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

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10<sup>th</sup> Meeting of the Focal Points of the Regional  
Marine Pollution Emergency Response Centre  
for the Mediterranean Sea (REMPEC)

REMPEC/WG.32/8/1  
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Agenda Item 8

**DEVELOPMENTS IN THE FIELD OF PREPAREDNESS FOR  
AND RESPONSE TO MARINE POLLUTION  
LESSONS LEARNT FROM DEEPWATER HORIZON INCIDENT  
AND ENTRY INTO FORCE OF THE OFFSHORE PROTOCOL**

**Note by the Secretariat**

**SUMMARY**

**Executive Summary:** This document summarizes the latest developments in the field of preparedness for and response to marine pollution including the recent Deepwater Horizon incident, the entry into force of the Offshore Protocol to the Barcelona Convention and the situation regarding cooperation with the industry.

**Action to be taken:** Paragraph 30

**Related documents:** REMPEC/WG.32/9/2  
[REMPEC/WG.28/9/3](#)  
[REMPEC/WG.30/5](#)

**Introduction**

1. Since 20 April 2010, the sinking of the deepwater horizon rig and the ensuing spill in the Gulf of Mexico have been the main concern of the international oil spill response community from a technical, legal and media point of view. This document describes the outcome of this incident at the regional and international level.

2. At regional level, following the request of the United States Government, the Secretariat consulted the Contracting Parties to the Barcelona Convention and provided an inventory of response means available in the region. The Secretariat also started to gather information on offshore facilities in the Mediterranean region. On the legal and institutional side, the entry into force on the 23 March 2011 of the Offshore Protocol to the Barcelona Convention, following its ratification by Syria, which became the sixth Contracting Party<sup>1</sup> to the Barcelona Convention having ratified the Protocol, provides the region with a unique and powerful legal instrument to address environmental threats linked to offshore platforms. These developments will allow Mediterranean countries to activate a regional response mechanism in case an accident similar to the one in the Gulf of Mexico would happen.

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<sup>1</sup> The Offshore Protocol has been ratified by Albania, Cyprus, Libya, Morocco, Syria and Tunisia.

3. At the international level, the International Association of Oil and Gas Producers's ([OGP](#)) Global Industry Response Group ([GIRG](#)) was established following the Gulf of Mexico incident to ensure that the lessons learnt from this incident are disseminated around the world. The question for the establishment of an international liability and compensation regime has also been brought to the International Maritime Organization's Legal Committee.

4. This incident has triggered a lot of regional concerns and, in particular, the European Commission (EC) has started investigating the safety standards of offshore activities around the European Union. A Communication from the Commission to the Council and the European Parliament "[Facing the challenge of the safety of offshore oil and gas activities](#)"<sup>2</sup> together with a Commission Staff Working document "[Offshore oil and gas activities and their regulatory environment in Europe](#)"<sup>3</sup> were made public. It is worth noticing that when assessing the situation in the Mediterranean sea, the Commission's highlights the positive role of the Offshore Protocol as well as possible activities which could be undertaken by REMPEC. It is understood that the EC intends to launch a public consultation process on this issue before proposing legislative steps, if appropriate.

### **Oil Rig Deepwater Horizon (Macondo/MC 125) incident**

5. On 20 April 2010, some 80 km off the coast of Louisiana, the oil rig Deepwater Horizon (also known as Macondo/MC 125) suffered an explosion followed by a fire. 17 people were injured and 11 others were reported missing. The US Coast Guard managed to swiftly evacuate 115 of the 126 people on the rig at the time of the disaster and took command of the response. It was estimated that over 36 millions tons of tons of oil were released at sea. In early August, the scientific team appointed by the US authorities to assess the quantity of oil spilt by the leaking well announced their initial estimation: 779,000 m3 of oil had been spilt representing an equivalent of 40 "Erika", 20 "Exxon Valdez" or 3,5 "Amoco Cadiz". 16% of the spilled quantity had been recovered as it leaked from the well. According to the Oil Pollution Act 90 (OPA 90), the US Coast Guard requested BP, as a responsible party under this Act, to identify response equipment which could be made available to the US authorities.<sup>4</sup>

6. Three specific requests of information to identify response equipment which could be made available to the US authorities were received by the Secretariat and subsequently forwarded to the Contracting Parties to the Barcelona Convention.

