

Amendments to MEMAC Protocol

All the Council Decisions as of 28th Oct. 1998 till 12th Jan. 2011 (Council: 10th up to 15th), in response to MEMAC request for the Protocol Amendments and adding new Annex to the “PROTOCOL CONCERNING REGIONAL CO-OPERATION IN COMBATING POLLUTION BY OIL AND OTHER HARMFUL SUBSTANCES IN CASES OF EMERGENCY”. The Council only approved a Decision (23) to Enabling MEMAC to effectively coordinate emergency activities during the Eleventh Council, which MEMAC submitted as a temporary alternative until the Council approves the request for the Protocol amendments and adds a new Annex.

10th Meeting of the Council 28th Oct, 1998

CM10/24 Development of an Annex to the Protocol concerning Regional Cooperation in combating Pollution by Oil and other Harmful Substances in cases of Emergency.

Recognizing the need for the development of an Annex to the Protocol concerning Regional Cooperation in combatting Pollution by Oil and other Harmful Substances in cases of Emergency to enable MEMAC to fulfill its Regional coordinating role in cases of marine Emergencies, **the Council decides:**

- i) Draft and finalize an Annex to the Protocol concerning Regional Cooperation in combating Pollution by Oil and other Harmful Substances in cases of Emergency (Priority B).
- ii) Allocate a total budget of KD 10,000 to organize two Legal / Technical Expert Meetings to carry out this task (Priority B & C).

11th Meeting of the Council 22nd Oct, 2000

CM11/20 Development of an Annex to the Protocol concerning Regional Co-operation in Combating Pollution by Oil and Other Harmful Substances in Cases of Emergency

Recognizing the need for closer operational relationship between MEMAC and the Contracting States in cases of marine emergencies and in order to enable MEMAC to fulfill its regional coordinating role in accordance with the provisions of the Protocol,

the Council decides:

- i) MEMAC to pursue the draft Annex circulated to Member States and to incorporate the comments received in the text of the Annex for consideration of SESCO-7 and EXCOM-22.

CM11/23 Enabling MEMAC to effectively coordinate emergency activities

Recognizing the need for initiating activities to combat pollution by oil and other harmful substances and for MEMAC to play a more pro-active role with freedom of action in dealing with such emergencies, **the Council decides:**

- i) MEMAC to directly contact the appropriate authority in the State (s) closest to the incident, in order to co-ordinate the response efforts with the Contracting States as well as with the other parties concerned. All emergency response measure taken will be coordinated with the National Marine Emergency Response Officer with full transparency and continuous interaction with the NFP concerned to avoid any duplication in actions taken. Member States are urged to name their representatives as soon as possible.
- ii) MEMAC to directly contact the Flag State of the vessel involved in the incident and to provide details of the incident and response taken.
- iii) MEMAC to directly contact the owner(s) of the vessel involved in the incident, requesting them to take prompt and necessary actions, and to co-ordinate response efforts including salvage when necessary. The choice of salvager(s) is to be made in consultation and close co-ordination between MEMAC and the NFP concerned and in accordance with accepted internationally set criteria/standards.
- iv) MEMAC to be given the authority to demand survey of the recovered vessel by an independent surveyor and provide the concerned Competent States Authority with a certificate of fitness. Charges of such a survey will also be borne by the owners of the vessel.
- v) MEMAC to submit, in close co-ordination with the NFP concerned a report to ROPME Executive Secretary on the incident, including oil pollution, actions taken and any compensation claims for environmental damage.

12th Meeting of the Council 22nd Oct, 2003

CM12/19 Development of an Annex to the Protocol Concerning Regional Co-Operation in Combating Pollution by Oil and Other Harmful Substances in Cases of Emergency

Recognizing the need for the development of an Annex to the Protocol to enable MEMAC to fulfil its regional coordinating role in cases of marine emergencies, **the Council decides:**

Preparation of a new annex for the Protocol and to organize a Meeting, subject to receiving Member States' response or request (Priority A)

13th Meeting of the Council 22nd Oct, 2006

CM13/19 Development of an Annex to the Protocol Concerning Regional Co-operation in Combating Pollution by Oil and Other Harmful Substances in Case of Emergency

Noting with satisfaction the achievement in exercising the Annex practically for several years, recognizing the importance and the need for prompt action during marine environmental emergencies, **the Council decides:**

Request Member States to collaborate with MEMAC in the implementation of draft Annex to the Protocol, until EXCOM-27

14th Meeting of the Council 30th April, 2008

CM14/18 Development of an Annex to the Protocol Concerning Regional Co-operation in Combating Pollution by Oil and Other Harmful Substances in Case of Emergency

Noting with satisfaction the development of the Draft Annex by MEMAC, **the Council decides:**

- MEMAC to observe the due procedure in the process of submission of the new Annex by any Member State to the ROPME Secretariat.



15th Meeting of the Council 12th Jan. 2011

CM15/19 Development of an Annex to the Protocol Concerning Regional Co-operation in Combating Pollution by Oil and Other Harmful Substances in Case of Emergency

- MEMAC to retain the Protocol as it is for present.

ANNEX-1

**MARINE INCIDENTS IN THE ROPME SEA AREA AND THE ROLE
OF MEMAC**

**ANNEX TO THE PROTOCOL
CONCERNING REGIONAL CO-OPERATION IN
COMBATING POLLUTION BY OIL AND OTHER HARMFUL
SUBSTANCES IN CASES OF EMERGENCY**

1. Without prejudice to the substantive provisions of the Protocol, the Council, based on Article III.3 (h) of the Protocol, hereunder assigned to the Marine Emergency Mutual Aid Centre (MEMAC) to further act as appropriate in accordance with the provision of this Annex in addition to the provision of the Protocol as may be the case.

2. “Marine Emergency” as defined in Article I – (2) in the Protocol.

3. Should a marine incident occur within or outside territorial sea of a Contracting state(s) within ROPME Sea Area, MEMAC shall take the following actions, as it deems fit to deal with the incident(s):
 - a) to directly contact the appropriate authority in the State(s) closest to the incident, in order to obtain the latest information on the incident and to co-ordinate the effort, with the Contracting States as well as with the parties concerned.

 - b) to approach focal points, quoting information on the incident, however received, to alert them of the incident.

 - c) to circulate detailed information to the Member State(s) at interest in close collaboration with the focal point(s) concerned.

 - d) to make itself ready to respond further, as the incident develops.

4. Furthermore, MEMAC while keeping full transparency with NFP’s concerned, may take the following actions as deemed appropriate:



a) directly contact the Flag State of the vessel involved in the incident informing that State of the incident occurrence.

b) directly contact the owner(s) of the vessel involved in the incident, requesting the owner(s) to take prompt and necessary action and co-ordinate with the salvage operator(s), in close co-operation with the former, the operation(s) required to respond to the incident, including but not limited to, recommendation by MEMAC to the owner(s) of the vessel the most appropriate and suitable salvage operation(s) and the preferred salvage operator(s), in accordance with criteria/standard acceptable to MEMAC.

5. MEMAC, where appropriate, should take the prompt and necessary action to visibly mark the location, soon after the incident, in order to avoid any subsequent collision, which would further cause harm to the marine environment and to the risk of life and property.

Any expenses pertaining to such operation(s) shall be borne by the owner(s) of the vessel involved and shall be charged to him/them by MEMAC for final settlement. The Member State focal point concerned is to assist MEMAC in settling/collecting the amount of claim(s).

6. MEMAC shall develop criteria/standards of performance for regional and international salvage operators and maintain a data base on those providing such services in the Region. The decision to utilise the services of such operators is to be taken in consultation with MEMAC.
