IUMI Policy Agenda

8. Places of Refuge

Brief description

Current practice concerning places of refuge (PoR) is a concern to insurers.

The incident with fire-stricken container vessel "*MSC Flaminia",* which in 2012 was left adrift for weeks until finally granted a port of refuge in Germany, prompted a new European Commission (EC) Cooperation Group on Places of Refuge.

After an explosion and fire aboard the *"M/T Stolt Valor"* at a distance of 40 nm from Kingdom of Saudi Arabia in March 2012, a place of refuge was denied by the coastal States in spite of repeated requests.

Following these incidents, and further prompted by the *"Maritime Maisie"* being held at sea off the coast of Japan for weeks after a collision and fire in December 2013, IUMI was, together with the International Chamber of Shipping (ICS) and the International Salvage Union (ISU), campaigning to urge governments to adopt the IMO places of refuge guidelines.

Four years after the *"MSC Flaminia"* incident, new emergency response procedures for vessels in distress were agreed across the EU. Several industry stakeholders, including IUMI, participated together with EU Member States, the European Commission (EC), and EMSA in the drafting. The EU guidelines are intended to ensure better coordination and exchange of information that will lead to better advised and quicker decision making. There shall be no denial of access on anything (commercial or financial) other than safety grounds.

The true success of the EU operational guidelines will be demonstrated as actual incidents occur. Lessons learned will give input to the expected continuous improvement of the guidelines. IUMI participates in the EC's 'Cooperation Group on Places of Refuge' that provides input to these considerations.

In August 2018, EU Member States together with the EC and industry organisations, including IUMI, proposed in a submission to the IMO's Maritime Safety Committee (MSC) a review of the IMO PoR guidelines. MSC subsequently agreed to include in its post-biennial agenda an output on 'Revision of the Guidelines on places of refuge for ships in need of assistance (resolution A.949(23)'. The Sub-Committee on Navigation, Communications and Search and Rescue (NCSR) finalized in June 2022 a draft revision of the Guidelines. MSC 106 approved in November 2022 a draft Assembly resolution, and

invited the Marine Environment Protection Committee (MEPC) and Legal Committee (LEG) to approve the resolution in view of adoption by the Assembly (A 33) in December 2023.

Relevant authority / organisations and documents

- **IMO – MSC & MEPC & LEG & CCC:**
  - ***MSC77/8/2:*** Places of refuge, submitted by IUMI, 14 February 2003.
  - ***Resolution A.949(23):*** Guidelines on places of refuge for ships in need of assistance, 5 March 2004.
  - ***MEPC64/INF.30*** (27.7.2012) from ROPME/MEMAC and MSC91/21 (24.9.2012) from ICS, BIMCO, INTERCARGO, IPTA and INTERTANKO, concerning the *"M/T Stolt Valor"* incident.
  - ***LEG101/11/4:*** Places of refuge for ships in need of assistance, submitted by ICS, IGP&I, IUMI & ISU, 14 March 2014.
  - ***III1/INF.33:*** Port of refuge, Maritime Maisie, submitted by Hong Kong, China, 14 May 2014.
  - ***MSC93:*** Statement made by Intertanko.
  - ***CCC1/INF.2:*** Investigation on the fire and explosion on board the MSC Flaminia, submitted by Germany, 3 June 2014.
  - ***MSC94/20/1:*** Guidelines on PoR – proposed additional text, submitted by Liberia, the Marshall Islands, IMPA, IFSMA, INTERTANKO, INTERCARGO and INTERMANAGER, 10 September 2014.
  - ***MSC95/INF.8:*** Information on the work within the European Union on operational guidelines for places of refuge following recent incidents, submitted by EU Member States, the European Commission, IUMI, BIMCO, ICS, ISU, INTERTANKO and IGP&I, 31 March 2015.
  - ***MSC96/24/5:*** Information on the EU Operational Guidelines on places of refuge, submitted by EU member states, EC, ICS, IUMI, BIMCO, ISU, INTERTANKO and IGP&I, 8 March 2016.
  - ***MSC100/17/1:*** Proposal for a new output for a revision of resolution A.949(23) on Guidelines on places of refuge for ships in need of assistance, submitted by EU member states, EC, ICS, IUMI, BIMCO, ISU, INTERTANKO and IGP&I, 3 August 2018.
  - ***NCSR7/13:*** Preliminary draft text of the revised guidelines, submitted by EU members states, EC, ICS, IUMI, IAPH, BIMCO, IACS, ISU, INTERTANKO and IGP&I, 15 October 2019.
  - ***NCSR8/8:*** Report of the Correspondence Group on Revision of the Guidelines on places of refuge for ships in need of assistance, 15 January 2021.
  - ***NCSR8/8/1:*** Comments on document NCSR 8/8, submitted by IACS, 11 February 2021.
  - ***NCSR8/J/5:*** Draft Assembly Resolution, April 2021.

- ***NCSR9/6:*** Report of the Correspondence Group on Revision of the Guidelines on places of refuge for ships in need of assistance, 22 March 2022.
- ***NCSR9/8/1:*** Comments on document NCSR 9/8, submitted by Argentina, 2 May 2022.

- **EC/EU:**
  - Directives 2009/17/EG (23.4.2009) and 2002/59/EG (27.6.2002), mandating EU Member States to provide places of refuge for stricken vessels in order to prevent greater damage to the environment.
  - EU Operational Guidelines on Places of Refuge, Version 4, 31 January 2017
  - Joint declaration EU guidelines PoR, 27 January 2016.

- **U.S. Coast Guard:**
  - Places of Refuge Policy - Commandant Instruction 16451.9, 17 July 2007.
- **ICS, ISU & IUMI:** Joint press release 13 February 2014.
- **ICS, IGP&I, IUMI, ISU & Asian Shipowners' Forum:** Joint position paper April 2014.
- **IACS:** Recommendations for the operation of shore-based emergency response services, 26 May 2016.

Timeline / important dates

- EU Operational Guidelines on Places of Refuge, 13 November 2015.
- EC event with members of European Parliament and industry, Brussels, 27 January 2016.
- EC High Level Steering Group – Expert sub-group: 'Cooperation group on places of refuge', 12 January 2021.
- NCSR 8: 19 – 23 April 2021.
- Table Top Exercise, Copenhagen, 6-7 October 2021.
- NCSR 9: 21 – 30 June 2022.
- MSC 106: 2 – 11 November 2022.
- A 33: 4 – 6 December 2023.

IUMI will:

- Actively promote better accommodation of vessels in distress through the implementation and enforcement of existing measures.
- Support the EU Operational Guidelines on Places of Refuge and their implementation.
- Support and take part in a revision of IMO guidelines for Places of Refuge.
- Participate in table-top exercises and the EC HLSG Expert sub-group 'Cooperation Group on Places of Refuge'.