

Meeting of National Legal and Technical Experts
on the amendment to the Emergency Protocol

Malta, 23 - 24 November 1998

REMPEC/WG.15/6
24 November 1998

Original: English

REPORT
OF THE MEETING OF NATIONAL LEGAL AND TECHNICAL EXPERTS
ON THE AMENDMENT TO THE EMERGENCY PROTOCOL

Malta, 23 - 24 November 1998

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INTRODUCTION

1. The Meeting of National Legal and Technical Experts on the amendment to the Emergency Protocol has been convened in Malta from 23 - 24 November 1998, pursuant to the decision of the Tenth Ordinary Meeting of the Contracting Parties to the Barcelona Convention (UNEP(OCA)/MED IG.11/10, Tunis, November 1997) which endorsed the need for the amendment of the Protocol and the recommendations of the Meeting of REMPEC Focal Points (REMPEC/WG.14/17, Malta, 22 - 26 October 1996).
2. The principal objectives of the Meeting were:
 - a) to prepare draft amendments to the Emergency Protocol which will be submitted to REMPEC's Focal Points Meeting;
 - b) to prepare draft amendments to the annex of Resolution 7 related to the objectives and functions of REMPEC which will be submitted to REMPEC's Focal Points Meeting.
3. All REMPEC Official Focal Points were invited to nominate experts to participate to the Meeting.

ATTENDANCE

4. The Meeting was attended by delegations from the following Contracting Parties to the Barcelona Convention:

ALBANIA	ITALY
ALGERIA	LEBANON
BOSNIA & HERZEGOVINA	LIBYA
CROATIA	MALTA
CYPRUS	MOROCCO
EGYPT	SLOVENIA
EUROPEAN COMMUNITY	SYRIA
FRANCE	TUNISIA
GREECE	TURKEY
ISRAEL	

by representatives from the following United Nations Organizations:

- INTERNATIONAL MARITIME ORGANIZATION (IMO);
 - UNITED NATIONS ENVIRONMENT PROGRAMME/CO-ORDINATING UNIT FOR THE MEDITERRANEAN ACTION PLAN (UNEP/MAP).
5. A complete list of the participants is attached in **Annex I** to the present report.

AGENDA ITEM 1: OPENING OF THE MEETING

6. The Meeting was opened by the Honourable Mr. Censu Galea, Minister for Transport and Communications of the Republic of Malta. He noted the task of the Meeting which was to consider amendments to the Emergency Protocol within the context of the Mediterranean Action Plan Phase II, following the decisions taken in Tunis by the Contracting Parties on the extension of the role of REMPEC in the prevention of marine pollution from sea-based activities. He explained that a strategy for preparedness for and response to accidental marine pollution can only be complete if back-stopped by a policy of prevention which will complete the loop in a regional strategy for prevention of the pollution from ships and preparedness and response to accidental marine pollution. He described some of the initiatives and efforts taken by Malta in this regard. He stressed the importance of interministerial co-ordination of all relevant competent authorities, among these, the ministries of transport and environment. He concluded by stating that the technical and legal experts representing the Contracting Parties to the Barcelona Convention, through their contributions and collective

progress at the meeting, have the opportunity to render REMPEC an even more effective tool for the benefit of the Mediterranean region.

7. Mr. Jean-Claude Sainlos, Senior Deputy Director, Marine Environment Division, speaking on behalf of the Secretary General of the International Maritime Organization (IMO), Mr. William A. O'Neill, joined the Hon. Mr. Censu Galea in welcoming the participants to the Meeting of National Legal and Technical Expert. He noted that since the inception of the IMO, over forty Conventions supplemented by some 700 resolutions, codes have been approved and the main objective of the IMO is to see their implementation. He emphasized that this Meeting gives the Mediterranean coastal States the opportunity to further co-operation in the field of prevention through an institutional arrangement which is already in existence.

8. Mr. F.S. Civili, greeted the participants on behalf of the MAP Co-ordinator, Mr. L. Chabason and stressed the significance of this Meeting. He explained the initiatives that have been taken to modernize the legal instruments of the Barcelona Convention in light of the developments of other legal similar instruments in the field. These initiatives commenced in 1993 and what remained is the revision of the Emergency Protocol. This would complete the exercise so that the Mediterranean region would now have a modern legal framework within which actions could be taken to prevent pollution of the sea area. He noted that this Meeting should be considered as a first step in bringing about the required amendments to the Emergency Protocol. Finally, he expressed the appreciation of the Co-ordinating Unit to the Government of Malta for continuing to host and support REMPEC.

