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27-30 November 2018 • Iloilo Convention Center, Philippines

PEMSEA/WP/2019/43

**PROCEEDINGS OF THE
GULF OF THAILAND WORKSHOP
ON THE USE OF CHEMICAL
DISPERSANTS AND OIL SPILL
CONTINGENCY PLANNING
AT THE SUB-REGIONAL LEVEL**

ILOILO CONVENTION CENTER

ILOILO CITY, PHILIPPINES

28 NOVEMBER 2018



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ON THE USE OF CHEMICAL DISPERSANTS AND OIL SPILL CONTINGENCY PLANNING
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28 NOVEMBER 2018, ILOILO CONVENTION CENTER
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1.0 INTRODUCTION

1.1 The Gulf of Thailand (GOT) workshop on the Use of Chemical Dispersants and Oil Spill Contingency Planning at the Sub-regional Level was successfully conducted on November 28, 2018 at Iloilo Convention Center, Iloilo City, Philippines.

1.2 The Workshop was attended by nineteen (19) representatives from the GOT national contact points and relevant agencies of Cambodia, Thailand and Vietnam and partner organizations from the Partnerships in Environmental Management for the Seas of East Asia (PEMSEA), IMO-IPIECA Global Initiative for South East Asia (GI-SEA) and ITOPF. The list of participants is attached as **ANNEX A**.

2.0 INTRODUCTION TO THE WORKSHOP

2.1 Ms. Diana Factuar, PEMSEA Coordinator for the GOT Cooperation delivered an introduction to the workshop highlighting its objectives. She also emphasized on the need for GOT participating countries to fast track the finalization and adoption of their respective national guidelines on dispersant use as a pre-requisite to the adoption of the GOT sub-regional guidelines on dispersant use. She acknowledged the participation of GI-SEA and ITOPF in the workshop as an active partner of the GOT Cooperation. The workshop programme is attached as **ANNEX B**.

3.0 REVIEW OF NATIONAL GUIDELINES ON THE USE OF DISPERSANTS IN THE GULF OF THAILAND COUNTRIES

3.1 The National Contact Points (NCP) of Cambodia, Thailand and Vietnam presented an update and key features of their national guidelines on the use of dispersants focusing on the following:

- national laws, policies and regulations related to dispersant use;
- lead authority responsible for issuing a decision on the use of dispersants;
- pre-approved zones for dispersant application;
- identified areas that are sensitive to dispersants;
- procedure for the use of dispersants(ex. decision flowchart, procedure of surface application, etc);
- list of approved dispersants for use in the country;
- actions taken/to be taken to adopt the guidelines at national level

3.2 Highlights of the NCP Presentations

Cambodia

- Mr. Sok Sophara of the Merchant Marine Department of Cambodia made the presentation on the updates and key features of the Cambodia national guidelines on the use of dispersants. He stressed that the national policy on dispersant use states that chemical dispersants are an important option which should always be considered in the most effective “first stage” of a response strategy. The decision to use dispersants should be made in consultation with the General Department of Environmental Protection of MOE.
- The guideline provides a flowchart which identifies sequential actions to address during the decision making process.
- Dispersants should not be used in areas that are sensitive to dispersants such as mangroves, coral reefs, bird nesting areas, various types of beaches, etc.- and man-made – such as water intakes, wharfs, tourist facilities, etc.
- Zones approved for dispersant use are those areas not highly sensitive to dispersed oil with a water depth of 10m or more.
- For the list of approved dispersants in the country, the list indicated in Thailand’s guideline was followed.
- It was reported that Cambodia conducted two inter-ministerial consultations on the draft guidelines. Refinement is being done in terms of the format and translation is ongoing for submission to concerned ministries.
- NCP-Cambodia indicated they need more time for the adoption of the guidelines.
- The section on procedure and flowchart for decision –making process needs to be reviewed to ensure consistency with current practice.
- The Ministry of Environment and Ministry of Public Works and Transport will sign the guidelines.
- A copy of the draft guidelines will be sent to GI-SEA for review/comments and inputs.
- GI-SEA representative stressed that the dispersant policy should be able to identify how far dispersants can be used, which dispersants can be used and how dispersants can be mobilized across borders.
- Cambodia requested technical assistance from PEMSEA and GI-SEA for the conduct of the national consultation workshop in 2019.
- A copy of the presentation is attached as **ANNEX C**.

Thailand

- Ms. Pornsri Suthanaruk of the Pollution Control Department (PCD) of Thailand made the presentation on the updates and key features of the national guideline on dispersant use of Thailand. She emphasized that Pollution Control Department (PCD) is the lead agency which regulates and supervises the use dispersants in Thailand. PCD is also responsible in: a) providing information on oil slick movement, 2) providing information on coastal and marine resources affected by oil spill, 3) developing the environmental restoration plan and 4) providing information in support of legal action against a polluter.
- The dispersant guideline of Thailand is contained in the Chemical Use Handbook which identifies zones which are pre-approved for dispersant use, zones sensitive to a high concentration of dispersed oil and a list of approved dispersants.

- In Thailand, the zones pre-approved for dispersant application: are areas where resources are not sensitive to high oil spread and a depth of over 10 meters, which helps to dilute quickly. Zones sensitive to high dispersed oil concentrations: are areas with a depth less than 10 meters and the resources that are sensitive to dispersed oil.
- The list of dispersants approved for use in Thailand are based on the following:
 - Thai Industrial Standards Institute (TISI), Thailand
 - Marine Management Organization (MMO), UK
 - U.S. Environment Protection Agency (U.S. EPA), USA
 - Australian Maritime Safety Authority (AMSA), Australia
- The updated Thailand national guidelines on dispersant use have been completed. Translation of the document is ongoing.
- Current efforts are being made in terms of oil finger printing and field testing to determine effectiveness of dispersants.
- The Rayong oil spill incident was discussed highlighting the need to consider the effective use of dispersants during the early stage of an oil spill incident or “window of opportunity”.
- Thailand is concerned with determining the properties of oil for passing ships.
- A copy of the presentation is attached as **ANNEX D**.

Vietnam

- Mr Tran Van Hung, representative from the Department of Science and Technology, and International Cooperation, MONRE indicated that there is already a draft circular on the process of using dispersants in Vietnam. MONRE will be issuing the regulation soon.
- The circular contains the following section:
 - I. General Provision,
 - II. Regulation on managing and granting permits of dispersant use,
 - III. Process of using dispersants in oil spill response at sea in Vietnam, and
 - IV. Organization of implementation
- The section on principles of managing and granting permits of dispersant use emphasized that :
 - Dispersants must be granted with permits before using at the sea in Vietnam;
 - The Ministry of Natural Resources and Environment shall issue regulations to detail the process of assessing application documents for permission for the use of dispersants;
- In terms of the process of granting permits for new type of dispersants
 - In case of international cooperation in responding to oil spill incident by dispersants and the dispersants are outside the list approved by the Ministry of

Natural Resources and Environment, the related nations must sign an agreement which provides for the list of dispersants to be used.

- The decision to use dispersants in Vietnam takes into consideration the following :
 - The use of dispersants is considered together with other methods of response as soon as the oil spill incident occurs;
 - Use of dispersants in densely populated areas, points of drinking water and water to produce; tourist sites; areas with ecosystems; aquaculture areas and areas of over average sensitivity is not allowed;
 - Use of dispersants in coastal waters with a depth of <20m; less than 2km from shore and in bays or lagoons with low water exchange is not allowed.

