



**MEDITERRANEAN ACTION PLAN (MAP)
REGIONAL MARINE POLLUTION EMERGENCY RESPONSE CENTRE FOR THE
MEDITERRANEAN SEA (REMPEC)**

Regional Workshop on Cooperation Arrangements in the
Field of Preparedness for and Response to Oil and Hazardous
and Noxious Substances (HNS) Spills (MEDEXPOL 2016)

REMPEC/WG.40/2
Date: 9 November 2016

St. Julian's, Malta, 14-15 December 2016

Original: English

Agenda Item 2

**THE DRAFT MEDITERRANEAN GUIDE ON COOPERATION AND MUTUAL ASSISTANCE
IN RESPONDING TO MARINE POLLUTION INCIDENTS**

Note by the Secretariat

SUMMARY

Executive Summary: This document provides background information on the development of the draft Mediterranean Guide on Cooperation and Mutual Assistance in Responding to Marine Pollution Incidents. The draft Guide together with its annexes is presented in the Appendix to the document under review.

Action to be taken: Paragraph 11

Related document: REMPEC/WG.37/12, REMPEC/WG.37/14/2, REMPEC/WG.37/16

Background

1 Since 1987, the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC) has developed a series of Principles and Guidelines on various aspects related to cooperation during an oil spill incident. These Principles and Guidelines are listed hereunder:

- .1 "Guidelines for Co Operation in Combating Marine Oil Pollution in the Mediterranean" adopted by the Fifth Ordinary Meeting of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea Against Pollution ("the Barcelona Convention of 1976") and its related Protocols, which was held in Athens, Greece from 7 to 11 September 1987;
- .2 "Principles and guidelines concerning cooperation and mutual assistance" adopted by the Seventh Ordinary Meeting of the Contracting Parties to the Barcelona Convention of 1976 and its related Protocols, which was convened in Cairo, Egypt from 8 to 11 October 1991, and which contained the following Principles, Guidelines and Checklist:
 - "Principles and Guidelines concerning the 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";
 - "Principles and Guidelines concerning the sending, receiving and returning of equipment in case of international assistance operation";
 - "Principles and Guidelines concerning arrangements and operational procedures which could be applied in case of a joint operation";
 - "Checklist of procedures to be followed and persons to be contacted in case of emergency";

- “Checklist 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”; and
- “Guidelines concerning the Exchange of Liaison Officers between the Contracting Parties in case of Response Operations involving Several States” and “Guidelines concerning Arrangements which might be made with a view to ensuring, in case of an accident, liaison between the Governmental Authorities and other Interested Parties” adopted by the Ninth Ordinary Meeting of the Contracting Parties to the Barcelona Convention of 1976 and its Protocols, which was held in Barcelona, Spain from 5 to 8 June 1995.

2 The Meeting of National Experts on the Revision of the Regional Strategy for Prevention of and Response to Marine Pollution from Ships, which was convened in Malta from 11 to 12 March 2015, agreed upon the need to review the Mediterranean Principles and Guidelines in view of the latest regional and international developments.

3 In this context, following discussions on the document REMPEC/WG.37/14/2 on the proposal related to future possible work of the Mediterranean Technical Working Group (MTWG), and the document REMPEC/WG.37/12 on cooperation between REMPEC and the European Commission (EC) as well as the European Maritime Safety Agency (EMSA), the Eleventh Meeting of the Focal Points of the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC), held in Malta from 15 to 17 June 2015, agreed:

- .1 to include a complete review of the Mediterranean “Principles and Guidelines on cooperation and mutual assistance” in the programme of work of the MTWG for the biennium 2016-2017;
- .2 to organise working-level exchanges between, on the one hand, the Mediterranean coastal States and, on the other hand, relevant entities such as the International Maritime Organization (IMO), the United Nations Environment Programme (UNEP) together with representatives from the Mediterranean Action Plan (MAP) of UNEP (UNEP/MAP), the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), REMPEC, EC as well as EMSA, to discuss cooperation arrangements and synergies between the European and regional mechanisms.

4 Subsequently, the Nineteenth Ordinary Meeting of the Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols (COP19), which was held in Athens, Greece from 9 to 12 February 2016 agreed to support:

- .1 the update of the Mediterranean “Principles and Guidelines on cooperation and mutual assistance” in MAP’s Programme of Work and Budget for 2016-2017; and
- .2 the organisation of a technical regional workshop (MEDEXPOL) and a high level meeting on cooperation arrangements in the field of preparedness and response to oil and HNS spills.

5 In this regard, the High Level Meeting and the Launch of the Fortieth Anniversary Celebrations of the Centre, with the theme “Cooperation in the Mediterranean to prevent and combat marine pollution” was organised on 4 October 2016 in Malta, by REMPEC together with the Government of Malta, with a view to bringing together all nations bordering the Mediterranean Sea under one forum and with one clear objective, to collaborate in protecting the Mediterranean Sea. Whilst the outcome of the High Level Meeting will be presented at a later stage, it is worth highlighting the high interest expressed by Contracting Parties with regard to REMPEC’s continued support and assistance in numerous fields related to prevention of, preparedness for and response to marine pollution from ships within its current mission, mandate and beyond.

Draft Mediterranean Guide on Cooperation and Mutual Assistance in Responding to Marine Pollution Incidents

6 In accordance with the above, REMPEC, with the assistance of a Consultant, developed a draft Mediterranean Guide on Cooperation and Mutual Assistance in Responding to Marine Pollution Incidents, hereinafter referred to as the “draft Guide”, which is presented in the Appendix to the document under review.

7 In preparing the draft Guide, it was acknowledged that the main objective of the revision of the Mediterranean “Principles and Guidelines on cooperation and mutual assistance” is to provide advice to Mediterranean coastal States to ensure effective coordination between all stakeholders potentially involved in a major incident in the Mediterranean region.

8 The draft Guide built on existing manuals and guidelines, addresses the needs of countries with low response capacities as well as those of countries with robust response and preparedness system. It aims at providing comprehensive and practical information and guidance material for the management of response to accidental marine pollution and considers possible situations, scenarios and types of relations, which would be established at the time of a marine pollution incident. It does not cover operational and technical matters, which are addressed in other regional and international manuals and guidelines.

9 The draft Guide is divided in four (4) parts as follows:

- .1 Part I provides background information on the legal and institutional framework of regional and international assistance and provides also an overview of the current situation, the risks and the parties which will be or may be involved in a marine pollution incident;
- .2 Part II addresses the relationship between the parties involved in an incident and presents various scenarios of requests and offers of assistance as well as the types of national systems;
- .3 Part III details the management and organizational aspects of regional and international assistance by providing step by step guidance for reporting, requesting and offering assistance up to the termination of the operation, whilst proposing a set of standard forms to facilitate the requests and offers of assistance at regional level; and
- .4 Part IV gives useful information on legal, administrative and financial aspects related to the requests and offers of assistance.

10 The draft Guide is completed by a set of annexes including lists, directories, inventories, and existing Guidelines (Annex I), forms for pollution reporting, request for assistance, offer of assistance, acceptance/declination of offer of assistance (Annex II) and procedures for the preparation and submission of claims (Annex III).

11 The “Principles and Guidelines on cooperation and mutual assistance” referred in paragraph 1 of the present document are included in Annex I. The proposed amendments to the “Principles and Guidelines on cooperation and mutual assistance” are presented in square brackets for review and approval, where appropriate.

Actions requested by the Meeting

12 **The Meeting is invited to:**

- .1 **take note** of the information provided in the present document;
- .2 **comment** upon the draft Guide, which is presented in the Appendix to the document under review, as deemed appropriate; and
- .3 **request** the Secretariat to prepare a final draft Guide prior to its submission to the Twelfth Meeting of the Focal Points of the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC), to be tentatively held in Malta in May 2017, for its review and recommendations.

APPENDIX

Draft Mediterranean Guide on Cooperation and Mutual Assistance in Responding to Marine Pollution Incidents

December 2016

This activity has been financed by the Mediterranean Trust Fund (MTF), the International Maritime Organization (IMO) Integrated Technical Cooperation Programme (ITCP), and The global oil and gas industry association for environmental and social issues (IPIECA), and has been implemented by the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC).

FOREWORD

The Mediterranean Guide on Cooperation and Mutual Assistance in Responding to Marine Pollution Incidents has been prepared in line with the mandate of the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC) (Decision IG.19/5) as approved by the Sixteenth Ordinary Meeting of the Contracting Parties, held in Marrakesh, Morocco, between 3 and 5 November 2009, considering in particular its objective, mission and scope of action.

The objective of REMPEC is to contribute to preventing and reducing pollution from ships and combating pollution in case of emergency. In this respect, the mission of REMPEC is to assist the Contracting Parties in meeting their obligations under Articles 4(1), 6 and 9 of the Barcelona Convention¹; the 1976 Emergency Protocol²; the 2002 Prevention and Emergency Protocol³ and implementing the Regional Strategy for Prevention of and Response to Marine Pollution from Ships [...]. The Centre will also assist the Contracting Parties which so request in mobilising the regional and international assistance in case of an emergency under the Offshore Protocol [...].

REMPEC's main fields of action for the prevention of pollution of the marine environment from ships and the development of preparedness for and response to accidental marine pollution and cooperation in case of emergency consist of:

1. *strengthening the capacities of the coastal States in the region with a view to preventing pollution of the marine environment from ships and ensuring the effective implementation in the region of the rules that 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 from shipping activities, including pleasure crafts;*
2. *developing regional cooperation in the field of the prevention of pollution of the marine environment from ships, and facilitating cooperation among 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. *assisting 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 facilitating the exchange of information, technological cooperation and training;*
4. *providing a framework for the exchange of information on operational, technical, scientific, legal and financial matters, and promoting dialogue aimed at conducting coordinated action at the national, regional and global levels for the implementation of the Prevention and Emergency Protocol; and*
5. *assisting coastal States of the region, which in cases of emergency so request, either directly or by obtaining assistance from the other Parties, or when possibilities for assistance do not exist within the region, in obtaining international assistance from outside the region.*

¹ Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean

² Protocol concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and other Harmful Substances in Cases of Emergency

³ Protocol concerning Co-operation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea

INTRODUCTION

The Mediterranean Guide on Cooperation and Mutual Assistance in Responding to Marine Pollution Incidents, hereinafter referred to as the “Guide”, is a tool developed by REMPEC to assist Contracting Parties to the Barcelona Convention and its Protocols in managing requests and offers of assistance from other countries and organisations when confronted with large, complex or significant marine pollution incidents.

This Guide built on existing manuals and guidelines is designed to provide the required background information and guidance to the national competent authorities in charge of managing and coordinating cooperation and mutual assistance when responding to marine pollution incidents.

This Guide addresses the needs of countries with low response capacities as well as those of countries with robust response and preparedness system.

Purpose

The Guide provides comprehensive and practical information and guidance material for the management of response to accidental marine pollution. It considers possible situations, scenarios and types of relations which would be established at the time of a marine pollution incident. It aims at ensuring cooperation and coordination of all parties involved in a major pollution incident in the Mediterranean region. The Guide does not cover operational and technical matters, which are addressed in other regional and international manuals and guidelines.

The Guide concentrates on relationships between the relevant national authorities of an affected Contracting Party and other parties involved (other governments, REMPEC, the polluter, industries, private sectors, insurances, etc.) taking into account of the specificities of the Mediterranean region and building on existing arrangements.

The Guide:

- reviews several types of requests and offers of assistance scenarios: Government to Government; Government to REMPEC; Government to Private Sector; Private Sector to Government; and Private Sector to Private Sector;
- considers the roles of Requesting Country's and Assisting Country's relevant State authorities in supporting government and industry response personnel (i.e. operators) to obtain the appropriate tools and resources for operational needs through the establishment of dedicated management structure(s) for all aspects of cooperation and international assistance during a particular incident;
- addresses relationship between the relevant Authorities of the Affected Country/ Requesting Country and the polluter/responsible party (and/or the responsible party's representatives and response contractors) in the context of the management of cooperation and international assistance: who initiates, who funds, and who directs the solicitation, coordination, and management of response resources needed and accepted;
- outlines the role of Requesting Country's authorities involved: in requesting assistance; in resolving customs, immigration and trade issues; in appropriately expediting the receipt of response resources from other countries; as well as the role of the Response Authority in charge of response operations when it comes to define the need for international assistance;
- takes into account the Assisting Country's role and responsibility in overseeing/authorizing release of government-owned and private sector equipment and personnel, whose movement may be restricted due to a need to meet minimum requirements of response capacity;
- addresses considerations for the **Requesting Country** to fund or reimburse costs associated with the receipt of resources from an **Assisting Country** or **Assisting Organisation**;
- considers how best to evaluate offers provided from **Assisting Countries** or **Assisting Organisations** to assure they meet the operational needs of the response; and
- emphasizes the **role of REMPEC in assisting countries** including in coordinating international assistance.

Organisation and use of the Guide

The Guide is composed of four parts which can be read separately. They contain the minimum information and guidance, which authorities will need to access rapidly in case of emergency. The information and guidance contained in the body of the guide are complemented with detailed annexes and references to comprehensive documents including links to specialised websites in particular to the Regional Information System (RIS) developed and maintained by REMPEC. Elements contained in this Guide can also be taken into account in the national preparedness and response system.

PART I BACKGROUND

Part I provides background information on the legal and institutional framework of regional and international assistance and provides also an overview of the current situation, the risks and the parties which will be or may be involved in a marine pollution incident.

PART II RELATIONSHIPS, COOPERATION AND MUTUAL ASSISTANCE IN CASE OF EMERGENCY AND POLLUTION INCIDENT

Part II addresses the relationship between the parties involved in an incident and presents various scenarios of request and offer of assistance as well as the types of national systems.

PART III COORDINATION, MANAGEMENT AND ORGANISATIONAL ASPECTS

Part III details the management and organisational aspects of regional and international assistance. It provides step by step guidance for; reporting; requesting and offering assistance up to the termination of the operation. This part proposes also a set of standard forms to facilitate the request and offer of assistance at regional level.

PART IV ADMINISTRATIVE, LEGAL AND FINANCIAL ASPECTS

Part IV gives useful information on legal, administrative and financial aspects related to the request and offers of assistance.

The Guide is completed by a set of annexes including lists, directories, inventories, and existing Guidelines (Annex I), forms for pollution reporting, request for assistance, offer of assistance, acceptance/declination of offer of assistance (Annex II) and procedures for the preparation and submission of claims (Annex III).

The Guide will be maintained electronically on the Centre's website www.rempec.org to allow, in particular, periodic amendments of the lists, directories, inventories referred to in Annex I.

TABLE OF CONTENTS

| | |
|--|----------|
| PART I - BACKGROUND..... | 9 |
| 1. Legal Framework | 9 |
| 1.1 International conventions | 9 |
| 1.1.1 The Law of the Sea Convention..... | 9 |
| 1.1.2 IMO Conventions | 9 |
| 1.2 Regional Convention and Protocols..... | 13 |
| 1.2.1 Convention for the Protection of the Mediterranean Sea Against Pollution..... | 13 |
| 1.2.2 Prevention and Emergency Protocol | 14 |
| 1.2.3 Offshore Protocol | 15 |
| 1.3 National legal framework..... | 15 |
| 2. International Institutional Framework | 17 |
| 2.1 Governmental institutions..... | 17 |
| 2.1.1 Institutions belonging to the UN system..... | 17 |
| 2.1.2 Intergovernmental institutions which do not belong to the UN system | 18 |
| 2.2 Non-governmental institutions..... | 19 |
| 2.2.1 ITOPF..... | 19 |
| 2.2.2 IPIECA and IOGP | 19 |
| 2.2.3 CEFIC..... | 20 |
| 2.2.4 International Salvage Union (ISU) | 20 |
| 2.2.5 The International Association of Classification Societies (IACS) | 20 |
| 3. Current Situation | 21 |
| 3.1 Current situation of Mediterranean countries regarding prevention to, preparedness for and response to marine pollution | 21 |
| 3.1.1 National systems for prevention, preparedness and response of all Contracting Parties to the Prevention and Emergency Protocol | 21 |
| 3.1.2 Sub-regional and bilateral agreements | 21 |
| 3.2 Mechanisms for assistance..... | 22 |
| 3.2.1 Role of REMPEC | 22 |
| 3.2.2 Role of IMO | 23 |
| 3.2.3 Role of UNEP/OCHA | 23 |
| 3.2.4 Role of the IOPC Funds | 23 |
| 3.2.5 Role of ERCC, CECIS..... | 23 |
| 3.2.6 Role of UN financing support mechanisms..... | 23 |
| 3.3 Industry Arrangements..... | 24 |
| 3.3.1 The Liability Insurer | 24 |
| 3.3.2 ITOPF..... | 24 |
| 3.3.3 Tier 2 and Tier 3 Oil Spill Response Companies | 24 |
| 3.3.4 CEFIC, ICE..... | 24 |

| | | |
|-------|--|-----------|
| 3.3.5 | International salvage union | 24 |
| 3.4 | Resources available for International Assistance in the Mediterranean region | 25 |
| 3.5 | Existing Guidelines | 25 |
| 3.5.1 | IMO Guidelines:..... | 25 |
| 3.5.2 | REMPEC Guidelines | 25 |
| 4. | The Risks of Pollutions and the various types of Situations | 26 |
| 4.1 | Sources of pollution | 26 |
| 4.2 | Type of pollutants | 27 |
| 4.3 | Type of release..... | 27 |
| 4.4 | Size of pollution | 27 |
| 4.5 | Place of pollution | 27 |
| 4.6 | Nature of the pollution incident (causes of pollution) | 28 |
| 4.7 | Number of countries affected | 28 |
| 5. | Parties which will be involved..... | 28 |
| 5.1 | Government(s) of the affected country(ies) | 28 |
| 5.2 | The ship interests | 29 |
| 5.2.1 | The ship owner..... | 29 |
| 5.2.2 | The Master of the ship | 29 |
| 5.2.3 | Cargo owner | 30 |
| 5.2.4 | Insurance: P & I Club, ITOPF..... | 30 |
| 5.2.5 | IOPC Funds..... | 30 |
| 5.2.6 | Flag State | 31 |
| 5.3 | Operators of offshore units..... | 31 |
| 5.4 | Operators of sea ports and oil and chemical handling facilities | 31 |
| 5.5 | Assisting Entities | 32 |
| 5.6 | Assisting countries | 32 |
| 5.7 | Response contractors | 32 |
| | PART II - RELATIONSHIPS, COOPERATION AND MUTUAL ASSISTANCE IN CASE OF EMERGENCY AND POLLUTION INCIDENT | 33 |
| 1. | Relationships with Parties Involved | 33 |
| 1.1. | Relationships with responsible party..... | 33 |
| 1.2. | Relationships with REMPEC | 34 |
| 1.3. | Relationships with other Contracting Parties affected or likely to be affected | 35 |
| 1.4. | Relationships with Contracting Parties requested to provide assistance | 35 |
| 1.5. | Relationships with response providers | 35 |
| 1.6. | Relationships with compensation mechanism (IOPC Funds) | 36 |
| 1.7. | Relationships with insurers of offshore unit and sea port and oil and HNS handling facilities | 36 |
| 2. | Several Types of Requests and Offers of Assistance Scenarios | 36 |
| 2.1. | Government of affected country to Government of Contracting Party..... | 37 |

| | | |
|------|---|-----------|
| 2.2. | Government of affected country(ies) requesting assistance to Government of country(ies) offering assistance through REMPEC | 37 |
| 2.3. | Government of affected country to UN organisations (IMO, UNEP/OCHA), EU | 37 |
| 2.4. | Government of affected country to responsible party- private sector-response contractors | 38 |
| 2.5. | Responsible party to response contractors..... | 38 |
| 2.6. | Responsible party to Assisting Country and REMPEC..... | 38 |
| 3. | Different types of national response systems when it comes to who is in charge of response operations..... | 38 |
| 3.1. | For marine pollution arising from ship..... | 39 |
| 3.2. | For marine pollution incidents arising from offshore units or shore oil and chemical handling facilities..... | 40 |
| 3.3. | In case of large and major pollution | 40 |
| | PART III - MANAGEMENT OF REGIONAL AND INTERNATIONAL ASSISTANCE | 42 |
| 1. | A national preparedness and response system, a pre-requisite..... | 42 |
| 1.1. | General principles | 42 |
| 1.2. | Initial assessment..... | 42 |
| 1.3. | Notification..... | 42 |
| 1.4. | Activation of the National Contingency Plan | 43 |
| 2. | Requesting for assistance, mobilising external resources | 43 |
| 2.1. | Evaluation of the needs..... | 43 |
| 2.2. | Requesting procedures | 44 |
| 2.3. | Terms and conditions..... | 45 |
| 2.4. | Communication and reporting | 46 |
| 3. | Offers of Assistance | 46 |
| 3.1. | From Contracting Parties and international organisations..... | 46 |
| 3.2. | From private sectors | 47 |
| 3.3. | Acceptance and decline (<i>evaluation of offer</i>)..... | 47 |
| 4. | Resources mobilised by the responsible party at its own expenses..... | 49 |
| 4.1 | Following the request of the government of the affected country to take measures to combat the pollution, mobilisation of resources by the responsible party at its own expenses..... | 49 |
| 4.2 | At its own initiative and with the agreement of the affected country, mobilization of resources by the responsible party at its own expense | 49 |
| 5. | Joint response operations carried out by neighbouring countries | 50 |
| 5.1 | Cooperation among the neighbouring countries (request/offer of assistance) and coordination of the mobilisation of the resources | 50 |
| 5.2 | Request of international assistance by each individual country, and management of external offers of assistance made to each individual country (coordination) | 50 |
| 6. | Dispatching of resources..... | 50 |
| 6.1 | Role and responsibility of the Assisting Country for dispatching resources | 51 |
| 7. | Operational command of the resources mobilised in the context of international assistance | 51 |

| | | |
|--|--|-----------|
| 7.1 | The command structure of the Requesting Country shall have the overall operation control and supervision of response operations | 52 |
| 7.2 | Operational arrangements in the case of joint response operations by neighbouring countries | 52 |
| 7.3 | Use of dispersants | 52 |
| 7.4 | The liaison between the assisting Party and the Requesting Country during the response operations shall be maintained, according to circumstances: | 53 |
| 8. | Termination of assistance | 53 |
| 8.1 | Termination by the assisting Party | 53 |
| 8.2 | Termination by the affected country | 53 |
| 9. | Possible role of REMPEC in coordinating international assistance | 53 |
| PART IV - ADMINISTRATIVE, LEGAL AND FINANCIAL ASPECTS | | 55 |
| 1 | Administrative and legal aspects | 55 |
| 1.1. | Customs | 55 |
| 1.2. | Immigration issues | 55 |
| 1.3. | Points of entry | 56 |
| 1.4. | Transboundary movement of response personnel, equipment, products and self-contained units | 56 |
| 1.4.1. | Over flight procedures | 56 |
| 1.4.2. | Navigation procedures | 56 |
| 1.4.3. | Personnel, equipment, products and self-contained units provided by the industry | 57 |
| 1.4.4. | Liability for injuries or damage/insurance of personnel | 57 |
| 1.5. | Medical insurance and medical assistance | 57 |
| 1.6. | Conditions of work | 58 |
| 1.7. | Legal framework | 58 |
| 2 | Financial aspects | 58 |
| 2.1. | Financing response measures and assistance | 58 |
| 2.1.1. | Financing response measures carried out and assistance provided by assisting parties (assisting country or private contractors) at the request of the affected country | 59 |
| 2.1.2. | The responsible party may accept to pay directly the assisting Party requested by the Requesting Country | 59 |
| 2.1.3. | REMPEC assistance | 60 |
| 2.2. | Reimbursement of costs of response measures and assistance | 60 |
| 2.3. | Calculation of costs of response measures and assistance | 60 |
| 2.4. | Preparation and submission of claims | 61 |

ANNEXES

ANNEX I - LISTS, DIRECTORIES, INVENTORIES and GUIDELINES

ANNEX I.1 - DIRECTORY OF RELEVANT INTERNATIONAL AND REGIONAL INSTITUTIONS

ANNEX I.2 - LISTS OF CONTRACTING PARTIES' FOCAL POINTS

ANNEX I.3 - DIRECTORY OF COMPANIES OFFERING SERVICES IN THE MEDITERRANEAN IN CASE OF EMERGENCY

ANNEX I.4 - MEDITERRANEAN "PRINCIPLES AND GUIDELINES ON COOPERATION AND MUTUAL ASSISTANCE"

ANNEX I.5 - MEDITERRANEAN ASSISTANCE UNIT FOR COMBATING ACCIDENTAL MARINE POLLUTION

ANNEX II - EMERGENCY PROCEDURES and FORMS

ANNEX II.1 - POLLUTION REPORTING SYSTEM - (POLREP)

ANNEX II.2 - EMPTY STANDARD POLREP FORM

ANNEX II.3 - STANDARD FORM FOR REQUEST OF EXPERT

ANNEX II.4 - STANDARD FORM FOR REQUEST OF EQUIPMENT AND PRODUCTS

ANNEX II.5 - STANDARD FORM FOR OFFER OF ASSISTANCE

ANNEX: II.6 - SAMPLE OF RECEIPT/ ACKNOWLEDGE FORM

ANNEX II.7 - SAMPLE OF ACCEPTANCE FORM

ANNEX II.8 - SAMPLE OF DECLINE /ON HOLD FORM

ANNEX II.9 - SITUATION REPORT (SITREP)

ANNEX III - CLAIMS

ANNEX III.1 - PREPARATION OF CLAIMS

ANNEX III.2 - SUBMISSION, ASSESSMENT AND SETTLEMENT OF THE CLAIM

PART I - BACKGROUND

Part I provides background information regarding the legal and institutional framework under which cooperation and international assistance should be organised. It provides also an overview of the current situation, the risks and the parties which will be or may be involved in a marine pollution incident.

1. Legal Framework

1.1 International conventions

1.1.1 The Law of the Sea Convention

The United Nations Convention on the Law of the Sea (UNCLOS) imposes a general obligation on States to protect and preserve the marine environment. It further provides that States:

- shall take, individually or jointly as appropriate, all measures to prevent, reduce and control pollution of the marine environment from any source, using for this purpose the best practicable means at their disposal and in accordance with their capabilities;
- have the right to take and enforce measures beyond the territorial sea proportionate to the actual or threatened damage to protect their coastline or related interests from pollution or threat of pollution following upon a maritime casualty; and
- shall individually or jointly develop and promote contingency plans for responding to pollution incidents in the marine environment.

1.1.2 IMO Conventions

It is through the competent international organisation, the International Maritime Organization (IMO), that rules and regulations to prevent, reduce and control pollution of the marine environment from ships as well as for compensation for pollution damage are established. These rules and regulations, which are contained in the following conventions and which have been complemented by manuals and guidelines, are the basis for establishing national system for preparedness and response to marine pollution incidents as well as for international and regional cooperation.

1.1.2.1. The MARPOL Convention

The International Convention for the Prevention of Pollution from Ships (MARPOL) is the main international convention covering prevention of pollution of the marine environment by ships from operational or accidental causes. The MARPOL Convention provides under its Article 2.4 a clear definition of ship⁴. A number of provisions of the MARPOL Convention apply to fixed or floating platforms as well as specific provisions contained in the Mobile Offshore Drilling Units Code (MODU Code). The main provisions of the Convention addressing response to marine pollution incidents relate to:

- the notification and reporting of incidents; and
- the contingency planning.

Protocol I: Provisions concerning Reports on Incidents involving Harmful Substances.

It is an obligation of the master or other person having charge of any ship involved in an incident to report such incident without delays in accordance with the provisions of the Protocol. The Protocol specifies when to make reports, the contents of report, and the reporting procedures. IMO by Resolution A.851(20) adopted the General principles for ship reporting systems and ship reporting requirements, including guidelines for reporting incidents involving dangerous goods, harmful

⁴ "Ship" means a vessel of any type whatsoever operating in the marine environment and includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft and fixed or floating platforms

substances and/or marine pollutants and amended by MEPC resolution (MEPC.138(53)) ((Ref :par 3.5)

Regulation 37 of MARPOL Annex I: Shipboard oil pollution emergency plan

Requires that oil tankers of 150 gross tonnage and above and all ships of 400 gross tonnage and above carry an approved Shipboard Oil Pollution Emergency Plan (SOPEP).

Regulation 17 of MARPOL Annex II: shipboard marine pollution emergency plan for noxious liquid substances

Similarly, regulation 17 of MARPOL Annex II requires that all ships of 150 gross tonnage and above carrying noxious liquid substances in bulk carry an approved shipboard marine pollution emergency plan for noxious liquid substances. The latter may be combined with a SOPEP, since most of their contents are the same and one combined plan on board is more practical than two separate ones in case of an emergency. To make it clear that the plan is a combined one, it should be referred to as a Shipboard Marine Pollution Emergency Plan (SMPEP). "Guidelines for the development of shipboard marine pollution emergency plans for oil and/or noxious liquid substances " have been adopted by the MEPC resolution MEPC.85(44) and amended by resolution MEPC. 137(53) (Ref: par 3.5)

1.1.2.2. OPRC Convention, OPRC/HNS Protocol

The International Convention on Oil Pollution Preparedness, Response and Co-operation 1990 (OPRC 90) and the Protocol on Preparedness, Response and Co-operation to pollution Incidents by Hazardous and Noxious Substances (OPRC-HNS Protocol 2000) are the international instruments that provide a framework designed to facilitate international co-operation and mutual assistance in preparing for and responding to major oil or HNS pollution incidents and requires States to plan and prepare themselves by developing national systems for pollution response in their respective countries, and by maintaining adequate capacity and resources to address oil or HNS pollution emergencies.

Among the requirements of the OPRC Convention and of the OPRC/HNS Protocol the following should be underlined:

• **Emergency plans**

Parties shall:

- Ensure that **ships** have on board a shipboard marine pollution emergency plan;
- Request that operators of **offshore units** under their jurisdiction have oil pollution emergency plans which are coordinated with the national system and approved in accordance with procedures established by the competent national authority.
- Request that authorities or operators in charge of **sea ports and oil and chemical substance (HNS) handling facilities** under their jurisdiction have pollution emergency plans or similar arrangements which are coordinated with the national system and approved in accordance with procedures established by the competent national authority.

• **Reporting procedures**

Parties shall:

- Request the masters or other persons having charge of a **ship** to report without delay any event on their ship involving a discharge or probable discharge of oil or hazardous substances;
- Request persons having charge of **sea ports and oil and/or hazardous and noxious substances handling facilities** under their jurisdiction to report without delay any event on their facilities involving a discharge or probable discharge of oil or hazardous substances;
- Request persons having charge of **offshore units** under their jurisdiction to report without delay any event on their offshore unit involving a discharge or probable discharge of oil;

- Reports shall be made in accordance with the requirements developed by IMO and based on the guidelines and general principles adopted by the Organization. (Ref: par 3.5)

- **National and regional systems for preparedness and response**

Parties shall:

- Establish a national system for responding promptly and effectively to pollution incidents. This system shall include in particular an authority which is entitled to act on behalf of the State to request assistance or to decide to render the assistance requested.
- Endeavour to conclude bilateral or multilateral agreements for pollution preparedness and response.

- **Cooperation with shipping industry, oil and chemical industries, port authorities and other relevant entities**

Parties shall, as appropriate in cooperation with oil and shipping industries, port authorities and other entities, establish: a minimum level of pre-positioned combating equipment, commensurate with the risk involved; and, mechanisms or arrangements to co-ordinate the response to a pollution incident with the capabilities to mobilise the necessary resources.

- **International cooperation in pollution response**

Party receiving a pollution report shall without delay inform all States whose interests are affected or likely to be affected by such pollution incident.

Upon a request of assistance of any Party affected or likely to be affected by a pollution incident, Parties agreed that subject to their capabilities and availability of relevant resources, they will cooperate and provide assistance to respond to a pollution incident. The Convention set out provisions for the financing of the costs of such assistance.

A Party which has requested assistance may ask the Organization (IMO) to assist in identifying sources of provisional financing of the cost of international assistance.

1.1.2.3. Intervention Convention 1969 and its Protocol 1973

According to UNCLOS, coastal States are empowered to take and enforce measures within their territorial waters and Exclusive Economic Zone (EEZ) to protect their coastline or related interests, including from pollution or the threat of pollution following a maritime incident.

The basis for a coastal State to intervene in a pollution incident on the high seas, i.e. outside their territorial waters and EEZ, is provided through the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties (Intervention Convention 69) that entered into force in 1975. Under certain conditions, State parties to the Convention are empowered to take measures on the high seas as may be necessary to prevent, mitigate, or eliminate grave and imminent danger to their coastline or related interests from pollution or threat of pollution of the sea by oil. A Protocol to the Convention was adopted in 1973 to extend its scope to substances other than oil. The Intervention Convention and its Protocol are particularly relevant in the Mediterranean region due to the fact that EEZ have not been formally established.

1.1.2.4. Salvage Convention (1989)

The International Convention on Salvage (1989) provides uniform international rules regarding salvage operations, taking into consideration the increased concern for the protection of the environment and the contribution which efficient and timely salvage operations can make to the safety of vessels and other property in danger and to the protection of the marine environment. The 1989 Salvage Convention stipulates that “the reward shall be fixed with a view to encouraging salvage operations, taking into account the protection of the marine environment”.

The salvor must not only carry out the salvage operations with due care, but in doing this, he must “exercise due care to prevent or minimise damage to the environment”. In this way, due care to protect the environment becomes a legal duty in all of the salvage operations to which the Convention applies, and it cannot be varied by the contract.

1.1.2.5. Wreck Removal Convention

The Nairobi International Convention on the Removal of Wrecks, entered into force in April 2015, to provide a legal basis for States to remove, or have removed, shipwrecks located within their Exclusive Economic Zone (EEZ) that may have the potential to affect adversely the safety of lives, goods, and property at sea, as well as the marine and coastal environment. Among several provisions, the Convention places financial responsibility with ship owners for locating, marking, and removing certain wrecks posing a hazard to the affected State.

1.1.2.6. The 1992 Civil Liability Convention (CLC)

The 1992 Civil Liability Convention (CLC) governs the liability of ship owners for oil pollution damage and creates a system of compulsory liability insurance. A ship owner can normally limit his liability on the principle of strict (i.e. "no fault") liability to an amount which is linked to the tonnage of his ship. The CLC applies to oil pollution damage resulting from spills of persistent oil from tankers. Spills of cargo or bunker oil from sea-going vessels constructed or adapted to carry oil in bulk as cargo, whether the tanker is laden or unladen, are covered by the CLC. The CLC covers pollution damage suffered in the territory, territorial sea or EEZ or equivalent area of a State party to the Convention.

The flag State of the tanker and the nationality of the ship owner are irrelevant for determining the scope of application. “Pollution damage” is defined as loss or damage caused by contamination. For environmental damage (other than loss of profit from impairment of the environment) compensation is restricted, however, to costs actually incurred or to be incurred for reasonable measures to reinstate the contaminated environment. The notion of pollution damage includes measures, wherever taken, to prevent or minimise pollution damage in the territory, territorial sea or EEZ (“preventive measures”). Expenses incurred for preventive measures are recoverable even when no spill of oil occurs, provided that there was a grave and imminent threat of pollution damage.

