



European Seminar on Maritime safety in the framework of the EU Cypriot Presidency 2012

October 9-10-11 2012, Larnaca, Cyprus (in partnership with Larnaca Development Agency)
MAREMED Project Pilot Action ("fight against oil spill pollution" Component)

MINUTES

SUMMARY

In the framework of MAREMED project's « fight against oil spill pollution » component and under the auspices of the current Cypriot EU Presidency (1st July-1st January 2012), the Larnaca District Development Agency, partner of the project, with the help of IMH Communication Agency, organized a 3-day seminar on maritime safety that brought together numerous participants from Europe, among them MAREMED partners, EU civil servants and the CEDRE, the French Centre of Documentation, Research and Experimentation on Accidental Water Pollution, located in Brest, Brittany.

The first day consisted in a detailed conference on "pollution control and compensation for environmental damage" where Ms. Mireille Peirano, Vice-President from Provence-Alpes-Côte d'Azur Region in charge of Maritime Affairs, Fisheries and Coastline, and M. George Alexakis, Regional Councilor of Crete, among others, intervened. This European and international conference gathered EU civil servants, Cypriot officials, MAREMED partners and technical experts from the countries and regions involved.

The two following days were devoted to a pollution control training session piloted by the CEDRE (the 10th) in order to prepare the day after (the 11th) a land-based anti-pollution simulation practical exercise that took place on Voroklini beach, near Larnaca city.

EUROPEAN SEMINAR ON MARITIME SAFETY (9 OCTOBER 2012)

The purpose of the *first session* dedicated to "**synergies between European, national, regional and local levels regarding pollution control**" was to discuss the ongoing development of the action of public authorities at European, national, regional and local level in the field of pollution control. It addressed in particular the needs of local and regional authorities in terms of tackling pollution, and how their action can be coordinated with that led by the States and European institutions.

The role of Regions and Member states is important even if depollution at sea is a national prerogative. Cyprus' commitment on maritime safety is well known and all the more legitimate that it is an island surrounded by heavy maritime traffic and part of the Mediterranean basin (which characteristics are specific because it includes 3 continents). The regional and interregional scales need to be promoted because they are highly effective when it comes to implementation on the ground. International criteria on maritime safety have also to be deepened in so far as the international scale has already proven.

Training is a crucial issue on fight against accidental oil spill pollution. That is why the seminar was relevant because it foresaw a course piloted by the CEDRE to the attention of local authorities' staff.

It has to be stressed that 220,000 ships in the Med/year, one third of the world's total merchant shipping passes through the Mediterranean, and that the overall basin is visited by one third of the world's tourists. So the pressure on ecosystems and the risk of accidental pollution is very high. According to the Cypriot Environmental Commissioner, **Mr Theopemptou**, tight control on shipping is needed and we have to be ready to respond to pollution emergencies. Preventing pollution reaching the sea from land is very significant. The same remark prevails for a better and improved regulation, the involvement of non EU countries, the implementation of tight inspections and enforcement, and the need to set up tight control on fishing practices.

Governance process needs to be more innovative with a better coordination of regional maritime policies. Boundaries must be transcended in order to improve dialogue between all actors and to foster the creation of operational instruments aimed at strengthening the policy making. This is the main task of MAREMED project



and the goal of the CPMR Intermediterranean Commission (to help deploy the IMP in the Mediterranean area).

Ms Mackeviciute, from DG ECHO Unit 5 “Civil Protection Policy, Prevention, Preparedness and Disaster Risk Reduction”, made a presentation about the EU Civil Protection Mechanism to recenter the debates in the EU regulatory context of prevention, preparedness and emergency response in case of major disasters occurring within or outside the EU territory. A special focus on accidental marine pollution was obviously done.

The EU Civil Protection Mechanism ensures a quick, effective and coherent EU response by covering prevention, preparedness and response; by maintaining co-operation mechanism for facilitating the provision of EU assistance from 32 Participating States (EU 27 + Norway, Liechtenstein, Croatia and Macedonia) and EMSA, by managing the Emergency Response Centre, and by linking all the relevant actors with policies (networking, good practice, awareness-raising and education). Create the conditions for knowledge-based disaster prevention policies (with comparable data and risk assessment) and make existing instruments perform better for disaster prevention funding are at the core of the EU disaster prevention approach.

