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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)

REMPEC/WG.26/9/2
23 April 2005

Original: English

Malta, 25-28 April 2005

Agenda Item 9

REPORT

OF THE SECOND MEETING OF NATIONAL EXPERTS ON THE REGIONAL STRATEGY

FOR PREVENTION OF AND RESPONSE TO MARINE POLLUTION FROM SHIPS

Malta, 21-23 April 2005

The Report of the Second Meeting of National Experts on the Regional Strategy for Prevention of and Response to Marine Pollution from Ships (REMPEC/WG.25/7) as approved by the same Meeting contains only the body of the Report, Annex IV and Appendices 2 and 3 thereof. The Meeting authorized the Secretariat to complete other Annexes and Appendices after the Meeting.



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Second Meeting of National Experts on the
Regional Strategy for Prevention of
and Response to Marine
Pollution from Ships

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REPORT

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Malta, 21-23 April 2005

INTRODUCTION

1. The Second Meeting of National Experts on the Regional Strategy for Prevention of and Response to Marine Pollution from Ships (hereinafter referred to as “the Meeting”) was convened in Malta between 21 and 23 April 2005, pursuant to the recommendations of the First Meeting of National Experts (REMPEC/WG.23/7, Castelgandolfo, Italy, 8 - 10 July 2004) and its decision to make the final revision of the draft Regional Strategy “at the time of the 7th Meeting of REMPEC Focal Points”.

2. At their Thirteenth Ordinary Meeting the Contracting Parties to the Barcelona Convention decided to support the preparation of the strategy for the prevention of and response to marine pollution from ships with a view to its adoption by the Fourteenth Meeting of the Contracting Parties in 2005, and requested REMPEC to continue the process of preparation of the Strategy (UNEP(DEC)/MED IG.15/11, Catania, Italy, 11 – 14 November 2003). Moreover, the Catania Declaration, adopted by the same Meeting, identified fifteen priority issues that the Regional Strategy should address.

3. The main objectives of the Meeting were to examine the comments of the Contracting Parties concerning the Third Draft Regional Strategy for Prevention of and Response to Marine Pollution from Ships, which was prepared by the First Meeting of National Experts, and to agree upon its final draft. The Meeting was also expected to discuss and assign priorities for implementation of various specific objectives of the Strategy, and to propose the timetable for its implementation.

4. All REMPEC official Focal Points were invited to participate in the Meeting. The invitation to attend the Meeting was also extended to the Co-ordinating Unit of the Mediterranean Action Plan (UNEP/MEDU) and to the International Maritime Organization (IMO).

5. The following Contracting Parties to the Barcelona Convention attended the Meeting:

ALBANIA	LIBYAN ARAB JAMAHIRIYA
ALGERIA	MALTA
BOSNIA & HERZEGOVINA	MONACO
CYPRUS	MOROCCO
EGYPT	SERBIA AND MONTENEGRO
EUROPEAN COMMUNITY	SLOVENIA
FRANCE	SPAIN
GREECE	SYRIAN ARAB REPUBLIC
ISRAEL	TUNISIA
ITALY	TURKEY
LEBANON	

6. The list of participants is attached in **Annex I** to the present report.

AGENDA ITEM 1: OPENING OF THE MEETING

7. The Director of REMPEC Rear Admiral Roberto Patrino opened the Meeting and welcomed the participants on behalf of the Centre. In his opening address, R. Adm. Patrino recalled the process of the development of the Regional Strategy for prevention of and response to marine pollution from ships, as well as the rationale for its implementation. He indicated that once the present Meeting agrees upon the text of the Strategy, it will be submitted to the forthcoming 7th Meeting of REMPEC Focal Points for endorsement. The final Draft Regional Strategy will be subsequently presented to the Meeting of MAP Focal Points, before being submitted for adoption to the 14th Ordinary Meeting of the Contracting Parties, scheduled for November 2005 in Slovenia. He emphasized that the Regional Strategy, once adopted, will ensure the implementation of the 2002 Protocol Concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea (Prevention and Emergency Protocol). The Director of REMPEC invited the Meeting, when preparing the final text of the Strategy, to bear in mind the capacities of the Contracting Parties to implement the future Strategy. In this regard he called upon the delegates to endeavour to produce a balanced document which would present an added value to the current efforts of the Mediterranean Action Plan to ensure the sustainable development of the Mediterranean region.

AGENDA ITEM 2: ORGANIZATION OF THE MEETING

2.1 Rules of Procedure

8. The Meeting decided to apply, *mutatis mutandis*, the rules of 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).

2.2 Election of Officers

9. The Meeting unanimously elected the following officers:

Ms. Saniye Onur (Turkey) - Chairperson
Mr. Veljko Rakocevic (Serbia and Montenegro) - Vice-Chairman
Mr. Malek Smaoui (Tunisia) - Rapporteur

2.3 Working Languages

10. The working languages of the Meeting were English and French. Simultaneous English/French interpretation was provided during the Meeting. The working documents prepared by REMPEC prior to the Meeting were also available in both official languages of the Centre, i.e. English and French.

AGENDA ITEM 3: ADOPTION OF THE AGENDA

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

AGENDA ITEM 4: PRESENTATION OF COMMENTS ON AND REVISION OF THE THIRD DRAFT OF THE REGIONAL STRATEGY

12. The Chairperson invited the Secretariat to inform the Meeting on developments since the First Meeting of National Experts regarding the preparation of the Regional Strategy. The Secretariat introduced documents REMPEC/WG.25/4/1, REMPEC/WG.25/4/2, REMPEC/WG.25/4/3 concerning the comments received from the Contracting Parties and other parties on the Third Draft Regional Strategy, as well as document REMPEC/WG.25/4/5 containing the comments of IMO. It also introduced document REMPEC/WG.25/4/4 containing the amendments proposed by the Secretariat and priorities for implementation of various specific objectives of the Strategy. The Meeting unanimously decided that the consideration and discussion on the proposed amendments will first address the proposed Resolution and then sections of the Strategy as they appear in Third Draft Regional Strategy, namely REMPEC's mission statement, present and future scenarios, general objectives and specific objectives. The Meeting further decided that the comments received by the Contracting Parties prior to the Meeting, as well as those the delegations might wish to make at the Meeting, will be presented following the same order.

13. After an exhaustive discussion the Meeting inserted another preambular paragraph into the proposed Resolution that will adopt the Regional Strategy, and amended Section 1 (Mission Statement of REMPEC) and Section 3 (General Objectives) of the Strategy. These amendments, as well as all other modifications, amendments and adjustments made by the Meeting are reflected in the text of the Final Draft Regional Strategy which is reproduced in **Annex IV**.

14. The Egyptian delegation suggested that another bullet point should be included under the Mission Statement of REMPEC, that would reflect the role of REMPEC in identifying financial resources required for the implementation of the Regional Strategy. The Meeting was of the opinion that the elements of the mission statement that appear in the Third Draft Regional Strategy clearly reflect the Objectives of the Centre as adopted by the 12th Ordinary Meeting of the Contracting Parties in Monaco in November 2001. Accordingly the Meeting decided that this issue of identifying financial sources for the implementation of the Strategy should be dealt with by the next Meeting of REMPEC Focal Points, as appropriate.

15. Following the proposal of the Egyptian delegation to add to the Strategy document another Appendix listing all relevant EU Directives, similar to the present Appendix 3 listing relevant IMO Conventions, the Meeting decided to request the Secretariat to add such an Appendix after the Meeting, and prior to disseminating the Final Draft Regional Strategy.

16. When considering **Specific Objective 4.6** the Turkish delegation was of the opinion that the comments submitted by Greece were of technical nature and that therefore should not be included in the strategy document but should be considered once the implementation of the action paragraph (b) of this Specific Objective starts. The Meeting took note of the statement of the Turkish delegation.

17. The French delegation suggested to include in the text of **Specific Objective 4.7** an additional action paragraph referring to the establishment of areas under jurisdiction that would enable the implementation of the MARPOL Convention in terms of prosecution of offenders. The proposal referred to the development of such areas on a regional or sub-regional basis, in a coordinated way and in compliance with international law as defined by UNCLOS. The Meeting welcomed the proposal of the French delegation and agreed to its inclusion.

18. The delegations of Egypt, Lebanon and Turkey informed the Meeting that inclusion of such an important new issue into the Strategy will require consultations with their respective competent national authorities, and requested the Secretariat to reflect this in the Report of the Meeting. Lebanon also indicated that it may require consultations with the neighbouring countries.

