

BELGIUM – NATIONAL ORGANISATION

9. INFORMATION ON NATIONAL STRATEGIES, LEGISLATION, ORGANISATION, SHIPS, AIRCRAFT AND EQUIPMENT

9.1. INTRODUCTION

The Belgian coast is adjacent to the Strait of Dover, which is one of the busiest shipping routes in the world. Two major shipping lanes cross the shallow Belgian maritime area (Noordhinder TSS and Westhinder TSS). Moreover, there is a considerable traffic in the Belgian territorial sea to and from the ports of Antwerp, Zeebrugge and Ostend. This intense traffic in the narrow shipping lanes creates a serious risk for pollution mainly resulting from possible collisions.

9.1.1. Basic requirements for combating spills of oil and harmful substances

The preparedness for responding to marine pollution incidents is based on the following aspects:

- Incident assessment capability (aerial reconnaissance, sea surveillance/monitoring, modelling)
- Response control capability (control/command unit, contingency plans)
- Availability of a minimum stockpile of public response resources allowing initial quick action
- Recourse to external resources (private and other) for specialised response.

9.1.2. General description of national organisation and legislation

The responsibility for formulating marine environmental policies at national level rests with the federal Minister who is in charge of marine environment matters. Through the Directorate-General Environment (federal public service public health, food chain safety and environment) assisted by the Management Unit of the North Sea Mathematical Models (MUMM, Royal Belgian Institute of Natural Sciences), the Minister coordinates the implementation of the various international agreements.

The national responsibility for dealing with marine pollution incidents in the Belgian zone of responsibility in the North Sea is a federal competency which primarily rests with the federal Minister who is in charge for the marine environment matters. In case of a catastrophic event, including grave pollution incidents, the national contingency plan for the North Sea ("Rampenplan Noordzee") is activated. The management of the response to such an event is then placed under the coordination of the Province Governor of West-Flanders.

At operational level the Directorate-General Environment owns the Belgian stockpile of pollution combating equipment and is responsible for its deployment. It is assisted by the Management Unit of the North Sea Mathematical Models (MUMM - scientific assessment), the Civil Protection (trained response personnel and logistics), the Navy (communications, trained response personnel and sea-going support) and the Flemish Region (communications and sea-going support). When the national contingency plan for the North Sea is activated the Navy is in charge of the overall coordination of the response operations on scene.

In case of major pollution threatening or affecting the Belgian coastline, the Civil Protection intervenes for deploying the equipment for the protection and clean-up of the shoreline. In case of minor pollution, the municipal authorities holding concessions for the beaches are responsible for the protection and the cleaning up of the shores. Combating minor pollution in the ports is the responsibility of the port authorities.

According to Belgian federal law on the protection of the marine environment (20 January 1999) counter-pollution activities in the open sea should be based as a first option on oil containment and mechanical recovery. Chemical dispersion is the second option.

The use of dispersants at sea is subject to the authorisation of the federal authority appointed by the Minister of Environment (MUMM). Except for this, there are no specific regulations for the use of oil dispersants, either for their approval or for any official assessment procedure. It is indeed feared that a formal approval of products could be interpreted as permission to use them without discrimination. Only those dispersants having received wide acceptance in Bonn Agreement countries may come into consideration for use at sea.

9.1.3. National Contact Point for the Bonn Agreement

The Navy operational command at Zeebrugge (COMOPSNV - Ministry of Defence) is the National Contact Point for the Bonn Agreement. International messages from Bonn Agreement Contracting Parties (POLREP) received by COMOPSNV, are passed on to the Maritime Rescue and Coordination Centre at Ostend (MRCC - Ministry of the Flemish Region). In case of a serious pollution incident at sea, emergency messages are dealt with by the MRCC, which informs the other services and activates when appropriate the alarm procedures of the national contingency plan for the North Sea (see 9.2.1.).

COMOPSNV is also the National Focal Point for in-flight aerial surveillance reports.

9.2. RESPONSIBILITIES, ORGANISATION AND RESOURCES

9.2.1. National contingency plan and tasks : “Rampenplan Noordzee”

In case of major pollution incident at sea, the general structure of pollution combating operations is stipulated in the national contingency plan for the North Sea (“Rampenplan Noordzee”) and is independent of the type of pollution threat: oil or other dangerous substances can be dealt with in the same framework. The head of the MRCC activates the national contingency plan in case of a serious emergency at sea requiring a coordinated response of different competent authorities. Other concerned services are hereby alerted in a three-step procedure consisting of a ‘*pre-alarm*’, an ‘*initial alarm*’ and a ‘*full alarm*’ (see Annex 1).

