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REGIONAL MARINE POLLUTION EMERGENCY
RESPONSE CENTRE FOR THE MEDITERRANEAN SEA (REMPEC)

CENTRE REGIONAL MEDITERRANEEN POUR L'INTERVENTION
D'URGENCE CONTRE LA POLLUTION MARINE ACCIDENTELLE (REMPEC)

MEDITERRANEAN ACTION PLAN
PLAN D'ACTION POUR LA MEDITERRANEE



8th Meeting of Focal Points of the
Regional Marine Pollution Emergency Response
Centre for the Mediterranean Sea (REMPEC)

REMPEC/WG.28/6/Rev.1
8 May 2007

Malta, 7-11 May 2007

Original: English

Agenda Item 6

**DRAFT GUIDELINES ON THE DECISION MAKING PROCESS FOR GRANTING ACCESS
TO A PLACE OF REFUGE FOR SHIPS IN NEED OF ASSISTANCE**

Note by the Secretariat

1. In line with Specific Objective 12 of the Regional Strategy for Prevention of and Response to Marine Pollution from Ships which addresses the need to designate places of refuge in order to minimize the risks of widespread pollution, REMPEC has, within the framework of the EU-funded SAFEMED Project, commissioned a consultant to prepare a Study on guidelines and procedures that could be followed by Mediterranean coastal States during the decision making process relating to the designation of places of refuge for ships in need of assistance, in accordance with IMO Assembly resolutions A.949(23) and A.950(23).
2. The consultant's Study, apart from the guidelines facilitating the decision making process relating to the designation of places of refuge, also included *inter alia* guidelines on establishing a Maritime Assistance Service (MAS), proposal for a system of information sharing, procedures for an assessment of a place of refuge, event specific assessment of a request to grant access to a place of refuge, and procedures for the development of a contingency plan to be used in connection with requests for access to a place of refuge.
3. The draft Study was presented and discussed during a three day Regional Workshop on Places of Refuge organised by REMPEC in Barcelona, Spain between the 28 and 30 November 2006, and attended by 52 participants from 19 Contracting Parties to the Barcelona Convention. Taking into consideration the comments and proposals made by the representatives of the Contracting Parties during the Regional Workshop, REMPEC, with the assistance of the consultant, prepared the final version of the Study which was disseminated to REMPEC Focal Points.
4. On the basis of the consultant's Study, REMPEC has prepared draft Guidelines on the Decision Making Process for Granting Access to a Place of Refuge for Ships in Need of Assistance which are reproduced in the **Annex** to the present document. These Guidelines are intended to assist the competent national authorities of the Mediterranean coastal States in identifying places of refuge suitable for maritime emergencies. Moreover, the said Guidelines aim at facilitating the decision making process of the national authorities concerning requests for access to a place of refuge.

5. It is proposed that, once adopted, the “Guidelines on the Decision Making Process for Granting Access to a Place of Refuge for Ships in need to Assistance” annexed to the present document, would be incorporated in the Regional System of Information (RIS) , Part A, in the Section “Principles and Guidelines” after the “Principles and Guidelines Concerning Cooperation and Mutual Assistance” adopted by the 7th Meeting of the Contracting Parties to the Barcelona Convention (Cairo, Egypt, 11 October 1991 (UNEP(OCA)/MED IG.2/4, Annex IV, Appendices I-VI) which include, in section VI thereof, “Aspects to be considered when receiving a request for entry in a safe haven”.

The Meeting of Focal Points is invited to endorse the annexed draft “Guidelines on the Decision Making Process for Granting Access to a Place of Refuge for Ships in Need of Assistance” as a supplement to section VI of the “Principles and Guidelines Concerning Cooperation and Mutual Assistance”, prior to their submission to the 15th Ordinary Meeting of the Contracting Parties to the Barcelona Convention, for adoption.

ANNEX

GUIDELINES ON THE DECISION MAKING PROCESS FOR GRANTING ACCESS TO A PLACE OF REFUGE FOR SHIPS IN NEED OF ASSISTANCE.

