

**Report of the
Open-ended *ad hoc* Meeting of the Working Group
on the Amendments to the Emergency Protocol
to the Barcelona Convention**

Introduction

1. The Meeting of the National MAP Focal Points held in Athens, Greece, 11-14 September 2001 requested the UNEP/MAP Secretariat to convene an "open-ended *ad hoc* meeting" in Malta by the end of October 2001 (UNEP/(DEC)/MED WG.190/12, paragraph 24) in order to:

- a) discuss the remarks proposed by the European Commission on the text of the new draft Emergency Protocol as agreed by the Second Meeting of National Legal and Technical Experts on the Amendments to the Emergency Protocol to the Barcelona Convention, held in Monaco in April 2001 (UNEP/(DEC)/MED WG.189/1, Annex IV
- b) discuss the text of the Annex to Resolution 7 related to the objectives and functions of REMPEC as agreed by the Meeting of the National MAP Focal Points mentioned above, with the reservation of the delegation of the European Community;
- c) examine and consider other comments and proposals concerning the new Emergency Protocol that other Contracting Parties might wish to present.

2. The main objective of the Meeting were to:

- a) take note of the remarks made by the European Community and of the relevant comments received by Bosnia & Herzegovina, Italy, and Monaco as well as by the International Maritime Organization (IMO),
- b) comment upon these remarks and comments;
- c) provide advise on, or possible further modifications in, the new proposed Emergency Protocol for the next meeting of national legal and technical experts;
- d) propose for endorsement a final draft text related to the objectives and functions of REMPEC (former Annex to the Resolution 7) at the Twelfth Ordinary meeting of the Contracting Parties.

3. The Meeting was convened by UNEP/MAP – Secretariat in Malta from 29 to 30 October, 2001 in pursuance of the decision of the National MAP Focal Points held in Athens, 11- 14 September 2001. IMO, the European Community and the members of the Bureau of the Second Meeting of National Legal and Technical Experts (i.e. France, Egypt and Cyprus) were invited to participate. Official REMPEC Focal Points of all other Contracting Parties to the Barcelona Convention have also been invited to attend the meeting at their own expenses.

A complete list of participants is attached as **Annex I** to the present report

Agenda Item 1 Opening of the Meeting

4. The Meeting was opened by the Honorable Dr. Francis Zammit Dimech, Minister for the Environment of the Republic of Malta who welcomed the participants and, recalling to the importance of finalizing the process aimed at providing the Mediterranean region with a new Emergency Protocol, wished the Working Group a fruitful outcome. Mr. Lucien Chabason, Co-ordinator of the Mediterranean Action Plan, also wished a fruitful meeting to the participants.

Agenda Item 2 Rules of Procedure

2.1 Rules of Procedure

5. The participants decided to apply, *mutatis mutandis* the rules of procedure for Meetings and Conferences of the Contracting Parties to the Convention of the Protection of the Mediterranean Sea against pollution and its related Protocols (UNEP/IG/43/6, Annex XI).

2.2 Election of Officers

6 The Meeting, under the chairmanship of Mr. Paul Mifsud, Malta (UNEP (DEC) MEDF WG.190/12 para 24, Athens 19-14-September 2001) elected Mr. Mohamed Aly Borhan (Egypt) as Vice-chairman and Mr. Gabriel Gabrielides (Cyprus) as Reporter.

2.3 Working languages.

7. Simultaneous English/French interpretation was provided during the meeting. The working documents were available only in English.

Agenda Item 3 Adoption of the Agenda

8. The Meeting adopted the agenda contained in Annex II of the present report. The list of documents is presented in Annex III.

Agenda Item 4 Discussion of the EC remarks to the proposed text of the new Emergency Protocol to the Barcelona Convention.

9. Before the discussion, the European Commission representative pointed out that the EC submitted a set of proposals for further amendment of the Monaco text, following recent developments taken place at the EU level. The EU has adopted or agreed on rules for a harmonised and coherent implementation of MARPOL commitments with regard to the provision and use of port reception facilities, of SOLAS provisions as well as of related IMO resolutions, addressing vessel traffic monitoring and information systems for maritime traffic.

