

National organisation - Belgium

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 planning)
- 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 for the marine environment matters. Through the Directorate-General Environment (Federal Public Service 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 ("*General Emergency and Intervention (GEI) Plan North Sea*") is activated. The management of the response to such an event is then placed under the coordination of a Command Post Operations (operational level) and the Province Governor of West-Flanders (management level) (see [9.2.](#)).

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 GEI Plan North Sea is activated the Navy is in charge of the overall coordination of the response operations at sea (see [9.2.1.1.](#)).

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 a second response option.

The use of dispersants at sea is subject to the authorisation of the federal authority (MUMM) appointed by the Minister in charge of the protection of the marine environment. Belgium has not developed a specific dispersant testing and approval procedure. 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 Maritime Security Centre (MIK) of the Navy operational command (COMOPSNV, Ministry of Defence) at Zeebrugge is the Belgian National Contact Point for the Bonn Agreement. International messages from Bonn Agreement Contracting Parties (POLREPs) received by the MIK are passed on to the Maritime Rescue and Coordination Centre at Ostend (MRCC - Ministry of the Flemish Region) and other concerned Belgian Coastguard partners. In case of a serious pollution incident in the Belgian part of the North Sea, the MRCC activates the national alarm procedures as foreseen in the GEI Plan North Sea (see 9.2.1.).

The MIK 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: "GEI Plan North Sea"

In case of major pollution incident at sea, the general structure of intervention and pollution combating operations is stipulated in the national contingency plan for the Belgian part of the North Sea ("General Emergency and Intervention (GEI) Plan North Sea") and is independent of the type of incident or threat. The GEI Plan North Sea defines the organisation of an overall, multidisciplinary response structure to the various emergency situations and incidents that may happen at sea and which require a coordination or management from Belgian authorities, such as: maritime emergencies, SAR and medical evacuations, marine pollution (oil or other harmful substances), incidents in windmill farms, etc. The **Governor of West-Flanders** acts as coordinator of the GEI Plan North Sea.

As stipulated in the GEI Plan North Sea, emergency situations at sea are managed by means of a structure consisting of two coordinating bodies (see [Figure 1](#)):

- The Command Post Operations or **CP-OPS** which ensures the **operational** coordination, and is under the operational lead of a Director of the CP-OPS, the Dir-CP-OPS (see 3.2.);
- The **Coordination Committee** which ensures the **management** coordination, and is under the coordination of the Governor of West-Flanders.

Most emergency situations at sea will lead to the activation of management coordination at provincial level, under the coordination of the Governor of West-Flanders. In some cases however, a management coordination will be activated at federal level, e.g. in case of a specific request from the Governor, or in case of a security emergency.

The start-up of the operational coordination (CP-OPS) does not automatically lead to the start-up of management coordination (Coordination Committee). It is possible however that there is

operational and management coordination at the same time, during which the CP-OPS remains active and executes the tasks that the (provincial or federal) Coordination Committee has imposed.

Besides the aspect of two coordinating bodies, the GEI Plan North Sea is also a **multidisciplinary** plan for the sea, in line with the general structure of emergency plans in Belgium. Each of the 5 disciplines (see [Fig.1](#)) consists of a functional unit of intervention tasks that are executed by different intervening services, under the operational lead of a discipline 'director'. Therefore a specific 'mono-disciplinary Intervention Plan' has also been drafted for each of these disciplines.

The 5 disciplines are:

- Discipline 1 (D1) covers **Assistance Operations at sea**. The tasks and duties with regard to these assistance operations cover more specifically SAR-, safety- and environment- (pollution response)-related interventions. The 'Director Assistance Operations' takes the operational lead of this discipline. Depending on the kind of intervention (Safety/SAR operations or pollution response), this function will be taken up by somebody of the Shipping Assistance Division or somebody of Defence. In most cases however, given the overarching character of maritime safety aspects, the coordination of the assistance operations will be ensured by the Shipping Assistance Division, whereas Defence will only take the lead of D1 in case the operations primarily consist of pollution response. In case of a major accidental marine pollution incident, it can be decided to create a specific **Evaluation and Planning cell** within this D1.
- Discipline 2 (D2) covers the urgent **medical interventions**, the necessary measures for public health and psychosocial assistance for the victims.
- Discipline 3 (D3) covers the **police interventions** at sea.
- Discipline 4 (D4) comprises the organisation of **logistic support** and activation of logistic means.
- Discipline 5 (D5) deals with the **communication** of information and directives to the population and to the media in an emergency situation. This task is fulfilled at the management level by the Governor's services.