19. The Chairperson proposed and the Meeting agreed to replace the original text of **Specific Objective 4.8** with the text proposed by the Secretariat in document REMPEC/WG.25/4/4.

20. Regarding the same Specific Objective, the delegation of Monaco proposed and the Meeting agreed to append to the Strategy document the Resolution containing the set of principles concerning the pollution by pleasure craft activities that was adopted by the Meeting of National Experts in Monaco in December 2004.

21. Referring to the same Specific Objective, the EC delegation proposed that reference be made to the objective to ensure harmonization of the regulations regarding the emission requirements in the Mediterranean in particular considering the EU Directive 2003/44/EC. Since the inclusion of the reference to the same EU Directive was already rejected by the Meeting of National Experts Meeting held in Monaco, 8-10 December 2004, the Meeting did not agree with this proposal.

22. Following the proposal submitted by Croatia (REMPEC/WG.26/4/2), the Meeting agreed to include another action paragraph in **Specific Objective 4.10**, concerning technical cooperation among VTS centers of the neighboring countries.

23. Regarding the same Specific Objective, the Turkish delegation stated that while every country was entitled to operate a VTS or a similar system to cover the sea areas within its own territorial waters for any purposes, Turkey was opposed to any intention to establish a kind of system for monitoring traffic on the high seas of the Mediterranean without prior consent of all coastal States involved.

24. After a thorough discussion following the proposals of France, the Meeting decided to add another action paragraph to **Specific Objective 4.12**, and to amend its title in accordance with the proposal of the Spanish delegation.

25. With a view to contributing to the future implementation of **Specific Objective 4.13** the EC delegation informed the meeting of the latest initiatives taken by the EC with regard to SOx emissions from ships and offered to REMPEC access to the considerable information already at its disposal that could be used when preparing studies required for the designation of SOx Emission Control Areas (SECAs) in the Mediterranean.

26. Following the proposal of the Turkish delegation, the Meeting agreed to add another action paragraph to **Specific Objective 4.15** regarding the preparation of technical guidelines on the implementation of Marine Pollution Safety Management System.

27. The Meeting authorized the Secretariat to make necessary editorial and consequential corrections and modifications when preparing the Final Draft Regional Strategy.

28. With a view to facilitating the discussion on the timetable for the implementation of the Strategy the Chairperson proposed and the Meeting agreed to consider Agenda Item 6 before the Agenda Item 5.

AGENDA ITEM 6: THE COST OF IMPLEMENTATION OF THE REGIONAL STRATEGY

29. The Chairperson invited Mr. Glafkos Constantinides, the Consultant engaged by REMPEC to prepare a study concerning the estimate of costs of the implementation of the Regional Strategy, to present the study (REMPEC/WG.25/6) and to provide the Meeting with details regarding the methodology used for its preparation. The Chairperson informed the Meeting that any discussion regarding the cost implications of the implementation of the Strategy should however take place in the forthcoming 7th Meeting of REMPEC Focal Points.

30. Mr. Constantinides presented the study providing details on the methodology used to prepare it and the results of the cost estimation for the implementation of the Regional Strategy.

AGENDA ITEM 5: TIMETABLE FOR THE IMPLEMENTATION OF THE REGIONAL STRATEGY

31. The Meeting considered the Annex to document REMPEC/WG.25/4/4 prepared by the Secretariat containing a partly revised timetable and, after a thorough discussion, amended it on the basis of the discussion under the Agenda Item 4 and taking into consideration the Study concerning the cost estimates of the implementation of the Strategy.

32. The Egyptian delegation proposed and the Meeting agreed that the timetable adopted by the present Meeting might be subject to revision by the Meetings of REMPEC Focal Points following the adoption, by the Contracting Parties, of the Regional Strategy.

33. The timetable agreed by the Meeting is reproduced in Appendix 2 to the Final Draft Regional Strategy document attached to the present report as **Annex IV**.

AGENDA ITEM 7: OTHER BUSINESS

34. There were no issues discussed under this Agenda Item.

AGENDA ITEM 8 ADOPTION OF THE REPORT (INCLUDING THE FINAL DRAFT REGIONAL STRATEGY)

35. The Meeting adopted the present report, together with the Final Draft Regional Strategy.

AGENDA ITEM 9 CLOSURE OF THE MEETING

36. The Director of REMPEC thanked the participants for their constructive contribution to finalizing the Draft Regional Strategy.

37. The Chairperson closed the Meeting at 13.00 hours on Saturday, 23 April 2005.

ANNEX IV

RESOLUTION

REGIONAL STRATEGY FOR PREVENTION OF AND RESPONSE TO MARINE POLLUTION FROM SHIPS

[Adopted by the Fourteenth Ordinary Meeting of the Contracting Parties to the Barcelona Convention]

The Contracting Parties to the Barcelona Convention:

Convinced of the importance of protecting the Mediterranean Sea from the risk of marine pollution,

Considering the importance attached to the enhancement of maritime safety and the protection of the marine environment from pollution in the Plan of Implementation adopted by the 2002 World Summit on Sustainable Development – WSSD (Johannesburg Summit),

Reaffirming their commitment to achieving sustainable development at regional, national and local levels, as well as to the issues agreed upon and the decisions taken in the Mediterranean Declaration for the 2002 Johannesburg Summit and its Plan of Implementation,

Recognising the essential role of IMO in the development of rules regulating prevention of and response to marine pollution from ships, and the need to enforce these rules in the Mediterranean,

Taking into account the relevant parts of the 'Action Plan for the Protection of the Marine Environment and the Sustainable Development of the Coastal Areas of the Mediterranean' (MAP Phase II) and the revised Barcelona Convention adopted by the Conference of Plenipotentiaries held in Barcelona on 10 June 1995,

Recalling the adoption in 2002 of the Protocol Concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea (Prevention and Emergency Protocol) which replaced the 1976 Protocol Concerning Cooperation in Combating Pollution of the Mediterranean Sea by Oil and other Harmful Substances in Cases of Emergency and extended its remit to also include the prevention of pollution from ships,

Recalling also the new objectives and functions of REMPEC as the Regional Centre for the implementation of the Protocol, adopted by their Twelfth Ordinary Meeting,

Noting that the Prevention and Emergency Protocol entered into force on the 17 March 2004,

Bearing in mind the relevant provisions of the Catania Declaration adopted by their Thirteenth Ordinary Meeting and, in particular, their agreement to prepare a Regional Strategy for Prevention of and Response to Marine Pollution from Ships, including precise commitments and deadlines, as appropriate, with a view to its adoption at their Fourteenth Ordinary Meeting,

Bearing also in mind the recommendations of their Thirteenth Ordinary Meeting regarding the preparation and the adoption of the Regional Strategy:

Adopt the Regional Strategy for Prevention of and Response to Marine Pollution from Ships, as set out in the attached Annex, for the ten-year period 2006 to 2015, comprised of:

- the Mission Statement of REMPEC;
- the present and future scenarios of the maritime industry and the Mediterranean region;
- general objectives;
- specific objectives; and
- timetable of activities and goals to be achieved;

Request REMPEC to review and report to the Contracting Parties on the progress of the implementation of the Regional Strategy and to propose its updating as necessary.

Annex

REGIONAL STRATEGY FOR PREVENTION OF AND RESPONSE TO MARINE POLLUTION FROM SHIPS

1. MISSION STATEMENT OF REMPEC

The mission of the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC) is to assist Mediterranean coastal States in the implementation of the Protocol Concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea (Prevention and Emergency Protocol) by:

- **Strengthening the capacities of the coastal States in the Mediterranean region** with a view to preventing pollution of the marine environment, ensuring the effective implementation of and compliance with the relevant international regulatory framework, and combating/eliminating pollution of the marine environment;
- **Developing regional co-operation** in the field of prevention **and facilitating co-operation** among the coastal States of the Mediterranean in responding to marine pollution incidents;
- **Assisting coastal States of the Mediterranean, which so request**, in the development of their national capacities for response to marine pollution incidents **and facilitating information exchange, technological co-operation and training**; and
- **Providing a framework for exchange of information** on operational, technical, scientific, legal and financial matters, **and promoting dialogue** aimed at conducting co-ordinated actions at national, regional and global levels for the implementation of the Protocol.