He noted that the European Commission's initiative aims at setting up the first step towards a coherent and more harmonised implementation of internationally agreed rules in the entire Mediterranean area, amongst others, by introducing some coastal responsibilities and actions into the Protocol. In addition, some of its proposals strive to pave the way for a smooth adoption of the new Protocol by the European Community and its direct involved Member States having regard to their obligations under the EC Treaty.

The Meeting considered proposals submitted by the European Commission (DG ENVE.3) concerning Preamble to the Protocol and to the Articles 1, 2, 4, 6 (para. 1, b bis bis), 8 1 b and 1 bis, 9 bis, 10 bis, 10 ter, 10 quarter, 10 quinquies and 14, and suggested the texts reproduced in boxes below for the consideration by the Third Meeting of National Legal and Technical Experts on the Amendments to the Emergency Protocol to the Barcelona Convention. Only the outcome of those parts of the discussion relating to each Article that were considered important for the preparation of work of the Third Meeting National Legal and Technical Experts are herewith recorded.

In considering the EC proposals, the meeting took into consideration the comments submitted by Bosnia & Herzegovina, Italy, Monaco, as well as the note and comments submitted by the International Maritime Organization (IMO).

Preamble

The Meeting agreed that, after the fifth paragraph of the Preamble, a new paragraph should be inserted as follows :

Acknowledging the contribution of the European Community to the implementation of international standards as regards maritime safety and the prevention of pollution from ships.

Article 1

The Meeting agreed that Article 1 should be considered together with Article 14, and suggested that the text of paragraph e) as agreed by the Monaco Meeting should not be changed provided that the Third Meeting of National Legal and Technical Experts agrees with the text of Article 14 as reproduced below.

Article 2

The Meeting agreed that, after paragraph 1 of Article 2, a new paragraph should be inserted as follows :

In cooperating, the Parties should take into account as appropriate the participation of local authorities, non-governmental organizations and economic operators.

Article 6, paragraph 1 (b bis bis)

The Meeting agreed that, after the word “concerned”, the words “and other relevant applicable regulations” should be inserted as follows :

the national organization or authorities responsible for the implementation of article 3.2, in particular those responsible for the implementation of the international conventions concerned and other relevant applicable regulations, those responsible for the development of port reception facilities and those responsible for the monitoring of discharges which are illegal under MARPOL 73/78;

Article 8, paragraph 1 (b)

The Meeting agreed that, after the words “noxious substances”, the words “including HNS carried in packaged form” should be inserted as follows:

the presence, characteristics and extent of spillages of oil or hazardous and noxious substances including HNS carried in packaged form observed at sea which pose or are likely to pose a threat to the marine environment or to the coast or related interests of one or more of the Parties.

Article 8, paragraph 1 (bis)

The Meeting agreed that the words “its national law” should be replaced by the words “laws applicable to the Parties” as follows:

Each Party shall also issue instructions to persons having charge of sea ports or handling facilities under its jurisdiction to report to it, in accordance with ~~its national law~~ laws applicable to the Parties, all incidents which result or may result in a discharge of oil or hazardous and noxious substances.

Article 8, paragraph 1
Article 9 bis, paragraph 2

Prior to the Meeting, the EC presented its new proposals concerning the texts of articles 8 and 9, which were not previously circulated, as follows:

- 1) After paragraph 1 of Article 8 the EC proposed the following new text:

“Without prejudice of the provisions of article 14 of the Protocol, each Party shall require the masters of every ship sailing the maritime waters under its jurisdiction to comply with the obligations provided for under 1(a) and 1(b).”

- 2) In regard to Article 9 bis the Commission proposed the following redrafting of the paragraph 2:

“Without prejudice of the provisions of article 14 of this Protocol each Party should require the masters of ships flying its flag and masters of every ship sailing the maritime waters under its jurisdiction and shall invite masters of every ship navigating in maritime waters....”

It was pointed out that the new EC proposals:

1. were weaker than the standards set up by MARPOL and OPRC concerning the obligation imposed by States on vessels flying their flags;
2. could raise legal problems concerning the powers of coastal States, as defined by the LOS Convention, to make mandatory for foreign vessels requirements concerning conditions of navigation, within and beyond territorial waters.

