

**REGIONAL CONTINGENCY PLAN
FOR PREPAREDNESS FOR AND RESPONSE TO
MAJOR MARINE POLLUTION INCIDENTS
IN THE WESTERN INDIAN OCEAN**

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TABLE OF CONTENTS

1	INTRODUCTION	3
1.1	CONTEXT.....	3
1.2	PURPOSE AND OBJECTIVES.....	5
1.3	SCOPE AND GEOGRAPHIC COVERAGE.....	6
1.4	ABBREVIATIONS AND DEFINITIONS.....	7
2	POLICY AND RESPONSIBILITIES.....	11
2.1	JOINT POLICY.....	11
2.2	RESPONSIBILITIES OF COMPETENT NATIONAL AUTHORITIES.....	12
2.3	DESIGNATION OF NATIONAL OPERATIONAL AUTHORITIES RESPONSIBLE FOR THE IMPLEMENTATION OF THE PLAN AND CONTACT POINTS	12
2.4	MECHANISM FOR ACTIVATING THE PLAN.....	13
2.5	MEETINGS OF NATIONAL OPERATIONAL AUTHORITIES RESPONSIBLE FOR THE IMPLEMENTATION OF THE PLAN	14
2.6	EXCHANGE OF INFORMATION	14
2.7	JOINT TRAINING AND EXERCISES	15
2.8	REGIONAL CENTRES	16
3	RESPONSE ELEMENTS AND PLANNING	17
3.1	ASSUMPTION OF LEAD ROLE.....	17
3.2	NATIONAL INCIDENT COMMANDER (NIC) / SUPREME INCIDENT COMMANDER (SIC) ..	17
3.3	EMERGENCY RESPONSE CENTRES / JOINT EMERGENCY RESPONSE CENTRE.....	18
3.4	SUPPORT TEAMS	18
3.5	COMMAND STRUCTURE.....	19
3.6	COMMUNICATIONS ARRANGEMENTS.....	20
3.7	RESPONSE PLANNING	20
3.8	RESPONSE STRATEGY	21
4	RESPONSE OPERATIONS	25
4.1	RESPONSE PHASES	25
4.2	SPILL SURVEILLANCE	27
4.3	REQUESTS FOR ASSISTANCE WITHIN THE FRAMEWORK OF THE PLAN VIA RCOC	28
4.4	JOINT RESPONSE OPERATIONS FACILITATED BY RCOC	28
4.5	USE OF DISPERSANTS	29
4.6	TERMINATION OF JOINT RESPONSE OPERATIONS AND DEACTIVATION OF THE PLAN	30
5	COMMUNICATIONS AND REPORTING	31
5.1	COMMUNICATION SYSTEM.....	31
5.2	INITIAL WARNING SYSTEM.....	31
5.3	POLLUTION-REPORTING SYSTEM.....	31
5.4	POST-INCIDENT REPORTS	32
5.5	REPORTS TO AND COMMUNICATION WITH THE REGIONAL CENTRES	32
6	LOGISTICS, FUNDING AND ADMINISTRATION.....	34
6.1	LOGISTICS.....	34

6.2	FINANCIAL PROCEDURES	34
6.3	TRANSBOUNDARY MOVEMENT OF RESPONSE PERSONNEL, EQUIPMENT, PRODUCTS AND SELF-CONTAINED UNITS	37
6.4	MEDICAL INSURANCE AND MEDICAL ASSISTANCE.....	39
6.5	RESPONSIBILITY FOR INJURY AND DAMAGE	39
6.6	DOCUMENTATION OF RESPONSE OPERATIONS AND RELATED COSTS.....	39
7	PUBLIC INFORMATION	41
7.1	PUBLIC RELATIONS OFFICER (PRO)	41
7.2	PRESS RELEASES	41
7.3	PRESS CONFERENCES	41
7.4	PUBLIC INFORMATION THROUGH THE REGIONAL CENTRES	42

APPENDICES

APPENDIX 1	Directory of competent national Authorities and contact points in charge of receiving alert messages
APPENDIX 2	Extracts from National Contingency Plans (displaying risks of pollution in countries, national organization, main tasks and responsibilities)
APPENDIX 3	Directory of response personnel and inventory of response equipment, products and other means, including rates for the use of manpower, equipment and products in joint response operations
APPENDIX 4	Maps showing possible sources of pollution, environmentally and economically sensitive areas
APPENDIX 5	Guidelines for reporting oil spills (aerial surveillance)
APPENDIX 6	Standard format for requesting assistance
APPENDIX 7	POLREP Pollution reporting system
APPENDIX 8	Claims manual
APPENDIX 9	National policies for the use of dispersants
APPENDIX 10	Guidelines for shoreline survey

1 INTRODUCTION

1.1 CONTEXT

In the Western Indian Ocean the risks of an incident likely to cause a pollution by oil or hazardous and noxious substances continue to be high, due to high traffic density of merchant vessels including oil tankers. The major shipping lanes are those connecting the Persian Gulf on one side and the Far East on the other with the Cape of Good Hope and further with Europe and Americas.

Such risk imposes on the States of the region the constant need for efforts in organizing and preparing response to accidental marine pollution. These continuous efforts should be made at both national and regional levels, through mutual co-operation.

The Diplomatic Conference on Oil Pollution Preparedness and Response (OPPR Conference) held at IMO, London, in November 1990, adopted the International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC 90) and ten Resolutions. Another Diplomatic Conference, held at IMO Headquarters in London, adopted on 15 March 2000 a Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances (OPRC-HNS Protocol 2000). OPRC 90 was the first globally applicable legal instrument addressing the problem of responding to accidental oil pollution of the sea, and in Articles 6 and 10 it specifically mentions the establishment of national and regional systems for preparedness and response and the promotion of bilateral and multilateral co-operation in preparedness and response. OPRC-HNS 2000 Protocol follows the principles of the OPRC 90 Convention with regard to incidents involving hazardous and noxious substances. Of the 10 Parties to the Nairobi Convention, all except Somalia have ratified OPRC 90 and 3 of these countries have ratified OPRC-HNS Protocol 2000 as at January 2021. Djibouti has ratified both.

The “Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African Region” adopted in Nairobi on 21 June 1985 which entered into force on 30 May 1996 and was amended on 31 March 2010 (Amended Nairobi Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Western Indian Ocean, hereinafter referred to as the “Nairobi Convention”) and its “Protocol concerning Cooperation in Combating Marine Pollution in Cases of Emergency in the Eastern African Region” (hereinafter referred to as the “Emergency Protocol”) are the framework agreements which set out political and legal foundations for regional co-operation in the Western Indian Ocean Region, and provide the legal institutional framework for actions concerning regional co-operation in combating accidental marine pollution.

All Parties to this Plan who have also ratified the Nairobi Convention and its Emergency Protocol have legally committed themselves and firmly expressed their political will to initiate, both individually and jointly, the actions required in order to respond effectively to accidental marine pollution.

Under the Emergency Protocol, the Contracting Parties have certain obligations which primarily concern: the development of their national contingency plans and pollution response capabilities; the distribution of information to the other Parties regarding their national organization and their competent national authorities, informing the other Parties of all

pollution incidents, their subsequent development and the actions taken; and the provision of assistance to a Party which so requests.

All Parties to the Emergency Protocol faced with an accidental pollution shall undertake every practicable pollution response measure. The relevant means shall include, in particular, equipment, ships, aircraft and manpower prepared for operations in cases of emergency. Finally, Parties to the Protocol shall use their best endeavours to render assistance to any Party which so requests.

In order to comply with their obligations under the Emergency Protocol, the States must be prepared for the intervention of their public authorities both at the national level, as well as for international co-operation and mutual assistance. National arrangements for preparedness and response are therefore indispensable for quick and efficient action. Such national arrangements include good administrative organization where the responsibilities of various authorities for taking actions and co-ordinating the follow-up of such actions are clearly defined. Also essential is the existence of pollution response equipment, which allows the threatened Party to initiate response operations and to protect the most sensitive sites during the crucial first hours and days after the incident, without having to wait for the arrival of possible assistance from another Party. Ultimately, it is widely recognized that the main prerequisite for any regional co-operation and mutual assistance is the existence of good response capabilities at the national level.

Pooling of resources and expertise provides a cost-effective and efficient way of combating a major spill, which cannot immediately be dealt with by the existing resources of a single Party. It is widely accepted that co-operation in cases of major oil spills would involve mainly those States close enough to render mutual assistance. Organizing such co-operation requires detailed planning by these neighbouring States, and this can be achieved through operational arrangements adopted within the framework of a Regional Agreement such as the Emergency Protocol and through development of regional or sub-regional contingency plans.

The increasing interest in protecting the marine environment in the Western Indian Ocean region contributed to recognizing the importance of international co-operation and mutual assistance in cases of emergency and led to the adoption of this Regional Contingency Plan.

The Western Indian Ocean Marine Highway (WIOMH) development and coastal and marine contamination prevention project included as an output the signing of an Agreement on the Regional Contingency Plan for Preparedness for and Response to Major Marine Pollution Incidents in the Western Indian Ocean, which entered into force in November 2011. This regional agreement is linked to the Nairobi Convention and its Emergency Protocol. The agreement's purpose is to provide a strengthened basis for this Regional Contingency Plan (RCP). The original drafting of this RCP was accomplished as part of the WIOMH project.

Considering the 3rd Regional Ministerial Meeting for Promoting Maritime Safety and Security in the Eastern and Southern Africa and Indian Ocean Region (ESA-IO), hosted by the ESA-IO Ministers and High Representatives in Djibouti on 15th May 2016, leading to the Djibouti Declaration on Maritime Safety and Security in ESA-IO, two regional centres were set

up, namely the Regional Maritime Information Fusion Centre (RMIFC hereafter), located in the Republic of Madagascar, and the Regional Centre for Operations and Coordination (RCOC hereafter), situated in the Republic of Seychelles.

