 April 2015



How to request EMSA services: Key Actors



Emergency Response Co-ordination Centre - ERCC



The ERCC is operated by the European Commission DG ECHO in Brussels and is available on a 24/7 basis. The ERCC works in close cooperation with national crisis centers throughout the 32 countries participating in the Civil Protection Mechanism (EU 28, the former Yugoslav Republic of Macedonia, Iceland, Liechtenstein and Norway).

Any country, inside or outside the EU, affected by a disaster overwhelming national capacities, can launch a request for assistance through the ERCC.

ERCC Contact details:

Tel: +32 2 29 21 112

Email: ECHO-ERCC@ec.europa.eu

3

EMSA Maritime Support Service (MSS)



The MSS Centre is a 24/7 facility located at EMSA headquarters in Lisbon which acts as the EMSA's coordination centre for maritime emergencies. The MSS Helpdesk is the single point of contact via which Member States and the European Commission can emergency support from EMSA.

MSS Contact details:

Tel.: + 351 211 209 415

Fax: + 351 211 209 480

Email: MaritimeSupportServices@emsa.europa.eu

4

How to request EMSA services: Communication Tools



CECIS - Common Emergency Communication and Information System

- CECIS facilitates communication between the ERC and National Authorities, making response to disasters faster and more effective.
- It aims to facilitate exchange of information and experience between authorities responsible for Civil Protection and Marine Pollution in order to improve the capabilities of these organisations to deal with the different phases of emergencies.
- Its main task is to host a database on potentially available assets for assistance, to handle requests for assistance on the basis of these data, to exchange information and to document all action and message traffic.

Other means “Third Countries”:

- E-mail
- Fax
- Phone

5

How to request EMSA services: Contract



Incident Response Contract (IRC)

- The IRC is the framework for the provision of the response services during an incident and covers the conditions for the provision of oil recovery services, including tariffs. The IRC Form is to be signed by the EMSA Contractor and the requesting party.
- It avoids unnecessary high tariffs vs. vessel of opportunity.
- 1 Model Contract for 20+ different legal systems.



6

Clear allocation of responsibilities during operation

- Under operational command of the MS (SOSC)
- National officer on board
- Safety responsibility: Master (final)

Period


- 21 Days: “window of opportunity”/economic commitments of operator


Costs

- 2 daily rates (operational/stand-by)
- Operational costs (fuel)
- Cleaning

Renewal possible under same conditions

7

Enclosure

EMSA

CONTRACT FORM INCIDENT RESPONSE CONTRACT	
1. Place and Date	2. Requesting State
3. Name, full address and full contact details of the contractor ◦ Name: ◦ Full address: ◦ Tel.: ◦ Fax: ◦ E-mail: ◦ Mobile of onshore responsible person:	4. Name of Institution: ◦ Government body representing requesting state: ◦ Full address: ◦ Tel.: ◦ Fax: ◦ E-mail: ◦ Mobile of onshore responsible person:
5. Name of Supreme on Scene Commander (SOSC) or equivalent: ◦ Full address: ◦ Tel.: ◦ Fax: ◦ E-mail: ◦ Mobile:	6. Vessel's Owner, Name, Gross Tonnage and IMO number
7. Flag and Place of Registry	8. Oil Storage Capacity:
9. Class notation and Classification Society	10. Port of Departure
11. Place of Delivery	12. Place of Redelivery
13. Estimated Date and Time of Arrival to Delivery Place/Port	14. Oil Pollution Response Equipment and crew on Board (24h):

Incident Response Contract (IRC)

To be filled by the Requesting State

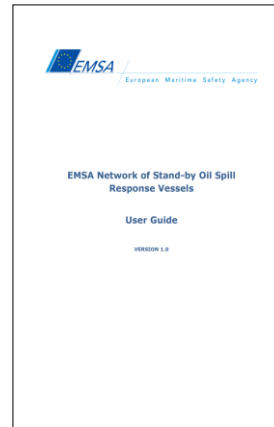
8

How to request EMSA services: Procedures



EMSA Vessel and Equipment Mobilisation User Guide

- Requested by MS during the Vessel User Group Meeting in 2011;
- Developed in 2012 after consultation with Finland, Belgium, Greece and the MIC. Presented during the Vessel User Group Meeting in 2012;
- Distributed among the VUG participants and Consultative Technical Group for Marine Pollution Preparedness and Response (CTG MPPR) members for further dissemination to the relevant National authorities;
- Tested during the Notification Exercise (Vessel User Group Meeting in 2013);
- Review 2014, pending implementation;
- Draft Guidelines for mobilisation by Third Countries.



Version 1.0 October 2012

9

Mobilisation by a third country sharing a regional sea basin with the Union (Regulation (EU) 100/2013)



- Aligned with the mobilisation process applicable to the EU Member States, Iceland and Norway.
- To maintain the existing contractual system for the purpose of providing support to third countries.
- The conditions of service would be set at the same financial level applicable to the EU Member States, Iceland and Norway but subject to the prior provision of financial guarantees/securities preferably in the form of a bank deposit in order to cover potential non-payment of the vessel operator and/or equipment repairs or replacement costs.