The scope of compensation covers reasonable costs associated with: preventive measures (clean-up), property damage, economic loss and environmental damage (restoration).

Claims under CLC can be made only against the registered owner of the tanker concerned or directly against his insurer. The insurer will normally be one of the Protection and Indemnity Associations (P&I Clubs) which insure the third party liabilities of the ship owner. If the damage exceeds the owner's liability under the CLC, or the owner is financially incapable and his insurance is insufficient, or he is exempted from liability under the specific exemptions listed in the CLC, the 1992 Fund (see below par 1.1.2.8) will pay the share of compensation that is not paid under CLC. To obtain compensation under the Fund Convention, claimants should submit their claims directly to the 1992 Fund.

1.1.2.7. The 2001 Bunker Convention

The 2001 Bunker Convention aims to ensure adequate compensation for pollution response and pollution damage arising from spills of ships' bunker oil not otherwise compensated under the CLC. The Bunker Convention is moulded on the CLC to provide compensation for pollution response and pollution damage. The provisions of this Convention do not affect the right of the ship owner or its insurer to limit liability under the applicable national or international limitation regime. The Convention requires the registered owner of a ship having a gross tonnage greater than 1000 tons to maintain compulsory insurance equal to the limit of liability calculated in accordance with the separate Limitation of Liability of Maritime Claims Convention (LLMC), as amended. As with the CLC, compensation under the Bunkers Convention is paid by the vessel's owner backed by their insurer, usually a P&I Club.

1.1.2.8. The 1992 Fund Convention and Supplementary Fund Protocol (IOPC Fund)

The 1992 Fund Convention provides a supplement to the CLC when compensation is not available from the ship owner or the money available under the CLC is inadequate to pay claims resulting from spills of persistent oil from tankers. This second tier of compensation provides up to 203 million of special drawing rights (⁵SDR) (including the amounts payable under the 1992 CLC) and is paid by receivers of oil in countries that have signed the 1992 Fund Convention. A Supplementary Fund is available providing a third tier of compensation up to 750 million SDR (approximately US\$1.1billion), including the amounts payable under the 1992 CLC and Fund Conventions, in countries that have signed the Supplementary Fund Protocol. The International Oil Pollution Compensation Funds (IOPC Funds) and the Supplementary Fund are administered by a Secretariat based in London.

1.1.2.9. The Hazardous and Noxious Substances Convention (HNS Convention) (not yet into force)

The International Convention on Liability and Compensation for Damage, in connection with the Carriage of Hazardous and Noxious Substances by Sea (The HNS Convention 1996, amended by the HNS Protocol in 2010), is modelled on the two tier compensation regime of the Civil Liability and Fund Conventions. The ship owner or insurer is strictly liable to pay claims under the first tier up to a limit of liability determined by the size of the vessel, with compensation paid by the vessel's insurer, usually a P&I Club. The second tier, providing compensation up to a maximum of 250 million SDR, is paid from a fund established by receivers of HNS in countries that have signed the Convention. The Convention covers both pollution damage and damage caused by other risks (e.g. fire and explosion), including loss of life.

The ship owner is entitled to limit liability under this Convention in respect of any one incident to 11.5 million SDR for a ship not exceeding 2,000 tons. For larger ships, an aggregate calculated on the basis of the tonnage of the ship is added to that amount, and provides compensation up to 100 million SDR for bulk goods, and 115 million SDR for packaged goods.

A substance is classified as HNS under the Convention if it is included in one or more lists of IMO Convention and Codes designed to ensure maritime safety and prevention of pollution. HNS includes non-persistent hydrocarbon oil, bulk cargoes (solid, liquids or liquefied gasses) and packaged goods.

The above mentioned IMO Conventions impose requirements on the ships and it is for the flag States and the port States to ensure that the ships comply with such requirements. When it comes to offshore units and sea port and oil and chemical handling facilities it is for the State in the areas of jurisdiction of which they operate to establish rules and regulations. (Ref 1.3) There are no global liability and compensation regimes for pollution from offshore unit.

1.2 Regional Convention and Protocols

1.2.1 Convention for the Protection of the Mediterranean Sea Against Pollution

In 1976, a Conference of Plenipotentiaries representing sixteen Mediterranean coastal States and the European Communities adopted the Convention for the Protection of the Mediterranean Sea Against Pollution (Barcelona Convention), which aims at protecting the marine environment and coastal zones through prevention and reduction of pollution, and as far as possible, elimination of pollution, whether land or sea-based. The Convention refers to a number of sources of pollution of the Mediterranean and is the umbrella framework convention under which the Protocols are implemented. In addition, besides setting general obligations, the Convention addresses some cross-cutting issues, such as pollution monitoring of the Mediterranean Sea, scientific and technological cooperation, environmental legislation, public information and participation, and liability and compensation.

- Pollution from Ships Article 6

The Contracting Parties shall take all measures in conformity with international law to prevent, abate, combat and to the fullest possible extent eliminate pollution of the Mediterranean Sea Area caused by

discharges from ships and to ensure the effective implementation in that Area of the rules which are generally recognised at the international level relating to the control of this type of pollution.

- Pollution Resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil Article 7

The Contracting Parties shall take all appropriate measures to prevent, abate, combat and to the fullest possible extent eliminate pollution of the Mediterranean Sea Area resulting from exploration and exploitation of the continental shelf and the seabed and its subsoil.

- Cooperation in Dealing with Pollution Emergencies Article 9

The Contracting Parties shall cooperate in taking the necessary measures for dealing with pollution emergencies in the Mediterranean Sea Area, whatever the causes of such emergencies, and reducing or eliminating damage resulting therefrom.

Any Contracting Party which becomes aware of any pollution emergency in the Mediterranean Sea Area shall without delay notify the Organization and, either through the Organization or directly, any Contracting Party likely to be affected by such emergency.

1.2.2 Prevention and Emergency Protocol

The Protocol Concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea is the legal framework for regional cooperation in the Mediterranean region in the fields of prevention of and response to marine pollution.

General Obligations

The Parties shall cooperate:

- to implement international regulations to prevent, reduce and control pollution of the marine environment from ships; and
- to take all necessary measures in cases of pollution incidents.

The Prevention and Emergency Protocol is modelled on the related IMO Conventions in particular the OPRC Convention and contains the same requirements than those of the said Convention. The main requirements relate to:

- Contingency Plans (Article 4);
- Emergency Measures on Board Ships, on Offshore Installations and in Ports (Article 11);
- Pollution Reports and Reporting Procedures (Articles 8 and 9);
- Assistance (Article 12); and,
- Reimbursement of Costs of Assistance (Article 13).

Regarding assistance, the Protocol specifies that: “any Party requiring assistance to deal with a pollution incident may call for assistance from other Parties, either directly or through the Regional Centre ...”; and, “where the Parties engaged in an operation to combat pollution cannot agree on the organisation of the operation, the Regional Centre may, with the approval of all the Parties involved, coordinate the activity of the facilities put into operation by these Parties (Article 12).

In addition the Protocol (Article 7) contains specific provisions requesting each Party to undertake directly and through the Regional Centre (i.e. REMPEC), dissemination to the other Parties and exchange of information on:

- their national system for prevention of, preparedness for and response to marine pollution incident,
- their competent national organisations and authorities responsible of preparedness for and response to marine pollution incidents and particular the relevant authority(ies) in charge of cooperation and mutual assistance.

The Parties are encouraged (Article 17) to develop and maintain bilateral or multilateral sub-regional agreements. Upon request of the interested Parties, the Regional Centre shall assist them.

1.2.3 Offshore Protocol

The Offshore Protocol requests the Contracting Parties to take, individually or through bilateral or multilateral cooperation, all appropriate measures to prevent, abate, combat and control pollution in the Protocol area resulting from offshore activities.

- Requirements for authorisations: Article 5

The Contracting Party shall prescribe that any application for authorisation of exploration or exploitation is subject to the submission of the project by the candidate operator to the competent authority and such application must include in particular:

- the operator's contingency plan as specified in Article 16;
- the insurance or other financial security to cover liability as prescribed in Article 27. Parties shall take all measures necessary to ensure that operators shall have and maintain insurance cover or other financial security of such type and under such terms as the Contracting Party shall specify in order to ensure compensation for damages caused by the activities covered by the Protocol.

Regarding preparedness, response and assistance to marine pollution incident the Parties shall implement *mutatis mutandis* the Emergency Protocol

- Contingency Planning: Article 16

Each Party shall require operators in charge of offshore installations under its jurisdiction to have a marine pollution contingency plan coordinated with national preparedness and response system of the contracting Party as requested by the Emergency Protocol.

- Notification: Article 17

Each Party shall require operators in charge of offshore installations under its jurisdiction to report without delay to the competent national authority any incident on their installation causing or likely to cause pollution.

- Mutual assistance in cases of emergency: Article 18

In cases of emergency, a Party requiring assistance may request help from the other Parties, either directly or through the Regional Centre (REMPEC), which shall do their utmost to provide the assistance requested.

1.3 National legal framework

Laws and regulations of the Contracting Parties shall incorporate the relevant provisions of the international conventions (global and regional) to which they are (should be) party providing a solid, familiar and uniform operating environment for all parties concerned. Therefore the laws and regulations shall establish the requirements imposed on the parties concerned by the international conventions as well as specific requirements countries may imposed on parties operating in areas under their jurisdiction in particular regarding contingency plan for offshore platform and oil and chemical handling facilities. It is for the coastal State to establish rules and regulation regarding offshore exploration and exploitation in particular to prevent reduce and control the pollution of the marine environment from such activities.

And most importantly the laws and regulations must fix the responsibilities and designate the competent national Authorities responsible for:

- preparedness;

- operational response; and
- management of cooperation and international assistance.

A prerequisite to ensure a prompt and effective response to a pollution incident using its own resources and/or the resources provided through international assistance is to have in place a national preparedness and response system. The OPRC Convention, the OPRC/HNS Protocol and the Prevention and Emergency Protocol require that parties promote and maintain a preparedness and response system establishing preparedness, management and response structures readily available prior to a pollution incident.

The basis for the action of the authorities responsible for response operations and those authorities responsible for providing them support in particular regarding cooperation and international assistance are in the relevant provisions of the international conventions and must be in the national laws and regulations. Those authorities must have a good knowledge of those conventions and national laws and regulations.

2. International Institutional Framework

(Annex I.1)

2.1 Governmental institutions

2.1.1 Institutions belonging to the UN system

2.1.1.1. *United Nations Environment Programme/Mediterranean Action Plan (UNEP/MAP)*

The Barcelona Convention designates the United Nations Environment Programme (UNEP) as responsible for carrying out the secretariat functions. To that end, under the auspices of UNEP, the Coordinating Unit (MEDU) has been established as the Secretariat of the Mediterranean Action Plan (MAP). It convenes and prepares the Meetings of Contracting Parties, regularly reports to the Contracting Parties on the implementation of the Convention and of the Protocols, prepares programmes and budget, and, supervises the main MAP Components (Regional Activity Centres).

It is the function of the Meetings of the Contracting Parties to keep under review the implementation of the Convention and its Protocols and, in particular, to approve the Programmes and Budget.

2.1.1.2. *International Maritime Organization (IMO)*

IMO is a United Nations Specialized Agency, designated in the law of sea as the competent international Organization, with the mandate of developing universal, globally applicable rules regulations and standards regarding maritime safety and marine environment protection. A global regulatory regime has been put in place, consisting of conventions, protocols, manuals, guidelines covering prevention, reduction and control of pollution from ships which include preparedness for and response to marine pollution accidents as well as liability and compensation.

The Marine Environment Protection Committee (MEPC) is the forum where those issues are addressed.

2.1.1.3. *IMO/UNEP-REMPEC*

REMPEC has been established by Resolution 7 adopted by the Conference of Plenipotentiaries of the Coastal States of the Mediterranean Region on the Protection of the Mediterranean Sea at Barcelona on 9 February 1976. REMPEC is administered by IMO and UNEP, and the objectives and functions of the Centre are defined by the Contracting Parties to the Convention.

Ordinary meetings of the Parties to the Prevention and Emergency Protocol shall be held in conjunction with Ordinary Meetings of the Contracting Parties to the Barcelona Convention. It shall be the function of the meetings of the Parties to this Protocol, in particular to:

- examine and discuss reports from the Centre on the implementation of this Protocol;
- formulate and adopt strategies, action plans and programs for the implementation of this Protocol;
- keep under review and consider the efficacy of these strategies, action plans and programs, and the need to adopt any new strategies, action plans and programs and to develop measures to that effect; and
- discharge such other functions as may be appropriate for the implementation of the Protocol.

Periodically (every two years) the Centre organises a meeting of the REMPEC Focal Points. The REMPEC Focal Points meetings examine and discuss reports from the Centre and formulate and approve strategies, action plans and programmes. The outcomes of those meetings are submitted to the meeting of the Contracting Parties for consideration and final adoption.

2.1.1.4. *Joint UNEP/OCHA Environment Unit*

The Joint Environment Unit (JEU) of the United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA) responds to environmental emergencies by coordinating international efforts and

mobilising partners to assist affected countries requesting assistance. By pairing the environmental expertise of UNEP and the humanitarian response network coordinated by UN OCHA, the JEU ensures an integrated approach in responding to environmental emergencies.

An environmental emergency can occur following a disaster or conflict when human health and livelihoods are threatened and affected on a major scale due to the release of hazardous substances, or because of significant damage to the ecosystem. Environmental emergencies include oil spills, toxic waste dumping, and groundwater pollution, when the environmental risks are acute and potentially life threatening

2.1.2 Intergovernmental institutions which do not belong to the UN system

2.1.2.1. IOPC Funds

The IOPC Funds are two intergovernmental organisations (the 1992 Fund and the Supplementary Fund) which provide compensation for oil pollution damage resulting from spills of persistent oil from tankers.

The IOPC Funds were established through the entry into force of:

- The 1992 Civil Liability Convention (1992 CLC);
- The 1992 Fund Convention; and
- The 2003 Supplementary Fund Protocol.

The IOPC Funds are financed by contributions paid by entities that receive certain types of oil by sea transport. These contributions are based on the amount of oil received in the relevant calendar year, and cover expected claims, together with the costs of administering the Funds.

The 1992 Fund and the Supplementary Fund share a joint Secretariat, based in London. The Director is the chief administrative officer and is responsible for the overall management of the Funds. In order to fulfil the requirements of the 1992 Fund Convention and of the Supplementary Fund Protocol the governing bodies of the IOPC Funds meet two or three times per year. The governing bodies are required, amongst other things, to give instructions concerning the administration of the Funds to the Director and to supervise the proper execution of the Conventions and of their own decisions.

The Assembly is the supreme organ of the relevant Funds and decides on the annual budget and contributions to the Organization and approves Financial Statements.

2.1.2.2. European Commission

European Commission humanitarian aid and civil protection

- The **Emergency Response Coordination Centre (ERCC)**, operating within the European Commission's Humanitarian Aid and Civil Protection department (ECHO), was set up to support a coordinated and quicker response to disasters both inside and outside Europe using resources from the countries participating in the European Union (EU) Civil Protection Mechanism. The ERCC replaces and upgrades the functions of the previous Monitoring and Information Centre (MIC).
- With a capacity to deal with several simultaneous emergencies in different time zones, around-the-clock, the ERCC is a **coordination hub** facilitating a coherent European response during emergencies helping to cut unnecessary and expensive duplication of efforts.

The **European Maritime Safety Agency (EMSA)** is one of the EU agencies. The Agency provides technical assistance and support to the European Commission and EU Member States. It has also been given operational tasks in the field of oil pollution response, vessel monitoring and in long range identification and tracking of vessels.

The activities of the Agency in the field of marine pollution preparedness and response are focused on providing operational assistance and information to EU Member States. The main service pillars are:

- The Network of Stand-by Oil Spill Response Vessels distributed along the European coastline;
- Clean Sea Net: the satellite based oil spill and vessel detection and monitoring service;
- The MAR-ICE (Marine-Intervention in Chemical Emergencies) Information Service in case of chemical spills at sea;
- Cooperation and coordination with the EU Commission, EU Member States, EFTA/EEA Coastal Countries, Candidate Countries, Acceding Countries, Regional Agreements (e.g. IMO/UNEP REMPEC) and other relevant international organisations such as IMO;
- The provision of information through publications and workshops.

The activities of the Agency were initially focused on responding to ship-source marine pollution, firstly oil pollution and then pollution by hazardous and noxious substances. As of 1 March 2013, with the entry into force of Regulation (EU) No 100/2013, EMSA also has a mandate to respond to marine pollution caused by oil and gas installations.

General Emergency requests should be sent to the ERCC of the European Commission preferably through the Common Emergency Communication and Information System (CECIS). Alternatively the request can be sent to the ERCC by email or fax.

CECIS is a secure web-based application to facilitate emergency communication among its users. It also contains a database of Member States and EMSA operational response capabilities.

2.2 Non-governmental institutions

2.2.1 ITOPF

The International Tanker Owners Pollution Federation Limited (ITOPF) was established in 1968 in the wake of the TORREY CANYON oil spill. Its original function was the administration of an oil spill compensation scheme. During the 1970s, ITOPF developed its technical services function and established a team of well qualified scientists able to offer around the clock technical support to tanker owners, their P&I insurers and other groups.

ITOPF has been providing its key service of emergency response to tanker owners since the 1970s. From 1999 this service was formally extended to the owners of other types of ship as well. The growing awareness of oil pollution from container ships, general cargo ships and other non-tank vessels, plus the development of the Bunkers Convention, led to a change.

From February 1999, owners of ships other than tankers were eligible to become Associates of ITOPF and also have access to its technical services. More recently, the pollution potential of substances other than oil, primarily chemicals, and the development of corresponding international conventions, e.g. the HNS Convention, has led to an increase in demand for expertise in these areas.

2.2.2 IPIECA and IOGP

The global oil and gas industry association for environmental and social issues (IPIECA) is the global oil and gas industry association for environmental and social issues. IPIECA was formed in 1974 following the launch of UNEP.

IPIECA has been working to harness the collective expertise and technology of the oil industry on the topic of oil spill preparedness and response. While prevention is always the ultimate goal, IPIECA gives equally high priority to developing the capability to respond to spills.

IPIECA is the oil and gas industry's main interface with the IMO. IPIECA which has formal observer status takes part in MEPC meetings and contributes to the development of tools and guidance that help countries to implement the OPRC Convention effectively.

IPIECA works together with the International Association of Oil & Gas Producers (IOGP) for developing guidance material, procedures and standard for preparedness and response to offshore platform pollution incident.

2.2.3 CEFIC

The European Chemical Industry Council (CEFIC) is the forum of the Chemical industry in Europe. Under the Responsible Care program the chemical industry, in the event of an incident, will provide information, practical help and, if necessary and possible, appropriate equipment to the competent emergency authorities in order to minimise any adverse effects. The Intervention in Chemical Transport Emergencies (ICE) is a co-operative program, set up by the European chemical industry to achieve this goal. In each European country, it seeks to create a framework for providing assistance in an effective way:

- by making use of the emergency response schemes of individual chemical companies;
- by building on existing emergency response schemes - local, regional and product - related (chlorine, isocyanates, ethylene oxide, etc.);
- by co-operating with national authorities through the National Chemical Federation;
- by promoting mutual assistance within the chemical industry.

Each national ICE scheme applies only to distribution incidents (i.e. those that occur outside manufacturing sites) and is formalised in a protocol between the national chemical industry federation and the national competent authorities.

In close cooperation with CEFIC and the Centre of Documentation, Research and Experimentation on Accidental Water Pollution (CEDRE), EMSA created the MAR-ICE Network in 2008, to provide information and expert advice on chemicals involved in maritime emergencies. The service is available to national administrations 24/7 via a dedicated contact point.

2.2.4 International Salvage Union (ISU)

The majority of professional salvors are members of the International Salvage Union (ISU). This organisation represents some 52 companies based in 30 different countries around the world. The salvage companies have tugs and other salvage equipment at a number of different ports and areas throughout the world and some of the companies have salvage tugs stationed at various strategic locations. Some salvage tugs are being maintained at salvage stations in certain coastal States as a result of arrangements made between their owners and other commercial interests or the authorities in those States

2.2.5 The International Association of Classification Societies (IACS)

IACS makes a unique contribution to maritime safety and regulation through technical support, compliance verification and research and development. More than 90% of the world's cargo carrying tonnage is covered by the classification design, construction and through-life compliance Rules and standards set by the twelve Member Societies of IACS.

The purpose of a Classification Society is to provide classification and statutory services and assistance to the maritime industry and regulatory bodies as regards maritime safety and pollution prevention, based on the accumulation of maritime knowledge and technology.

The objective of ship classification is to verify the structural strength and integrity of essential parts of the ship's hull and its appendages, and the reliability and function of the propulsion and steering systems, power generation and those other features and auxiliary systems which have been built into the ship in order to maintain essential services on board. Classification Societies aim to achieve this objective through the development and application of their own Rules and by verifying compliance with international and/or national statutory regulations on behalf of flag Administrations.

3. Current Situation

3.1 Current situation of Mediterranean countries regarding prevention to, preparedness for and response to marine pollution

3.1.1 National systems for prevention, preparedness and response of all Contracting Parties to the Prevention and Emergency Protocol

(REF: REMPEC RIS).

REMPEC has provided its assistance since its establishment in the field of national systems for preparedness for and response to marine pollution, to the competent national authorities of Albania, Algeria, Croatia, Cyprus, Egypt, Israel, Lebanon, GSP Libyan Arab Jamahiriya, Malta, Montenegro, Morocco, Slovenia, Syrian Arab Republic, Tunisia and Turkey.

At present 18 Mediterranean coastal States have existing national preparedness and response systems, including operational national contingency plans (Albania, Algeria, Croatia, Cyprus, Egypt, France, Greece, Israel, Italy, Malta, Monaco, Montenegro, Morocco, Slovenia, Spain, Syrian Arab Republic, Tunisia and Turkey).

On the basis of information provided, REMPEC maintains a country profile of each Party to the Barcelona Convention which includes in particular:

- the status of national preparedness and response system;
- the status of ratification of the relevant conventions;
- the contact list of the competent national authorities;
- expertise and resources available for international assistance

It appears from the country profiles that within the region there are:

- Countries with well develop national system including combating resources;
- Countries with a national contingency plan but with limited resources;
- Countries with a national system which require improvement and with very limited resources;
- Countries with a national system still under preparation and with very limited resources.

Considering the different levels of response capacities available in the region, international cooperation and assistance will be required for a number of Mediterranean countries even in cases of medium size pollution. (*Annex I.2*)

3.1.2 Sub-regional and bilateral agreements

In addition to assisting individual coastal States in developing their national systems, and in conformity with its mandate, REMPEC assists the Mediterranean coastal States, which so request, in the preparation and development of bilateral and multilateral operational agreements between neighbouring countries. REMPEC has also been involved since 1992 in the development of sub-regional systems for preparedness and response to major marine pollution incidents. Such sub-regional arrangements for mutual assistance in case of marine pollution emergencies significantly extend the spill response capacities of individual countries, by providing a mechanism for pooling resources and jointly conducting response operations.

- Sub-regional agreements:
 - South east (Cyprus, Egypt, Israel) signed 9 June 1995, not yet in force
 - Adriatic (Croatia, Italy, Slovenia) signed 9 December 2005, not yet in force
 - South western (Algeria, Morocco, Tunisia) signed 20 June 2005, entered into force 11 May 2011.
 - RAMOGEPOL (France, Italy, Monaco) revised 2012
- Bilateral agreements:
 - LION plan (France, Spain) entered into force 22 July 2002

3.2 Mechanisms for assistance

3.2.1 Role of REMPEC

One of the main tasks of the Centre, deriving from its mandate, has been defined as “assistance to the coastal States of the Mediterranean region, which in cases of emergency so request, in obtaining assistance of the other Parties to the Prevention and Emergency Protocol or, when the possibilities for assistance do not exist within the region, in obtaining assistance from outside the region”.

Any Party affected by a marine pollution can request REMPEC through the official communication channel or through the Pollution Report (*Annex II.1 and Annex II.2*).

Assistance rendered by the Centre may comprise:

- Remote assistance
 - providing requested information and advice, by telephone or other communication means, on operational, technical, administrative and legal aspects of pollution response (e.g. Oil and HNS response), forecasting model, response to affected wildlife, etc...;
 - providing assistance in communications with various interlocutors on behalf of the State(s) concerned;
 - providing advice on sources of information not available at the Centre;
 - coordinating regional assistance; and
- On-site assistance
 - providing expert advice on the site of accident by dispatching REMPEC officers or by mobilising the Mediterranean Assistance Unit (MAU) (*Annex I.5*).

The assistance provided included remote assistance providing technical advises, in consultation with the Centre's expertise network or on-site support through the deployment of REMPEC officers or through the activation of the MAU. The Contracting Parties to the Barcelona Convention meeting in October 1993 decided to establish a Mediterranean Assistance Unit (MAU) for combating accidental marine pollution which REMPEC organises and at the request of a Contracting Party will activate within the limit of its budget or/and the financial resources it can mobilise.

At the time of writing the Guide, the MAU was composed by:

- Centre of Documentation, Research and Experimentation on Accidental Water Pollution, based in Brest, France; (CEDRE)
- Federazione Nazionale dell'Industria Chimica, based in Milan, Italy (FEDERCHIMICA)
- Istituto Superiore per la Protezione e la Ricerca Ambientale, based in Rome, Italy (ISPRA).
- Sea Alarm Foundation (SEA ALARM) which collaborates with REMPEC for the response to oiled wildlife incidents in the Mediterranean Sea area
- The Mediterranean Operational Network for the Global Ocean Observing System (MONGOOS) which can provide on request oil spill forecasting model within one hour to any Mediterranean coastal State.

Within the context of an incident of a major magnitude, the type of assistance provided (advice, expertise, manpower, equipment, financial support, etc.) varies as well as sources (Bilateral, International, Intergovernmental/Non-governmental Organisations, private companies, individuals, etc.). This assistance contributes to the response operation, as expertise, equipment and manpower is required, *inter alia*, to carry out cleanup operations on extended stretch of shoreline to protect various locations, to recover oil at sea (requiring heavy equipment and expensive means), etc.

However, massive mobilisation can also create difficulties and confusion due to the complexity of managing a multi-national and multi-organisation coordination and due to the quantity of information provided by the different sources which requires a methodical information screening and dissemination policy. Hence, it is crucial to establish, at the early stage of an incident, a coordination

procedure in order to avoid duplication of efforts and increase the efficiency of international assistance.

- Revolving fund

With the view to initiate promptly assistance to a Party which so request in case of emergency, a revolving fund has been established.

In very exceptional circumstances (major accident, no immediate liable parties, international offers of assistances from all around the world) REMPEC may play an important central role as clearing mechanism, between the Party faced with the spill and the international offers of assistance in order to avoid duplication of means and inadequacy of the assistance offer; and contribute to a good coordination of the mobilisation of the resources and of speeding up its delivery.

- Regional Information System

REMPEC has developed and maintain a regional information system (RIS) composed of directories and inventories; operational guides and technical documents; and which is complemented by decision support system tools, including the Maritime Integrated Decision Support Information System (MIDSIS-TROCS), the waste management decision support system, the Mediterranean Integrated GIS on Marine Pollution Risk Assessment and Response (MEDGIS-MAR).

3.2.2 Role of IMO

In case of emergency, IMO will support REMPEC in fulfilling its role and responsibility, and will facilitate the provision of technical assistance and advice as well as identifying sources of provisional financing.

3.2.3 Role of UNEP/OCHA

In cases of environmental emergency UNEP/OCHA will coordinate international efforts and mobilise partners to assist affected countries requesting assistance. In cases of marine pollution incident UNEP/OCHA, IMO and REMPEC cooperate and coordinate their efforts to avoid duplication.

3.2.4 Role of the IOPC Funds

In addition to the first tier of compensation which is paid by the owner of a ship which causes pollution damage under the 1992 Civil Liability Convention, the 1992 Fund Convention provides a second tier of compensation which is financed by receivers of oil in 1992 Fund Member States.

Anyone, individuals, businesses, local authorities and States, in a Member State of the 1992 Fund who has/have suffered pollution damage caused by oil transported by a tanker can claim compensation from the ship-owner/insurer, the 1992 Fund and, if applicable, the Supplementary Fund.

3.2.5 Role of ERCC, CECIS

EU is a contracting Party to the Barcelona Convention and its Protocols. As the other Parties the EU shall use its best endeavour to render assistance to Parties when so requested. For that purpose the EU nominated as EU competent authorities for mutual assistance: ERCC operating within DG ECHO; and EMSA.

3.2.6 Role of UN financing support mechanisms

In exceptional circumstances the World Bank and the United Nations Development Programme (UNDP) can initiate and coordinate voluntary financing support from countries (e.g. Lebanese).

3.3 Industry Arrangements

3.3.1 The Liability Insurer

The third-party liabilities of the ship owner, and often of charterers, will generally be covered by mutual insurance associations called P&I Club of ship owner members. A P&I Club covers only the ship owner's legal liabilities in the sense of damage or compensation which the owner is legally obliged to pay to others. Ship owners are entitled to limit their liability under various international conventions (CLC 92/ HNS 96-protocol 2010) or national law. The insurance cover is often, in practice, restricted to the limitation amount applicable to the ship.

- Small Tanker Oil Pollution Indemnification Agreement (STOPIA) 2006. The Agreement establishes STOPIA 2006, the object of which is to provide a mechanism for Ship owners to pay an increased contribution to the funding of the international system of compensation for oil pollution from ships, as established by the 1992 Civil Liability Convention (CLC 92), the 1992 Fund Convention and the 2003 Supplementary Fund Protocol.
- Tanker Oil Pollution Indemnification Agreement (TOPIA) 2006. The Agreement provides a mechanism for ship owners to pay an increased contribution to the funding of the international system of compensation for oil pollution from ships, as established by the 1992 Civil Liability Convention (CLC 92), the 1992 Fund Convention and the 2003 Supplementary Fund Protocol.

3.3.2 ITOPF

ITOPF will be called in by the ship owner or his P&I Club in almost every case of any size involving oil or HNS pollution. ITOPF has expertise and experience in the practical aspects of response and clean-up, and in deciding upon the reasonableness of actions to be taken. It is, therefore, able to advise the P&I Club and the ship-owner on the type and extent of oil or HNS pollution which has occurred, what effect it is likely to have under different scenarios, what needs to be done to abate or prevent the effects, and the most efficient way in carrying out this advice. This advice is also available to the coastal State, should it ask for it, and cooperation between the coastal State and ITOPF will help to arrange and co-ordinate the pollution response and clean-up.

If the oil pollution affects a State Party to 1992 Fund Convention, there is also close co-operation between the P&I Clubs concerned and the IOPC Funds. This co-operation usually extends to the appointment of joint technical experts, including those from ITOPF.

3.3.3 Tier 2 and Tier 3 Oil Spill Response Companies

Various companies have been established in the regional and worldwide to ensure prompt dispatch of specialised personnel and response equipment. Whilst these companies are generally contracted by the private sector, they can also be hired by the public sector and in certain cases even manage and maintain government own response material.

3.3.4 CEFIC, ICE

Under the Responsible Care program (ICE) the chemical industry, in the event of an incident, will provide information, practical help and, if necessary and possible, appropriate equipment to the competent emergency authorities in order to minimise any adverse effects. The MAR-ICE Network provides information and expert advice on chemicals involved in maritime emergencies.

3.3.5 International salvage union

Some salvage tugs are being maintained at salvage stations in certain coastal States as a result of arrangements made between their owners and other commercial interests or the authorities in those States. Some companies have the ability to mobilise equipment, either from their own resources or from elsewhere, together with expert personnel at very short notice.

3.4 Resources available for International Assistance in the Mediterranean region

Directory of companies offering services in the Mediterranean in case of emergency (*Annex 1.3*)

- Stockpiles of equipment
- Experts (centres of expertise)
- Response contractors, private providers of equipment, salvage companies

3.5 Existing Guidelines

3.5.1 IMO Guidelines:

A list of existing Information, Manuals, Guidelines and tools on the following subject are regularly updated by the IMO Sub-Committee on Pollution Prevention and Response (PPR)⁶:

- Administrative Aspects
- Bioremediation
- Chemical/HNS Response
- Dispersant Use
- Environmental Risk and Response Benefits Assessment
- GESAMP/EHS Composite List of Hazard Profiles
- Health and Safety
- International Conventions, Protocols and Codes
- NRDA
- Oil in Ice
- Monitoring
- Oil Pollution Prevention
- Oil Spill Contingency Planning
- Oil Spill Response
- Projects
- Response in Tropical Waters
- Risk Assessment and Response Preparedness
- Regional Agreements
- Regional Centres
- Salvage
- Sampling
- Seafood Safety During/After Oil Spills
- SCAT
- Waste Management
- Wild Life Response

IMO has developed through Technical Working Groups a number of Guidelines including:

- Guidelines for reporting incidents involving dangerous goods, harmful substances and/or marine pollutants (IMO Resolution A. 851 (20) amended by MEPC Resolution (MEPC.138(53))
- Guidelines for the development of shipboard marine pollution emergency plans for oil and/or noxious liquid substances have been adopted by the MEPC (resolution MEPC.85(44))
- Guidelines for facilitation of response to a pollution incident (IMO Resolution A.983(24))
- Guidelines on international offers of assistance in response to a marine oil pollution incident

3.5.2 REMPEC Guidelines

(*Annex 1.4*)

In accordance with Specific Objective 21 of the Regional Strategy for Prevention of and Response to Marine Pollution from Ships (2016-2021), and in cooperation with its national Focal Points, REMPEC

⁶ <http://www.imo.org/en/OurWork/Environment/PollutionResponse/Inventory%20of%20information/Pages/default.aspx>

shall revise the existing recommendations, principles and guidelines, and develop new ones aimed at facilitating international cooperation and mutual assistance within the framework of the 2002 Prevention and Emergency Protocol. A number of Guidelines were produced over the years on oil and HNS preparedness and response including the following Guidelines and Principles adopted by the Contracting Parties and which are revised in *Annex I.4*.

- Guidelines for co-operation in combating marine oil pollution in the Mediterranean adopted, on 11 September 1987, by the Fifth Ordinary Meeting of the Contracting Parties to the Barcelona Convention
- Principles and guidelines concerning cooperation and mutual assistance which contained the following Principles, Guidelines and Check-list, adopted, on 11 October 1991, by the Seventh Meeting of the Contracting Parties to the Barcelona Convention:
 - o Principles and Guidelines concerning the 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;
 - o Principles and Guidelines concerning the sending, receiving and returning of equipment in case of international assistance operation;
 - o Principles and Guidelines concerning arrangements and operational procedures which could be applied in case of a joint operation;
 - o Check-list of procedures to be followed and persons to be contacted in case of emergency; and
 - o 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.
- Guidelines concerning the exchange of liaison officers between the contracting parties in case of response operations involving several states”, adopted by the Ninth Ordinary Meeting of the Contracting Parties to the Barcelona Convention between 5 and 8 June 1995.
- Guidelines concerning arrangements which might be made with a view to ensuring, in case of an accident, liaison between the Governmental Authorities and other interested Parties, adopted by the Ninth Ordinary Meeting of the Contracting Parties to the Barcelona Convention between 5 and 8 June 1995.

