

REGIONAL MARINE POLLUTION EMERGENCY
RESPONSE CENTRE FOR THE MEDITERRANEAN SEA

CENTRE REGIONAL MEDITERRANEEN POUR L'INTERVENTION
D'URGENCE CONTRE LA POLLUTION MARINE ACCIDENTELLE

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Meeting of the Drafting Group on
Principles and Guidelines concerning
co-operation and mutual assistance
in case of emergency.

REMPEC/WG.3/5
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Malta, 21-22 March 1991.

REPORT
OF THE MEETING OF THE DRAFTING GROUP ON
PRINCIPLES AND GUIDELINES CONCERNING
CO-OPERATION AND MUTUAL ASSISTANCE
IN CASE OF EMERGENCY

Malta, 21-22 March 1991



IMO - OMI

MEDITERRANEAN ACTION PLAN
PLAN D'ACTION POUR LA MEDITERRANEE



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in national contingency plans.

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

INTRODUCTION

1. The participants in the Seminar on financial questions, liability and compensation for consequences of accidents causing pollution by oil and other harmful substances held in Malta 8-12 October 1990 (REMPEC/WG.2/5) examined, commented upon and amended the draft Principles and Guidelines concerning co-operation and mutual assistance in case of emergency prepared by the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC) in accordance with the new Objectives and Functions of the Centre as approved by the Sixth Ordinary Meeting of the Contracting Parties - (UNEP(OCA)/MED IG.1/5).
2. Participants in the Seminar decided to submit the Principles and Guidelines which appear on Appendices I, II and IV of Annex VI to the Report of the Seminar (REMPEC/WG.2/5) to the meeting of the Socio-Economic Committee in May 1991.
3. The participants were of the opinion that Appendices III, V, VI and VII contained in Annex VI to the report (REMPEC/WG.2/5) should be further elaborated. For this purpose the participants proposed forming a small group composed of representatives from four Contracting Parties to the Protocol on cooperation in case of Emergency. Cyprus, Egypt, France and Yugoslavia were identified as the four Contracting Parties which should designate their representatives to this Meeting.
4. Pursuant to the above mentioned Conclusions of the Seminar on liability and Compensation the Meeting of a Drafting Group on Principles and Guidelines concerning cooperation and mutual assistance in case of emergency was held in Malta at the premises of the Centre, 21-22 March 1991.
5. According to the Conclusions of the Seminar on liability and compensation, the mandate of this Drafting Group was to finalize the Appendices mentioned above with a view to submitting them to the Meeting of the Socio-Economic Committee in May 1991.
6. REMPEC's official governmental Focal Points of Cyprus, Egypt, France and Yugoslavia have been invited to designate their representatives to this Meeting taking into account the wishes expressed by the participants in the Seminar on liability and compensation, that the representatives designate will be the persons from their country who participated in this seminar. Copy of the letter of invitation has been sent to all the other REMPEC official Focal Points inviting them to designate if they wish, representatives who could participate in the Meeting at their own expense. The International Maritime Organization (IMO) and the Co-ordinating Unit for the Mediterranean Action Plan (MEDU/UNEP) have also been invited to attend the Meeting.

PARTICIPANTS

7. Participants nominated by Cyprus, Egypt, France, Malta and Yugoslavia, as well as a representative of the Co-ordinating Unit for the Mediterranean Action Plan (MEDU/UNEP) participated in the Drafting Group Meeting. The list of participants is given in Annex I of the present Report.

AGENDA ITEM 1 : OPENING OF THE MEETING

8. The Meeting was opened by the Director of REMPEC, Mr. J.C. Sainlos, who welcomed the participants on behalf of Mr. O'Neil, Secretary-General of the International Maritime Organization (IMO). The Director recalled the background of the convening of the Drafting Group Meeting and he stressed the importance of having Principles and Guidelines concerning co-operation and mutual assistance in case of emergency which aimed at facilitating co-operation among Mediterranean coastal States in case of emergency. The Director also thanked the Co-ordinating Unit for the Mediterranean Action Plan for its financial support in organizing the Meeting.

9. Mr. I Dharat, representative of the MAP Co-ordinating Unit (MEDU/UNEP) welcomed the participants on behalf of MAP Co-ordinator, Mr. A. Manos.

AGENDA ITEM 2 : ORGANIZATION OF THE MEETINGElection of the Officers

10. The participants unanimously elected Mr. Loizos Loizides (Cyprus) as Chairman of the Drafting Group Meeting and Mr. Jean-François Levy (France), as Rapporteur.

