

ACTIVITY 3.2

REPORT

AN ANALYSIS OF SOURCE DOCUMENTS GOVERNING THE PROTECTION OF THE SEA FROM OIL SPILLS AND SPILLS OF HAZARDOUS AND NOXIOUS SUBSTANCES (HNS) IN THE ADRIATIC COUNTRIES

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Rijeka, Croatia, February 2014

PREAMBLE

The preparation of the Report concerning the “analysis of source documents governing the protection of the sea from mineral oil and other noxious and hazardous spills in the countries of Adriatic Region” has been carried out as an activity under the project entitled “Strengthening common reaction capacity to fight sea pollution of oil, toxic and hazardous substances in Adriatic Sea” (HAZADR). HAZADR project is part of “IPA Adriatic Cross-border Programme” co-financed by the European Commission through the Instrument of Pre-accession Assistance (IPA), which is the financial instrument established by the European Union to assist candidate and potential candidate Countries.

The present Report has been prepared by OSEC d.o.o. under the Service Contract with the County of Primorje and Gorski Kotar as the Contracting Authority (tender publication reference: 01-2013/HAZADR, procurement reference number: 07/02-13/14IZ).

The author would like to express his thanks to the staff of all participating Project beneficiaries for providing background information required for the preparation of the Report, and in particular to the staff of Primorje-Gorski Kotar County.

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Rijeka, February 2014

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1 INTRODUCTION

The key objective of the project “Strengthening common reaction capacity to fight sea pollution of oil, toxic and hazardous substances in [the] Adriatic Sea” (hereinafter referred to as HAZADR) is to establish a cross-border network for the prevention of risks and the management of emergencies, with a view to reducing the risk of pollution of the Adriatic Sea and to strengthening the capacity of the communities in the Adriatic region to respond to environmental and technological hazards caused by maritime incidents resulting or likely to result in spills of oil or other hazardous and noxious substances (HNS).

Specific objectives of HAZADR project aim at:

- upgrading the knowledge framework on the estimated environmental and socio-economic risks in the most vulnerable Adriatic areas due to natural and human-induced factors, harmonizing regulations governing the protection of the sea from pollution in the Adriatic countries and supporting decision-making process in prevention and response to marine pollution emergencies;
- harmonizing, improving and reducing delays in deployment of cross-border response capacities in the event of oil and HNS spills by enhancing the coordination/reaction capacities in the Adriatic Euro-region;
- setting up a common database on the state of readiness and spatial distribution of pollution response equipment along the Adriatic coasts and improving operational instruments and oil spill response programmes;
- improving cross-border coordination of response capacities through training of command personnel, operational staff and other actors involved in the implementation of contingency plans and in pollution preparedness and response, and through expanding their knowledge and decision making capabilities; and
- improving the early warning system and the capacity of competent authorities to identify potential sources of risks threatening the ecosystems and to launch coordinated intervention procedures.

In order to achieve these objectives several sets of activities, referred to as WPs, had been defined in HAZADR project document. In particular WP 3, entitled “Harmonizing national, regional and county contingency plans in the Adriatic”, envisages *inter alia* conducting an analysis of source documents governing the protection of the sea against oil and HNS, including (a) general and specific regulations and (b) national and regional contingency plans, with a view to identifying points in common, bottlenecks and shortcomings in applicable rules and regulations.

In accordance with the Service Contract no. 07/02-13/14IZ signed between the County of Primorje and Gorski Kotar (hereinafter referred to as the Contracting Authority) and OSEC d.o.o. (hereinafter referred to as the Consultant) the latter is contracted to elaborate and submit a Report that will include an analysis of all source documents governing the protection of the sea from incidental pollutions by mineral oil and other noxious and hazardous spills in the Adriatic Region countries.

The present Report therefore comprises an analysis of general and specific regulations in the domain of accidental marine pollution prevention, preparedness and response that are currently in force in the Adriatic coastal States, and an overview of existing national, area and regional contingency plans. In the preparation of the Report the Consultant relied

primarily upon the information provided by partners (“beneficiaries”) participating in HAZADR project, however these were as necessary complemented by relevant information from other reliable sources, including official government websites of the Adriatic coastal States, reports prepared by relevant Specialized Agencies and Programmes of the United Nations, international governmental organizations, etc.

Throughout the text the term “*area (region)*” has been used in order to distinguish between administrative units in each country (commonly referred to as “regions”) and “region” in the sense it is used in various international treaties and other documents, where “region” usually means a group of countries (e.g. Adriatic, Mediterranean, Baltic, ... region)

The present Report refers principally to regulations dealing with **accidental marine pollution from ships** and does not cover those dealing with **operational pollution from ships** (regulated globally by the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto and by the Protocol of 1997 – hereinafter referred to as MARPOL) and **pollution from land based sources, including rivers**. It is understood that as far as preparedness and response to accidental marine pollution is concerned the term “contingency plan” covers plans for dealing with accidental pollution at sea and on shore.

2 EXECUTIVE SUMMARY

The Report aims at (1) analysing national regulations addressing protection of the marine environment against marine pollution incidents, of the five Adriatic coastal States which participate in the HAZADR project, namely Albania, Croatia, Italy, Montenegro and Slovenia; (2) outlining the most important provisions of the relevant, global and regional, international Conventions and Protocols; (3) analysing the existing national, area (regional) and local contingency plans in the five countries concerned, as well as the Sub-Regional Contingency Plan; and (4) recommending effective and realistic measures for improving the cooperation of national and in particular area (regional) and local authorities in spill preparedness and response.

In order to identify and collect required information and documents that would serve as a basis of the Report, a Questionnaire was prepared and disseminated to all partners (beneficiaries) participating in the Project. As a rule, only national, area (regional) and local documents reported or provided in replies of the partners to the Questionnaire were considered, although a few exceptions were made in sense that some documents available to the Consultant from other sources, which were not listed or reported and which were considered important, were also reviewed.

The results of these analyses show that in general national legislations of the Adriatic coastal States, with minor exemptions, provide a sound basis for the development of cooperation in the field of prevention of, preparedness for and response to marine pollution incidents.

Similarly, various contingency plans that were analysed also prove to adequately cover the response to pollution incidents at the national and lower levels, but also at the level of the Adriatic as a sub-region of the Mediterranean.

It was found that all five countries have set up their respective national preparedness and response systems, comprising at least basic elements underlined in the OPRC 1990 Convention. Such national systems allow the countries concerned to cooperate, if a need be, in responding to major marine pollution incidents that might affect one or several countries in the Adriatic region.

Eventually, the Report includes certain recommendations prepared on the basis of the analysed national and international documents. These aim at effectively implementing various binding international treaties to which the Adriatic coastal States are already Parties, instead of suggesting the development of new mechanisms which would be a time consuming task that could not be achieved within the time frame of the HAZADR project, and without engaging additional funds which are not available under the Project.

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3 THE QUESTIONNAIRE

In accordance with the Service Contract the Consultant prepared the Questionnaire for the collection of information required for the analysis of source documents governing the protection of the sea from oil spills and spills of hazardous and noxious substances (HNS) in the Adriatic countries, which would serve as the basis for the preparation of the Report (Study). The questionnaire was divided in five (5) parts covering the following types of information:

Part I	information concerning relevant national laws, rules and regulations related to preparedness for and response to accidental marine pollution from ships;
Part II	information concerning relevant international conventions and protocols;
Part III	information on national contingency plan;
Part IV	information on bilateral and multilateral contingency plans and other relevant mutual aid agreements; and
Part V	information concerning regional/county/area contingency plan

As agreed at the Second Steering Committee Meeting of the HAZADR project, held 2-3 October 2013 in Rijeka, Croatia, on 15 October 2013 the Consultant submitted the Questionnaire to the relevant services of the Primorje and Gorski Kotar County (hereinafter referred to as the Contracting Authority) for onward transmission to the Beneficiaries, and the Contracting Authority subsequently disseminated the Questionnaire to all envisaged Beneficiaries, requesting them to fill it in and return it back to either the Contracting Authority or directly to the Consultant by 15 November 2013. Due to delays in receiving the replies this deadline was later extended to 22 November 2013.

In order to avoid the unnecessary duplication of efforts, the Beneficiaries were divided into two categories. The first one, comprising the Lead Beneficiary and Beneficiaries 1, 10, 11 and 12 were requested to complete all parts of the Questionnaire i.e. parts referring to the information of national, international and local/regional significance for their respective regions/counties/areas, while the other group including Beneficiaries 2, 3, 4, 5, 6 and 8 were asked for providing only information concerning their respective regional/county/area legal framework, if any, contingency plans and preparedness and response systems.

In addition, all partners were requested, whenever possible, to either attach to their replies electronic versions of various documents mentioned in their replies, or to provide the Consultant with the links to websites where the quoted documents could be found.

Within the stipulated period the Consultant received replies from almost all partners, however a single partner, despite repeated reminders, did not provide the required information until the completion of the present Report/Study.

The first group of partners, including LB, B1, B10, B11 and B12, submitted relevant information on national legal documents and on national contingency plans of their respective countries, namely the legal frameworks and NCPs of Italy, Croatia, Albania, Slovenia and Montenegro respectively. In addition, in their replies partners B10, B11 and B12 stated that in Albania, Slovenia and Montenegro there were no regional/county/area contingency plans.

Replies from partners LB (for the Italian regions of Puglia, Emilia Romagna and Marche), B1, B2, B3 and B4 comprised also additional relevant data, copies of contingency plans of their respective regions/counties or parts thereof.

As expected, the replies received from the Beneficiaries covered in particular:

- i) Effective national laws, rules and regulations concerning preparedness for and response to accidental marine pollution;
- ii) The status of ratification and signature, including accession, approval and succession, by the countries in the region of the relevant international conventions and protocols concerning preparedness for and response to accidental marine pollution;
- iii) National contingency plans for accidental marine pollution that are currently in force in the Adriatic coastal States, and their respective national preparedness and response systems;
- iv) Bilateral and multilateral contingency plans and other relevant agreements for mutual assistance among the countries in the Adriatic region; and
- v) The existing regional/county/area contingency plans in those Adriatic countries which envisage the existence of such plans.

Table 1 on the following page presents a summary of replies to the Questionnaire received by the Consultant.

NOTE: The preliminary version of the Report was finalized and delivered to the Contracting Authority in February 2014. It was subsequently disseminated to all HAZADR Project beneficiaries with a request to inform the Consultant of any comments, suggestions, corrections, additions, etc. they may have, prior to the Third Steering Committee Meeting of the Project scheduled to be held in Piran, Slovenia on 20 and 21 March 2014. Since the beneficiaries did not submit any comments by that date, the Report was presented to the Steering Committee in its preliminary version. The Steering Committee welcomed the presentation and set the deadline of 15 April 2014 for submitting any possible final comments and amendments to the Consultant. Only the Lead Beneficiary completed the information by providing four local contingency plans prepared by the Maritime Districts of Bari, Brindisi, Manfredonia and Molfetta respectively. These were analysed and the findings summarized and added to Chapter 6 of the final Report.

Table 1 **Summary of the received replies to the Questionnaires**

Partner	National legislation			International Conventions/Prot.		National Contingency Plan			Bi / multilateral Agreements		Area (regional) Contingency Plan		
	List of docs.	Attach. docs	Web	Reply	Details	Reply	Details	NCP	Reply	Details	Reply	Details	Plan
LB	✓ 20	-	✓	✓	✓	✓	✓	✓	✓	✓	✓	N.A.	N.A.
B 1	✓ 27	-	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
B 10	✓ 14	-	-	✓	✓	✓	✓	-	✓	N.A.	✓	N.A.	N.A.
B 11	✓ 4	-	-	✓	✓	✓	✓	-	✓	✓	✓	N.A.	N.A.
B 12	✓ 1	-	-	✓	-	✓	✓	-	✓	N.A.	✓	N.A.	N.A.
B 2	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	✓	✓	✓
B 3	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	✓	✓	✓
B 4	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	✓	✓	-
B 5	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	✓	✓	✓
B 6	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	✓	✓	-
B 8	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.	-	-	-

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4. AN ANALYSIS OF NATIONAL REGULATIONS QUOTED IN REPLIES TO THE QUESTIONNAIRE

4.1 NATIONAL REGULATIONS – ALBANIA

4.1.1 General remarks concerning quoted Albanian regulations

The Questionnaire concerning the regulations on preparedness for and response to accidental marine pollution by oil and other harmful and noxious substances, as well as contingency plans existing in Albania, was completed on behalf of the competent Albanian national authorities by the Department of Maritime Policies, Ministry of Transport and Infrastructure (hereinafter referred to as MTI), Republic of Albania.

The following Albanian legal acts governing the protection of the sea from accidental marine pollution by oil and other harmful and noxious substances were quoted in the completed the Questionnaire:

1. Maritime Code of the Republic of Albania, as amended (*Kodi Detar i Republikës së Shqipërisë, i ndryshuar*), Law No. 9251 of 8 July 2004, published in the Official Gazette No 56 dated 12 August 2004.
2. Albanian Coast Guard (ACG), as amended (*Për rojën bregdetare shqiptare, i ndryshuar*), Law No. 8875 of 4 April 2002; published in the Official Gazette No 15 dated 13 May 2002.
3. Protection of Marine Environment from Pollution and Damage (*Për mbrojtjen e Mjedisit Detar nga Mbrojtja dhe Dëmtimi; i ndryshuar*), Law No. 8905 of 6 June 2002; published in the Official Gazette No 29 dated 26 June 2002.
4. Law for the Maritime Administration of the Republic of Albania No 10109 of 02 April 2009, published in the Official Gazette No 51 dated 29 April 2009.
5. Civil Emergencies (*Mbi emergjencat civile*), Law No. 8756 of 26 March 2001, published in the Official Gazette No 15 dated 16 April 2001.
6. For Environmental Protection, as amended, (*Për mbrojtjen e mjedisit, i ndryshuar*), Law No 8934 of 05 September 2002, published in the Official Gazette No. 80 dated 02 August 2006.
7. For processing, transportation and trading oil, gas and their derivatives, as amended, (*Për përpunimin, transportimin dhe tregtimin e naftës, të gazit dhe nënprodukteve të tyre”, i ndryshuar*), Law No 8450 of 24 February 1999, published in the Official Gazette No 9 year 1999.
8. For the Security in Ships and Ports, Law No. 168 of 30 October 2013, not published as yet.
9. For Search and Rescue in the Republic of Albania (*Për Shërbimin e Kërkim-Shpëtimit në Republikën e Shqipërisë*), Law No.10435 of 23 June 2011, published in the Official Gazette No 93 dated 12 July 2011.
10. For the organization, structure and operation of IMOC and the coordination with government institution that have their interests at the sea, as amended (*Për organizimin, strukturën, funksionimin e Qendrës Ndërinstitucionale Operacionale Detare (QNOD) dhe bashkëveprimin me institucionet shtetërore, që kanë interesa në*

det”, i ndryshuar), Decision of the Council of Ministers No. 954 of 30 September 2009, published in the Official Gazette No 155 dated 20 November 2009.

11. For the approval of the policies and procedures of the functioning of IMOC (*Për miratimin e politikave dhe procedurat e funksionimit të QNOD”, i ndryshuar*), Decision of the Council of Ministers No. 439 of 13 May 2011, published in the Official Gazette No 94 dated 15 July 2011.
12. Albanian National Contingency Plan, Decision of the Council of Ministers No. 480 of 25 July 2012, published in the Official Gazette No 113 dated 30 August 2012.
13. On the Accession of the Republic of Albania to [MARPOL 73/78] No. 9594 of 27 July 2006, published in the Official Gazette No. 90 dated 17 September 2006.
14. Law on Environmental Treatment of Waste Water No 9115 of 24 July 2003, published in the Official Gazette No. 78 dated 22 September 2003.

The competent Albanian national authorities did not provide the listed documents either in Albanian or in English language however it was possible for the Consultant to obtain most of these legal acts either from his personal archives or from the official websites of the Albanian Ministries, Government agencies and other institutions. Only a part of the documents were already available in English, while the translations into English of the others were generated by Google Translate® and edited by the Consultant. Since official translations were not provided all these translations should be considered as unofficial.

Comparing the above list included in the Questionnaire with the list of relevant legal documents which are listed in Article 1.5 of the National Contingency Plan approved by the Decision of the Council of Ministers No. 480 of 25 July 2012, published in the Official Gazette No 113 dated 30 August 2012, it appeared that some of the legal acts were modified and amended or repealed and replaced with new legal acts. It was therefore considered necessary to review all legal documents amending, modifying and repealing the listed documents with a view to obtaining the accurate picture of the legal acts, relevant for the preparedness and response to accidental marine pollution in Albania and for setting up the national preparedness and response system, which are currently in force.

Therefore, in addition to the legal acts listed by the competent Albanian national authorities the Consultant also reviewed the following relevant national legal instruments that were not quoted in the Questionnaire but which might have a certain bearing on the organization of the national system for preparedness and response to accidental marine pollution:

- **Law No. 9788**, dated **19 July 2007** (amendments to and modifications of the Law No. 8875 on the Albanian Coast Guard, Official Gazette No. 103 of 6 August 2007);
- **Law No. 10137** dated **11 May 2009** (updating the Law on Civil Emergencies);
- **Decision of the Council of Ministers No. 835**, dated **12 March .2004** on the **Adoption of the national plan for civil emergencies**;
- **National Plan for Civil Emergencies**, dated November 2004;
- **Law No. 10431** dated **9 June 2011** on **Environment Protection**;
- **Decision of the Council of Ministers No. 1125**, dated **13 November 2009** (amendments to DCM No. 954); and
- **Decision of the Council of Ministers No. 897**, dated **10 November 2010** (amendments to DCM No. 954).

The most important group of documents includes legal acts of specific importance for understanding institutional arrangements for the organization of the protection of sea and coastal areas from accidental marine pollution and its consequences, including emergency

management, and for understanding duties and responsibilities of the components of national preparedness and response system. This group comprises documents quoted under numbers 1, 2, 3, 4, 5, 10 and 11.

On the other hand, legal acts listed above under numbers 6, 7, 8, 9 and 14, do not appear to directly refer to the protection of marine environment from accidental pollution by oil or other harmful and noxious substances, to preparedness for and response to such pollution events, and/or to the organization of the national preparedness and response system. Some of the acts in this group do mention protection of the (marine) environment or marine pollution, but do not address issues relevant for preparedness and response to accidental marine pollution, while the others do not refer at all to marine and coastal pollution and protection thereof.

The document number 12 in the list is the Decision of the Council of Ministers concerning the approval of the National Contingency Plan, which is discussed in **Chapter 6, Heading 6.3.1**.

Finally, the document quoted under number 13 is the legal act promulgating the accession by the Republic of Albania to the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto and by the Protocol of 1997 (MARPOL), and therefore is not dealt with in this Section since the international conventions, protocols and other international agreements are discussed in **Chapter 5**.

4.1.2 Maritime Code of the Republic of Albania

The main legal framework regulating the maritime field in Albania is provided by the **Maritime Code of the Republic of Albania**, as amended (*Kodi Detar i Republikës së Shqipërisë, i ndryshuar*), **Law No. 9251**, dated **8 July 2004**.

The Albanian Maritime Code was translated into English under Activity 2 of the bilateral Spanish – Albanian project for the “Strengthening of the Albanian Maritime Administration”, which was implemented in 2008/2009 by a team of Spanish experts from the General Directorate of Merchant Marine, Ministry of Public Works of Spain.

The Maritime Code refers to the “protection of the environment from pollution” in the very beginning in **Article 1** (“Object”), however in a very general context. Elsewhere in the text the Code does not directly and specifically address the preparedness for and response to marine pollution incidents involving either oil or other harmful substances. In fact, the Maritime Code does not address in any detail the protection of the marine environment from either operational or accidental pollution. The only articles that mention “pollution” are certain articles in **Part VIII** “Offences and Sanctions”, while some articles in **Part VII** “Damages and Hazards at Sea”, Chapter III “Rescue”, mention also “damage to the environment”, however in the context of relations with the salvor and its compensation.

Besides the above mentioned Article 1, the only other article of the Maritime Code in which the “protection of the marine environment from pollution” is mentioned, though again in general terms, is Article 32 (“Central State management”), which defines responsibilities of the different Ministries (“through their structures”), under the overall responsibility of the Council of Ministers, for various activities in the maritime field.

Article 32.2.e) specifically assigns to the Ministry of Environment the responsibility for “running and management” of “(i) protection of the marine environment from pollution, activities in the zone, ships and terrestrial bases;” and of “(ii) conservation of the marine environment”.

4.1.3 Law on the Albanian Coast Guard

Law No. 8875 dated **4 April 2002 for the Albanian Coast Guard**, as amended (*Për rojën bregdetare shqiptare, i ndryshuar*), establishes the Coast Guard of the Republic of Albania (hereinafter referred to as ACG) as part of the Albanian naval forces in charge of enforcing the “law of the sea”, operating under the jurisdiction of the Ministry of Defence and interacting “with the government authorities and private entities with vested interests in the sea” (**Articles 1 – 3**). **Article 4** specifies that the resources at disposal of the Coast Guard include personnel, vessels, aircraft (including helicopters), installations and lighthouses.

In **Article 5** which defines the “duties of the Coast Guard” the Law specifically assigns to the ACG the duty “h) to effectuate marine pollution education, prevention, response and enforcement”. Moreover, Article 7 specifically stipulates “the enforcement of the international laws ratified by the Republic of Albania in the territorial sea, the contiguous zone and the exclusive economic zone” as part of the remit of the ACG.

In “Final provisions” addressed in **Article 10** the Law states that “the Ministries and institutions with vested interest in the sea, within six months from the date when this Law becomes effective, are required to finalize relevant agreements prescribing basic rules of interaction between/among themselves to effectuate enforcement of the law of the sea”.

Finally Article 11 clearly stipulates that laws and by-laws coming into conflict with the present law are hereby cancelled”.

Several important **changes and amendments** were subsequently introduced into the Law No. 8875 by the **Law No. 9788** dated **19 July 2007**, which was not specifically mentioned in the reply to the Questionnaire sent by the competent Albanian national authorities, although these amendments are considered to be of particular importance for the organization of the national preparedness and response system.

The **Law No. 9788** has only four articles: **Article 1** amending Article 3 of Law No 8875, stipulates *inter alia* the establishment of the Inter-agency Maritime Operations Centre (hereinafter referred to as IMOC). **Article 2** introduces new Article 4/1 in the Law No 8875, which concerns operational guidelines for the ACG and assigns to IMOC the responsibility for “operational direction” of the ACG. According to **paragraph 2** of the new Article 4/1 “IMOC has duty to organize, plan and direct all maritime operations, to control the implementation of national and international legislation [concerning] search, rescue and assistance at sea, using, with a view to integrating, all available operational capabilities of institutions defined in Article 32 of the Maritime Code”. **Paragraph 3** of the new Article 4/1 stipulates that the structure, organization and functioning of IMOC is determined by the Council of Ministers, and **paragraph 4** that the structure of IMOC is composed of personnel from all institutions defined in the Article 32 of the Maritime Code (Law No. 9251, dated 08.07.2004). **Article 3** requires the Council of Ministers to enact by-laws to implement the present Law within three months from the date of its entry into force, and **Article 4** determines that the Law shall enter into force 15 days after its publication in the Official Gazette.

The amendments introduced by the Law No. 9788 are especially important taking into consideration that they launch IMOC as the central government coordinating body for practically all activities at sea related to control of the safety and security of navigation and to the protection of the marine environment. The role of IMOC in the national preparedness and response system, as well as its duties and responsibilities, are described in more detail in other documents that are discussed further on in the text (cf. **Headings 4.1.8 and 4.1.9**).

4.1.4 Law on the Protection of Marine Environment from Pollution and Damage

Law No. 8905 dated **6 June 2002**, for the **Protection of Marine Environment from Pollution and Damage** (*Për mbrojtjen e Mjedisit Detar nga Mbrojtja dhe Dëmtimi; i ndryshuar*), is divided in five Chapters. The first one addresses “General provisions” and describes (**Article 1**) the purpose of the Law as “protecting the marine environment of the Republic of Albania from pollution and damage, through preventing and deterring such harm caused by human activity in the sea and in the coastal zone [...]”. In **Article 2** it defines *inter alia* “Large scale pollution” as “complex and extensive pollution, the elimination of which requires comprehensive measures and cleaning operations” and “Small scale pollution” as “pollution of limited extent, the elimination of which can be handled with local means and resources”.

Chapter II deals with “Administration and control over utilization of the marine environment” and in **Article 6** lists the activities which are forbidden in “the sea environment”. **Article 7** designates the Inspectorate for the Protection of the Environment, port authorities, licensing authorities and other structures defined by law, to “control the sea environment and sea activity”, and **Article 8** rules that in carrying out its duties the Inspectorate interacts with port authorities, the Fishing Inspectorate, the State Police and the Coast Guard of the Republic of Albania. The entire **Chapter III** addresses “Collection and disposal of waste” which primarily refers to (**Article 9**) waste “created by economic and social activities and by anchored and sailing ships” i.e. normal operations of ships, sea platforms and any activity taking place in the marine environment. Waste generated in accidental pollution clean-up operations is not mentioned in the Law.

Chapter IV addresses “Pollution management” and in **Article 15** specifies that in the “event of large scale pollutions, a cleaning operation is mounted in accordance with the requirements of Law No. 8756 dated 26 March 2001 on Civil Emergencies”. It is noted that the Law was published at the time when Albania did not have a National Contingency Plan for accidental marine pollution, which explains why Law on Civil Emergency is quoted in this article.

The final **Chapter V** (Sanctions) regulates penalties (**Article 19**) for activities resulting in marine environment pollution which are forbidden in accordance with Article 6. Article 19 regulates that “For the purposes of this law, the following activities, when not a criminal offence, qualify as administrative breaches and are punished respectively: [...] b) with fines of 100 thousand up to 1 million leks (NOTE: approximately EUR 700 to 7000), depending on the type and scale of pollution; the obligation to reconstitute the zone to its previous condition; and with suspension of the activity for as long as it takes to eliminate pollution when the case is one of pollution and damage to the marine environment”.

The wording of the entire Law indicates that the Law was prepared having in mind primarily protection of the marine environment from the operational pollution from ships and other facilities, since the only place where “large scale pollution” is referred to is Article 15. The Law does not elaborate on procedures or any special measures required for dealing with accidental marine pollution and in fact the wording such as “accidental pollution”, “pollution incidents”, “major oil spills” and similar does not appear in the Law.

4.1.5 Law on the Maritime Administration of the Republic of Albania

Law No. 10109, dated **2 April 2009**, on the “**Maritime Administration of the Republic of Albania**” provides a general framework for the organization and operation of the Albanian maritime administration.

The Law defines the "Maritime Administration" as "the whole of the structures involved in the maritime field" and the "General Maritime Directorate" as the "authority responsible for the operation of maritime administration, policy development and monitoring of shipping, the implementation of law in the maritime field, under the Minister of Public Works, Transport and Telecommunications (currently the Minister of Transport and Infrastructure)¹.

Law No. 10109 stipulates (**Article 6**) that, in addition to the General Maritime Directorate (GMD), the maritime administration comprises also the State Authority for Port Security, Harbour Master's Office, Port State Control, Flag State Control, Ships' Register and Seafarers' Register, and according to **Article 7** the General Maritime Directorate "directs and organizes the activity of component structures of the maritime administration, and the implementation of national and international legislation in the maritime field, ratified by the Laws of the Republic of Albania".

The Law does not directly address activities related to the protection of the marine environment, preparedness for and response to marine pollution, although **Article 14** indirectly gives to GMD a responsibility for a number of activities related *inter alia* to preparedness and response. **Article 14.d)** (*ç in Albanian*) assigns to GMD a duty to provide technical assistance in drafting and harmonizing national maritime legislation with international legislation and for completing national legal framework for the implementation of international agreements, **Article 14.e)** (*d in Albanian*) stipulates that GMD has a duty and right to represent Albania on maritime issues in the United Nations Organization, the International Maritime Organisation (...), and **Article 14.f)** (*dh in Albanian*) to collaborate with all other institutions whose activities are related to the maritime field, such as the Coast Guard, Border Police, Customs, environmental agencies, Hydrographic Service, associations and private operators.

Taking into consideration responsibilities assigned to the General Maritime Directorate in Article 14 of the Law No. 10109, and the importance of the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (OPRC 1990) and its Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances 2000 (OPRC-HNS 2000) for the implementation and strengthening of the global regime for preparedness, response and cooperation in case of major marine pollution incidents (cf. **Section 5.2**), justifies including Law No. 10109 among other important elements of the national legislation dealing with combating accidental marine pollution by oil and HNS.

4.1.6 Law on Civil Emergencies

Law No. 8756 dated **26 March 2001** on **Civil Emergencies** (*Mbi emergjencat civile*), and updated by **Law No. 10137** dated **11 May 2009**, is the basic legal act which defines (**Chapter I, Article 1**) the planning and management (or response) by the State authorities of "civil emergencies" i.e. (**Article 2**) situations caused by natural factors, ecological, industrial, social, terrorist actions, military actions (in state of war), which bring grave and immediate damage to the life, health of the population and livestock, to property, to cultural heritage and to the environment.

In addition to **Chapter I** (General provisions) the Law has another seven Chapters dealing respectively with: Structures for planning and management of (or response to) civil

¹ Taking into consideration that in the past years the names of the Albanian Ministries changed relatively often, further on in the present report the formulation "the Minister/Ministry responsible for [specific matter e.g. environment, maritime affairs, defence, ...]" will be used as necessary instead of "the Minister/Ministry of [the name of the portfolio at the time of drafting/approval of the legal act]".

emergencies at the central level (**Chapter II**) and at the regional, municipal and communal levels (**Chapter III**), Intervention forces (**Chapter IV**), Subjects involved in planning and response to (management of) civil emergencies (**Chapter V**), Financing (**Chapter VI**), Sanctions (**Chapter VII**) and Final provisions (**Chapter VIII**).

Although there is no specific reference in the Law to “accidental marine pollution”, “oil spills” or similar accidents, to “pollution” in general, **Article 2** (Definitions) defines “Other disasters” as “road, railway, marine, aerial accidents, as well as fires, explosions, barricades collapse, nuclear, ecological or industrial accidents and any other type of accidents caused by human action, by wars or emergencies as well as other forms of massive violence”, thus indicating that the Law may be applicable also in case of a major marine pollution incident.

Article 3 (General principles) empowers State authorities to act in terms of prevention, response and rehabilitation of conditions caused by the disaster.

At the central level the responsibility for planning and management of civil emergencies rests with the Council of Ministers (**Chapter II, Article 5**). The same Article also stipulates the duties of the Council of Ministers related to the planning and management of emergencies. **Article 6** envisages the establishment by the Council of Ministers of an “Inter-ministerial Committee for Civil Emergencies”, in case of national emergency, and **Article 7** stipulates the duties of this Committee. Specific responsibilities and duties of various State authorities and other permanent and temporary entities in planning and management of emergency response at the central level are defined in **Articles 8 to 12**.

Article 13 designates the Prefect as the person responsible for planning for civil emergencies in the region (“*qark*” in Albanian) and stipulates his duties in this regard. **Article 14** regulates the establishment of Regional Commission for coordination of the regional authorities and volunteer organizations and **Article 15** addresses the functioning of Civil Emergency Service in each region and stipulates that the Council of Ministers shall determine its “rules, mode of operation, rights, duties and responsibilities”.

Article 16 assigns the responsibility for planning and management of civil emergencies at the level of a municipality or a commune to the Mayor, and defines his/her duties. **Article 17** regulates the establishment of local Commissions for coordination of the local authorities and volunteer organizations in planning and management of civil emergencies within their respective jurisdictions.

Chapter IV addresses intervention forces and in **Article 18** defines “operational structures of civil emergency” which are envisaged to participate in planning and organization of emergency response activities. These include “Civil Emergency Service, Civil Protection Base, Armed Forces, State Police, other types of police established by law depending on the emergency, and other organs determined in this law, but included in the civil emergency plans”. The latter category includes Rescue and Fire Protection Service, Ambulance (paramedical) Service and Volunteer Service. **Articles 19 to 24** define the roles of these structures, and **Article 25** assigns the coordination of aid from international organizations, non-profit organization and private volunteer organizations to Department of Planning and Management of Civil Emergencies.

Chapter V, Article 26 stipulates the obligation of any citizen of the Republic of Albania between the age of 18 and 60 (55 for females) to participate in response to civil emergencies in accordance with the request of Department of Planning and Management of Civil Emergencies, while **Articles 27 and 28** regulate the exception from this obligation and the rights of citizens serving in emergency response.

Article 29, which regulates the responsibilities and duties of natural and legal persons, states (1) that “natural and legal persons who in their activity use, produce, and transport or store hazardous substances shall be obliged to plan, organize and implement at their own expenses services for management of civil emergencies in their area of activity” and (2) that their duties are to a) to formulate plans for civil emergency situations and to implement preventive measures in their area of activity; b) To notify the personnel as well as local authorities of an immediate risk; c) to organize, when necessary, evacuation of their employees and to activate their service in response to an emergency situation in their area of activity; and ç) To provide training for employees.” **Article 30** (Other obligations) defines the roles of national, regional and local institutions and officials in increasing civic culture concerning civil emergencies and in formulating and approving training programs which start at the age of 8 and continue until the completion of undergraduate education.

Article 29 is particularly important in terms of contingency planning since it provides the legal basis for the requirement for preparation of local (Tier 1) contingency plans for marine pollution incidents at the level of ports and port authorities, their concessionaires, oil terminals, coastal industry, etc.

Chapter VI, Article 31 regulates that the State Budget is the primary financial source for planning and management of (response to) civil emergencies and that in their respective budgets the Ministries shall appropriate funds specifically for this purpose, while **Article 32** lists other potential sources of financing (the budget of the Council of Ministers, revenues of local government, revenues generated from the services to third parties which are completely transferred to [local government] budget, various donors, other sources allowed by law).

Chapter VII determines penalties for violating obligations stipulated by the Law, and **Article 35** in the final **Chapter VIII** regulates that within 6 months from the entry into force of the Law the Council of Ministers has to enact by-laws concerning its application.

It is noted that between 2001 and 2004 the Council of Ministers indeed adopted various by-laws as envisaged in Article 35, including *inter alia*:

- Decision of the Council of Ministers No. 663, dated 18.12.2002 for "Composition, functions and responsibilities of the technical advisory committee of experts on civil emergencies";
- Decision of the Council of Ministers No. 655, dated 18.12.2002 for the "Establishment and functioning of the structure of the national planning system and civil Emergencies"
- Decision of the Council of Ministers No. 531, dated 01.08.2003 for "Organization, operation, duties and responsibilities of civil emergency service";
- Decision of the Council of Ministers No. 532, dated 01.08.2003 on "Responsibilities and duties of the department of planning and Civil Emergencies";
- Decision of the Council of Ministers No. 835, dated 12.03.2004 on the "Adoption of the national plan for civil emergencies".

The Consultant reviewed in particular the latter one, i.e. the “**National Plan for Civil Emergencies**” dated November 2004 and adopted by the **Decision of the Council of Ministers No. 835**, dated **12 December 2004**. The findings can be summarized as follows:

- Definitions of responsibilities and procedures to be followed by various ministries, national authorities and institutions are very well explained, and complemented with the extensive use of checklists, diagrams, organization charts, etc.
- The Plan does not specifically mention accidental marine pollution either by oil or by hazardous and noxious substances, although among other emergencies, in **Appendix C** in **Section C.4** it addresses “information and notification in case of accidents during transportation of hazardous materials” and in **Section C.5** “information and notification in case of accidents at sea”. The relevant information flows are clearly explained but the explanations of the meaning of terms “accident during transportation of hazardous materials” and “accident at sea” are not provided in the Plan.
- In **Appendix A** “Risks, characteristics and factors affecting civil emergency management”, **Section A.6** “Industrial and technological emergencies” the Plan again does not specifically mention marine pollution incidents, oil spills, etc. This section appears to refer mainly to emergencies caused by industrial activities on land and the focus is on rescuing and safeguarding human life, livestock and property in the territory affected by disaster.
- **Appendix B** addresses “Legal basis, functions and duties of institutions” and specifies that the Ministry of Environment “plays a primary role in preliminarily assessment of the situation susceptible to cause an environmental emergency of massive proportions, with consequences for the environment in general, for the life of citizens [...]; that “along with engaging in active operational monitoring, information and supporting structures, [MoE] also submits requests for specialized international teams to engage in the mission, pursuant to international conventions and bilateral agreements”, and that MoE “ensures the necessary technical assistance for intervention teams, facilitating their reception and escorting them to the operations sites”.
- It also specifies that the Ministry of Environment coordinates its activities [...] with the Ministry responsible for industry and energy in case of “industrial accidents and those with the presence of hazardous substances and oil”, and [...] with the Ministry responsible for transport [including maritime affairs], the Ministry of Defence and the Ministry of Interior, as well as with the local governments “in case of massive environmental pollution of waters and coasts of the Adriatic and Ionian Seas.”
- The same Appendix B, assigns to the Ministry responsible for transport [including maritime affairs] a series of responsibilities and tasks related to SAR (in collaboration with the MoI and MoD), the provision of transportation and telecommunication services, functioning of sea ports, etc., and to requesting specialized logistic assistance and assistance from foreign countries and organizations based on international agreements and conventions. However none of the tasks assigned to the Ministry are related to dealing with marine pollution emergencies.
- It is not known whether the National Plan for Civil Emergencies was ever revised since its adoption in 2004 however it needs a substantial revision taking into consideration that not only the names of various Government Ministries and institutions have changed since the original was prepared, but also their roles and responsibilities. In addition, the plan does not mention the role of the Inter-agency Maritime Operations Centre (IMOC) which was created in 2007 and which became the key national structure for the implementation of various activities in case of emergencies at sea, including *inter alia* activities envisaged in the National Contingency Plan for response to accidental marine pollution.

4.1.7 Law on Environmental Protection

Law No 8934, dated **5 September 2002**, for **Environmental Protection**, as amended, (*Për mbrojtjen e mjedisit, i ndryshuar*), regulates the “relation between the man and the environment, protects the environmental elements and processes and guarantees the material conditions for the sustainable development [...]” (**Article 1**). The same article lists among the objectives of the Law (d) the coordination of the state activities to meet the environmental protection requirements, and (e) the international cooperation in the field of environmental protection, while **Article 2** stipulates that “the protection of environment from pollution and damage constitutes a national priority for all state institutions, physical and legal persons, foreign and national that exercise their activities within the Albanian territory”. The Law does not address marine pollution and specifically does not mention marine pollution incidents. **Article 6** specifies that “coastal areas and marine environment” are among those fields that are regulated by specific laws. Law No. 8934 is a basic legislation which addresses General provisions (Chapter I), Environmental policies (Chapter II), The use and protection of the environmental element (Chapter III), Environmental Impact Assessment (Chapter IV), Permitting the activities that affect the environment (Chapter V), Prevention and reduction of environmental pollution (Chapter VI), Monitoring and data (Chapter VII), Environmental control (Chapter VIII), Duties of the State bodies related to environment (Chapter IX), Role of the public (Chapter X), and Sanctions (Chapter XI).

The new Law **No. 10431**, dated **9 June 2011**, on **Environment Protection**, published in the Official Gazette No. 89 of 30 June 2011, which repealed Law No. 8934, entered into force by the end of 2012. Only a few Chapters and Articles of the Law No. 8934 continue to have effect to date.

Like its predecessor, the Law No. 10431 sets out the framework for providing a high level of protection for the environment, its preservation and improvement, prevention and reduction of the human health-associated risks and improvement of the life quality, in addition to ensuring sustainable development. It comprises 12 Chapters: General Provisions, The principles of environment protection, Protection of environment ingredients, Environment protection during the planning process, Prevention and control of pollution (including sections on environmental norms, and environmental permits), Environmental monitoring, Environmental information, Environmental responsibility, Policy instruments regarding environment protection, Responsible state bodies, Administrative infringements, and Final provisions.

4.1.8 Decision on the Organization, structure and operation of IMOC

Decision of the Council of Ministers No. 954 dated **30 September 2009** for the **Organization, structure and operation of the Inter-agency Maritime Operations Centre (IMOC) and the coordination with government institution that have their interests at the sea, as amended** (*Për organizimin, strukturën, funksionimin e Qendrës Ndërinstitucionale Operacionale Detare (QNOD) dhe bashkëveprimin me institucionet shtetërore, që kanë interesa në det”, i ndryshuar*), defines the role and functions of the Inter-agency Maritime Operations Centre (IMOC). IMOC (QNOD in Albanian) is an inter-institutional coordination structure, which is responsible for organizing, planning and managing operations at sea in the entire maritime domain of Albania in accordance with domestic and international maritime legislation. In addition to its other duties, IMOC plays a key role in the implementation of the Albanian National Contingency Plan (cf. **Section 6.3.1** of the present Report) and, generally, in operations for prevention and protection of the marine environment from pollution.

