



EMSA WORKSHOP REPORT

**Claims Management Workshop
27 - 28 May 2014**

EMSA, Lisbon

Claims Management Workshop Report

Contents

1. [Background & Introduction](#)
2. [Objectives of the Workshop](#)
3. [Programme of the Workshop](#)
4. [Workshop conclusions](#)

Appendix 1. [Workshop agenda](#)

Appendix 2. [List of participants](#)

Appendix 3. [Workshop presentations](#)

1. BACKGROUND & INTRODUCTION

One of the objectives of the Consultative Technical Group for Marine Pollution Preparedness and Response (CTG MPPR) is to “promote cooperation and share best practices between Member States in order to provide for cost recovery of damage in accordance with the polluter-pays principle.” Within this framework, the CTG MPPR rolling work programme includes the work of a group of national claims handlers from Belgium, France, Germany, Spain, Norway, The Netherlands and the United Kingdom. The claims management working group aims at identifying best practices, sharing states’ experiences in the field of cost recovery following a marine pollution incident and improving recovery rate.

Among other activities, the working group members have drafted and continue up-dating the ‘EU States Claims Management Guidelines’ as endorsed by the CTG MPPR members (available under the ‘publications’ webpages of the EMSA website: www.emsa.europa.eu). As part of these activities, the claims management working group and EMSA also organise at regular intervals claims management workshop.

Within this framework, EMSA hosted on 27 and 28 May 2014, a workshop on claims management attended by 24 claim handlers representing 18 coastal states. This is the third workshop of this kind organised by EMSA since 2009. The workshop was chaired by Ms Gail Robertson from the UK Maritime and Coastguard Agency - Counter Pollution and Salvage. Presentations were delivered by EMSA and the members of the claims management working group who also acted as workshop facilitators. Practical exercises were prepared by the participants allowing them theoretical training on cost recovery and sharing of expertise.

2. OBJECTIVES OF THE WORKSHOP

The workshop was aimed at:

- pooling experiences of national claims managers and handlers with a view to identify best practices;
- sharing national claim managers and handlers’ experiences during claims negotiations;
- exercising claims management;
- defining potential further actions and recommendations aiming at improving cost recovery rates for national authorities following a maritime incident.

3. PROGRAMME OF THE WORKSHOP

The workshop lasts for one and a half day and was divided into plenary sessions and work in syndicate groups for the exercise.

a) Welcome address

In his welcoming remarks, Mr Bernd Bluhm, Head of Unit C.1 – Pollution Response Services stressed the importance to implement the polluter-pays principle and to pool experiences at the European level in order to achieve higher cost recovery rates.

b) 'Tour de table'

Participants introduced themselves, their organisations and outlined their national policies in the field of cost recovery following maritime incident. Some participants gave a brief overview of recent relevant incidents most of these incidents were related to the implementation of the Bunker Convention.

The 'tour de table' allowed identifying common trends and challenges in the field of costs recovery including the issue of 'forum shopping'.

c) Quiz

The 'tour de table' was followed by a quiz. Participants were invited to retrieve elements for reply from the 'EU States Claims Management Guidelines'. This quiz was designed to familiarise the participants with the 'EU States Claims Management Guidelines' structure and contents. This was also an opportunity for the participants to start working in groups in preparation for the exercise in the afternoon.

d) Presentations

Germany, Norway and the United Kingdom gave an overview of the claims management process followed in their countries and presented recent cases studies. The French delegate gave a presentation on the 'Prestige' incident and the associated on-going response costs recovery process.

Participants showed particular interest in comparing the transposition and implementation of relevant international conventions into national laws.

Discussions also highlighted the importance of preparing the claim file from the first moments of the response.

Another issue which was discussed is the compensation for marine pollution damage from oil and gas installations as several states have recently been prospecting in waters under their jurisdictions and others have strengthened their national contingency plans following the 'Deepwater Horizon' incident.

e) Group exercise

The rest of the afternoon was dedicated to a practical exercise allowing the participants, gathered in groups, to study a theoretical incident and to prepare for the associated claim.

During this exercise, the participants were invited to address specific issues with the support of the workshop facilitators.

The second morning of the workshop was dedicated to the presentation, in plenary session, of the claims prepared by the participants.



4. WORKSHOP CONCLUSIONS

- Several states identified common elements that would benefit to be further addressed by the claims management working group in the 'EU States Claims Management Guidelines'. These elements include:
 - Recovery of VAT;
 - Forum shopping;
 - Joint claim;
 - Wreck removal fund;
 - Claim for staff costs;
 - Cost recovery for marine pollution from oil and gas installations.

- The claims management dedicated e-mail address hosted by EMSA was recognised as a useful tool to facilitate cooperation and exchange of information between national claims handlers.
- The participants recognised the benefit of bringing together national claims handlers during similar events.

This workshop report and its annexes will be published on the EMSA website.