



# EU States Claims Management Workshop

*Insert title line 2*

**EMSA, 6 October 2016**

EMSA Ref. EMSA.2016.027253

**Date: December 2016**



## Table of Contents

1. Background and introduction .....	2
2. Objectives and Programme .....	2
3. Conclusions and recommendations .....	3
List of Annexes .....	4

# 1. Background and introduction

The Consultative Technical Group for Marine Pollution Preparedness and Response (CTG MPPR) was established in continuation of the Management Committee for Marine Pollution (MCMP) following expiration of the Community framework for cooperation in the field of accidental or deliberate marine pollution. Against this background, the CTG MPPR acts as a forum for the exchange of good practices between the EU Member States. The promotion of cooperation and sharing of best practices between Member States in order to provide for cost recovery of damage in accordance with the polluter-pays principle is enshrined as part of the CTG MPPR's objectives.

Several Member States initiated discussions on the creation of a working group on claims management within the context of the Bonn Agreement and MCMP. In 2007, National delegates who attended an EU States Claims Management workshop organised by the UK Maritime and Coastguard Agency with funding from the European Commission, recommended that pollution response costs recovery should become a standing item on the agenda of the CTG MPPR.

The initial objectives of this working group as set by the States delegates at the 2007 EU States Claims Management workshop are:

- To share claims management experiences among EU Member States;
- To standardise and recommend procedures and tariff schemes;
- To improve transnational co-ordination and evaluation of claims;
- To reinforce EU Member States' position when settling claims;
- To identify a way forward and how further progress can be achieved by the CMWG;
- To be a discussion forum, review progress, etc.

The EU States Claims Management Working Group (CMWG) is currently composed of the following States:

Belgium, France, Germany, Norway, Spain, The Netherlands and the United Kingdom.

The members of the group have drafted the EU States Claims management Guidelines, a compilation of practical guidance and best practices for national claim handlers. The Guidelines are up-dated at regular intervals and endorsed by the CTG MPPR members.

In parallel four EU States Claims management workshops have been organised since the work of the CMWG has been transferred to the CTG MPPR.

This fourth workshop gathered 23 delegates from 17 States.

# 2. Objectives and Programme

The workshop was aimed more particularly at:

- Reviewing the updates to the "EU States Claims Management Guidelines";
- Pooling of experiences through sharing of States' best practices and presentations of cases.

The workshop agenda is attached as annex 1. The workshop lasted for one day. The morning was dedicated to the review by the delegates of the updates of the Guidelines as presented by the members of the working group acting as workshop facilitators. The updates introduced cover the following items:

- Methodology for establishing staff costs;
- Defining & level of administrative costs;
- Convention on Arrest;



- Freezing order;
- Forum shopping.

Updates introduced were welcomed by the workshop participants with particular interest on the different national legislations and proceedings for arresting a ship.

The rest of the workshop was dedicated to presentations of the costs recovery process following recent maritime incidents.

### 3. Conclusions and recommendations

The working group will finalise the updates to the Guidelines in the light of the discussions held at the workshop.

The updated Guidelines will be presented to the CTG MPPR members before being published on the EMSA website.

Participants acknowledged the valuable contributions and deliverables of the members of the working group so far and confirmed the importance to continue the work in this respect. Several countries confirmed having used the Guidelines as a reference for drafting their own manuals. One country had the Guidelines referred to as best practices in the field during a court case.

Several delegates also expressed their appreciation of having the opportunity to meet with other civil servants in this matter. Such networking has led to fruitful co-operation during actual maritime claim settlement. In this regard, the participants agreed that similar workshop should be organised in the future. Regarding the format of future workshop of that kind, several delegates suggested inviting industry stakeholders such as P&I Clubs.



Participants to the EU States Claims Management Workshop, EMSA, 6 October 2016

## List of Annexes

Annex 1	Workshop Agenda
Annex 2	List of participants

## Annex 1. Workshop agenda

**Thursday 6 October 2016**

Time	Agenda Item	Facilitator
9.00 – 9.15	Registration and Coffee	
9.15 – 9.30	Welcome	Mr. Frédéric Hébert, Head of Unit - Pollution Response Services, EMSA
9.30 – 9.45	Introduction Workshop scope and objectives	Ms. Kjersti Tusvik, Senior Legal Adviser, Norwegian Coastal Administration, Norway  Workshop chairperson
9.45 – 10.00	Tour de Table - Participants to present: <ul style="list-style-type: none"> <li>• Their Organisation</li> <li>• Role in the cost recovery process</li> <li>• Workshop expectations</li> </ul>	Ms. Kjersti Tusvik, Senior Legal Adviser, Norwegian Coastal Administration, Norway  Workshop chairperson
10.00 – 11.00	Review of amendments to the EU States Claims Management Guidelines	
10.00 – 10.30	<b>Session 1 – Financial matters</b> <ul style="list-style-type: none"> <li>• Methodology for establishing staff costs</li> <li>• Defining &amp; level of administrative costs</li> </ul> Discussions	Ms. Gail Robertson, Estates – Head of Branch, Maritime and Coastguard Agency, United Kingdom  Ms. Wenche Stenvang, Senior Adviser, Norwegian Coastal Administration, Norway
10.30 - 11.00	<b>Session 2 – Legal matters</b> <ul style="list-style-type: none"> <li>• Arrest</li> <li>• Freezing order</li> <li>• Forum shopping</li> </ul> Discussions	Ms. Kjersti Tusvik, Senior Legal Adviser, Norwegian Coastal Administration, Norway  Mr. Jochen Hinz, Legal Adviser, Water & Shipping Directorate North, Germany  Mr. Steven Vandendorpe, Senior Legal Adviser, Federal Marine Environment Unit, Belgium