With a view to fulfilling this mission, the Contracting Parties to the Barcelona Convention define the objectives and functions of REMPEC.

2. PRESENT AND FUTURE SCENARIOS OF THE MARITIME INDUSTRY AND THE MEDITERRANEAN REGION

The Strategy and its General and Specific Objectives have been developed bearing in mind the legal, financial and institutional framework of the Barcelona system, including in particular the provisions of the Prevention and Emergency Protocol, and the objectives and functions of REMPEC as the regional center charged with the implementation of the said Protocol. Moreover, the Strategy has been developed in the context of the present and expected future scenarios characterizing the maritime industry and the Mediterranean region, in particular:

- the increased role of shipping services in a more interconnected globalized world and the consequent need to better ensure the observance of the highest shipping standards also by increased interaction at the global, regional, sub-regional and national levels;
- the expected developments related to maritime traffic in the Mediterranean, in particular the proposed Euro – Mediterranean Transport Network;
- the heightened concern of the general public at the impact of global shipping activities both on human life at sea and on the marine environment;
- recent political developments in the Mediterranean region, including in particular the southward enlargement of the European Union; and
- recent and expected developments at the global and regional levels related to the regulation of shipping that necessitate new approaches to the protection of the Mediterranean marine environment and require a common approach to the issue of the protection of the marine environment in the region, spearheaded by REMPEC.

3. GENERAL OBJECTIVES

Taking into consideration the mission statement of REMPEC, the legal, financial and institutional framework of the Barcelona system, including in particular the provisions of the Prevention and Emergency Protocol, and the present and expected future scenarios characterizing the maritime industry and the Mediterranean region, the general objectives of the Strategy are threefold, namely:

- prevention of pollution from ships;
- prevention of maritime accidents; and
- preparation for response to major pollution incidents.

Section 4 describes the specific objectives which, if achieved, will meet the general objectives as set out above. For each specific objective certain goals are proposed which will also serve as criteria for indicating the success (or otherwise) of Contracting Parties in meeting the objectives. The role of REMPEC will, as over the past 27 years, be primarily one of assistance to the Contracting Parties in enhancing their national capacities and in facilitating the means for regional or sub-regional co-operation.

The implementation goals are set out in tabular form in Appendix 1. It is obvious that not all goals can be achieved immediately and a tentative timetable for implementation of the Strategy is set out in Appendix 2.

It is envisaged that there may be several areas of activity within the specific objectives which will create a synergy with other components of the Mediterranean Action Plan (MAP) as well as with other related regional organizations and the European Maritime Safety Agency (EMSA). Where necessary, the work of REMPEC should create linkages with the work of such other entities.

Full and effective implementation of the strategy will depend on three factors:

- the political will of Contracting Parties;
- the capacity of REMPEC to respond to the demands of Contracting Parties in the co-ordination and organization of activities; and
- adequate financial resources.

The political willingness of Contracting Parties to take action in the field of prevention of and response to marine pollution from ships has already been demonstrated by the adoption of the Prevention and Emergency Protocol in January 2002. However, it is evident that further concrete action is necessary in order to give meaningful effect to the political and legal commitments which signature of the Protocol implies. In many cases lack of implementation and enforcement is a result of inadequate human and financial resources being allocated to carry out the tasks required. In order to achieve the goals and objectives of the Strategy, it will be essential for all Contracting Parties to ensure that governments are aware of the importance of the issues addressed by the Protocol and allocate sufficient resources to fulfill the tasks. Recent pollution events will surely help to focus government minds on the importance of addressing these issues.

Secondly, it will be important to ensure that REMPEC is given adequate human resources and facilities in order to fulfill its tasks in assisting Contracting Parties to enhance their national capabilities and in facilitating regional co-operation. Additional staff will be required during the next ten years in order to enable REMPEC to fulfill its new mandate, as given to it at the Twelfth Ordinary Meeting of the Contracting Parties (Monaco, 2001). One solution may be to facilitate the secondment of officials from Contracting Parties to work at REMPEC for limited periods of time (e.g. two years). Such secondments would also have the additional benefit of enabling the seconded officers to deepen their understanding and knowledge of REMPEC's activities.

Thirdly, the implementation of the activities described below requires additional financial resources. It can be envisaged that some funds will become available from the specialized agencies of the UN system, e.g. IMO, to carry out tasks which also help to fulfill the mandates of these organizations and agencies. Financial support for clearly defined projects which also meet the EU's objectives, might be obtained through the various funding mechanisms of the European Union (EU).

In particular, within the framework of the Euro-Mediterranean partnership there might be room for REMPEC's involvement in the implementation of projects aimed at further reducing the gap between the international regulatory maritime safety and marine environment protection framework and the EU legislative framework in order to ensure a coherent, effective and uniform implementation of the international regulatory framework for maritime safety and the prevention of the pollution from ships in the Mediterranean. The list of relevant EU Directives appears in Appendix IV.

The specific objectives of the Strategy have not been costed but Contracting Parties must be aware that they will not be achieved without adequate financial resources being made available.

4. SPECIFIC OBJECTIVES

4.1 Ratification of relevant international maritime conventions related to the protection of the marine environment

In addition to the Barcelona Convention itself, there are a number of international conventions which are relevant for the prevention of pollution from ships. The most important of these is the International Convention on the Prevention of Pollution from Ships, commonly known as MARPOL Convention, and its six annexes. Other relevant conventions, mainly those adopted under the auspices of IMO, are listed in Appendix 3. There remain a number of gaps in Mediterranean States' ratification of the relevant international conventions. It is therefore proposed that, in order to fill these gaps, all Mediterranean States take action, where necessary, to ratify and simultaneously ensure the effective implementation and enforcement of these conventions according to the timetable appearing hereunder. REMPEC shall also provide Mediterranean coastal States, which so request, with advice and assistance in this respect.

Similarly, it is also evident that not all Mediterranean States have yet ratified the international maritime conventions which are relevant to the prevention of marine pollution accidents and the response thereto, such as the OPRC 1990, OPRC-HNS Protocol of 2000 and the Intervention Convention of 1969 and its Protocol of 1973. A complete list of the conventions concerned is shown in Appendix 3. In order that there is a comprehensive legal basis for the prevention of such accidents in the Mediterranean Sea and the measures for responding to those accidents, it is important that Mediterranean States take the necessary action to ensure that the relevant conventions are ratified and implemented nationally. As part of its existing mandate, REMPEC will continue to assist any State which requests advice in this respect.

The Mediterranean Coastal States, Contracting Parties to the Barcelona Convention, agree:

- a) to ratify MARPOL Convention and its annexes by 2007, to ensure their transposition into national law, and to co-operate through REMPEC to ensure full compliance with its provisions;
- b) to ratify other IMO relevant international conventions as soon as possible but preferably by 2008, to ensure their transposition into national law by the same time and full compliance with their provisions;

To request the Secretariat:

- c) to provide Mediterranean coastal States, which so request, with advice and assistance in order to meet the deadlines set forth in sub-paragraphs (a) and (b) above.

4.2 Ensuring effective maritime administrations

The successful implementation of relevant international instruments is very much dependant on ensuring that ships comply with the required standards at all times. This of course requires States to ensure that they have in place effective maritime administrations capable of discharging effectively their flag State, port State and coastal State obligations in line with the relative IMO recommendations and guidelines.

One of the important obligations of MARPOL Convention is the requirement that officers from the maritime administrations carry out regular inspections on ships flying their own flag and on foreign flag vessels visiting their ports to ensure that they comply with the relevant provisions of the Convention. The problem is that although checks may be carried out, the quality of the inspection can vary from port to port and from officer to officer. Although there is a need to increase the number of inspections in order to identify substandard ships, it is essential first to improve the quality of those inspections. It is suggested that this can be achieved by focusing more attention on the training of inspection officers from the Mediterranean coastal States. In this regard, REMPEC could play a crucial role in training ship inspectors to carry out ship inspections related to international marine environment protection conventions, in particular, the MARPOL convention.

