

Second Meeting of National Legal and
Technical Experts on the Amendments
to the Emergency Protocol to the
Barcelona Convention

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PROPOSED AMENDMENTS TO BOTH THE PROTOCOL CONCERNING
CO-OPERATION IN COMBATING POLLUTION OF THE MEDITERRANEAN
SEA BY OIL AND OTHER HARMFUL SUBSTANCES IN CASE OF EMERGENCY
AND TO THE ANNEX TO RESOLUTION 7 CONCERNING THE
OBJECTIVES AND FUNCTIONS OF REMPEC

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THE ANNEX TO RESOLUTION 7 CONCERNING THE OBJECTIVES AND
FUNCTIONS OF REMPEC**

INTRODUCTION

1. The Meeting of REMPEC Focal Points, held in Malta, 22 - 26 October 1996, after having discussed the need for revision of the Emergency Protocol to the Barcelona Convention within the new context of MAP Phase II, deemed it necessary to revise the Protocol in order "to build the proposed regional strategy for the prevention of pollution of the marine environment from ships on a sound legal basis".

The Meeting also recommended that a Meeting of National Legal and Technical Experts, that should propose the amendments to the Emergency Protocol, be convened prior to the 1998 Meeting of REMPEC Focal Points.

At the same time, the Meeting acknowledged that the adoption of the amendments to the Emergency Protocol "meant an extension of the role and function of REMPEC as described in the Annex to Resolution 7, adopted in 1976 and amended in 1989". The Meeting requested the director of REMPEC to prepare a draft revision of that Annex and to present it for approval by the Contracting Parties.

2. A draft project of amendments to the Annex of Resolution 7, concerning the objectives and functions of REMPEC, was subsequently prepared by REMPEC and submitted to the Meeting of MAP Focal Points, held in Athens, 7 - 9 July 1997. However, the draft project was not discussed at the Meeting as it was agreed to consider it together with the draft amendments to the Emergency Protocol.

3. During their meeting held in Tunis, 18 - 21 November 1997, the Contracting Parties to the Barcelona Convention adopted a Resolution on the: REGIONAL STRATEGY ON PREVENTION OF POLLUTION OF THE MARINE ENVIRONMENT BY SHIPS.

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

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

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

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

At the same time, in order to harmonise the work with that carried out for other revisions of texts of the Barcelona Convention and its protocols, the participants to the Meeting agreed on seizing the opportunity to achieve a more extended revision of the Emergency Protocol.

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

6. Pursuant to that decision, a team of external consultants nominated in full agreement by IMO, REMPEC and UNEP/MEDU met at REMPEC from 2 - 5 March 1999 in order to go further into the revision process of the Emergency Protocol to the Barcelona Convention, taking as a starting point the draft document approved by REMPEC's Focal Points in November 1998.

The Meeting, chaired and co-ordinated by REMPEC's director, prepared a new version which, after having been considered by IMO and UNEP/MEDU, was distributed by document REMPEC/WG.17/4 of 16 June 1999.

7. In preparing the document, distributed in June 1999, the Secretariat took into consideration:

- a) the report of REMPEC's Focal Points Meeting held in Malta from 25 - 28 November 1998 (REMPEC/WG.16/14 - 4 December 1998) as the basic working document to which additional amendments were introduced to make the Emergency Protocol harmonised with the texts of the Barcelona Convention and its Protocols as recently revised;
- b) that relevant MAP's meetings agreed not to add normative provisions to those included in IMO conventions. Shipping is a fully world-wide activity for which regulations have to be adopted on a global level. Co-operation between Mediterranean States would therefore be developed for the implementation of International Conventions and Resolutions adopted under the auspices of IMO;

- c) that combating pollution embraces all sources of accidental pollution (for instance, pollution which would emanate from offshore structures), while prevention in the Emergency Protocol is to be limited to pollution from ships. In fact, the other sources are covered by other Protocols to the Barcelona Convention.

8. Pursuant to the Erika accident, the MAP Co-ordinator initiated a new round of discussions with the consultants in order to reflect the principles emerging from the “lessons learnt” in the revised Emergency Protocol. In October 2000, after viewing the consultants’ reports, the Secretariat prepared a number of complementary amendments.

9. The attached document comprises 4 columns:

9.1 The first column reproduces the Protocol’s text currently in force.

9.2 The second column reproduces the text distributed on 16 June 1999 by document REMPEC/WG.17/4. Herein, the modifications to the Protocol’s current text appear in bold. The words between square brackets in articles 8 and 9bis concern the provisions carried in the Protocol with regard to offshore installations (article 17). The more detailed measures added by articles 8 and 9bis was considered necessary by the group of experts, meeting in November 1998, so as to complete the already existing provisions.

9.3 The third column illustrates the observations received from the Contracting Parties on document REMPEC/WG.17/4 of 16 June 1999 reproduced in the second column of the attached document. Apart from the observations carried in each article and reproduced in this third column, the Secretariat received two observations of a general nature: France indicated that it reserved the right to present new observations during the second meeting of technical and legal experts; Italy emphasised the notable increase in REMPEC’s responsibilities caused by the amendments, with interference with IMO’s responsibilities. It deemed that the costs generated by these new responsibilities should be covered by IMO or by other sources.

9.4 The fourth column presents the Secretariat’s new proposals as carried in the above-mentioned paragraph 8.

10. The Contracting Parties are invited to formulate their new observations on the attached document particularly with regard to the new propositions carried in the fourth column.