The Monitoring and Information Centre (MIC) is the 24/7 entry point for requests and offers (DG ECHO staff). It provides early warning and alert, as well as information on ECHO Info Products (CECIS: Common Emergency Communication and Information System; ECHO/MIC Portal; ECHO Flash; ECHO Crisis Reports) and facilitates transparency through coordination and decision making regarding offers. In terms of coordination, it manages requests and offers in CECIS and ensures the deployment of EU Civil protection (CP) Teams (coordination and assessment). Technical support is done through satellite images, transport facilitation. For disasters that occurred at sea, it uses the Marine pollution response capacity from EMSA. Types of assistance include in-kind, technical experts, civil protection modules and teams. The MIC coordinates only governmental offers; companies are referred to national authorities.

Ms Mackeviciute, about the challenges regarding the MIC, told that due to different channels of requests and offers (bilateral, regional POLREP and the European system), requests are not always specific enough and, as a matter of fact, this didn't help for the rising of a clear and commonly agreed terminology about the equipment, expertise and methods (not yet established).

The support from EMSA in marine pollution incidents was also detailed. The MIC tops-up the efforts of coastal states by focusing on spills beyond the national response capacity of individual Member states. The Agency provides the following assistance:

- Stand-by Oil Spill Response Vessels (request always via MIC);
- Satellite imagery service for monitoring spills to complement surveillance and monitoring activities by aircraft (CleanSeaNet);
- Pollution response experts to assist national authorities (operational and technical support);
- MAR-ICE network (for chemical spills at sea).

CP Modules are set on a voluntary basis with a deployment within and outside the EU and a dispatch in short notice - generally within 12 hours of a request. Training and exercises financed by EU to a certain degree. For instance, around 30 large-scale pan-European simulation exercises¹ have been financed since 2002 (through calls for Proposals² (€ 4-5 M)). EU CP Exercise are aimed at: improving the coordination and response decision making process; enhancing interoperability between teams and assets; identifying further training needs. Resources are from one or more Member states. Joint workshops on “Co-ordinated at-sea and shoreline pollution response” (DG ECHO/ EMSA) also help bring together the different authorities involved in pollution response (marine pollution and civil protection) on a regular basis, discuss issues of common interest, and suggest areas of best practice and practical mechanisms/tools for coordination between the different parties. The next one will take place on 12-13 February 2013 at EMSA in Lisbon, Portugal.

¹ DG ECHO co-financed the 1st marine pollution exercise in 2012 (Balex Delta 2012, organized by Finland).

² <http://ted.europa.eu/udl?uri=TED:NOTICE:176954-2011:TEXT:EN:HTML>



For the future, the idea of building a more coherent and integrated system shifting from ad hoc coordination to a pre-planned, pre-arranged and predictable system is strongly desired in order to improve coordination, cost effectiveness, visibility and predictability of responses (internal and external dimension).

The will of the EC is not to impose euro standards regarding emergency response in case of disasters but enhance cooperation at national levels, in the respect of the subsidiarity concept and because all Member states have their own response/legislation. The idea behind is to reach consistency and uniformity. M. Alexakis from Crete also acknowledged this statement, adding that EU cooperation programs have been set up for this. He also pointed out that we need to be more dynamic and, as far education and training are concerned, to release/publicize more information on this topic because sometimes people are not simply aware of this kind of problem.

As a conclusion, **Ms Peirano** intervened, highlighting and stressing the fact that there are more than 34 million inhabitants in the coastal regions partners of MAREMED, and the CPMR, with its 160 regions, represents 700 million inhabitants. The topic of natural and accidental hazards faced by our coasts is a particularly important subject for politicians and managers on a daily basis of these sensitive areas characterized by many conflicts of use. This statement was pointed out by Mr. Barroso and EU Member States Ministers in Limassol (cf. the Limassol Declaration³).

The diagnosis phase in the framework of MAREMED showed quite different governance realities regarding the prevention and the fight against accidental pollution.