For spilled oil:

- Dispersants should not be used when most of spilled oil is weathered or dispersed naturally and when types of spilled oil are gasoline, diesel, kerosene or other oils that can disappear by evaporation or natural dispersion;
 - The use of dispersant should only be applied when the spilled oil has viscosity <5000cSt;
 - Viscosity of spilled oil > 10,000 cSt: the use of dispersant is not effective;
 - Dispersant should be used within 24 hours of oil spill to marine environment;
 - Use zoning map on use of dispersant: It provides for areas that are allowed and not allowed to use dispersant.
- The procedure in using dispersants including its preparation(type of dispersants to be used, equipment, human resources, etc), procedure for spraying, safety considerations, monitoring its effectiveness and environmental impact assessment after the use of dispersants is discussed in detail.
 - In terms of organizational responsibilities the the Ministry of Natural Resources and Environment shall be responsible for promulgating the circular on the Process of using dispersants in oil spill response at Vietnam sea and the Vietnam Administration of Seas and Islands shall be responsible for instructing, controlling and monitoring the implementation of the Circular.
 - A copy of the presentation is attached as **ANNEX E**.

3.3 Next steps

- Conduct a national workshop to finalize respective national guidelines of Cambodia and Vietnam.
- The GOT NCP's to explore developing dispersant use map for the Gulf of Thailand.

4.0 REVIEW AND DISCUSSION OF THE DRAFT GULF OF THAILAND SUB-REGIONAL OIL SPILL CONTINGENCY PLAN

4.1 Ms Factuar informed the participants that the framework used in drafting the sub-regional oil spill contingency plan is the ASEAN Regional Oil Spill Contingency plan which was recently adopted by the ASEAN countries during the ASEAN Transport Ministers Meeting in Bangkok, Thailand on November 8, 2018.

4.2 Ms Factuar led the participants in the review of the draft sub-regional oil spill contingency plan and solicited the country representatives' comments and inputs on each section. A copy of the draft sub-regional oil spill contingency plan is attached as **ANNEX F**.

4.3 In general, the participating countries have no major comments on the draft sub-regional oil spill contingency plan.

4.4 Minor comments and inputs from resource persons (ITOPF and GI-SEA) were raised as follows:

- Figure 1 - Indicate maritime boundary in the map and coverage of the plan (refer to ESI Map)
- Section 1.4 - Geographical coverage should be linked to ESI Map
- Section 4.6 Use of Dispersants –should indicate dispersant use policy of 3 countries based on their existing national guidelines

4.5 NCP's were reminded to submit the latest version of each country's national oil spill contingency plan as Annex to the sub-regional Plan.

4.6 It was recommended that the GOT sub-regional oil spill contingency plan will be adopted by participating countries during the next GOT NCP Meeting in November 2019.

5.0 DATE AND VENUE OF THE NEXT THE MEETING

5.1 The National Contact Points of Cambodia, Thailand and Vietnam agreed that Cambodia will host the next meeting.

6.0 CONCLUSIONS AND RECOMMENDATIONS

6.1 The GOT NCP's acknowledged and expressed appreciation for the technical support provided by PEMSEA in drafting the sub-regional oil spill contingency plan and indicated their request for PEMSEA to continue supporting the GOT Cooperation.

6.2 Active participation and technical support of GI-SEA and ITOPF was recognized.

6.3 PEMSEA to continue the existing partnership with IMO-IPIECA GI-SEA, OSRL and ITOPF and engage them in the implementation of GOT activities.

6.4 The objectives of the meeting and workshop were fully achieved.

**Gulf of Thailand Workshop on the Use of Chemical Dispersants and Oil Spill Contingency Planning at
the Sub-Regional Level
Attendance Sheet**

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GULF OF THAILAND WORKSHOP ON THE USE OF CHEMICAL DISPERSANTS AND OIL SPILL CONTINGENCY PLANNING AT THE SUB-REGIONAL LEVEL November 28, 2018, Iloilo City, Philippines		
1:30- 1:45	Introduction to the Workshop	
1:45 -2:45	<p>A Review of the National Guidelines on the Use of Dispersants in the Gulf of Thailand countries</p> <p><i>The National Contact Points of Cambodia, Thailand and Vietnam will present their completed/updated guidelines on dispersant use focusing on:</i></p> <ol style="list-style-type: none"> 1) national laws, policies and regulations related to dispersant use; 2) lead authority responsible for issuing a decision on the use of dispersants; 3) pre-approved zones for dispersant application; 4) identified areas that are sensitive to dispersants; 5) procedure for the use of dispersants(ex. decision flowchart, procedure of surface application, etc); 6) list of approved dispersants for use in the country; 7) actions taken/to be taken to adopt the guidelines at national level 	NCP of Cambodia, Thailand and Vietnam
2:45 – 3:30	<p>Feedback from Technical Resource Persons</p> <p><i>The technical resource persons from ITOPF, IPIECA-GI SEA and OSRL will be invited to provide technical inputs to further strengthen the national guidelines presented by GOT NCP's.</i></p>	ITOPF, GI-SEA, OSRL,
3:30 – 5:00	<p>Review and Discussion of the Draft Gulf of Thailand Sub-regional Oil Spill Contingency Plan</p> <p><i>NCP's of Cambodia, Thailand and Vietnam will be invited to provide their comments/inputs to each section of the Draft Sub-regional Oil Spill Contingency Plan. An advance copy of the draft sub-regional OSCP will be sent to NCP's for their review. Similarly, the technical resource persons will be invited to explain certain sections of the Plan where the NCP's would require further explanation.</i></p>	NCP of Cambodia, Thailand and Vietnam ITOPF, GI-SEA, OSRL
5:00 -5:30	Summary of Discussions and Recommendations	PEMSEA

Workshop on The Use of Chemical Dispersants for Oil Spills and Oil Spill Contingency Planning at The Sub-Regional Level

November 27-28,2018, Philippines

Content

- National Law, Policies and Regulations related to Dispersant use
- Statement of Policy
- Challenges and Difficulties
- Lead Authority responsible for issuing a decision on the use of dispersants
- Procedure for the use of dispersant
- Pre-approved zone for dispersant application
- Identified areas that are sensitive to dispersants
- List of approved dispersants for use in the country
- Action taken/to be taken to adopt the guidelines at national level.

National Law, Policies and Regulations related to Dispersant use

- Draft of National Policy and Guideline on the Use of Dispersants in Cambodia.
 - These guidelines are designated to facilitate and document rapid defensible and decision for dispersant use during an oil spill
 - They are structured around the dispersant use Flowchart which summaries the key aspects to be considered during the decision making process. The decision-maker should use the flowchart to guide dispersant use decisions.

Statement of Policy

- It is the declared policy of the Ministry of Environment of Cambodia to support sustainable development of the country's marine and coastal resources through the application of appropriate response strategies during oil spill incidents including the use of chemical dispersants as an important option to combat pollution at sea.
- No marine oil spill response option should be ruled out or limited in advance. Chemical dispersants are an important option which should always be considered in the most effective “first stage” of a response strategy.