After discussion, the EC suggested a modification of its former amendment proposals as follows:

- (1) After paragraph 1 of Article 8, the following new paragraph should be added

Without prejudice to provisions of Article 14 of the Protocol, each Party shall require the masters of every ship sailing in its territorial waters to comply with the obligations provided for under (a) and (b).

- (2) Paragraph 2 of Article 9 bis should be amended to read as follows:

Without prejudice to Article 14, each Party shall require the masters of ships flying its flag and shall invite masters of each ship sailing in its territorial waters, in case of a pollution incident, to follow the procedures described in the emergency plan and in particular to provide the proper authorities, at their request, with such detailed information about the ship and its cargo which is relevant to actions taken in pursuance of article 9, and to co-operate with these authorities

These proposals were not discussed and will require further legal consideration by the Contracting Parties and by the Secretariat.

Article 10 bis, paragraph 5

The Meeting agreed that the words “of international law and national or supra-national regulations “ should be replaced by the words “national and international law, applicable to one or the other Party involved in the assistance” as follows:

<p>The provisions of this article shall not be interpreted as in any way prejudicing the rights of Parties to recover from third parties the costs of actions taken to deal with pollution incidents under other applicable provisions and rules of international law and national or supra-national regulations national and international law, applicable to one or the other Party involved in the assistance.</p>
--

Article 10 ter, paragraph 1

The Meeting took note of the following EC proposal for amendment of Article 10 ter, para.1:

“The Parties shall take all necessary steps to ensure that reception facilities meeting the needs of ships are available in their ports and terminals and are utilized at reasonable cost by all ships calling at their ports, whether or not they use the facilities, without causing undue delay to ships.”

After an extensive exchange of views, the Meeting agreed on the following text:

The Parties shall take all necessary steps to ensure that reception facilities meeting the needs of ships are available in their ports and terminals. The Parties shall ensure that ships calling to their ports utilize, as necessary, these facilities and contribute at reasonable cost to their operation.

It was noted that the original proposal of the EC would have possible economic consequences and could raise political problems in some areas of the Mediterranean.

The Egyptian delegate raised his concern for the amendments proposed in this paragraph and stressed that he would convey to the Secretariat an official Egypt's reply, as soon as possible.

Article 10 quater

The Meeting agreed that the words “within the framework” should be replaced by the words “respecting the competences” as follows:

In conformity with generally accepted international standards and within the framework of their recognized competencies, the Parties shall take the necessary steps to assess the environmental safety, individually, bilaterally or multilaterally, of the recognized routes used in maritime traffic and shall take the appropriate initiatives, ~~within the framework~~ respecting the competences of the International Maritime Organization, aimed at reducing the risks of accidents or the environmental consequences thereof.

Article 10 quinquies

The Meeting agreed that the words “access to their ports” should be replaced by the words “reception in places of refuge, including ports” and that the title of the article should be changed accordingly as follows:

Title: RECEPTION OF SHIPS IN DISTRESS IN PORTS AND PLACES OF REFUGE

The Parties shall define national, subregional or regional strategies concerning ~~access to their ports~~ reception in places of refuge, including ports, of ships in distress presenting a threat to the marine environment. They shall cooperate to this end and inform the regional centre of the measures they have adopted.

Article 14

Taking into account the agreement to consider Article 1 in conjunction with Article 14, the Meeting suggested that the text of Article 14 as adopted by the Monaco Meeting should be replaced by the following text:

In implementing the provisions of this Protocol, the right of Parties to adopt relevant stricter domestic measures or other measures in conformity with international law, in the areas covered by this Protocol, shall not be affected.

In addition, the EC, in order to make clear that the Protocol will not affect the obligations of Parties, members of the European Community, to implement the EC legislation in areas covered by this Protocol, asked that the Third Meeting of National Legal and Technical Experts would consider one of the following possible options:

1. to include a new paragraph in the Preamble;
2. to further amend Article 14 accordingly ;

As an alternative solution, the EC could also consider formulating a declaration to meet its concern when adopting the Protocol.

Agenda Item 5 Discussion of the Annex to the Resolution 7 concerning objectives and functions of REMPEC

10 The working Group endorsed the modifications in the annex to Resolution 7 proposed by the Secretariat (Annex IV), pursuant to the recommendations addressed to the Secretariat by the Second Meeting of the National Legal and Technical Experts on the amendments to the Emergency Protocol.