Original Text
(text currently in force)

PROTOCOL TO THE BARCELONA
CONVENTION CONCERNING CO-OPERATION
IN COMBATING POLLUTION OF THE
MEDITERRANEAN SEA BY OIL AND OTHER
HARMFUL SUBSTANCES IN CASES OF
EMERGENCY

*Adopted by the Conference of Plenipotentiaries of
the Coastal States of the Mediterranean Region on
the Protection of the Mediterranean Sea,
Barcelona, 16 February 1976 (UNEP/CONF.1)*

The Contracting Parties to the present Protocol,

*Being Parties to the Convention for the Protection
of the Mediterranean Sea against Pollution,*

*Recognizing that grave pollution of the sea by oil
and other harmful substances in the
Mediterranean Sea Area involves a danger for the
coastal States and the marine Eco-system,*

*Considering that the co-operation of all the coastal
States of the Mediterranean is called for to combat
this pollution,*

Text proposed in document
REMPEC/WG.17/4

A. TITLE

The title of the Protocol is amended as
follows:

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

B. PREAMBULAR PARAGRAPHS

The Contracting Parties to the present
Protocol,

The 1st preambular paragraph is amended as
follows:

Being Parties to the Convention for the
Protection of the Mediterranean Sea against
Pollution, **adopted at Barcelona on 16 February
1976 and amended on 10 June 1995,**

After the 1st preambular paragraph, a new
preambular paragraph is inserted as follows:

**Desirous of implementing articles 6
and 9 of the said Convention,**

The 2nd preambular paragraph is amended as
follows:

Recognizing that grave pollution of the
sea by oil and other harmful substances **or a
threat thereof** in the Mediterranean Sea Area
involves a danger for the coastal States and the
marine environment,

The 3rd preambular paragraph is amended as
follows:

Considering that the co-operation of all
the coastal States of the Mediterranean is called
for **to prevent pollution from ships, and to
combat pollution emergency or the threat
thereof,**

After the 3rd preambular paragraph, four new preambular paragraphs are inserted as follows:

Recognizing the importance of co-operating within the framework of the International Maritime Organization, in particular in promoting the development and the effective implementation of international rules and standards to prevent, reduce and control pollution of the marine environment from ships adopted under its aegis,

Recognizing also the importance of taking prompt and effective action at the national and at the regional level in responding effectively to pollution emergencies or the threat thereof,

Applying the precautionary principle, the polluter pays principle, the principle of the environmental impact assessment and utilizing the best available techniques and the best environmental practice, as provided for in article 4 of the Convention,

Bearing in mind the relevant provisions of the United Nations Convention on the Law of the Sea of 1982 done at Montego Bay on 10 December 1982,

The 4th and 5th preambular paragraphs are merged and are amended as follows:

Taking into account in particular the International Convention for the Prevention of Pollution from Ships, 1973, **as modified by the Protocol of 1978 relating thereto (MARPOL 73/78)**, the International Convention relating to Intervention on the High Seas in cases of Oil Pollution Casualties, 1969 (**Intervention Convention 69**), as well as the Protocol relating to Intervention on the High Seas in Cases of Marine Pollution by Substances other than Oil, 1973 (**Intervention Protocol 73**), the International Convention on Civil Liability for Oil Pollution Damage, 1969, (**CLC Convention 69**) and the Protocol of 1992 relating thereto (**CLC Protocol 92**), the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971 (**FUND Convention 71**) and the Protocol relating thereto (**FUND Protocol 92**), and the International Convention on Oil Pollution, Preparedness, Response and Co-operation 1990 (**OPRC Convention 90**), the International Convention for the Safety of Life at Sea

Bearing in mind the International Convention for the Prevention of Pollution from Ships, 1973, the International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969, as well as the Protocol relating to Intervention on the High Seas in Cases of Marine Pollution by Substances Other than Oil, 1973,

Further taking into account the International Convention on Civil Liability for Oil Pollution Damage, 1969,

Have agreed as follows:

Article 1

The Contracting Parties to this Protocol (hereinafter referred to as "the Parties") shall co-operate in taking the necessary measures in cases of grave and imminent danger to the marine environment, the coast or related interests of one or more of the Parties due to the presence of massive quantities of oil or other harmful substances resulting from accidental causes or an accumulation of small discharges which are polluting or threatening to pollute the sea within the area defined in article 1 of the Convention for the Protection of the Mediterranean Sea against Pollution (hereinafter referred to as "the Convention").

Article 2

(SOLAS Convention 1974) and the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STWC Convention 1978),

After the 4th preambular paragraph, a new preambular paragraph is inserted as follows:

Wishing to further develop mutual assistance and co-operation in preventing and combating pollution,

Have agreed as follows:

C. ARTICLE 1

A title is inserted and the text is amended as follows:

Article 1

General Provision

The Contracting Parties shall **co-operate to prevent pollution of the marine environment from ships and to take all necessary measures in cases of a danger or a threat thereof** to the marine environment, the coast or related interests of one or more of the Parties **posed or likely to be posed by pollution incidents, which result or may result in a discharge of oil or other harmful substances and which require emergency actions or other immediate response, in the Mediterranean Sea.**

D. NEW ARTICLE

The following new article is added after Article 1:

Article 1 bis
Protocol Area

The Area to which this Protocol applies shall be the Mediterranean Sea Area as defined in Article 1 of the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (hereinafter referred to as "the Convention").

E. ARTICLE 2

A title is inserted as follows:

Article 2

Definitions

For the purpose of this Protocol, the term "related interests" means the interests of a coastal State directly affected or threatened and concerning, among others:

- a) Activities in coastal waters, in ports or estuaries, including fishing activities;
- b) The historical and tourist appeal of the area in question, including water sports and recreation;
- c) The health of the coastal population;
- d) The preservation of living resources.