AGENDA ITEM 2: ORGANIZATION OF THE MEETING

9. The participants decided to apply, *mutatis mutandis*, to the meeting, the rules or procedure for meetings and conferences of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea against Pollution and its related Protocols (UNEP/IG.43/6, Annex XI).

Agenda Item 2.1: Election of Officers

10. Participants unanimously elected Mr. R. Bosc (France) as Chairman of the Meeting, Mr. E. Sampatakakis (Greece) as Vice-Chairman and Mr. Malek Smaoui (Tunisia) as Rapporteur.

AGENDA ITEM 3: ADOPTION OF THE AGENDA

11. The Meeting adopted the Agenda as in **Annex II** of the present report. The list of documents is presented in **Annex III**.

AGENDA ITEM 4: AMENDMENTS TO THE PROTOCOL CONCERNING CO-OPERATING IN COMBATING POLLUTION OF THE MEDITERRANEAN SEA BY OIL AND OTHER SUBSTANCES

12. The Director of REMPEC introduced this point of the agenda. He reminded the Meeting that the resolution on the strategy had been adopted at the Tenth Ordinary Meeting of Contracting Parties to the Barcelona Convention held in Tunis, after having been prepared by the Meeting of REMPEC's Focal Points held in Malta from 22 to 26 October 1996. This resolution asked for a revision of the Protocol to take into account the strategy. France had offered to provide a consultant, free of charge, to assist in the preparation of the work. He introduced the work of the consultant, Mr Jean-François LEVY, and recalled on what basis the document was prepared. He then suggested that Mr. LEVY should give a general presentation followed by a general discussion before going to a discussion point by point.

13. The Consultant then introduced the document appended to WG.15/4. He first reminded the Meeting that this document had been prepared on the basis of the resolution on the « Regional Strategy on Prevention of Pollution of the Marine Environment by Ships » adopted at the Tenth Meeting of Contracting Parties. He further mentioned that he took into account the preparatory discussion which took place during the Meeting of REMPEC's Focal Points held in October 1996 as well as the Barcelona Convention and its other Protocols, whether in force or not. This gave a framework for the preparation of the draft amendments as follows :

The Emergency Protocol was to be expanded to the prevention of pollution from ships without modifying the existing text related to combating. Regarding prevention, it only concerns the prevention of the pollution from ships because it is the scope of the Resolution and because the prevention of pollution from other sources falls under other Protocols to the Barcelona Convention.

The Consultant further recalled the decision not to introduce new standards to those in the IMO Conventions. This, he mentioned, did not preclude that Contracting Parties could present proposals to IMO in order to have the texts modified to take into account specific needs of the Mediterranean Sea. If such needs should appear, they could be discussed during the meetings REMPEC organises then proposals would be sent to IMO on behalf of Parties after adoption by contracting Parties.

The Consultant underlined that the text had been voluntarily kept short. The main actions to be carried out under the extended Protocol should be introduced in resolutions. Such a Resolution is the one on the strategy. He mentioned that the Meeting might wish to draw the attention of Contracting Parties on this point. Alternatively an explicit mention of the strategy might be introduced in the amended Protocol.

14. The Chairman then requested general comments from the Meeting. After some general remarks which were later repeated, one delegation suggested to embark on a point by point discussion and this proposal was accepted.

The title:

15. After an introductory presentation from the Consultant, highlighting that he had proposed a new title for the case where the Meeting would need one, a discussion of the pros and cons of changing the title took place. A number of amendments were proposed by some members of the Meeting.

16. It was suggested to delete the words « by oil and other harmful substances » but the Meeting thought that it might be misleading to change a part of the existing title and it was not accepted. Other suggestions were made but the Meeting felt that the risk of limiting the scope was high. The title as proposed in document REMPEC/WG.15/3/3 was adopted.

