MEDITERRANEAN ACTION PLAN

Joint Meeting of the Scientific and Technical Committee and the Socio-Economic Committee

Athens, 6-10 May 1991

Recommendations and Programme Budget for 1992-1993

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

Recommendations, Principles and Guidelines Concerning Accidental Marine Pollution Preparedness Response and Mutual Assistance

Proposal by the Secretariat

UNEP
Athens, 1991
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INTRODUCTION

This document contains the Proposed Recommendations (Annex I) and the Proposed Principles and Guidelines (Annex II) as approved by the Seminar on financial questions, liability and compensation for consequences of accidents causing pollution by oil and other harmful substances (REMPEC/WG.2/5), and by the Meeting of the Drafting Group on Principles and Guidelines concerning co-operation and mutual assistance in case of emergency (REMPEC/WG.3/5) held in Malta, 8-12 October 1990 and 21-22 March 1991 respectively.

Annex III of this document presents, for information, a revised version of the medium term programme (1990-1993) for REMPEC, adopted by the Sixth Meeting of the Contracting Parties (UNEP(OCA) MED I6.1/5), which reflects activities already carried out since January 1990 and incorporate necessary adjustments for 1992-1993.
ANNEX I

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1. The Contracting Parties should incorporate in their national systems for preparedness and response special institutional and administrative provisions related to aspects of mutual assistance. For this purpose they should take into account the check-list of the principle institutional provisions aimed at facilitating mutual assistance in case of a major marine pollution accident, which appears in Appendix VI of the Principles and Guidelines concerning co-operation and mutual assistance. (1)

2. The Centre should endeavour to help the States which so request in the preparation of projects for the acquisition of response equipment which could be presented to possible sources of international financing.

3. The Mediterranean States which are not Party to the International Convention on Civil Liability for Oil Pollution Damage and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage should take the necessary steps to become Party to these Conventions.

4. Prior to any accident the neighbouring States should endeavour to conclude bilateral agreements, including among others arrangements specifying in advance the financial conditions and administrative modalities related to co-operation in case of emergency. In conformity with its functions, the Centre will endeavour to help the States which so request to prepare such agreements.

5. The Contracting Parties involved in actions of mutual assistance should not by their practice concerning the reimbursement of costs of assistance be in contradiction with the "polluter pays" principle, according to which the polluter bears the costs of prevention and pollution response, taken by the public authorities.

6. The principle which should be applied in case of State to State assistance, unless a bilateral agreement exists including financial arrangements covering this question, is that of reimbursement of costs of assistance provided by a State at the request of another State. If measures are taken by a Party on its own initiative, this Party bears the cost of these measures.

(1) The reference will be completed later.
7. However, when the whole or a part of the expenses cannot be recovered under existing international legal regimes or under the TOVALOP and CRISTAL Agreements, the Party requesting assistance may ask the Party providing assistance to waive the reimbursement of non-recoverable expenses. It may also request for the postponement of reimbursement. In considering such requests Parties to the Protocol solicited should take into consideration the specific needs of certain States of the Mediterranean region.

[8. When experts are made available to a Contracting Party, this Contracting Party should ensure that the role and responsibility of these experts are limited to assisting national authorities to make decisions.]
ANNEX II

PROPOSED PRINCIPLES AND GUIDELINES
CONCERNING CO-OPERATION AND MUTUAL ASSISTANCE

(that should be incorporated in Part A of the Regional Information System)

Appendix I: Principles and Guidelines concerning role and responsibilities of experts sent on mission by the Centre following the request of a State in case of an emergency, and duties and obligations of States towards them.

Appendix II: Principles and Guidelines concerning the sending, receiving and returning of equipment in case of international assistance operation.

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Appendix IV: Check-list of procedures to be followed and persons to be contacted in case of emergency.

Appendix V: Check-list of principal institutional provisions aimed at facilitating mutual assistance in case of a major marine pollution accident which should be included in national contingency plans.

Appendix VI: Aspects to be considered when receiving a request for entry in a safe haven.
APPENDIX I

PRINCIPLES AND GUIDELINES CONCERNING ROLE AND RESPONSIBILITIES OF EXPERTS SENT ON MISSION BY THE CENTRE, FOLLOWING THE REQUEST OF A STATE IN CASE OF EMERGENCY, AND DUTIES AND OBLIGATIONS OF STATES TOWARDS THEM

1. The Contracting Parties to the Protocol concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency (Protocol to the Barcelona Convention) may, in case of accidents causing or likely to cause marine pollution, request inter alia assistance in the form of expert advice from either the Regional Centre or from another Contracting Party.