The text is amended and a new sub-paragraph "iii bis" and a new paragraph "b" are inserted as follows:

For the purpose of this Protocol, the terms:

- a) "related interests" means the interests of a coastal State directly affected or threatened and concerning, among others:
 - i) activities in coastal waters, in ports or estuaries, including fishing activities;
 - ii) the historical and tourist appeal of the area in question, including water sports and recreation;
 - iii) the health of the coastal population;
 - iii bis) **the cultural, aesthetic, scientific and educational value of the area;**
 - iv) **the conservation of biological diversity and the sustainable use of marine and coastal biological resources;**
- b) **"pollution incident" means an occurrence or series of occurrences having the same origin, which result or may result in a discharge of oil or other harmful substances and which pose or may pose a threat to the marine environment, or to the coastline or related interests of one or more States, and which requires emergency action or other immediate response.**

Article 3

The Parties shall endeavour to maintain and promote, either individually or through bilateral or multilateral co-operation, their contingency plans and means for combating pollution of the sea by oil and other harmful substances. These means shall include, in particular, equipment, ships, aircraft and manpower prepared for operations in cases of emergency.

Article 4

The Parties shall develop and apply, either individually or through bilateral or multilateral co-operation, monitoring activities covering the

F. ARTICLE 3

A title is inserted as follows:

Article 3
Contingency Plans and Other Means and Measures

The 1st paragraph is amended as follows:

1. The Parties shall endeavour to maintain and promote, either individually or through bilateral or multilateral co-operation, their contingency plans and means for **preventing and combating pollution incidents**. These means shall include, in particular, equipment, ships, aircraft and manpower prepared for operations in cases of emergency, **the enactment, as appropriate, of relevant legislation, the development or strengthening of the capability to respond to a pollution incident and the designation of national authority or authorities responsible for the implementation of this Protocol.**

After the 1st paragraph, a new paragraph is inserted as follows:

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

G. ARTICLE 4

A title is inserted and the text is amended as follows:

Article 4
Monitoring

The Parties shall develop and apply, either individually or through bilateral or multilateral co-operation, monitoring activities

Mediterranean Sea Area in order to have as precise information as possible on the situation referred to in article 1 of this Protocol.

Article 5

In the case of release or loss overboard of harmful substances in packages, freight containers, portable tanks or road and rail tank wagons, the Parties shall co-operate as far as practicable in the salvage and recovery of such substances so as to reduce the danger of pollution of the marine environment.

Article 6

1. Each Party undertakes to disseminate to the other Parties information concerning:
 - a) The competent national organization or authorities responsible for combating pollution of the sea by oil and other harmful substances;
 - b) The competent national authorities responsible for receiving reports of pollution of the sea by oil and other harmful substances and for dealing with matters concerning measures of assistance between Parties;

covering the Mediterranean Sea Area in order **to detect and combat pollution and to prevent violations of anti-pollution regulations.**

H. ARTICLE 5

A title is inserted and the text is amended as follows:

Article 5

Co-operation in Recovery Operations

In the case of loss overboard of packages, freight containers, portable tanks or road and rail tank wagons **containing harmful substances or of release of such substances**, the Parties shall co-operate as far as practicable in the salvage **of these packages** and recovery of such substances so as **to prevent** or reduce the danger to the marine **and coastal** environment.

I. ARTICLE 6

A title is inserted as follows:

Article 6

Dissemination and Exchange of Information

1. Each Party undertakes to disseminate to the other Parties information concerning:
 - a) The competent national organization or authorities responsible for combating pollution of the sea by oil and other harmful substances;
 - b) The competent national authorities responsible for receiving reports of pollution of the sea by oil and other harmful substances and for dealing with matters concerning measures of assistance between Parties;

After the sub-paragraph "b", two new sub-paragraphs are inserted as follows:

- b bis) The competent authorities entitled to act on behalf of the State concerning measures of mutual assistance and co-operation between Contracting Parties;**

- c) New ways in which pollution of the sea by oil and other harmful substances may be avoided, new measures of combating pollution and the development of research programmes.

- b ter) Its regulations and other matters which have a direct bearing on preparedness and response to pollution of the sea by oil and other harmful substances.**

The sub-paragraph c) is amended as follows:

- c) New ways in which pollution of the sea by oil and other harmful substances may be avoided, new measures of combating pollution and **new developments in the technology of conducting monitoring** and the development of research programmes.

After the sub-paragraph "c", a new sub-paragraph is inserted as follows:

- c bis) The competent national organizations or authorities responsible for the implementation of article 3.2, in particular, those responsible for the implementation of the international Conventions concerned, those responsible for the development of port reception facilities and those responsible for the monitoring of illegal discharges under MARPOL 73/78.**

The 2nd paragraph is amended as follows:

2. Parties, which have agreed to exchange information directly between themselves, shall nevertheless communicate such information to the regional centre. The latter shall communicate this information to the other Parties and, on a basis of reciprocity, to coastal States of the Mediterranean Sea Area which are not Parties to this Protocol.

2. Parties which have agreed to exchange information directly between themselves shall nevertheless communicate such information to the regional centre **as referred to in article 11 bis**. The latter shall communicate this information to the other Parties and, on a basis of reciprocity, to coastal States of the Mediterranean Sea Area which are not Parties to this Protocol.

After the 2nd paragraph, a new paragraph is inserted as follows:

3. The Parties concluding bilateral or multilateral agreements within the scope of this Protocol shall notify other Contracting Parties and the regional centre of such agreements.

Article 7

The Parties undertake to co-ordinate the utilization of the means of communication at their disposal in order to ensure, with the necessary speed and reliability, the reception, transmission and dissemination of all reports and urgent information which relate to the occurrences and situations referred to in article 1. The regional centre shall have the necessary means of communication to enable it to participate in this co-ordinated effort and, in particular, to fulfil the functions assigned to it by paragraph 2 of article 10.

Article 8

1. Each Party shall issue instructions to the masters of ships flying its flag and to the pilots of aircraft registered in its territory requiring them to report by the most rapid and adequate channels in the circumstances, and in accordance with annex I to this Protocol, either to a Party or to the regional centre:

- a) All accidents causing or likely to cause pollution of the sea by oil or other harmful substances;
- b) The presence, characteristics and extent of spillages of oil or other harmful substances observed at sea which are likely to present a serious and imminent threat to the marine environment or to the coast or related interests of one or more of the Parties.

