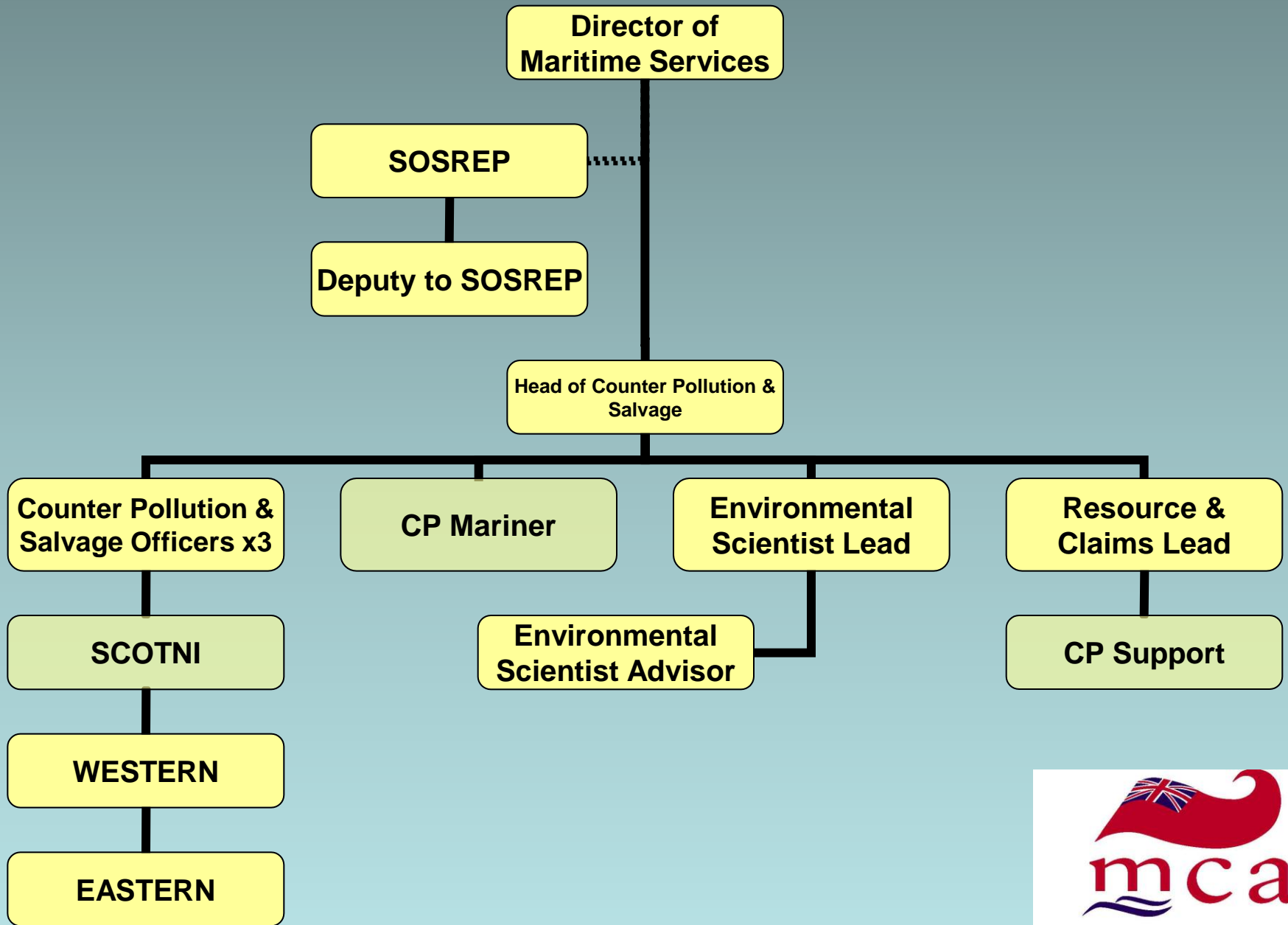


Gail Robertson
Counter Pollution & Salvage
Maritime and Coastguard Agency
UK

Branch Structure



CP Resource & Claims Manager

- Administration
 - Finance
 - Procurement
 - Contracts
 - MOUs / Operating Agreements / Framework Agreements
 - Logistics, Incident Response
 - Liability, Compensation and Cost Recovery.....
- Stockpile Management
NCP

Claims.....

