



**Mediterranean  
Marine Oil & HNS  
Pollution  
Cooperation**

Western Mediterranean Region  
Marine Oil & HNS Pollution Cooperation Project

**STUDY ON THE ESTABLISHMENT OF A SYNERGY  
BETWEEN THE EXISTING SUB-REGIONAL AGREEMENTS  
IN THE WESTERN MEDITERRANEAN REGION**

**WP 5:** Emergency procedures

**Action 5.2:** Synergy between the Sub-regional agreements/plans and Sub-regional mechanisms enabling coordinated and coherent response to marine pollution in the west Mediterranean

**Last updated:** 26/10/2020

**Version:** 04 (revised)

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*This document covers activities implemented with the financial assistance of the European Union. The views expressed herein should not be taken, in any way, to reflect the official opinion of the European Union, and the European Commission is not responsible for any use that may be made of the information it contains.*



## Executive summary

There are three sub-regional contingency plans (SRCPs) for preparedness for and response to accidental marine pollution in the Western Mediterranean area: Plan RAMOGEPOL, LION Plan and the South-Western Mediterranean SRCP. Seven countries in the area participate in these three SRCPs: Plan RAMOGEPOL covers the neighbouring parts of France and Italy, as well as Monaco, LION Plan covers the Western Mediterranean parts of France and Spain, while the South-Western Mediterranean SRCP covers Algeria, Morocco and Tunisia. All three Plans address primarily preparedness for and response to **pollution at sea**, and do not specifically focus on response **operations on shore** (shoreline clean-up).

The Study addresses legal requirements, institutional arrangements and operational procedures that could further **strengthen cooperation and interaction** among the Western Mediterranean countries already participating in the three SRCPs, in particular through **synergy activities**.

The **first part of the Study** shows that all three existing SRCPs envisage a number of **activities that are similar in nature**, and that their **objectives** of cooperation and mutual assistance **are generally the same**, i.e. to organize a prompt and effective response to marine oil pollution incidents by pooling resources and expertise of several countries and by coordinating assistance from such other Parties.

It provides an overview of **international and regional legal frameworks** covering preparedness for and response to accidental marine pollution, including globally applicable international treaties, the Mediterranean legal framework provided by the Barcelona Convention and its Prevention and Emergency Protocol, as well as the relevant EU legislation addressing civil protection and marine pollution control related issues.

The analysis of the status of the three Western Mediterranean SRCPs revealed that, regardless of certain differences among the Plans, it is possible to establish **interaction and synergy** among them that could ensure better cooperation between the Parties and eventually increase the efficiency of response to a major marine pollution incident in the area.

It was found out that **legal requirements** for improving cooperation generally exist, and identified the need for putting into place certain **prearrangements** covering issues related to customs, immigration, transboundary movement of response resources and logistics, in order to improve and simplify the mobilization, delivery and deployment of response resources, and



consequently the effectiveness of response. **Exchange of information** among the Parties to the three SRCPs was identified as a key **prerequisite** for making suggested joint arrangements.

With a view to facilitating contacts among the three SRCPs and implementing synergy activities, the Study suggests establishing at the level of all three SRCPs **structures similar to the existing RAMOGE Secretariat**, as well as organizing **regular meetings** of the representatives of the competent national authorities of the countries participating in the three SRCPs.

The **second Part of the Study** identifies possible synergies in the implementation of the three SRCPs, and proposes ways of putting synergistic activities into practice.

While observing the general principle that the implementation of **potential synergistic activities** should be relatively easy and prompt, that it should not require changing or amending the existing sub-regional Agreements or SRCPs, and that such activities should focus on the operational aspects of the SRCPs, the following **areas of potential synergy action** were identified: (i) policies and related implementation measures, (ii) training and exercises, (iii) reporting, collection and collation of data and preparation of inventories/directories, (iv) development and implementation of specific projects, and (v) consultation process and systematic exchange of information.

As regards the **implementation of synergy related activities**, the Study identifies the key **prerequisites** for their successful **implementation** as (i) political will of the Parties, (ii) proper management of the implementation, and (iii) the necessary financial support. It also identifies the possible main **constraints** that could hinder the implementation of synergies: (i) language problems, (ii) staff related constraints, and (iii) limited financial means. The **best practices**, based on the experience of the Plan RAMOGEPOL are identified and suggested for putting into practice in all three SRCPs.

A total of **eighteen recommendations** included in the Study **address** all the identified areas/fields of **potential synergy actions** and are summarized in the third Part of the Study. Most of the recommendations aim at **promoting synergy among the three SRCPs** at the level of the Western Mediterranean area, however some refer to building “internal” **synergies at the national level**, as the synergy of various relevant national authorities/administrations/agencies is seen as one of the main condition for successfully implementing synergy related activities at the regional/sub-regional levels.



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## Introduction

The “Study on the establishment of a synergy between the existing Sub-regional agreements in the Western Mediterranean region” (hereinafter referred to as the “Study”) is part of the project “Western Mediterranean Region Marine Oil and HNS Pollution Cooperation” aimed at strengthening cooperation between the Western Mediterranean coastal States in the field of preparedness and response to pollution of the sea by incidents involving oil and hazardous and noxious substances (HNS) and at improving the quality and interoperability of their response capacities.

More specifically, the Study was prepared as part of the Work package (WP) 5 “Emergency procedures”, which aims at strengthening emergency procedures and the sub-regional cooperation through the development of national mechanisms for the mobilisation of response capacities and establishment of synergy between the existing sub-regional contingency plans and arrangements.

The **first part** of the Study focuses on **analysing** the existing relevant international and regional frameworks, on **outlining** sub-regional agreements and contingency plans in the Western Mediterranean, on **comparing** these, and on **recommending** certain legal and institutional arrangements and operational procedures that could contribute towards synergy among the existing sub-regional arrangements for preparedness and response to accidental marine pollution.

The **second part** endeavours to **identify areas of possible synergies** among the three sub-regional contingency plans covering the Western Mediterranean region and focuses on **building such synergies** with a view to increasing the capacities of the participating countries to respond to potential marine pollution incidents, while at the same time avoiding duplication of effort, strengthening joint efforts and using available resources more efficiently.

The **third part** recapitulates various **recommendations** made in different Chapters and includes a brief **executive summary** of the Study.

Finally, **Annexes** attached to the document provide additional information on certain topics that the Study outlined.



## **PART I**

# **MULTILATERAL COOPERATION IN PREPAREDNESS AND RESPONSE TO ACCIDENTAL MARINE POLLUTION - LEGAL FRAMEWORKS AND SUB-REGIONAL AGREEMENTS AND CONTINGENCY PLANS**



## 1. Legal frameworks

### 1.1. International (global) regime for prevention and control of marine pollution

The global system for prevention of, preparedness for and response to pollution of marine environment by oil and hazardous substances other than oil (hereinafter referred to as "HNS") has been set through a series of international treaties (Conventions, Protocols) adopted under the aegis of the International Maritime Organization (IMO).

#### 1.1.1. International treaties addressing preparedness for and response to marine pollution incidents (adopted under the aegis of IMO)

##### 1.1.1.1. International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC 1990)<sup>1</sup> (adopted in London on 30 November 1990 and entered into force on 13 May 1995)

OPRC 1990 is regarded as the most important international legal instrument designed to increase the level of preparedness of States Parties to the Convention to respond to major marine pollution accidents, and to provide the framework for worldwide cooperation in the field of oil spill response.

OPRC 1990 aims at facilitating international co-operation and mutual assistance in preparing for and responding to a major oil pollution incident, and at encouraging States to develop and maintain adequate capabilities to deal with oil pollution emergencies. Contracting Parties agree to co-operate and to render assistance when so requested by other Parties. OPRC 1990 aims at facilitating international co-operation and mutual assistance in preparing for and responding to a major oil pollution incident, and at encouraging States to develop and maintain adequate capabilities to deal with oil pollution emergencies. Contracting Parties agree to co-operate and to render assistance when so requested by other Parties.

The Convention *inter alia* requires Parties to:

- i) ensure **reporting** of actual or potential oil spills (**Article 4**);

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<sup>1</sup> <https://treaties.un.org/doc/Publication/UNTS/Volume%201891/volume-1891-I-32194-English.pdf>



- ii) establish a **national system** for responding promptly and effectively to oil pollution incidents and to establish, either individually or through **bilateral or multilateral cooperation** and, as appropriate, in cooperation with the oil and shipping industries, port authorities and other relevant entities, a minimum level of prepositioned spill response equipment, programme of exercises and training, communication capabilities and mechanism for coordinating and mobilizing response capacities (**Article 6.1**);
- iii) **co-operate** in terms of providing advisory services, technical support and equipment for the purpose of responding to an oil pollution incident, upon the request of any Party affected or likely to be affected (**Article 7**);
- iv) **promote bilateral and multilateral co-operation** in preparedness and response (**Article 10**).

**1.1.1.2. Protocol on Preparedness, Response and Co-operation to pollution Incidents by Hazardous and Noxious Substances, 2000 (OPRC-HNS 2000)<sup>2</sup>** (adopted on 15 March 2000 and entered into force on 14 June 2007)

OPRC-HNS Protocol of 2000 was developed and adopted by IMO with a view to expanding the scope of OPRC 1990 Convention to pollution incidents by hazardous substances other than oil (HNS). It follows the principles of the OPRC 1990 and, like the Convention, aims at establishing national systems for preparedness and response and at providing a global framework for international cooperation in combating major pollution accidents or threats of marine pollution by HNS.

The Protocol defines a “hazardous and noxious substance” as “any substance other than oil which, if introduced into the marine environment is likely to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.”

Parties to the OPRC-HNS 2000 are required to establish measures for dealing with HNS pollution incidents, either nationally or **in co-operation with other countries**, similar to those already in place for oil pollution incidents.

In particular, the OPRC-HNS 2000 *inter alia* requires the Parties to:

<sup>2</sup> <https://www.ecolex.org/details/treaty/protocol-on-preparedness-response-and-co-operation-to-pollution-incidents-by-hazardous-and-noxious-substances-tre-002482/> and/or <http://www.bsmrcc.com/files/legal7.pdf>



- i) to report and notify other States of pollution incident likely to affect them (**Article 3.3**)
- ii) establish national preparedness and response systems (**Article 4(1)**) and to establish individually or through **bilateral or multilateral cooperation** and in cooperation with shipping and chemical industries, port authorities and other relevant entities, (a) a minimum level of **pre-positioned equipment**, (b) programme of **training and exercises**, (c) **plans and communication** capabilities for spill response, and (d) mechanism or **arrangement to co-ordinate the response** with the capabilities to mobilize the necessary resources. (**Article 4(2)**);
- iii) provide upon request advisory services, technical support and equipment for responding to pollution incidents (**Article 5**);
- iv) promote co-operation in preparedness and response through bilateral and multilateral agreements (**Article 8**).

**1.1.1.3. International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969 (Intervention 69)<sup>3</sup>** (adopted in Brussels on 29 November 1969 and entered into force on 6 May 1975)<sup>4</sup>

Intervention 69 affirms the right of a coastal State to take such measures on the high seas as may be necessary to **prevent, mitigate or eliminate danger** to its coastline or related interests **from pollution by oil** or the threat thereof, following upon a maritime casualty. It applies to all seagoing vessels except warships or other vessels owned or operated by a State and used on Government non-commercial service.

**1.1.1.4. Protocol relating to Intervention on the High Seas in Cases of Marine Pollution by Substances other than Oil, 1973<sup>5</sup>, as amended (INTERVENTION Protocol 1973)**

(adopted on 2 November 1973 by the International Conference on Marine Pollution, in London, entered into force on 30 March 1983, and subsequently amended in 1991, 1996, 2002 and 2007)

The 1973 Intervention Protocol extended the regime of the 1969 Intervention Convention to **substances other than oil**, which are either listed in the Annex to the Protocol or which have characteristics substantially similar to those substances. The amendments to the 1973

<sup>3</sup> <https://treaties.un.org/doc/Publication/UNTS/Volume%20970/volume-970-I-14049-English.pdf>

<sup>4</sup> Intervention 1969 Convention is often referred to as the “**Brussels Convention of 1969**”.

<sup>5</sup> <https://treaties.un.org/doc/Publication/UNTS/Volume%201313/volume-1313-I-21886-English.pdf>



Intervention Protocol primarily reflect the extensions of the list of substances to which the Protocol applies and which are included in its Annex.

**Table 1 Summary status of ratifications and/or accessions by the Western Mediterranean coastal States of the relevant international Conventions and Protocols (as at 18 May 2020)<sup>6</sup>**

Convention or Protocol	DZA	FRA	ITA	MLT	MCO	MAR	ESP	TUN
<b>OPRC 1990</b>								
<b>OPRC-HNS 2000</b>								
<b>INTERVENTION 69</b>								
<b>INTERVENT. PROT. 1973</b>								

accessed to or ratified

not acceded or not ratified

## 1.2. The Mediterranean legal framework

### 1.2.1. Barcelona Convention

The **Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean** (referred to as the **Barcelona Convention**<sup>7</sup>) was adopted in Barcelona on 10 June 1995 and entered into force on 9 July 2004.

Its **Article 3 (General Provisions)** provides the basis for the **development of bilateral, multilateral and sub-regional agreements**. **Article 6 (Pollution from Ships)** stipulates that “the Contracting Parties shall take measures in conformity with international law to prevent, abate and combat 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 recognized at the international level relating to control of this type of pollution”. The phrase “all measures in conformity with international law” clearly indicates measures adopted under the auspices of IMO. **Article 9 (Cooperation in dealing with pollution emergencies)** further stipulates the need for cooperation among the Contracting Parties when dealing with pollution emergencies

<sup>6</sup> “Comprehensive information on the status of multilateral Conventions and instruments in respect of which the International Maritime Organization or its Secretary-General performs depositary or other functions” (dated 18 May 2020) (<http://www.imo.org/en/About/Conventions/StatusOfConventions/Pages/Default.aspx>) and (<http://www.imo.org/en/About/Conventions/StatusOfConventions/Documents>Status%20-%202020%20May.pdf>).

<sup>7</sup> The consolidated text of the Barcelona Convention: [http://wedocs.unep.org/bitstream/handle/20.500.11822/7096/Consolidated\\_BC95\\_Eng.pdf?sequence=1&isAllowed=y](http://wedocs.unep.org/bitstream/handle/20.500.11822/7096/Consolidated_BC95_Eng.pdf?sequence=1&isAllowed=y)



(see **Annex 2** for more detailed information on the Barcelona Convention pollution cooperation framework).

**1.2.2. Protocol Concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea (Prevention and Emergency Protocol)<sup>8</sup>** (adopted on 25 January 2002 and entered into force on 17 March 2004)

**Prevention and Emergency Protocol** of 2002, which replaced **Emergency Protocol** of 1976, covers prevention, preparedness and response to marine pollution from sea-based sources in the Mediterranean (cf. **Annex 2**) and provides a basis for the development of both, national and multi-national mechanisms and arrangements for prevention of pollution from ships and for preparedness and response to pollution incidents.

The Protocol includes provisions on:

- Contingency plans and other means of preventing and combating pollution incidents (**Article 4**)
- Communication of information and reports concerning pollution incidents (**Article 8**)
- Reporting procedures (**Article 9**)
- Assistance (**Article 12**)
- Reimbursement of costs of assistance (**Article 13**) and
- Sub-regional agreements (**Article 17**).

**Table 2 Summary status of ratifications and/or accession by the Western Mediterranean coastal States of the relevant regional Conventions and Protocols (as at 3 April 2020<sup>9</sup>)**

Convention or Protocol	DZA	FRA	ITA	MLT	MCO	MAR	ESP	TUN <sup>10</sup>
<b>Barcelona Convention</b>								
<b>Emergency Protocol 1976</b>								
<b>Prevention and Emergency Protocol 2002</b>								

acceded to or ratified

not acceded or not ratified

<sup>8</sup> <https://www.rempc.org/en/about-us/legal-framework/regional-legal-framework/the-protocols#autotoc-item-autotoc-1>

<sup>9</sup> The last notification concerning ratification, accession or approval of these instruments was received by the Coordinating Unit for the Mediterranean Action Plan/Secretariat to the Barcelona Convention and its Protocols on 24 April 2019.

<sup>10</sup> Tunisia signed Prevention and Emergency Protocol in 2002 but so far did not deposit the instrument of ratification, acceptance or approval.



### 1.2.3. Mediterranean principles and guidelines on cooperation and mutual assistance

The need to define in more detail various “measures” mentioned e.g. in Articles 4, 6 and 9 of the Barcelona Convention and in Article 3 of the Prevention and Emergency Protocol led to development by REMPEC of a **series of principles and guidelines** governing response to marine pollution emergencies in the Mediterranean that were subsequently adopted by the Meetings of the Contracting Parties to the Barcelona Convention. The most important of these were:

- **Guidelines for co-operation in combating marine oil pollution in the Mediterranean** adopted by the 5<sup>th</sup> Ordinary Meeting of the Contracting Parties to the Barcelona Convention, Athens, 11 September 1987 (UNEP/IG.74/5);
- **Principles and guidelines concerning cooperation and mutual assistance** adopted by the 7<sup>th</sup> Meeting of the Contracting Parties to the Barcelona Convention, Cairo, 11 October 1991 (UNEP(OCA)/MED IG.2/4, Annex IV, Appendices I-VI);
- **Guidelines concerning the exchange of liaison officers between the contracting parties in case of response operations involving several states** adopted by the 9<sup>th</sup> 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); 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, Barcelona, 5-8 June 1995 (UNEP(OCA)/MED IG.5/16, Annex XII, Appendix IV).