Recalling the 2018 Ministerial Conference on Maritime Safety and Security in Mauritius leading to the signature of the two Regional Agreements, namely the Regional Agreement for the Setting Up of a Regional Maritime Information Exchange and Sharing Mechanism, and the Regional Agreement on the Coordination of Operations at Sea, on the 28th and 29th April 2018, by the Union of Comoros, the Republic of Djibouti, the Republic of Madagascar, the Republic of Mauritius and the Republic of Seychelles, followed by the signatures of the agreements by the Republic of Kenya and the French Republic (France/Reunion) during the International Blue Economy Conference held on 27 November 2018 in Kenya.

Mindful of the setting up of the Regional Coordination Centre (RCC) and its mandate in coordinating operations against marine pollution within the region, and acknowledging the current framework of the RMIFC and the RCOC, there is a necessity for a triangular collaboration between the three entities to ensure a safer sea free from marine pollution.

1.2 PURPOSE AND OBJECTIVES

The purpose of the Regional Contingency Plan is to establish, within the framework of the Emergency Protocol, the Agreement on the Regional Contingency Plan for Preparedness for and Response to major Marine Pollution Incidents in the Western Indian Ocean and according to the obligations of the Contracting Parties under this Protocol, a mechanism for mutual assistance, under which the competent national Authorities of the countries concerned will co-operate in order to co-ordinate and integrate their response to marine pollution incidents either 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.

The general objective of the Plan is to organize a prompt and effective response to accidental marine pollution affecting or likely to affect the area of responsibility and/or the area of interest of one or more of the countries concerned and to facilitate the co-operation in the field of marine pollution preparedness and response.

Although the Plan refers primarily to preparedness and response to accidents resulting or likely to result in oil spills, the arrangements and procedures stipulated in the Plan could also be applied to accidents resulting or likely to result in spills of hazardous and noxious substances, once the Parties will have sufficient national capacities to deal with such spills.

With a view to achieving this general objective the following specific objectives are defined:

- a) to determine the extent of co-operation for the implementation of the Plan between the responsible authorities, at the operational level;
- b) to define the areas of responsibility of the Parties to the Plan;

- c) to divide the responsibilities and to anticipate the transfer of responsibility from one State to another;
- d) to establish the principles of command and liaison, and to define the corresponding structures;
- e) to provide arrangements concerning the operation of ships and aircraft of one of the Parties, within the areas of responsibility of the other Parties;
- f) to specify the type of assistance which might be provided and the conditions under which it will be provided;
- g) 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 following actions are intended to be taken through the implementation of the Plan:

- developing appropriate preparedness measures and effective systems for detecting and reporting pollution incidents affecting or likely to affect the area of responsibility of the Parties;
- promoting and implementing regional cooperation in accidental marine pollution contingency planning, prevention, control and clean-up operations;
- establishing the necessary measures to restrict spreading and to minimize the hazard posed by incidents involving oil and HNS;
- developing and implementing a programme of training courses and practical exercises for different levels of personnel involved in oil and HNS pollution prevention and response;
- developing procedures to increase regional co-operation.

Nevertheless, the Parties agree that response operations in case of a marine pollution incident, which occurs within the area of responsibility of one of the Parties, will be conducted in accordance with provisions of the National Contingency Plan of the Party concerned.

1.3 SCOPE AND GEOGRAPHIC COVERAGE

The Plan is applicable whenever a marine incident causes or is likely to cause pollution, which can possibly affect one or more Parties, and is of such magnitude that calling on the other Parties for assistance is justified. The incident might be a spill or an HNS incident, which occurs in the area of responsibility of one Party and threatens the area of responsibility of another Party, or a spill or an HNS incident that does not threaten other countries, but requires countermeasures that are beyond the capacity of the resources available within the affected Party.

The geographic coverage of this Plan comprises the areas of responsibility of the Parties as defined in paragraph 1.4.

1.4 ABBREVIATIONS AND DEFINITIONS

The following are the main **Abbreviations** used in this document:

ERC	Emergency Response Centre
HNS	Hazardous and noxious substances
IMO	International Maritime Organization
IOPC Funds	International Oil Pollution Compensation Funds
JERC	Joint Emergency Response Centre
MRCC	Marine Rescue Co-ordination Centre
NCP	National Contingency Plan
NIC	National Incident Commander
OPRC 90	International Convention on Oil Pollution Preparedness, Response and Co-operation 1990
POLREP	Pollution Report
RCC	Regional Coordination Centre
RCOC	Regional Coordination of Operations Centre
RMIFC	Regional Maritime Information Fusion Centre
SIC	Supreme Incident Commander
UTC	Universal Time Coordinated
VHF	Very High Frequency

For the purpose of this Plan:

Oil means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products.

Hazardous and Noxious Substances means any substances other than oil other which, if introduced into the marine environment 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.

Maritime Casualty means a collision of ships, stranding or incident of navigation, or other occurrence on board a ship or external to it resulting in material damage or imminent threat of material damage to a ship or cargo.

Pollution incident means an occurrence or series of occurrences having the same origin, which results or may result in a discharge of oil or HNS and which poses or may pose a threat to the marine environment or to the related interests of one or more States, and which requires emergency action or other immediate response.

Related interests means the interests of a coastal State directly affected or threatened, and concerning among others:

- i. maritime activities in coastal areas, in ports or estuaries, including fishing activities;
- ii. the historical and tourist appeal of the area in question, including water sports and recreation;
- iii. the health of the coastal population;
- iv. the cultural, aesthetic, scientific and educational value of the area;
- v. the conservation of biological diversity and the sustainable use of marine and coastal biological resources;

Emergency Protocol means the Protocol Concerning Co-operation in Combating Marine Pollution in Cases of Emergency in the Eastern African region, to the Convention for the Protection, Management and Development of the Marine and Coastal Environment of the Eastern African region (Nairobi Convention), done at Nairobi on 21 June 1985.

The Plan means the Regional Contingency Plan for Preparedness and Response to Major Marine Pollution Incidents in the Western Indian Ocean region.

Parties means the Governments of the Union of the Comoros, the Republic of Djibouti, the French Republic, the Republic of Kenya, the Republic of Madagascar, the Republic of Mauritius, the Republic of Seychelles,

Regional Centres means the RCOC and the RMIFC.

Area of responsibility means for each Party its coastal area, internal waters, territorial sea and exclusive economic zones as defined by the Party. The division in areas of responsibility in respect of this regional plan shall not be considered as creating a precedent in any dispute of sovereignty or jurisdiction nor will it be construed as an acceptance by a State of definitions adopted by another State. In cases where two Parties include in their respective areas of responsibility a same part and where one of these Parties takes the role of Lead State in that part, it would not be construed as evidence of a claim of sovereignty or jurisdiction nor would it mean that the assisting Party or any other Party recognizes such a claim of sovereignty or jurisdiction by the Party taking the Lead Role

[Area of interest means the sea area not included in the areas of responsibility, in which occurrence of a pollution incident affects or is likely to affect the related interests of one or more of the Parties. In accordance with the International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969 (Intervention 69 Convention) a coastal State may take measures on the high seas in order to prevent, mitigate or eliminate danger to its coastline or related interests from pollution by oil

or a threat thereof following upon a maritime casualty. The Protocol of 1973 to the Intervention 69 Convention extends such rights in case of pollution or threat of pollution by harmful substances other than oil.]

Lead State means the Party in whose area of responsibility a pollution incident has occurred and who has activated the Plan or requested assistance within the framework of the Plan.

Governmental Authority means the designated competent Department having the governmental responsibility for dealing with marine pollution incidents.

Operational Authority means the designated competent Department or agency having the operational responsibility for dealing with marine pollution incidents.

Lead Authority means the Operational Authority of the Lead State.

Operational Command means overall co-ordination and control of Joint Response Operations, including national resources and strike teams, equipment and other resources (aircraft, vessels) rendered as assistance by other Parties. It is exerted by the Operational Authority of the Lead State, through the Supreme Incident Commander (SIC).

Operational Control means direct control over personnel, means and units taking part in the Joint Response Operations, including giving instructions and supplying information necessary for execution of response operations. It is exerted by National Incident Commanders (NICs) of the Parties taking part in the operations, or by officers designated by them.

Tactical Command means directing and supervising the execution of specific tasks by teams and/or units on the scene of operations. It is exerted by the leaders of such teams and/or commanders of units.

Supreme Incident Commander (SIC) means a designated officer of the Lead State, having the overall operational command of all Joint Response Operations undertaken within the framework of the Plan.

National Incident Commander (NIC) means an officer designated by the Operational Authority, having operational control of all national pollution response resources, which might, if so requested, participate in Joint Response Operations. (Note: NIC is preferably, but not necessarily, the same officer who performs the duty of Incident Commander under the National Contingency Plan).

Liaison Officer means an officer from the Party participating in the Joint Response Operations, who is integrated in the staff of the SIC, with a view to providing necessary information on national resources rendered as assistance to the Lead State and facilitating communications with his/her respective NIC.

Public Relations Officer means an officer in charge of informing the media on the course of events and advising the SIC on public reaction.

Emergency Response Centre means an office, manned 24 hours a day and equipped with appropriate communications equipment, which has been set up, for the purpose of the Plan, by each Party and which serves as the Operations Room of NIC or SIC respectively, whenever the Plan is activated.

Joint Emergency Response Centre (JERC) means the Emergency Response Centre of the Lead State.

Strike team means a group of personnel, sent as assistance from one Party to another in order to take part as an independent unit in response operations. It may include personnel on board vessels, aircraft or other self-contained units or personnel assisting in shore clean-up operations.

Operations at sea means any measures, including intervention on the source of pollution, aerial surveillance, containment of the pollutant, recovery of the pollutant, application of treatment agents from vessels and aircraft, or any other action taken at open sea (off shore) in order to respond to a pollution incident, to restrict spreading and facilitate removal of the pollutant, and to mitigate the consequences of the incident.

