

EU States Claims Management

Background

**EU States Claims Management Workshop
EMSA, Lisbon, 10 – 11 October 2012**



Guidelines Version 1 - Background

2007:

- Workshop 'Claims Management following pollution incident at-sea'
- Establishment of the working group composed of 5 States (UK, Netherlands, Spain, Belgium and Germany) with the following objectives:
 - 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 States' position when settling claims;
 - To identify way forward and further progress to be made;
 - To be a discussion forum, review progress.

2008 - 2009:

- Regular meetings of the working group – drafting Guidelines

Guidelines Version 1 - Background

2009:

- Project transferred under the EMSA CTG MPPR umbrella
- Claims Management standing item on the CTG MPPR agenda
- France and Norway join the working group
- Draft reviewed during workshop on Claims Management gathering claims handlers from EU Member States, Norway & Iceland hosted by EMSA

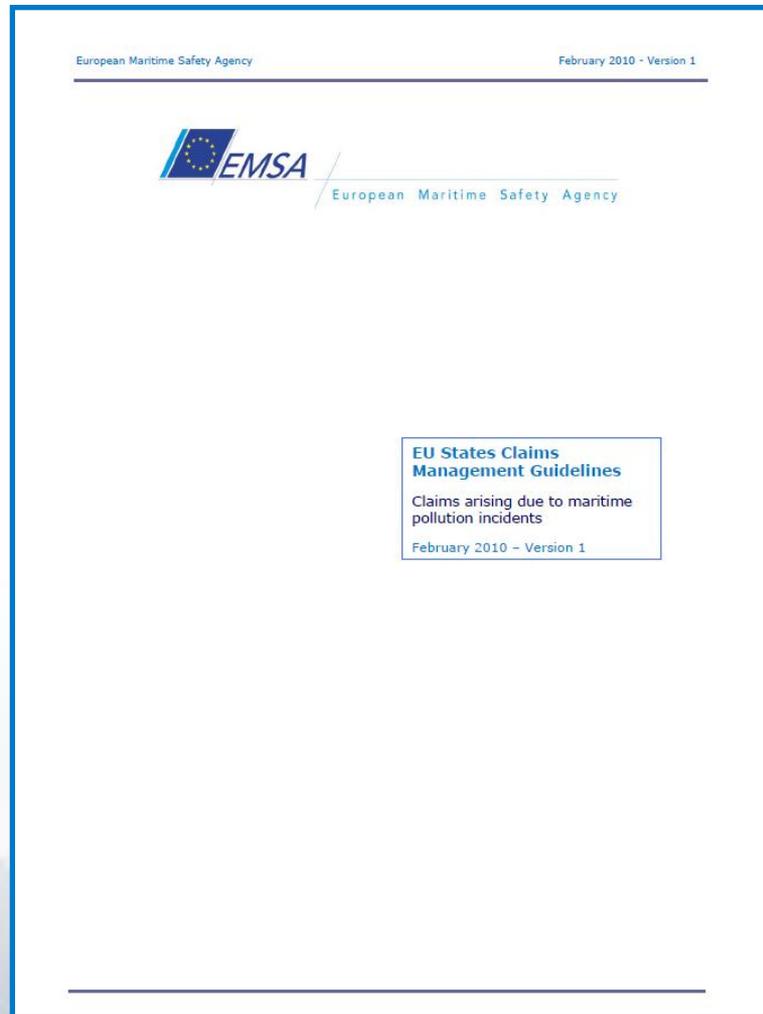
2010:

- CTG MPPR approves the Guidelines
- Guidelines published on the EMSA web site

www.emsa.europa.eu

↳ "Operational tasks"

↳ "Marine Pollution Preparedness & Response"



Overview

- 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 the Member States cost recovery rates
- “Living document” to be reviewed at regular intervals

Purposes

- 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

Scope

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



Content

- 12 chapters
- Proformas

General principles:

- “Polluter pays”
- RECORD KEEPING
- Cost recovery part of contingency planning

European Maritime Safety Agency February 2010 – Version 1

Appendix D

EXAMPLE NOTIFICATION LETTER

TEL :
DDI :
Fax :

[NAME OF OWNERS] Our Ref :
[FULL ADDRESS] Date :

Dear Sirs

[SHIP NAME, INCIDENT, AND DATE]

[YOUR ORGANISATION] exercises [State] Government's responsibilities for taking, or co-ordinating measures to prevent, reduce and minimise the effects of marine pollution inside the [jurisdiction]. Actions are undertaken by the [your organisation] on behalf of the Secretary of State pursuant to [legal basis].

This letter is to inform you that we will shortly be submitting a claim pursuant to section [legal instrument], for the costs of measurers reasonably taken by [State] in responding to the [INCIDENT TYPE] of the [VESSEL NAME]. The claim totals [] and a breakdown of the costs is enclosed together with supporting documents and vouchers. A full set of documents has also been forwarded to the P&I Club [NAME OF P&I].

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Guidelines Version 2 - Background

2011:

- Positive feed-back on use of the Guidelines by CTG MPPR
- Guidelines referred to in court case in Norway

2012:

- Consultation with stakeholders (ITOPF, IOPC FUND, IG P&I)
- Revision of the Guidelines including:
 - Up-date of the section related to legislation;
 - Review of the chapter related to maritime insurance;
 - Introduction of practical example of the calculation of hire rates;
 - Redraft and development of the section related to waste treatment;
 - Introduction of a section on national fire fighting teams;
 - Revision of the section related to liability and compensation for oil pollution damage from off-shore units (OPOL).

Purposes of this workshop

- Present Guidelines - Version 2 before the 7th CTG MPPR (24 October 2012)
- Actually practice training cost recovery using the Guidelines
- Suggest way forward/further actions for the working group

THANK YOU