J. ARTICLE 7

A title is inserted as follows:

Article 7

Communication of Information and Reports Concerning Pollution Incidents

The Parties undertake to co-ordinate the utilization of the means of communication at their disposal in order to ensure, with the necessary speed and reliability, the reception, transmission and dissemination of all reports and urgent information which relate to the occurrences and situations referred to in article 1. The regional centre shall have the necessary means of communication to enable it to participate in this co-ordinated effort and, in particular, to fulfil the functions assigned to it by paragraph 2 of article 10.

K. ARTICLE 8

A title is inserted as follows:

Article 8

Reporting Procedure

The 1st paragraph is amended as follows:

1. Each Party shall issue instructions to masters or **other persons having charge of ships** flying its flag and to the pilots of aircraft registered in its territory to report by the most rapid and adequate channels in the circumstances, **following reporting procedures to the extent required by, and in accordance with the applicable provisions of the relevant international agreements, to the nearest coastal State** and to this Party:

The 1st and 2nd sub-paragraphs are amended as follows:

- a) **all incidents which result or may result in a discharge** of oil or other harmful substances;
- b) the presence, characteristics and extent of spillages of oil or other harmful substances observed at sea which **pose or are likely to pose a threat** to the marine environment or to the coast or related interests of one or more of the Parties.

After the 1st paragraph, new paragraphs 1bis, 1 ter and 1 quarter are inserted as follows:

1 bis. Each Party shall also issue instructions to persons having charge of sea ports or handling facilities under its jurisdiction to report to it in accordance with its national law.

[1 ter. In accordance with the Protocol for the Protection of the Mediterranean Sea against pollution resulting from exploration and exploitation of the continental shelf and the seabed and the sub-soil, each Party shall issue instructions to persons having charge of offshore units under its jurisdiction to report to it by the most rapid and adequate channels in the circumstances, following reporting procedures it has prescribed, all incidents which result or may result in a discharge of oil or other harmful substances.] (●)

1 quarter. The information as provided in paragraph 1 and 1 ter shall be communicated to the regional centre, as appropriate.

The 2nd paragraph and its 1st sub-paragraph "a" are amended as follows:

2. The information collected in accordance with paragraph 1 shall be communicated to the other parties likely to be affected by the pollution:

- a) By the Party which has received the information, either directly or preferably, through the regional centre; or
- b) By the regional centre.

In case of direct communication between Parties, the regional centre shall be informed of the measures taken by these Parties.

2. The information collected in accordance with paragraph 1, **1 bis [and 1 ter] (●)** shall be **immediately** communicated to the other Parties likely to be affected by the pollution **incident**:

- a) by the Party which has received the information, either directly or [preferably] through the regional centre; or
- b) by the regional centre.

In case of direct communication between Parties, the regional centre shall be informed of the measures taken by these Parties.

After the 2nd paragraph, a new paragraph **2 bis** is inserted:

2 bis. The Contracting Parties shall use a mutually agreed standard form for the reporting of pollution as required under

3. In consequence of the application of the provisions of paragraph 2, the Parties are not bound by the obligation laid down in article 9, paragraph 2, of the Convention.

Article 9

1. Any Party faced with a situation of the kind defined in article 1 of this Protocol shall:

- a) Make the necessary assessments of the nature and extent of the casualty or emergency or, as the case may be, of the type and approximate quantity of oil or other harmful substances and the direction and speed or drift of the spillage;
- b) Take every practicable measure to avoid or reduce the effects of pollution;
- c) Immediately inform all other Parties, either directly or through the regional centre, of these assessments and of any action which it has taken or which it intends to take to combat the pollution;
- d) Continue to observe the situation for as long as possible and report thereon in accordance with article 8.

2. Where action is taken to combat pollution originating from a ship, all possible measures shall be taken to safeguard the persons present on board and, to the extent possible, the ship itself. Any Party, which takes such action,

paragraph 2 of this Article.

3. In consequence of the application of the provisions of paragraph 2, the Parties are not bound by the obligation laid down in article 9, paragraph 2, of the Convention.

(•) Please read paragraph 9.2 of the introduction.

L. ARTICLE 9

A title is inserted and the text is amended as follows:

Article 9

Operational Measures

The 1st paragraph is amended as follows:

1. Any Party faced with a situation of the kind defined in article 1 of this Protocol shall:

- a) Make the necessary assessments of the nature, extent **and possible consequences** of the **pollution incident** or, as the case may be, the type and approximate quantity of oil or other harmful substances and the direction and speed or drift of the spillage;
- b) Take every practicable measure to **prevent, reduce and, to the fullest possible extent, eliminate** the effects of the **pollution incident**;
- c) Immediately inform all other Parties, either directly or through the regional centre, of these assessments and of any action which it has taken or which it intends to take to **deal with the pollution incident**;
- d) Continue to observe the situation for as long as possible and report thereon in accordance with article 8.

The 2nd paragraph is amended as follows:

2. Where action is taken to combat pollution originating from a ship, all possible measures shall be taken to safeguard:

shall inform the Inter-Governmental Maritime Consultative Organization.