Introduction

1. It is a long-standing good practice and good seamanship for a master of a ship whose passengers and/or crew and/or vessel are in grave and imminent danger to seek a place of shelter or safety, now commonly referred to as "place of refuge". Indeed and because of the long-standing custom, seafarers often perceive this to be a "right of access" to a place of refuge. It is, however, clear that this was a custom and never a right enshrined in international law.

2. Maritime Custom has evolved and changed over time, and Coastal State Authorities are increasingly reluctant to allow ships in need of assistance access to their coastal or territorial waters.

3. In 2001, the then IMO Secretary General reminded us: *"When dealing with ships in distress, the requirement is to find them an area of sheltered water where the situation can be stabilized, the cargo made safe and the salvors and authorities can evaluate what further steps are necessary without the pressure of a crisis hanging over their heads. The concern of port authorities that they should not be exposed to the risks of pollution, fire or explosion is well understood and is not in any way challenged. But equally, this is an issue which will not go away and must be addressed. We cannot continue to permit a situation to unfold in which salvors dealing with a damaged vessel containing a potentially hazardous cargo have nowhere to go."*¹

4. And in December 2003, in his opening address to the 23rd Assembly², the IMO Secretary General highlighted that a rational view should be taken of any situation that might give rise to a request for a place of refuge and that facts should guide the decision rather than emotion. During the same IMO Assembly, on the 5 December 2003, two IMO Assembly resolutions were adopted namely, resolution A.949 (23) on Guidelines on Places of Refuge for Ships in Need of Assistance; and resolution A.950 (23) on Maritime Assistance Services.

Purpose

5. The Guidelines on the decision making process for granting access to a place of refuge for ships in need of assistance ("the Guidelines") are intended to assist the National Maritime Administration in identifying places of refuge suitable to deal with maritime emergencies that cannot be dealt with at sea. The Guidelines can also assist in the appropriate decision making process in deciding to grant or refuse a request for access to a place of refuge.

6. The Guidelines recognise that a distinction has to be made between emergency situations where maritime safety is concerned as opposed to emergency situations where the national security is concerned. The Guidelines have been designed to protect and prevent harm to the marine environment, to protect citizens, coastlines and maritime industries, including commercial ports.

¹ Mr. W. O'Neil, Secretary General, IMO, Keynote address, 22nd World Ports Conference of the IAPH, Montreal, Canada, May 2001

² IMO Document A23/SR1, 7. June 2004

Application

7. The Guidelines are intended to apply to any maritime incident which might give rise to circumstances where the National Maritime Administration may need to consider a request for granting access to a place of refuge ~~either~~ in waters within its jurisdiction.

8. The Guidelines intend to ensure that decisions on granting access to places of refuge are made in a consistent manner, within the boundaries of international and national maritime law. The Guidelines emphasise that it may be necessary to balance the interests of a ship in need of assistance and the National interest.

9. The Guidelines aim to take into account a wide variety of causes and circumstances that might arise in the case of a vessel in distress being in need of assistance.

10. The Guidelines propose a case-by-case approach to analysis and decision making.

11. The Guidelines recognise that a cooperative and consensual approach is often necessary to successfully resolve a distress situation where vessel might be in need of assistance.

12. The Master or the person in charge of a ship which is in a situation where the crew and/or passengers are at risk, where her own safety is in grave danger or where she poses a threat to the marine environment or other property should contact the MAS of the coastal State and seek permission to access a place of refuge. Such a request could also come from a salvage master already engaged to tackle the situation on board or from the owner or the manager of the ship in need of assistance.

13. The need to access a place of refuge might arise for the ship as a consequence of:

- a maritime disaster, e.g. a fire, a collision, a grounding or an explosion,
- a technical defect, e.g. breakdown of vital machinery items or navigational aids
- a stability incident, e.g. shifting or liquefaction of cargo on board
- a pollution incident
- ~~a medical situation on board, e.g. needing to evacuate a single crew member or an outbreak of disease, needing to isolate a large number of crew members~~
- *force majeure*, that is an Act of God; or a force or an event beyond reasonable human control such as storms, hurricanes or other natural disasters
- any other incident not listed here, which might give rise to a ship being in need of assistance

14. Requests for access to a place of refuge may also be submitted where a ship is exercising her right of innocent passage through the territorial sea in accordance with UNCLOS Article 18(2) or Article 39.1(c) or Article 54 and seeks to stop and anchor in a case of *force majeure* or distress.