Agenda Item 6 Other Business

11. No other issues were discussed.

Agenda Item 7 Adoption of the Minutes of the Meeting

12. The working group adopted the Minutes of the Meeting.

Agenda Item 8 Closure of the Meeting

13. The Meeting was closed by the Chairman at 20.00 hours on Tuesday 31 October 2001.

**OPEN-ENDED AD HOC MEETING
OF WORKING GROUP
ON THE AMENDMENTS TO THE EMERGENCY PROTOCOL TO THE BARCELONA CONVENTION**

Malta, 29 – 30 October 2001

LIST OF PARTICIPANTS

CYPRUS

Mr. Gabriel P. GABRIELIDES
Director
Department of Fisheries and
Marine Research
Ministry of Agriculture, Natural Resources
And Environment
Aeolou 13
1416 Nicosia
Cyprus

Tel: 357-2-807867
Fax: 357-2-775955
E-mail: ggabriel@cytanet.com.cy

EGYPT

Mr. Mohamed Aly BORHAN
Head of Integrated Coastal Zone
Management Division
Egyptian Environmental Affairs Agency
30 Misr-Helwan Agricultural Road
Maadi, Cairo
Egypt

Tel/Fax: 20-2-5256483
E-mail: noscp@intouch.com

FRANCE

Mr. Daniel SILVESTRE
Chargé de mission
Secrétariat Général de la Mer
16, bd Raspail
75007 Paris
France

Tel: 33-1-53634153
Fax: 33-1-53637853

GREECE

Lieut. Comm. H.C.G. Elias SAMPATAKAKIS
Ministry of Mercantile Marine
Marine Environment Protection Division
Head of Section for International Affairs
Ipsilantou 109 & Tsamadou Street
185 35 Piraeus
Greece

Tel: 30-1-4191304
Fax: 30-1-4220440
E-mail: dpthap@mail.yen.gr

MALTA

H.E. Dr. Francis ZAMMIT DIMECH
Minister for the Environment
Ministry for the Environment
Floriana CMR 02
Malta

Tel: 356-222378/ Mob. 09497590
Fax: 356-243306

Mr. Paul MIFSUD
Permanent Secretary
Ministry for the Environment
Floriana CMR 02
Malta

Tel: 356-241644
Fax: 356-250335

Ms. Louisa FARRUGIA
Legal Advisor
Environment Protection Dept.
Ministry for the Environment
Floriana CMR 02
Malta

Tel: 356-232022
Fax: 356-241378
E-mail: louisef@mail.global.net.mt

Mr. Jonathon PACE
Deputy Executive Director
Merchant Shipping Directorate
Malta Maritime Authority
Lascaris Wharf
Valletta VLT 01
Malta

Tel: 356-250360
Fax: 356-241460
E-mail: jonathan.pace@mma.gov.mt

EC

Mr. Alessandro CURATOLO
Principal Administrator
European Commission
Directorate-General Environment
Av. De Beaulieu 5
1160 Brussels
Belgium

Tel: 32-2-2990340
Fax: 32-2-2969567
E-mail: Alessandro.Curatolo@cce.eu.int

Mr. Jacques DE DIEU
E-mail: jacques.de-dieu@cec.eu.int

UNEP/MAP

Mr. Lucien CHABASON
Coordinator

Mr. Evangelos RAFTOPOULOS
Professor of International Law at
Panteion University
MAP Legal Advisor

Coordinating Unit for the
Mediterranean Action Plan
48 Vassileos Konstantinou Avenue
P.O. Box 18019
116 10 Athens
Greece

Tel: 30-1-7273100
Fax: 30-1-7253196-7
E-mail: unepmedu@unepmap.gr
<http://www.unepmetnp.org>

REMPEC

Mr. Roberto PATRUNO
Director

Mr. Darko DOMOVIC
Technical Expert

Regional Marine Pollution
Emergency Response Centre
For the Mediterranean Sea
(REMPEC)
Manoel Island GZR 03
Malta

Tel: 356-337296-8
Fax: 356-339951
E-mail: rempec@waldonet.net.mt

OBSERVER:

NOWPAP MER/RAC

Mr. Chang-Gu KANG⁽¹⁾
Director
Korean Research Institute of Ships & Ocean Engineering
P.O. Box 23 Yusung
Taejon
305-600
Korea

Tel: (042) 868-7260
Fax: (042) 868-7738
E-mail: cgkang@kriso.re.kr

⁽¹⁾ Mr. Chang-Gu Kang is the Director of the Marine Environment Emergency Preparedness and Response Regional Activity Centre (MER/RAC) established on 22 March, 2000 within the framework of the Northwest Pacific Action Plan (NOWPAP) of which China, Japan, Republic of Korea and Russia are parties.