The Contracting Parties agree:

- a) that all Mediterranean States (which have not already done so) endeavour to enhance, on the basis of a national plan, the performance of their maritime administrations in accordance with the relative IMO recommendations and guidelines¹ by 2010;
- b) that all Mediterranean States, in their efforts to protect the marine environment, should carry out, as far as possible, at regular intervals, a self-assessment of their capabilities and performance in giving full and complete effect to MARPOL, by using the guidance set out in the relevant IMO Resolution dealing with the self-assessment of flag State performance² and, once adopted, with the Voluntary IMO Member State audit scheme and the Code on implementation of IMO mandatory instruments, both expected to be adopted by the IMO Assembly in 2005;

To request the Secretariat:

- c) to improve the knowledge and expertise of inspection officers by establishing through REMPEC, a programme of training activities related to relevant international instruments, in particular MARPOL, ensuring appropriate training for ship inspectors, commencing in 2006;
- d) to assist through REMPEC the Mediterranean coastal States which so request in the development of national plans designed to enhance the performance of their maritime administrations.

¹ The IMO publication entitled "MARPOL-How to do it" contains useful information on this issue.

² IMO Assembly Resolution A.912 (22).

4.3 To strengthen the Memorandum of Understanding (MoU) on port State control (PSC) in the Mediterranean region (Mediterranean MoU)

In order to enhance the effectiveness of individual States in carrying out port State control inspections of ships under international maritime conventions including the MARPOL Convention, various regional Memoranda of Understanding have been agreed by the States concerned to enhance their regional co-operation on this issue. The Paris MoU was adopted in 1982 to strengthen co-operation on port State control primarily between European States and, in the mid-1990s, a MoU for the Mediterranean region was adopted with its headquarters in Alexandria and a decision that a ship inspection database should be established in Morocco.

The EU Directive 95/21/EC¹, which makes the Paris MoU mandatory for the EU States, sets out an inspection level of 25% of ships calling at European ports. It also foresees a specific targeting system, including the possibility to ban some ships from the EU ports. The Mediterranean MoU sets out an inspection level of 15% inspections, but this target is not yet achieved and, moreover, a different detention policy is followed.

The enlargement of the EU, whereby two members of the Mediterranean MoU are now following the rules of the EU Directive deserve full attention. REMPEC could play a role in improving the effectiveness of the Mediterranean MoU and to enhance the co-operation between the Mediterranean MoU and the Paris MoU.

In order to achieve the specific objective of strengthening the Memorandum of Understanding on port State control in the Mediterranean region,

The Contracting Parties agree:

- a) to mandate REMPEC to propose its assistance to the Mediterranean MoU on port State control in order to improve its effectiveness and, if so requested, to facilitate co-operation between the Paris MoU and the Mediterranean MoU;
- b) to make available the necessary resources and means to enable the Mediterranean MoU to function efficiently;

To request the Secretariat:

- c) to propose to the MoU Committee to participate in its meetings as an observer, and where possible, host its meetings;
- d) to associate itself with port State control training activities addressing environmental matters, including those related to the Anti Fouling Systems and Ballast Water Management conventions where appropriate, in collaboration with recognized training institutions within the region; and
- e) to work in association with the MoUs on port State control on the organization and follow up analysis of concentrated inspections campaigns on MARPOL related deficiencies.
- f) To define the modalities that would enable REMPEC to support the work of the MoU Committee and to report to its meetings of focal points.

¹ Council Directive 95/21/EC, of 19 June 1995, concerning the enforcement, in respect of shipping using Community Ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (port State control), as amended.

4.4 Provision of reception facilities in ports

An important provision of the MARPOL Convention reflected also in the Prevention and Emergency Protocol is that all States Parties to the Convention provide adequate facilities in their ports for the type of vessels visiting those ports and the different types of waste and cargo residues generated. The lack of adequate reception facilities in Mediterranean ports has long been a matter of concern for the international community as well as the States themselves. The topic has been the subject of a number of studies and was addressed by a MEDA project¹ implemented by REMPEC (2002 – 2004), which should be taken into consideration while implementing the Strategy.

There are a number of problems associated with the lack of adequate port reception facilities in the Mediterranean region. The first is the lack of sufficient guidance on the technical requirements for providing adequate reception facilities for the different types of ship-generated waste and cargo residues; this issue was addressed in particular by the MEDA project. Secondly, there is the problem of ultimate disposal of the wastes in environmentally satisfactory conditions. This is essentially a waste management problem and requires the establishment of appropriate procedures between the port authority (which generally is not a waste disposal authority) and the local waste management authorities for the different types of waste (e.g. garbage comparable to municipal waste; oily wastes and sludges which may be suitable for delivery to refineries for reprocessing or to appropriate users as fuel oils). Thirdly, there is the question of cost for the provision of reception facilities and the need to observe, *inter alia*, the polluter pays principle which implies that the ships using the facilities should pay for their services. The EU Directive 2000/59/EC² regulates this and other related issues as far as the EU Member States are concerned.

The question of payment for port reception facilities is an important issue in order to ensure that charges are not prohibitively high so as to encourage ships' masters to contravene the Convention by discharging wastes at sea. On the other hand, differences in practice between one port and the next, including whether or not waste management fees are charged as an additional cost to users of the reception facilities or are incorporated within the port due, can lead to distortions in the use of reception facilities and could lead to significant waste management burdens on those providing such facilities at cheaper cost. In order to ensure that waste management fees are not a disincentive to the use of reception facilities in Mediterranean ports, Mediterranean coastal States should address this issue.

In order to meet the specific objective of providing adequate reception facilities in ports,

The Contracting Parties agree:

- a) to consider by 2007 the establishment of procedures related to the cost of the use of reception facilities, enabling their use as soon as they are available at a fee which should be reasonable and should not serve as a disincentive for their use;
- b) For garbage:
 - i) all major ports to install facilities for the collection of garbage and procedures for its disposal by 2010;
 - ii) collection and disposal procedures for garbage to be in place for all major ports by 2010;

¹ MEDA Project on port reception facilities for collecting ship-generated garbage, bilge waters and oily wastes (MED.B7.4100.97.0415.8)

² Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues.

- c) For oily wastes:
 - i) all major ports to establish collection, treatment and disposal procedures for bilge waters, oily residues and dirty ballast waters by 2010;
 - ii) collection, treatment and disposal procedures for bilge waters, oily residues and dirty ballast waters to be in place for all major ports by 2010;
- d) For Noxious Liquid Substances (NLS):
 - i) all major ports handling NLS to establish collection, treatment and disposal procedures for NLS by 2010;
 - ii) collection, treatment and disposal procedures for NLS to be in place for all major ports by 2010;
- e) For sewage:
 - i) all major ports to establish collection and treatment procedures for sewage by 2010;
 - ii) collection and treatment procedures for sewage to be in place for all major ports by 2010;
- f) For ballast water and sediments:
 - i) all major oil and chemical terminals to establish collection, treatment and disposal procedures for ballast waters by 2012;
 - ii) all major ports and terminals where cleaning or repair of ballast tanks occurs to endeavour to take action to be in a position to comply with the provisions of the 2004 Ballast Water Convention by 2012, or by its entry-into-force date, whichever comes earlier.

4.5 Delivery of ship-generated wastes

The provision of port reception facilities is not an end in itself but the means to achieve an end, namely the prevention of marine pollution by illegal discharges. However, some vessels may have sufficient dedicated storage capacity on board to deliver their wastes at another port of call without risking illegal discharge at sea. In such cases it is important to establish a system whereby a port notifies the authorities in the vessel's next port of call about the status of the ship's waste storage conditions in order that the authorities in the next port of call can inspect the vessel to ensure that there has been no illegal discharge in transit.

In some cases the port authorities may deem it essential that the ships concerned deliver their waste to port reception facilities before leaving the port. It is important, therefore, that the appropriate port authorities have adequate national powers to enforce such a decision.

In order to meet the specific objective of improved control of ship-generated wastes,

The Contracting Parties agree:

- a) to establish, by 2007, a system of notification to a vessel's next port of call of the status of its onboard retention of bilge waters and oily wastes and garbage;
- b) that all Mediterranean States implement by 2010 national regulations empowering maritime authorities to require, if they deem it necessary, the Masters of vessels to discharge wastes into designated port reception facilities before sailing.

4.6 Improved follow-up of pollution events as well as monitoring and surveillance of illicit discharges

With the exception of a few Mediterranean coastal States, that have already set up aerial surveillance of the waters under their jurisdiction, there is a general lack of monitoring and surveillance of Mediterranean waters, necessary for effective implementation of the MARPOL Convention. This lack of surveillance allows, even encourages, discharge of dirty ballast waters or oily sludges, or even garbage, without fear of detection. This situation is compounded by the fact that a limited number of States have established beyond their territorial waters, an area under their jurisdiction allowing them to enforce the provisions of the MARPOL Convention.