The Preamble

17. The new paragraphs proposed in 2.1 of the document discussed by the Meeting were accepted.

18. It was proposed to have a reference to the UNCLOS Convention as it is fundamental for the work under the Protocol. After some exchange of views, it was agreed to introduce this reference with the words used in the Preamble to the Barcelona Convention (see **Annex IV**)

19. There was a long discussion on the needs to make references to international Conventions as proposed in paragraphs 2.2 and 2.3 of the document under discussion. Some members thought that a closed list of Conventions might limit the scope of the Protocol while others considered that the most important Conventions had to be listed as they would form the basis for the work that the extended Protocol would introduce.

20. At this point the Italian delegation expressed its reservation on the seventh paragraph as its wording was not considered to represent a step forward to pursuing the aim of REMPEC. The detailed citation of Conventions instead of clarifying policy of REMPEC would give the impression of limiting it. This would be an outcome contrary to the very scope of developing the area of interest of this Organization by adding to its objectives the « prevention of marine environment pollution ». This delegation therefore proposed the following text : « Further taking into account the international Conventions relating to Intervention on the High Sea in case of marine pollution casualties, 1969, as well as the Protocol relating to Intervention on the High Seas in Cases of Marine Pollution by Substances other than oil, 1973, and all other relevant international Conventions regarding intervention in cases of marine pollution casualties including Conventions to compensate public and private users and operators for damages suffered from spillages. »

21. The other delegations could not support the deletion of references to Conventions already mentioned in the existing Protocol and wished to keep the text as proposed in the document under discussion with the addition of the OPRC Convention to the list. The Meeting however considered that a general reference to Conventions might be useful and a text to that effect was added (see the last sub-paragraph of 2.1 in **Annex IV**).

22. The Meeting then adopted the Preamble as it appears in **Annex IV**.

Article 1

23. The document prepared by the Consultant proposed to introduce a new article 1 bis. The Meeting considered that it would be better to include it in the existing text of article 1. A suggestion was made to align this addition with the text of article 6 of the Barcelona Convention but this might have reduced the scope of the extension of the Protocol because of the use of the word « discharges » in this article 6. The Meeting accepted the text as it appears in **Annex IV**.

Article 3 bis

24. After discussion, the Meeting agreed that a quotation of Conventions in this article would limit the scope of the Protocol. It considered that such mention in the Preamble would be enough to give guidance for the implementation of the revised Protocol. The names of the Conventions were therefore deleted.

25. The Meeting further decided to split the last sentence in two sentences and to use the words of the Barcelona Convention (« they may ») when introducing the possibility of bi- or multilateral agreements. The Greek delegation reserved its position on this last reference to bi- or multilateral agreements as in its opinion such reference was unnecessary since a Contracting State, in seeking co-operation for the effective implementation of Conventions, is entitled to select the means considered appropriate for such co-operation. Other delegations thought that such reference was essential as such sub-regional co-operation is important and the support of REMPEC necessary for the development of sub-regional agreements.

26. The Meeting accepted article 3 bis as it appears in **Annex IV**.

Article 6 paragraph 1

27. The Italian delegation expressed its disagreement with the new sub-paragraph (d) as in its opinion the content of it was the responsibility of each country to be organized as it deemed fit. Most other delegations disagreed with that point of view and considered that, to organize a proper co-operation, it was necessary to know with which body to exchange information and data.

28. The Tunisian delegation expressed concern that the paragraphs (d), (e) and (f) as presented would limit the list of the functions which would be carried under the extended Protocol. This concern received support and the chairman proposed to have a general reference to the authorities and then the list of those under (d), (e) and (f) with the words « in particular » (see **Annex IV**)

29. The text in **Annex IV** was approved by the Meeting with the following reservation of the Italian delegation:

This delegation did not agree with the text where former sub-paragraphs (d), (e) and (f) were regrouped. It considered that member States of REMPEC openly acknowledge to be bound by the provisions of the Convention on the Law of the Sea which states « the obligation to protect and preserve the marine environment ». Furthermore everyone seemed to agree that in order to foster prevention as far as accidents at sea are concerned, deep attention should be given to control the exercise of activities on the sea such as : to eliminate sub-standard ships from the Mediterranean basin, to check on the appropriate composition of crews, on the effective functioning of all equipment on board.