4. The Risks of Pollutions and the various types of Situations

Experience has shown that large spills are coupled with some form of a casualty such as a grounding, hull failure, collision, etc. No two marine pollution incidents are the same and so response actions will vary depending on the source of the pollution, the type of pollutants involved, the size of the pollution, the place of the pollution, the causes of the pollution, the number of countries affected.

4.1 Sources of pollution

The issue of pollution from ships is addressed in IMO Conventions regarding prevention, preparedness, response and liability and compensation. This legal regime sets up a framework under which competent national authorities will initiate and organise response actions including request for international assistance. The cost of international assistance should be covered by the liability and compensation regimes.

Offshore activities, sea ports, oil and chemical handling facilities are mainly regulated under national laws and regulations. It is within this national legal framework, which shall require operators to have contingency plan and liability insurance that competent national authorities will initiate and organise response actions including request for international assistance. For offshore activities, sea ports, oil and chemical handling facilities, there are no equivalent liability and compensation regimes than those established for ships. Therefore it is for the competent national authorities to impose to the operators to have prepositioned combating equipment and arrangement to increase their response capabilities and to have insurance or financial guaranty to cover response operation including international assistance.

In many oil spills, the identification of the source of the oil is straightforward. However, in some situations, the source of the spilled oil may not be clear, with a number of potential sources identified. Good practice calls for samples of the spilled oil and oil from potential sources (e.g. vessel tanks and machinery spaces, terminals, and other shore-based sources) to be taken as soon as practicable. Samples should be appropriately handled, stored, and labelled ensuring that at all times a clear custodial chain can be proven in court. Correct procedures for sampling and storage of samples must be followed.

4.2 Type of pollutants

The type of pollutants, **oil (cargo, bunker) HNS (cargo, package form)** will determine the type of assistance needed in terms of expertise and of response equipment as well as to whom to send a request for assistance. If for oil it is easiest to identify the need of response resources for HNS it is much more difficult in particular when several HNS products are carried on board of a ship and the information of the products are not immediately available.

4.3 Type of release

The pollution incident may result in an **instantaneous discharge** of oil or hazardous and noxious substances or in a continuous release such as the **continuous leaking** of damage tank of a tanker or a blow out of an offshore unit.

4.4 Size of pollution

Tiered response has become a widely accepted operational concept that provides a convenient categorisation of response levels. Tiered response may also be incorporated into the equipment and operational preparedness requirements for ships, offshore installations, and oil handling facilities operating within the jurisdiction of a State. Tiered response systems are based on the concept that the response to spills may be categorised into the following three tiers:

- Tier 1 - preparedness and response capability for **small spills** within the purview of an individual facility or harbour authority that may be mitigated by locally available resources.
- Tier 2 - preparedness and response capability for **medium spills** that require equipment and personnel resources beyond those available locally (Tier 1). For a Tier 2 response, assistance can come from a number of entities outside the immediate geographic area including national resources and if national resources are not available from international assistance.
- Tier 3 - preparedness and response capability for **major spills**, including those of national or international significance, requiring the mobilisation of national and international resources.

Some countries do not have Tier 2 oil spill response equipment or capability, and few countries have Tier 3 resources. While it is generally recommended that countries ensure that Tier 1 level response equipment and capabilities are on-site or immediately available, there is the understanding that Tier 2 and, if needed, Tier 3 level resources will “cascade” in over time. Integration of additional resources that may be needed should be planned for and integrated into oil spill contingency plans.

Further, response capabilities required over the course of an oil spill will vary, requiring mobilisation and demobilisation of equipment and personnel as dictated by the changing requirements of the spill. Response impacts and costs can be greatly reduced by rapid mobilisation and effective use of resources and demobilising those that are no longer needed. It is a best practice for planners and response organisations to have a bias toward a proactive response in the early stages of a spill, especially when the extent of spill may not be fully realised. Early response is generally more effective than later response (i.e. secure the source of the spill, take a vessel in tow before it grounds, etc.). Planners and responders should mobilise resources early as it better to stand down resources if not needed than to lose an opportunity to mitigate a spill early in the response for want of resources.

4.5 Place of pollution

The place of the spill together with the type of pollutant involved will determine the response strategy and the type of combating equipment.

Spill response equipment is, for the most part, very specialised. Specific equipment types will correspond to specific response options. Combating a large spill **at sea** will require high capacity response equipment such as oceangoing skimming vessels, long-range aerial dispersant aircraft, aerial surveillance, high sea boom, etc. Supply of such equipment and competent personnel to operate them is limited. The ability to move these specialised equipment and personnel rapidly into the spill area and the logistics process required to move it long distances will be critical and influence the response options/strategy.

Specialised and nonspecialised equipment for combating pollution **near the coast and on shore** are available within the region and outside the region. Stockpiles of equipment together with trained personnel and experts in shoreline cleaning do exist they belong to governments, oil or chemical industry, private sector (manufacturers, responders) and they can be easily mobilised.

Response capabilities required over the course of a spill will vary, requiring mobilisation and demobilisation of equipment and personnel as dictated by the changing requirements of the spill. The spill may occur at high sea and move to the shore.

4.6 Nature of the pollution incident (causes of pollution)

The causes of the pollution is important in particular when it comes to consider early response in case of ship's grounding, collision, engine failure, explosion etc. But it is much more important when the cause of the pollution is due to sabotage, terrorist attack, or war. In such cases there are no liable parties and no liability and compensation mechanisms which can be activated for covering the cost of response operations and economical and environmental damages. As it happened in the past, IMO, UNEP and REMPEC helped in mobilising financing supports and technical assistance through UN financing mechanisms and voluntary contributions from States including the EU.

4.7 Number of countries affected

A marine pollution incident might occur in the area of responsibility of one Contracting Party and the spill threatens or affects the area of responsibility of another or other Contracting Parties. In case of more than one country is affected or threaten to be affected, and in the absence of a bilateral or sub-regional agreement, the countries affected shall cooperate and coordinate the mobilisation and deployment of response equipment and agreed on who will assume the leading role and have the overall responsibility for all decisions and actions taken to combat the pollution and for coordination of joint response operations. The assumption is that the leading role will be assumed by the operational authority of the country in the area of which the marine pollution incident occurred and which is directly affected. When the major part of the spill has moved from the area of responsibility of the country initially affected to the area of responsibility of a neighbouring country the countries should agree to transfer the lead role from the first one to the other.

Unless an agreement concerning the financial arrangement governing actions of Parties to deal with marine pollution incidents has been conclude on a bilateral or multilateral basis prior to the pollution incident, Parties shall bear the costs of their respective actions. If the actions were taken by one Party at the express request of another Party the requesting Party shall reimburse to the assisting Party the costs of its action. If the action was taken by a Party on its initiative for protecting its own interests, that Party will bear the cost of its action.

5. Parties which will be involved

5.1 Government(s) of the affected country(ies)

When faced with a marine pollution emergency, the coastal State must look both to its international rights and duties and to its national legal and institutional framework.

The relevant coastal State authority responsible for response action should focus its attention on its own response to the marine pollution emergency, then one question which may arise is the extent to which the coastal State may take action against the wishes of the master or other parties who have interests in the ship or cargo. Ideally, the coastal State will have considered the international law

position on intervention in conjunction with the preparation of its contingency plan before the marine pollution emergency arises, and will have enacted legislation or made other satisfactory provision for the taking of appropriate steps when an emergency arises.

One option for intervention by a coastal State is the requirement for salvage services to be accepted or provided, or even to undertake them itself.

Co-operation between the master of a ship and the coastal State should achieve all that is necessary, and the coastal State's task of coordinating and arranging all the pollution response and clean-up actions under its contingency plan must not be hindered by the ship or cargo interests. It should be the same with the operator of an offshore platform or the operator of oil/ chemical handling facilities.

5.2 The ship interests

5.2.1 The ship owner

There may be diverse ownership interests in a ship. The main ones which a coastal State is likely to encounter in a marine pollution emergency are: the ship owner, bareboat charterer, and manager or operator. In some cases a ship may be owned by more than one entity in equal or unequal shares. In such cases, there is usually an agreement between the different owners that one of them will take operational decisions on behalf of all of them, and joint ownership only becomes of particular interest when recovery of damages is sought.

Unless there is a bareboat charterer or manager of the ship, the ship owner is normally the entity responsible for the operation of the ship, and the master will be the agent of the ship owner for that purpose, at least until direct contact is established between the coastal State and the ship owner.

The first concern of the ship owner in a marine pollution emergency will be to see that the ship and all the life thereon are preserved and that as much as possible of the cargo. He is therefore more concerned to protect both his proprietary interest in the ship rather than by the effect upon the sea or coast of polluting substances which may have escaped or may be threatening to escape. Because he (may/will) be liable to pay compensation for pollution caused, the ship owner can be expected, either through the master or directly from his office, to liaise with all others who are directly concerned with the position of the ship in the emergency.

The obligation of a ship owner to take pollution response and clean-up measures depends upon the law of the State where the pollution occurs.

5.2.2 The Master of the ship

The Master is responsible for the safety of the ship, the cargo and all personnel aboard, and he will take such action as he can to achieve this as soon as the incident giving rise to the emergency occurs.

The master is usually the person responsible for making notification to the nearest coastal State of the incident giving rise to the marine pollution. The master is in most, if not all, systems of law the agent of the ship owner in the navigation and shipboard management of the ship. Where the cargo is in danger, he is usually also deemed the agent of the cargo owner insofar as any action to save the cargo is taken. Coastal States may therefore deal with the master in confidence that his word will bind the ship owner and cargo owner insofar as the security of ship and cargo are concerned when their owners are themselves not in contact with the coastal State. The master is able to reach agreement with a salvor himself. The master will send out distress calls as appropriate after the incident occurs, and he will call specifically for tugs if that is what he needs. A master will often attempt to be in direct contact with his ship owner's office once the emergency has arisen.

After human lives, the protection of the marine environment must be the master's prime concern in all situations which arise and that economic and other pressures on the master should not at any time interfere with the decisions he must take in that regard.

5.2.3 Cargo owner

It may not be easy to establish who owns the cargo, although the chain of enquiry will start with the shipper named in the bill of lading, a copy of which will be retained on board by the master. Bulk HNS cargoes tend to be owned by a single entity, or perhaps by a few different entities. Packaged HNS cargoes, on the other hand, are more likely to be owned by a greater variety of different entities.

The individual cargo owner would not normally be liable to compensate any person suffering pollution damage, and certainly there is no international legal regime which makes provision for the liability of the cargo owner for such damage.

The cargo owner does not normally feature prominently in a marine pollution emergency. If the cargo owner is an end-user of the type of cargo involved, he/she may very well have technical staff that are familiar with the behavioural characteristics of the cargo, which is almost invariably the source of the marine pollution emergency. Therefore the cargo owner may be someone to whom the coastal State or even the ship owner may turn for advice about the cargo and how to handle it in the emergency. If the cargo owner is a trading company which does not use the cargo itself, such technical expertise is less likely to be available from that source and it may have to be sought from the manufacturer of the cargo or from an industry body.

5.2.4 Insurance: P & I Club, ITOFF

The costs of action to deal with pollution or the threat of pollution may be recoverable on the basis of the legal third party liabilities of the owner of the ship, from where the pollution emanates/threats to emanate. Such liabilities will be insured. A major part of all ships has entered P&I Clubs. The P&I Club covers only ship owner's legal liabilities in the sense of damage or compensation which the owner is legally obliged to pay to others. Ship-owners are normally entitled to limit their liability under international conventions or national law. In practice the insurance cover is mostly restricted to the limitation amount applicable to the ship. The main job of the liability underwriter in a marine pollution emergency is to handle all claims against their members and to pay the valid ones. The first thing the P&I Club might do, is put up financial security to ensure the release of the ship, in case the ship has been arrested. This is commonly done either by the claimant accepting a letter of guarantee or bond with a local bank.

The P&I Club will usually get independent technical assistance from ITOFF to advise on the type and extent of the occurred pollution, what effect it is likely to have under different scenarios, what needs to be done to abate or prevent the effects and the most efficient way of doing so. This advice will be available to the coastal State should it ask for it. The P&I Club will also be involved in the decision concerning a possible lightening of the ship to another vessel because of the liabilities the lightening ship may occur as well as in a possible wreck removal, the latter being one of the risks P&I Clubs insure. So far the liability underwriter is for the coastal State one of the most important entities, on the ship owning interest's side, to discuss with in a marine pollution emergency caused by oil or even other harmful substances.

5.2.5 IOPC Funds

When an incident occurs the 1992 Fund co-operates closely with the ship-owner's insurer, which will normally be one of the P&I Clubs that insure the third-party liabilities of ship owners, including liability for oil pollution damage. The P&I Club concerned and the 1992 Fund usually co-operate in the handling of claims, particularly when it is clear from the outset that compensation will be paid under both Conventions. Since in most cases the 1992 Fund only pays compensation once the ship owner/insurer has paid up to the limit applicable to the ship involved, claims should first be submitted to the ship owner or his P&I Club. In practice, claims are often channelled through the office of the P&I Club's correspondent closest to the incident location. Because of the close co-operation between the Fund and the insurer, claims, including supporting documentation, need only be sent to either the P&I Club/correspondent or the Fund.

Occasionally, when an incident gives rise to a large number of claims, the 1992 Fund and the P&I Club jointly set up a local claims office so that claims may be processed more easily. Claimants should then submit their claims to that local claims office. Details of claims offices are given in the local press and are available at www.iopcfunds.org.

5.2.6 Flag State

Under Article 12 of MARPOL 1973 Convention, the flag State is obliged to discover the facts of a casualty in which one of its ships has been involved if the casualty has produced a major deleterious effect upon the marine environment.

5.3 Operators of offshore units

In accordance with the OPRC Convention, the Emergency Protocol and the Offshore Protocol, the persons in charge of an offshore installation are required to report without delay any event on their offshore installation involving a discharge or probable discharge of oil to the Coastal State to whose jurisdiction the unit is subject.

Facility owners/operators should/must have a multi-level response organisation consisting of one or more teams for each level. The first level is generally activated for all spills and subsequent levels activated as necessary to manage escalating incidents. Ideally they are organised around the three tier concept.

The Tier 1 response should/must be undertaken by in-house teams of workers trained in pollution response, supplemented by local contractors where necessary, to conduct the tactical activities such as containment boom and skimmer deployment and operation. An incident management team may consist of facility personnel to support the tactical operations. Government agencies shall be notified and national operational authority shall control and supervise the response operation undertaken by the offshore operator and may contribute to the response.

The Tier 2 response team may consist of the facility owner's/operator's corporate or regional incident management team that may be supplemented by contractors or subject matter experts with specific skill sets. The tier 2 incident management team may be mobilised to the site and will integrate with the tier 1 incident management personnel but may also perform their functions remotely. Regional or national contractors may also be mobilised to the site to supplement the tier 1 tactical team. and national operational authority shall control and supervise the response operation undertaken by the offshore operator and may contribute to the response

A Tier 3 response national government authority will cooperate with the facility owner/operator and contractor incident management personnel to further expand the capabilities of the tier 2 resources. An incident affecting a number of countries may involve significant government resources of various nations. International response contractors may also be mobilised to further supplement the onsite tactical team.

In accordance to the Offshore Protocol Article 27 the Parties shall take all measures necessary to ensure that operators shall have and maintain insurance cover or other financial security of such type and under such terms as the contracting Party shall specify in order to ensure compensation for damages caused by the activities covered by the Protocol.

5.4 Operators of sea ports and oil and chemical handling facilities

In accordance with the OPRC Convention, the OPRC/HNS Protocol and the Prevention and Emergency Protocol, operators of sea ports and oil and chemical handling facilities are required to report without delay any event on their facilities involving a discharge or probable discharge of oil or other harmful substances to the Coastal State to whose jurisdiction the facilities are subject. Facility owners/operators shall establish a minimum level of prepositioned combating equipment, commensurate with the risk involved. The first level is generally activated for all spills and subsequent levels activated as necessary to manage escalating incidents. Ideally they are organised around the three tier concept.

As for the offshore units, the Mediterranean countries should ensure that operators of sea ports and oil and chemical handling facilities have and maintain insurance cover or other financial security in order to ensure compensation for damages caused by their activities/ facilities.

5.5 Assisting Entities

REMPEC

In cases of emergency in the Mediterranean region which require international cooperation and assistance the assisting entity to contact in priority is REMPEC. The functions of REMPEC according to the Prevention and Emergency Protocol and its mandate are to promote a planned and regionally co-ordinated response to any marine pollution incident that is beyond the resources of the persons who have caused the marine oil spill or that has not been appropriately responded to by such persons and which affect a Contracting Party which does not have the necessary combatting resources and is in need of international assistance.

The other entities which may be involved and provide assistance and support will be IMO, UNEP/OCHA, ERCC/EMSA. REMPEC will facilitate at regional level cooperation and coordination with these assisting entities, as required.

5.6 Assisting countries

The countries to which a request for assistance can be sent are the Contracting Parties to the Emergency Protocol which, according to their capabilities, are in position to render such assistance. That includes the EU as a Contracting Party. To that end, help can be requested from REMPEC.

5.7 Response contractors

Response providers may be contracted by the polluter or/and by the affected country, or/and by an Assisting Country or organisation.

(There are other parties which will be involved but the relationships and the role of those parties must be addressed in the National Contingency Plans)

PART II

RELATIONSHIPS, COOPERATION AND MUTUAL ASSISTANCE IN CASE OF EMERGENCY AND POLLUTION INCIDENT

This Part II of the Guide addresses the relationship between the parties involved in an incident and presents various scenarios of requests and offers of assistance as well as the types of national systems.

1. Relationships with Parties Involved

1.1. Relationships with responsible party

(Annex I.4)

The competent national authorities of a Contracting Party affected by a marine pollution incident shall establish and maintain, throughout all phases of the planning and implementation of response activities, liaison with other parties having an interest in the pollution incident (responsible parties and interested parties). That includes:

- the owners of the ship (the master of the ship) and the cargo and, in particular, their insurers (P&I club) and their respective technical advisers and experts (ITOPF);
- the operator of offshore unit, and the operator of sea port and oil and chemical handling facilities including their insurers; and
- salvage company, in certain circumstances.

The objective of liaison shall be:

- primarily to obtain and exchange necessary technical information required for the planning and implementation of appropriate pollution response measures;
- to ensure as much as feasible, through an efficient coordination, the effectiveness of response operations limiting the effect on the environment and reducing the overall costs of the pollution measures; and
- to consider possible legal and financial implications of response actions taken or planned.

Responsible parties/ interested parties shall or shall be requested to provide information on:

- the incident (*source of the pollution, type of pollutants, size of pollution, place of the pollution, cause of the pollution*);
- response measures taken and/or planned to be taken
- response resources including personnel, equipment and other means these parties have available and/or will obtain for responding to the incident and intend to use;
- their contingency plans prepared by them; and,
- the availability of funds through their insurers.

Actions to be taken by the competent national authorities of the affected Contracting Party:

- at the initial stage of a pollution incident and if they feel that the situation so justifies (delay in taking appropriate measures...), may request /impose the responsible parties to take specific response measures specifying that in absence of actions, response measures will be taken by the affected (or threatened to be affected) country at the expenses of the responsible party.
- Should inform the responsible party of its national organisation for accidental marine pollution response as well as the national laws and regulations covering the field of accidental marine pollution including liability and compensation. Provide detail on the command structure(s) for operational response as well as on the management structure for cooperation and mutual assistance. Clear indication should be given regarding the way the relevant competent authorities of the Contracting Party will carried out the overall responsibility of the State to

protect its coastlines or related interests from pollution or threat of pollution. If the government will be fully in charge of response operations; or, the responsible party under the overall control and supervision of government authorities will carry out response operations; or, a combination of the two systems according to the circumstances.

- The affected Contracting Party should provide information on:
 - (a) response resources (public and private) which are available or which might be made available in the country;
 - (b) the planning and arrangements made for response operations/response strategy;
 - (c) the intention and arrangements already made for obtaining international assistance.
- In order to ensure a permanent liaison with the responsible party the competent national authorities should incorporate representatives from the responsible party into the command structures for operational response and the management structure for cooperation and international assistance.
- Should establish and maintain throughout all phases the liaison with the insurers and their representatives to consider and address legal and financial implications of response actions taken and planned as well as the compensation for pollution damages.

1.2. Relationships with REMPEC

Under the Prevention and Emergency Protocol Contracting Parties are committed to communicate to REMPEC all marine pollution incidents posing or likely to pose a threat to the marine environment or to their coasts or related interests. Contracting Parties shall provide REMPEC with information regarding the assessment of the situation, and on actions taken and planned to be taken. The Contracting Parties shall use the mutually agreed standard form for the reporting of pollution incident (*Annex II.1 – Annex II.2*)

One of the main functions of REMPEC is to assist coastal States of the Mediterranean region, which in case of emergency so request, in obtaining assistance. Therefore a Contracting Party in need of assistance in case of emergency can contact REMPEC using the emergency line to obtain:

- information and advice using the Centre's expertise information system and network;
- advice of selected experts on the site of the accident by dispatching REMPEC officers or by mobilising the MAU;
- access to the requested equipment and resources from other Contracting Parties or from countries outside of the region or and from the private sector.
- support from the UN system in case of a very large pollution incident and/or in the case there are no liable parties and no liability and compensation mechanisms which can be activated to cover the cost of response operations and economical and environmental damages.
- establish special mechanisms and arrangements for coordinating the offer, mobilisation and deployment of international assistance in case of very large pollution.

The State requesting the assistance of experts (REMPEC officers / MAU) should

- specify as precisely as possible, considering the given circumstances, the field or fields of expertise required using the standard form for request of assistance (*Annex II.3*);
- make the necessary arrangements concerning immigration procedures and customs clearance for the expert and material;
- make the necessary arrangements for accommodation of the expert and provide the necessary working space and office facilities; and,
- provide for free access of the expert to necessary communication facilities

Initial financing (air tickets, daily subsistence allowance, etc.) of the expert's mission will be covered by the Regional Centre (*Annex I.5*).

The State requesting the assistance from REMPEC to obtain access to equipment and resources from other Contracting Parties or from countries outside of the region or and from the private sector should:

- specify as precisely as possible its need using the standard form for request of assistance (*Annex II.3*)
- take the necessary administrative and financial measures (**See Part III and Part IV**)

It has to be understood that in the case of a request or offer for the mobilisation of response resources, REMPEC has a facilitating role but it will not be involved in the negotiation and in the financial aspect, in particular with response providers.

1.3. Relationships with other Contracting Parties affected or likely to be affected

Under the Prevention and Emergency Protocol, a Contracting Party in the areas of which a marine pollution incident occurs, shall immediately communicate the information to the other Contracting Parties likely to be affected and keep these Contracting Parties informed on its assessment, directly or through REMPEC, of the situation and on the measures taken and planned to be taken.

Unless a bilateral or sub-regional contingency plan already addresses the cooperation among neighbouring countries affected or likely to be affected by the same pollution incident, these neighbouring countries should:

- cooperate and coordinate the mobilisation and deployment of response equipment and agree on who will assume the leading role and have the overall responsibility for all decisions and actions taken to combat the pollution and for coordination of joint response operations;
- agree that the leading role will be assumed by the operational authority of the country in the area of which the marine pollution incident occurred and which is directly affected;
- agree to transfer the lead role from the first one to the other when the major part of the spill has moved from the area of responsibility of the country initially affected to the area of responsibility of a neighbouring country;
- agree to bear the costs of their respective actions. If the actions were taken by one Party at the express request of another Party, the requesting Party shall reimburse to the assisting Party the costs of its action. If the action was taken by a Party on its initiative for protecting its own interests, that Party will bear the cost of its action.
(*Annex I.4*)

Any State involved, Party to a bilateral or sub-regional contingency plan, may escalate the response activities and call upon assistance from other States participating in the plan or from States or organisations not participating in the plan. (That includes other Contracting Parties, REMPEC, IMO, EU ...)

1.4. Relationships with Contracting Parties requested to provide assistance

Any Contracting Party in need of assistance to deal with a pollution incident may request assistance from other Contracting Parties. The requesting Contracting Party shall follow as much as possible the recommendations contained in Part III and Part IV of this Guide and use the dedicated forms which appear in the attached annexes (*Annex II.3*).

1.5. Relationships with response providers

An affected Contracting Party may search for specific response resources and contact directly response providers. Again the affected Contracting Party shall follow the recommendations and procedures contained in part III and IV of this Guide and use the forms proposed in the annexes which appear under the part of annexes related to emergency procedures.

1.6. Relationships with compensation mechanism (IOPC Funds)

The speed with which claims are settled depends on how long it takes for claimants to provide the information required. It is advisable to contact those bodies likely to be involved in paying compensation (and their technical advisers) as soon as possible after an incident to discuss the presentation of claims.

Claimants should submit their claims as soon as possible after the damage has occurred. [Claims form](#) can be found in the IOPC Funds' website.

If a formal claim cannot be made shortly after an incident, the 1992 Fund should be notified as soon as possible of a claimant's intention to present a claim at a later stage.

Claimants will ultimately lose their right to compensation under the 1992 Fund Convention unless they bring court action against the 1992 Fund within **three years** of the date on which the damage occurred, or make formal notification to the 1992 Fund of a court action against the ship-owner or his insurer within the three-year period. Similarly, claimants will lose their right to compensation from the ship-owner and his insurer under the 1992 Civil Liability Convention unless they bring court action against them within three years from the date when the damage occurred.

Although damage may occur sometime after an incident takes place, court action must in both cases in any event be brought within six years of the date of the incident. Claimants are recommended to seek legal advice if they have not been able to settle their claims to avoid their claims becoming time-barred. If steps have been taken to protect the claim against the 1992 Fund, any rights to additional compensation from the Supplementary Fund will be automatically protected.

The IOPC Funds are closely and actively involved in claims assessments, and, pursuant to an agreement with the International Group of P&I Clubs, claims are handled jointly by the IOPC Funds and the Club involved. The result is that normally claimants need present their claims only once. Very often the technical assistance of ITOPF will be called upon.

It is important that Governments inform the IOPC Funds promptly of any incidents in respect of which the Funds will or may have to pay compensation. If there is a reasonable likelihood that the IOPC Funds will be involved, potential claimants should consult with the Funds and their technical experts at the earliest possible time, especially in respect of any major items of expenditure. The objective of the Funds is to compensate claimants under the terms of the Conventions; the Funds therefore regard themselves as providing an international public service, and their claims handling is conducted accordingly.

1.7. Relationships with insurers of offshore unit and sea port and oil and HNS handling facilities

In the case of a pollution incident originated from an offshore unit or a handling facility, the liability regime applicable is the one the country will impose to the operators of offshore unit and of handling facilities according to the national law. Governments shall require operators of offshore unit and of handling facility to have insurance or financial guaranty for covering their liability in case of pollution.

Therefore it is important that relations are established with the insurers immediately after the pollution incident occurs.

2. Several Types of Requests and Offers of Assistance Scenarios

Where coordination and arrangements for provisioning oil spill response resources do exist, they are mainly made by a contract between ships, offshore units, or oil handling facilities and an oil spill response organisation that maintains a stockpile of equipment, trained oil spill response experts, and the logistical support to deliver both to the location of a larger spill. Few arrangements do exist between governments and oil spill response organisations. Industry may maintain and operate locally the appropriate initial oil spill response equipment and resources for small and most probable spills.

When the spills are larger in magnitude, then pre-established mechanisms or arrangements should be in place to ensure the availability of adequate oil spill response equipment and resources within an effective timeframe

When a marine pollution incident reaches a level that exceeds the response capabilities of the Contracting Party affected, that Party will initiate the process of requesting assistance. To that end the affected Party will likely employ one or more of the possible mechanisms for cooperation and assistance. The following presents possible types of mechanisms for requests and offers of assistance.

2.1. Government of affected country to Government of Contracting Party

In accordance with Article 12 para 1 of the Prevention and Emergency Protocol, any Contracting Party requiring assistance to deal with a marine pollution incident, may call for assistance from other Parties, either directly or through REMPEC. Parties so requested shall use their best endeavours to render this assistance. This government to government mechanism for assistance includes all interactions and transactions related to cooperation and international assistance between the designated competent national authority for dealing with international assistance of the affected Contracting Party and similar authority of any other Contracting Party. A request for assistance or offer of assistance may also be addressed to or come from a government which is not Parties to the Protocol or from the region. In some cases, requests made by the Requesting Country to an Assisting Country may result in the Assisting Country recommending contact with the private sector (such as oil spill contractors, equipment vendors and manufacturers, as well as any oil company/facility which might have equipment to offer) within its country.

2.2. Government of affected country(ies) requesting assistance to Government of country(ies) offering assistance through REMPEC

REMPEC according to the Prevention and Emergency Protocol and its functions shall assist Contracting Parties which so request in obtaining assistance from other Contracting Parties. When the possibilities for assistance do not exist within the Mediterranean region, REMPEC shall assist to obtain international assistance from outside the region. This government to REMPEC mechanism for assistance includes all interactions related to cooperation and international assistance between governments of Contracting Parties requesting assistance and REMPEC and those offering assistance. REMPEC may play an important role in facilitating and coordinating the offer of assistance.

REMPEC will help locate the requested equipment and resources from the relevant competent authorities of the Contracting Party and facilitate communication between the relevant competent authorities of the Requesting Country and those of the Contracting Party which may be able to provide assets or indicate their availability on the private market.

REMPEC may also facilitate, finance and expedite transportation of equipment and expert teams, in some cases. REMPEC does not, however, interact directly with the private sector (spill contractors, equipment manufacturers or other private companies with response equipment) within the Contracting Party countries.

2.3. Government of affected country to UN organisations (IMO, UNEP/OCHA), EU

Party to the OPRC Convention and to the OPRC/HNS Protocol may ask, directly or through REMPEC, IMO to assist in identifying sources of provisional financing. Similarly in case of a major environment pollution accident, assistance may be requested from UNEP/OCHA. This mechanism for assistance would be mainly used in cases of a major pollution incident, when there are no liable parties and no liability and compensation mechanisms which can be activated for covering the cost of response operations and economical and environmental damages. IMO in particular would in cooperation with the UN financing mechanisms (WB, UNDP) and EU initiate financing support. This mechanism for assistance would include all interactions related to cooperation and international assistance between the government of Contracting Parties requesting assistance and those financing

mechanisms offering assistance. REMPEC with the support of IMO will play an important role in facilitating and coordinating this assistance.

2.4. Government of affected country to responsible party- private sector- response contractors

Among the measures the relevant competent authorities from an affected Contracting Party may take, is to request the responsible party (ship-owner/master of a ship, operator of offshore unit, operator of oil or chemical handling facilities) to take response actions. In absence of appropriate actions or insufficient actions the relevant national competent authorities may contract the private sector such as salvors, spill contractors, equipment vendors and manufacturers, as well as any oil company response centre that might have equipment to offer. This mechanism for assistance will include all interactions and transactions between the relevant competent authorities of the affected country and the responsible party and with response contractors for ensuring the availability of combating equipment and personnel.

2.5. Responsible party to response contractors

This mechanism includes all interactions that the responsible party (or its representatives) has directly with the private sector such as spill contractors, equipment manufacturers and vendors. While the transactions and negotiations that take place via this mechanism will be conducted primarily by the responsible party (or its representative), once the process of mobilising response resources has been triggered, the relevant national competent authorities of the affected country should be fully informed, approve the mobilisation and track these mobilisation to maintain overall situational awareness of the specific types and amounts of resources that will be entering their borders and take the appropriate actions related to these mobilisation (see Part III and Part IV). They should establish and maintain relationships with the response contractors contracted by the responsible party.

2.6. Responsible party to Assisting Country and REMPEC

This mechanism includes all interactions that the responsible party (or its representatives/spill contractors) has directly with an Assisting Country and REMPEC. There may be cases where an Assisting Country or REMPEC might be willing or able to facilitate or negotiate directly with the responsible party or their spill contractor to mobilise a specific piece of equipment or response resource. Once the mobilisation process has been triggered, as with the other mechanisms, the relevant national competent authorities of the affected country should be fully informed, approve the mobilisation and track these mobilisation to maintain overall situational awareness of the specific types and amounts of resources that will be entering their borders and take actions as appropriate.

3. Different types of national response systems when it comes to who is in charge of response operations

Who will undertake operational response actions to a marine pollution incident?

Effective responses to major marine pollution incidents are complex operations that require the seamless integration of material resources, operational processes, and personnel from many different organisations (public and private/ national and international), under a commanding team qualified to lead the response. This integration is made possible by establishing and operating command structure (s) for operational response which shall be supported by management structures dealing in particular with cooperation and international assistance. This response management system must be flexible enough to rapidly expand or contract to effectively manage the spill throughout the entire course of the response. For an incident management system to facilitate integration and coordination of government and industry response resources and help ensure the most effective response, representatives of responsible and interested parties shall be incorporated into the command and management structures.

Most countries have adopted the polluter pays principle wherein the party responsible for the spill must fund the response activities to the full extent of its legal liability.

Some Contracting Parties have purchased and maintained equipment; and personnel has been trained on the use of spill response equipment, whilst others have limited resources and expertise. Significant marine pollution incidents are an infrequent event and stockpiling response equipment is expensive for a national authority.

Under the 1990 OPRC Convention, a State, either individually or through bilateral or multilateral agreements and in co-operation with the oil and shipping industries, port authorities and other relevant entities, should ensure the availability of pre-positioned oil spill response equipment. Therefore a way for ensuring the availability of adequate response equipment is for States to require operators of offshore units and operators in charge of oil or chemical handling facilities to maintain a minimum level of prepositioned equipment commensurate with the risk involved and to have arrangements for mobilising additional necessary resources including from abroad. Standards should be set for oil recovery or containment capacity, recovered oil storage capacity, and response timelines.

A clear distinction should be made between situations where the responsible party will provide the majority of response resources, and when it will need to be supplemented with government equipment and personnel including those mobilised through international assistance.

The extent to which the national competent authorities will be in charge and command of response operations, will very much depend on the source of pollution (ships, offshore units or handling facilities), the type of pollutants (oil or chemical), the size of pollution (small, medium or large), the place of the pollution (at sea or on shore or both), the cause of the pollution (there is a liable party or there is no liable party) and the number of countries affected. Therefore three types of national response systems when it comes to who will be in charge of undertaking response operations, can be identified:

- the government is fully in charge of response operations
- responsible party under the overall control and supervision of government authority carried out response operations
- combination of the two systems according to the circumstances

3.1. For marine pollution arising from ship

It is an obligation for a ship under the MARPOL Convention to have a shipboard marine pollution emergency plan. However there are no obligations as it may be the case under national law for offshore unit and handling facility to have prepositioned equipment and arrangements for mobilising additional equipment. Therefore that may lead a country with a well-developed response system to be fully in charge of a response operation

It is more common when a country has a well-developed response system with combatting equipment and trained personnel that it will be in charge of response operations and exercises full command of response operations, even when it requests the polluter to take specific response measures.