These guidelines have **advisory** character and were developed, adopted and recommended for use with a view to facilitating the implementation of the Emergency Protocol 1976 and the Prevention and Emergency Protocol 2002 respectively, in particular when the occurrence of a significant marine pollution accident necessitates **cooperation and mutual assistance** among the Parties.



- **Mediterranean Guide on Cooperation And Mutual Assistance In Responding To Marine Pollution Incidents<sup>11</sup>**, adopted by the 20<sup>th</sup> Ordinary Meeting of the Contracting Parties to the Barcelona Convention, held in Tirana, Albania, 17-20 December 2017.

The **Mediterranean Guide** is an **advisory document**, developed by REMPEC with a view to assisting the Contracting Parties in managing requests and offers of assistance from other countries and organisations in case of massive marine pollution incidents under the Emergency Protocol 1976 and the Prevention and Emergency Protocol 2002. The Guide provides in a single volume the most important information that a competent national authorities of a State facing a serious marine pollution accident, calling for cooperation and mutual assistance between the Mediterranean countries, may need.

### 1.3. Sub-regional (multilateral) agreements in the Mediterranean region

The Mediterranean legal framework covering prevention of, preparedness for and response to accidental marine pollution by oil and HNS is completed by a series of **bilateral or multilateral Agreements** between States. Currently there are five such agreements in place, and the signing of another one is expected soon. All of these were adopted within the framework of the Barcelona Convention and/or its Prevention and Emergency Protocol. These are:

- RAMOGE Agreement for the Protection of the Marine and Coastal Environment of a Mediterranean Sea Area (*between France, Italy and Monaco, original version signed on 10 May 1976 and entered into force in the first half of 1981*);
- Agreement on the Sub-regional Contingency Plan<sup>12</sup> for Preparedness and Response to Major Marine Pollution Incidents in the Mediterranean (*between Cyprus, Egypt and Israel, signed on 9 June 1995, not yet in force*);
- Agreement [between ...] providing the Sub-regional Contingency Plan between Algeria, Morocco and Tunisia for Preparedness for and Response to Accidental Marine Pollution in the South-Western Mediterranean Area (*between Algeria, Morocco and Tunisia, signed on 20 June 2005, entered into force on 19 May 2011*);

<sup>11</sup> IMO/UNEP: Regional Information System - Mediterranean Guide on Cooperation and Mutual Assistance in Responding to Marine Pollution Incidents, REMPEC, January 2018 (<https://www.rempec.org/en/knowledge-centre/online-catalogue/mediterranean-guide-on-cooperation-and-mutual-assistance-in-responding-to-marine-pollution-incidents>).

<sup>12</sup> Hereinafter in the Study the "Sub-regional Contingency Plan" is also referred to as "the Plan" or "SRCP".



- Agreement on the Sub-regional Contingency Plan for Prevention of, Preparedness for and Response to Major Marine Pollution Incidents in the Adriatic Sea (*between Croatia, Italy and Slovenia, signed on 9 November 2005, not yet in force*);
- Implementation Agreement [between ...] on the Sub-regional Marine Oil Pollution Contingency Plan [...] (*between Cyprus, Greece and Israel, signed on 8 May 2018, not yet in force*).

A draft “Implementation Agreement on the Sub-regional Marine Oil Pollution Contingency Plan between Cyprus, Egypt and Greece” and a draft SRCP have been prepared with the assistance of REMPEC by the end of 2019 and are pending the final approval and signing by the three Parties.

**RAMOGE Agreement** and the **Agreement** [...] providing the Sub-regional Contingency Plan **between Algeria, Morocco and Tunisia** for Preparedness for and Response to Accidental Marine Pollution in the South-Western Mediterranean Area, as well as the LION Plan, are discussed in more detail in [Chapter 2](#). The remaining three trilateral sub-regional Agreements are outlined in **Annex 3** to the present Study.

#### 1.4. The European Union legal framework

The part of the EU legislation relevant for the purposes of the West MOPoCo project relates to the establishment and the functioning of the Union Civil Protection Mechanism, and as regards preparedness for and response to marine pollution, to the role and functioning of EMSA.

The European Union Civil Protection Mechanism (hereinafter referred to also as the “Mechanism” or the “UCPM”) is a cooperation framework aimed at strengthening cooperation between the EU Member State [...]<sup>13</sup> in the **field of civil protection**. It was set up with a view to improving prevention of, preparedness for and response to natural or man-made disasters, such as wildfires, floods, **marine pollution**, earthquakes, hurricanes and industrial accidents, **inside or outside** the European Union.

**Decision No 1313/2013/EU** (as amended by Decision (EU) 2019/420) states in **Article 2** (Scope), **paragraph 1**, that it “shall apply to cooperation in the field of civil protection. Such cooperation shall include: (a) prevention and preparedness actions **inside the Union** and [...]”

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<sup>13</sup> As well as six “*participating States*” (Iceland, Norway, Serbia, North Macedonia, Montenegro and Turkey) and the UK during the transition period.



also **outside the Union**; and (b) actions to assist with the response to immediate adverse consequences of a **disaster inside or outside the Union**, [...], following a request for assistance through the Union Mechanism.

**Article 16** (Promoting consistency in response to disasters outside the Union) reiterates that the **countries outside the Union** may request assistance through UCPM in case of major disasters, thus allowing the Mediterranean non-EU Member States participating in the West MOPoCo project to have access to assistance provided through the UCPM.

The Union Mechanism is based on a **Union structure** consisting of an **Emergency Response Coordination Centre (ERCC)**, a pool of pre-committed response capacities, including experts, from the EU Member States (**European Civil Protection Pool**), additional, specifically acquired response capacities (**rescEU**), and a **Common Emergency Communication and Information System (CECIS)**<sup>14</sup>.

In the field of preparedness for and response to marine pollution, the UCPM is supported by the **European Maritime Safety Agency** (also referred to as “the Agency” or “EMSA”(also referred to as “*the Agency*” or “*EMSA*”), established by Regulation (EC) No 1406/2002 [...]<sup>15</sup>” and detailed in **Annex 5** to the Study. While EMSA’s core task is to work with the Member States” to “support with additional means in a cost efficient way **pollution response actions** in case of pollution [...]” (art.2 paragraph 3.d), “the Agency may also provide assistance in case of pollution [...] **affecting those third countries sharing a regional sea basin** with the Union, in line with the EU Civil Protection Mechanism [...]. These tasks shall be coordinated with the existing regional cooperation arrangements related to marine pollution” (art.2 paragraph 5). In case of the Mediterranean, the regional cooperation arrangements are those established within the framework of the Barcelona Convention and its Prevention and Emergency Protocol.

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<sup>14</sup> These components, and in particular CECIS, are discussed in **Part II, Section 6.4.3**.

<sup>15</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32002R1406&from=EN> (Regulation (EC) No 1406/2002 of the European Parliament and of the Council of 27 June 2002 establishing a European Maritime Safety Agency (OJ L 208, 5.8.2002, p. 1)



## 2. The current status of sub-regional agreements and sub-regional contingency plans in the Western Mediterranean

### 2.1. General

In May 2020 there were three effective Sub-regional Contingency Plans in the Western Mediterranean region, which, listed in the chronological order of their preparation and adoption, included:

- **Plan RAMOGEPOL** (among France, Italy, Monaco – originally adopted in 1993);
- **LION Plan** (between France, Spain – originally adopted in 2002);
- **Sub-regional contingency plan between Algeria, Morocco and Tunisia for preparedness and response to accidental marine pollution in the South-Western Mediterranean area** (among Algeria, Morocco, Tunisia – originally adopted in 2005).

The legal basis of Plan RAMOGEPOL includes, amongst relevant regional and international treaties, also **RAMOGE Agreement**, which is a trilateral (sub-regional) Agreement between the Governments, for the protection of marine and coastal environment adopted in 1976.

The **LION Plan** (Franco-Spanish Intervention Plan in case of a disaster in the Mediterranean), is an administrative and technical arrangement between two organizations and not governments, based on Article 197 of the United Nations Convention on the Law of the Sea (UNCLOS) and Article 3.1.8 of the Annex to the International Convention on Maritime Search and Rescue (SAR 1979).

The South Western-Mediterranean SRCP (Algeria, Morocco, Tunisia) was promulgated by a specific **Sub-regional Agreement** signed in 2005 by the Governments of the three coastal States to which it applies.

With a view to maintaining a certain level of coherence when presenting the current status of the three above quoted bilateral or trilateral SRCPs, the following items are considered as a minimum:

1. **Title** of the Plan
2. Year when the decision to **start** the development of the Plan was taken
3. Year when **finalized**



4. Year when **adopted**
5. Year(s) when **updated**
6. Current status of the **implementation**
7. **Legal framework** for the adoption
8. The **Secretariat**
9. Geographical **area of application** (coverage)
10. Different distinct **zones** within the area of application
11. Contents of the Plan

## 2.2. Plan RAMOGEPOL

### 2.2.1. RAMOGE Agreement

RAMOGE Agreement for the protection of the marine and coastal environment of a specific Mediterranean Sea area was established following the initiative, in the mid 1970's, of Prince Rainier III of Monaco. France, Italy and Monaco supported the initiative and the Agreement was officially signed on 10 May 1976, by representatives of the three governments concerned. It falls within the framework of the Barcelona Convention and its Protocols, and the Mediterranean Action Plan. The name "RAMOGE" derives from the first syllables of the names of the three cities which, at the time of its signing, geographically limited the area to which the Agreement applied: Saint-**R**Aphaël in the West, **M**onaco and **G**Enoa in the East.

Following its ratification by the three countries and its entry into force in 1981, its geographical coverage was first enlarged to cover the area from Marseille to La Spezia, or rather from the mouth of the Grand Rhône to the mouth of the Magra river, and was further extended in 1993 to the high seas, following the adoption of the RAMOGEPOL Plan.

RAMOGE Agreement was last amended on 27 November 2003.

The Agreement has a total of **14 Articles** which establish the "RAMOGE Commission" for achieving the objectives of the Agreement, define the "RAMOGE zone" in which the Agreement applies, define the mission, the tasks and the functioning of the Commission, stipulate the establishment of the Technical Committee, working groups, a Bureau and the Secretariat, and outline provisions on entry into force, amendments and denunciation of the



Agreement. It is noted that **Article 12** stipulates that financial obligations of the Parties regarding the financing of the functioning of the Agreement and its bodies.

In the **preamble**, the Agreement clearly refers to the Barcelona Convention and its Protocols.

The functional structure of RAMOGE agreement comprises a **Commission** (7 representatives of each country, meeting annually), a **Technical Committee** (members appointed by each country who also meet on an annual basis), **Working Groups** (responsible for the implementation of the programme of activities, with variable participation, working in a more sustained manner) and a permanent **Secretariat**, provided by the Government Services of the Principality of Monaco, responsible for supporting the work of the other components.

RAMOGE Agreement, represents an instrument for scientific, technical, legal and administrative co-operation aimed at implementing actions to promote integrated coastal zone management and thus preserving the marine environment. Its main objective is to coordinate the actions of the French, Italian and Monegasque States with regard to the preservation of the waters and the coasts of the Mediterranean. Currently, the Agreement focuses on three main areas of activities:

- **Integrated coastal zone management** concentrates on areas of ecological interest, marine litter, monitoring the problem of *Ostreopsis ovata*, environmental management of marinas, studying mooring areas, supporting a joint project with the PELAGOS sanctuary for marine mammals, and the implementation of thematic exchange meetings;
- **Prevention of and response to marine pollution** through its operational arm together with the French Maritime Prefecture for the Mediterranean, the Italian Coast Guard and the relevant Monegasque authorities;
- **Increasing awareness** of marine and coastal environment issues.

With a view to achieving its goals the Agreement established a multidisciplinary cooperation involving territorial administrations, scientific institutions and the users of the sea.

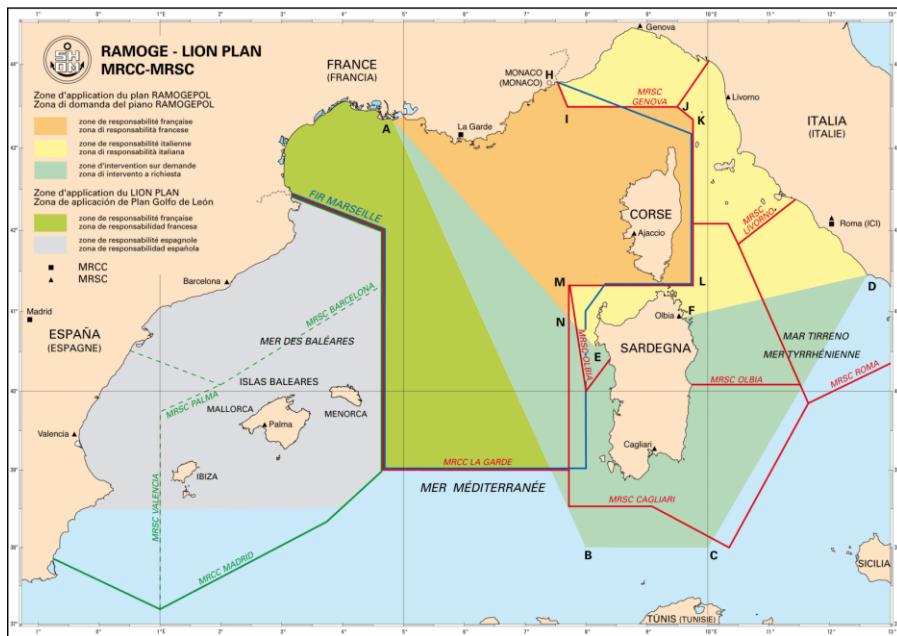
### 2.2.2. The outline of Plan RAMOGEPOL

1. **Title of the Plan:** French-Italian-Monegasque intervention plan for preventing and combating pollution at sea (*Plan d'intervention Franco-Italo-Monégasque pour la prévention et lutte contre les pollutions en mer / Piano di intervento Franco-Italo-Monegasco per la prevenzione e la lotta contro gli inquinamenti marini*)



2. Year when the decision to start the development of the Plan was taken: information not available
3. Year when finalized: 1993
4. Year when adopted: 1993
5. Year(s) when amended/updated: 2005, 2012, 2016
6. Current status of the implementation: The Plan is implemented and updated as necessary
7. Legal framework for the adoption: **Introduction, paragraph 1** - Barcelona Convention; **paragraph 2** - Prevention and Emergency Protocol 2002; **paragraph 3** – RAMOGE Agreement; **paragraph 5** – Intervention Convention 1969 and Intervention Protocol 1973; **paragraph 9** - Maritime Delimitation Convention between [France] and [Monaco] 1984; **paragraph 10** - Convention between [France] and [Italy] relating to the delimitation of the maritime borders in the area of Bonifacio Straits, 1986.
8. The Secretariat: the secretarial functions for the RAMOGEPOL Plan are carried out by the **Permanent Secretariat of the RAMOGE Commission**. It provides *inter alia* the secretariat for the RAMOGE Working Group on “Pollution prevention and control”, which is in charge of updating the Plan, organizing simulation exercises for testing the Plan, organizing meetings etc.

#### 9. Geographical area of application (coverage)<sup>16</sup>:



<sup>16</sup> The same chart applies to both Plan RAMOGEPOL and LION PLAN (cf. [Heading 2.3](#)).



The area of application of the RAMOGEPOL Plan is defined in **Article 1.2** of the Plan, as follows:

**(1.2.1)** The area of application of the RAMOGEPOL Plan has a trapezoid shape having in its centre Sardinia and Corsica, whose small base is turned towards the South, and whose limits are thus defined:

**The western limit** follows a line joining point A with coordinates 43°19',5N - 004°50',5 E at the mouth of the Grand Rhône, and point B with coordinates 38°00' N - 008°00'E,

**The southern limit** is the parallel 38°00'N between point B with coordinates 38°00'N - 008° 00'E and point C with coordinates 38°00' N - 010°00'E,

**The eastern limit** joins point C with coordinates 38°00'N - 010°00'E to point D (Capo d'Anzio light) with coordinates 41°27'N - 012°37'E,

**The northern limit** is formed by the Italian, Monegasque and French coasts between point D (Capo d'Anzio traffic light) with coordinates 41°27'N - 012°37'E and the mouth of the Grand Rhône at the point with coordinates 43°19',5N - 004°50',5 E.

#### **10. Different distinct zones within the area of application:**

(paragraph **1.2.1** cont.) This area includes two sub-areas:

- **the first** where the reciprocal provision of available and adapted means is automatic.

This sub-area is defined as follows:

- **in the West** by the line joining the points:
  - mouth of the Grand Rhône 43°19',5 N - 004°50',5 E (point A),
  - Cap Caccia 40 ° 33 'N - 008 ° 09' E (point E),
- **in the South** by the portion of the northern coast of the island of Sardinia, included between Cape Caccia and the light of Tavolara Island 40°56'36.6 N - 009°44'E (point F),
- **in the East** by the line joining the points:
  - Tavolara light and Capo d'Anzio light (point D),
- **in the North** by the Italian, Monegasque and French coasts from Cape Anzio (point D) to the mouth of the Grand Rhône (point A).