- a) the persons present on board;
- b) the ship itself; **in doing so, damage to the environment in general shall be prevented or minimized.**

Any Party which takes such action shall inform **the International Maritime Organization either directly or through the regional centre.**

M. NEW ARTICLE

After the article 9, a new article is inserted as follows:

Article 9 bis Emergency Measures on Board Ships, on Offshore Installations and in Ports

1. Each Party shall take the necessary steps to ensure that ships flying its flag have on board a pollution incident emergency plan as required and in accordance with the relevant international agreements.
2. Each Party shall request masters of ships flying its flag, in case of a pollution incident, to follow the procedures described in the emergency plan and in particular to provide, on request, by the proper authorities, such detailed information about the ship and its cargo which is relevant to actions taken in pursuance of article 9, and to co-operate with these authorities.
3. Each Party shall require that authorities or operators in charge of such sea ports and oil handling facilities under its jurisdiction as it deems appropriate have oil pollution emergency plans or similar arrangements which are co-ordinated with the national system established in accordance with article 6 and approved in accordance with procedures established by the competent national authority.
- [4. Each Party shall require operators in charge of offshore installations under its jurisdiction to have a contingency plan to combat accidental pollution in accordance with the Protocol for the Protection of the Mediterranean Sea against pollution resulting from exploration and exploitation of the continental shelf and the seabed and its sub-soil.] (•)

Article 10

1. Any Party requiring assistance for combating pollution by oil or other harmful substances polluting or threatening to pollute its coasts may call for assistance from other Parties, either directly or through the regional centre referred to in article 6, starting with the Parties which appear likely to be affected by the pollution. This assistance may comprise, in particular, expert advice and the supply to or placing at the disposal of the Party concerned of products, equipment and nautical facilities. Parties so requested shall use their best endeavours to render this assistance.

2. Where the Parties engaged in an operation to combat pollution cannot agree on the organization of the operation, the regional centre may, with their approval, co-ordinate the activity of the facilities put into operation by these Parties.

(•) Please read para 9.2 of the introduction.

N. ARTICLE 10

A title is inserted as follows:

Article 10
Assistance

The 1st paragraph is amended as follows:

1. Any Party requiring assistance **to deal with a pollution incident** may call for assistance from other Parties, either directly or through the regional centre referred to in article 11, starting with the Parties which appear likely to be affected by the pollution. This assistance may comprise, in particular, expert advice and the supply to or placing at the disposal of the Party concerned of the **required specialized personnel**, products, equipment and nautical facilities. Parties so requested shall use their best endeavours to render this assistance.

2. Where the Parties engaged in an operation to combat pollution cannot agree on the organization of the operation, the regional centre may, with their approval, co-ordinate the activity of the facilities put into operation by these Parties.

After the 1st paragraph, a new paragraph 3 is inserted as follows:

3. In accordance with applicable international agreements, each Party shall take the necessary legal and administrative measures to facilitate:

- a) **the arrival and utilization in and departure from its territory of ships, aircraft and other modes of transport engaged in responding to a pollution incident or transporting personnel cargoes, materials and equipment required to deal with such an accident; and**
- b) **the expeditious movement into, through and out of its territory of personnel, cargoes, materials and equipment referred to in sub paragraph (a).**

O. NEW ARTICLES

After article 10, three new articles are inserted as follows:

Article 10 bis

Reimbursement of Costs of Assistance

1. The Contracting Parties shall bear the costs of assistance referred to in Article 10 in accordance with this article.

2.
 - a) If the action was taken by one Contracting Party at the express request of another Contracting Party, the requesting Party shall reimburse to the assisting Party the costs of its action. If the request is cancelled, the requesting Party shall bear the costs already incurred or committed by the assisting Party;
 - b) If the action was taken by a Contracting Party on its own initiative, this Party shall bear the cost of its action;
 - c) The principles laid down above in sub-paragraphs a) and b) shall apply unless the Parties concerned otherwise agree in any individual case.

3. Unless otherwise agreed, the costs of the action taken by a Contracting Party at the request of another Party shall be fairly calculated according to the law and current practice of the assisting Party concerning the reimbursement of such costs.

4. The Party requesting assistance and the assisting Party shall, where appropriate, co-operate in concluding any action in response to a compensation claim. To that end, they shall give due consideration to

existing legal regimes. Where the action thus concluded does not permit full compensation for expenses incurred in the assistance operation, the Party requesting assistance may ask the assisting Party to waive reimbursement of the expenses exceeding the sums compensated or to reduce the costs which have been calculated in accordance with paragraph (2). It may also request a postponement of the reimbursement of such costs. In considering such a request, assisting Parties shall give due consideration to the needs of the developing countries.

5. The provisions of this regulation shall not be interpreted as in any way prejudicing the rights of Contracting parties to recover from third parties the costs of actions taken to deal with pollution incidents under other applicable provisions and rules of international law and national or supra-national regulations.

Article 10 ter
Port Reception Facilities

1. The Parties shall take all the necessary steps to ensure the provision in their ports and terminals of reception facilities at reasonable costs, adequate to meet the needs of the ships using them without causing undue delay to ships. The Parties shall also ensure the provision of adequate reception facilities for pleasure craft and shall take all the necessary steps to ensure that reception facilities operate efficiently to limit any impact of their discharges to the marine environment.

2. The Parties shall take the necessary steps to provide updated information relevant to the obligations arising from MARPOL 73/78 to ships using their ports.

Article 10 quarter
Environmental Safety of Maritime Traffic

In conformity with the generally accepted international standards and within the framework of their recognized competencies, the Parties shall take the necessary steps to assess the environmental safety, individually, bilaterally or multilaterally, of the recognized routes used in maritime traffic and take the appropriate initiatives aimed at reducing the risks of accidents or the environmental consequences thereof.

Article 11

The application of the relevant provisions of articles 6, 7, 8, 9 and 10 of this Protocol relating to the regional centre shall be extended, as appropriate, to sub-regional centres in the event of their establishment, taking into account their objectives and functions and their relationship with the said regional centre.

Article 12

1. Ordinary meetings of the Parties to this Protocol shall be held in conjunction with ordinary meetings of the Contracting Parties to the Convention, held pursuant to article 14 of the Convention. The Parties to this Protocol may also hold extraordinary meetings as provided in article 14 of the Convention.