Regions can have the management skills of civil security, or simply the realization of control plans, or spatial planning development schemes.

Management of large-scale pollution is often under the control of the State but with the participation of local governments. But whether the pollution is high, medium or low, elected representatives are always solicited.

And though of course, it is imperative to drastically reduce the risk of occurrence of such accidents, improve and better enforce laws punishing degassing, predict in the best possible way through models when events occur, it should not be ignored the importance of preparation and training for local authorities, alongside the relevant Departments of the States, aimed at the restoration of our coasts where, unfortunately, the pollution affects the earth.

Misconduct of coastal cleanup can cause significant costs to the health of the participants who are in danger, ruin even more our coastal economies, and worsen the situation of the marine fauna and flora.

The realization of such training and exercises like the ones on the beaches of Voroklini, nearby the port that receives the fuel for the State of Cyprus, is the only way to effectively prepare the authorities to repair the damage cause by such pollution.

The “place of pollution control within the macro-regional strategies (strategy, financing): shared perspectives between various sea basins” was the object of the *second session*.

Today, there is a strong maritime dimension within the existing official European macro-regional strategies (notably the Baltic and Atlantic, which currently exists as maritime strategy), or those potentially in progress. The development of a macro-regional strategy for the Mediterranean or its sub-spaces (i.e. Adriatic-Ionian) is the subject of active initiatives by the EU institutions, Regions, and a whole range of actors. In this context, this session aimed to address the relationship between pollution control, the role of Regions and the future of macro-regional strategies, from the Mediterranean perspective as well as from the point of view of the other sea basins: how and under what conditions is the development of macro-regional strategies in the Mediterranean, or in other European sea basins, useful for improving pollution control?

Mr Karlsson, from Blekinge Region in Sweden, illustrated how the implementation of a macro-regional strategy, in this regard the EU Strategy for the Baltic Sea Region, had helped foster a dynamic and improved cooperation between all actors regarding land-based response capacities to oil spills (awareness rising,

³ The wealth of the Seas of Europe was reasserted on October 8. The Limassol Declaration reaffirmed that the "blue growth" concept, subject of a Communication adopted in September 2012 by the EC which identified the marine and maritime sectors offer opportunities for growth and employment, is the contribution of the IMP to achieve the objectives of the EU 2020 strategy for smart, sustainable and inclusive growth. Somehow, the "blue growth" acts as an economic declination of the IMP.



planning, training, cooperation, manual recovery). Gather initiatives towards a common goal, strength in terms of communication, extra attention to projects are the key words of any macro-regional strategy. He presented the Baltic Master II project which gathered 47 organizations from all 9 Baltic states and was one of the Baltic macro-regional strategy flagship's initiative within the area 4 ("Recommendations for Improved and Harmonized waste management on board and in ports"). BM II ended in January 2012 and was co-financed by the ERDF.

Mr Karlsson made also a focus on the Baltic maritime scientific park which effective creation was a concrete practical objective pursued by the project (flagship initiative under Priority Area 13). Its aim is to organize venues and meeting places for players and stakeholders. The park was initiated by Region Blekinge, Blekinge Institute of Technology, Swedish Coast Guard, Swedish Armed Forces and Kalmar Maritime Academy. BMSP will facilitate the formation of new networks and partnerships as well as initiate, support and guide projects within the thematic scope of the cluster.

Improving Maritime Safety through Research and Innovations is at the core of BM II: How do we best collect and combine results from the multitude of ongoing projects on maritime safety? How do we ensure the transference of project results into innovations and new partnerships? Which is the next step for Maritime Safety in the Baltic Sea Region/Europe? are the essential question marks and problematics to which BM II intended to address. The main venue of BMSP is an online community consisting of thematic forums. Here, discussions on hot topics can be initiated, project results published and new partnerships formed. Each online forum will be complemented with physical seminars and workshops. In a nutshell, BMSP offers a dynamic platform for dialogue and knowledge development, a growing and up-to-date network of connections in the Baltic Sea Region, a comprehensive project site and archive.

