

Appendix I

**GUIDELINES FOR THE USE OF DISPERSANTS
FOR COMBATING OIL POLLUTION AT SEA IN THE MEDITERRANEAN REGION**

With a view to implementing the Protocol Concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency (Barcelona, 16 February 1976)

The Contracting Parties to the Barcelona Convention,

Have approved the following Guidelines in order to guide the Mediterranean coastal States in developing and harmonizing their national laws and regulations regarding the use of dispersants in combating accidental marine oil pollution.

I. Scope

1.1 These Guidelines apply to the conditions and limits of use of dispersants in combating accidental marine oil pollution.

They rely on the state-of-the-art in the field of dispersants' use, as presented in Annex 1 prepared by REMPEC on the basis of currently available technical literature.

1.2 These Guidelines, which are advisory, do not affect in any way existing and future national laws and regulations related to matters covered by them and compatible with their objectives.

II. Definitions

For the purpose of these Guidelines:

"Dispersant" means a mixture of surface active agents in one or more organic solvents, specifically formulated to enhance the dispersion of oil into the sea water column by reducing the interfacial tension between oil and water.

"Regional Information System" (hereinafter referred to as "RIS") means a set of written documents and computerized databanks, models and a decision-support system which REMPEC compiles, prepares, updates, publishes and regularly disseminates to the Mediterranean coastal States, comprising necessary information on various aspects of preparedness and response to accidental marine pollution by oil and other harmful substances.

III. General principles

- 3.1 Each Mediterranean coastal State shall endeavour to take the necessary measures to ensure that when dispersants are used for combating accidental marine oil pollution within its territorial waters or during combating operations conducted under its authority outside its territorial waters according to international law, these are used in an appropriate way with a view to reducing the negative effects of such pollution and, in particular, with a view to minimizing its overall effect on the marine environment.
- 3.2 Each Mediterranean coastal State shall endeavour to take the appropriate steps necessary to define its policy regarding the use of dispersants in combating accidental oil pollution, applying the principle of prior authorization for the use of dispersants.
- 3.3 Each Mediterranean coastal State shall endeavour to take the necessary measures to ensure that national regulations regarding the use of dispersants, including any limitations for their use, are clearly reflected in the national contingency plan for accidental oil pollution combating, as well as in any bilateral or multilateral operational agreement concerning co-operation and mutual assistance in response to accidental oil spills.
- 3.4 With a view to facilitating international co-operation in combating massive oil spills which may threaten the interests of one or more coastal States, each Mediterranean coastal State should make available to the other Mediterranean coastal States, information concerning its policy regarding the use of dispersants. Such information should be made available through RIS.
- 3.5 If the case requires, each State shall make all necessary arrangements, in liaison with other States, in order to eliminate dispersants which have reached their expiry date.

IV. Use of dispersants in combating accidental oil pollution

- 4.1 It is the sovereign right of each Mediterranean coastal State to prohibit within its territorial sea the use of dispersants for combating accidental oil pollution.
- 4.2 Each Mediterranean coastal State which considers the use of dispersants as one of the possible methods for combating accidental oil pollution and which incorporates this method in its oil pollution response strategy shall adopt rules and regulations regarding:
- Requirements for the use of dispersants;
 - Restrictions on the use of dispersants;
 - Conditions for the use of dispersants.

4.3 Requirements for the use of dispersants:

- a) Within the powers given to the On-Scene Commander by the competent national authorities, he shall take the decision to use dispersants taking into account the applicable national rules and specific circumstances of the accident and shall rely on the advice given by specialized organizations.
- b) Only dispersants which have been approved for use in the territorial waters of a respective coastal State shall be eligible for such an authorization taking into account the reservations mentioned in (ii) below.
 - i) Approval for use may be granted by the competent national authorities to products satisfying certain established and defined criteria, concerning at least the product efficiency, toxicity and biodegradability.
 - ii) Coastal States which have no defined testing and approval procedures or do not possess the necessary means to carry out the tests, may approve for use in its territorial waters products approved for use by another State, taking into consideration the compatibility of standards adopted by each State concerned.
 - iii) When granting approvals for use of particular products in its territorial waters, competent national authorities shall take into consideration the changes in original properties of dispersants which may occur with aging and the lack of sufficient scientific knowledge of these processes. Accordingly, they may grant such approvals for only a limited period of time or stipulate periodical checking of original properties of approved products.
 - iv) Competent national authorities shall prohibit the use of products whose properties have changed beyond acceptable standards due to aging. According to circumstances, all such products shall be either recuperated or destroyed, disposed of and/or used for other purposes.

