European Maritime Safety Agency

"Cooperation and Assistance during Spills of International Significance (SOIS)"

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Dear Mr Chairman, Distinguished Participants, Ladies and Gentlemen,

It is a great pleasure for me to participate in this seminar today on behalf of the European Maritime Safety Agency (EMSA). I am very glad to be here and I would like to thank the organisers of this event for inviting me and introducing this topic in the seminar programme, which will certainly give us the opportunity to discuss a range of different issues and to share views relating to the protection of the marine environment from the impacts of potential major oil spills or, as I call them, *Spills of International Significance (SOIS)*.

The European Maritime Safety Agency (EMSA) is a European Community body established in the aftermath of the *Erika* accident (1999) for the purpose of *ensuring a high, uniform and effective level of maritime safety* within the European Union. The Agency does not have a legislative role but provides the Member States of the European Union and the European Commission with the *technical and scientific assistance and the high level expertise* needed to implement EU maritime safety and maritime security legislation. Since 2004, the Agency also plays an active role in the field of prevention of and response to marine pollution. Following the *Prestige* incident (2002), the Agency was tasked to:

- Provide the 27 Member States of the European Union, the Coastal States of the European Free Trade Association and the European Commission *with technical and scientific assistance* in the field of accidental or deliberate pollution by ships;
- Support with additional means, in a *cost efficient way*, the Member States' pollution response actions in case of accidental or deliberate marine pollution caused by ships.

More about this later in the presentation.

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My presentation today will focus on the following main topics:

- The (European) assistance provided during the *Deepwater Horizon* (DHW) / *Macondo* Incident;
- The proposed *New International Assistance Scheme* (currently discussed in the TG OPRC HNS 13 of IMO); and
- The *European Intergovernmental Support System* based on Regional Agreements and EMSA.

In cases of disastrous spills or a *Spills of International Significance (SOIS)* it is clear that a single nation or even an entire region may experience difficulties in handling the incident and minimizing the threat of pollution and subsequent damage caused. This was shown to be the case during the *EXXON VALDEZ* and the *PRESTIGE* spills, and was reconfirmed just 2 years ago, during the *DWH/Macondo* incident.

After an explosion and subsequent fire on 20th April 2010, which caused the death of 11 workers, the offshore drilling platform *Deepwater Horizon* capsized and sank on 22nd April 2010. In the course of the incident the riser pipe broke and, due to the fact that at least seven safety devices (e.g. the Blow-out Preventer) had failed to work, oil was released constantly into the sea from the drilling well at 1,500 m water depth over about 80 days. This oil spill is the largest in US history and, given the volume of oils spilled, far exceeded the response activities of the Exxon Valdez in terms of vessels and equipment to be deployed as well as personnel involved.

The DWH/Macondo Incident was the most complex marine pollution spill ever experienced. The challenges of responding to this anomalous, complex and asymmetrical event could only be overcome with agility, flexibility, unity of effort and responsiveness. After an initial period in which the First Response Measures like Search and Rescue and Accident Evaluation took place it became clear that additional equipment and resources from everywhere, not only from the United States and the Americas, but also from Europe, Asia and Africa, was urgently needed. A considerable amount of equipment such as skimmers, booms, recovery ships and dispersants were offered by organisations around the world to British Petroleum (BP) as the responsible party for the incident and to the United States Coast Guard (USCG) as the governmental body in charge of the response to the incident. All related measures were conducted in accordance with the well-known *Incident Command System (ICS)* established and implemented by all US Authorities and utilised by other countries as well.

Some of the European States and EMSA made various offers to the parties involved in the response. The European Maritime Safety Agency, in close co-operation with industry partners, offered *inter alia* an "At Sea Response Task Force" consisting of a 100,000 m^3 floating reception facility (a converted and modified tanker) and 3 fully equipped recovery vessels with at least 5,000 m^3 recovery capacity each. Together with the other heavy equipment offered, such as offshore skimmers and booms,

this task force would be able to operate independently and to recover a significant amount of free floating oil.