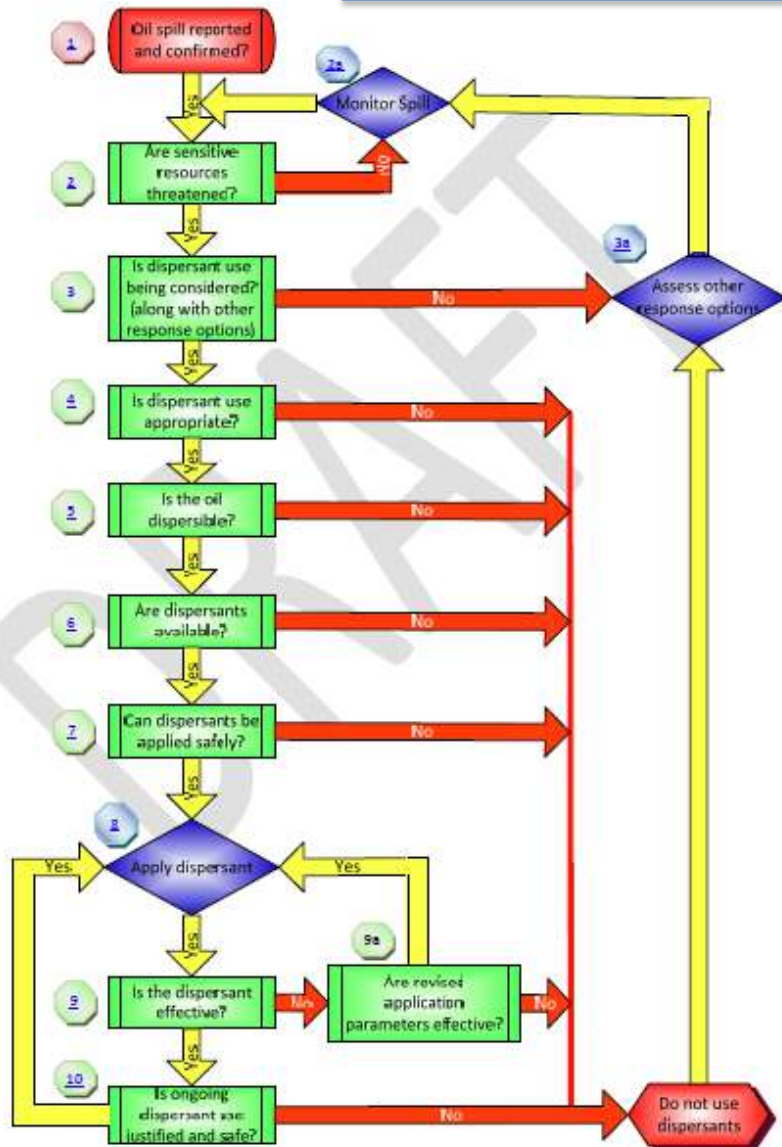
Challenges and Difficulties

- We need time to have National Policy and Guideline's Meeting with Inter-Ministries.

Lead Authority responsible for issuing a decision on the use of dispersants

- During an oil spill response, the Incident Commander may authorize the use of chemical dispersants. The decision to use dispersants should be made in consultation with the General Department of Environmental Protection of MOE. However, the Incident Commander may authorise the use of dispersants, without consultation, in order to reduce any threat to human life from fire or explosion.
- Authorization must be based on a reasonable belief that the application of dispersants will be effective and that there will be a net environmental benefit from their use.
- The decision to continue must be based on demonstrated effectiveness, either through visual confirmation or through field sampling programs.

Procedure for the use of dispersant



- The flowchart identifies sequential actions to address during the decision making process. Action will be undertaken in parallel, and reference to the supporting documentation will not always be necessary.

Pre-approved zone for dispersant application

- Generally areas which contain resources where there is not a high responsibility to dispersed oil and have water depths of 10m or more.

Identified areas that are sensitive to dispersants

- Areas that are sensitive to dispersants such as mangroves, coral reefs, bird nesting areas, various types of beaches, etc.- and man-made – such as water intakes, wharfs, tourist facilities, etc.

List of approved dispersants for use in the country

- This list has been compiled based on the list of approved dispersants in Thailand. As Thailand and Cambodia share the same waters within the Gulf of Thailand, the type of chemical dispersants that are deemed safe for usage in Thailand shall be adopted for this guideline.

Action to be taken

- Establish a mechanism for Oil Spill Preparedness and Response
- Adoption of Contingency Plan for Oil Spill Preparedness and Response
- Adoption of the use of the Chemical Dispersants.

National Guidelines on the Use of Chemical Dispersants : Thailand

Pornsri Suthanaruk, Ph.D

Director of Water Quality Management Bureau

Pollution Control Department

Ministry of Natural Resources and Environment



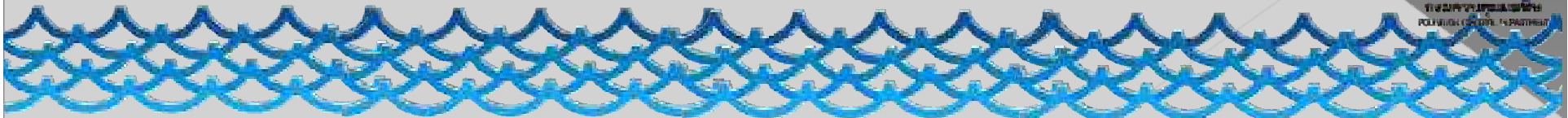
12th Gulf of Thailand Annual Contact Points Meeting