Working language

11. The Meeting was conducted in English. However, the working documents were provided in both English and French.

AGENDA ITEM 3 : ADOPTION OF THE AGENDA

12. The Meeting adopted the agenda given in Annex II of the present Report, while underlining that under Agenda Item 4 only Appendices III, V, VI and VII of Annex VI to document REMPEC/WG.2/5 should be considered. The list of documents is presented in Annex III.

AGENDA ITEM 4 : REVIEW OF THE PROPOSED PRINCIPLES AND GUIDELINES CONCERNING CO-OPERATION AND MUTUAL ASSISTANCE IN CASE OF EMERGENCY

13. The Director of REMPEC introduced the documents: REMPEC/WG.3/3, REMPEC/WG.3/4 and REMPEC/WG.3/INF.4 containing respectively: (a) the proposed Principles and Guidelines concerning co-operation and mutual assistance in case of emergency; (b) the comments received on the above mentioned Principles and Guidelines; and, (c) the preliminary version of the Regional Information System - Part A "Basic documents, Recommendations, Principles and Guidelines concerning Accidental Marine Pollution Preparedness, Response and Mutual Assistance".

14. The Director of the Centre indicated that the preliminary version of Part A of the Regional Information System contained *inter alia* the proposed Recommendations and the proposed Principles and Guidelines which appeared in Annex V and Annex VI respectively of the report of the Seminar on Liability and Compensation (REMPEC/WG.2/5). He indicated also that the final version of Part A of the Regional Information System would be issued after the Seventh Ordinary Meeting of the Contracting Parties to the Barcelona Convention and would incorporate the final text of the Recommendations and Principles and Guidelines which the Contracting Parties meeting will adopt.

15. Considering the observations received (REMPEC/WG.3/4) the Meeting was of the opinion that the observations from Algeria on Appendix I were not within its mandate and took into account the other observations received from Algeria and Cyprus.

16. The participants in the Meeting examined and amended the draft Appendices contained in the document REMPEC/WG.3/3. The amended Appendices are reproduced in Annex IV to the present Report.

17. When discussing Appendix III, the participants considered that the existing 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/IG.74/5) covered all necessary aspects with the exception of hosting personnel sent for assistance. They considered that this point should be covered under Appendix VI as it appears in Annex IV to the present Report. Accordingly, they decided to delete Appendix III. However, they thought that the Appendices should not be renumbered at the present stage and asked the Secretariat to actually renumber them when the propositions are adopted by the Socio-Economic Committee when it meets in May 1991.

18. When discussing Appendix V, the participants considered that it would be useful to highlight in the introductory paragraphs to whom the check-list is addressed to.

19. For paragraph 1 of Appendix V, Algeria had proposed an amendment. Participants decided to take it into account but to reflect it in paragraph 2.a) of the same Appendix.

20. For paragraph 2 of Appendix V, the participants expanded the text, taking into account the International Convention on Oil Pollution Preparedness, Response and Co-operation, November 1990 (OPRC Convention 1990).

21. During consideration of paragraph 3.b) of Appendix V, the participants discussed the role of assisting experts who should not take decisions where these should be the responsibility of national authorities. They thought that this role should be reflected in the Recommendations appearing in Annex V to Report REMPEC/WG.2/5. However, as a revision of this Annex was not part of their terms of reference, the participants added a footnote to paragraph 3.b) of Appendix V. It was suggested that when the Socio-Economic Committee considers the matter, this footnote should be deleted and a new recommendation introduced within Annex V which would then read:

"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."

22. When considering paragraph 4 of Appendix V, the participants took into account the relevant observation received from Algeria and they further expanded the text.

23. When considering Appendix VI, the participants mainly improved the drafting, taking into account that some elements of the check-list concerned only the requesting Party. They deleted the text on role and responsibilities of experts (see paragraph 21. of the present Report). They requested the Secretariat to replace the words "Annex V to Report REMPEC/WG.2/5" by the appropriate reference, once the relevant Recommendations have been adopted.

24. When considering Appendix VII, the participants stressed the importance of the contents of the three introductory paragraphs. They made a few editorial amendments and re-arranged the order of questions to be considered.

25. Pursuant to its mandate, the participants agreed that the proposed Principles and Guidelines concerning co-operation and mutual assistance in case of emergency which are reproduced in Annex IV to the present Report will be submitted to the Socio-Economic Committee Meeting in May 1991 together with the Recommendations and proposed Principles and Guidelines already approved by the Seminar on financial questions, liability and compensation held in Malta, 8-12 October 1990 (REMPEC/WG.2/5).