**OPEN-ENDED *AD HOC* MEETING
OF THE WORKING GROUP
ON THE AMENDMENTS TO THE EMERGENCY PROTOCOL TO THE BARCELONA CONVENTION**

Malta, 29 – 30 October 2001

AGENDA

1. Opening of the Meeting
2. Organisation of the Meeting
3. Adoption of the Agenda
4. Discussion of the EC remarks to the proposed text of the new Emergency Protocol to the Barcelona Convention
5. Discussion of the Annex to the Resolution 7 (objectives and functions of REMPEC)
6. Other business
7. Adoption of the minutes of the Meeting
8. Closure of the Meeting

**OPEN-ENDED AD HOC MEETING
OF THE WORKING GROUP ON THE
AMENDMENTS TO THE EMERGENCY PROTOCOL TO THE BARCELONA CONVENTION**

Malta, 29 – 30 October 2001

LIST OF DOCUMENTS

Working Documents

- Provisional Agenda
- Annotated Provisional Agenda
- Report of the Second National Legal and Technical Experts on the amendments to the Emergency Protocol to the Barcelona Convention UNEP(DEC)MED WG.189/1
- Report of the Meeting of MAP National Focal Points (11-14/9/01 Athens) UNEP (DEC) MED WG.190/12.
- New proposed draft Emergency Protocol
- New proposed draft of Annex to Resolution 7 (objectives and functions of REMPEC)
- EC proposal for amendments to the draft Emergency Protocol. ENV/E.3/JVHD (2001), 1 August 2001.
- Comments of Bosnia & Herzegovina to EC proposals, 23 October 2001
- Comments of Italy to EC proposals. SDM/4/7940/c15 , 23 October 2001
- Comments of Monaco to EC proposals, 24 October 2001
- Comments of IMO to EC proposals, 29 October 2001

**ANNEX RELATED TO THE OBJECTIVES AND FUNCTIONS
OF A REGIONAL CENTRE FOR THE IMPLEMENTATION OF THE EMERGENCY PROTOCOL**

I. OBJECTIVES

1. To strengthen the capacities of the coastal States in the Mediterranean region with a view to preventing pollution of the marine environment from ships and ensuring the effective implementation in this region of the rules which are generally recognized at the international level, relating to the prevention of pollution from ships, and with a view to abating, combating and, to the fullest possible extent, eliminating pollution of the marine environment irrespective of the source.
2. To develop regional co-operation in the field of prevention of pollution of the marine environment from ships, and to facilitate co-operation among the Mediterranean coastal States in order to respond to pollution incidents which result or may result in a discharge of oil or other hazardous and noxious substances and which require emergency actions or other immediate response.
3. To assist coastal States of the Mediterranean region, which so request in the development of their own national capabilities for response to pollution incidents which result or may result in a discharge of oil or other hazardous and noxious substances and to facilitate information exchange, technological co-operation and training.
4. To provide a framework for exchange of information on operational, technical, scientific, legal and financial matters, and to promote dialogue aimed at conducting co-ordinated actions at national, regional and global levels for the implementation of the Protocol Concerning Co-operation in Preventing Pollution from Ships and in Combating Pollution of the Mediterranean Sea by Oil and other Hazardous and Noxious Substances in Cases of Emergency.

