

NOWPAP MERRAC

Northwest Pacific Action Plan
Marine Environmental Emergency Preparedness and Response
Regional Activity Centre



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Report of 5th NOWPAP MERRAC Focal Points Meeting

MERRAC, Daejeon

20-24 May 2002

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THE FIFTH NOWPAP MERRAC FOCAL POINTS MEETING

(MERRAC, Daejeon, 20 - 24 May 2002)

REPORT OF THE MEETING

Background

1. The Action Plan for the Protection, Management and Development of the Marine and Coastal Environment of the Northwest Pacific Region (NOWPAP) and three Resolutions were adopted at the First Intergovernmental Meeting (Seoul, September 14, 1994; UNEP(OCA)/NOWPAP/IG.1/5) by the States in the Northwest Pacific region: Japan, People's Republic of China, Republic of Korea and Russian Federation (hereinafter referred to as Japan, China, Korea, Russia, respectively). Resolution 1 identified five areas of priority for implementation of the Action Plan, one of which is NOWPAP/4: Development of Effective Measures for Regional Cooperation in Marine Pollution Preparedness and Response. At the international level, International Convention on Oil Pollution Preparedness and Response and Cooperation (OPRC) was adopted in November 1990 and entered into force in May 1995.

2. Based on the activities carried out by the United Nations Environment Programme (UNEP) and the International Maritime Organization (IMO), such as the expert mission to the region in April 1994, and the Government-designed OPRC Experts Meeting on Sub-regional Cooperation to Enhance National Capabilities in Marine Pollution Emergency Preparedness and Response (Bangkok, November 1995), it was recommended that a Forum be created under the NOWPAP framework for the purpose of exchanging information on marine pollution preparedness and response. At the meeting, the objectives of the Forum were specified as followings: (i) to exchange information on marine pollution preparedness and response; (ii) to develop a Regional Contingency Plan; and (iii) to develop a related Memorandum of Understanding (MOU). The NOWPAP Forum Members, with support from UNEP and IMO, have, through the four Forum Meetings held to-date, as well as the informal meetings and intersessional work, worked towards achieve these objectives.

3. Following these activities, the Informal Meeting of Experts on Marine Pollution Prevention in the North-West Pacific was held in Niigata in July 1996. The Forum was launched at its first meeting hosted by the Government of Japan (Toyama, Japan, July 1997). At the first meeting of the NOWPAP Forum on Marine Pollution Preparedness and Response, an interim Terms of Reference was agreed to facilitate its future work, and decided on the Forum's initial tasks and designation of responsibility for the tasks among the member States. The second meeting was held in Daejeon, Korea in April 1998, and agreed on the scope of the continuous work of the Forum members. The

third meeting was held in Yuzhno-Sakhalinsk, Russia in July 1999, and reviewed the progress of the initial tasks agreed at the Second Forum.

4. In March 2000, the Marine Environmental Emergency Preparedness and Response Region Activity Centre (MERRAC) was established in Daejeon, Republic of Korea, based on the agreement of the Fourth Intergovernmental Meeting on NOWPAP (China, April 1999). MERRAC took on the responsibility of functioning as secretariat for the Meeting, as defined at its Terms of Reference.

5. Continuously, the Fourth Forum Meeting was held in Qingdao, China in May 2001. The meeting considered the draft NOWPAP Regional Oil Spill Contingency Plan prepared by IMO, and agreed that a technical discussion on the revised draft Plan would take place at the Expert Meeting, prior to the Plan being submitted to the next NOWPAP MERRAC Focal Points Meeting for its final adoption. The same meeting also agreed that IMO prepare a draft Memorandum of Understanding (MOU) taking into account the two existing draft MOU's, following the discussions on the type of document to be developed. The meeting also agreed that the Expert Advisory Group Meeting be organized to discuss the draft MOU prepared by IMO during intersessional period.

6. As agreed at the Fourth Forum Meeting, the Expert Advisory Group Meeting on NOWPAP Regional Oil Spill Contingency Plan and Memorandum of Understanding (MOU) (hereinafter referred to as 'Experts meeting') was held in Tokyo, Japan, hosted by the Government of Japan, in 5-9 November 2001. The Expert Meeting discussed the texts of the draft NOWPAP Regional Oil Spill Contingency Plan and MOU, which had been prepared by IMO after the Fourth Forum Meeting. After a lengthy discussion, the meeting agreed on the "Text of the Draft NOWPAP Regional Oil Spill Contingency Plan" and "Text of the Draft Memorandum of Understanding (MOU) on Regional Co-operation Regarding Preparedness and Response to Oil Spills in the Marine Environment of the Northwest Pacific Region" (UNEP/IMO/NOWPAP/WG.16/7 ANNEX V and ANNEX VI, respectively).

7. Upon decision by the Fourth Forum Meeting, the name of the Forum was changed into "NOWPAP MERRAC Focal Points Meeting", and the meeting would be organized periodically at MERRAC each year in May, from the Fifth NOWPAP MERRAC Focal Points Meeting. The time of the meeting was fixed as in 20-24 May 2002 through the consideration during the intersessional period.

8. After the meeting, on 23 May 2002, a technical tour of the experimental equipments and facilities at the Korea Research Institute of Ships & Ocean Engineering / Korea Ocean Research and Development Institute (KRISO/KORDI), which is the operating institute of MERRAC, was carried out.

9. Representatives of the NOWPAP member States: Japan, People's Republic of China, Republic of Korea and Russian Federation (hereinafter referred to as Japan, China, Korea and Russia, respectively) participated in the meeting. The representatives of United Nations Environment Programme (UNEP), the International Maritime Organization (IMO), and Marine Environmental Emergency Preparedness and Response Regional Activity Center (MERRAC) acted as a secretariat for the meeting. A full list of participants is attached in **ANNEX I** to the present report.

Agenda item 1. Opening of the meeting

10. The meeting was opened at 10:00 a.m. at MERRAC (Daejeon) on 20 May 2002 by Dr. Chang-Gu Kang, Director of MERRAC. At the opening statement, Dr. Kang expressed his thanks to UNEP, IMO and the NOWPAP member States for their constructive and invaluable contributions that they had given to the MERRAC activities, stating that the present meeting would provide an excellent opportunity to finalize the NOWPAP Regional Oil Spill Contingency Plan and Memorandum of Understanding (MOU) which the NOWPAP member States had tried to make since the First Forum Meeting in 1997. He acted as Chairman until the election of the present meeting.

11. Mr. Tae-Hwan An, Director General of the Korea National Maritime Police Agency (KNMPA), Republic of Korea, welcomed to Korea the participants from the UNEP, IMO and the NOWPAP member States. He stressed that the regional cooperative system on marine pollution preparedness and response in the region should be established, stating that this area has been heavily exposed to the high risk of the marine pollution.

12. Dr. Jin-Tae Lee, Director-General, KRISO/KORDI, on behalf of Dr. Sang-Kyung Byun, President of the Korea Ocean Research & Development Institute (KORDI), extended a warm welcome to all of the participants to KRISO/KORDI and expressed his gratitude to participation in the present meeting. He mentioned that KRISO/KORDI, as the operating institute of MERRAC, has tried to fully support the MERRAC activities in order to achieve its designated goal and objectives in the field of the marine pollution preparedness and response.

13. Subsequently, Mr. Ellik Adler, Regional Seas Coordinator, UNEP, on behalf of Mr. Klaus Topfer, Executive Director of UNEP, extended a warm welcome to all participants and expressed his thanks to KRISO/KORDI and KNMPA for their hospitality. He pointed out the great importance that UNEP has given to the implementation of NOWPAP, and emphasized his intention to further facilitate the implementation of NOWPAP, by finalizing the establishment process of the Regional Coordination Unit (RCU) as soon as possible and strengthening the Regional Activity Centers (RACs). He congratulated MERRAC for its achievements and noted MERRAC's excellent work for NOWPAP.

14. Mr. Jean-Claude Sainlos, Senior Deputy Director, Marine Environment Division, IMO, on behalf of Mr. William O'Neil, Secretary General of IMO, welcomed the participants to this Meeting and thanked MERRAC, KRISO/KORDI and KNMPA for their generous hospitality. In his remarks, he said that it was important that international co-operation and mutual assistance be organized in case of major accidents that require resources beyond the national capabilities. He further stated that the Meeting is an important step towards establishing a mechanism for preparedness, response and co-operation in the NOWPAP region. He expressed his hope for a successful and fruitful meeting.

15. The representatives of Japan, China and Russia expressed their thanks to MERRAC for its kind hospitality and for hosting the meeting, and to KRISO/KORDI, UNEP and IMO for their kind support, hoping that meeting will be fruitful and successful. The representative of Korea welcomed all of the participants to the Korea, expressing all a successful meeting.

Agenda item 2. Organization of the meeting

16. Following the proposal by the representative of Korea, the meeting unanimously elected Mr. Kiyoshi Oone, Senior Deputy Director of Marine Environment Protection and Disaster Prevention Division, Japan Coast Guard, Japan, as its Chairman, and Mr. Wan-Sub Lee, Director of Marine Pollution Response Division, KNMPA, a member of Korean delegation, as the Rapporteur.

17. The meeting agreed to apply *mutatis mutandis* the rules of procedure for the meeting in accordance with of the Terms of Reference of the NOWPAP MERRAC Focal Points Meeting (ANNEX IV of UNEP/IMO/NOWPAP/WG.10/12).

18. The Director of MERRAC, presented a provisional list of documents, as presented in **ANNEX II**, noting that an additional document was submitted by MERRAC at the beginning of the meeting (UNEP/IMO/NOWPAP/MERRAC/FPM 5/14/1). This document was prepared taking into account the comments on the NOWPAP Oil Spill Contingency Plan made by Japan during intersessional period and the decision of the 7th Intergovernmental Meeting.

Agenda item 3. Adoption of the agenda

19. The meeting adopted the Agenda (**ANNEX III**), as introduced by the Director of MERRAC.

20. Japan reserved its position to adopt the agenda item 9, stating that it depends on the discussion of the Focal Points Meeting.

Agenda item 4. Overview of the progress made in the intersessional period after the Fourth Meeting of NOWPAP Forum

21. The representative of UNEP presented an overview of the UNEP's Regional Seas Programme including the NOWPAP, stressing its main objectives, principle activities and elements for viability and success of the Regional Seas Programme. He also introduced to the meeting the major results of the last 7th Intergovernmental Meeting of NOWPAP held in March 2002 in Vladivostok, Russian Federation, including the final decision about the establishment of the Regional Coordinating Unit (RCU), first participation of the Democratic People's Republic of Korea (DPRK) as an observer, the approval of the workplan and budget for 2002/3, decision regarding the responsibility of the RACs, and the development of a GEF PDF-B proposal on Land-Based Activities (LBA).

22. Subsequently, the Director of MERRAC reported on the activities made during intersessional period in 2001/2 after the Fourth Meeting of NOWPAP Forum, including the overall progress made on the tasks agreed upon at the Fourth Meeting of NOWPAP Forum (UNEP/IMO/NOWPAP/MERRAC/FPM 5/3, UNEP/IMO/NOWPAP/MERRAC/FPM 5/4).

Agenda item 5. Revision of the proposed workplan and budget for the 2002/2003 biennium, based upon the decision by the Seventh Intergovernmental Meeting on NOWPAP

23. The Director of MERRAC presented to the meeting the draft workplan and budget of MERRAC for the 2002/3 Biennium (UNEP/IMO/NOWPAP/MERRAC/FPM 5/5), which had been revised taking into account the decisions by the Fourth Meeting of NOWPAP Forum (UNEP/IMO/NOWPAP WG15/19) and the Seventh NOWPAP Intergovernmental Meeting. The meeting reconsidered the draft under agenda item 11 taking into account the rearrangement of the initial tasks during the 2002/2003 Biennium.

24. Japan proposed it might be necessary in the future to allocate the budget to each initial task taking into account its progress.

Agenda item 6. Review of the progress made for each of the initial tasks agreed at the Fourth Meeting of NOWPAP Forum, and identification of continuous work

25. The meeting reviewed the progress made in each of the initial tasks and identified the need for continuous work.

6.1. Focal Points

26. Dr. Seong-Gil Kang, Senior Consultant of MERRAC, presented document

UNEP/IMO/NOWPAP/MERRAC/FPM 5/6 and the meeting took note of the report. He informed that MERRAC developed the website of MERRAC as one of the designated activities of NOWPAP/4 project for the 2000/2001 Biennium, which incorporated existing information on the focal points on the website (<http://merrac.nowpap.org>), noting that MERRAC would keep up-to-date its information.

27. He mentioned that, after the Fourth Forum Meeting, Russia had sent the official letter of nomination of national focal point for NOWPAP MERRAC (Mr. Karev) and Japan had also informed the change of national focal points for MERRAC (Mr. Haruhiko Nonaka).

28. The representative of Korea informed the meeting that they revised partially the telephone number of the focal points along with change in the telephone numbering system of local area. The representative of Japan also informed the meeting that changes in the governmental structures took place in Japan, and revised information on the focal points in line with the new structure would be submitted to MERRAC as soon as possible.

29. Following the suggestion by the Chairman, the meeting agreed that the member States should review and correct the list of their focal points, and inform MERRAC accordingly.

6.2 Information system

30. The Senior consultant of MERRAC introduced the report on the information system (UNEP/IMO/NOWPAP/MERRAC/FPM 5/7), noting that the exiting information has been incorporated on the MERRAC website. He also informed that Japan and Korea updated the existing Information System during the intersessional period.