26. The participants further suggested that, when the Recommendations and Principles, and Guidelines are introduced in the Regional Information System, the Secretariat should add the appropriate cross-references.

AGENDA ITEM 5 : OTHER BUSINESS

27. The Director of REMPEC made a brief presentation of the state of development of the Regional Information System. He emphasized, in particular, the importance of Part B, Section 1, "Directory of competent national authorities in charge of accidental marine pollution preparedness, response and mutual assistance and other relevant information", and the need for an active contribution from the Parties to the Emergency Protocol to make it as complete as possible.

28. The participants had a brief exchange of views on the possible contents of Part B, Section 2 of the Regional Information System, "Inventory of experts, equipment and products which could, under certain conditions, be put at the disposal of a State, which so requests, in case of emergency".

29. The Director of REMPEC gave information on the training programme of the Centre planned for 1991.

AGENDA ITEM 6 : ADOPTION OF THE REPORT

30. The Drafting Group adopted on 22 March 1991 the text of the present document as the Report of the Meeting of the Drafting Group on Principles and Guidelines concerning co-operation and mutual assistance in case of emergency.

AGENDA ITEM 7 : CLOSURE OF THE MEETING

31. On Friday, 22 March at 18.00 hours, the Chairman declared the Meeting closed.

ANNEX (E) I

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LISTE DES PARTICIPANTS

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ANNEX II

AGENDA

1. Opening of the Meeting.
2. Organization of the Meeting.
3. Adoption of the Agenda.
4. Review of the proposed Principles and Guidelines concerning co-operation and mutual assistance in case of emergency.
5. Other business.
6. Adoption of the Report of the Meeting.
7. Closure of the Meeting.

ANNEX III

LIST OF DOCUMENTS

WORKING DOCUMENTS

- REMPEC/WG.3/1 Provisional Agenda.
- REMPEC/WG.3/2 Annotated Provisional Agenda.
- REMPEC/WG.3/3 Proposed Principles and Guidelines concerning co-operation and mutual assistance in case of emergency.
- REMPEC/WG.3/4 Comments received on the proposed Principles and Guidelines concerning co-operation and mutual assistance in case of emergency.
- REMPEC/WG.3/5 Report of the Meeting.

INFORMATION DOCUMENTS

- REMPEC/WG.3/INF.1 List of documents.
- REMPEC/WG.3/INF.2 List of participants.
- REMPEC/WG.3/INF.3 Time-table.
- REMPEC/WG.3/INF.4 Regional Information System. Part A. Basic documents, Recommendations, Principles and Guidelines concerning Accidental Marine Pollution Preparedness, Response and Mutual Assistance (Preliminary Version). January 1991.

REFERENCE DOCUMENTS

- UNEP Convention for the Protection of the Mediterranean Sea against Pollution and its related Protocols, 1976.
- UNEP/WG.150/8 Report of the Review Meeting on the Structure and Functions of the Regional Oil Combating Centre (ROCC), Malta, 23-27 February 1987.
- UNEP(OCA)/MED.IG.1/5 Report of the Sixth Ordinary Meeting of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea against Pollution and its related Protocols (Athens, 3-6 October 1989).
- ROCC/WG.1/5 Report of the Workshop on Combating Accidental Pollution of the Mediterranean Sea by Harmful Substances, Malta, 22-26 May 1989.
- REMPEC/WG.2/5 Report on the Seminar on financial questions liability and compensation for consequences of accidents causing pollution by oil and other harmful substances, Malta, 8-12 October 1990.

ANNEX IV

PROPOSED PRINCIPLES AND GUIDELINES
CONCERNING CO-OPERATION AND MUTUAL ASSISTANCE

The proposed Principles and Guidelines concerning co-operation and mutual assistance prepared by the Centre in accordance with its Objectives and Functions which appear in the Appendices to this Annex, have been modified and approved by the Meeting of the Drafting Group on Principles and Guidelines concerning co-operation and mutual assistance in case of emergency.

Appendix III : Deleted.

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

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

APPENDIX III

PRINCIPLES AND GUIDELINES CONCERNING ARRANGEMENTS
AND ADMINISTRATIVE PROCEDURES WHICH COULD BE APPLIED
IN CASE OF MUTUAL ASSISTANCE OPERATION

(Deleted)

APPENDIX V

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 where 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 VI

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 REMPEC/WG.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/IG.74/5).

APPENDIX VII

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?