II. FUNCTIONS

A: GENERAL FUNCTIONS

1. To ensure the follow-up of the implementation of the Protocol to the Barcelona Convention concerning Co-operation in Preventing Pollution from Ships and in Combating Pollution of the Mediterranean Sea by Oil and other Hazardous and Noxious Substances in Cases of Emergency, and to perform relevant secretariat functions. In order to achieve this goal, to organize regular meetings of national authorities responsible for policies in the field of prevention of pollution from ships, preparedness for, and response to and co-operation in case of emergency, and to report to the meetings of the Contracting Parties to the Barcelona Convention.
2. To develop and maintain close working relationships with other Regional Activity Centres of the Mediterranean Action Plan and with the "specialized regional organisms" which play a co-ordinating role as set forth in the Mediterranean Action Plan, particularly with the scientific institutions within the region.
3. To co-operate as appropriate in activities of the Mediterranean Action Plan related to marine pollution.

B: FUNCTIONS CONCERNING PREVENTION OF POLLUTION OF THE MARINE ENVIRONMENT FROM SHIPS

1. To assist the coastal States of the Mediterranean region in reinforcing their national capacities with a view to ~~developing and implementing policies in an efficient manner~~ **the international regulations** for the prevention of pollution **of the marine environment** from ships:

- a) by collecting and disseminating information concerning legal and technical aspects of prevention of pollution from ships, making use of documents prepared by IMO;
- b) by promoting transfer of technology;
- c) by conducting training activities;
- d) by executing, at the request of the States and within the limits of available means, programmes and pilot projects;
- e) by providing technical assistance to the coastal States which so request.

2. To assist the coastal States of the Mediterranean region in developing regional co-operation ~~in the field of~~ **with a view to implementing in an efficient manner the international regulations for the** prevention of pollution of the marine environment by ships:

- a) by promoting, at request of the States the dialogue aimed at conducting co-ordinated actions at national, regional and global levels;
- b) by assisting in the implementation of regional programmes approved by the Contracting Parties;
- c) by conducting studies on subjects of regional interest, at the request of the States.

C: FUNCTIONS CONCERNING PREPAREDNESS FOR AND RESPONSE TO ACCIDENTAL MARINE POLLUTION AND CO-OPERATION IN CASE OF EMERGENCY

1. To collect and disseminate information on:

- i) Competent national authorities responsible for receiving reports of pollution of the sea by oil and other hazardous and noxious substances and for dealing with matters concerning measures of assistance between Parties;
- ii) Inventories of experts, equipment and installations in each coastal State for response to pollution incidents which result or may result in a discharge of oil or other hazardous and noxious substances and which might be, under certain conditions, put at the disposal of the State which so requests in case of emergency;

^{(1) (2)} Introduced by the Secretariat pursuant to the recommendation addressed to the Secretariat by the Second Meeting of National Legal and Technical Experts on the amendments to the Emergency Protocol, Monaco, 2-6 April 2001 (UNEP (DEC)/MED WG. 189/1, paragraphs 41 and 43), taking into consideration the text proposed by the International Maritime Organization at the same Meeting.

- iii) General information, plans, methods and techniques for combating pollution by oil and other hazardous and noxious substances in order to assist as far as necessary countries of the region in the preparation of their national contingency plans;
 - iv) Mediterranean coastal zones, with a particular attention to the zones which are especially sensitive to pollution by oil and other hazardous and noxious substances. This information could be used by risk predicting models and for the preparation of environmental sensitivity maps.
2. To establish, keep up to date and operate a partially computerized data base on chemicals and their properties, risks for human life and the marine environment, response techniques and combating methods.
 3. To progressively develop and operate a marine pollution emergency decision support system with a view to providing rapidly to the Mediterranean coastal States information concerning behaviour, risks and different possibilities for action in cases of accidents involving oil and other hazardous and noxious substances.
 4. To prepare, disseminate and keep up to date operational guides and technical documents.
 5. To develop and maintain a regional Communications/Information system appropriate to the needs of States being served by the Centre.
 6. To develop technological co-operation and training programmes for combating pollution of the sea by oil and other hazardous and noxious substances and to organize training courses.
 7. To assist coastal States of the Mediterranean region, which so request, in the preparation and development of bilateral, multilateral or subregional operational agreements between neighbouring coastal States.
 8. To prepare and keep up to date operational arrangements and guidelines, aimed at facilitating co-operation between Mediterranean coastal States in cases of emergency.
 9. To organize and activate the Mediterranean Assistance Unit for combating accidental marine pollution created by a decision of the Eighth Ordinary Meeting of the Contracting Parties (Antalya, 12 - 15 October 1993) in the conditions described in this decision.
 10. To assist coastal States of the Mediterranean region, which in cases of emergency so request, in obtaining assistance of the other Parties to the Protocol Concerning Co-operation in Preventing Pollution from Ships and Combating Pollution of the Mediterranean Sea by Oil and Other Hazardous and Noxious Substances in Cases of Emergency and Preventing Pollution from Ships, or when the possibilities for assistance do not exist within the region, in obtaining international assistance from outside the region.