31. The representative of Republic of Korea suggested that MERRAC should collect the list of the institutes regarding marine pollution preparedness and response in the NOWPAP region. The meeting agreed to the suggestion.

6.3 Joint training and exercises

32. The Korean representative introduced document UNEP/IMO/NOWPAP/FPM 5/8. He informed the meeting that Information on the Joint Training and Exercise carried out during 2001~2002 and the Oil Spill Training facilities in the region was collected for the intersessional work for the task. Also, he introduced a draft Terms of Reference for Regional Training Program, as one of the operational guideline of the training program.

33. The delegations of China, Japan and Russia provided information regarding exercises held in their respective countries.

34. The representative of UNEP suggested that observers should be invited to important national and bilateral exercises, training and relevant activities from other NOWPAP countries that were not directly involved. The representative of IMO confirmed that the Organization would continue to provide MERRAC with training materials.

35. The meeting agreed to discuss in detail regarding the type and organization of the regional training course to be developed under agenda item 10.

6.4. Fate and effects of oil pollution

36. The senior consultant of MERRAC introduced document UNEP/IMO/NOWPAP/FPM 5/9. He mentioned that MERRAC developed the website of MERRAC as one of the designated activities of NOWPAP/4 project for the 2000/2001 Biennium. The existing list of oil pollution accidents in the region should be incorporated into the MERRAC website. Japan and Republic of Korea submitted updated list of oil pollutions occurred in 1998-2001.

37. The meeting agreed that the accidents with spillage over than 10 tons should be reported to MERRAC every six months.

6.5. Environmental sensitivity maps

38. Japan introduced document UNEP/IMO/NOWPAP/FPM 5/10 regarding the situation on the development of ESI maps in the NOWPAP member States.

6.6. Oil spill prediction models

39. Korea presented a report and a workplan for the establishment and operation of "the Special Group of National Experts for Developing NOWPAP Oil Spill Prediction Model" (UNEP/IMO/NOWPAP/FPM 5/11). The meeting decided to discuss relevant future activities under agenda item 11.

6.7. Oil dispersant

40. Russia presented the proposed working program for the 2002/2003 Biennium, concerning oil dispersants (UNEP/IMO/NOWPAP/FPM 5/12). The meeting also decided to discuss the relevant future activities under agenda item 11.

6.8. Bioremediation and other clean-up technologies

41. China presented a report on shoreline clean-up techniques, which had been mostly used

in China ((UNEP/IMO/NOWPAP/FPM 5/13). The meeting also decided to discuss the relevant future activities under agenda item 11.

Agenda item 7. Discussion on the draft Oil Spill NOWPAP Regional Contingency Plan

42. The Director of MERRAC reported to the meeting the relevant results made at the Experts meeting (UNEP/IMO/NOWPAP/MERRAC/FPM 5/14), introducing the “Text of the Draft NOWPAP Regional Oil Spill Contingency Plan (UNEP/IMO/NOWPAP WG.16/17 Annex V), agreed at the Expert Advisory Group Meeting on NOWPAP Regional Oil Spill Contingency Plan and MOU”.

43. The meeting agreed to use document UNEP/IMO/NOWPAP/MERRAC/FPM 5/14/1 as a working document for discussion, which was made by MERRAC, based on comments submitted by Japan and decision of the 7th Intergovernmental Meeting of NOWPAP.

44. According to the proposal of Japan to follow the suggestion made by UNEP at the 7th Intergovernmental Meeting of NOWPAP, the meeting agreed to replace ‘NOWPAP States’ with ‘NOWPAP Members’ throughout the text. Following the proposal by Russia, the meeting also agreed on the definition of ‘NOWPAP Members’ to refer to the names of the 4 countries which have presently adopted the Action Plan.

45. The meeting could not reach agreement on the proposal by Japan to change the term ‘national’ to ‘domestic’, and decided to keep both terms in square bracket throughout the text.

46. The meeting could not decide to extend the scope of the geographical coverage of the Plan, as proposed by Japan, and the proposal remains in the footnote for further consideration at the Intergovernmental Meeting.

47. Most other proposals submitted by Japan were accepted by the meeting and incorporated in the text.

Agenda item 8. Discussion on the draft Regional Memorandum of Understanding

48. The Director of MERRAC reported to the meeting the results made at the Experts meeting (UNEP/IMO/NOWPAP/MERRAC/FPM 5/15), introducing the “Text of the Draft Memorandum of Understanding (MOU) on Regional Co-operation Regarding Preparedness and Response to Oil Spills in the Marine Environment of the Northwest Pacific Region (UNEP/IMO/NOWPAP WG.16/17 Annex VI), agreed at the Expert Advisory Group Meeting on NOWPAP Regional Oil Spill Contingency Plan and MOU”.

49. The meeting examined paragraph by paragraph the text of the draft MOU developed in the Experts Meeting. According to the proposal of Japan to follow the suggestion made by UNEP at

the 7th Intergovernmental Meeting of NOWPAP, the meeting agreed to replace 'NOWPAP States' with 'NOWPAP Members' throughout the text.

50. Japanese delegation reiterated their position that the nature of the MOU should be non-legally binding and would hold a discussion on the MOU on the condition that the MOU is not legally binding.

51. Russian delegation confirmed their view that the MOU should be a legally binding document and they can not accept Japanese proposal.

52. After lengthy discussion, the meeting could not reach agreement on some issues which are appeared in square brackets.

Agenda item 9. Agreement by the Meeting on the Texts of the Draft NOWPAP Regional Oil Spill Contingency Plan and the associated Draft Memorandum of Understanding

53. Korean delegation expressed its view that the names of the 4 countries in the preamble should be changed to the Government of Japan, the Government of People's Republic of China, the Government of Republic of Korea and the Government of Russian Federation in order to be consistent with wording they considered that should be used for signature.

54. Japan reiterated its concern regarding the timing for the adoption of the MOU and the Plan, and expressed the view that flexibility should be given to this timing stressing that further discussions between the NOWPAP Members are necessary.

55. The Focal Points Meeting concluded its work on the texts of the draft MOU and the draft Plan, and agreed to forward the text to the next Intergovernmental Meeting of NOWPAP

56. Japan stated that since the Focal Points Meeting was not able to reach consensus on the important issues of the draft MOU and the draft Plan such as the legal status of the MOU, Japan, taking account of the agenda item 9 of UNEP/IMO/NOWPAP/MERRAC/FPM 5/2, reserved its position to agree with the draft MOU and the draft Plan, as a final agreement of the Focal Points Meeting.

57. The text of the draft MOU is annexed in **Annex IV**, and the text of the draft Plan is annexed in **Annex V**.

Agenda item 10. Discussion on the organization of the 'NOWPAP Expert Advisory Group Meeting' during the intersessional period

58. The Director of MERRAC has proposed to organize the regional training course at the next Expert Meeting (UNEP/IMO/NOWPAP/MERRAC/FPM 5/16).

59. Following the suggestion by the representative of IMO, the meeting has agreed that the training course should be OPRC IMO Level II Training Course.

60. The meeting welcomed the offer made by Korea to host this training course around October 2002.

Agenda item 11. Arrangement of intersessional work and venues and dates of the Sixth NOWPAP MERRAC Focal Points Meeting

61. The Director of MERRAC presented the detailed intersessional work as reflected in UNEP/IMO/NOWPAP/MERRAC/FPM 5/17.

62. Following the advice of the representative of UNEP, the table was amended to reflect the routine responsibilities and activities of MERRAC and specific regional projects coordinated by MERRAC. This table is annexed as in **Annex VI**.

63. The meeting has discussed priorities regarding the specific regional projects and their respective allocation of budget. The results of the agreement of this discussion is annexed as 'Budget for the 2002/2003 Biennium for MERRAC Activities, based on decision by the 7th NOWPAP Intergovernmental Meeting, and adopted by the 5th NOWPAP MERRAC Focal Points Meeting, Taejon, 20-24 May 2002' (**Annex VII**).

64. The meeting considered expediency to draw any national financial resources of each NOWPAP Member for developing the above-mentioned tasks.

65. The meeting agreed to make active cooperation on the tasks referred to the paragraph 6.3 - 6.8 on the experts level and expressed readiness to provide the list of national experts of NOWPAP Member to MERRAC

66. The meeting noted with thanks and appreciations the offer made by Japan to host the next Focal Points Meeting in Japan. However, the meeting decided for the time being the MERRAC Focal Points Meeting should preferably be held in MERRAC and invited NOWPAP Members to host meeting of the Expert Meeting in other places than MERRAC.

67. Although Japan proposed to invite the next Focal Points Meeting in 2003, Japan accepted that the next MERRAC Focal Points Meeting take place in MERRAC. Japan expressed its view that in the future a NOWPAP Member could invite to host the Focal Points Meeting.

Agenda item 12. Other matters

68. The representative of IMO provided information regarding the organization of the joint UNEP/IMO Forum on regional agreement on combating marine pollution, which will take place in October 2002 the week before MEPC 48. Regional center and secretariat of regional conventions or programs will be invited to the meeting with a view to share and exchange information and experience and to strengthen cooperation among themselves.

69. The Director of MERRAC referring to the document on the Terms of Reference for the NOWPAP MERRAC Focal Points Meeting indicated some minor changes which have been introduced in that document. The Japan has asked to put the DPRK in square brackets according to the Action Plan, and to use the term 'Member' instead of 'State' according to the agreement of the Focal Points Meeting. The meeting agreed with proposal made by MERRAC and the proposal made by Japan (**Annex VIII**).

Agenda item 13. Adoption of the report of the meeting

70. The Rapporteur presented the draft report of the meeting together with its annexes.

71. The report was adopted by the meeting as the record of its deliberations.

Agenda item 14. Closure of the meeting

72. Representatives of UNEP, IMO and the member States thanked to MERRAC and KRISO/KORDI for its warmly welcoming and nice arrangements for the meeting. All the delegates thanked the Chairman for his excellent organization of the meeting and appreciated assistance provided by UNEP, IMO and MERRAC. The Director of MERRAC expressed his sincere thanks UNEP, IMO, member States for achieving the objectives of the meeting.

73. The meeting was closed by the Chairman at 12:30 hrs on 24 May 2002.

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- Annex IV** Draft MEMORANDUM OF UNDERSTANDING (MOU) ON REGIONAL CO-OPERATION REGARDING PREPAREDNESS AND RESPONSE TO OIL SPILLS IN THE MARINE ENVIRONMENT OF THE NORTHWEST PACIFIC REGION
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Annex I

**List of Participants to the 5th NOWPAP MERRAC Focal Points Meeting
(MERRAC, Daejeon, 20-24 May 2002)**

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Annex I

List of Participants to the 5th NOWPAP MERRAC Focal Points Meeting (MERRAC, Daejeon, 20-24 May 2002)

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Annex II

List of Documents for the Fifth NOWPAP MERRAC Focal Points Meeting

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List of Document for the Fifth NOWPAP MERRAC Focal Points Meeting

Working Documents

UNEP/IMO/NOWPAP/MERRAC/FPM 5/1	Provisional Agenda
UNEP/IMO/NOWPAP/MERRAC/FPM 5/2	Annotated Provisional Agenda
UNEP/IMO/NOWPAP/MERRAC/FPM 5/2/INF1	List of Documents
UNEP/IMO/NOWPAP/MERRAC/FPM 5/2/1	Time Schedule
UNEP/IMO/NOWPAP/MERRAC/FPM 5/3	Report on the Activities of MERRAC made after the Fourth Forum Meeting
UNEP/IMO/NOWPAP/MERRAC/FPM 5/4	Report on the overall progress made on the initial tasks during intersessional period after the Fourth Forum Meeting
UNEP/IMO/NOWPAP/MERRAC/FPM 5/4/1	Working document: Draft NOWPAP Regional Oil Spill Contingency Plan prepared by MERRAC, taking into account the comments on the Plan made by Japan and the decision of the 7 th Intergovernmental Meeting of NOWPAP
UNEP/IMO/NOWPAP/MERRAC/FPM 5/5	Draft Revised Budget for the 2002/2003 Biennium for the MERRAC Activities
UNEP/IMO/NOWPAP/MERRAC/FPM 5/6	Report on the Focal Points
UNEP/IMO/NOWPAP/MERRAC/FPM 5/7	Report on the Information System

UNEP/IMO/NOWPAP/MERRAC/FPM 5/8	Report on the Joint Training & Exercise
UNEP/IMO/NOWPAP/MERRAC/FPM 5/9	Report on the Fate and Effects of Oil Pollution
UNEP/IMO/NOWPAP/MERRAC/FPM 5/10	Report on the Sensitivity Maps
UNEP/IMO/NOWPAP/MERRAC/FPM 5/11	Report on the Oil Spill Prediction Model
UNEP/IMO/NOWPAP/MERRAC/FPM 5/12	Report on the Oil Dispersant
UNEP/IMO/NOWPAP/MERRAC/FPM 5/13	Report on the Shoreline Clean-up and Bioremediation
UNEP/IMO/NOWPAP/MERRAC/FPM 5/14	Report on the NOWPAP Regional Oil Spill Contingency Plan
UNEP/IMO/NOWPAP/MERRAC/FPM 5/15	Report on the Regional Memorandum of Understanding (MOU)
UNEP/IMO/NOWPAP/MERRAC/FPM 5/16	Proposed Plan on Organization of NOWPAP Regional Training Course for Government Administrators and Senior Managers on Accidental Marine Pollution Preparedness and Response (IMO Level 3)
UNEP/IMO/NOWPAP/MERRAC/FPM 5/17	Arrangements of the existing initial tasks and identification of additional tasks for intersessional work
UNEP/IMO/NOWPAP/MERRAC/FPM 5/18	Report of the 5th NOWPAP MERRAC Focal Points Meeting