A specific forum (to be more active than a classical one) dedicated to all subjects involved in oil spills exist, from response, projects and equipment to trends, events and compensation. The focus is clearly on the Baltic Sea, but all activities through the world will be reported on in order to provide information on all oil spill related projects, past, present and future in the Baltic Sea (in an approach that mixes best practices integration, news gathering, information sharing and events setting- 4 Baltic workshops on different oil spill related topic for example) with the intention of becoming a real network for future projects that could be used as a pivotal resource for oil spill knowledge in the region.

The hypothesis of establishing a macro-regional strategy in the Mediterranean must face various issues, from multi-level/multi-actor governance implying coordination between the instruments and financial resources to functional aspects and priorities in an integrated approach, without forgetting the external dimension (relations with the Union for the Mediterranean, with operative programmes for territorial cooperation and strategic projects, and with Euroregions and EGTC).

The analysis of one or more macro-regions in the Mediterranean must lay upon a pragmatic approach as shown in the Baltic case. However, it cannot ignore fundamental political issues related to the Mediterranean area. Such issues, though, should not constitute an obstacle to undertake a new initiative that leads to a more profitable collaboration between the European Commission, central governments and local authorities, social and economic realities. A macro-regional strategy aims to open a new area for cohesion policy in Europe and the EC is proposing that territorial cooperation policy should be enhanced in order to support further macro-regional policies.

The principal challenge for the implementation of a macro-regional strategy in the Mediterranean is about funding opportunities, in so far as the area covered is very large. Towards 3 sub-strategies (oriental, central and occidental)?

Several macro-region projects are at an advanced stage. That is why the EC should help to put in place sustainable governance, and to set out common criteria and measurable indicators for assessing their relevance.

The European institutions have not yet adopted a permanent strategy that embraces the specific needs of the islands, and whereas the full accessibility of Mediterranean insular regions and their better integration within the European single market could best be ensured through the allocation of appropriate resources and the adoption of an integrated approach on this issue, acknowledging of course the structural disadvantage faced by island populations.



It was also highlighted by Crete that applying a bottom-up approach would foster synergies with the Integrated Maritime Policy. When it comes to decide on the EU budget for cohesion, research, development and regional cooperation (structural funds above all), macro-regional strategies should constitute the path to follow. With this respect, operational programmes need to be matched to the corresponding priorities of the macro-regional strategies in order to ensure the best possible coordination of objectives and means. And macro-regional strategies should obviously promote structural maritime projects for the western and the eastern Mediterranean, paying attention to the protection of the environment and the preservation of biodiversity. For that, the EC has to determine what specific instruments are required to evaluate and launch any new macro-regional initiatives, such as pilot projects. With the scope to contribute in the achievement of the EU Strategy objectives of smart and sustainable economic growth, the blue growth initiative and the objectives of the EU neighborhood policy.

Given its specificity, a Mediterranean macro-region should target appropriate sub-regional levels for cooperation on specific projects. The coordination of these three macro-regional strategies -western Mediterranean, Adriatic-Ionian, and eastern Mediterranean- would enable the implementation of an overall policy for the whole Mediterranean basin in synergy with the priorities of regional and international organizations. All the audience stressed that environmental concerns are at the core of the challenges.

Among the difficulties that could hinder its development, it has been listed the fact that the Mediterranean is an open sea, that relative political problems affect the South shore, and that all countries did not have the same characteristics, which complicate further the setting-up of a global macro-regional strategy.

It has been recalled that Cyprus will host a conference in 2013 addressing the specificity of islands in the framework of the eventual creation of a Mediterranean macro-regional strategy. The EC had also confirmed that an additional political document will not be published in the next months (in reference with the EC Communication "Towards an Integrated Maritime Policy for better governance in the Mediterranean⁴").

The purpose of the *third session* "**What support for the compensation of economic and ecological damages resulting from oil spills?**" dealt with the issue of compensation for economic and ecological damage is the focus of current proceedings concerning the Erika and the Prestige. This question was also at the heart of managing the consequences of much less reported pollutions (degassing in particular) which affect maritime Regions. This session addressed the issue from the perspective of the role of the Regions, States, European Union and international institutions: what are the challenges at these levels for improving the conditions for meeting the costs of ecological and economic damage resulting from such pollution?