15. These Guidelines are not intended to apply in cases where warships or other vessels owned and operated by a Government and solely engaged on governmental purposes are requesting a permission to access a place of refuge.

Definitions

16. **Ship in need of assistance** means a ship in a situation, apart from one requiring rescue of persons on board, that could give rise to loss of the vessel or an environmental or navigational hazard.

17. **Place of Refuge** means a place where the ship in need of assistance can take action to enable it to stabilize its condition and reduce the hazards to navigation, and to protect human life and the environment.

18. **MAS** means a maritime assistance service as defined in IMO resolution A.950(23), responsible for receiving reports in the event of incidents and serving as the point of contact between the shipmaster and the authorities of the coastal State in the event of an incident.

19. *The terms "place of refuge" "ship in need of assistance" and "MAS" are used in these Guidelines with the same definitions as used in the IMO resolution A.949(23):*

20. ~~**National Maritime Authority** means the national government agency or department~~
Competent Authority means any relevant body charged with the decision making process in the case of a ship in need of assistance making a request for permission to access a place of refuge. This could also be an ad-hoc committee or a body set-up purely in the event of such an incident and exclusively tasked to assess the request and make a decision on granting or refusing the request.

Why seek or provide a place of refuge?

21. When assessing the request for access to a place of refuge, it should be borne in mind that it is rarely possible to deal swiftly, successfully and effectively with a maritime distress situation with the ship being solely out in the open sea. Cases have been experienced where the condition of a ship forced to remain at sea over a prolonged time and at the mercy of the elements has significantly deteriorated, thereby becoming an even greater potential (or real) hazard to the coastal environment of the State concerned.

22. These Guidelines advocate that a place of refuge should be provided with the intention of protecting and safeguarding:

- the safety of the ship's crew, her passengers and possible salvage crew or teams on board the ship
- the safety of human life and health in the immediate vicinity of the vessel which is in need of assistance
- the marine, coastal and/or terrestrial environments, incl. fish stocks and aquaculture, both in the immediate vicinity of the vessel and in the vicinity of the envisaged place of refuge
- ecological and marine resources both in the immediate vicinity of the vessel and in the vicinity of the envisaged place of refuge
- economic infrastructure and installations, both in the immediate vicinity of the vessel and in the vicinity of the envisaged place of refuge, but also in ports or estuaries
- the vessel as a piece of property
- the ship's cargo as a piece of property

International Law

23. It has to be pointed out that at present there is no international instrument granting ships a right to seek refuge in the territorial waters of a coastal State. There is a long-established custom of granting refuge to ships, including warships, which are in distress, whatever its cause. Such access to national territorial waters was always limited by its purpose, to resolve the distress situation, e.g. by swiftly carrying out repairs to the ship's hull or her machinery.

24. If the coastal State applying these Guidelines is a signatory to the International Convention on Salvage, 1989, then the obligations placed on the signatory State by Art. 11 of the convention may have to be observed: *"A State Party shall, whenever regulating or deciding upon matters relating to salvage operations such as admittance to ports of vessels in distress or the provision of facilities to salvors, take into account the need for co-operation between salvors, other interested parties and public authorities in order to ensure the efficient and successful performance of salvage operations for the purpose of saving life or property in danger as well as preventing damage to the environment in general."*

25. If the coastal State applying these Guidelines is a signatory to the International Convention for the Safety of Life at Sea, 1974 (SOLAS 1974), as amended, then the obligations imposed on signatories in Chapter V of the SOLAS Convention may have to be observed. Likewise, if the coastal State applying these Guidelines is a signatory to the International Convention on Maritime Search and Rescue (SAR), 1979 (as amended), then the obligations imposed on signatories in Chapter 2 of the SAR Convention may have to be observed. Both conventions request signatory States to render assistance to ships in distress, albeit both restrict it to the saving of life aboard the ship.

26. If the coastal State applying these Guidelines is a signatory to the United Nations Convention on the Law of the Sea (UNCLOS), then Articles 2 and 25(2) should be observed, which grant the signatory State the right to regulate entry into her ports.