Reference Documents

UNEP/IMO/NOWPAP/WG.15/19

Report of the 4th Meeting of NOWPAP Forum on Marine Pollution Preparedness and Response (Qingdao, People's Republic of China, 15-18 May 2001)

UNEP/IMO/NOWPAP/WG.16/7

Report of the Expert Advisory Group Meeting on NOWPAP Regional Oil Spill Contingency Plan and Memorandum of Understanding (Tokyo, Japan, 5-9 November 2001)

UNEP/IMO/NOWPAP/IG.7/10

Report of the 7th Intergovernmental Meeting of the Northwest Pacific Action Plan (Vladivostok, Russian Federation, 20-22 March 2002)

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Annex III

Agenda

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Annex III

AGENDA

1. Opening of the meeting
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 - 2.2. Organization of work
3. Adoption of the agenda
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 - 4.1. Report of the Representative of UNEP on the results of Seventh Intergovernmental Meeting on NOWPAP
 - 4.2. Report of the Director of MERRAC on the activities made during intersessional period after the Fourth Meeting of NOWPAP Forum
5. Revision of the proposed workplan and budget for the 2002/2003 biennium, based upon the decision by the Seventh Intergovernmental Meeting on NOWPAP
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 - 6.3. Joint training & exercises
 - 6.4. Fate and effects of oil pollution
 - 6.5. Sensitivity maps
 - 6.6. Oil spill prediction model
 - 6.7. Oil dispersant
 - 6.8. Shoreline clean-up and bioremediation
7. Discussion on the draft NOWPAP Regional Oil Spill Contingency Plan
 - 7.1. Report of the Director of MERRAC on the "Text of the Draft NOWPAP Regional Oil Spill Contingency Plan, agreed at the Expert Advisory Group Meeting on NOWPAP Regional Oil Spill Contingency Plan and MOU"
 - 7.2. Discussion on the draft NOWPAP Regional Oil Spill Contingency Plan

8. Discussion on the draft Regional Memorandum of Understanding
 - 8.1. Report of the Director of MERRAC on the “Text of the Draft Memorandum of Understanding (MOU) on Regional Co-operation Regarding Preparedness and Response to Oil Spills in the Marine Environment of the Northwest Pacific Region, agreed at the Expert Advisory Group Meeting on NOWPAP Regional Oil Spill Contingency Plan and MOU”
 - 8.2. Discussion on the draft NOWPAP regional Memorandum of Understanding
9. Agreement by the Meeting on the Text of the Draft NOWPAP Regional Oil Spill Contingency Plan and the associated Draft Memorandum of Understanding
10. Discussion on the organization of the ‘NOWPAP Expert Advisory Group Meeting’ during the intersessional period
11. Arrangement of intersessional work and venues and dates of the Sixth NOWPAP MERRAC Focal Points Meeting
12. Other matters
13. Adoption of the report of the meeting
14. Closure of the meeting

Annex IV

**Draft MEMORANDUM OF UNDERSTANDING (MOU)
ON REGIONAL CO-OPERATION REGARDING PREPAREDNESS AND RESPONSE TO
OIL SPILLS IN THE MARINE ENVIRONMENT OF THE NORTHWEST PACIFIC REGION**

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**DRAFT MEMORANDUM OF UNDERSTANDING (MOU) ON
REGIONAL CO-OPERATION REGARDING PREPAREDNESS AND
RESPONSE TO OIL SPILLS IN THE MARINE ENVIRONMENT
OF THE NORTHWEST PACIFIC REGION**

Japan, People's Republic of China, Republic of Korea and Russian Federation, hereinafter referred to as the NOWPAP Members:

RECOGNISING the serious threat posed to the marine environment by oil pollution incidents involving ships, offshore units, sea ports and oil handling facilities;

MINDFUL THAT, in the event of an oil pollution incident, prompt and effective action is essential in order to minimise the damage which may result from such an incident;

RECOGNISING ALSO the importance of mutual assistance and international co-operation through the exchange of information such as national contingency plans, reports on significant incidents and relevant research and development;

BEARING IN MIND the relevant provisions of the International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990 (OPRC Convention) related to the promotion of bilateral or multilateral agreements for preparedness for and response to pollution incidents;

TAKING ACCOUNT of the "polluter pays" principle as a general principle of international environmental law;

TAKING ACCOUNT ALSO of the importance of international instruments on liability and compensation for oil pollution damage;

TAKING ACCOUNT FURTHER of the Action Plan for the Protection, Management and Development of the Marine and Coastal Environment of the Northwest Pacific Region (NOWPAP) adopted at the First Intergovernmental Meeting

(Seoul, 14 September 1994), which agreed, *inter alia*, to maintain and promote regional co-operation in marine oil pollution preparedness and response;

BEING AWARE of the need to promote regional co-operation and to enhance existing national, and regional capabilities concerning preparedness and response to marine oil pollution incidents;

RECOGNISING FURTHER that regional oil pollution contingency plans specifying in advance operational procedures and administrative and financial conditions related to co-operation in cases of emergency, are necessary for a prompt and efficient response to marine oil pollution at regional level;

ACKNOWLEDGING the positive role played by the Marine Environmental Emergency Preparedness and Response Regional Activity Centre (MERRAC) and the support of the International Maritime Organization (IMO) and of the United Nations Environment Programme (UNEP) in promoting regional co-operation in preparedness for and response to marine oil pollution incidents in the NOWPAP region;

[**NOTING** that this Memorandum of Understanding and the NOWPAP Regional Oil Spill Contingency Plan are not legally binding documents and are not intended to impose any legal obligation on any of the NOWPAP Members]¹

HAVE REACHED THE FOLLOWING UNDERSTANDING:

ARTICLE 1

The NOWPAP Members decide, in accordance with the OPRC Convention and with their [national/domestic]² laws, and subject to their capabilities and availability of resources, to use the NOWPAP Regional Oil Spill Contingency Plan (annexed to this

¹ Proposed by Japan, reservation by Russia

² Proposed by Japan, reservation by Russia

MOU, hereinafter referred to as “the Plan”) as a guideline for regional co-operation on major marine oil pollution emergencies and promote its implementation.

ARTICLE 2

(1) In cases of major oil pollution incidents, the NOWPAP Members decide to co-operate, in taking individually and jointly, necessary response measures according to the Plan.

(2) Any NOWPAP Member requiring assistance to deal with a marine oil pollution incident may call for assistance from other Members. The NOWPAP Members so requested should use their best endeavours to render the assistance, in accordance with Article 1.

(3) Nothing in this Memorandum of Understanding should inhibit the NOWPAP Members from calling for assistance from outside the region if they judge it necessary.

(4) Each NOWPAP Member should consider how best to facilitate the prompt movement between the Members of personnel, equipment and other means to respond to oil spills.

ARTICLE 3

(1) The NOWPAP Members, according to the Plan, should exchange information specified in the Plan, directly or through MERRAC.

(2) Each NOWPAP Member should provide MERRAC with up-to-date information which is relevant to the purpose of this Plan, and MERRAC should keep the Members informed accordingly and on a regular basis.

ARTICLE 4

- (1) This Memorandum of Understanding is without prejudice to rights and obligations under any international instrument.
- (2) This Memorandum of Understanding will come into effect for a NOWPAP Member on the date of its signature.
- (3) This Memorandum of Understanding is open for signatures by all NOWPAP Members.
- (4) This Memorandum of Understanding should be amended by mutual consent, at any time, upon the request of any NOWPAP Member, which have signed the MOU.
- (5) Any NOWPAP Member may withdraw from this Memorandum of Understanding by giving four months written notice to the other Members directly and through MERRAC. The NOWPAP Members should consult to determine how the outstanding matters should be dealt with.

ARTICLE 5

Any dispute in the interpretation or application of this Memorandum of Understanding will be resolved by consultations between the NOWPAP Members.

The foregoing represents the understanding reached between the NOWPAP Members.
[This Memorandum of Understanding and the Plan do not create among NOWPAP
Members any legally binding obligations.]³

The Memorandum of Understanding is signed at _____ on _____
by the following representatives of respective NOWPAP Members.

[For the Government of] Japan

[For the Government of] People's Republic of China

[For the Government of] Republic of Korea

[For the Government of] Russian Federation

³ Reservation by Russia

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Annex V

Draft NOWPAP REGIONAL OIL SPILL CONTINGENCY PLAN

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DRAFT

NOWPAP REGIONAL OIL SPILL CONTINGENCY PLAN

The NOWPAP Regional Oil Spill Contingency Plan for the Northwest Pacific Region

adopted by:

- *Japan*
- *People's Republic of China*
- *Republic of Korea*
- *Russian Federation*

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1. INTRODUCTION

1.1 Background

1.1.1 The United Nations Environment Programmes (UNEP's) Regional Seas Programme was initiated in 1974 as a global Programme implemented through regional components. It has been repeatedly endorsed by the UNEP Governing Council as a regional approach to the management of marine and coastal resources and control of marine pollution. The Regional Seas Programme at present comprises 14 regions and there are over 140 coastal States and Territories participating in the programme. It is an action-oriented programme having concern not only for the consequences but also for the causes of environmental problems through the integrated management of coastal and marine areas.

1.1.2 In 1989, on the initiative of the Members bordering the semi-enclosed areas of the Northwest Pacific, UNEP approved the preparation of new action plans for seas not covered by the Regional Seas Programme, including among others the North-West Pacific. Following a series of meetings of experts and national focal points in the region the "Action Plan for the Protection, Management and Development of the Marine and Coastal Environment of the Northwest Pacific Region (NOWPAP)" and three Resolutions were adopted at the First Intergovernmental Meeting (Seoul, 14 September 1994), which was attended by Japan, People's Republic of China, Republic of Korea and Russian Federation.

1.1.3 One of the resolutions adopted at the First Intergovernmental Meeting identified five areas of priority for implementation of the Action Plan, one of which was NOWPAP/4: "Development of Effective Measures for Regional Co-operation in Marine Pollution Preparedness and Response". It was recognised that, at the international level, the International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC 1990) had been adopted in November 1990 within the framework of the International Maritime Organisation (IMO) and subsequently entered into force in 1995. In the Northwest Pacific region OPRC 1990 has subsequently been ratified and accepted by Japan, Peoples' Republic of China and Republic of Korea.

1.1.4 UNEP and IMO had initiated activities to address the needs for the NOWPAP Members

for regional co-operation in marine pollution preparedness and response. These activities include the UNEP/IMO expert mission to the region in April 1994; and the UNEP/IMO Government-designated OPRC Experts Meeting on Sub-regional Co-operation to Enhance National Capabilities in Marine Pollution Emergency Preparedness and Response (Bangkok, November 1995). In this Experts Meeting, it was recommended that a Forum be created under the NOWPAP framework for the purpose of exchanging information on marine pollution preparedness and response. Following these activities, the Informal Meeting of Experts on Marine Pollution Prevention in the Northwest Pacific (Niigata, Japan, July 1996) defined the goals and objectives of the Forum as follows:

- (i) Exchange of information on marine pollution preparedness and response;
- (ii) Development of a regional contingency plan including a regional environmental sensitivity map; and
- (iii) Development of a Memorandum of Understanding (MOU) among the NOWPAP Members which defines general items relating to marine pollution preparedness and response, including immigration formalities and custom clearance.

1.1.5 Based on the priorities set by the First NOWPAP Intergovernmental Meeting, a detailed programme document was prepared, and approved by the Second Intergovernmental Meeting on NOWPAP in Tokyo in November 1996. Under the NOWPAP/4 component, four meetings were proposed to be held to fulfill the goals and objectives of the Forum. It was also agreed that the NOWPAP Members would host Forum meetings at least twice a year on a rotational basis.

1.1.6 At the first meeting of the NOWPAP/4 Forum it was noted that IMO supported Regional Co-operation in Marine Pollution Preparedness and Response and would assist in the preparation of the regional oil spill contingency plan. The Plan was developed at the Fifth NOWPAP MERRAC Focal Points Meeting (MERRAC, 20-24 May 2002), based on the text of the draft of the Plan agreed at the Expert Advisory Group Meeting on NOWPAP Regional Oil Spill Contingency Plan and Memorandum of Understanding (Tokyo, Japan, 5-9 November 2001). It

was finally adopted in the [...] Intergovernmental Meeting of NOWPAP in [...].

1.2 Purpose and objectives

1.2.1 The purpose of the Plan is to provide a framework under which NOWPAP Members may co-operate at the operational level in responding to oil spill incidents.

1.2.2 The overall objective of the Plan is to provide an operational mechanism for mutual assistance through which NOWPAP Members will co-operate in order to co-ordinate and integrate their response to marine oil spill incidents which affect or seem likely to affect the Action Area of one or more of the NOWPAP Members and which exceeds the response capability of a NOWPAP Member and the resources available to it.