If the Prevention and Emergency Protocol is to have any meaning, it will be essential for Contracting Parties to embark on a regular system of national aerial surveillance. The burden of surveillance may be shared by allowing the aircraft of a neighbouring State to over fly the waters under the jurisdiction of another State for the purposes of monitoring compliance with the MARPOL Convention. There are various regions of the Mediterranean, which could apparently lend themselves to such sub-regional co-operation. Nevertheless, the aerial surveillance should always be complemented by maritime patrols by vessels.

In addition to surveillance by aircraft and patrol boats, surveillance of the Mediterranean by satellite is also a promising option for improving the detection of illicit discharges. In the longer term it could be envisaged that REMPEC would receive and assess such satellite data and pass on information about possible marine pollution occurrences to the nearest coastal State. In order to reduce the costs on the REMPEC budget, the staff for this activity should be provided by the Contracting Parties on secondment to REMPEC on a rotation basis. This would also have the added advantage of improving the capacities of the seconded staff, increasing their knowledge and expertise, and enhancing regional cooperation in this field.

In order to meet the specific objective of improved monitoring and surveillance of illegal discharges,

The Contracting Parties agree:

- a) to establish, by 2010, systems and procedures for national monitoring and surveillance including, where practicable, aerial surveillance in the waters under the jurisdiction of Contracting Parties and to report the results to the regular meetings of REMPEC Focal Points;
- b) to endeavour to establish, by 2010, sub-regional systems, including procedures to over-fly the waters under the jurisdiction of a neighbouring State if the Parties so agree, for surveillance of environmentally sensitive and/or high risk zones of the Mediterranean Sea;

To request the Secretariat:

- c) to carry out pilot projects in the field of monitoring and surveillance of illicit discharges from ships by 2010;
- d) to establish Memoranda of Understanding with agencies or competent bodies whereby REMPEC will act as the focal point between these agencies and bodies and coastal States on possible occurrences of marine pollution identified by satellite.

4.7 To improve the level of enforcement and the prosecution of discharge offenders¹

Even though many Mediterranean States have ratified the MARPOL Convention, not all countries have yet established a national legal framework to effectively implement the convention and, in particular, a comprehensive framework to enforce the provisions and prosecute offenders. In some countries there may even be the need to raise the level of awareness among government officials as to the importance of this issue if illegal discharges from ships are to be tackled seriously. Although the subject is complex, much progress has been made within the framework of the Bonn Agreement and HELCOM for dealing with such issues in the North and Baltic Seas, as well as in the part of the Mediterranean covered by Lion Plan and RAMOGE agreement, and there is considerable scope for other Mediterranean States to benefit from this experience.

In order to achieve the specific objective of improving the level of enforcement and the prosecution of discharge offenders within the Mediterranean region:

The Contracting Parties agree:

- a) that by 2010 at the latest, all Mediterranean States ensure the existence of a national legal framework (regulations) as a basis for prosecuting discharge offenders for infringements of the MARPOL Convention or of any national legal framework implementing it;
- b) to endeavour to adopt common rules and harmonize sanctions by 2015 with a view to ensuring even-handed treatment of discharge offenders throughout the Mediterranean region;
- c) with due regard to their national legal provisions, by 2011 to share collected data, and facilitate acceptance of the evidence gathered by other States, to ensure the successful prosecution of discharge offenders;
- d) to establish, when and where possible, and without prejudice to the sovereign right of the States, of areas under their jurisdiction enabling the implementation of the MARPOL Convention in term of prosecution of offenders. Such areas can be developed on a regional or sub-regional basis, in a coordinated way and in compliance with international law as defined by UNCLOS;

To request the Secretariat:

- e) to carry out pilot projects in this field, including a compilation of national legal and institutional arrangements as well as to disseminate information to enforcement personnel and legal personnel/prosecutors/magistrates on the relevant issues required to secure successful prosecutions in court, e.g. procedures for the collection of data, submission of evidence to courts, etc., with the aim of achieving the necessary expertise in all Mediterranean States by 2009.

¹ Reference is made to IMO Assembly Resolution A.787 (19), as amended by Resolution A.882 (21). The IMO publication entitled "MARPOL-How to do it" contains useful information in relation to the issues of "Prosecuting offences" and "Pollution detection and response".

4.8 To reduce the pollution generated by pleasure craft activities

Taking into consideration the considerable increase of pleasure craft activities in the past decades and the risks that the increase in this kind of traffic presents for the environment and to safety at sea, REMPEC carried out some work in this field¹.

The Centre further participated in the preparatory work for the development of a legal regional instrument dealing with prevention of pollution from pleasure craft activities in the Mediterranean in collaboration with Institut du Droit Economique de la Mer (INDEMER). The Thirteenth Ordinary Meeting of the Contracting Parties to the Barcelona Convention (Catania, 11 – 14 November 2003), to which a draft consolidated text was submitted, considered the initiative and decided to proceed with the preparatory work.

A Meeting of National Experts on the Feasibility of a Legal Regional Instrument on Prevention of Pollution from Pleasure Craft Activities in the Mediterranean was thus convened in Monaco, between 8 and 10 December 2004, with the view of discussing the feasibility of the proposed instrument within the Barcelona system. Instead of a legally binding instrument, the Meeting agreed on a Resolution containing a set of Principles to serve as a framework for the further development by REMPEC of Guidelines on prevention of pollution from pleasure craft activities in the Mediterranean. The full text of the Resolution appears in Appendix V.

Taking into consideration the outcome of the Meeting referred to above, and in order to meet the specific objective of reducing pollution problems generated by pleasure craft,

The Contracting Parties agree:

- a) that Guidelines on prevention of pollution from pleasure craft activities in the Mediterranean shall be prepared, once the Resolution containing the Principles to be taken into consideration for their development is adopted by the 14th Ordinary Meeting of the Contracting Parties scheduled for November 2005;
- b) to implement the relevant existing provisions of the MARPOL Convention and, once adopted, the Guidelines referred to in sub-paragraph a) above;
- c) to report to the Secretariat on the measures they undertook to implement the said Guidelines;

To request the Secretariat:

- d) to prepare, once the Resolution containing the Principles to be taken into consideration for the development of Guidelines is adopted by the Contracting Parties, and in close cooperation with IMO, the Guidelines referred to in sub-paragraph a) above;
- e) to submit, once finalised, the Guidelines referred to in sub-paragraph a) above to the Contracting Parties for adoption at their 15th Ordinary Meeting;
- f) to assist Mediterranean States in the implementation of the relevant provisions of the MARPOL Convention and, once adopted, of the Guidelines referred to in sub-paragraph a) above.

¹ Recommendations for the prevention of pollution and adverse environment effects from pleasure craft in the Mediterranean Sea, REMPEC, 2000 – 2001.

4.9 Reduced risk of collisions by establishing Ship's Routeing Systems

Some Ship's Routeing Systems have already been established in the Mediterranean. However, it is evident from preliminary discussions with some Contracting Parties to the Barcelona Convention that there is scope for creating additional systems, at least in narrow passages and in the region of the most sensitive coastal areas.

In order to meet the specific objective of reducing the risk of collisions by establishing additional systems,

The Contracting Parties agree:

- a) to propose to IMO by 2008, where necessary, additional appropriate Routing Systems in the Mediterranean for possible adoption not later than 2010, in accordance with international law;

To request the Secretariat:

- b) to ensure the identification of the main shipping lanes for vessels carrying oil and other hazardous and noxious substances (HNS) by 2007;

4.10 Improved control of maritime traffic

Maritime Traffic Control Systems are already established in some areas of the Mediterranean. There have already been incidents where coastal States have lost track of vessels which may pose a threat of pollution and there is a case for establishing additional Maritime Traffic Control Systems in the Mediterranean region in order to effectively implement the Prevention and Emergency Protocol.

At the European level, the need for permanent monitoring of ship movements led the European Union to adopt EU Directive 2002/59/EC¹ which provides for a comprehensive vessel traffic monitoring and information system based on IMO requirements. In view of the need to improve the monitoring of ships in the Mediterranean, particularly those posing a risk to the marine environment, the potential of the EU System, which also includes the on-going Safe Sea Net project, should be fully exploited by the Mediterranean coastal States. In this regard, every effort should be made to identify the possibilities that might exist under the Euro-Med Partnership mechanism for the development and establishment of an ad hoc infrastructure.