9.2.1.1. Pre-alarm

In a ‘*pre-alarm*’ situation, the government departments concerned are informed and kept on ‘stand-by’. There is no intervention.

9.2.1.2. Initial alarm

In case of an ‘*initial alarm*’, the first immediate measures are taken by the government departments concerned to get the incident under control. A Command Post is immediately set up by the MRCC and all information concerning the incident is centralized. As soon as a Navy vessel arrives on the scene, it takes charge as On Scene Coordinator at sea (OSC, afloat). This second phase ends as soon as the Command Post is operational on land.

9.2.1.3. Full alarm

In a ‘*full alarm*’ phase, the operational Command Post is placed under the authority of the Province Governor as General Co-ordinator of the response, with representatives of :

- a. the MRCC (Ministry of the Flemish Region);

- b. the Navy (Ministry of Defence);
- c. The Directorate-General Environment (federal public service Public Health, Food Chain Safety and Environment)
- d. the MUMM (federal public planning service Sciences Policy);
- e. the Maritime Inspection (federal public service Mobility and Transport)
- f. the Maritime Police (federal public service Home Affairs);
- g. the Civil Protection (federal public service Home Affairs);
- h. other services when necessary.

In this third phase, the interventions are co-ordinated by four Staffs according to the situation (see Annex 1):

- a. for urgent aspects of the intervention at sea the head of the MRCC co-ordinates a Staff SAR (Search and Rescue);
- b. for pollution combating operations, the Commander of the Navy operational command (COMOPSNAV) co-ordinates a Staff POL (marine pollution);
- c. for incidents having a possible impact on port activities, the concerned port captain co-ordinates a Staff HAV (“Haven” = port);
- d. for implications on the shore and in-land of incidents at sea, the Province Governor co-ordinates a Staff LAND.

9.2.2. Execution of response actions

The Directorate-General Environment carries out the pollution response intervention in the open sea when necessary. The Navy and the Flemish Region provide the sea-going support for deploying the pollution combating equipment at sea. Further assistance is provided by the federal Maritime Police, the Maritime Inspection (Port State Control) and the MRCC. MUMM assists with dedicated airborne reconnaissance for assessment and guidance.

9.2.3. Strategy for combating marine pollution at sea

For oil spills, the first response option according to national law (law of 20 January 1999 on the protection of the marine environment in the marine areas under Belgian jurisdiction) is containment and mechanical recovery. The use of dispersants or other chemical products is a second response option under this law. Their use can only be permitted by MUMM (as competent authority appointed by the federal Minister for the Environment), when an evaluation of the circumstances indicates that the chemical treatment will result in a global reduction of the anticipated negative effects of the pollution on the marine environment as compared with natural processes or other combating methods (cf. Net Environmental Benefit Analysis - NEBA).

For small spills, without activation of the national contingency plan:

- The Directorate-General Environment carries out the counter-pollution operation in the open sea in collaboration with the Navy and the Flemish Region.

For major spills, with activation of the national contingency plan:

- Counter-pollution activities are conducted under the provisions of the national contingency plan and placed under the lead of the Province Governor (General Coordinator).
- The pollution response strategy is decided by the staff POL on the basis of an assessment of the characteristics and behaviour of oil, the possible environmental impact of the response technique and, with respect to the use of dispersants, after the necessary authorisation.
- The Navy coordinates the pollution response operations on scene (On Scene Coordinator).
- Combating operations at sea are carried out by means of the pollution combating equipment of the Directorate-General Environment (containment booms, skimmers, floating storage tanks, dispersant spraying systems, pumps, ...).

9.2.4. Strategy for combating shoreline pollution

For minor coastal pollution, without activation of the national contingency plan:

- The coastal municipalities deal with minor pollutions on their shorelines. (The Civil Protection also intervenes at the request of the municipalities when the type and the extent of the pollution requires the use of specialised shore protection or shore clean-up equipment.)
- Port authorities are responsible for clean-up operations in their waterways and harbour basins. (They may also ask for the assistance of the Civil Protection and the deployment of pollution combating equipment of the Directorate-General Environment.)
- The Flemish Region has an interest in keeping access to harbours open.