P. ARTICLE 11

The existing article 11 is substituted by the following:

Article 11

Sub-Regional Agreements

The Parties shall develop and maintain appropriate bilateral or multilateral sub-regional agreements in order to facilitate the implementation of this Protocol, or part of it. Upon request, the regional centre should act as technical co-ordinator in the process of developing and implementing these sub-regional agreements.

Q. NEW ARTICLE

After article 11, a new article is inserted as follows:

Article 11 bis

The Regional Centre

The Regional Centre shall perform the functions and activities as prescribed in this Protocol. The terms and conditions of the operation of the centre shall be set out in the resolutions adopted by the Contracting Parties.

R. ARTICLE 12

A title is inserted as follows:

Article 12

Meetings

The 1st paragraph is amended as follows:

1. Ordinary meetings of the Parties to this Protocol shall be held in conjunction with ordinary meetings of the Contracting Parties to the Convention, held pursuant to article **18** of the Convention. The Parties to this Protocol may also hold extraordinary meetings as provided in article **18** of the Convention.

The 2nd paragraph is amended as follows:

2. It shall be the function of the meetings of the Parties to this Protocol, in particular:

- a) To keep under review the implementation of this Protocol, and to consider the efficacy of the measures adopted and the need for any other measures, in particular in the form of annexes;
- b) To review and amend as required any annex to this Protocol;
- c) To discharge such other functions as may be appropriate for implementation of this Protocol.

Article 13

1. The provisions of the Convention relating to any protocol shall apply with respect to the present Protocol.

2. The rules of procedure and the financial rules adopted pursuant to article 18 of the Convention shall apply with respect to this Protocol, unless the Parties to this Protocol agree otherwise.

2. It shall be the function of the meetings of the Parties to this Protocol, in particular:

- a) **to formulate and adopt action plans, programmes and measures for the implementation of this Protocol;**
- b) **to keep under review and to consider the efficacy of the action plans, programmes and measures adopted and the need for any other action plans, programmes and measures;**
- c) to discharge such other functions as may be appropriate for the implementation of this Protocol.

S. ARTICLE 13

A title is inserted as follows:

Article 13

Relationship with the Convention

1. The provisions of the Convention relating to any protocol shall apply with respect to the present Protocol.

The 2nd paragraph is amended as follows:

2. The rules of procedure and the financial rules adopted pursuant to article **24** of the Convention shall apply with respect to this Protocol, unless the Parties agree otherwise.

T. ANNEX I

The present Annex I is deleted.

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

I. - OBJECTIVES

1. To strengthen the capacities of the coastal States in the Mediterranean and to facilitate co-operation among them in order to respond to accidents causing or likely to cause pollution of the sea by oil and other harmful substances, especially in case of emergency in which there is grave and imminent danger to the marine environment or when it can affect human lives.

2. To assist coastal States of the Mediterranean region, which so request in the development of their own national capabilities for response to accidents causing or likely to cause pollution of the sea by oil and other harmful substances, and to facilitate information exchange, technological co-operation and training.

3. A later objective, namely the possibility of initiating operations to combat pollution by oil and eventually by other harmful substances at the regional level, can be considered. This possibility should be submitted for approval by governments after evaluating the results achieved in the fulfillment of the previous two objectives and in the light of financial resources, which could be made available for this

U. ANNEX TO RESOLUTION 7

The text taken as a basis is the text as approved by the Meeting of REMPEC's Focal Points held in Malta from 25 - 28 November 1998.

The sentences in bold are proposed by the Secretariat to substitute the sentences which appear deleted in the text.

The title is amended as follows:

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

I. OBJECTIVES

1. To strengthen the capacities of the coastal States in the Mediterranean region with a view to preventing pollution of the marine environment from ships and ensuring the effective implementation in this region of the rules which are generally recognized at the international level, relating to the prevention of pollution from ships, and with a view to abating, combating and, to the fullest possible extent, eliminating pollution of the marine environment irrespective of the source.

The 2nd and 3rd paragraphs are amended as follows:

2. To develop regional co-operation in the field of prevention of pollution of the marine environment from ships, and to facilitate co-operation among the Mediterranean coastal States in order to respond ~~to accidents causing or likely to cause pollution of the sea by oil and other harmful substances, especially in case of emergency in which there is grave and imminent danger to the marine environment or when it can affect human lives~~ **pollution incidents which result or may result in a discharge of oil or other harmful substances and which require emergency actions or other immediate response.**

3. To assist coastal States of the Mediterranean region, which so request in the development of their own national capabilities for ~~response to accidents causing or likely to cause pollution of the sea by oil and other harmful substances,~~ **pollution incidents which result or may result in a discharge of oil or other harmful substances** and to facilitate information exchange, technological co-operation and

purpose.

4. To provide a framework for exchange of information on operational, technical, scientific, legal and financial matters.

II. - FUNCTIONS

A. - To collect and disseminate information on:

- i) Competent national authorities responsible for receiving reports of pollution of the sea by oil and other harmful substances and for dealing with matters concerning measures of assistance between Parties;
- ii) Inventories of experts, equipment and installations in each coastal State for response to accidents causing or likely to cause pollution of the sea by oil and other harmful substances, and which might be, under certain conditions, put at the disposal of the State which so requests in case of emergency;
- iii) General information, plans, methods and techniques for combating pollution by oil and other harmful substances in order to assist as far as necessary countries of the region in the preparation of their national contingency plans;
- iv) Mediterranean coastal zones, with a particular attention to the zones which are especially sensitive to pollution by oil and other harmful substances. This information could be used by risk predicting models and for the preparation of environmental sensitivity maps.

B. - To establish, keep up to date and operate a partially computerized data base on chemicals and their properties, risks for human life and the marine environment, response techniques and

training.