This delegation further stressed that the primary aim of REMPEC should remain with marine environment protection and it should not be directed to problems of organization of the control of

safety of navigation. For this reason, it believed that the proposed texts did not add any clarification of policies of REMPEC and thus should be deleted. On the contrary, introducing in the new paragraph of article 6 - paragraph 1 a direct reference to the authorities responsible for the implementation of SOLAS, MARPOL and STCW would seem to shift the area of interest of REMPEC from the protection of the marine environment to safety of navigation. According to the way this delegation interprets the resolution from the Meeting of Contracting Parties in Tunis, if in the revision of the REMPEC Protocol special reference should be made to SOLAS, MARPOL and STCW, the environmental authorities of each Member State should remain the only implementing authority to this extent. The Italian delegation expressed its view that REMPEC and MAP be a regional organization of the United Nations Environment Programme and not turn to affiliated organizations of the IMO.

Article 6 paragraph 3

30. During the discussion of article 3 bis and its sentence on the adoption of bi- or multilateral agreements, the Meeting felt that such agreements should be notified to other Contracting Parties to the Barcelona Convention and to REMPEC. It however agreed that introducing an obligation to notify should better be introduced in article 6 than in article 3 bis. The Meeting then approved the new paragraph 3 of article 6 (see **Annex IV**) with a reservation of the Greek delegation similar to the one it presented for article 3 bis.

*Approval of **Annex IV***

31. The Meeting approved the document in **Annex IV** with the above mentioned objections.

General comments

32. The Representative of the MAP Co-ordinating Unit considered the work carried out by this Meeting as the first successful step in the revision process of the Emergency Protocol. He briefly recalled the modalities of the process which had been followed for the revision of other legal instruments of the Barcelona Convention and its Protocols which was concluded in 1996 and for which the MAP Co-ordinating Unit was fully responsible vis-à-vis the Contracting Parties. He stressed the need to follow the same procedures for the Emergency Protocol. He underlined that the positive experience gained in the revision of the other texts could be put to good use in the revision of the Emergency Protocol so as to provide the Contracting Parties with a new and modern text within the shortest time frame. He noted that, based on this positive experience, the set of amendments that will be proposed at this meeting together with the option of a larger revision of the Protocol could be prepared jointly by the Co-ordinating Unit and REMPEC and submitted for consideration to a similar national legal and technical experts meeting for subsequent submittance to the Contracting Parties. This revision could propose the necessary amendments aimed at improving and modernizing the Protocol by taking into account the more recent legal instruments in the field of accidental marine pollution such as the OPRC 1990 as well as regional conventions and could integrate issues related to ships' operational pollution and implement the regional strategy. He stressed that this possibility was in harmony with the previous decisions of the Contracting Parties. He suggested that another meeting of national legal and technical experts should take place as soon as possible. He underlined that these changes could represent the legal basis for the formulation and implementation of strategic actions at the regional level. Strategic action plans - similar to the Strategic Action Programme (SAP) adopted in 1997 and devised within the new LBS Protocol - related to specific issues such as regional initiatives on co-ordinating action and implementation of international rules and standards and port reception facilities containing the definition of problems, possible solutions, actions to be taken, time frames and the financial aspects of such plans could greatly contribute to the implementation of the overall objective to eliminate pollution and make the new Emergency Protocol a more effective tool.

33. Following remarks from some delegations, the representative of the Co-ordinating Unit explained that, in his view, the terms of reference of the work to be carried out following the adoption of the regional strategy did not preclude amending the Protocol beyond what was proposed in document REMPEC/WG.15/4. In his view this may not defer the final adoption of the revised Protocol if the new meeting of legal and technical experts could be convened in due time so that its outcome could be considered during the next Meeting of MAP Focal Points for subsequent adoption at next Meeting of Contracting Parties.

34. The Meeting noted the position of the representative of the Co-ordinating Unit and had the view that the revision of the Protocol should be proposed in close co-operation between the Secretariat in Athens, REMPEC and IMO.

AGENDA ITEM 5: AMENDMENTS TO THE ANNEX TO RESOLUTION 7 CONCERNING THE OBJECTIVES AND FUNCTIONS OF REMPEC

35. The Director of REMPEC presented document REMPEC/WG.15/5 containing the Draft Amendments to the Annex to Resolution 7 concerning the Objectives and Functions of REMPEC, prepared by the Centre, as well as a note prepared by the Consultant, Mr. Jean François LEVY.