However for countries with limited response capabilities or because it is their national policy, the ship owner will be requested to take response measures aiming at controlling, minimising and combatting the pollution within the limit of its liability. In this case, the Competent National Authority, the command structure, provides oversight to ensure that the ship owner/its representatives adequately execute the response and it coordinates the activities of any involved supporting government agencies. In any case, the competent national authority in charge of response operations shall communicate to those implementing response measures, a copy of the National Contingency Plan, indicating the national policy and underlining the government's expectations.

It is generally understood that under most insurance contracts and under the general principles of many systems of insurance law, even though the ship owner is insured, the ship owner should act as a prudent person without insurance. Therefore, the ship owner should act within his or her capabilities so as to minimise potential risks. The clause in the insurance contract which enshrines this principle is often called the "sue and labor" clause. A ship owner should not act in a manner that increases the risks which the insurer has underwritten.

Therefore coastal States will expect the ship owner to co-operate in agreeing to any measures the coastal State wishes to put in place which would have the effect of minimising risks and combating the pollution, thus reducing the ship-owner's ultimate potential liability. In any event, whatever response and clean-up assistance the ship owner is able to muster, the ship owner should normally have available the resources, the technical advice and services of the liability underwriter (usually a P&I Club/ITOPF). In practice, the liability underwriter is usually very closely involved.

The ship owner may also incur legal obligations to the coastal State whose waters are being polluted. These legal obligations can conflict with the ship owner's contractual obligations. In these cases, it is very important to clarify who will pay the costs involved for any response action required by the coastal States.

3.2. For marine pollution incidents arising from offshore units or shore oil and chemical handling facilities

More generally we can say that according to their contingency plan which shall be coordinated with the national system, operators shall take immediate response measures deploying the prepositioned combatting equipment they should have been requested to maintain and if needed mobilising additional resources (including from abroad) according to pre-existing arrangements they should have. The moment when the national competent authorities will take over from the operator the full command of the operational response operations and be directly in charge of part of the response operations will be agreed upon according to the circumstances.

Offshore oil production and exploration installations require special consideration due to the potential for a large volume of oil to be released in cases where the spill source cannot be immediately secured. National authorities may require that an owner or operator of an offshore production or exploration installations develop a separate source control plan or section of the oil pollution emergency plan that describes how the owner or operator will control the source or a well blowout or other loss of well control event. In particular, the source control plan should identify sources of well capping and containment equipment and associated resources (remotely operated vehicles, subsea dispersant application systems – if appropriate, debris removal equipment, etc.) as well as procedures for equipment mobilisation and deployment.

A co-operative approach with the oil industries operating within the area of jurisdiction of the country is a key element to the establishment and sustainment of an effective response system. It is the Government's role to establish the legal and organisational framework for this relationship. Whatever relationship is established, the roles of Government and industry should be clearly defined. It is essential that industry contingency plans should comply and align with national regulations and the national contingency plan. In some jurisdictions, the Government will be the lead responder whereas in others, the facility owner may be required by legislation to respond under the overall control and supervision of the relevant governmental response authority.

3.3. In case of large and major pollution

The polluter (responsible party) may/will mobilise response equipment from abroad. It will be imperative that the relevant authorities (management structure for dealing with international assistance) in cooperation with the command structure ensure that:

- the combating resources which the polluter intends to bring in the country, will be in conformity with the national response strategy and the restrictions on or the preference for the use of selected response techniques based on spill location, environmental conditions, proximity to sensitive areas (approval and conditions for the use of dispersants);
- the procedures anticipated for requests of international assistance regarding in particular customs and immigration, will apply to expedite the importation of international resources.

The National Contingency Plan should identify which response techniques should be used and in what circumstances.

An incident affecting a number of countries may involve significant government resources of various countries. International response contractors may also be mobilised to further supplement the onsite tactical team.

PART III

MANAGEMENT OF REGIONAL AND INTERNATIONAL ASSISTANCE

Part III details the management and organisational aspects of regional and international assistance. It provides step by step guidance for reporting, requesting and offering assistance up to the termination of the operation. This part proposes also a set of standard forms to facilitate the request and offer of assistance at regional level.

1. A national preparedness and response system, a pre-requisite

1.1. General principles

According to the OPRC Convention (Article 6) and to the Emergency Protocol (Article 4) the Contracting Parties shall establish and maintain a national system for responding promptly and effectively to marine pollution incident. Such system shall include the designation of: the competent national authority responsible for combating marine pollution incident; the competent authority responsible for receiving pollution reports; and the responsible authority responsible for cooperation and international assistance. This information shall be communicated to the other Contracting Parties and to REMPEC and those requirements are a pre-requisite for cooperation and international assistance to take place successfully. (*Annex 1.2*)

With a view to ensuring an efficient coordination of regional and international assistance, it is recommended that the national system makes a clear distinction between the management of international assistance and the management of operational response measures. To that end, the National Contingency Plan should establish a dedicated management structure for cooperation and mutual assistance to respond to marine pollution incidents to be activated when needed.

The management structure for international assistance shall act in full coordination with the command structures for operational response established by the National Contingency Plan to which it should endeavour to provide the required support. The management structure for international assistance shall provide support to the national response authorities and to the industry which might take part in the response operation in particular in managing and coordinating the provision of personnel, equipment and other resources and taking care of logistic support, immigration and customs formalities. The National Contingency Plan shall determine the functions and tasks of the management structure for international assistance as well as designate the members of the structure. In particular the National Contingency Plan shall designate the authority having the overall responsibility for requesting, accepting or deciding to render assistance. A robust system of processes for requesting, receiving, managing, and acceptance of international assistance from multiple sources (national governments, through the Regional Centre, the private sector....) acting as a centralised point of contact to coordinate deployment logistics of the accepted resources into the affected area shall be established.

Working arrangements, communication and reporting procedures shall be established.

1.2. Initial assessment

(by the command structure for operational response)

According to the Emergency Protocol Article 10 para 1.(a), any Contracting Party faced with a pollution incident shall "make the necessary assessments of the nature, extent and possible consequences of the pollution incident or, as the case may be, the type and approximate quantity of oil or hazardous and noxious substances and the direction and speed of drift of the spillage." This initial assessment shall be carried out by the authority responsible for operational response (the command structure for operational response).

1.3. Notification

(by the command structure for operational response)

According to the Emergency Protocol Article 10 para 1.(c), any Contracting Party faced with a pollution incident shall “immediately inform all Parties likely to be affected by the pollution incident of the assessment carried out and of any action already taken or intended to be taken, and simultaneously provide the same information to the Regional Centre, which shall communicate it to all other Parties.” For that purpose the Parties shall use the mutually agreed standard form proposed by REMPEC for the notification and reporting of pollution incident (POLREP).

Notification and reporting procedures: (*Annex II.1 and Annex II.2*)

1.4. Activation of the National Contingency Plan

Based on the initial assessment the authority responsible for operational response, the command structure, may decide/propose to activate the national contingency plan and if the situation so requires, decide/propose to establish the management structure for cooperation and international assistance.

2. Requesting for assistance, mobilising external resources

2.1. Evaluation of the needs

(by the command structure)

The authority responsible for operational response of the Contracting Party affected by an incident will assess and determine, taking into consideration the severity of the incident including its place of occurrence, the nature and quantity of the pollutant and other relevant elements, the level of response required and whether or not to request assistance.

Experts (national or international/MAU experts) of the command structure in the field shall carry out a detailed assessment of the situation. The experts in the Field (Field command Unit) shall help the On Scene Commander OSC and the Supreme On Scene Commander SOSC/ National On Scene Commander NOSC having the overall responsibility of the response operations to identify resource constraints and limited supplies for specifically needed equipment and other response resources, for the duration of the response. It is for the command structure, taking into account of the national resources available and of the mobilisation of combating resources by the responsible party including mobilisation of resources from abroad, to evaluate the needs for international assistance.

Following the detailed assessment of the situation, the command structure shall specify, as precisely as possible, the type and quantity of equipment and products needed.

It is recommended that the requests for equipment, response resources, and technical specialists be generated by the Requesting Country **command structure for operational response** at the Field Command structure level and formalised within the **management structure for cooperation and international assistance**

The command structure(s) and the management structure for international assistance should work closely together. It is recommended that these structures establish a once daily communication to determine any changing needs and to provide updates on the arrival status of offers accepted and of resources mobilised by the responsible party from abroad.

It is recommended that the technical expert in the field command structure/unit, then completes a request resource form (*Appendix to Annex II.4*) for the specific items needed and the track of resources mobilised by the responsible party from abroad using a common terminology.

It is recommended that the Field command Unit technical expert then communicates the needs of resources and equipment to the **management structure for cooperation and international assistance** through the Requested Resource Form (appendix), and through a daily conference call determine any changing needs and provide updates on the arrival status of offers accepted.

The Request for assistance can consist of:

- Specified equipment only;

- specified equipment with trained personnel;
- complete strike teams;
- personnel with special expertise;
- aerial surveillance.

Strike teams referred to above consist of:

- combatting ships and work boats and equipment
- communication
- personal safety (protective suits, breathing apparatus, etc.)
- combatting marine pollution
- storage of limited quantities of recovered oil, etc., on board (if tank capacity is available); trained crews and personnel for handling the equipment; -
- team leader independently able to conduct the work of strike teams according to instructions from the appointed On-Scene Commander (OSC).

2.2. Requesting procedures (by the management structure on the base of the evaluation of the command structure)

As soon as the management structure for international assistance has been activated, it is recommended that the Foreign Ministry of the affected Party, acting on behalf of and in coordination with the management structure, provides guidance through its diplomatic channel to its embassies and missions in other Contracting Parties and contact REMPEC with a view to facilitating international assistance.

A request for assistance shall be made in a clear and precise manner (quantity, type etc.) by indicating for which purposes equipment, products and response personnel will be used.

It is recommended that the standard formats for request of assistance provided in *Annex II.3* (Standard form for request of expert) and *Annex II.4* (Standard Form for request of equipment and products) is used by the Requesting Country.

With a view to providing information to the requested assisting Party on the specifics of the incident and the operational needs as part of specific resource requests, the Requesting Country should use and join to the request **the Standard form for additional information POLINF contains in Annex II.2.**

It is recommended that, at a minimum, the Request for Assistance Form includes:

- incident name, serial/reference number and location;
- date and time of transmittal;
- authorised requesting representative name, position and contact information;
- point of contact for equipment source, including name and contact information;
- the exact number, type, and specification of the equipment requested including technical parameters of the requested assistance (e.g. voltage, frequency (pumping), capacity, couplings, plugging) with as much specification as necessary;
- other specific requirements (e.g. labelling, packing, expiration dates, language of manuals);
- date of equipment need, location where the equipment is needed, and for how long it will be needed (or indicate a request for donation);
- indication as to whether the Requesting Country will be responsible for all the in-kind assistance/goods from all customs duties, taxes, tariffs, fees and from all export and import restrictions;
- resource delivery points, including type (land, air, maritime), name of point and location/address of point;
- whether in-country warehousing will be provided by the Requesting Country;
- whether distribution of resources will be provided by the Requesting Country;
- consignee name and contact details; and
- authorised official's name, title, organisation, signature and date signed.

Requests may include:

- information on the preliminary responses to offers of assistance, including, if appropriate, descriptions of how the offer of assistance will be further evaluated within the framework of the command structure for operational response and related laws and regulations, and any applicable interagency evaluation process;
- instructions for providing detailed information about each offer of assistance from a foreign government or international organisation; and
- instructions for how to forward and transmit any offers to the Requesting Country's nearest embassy or mission. It is recommended that the Requesting Country also provide instructions to its embassies and missions worldwide on how to deliver these offers to the appointed officer responsible for receiving and dispatching, in coordination with the command structure, the resources to the place where they will be used.
- contact details of the Foreign Ministry (i.e. email, facsimile and telephone, contact information of specific points of contact that will require the information).

2.3. Terms and conditions

It is recommended to establish clear and official communication between the relevant authorities of the affected Contracting Party and those of the assisting Party as well as with REMPEC regarding who will lead the negotiations.

For a request of assistance to be completely accepted and its mobilisation to the affected area can start, the assisting and Requesting Country must agree on to what the specific terms and conditions of transaction will be. These include:

- clear agreement and understanding of compensation expectations: whether the piece of equipment (or resource) will need to be paid for, or rented, or returned "in kind"; and,
- clear agreement among all parties of liability concerns, requirements for insurance, and conditions for the equipment's return (if applicable), etc.

(Annex II.5)

In the absence of bilateral or multilateral agreements, Article 13 of the Emergency Protocol stipulates that Parties shall bear the cost of their respective actions in dealing with pollution. If the actions are taken by one Party at the express request of another Party, the requesting Party shall reimburse to the assisting Party the cost of its actions. If the actions are taken by a Party at its own initiative, that Party shall bear the cost of its actions.

It is recommended that the financial conditions for the operation be agreed upon between the requesting and assisting Parties before the transfer of equipment or resources commences.

The assisting Party shall be prepared to give information on the financial consequences connected with the requested assistance. The assisting Party shall use its best endeavours to bring about the requested assistance and to decide to which extent the request can be complied with. The assisting Party shall be prepared to appoint liaison officers to the staff of the command structure and/or the management structure of the requesting Party in order to secure necessary knowledge of rendered national resource. **(Annex I.4.3)**

It is recommended that:

- general arrangements and compensation for sending, receiving and returning of equipment requested or offered be identified and agreed upon quickly once the international assistance process has started;
- the Assisting Party attach in its reply a detailed list of the equipment system or product available, including necessary shipping details to include dimensions, the type of fuel, and envisaged transport modalities. It is recommended that the list also indicates the equipment needed for handling such material in the port or airport of entry, the number of people required for offloading operations, and the necessary means of transportation of response material to the site of the incident. **(Annex I.4.2, B)**

2.4. Communication and reporting

Communication with REMPEC and assisting countries (Annex II.1, Annex II.2. and Annex II.8)

The need for a common operating picture and accurate situational awareness for all participating parties is critical. It is recommended that the field command structure ensures that the national level, the Command Structure and the management structure for international assistance are fully aware of the rapidly unfolding situation, in particular the evolving needs for limited or critical response resources.

It is recommended that Parties consider, if practical, **the establishment of Internet-based information portals** to facilitate the following:

- provide information to Contracting Parties, REMPEC, international organisations, or others regarding current or projected operational needs that may be met through international assistance;
- provide information regarding the level of detail required for international assistance (equipment and personnel) to ensure the most meaningful and efficient review and evaluation;
- provide portals for the submission of international assistance that simplify the collection of information and streamline communications regarding the receipt and status of offers;
- provide information for the media and general public about the full scope of the response effort and to publicly acknowledge, as appropriate, all who are contributing toward the response; and
- provide points-of-contact for Contracting Parties, REMPEC or international organisations to contact for additional information.

3. Offers of Assistance

3.1. From Contracting Parties and international organisations

Offers of equipment from Contracting Parties or international organisations that can be deployed or utilised in response operations may be made in response to a request of the affected Contracting Party or by a Contracting party at its own initiative.

It is recommended that offers of assistance to the affected country using a detailed offer of assistance Form (**Annex: II.4**) include the following:

- the exact type and specification of the equipment offered including, to the fullest extent possible, detailed photographs of the equipment, identification of the manufacturer(s), model numbers, specification documents and, if practical, any information regarding the prior operational use of the offered equipment in related oil or hazardous material discharge/release events;
- the current condition of the equipment and the possibility of degradation of the equipment during operational use;
- the total number or amount of each specific type or category of equipment offered;
- weight, dimensions and other physical characteristics of equipment offered;
- when and for how long the equipment would be available (or indicate donation);
- whether the equipment is being offered on a reimbursable basis or without charge, and summary of the terms and conditions of the offer if the equipment is being offered on a for-fee basis;
- means of transport required;
- where the equipment is currently located;
- the location of the international airport or seaport from which the equipment will be transported;
- whether the offering government or organisation will transport the equipment, and the terms and conditions under which transportation is offered including any export or customs restrictions that may apply under the offering government's national laws;
- resource delivery points, including type (land, air, maritime), name of point, and location/address of point;

- any special logistical problems that may be encountered in transporting or deploying the equipment;
- any specific conditions regarding use of the equipment by the offering Party or organisation;
- estimates of the time required to make the equipment available for transfer;
- contact information for authorised points-of-contact who are knowledgeable about relevant technical details of the offered equipment and would be available to discuss additional technical or operational details with technical specialists; and,
- authorised official's name, title, organisation, signature and date signed.

With respect to offers of personal, technical, advisory or expert assistance from a Contracting Party or international organisation, such detailed information to be provided to the Requesting Contracting Party may, without limitation, include the following:

- the credentials and/or a brief description of the experience of each individual who would provide assistance;
- an assessment of the capability of each individual engaged in response operations to speak and read in the official language of the country, and the availability of effective translation services if a language barrier is expected;
- each individual's availability in terms of (1) how quickly the individual can be deployed to response operations, (2) for how long the individual can be deployed and (3) any requirement for the individual to depart the operational;
- any costs the receiving government would be expected to defray (e.g. airfare, lodging, per diem);
- whether the Contracting Party or organisation would facilitate direct communications between the individuals offering to provide assistance and technical specialists of the Requesting Country to further evaluate the offer;
- any special requirements of the offering Contracting Party or organisation regarding the status of the individual during any deployment period (e.g. requirement that the individual have the status of embassy technical staff); and
- establishment of a means to ensure the personal safety and security of individual responders while assisting in the affected country, as well as ensuring their indemnity against any existing responder liability laws within that country.

3.2. From private sectors

Offer from private entities following a request from the management structure for international assistance of the affected Party. Following the advice of the response structure, the management structure for international assistance may negotiate directly with response provider, equipment manufacturer or centres of expertise in foreign country to obtain the exact piece of equipment or expertise required.

Offer initiated by private entities

During a large, complex or significant spill response, unsolicited offers may come in from private entities to provide equipment, resources and technical personnel. It is recommended that the unsolicited offers be forwarded to the management structure for international assistance, even if they are received directly into the Field command Unit.

It is recommended that:

- the management structure for international assistance, log each of these offers and track the status of the replies, including the times they were sent and their contents;
- the management structure for international assistance, create a list of offered equipment and resources and share this regularly with the Field command Unit, as a need may arise later in the response for some of the equipment and resources offered;
- Some offers may need to be rejected if the equipment or resources offered are clearly not needed or appropriate and are not anticipated to be needed later in the response.

3.3. Acceptance and decline (*evaluation of offer*)

As solicited and unsolicited offers come in, it is recommended that:

- they be logged and their status tracked as they are processed and evaluated, and later accepted or declined;
- the management structure for international assistance be sufficiently staffed to handle this set of processing procedures.

When an affected country has received an assistance offer, whether solicited or unsolicited, it is recommended that the affected country responds with a receipt/acknowledgement of the offer (**Annex II.5**), including:

- name(s) of person(s) who have received the offer;
- date and time at which the offer was received; and
- proposed date of acceptance/decline decision notification to the offering Party.

One of the primary objectives of a successful international assistance system is to ensure that the offers aid and support the response, using only the necessary tools, and not bog down the response with unnecessary, unwanted or outdated equipment.

It is recommended that an evaluation team be established, charged with receipt, evaluation, and acceptance/decline of these offers. It is critical to the success of international assistance that the evaluation teams include a technical specialist(s) who is closely involved in the response and is intimately aware of specific and evolving response needs in detail, such as the type and kind of skimmer, boom, or other equipment.

When an affected country has made a decision with respect to accepting or declining an offer, it is recommended that the affected country responds to the offering party with an Acceptance/Decline Communication Form (**Annex II.6 / Annex II.7**) that may include:

- the name/descriptor of each offer and the decision made regarding the offer (accepted, declined, or on hold);
- for each offer accepted, include the date the resource is needed, name and location of delivery points and transportation mechanism for the resource;
- for each offer declined, include the rationale for declining the offer; and
- authorised official's name, title, organisation, date and signature.

4. Resources mobilised by the responsible party at its own expenses

4.1 Following the request of the government of the affected country to take measures to combat the pollution, mobilisation of resources by the responsible party at its own expenses

The relevant competent authority of the affected country may request the owner of a ship, the operator of an offshore unit or the operator of a handling facility to take response measures aiming at controlling, minimising and combatting the pollution within the limit of its liability. That may lead the responsible party to mobilise combating resources from abroad and bring them into the affected country at its own expense.

In that case the relevant authorities from the command structure and the management structure will ensure that the procedures for the mobilisation of international assistance will apply.

Once the international assistance process has been triggered, the relevant national competent authorities of the affected country should be fully informed and should track these transactions to maintain overall situational awareness of the specific types and amounts of resources that will be entering their borders and take the appropriate actions related to this mobilisation. They should establish and maintain relationships with the response contractors contracted by the responsible party.

4.2 At its own initiative and with the agreement of the affected country, mobilization of resources by the responsible party at its own expense

In case of large and major pollution, the polluter (responsible party) may/will mobilise response equipment from abroad. It will be imperative that the relevant authorities, management structure for dealing with international assistance, in cooperation with the command structure ensure that:

- the combating resources, that the polluter intends to bring in the country, will be in conformity with the national response strategy and the restrictions on or the preference for the use of selected response techniques based on spill location, environmental conditions, proximity to sensitive areas (approval and conditions for the use of dispersants);
- the procedures for request of international assistance regarding in particular customs and immigration will apply to expedite the importation of international resources.

The National Contingency Plan should identify which response method and techniques should be used and in what circumstances, including elimination of the source of pollution, containment and recovery of floating oil at sea, use of dispersants, protection of sensitive areas, and shore clean-up.

Approval by the command structure and the management structure for international assistance, to be established under the National Contingency Plan, shall be required when the operator or the person designated in the emergency plan of an offshore unit or a handling facility requests the assistance from abroad of personnel, equipment, products provided by the industry. (In particular means made available by regional or global stockpiles run by the industry).

5. Joint response operations carried out by neighbouring countries

Joint response operations means all pollution response operations in which personnel, equipment, products and/or other means, of at least two neighbouring countries directly affected or under threat of being affected are involved.(Annex II.4.2)

When a marine incident causes or is likely to cause pollution, which can possibly affect one or more Parties, and of such magnitude that calling on the other Parties threatened to be affected for assistance is justified. The incident might be a spill, which occurs in the area of responsibility of one Party and threatens the area of responsibility of another Party.

The relevant Authority of the Party in whose area of responsibility or interest the pollution incident has occurred shall, after receiving and verifying the initial assessment report, immediately informs the Operational Authorities of the other Parties through their national Contact Points as well as REMPEC.

5.1 Cooperation among the neighbouring countries (request/offer of assistance) and coordination of the mobilisation of the resources

A request for assistance, on the basis of the response structure requirements and advice, may be sent following the activation of the National Contingency Plan or/and the bilateral or multilateral contingency plan, by the relevant authority of the management structure of the affected Party to the relevant Authorities of the threatened Parties using the Standard form for request of Assistance (**Annex II.3**).

Unless a bilateral or multilateral contingency plan addresses the issue of pooling resources in case of emergency, the procedures for mobilising and coordinating response resources described in this Guide should apply. The national resources of the affected Party will be supplemented as necessary by the personnel and means rendered as assistance by the threatened Parties upon the request of the management structure of the affected Party.

Information concerning aircraft suitable for spill surveillance (including technical characteristics and specialised equipment), to which each Party has access should be exchanged by Parties during their meetings. This is valid both for aircraft belonging to the Parties or for those belonging to the industry. The leading role will be assumed by the command structure of the Party whose area of responsibility has been affected or is likely to be affected by a pollution incident and who has requested assistance.

When the major part of the pollutant has moved from the area of responsibility of the Party who had initially requested assistance, to the area of responsibility of another Party who is requesting assistance, the two Parties may agree to transfer the lead role from the first Party to the other.

5.2 Request of international assistance by each individual country, and management of external offers of assistance made to each individual country (coordination)

In case of large and major pollution affecting more than one country, in addition to pooling together their own resources, each country may individually request international assistance. In such a situation, where for a same event countries may request individually international assistance, there is a need for a strong cooperation among the countries concerned for the evaluation of the needs for international assistance and for the mobilisation and coordination of the deployment of the combating resources. In cooperating, the affected countries should keep in mind all the financial implications of their actions.

6. Dispatching of resources

The Principles and Guidelines concerning the sending, receiving and returning of equipment in case of international assistance operation in *Annex I.4.2 / B* shall apply.

6.1 Role and responsibility of the Assisting Country for dispatching resources

The role and responsibility of the Assisting Country are to oversee and authorise the release of government-owned and private sector equipment and personnel, whose movement may be restricted due to a need to meet minimum requirements of response capacity.

It is recommended that the Assisting Party

- attach in its reply (*offer of assistance form – Annex II.4*) a detailed list of the equipment system or product available, including necessary shipping details to include dimensions, the type of fuel, and envisaged transport modalities. It is recommended that the list also indicates the equipment needed for handling such material in the port or airport of entry, the number of people required for offloading operations and the necessary means of transportation of response material to the site of the incident;
- determine minimum standards of:
 - training required to operate equipment sent to the requesting Party;
 - safety required to operate equipment sent to the requesting Party;
 - maintenance required to operate equipment sent to the requesting Party;
 - security required to operate equipment sent to the requesting Party.

6.2 Role and responsibility of the management structure of the Requesting Country to receive and dispatch, in coordination with the command structure, the resources to the place where they will be used

The management structure for cooperation and international assistance should act as a centralised response point of contact for processing requests, receipt, evaluation and acceptance of offers of international assistance from multiple sources (national governments, REMPEC, the private sector, etc.) and to coordinate deployment logistics of the accepted resources into the affected area.

The management structure shall:

- appoint an authority to receive the equipment, products, and/or personnel, and ensure control of operations from the moment equipment, products and personnel arrive in the country and while these are conveyed to and from the scene of operations;
- make arrangements for the rapid entry of equipment, products, and personnel prior to their arrival and ensure that customs formalities are facilitated to the maximum extent. It is recommended that equipment be admitted on a temporary basis and that products be admitted free of excise and duties;
- supply all that is needed for the correct operation and maintenance of equipment and provide accommodation and food for response teams;
- ensure that ships are granted all necessary authorisations and aircraft cleared to fly in the national air space, should ships and aircraft be provided. It is recommended that a flight plan or a flight notification be filed and accepted as an authorisation for aircraft to take off and land ashore or at sea outside regular customs airfields;
- return all unused products and ensure that equipment is returned or compensated for as agreed in advance, once response operations are complete; and
- send to the appropriate authorities or representatives of the Assisting Party a report on the effectiveness of equipment, products and personnel provided.

7. Operational command of the resources mobilised in the context of international assistance

The government of the affected country has the overall responsibility to take and enforce measures to protect its coastlines or related interests from pollution or threat of pollution. Therefore although you may have different systems (*the government is fully in charge of response operations, the responsible*

party under the overall control and supervision of government authority carried out response operation, a combination of the two systems according to the circumstances) the operational control and supervision of response operation shall be exercised by the relevant authorities of the Requesting Country.

7.1 The command structure of the Requesting Country shall have the overall operation control and supervision of response operations

Personnel from Assisting Country shall execute their tasks and duties under the operational control and supervision of the command structure of the Requesting Country, following the decisions of the command structure (operational authority, supreme on scene commander) and the tactical command of their respective team Leaders and unit Commanders.

The command structure shall, in addition to assuming overall Operational Control/command, be specifically responsible for coordinating the actions taken by national means (strike teams, vessels, aircraft) of the requesting State with those taken by the means of the assisting parties (government, private sector).

The managing structure shall appoint an officer responsible on the field (within the field command structure) for receiving the personnel, equipment, products and/or other means from the Assisting Country/parties and for facilitating their participation in the response operations from the moment of their arrival in the country to the moment of their departure. This officer shall closely collaborate with the Liaison Officer of the Assisting Country/party.

7.2 Operational arrangements in the case of joint response operations by neighbouring countries

If a pollution incident which has occurred in the area of interest of one country directly (imminently) threatens the interests of another country, the countries, in the absence of a bilateral or sub-regional agreement, may agree in direct contacts between their command structure Operational Authorities, that the threatened country will assume the lead role (operational control and supervision).

The countries may agree that the lead role shall be transferred from a country to another, when the major part of the pollutant has moved from the area of responsibility of the country who had initially requested assistance, to the area of responsibility of the other country who is now affected and who is requesting assistance.

The transfer of the lead role in cases when the major part of the pollutant is moving from the area of interest of one country to the area of responsibility of another country shall be agreed upon after consultations between the countries concerned.

The lead country shall be responsible for surveillance of the pollution, assessment of the situation, spill movement forecasting, reporting, exercising Operational Command over Joint response operations

The Principles and Guidelines concerning arrangements and operational procedures which could be applied in case of a joint operation in Annex I.4.2/C shall apply.

7.3 Use of dispersants

The Requesting Country shall inform the other assisting Parties (government, private sector) on its policy regarding the use of dispersants. The information shall include a list of the dispersants approved for use in the territorial waters of the Requesting Country together with an indication of the zones where the use of dispersants is allowed, restricted or prohibited, as well as any other information deemed relevant.

7.4 The liaison between the assisting Party and the Requesting Country during the response operations shall be maintained, according to circumstances:

The liaison between the assisting Party and the Requesting Country during the response operations shall be maintained, through:

- direct contacts, through the Liaison Officer of the assisting Party integrated in the staff of the SOS/OSC the field command structure; (*Annex I.4.3*)
- situation reports (*Annex II.8*) during the entire period between the dispatching of resources and the termination of assistance.

The Requesting Country shall keep the assisting Parties and REMPEC regularly informed through situation reports (*Annex II.8*) on:

- development of the situation regarding a pollution incident;
- actions taken to combat pollution;
- progress of response operations.

8. Termination of assistance

8.1 Termination by the assisting Party

If the circumstances so demand, the assisting Party can fully or partly terminate its assistance. Information on the termination shall be communicated to the competent authority of the requesting Party.

8.2 Termination by the affected country

The progress of the response and clean-up operations should be monitored and as the activities wind down, resources should begin to be demobilised, and ultimately, a decision should be made to terminate the response. When this decision is made, the response enters the remediation or restoration phase to monitor or enhance natural recovery of the impacted areas.

International assistance shall be terminated when, according to the judgement of the command structure:

- pollution response measures have been finalised and the pollutant no longer threatens the interests of the Requesting Country; or
- the situation has reached a point where the response capabilities and resources of the Requesting Country are sufficient for successfully finalising the response activities.

Unless otherwise agreed, all personnel, equipment, unused products and other means which were involved in response operations shall return or be returned to their respective countries of origin.

9. Possible role of REMPEC in coordinating international assistance

In conformity with its mandate REMPEC, when requested in case of emergency, can assist the affected Contracting Party in:

- helping the command structure in the field in carrying out a detailed assessment of the situation;
- helping the command structure to evaluate the needs for international assistance and to specify, as precisely as possible, the type and quantity of equipment and products needed;
- helping the management structure in identifying from whom to get assistance;
- the evaluation of offers of assistance;
- the coordination of international assistance;
- providing technical advice;

- facilitating relationship with parties involved;
- facilitating communication and exchange of information;
- exceptional circumstances, by helping in mobilising financing support, in particular through UN financing mechanisms.

PART IV ADMINISTRATIVE, LEGAL AND FINANCIAL ASPECTS

This Part gives useful information on legal, administrative and financial aspects related to the request and offers of assistance.

1 Administrative and legal aspects

Once the management structure of the affected Country has accepted solicited and unsolicited offers of assistance from other countries and private entities including the bringing of combating resources by the responsible party, it shall, in particular:

- make the necessary arrangements for accommodation and transportation, within the country, of all assisting personnel;
- take the necessary measures to provide the following facilities for equipment and other means received from the assisting Parties: -safe storage space or parking places, as appropriate, including cranes, fork-lifts and other handling equipment, as necessary; -fuel, lubricants and basic repair and maintenance facilities.

As regards the stay in the territory of the Requesting Country, of vessels and aircraft rendered as assistance by other Parties, the management structure shall take the necessary measures to ensure assistance to the crews at airports and in ports, as appropriate, and to provide security services for ships, aircraft and related equipment, while these are in ports or at airports of the Requesting Country.

1.1. Customs

The management structure shall determine how best it can facilitate the entry of the equipment, property or personnel from assisting parties into its own territory. It may be government or private sector owned resources or REMPEC experts. To that end, the management structure shall ensure that measures to facilitate the arrival of accepted resources, including expeditious processing or complete waiver of customs and visa requirements are taken.

The management structure shall also provide regular information and updates to arriving experts or response teams with regard to entry points, customs, and visa requirements, and other arrival arrangements.

Many countries have laws in place for customs duty and/or restriction exemptions with regard to certain types of resources imported and exported for uses for emergencies. The management structure shall evaluate the applicability of such laws, if they exist within its country, for emergencies related to a pollution.

If such laws exist within the affected Country and can be applied to international assistance for pollution response, the management structure shall determine how these exemptions will be implemented for response equipment, property, and personnel arriving from the assisting parties. The international responders from the assisting Party shall prepare and have ready detailed manifests of their equipment or property to facilitate expeditious customs processing.

1.2. Immigration issues

Immigration laws regarding employment of foreign nationals may require that consent be obtained for them to work within a country. For purposes of immigration, customs and excise laws, it is recommended, subject to security consideration, that affected countries consider legislating special emergency procedures, or allowing temporary easements, that could be invoked by the management structure in the event of a spill in which a foreign response organisation's services are needed. It is recommended that the management structure for international assistance coordinate closely with the appropriate national agencies or departments within the affected country to determine if any easements or provisions can be made to facilitate foreign nationals working on the spill response if

appropriate. Ideally, this coordination would occur in a planning context, in advance of a marine pollution incident.

1.3. Points of entry

It is recommended that all Contracting Parties and organisations consider establishing pre-identified points of entry for incoming resources when implementing an international assistance system as part of their response to a large, complex or significant oil spill. Entry points can be any type of border crossing (e.g. roads, rivers, ports, railroads, airports). It is recommended that the management structure of the affected Party make all necessary arrangements to receive and expedite entry of the incoming resources at the points of entry, as appropriate.

1.4. Transboundary movement of response personnel, equipment, products and self-contained units

The management structure of the affected Party shall:

- make arrangements for the rapid entry of equipment, products and personnel prior to their arrival and ensure that customs formalities are facilitated to the maximum extent. Equipment should be admitted on a temporary basis and products should be admitted free of excise and duties;
- ensure that, should ships and aircraft be provided, ships are granted all necessary authorisations and aircraft cleared to fly in the national air space. A flight plan or a flight notification will be filled and accepted as an authorisation for aircraft to take off, land ashore or at sea outside regular customs airfields.

1.4.1. Over flight procedures

The management structure of the affected Party should allow aircraft of assisting parties to enter and operate in the airspace of the affected Party for one of the following purposes:

- search and rescue;
- surveillance flights;
- transportation of response personnel, equipment and products;
- spraying of dispersants or other treatment products.

A Contracting Party should make, in advance, the necessary arrangements concerning the rapid granting of permits and clearances for civil aircraft (fixed wing or helicopters) of other Contracting Parties and other assisting parties who might be requested to or will take part in response operations within its airspace. Similar arrangements will be made for the use of airport facilities by civilian fixed wing aircraft and helicopters engaged in response operations.

