

Joint Declaration on the EU Operational Guidelines on Places of Refuge ('PoR')

At the occasion of the Seas, Rivers, Islands and Coastal Areas (SEARICA) Intergroup meeting in the European Parliament on 27 January 2016, under the patronage of MEP Gesine Meissner, Chair of the Intergroup and MEP Michael Cramer, Chair of the TRAN Committee;

In the presence of Mrs Bulc, Commissioner with responsibility for maritime transport;

In a joint effort of the Member States authorities together with the key industry stakeholders involved in PoR, under the auspices of the Cooperation Group on PoR¹, chaired by the European Commission.

Supported by the European Maritime Safety Agency;

Recognising that all concerned parties, including industry stakeholders, both through their associations and as individual entities, play an important role and form an integral part in supporting and promoting the use of the EU Operational Guidelines and their continuous improvement in the interest of the protection of safety and security at sea and of the marine and coastal environment;

Building on the IMO Guidelines on Places of Refuge for ships in need of assistance (IMO Resolution A.949(23));

Promoting positive attitudes – within Governments, port and local Authorities, and Industry for the purposes of Places of Refuge;

In a spirit of enhanced co-operation and coordination among all parties involved, including Member States' Authorities and concerned Industry;

Acknowledging that the Operational Guidelines as a matter of principle state that:

'Each State involved in the operation should examine their ability to provide a place of refuge. A place of refuge request cannot be refused for commercial or financial reasons, nor should commercial interests become the main driver for the handling of PoR requests, or the selection of a potential PoR. Unless deemed unsafe, there should be no rejection without inspection.'

The involved parties in the Cooperation Group on PoR have, as part of promoting positive attitudes and committing to an effective operational response, to the extent possible, following incidents involving a ship in need of assistance seeking a place of refuge, **agreed to the following key principles:**

- *Implement and use* the PoR Operational Guidelines for the enhancement of international cooperation², within the national PoR plans, in order for these to establish procedures for concerted action³.

¹ Created under Article 20(3) of Directive 2002/59/EC of the European Parliament and of the Council (hereinafter 'VTMIS Directive').

- *Work* towards including the EU Operational Guidelines in regional agreements/ plans.
- *Promote* the PoR Operational Guidelines in the International Maritime Organization (IMO) and other appropriate stakeholder fora.
- *Support* and promote the use of the Union Maritime Information and Exchange System⁴ providing Integrated Maritime Services and its further development.
- *Publish* the PoR Operational Guidelines, as appropriate, on the respective webpages of all stakeholders involved in this work.
- *Continue* working in the context of the Cooperation Group on PoR, *inter alia*, on:
 - (1). The continuous improvement of the EU Operational Guidelines;
 - (2). Setting up appropriate training, with the support of the European Maritime Safety Agency, on the Operational Guidelines including on information sharing;
 - (3). Developing and holding practical PoR exercises and training, building on the work by the European Maritime Safety Agency and the table top exercises already held;
 - (4). Seamless and integrated information flows;
 - (5). Risk assessment methodologies, complementing in particular situations involving more than one jurisdiction;
 - (6). Insurance, liability and compensation matters.



² in accordance with Article 20a(2)(f) of the VT MIS Directive

³ In accordance with Article 23(d) of the VT MIS Directive

⁴ Annex III of the VT MIS Directive