2. A directory of experts and Centres of expertise able to offer this type of assistance in case of emergency has been established and regularly updated by the Regional Centre.

3. On the request of a State in case of emergency, the Centre can, if the circumstances necessitate it, send an expert with a view to providing national authorities with advice and technical expertise which they may need during the initial period in order to decide which measures to take. This advice and technical expertise may include:
   - assessment of the situation;
   - adapting national response organization to the circumstances of the accident;
   - response methods and techniques;
   - experts, equipment and products which can be requested from other Contracting Parties or from private organizations.

4. Role and responsibility of the expert are to help national authorities in taking decisions and, in this respect, he only has an advisory role. Every operational decision, as well as its consequences, fall under the complete responsibility of the competent authorities of the requesting State.

5. In all his/her activities related to such an advisory mission, the expert should endeavour to protect the interests of the State which requested his/her services in particular concerning protection of the environment and of the resources and taking into account economic and financial implications.

6. The State requesting the assistance of an expert should endeavour to specify as precisely as possible, considering the given circumstances, the field or fields of expertise required.
7. The State requesting the assistance of an expert should make the necessary arrangements concerning immigration procedures and customs clearance for the expert and material (including written or electronically recorded) which the expert may bring with him/her in order to help him/her in executing his/her duties.

8. The authorities of the requesting State should also make the necessary arrangements for accommodation of the expert and provide him/her with necessary working space and office facilities. They should also provide for free access of the expert to necessary communication facilities (telephone, telex, telefax, radio) which he/she may need in his/her work.

9. Initial financing (air tickets, daily subsistence allowance, etc ...) of the expert's mission will be taken in charge by the Regional Centre.
APPENDIX II

PRINCIPLES AND GUIDELINES CONCERNING THE SENDING, RECEIVING AND RETURNING OF EQUIPMENT IN CASE OF INTERNATIONAL ASSISTANCE OPERATION

1. International assistance, by one or more States, in case of accidents resulting in serious marine pollution may necessitate transfer of equipment and products from one country to another.

2. Sending, receiving and returning of such material creates a number of logistic, administrative and legal problems which should be resolved quickly, since a delay in the above chain of actions may considerably reduce the efficiency of the assistance. General arrangements in this regard should be adopted prior to any accident and could be usefully included in the national contingency plan. Thus only the details of application remain to be settled at the time of action.

3. Following the detailed evaluation of the situation, the State requesting assistance should specify as precisely as possible the type and quantity of equipment and products needed.

4. The State supplying assistance should, in its reply, attach a detailed list of equipment and products available including necessary technical specifications (dimensions, weights, capacities), precise power requirement (type of fuel, consumption, etc...) and envisaged transport modalities. It should also indicate equipment needed for handling such material in the port or airport of entry, number of people required for off-loading operations and necessary means of transportation of response material to the site of the accident.

5. In order to put such equipment in use as soon as possible the requesting State will take the necessary measures for immediate customs clearance of all arriving material and if needed authorize their use (e.g. authorization to navigate), as well as for immediate clearing of immigration formalities for personnel needed for operating the equipment. The same arrangements should be implemented when personnel and the equipment are provided by the ship insurers.

6. The requesting State undertakes to return the equipment as soon as the operations are terminated if requested so by the supplier.
APPENDIX III

PRINCIPLES AND GUIDELINES CONCERNING ARRANGEMENTS AND OPERATIONAL PROCEDURES WHICH COULD BE APPLIED IN CASE OF A JOINT OPERATION

A. COMMAND STRUCTURE FOR JOINT COMBAT OPERATIONS

The organisational structure in joint operations should contain two main co-ordination and command levels, namely Operational Control ashore and Tactical Command on the scene of operations:

The Operational Control should be exercised by the country that has asked for assistance (lead country) which normally is the country within whose zone the operation takes place;

Change of Operational Control and Tactical Command might, when practical and agreed between the Parties concerned, take place when the main body of a combating operation moves from one zone to another;

Liaison officers from participating countries should be integrated in the staff of the Operational Control to secure necessary knowledge of rendered national resources;

The overall Tactical Command is laid upon a designated Supreme On-Scene Commander/Co-ordinator (SOSC) from the lead country;

Strike teams provided by assisting countries should operate under the command of a National On-Scene Commander/Co-ordinator (NOSC);

The NOSC operates under the command/co-ordination of the SOSC.