Decision No. 954 is divided into six Chapters covering respectively (I) Definitions, (II) Mission and tasks, (III) Organization, (IV) Operations, (V) Coordination, planning and responsibilities of participating institutions, and (VI) Final provisions.

The functioning of IMOC is based on the Albanian legal framework, which assigns the prime responsibility for the management and control of the Albanian border to the Ministry of Interior, in collaboration with other ministries which have different authority at sea. The Centre acts as a cooperation platform, where the designated staff of the relevant Ministries ensures collaboration and coordination of efforts for managing the Albanian maritime domain. **Chapter II, Article 1** *inter alia* specifies that IMOC coordinates search and rescue operations and provides assistance at sea, and “prevents and protects marine environment from pollution”. IMOC performs its tasks through effective coordination and cooperation with all participating institutions and through the coordination of all available resources, such as maritime, land and air assets, systems, personnel, etc. IMOC coordinates a support plan with naval means and other resources, available to all participating institutions, and makes recommendations for necessary professional training, qualifications and meeting the standards required by all institutions involved in marine operations.

Chapter II, Article 2 stipulates that IMOC functions as: (a) command centre for maritime operations, (b) reporting and information centre, (c) national centre for search and rescue at sea, and (d) centre for exchange of information with partner structures. Its role “as the maritime operations command centre” *inter alia* implies the “management of all naval means involved in the Centre’s operations” (**Chapter II, Article 3**), and “as the reporting and information centre” (**Chapter II, Article 4**) includes also [...] the transmission of information at the Ministry of Interior and processing and transmission of information directly to other responsible institutions depending on the type of the operation carried out.

According to **Chapter III, Article 2** the structure of IMOC consists of personnel from all institutions that have the powers and perform duties on the coast of the sea area, according to Article 32 of Law No. 9251, dated 08.07.2004, “Maritime Code of the Republic of Albania”. These include (cf. **Heading 4.1.2** above) the Ministries of finance (Customs Service), interior (Border and Immigration Police), defence (the Coast Guard), environment (Fisheries Inspectorate), as well as the Ministries responsible for transport, for agriculture and for tourism. The personnel of the first four Ministries are present at IMOC on 24/24 basis, while the others have a coordinating capacity as needed. The Ministry of Defence provides IMOC with the premises (**Chapter III, Article 8**) as well as with all necessary equipment for its functioning, and the same Ministry also administers the premises (**Chapter III, Article 3**). The staff is paid by institutions which appoint them (**Article 4, Chapter III**) and comprises the Executive Director; High Controllers of the institutions, coordinators of the institutions, service officers, civil controllers of shifts, service personnel, as well as administrative and technical support personnel. **Chapter III, Article 7** defines the tasks performed by each staff member.

Chapter IV, Article 1 states that the operations of IMOC are defined in standard operating procedures manual, approved by the Minister of Interior and the Minister of Defence, after coordination with other participating institutions, and **Article 2** specifies operations of each institution involved in IMOC, which the Centre conducts and coordinates. Among these there are those which the Maritime Code assigns to the Ministry of Environment and which include specifically “operations for the prevention and protection of the marine environment from pollution” (Chapter IV, Article 1, paragraph d) subparagraph ii)).

Finally, **Chapter V, Article 7** stipulates that “in matters, which are not regulated by this Decision, the participating institutions rely on the relevant agreements, signed pursuant to

Article 10 of the Law No. 8875, dated 04.04.2002 "On the Albanian Coast Guard", as amended.

It is noted that the Decision of the Council of Ministers No. 954 of 30.09.2009 was subsequently amended by **DCM 1125** dated **13.11.2009** and by **DCM No.897** dated **10.11.2010**, however these amendments referred only to the internal relations and organization of the Centre and did not affect its functions, roles and responsibilities, and in particular not its role in the field of preparedness and response to marine pollution incidents

Taking into consideration the great importance of DCM No. 954 for the organization of the Albanian national system for preparedness and response to marine pollution incidents, it is safe to say that this piece of legislation represents another key national legal document, which clearly defines the set up, structure and functions of IMOC, as the central national coordinating body responsible *inter alia* for prevention and protection of the marine environment from pollution. In addition, this Decision in fact puts into practice the provisions of Article 32 of the "Maritime Code" (Law No. 9251, dated 8 July 2004) and provides a necessary basis for the implementation of Law No. 9788 of 19 July 2007 amending the Law No. 8875 on the Albanian Coast Guard of April 2002, which originally inaugurated IMOC.

4.1.9 Decision on the Approval of policies and procedures for IMOC

Decision of the Council of Ministers No. 439 dated **13 May 2011** for the **Approval of the policies and procedures [for] the functioning of IMOC** (*Për miratimin e politikave dhe procedurat e funksionimit të QNOD", i ndryshuar*), is a brief document consisting of only two articles. The first one states that the document on policies and procedures is approved and that its text is attached to the Decision, while the second assigns responsibilities for its implementation to the relevant Ministers. The text of the "Policies and procedures" was not available.

In the personal archive the Consultant had an earlier version of the document entitled "antipollution procedures of IMOC", which addresses procedures to be followed by IMOC in case of receiving information on "pollution situation". Besides standard procedures (verification of information, assessment of the situation, deployment of nearest vessels, transmission of orders, alerting "emergency centres in the relevant prefectures and regional protection agencies") the document specifically stipulates that the duty of IMOC is "to ensure quick and timely action to take control and stop the leakage of fuel and the release of hazardous chemical substances at sea. These also include the risk of leaks, spills of hazardous or illegal cargo that could enter the sea from the coastal area".

The text of the "Antipollution procedures of IMOC" suggest that these were prepared bearing in mind primarily the role of IMOC in case of operations related to prevention of and response to illicit discharges, and not in dealing with major oil (or HNS) spills.

It could not be verified whether DCM No. 439 amended and/or modified these procedures.

As already mentioned in the beginning, the following four documents included in the list of national legal acts do not address issues related to prevention of, preparedness for and response to either operational or accidental marine pollution, and are therefore of no direct importance for organizing and implementing pollution response measures in case of a (major) incident caused by spillage of oil or other HNS:

4.1.10 Other regulations

Law No. 8450, dated **24 February 1999**, for **Processing, transportation and trading oil, gas and their derivatives, as amended**, (*Për përpunimin, transportimin dhe tregtimin e naftës, të gazit dhe nënprodukteve të tyre*, i ndryshuar), published in the Official Gazette No. 9 dated 16 March 1999, addresses the issue of environmental protection only once and in general terms, when in **Article 5, Chapter I** (General provisions) states that “exercising activities provided for in this law is subject to the provisions of the Albanian legislation on environmental protection”.

Law No. 168/2013, dated **30 October 2013**, on **Security of Ships and Ports** (*Per sigurinë në anije dhe në porte*), which was not yet officially promulgated at the time when the Albanian authorities returned the Questionnaire, was eventually published in the Official Gazette No. 184 dated 20 November 2013. The Law does not contain any reference to pollution prevention, preparedness and response.

Law No.10435, dated **23 June 2011**, on **Search and Rescue in the Republic of Albania** (*Për Shërbimin e Kërkim-Shpëtimit në Republikën e Shqipërisë*), does not specifically refer to pollution prevention, preparedness and response.

Law No 9115, dated 24 July 2003, on **Environmental Treatment of Waste Water** (*Per trajtimin mjedisor te ujerave te ndotura*), which was modified by **Law No. 34/2013**, dated 14 February 2013, does not contain any specific reference to marine pollution prevention, preparedness and response. It is nevertheless considered that certain of its provisions concerning e.g. the release of ‘liquid discharges’ (**Article 10**) which stipulates that “liquid discharges resulting from [...] any other activity, must not exceed the established norms for liquid discharge as regards any and all types of processes”, might cause serious problems in case of e.g. shoreline clean-up operations, if the exact meaning and the implementation of these provisions in case of massive spill response operations is not discussed and agreed upon at the time when there are no emergencies.

4.2 NATIONAL REGULATIONS – CROATIA

4.2.1 General remarks concerning quoted Croatian regulations

The Questionnaire concerning the regulations on preparedness for and response to accidental marine pollution by oil and other harmful and noxious substances, as well as the national contingency plan and other contingency plans existing in Croatia, was completed on behalf of the competent Croatian authorities by the Department of Maritime Domain, Transport and Communications, County of Primorje and Gorski Kotar, Republic of Croatia.

The following 26 Croatian legal acts were listed in “Part I - Relevant national laws, rules and regulations related to preparedness for and response to accidental marine pollution from ships” of the completed Questionnaire:

1. National Contingency Plan for accidental marine pollution (*Plan intervencija kod iznenadnih onečišćenja mora*), 5030105-08-1, 31 June 2008, OG issue No. 92/08 of 8 August 2008;

2. Maritime Code (*Pomorski zakonik*), 01-081-04-3801/2, 14 December 2004, OG issue No. 181/04 of 2 December 2004;
3. Environmental Protection Act (*Zakon o zaštiti okoliša*), 71-05-03/1-07-2, 3 December 2007, OG issue No. 110/07 of 25 December 2007;
4. Constitution of the Republic of Croatia (*Ustav Republike Hrvatske*), 021-02/10-01/01, 6 July 2010, OG issue No. 85/2010 of 9 July 2010;
5. Waste Act (*Zakon o otpadu*), 01-081-04-3745/2, 12 December 2004, OG issue No. 178/04 of 16 December 2004;
6. Law on the gradual exclusion from navigation of tankers without double plating (*Zakon o postupnom isključenju iz plovidbe tankera bez dvostruke oplave*), 01-081-04-1356/2, 8 April 2004, OG issue No. 48/2004 of 14 April 2004;
7. Sustainable Waste Management Act (*Zakon o održivom gospodarenju otpadom*), 71-05-03/1-13-2, 18 July 2013, OG issue No. 94/13 of 22 July 2013;
8. Law on nature protection (*Zakon o zaštiti prirode*), 71-05-03/1-13-2, 24 June 2013, OG issue No. 80/13 of 28 June 2013;
9. Environment Protection Act (*Zakon o zaštiti okoliša*), 71-05-03/1-13-2, 24 June 2013, OG issue No. 80/13 of 28 June 2013;
10. Law on Maritime Domain and seaports, 01-081-03-3244/2 (*Zakon o pomorskom dobru i morskim lukama*), 1 December 2013, OG issue No. 158/03 of 7 December 2013;
11. Law on changes and amendments on Law on Maritime Domain and seaports (*Zakon o izmjenama i dopunama Zakona o pomorskom dobru i morskim lukama*), 71-05-03/1-06-2, 19 December 2006, OG issue No. 141/06 of 27 December 2006;
12. Law on changes and amendments on Law on Maritime Domain and seaports (*Zakon o izmjenama i dopunama Zakona o pomorskom dobru i morskim lukama*), 71-05-03/1-09-2, 24 March 2009, OG issue No. 38/09 of 27 March 2009;
13. Law on Harbour Master's Offices (*Zakon o lučkim kapetanijama*), 081-97-1844/1, 13 November 1997, OG issue No. 124/97 of 20 November 1997;
14. Law on Navigation and Inland Water Ports (*Zakon o plovidbi i lukama unutarnjih voda*), 71-05-03/1-07-2, 10 October 2007, OG issue No. 109/07 of 24 October 2007;
15. Law on the Coast Guard of the Republic of Croatia (*Zakon o Obalnoj straži Republike Hrvatske*), 71-05-03/1-07-2, 10 October 2007, OG issue No. 109/07 of 24 October 2007;
16. Law on security of merchant ships and port facilities (*Zakon o sigurnosnoj zaštiti pomorskih brodova i luka*), 71-05-03/1-09-2, 7 October 2009, OG issue No. 124/09 of 16 October 2009;
17. Law on transport of hazardous substances (*Zakon o prijevozu opasnih tvari*), 71-05-03-1-07-2, 18 July 2007, OG issue No. 79/07 of 30 July 2007;

18. Directive on conditions to be met by ports (*Uredba o uvjetima kojima moraju udovoljavati luke*), 5030 116-4-1, 4 August 2004, OG issue No. 110/04 of 11 August 2004;
19. Order [Regulation] on conditions and methods of maintaining order in ports and other parts of internal seawater and territorial sea of the Republic of Croatia (*Pravilnik o uvjetima i načinu održavanja reda u lukama i na ostalim dijelovima unutarnjih morskih voda i teritorijalnog mora Republike Hrvatske*), 530-04/05-6, 30 June 2005, OG issue No. 90/05 of 25 July 2005;
20. Order [Regulation] on the protection of the marine environment in the Ecological and Fisheries Protection Zone of the Republic of Croatia (*Pravilnik o zaštiti morskog okoliša u zaštićenom ekološko-ribolovnom pojasu Republike Hrvatske*), 530-04-08-3, 3 March 2008, OG issue No. 47/2008 of 25 April 2008;
21. Order [Regulation] on management and control of ballast waters (*Pravilnik o upravljanju i nadzoru vodenog balasta*), 530-04-06-3, 28 May 2005, OG issue No. 55/07 of 30 May 2005;
22. Order [Regulation] on handling dangerous substances, conditions and methods of maritime transport, loading and unloading of dangerous substances, bulk and other cargo in ports, and methods of prevention of the spreading of oil spills in ports (*Pravilnik o rukovanju opasnim tvarima, uvjetima i načinu obavljanja prijevoza u pomorskom prometu, ukrcavanja i iskrcavanja opasnih tvari, rasutog i ostalog tereta u lukama, te načinu sprječavanja širenja isteklih ulja u lukama*), 530-04/05-3, 31 March 2005, OG issue No. 51/05 of 20 April 2005;
23. Order [Regulation] on transportation methods of dangerous substances in maritime transport (*Pravilnik o načinu obavljanja prijevoza opasnih tvari u pomorskom prometu*), 530-01-96-2, 28 May 1996, OG issue No. 79/96 of 26 September 1996;
24. Order [Regulation] on the transport of dangerous substances by inland waters (*Pravilnik o prijevoza opasnih tvari unutarnjim vodama*), 530-05-08-02/57, 4 September 2008, OG issue No. 106/2008 of 17 September 2008;
25. Order [Regulation] on places of refuge (*Pravilnik o mjestima zakloništa*), 530-04-07-127, 12 December 2007, OG issue No. 3/08 of 7 January 2008;
26. Agreement on the establishment of delimitation lines between inland waters and the sea (*Sporazum o utvrđivanju crte razgraničenja kopnenih voda i voda mora*), 527-00-13, 521-1-2/17-00-1, 17 October and 7 July 2000, OG issue No. 104/00 of 20 October 2000;
27. Decision of the Croatian Parliament on the extension of Croatian jurisdiction in the Adriatic Sea (*Odluka o proširenju jurisdikcije Republike Hrvatske na Jadranskom moru*), 302-01/03-01/02, 6 October 2003, OG issue No. 157/03 of 3 October 2003.

The documents listed by the Croatian authorities in the reply to the Questionnaire were obtained from the official website of the Croatian Official Gazette (*Narodne Novine*). Since official English translations of these legal acts were not available in English, their relevant parts quoted further on in the text were translated by the Consultant and therefore these translations should be considered as unofficial.

An overview of these twenty seven documents reveals that not all of these are directly addressing matters relevant for the organization of the Croatian national system for

preparedness for and response to accidental marine pollution. In general, the documents could be divided into several groups.

The most important ones for understanding the organization of accidental marine pollution preparedness and response at the national level are the National Contingency Plan for accidental marine pollution, which is discussed separately in **Chapter 6, Heading 6.3.2** of the present Report, and the legal acts quoted in the decision of the Government of Croatia which approved Plan, namely the Maritime Code (NN 181/04) and the Environment Protection Act of 2007 (NN 110/07) and accordingly its new version of 2013 (NN 80/13) repealing the previous one, as well as the Law on the Coast Guard of the Republic of Croatia (NN 109/07). These documents were listed under numbers 2, 3, 9 and 15 respectively in the above list.

Documents appearing in the list under numbers 5, 7, 20 and 25, do not directly address matters related to dealing with incidents causing marine pollution, however some parts thereof are considered relevant for understanding the set up of the national system for preparedness and response, or they cover issues that might be relevant for its functioning.

Documents quoted under numbers 6, 18, 19, 21 and 22 address issues relevant for the prevention of marine pollution but not directly matters related to accidental pollution preparedness and response.

Finally, documents quoted under numbers 8, 10, 11, 12, 13, 14, 16, 17, 23, 24, 26 and 27 either do not directly refer to the protection of marine environment from accidental pollution by oil or other harmful and noxious substances, to preparedness for and response to such pollution events, and/or to the organization of the national preparedness and response system for pollution at sea, or on the other hand do not address issues that might be relevant for the functioning of spill preparedness and response in Croatia. This group of legal acts includes documents dealing with the protection of the (marine) environment or with (marine) pollution, but not addressing issues relevant for preparedness and response to marine pollution incidents, documents which regulate prevention of operational pollution from ships, documents which address navigation on inland waters i.e. rivers, and documents which do not refer at all to marine and coastal pollution and protection from it.

4.2.2 Maritime Code

Maritime Code, 01-081-04-3801/2, was passed on 8 December 2004, and published in the Official Gazette No. 181/04 of 21 December 2004.

In **Part 1** (General provisions), **Article 1, paragraph 1** Maritime Code states that it regulates marine and submarine areas of Croatia and legal relationship within them, the safety of navigation in internal sea waters and territorial sea of the Republic of Croatia, protection and conservation of natural marine resources and marine environment, basic substantive and legal relations in respect of vessels, contractual and other civil obligations relating to vessels, registration of vessels, restrictions of the shipowner's liability, enforcement and security on board ships.

In **Part 2** (Marine and submarine areas), **Heading I** (General provision), **Article 6, paragraph 3** states that "the Republic of Croatia protects, preserves and promotes the marine environment". **Paragraph 4** states that Croatia "cooperates with other States in the region and participates in the work of regional and international organizations with a view to [...] combating, reducing and controlling pollution of the sea and of the marine environment from land based sources, from ships, by dumping, from air, as well as pollution caused by activities on the seabed and its subsoil". **Paragraph 5** states that Croatia promotes regional

cooperation aimed at adoption of joint contingency plans for major marine pollution accidents.

Further on the Code addresses marine pollution, marine environment and its protection in numerous Articles and in variety of contexts. These include:

- order in internal sea waters, territorial sea, the economic zone and the continental shelf respectively (Articles 23, 24, 27, 36, 41, 45,),
- safety of navigation (Articles 49),
- port requirements (Articles 56, 58, 62, 63),
- navigation requirements (Articles 64, 65, 73),
- ships' requirements (Articles 76, 85)
- requirements for floating and fixed offshore facilities (Article 102),
- requirements for yachts and boats (Article 111),
- requirements concerning ship's crew (Articles 133, 143, 150, 152, 153, 154, 158),
- inspection control (Articles 165, 166, 167, 168, 170, 171, 172),
- loading of cargo (Articles 476, 482, 483, 484),
- responsibilities of the shipper (Articles 555, 560),
- salvage (Articles 761, 769, 770, 772, 774, 775, 784, 785),
- general average (Article 792),
- liability (Article 808, 811, 812, 813, 814, 817, 820, 821),
- maritime offences (Articles 989, 1001, 1002, 1006, 1017), and
- enacting relevant subordinate or other regulations (Articles 1021, 1023).

In general, the above listed Articles regulate conditions that need to be met to ensure the protection of the marine environment or to avoid its pollution from vessels and other facilities, but also responsibilities, rights and duties of various actors which participate in maritime transport of goods and persons, or other maritime activities in Croatian internal sea waters, territorial waters, economic zone and continental shelf. These regulations are based on the provisions of the **Constitution of the Republic of Croatia**, in particular its **Article 88**, and on internationally accepted rules and regulations governing maritime matters. The Code also addresses sanctions envisaged for offences and for not compliance with rules and regulations prescribed by the Maritime Code. Except in stipulating the requirements for observing general principles of protection of marine environment and prevention of pollution of the marine environment, the Code does not specifically address preparedness for and response to accidental marine pollution. However it stipulates in **Article 63, paragraph 2** the obligation of the Croatian Government to prepare and enact a National Contingency Plan for accidental marine pollution.

Article 63, paragraph 1 regulates that "if a fire or another accident that threatens the safety of human life or the vessel occurs in port or other parts of internal waters and territorial sea of the Republic of Croatia the relevant Harbour Master's Office shall order the nearest or other ship to immediately proceed to the place of fire or accident in order to rescue endangered human lives, if by doing so it does not endanger their own lives".

Paragraph 2 unequivocally states that "the Contingency Plan for accidental marine pollution shall be enacted by the Government".

Part 12 (Authorities, transitional and final provisions), **Article 1020** stipulates that the Croatian Government shall, within two years from the date of entry into force of the Code, enact the National Contingency Plan for accidental marine pollution (referred to Article 63, paragraph 2).

Article 1025, paragraph 38 regulates that until enactment of regulations referred to in Article 1020 [...] of the Code (i.e. of the National Contingency Plan), the National Contingency Plan published in Official Gazette No. 8 of 1997 shall remain in force.

The regulations contained in Articles 63, 1020 and 1025 of the Maritime Code provide the basis for enacting specific regulations prescribing in detail methods and procedures for dealing with marine pollution accidents, including the major ones. Together with the relevant provisions of the Environmental Protection Act these three provisions of the Maritime Code represent the legal basis for the preparation of the National Contingency Plan and for taking action in case of marine pollution emergencies.

4.2.3 Environmental Protection Act

Environmental Protection Act (71-05-03/1-07-2, was passed on 3 October 2007, and was published in the Official Gazette No. 110/07 of 25 October 2007. The new **Environmental Protection Act**, 71-05-03/1-13-2, which repeals the Act of October 2007 was passed on 21 June 2013 and published in the Official Gazette No. 80/13 of 28 June 2013.

NOTE: Taking into consideration that the Environmental Protection Act of 2013, which entered into force in the beginning of July 2013, repeals the previous Act of 2007, the new Act currently in force was reviewed in detail instead of the repealed one. Therefore the term “Environmental Protection Act” further on in the text refers to the 2013 version of the Act.

In its **Article 1** the Environmental Protection Act “regulates the principles of environmental protection within the concept of sustainable development, protection of environmental components and protection against environmental loads, environmental subjects, documents on sustainable development and environmental protection, environmental protection instruments, environmental monitoring, environmental protection information system, insurance access to environmental information, public participation in environmental issues, ensuring access to justice, liability for environmental damage, financing instruments and general environmental policy, and inspection and other issues in this regard”.

Article 4 (Definition of terms), includes *inter alia* definition of “Marine environment” (**paragraph 1, indent 23**) as “a living space and their communities, which is determined by the characteristic physical, chemical and biological features, and includes: areas of open sea, river mouths (estuaries) and marine coastal areas including internal waters, territorial sea, the seabed, subsoil, or sea water under the sovereignty of the Republic of Croatia, and in which the Republic of Croatia exercised sovereign rights and jurisdiction”. **Indent 61** defines “Rehabilitation” (“*sanacija*” in Croatian) as “a set of prescribed measures and/or actions which establishes or replaces the state of the environment that existed before the damage occurred, i.e. [before] environmental pollution”.

In **Chapter III** (Elements of and environmental impacts of load), under Heading “Protection of the environmental components”, **Article 20** stipulates that the components of the environment shall be protected from pollution individually and in conjunction with other environmental components, taking into account their mutual interrelations and effects (**paragraph 1**) and that the present Act, special laws and regulations adopted on the basis thereof regulate protection from pollution and the preservation of individual environmental components (**paragraph 2**).

Accordingly, “Protection of the sea and coastal areas” is addressed in **Article 25**.

Article 25, **paragraph 1** states that the “Protection of the sea and coastal areas from pollution” implies management of coastal zone, seabed and subsoil, as well as of the marine environment on the basis of ecosystem approach, reduction and/or elimination of pollution or load in marine and coastal environment, conservation of protected and ecologically significant areas in the sea and in coastal area, protection, conservation and restoration of marine resources and the structure and function of marine and coastal ecosystems, systematic monitoring and observation of marine and coastal ecosystems, based on the ecosystem approach.

In **paragraph 2**, which addresses “Protection of the sea”, it specifically includes among measures for the protection of the marine environment “prevention of marine pollution from [...] maritime facilities and other polluters related to maritime traffic, including pollution caused by jettisoning from maritime facilities [vessels] or aircraft for the purpose of dumping or incineration at sea, as well as transboundary pollution and the prevention of pollution caused by major accidents and the elimination of their consequences.

Paragraph 4 stipulates that the State shall take all appropriate measures to prevent, reduce and combat pollution of the marine environment and coastal areas in accordance with this Act and special regulations.

In **Chapter V** (Sustainable development and environmental protection documents), under the Heading “Strategy for marine environment and coastal area management and the Contingency Plan for accidental marine pollution”, **Article 55** explicitly states that within the meaning of **Article 50** of the present Act “the environmental protection document” implies the “Strategy for managing marine environment and coastal areas” and the “(Contingency) Plan for Accidental Marine Pollution”. **Article 56** addresses the Strategy, while **Article 57** elaborates the purpose and the contents of the (National) Contingency Plan.

It is noted that as far as the organization of the national system for preparedness for and response to (major) marine pollution incidents is concerned, **Article 57** of the Environmental Protection Act is considered to be the single most important part of the Croatian national legislation.

Article 57, paragraph 1 stipulates that the Contingency Plan shall establish the procedures and measures for predicting, preventing, limiting, preparedness for and response to accidental marine pollution and unexpected natural events in the sea, for the purpose of protection of marine environment and coastal areas.

Paragraph 2 clearly stipulates what the Contingency Plan contains, and specifies in particular the following elements:

- types of risks and threats resulting from marine pollution,
- fields in which action is taken according to the Contingency Plan,
- actors which are obligated to implement the measures, authorities for implementing marine environment protection measures, as well as liability and authority for taking appropriate action and procedures for managing, coordinating and issuing orders,
- procedures and measures for forecasting, preventing and containing pollution of the sea and sea bed,
- procedures and measures for reducing damage to the marine environment and eliminating the consequences of damages to the environment in case of major accidental marine pollution,
- a plan of human resources and material and technical assets which may be put into use as additional assistance to regular forces,
- the method of implementing preparedness procedures and activation of operational forces,

- the mode of action of operational forces and other participants,
- the method of maintaining order and safety during marine protection interventions,
- the method of securing funds for implementation of the Plan,
- the method of monitoring the status of marine environment and assessing the need to set up a network for supplementary environmental monitoring,
- the method of implementing intervention measures in case of marine pollution emergencies,
- deadlines for undertaking individual measures,
- financial sources for implementing individual measures and assessment of necessary funding.

Paragraph 3 assigns the responsibility for the preparation of the Contingency Plan, as well for modifying and amending it, to the Ministry responsible for environment, in cooperation with central state administration bodies competent for maritime affairs, internal affairs, water management, foreign affairs, finances, defence, fisheries, and for protection and rescue.

Paragraph 4 regulates that the Contingency Plan shall be adopted by the Government in accordance with the present Act and a special regulation, and **paragraph 5** that the Contingency Plan shall be published in the Official Gazette.

Finally, Article 57, **paragraph 6** states that the manner of establishing a system for issuing prior approval for the use of chemical substances (dispersants) during accidental marine pollution and other related issues shall be regulated by a regulation of the Government.

Chapter VI (Environmental protection instruments), **Heading 2** (Strategic environmental assessment of strategies, plans and programmes), **Subheading “Strategies, plans and programs not subject to strategic assessment”**, **Article 65** states that “plans and programmes [...] which are applied in emergency situations, as well as external plans for protection and rescue” are among other types of documents that are not subject to strategic assessment.

Chapter VI, Heading 5 (Prevention of major accidents involving dangerous substances), **Article 120** refers to the “major accidents involving *dangerous* substances” in installations (plants) which produce, process, store, etc. such substances or these can be generated as the result of an accident. It is noted that accidents related to *the maritime transport* of HNS are not among those referred to in Article 120.

Moreover, among the “exemptions”, **Article 123** specifically mentions in **paragraph 1** “the provisions of this Act concerning prevention of major accidents involving dangerous substances , which apply to installations shall not apply to systems outside the installation, which are regulated by specific regulations”, such as [...] “road, rail and air transport of dangerous goods as well as transport by inland waterways and sea”, [...] and “exploration and extraction on platforms of raw minerals, including hydrocarbons.”

Chapter XV (Transitional and final provisions) in **Article 267, paragraph 2** stipulates that the “Government shall submit to the Croatian Parliament the proposal of the Strategy for the protection of the marine environment referred to in Article 56 paragraph 3 within a period of two years from the date of entry into force of this Act”.

Article 268, paragraph 2 regulates that the “Government shall adopt the Contingency Plan referred to in Article 57 of this Act within one year from the date of entry into force of this Act”, and **paragraph 3** that the “Government shall adopt the regulations referred to in Article 56 paragraph 4, Article 57 paragraph 6, [...] within one year from the date of entry into force of this Act.”

Finally, **Article 271, paragraph 1** regulates that “until the documents referred to in Article 267, Article 268 paragraph 2 and Article 270 of this Act are passed, the environmental protection documents adopted pursuant to the Environmental Protection Act (Official Gazette 110/07) shall apply, and shall remain in force until the adoption of appropriate documents pursuant to this Act”. **Paragraph 2** stipulates that pending the entry into force of the implementing regulations referred to in Articles 268 paragraph 3 and Article 269 of this Act, the regulations adopted pursuant to the Environmental Protection Act (Official Gazette 110/07) shall remain in force, and lists among these in particular (12) Regulation establishing a framework for action of the Republic of Croatia in the field of marine environment protection (Official Gazette 136/11) and (13) Contingency Plan for accidental marine pollution (Official Gazette 92/08).

As outlined above the Environmental Protection Act is a key Croatian legal document which provides the framework for the protection from pollution of *inter alia* marine environment, stipulates the preparation, adoption and implementation of the National Contingency Plan for accidental marine pollution, and lays down the principles for the preparation of the NCP.

4.2.4 Law on the Coast Guard

Law on the Coast Guard of the Republic of Croatia, 71-05-03/1-07-2, was passed on 3 October 2007 and published in the Official Gazette No. 109/07 of 24 October 2007.

Article 12, paragraph 2 of the Law stipulates that “the Coast Guard through the relevant ministries cooperates with international organizations dealing with combating, reducing and control of pollution of the sea and the marine environment, [...] protection of sensitive ecosystems, habitats of species and other endangered forms of marine life forms, [...]”.

Chapter VIII (Protection of the marine environment, natural and cultural heritage) specifies in some detail the role of the Coast Guard in the field of marine environment protection.

Article 36 stipulates the responsibility of the Coast Guard (**paragraph 1**) for the control and protection of the marine environment [...] in the Ecological and Fisheries Protection Zone (hereinafter referred to as “ZERP” which is the Croatian acronym of the name of this zone), and for supporting authorities responsible for control and protection of the marine environment [...] in internal and territorial sea. **Paragraph 2** assigns to the Coast Guard the responsibility for control of the territorial sea and internal sea waters in cooperation with and upon the request of Croatian authorities.

Article 37, paragraph 1 regulates that in case of accidental marine pollution, spillages of oil and oily mixtures, discharges of HNS and in extraordinary natural disasters the Coast Guard acts in accordance with the National Contingency Plan. **Paragraph 2** stipulates that the member of the Coast Guard shall represent the Ministry of Defence in the Headquarters for the implementation of the NCP.

Article 39 stipulates that the Minister of Defence shall adopt regulations concerning tasks assigned to the Coast Guard by the previous articles. Accordingly, **Article 45, paragraph 5** requires the Minister of Defence to adopt, with the agreement of the Minister responsible for maritime affairs, a regulation concerning cooperation of the Coast Guard with the competent authorities responsible for accidental marine pollution control.

The regulation was adopted and published in the Official Gazette No. 153 on 21 December 2009.

Regulation concerning cooperation of the Coast Guard with the competent authorities responsible for accidental marine pollution control (NN 153/2009)

Article 1, indent 2 regulates that, in accordance with the NCP, authorities responsible for accidental marine pollution control are the Headquarters for the implementation of the NCP, MRCC, and County Operation Centres.

In **Article 2** the Regulation reiterates that the Ministry of Defence shall nominate the member of the CG in the above quoted Headquarters, and **Article 3** specifies the modalities of cooperation and exchange of information. In particular, Article 3 regulates that at the request of the Headquarters the Commander of the Coast Guard shall order the activation of available technical and human resources of the Coast Guard, the use of its personnel, vessels, aircraft and other assets, and if necessary, put onboard a Coast Guard vessel or aircraft the representatives of the competent authority to participate in the performance of tasks envisaged by the NCP. **Article 4** states that at the request of the authorities and in accordance with the available resources, the Commander of the Coast Guard shall order loading and transport of technical means and equipment by the Coast Guard boat or aircraft for the purpose of participation in the performance of tasks envisaged by the NCP. The owner of these resources and equipment has a duty to embark also the professional staff for safe handling and efficient use of resources.

Article 5 stipulates that in case of accidental marine pollution the Coast Guard and all its personnel shall act in accordance with the NCP, and that the competent authorities mentioned in Article 1 indent 2 of the Regulation pass information on the marine pollution incident to the Coast Guard.

The Law on the Coast Guard and the quoted Regulation on the cooperation of the Coast Guard with other national authorities responsible for dealing with marine pollution accidents and their consequences is considered of major importance since these two documents practically extend the area where the preparedness and response measures envisaged by the current National Contingency Plan can be undertaken, beyond the limits of the national internal and territorial sea. It is assumed that, once the Coast Guard is sufficiently equipped with appropriate vessels and aircraft for performing its envisaged duties in the field of marine pollution prevention, preparedness and response, its role within the national system will gradually become more and more important as far as prevention and response operations further off shore and in particular in the open sea are concerned.

4.2.5 Waste Act and Sustainable Waste Management Act

The **Waste Act**, 01-081-04-3745/2, was passed on 3 December 2004 and was published in the Official Gazette No. 178/04 of 16 December 2004. It was repealed by the **Sustainable Waste Management Act**, 71-05-03/1-13-2, which was passed on 15 July 2013 and published in the Official Gazette No. 94/13 of 22 July 2013.

NOTE: Sustainable Waste Management Act of 2013, which entered in force in July 2013, repeals the previous Waste Act of 2004 (as modified and amended in 2006, 2008 and 2009 respectively, cf. NN 111/06, 60/08 and 87/09). Consequently, the new Act currently in force was reviewed in detail instead of the repealed one, and the term "Act" used further on in the text refers to the Sustainable Waste Management Act of 2013.

It is emphasized that the comparison between the previous and the current versions of Waste Act show that the provisions of the Sustainable Waste Management Act of 2013 outlined below did not exist in the 2004 version of the Waste Act.

Chapter I (General provisions), **Article 1** addresses the scope of the Act, and specifies in **paragraph 1** that the present “Act establishes measures for prevention or reduction of harmful effects of waste on human health and the environment in such a way as to reduce the amount of waste in its generation and/or production and regulates waste management procedures without applying procedures that create risk to human health and the environment, making use of valuable properties of waste”. In **paragraph 2** it stipulates that “the provisions of this Act establish a system of waste management, including the order of priority of waste management, principles, objectives and methods of waste management, strategic and program documents in waste management, responsibilities and duties in waste management, locations and structures [facilities] for waste management, waste management activities, transboundary movement of waste, waste management information system and the monitoring and inspection of waste management”.

Article 3, paragraph 2 states that the provisions of the Act do not apply *inter alia* to “waste generated by regular operation of vessels, which shall be delivered to reception facilities in ports”.

Article 4 (Definitions) recognizes among other procedures “emergency waste collection” (**paragraph 16**), which is defined as “collection of waste using installations and equipment for the purpose of emergency removal of waste from a specific site in order to prevent the occurrence of and/or minimize environmental pollution, risks to human health, adverse impacts to plant and animal life and other damage”. **Paragraph 10** defines that “waste collection operation” includes operations of waste collection and emergency waste collection, as well as the collection of waste in recycling yards. In the definition of “waste management operations” in **paragraph 41** “emergency waste collection” is included among these operations.

Chapter II (Waste management), Heading “waste management in the marine environment”, **Article 16** does not address the waste generated during accidental marine pollution response operations.

Chapter III (Waste management planning documents) also does not address intermediary and temporary storage or final disposal of wastes that could be generated in (major) spill response operations.

Chapter VI (Waste management operations), **Article 84, paragraph 1** stipulates that “a legal and natural person – tradesman may, after obtaining the necessary permit, start carrying out waste collection operations through waste collection and emergency waste collection operations, as well as operations of waste recovery, disposal or other types of treatment”.

Article 86, paragraph 1, item 2 regulates *inter alia* that the waste management permit determines *inter alia* the amount of waste as the maximum amount of a specific type of waste which may be treated per year and the type of waste according to waste codes from the Waste Catalogue. However **Article 87, paragraph 3** exempts emergency waste collection from the rule in the previous Article stipulating that “the permit shall not specify the amount of waste to be covered by the emergency waste collection operation”.

Article 103 stipulates that the person holding a permit for waste collection and/or emergency waste collection is allowed *inter alia* to carry out such waste collection over the entire territory of the Republic of Croatia (**paragraph 1**), and to store the waste intended for recovery or disposal for no longer than one year after the date of acceptance (**paragraph 2**).

Article 104 addresses “waste disposal” however it does not make any special provisions for disposal of waste collected in emergency waste collection operations.

The issue of waste management in spill response operations is considered to be of a paramount importance for overall success or otherwise of these operations, and therefore this Act was scrutinized with a view to finding possible guidance for addressing this issue in case of emergency. Despite the fact that the Act does not specifically address waste collected during accidental marine pollution response operations either at sea or on shore, the introduction of “emergency waste collection” as a special category of waste collection operations, and recognizing that amounts of waste collected in emergency situations cannot be regulated in advance, indicates that dealing with waste generated during emergencies was considered by the legislators when passing the Act. This opens the possibility for passing in the future special regulations, which would specifically address large quantities of waste contaminated by oil (or HNS) that are generated during spill response at sea and on shore.

4.2.6 Regulation on marine environment protection in the Ecological and Fisheries Protection Zone

Order [Regulation] on the protection of the marine environment in the Ecological and Fisheries Protection Zone of the Republic of Croatia, 530-04-08-3, was enacted on 3 March 2008 and published in the Official Gazette No. 47/2008 of 25 April 2008.

The Regulation *inter alia* prohibits in the Ecological and Fisheries Protection Zone (hereinafter referred to as “ZERP” which is the Croatian acronym of the name of this zone) releases of oil and oily mixtures if these are not in accordance with the requirements of MARPOL Annex I (**Article 3**), requires fixed and floating platforms, FPSOs, etc. to comply with these requirements (**Article 4**), prohibits release into the sea of hazardous liquid substances except when these are in accordance with MARPOL Annex II (**Article 5**), prohibits dumping into the sea of hazardous substances in packaged form except when this is necessary for ensuring the safety of ship and rescue of persons (**Article 6**), prohibits discharging raw sewage into the sea in the contravention of the provisions of MARPOL Annex IV (**Article 7**), prohibits dumping of waste if not in accordance with MARPOL Annex V (**Article 8**), prohibits dumping, incineration, disposal, burying, etc. of waste in the contravention of London Convention 1972, as amended, and Dumping Protocol of the Barcelona Convention (**Article 9**), and prohibits air pollution in the contravention of the provisions of MARPOL Annex VI (**Article 10**).

Article 11 allows offloading, loading and transhipment of HNS only with the permission of the Ministry responsible for Maritime affairs.

Article 12 addresses the obligation of the masters of ships sailing in ZERP to report: observed pollution to HMO (**Indent 1**), incidents that involve pollution (**Indent 2**), operational pollution (**Indent 3**), and to submit such reports (**Indent 4**) using the fastest available channels. **Indent 5** stipulates that contents of reports and reporting procedures are regulated by a specific regulation. **Indent 6** regulates that the authorities, duties, measures and methods for reducing risk, preparedness for immediate and effective response and prevention of marine pollution in cases of accidental marine pollution are prescribed in the National Contingency Plan for accidental marine pollution and in the Sub-regional Contingency Plan for Prevention, Preparedness for and Response to Major Marine Pollution.

Indent 7 stipulates that the Harbour Master's Office which receives a report shall take all necessary measures to prevent, reduce and eliminate pollution of the sea in accordance with specific regulations, take all necessary investigative actions, and initiate appropriate actions.

Finally **Indent 8** of **Article 12** requires the Administration to report on the incident and on measures taken to the State whose flag the ship is flying, and according to the circumstances, to other interested States.

Article 13 requires the vessel under way to comply with the navigation systems in the Adriatic Sea, which were adopted by the International Maritime Organization (**Indent 1**), tankers and cargo ships of certain tonnage, carrying oil and HNS to report to MRCC (**Indent 2**), and all ships required by SOLAS to have AIS turned on while *en route* (**Indent 3**).