7. The Secretariat coordinated the collection of information for the various inventories at the international level, with the International Maritime Organization (IMO), Oil Spill Response (OSR), which is the Tier 3 response provider for BP and, at the regional level, with the Mediterranean Oil Industry Group (MOIG), to avoid duplication of information.

8. The Secretariat takes this opportunity to thank and congratulate the prompt reaction from the eleven (11) Mediterranean coastal States who provided detailed information on the means available in their respective countries. REMPEC was informed that the information was provided to the US Coast Guard which was grateful to all Mediterranean coastal States who contributed to the inventory. Following the submission of the inventories, except from Algeria which informed REMPEC that response equipment from "Société mixte de gestion et d'exploitation des Terminaux à Hydrocarbures (S.T.H.)" was provided, the Secretariat did not receive any feedback on the "Mediterranean equipment" mobilized for the response operations. In view of measuring the effectiveness of the regional response capacity, it might be of interest to the Meeting for Representatives to inform of any assistance provided by Mediterranean coastal States to the US Government.

9. **As far as the Secretariat is concerned**, several lessons from this request of assistance can be drawn.

10. The efficiency of and promptness in a worldwide collection of data could not have been reached, in the first instance, without a centralized approach. Indeed, OSR, which acted as data collection centre for the first request of information (availability of dispersants stockpiles, fire booms, fluorometry and dispersant monitoring capability) contacted, on 4<sup>th</sup> May 2010, the existing regional and international networks to gather all information in a single entry point. The request addressed through the channel of the Regional Agreements underlines the added value of this worldwide

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<sup>2</sup> [http://ec.europa.eu/energy/oil/offshore/doc/com%282010%29560\\_en.pdf](http://ec.europa.eu/energy/oil/offshore/doc/com%282010%29560_en.pdf)

<sup>3</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=SEC:2010:1193:FIN:EN:PDF>

<sup>4</sup> [http://www.cedre.fr/en/spill/deepwater\\_horizon/deepwater\\_horizon.php](http://www.cedre.fr/en/spill/deepwater_horizon/deepwater_horizon.php)

network mainly set up under the umbrella of the Regional Seas Programme of the United Nations Environment Programme (UNEP).

11. Subsequently on 10th June 2010, the Secretariat was requested by IMO, which received a request from the US State Department through its Embassy in London, to provide an inventory of containment and fire booms. Through the same channel, on 17th June 2010, a new request was made to provide information on high speed, high volume offshore skimmers available in the region. At the same time REMPEC was also requested to provide this information through the US Embassy in Malta.

12. As the requests were coming from various origins, the inventory process moved from an efficient centralized data collection and communication channel through OSR, to a multi-organisation communication channel creating evident duplications. However, to ensure that all stakeholders requesting information would obtain the requested data, REMPEC copied its replies to IMO, the US Embassy in Malta, MOIG and OSR.

13. Massive mobilisation can create difficulties and confusion due to the complexity of managing a multi-national and multi-organisation coordination and because of the quantity of information provided by different sources. The incident has once again stressed the importance to establish, at the early stage of an incident, a coordination procedure in order to avoid duplication of efforts and increase the efficiency of international assistance.

14. This experience also highlighted the importance of maintaining, at national and regional level, an inventory of means available in order to fasten the identification of equipment and human resources to be rendered available to a third party in case of emergency. In this respect, as further detailed in the document REMPEC/WG.32/5/1, in the last two years, a considerable regional effort has been made to transpose the Centre's Regional Information System (RIS), in particular its [Part B on directories and inventories](#) and the [country profile](#), from a paper version into an online version updated by the respective Contracting Parties. General experience has shown that in case of a request for assistance, the means to be rendered available by each country is determined on a case by case basis. However, having a clear overview on the existing stockpiles and human resources available in the region, can contribute to enhance the regional assistance mechanism and mobilization planning.

15. As referred in document REMPEC/WG.32/5/1 related to the update of the Regional Information System (RIS), taking into account the inventories prepared by the Secretariat in the framework of the Mediterranean Technical Working Group (MTWG) for the revision of the Guidelines for the Use of Dispersants for Combating Oil Pollution at Sea in the Mediterranean Region and in light of the lessons learnt from this incident, further efforts to ensure the availability of relevant and detailed information such as the type and quantity of dispersants and booms available, would be essential.

