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

**CENTRE REGIONAL MEDITERRANEEN POUR L'INTERVENTION
D'URGENCE CONTRE LA POLLUTION MARINE ACCIDENTELLE (REMPEC)**

**MEDITERRANEAN ACTION PLAN
PLAN D'ACTION POUR LA MEDITERRANEE**



7th Meeting of Focal Points of the
Regional Marine Pollution Emergency
Response Centre for the Mediterranean
Sea (REMPEC)

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Agenda Item 5

**DEVELOPMENTS WITHIN MAP RELATED TO
THE OBJECTIVES AND FUNCTIONS OF REMPEC**

Submitted by the Secretariat of the Mediterranean Action Plan (MAP)

1. This year marks the 30th Anniversary of the Mediterranean Action Plan, which was launched in Barcelona in 1975 as a regional arrangement to deal with common problems or marine pollution. Next year will be the 30th Anniversary of the Barcelona Convention and the then Emergency Protocol, which were both adopted in February 1976, together with the Dumping Protocol, and then entered into force two years later. By 1994, all 21 Mediterranean States and the European Commission had ratified the Emergency Protocol.
2. Two very significant developments concerning the legal framework of the Barcelona Convention which have taken place since the last meeting of REMPEC Focal Points in February 2003 were the entry into force in July 2004 of the revised convention which is now called the Convention for the Protection of the Marine Environment and Coastal Region of the Mediterranean, and the entry into force, in March 2004 of the new Prevention and Emergency Protocol. As a result, the former has had its remit widened to address sustainable development and make it more action oriented, while the Protocol now focuses not simply on preparedness and response to marine pollution emergencies, but also on prevention of and response to pollution from ships.
3. Together with other relevant international conventions, primarily those adopted by the International Maritime Organization, the new Protocol provides Mediterranean Coastal States with a legal instrument that enables them to implement and enforce international maritime legislation regarding the prevention of accidental and operational pollution from ships in their capacity as flag state, port state and coastal state.
4. On the day that it was adopted by the Conference of Plenipotentiaries in January 2002, fifteen Contracting Parties signed the new Prevention and Emergency Protocol. To date, only seven Contracting Parties have ratified it. Between now and the meeting of the Contracting Parties next November, REMPEC should take the initiative to encourage other Mediterranean states to ratify the new Protocol. Even more important, it should find out the reasons why these countries have not yet ratified this instrument and if need be assist them to achieve this objective in the shortest time possible. In this regard, REMPEC Focal Points have an important role to play. The MAP Secretariat has the obligation to inform the Contracting Parties at the next meeting on the status of ratification in respect of all the legal instruments including the new Prevention and Emergency Protocol. If, before this meeting, other Contracting Parties would have ratified the new protocol, they should notify the depositor country Spain in order to update the list of ratifications in time for the meeting in Slovenia.

5. Directly related to this Protocol is the adoption of the strategy for the implementation of this new legislation. In the Catania Declaration adopted at the 13th Meeting of the Contracting Parties in 2003, MAP, through REMPEC, committed itself to prepare such a regional strategy including precise commitments and deadlines. A lot of ground has been covered in this regard. I had the opportunity to participate at the meeting of national experts in Castelgandolfo, in Rome last July, when the second draft of the Regional Strategy was reviewed and amended. You have now before you the final draft of the document, which you are expected to endorse and propose for adoption by the Contracting Parties. Recommendations for the implementation of the strategy should feature prominently in REMPEC's programme of activities for the next biennium.

6. Another strategy, which the Contracting Parties will have before them for adoption next November, is the Mediterranean Strategy for Sustainable Development. This will be a framework strategy intended to provide guidance to decision makers and civil society to take into consideration sustainable development in policy development and implementation. This document is now in a very advanced stage. It is the result of a long process lasting several years involving the Contracting Parties, civil society, NGOs and experts in the field of sustainable development working together in the Mediterranean Commission for Sustainable Development. The draft strategy has gone through a process of evaluation through national consultations in different countries. The latest exercise was a regional workshop in Rome earlier this month. The strategy will now go before the Commission for Sustainable Development next June before being submitted for adoption by the Contracting Parties in Slovenia.

7. While acknowledging that pollution from ships is mostly operational, the strategy points out that the risks of accidental pollution are high. It in fact lists as one of the objectives the adoption and implementation a Regional Strategy for the prevention of and response to marine pollution from ships, to prevent accidental risks and their impacts. Even more ambitious is the objective for the elimination of operational pollution by ships by 2025. It also sets firm objectives for 2006-2015 in terms of the ratification of conventions and protocols, capacity building, harmonization of sanctions, identification of vulnerable areas, identification of procedures for assisting ships in distress, and improving maritime traffic control.

8. REMPEC is unique among the Regional Activity Centres of MAP in that it benefits from financial allocations from the Mediterranean Trust Fund to implement its programme of activities but is administered by IMO. REMPEC's role has always been to fulfill IMO's mandate in the Mediterranean Sea as far as accidental marine pollution is concerned. With the adoption of the new prevention and emergency protocol this role has been extended and now REMPEC has the responsibility to enhance the implementation and enforcement of the relevant IMO conventions. In such circumstances, the maintenance of good relations between UNEP/MAP and IMO is crucial. When I assumed office, I found this relationship very strong. However, in order to show my commitment not only to preserve but also to enhance this relationship, I felt that I should meet Admiral E. Mitropoulos, Secretary General of IMO, at the earliest opportunity. The meeting took place at the Headquarters of IMO in London last October. Both sides acknowledged the importance of the Centre for the implementation, at the Mediterranean regional level, of the legal instruments under the Barcelona Convention and IMO. It was agreed that both sides would work towards strengthening this relationship. It has already been confirmed that MAP will be involved in the selection of the new Director of the Centre, which will take place later on this year, to replace Admiral Roberto Patrino, who will retire from service at the end of 2005.