The Regulation also regulates in **Article 14** measures that shall be taken in case of violation of the provisions listed above.

As outlined above, the Regulation primarily deals with the prevention of pollution in the Croatian Ecological and Fisheries Protection Zone and does not specifically address accidental marine pollution and response to it except in Article 12. Nevertheless, Indent 6 of this Article extends the applicability of the National Contingency Plan to responding to marine pollution incidents in ZERP, i.e. beyond the outer limits of the Croatian territorial sea.

4.2.7 Regulation on places of refuge

The **Order [Regulation] on places of refuge**, 530-04-07-127, was passed on 18 December 2007 and published in the Official Gazette No. 3/08 of 7 January 2008.

The Regulation stipulates (**Article 5**) that the Plan for acceptance of a ship in distress (which is attached to the Regulation) is adopted taking into consideration IMO guidelines, and that it shall include *inter alia* a list of available resources and devices [equipment] suitable for assistance, rescue, or containment and elimination of pollution.

The Regulation specifically regulates that the MRCC assesses the request for granting access to a place of refuge and, if justifiable, prepares a relevant proposal (**Article 8**). The decision on granting access to a place of refuge, or otherwise, rests (**Article 9**) with the Assistant Minister responsible for safety of navigation and protection of the sea from pollution, with the agreement of the Ministry responsible for environment protection. **Article 11, paragraph 4** envisages, if necessary, the activation of the National Contingency Plan.

The “**Plan for acceptance of a ship in distress**” reiterates the main provisions of the Regulation, and defines in detail procedures for granting access to a place of refuge. It addresses among other things the selection of places of refuge, specifying that (**Article 4.3, paragraph 17**) the selection of places of refuge near the coast shall be considered *inter alia* in case when the accommodation of the ship along the coast minimizes risk to human life on board, and the level of threat of pollution remains equal or lower, when it significantly reduces the likelihood of environmental pollution particularly of the coastal edge (assuming that there is no threat to the lives or health of people on board), when it substantially reduces adverse effects of any possible pollution, and when it enables the ship's crew to repair the damage that at a later time could significantly endanger the safety of people or contribute to possible environment pollution.

The Plan further stipulates (**paragraph 18**) that the place of refuge near the coast shall not be proposed if *inter alia* the environmental damage is greater when pollution occurs near the coast than if it occurs in the open sea.

The Plan stipulates that the information on potential places of refuge is entered in a GIS application and includes guidance concerning the accommodation of the ship in the possible places of refuge.

In general, in all procedures and decisions outlined in the Plan the protection from pollution of marine environment is one of the key principles which is being observed, along with the safety of life and the safety of ship. In **Chapter 6** (Procedure for the assessment and selection of the place of refuge), **paragraph 12** the Plan specifically stipulates that in case of “imminent danger of sinking, capsizing or fracture” the priority should be given to “a place that allows for better containment or recovery of the pollution”. **Article 7.1** addresses “Marine pollution” and specifies (**paragraph 6**) that in case of pollution or imminent threat of pollution MRCC transmits all available information to the Headquarters for the implementation of the National Contingency Plan for accidental marine pollution, and that (**paragraph 7**) assistance to persons has priority over pollution response.

Chapter 8 (Resources and equipment for assistance and rescue, or containment and removal of pollution) regulates (**paragraph 3**) that the information on resources and equipment for pollution response is taken from the National accidental marine pollution Contingency Plan.

4.2.8 Regulations relevant for prevention of pollution, but not directly addressing response to marine pollution incidents

Law on the gradual exclusion from navigation of tankers without double plating, 01-081-04-1356/2, was enacted on 2 April 2004 and published in the Official Gazette No. 48/2004 of 14 April 2004.

The Law prescribes the gradual phasing out of single hull oil tankers and transport of oil in single hull tankers, for different categories of oil tankers by the year 2015.

The only exception envisaged by the Law, as regulated in **Article 10**, refers to oil tankers in peril which request the place of refuge and to empty tankers requesting entry to or departure from repair yard.

The implications of the implementation of this Law are particularly significant for reducing the risk of major marine pollution incidents and reducing the size of potential oil spills, especially once all single-hull tankers are banned from entering Croatian ports in 2015, and the Law is therefore important in the context of prevention of potential oil spills, rather than from the point of view of preparedness and response to it.

Directive on conditions [requirements] to be met by ports, 5030 116-4-1, was enacted on 4 August 2004 and published in the Official Gazette No. 110/04 of 11 August 2004.

According to **Chapter 1** (General provisions), **Article 1** the Directive “regulates conditions to be met by ports [in order] to allow safe docking, mooring, anchoring and staying of vessels, as well as the protection of the sea from pollution from ships”.

Article 3 *inter alia* stipulates that ports, besides the obligation to have reception facilities for ship generated liquid and solid waste and cargo residues (**paragraph 6**), and to have publically announced relevant information on the functioning of waste reception facilities and arrangements for their use (**paragraph 7**), also have to have (**paragraph 8**) ensured funds

and equipment for the prevention of marine pollution, and eliminating the effects of marine pollution.

The Directive also requires (**Article 14**) the concessionaires “to annually report to the Ministry [responsible for maritime affairs] on the state of reception facilities for waste and cargo residues from ships”.

Therefore, in those few articles which mention matters related to marine pollution, the Directive clearly addresses the requirements set down by MARPOL Convention, i.e. aims at eliminating operational pollution in ports. A paragraph which mentions equipment for [...] “eliminating the effects of marine pollution” appears to refer to equipment for dealing with minor spillages in ports which might occur during the stay of ship in port, rather than the equipment meant to cope with major pollution incidents.

Order [Regulation] on conditions and methods of maintaining order in ports and other parts of internal seawater and territorial sea of the Republic of Croatia, 530-04/05-6, was enacted on 30 June 2005 and published in the Official Gazette No. 90/05 of 25 July 2005

The Regulation regulates various duties and responsibilities of Harbour Master’s Offices, port authorities, ship masters, etc. concerning *inter alia* protection of marine environment and prevention of pollution in ports, internal seawaters and territorial sea, in particular in accordance with MARPOL requirements. However it does not specifically address procedures for dealing with marine pollution incidents and with consequences thereof.

Order [Regulation] on management and control of ballast waters, 530-04-06-3, was enacted on 28 May 2005 and published in the Official Gazette No. 55/07 of 30 May 2005.

The Regulation regulates the management of ballast waters in accordance with the provisions of relevant parts of MARPOL Convention and according to the relevant Guidelines of the International Maritime Organizations. It does not address issues related to accidental marine pollution by oil or other HNS, and therefore is not relevant for the specific subject of the present Report.

Order [Regulation] on handling dangerous substances, conditions and methods of maritime transport, loading and unloading of dangerous substances, bulk and other cargo in ports, and methods of prevention of the spreading of oil spills in ports, 530-04/05-3, was enacted on 31 March 2005 and published in the Official Gazette No. 51/05 of 20 April 2005.

This Regulation addresses (**Article 1**) handling of dangerous substances in ports, conditions for and manner of transport, loading and unloading of dangerous goods, bulk and other cargo in ports, as well as the procedure for prevention of spreading of oil spills.

The Regulation takes into consideration relevant provisions of MARPOL and SOLAS Conventions, and various pertaining Codes, adopted by the International Maritime Organizations, to which Croatia is a Party. It aims at ensuring the safety of ships and ports and at preventing marine pollution by dangerous substances, including oil, during transport and handling of these substances in ports.

Chapter V (Safety measures for handling oils, and methods for preventing the spreading of oil spills) of the Regulation addresses certain measures that have to be taken in ports to in order to prevent spreading of spilled oil.

Article 98 stipulates the obligation to place booms around tankers in oil ports (terminals) if part of the terminal itself is not enclosed by a floating boom, and requires Harbour Master's Office to authorize the deployment of "equipment and devices". **Article 105** specifies that before the start of loading/unloading operations the tanker *inter alia* has to be encircled by a boom, that the concessionaire has to ensure booms and recovery devices for spilled oil, and that in case of spillage the concessionaire has to ensure the cleaning of the port and the sea.

Therefore, although the Regulation does not mention specifically marine pollution incidents which may occur during loading and unloading, it is clear that the prescribed measures, such as deployment of booms and recovery devices stipulated in Article 105, are meant to respond to possible incidents resulting in the spillage of oil.

Law on nature protection, 71-05-03/1-13-2, was passed on 21 June 2013 and published in the Official Gazette No. 80/13 of 28 June 2013.

Is a key law which "regulates the protection and conservation of nature and its parts, and other relevant issues" (**Article 1**) considering the nature as "the overall biodiversity, landscape diversity and geo-diversity" (**Article 3, paragraph 1**).

The Law does not specifically address prevention, preparedness and response to any type of accidents, and does not refer to accidental marine pollution.

Law on maritime domain and seaports, 01-081-03-3244/2, was passed on 25 September 2003 and published in the Official Gazette No. 158/03 of 7 October 2003. It was subsequently changed and amended by:

Law on changes and amendments on Law on maritime domain and seaports, 71-05-03/1-06-2, which was enacted on 15 December 2006 and published in the Official Gazette No.141/06 of 27 December 2006, and by

Law on changes and amendments on Law on Maritime Domain and seaports, 71-05-03/1-09-2, passed on 20 March 2009 and published in the Official Gazette No.38/09 of 27 March 2009.

Article 1 specifies that the regulations concerning "waters" and "environmental protection" shall apply to the protection of the coasts and the sea from pollution, except for pollution from vessels and floating facilities.

Article 12 stipulates that the [financial] resources for the management of maritime domain include *inter alia* "compensation for damage caused by pollution of the maritime domain".

Article 61 regulates the use of funds from the budget of the founders of port authorities and states that these funds "can only be used for financing construction and maintenance of the port infrastructure" and that the other funds referred to in Article 60 "shall belong entirely to the port authority in whose area these were collected" and are intended for *inter alia* "providing the port with equipment for protection of the sea from pollution from ships".

Article 85 requires the port authority and concessionaires to order the “person who pollutes the sea or deposits waste” to stop polluting and remove “waste”, and in case when the polluter ignores such order authorizes port authorities and concessionaires to “clean the port” at the expense of the polluter.

Article 88 stipulates that “it is forbidden to throw, dispose or release into the sea or on shore solid, liquid and gaseous substance which pollute the maritime domain” and requires everyone who notices “that the maritime domain has been polluted” to inform accordingly the nearest Harbour Master’s Office or its branch office, or the relevant county.

Article 90 forbids releasing into the sea or on the shore solid and liquid wastes, oily waters, sewage and ship’s cargo residues as well as all other substances which pollute maritime domain (**indent 1**), requires vessels, floating and fixed offshore facilities to dispose all such substances into the port reception facilities (**indent 2**), and requires the Harbour Master’s Office to order masters of vessels or floating and fixed offshore facilities to do so if it determines that pollution may occur during the voyage (**indent 3**).

Article 91 authorizes the Harbour Master’s Office to prohibit departure or order detention of the vessel which had caused pollution until the costs of clean up and other damages are covered or guaranteed. **Article 92** prescribes procedures to be followed by the Harbour Master’s Office in case of pollution (reporting, inspection, investigation, assessment of damage). **Article 93** requires natural or legal persons engaged in handling oils in the maritime domain to undertake measures for prevention of spillages and containment of spills.

As outlined above, the Law as amended, does not directly address issues related to preparedness for and response to accidental marine pollution, although it regulates prevention of operational pollution in the context of maintaining order in maritime domain. It is noted that the reporting requirements mentioned in Articles 88 and 92 serve as a basis for the national spill reporting system for accidental marine pollution.

4.2.9 Other regulations

Law on Harbour Master’s Offices, 081-97-1844/1, was passed on 7 November 1997 and published in the Official Gazette No. 124/97 of 20 November 1997

The Law does not specifically address prevention, preparedness and response to marine pollution incidents or the role the Harbour Master’s Offices play in activities related to preparedness and response.

Law on Navigation and Ports on Inland Waterways, 71-05-03/1-07-2, was passed on 3 October 2007 and published in the Official Gazette No. 109/07 of 24 October 2007.

In certain articles the Law mentions *inter alia* pollution by oil and other HNS of inland waterways however it does not address **marine** pollution, which is the subject of the present Report.

Law on security of merchant ships and port facilities, 71-05-03/1-09-2, was passed on 2 October 2009 and published in the Official Gazette No. 124/09 of 16 October 2009.

The Law does not specifically address matters relevant for the subject of the present Report.

Law on transport of hazardous substances, 71-05-03-1-07-2, was passed on 13 July 2007 and published in the Official Gazette No. 79/07 of 30 July 2007.

The Law does not address **maritime** transport of hazardous substances and therefore is not relevant for the specific subject of the present Report.

Order [Regulation] on the transportation methods of hazardous substances in maritime transport, 530-01-96-2, was enacted on 28 May 1996 and published in the Official Gazette No. 79/96 of 26 September 1996.

Refers to maritime transport of dangerous substances, and is not directly relevant for the specific subject of the present Report.

Order [Regulation] on transport of dangerous substances by inland waters, 530-05-08-02/57, was enacted on 4 September 2008, and published in the Official Gazette No. 106/2008 of 17 September 2008;

Refers to transport of dangerous substances on inland waters i.e. rivers, and therefore is not relevant for the specific subject of the present Report.

Agreement on the determination of delimitation lines of inland waters and sea waters, 527-00-13, 527-1-2/17-00-1, was adopted on 7 July and 2 October 2000 and was published in the Official Gazette No. 104/00 of 20 October 2000.

Refers to the agreement between the Director of the State Water Authority and the Minister responsible for maritime affairs on the establishment of delimitation between inland waters i.e. rivers and the sea, in relation to the mouths of the rivers that flow into the sea and canals connected with the sea. The Agreement is not directly relevant for the specific subject of the present Report.

Decision of the Croatian Parliament on the extension of the jurisdiction of the Republic of Croatia in the Adriatic Sea, 302-01/03-01/02, was passed on 3 October 2003 and published in the Official Gazette No. 157/03 of 6 October 2003.

The Decision refers to the extension of the Croatian jurisdiction in the exclusive economic zone beyond the outer limit of the territorial sea, and the establishment of the Croatian Ecological and Fisheries Protection Zone (hereinafter referred to as “ZERP” which is the Croatian acronym of the name of this zone), for the purpose of *inter alia* “the protection and preservation of the marine environment”.

The Decision itself does not address response to marine pollution incidents in ZERP, while the modalities of environment protection in this zone are regulated by the “Order [Regulation] on the protection of the marine environment in the Ecological and Fisheries Protection Zone of the Republic of Croatia” published in the Official Gazette No. 47 of 2008.

4.3 NATIONAL REGULATIONS – ITALY

4.3.1 General remarks concerning quoted Italian regulations

On behalf of the competent Italian national authorities the Questionnaire was completed by the Civil Protection Service of the Apulia Region.

The following Italian legal acts relevant for preparedness for and response to accidental marine pollution by oil and other harmful and noxious substances were quoted in the reply:

1. Implementing rules of the delegation referred to the Law of 6 April 1977, n. 185, to ensure the implementation of the conventions on oil pollution, adopted in Brussels November 29, 1969 and the Convention on the Establishment of an International Fund for Compensation of related damages, adopted in Brussels on 18 December 1971² (*Norme di attuazione della delega di cui alla legge 6 aprile 1977, n. 185, per assicurare l'esecuzione delle convenzioni in materia di inquinamento da idrocarburi, adottate a Bruxelles il 29 novembre 1969 e della convenzione istitutiva di un Fondo internazionale di indennizzo dei relativi danni, adottata a Bruxelles il 18 dicembre 1971*) – D.P.R. No. 504, dated 27 May 1978, published in the Official Gazette No 246 on 2 September 1978.
2. Ratification and implementation of the International Convention for the Prevention of Pollution from Ships and of the Protocol relating to the Intervention on the High Seas in Cases of Pollution by Substances other than Oil, with Annexes, adopted in London on 2 November 1973 (*Ratifica ed esecuzione della convenzione internazionale per la prevenzione dell'inquinamento causato da navi e del protocollo sull'intervento in alto mare in caso di inquinamento causato da sostanze diverse dagli idrocarburi, con annessi, adottati a Londra il 2 novembre 1973*) – Law No. 662, dated 29 September 1980, published in the Official Gazette No. 292 on 23 October 1980.
3. Accession to the protocols relating respectively to international conventions for the Prevention of Pollution from Ships and for the Safety of Life at Sea, with Annexes, adopted in London on 17 February 1978 and their execution (*Adesione ai protocolli relativi alle convenzioni internazionali rispettivamente per la prevenzione dell'inquinamento causato da navi e per la salvaguardia della vita umana in mare, con allegati, adottati a Londra il 17 febbraio 1978, e loro esecuzione*) – Law No. 438, dated 4 June 1982, published in the Official Gazette No. 193 on 15 July 1982.
4. Provisions for the protection of the sea (*Disposizioni per la difesa del mare*) – Law No. 979, dated 31 December 1982, published in the Official Gazette No. 16 on 18 January 1983 (Ordinary Supplement).
5. Accession to the Convention of 1978 on Standards of Training, Certification and Watchkeeping for Seafarers, adopted in London on 7 July 1978, and its execution (*Adesione alla convenzione del 1978 sulle norme relative alla formazione della gente di mare, al rilascio dei brevetti ed alla guardia, adottata a Londra il 7 luglio 1978, e sua esecuzione*) – Law No. 739, dated 21 November 1985, published in the Official Gazette No. 295 on 16 December 1985 (Ordinary Supplement).
6. Establishment of the Ministry of Environment and rules concerning environmental damage (*Istituzione del Ministero dell'ambiente e norme in materia di danno*)

² Since official translations into English language of the listed Italian legal acts were not provided, the titles of the Italian legal documents were translated into English by the Consultant, and these translations should therefore be considered as provisional and unofficial.

ambientale) – Law No. 349, dated 8 July 1986, published in the Official Gazette No. 162 on 15 July 1986.

7. Framework law on protected areas (*Legge quadro sulle aree protette*) – Law No. 394, dated 6 December 1991, published in the Official Gazette No. 292 on 13 December 1991 (Ordinary Supplement No. 83).
8. Transfer of administrative functions and duties of the State to the regions and local authorities in the implementation of Chapter I of the Law no 59 of 15 March 1997 (*Conferimento di funzioni e compiti amministrativi dello Stato alle regioni ed agli enti locali, in attuazione del capo I della legge 15 marzo 1997, n. 59*) – D. Lgs No. 112, dated 31 March 1998, published in the Official Gazette No. 92 on 21 April 1998 (Ordinary Supplement No. 77).
9. Authorization to define out of court the disputes relating to compensation for damage suffered by the Italian State for the Haven event and destination of funds for environmental purposes (*Autorizzazione a definire in via stragiudiziale le controversie aventi ad oggetto il risarcimento dei danni subiti dallo Stato italiano per l'evento Haven e destinazione di somme a finalità ambientali*) – Law No. 239, dated 16 July 1998, published in the Official Gazette No. 169 on 22 July 1998.
10. Provisions for the prevention of pollution resulting from maritime transport of oil and for the control of maritime traffic (*Disposizioni per la prevenzione dell'inquinamento derivante dal trasporto marittimo di idrocarburi e per il controllo del traffico marittimo*) – Law No. 51, dated 7 March 2001, published in the Official Gazette No. 61 on 14 March 2001.
11. Provisions on the environment (*Disposizioni in campo ambientale*) – Law No. 93, dated 23 March 2001, published in the Official Gazette No. 79 on 4 April 2001.
12. Implementation of the Directive 2000/59/EC on port reception facilities for ship-generated waste and cargo residues (*Attuazione della direttiva 2000/59/CE relativa agli impianti portuali di raccolta per i rifiuti prodotti dalle navi ed i residui del carico*) – D. Lgs. No. 182, dated 24 June 2003, published in the Official Gazette No. 168 on 22 July 2003.
13. Implementation of the Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system (*Attuazione della direttiva 2002/59/CE relativa all'istituzione di un sistema comunitario di monitoraggio e di informazione sul traffico navale*) – D. Lgs. No. 196, dated 19 August 2005, published in the Official Gazette No. 222 on 23 September 2005.
14. Establishment of the ecological protection zones beyond the outer limits of the territorial sea (*Istituzione di zone di protezione ecologica oltre il limite esterno del mare territoriale*) – Law No. 61, dated 8 February 2006, published in the Official Gazette No. 52 on 3 March 2006.
15. Accession of the Italian Republic to the Protocol of 1996 to the Convention of 1972 on Prevention of Marine Pollution by Dumping Wastes, done in London on 7 November 1996, with annexes (*Adesione della Repubblica italiana al Protocollo del 1996 alla Convenzione del 1972 sulla prevenzione dell'inquinamento dei mari causato dall'immersione di rifiuti, fatto a Londra il 7 novembre 1996, con allegati*) – Law. No. 87, dated 13 February 2006, published in the Official Gazette No. 61 on 14 March 2006 (Ordinary Supplement No. 60).

16. Implementation of the Directive 2005/35/EC on ship-source pollution and on the introduction of resulting penalties (*Attuazione della direttiva 2005/35/CE relativa all'inquinamento provocato dalle navi e conseguenti sanzioni*) – D. Lgs. No. 202, dated 16 November 2007, published in the Official Gazette No. 261 on 9 November 2007 (Ordinary Supplement No. 228).
17. Directive of the President of the Council of Ministers of 3 December 2008 concerning the set of operational guidelines for emergency management (*Direttiva del Presidente del Consiglio dei Ministri del 3 dicembre 2008 concernente: "indirizzi operativi per la gestione delle emergenze"*) – Directive P.C.M., dated 3 December 2008, published in the Official Gazette No. 36 on 13 February 2009.
18. National Contingency Plan for the protection from pollution by oil and other harmful substances caused by maritime incidents (*Piano di pronto intervento nazionale per la difesa da inquinamenti da idrocarburi e di altre sostanze nocive causati da incidenti marini*) – Directive P.C.M., dated 4 November 2010, published in the Official Gazette No. 271 on 11 November 2010.
19. Implementation of the Directive 2009/17/CE concerning the modification of the Directive 2002/59/CE establishing of a Community vessel traffic monitoring and information system (*Attuazione della direttiva 2009/17/CE concernente la modifica della direttiva 2002/59/CE relativa all'istituzione di un sistema comunitario di monitoraggio del traffico navale e di informazione*) – D. Lgs. No. 18, dated 16 February 2011, published in the Official Gazette No. 58 on 11 March 2011.
20. Approval of the Operational contingency plan for the protection of the sea and of the coastal areas from the accidental pollution by oil and by other harmful substances (*Approvazione del Piano operativo di pronto intervento per la difesa del mare e delle zone costiere dagli inquinamenti accidentali da idrocarburi e da altre sostanze nocive. (13A01664)*) – D. M. No. 34, dated 29 January 2013, published in the Official Gazette No. 48 on 26 February 2013.

All legal documents included in the list provided by the Italian authorities are relevant for the protection of marine environment from pollution by oil or other harmful and noxious substances, however these can also be divided into three different categories.

The first category includes legal acts specifically addressing institutional arrangements relevant for the organization of the national system for preparedness and response to accidental marine pollution, including emergency management. This category comprises documents quoted under numbers 4, 6, 8, 10, 14, 17, 18 and 20. Since the last two are Contingency Plans these will be discussed in **Chapter 6, Section 6.3, Heading 6.3.3.**

The second category comprises legal acts addressing issues related to the protection of the marine environment but not strictly to the preparedness and response to accidental marine pollution from ships, and includes documents numbered 7 and 11.

Finally, the third category includes documents numbered 1, 2, 3, 5, 9, 12, 13, 15, 16 and 19, which are legal acts promulgating accession or ratification by Italy or transposing into Italian national law certain relevant international Conventions and Protocols or EC Directives and/or dealing with issues related to these. This group of documents is not dealt with in this Section since the international conventions, protocols and other documents are discussed in **Chapter 5** of the present Report.

4.3.2 Act on Provisions for the protection of the sea

The **Act (Law) No. 979, dated 31 December 1982**, entitled **Provisions for the protection of the sea** (*Disposizioni per la difesa del mare*) has been in force for more than 30 years and still appears to be one of the key national legal acts regulating *inter alia* preparedness and response to accidental marine pollution. The Law has seven sections: (I) Programmatic Rules, (II) Observation at sea, (III) Emergency response for the protection of sea and coastal areas from accidental pollution, (IV) Marine reserves, (V) Adjustment of central and peripheral administration, and (VI) Transitory and final provisions. A few articles were amended, changed or deleted over the past years however the major part of the Act remains as it was when originally adopted by the Parliament.

Article 1 stipulates that “the Minister of Merchant Marine³ implements the policy of the protection of the marine environment and the prevention of harmful effects to the resources of the sea, providing training, in agreement with the regions, the general plan for the protection of the sea and coasts from pollution and for the protection of marine environment, which is valid for the whole country, taking into account the state and regional programs in related matters, EU guidelines and international commitments”. It states further on that such plan should be valid for at least 5 years and in the third paragraph of **article 1** it states that the “Plan addresses, promotes and coordinates the actions and activities for the protection of the sea and coastline from pollution and protection of the marine environment, according to planning criteria, with particular emphasis on the prediction of potentially dangerous events and actions necessary to restrict the effects and to counteract against them once they are determined”.

Section II of the Act defines the principles and institutional arrangements for the organization of the observation at sea, financial arrangements, etc.

The most important Section, as far as the organization of emergency response to accidental marine pollution is concerned, is **Section III**, which sets the main principles regarding procedures to follow and responsibilities for emergency response to accident causing or likely to cause pollution of the sea or coasts, as well as basic financial arrangements and issues related to human resources.

Article 10 expressly stipulates that the Ministry of Merchant Marine, within the framework of the National Civil Protection, in cooperation with other civil and military administrations of the State, and with the assistance of the local authorities, is in charge of organizing emergency response services for the protection of the sea and coastal areas from accidental pollution.

Article 11 of the Act defines responsibilities for taking emergency response measures and for declaring local and national emergencies. It stipulates that local maritime authorities are responsible for taking all necessary measures for prevention, elimination or mitigation of the effects of pollutants, should it be technically impossible to eliminate them. It also states that if the situation justifies declaring an emergency, the Head of the Maritime District declares a local emergency, assumes the direction of response operations in accordance with the local operational plan and informs the Minister of Merchant Marine accordingly. The latter in turn informs National Civil Protection of the declaration of a local emergency, and when the emergency cannot be dealt with by means which the Ministry of Merchant Marine has at its disposal, the Minister of Merchant Marine requests the Minister of Civil Protection to promote the declaration of national emergency. In such case, the Minister of Civil Protection takes

³ The name of the Italian Ministry responsible for maritime affairs has changed several times over the last 30 years, and at present it is called “Ministero delle infrastrutture e dei trasporti” i.e. the Ministry of Infrastructure and Transport.

over the direction of all operations on the basis of the national emergency plan adopted by the organs of the National Civil Protection.

Article 12 addresses the obligation of the master, the ship operator and the shipowner, or the person responsible for an offshore platform, to inform the nearest maritime authority and to take measures for avoiding further damage and for eliminating already generated harmful consequences. It also requires that maritime authorities address to the persons specified in the preceding paragraph an immediate notice to take all measures necessary to prevent the risk of pollution and to eliminate the effects already produced, and in case that this demand remains without effect, or does not produce the desired results in an allotted period of time, to carry out the measures it deems necessary on behalf of the ship's operator or the shipowner, recovering from them, at a later stage, the expenses incurred. Finally, it requires that in case of emergency maritime authority carries out necessary measures on behalf of the ship's operator or the shipowner, recovering the expenses later on, regardless of prior notice providing for it.

Article 13 authorizes the Minister of Merchant Marine to conclude contracts for emergency services by private negotiations, without the requirement to obtain the prior approval of the State Council on the draft contract.

Article 14, which was amended on 1 January 2007, describes key arrangements for financing emergency response measures outlined in the previous articles.

Section VI, Article 34 stipulates that, in order to carry out duties and responsibilities set out in this Act, a Central Inspectorate for the defence [protection] of the sea is established at the Ministry of Merchant Marine, as well as Technical sections at the local Maritime Districts (authorities). The same article also identifies the tasks of the Inspectorate, its organization, human resources and other administrative issues.

Provisions for the protection of the sea (Law No. 979 of 31 December 1982) appears to be the most important national regulation for the setting up of a national preparedness and response system and specifically for the preparation of the national Contingency Plan.

4.3.3 Law on the Establishment of the Ministry of Environment

The **Law No. 349, dated 6 December 1986 on the Establishment of the Ministry of Environment and rules concerning environmental damage** regulates the establishment of the Ministry and assigns duties and responsibilities to it (**article 1**), stipulates its functions (**article 2**), defines its relations with other Ministries (**articles 3, 4 and 5**), designates technical services from other Ministries and regional authorities who shall work under the Ministry of Environment (**article 8**), defines its relations with the Italian regions (**article 9**), stipulates the establishment of the services of the Ministry (**articles 10, 11 and 17**) and of the National Environment Council (**article 12**), defines the relations of the Ministry with environmental protection associations (**articles 13 and 18**), defines the role of the Ministry in dissemination of information (**article 14**), addresses personnel and administrative arrangements (**articles 15 and 16**) and lays down certain initial financial arrangements (**article 19**). The Law was subsequently updated, modified and amended on several occasions and in particular on 5 March 1987, 23 March 2001, 3 April 2006 and on 24 June 2013 respectively.

The provisions of the Law on the Establishment of the Ministry of Environment, which are of specific interest for the role of the Ministry in the national system for preparedness for and response to accidental marine pollution are contained in **article 2, paragraph 8** which

specifies that measures within the competence of the Ministry, pertaining to the general plan for protection of the sea and coastlines, mentioned in Article 1 of the Law of 31 December 1982 no. 979, shall be adopted in consultation with the Minister of Environment.

Another relevant article is **article 8** which refers to the provision of services to the Ministry of Environment by other ministries and *inter alia* states that “for the surveillance, prevention and repression of violations committed to the detriment of the environment, the Minister of Environment makes use of [...] harbour authorities, after consultation with the Minister of Merchant Marine”.

4.3.4 Decree on the Transfer of administrative functions and duties

The **Legislative decree No. 112 of 31 March 1998** concerning the **Transfer of administrative functions and duties of the State to the regions and local authorities** addresses issues of relevance for the organization of the national preparedness and response system in only a few articles. These appear in Heading III “Territory, environment and infrastructure” under Chapter I “General provisions concerning the territory, environment and infrastructure” and Chapter III “Protection of nature and the environment, protection of the environment from pollution and waste management” in Section I – General functions and functions concerning protection of fauna and flora and Section III – Pollution of waters, respectively.

Heading III, Chapter I, article 51 (“The Purpose”) stipulates that the heading governs the transfer to the regions and local authorities of administrative functions and duties in terms of [...] “protection of nature and the environment, protection of the environment from pollution and waste management”, [...] “transport” and “civil protection”.

Heading III, Chapter III, Section I, article 69, first paragraph lists among the tasks of national importance for the protection of the environment (according to Article 1, paragraph 4, letter c) of the Law of 15 March 1997, n. 59), some of those that are relevant for the organization of the national preparedness and response system. These include in particular a) the transposition of the EU directives and international conventions relating to the protection of the environment and the consequent definition of objectives and the necessary steps for their implementation into national law; d) the protection, safety and observation of the quality of the marine environment; g) the exercise of State powers under Article 18 of the Law of 8 July 1986, no. 349; and h) the purchase, rental and use of special ships and aircraft for measures for protection of the environment of national importance.

The second paragraph of the same article regulates that the State continues to play, concurrently with the regions, the functions relating *inter alia* to c) urgent decisions for the prevention of environmental damage and d) the protection of the coastal environment.

Article 70 specifies lists the duties assigned to the regions and local authorities, and in the **first paragraph** states that “All administrative functions that are not expressly mentioned in the provisions of Articles 68 and 69 shall be conferred on the regions and local authorities and among these, in particular a) the tasks of observation and protection of coastal areas (...)”.

Heading III, Chapter III, Section III (Pollution of waters), **article 80** list the tasks on national importance and in the **first paragraph** states that according to Article 1, paragraph 4, letter c) of the Law of 15 March 1997, n. 59 the following duties have national importance a) the definition of the general plan for the defence of the sea and coast marine pollution; b) updating the list of harmful substances that cannot be discharged into the sea; (...) and p)

prevention and surveillance as well as' the operational measures for actions of marine pollution.

Other administrative functions and duties that were transferred to the regions and local authorities were not directly related to the organization and functioning of the national preparedness and response system.

4.3.5 Law on the Provisions for the prevention of pollution resulting from maritime transport of oil and for the control of maritime traffic

Law No. 51 of 7 March 2001, concerning the **Provisions for the prevention of pollution resulting from maritime transport of oil and for the control of maritime traffic** according to **article 1** (Objectives) aims at preventing maritime incidents or limiting the consequences of maritime disasters in which tankers are involved, promoting the use of tankers with a low environmental impact and featuring highest safety standards, and at developing activities for the control and assistance to the merchant vessel traffic that affects Italian ports and the sea off the national coasts. Although it does not specifically deals with preparedness and response to accidental marine pollution the implementation of this Law might have a significant influence on reducing the risk of incidents causing marine pollution.

Articles 2, 3 and 4 address the phasing out of single hull tankers and in particular the financial support and contribution of the State to this process.

Article 5 deals with the control of maritime areas of national interest through (1) the introduction of the Vessel Traffic System and its operational management, (2) extending to the Minister of Transport and Shipping the powers to restrict or prohibit the transit and stay of merchant ships in the territorial sea for the reasons of public order, safety of navigation and, in consultation with the Minister of Environment, protection of marine environment, (3) introducing higher fines for not observing traffic separation schemes in the Italian internal waters and territorial sea, and (4) introducing certain sanctions for not observing traffic separation schemes beyond the limits Italian territorial sea.

Article 6 authorizes the expenditures required for the realization and implementation of the Global Maritime Distress and Safety System (GMDSS), and the final **article 7** addresses the financial arrangements for covering the costs of the implementation of the Law.

4.3.6 Law on the Establishment of the ecological protection zones beyond the outer limits of the territorial sea

Law No. 61 of 8 February 2006 on the **Establishment of the ecological protection zones beyond the outer limits of the territorial sea** extends the zone in which Italy exercises its jurisdiction in the field of the protection and preservation of the marine environment (...) to the outer limits of ecological protection zones which are determined on the basis of agreements with the States whose territory is adjacent to the territory of Italy or faces it.

The Law has only two articles: **article 1** declares the establishment of zones of ecological protection and regulates the establishment of their outer limits, and **article 2** stipulates the application of the relevant Italian regulations within the zones of ecological protection.

Article 1, paragraph 3 stipulates that until the date of entry into force of agreements concerning the outer limits of the ecological protection zones with the States whose territory is adjacent to the territory of Italy or faces it, such outer limits will follow the median line,

every point of which is equidistant to the nearest points of baselines of the Italian territorial sea and of these States.

Article 2, paragraph 3 explicitly states that this law does not apply to fishing activities.

4.3.7 Directive on the set of operational guidelines for emergency management

Directive of the President of the Council of Ministers of 3 December 2008 concerning the set of operational guidelines for emergency management does not make specific reference to accidental marine pollution either by oil or by other harmful and noxious substances, however is of exceptional importance taking into consideration the key role of the National Civil Protection Services (hereinafter referred to as NCPS or “the Services”) in the protection of persons and the safeguarding of the territory in case of both natural disasters and those caused by human activities in general, including also major marine pollution incidents. As stipulated by Law No. of 31 December 1982, Provisions for the protection of the sea, when resources which the Ministry responsible for maritime affairs has at its disposal are not sufficient for dealing with a marine pollution emergency and it becomes a national emergency, the direction of all response operations is taken over by the NCPS.

NOTE: National Civil Protection Services were established by Law No. 225 of 24 February 1992, which assigns the following functions to the Services: forecasting and prevention of risks, rescue of the affected people, and taking any other activities that are necessary and cannot be postponed to face and overcome the emergency and mitigate the risk. The Services were reorganized by the Legislative Decree No. 59 of 15 May 2012 converted into Law No. 100 of 12 July 2012, which was subsequently modified by the Legislative Decree No. 93 of 14 August 2013. The main tasks of the NCPS include early warning, planning, training, dissemination of knowledge on civil protection, information to the population, exercises and application of technical regulations.

The entire **set of operational guidelines for emergency management** primarily address emergency management in case of natural and technological accidents presenting a serious risk of compromising the integrity of life of the population, and does not specifically address any individual type of accidents.

According to **article 1** the Directive aims at defining operational procedures in order to optimize the capability of alerting, activation and operation of the NCPS. These operational procedures govern the management of the flow of information between the various parties involved, the activation and coordination of the components of the Service, the description of the organizational model for the emergency management, and their timely implementation was meant to provide the necessary operational coordination in the management of the emergency, which is a prerequisite to ensure the effectiveness of the civil protection system.

The Directive is divided in three headings which address (1) the communication of the event and the flow of information, (2) the organizational model for the emergency management and (3) the first activations when an event, as per art. 2, paragraph 1, letter c) of Act no. 225/92⁴, occurs.

Subheading 1.1 of Heading 1 covers the organization of the “Situation Room Italia” and monitoring of the territory (SISTEMA), where SISTEMA is described as a coordination centre

⁴ Art. 2, paragraph 1, letter c) of Act no. 225/92 defines these events as “natural disasters or [disasters] connected with the human activity which because of their intensity and extent must be faced, by immediate intervention, with extraordinary powers and means to be used during limited and pre-defined periods of time”.

operational 24/24 which collects, verifies and disseminates information relevant for civil protection, with a view to immediately alerting various components and structures in charge of emergency management. SISTEMA is manned by the personnel of NCPS and of other relevant national services including *inter alia* the personnel of Harbour Master's Offices – Coast Guard. **Subheading 1.2** describes in detail the functions of SISTEMA and **Subheading 1.3** its operational procedures.

Heading 2 describes the organization of the emergency management in Italy addressing in detail the organization at the levels of municipality, Province, Region and the country, respectively. The first response to an emergency is provided at the municipal level, where the activation is envisaged of a "Municipality Operations Centre" (in Italian *Centro Operativo Comunale – C.O.C.*), composed of the representatives of all local structures, and the Mayor assumes the direction and coordination of emergency services and assistance to the population. At the level of the Province the coordination of activities with affected Municipalities is ensured by the "Relief Coordination Centre" (in Italian *Centro di Coordinamento dei Soccorsi - C.C.S.*) and each Province should have an operations room which implements the provisions of the C.C.S. and collects, verifies and disseminates information on the event and the response. In order to support the activities of Municipality Operations Centres and to provide a link between measures taken at local and province levels, the authority responsible for C.C.S. activates inter-municipality Operations Centres, such as e.g. "Mixed Operations Centre" (in Italian *Centri Operativi Misti - C.O.M.*).

At the regional level each Region affected by the event ensures the activation of human resources, management of emergency health care, technical staff, the participation of their officials in the activities of the centres established and operational coordination on the ground, communications and the use of basic necessities to ensure assistance to the population. If the need to establish an on-site national coordination structure to deal with the emergency is determined at the central level, the Region, in consultation with the CP Department, identifies the suitable office for it, considering the possible use of regional operations room.

The regional operations room, which should be operational 24/24, provides SISTEMA with the updated information related to the activities carried out, reports on the type and the amount of national resources that need to be integrated with those available in the region, and maintains contact with operational centres activated at the provincial and municipal level.

In case of the event which requires extraordinary means and powers, the President of the Council of Ministers, on a proposal from the Head of the Department of Civil Protection and having heard the President of the Region concerned, may dispose national operational structures of the NCPS, entrusting the coordination to the Head of the Department of Civil Protection, even before the declaration of a state of emergency.

At the national level, the Operations Committee of the Civil Protection, chaired by the Head of Civil Protection Department, ensures unified management and coordination of emergency actions. Operations Committee is composed of the representatives of all entities and public and private authorities which contribute to emergency management. The Committee defines the response strategy on the basis of the characteristics of the event, the needs, and resources available at the national level and those already employed.

Heading 3 in its preamble provides the basis for the first activations, emphasizing that in order to avoid the ineffectiveness or overlapping of the initial response, it is essential that from the earliest stages of the emergency each structure works in close coordination with the others, through a joint and integrated deployment of forces and resources, which is realized only by a strong and unambiguous coordination.