9.2.1.1. CP-OPS – Operational coordination

The operational coordination of the GEI Plan North Sea can be proclaimed for an incident that requires a multidisciplinary co-ordinated approach without important management decisions. The Director of the Command Post or **Dir-CP-OPS** will proclaim the operational co-ordination and will inform the Governor thereof. In case of a *safety*-incident the function of Dir-CP-OPS will normally be fulfilled by the **Nautical Director of MDK**, unless the Governor - depending on the situation - appoints another discipline director as Dir-CP-OPS. In case of a *security* incident, the Dir-CP-OPS will be delivered by the 'Police' discipline (D3). As soon as the Dir-CP-OPS has proclaimed the operational phase, a CP-OPS will be established **at MRCC Ostend**. The CP-OPS will be composed of the Dir-CP-OPS and the directors of the activated disciplines, and, depending on the incident (e.g. SAR, maritime safety or pollution response), the Dir-CP-OPS can call upon experts of various services. The tasks of the **CP-OPS** are, amongst others:

- The multidisciplinary co-ordination of the interventions;
- Initial evaluation of the situation;
- In case of marine pollution: first priority setting and defining of response strategy;
- Taking of protective measures for intervening personnel and the public;
- Obligation to inform the Governor of an incident and to report on the situation;
- In anticipation of the establishment of a Coordination Committee: management coordination and ensuring that the MRCC performs the necessary alerting.

At sea, the **On Scene Commander** from the Ministry of Defence (Navy) ensures the multidisciplinary coordination of the operations (see [Fig.1](#)). He thereby acts under the operational control and orders of the Dir-CP-OPS. The On Scene Commander is *inter alia* responsible for the execution of the operations, hereby assisted by technical experts, organises the coordination and communication at sea and supervises the execution of instructions given by the Dir-CP-OPS (for these tasks the On Scene Commander can be assisted by an 'On Scene Coordinator SAR' and an 'On Scene Coordinator ENV', for the specific coordination of SAR and pollution response operations respectively), and fulfils the function of Supreme On-Scene Commander (SOSC) in case of marine pollution with a multinational response in the Belgian marine areas.

9.2.1.2. Coordination Committee - Management coordination at provincial level

The **Governor of West-Flanders** or his authorized representative activates the management coordination at provincial level. The management coordination level can be activated e.g. in case the required means exceed the available resources, in case of a sudden occurrence of or imminent threat for major impact, or in case the incident has a transboundary character. As soon as the decision has been taken to start up the management coordination at provincial level, the provincial **Coordination Committee** (see [Fig.1](#)) is convoked. In this phase with two coordinating bodies, the CP-OPS will remain active and will execute the orders imposed by the Coordination Committee.

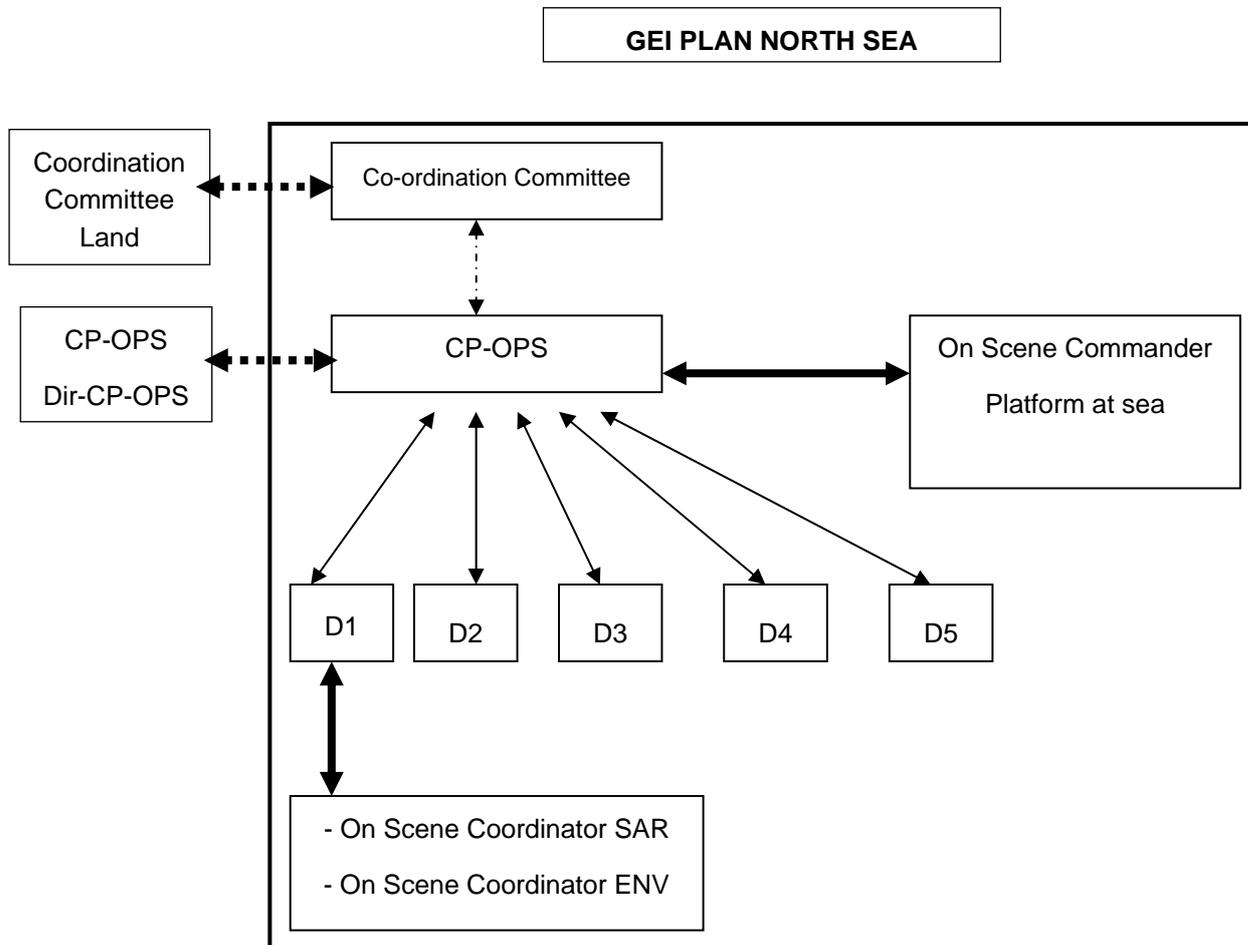
The Coordination Committee consists of representatives of the activated disciplines of the GEI Plan North Sea and can be complemented with national experts, in particular representatives of competent governmental services. Salvage companies can be convoked to the Coordination Committee as external experts. If needed the Dir-CP-OPS or his substitute shall be present at the Coordination Committee to support the Governor in his decision-making.