Draft Guidelines

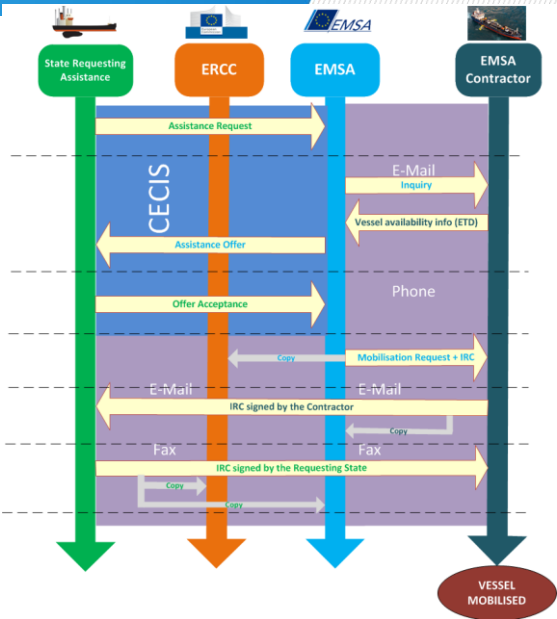
- Comply with the obligations under the Regional Agreements for the protection of the marine environment.

10

How to request EMSA services: Procedures



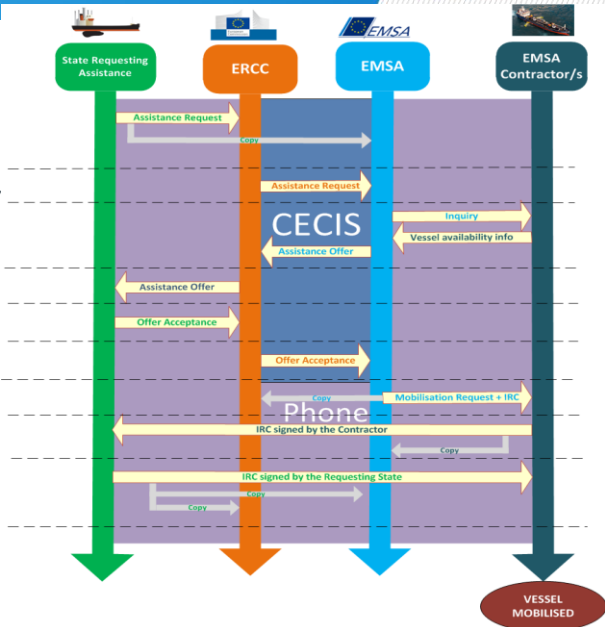
STEP-BY-STEP PROCEDURE
ON MOBILISATION OF EMSA
CONTRACTED VESSEL(S)
VIA CECIS



How to request EMSA services: Procedures

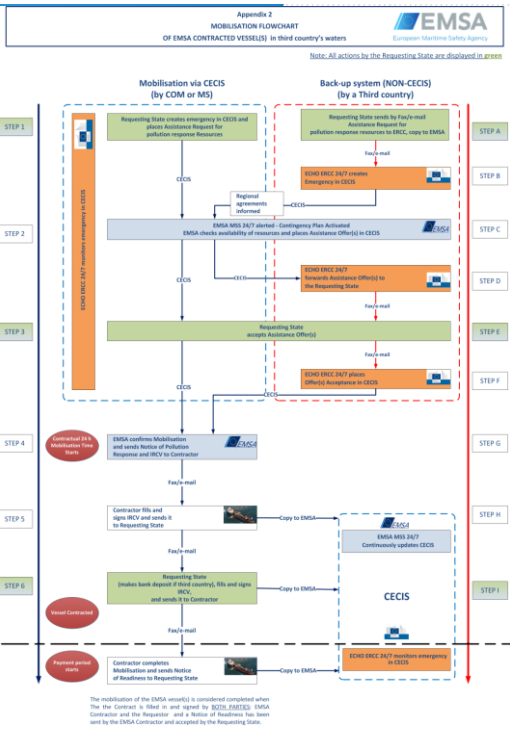


STEP-BY-STEP PROCEDURE
ON MOBILISATION OF EMSA
CONTRACTED VESSEL(S) BY
EMAIL/FAX



How to request EMSA services: Procedures Third Country

Draft
Guidelines



Equipment Mobilisation



Notice of Readiness



The EMSA Contractor sends to the requesting party a "Notice of Readiness" (by fax/email, copy to EMSA) confirming that the vessel is fully equipped indicating the earliest possible date and time for leaving the "Port of Departure" to go to the "Place of Delivery".