During the phase of arranging and providing the assistance, a number of problems, or rather challenges, had to be recognised. I say deliberately challenges as nearly all of them could have been handled more or less successfully, if:

- a comprehensive contingency planning had been carried out prior to the incident (*proper preparation is always to key to success*),
- a flexible response organisation had been put in place (*their main task should be to make all necessary activities possible*), and of course
- a certain amount of pragmatism (*you have to deal with what you get*) had prevailed.

Here are some of the major challenges which were recognised (*this list is only an example and definitely not exhaustive)*:

- Requests and offers very often did not correspond to the actual need as they were submitted in the "heat of action", and requests and offers were often made or accepted by non-specialists;
- A clear and commonly agreed terminology for the equipment and methods must be established otherwise the parties involved will misunderstand the need resulting in incorrect equipment or processes, and subsequently will have to clarify the requests and offers repeatedly in a time consuming procedure;
- Political, commercial and public pressure needs to be considered as there is occasionally a "hidden agenda" to requests and offers;
- Different methods of assistance, whether "free of charge", "renting/leasing" or ''old for new'', will influence the decision-making process, and the fundamentally different interests of the actors have to be taken into account;
- Various channels of requests and offers could be used and very often these are not harmonised, leading to a situation in which the same equipment is offered twice or more often, and sometimes with different terms and conditions;
- Common standards/certificates regarding technical and operational issues are often not applied, and therefore are not mutually recognised/accepted;
- Compatibility of the equipment (e.g. the connections) is a critical issue especially when working in combined strike teams; and,
- Documentation and maintenance/operation log books are needed in order to facilitate the commissioning and de-commissioning of the equipment.

All the above-mentioned challenges had to be overcome during the initial and intense phase of the response to the DWH/Macondo incident, and certainly resulted in some delays in delivery and irritation among the actors, which did not facilitate a smooth response operation at all. But anyhow it has to be stressed that the USCG,

BP and all other partners, organisations and key players dealt with the situation in a professional manner, and tried to manage these difficulties as appropriate.

The responsible authorities in the United States and the associated parties involved in the case later analysed the situation and the specific circumstances of the assistance. They came to the conclusion that the generosity of support from international partners of the USA cannot be overstated; however, the process for requesting and receiving emergency assistance during the DWH/Macondo Incident was ineffective and antiquated. It was recognised that this incident demonstrated an enormous challenge especially due to the uncontrolled oil discharge over a long period of time (80 days) in open sea conditions. The importance of comprehensive planning and preparation prior to any incident was stressed, and the desirability of a new, effective and commonly accepted system was emphasized, as the current lack of such a system makes it difficult to ensure the co-operation and assistance during a major oil spill.

At the occasion of the *International Oil Spill Conference 2011* (IOC) in Portland, Oregon, the USCG hosted an informal gathering of oil spill response technical specialists and other subject matter experts to discuss a range of issues, which might be addressed through the development of comprehensive guidelines. The guidelines would aim to cover issues related to the request, receipt, management and implementation of international offers of assistance during complex spill responses, as well as the facilitation and coordination of incoming resources once such offers are accepted.

The international participants of this informal gathering, representing different sectors like oil industry, response associations, spill contractors/consultants and equipment manufacturers as well as federal, public and international administrations and organisations (e.g. USCG, US State Department, Canadian CG, Norwegian Coast Guard Agency, Australian Marine Oil Spill Centre, IMO, IOPC Fund, EMSA) and other multi-national sponsored oil spill response programs, discussed existing agreements and guidelines and also expressed their intention to stay engaged with this subject. A correspondence group consisting of the main stakeholders was established to elaborate the issue further.

The United States submitted an official proposal to the 62nd Meeting of the Marine Environmental Protection Committee (*MEPC)* of the International Maritime Organisation *(IMO)* in July 2011 and suggested to task the Technical Group of the Oil Pollution Preparedness and Response Convention on Hazardous Noxious Substance Issues *(TG OPRC-HNS)* to work on this subject, and to develop commonly accepted guidelines. As the international community recognised the need of such considerations and streamlined procedures, this proposal was accepted.