Operations on shore means any action taken on shore or in the sea immediately adjacent to it, in order to recover, remove or destroy the pollutant and reduce its impact or effects.

Pollution Report (POLREP) means the incident report by which one Party warns the other Parties of a spill and through which it notifies the other Parties of the activation of the Plan.

2 POLICY AND RESPONSIBILITIES

2.1 JOINT POLICY

With a view to organizing co-operation in responding to accidental marine pollution and to effectively assisting each other in case of emergency, the Parties will, within the framework of this Plan:

- designate competent national Authorities responsible for marine pollution preparedness and response, at governmental and operational level respectively, who will co-operate in order to respond promptly and effectively to a pollution incident;
- maintain in a permanently operational state an appropriate communications network for the exchange of information relevant to the Plan;
- report to each other pollution incidents occurring in their area of responsibility [*or pollution incidents occurring in the area of interest which may affect another Party*].
- establish a minimum level of pre-positioned oil spill combating equipment, commensurate with the risk involved, and programmes for its use.
- endeavour to have available strike teams composed of persons properly trained and experienced in accidental marine pollution response operations. These resources shall be made available to a Party who so requests within the framework of this Plan for use in Joint Response Operations, taking always into consideration that the assisting Party/ies should not deplete its/their national resources beyond a reasonable level of preparedness (*to be defined by parties given the heterogeneity of resources and capacities*);
- engage with the two regional centres, for the effective regional response in mitigating maritime pollution, including the exchange of information and the coordination as well as facilitation of operations, respectively.
- define and apply in case of activation of the Plan, a common policy, in accordance with provisions of the National Contingency Plan of the Party of the Lead State regarding pollution response methods and techniques, including elimination of the source of pollution, containment and recovery of floating oil at sea, use of dispersants, protection of sensitive areas, and shore clean-up;
- define a mechanism for financing mutual assistance operations undertaken within the framework of the Plan;
- follow a common policy as regards delivering, receiving, using and returning to the Party of origin, any equipment and other resources requested and/or rendered as assistance within the framework of the Plan.

2.2 RESPONSIBILITIES OF COMPETENT NATIONAL AUTHORITIES

The Parties recognize two levels of responsibility with respect to the implementation of the present Plan, namely governmental and operational levels respectively.

At the governmental level, responsibility for the implementation of the Plan rests with the competent national Authorities, officially designated by their respective Governments, as they appear in **Appendix 1**:

Within the framework of the Plan, the responsibilities of these Authorities include:

- supervising the implementation of the National/Regional Plan;
- revising and amending the National/regional Plan;
- supervising the preparation and implementation of the National Contingency Plan and ensuring compatibility between National Contingency Plans and the Regional Contingency Plan;

2.3 DESIGNATION OF NATIONAL OPERATIONAL AUTHORITIES RESPONSIBLE FOR THE IMPLEMENTATION OF THE PLAN AND CONTACT POINTS

a) Operational Authorities

The responsibility for the implementation of the operational provisions of the Plan and for Joint Response Operations rests with the national Operational Authorities listed in **Appendix 1**, which contains relevant information concerning these Authorities.

Within the framework of the Plan the responsibilities of the Operational Authorities include:

i) responsibilities related to the maintenance of the Plan:

- ensuring that the appropriate level of preparedness, including trained personnel, equipment and other means as stipulated by the Plan, is maintained at the national level in accordance with the IMO's OPRC Model Training Courses. (www.imo.org/en/OurWork/Environment/Pages/IMO-OPRC-Model-Courses.aspx) rather than STCW.

;

- setting up and maintaining the communication network needed for the implementation of the Plan;
- supervising and coordinating, at the national level, all other activities indicated in the Plan;

ii) responsibilities related to the implementation of the Plan in case of emergency:

- activation of the Plan in cases defined in Article 2.4 and notification of other Parties;
- pollution reporting in accordance with the standard POLREP system;
- coordination, at the level of each Party concerned, of response operations in case of activation of the National Contingency Plan and Joint Response Operations in case of subsequent activation of the present Plan;

- coordination, at the national level, of the participation of other national Authorities and/or services in cases of Joint Response Operations;
- taking decisions concerning requesting and rendering assistance;
- co-ordination of sending, receiving, using and returning, as appropriate, of personnel, equipment and other resources rendered as assistance within the framework of the Plan.

The Operational Authorities shall be the same Authorities that have the overall operational command of marine pollution response measures taken within the framework of their respective National Contingency Plans.

b) Contact Points

National Contact Points, responsible for receiving reports on pollution incidents and for transmitting this information to their respective Operational Authorities and other interested parties within the Party, appear in **Appendix 1**, which provides relevant information concerning these Contact Points.

2.4 MECHANISM FOR ACTIVATING THE PLAN

The Plan shall be activated by the Operational Authority of one of the Parties with the two regional centres in conformity with the regional agreements the following cases:

- occurrence, within the area of responsibility of the Party who activates the Plan, of an incident which threatens to affect or has already affected the area of responsibility of another Party;
- *[occurrence of an incident within the area of interest, but outside the area of responsibility of the Party who activates the Plan, if in the opinion of the Operational Authority of this Party, there is a reasonable threat for the territorial sea, coasts or other related interests of that Party;]*
- occurrence, within the area of responsibility of the Party who activates the Plan, of an incident whose severity surpasses the response capabilities of the Party concerned alone.

In cases of emergency listed above, the Plan shall be activated after consultations with the other Parties concerned. However, when the situation does not permit such consultations, the Plan may be activated by the affected Party without prior consultations.

The operational Authority of the Party who has activated the Plan shall immediately inform the Operational Authorities of the other Parties as well as the Regional Centres that the Plan has been activated. Notification, formulated in accordance with the provisions of Article 5.2, shall be transmitted to the Operational Authorities of the other Parties through the designated national Contact Points defined in Article 2.3 and listed in **Appendix 1**.

The procedure to be followed in case of activation of the Plan is described in Article 4.1.

2.5 MEETINGS OF NATIONAL OPERATIONAL AUTHORITIES RESPONSIBLE FOR THE IMPLEMENTATION OF THE PLAN

The RCOC shall be involved in annual meetings to assist operational authorities in resolving questions concerning the implementation of the Plan, the organisation of training courses and/or exercises, and other relevant matters. The Operational Authorities, defined in Article 2.3, shall meet once a year in order to discuss questions related to the implementation of the Plan, the organization of training courses and/or exercises, and other relevant matters.

The first Meeting of national Operational Authorities shall adopt its own rules of procedure.

Regular annual Meetings , including via virtual means, shall be hosted by each Party consecutively. The Operational Authority of the host Party shall, in co-operation with the two Regional Centres and the Operational Authorities of the other Parties, prepare the agenda and issue a final report of such annual Meetings. It will also provide secretarial services and other necessary logistic support for the smooth running of such Meetings. *[Alternatively: The Parties may decide that regular annual Meetings will be hosted by the Regional Centres established by the Decision of the Parties to the Plan in In such case the RCC shall prepare the agenda and issue a final report of such annual Meetings, and provide secretarial services and other necessary logistic support for the Meetings.]*

2.6 EXCHANGE OF INFORMATION

The Parties undertake to mutually inform each other at all times through the regional centres on:

- a) competent national Authorities, responsible at the governmental level for the implementation of the Plan, and on the responsible officers within these Authorities;
- b) national operational Authorities, responsible at the operational level for the implementation of the Plan and for exercising Operational Command in cases of Joint Response Operations, and on the responsible officers within these Authorities;
- c) national Contact Points responsible for receiving reports of pollution incidents;
- d) designated national Emergency Response Centres;
- e) designated National Incident Commanders (NIC);
- f) designated competent Customs and Immigration Offices;
- g) those parts of their respective National Contingency Plans which might be relevant in case of conducting Joint Response Operations (c.f. Article 3.7);
- h) inventories of pollution response equipment and products, as well as other means (e.g. vessels and aircraft) available in each Party for use in Joint Response Operations;
- i) directories of experts, trained personnel and strike teams designated by each Party to take part in Joint Response Operation.

This information will be communicated to the Parties either directly or, preferably, through the Regional Centres.

The information listed above shall be attached to the Plan in **Appendices 1, 2 and 3**.

Parties shall inform each other, either directly or through the Regional Centres, on any changes in the information in these Appendices as soon as these occur, using the routine communication channels.

Each Operational Authority is responsible for the accuracy of all information pertinent to its Party.

Each Operational Authority shall acknowledge receipt of any changes and/or modifications regarding the above information, and is responsible for updating its respective copy/copies of the Plan accordingly.

The [*English/French*] language shall be used in all communications related to the Plan.

2.7 JOINT TRAINING AND EXERCISES

The Parties shall periodically conduct joint training courses and/or joint exercises.

The main objectives of these training courses and exercises shall be:

- to improve the level of co-operation and co-ordination among operational personnel and, in particular, strike teams of different Parties;
- to test the command structure of the Plan;
- to achieve a satisfactory level of communication among personnel and, in particular, strike teams designated to take part in Joint Response Operations;
- to acquire experience in handling equipment, products and other means which might be used in Joint Response Operations;
- to enable the personnel from different Parties to gain experience in working together.

The Parties shall alternately host such training courses and exercises, including possibility for training via virtual means. The host Party shall organize the training course or exercise, and shall provide the necessary logistic support; however, the expenses for the participants and the means deployed in joint exercises shall be borne by their respective Parties. Calendars, programmes, duration and other relevant details concerning such training and exercises shall be decided at regular annual meetings of the Parties.

The Parties may also agree to combine their joint training and exercises in a single programme.

2.8 REGIONAL CENTRES

The Regional Centres, (RMIFC based in Madagascar and RCOC based in Seychelles) established by the Decision of the Parties in [.....] shall jointly perform the role of the Secretariat of the Plan.

The Regional Centres shall be responsible *inter alia* for maintaining the Plan, keeping it up to date at all times, and revising it as necessary, working in close cooperation with the Operational Authorities.