In addition to improved monitoring of vessel traffic, there is also a case for considering the circumstances in which oil and other hazardous and noxious substances are transported by bulk in single hull tankers prior to their phasing out according to the timetable established under MARPOL, such as, for example, the use of single hull tankers to carry certain types of oil.

In order to implement the specific objective of improving the control of maritime traffic in the Mediterranean,

The Contracting Parties agree:

- a) to review the conditions for the transport of oil and other HNS in particular in single hull tankers with a view to consider the possibility of establishing by 2007 a Mediterranean regime in conformity with the international regulations;
- b) to identify by 2010 those areas of the Mediterranean where control of maritime traffic could be improved by the establishment of a regime based on the use of Automatic Identification System (AIS) in conjunction with Vessel Traffic Services (VTS) and mandatory ship reporting systems, and to complete approval procedures by 2010;
- c) to improve technical cooperation among VTS Centers of the neighbouring countries and according to the need, to exchange information about ships by using AIS system in the common surveillance area;

To request the Secretariat:

- d) to negotiate with appropriate organizations and agencies on behalf of Contracting Parties, which so request, the international financial assistance required to establish the regime referred to in sub-paragraph b) above by 2014;
- e) to develop a training programme for personnel involved in the transport and handling of HNS in conformity with the relevant IMO codes, in particular the IMDG Code by 2015.

¹ Directive 2002/59/EC of the European Parliament and the Council 27 June 2002 establishing a community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC.

4.11 Identification of Particularly Sensitive Sea Areas (PSSAs)

As is well known, the Mediterranean Sea has been designated as a Special Area under the MARPOL Annex I and V. It is also possible for Contracting Parties to identify Particularly Sensitive Sea Areas as zones requiring special protection. In November 2001, the IMO adopted Resolution A 927(22)¹ containing Guidelines for the Identification and Designation of Particularly Sensitive Sea Areas.

A PSSA is an area that needs special protection through IMO because of its significance for recognized ecological, socio-economic, or scientific reasons and because it may be vulnerable to damage by international shipping activities. In order for an area to be identified as a PSSA, it must meet certain criteria, which are specified in the IMO Guidelines. If a PSSA is accepted by IMO, the designated area will be eligible for associated protective measures, e.g. as an area to be avoided, and will be identified as such on charts.

In order to meet the specific objective of identifying Particularly Sensitive Sea Areas, the Contracting Parties agree:

To request the Secretariat:

- a) to initiate, by 2007, the process of identification in conjunction with the appropriate MAP/RACs, of those areas which, on proposal by the Contracting Parties and after examination by the REMPEC Focal Points, could be proposed for designation as PSSAs;
- b) to assist, in co-operation with IMO, the Mediterranean coastal States which so request, to conduct the necessary relevant studies and to prepare the relative submissions to IMO for the designation of PSSAs, if any, in strict compliance with the relevant IMO Guidelines².

¹ IMO Resolution A.927 (22) adopted on 29 November 2001 on Guidelines for the designation of special areas under MARPOL 73/78 and guidelines for the identification and designation of particularly sensitive sea areas.

² Idem

4.12 To establish procedures for the designation of places of refuge in order to minimize the risks of widespread pollution

In response to an urgent international operational need, IMO has been considering at the global level the problem of places of refuge for disabled vessels. In December 2003, IMO adopted Resolution A.949(23)¹ on guidelines on places of refuge for ships in need of assistance, but where safety of life is not involved. (Where safety of life is involved, the provisions of the SAR Convention should be followed.)

The purpose of the IMO guidelines is to provide ships' Masters, ship owners, salvors and Member Governments with a framework enabling them to respond effectively and in such a way that, in any given situation, the efforts of the Master and owner of the ship and the efforts of the government authorities are complementary. A second Assembly resolution, on the establishment of Maritime Assistance Services to be a focal point for the receipt of various reports and notifications required by various IMO instruments, was also adopted by the IMO Assembly in December 2003 (Resolution A.950 (23)². Consequently, at the European level, in terms of EU Directive 2002/59/EC³, EU Member States have drawn up plans to accommodate, in the waters under their jurisdiction, ships in distress.

Taking into account this scenario, it could be worthwhile for Mediterranean States to consider in greater depth the modalities for establishing places of refuge within the Mediterranean region. These could also consider, for example, guidelines on additional equipment, which would be required in places of refuge to facilitate cargo transfers in environmentally safe conditions.

In order to meet the specific objective of establishing places of refuge to minimize the risks of widespread pollution,

The Contracting Parties agree:

- a) to identify, as a matter of urgency, at the national level, by 2007, appropriate procedures as outlined in the relevant IMO Guidelines, in order to facilitate the decision making when designating a place of refuge for a ship in distress;
- b) that all Mediterranean States draw up plans to deal with ships in distress, including, appropriate equipment and means, as required, and define the modalities of the response according to its nature and to the risk incurred;

To request the Secretariat

- c) to provide assistance to countries, which so request, to define procedures and draw up such plans;

¹ IMO Resolution A. 949 (23) on guidelines on places of refuge for ships in need of assistance.

² IMO Resolution A.950 (23) on maritime assistance services (MAS).

³ Directive 2002/59/EC of the European Parliament and the Council 27 June 2002 establishing a community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC.

4.13 To examine the possibility of establishing the Mediterranean Sea as a SO_x emission control area under MARPOL Annex VI

MARPOL Annex VI, adopted by the Protocol of 1997, regulates the prevention of air pollution from ships. With respect to sulphur oxides (SO_x), Regulation 14 provides that the sulphur content of fuel oil shall not exceed 4.5% m/m. However, the same regulation provides that in certain areas, designated as "SO_x emission control areas", the sulphur content shall not exceed 1.5% m/m. To date, only the Baltic Sea and the English Channel/North Sea have been designated as "SO_x emission control areas".

It might thus be appropriate to propose to IMO to also designate the Mediterranean Sea as "SO_x emission control area". The criteria and procedures for the submission to IMO of a proposal for the designation of such an area include, in particular, an environmental impact study as well as an assessment of the economic impact on shipping activities.

In order to meet the specific objective of considering the designation by IMO of the Mediterranean Sea as "SO_x emission control area" under MARPOL Annex VI,

The Contracting Parties agree:

- a) to examine whether it is appropriate, to submit to IMO, as from 2008, a proposal to establish the Mediterranean Sea as a SO_x emission control area;

To request the Secretariat:

- b) to ensure the preparation, by 2007, of a study based on the input of Contracting Parties, aimed at assessing the feasibility of the measure referred to in sub-paragraph a) above;
- c) to assist the Mediterranean coastal States which so request to prepare the relative submission to IMO related to the measure referred to in sub-paragraph a) above.

4.14 To ensure that adequate emergency towing capacity is available throughout the Mediterranean to assist vessels, including tankers, in distress

Once a vessel gets into difficulties, or threatens to become a hazard to other vessels, it is vitally important to take all necessary action as quickly as possible to save life, to prevent her going or creating a hazard, and to prevent her cargo or bunkers from spilling. In this connection, emergency towing may be used to remove the ship and cargo from a place of danger to one of safety, such as a sheltered anchorage or place of refuge. If a vessel breaks down completely, or is too far from a safe anchorage to be able to reach it under her own steam, one sure way to prevent grounding or becoming a hazard to other vessels is for a tug to provide appropriate assistance.

The Intervention Convention 1969, and its Protocol of 1973, provide powers to States Parties to "intervene" to prevent a pollution incident, including imposing towing requirements if necessary. Emergency towing is also addressed by SOLAS Regulation II-1 / 3-4 and the associated resolution MSC.35 (63).

Tugs vary enormously in their purposes and capacity. Most harbours have tugs to escort and manoeuvre vessels into their berths, but their capacity for emergency use is limited. Berthing tugs generally operate in sheltered waters and are not designed for sea-keeping.

In order to meet the specific objective of ensuring adequate emergency towing capacity throughout the Mediterranean, the Contracting Parties agree:

The Contracting Parties agree:

- a) to adopt, by 2011, Mediterranean guidelines on emergency towing including, if appropriate, agreements on sharing towing capacity between neighbouring States.

To request the Secretariat:

- b) to evaluate, by 2009, the capacity, number and location of tugs throughout Mediterranean ports;

4.15 Prevention of accidents in commercial ports and oil terminals

According to spill statistics (ITOPF Statistics; www.itopf.com), the majority of pollution incidents occur in port areas and oil terminals and, even though they may be of relatively small size, they nevertheless constitute a threat to the marine environment that should be addressed.