27. UNCLOS also grants signatory States the right to protect their coastlines or related interests from pollution or the threat of pollution following a maritime casualty (*vide* Articles 194, 195, 198, 199, 211, 221 and 225).

28. If the coastal State applying these Guidelines is a member to the International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969, (the Intervention Convention), as amended by the Protocol of 1973, the State may: *"take such measures on the high seas as may be necessary to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests from pollution or threat of pollution of the sea by oil following upon a maritime casualty or acts related to such a casualty, which may reasonably be expected to result in major harmful consequences."* (Art. 1 of the Intervention Convention), but it should be noted that two conditions have to be satisfied before the coastal State can intervene: there has to be a "maritime casualty" and there must be grave and imminent danger of a pollution. The wording of the Intervention Convention is such that an intervention is also justified, if grave and imminent danger results from the "acts related to such a casualty", e.g. in a case where the salvage attempts are going wrong.

29. It should be noted that intervention powers in internal waters of a coastal State, i.e. ports and harbours, estuaries or canals, etc, may already have been enshrined in national laws and other legal instruments. If this is the case, then these Guidelines should be extended and amended to reflect the existing national legal regime for internal waters.

Who has the authority to grant access to a place of refuge?

30. A State applying these Guidelines should enact national legislation which clearly mandates an existing or newly created body or official, to have powers to decide upon a request for access to a place of refuge. Such a body could be the National Maritime Administration or the National Administration for Ports and Harbours or the Admiral of the Fleet (the Coastguard) or another governmental body. It is important that legislation be clear and precise on who can take the decision, and in what manner. Decisions on a request for access to a place of refuge often have to be taken on the spot in the heat of the moment. Throughout these Guidelines, the decision maker is referred to as "~~Independent~~ Competent Authority" and it is recommended to nominate an official who will, after the necessary consultation process has been duly completed, take the final decision on whether to grant or refuse access to a place of refuge.

31. It is possible that the national laws already in force allocate the authority and divide the responsibilities between different bodies, depending on the location of the ship in need of assistance, i.e. waters within its jurisdiction. In such instances different officials may have to be appointed, who have the final decision-making authority, taking into account the extent of their jurisdictions.

Procedures to be employed when deciding on a request for access to a place of refuge

32. As a first step, national administrations should prepare a detailed inventory of their national coastline, compiling information as listed in Appendix 1 to these Guidelines. Preferably, such information should be made available referenced to sea charts of the coastline.

33. These Guidelines advocate the approach to decide on a suitable place of refuge on a case-by-case basis as opposed to pre-designated places of refuge. The presumption here is that a place of refuge is not a strictly defined fixed location but always depends on the type and characteristics of the ship in need of assistance, the type of incident that led to the distress situation, the prevailing wind and weather conditions and finally the potential consequences of admitting a particular ship to a particular place of refuge. A place of refuge that may be totally unsuitable in one incident may be the ideal place of refuge in another incident.

34. The ~~Independent~~ Competent Authority should as a rule explore the feasibility of dealing with the maritime emergency situation while the ship is at sea, rather than automatically granting permission to access a place of refuge.

35. The ~~Independent~~ Competent Authority should in the first instance request the MAS to compile basic information on the ship in need of assistance, as outlined in Appendix 2 to these Guidelines. Almost all of this information would be provided by the Master of the ship in need of assistance or the person requesting access to a place of refuge, e.g. the Salvage Master of the operation.

36. As a second basis for exploring all options, the ~~Independent~~ Competent Authority should aim to compile, review and analyse all relevant available information. Thus it would be possible to compare all options available and compare between the hazards posed by the ship if she remains at sea as opposed to the hazards she poses if she were admitted to a place of refuge on the coastline or in internal waters.

37. In order to come to an informed decision that a response to the casualty can be made while the vessel remains at sea, the ~~Independent~~ Competent Authority should consider additional information, which is listed in Appendix 3 to these Guidelines. Some of the information may be furnished by the ship in need of assistance, other information will have to be procured from other, relevant government departments/ agencies/ organizations.