The provincial Coordination Committee has the overall responsibility for the coordination and management of a crisis and interventions. The committee will *inter alia* determine a general plan of action and strategy as well as the level of crisis management. It will take financial decisions and take socio-economic aspects into account. It will also provide information and will function as contact point. Beside the provincial Coordination Committee, a **financial and a legal Cell** can be established. When activated the financial Cell will be engaged in the financial settlement of the incident; for this purpose the Coordination Committee can also decide to establish an operational financial cell within the CP-OPS.

9.2.1.3. Management coordination at federal level

Generally speaking, the GEI Plan North Sea will mostly be managed at the level of the Governor whereby the federal authorities offer assistance to the Governor. Only in very exceptional cases such as incidents in the Security field (e.g. cases of terrorism, or a nuclear incident) a federal level will be activated by the Interior Minister. In such cases the Governor will still play his role of coordinator, but the decisions will be taken at federal level (federal Coordination Committee chaired by the Minister of Interior and supported by various federal crisis cells).

Figure 1: Overall organizational structure as defined in GEI Plan North Sea.



9.2.1.4. Organisation in case of emergency situations with international character

In case of an environmental emergency at sea with international character, with transboundary pollution and/or multinational response operations, the Plan stipulates that the operational agreements as determined in the framework of the Bonn Agreement shall apply – such as with respect to the rendering of assistance, the operational control and tactical command in case of joint operations, or the exchange and function of liaison officers.

9.2.1.5. Aspects of Communication

The GEI Plan North Sea furthermore describes the various communication aspects in case of activation. **MRCC Ostend** plays a central role herein, ensuring the alerting and activation of all concerned services and authorities, as well as the phasing out of the operations; furthermore, as Belgian ‘Coastal Station’ the MRCC always has to be informed in first instance of an incident, e.g. by a vessel, a witness, or the MIK (e.g. in case of POLREPs from abroad)

Different phases have been defined in the GEI Plan North Sea (see [Figure 2](#)). In function of the type and gravity of the incident, the emergency situations at sea can be proclaimed in a mono- or multidisciplinary way. The multidisciplinary action can be proclaimed at the level of operational

coordination, at the level of the provincial management coordination (pre-alarm phase and alarm phase¹) or at the level of the federal management coordination. The Coordination Committee that is active when the emergency situation is ending ensures the deactivation of the GEI Plan North Sea and guarantees the transition to the aftercare phase.

Figure 2: Upscaling Scheme of GEI Plan North Sea.