B. ARRANGEMENTS CONCERNING RADIO COMMUNICATIONS IN JOINT OPERATIONS

In order to avoid disturbance and jamming in a joint operation, there is a strong need for different radio communication frequencies on the one hand between the Operational Control ashore and the Supreme On-Scene Commander/Co-ordinator (SOSC) and, on the other hand, between the SOSC and participating National On-Scene Commanders/Co-ordinators (NOSC) as well as between the different noscs and their respective team units.

In accordance with the provisional scheme of radio communications for joint combatting operations presented below, the following procedures should be followed:

- concerning the communications between the Operational Control ashore and the SOSC (which is the concern of the lead country of the operation), consideration should be given to the possibility of using wireless teleprinter or telex (Maritex);
- communication between the SOSC and the NOSC's should be performed on one or, if needed, more of the international VHF channels 10, 67 and 73; 1/

- the vessels from which the SOSC operates should have at least two VHF stations on board with a stand-by function on channel 16;

- communications between a NOSC and the strike team units should be performed on special domestic (internal) frequencies;

- the working language, between OSCs from different countries, should be the most appropriate one;

- the broad aspects of the radio communication problems in joint oil combating operations at sea should be presented to the telecommunications authority in each country for information and internal consideration.

1/ The participants in the Seminar requested the Centre to verify frequencies appearing in this Appendix, before the Meeting of the Scientific and Technical Committee, in May 1991.
APPENDIX IV

CHECK-LIST OF PROCEDURES TO BE FOLLOWED
AND PERSONS TO BE CONTACTED IN CASE OF EMERGENCY

This appendix deals with the sequence of actions to be carried out by the competent national authorities responsible under the national contingency plan for dealing with matters relating to response to marine pollution incidents, following the receipt of information of a pollution or threat thereof in order to implement provisions of the Protocol to the Barcelona Convention concerning co-operation in combating pollution of the Mediterranean Sea by oil and other harmful substances in cases of emergency.

Although this check-list, which is by no means exhaustive, has been prepared primarily for incidents involving vessels, it should be used wherever applicable in case of incidents involving offshore units. */

1. INITIAL ASSESSMENT

An initial assessment necessitates the gathering of information as listed in "A" below through a number of contacts as described in "B".

A. Information required
   - place, time, nature, extent and cause of the incident;
   - identification of vessel;
   - identification of owner/operator and his representatives and insurers;
   - condition of the vessel;
   - identification of the cargo and its state;
   - intentions of the master;
   - intentions of the salvor, if any;
   - intentions of the owner or his representative.

B. Contacts
   - master of the vessel;
   - salvor/salvage company, if any;
   - shipowner or his representative;
   - last port(s) of call;
   - next port(s) of call.

*/ "Offshore unit" is defined in OPRC Convention as "any fixed or floating offshore installation or structure engaged in gas or oil exploration, exploitation or production activities, or loading or unloading of oil."
2. **NOTIFICATION**

Once the Party has finalized initial assessment and when the severity of the incident so justifies, it should:

a) inform relevant bodies within the country in accordance with the national contingency plan;

b) inform all Parties whose interests are affected or likely to be affected by the pollution, as well as REMPEC and provide them with:

i) details of its assessments and any action it has taken, or intends to take, to deal with the incident, and

ii) further information as appropriate.

until the action taken to respond to the incident has been concluded or until joint action has been decided by such Parties.

For transmitting such information use should be made of the pollution reporting system (POLREP) and the list of competent national authorities, as they appear in Section 1 of Part B of this Regional Information System.

c) contact the vessel's insurers and, if the incident involves oil:

- The International Tanker Owners Pollution Federation Ltd. (ITOPF);
- IOPC Fund when the Party possibly affected by the pollution is a Party to the 1971 Fund Convention.

3. **RESPONSE MEASURES**

a) Activation of national pollution response arrangements as stipulated by the national contingency plan or otherwise.

b) Continuous evaluation of the situation by using:

- expertise available within the country;
- expertise available from/through REMPEC; */
- expertise available from other sources. */

c) Decision on measures and actions appropriate for mitigating the consequences of pollution incident, such as intervention on the vessel itself, combating pollution at sea, protection of sensitive areas, restoration.

d) Mobilizing the necessary personnel, equipment and products either from national sources or by requesting outside assistance:

- directly from other Contracting Parties;
- from other Contracting Parties through REMPEC;
- from other sources, including stockpiles owned by oil and shipping industry.