ANNEXE RELATIVE AUX OBJECTIFS ET FONCTIONS DU CENTRE REGIONAL POUR LA MISE EN OEUVRE DU PROTOCOLE "SITUATIONS CRITIQUES"

I. OBJECTIFS

1. Renforcer les capacités des États côtiers de la région méditerranéenne en vue de prévenir la pollution du milieu marin par les navires et assurer la mise en oeuvre effective dans cette région des règles qui sont généralement admises sur le plan international relatives à la prévention de la pollution par les navires et en vue de diminuer, combattre et dans toute la mesure possible éliminer la pollution accidentelle du milieu marin.
2. Développer la coopération régionale dans le domaine de la prévention de la pollution du milieu marin par les navires et faciliter la coopération entre les Etats côtiers de la région méditerranéenne afin d'intervenir à la suite d'événements de pollution qui se traduisent ou peuvent se traduire par le déversement d'hydrocarbures ou d'autres substances nocives et potentiellement dangereuses et qui demandent une action d'urgence ou d'autres mesures immédiates de lutte.
3. Aider les Etats côtiers de la région méditerranéenne qui le demandent à se créer une capacité d'action pour intervenir en cas d'événements de pollution qui se traduisent ou peuvent se traduire par le déversement d'hydrocarbures ou d'autres substances nocives et potentiellement dangereuses, et faciliter l'échange d'informations, la coopération technique et la formation.
4. Fournir un cadre pour les échanges d'informations sur les questions opérationnelles, techniques, scientifiques, juridiques et financières et favoriser le dialogue destiné à mener des actions coordonnées aux niveaux national, régional et global pour la mise en oeuvre du Protocole relatif à la coopération en matière de prévention de la pollution par les navires et de lutte contre la pollution de la Mer Méditerranée par les hydrocarbures et autres substances nocives et potentiellement dangereuses en cas de situation critique.

II. FONCTIONS

A: FONCTIONS GENERALES

1. Assurer le suivi de la mise en oeuvre du Protocole à la Convention de Barcelone relatif à la coopération en matière de prévention de la pollution par les navires et de lutte contre la pollution de la mer Méditerranée par les hydrocarbures et autres substances nocives et potentiellement dangereuses en cas de situation critique et exercer les fonctions de secrétariat correspondantes. A cette fin organiser périodiquement les réunions des autorités nationales responsables des politiques de prévention de la pollution par les navires et de préparation, de lutte contre la pollution du milieu marin, ainsi que de la coopération en cas de situation critique et faire rapport à la réunion des Parties contractantes à la Convention de Barcelone.
2. Nouer et entretenir d'étroites relations de travail avec d'autres centres régionaux du PAM, avec les organismes régionaux spécialisés jouant un rôle de coordination comme il est prévu dans le Plan d'Action pour la Méditerranée, en particulier avec les institutions scientifiques de la région.

3. Coopérer, si besoin est, aux activités du Plan d'action pour la Méditerranée concernant la pollution du milieu marin.

B: FONCTIONS CONCERNANT LA PREVENTION DE LA POLLUTION DU MILIEU MARIN PAR LES NAVIRES

1. Assister les États côtiers de la région méditerranéenne afin de renforcer leurs capacités nationales en vue de mettre en oeuvre de manière efficace la réglementation internationale applicable à la prévention de la pollution du milieu marin par les navires en:

- a) recueillant et diffusant des informations relatives aux aspects juridiques et techniques de la prévention de la pollution par les navires en utilisant la documentation établie à cette fin par l'OMI;
- b) favorisant le transfert de technologie;
- c) conduisant des actions de formations;
- d) exécutant à la demande des États et dans les limites des moyens disponibles des programmes et projets pilotes.
- e) fournissant une assistance technique aux États côtiers qui en font la demande.