A first focus was made by **Mr Périssé** from the CPMR in connection with the December 1999 Erika Accident that took place outside French territorial waters (the result of the trial was released just days before the seminar). Can France be competent for an accident which occurred outside its territorial waters, but which harmed its coast? Several elements from the Montego Bay convention can justify the competence of French jurisdictions in the case of a non-voluntary damage harming French coasts. There is no contradiction between French law on which French Court can decide, and International conventions. The main arguments are the following:

- International conventions set a framework which do not prevent States to adopt complementary legislations;
- The flag state did not ask to be competent;
- Responsibility goes beyond the simple fault. Penal fault was recognized.

In consequence, a full responsibility was sentenced that goes beyond the CLC convention (International Convention on Civil Liability for Oil Pollution Damage⁵).

⁴ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52009DC0466:EN:HTML>

⁵ [http://www.imo.org/About/Conventions/ListOfConventions/Pages/International-Convention-on-Civil-Liability-for-Oil-Pollution-Damage-\(CLC\).aspx](http://www.imo.org/About/Conventions/ListOfConventions/Pages/International-Convention-on-Civil-Liability-for-Oil-Pollution-Damage-(CLC).aspx)



Thus a recognition of the existence of an ecological damage on the basis of French law (1983 and 2008 Acts) was acknowledged. Should international/european⁶/national legislations evolve on the ground of territorial competence and recognition of ecological damage? (I.e. ecological damage is not properly recognized at international and European levels).

Issues linked to the compensation of ecological damages is part of the on-going work undertaken within the Erika IV initiative (covering other issues: implementation of the Erika III package, passenger ships (Costa Concordia), maritime surveillance, anti-pollution action and social issues).

A second focus was done about the November 2002 Prestige accident in Galicia by **Ms Ayensa** from INTECMAR.

42,500 ships pass/year in Galicia, Spanish territory affected by many maritime accidents which have caused spills or different pollutants. About the 77,000 tons of fuel oil spilled, 64,800 tons were recovered (the area was almost completely recovered in 2005). Final damage was estimated around 2.200 M€ and an aid was provided by the Galician government to the fishermen and shell fishers to the amount of 115.2 M€. The Spanish State suited to court the American Bureau of Shipping (ABS) demanding 1.000 M€ for the injury. In January 2008; Spain was dismissed for lack of jurisdiction in New York City. The State appealed and was finally denied in August 2012. Another trial for criminal, environmental and civil damages was conducted. The main accused were the General Director of Merchant Shipping, the Ship-owner and management company, the Insurance Company and the Control crew.

To face future black tides, a regional contingency plan including the participation of sea professionals and volunteers and a guide to compensations management was recently approved.

The Marche Region Pollution Control and Maritime safety strategy was presented by **Ms Frittelloni** from a MAREMED partner, Marche Region. Since 5 years, a specific structure to improve maritime safety in civil protection perspective (foresight, prevention and emergency management) had been released.

An integrated network aimed at sea monitoring, supported by technical instruments (radars, telescopes, cameras, etc...) and involving several sea stakeholders (fishermen, lifeguards, yachters, etc...) was set up. The network is going to gain strong relevance for foresight and prevention activities.

Another action performed was the definition of a risk evaluation system regarding ships which pass through the coast of the Marche Region (with the Regional Committee Resolution n. 832 on the 11/06/2012 approved the "Regional Guide Lines for provincial planning of emergencies caused by oil pollution or other harmful substances caused by sea accident").

The Region is also supporting the 23 Coastal Municipalities in order to draft a contingency plan in the event of coastal pollution. The plan details intervention modalities and techniques to detect provisional waste storage for example. The above mentioned Regional Committee Resolution foresees training activities and exercises for local authorities' staff in charge of the drafting of the operative plan and to manage emergency guidelines. Training courses for Civil Protection volunteers to be prepared in case of oil spill pollution grounding in the coastal area are also programmed. Once potential pollution is detected, it becomes relevant to predict as earliest as possible where oil will ground. The idea is to concentrate anti-pollution measures and reduce damages (implementing researches with the Polytechnic University of Marche Region in order to improve the existing oceanographic models). Soon it should be possible to have a forecast of: 200 m. X 200 m. in the most relevant areas (Marine Reserves, Ship Shelters, Fish Farming, Coastal Natural oasis), 500 m. X 500 m. for the sea area in front of the Region, and 1Km x 1Km for the entire Adriatic Sea.

