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**MARITIME EMERGENCY RESPONSE AND SALVAGE CO-ORDINATION UNIT
IN THE ROPME SEA AREA**

1 The Marine Environment Protection Committee, at its sixty-fourth session (1 to 5 October 2012), having considered document MEPC 64/8/1 (ROPME/MEMAC), containing information on the establishment of the Maritime Emergency Response and Salvage Co-ordination Unit (MERCU) for the ROPME Sea Area, instructed the Secretariat to disseminate the information, as set out in the annex, by means of a MEPC circular (MEPC 64/23, paragraph 8.8).

2 Member Governments are invited to bring the circular to the attention of all parties concerned.

ANNEX

MARITIME EMERGENCY RESPONSE AND SALVAGE CO-ORDINATION UNIT IN THE ROPME SEA AREA

IMPLEMENTATION AND ENFORCEMENT

Introduction to the Maritime Emergency Response and Salvage Co-ordination Unit (MERCU)

1 The establishment of the Marine Emergency Response and Salvage Co-ordination Unit (MERCU) in the ROPME Sea Area is a cooperative and coordinated regional initiative of the ROPME Member States to enhance the prevention of, preparedness for, and response to marine pollution by oil and other hazardous and noxious substances.

2 Dominated by offshore exploration, exploitation and transport of oil and gas products, the ROPME Sea Area is one of the busiest maritime traffic areas in the world, with traffic steadily increasing, with up to 50,000 ships transit the Strait of Hormuz annually of which approximately one third are tanker vessels. The high density of vessel traffic is further demonstrated by more than 69,000 calls at regional ports and terminals each year, resulting in severe impacts on maritime safety, marine ecosystems and to the environment at large.

3 The implementation of MERCU has been fully integrated into the existing structures and procedures, as set out in the Kuwait Regional Convention and its Protocol^{*}. It is equally rooted in the related international conventions, regulations and policies of the United Nations, including the United Nations Convention on the Law of the Sea (UNCLOS), the United Nations Environment Programme (UNEP) and the International Maritime Organization (IMO), as well as on the joint efforts of the ROPME Member States to implement their respective obligations under the various international and regional instruments to which they are party.

4 MERCU applies the precautionary principle. Its objective is to proactively strengthen national and regional efforts aimed at preventing loss of life and property and limiting pollution to the marine environment. The MERCU concept includes maritime emergency response centres, pollution response vessels for shallow and deep-water deployment, and multi-purpose emergency towing vessels placed at strategic positions within the ROPME Sea Area. Its operational target is to safeguard the economic and environmental assets within the ROPME Sea Area by reducing, to the extent possible, the regional risk exposure.

5 Based on the polluter/user-pays principle, MERCU applies a transparent, non-discriminatory cost-sharing scheme through the introduction of a service charge to finance the system. This service charge takes into account the expenditures related to the maintenance and continuous improvement of the maritime safety and environmental protection infrastructure and services, as well as the international compensation regime in the event of maritime emergencies and marine pollution.

6 The fees collected through the application of the service charge go into a regional fund that is administered by MEMAC and supervised by the Member States through the ROPME Council. The fund is solely dedicated to covering the expenditures related to the maintenance and continuous improvement of the maritime safety and environmental protection infrastructure

* Kuwait Regional Convention for Co-operation on the Protection of the Marine Environment from Pollution (1978); Protocol concerning Regional Co-operation in Combating Pollution by Oil and other Harmful Substances in Cases of Emergency (1978).

and services in the ROPME Sea Area. Member States reserve the right to periodically review the fund and to adjust the service charge, depending on performance and budgetary considerations.

Application of a service charge to the maritime industry to support maritime safety and environmental protection infrastructure and services

7 The provisions for application of the service charge are as follows:

- .1 the service charge applies to all merchant ships of 500 gross tonnes and above engaged in international voyages, irrespective of their flag;
- .2 the service charge equals 5 US cents per gross tonne, to be paid by the ship upon arrival at the first port of call in the ROPME Sea Area (loading/unloading facility, jetty, terminal, single buoy moorings, etc.);
- .3 the ship's agent issues a 30-day validation certificate to the ship upon receipt of the service charge. The certificate is valid for 30 days from the date of issue for all port facilities in the ROPME Sea Area;
- .4 the 30-day validity period occurs whilst the ship is in trade. A ship at anchorage or awaiting a berth or orders is considered to be in trade;
- .5 the 30-day validity period may be interrupted in cases where the ship is taken out of trade, unless the interruption of trade is caused by the fault or negligence of the shipowner and/or charterer, that, for instance, may lead to its detention by port State control for safety and/or environmental reasons;
- .6 for ships that are explicitly instructed in writing by the port authorities to remain at anchorage due to port limitations, congestion, or other reasons given by the authorities, the days at anchorage are exempted from the 30-day validity period;
- .7 for ships that are in a shipyard, the days in the shipyard are exempted from the 30-day validity period;
- .8 merchant ships that provide evidence that they are exclusively engaged in domestic trade are obliged to pay the service charge once every six months; and
- .9 ships and service vessels that provide evidence that they are exclusively engaged in port and terminal operations in the ROPME Sea Area (i.e. tugs, pilot boats, dredgers, etc.) or that are at stand-by position in regional ports and terminals (e.g. search and rescue vessels; pollution combat vessels; buoy tender, etc.) are exempted from the service charge.

8 Applications for time interruption of trade; classification as a ship exclusively engaged in domestic trade; and classification as a ship exclusively engaged in port operations are to be made with the ship's agent. Disputes will be decided by the responsible body, as set out in the Kuwait Convention, article XVI, subparagraph iii.