- **the second** where possible joint operations take place only at the request of the national authority which has initial responsibility for the action. It covers the area of application of the RAMOGEPOL Plan, excluding the first sub-area defined above.



(paragraph 1.2.2) From the **pollution combating** point of view, the area of application of the RAMOGEPOL Plan is divided into two areas of initial national automatic responsibility (see Annex D<sup>17</sup>).

These two areas under **Italian** and **French responsibility** are located respectively as follows:

To the East and the West of a line defined as follows:

- line oriented at 172° from the French-Italian border at the point with coordinates 43°47'00 N - 7°31'80 E (point H),
- to the point with coordinates 43°30'00 N - 7°42'00 E (point I),
- then to the point with coordinates 43°30'00 N - 9°30'00 E (point J),
- then to the point with coordinates 43°20'00 N - 9°45'00 E (point K),
- then towards the point with coordinates 41°20'00 N - 9°45'00 E (point L),

then respectively to the North and the South from a line joining point L to points M, N with coordinates:

- M: 41°20'00 N - 7°44'00 E,
- N: 40°55'00 N - 7°44'00 E,

fixing the limit between French and Italian territorial waters in accordance with the Convention between the Government of the French Republic and the Government of the Italian Republic relating to the delimitation of maritime borders in the region of the Straits of Bonifacio, made in Paris on 28 November 1986.

(paragraph 1.2.3) These zones cover spaces with different legal statuses: Italian, Monegasque, French internal and territorial waters, and high seas.

## 11. Contents of the Plan

SUMMARY

RECORDING OF CORRECTIONS

INTRODUCTION

PART ONE - GENERAL PROVISIONS

### 1.1 Definitions - Terminology

- 1.1.1 Action Coordinating Authority (ACA)
- 1.1.2 Operational command
- 1.1.3 Operational control
- 1.1.4 Tactical control
- 1.1.5 On-scene coordinator (OSC)

<sup>17</sup> Annex D presents the map/chart reproduced under point 9 above.



- 1.2 Area of application of the RAMOGEPOL Plan
- 1.3 Principles of coordination in case of pollution
- 1.4 Cooperation for the surveillance of navigation
- 1.5 Cooperation for the surveillance of marine pollution
- 1.6 Government intervention in the event of major pollution
- 1.7 Press

## PART TWO - CONDUCTING THE RESPONSE

- 2.1 Scope
- 2.2 National organizations
  - 2.2.1 Designation of responsible authorities
  - 2.2.2 Designation of pollution control means
- 2.3 Coordination and cooperation
  - 2.3.1 General
  - 2.3.2 "Initial information": POL 1 situation (Annex F)
  - 2.3.3 "Control action": POL 2 situation (Annex F)
  - 2.3.4 Transmissions (Annex G)
  - 2.3.5 High-level decision
- 2.4 Preparatory measures
  - 2.4.1 Exchange of information
  - 2.4.2 Cooperative exercises
- 2.5 Reporting messages

## SIGNATURES

## ANNEXES

- A List of Annexes
- B Map of delimitation of territorial waters between the Principality of Monaco and France
- C Map of delimitation of territorial waters between France and Italy in mouths [the Straits] of Bonifacio
- D Map of the areas of application of the RAMOGEPOL Plan and of the LION PLAN
- E Map and presentation of the "French DPE" (distant protection area) system
- F Organizational chart of the chain of decisions, Pol 1 and Pol 2 status
- G Transmissions during anti-pollution operations
- H Forms of the pollution messages: POLREP
- I Activation and deactivation message of RAMOGEPOL Plan
- I' Requesting emergency means from neighbouring countries, outside the Ramoge area
- J Ship inspection request in case of marine pollution
- K Maritime traffic surveillance
- L DEFREP/SITREP message



- L' Information message on objects or cetaceans adrift, threatening safety of navigation near the maritime borders of the member countries
- M Message TUG ASSISTANCE
- N List of abbreviations used and glossary
- O Discharged oil assessment by aerial surveillance / Pollution description
- P Information on how to use anti-pollution means and products in case of oil spill at sea

## 2.3. LION Plan

**LION Plan** is an **administrative and technical agreement** between two organizations: the “Préfecture maritime de la Méditerranée” (*Maritime Prefecture of the Mediterranean*) (referred to also as “PREMAR MED”) for **France** and the “Sociedad de Salvamento y Seguridad Marítima” (*Maritime Safety and Rescue Society*) (referred to also as “SALVAMENTO MARITIMO” or “SASEMAR”) for **Spain**. For the purpose of this Study, it will be considered as both an agreement and a contingency plan.

1. **Title of the Plan:** French – Spanish Intervention plan in case of disaster in the Mediterranean (*Plan d'intervention franco-espagnol en cas de sinistre en Méditerranée - LION PLAN / Plan de intervención franco-española en caso de siniestro en el Mediterráneo - Plan GOLFO DE LEÓN*)
2. **Year when the decision to start the development of the Plan was taken:** information not available
3. **Year when finalized:** 2002
4. **Year when adopted:** 2002
5. **Year (s) when amended/updated:** third version 2016
6. **Current status of the implementation:** The Plan is implemented and updated as necessary.
7. **Legal framework for the adoption:** **administrative and technical** regional agreement adopted as part of the regional agreements provided for in the United Nations Convention on the Law of the Sea [UNCLOS] (Article 197), International Convention on Maritime Search and Rescue [SAR 1979] (Article 3.1.8 of the Annex) (**Introduction, Article 1**). Before the text of the Plan proper, the LION PLAN lists (under **V. References**) a series of international treaties



including *inter alia* UNCLOS, OPRC 1990, OPRC-HNS 2000, Intervention 1969, Intervention Protocol 1973, and Barcelona Convention, which also constitute its legal basis.

8. **The Secretariat:** LION PLAN does not specifically mention the existence of a Secretariat, however **paragraph 1.6.2.** states that “A regular consultation is established between the direction of the operations of SALVAMENTO MARITIMO and the division "Action of the State at sea" of the [PREMAR MED] which are responsible for keeping the plan up to date. These two entities constitute the permanent technical committee of LION PLAN. This permanent contact makes it possible in particular to exchange information relating to: national laws and regulations; application of international regulations; national organizations; control facilities, means and equipment; and communications, etc.”

9. **Geographical area of application (coverage):** The chart reproduced in the previous section dealing with RAMOGE Agreement and the Plan RAMOGEPOL also shows the area of application of the LION PLAN. In the Plan (**Part I, Article 1.2. Application area of the Lion Plan**) these are further defined as follows:

**Northern limit:** French and Spanish coasts at the mouth of the Rhône (meridian 004°50.5 E) north of Alicante (parallel 38°30 N).

**Southern limit:** Southern limit of MRCC La Garde 39°00 N to meridian 007°29 E / Eastern limit of MRCC PALMA to 38°30 N then to the Spanish coast.

**Eastern limit:** Limit joining points 43°19.5 N; 004°50.5 E (mouth of the Rhône); 39°00 N; 007°29 E (western limit of the RAMOGEPOL zone).

10. **Different distinct zones within the area of application:** Spanish and French:

These are also described in **Article 1.2** as follows:

They [*French and Spanish areas of responsibility*] correspond to the areas falling under the eastern limit of the SRR PALMA and BARCELONA and the western limit of the SRR LA GARDE.

The area of application of the LION PLAN is divided by a line of demarcation which defines the areas of initial national responsibility for rescue and pollution control. It should be noted that the “rescue” demarcation line is identical to that defined under the rescue agreement. In terms of pollution control, the eastern demarcation line is identical to that defined by the western part of the RAMOGEPOL plan signed by France with Italy and the Principality of Monaco on August 7, 1993.

Its [*of the Plan*] establishment, with a view to the objective pursued, has no effect on the status of the waters concerned, any more than it alters in any way the jurisdiction of the two governments, in accordance with international law and does not prejudge any question relating to the establishment of maritime boundaries which are or may be decided between them.



Circumstances may lead to applying the principles of the LION PLAN beyond the defined limit.

## **11. Contents of the Plan**

### **INTRODUCTION**

#### **1. GENERAL PROVISIONS**

- 1.1. General definitions;
- 1.2. Application area of the Lion Plan;
- 1.3. Principles of operational coordination;
- 1.4. Press / Communication;
- 1.5. Financial cooperation.

#### **2. MARITIME SEARCH AND RESCUE**

- 2.1. Preamble;
- 2.2. Definitions;
- 2.3. National organizations, definition of SAR situations;
- 2.4. Coordination and cooperation;
- 2.5. Preparatory measures;
- 2.6. Messages.

#### **3. POLLUTION CONTROL AND ENVIRONMENTAL PROTECTION**

- 3.1. Definitions;
- 3.2. National organizations;
- 3.3. Coordination and cooperation;
- 3.4. Preparatory measures;
- 3.5. Action procedures.

### **I. LIST OF ANNEXES**

- A1. LION PLAN application area
- A2. "SAR" organization chart
- A3. "Pollution" organization chart
- A4. Rescue means (Spain)
- A5. Rescue means (France)
- A6. Means of combating pollution (Spain)
- A7. Means of combating pollution (France)
- A8. State intervention
- A9. Principles of organization and cooperation
- A10. Transmission plan (COMPLAN)
- A11. Media relations
- A12. Standard rescue messages (SITREP)



- A13. Pollution type messages (POLREP)
- A14. Acronyms and quadrilingual pollution glossary (English-French-Spanish-Italian)
- A15. Airspace control
- A16. Phone book
- A17. Typical LION PLAN messages (Activation, deactivation of the plan)

## 2.4. Sub-regional Contingency Plan between Algeria, Morocco and Tunisia for preparedness for and response to accidental marine pollution in the South-western Mediterranean area

### 2.4.1. Agreement between [Algeria, Morocco and Tunisia] providing the Sub-regional Contingency Plan between Algeria, Morocco and Tunisia for preparedness for and response to accidental marine pollution in the South-western Mediterranean area

The South-Western Mediterranean SRCP between Algeria, Morocco and Tunisia and the relevant **Agreement** were developed between October 2001 and June 2005. Technical assistance to the project was provided by REMPEC within the framework of the Mediterranean Action Plan (MAP) and the financial support by the Technical Co-operation Division of IMO through its Integrated Technical Cooperation Programme (ITCP). The development process involved extensive consultations with the individual countries and with the Consultant selected to assist REMPEC in the preparation of the Plan and the Agreement, as well as four meetings of the representatives of the competent national authorities of Algeria, Morocco and Tunisia, the Consultant and REMPEC staff.

The Agreement concerning the SRCP for the South-Western Mediterranean was signed in Algiers, on 20 June 2005, and the signing ceremony was followed by the First Meeting of National Operational Authorities for the implementation of the Plan. The Meeting discussed, amended as necessary and adopted the Rules of procedure for the future meetings of the three parties to the Agreement, adapted POLREP reporting format for use within the framework of the Plan, adopted draft guidelines for observation and reporting of oil spills, and endorsed the plan of activities for the period 2005-2006. The Meeting also endorsed the future Annexes to the SRCP concerning Algerian and Tunisian national arrangements for preparedness and response. Since the entry into force of the Agreement and the Plan in 2011,



the competent National Operational Authorities held five meetings which discussed the Plan and its implementation.

The Agreement consists of a preamble and twelve (12) articles stating that the three countries have agreed as follows: to adopt the SRCP (**Article 1**), to endeavour to render assistance to each other in case of marine pollution emergency (**Article 2**), that nothing in the Agreement prevents the Parties from requesting assistance from other sources (**Article 3**), that the Plan designates national authorities responsible for its implementation and monitoring (**Article 4**), to endeavour to extend the Agreement also to cooperation in the prevention of marine pollution from ships (**Article 5**), to settle any dispute related to the interpretation or application of the Agreement through negotiations (**Article 6**), to designate the Government of Algeria as the Depositary (**Article 7**), on the terms of ratification and entry into force (**Article 8**), on the terms for amendment and entry into force of the amendments (**Article 9**), on the procedure for updating (**Article 10**), on the terms for denunciation (**Article 11**), and on the languages of the original and of the copies respectively of the Agreement.

The preamble of the Agreement recalls the Barcelona Convention and its 1976 Emergency Protocol and 2002 Prevention and Emergency Protocol as the legal bases for the Agreement.

The Plan envisages that the competent national authorities meet at least once a year to examine questions relevant to the implementation of the Plan, organization of training and exercises, and other relevant issues. It also sets the basic rules concerning the organization of such meetings.

Neither the Agreement nor the Plan stipulate the setting up of a permanent Secretariat of the Agreement.

The Agreement does not discuss the financing of the envisaged meetings and other activities related to the maintenance of the Plan or the Agreement.

#### 2.4.2. South-western Mediterranean Sub-regional Contingency Plan

1. Title of the Plan: Sub-regional Contingency Plan between Algeria, Morocco and Tunisia for Preparedness for and Response to Accidental Marine Pollution in the South-Western Mediterranean Area (*Plan d'urgence sous-régional entre l'Algérie, le Maroc et la Tunisie pour la préparation à la lutte et la lutte contre la pollution marine accidentelle dans la zone de la Méditerranée du sud-ouest*).



2. Year when the decision to start the development of the Plan was taken: 2001
3. Year when finalized: 2005
4. Year when adopted: 2005 (**entered into force** 19 May 2011)
5. Year (s) when amended/updated: n/a
6. Current status of the implementation: The Plan is implemented (so far only through exercises), and it has not been updated.
7. Legal framework for the adoption: Trilateral intergovernmental Agreement, based on (Preamble, paragraph 1) Barcelona Convention, Prevention and Emergency Protocol 2002, and Emergency Protocol 1976.
8. The Secretariat: the functions of a Secretariat for annual Meetings of the competent national authorities are carried out on a rotational basis by the three Parties to the Agreement.
9. Geographical area of application (coverage): **The Plan, Paragraph 1.3:** The geographic coverage of this sub-regional contingency plan includes the intervention areas of Algeria, Morocco and Tunisia as defined in paragraph 1.4. **Paragraph 1.4: Intervention area** means for each Party the waters under its sovereignty or jurisdiction.
10. Different distinct zones within the area of application: Algerian, Moroccan, Tunisian (*the Plan does not provide maps or coordinates of the points of delimitation of maritime borders*)
11. Contents of the Plan

1. INTRODUCTION
  - 1.1 Context
  - 1.2 Objectives and purposes
  - 1.3 Scope and geographic area
  - 1.4 Definitions and abbreviations
2. POLICY AND RESPONSIBILITIES
  - 2.1 Joint policy
  - 2.2 Responsibilities of competent national Authorities
  - 2.3 Mechanism for activating the Plan
  - 2.4 Meetings of national operational Authorities
  - 2.5 Exchange of information
  - 2.6 Joint training and exercises
3. RESPONSE ELEMENTS AND PLANNING
  - 3.1 Definition of leadership role
  - 3.2 On-Scene Commander
  - 3.3 Response Coordination Centres



- 3.4 Support teams
- 3.5 Command structure
- 3.6 Communications
- 3.7 Response planning
- 3.8 Response strategy

#### 4. RESPONSE OPERATIONS

- 4.1 Response phases
- 4.2 Spill surveillance
- 4.3 Requests for assistance within the framework of the Plan
- 4.4 Joint response operations
- 4.5 Use of dispersants
- 4.6 End of joint response operations and of the implementation of *[deactivation]* the Plan

#### 5. COMMUNICATIONS AND REPORTING

- 5.1 Communication system
- 5.2 Pollution reports (POLREP)
- 5.3 Situation reports (SITREPs)
- 5.4 Post event *[incident]* reports
- 5.5 Reports to and communications with REMPEC

#### 6. LOGISTICS, FUNDING AND ADMINISTRATION

- 6.1 Logistics
- 6.2 Finances
- 6.3 Transboundary movements of *[response]* personnel, equipment, products and units
- 6.4 Medical insurance and medical assistance
- 6.5 Responsibility for injury and damage
- 6.6 Documentation of response operation and related costs

#### 7. PUBLIC INFORMATION

- 7.1 Public Relations Officer
- 7.2 Press releases
- 7.3 Press conferences
- 7.4 Public information through REMPEC

#### ANNEXES<sup>18</sup>

1. Rules of Procedure for meetings of competent national authorities
2. Directory of competent national Authorities, contact points, Emergency Response Centres, National On-Scene Commanders and other relevant addresses
3. Communications with REMPEC
4. National Contingency Plans (or relevant parts thereof)
5. Communications system

<sup>18</sup> It is understood that in May 2020 Annexes 1, 7, 8, 9 and 10 were finalized, Annexes 2, 3, 4, 5 and 6 needed to be completed, and Annex 11 needed to be prepared.