1.2.3 The specific objectives of the Plan are as follows:

- a) to determine the means of co-operation for the implementation of the Plan between the NOWPAP Members;
- b) to specify the type of assistance which might be provided and the conditions under which it will be provided;
- c) to identify the operational responsibilities and to provide for the transfer of responsibility from one Member to another;
- d) to establish the principles of coordination and liaison, and to define the corresponding structures; and
- e) to specify the considerations necessary for co-operative action to deal with an incident.

1.2.4 In order to achieve these objectives, the following actions are intended to be taken through the implementation of the Plan:

- a) developing appropriate preparedness measures and effective systems for detecting and reporting pollution incidents affecting or likely to affect the Action Area of the NOWPAP Members;
- b) promoting and implementing regional co-operation in oil pollution contingency planning, prevention, control and clean-up operations;
- c) establishing a declared response capability in each Member to minimise the hazard posed by oil spills;
- d) developing and implementing a programme of training courses and practical exercises available for personnel of the NOWPAP Members involved in oil pollution prevention and combating; and
- e) developing procedures to increase regional co-operation.

1.3 Scope and geographical coverage

1.3.1 This Plan is intended to provide for co-operation between the NOWPAP Members which have signed the MOU.

1.3.2 It applies, without prejudice to the sovereign right of any Member, to the waters lying between 33° N and approximately 52° N latitude and about 121°E and 143° E longitude.¹

1.3.3 The Plan applies when one or more of the NOWPAP Members is affected or likely to be affected and when the magnitude of the oil spill is such that the incident requires assistance from one or more NOWPAP Members.

¹ There is a proposal from Japan to extend the geographical scope of that Plan to *include* the eastern part of the Sakhalin i.e. between 33° N and approximately 55° N latitude and about 121°E and 145° E longitude.

Tiered response

1.3.4 The Plan is intended to provide a procedure to enhance the ability of the NOWPAP Members to respond to Tier 3 spills which may be beyond their individual capabilities. Under OPRC 1990 all NOWPAP Members should require ports, oil handling facilities and offshore oil operations to have the capability to respond to small spills at ports etc which can be dealt with by local resources (a Tier 1 spill). NOWPAP Members should also ensure that there are facilities for dealing with larger spills which, although localised, may require resources to be brought in from [national/domestic] stockpiles or from other sources within the Member (Tier 2 spills). The NOWPAP Members' ability to respond to oil spills could be set out in the information system of MERRAC.

1.4 Risks of oil spills in the NOWPAP region

1.4.1 Major oil spills which are likely to require this Plan to be brought into operation arise from accidents to ships, to offshore oil production and exploration operations and to oil handling facilities. The shipping accidents which are most likely to cause big spills are collisions and groundings. These risks are likely to be the greatest where traffic is dense and there are navigational dangers, particularly approaching major oil ports. Information on the main shipping routes in the region and the amount of tanker and non-tanker traffic using them, areas of offshore oil operations, major ports and oil ports and the areas of greatest navigational danger will be maintained by MERRAC and be provided to the NOWPAP Members on a regular basis.

1.5 Sensitivity to oil spills

1.5.1 In order to decide on the most effective response to an oil spill, and the priorities for the response effort, it is essential for those dealing with the spill to have reliable and up-to-date information on the sensitivity of the coastline to oil. This detailed information will be maintained by MERRAC and be provided to the NOWPAP Members on a regular basis.

1.5.2 The following highlights the main sensitivities to oil spill: mariculture, fish farms, fisheries, wildlife, birds, amenities, tourism, industry, salt marshes, reed beds etc.

1.6 Definitions, acronyms and abbreviations

1.6.1 For the purpose of this Plan:

Action Area of a NOWPAP Member means the coasts, internal waters, territorial seas, and EEZ of that NOWPAP Member. Each Member prepares and responds to oil pollution incidents in its Action Area. The definition of Action Area does not imply agreement for any other purpose.

Assistance Decision Authority means the designated authority which is entitled to act on behalf of the Member to request assistance or to decide to render the assistance requested.

Competent National Authority(ies) means the designated competent authority or authorities having responsibility for oil spill preparedness and response.

Joint Emergency Response Centre (JERC) 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 the Lead Member when the Plan is activated, which will serve as the operations room for the LOSC.

Joint Response Operations (JROs) means counter pollution operations involving two or more of the NOWPAP Members, including Strike Teams, equipment and other resources (aircraft, vessels) rendered as assistance by other NOWPAP Members as well as [national/domestic] resources of the Lead Member.

Lead On-Scene Coordinator (LOSC) means the designated officer of the Lead Member, having the overall Operational Coordination of all Joint Response Operations undertaken within the framework of the Plan.

Lead Member means the NOWPAP Member in whose Action Area a maritime casualty has occurred and which has activated the Plan and asked for assistance within the framework of the Plan, or the NOWPAP Member to whom the lead role has been transferred. The Lead Member designates the Lead On-Scene Coordinator (LOSC) who exercises the Operational Coordination of the Joint Response Operations.

Liaison Officer means an officer from the NOWPAP Member participating in the Joint Response Operations, who will participate in coordination activity of the LOSC, with a view to providing necessary information on [national/domestic] resources rendered as assistance to the Lead Member and facilitating communications with his/her respective NOSC.

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.

National On-Scene Coordinator (NOSC) means the designated officer of that Member, having Operational Control of all [national/domestic] pollution response resources which might, if so requested, participate in Joint Response Operations.

National Operational Contact Point(s) means the designated operational contact point(s) having responsibility for the receipt and transmission of oil pollution reports.

NOWPAP POLREP means the form of POLREP agreed by NOWPAP Members (Annex 4).

NOWPAP Area means the area defined under “Geographical Coverage” above.

NOWPAP Members refers to Japan, People’s Republic of China, Republic of Korea and Russian Federation.

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

Operational Control means direct control over personnel, means and units taking part in the response operations, including giving directions and supplying information necessary for the execution of response operations. It is exercised by National On-Scene Coordinators (NOSC) for the assisting Members and LOSC for the requesting Member.

Operational Coordination means overall co-ordination of JROs. It is exercised by the Lead On-Scene Coordinator (LOSC).

Operations at sea means any measures, including intervention at the source of pollution, spill 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, restrict the spreading and facilitate the removal of the pollutant and mitigate the consequences of the incident.

Operations on the shoreline (shoreline clean-up operations) means any action taken on shoreline or at sea immediately adjacent to it, in order to recover, remove or destroy the pollutant and reduce its damage or effects.

Pollution incident means an occurrence such as an accident to a ship or an offshore oil installation, or series of occurrences having the same origin, which results or may result in a discharge of oil and which poses or may pose a threat to the marine environment, or to the coastline or related interests.

POLREP means a Pollution Report which is used to communicate information about a pollution incident.

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

Regional Activity Centre means the Marine Environmental Emergency Preparedness and Response Regional Activity Centre (MERRAC) established within the framework of the Action Plan for the Protection, Management and Development of the Marine and Coastal Environment of the Northwest Pacific Region (NOWPAP).

Strike Team means a group of personnel taking 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 shoreline clean-up operations.

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

The Plan means the NOWPAP Regional Oil Spill Contingency Plan.

The following are the main Abbreviations used in this document:

IMO	International Maritime Organisation
IOPC FUND	International Oil Pollution Compensation Fund
JERC	Joint Emergency Response Centre
JROs	Joint Response Operations
LOSC	Lead On-Scene Coordinator
MERRAC	Marine Environmental Emergency Preparedness and Response Regional Activity Centre
NCP	National Contingency Plan
NOSC	National On-Scene Coordinator
NOWPAP	Northwest Pacific Action Plan
OPRC	International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990
POLREP	Pollution Report
UNEP	United Nations Environment Programme
EEZ	Exclusive Economic Zone

2 POLICY AND RESPONSIBILITY

2.1 Basis for the Plan

2.1.1 The essence of the oil spill response planning framework for the Northwest Pacific Region is that each NOWPAP Member should have its own National Contingency Plan (NCP) and resources to respond to marine oil spills in its waters, while this Regional Plan will provide for the NOWPAP Member or Members whose waters are threatened by a particular spill to call for assistance from the other NOWPAP Members if its own resources are inadequate or inappropriate and to organize for a joint response operation.

2.1.2 Response to a pollution incident within the Action Area of a NOWPAP Member should be conducted in accordance with the provisions of the NCP of that Member, under the overall Operational Coordination of the Lead Member exercised through the Lead On-Scene Coordinator (LOSC). Operations within the Action Area of a NOWPAP Member should be in accordance with the laws and regulations of that Member: all references to compliance with the NCP of a NOWPAP Member should be taken to imply compliance with that Member's laws and regulations.

2.2 Designation of National Authorities and points of contact

2.2.1 Each NOWPAP Member should designate the following:

- a) Competent National Authority or Authorities, with responsibility for oil pollution preparedness and response;
- b) National Operational Contact Point or Points, which shall be responsible for the receipt and transmission of oil pollution reports; and
- c) Assistance Decision Authority entitled to act on behalf of the Member to request assistance or to decide to render the assistance requested.

2.3 Exchange of information

2.3.1 The NOWPAP Member should exchange information which is relevant to the purpose of this Plan, with each other, directly or through MERRAC.

2.3.2 The NOWPAP Members should inform each other, directly or through MERRAC, about information which might be relevant in conducting JROs:

a) the designated Competent National Authorities, National Operational Contact Points and Assistance Decision Authority listed above (ANNEX 1);

b) likely sources of oil spills and vulnerable resources;

c) inventories of pollution response equipment and products, as well as other means (such as, for example, vessels and aircraft) available in each Member for use in JROs;

d) directories of experts, trained personnel and Strike Teams designated by each NOWPAP Member to take part in JROs;

e) rules concerning the use of dispersants;

f) logistic support available within the Member;

g) NCPs of the NOWPAP Members (ANNEX 3); and

h) maps showing the main environmentally sensitive areas in the region.

2.3.3 This information will be maintained by MERRAC and will be provided to the Members on a regular basis. The NOWPAP Members should inform the Regional Activity Centre (MERRAC; see 2.7) as soon as possible about any changes to this information.

2.4 Meetings of Competent National Authorities responsible for the implementation of the Plan

2.4.1 The Competent National Authorities of the NOWPAP Members should meet regularly, and as a minimum once a year, in order to discuss questions related to the implementation of the Plan, response to actual incidents, organisation of training courses and exercises and other relevant matters. These meetings may be held in conjunction with the MERRAC Focal Points Meetings.

2.4.2 Secretarial services ('Secretariat') will be provided by the Regional Activity Centre (MERRAC).

2.5 Revisions to the Plan

2.5.1. Changes to the Plan should be made by unanimous decision of all NOWPAP Members by the NOWPAP MERRAC Focal Points Meeting.

2.5.2. Changes to the Plan concerning important issues upon which unanimous decision can not be reached should be forwarded to the Intergovernmental Meeting.

2.5.3 Changes of detailed [national/Member's] information in the Annexes should be notified to MERRAC, who will be responsible for keeping the Plan up-to-date.

2.5.4 MERRAC will notify the MERRAC Focal Points of the changes to the Plan.

2.6 Joint training and exercises

2.6.1 The NOWPAP Members should conduct joint training courses and joint exercises as appropriate. Joint training and exercises need not involve all NOWPAP Members, depending on the sea area chosen.

2.6.2 The NOWPAP Members should host such training courses and exercises, as appropriate.

The host Member should organize the training course or exercise and provide necessary logistic support; however, the expenses of the participants and any equipment deployed in joint trainings and exercises should be borne by their respective NOWPAP Members, unless otherwise agreed. Joint training and exercise programmes for the purpose of testing this Plan may be discussed at the regular meetings of the Competent National Authorities.

2.7 Regional Activity Centre

2.7.1 MERRAC, NOWPAP Regional Activity Centre, is responsible for the administration and co-ordination of the Plan in cooperation with NOWPAP Members. Its terms of reference are at Annex 8.

2.7.2 MERRAC will not have an operational role in a response to an oil spill, but it will be a potential source of information to the Lead Member during an incident.

2.7.3 As being responsible for the administration of the Plan, MERRAC will keep the Plan up-to-date by receiving and distributing changes submitted by NOWPAP Members (see 2.5).

3 RESPONSE ELEMENTS AND PLANNING

3.1 Lead role

3.1.1 The lead role in the implementation of the Plan will normally be assumed by the NOWPAP Member whose Action Area has been affected or is likely to be affected by pollution incident.

3.1.2 It is for the Member taking the lead role (Lead Member) to decide whether to activate the Plan and to ask for assistance within the framework of the Plan.

3.1.3 The Lead Member should designate the Lead On-Scene Co-ordinator (LOSC), who exercises the Operational Coordination over the joint operation.

3.1.4 When a pollution incident which has occurred in the Action Area of one of the NOWPAP Members poses its greatest threat to the interests of another NOWPAP Member, the NOWPAP Members may agree, after consultation between their Competent National Authorities, that the threatened NOWPAP Member will assume the lead role.

3.1.5 The Lead Member should not operate in the Action Area of another NOWPAP Member without the express agreement of that Member, nor should it authorize any response which is contrary to that Member's NCP without its agreement.

3.1.6 The lead role should be transferred from one NOWPAP Member to another only by agreement between the Members concerned. This might be when the major part of the pollutant has moved from the Action Area of the NOWPAP Member initially affected and who has activated the Plan, to the Action Area of another Member, or when the main response activities have moved to another Member. Following the transfer, the requests for assistance made by the former Lead Member will be confirmed, amended or cancelled by the new Lead Member.