Overflight, for the above mentioned purposes, on the national territory or territorial waters of one of the Contracting Parties by military aircraft of other Contracting Parties will be decided on a case-by-case basis by the Parties concerned.

1.4.2. Navigation procedures

Upon the request and the approval of the management structure of the affected Party, vessels of the assisting parties might enter and operate in the territorial waters of the affected Party for one of the following purposes:

- search and rescue;
- salvage operations;
- pollution response operations, including containment and recovery of spilled products, spraying of dispersants or other treatment products, storage and transportation of recovered pollutant;
- transportation of response personnel, equipment and products;
- any other voyage related to pollution response operations.

The management structure of the affected Party shall make, in advance, the necessary arrangements concerning the rapid granting of permits and clearances for the navigation of civil vessels (ships, boats, specialised anti-pollution vessels) of the other Contracting Parties and other assisting parties who might be requested to or will take part in response operations within its internal and territorial waters. Similar arrangements will be made for the use of port facilities by civilian vessels engaged in Joint response operations.

Navigation, for the above mentioned purposes, in the internal or territorial waters of one of the affected Party by naval vessels of other Contracting Parties will be decided on a case-by-case basis by the Parties concerned.

In all cases, the provisions of the International Convention on Facilitation of International Maritime Traffic, as amended, will be taken into account by the Parties concerned.

1.4.3. Personnel, equipment, products and self-contained units provided by the industry

Any personnel, equipment, products and self-contained units provided by the industry or any other entity to respond to a marine pollution incident on the territory, the territorial sea of the affected Party will be approved by the management structure for international cooperation and mutual assistance of that Party. Once approved, the management structure will facilitate their movements as mentioned above.

1.4.4. Liability for injuries or damage/insurance of personnel

The management structure of the affected Party shall coordinate with the assisting parties to determine which party will assume the responsibility for equipment damage and loss, as well as third-party claims. A responsible party may obtain documented liability coverage and insurance. If suitable insurance cannot be obtained that defines the costs to either party, it is recommended that another means of guarantee be requested. A secure means of insuring the replacement of damaged or lost equipment is to request that a bond be placed with a financial institution in the value of the equipment and include it in the cost for the loaned equipment.

In order to streamline and expedite this process of cooperation and to avoid any potential for later misunderstanding, it is recommended that the management structure of the affected Party and assisting Party agree on the principles for compensating the potential damage suffered by third parties as early as possible, ideally already during the process of requesting, offering, and accepting the international assistance. It is recommended that both the management structure of the affected Party and assisting Party declare their willingness or non-willingness to cover damage suffered by third parties (*Annex: II.4*).

1.5. Medical insurance and medical assistance

Parties, requesting Party, assisting parties, industry (Government, private sector) shall take the necessary measures to insure against death, illness and injury, their personnel who might participate in response operations.

The management structure of the affected Party will endeavour to offer as far as possible the best possible initial medical care and services to any person from an assisting parties who is injured or taken ill during his/her participation in response operations.

The management structure of the affected Party will facilitate the repatriation of assisting personnel who are injured or taken ill during Response operations.

The costs of hospitalisation and medical assistance rendered within the affected Party to injured or ill personnel of the assisting Party may be borne by the requesting Party according to medical insurance. The requesting Party might decide to include such costs in its claims.

1.6. Conditions of work

The management structure of the affected Party should ensure that adequate local facilities and services are provided for administration and management of assisting Party's assets.

1.7. Legal framework

One of the greatest potential legal hurdles for acceptance and utilisation of international assistance involves the potential liability and financial risks that could attach to a responder involved in response activities in a foreign country or foreign waters. Awareness of the applicable laws to and responsibilities of the assisting Party is a key element in avoiding any possible liability issues (e.g. fines for causing secondary pollution and property damage, dispute regarding the success and termination of a cleanup operation, waste disposal regulations, etc.).

It is the responsibility of the Requesting Country to ensure that, solid and systematic solutions ready to identify relevant legal issues that may constitute obstacles to the overall objective of facilitating the provision of international assistance, do exist, and, if appropriate, modify the legislation.

It is recommended that the management structure of the affected Party consider granting legal exemptions, in particular:

- responder immunity (partial or complete);
- product immunity protecting the supplier/manufacturer (partial or complete);
- exempting the requested/accepted equipment from all custom duties, taxes, tariffs, or any governmental fees, and exempting them from all export transit

2 Financial aspects

In order to make commitments with foreign sources for equipment, response resources and technical specialists, the management structure for cooperation and international assistance should request spending authorisation and funds to draw upon, at either the National or the Field Level. In a number of cases, there are greater efficiencies for spending authority and funds to be designated at the Field level. Additionally, funding authorities and sources are important to clarify during the international assistance process, as an unauthorised commitment of any kind to a foreign source without spending authority ultimately could impede needed resources to assist in the spill response. For these reasons, the National and Field level should clarify and understand their financial roles based on applicable regulations before beginning the international assistance process. The management structures must have a financial section, with financial officer at the field level.

2.1. Financing response measures and assistance

Financing response measures undertaken by the government of the affected country using its own resources or resources locally contracted as well as requested resources provided by foreign assisting parties may require the affected country to pay up front using its own internal fund. Reimbursement from the polluter may or may not take time, or may or may not be achievable depending on how the liability of the polluter and compensation regimes are enacted and enforced in the affected country.

Therefore due considerations should be given to funding and reimbursement when requesting international assistance.

When a country is responding to a large or complex oil spill that requires international assistance the management structure for cooperation and international assistance should determine to what degree the Responsible Party will fund upfront the resources utilised as part of international assistance, as well as any associated and negotiated maintenance, rental, compensation or replacement costs, and transportation costs. If the affected country bears any of the upfront costs associated with obtaining, transporting, deploying, and returning resources requested through the international assistance process, the management structure for cooperation and international assistance should determine which expenses and to what extent they can fund international assistance resources and associated

"out of pocket" costs, as well as by which mechanisms the management structure's costs will be recovered or compensated.

If an affected country is unable to provide "out of pocket" funds for resources from international assistance or other costs, it is recommended that the management structure for cooperation and international assistance and other applicable agencies work with the responsible party to determine the responsible party's ability to cover international assistance costs. The assisting Party may require and accept a guaranty of payment from the Requesting Country. Such guaranty may be obtained from the P&I Club of the ship involved [and or from the IOPC Funds if applicable] or from the insurer of an offshore unit or a handling facility.

The affected country may have other avenues available to it. It is recommended that the affected country investigates whether such options are available to it prior to an oil spill situation.

2.1.1. Financing response measures carried out and assistance provided by assisting parties (assisting country or private contractors) at the request of the affected country

Both the OPRC Convention and the Emergency Protocol (Article 13) contain specific provisions regarding reimbursement of cost of assistance:

The principle is that:

- unless an agreement concerning the financial arrangements governing actions of Parties to deal with pollution incidents has been concluded on a bilateral or multilateral basis prior to the pollution incident, Parties shall bear the costs of their respective action in dealing with pollution.
 - o If the action was taken by one Party at the express request of another Party, the requesting Party shall reimburse to the assisting Party the costs of its action. If the request is cancelled, the requesting Party shall bear the costs already incurred or committed by the assisting Party;
 - o if the action was taken by a Party on its own initiative, that Party shall bear the cost of its action;
 - o the principles laid down in subparagraphs above shall apply unless the Parties concerned otherwise agree in any individual case.
- Unless otherwise agreed, the costs of the action taken by a Party at the request of another Party shall be fairly calculated according to the law and current practice of the assisting Party concerning the reimbursement of such costs.
- The Party requesting assistance and the assisting Party shall, where appropriate, cooperate in concluding any action in response to a compensation claim. To that end, they shall give due consideration to existing legal regimes. Where the action thus concluded does not permit full compensation for expenses incurred in the assistance operation, the Party requesting assistance may ask the assisting Party to waive reimbursement of the expenses exceeding the sums compensated or to reduce the costs which have been calculated. It may also request a postponement of the reimbursement of such costs. In considering such a request, assisting Parties shall give due consideration to the needs of developing countries.

These provisions 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 national and international law applicable to one or to the other Party involved in the assistance.

2.1.2. The responsible party may accept to pay directly the assisting Party requested by the Requesting Country

That may be the case in particular when the insurer of the ship, the P&I Club, following the advice of their expert, ITOFF, will consider that the response resources requested and actions planned and taken are fully justified and reasonable and will contribute efficiently to reduce the impact of the pollution.

When according to the national preparedness and response system it is expected that the polluter will carry out response operation and provide the majority of response resources the polluter will support the cost of response measures undertaken at the request of the government or undertaken at its own initiative with the agreement of the relevant government authorities.

2.1.3. REMPEC assistance

REMPEC will support the initial financing of the sending of experts to provide the assistance mentioned above. In addition, in exceptional circumstances, REMPEC will do its utmost to identify sources of provisional financing to cover the cost of requested assistance.

2.2. Reimbursement of costs of response measures and assistance

“The Polluter Pays” principle is a concept that is generally well-accepted throughout the world, but should be established in formal legislation or policy. Liability for the costs of a pollution incident will generally be set-out in law in relevant national legislation. In practice, national laws require that whoever caused the pollution shall pay for the response and remediation efforts in accordance with the polluter’s legal liability.

As a consequence the polluter insurer shall reimburse all costs of response measures undertaken and assistance provided (by the government of affected country and or by assisting parties) within the limit and under the conditions of the liability regime applicable.

In the case of pollution from a ship countries which are party to civil liability conventions and compensation funds conventions shall expect to obtain prompt and adequate reimbursement and compensation (refer to Part I Background)

In the case of pollution originated from an offshore unit or a handling facility the liability regime applicable is the one the country will impose to the operators of offshore unit and of handling facilities. Government shall require that operator of offshore unit and of handling facility have insurance or financial guaranty for covering their liability in case of pollution;

In cases where there is no owner, such as a mystery spill, or in cases where the polluter is unable to pay for the response, the government will usually pay for the response and then seek remuneration from a national pollution response fund where available or in accordance with international liability and compensation conventions to which the government is party.

2.3. Calculation of costs of response measures and assistance

Under the international liability and compensation conventions, reimbursement for actions taken during spills from vessels may be available for reasonable response measures. As a consequence, it is recommended that careful consideration be given to the mobilisation of resources to ensure they are reasonable if compensation is to be sought subsequently through one of these conventions. The IOPC Funds’ claims manual has further information on admissibility of claims and claims criteria (<http://www.iopcfunds.org/publications/>) (*Annex: III. 1*).

Careful documentation of operational activities and their associated costs during a spill response will assist in resolving disputes over cost recovery and in the preparation of claims for compensation. In the event of loss or damage to the equipment, insurance claims may need to be substantiated by supporting documentation.

It is important to ensure careful documentation of operational activities and to designate and train personnel to carry out the task of keeping a log of spill-related actions and their associated costs.

It is recommended that daily records be maintained of resources mobilised by the management structure for international assistance (at the central level and at the field level), documenting at a minimum:

- Response measures: Detailed records of response measures carried out during the entire operation and of the related costs incurred by parties participating in the response (establish the necessary documentation) must be kept

- Equipment: date mobilised, duration of use, location, initial condition, and condition during and at the end of its use, operators on duty, consumables used and disputes over replacement cost; and
- Personnel: date mobilised, number of workers on site, hours worked, compensation and attendance.

The management structure for cooperation and international assistance will present the claims together with the necessary documentation to the responsible party insurers and or to the IOPC Funds or other mechanisms liable for compensation.

2.4. Preparation and submission of claims

Both Requesting Countries and Assisting Countries shall take into consideration the process required for the preparation and submission of claims to the IOPC Funds when taking measures to respond to spills but also when requesting or offering assistance. To this effect a brief summary on these matters can be consulted in *Annex III.1* and *Annex III.2*.

ANNEXES

**MEDITERRANEAN GUIDE ON
COOPERATION AND MUTUAL ASSISTANCE IN
RESPONDING TO MARINE POLLUTION INCIDENTS**

ANNEX I

LISTS, DIRECTORIES, INVENTORIES and GUIDELINES

ANNEX I.1

DIRECTORY OF RELEVANT INTERNATIONAL AND REGIONAL INSTITUTIONS (GOVERNMENTAL, NON-GOVERNMENTAL)

1. International Maritime Organization (IMO)

Address: 4, Albert Embankment, London, SE1 7SR, United Kingdom
Tel +44 (0)20 7735 7611
Fax +44 (0)20 7587 3210
Email: info@imo.org
Web: <http://www.imo.org/>

2. United Nations Environment Programme / Coordinating Unit for the Mediterranean Action Plan (UNEP/MAP)

Address: 48, Vassileos Konstantinou Ave., 11635 Athens, P.O Box: 18019, Greece
Tel: +30 210 7273100
Fax: +30 210 7253196
Email:
Web: <http://web.unep.org/unepmap>

3. Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC)

Address: Maritime House, Lascaris Wharf, Valletta, VLT 1921, Malta
Tel: +356 21 337 296 - +356 21 337 297 - +356 21 337 298
Emergency line: +356 79 50 50 11
Fax: + 356 21 33 99 51
General enquiry email: rempec@rempec.org
Emergency email: emergency@rempec.org
Web: www.rempec.org

4. Joint Environment Unit (JEU) of the United Nations Office for the Coordination of Humanitarian Affairs (UN OCHA)

Address:
Tel:
Fax:
Email:
Web:

5. International Oil Pollution Compensation Funds (IOPC Funds)

Address: 4, Albert Embankment, London, SE1 7SR, United Kingdom
Tel: + 44 (0)20 7592 7100
Fax: + 44 (0)20 7592 7111
Email:
Web: <http://www.iopcfunds.org/>

6. European Commission (EC)

Emergency Response Coordination Centre (ERCC)

Address: 200, Rue de la Loi 1049 Brussels, BELGIUM
Tel No : +32 2 29 21 112
Duty Officer 1: +32 498 980 300
Duty Officer 2: +32 498 980 301
Fax.: +32-2 298 66 51
E-mail : echo-ercc@ec.europa.eu
Web: http://ec.europa.eu/echo/what/civil-protection/emergency-response-coordination-centre-ercc_en

European Maritime Safety Agency (EMSA)

Address: Cais do Sodré1249-206 Lisboa, Portugal
Mobile: +351 911 089 200
Tel No: +351 211 209 415
Fax No: +351 211 209 480
E-mail: MaritimeSupportServices@emsa.europa.eu
Web: www.emsa.europa.eu/

(Non-governmental institutions)

7. International Tanker Owners Pollution Federation (ITOPF)

Address: 1 Oliver's Yard 55 City Road, London, EC1Y 1HQ, UK
Tel: +44 (0)20 7566 6999
Emergency: +44 (0) 7623984606 (Alternative: +44 (0)20 7566 6998)
Fax:
Email: central@itopf.com
Web: <http://www.itopf.com/>

8. The global oil and gas industry association for environmental and social issues (IPIECA)

Address: 14th Floor, City Tower,40 Basinghall Street, London, EC2V 5DE, United Kingdom
Tel: +44 (020) 7633 2388
Fax: +44 (020) 7633 2389
Email:
Web: <http://www.ipieca.org/>

9. International Association of Oil & Gas Producers (IOGP)

Address: 14th Floor, City Tower,40 Basinghall Street, London, EC2V 5DE, United Kingdom
Tel: +44 (0)20 3763 9700
Fax: +44 (0)20 3763 9701
Email: reception@iogp.org
Web: <http://www.iogp.org/>

10. The European Chemical Industry Council (CEFIC)

Address: Avenue E. van Nieuwenhuysse, 4 box 1 - 1160 Brussels – Belgium
Tel: + 32 2 676 72 11
Fax: + 32 2 676 73 00
Email:
Web: <http://www.cefic.org/>

11. International Salvage Union (ISU)

Address: International Salvage Union, Holland House, 1 - 4 Bury Street, London, EC3A 5AW, England
Tel: +44 20 7220 6597
Fax:
Email: isu@marine-salvage.com
Web: <http://www.marine-salvage.com/>

12. International Association of Classification Societies (IACS)

Address: Permanent Secretariat, 6th Floor, 36 Broadway, London SW1H 0BH, UK
Tel: +44 (0)20 7976 0660
Fax: +44 (0)20 7808 1100
Email: permsec@iacs.org.uk
Web: <http://www.iacs.org.uk/>

ANNEX I.2
LISTS OF CONTRACTING PARTIES' FOCAL POINTS¹

1. Governmental Focal Point²

| Country | Name, Department or position | Contact details |
|-------------------------------|--|---|
| Albania | Mr Elson THANA Specialist, Department of Maritime Transport Polices, Ministry of Transport an | Sheshi Skënderbej Nr. 5 Tirana Tel:+355 4 23 80 744 Cell:+355 68 68 11 242 Telefax:+355 4 22 25 196 |
| Algeria | M. Hadj Aissa RAOF Sous-Directeur de la Préservation du Littoral, du milieu marin et des zones humides Ministère des Ressources en eau et de l'Environnement | 03 Rue Caire Kouba Alger Tel:+213 21 43 28 75 Cell:+213 550 82 51 86 Telefax:+213 21 43 28 75 |
| Bosnia Herzegovina | Prof. Tarik KUPUSOVIC Special Advisor to the Minister of Physical Planning and Environment, Hydo Engineering Institute | Stjepana Tomica 1, 71000 Sarajevo Tel:+387 33 212 466/7 Cell:+387 61 158 007 Telefax:+387 33 207 949 |
| Croatia | Captain Darko GLAZAR Harbour Master , Ministry of Maritime Affairs, Transport and Infrastructure , Safety of Navigation, Marine Environment and Inland Waters Protection Authority | Senjsko pristanište, 3, 51000 Rijeka Tel:+385 51 214 113 Cell:+385 99 2111 247 Telefax:+385 51 211 660 |
| Cyprus | Director Department of Fisheries and Marine Research, Ministry of Agriculture, Natural Resources and Environment | 101 Vithelem Street, Nicosia 1416 Tel:+357 22 807 867 Cell: Telefax:+357 22 781 226;+357 22 77 59 55 |
| Egypt | Mr. Ahmed Kasem Kasem SHETA Environmental Disasters & Crises Management Director, Egyptian Environment Affairs Agency (EEAA) , Cabinet of Ministers | 30 Misr-Helwan Agricultural Road Maadi, Cairo Tel:+20 22 525 64 91-92 Cell:+20 100 382 46 00 Telefax:+20 22 525 64 94 |
| France | Mme. Marie-Sophie DUFAU-RICHET Chargée de mission pour les questions internationales, Secrétariat Général de la Mer | 69 rue de Varennes, 75007 Paris Tel:+33 1 42 75 66 53 Cell:+33 6 61 53 95 01 Telefax:+33 1 42 75 66 78 |
| Greece | Captain H.C. G. Charalampos P. KONTRAFOURIS Director of the Marine Environment Protection | Akti Vasileiadi – Gate E1-E2 (inside port), 18510 Piraeus |

¹ Extracted from [REMPEC's Country Profile](#) – Contacts updated by REMPEC upon official notification

² **Governmental Focal Point:** Office or officer of either the Ministry of Foreign Affairs or the Ministry of Environment which is usually the same Office or officer fulfilling the role of MAP Focal Point having general responsibility for the implementation of the provisions of the Barcelona Convention and its Protocols and for coordination, at the national level, of MAP activities

| | | |
|-------------------|--|---|
| | Directorate, Hellenic Ministry of Citizen Protection | Tel:+30 210 419 1132 Cell:+30 694 433 1880 Telefax:+30 210 422 04 40 |
| Israel | Mr. Ran AMIR Director, Marine and Coastal Environment Division, Ministry of Environmental Protection | 15a Pal-Yam st., P.O. Box 811, Haifa 31007 Tel:+972 4 863 35 00 Cell:+972 50 62 33 050 Telefax:+972 4 863 35 20 |
| Italy | Dr. Giuseppe ITALIANO Head of Unit VII “ Marine Protection from Pollutions, General directorate for Nature's Protection and Sea, Ministry of Environment | Via Cristoforo Colombo, 44, 00147 Rome Tel:+39 06 57 22 83 03 Cell:+39 33 16 22 00 14 Telefax:+39 06 57 22 83 90 |
| Lebanon | Mr. Georges BERBARI Chief of Service of Regional Departments and Environmental Police, Ministry of Environment | Mid-Town – Lazariéh Building Block A 4 7th Floor (Room 7-49) P.O. Box 11/ 2727, Beirut Tel:+961 (1) 976 555 ext 412 Cell:+961 (3) 029 547 Telefax:+961 (1) 976 512 |
| Libya | Mr. Khairi Sulliman KROUZ Hse Advisor | Bashir Essadawe Street Tripoli Tel:+218 91 415 43 36 Cell:+218 91 516 38 33 Telefax:+218 21 444 7501 |
| Malta | Captain Richard GABRIELE Head Pollution and Incident Response, Ports and and Yachting Directorate, Authority for Transport in Malta, Malta Transport Centre | Xatt I-Ghassara ta' I-Gheneb, Marsa MRS 1917 Tel:+356 2291 44 20 Cell:+356 9949 43 12 Telefax:+356 2291 44 29 |
| Monaco | M. Patrice CELLARIO Conseiller de Gouvernement pour l'Intérieur, Département de l'Intérieur | Place de la Visitation MC- 98000 Monaco Tel:+377 98 98 84 56; +377 98 98 82 35 Cell: Telefax:+377 98 98 82 45 |
| Montenegro | Captain Predrag RATKOVIC Senior Advisor, Head of Sector for Prevention of Sea Pollution from Ships, Maritime Safety Department | Maršala Tita br.7, P.O. Box 14, 85000 Bar Tel:+382 30 313 241 Cell:+382 69 632 930 Telefax:+382 30 313 274 |
| Morocco | Mme. Naoual ZOUBAIR Chef du Service Stratégies d'Intervention, Division Prévention et Stratégies d'Intervention, Direction de la Surveillance et de la Prévention des Risques, Département de l'Environnement, Secrétariat d'Etat chargé de l'eau et de l'environnement | 9, Avenue Al Araar, secteur 16, Hay Ryad, Rabat Tel:+212 5 37 57 06 01 Cell:+212 662 10 81 54 Telefax:+212 5 37 57 06 01; +212 5 37 57 18 29 |
| Slovenia | Aleš Gombac Ministry of Infrastructure, Slovenian Maritime | Ukmarjev trg 2, 6000 Koper Tel:+386 5 66 32 100 |

| | | |
|-----------------------|--|---|
| | Administration, Department for safety of the coastal sea | Cell: Telefax:+386 5 66 32 102 |
| Spain | Mr. Jose Luis Garcia Lena Subdirector General de Seguridad, Contaminación e Inspección Marítima Dirección General de la Marina Mercante, Ministerio de Fomento | C/Ruiz de Alarcon, 1 28071 Madrid, Spain Tel:+34 91 597 92 69/70 Cell: Telefax:+34 91 597 92 87/597 92 35 |
| Syria | Afdmiral Maitham Ibrahim AL YOUSEF General Director of Ports General Directorate of Ports, Ministry of Transport | P.O. Box 505, Al Gazair Street, Lattakia Tel:+963 41 47 33 33/47 90 41/47 25 93/47 38 76 Cell: Telefax:+963 41 47 58 05/47 90 41 |
| Tunisia | M.le Directeur Général, Agence nationale de protection de l'environnement (ANPE) | Centre Urbain Nord , 15 rue 7051 cité Essalem 2080 Tunis B.P. N° 52 Le Bélvédère Tel:+216 71 767 448 Cell:+216 22 560 141 Telefax:+216 71 751 268/751 750 |
| Turkey | Mr. Hakan AKYILDIZ Ship Inspection Officer, Ministry of Transport, Maritime Affairs and Communications, General Directorate for Regulating of Sea and Inland Waters, Department of Marine Environment and Tourism | Ulastirma, Denizcilik ve Haberlesme Bakanligi; Deniz ve Icsular Duzenleme Genel Müdürlüğü Hakkı Turaylıç Cad. No:5 06338 Emek-Ankara TÜRKIYE Tel:+90 312 203 1000 Ext. 3449 Cell:+90 505 260 56 07 Telefax:+90 312 231 33 06 |
| European Union | Mr. Hans DAS Head of Unit, DG ECHO B - Humanitarian and Civil Protection Operations Unit B1 – Emergency Response European Commission - OFFICE: BU9 2/167 | 200, Rue de la Loi 1049 Brussels, BELGIUM Tel:+32 2 299 04 36 Cell: Telefax:+32 2 295 14 58 |

2. OPRC Focal Points³

| Country | Name, Department or position | Contact details |
|-------------------------------|--|--|
| Albania | Mr Elson THANA Specialist, Department of Maritime Transport Polices, Ministry of Transport an | Sheshi Skënderbej Nr. 5 Tirana Tel:+355 4 23 80 744 Cell:+355 68 68 11 242 Telefax:+355 4 22 25 196 |
| Algeria | M. Hadj Aissa RAOF Sous-Directeur de la Préservation du Littoral, du milieu marin et des zones humides Ministère des Ressources en eau et de l'Environnement | 03 Rue Caire Kouba Alger Tel:+213 21 43 28 75 Cell:+213 550 82 51 86 Telefax:+213 21 43 28 75 |
| Bosnia Herzegovina | Prof. Tarik KUPUSOVIC Special Advisor to the Minister of Physical Planning and Environment, Hydo Engineering Institute | Stjepana Tomica 1, 71000 Sarajevo Tel:+387 33 212 466/7 Cell:+387 61 158 007 Telefax:+387 33 207 949 |
| Croatia | Captain Darko GLAZAR Harbour Master , Ministry of Maritime Affairs, Transport and Infrastructure , Safety of Navigation, Marine Environment and Inland Waters Protection Authority | Senjsko pristanište, 3, 51000 Rijeka Tel:+385 51 214 113 Cell:+385 99 2111 247 Telefax:+385 51 211 660 |
| Cyprus | Director Department of Fisheries and Marine Research, Ministry of Agriculture, Natural Resources and Environment | 101 Vithleem Street, Nicosia 1416 Tel:+357 22 807 867 Cell: Telefax:+357 22 781 226;+357 22 77 59 55 |
| Egypt | Mr. Ahmed Kasem Kasem SHETA Environmental Disasters & Crises Management Director, Egyptian Environment Affairs Agency (EEAA) , Cabinet of Ministers | 30 Misr-Helwan Agricultural Road Maadi, Cairo Tel:+20 22 525 64 91-92 Cell:+20 100 382 46 00 Telefax:+20 22 525 64 94 |
| France | Mme. Marie-Sophie DUFAU-RICHET Chargée de misssion pour les questions internationales, Secrétariat Général de la Mer | 69 rue de Varennes, 75007 Paris Tel:+33 1 42 75 66 53 Cell:+33 6 61 53 95 01 Telefax:+33 1 42 75 66 78 |
| Greece | Captain H.C. G. Charalampos P. KONTRAFOURIS Director of the Marine Environment Protection Directorate, Hellenic Ministry of Citizen Protection | Akti Vasileiadi – Gate E1-E2 (inside port), 18510 Piraeus Tel:+30 210 419 1132 Cell:+30 694 433 1880 Telefax:+30 210 422 04 40 |

³ **OPRC Focal Point:** Office or officer of the national authority responsible for preparedness for and response to accidental marine pollution, if possible designated as such in the relative national contingency plans; the responsibility for preparedness for and response to accidental marine pollution varies from country to country and may fall under the responsibilities of, for example, the national authority in charge of maritime affairs or the national authority in charge of environment or the national authority in charge of civil protection

| | | |
|-------------------|--|---|
| Israel | Mr. Ran AMIR Director, Marine and Coastal Environment Division, Ministry of Environmental Protection | 15a Pal-Yam st., P.O. Box 811, Haifa 31007 Tel:+972 4 863 35 00 Cell:+972 50 62 33 050 Telefax:+972 4 863 35 20 |
| Italy | Dr. Giuseppe ITALIANO Head of Unit VII “ Marine Protection from Pollutions, General directorate for Nature's Protection and Sea, Ministry of Environment | Via Cristoforo Colombo, 44, 00147 Rome Tel:+39 06 57 22 83 03 Cell:+39 33 16 22 00 14 Telefax:+39 06 57 22 83 90 |
| Lebanon | Mr. Georges BERBARI Chief of Service of Regional Departments and Environmental Police, Ministry of Environment | Mid-Town – Lazariéh Building Block A 4 7th Floor (Room 7-49) P.O. Box 11/ 2727, Beirut Tel:+961 (1) 976 555 ext 412 Cell:+961 (3) 029 547 Telefax:+961 (1) 976 512 |
| Libya | Mr. Khairi Sulliman KROUZ Hse Advisor | Bashir Essadawe Street Tripoli Tel:+218 91 415 43 36 Cell:+218 91 516 38 33 Telefax:+218 21 444 7501 |
| Malta | Captain Richard GABRIELE Head Pollution and Incident Response, Ports and and Yachting Directorate, Authority for Transport in Malta, Malta Transport Centre | Xatt I-Ghassara ta' I-Gheneb, Marsa MRS 1917 Tel:+356 2291 44 20 Cell:+356 9949 43 12 Telefax:+356 2291 44 29 |
| Monaco | M. Patrice CELLARIO Conseiller de Gouvernement pour l'Intérieur, Département de l'Intérieur | Place de la Visitation MC- 98000 Monaco Tel:+377 98 98 84 56; +377 98 98 82 35 Cell: Telefax:+377 98 98 82 45 |
| Montenegro | Captain Predrag RATKOVIC Senior Advisor, Head of Sector for Prevention of Sea Pollution from Ships, Maritime Safety Department | Maršala Tita br.7, P.O. Box 14, 85000 Bar Tel:+382 30 313 241 Cell:+382 69 632 930 Telefax:+382 30 313 274 |
| Morocco | Mme. Naoual ZOUBAIR Chef du Service Stratégies d'Intervention, Division Prévention et Stratégies d'Intervention, Direction de la Surveillance et de la Prévention des Risques, Département de l'Environnement, Secrétariat d'Etat chargé de l'eau et de l'environnement | 9, Avenue Al Araar, secteur 16, Hay Ryad, Rabat Tel:+212 5 37 57 06 01 Cell:+212 662 10 81 54 Telefax:+212 5 37 57 06 01; +212 5 37 57 18 29 |
| Slovenia | Aleš Gombac Ministry of Infrastructure, Slovenian Maritime Administration, Department for safety of the coastal sea | Ukmarjev trg 2, 6000 Koper Tel:+386 5 66 32 100 Cell: Telefax:+386 5 66 32 102 |
| Spain | Mr. Jose Luis Garcia Lena | C/Ruiz de Alarcon, 1 28071 |

| | | |
|-----------------------|--|---|
| | Subdirector General de Seguridad, Contaminación e Inspección Marítima Dirección General de la Marina Mercante, Ministerio de Fomento | Madrid, Spain Tel:+34 91 597 92 69/70 Cell: Telefax:+34 91 597 92 87/597 92 35 |
| Syria | Afdmiral Maitham Ibrahim AL YOUSEF General Director of Ports General Directorate of Ports, Ministry of Transport | P.O. Box 505, Al Gazair Street, Lattakia Tel:+963 41 47 33 33/47 90 41/47 25 93/47 38 76 Cell: Telefax:+963 41 47 58 05/47 90 41 |
| Tunisia | M.le Directeur Général, Agence nationale de protection de l'environnement (ANPE) | Centre Urbain Nord , 15 rue 7051 cité Essalem 2080 Tunis B.P. N° 52 Le Bélvédère Tel:+216 71 767 448 Cell:+216 22 560 141 Telefax:+216 71 751 268/751 750 |
| Turkey | Mr. Hakan AKYILDIZ Ship Inspection Officer, Ministry of Transport, Maritime Affairs and Communications, General Directorate for Regulating of Sea and Inland Waters, Department of Marine Environment and Tourism | Ulastirma, Denizcilik ve Haberlesme Bakanligi; Deniz ve Icsular Duzenleme Genel Müdürlüğü Hakkı Turaylıç Cad. No:5 06338 Emek-Ankara TÜRKIYE Tel:+90 312 203 1000 Ext. 3449 Cell:+90 505 260 56 07 Telefax:+90 312 231 33 06 |
| European Union | Mr. Hans DAS Head of Unit, DG ECHO B - Humanitarian and Civil Protection Operations Unit B1 – Emergency Response European Commission - OFFICE: BU9 2/167 | 200, Rue de la Loi 1049 Brussels, BELGIUM Tel:+32 2 299 04 36 Cell: Telefax:+32 2 295 14 58 |

3. Mutual assistance Focal Points⁴

| Country | Name, Department or position | Contact details |
|---------------------------|--|---|
| Albania | Mr. Arduen KARAGJOZI Director of Excellence, Technical Secretariat of National Water Council | National Water Council, Bulevardi “Deshmorët e Kombit”, Këshilli i Ministrave Tirana Tel: Cell:+355 69 24 73 380 Telefax: |
| Algeria | M Salim DERRAR Attaché du Cabinet, Ministère de l’aménagement du territoire et de l’environnement | Rue des Quatre Canons – Alger Centre, Alger 1600 Tel:+213 21 432 867 Cell:+213 662 116 405 Telefax:+213 21 432 867 |
| Bosnia Herzegovina | UNIT OF BORDER POLICE OF BOSNIA AND HERZEGOVINA | 88390 Neum Tel:+387 36 885 212 Cell: Telefax:+387 36 855 218 |
| Croatia | | Tel: Cell: Telefax: |
| Cyprus | Director Department of Fisheries and Marine Research, Ministry of Agriculture, Natural Resources and Environment | 101 Vithleem Street, Nicosia 1416 Tel:+357 22 807 867 Cell: Telefax:+357 22 781 226;+357 22 77 59 55 |
| Egypt | R. Admiral Adel Yassin HAMMAD President, Maritime Transport Sector, Ministry of Transport | 4, Ptolemy Street, Alexandria 21514 Tel:+ 20 3 484 36 31 Cell: Telefax:+20 3 486 20 96; 484 20 41 |
| France | Mme. Marie-Sophie DUFAU-RICHET Chargée de mission pour les questions internationales, Secrétariat Général de la Mer | 69 rue de Varennes, 75007 Paris Tel:+33 1 42 75 66 53 Cell:+33 6 61 53 95 01 Telefax:+33 1 42 75 66 78 |
| Greece | Operational Centre of H.C.G. ry of Shipping, Maritime Affairs and the Aegean | Akti Vasileiadi – Gate E1-E2 (inside port), 18510 Piraeus Tel: +30 210 419 1626; 411 2500; Cell: Telefax: +30 210 417 3501 |

⁴ **Mutual assistance Focal Point:** Competent national authority [or officer] responsible for dealing with matters related to mutual assistance in case of emergency.