Time	Agenda Item	Facilitator
11.00 – 11.30	<i>Coffee break</i>	
11.30 – 12.20	Claims Management in Italy Costa Concordia and Norman Atlantic cases study	Captain Mario Valente Italian Coast Guard
12.20 – 13.00	Claims management in Belgium Flinterstar case study	Mr. Steven Vandenborre, Senior Legal Adviser, Federal Marine Environment Unit, Belgium
13.00 – 14.15	<i>Lunch break</i>	
14.15 – 14.35	Claims management in the United Kingdom Sea Breeze case study	Ms. Gail Robertson, Estates – Head of Branch, Maritime and Coastguard Agency, United Kingdom
14.35 – 14.55	Claims management in Germany CSCL Indian Ocean case study	Ms. Doina Schwarz, Legal Adviser, Water & Shipping Directorate North, Germany
14.55 – 15.15	Claims management in The Netherlands Baltic Ace case study	Mr. Robin Meijerink, Legal Adviser, Response Organisation, Rijkswaterstaat Sea and Delta, The Netherlands
15.15 – 15.45	<i>Coffee break</i>	
15.45 – 16.30	<b>MSC Flaminia case study</b>	
	Claims Management in the United Kingdom	Ms. Gail Robertson, Estates – Head of Branch, Maritime and Coastguard Agency, United Kingdom
	Claims Management in Germany	Mr. Jochen Hinz, Legal Adviser, Water & Shipping Directorate North, Germany
	Claims Management in The Netherlands	Mr. Robin Meijerink, Legal Adviser, Response Organisation, Rijkswaterstaat Sea and Delta, The Netherlands
16.30 – 17.00	Overview of outcomes and way ahead	All
17.00	<i>End of the workshop</i>	



## Annex 2. List of participants

Country	First name	Last name	Organization
Belgium	Steven	Vandenborre	Belgian (federal) DG Environment Member of the EU States Claims management Working Group
Bulgaria	Alexandre	Petkov	Bulgarian maritime administration
Denmark	Christian Ilkka August M	Renno	Defence Command Denmark
Denmark	Lucelote	Brogner	Defence Command Denmark
Germany	Schwarz	Doina	Generaldirektion Wasserstraßen und Schifffahrt Standort Kiel
Germany	Hinz	Jochen	Generaldirektion Wasserstraßen und Schifffahrt Standort Kiel Member of the EU States Claims management Working Group
Greece	Ioannis	Zompos	MINISTRY OF MARITIME AFFAIRS AND INSULAR POLICY /HELLENIC COAST GUARD / MARINE ENVIRONMENT PROTECTION DIRECTORATE
Iceland	Agnar Bragi	Bragason	The Environment Agency of Iceland
Italy	Mario	Valente	Minister of Environment
Latvia	Ričards	Buners	Latvian Naval Forces Coast Guard Service
Malta	Robert	Vassallo	Authority for Transport in Malta
Norway	Wenche	Stenvang	NCA Member of the EU States Claims management Working Group
Norway	Kjersti	Tusvik	Norwegian Coastal Administration
Poland	Pawel	Krezel	Ministry of Maritime Economy and Inland Navigation - Poland
Portugal	Diana	Pinheiro	Portuguese National Maritime Authority Directorate-General
Portugal	Joana	Jerónimo	Portuguese National Maritime Authority Directorate-General
Spain	José	Martínez Torres	SASEMAR Member of the EU States Claims management Working Group
Sweden	Susanna	Hedenmark	Swedish Coast Guard
Sweden	Helen	Johansson	Swedish Coast Guard
The Netherlands	Robin	Meijerink	RWS Sea & Delta Member of the EU States Claims management Working Group
United Kingdom	Gail	Robertson	Maritime and Coastguard Agency Member of the EU States Claims management Working Group
United Kingdom	Will	Crocker	UK Maritime and Coastguard Agency

**European Maritime Safety Agency**

Praça Europa 4  
1249-206 Lisbon, Portugal  
Tel +351 21 1209 200  
Fax +351 21 1209 210  
[emsa.europa.eu](http://emsa.europa.eu)