27-30 November 2018 Iloilo, Philippines

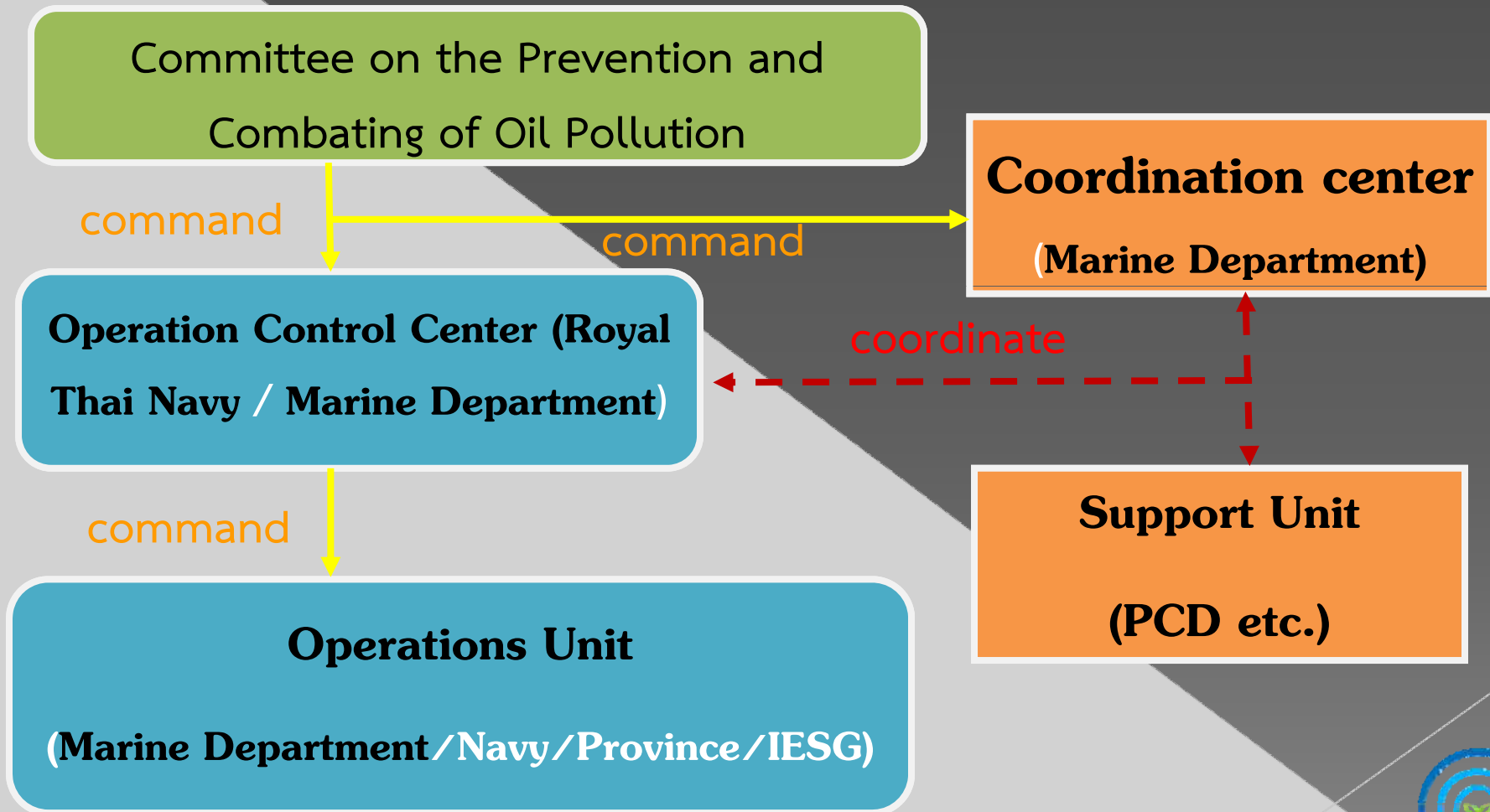


Scope of talk

- ◎ Pollution Control Department's Role
- ◎ Guidelines for the use of dispersants in Thailand
 - > Zonation
 - > Approved list of dispersants
 - > Permission

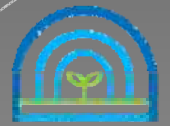


National Oil Spill Response Organization



Pollution Control Department's Role

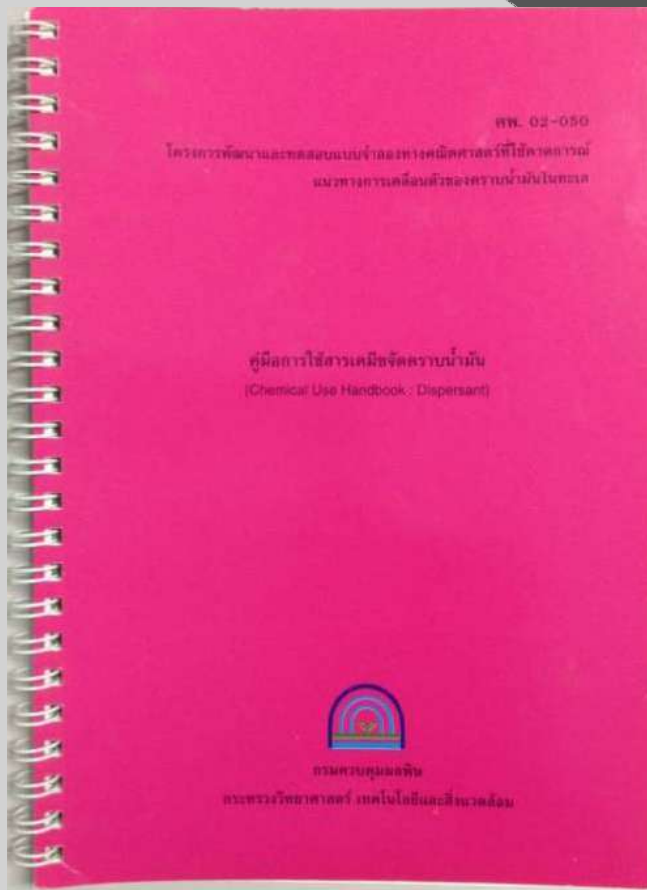
- provide information on oil slick movement
- provide information on coastal and marine resources affected by oil spill
- develop the environmental restoration plan
- provide information in support of legal action against a polluter
- supervise and regulate the use of chemical dispersant



POLLUTION CONTROL DEPARTMENT

National Oil Spill Response Plan

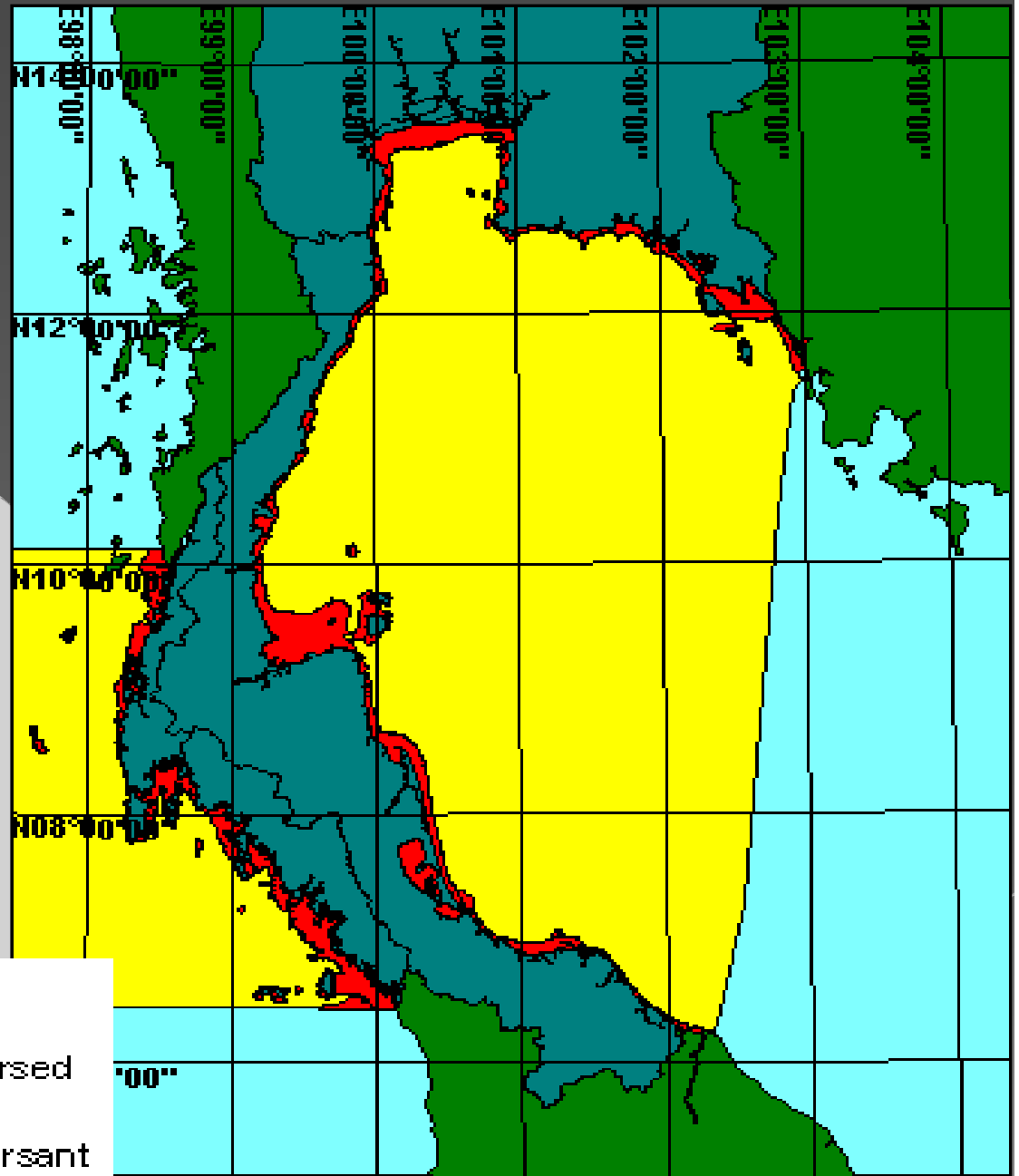
The guideline for the use of dispersant in Thailand