It reiterates that in case of an exceptional emergency situation the President of the Council of Ministers may, as outlined under Part 2 above, even before the declaration of a state of emergency dispose national operational structures of the CP, entrusting the coordination of all the initiatives for facing the event to the Head of PC Department. It also declares that in order to provide the Head of CP Department with the tools necessary to act, all information on the initial response of the Civil Protection have to be promptly reported to SISTEMA in accordance with the procedures defined in paragraph 1.3. The operational response of the NCPS comprises the assembling of the Crisis Unit composed of all relevant offices and services, as well as the immediate dispatching of a Task Force for evaluation, support and coordination, also in order to establish the on-site National Coordination Centre as a reference structure of the Operations Committee. As the emergency evolves the Head of PC Department provides the President of the Council of Ministers with a timely and consistent information framework, elaborating official situation bulletins.

Subheading 3.1 stipulates and outlines the procedures for the convocation of the Operations Committee of the Civil Protection, its composition and its duties.

Subheading 3.2 stipulates and outlines the procedures for the convocation of the National Commission for the prediction and prevention of major risks and for the integration of external experts into it, with a view to enabling the Committee to resort to additional technical and scientific skills in the process of operational decisions making. It also defines that the function of defining the risk scenarios and their evolution, as well as the synthesis of scientific data relevant for the event, in the relationship between the Operations Committee and the Commission, is guaranteed by the Functional Centre of the National CP Department.

Subheading 3.3 addresses the main activities of the components and operational structures of the National Civil Protection Service, and stipulates that their representatives in the Operations Committee are responsible for ensuring the implementation of response actions, in accordance with their competences and procedures. This subheading specifies the immediate actions and actions to be taken within 12 and 24 hours respectively by the representatives of each of the twenty national services, authorities, and public and private companies that participate in the Committee.

Among these the General Command of the Harbour Master's Offices – the Coast Guard is among the few authorities that have normally direct competences at sea, and the responsibilities of its representative(s) in the Committee are defined as follows:

Immediate action:

- a) providing detailed information about the determined consequences of the event [...];
- b) providing elements of information regarding human, logistics and technological resources present and employable in the area, with particular reference to those for SAR activities;
- c) suggesting the possible use of additional resources, identifying their origins, characteristics, timing and the way of use;
- d) indicating the coordinators of the rescue operations for interventions at sea;
- e) providing information on the fitness for use of port and maritime infrastructure in the affected territories;
- f) activating naval resources [...] for immediate evacuation and treatment of the wounded or their transport (MEDEVAC) to safe areas or to hospitals [...];
- g) providing for the issuance of urgent notice to the mariners to ban the areas at risk and to facilitate rescue operations ;

Within 12 hours:

- a) proposing the necessary reconnaissance and assessment of the damage to oil terminals and to coastal and marine industrial plants;
- b) indicating the port infrastructure that can be used as gathering areas for rescuers and storage areas for vehicles, equipment and goods;
- c) ensure the presence of its staff at the operational and coordination centres activated in the area.

Within 24 hours:

- a) provides a framework information on reconnaissance of damages to marine environment and on the measures for protection and conservation of marine areas [...] and production facilities involved in the event.

As already stated in the second paragraph of the overview of the present **set of operational guidelines for emergency management**, the guidelines do not specifically address any type of accident, and in particular they do not address accidents which may lead to a massive pollution of the Italian sea and coasts by oil and other harmful and noxious substances. This is clearly demonstrated by the above listed responsibilities assigned to the representatives of General Command of the Harbour Master's Offices – the Coast Guard within the national Operations Committee of the Civil Protection, where all the responsibilities are of rather general nature, and not specific for dealing with serious marine pollution emergencies. It is understood that a legal document such as the present Directive of the P.C.M. cannot enter into details of managing any type of emergency, however it provides a well structured frame for managing response to various emergencies on the basis of specific documents, which in this case are national and local/regional contingency plans for dealing with pollution caused by oil and other HNS.

In conclusion, the Italian legal acts directly or indirectly dealing with the preparedness for and response to marine pollution emergencies very adequately cover the participation in such activities of the national, regional and local authorities, and in particular the duties and responsibilities of the National Civil Protection Service, the Ministry responsible for the environment (Ministry of the Environment and Protection of Land and Sea), the Ministry responsible for shipping (Ministry of Infrastructures and Transport) and the General Command of the Harbour Master's Offices – the Coast Guard, which are the cornerstones of the national system for preparedness and response to accidental marine pollution.

4.4 NATIONAL REGULATIONS – MONTENEGRO

4.4.1 General remarks concerning the quoted Montenegrin regulations

The Questionnaire concerning the regulations on preparedness for and response to accidental marine pollution by oil and other harmful and noxious substances, as well as contingency plans existing in Montenegro, was completed on behalf of the competent Montenegrin authorities by the Division for the Prevention of Pollution from Ships, Maritime Safety Department (hereinafter referred to as MSD), Republic of Montenegro.

The following two documents were quoted in the reply:

- Law on Prevention of Sea Pollution from Sea-going Objects (*Zakon o zaštiti mora od zagađenja sa plovnihi objekata*) [*Law on the Protection of the sea from pollution from vessels*]; and
- National Contingency Plan in Case of Sea Pollution from Sea-going Objects [*National Contingency Plan in case of marine pollution from vessels*].

The Law was adopted by the Parliament of Montenegro on 31 March 2011 and published in the Official Gazette No. 20/2011, dated 15 April 2011, while the National Contingency Plan was adopted on 28 April 2011. The latter is not discussed under this heading since it will be discussed in **Chapter 6, Section 6.3, Heading 6.3.4.**

The Maritime Safety Department reported that both documents were currently being revised.

In addition to these two documents the Consultant reviewed some other national legal instruments addressing maritime affairs but also key laws on environment protection and on civil protection that were not quoted in the Questionnaire but which might have a certain bearing on the organization of the national system for preparedness and response to accidental marine pollution. These include:

- Law of the Sea⁵ (*Zakon o moru*, also translated as the *Maritime Code*, Official Gazette No. 17/07 and No. 06/08)
- Maritime Domain Act (*Zakon o morskom dobru*, Official Gazette No. 14/92, No. 27/94, No. 51/08, No. 21/09)
- Ports Act (*Zakon o lukama*, Official Gazette No. 51/08)
- Ordinance on Maintaining Order in Ports and in Other Parts of Coastal Sea and Inland Waterways (*Uredba o održavanju reda u lukama i na ostalim djelovima obalnog mora i unutrašnjim plovnim putevima*, Official Gazette No. 41/06)
- National Plan for Search and Rescue at Sea (*Nacionalni plan traganja i spašavanja na moru*, Official Gazette No. 4/06)
- Law on Environment (*Zakon o životnoj sredini*, Official Gazette No. 48/08)
- Law on Protection and Rescue (*Zakon o zaštiti i spašavanju*, Official Gazette No. 13/07, No. 05/08 and No. 89/09).

4.4.2 Law on Prevention of Sea Pollution from Sea-going Objects

The **Law on Prevention of Sea Pollution from Sea-going Objects** is the key legal instrument relevant for the setting up of the Montenegrin national preparedness and response system for accidental marine pollution, including the preparation, adoption and implementation of the National Contingency Plan:

In general, the entire Law is mostly oriented towards the protection of the marine environment from 'operational' pollution from ships (oil and oily mixtures, noxious liquid substances in bulk and in packaged form, sewage, garbage, air pollution, ballast water, harmful antifouling systems), dumping from ships and pollution from yachts and boats. The Law also addresses the reception and management of wastes in ports, areas under special protection, monitoring and reporting, inspections, penalties, as well as transitional and final

⁵ Majority of the relevant national Montenegrin legal acts are not officially translated into English and even when such translations exist they are unofficial. Consequently most of the quoted titles of the Montenegrin legal documents were translated into English by the Consultant, and these translations should therefore be considered as provisional and unofficial.

provisions. It is also noted that the sections dealing with pollution from ships by oil and by noxious liquid substances in bulk also address the compensation for pollution damage.

The Law regulates (**Article 1**) “the protection of the sea from pollution from sea-going objects [*vessels, maritime craft, facilities*] sailing in or being in the internal waters [*coastal sea*] and the territorial sea of Montenegro, the reception and handling [management] of wastes in ports, as well as the liability and compensation for damage in case of pollution.

Article 4, which prohibits *inter alia* “the release of oil, oily mixtures, ballast waters and oily wastes” as well as of “hazardous substances” and regulates release of various pollutants from ships, also excludes from these provisions “actions and activities” undertaken “for the safety of the ship and rescue of human life at sea”, those arising “as a consequence of the damage to the ship (vessel) or her equipment”, and those arising from the “reasons related to prevention of pollution and removal of consequences of pollution”, thus indicating that a distinction is made between operational and accidental releases of oil or other pollutants.

Obligations regarding the reporting to competent authorities of pollution or incidents that might cause it are addressed in **Articles 9** and **10**, while **Articles 12** and **13** define the obligations and the procedures related to sampling and analysis of samples, however it appears that these articles primarily address the sampling related to cases of operational pollution.

The key articles, as far as preparedness for and response to marine pollution at the national level and the National Contingency Plan are concerned, are **Articles 14** and **15** of the Law, albeit these articles speak about “pollution” in general and do not specifically mention either accidental pollution or pollution by oil or other HNS.

The first paragraph of **Article 14** requires the competent authorities to undertake measures required for the prevention, reduction and removal of consequences of the pollution in accordance with the “**contingency plan**”.

The second paragraph of the same article stipulates that the Plan mentioned in paragraph 1 defines “in particular the principles of work and actions, tasks and duties of the officers, as well as the ways of using equipment in emergency response”.

Finally, **Article 14, paragraph 3** regulates that the Government of Montenegro shall enact the Plan.

Article 15 stipulates in its first paragraph that “only the legal person registered for such activities, which fulfils the requirements regarding professional and technical qualifications” is entitled to carry out “prevention, minimizing and elimination of the consequences of pollution from ship”. The second paragraph defines that “work mentioned in paragraph 1 shall be entrusted to a legal person in accordance with the law regulating public procurement.

Paragraph 3 defines that the “mutual rights and obligations of the competent authorities and the legal person mentioned in paragraph 1 are defined in the contract, in accordance with the law, which is concluded for a period of five years”. Finally, the fourth paragraph stipulates that “conditions which the legal person (...) has to satisfy are defined by the regulation of the Ministry [responsible for maritime affairs] in agreement with the competent national authority responsible for environment protection”.

Main principles of the national policy regarding liability and compensation for pollution damage are defined in articles 55 to 58 of the Law, and *these articles seem to be in line with the principles of the relevant international conventions or their protocols*. Since Montenegro is currently party only to CLC 92 and Fund Convention 92 and its Protocol of 2003, and not

as yet party to HNS Convention of 1996 or its Protocol of 2010 these articles might need to be further elaborated once the country accedes to these international treaties.

Additional documents that were examined reveal that the Montenegrin **Law of the Sea** (also translated as the “Sea Act”, but actually having the meaning of the “Maritime Code”), promulgated in December 2007 (OG 17/07, including Corrections published in OG 06/08) does not specifically address either operational or accidental pollution of the sea, however, paragraph 3 of **article 2** explicitly states that Montenegro “preserves, protects and promotes” its marine environment. **Paragraph 4** states that Montenegro “cooperates with the countries in the region and participates in the work of regional and global international organizations with a view to defining general and regional regulations, measures of recommended practices and procedures for preventing and minimizing pollution of the sea and of the marine environment by pollutants originating on land, from ships, by dumping, from the air or of the air, and pollution caused by activities on the seabed or underwater activities”. Moreover **paragraph 5** of article 2 states that “Montenegro promotes co-operation, in particular with the neighbouring countries, for the purpose of adopting joint contingency plans for prompt intervention in case of accidents causing pollution of the marine environment”.

Therefore, “Law of the Sea” explicitly enables Montenegro to join the Sub Regional Contingency Plan for the Adriatic (see further on in the text).

The **Maritime Domain Act**, last revised in March 2009, includes Chapter III on the “protection of maritime domain”. Besides defining in paragraph 1 of **Article 17** protection of maritime domain as the protection of the domain from pollution by hazardous and noxious substances from land and from vessels, and in paragraph 2 generally defining what is considered as “hazardous and noxious substances”, the Act specifically lays down in article 17, **paragraph 3** that “Harbour Master’s Offices care for [are in charge of] protection of the maritime domain”.

Article 22, paragraph 1 reiterates that the duty of “ships’ masters, crew members and boat skippers” is to report to Harbour Master’s Offices any detected pollution in the maritime domain, while paragraph 2 of the same article states that “once the Harbour Master’s Office confirms that maritime domain has been polluted it has to take all the necessary measures to remove harmful substances at the expense of the polluter”.

It is noted that article 17 and article 22 of the Maritime Domain Act clearly assign the tasks related to pollution response to Harbour Master’s Offices, while article 14 of the Law on the Protection of Sea from Pollution from Sea-going Objects assigns the duty to take “all the necessary measures for combating, minimizing and eliminating the consequences of pollution” to an undefined “administrative authority” without specifying which one e.g. Maritime Safety Department, Harbour Master’s Office, ...

The fourth relevant document, the **Ports Act** does not elaborate on the responsibilities for taking measures for the removal of pollutants in ports, however in the section dealing with “protection from pollution” it does nominate the Inspection in charge of the safety of navigation to “order” the “cleaning of the port at the expense of the polluter”.

The Consultant strongly recommends that the MSD initiates, together with the MTMAT, the revision and harmonization of the above mentioned legal instruments with a view to harmonizing the relevant parts of these, and possibly of other legal documents which the Consultant did not review, which assign duties and responsibilities for pollution response activities to various departments/administrations and/or parts thereof.

Neither of these legal acts specifically addresses the response to pollution on shore. On the other hand the **Law on Protection and Rescue**, which is the key national document regulating dealing with the consequences of natural disasters and technical and technological accidents, assigns responsibility for dealing with *inter alia* all “measures for protection and rescue” to the ministry competent for protection and rescue affairs in emergencies i.e. the Ministry of the Interior. Although the list of such measures (**article 74**) does not specifically mention shoreline clean-up in case of marine pollution incidents, it mentions “search and rescue at sea” and “sanitation [rehabilitation] of the terrain”. Regarding SAR operations **article 111** refers to “an obligation to provide all forms of assistance [...] in accordance with a special law” and Montenegro has indeed adopted in 2006 “National Search and Rescue Plan”. As regards “sanitation [rehabilitation] of the terrain” **article 114** stipulates that among other activities it also comprises “collecting and destroying all types of waste and other hazardous materials that endanger life and health of people”, which might include shoreline clean-up operations.

4.5 NATIONAL REGULATIONS – SLOVENIA

4.5.1 General remarks concerning the quoted Slovenian regulations

The Questionnaire concerning Slovenian national regulations on preparedness for and response to accidental marine pollution by oil and other harmful and noxious substances, as well as contingency plans existing in Slovenia, was completed by Marine Biology Station Piran, National Institute of Biology, Republic of Slovenia.

The following four documents were quoted in the reply:

- Decree on the Organization, Equipment and Training of Protection, Rescue and Relief Forces (*Uredba o organiziranju, opremljanju in usposabljanju sil za zaščito, reševanje in pomoč*), dated 10 October 2007, Official Gazette No. 92/2007;
- Decree on the Organization, Equipment and Training of Protection, Rescue and Relief Forces - Changes (*Uredba o organiziranju, opremljanju in usposabljanju sil za zaščito, reševanje in pomoč – Spremembe*), 13 July 2009, Official Gazette No. 54/2009;
- Decree on the Organization, Equipment and Training of Protection, Rescue and Relief Forces - Changes (*Uredba o organiziranju, opremljanju in usposabljanju sil za zaščito, reševanje in pomoč – Spremembe*), 31 March 2011, Official Gazette No. 23/2011;
- Waters Act (*Zakon o vodah*), 12 July 2002, Official Gazette No. 67/2002, as amended by subsequent Laws on changes and amendments, Official Gazette Nos. 57/2008, 57/2012 and 100/2013 respectively.

In addition to these documents the Consultant also reviewed the Maritime code⁶ [*Pomorski zakonik*], as amended, Official Gazette no. 26/2001, 37/2004 and 120/06 (consolidated text), which addresses various maritime transport related issues, and which was not quoted in the

⁶ Slovenian legal acts were not available in English and therefore the relevant parts thereof were translated into English by the Consultant. The translations appearing in the text should therefore be considered as provisional and unofficial.

Questionnaire, but which was expected to help understanding the organization of the national system for preparedness and response to accidental marine pollution.

4.5.2 Waters Act, as amended

Waters Act of 12 July 2002 is important for understanding other Slovenian legal documents which concern the organization of national system for accidental marine pollution preparedness and response, taking into consideration that it treats the sea as part of Slovenian surface waters and not as a separate environment or domain.

Part I (Basic provisions), **Heading 1** (Introductory provisions), **Article 1** (Contents of the Act), **paragraph 1** specifies that the “Act governs the management of the sea, inland waters and groundwater (hereinafter referred to as waters), as well as the aquatic and coastal land”. **Paragraph 2** states that “waters and aquatic and coastal land management, comprise protection of waters, regulation of waters and decision making on waters use”, and **paragraph 3** stipulates that the “Act regulates the public domain and public services in the field of waters, water facilities and other issues related to waters”.

Article 7 (Definitions) defines “surface waters” as inland waters located on the surface of the earth, such as streams, rivers, canals, lakes and the sea (**paragraph 1**), and the “coast” as a strip of land along the sea, between the low and the high tide (**paragraph 36**).

Heading 2 (Classification of waters), **Subheading 2.2** (The sea) comprises eight articles however none of these addresses the protection of the sea or marine environment against pollution.

In **Part II** (Water management), **Heading 3** (Protection of waters and aquatic and coastal ecosystems), **Subheading 3.2** (Prohibitions and restrictions), **Article 66** (Navigation practices relating to water pollution), **paragraph 3** stipulates that the “protection of waters against pollution from vessels shall be governed in accordance with the regulations in the field of maritime transport”.

Article 69 (Use of hazardous substances), **paragraph 3** also states that “transport and handling of hazardous substances at sea shall be governed in accordance with the rules on the transport of dangerous goods and shipping”.

Article 70 (Duties of persons) requires polluters or other persons who notice spillage, dumping or disposal of hazardous and noxious substances into the “water” (*which according to Art. 1 includes the sea, note by the Consultant*) to immediately report such events, in accordance with the regulations concerning protection against natural and other disasters, to the competent inspection or the police, and to do everything in their power to minimize consequences for the environment”.

Law on changes and amendments of the Waters Act (Official Gazette No. 57/2008), **Article 22**, introduced a new Article 59.a as follows:

2.2.1.a “Management plan for the marine environment”, Article 59.a (Management plan for the marine environment)

(1) For the implementation of the program in Article 54 of this Act, the Government shall adopt a management plan for the marine environment.

(2) The management plan for the marine environment shall include, in particular:

- 1 an indication of the authority responsible for the preparation and implementation of the management plan for the marine environment,
- 2 initial assessment of marine waters on the basis of the existing data,
- 3 determination of the types of characteristics for good environmental status,
- 4 comprehensive set of environmental targets and associated indicators,
- 5 coordinated monitoring programs for continuous assessment,
- 6 measures to be taken to achieve or maintain good environmental status of the marine environment.

(3) The detailed contents of the management plan for marine environment, method of its preparation and timelines for the preparation of the individual elements shall be determined by the Government".

Finally, **Law on changes and amendments to the Waters Act** (Official Gazette No. 57/2012), **Article 17**, added after the fourth paragraph of Article 161 of the original Waters Act the following new fifth paragraph: "(5) Notwithstanding the provisions of Articles 98 and 161 of this Act, the functions in indents 4 and 5 of the second paragraph of Article 98 of this Act, that are carried out at sea, are performed by the authority within the ministry responsible for maritime affairs, as specialized technical tasks of this authority."

The functions to which new paragraph 5 refers are (**indent 4**) removal of floating debris, waste and other discarded or abandoned objects and substances from surface waters and aquatic and coastal land, and (**indent 5**) cleaning the water surface and prevention of pollution of water and coasts.

Therefore, although the Waters Act does not specifically address marine pollution, accidental marine pollution or response to it, it was considered important to review it taking into consideration a specific way the sea has been included among other surface waters. However by introducing *inter alia* the two above quoted amendments, the Waters Act recognized a specific nature of the marine environment and of the activities carried out at sea.

4.5.3 Decree on the Organization, Equipment and Training of Protection, Rescue and Relief Forces, as modified and amended

The Decree is the key legal act relevant for the setting up of the Slovenian national preparedness and response system for accidental marine pollution, including the preparation, adoption and implementation of the National Contingency Plan.

Chapter I (General provisions), **Article 1** stipulates that the "regulation concerns the criteria for organizing, equipping and training of civil protection, fire and other forces for protection, rescue and relief from natural and other disasters".

Chapter II (Organization and equipment), **Heading 1** (Civil protection), **Article 2, paragraph 1** stipulates specific units and services and appoints Civil Protection authorities which are organized for performing protection, rescue and relief tasks. Among these it lists in particular "technical rescue units" and "support services", "information centres" and "logistic centres".

Article 5 (Technical rescue units), **paragraph 6** (The scope of technical rescue) includes *inter alia* "participation in the rehabilitation of the consequences of accidents involving dangerous substances in the natural environment" among the envisaged tasks in this category.

Article 10 addresses “support services” and stipulates (**paragraph 1**) that “support services are organized in particular by the Administration of the Republic of Slovenia for Civil Protection and Disasters Relief, regions and municipalities. **Paragraph 2** lists specific units and teams which “support services” comprise, such as supply, [...], information and communication support, administrative support and “units for other needs of Civil Protection Headquarters”. **Paragraph 3** states that the Administration of the Republic of Slovenia for Civil Protection and Disasters Relief may organize, in accordance with the emergency response plans, specific services for support and performing certain tasks in the implementation of protection, rescue and assistance in case of ecological and other disasters at sea [...]. Tasks of support services defined in **paragraph 5** include among the others the tasks of providing board and lodging, tools and material, maintenance of equipment, information and communication support to the management in managing and coordinating protection, rescue and disaster relief, transport of personnel, equipment and material [...], information and administrative support to management, [...].

Although the tasks of “information centres” and “logistic centres” as described in **Articles 13 and 14** are primarily related to assistance to persons affected by life threatening disasters, these do not exclude tasks that could be relevant for dealing with major marine pollution accidents.

Article 16 unequivocally stipulates that “the management of the Civil Protection must be organized, equipped and trained so that they can be activated in not more than four hours, and units and services in up to eight hours.

Heading 2 (Fire departments, units and services of volunteer fire brigade and other non-governmental organizations) addresses the organization and tasks of firefighting units, and **Article 20, paragraph 4** regulates that “contractually specified protection and rescue tasks in case of ecological and other disasters at sea shall be carried out by Public Institution – Koper Fire Brigade”.

Heading 3 (Units, departments and centres for protection, rescue and relief operations organized by the State authorities), **Article 34, paragraph 3** stipulates that the “organization, equipment, training and other issues related to units, departments and centres referred to in paragraph 1 (*i.e. accommodation centre and mobile dispensary, personal identification unit, mobile meteorological and hydrological unit, ecology laboratory with mobile unit*) shall be regulated by contracts as necessary, while [those related to] the department for protection and rescue in case of ecological and other disasters at sea also by the agreement between the competent ministries or by Government decisions”.

Article 35, paragraph 1 regulates that the Department [Office, Service] for protection and rescue in case of ecological and other disasters and search at sea, comprises in accordance with regulations and international acts in particular:

- Slovenian Maritime Administration with the Search and Rescue Coordination Centre which directs search and rescue at sea or, as a coordinator of services of public authorities operating at sea, ensures consistency of operation of services;
- Service for the Protection of the coastal sea with the implementing [contacting] organizations;
- Commander of the Civil Protection and the Coastal Civil Protection Headquarters, appropriate units or departments of Civil Protection, and Administration of the Republic of Slovenia for Civil Protection and Disaster Relief;
- other State and local forces for protection, rescue and relief operations, and management authorities.

Paragraph 2 stipulates that “the functioning of authorities, units and forces mentioned in the preceding paragraph, and other forces for protection, rescue and relief, in accordance with the principle of gradualism, shall in case of major emergencies be managed, directed and coordinated by the Commander of the Civil Protection with the Coastal Civil Protection Headquarters”.

Paragraph 3 regulates that the “Administration of the Republic of Slovenia for Civil Protection and Disaster Relief, by contracting relevant companies and institutions that own appropriate vessels and other equipment, organizes the execution of specific tasks for protection, rescue and relief mentioned in the first paragraph”.

Article 39 regulates that a national unit for emergency response shall be organized for executing particularly complex tasks and for assisting other countries. The unit shall be formed from national Civil Protection units and services and other forces [...] under national jurisdiction and those co-financed by the State, and the Command Unit for its operational management, organization, equipment and training shall be set up at the Administration of the Republic of Slovenia for Civil Protection and Disaster Relief. The same Article specifies that regions and municipalities may also form emergency rescue units, and that the Administration may organize such permanent or temporary operational units [...] to be sent to assist other countries in case of emergency.

Chapter III addresses education and training, but does not specifically mention training for response to marine pollution emergencies or any other individual task of Civil Protection.

As outlined above the Decree on the Organization, Equipment and Training of Protection, Rescue and Relief Forces provides a comprehensive framework for setting up the services, at national, regional and local levels, for responding to accidental marine pollution and for ensuring the required level of preparedness for executing their tasks in case of emergency.

4.5.4 Maritime Code, as amended

Maritime Code comprises eleven parts dealing respectively with (1) General provisions, (2) Safety of navigation, (3) Nationality, identification and registration of ships, (4) Real property rights, (5) Shipowner, (6) Maritime contracts, (7) Maritime accidents, (8) Enforcement and insurance of ships, (9) Conflict of laws, (10) Violations and (11) Transitional and final provisions. The Code in general addresses legal issues related to shipping and its various aspects and does not deal in too much detail with specific technical or operational matters. Although it contains specific chapters addressing e.g. sovereignty of the Republic Slovenia, order in ports and other parts of the territorial sea, requirements for ships and boats, crew, inspection control, liability of various parties, collisions of ships, rescue, lifting of sunken or grounded goods etc. it does not address in any detail protection of marine environment, prevention of pollution from ships, and elements of preparedness for and response to marine pollution incidents, and therefore is of no particular relevance for the understanding of the set up and functioning of the Slovenian national system for preparedness and response.

4.6 NATIONAL REGULATIONS – COMPARISON AND SUMMARY

4.6.1 Some remarks concerning national systems for preparedness and response

It is generally accepted that the key to prompt and effective response to marine pollution accidents, or to incidents likely to cause marine pollution by oil and other harmful or noxious

substances, is the establishment of a proper national preparedness and response systems. As stipulated in **Article 6** of the OPRC 1990 Convention, the basic elements of such system are (a) the designation of the **competent national authorities** responsible for oil and/or HNS pollution preparedness and response, the **national contact point** or points responsible for the receipt and transmission of oil pollution reports, an **authority** which is entitled to act on behalf of the State **to request assistance** or to decide **to render** the requested assistance, and (b) a **national contingency plan** for preparedness and response which defines organizational relationships of various bodies, either public or private, involved in dealing with marine pollution incidents or consequences thereof.

OPRC 1990 further requires each Party (i.e. State) to establish (a) a minimum level of pre-positioned **spill response equipment**, commensurate with the risk involved, (b) a **programme of exercises and training** for the personnel involved, and (c) detailed plans and **communication capabilities** for responding to pollution incidents, as well as some other components.

It is noted that although OPRC 1990 specifically addresses **oil pollution** the identical requirements are mirrored in the OPRC-HNS Protocol of the year 2000 which addresses **pollution by other hazardous and noxious substances**.

Taking into consideration that OPRC 1990 Convention and its OPRC-HNS 2000 Protocol are considered as key international regulations as far as preparedness and response to marine pollution incidents are concerned, and that all Adriatic coastal States except Montenegro are at present Parties to OPRC 1990, for the purpose of this Report complying with the requirements mentioned in **Article 6** of the OPRC 1990 was used as the criteria for assessing the adequacy or otherwise of national legislation which addresses the organization of national preparedness and response systems. It is noted that the term “*national preparedness and response systems*” itself **was not found** in any of the legal acts which were quoted in replies to the Questionnaire, however some of these laws and regulations address directly or indirectly the above outlined components of such system.

For the purpose of this Report reference to the OPRC 1990 shall also imply reference to its Protocol of 2000 concerning hazardous and noxious substances, i.e. OPRC-HNS 2000, notwithstanding the fact that so far only Slovenia acceded to OPRC-HNS 2000.

4.6.2 Some remarks concerning accidental and operational pollution

National legal documents which provide a basis for the establishment of such national preparedness and response system are usually found among laws or other regulations covering three different groups of subjects, dealing respectively with:

- **Maritime** issues,
- **Environmental** issues, and
- Issues related to **civil protection**.

Legal documents which form the foundation for developing national preparedness and response systems in the countries in the Adriatic region, which participate in HAZADR project, also belong to these three groups.

In order to better clarify certain concepts used in the present Report it is necessary to define the term “pollution incident” which is very often used in both, various national legislation and the Report. Again, the definition used in the OPRC 1990 Convention (**Article 2**) has been used as the standard. It defines “oil pollution incident” as “an occurrence or series of occurrences having the same origin, which results or may result in a discharge of oil and

which poses 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". The identical definition of "pollution incident", but with reference to the "hazardous and noxious substances" appears in **Article 2** of the OPRC-HNS 2000.

A detailed review of the documents quoted in the replies to the Questionnaires provided by the partners in HAZADR project demonstrates that practically all documents dealing with maritime and environmental issues regularly address matters of importance primarily for the prevention of marine oil or HNS pollution in general, and for what is known as **operational marine pollution** in particular (cf. **Chapter 5, Section 5.1**). These rarely address **accidental marine pollution**, and only sporadically **major** marine pollution incidents that may have grave consequences for economic activities at sea and in the coastal area, or severely affect marine environment. In particular, these documents rarely distinguish clearly between **operational pollution**, which to a certain extent includes also minor incidents which may occur during loading and unloading ships and during their routine operations in or near the ports, and on the other hand the "real" **accidental pollution** (i.e. "*pollution incidents*" in terms of OPRC 1990) which occurs as the consequence of serious maritime incidents including collisions, groundings, explosions on board in particular oil tankers, etc.

The difference between these two types of pollution is primarily in the quantities of the pollutant, i.e. oil or HNS spilled or are likely to be released into the sea, which consequently require approach of a completely different scale and kind to responding to each type of pollution. It is also safe to say that operational pollution, in most cases, can be prevented if proper technical standards are adopted on board ships and in ports, and a proper control of vessels and port facilities is regularly exerted. The size of spills which may still occasionally occur during routine operation of ships is of such proportions that these can easily be dealt with a minimum of organization and using basic equipment available in almost all the ports through various specialized spill clean-up services.

On the other hand, despite significant improvements over the last three or so decades in the design of ships in general and tankers in particular, the improvements in navigational aids which became available, in better control of maritime traffic, the improvements in standards of training of ships' crews etc. the maritime incidents still do occur, albeit the number of serious marine pollution incidents has shown a significant decline globally since the beginning of the century. Notwithstanding these fact, the occurrence of an accident is by definition very difficult or rather impossible to predict and therefore prevent, and when it occurs the success or otherwise of response to it depends almost exclusively on the efficiency of the national preparedness and response system that was briefly outlined in the beginning of this chapter.

However, legal acts addressing maritime and environmental issues tend to ignore the above outlined difference between two types of marine pollution and usually do not provide clear guidance for setting up such national systems. They often rely on the existence of other national legal documents which address procedures and methods of dealing with emergencies, such as natural and technological disasters which should also include major marine pollution accidents. These other legal acts are aimed at setting up national civil protection services and the national systems for dealing with civil protection emergencies. Consequently, they primarily address rescue of human life and relief in case of disasters such as earthquakes, floods, fires, accidents in road, rail, air or maritime transport or in industrial facilities that result in casualties and major disruption of normal activities of the country, and are less concerned with the protection of various components of the environment if such pollution does not have direct adverse effects for human life. Marine pollution accidents though, even those of major proportions, rarely result in loss of life and therefore are not given priority in civil protection legislation.

As a result of the situation outline above, the setting up of a national systems for preparedness and response to (major) marine pollution accidents often requires referring to national legal acts covering various areas including maritime, environmental and civil protection regulations in the first place, but sometimes also those covering e.g. defence and interior affairs too.

4.6.3 Relevant regulations in the Adriatic coastal States

Legal documents which were quoted in the replies to the Questionnaires provided by the partners in HAZADR project included accordingly a mixture of legal acts addressing maritime, environmental and civil protection matters, as follows:

- Among 13 legal documents, excluding the National Contingency Plan, quoted by the **Albanian** authorities 38% were maritime laws or regulations, 23% addressed environmental matters and another 23% defence related matters, while 8% referred to civil protection and 8% to other issues.
- 25 legal documents listed in the **Croatian** reply, in addition to the Constitution and the NCP, included 60% of maritime laws and regulations, 24% of environmental legislation, 4% of defence related acts, and 12% of other regulations.
- **Italy** in its reply listed 18 legal documents besides the two (National) Contingency Plans. Among these 67% relate to maritime matters, 17% are regulations concerning the environment, 5% deal with civil protection, and 11% are other regulations.
- **Montenegro** quoted only one relevant legal document in addition to the NCP, and this one belongs to maritime regulations.
- Finally, **Slovenia** listed 4 documents, 3 of which address civil protection (75%) and one covers environmental issues (25%), although in fact two among three quoted Slovenian regulations concerning “Protection, rescue and relief forces” introduce changes and amendments to a single original regulation.

The following Table presents these figures in a tabular form.

Table 2 Percentage of categories of national regulations quoted in the reply to the Questionnaire, by country

Type of legislation	ALB %	HRV %	ITA %	MNE %	SVN %
MARITIME	38	60	67	100	-
ENVIRONMENTAL	23	24	17	-	25
CIVIL PROTECTION	8	-	5	-	75
DEFENCE	23	4	-	-	-
OTHER	8	12	11	-	-

As indicated in Sections 4.1 to 4.5, the analysis of the documents listed by the five countries in the Adriatic region demonstrates that not all of them are relevant for the organization of spill preparedness and response at national and local levels, despite the fact that all quoted documents, which were outlined and reviewed earlier on in the text, address more or less explicitly “protection of marine environment”, “prevention of pollution” of the sea, or of the marine environment, or from ships, and related issues.

In most cases “protection of marine environment” and “prevention of pollution” means prohibition of disposal or release of oil and other “dangerous” substances into the sea that is not in conformity with the established international standards as prescribed in various documents adopted by the International Maritime Organization (IMO), primarily in MARPOL and its Annexes, or stipulated in the relevant EU Directives. Most of these regulate prevention of **operational** pollution resulting from routine operation of ships under way or in ports, and do not specifically address accidents resulting in massive spills of oil or HNS. Documents in this category in most cases prescribe inspection and control of ships and their operation, with a view to identifying and prohibiting illicit practices. They also envisage penalties or other sanctions for contravention of the rules set by national and/or international regulations, and empower competent authorities to order undertaking measures for responding to and eliminating pollution resulting from such illicit practices. Most of such regulations belong to the category of “maritime legislation”. A similar approach has been identified in various “environmental” regulations which address protection of the environment, or marine environment as its specific part.

On the other hand, a certain number of legal acts quoted in reply to the Questionnaire refers to the adoption and transposition into national law of international regulations (Conventions, Protocols, Directives) addressing the protection of marine environment against pollution, and although some of these directly address international Conventions such as e.g. OPRC 1990 and its 2000 OPRC-HNS Protocol, Intervention 69 and its 1973 Protocol, etc. which are particularly relevant for dealing with marine pollution incidents, they do not provide explicit guidance for setting national preparedness and response systems.

The third group of documents which do not have direct implications for the setting up of national preparedness and response systems or similar arrangements at local or regional (area) level, are those in category “other legislation” which included documents, in particular in case of Croatia and Italy, which regulate the extension of their respective national jurisdictions to the sea areas beyond the outer limits of national territorial sea for the purpose of *inter alia* protection of the marine environment from pollution or preservation of marine life and other resources in conformity with the law of the sea as governed by the United Nations Convention on the Law of the Sea (UNCLOS). Despite their importance and the fact that they provide basis for response to pollution accidents which might occur further off shore and outside the limits of the territorial sea of the countries concerned, they do not directly address the organization of response.

If all such legal acts are ignored, the percentages cited in the previous Table change as shown in the Table 3 below:

Table 3 Percentage of categories of national regulations relevant for the organization of preparedness and response quoted in the reply to the Questionnaire, by country

Type of legislation	ALB %	HRV %	ITA %	MNE %	SVN %
MARITIME	29	40	40	100	-
ENVIRONMENTAL	14	40	20	-	25
CIVIL PROTECTION	14	-	40	-	75
DEFENCE	43	20	-	-	-
OTHER	-	-	-	-	-

The comparison between the two tables clearly shows that, once the regulations mentioned in the previous paragraphs are excluded from the calculation, the importance of the regulations dealing with “civil protection” and “defence” becomes more prominent, as compared to “maritime” regulations. The importance of national “environmental” legislation remains more or less the same.

It is noted that the additional regulations reviewed by the Consultant, which were not quoted in replies to the Questionnaire, but which might have implications for the setting up and functioning of the national preparedness and response system, were not taken into account when preparing these tables.

It is also noted that the Montenegrin authorities, when filling in the Questionnaire which quotes only a single maritime regulation directly affecting the organization of the national preparedness and response system, apparently took into consideration only operations at sea and not the shoreline clean-up operations, which usually constitute a major part of spill response efforts. Should the spill response on shore, which the quoted document does not address at all, be also taken into consideration, at least one legal document regulating the field of “civil protection” (e.g. “Law on Protection and Rescue”), would have been listed too.

The following laws and regulations among those quoted in the reply to the Questionnaire and hence reviewed by the Consultant provide the basis for setting up respective national systems for preparedness and response:

Albania

- Maritime Code of the Republic of Albania, as amended (OG 56/2004)
- Law on the Albanian Coast Guard, as amended (OG 15/2002 and 103/2007)
- Law on the Protection of Marine Environment from Pollution and Damage (OG 29/2002)
- Law for the Maritime Administration of the Republic of Albania (OG 51/2009)
- Law on Civil Emergencies, as amended (OG 15/2001)
- Decision of the Council of Ministers on the organization, structure and operation of IMOC and the coordination with government institution that have their interests at the sea, as amended (OG 155/2009)
- Decision of the Council of Ministers on the approval of the policies and procedures of the functioning of IMOC (OG 94/2011)

Croatia

- Maritime Code (OG 181/2004)
- Environment Protection Act (OG 110/2007 and OG 80/2013)
- Waste Act/Sustainable Waste Management Act (OG 178/2004 and OG 94/2013)
- Law on the Coast Guard of the Republic of Croatia (OG 109/2007)
- Order [Regulation] on places of refuge (OG 3/2008)

Italy

- Provisions for the protection of the sea (OG 16/1983)
- Law on the Establishment of the Ministry of Environment and rules concerning environmental damage (OG 162/1986)
- (Directive on the) Transfer of administrative functions and duties of the State to the regions and local authorities in the implementation of Chapter I of the Law no 59 of 15 March 1997 (OG 92/1998)
- Provisions for the prevention of pollution resulting from maritime transport of oil and for the control of maritime traffic (OG 61/2001)

- Directive of the President of the Council of Ministers of 3 December 2008 concerning the set of operational guidelines for emergency management (OG 36/2009)

Montenegro

- Law on Prevention of Sea Pollution from Sea-going Objects (OG 20/2011)

Slovenia

- Decree on the Organization, Equipment and Training of Protection, Rescue and Relief Forces (OG 92/2007)
- Decree on the Organization, Equipment and Training of Protection, Rescue and Relief Forces – Changes (OG 54/2009)
- Decree on the Organization, Equipment and Training of Protection, Rescue and Relief Forces – Changes (OG 23/2011)
- Waters Act, as amended (OG 57/2008, OG 57/2012 and OG 100/2013)

Even among the legal documents listed above, not all are of the same importance for establishing a national preparedness and response systems. From this point of view, the most important legal acts among those listed in the national Questionnaires are considered to be:

Albania

- Maritime Code of the Republic of Albania, as amended (OG 56/2004)
- Law on the Albanian Coast Guard, as amended (OG 15/2002 and 103/2007)
- Decision of the Council of Ministers on the organization, structure and operation of IMOC and the coordination with government institution that have their interests at the sea, as amended (OG 155/2009)
- Decision of the Council of Ministers on the approval of the policies and procedures of the functioning of IMOC (OG 94/2011)
- Law on Civil Emergencies, as amended (OG 15/2001)

Croatia

- Maritime Code (OG 181/2004)
- Environment Protection Act (OG 110/2007 and OG 80/2013)

Italy

- Provisions for the protection of the sea (OG 16/1983)
- (Directive on the) Transfer of administrative functions and duties of the State to the regions and local authorities in the implementation of Chapter I of the Law no 59 of 15 March 1997 (OG 92/1998)

Montenegro

- Law on Prevention of Sea Pollution from Sea-going Objects (OG 20/2011)

Slovenia

- Decree on the Organization, Equipment and Training of Protection, Rescue and Relief Forces (OG 92/2007), as modified and amended.