| | | |
|-------------------|--|--|
| Israel | Mr. Ran AMIR Director, Marine and Coastal Environment Division, Ministry of Environmental Protection | 15a Pal-Yam st., P.O. Box 811, Haifa 31007 Tel:+972 4 863 35 00 Cell:+972 50 62 33 050 Telefax:+972 4 863 35 20 |
| Italy | Dr. Giuseppe ITALIANO Head of Unit VII “ Marine Protection from Pollutions, General directorate for Nature's Protection and Sea, Ministry of Environment | Via Cristoforo Colombo, 44, 00147 Rome Tel:+39 06 57 22 83 03 Cell:+39 33 16 22 00 14 Telefax:+39 06 57 22 83 90 |
| Lebanon | Mr. Georges BERBARI Chief of Service of Regional Departments and Environmental Police, Ministry of Environment | Mid-Town – Lazarieh Building Block A 4 7th Floor (Room 7-49) P.O. Box 11/ 2727, Beirut Tel:+961 1 976 555 ext 412 Cell:+961 3 029 547 Telefax:+961 1 976 512 |
| Libya | | Tel: Cell: Telefax: |
| Malta | Malta Civil Protection Director | Ta' Kandja L/O Siggiewi SG 2610 Tel:+356 2393 0000 Cell: Telefax:+356 21462 607 |
| Monaco | | Tel: Cell: Telefax: |
| Montenegro | Captain Vladan RADONIJC Director , Maritime Safety Department | Maršala Tita br.7 ,P.O. Box 14, 85000 Bar Tel:+382 30 313 241 Cell:+382 69 333 252 Telefax:+382 30 313 274 |
| Morocco | Mme. Naoual ZOUBAIR Chef du Service Stratégies d'Intervention, Division Prévention et Stratégies d'Intervention, Direction de la Surveillance et de la Prévention des Risques, Département de l'Environnement, Secrétariat d'Etat chargé de l'eau et de l'environnement | 9 Avenue El Araar secteur, 16 Hay Ryad, Rabat Tel:+212 537 57 06 01 Cell:+212 662 10 81 54 Telefax:+212 537 57 18 29; 537 57 06 01 |
| Slovenia | Mr. Darko BUT Director General Administration of the Republic of Slovenia for Civil Protection and Disaster Relief Ministry of Defence of the Republic of Slovenia | Vojkova cesta 61, SI-1000 Ljubljana Tel:+386 1 471 33 22 Cell: Telefax:+386 1 431 81 17 |
| Spain | | Tel: Cell: Telefax: |

| | | |
|----------------------------|--|---|
| Syria | Eng. Fathia MOHAMMAD DDirectorate of Chemicals Safety and Solid Waste , Ministry of State for Environmental Affairs | Yousef Alazma Square , P.O. Box 3773, Damascus Tel:+963 11 239 63 91; 231 63 71 Cell:+963 93 229 14 50 Telefax:+963 11 231 21 20 |
| Tunisia | M. le Directeur Général Agence nationale de protection de l'environnement (ANPE) | 12, Rue du Cameroun, Le Belvédère, 1002 Tunis Tel:+216 71 767 448 Cell:+216 22 560 141 Telefax:+216 71 751 268/751 750 |
| Turkey | Ministry of Transport, Maritime Affairs and Communications General Directorate for Regulating of Sea and Inland Waters Director General (at present Cemalettin SEVLI) | Ulastirma, Denizcilik ve Haberlesme Bakanligi; Deniz ve Icsular Duzenleme Genel Müdürlüğü Hakkı Turaylıç Cad. No:5 06338 Emek- Ankara TÜRKIYE Tel:+90 312 203 10 00 Ext. 2210 Cell: Telefax:+90 312 231 33 06 |
| European Union | Emergency Response Co-ordination Centre (ERCC) Maritime Support Services Monitoring and Information CENTRE (MIC) , DG ECHO - Humanitarian Aid and Civil Protection, European Commission/ European Maritime Safety Agency (EMSA) | 200, Rue de la Loi 1049 Brussels, BELGIUM/Cais do Sodré 1249-206 LISBOA PORTUGAL Tel:+32-2-292-2222 +351 211 209 415 (EMSA) Cell:+351 911 089 200 (EMSA) Telefax:+32 2 298 6651(ERCC) / +351 211 209 480 (EMSA) |

4. 24 hour Focal Points⁵

| Country | Name, Department or position | Contact details |
|---------------------------|--|---|
| Albania | Mr Paulin NDREU Director of Harbour Masters, General Maritime Directorate | Durres Tel:+355 5 22 20 017 Cell:+355 68 20 24 866 Telefax:+355 5 22 20 017 |
| Algeria | Centre National des Opérations de Surveillance et de Sauvetage en Mer (CNOSS) Ministère de la Défense Nationale – Commandements des Forces Navales | B.P. 8 Amirauté Alger Tel:+213 21 43 01 78 Cell: Telefax:+213 21 43 71 08 |
| Bosnia Herzegovina | Prof. Tarik KUPUSOVIC Special Advisor to the Minister of Physical Planning and Environment, Hydro Engineering Institute | Stjepana Tomica 1, 71000 Sarajevo Tel:+387 33 212 466/7 Cell:+387 61 158 007 Telefax:+387 33 207 949 |
| Croatia | MRCC – Maritime Search and Rescue Co-ordination Centre | Senjsko pristaniste 3, 51000 Rijeka Tel:+385 1 195 Cell: Telefax:+385 51 312 254 |
| Cyprus | Director Department of Fisheries and Marine Research, Ministry of Agriculture, Natural Resources and Environment | 101 Vithleem Street, Nicosia 1416 Tel:+357 22 807 867 Cell: Telefax:+357 22 781 226;+357 22 77 59 55 |
| Egypt | Operations' Centre , Maritime Transport Section Ministry of Transport | 4, Ptolemy Street, Alexandria, Egypt, Post Box: 21514 Tel:+20 3 487 57 67 Cell: Telefax:+20 3 486 90 08 |
| France | CROSS-MED Centre régional opérationnel de surveillance et de sauvetage en méditerranée | Chemin du Fort Sainte Marguerite, B.P. 70069, 83953 La Garde, Cedex Tel:+33 4 94 61 16 16 Cell: Telefax:+33 4 94 27 11 49 |
| Greece | Operational Centre of H.C.G. ry of Shipping, Maritime Affairs and the Aegean | Akti Vasileiadi Gate E1-E2 (inside port), 18510 Piraeus |

⁵ **24 hour Focal Point:** National centre or contact point responsible for receiving reports on marine pollution accidents which is easily contactable on a twenty-four hours basis and capable of processing the said reports and alerting the competent national authorities responsible for initiating the relative response action; [It is expected that this information is consistent with the same information submitted to the International Maritime Organization (IMO) for inclusion in its 'List of National Operational Contact Points Responsible for the Receipt, Transmission and Processing of Urgent Reports on Incidents involving Harmful Substances, including Oil from Ships to Coastal States' (MSC-MEPC.6/Circ.14 – Annex 2) and which is available on the [IMO website](#)

| | | |
|-------------------|--|--|
| | | Tel: +30 210 419 1626; 411 2500; Cell: Telefax: +30 210 417 3501 |
| Israel | Mr. Itzchak YAKAR RCC Haifa | 15 A Pal-Yam Str., Haifa 31999 Tel:+972 4 863 21 45 Cell:+972 566 779 588 Telefax:+972 4 863 21 17 |
| Italy | Mr. Leonardo QUINTAVALLE Head of Operative Centre for Sea Emergencies of the Ministry for the Environment and Territory and Sea Directorate General Direction for Nature's Protection and Sea, Division VII – Marine Protection from Pollutions | Via Cristoforo Colombo, 44, 00147 Rome Tel:+39 06 57 55 34 67/6/5 Cell:+39 329 381 0317 Telefax:+39 06 57 22 34 72 |
| Lebanon | Eng. Abdel Hafeez KAISSI Director General of Land and Maritime Transport, Ministry of Public Works and Transport, Directorate General of Land and Maritime Transport | Starco Building, 3rd Floor, Beirut Tel:+961 1 371 644/645 Cell:+961 3 312 385 Telefax:+961 1 371 647 |
| Libya | Mr Abuagilla ALI ALSAWEI Naval Operation Officer Libya Coast Guard | Libya - Zaweia Tripoli Tel:+218 92 672 68 42 Cell: Telefax: |
| Malta | Armed Forces of Malta Duty Officer, Operation Centre, AFM | Luqa Barracks, Luqa Tel:+3562249 4202 Cell: Telefax:+356 21 809 860 |
| Monaco | Commandant Principal de Police - M Patrick REYNIER Chef de la Division de la Police Maritime et Aéroportuaire, Département de l'Intérieur Direction de la Sûreté Publique | 14 quai Antoine 1 er, MC 98 000 Monaco Tel:+377 93 15 30 16 Cell: Telefax:+377 93 30 22 45; 93 50 65 47 |
| Montenegro | Maritime Rescue Co-ordination Centre (MRCC- BAR) Search and Rescue Sector, Maritime Safety Department | Dobra Voda bb, 85000 Bar Tel:+382 30 313 088 Cell:+382 67 642 179 Telefax:+382 30 313 600 |
| Morocco | Service de la Prévention de la Pollution Direction de la Marine Marchande | Boulevard Félix Houphouet Boigny, 20000 Casablanca Tel:+212 5 29 02 86 08 Cell: Telefax:+212 5 22 27 33 40 |
| Slovenia | Emergency Notification Centre of the Republic of Slovenia Administration for Civil Protection and Disaster Relief | Vojkova cesta 61, 1000 Ljubljana Tel:+386 1 471 32 22 Cell: Telefax:+386 1 431 81 17 |

| | | |
|-----------------------|---|---|
| Spain | Mr. Alejandro BUSTO Director de la Sociedad de Salvamento y Seguridad Maritima (SASEMAR) | Fruela, 3 28011 Madrid, Spain Tel:+34 91 755 9133; 755 9109 Cell: Telefax: +34 (91) 526 1440; 755 91 09 |
| Syria | R. Admiral Fater Yassin ADINE General Director of Ports General Directorate of Ports, Ministry of Transport | P.O. Box 505 ,Al Gazair Street Lattakia Tel:963 41 47 33 33/47 90 41/47 25 93/47 38 76 Cell: Telefax:+963 41 47 58 05/47 90 41 |
| Tunisia | Service National de Surveillance Côtière (SNCS) | La Base Navale de la Goulette, Tunis Tel:+216 (71) 736 330 Cell: Telefax:+216 (71) 736 804 |
| Turkey | Ministry of Transport, Maritime Affairs and Communications General Directorate for Regulating of Sea and Inland Waters Main Search and Rescue Co-ordination Centre | Gaza Mustafa Kemal Bulvar No 128 06570 Maltepe - Ankara Tel:+90 312 2232 47 83; 232 38 49; 231 91 05 Cell: Telefax:+90 312 232 08 23 |
| European Union | Emergency Response Co-ordination Centre (ERCC)/ Maritime Support Services European Commission/ European Maritime Safety Agency (EMSA) | 200, Rue de la Loi 1049 Brussels, BELGIUM/Cais do Sodré1249-206 LISBOA PORTUGAL Tel:+32-2-292-2222 +351 211 209 415 (EMSA) Cell:+351 911 089 200 (EMSA) Telefax:+32 2298 6651 ERCC/ +351 211 209 480 (EMSA) |

ANNEX I.3

DIRECTORY OF COMPANIES OFFERING SERVICES IN THE MEDITERRANEAN IN CASE OF EMERGENCY⁶

ALBANIA

Address
Telephone (24 hours / day)
Mobile
Telefax
Further details

CROATIA

CIAN“ D.O.O. SPLIT

Address 21000 SPLIT, Varazdinska 51
Telephone (24 hours / day) +385 21/540 190
Mobile:
Telefax +385 21/540 199
Further details Director (Mr Petar Bojic) / 18 peoples trained and available 24 h for participating in response operations

„CIKLON“ D.O.O. ZADAR

Address 23000 ZADAR, Put Murvice 14
Telephone (24 hours / day) 385 23 / 344 000
Mobile
Telefax +385 23 / 344 001
Further details Director (Ms Jasminka Plenkovic) / 9 peoples trained and available 24 h for participating in response operations

„DEZINSEKCIJA“ D.O.O. RIJEKA

Address 51000 RIJEKA, Brajšina 13
Telephone (24 hours / day) +385 (51) 506 920
Mobile
Telefax +385 (51) 512 769
Further details Director: Mr Ranko Dujmovic / 10 peoples trained and available 24 h for participating in response operations

«EKOOPERATIVA» D.O.O.

Address 51211 MATULJI, Dalmatinskih brigada 17
Telephone (24 hours / day) +385 (51) 277-542
Mobile
Telefax +385 (51) 274-534
Further details Providing services of waste management and other services / 11 peoples trained and available 24 h for participating in response operations

„EKO-KEM“ D.O.O. RIJEKA

Address 51000 RIJEKA, Luzine 7d
Telephone (24 hours / day) +385 (51) 226 714
Mobile
Telefax +385 (51) 226 714
Further details Director: Mr Anton Sciran / 4 people trained and available 24 h for participating in response operations

„JADRANSKI NAFTAVOD“ D.D. ZAGREB

Address Terminal Omišalj --- Kancinar 1, 51513 Omišalj
Telephone (24 hours / day) 385 (51) 206-200

⁶ Extracted from REMPEC's Country Profiles updated by OPRC Focal Points

Mobile Person in charge: Bruno Jankovic, terminal manager, Mobile: +385 98 479 454; tel: +385 (51) 206 232, fax: +385 (51) 842 273 1 / Contact person: Mr Vladimir Budimir, Mobile: +385 98 474 768, tel: +385 (51) 206 258
Telefax
Further details 7 people trained and available 24 h for participating in response operations

INA – INDUSTRIJA NAFTE“ D.D. ZAGREB

Address Oil refinery Rijeka R ----- M. Barača 26, 51000 Rijeka
Telephone (24 hours / day) +385 (51) 201-011
Mobile
Telefax 385 (51) 201-000
Further details Director: Mr Ivan Krešić

IND EKO“ d.o.o.

Address 51000 RIJEKA, Korzo 40
Telephone (24 hours / day) +385 (51) 336-152, 336-093, 211-758
Mobile
Telefax +385 (51) 336-022
Further details Director: Mr Ilija Smitran (+385 98 260-851) / 30 people trained and available 24 h for participating in response operations

„RIJEKATANK» EKOLOGIJA I ZAŠTITA OKOLIŠA D.O.O. RIJEKA

Address 51000 RIJEKA, Kružna 10
Telephone (24 hours / day) +385 (51) 212-838
Mobile +385 91 125-7102 (Mr Zeljko Grujicic)
Telefax 385 (51) 211-864
Further details Director: Mr Milorad Smitran/ 30 people trained and available 24 h for participating in response operations

JADRANSKI POMORSKI SERVIS“ D.D. RIJEKA

Address 51000 RIJEKA, Verdijeve 19
Telephone (24 hours / day) +385 (51) 335 000, +385 (51) 331 113
Mobile
Telefax +385 (51) 313 161
Further details Contact person: Mr Tomislav / 25 people trained and available 24 h for participating in response operations
Directory of companies offering services in the Mediterranean in case of emergency Page 4 / 9

CYPRUS

EDT Towage and Salvage Co. Ltd.

Address 124 Ayias Paraskevis Street, Yermasoyla, PO Box 4548, 3725 Limassol, Cyprus
Telephone (24 hours / day) +357 55 326 108
Mobile
Telefax +357 55 324 440
Further details OPERATIONAL ARRANGEMENTS ORDER FOR SERVICES SHOULD BE MADE TO : Same
as above PREFERRED WAY OF COMMUNICATION : fax, telex, phone WORKING
LANGUAGES : Greek, French, English 24-HOUR SERVICE : Yes INTERVENTION (IN THE MEDITERRANEAN) IN LESS THAN : 24 hrs AREAS: East Mediterranean seas

EGYPT

MARIDIVE & OIL SERVICES s.a.e. ADDRESS :

Address Cairo office: 32, Gol Gamal St., Dokki, 12411, Cairo - Egypt Alexandria office: 10, Ahmed Yehia St., Gleem, 21411, Alexandria - Egypt
Telephone (24 hours / day) +20 2 3022993 (Cairo) / 3 5802899 (Alexandria)
Mobile
Telefax +20 2 3463380 (Cairo) / 3 5874668 (Alexandria)
Further details OPERATIONAL ARRANGEMENTS ORDER FOR SERVICES SHOULD BE MADE TO : see
above PREFERRED WAY OF COMMUNICATION : fax / telephone WORKING

LANGUAGES : Arabic, English 24-HOUR SERVICE : Yes INTERVENTION (IN THE MEDITERRANEAN) IN LESS THAN: 24 hrs AREAS: Eastern part of Mediterranean Sea

FRANCE

FOST

Address Quartier de la Tête Noire; RD 113; 13340 ROGNAC - France
Telephone (24 hours / day) +33 (0)4 42 87 59 37 / +33 (0)1 47 44 82 29
Mobile

Telefax +33 (0)4 42 87 59 38 / +33 (0)1 47 44 62 05

Further details DISPOSITIONS OPERATIONNELLES MOYEN DE COMMUNICATION SOUHAITÉ :
Téléphone LANGUES DE TRAVAIL : Français, Anglais SERVICE 24 HEURES SUR 24: oui
INTERVENTION (EN MÉDITERRANÉE) EN MOINS DE : 24 hrs ZONES DU BASSIN
MÉDITERRANÉEN : Partout

LESABEILLES

Address Chaussée Lamandé, BP 1351, 76065 Le Havre cedex - France
Telephone (24 hours / day) +33 2 35 19 77 85
Mobile

Telefax +33 2 35 41 78 98

Further details DISPOSITIONS OPERATIONNELLES LA DEMANDE DE SERVICES DEVRA ÊTRE FAITE À :

Service des sauvetages (voir coordonnées ci-dessus) MOYEN DE COMMUNICATION SOUHAITÉ : Téléphone / Fax LANGUES DE TRAVAIL : Français, Anglais SERVICE 24 HEURES SUR 24: Oui INTERVENTION (EN MÉDITERRANÉE) EN MOINS DE : 12 hrs
Directory of companies offering services in the Mediterranean in case of emergency Page 5 / 9
ZONES DU BASSIN MÉDITERRANÉEN OÙ VOTRE SOCIÉTÉ PEUT OFFRIR SES SERVICES : CONDITIONS SOUS LESQUELLES LES SERVICES PEUVENT ÊTRE FOURNIS : LLOYD's Open Form TOWHIRE (BIMCO) TOWCON

GRAND PORT MARITIME DE MARSEILLE-FOS

Address 23, Place de la Joliette BP 1965 13226 Marseille cedex 02 - France
Telephone (24 hours / day) +33 4 91 39 40 00 / 4 91 39 44 44
Mobile

Telefax +33 4 91 39 40 44 / 4 91 39 40 38

Further details DISPOSITIONS OPERATIONNELLES LA DEMANDE DE SERVICES DEVRA ÊTRE FAITE À :

M. Joel Zattara - Chef du Service Sécurité Environnement Manutention Auxiliaires du Navire MOYEN DE COMMUNICATION SOUHAITÉ : Telex / Fax LANGUES DE TRAVAIL : Français SERVICE 24 HEURES SUR 24: Oui INTERVENTION (EN MÉDITERRANÉE) EN MOINS DE : 24 hrs ZONES DU BASSIN MÉDITERRANÉEN OÙ VOTRE SOCIÉTÉ PEUT OFFRIR SES SERVICES : France, Espagne, Italie, Grèce, Pays di Maghreb. CONDITIONS SOUS LESQUELLES LES SERVICES PEUVENT ÊTRE FOURNIS : La requête d'assistance internationale sera considérée sur demande et une convention fixant toutes les conditions sera signée.

SEACOR FISH

Address 23 Rue Notre-Dame des Victoires 75002 Paris France
Telephone (24 hours / day) +33 1 53 40 21 00
Mobile

Telefax 33 1 53 40 21 23

Further details DISPOSITIONS OPERATIONNELLES LA DEMANDE DE SERVICES DEVRA ÊTRE FAITE À :

John Gellert; Jean-Pierre Pruleau LANGUES DE TRAVAIL : Français, Anglais SERVICE 24 HEURES SUR 24: Non INTERVENTION (EN MÉDITERRANÉE) EN MOINS DE : 24 hrs
ZONES DU BASSIN MÉDITERRANÉEN : Zones côtières, entre les frontières espagnoles et italiennes

STOLT COMEX SEAWAY

Address 467, Chemin du Littoral BP 69 13321 Marseille cedex 16 France
Telephone (24 hours / day) +33 4 91 09 68 09 / 4 91 09 68 15
Mobile

Telefax +33 4 91 09 68 00

Further details DISPOSITIONS OPERATIONNELLES LA DEMANDE DE SERVICES DEVRA ÊTRE FAITE À :

Direction Générale (Mr. Vincent Chirié, Directeur des opérations) MOYEN DE COMMUNICATION SOUHAITÉ : Fax LANGUES DE TRAVAIL : Français, Anglais SERVICE 24 HEURES SUR 24: Oui

SYCOPOL

Address Avenue des Pierrelets 45380 Chaingy France

Telephone (24 hours / day) +33 2 38 43 44 97

Mobile

Telefax +33 2 38 43 95 47

Further details DISPOSITIONS OPERATIONNELLES MOYEN DE COMMUNICATION SOUHAITÉ :
Fax

ou, en cas d'urgence, Téléphone (au +33 8 36 61 61 36 suivi du code 166547 et laisser un message) LANGUES DE TRAVAIL : Français, Anglais SERVICE 24 HEURES SUR 24:

Oui INTERVENTION (EN MÉDITERRANÉE) EN MOINS DE : 48 hrs ZONES DU BASSIN

MÉDITERRANÉEN : Partout en Méditerranée CONDITIONS SOUS LESQUELLES LES

SERVICES PEUVENT ÊTRE FOURNIS : Contrat pour service ou équipements à négocier.

Directory of companies offering services in the Mediterranean in case of emergency Page 6 / 9

ISRAEL

MOPS, MAAGAN. GALYAM, EMCO-YAM

Address

Telephone (24 hours / day)

Mobile

Telefax

Further details

ITALY

CRISMANI Group

Address Via Roma 30 34 132 Trieste Italy

Telephone (24 hours / day) +39 040 7606138

Mobile

Telefax +39 040 7606017

Further details gents in the Mediterranean : AGMAR - Ravenna - Italy GENEMAR - Venezia - Italy

INGEMAR - Crotone – Italy OPERATIONAL ARRANGEMENTS ORDER FOR SERVICES

SHOULD BE MADE TO : Crismani Group PREFERRED WAY OF COMMUNICATION : tel. /

fax / telex WORKING LANGUAGES : Italian English 24-HOUR SERVICE : Yes

CONDITIONS ON WHICH SERVICES MAY BE PROVIDED :Usual ship's charters

ECOLMARE s.p.a.

Address Via delle Rose 50 / A 80063 Piano Di Sorrento (Naples) Italy T

Telephone (24 hours / day) +39 81 5321516

Mobile

Telefax : +39 81 5336245

Further details Agents in the Mediterranean : 􀂄 ECOLMARE IBERICA Passeig Joan de Borbon, 92 - 08003 Barcelona - Spain - Tel.: 3 310 28 08 / 27 50 - fax.: 3 319 76 72

􀂄 ECOLMARINE Hellas - 35 - 39 Akti Miaouli - 18535 Piraeus - Greece - Tel.: 1

4292195 - fax.: 1 4292427 - Tlx.: 212616 OPERATIONAL ARRANGEMENTS PREFERRED

WAY OF COMMUNICATION : fax WORKING LANGUAGES : Italian, English 24-HOUR

SERVICE : Yes AREAS OF THE MEDITERRANEAN BASIN WHERE THE COMPANY CAN

OFFER ITS SERVICES : Italy, Spain, Greece CONDITIONS ON WHICH SERVICES MAY

BE PROVIDED : Standard international procedures (World Bank, EU) can be accepted.

Daily rate contract. Each item to be quantified on the basis of the service to offer

Directory of companies offering services in the Mediterranean in case of emergency Page 7 / 9

EUROPEAN BOATMEN'S ASSOCIATION (EBA)

Address Ponte A. Doria 16126 Genoa Italy

Telephone (24 hours / day) +39 010 265110

Mobile

Telefax +39 010 255657

Further details OPERATIONAL ARRANGEMENTS WORKING LANGUAGES : English , Italien 24-HOUR

SERVICE : No The service is provided in the Country where EBA is present, if required by the national/local responsible Authority as cooperating activity (on a cost-reimbursement basis)

MALTA

Civil Protection Department, Director

Address CPD Ta' Kandia L/o Siggiewi

Telephone (24 hours / day) +356 21 462 610

Mobile

Telefax +356 21 462 607

Further details

MONACO

Monaco Remorquage Maritime - Héli air Monaco

Address

Telephone (24 hours / day)

Mobile

Telefax

Further details

MONTENEGRO

Specialized private company "HEMOSAN"

Address Popovici 46, 85 000 Bar, MONTENEGRO

Telephone (24 hours / day) +382 (0) 30 346 232

Mobile +382 (0) 67 314 218

Telefax +382 (0) 30 346 234

Further details

SPAIN

Directory of companies offering services in the Mediterranean in case of emergency Page 8 / 9

Markleen Terra Phone/Sorbcontrol

Address Polígono Río Gallego, C/ E nº 22 50840 San Mateo de Gállego (Zaragoza) España/Plaza de Vilanoveta. CALLE DEL ´SRabassaires, 9 08812 San Pere d Rives Barcelona

Telephone (24 hours / day) +34 91 976683000/+34 90 208809192

Mobile

Telefax +91 976683001/+34 93 8148175

Further details

TURKEY

SEACORE ENVIRONMENTAL SERVICES INC. SESMEKE

Address Mebusan Yokusu No.95 Kat 5 Findikli I34437 Istanbul

Telephone (24 hours / day) +90 212 251 41 10

Mobile

Telefax +90 212 251 41 21

Further details

Meke Marine Environmental Protection Services

Address Mebusan Yokusu, Timsah Sok. No:6 Findikli 34437 Istanbul

Telephone (24 hours / day) +90 (212) 292 34 70 (pbx)

Mobile

Telefax +90 (212) 244 04 12

Further details

Mavi Deniz Çevre Hizmetleri A.Ş.;

Address Bagdat cd. Çiçek sok. No:12 Güzelyali---Istanbul 81710
Telephone (24 hours / day) 90 216 392 41 43 / +90 216 392 55 5
Mobile
Telefax +90 216 392 47 00

ANNEX I.4

MEDITERRANEAN “PRINCIPLES AND GUIDELINES ON COOPERATION AND MUTUAL ASSISTANCE”

[The proposed amendments to the following “Principles and Guidelines on cooperation and mutual assistance” are presented in square brackets for review and approval, where appropriate..]

I.4.1. GUIDELINES FOR CO-OPERATION IN COMBATING MARINE OIL POLLUTION IN THE MEDITERRANEAN Adopted by the Fifth Ordinary Meeting of the Contracting Parties to the Barcelona Convention, Athens, 11 September 1987 (UNEP/IG.74/5)

The Contracting Parties

- *Recalling* their commitments under the Protocol concerning Cooperation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency, hereafter referred to as "the Protocol",
- *Recalling* the need to establish National Contingency Plans for combating oil pollution, Considering that in the light of experience there is a need for Guidelines to facilitate the implementation of the Protocol and in particular mutual co-operation in the Mediterranean,
- *Recognizing* that such co-operation cannot replace the individual action of each Contracting Party, which is essential in the initial hours following an incident to mitigate the effects of pollution,
- *Recalling* the role of the Regional Oil Combating Centre for the Mediterranean Sea hereafter referred to as "the Centre",

Recommend that the following Guidelines be used to the extent possible ~~[and request that these guidelines, as well as the documentation related to their implementation be inserted by the Centre in the "Guide for Pollution Combating in the Mediterranean" which it disseminates:]~~

1. The Parties to report to the Centre at least all spillages or discharges of oil in excess of ~~[400]~~ [50] cubic meters as soon as they have knowledge of them. [Part I (POLWARN) of the Standard Pollution Report (POLREP) will be used for this purpose]⁷. ~~[A Standard Alert Format will be used for this purpose. The format can be found in the "Guide for Pollution Combating in the Mediterranean" that has been disseminated and updated by the Centre]~~
2. ~~[The Parties will acquire individually the necessary facilities to combat oil pollution in their territorial waters, including those means needed to provide initial response in case of major pollution incidents. In determining the minimum level of response capabilities, consideration should be given to the National Contingency Plan and in particular to the most vulnerable and high risk areas.]~~
3. When in case of an incident the requirements for combating pollution exceed the national capabilities and when a Party requests the assistance of other Parties, this assistance may involve equipment, products and specialized personnel. Such assistance will be requested:
 - either through the Centre;
 - or, ~~[when bilateral or multilateral agreements exist,]~~ directly by the Authorities of the Party requesting assistance (hereafter referred to as "the Requesting Party") to the Authorities of one or several Parties (hereafter referred to as "the Assisting Party"). The Centre will be systematically informed of all requests for assistance and consequent action taken.

⁷ ["The Meeting discussed the appropriate threshold for reporting on the oil spills: 100 m³ was not deemed appropriate and a reference was made to MARPOL threshold of 50 m³. The Meeting concluded that spills of 50 m³ should be reported, whereas countries could also opt to report on spillages of lower amounts." - [UNEP\(DEPI\)/MED WG.417/17](#)]

4. Whenever assistance is requested, the Requesting Party will be in full charge of response operations. If response teams are put at the disposal of the Requesting Party it will issue instructions to response team leaders who will then be in charge of looking after the details of the operation.
5. The Requesting Party will:
 - make its request in a clear and precise manner (quantity, type etc) by indicating for which purposes equipment, products and response personnel will be used;
 - appoint an authority to receive the equipment, products and/or personnel and to ensure control of operations from the moment equipment, products and personnel arrive in the country and while these are conveyed to and from the scene of operations;
 - make arrangements for the rapid entry of equipment, products and personnel prior to their arrival and ensure that customs formalities are facilitated to the maximum extent. Equipment should be admitted on a temporary basis and products should be admitted free of excise and duties;
 - supply all that is needed for the correct operation and maintenance of equipment and provide accommodation and food for response teams;
 - ensure that, should ships and aircraft be provided, ships are granted all necessary authorizations and aircraft cleared to fly in the national air space. A flight plan or a flight notification will be filed and accepted as an authorization for aircraft to take off, land ashore or at sea outside regular customs airfields;
 - return, once response operations are over, all unused products and ensure that returned equipment is in the best possible working order;
 - send a report on the effectiveness of equipment, products and personnel provided, to the appropriate Authorities of the Assisting Party. A copy of the report will be sent to the Centre.
6. The Assisting Party will provide:
 - a detailed statement and complete list of all equipment, products and personnel within those listed by the Requesting Party it can provide as well as instructions for use of equipment and products;
 - equipment that is in good working order and suitable for the requirements of the Requesting Party;
 - only products approved for use in its own territory;
 - competent specialized personnel, if possible equipped with own kit needed for their action. Non-specialized personnel should not normally be sent out except perhaps in case of a particularly massive oil pollution.
7. In the absence of bilateral or multilateral agreements, the financial conditions for the operation will be agreed between the Assisting and the Requesting Parties.
8. For regional co-operation to work effectively and rapidly in case of emergency, each Party will update annually, the information provided to the Centre in accordance with Article 7 of the Protocol and any other relevant information including:
 - the national organization and the competent national authorities in charge of combating marine pollution;
 - specific national regulations aimed at preventing accidents likely to cause marine pollution;
 - national regulations regarding the use of products and combating techniques;

- bilateral or multilateral agreements on marine pollution signed with other Mediterranean Parties;
 - research programmes, experiments and major exercises on the various aspects of marine pollution response;
 - purchase of major items of equipment.
9. [Updates referred in paragraph 8, shall be made preferably by the OPRC Focal Points, through REMPEC's Country Profile (<http://www.rempec.org/country.asp>) for all issues referred above with the exception of updates on equipment which shall be reported on the Mediterranean Integrated Geographical Information System on Marine Pollution Risk Assessment and Response (MEDGIS-MAR - <http://medgismar.rempec.org/#>).

I.4.2. PRINCIPLES AND GUIDELINES CONCERNING COOPERATION AND MUTUAL ASSISTANCE Adopted by the Seventh Meeting of the Contracting Parties to the Barcelona Convention, Cairo, 11 October 1991 (UNEP(OCA)/MED IG.2/4, Annex IV, Appendices I-VI)

A. Principles and guidelines concerning the 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 either from 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 is regularly updated by [the OPRC Focal Point of each Contracting Parties through the REMPEC's Country Profile (<http://www.rempec.org/country.asp>)] [~~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. The role and responsibility of the expert are to help national authorities in taking decisions and, in this respect, s/he only has an advisory role. Every operational decision, as well as its consequences, falls 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. [The Standard form for request of experts (Annex II.3) may be used to this effect.]
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, [in consultation with the Regional Centre and the expert] should also make the necessary arrangements for [safe and secured] accommodation of the expert and provide him/her with necessary working space and office facilities. [The exact address of accommodation and of the office shall be communicated to the Regional Centre and to the expert prior to his/her departure on mission]. They should also provide for free access of the expert to necessary communication facilities (telephone, telex, telefax, internet, 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

B. 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. [The Standard form for request of equipment and products (Annex II.4) may be used to this effect.]
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 the equipment needed for handling such material in the port or airport of entry, the number of people required for off-loading operations and the 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 the immediate clearing of immigration formalities for personnel needed for operating the equipment. The same arrangements should be implemented when the personnel and the equipment are provided by the ship insurers [, the operator of offshore unit, or the operators of sea ports and oil or chemical handling facilities. The Standard form for request of equipment and products (Annex II.4) may be used to this effect.]
6. The Requesting State undertakes to return the equipment as soon as the operations are terminated, if requested to do so by the supplier.

C. Principles and guidelines concerning arrangements and operational procedures which could be applied in case of a joint operation

1. 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.

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 Commanders/Co-ordinator (NOSC).

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

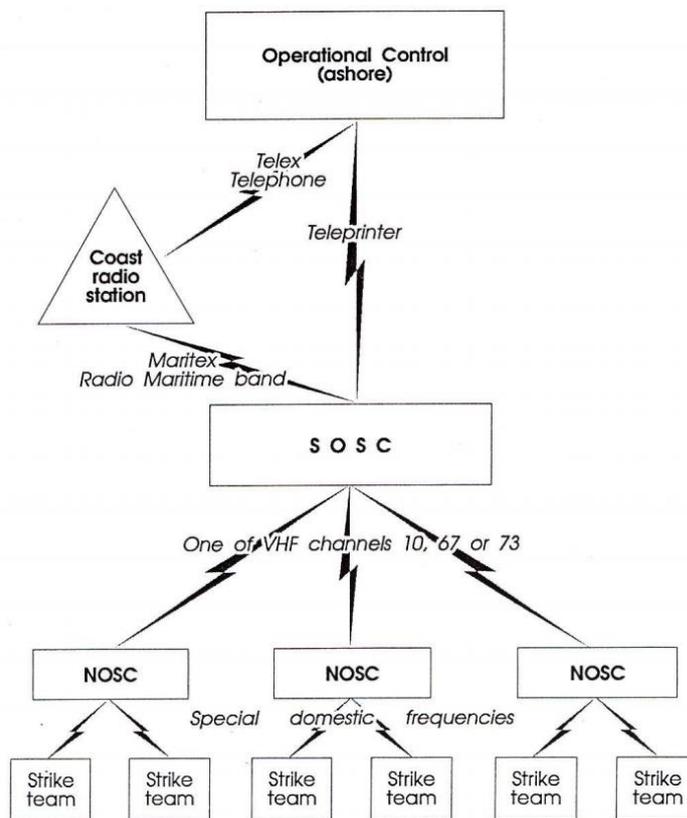
2. Arrangements concerning radio communications in joint operations

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 Commander/Co-ordinators (NOSCs) as well as between the different NOSCs and their respective team units. In accordance with the provisional

scheme of radio communications for joint combating operations presented below, the following procedures should be followed:

- Concerning 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 [communication means] [~~teleprinter or telex (Maritex)~~];
- communications between the SOSC and the NOSCs should be performed on one or, if needed, more of the international VHF channels 10, 67 and 73;
- 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.