DRAFT

3 RESPONSE ELEMENTS AND PLANNING

3.1 ASSUMPTION OF LEAD ROLE

The lead role in the implementation of the Plan will be assumed by the Operational Authority of the Party whose area of responsibility *[or area of interest]* has been affected or is likely to be affected by a pollution incident and who has activated the Plan or requested assistance.

The lead role will be transferred from a Party to another one, when the major part of the pollutant has moved from the area of responsibility of the Party who had initially requested assistance, to the area of responsibility of another Party who is requesting assistance.

The Lead State will be responsible for:

- surveillance of the pollution
- assessment of the situation
- spill movement forecasting
- reporting
- exercising Operational Command over Joint Response Operations

3.2 NATIONAL INCIDENT COMMANDER (NIC) / SUPREME INCIDENT COMMANDER (SIC)

For the purpose of the Plan, the Operational Authority of each Party will nominate an officer who will exercise operational control over all response activities of that Party, including control over personnel (strike teams), equipment and self-contained units (vessels, aircraft). These officers will be called National Incident Commanders (NIC).

After the activation of the Plan and commencement of the Joint Response Operations, NIC of the Lead State will assume the role of the Supreme Incident Commander (SIC). The SIC will have the overall responsibility for all decisions and actions taken in order to combat the pollution and to mitigate its consequences and for co-ordination of Joint Response Operations. The SIC, working in liaison with his/her Lead Authority, exerts Operational Command over Joint Response Operations.

The NICs of the assisting Parties will operate under the overall Operational Command of the SIC, but will nevertheless retain operational control over personnel, equipment and self-contained units of their respective Parties.

In order to relieve the SIC of a part of his/her duties concerning operational control of national resources, the Lead Authority may, at the time of the activation of the Plan, designate another officer who will have direct operational control of the national resources taking part in the Joint Response Operations and who will act as the NIC of the lead Party.

In exercising his/her functions, the SIC will be assisted by a Support Team (c.f. Article 3.4).

Relevant information concerning NICs is given in **Appendix 1**. It is the responsibility of the Operational Authority of each Party to keep this information up-to-date at all times.

3.3 EMERGENCY RESPONSE CENTRES / JOINT EMERGENCY RESPONSE CENTRE

For the purpose of this Plan, each Party will set up an emergency response centre (ERC) which will be manned 24 hours a day and which will be equipped with an appropriate communications system and have the necessary facilities to be used as the operations room of the Operational Command during Joint Response Operations.

If deemed necessary, each Party may decide to establish more than one ERC.

In cases of activation of the Plan, the ERC of the Lead State will assume the role of the Joint Emergency Response Centre (JERC). The JERC will serve as the base of the Supreme Incident Commander (SIC) and as the main communications centre for all communications related to the implementation of the Plan.

Alternate sites for JERC, closer to the scene of the incident, may be specified in lieu of the preselected sites at the discretion of the Lead State.

When the lead role is transferred from one Party to another, the ERC of the Party assuming the lead role will automatically become JERC.

Relevant information concerning ERC(s) of each Party is given in **Appendix 1**. It is the responsibility of the Operational Authority of each Party to keep this information up-to-date at all times.

3.4 SUPPORT TEAMS

With a view to assisting NIC and/or SIC, each Party will set up its national Support Team, composed of the representatives of various relevant public authorities, national services and industry, including, in particular, the oil and shipping industries.

In case of the activation of the Plan, Support Teams will operate from their respective national Emergency Response Centres.

The role of the Support Teams is advisory, and their functions include:

- a) providing assistance to NIC / SIC in case of the activation of the Plan;
- b) providing advice to NIC / SIC concerning, in particular, methods and techniques for combating oil pollution, safety of navigation and salvage, marine biology and fisheries, (radio) communications, public information and compensation for oil or HNS pollution damage;
- c) providing support and coordinating the activities of national public authorities, services and industry which might take part in Joint Response Operations,

concerning in particular the provision of personnel, equipment and other resources, logistic support, immigration and customs formalities;

- d) monitoring incoming reports and assessing the situation;
- e) coordinating all reporting on the status of the pollution incident to their respective national Authorities.

After the termination of response operations, the Support Team will, together with their respective NIC:

- review post-incident reports from the NIC / SIC on the handling of the pollution incident for the purpose of analysing and introducing recommendations and improvements needed in the Plan and in their respective National Contingency Plans;
- forward to their respective national Authorities relevant reports and recommendations, including NIC / SIC post-incident reports, Support Team debriefing reports and recommendations concerning amendments to the Plan or its Appendixes.

3.5 COMMAND STRUCTURE

The Command Structure for Joint Response Operations is shown in **Diagram 1**.

The Plan distinguishes between:

- a) Operational Command which consists of taking decisions concerning response strategy, defining the tasks of various groups of teams and units and having overall command and co-ordination over all resources taking part in the Joint Response Operations. Following the activation of the Plan, Operational Command over Joint Response Operations is exercised by the Operational Authority of the Lead State (Lead Authority) through its NIC who, once the Plan has been activated, assumes the role of SIC.
- b) Operational Control which consists of giving orders to specific groups of teams and units, in accordance with the strategy and the tasks defined by the Operational Command. Operational Control over national resources is exercised by the NICs of the respective Parties. Operational Control over the resources of the Lead State is exercised by an officer designated to act as NIC in lieu of the officer who has assumed the role of SIC.
- c) Tactical Command which consists of directing and supervising the actions of each team or unit. Overall tactical command in the field is exercised by the On-Scene Commander (at sea / on shore). Tactical Command is exercised by the Leader of each team or the Commander of each unit taking part in the response operations.

Liaison between the Lead Authority and the assisting Parties will be maintained, according to the circumstances and to the type and importance of the assistance rendered, in one of the following ways:

- a) by direct telefax, telephone, e-mail and/or radio contacts between the Lead Authority (SIC) and Operational Authorities (NICs) of the assisting Parties;
- b) by a Liaison Officer, sent to the Lead State by the Operational Authority of the assisting Party with a view to being integrated in the staff of the SIC. His/her duties will be to provide the necessary information on the resources rendered as assistance and to facilitate communication with his/her respective NIC, ERC and/or strike teams and self-contained units taking part in the operations;
- c) by the NIC of the assisting Party who personally attends at the spill site and participates in the Joint Response Operations.

3.6 COMMUNICATIONS ARRANGEMENTS

The communications network established by the Parties in accordance with the provisions of Article 2.1 will be used for all exchanges of information pertinent to the implementation of the Plan.

- a) Telefax or e-mail or other appropriate means will be used for all communications between the Operational Authorities, SIC, NICs and their respective Support Teams, particularly in case of emergency.

Telephone and radio communications or other appropriate means could also be used; however, all decisions, information relevant to the situation at the site of operations and, in particular, requests for assistance and replies to such requests will be confirmed by either telefax or e-mail.

- b) Operational communications or other appropriate means between JERC, SIC, NICs, team and unit Leaders and other participants in the response operations will be made by using the preselected radiofrequencies, portable telephones and other appropriate means.

Lines of communication to be used in case of Joint Response Operations are shown in **Diagram 2**.

- c) The [*English - French*] language shall be used in all communications related to the implementation of the Plan.

3.7 RESPONSE PLANNING

The response to a pollution incident within the area of responsibility [*and/or area of interest*] of each Party will be conducted in accordance with the **provisions of the national contingency plan of the Lead State**, under the overall Operational Command of the Lead Authority exercised through the SIC.

In order to help the Joint Response Operations to proceed smoothly, the Parties will inform each other, either directly or preferably through the Regional Centres, on the relevant parts of their NCPs and, in particular, those sections describing:

- national response organization;
- likely sources of oil spills or HNS incidents, vulnerable resources and priorities for protection;
- resources for responding to accidental pollution available at the national level;
- rules concerning the use of dispersants;
- logistic support available within the Party.

Copies of these sections of the NCPs are attached to the Plan in the Appendices. Parties shall also provide the Regional Centres with their respective complete NCPs and with all updates and/or modifications as soon as these are made.

Maps showing possible sources of pollution, environmentally sensitive areas, priorities for protection and areas where the use of dispersants is allowed, restricted or forbidden, within the area of responsibility of each Party, should be part of each NCP.

Deciding upon the response strategy to be applied in each particular pollution incident and the planning of specific operations will be the responsibility of SIC. In taking such decisions, the SIC will follow the outline given in Article 3.8.