It is noted that although all Adriatic coastal States participating in HAZADR project except Montenegro are Parties to OPRC 1990, none of the legal acts that were reviewed contains reference to it or clearly refers to its requirement (**Article 6, paragraph 1**) to “establish a national system for responding promptly and effectively to oil pollution incidents”. Moreover, national laws concerning accession to or ratification of OPRC 1990, or transposition of the requirements of OPRC 1990 into national legislation, were not even included among relevant national regulations.

On the other hand, National Contingency Plans of all countries concerned, which are considered elsewhere in the Report (cf. **Chapter 6**), separately from other national regulations, generally comply with the requirements of OPRC 1990 and clearly identify competent national authorities with responsibilities for preparedness and response, as well as mechanisms for notification and reporting, coordination of response, communication in case of emergency, mobilization of personnel and equipment, etc. In their respective introductory parts Albanian NCP refers to the obligations of Albania under the OPRC 1990, and the Italian NCP refers to the Law by which the OPRC 1990 was ratified (No. 464 of 15 December 1998). The draft Montenegrin NCP, which was available to the Consultant, also refers to the OPRC 1990 although Montenegro is not a Party to the Convention.

A reason for not finding reference to national “preparedness and response system”, and all or some of its basic components in various national laws addressing maritime, environmental and civil protection issues, might be that the concept and the term itself are relatively new and the legislators might not be completely aware of it since it is used only in a very specialized and narrow domain of oil (and HNS) spill control.

The other, more likely reason might be that national contingency plans are in fact considered as key national documents with legal status which address practically all issues related to preparedness for and response to marine pollution incidents, and therefore it is not considered necessary to address issues dealt with in oil (or HNS) spill contingency plans also in other regulations addressing environment protection, maritime affairs or civil protection.

5 AN OVERVIEW OF TO THE MOST RELEVANT INTERNATIONAL CONVENTIONS AND PROTOCOLS ADDRESSING PREPAREDNESS FOR AND RESPONSE TO MARINE POLLUTION INCIDENTS, AND COMPENSATION FOR POLLUTION DAMAGE

5.1. INTERNATIONAL MARITIME ORGANIZATION (IMO)

The existing global system for prevention, preparedness and response to pollution of marine environment by oil and hazardous substances other than oil has been set through a series of international legal instruments (Conventions, Protocols) that define obligations of the parties which ratify them. Since most of these international treaties address the pollution from ships, and since the shipping by its very nature is a global activity, the International Maritime Organization is the main forum where such instruments are discussed, formulated and agreed upon.

International Maritime Organization (IMO), before 1982 called Inter-Governmental Maritime Consultative Organization (IMCO), has been created by a treaty adopted in 1948 at a conference organized by the United Nations, with the main goal of developing international measures to improve the safety of navigation. The IMO Convention entered into force in 1958, and the IMO Assembly met for the first time in 1959.

Safety of navigation was and remains IMO's most important responsibility, although, even without being specifically mentioned in the original IMO Convention of 1948, marine pollution was also on the Organization's agenda from the very beginnings. The problem of marine environment pollution became more and more evident with the growth in the amount of oil being transported by sea and in the size of oil tankers during the 1960's. The **Torrey Canyon** accident in 1967, in which some 120,000 tonnes of oil were spilled, demonstrated the alarming scale of the problem. The growing awareness of this new problem led to the adoption by the IMO Assembly in 1975 of amendments to the IMO Convention, adding to the list of the Organization's purposes "the prevention and control of marine pollution from ships". According to Article 1(a) of the amended Convention the purposes of IMO are:

"to provide machinery for cooperation among Governments in the field of governmental regulation and practices relating to technical matters of all kinds affecting shipping engaged in international trade; to encourage and facilitate the general adoption of the highest practicable standards in matters concerning maritime safety, efficiency of navigation and prevention and control of marine pollution from ships; and to deal with administrative and legal matters related to the purposes set out in this Article".

In the beginning of this century maritime security emerged as a new problem in the maritime world, and since 2004, when a comprehensive security regime for international shipping entered into force, maritime security became an integral part of IMO's responsibilities.

The present objectives of IMO are summarized in the Organization's slogan: **Safe, secure and efficient shipping on clean oceans.**

The body within IMO that is empowered to consider any matter within the scope of the Organization related to prevention and control of pollution from ships is the Marine Environment Protection Committee (MEPC). It is composed of all IMO Member states.

At present IMO has 170 Member States and three Associate Members.

During the first two decades of its work the main concern of IMO was to develop international treaties and other legislation relating to safety of navigation and marine pollution prevention. Once this work had been largely completed by the late 1970's, the Organization focused on keeping legislation up to date and ensuring that it is ratified by as many countries as possible. The two definitely most important IMO Conventions and their Protocols address specifically these issues. These are **SOLAS** (the International Convention for the Safety of Life at Sea, 1974, as amended, and its subsequent Protocols of 1978 and 1988, as amended), and **MARPOL** (the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, and the Protocol of 1997 to amend the it). These two Conventions and their Protocols were regularly updated, modified and amended practically each year since these were originally formulated, and today form a sound global regime that ensures safe navigation and the protection of the world oceans against ship generated pollution.

However, a number of important new instruments were also adopted over the last three decades. More recently the emphasis of IMO's work is on trying to ensure that these conventions and other treaties are properly implemented by the Member States that accepted them.

In general, IMO Conventions addressing prevention of marine pollution deal with different aspects of the problem, namely prevention of operational pollution, cutting down the accidents, reducing the consequences of accidents, preparedness for and response to marine pollution incidents, providing compensation to those who had suffered financially as a result of pollution, and helping implementation.

Prevention of **operational** marine pollution, as well as reducing the incidence of maritime casualties and of their possible consequences is regulated by a comprehensive regime of the above mentioned international legal instruments known as SOLAS and MARPOL, which has been transposed into national maritime legislation of virtually all maritime countries, including also the Adriatic coastal States. The scope of these regulations by far exceeds the scope of the HAZADR project and therefore the present Report, which focuses primarily on dealing with accidental marine pollution.

For the purpose of the HAZADR project, and therefore for the present Report, only those IMO Conventions and Protocols dealing with **preparedness and response to pollution incidents**, and those aiming at **providing compensation to the persons who suffered damage** from such pollution incidents, have been outlined below.

5.2. INTERNATIONAL CONVENTIONS ADDRESSING PREVENTION OF, PREPAREDNESS FOR AND RESPONSE TO MARINE POLLUTION INCIDENTS

5.2.1 International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC 1990) was adopted in London on 30 November 1990 and entered into force on 13 May 1995.

OPRC 1990 is considered to be the most important international legal instrument aimed at increasing the level of preparedness of States Parties to the Convention to respond to major marine pollution accidents, and at providing the framework for cooperation in the field of oil spill response on the global scale.

In fact, it is safe to say that the global system for preparedness, response and co-operation in dealing with marine pollution incidents was effectively set up by the adoption in November 1990 of the OPRC 1990. The treaty, designed to help Governments in combating major oil pollution incidents, became international law on 13 May 1995. The system was further

extended in March 2000 by the adoption of the **Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances (OPRC-HNS 2000)** which covers hazardous substances other than oil, and which is outlined further on in the text.

Recognizing the severity of certain oil pollution incidents which were recorded in the late eighties, and in particular the “Exxon Valdez” accident in March 1989, the IMO Assembly by its resolution A.674 (16) of 19 October 1989, decided to convene an international conference on oil pollution preparedness and response.

The Organization’s Marine Environmental Protection Committee (MEPC) was requested by the Assembly to develop, for consideration by such conference, an international convention on oil pollution preparedness and response which would provide the framework for international co-operation for combating major oil pollution incidents, taking into account the experience gained within the existing regional arrangements for dealing with these matters (cf. Prevention and Emergency Protocol to Barcelona Convention further on in the same Chapter).

Pursuant to this directive, the draft international convention and relevant resolutions were considered by a working group established by MEPC in March 1990 and by a Preparatory Meeting in May 1990 which agreed on a draft convention on oil pollution preparedness and response and related draft resolutions.

In accordance with the decision of the Assembly, the diplomatic conference was convened by IMO and held in London at its Headquarters from 19 to 30 November 1990. In addition to the Final Act, the Conference adopted the International Convention on Oil Pollution Preparedness and Response and Co-operation, 1990, as well as ten resolutions.

The Convention is intended to facilitate international co-operation and mutual assistance in preparing for and responding to a major oil pollution incident and to encourage States to develop and maintain an adequate capability to deal with oil pollution emergencies. Contracting Parties agree to co-operate and to render assistance when so requested by other Parties.

The OPRC 1990 Convention introduced some major changes in the international legislation in the field of protection of the marine environment, providing for e.g.:

- a basis for worldwide assistance (**Article 7**);
- the particular attention to the special needs of the developing countries (**Article 12, Resolution 4** of the Conference);
- the introduction of oil and shipping industry within the international mechanism of international co-operation in preparing for and responding to major oil pollution (**Article 6, Resolution 5** of the Conference).

The Convention requires Parties:

- i) to ensure that ships flying their flag have on board emergency plans: oil tankers of 150GT and above, other ships of 400 GT and above (as already prescribed by regulation 16 of Annex I of MARPOL 73/78). The same requirement applies also to offshore installations and seaports (**Article 3**);
- ii) to establish reporting procedure for *inter alia* masters of ships and offshore installations, when pollution occurs or is observed (**Article 4**);
- iii) to establish a national system for responding promptly and effectively to oil pollution incidents. This includes, as a minimum, the creation of a national contingency plan, nomination of designated national authorities and operational focal points for oil pollution preparedness and response, reporting and handling requests for

- assistance, as well as the establishment of stockpiles of oil spill combating equipment, the holding of oil spill combating exercises and the development of detailed contingency plans for accidental marine pollution (**Article 6**);
- iv) to co-operate in terms of providing technical support, equipment, legal assistance and advice upon the request of any Party affected or likely to be affected (**Article 7**);
 - v) to promote research and development programmes (**Article 8**) to be carried out in co-operation at the international level
 - vi) to provide support, directly or through IMO and other international bodies, for those Parties which request technical assistance (**Article 9**) in the field of:
 - training personnel;
 - ensuring the availability of relevant technology, equipment and facilities;
 - facilitating the development and implementation of capacity-building;
 - initiating joint research and development programmes, in line with the provisions of art. 8 of the convention;
 - vii) to promote bilateral and multilateral co-operation in preparedness and response (Article 10).

However it is important to note that the way how the requirements of the Convention will be implemented within each Party, and how the necessary arrangements will be made within the national preparedness and response system with a view to complying with the requirements of the Convention, always remain the responsibility and the sovereign right of the Party itself.

In addition, the OPRC 1990 Convention gives to IMO an important coordinating role to play (**Article 12**) in the fields of:

- information services;
- education and training;
- technical services to facilitate co-operation;
- technical assistance and advice to States establishing national/regional response capabilities and to those faced with major oil pollution incidents;

This role was given to IMO in order to facilitate the implementation process of the Convention in those countries which so request, and to foster at international/global level the spirit of co-operation and collaboration, not only among States but also among all the organizations concerned (oil/chemical industry, shipping industry, insurers, research institutions, other international bodies). Indeed the co-operation among all these stakeholders is one of the corner-stones of the OPRC 1990 Convention.

Finally, in the Annex to the OPRC 1990 a provision is made for the reimbursement of any assistance provided.

According to the IMO document "Status of multilateral Conventions and instruments in respect of which the International Maritime Organization or its Secretary-General performs depositary or other functions" as at 9 January 2014, the status of accession or ratification by the Adriatic coastal States of the International Convention on Oil Pollution Preparedness, Response and Co-Operation, 1990 (OPRC 1990) was as follows:

Table 4 Status of accession to or ratification of the OPRC 1990 by the Adriatic coastal States

Country	Date of deposit of instrument of ratification or accession		Entry into force of the Convention
Albania	2 January 2008	Accession	2 April 2008
Croatia	12 January 1998	Accession	12 April 1998
Italy	2 March 1999	Ratification	2 June 1999
Montenegro	-	-	-
Slovenia	31 May 2001	Accession	31 August 2001

5.2.2. Protocol on Preparedness, Response and Co-operation to pollution Incidents by Hazardous and Noxious Substances, 2000 (OPRC-HNS 2000) was adopted on 15 March 2000 and entered into force on 14 June 2007.

OPRC-HNS Protocol 2000 follows the principles of the OPRC Convention and was formally adopted by States already Party to the OPRC Convention at a Diplomatic Conference held at IMO headquarters in London in March 2000.

Like the OPRC 1990 Convention, the OPRC-HNS Protocol aims at establishing national systems for preparedness and response and at providing a global framework for international cooperation in combating major pollution accidents or threats of marine pollution by hazardous and noxious substances.

For the purposes of the Protocol, a “hazardous and noxious substance” is defined as 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.

Parties to the OPRC-HNS 2000 are required to establish measures for dealing with pollution incidents, either nationally or in co-operation with other countries. Ships are required to carry a shipboard pollution emergency plan to deal specifically with incidents involving HNS. The OPRC-HNS Protocol ensures that ships carrying hazardous and noxious substances are covered by preparedness and response regimes similar to those already in existence for oil incidents.

5.2.3. International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969 (Intervention 69) was adopted on 29 November 1969 and entered into force on 6 May 1975.

The Convention has been designed to affirm the right of a coastal State to take such measures on the high seas, outside its territorial waters, as may be necessary to prevent, mitigate or eliminate danger to its coastline or related interests from pollution by oil or the threat thereof, following upon a maritime casualty.

Until the adoption of Intervention 69 Convention there were considerable legal difficulties involved in taking such action, since countries have always been prevented from acting against ships of other countries operating on the high seas. It was widely recognized by the

Governments that it was essential to act as soon as possible in the event of a major accident threatening pollution, and the Convention was designed to enable the Governments to do so.

Nevertheless, the Intervention 69 empowers the coastal State to take only such action as is necessary, and after due consultations with appropriate interests including, in particular, the flag State or States of the ship or ships involved, the owners of the ships or cargoes in question and, where circumstances permit, independent experts appointed for this purpose.

A coastal State which takes measures beyond those permitted under the Convention is liable to pay compensation for any damage caused by such measures. Provision is made for the settlement of disputes arising in connection with the application of the Convention.

The Convention applies to all seagoing vessels except warships or other vessels owned or operated by a State and used on Government non-commercial service.

The 1969 Intervention Convention applies to casualties involving pollution by oil. Taking into consideration the increasing quantity of other substances, mainly chemical, carried by ships, some of which would, if released, present a serious hazard to the marine environment, the 1969 Brussels Conference recognized the need to extend the Convention to cover substances other than oil.

The 1973 London Conference on Marine Pollution therefore adopted the **Protocol relating to Intervention on the High Seas in Cases of Marine Pollution by Substances other than Oil (INTERVENTION Protocol 1973)** which entered into force in 1983 and was subsequently amended in 1996 and 2002 to update the list of substances attached to it.

The 1973 Intervention Protocol extended the regime of the 1969 Intervention Convention to substances which are either listed in the Annex to the Protocol or which have characteristics substantially similar to those substances.

5.2.4. International Convention on Salvage (SALVAGE 89) was adopted on 28 April 1989 and entered into force on 14 July 1996.

The Convention replaced a convention on the law of salvage adopted in Brussels in 1910 which incorporated the "no cure, no pay" principle under which a salvor is only rewarded for services if the operation is successful.

Although this basic philosophy worked well in most cases, it did not take pollution into account. A salvor that prevented a major pollution incident (for example, by towing a damaged tanker away from an environmentally sensitive area) but did not manage to save the ship or the cargo got nothing. There was therefore little incentive to a salvor to undertake an operation which had only a slim chance of success.

The 1989 Convention seeks to remedy this deficiency by making provision for an enhanced salvage award taking into account the skill and efforts of the salvor in preventing or minimizing damage to the environment.

The 1989 Salvage Convention introduced a "special compensation" to be paid to salvor who has failed to earn a reward in the normal way (i.e. by salvaging the ship and cargo).

Damage to the environment is defined as "substantial physical damage to human health or to marine life or resources in coastal or inland waters or areas adjacent thereto, caused by pollution, contamination, fire, explosion or similar major incidents."

The compensation consists of the salvor's expenses, plus up to 30% of these expenses if, thanks to the efforts of the salvor, environmental damage has been minimized or prevented. The salvor's expenses are defined as "out-of-pocket expenses reasonably incurred by the salvor in the salvage operation and a fair rate for equipment and personnel actually and reasonably used".

The tribunal or arbitrator assessing the reward may increase the amount of compensation to a maximum of 100% of the salvor's expenses, "if it deems it fair and just to do so".

If, on the other hand, the salvor is negligent and has consequently failed to prevent or minimize environmental damage, special compensation may be denied or reduced. Payment of the reward is to be made by the vessel and other property interests in proportion to their respective salvaged values.

5.3. INTERNATIONAL CONVENTIONS ADDRESSING COMPENSATION TO PERSONS WHO SUFFER DAMAGE FROM POLLUTION⁷

5.3.1. International Convention on Civil Liability for Oil Pollution Damage (CLC) was adopted on 29 November 1969 and entered into force on 19 June 1975. It was replaced by 1992 Protocol adopted on 27 November 1992 which entered into force on 30 May 1996.

The Civil Liability Convention was adopted to ensure that adequate compensation is available to persons who suffer oil pollution damage resulting from maritime casualties involving ships carrying oil.

The Convention places the liability for such damage on the owner of the ship from which the polluting oil escaped or was discharged. Subject to a number of specific exceptions, this liability is strict; it is the duty of the owner to prove in each case that any of the exceptions should in fact operate. However, except where the owner has been guilty of actual fault, they may limit liability in respect of any one incident.

The Convention requires ships covered by it to maintain insurance or other financial security in sums equivalent to the owner's total liability for one incident.

The Convention applies to all seagoing vessels actually carrying oil in bulk as cargo, but only ships carrying more than 2,000 tons of oil are required to maintain insurance in respect of oil pollution damage.

This does not apply to warships or other vessels owned or operated by a State and used for the time being for Government non-commercial service. The Convention, however, applies in respect of the liability and jurisdiction provisions, to ships owned by a State and used for commercial purposes. The only exception as regards such ships is that they are not required to carry insurance. Instead they must carry a certificate issued by the appropriate authority of the State of their registry stating that the ship's liability under the Convention is covered.

The Convention covers pollution damage resulting from spills of persistent oils suffered in the territory (including the territorial sea) of a State Party to the Convention. It is applicable to ships which actually carry oil in bulk as cargo, i.e. generally laden tankers. Spills from

⁷ The text in Section 5.3 was compiled from various papers produced by the International Maritime Organization (IMO) and edited by the Consultant.

tankers in ballast or bunker spills from ships other than other than tankers are not covered, nor is it possible to recover costs when preventive measures are so successful that no actual spill occurs. The shipowner cannot limit liability if the incident occurred as a result of the owner's personal fault.

The **Protocol of 1976**, which entered into force in 1981, provided for the applicable unit of account used under the convention to be based on the Special Drawing Rights (SDR) as used by the International Monetary Fund (IMF), replacing the "Poincaré franc", based on the "official" value of gold, as the applicable unit of account.

The **1984 Protocol** set increased limits of liability but was superseded by the 1992 Protocol.

The **Protocol of 1992** changed the entry into force requirements by reducing from six to four the number of large tanker-owning countries that were needed for entry into force.

The compensation limits were set as follows: for a ship not exceeding 5,000 gross tonnage, liability is limited to 3 million SDR, for a ship between 5,000 and 140,000 gross tonnage liability is limited to 3 million SDR plus 420 SDR for each additional unit of tonnage, and or a ship over 140,000 gross tonnage: liability is limited to 59.7 million SDR.

The 1992 protocol also widened the scope of the Convention to cover pollution damage caused in the exclusive economic zone (EEZ) or equivalent area of a State Party. The Protocol covers pollution damage as before but environmental damage compensation is limited to costs incurred for reasonable measures to reinstate the contaminated environment. It also allows expenses incurred for preventive measures to be recovered even when no spill of oil occurs, provided there was grave and imminent threat of pollution damage.

The Protocol also extended the Convention to cover spills from sea-going vessels constructed or adapted to carry oil in bulk as cargo so that it applies apply to both laden and empty tankers, including spills of bunker oil from such ships.

Under the 1992 Protocol, a shipowner cannot limit liability if it is proved that the pollution damage resulted from the shipowner's personal act or omission, committed with the intent to cause such damage, or recklessly and with knowledge that such damage would probably result.

From 16 May 1998, Parties to the 1992 Protocol ceased to be Parties to the 1969 CLC due to a mechanism for compulsory denunciation of the "old" regime established in the 1992 Protocol. However, there are a number of States which are Party to the 1969 CLC and have not yet ratified the 1992 regime - which is intended to eventually replace the 1969 CLC.

The 1992 Protocol allows for States Party to the 1992 Protocol to issue certificates to ships registered in States which are not Party to the 1992 Protocol, so that a shipowner can obtain certificates to both the 1969 and 1992 CLC, even when the ship is registered in a country which has not yet ratified the 1992 Protocol. This is important because a ship which has only a 1969 CLC may find it difficult to trade to a country which has ratified the 1992 Protocol, since it establishes higher limits of liability.

The 2000 Amendments were adopted on 18 October 2000 and entered into force on 1 November 2003

The amendments raised the compensation limits by 50 percent compared to the limits set in the 1992 Protocol, as follows: for a ship not exceeding 5,000 gross tonnage, liability is limited to 4.51 million SDR, for a ship 5,000 to 140,000 gross tonnage: liability is limited to

4.51 million SDR plus 631 SDR for each additional gross tonne over 5,000, and for a ship over 140,000 gross tonnage: liability is limited to 89.77 million SDR

5.3.2 International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (FUND) was adopted on 18 December 1971 and entered into force on 16 October 1978. It was superseded by 1992 Protocol which was adopted on 27 November 1992 and entered into force on 30 May 1996

Although the 1969 Civil Liability Convention provided a useful mechanism for ensuring the payment of compensation for oil pollution damage, it did not deal satisfactorily with all the legal, financial and other questions raised during the Conference adopting the CLC. The 1969 Brussels Conference considered a compromise proposal to establish an international fund, to be subscribed to by the cargo interests, which would be available for the dual purpose of, on the one hand, relieving the shipowner of the burden by the requirements of the new convention and, on the other hand, providing additional compensation to the victims of pollution damage in cases where compensation under the CLC 1969 was either inadequate or unobtainable.

The Conference recommended that IMO should prepare such a scheme and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage was adopted at a Conference held in Brussels in 1971. The Fund is supplementary to the Civil Liability Convention.

The purposes of the Fund Convention are: (a) to provide additional compensation when the protection afforded by the CLC 1969 is inadequate; (b) to give relief to shipowners in respect of the additional financial burden imposed on them by the CLC 1969; and (c) to give effect to the related purposes set out in the Convention.

The Fund is under an obligation to pay compensation to States and persons who suffer pollution damage, if such persons are unable to obtain compensation from the owner of the ship from which the oil escaped or if the compensation due from such owner is not sufficient to cover the damage suffered. Under the Fund Convention, victims of oil pollution damage may be compensated beyond the level of the shipowner's liability. With the exception of a few cases, the Fund is obliged to pay compensation to the victims of oil pollution damage who are unable to obtain adequate or any compensation from the shipowner or his guarantor under the CLC Convention.

The Fund's obligation to pay compensation is confined to pollution damage suffered in the territories including the territorial sea of Contracting States. The Fund is also obliged to pay compensation in respect of measures taken by a Contracting State outside its territory.

The Fund can also provide assistance to Contracting States which are threatened or affected by pollution and wish to take measures against it. This may take the form of personnel, material, credit facilities or other aid.

In connection with its second main function, the Fund is obliged to indemnify the shipowner or his insurer for a portion of the shipowner's liability under the Liability Convention.

Contributions to the Fund should be made by all persons who receive oil by sea in Contracting States.

The Convention contains provisions on the procedure for claims, rights and obligations, and jurisdiction.

Protocols to the 1971 convention were adopted in 1976 and 1984, but were superseded by the 1992 Protocol. The 1971 convention ceased to be in force from 24 May 2002.

The Protocol of 1992 was adopted on 27 November 1992 and entered into force on 30 May 1996

As was the case with the 1992 Protocol to the CLC Convention, the main purpose of the Protocol was to modify the entry into force requirements and increase compensation amounts. The scope of coverage was extended in line with the 1992 CLC Protocol.

The 1992 Protocol established a separate, 1992 International Oil Pollution Compensation (IOPC) Fund, known as the 1992 Fund, which is managed by a Secretariat based in London.

Under the 1992 Protocol, the maximum amount of compensation payable from the Fund for a single incident, including the limit established under the 1992 CLC Protocol, is 135 million SDR. However, if three States contributing to the Fund receive more than 600 million tonnes of oil per annum, the maximum amount is raised to 200 million SDR.

Protocol of 2000 was adopted on 27 September 2000, and entered into force on 27 June 2001.

The purpose of the 2000 Protocol has been to terminate the 1971 Fund Convention. According to the Protocol, the 1971 Fund Convention ceases to be in force on the date when the number of Contracting States falls below twenty-five. This happened on 24 May 2002, because of the denunciations by States Parties to Fund 1971 in favour of their membership of Fund 1992.

The 2003 Protocol (supplementary fund), was adopted on 16 May 2003, and entered into force on 3 March 2005.

The 2003 Protocol establishing an International Oil Pollution Compensation Supplementary Fund was adopted by a diplomatic conference held at IMO Headquarters in London.

The aim of the established Fund is to supplement the compensation available under the 1992 Civil Liability and Fund Conventions with an additional, third tier of compensation. The Protocol is optional and participation is open to all States Parties to the 1992 Fund Convention. The total amount of compensation payable for any one incident will be limited to a combined total of 750 million Special Drawing Rights (SDR) including the amount of compensation paid under the existing CLC/Fund Convention.

The supplementary fund will apply to damage in the territory, including the territorial sea, of a Contracting State and in the exclusive economic zone of a Contracting State.

Annual contributions to the Fund will be made in respect of each Contracting State by any person who, in any calendar year, has received total quantities of oil exceeding 150,000 tons. However, for the purposes of the Protocol, there is a minimum aggregate receipt of 1,000,000 tons of contributing oil in each Contracting State.

The Assembly of the Supplementary Fund will assess the level of contributions based on estimates of expenditure (including administrative costs and payments to be made under the Fund as a result of claims) and income (including surplus funds from previous years, annual contributions and any other income).

Amendments to the compensation limits established under the Protocol can be adopted by a tacit acceptance procedure, so that an amendment adopted in the Legal Committee of IMO

by a two-thirds majority of Contracting States present and voting, can enter into force 24 months after its adoption.

5.3.3 International Convention on Civil Liability for Bunker Oil Pollution Damage (BUNKERS 2001) was adopted on 23 March 2001, and entered into force on 21 November 2008.

The Convention was adopted to ensure that adequate, prompt, and effective compensation is available to persons who suffer damage caused by spills of oil, when carried as fuel in ships' bunkers. The Convention applies to damage caused on the territory, including the territorial sea, and in exclusive economic zones of States Parties. The Bunkers Convention provides a free-standing instrument covering pollution damage only. It includes the definition of "Pollution damage" including: (a) loss or damage caused outside the ship by contamination resulting from the escape or discharge of bunker oil from the ship, wherever such escape or discharge may occur, provided that compensation for impairment of the environment other than loss of profit from such impairment shall be limited to costs of reasonable measures of reinstatement actually undertaken or to be undertaken; and (b) the costs of preventive measures and further loss or damage caused by preventive measures.

BUNKERS 2001 Convention is modelled on the CLC 1969 Convention, and includes a key requirement that the registered owner of a vessel maintains compulsory insurance cover.

5.3.4 International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS) was adopted on 3 May 1996. It is not in force and was superseded by 2010 Protocol adopted on 30 April 2010, which at present is not yet in force.

The HNS Convention was adopted in 1996 to make it possible for up to 250 million SDR to be paid out in compensation to victims of accidents involving HNS, such as chemicals. The Convention is based on the two-tier system established under the CLC and Fund Conventions. It covers not only pollution damage but also the risks of fire and explosion, including loss of life or personal injury as well as loss of or damage to property.

HNS are defined by reference to lists of substances included in various IMO Conventions and Codes. These include oils; other liquid substances defined as noxious or dangerous; liquefied gases; liquid substances with a flashpoint not exceeding 60°C; dangerous, hazardous and harmful materials and substances carried in packaged form; and solid bulk materials defined as possessing chemical hazards. The Convention also covers residues left by the previous carriage of HNS, other than those carried in packaged form.

It should be noted that the definition of an HNS as defined by the HNS Convention differs widely from the definition adopted for the OPRC-HNS Protocol 2000.

The Convention defines damage as including loss of life or personal injury; loss of or damage to property outside the ship; loss or damage by contamination of the environment; the costs of preventative measures and further loss or damage caused by them. The Convention introduces strict liability for the shipowner and a system of compulsory insurance and insurance certificates.

A lack of ratifications meant that the 1996 Convention was failing to come into force and as a result, a **Protocol** was developed to address practical problems that had prevented many States from ratifying the original Convention.

The **2010 Protocol to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996** (HNS Convention), was adopted by consensus by a Diplomatic Conference convened by IMO on 30 April 2010.

Under the 2010 Protocol, if damage is caused by bulk HNS, compensation would first be sought from the shipowner, up to a maximum limit of 100 million Special Drawing Rights (SDR). Where damage is caused by packaged HNS, or by both bulk HNS and packaged HNS, the maximum liability for the shipowner is 115 million SDR.

Once this limit is reached, compensation would be paid from the second tier, the HNS Fund, up to a maximum of 250 million SDR (including compensation paid under the first tier).

The Fund will have an Assembly, consisting of all States Parties to the Convention and Protocol, and a dedicated secretariat. The Assembly will normally meet once a year.

The 2010 Protocol will enter into force eighteen months after the date on which a number of conditions are fulfilled.

The 1996 Convention, as amended by the 2010 Protocol, shall *mutatis mutandis* constitute and be called the **International Convention on Liability and compensation for Damage in Connection with the Carriage of Hazardous and Noxious substances by Sea, 2010 (2010 HNS Convention)**.

5.4. THE MEDITERRANEAN LEGAL FRAMEWORK

5.4.1 Barcelona Convention

The original **Convention for the Protection of the Mediterranean Sea against Pollution** was adopted by the Conference of Plenipotentiaries of the Coastal States of the Mediterranean Region for the Protection of the Mediterranean Sea, in Barcelona, Spain, on 16 February 1976, and entered into force on 12 February 1978. The original Convention was modified by amendments adopted in Barcelona on 10 June 1995 and renamed **Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean**. It entered into force on 9 July 2004 and is referred to as the **Barcelona Convention**.

A year before the adoption of the original Barcelona Convention, an Intergovernmental Meeting on the Protection of the Mediterranean, convened in Barcelona by the Executive Director of the United Nations Environment Programme (UNEP), adopted on 4 February 1975 an Action Plan for the protection and development of the Mediterranean Basin, which served as a basis for the development of a comprehensive environmental programme in the region. In order to provide a legal framework for the regional cooperation programme, the Meeting of the Plenipotentiaries was convened in February 1976 and adopted the final Act of the Conference and approved the texts of the Barcelona Convention and its first two Protocols (Dumping Protocol and Emergency Protocol).

The original Convention specifically addresses pollution caused by dumping, pollution from ships, from offshore activities, and from land-based sources, co-operation in dealing with pollution emergencies, monitoring and scientific and technological co-operation, as well as liability for pollution damages. In addition, the Convention *inter alia* stipulates the institutional arrangements for the functioning of the regional co-operation system, addresses the mechanisms by which the Contracting Parties control its implementation, and sets up rules for the adoption of additional protocols.

The Mediterranean Action Plan (MAP), which was the first Regional Seas Programme under UNEP's umbrella, in the initial phase focused primarily on marine pollution control, but it gradually evolved to include in particular integrated coastal zone planning and management.

Taking into consideration the evolution of the Mediterranean context since MAP was founded, the process of revising the “Barcelona system”, including the Mediterranean Action Plan, the Barcelona Convention and its Protocols, started in 1993.

The process was completed in June 1995 with the adoption of the new “Action Plan for the Protection of the Marine Environment and the Sustainable Development of the Coastal Areas of the Mediterranean” (MAP Phase II), which replaced the original MAP, and the adoption of the amended Convention, renamed “Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean”.

The new Convention takes into account the results of the Rio Conference held in 1992 and consequently introduces the concept of sustainable development, precautionary principle, polluter pays principle, promotes environmental impact assessment procedures and integrated management of coastal zones. New articles address the conservation of biological diversity, pollution from transboundary movement of hazardous wastes and their disposal, environmental legislation, public information and participation.

The Convention's main objectives are:

- to assess and control marine pollution
- to ensure sustainable management of natural marine and coastal resources;
- to integrate the environment in social and economic development;
- to protect the marine environment and coastal zones through prevention and reduction of pollution, and as far as possible, elimination of pollution, whether land or sea-based;
- to protect the natural and cultural heritage;
- to strengthen solidarity among Mediterranean coastal States;
- to contribute to improvement of the quality of life.

Since the adoption of the original two Protocols in 1976, the Contracting Parties negotiated and adopted another five Protocols. Between 1995 and 2002 the five older Protocols were amended and/or changed, so that at present the legal framework of MAP comprises the Barcelona Convention and seven Protocols, as follows:

- Dumping Protocol (from ships and aircraft);
- Prevention and Emergency Protocol (pollution from ships and emergency situations);
- Land-based Sources and Activities Protocol;
- Specially Protected Areas and Biological Diversity Protocol;
- Offshore Protocol (pollution from exploration and exploitation);
- Hazardous Wastes Protocol;
- Protocol on Integrated Coastal Zone Management (ICZM).

As far as pollution from ships is concerned the original 1976 Barcelona Convention addresses it in **Article 5** and stipulates that “the Contracting Parties shall take measures in conformity with international law to prevent, abate and combat pollution of the Mediterranean Sea Area caused by discharges from ships and to ensure the effective implementation in that Area of the rules which are generally recognized at the international level relating to control of this type of pollution”.

In **Article 9** the Convention specifically addresses the “Cooperation in dealing with pollution emergencies, and states that (**paragraph1**) “the Contracting Parties shall cooperate in

taking necessary measures for dealing with pollution emergencies in the Mediterranean Sea Area, whatever the causes of such emergencies, and reducing or eliminating damage resulting therefrom". **Paragraph 2** regulates that "any Contracting Party which becomes aware of any pollution emergency in the Mediterranean Sea Area shall without delay notify the Organization and, either through the Organization or directly, any Contracting Party likely to be affected by such emergency". The "Organization" is defined as "the body designated as responsible for carrying secretarial functions pursuant to article 13 of this Convention".

These Two Articles were not changed in the 1995 Barcelona Convention and they remain in force to date.

Article 5 refers to "measures in conformity with international law" which clearly indicates measures adopted under the auspices of IMO, while "necessary measures for dealing with pollution emergencies" are rather vague, which led to development by the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC) of a series of principles, guidelines and recommendations governing response to marine pollution emergencies in the Mediterranean region, which were subsequently adopted by the Meetings of the Contracting Parties to the Barcelona Convention. Some of these even served as a basis for developing similar regulations in other sea areas and globally.

5.4.2 Protocol Concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea (Prevention and Emergency Protocol)

The original **Protocol Concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency** (commonly known as the **Emergency Protocol**) was adopted on 16 February 1976 by the same Conference of Plenipotentiaries which adopted the 1976 Barcelona Convention, and entered into force together with the original Barcelona Convention on 12 February 1978. With a view to extending its scope to prevention of pollution of the marine environment from ships, Emergency Protocol was revised and amended between 1998 and 2001. The new **Protocol Concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea (Prevention and Emergency Protocol)** was adopted on 25 January 2002 by a Conference of Plenipotentiaries convened in Malta by UNEP/MAP, and entered in force on 17 March 2004. According to Article 25, paragraph 2 on the date of its entry into force it replaced the 1976 Emergency Protocol in the relations between the Parties to both instruments.

1976 Emergency Protocol is a legal instrument that sets the main principles of co-operation in dealing with threats to the marine environment, the coasts and related interests of the Contracting Parties posed by accidental releases or by accumulations of small discharges of oil or other harmful substances.

Emergency Protocol stipulates commitments of the Contracting Parties regarding the establishment and maintenance of contingency plans and means for combating marine pollution, monitoring of pollution, exchange of information relevant for preparedness and response, setting-up and maintaining a reliable communication system, and early notification of pollution incidents. It addresses in particular the obligations of the Parties regarding the assessment of the nature and extent of the casualty or emergency, taking measure for avoiding or reducing the effects of pollution, and informing other Parties of such assessments and measures taken. Finally, the Protocol sets the rules guiding the mutual assistance between the Parties and stipulates their commitment to endeavour to assist each other when so requested in case of emergency.

The Protocol envisages the existence of a regional centre for facilitating the implementation of the Protocol. In fact the Conference of Plenipotentiaries that adopted the Protocol established also, by its Resolution 7, the **Regional Oil Combating Centre (ROCC)** in Malta, and defined its objectives and functions. The name of the Centre was changed to the **Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC)** on 6 October 1989 by the 6th Ordinary Meeting of the Contracting Parties, which also extended its mandate to dealing with hazardous and noxious substances other than oil.

The Contracting Parties to the Barcelona Convention adopted in 1997, at their 10th Ordinary Meeting, a “Regional strategy on the prevention of pollution of the marine environment by ships” focusing mainly on the (a) monitoring the effective implementation of the relevant IMO conventions by the Flag State, Port State and Coastal State; (b) developing port reception facilities; (c) safety and navigation; (d) surveillance of discharge and prosecution of offenders; and (e) emergency towing. This initiated the process of updating of the Emergency Protocol with a view to extending it to cover also prevention of ship generated pollution, which eventually led to the adoption of the new Prevention and Emergency Protocol in 2002.

Prevention and Emergency Protocol of 2002 covers prevention, preparedness and response to marine pollution from sea-based sources. The wording of Prevention and Emergency Protocol has been modernised with a view to harmonising it with the texts of other relevant international legal instruments, and in particular with the text of OPRC 1990. In addition to the revision of the Protocol itself, the revision process also included amending the Annex to Resolution 7 regarding objectives and functions of REMPEC.

Article 3 (General provisions) requires the Parties “to implement international regulations to prevent, reduce and control pollution of the marine environment from ships” and “to take measures in case of pollution incidents”. It also requires parties to cooperate with the local authorities, non-governmental organizations and socio-economic actors.

Article 4 requires Parties on one hand to “maintain and promote” contingency plans and other means including equipment, ships, aircraft and trained personnel, as well as enactment of relevant legislation, etc. for responding to pollution incidents, and on the other “to take measures in conformity with the international law to prevent pollution” from ships, and to report to the Regional Centre on the implementation of these measures.

Article 5 (Monitoring) requires parties to develop and apply monitoring activities for prevention, detection and combating pollution, and for ensuring compliance with international regulations.

Article 6 addresses cooperation in recovery of lost packages containing HNS and **Article 7** dissemination and exchange of information concerning competent national authorities, regulations, new methods, techniques and technologies for prevention and response to pollution (cf. OPRC 1990).

Article 8 regulates communication of information and reports concerning pollution incidents, and **Article 9** prescribes reporting procedures to be used in case of observing pollution incidents.

Article 10 (Operational measures) requires Parties to assess the situation, undertake response measures and continue to observe the situation, and to safeguard human life and the ship.

Article 11 lists the requirements concerning emergency measures on board ships, offshore facilities and ports, including the existence of emergency or contingency plans and their implementation.

Article 12 stipulates basic rights and duties of the Parties regarding requesting and rendering assistance respectively, and **Article 13** sets principles of the “reimbursement of costs of assistance”.

Article 14 requires Parties to provide port reception facilities in their ports and terminals, **Article 15** addresses risk assessment, **Article 16** reception of ships in distress in ports and places of refuge, while **Article 17** addresses the negotiation, development and maintenance of bilateral or multilateral sub regional agreements.

These key articles of the Prevention and Emergency Protocol reiterate certain provisions found in the 1976 Emergency Protocol and in other more recent international instruments regulating prevention, preparedness and response, namely in OPRC 1990, but also reflect the work of REMPEC and the Contracting Parties in development of the above mentioned principles, guidelines and recommendations governing response to marine pollution emergencies.

In general, Prevention and Emergency Protocol of 2002 provides a solid base for the development of both, national mechanisms for prevention of pollution from ships, and for preparedness and response to pollution incidents.