36. He recalled that the Meeting of REMPEC Focal Points, held in Malta 22 - 26 October 1996, requested the Director of REMPEC to prepare a draft revision of this Annex and to present it for approval by the Contracting Parties, together with the Strategy on the prevention of pollution by ships (REMPEC/WG.14/7, paragraph 117). He informed the Meeting that the draft Amendments were prepared by REMPEC in 1997 and circulated for information to the Meeting of MAP Focal Points, held in Athens 7 - 9 July 1997 (UNEP(OCA)/MED.129/5, Appendix II, pages 7 - 12).

37. The Director drew the attention of the Meeting to the fact that the draft proposal was not discussed by the Meeting of MAP Focal Points, since it was deemed that it should be considered together with the draft amendment to the Emergency Protocol.

38. He also informed the Meeting that the National Focal Point of Greece submitted its own proposal for amendment to one of the Centre's functions, that is contained in document REMPEC/WG.15/5/1.

39. The Director of REMPEC pointed out that following the dissemination of documents for the present Meeting, he received informal comments from some of the Focal Points concerning the text of some of the amendments, and that after having considered these comments, REMPEC made proposals for slight modifications to Objectives 1 and 4 and to Function A, originally proposed in 1997. These proposed modifications were presented in document REMPEC/WG.15/5/2.

40. The Consultant informed the Meeting that in the course of preparing draft amendments to the Emergency Protocol, he also took into consideration the Annex to Resolution 7 prepared by REMPEC in 1997 and proposed two slight modifications that appear in page 3 of the document REMPEC/WG.15/5.

41. The Meeting took note of the information provided by the Director of REMPEC and the Consultant and expressed its appreciation for the work done by the Centre.

42. Some delegations expressed the view that, taking into consideration the declaration of the Representative of the Co-ordinating Unit (see paragraph 32 above), it might be premature to enter into discussing amendments to the Objectives and Functions of the Centre.

43. On the other hand, it was emphasized that the implementation of the Strategy on prevention of pollution from ships, adopted by the Tenth Ordinary Meeting of the Contracting Parties, requires at least an interim amendment of the present Objectives and Functions of REMPEC in order to enable the Centre to carry out the work as stipulated by the Strategy.

44. After having an extensive discussion on the need to review the proposed amendments to the Annex to Resolution 7, the Meeting decided to follow the adopted agenda and to consider the proposal prepared by the Secretariat.

45. The Chairman requested comments from the Meeting and after the general remarks made by some delegations the Chairman suggested to discuss the proposed amendments on a point by point basis. This proposal was accepted by the Meeting.

46. The Meeting discussed the revised Objectives of the Centre as presented in documents REMPEC/WG.15/5 and WG.15/5/2 and agreed with the modified wording that appears in **Annex V** to the present document.

47. The Meeting confirmed the texts of Objectives 2, 3 and 4 in the form proposed by the Secretariat.

48. The Meeting agreed with the proposed division of Functions of the Centre as presented by REMPEC, namely to divide its functions into three parts: (A) General Functions; (B) Functions concerning Prevention of Pollution of the Mediterranean Environment from Ships, and (C) Functions concerning Preparedness and Response to Accidental Marine Pollution and Co-operation in Cases of Emergency.

49. As regards General Functions and after having considered various proposals put forward by a number of delegations, the Meeting decided that the text proposed by the Secretariat should be only slightly modified as proposed by the delegations of Italy, Greece and Tunisia.

50. The Greek delegation explained its proposal, contained in document REMPEC/WG.15/5/1, emphasizing that the activities for the protection of the marine environment should be jointly undertaken by the national authorities responsible for environment and for maritime transport as already stated in the Resolution concerning Regional Strategy on Prevention of Pollution of the Marine Environment by Ships. Only this approach could lead to achieving the common goal of adequately preventing pollution of the sea from maritime transport related sources. This proposal was supported by some delegations.

51. The Italian delegation was of the opinion that MAP related activities should remain the responsibility of national authorities in charge of environment, and that distribution of specific tasks within the country should remain the sovereign right of the country concerned. This was supported by some delegations.

52. The French delegation proposed as a compromise to replace the specific reference to the administrations "in charge of maritime transport and environment", as proposed by the Greek delegation with the wording "all relevant administrations". The French proposal was agreed upon by the Greek delegation and supported by some delegations.