6. Inventory of response equipment, products and other means which each Party might offer as assistance in case of the activation of the Plan and directory of response personnel
7. Pollution Reporting System (POLREP) and situation report (SITREP)
8. Standard forms for requesting assistance
9. Guidelines for observation and notification of oil spills (aerial surveillance)
10. Claims manual
11. “Payment” document



### 3. Comparative analysis of the three Sub-regional Agreements and related Sub-regional Contingency Plans in the Western Mediterranean

#### 3.1. General

The three sub-regional Agreements (RAMOGE Agreement, LION PLAN and Sub-regional Agreement between Algeria, Morocco and Tunisia) are hereunder compared with regard to their:

- Legal frameworks
- Institutional arrangements
- Operational procedures
- Administration
- Implementation

On the other hand, the related Sub-regional contingency plans (Plan RAMOGEPOL, LION PLAN and the Algeria, Morocco, Tunisia SRCP) are compared with regard the following elements:

- Objectives
- Purposes
- Geographical area of application
- Competent national Authorities
- Activating the Plan
- Exchange of information
- Joint training and exercises
- On-Scene Commanders
- Command structure
- Definition/assumption of the leading role
- Coordination of response
- Response strategy
- Response planning
- Requesting assistance within the framework of the Plan
- Response phases
- Spill surveillance/observation
- Joint response operations



- Use of non-mechanical response methods
- Deactivation of the Plan
- Communications
- Communication system (s)
- Pollution reports (POLREP)
- Situation reports (SITREPs)
- Post incident reports
- Logistics
- Finances
- Transboundary movements of [response] personnel, equipment, products and units
- Health and safety
- Documentation of response operations and related costs
- Public information
- Revisions of the Plan

It may be noted that most of these items generally correspond to the elements of the outline of an international oil spill contingency plan, which appears in **Appendix 4** to the **Manual on Oil Pollution: Section II –Contingency Planning** (2018 edition), published by IMO<sup>19</sup>.

### 3.2. Comparison of the relevant Sub-regional Agreements

**Table 3 Coverage of key issues expected to be covered by a sub-regional agreement**

ASPECT	RAMOGE Agreement	LION PLAN	AMT Agreement <sup>20</sup>
Legal framework	Described (1)	Described (2)	Described (3)
Institutional arrangements	Described (1)	Described (2)	Not described
Operational procedures	Not described	Described (2)	Not described
Administration	Described (1)	Described (2)	Not described
Implementation	Described (1)	Described (2)	Described (3)

(1) cf. [Section 2.2.1](#)

(2) cf. [Heading 2.3](#)

(3) cf. [Section 2.4.1](#)

<sup>19</sup> <https://indd.adobe.com/view/a21a12ad-3de5-42c2-86d4-6cf890ae7ac2> (page 50)

<sup>20</sup> **AMT Agreement** stands for “Agreement between [Algeria, Morocco and Tunisia] providing the Sub-regional Contingency Plan between Algeria, Morocco and Tunisia for Preparedness for and Response to Accidental Marine Pollution in the South-Western Mediterranean Area”.



As regards the **legal framework**, RAMOGE Agreement refers to the Barcelona Convention and its Protocols, LION PLAN refers in particular to UNCLOS and SAR 1979 Conventions (and also refers to a series of relevant international and national French and Spanish legal instruments), while AMT Agreement specifically refers to the Barcelona Convention and its Prevention and Emergency Protocol, but also considers “pertinent international Conventions”.

As regards **institutional arrangements**, RAMOGE Agreement has established a comprehensive institutional framework composed of the Commission, a Technical Committee, working groups, a Bureau and the (permanent) Secretariat provided by the Governmental Services of the Principality of Monaco. RAMOGE Agreement, **Article 4.b)** specifies that the RAMOGE Commission is responsible for keeping up to date RAMOGEPOL Plan (cf. **Annex 6** to the present Study). Although LION PLAN does not have its own specific institutional structure to service it, it relies on the relevant existing national institutions/organizations in France and Spain respectively, which are “Sociedad de Salvamento y Seguridad Marítima (referred to also as “Salvamento Marítimo” or “SASEMAR for Spain, and Préfecture maritime de la Méditerranée (referred to as “PREMAR MED”), Divison “Action de l’Etat en mer” (and through CROSS “Regional Operational Centres for Monitoring and Rescue” in matters of rescue) for France. These two entities “constitute the permanent technical committee” of LION PLAN (**Paragraph 1.6.2**). AMT Agreement does not have a permanent institutional structure.

RAMOGE Agreement and AMT Agreement do not address **operational procedures**, which are dealt within the Plan RAMOGEPOL and AMT SRCP<sup>21</sup> respectively, as well as in the LION PLAN.

It is noted that RAMOGE Agreement and LION PLAN stipulate the use of **English language** in operational situations, while AMT Agreement **does not specify the official language** to be used for communication in the framework of the AMT SRCP.

**Administration** of the Agreements is in case of RAMOGE Agreement entrusted to the Commission, which is its decision making body that discusses and agrees upon policy issues, while the day-to-day administration of the Agreement is the responsibility of the Permanent Secretariat. The administrative structure of LION PLAN is presented in **Article 3.2**. LION PLAN also stipulates (in **Introduction, paragraph 3**) that an annual meeting is successively organized by each State in its territory to plan the implementation of the provisions of the plan, update it and study a concerted application of maritime regulations in the Gulf of Lion. In addition, **Part**

<sup>21</sup> **AMT SRCP** stands for “Sub-regional Contingency Plan between Algeria, Morocco and Tunisia for Preparedness and Response to Accidental Marine Pollution in the South-Western Mediterranean Area”.



II (which addresses SAR activities) in **Article 2.5.3** states that meetings are held at least once a year. It is understood that the daily administration of the Plan is carried out by the national institutions of France and Spain respectively, identified in **Paragraph 1.6.2**. AMT Agreement does not envisage any permanent administration of the Agreement and the Plan, but the Plan states in **Article 2.4** that (i) “the competent national authorities meet once a year to examine questions relating to the implementation of the Plan, the organization of training and/or exercises and other relevant questions”, and that (iii) “regular annual meetings are held successively in each Party, in alphabetical order. The host country authority prepares the agenda in liaison with the other Parties and issues a report of the meeting. It also provides secretarial and other logistical support necessary for the smooth running of the meeting.”. It is understood that the routine administration of the Agreement and of the SRCP is carried out by the competent national authorities identified in **Article 2.2** of the Plan.

The **implementation** of the Agreement is clearly explained in RAMOGE Agreement and in LION PLAN. The AMT Agreement addresses certain issues related to its implementation (e.g. settlement of disputes, ratification, amendment, denunciation), while the AMT SRCP covers in more detail those that are not mentioned in the Agreement (e.g. common policy, responsibilities of the national authorities, mechanism for the activation of the Plan, exchange of information, joint training and exercises).

### 3.3. Comparison between the relevant Sub-regional Contingency Plans

Plan RAMOGEPOL, LION PLAN and AMT SRCP were analysed and compared using as **standard** the outline of an international contingency plan for preparedness and response to accidental marine pollution, included in all editions since the early 1990's of the IMO Manual on Oil Pollution: Section II –Contingency Planning. This **standard format** was used by REMPEC when assisting various groups of the Mediterranean costal States in developing so far five SRCPs. It actually lists all possible elements that an international contingency plan could, but not necessarily has to, address.

All three sub-regional contingency Plans discussed in the present Study are primarily oriented towards preparedness for and response to **pollution at sea**. Plan RAMOGEPOL and LION Plan address response **operations on shore** (shoreline clean-up operations) only in the context of marine pollution of exceptional proportions, while AMT SRCP does not refer to the size of pollution but refers to “joint operations on shore” in general terms.



It is noted that Plan RAMOGEPOL and LION PLAN cover, in addition to preparedness for and response to accidental marine pollution, also **control/surveillance of operational pollution** from ships and, in case of LION PLAN, the **search and rescue (SAR)** operations. As the latter group of activities is not strictly related to pollution response, the second Part of LION PLAN dealing with SAR activities was disregarded when comparing the Plans, bearing in mind that the other two Plans do not address these type of activities.

**Table 4 Comparison of the presence in the three Western Mediterranean sub-regional contingency plans of elements expected to be addressed by an international (sub-regional) contingency plan**

ELEMENT	RAMOGEPOL	LION PLAN	AMT SRCP
Definitions	1.1	1.1;3.1	1.4
Objectives	-	-	1.2
Purposes	-	Intro.1	1.2
Geographical area of application	1.2	1.2;	1.3
Common policy	-	Intro.1,2	2.1
Competent national Authorities	2.2	3.2.1;3.3.3	2.2
Notification	2.3.1		2.2;4.1
Activating the Plan	1.3.7;1.3.9	1.3.2;3.3.3;A.17	2.3
Meetings	RAMOGE Agr.	Intro.3	2.4
Exchange of information	2.4.1	1.6.2;3.3.2;3.4.1	2.5
Joint training and exercises	2.4.2	3.4.2	2.6
On-Scene Coordinator/Commander	1.3.6	1.1.4;1.3.6	3.2
Command structure	1.3.1	A.3	3.5
Definition/assumption of the leading role	1.3.1	A.9	3.1
Coordination of response	1.3;2.3	1.3;3.3.1;3.3.4;A.9	3.3
Response strategy	-	-	3.8
Response planning	1.3.2;1.3.3	3.5.1	3.7
High level decisions	2.3.5	3.3.4	-
Requesting assistance in the framework of the Plan	(1.3.3)	A.9	4.3
Response phases	2.3	1.3;3.3	4.1
Spill surveillance/observation	1.5	3.3.5	4.2
Joint response operations	1.3.1 – 1.3.6	-	4.4
Use of non-mechanical response methods	-	-	4.5
Deactivation of the Plan	-	1.3.2;A.17	4.6
Communications	2.3.4	1.4;A.10	3.6
Communication system (s)	-	(A:10)	5.1
Pollution reports (POLREP)	2.5	A.13(1)	5.2
Situation reports (SITREPs)	-	A.12	5.3
Post incident reports	-	-	5.4
Logistics	-	-	6.1
Financial matters related to joint response	-	1.5.3	6.2



Transboundary movement of [response] personnel, equipment, products and units	-	-	6.3
Health and safety	-	-	6.4; 6.5
Documentation of resp. operations and related costs	-	(1.5.3)	6.6
Public information	1.7	A.11	7.1 - 7.4
Revisions of the Plan	-	-	AMT Agr. (10)

The fact that AMT SRCP very closely corresponds to the IMO suggested format is not surprising, taking into consideration that the IMO recommended model was used *mutatis mutandis* as the basis for the development of AMT SRCP.

The deviations from the IMO model are more evident in Plan RAMOGEPOL and LION PLAN respectively. It is understandable considering that these two Plans were **built on the well-established national preparedness and response systems** of France, Italy and Spain, which thoroughly cover some of the issues that had to be addressed in multilateral contingency plans involving countries with less comparable national systems.

This is seen as the reason why these two SRCPs do not cover all elements suggested by IMO, namely that Plan RAMOGEPOL and LION PLAN do not address or mention:

- response strategy,
- the use of non-mechanical response methods (e.g. dispersants),
- situation reports (SITREPs)
- post incident reporting,
- logistical consideration of joint response operations,
- transboundary movement of (response) personnel, equipment, products and units,
- health and safety,
- documentation of response operations and related costs,

which are expected to be **covered in the national pollution preparedness and response arrangements**.

Another factor which contributes to the above outlined interpretation is the fact that the countries in the northern part of the western Mediterranean are **members of the EU**, which in its legislation stipulates **common policies** regarding e.g. the movement within the Union of persons and equipment, as well as certain aspects of issues related to health and safety in case of joint operations.

Plan RAMOGEPOL and LION PLAN address *inter alia* the issue of "**High level decisions**" which in both cases refers to the established and outlined national procedures for dealing with massive



pollution incidents, already in place in France, Italy and Spain. This issue is not mentioned in the suggested contents of the international contingency plans included in the above quoted IMO Manual on Oil Pollution, which explains why AMT SRCP does not address it, however it was inserted into the [\*\*Table 4\*\*](#) considering that the Plan RAMOGEPOL and LION PLAN elaborate it in great detail.

Plan RAMOGEPOL and LION PLAN do not specifically state their **objective(s)** and **purpose(s)**, which can be explained by the fact that their objectives are clear from the general context of these Plans or the relevant RAMOGE Agreement.

The **joint response operations** are not specifically mentioned in the LION PLAN however it is understood that these would be covered within the context of the above cited “high level decisions” which are well elaborated both in the Plan.

The **system for communication** in case of pollution response operations is not addressed in the LION PLAN, but its Annex 10 clearly explains it. The same may apply to Plan RAMOGEPOL, which refers to its Annex G (Transmissions during anti-pollution operations).

Plan RAMOGEPOL does not specify the **procedure for the deactivation** of the Plan, although it might be addressed in the relevant parts of the French, Italian and Monegasque national arrangements which form the basis for its implementation in case of emergency, and which were not available.

Neither Plan RAMOGEPOL nor LION PLAN stipulate the **procedures for their revision**, although it is clear that both were already revised several times since their adoption. The exact **criteria** on which the decisions to revise these Plans were taken, and by whom, are not identified.

LION PLAN and AMT SRCP address the subject of **financial matters related to joint response operations** or the **financial cooperation** in case of joint response to a marine pollution accident, while Plan RAMOGEPOL does not mention the question of financing the intervention and reimbursement of expenses. LION PLAN only concisely refers to the establishment of a “reimbursement and compensation file” and “centralising all claims”, while AMT SRCP provides more detailed guidelines (the relevant **Article 6.2** is two pages long) on essentially the same issues. The reason might once again be that the relevant issues are not equally covered in the national preparedness and response systems of France and Spain on one hand and Algeria, Morocco and Tunisia on the other, which would need further examination.



Finally, it is noted that none of the SRCPs or the Agreements concerning their adoption addresses the **financing of the activities related to the maintenance of the Plan**.



## 4. Supporting measures concerning legal and institutional arrangements and operational procedures

Notwithstanding the differences between the three sub-regional agreements and corresponding sub-regional contingency plans, identified in the previous Chapter, there is certainly scope for establishing interconnection between them which could lead to better cooperation between the Parties in the field of preparedness for and response to marine pollution and to improving the mobilization of response capacities in case of a major pollution incident in the Western Mediterranean area.

### 4.1. Legal requirements

#### 4.1.1. Ensuring inter-connection between the existing Plans and Agreements

Legal basis for cooperation in the field of preparedness and response in the Mediterranean is provided, as shown, by the Barcelona Convention and its Prevention and Emergency Protocol 2002 or Emergency Protocol 1976. All Parties to the existing agreements and corresponding SRCPs are **Parties also to these regional treaties**. Moreover, all Western Mediterranean coastal States are also **Parties to the OPRC 1990** Convention which provides the global legal framework for activities related to preparedness and response, as well as cooperation in this field.

Of the three existing sub-regional agreements two (RAMOGE and AMT Agreement) are already clearly based on the Mediterranean legal framework (Barcelona Convention and Prevention and Emergency Protocol), while LION PLAN, strictly speaking, is not.

The addition of Barcelona Convention and its Prevention and Emergency Protocol to the legal basis of LION PLAN would ensure a common legal framework for all three agreements.

#### 4.1.2. Facilitating cooperation between the Parties

Should the suggestion made in **Section 4.1.1** above be accepted and effected, all requirements would be matched for close cooperation within the framework of the three agreements by the States Parties to these.

Nothing prevents the cooperation between the States Parties to these three agreements even in the present situation, taking into account that all of them are also Parties to the Barcelona



Convention, its Prevention and Emergency Protocol and the OPRC 1990 Convention, although the LION PLAN is not an intergovernmental Agreement *sensu stricto*.

#### **4.1.3. Enabling the Parties to improve the mobilization of resources for responding to major marine pollution in the Western Mediterranean**

In case of a major marine oil pollution incident in the Western Mediterranean, e.g. a massive spill from a damaged tanker in high seas just outside the French zone of responsibility according to LION PLAN to the South and within the Algerian intervention zone according to the AMT SRCP, the need may arise for joint response involving resources available within both AMT SRCP and LION PLAN. A similar scenario involving Tunisia, AMT SRCP and Plan RAMOGEPOL is also possible.

In such a scenario, having in place certain prearrangements between AMT SRCP and LION PLAN, addressing possible bottlenecks (customs, logistics, finance) for rapidly providing necessary assistance, would significantly simplify the delivery of response resources and speed up their deployment in the Algerian intervention zone.

Including similar basic prearrangements into all three existing sub-regional contingency plans in the Western Mediterranean is considered possible, providing that political will for extending the scope of the three SRCPs and possibly of the relevant Agreements exists.

However, the **prerequisite** for making any (joint) arrangements necessary for improving the mobilization of response resources is **the exchange of updated information** on available responses resources (including means, equipment, products and expert personnel) in each Party to the existing Agreements/Plans, either directly or through REMPEC. This should include the exchange of information on financial and logistic matters related to mutual assistance in case of emergency (based *mutatis mutandis* the **Recommendations** [concerning the implementation of the Emergency Protocol], adopted by the 7<sup>th</sup> Meeting of the Contracting Parties to the Barcelona Convention, Cairo, 11 October 1991 (UNEP(OCA)/MED IG.2/4, Annex IV, page 3)<sup>22</sup>.

## **4.2. Institutional arrangements**

As already outlined under [Heading 3.2](#) above only RAMOGE Agreement has established a comprehensive institutional framework for the governance of the RAMOGE Agreement including

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[https://wedocs.unep.org/bitstream/handle/20.500.11822/2933/91ig2\\_4\\_eng.pdf?sequence=1&isAllowed=y](https://wedocs.unep.org/bitstream/handle/20.500.11822/2933/91ig2_4_eng.pdf?sequence=1&isAllowed=y)



Plan RAMOGEPOL, the part of which is *inter alia* the Permanent Secretariat of RAMOGE Commission.