4. To provide a framework for exchange of information on operational, technical, scientific, legal and financial matters, and to promote dialogue aimed at conducting co-ordinated actions at national, regional and global levels for the implementation of the Protocol Concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and other Harmful Substances in Cases of Emergency and Preventing Pollution from Ships.

II. FUNCTIONS

A: GENERAL FUNCTIONS

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

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

Alternative I:

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

Alternative II:

combating methods.

C. - To progressively develop and operate a marine pollution emergency decision support system with a view to providing rapidly to the Mediterranean coastal States information concerning behaviour, risks and different possibilities for action in cases of accidents involving oil and other harmful substances.

D. - To prepare, disseminate and keep up to date operational guides and technical documents.

E. - To develop and maintain a regional Communications/Information system appropriate to the needs of States being served by the Centre.

F. - To develop technological co-operation and training programmes for combating pollution of the sea by oil and other harmful substances and to organize training courses.

G. - To assist coastal States of the Mediterranean region, which so request, in the preparation and development of bilateral or multilateral operational agreements between neighbouring coastal States.

H. - To prepare and keep up to date operational arrangements and guidelines, aimed at facilitating co-operation between Mediterranean coastal States in cases of emergency.

I. - To provide, upon request, assistance to coastal States in cases of emergency, either by using its own capacities or through secondment of experts.

J. - To assist coastal States of the Mediterranean region, which in cases of emergency so request, in obtaining assistance of the other Parties to the Protocol Concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency, or when the possibilities for assistance do not exist within the region, in obtaining international assistance from outside the region.

K. - To develop and maintain close working relationships with other Mediterranean regional activity centres and with the "specialized regional organisms" which play a co-ordinating role as set forth in the Mediterranean Action Plan, particularly with the scientific institutions within the region.

L. - To co-operate as appropriate in activities of the Mediterranean Action Plan related to marine pollution.

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

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

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

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

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

1. To collect and disseminate information on:

- i) Competent national authorities responsible for receiving reports of pollution of the sea by oil and other harmful substances and for dealing with matters concerning measures of assistance between Parties;

The 2nd sub-paragraph is amended as follows:

- ii) Inventories of experts, equipment and installations in each coastal State for response to ~~accidents causing or likely to cause pollution of the sea by oil and other harmful substances,~~ **pollution incidents which result or may result in a discharge of oil or other harmful substances** and which might be, under certain conditions, put at the disposal of the State which so requests in case of emergency;
- iii) General information, plans, methods and techniques for combating pollution by oil and other harmful substances in order to assist as far as necessary countries of the region in the preparation of their national contingency plans;
- iv) Mediterranean coastal zones, with a particular attention to the zones which are especially sensitive to pollution by oil and other harmful substances. This information could be used by risk predicting models and for the preparation of environmental sensitivity maps.

2. To establish, keep up to date and operate a partially computerized data base on chemicals and their properties, risks for human life and the marine environment, response techniques and combating methods.

3. To progressively develop and operate a marine pollution emergency decision support system with a view to providing rapidly to the Mediterranean coastal States information concerning behaviour, risks and different possibilities for action in cases of accidents involving oil and other harmful substances.

4. To prepare, disseminate and keep up to date operational guides and technical documents.

5. To develop and maintain a regional Communications/Information system appropriate to the needs of States being served by the Centre.

6. To develop technological co-operation and training programmes for combating pollution

of the sea by oil and other harmful substances and to organize training courses.

7. To assist coastal States of the Mediterranean region, which so request, in the preparation and development of bilateral or multilateral operational agreements between neighbouring coastal States.

8. To prepare and keep up to date operational arrangements and guidelines, aimed at facilitating co-operation between Mediterranean coastal States in cases of emergency.

9. To organize and activate the Mediterranean Assistance Unit for combating accidental marine pollution created by a decision of the Eighth Ordinary Meeting of the Contracting Parties (Antalya, 12 -15 October 1993) in the conditions described in this decision.

10. To assist coastal States of the Mediterranean region, which in cases of emergency so request, in obtaining assistance of the other Parties to the Protocol Concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency and Preventing Pollution from Ships, or when the possibilities for assistance do not exist within the region, in obtaining international assistance from outside the region.

Modifications proposed by the countries in
REMPEC/WG.17/4

Modifications proposed by the Secretariat
(October 2000)

TITLE

“Protocol concerning co-operation in preventing pollution from ships and in combating pollution of the Mediterranean Sea by oil and other hazardous and noxious substances in cases of emergency [whatever the source of the emergency]”
Explanation: the change of order is self-explanatory. The text in square brackets underlines that co-operation in combating is not limited to the case where the source of pollution is a ship; but it may make the title too cumbersome.

Preamble

Tunisia:

In the proposed redrafted 2nd paragraph, the phrase “**threat of pollution**” should be defined as such a definition does not exist in Barcelona Convention nor in the amendments to the Protocol.

New fourth paragraph of the preamble

Read (the modifications are in bold):

“recognizing the importance of co-operating within the framework of the International Maritime Organization **and other competent intergovernmental organizations**, in particular in promoting ... adopted under **their** aegis,”

Explanation: the conventions for which States will co-operate may go beyond those of IMO; for instance, for port State control those from ILO.

Tunisia:

4th and 5th preambular paragraphs should be kept separated, as they were in the document approved by the first meeting of technical and legal experts, so that combating pollution and preventing pollution from ships should appear distinct one from the other.

France:

According to usual practice, the word “**modified**” should be added after the title of Conventions which were actually modified.

For CLC and FUND, take into account the decisions of the 1992 diplomatic Conference. These Conventions should then be referred to as “**International Convention on Civil Liability for Oil Pollution Damage, 1992 (CLC 92)**” and “**International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 (FUND 92)**” without reference to the 69 CLC and 71 FUND nor to the 1992 Protocols.