- SEA EMPRESS
- DOLE AMERICA
- IEVOLI SUN
- EVER DECENT
- LYSFOSS
- KODIMA
- PRESTIGE
- ICE PRINCE
- RIVERDANCE
- MSC NAPOLI
- MSC FLAMINIA.....73

EU States Claims Management Guidelines

- **Overview of Chapter 2**
- **Best Practice for Claim Management**
- **General Principles**

EU States Claims Management Guidelines

- If anyone intentionally spoils the water of another..... Let him not only pay damages, but purify the stream or cistern which contains the water....



Plato

Making an insurance claim

**MCA Best Practice in dealing
with Ship owners, their
Solicitors,
the IOPC Fund
and P&I Insurance Clubs**



MCA Best Practice 1

- Expense must have been incurred and third party invoices provided
- Response measures must be deemed to be reasonable and justifiable
- A summary of events - together with WHY the working methods or courses of action were selected is very useful

MCA Best Practice 2

- Investigate rates quoted for all hired in equipment - prove investigation!
- Keep a record of dates on which work was carried out at EVERY site - date and time stamped photographic evidence
- Keep a record of the number and categories of response personnel, regular / overtime rates of pay & who is paying them - names

MCA Best Practice 3

- Keep a record of travel, accommodation and living costs for response personnel
- Apply industry standard of 100% of hire rate for in-use and 50% rate for stand-by
- Keep a record of all equipment costs for EVERY site
 - Type of equipment
 - Rate of hire
 - Costs of purchase - remember residual values
 - Quantity used of each piece of equipment
 - Period of use - in use / standby

MCA Best Practice 4

- Photograph any damaged equipment – get assessed by an independent body prior to repair or replacement
- Do not bring equipment to a better state than at the commencement of the hire
- Keep a record of consumable materials - get responders to sign out consumables and say which site the item will be used on

EU States Claims Management Guidelines

- Appoint a Financial Controller
- Justification
- Records
- Establish process for settlement

EU States Claims Management Guidelines

Contingency Plans

- **Costs**
- **Staff – Define how and why they will be charged**
- **Equipment – Define how rates are calculated**
- **Who will do what ?**
- **Predetermine appropriate mark ups**
 - **What is covered ?**

Financial Security

- Club Letter of Undertaking
 - Legal jurisdiction
 - Estimated costs
 - Maintain contact

.....then argue !!!!!



Joined Up Claims

- **Who will you claim for ?**
 - **Central Government**
 - **State Environmental Bodies**
 - **Local authorities**

Joined Up Claims

- If Joined up..... What if.....
 - 100% Not received ?
 - Mechanism for payments ?
 - One claimants quantum – unreasonable ?
 - Agreement ?

Joined Up Claims

- **Final Point**
 - **Make Contact with P&I and Owner early into the incident**
 - **Establish contact and provide cost updates**

Co-Ordinated Claims

MSC FLAMINIA ??





Thank you...

EU States Claims Management Guidelines

- **Compiling a Dossier, Drafting the Claim and Claim Format (Ch 9)**
- **Suggested Categories**
 - **Record Keeping**
 - **Subject Headings... Heads of Claim**
 - **Aerial & Satellite Resources**

EU States Claims Management Guidelines

- **Counter Pollution At Sea**
- **Counter Pollution Beach / Shoreline**
- **Wildlife Treatment**
- **Purchased Items**
- **Waste Treatment & Disposal**

EU States Claims Management Guidelines

- **Staff Costs**
- **Scientific & Tech Advice / Contractors**
- **Wash Down Area / Decontamination**
- **Dispersant**
- **Media & Public Relations**

EU States Claims Management Guidelines

- **Car Hire**
- **Accommodation**
- **Communications**
- **Authority arranged external services**
- **Miscellaneous**

EU States Claims Management Guidelines

- **Sample Analysis**
- **Costs of Modelling**
- **Impact and Reinstatement Studies**
- **Post Incident Studies and Research**

EU States Claims Management Guidelines

- **Settling a Claim (Ch 10)**
- **Practical Summary (Ch 11)**
- **Recording Lessons Learned (Ch 12)**