Chemical Use Handbook : Dispersant

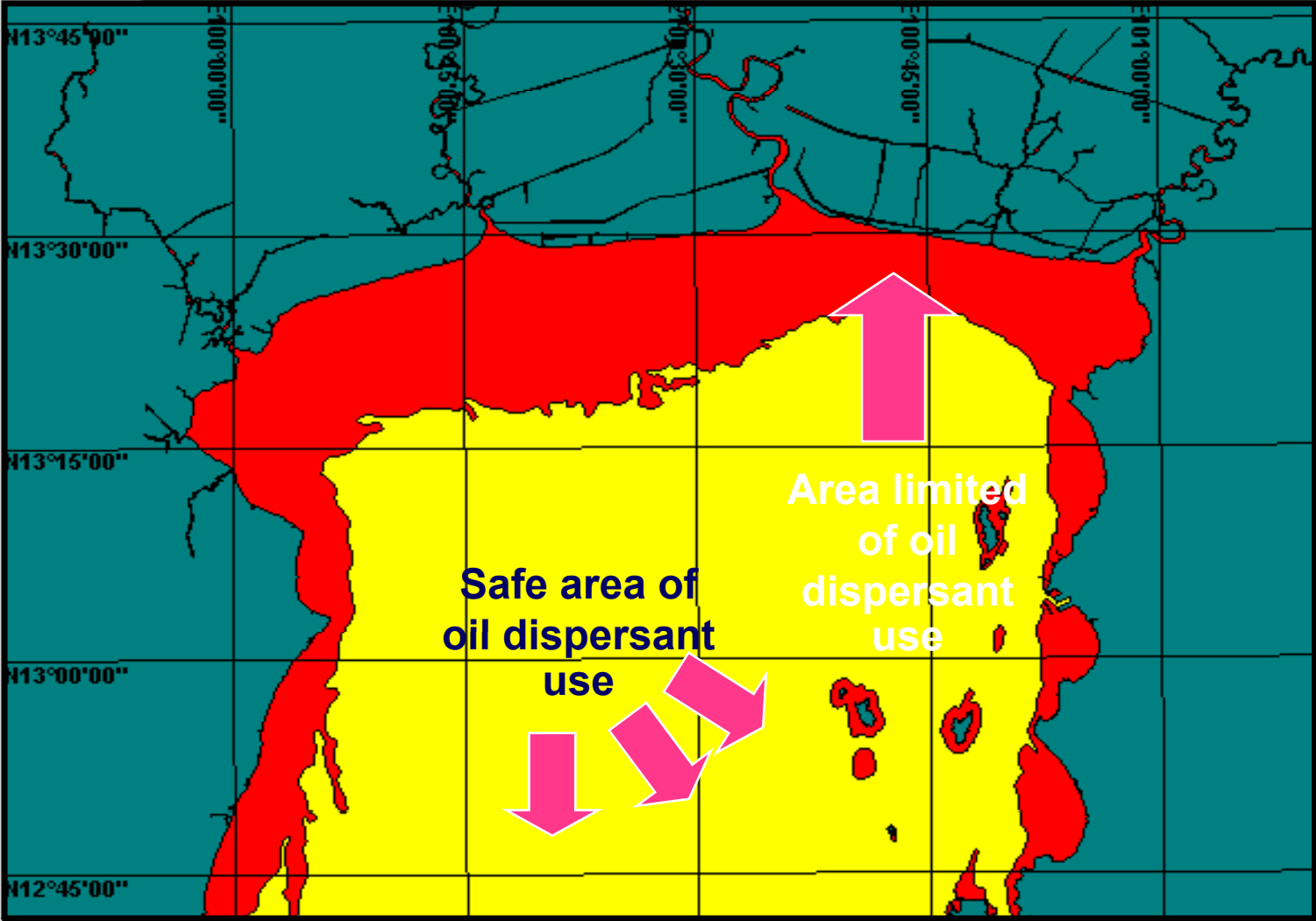
- Zone which are pre-approved for dispersant.
- Zone sensitive to a high concentration of dispersed oil.
- List of approved dispersants

Dispersant Use
Zonation in Thailand



-  Land
-  Zone Sensitive to High Dispersed Oil Concentrations
-  Zone Pre-Approved for Dispersant Application

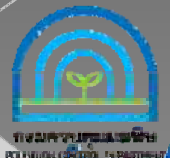
Dispersant Use Zonation in Thailand



The use of oil dispersant.

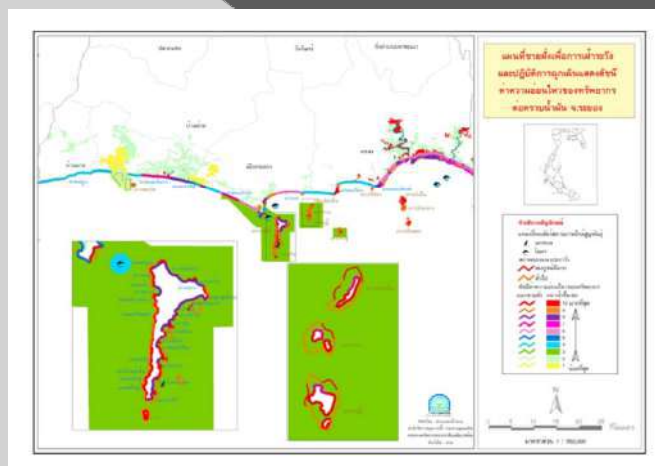
The areas to use the dispersant in Thailand

- ❖ Zone pre-approved for dispersant application. : This category is for the resources which are not sensitive to high oil spread and a depth of over 10 meters, which helps to dilute quickly.
- ❖ Zone sensitive to high dispersed oil concentrations. : This category is for the areas has a depth less than 10 meters and the resources that are sensitive to dispersed oil. The area is recommended to use oil dispersant when using the net benefit to the environment.