3.8 RESPONSE STRATEGY

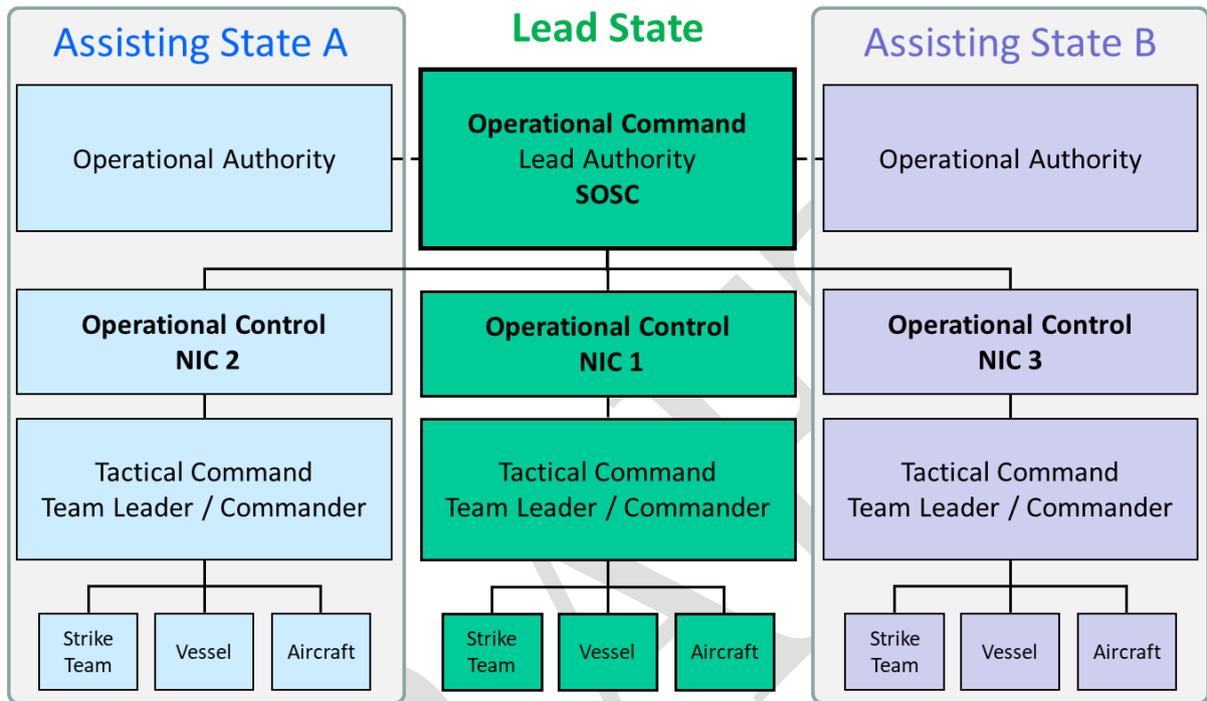
The main outline of the strategy, which will be applied by the Operational Authorities of the Parties, in responding to marine pollution incidents within the framework of the Plan, will be as follows:

- assessment of the severity of the incident, taking into consideration the following minimum criteria:
 - position at which the incident occurred
 - type of oil or HNS
 - amount of oil or HNS which has been released and/or is likely to be released
 - movement of oil slick
 - behaviour of HNS
 - degree of risk for human life and/or potential health hazard
 - fire/explosion hazard
 - potential to damage natural resources
 - potential to damage valuable property and/or to have serious economic consequences
 - volunteer management where volunteers can help by removing more oil where aggressive treatment techniques are not suitable
 - waste management
- activation of the National Contingency Plan and notification of the other Parties and the two Regional Centres;

- selection of appropriate response methods, including taking into account waste management;
- evaluation of available and required response resources;
- activation of the Plan and request for assistance, either directly or through the Regional Centres;
- implementation of selected response methods, making use of national resources including the use or management of volunteers and resources from assisting Parties;
- re-assessment of the situation and modification, when necessary, of response actions;
- termination of response operations;
- de-activation of the Plan;
- the return to the Party of origin of personnel, equipment and other means rendered as assistance by the other Parties.

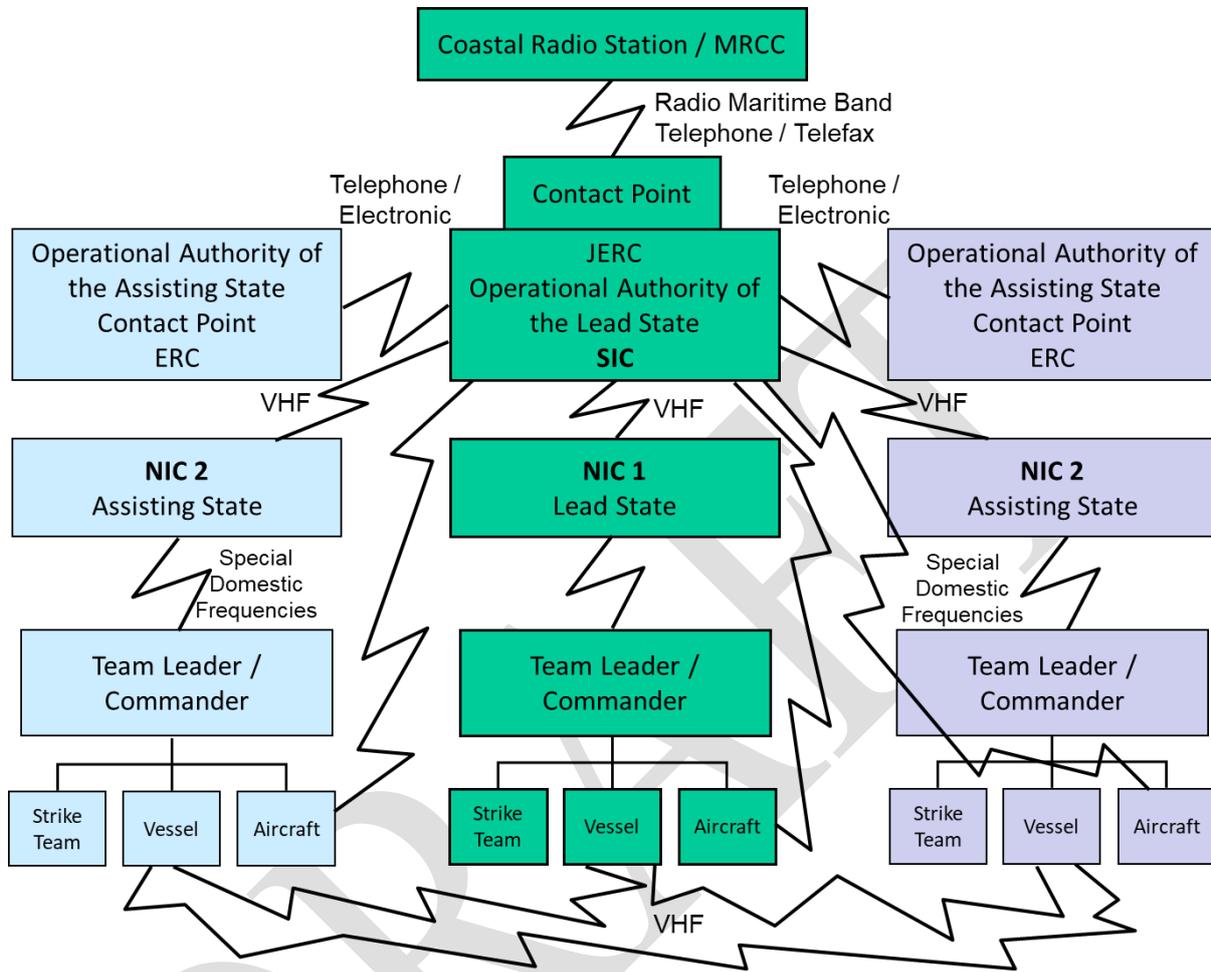
REGIONAL CONTINGENCY PLAN

Diagram 1: COMMAND STRUCTURE



REGIONAL CONTINGENCY PLAN

Diagram 2: LINES OF COMMUNICATION



4 RESPONSE OPERATIONS

4.1 RESPONSE PHASES

For the purpose of the Plan, pollution response operations have been divided as follows:

- Pre-activation of the Plan

- Phase I -Evaluation
- Phase II -Notification and consultation

- Activation of the Plan

- Phase III -Notification of activation
- Phase IV -Request for assistance
- Phase V -Joint response operations at sea
- Phase VI -Joint response operations on shore

It is understood that, according to circumstances, entire phases or parts thereof may take place concurrently.

Pre-activation of the Plan

Phase I (Evaluation)

Notification and verification of **the initial** information concerning pollution incidents will be done at the national level, in accordance with the provisions of the NCP.

The operational Authority of the Party affected by an incident, or the Party likely to be affected first, will assess and determine, taking into consideration the severity of the incident including its place of occurrence, the nature and quantity of the pollutant and other relevant elements, the level of response required and whether or not to activate the Plan.

Before activating the Plan, the Operational Authority of the Party concerned will activate its NCP.

Phase II (Notification and consultations)

Regardless of the need for the activation of the Plan, the Operational Authority of the Party in whose area of responsibility *[or interest]* the pollution incident has occurred will, after receiving and verifying the initial incident report, immediately inform the Operational Authorities of the other Parties (c.f. Article 2.1 and 5.2) through their national centres directly, or preferably their national Contact Points, either directly or through the RCOC.

If the operational Authority of the Party concerned considers that it might be necessary to activate the Plan (c.f. Article 2.4), it will immediately consult the Operational Authorities of the other Parties, either directly or through the RCOC, clearly indicating the extent of the planned response measures and of the assistance, which might be required.

Prior to activating the Plan, the Operational Authority will alert the other relevant Authorities in its own Party, including the NIC, in accordance with the provisions of its NCP.

Activation of the Plan

Phase III (Notification of activation)

The decision to activate the Plan will be taken by the Operational Authority of the Party concerned, following consultations with the Operational Authorities of the other Parties and with the RCOC.

After taking the decision to activate the Plan, the Operational Authority of the Party concerned, will assume the role of Lead Authority and will:

- a) notify the Operational Authorities of the other Parties, through their designated national Contact Points, either directly or through the RCOC, and in accordance with the procedure described in Article 5.2, that the Plan has been activated;
- b) activate its own ERC which will assume the role of JERC;
- c) activate its own Support Team;
- d) appoint the SIC who will, in liaison with the Lead Authority and his/her Support Team, formulate the strategy for dealing with the incident and evaluate the need for assistance from other Parties. The SIC will initiate phases IV, V and VI of the response respectively;

Phase IV (Request for assistance)

The request for assistance, on the basis of the SIC's requirements and advice, will be sent following the activation of the Plan, by the Lead Authority to the Operational Authorities of the other Parties, either directly or through RCOC, in accordance with the procedure outlined in **Appendix 6** and taking into consideration the previous consultations with the Operational Authorities of the other Parties and with the RCOC.

Phase V (Joint Response Operations at sea)

The main objectives of Joint Response Operations at sea are to stop the spillage of the pollutant from the source, to restrict its spreading and movement and to remove as much pollutant as possible from the sea surface before it reaches the shores of one of the Parties.

