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Dear Sirs,

Shipping Risk and Emergency Towage Provision Study – presentation and workshop - Thursday 27 June 2019 – Edinburgh

Having had a report from our representative Mr Rick Nickerson who attended the meeting in Edinburgh please find our formal submission as requested. It should be noted that a portion of our comments will not just focus on the presentation by Frazer-Nash Consultancy (Frazer-Nash), but will also address some of the issues we have about the process and these are directed at the Maritime and Coastguard Agency (MCA).

KIMO International and KIMO UK welcome the opportunity to influence any decisions about emergency tug provision in the UK. And we have always believed that consultation is a constructive way forward to



influence policy making. However we sincerely believe that consultation should not be a substitute for negotiation and therefore are disappointed that information given at the event appears to suggest that there will be no further opportunity to provide input or to have the opportunity to directly engage in the process before or after the final report which we understand will include conclusions and recommendations which will be submitted to Ministers in October. From responses made at the meeting, it is also our understanding that there will not be a formal consultation process and we also believe that this is unacceptable and is not in line with Government guidelines for public engagement.

This, in addition to the time restrictions surrounding the deadline for submissions by June 30th is leaving only one working day to respond, and is also not in the spirit of public engagement. In the expression of co-operation and to assist the study there were concerns expressed by several stakeholders at the meeting about the time restraints in view of the complex data sets which were offered to be circulated but would not be sent until on the day of the meeting. Several stakeholders including Shetland Islands Council requested a 10 day extension to the deadline and we would support this request.

Not wishing to disrespect those who have already attended some of these events we also endorse the comments made by Alastair Carmichael MP about the appropriateness of the locations of the events not being convenient for those who have had the expense and time constraints of travelling from the areas which will probably be most affected by any decisions arising from these events. There was also a genuine offer from some stakeholders for the consultants to visit some areas where experts would be available to provide assistance to help fill the gaps in information which had been identified during the presentations.

It is still our belief that, post the Donaldson Enquiry and subsequent risk assessment exercises, the emphasis still appears to be on the ideology of salvage capacity but also with a mind to the prevention of pollution and environmental damage and this was quite apparent that this was the focus of the presentations. This was also highlighted by a UK Transport Ministerial statement; "State provision of ETV's does not represent a correct use of taxpayers' money and Ship Salvage should be a commercial matter between the ship's operator and the salvor". Of course it should be noted that there are other maritime nations which take a different view from the UK Government in the past. We are aware that many of our European neighbours have robust ETV provision in place.

We noted that although, the impact of any pollution on the fishing industry was part of the study, there was a significant gap on the very substantial aquaculture industry (including the farmed mussel sector) activities in Scotland. We were pleased that the consultants agreed to further consider this aspect.



We also were concerned that the substantial cruise ship sector had been amalgamated into the passenger or ferry sector. It is our belief that this sector should be considered in its own right due to the uniqueness of impacts if an incident should occur.

In our view the confirmation by the MCA of the omission of any Search and Rescue (SAR) elements in the scope of the study will seriously undermine the effectiveness of any assessments particularly in terms of loss of life when doing cost benefit analysis. We acknowledge that, in any casualty there could be loss of life, but the scale of potential loss of life in a major casualty with a cruise liner would need to be a significant factor in any consideration of risk assessments and Cost Benefit Analysis (CBA).

In our view the primary response function in any incident at sea must be to prioritise the safety of lives and this must supersede the protection of cargo, property or the environment. This has always been the case and we sincerely hope this will always be the case. This is why such crucial and fundamentally important agencies such as the Coastguard funded helicopter provision, the coastal coastguard units and the highly valued RNLI and others are needed. However the dynamics of the shipping industry are ever changing as are the challenges for providing the correct provision for dealing with casualties at sea which we understand from the presentations is why the study was commissioned. Therefore we believe the mind set and therefore the mechanisms for assessing the needs for maritime safety and emergencies now have to change (bearing in mind our previous comments about the primacy of saving lives first) from one which seems, from the presentations, of protecting property and the environment to preventing loss of life. It is our belief that there is now a need to recognise that the ETV service should be considered to be a “Blue Light” function in line with our other first responders.