53. In the absence of consensus on the appropriate wording for Function B1, the Meeting agreed to reproduce in **Annex V** to the present report, original text proposed by the Secretariat, as well as the text proposed by the Greek delegation as modified by the French delegation in square brackets and to request the forthcoming Meeting of the Focal Points of REMPEC to take the final decision concerning the text of this new function of REMPEC.

54. As regards proposed change in functions C9 and C10, the Meeting agreed that Function C10 should remain as in the original proposal of the Secretariat and that Function C9 should be modified in accordance with the text proposed by the Chairman on the basis of discussion by the Meeting.

55. The Meeting requested the Secretariat to prepare the consolidated text of "Amendments to the Annex to Resolution 7 related to objectives and functions of REMPEC" and to attach it to the present Report as **Annex V**.

AGENDA ITEM 6: APPROVAL OF THE REPORT

56. The Meeting adopted the present text together with its Annexes, as the Report of the Meeting on 24 November 1998.

AGENDA ITEM 7: CLOSURE OF THE MEETING

57. The Meeting was closed by the Chairman, Mr. R. Bosc, at 20.30 hours on Tuesday, 24 November 1998.

ANNEX(E) I

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ANNEX II

AGENDA

1. Opening of the Meeting.
2. Organization of the Meeting.
3. Adoption of the Agenda.
4. Amendments to the Protocol concerning co-operation in combating Pollution of the Mediterranean Sea by Oil and other Harmful Substances.
5. Amendments to the Annex to Resolution 7 concerning the objectives and functions of REMPEC.
6. Approval of the Report.
7. Closure of the Meeting.

ANNEX III

LIST OF DOCUMENTS

Working Documents

REMPEC/WG.15/1	-- no documents issued under this agenda Item--
REMPEC/WG.15/2	-- no documents issued under this agenda Item--
REMPEC/WG.15/3/1	Provisional Agenda
REMPEC/WG.15/3/2	Annotated Provisional Agenda
REMPEC/WG.15/3/3	Draft Timetable (English Only)
REMPEC/WG.15/4	Draft Amendment to the Protocol concerning co-operation in Combating Pollution of the Mediterranean sea by Oil and other Harmful Substances in case of Emergency
REMPEC/WG.15/4/Corr.1	Draft Amendments to the Protocol concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and other Harmful Substances in case of Emergency
REMPEC/WG.15/5	Draft Amendments to the Resolution 7 concerning the Objectives and Functions of REMPEC
REMPEC/WG.15/5/1	Draft Amendments to the Resolution 7 concerning the Objectives and Functions of REMPEC - Submitted by GREECE (English Only)
REMPEC/WG.15/5/2	Draft Amendments to the Resolution 7 concerning the Objectives and Functions of REMPEC - Submitted by REMPEC
REMPEC/WG.15/6	Report of the Meeting

Information Documents

REMPEC/WG.15/INF 1	List of Documents
REMPEC/WG.15 /INF 2	MARPOL 73/78 Protocol 1 - Provisions concerning Reports on incidents involving harmful substances (English Only)

ANNEX IV

**PROPOSED DRAFT AMENDMENTS TO THE PROTOCOL CONCERNING
CO-OPERATION IN COMBATING POLLUTION OF THE MEDITERRANEAN SEA
BY OIL AND OTHER HARMFUL SUBSTANCES
IN CASES OF EMERGENCY
(EMERGENCY PROTOCOL)**

(as proposed by the working group of legal and technical experts)

1. Title

1.1 The existing text of the title is amended as follows :

**PROTOCOL CONCERNING CO-OPERATION IN COMBATING POLLUTION OF THE
MEDITERRANEAN SEA BY OIL AND OTHER HARMFUL SUBSTANCES IN CASES OF
EMERGENCY AND PREVENTING POLLUTION FROM SHIPS**

2. Preamble

2.1 The following new paragraphs are added after the existing third paragraph :

Considering that the co-operation of all the coastal States of the Mediterranean is called for to prevent pollution from ships,

Recognising also that international rules and standards to prevent, reduce and control pollution of the marine environment from ships are adopted under the aegis of the International Maritime Organisation (IMO),

Bearing in mind the relevant provisions of the United Nations Convention on the Law of the Sea at Montego Bay on 10 December 1982 and signed by many Contracting Parties,

Bearing in mind also the international Conventions concerning the prevention of pollution by ships and combat against accidental marine pollution by oil and other harmful substances,

2.2 The existing text of the fourth paragraph becomes the sixth paragraph and is amended as follows :

Taking into account in particular the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto (hereinafter referred to as MARPOL 73/78), the International Convention for the Safety of Life at Sea, 1974 as amended (herein after referred to as SOLAS), the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 as amended (hereinafter referred to as STCW).