Joint Response Operations at sea will be conducted in accordance with the procedures described in the NCP of the Lead State. Operational Command over the Joint Response Operations will be exercised by the Lead Authority through the SIC. The use will primarily be made of the national resources of the Party concerned, which will be supplemented as necessary by the personnel and means rendered as assistance by the other Parties upon the request of the Lead Authority. The personnel and means of the assisting Parties will work under direct Operational Control and Tactical Command of their respective NICs and unit commanders or team leaders.

During the Joint Response Operations, the ERC of the Lead State, which has assumed the role of JERC, will serve as the main communication centre and headquarters of the SIC.

Phase VI (Joint Response Operations on shore)

The main objectives of Joint Response Operations on shore are to protect environmentally sensitive coastal areas and other vulnerable resources from the impact of the pollutant and to remove the pollutant, which has reached the shore in order to prevent recontamination of other coastal areas.

This phase also includes the treatment and final disposal of any collected pollutant and/or contaminated beach material. A proper disposal / waste management scheme would be established, following procedures in the NCP. Given clean-up of oil spills on shore can generate large amounts of waste, which typically must be treated as hazardous material, guidance for waste management would include:

a) Isolating waste and waste storage:

- Need to identify place(s) to temporarily store the waste that has been moved from the beach. If unplanned, storage locations can exacerbate contamination.
- Need to identify logistical locations close to beaches for access
- Need long-term storage: identify a covered storage location(s) where oily material can be stored awaiting decisions concerning further treatment or disposal.

b) Waste treatment:

- NCPs should identify available waste handling options (e.g. incineration plants, cement plants/ refineries/ any kind of heavy industry) in the vicinity or regionally

The principles of command outlined under Phase V will also apply for the entire duration of Phase VI.

In order to increase the effectiveness of Joint Response Operations on shore, JERC may be transferred, at the discretion of the Lead Authority, to adequate alternative premises closer to the site of operations (c.f. Article 3.3). In such cases, the Lead Authority will duly inform the Operational Authorities of the assisting Parties and the Regional Centres, mainly the RCOC, of the move.

4.2 SPILL SURVEILLANCE

For the surveillance of spill movement and behaviour, priority will be given to aerial surveillance coordinated through by RMIFC and NIFC with support from partners, although any other suitable means (ships, vessels) might also be used if aircraft are not immediately available.

The surveillance of the spill and its movement, and the transmission of relevant reports to the other Parties, prior to the activation of the Plan, is the responsibility of the Party in whose area of responsibility the pollution incident has occurred. Following the activation of the Plan, this responsibility rests with the SIC, who will take all necessary measures to ensure regular surveillance of the spill and its movement and behaviour, in order to properly assess the situation and to decide on adequate response measures. For this purpose, the SIC may request assistance from the other Parties.

Information concerning aircraft suitable for spill surveillance (including technical characteristics and specialized equipment), to which each Party has access, is given in **Appendix 3**.

Reporting procedures, which will be followed for the purpose of the Plan by the observers/pilots/crews of surveillance aircraft, are given in **Appendix 5**.

4.3 REQUESTS FOR ASSISTANCE WITHIN THE FRAMEWORK OF THE PLAN VIA RCOC

Following the activation of the Plan, the Lead Authority may request assistance from the other Parties, in any of the cases described in Article 2.4.

Assistance might be requested in the form of:

- a) trained response personnel and, in particular, strike teams;
- b) specialized pollution combating equipment;
- c) pollution treatment products;
- d) other means, including, in particular, self-contained units such as vessels and aircraft,

and/or any combination thereof.

The request for assistance will be formulated in a clear and precise manner, using the standard form defined in **Appendix 6**. It will contain a detailed description of the kind of assistance required and the purpose for which personnel, equipment, products and/or other means will be used.

The Party receiving a request for assistance will immediately acknowledge receipt.

A Party receiving a request for assistance will endeavour to offer it to the requesting Party with the shortest possible delay, taking into consideration that it should not deplete its own national resources beyond a reasonable level of preparedness.

In order to facilitate a prompt response to requests for assistance, Parties will have part of their national response equipment, products and other means ready for transportation, at short notice, to the other Parties.

Any response personnel and/or means rendered as assistance within the framework of the Plan will act under the overall Operational Command of the SIC and the Lead Authority; however their respective NICs will retain operational control over them.

Following a decision to render assistance, liaison between the Lead State and the assisting Parties will be maintained, according to the circumstances and to the type and importance of such assistance, in one of the ways described in Article 3.5.

4.4 JOINT RESPONSE OPERATIONS FACILITATED BY RCOC

For the purpose of the Plan, Joint Response Operations signify all pollution response operations in which personnel, equipment, products and/or other means, of at least two Parties are involved.

Joint Response Operations can be carried out at sea and on shore, and include specific operations described in Article 1.4 (c.f. also Article 4.1).

The Lead State will be in full charge of Joint Response Operations. The command structure of the Joint Response Operations is described in Article 3.5.

Personnel, equipment and other means rendered as assistance by the other Parties within the framework of the Plan will execute their tasks and duties following the decisions of the SIC, under the direct operational control of their NICs and the tactical command of their respective team Leaders and unit Commanders (c.f. Article 3.5). If strike teams or self-contained units are put at the disposal of the Lead State, the assisting Party will issue instructions to their respective team Leaders and unit Commanders, who will then exercise tactical command over the details of the operations.

During Joint Response Operations, the SIC will, in addition to assuming overall Operational Command, be specifically responsible for coordinating the actions taken by national means (strike teams, vessels, aircraft) of the Lead State with those taken by the means of the assisting Parties.

The liaison between the assisting Party and the Lead State during the Joint Response Operations will be maintained, according to circumstances, either through direct contacts, through the RCOC, through the Liaison Officer of the assisting Party integrated in the staff of the SIC or through NICs if these are personally taking part in the operations (c.f. Article 3.5).

The Lead Authority will appoint an officer responsible for receiving the personnel, equipment, products and/or other means from the assisting Parties and for facilitating their participation in the Joint Response Operations from the moment of their arrival in the country to their departure. This officer will closely co-operate with the liaison officer of the assisting Party.

4.5 USE OF DISPERSANTS

Each Party will define its policy regarding the use of dispersants in combating oil pollution and will describe this policy in its NCP..

Each Party will inform the other Parties (c.f. Article 3.7), either directly or through the Regional Centres, on its policy regarding the use of dispersants. The information will include a list of the dispersants approved for use in the territorial waters of the Party together with an indication of the zones where the use of dispersants is allowed, restricted or prohibited, as well as any other information deemed relevant.

In case of Joint Response Operations, the Parties will observe the principle of prior authorization for the use of dispersants. This authorization can only be given by the SIC or by a person designated by him/her.

In the area of responsibility of each particular Party dispersants will always be used in accordance with the provisions of the NCP of the Party concerned.

If a Party has prohibited the use of dispersants in its territorial waters, the other Parties participating in Joint Response Operations will observe this decision.

4.6 TERMINATION OF JOINT RESPONSE OPERATIONS AND DEACTIVATION OF THE PLAN

The SIC will terminate the Joint Response Operations when, according to his/her own judgment:

- a) pollution response measures have been finalized and the pollutant no longer threatens the interests of any of the Parties; or when
- b) the situation has reached a point where the response capabilities and resources of the Lead State are sufficient for successfully finalizing the response activities.

After taking the decision to terminate the Joint Response Operations, the SIC will immediately inform the NICs of the other Parties, their respective Operational Authorities, national centres, and the Regional Centres of this decision and of the deactivation of the Plan.

Following the deactivation of the Plan, all personnel, equipment, unused products and other means, which were involved in the Joint Response Operations, will return or be returned to their respective countries of origin.

The Party who requested assistance will take the necessary measures for the prompt repatriation of the personnel of the assisting Parties, although the coordination and preparation of the necessary arrangements for their repatriation remains the responsibility of their respective Operational Authorities.

The Party who requested assistance will be responsible for returning to the Party of origin, unless otherwise agreed, all equipment rendered as assistance and all unused treatment products. All equipment and other means will be returned clean and in the best possible working order.

The Operational Authorities of the Parties concerned may decide, in direct contacts between them that unused treatment products should remain in the Party that requested the assistance.

Self-contained units (vessels, aircraft) will return to their country of origin using their own power. The Party who requested assistance is responsible for facilitating the formalities related to leaving its territory / territorial waters / airspace, for all units rendered as assistance.

5 COMMUNICATIONS AND REPORTING

5.1 COMMUNICATION SYSTEM

The Parties will establish and maintain an efficient communication system, operational 24 hours a day, which will serve for:

- a) receiving reports on pollution incidents and transmitting these reports to the Operational Authorities and to other interested parties within the country, as well as to the Regional Centres;
- b) activation of the Plan, requesting assistance and the exchange of operational messages during Joint Response Operations;

The system will comprise national ERCs together with the national Contact Points for receiving reports on pollution incidents if these are different from the ERCs.

Elements of this communication system, including telephone, telefax numbers and e-mail address, as well as the allocated radio frequencies and channels of each Party, will be developed by the Parties.

5.2 INITIAL WARNING SYSTEM

Any polluting incident presenting a potential threat to another Party will be reported to that Party without delay as far as possible by telephoning or radio telephoning the appropriate National operational authority/ies as referred in **Appendix 1**. The same initial notification will be transmitted to the two Regional Centres immediately after informing the threatened Party.

The initial notification will be followed up as soon as possible with a POLREP.

5.3 POLLUTION-REPORTING SYSTEM

For the exchange of information concerning pollution incidents, the Parties will use pollution-reporting system (POLREP), *[which has been agreed for use]* and which is described in **Appendix 7**.

The Lead Authority will endeavour to transmit a POLREP at least once a day.

Before dissemination, each report will be verified by the SIC.

If pollution-combating operations continue at the national level after the deactivation of the Plan, the Party affected by the incident will continue to inform other Parties and the Regional Centres on the situation until the final termination of all pollution response operations.

It is the responsibility of the Operational Authority of each Party to ensure that the situation reports are transmitted to all interested parties within its respective country.