3.1.7 If more than one NOWPAP Member are affected by the pollution, co-ordination of the response actions between the Members should be made by consultation between their

Competent National Authorities.

3.1.8 The Lead Member should be responsible for:

- a) initiating the response to the spill;
- b) activating the Plan and informing the other NOWPAP Members through their National Operational Contact Points of that, and of the identity of the LOSC;
- c) surveillance of the pollution and reporting its result to other NOWPAP Members.
- d) assessment of the situation and informing the other NOWPAP Members of the assessment;
- e) spill movement forecasting and informing the other NOWPAP Members of the forecast; and
- f) exercising Operational Coordination during JROs

3.2 National On-Scene Coordinator (NOSC); Lead On-Scene Coordinator (LOSC)

3.2.1 At the activation of the Plan and commencement of the Joint Response Operations, the Lead Member should appoint the Lead On-Scene Coordinator (LOSC). The LOSC should exercise Operational Coordination of JROs in order to combat the pollution and to mitigate its consequences.

3.2.2 When the Plan is activated, assisting NOWPAP Members should each nominate a National On-Scene Coordinator (NOSC) who will exercise Operational Control over the response activities of that Member, including control of personnel (strike teams), equipment and self-contained units (vessels, aircraft).

3.2.3 The NOSCs of the assisting Members should operate under the overall Operational Coordination of the LOSC, but should nevertheless retain Operational Control (see 3.5.2)

over personnel, equipment and self-contained units of their respective Members, including giving directions for the execution of response operations by them.

3.2.4 In order to relieve the LOSC of a part of his/her duties concerning Operational Control of [national/domestic] resources, the Lead Member may, at the time of the activation of the Plan, designate another officer who will have direct Operational Control of the [national/domestic] resources taking part in the JROs and who will act as the NOSC of the Lead Member.

3.2.5 In exercising his/her functions, the LOSC should be assisted by a support team (see 3.4).

3.3 Joint Emergency Response Centre

3.3.1 In case of the activation of the Plan, the Lead Member will set up the Joint Emergency Response Centre (JERC). The JERC should serve as the base of the LOSC and as the main communications centre for all communications related to the implementation of the Plan. The Centre, manned 24 hours a day, should be equipped with appropriate communications systems and have the necessary facilities to be used for the Operational Coordination of JROs.

3.3.2 When the Plan is activated, Members called upon to assist the Lead Member should designate an appropriate competent operational contact point which can be contacted 24 hrs a day.

3.4 Support teams

3.4.1 It is recommended that each NOWPAP Member should arrange to set up a support team, composed of the representatives of various relevant organizations.

3.4.2 For the purpose of this Plan the role of the support teams should be advisory as well as to provide operational support. If the Plan is activated the LOSC may seek the advice of the support team of the Lead Member. Support from the support teams of assisting Members, or members of them, should be made available to the LOSC on request.

3.4.3 Their functions include:

- a) providing advice to LOSC 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 pollution damage;
- b) supporting and co-ordinating the activities of public organizations, services and industry which might take part in JROs, concerning in particular the provision of personnel, equipment and other resources, logistic support, immigration and customs formalities;
- c) monitoring incoming reports and assessing the situation; and
- d) co-ordinating all reporting on the status of the pollution incident to their respective LOSC/NOSC.

3.4.4 After the termination of response operations, the support team should, together with their respective NOSC:

- a) review post-incident reports from the NOSC/LOSC 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 NCPs; and
- b) forward to their respective Member relevant reports and recommendations, including NOSC/LOSC post-incident reports, support team debriefing reports and recommendations concerning amendments to the Plan or its Annexes.

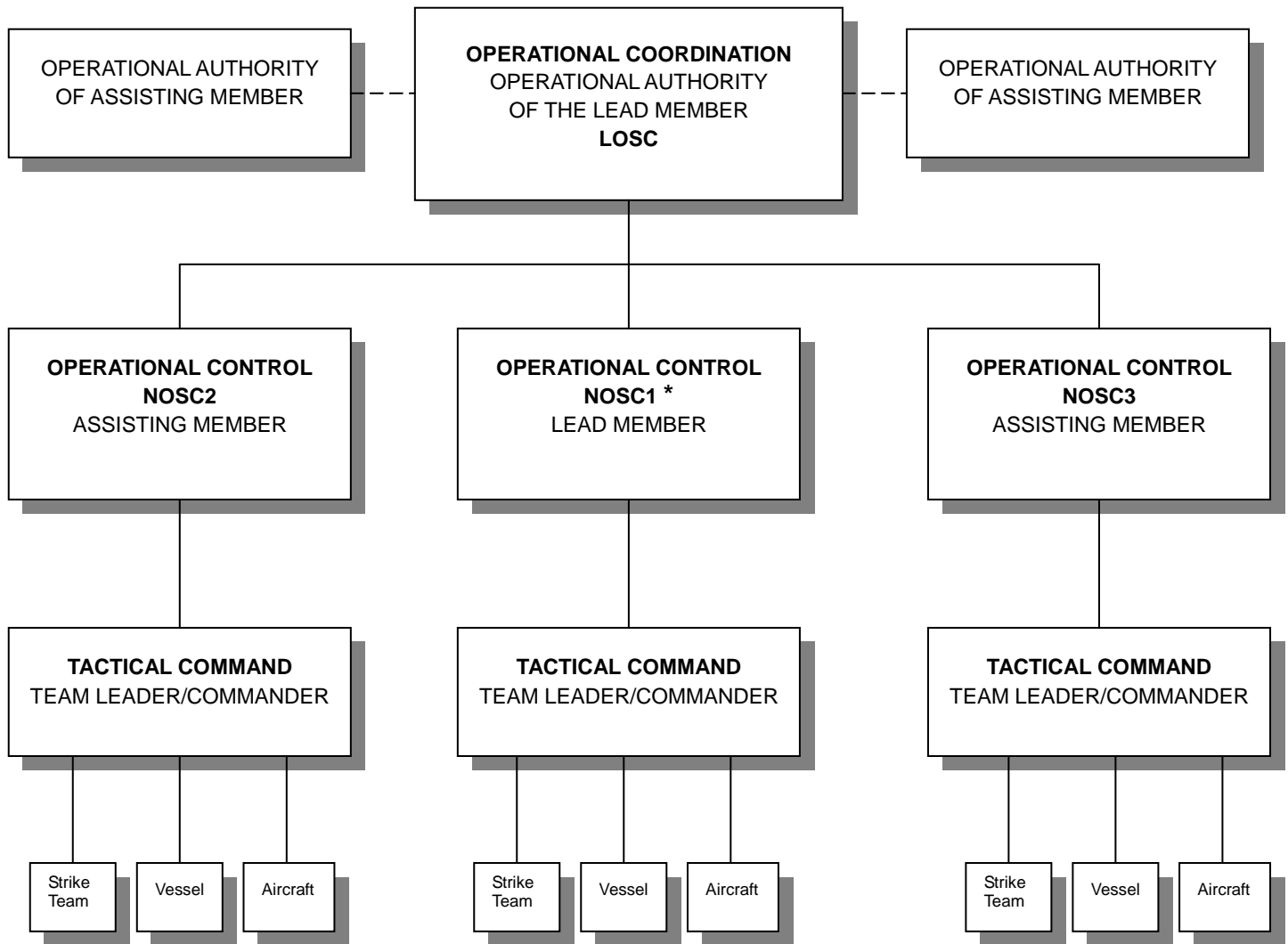
3.5 Coordination structure

3.5.1 The Coordination Structure for JROs is shown in Diagram 1.

3.5.2 The Plan distinguishes between:

- a) **Operational Coordination**, which is overall co-ordination and control of JROs. It consists of exercising coordination of the response strategy, according to the relevant

Diagram 1: COORDINATION STRUCTURE



* refer to : paragraph 3.2.4

NCP, and defining the tasks of various units. Following the activation of the Plan, Operational Coordination of JROs is exercised by the LOSC;

- b) **Operational Control**, which is control over units taking part in the response operations, including giving directions to specific units for the execution of response operations, in accordance with the strategy and the tasks defined by the LOSC. Operational Control over [national/domestic] resources of the assisting Members is exercised by the NOSCs of the respective assisting Members. Operational Control over the resources of the Lead Member may be exercised by the LOSC or by the Lead Member's NOSC. (see 3.2.3)

- c) **Tactical Command** which consists of directing and supervising the execution of specific tasks by units on the scene. Tactical Command is exercised by the Commander of each unit.

3.5.3 Liaison between the Lead Member and the assisting Member should 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 contacts between the LOSC and NOSCs of the assisting Members (e.g. by telex, telefax, e-mail, telephone or radio);

- b) by a Liaison Officer from the assisting Member, who will participate in coordination activities of the LOSC. His/her duties should be to provide necessary information on resources rendered as assistance and to facilitate communication with his/her NOSC, Strike Teams and self-contained units taking part in the operations;

- c) by a senior officer of the assisting Member at the spill site, participating in JROs.

3.6 Communications arrangements

3.6.1 Communications for the implementation of the Plan should be established by the NOWPAP Members in accordance with 5.1 below and Annex 2.

3.6.2 English language, originally, or as translation attached to the original language, should be used in all important communications related to the implementation of the Plan, including all those in writing (see 3.6.3).

3.6.3 Important spoken communications should be confirmed by written documents, e.g. fax telex or e-mail. This is to include the activation of the Plan, requests for assistance, offers of assistance, estimated costs of assistance, acceptance of requests, instructions by the command for the movement and deployment of assisting units, tasks assigned to units and termination of operations. The lines of communication to be used are shown in Diagram 2.

3.7 Response planning

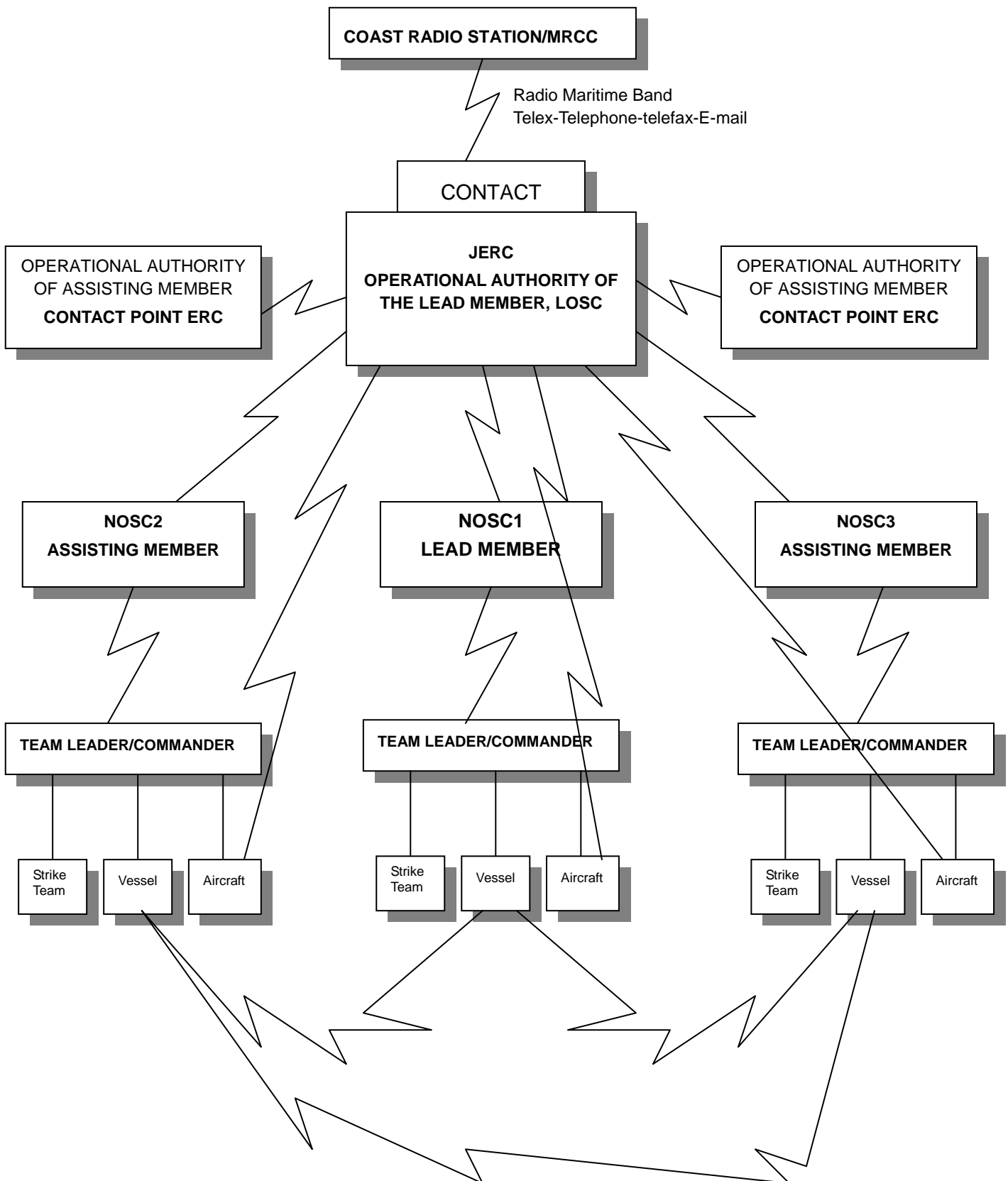
3.7.1 Response to a pollution incident within the Action Area of a NOWPAP Member should be conducted in accordance with the provisions of the National Contingency Plan of that NOWPAP Member.