5.5 THE STATUS OF RATIFICATION BY THE ADRIATIC COASTAL STATES OF THE RELEVANT INTERNATIONAL LEGAL INSTRUMENTS

Seven international treaties providing, global and regional framework for dealing with marine pollution incidents, and addressing in particular preparedness for and response to accidental marine pollution and cooperation among the countries in case of emergency were included in the Questionnaire, as well as four international Conventions and Protocols forming the basis of the international regime for compensation of damage caused by pollution by oil or other hazardous and noxious substances. The questionnaire did not include other international legal instruments addressing issues related to the prevention of operational pollution, reducing the risk of incidents, reducing the consequences of marine pollution incidents, etc. despite their utmost importance for the safety of navigation and the protection of marine environment, for reasons outlined in Section 5.1 of the Report.

Replies from the partners in HAZADR project show a very high level of accession or ratification of these international treaties by the countries in the Adriatic region.

The status of ratification and/or accession to the eleven treaties quoted in the Questionnaire, according to the most recent version of the IMO document entitled “Status of multilateral Conventions and instruments in respect of which the International Maritime Organization or its Secretary-General performs depositary or other functions” is shown in the Table below.

It is noted that the status of ratification of **all** international Conventions and Protocols adopted under the auspices of IMO, dealing with a whole range of maritime issues, is regularly updated on a monthly basis. It is available in Microsoft® Excel format and can be consulted on the official website of IMO⁸.

⁸ <http://www.imo.org/About/Conventions/StatusOfConventions/Pages/Default.aspx>

Table 5 **Summary status of ratifications by the Adriatic coastal States of the relevant international Conventions and Protocols* (as at 9 January 2014)**

Convention or Protocol	ALB	HRV	ITA	MNE	SVN
OPRC 1990					
OPRC-HNS 2000	**				
INTERVENTION 69					
INTERVENTION PROTOCOL 1973					
SALVAGE 1989					
CLC 92					
FUND 92					
BUNKERS 2001					
HNS PROTOCOL 2010					
Barcelona Convention					
Prevention and Emergency Protocol					

■ acceded or ratified

■ not acceded or not ratified

* All international Conventions and Protocols appearing in this table are globally applicable instruments adopted under the auspices of the International Maritime organization (IMO), with the exception of the Barcelona Convention and its Prevention and Emergency Protocol 2002, which are regional international treaties adopted under the auspices of the United Nations Environment Programme (UNEP).

** In the list of ratifications kept by the International Maritime Organization and regularly updated (the version used for the preparation of the present document was published on 9 January 2014) Albania does not appear among the countries that are Parties to OPRC-HNS 2000 Protocol, despite the publication in the Albanian Official Gazette No. 135 dated 17 October 2012 of the Law No. 89/2012 "For the Accession of the Republic of Albania to Protocol [...] OPRC-HNS 2000". The reason for not appearance of Albania in the above mentioned list might be that the instrument of accession was not as yet deposited with the Secretary General of IMO.

Table 6 Ratification by the Adriatic coastal States of the relevant international Conventions and Protocols

Convention or Protocol		ALBANIA	CROATIA	ITALY	MONTENEGRO	SLOVENIA
OPRC 90	Year signed	2007	1990	1990	Not Party	1990
	Year ratified	2007	1997	1998		2001
	Entered into force	2007	1997	1999		2001
	Official Gazette	No. 32/2007	No. 2 Int./1997	No. 7/1999 S.O.		No. 9 Int./2001
OPRC-HNS 2000	Year signed	2012	Not Party	Not Party	Not Party	2000
	Year ratified	2012*				2006
	Entered into force	2012				2006 (2007)
	Official Gazette	No. 135/2012				No. 5 Int./2006
INTERVENTION 69	Year signed	Not Party	1969	1979	Not reported	
	Year ratified		1992 (succ.)	1979	Not reported	
	Entered into force		1992 (succ.)	1979	Not reported	1991 (succ.)
	Official Gazette		No. 1 Int./1992	(DPR 504/1978)	Not reported	1991 (succ.)
INTERVENTION PROT 1973	Year signed	Not Party	1973	1973	Not reported	
	Year ratified		1992 (succ.)	1982	Not reported	
	Entered into force		1992 (succ.)	1983	Not reported	1991 (succ.)
	Official Gazette		No.1 Int./1992	No. 193/1982	Not reported	1991 (succ.)

*..Albania does not appear in the list of countries which are Parties to OPRC-HNS 2000 Protocol published by IMO on 9 January 2014.

OPRC 90	International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990
OPRC-HNS 2000	Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances, 2000
INTERVENTION 69	International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969
INTERVENTION PROT 1973	Protocol relating to Intervention on the High Seas in Cases of Pollution by Substances other than Oil, 1973, as amended

Convention or Protocol		ALBANIA	CROATIA	ITALY	MONTENEGRO	SLOVENIA
SALVAGE 1989	Year signed	2006	1989	1989	Not reported	2005
	Year ratified	2006	1998	1995	Not reported	2005
	Entered into force	2006	1998	1996	Not reported	2005
	Official Gazette	No. 28/2006	No. 9 Int./1998	No. 98/1995	Not reported	No. 73 Int./2005
CLC 92	Year signed	2004	1992	1992	Not reported	1992
	Year ratified	2004	1997	1999	Not reported	2000
	Entered into force	2004	1997	2000	Not reported	2000
	Official Gazette	No. 88/2004	No. 2 Int./1997	No. 141/1999	Not reported	No. 15 Int./2000
FUND 92	Year signed	2005	1992	1992	Not reported	1992
	Year ratified	2005	1997	1999	Not reported	2000
	Entered into force	2005	2005	2000	Not reported	2000
	Official Gazette	No. 85/2005	No. 2/97, 12/05	No. 141/1999	Not reported	No. 15 Int./2000
BUNKERS 2001	Year signed	2010	2001	2001	Not reported	2001
	Year ratified	2010	2006	2010	Not reported	2004
	Entered into force	2010	2006 (2008)	2011	Not reported	2008
	Official Gazette	No. 13/2010	No. 9 Int./2006	No. 43/2010	Not reported	No. 14 Int./2004

SALVAGE 1989	International Convention on Salvage, 1989
CLC 92	International Convention on Civil Liability for Oil Pollution Damage, 1992
FUND 92	International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1992
BUNKERS 2001	International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001

Convention or Protocol		ALBANIA	CROATIA	ITALY	MONTENEGRO	SLOVENIA
HNS PROT 2010	Year signed	Not Party	Not Party	Not Party	Not Party	Not Party
	Year ratified					
	Entered into force					
	Official Gazette					
Barcelona Convention	Year signed	-	1995	1995	Not reported	1995
	Year ratified	2000	1998	1999	Not reported	Not reported
	Entered into force	2000 (2004)	1998 (2004)	2004	Not reported	2002
	Official Gazette	No. 43/2000	No. 17 Int./1998	No. 140/1999	Not reported	No. 26 Int./2002
Prevention and Emergency Protocol	Year signed	Not Party	2002	2002	Not reported	2002
	Year ratified		2003	-	Not reported	Not reported
	Entered into force		2003 (2004)	(2004)	Not reported	2004
	Official Gazette		No. 12 Int./2003	-	Not reported	No. 1/2004

HNS PROT 2010	Protocol of 2010 to amend the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996
Barcelona Convention	The Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean, 1995
Prevention and Emergency Protocol	Protocol Concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea, 2002

With the exception of the Protocol on Preparedness, Response and Co-operation to pollution Incidents by Hazardous and Noxious Substances, 2000 (**OPRC-HNS 2000**) and 2010 Protocol to the International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea, 1996 (**HNS PROTOCOL 2010**), all other Conventions and Protocols were adopted by almost all countries in the region.

These two exceptions are quite understandable taking into consideration that to date only 33 out of 170 IMO Member States acceded to OPRC-HNS 2000 Protocol, and that none of the Member States as yet did not ratify the HNS PROTOCOL 2010 on compensation for damage caused by HNS spills.

Therefore, the only two countries that still need to accede to some of these legal instruments are Albania (Intervention Convention 1969 and Protocol 1973, and Prevention and Emergency Protocol of 2002 to the Barcelona Convention) and Montenegro (OPRC 1990). The Steering Committee of the HAZADR project might wish to consider, as an additional activity, the possibility of assisting Albania and Montenegro respectively to accede to these treaties. This would significantly increase on one hand the capabilities of Albania to prevent possible pollution of its territorial sea, coastal waters and coast by incidents that occur in the international waters, and on the other the possibility of both countries to have access to international assistance in case of serious marine pollution incidents. As far as the latter is concerned it is noted that Albania is still a Contracting Party to the Emergency Protocol of 1976 which was in 2004 superseded by the Prevention and Emergency Protocol of 2002.

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6. AN OVERVIEW OF THE EXISTING NATIONAL, AREA/ REGIONAL AND LOCAL CONTINGENCY PLANS

6.1 SOME REMARKS CONCERNING CONTINGENCY PLANNING

Besides the designation of the competent national authorities with responsibility for pollution preparedness and response and other related activities, a proper contingency planning is another cornerstone on which the national preparedness and response system is based. The others are the existence of trained spill response personnel and essential spill response equipment, and the provisions for ensuring an effective and rapid flow of information.

Contingency plan, regardless of its scope or tier (level), can be defined as a document outlining the **strategy (policy)** of response to marine pollution emergencies, describing **emergency procedures** and providing necessary **information** for conducting spill response operations. Overall objective of a contingency plan is to ensure an efficient, adequate and timely response to pollution or a threat of pollution by oil and/or by other hazardous and noxious substances, with a view to reducing damage to the environment and to minimizing economic and social impact on the population living in the coastal area, and in case of a national contingency plan, on the entire country.

It has been proven to be impossible to work out a "model" contingency plan however certain elements common to all such documents can be identified. The preparation of, in particular national, contingency plan always includes the risk of producing a too massive document, the use of which would be impractical.

When preparing a contingency plan, the goal is to produce a concise document containing brief definitions, descriptions and instructions, outlining local, area or national policy on dealing with marine pollution incidents, and clearly reflecting provisions of the legal documents providing statutory framework for setting up the national system for preparedness and response. This applies in particular to national contingency plans, but also to plans at any other level. It is important to note that a good contingency plan should not be loaded with complicated scientific or technical information, and should certainly not be an "oil spill response manual".

Notwithstanding what has been said on the likelihood of designing a model contingency plan, each national contingency plan should endeavour to cover issues outlined in Appendix 3 of IMO Manual on oil pollution, Section II, Contingency Planning (IMO, London, 1995):

I Introduction

- Purpose, objectives
- Authority, applicability
- Scope
- Definitions, abbreviations

II Responsibilities and organization for response

- Duties of national leadership
- National preparedness and response system
- National response priorities
- On-Scene commander's duties and responsibilities
- Notifications
- Inter-agency participation and support

III Preparedness and planning

- National policy

- Planning and coordination structure
- National plan
- Area plans (Tier 2 Plans)
- Local/industrial facility plans (Tier 1 Plans)
- International arrangements
- Training and exercises programme

IV Response operations

- General pattern of response
- Command structure
- Communications / command facilities
- Specialist teams
- Multi-regional response
- Health and safety
- Response technology
- Administration/logistics
- Funding, reimbursement, claims

V Reports and communications

- Communications systems
- Pollution reports
- Situation reports
- Post-incident review

It should be noted that some other highly respectable sources, such as e.g. ITOPF and IPIECA, propose in their documents on contingency planning different CP outlines, however a review of these reveals that albeit the suggested form or structure may differ from the “Outline” recommended by IMO and reproduced above, all basic components of the Plan remain in fact the same.

Taking into consideration this notion, and appreciating the undisputed right of each national administration to structure its own Plan in a way it deems appropriate, this Report will refrain from commenting on the form of each reviewed Plan and focus instead on its contents and in particular on the possible omission of some elements considered important for the usefulness of Plan.

6.2 REPLIES TO PART III OF THE QUESTIONNAIRE

All five countries answered questions contained in Part III of the Questionnaire, concerning their respective National Contingency Plans.

The replies prove that all countries in the Adriatic region (with the exception of Bosnia and Herzegovina, which does not participate in the HAZADR project), have their NCPs and that these comprehensively address various issues which provide a basis for rapid and effective intervention in case of a major marine pollution incident.

Most of the countries have adopted the “three tier” concept of planning response to spills of oil or HNS, although the lowest, Tier 1 is often ignored in contingency planning at national level. National preparedness and response systems in all countries concerned rely heavily on Tier 2 response, which in case of a major pollution expands to Tier 3 response.

Table 7 on the next page gives an overview of answers to the Questionnaires by the five Adriatic coastal States

Table 7 Summary of the replies to the Part III (NCP) of the Questionnaire (■ means that the relevant question was answered)

QUESTION		ALB	HRV	ITA	MNE	SVN
3	Does the country have a National Contingency Plan (NCP) ?	■	■	■	■	■
	Year when prepared/last revised	■	■		■	■
	Year when entered into force	■	■	■	■	■
4	Who prepared the NCP ?	■	■	■	■	■
4.1	A national institution			■		■
4.2	An external expert or specialised institution					
4.3	A national institution with the assistance of an external institution or an expert	■	■		■	
5	Is the NCP applicable to:	■	■	■	■	■
	Accidental marine pollution by OIL and HNS	■	■	■		■
	Accidental marine pollution by OIL only				■	
	Accidental marine pollution by HNS only					
6	What does the NCP cover ?	■	■	■	■	■
	Response AT SEA and ON SHORE	■	■	■	■	
	Response AT SEA only					■
	Response ON SHORE only					
7	How many levels of emergency are envisaged in the NCP?	■	■	■	■	
	One					
	Two			■		
	Three	■	■		■	
	Other					
8	How are responsibilities for preparedness and response divided according to the size of the spill	■	■	■	■	■
	Description	■	■	■	■	■
	Responsible departments	■	■	■	■	■

QUESTION		ALB	HRV	ITA	MNE	SVN
9	How are responsibilities for preparedness and response divided according to the location/position/place of spill/pollution/pollutant/clean-up operations		■	■	■	■
	Description		■		■	■
	Responsible departments		■	■	■	
10	How are responsibilities for preparedness and response divided according to the geographically , according to administrative divisions?	■	■	■	■	■
	Description	■	■	■	■	
	Responsible department(s) in each area	■	■	■	■	■
11	Who is responsible for activities related to preparedness at each level	■	■	■	■	
	Description	■	■	■	■	
12	Who is responsible for managing spill response at different levels?	■	■	■	■	■
	At sea	■	■	■	■	■
	On shore	■	■	■	■	■
13	Who carries out spill response operations ?	■	■	■	■	■
	Government agencies/national services/...	■	■	■	■	■
	Listed/described	■	■		■	■
	Private contractors		■		■	■
	Listed/described		■		■	■
14	Is the NCP supported by other contingency plans at lower levels?	■	■	■	■	■
	Listed		■	■	■	■
15	Is an overall national spill response strategy defined and outlined in the NCP?	■	■	■	■	■
	Main components of the strategy		■	■	■	
16	Is a national policy on the use of dispersants defined and outlined in the NCP?	■	■	■	■	■
	Main elements of the policy		■	■		

QUESTION		ALB	HRV	ITA	MNE	SVN
17	Is a national policy on waste (originating from accidental spills of oil and HNS) management defined and outlined in the NCP?	■	■	■	■	■
	Main elements of the policy		■	■	■	
18	Are environmentally sensitive areas defined and listed in the NCP and lower level contingency plans?	■	■	■	■	■
	Listed/attached		■	■		■
19	Are oil and HNS pollution environmental sensitivity maps available?	■	■	■	■	■
	Electronic or paper form		■	■		

6.3 NATIONAL CONTINGENCY PLANS

6.3.1 National Contingency Plan – ALBANIA

The “**Albanian National Contingency Plan for responding to marine pollution in the Republic of Albania**” (*Plani kombëtar i emergjencave për reagimin ndaj ndotjeve detare në Republikën e Shqipërisë*) was enacted by the Decision of the Council of Ministers No. 480 of 25 July 2012, which was published in the Official Gazette No 113 dated 30 August 2012.

The Plan was prepared by the competent Albanian national authorities participating in a purposely formed Inter-Ministerial Working Group, led by the Ministry of Transport and Infrastructure and the Inter-agency Maritime Operations Centre (IMOC), with the assistance of the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC). Taking into consideration that REMPEC was also assisting to the Montenegrin authorities in the preparation of their respective NCP and using the same concept and model, the two plans are very similar in structure, albeit they differ significantly in the way duties and responsibilities are assigned, and in the functioning of the national preparedness and response system.

The purpose of the Plan is defined as “ensuring a timely, measured and effective response at the national level to incidents at sea, causing or likely to cause pollution of the marine environment by oil and other hazardous and noxious substances (HNS), which exceed individual response capacities of ships, ports, oil terminals, shipyards, offshore installations, and of local and area (regional) authorities”.

Its general objective is to organize “an early and effective response to spills of oil and other hazardous and noxious substances (HNS) affecting or likely to affect the sea area of Albania and its coasts and to facilitate national and international co-operation in the Adriatic, the Ionian and the Mediterranean Seas”. The Plan also sets a series of specific objectives which are listed in its first Chapter.

The Plan outlines the national preparedness and response system, and has been prepared taking into consideration *inter alia* the obligations of Albania as a Party to the OPRC 1990.

The NCP is divided into 17 Chapters and also comprises 27 Annexes, not all of which were completed at the time of preparing the present Report.

The contents of the Plan include the following items:

1. Introduction
 - General history/background
 - Legal basis
 - Purpose and objectives
 - Escalating response
 - Areas of coverage
 - Definitions
2. Albanian system for marine pollution response – responsibility and organization
 - Responsibility
 - Tier 3
 - Tier 2
 - Tier 1
 - National General Coordinator
 - On-site coordinator
 - Activation of the national contingency plan

- Priority areas for the implementation of the National Contingency Plan
3. Spill reporting and notification
 - Initial notification
 - Verification and completion of information
 4. Spill assessment and setting the level of spill response
 - Actions taken after the start of a regional or national response operation
 - Criteria for escalation of response measures
 - Completion of response operations
 5. Management of response to marine pollution incidents
 - Role of the Inter-agency Maritime Operations Centre (IMOC)
 - Incident Management Team
 - Inter-Ministerial Committee for Emergency Management
 - Technical Committee
 - Reaction Groups
 - Operations Group
 - Planning Group
 - Logistic Group
 - Financial and Administration Group
 - Accommodation
 6. Response methods
 7. Response to marine pollution caused by oil
 - Monitoring
 - Situation analysis and environmental impact
 - Response at sea
 - Use of chemical dispersants
 - Response on the coastline
 - Waste Management
 - Wildlife response
 8. Response to pollution caused by the hazardous and noxious substances
 9. Risk assessment
 10. Resources
 - Equipment
 - Personnel
 - Contracts and Memoranda of Understanding
 - International assistance
 11. Training and exercises
 12. Places of refuge
 13. International agreements on pollution response
 14. Compensation and expenses
 15. Media
 - Person designated to media relations
 16. Financing
 17. Transitional and final provisions

ANNEXES

1. List of international treaties and agreements on mutual assistance
2. List of relevant national legislation
3. Geographical area of the coverage of the NCP
4. Roles and responsibilities
5. Contacts list of national authorities, organizations, services and institutions
6. List of on-shore facilities and off-shore installations which need to have a Tier 1 plan
7. Priorities for the implementation of the NCP
8. Notification flow chart
9. POLREP

10. Internal notification format
11. Members of the IMT and their roles and responsibilities
12. Tier 3 command and management structure
13. Tier 2 command and management structure
14. Procedure for testing and approval of dispersants and other treatment products
15. Geographical limits for the use of dispersants
16. Shoreline assessment form
17. Locations of potential temporary waste disposal sites
18. List of HNS likely to be spilled in Albanian territorial sea
19. Risk assessment (a summary)
20. Sensitivity maps of the Albanian coastal area
21. Inventory of spill response equipment, products and other means available in Albania
22. Sources of spill response personnel/manpower
23. Procedure for requesting and rendering international assistance
24. Criteria for assessing suitability of places of refuge
25. Fund 1992 reporting format
26. IOPC Funds Claims Manual
27. NCP distribution list

The Albanian NCP addresses procedures for responding to pollution at sea and on shore, and covers both, marine pollution by oil and by HNS. Like all contingency plans in the region the Albanian NCP is also biased towards oil pollution and addresses pollution by HNS only in general terms, providing only basic information for requesting assistance from the industry or specialized institutions dealing with this problem. The important features of the NCP are as follows:

- refers to the requirements of the OPRC 1990 and other relevant international treaties;
- respects the tiered response approach to planning;
- addresses response at Tier 3, i.e. major pollution incidents;
- assigns overall responsibility for Tier 3 response to IMOC;
- entrusts IMOC with overall responsibility for the Plan, including enforcement, implementation and supervision of all activities related to preparedness and response to oil and HNS marine pollution emergencies.
- In case when the size of pollution exceeds capacities of IMOC stipulates the transfer of responsibility to the Emergency Management Committee;
- assigns responsibility for Tier 2 response to Regional Environment Agencies (shore) and Naval Forces (sea);
- assigns the responsibility for preparation of Tier 2 CP to the Prefect of the region, in cooperation with the Naval Forces and IMOC;
- requires managers or operators of installations on shore (ports, terminals, etc.) and off shore (rigs, platforms, etc.) to have pollution emergency plans (Tier 1) and relevant response capacity to deal with accidents at their facilities;
- this requirement in particular applies to heads of ports and port authorities;
- assigns the role of National General Coordinator (NGC), who assumes control of all Tier 3 response operations, to the representative of MoE at IMOC;
- stipulates that NGC appoints an On-Scene Coordinator (OSC) who manages response operations;
- gives responsibility for health and safety of all personnel involved to OSC;
- assigns the responsibility to activate the NCP to NGC
- details procedures for notification, verification and completing information, assessment of the situation, and declaration of the appropriate response tier;
- does not set exact criteria for establishing the tier of response but provides a list of criteria to be considered when taking relevant decisions by the NGC;
- assigns the coordination of response to IMOC, and in particular to NGC;

- envisages support to the NGC by an Incident Management Team, a Technical Committee, and a team of consultants on specific issues;
- in case of massive pollution incident, upon a request by the Administrative Director of IMOC, the Council of Ministers may create an Inter-Ministerial Emergency Management Committee;
- defines the structure and hierarchy of pollution incident response management, and specifies roles of each actor e.g. IMOC, IMT, Technical Committee, etc;
- stipulates the division of tasks among Planning, Operations, Logistics and Financial/Administrative Groups respectively, and defines the tasks;
- requires IMOC to accommodate all groups and provide these with communication and IT equipment and connections, office equipment, etc;
- provides detailed guidance on various aspects of response to oil pollution;
- specifies criteria for the authorization of the use of dispersants, and assigns the responsibility for it to the NGC, who may delegate it in case of Tier 2 operations to OSC or the Coast Guard commanding officer;
- addresses in general terms the requirements concerning pollution generated waste management;
- provides for the assistance to wildlife affected by pollution;
- refers to response to pollution by HNS in general terms, without specifying response procedures;
- addresses risk assessment and provides certain guidance on what to take into consideration;
- indicates the availability and control of response equipment and personnel;
- addresses the organization of exercises and training of personnel;
- addresses the issue of granting to ship in distress the access to place of refuge;
- stipulates procedures for requesting and rendering international assistance;
- prescribes procedures for claiming compensation for pollution damage;
- outlines the principles of relations with the media in case of emergency;
- outlines the principles of financing preparedness and response activities;
- stipulates obligations concerning preparation and revision of Tier 1 and 2 Plans;
- sets deadlines for completion of Annexes to the NCP.

As outlined above the Albanian NCP addresses all relevant aspects of preparedness for and response to severe marine pollution incident. Those parts dealing with duties and responsibilities of various participants in the national preparedness and response system describe a very complex network of actors participating in it, in particular at the national level (Tier 3). Although it is clear that the Plan assigns a leading role to the Inter-agency Maritime Operations Centre (IMOC) in both, preparedness and response activities, it seems that there is too many stakeholders involved in the system and the relations among them are not always clear. Therefore, streamlining the system might be considered once the NCP is due for revision. Limiting the number of actors would increase the efficiency of the system and reduce the time necessary to take important decisions. Exercises organized in accordance with the provisions of the Plan would provide good guidelines for accomplishing this goal.

6.3.2 National Contingency Plan – CROATIA

The Croatian “**National Contingency Plan for accidental marine pollution**” (*Plan intervencija kod iznenadnih onečišćenja mora*), 5030105-08-1, was passed by the decision of the Government on 31 July 2008 and published in the Official Gazette No. 92/08 of 8 August 2008.

The Plan is defined as “a sustainable development and environmental protection document which establishes the procedures and measures for predicting, preventing, restricting and

preparedness for as well as response to accidental marine pollution and unusual natural marine phenomenon for the purpose of protecting the marine environment.” It is harmonised with international treaties governing the area of marine environment protection to which the Republic of Croatia is a party. Article 3 specifies that the “Plan is implemented in case of accidental marine pollution caused by oil and/or oil mixture if the amount of pollution exceed 2000 m³, hazardous and noxious substances, and in case of unusual natural marine phenomenon”. In Article 4 the Plan stipulates that the “County Contingency Plan in case of accidental marine pollution, which is adopted by a county representative body, subject to a prior approval of the central state administrative body in charge of environmental protection, shall be implemented in case of pollution caused by oil and/or oil mixtures if the amount of pollution does not exceed 2000 m³ or of a sudden natural phenomena at sea of minor size and intensity”. The purpose of including in the Plan also response to “sudden natural phenomena” reflects problems caused by algae blooms along the Croatian coasts in the years that preceded the preparation and adoption of the Plan.

The Croatian NCP is divided into 10 Chapters and 7 Annexes, as shown below. Two reporting forms or formats and the list of abbreviations and acronyms are also appended to the Plan as follows.

1. General provisions
 - 1.1. Types of risks and threats that can result in marine pollution
 - 1.2. Scope and geographical coverage
2. Entities for the implementation of the Contingency Plan
 - 2.1. The Headquarters
 - 2.2. Maritime Rescue Coordination Centre in the City of Rijeka (MRCC)
 - 2.3. County Operations Centre (COC)
 - 2.4. Other participants in the implementation of the Contingency Plan
3. Procedures for predicting and measures for preventing and restricting sea pollution
 - 3.1. Predicting procedures
 - 3.2. Measures for preventing and reducing marine pollution threats
4. Response procedures and measures for reducing damages in the marine environment
 - 4.1. Alerting
 - 4.2. Taking action according to the Contingency Plan and county contingency plans
 - 4.3. Acting according to the Sub-regional Plan
 - 4.3.1. Activation of the Sub-regional Plan
 - 4.3.2. Requesting and rendering assistance
 - 4.3.3. Logistics
5. Implementation of response measures in cases of accidental marine pollution
 - 5.1. Procedure in case of an oil and/or oil mixture spillage
 - 5.2. Procedure in case of pollution caused by hazardous and noxious substances
 - 5.3. Procedure in case of unusual natural marine phenomena
 - 5.4. Priority areas in the implementation of the Contingency Plan
 - 5.5. Termination of activities according to the Contingency Plan
 - 5.6. Documents concerning response operations according to the Contingency Plan
6. Training and exercises
7. Financing
8. Compensation of expenses
9. Public information
10. Transitional and final provisions

ANNEXES

- I. Scheme of alerting according to the Contingency Plan and undertaking response actions in cases of oil and/or oil mixture spillage
- II. List of oils pursuant to Annex I of the MARPOL Convention

- III. Flow chart for the use of dispersants
 - IV. List of dispersants approved for use in the Republic of Croatia and in European Union Member States
 - V. List of protected marine areas
 - VI. List of active mariculture farms
 - VII. Hazardous and noxious substances
- IN Form (Incident reporting)
 - PRS Form (POLREP System)
 - List of abbreviations

The main characteristics of the Croatian NCP are as follows:

- clearly defines the purpose of the plan and the limits of its applicability;
- clearly defines the geographical area of its coverage;
- clearly defines the entities involved in the implementation of the Plan and their respective responsibilities;
- recognizes two levels of intervention, and does not address Tier 1 pollution;
- assigns the responsibility for dealing with major pollution incidents to the NCP Headquarters composed of representatives of all relevant central authorities;
- assigns the responsibility for dealing with smaller pollution incidents to County Operations Centres (COCs) composed of representatives of relevant peripheral authorities;
- assigns the responsibility for operational activities within the scope of the NCP to the MRCC, which also plays the coordination role between the national HQ and the peripheral County Operations Centres (COCs);
- bases national response on COCs, as basic peripheral preparedness and response structures, and on their coordination in case of major spills;
- in addition to duties and responsibilities in case of emergency, defines duties of COCs through the year, regardless of occurrence or otherwise of pollution incidents;
- provides clear instructions for the activation of the NCP;
- identifies other participants in the implementation of the Plan, including public and private entities, such as e.g. Civil Protection Service and spill response contractors;
- addresses measures for prediction, prevention and reduction of marine pollution;
- requires performing risk and sensitivity assessments;
- stipulates preparation of (electronic) sensitivity maps incidents;
- addresses alerting, notification and assessment procedures;
- stipulates that all pollution response activities start at the level of COCs, and according to circumstances escalates;
- addresses actions in conformity with the provisions of the Sub-regional CP;
- provides instructions for requesting and rendering international assistance;
- stipulates procedures in case of oil pollution;
- addresses the use of dispersants subject to prior authorization, outlining the decision making process for their use, and prohibiting their use in certain areas/cases;
- addresses procedures to be followed in case of pollution by HNS;
- in the context of sampling HNS, envisages safety measures to be taken;
- addresses response to "unusual marine phenomena", albeit in a general terms;
- determines the priority areas for the implementation of the Plan;
- provides guidance on termination of response activities;
- emphasizes the need for keeping records of actions;
- addresses exercises and training activities;
- stipulates sources and methods of financing preparedness and response activities;
- provides guidance for claiming compensation for damage caused by pollution;
- refers to relations with the media;
- sets deadlines for various tasks envisaged in the Plan.

The Plan covers almost all necessary aspects of pollution response, in concise and clear way, albeit certain important issues are not addressed in it such as e.g. tiered organization of preparedness and response, Tier 1 preparedness and response, management of pollution generated waste in particular in case of massive shoreline pollution, health and safety issues related to clean-up operations, the exact role of the Coast Guard, and wildlife rescue. However the Plan is due for revision and updating and it is expected that these issues will be considered during that process.

6.3.3 National Contingency Plan – ITALY

The full title of the Italian NCP is the “**National Contingency Plan for the protection from pollution by oils and other noxious substances caused by maritime incidents**” (*Piano di pronto intervento nazionale per la difesa da inquinamenti da idrocarburi e di altre sostanze nocive causati da incidenti marini*), which was prepared by the Civil Protection Department in accordance with the Law No. 979 of 31 December 1982 and a series of other relevant legal acts⁹.

The Plan has been enacted by the Decree of the President of the Council of Ministers (the Prime Minister) dated 4 November 2010, and was published in the Official Gazette No. 271 on 11 November 2010.

The Plan represents the third level (Tier 3) of the national operational plan, and is applied in case of declaration of the “national emergency”. It is a concise document containing 27 pages and 10 Annexes comprising another 23 pages.

The Plan governs the operating procedures of the intervention by the Civil Protection Department and by the central and peripheral components and structures of the National Civil Protection Service. It is divided into eleven Sections, as follows:

1. General provisions
 - 1.1 Preamble
 - 1.2 Introduction
 - 1.3 Definitions
2. Operational Plan
 - 2.1 Scope of the Plan
 - 2.2 Operational concept
 - 2.3 Application of the Plan
 - 2.4 Responsible bodies
 - 2.4.1 at the central level
 - 2.4.2 at the peripheral level
3. Emergency
 - 3.1 Operational phases for emergency management
 - 3.2 The phase of alert
 - 3.2.1 Duties of the Civil Protection Department
 - 3.2.2 Duties of the bodies at peripheral level
 - 3.3 The phase of national emergency
 - 3.3.1 Duties of the bodies at the central level

⁹ These legal acts were not listed among those included in the reply to the Questionnaire and accordingly were not reviewed in Section 4 of the present Report. In general these Laws and Decrees address issues related to the duties and responsibilities of the Civil Protection Department and to the declaration of the state of “national emergency”.

- 3.3.2 Duties of the bodies at peripheral level
- 4. Oil Pollution
 - 4.1 Operational situations
 - 4.2 Operating procedures
 - 4.2.1 Pollution of moderate severity or of the first level
 - 4.2.2 Serious pollution or of the second level
 - 4.2.3 Extremely serious pollution or of the third level
 - 4.2.3.1 Places of refuge
- 5. Pollution by other noxious substances
 - 5.1 Regulations
 - 5.2 General provisions
 - 5.3 Operating procedures
- 6. Resources (means)
 - 6.1 Categories
 - 6.1.1 Resources which can be utilised in pollution response at sea
 - 6.1.2 Resources which can be utilised in pollution response on shore
- 7. Disposal or recovery
 - 7.1 General provisions
 - 7.2 Phases of disposal
 - 7.3 Administrative aspects
- 8. Communications
- 9. Relations with the media
- 10. Appendix
- 11. The list of Annexes

Annex 1	Marine pollution by oil and other harmful substances: call in Operations Room of officers/petty officers of the Navy and the Coast Guard and the civilian staff of the MoE designated to cover the posts of the Ministry of Defence/Navy, Ministry of Infrastructure and Transport, and the MoE.
Annex 2	Pollution clean-up products working as sorbents and dispersants
Annex 3	Techniques that can be used in response to marine oil pollution
Annex 4	Particularly sensitive marine and coastal areas (includes maps)
Annex 5	Shoreline clean-up operations (rearranged from CONCAWE Report 9/81)
Annex 6	Noxious substances
Annex 7	Management of pollution and of the relevant wastes
Annex 8	Contact numbers
Annex 9	Cooperation within the EU
Annex 10	Distribution list

The National Contingency Plan of the Civil Protection Department addresses procedures for responding to pollution at sea and on shore. However, an emphasis is on dealing with pollution on shore since pollution at sea is covered in detail in the Operational CP of the Ministry of Environment. The most significant features of the NCP are as follows:

- clear definitions of the scope of the Plan, the operational concept, and the application of the Plan;
- definition of the required three levels (tiers) of operational contingency planning;
- precise definition of duties and responsibilities of all actors at the central and peripheral levels;
- detailed description of the operational phases of the Plan and, in particular, of the roles of the Civil Protection Department and other participating authorities at the central and peripheral levels, during the phase of alert and the phase of emergency;
- requirement that the MoE makes the proposal for declaration of national emergency to the Civil Protection Department following the advice of the competent Maritime

Authority that the emergency cannot be dealt with by the resources at the disposal of the MoE;

- precise definition of the conditions for the declaration of the national emergency;
- the immediate assumption of the strategic direction of all the response operations by the Head of Civil Protection Department once the national emergency is declared;
- the separation of operational management of the activities on shore (the Prefect) and at sea (MARICOGECAP/designated Maritime Authority);
- reference to the international cooperation on the basis of international Conventions, existing agreements, and the EU Decision on the establishment of the EU civil protection mechanism;
- reference to the role of volunteers in shoreline clean-up and wildlife rehabilitation;
- reference to the places of refuge and to the legal background for their identification;
- reference to oil spill response, with specific reference to spill response methods in **Annex 5**, but not in the text;
- reference to various means (vessels and shoreline clean-up equipment) that could be used for response to spills, both at sea and on shore (**Section 6**), although it does not include the list(s) of such resources available in the country;
- specific reference to waste disposal or recovery (**Section 7**) in general, descriptive terms, recognizing the waste management as an issue of particular importance;
- reference to the relations with media.

The Italian NCP describes particularly well the transfer of responsibilities from the Operational Contingency Plan of the MoE to the National Contingency Plan of the Civil Protection Department.

The “**Operational Contingency Plan for protection of the sea and coastal areas against accidental pollution by oil and other noxious substances**”, prepared by the Ministry for the Environment and for the Protection of Land and Sea (hereinafter referred to as MoE), is in fact a Tier 2 Contingency Plan which, albeit not referred to as the “National” Operational Contingency Plan”, is applicable on the entire national territory, including the coastal (internal) waters, territorial sea, ecological protection zone (EPZ) and the high sea. It is therefore referred to in this Section rather than in the section discussing area (regional) contingency plans.

The “Operational Contingency Plan for protection of the sea and coastal areas against accidental pollution by oil and other noxious substances”, has been prepared by the MoE on the basis of the Provisions for the protection of the sea (*Disposizioni per la difesa del mare*), Law No. 979 of 31 December 1982, and another series of relevant legal acts which were also not listed in the reply to the Questionnaire¹⁰ and therefore were not reviewed. The Plan represents the second level of response and is the instrument of the MoE for organizing intervention aimed at protection of the sea and coastal areas from accidental pollution, and at coordinating response operations to accidents and deliberate discharges in the territorial sea, ecological protection zone (EPZ) and in the high sea. It applies as long as the emergency can be dealt with by means at the disposal of the MoE. Once the “national emergency” has been declared according to the provisions of the National Contingency Plan of the Civil Protection Department, the Head of the Civil Protection Department assumes the

¹⁰ Very generally, these Laws, Ministerial Decrees and other regulations, most of which were enacted after the establishment of the Ministry responsible for environment in 1986, concern e.g. the transfer of various responsibilities for preparedness and response to marine pollution incidents from the Ministry responsible for maritime transport to the Ministry responsible for the environment, and the subsequent changes in the organization of the MoE, refer to the previous similar Plan adopted in 1987 and to other documents dealing with marine pollution emergencies adopted at the Ministerial level, or refer to the obligations of Italy under various international or EU legislation.

overall direction of all response operations, and these are conducted in accordance with the NCP.

Operational CP comprises the following Sections/Headings:

1. General information
2. Definitions
 - 2.1 Scope of the Plan
 - 2.2 Types of Emergency
 - 2.3 Operational situations
3. Scope of applicability
4. Duties of responsible authorities
 - 4.1 Ministry of Environment
 - 4.2 MARICOGECAP (General Command of the Coast Guard-Harbour Master's Offices)
 - 4.3 Maritime Director
 - 4.4 Head of Maritime District
 - 4.5 On-Scene Commander
 - 4.6 The Prefect and the President of the Province
5. International cooperation
6. Limits of application
7. Crisis management
 - 7.1 Ministry of Environment
 - 7.2 MARICOGECAP
 - 7.3 Maritime Directorate
 - 7.4 Maritime District
8. Implementing measures stemming from the NCP of the Civil Protection Department
9. Reporting / notification requirements
10. Means and facilities of the Ministry of Environment
11. Response in ports
12. Acceptance of ships in need of assistance
13. Prevention and monitoring activities
14. Regular exercises and training
15. Pollution by maritime incidents involving harmful and noxious substances
- 16 Updates and changes

Appendix 1 Messaging and forms

Appendix 2 Prevention and monitoring

Appendix 3 International information services in case of pollution by HNS

In particular the Operational CP of the Ministry of Environment exhaustively addresses primarily procedures for dealing with pollution at sea and only mentions pollution on shore but does not elaborate procedures for dealing with it. The most significant features of the Plan are the following:

- clear definitions of the scope of the Plan, the types of emergency, the operational situations, and the scope of applicability;
- specific duties and responsibilities at the Ministerial and at subordinate levels, distinguishing five such levels in addition to the Ministerial (**Section 4**);
- modalities for international cooperation;
- limits of the application of the Plan;
- necessary guidelines for crisis management (**Section 7**), respecting the levels of responsibility defined in **Section 4**;
- the need and procedure for obtaining the authorization for the use of dispersants;

- requires local authorities (Harbour Master's Offices) to report pollution to the central and peripheral authorities, and prescribes the format of such reports (in an Appendix);
- the use of means and facilities of the MoE, and provides for complementing these with other public and private resources;
- the requirement for the Heads of Maritime Districts to prepare and adopt Local Operational Contingency Plans which represent on-site operational part of the present Operational CP of the MoE for pollution at sea and of the plans prepared by the Provinces for coastal pollution.;
- the requirement to prepare Port contingency plans (MoE, MARICOGECAP and the Ministry responsible for transport);
- procedure for acceptance of ships in distress and responsibilities for taking relevant decisions;
- prevention and monitoring of pollution, including procedures to be followed in App. 2;
- requirement to prepare (MARICOGECAP, in collaboration with the MoE) a plan of national and international exercises for "local" emergencies;
- guidelines for dealing with pollution by HNS other than oil (**Section 15**) including contact details and procedures for accessing relevant international information services (**Appendix 3**);
- various reporting forms, as well as specific information concerning areas of high intrinsic value including maps, the list of Maritime Directorates, and the list of pollution response products and sorbents that can be used by the MoE (**Appendix 1**);

6.3.4 National Contingency Plan – MONTENEGRO

The **National Contingency Plan in Case of Sea Pollution from Sea-going Objects** [*National Contingency Plan in case of marine pollution from vessels; the name of the NCP in Montenegrin language was not available*] was adopted, according to the information in Part 1 of the Questionnaire, on 28 April 2011, however the number of the Official Gazette and date when it was published are not known, and the Plan could not be found using internet search. In its reply to the Questionnaire the Montenegrin Maritime Safety Department (MSD) indicated that the Plan is currently being revised.