MONODISCIPLINARY INCIDENTS	MULTIDISCIPLINARY INCIDENTS	P R E A L M	MULTIDISCIPLINARY DISASTERS	
<i>Coordination level:</i> MRCC	CP-OPS (operational coordination without management coordination)			CP-OPS + COORDINATION COMMITTEE
<i>Notification via MRCC:</i> NOTIFICATION MATRIX COASTGUARD or request oral or written advice via MiniMAS ² procedures	NOTIFICATION in line with tables and formats in Annexes GEI Plan North Sea			NOTIFICATION in line with tables and formats in Annexes GEI Plan North Sea

With regard to **notification of and communication with foreign countries**, and also with regard to **requests for international assistance**, reference is made to a series of international agreements and channels such as – in the case of marine pollution – the Bonn Agreement (incl. the Zone of joint responsibility and the POLREP-procedures), SafeSeaNet, European aid requests via the European Monitoring and Information Centre MIC and CECIS (e.g. also for activation of EMSA pollution response vessels), and various other bilateral agreements.

¹ The pre-alarm phase corresponding to a stand-by phase of the management coordination in the initial stage of an incident; the alarm phase directly leading to the start-up of the provincial management coordination with establishment of the Coordination Committee

² MiniMAS stands for national maritime assistance service procedures in case of a minor incident.

9.2.1.6. National system on 'Places of Refuge'

Belgium recently extended its national contingency plan for the North Sea with a dedicated Part on places of refuge, containing plans for the accommodation of ships in need of assistance. These plans have been drafted in implementation of Art.20 of European Monitoring Directive 2009/17/EC, and also taking into account the international guidelines on places of refuge (mainly IMO Res.A.949(23)).

For situations of ships in need of assistance as referred to in the Monitoring Directive 2009/17/EC, the **Governor of West-Flanders** acts as **competent authority** for the accommodation of ships in need of assistance. For the situations as foreseen in the Directive, the Belgian Coastguard partners will temporarily delegate their competences to the Governor whereby he can take (urgent) decisions and measures with respect to ships in need of assistance. This 'competent authority' function of the Governor as well as the key role of MRCC Ostend (which functions as 'competent authority' prior to the activation of the GEI Plan North Sea) and the support given by other Coastguard partners in that respect, are defined in detail in the specific operational plans for the accommodation of ships in need of assistance.

9.2.2. Execution of response actions

In case of an accidental marine pollution incident, national authorities that will be activated and represented within the two-level emergency management structure of the GEI Plan North Sea (see 9.2.1.) are, amongst others, the Directorate-General Environment, the Navy, MUMM, the Civil Protection, and Flemish Region services.

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 is assisting 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 GEI Plan North Sea (monodisciplinary action), 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 GEI Plan North Sea (multidisciplinary action):

- Counter-pollution activities are conducted under the provisions of the GEI Plan North Sea and placed under the leading of the Dir-CP-OPS (operational level) and the Province Governor (management level).
- The pollution response strategy is decided by the Coordination Committee and/or Dir-CP-OPS 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, via the On Scene Commander and On Scene Coordinator ENV.
- 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 GEI Plan North Sea:

- The coastal municipalities deal with minor pollutions on their shorelines. (The Civil Protection also intervenes on request of the municipalities when the type and the extent of the pollution require 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 GEI Plan North Sea and the emergency and intervention plan of the Province of West-Flanders:

- The co-ordination of the response operations is provided within the framework of the GEI Plan North Sea and, if activated, the emergency and intervention plans of the Province of West-Flanders, with *inter alia* activation of Civil Protection units for coastal clean-up and a fluent 'sea-land' interaction in the management of the incident (see [Fig.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, ...) allowing response to spills up to 1,000 m³ of oil. Above that limit the assistance of additional resources from neighbouring countries and/or EMSA (standby oil spill response vessels) 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 response personnel and limited stocks of equipment. When the polluter is known, the authorities may therefore prefer - whenever practicable - that he mobilises private counter-pollution resources at his own expense. In such event, he deploys them in agreement with the authorities and under their control.

The Belgian stockpile of equipment is based in a central location near 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 3D mathematical models for predicting the drift and fate of an oil spill, both surface and subsurface, in the North Sea and Channel area. OSERIT, the 3D oil drift and fate model, can also be used as a support tool in a NEBA³ evaluation and decision-making process.

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, and environmental damage assessment).

When the national GEI Plan North Sea is activated, MUMM representatives participate in the Command Post as scientific advisors on environmental matters.

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 Commander when the GEI Plan North Sea is activated.

9.2.8. Research and development policy

MUMM carries out most research activities in the field of marine pollution in Belgium (ecological sensitivity and impact studies, modelling, scientific evaluation and monitoring). 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.

³ Net Environmental Benefit Analysis