

Meeting of the Focal Points of the  
Regional Marine Pollution Emergency  
Response Centre for the Mediterranean  
Sea (REMPEC)

REMPEC/WG.18/5  
20 July 2000

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Malta, 25 - 29 October 2000

Agenda Item 5

## **REVISION PROCESS OF EMERGENCY PROTOCOL**

### **Note by REMPEC**

1. The Meeting of REMPEC Focal Points, held in Malta, 22 - 26 October 1996, after having discussed the need for revision of the Emergency Protocol to the Barcelona Convention within the new context of MAP Phase II, considered necessary to revise the Protocol in order "to build the proposed regional strategy for the prevention of pollution of the marine environment from ships on a sound legal basis".
2. The Meeting also recommended that a Meeting of National Legal and Technical Experts, that should propose the amendments to the Emergency Protocol, be convened prior to the 1998 Meeting of REMPEC Focal Points.
3. At the same time, the Meeting acknowledged that the conclusion it reached concerning the amendment to the Emergency Protocol "meant an extension of the role and function of REMPEC as described in the Annex to Resolution 7, adopted in 1976 and amended in 1989". The Meeting requested the director of REMPEC to prepare a draft revision of that Annex and to present it for approval by the Contracting Parties.
4. A draft project of amendments to the Annex of Resolution 7, related to the objectives and functions of REMPEC, was subsequently prepared by REMPEC and submitted to the Meeting of MAP Focal Points, held in Athens, 7 - 9 July 1997. However, the draft project was not discussed at the Meeting as it was agreed to consider it together with the draft amendments to the Emergency Protocol.
5. During their meeting held in Tunis, 18 - 21 November 1997, the Contracting Parties to the Barcelona Convention adopted a Resolution on the: REGIONAL STRATEGY ON PREVENTION OF POLLUTION OF THE MARINE ENVIRONMENT BY SHIPS.

6. This Resolution decided, *inter alia*, that "the Protocol on emergency is to be amended in order to introduce in it the provisions necessary to implement this strategy".

7. The same Meeting endorsed the recommendations of the 1996 Meeting of REMPEC Focal Points and decided "that the Annex to Resolution 7 regarding the objectives and functions of REMPEC (was) to be amended".

8. Pursuant to the decision of the Tenth Ordinary Meeting of the Contracting Parties, an ad hoc Meeting of National Legal and Technical Experts on the amendments to the Emergency Protocol was convened in Malta from 23 - 24 November 1998, in order to discuss draft amendments to both the Emergency Protocol and to the Annex of Resolution 7, prepared by REMPEC, to be further submitted to REMPEC's Focal Points Meeting to be held in Malta from 25 - 28 November 1998.

9. The REMPEC's Focal Points Meeting, taking as a basis of discussion the texts proposed by the working group of legal and technical experts, agreed on a number of amendments to the text of the Emergency Protocol and to the Annex to Resolution 7.

10. At the same time, in order to harmonize the work with that carried out for the other texts of the Barcelona Convention, the Meeting agreed on the opportunity to achieve a more extended revision of the Emergency Protocol.

11. For that reason, the Meeting decided for further preparatory work to be carried out in close co-operation between UNEP/MEDU, IMO and REMPEC. It was also decided that the result of that preparatory work would be circulated to the MAP and REMPEC Focal Points for comments. A second Meeting of National Legal and Technical Experts should be convened in order to discuss the draft proposed amendments to be, further on, presented to the Contracting Parties/Conference of Plenipotentiaries.

12. Pursuant to that decision, a team of external consultants nominated in full agreement by IMO, REMPEC and UNEP/MEDU met at REMPEC from 2 - 5 March 1999 in order to go further into the revision process of the Emergency Protocol to the Barcelona Convention, taking as a starting point the draft document approved by REMPEC's Focal Points in November 1998. A Meeting, chaired and co-ordinated by REMPEC's director, prepared a new proposal which was circulated for comments to the MAP and REMPEC Focal Points in June 1999.

13. Since five countries proposed some amendments/remarks to the proposed text, REMPEC has issued a revised document to be distributed to the countries. It will be discussed at the second meeting of national legal and technical experts to be held, in principle, either in Italy or in France in February 2001.

14. Furthermore, after the Erika accident, UNEP/MEDU, in consultation with REMPEC, requested two external consultants (Mr. Philippe Boisson and Mr. Raftopoulos) to investigate the possibility to go further in the revision of the Emergency Protocol. The draft document mentioned in para 13 above, has taken into consideration the proposals of the two consultants.

15. In addition to that, with the agreement of the Bureau of the Contracting Parties, held in Malta, the NGO's representatives were invited to participate in the process as observers. The same meeting of the Contracting Parties' Bureau expressed the opinion to consider the proposed Emergency Protocol as a new Protocol, more than a revision of the existing Protocol.

16. A Conference of Plenipotentiaries for the approval of the Protocol should be convened by UNEP/MEDU in 2001.

#### **Action requested of the Meeting of Focal Points**

17. The Meeting is invited to take note of the work carried out by the Centre.