Since the original Plan was not available the Consultant used instead a draft version of the Plan dated March 2011, from the personal archive. Since the draft was dated only a month before the Plan was adopted it may be assumed that there were no drastic changes in its contents immediately prior to the adoption¹¹. This is corroborated by the additional information provided by the MSD, which accompanied the reply to the Questionnaire.

The form and the contents of the Montenegrin NCP are very similar to those of the Albanian NCP since both were prepared with the assistance of the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC), which used the same model for both documents. Nevertheless the organization of the national preparedness and response systems is significantly different in each country, and reflects differences in the competences of relevant national authorities of the two countries, as well as specific characteristics of risk, availability of resources, etc. In case of Montenegro the major work on the preparation of the (draft) National Contingency Plan was carried out by the Maritime Safety Department in coordination with other relevant parts of national administration.

¹¹ In the absence of the original document, the information provided and discussed hereunder should be considered as provisional and possibly erroneous.

The (draft) Montenegrin NCP which was reviewed is divided into 19 Chapters and comprises 24 Appendices, as follows.

1. Introduction
 - General background
 - Legal basis
 - Purpose and Objectives
 - Area covered
 - Risk assessment
 - Definitions
 - Abbreviations and acronyms
2. Montenegrin oil spill response system – responsibility and organization
 - Responsibility
 - Three-tiered response
 - Tier 1
 - Tier 2
 - Tier 3
 - Priority areas for the implementation of the National Contingency Plan
 - National Overall Commander
 - National On-Scene Commander
3. Spill notification and reporting
 - Initial notification
 - Verification and completion of information
4. Spill assessment and establishing the level of response
 - Action taken after initiating a regional or national response
 - Response escalation criteria
 - Termination of response
5. Marine pollution incident response management
 - Incident Management Group
 - Technical Expert Group
 - Response Sections
 - Operations Section
 - Planning Section
 - Logistics Section
 - Finance and Administration Section
 - Accommodation
6. Response options
7. Response to oil pollution
 - Monitoring
 - Situation analysis and environmental impact
 - Response at sea
 - Use of dispersants
 - Shoreline response
8. Response to pollution caused by hazardous and noxious substances
9. Resources
 - Equipment
 - Personnel
 - Contracts and Memoranda of Understanding
 - International assistance
10. Training and exercises
11. Places of refuge
12. Salvage
 - The role of the NOC regarding shipping casualties
 - Access to the casualty
13. Waste management

14. Wildlife response
15. International response arrangements
16. Compensation and expenses
17. Media
 - Designated press officer
18. Financing
19. Transitional and final clauses

APPENDICES

1. List of international treaties and agreements on mutual assistance
2. Geographical area of the coverage of the NCP
3. Risk assessment (a summary)
4. Sensitivity maps of the Montenegrin coastal area
5. Roles and responsibilities of key organizations
6. Contacts list of the key organizations
7. List of on-shore facilities and off-shore units which need to have a Tier 1 plan
8. Priorities for the implementation of the NCP
9. Notification flow chart
10. POLREP
11. Internal notification format
12. Procedure for declaration of Temporary Exclusion Zone
13. Members of the IMG and their roles and responsibilities
14. Tier 3 command and management structure
15. Tier 2 command and management structure
16. Procedure for testing and approval of dispersants and other treatment products
17. Shoreline Assessment Form
18. List of HNS likely to be spilled in Montenegrin territorial sea
19. Inventory of spill response equipment, products and other means available in MNE
20. Sources of spill response personnel/manpower
21. Procedure for requesting and rendering international assistance
22. Criteria for assessing suitability of places of refuge
23. Locations of potential temporary waste disposal sites
24. NCP distribution list

The most important attributes of the Plan are the following:

- refers to the requirements of the OPRC 1990 and OPRC-HNS 2000 despite the fact that Montenegro is not party to any of these treaties, and to the Prevention and Emergency Protocol 2002;
- is based on the tiered response concept;
- does not define the limits of each tier in terms of the volume of spilled pollutant;
- primarily addresses response to Tier 3 pollution incidents;
- assigns overall responsibility for the implementation to the MSD;
- assigns responsibility for Tier 2 response also to the MSD;
- requires MSD to have a regional (area) plan (Tier 2), compatible with the NCP;
- requires installations on land (ports, shipyards, etc.) and off shore (rigs, platforms, etc.) to have oil pollution emergency plans (Tier 1);
- identifies priority areas for the implementation;
- assigns the role of National Overall Commander (NOC), who assumes control of all response operations, to the Director of the MSD;
- stipulates that NOC appoints a National On-Scene Commander (NOSC) who manages response operations;

- describes in detail procedures for notification, assessment of the situation, and declaration of the appropriate tier of response;
- provides criteria for taking relevant decisions;
- defines the structure and hierarchy of pollution incident response management;
- envisages support to the NOC by an Incident Management Group and a Technical Expert Group;
- provides detailed guidance on response to pollution by oil and refers to response to pollution by HNS only in general terms;
- specifies criteria for the authorization or otherwise of the use of dispersants, and assigns the responsibility for it to the NOC;
- indicates the availability of response personnel and equipment (type, quantity, location);
- regulates procedures for requesting and rendering international assistance;
- sets rules for organizing exercises and training activities;
- addresses the issue of granting access to place of refuge;
- authorizes the NOC to control salvage operations;
- addresses the pollution generated waste management, albeit only in general terms;
- provides for response to wildlife affected by pollution;
- outlines procedures for seeking compensation for pollution damage;
- provides guidance for communication with the media in case of emergency;
- defines sources and modalities of financing preparedness and response activities;
- in Appendix 5 defines roles and responsibilities of all actors;

It is noted that the difference between Tier 2 and Tier 3 response is not very clearly defined in the Plan, taking into consideration that the same authority (MSD) manages both tiers of response with practically the same means. Another issue which was not found to be addressed in the Plan is the possible transfer of responsibility from authorities in charge of management of pollution response at sea to those responsible for management of response on shore. In particular in Tier 3 response, if the national emergency is declared it is likely that the command of operations on shore will be transferred to the “Sector for Emergency Situations and Civil Protection” of the Ministry of Interior, which has its own emergency plans for various situations, while the relation of the National Contingency Plan for marine pollution does not address its relation with emergency plan(s) of the “Sector for Emergency Situations and Civil Protection”.

6.3.5 National Contingency Plan – SLOVENIA

The current Slovenian “**Protection and rescue plan for accidents at sea**” (*Načrt zaščite in reševanja ob nesreči na morju*) is the second version of the original Plan prepared in 2000 by the Administration for Civil Protection and Disaster Relief (ACPDR). The information on whether it was published in the Slovenian Official Gazette was not available, however the document reviewed by the Consultant was last revised in 2011.

The Plan is rather different in form from other national plans, and although it addresses most of the issues dealt with in typical NCP’s, it is structured differently and pays additional attention on saving human life and assisting population affected by incidents at sea. It comprises a lot of references to various other Plans, Procedures, Directories and other documents, as well as numerous flow charts visualizing duties, responsibilities and relationships among actors in the activities which the Plan addresses. The first Chapter in fact represents a description of the Slovenian maritime area and a general risk analysis which serve as the basis for the Plan.

The Plan has 11 Chapters, the last one being the list of Annexes, as follows:

- 1 Rationale
 - 1.1 Introduction
 - 1.2 Geographical characteristics of the Slovenian coast
 - 1.3 Meteorological and hydrological characteristics of the Slovenian coast
 - 1.3.1 Flows
 - 1.3.2 Winds
 - 1.3.3 The storms
 - 1.3.4 Fog
 - 1.4 Transport in the Gulf of Trieste
 - 1.4.1 Navigation on the Gulf
 - 1.5 Traffic in the ports of the Gulf
 - 1.5.1 Ports
 - 1.5.2 Traffic to the port of Koper
 - 1.5.3 Traffic in the ports of Trieste and Monfalcone
 - 1.6 Characteristics of traffic on the Slovenian sea
 - 1.7 Accidents in the Slovenian sea
 - 1.7.1 Ecological disasters (spills of hazardous substances, oil and petroleum products)
 - 1.7.2 Fire on board
 - 1.7.3 Drowning
 - 1.7.4 Accidents unexploded ordnance (UXO)
 - 1.7.5 Risks due to high tide
 - 1.8 Conclusions
- 2 Scope of planning
 - 2.1 Basic level planning
 - 2.2 Principles of protection, rescue and relief
- 3 The concept of protection, rescue and disaster relief at sea
 - 3.1 Basic assumptions of the plan
 - 3.2 The concept of disaster response at sea
 - 3.3 Using the plan
- 4 Forces and sources of funds for the implementation of the plan
 - 4.1 Overview of the authorities and organizations involved in the execution of functions under national jurisdiction
 - State authorities:
 - Forces for protection, rescue and relief at the state level:
 - 4.2 Material - technical resources to implement the plan
 - 4.3 Projected funding for the implementation of the plan
- 5 Monitoring and notification
 - 5.1 Observation of the sea
 - 5.2 Transmission of data
 - 5.3 Notification of the competent authorities and services
 - 5.4 Information to the public
 - 5.5 Notification of other countries and international organizations
- 6 Activation of forces and assets
 - 6.1 Activating the authorities and their expert services in case of accident at sea
 - 6.2 Activation of government forces to *[for] protect[ion]* rescue and disaster relief at sea
 - 6.3 The provision of the material aid funds
 - 6.4 International assistance
- 7 Administration and management
 - 7.1 The authorities and their tasks
 - 7.2 Operational Management
 - 7.3 Action by the Civil Protection authorities *[in case of an]* accident at sea
 - 7.3.1 Search and rescue
 - 7.3.2 Extinguishing fire on board

7.3.3	Rescue in case of ecological incidents at sea
7.3.4	Ship in distress
7.4	Organization of communications
8	Actions and tasks of protection, rescue and relief
8.1	Measures for protection, rescue and relief
8.1.1	CBR protection
8.1.2	Evacuation
8.1.3	Reception and care of vulnerable populations
8.2	The functions of protection, rescue and aid
8.2.1	Emergency medical service
8.2.2	Technical rescue accident at sea
8.2.3	Fire and rescue at fires
8.2.4	Psychological support
9	Personal and mutual protection
10	Glossary of terms and abbreviations
10.1	Glossary
10.2	Explanation of abbreviations
11	List of Annexes and Appendices
11.1	Common attachments
11.2	Special attachments
11.3	Joint supplements
11.4	Special allowance

The following are the most important characteristics of the Slovenian NCP:

- distinguishes between minor and major accident, the latter being an “ecological accident” if a resulting spill is of more than 25 t of oil, petroleum products or HNS;
- lists the authorities and organizations which participate in executing tasks under the State’s jurisdiction/responsibility;
- lists companies and institutions which might be involved in response;
- defines technical assets for the implementation of the Plan;
- defines funding for the implementation;
- explains in detail, and illustrates with diagrams and flow charts, observation and notification procedures;
- addresses assessment of the situation;
- explains in detail and illustrates the process of the activation of the forces participating in the implementation of the Plan;
- list specific tasks of various components of the system including in particular the Government, ACPDR, and numerous ministries and agencies;
- addresses management of response to maritime accidents, including rescue of life, fire fighting and response to ecological accidents;
- addresses specifically phases of pollution response operations;
- addresses assistance to ships in distress in accordance with international regulations;
- describes communications to be used in response;
- defines measures and tasks, emphasizing the protection of population in case of accidents in which HNS are released, evacuation and accommodation of population;
- addresses technical aspects of response at sea, including shoreline clean-up;
- addresses psychological assistance in case of maritime incidents involving casualties;
- addresses personal and mutual protection.

As already stated, this Plan is rather different in both form and contents, and even in the style it is written, from other NCPs. It pays equal attention to the protection and rescue of human life and to other aspects of dealing with maritime incidents, where pollution incidents

are also included. Therefore it does not cover exclusively pollution preparedness and response organization, procedures and operations, although all essential aspects of dealing with pollution are covered.

The text of the document is very concise, without going into any detail, however the Plan contains reference to almost hundred reference documents (annexes and appendices). It is assumed that all those listed in the Plan are accessible through an IT application.

The inclusion of diagrams, with information on actions and responsibilities, for each envisaged group of activities and procedure, make the Plan very clear and easy to understand.

6.4 CONCLUSIONS AND RECOMMENDATIONS CONCERNING NATIONAL CONTINGENCY PLANS

The five NCPs that were reviewed are different in form and extent however all of these address properly purpose, objectives, geographical coverage, hierarchies, notification procedures, responsibilities of various actors and similar matters, common to all emergency plans.

Specific notions and characteristics of National Contingency Plans are referred to in the Chapter 3.

Table 8 on the next page provides a summary comparison between the “Outline of the National Contingency Plan” proposed by IMO in the Manual on oil pollution, Section II and the way the issues mentioned in the outline are covered in the Plans that were scrutinized. Although practically all issues were addressed, the form in which it was done varies significantly from one NCP to the other.

A clear reference to the **obligations stemming from the relevant international Conventions, Protocols and other instruments** to which the Adriatic coastal States are parties is not always present, and this particular aspect which provides the basis for international cooperation among the countries in case of marine pollution emergency needs to be more emphasized and improved.

In all NCPs **“waste management”** is covered only in general terms, and the procedures for dealing with waste generated during pollution operations at sea, and in particular on shore, should be addresses more specifically.

“Wildlife rescue” is a relatively new item in contingency plans in the Mediterranean region, and although four out of five NCPs do address this issue, it should be introduced in a clearer manner in the Plans in which it is only mentioned.

Another issue that should be given more prominence in the NCP is **“health and safety”**, in particular with reference to responders.

“Training and exercises” are addressed in practically all NCPs, however a clear indication of the type of training and exercises that need to be organized as part of “preparedness” activities and their periodicity would improve the situation in the field of preparedness for response.

Finally, another extremely important issue which is mentioned but not enough elaborated (except in the Italian NCP) is the issue of **procedures for the use of dispersants**, including **approval** procedures for use of specific products in each country, and the **authorization** to

use these “approved” products in case of emergency. Such procedures, prepared on the basis of work carried out by IMO, REMPEC and other relevant organizations and institutions, should be discussed and agreed upon in each country individually, and once adopted should be clearly referred to in the NCP.

None of the Plans includes a Chapter or Section specifically addressing “**national preparedness and response system**” which would clearly describe its components and functioning.

Table 8 Comparison of National Contingency Plans of the Adriatic coastal States with the outline of National Contingency Plan prepared by IMO

Outline of a National Contingency Plan (reproduced from IMO Manual on oil pollution, Section II, Contingency Planning, Appendix 3)	ALB	ITA		HRV	MNE	SVN
		NCP	OCP*			
I Introduction	■	■	■	■	■	■
- Purpose, objectives	■	■	■	■	■	■
- Authority, applicability	■	■	■	■	■	■
- Scope	■	■	■	■	■	■
- Definitions, abbreviations	■	■	■	■	■	■
II Responsibilities and organization for response	■	■	■	■	■	■
- Duties of national leadership	■	■	■	■	■	■
- National preparedness and response system	■	■	■	■	■	■
- National response priorities	■	■	■	■	■	■
- On-Scene Commander's duties and responsibilities	■		■	■	■	
- Notifications	■	■	■	■	■	■
- Inter-agency participation and support	■	■	■	■	■	■
III Preparedness and planning	■	■	■	■	■	■
- National policy	■	■	■	■	■	
- Planning and coordination structure	■	■	■	■	■	■
- Area plans (Tier 2 Plans)	■	■	■	■	■	■
- Local/industrial facility plans (Tier 1)	■	■	■		■	■
- International arrangements	■	■	■	■	■	■
- Training and exercises programme	■		■	■	■	
IV Response operations	■	■	■	■	■	■
- General pattern of response	■	■	■	■	■	■
- Command structure	■	■	■	■	■	■
- Communications / command facilities	■	■	■	■	■	■
- Specialist teams	■	■	■	■	■	■
- Multi-regional response	■	■	■	■	■	
- Health and safety						■
- Response technology	■	■		■	■	■
- Administration/logistics	■	■	■	■	■	■
- Funding, reimbursement, claims	■	■	■	■	■	■
V Reports and communications	■	■	■	■	■	■
- Communications systems	■	■	■	■	■	■
- Pollution reports	■	■	■	■	■	
- Situation reports		■	■	■		
- Post-incident review				■		

* The Italian "Operational Contingency Plan [...]" is not a National Contingency Plan, however it has been included in the present Table since it is applicable on the entire national territory, including coastal area and coastal (internal) waters, territorial sea, ecological protection zone (EPZ) and the high sea.

6.5 REPLIES TO PART V OF THE QUESTIONNAIRE

Out of eleven partners in the Project who were expected to provide information concerning their respective regional, county or area Contingency Plans, which were included in Part V of the Questionnaire, ten partners replied and provided the requested information. These included 3 Italian regions, 4 Croatian counties, Albania, Montenegro and Slovenia.

Table 9 Summary of the original replies to Part V (regional/county/area CP) of the Questionnaire (■ means that the relevant question was answered)

Name of the region, county or area to which the reply applies (clockwise starting from the south west)	Does an area plan exist?		Entry into force	Were the details of the plan provided?	
	YES	NO		YES	NO
Apulia Region		■	N.A.	N.A.	N.A.
Marche Region	■		2012	■	
Emilia Romagna Region	■		2006	■	
Slovenia	■		not yet		■
County of Istria	■		2009	■	
County of Primorje and Gorski Kotar	■		2009	■	
County of Zadar	■		2010	■	
County of Split – Dalmatia	■		2010	■	
Montenegro		■	N.A.	N.A.	N.A.
Albania		■	N.A.	N.A.	N.A.

■ means that the relevant question was answered

N.A. not applicable

The Italian Region of Apulia, Montenegro and Albania stated that they do not have area (regional) contingency plans. Slovenia replied that “the county” has a contingency plan without providing either the name of the county or its plan, however indicating that the Plan was prepared in November 2005 and was not yet effective. Other details of that Slovenian county Plan were not provided. Italian Regions of Marche and Emilia Romagna and Croatian Counties of Istria, Primorje and Gorski Kotar, Zadar, and Split-Dalmatia provided detailed information on their respective area (regional) contingency Plans.

After examining the replies it was discovered that the reply to Part V of the Questionnaire of one of the Italian regions actually referred to the Local Operational Contingency Plan prepared by the relevant Maritime District, and not to a regional CP. In addition, following the distribution of the preliminary version of the Report in February 2014 and the discussion which followed its presentation during the Third Steering Committee Meeting (Piran, Slovenia, 20-21 March 2014), the Italian Apulia Region submitted in March 2014 four (4) Local Operational Contingency Plans (POL) prepared by the Maritime Districts of Bari, Brindisi, Manfredonia and Molfetta respectively.

Some clarifications concerning different levels of contingency planning are provided below in paragraph 6.6.1.

6.6 REGIONAL, COUNTY OR AREA CONTINGENCY PLANS IN THE ADRIATIC

6.6.1 Some notions concerning different levels of contingency planning

In general terms National Contingency Plans are plans that are activated when the response to a marine pollution incident exceeds the possibility of intervention under complementary contingency plans that are covering either certain parts of the country's sea and coastal areas, or prescribe operations of only certain components of the national response system. The most common reason for escalating response from a lower level to a higher one is the size of the spill or its consequences. Until the moment of activation of the NCP the response operations are conducted in accordance with procedures defined in other, lower level CPs, usually referred to as Tier 1 and Tier 2 contingency plans respectively.

So far only Croatia and Italy among the Adriatic coastal States have elaborated contingency plans for dealing with marine pollution emergencies at levels lower than the national one, and provided examples of their respective area or local contingency plans.

It is important to understand that the terms "region", "area", "local" etc. could be somewhat misleading since these are **not used consistently** in the countries concerned. On the other hand, none of the countries in the region, in its legal documents, uses terms Tier 1, Tier 2 and Tier 3 plans which in the past twenty or so years became standard terms for describing different levels of response and consequently different levels of contingency planning.

Italian national regulations envisage preparation of three levels (tiers) of contingency plans. The "National Contingency Plan for the protection from pollution by oils and other noxious substances caused by maritime incidents" covers response to national marine pollution emergencies at sea and on shore under the leadership of the National Civil Protection Department, and represents a Tier 3 contingency plan. The "Operational Contingency Plan for protection of the sea and coastal areas against accidental pollution by oil and other noxious substances", prepared by the Ministry for the Environment and for the Protection of Land and Sea, covers also the entire national territory, however it represents a Tier 2 contingency plan which is activated prior to the declaration of the national emergency. Finally, there are two categories of Tier 1 contingency plans, which are activated in case of pollution or threat of pollution which is not direct or immediate and does not immediately call for the declaration of a national emergency. The first category includes plans of Maritime Districts for the areas under their jurisdiction, and although in Italian these are called "Local Operational Contingency Plans" (POL), they actually cover rather extensive sea areas and corresponding coastal zones. The second one includes plans prepared by the relevant Regional Agencies for Environmental Protection, in cooperation with Harbour Master's Offices/Coast Guard, and covers response on shore to marine pollution emergencies by regional, provincial and/or municipal authorities responsible for Civil Protection.

Croatian national regulations distinguish only between response at the national level which is managed by the National Headquarters in accordance with the National Contingency Plan (representing a Tier 3 plan) and includes both actions at sea and on shore, and response at the county level, including even minor local emergencies, which is conducted by County Operations Centres according to their respective County Contingency Plans (thus representing Tier 1-2 plans).

6.6.2 Italian area (regional) contingency plans

6.6.2.1 Marche Region (Italy)

The area (regional) CP was **prepared by** the Regione Marche – Office for the Protection of the sea (*P.F. Tutela del mare*), in collaboration with the Harbour Master's Office/Coast Guard and the Regional Agency for Environmental Protection.

The Plan represents a Tier 1 contingency plan applicable to accidental marine **pollution by oil and HNS** and addresses **only response on shore**.

Responsibility for response on shore rests with the Civil Protection Services at the levels of Region, Province or Municipality. Response at sea is dealt with the Harbour Master's Office/Coast Guard (the Head of the Maritime District) according to their CP.

The relevant Harbour Master (the Head of the Maritime District) is **responsible for the management** of response operations **at sea**, and the Prefect of the Region, the President of the Province, or the Mayor of the Municipality are **responsible for managing operations on shore**.

Responsibility for activities related to the **preparedness** (preparation and updating of the CP) is assigned to the Office for the Protection of the Sea (*P.F. Tutela del Mare*).

At the local level spill **response operations on shore** are carried out by the Civil Protection Service, with the support of Regional Agency for Environmental Protection (A.R.P.A.). However local and national authorities can stipulate agreements with private contractors according to specific requirements, to manage oiled shoreline clean-up.

Regional (area) CP is **supported** and complemented by CPs at the provincial and municipality levels.

The Region has jurisdiction exclusively on the coast, and **the strategy** is founded on the ability to predict in advance which part of the coast will be affected by pollution and then focus on this capacity to respond in order to contain the damage.

The **policy on the use of dispersants** has been defined and any use of dispersants has to be authorized in advance by the Ministry of the Environment.

The **policy on** spill response generated **waste management** is not defined.

Environmentally **sensitive areas** are defined and listed in the regional and municipality CPs and include mouths of rivers (Municipality CP), Regional Parks of Monte Conero and of Colle San Bartolo, as well as the Regional Reserve of Sentina.

Environmental **sensitivity maps** for oil and HNS pollution are not available.

6.6.3 Italian Local Operational Contingency Plans (POL)

Relevant Italian national regulations distinguish between “local emergencies” and “national emergencies” at sea and recognize three operational levels of dealing with marine pollution emergencies. Different contingency plans are envisaged for dealing with each level (tier) of operational situations. The “National Contingency Plan” prepared by the Civil Protection Department (Tier 3), which is activated in case of a national emergency (of the third operational level), and the “Operational Contingency Plan” prepared by the Ministry for the

Environment and for the Protection of Land and Sea (Tier 2) were already discussed under headings 6.3.3 and 6.6.1 above.

The first and basic level (tier) of response concerns local emergencies in ports and their surroundings which are dealt with in accordance with Local Operational Contingency Plans prepared by the relevant Heads of Maritime Districts. As already emphasized in 6.6.1, despite their name (in Italian POL – *Piano operativo locale*), they actually cover rather wide sea areas and adjacent coastal zones, and could therefore be considered as area CPs.

The Head of each Maritime District is required to prepare such a plan (**POL**) for its district. POL is a Tier 1 plan and represents on-site operational part of the above mentioned “Operational CP” of the MoE for pollution at sea, but also of the area plans prepared by the Provinces and Municipalities for dealing with shoreline pollution.

The Italian coast is divided into 15 Maritime Zones (*Direzione Marittima*) comprising 54 Maritime Districts (*Compartimento Marittimo*) which correspond to Harbour Master’s Offices. All these, including 17 such Districts in the Adriatic, are expected to have their Local Operational Plans (POLs) adopted (cf. Law No. 979, dated 31 December 1982 “Provisions for the protection of the sea” [*Disposizioni per la difesa del mare*], art. 11; National Contingency Plan dated 4 Nov 2010, art. 1.2; Operational Contingency Plan dated 23 January 2013, art. 2).

Five such Plans were submitted by the Project partners and analysed for the purpose of the present Report. All of these contain several **common characteristics**, address the **same** key **issues** and stipulate basically **same procedures** for dealing with marine pollution emergencies. In order to avoid repetitions, such common parts are summarized hereunder.

Common characteristics/issues/formulations:

- Applicability: POL represents a Tier 1 contingency plan applicable to all **cases of pollution of the sea and of the coasts by oil and other HNS**, regardless of whether or not a local emergency has been declared (except in the POL of Bari, which requires the declaration of local emergency), that affect or threaten to affect the waters of the relevant Maritime District. Although POL primarily addresses **response at sea**, it also mentions **response on shore** and identifies those responsible for direction and coordination of operations on shore.
- Planning structure: POL is an **integral part** of the national operational planning which includes at the first level Plans of Harbour Master’s Offices and Civil Protection plans of provinces for pollution of the coastline, and at the second level the “National Contingency Plan for the protection from pollution by oils and other noxious substances caused by maritime incidents”. *NOTE: It appears that another level should be added between these two (“Operational CP”), however this is explicitly mentioned only in POLs of Manfredonia and Molfetta.*
- Lower level contingency plans: POLs are not complemented by other contingency plans at lower levels.
- Definitions: POL includes definitions of terms and concepts used in its text.
- Exercises: The Plan envisages its updating and verifying through exercises.

- Responsibilities of authorities: The Plan recalls responsibilities and duties of State and regional authorities that contribute to its implementation.
- Responsibility for response: The Plan assigns the **responsibility** for directing and coordinating all response operations (until declaration of national emergency) to the Head of the Maritime District. For response on shore the responsibility rests with the Prefecture, in its role of the highest Civil Protection authority in the area.
- Response operations: POL stipulates that spill **response operations** (in particular at sea) are carried out, under the direction of the Head of the Maritime District (the Harbour Master's Office/Coast Guard), by specialized spill response organizations under contract, with the support of other locally available resources (of public organizations, agencies, associations, private groups and industry, such as e.g. firefighters, police, port towing services, port services, oil companies etc.).
- Operational phases: The Plan identifies **operational phases** as the phase of alert and the phase of danger, as well as **modes of operation/operational situations**, and describes in detail actions to be taken by the Maritime District staff during each of these.
- On scene Commander: POL stipulates nomination by the Head of Maritime District of an On-scene Commander who coordinates on site response operations and actions of all involved means/resources, and defines his/her tasks.
- Spill response strategy: The Plan does not define a specific regional (area) **strategy** for spill response.
- Use of dispersants: The **policy on the use of dispersants** is not elaborated in POL, although the Plan indicates that the authorization for the use of dispersants approved by the Ministry of Environment has to be requested from the same Ministry.
- Waste management policy: POL does not define the **policy concerning** spill response generated **waste management**.
- Messaging: POL includes information on messages, warnings, records and requests that need to be disseminated and/or issued by the Maritime District (Harbour Master's Office), and contains examples of various such messages, warnings, records and requests.

On the other hand, the five reviewed POLs have certain individual characteristics and differ in form, contents and size. They were prepared and edited/updated at different times which might explain some of the differences and occasional discrepancies. Finally, it appears that each one emphasizes particular issues specifically relevant for the Maritime District for which it was prepared. These are outlined below, under headings 6.6.3.1 to 6.6.3.5.

6.6.3.1 Bari / Apulia Region

The Local Operational Contingency Plan for response at sea to marine pollution incidents was **approved** by the Head of the Maritime District of Bari on 8 April 2009.

The Plan is divided into 11 (eleven) Chapters and has **7 (seven) Annexes**.

The Plan requires that each time pollution or risk of pollution occurs in the waters of the Maritime District, a Declaration of Local Emergency has to be adopted, and only then the Head of the Maritime District assumes the direction of all operations on the basis of the Plan.

POL contains a requirement for updating the Plan and for checking it through an exercise at least once a year.

The Plan defines actions and duties of institutions, authorities and private entities that contribute to its implementation, and recalls the duties and responsibilities of the consortium which has been contracted by the MoE for providing marine pollution response services.

Taking into consideration that the port of Bari was identified as the “place of refuge for ships in need of assistance”, a section of the Plan addresses in detail issues relevant for responding to requests for the place of refuge and includes *inter alia* aerial photographs of the coastal area of Bari.

Annex A to the Plan lists all procedures to be followed once the notification of a marine pollution has been received and provides information on methods of dealing with oil spill. It also includes concise information on available spill response techniques.

Other Annexes provide detailed information on communications (Annex B), on the coastal morphology, sensitive areas and risk analysis (Annex C), on technical characteristics of the main response vessel (Annex D), and on sampling procedures (Annex E). Annex F visualizes several oil spill scenarios elaborated using “Oilmap” software. A formal act concerning the identification of the place of refuge is reproduced in Annex G.

6.6.3.2 Brindisi / Apulia Region (Italy)

The Local Operational Contingency Plan for response to marine pollution incidents was **approved** by the Head of the Maritime District (the Harbour Master) of Brindisi on 15 December 2008, entered into force on 1 January 2009, and was last revised in March 2012.

The Plan is divided into two parts: first part addresses “Operating Procedures” and has 8 (eight) Chapters, while the second part addresses “Preliminary support tools and informative Annexes” contains 2 (two) Chapters and 5 (five) Annexes.

Chapter 3 of the Plan addresses in detail issues relevant for responding to requests for a **place of refuge**, includes data and aerial photographs of the coastal area of Brindisi and describes in the form of a flowchart procedures for responding to such requests.

Chapter 4 provides basic information on dealing with **hazardous and noxious substances** other than oil and prescribes procedures to be followed in case of incidents involving HNS.

Chapter 5 describes in detail **coordination procedures**, including the establishment if necessary of a specific Command and Control Centre (CCC) and its composition, as well as the management of response operations.

Other Chapters of the Plan are dedicated to the messaging and communications, relations with the media, and exercises respectively.

The Second Part of the Plan contains relevant information on the characteristics of the area (including aerial photographs), the list, description and photographs of sensitive areas, and includes concise information on (oil) spill response techniques.

Relevant national and international regulations, relevant parts of the National CP and the degree of vulnerability of different types of coasts are included in the Annexes to the Plan.

6.6.3.3 Manfredonia / Apulia Region (Italy)

The present Local Operational Contingency Plan for response to marine pollution incidents was **approved** by the Head of the Maritime District (the Harbour Master) of Manfredonia on 20 July 2011, entered into force on 1 September 2011, and it replaces the previous edition of the Plan of March 2001.

The Plan is divided into 4 (four) parts. The First Part addresses “Definitions for the purposes of the present Plan” and has 10 (ten) Chapters.

The Second Part contains hydrographic characteristic of the district (including relevant charts), sensitive areas, the risk analysis, the plan for receiving ships in need of assistance, and communications.

The Third Part called “Attachments” contains examples of various messages, a checklist for pollution emergencies, examples of various warnings, records and requests to be issued by the Harbour Master’s Office, the list of approved dispersants and sorbents, a telephone and fax directories, the list of available vessels, equipment and products that can be used in pollution response operations, a checklist of procedures/actions/decisions to be taken in case of marine pollution, description of procedures for the use of external resources, statistic and meteorological/oceanographic data, a sample of the contract for urgent engagement of private contractors.

Finally, the Fourth Part includes a tabular presentation of oil spill response techniques, concise information on techniques for intervention in case of spills of other HNS, a summary presentation of MARPOL Convention, and a copy of the contract and procedures for deployment of contracted means (vessels and equipment).

6.6.3.4 Molfetta / Apulia Region (Italy)

The current Local Operational Contingency Plan for response to marine pollution by oil and other noxious substances of the Maritime District (the Harbour Master’s Office) of Molfetta is dated March 2012. The Plan does not indicate the exact date when it was prepared and/or approved and by whom, and does not state the date it entered into force.

The Plan is divided into 7 (seven) Chapters and also includes 14 (fourteen) Attachments.

The first chapter “Generalities” addresses general issues and definitions.

The second one is the “Operational plan” covering the scope and field of its application, responsible authorities and the organization of the Maritime District, defining in particular responsibilities, duties and composition of the Local Pollution Control Centre as the key advisory body to the Head of Maritime District.

The third chapter (“Emergency”) describes the types of emergency, operations, operational phases and situations, and provides guidelines for actions to be taken in each type of situation, often using flow charts. Lists of specialized equipment and vessels are also included in this chapter

The fourth chapter deals with “Oil pollution” and provides specific information on each operational situation and level of response, but also includes a tabular presentation of oil spill response techniques, while the fifth one addresses “Pollution by other HNS”.

The sixth chapter is entitled “Plan for receiving ships in need of assistance” and deals with issues relevant for responding to requests for a place of refuge.

The seventh and last chapter contains “Response check lists” for various emergency actions and includes charts of various ports in the Molfetta Maritime District.

“Attachments” include examples of various messages, declarations and contracts, directories, operational guidelines on control and remediation techniques for coastal oil spills, description of behaviour at sea of chemicals which do not or poorly react with the seawater, the list of approved dispersants and sorbents, and a sample of the “minutes of sampling”.

6.6.3.5 Ravenna / Emilia Romagna Region (Italy)

The Local Operational Contingency Plan (for response to marine pollution by oil and other noxious substances) of Harbour Master’s Office (the Maritime District) of Ravenna was **prepared by** the Harbour Master’s Office/Coast Guard of Ravenna in 2006 and was updated in 2011.

The Plan is divided into 4 (four) parts. The First Part addresses “Definitions for the purposes of the present Plan” and has 9 (nine) chapters addressing respectively the operational plan, responsible authorities, phases of emergency, operational phases and situations, coordination in the area, operational modalities, messaging, relations with the media, and exercises.

The Second Part, has 4 (four) chapters and contains information on hydrographic characteristic of the district (including relevant charts), the list of sensitive areas and areas of particular value (these are identified and the **sensitivity maps** are attached in the form of an atlas), the list of areas at risk, and the instructions for the activation of operations phase of response.

The Third Part called “Attachments” contains 12 (twelve) such attachments including examples of various messages/warnings/decrees, the inventory of available resources, information on antipollution vessels, the list of dispersants and sorbents, a telephone and fax directories, statistic and meteorological/oceanographic data on the District, a directory of local antipollution experts, and the list of equipment available in Ravenna in the stockpiles of the MoE contractor.

The Fourth Part (“Miscellaneous”) contains background information on oils (1) and their behaviour when spilled (2), spill response operations (3), the table of vulnerability (4), compatibility table of clean-up methods and main types of shorelines (5), excerpts from the National CP (6) and background information on HNS (7).

6.6.4 Croatian area (regional) contingency plans

6.6.4.1 Region (County) of Istria (Croatia)

The County CP was **prepared** by the Region of Istria’s Administrative Department for Sustainable Development, Department for Nature and Environmental Protection in 2009.

The Plan represents a Tier 2 contingency plan applicable to accidental marine **pollution by oil and HNS**, not exceeding 2000 m³ of oil, and addresses **response at sea and on shore**. If spill affects more than one county coordination is provided by the MRCC Rijeka, and is dealt with in cooperation with the County of Primorje and Gorski Kotar.

Responsibility for response at sea and on shore rests with the County Operations Centre (COC). COC is composed of members representing the Harbour Master's Office, Ministry of internal affairs, Regional administrative departments responsible for the protection of the sea, environment and nature protection, and the National Protection and Rescue Directorate.

Regarding **the management** of response at sea and on shore COC coordinates response operations and can engage other experts, technically educated staff together with the Civil Protection and volunteers.

Responsibility for activities related to the **preparedness** (preparation and updating of the CP) is also assigned to COC.

For oil spill **response operations at sea** until recently the Region of Istria together with the County of Primorje and Gorski Kotar had an agreement (it recently expired but will very soon be renewed) with the private company Dezinsekcija d.o.o., Rijeka. One response vessel is based in Pula during whole year and another one in Poreč during summer months.

Regional (area) CP is **supported** by CPs at lower levels (which are however not identified).

A regional (area) **strategy** for spill response has been defined. Spill response activities are planned by COC Commander and are carried out according to the following order: removing of the source of pollution, prevention of oil spreading (containment), collection of spilled oil, use of dispersants, removing pollution on the shore, dangerous waste disposal.

The **policy on the use of dispersants** has been defined in addendum 3 of the County CP. The relevant flow chart has been attached to the reply. The use of dispersants is prohibited in nature protected areas, mariculture areas, hatchery (fish spawning) areas, and in areas where the return of sea water into watercourses is possible due to impact of wind, tides etc.

The **policy on** spill response generated **waste management** has been defined in the County CP. Waste managed activities are carried out exclusively by companies which possess legal permits for dangerous waste management issued by Ministry responsible for environment.

Environmentally **sensitive areas** are defined in the County CP and comprise nature protected areas, mariculture areas, hatchery (fish spawning) areas, and areas where the return of sea water into watercourses is possible due to impact of wind, tides etc. A detailed list of protected areas and mariculture areas is given in an addendum to County CP.

Environmental **sensitivity maps** have been prepared in GIS format based on relevant spatial data and are used in sensitivity assessment calculations. Sensitivity is evaluated by points in range from 4 to 58 (result of combination of all relevant parameters) and divided into 5 categories.

6.6.4.2 County of Primorje and Gorski Kotar (Croatia)

The County CP was **prepared** in 2009 by the members of the County Operations Centre (COC) and experts from the Faculty of Maritime Studies in Rijeka.

The Plan represents a Tier 2 contingency plan applicable to accidental marine **oil pollution**, not exceeding 2000 m³ of oil, and addresses **response at sea and on shore**. If spill exceeds the capacities of one County or affects more than one county the coordination is provided by the MRCC Rijeka.

Responsibility for response at sea and on shore rests with the County Operations Centre (COC). Port Authority is responsible for dealing with oil pollution in the port and COC is responsible for dealing with pollution at sea and arriving on shore from the sea.

Responsibility for **management** of response at sea and on shore rests with the Commander of COC, in collaboration with the Harbour Master's Office, Rijeka. COC command group comprises the representatives of County administration bodies responsible for marine protection, environment protection, safety and rescue, and internal affairs.

Responsibility for activities related to the **preparedness** (preparation and updating of the CP, training) is assigned to COC. Training of personnel included in spill response organization is organized by COC. COC HQ is responsible for organizing at least once in two years appropriate demonstration exercises, in order to achieve the required level of preparedness to implement the County CP.

Response operations at sea and on shore are carried out by six specialized spill response contractors (Dezinsekcija, Rijeka; Ecooperativa, Kukuljanovo; Jadranski naftovod, Zagreb/Terminal Omišalj; Jadranski pomorski servis, Rijeka; IND-EKO, Rijeka; and Rijekatank - ekologija i zaštita okoliša, Rijeka).

Regional (area) CP is **supported** by CPs at lower levels (which are however not specified).

A regional (area) **strategy** for spill response has been defined in Articles 22-29 and 30-45 of the County CP.

The **policy on the use of dispersants** has been defined in addendum 3 of the County CP. Dispersants may be used only in case when mechanical removal of oil and/or oil mixture spill is not possible. In that case, the commanding officer of COC, with the approval of the HQ Commanding Officer, decides on the use of dispersants taking into consideration all existing circumstances (type of oil, hydro-meteorological conditions, availability of means and personnel etc.). **The list of dispersants** which may be used in the Republic of Croatia and the EU Member States is presented in Annex IV of the County CP. The use of dispersants is not allowed in: nature protected areas (in Annex V of the CP), in mariculture zones (in Annex VI), fish spawning areas and areas where the return of sea water is possible under the influence of tides, winds or decreased water-levels in rivers. A flow chart illustrating the use of dispersants is presented in Annex III to the County CP.

