

## EUROPEAN COMMUNITY

### Response to accidental or deliberate marine pollution

#### 11.1 General Information

11.1.1 The European Community arrangements for combating pollution at sea were first established following the **Council Resolution of 26 June 1978**, setting up “an action programme of the European communities on the on the control and reduction of pollution caused by hydrocarbons released at sea. This programme was later supplemented to deal also with other harmful substances.

11.1.2 The role of the European Community was strengthened when the European Parliament and the Council adopted Decision n° 2850 of 20/12/2000 setting up a **Community framework for cooperation in the field of accidental or deliberate marine pollution**. This framework has been established for the period 1 January to 31 December 2006 and its aim is to:

- support and supplement Member States’ efforts at national, regional and local levels for the **protection of the marine environment**, coastlines and human health against the risks of accidental or deliberate pollution at sea;
- contribute to **improving the capabilities** of the Member States for response in case of incidents;
- strengthen the conditions for and facilitate **mutual assistance and cooperation** between Member States in this field;
- promote cooperation among Member States in order to provide for **compensation for damage** in accordance with the polluter-pays principle.

11.1.3 The European Commission – DG Environment/Civil Protection Unit – with the help of a Management Committee on Marine Pollution implements the Community framework for cooperation in the field of accidental or deliberate marine pollution via:

- a **Community Information System (CIS)** available on Internet
- a **three-year rolling plan**, which includes several actions such as training, exercises, pilot projects, etc.

11.1.4 The European Community plays also a central role between Member States as contracting party to all major regional conventions and agreements covering regional seas around Europe, such as the Helsinki Convention 1992 for the protection of the Baltic Sea, the Bonn Agreement 1983 for the protection of the North Sea, the Barcelona Convention 1976 for the protection of the Mediterranean Sea and the (not yet ratified) Lisbon Agreement for the protection of the North-East Atlantic.

11.1.5 Community action in the field of response to marine pollution emergencies was reinforced after the Council Decision of 23 October 2001 establishing a **Community Mechanism to facilitate reinforced co-operation in civil protection assistance interventions**.

11.1.6 Moreover, as of 19 May 2004, with the entering into force of Regulation 724/2004, the European Maritime Safety Agency (EMSA) has been entrusted with specific competencies in the field of response to ship-sourced pollution within the Community.

#### 11.2 The Community response to marine pollution emergencies

11.2.1 Community action in the field of response to marine pollution accidents was reinforced after the Council Decision of 23 October 2001 which established a **Community Mechanism to facilitate reinforced**

**cooperation in civil protection assistance interventions.** This instrument covers both civil protection and marine pollution emergencies.

11.2.2 The general purpose of the Mechanism is, on request, to provide support in the event of an emergency and to facilitate improved co-ordination of assistance intervention provided by the Member States and the Community. The Community Mechanism for civil protection allows to respond to any major disaster inside and outside the EU by co-ordinating requests and offers for assistance between 30 participating states: the EU 25, the three EEA countries Norway, Iceland and Liechtenstein plus Bulgaria and Romania.

11.2.3 The Mechanism consists of a series of elements and actions in particular in the field of emergency preparedness and response:

- the establishment and management of a Monitoring and Information Centre (**MIC**)
- the establishment and management of a Common Emergency Communication and Information System (**CECIS**)
- the identification of intervention teams and other intervention support available in Member States for assistance in the case of an emergency.

11.2.4 The Monitoring and Information Centre (MIC) is operated by the European Commission in Brussels and accessible 24 hours a day. Through the MIC the Commission is ready to provide operational support in the event of an emergency and to facilitate assistance. Any country affected by a major disaster- inside or outside the Union – can launch a request for assistance through the MIC. The MIC immediately forwards the request to the network of contact points in the 30 participating states. It is then up to the individual countries to determine whether they are in a position to offer assistance. The MIC collects the response and informs the requesting State, of the available assistance. The affected country selects the assistance it needs and establishes direct contact with the assisting countries. In that sense, the MIC provides a one stop shop for assistance, allowing the national authorities to save valuable time in the aftermath of a disaster.

11.2.5 The Civil Protection Monitoring Information Centre has to be addressed through the Commission's Contact Point, the Security Office. Contact details are known to the National Contact Point.

### **Experts on site**

11.2.6 Different functions have been defined for experts on site during accidents: technical experts, liaison officers and national observers.

11.2.7 If requested by the affected country, the MIC can mobilise and dispatch within a few hours **technical experts** to provide scientific and technical advice regarding response strategy. The duties for the experts can involve, among others the assessment of the specific needs on site. The costs related to the intervention of the taskforce experts are borne by the Commission, including a life and accident insurance.

11.2.8 **Liaison officers** can act as “on-site” facilitator between the affected Member State and Member States offering assistance in order to help ensure that assistance is being used in the best possible way. The costs related to the intervention of liaison officers are borne by the Commission.

11.2.9 When an accident happens, Member States are usually interested in sending **observers** on the scene. The European Commission may act as co-ordinator if there is a need to organise joint missions of observers coming from national competent authorities. The European Commission normally shoulders expenses for a liaison officer in charge of the organisation and the development of the visit, while the costs for each observer are borne by their own Member State.