There are already safety management systems adopted for use on ships and it is suggested that the Mediterranean region could take the lead in adopting a similar system for marine pollution safety management in commercial ports and oil terminals. This would be a long-term project covering issues such as operating procedures, personnel safety and training, recommended equipment, etc with the overall objective of improving port safety and reducing pollution incidents.

In order to meet the specific objective of the prevention of accidents in ports,

The Contracting Parties agree:

- a) to prepare and adopt, by 2015, a comprehensive Marine Pollution Safety Management System for use in commercial ports and oil terminals comprising procedures, personnel training and equipment requirements;
- b) that all Mediterranean States report as from 2015 on the measures taken to implement the Marine Pollution Safety Management System;

To request the Secretariat:

- c) to evaluate, by 2010, the capacities in terms of safety of the Mediterranean commercial ports and oil terminals;
- d) to prepare technical guidelines on the implementation of the Marine Pollution Safety Management System and to circulate these to the Contracting Parties

4.16 To enhance the levels of pre-positioned spill response equipment under the direct control of Mediterranean States

A problem which faces many countries that are parties to the Barcelona Convention is where to find the financial resources to provide the State component of an overall minimum level of combating equipment. Obligations can be placed upon port authorities and oil handling facilities to provide sufficient equipment to meet the estimated spill risks associated with their activities. However, accidents in open waters are outside the jurisdiction of port authorities and oil handling facilities. Furthermore, accidents in open waters involving laden oil tankers are most likely to cause serious pollution incidents, even if they occur at a lower frequency than the smaller spills which arise in ports and terminals.

There are various possibilities for financing the acquisition by the State of the required pre-positioned oil spill response equipment and vessels. These include *inter alia*:

- State budget;
- partnerships with international institutions;
- partnerships with other States;
- partnerships with private sector, including in particular the oil industry;
- partnerships with specialized spill response companies; and
- specific national funds financed through targeted taxation of certain commercial activities, and/or through accumulation of fines imposed on offenders of applicable rules and regulations.

It is important that each Contracting Party individually decides upon the most appropriate way of financing the acquisition of required State controlled spill response equipment and vessels.

The Contracting Parties agree:

- a) to provide REMPEC by 2006 with detailed information concerning their respective national practices for financing the acquisition of spill response equipment, including in particular information concerning functioning of any existing funds specifically dedicated *inter alia* to marine pollution preparedness and response activities;
- b) to establish by 2010 national stockpiles of State controlled pre-positioned spill response equipment;

To request the Secretariat

- c) to provide assistance to the States which so request in identifying the minimum required level of pre-positioned State controlled spill response equipment;
- d) to disseminate to the Contracting Parties the information concerning the applicable ways of financing the acquisition of such equipment.

4.17 To encourage the participation of the regional scientific and technical institutions in research and development activities and to facilitate transfer of technology

Prevention and Emergency Protocol to the Barcelona Convention emphasizes the need for exchange of information concerning research and development of new technologies. OPRC 90 Convention and its 2000 OPRC-HNS Protocol explicitly call upon Parties to these international legal instruments to actively participate in research and development efforts.

It has been noted that in general Mediterranean coastal States, with a very few exceptions, rarely present the results of their R&D activities related to response to marine pollution incidents, or even participate, in relevant international fora, such as e.g. IMO R&D Forum, Interspill, International Oil Spill Conference, etc.

On the other hand, from direct contacts with the persons attending meetings and training courses organized by REMPEC it appears that scientific, technical and educational institutions as well as the industry from the Mediterranean region are involved in R&D activities in various subjects related to prevention of, preparedness for and response to accidental marine pollution.

In order to make the results of R&D activities undertaken in the Mediterranean region better known REMPEC shall endeavour to encourage the participation of regional research institutions and industry in relevant events. REMPEC shall also facilitate, through the network of its Focal Points, the exchange of these results among the Contracting Parties. In addition REMPEC might indicate to its Focal Points the potential fields that call for further R&D in order to encourage more active participation and contribution of the relevant Mediterranean institutions in global efforts in this field.

With a view to meeting the specific objective of promoting the participation of the relevant Mediterranean institutions in R&D activities and to facilitate transfer of technology within the region

The Contracting Parties agree:

- a) to encourage their respective scientific and technical institutions, as well as the industry, to actively participate in R&D activities and programmes related to accidental marine pollution prevention, preparedness and response;
- b) to encourage their respective national institutions and industry to present the results of their R&D activities and programmes in international fora;

To request the Secretariat:

- c) to assist regional institutions and industry in identifying fields of research in which there is a need for enhancement of the state-of-the-art of spill preparedness and response technologies and techniques;
- d) to facilitate dissemination and exchange of results of national R&D activities and programmes within and outside the Mediterranean region;
- e) to facilitate the participation of national and regional research institutions and industry in the relevant international fora with a view to making better known the results of R&D activities undertaken in the Mediterranean region.

4.18 To improve the quality, speed and effectiveness of decision-making process in case of marine pollution incidents through development and introduction of technical and decision support tools.

The successful outcome or otherwise of measures taken in order to respond to oil spills and to spills or releases of other hazardous and noxious substances depends to a great extent on the quality of and the promptness with which decisions concerning the response are taken.

Although such decisions should be taken by the competent authorities and their responsible officers taking into consideration specific circumstances of each particular marine pollution emergency and a number of technical, socio-economic and political factors, the process of taking decisions can be significantly accelerated, made more correct and simplified using certain decision support tools such as e.g. sensitivity maps, spill forecasting models and databases.

There is a wide variety of such tools developed by either commercial organizations or scientific institutions however these are only rarely developed for a specific geographical area.

With a view to ensuring the availability of consistent and non-conflicting data to all Contracting Parties and in order to provide them with decision support tools developed taking into consideration specific characteristics of the Mediterranean region, REMPEC will endeavour to co-operate with scientific institutions in the region and with specific programmes and projects dedicated to relevant activities.

In order to meet the specific objective of improving the quality, speed and effectiveness of decision making process in case of emergency

The Contracting Parties agree:

- a) to facilitate the development of specific regional decision support tools through active participation of their national scientific institution and programmes, and through providing by 2007 relevant data-sets and other information that might be available in their respective countries;
- b) to cooperate with a view to selecting the most appropriate oil spill forecasting model that could be used by all Mediterranean coastal States, and to adapt such model for use in the waters under their respective jurisdictions;

To request the Secretariat:

- c) to regularly revise and upgrade the existing and to develop and make available to the competent national authorities of the Contracting Parties new IT based decision support tools, including in particular sensitivity maps, spill forecasting models and databases, taking into account national or regional initiatives in this field

4.19 To increase as much as practical, the level of knowledge in the field of preparedness and response to accidental marine pollution by oil and other harmful substances

The existence in each country of a core group of experts specialized in oil and HNS spill preparedness and response is recognized to be, together with the existence of national organization, contingency plans, response strategy and response equipment, one of the key prerequisites for properly initiating, conducting and successfully completing response operations in case of marine pollution emergency.

Since the inception in the early 1980s of REMPEC training programme, more than 2300 persons were trained through training activities at different levels which were included in the programme. Despite this noteworthy achievement a significant number of persons that had been trained is not any more at disposal of their respective national administrations due to job changes, retirement or other reasons, and the need for further training has been emphasized by REMPEC Focal Points on numerous occasions.

It is considered that the necessary sustainability in the field of training at national level can be achieved through the creation of a small number of qualified trainers in each country who could in turn continue to provide the required training to their co-nationals. It refers in particular to training national spill response personnel at the level of operators and direct responders (Level 1) and at the level of supervisors and on-scene commanders (Level 2). On the other hand it is understood that Level 3 training (senior government administrators and managers) will have to remain at the regional level and should continue to be provided and co-ordinated by the Centre. Finally, highly specialized training in specific fields of marine pollution preparedness and response will also have to remain the responsibility of REMPEC.

The Centre will therefore focus its training efforts on (a) training of trainers and on (b) providing highly specialized training on specific issues, at the regional level.