The **policy on** spill response generated **waste management** has not been specifically defined in the County CP.

Environmentally **sensitive areas** are defined in the County CP and comprise particularly sensitive sea area (PSSA) defined in accordance with relevant IMO guidelines, as well as nature protected areas (Annex V), mariculture areas (Annex VI), fish spawning areas and areas where the return of sea water into watercourses is possible due to impact of wind, tides etc.

Environmental **sensitivity maps** have been prepared in both paper and GIS formats.

6.6.4.3 Zadar County (Croatia)

The County CP was **prepared** in 2010 by external experts.

The Plan represents a Tier 2 contingency plan applicable to accidental marine **oil pollution**, not exceeding 2000 m³ of oil, and addresses **response at sea and on shore**. If spill exceeds the capacities of the County or affects more than one county the coordination is provided by the MRCC Rijeka and is dealt with in cooperation with the County of Primorje and Gorski Kotar, under the overall responsibility of the National Operational CP Headquarters.

Responsibility for response at sea and on shore rests with the County Operations Centre (COC). It may seek expert advice and support from other institutions, companies, organizations and experts from the list held at the Secretariat of the COC or from other person according to the decision of the COC Commander decision (Civil Protection, emergency services - fire, emergency medical assistance, Mountain Rescue Service, Red Cross, volunteers etc.)

Responsibility for **management** of response at sea and on shore rests with the COC and its Commander.

Responsibility for activities related to the **preparedness** (preparation and updating of the CP, training) is assigned to COC together with the Administrative Department for Spatial Planning, Environmental Protection and Communal Affairs, Zadar County.

Response operations are carried out by a specialized spill response contractor "Ciklon d.o.o.", a professionally and technically qualified legal person, which has trained personnel and equipment for dealing with accidental pollution at sea. It is registered under special regulations and has permission for hazardous waste management and consent for monitoring of the marine environment - authorized participants can be involved in the implementation of the CP. List of legal entities and individuals and their equipment and resources is kept by the National Operational Headquarters and published on the website of the central governmental body responsible for the sea. For shoreline clean up the Headquarters and COC can engage the Civil Protection and, if necessary, volunteers.

Regional (area) CP is not **supported** or complemented by CPs at a lower level.

A County **strategy** for spill response has been defined in the County CP which outlines responsibilities for implementation of the plan, procedures for forecasting, preventing and reducing marine pollution, commencement of operations according to the CP, measures and procedures in case of accidental sea pollution, termination of activities according to the CP, keeping record of actions according to the CP, education and exercises, financing and informing the public.

The **policy on the use of dispersants** has been defined in the County CP. Dispersants may be used if other methods of removing contaminants are not justified, and the removal using dispersants or similar means creates less environmental damage than natural recovery, after receiving the opinion of the HQ, and if the available dispersants are included in the list of approved dispersants in NCP. When deciding on using dispersants the COC Commander shall take into account: the type of contamination, hydro-meteorological conditions and the consequent movement of seawater in which the dispersants or similar means are introduced, the availability and the adequacy of dispersants, and the adequacy of equipment and training of the available manpower. In general the use of dispersants is not

allowed in the marine protected areas in Zadar County (listed in Annex V to the Plan), in the areas of mariculture in Zadar County (Annex VI), in fish spawning areas, and in the areas where there is a probability of retreat of sea water into the rivers as a result of impact of tides, winds or reduced river water levels.

The **policy on** spill response generated **waste management** has not been specifically defined in the County CP.

Environmentally **sensitive areas** are defined in the County CP and include nature protected areas (Annex V), mariculture areas (Annex VI), fish spawning areas, and areas where the return of sea water into rivers is possible due to the impact of tides, winds or reduced river water levels. A detailed list of protected areas and mariculture areas is given in Annexes V and VI respectively of the County CP.

Environmental **sensitivity maps** have been prepared and are available in GIS format.

6.6.4.4 Split-Dalmatia County (Croatia)

The County CP was **prepared** in 2010 by Department of Maritime and Tourism Affairs of Split-Dalmatia County in cooperation with an external expert institution.

The Plan represents a Tier 2 contingency plan applicable to accidental marine **pollution by oil and other HNS**, of less than 2000 m³, and addresses **response at sea and on shore**. If spill exceeds the capacities of the County or affects more than one county the coordination is provided by the MRCC Rijeka and is dealt with in cooperation with the COC of the Split – Dalmatia County. COC comprises the representatives of Split-Dalmatia County, Harbour Master's Office, Ministry responsible for maritime affairs, Ministry of Interior/Police of the SD County, National Protection and Rescue Directorate, Port of Split.

Responsibility for response at sea and on shore in the area under jurisdiction of the Harbour Master's Office of Split rests with the County Operations Centre (COC). The Harbour Master is also the COC Commander. For pollution in the port responsibility rests with the Port Authority and for pollution on shore with the Civil Protection Department. COC assumes the responsibility in case of the activation of the SD County CP.

Responsibility for **management** of response at sea and on shore rests with the COC.

Responsibility for activities related to the **preparedness** (preparation and updating of the CP, training) is assigned to COC.

Response operations are directed by COC (implementation of procedures and measures for predicting, preventing, restricting, preparedness, reactions and operational involvement in the implementation of national and sub-regional contingency plan) and carried out by county authorities and institutions, potential polluters and specialized companies and organizations authorized for containment and cleanup of accidental pollution of the marine environment, which are included in the County CP.

Regional (area) CP is not **supported** or complemented by CPs at a lower level.

A County **strategy** for spill response has been defined in the County CP. If the resources at the sea and on the coast are not endangered, COC may decide to leave pollution to dissipate naturally, and only ensures regular monitoring and control of movement and behaviour of the pollutant. If the resources are at risk, and depending on weather conditions, Commander of COC makes a decision on the intervention. The primary strategy

is to remove the oil from the sea surface, if possible by mechanical cleaning methods. Use of dispersants is allowed where appropriate in order to reduce the amount of pollution of the shore and to minimize the length of potentially vulnerable coastline, however depending on weather conditions and the availability of equipment mechanical removal has priority over the use of dispersants. In order to protect particularly vulnerable parts of the coast or coastal resources COC Commander may decide to redirect or divert the contamination to less sensitive parts of the coast.

The **policy on the use of dispersants** has been defined in the County CP. COC decides on possibility of using dispersants in accordance with the regulations on the dispersants use (type and condition of oil, weather conditions, availability of dispersants and equipment for their use, etc.). The use of dispersants is not allowed in three zones defined in the County CP. Only dispersants included in the list of dispersants used in Croatia and the EU can be used.

The **policy on spill response generated waste management** has been defined in the County CP. Preparatory activities regarding waste management are under the responsibility of COC in coordination with the local community. Temporary storage of oily waste will be provided as close as possible to the sites of mechanical clean-up. List of predetermined locations for temporary storage is defined by the CP. In case of need of additional locations for temporary storage, Commander of COC decides on additional locations in consultation with the relevant state and local governments. Places for disposal of oily and other waste collected during the intervention at sea and on the coast are defined by this Plan.

Environmentally **sensitive areas** are defined in the County CP and listed in its Annexes. These include areas declared as “reservations” and “significant landscapes” (Pantan reservation, beaches of Brela, Island of Ravnik, Pakleni Islands, Island Šćedro and Islet Zečevo), fish farming areas and hatcheries.

The information on the existence of the environmental **sensitivity maps** has not been provided in the Questionnaire.

6.6.5 Comments, conclusions and recommendations concerning area, regional or county Contingency Plans

National Contingency Plans of all countries concerned stipulate the existence of other, lower level contingency plans in their respective countries. Nevertheless such plans have so far been prepared and enacted only in Croatia and Italy. It is noted that despite the fact that the replies to the Questionnaire received from the Albanian, Montenegrin and Slovenian authorities did not refer to such plans in their respective countries, the Consultant is aware of the existence of some of Tier 1 contingency plans in e.g. ports of Durres and Vlore, and PIA oil terminal in Albania, the port of Bar and a shipyard in Montenegro, the port of Koper in Slovenia. However these were not reviewed and commented taking into consideration that they were not officially reported.

6.6.5.1 Croatia

All Croatian counties participating in the HAZADR Project fulfilled their obligations concerning the preparation of Tier 2 CPs. Local Tier 1 contingency plans are mentioned in replies to the Questionnaire however the number of such CPs and details of their coverage, objectives, and other features were not provided. It can only be assumed that these cover main coastal facilities such as ports, refineries, shipyards and other coastal industry, marinas, etc.

The four County CPs outlined above seem to cover all important aspects of spill response, and are properly harmonized with the Croatian NCP.

The strategy of spill response identified in each County CP follows the same basic principle of giving priority to mechanical removal of oil and considering the use of dispersants only as an alternative to containment and recovery. Taking into consideration the need for significant quantity of booms and recovery devices required to effectively implement this strategy, in addition to complex logistics and the need to provide for intermediary and temporary storage of collected liquid and solid oil or HNS contaminated waste associated with it, it **suggested to review** the strategic parts of the County CPs in order to assess how realistic these options are and to address the strategy in a more detailed manner.

The most significant shortcoming of all these plans is that they either completely neglect the issue of waste management or address it in more or less general terms. It is emphasized once again that the parts of County CPs dealing with waste management should be revised and carefully elaborated, so that in case of a major spill the accumulation of waste generated during response operations does not jeopardize the entire response. Among the four analysed County CPs only the one of the Split-Dalmatia County seems to list actual sites that could be used for waste disposal, however these were not identified in the reply to the Questionnaire.

It is also strongly **recommended** to establish proper national criteria for testing and approval of oil spill dispersants, and to prepare the list of dispersants approved for use in Croatia, and to replace the long “list of dispersants approved for use in the EU” which at present appears in the NCP since criteria used by different EU Member States do not necessarily correspond to the environmental and other conditions in the Croatian internal sea area and the territorial sea.

Finally, the County CPs represent the basic level of spill response (Tier 2), while the NCP addresses Tier 3 response which nevertheless largely relies on the Tier 2 response at the County level. It appears that Tier 1 response (ports, marinas, shipyards, coastal industry, offshore facilities, etc.) is not sufficiently emphasized and that the responsibility for the preparation of such Tier 1 plans is not strongly enough stipulated in either County CPs or in the NCP. In fact the impression is that sometimes County CPs also function as Tier 1 plans, which should not be the case.

It is therefore **recommended** to formally stipulate in County and National CPs the requirement to prepare and implement Tier 1 plans by all those who either might cause pollution or might be affected by it.

6.6.5.2 Italy

The second Tier of response **at sea** in Italy is regulated by the **Operational Contingency Plan for protection of the sea and coastal areas against accidental pollution by oil and other noxious substances** which is discussed under **heading 6.3.3** of the Report. This comprehensive CP covers response to marine pollution at sea including the coastal (internal) waters, territorial sea, ecological protection zone (EPZ) and the high sea. This Plan should be complemented by regional CPs for response on shore at the level of regions, provinces and municipalities, however only Marche Region reported having such a Plan.

The five Local Operational CPs (POLs) outlined in **Section 6.6.3**, despite covering the entire Maritime Districts, i.e. relatively large areas under the jurisdiction of these Districts, are in fact Tier 1 plans and address response to minor pollution in relevant ports and adjacent sea areas. According to the Italian NCP and the above quoted Operational CP, such local operational contingency plans should be prepared and approved for each Maritime District.

A total of 17 such Districts exist in the Adriatic, and although their POLs were not reported in the replies to the Questionnaire and examined accordingly, it is assumed that these exist.

The same remarks which were made concerning the Croatian County CPs, in particular as far as waste management is concerned, apply also to the Italian regional and local plans (POL). It is emphasized that only one regional CP and five POLs covering Maritime Districts in two Italian Adriatic coastal Regions, were reviewed and that the situation in the other five Regions and numerous Provinces, as well as in other Maritime Districts might be different.

Therefore it is strongly **recommended** to address in a stronger and more precise way the issue of waste management at all levels of response, and to strengthen the corresponding parts of regional (area) and local plans in particular.

6.7 NATIONAL SYSTEMS FOR PREPAREDNESS AND RESPONSE

The existence of a reliable national system for preparedness and response, including administrative organization, contingency plans for combating marine pollution incidents, trained personnel and basic equipment, is considered to be the single most important factor which determines the effectiveness and the success of response to marine pollution incidents, by public authorities in charge of dealing with them.

Developing and consolidating an effective national system for preparedness for and response to marine pollution incidents is a complex and continuous, or rather perpetual process. It comprises setting up the **organizational framework** for dealing with marine pollution incidents, based on **political decision** to do so, preparation of a **national contingency plan** and related area (regional) and local contingency plans, **training** personnel designated to respond to pollution incidents at different levels, and the acquisition of basic pollution response **equipment and products**. In order to keep the system effective at all times it is necessary to update it and test it at regular intervals, and to modify it whenever a significant change occurs in the national institutional framework or in any of the key elements which were built in its basic structure when it was conceived and set up.

As shown in **Section 6.3** all Adriatic coastal States which participate in HAZADR project have their national contingency plans (Albania, Croatia, Italy, Montenegro, Slovenia), which are one of the key elements of national preparedness and response systems (cf. OPRC 1990, **Chapter 5, Section 5.2, Heading 5.2.1**). Some of these were recently prepared or revised (Albania, Italy, Montenegro) while the others are scheduled to be revised soon (Croatia, Montenegro). It is noted that Bosnia and Herzegovina, which is not a partner in the present Project, does not have a national CP as yet although certain initiatives were taken in 2013 through REMPEC with a view to exploring the possibility of extending the applicability of the Croatian NCP also to the sea and coastal area of Bosnia and Herzegovina.

Most of the countries have adopted the “three tier” concept of planning response to spills of oil or HNS, although the lowest, Tier 1 is often ignored in contingency planning at national level. National preparedness and response systems in all countries concerned rely heavily on Tier 2 response, which in case of a major pollution expands or escalates to Tier 3 response.

It is again strongly **recommended** to complete the process of complementing NCPs with the adequate and effective area (regional) and local plans, in all Adriatic coastal States and in particular in those which declared that Tier 1 contingency plans do not exist (Albania, Montenegro) or did not provide any details on them (Slovenia).

The existence of spill response equipment was not addressed in this part of HAZADR project, however once the results of the assessment of the quantities of specific and auxiliary equipment available in the Adriatic region are known, it is **recommended** to review area (region, county) response policies or strategies with a view to defining whether the envisaged policies can be realistically implemented with the equipment available in the Adriatic region.

7. SUB-REGIONAL AGREEMENT FOR COOPERATION AND MUTUAL ASSISTANCE IN THE ADRAITIC REGION

7.1 SUB-REGIONAL SYSTEMS FOR PREPAREDNESS AND RESPONSE AND SUB-REGIONAL CONTINGENCY PLANS IN THE MEDITERRANEAN

As already outlined elsewhere in the Report, minimizing negative effects of marine pollution incidents requires prompt, accurate and efficient response, which is likely to be successful only if precise response organization exists, if necessary resources are available and if specific strategy of response has been agreed upon. The “necessary resources” in this context comprise at least trained personnel, pollution response equipment and products, specialized vessels and aircraft, as well as auxiliary and communications equipment. In the past major incidents resources available at the national level more often than not needed to be supported by resources provided through international co-operation.

The most efficient means of strengthening national capacities for responding to massive oil spills or serious releases of other HNS is by complementing national preparedness and response systems, once these have been established, with appropriate **bilateral and multilateral operational agreements** for cooperation and mutual assistance in prevention of, preparedness for and response to marine pollution. Bilateral or multilateral agreements are usually complemented by regional and/or sub-regional contingency plans that are based on the existing NCPs, cover several countries and address joint operations in case of marine pollution emergencies. Such agreements and joint contingency plans provide the backbone of a sub-regional preparedness and response systems.

The legal framework for international cooperation and mutual assistance in case of marine pollution incidents in the Mediterranean region has been provided since the end of the 1970s by the Barcelona Convention and its Emergency Protocol, which was in 2002 replaced by the Prevention and Emergency Protocol. However, for an international co-operation in case of emergency to be really effective numerous relevant administrative, legal, operational, logistic, technical, environmental, financial, etc. issues need to be defined in more detail than it is practical to do in international treaties. Such details are therefore usually addressed in regional and sub-regional contingency plans.

Taking into consideration the size of the Mediterranean region, distances between the countries and some other constraints, the Contracting Parties to the Barcelona Convention and its Prevention and Emergency Protocol decided to encourage the preparation of several sub-regional contingency plans (hereinafter referred to as SRCP) rather than development of a single regional plan. It is emphasized that, albeit without the existence of a regional CP, the regional preparedness and response systems providing for notification, alerting, training, exercises, assistance in case of emergency and otherwise, etc. has been established in the Mediterranean and is functional since 1976 with REMPEC playing the essential coordinating role in it.

The main principles guiding the development of multilateral preparedness and response systems were (a) relative geographical vicinity of the countries involved, (b) the existence of their respective national preparedness and response system, and (c) the political will of the States to cooperate in this specific domain of the protection of marine environment against pollution.

Respecting the guidelines provided by the Contracting Parties to the Barcelona Convention and formally stipulated in its Prevention and Emergency Protocol, REMPEC since the early 1990s assisted to the countries in the Mediterranean region to develop and enact several **sub-regional systems** for preparedness and response to major marine pollution incidents.

It is noted that the first Mediterranean sub-regional arrangement, covering adjacent parts of **France, Italy and Monaco** (RAMOGE) was adopted in 1976, without the participation of REMPEC in its development. RAMOGE is supplemented by the RAMOGEPOL Plan adopted in 1993, which defines operational aspects of joint spill response activities.

In co-operation with the European Commission (EC) and using its financial support provided through LIFE Third Countries financing mechanism, REMPEC completed (1993-1995) basic work on the development of the “Sub-regional System for combating major marine pollution incidents affecting or likely to affect the territorial sea, coasts and related interests of **Cyprus, Egypt and Israel**”. The major result of this project was the preparation of the **Sub-Regional Contingency Plan** covering territorial sea and areas of interest of the three countries concerned, followed by signing in 1995 of the trilateral “Agreement on the Sub-Regional Contingency Plan”. Subsequently, between 1997 and 2000 REMPEC implemented a complementary project, also financed through the LIFE Third Countries mechanism of the EC, aiming at “Development of Spill Response Capabilities of Cyprus, Egypt and Israel”. The latter project included *inter alia* the development of sensitivity maps for the coastal areas of the three countries concerned, oil spill modelling within the context of the SRCP, the development of national communication capabilities, numerous related training activities at national and sub-regional levels and organizing two comprehensive oil spill response exercises with the deployment of response personnel, equipment and other resources from all three countries.

The “Sub-regional Contingency Plan for preparedness and response to major marine pollution incidents in the Mediterranean” (*original title*) covering “areas of responsibility and areas of interest” of Cyprus, Egypt and Israel, subsequently served as a model for the development of other SRCPs and relevant preparedness and response systems elsewhere in the Mediterranean. Moreover the same model and the experience of REMPEC were also used in other regional seas for the preparation of similar regional or sub-regional contingency plans, such as in e.g. the north-western Pacific region (China, Republic of Korea, Japan and Russia), the Western Africa (22 States) and recently the Western Indian Ocean (9 States).

In the 2000's REMPEC assisted the three countries in the south-western part of the Mediterranean, i.e. **Algeria, Morocco and Tunisia** to develop a SRCP covering their respective “intervention zones” (defined as sea areas under their respective sovereignty or jurisdiction in the Mediterranean) and to sign a sub-regional agreement on its implementation, as well as to the three Adriatic countries, namely **Croatia, Italy and Slovenia**, to prepare a SRCP and to adopt a corresponding agreement on its implementation in the Adriatic region. Both Agreements were signed in 2005, in June and November respectively.

In the preparation of the above mentioned SRCPs REMPEC used extensively the guidance provided by IMO in Chapter 4 and Appendix 4 of the Manual on oil pollution, Section II – Contingency Planning.

7.2 ADRIATIC SUB-REGIONAL CONTINGENCY PLAN AND THE AGREEMENT ON ITS IMPLEMENTATION

The full titles of the SRCP and of the operational Agreement on its implementation are respectively:

- Sub-Regional Contingency Plan for Prevention of, Preparedness for and Response to Major Marine Pollution Incidents in the Adriatic Sea; and

- Agreement on the Sub-Regional Contingency Plan for Prevention of, Preparedness for and Response to Major Marine Pollution Incidents in the Adriatic Sea.

Sub-Regional Agreement (hereinafter referred to as “the Agreement”) and the Sub-Regional Contingency Plan (hereinafter referred to as the “Adriatic SRCP”) were developed in accordance with Article 17 of the Prevention and Emergency Protocol to the Barcelona Convention, within the “project for the development of a Sub-Regional System for preventing and combating major marine pollution incidents affecting or likely to affect the territorial sea, coasts and other related interests of Croatia, Italy and Slovenia in the Adriatic Sea”.

7.2.1 The Agreement

The preparation of the Adriatic SRCP and the Agreement was carried out between March 2003 and November 2005. Technical assistance to the project was provided by REMPEC within the framework of the Mediterranean Action Plan (MAP). The process involved extensive consultations with the individual countries and with the Consultant selected to assist REMPEC in the preparation of the Plan, as well as a couple of meetings of the representatives of the competent national authorities of Croatia, Italy and Slovenia, the Consultant and REMPEC staff, specifically dedicated to the development of the Plan.

In addition to the preamble the Agreement has only seven (7) articles stating that the three countries have agreed to adopt the SRCP (**Article 1**), to endeavour to assist each other in case of emergency if so requested (**Article 2**), to designate national authorities responsible for the implementation of the SRCP (**Article 3**), to welcome other countries to join the Agreement (**Article 4**), to amend the Agreement as necessary (**Article 5**), to assign the responsibility for updating the SRCP to their respective national authorities mentioned in Article 2 (**Article 6**), and that the Agreement and the SRCP shall enter into force 30 days after REMPEC has been notified of the approval or ratification of the Agreement by all three signatories, in accordance with national legislation (**Article 7**).

The Agreement was signed by the representatives of the Governments of Croatia, Italy and Slovenia in Portorož, Slovenia on 9 November 2005, during the 14th Meeting of the Contracting Parties to the Barcelona Convention.

Croatia (Official Gazette NN-MU No. 7 of 12 November 2008) and Slovenia (Official Gazette UL-MP No. 13 of 16 June 2008) ratified the agreement in 2008 in accordance with their national legislation. The ratification by Italy is still pending before the Agreement and the Plan could officially enter into force. It is understood that until such time the existing Trilateral Commission for the Protection of the Adriatic is providing secretarial functions for the SRCP.

It is noted that **the Agreement** on the SRCP was prepared and signed in 2005, at the time when only Croatia, Italy and Slovenia among all Adriatic coastal States had their national preparedness and response systems in place. Nevertheless these three Parties have agreed to stipulate in **Article 4** that “other Parties to the Barcelona Convention and its Prevention and Emergency Protocol, in the Adriatic sub-region, may join this Agreement subject to the consent of the Signatories of the Agreement”.

The 12th Adriatic and Ionian Council adopted in Ancona, Italy, on 5 May 2010 “The Ancona Declaration 2010” which inter alia “encourage[d] the application of the criteria foreseen by the “Sub-Regional Contingency Plan for Prevention of, Preparedness for and Response to Major Marine Pollution Incidents in the Adriatic Sea” by all All Participating States”.

The official representatives of the Albanian and Montenegrin competent national authorities in the Second Adriatic Spill Conference ADRIASPILLCON 2013, held in Opatija, Croatia

between 14 and 16 May 2013, clearly indicated the intention of their respective countries to accede as soon as possible to the Agreement and to participate in the SRCP.

It is therefore expected that once Albania and Montenegro officially approach the Trilateral Commission for the Protection of the Adriatic with their requests to join the Agreement and the SRCP, the consent of the three original Parties to extend the coverage of the SRCP and include into it Albania and Montenegro will be granted promptly and without particular problems, taking into consideration that the two countries had set up their respective national preparedness and response systems and adopted their respective NCPs.

7.2.2 The Sub-Regional Contingency Plan

The most significant difference between the Adriatic SRCP and other similar SRCPs in the Mediterranean, which were developed before and after it, lies in the fact that the Adriatic SRCP includes a Chapter specifically addressing **prevention of pollution from ships**. The Chapter, addressing prevention of incidents likely to cause pollution of the sea, was introduced in order to emphasize the commitment of the three countries for which it was originally prepared to reduce and, as much as possible, eliminate the risk of such incidents in the Adriatic Sea. This part was based on certain previous agreements between the same three countries, namely the one concerning coordination of SAR activities and the one establishing the “Mandatory Ship Reporting System - Adriatic Traffic”, which provided for the establishment of the necessary communication infrastructure for the exchange of information related to envisaged pollution prevention activities, and therefore facilitated the functioning of this new component of the sub-regional system.

Other Chapters of the Plan followed more or less closely the outline of the SRCP developed for the south-eastern Mediterranean. Taking into consideration the wish of the three Adriatic countries concerned and the fact that their respective national contingency plans already addressed both oil spills and spills or releases of other hazardous and noxious substances, it was decided that the SRCP should address these too.

The content of the SRCP is as follows:

1. INTRODUCTION

- 1.1 Context
- 1.2 Purpose and objectives
- 1.3 Scope and geographic coverage
- 1.4 Definitions and abbreviations

2. PREVENTION OF POLLUTION FROM SHIPS

- 2.1 Joint policy for the prevention of pollution from ships
- 2.2 National Authorities responsible for the prevention of pollution from ships and designation of Pollution Prevention Co-ordination Centres (PPCCs)
- 2.3 Meetings of Pollution Prevention Co-ordination Centres
- 2.4 Prevention phases
- 2.5 Preliminary activities
- 2.6 Preventive activities

3. POLICY AND RESPONSIBILITIES IN THE FIELD OF PREPAREDNESS AND RESPONSE

- 3.1 Joint preparedness and response policy
- 3.2 Responsibilities of competent national Authorities
- 3.3 Designation of national Operational Authorities responsible for the implementation of the Plan in case of emergency, and of national Operations Centres
- 3.4 Mechanism for activating the Plan in case of emergency

- 3.5 Meetings of national Operational Authorities responsible for the implementation of the Plan in case of emergency
- 3.6 Exchange of information
- 3.7 Joint training and exercises

4. RESPONSE ELEMENTS AND PLANNING

- 4.1 Assumption of Lead role
- 4.2 National On-Scene Commander (NOSC) / Supreme On-Scene Commander (SOSC)
- 4.3 Emergency Response Centres / Joint Emergency Response Centre
- 4.4 Support teams
- 4.5 Command structure
- 4.6 Communications arrangements
- 4.7 Response planning
- 4.8 Response strategy

5. RESPONSE OPERATIONS

- 5.1 Response phases
- 5.2 Spill surveillance
- 5.3 Requests for assistance within the framework of the Plan
- 5.4 Joint response operations
- 5.5 Use of dispersants
- 5.6 Termination of joint response operations and deactivation of the Plan

6. COMMUNICATIONS AND REPORTING

- 6.1 Communication system
- 6.2 Pollution reporting system (POLREP)
- 6.3 Situation reports (SITREPs)
- 6.4 Post incident reports
- 6.5 Reports to and communication with REMPEC

7. LOGISTICS, FUNDING AND ADMINISTRATION

- 7.1 Logistics
- 7.2 Financial procedures
- 7.3 Transboundary movements of response personnel, equipment, products and self-contained units
- 7.4 Medical insurance and medical assistance
- 7.5 Responsibility for injury and damage
- 7.6 Documentation of response operation and related costs

8. PUBLIC INFORMATION

- 8.1 Public Relations Officer (PRO)
- 8.2 Press releases
- 8.3 Press conferences
- 8.4 Public information through REMPEC

ANNEXES

- ANNEX 1 Directory of competent national Authorities
 - 1.1 Operations Centres, Emergency Response Centres, National On-Scene Commanders and other relevant addresses
 - 1.2 Prevention charges
 - 1.3 Internal criteria
- ANNEX 2 Communications with REMPEC.
- ANNEX 3 National Contingency Plans (or relevant parts thereof).
 - 3.1 Republic of Italy

	3.2 Republic of Croatia
	3.3 Republic of Slovenia
ANNEX 4	Directory of response personnel and inventory of response equipment, products and other means which each Party might offer as assistance in case of the activation of the Plan.
ANNEX 5	Communications system
ANNEX 6	Guidelines for reporting oil spills (aerial surveillance)
ANNEX 7	POLREP Pollution Reporting System
ANNEX 8	Standard format for requesting assistance
ANNEX 9	Claims manual
ANNEX 10	Prevention, preparedness and response organization flows

The **purpose** of the Adriatic SRCP is to establish, within the framework of the Prevention and Emergency Protocol to the Barcelona Convention and according to the obligations of the Contracting Parties under this Protocol, a mechanism for mutual assistance, under which the competent national authorities of Croatia, Italy and Slovenia will co-operate in order to co-ordinate and integrate their activities related to prevention and response to marine pollution incidents affecting or likely to affect the territorial sea, coasts and related interests of one or more of these countries, or to incidents surpassing the available response capacity of each of these countries alone.

Specific objectives of the Plan have been defined as follows:

- a) to determine the extent of co-operation among the relevant authorities of the Parties to the Plan, in the field of prevention of marine pollution incidents
- b) to determine the extent of co-operation for the implementation of the Plan in cases of emergency, between the responsible authorities, at the operational level;
- c) to define the areas of responsibility of the Parties to the Plan;
- d) to divide the responsibilities and to anticipate the transfer of responsibility from one State to another;
- e) to establish the principles of command and liaison, and to define the corresponding structures;
- f) to provide arrangements concerning the operation of ships and aircraft of one of the Parties, within the area of responsibility of the other Parties;
- g) to specify the type of assistance which might be provided and the conditions under which it will be provided;
- h) to determine in advance the financial conditions and administrative modalities related to co-operative actions in case of emergency.

In order to achieve these objectives, the Parties agreed to take a series of **actions** through the implementation of the Sub-regional Contingency Plan, namely:

- To develop adequate activities and take appropriate measures aimed at reducing the risks of incidents or the environmental consequences thereof;
- To develop appropriate network(s) for the exchange of information concerning prevention of marine pollution incidents;
- To develop appropriate preparedness measures and effective systems for detecting and reporting pollution incidents affecting or likely to affect the areas of responsibility of the Parties;
- To promote and implement sub-regional co-operation in the fields of prevention of accidental oil pollution from ships, contingency planning, pollution control and clean-up operations;
- To implement the necessary measures to restrict spreading and to minimize the hazard posed by marine pollution incidents;
- To develop and implement a programme of training courses and practical exercises for

- different levels of personnel involved in oil pollution prevention and combating.
- To develop procedures for increasing regional co-operation.

The Plan covers the area of the Adriatic Sea between the line connecting Bari (Italy) and Rt Oštro (Prevlaka) (Croatia) in the south, and the northern coast of the Gulf of Trieste in the north.

Although the SRCP addresses joint response to marine pollution incidents, it is important to note that the plan stipulates that any response operations within the area of responsibility of one of the Parties will be nevertheless conducted in accordance with provisions of the National Contingency Plan of the Party concerned.

Chapter 2 is the only Chapter of the SRCP specifically dealing with prevention of pollution from ships. It addresses the agreed joint policy for prevention of ship generated pollution, identifies national authorities responsible and coordination centres for implementing related activities, specifies the functioning of the sub-regional system (meetings, procedures), identifies phases of prevention activities and outlines specific activities within each of these phases including training, stipulates preventive measures to be taken by the Parties.

Chapters 3 to 8 address various aspects of response to marine pollution incidents. Following the same principle as Chapter 2, **Chapter 3** addresses similar issues related to preparedness and response (joint policy, competent national authorities, designation of Operational Authorities for the implementation of the Plan and Operational Centres, mechanisms for the activation of the Plan, regular cooperation related to the maintenance of the Plan and preparedness activities, exchange of information and joint training and exercises.

Chapter 4 addresses the main elements of joint response and planning including: the assumption of the lead role, national commanding and coordinating personnel and structures, communications network for use in operations, planning of the joint response in accordance with the principle of observing the provisions of the NCP of the affected country, and an outline of general response strategy. This Chapter also includes two diagrams illustrating the command structure of joint response operations and lines of communication to be used in implementation of the Plan.

Chapter 5 deals with key aspects of joint response operations and defines phases of the response to spills, spill surveillance, requesting assistance under the SRCP, organization and leadership of joint response operations, stipulates the rules for the use of dispersants in joint operations, and sets principles for termination of joint operations and actions to be taken following the deactivation of the SRCP.

Among the most important issues for the success or otherwise of spill response operations are the quality and reliability of communication system used in pollution response, the comprehensiveness and accuracy of transmitted information and the adequacy of reporting procedures. **Chapter 6** addresses these aspects of response requiring the Parties to establish and maintain an efficient communication system operational 24/24, prescribing the use of globally recommended POLREP pollution reporting system, stipulating the need to regularly prepare situation reports ("sitreps") during the response and post incident reports once the operations have been terminated, as well as the need to report to REMPEC.

Chapter 7 addresses a group of issues falling into categories of logistic support, financing and administrative support for and response operations. It stipulates responsibilities for providing logistic support for the Joint Response Operations, and in particular for making necessary arrangements for personnel, equipment and material. It specifies principles of financing Joint Response Operation and of reimbursement of costs to assisting Parties. It also stipulates requirements concerning the movement from one country to another of personnel, equipment,

products, vessels and aircraft participating such operations; states the rules to be observed regarding medical insurance and possible medical assistance, and responsibilities for injury of personnel participating in operations and for damages to third parties that may be caused by response activities. Eventually Chapter 7 specifies the principles of keeping records of response operations and of expenditures made in relation to these.

The final **Chapter 8** deals with informing general public through media of the incident and response to it. It requires Parties to nominate Public Relations Officers, to regularly issue press releases, to organize press conferences, and stipulates the possible role of REMPEC in the field of public information.

7.3 OTHER AGREEMENTS

Only Slovenia reported that in addition to the Agreement on the Sub-Regional Contingency Plan the Republic of Slovenia the country also signed the following relevant bilateral agreements on cooperation and mutual assistance in case of natural and man-made disasters.

- **Agreement** between the Government of the Republic of Austria and the Government of the Republic of Slovenia on cooperation in prevention and mutual assistance in disasters or serious accidents (*Sporazum med Vlado Republike Avstrije in Vlado Republike Slovenije o sodelovanju pri preventivi in medsebojni pomoči pri katastrofah ali težkih nesrečah*)
- **Memorandum** on co-operation between the Administration of the Republic of Slovenia for Civil Protection and Disaster Relief and the Fire Rescue Service of the Czech Republic
- **Agreement** between the Government of the Republic of Slovenia and the Government of the Republic of Croatia on cooperation in protection against natural and man-made disasters (*Sporazum med Vlado Republike Slovenije in Vlado Republike Hrvaške o sodelovanju pri varstvu pred naravnimi in civilizacijskimi nesrečami*)
- **Protocol** on Cross Border Co-operation between the Administration for Civil Protection and Disaster Relief of the Republic of Slovenia, Ministry of Defence of the Republic of Slovenia and the Civil Protection of the Italian Republic in predicting, preventing and mutual assistance in case of natural and other disasters (*Protocol o čezmejnem sodelovanju med Upravo Republike Slovenije za zaščito in reševanje Ministrstva za obrambo Republike Slovenije in Civilno zaščito Republike Italije pri napovedovanju, preprečevanju in vzajemni pomoči v primeru naravnih in drugih nesreč*)
- **Agreement** between the Government of the Republic of Slovenia and the Government of the Republic of Hungary on cooperation in protection against natural and man-made disasters (*Sporazum med Vlado Republike Slovenije in Vlado Republike Madžarske o sodelovanju pri varstvu pred naravnimi in civilizacijskimi nesrečami*)
- **Agreement** between the Government of the Republic of Slovenia and the Government of the Republic of Poland on cooperation in the prevention of natural and other disasters and elimination of their consequences (*Sporazum med Vlado Republike Slovenije in Vlado Republike Poljske o sodelovanju pri preprečevanju naravnih in drugih nesreč ter odpravljanju njihovih posledic*)
- **Agreement between** the Government of the Republic of Slovenia and the Government of the Russian Federation on cooperation in the prevention of natural and man-made

disasters and elimination of their consequences (*Sporazum med Vlado Republike Slovenije in Vlado Ruske federacije o sodelovanju pri preprečevanju naravnih in civilizacijskih nesreč ter odpravljanju njihovih posledic*)

- **Agreement** between the Government of the Republic of Slovenia and the Government of the Slovak Republic on cooperation and mutual assistance in natural and other disasters (*Sporazum med Vlado Republike Slovenije in Vlado Slovaške republike o sodelovanju in vzajemni pomoči pri naravnih in drugih nesrečah*)

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8. CONCLUSIONS AND RECOMMENDATIONS

The existing international and regional systems for cooperation in case of marine pollution emergency provide a sound basis for cooperation and mutual assistance should an incident occur in any of the countries in the Adriatic region the consequences of which exceed national capacities of that individual country. The regional mechanism for cooperation and assistance in the Mediterranean is provided by the Barcelona Convention and its 2002 Prevention and Emergency Protocol, while the international mechanism is provided by the relevant IMO Conventions and Protocols thereof.

Moreover, taking into consideration that Croatia, Italy and Slovenia are the European Union Member States, while Montenegro has the status of a “candidate country” and Albania of a “potential candidate”, the existing EU mechanism for mutual assistance would very likely apply should a major pollution incident occurs anywhere in the Adriatic. Moreover, it is noted that the EU is Contracting Party to the Barcelona Convention and the 2002 Prevention and Emergency Protocol, and that despite the fact that the EU is not an IMO member (only individual States may become members) the European Commission has an observer status with the Organization.

Finally, the Agreement on the Sub-regional Contingency Plan for Prevention of, Preparedness for and Response to Major Marine Pollution Incidents in the Adriatic Sea, which provides an additional mechanism for mutual assistance among the Adriatic countries in case of emergency, is open for accession to other Parties to the Barcelona Convention and its Prevention and Emergency Protocol in the Adriatic.

8.1 Implementation of the existing mechanisms for cooperation

It is therefore **strongly recommended** to resist the temptation to create new mechanisms for cooperation in the field of protection of the marine environment against marine pollution incidents in the Adriatic region, to properly implement the above outlined existing international, regional and sub-regional mechanisms, and to work jointly within these frameworks.

Within the same context, it is strongly recommended to Albania and Montenegro to accede to the Sub-regional Agreement on SRCP, to Albania to accede to the Intervention Convention 1969, its Intervention Protocol of 1973, and to the 2002 Prevention and Emergency Protocol to the Barcelona Convention, and to Montenegro to accede to OPRC 1990 Convention and its OPRC-HNS 2000 Protocol.

8.2 Streamlining the process of setting up national preparedness and response systems

It is **strongly recommended** to streamline the setting up of “national preparedness and response systems” by promoting on the national level the adoption of specific legal instruments / regulations, reflecting the commitments of the individual States as Parties to OPRC 1990 and to Prevention and Emergency Protocol 2002. Such new legislation would serve as a basis for adoption of any new contingency plans at area/region and local levels.

8.3 Extension, entry into force and implementation of the Agreement on the Adriatic Sub-Regional Contingency Plan

It is **strongly recommended** to Croatia, Italy and Slovenia to officially invite Albania and Montenegro to join the Agreement on the Sub-Regional Contingency Plan for the Adriatic,

and to Italy to ratify in accordance with its national legislation the Agreement thus enabling the SRCP to officially enter into force.

Following the latter step, all mechanisms for cooperation envisaged in the SRCP (meetings of competent national authorities, exercises, training, specific thematic meetings, etc.) should be put in place and function as stipulated in the SRCP.

8.4 Assigning certain functions to the future Adriatic Centre in Rijeka

Finally, it is **recommended** to consider under the present HAZADR project the possibility to assigning to the future Adriatic Training and Research Centre, envisaged to be set up in Rijeka, also the function of a permanent Secretariat for the Sub-Regional Contingency Plan. This would allow for the continuous coordination of all activities related to spill prevention, preparedness and response by all Parties, i.e. all Adriatic coastal States.

It is considered that by adopting these simple but efficient and non expensive measures, the cooperation in the Adriatic region in the field of prevention of, preparedness for and response to marine pollution incidents would significantly improve and enable taking some of the measures suggested and/or recommended elsewhere in the text and in particular in **Chapter 6, Section 6.4 and Heading 6.6.5.**