### **Satellite images**

11.2.10 The Monitoring and Information Centre has the possibility to request satellite images of the area of the accident in the context of the Charter “Space and Major Disasters”.

### 11.3 Community Information System

11.3.1 The Community information System (CIS) has been established for the purpose of exchanging data on the preparedness for and response to marine pollution. The CIS consists of a Community home page and National home pages.

11.3.2 The Community home page presents *inter alia* the history of the CIS, the legal basis, a summary of oil properties, the impact reference system and the emergency procedures at Community level.

11.3.3 Each National home page contains the Country profile with the corresponding organisation in the field of response to marine pollution, the localisation of stockpiles, ships and aircraft for dealing with marine pollution, the inventory of main means, conditions for their lease, and other relevant information that is introduced by the responsible national authorities.

### 11.4 The three-year rolling plan

11.4.1 Each year, the Commission, jointly with Member States, identifies current and future priorities to be taken into consideration in the three-year rolling plan. The three-year rolling plan provides for the following types of actions:

- a. **Training Courses and workshops** are organised for the national, regional and local officials in Member States and others involved, thus ensuring that the competent services respond rapidly and efficiently;
- b. **Exchange of experts** - Secondment of experts to another Member State is organised to allow the experts to gain experience or appraise different techniques used or to study the approaches taken within other emergency services or other relevant bodies such as non-governmental organisations with specialist expertise in accidental or deliberate marine pollution;
- c. **Exercises** - They are intended to compare methods, to stimulate cooperation between Member States and to back up progress in and to coordinate the national emergency services;
- d. **Pilot Projects** - These projects are designed to increase the Member States' capacity for response and rehabilitation. They are mainly aimed at improving means, techniques and procedures;
- e. **Surveys of the environmental impact after an accident** - These surveys are designed to evaluate the preventive and remedial measures taken and to largely disseminate their results and the experience acquired to the other Member States.

### 11.5 Role of the European Maritime Safety Agency (EMSA)

11.5.1 The European Maritime Safety Agency (EMSA) was established by the Regulation (EC) N° 1406/2002. As of May 19th 2004, with the entering into force of Regulation 724/2004, the Agency has a legal obligation in the field of response to ship-sourced pollution within the Community.

11.5.2 The tasks of EMSA in the field of response to ship sourced pollution include:

- Providing Member States and the Commission with technical and scientific assistance in the field of accidental or deliberate pollution by ships and support on request with additional means in a cost efficient way the pollution response mechanisms of Member States, without prejudice to the responsibility of coastal States to have appropriate pollution response mechanisms in place and respecting existing cooperation between Member States in this field.
- Acting in support of the Community framework for cooperation in the field of accidental or deliberate marine pollution established by Decision No 2850/2000/EC of the European Parliament and of the Council of 20 December 2000 setting up a Community framework for cooperation in the field of accidental or deliberate marine pollution and of the Community mechanism in the field of civil protection assistance interventions established by Council Decision 2001/792/EC, Euratom of

23 October 2001 establishing a Community mechanism to facilitate reinforced cooperation in civil protection assistance interventions.

- Working with the Member States in developing technical solutions and providing technical assistance in relation to the implementation of Directive 2005/35/EC of the European Parliament and of the Council of 7<sup>th</sup> September 2005 on ship-source pollution and on the introduction of penalties for infringements, in actions such as tracing discharges by satellite monitoring and surveillance.
- Assisting the Commission, where appropriate, in the preparatory work for updating and developing Community legislation in the field of response to pollution caused by ships, in particular in line with the development of international legislation in that field. That task includes the analysis of research projects carried out in the field of the prevention of pollution and response to pollution caused by ships.
- Assisting the Commission in the effective implementation of Community legislation on response to pollution caused by ships throughout the Community.

11.5.3 EMSA's activities in the field of combating marine pollution are described in the Action Plan for Oil Pollution Preparedness and Response. Activities are focused on ship sourced pollution, as considered in OPRC 1990 and OPRC HNS Protocol 2000 and are conducted along three distinct lines: operational assistance, co-operation and co-ordination, and information.

#### **Operational Assistance**

11.5.4 Starting from the year 2006 EMSA will have a capacity to provide Parties with a technical advice and additional means of combating pollution at sea. The assistance will be rendered upon request of the Party through the Community Mechanism.

#### **Co-operation and Co-ordination**

11.5.5 EMSA as a member of the EC delegation to Regional Agreements is cooperating closely with their working groups. EMSA also intends to co-ordinate various activities within the EU e.g. setting up of a system to exchange exercise observers between regions, improving the response chain, setting up a satellite imagery service centre, etc.

#### **Information**

11.5.6 EMSA is in the process of establishing a "centre of knowledge". This "centre of knowledge" will enable the Pollution Response Unit of the Agency to build up knowledge and expertise for the Commission and Member States, through the gathering, analysis and dissemination of information, best practices, techniques and innovation in the field of pollution monitoring and response at-sea.