4.4 Restrictions on the use of dispersants:

- a) Each coastal State shall endeavour to designate zones, precisely defining their geographical boundaries, where the use of dispersants is either allowed (subject to prior authorization), limited or prohibited.
- b) Such zones shall be designated with a view to protecting particularly sensitive marine ecosystems and/or preventing negative effects of dispersed oil on industrial or other installations in zones not considered as environmentally sensitive.
- c) In designating such zones, competent national authorities shall take into consideration, at least:

- the environmental sensitivity of the area (specific habitats, fish spawning areas, shellfish breeding areas, seasonal changes in the environment, etc.);
 - the oceanographic features of the area (sea depths, currents, wave energy, etc.);
 - the distance from the shore and the type of adjacent coastal formations.
- d) Once such zones have been designated, the competent national authorities responsible for the preparation of national contingency plans, shall endeavour to prepare maps showing the geographical limits of these zones and to include these maps in their respective contingency plans.
- e) When updating contingency plans and in particular as regards the zones where dispersants can be used, the competent national authorities may take into consideration assessment studies on the impact of the use of dispersants during previous pollution events.

4.5 Conditions for the use of dispersants:

With a view to achieving the maximum effectiveness of dispersants' treatment and to minimizing any possible deleterious effects of such treatment, each Mediterranean coastal State shall include in the operational part of its contingency plan, precise technical conditions for the use of dispersants, regarding *inter alia*:

- . types and characteristic of oil which might be chemically dispersable;
- . recommended application techniques;
- . recommended dosages of dispersants;
- . limits of weather/sea state conditions in which the use of dispersants could be envisaged.

4.6 All such requirements, restrictions and conditions for use of dispersants, established by each Mediterranean coastal State individually, should be reflected in their respective national contingency plans and taken into consideration in any bilateral or multilateral operational agreements concerning response to accidental marine oil pollution which the coastal States may wish to enter into.

V. Regional co-operation

- 5.1 Mediterranean coastal States shall exchange the information concerning their respective national policies regarding the use of dispersants, including *inter alia* information on products approved for use, criteria for approval of products, laboratories authorized to perform testing of products, restrictions and conditions for use of dispersants. Such information will be disseminated through RIS.
- 5.2 Mediterranean coastal States agree to mutually accept, in joint response operations in case of emergency, the policy regarding the use of dispersants of the coastal State in whose territorial waters the response operations are carried out.
- 5.3 In all such cases, the competent national authorities of the affected coastal State, agree to consider authorization for use in their territorial waters of dispersants approved by the assisting coastal State, providing that such approval was granted in conformity with the principles on which these Guidelines are based.
- 5.4 Mediterranean coastal States shall endeavour to co-operate in developing compatible testing procedures for approval for use of products commercially available with a view to eventually harmonizing such testing procedures.
- 5.5 Mediterranean coastal States shall endeavour to facilitate the transfer of technology among themselves with regard to the use of dispersants, in particular through REMPEC.
- 5.6 If a State, affected by pollution, does not possess the pre-established national regulations for the use of dispersants, it shall seek the most qualified advice and endeavour to take into account the regulations of the neighbouring States.

VI. Role of REMPEC

- 6.1 REMPEC shall continue to collect and disseminate, through RIS, information concerning:
 - a) the state-of-the-art in the field of using dispersants in oil pollution response;
 - b) new products and application techniques;
 - c) research on the process of aging of stored dispersants and related developments;
 - d) policy, including rules and regulations regarding the use of dispersants, of the Mediterranean coastal States;
 - e) products approved for use in the Mediterranean coastal States;

- f) delineation of zones for the use of dispersants established by the coastal States;
- g) testing procedures adopted by the Mediterranean coastal States;
- h) laboratories authorized to test dispersants on behalf of the competent national authorities in their respective countries.

6.2 On the request of the competent national authorities of the Mediterranean coastal States, REMPEC shall provide advice and technical assistance concerning all aspects of developing national policies regarding the use of dispersants.

6.3 REMPEC shall organize training activities on the use of dispersants aimed at personnel involved in planning and response, either by including these activities in general training courses or by organizing specialized courses.

6.4 REMPEC shall maintain updated versions of the Annexes to these Guidelines taking into consideration acquired experience and technology developments on the one hand and information provided by the member States on the other hand. It shall submit to the Contracting Parties for approval the modifications to be introduced in these Guidelines themselves.