The aforementioned correspondence group, comprising representatives from the USCG, the US Department of State, the Canadian CG, IMO, EMSA and OSRL, was asked to prepare a more detailed proposal to be submitted to and discussed in the

13th Session of the TG OPRC-HNS on 5 – 9 of March 2012. Three sub-groups had several phone conferences and drafted separate papers as detailed below:

- A *"capstone" paper* introducing the proposal and stressing the need for such guidelines as well as explaining the background and suggesting the way forward;

- An *Equipment and Inventory paper* addressing the need for creating a common system to categorise equipment, including locations and quantities, as well as to determine the appropriate equipment holders to be involved in equipment-use negotiations, all in the context of ensuring that the use of such equipment would not disrupt compliance with a nation's spill readiness requirements;

- A *paper on practical parameters and operating procedures* especially addressing issues related to customs and trade, transport logistics, categories for offers of equipment and personnel, health and safety of personnel, mobilization, and demobilization.

These three papers were merged into one document and the final paper was submitted earlier this year to the IMO. If the TG OPRC-HNS accepts the proposal, the *International Offer of Assistance (IOA) Guidelines* will be further developed by the correspondence group as mentioned previously, but other parties are also welcome to participate in order to ensure the that all aspects and other related issues of substance are considered in order to facilitate the establishment and implementation of commonly accepted international guidelines. The final product, which is expected to be available in 2013, should be a set of mutually agreed guidelines and will include *inter alia*:

- A global inventory of major oil spill response equipment based on the existing databases and inventories; and
- A set of procedures/recommendations for the request, receipt and offering international assistance.

It should be noted that although the Guidelines should acknowledge the internal laws and regulations of each States, they will not endeavour to present comprehensive procedures for each State.

Last but certainly not least, I would like to explain the *system of cooperation and assistance* currently in place in Europe. This could be seen as an example or dissemination of best practice which might not be transferrable to all regions of the world, but which illustrates one of the various approaches possible.

Due to the various serious incidents which European Authorities have had to cope with in the past, like TORREY CANON (115,000 tons of oil released; 1967), AMOCO CADIZ (223,000 tons; 1978), HAVEN (144,000 tons; 1991) and PRESTIGE (63,000 tons; 2002), the decision to build cooperation and mutual assist with each other emerged initially over 40 years ago, and has been recognised as important ever since. In addition to the signature of the International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC) by the majority of the European States, the States have, in addition, implemented three different levels of co-operation and assistance implemented.

These levels are:

- Several bi- or tri- lateral agreements on a sub-regional level between neighbouring States;
- 4 (in future 5) Regional Agreements between States adjoining the same sea area; and,
- The Pan-European Level assistance from EMSA and the EU Civil Defence Mechanism for all Member States of the European Union, the EFTA States, States around Europe (European Neighbourhood Partner Countries) and other Third Parties or States on request

In order to facilitate Pollution Response in border regions 2 or more countries sign specific agreements like SWEDENGER (Sweden, Denmark and Germany). Due to the geographical situation in Europe it is quite usual that some States have signed more than one bi- or trilateral agreement.

The Regional Agreements in place around Europe play a key role in the field of Pollution Preparedness and Response. These are:

- the Helsinki Convention on the protection of the marine environment for the Baltic Sea (www.helcom.fi);
- the Bonn Agreement for cooperation in terms of oil pollution response in the North Sea (www.bonnagreement.org);
- the Barcelona Convention for the protection of the Mediterranean Sea (www.rempec.org);
- the Bucharest Convention on the protection of the Black Sea against pollution (www.blacksea-commission.org); and
- the Lisbon Agreement for the protection of the north-east Atlantic against pollution (www.lisbonagreement.org), which is unfortunately not ratified yet by all contracting parties.