5.4 POST-INCIDENT REPORTS

Following the termination of pollution response operations taken at both national level and within the framework of the Plan, the NIC and/or SIC respectively will prepare the final report, which will include:

- a) a description of the pollution incident and of the development of the situation;
- b) a description of the response measures taken;
- c) a description of the assistance rendered by the other Parties;
- d) an assessment of the complete response operation;
- e) an assessment of the assistance rendered by the other Parties;
- f) an estimate of the environmental and economic damage caused by the incident;
- g) a description and analysis of the problems encountered in responding to the pollution incident;
- h) recommendations regarding the possible improvement of existing arrangements and, in particular, of the provisions of the Plan.

Copies of the post-incident reports will be sent to all Parties either directly or through the two Regional Centres.

The reports will be analysed at the national level by the members of each Support Team and their respective NICs, who will prepare recommendations concerning amendments and improvements of the Plan, and if necessary, of their NCPs (c.f. Article 3.4).

Questions of common interest might be proposed for discussion during the regular annual Meetings of the Parties (c.f. Article 2.5).

5.5 REPORTS TO AND COMMUNICATION WITH THE REGIONAL CENTRES

The Parties shall send to the Regional Centres:

- a) all POLREPS (including, in particular, information concerning the activation and deactivation of the Plan and all requests for assistance);
- b) *[all SITREPS]*;
- c) all post-incident reports.

In case of activation of the Plan, the Lead Authority shall maintain permanent contact with the Regional Centres.

Information concerning communication with the Regional Centres is given in **Appendix 1**, and shall be regularly updated.

The Parties shall inform the Regional Centres of any modifications in the Plan or its Annexes, as soon as these are made.

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6 LOGISTICS, FUNDING AND ADMINISTRATION

6.1 LOGISTICS

The Lead Authority is responsible for providing all the logistic support necessary for conducting Joint Response Operations.

The Lead Authority will, in particular:

- a) make the necessary arrangements for accommodation, transportation and safety, within the country, of all assisting personnel;
- b) take the necessary measures to provide the following facilities for equipment and other means received from the assisting Parties:
 - safe storage space or parking places, as appropriate, including cranes, fork-lifts and other handling equipment, as necessary;
 - fuel, lubricants and basic repair and maintenance facilities.

As regards the stay in the territory of the Lead State, of vessels and aircraft rendered as assistance by other Parties, the Lead Authority will take the necessary measures to ensure assistance to the crews at airports and in ports, as appropriate, and to provide security services for ships, aircraft and related equipment, while these are in ports or at airports of the Lead State.

6.2 FINANCIAL PROCEDURES

In requesting and rendering assistance, the Parties will implement the provisions of the Annex (Reimbursement of costs of Assistance) to the OPRC 90 Convention *[which are envisaged for inclusion in the Emergency Protocol]*:

“1. (a) Unless an agreement concerning the financial arrangements governing actions of Parties to deal with marine pollution incidents has been concluded on a bilateral or multilateral basis prior to the pollution incident, Parties shall bear the costs of their respective action in dealing with marine pollution in accordance with subparagraph (i) or subparagraph (ii).

(i) If the action was taken by one Party at the express request of another Party, the requesting Party will reimburse to the assisting Party the costs of its action. The requesting Party may cancel its request at any time, but in that case it shall bear the costs already incurred or committed by the assisting Party;

(ii) if the action was taken by a Party on its own initiative, this Party shall bear the cost of its action;

(b) the principles laid down above in subparagraph (a) shall apply unless the Parties concerned otherwise agree in any individual case.

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

3. The Party requesting assistance and the assisting Party shall, where appropriate, co-operate in concluding any action in response to a compensation claim. To that end, they shall give due consideration to existing legal regimes. Where the action thus concluded does not permit full compensation for expenses incurred in the assistance operation, the Party requesting assistance may ask the assisting Party to waive reimbursement of the expenses exceeding the sums compensated or to reduce the costs which have been calculated in accordance with paragraph (2). It may also request a postponement of the reimbursement of such costs. In considering such a request, assisting Parties shall give due consideration to the needs of the developing countries.

4. The provisions of this article will not be interpreted as in any way prejudicing the rights of Parties to recover from third parties the costs of actions to deal with pollution or the threat of pollution under other applicable provisions and rules of international law and national regulations". Special attention shall be paid to International Convention on Civil Liability for Oil Pollution Damage and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage or any subsequent amendment to those Conventions.

For the implementation of these provisions, the Parties will act as follows:

- a) The Parties will inform each other in advance, either directly or preferably through the Regional Centres, on the wages of personnel, the rental rates for equipment and other means and the cost of treatment products, which might be rendered as assistance. The Parties will agree upon the rates, including the terms of payment, and will discuss all relevant questions during the regular annual meetings of the Operational Authorities (c.f. Article 2.5). The Regional Centres will include the information various costs in **Appendix 3** to the Plan and circulate it to the Parties at least once a year, and whenever it has been informed of a change by one of the Parties.
- b) The Parties will resolve all questions related to financial matters after the termination of joint operations.

In case of Joint Response Operations, the Party who requested assistance will directly cover the following expenses related to the stay in its territory of personnel, equipment and means (including vessels and aircraft) of the assisting Party:

- a) board and lodging and/or daily subsistence allowance, as appropriate, of all response personnel other than the crews of ships and vessels;
- b) any port dues for vessels and ships rendered as assistance;
- c) any airport dues for aircraft rendered as assistance;
- d) necessary fuel for all equipment and means including, in particular, vessels and aircraft, engaged in Joint Response Operations;
- e) medical services provided to injured and ill personnel of the assisting Party;
- f) costs related to repatriation of any personnel who died or who were injured or taken ill during Joint Response Operations;
- g) maintenance costs for any piece of equipment, vessel and aircraft engaged in Joint Response Operations;

- h) repair costs for any piece of equipment, vessel or aircraft damaged in its territory during and due to the Joint Response Operations, if such repair needs to be made prior to returning to the Party of origin of such equipment and means;
- i) costs of communications related to the Joint Response Operations that have been incurred by the personnel of the assisting Party in the territory of the Lead State.

The assisting Party will directly cover the following expenses related to the sending to the Party who requested the assistance of its personnel, equipment, products or other means including, in particular, vessels and aircraft:

- a) mobilization of personnel, equipment, products or other means;
- b) costs of transport, of personnel, equipment and products, to and from the Party where Joint Response Operations are taking place;
- c) fuel for self-contained units (vessels, aircraft) which will travel to the site of Joint Response Operations using its own power;
- d) costs of communications related to Joint Response Operations that are originating from the territory of the assisting Party;
- e) insurance of the personnel of the strike team;
- f) medical services rendered, following their return to their country of origin, to response personnel who were injured or taken ill during Joint Response Operations;
- g) maintenance and repair costs for equipment and means engaged in Joint Response Operations which were incurred after the return of such equipment and means to the country of origin.

Following the termination of the Joint Response Operations and the return of all personnel, equipment and other means which were engaged in the Joint Response Operations, each assisting Party will prepare a detailed invoice including the costs of assistance rendered to the Lead State and other expenses related to this assistance. The following items will be included in the invoice:

- a) wages of personnel engaged in the Joint Response Operations, calculated on the basis of the price list given in **Appendix 3** and the daily work logs approved by the SIC or another responsible officer of the Lead State;
- b) costs of rental of equipment and means calculated on the basis of the price list given in **Appendix 3** and the daily work logs approved by the SIC or another responsible officer of the Lead State;
- c) cost of treatment products used during the Joint Response Operations calculated on the basis of the price list given in **Appendix 3** and the daily work logs approved by the SIC or another responsible officer of the Lead State;

- d) all expenses incurred by the assisting Party as listed above;
- e) costs for replacement of equipment damaged beyond repair during the Joint Response Operations.

Upon receipt of such an invoice, the Party who had requested assistance in accordance with **Appendix 6** will directly reimburse the expenses incurred by the assisting Parties in relation to the pollution response measures undertaken by these Parties following the activation of the Plan. It will subsequently include such invoices in its own claim for reimbursement of pollution response related costs, submitted to the party liable for the pollution incident, its insurers or an international system for compensation of pollution damages, as appropriate.

Alternatively, the Parties may agree that the claims for reimbursement of such expenses will be submitted directly to the party liable for pollution incident, its insurers or an international system for compensation of pollution damages, by each Party separately.

Regardless of the party to whom such claims are submitted, they will be prepared in accordance with the guidelines provided by the IOPC Funds in the most recent issue of its "Claims Manual", which is attached to the Plan as **Appendix 8**.

6.3 TRANSBOUNDARY MOVEMENT OF RESPONSE PERSONNEL, EQUIPMENT, PRODUCTS AND SELF-CONTAINED UNITS

In order to facilitate the movement of response personnel and equipment the requesting Party will:

- make arrangements for the rapid entry (and exit) of equipment, products and personnel prior to their arrival and ensure that customs formalities are facilitated to the maximum extent. Equipment should be admitted on a temporary basis and products should be admitted free of excise and duties.
- ensure that, should ships and aircraft be provided, ships are granted all necessary authorizations and aircraft cleared to fly in the national air space. A flight plan or a flight notification will be filed and accepted as an authorization for aircraft to take off, land ashore or at sea outside regular customs airfields.

Immigration and customs formalities

Each Party will endeavour to make, at the national level, special arrangements applicable in emergency situations, concerning provisions for the rapid granting of entry visas and work permits for personnel, as well as permits necessary for the transit or temporary importation of the requested equipment and material. Details of such arrangements will be included in the National Contingency Plan of each Party. This refers, in particular, to information which the assisting Party should provide to the appropriate national Authorities of the requesting Party in order to facilitate the implementation of these special arrangements.

The Parties will designate competent Customs Authorities, responsible for the prompt clearing of customs formalities related to the transboundary movement of response personnel and means in cases of activation of the Plan. The Parties will keep each other permanently informed, either directly or preferably through the Regional Centres, on such Customs

Authorities, and this information, also comprising addresses, telephone and telefax numbers, and e-mail addresses will be included in **Appendix 1**.