15

Pollution Response Cycle



Step 0:
Mobilisation
Procedure

Step 1:
Sailing to
spill site

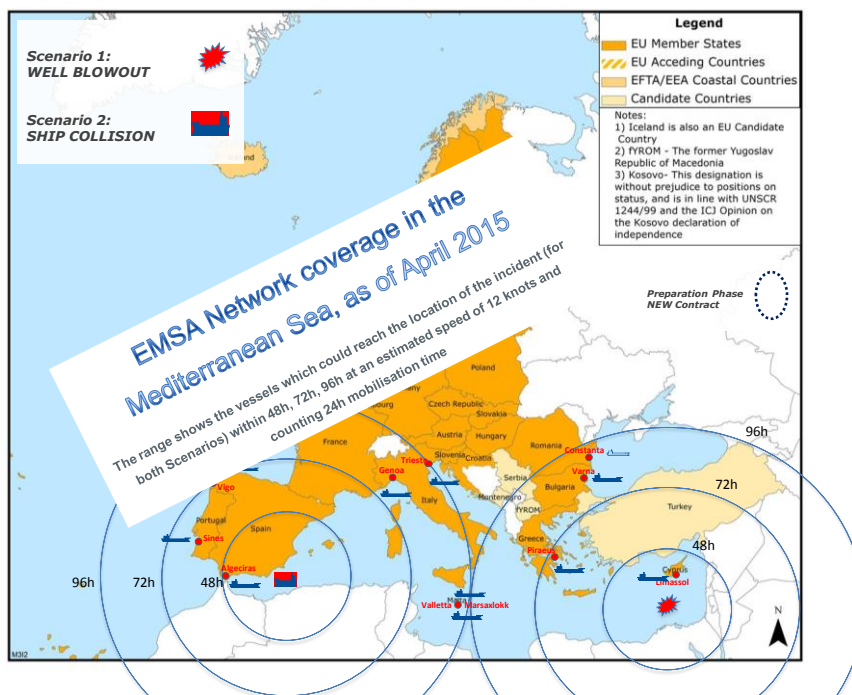
Step 2:
Recovering
Oil

Step 3:
Sailing to
Discharging
Facility

Step 4:
Discharging
oil



16



Activation/Mobilisation of the Network



- *New Flame* - 2007 / Spain
- *Fedra* - 2008 / Gibraltar
- *Irish Spill* - 2009 / West Coast of Ireland
- *Deepwater Horizon* - 2010 / US
- *Gibraltar spill* - 2011 / Spain
- *Costa Concordia* - 2012 / Italy
- *Flash* - 2012 / Tunisia
- *Morning Glory* - 2014, Cyprus



EU States Claims Management Guidelines



19

EU States Claims Management Guidelines



www.emsa.europa.eu

Publications			
Guidelines, manuals and inventories			
A set of guidelines, manuals and inventories are produced by EMSA at its various activities for our stakeholders			
Item title	Cover image	Files	Published
Inventory of EU Member States Indices and Operational Responses Capabilities for IMIS Marine Pollution 2013		2013 IMIS Inventory	07.05.2013
Inventory of EU Member States Oil Pollution Response Vessels (2012)		Inventory of EU Member States Oil Pollution Response Vessels (2012)	19.07.2012
Inventory of EU Member States Oil Pollution Response Vessels (2009)		Inventory of EU Member States Oil Pollution Response Vessels (2009)	
EU States Claims Management Guidelines, Claims arising due to maritime pollution incidents		EU States Claims Management Guidelines.pdf	06.06.2012
Network of Stand-By Oil Spill Response Vessels and Equipment (Handbook 2012)		Handbook EMSA Vessel Network & Equipment (2012)	17.04.2012

20

Guidelines Overview



Compilation and management by the MS of a claim for costs incurred due to a maritime incident polluting or threatening to pollute the marine environment

- Polluter pays principle
- First time this type of document is drafted at the EU level
- No duplication with existing claims manual: different purposes and scope
- Main goal: to improve Member States cost recovery rates
- “Living document” to be reviewed at regular intervals

21

Purpose of the Guidelines



- Share experiences
- Move towards EU uniformity of claims management
- Identify best recovery practices
- Achieve higher cost recovery rates



No harmonisation or impact on National legislation

22

Compiling a dossier and drafting a claim



Objective:

- The claim is based on real expenses actually incurred
- There is a link between the expenses and the incident
- The claim is “reasonable”

Produce:

- Explanatory notes
- Invoices
- Any supporting document justifying the expenses

Sections examples:

- Aerial and satellite resources including modelling
- Counter pollution at sea...

Agreement reached outside of court between claimants and compensation bodies / Compensation decided by national courts

23

Claims headings – what will you claim for?



- Aerial and satellite resources
- Counter pollution at sea
- Counter pollution beach/shoreline
- Wildlife treatment
- Purchased item
- Waste treatment and disposal
- Staff costs
- Wash down/decontamination facility
- Dispersants
- Media/PR
- Car hire
- Accommodation
- Costs of modelling
- Impact and reinstatement studies



24

Conclusions



- Governments responsible for the protection of their coastlines
- In line with international conventions and domestic laws: investment in stockpiles of specialised equipment or contract-in resources
- Large investment and response costs
- Implementation of the “Polluter Pays Principle”
- International legal regime exists but conventions must be ratified
- Expenses to be compensated must be **reasonable** and **justifiable**
- International Conventions regularly amended: raising of the liability limits

25



emsa.europa.eu

 twitter.com/emsa_lisbon

 facebook.com/emsa.lisbon