16. Finally, in order to test and continue strengthening the regional response capacity, the inclusion of similar regional assistance requests in scenarios of national and sub-regional exercises would be recommended.

17. **As far as the industry is concerned**, it should be noticed that the [OGP's GIRG](#) was established on 14 July 2010, in the aftermath of the incident in the Gulf of Mexico on the Macondo Prospect. The GIRG aims to ensure that the lessons learnt from Macondo are applied around the world. To do that, the GIRG's remit is to monitor and collate the outcomes of the official Macondo investigations. This process is also helping to identify – and to answer – other questions about Macondo and deepwater operations.

18. The GIRG is staffed by over 40 industry experts – 12 of them fulltime and based in London. All come from OGP member companies. From the start, they have been working closely with national and regional regulators and other industry organisations. Individual working groups are focusing on Prevention, Intervention and Response.<sup>5</sup>

#### **Cooperation with the industry: Oil Terminal Safety**

19. One of the specific objectives identified by the Regional Strategy for the Prevention of and Response to Marine Pollution from Ships (Specific Objective 14) concerns the prevention of accidents

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<sup>5</sup> <http://girg.ogp.org.uk/>

in commercial ports and oil terminals. In order to achieve this objective the Strategy recommended developing a marine pollution safety management system. As it appeared that, at the same time, the Oil Companies International Marine Forum (OCIMF) the leading professional association in the field of safe oil shipping was considering this issue under its "Ports and Terminals Committee", the Centre established contact with this organization in order to be kept informed of any development in this field. The Centre has recently been informed by OCIMF that part of a new terminal safety assessment and training tool has already been finalized. The Centre will study with OCIMF how it could assist in disseminating this tool amongst interested parties.

### **Cooperation with the industry: Mediterranean Government-Industry Cooperation Action Plan**

20. It is recalled that Resolution 5 of the Conference on International Co-operation on Oil Pollution Preparedness and Response and Co-operation of 1990 and Article 11 of the Protocol Concerning Co-operation in Preventing Pollution from Ships and, in cases of Emergency, Combating Pollution of the Mediterranean Sea (2002 Prevention and Emergency Protocol) calls for co-operation with the oil and shipping industries.

21. At regional level, REMPEC has made effort to strengthen cooperation with the oil industry in particular through the Mediterranean Oil Industry Group (MOIG) comprised of oil companies and associates. MOIG was institutionalized in 2004 with the purpose of strengthening the Co-operation between the Government and the industry in the Mediterranean Sea.

22. As mentioned at the 9<sup>th</sup> Meeting of the Focal Points of REMPEC, the Centre in cooperation with MOIG and with the participation of the International Petroleum Industry Environmental Conservation Association (IPIECA) and the International Maritime Organization (IMO), organised the Regional Government and Industry Workshop on Cooperation, Preparedness for and Response to Oil Spills in the Mediterranean Sea, which was held in Marseille, from 11 to 12 May 2009.

23. As a follow-up, it was agreed to prepare a short, medium and long term programme, [the Mediterranean Government-Industry Cooperation Action Plan - "MGICAP"](#), with a view to increase in a reckonable manner the preparedness and response capacity level and the cooperation between Government and the oil industry in the Mediterranean region.

24. According to the MGICAP Programme Management reporting procedure, a synthetic yearly report for all stakeholders should highlight the progress of the project. A set of synthetic indicators (or Key Performance Indicators - KPIs) were proposed to monitor the progress of the Project, evaluate the effectiveness of the cooperation between REMPEC and MOIG (and Governments and oil industry) and identify any blockage. The Progress report for the year 2010 for the implementation of the MGICAP is available in document (REMPEC/WG.32/INF.3).

### **Entry into force of the Offshore Protocol to the Barcelona Convention**

25. As from 23 March this year, the 1994 Protocol to the Barcelona Convention related to the protection of the Mediterranean Sea against Pollution resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil entered into force. This instrument is quite the only international treaty addressing cooperation in all fields related to offshore activities<sup>6</sup>. Primarily, it focuses on general requirements for granting an authorization to undertake offshore activities, best practices regarding the management of chemicals which are used for the purpose of the activity as well as disposal of secondary products and wastes. Of particular interest are also the Articles and Annexes related to safety measures (Art.14), contingency plans (Art.15), and mutual assistance in cases of emergency (Art.18). Finally, Art.27 calls for the adoption of appropriate rules and procedures regarding determination of liability and compensation.