PROVISIONAL SCHEME OF RADIO COMMUNICATIONS FOR JOINT COMBATING OPERATIONS



D. Check-list of procedures to be followed and persons to be contacted in case of emergency

[This appendix] [This check-list] 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 the 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 [or other oil handling facilities].

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.

2. Notification

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

- a. inform the 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 [Annex I.2 of the present Guide and in REMPEC Country Profile - <http://www.rempec.org/country.asp>].~~[Section 4 of Part B of the Regional Information System].~~

- c. contact the vessel's insurers and, if the incident involves oil:
 - the International Tanker Owners Pollution Federation Ltd. (ITOPF);

- - the IOPC Fund when the Party possibly affected by the pollution is a Party to the [1974] Fund Conventions.
 - d. [Contact the Offshore unit or oil handling facility according to national laws and insurance of operators or their financial guaranty]
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 REMPEC⁸;
 - expertise available from other sources⁸.
 - e. Decision on measures and actions appropriate for mitigating the consequences of the pollution incident, such as intervention on the vessel itself [or offshore unit/handling facility], combating pollution at sea, protection of sensitive areas, restoration.
 - f. Mobilizing the necessary personnel, equipment and products either from national sources or by requesting outside assistance, [using standard forms proposed in the Guide (Annex II.3, Annex II.4)]:
 - directly from other Contracting Parties;
 - from other Contracting Parties through REMPEC;
 - from other sources, including stockpiles owned by oil and shipping industry.

4. Financial matters

- a. Detailed records of the costs incurred by Parties participating in the response during the entire operation should be kept by the Party(ies) directly in charge of the 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 the 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 Parties should co-operate in concluding any action in response to a compensation claim. Unless the 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. [For matters related to claim, Annexes III shall be considered and IOPC Funds contacted or consulted as required].

⁸ Such experts will assist national authorities to take decisions, but in no case should take decisions themselves in lieu of the responsible national authorities. (Cf. Recommendation 6 adopted by the Seventh Ordinary Meeting of the Contracting Parties, Cairo, 8-11 October 1991, UNEP(OCA)/MED.IG.2/4 Annex IV).

E. 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:

1. designation of the competent national authority which, once the situation has been assessed, will determine the extent of the required assistance: [\[\(command structure\)\]](#)
2. 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 the 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 [\[\(management structure for international assistance, preferably the Mutual Assistance Focal Point referred in Annex I.2\)\]](#);
3. financial modalities applicable to mutual assistance, based on [\[Article 13 of the Prevention and Emergency Protocol on “Reimbursement of costs of assistance and on\]](#) the recommendations adopted by the Seventh Ordinary Meeting of the Contracting Parties to the Barcelona Convention, Cairo, 8-11 October 1991 (UNEP(OCA)/MED.IG.2/4 Annex IV);
4. 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 provisions 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 \(UNEP/IG.74/5\)\]](#)~~ [\[Annex I.4.1 of the Guide\]](#).

I.4.3 GUIDELINES CONCERNING THE EXCHANGE OF LIAISON OFFICERS BETWEEN THE CONTRACTING PARTIES IN CASE OF RESPONSE OPERATIONS INVOLVING SEVERAL STATES Adopted by the Ninth Ordinary Meeting of the Contracting Parties to the Barcelona Convention, Barcelona, 5-8 June 1995 (UNEP(OCA)/MED IG.5/16, Annex XII, Appendix IV)

1. In order to achieve prompt and efficient exchange of information and effective operational command over pollution response operations, the Contracting to the Emergency Protocol to the Barcelona Convention shall endeavour to establish and maintain permanent liaison between the competent national authority of the Party whose territorial sea, coasts and related interests are directly affected by pollution and who has the overall operational command over the response operations, and the competent national authorities of the assisting Parties or Parties taking part in the response operations. Two main cases arise:
 - either pollution occurs in the waters of one Contracting Party and threatens the waters of another; or,
 - the scale of the assistance provided by one Contracting Party to another justifies the presence of a liaison officer from the assisting Contracting Party at the response headquarters of the assisted Contracting Party.
2. With a view to establishing and maintaining such liaison, the Parties may decide to exchange Liaison Officers in all cases when, in the opinion of their respective competent national authorities in charge of response to a pollution incident, the circumstances of the incident and/or the scale of the response measures call for it.
3. The role of such Liaison Officers shall be limited:
 - a. in the first case referred to in paragraph 1, to facilitating mutual information exchange between threatened Contracting Parties with a view to enabling a Contracting Party which might be subsequently affected to prepare its response actions and, when appropriate, to start response operations without waiting for the pollution to reach its waters.
 - b. in the second case referred to in paragraph 1, to transmitting the orders of the authority having overall command over response operations (Supreme On Scene Commander) to the officers in charge of the resources of the assisting Party.
4. Each Contracting Party shall endeavour to include the liaison officers among the staff of its response command and to facilitate the performance of their duties, in particular by arranging access to communication means.
5. In designating their Liaison Officers, the Parties shall take into consideration that the selected persons should have relevant specialist knowledge, a good command of the working language of the other Party and confirmed communication skills, in addition to being able to work efficiently under stress.
6. The Party receiving a Liaison Officer from another Party, shall make the necessary arrangements concerning immigration and custom formalities for his/her entry into the country

I.4.4. GUIDELINES CONCERNING ARRANGEMENTS WHICH MIGHT BE MADE WITH A VIEW TO ENSURING, IN CASE OF AN ACCIDENT, LIAISON BETWEEN THE GOVERNMENTAL AUTHORITIES AND OTHER INTERESTED PARTIES

Adopted by the Ninth Ordinary Meeting of the Contracting Parties to the Barcelona Convention, Barcelona, 5-8 June 1995 (UNEP(OCA)/MED IG.5/16, Annex XII, Appendix IV)

1. The competent national authorities of a Contracting Party affected by a marine pollution incident threatening its territorial sea, coasts and related interests shall endeavour to establish and maintain, throughout all phases of the planning and implementation of response activities, liaison with other parties having an interest in the pollution incident (further on referred to as "interested parties"), including, [as the case may be]:
 - the owners of the ship(s) and the cargo and, in particular, their insurers and their respective technical advisors and experts; [or
 - the operator of the offshore unit , in particular, their insurers and their respective technical advisors and experts; or
 - the operator of the oil handling facility, in particular, their insurers and their respective technical advisors and experts];

2. The objective of such liaison shall primarily be to obtain and exchange necessary technical information required for the planning and implementation of appropriate pollution response measures, with a view to increasing the effectiveness of response operations, to reducing the effects of pollution on the environment and resources at risk, and to reducing the overall costs of the pollution response measures, and to consider possible legal and financial implications of taken or planned response actions. This information shall *inter alia* include:
 - a) on the part of the relevant interested parties: information concerning [~~the ship and the cargo involved in the incident~~]:
 - **Contact** details of the person reporting the incident;
 - **Name** of the ship, offshore unit or oil handling facility vessel and owner;
 - **Date and time** of the incident (specifying local time or GMT/UTC)
 - **Position** (e.g. latitude and longitude or distance and direction from the nearest port or landmark);
 - **Cause of the incident** (e.g. collision, grounding, explosion, fire, etc.) and nature of damage;
 - **Description** and quantity of cargo and bunker fuel on board, in case of pollution from ship;
 - **Estimate** of the quantity spilled or likelihood of spillage;
 - **Status** of the vessel and any planned salvage activities, in case of pollution from ship;
 - **Name of the cargo** owner in case of pollution from ship];
 - **Response measures** taken or planned by these parties,
 - **Resources**, including personnel, equipment and other means, which these parties have available for responding to the incident,
 - **Contingency plans** prepared by them, and the availability of funds through their [~~ship's/cargo's~~] insurers;

 - b) on the part of the competent national authorities of the affected Contracting Party: information concerning the national organization for accidental marine pollution response, national and local contingency plans, available resources including personnel, equipment and other means, arrangements made or planned by the competent national authorities for responding to the pollution incident, and national laws and regulations covering the field of accidental marine pollution, including liability and compensation.

3. In order to ensure the permanent liaison with other parties having an interest in the pollution incident, the competent national authorities of the Contracting Party affected by such an incident shall request other interested parties to designate persons who will be in permanent contact with the competent national authorities in charge of the response operations.

4. The competent national authorities shall ensure that the persons designated by the government to act as counterparts to the contact persons designated by the representatives of other interested parties have a good knowledge of the technical, legal and financial issues related to marine pollution incidents, including liability and compensation schemes.

ANNEX I.5

MEDITERRANEAN ASSISTANCE UNIT FOR COMBATING ACCIDENTAL MARINE POLLUTION

Decision taken by the Eighth Ordinary Meeting of the Contracting Parties to the Barcelona Convention, Antalya, 12-15 October 1993 (UNEP(OCA)/MED IG.3/5, Appendix II)

With a view to implementing the Protocol concerning Cooperation 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 decided to:

1. **Establish** a Mediterranean Assistance Unit for combating accidental marine pollution which the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC) will organize and activate within the limits of the budget allocated to it by the Meeting of Contracting Parties;
2. **Undertake** to make every effort to assist the organization and functioning of the Mediterranean Assistance Unit.

I. General Principles

- 1.1 A Mediterranean Assistance Unit for combating accidental marine pollution shall be formed within the framework of the Protocol on Co-operation in Combating Pollution of the Mediterranean Sea by Oil and Harmful Substances in Cases of Emergency.
- 1.2 The organization and the activation of the Mediterranean Assistance Unit shall be the responsibility of the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC) which shall assume this responsibility in accordance to the Protocol on Co-operation in Cases of Emergency, the various decisions taken by the Meetings of the Contracting Parties to the Barcelona Convention and in conformity with the provisions of this document.
- 1.3 The primary objective of the Mediterranean Assistance Unit shall be to rapidly provide the services of selected experts to a Contracting Party which, in case of emergency, will request such assistance. By going to the scene of an accident the experts shall provide advice and technical expertise to the authorities with a view to assisting them during the initial phases to decide on the combating measures to take and on the assistance that could be necessary to request. Another role of the Mediterranean Assistance Unit shall be to help the requesting State to implement the provisions for regional co-operation in case of emergency, particularly through the arrangements and procedures adopted by the Meetings of Contracting Parties aimed at facilitating co-operation and mutual assistance.
- 1.4 The Mediterranean Assistance Unit shall be an "expert advice" capability established by the Contracting Parties to the Protocol on co-operation in cases of emergency which could be rapidly mobilized and activated at their request to serve the Mediterranean coastal States.

II Geographical Coverage and Scope

- 2.1 The geographical coverage of the Mediterranean Assistance Unit shall be that of the Protocol on Co-operation in Cases of Emergency.
- 2.2 The scope rationae materiae of the Mediterranean Assistance Unit shall be combating accidental marine pollution by oil and other harmful substances. The Assistance Unit shall provide expert services in the following areas, among others:
 - a) response to pollution by oil
 - Crisis management and organization of intervention:

- . analysis, assessment and forecasting of oil slick behaviour, fate and movement;
- . response planning and logistics;
- . response strategy/tactical choices and options.

- Combating methods and techniques at sea:
 - . containment/recovery;
 - . use of dispersants and other treatment products.

- Shore clean-up techniques and methods.

- Treatment and disposal of wastes

- Financial documentation and claims for compensation

- b) Response to pollution by harmful substances
 - Crisis management and organization of intervention.

 - Analysis, assessment and forecasting of fate and behaviour of:
 - . gas clouds
 - . floaters
 - . dissolvers
 - . sinkers

 - Recovery of packages at sea

 - Response to spilled chemicals depending on their behaviour:
 - . personnel protection;
 - . aquatic toxicity and rehabilitation;
 - . biogeochemical cycling;

 - Decontamination

 - Treatment and disposal of wastes

 - Financial documentation and claims for compensation

III Composition

- 3.1 The Mediterranean Assistance Unit shall be composed of a selected limited number of highly qualified experts and centres of expertise, for each area of expertise. An expert or centre of expertise can be selected for more than one area of expertise.
- 3.2 REMPEC shall select the experts and centres of expertise using its own lists of experts and other means of information in its possession as well as in consultation with the competent national authorities and with other organizations which can give useful advice.
- 3.3 The experts and centres of expertise shall be selected for a duration of 2 years, this period being renewable. During this period, the experts and centres of expertise shall respond, in accordance with permanent instructions, to all the requests made in the case that the Mediterranean Assistance Unit is activated. The composition of the Mediterranean Assistance Unit shall be published by REMPEC every two years and updated as necessary depending on the changes that need to be made.

IV Activation

- 4.1 The Mediterranean Assistance Unit shall be activated by REMPEC at the request of the competent national authority in charge of response to accidental marine pollution or at the request of the authority which is in charge of dealing with mutual assistance in the case of an emergency (refer to REMPEC/RIS/B/1) on behalf of the State affected by the accident. The national authorities which request REMPEC to provide them with the assistance of the Mediterranean Assistance Unit, must endeavour to specify as precisely as possible what areas

of expertise are required according to the circumstances of the case in order to decide jointly with REMPEC on the composition of the team to be sent to the site.

- 4.2 Depending on the circumstances and in agreement with the requesting State and within the limits of the financial resources available, REMPEC shall determine the duration and decide on the end of the mission of the member(s) of the Mediterranean Assistance Unit. If the situation dictates and if the corresponding financial arrangements have been agreed between the parties concerned, the presence of the Mediterranean Assistance Unit can be prolonged beyond the duration permitted by the financial resources available to REMPEC.

V Organization

- 5.1 In the shortest time possible, REMPEC shall establish permanent arrangements for the provision of prepaid air tickets to all Mediterranean destinations as well as for the issue of a visa when one is required.

- 5.2 The State requiring the assistance of the Mediterranean Assistance Unit, shall take all necessary measures to facilitate the mission of the members of the Assistance Unit. Such necessary measures concern:

- a) the immigration and arrival procedures as well as customs formalities in particular for data processing equipment and the associated documentation or computerized material;
- b) accommodation and transport;
- c) the provision of sufficient work space for the expert(s);
- d) access to communication means.

- 5.3 REMPEC shall cover the initial costs of the mission of the Mediterranean Assistance Unit: air tickets, daily subsistence allowance; and possibly fees on a pre-arranged basis.

REMPEC shall reserve the right, according to the applicable legal regimes, to seek reimbursement for the expenses thus incurred.

- 5.4 In accordance with the request of the competent national authorities of the State and in agreement with them, REMPEC shall determine the terms of reference of the mission of the Mediterranean Assistance Unit and shall give instructions to this effect. In their request, the competent national authorities shall specify the name, function and details of the authority the members of the Mediterranean Assistance Unit must contact upon arrival. They shall also specify the authority or authorities to whom the members of the Unit must report.

- 5.5 The members of the Mediterranean Assistance Unit shall maintain contact with REMPEC and shall provide REMPEC with daily reports. REMPEC shall give to the Mediterranean Assistance Unit all the support that it might need.

- 5.6 The Mediterranean Assistance Unit shall work in close co-operation with and be at the service of the public authorities responsible for the organization and the management of response. In order to accomplish their duty, members of the Mediterranean Assistance Unit shall have access to available information, shall carry out the necessary investigations in co-operation and with the support of the responsible national authorities and shall participate in meetings as necessary.

- 5.7 The members of the Mediterranean Assistance Unit shall make a daily report containing an assessment of the situation, their analyses and conclusions and their proposals for actions, which they shall submit, to the authorities to whom they are reporting. The proposal for actions can be related to the organization of response, the tactical options, the methods and techniques of response and to experts, equipment and products that can be requested from other Contracting Parties or private entities. A copy of this report shall be sent to REMPEC by telefax. Members of the Assistance Unit shall submit a final report at the end of the mission.

- 5.8 In cases where the competent authorities request international assistance, the members of the Mediterranean Assistance Unit, by their good cognizance of the regional system for co-operation, in liaison with REMPEC, shall assist these authorities.

VI Role and Responsibilities of members of the Mediterranean Assistance Unit

- 6.1 The role and responsibilities of members of the Mediterranean Assistance Unit shall be limited to assisting national authorities in the decision making process. In this regard, their role shall be solely advisory. All decisions related to response operations as well as their consequences shall be the entire responsibility of the competent authority of the requesting State.
- 6.2 In their advice, the members of the Mediterranean Assistance Unit shall endeavour to protect the interests of the requesting State, in particular the protection of the environment and resources, and they shall take into consideration the economic and financial implications.
- 6.3 During their missions, the members of the Mediterranean Assistance Unit have a duty of discretion. Unless otherwise specified, they shall not have direct contact with the general public or the media, this being the responsibility of the national authorities.

VII Duties of the selected experts and centres of expertise

- 7.1 The experts and centres of expertise shall possess a complete and updated version of the Regional Information System. They shall be familiar with this system as well as with the regional arrangements for preparedness and response, specifically the provisions and procedures aimed at facilitating mutual assistance.
- 7.2 The experts and centres of expertise shall endeavour to inform REMPEC of the time they are able to allot so that the Centre can know in advance of their availability to serve as a member(s) of the Mediterranean Assistance Unit. If an expert is no longer available and is not in a position to respond to a request made as a result of the activation of the Mediterranean Assistance Unit, REMPEC should be informed immediately. In this case, REMPEC shall make arrangements to replace the expert.

ANNEX II
EMERGENCY PROCEDURES

ANNEX II.1

POLLUTION REPORTING SYSTEM

(POLREP)

1. The pollution reporting system is for use between Contracting Parties to the Emergency Protocol of the Barcelona Convention themselves and between the Contracting Parties and the Regional Centre, for exchanging information when pollution of the sea has occurred or when a threat of such is present.
2. The POLREP is divided into three parts:

| | | | |
|----|---------------------------------------|--------------------------|--|
| .1 | Part I or POLWARN (figures 1-5) | POLLution WARNing | gives first information or warning of the pollution or the threat |
| .2 | Part II or POLINF (figures 40-60) | POLLution INFormation | gives detailed supplementary report as well as situation reports |
| .3 | Part III or POLFAC (figures 80-99) | POLLution FACilities | is used for requesting assistance from other Contracting Parties and for defining operational matters related to the assistance |
3. The division into three parts is only for identification purposes. For this reason consecutive figures are not used. This enables the recipient to recognize merely by looking at the figures whether he is dealing with part I (1-5), part II (40-60) or part III (80-99). This method of division shall in no way exclude the use of all figures in a full report or the separate use of single figures from each part or the use of single figures from different parts mixed in one report.
4. Part II is the logical consequence of part I. Having transmitted part I, the Party concerned can inform the other Parties of its assessment of the nature and extent of the incident by using the appropriate figures from part II.
5. Part III is for the request for assistance and related matters exclusively.

6. A summarized list of POLREP is given below.

| | | |
|----------------------|---------------------------|---|
| INTRODUCTORY PART | Address from to | |
| | Date Time Group | |
| | Identification | |
| | Serial number | |
| PART I (POLWARN) | 1 | Date and time |
| | 2 | Position |
| | 3 | Incident |
| | 4 | Outflow |
| | 5 | Acknowledge |
| PART II (POLINF) | 40 | Date and time |
| | 41 | Position |
| | 42 | Characteristics of pollution |
| | 43 | Source and cause of pollution |
| | 44 | Wind direction and speed |
| | 45 | Current or tide |
| | 46 | Sea state and visibility |
| | 47 | Drift of pollution |
| | 48 | Forecast |
| | 49 | Identity of observer and ships on scene |
| | 50 | Action taken |
| | 51 | Photographs or samples |
| | 52 | Names of other States informed |
| | 53-59 | Spare |
| 60 | Acknowledge | |
| PART III (POLFAC) | 80 | Date and time |
| | 81 | Request for assistance |
| | 82 | Cost |
| | 83 | Pre-arrangements for the delivery |
| | 84 | Assistance to where and how |
| | 85 | Other States requested |
| | 86 | Change of command |
| | 87 | Exchange of information |
| | 88-98 | Spare |
| | 99 | Acknowledge |

EXPLANATION OF A POLREP MESSAGE

INTRODUCTORY PART

| Contents | Remarks |
|---|---|
| ADDRESS | Each report should start with an indication of the country whose competent national authority is sending it and of addressee e.g.: |
| | FROM : ITA (indicates the country which sends the report) TO: GRC (indicates the country to which it is sent) <u>or</u> REMPEC (indicates that the message is sent to the Regional Centre). |
| | |
| DTG (Day Time Group) | The day of the month followed by the time (hour and minute) of drafting the message. Always a 6-figure group which may be followed by month indication. Time should be stated either as GMT, e.g. 092015Z June (i.e. the 9th of the relevant month at 20.15 GMT) or as local time e.g. 092115LT June. |
| IDENTIFICATION | "POL..." indicates that the report might deal with all aspects of pollution (such as oil as well as other harmful substances). |
| | ".....REP" indicates that this is a report on a pollution incident. It can contain up to 3 main parts: |
| | <ul style="list-style-type: none"> • Part I (POLWARN) - is an <u>initial notice</u> (a first information or a warning) of a casualty or the presence of oil slicks or <i>harmful substances</i>. This part of the report is numbered from 1 to 5. |
| | <ul style="list-style-type: none"> • Part II (POLINF) - is a <u>detailed supplementary</u> report to Part I. This part of the report is numbered from 40 to 60. |
| | <ul style="list-style-type: none"> • Part III (POLFAC) - is for a <u>requests for assistance</u> from other Contracting Parties, as well as for defining operational matters related to the assistance. This part of the report is numbered from 80 to 99 (see Annex 6). |
| | BARCELONA CONVENTION indicates that the message is sent within the framework of the Emergency Protocol of the Barcelona Convention. |
| | Parts I, II and III can be transmitted all together in one report or separately. Furthermore, single figures from each part can be transmitted separately or combined with figures from the two other parts. |
| | Figures without additional text shall not appear in the POLREP. |
| | When Part I is used as warning of a serious threat, the telex should be headed with the traffic priority word "URGENT". |
| All POLREPs containing ACKNOWLEDGE figures (5, 60 or 99) should be acknowledged as soon as possible by the competent national authority of the country receiving the message. | |

| | | | | |
|-----------------|---|----------|---------|-----|
| | POLREPs should always be terminated by a telex from the reporting State, which indicates that no more operational communication on that particular incident should be expected. | | | |
| Contents | Remarks | | | |
| SERIAL NUMBER | It must be possible to identify each POLREP and the person who receives it must be able to check whether all reports of that particular incident have been received. This is done by using nation-identifiers which are as followed for contracting Parties to the Emergency Protocol to the Barcelona Convention: | | | |
| | Albania | ALB | Lebanon | LBN |
| | Algeria | DZA | Libya | LBY |
| | Bosnia &-Herzegovina | BIH | Malta | MLT |
| | Croatia | CRT | Monaco | MON |
| Cyprus | CYP | Morocco | MAR | |
| Egypt | EGY | Slovenia | SLO | |
| EU | EU | Spain | ESP | |
| France | FRA | Syria | SYR | |
| Greece | GRC | Tunisia | TUN | |
| Israel | ISR | Turkey | TUR | |
| Italy | ITA | | | |
| | Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea | REMPEC | | |
| | <p>The nation-identifier should be followed by a stroke and the name of the ship or other installation involved in the accident and another stroke followed by the number of the actual report concerning this particular accident.</p> <p>ITA/POLLUX/1 indicates that this is the first report from Israel concerning the accident of MT "POLLUX".</p> <p>ITA/POLLUX/2, in accordance with the described system, indicates the second report on the same incident.</p> <p>The last and final POLREP will show as follows: ISR/POLLUX/5 FINAL, which means that this is the fifth and final report from Israel concerning the incident of MT "POLLUX".</p> <p>When answering a POLREP the serial number used by the transmitting State is to be used as reference in the answer. However, it is not necessary for countries to adhere to the POLREP system in responding to POLREP's.</p> | | | |

Part I (POLWARN)

| Contents | Remarks |
|-----------------|--|
| 1 DATE AND TIME | The day of the month as well as the time of the day when <u>the incident</u> took place or, if the cause of the pollution is not known, the time of the observation should be stated with 6 figures. Time should be stated as GMT for example, 091900z (i.e. the 9th of the relevant month at 1900 GMT) or as local time for example, 091900lt (i.e. 9th of the relevant month at 1900 local time) |
| 2 POSITION | Indicates the main position of the incident in latitude and longitude in degrees and minutes and may, in addition, give the bearing of and the distance from a location known by the receiver. |
| 3 INCIDENT | The nature of the incident should be stated here, such as BLOWOUT, TANKER GROUNDING, TANKER COLLISION, OIL SLICK, etc. |
| 4 OUTFLOW | The nature of the pollution, such as CRUDE OIL, CHLORINE, DINITROL, PHENOL, etc. as well as the total quantity in tonnes of the outflow and/or the flow rate, as well as the risk of the further outflow. If there is no pollution but a pollution threat, the words NOT YET followed by the substance, for example, NOT YET FUEL OIL, should be stated. |
| 5 ACKNOWLEDGE | When this figure is used the telex should be acknowledged as soon as possible by the competent national authority. |

Part II (POLINF)

| Contents | Remarks |
|--|--|
| 40 DATE AND TIME | No. 40 relates to the situation described in figures 41 to 60 if it varies from figure 1. |
| 41 POSITION AND/OR EXTENT OF POLLUTION ON/ABOVE/IN THE SEA | Indicates the main position of the pollution in latitude and longitude in degrees and minutes and may in addition give the distance and bearing of some prominent landmark known to the receiver if other than indicated in figure 2. Estimate amount of pollution (e.g. size of polluted areas, number of tonnes of oil spilled if other than indicated in figure 4, or number of containers, drums etc. lost). Indicates length and width of slick given in nautical miles if not indicated in Fig. 2. |
| 42 CHARACTERISTICS OF POLLUTION | Gives type of pollution, e.g. type of oil with viscosity and pour point. <i>(packaged or bulk chemicals, sewage. For chemicals give proper name or United Nations number if known. For all, give also appearance, e.g. liquid, floating solid, liquid oil, semi-liquid sludge, tarry lumps, weathered oil, discolouration of sea, visible vapour. Any markings on drums, containers, etc. should be given.)</i> |
| 43 SOURCES AND CAUSE OF POLLUTION | For example, from vessel or other undertaking. If from vessel, say whether as a result of a deliberate discharge or casualty. If the latter, give brief description. Where possible, give [Type of ship / vessel, Name, Previous names , Flag, Year built, IMO No, Hull type, GT, DWT, Total cargo capacity, Number of tanks, Owner, Manager, P&I Club, Cargo type, Cargo quantity, Voyage, Cargo Owner, Damage, Other information] name, type, size, call sign, nationality and port of registration of polluting vessel. If vessel is proceeding on its way, give course, speed and destination. |
| 44 WIND DIRECTION AND SPEED | Indicates wind direction and speed in degrees and m/s. The direction always indicates from where the wind is blowing. |
| 45 CURRENT DIRECTION AND SPEED AND/OR TIDE | Indicates currents direction and speed in degrees and m/s. The direction always indicates the direction in which the current is flowing. |
| 46 SEA STATE AND VISIBILITY | Sea state indicated as wave height in metres. Visibility in nautical miles. |
| 47 DRIFT OF POLLUTION | Indicates drift course and speed of pollution in degrees and knots and tenths of knots. <i>(In case of air pollution (gas cloud) drift speed is indicated in m/s.)</i> |
| 48 FORECAST OF LIKELY EFFECT OF POLLUTION AND ZONES AFFECTED | For example, arrival on beach with estimated timing. Results of mathematical models. |

| <u>Part II (POLINF)</u> (Continued) | |
|---|---|
| Contents | Remarks |
| 49 IDENTITY OF OBSERVER /REPORTER IDENTITY OF SHIPS ON SCENE | Indicates who has reported the incident. If a ship, name, home port, flag and call sign must be given. Ships on scene can also be indicated under this item by name, home port, flag and call sign, especially if the polluter cannot be identified and the spill is considered to be of recent origin. |
| 50 MEASURES TAKEN | Any action taken in response to the pollution. |
| 51 PHOTOGRAPHS OR SAMPLES | Indicates if photographs or samples from the pollution have been taken. Telex number of the sampling authority should be given. |
| 52 NAMES OF OTHER STATES AND ORGANIZATIONS INFORMED | |
| 53 - 59 | SPARE FOR ANY OTHER RELEVANT INFORMATION (e.g. results of sample or photographic analysis, results of inspection of surveyors, statements of ship's personnel, etc.) |
| 60 ACCUSÉ DE RÉCEPTION | When this figure is used the telex should be acknowledged as soon as possible by the competent national authority. |

Part III (POLFAC)

| Contents | Remarks |
|---|--|
| 80 DATE AND TIME | No. 80 is related to the situation described below, if it varies from figures 1 and/or 40. |
| 81 REQUEST FOR ASSISTANCE | Type and amount of assistance required in form of: - specified equipment - specified equipment with trained personnel - complete strike teams - personnel with special expertise with indication of country requested. |
| 82 COST | Requirements for cost information to requesting country of delivered assistance. |
| 83 PRE-ARRANGEMENTS FOR DELIVERY OF ASSISTANCE | Information concerning customs clearance, access to territorial waters, etc. in the requesting country. |
| 84 TO WHERE ASSISTANCE SHOULD BE RENDERED AND HOW | Information concerning the delivery of the assistance, e.g. rendezvous at sea with information on frequencies to be used, call sign and name of supreme on-scene commander of the requesting country, or land-based authorities with telephone, telex and fax numbers and contact persons. |
| 85 NAMES OF OTHER STATES AND ORGANIZATIONS | Only to be filled in if not covered by figure 81, e.g. if further assistance is later needed by other States. |
| 86 CHANGE OF COMMAND | When a substantial part of an oil pollution or serious threat of oil pollution moves or has moved into the zone of another Contracting Party, the country which has exercised the supreme command of the operation may request the other country to take over the supreme command. |
| 87 EXCHANGE OF INFORMATION | When a mutual agreement has been reached between two parties on a change of supreme command, the country transferring the supreme command should give a report on all relevant information pertaining to the operation to the country taking over the command. |
| 88 - 98 | SPARE FOR ANY OTHER RELEVANT REQUIREMENTS OR INSTRUCTIONS |
| 99 ACKNOWLEDGE | When this figure is used the telex should be acknowledged as soon as possible by the competent national authority. |

POLREP
Example No.1
Full report (Parts I, II & III)

| | |
|-----------------|---|
| Address | From: ITA To: FRA et REMPEC |
| Date Time Group | 181100z June |
| Identification | POLREP BARCELONA CONVENTION |
| Serial number | ITA/POLLUX/2 (ITA/POLLUX/1 for REMPEC) |

| | |
|---|--|
| 1 Date and time | 1 181000z |
| 2 Position | 2 43°31'N - 09°54'E |
| 3 Incident | 3 Tanker collision |
| 4 Outflow | 4 Crude oil, estimated 3,000 tonnes |
| 41 Position and/or extent of pollution on/above/in the sea | 41 The oil is forming a slick 0.5 nautical miles to the south-east. Width up to 0.3 nautical miles. |
| 42 Characteristics of pollution | 42 Venezuela crude. Viscosity 3,780 cSt at 37.8°C. Rather viscous. |
| 43 Source and cause of pollution | 43 Italian tanker POLLUX of Genoa, 22,000 GRT, call sign xxx, in collision with French bulk carrier CASTOR of Marseilles, 30,000 GRT, call sign yyy. Two tanks damaged in POLLUX. No damage in CASTOR. |
| 44 Wind direction and speed | 44 90 - 10 m/s. |
| 45 Current direction and speed and/or tide | 45 180 - 0,3 knots |
| 46 Sea state and visibility | 46 Wave height 2m. 10 nautical miles. |
| 47 Drift of pollution | 47 135 – 0.5 knots. |
| 48 Forecast of likely effect of pollution and zones affected | 48 Could reach Corsica, FRA, on the 21st of this month. |
| 49 Identity of observer/reporter. Identity of ships on scene | 49 CASTOR, figure 43 refers. |
| 50 Action taken | 50 3 antipollution Italian ships with high mechanical pick-up capacity en route to the area. |
| 51 Photographs or samples | 51 Oil samples have been taken. Telex 123456 XYZ ITA. |
| 52 Names of other States and organizations informed | 52 REMPEC |
| 53 [Spare] | 53 National Contingency Plan is activated. |
| 81 Request for assistance | 81 FRA is requested for 1 surveillance aircraft equipped for remote sensing. |
| 82 Cost | 82 FRA is requested for an approximate cost rate per day of assistance rendered. |
| 83 Pre-arrangements for the delivery of assistance | 83 FRA aircraft will be allowed to enter Italian airspace for surveillance of the spill and to land in Italian airports for logistics, informing the Commander in Chief on scene. |
| 84 To where assistance should be rendered and how | 84 Rendezvous 43°15'N - 09°50'E. Report on VHF channels 16 and 67. Commander in Chief on scene, Comm. Rossi in M/V SAN MARCO, call sign xxx. |
| 99 Acknowledge | 85 ACKNOWLEDGE |

POLREP
Example No. 2
Abbreviated report (single figures from Part III)

| | |
|---|--|
| Address | From: FRA To: ITA |
| Date Time Group | 182230z June |
| Identification | POLREP BARCELONA CONVENTION |
| Serial number | Your ITA/POLLUX/2 refers |
| 80 Date and Time | 80 182020z |
| 82 Cost | 82 Total cost per day will be approximately... |
| 84 To where assistance should be rendered and how | 84 POLREP BARCELONA CONVENTION ITA/POLLUX/2 will be 190700z |

POLREP
Example No. 3
Exercise report

| | |
|-----------------|-----------------------------|
| Address | From: ITA To: CRT |
| Date Time Group | 210940z June URGENT |
| | EXERCISE |
| Identification | POLREP BARCELONA CONVENTION |
| Serial number | ITA/xxx/1 |
| 1 Date and time | 1 210830Z |
| 2 Position | 2 44°50'N - 13°02'E |
| 3 Incident | 3 Tanker collision |
| 4 Outflow | 4 Not yet crude oil |
| 5 Acknowledge | 4 Acknowledge |
| | |

ANNEX II.2:

EMPTY STANDARD POLREP FORM

INTRODUCTORY PART

| | |
|-------------------------|--------------|
| ADDRESS | ORIGINE: |
| | DESTINATION: |
| DTG (Day Time Group) | |
| SERIAL NUMBER | |

PART I (POLWARN)

| | |
|-----------------|--|
| 1 DATE AND TIME | |
| 2 POSITION | |
| 3 INCIDENT | |
| 4 OUTFLOW | |
| 5 ACKNOWLEDGE | |

PART II (POLINF)

| | | |
|-------|---|--|
| 40 | DATE AND TIME | |
| 41 | POSITION AND/OR EXTENT OF POLLUTION ON/ABOVE/IN THE SEA | |
| 42 | CHARACTERISTICS OF POLLUTION | |
| 43 | SOURCES AND CAUSE OF POLLUTION | |
| 44 | WIND DIRECTION AND SPEED | |
| 45 | CURRENT DIRECTION AND SPEED AND/OR TIDE | |
| 46 | SEA STATE AND VISIBILITY | |
| 47 | DRIFT OF POLLUTION | |
| 48 | FORECAST OF LIKELY EFFECT OF POLLUTION AND ZONES AFFECTED | |
| 49 | IDENTITY OF OBSERVER/REPORTER IDENTITY OF SHIPS ON SCENE | |
| 50 | ACTION TAKEN | |
| 51 | PHOTOGRAPHS OR SAMPLES | |
| 52 | NAMES OF OTHER STATES AND ORGANIZATIONS INFORMED | |
| 53-59 | SPARE FOR ANY OTHER RELEVANT INFORMATION | |
| 60 | ACKNOWLEDGE | |

Part III (POLFAC)

| Contents | Remarks |
|---|----------------|
| 80 DATE AND TIME | |
| 81 REQUEST FOR ASSISTANCE | |
| 82 COST | |
| 83 PRE-ARRANGEMENTS FOR DELIVERY OF ASSISTANCE | |
| 84 TO WHERE ASSISTANCE SHOULD BE RENDERED AND HOW | |
| 85 NAMES OF OTHER STATES AND ORGANIZATIONS | |
| 86 CHANGE OF COMMAND | |
| 87 EXCHANGE OF INFORMATION | |
| 88 - 98 | |
| 99 ACKNOWLEDGE | |

ANNEX II.3

STANDARD FORM FOR REQUEST OF EXPERT

| | |
|-------------------|--|
| REFERENCE | |
| INCIDENT NAME | |
| LOCATION | |
| DATE/TIME / (UTC) | |

To be addressed to the Head of Office of REMPEC

Email: emergency@rempec.org

Fax number: +356 21 33 99 51

(When sending a fax, a notification should first be sent by email or phone)

Emergency number: +356 99 49 79 78

Formed filled in by:

| | |
|-------|--|
| Name: | |
| Date: | |

Contacts of the authority requesting the assistance

| | |
|----------------------------------|--|
| Authority name and full address: | |
| Name of the person in charge: | |
| Function: | |
| Office phone: | |
| Mobile phone available 24h/24: | |
| Email address: | |

Contacts

Authority that the experts must contact upon arrival (if different from the authority requesting the assistance) (if different)

| | |
|----------------------------------|--|
| Authority name and full address: | |
| Name of the person in charge: | |
| Function: | |
| Office phone: | |
| Mobile phone available 24h/24: | |
| Email address: | |

Authority/authorities to whom the experts must report during their mission (if different)

| | |
|----------------------------------|--|
| Authority name and full address: | |
| Name of the person in charge: | |
| Function: | |
| Office phone: | |
| Mobile phone available 24h/24: | |
| Email address: | |

Authority responsible for the organization and the management of the response (if different):

| | |
|----------------------------------|--|
| Authority name and full address: | |
| Name of the person in charge: | |
| Function: | |
| Office phone: | |
| Mobile phone available 24h/24: | |
| Email address: | |

Type of expert assistance required: (tick the appropriate boxes)

| | |
|--------------------|--|
| Remote assistance | |
| On-site assistance | |

Areas of expertise required (advisory role only) (tick the appropriate boxes)

| | | |
|---|---|--|
| Response to pollution by oil | Crisis management and organization of intervention: | |
| | - analysis, assessment and forecasting of oil slick behaviour, fate and movement | |
| | - response planning and logistics | |
| | - response strategy/tactical choices and options | |
| | Combating methods and techniques at sea: | |
| | - containment/recovery | |
| | - use of dispersants and other treatment products | |
| | Shore clean-up techniques and methods | |
| | Oiled wildlife response | |
| Response to pollution by harmful substances | Crisis management and organization of intervention | |
| | Analysis, assessment and forecasting of fate and behaviour of gas clouds, floaters, dissolvers, sinkers | |
| | Recovery of packages at sea | |
| | Response to spilled chemicals depending on their behaviour: | |
| | - personnel protection | |
| | - aquatic toxicity and rehabilitation | |
| | - biogeochemical cycling | |
| | Decontamination | |
| | Oiled wildlife response | |
| Treatment and disposal of wastes | | |

IF ON SITE ASSISTANCE IS REQUIRED:

Measures taken by the Requesting State to facilitate the mission of the expert.

| |
|--|
| Immigration and arrival procedures as well as customs formalities, in particular for data processing equipment and the associated documentation or computerized material |
| Accommodation (including location) and food, transport (food should be provided to the response team) |
| The provision of sufficient work space for the expert(s) |
| Access to communication means |
| Location where assistance should be provided |
| Location of closest airport |

Costs of assistance

Initial costs covered by REMPEC include: air tickets, daily subsistence allowance and possible fees on a pre-arranged basis (REMPEC shall reserve the right, according to the applicable legal regimes, to seek reimbursement for the expenses thus incurred.)