2. Assister les États côtiers de la région méditerranéenne afin de développer la coopération régionale pour la mise en oeuvre efficace la réglementation internationale applicable à la pollution du milieu marin par les navires:

- a) en organisant, à la demande des États, la concertation en vue de conduire des actions coordonnées aux niveaux national, régional et global;
- b) en aidant à la mise en oeuvre des programmes régionaux approuvés par les Parties contractantes;
- c) en réalisant, à la demande des États, des études sur des sujets d'intérêt régional.

C: FONCTIONS CONCERNANT LA PREPARATION ET LA LUTTE CONTRE LA POLLUTION MARINE ACCIDENTELLE ET LA COOPERATION EN CAS DE SITUATION CRITIQUE

1. Recueillir et diffuser des informations relatives:

- i) Aux autorités nationales compétentes chargées de recevoir les informations concernant la pollution de la mer par les hydrocarbures et autres substances nocives et potentiellement dangereuses et de traiter des affaires d'assistance entre les Parties;
- ii) A l'inventaire des experts, du matériel et des installations dont dispose chaque Etat côtier pour intervenir en cas d'événements de pollution qui se traduisent ou peuvent se traduire par le déversement d'hydrocarbures ou d'autres substances nocives et potentiellement dangereuses et qui seraient susceptibles sous certaines conditions d'être mis à la disposition d'un Etat qui en ferait la demande en cas d'urgence;

- iii) Aux informations générales, plans, méthodes et techniques de lutte contre la pollution par les hydrocarbures et autres substances nocives et potentiellement dangereuses en vue d'aider autant qu'il le faut les pays de la région à préparer leurs plans nationaux d'interventions;
 - iv) Aux zones côtières méditerranéennes, avec une attention particulière aux zones qui sont particulièrement sensibles à la pollution par les hydrocarbures et autres substances nocives et potentiellement dangereuses. Ces informations pourraient être utilisées par les modèles de prévisions des risques et pour l'établissement de cartes de zones sensibles du point de vue de l'environnement.
2. Établir, mettre à jour et exploiter une base de données en parti informatisée sur les produits chimiques et leurs propriétés, les risques pour l'homme et l'environnement, les techniques d'intervention et les méthodes de lutte.
 3. Développer progressivement et exploiter un système informatisé d'aide à la décision en cas de pollution marine accidentelle, en vue de fournir aux États côtiers méditerranéens dans un bref délai, en cas d'accident impliquant des hydrocarbures ou d'autres substances dangereuses, des informations concernant le comportement, les dangers, et les différentes possibilités d'action.
 4. Préparer, diffuser et maintenir à jour des guides opérationnels et de la documentation technique.
 5. Créer et maintenir un système régional de communication et d'information suffisant pour répondre aux besoins des États desservis par le Centre.
 6. Élaborer des programmes de coopération et de formation technique pour la lutte contre la pollution de la mer par les hydrocarbures ou autres substances nocives et potentiellement dangereuses et organiser des cours de formation.
 7. Assister les États côtiers de la région méditerranéenne, qui le demandent, dans la préparation et le développement entre États côtiers voisins d'accords opérationnels bilatéraux, multilatéraux ou sous-régionaux.
 8. Prépare et maintenir à jour des dispositions opérationnelles et des lignes directrices, afin de faciliter la coopération entre les États côtiers méditerranéens en cas d'urgence.
 9. Organiser et déclencher a la demande et au nom des Etats membres qui en font la demande l'Unité d'assistance méditerranéenne pour la lutte contre la pollution marine accidentelle créée par une décision de la huitième Réunion ordinaire des Parties contractantes (Antalya, 12-15 octobre 1993) dans les conditions décrites dans cette décision.
 10. Aider les États côtiers de la région méditerranéenne qui en cas d'urgence le demandent à obtenir l'assistance d'autres Parties au Protocole concernant la coopération en matière de prévention de la pollution par les navires et de lutte contre la pollution de la mer Méditerranée par les hydrocarbures et autres substances nocives et potentiellement dangereuses en cas de situation critique ou, lorsque des possibilités d'assistance ne sont pas disponibles à l'intérieur de la région, à obtenir une assistance internationale en dehors de la région.