3.8 Response strategy

3.8.1 Deciding upon the response strategy in a particular pollution incident and the planning of specific operations is the responsibility of the Lead Member in accordance with its NCP. In taking such decisions the Lead Member should refer to the following outline:

- a) assessment of the severity of the incident;
- b) activation of the NCP and notification of other NOWPAP Members;
- c) selection of appropriate response methods; and
- d) evaluation of available and required response resources;
- e) activation of the Plan and request for assistance;

Diagram 2: LINES OF COMMUNICATION



- f) implementation of selected response methods, making use of [national/domestic] resources and resources from assisting Members;
- g) re-assessment of the situation and making necessary modifications in response actions;
- h) termination of response operations;
- i) de-activation of the Plan; and
- j) returning to the Member of origin personnel, equipment and other means rendered as assistance by the other NOWPAP Members.

4 RESPONSE OPERATIONS

4.1 Response phases

4.1.1 For the purpose of the Plan, co-operation in pollution response operations has been divided into four distinct phases:

- Phase I - Notification
- Phase II - Evaluation and activation of the Plan
- Phase III - Joint Response Operations at sea
- Phase IV - Joint Response Operations on shoreline

4.1.2 Phases may take place concurrently.

Phase I - Notification

4.1.3 Notification and verification of information concerning pollution incidents should be done in accordance with the provisions of the NCP of each Member.

4.1.4 Regardless of the need for the activation of the Plan, a NOWPAP Member becoming aware of a major¹ pollution incident should, after verifying it, immediately inform the other NOWPAP Members through their National Operational Contact Points. When there has been an incident which may cause pollution but has not yet done so neighbouring NOWPAP Members should be informed if the pollution would threaten their Action Areas if it occurred.

4.1.5 Initial notification and subsequent reports should be in the form of a NOWPAP POLREP (Annex 4). The initial report should give as much information as possible to alert the NOWPAP Members, but it should not be delayed while detailed information is sought. Detailed information can be added in subsequent reports.

4.1.6 The first NOWPAP Member to become aware of a pollution incident is likely to be the Member in whose Action Area it has occurred, but that is not necessarily so: a Member

¹ “major” means a spill which requires counter-pollution resources to be mobilised.

becoming aware of an incident out its Action Area should inform the Member in whose area the incident has occurred as well as other NOWPAP Members likely to be affected. The Member in whose Action Area the incident has occurred should confirm that it is taking the lead unless otherwise agreed.

4.1.7 It is the responsibility of the National Operational Contact Points to make further notifications within the Member according to the NCP.

Phase II - Evaluation and activation of the Plan

4.1.8 The NOWPAP Member affected or likely to be affected by the spill should assess the pollution, determine the type and level of response required and decide whether or not to activate its NCP and the Plan.

4.1.9 The Lead Member should not activate the Plan without first activating its NCP or commencing response operations.

4.1.10 As soon as the Plan has been activated the Lead Member should:

- a) appoint LOSC and inform the other NOWPAP Members, through their designated National Operational Contact Points, that the Plan has been activated, and who has been appointed as LOSC;
- b) designate the JERC;
- c) through the LOSC formulate the strategy to deal with the incident and evaluate the need for assistance from other NOWPAP Members;
- d) request, on the basis of LOSC requirements and advice, assistance from other NOWPAP Members through their Assistance Decision Authorities; and
- e) the LOSC should initiate the response as appropriate.

4.2 Spill surveillance and forecasting

4.2.1 Surveillance of spill movement and behaviour should be made by the most effective available means.

4.2.2 The surveillance of the spill and its movement and transmission of relevant reports to the other NOWPAP Members, prior to the activation of the Plan, is the responsibility of the Lead Member. Following the activation of the Plan the LOSC should take the necessary measures to ensure regular surveillance of the spill and its movement and behaviour, in order to make the best possible assessment of the situation and decide as soon as possible on appropriate response measures. For that purpose the LOSC may request assistance from other NOWPAP Members.

4.2.3 NOWPAP Members should allow, when necessary, the surveillance of spills in their Action Area by aircraft or vessels of the other NOWPAP Members within the framework of the Plan and following the specific request of the Lead Member. Such operations should be in accordance with the [national/domestic] laws of the Members - see 6.4 Overflight and navigation procedures.

4.2.4 Reporting procedures on the result of surveillance, which should be followed for the purpose of the Plan by the crews of surveillance aircraft, are set out in the Guideline for reporting oil spills – aerial surveillance (Annex 5).

Forecasting oil movement

4.2.5 The Lead Member should, without delay, gather information about wind, tides and currents, and use these to make a forecast of the movement of the spilt oil. The process should be progressively refined as data becomes available from surveillance operations, while data on the type of oil can be used to predict how it will behave (effect of weathering: evaporation, dispersion, emulsification, increase in viscosity). These predictions should preferably be done using a suitable computer program, but that is not essential, and should be complemented by regular on-site monitoring of the spill. The predictions should be included in operational NOWPAP POLREPs.

4.3 Requests for assistance within the framework of the Plan

4.3.1 Following the activation of the Plan, the NOWPAP Member which has activated the Plan may request assistance from the other NOWPAP Members to prevent or minimise pollution. This should be done through Assistance Decision Authorities.

4.3.2 Assistance might be requested, for example, in the form of:

- a) pollution response units such as vessels and aircraft;
- b) trained response personnel and, in particular, Strike Teams;
- c) specialised pollution combating equipment; and
- d) pollution treatment products.

4.3.3 A request for assistance should be formulated in a clear and precise manner, referring clearly to the Plan and preferably using the standard form in the NOWPAP POLREP (Annex 4) as a reference. It should contain a detailed description of what assistance is required and where, and the purpose for which personnel, equipment, products and other means will be used. It should request information on the cost of the assistance and the means by which personnel and equipment would be transported to the scene.

4.3.4 A NOWPAP Member receiving a request for assistance should immediately acknowledge receipt.

4.3.5 A NOWPAP Member receiving a request should agree to offer the assistance sought in accordance with their [national/domestic] laws subject to their capabilities and the availability of relevant resources, and should reply saying whether they can offer the assistance or not through the Assistance Decision Authority as quickly as possible.

4.3.6 An assisting Member may withdraw some or all of the assisting resources if it considers

it necessary to do so. In that case it should give the requesting Member as much notice as possible. The requesting Member should release the withdrawn resources as quickly as possible.

4.3.7 A requesting Member may request withdrawal of some or all of the assisting resources if it considers it necessary to do so. In that case, it should give the assisting Member as much notice as possible.

4.4 Joint Response Operations

General

4.4.1 Once it is confirmed that other NOWPAP Members will provide assistance the LOSC will tell the respective NOSC where their units are to go, and what the lines of command will be. The LOSC should also advise them of the logistics preparations which are being made for the assisting units.

Phase III - Joint Response Operations at sea

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

4.4.3 Joint Response Operations (JROs) at sea should be conducted in accordance with the procedures described in the NCP of the NOWPAP Member whose Action Area is affected (usually the Lead Member) using primarily [national/domestic] resources, which should be supplemented, as necessary, by the other NOWPAP Members at the request of the Lead Member. Units of the assisting NOWPAP Members should work under the overall coordination of the LOSC and under direct Operational Control and Tactical Command of their respective NOSCs and unit commanders or team leaders.

Phase IV - Joint Response Operations on the shoreline

4.4.4 Operations on shoreline (shoreline clean-up operations) means any action taken on shoreline or at sea immediately adjacent to it, in order to recover, remove or destroy the pollutant and reduce the damage it causes by protecting environmentally sensitive areas and other vulnerable resources.

4.4.5 This phase also includes treatment and final disposal of collected pollutant and contaminated beach material.

4.4.6 The principles outlined under Phase III (see 4.4.3) should also apply to Phase IV.

4.4.7 In order to increase the effectiveness of JROs on the shoreline, the JERC may be transferred, at the discretion of the Lead Member, to adequate alternative premises closer to the site of operations. In such cases, the Lead Member should inform the assisting Members.

4.5 Use of dispersants and other non-mechanical response methods

Use of dispersants

4.5.1 Each NOWPAP Member should define its policy regarding the use of dispersants in combating oil pollution and describe it in its NCP. For this purpose the NOWPAP Members should refer to the IMO publication "Guidelines on oil spill dispersant application, including environmental considerations (IMO, 1995)".

4.5.2 Each NOWPAP Member should inform other NOWPAP Members about its policy on the use of dispersants through MERRAC. The NOWPAP Members should identify dispersants usable in their own Action Area.

4.5.3 In the Action Area of each NOWPAP Member dispersants should always be used in accordance with the provisions of the NCP of the NOWPAP Member concerned. In the case

of JROs, the NOWPAP Members should obtain prior authorisation for the use of dispersants from the Member which is responsible for the area where they are to be used. If a NOWPAP Member has prohibited the use of dispersants in its Action Area, other Members participating in JROs should observe this decision.

4.5.4 The same principles (see 4.5.2 and 4.5.3) should apply also to the use of other response methods, such as in-situ burning or bioremediation, in the Action Areas of the NOWPAP Members.

4.6 Request for assistance from outside the Region

4.6.1 This Plan does not hinder requesting assistance from outside the Region or from the private sectors.

4.7 Termination of Joint Response Operations and deactivation of the Plan

4.7.1 The Lead Member will, on the advice of the LOSC, authorize the LOSC to terminate the JROs when:

- a) the Lead Member considers that pollution response measures have been finalised or completed to a point where the benefits of further counter pollution measures would not be justified by their cost , or that

- b) the response capabilities and resources of the Lead Member are sufficient for successfully finalising them,

provided that:

- c) the other NOWPAP Members involved agree that the pollutant does not further threaten their interests, and none of them wishes to continue the operation as the Lead Member.

4.7.2 After the decision has been taken to terminate the JROs, the LOSC should immediately inform the NOSC of the other NOWPAP Members of the decision and the operational

actions to deactivate the Plan. The Lead Member should also inform the Assistance Decision Authorities of the other Members.

4.7.3 Following the deactivation of the Plan, the requesting Member should release all personnel, equipment, vessels, aircraft, unused materials etc which took part in the JROs for return to their respective Members of origin, unless otherwise agreed - for example the NOWPAP Members concerned may decide that unused treatment products should remain in the Member that requested the assistance in accordance with the [national/domestic] legislation of their Members.

4.7.4 All equipment used by other NOWPAP Members should preferably be returned to its owners clean and, if possible, in working order. It is the responsibility of the NOWPAP Member owning the equipment to check it and to compile an inventory of the equipment returned, and its condition. The check should if possible be carried out with, and be agreed between, the requesting and assisting NOWPAP Members before the equipment leaves the territory of the requesting Member. Any defects or shortfalls found subsequently should be notified immediately to the requesting Member for further financial settlement (see 6.2.7d).

4.7.5 The requesting Member should take all possible measures to facilitate the departure from its territory and Action Area or airspace of all units rendered as assistance. In particular the requesting Member should take possible measures to facilitate the prompt repatriation of the personnel of the assisting Members, although the preparations for their repatriation remain the responsibility of their respective assisting Members.

4.7.6 Each assisting Member should prepare a report of the part they played in the JROs. The requesting Member should prepare a consolidated report of the whole incident (see 5.3 below), including the effectiveness of the personnel, equipment, products and other means received as assistance. These reports should be circulated to the other NOWPAP Members.

5 REPORTS AND COMMUNICATIONS

5.1 Communication system

5.1.1 The system of communication between the NOWPAP Members is set out in Annex 2.

5.2 Initial warning system

5.2.1 Any polluting incident presenting a potential threat to another NOWPAP Member should be reported without delay to that Member's appropriate National Operational Contact Points. The initial notification should be followed up as soon as possible with a NOWPAP POLREP.

5.3 Pollution Reports (POLREPS)

5.3.1 For the exchange of information concerning pollution incidents, the NOWPAP Members should use the NOWPAP version of the international pollution reporting system (POLREP) which is described in Annex 4.

5.3.2 During an incident the LOSC should transmit a NOWPAP POLREP at appropriate intervals to all the units under the LOSC coordination, and, through the National Operational Contact Points, to other NOWPAP Members even if they are not directly involved.

5.3.3 It is the responsibility of each NOWPAP Member to ensure that the reports are transmitted to all interested parties within their Member.

5.3.4 If the NOWPAP Member affected by the incident continues pollution combating operations after the deactivation of the Plan, the NOWPAP Member affected by the incident should continue to inform other NOWPAP Members of the situation through the National Operational Contact Points until the final termination of all pollution response operations if those Members are affected or threatened by pollution.

5.4 Post-incident reports

5.4.1 Following the termination of pollution response operations the Lead Member should prepare the final report, referring to the reporting format in Annex 7.

5.4.2 Based on that report and their own experience of the incident the other NOWPAP Members involved should preferably prepare recommendations concerning amendments and improvements of the Plan , and if appropriate, their NCPs (cf. paragraph 2.5) .

5.4.3 JROs and the Plan should be reviewed during regular meetings of the NOWPAP Members.

6 ADMINISTRATION, LOGISTICS AND FUNDING

6.1 Logistics

6.1.1 The Lead Member should provide, as far as possible, the logistic support necessary within its territory for conducting JROs.