Signature of the authorized requesting authority

Date

Name and function of the authorized requesting authority

ANNEX II.4

STANDARD FORM FOR REQUEST OF EQUIPMENT AND PRODUCTS

| | |
|-------------------|--|
| REFERENCE | |
| INCIDENT NAME | |
| LOCATION | |
| DATE/TIME / (UTC) | |

Address to:

- a) directly to Contracting Party(ies) to the Prevention and Emergency Protocol; or,
- b) through REMPEC to Contracting Party(ies) or other assistance mechanisms; or,
- c) to other resources providers.

Copied to: emergency@rempec.org

From authorized requesting authority

| | |
|--------------------|--|
| Name and position: | |
| Date | |

Contacts of the authority requesting the assistance

| | |
|----------------------------------|--|
| Authority name and full address: | |
| Name of the person in charge: | |
| Function: | |
| Office phone: | |
| Mobile phone available 24h/24: | |
| Email address: | |

Authority in charge of the reception/return of the equipment/products provided⁹

| | |
|----------------------------------|--|
| Authority name and full address: | |
| Name of the person in charge: | |
| Function: | |
| Office phone: | |
| Mobile phone available 24h/24: | |
| Email address: | |

Authority who will have the overall operational control

| | |
|----------------------------------|--|
| Authority name and full address: | |
| Name of the person in charge: | |
| Function: | |
| Office phone: | |
| Mobile phone available 24h/24: | |
| Email address: | |

Location where the equipment has to be sent

(Include the name and location of the closest airport/port, as appropriate)

⁹ Responsible for the equipment from the arrival in the country, transfer onsite and return

Equipment and products required (*tick the appropriate boxes*)

Type and quantity of equipment and products needed (as precisely as possible).

Booms

| Type | Specifications (e.g. types ¹⁰) | Connection | Quantity required | Remarks |
|---------------------|--|------------|-------------------|---------|
| Inflatable booms | | | | |
| Water ballast booms | | | | |
| Offshore booms | | | | |
| Harbour booms | | | | |
| Fire Booms | | | | |
| Other booms | | | | |
| Blower | | | | |

Sorbent

| Type | Quantity required | Remarks |
|------------------|-------------------|---------|
| Sheets or pads | | |
| Rolls | | |
| Pillows | | |
| Booms | | |
| Mops | | |
| Bulk Hydrophobic | | |
| Bulk all liquid | | |
| Other | | |

Skimmer

| Type | Quantity required | Remarks |
|-------------------------------|-------------------|---------|
| Oleophilic Disc | | |
| Oleophilic rop mop | | |
| Oleophilic Drum | | |
| Oleophilic brush | | |
| Oleophilic belt | | |
| Non-Oleophilic vacuum/suction | | |
| Non-Oleophilic weir | | |
| Non-Oleophilic belt | | |
| Non-Oleophilic drum | | |
| Other | | |

Pump

| Type | Quantity required | Remarks |
|---------------------------|-------------------|---------|
| Pump alone | | |
| Pump with water injection | | |
| Underwater pumping system | | |
| Cargo transfer pump | | |
| Other | | |

Storage

| Type | Quantity required | Remarks |
|---|-------------------|---------|
| Floating Storage Units (tanks) | | |
| Floating Storage Units (barge) | | |
| Big Bag on barge | | |
| Open top collapsible containers with supporting frame | | |
| Shoreline recovery pillow tanks | | |
| Other | | |

Dispersant / Bioremediation agent

¹⁰ ASTM, Universal type 1, Universal type 2, Us Navy, Hinge & Pin or NOFI

| Type | Specifications | Quantity required | Remarks |
|---|----------------|-------------------|---------|
| Conventional dispersants (2nd generation) | | | |
| Concentrate dispersants (3rd generation) | | | |
| Bioremediation agent | | | |
| Other | | | |

Dispersant spraying systems

| Type | Quantity required | Remarks |
|---|-------------------|---------|
| Fixed spraying systems for helicopter | | |
| Independent spraying bucket | | |
| Conventional dispersant spraying system for boat | | |
| Systems for spraying conventional dispersants | | |
| Systems for spraying concentrate pre-diluted into sea water | | |
| Systems for spraying neat dispersants | | |
| Portable units for individual use | | |
| Other | | |

Spraying carrier Type

| Type | Specifications | Quantity required | Remarks |
|--------------------------------------|----------------|-------------------|---------|
| Crop spraying aircraft | | | |
| Spraying multi-engine aircraft | | | |
| POD spraying aircraft | | | |
| Large Self Contained spraying system | | | |
| Other | | | |

Vessel

| Type | Quantity required | Remarks |
|------------------------|-------------------|---------|
| Response vessel | | |
| Rescue vessel | | |
| Tug boat | | |
| Dinghy | | |
| Egmopol | | |
| Multipurpose vessel | | |
| Offshore supply vessel | | |
| Other | | |

Aircraft

| Type | Specifications | Quantity required | Remarks |
|------|----------------|-------------------|---------|
| | | | |
| | | | |

Personal Protective Equipment

| Type | Specifications | Quantity required | Remarks |
|------------------------------|----------------|-------------------|---------|
| Protective clothing | | | |
| Respiratory system | | | |
| Specialized diving equipment | | | |
| Other | | | |

Other Devices

| Type | Specifications | Quantity required | Remarks |
|--------------------------------------|----------------|-------------------|---------|
| Subsea location devices | | | |
| Subsea recovery device | | | |
| Subsea dispersant application device | | | |
| Well capping | | | |
| Other | | | |

Measures taken by the Requesting State to facilitate the transfer and use of the equipment

| |
|---|
| Facilitation of customs formalities (immediate customs clearance of all arriving material and, if needed, authorize their use; equipment should be admitted on a temporary basis and products should be admitted free of excise and duties) |
| Immigration and arrival procedures as well as customs formalities (immediate clearing) for personnel needed for operating the equipment |
| Supply of all that is needed for the correct operation and maintenance of equipment |
| For ships requests: ensure that ships are granted all necessary authorizations (e.g. authorization to navigate) |
| For aircrafts requests: ensure that aircraft are cleared to fly in the national air space. A flight plan or a flight notification has to be filed and accepted as an authorization for aircraft to take off, land ashore or at sea outside regular customs airfields. |

Note for the return of equipment/products:

The Requesting State undertakes to return the equipment as soon as the operations are completed, if requested to do so by the supplier.

Return, once response operations are over, all unused products and ensure that returned equipment is in the best possible working order.

Send a report on the effectiveness of equipment, products and personnel provided, to the appropriate Authorities of the Assisting Party. A copy of the report has to be sent to REMPEC.

Signature of the authorized requesting authority

Date

Name and function of the authorized requesting authority

APPENDIX:

FIELD STANDARD FORM FOR REQUEST OF EQUIPMENT AND PRODUCTS

(to be filled by the technical expert in the field command structure)

Form filled in by

Name: *(technical expert)*

Date:

Location where the equipment has to be sent

(Name and exact localisation)

Access information

(Provide information on logistical requirement to carry equipment onsite)

Equipment and products required (tick the appropriate boxes)

(Type and quantity of equipment and products needed (as precisely as possible)).

Booms

| Type | Specifications (e.g. Connection types ¹¹) | Quantity required | Remarks |
|---------------------|---|-------------------|---------|
| Inflatable booms | | | |
| Water ballast booms | | | |
| Offshore booms | | | |
| Harbour booms | | | |
| Fire Booms | | | |
| Other booms | | | |
| Blower | | | |

Sorbent

| Type | Quantity required | Remarks |
|------------------|-------------------|---------|
| Sheets or pads | | |
| Rolls | | |
| Pillows | | |
| Booms | | |
| Mops | | |
| Bulk Hydrophobic | | |
| Bulk all liquid | | |
| Other | | |

Skimmer

| Type | Quantity required | Remarks |
|-------------------------------|-------------------|---------|
| Oleophilic Disc | | |
| Oleophilic rop mop | | |
| Oleophilic Drum | | |
| Oleophilic brush | | |
| Oleophilic belt | | |
| Non-Oleophilic vacuum/suction | | |
| Non-Oleophilic weir | | |
| Non-Oleophilic belt | | |
| Non-Oleophilic drum | | |
| Other | | |

¹¹ ASTM, Universal type 1, Universal type 2, Us Navy, Hinge & Pin or NOFI

Pump

| Type | Quantity required | Remarks |
|---------------------------|-------------------|---------|
| Pump alone | | |
| Pump with water injection | | |
| Underwater pumping system | | |
| Cargo transfer pump | | |
| Other | | |

Storage

| Type | Quantity required | Remarks |
|---|-------------------|---------|
| Floating Storage Units (tanks) | | |
| Floating Storage Units (barge) | | |
| Big Bag on barge | | |
| Open top collapsible containers with supporting frame | | |
| Shoreline recovery pillow tanks | | |
| Other | | |

Dispersant / Bioremediation agent

| Type | Specifications | Quantity required | Remarks |
|---|----------------|-------------------|---------|
| Conventional dispersants (2nd generation) | | | |
| Concentrate dispersants (3rd generation) | | | |
| Bioremediation agent | | | |
| Other | | | |

Dispersant spraying systems

| Type | Quantity required | Remarks |
|---|-------------------|---------|
| Fixed spraying systems for helicopter | | |
| Independent spraying bucket | | |
| Conventional dispersant spraying system for boat | | |
| Systems for spraying conventional dispersants | | |
| Systems for spraying concentrate pre-diluted into sea water | | |
| Systems for spraying neat dispersants | | |
| Portable units for individual use | | |
| Other | | |

Spraying carrier Type

| Type | Specifications | Quantity required | Remarks |
|--------------------------------------|----------------|-------------------|---------|
| Crop spraying aircraft | | | |
| Spraying multi-engine aircraft | | | |
| POD spraying aircraft | | | |
| Large Self Contained spraying system | | | |
| Other | | | |

Vessel

| Type | Quantity required | Remarks |
|---------------------|-------------------|---------|
| Response vessel | | |
| Rescue vessel | | |
| Tug boat | | |
| Dinghy | | |
| Egmopol | | |
| Multipurpose vessel | | |

| | | |
|------------------------|--|--|
| Offshore supply vessel | | |
| Other | | |

Aircraft

| Type | Specifications | Quantity required | Remarks |
|------|----------------|-------------------|---------|
| | | | |
| | | | |

Personal Protective Equipment

| Type | Specifications | Quantity required | Remarks |
|------------------------------|----------------|-------------------|---------|
| | | | |
| Protective clothing | | | |
| Respiratory system | | | |
| Specialized diving equipment | | | |
| Other | | | |

Other Devices

| Type | Specifications | Quantity required | Remarks |
|--------------------------------------|----------------|-------------------|---------|
| Subsea location devices | | | |
| Subsea recovery device | | | |
| Subsea dispersant application device | | | |
| Well capping | | | |
| Other | | | |

Approved by on scene commander

On scene commander signature

Date

Name of on scene commander

ANNEX II.5

STANDARD FORM FOR OFFER OF ASSISTANCE

(From assisting party to requesting country)

| | |
|-------------------|--|
| REFERENCE | |
| INCIDENT NAME | |
| LOCATION | |
| DATE/TIME / (UTC) | |

FROM (ASSISTING PARTY)

| | |
|-----------------------------|--|
| Name | |
| Position | |
| Name of authority / Company | |
| Telephone | |
| Fax | |
| Email | |

TO (REQUESTING COUNTRY)

| | |
|-----------------------------|--|
| Name | |
| Position | |
| Name of authority / Company | |
| Telephone | |
| Fax | |
| Email | |

DESCRIPTION OF ASSISTANCE OFFERED

| | |
|--------------------------|--|
| Equipment/Product | |
| Type ¹² | |
| Quantity | |
| Specifications | |
| Current location | |

| | |
|---------------------------------|--|
| Personnel | |
| Name | |
| Area of expertise ¹³ | |
| Current location | |
| CV ¹⁴ | |

TRANSPORT

| | |
|--|--|
| Provided by assisting country | YES/NO |
| Required from requesting country or other organisation | YES/NO |
| Specifications | Indicate any special need related to the transport |

DESCRIPTION OF DELIVERY POINT (if Assisting Country can provide transport)

| | |
|-----------------------------|--------------------------------|
| Means of transport required | (land, air, maritime) |
| Transport details | |
| Final destination | Address, coordinates, landmark |
| Estimated Time of Arrival | Date and time |

¹² Refer to Annex II.4

¹³ Refer to Annex II.5

¹⁴ Attach CV of expert/personnel

LOGISTICAL INFORMATION

| |
|---|
| <p>Add any relevant logistical information for instance:</p> <ul style="list-style-type: none"> • Is in-country warehousing required? • Does equipment require trained personnel to accompany/operate it? • Does release of equipment from current location create compliance problem with minimum standards of equipment for response • Any specific power supply, pumps, or other technical needs to operate this equipment/asset? • Who will provide distribution of resource if needed? • Other considerations? |
|---|

TERMS AND FINANCIAL CONDITIONS

| | | |
|---|--|-----|
| Date of commencement of services/mobilization | | |
| | | |
| Nature of services/ scope of work | | |
| | | |
| | | YES |
| | | NO |
| The Assisting Party offers its assistance free of charge: | | |
| If the answer to the above question is "YES" specify any particular conditions | | |
| | | |
| If the answer to the above question is "NO" state in detail below the terms and financial conditions including the cost to be reimbursed: | | |
| | | |
| Mobilization and demobilization charges | | |
| | | |
| Equipment rates | | |
| | | |
| Personnel rates | | |
| | | |
| Basis of hire (lump sum or daily rate) | | |
| | | |
| Import/export duties (exemption or no exemption) | | |
| | | |
| Immigration requirements | | |
| | | |
| Cleaning and rehabilitation cost | | |
| | | |
| Invoicing | | |
| | | |
| Security for payment | | |
| | | |
| Liability coverage, warranty and insurance | | |
| | | |
| Health and safety | | |
| | | |
| Termination | | |
| | | |
| Other conditions | | |
| | | |
| Approximate total cost of this deployment for which reimbursement will be requested: | | |
| _____ (US \$/EURO/Other) | | |
| Total costs from Home Base to Staging Area | | |
| _____ (US \$/EURO/Other) | | |

Authorized Official's Signature

Date

Authorized Official's Name

Title and organization

ANNEX: II.6

SAMPLE OF RECEIPT/ ACKNOWLEDGE FORM

(From requesting country to party offering assistance)

| | |
|-------------------|--|
| REFERENCE | |
| INCIDENT NAME | |
| LOCATION | |
| DATE/TIME / (UTC) | |

TO PARTY OFFERING ASSISTANCE

| | |
|-----------------------------|--|
| Name | |
| Position | |
| Name of authority / Company | |
| Telephone | |
| Fax | |
| Email | |

FROM REQUESTING COUNTRY

| | |
|-----------------------------|--|
| Name | |
| Position | |
| Name of authority / Company | |
| Telephone | |
| Fax | |
| Email | |

OFFER

| | |
|---------------------------------------|---------------|
| OFFER NAME/DESCRIPTOR | |
| Received on | Date and time |
| Received by | |
| Name | |
| Position | |
| Name of authority / Company | |
| Telephone | |
| Fax | |
| Email | |
| Estimated date of confirmation | Date and time |

Authorized requesting authority's Signature

Date

Authorized requesting authority's Name

Title and Function

ANNEX II.7

SAMPLE OF ACCEPTANCE FORM

(From requesting country to party offering assistance)

| | |
|-----------------------|--|
| REFERENCE | |
| INCIDENT NAME | |
| LOCATION | |
| DATE/TIME / (UTC) | |
| OFFER NAME/DESCRIPTOR | |

TO OFFERING PARTY (Government/Organization)

| | |
|-----------------------------|--|
| Name | |
| Position | |
| Name of authority / Company | |
| Telephone | |
| Fax | |
| Email | |

FROM REQUESTING COUNTRY

| | |
|-----------------------------|--|
| Name | |
| Position | |
| Name of authority / Company | |
| Telephone | |
| Fax | |
| Email | |

OFFER STATUS:

1) ACCEPTED OFFERS

| Type of offers | Date required | Location | Transportation specifics |
|----------------|---------------|----------|--------------------------|
| | | | |
| | | | |

2) DECLINED OFFERS OR ON HOLD

| Type of offers | Rational for decline or on hold |
|----------------|---------------------------------|
| | |
| | |

TERMS AND CONDITIONS

The terms and conditions as specified in the attached contract are accepted.

Authorized requesting authority's Signature

Date

Authorized requesting authority's Name

Title and Function

ANNEX II.8

SAMPLE OF DECLINE /ON HOLD FORM

(From requesting country to party offering assistance)

| | |
|-----------------------|--|
| REFERENCE | |
| INCIDENT NAME | |
| LOCATION | |
| DATE/TIME / (UTC) | |
| OFFER NAME/DESCRIPTOR | |

TO OFFERING PARTY (Government/Organization)

| | |
|-----------------------------|--|
| Name | |
| Position | |
| Name of authority / Company | |
| Telephone | |
| Fax | |
| Email | |

FROM REQUESTING COUNTRY

| | |
|-----------------------------|--|
| Name | |
| Position | |
| Name of authority / Company | |
| Telephone | |
| Fax | |
| Email | |

OFFER STATUS: DECLINE/ON HOLD

ADDITIONAL INFORMATION

Authorized requesting authority's Signature

Date of Signature

Authorized requesting authority's Name

Title and function

ANNEX II.9:
SITUATION REPORT (SITREP)

| | |
|---|------------------------|
| INCIDENT: | |
| SITREP No: | |
| DATE: | TIME* (UTC +1): |
| FORM filled in by: | |
| <u>Addressed to :</u> <ul style="list-style-type: none"> • REMPEC • Contracting Parties • Assisting parties • Parties involved | |
| 1) The development of the situation regarding the pollution incident | |
| | |
| 2) The actions taken to combat the pollution | |
| | |
| 3) The progress of response operations | |
| | |
| 4) Actions planned to be taken | |
| -response action planned; -need for additional assistance or/ and demobilization of assistance already provided | |

Approved by on scene commander or/ and supreme on scene commander

On scene commander/supreme on scene commander signature

Date

Name of on scene commander/supreme on scene commander

ANNEX III

CLAIMS

ANNEX III.1

PREPARATION OF CLAIMS

1. Admissibility of the claim

To be entitled to compensation, the expense or loss caused by an oil spill must be measurable and quantifiable. The onus rests with the claimant to prove the link of causation, and the claimant must be able to provide appropriate evidence supporting the amount claimed for the expenses or loss. The ship owner's insurer, and the IOPC Fund if involved, usually appoints experts, often on a joint basis, to investigate the technical merits of claims and to make independent assessments of the expenditure or losses.

2. Reasonableness

It is important to note that under the international oil spill compensation conventions, the amount claimed should be reasonable. In general, the reasonableness of a claim for preventive measures, including clean-up is assessed in terms of the rates charged, the resources deployed, and the activities claimed. The assessment of claims for pollution damage takes account of the value of the property affected, the economic loss incurred, and costs of reinstatement. These concepts of 'reasonableness' are set out in the IOPC Fund's Claims Manual for the purposes of the CLC and Fund Convention.

3. Time bar

Claimants should submit their claim as soon as possible after the damage has occurred or, if for any reason a formal claim cannot be submitted shortly after the incident, the claimant should notify the liable organization of an intention to submit a claim as soon as possible. Under the international oil spill compensation conventions, the claimant may lose the right to compensation unless an action is brought against the liable organization in a court within a specified period after the date of the incident or the date on which the damage occurred.

4. Preparation of Claims from Oil Pollution

- **Prevention and clean-up**

For many oil spills, significant costs will be incurred in the initial emergency phase of a response as a result of deploying resources to prevent further spills, protect sensitive areas and to recover the oil. Consequently, it is important that an orderly system for logging and filing associated records is established as quickly as possible after the response commences. Accurate records are vital since reliance on memory for subsequent claims compilation is unrealistic, particularly during a lengthy and fast-moving response.

Daily worksheets should be compiled by supervisory personnel, describing the operations in progress describing the equipment in use, where and how it is being used, the number of personnel employed, how and where they are deployed, and the materials consumed. Recording such information is facilitated by the use of standard electronic worksheets.

Costs for many items used in a response will be calculated as the sum of the period worked and the rate for that period; for example, an aircraft used for surveillance for a number of hours or a worker employed on a beach for some days, are best entered and submitted in electronic format, preferably using spreadsheets. In addition to itemizing costs, a claim should include as much information as possible to explain the reason for the work, such as records of decision, meetings, and records of the activity undertaken to recover and clean-up the oil, such as vessel logs, personnel timesheets, and worksite reports and worksite reports. Early participation of the P&I Club or insurer in the management of the incident and their co-approval of expenditure related to the response is recommended.

Waste transport, storage, treatment, and disposal can often be the most expensive component of a response and accurate recording of volumes and weights handled are important.

In summary, below is a non-exhaustive list of supporting information required:

- Summary of events, including a description of the work carried out in different areas and of the working methods chosen in relation to the circumstances prevailing during the incident.

- Delineation of the area affected, describing the extent of pollution, and identifying those areas most heavily contaminated. This should be presented in the form of a map or chart supported by photographs or video.
- Analytical and/or other evidence linking the oil pollution with the ship involved in the incident (e.g. chemical analysis; wind, tide and current data; observation and plotting of movement of floating oil).
- Dates on which work was carried out (with weekly or daily costs).
- Labor and administrative costs (number and categories of response personnel; regular and overtime rates of pay; days/hours worked).
- Equipment and material costs (types of equipment used; rate of hire; consumable material quantity and cost).
- Transport costs (number and types of vessels, aircraft, vehicles used; number of days/hours operated; rate of hire or operating cost).
- Costs of temporary storage (if applicable) and final disposal of recovered oil and oily material.

- **Property damage**

Claims for damage to property may be made by the public as well as the private sector, such as fishermen, pleasure-boat owners, marina operators, and port authorities. In this case, it may be desirable to arrange, through the ship owner's insurer, to appoint insurance adjusters to whom claimants may be referred. In some incidents, a special telephone number and office have been established to process claims, and the public is advised through the media that this service is available.

Items affected commonly include: hulls of fishing vessels and pleasure craft; fishing gear, such as nets and traps; and mariculture structures, such as fish farms, mussel rafts, and oyster trestles. Property damage claims may also arise as a result of clean-up activity; for example, damage to roads or paths used for access by workers and vehicles.

As a minimum, photographs of the property before and after restoration should be provided in support of a claim. However, for many property damage claims, a survey, usually undertaken jointly with representatives of the organization paying compensation, will be necessary prior to the commencement of work to restore the property. Surveys are necessary to confirm the link of causation to the incident, to corroborate the level of contamination or other damage claimed, and to advise on the appropriate work to be undertaken. In any case, the claim should mention the extent of pollution damage to the property, the description of items destroyed, damaged or needing replacement or repairs (e.g. boat, fishing gear and clothing) including their location. In order to facilitate the assessment, the cost of repair work or replacement of item should be mentioned as well as the age of item to be replaced in order to take into consideration the depreciation.

- **Economic losses**

Contamination of fishing vessels, other fishing gear, mariculture facilities, or tourism assets may prevent their subsequent use. Income lost while the polluted or damaged items are cleaned or replaced may form the basis of a claim for consequential economic loss. In addition to the documentation required to support the property damage, evidence of the ensuing loss of income will also be required. Claims may be accepted for the costs of measures taken to prevent or minimize pure economic loss. Economic losses can include but are not limited to: restriction of fishing activity, closure of coastal industrial and processing installations, or marketing campaigns and loss of income by resort operators (hotel owners and restaurateurs). In many cases, the financial records for previous years may be readily available, although difficulties may arise in distinguishing losses caused by the oil spill from those caused by other unrelated factors such as bad weather or overfishing.

Claims for pure economic loss can also arise even though no damage to property has occurred; for example, if a fishing fleet is unable to depart port. Media reports of an oil spill may also result in a loss of market confidence, which might deter tourists from visiting a coastal area or the public from purchasing seafood perceived to be contaminated by oil. Pure economic losses can more easily be seen on a balance sheet only, rather than as a consequence of damage to property. Therefore, for many economic loss claims, the most important supporting documentation will be copies of company

accounts, trading records, invoices, or other financial statements. Although accepted in principle under the international compensation regimes, in some national jurisdictions claims for pure economic loss are inadmissible.

When dealing with artisanal fisheries, formal records may not be available and some other form of assessment may be required. Subsistence or artisanal fishing involves the provision of daily food or seafood for barter that may not include financial transactions. The assessment of claims from such fisheries may be problematic as supporting documentation is often unavailable and only verbal reports of activities can be provided. Experts are available to work with the claimants to determine accurate losses. Also, there could be additional indirect expenditures incurred by the local authorities in providing alternate protein sources for the coastal communities affected by the spillage; this should be documented. Guidelines available from the IOPC Fund may assist in this area.

Supporting information relative to economic claims may include, but are not limited to, the description of the nature of the loss, including demonstration that loss resulted directly from the incident, the comparative figures for profits earned in previous periods, and for the period during which such damage was suffered, and the comparison with similar areas outside the area affected by the spill together with the method of assessment of loss.

More specifically for fisheries, the claims should include the costs of inspecting and monitoring the presence of oil in potentially impacted fisheries areas and the subsistence foods as well as the government costs of monitoring and responding to native food issues.

- **Environmental damage**

Claims for work done to restore damaged resources and encourage natural recovery are acceptable under the International Conventions only if certain criteria are met; for example, the work should significantly accelerate natural recovery. Costs should be itemized to clearly explain the work done.

However, claims based on calculations made according to theoretical models and claims for compensation for loss of function of the environment are inadmissible under the International Conventions, although they are recognized under some national legislation.

- **Other types of claims**

The foregoing are the principal categories of claims which are likely to prove acceptable; however, there may be other categories of claims eligible under national and regional compensation schemes. In all cases, the claim should be presented clearly and in sufficient detail so that it is possible to assess the amount of damage suffered on the basis of the facts and the documentation presented. It should be noted that each item of the claim must be supported by an invoice or by other relevant documentation such as daily worksheets and explanatory notes.

- **Importance of record keeping**

The type of information required to support a claim depends upon the type of loss, in particular, whether the loss is incurred as a result of the cost of responding to the incident or as a result of the effects of the oil on, for example, tourism or fisheries businesses. However, the quality of this documentation and other information required depends to a large extent upon the measures taken to record and preserve this information at the time the loss is incurred. As time passes, and unless records are meticulous, the availability of information to support claims, verify losses, and answer questions is likely to diminish. Settlement of a claim may require time, and if key personnel are no longer available to answer queries during this period, the records may be the sole source of information. Similarly, unless evidence is preserved correctly, substantiation of a subsequent claim may not be possible.

A wide variety of organizations such as salvage companies, government agencies, waste contractors, and wildlife charities may be involved in a response. In addition to utilizing owned resources, each organization may spend large amounts of money to purchase or contract-in goods and services. The resulting trail of expenditure can include hire agreements, contracts, invoices, receipts, and many other individual documents.

5. IOPC Funds Publication

A Claims Information Pack has been developed to assist claimants in a Member State following an oil spill incident. A set of publications are available to download from <http://www.iopcfunds.org/publications/>. Hard copies of the information pack, containing all four documents within a lightweight folder, are available on request.

ANNEX III.2

SUBMISSION, ASSESSMENT AND SETTLEMENT OF THE CLAIM

1. Who can claim and to whom?

Anyone who has been involved in prevention or clean-up operations, or anyone who has suffered measurable damages to a pollution incident, can submit a claim. Claimants may be private individuals, companies, private organizations, or public bodies, including States or local authorities. For convenience, claims can be grouped together in order to facilitate their assessment by the liable party or organization.

The insurer of the vessel owner's third party liabilities is typically a Protection and Indemnity (P&I) Club. As noted above, under some conventions such as CLC and Bunkers claimants have a right of direct action against the insurer if the vessel owner is unable to pay. Pollution damage claims should be submitted to a vessel's P&I Club and/or the IOPC Fund for large incidents likely to exceed ship limitation. In situations where the ship owner is not known, or cannot pay, claims can be submitted to the International Oil Pollution Convention Fund, when relevant, or a national fund, if available.

Government and publically operated vessels, including warships and other vessels on military duty or charter, usually operate outside established P&I and other commercial insurance.

In the case of pollution damage within the meaning of 92 CLC, caused in a State that is Party to both the 1992 CLC and the 1992 Fund Convention, claims can be submitted to the 1992 Fund. However, the 1992 Fund typically begins to distribute compensation once the ship owner or its insurer has paid up to the limit of its liability, and therefore claims should be sent directly to the ship owner or its insurer who will channel the claim to the 1992 Fund when the limit of its liability has been reached.

2. Information to be provided

Regardless of the type of the claim, the documentation in support should contain the basic following information:

- the name and address of the claimant;
- identity of the ship involved in the incident;
- the date, place, and specific details of the incident;
- the type of loss or pollution damage sustained;
- supporting documents for each claimed item; and
- the amount of compensation claimed including taxes, profit, and any other extra costs where applicable.

3. Assessment and settlement of the claim

After receiving a claim, the owner, ship owner's insurer, and/or the IOPC Fund if involved, will assess the claim in order to determine its admissibility as well as the sum that is considered recoverable. To do so, the owner, the ship owner's insurer and/or the Fund may require the services of technical advisors that may have been present at the scene of the incident.

If the information provided by the claimant is not sufficient to verify the admissibility or the reasonableness of the claim, the Fund/responsible parties' insurer may query some of the claimed costs pending the provision of additional information. While a claim may have been considered admissible in principle, the burden of proving the claim rests upon the claimant, and thus, if the claim is not supported by the documentation submitted or is not technically reasonable, some or all of the costs may be rejected after all the queries have been exhausted.

In most incidents under the International Conventions, agreement on the amount of compensation to be paid is reached on an amicable basis, without the need for legal action and associated costs. If, however, such agreement is not possible, the claimant has the right to bring a claim to the court in the State in which the damage occurred but must do so before the applicable time bar date.