38. In any case, it may be helpful to request that qualified expert staff of the national administration carry-out an on-scene inspection of the ship and an evaluation of the situation on board. If it is not too dangerous, then the ~~Independent~~ Competent Authority might consider placing on board the ship a liaison officer, who can provide advice to the ~~Independent~~ Competent Authority on actions and developments on board and actions or procedures either proposed or undertaken by the Master of the ship or the salvage team. Such a liaison officer would probably best be an experienced marine surveyor with extensive knowledge of ship structures, ship stability and some experience in salvage operations. Appendix 4 to these Guidelines provides a flowchart of procedures to be employed when deciding on a request for access to a place of refuge.

The decision making process

39. It is preferable that all communication with the ship requesting access to a place of refuge should be carried out between the MAS and the ship. In cases where other national agencies receive such a request, they should immediately alert the MAS, who will in turn follow their contingency plans detailing which agency or department or authority should be alerted. This could include the port authority / corporation if they are likely to be a place of refuge.

40. Responsibility for the decision making process rests with the ~~Independent~~ Competent Authority appointed in accordance with paragraphs 30 and 31 of these Guidelines.

41. An assessment of the request for granting access to a place of refuge should be made in accordance with these Guidelines. The process of assessing requests for granting access to a place of refuge will in all cases involve detailed consultation with the various agencies named and listed in the contingency plan for places of refuge decisions. Agencies involved should also include port authorities/ corporations involved, local or regional conservation agencies, and/ or other government agencies who bear responsibility for the areas which are or are likely to be affected.

42. The final decision on granting or denying the request rests with the official named in the national legislation, who was appointed as recommended in paragraphs 30 and 31 of these Guidelines.

43. Once a decision has been made on whether to grant or deny access to a place of refuge, this decision should be immediately communicated to the MAS, who in turn will communicate the decision to the person who requested the permission. The MAS will also inform the national or regional Maritime Rescue Co-ordination Centre (MRCC). The MAS will inform neighbouring States, whose territories or coastlines might be affected by the casualty of the decision and the reasons for granting or denying the request.

Implications of denying a request for granting access to a place of refuge

44. When assessing the request for access to a place of refuge, the ~~Independent~~ Competent Authority should assess the other options available to the ship. These may be limited, because of the remoteness of the location of the ship, the prevailing weather conditions at the time of the accident or even the level of traffic in the area of the casualty.

45. The ~~Independent~~ Competent Authority should also take into account the effect a denial of the request could have on the maritime coastal environment of other, neighbouring coastal States. The decision has to balance the right of the coastal State to protect her coastline or internal waters versus the duty of the coastal State as outlined in UNCLOS Article 195 not to transfer directly or indirectly damage or hazards from one area to another.

46. In the case of a denial, the ~~Independent~~ Competent Authority should attempt to consider other, alternative arrangements, that could be made to assist the vessel in need of assistance.

Handing over the communication and decision making process to another jurisdiction

47. During the response to a distress situation with a request for granting access to a place of refuge, there is the possibility that the coordination process may have to be handed over to a neighbouring jurisdiction. For example, a disabled ship without propulsion may, while in the EEZ and not yet in reach of a salvage tug, be drifting along the coastline and leave the jurisdiction of one coastal State. But it is also possible that there may have been a decision to seek refuge in a different, more suitable place.

48. In such cases, there should be a clear and unambiguous procedure in place, how the communication and coordination process can be handed over to another, neighbouring State. As a general rule, neighbouring States should always be alerted through their MAS about the fact that a ship is in need of assistance and has requested permission to seek refuge. When the situation develops further, the MAS of the State into whose territory the casualty might or is drifting or moving, should be alerted as early as possible to the fact that the casualty might enter their territorial waters or EEZ.

49. Once the casualty is no longer within the jurisdiction of the State applying these Guidelines, the MAS should formally contact the MAS of the neighbouring State and hand-over all available information so far collected.

50. Neighbouring States, which are in the vicinity of a heavily trafficked shipping lanes, where the probability of a request for access to a place of refuge is high, might consider setting up a Memorandum of Agreement, which outlines, how such cases should be handled, when the neighbouring State should be contacted and which procedures should be followed in the "hand-over" process.