6.1.2 In particular the Lead Members should provide following supports as far as possible:

a) make preparations for accommodation and transportation within the Member, of all assisting personnel from the assisting Members;

b) when equipment stores and supplies are received from the assisting Members, take necessary measures to provide:

- unloading and handling facilities as appropriate, including cranes, fork-lifts, and vehicles as necessary;
- safe storage space or parking places, as appropriate, for machinery, equipment, vehicles and stores; and
- fuel, lubricants, basic repair, maintenance and cleaning facilities.

c) ensure assistance to the crews at airports and in ports and provide security services for ships, aircraft and related equipment, while these are in ports or at airports of the Lead Member.

6.1.3 The security of equipment in storage or being transported in its territory should be the responsibility of the Lead Member unless it is in the hands of the assisting Member which owns it.

6.2 Financial procedures

6.2.1 In requesting and rendering assistance, the NOWPAP Members should observe the following recommendations and principles concerning financial matters related to mutual assistance, which are based on the Annex to the OPRC Convention 1990;

6.2.2 The basic principle is that the requesting Member should reimburse the assisting Member for the cost of its action taken at the express request of the requesting Member.

6.2.3 The NOWPAP Members should preferably inform each other in advance on the wages of personnel, the rental rates for equipment, vehicles, vessels and aircraft and the cost of treatment products, which might be rendered as assistance. This information should be updated by MERRAC regularly based on information from each NOWPAP Member and be made available for each NOWPAP Member. The rates should include any insurance costs for equipment and personnel actually incurred by the assisting Member.

6.2.4 The NOWPAP Members discuss all relevant questions including the rates during the regular annual meetings on the Plan (paragraph 2.4).

6.2.5 The assisting Member should, immediately following receipt of the request for assistance, submit to the requesting Member an estimate of the costs of assistance. The costs relevant to the actions taken by the assisting Member at the express request should be fairly calculated according to the relevant law and current practice of the assisting Member, unless otherwise agreed.

6.2.6 If assistance is provided the assisting Member will submit an invoice for the cost to the requesting Member as soon as possible after the termination of operations. The invoice should itemise the costs, which should be clearly related to the tasks performed and if possible should be verified independently.

6.2.7 The following items should be included in the invoice:

- a) wages of personnel engaged in JROs, calculated on the basis of the notified price and the daily work logs approved by the LOSC or another responsible officer of the Lead Member;
- b) costs of rental of equipment etc calculated on the basis of the notified price and daily work logs approved by the LOSC or another responsible officer of the Lead Member;
- c) cost of treatment products and other consumable materials used during JROs calculated on the basis of the notified price and the daily work logs approved by the LOSC or another responsible officer of the Lead Member;
- d) the costs of repair or replacement of damaged or missing equipment, except where those costs are covered by insurance; and
- e) all expenses listed in 6.2.15 below, which are not covered by the requesting Member

6.2.8 Financial records and invoices should be prepared in accordance with the guidelines provided by IOPC Fund in its "Claims Manual" and attached to the Plan as Annex 6.

6.2.9 The requesting Member should pay to the assisting Member all agreed expenses incurred in rendering such assistance, according to the invoice, except that if an action was taken by a Member on its own initiative, that Member should bear the costs of its action unless otherwise agreed between the Members.

6.2.10 Following the transfer of the lead role, the Member which has assumed the lead role should bear all expenses related to the assistance rendered by other Members from the time of the transfer. It will be important that financial records show the dates on which costs were incurred. At the time of the transfer the new Lead Member should confirm, amend or cancel the request for assistance made by the previous Lead Member. See 3.1.6 above.

6.2.11 If the requesting Member decides to withdraw the request for whatever reason, it should pay to the assisting Member all the expenses incurred up to the moment when the request was withdrawn or the personnel and equipment were returned to their Member of

origin, as appropriate.

6.2.12 The NOWPAP Members should resolve all questions related to financial matters after the termination of joint operations. The law and practice which should apply in case of dispute should be that of the assisting Member i.e. the Member incurring the costs unless otherwise agreed.

6.2.13 It should be for the Lead Member to pursue its own claim for reimbursement of all costs related to pollution response, including the cost of international assistance, submitted to the person liable for the pollution incident, their insurers or an international system for compensation of pollution damages, as appropriate. Payment of those rendering assistance must not depend on the success of claims for compensation from third parties (e.g., the polluter or his insurer). However, the assisting Member should cooperate with the requesting Member in putting together a compensation claim by providing documentary evidence of the costs it has incurred.

6.2.14 The provisions here should not be interpreted as in any way prejudicing the rights of NOWPAP Members to recover from third parties the cost of counter-pollution actions under [national/domestic] and international law.

6.2.15 In case of JROs the requesting Member should cover, directly or after submission of an invoice by an assisting Member, the expenses related to the stay in the territory of the requesting Member of personnel, equipment and means (including vessels and aircraft) of the assisting Member.

- a) board and lodging or daily subsistence allowance as appropriate, of response personnel other than the crews of ships and vessels, unless this was provided by the requesting Member;
- b) costs of transport of personnel, equipment and products to and from the Member where JROs are taking place;
- c) any port dues for vessels and ships rendered as assistance;

- d) any airport dues for aircraft rendered as assistance;
- e) any tax or duties paid to the requesting Member, including those for importing or removing equipment or personnel;
- f) fuel, as might be necessary, in particular, for vehicles, vessels and aircraft, engaged in JROs including fuel for vessels and aircraft proceeding to the site of JROs under their own power;
- g) medical services provided to injured and ill personnel of the assisting Member;
- h) costs related to repatriation of any person who died, was injured or taken ill during JROs;
- i) maintenance and cleaning costs for any piece of equipment, vessel and aircraft engaged in JROs; including maintenance and repair costs incurred after their return;
- j) repair costs for any piece of equipment, vessel and aircraft, damaged in its territory during and due to the JROs, if such repair needs to be made prior to returning it to its Member of origin; and
- k) costs of communications related to the JROs incurred by the assisting Member in the territory of the requesting Member.

6.2.16 The assisting Member should bear the following expenses:

- a) mobilisation of personnel, equipment, products or other means of response in its own territory;
- b) costs of communications related to JROs originating from the territory of the assisting Member; and

c) medical services rendered, following their return, to any of its own personnel injured or taken ill during JROs.

6.3 Customs and immigration procedures

6.3.1 In order to facilitate the movement of response personnel and equipment the requesting Member should make preparations for the rapid entry of equipment, products and personnel prior to their arrival in its territory.

6.3.2 Each Member should endeavour to give consideration to the maximum extent applicable in emergency situations and in particular it is recommended that:

a) provisions should be made for rapid granting of entry visas and work permits for personnel; and

b) customs formalities should be facilitated.

6.3.3 Information on such possible consideration of each Member should be provided through MERRAC. The assisting Member must provide the necessary information to the requesting Member in order for the prompt acceptance of personnel and equipment.

6.3.4 Before sending assistance to the Member who so requests, the assisting Member should follow the appropriate procedure, in order to obtain necessary clearance for entry of equipment, products and other means into the Member.

6.3.5 When offering assistance in response to a request the assisting Member should be prepared to:

a) list all personnel with names, date of birth, nationality and passport numbers;

b) list all equipment to be shipped (relevant customs information should be with the equipment on arrival);

c) give the mode of transport with details (name of vessel, flight number, where from and estimated time of departure, where to and estimated time of arrival);

d) request any special unloading, transport or storage facilities required; and

e) request any special supplies or facilities which might be needed to put the equipment into operation.

Termination of assistance

6.3.6 The requesting Member should facilitate to the maximum extent the customs clearance of equipment being returned without undue delay.

6.4 Overflight and navigation procedures

6.4.1 If ships and aircraft should be requested, the requesting Member should ensure, as far as possible and as promptly as possible, that they are given the necessary authorizations to operate in or over the Action Area of the requesting Member. Ships and aircraft must not infringe international maritime or aviation law during a response operation. They should only operate in or over the Action Area of a Member at the express request and with the express permission of that Member. Nothing in this Plan shall affect the exercise by ships and aircraft of all Members of navigational rights and freedoms as provided for in international law and as reflected in relevant international instruments.

Overflight procedures

6.4.2 Within the framework of the Plan and upon the request of the Lead Member, aircraft of the other Members should enter and operate in the airspace of the Lead Member only in the areas specified by the Lead Member, for any of the following purposes:

a) spill surveillance;

- b) transportation of response personnel, equipment and products;
- c) spraying of dispersants or other treatment products; and
- d) other flights related to pollution response operations.

6.4.3 In its request for assistance, the Lead Member should precisely define the aim of the mission and the flight plan to be made by assisting Members.

6.4.4 Each NOWPAP Member should endeavour to give consideration to the maximum extent to rapid granting of permits and clearances for civil aircraft (fixed wing or helicopters) of other Members, which might be requested to take part in response operations within its airspace. Similar considerations should be given to the maximum extent for the use of airport facilities by such aircraft of the other NOWPAP Members.

6.4.5 Overflight for the above-mentioned purposes, of the territory or Action Area of one of the Members, by military aircraft of the other NOWPAP Members, should be decided on the case-by-case basis by the Members concerned.

Navigation procedures

6.4.6 Within the framework of the Plan and upon the request of the Lead Member, vessels of the other NOWPAP Members should enter and operate in the Action Area of the Lead Member only in the area specified by the Lead Member, for any of the following purposes:

- a) spill surveillance;
- b) salvage operations;
- c) pollution response operations, including containment and recover of spilled products, spraying of dispersants or other treatment products, storage and transportation of recovered pollutant;
- d) transportation of response personnel, equipment and products; and

e) any other voyage related to pollution response operations.

6.4.7 Each NOWPAP Member should endeavour to give consideration to the maximum extent to rapid granting of permits and clearances for the navigation of civil vessels (ships, boats specialised anti-pollution vessels) of other Members, which might be requested to take part in response operations within its Action Area. Similar considerations should be made to the maximum extent for the use of port facilities by other NOWPAP Members. Each NOWPAP Member provides the information needed for arranging navigation in Action Area of the Member concerned through MERRAC.

6.4.8 Navigation for the above-mentioned purposes, in the Action Area of one of the NOWPAP Members, by naval vessels of the other NOWPAP Members, should be decided on the case-by-case basis by the NOWPAP Members concerned.

6.5 Health and safety

6.5.1 The NCPs should refer to the relevant [national/domestic] health and safety regulations and controls for operation workers and should require those in charge of operations at sea and on the shoreline to be familiar with the relevant regulations about health and safety. In each unit one manager should be responsible for ensuring that the proper consideration is given to the health and safety of the workers, and that all personnel are briefed on the risks associated with the equipment they are using, understand the safety precautions and are provided with the appropriate safety equipment and protective clothing.

6.5.2 Assisting Members should be briefed on the relevant regulations about health and safety by the Member in which they are working and should observe any regulations which apply to them. It is recommended that the requesting Member should draw attention of the assisting Member to any important regulations or safety requirements.

6.6 Medical insurance and medical assistance

6.6.1 Each NOWPAP Member should take whatever measures it deems appropriate to insure against death, illness and injury, its own personnel who might participate in JROs.

6.6.2 The Lead Member should endeavour to offer the best possible initial medical care and services to any person from another NOWPAP Member who was injured or taken ill during his/her participation in JROs.

6.6.3 The Lead Member should facilitate repatriation of assisting personnel injured or taken ill during JROs.

6.6.4 The costs of hospitalisation and medical assistance rendered within the Lead Member to injured or ill personnel of the assisting Member should be borne by the Lead Member. The Lead Member might decide to claim the reimbursement of all such costs from the Member responsible for the pollution incident, its insurer or an international system for compensation of pollution damages as appropriate.

6.7 Documentation of response operations and related costs

6.7.1 The LOSC should take 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 LOSC might include a record keeping officer or financial controller in his/her support team.

6.7.2 At least the following records should 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); and
 - materials (e.g. fuel, dispersant, sorbents) consumed (quantity, purpose).
- c) records of all expenditure incurred in relation to pollution response operations.

6.7.3 Following the termination of the response operations, such records should be made available to the Authority responsible for the submission of claims for compensation.

7 PUBLIC INFORMATION

7.1 Public Relations Officer (PRO)

7.1.1 At the activation of the Plan, the Lead Member should designate a Public Relations Officer (PRO) who should be seconded to the LOSC's support team.

7.1.2 The PRO should be responsible for:

- a) maintaining contacts with the press;
- b) preparing and issuing press releases on behalf of the LOSC ; and
- c) following information released by the press and clarifying possible misunderstandings.

7.2 Press releases

7.2.1 Press releases will preferably be prepared and distributed to the press at least once a day during the entire period between the activation and the deactivation of the Plan.

7.2.2 Press releases should be prepared by the PRO on the basis of accurate facts. They may contain information concerning:

- a) the pollution incident and development of the situation;
- b) injuries of personnel and damages to vessels, equipment, etc.;

- c) technical data on vessels involved, type of characteristics of the pollutants, etc.;
- d) measures taken to combat pollution;
- e) assistance provided by other NOWPAP Members;
- f) progress of response measures; and
- g) extent of pollution and its effects.

7.2.3 All press releases should be vetted and approved by the LOSC before distribution to the press. Where practicable, references in them to other NOWPAP Members will preferably be agreed with the NOSC of that Member or the appropriate Liaison Officer in the JERC.