As mentioned earlier, these Regional Agreements play a very vital role, including the organisation of regular (mostly annual) expert meetings, scientific workshops,

and practical pollution response exercises. For instance, during the last Balex Delta 2011 exercise in the Baltic Sea, off the island Rønne, Denmark, a total of 14 diverse Oil Response Vessels from 9 different parties participated. In order to facilitate such operations, *Response or Counter Pollution Manuals* are prepared which regulate the Pollution Reporting (PolRep) System as recommended by the IMO with the different stages Pollution Information (PolInf), Pollution Warning (PolWarn) and Request for Assistance (PolFac) and deal with the agreed command structure and re-imbursement issues.

The various Regional Agreements work closely together and the European Commission is either contracting party or have official observer status (Bucharest Convention) in all the Regional Agreements. EMSA has created a pan-European technical and operational assistance system; in the field oil pollution response, the "tiered response" approach has been long established, and therefore EMSA's pollution response vessels can be seen as a "European tier" or "Reserve for Disaster". The EMSA's vessel network consists of:

- 16 fully equipped vessels with an average response capacity of more than 3,750 m^3 distributed along the European coastline,
- 19 offshore boom sets with 500 m each,
- 3 high capacity multi-skimmers with a recovery rate of 200/400 m^3/h, and
- 18 offshore skimmers with a recovery rate of 125 m^3/h.

EMSA provides also to the European States and the European Commission *technical and scientific* assistance in the field of accidental or deliberate pollution from ships and support on request. The *provision of expertise* by the Agency can be characterised on the following basis:

- On-site personnel providing support across a range of issues including equipment selection and response coordination,
- Personnel providing support as part of the central response coordination of the MS.

Any country affected by a major oil disaster, inside or outside the European Union, can submit a request for assistance through the Monitoring and Information Centre (MIC) of the EC. Then a secondment of one or more EMSA expert(s) to the State or States affected by a major spill can be arranged. The type of secondment will be established on a case by case basis depending of the kind of assistance needed. EMSA experts will provide technical support to the affected State(s) either on site or from EMSA's premises in Lisbon. Experts may also act as "liaison officers" to arrange, if necessary, for additional assistance to be provided by EMSA, i.e. vessels or satellite imagery.

CleanSeaNet, the European pollution monitoring and vessel detection service was launched in 2007. The service, provided and organised by EMSA, was set up to support the European States' actions to *combat deliberate or accidental pollution* in the environment. CleanSeaNet is based on analysis of Synthetic Aperture Radar (SAR) satellite images for oil pollution and vessel detection. In 2011 in total 2,143 images were delivered to coastal States using the services, showing 2,048 possible oil spills. The service has recently been upgraded, and through combining information in the images with that of vessel traffic reports (AIS messages) the identification of potential polluters has significantly improved.

When dealing with a *Hazardous and Noxious Substances (HNS)* pollution incident, one of the priorities is the identification of the hazard and an assessment of the risk posed by a stricken vessel and its cargo to public and responder safety, the environment and socioeconomic assets. The primary factors that determine the impact of the released HNS material(s) relate to the chemical and physical properties of the material and its fate in the environment.

EMSA, in close cooperation with the European Chemical Industry Council (Cefic) and the Centre of Documentation, Research and Experimentation on Accidental Water Pollution (Cedre), developed the MAR-ICE Network (MARine Intervention in Chemical Emergencies Network) to support national authorities in responding to marine pollution emergencies. MAR-ICE is based on the voluntary ICE network, which provides a similar type of assistance for land-based chemical spills.

MAR-ICE provides, upon request (via telephone, fax or e-mail) and free of charge, product-specific information and advice on chemicals involved in marine pollution incidents, through contacting a single interface. All 27 EU Member States, the European Free Trade Association coastal states and the EU Candidate Countries can use MAR-ICE for marine pollution emergencies involving chemicals in EU waters.

Finally, I would like to say, that with a view to historical incidents, such as the DWH/Macondo Incident, and in light of the future challenges related to the spill risks worldwide arising from shipping and offshore exploration, the efforts of all states, organisations, regional cooperation bodies and industry should focus on minimising those risks and to responding rapidly to any oil spill once the pollution incident has occurred. Thank you once again for inviting EMSA to this very interesting seminar.