26. It has to be noted that Art.16 and Art.17 of the Offshore Protocol partly mirror the provisions contained in Art.9 (Reporting Procedure) and Art.11 (Emergency Measures on Board Ships, on Offshore Installations and in Ports) of the 2002 Prevention and Emergency Protocol.

27. An analysis of the provisos of the Offshore Protocol which calls for regional co-operation shows that the various issues dealt with in the Protocol encompass activities which fall under the

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<sup>6</sup> Protocol concerning Marine Pollution resulting from Exploration and Exploitation of the Continental Shelf (1989) of the Kuwait Regional Convention for Co-operation on the Protection of the Marine Environment from Pollution (1978)

mandate of several MAP Components. In the daily running of offshore activities, operators and regulators are faced with issues related to dumping, controlled release of chemicals or banning of chemical substances, topics which are currently followed by the MEDPOL Programme as well as CP RAC. On the other hand, preparedness and response to spills are clearly related to the mandate of REMPEC and are also dealt with by the same interlocutors at the international level. As regards the issue of liability and compensation, the topic has been brought to the attention of the Legal Committee of the International Maritime Organization (IMO) at its 97th session by the delegation of Indonesia. Following discussion by the Committee, it was decided to request the forthcoming IMO Assembly to add this topic to the Strategic Action Plan of the Organization and meanwhile to set up an Informal Consultative Group of interested States and organizations in order to further elaborate the content of the proposal. The Group has been established under the leadership of Indonesia. Amongst the 14 participating States, only one (Italy) is a Mediterranean coastal State.

28. Although other regional seas do not all have such a treaty instrument as the Offshore Protocol, in practice, co-operation on offshore activities is well established in the Gulf area (ROPME) where the Protocol concerning Marine Pollution resulting from Exploration and Exploitation of the Continental Shelf (1989) of the Kuwait Regional Convention for Co-operation on the Protection of the Marine Environment from Pollution (1978) entered into force on 21 February 1990, in the Baltic Sea (through the Helsinki Convention) and also in the North Sea and the Atlantic (within the OSPAR Convention). The existing practices in these areas could be further studied when considering how to establish co-operation on offshore issues in the Mediterranean Sea. In particular as regards the development of best practices and goals, the important work already carried out within the OSPAR convention should be taken into account. On the overarching issue of safety management, the work carried out within the North Sea Offshore Authorities Forum is also particularly relevant as safety of offshore activities in that part of the world has been identified as being at an advanced level.<sup>7</sup> Future developments with regards to offshore activities in the Mediterranean Sea should therefore rely on the experience of this particular sea area. A first step should consist of an inventory of existing installations. It is reminded that by Circular Letter 30/2010 the Centre requested the Contracting Parties to forward some basic information on the existing offshore activities in their jurisdiction. Only six Contracting Parties replied to the questionnaire.

29. As regards safety of offshore installations and potential spills, although the damage has the same characteristics as a spill from a tanker laden with crude oil, the possible extent of such a spill and the link with the production process has to be taken into account as part of a safety management cycle including preventive measures, training, and regular assessment and availability of adequate response means. However, it has to be noted that offshore activities are falling under the jurisdiction of coastal States which are responsible for defining the safety requirements they impose on operators. There could consequently be differences between countries in the standards and also in the control of the compliance to the safety requirements. One of the advantages of a regional approach, as for instance in the North Sea Offshore Authorities Forum, is that common goals are agreed after being discussed in dedicated groups where the industry is able to participate.

30. **The Meeting of Focal Points is invited to:**

- **take note** of the information provided by the Secretariat in the present document; and
- **provide views and comments** on the relevant subjects highlighted in the present document.

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<sup>7</sup> [http://www.ospar.org/content/content.asp?menu=00210305000000\\_000000\\_000000](http://www.ospar.org/content/content.asp?menu=00210305000000_000000_000000)