The other two sub-regional Agreements/SRCPs at present do not have such institutional structure.

LION PLAN is serviced on the French side by the Division “Action de l’Etat en mer” of the Préfecture maritime de la Méditerranée (PREMAR MED), and on the Spanish side by the Sociedad de Salvamento y Seguridad Marítima (SASEMAR), which constitute its permanent technical committee.

AMT Agreement or SRCP at present do not have a permanent institutional structure.

Ideally, each Sub-regional Agreement and Plan should have a Permanent Secretariat, however establishing such Secretariats of AMT Agreement and of LION PLAN, similar to that of RAMOGE Agreement is not considered an option, in view of the potential cost of such action and most likely insufficient amount of workload that such secretariats would be expected to carry out on a regular basis.

However, the existence of a provisional institutional structures of the other two Agreements/Plans could ensure the necessary interconnection between the three existing Agreements and SRCPs, and at the same time contribute to facilitating the cooperation between the Parties to LION PLAN and the AMT Agreement, possibly with some assistance from the RAMOGE Secretary.

In this regard the Parties to AMT Agreement might consider **extending the mandate** of the Head of the competent national authority of the Party which acts as the Secretariat for the regular annual meetings of the Parties to the Agreement, with a view to authorizing him/her and his/her national authority **to act also as the Secretariat of the Agreement** for the organization of matters related to synergy activities, for a period of one year, performing duties similar to those of the Permanent Secretariat of the RAMOGE Commission.

Likewise, the Parties to LION PLAN might consider authorizing the Head of Division “Action de l’Etat en mer” and his staff, and the Head of SASEMAR and his staff, to act as the Secretariat of the Plan for one-year period.

**Recommendation No. 5 (Part II, Section 6.2.3)** refers to extending the mandates of the above mentioned national authorities to act as the Secretariats of their respective SRCPs. The 14<sup>th</sup>



Meeting of REMPEC Focal Points scheduled in May 2021 could provide the opportunity for initiating the necessary discussions.

**Recommendation No. 1:** REMPEC should invite the Permanent Secretariat of RAMOGE Commission and the national institutions/national authorities mentioned in AMT SRCP Article 2.4 and in LION PLAN Article 1.6.2, respectively, to **regularly report** to the biennial Meetings of REMPEC Focal Points on **activities/actions that were conducted/took place** within the framework of their respective sub-regional Agreements and Plans during the period between two such Meetings.

### 4.3. Other recommendations

#### 4.3.1. Addressing the issue of waste management in the sub-regional contingency plans

**Waste management**, a particularly important and critical aspect of overall marine pollution response, is not specifically addressed in any of the existing SRCPs as these focus primarily on the intervention and response operations at sea, while addressing subsequent actions only scarcely or not at all.

The scope of the present Study does not allow elaborating in more detail various issues related to waste management, however introduction into their respective SRCPs of some basic directions concerning this aspect of spill response should be considered.

When addressing the waste management the Parties may refer to the “Mediterranean Oil Spill Waste management Guidelines” published by REMPEC in 2012<sup>23</sup>.

At a later stage the question of waste management could be also included among synergistic actions of the three SRCPs.

#### 4.3.2. Meetings of competent national authorities responsible for the implementation of the Western Mediterranean SRCPs

<sup>23</sup> <https://www.rempec.org/en/our-work/pollution-preparedness-and-response/response/tools/oil-spill-waste-management>



The envisaged cooperation and interaction among the three Western Mediterranean SRCPs is likely to benefit from the organization of multiple meetings of national authorities in charge of implementation of these sub-regional contingency plans.

An efficient way of reducing the costs of these meetings is combining them with some other meetings organized in the framework of the Prevention and Emergency Protocol. Various gatherings (including meetings, workshops, seminars, conferences, training courses, etc.) convened by REMPEC during a year provide an ideal opportunity for **organizing** on the margins of these REMPEC meetings also the **meetings of competent national authorities** responsible for the implementation of the three SRCPs/Secretariats thereof (cf. [Heading 5.1](#)).

**Recommendation No. 2:** The competent national authorities responsible for the implementation of the three SRCPs or the Secretariats thereof should **organize their meetings**, related to creating synergies among the SRCPs, **on the margins of diverse meetings convened** during the year **by REMPEC**.

The additional value of this approach is that REMPEC could be directly involved in creating synergies among the three Western Mediterranean SRCPs, and subsequently utilize the experience gained in the Western part of the Mediterranean region to the other parts of the Mediterranean.



## **PART II**

# **POSSIBLE SYNERGIES IN THE IMPLEMENTATION OF THE EXISTING SUB-REGIONAL ARRANGEMENTS FOR PREPAREDNESS AND RESPONSE TO MARINE POLLUTION INCIDENTS IN THE WESTERN MEDITERRANEAN**



## 5. Synergy in the implementation of sub-regional contingency plans in the Western Mediterranean

The benefits of synergistic approach to the implementation of international treaties addressing similar or closely related issues have been widely recognized in the past decades, particularly in the field of implementation of multilateral environmental agreements<sup>24</sup>. Such benefits include *inter alia* avoiding duplication of effort, maximizing impacts of actions taken, using available resources more efficiently, etc.

The first part of the Study demonstrated that all three existing sub-regional arrangements (Agreements and SRCPs) for preparedness for and response to accidental marine pollution in the Western Mediterranean envisage a number of activities that are similar in nature, and that their objectives of cooperation and mutual assistance are generally the same, i.e. to organize a prompt and effective response to marine oil pollution incidents by pooling resources and expertise of several countries and by coordinating assistance from such other parties.

At present there is little to no communication and collaboration between the authorities/secretariats of the three sub-regional contingency plans despite the fact that the similarities between the activities undertaken within the framework of these plans exist and certainly provide opportunity for considering potential synergies in the implementation of the plans. The existing agreements are implemented in relative isolation from each other while there is scope for achieving greater efficiency if these were implemented in synergy.

The **objective** of the second Part of the Study is to identify possible synergies in the implementation of the three sub-regional contingency plans, to provide new opportunities of cooperation between the countries members of these plans, and to propose ways of putting synergistic activities into practice.

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<sup>24</sup> Synergistic approach was proven very useful in the implementation of **chemicals and waste related conventions** including the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposals, the Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, and the Stockholm Convention on Persistent Organic Pollutants (POPs). Since the late 1990's UNEP and UNDP are promoting synergies in the implementation of the "**Rio Agreements**" including the Convention on Biological Diversity (CBD), the UN Framework Convention on Climate Change (UNFCCC), the Convention to Combat Desertification (CCD), but also of other **multilateral environmental conventions and treaties**, such as Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), Convention on Migratory Species (CMS), International Treaty on Plant Genetic Resources for Food and Agriculture (ITPGRFA), Ramsar Convention on Wetlands, and the World Heritage Convention (WHC).  
(cf. [https://www.cbd.int/doc/nr/Promoting\\_synergies\\_in\\_the\\_biodiversity\\_cluster.pdf](https://www.cbd.int/doc/nr/Promoting_synergies_in_the_biodiversity_cluster.pdf) and <http://archive.unu.edu/inter-linkages/1999/docs/Jorgensen.PDF>).



In the context of the present Study **synergies** are understood as all activities that aim at enhancing collaboration between the members of the three sub-regional agreements in the Western Mediterranean region through linking processes in a way that increases the effects of the sum of the joint activities beyond the sum of individual activities, and thus making individual efforts more effective and efficient<sup>25</sup>.

## 5.1. Organizing synergy related activities

The full **potential of synergies** among the Western Mediterranean sub-regional marine pollution contingency plans could be **transformed into actual results**.

This means in the **first** place initiating communication and co-operation between the national authorities/secretariats in charge of the implementation of the three SRCPs in order to make use of the observed similarities among the three SRCPs and the activities already carried out within the frameworks of each of these plans. The **second step** should be identifying the potential areas in which the synergies can be applied, and the **third** one should comprise the implementation of the synergy related activities in the fields that have been identified and agreed by the Parties to the SRCPs.

**REMPEC**, as the Regional Centre that has the mandate to assist the Mediterranean coastal States in the implementation of Prevention and Emergency Protocol **should play a catalytic role** in the implementation by the competent national authorities of the third phase of the above outlined process.

The general principle observed when identifying potential synergistic activities was (i) that their implementation was relatively straightforward and prompt, (ii) that it did not necessitate amending the relevant sub-regional Agreements, and (iii) that such activities focus on the operational aspects of the SRCPs.

These activities include:

- **Policies and related implementation measures**

These include synergies that refer to the stipulated roles of the relevant national authorities /secretariats responsible for the implementation of the SRCPs, exchange of information among

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<sup>25</sup> modified from "Promoting synergies within the cluster of biodiversity-related multilateral environmental agreements", UNEP/WCMC/Ministry of the environment of Finland, 2012



the three Plans, organizing meetings related to developing and implementing synergies, and to identifying and deciding on short, medium and long term synergy activities.

**Chapters 6 and 7** address certain possible areas of synergic action of the three SRCPs in some areas related to preparedness for and response to marine pollution incidents respectively, while **Section 4.3.2 in Chapter 4** addresses the organization of joint synergy related meetings.

- **Training and exercises**

As these activities are already organized within the framework of each SRCP individually, the synergy should focus on the **joint planning and organizing activities** in this field that would benefit all participating Parties equally and avoid duplication of effort. **Joint training** should aim at delivering the same information and developing the relevant skills with a view to increasing the capacity of response personnel at different levels to efficiently respond to pollution incidents, in particular in interaction with their counter parts from different countries. **Joint spill response exercises** of different type and scale should serve to test the capability of personnel (and as appropriate the equipment/means they use) to jointly respond to a pollution incident.

**Heading 6.5** addresses the participation by the three SRCPs in joint training and spill response exercises, in the context of increasing the level of preparedness for spill response.

- **Reporting, collection and collation of data, preparation of inventories/directories**

Each SRCP requires participating countries to periodically report on various aspects of the implementation of the Plan, including the national capacities and resources for pollution response, training, etc. Very often these reporting requirements, as well as those related to date collection and preparation of directories/inventories, cover the same issues that need to be presented at the national level, but also in accordance with the commitments under the e.g. Prevention and Emergency Protocol, OPRC 1990, OPRC-HNS 2000, EMSA and UCPM directives and regulations, etc.

The collaboration and synergy in reporting, data collection and preparation of directories and inventories, not only among the national authorities/secretariats responsible for the three SRCPs but also with other national authorities having similar reporting responsibilities, could lead to **harmonizing the contents, findings and/or recommendations of such reports or the related documents** and, in particular, to **avoiding duplication of effort**.



- **Development and implementation of specific projects**

At present the three SRCPs are focusing on actions aimed at increasing levels of preparedness to respond to possible massive marine pollution incidents, and at improving the quality of such response, mostly with the emphasis on oil spill preparedness and response.

On the other hand, there are still certain areas of intervention in case of marine pollution that are not adequately addressed at the level of the three SRCPs as yet, and that are amenable to being **jointly addressed** and benefitting all Parties to SRCPs.

Development of **new projects** of common interest for all three SRCPs is seen as an opportunity to develop synergy among the three SRCPs at several levels from conception to implementation.

The areas in which a synergistic approach could be applied include in particular **preparedness and response to incidents involving HNS**, waste management, but also e.g. aerial surveillance of spills and the reporting of relevant observations, and similar issues.

The issues that could be addressed in synergy by the three SRCPs could be **proposed and discussed** at the meeting of the parties to three SRCPs, organized on the margin of the 14<sup>th</sup> Meeting of REMPEC Focal Points planned to be held in May 2021.

- **Consultation process and systematic exchange of information**

An essential aspect of achieving synergy among the three Western Mediterranean SRCPs is the introduction of practice of regular consultation and systematic exchange of information between the national authorities/secretariats in charge of the implementation of the SRCPs. This practice should help identifying situations and issues that could benefit from synergy among the Plans and appreciate the expected benefits

The consultation process could be carried out either through correspondence or in direct contacts between the representatives of the three SRCPs. The most plausible solution is to combine these two approaches. The most effective and efficient way of realizing the above mentioned “direct contacts” should be through attending the meetings of the representatives of the Parties to the SRCPs. As organizing joint (“synergy”) meetings on a regular basis is considered to be financially too demanding for the participating countries, the previously suggested solution of **organizing such joint meetings back-to-back or on the margin** of various events (including meetings, workshops, seminars and training activities) organized by REMPEC several times a year in the Mediterranean region, appears to be the most viable solution.



Bearing in mind the mandate of REMPEC to assist the Contracting Parties to the Prevention and Emergency Protocol in the implementation of sub-regional agreements, it should be easy to obtain the consent of the Centre to support the organization of the suggested joint meetings in parallel. The parties could coordinate with REMPEC with a view to ensuring the participation in such events of the representatives of the competent national authorities responsible for the implementation of the three SRCPs.

An agenda item related to this issue, as well as to other above outlined matters in which assistance of REMPEC could be envisaged, should be inserted in the agenda of the forthcoming 14<sup>th</sup> Meeting of REMPEC Focal Points scheduled in May 2021.

An **additional benefit** of organizing simultaneously the REMPEC meetings (workshops, seminars) and those of the parties to the three SRCPs could be including REMPEC, and possibly other partner organizations attending REMPEC meetings, in the process of developing and implementing synergy related activities, and consequently the **consultation process**.

## 5.2. Implementation of synergy related activities

### 5.2.1. The prerequisites

The **main prerequisites for a successful implementation of synergies** in relation to the three Western Mediterranean SRCPs are:

- The **political will of the Parties**: the commitment of the competent national authorities in charge of the implementation of the relevant SRCPs and Agreements to start considering and putting into practice synergy among the three Western Mediterranean SRCPs, and to subsequently actively participate in the agreed synergy related activities.
- The **proper management of the implementation** of the agreed synergy activities, in particular in the organization of meetings, maintaining the permanent liaison with the national authorities of the countries concerned and/or the Secretariats of the relevant SRCPs, and in providing technical and secretarial support.
- The **financial support** of the Integrated Technical Cooperation Programme (ITCP) of IMO, MTF, UNEP/MAP and external funds.



## 5.2.2. Possible constraints

There are also several **constraints that could hinder the progress** in the implementation of synergies. These include:

- **Language problems**<sup>26</sup> related to the use of different languages by the countries in the Western Mediterranean region.

The viable solution is that the Parties decide to use in all synergy related activities one of the official languages used within the framework of the Prevention and Emergency Protocol and REMPEC, i.e. either English or French. Taking into consideration that French is the most widely used language in the sub-region it could be chosen for official communication among the national authorities of the countries participating in the relevant SRCPs/their secretariats in all synergy related activities. However, Italy, Malta and Spain should agree with such a choice. It is considered that the use of both official languages would significantly increase the costs of meetings<sup>27</sup>, due to the need for the interpretation and the translation of working documents. Should the countries decide to use both languages, the costs of interpretation/translation will have to be taken into consideration when planning the activities.

- **Staff related constraints** that could significantly slow down the implementation of some of the suggested synergy related activities.

The implementation of synergies should progressively ease the workload of the staff directly involved in dealing with issues related to the SRCPs, within the national authorities responsible for the implementation of the SRCPs. However, **in the initial phases** it might be necessary to **assign additional tasks** to the SRCP related activities. This could be most efficiently achieved with the reassignment of tasks within the parent organizations /departments.

- **Limited financial means** that could hinder the implementation of some of the recommendations made in the Study, if the **essential financing of synergy related activities** is not properly addressed prior to their commencement.

<sup>26</sup> NOTE: these are different from the language related issues addressed in [Section 6.4.4](#).

<sup>27</sup> This could be avoided by organising meetings in parallel with REMPEC organized meetings (cf. [Heading 5.1](#), the **fifth bullet point** "Consultation process and systematic exchange of information")



As outlined above, some additional financial resources might be required for the implementation of the synergy related activities at both, the national and sub-regional levels, i.e. for consultancies, DSA and travel, and sub-contracts. At the **national level**, the additional financing would be required mainly for covering the costs of travel and daily subsistence allowance (DSA) for the representatives attending meetings within and outside the country. At the **sub-regional level**, the additional financing is likely to be necessary for covering the costs of joint training and exercises, for the development and implementation of joint project of common interest for all three SRCPs, as well as for the organization of (consultation) meetings.

The possible sources of additional financing are indicated in the previous section (5.2.1, the third bullet point “financial support”), however the countries participating in the three SRCPs may decide, individually or jointly, to contribute to the financing of the synergy related activities.

### 5.2.3. Best practices

Certain, very valuable, practices were observed in the management and implementation of the Plan RAMOGEPOL, that could be considered by the other two SRCPs in the Western Mediterranean (cf. **Part I, Chapter 2**). These include:

- Coordination of activities related to the SRCP;
- Reporting of annual SRCP related activities, including suggestions for improvement;
- Holding regular quarterly meetings of the Parties, also in the form of teleconference;
- Dissemination between all Parties concerned of the minutes of meetings, including relevant comments and recommendations;
- Exchange of information by messaging or telephone contacts (between the meetings);
- Organization of annual spill response exercises, involving vessels, aircraft and other resources, followed by debriefings aimed at identifying strengths and weaknesses;
- Updating of the SRCP, as necessary, on the basis of the analyses of exercises;
- Establishing and maintaining links with the secretariats of the relevant intergovernmental and other international organizations;



- Promoting the SRCP, its objectives and ensuring its visibility, at national and international levels.