We like to highlight the changing nature of the shipping activities around our shores to provide an example of the need for a UK wide ETV provision.

Cruise Scotland, the industry organisation; have advised that 825 cruise ships brought 794,500 passengers to ports around Scotland in 2018. Top ports in Scotland cover a wide geographical range including Orkney (150), Edinburgh (114), Shetland (91), Greenock (62), Stornoway (41) and Ullapool (31) to name just a few. It is one of the fastest growing sectors in the shipping industry bringing valuable trade to many parts of Scotland and other parts of the UK with a prediction of a 10% increase of visits in 2019.

On 23 March 2019 the MV Viking Sky, suffered an engine failure off the coast of Norway. Rescue services airlifted 479 people, hoisting them one-by-one onto helicopters, before the weather subsided on the following day and a tow could begin. She was carrying 915 passengers and 458 crew, making her a relatively small cruise ship. We know that the industry average is much higher. The shipping forecast for



the planned voyage was for gale-force winds and very rough seas. Of course we would suggest that the issue of ships travelling in such weather conditions (and this was the case for the MV Zoe also) needs to be seriously challenged but this is maybe for another day.

Some helicopter resources were a mere hour away. Other helicopters were quickly mobilized from other regions of Norway. On shore, the Norwegian Red Cross got the call at 2:30pm and quickly put out an alert to 400 of their volunteers along the west coast and central Norway.

With waves too high to deploy rescue boats, Norwegian rescue services used six rescue helicopters for some 19 hours to make a collective 30 trips back and forth from the boat, rescuing passengers and bringing them to shore to a municipality. Although passengers were injured, including things like bruising, trauma, and broken bones, and approximately a dozen were hospitalized, there were no fatalities.

By all accounts it was an astoundingly successful response by everyone from Norway's search and rescue services, to police to humanitarian groups on land. However anyone who has viewed the online video coverage of this incident should be alarmed about how close this was to being a dramatic disaster with over 1000 passengers and crew still on board when she was a few 100 metres from the rocky coast in very bad sea conditions. It was only through the skill and talent of the crew who managed to get one engine started that prevented what could have been a tragic disaster. This incident could easily be replicated anywhere around the UK coast.

And one of the primary criteria for considering where the ETV provision should be placed should be the determination of response or intercept times. Other first responders such as the police, ambulance and fire services all have either guidelines or targets for response times and are monitored and reported on.

For instance, Police guidelines set no arrival time targets but state that Grade 1 calls should be "resourced" within five minutes, the Ambulance service has a requirement for Category A calls to be responded to within 8 minutes.

In conclusion KIMO believes that first and foremost that it is the responsibility of the UK Government to protect those who work and travel in or through the UK EEZ and therefore should be providing a comprehensive UK network of ETV provision with the primary criteria being response (intercept) times as well as taking into account other factors. We also believe that any ETV provision should be given a "Blue Light" status in its emergency and rescue role with well-defined guidelines or targets for response times.



It is certain that in line with our view on the response time criteria, that the ETV provision in the Northern Isles should be retained and that provision in the Western Isles should be reinstated with immediate effect or as soon as possible. We also believe that this is now a case for ETV provision for the rest of the UK coast line based on recent events especially along the south coast and western approaches next to one of the busiest shipping channels in the world.

We would be grateful if you would acknowledge the receipt of this submission and accredit our comments in the final report. It was also indicated that the presentations would be circulated to delegates who had attended the meeting and it would also be useful to receive a list of attendees to all the meetings.

Yours sincerely,

A handwritten signature in black ink that reads "Arabelle S Bentley". The signature is fluid and cursive, with the first name "Arabelle" and the last name "Bentley" clearly legible.

Arabelle Bentley
KIMO International Executive Secretary

Cc Maritime Coastguard Agency (MCA)

Mr A Carmichael MP, Mr Tavish Scott MSP, Mr Steven Coutts – Shetland Islands Council, Mr Greg Mainland - Shetland Islands Council