Besides, in the framework of the Conference preparation, the 2 Marche Departments of Civil protection and Fisheries entered in synergy regarding the protection of mussels/clamps and aquaculture farms on the occasion of oil spill pollution.

Finally, the *fourth and final session* "**Introduction to the anti-pollution practical exercises**" presented the pollution control training session and practical exercises that took place the days after, on 10 and 11 October.

⁶ The EL (Environment liability) Directive: The CPMR drafted a position paper on it.
http://www.crpm.org/pub/agenda/1808_fr_prjudice_cologique_maritime.pdf
http://europa.eu/legislation_summaries/enterprise/interaction_with_other_policies/128120_en.htm



Mr Christophe Rousseau from the CEDRE, associated with Mr Arnaud Guena, introduced the anti-pollution practical exercises of the days after.

In many countries the transfer of responsibility to local authorities results in the need of shoreline oil spill response and better preparedness (planification, training and exercises).

In the context of shoreline cleanup response equipment, various regions are working together in the framework of EU projects. The CEDRE is involved in many of them, such as POSOW, EROCIPS, ARCOPOL, ALCOTRA, and obviously MAREMED.

POSOW⁷ is a project co-financed by the EU under the Civil Protection Financial Instrument. It is developed in cooperation with ISPRA, the CEDRE, Sea Alarm and CPMR, and coordinated by REMPEC, the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea under the Barcelona Convention (24 months duration; 5 partners involved; 8 European countries⁸ which are partners and beneficiaries; targeting national/local authorities, NGOs and volunteers; total budget: 606 112 € with a 75% EU financial contribution: 453 770 €).

POSOW envisages a prompt and efficient response while decreasing the environmental impact, taking into account the Mediterranean coastal sensitivity (rich biodiversity, economic activities, high population density) and focusing on preparedness in marine pollution and civil protection. A strong level of awareness and training is required.

The main objective is to foster regional cooperation synergy and capacity building of all operators on wildlife response, operations of shoreline assessment and clean up

Afferent guidelines were published: the Mediterranean Volunteers Management Guidelines, the Mediterranean Oiled Shoreline Assessment Guidelines, the Mediterranean Oiled Shoreline Cleanup Guidelines, and the Mediterranean Oiled wildlife response Guidelines.

TRAINING COURSE ON SHORELINE CLEAN-UP & SHORELINE CLEAN-UP PRACTICAL EXERCISE (10 AND 11 OCTOBER 2012)

Cf. detailed presentations from the CEDRE

All participants after the simulation exercise agreed on the relevance of this practical session especially because these kinds of operations are not well known from the public.

Some civil servants stressed that they have now a better idea on how the money is spent in terms of oil spill pollution prevention and shoreline clean-ups (from theory to practice). They know better the different organizational levels of action and the functioning of the EU alert chain thanks to the EU representativity during the seminar.

A solid training when it is well done and appropriated by the learners also tends to decrease the price of a recovery when an oil disaster unfortunately happens.

The importance of having a common terminology (in terms of material, equipment, devices, actions...) was also highlighted in order to better reinforce the quality of the response and the efficiency of the staff.

We must go further in our training, exercises and support capabilities.

MAREMED regions want to attract the attention of the European Union on the importance and necessity of:

- Taking into consideration also the preparation needs of the terrestrial component of the fight against accidental pollution within the next European financial programming period 2014-2020;
- Allowing mutual assistance between Mediterranean territories by organizing training exercises on logical areas for the distribution of pollution in the Mediterranean area.

⁷ www.posow.org

⁸ Croatia, Cyprus, France, Greece, Italy, Malta, Slovenia and Spain