Prior to sending assistance to a Party who so requests, the competent Customs Authority of the assisting Party will establish direct contact with the competent Customs Authority of the requesting Party, in order to obtain the necessary clearance for the entry of equipment, products and other means into the Party.

Overfly procedures

Within the framework of the Plan and upon a specific request of the Lead State, aircraft of the other Parties might be allowed to enter and operate in the airspace of the Lead State for one of the following purposes:

- search and rescue;
- surveillance flights;
- transportation of response personnel, equipment and products;
- spraying of dispersants or other treatment products;

Each Party will make, in advance, the necessary arrangements concerning the rapid granting of permits and clearances for civil aircraft (fixed wing or helicopters) of the other Parties who might be requested to take part in response operations within its airspace. Similar arrangements will be made for the use of airport facilities by civilian fixed wing aircraft and helicopters engaged in Joint Response Operations.

Overflying for the above mentioned purposes, of the national territory or territorial waters of one of the Parties by military aircraft of the other Parties will be decided on a case-by-case basis by the Parties concerned.

Navigation procedures

Within the framework of the Plan and upon the request of the Lead State, vessels of the other Parties might enter and operate in the territorial waters of the Lead State for one of the following purposes:

- search and rescue;
- salvage operations;
- pollution response operations, including containment and recovery of spilled products, spraying of dispersants or other treatment products, storage and transportation of recovered pollutant;
- transportation of response personnel, equipment and products;
- any other voyage related to pollution response operations.

Each Party will make, in advance, the necessary arrangements concerning the rapid granting of permits and clearances for the navigation of civil vessels (ships, boats, specialized anti-pollution vessels) of the other Parties who might be requested to take part in response operations within its internal and territorial waters. Similar arrangements will be made for the use of port facilities by civilian vessels engaged in Joint Response Operations.

Navigation, for the above mentioned purposes, in the internal or territorial waters of one of the Parties by naval vessels of the other Parties will be decided on a case-by-case basis by the Parties concerned.

In all cases, the provisions of the International Convention on Facilitation of International Maritime Traffic, as amended, will be taken into account by the Parties concerned.

6.4 MEDICAL INSURANCE AND MEDICAL ASSISTANCE

Each Party will take the necessary measures to insure against death, illness and injury, its personnel who might participate in Joint Response Operations, Joint Exercises and Joint Training Courses.

The Lead State will endeavour to offer as far as possible the best possible initial medical care and services to any person from another Party who is injured or taken ill during his/her participation in Joint Response Operations.

The Lead State will facilitate the repatriation of assisting personnel who are injured or taken ill during Joint Response Operations.

The costs of hospitalization and medical assistance rendered within the Lead State to injured or ill personnel of the assisting Party will be borne by the Lead State. The Lead State might decide to include such costs in the claims presented in accordance with 6.2 above.

6.5 RESPONSIBILITY FOR INJURY AND DAMAGE

If the strike teams called upon to assist in the response operations cause, at the site of operations including the route for approaching and leaving the site of operations, any damages to third parties, and these damages are related to the response operations, such damages will be the responsibility of the Party who had requested assistance, except in cases of ill intent, grave fault or gross negligence.

6.6 DOCUMENTATION OF RESPONSE OPERATIONS AND RELATED COSTS

The SIC will take the necessary measures to ensure that detailed records of all actions taken in order to respond to a pollution incident, within the framework of the Plan, are accurately kept. For this purpose, the SIC might include a record keeping officer / financial controller in his/her Support Team.

As a minimum, the following records will be regularly kept:

- a) Description of the situation, decisions taken and response measures implemented;
- b) Daily work log, giving details of:
 - operations in progress (place, time, purpose);
 - equipment and other means in use (place, time, purpose);
 - personnel employed (number, time);

- response products and any other material consumed (type, quantity, purpose).
- c) Records of all expenditure made in relation to the pollution response operations.

Following the termination of the response operations, these records will be made available to the national Authority responsible for the submission of claims for compensation.

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7 PUBLIC INFORMATION

7.1 PUBLIC RELATIONS OFFICER (PRO)

After the activation of the Plan, the Lead Authority will designate a Public Relations Officer who will be seconded to the SIC's Support Team.

The PRO will be responsible for:

- a) monitoring social media and maintaining contacts with the press;
- b) preparing press releases on behalf of the SIC and the Lead Authority;
- c) following the information released by the press and clarifying any possible misunderstandings.

7.2 PRESS RELEASES

During the entire period between the activation and the deactivation of the Plan, press releases will be prepared and distributed to the press by the PRO on the basis of confirmed information cleared by the SIC. These press releases will contain information concerning:

- the pollution incident and the development of the situation;
- injuries of personnel and damage to vessels, equipment, etc.
- technical data on vessels involved, type of characteristics of the pollutant, etc.
- the measures taken to combat pollution;
- the progress of the response measures.

The following guidelines will be observed when preparing press releases:

- prepare titles / headlines;
- give priority to the most recent and important information;
- use simple sentences and give only one idea per sentence;
- avoid quoting estimates, conjectures and suppositions;
- avoid giving opinions on environmental or other unquantifiable damages;
- draft final wordings very carefully.

Maps showing the area of the incident, the evolution of the spill and the sites of the response operations should accompany press releases whenever possible.

7.3 PRESS CONFERENCES

After the activation of the Plan, the Lead Authority may decide, in consultation with the SIC, to organize one or more press conferences for briefing the media.

The following persons may take part in such press conferences:

- SIC
- specially designated expert members of the Support Team
- PRO
- representative(s) of the Lead Authority

- representatives of the other Parties (e.g. Liaison Officers or NICs)
- representatives of ship and cargo owners and/or their insurers

Written information on the main facts concerning the pollution incident and the Joint Response Operations, maps and photographs may be prepared in advance by the PRO and approved by the SIC for use during the press conference.

Guidelines concerning the preparation of press releases (c.f. Article 7.2) will also be observed by participants in press conferences.

7.4 PUBLIC INFORMATION THROUGH THE REGIONAL CENTRES

The Regional Centres may use the information provided in accordance with Article 5.5, by the SIC and the Lead Authority for informing the other Parties, international organizations and specialized institutions with which it maintains contact.

If deemed useful, the SIC may also provide the Regional Centres with his/her regular press releases, for further distribution to the press whose representatives might contact the Regional Centres.

APPENDIX 1

**DIRECTORY OF COMPETENT NATIONAL AUTHORITIES
AND CONTACT POINTS IN CHARGE OF RECEIVING ALERT MESSAGES**

(to be inserted)

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APPENDIX 2

EXTRACTS FROM NATIONAL CONTINGENCY PLANS

**(DISPLAYING RISKS OF POLLUTION IN COUNTRIES,
NATIONAL ORGANIZATION, MAIN TASKS AND RESPONSIBILITIES)**

(to be inserted)

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APPENDIX 3

**DIRECTORY OF RESPONSE PERSONNEL AND INVENTORY
OF RESPONSE EQUIPMENT, PRODUCTS AND OTHER MEANS
TO BE PREPARED AND UPDATED ANNUALLY BY RCOC**

**(INCLUDING RATES WHERE AVAILABLE FOR THE USE OF MANPOWER,
EQUIPMENT AND PRODUCTS IN JOINT RESPONSE OPERATIONS)**

(to be inserted)

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APPENDIX 4

MAPS

**SHOWING POSSIBLE SOURCES OF POLLUTION
AND ENVIRONMENTALLY AND ECONOMICALLY SENSITIVE AREAS
TO BE PREPARED AND COORDINATED BY RMIFC AND NIFC**

(to be inserted)

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APPENDIX 5

GUIDELINES FOR REPORTING OIL SPILLS (AERIAL SURVEILLANCE) **TO BE PREPARED AND UPDATED BY RMIFC**

(to be inserted)

NOTE: Other regions have developed similar guidelines for surveillance and these can be reviewed and adapted as appropriate.

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APPENDIX 6

STANDARD FORMAT FOR REQUESTING ASSISTANCE **TO BE PREPARED AND UPDATED BY RCOC**

(to be inserted)

NOTE: The POLREP typically includes a section III (Pollution Facilitation or POLFAC) that concerns requests for assistance. Consider whether that is adequate and removes the need for this Appendix 6

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APPENDIX 7

POLREP - POLLUTION REPORTING SYSTEM **TO BE UNDERTAKEN JOINTLY BY RCOC AND RMIFC**

(to be inserted)

NOTE: POLREP systems are utilized in other regions and have a consistent format. All are based on published IMO guidance.

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APPENDIX 8
CLAIMS MANUAL

(to be inserted)

NOTE: The IOPC Funds website makes the latest version of its Claims Manual and other publications within its Claims Information Pack.
It may be pragmatic to link to the website, rather than reproduce these documents in this Appendix?

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APPENDIX 9

NATIONAL POLICIES FOR THE USE OF DISPERSANTS

(to be inserted)

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APPENDIX 10

GUIDELINES FOR SHORELINE SURVEY

(to be inserted)

There are a variety of freely available guidance publications* concerning shoreline survey which could be referenced here – it may not be necessary to reproduce them in full (just provide links)

* For example:

REMPEC guidelines

English / French versions - www.rempec.org/en/our-work/pollution-preparedness-and-response/response/tools/shoreline-assessment

IPIECA / IOGP good practice guidelines

English - www.ipieca.org/resources/good-practice/a-guide-to-oiled-shoreline-assessment-scat-surveys/

French - www.ipieca.org/resources/good-practice/guide-sur-les-op%C3%A9rations-d-%C3%A9valuation-de-la-pollution-du-littoral-scat/

Portuguese - www.ipieca.org/resources/good-practice/um-guia-para-levantamentos-de-avalia%C3%A7%C3%A3o-de-litorais-oleados-scat/