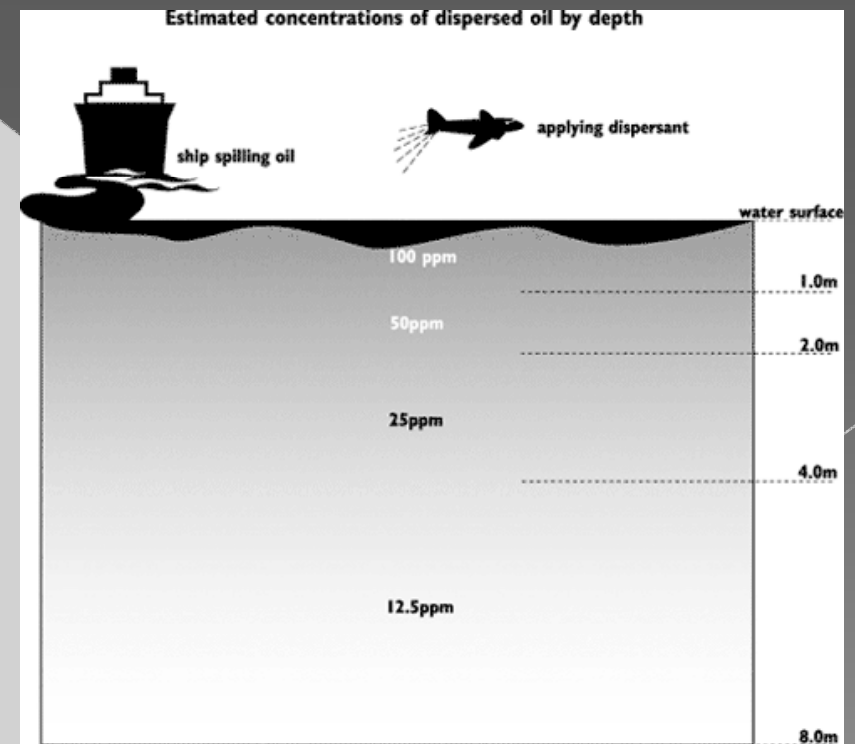
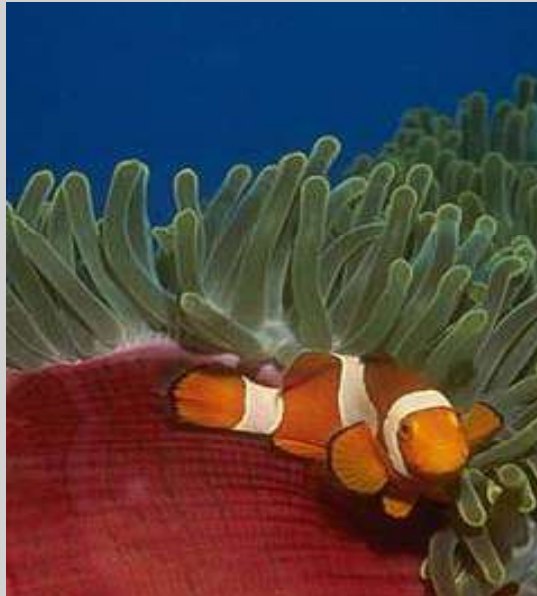
กรมควบคุมมลพิษ
POLLUTION CONTROL DEPARTMENT

Environmental sensitive areas



Environmental sensitive areas

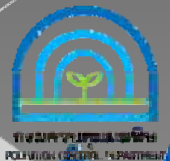
- The Aquaculture
- Shallow reef
- Nursery larvae of aquatic animals
- Mangrove / Beach Lane
- Estuary



List of dispersants approved for use in Thailand

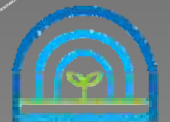
Reference Agencies

- Thai Industrial Standards Institute (TISI), Thailand
- Marine Management Organization (MMO), UK
- U.S. Environment Protection Agency (U.S. EPA), USA
- Australian Maritime Safety Authority (AMSA), Australia



Appendix C
List of Approved Dispersants for Using in Thailand

No.	Product Name	Approved Use ¹	Expiry	Registered/ Revised	Approval Organization
1	Accell Clean® DWD	*		18 Jul 2011	U.S. EPA.
2	Agma DR 379	S B RS	20 Jun 2021		MMO
3	BIODISPERS (FORMERLY PETROBIODISPERS)	*		28 Jun 2002	U.S. EPA.
4	Caflon OSD	S B RS	20 Dec 2018		MMO
5	CHEMAX 307 oil spill dispersant	*	-	-	TISI
6	COREXIT® EC9500A	S	12 Dec 2018	13 Apr 1994/ 18 Dec 1995	MMO U.S. EPA.
7	COREXIT® EC9500B	*		1 Aug 2013	U.S. EPA.
8	COREXIT EC9527A (Formerly Corexit 9527)	*		10 Mar 1978/ 18 Dec 1995	U.S. EPA.
9	DASIC SLICKGONE NS/ Slickgone NS	S B RS	20 Feb 2019		AMSA / MMO
10	DASIC SLICKGONE EW/ Slickgone EW	S B RS	25 Apr 2018		AMSA / MMO
11	DISPERSIT SPC 1000TM	*		22 Apr 1999	U.S. EPA.
12	FFT-Soluion®	*		1 Nov 2011	U.S. EPA.
13	Finasol OSR 51	S B RS	27 Jun 2017		AMSA MMO
14	Finasol OSR 52	S B RS	18 Mar 2020	30 Jan 2003	MMO U.S. EPA.
15	JD-109	*		20 Sep 2000	U.S. EPA.
16	JD-2000™	*		6 Aug 2001	U.S. EPA.
17	MARE CLEAN 200	*		23 Feb 1988/ 26 Jan 1996	U.S. EPA
18	MARINE D-BLUE CLEAN™	*		23 Apr 2012	U.S. EPA
19	NEOS AB3000	*		22 Apr 1985/ 26 Jan 1996	U.S. EPA.
20	NOKOMIS 3-AA	*		31 Jul 2008	U.S. EPA
21	NOKOMIS 3-F4	*		4 Mar 2002	U.S. EPA.
22	OSD/LT Oil Spill Dispersant	S B RS	20 Jun 2021		MMO
23	OSR 4000	S B RS	7 Aug 2018		MMO

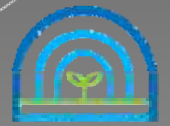


No.	Product Name	Approved Use ¹	Expiry	Registered/ Revised	Approval Organization
24	Radiagreen OSD	S	19 Feb 2020		MMO
25	SAF-RON GOLD (a/k/a SF-GOLD DISPERSANT)	*		3 Jan 2005	U.S. EPA.
26	SEA BRAT #4	*		26 Nov 2002	U.S. EPA.
27	SEACARE ECOSPERSE	S B RS	20 Mar 2017		MMO
28	SEACARE ECOSPERSE 52 (see FINASOL OSR 52)	S B RS	25 Apr 2018	30 Jan 2003	MMO U.S.EPA
29	Seacare Ecosperse LT23	S B RS	28 Oct 2018		MMO
30	SEACARE E.P.A. (see Dispersit SPC 1000™)	*		22 Apr 1999	U.S. EPA.
31	Seacare OSD	S B RS	10 May 2018		MMO
32	Seacare OSD2	S B RS	28 Oct 2018		MMO
33	SF-GOLD DISPERSANT (see SAF-RON GOLD)	*		3 Jan 2005	U.S.EPA
34	Super-dispersant 25	S B RS	17 Mar 2020		MMO
35	SUPERSPERSE™ WAO2500	*		23 Mar 2011	U.S.EPA
36	ZI-400	*		16 Jun 2005	U.S.EPA
37	ZI – 400 OIL SPILL DISPERSANT (see ZI-400)	*		16 Jun 2005	U.S.EPA

Information update as of 5 September 2015

Remark: ¹ Allow to be used in the following areas

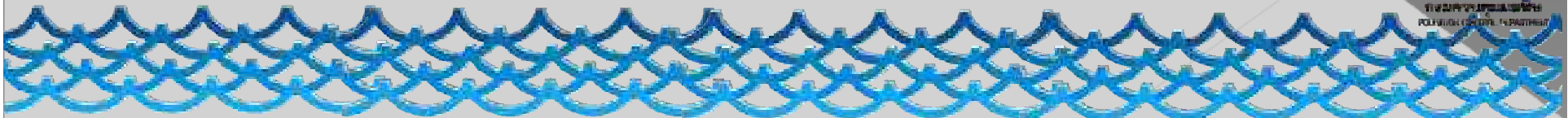
S = Sea B = Beach
RS = Rocky shore * = not specified



The use of oil dispersant

Principles and facts of use of oil dispersant.

- Oil removal other method is not effective or not projected. Or when it is beneficial to the environment as a whole, without impacting resources and aquatic ecosystems.
- Chemicals used should be in the list of dispersant that allowed to use in Thailand, which according to the terms and/or permission from government agencies involved.



