

Confederation of European Ships Masters' Association

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On 13 May 2020

To Mrs Adina VALEAN
EU Commissioner for Transport

To Mr Henrik HOLOLEI
DG MOVE

To Mr Sian PROUT
D.2 Maritime Safety

Cc Mrs Maja MARKOVIC KOSTELAC
EMSA Executive Director

Subject : M/V MARINA rescuing persons in distress at sea

Dear Madam, Dear Sir,

Based on the information we have received, the MRCC of Malta instructed the Captain of the container ship MARINA under the Antigua and Barbuda flag to divert from his route in order to rescue persons in distress at sea. This procedure is usual and is applied when another more suitable vessel is not available in the vicinity of the distress situation.

The refusal of the Italian and Maltese authorities to allow him to stop at their nearest ports and disembark the persons rescued puts the Captain in a very dangerous situation for him, his crew, and the people he rescued.

The press reported that fights broke out on the MARINA deck between the persons rescued and that the ship's crew had to barricade themselves inside the accommodations after distributing water and food in very small quantities. This container ship is not equipped to collect as many people over a significant period of time. The situation lasted several days before a solution was found by the competent authorities.

Had the master of the MARINA not diverted his vessel, he would have been subject to legal action for failing to comply with the SOLAS International Convention (Safety of Life at Sea). As an example, for a ship under the French flag, it would be a crime sanctioned by Article L 5524-1 of the Transport Code.

CESMA stresses that this refusal to allow the vessel to stop is unacceptable and contrary to international law, and creates a significant risk of non-compliance with international rules by Captains fearing the damaging consequences of a blocked situation such as that suffered by the MARINA.

CESMA is outraged by this situation and urges compliance with the SAR Convention:

"4.8.5 The rescue co-ordination centre or rescue sub-centre concerned shall initiate the process of identifying the most appropriate place(s) for disembarking persons found in distress at sea. It shall inform the ship or ships and other relevant parties concerned thereof."

We remain at Your disposal to discuss the matter and to assist in solving the above mentioned important issue.

Respectfull regards

Capt. H. ARDILLON
CESMA President