2.3 The existing text of the fifth paragraph becomes seventh and is amended as follows :

Further taking into account the International Convention relating to Intervention on the High Seas in Cases of Marine Pollution Casualties, 1969, as well as the Protocol relating to Intervention on the High Seas in Cases of Marine Pollution by Substances other than Oil, 1973, the International Convention on Civil Liability for Oil Pollution Damage, 1969 (CLC 69) and the Protocol of 1992 relating thereto (1992 CLC Protocol) and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 (FUND 71) and the Protocol of 1992 relating thereto (1992 FUND Protocol), and the International Convention on Oil Pollution, Preparedness, Response and Co-operation 1990 (OPRC)

3. **Article 1** is amended as follows :

The Contracting Parties to this Protocol (hereinafter referred to as the Parties) shall co-operate to prevent pollution of the marine environment from ships and to take the necessary measures in cases of grave and imminent danger to the marine environment

4. **Article 3 bis**

The following new article is added after existing Article 3

The Parties shall also take measures in conformity with international law to prevent the pollution of the Mediterranean Sea Area from ships and to ensure the effective implementation in that area of the international conventions relevant to the scope of this Protocol, in their capacity as Flag State, Port State and Coastal State. They shall develop their national capacity as regards the implementation of those international conventions. They may co-operate for their effective implementation through bilateral or multilateral agreements.

5. **Article 6**

5.1 Add the following new sub-paragraph (d), in paragraph 1 of existing Article 6 :

- (d) The competent national organisation or authorities responsible for the implementation of article 3 bis, in particular, those responsible for the implementation of the international Conventions concerned, those responsible for the development of port reception facilities and those responsible for the surveillance of illegal discharges under MARPOL 73/78.

5.2 Add the following paragraph 3

Parties concluding bi- or multilateral agreements within the scope of this Protocol shall notify them to other Contracting Parties and to the regional centre.

ANNEX V

PROPOSED AMENDMENTS TO THE ANNEX RELATED TO THE OBJECTIVES AND FUNCTIONS OF A REGIONAL CENTRE FOR COMBATING POLLUTION BY OIL AND OTHER HARMFUL SUBSTANCES

I. OBJECTIVES

1. To strengthen the capacities of the coastal States in the Mediterranean region with a view to preventing pollution of the marine environment from ships and ensuring the effective implementation in this region of the rules which are generally recognized at the international level, relating to the prevention of pollution from ships, and with a view to abating, combating and to the fullest possible extent eliminating pollution of the marine environment irrespective of the source.
2. To develop regional co-operation in the field of prevention of pollution of the marine environment from ships, and to facilitate co-operation among the Mediterranean coastal States in order to respond to accidents causing or likely to cause pollution of the sea by oil and other harmful substances, especially in case of emergency in which there is grave and imminent danger to the marine environment or when it can affect human lives.
3. To assist coastal States of the Mediterranean region, which so request in the development of their own national capabilities for response to accidents causing or likely to cause pollution of the sea by oil and other harmful substances, and to facilitate information exchange, technological co-operation and training.
4. To provide a framework for exchange of information on operational, technical, scientific, legal and financial matters, and to promote dialogue aimed at conducting co-ordinated actions at national, regional and global levels for the implementation of the Protocol Concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and other Harmful Substances in Cases of Emergency and Preventing Pollution from Ships.

II. FUNCTIONS

A: GENERAL FUNCTIONS

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

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

Alternative I

[1. To assist the coastal States of the Mediterranean region in reinforcing their national capacities with a view to developing and implementing policies for the prevention of pollution from ships]:

Alternative II

[1. To assist coastal states of the Mediterranean Region in reinforcing their national capacities with a view that all relevant administrations may better develop and implement policies for the prevention of pollution from ships]:

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

2. To assist the coastal States of the Mediterranean region in developing regional co-operation in the field of prevention of pollution of the marine environment by ships:

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

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

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