Notwithstanding the role of RAMOGE Secretariat in facilitating these practices, and general benefits of having a secretariat, the implementation of similar practices *mutatis mutandis* in other Western Mediterranean SRCP could create a sound foundation for the subsequent implementation of synergy activities.

Similar practices could also be observed in the work of the countries participating in the Bonn Agreement and the Helsinki Commission.



## 6. Synergies between the three SRCPs in the field of preparedness for response to accidental marine pollution

### 6.1. Competent (national) authorities to be involved in the preparation and implementation of synergy activities

Competent national authorities are considered the key actors in implementing the synergy activities. Their actions in synergy with the other national authorities involved in the implementation of preparedness and response activities, at both national and sub-regional levels, will be decisive in achieving the goals of any relevant activity. It is therefore necessary, according to their roles, responsibilities and levels of authority, to facilitate a competent dialogue with other relevant interlocutors within and outside the country and consequently the implementation of synergy actions.

The AMT SRCP distinguishes between the roles of Governmental and Operational Authorities, while the other two SRCPs (Plan RAMOGEPOL and LION Plan) do not specifically refer to the national authorities mentioned in these Plans as “Governmental” and “Operational” respectively, although it appears that they also make a distinction between the roles of the different authorities referred to.

Consequently, it would be relatively easy to insert the same concept of defining the roles of authorities into the Plan RAMOGEPOL and the LION Plan respectively.

#### 6.1.1. RAMOGE Agreement / Plan RAMOGE

It is considered that the competent national Authorities currently having the responsibility for making technical changes in the Plan, keeping it up to date and correcting it as necessary, and in the future implementing the agreed synergy activities, i.e. the competent **national Governmental Authorities, should remain the same**. These are:

- **France:** le Préfet Maritime de la Méditerranée (*the Maritime Prefect of the Mediterranean*);
- **Italy:** il Direttore Generale della Direzione Generale per la Protezione della Natura - Ministero dell'Ambiente e della Tutela del Territorio (*Director General of the Directorate General for Nature Protection - Ministry of the Environment and Territorial Conservation*);



- **Monaco:** Le Conseiller de Gouvernement pour l'Intérieur (*the Government Advisor for the Interior*).

The same applies to the present competent national Authorities responsible for marine pollution response operations at sea, i.e. the competent **national Operational Authorities**:

- **France:** le Préfet Maritime de la Méditerranée (*the Maritime Prefect of the Mediterranean*),
- **Italy:** depending on the type of emergency:
  - Local emergency: il Capo del Compartimento Maritimo (*the Head of the Maritime District*) concerned, who assumes command and operational control of the operations. Ministero dell'Ambiente e della Tutela del Territorio e del Mare (*Ministry of the Environment and Protection of the Territory and the Sea*) exercises coordination through the Coordinamento Operativo Interventi in Mare (*Operational Coordination Intervention at Sea*);
  - National emergency: Presidenza del Consiglio dei Ministri – Dipartimento Protezione Civile (*the Presidency of the Council of Ministers – Civil Protection Department*), liaising with the Ministero dell'Ambiente e della Tutela del Territorio (*Ministry of the Environment and Protection of the Territory and the Sea*). General Command of the Harbour Masters' Corps – MRCC exercises the operational direction of operations at sea.
- **Monaco:** le Conseiller de Gouvernement pour l'Intérieur (*Government Advisor for the Interior*).

### 6.1.2. LION Plan

As the LION Plan is an administrative and technical agreement between the two national organizations, namely the “Préfecture maritime de la Méditerranée<sup>28</sup>” (*Maritime Prefecture of the Mediterranean*) for **France**, and the “Sociedad de Salvamento y Seguridad Marítima<sup>29</sup>” (*Maritime Safety and Rescue Society*) for **Spain**, the same organizations or specific parts/divisions thereof act as **national Operational Authorities** for the purpose of the Plan.

<sup>28</sup> referred to also as “PREMAR MED”

<sup>29</sup> referred to also as “SALVAMENTO MARITIMO” or “SASEMAR”



In **ordinary situations** the same entities act also as **Governmental Authorities**, although the Plan *inter alia* refers to incidents that require **making decisions or taking actions at a higher administrative level or at the ministerial level**. The Plan describes procedures to be followed in such situations by the signatories, and allocates responsibilities for dealing with such cases to the relevant (higher) Governmental Authorities (cf. [Chapter 2](#)).

The two signatories are well equipped and properly manned operational organizations, who can accommodate, within their regular activities, also the necessary activities related to the functioning of the LION Plan.

Therefore, the same authorities are expected to participate in the implementation of the future synergy activities in all areas listed in [Chapter 5](#).

As regards **France**, the same organization (PREMAR MED) is the key national authority involved in the implementation of both the Plan RAMOGEPOL and the LION Plan, thus ensuring a high level of coordination between the activities envisaged under the two Plans in case of France, including the future synergy activities.

#### **6.1.3. Sub-regional Agreement between Algeria, Morocco and Tunisia and the corresponding Sub-regional Contingency Plan (AMT SRCP)**

The AMT SRCP recognizes two levels of responsibility for its implementation i.e. the governmental and the operational levels, and consequently defines the responsibilities of competent governmental and operational authorities respectively.

Paragraph 2.2.1 identifies the following national authorities as competent **Governmental Authorities** for the implementation of the AMT SRCP:

**Algeria:** Ministry in charge of environment – Chairman of the “National Committee Tel Bahr”;

**Morocco:** Ministry in charge of environment (Ministry of Energy, Mines and Environment) - Department in charge of environment;

**Tunisia:** Ministry in charge of environment - National commission for prevention of and response to accidental marine pollution.

On the other hand, national **operational authorities are not identified in the text of the Plan**, although it states (para. 2.2.2) that “the responsibility for the implementation of the operational



provisions of the Plan and for joint response operations rests with the **operational authorities appearing in a document which will be adopted** at the first meeting of the national authorities [...], and that these authorities were “the same as those who have overall operational authority over marine pollution response measures taken as part of their respective contingency plans”.

Bearing in mind that the AMT SRCP was prepared in order to provide the framework for mutual assistance primarily in case of **pollution response operations at sea**, the role of competent National Operational Authorities should rest with the above outlined authorities **responsible for intervention at sea**. However, the decision regarding the designation of competent national authorities remains **the sovereign right** of the country concerned.

Pending the eventual decisions concerning the nomination of the competent national **operational authorities** for the purpose of the AMT SRCP, the implementation of any future synergy activities should be the responsibility of the current national **governmental authorities**. This refers in particular to establishing a constant dialogue, consultations and systematic exchange of information with other national authorities envisaged to be involved in the implementation of the respective NCPs, but also with national authorities/secretariats representing the other two sub-regional contingency plans.

It is emphasized that the synergy of various relevant authorities at the national level is seen as the **key prerequisite** for successfully implementing synergy related activities at the regional/sub-regional levels.

## 6.2. Roles and responsibilities of the competent authorities concerning synergy related actions

In order to achieve the expected effects of the envisaged synergy actions the competent national authorities of parties to all three SRCP, seen as key actors in the implementation of these actions, should have the comparable roles, responsibilities and levels of seniority, in their national administrations/organizations.

At present, the roles and responsibilities of the competent national authorities of the Western Mediterranean countries participating in the three existing Agreements and SRCPs are not defined in a fully compatible way.



**Recommendation No. 3:** In order to achieve the necessary compatibility and functionality of response to a marine pollution incident that necessitates mutual assistance involving countries who participate in two or more existing Agreements and SRCPs in the Western Mediterranean, the **roles and responsibilities within the frameworks of the respective SRCPs**, of the competent national authorities of all countries concerned should be **brought into line**, as much as practical.

The suggested differentiation of the competent national authorities (governmental and operational), as suggested under [Heading 6.1](#) above, is also retained hereunder.

#### 6.2.1. National governmental authorities

Within the framework of a sub-regional Agreement and the contingency plan, the responsibilities of national governmental authorities should promote and ensure synergy with other relevant national authorities within the country, those of the countries participating in the same SRCP, and with the authorities/secretariats of other SRCPs.

The relevant contact details of the competent national **governmental authorities** should appear in an **Annex** to the SRCP.

#### 6.2.2. National operational authorities

The national operational authorities could participate, in collaboration with the national governmental authorities, in the implementation of synergy actions with other relevant national authorities within the country, those of the countries participating in the same SRCP, and with the authorities/secretariats of other SRCPs.

Responsibilities related to the **implementation of the Plan in case of marine pollution emergency**<sup>30</sup>:

- activation of the Plan and notification of the other Parties of its activation;
- reporting in accordance with the standard POLREP system;
- coordinating, at the level of each country concerned, response operations in case of the activation of the NCP and joint response operations in case of the subsequent activation of the SRCP;

<sup>30</sup> The expected responsibilities of the national Operational Authorities related to the implementation of a SRCP in case of response to a major marine pollution incident are further addressed, as necessary, in Chapter 2.



- coordinating at national level the participation of other national authorities and/or services, including their response resources, in joint response operations;
- making decisions related to requesting assistance from and offering assistance to another Party;
- ensuring and supervising, in close co-operation with the national Governmental Authorities and other relevant national authorities and/or services, all necessary support for the joint spill response operations including in particular: logistic, financial, administrative (e.g. solving customs and immigration formalities) support, facilitating navigational and overflight procedures, medical care, safety and security, etc...;
- coordination of sending, receiving, using and returning, as appropriate, the personnel, equipment and other response resources rendered as assistance within the framework of the SRCP;
- ensuring the proper documentation of relevant preparedness and response activities;
- ensuring regular and reliable contacts with the media;
- ensuring and supervising the collating of evidence and preparation of claims for compensation of costs related to preparedness and response to the incident;
- ensuring that agreed synergies are implemented in case of the activation of the SRCP.

**Recommendation No. 4:** The Parties to each Agreement should **examine their responsibilities** (in ordinary situation and in case of emergency) **in relation to the SRCP** in which they participate, **compare** these with those listed above, and **identify** the responsibilities which might not be specifically mentioned in the SRCP but are accepted by them, since they were assigned to them by the NCP or by another relevant statutory document.

The results of such analyses could be reported to REMPEC during the 14<sup>th</sup> Meeting of the Focal Points scheduled for May 2021.

#### **6.2.3. Secretariats of the sub-regional agreements and contingency plans**

The support of a permanent or a temporary Secretariat of the Agreement/SRCP could significantly help the competent national authorities in completing the “regular” assignments



related to the maintenance of the SRCP, and in particular those related to the implementation of the agreed synergy activities related to the collaboration with the other relevant SRCPs.

Moreover, the execution of some of the tasks associated with pollution response could also benefit from the assistance of a Secretariat, specifically the supporting activities not strictly related to the technical part of spill response (e.g. facilitating contacts between the Operational Authority and various other external correspondents or players).

**Recommendation No. 5:** The Parties to AMT Agreement and SRCPs and to LION PLAN should consider, and if possible agree, **to extend the mandates of the competent national authorities** to act as the Secretariats of their respective SRCPs for a defined fixed period of one or two years, with a view to assisting the participating national authorities and facilitating the maintenance and implementation of their respective Plans.

National Operational Authorities could jointly agree that each one of them would act as the Secretariat of their respective SRCP for a defined period of time (e.g. one or two years) and then hand over this role to the next national Operational Authority (following e.g. the alphabetical order).

If this suggestion is accepted by the Parties to the LION Plan and AMT Agreement and SRCP, each participating national Operational Authority would be **invited to designate one or several officers** from among its staff, who are already familiar with marine pollution preparedness, response and cooperation, **to act as the Secretariat of the Agreement/SRCP for a defined period**. As the expected regular workload related to servicing the SRCP is not likely to be high, the duties related to such new function could be simply attached to the similar duties already performed at the national level by the appointed officers.

The main objective of making such an arrangement would be to ensure **reliable regular liaison** between the existing Agreements/SRCPs, but also the **coordination of implementation** of the agreed synergic activities (e.g. training activities, project development, reporting, etc.). In case of the **activation of the SRCP** the Secretariat could assist relevant national emergency services providing assistance (in terms of expertise, surveillance, equipment, etc.) and those from Parties to other Agreements/SRCPs, thus facilitating the work of the national operational authorities (cf. **Part I, Heading 4.2**).



As regards synergy activities, the existence of such temporary Secretariats, **comparable to the existing permanent RAMOGE Secretariat**, would enable the authorities of the countries participating in the three sub-regional arrangements in the Western Mediterranean to establish a sound foundation for cooperation and coordination of their joint activities, and to consequently increase their capacity for adequately responding to marine pollution incidents.

In some countries this role is assigned to the National Committees established within the NCP.

The **financing of activities of such temporary Secretariat** (travel, communications, participation in the meetings, dissemination of information, etc...) could be ensured in the annual budgets of their respective Ministries.

### 6.3. Administrative and operational procedures to facilitate the mobilisation of response resources and surveillance and monitoring means

It is emphasized that relevant administrative and operational procedures should be primarily addressed in the three respective SRCPs. If these are not defined in the SRCPs, synergy actions **cannot compensate** for the absence of such instruction. However, synergy could be achieved through establishing the status of such procedures and their functioning through the exchange of information, providing guidance and discussing the established procedures during meetings of national authorities/secretariats (cf. [Recommendation No. 2](#)).

Therefore, issues addressed under this Heading aim at providing guidance for the competent national authorities/secretariats responsible for the implementation of the three SRCPs when discussing administrative and operational procedures within each individual SRCP, prior to discussing these in the joint meetings of the three Western Mediterranean SRCPs.

In the area of improving the efficiency of administrative and operational procedures there is a wide scope for implementing synergies at the national, regional and sub-regional levels. There is a variety of provisions in the relevant international and regional treaties on which such administrative and operational procedures are based, and these require a synergic approach in order to achieve the ultimate goal of facilitating the mobilisation of response resources or surveillance and monitoring means. Various procedures and arrangement outlined below fall under jurisdiction of diverse national authorities and administrations (e.g. customs, immigration, maritime affairs, aviation, etc.). National authorities in charge of the



implementation of SRCPs are not necessarily familiar with the work of such other authorities or administrations and the regulations these comply with, and *vice versa*. In order to avoid duplication of effort, to utilize and share relevant information, to facilitate policy dialogue with other stakeholders and to use available resources most efficiently, the authorities responsible for the implementation of the SRCPs should initiate discussion and agree on potential synergistic actions with all those relevant authorities and administration.

### 6.3.1. General notes

The effectiveness of response efforts could be seriously compromised if the required, requested, offered and agreed upon assistance (expert personnel, response equipment and means for surveillance and monitoring, products, etc...) reaches the site of (planned or actual) response operations with a delay. One of the key practical goals of the Prevention and Emergency Protocol and the existing sub-regional arrangements in the Mediterranean was to facilitate and speed up the arrival of the necessary assistance to the site of operations.

In order to facilitate the movement of response personnel, equipment and other means to the place where the assistance is required, the Parties to the **Prevention and Emergency Protocol 2002** agreed (**Article 12.3**) to take “in accordance with applicable international agreements [...] the necessary legal and administrative measures to facilitate: (a) the arrival and utilization in and departure from its territory of ships, aircraft and other modes of transport engaged in responding to a pollution incident or transporting personnel, cargoes, materials and equipment required to deal with such an incident; and (b) the expeditious movement into, through and out of its territory of the personnel, cargoes, materials and equipment referred to in subparagraph (a)”.

Even before the adoption of the Prevention and Emergency Protocol in 2002, the Contracting Parties to the previous Emergency Protocol 1976 agreed on the "**Guidelines for Co-operation in Combating Marine Oil Pollution in the Mediterranean**<sup>31</sup>" (adopted by the 5<sup>th</sup> Ordinary Meeting of the Contracting Parties to the Barcelona Convention, Athens, 11 September 1987 [UNEP/IG.74/5])<sup>32</sup>, which state (paragraph 5) that the Party requesting assistance will *inter alia*:

<sup>31</sup> cf. Part I, [Section 1.2.3](#), of the present Study.

<sup>32</sup> Reproduced in the Mediterranean Guide on Cooperation and Mutual Assistance in Responding to Marine Pollution Incidents, REMPEC, January 2018 (page 538) (<https://www.rempec.org/en/knowledge-centre/online-catalogue/mediterranean-guide-on-cooperation-and-mutual-assistance-in-responding-to-marine-pollution-incidents>).



- 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 authorizations** and aircraft **cleared to fly** in the national air space. A flight plan or a flight notification will be filled and accepted as an authorization for aircraft to take off, land ashore or at sea outside regular customs airfields."

In order to implement these general, already existing, commitments **the Parties to all three Agreements/SRCPs should** discuss, approve and clearly present the arrangements made at the national (and regional) level with a view to facilitating the delivery of assistance in case of serious marine pollution emergency in **one or more Annexes to the respective SRCPs**.

Such arrangements should address the temporary importation of necessary equipment and products, entry into the country, including its internal waters and territorial sea, of response personnel, as well as overflight and navigational procedures.