Liability and compensation

51. The IMO has developed a number of conventions regulating the liability and compensation following a pollution incident. When applying these Guidelines, the coastal State should undertake a comprehensive review of which convention the State has acceded to and as a consequence which liability regime(s) apply. The relevant conventions all contain provisions detailing the geographical boundaries, within which the respective convention applies as well as the type of ship and / or cargo. Such convention would continue to apply if a pollution incident were to occur in a place of refuge.

52. However, a prudent administration would seek to verify that the ship carries a valid insurance cover which would be available should a pollution incident occur. In addition, a State granting access to a place of refuge may consider requesting the owner or managers of the ship which is in need of assistance to provide an indemnity or a letter of undertaking or a security in form of a bond or a guarantee to cover necessary costs and compensation claims associated with the ship accessing the place of refuge. However, the absence of

such insurance cover or undertaking or security should not hamper or delay the decision making process for granting access to a place of refuge.

53. The contingency plans should contain background information on the various insurance covers or bonds available to assist during the decision making process. Likewise, a proper procedure should be developed and be part of the contingency plans outlining what form the indemnity should have which might be requested.

Appendix 1:**Inventory of the National Coastline to identify potential Places of Refuge**

Natural and Physical Conditions	Ecology	Socio-economic factors
<p>Weather and sea conditions precluding or favouring the use of the area, i.e. during which weather is the area sheltered from wind, waves or currents</p> <p>Sea surface conditions at different weather conditions</p> <p>Bathymetry</p> <p>Seasonal effects</p> <p>Seabed conditions (anchoring ground)</p> <p>On-shore conditions</p> <p>Shoreline conditions</p> <p>Accessibility, both from sea and land</p> <p>Impediments to handling large ships with restricted manoeuvring capabilities</p>	<p>Plankton</p> <p>Benthos</p> <p>Fish species</p> <p>Seabirds</p> <p>Waterfowl</p>	<p>Coastal conservation areas</p> <p>Marine conservation areas</p> <p>Underwater archaeology</p> <p>Fishing grounds</p> <p>Aquaculture</p> <p>Other sea users</p> <p>Stakeholder concerns</p> <p>Existing shipping lanes through the area or nearby</p> <p>Seabed cables</p> <p>Proximity to local residential areas</p> <p>Military use</p> <p>Coastal recreation and tourism</p> <p>Vulnerable installations, e.g. cooling water inlets of power plants</p> <p>Availability of contingency plans for the area</p> <p>Availability of emergency response equipment</p> <p>Availability of tugs, lighters, salvage equipment, storage facilities, etc.</p> <p>Availability of waste disposal facilities</p> <p>Availability of repair facilities</p> <p>Impact of potential closure of the port on the local or national economy</p>

Appendix 2:

Initial Information to be supplied with a Request for granting Access to a Place of Refuge

A vessel requesting a place of refuge should supply the following information to assist in the decision making process:

- Name of the vessel
- Flag of the vessel
- IMO number of the ship
- Call sign
- MMSI number
- Type of vessel
- Number of passengers on board the vessel
- Classification of cargo(es) carried on board
- Cause of damage and the nature and extent of damage
- Nature and quantity of hazardous or harmful substances carried
- Type and quantity of bunker fuel on board
- Actual pollution or potential for pollution
- Risk/ presence of fire, explosion or emission or discharge of dangerous substances; and if so, the source, nature and quantity of those substances
- Does vessel have ballast on board (loaded tanks/ballast tanks)
- Size (tonnage), length, beam and draft of vessel
- Engine power and type and number of propellers
- Vessel afloat or aground, anchor(s) ready for use
- Whether disabled or fully in control of manoeuvring, whether auxiliary power is available, whether rudder is functioning
- Crew data (size of crew, nationality, etc.)
- Name(s) of the registered owner(s), the registered bareboat charter(s) and their registered address(es)
- Name of the company registered as managers within the definitions of the ISM Code, its registered address and the address(es) from where it carries out the safety management activities and its contact details
- Name(s) and contact details of the "Designated Person Ashore" (DPA)
- Name and address of the local agent (if any)
- Identification details of the ship's P&I Insurers
- Identification details of the ship's Hull and Machinery Insurers
- Name(s) and contact details of the local P&I Club representative
- Position of vessel (and how determined: GPS, dead reckoning, best guess)
- Course and speed (steaming, adrift or at anchor)
- Is a pilot or escorting assistance required
- Weather and sea conditions prevailing at the position of the ship
- Details of any casualties on board or in the vicinity of the ship
- Nature of immediate assistance required
- Whether evacuation of the crew is necessary or not
- Whether ship has to be abandoned or not, are there alternatives
- Response actions/ precautionary measures initiated by the vessel's crew for example: whether salvors have been contacted or engaged; who will be the contractor; what is the ETA of the salvage contractor
- Have these response actions/ precautionary measures been successful or not
- What are the next steps planned
- How is the operational safety situation on board