Limitations of Dispersants

1. Shallow Water	not commonly used in shallow water (lower 10 meter)
2. Fresh Water	not commonly used in freshwater (not effective in fresh water)
3. Sea State	wave energy and wind speed
4. Oil properties	Effectiveness will decrease as oil viscosities increase
5. Pour point	Pour point 10 – 15⁰C below sea temperature will be difficult to disperse chemically

Conditions that need permission prior to dispersant usage

- **The sea depth does not exceed 10 m.**
- **Areas where natural resources are susceptible to oil pollution.**
- **Freshwater and brackish water.**

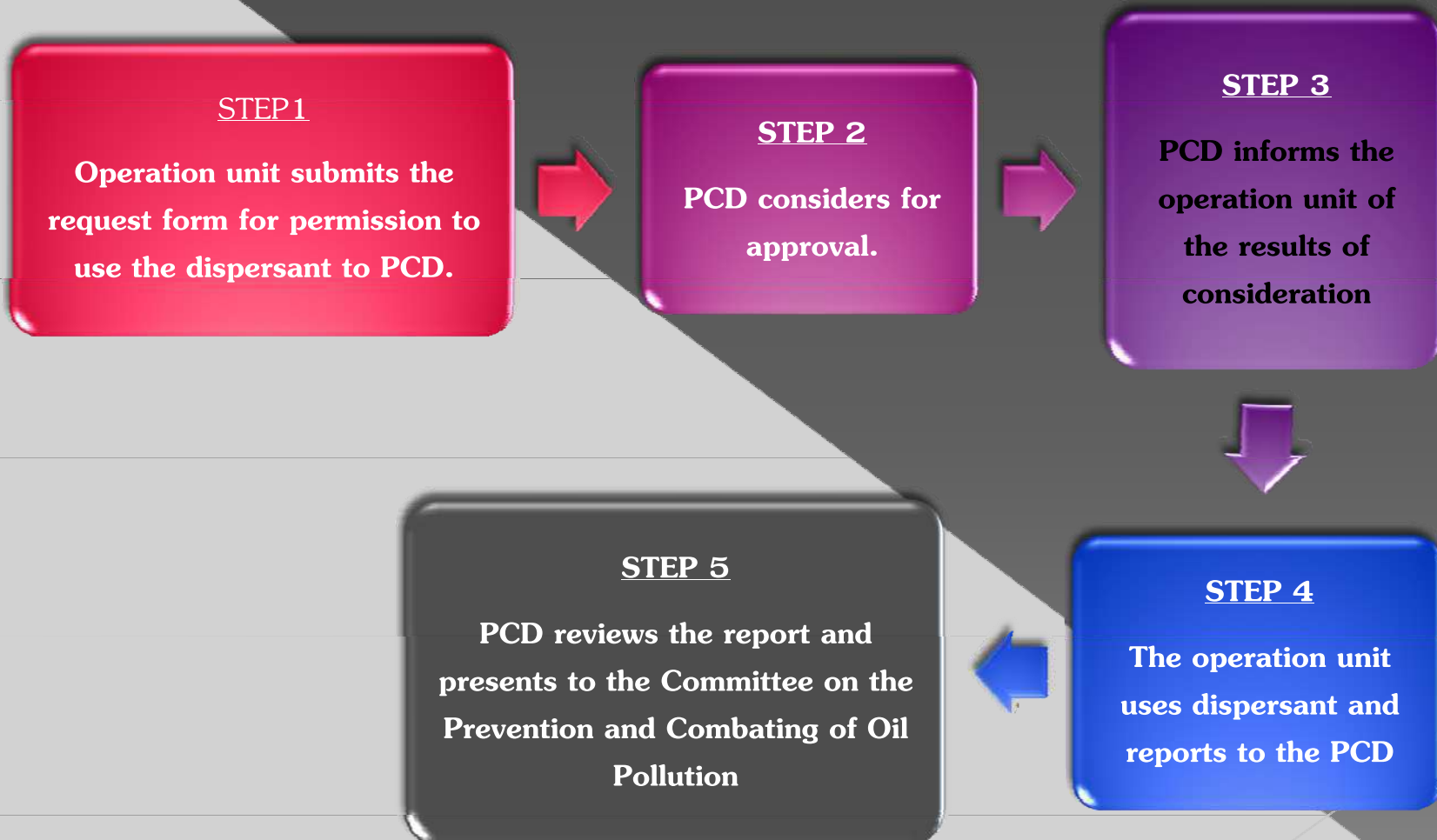
National Oil Spill Response Plan

Before using the dispersants in the zones that sensitive to high concentration of dispersed oil, the users need permission from PCD.

The use of dispersants will be approved by the Director General of PCD.



Dispersant Use Flowchart in Thailand



Request Form

PH. 01

Request Form

Date.....

Dear **Director General of PCD**

Agency Name.....

Type of Dispersant.....

Spill case

Spill location

Latitude/Longitude.....

Spill Date..... Time.....

Type of oil Volumeliters

Spill duration..... days. Location to use dispersant.....

Volumeliters. Method

Sign

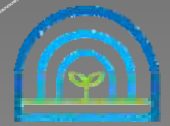
(.....)

Position.....

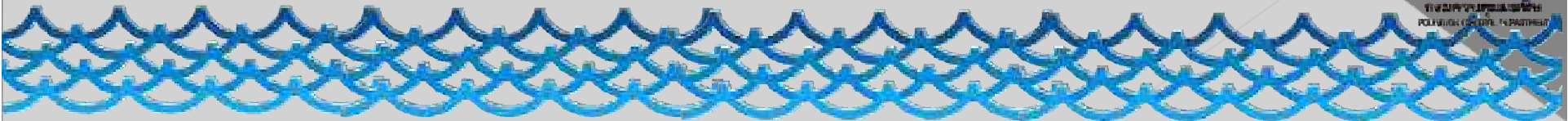
Contact address of the applicant.....

TelephoneFAX.....

MobileE-mail.....



POLUTION CONTROL DEPARTMENT



Permission document

Permission Document

Date

PCD determined as follows:

Not grant permission to use dispersant

Because.....

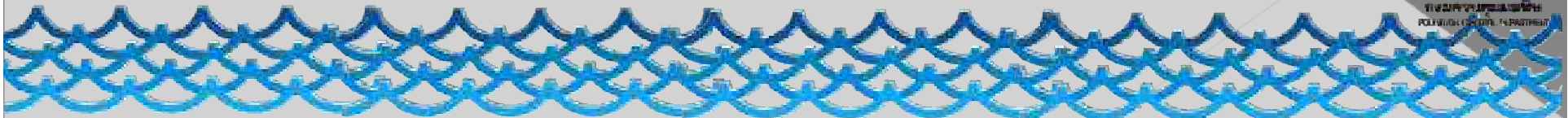
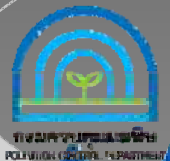
grant permission to use dispersant

Volume.....liters. In area.....

This permission is granted for oil spill response in this case only, and the results of the dispersant application must be reported to PCD after the completion of the operation.

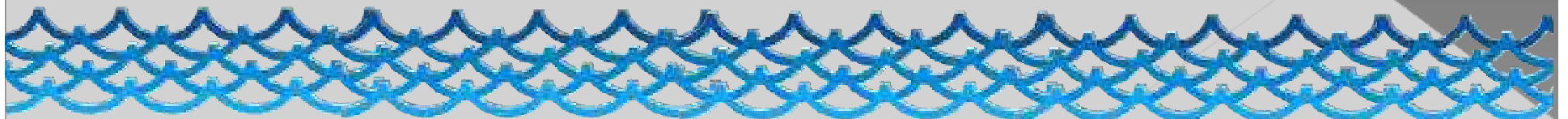
(Sign).....