In case of major pollution, with activation of the national contingency plan:

- The co-ordination of the response operations is provided within the framework of the above-mentioned contingency plan, with *inter alia* activation of Civil Protection units for coastal clean-up (see 9.2.1.).

9.2.5. Resources for dealing with oil and chemical pollution

Pollution combating operations are carried out by means of the pollution combating equipment of the Directorate-General Environment. A wide range of equipment is available (containment booms, skimmers, storage tanks, dispersant spraying units, pumps, protective clothing, ...) providing the capability to respond to spills up to 1,000 m³ of oil. Above that limit the assistance of additional resources from neighbouring countries is required.

Different kinds of complementary oil recovery systems are available that handle oils with viscosities ranging from low up to very high in different typical operational situations: the *open sea*, the *shallow coastal waters* and the *shoreline*.

This equipment is intended for a rapid initial response. Because of its short shoreline, Belgium has indeed few specialised forces or large stocks of equipment. When the polluter is known, and whenever practicable, the authorities prefer the polluter to mobilise private counter-pollution resources at the polluter's own expense. In such cases, the polluter deploys the resources in agreement with the authorities and under their control.

The Belgian stockpile of equipment is based in a central location on the Belgian coast and is permanently kept ready for rapid intervention. The deployment at sea relies on the use of "vessels of opportunity" and is provided by Navy vessels (tugs and minesweepers) and vessels of the Flemish Region under contract with Directorate-General Environment (tug, hydrographic vessel). Air Force helicopters (Seaking and Alouettes III) are also available. A remote-sensing aircraft operated by MUMM is available for the reconnaissance of marine pollution.

Stocks of oil dispersants are maintained by the Directorate-General Environment and the Civil Protection. The Civil Protection has also special equipment and trained personnel for intervention on accidental spills involving hazardous and noxious substances.

The MUMM has developed mathematical models for predicting the behaviour of an oil slick in the North Sea and Channel area.

9.2.6. Permits and monitoring

9.2.6.1. Permits

Counter-measures liable to have a complex or adverse effect on the marine environment, such as the use of dispersants, oil burning, or the release of harmful substances, require prior approval of MUMM.

9.2.6.2. Monitoring and impact assessment of marine pollution

MUMM coordinates environmental surveillance and risk evaluation activities (aerial surveys, vessel-based monitoring, assessment of the fate of the oil using mathematical models, environmental risk assessment, environmental damage assessment).

When the National Contingency Plan for the North Sea is activated, MUMM representatives participate in the Command Post as scientific advisors on environmental matters (see Annex 1).

9.2.7. Personnel training policy

The personnel of the Civil Protection, the Navy, the Flemish regional authorities and the Directorate-General Environment involved in the deployment of pollution combating equipment receives a specific training (both theoretical and practical). Deployment exercises are carried out at regular time intervals. In addition, the Navy trains the officers acting in quality of On Scene Coordinator when the national contingency plan is activated.

9.2.8. Research and development policy

The MUMM is responsible for most research activities in the field of marine pollution in Belgium (behaviour of pollutants in the marine environment, ecological impact studies, modelling, scientific evaluation and monitoring). The MUMM is assisted by the Belgian Navy in running the State oceanographic research vessel BELGICA.

There is currently no specific plan for research and development in the field of oil pollution-combating techniques and systems in Belgium. However the Directorate-General Environment, in close cooperation with the manufacturers of the purchased oil combating equipment, is continuously working on the improvement of the design and the optimisation of the performances of its pollution response equipment. At present, the main project is the design, the construction and the exploitation of a multipurpose vessel combining pollution response with buoy laying and emergency towing activities (public-private joint-venture; expected to become operational as from 2007).

National contingency plan for the North Sea: “Rampenplan Noordzee”

Emergency message
to MRCC and
COMOPSNV



Activation RAMPENPLAN NOORDZEE

I. Pre-alarm

- Government departments on ‘stand-by’
- Preparation for intervention



II. Initial alarm

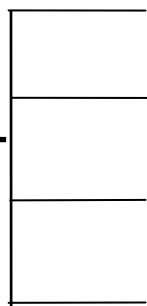
- Immediate measures taken by Government departments
- MRCC setting up Command Post
- Navy a.s.a.p. on scene as On Scene Coordinator



III. Full alarm

Operational Command Post

General Coordinator
Province Governor



Staff SAR - coordinator Head of MRCC

Staff POL - coordinator COMOPSNV

Staff HAV - coordinator Port Captain

Staff LAND - coordinator Province Governor