- Details of place of refuge request (area, coordinates, etc.)
- Distance to preferred place of refuge, limitations
- Person on the ship making request
- Preferred language for communications
- Details of all vessels' satellite communication numbers (e.g.: INMARSAT C / Satphone / mobile / fax, etc., numbers)
- Date and time of request
- A priority ranking of assistance measures requested
- The anticipated time frame for decisions
- The type of expertise and equipment needed for response measures
- Any further assistance required to be on stand-by

Appendix 3

Issues to Be Considered in Continuing to Respond to a Maritime Casualty at Sea

The Competent Authority should initially consider and pursue the option of continuing to respond to a marine casualty at sea.

In these situations, the following aspects should be considered:

- Prevailing and forecast weather conditions for the time the vessel is expected to remain at sea.
- Structural integrity of the vessel, in particular of the hull in the vicinity of cargo tanks or holds.
- Seaworthiness of the vessel, in particular buoyancy and stability.
- Availability of means of propulsion and power generation.
- If the vessel is without own propulsion, is it possible to stabilize her sea position using tugs or other assisting vessels.
- Adequate sea room and depth of water available to allow ship to drift
- Traffic density in the incident area
- Possibility to anchor the vessel at the current location
- Current and tidal conditions at sea
- Adequate persons (in number and qualifications) on board to fulfil all functions on board and an assessment of human factors including fatigue. If not, is it safe to supply such personnel from shore and can they safely be placed on board?
- Is a salvor at the scene and has a commercial salvage contract been concluded between the relevant parties?
- Is salvage equipment available and can it be transported to the casualty while at sea?
- If salvage equipment is available, can this be used to stabilize the condition of the ship so as to reduce the hazard of pollution?
- Can the vessel be reached by helicopter?
- Availability of sufficient tugs and support vessels and where are they stationed
- Are there additional safety measures that have to be taken to ensure the ship can safely remain at sea?
- How will all imposed prevention and pre-cautionary measures such as navigation instructions, bridge complement, manning of engine room, number of tugs, etc, be complied with (e.g. representatives, inspectors or salvors on board) ?
- Possibility of lightering at sea and availability of appropriate equipment (barges, cranes, cargo gear, etc.) and personnel
- Availability of fire fighting, oil and chemical pollution combating equipment and sufficient qualified personnel
- Can such combating equipment be used in an at sea environment or is its use restricted to near-shore/ internal waters?
- Can such combating equipment, if suitable, be transported in a reasonable time frame to the casualty location?
- Option to restrict or prohibit access of ships/craft and personnel and to enforce it, if circumstances so require (establishment of sea safety zones)
- Requirement for restrictions regarding the use of the sea area in the vicinity of the vessel and the use of air space above or in the vicinity of the vessel – have these been imposed by the competent authorities and how are they enforced
- Sustainability/availability of an anchorage or berth in a port and any potential environmental or other effects

- Which financial indemnities/bonds have been or have to be requested to cover personal injuries and other damages such as damages to the environment, port channels and installations, costs for combating the incident, costs for entering a port (pilot, tugs, crew, etc.), port dues, delays to other vessels/cargoes in the port, leased berth usage, cargo handling, repairs, disposal of any types of wastes, wreck removal, etc. ?
- Is there a need for financial bonds, etc., to cover costs associated with environmental / socio-economic / cultural assessments?
- How and up to which amount have these indemnities been secured (e.g. bonds, bank guarantee, letter of indemnity, etc.). ?

Appendix 4

Flowchart: Procedures to be employed when deciding on a Request for Access to a Place of Refuge