### 6.3.2. Customs arrangements

As regards the transboundary movement of equipment, products and personnel in case of emergency, the four EU Member States participating in the West MOPoCo Project (France, Italy, Malta and Spain), as well as Monaco benefit from the existence of the common EU policies covering the movement within the Union of persons and equipment. On the other hand, Algeria, Morocco and Tunisia are the EU partners in the framework of the European Neighbourhood Policy (ENP) who had all concluded Euro-Mediterranean Agreements with the EU. These agreements address *inter alia* the cooperation in the field of customs and the simplification of customs controls and procedures.

Moreover, all West MOPoCo partner countries<sup>33</sup> are Parties to the International Convention on the Simplification and Harmonization of Customs Procedures, as amended, of 1999 (Revised

<sup>33</sup> Although situated outside the territory of France, the territory of the Principality of Monaco as defined in the Customs Convention signed in Paris on 18 May 1963 (Journal officiel de la République française of 27 September 1963, p. 8679) shall, by virtue of that Convention, be considered to be a part of the customs territory of the EU. In general, the territory of the Principality of Monaco is treated as territory of France for customs, VAT and excise purposes ([https://ec.europa.eu/taxation\\_customs/business/vat/eu-vat-rules-topic/territorial-status-eu-countries-certain-territories\\_en](https://ec.europa.eu/taxation_customs/business/vat/eu-vat-rules-topic/territorial-status-eu-countries-certain-territories_en)).



Kyoto Convention), whose provisions concerning temporary importation of goods needed for “disaster relief” could be applied in case of entry into any of these countries of equipment required for pollution response.

**Recommendation No. 6:** Competent national authorities of all countries concerned, and in particular those of Algeria, Morocco and Tunisia respectively, in cooperation with their **Customs Services**, should **identify the exact procedures** to be followed for prompt and simplified importation of pollution response equipment in case of a major marine pollution incident.

Once such customs procedures have been identified and formulated these should be presented in an Annex attached to the relevant SRCP.

The considerations outlined in the previous section apply also to making arrangements for facilitating customs procedures: the synergy, in particular at the national level, could be achieved by fostering collaboration between the customs authorities and those responsible for the implementation of the SRCPs.

### 6.3.3. Entry into the Western Mediterranean countries of the assisting personnel

The EU citizens (France, Italy, Malta and Spain) and the citizens of Monaco<sup>34</sup> do not need visa when traveling within the EU and **do not need** a visa when entering Morocco and Tunisia, but **need an entry visa** for Algeria.

The citizens of Algeria, Morocco and Tunisia **do not need** an entry visa for any of these three countries, but **need a visa** to travel to any of the four EU Member States in the Western Mediterranean, as well as to Monaco.

**Recommendation No. 7:** The competent national authorities of **Algeria**, in cooperation with their respective national authorities **responsible for Immigration**, should **identify the exact procedures** to be followed for **automatically granting** a necessary entry visa for expert / specialised personnel arriving into the country as part of the external assistance requested in case of the activation of the relevant Sub-regional Contingency Plan or Plans, or for participating in spill response exercises. Such procedures should be clearly explained in an Annex to the SRCP. Equivalent arrangements should be made by the competent national authorities of the **four EU**

<sup>34</sup> Even though Monaco is not an EU Member State nor a contracting party to the Schengen Agreement, it has an open border with France and Schengen laws are administered as if it were a part of France.



**Member States** and Monaco, and the procedures to be followed clearly explained in the Annexes to the respective SRCPs, in order to cover the situations where there is a need for mutual assistance between the Parties to different Agreements/SRCPs or for entry into the EU by experts or specialised personnel from Algeria, Morocco and Tunisia for e.g. the purpose of training or exercises.

Ideally, all Western Mediterranean countries should legislate special emergency procedures that would cover immigration, temporary employment, customs and tax regulations, without neglecting security issues. Alternatively, the relevant existing national regulations could be amended with a view to allowing certain rules and procedures to be eased, on a temporary basis, in case of major marine pollution incidents. The competent national authorities responsible for the implementation of the SRCP could invoke such new or amended regulations, whenever pollution response requires foreign assistance.

Issues related to entry into relevant Western Mediterranean countries of the assisting personnel (but also trainees and participants in exercises) could be best resolved in cooperation and interaction between authorities responsible for SRCPs and those responsible for immigration matters.

#### 6.3.4. Overflight procedures

The aircraft of the countries different from the country affected by a marine pollution incident (also referred to as the “supporting countries”) might be requested and required to enter and operate in the airspace of the affected country for one or more of the following purposes: (a) search and rescue, (b) spill surveillance flights, (c) transportation of response personnel, equipment and products sent as assistance, and (d) application of spill treatment products (e.g. dispersants).

**Recommendation No. 8:** In order to facilitate the **use of (civilian) aircraft** in case of joint spill response operations, within the framework of a SRCP or in cooperation between two or more SRCPs in the Western Mediterranean, **all participating countries should agree**, as a minimum,



that:

- A flight plan for such aircraft missions **would be submitted to the appropriate ATS Units** responsible for the airspace to be flown in (*en route* to or over the area of response operations)<sup>35</sup>.
- The competent national Operational Authorities make, in advance, the necessary **arrangements for rapid granting of permits and clearances for civilian aircraft** (fixed wing or helicopters) of the other Parties to the SRCP (or the parties to the other SRCPs, if their assistance is solicited) requested to take part in response operations within their respective airspaces. **Arrangements for the use of airport facilities by civilian aircraft** participating in joint response operations should also be made.

Close **cooperation and interaction** between civil aviation administration and authorities in charge of the implementation of SRCPs, prior to any marine pollution emergency, is the most efficient way of producing the effective arrangements for overflight procedures.

Once the arrangements outlined in the box above have been completed, these should be clearly explained in Annexes to the relevant SRCPs. In case that some arrangements of this kind have already been agreed upon by the Parties to any of the existing Agreements/SRCPs, these should be exchanged with the Parties to the other two Agreements/SRCPs (cf. **footnote 35** below).

The overflight of the national territory or territorial waters of one of the Parties, for the purposes mentioned in the first paragraph, by **military aircraft** of the other Parties, should be decided on a case-by-case basis by the Parties concerned.

### 6.3.5. Navigational procedures

Similarly, the vessels of the other Parties may need to enter into and operate in the territorial waters of the affected country, if such assistance is requested by the affected country, for one of the following purposes: (a) search and rescue (SAR) operations, (b) salvage operations, (c) pollution response operations, (d) transportation of response personnel, equipment and products, and (e) any other voyage related to pollution response operations.

<sup>35</sup> Annex A15 to the LION Plan states in para. 1.5 that "Aircraft involved in a SAR operation will not file a flight plan. Operational control will be provided by the competent MRSC or MRCC. The ACA may designate the OSC to control the aircraft if necessary".



**Recommendation No. 9:** in order to facilitate the **use of (civilian) vessels** in case of joint spill response operations, within the framework of a single SRCP or in cooperation between two or more SRCPs in the Western Mediterranean, all **participating countries** should **agree**, as a minimum, that:

- The competent national Operational Authorities prepare, in advance, the necessary **arrangements for rapid granting of permits and clearances for the navigation of civilian vessels** (ships, including boats and specialized anti-pollution vessels) of the other Parties to the Agreement/SRCP (or the parties to the other Agreements/SRCPs, if their assistance is solicited) who had been requested to take part in response operations within their internal and territorial waters. These should be complemented by **similar arrangements for the use of port facilities by civilian vessels** participating in joint response operations.

Navigation, for the purposes mentioned in the first paragraph above, in the internal or territorial waters by **naval vessels** of the other Parties should be decided on a case-by-case basis by the Parties concerned.

The provisions of the International Convention on Facilitation of International Maritime Traffic, as amended (FAL), should be taken into consideration by the Parties concerned when deciding on navigational procedures related to response operations.

Close collaboration and cooperation of maritime administrations and the authorities responsible for the implementation of SRCPs, before a marine pollution emergency occurs, is considered the most efficient method of establishing the viable navigational procedures for the foreign vessels participating in spill response operations.

#### 6.4. Common communication procedures

The compatibility of communication procedures used within the framework of different SRCPs in the Western Mediterranean, but also with those used within the frameworks of the Prevention and Emergency Protocol and the UCPM, is an indispensable prerequisite for any cooperation and assistance in case of marine pollution emergency. The objective of establishing compatible communication procedures can be achieved by establishing synergy between authorities responsible for the implementation of the three SRCPs or the relevant secretariats.



#### 6.4.1. General notes

Communication between the Parties to an Agreement/SRCP, as well as those between different Agreements/SRCPs, include several categories of communication: (a) exchange of information concerning regulatory, administrative and practical aspects of the implementation of the Plan, (b) transmission of information on occurrence of a marine pollution or an incident likely to cause it to the authority competent for responding to it, (c) transmission of requests and offers of assistance, and (d) communication during response operations.

The first type of communication usually relies only on ordinary means of communication (e.g. email message exchange, telephone, postal services). The prompt transmission of information on pollution incidents (alert messages) to all interested parties, as well as operational communication during response, requires having in place a reliable **communication (transmission) system** but also an agreed **format for reporting pollution incidents (pollution reporting system)** and **requesting and offering assistance**. Communication systems may include various means of communication, i.e. equipment for transmission and reception of information (nowadays mainly electronic means such as computers and smartphones, as well as “traditional” maritime radio systems, DSC), while reporting format comprises a series of **standardized** formats for transmission of relevant information.

National **operational authorities** responsible for the implementation of the operational provisions of a SRCP are *inter alia* responsible for setting up and maintaining in good working order the communication system for the exchange of information relevant to the Plan, and for reporting pollution incidents occurring in their area of responsibility, and requesting/offering assistance.

Plan RAMOGEPOL and LION Plan have well defined and partly compatible “transmissions” plans, while the adoption of a detailed plan for AMT SRCP was still pending in June 2020, although a diagram illustrating the “lines of communication” has been included in the Plan.

#### 6.4.2. Pollution reporting system and formats

As regards reporting of pollution incidents, the Parties to all three Agreements/SRCPs have adopted certain **POLREP pollution reporting systems**. The POLREP formats described in Plan RAMOGEPOL (Annex H) and LION Plan (Annex 13) respectively are **identical**, but **these differ** from the POLREP format referred to in AMT SRCP (Annex 7). The POLREP reporting system



referred to in AMT SRCP corresponds to a format suggested for use by IMO, which has also been recommended for use in the entire Mediterranean by the Contracting Parties to the Barcelona Convention and its Prevention and Emergency Protocol for exchange of information between the Contracting Parties in case of marine pollution. On the other hand, the POLREP format stipulated for use under Plan RAMOGEPOL and LION Plan respectively, was originally developed and recommended by IMO for reporting by ships of pollution incidents.

**Recommendation No. 10:** In order to ensure the compatibility and unambiguity of pollution report messages, the Parties to the three Western Mediterranean SRCPs should endeavour to harmonize their respective POLREP formats, or at least to prepare and exchange a **comparative table** of descriptions of different items included in the contents of the two respective POLREP formats currently recommended for use. Ideally, the competent national authorities responsible for the implementation of the three SRCPs/the relevant secretariats should **agree to use a common POLREP format(s)**.

Reporting of an incident **does not automatically** mean that the respective SRCP is activated. Therefore, all three Western Mediterranean Agreements/SRCPs envisage the use of different formats for (a) **reporting** (notification) of an incident, (b) **informing** other Parties that the SRCP has been activated and for (c) **requesting assistance**.

**Recommendation No. 11:** In order to ensure the rapid distribution of **all alert messages** (notifications of pollution incidents) to all countries in the Western Mediterranean, the notification of any massive marine pollution incident **should automatically be transmitted** to the designated national contact points responsible for receiving and transmitting reports on pollution incidents in all seven Western Mediterranean countries and to REMPEC<sup>36</sup>. The same applies to the transmission of **information on the activation** of the relevant SRCP.

A consultation process focussing on the harmonization of different POLREP pollution reporting formats, and synergic approach by the authorities responsible for the implementation of the three SRCPs/the relevant secretariats, could lead to the adoption of a common format for reporting pollution incidents, requesting/offering/accepting/declining assistance and the exchange of operational information.

<sup>36</sup> It is noted that such requirement already exist in the Annex I' of Plan RAMOGEPOL (for requesting emergency assistance from the neighbouring countries outside the RAMOGE area) and in the text of AMT SRCP (as a general requirement), but **not in the LION Plan**.



#### **6.4.3. Requesting assistance in case of marine pollution emergency**

The speed and effectiveness of providing assistance within the framework of a SRCP, as well as to the Parties of one of the existing SRCPs by the Parties to the other two SRCPs, will depend on (i) the receipt in time of the information on the occurrence of an incident (alert, notification) and (ii) on receiving the requests for assistance.

In general, requests for assistance are **specifically addressed** to the country from which the assistance is solicited, while only informing the other Parties (to a SRCP) of **such request**, or the affected country may, in case of a massive pollution incident, seek assistance from several countries including those not participating in a relevant sub-regional agreement or Plan.

In addition to the standard communication systems for exchange of messages and requesting assistance, the **Common Emergency Communication and Information System for marine pollution incidents (CECIS Marine Pollution)**<sup>37</sup> is open to the competent national authorities of all countries in the Western Mediterranean. It is an internet-based, password protected integrated platform for submitting requests for assistance, for making offers and for documenting, viewing and sharing the development of the ongoing emergency in an online logbook.

13<sup>th</sup> Meeting of REMPEC Focal Points in June 2019 requested the Centre to “envise the use of the CECIS Marine Pollution, within the West MOPoCo Project, in order to enhance coordination of requests and offers of international assistance”, in accordance with the similar expected result included of the Regional Strategy for Prevention of and Response to Marine Pollution 2016-2021 (point 4.21.6.e).

**Recommendation No. 12:** the competent national authorities of all countries participating in the three existing Agreements/SRCPs **should consider** the possible use of **CECIS Marine Pollution as a platform for submitting requests for assistance and making offers of assistance** in case of marine pollution incidents which necessitate mutual assistance. The use of CECIS Marine Pollution could significantly increase the effectiveness of mutual assistance in the Western Mediterranean area.

<sup>37</sup> CECIS Marine Pollution is open for use of all Contracting Parties of Regional seas conventions to which EU is a Party, i.e. to all Western Mediterranean coastal States.



In relation to the POLREP system<sup>38</sup>, Part III (POLFAC) of POLREP is used in CECIS to manage information and co-ordination of the response phase when international assistance is required.

Cooperation and consultation between the national authorities responsible for the implementation of the three SRCPs/relevant secretariats should produce synergy required for the adoption of the common procedure for requesting/offering/accepting/declining international assistance in case of marine pollution emergency.

#### 6.4.4. Language

Taking into consideration that the Western Mediterranean countries use different official languages it is important to **define the language** which will be used in **official communication** between the Parties to the sub-regional Agreements and respective SRCPs. This refers in particular to communication during a marine pollution emergency, i.e. communication between competent national authorities and numerous other interested parties which might be involved in pollution response operations.

Plan RAMOGEPOL and LION Plan respectively stipulate the use of **English language**<sup>39</sup> in operational situations, while AMT SRCP **does not specify the language** to be used in communications related to operations conducted in the framework of the Plan (cf. **Part I, Heading 3.2**).

**Recommendation No. 13:** In their next meeting the competent national authorities of Algeria, Morocco and Tunisia should **decide on the language** that will be used in **official communication** between the national Operational Authorities in case of the activation of AMT SRCP.

**In addition**, prior to the 14<sup>th</sup> Meeting of REMPEC Focal Points (scheduled for May 2021), the Parties to all three sub-regional Agreements/SRCPs should **discuss and agree on** the language that will be used in communication between their representatives (or the Secretariats, if the

<sup>38</sup> Here the “POLREP system” means POLREP Pollution Reporting System as developed within the Bonn Agreement and recommended for use also in the framework of the Prevention and Emergency Protocol to the Barcelona Convention. POLREP comprises three parts POLWARN (for notification), POLINF (for information) and POLFAC (for assistance). This version of POLREP was adopted for use in the AMT SRCP.

<sup>39</sup> The **probable reason** for choosing the English language for communication in operational situations was the fact that IMO Assembly Resolution A.851(20) in Article 2 (Standard reporting format and procedures) states that “where language difficulties may exist, the languages used should include English”.



**Recommendation No. 5** is accepted and implemented) in (a) **ordinary contacts** related to the maintenance and implementation of their respective Plans, and in (b) **operational contacts** in case of marine pollution emergency and joint response operations.

Synergy among the national authorities responsible for the implementation of the three SRCPs/RAMOGÉ Secretariat, and possibly REMPEC, is essential for finding solution that would be acceptable for all countries involved in the three Western Mediterranean SRCPs with a view to achieving the objective of unambiguous understanding of all operational communications.

## 6.5. Participation in exercises and training activities

Capacity building, or rather capacity development, is an aspect of cooperation that can significantly contribute towards achieving the objective of increasing the capacity to respond to marine pollution incidents in the Western Mediterranean region. Joint spill response training and exercises, seen as part of the continuous capacity building/development process, provide an ideal opportunity to build synergies among the three SRCPs and the national authorities/secretariats responsible for their implementation.

Benefits of joint training and exercises, besides the obvious acquisition of new knowledge and skills, include in particular connecting persons with same or complementary professional interests from different countries and backgrounds and their interaction. These can subsequently lead to development of additional synergies between the three SRCPs.