* Such experts will assist national authorities to take decisions, but in no case should take decisions themselves in lieu of the responsible national authorities.
4. **FINANCIAL MATTERS**

   a) Detailed records of costs incurred by Parties participating in the response during the entire operation should be kept by the Party(ies) directly in charge of response and by the assisting Parties, if any.

   b) These Parties should designate a body to collate the relevant financial documentation, preferably as stipulated in the contingency plan, and request all those taking part in the response to establish the necessary documentation.

   c) Prepare claims in accordance with recommendations of applicable compensation schemes.

   d) Present the necessary documentation to the insurers, IOPC Fund or other organizations liable for compensation.

   e) The assisted and assisting Party should co-operate in concluding any action in response to a compensation claim. Unless assisted Party(ies) disagree, assisting Parties may present their claims for reimbursement directly to compensating organizations.

**Note:** For all these steps expertise from other Contracting Parties or from REMPEC may be requested.
APPENDIX V

CHECK-LIST OF PRINCIPAL INSTITUTIONAL PROVISIONS AIMED AT FACILITATING MUTUAL ASSISTANCE IN CASE OF A MAJOR MARINE POLLUTION ACCIDENT WHICH SHOULD BE INCLUDED IN NATIONAL CONTINGENCY PLANS

A quick intervention and facilitation of mutual assistance in the case of a major marine pollution accident must be planned and organised. To this end, within the national contingency plan, special institutional arrangements should be adopted and administrative and financial arrangements should be established such as:

- designation of the competent national authority which, once the situation has been assessed, will determine the extent of the required assistance;

- designation of a national authority entitled to act on behalf of the State to request assistance or to decide to provide the requested assistance, as well as to deal with legal and financial aspects of mutual assistance, and arrangements which would enable this authority to be contacted rapidly in case of an urgent request for assistance;

- financial modalities applicable to mutual assistance, based on the recommendations appearing in [Annex V to Report REMPE/69.G.2/5];

- roles and obligations of the Party requesting assistance concerning:
  a) the receipt of equipment;
  b) costs of board and lodging, possible medical expenses and repatriation of assisting personnel;
  c) arrangements, in particular concerning customs and immigration, for facilitating the movement of personnel, vessels, aircraft and equipment, based on the provision of the Guidelines for Co-operation in Combating Marine Oil Pollution in the Mediterranean as adopted by the Fifth Ordinary Meeting of the Contracting Parties, Athens, 7-11 September 1987 (UNEP/18.74/5).
APPENDIX VI

ASPECTS TO BE CONSIDERED WHEN RECEIVING
A REQUEST FOR ENTRY IN A SAFE HAVEN

If a State is requested to receive a vessel in distress in its territorial waters or in one of its ports, the decision is often very difficult to take and may in some cases be taken at high level, bearing in mind that there is no legal obligation for the State to accept such vessel.

Prior to giving a possible positive answer, due consideration should be given to the threat the vessel might present to people living in the vicinity of the harbour (e.g. risk of explosion). From an environmental point of view, one should consider what solution is the least detrimental: either keeping the vessel out at sea with the threat of massive pollution or accepting a risk of pollution, although sometimes even slight, to the coastline.

One should also evaluate the risk of the port being blocked if an accident occurs during the operation e.g. sinking of a vessel at the port entrance, with the consequences for the economy of the port area, including ships which might be forced to remain in the port. In any case, access to the port might be allowed only if the shipowner abandons his right to limit his liability with regard to possible damage to the port and property within.

Answering the following questions can help in making decisions:

- What are the risks presented by the cargo?

- Are there any offshore and fishery activities in the approach of the haven which can be endangered by an incoming vessel?

- Is the haven and its approaches located in sensitive areas, such as areas of high ecological or touristic value which might be affected by possible pollution?

- What is the nearest distance to populated and industrial centres?

- Is there, on environmental grounds, a better choice of haven close by?

- Is there anti-pollution equipment present in the area?

- Is there a possibility of containing any pollution within a confined area?

- Are there reception facilities for harmful and dangerous cargoes?

- What are the prevailing winds and currents in the area?

- Is the haven safely guarded against heavy winds and rough seas?

- What is the seabed formation (rocky, sandy, etc) regarding the possibility to ground the vessel in the haven or its approaches?
- In the case of a non-sheltered haven, can salvage and trans-shipment operation be safely conducted?

- Is there sufficient space to manoeuvre the vessel, even without propulsion?

- Is pilotage compulsory and are pilots available?

- Are tugs available? If so, how many, what bollard pull, etc.?

- What mooring facilities are available in the haven?

- Are there transfer facilities, such as pumps, hoses, barges, pontoons?