9. Two other important topics, which are expected to be included in the agenda of the next Contracting Parties Meeting, are UNEP/MAP-EC relations, and the external evaluation of MAP, both of which are of direct relevance to REMPEC. The former because of the direct working relationship which has been established between REMPEC and the EC and the latter because the exercise will look at the rapport between UNEP/MAP and the RACs.

10. Cooperation between UNEP/MAP and the EC is on a strong footing not least because the EC is also a contracting party to the Barcelona Convention. Moreover, seven contracting parties are now also Members of the European Union, with more expected to join in the future. This cooperation will be strengthened once agreement is reached on a UNEP/MAP – EC Joint Work Programme. This is

currently under discussion. Once approved specific actions of cooperation between MAP components and EC services will be identified for joint implementation. This programme foresees a number of activities directly related to REMPEC in particular with respect to the implementation of SAFEMED over the next three years. UNEP/MAP looks forward to the conclusion of negotiations and the signing of the service contract between the European Commission and IMO so that the project will be launched.

11. The MAP evaluation exercise will be looking at the present relationship between UNEP/MAP and the RACs. At present the perception is that the RACs act totally independently from MAP even though they operate under its umbrella. Another concern is that there is little cooperation between the RACs themselves. In both cases the exercise is expected to make recommendations how these two issues can be addressed without in any way hampering the ability of the RACs to be proactive in their fields of interests.

12. Without doubt, REMPEC is a success story. However, no organization can rest on its laurels if it is to continue to be relevant in its field of interest. REMPEC is no exception. It therefore has to keep abreast with developments in international maritime law and how these relate to the Mediterranean region. One such development is the Green Paper on a Future EU Maritime Policy, which is being prepared by the Commission for adoption in the first half of 2006. This new initiative is considered by the European Union as a first step towards an all-embracing EU Maritime Policy. For this purpose, the European Commission has set up a Maritime Policy Task Force to prepare the Green Paper that will set out a comprehensive and coordinated maritime policy. The Task Force intends to launch a wide consultation process. MAP intends to be in the forefront of this consultation exercise with the direct involvement of all MAP components, including REMPEC. The MAP Secretariat has already written to the European Commissioner for Fisheries and Maritime Affairs requesting to be consulted.

13. No new maritime policy intended to ensure the sustainable use of the marine environment could be meaningful if it does not take into consideration the pollution aspect of maritime activities. With 30 years experience in addressing marine issues in the Mediterranean related to pollution from land-based sources, from sea-based activities, biodiversity protection and coastal zone management, MAP can be a useful partner to the European Commission in the development of this new maritime policy. REMPEC should prepare its contribution to this future policy in order to ensure that the interests and concerns especially of the non-EU Mediterranean coastal states are taken into account, more so since this new initiative by the Commission is expected to lead to a new legal framework. Moreover, REMPEC should ensure that any EU Maritime Policy would develop in harmony with the new Prevention and Emergency Protocol not to bring the present and future EU Member States, which are also parties to the Barcelona Convention, in conflict with any future EU legislation. In the same way that UNEP/MAP, through MEDPOL, has been directly involved in the development of the EU Marine Strategy it should likewise take an active part in this new process.

14. REMPEC should also be alert to developments in respect of sanctions applicable to those responsible for ship-source pollution in order to safeguard the interests of the Contracting Parties. In particular I am referring to the proposal for a new EU Directive on ship-source pollution originally presented in November 2002 in the aftermath of the loss of the tanker Prestige off the Spanish coast and especially the debate on whether ship-source pollution committed with intent, recklessly or by serious negligence should be regarded as a criminal offence. Three contracting parties were directly involved in the debate that followed. The presentation to this meeting by the representative of IMO will hopefully throw light on the implications of this draft directive within the framework of the MARPOL Convention for the benefit of the Contracting Parties.

15. Since it was established in 1976 REMPEC has been accommodated in the same building from where it operates now on Manoel Island in Malta on the basis of a host country agreement between IMO and the Maltese authorities. This agreement is currently being revised. However, very soon REMPEC will move to another location away from Manoel Island because the site it currently occupies has been earmarked for development. The Maltese authorities have already committed themselves through a Note Verbal to provide alternative premises to REMPEC so that it could vacate its current building. On behalf of UNEP/MAP I wish to express my thanks and appreciation to the

Maltese Government for the support it has given to the Centre over the last 29 years and for their efforts to provide REMPEC with an alternative offices.

16. Throughout these years, the Centre has had four Directors. The present Director, Admiral Roberto Patrino, took over in 1998 and will terminate his mandate at the end of this year. Each Director has brought a new vision to the Centre and has contributed to the overall success of REMPEC through bringing his own personal skills and attributes to bear. Admiral Patrino can look back at his years at the helm of the Centre with great satisfaction. During his time the Centre has seen an increase in activities throughout the region. He has been successful in seeking external funding to finance numerous activities for the benefit of the Contracting Parties. His commitment has been very strong and has been appreciated by all those with whom he has worked in the various countries in the region. The new Prevention and Emergency Protocol, for which he worked so hard, will be an important legacy of his directorship. This is the last meeting of REMPEC Focal Points under the direction of Admiral Patrino and therefore it is appropriate and fitting that on this occasion, on your behalf, I say Grazie Roberto.