**Spill response exercises** have been widely recognized as the most important source of information on what needs to be modified or improved in a certain contingency plan, second only to the experience gained in actual spill response operations. This equally applies to local, national and multilateral i.e. sub-regional contingency plans. Regardless of their scale, spill response exercises could be designed to test either all elements of a contingency plan or only its segments (e.g. communications, alerting procedures, mobilization of personnel and equipment, etc...). **Comprehensive joint spill response exercises** with the deployment of response personnel, equipment and other resources from different countries are the most useful, but also the most complicated and expensive exercises. However **joint tabletop simulation exercises**, which are much simpler to organize and less costly, also provide valuable information that could be used to improve a SRCP or some of the procedures stipulated in it.



All three Agreements/SRCPs in the Western Mediterranean **enviseage organization of joint spill response exercises** on a regular basis, and according to the available reports, such exercises are indeed being periodically organized within the framework of each individual SRCP<sup>40</sup>.

**Recommendation No. 14:** In order to obtain a maximum synergistic effect from the results of joint exercises, that would benefit all participating countries and the sub-region as a whole, **it is strongly recommended** that the competent national operational authorities consider **inviting to each planned joint exercise the participants from all three Western Mediterranean Agreements/SRCPs.**

Such invitation may refer to:

- the participation in a simulated joint spill response exercise in the role of an **active participant** (e.g. a **vessel with the crew** which would play its role, such as e.g. dispersant spraying, or a **surveillance aircraft with the crew** performing its normal functions in the simulated response operation envisaged in the exercise scenario);
- the participation of individual experts or officers as **observers on site of an exercise** (who might also be requested to record the proceedings and comment on the exercise during the debriefing);
- the participation in the exercise of officers from their **regular places of work in their countries of origin** (i.e. offices of relevant national authorities or services) who could e.g. respond to alert messages or (fictitious) requests for assistance by providing inventories of available resources within their own countries.

Therefore, the invitation should normally indicate **the expected role** of the national authorities or their representatives in the planned exercise.

Occasionally, a need may arise for **joint training of personnel** from different countries participating in a SRCP. Such training may aim at expanding knowledge on certain aspects of preparedness and response or at developing some particular skills required during response operations. In general, the joint training should primarily **address specific issues**, while **general training** should be provided at the national level.

<sup>40</sup> The video footage of spill response exercises organized since 2007 within the framework of the Plan RAMOGEPOL, and some of these jointly with the LION Plan, can be viewed following these links: [http://www.ramoge.org/fr/exercices\\_insitu.aspx](http://www.ramoge.org/fr/exercices_insitu.aspx) and <http://www.ramoge.org/fr/videos/>.



**Recommendation No. 15:** As regards **training** activities, **the cooperation** should start by **exchanging information** between the competent national authorities responsible for LION Plan and AMT Agreement/SRPC and the RAMOGE Secretariat respectively, on any training activities planned within the framework of any of the SRCPs, and by **inviting representatives** of other SRCPs to nominate one or more participants in such training activities.

The **information concerning a planned training activity** should be **disseminated at least three (3) months prior** to its scheduled start, in order to allow the addressees to consider it, and in case of an interest, to nominate their representatives.

An **added value** of joint training and exercises is that the personnel from different countries participating in a SRCP meet and exchange views and experiences with their counterparts from other countries, thus creating the possibility for new synergies among countries participating in the sub-regional spill preparedness and response arrangements, in the areas of e.g. exchange of information or development of joint projects.

The basic rules that should guide the cooperation in training and exercises could include, as a minimum, the following:

- The **costs** (travel, DSA) related to the participation of a representative of one SRCP in the activity organized by another one should be borne by their **employers**.
- The organizer should provide the **equivalent logistic support** (local transfers, hotel bookings, etc...) to the participants from the other SRCPs as to those from their "own" SRCP.
- The participants from other SRCPs should be **exempted from paying any fees** that are not charged to the participants from the countries participating in the SRCP within which the activity is being organized.
- Any **materials** produced in relation with the activity should be **distributed to all participants** regardless of the country or the SRCP they represent.

Once the cooperation between the three Agreements/SRPCs in the field of training and exercises has been established, the next step should be to endeavour to **jointly plan the future training activities and exercises**, with a view to avoiding the duplication of efforts and reducing costs.

Last but not least, the synergy in planning joint training and exercises has a potential for **attracting donors or certain governments** to recognize the efficiency of such approach and



become more amenable to help financing training activities and/or exercises in the Western Mediterranean region.



## 7. Potential synergies between the three SRCPs in the field of response to accidental marine pollution

Synergies in the field of “response” could be achieved primarily through **interaction and cooperation** of two or all three SRCPs, i.e. the pollution response organizations and resources of the countries involved in the implementation of the relevant SRCPs, aimed at producing a combined result of joint response that is greater than the sum of results of separate efforts that would be achieved if each SRCP was implemented alone.

Putting into practice the synergy among the three SRCPs should **start with identifying** the **fields of common interest** that could be subsequently better defined and developed in order to strengthen such cooperation. The three fields considered essential for developing synergies are: adopting **common guiding principles** on joint pollution response by Parties to different SRCPs, establishing a **common pool of response equipment** and other resources, and **identifying actions** that aim at coordinating joint response to a serious marine pollution incident. As the **next step**, the adoption by Parties to all existing SRCPs in the Western Mediterranean of certain **common policies** related to accidental marine pollution response would validate the functioning of synergy among the three SRCPs.

### 7.1. Rules and procedures concerning joint marine pollution response

The basic rule guiding response to accidental marine pollution by Parties to any of the three Western Mediterranean Agreements and corresponding SRCPs is that response operations carried out within the area of responsibility of one of the Parties, in case of the activation of the relevant SRCP, will be conducted **in accordance with the provisions of the National Contingency Plan (NCP)** of the Party concerned.

Notwithstanding this general principle, the Parties may agree to adopt and apply in case of activation of the Plan, a **common policy** concerning **pollution response methods and techniques** (including elimination of the source of pollution, containment and recovery at sea of the released pollutant, use of non-mechanical response methods including the use of dispersants, protection of sensitive areas, and shore clean-up, waste management).

In any case, the adoption of a common policy does **not imply amending or disregarding** the policies stipulated in the relevant NCPs, and the above quoted principle should prevail in case



where an agreed national response policy stipulated in the NCP differs from the adopted common policy.

Moreover, the Parties to a SRCP should also agree to follow a **common policy** with regard to delivering, receiving, using and returning to the country of origin, any equipment and other resources requested and/or rendered as assistance within the framework of the Plan.

**Recommendation No. 16:** The countries participating in West MOPoCo Project are encouraged to discuss and adopt **common policies** regarding pollution response methods and techniques, as well as those on requesting and offering assistance.

The adoption of a Guidance document on common policies would allow the countries participating in the three SRCPs to implement in the future coherent synergy activities related to response to massive marine pollution incidents.

## 7.2. Establishing a common pool of response equipment and other resources

Pooling resources available for marine pollution response, including the related expertise, has proven to be one of the most cost-effective and efficient ways of increasing the response capacity of a single country. The same applies to a group of countries participating in a sub-regional preparedness and response system based on a bilateral or multilateral Agreement.

Therefore, the spill response capacities existing in the EU Member States participating in the Plan RAMPOGEPOL and LION Plan, could significantly increase the response capacities of the non EU Member States participating in the AMT SRCP, as well as of Malta, if a **mechanism for pooling resources** from all three SRCPs is established. Moreover, the access to **additional resources** and expertise available through the **assistance mechanisms established by EMSA and UCPM** would further increase the capacity of the entire Western Mediterranean area in case of a massive marine pollution incident threatening any of the countries in that region.

The establishment of the above outlined mechanism for pooling resources is considered as an important objective of the synergy among the three existing SRCPs. The final result of this synergy should be the "**Western Mediterranean** marine pollution **response pool** of resources" (**WMPR**)<sup>41</sup>, that would include the relevant expertise, equipment, products and other means,

<sup>41</sup> The name of the pool and its acronym used here are only tentative, and the countries participating in the West MOPoCo project are expected to accept these or change them as appropriate.



comprising *inter alia* vessels and aircraft. In case of a massive marine pollution incident in the area, any country which so requests would be able to benefit from the spill response resources included in the pool.

**Recommendation No. 17:** In order to establish a mechanism for pooling response resources from countries participating in different existing SRCPs, and bearing in mind that **amending the existing SRCPs should be avoided**, the national authorities responsible for the implementation of the three Western Mediterranean SRCPs should **prepare/develop a specific Guidance document** on mutual assistance in case of a major marine pollution, covering in particular the **pooling of resources**.

**Requesting assistance** by Parties to an Agreement/SRCP from the Parties to the other Agreements/SRCPs, that is from the participants in the **WMRP**, should follow **the principles** already set up by the Prevention and Emergency Protocol to the Barcelona Convention and the OPRC 1990 Convention and its OPRC-HNS 2000 Protocol respectively, and **the procedures** already in place for requesting assistance by the Parties to each SRCP, including those developed in the framework of the Prevention and Emergency Protocol and described in the **Mediterranean Guide [...]**.

**Recommendation No. 18:** as the **necessary prerequisites** for the establishing and functioning of the suggested **WMRP** the Parties to all three West Mediterranean SRCPs should **prepare their own inventories of equipment, products and other means** that each Party **can offer as assistance** in case of activation of the Plan, including possibly also their respective directories of **expert personnel** and/or **centres of expertise**.

At present only **Annexes A6** and **A7** respectively to the **LION Plan** contain the lists of means (resources) for marine pollution response that are available in the two participating countries. A similar **Annex 6 to AMT SRCP** (Inventory of equipment, products and other means that each party can offer as assistance in the event of activation of the Plan and directory of intervention personnel) is pending completion. As regards the **Plan RAMOGEPOL**, the inventories/lists of available spill response resources do exist but are not attached as an Annex to the Plan.



## 7.3. Short, medium and long term actions aimed at coordinating response in case of a pollution incident

Various elements of **directing and coordinating response operations** in case of activation of a SRCP, and in particular when the circumstances of an accident necessitate joint response involving Parties to two or more such SRCPs, should be as much as possible compatible. **Joint response operations** are defined as operations involving participation of response teams, equipment, other means and units from several countries, which in case of cooperation among several SRCPs may be Parties to different Agreements/SRCPs.

A major marine pollution incident may require response that could last for a period of several days to possibly several months, in particular if long stretches of shore are affected that need to be cleaned up and restored.

According to their duration, **specific actions that make up a joint response operation** could be divided into **short, medium and long term actions**.

Decisions concerning certain actions may need to be taken only once before these are put into practice, usually in the early stages of response, but not excluding any other subsequent phase (**short term actions**). Other response related actions/activities need to be carried out for longer periods (**medium term actions**). Finally, **long term actions** are those that start in the very beginning of a marine pollution emergency and continue throughout the active phase of response, and even after its termination.

Respecting the above outlined division, the key actions that need to be coordinated include:

### Short term actions

- Notification / Activation of the SRCP / requesting assistance within the framework of each SRCP and from Parties to other Agreements or SRCPs;
- Assumption of the lead role i.e. the role of the Actions Coordinating Authority;
- Appointing the National On-Scene Commander (NOSC);
- Appointing the Supreme (or Overall) On-Scene Commander (SOSC);
- Designation and activation of the relevant Emergency Response Centres and the Joint Emergency Response Centre;



- Deciding on the use of non-mechanical response methods, including oil spill dispersants; and
- Termination of joint response operations and deactivation of the Plan.

#### Medium term actions

- Spill surveillance and forecasting;
- Setting up the command structure;
- Deciding on response strategy and planning response operations;
- Conducting joint response operations;
- Preparing and disseminating “situation reports” (SITREPs); and
- Providing information to the public, including contacts with the media.

#### Long term actions

- Documentation of response operation and related costs;
- Preparation and dissemination of post-incident reports;
- Revision of the relevant SRCP or all of them (based on the experience gained through response activities and their outcome); and
- Any activity/action that encompasses the **entire length of response** including e.g. communication, exchange of information, reporting and documentation.

Almost all actions/activities that need to be coordinated **are already addressed**, in more or less detail, in all three existing SRCPs (cf. [Table 4](#) in **Part I, Section 3.3** of the Study), and the Parties to each SRCP are responsible for putting these actions into practice in case of activation of their respective SRCP.

On the other hand, there are actions that could be approached and undertaken **synergistically by Parties to all SRCPs participating in response**, i.e. in collaboration among the Parties to different SRCPs. These include in particular the **medium and long term** actions listed above, while the short term actions are expected to be taken individually by the country directly affected by a pollution incident.

In order to effectively coordinate mutual communication between the Parties to different SRCPs, the **basic rules** of such communication should be agreed in advance. It could be



achieved by precisely **identifying** those **actions that should be discussed** among the Parties to different SRCPs before taking decision on the course of action, and by **defining the communication channels** to be used for consultations in case of marine pollution emergency.

It is necessary to ensure that the **communication among the Parties and SRCPs** participating in joint response **is continuous throughout** its entire duration. It should include *inter alia* exchange of reports on results of different jointly agreed and taken actions, on changes of situation on the site of pollution/pollution response operations, and on necessary adjustment of decisions in conformity with these changes.

**Teleconferencing at defined/agreed intervals** is an ideal solution for such consultations leading to the synergy effect of joint response by Parties to different SRCPs, but also among the Parties to each individual SRCPs.

The above outlined **conditions** (joint actions that need to be coordinated, communication channels, intervals) need to be agreed upon **prior to the occurrence of an incident**, during consultations among the countries as discussed under [\*\*Heading 5.1\*\*](#).

In order to enable a qualified discussion on coordination of response related activities among the three SRCPs in the Western Mediterranean it is necessary that competent national authorities of all participating countries (and/or the Secretariats, if the [\*\*Recommendation No. 5\*\*](#) is accepted and implemented) **familiarize** themselves with the contents of all three Plans. This is considered as a minimum necessary prerequisite for cooperation and interaction among the three SRCPs and the Parties thereof.

As the next step, the Parties should (individually or jointly) prepare a **comparative table** indicating specific requirements of each SRCP with regard to items/actions that could be addressed jointly, and subsequently discuss and adopt certain decisions that could be implemented in case of a marine pollution incident that may necessitate the joint response by Parties to different SRCPs.

Conducting the preparatory work for the above suggested activities exactly corresponds to the functions expected from the Secretariat of the Agreement/SRCP, as discussed in [\*\*Section 6.2.3\*\*](#).



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## **PART III**

### **SYNTHESIS OF RECOMMENDATIONS**



## 8. Synthesis of the recommendations

A total of **eighteen recommendations** were made in various Chapters of the Study. These aim at meeting certain conditions that are seen as necessary for achieving synergy among the three SRCPs in the Western Mediterranean area. The common objective of all these recommendations is to enhance the capacity for response to massive marine pollution incidents in the area through synergy among the three SRCPs, and to increase the effectiveness and efficiency of such response.

Recommendations [No. 5](#) applies to matters relevant for **the LION Plan and AMT SRCPs**, the first part of Recommendation [No. 13](#) applies only to **AMT SRCP**, while Recommendation [No. 7](#) refers to the issues concerning a particular country (Algeria) and a group of countries (the EU Member States and Monaco).

The remaining **fifteen recommendations** are addressed to **all Parties to the three SRCPs** in the Western Mediterranean area, and to **the RAMOGE Secretariat**.

**Seven** of these deal with practical issues and procedures related to facilitating the implementation of the SRCPs in case of a major marine pollution emergency (joint response operations) and aim at fostering synergy between the three SRCPs. These recommendations cover the following issues: procedures related to **customs** ([No. 6](#)), **overflight** procedures for civilian aircraft engaged in joint response operations ([No. 8](#)), procedures concerning the **navigation** of civilian vessels participating in joint response operations ([No. 9](#)), standardizing/harmonizing the use of **pollution reporting formats** ([No. 10](#)), automatic transmission of **notification/alert messages** ([No. 11](#)), the use of the **CECIS Marine Pollution** for requesting assistance ([No. 12](#)), and the use of **common language** in operational contacts during joint response operations (the second part of Recommendation [No. 13](#)).

**Three** recommendations focus on issues related to improving the efficiency of joint response operations involving two or three SRCPs, covering discussion and adoption of **common response policies** within the Western Mediterranean SRCPs ([No. 16](#)), preparation of a specific **Guidance document** related to mutual assistance and, in particular, to **pooling resources** for response to pollution incidents and creating a **mechanism for pooling resources** from countries participating in the three existing SRCPs ([No. 17](#)) and the related need for the preparation of **national inventories** of response resources ([No. 18](#)).



**Two** recommendations address the issues related to training and exercises: **invitation to exercises** organized within any of the SRCPs the participants from all three Agreements/SRCPs ([No. 14](#)), and exchanging information and inviting the representatives of all SRCPs to training activities organized by individual SRCPs ([No. 15](#)).

Another **two** recommendations ([No. 3](#) and [No. 4](#)) refer to certain issues related to the responsibilities of the national authorities.

Finally, **two** recommendations refer to meetings and exchange of information: **organizing synergy related meetings** of the Parties to the three SRCPs in parallel with various meetings organized by REMPEC ([No. 2](#)) and **reporting** to the Meetings of REMPEC Focal Points on activities within individual SRCPs ([No. 1](#)).