Tunisia:

The last new additional preambular paragraph on co-operation is a repetition of the content of articles 4 and 5 and could therefore be deleted.

Article 1

The words "**or a threat thereof**" are not necessary as the threat is included in the danger.

[Second remark on this article only relevant to the French text].

Article 1

Replace "harmful substances" with "hazardous and noxious substances"

Explanation: it is the phrase used in the protocol extending the OPRC Convention to such substances.

Article 2

Article 2

Tunisia:

[Correction relevant to the French text only].

Slovenia:

It is proposed to introduce a definition, to be discussed, of "**harmful substance**" as a consensus between Parties should be necessary in view of the co-operation between them.

Add a definition

"c) hazardous and noxious substances (HNS) means any substance other than oil which, if introduced into the marine environment, is likely to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea"

Explanation: this is an answer to several requests (in writing from Slovenia, verbal from others). The proposed text is the one in the protocol extending the OPRC Convention to these substances.

Article 3

Italy:

On the 5th line replace “**as appropriate**” with “**where it is necessary**” [note: this remark is only relevant for the English text].

Tunisia:

On the second line of Paragraph 1 delete the word “their”.

The addition of the words “preventing and” on the 3rd line of Paragraph 1 introduces an ambiguity between combating pollution and preventing pollution by ships.

[Third remark relevant only to the French text].

Article 3

Change the title of the article
“Contingency plans and other means of prevention
and combating pollution incidents”

Explanation: improvement of the draft.

Article 4

Change the end in
“to prevent, detect, combat and prosecute violations

of anti-pollution regulations”

Explanation: prosecution is indeed one of the objectives of monitoring.

Article 5

Article 5

Tunisia:

[Correction relevant only to the French text].

Replace “harmful substances” with “hazardous and noxious substances”

Explanation: see above, article 2.

Replace “packages, freight containers, portable tanks or road and rail tank wagons containing ...” with “hazardous and noxious substances in package form, including those in freight containers, portable tanks, road and rail vehicles and shipborne barges”

Explanation: the original text could be understood as meaning an exhaustive list. The new text proposed with the word “including” avoids the risk of such interpretation. It is reproduced from article II (1) (b) of Protocol I of MARPOL.

Article 6

Article 6

Replace “harmful substances” with “hazardous and noxious substances” in the various sub-paragraphs concerned.

Explanation: see above.

Slovenia:

Replace **“shall notify other Contracting Parties and the regional centre of such agreements”** with **“shall notify such agreements to the regional centre which will inform other Contracting Parties”**.

Article 8

Article 8

Replace "harmful substances" with "hazardous and noxious substances" in sub-paragraphs (1) (a) and (b).

Explanation: see above.

France:

Keep the text of paragraph 1 ter, presently between square brackets, similar to the provisions within the OPRC Convention, as it is essential for authorities engaged in pollution combating to check the adequacy of reporting procedures.

Slovenia:

Paragraph 1 ter should be deleted as it is a repetition of the offshore Protocol and such repetition would entail the need for other repetitions of dispositions from many other Conventions such as MARPOL, UNCLOS ...

Note: the same remarks by these two delegations on paragraph 1 ter are applicable to the same topic in article 9 bis paragraph 4.

France:

In sub-paragraph 2a, move the word "**preferably**" to state that direct communication is preferable, i.e. write "**by the Party which has received the information, preferably directly or through the regional centre**". Direct communication should be preferred every time it is possible as it is faster.

Article 9

Article 9

Sub-paragraph 1 (a): see article 8 above.

Slovenia:

Read **“Immediately inform all Parties likely to be affected by the pollution incident of these assessments and of any action which it has taken or intends to take; give the same information to the regional centre which shall communicate it to all other Parties.”**

Article 9 bis

Replace twice in paragraph 3 "oil" with "oil or hazardous and noxious substances"

Explanation: correction of a mistake in the original draft.



France:

As in the OPRC Convention, the first paragraph should be written as follows: **“Unless an agreement concerning the financial arrangements governing actions of Parties to deal with pollution incidents has been concluded on a bilateral or multilateral basis prior to the pollution incident, parties shall bear the costs of their respective action in dealing with pollution in accordance with paragraph 2 hereafter.”**

Cases where such pre-existing agreements are of application should not be forgotten and the objective of the Protocol is not to replace such agreements.

Article 10 ter

Italy:

Reserves its position on this article.

Monaco:

Suggests that the user's cost of reception facilities be included in port dues and not billed separately.

Article 10 quarter

At the end of the article add "including appropriate propositions to the competent international organization"

Explanation: during the previous discussions, it appeared that contracting Parties might be engaged into joined propositions to the IMO when they thought that modifications applicable to all ships, whatever their flag, would be necessary for the protection of the Mediterranean. The proposed modification puts in full words what was then only implicit.

New article 10 quinter

"Contracting Parties define national, sub-regional or regional strategies concerning the access to their ports of ships in distress presenting a threat to the environment. They co-operate to this end and

inform the centre of the dispositions they have adopted.”

Explanation: the accident of the Erika drew again the attention to the topic of access of ships in distress. It seems therefore useful to introduce this topic into the Protocol. However, taking account of the difficulty of the topic, it seems preferable not to give details of the dispositions.

Article 11

Italy:

Read the beginning of the second sentence:
“Upon request of all interested Parties, the regional centre should ...”

Article 11 bis

Italy:

Accepts the article with a reservation due to the consideration that IMO should bear additional costs.

Article 12

Add a sub-paragraph a) in paragraph 2, existing sub-paragraphs becoming b), c) and d)

“a) to examine and discuss reports from the centre on the implementation of this Protocol, and in particular articles 3 and 10 quater”

Explanation: coherence with the modified articles.



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

France:

Prefers alternative II.

Italy:

Prefers alternative I.