- Are there repair facilities, such as dockyards, workshops, cranes, etc?

- Is there a fire brigade?

- Is there a disaster relief plan available in the area?

- Is a bank guarantee imposed on the vessel before admission is granted into the haven?
### ANNEX III

**MEDIUM TERM PROGRAMME (1990-1993) FOR REMPEC ACTIVITIES**

(Reflecting activities already carried out since January 1990 and incorporating necessary adjustments for 1992-1993)

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<tr>
<td>22. Types of appropriate protection clothing and equipment for chemical spill - Section 5.</td>
<td>REMPEC</td>
<td>1991 x</td>
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<td>23. On-site identification and measuring devices of spilled chemicals and precautions to take before entry to the spill site - Section 6.</td>
<td>REMPEC</td>
<td>1992 x</td>
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<td>24. Theory and practice of foams in chemical spill response - Section 7.</td>
<td>REMPEC</td>
<td>1993</td>
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<td>25. Priority list of substances - Section 8.</td>
<td>REMPEC</td>
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<td>26. Technical intervention files of an operational character by substance or by group of substances - Section 9.</td>
<td>REMPEC</td>
<td>1990 x 1991 x</td>
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<td>27. Associated risks and behaviour of gases and volatile liquids spilled at sea.</td>
<td>REMPEC</td>
<td>1992</td>
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**REFERENCE DOCUMENTS**

<p>| 30. Proceedings of the Seminar on financial questions, liability and compensation for consequences of accidents causing pollution by oil and other harmful substances. | REMPEC         | 1990 x              |
| 31. Publication of a regional atlas for accidental marine pollution preparedness and response. | REMPEC in co-op, with GRID/UNEP sub-contract | Preparatory Work Publication 1993 |
|-------------------------------------------------------------------------------------|----------------|------|------|------|-------|
| <strong>ASSISTANCE TO THE COUNTRIES WHICH SO REQUEST, IN DEVELOPING THEIR NATIONAL CAPACITIES</strong> |                |      |      |      |       |
| Providing assistance, either by the Centre's experts or by a purposely recruited consultant, to the States which so request in the preparation of national contingency plans. | Consultant     | - On Request - |      |      |       |
| Providing assistance to the States which so request, in the preparation of projects for the acquisition of response equipment which would be presented to possible sources of international financing. | REMPEC Consultant |      |      | - On Request - |       |
| <strong>I. TRAINING</strong>                                                                     |                |      |      |      |       |
| Regional training courses of a general type on oil.                                 | REMPEC         | x    |      | x    |       |
| Regional training courses of a general type on harmful substances.                   | REMPEC         | x    |      | x    |       |
| Specialized regional training courses on oil.                                        | REMPEC         | x    |      |      |       |
| Specialized regional training courses on hazardous substances.                       | REMPEC         |      |      |      |       |
| Specialized regional training course on response to accidents involving hazardous substances in port areas. | REMPEC in co-op. with IED/UNEP |      |      | x    |       |
| Regional seminar on financial questions, liabilities and compensation for consequences of accidents causing pollution by oil or other harmful substances. | REMPEC         | x    |      |      |       |
| Regional training course on response to accidental pollution resulting from offshore oil exploration or production operations. | REMPEC in co-op. with oil industry |      | x    |      | x     |
| Providing assistance to States which so request in preparation of national training seminars (assistance to two seminars per year). | REMPEC         | x    | x    | x    | x     |</p>
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<tr>
<td>42. Making available teaching documents for national training activities.</td>
<td>REMPEC</td>
<td>- Permanent Activity -</td>
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<td>IV. CO-OPERATION AND MUTUAL ASSISTANCE IN CASES OF EMERGENCY</td>
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<td>43. Organization of alert exercises aimed at testing the use of the standard alert message and communication network (1 or 2 exercises per year).</td>
<td>REMPEC</td>
<td>x</td>
<td>x</td>
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<td>44. Providing assistance to the States, which so request, in the preparation and development of operational bilateral and multilateral agreements between neighbouring coastal States (depending on requests, but not more than one Agreement per year).</td>
<td>REMPEC</td>
<td>- On Request -</td>
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<td>45. Assisting States, which so request, in organizing joint response exercises (depending on requests, but not more than one joint exercise per year).</td>
<td>REMPEC</td>
<td>- On Request -</td>
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<td>46. Collection and distribution of information on nature, conditions and procedures concerning international assistance from outside the region.</td>
<td>REMPEC</td>
<td>- Permanent Activity -</td>
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