



KYSTVERKET

Arrest and securing claims

Claims Management Workshop

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How do NCA take action and organize incidents with pollution?

- Smaller incidents – local authorities
- Big incidents – state management, supported by local authorities
- NCA has equipment stored all over Norway. The local authorities uses this also for smaller incidents.
- Training all kind of involved personnel is an important task for NCA,
- NCA refund the costs to the local authorities and sends a joint claim.



Outline

- Development of Maritime regulations in Norway and influence on securing claims
- LOU
- Arrest
- Cases and litigation
- Principal decisions



Norwegian Maritime regulation

- Maritime Code
- Bunkers convention
 - Incorporated into Maritime Code in 1994
 - Changed in 1995, 2002, 2007
 - Part I Bunkers Convention
 - Part II tankers
- Accident with tanker in 1976 – after that Bunkers Convention



Pollution Control Act

- Norwegian speciality
- Maritime Code – PPP
- The responsible party for an acute pollution incident shall initiate necessary measures to prevent or limit the pollution damage.
 - If not, the municipal and/or the governmental response organisation will be mobilised.
- Importance for the right to litigation
- Interesting impact in a Limitation Fund treatment – "Server"



LOU

- In case of an accident
- Contact with the responsible polluter, both shipowner and insurer
- Suggestions of LOU to P&I
- Based on example from EMSA
- Modified for Norwegian conditions



Arrest

- Describe the size of the accident
- Grounds of arresting (ship leaving the Country)
- Clean up measures
- Cost at the time being
- Prognosis for total clean up cost (compare to other cases)
- Explain the Maritime rules, eg. Maritime liens
- Document that polluter does not accept Norwegian rules.
- Describe the risk of not taking arrest



Server


- Limitation fund
- Issues:
- Right to limitation/duty to take action
- Procurement
- Fixed costs
- Buying new for old
- Removing the ship



Full City

- Limitation fund
- Issues:
- Interest for provided credit
- procurement



A serene sunset scene over a calm body of water. The sky transitions from a deep blue at the top to a vibrant orange and red near the horizon. Silhouetted against the bright sky are several large, rounded islands or headlands. In the foreground, a navigational buoy with a small light on top stands in the water, its reflection visible. The water's surface is slightly rippled, reflecting the colors of the sky and the shapes of the land.

Thank you for your attention!

“working to keep our coast and waters among the safest and purest in the world”