7.3 Press conferences

7.3.1 After the activation of the Plan, the Lead Member may decide to organise one or more press conferences for briefing the media.

Annex VI

**Arrangement of Initial Tasks, Lead Country/Agency, Required Actions
and Expected Outputs**

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Annex VI

Arrangement of Initial Tasks, Lead Country/Agency, Required Actions and Expected Outputs

Tasks	Lead Country / Agency	Actions	Expected Outputs
1. Routine Task carried out by MERRAC			
1. Regional Contingency Plan	MERRAC	<ul style="list-style-type: none"> - Maintain and update - Finalization and update of Annexes - Organize regional communication exercises - Carry out regional activities as required by the RCP 	- Updated Regional Contingency Plan
2. Focal Points Meeting	MERRAC	- Coordinate and organize annual Focal Points Meeting	- Focal Points Meetings / Reports submitted to Intergovernmental Meetings
3. Experts Meeting	MERRAC	- Coordinate and organize annual Experts Meeting on topics agreed upon by the F.P. Meeting	- Experts Advisory Group Meetings / Reports submitted to Focal Points Meetings
4. Information System	MERRAC	<ul style="list-style-type: none"> - Continuous collection and dissemination of information - Maintenance and update of website 	<ul style="list-style-type: none"> - Efficient Information system in NOWPAP area regarding oil spill preparedness and response - Updated MERRAC website
5. Report on Oil Pollution Incidents	MERRAC & NOWPAP Members	- Collection and submission of report on oil spill incidents over 10 ton	- Updated database on oil spills in NOWPAP region
6. Training & Exercise	MERRAC	- Coordinate and organize joint training and exercise	- Establishment of trained personnel in the field of oil spill preparedness and response in NOWPAP region

7. Communications	MERRAC	- Maintain routine communication links between relevant authorities in NOWPAP region	- Establishment of efficient communication system relevant to oil spill preparedness and response in NOWPAP area
8. Other Routine Tasks as described by the TOR of MERRAC or decided upon by the F.P Meetings	MERRAC		
2. Specific project coordinated by MERRAC			
1. Oil Spill Prediction Model associated with Sensitivity Mapping	Korea (Leading) and Japan	- Develop regional oil spill prediction model associated with sensitivity mapping	- Workshop of experts - Review of the regional oil spill model
2. Oil Dispersant	Russia	- Develop regional guideline for the use of oil spill dispersants	- Workshop of experts - Regional policy and guideline
3. Shoreline Clean-Up and Bioremediation	China	- Develop regional recommendation and guidelines for shoreline clean-up and bioremediation based on existing information	- Regional guideline - Workshop of experts
4. Other specific projects as decided by the FP meeting	MERRAC		

Annex VII

**Budget for 2002/2003 Biennium for MERRAC Activities, based on decision
by the 7th NOWPAP Intergovernmental Meeting, and adopted by the 5th NOWPAP
MERRAC Focal Points Meeting, Daejeon, 20-24 May 2002 (in US\$)**

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Annex VII

Budget for the 2002/2003 Biennium for MERRAC Activities, based on decision by the 7th NOWPAP Intergovernmental Meeting, and adopted by the 5th NOWPAP MERRAC Focal Points Meeting, Daejeon, 20-24 May 2002 (in US\$)

Activities	Budget		
	2002	2003	Total
1. Focal Points Meeting	25,000	30,000	55,000
2. Expert Meeting	35,000	35,000	70,000
3. Oil Spill Prediction Model associated with the Sensitivity Mapping	20,000 (Model : 15,000; Map : 5,000)		20,000
4. Oil Dispersant	15,000		15,000
5. Shoreline Clean-Up and Bioremediation	5,000		5,000
6. Coordination with IMO/UNEP and Regional Seas	16,000 (including travel expenses)		16,000
7. Publications	14,000 (including miscellaneous costs)		14,000
Total	90,000	105,000	195,000

1) Budgets for the meetings and activities is for two participants from each country except for the host country and may include participation of D.P.R. Korea

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Annex VIII

Terms of Reference for the NOWPAP MERRAC Focal Points Meeting

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TERMS OF REFERENCE
FOR THE NOWPAP MERRAC FOCAL POINTS MEETING

1. Legislative Authority

In order to implement the Objective 4, task (e): and Objective 5, task (c) and (d) of the Action Plan for the Protection, Management and Development of the Marine and Coastal Environment of the Northwest Pacific Region (NOWPAP) adopted at the First Intergovernmental Meeting on NOWPAP in September 1994, Seoul, Republic of Korea, a priority was given to development of effective measures for regional cooperation in marine pollution preparedness and response (NOWPAP/4) by the same Intergovernmental Meeting. Based on the recommendation of the Government-Designated Oil Pollution Preparedness and Response Cooperation (OPRC) Experts Meeting on Sub-Regional Cooperation to Enhance National Capabilities in Marine Pollution Emergency Preparedness and Response (November 1995, Bangkok, Thailand), the Second Intergovernmental Meeting on NOWPAP approved, in the form of the Programme Document, the establishment of a forum on marine pollution preparedness and response.

The NOWPAP Marine Environmental Emergency Preparedness and Response Regional Activity Centre (MERRAC), which has been established based on the Resolution at the Fourth Intergovernmental Meeting on NOWPAP (April 1999, Beijing, People's Republic of China), has been designated to function as secretariat of the forum with technical assistance from UNEP and IMO, as one of its designated purposes and roles by the Terms of Reference of the Forum agreed at the same Intergovernmental Meeting.

The Seventh Intergovernmental Meeting on NOWPAP (20-22 March 2002, Vladivostok, Russian Federation) approved the recommendation of the Fourth Meeting of NOWPAP Forum on Marine Pollution Preparedness and Response (14-18 May 2001, Qingdao, People's Republic of China) that a network of National Focal Points for MERRAC has to be established by re-arranging the title and organization of the existing forum.

2. Objective and Goals

2.1 The NOWPAP MERRAC Focal Points Meeting (hereinafter referred to as "the Meeting") is a non-institutional arrangement whereby representatives of the Member in the Northwest Pacific region meet in accordance with paragraph 4 below.

2.2 The objective of the Meeting is to exchange information on marine pollution preparedness and response in the NOWPAP region.

2.3 The goals of the Meeting is to develop a regional contingency plan for marine pollution preparedness and response in the NOWPAP region, including preparation of a regional environmental sensitivity (ESI) map: and to develop a Memorandum of Understanding (MoU), as appropriate, in the NOWPAP region which defines general items relating to marine pollution preparedness and response.

3. Functions

The functions of the Meeting will be to

- (a) identify cooperative actions in the NOWPAP region on marine pollution preparedness and response;
- (b) carry out the cooperative actions in the NOWPAP region for the purpose of exchange of information on marine pollution preparedness and response;
- (c) promote and harmonize regional cooperative in the NOWPAP region on marine pollution preparedness and response;
- (d) promote the strengthening of national coordinating mechanisms and of national capabilities to address marine pollution preparedness and response;
- (e) assist in identifying gaps in scientific knowledge and promote information exchange and technical cooperation, including education, training and technology transfer in the field of marine pollution preparedness and response;
- (f) review periodically the effectiveness of ongoing cooperative activities, and advise on necessary follow-up activities in the field of marine pollution and response;
- (g) report on marine pollution contingency cases and measures to address them to improve the current arrangements for regional marine pollution preparedness and response;
- (h) disseminate information on marine pollution preparedness and response in the wide range of the public concerned;
- (f) perform other functions in pursuant of the objective and goals of the Meeting, in the field of marine pollution preparedness and response, as agreed by the Meeting members.

4. Participation

4.1 All the Members in the Northwest Pacific region will be invited to participate in the Meeting ([Democratic People's Republic of Korea], Japan, People's Republic of China, Republic of Korea, and Russian Federation)("NOWPAP Government Participants"). The national focal points nominated by the governments are listed in Annex. The representative of each government should be a senior official concerned with marine pollution preparedness and response. Each representative may be accompanied by advisors as appropriate. It is expected that governments would ensure that their delegations reflected the full range of national interests.

4.2 The Members concerned about marine pollution preparedness and response in the Northwest Pacific region may be invited to participate in the Meeting as observers, without the right to vote ("non-NOWPAP Government Participants")

4.3 Relevant United Nations bodies and Specialized Agencies, as well as intergovernmental organizations representing the NOWPAP region, involved in marine pollution preparedness and response will be invited to participate, without the right to vote, in the Meeting as observers ("Intergovernmental Participants')

4.4 Interested nongovernmental organization (NGO's) willing to contribute to the work of the

Meeting may be invited as observers to attend all or part of the Meeting and participate without the right to vote. Prior to each Meeting, the Secretariat in consultation with the Chairman of the Meeting will circulate a list on nongovernmental organizations, which may be able to contribute to the work of the Meeting or which have informed the Secretariat of their wish to participate in the meeting. If no objection is notified to the Secretariat such nongovernmental organizations will be invited to participate in the Meeting. Certain meeting discussions may be limited only to NOWPAP Government Participants. Observers may be requested to be absent from these discussions. Decisions on this issue will be made by the NOWPAP Government Participants. The continued participation of nongovernmental organization in the work of the meeting will be reviewed periodically into account the contribution which such organizations make to the work of the Meeting.

4.5 The Meeting may invite observers from local governments from member countries as well as local or national nongovernmental organizations which may assist in the promotion of the work of the Meeting in the host country. The Member of observers will be responsible for the distribution of documents of such entities and other arrangements of their participation.

4.6 The term "participants" in these Terms of Reference refers to all of the above governments, intergovernmental and nongovernmental organizations.

4.7 The "observers" (non-NOWPAP Government Participants, Intergovernmental Participants, and Nongovernmental Participants) may make oral statement on the matters within the scope of the activities of the Meeting upon invitation of the Chairperson, and subject to the approval of the Meeting activities upon invitation of the Chairperson, and subject to the approval of the Meeting.

5. Sessions

5.1 Subject to availability of funds, it is expected that after its inaugural session, subsequent sessions of the Meeting will be held. The target frequency of the NOWPAP MERRAC Focal Points Meeting sessions is once a year. Each session will discuss the timing of the subsequent session.

5.2 At each session, the Meeting will elect, from the representatives of the Government Participants, Officers consisting of a Chairperson and a Rapporteur.

6. Initial Tasks

The following initial tasks will be carried out. Government Participants and other nongovernmental Participants designated by Government Participants will be invited to be members of a correspondence group to be formed to fulfill each of the tasks. The correspondence group will be lead by one of its members.

- (a) Preparation of a list of research and development priorities, including fate and effects of oil pollution, and possibly other chemical pollution.
- (b) Collection, evaluation and dissemination to the contact institutions of existing data on fate and effects of oil pollution, and possibly other chemical pollution;
- (c) Preparation of a report on environmental, technical, organization and logistical

limitations to pollution response;

- (d) Collection of information on equipment, experts, exercises, and training;
- (e) Exchange of existing environmental data such as national ESI maps;
- (f) Initial development of a regional contingency plan, including a regional ESI maps;
- (g) Initial development of a draft Memorandum of Understanding (MoU), as appropriate;
and
- (h) Identification and cost estimate of follow-up activities.

7. Intersessional work

- 7.1 In principle, all the intersessional work will be carried out by correspondence among the Participants without financial provision.
- 7.2 When specific funds are provided by the NOWPAP Trust Fund and/or other sources of funding, the initial tasks will be carried out with funds for intersessional work.

8. Expert Advisory Group

Subject to availability of funds, the Meeting may establish an Expert Advisory Group of Governments and other agreed Participants to undertake specific advisory functions relating to scientific and technical issues of the initial tasks.

9. Secretariat

The MERRAC Focal Points Meeting and the Expert Advisory Group Meeting, if established, will be served by a Secretariat provided jointly by the MERRAC, United Nations environment Programme (UNEP) and International Maritime Organization (IMO).

10. Decisions

10.1 The Meeting will proceed by consensus among the NOWPAP Government Participants. If consensus cannot be reached on administrative and procedural matters, voting may be taken. Each Government Participant will have one vote. Such decision will be taken by a majority of those NOWPAP Government Participants present and voting.

10.2 Election of Officers of the Meeting will be decided only by consensus

11. Procedure

The Meeting and its Expert Advisory Group, if established, shall adopt, *mutates mutandis*, the rules of procedures of the UNEP Governing Council.

12. Agenda

The Secretariat, in consultation with and under the guidance of the Chairperson, will prepare a

Provisional Agenda for each session of the Meeting. Any participant in the Meeting may request the Secretariat to include specific items in the Provisional Agenda prior to its distribution.

13. Budget and Expenses

13.1 At the initial stage, the budget for the Meeting is supported by the NOWPAP Trust Fund. Negotiations for possible funding will be initiated with a wide range of potential donors, including petroleum industries.

13.2 The Meeting will report to the NOWPAP Intergovernmental Meeting on expenditure of the NOWPAP Trust Fund.

14. Report

The Meeting and the Expert Advisory Group will consider and adopt a report at each of their sessions. The reports will be circulated to all participants in the Meeting, and submitted through UNEP to the NOWPAP Intergovernmental Meeting to be presented by the Director of MERRAC.

15. Language

The working language of the meeting will be English. The host Member of each of the meeting Sessions may interpret the English session into the language of the host Member for the purpose of dissemination of the session discussion to a wider audience.

ANNEX

NATIONAL FOCAL POINTS FOR NOWPAP MERRAC

Japan

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