In order to achieve a self-sufficiency in spill response training at the general level and to ensure continuous education of national spill responders

The Contracting Parties agree:

- a) to establish by 2008, national training programmes for response to incidents involving oil and other HNS, based in particular on IMO OPRC Model training courses Levels 1 and 2, for training national operating level and supervisory personnel respectively, with a view to ensuring a continuous education of such personnel;

To request the Secretariat:

- b) to prepare and insert into the regional training programme the "Training of Trainers" courses, based in particular on the work carried by IMO OPRC / OPRC-HNS Technical Group;
- c) to focus regional training courses on specific, highly specialized issues, to be identified at regular basis by the Meetings of REMPEC Focal Points;
- d) to take into consideration, when preparing training programmes for the Mediterranean region, the relevant model training courses that might be developed in the future by IMO OPRC / OPRC-HNS Technical Group.

4.20 To revise the existing recommendations, principles and guidelines, and to develop new ones aimed at facilitating international co-operation and mutual assistance within the framework of the Prevention and Emergency Protocol.

Since 1987 various Ordinary Meetings of the Contracting Parties to the Barcelona Convention adopted a series of recommendations, principles and guidelines concerning accidental marine pollution preparedness, response and mutual assistance, as well as prevention of pollution from ships. All these documents aimed at facilitating the implementation of Emergency Protocol.

There have been numerous developments at both regional and global levels that necessitate revision, updating or amending, as appropriate of the recommendations, principles and guidelines adopted in the past by the Contracting Parties. These developments include the introduction of new regional and global legal instruments, the development of technology, better understanding of issues related to accidental pollution by oil and other hazardous and noxious substances, and last but not least the experience gained through and initiatives resulting from recent major pollution accidents [in particular Erika, Ievoli Sun and Prestige].

With a view to meeting the specific objective of revising the existing and developing new regional recommendations, principles and guidelines aimed at facilitating international co-operation and mutual assistance in the framework of the Prevention and Emergency Protocol

The Contracting Parties agree:

- a) to review by 2007 the existing recommendations, principles and guidelines concerning accidental marine pollution preparedness, response and mutual assistance, as well as prevention of pollution from ships, that were adopted since 1987, paying particular attention to those that aim at removing possible obstacles which might hinder mutual assistance;
- b) to identify by 2007 all such recommendations, principles and guidelines that need to be revised, updated and/or amended;
- c) to indicate by 2008 which additional recommendations, principles and guidelines should be adopted at the regional level with a view to facilitating the implementation of the Prevention and Emergency Protocol in the field of international co-operation and mutual assistance;
- d) to further facilitate mutual assistance by streamlining by 2010 their respective national procedures for entry into, movement within and exit from their territory of specialized personnel and equipment that might be required in case of emergency;

To request the Secretariat:

- e) to compile by 2009 an inventory of their applicable national procedures governing the entry into, movement within and exit from their territory of specialized personnel and equipment that might be provided as mutual assistance in case of emergency, and to prepare recommendations for improving those national procedures that could seriously hamper providing such assistance;
- f) to prepare by 2015, in co-operation with REMPEC national Focal Points, and to propose for adoption to the Meetings of the Contracting Parties revised, updated and/or amended texts of the existing regional recommendations, principles and guidelines;
- g) to develop by 2015, in co-operation with REMPEC national Focal Points, and to propose for adoption to the Meetings of the Contracting Parties, new recommendations, principles and guidelines, as necessary.

4.21 To strengthen the capacity of individual coastal States to respond efficiently to marine pollution incidents through development of sub-regional operational agreements and contingency plans.

Prevention and Emergency Protocol to the Barcelona Convention, as well as OPRC 90 Convention and its 2000 OPRC-HNS Protocol, recognize the importance of sub-regional, bilateral and multilateral, agreements for co-operation in accidental marine pollution preparedness and response, as important tools for enhancing national capacities of States participating in such agreements.

In the Mediterranean region sub-regional contingency plans and agreements on their implementation constitute mechanisms for mutual assistance, based on the framework provided by the Prevention and Emergency Protocol. These mechanisms, which facilitate the implementation of the Protocol, enable competent national authorities of the Contracting Parties to closely co-operate by co-ordinating and integrating their respective national capacities, with a view to effectively responding to incidents surpassing their individual capacities.

Since early 1990s REMPEC has actively assisted the Contracting Parties in preparing sub-regional contingency plans and agreements for their implementation. At present sub-regional contingency plans and agreements such as RAMOGEPOL (France, Monaco and Italy), South-Eastern Mediterranean (Cyprus, Egypt and Israel), Lyon plan (France and Spain) have been adopted and are in force, and the adoption of another two is imminent (South-Western Mediterranean – Algeria, Morocco and Tunisia, Adriatic – Croatia, Italy and Slovenia). The Plan for the Adriatic Sea also contains provisions for co-operation in prevention of maritime incidents, which is expected to further reduce the risk of accidental marine pollution, and which may be also included in future sub-regional agreements.

Once all the remaining Mediterranean coastal States have set-up their national systems for preparedness and response, including adoption of national contingency plans, the way will be paved for concluding sub-regional arrangements among all countries in the region. Active participation of each country in one or more of such bilateral or multilateral agreements is expected to significantly increase the level of preparedness for responding to major marine pollution incidents in the region.

With a view to meeting the specific objective of further strengthening response capacities of individual coastal States through development of sub-regional operational agreements and contingency plans,

The Contracting Parties agree:

- a) to prepare and adopt, if that has not yet been done, national contingency plans and to establish national systems for preparedness and response, at latest by 2008, with a view to creating necessary conditions for development of sub-regional agreements;
- b) to negotiate and endeavour to conclude by 2015 sub-regional agreements covering the entire Mediterranean region;

To request the Secretariat:

- c) to continue assisting the Contracting Parties, which did not yet adopt their national contingency plans, in the development and implementation of their national preparedness and response systems;
- d) to assist Contracting Parties, which so request, in preparing sub-regional contingency plans and in drafting agreements on their implementation.

FINAL DRAFT STRATEGY FOR PREVENTION OF AND RESPONSE TO MARINE POLLUTION FROM SHIPS

Appendix 1: IMPLEMENTATION GOALS

A) Commitments of the Contracting Parties

(to be completed by the Secretariat after the Meeting)

Appendix 1: IMPLEMENTATION GOALS

B) Requests addressed to the Secretariat (REMPEC)

(to be completed by the Secretariat after the Meeting)

Appendix 3

LIST OF RELEVANT INTERNATIONAL CONVENTIONS

1. International Conventions dealing with maritime safety and prevention of pollution from ships:

- the International Convention on Load Lines, 1966 (LL 1966);
- the International Convention for the Safety of Life at Sea, 1974 (SOLAS 1974);
- the International Convention for the Prevention of Pollution from Ships, 1973, as amended by the 1978 Protocol relating thereto (MARPOL 73/78);
- the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 as amended in 1995 (STCW 1995);
- the Convention on the International Regulations for Preventing Collisions at Sea, 1972 (COLREG 1972);
- the International Convention on Tonnage Measurement of Ships, 1969 (TONNAGE 1969);
- the ILO Merchant Shipping (Minimum Standards) Convention, 1976 (No. 147), and the Protocol of 1996 thereto;
- the International Convention on the Control of Harmful Antifouling Systems on Ships, 2001;
- The International Convention for the Control and Management of Ship's Ballast Water and Sediments, 2004.

2. International Conventions dealing with combating pollution:

- the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (OPRC); and the Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances 2000 (OPRC-HNS Protocol);
- the International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969 (INTERVENTION 1969) and its Protocol relating to Intervention on the High Seas in Cases of Pollution by Substances other than Oil, 1973 (INTERVENTION PROTOCOL 1973);
- the International Convention on Salvage, 1989 (SALVAGE 1989).

3. International Conventions dealing with liability and compensation for pollution damage:

- the International Convention on Civil Liability for Oil Pollution Damage, 1992 (CLC 1992);
- the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 (FUND 1992);
- the International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (1996 HNS Convention);
- the International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001;
- Protocol on the Establishment of a Supplementary Fund for Oil Pollution Damage, 2003.

Appendix 4

LIST OF RELEVANT EU DIRECTIVES

(to be completed by the Secretariat after the Meeting)

Appendix 5

**DRAFT RESOLUTION FOR THE SUSTAINABLE DEVELOPMENT
AND RESPECT OF THE MARINE ENVIRONMENT BY PLEASURE CRAFT ACTIVITIES
IN THE MEDITERRANEAN SEA**

(to be completed by the Secretariat after the Meeting)