The Director General of PCD





กรมควบคุมมลพิษ
POLLUTION CONTROL DEPARTMENT





TỔNG CỤC BIỂN VÀ HẢI ĐẢO VIỆT NAM
Vietnam Administration of Seas and Islands

ANNEX E

DRAFT OF CIRCULAR

PROCESS OF USING DISPERSANTS IN OIL SPILL RESPONSE AT SEA IN VIETNAM



TỔNG CỤC BIỂN VÀ HẢI ĐẢO VIỆT NAM

Vietnam Administration of Seas and Islands

CONTENT OF CIRCULAR

I. General provisions

II. Regulation on managing and granting permits of dispersant use

III. Process of using dispersants in oil spill response at sea in Vietnam

IV. Organization of implementation



TỔNG CỤC BIỂN VÀ HẢI ĐẢO VIỆT NAM

Vietnam Administration of Seas and Islands



I. General provisions

1. Scope of regulation

This Circular provides for:

- Managing and granting permits of dispersant use**
- Dispersant use in oil spill response at Vietnam sea**

2. Subjects of application

This Circular shall apply to Vietnamese organizations and individuals and to foreign organizations and individuals who have activities involved in dispersant use on Vietnam sea.



TỔNG CỤC BIỂN VÀ HẢI ĐẢO VIỆT NAM

Vietnam Administration of Seas and Islands

II. Regulation on managing and granting permits of dispersant use

1. Principles of managing and granting permits of dispersant use

- Dispersants must be granted permits before using at the sea in Vietnam;
- The Ministry of Natural Resources and Environment shall issue regulations to detail the process of assessing application documents for permission for the use of dispersants;

2. Process of granting permits for new type of dispersants

- In case of international cooperation in responding to oil spill incident by dispersants and the dispersants are outside the list approved by the Ministry of Natural Resources and Environment, the related nations must sign an agreement which provides for the List of used dispersants.



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III. Process of using dispersants in oil spill response at sea

1. Providing for deciding on the use of dispersants upon the occurrence of oil spill incident at sea of Vietnam

General provision:

Deciding on the use of dispersants when an oil spill occurs shall comply with the following regulations:

- + The use of dispersants is considered together with other methods of response as soon as the oil spill incident occurs;
- + Do not use dispersants in the areas such as densely populated areas , points of drinking water and water to produce; tourist sites; areas with ecosystems; aquaculture areas and areas of over average sensitivity;
- + Do not use coastal waters with a depth of <20m; less than 2km from shore and in bays or lagoons with low water exchange



TỔNG CỤC BIỂN VÀ HẢI ĐẢO VIỆT NAM

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Regulation for spilled oil

- Do not use dispersants when most of spilled oil is weathered or dispersed naturally;
- Do not use dispersants when types of spilled oil are gasoline, diesel, kerosene or other oils that can disappear by evaporation or natural dispersion;
- The use of dispersant should only be applied when the spilled oil has viscosity <math>< 5000\text{cSt}</math>;
- Viscosity of spilled oil > 10,000 cSt: the use of dispersant is not effective;
- Dispersant should be used within 24 hours of oil spill to marine environment;
- Use zoning map of using dispersant: It provides for areas that are allowed and not allowed to use dispersant.



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Analyze environmental benefits before making a final decision

- Environmental benefit analysis is a decision-making tool to assist in the selection of oil spill response to reduce the negative impact on the overall environment.
- An environmental benefit analysis can not be conducted after the occurrence of oil spill incident because data compilation and assessment require long periods of time. Therefore, an environmental benefit analysis should be conducted in the planning of oil spill incident response



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Vietnam Administration of Seas and Islands



Set up guidelines for the preparation of dispersant use

After dispersant is decided on using to treat oil spills, the preparation for the use of dispersant includes:

- Prepare the type of dispersant used for the oil spill incident response: dispersant name, amount of dispersant required, dispersant suppliers, means of transport;
- Preparation of equipment for dispersant spraying: aircraft, ships, spraying equipment, etc.;
- Prepare human resources and labor protection equipment during dispersant spraying;
- Prepare supplementary dispersant storage when large amounts of dispersant are needed, which are not met by the local authorities



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Vietnam Administration of Seas and Islands



Determine the thickness and the amount of oil spill

To determine the thickness and the amount of oil spill based on the color of the oil spill and divided into five main oil codes, each oil code has the thickness and the amount of oil spill are specified in the table below:

Code	Description-Appearance	Layer Thickness Interval (μm)	Litres per Km^2
1	Sheen (silvery/grey)	0,04 to 0,3	40 to 300
2	Rainbow	0,3 to 0,5	300 to 5000
3	Metallic	0,5 to 50	5000 to 50000
4	Discontinuous true colour	50 to 200	50000 to 200000
5	Continuous true colour	> 200	> 200000



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Vietnam Administration of Seas and Islands

2. Spraying oil spill dispersants

Dispersants can be sprayed from any 'platform' - surface vessel or aircraft

- Depending on the location and size of the oil spill incident, weather conditions, hydrographical conditions and local rescue equipment, field commander will decide on dispersant spraying methods;
- General guideline on the dosage of dispersant used, spraying methods is presented in Appendix 1. The field commander may use other methods to achieve the highest efficiency.



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3. Safety in dispersant use

- Organizations and individuals using dispersant must provide fully labor protection equipment for persons directly working with dispersant, including protective clothing, goggles, gloves and masks and other tools in accordance with the manufacturer's regulations;
- If dispersant is in contact with skin or eyes, wash immediately with clean water.
- After using, labor protection equipment must be re-washed before reuse.



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4. Monitoring the effectiveness of the use of dispersant

- Monitoring of the effectiveness of the use of dispersant during oil processing should be monitored and updated continuously through satellite images, surveillance ships or surveillance aircraft.
- If dispersant is used effectively (when the oil is dispersed more than 50% of the oil spill), continue spraying to treat the remaining oil or if using dispersant is ineffective, stop dispersant spraying and use other methods to treat oil spills to bring about higher efficiency.



TỔNG CỤC BIỂN VÀ HẢI ĐẢO VIỆT NAM

Vietnam Administration of Seas and Islands

5. Environmental impact assessment after using dispersant

After using dispersant for oil spill treatment, an environmental impact assessment of the use of dispersant should be made, including:

- Samples of water, organism samples and sediment samples in those areas and adjacent areas. Samples must be collected and preserved in accordance with current regulations;
- Analyze these samples in a laboratory to measure dispersion and dispersed oil concentrations in samples as the basis for environmental impact assessment after dispersant use;
- The results of the analysis are compared with the permitted limits on the concentration of toxic substances contained in the samples according to the current standards and regulations.



TỔNG CỤC BIỂN VÀ HẢI ĐẢO VIỆT NAM

Vietnam Administration of Seas and Islands

6. Report on the results of using dispersants

After using dispersant, the agency or organization dealing with the oil spill incident shall have to report to the Ministry of Natural Resources and Environment on the results of the use of dispersant. The report includes:

- Location, time, process and scale of oil spill incident;
- Meteorological and hydrographical conditions in the area where the oil spill incident occurs;
- Name of agency or organization using dispersant;
- The name of the dispersant used and its basic characteristics, the decision approving the use of the dispersant;
- Spraying method, dosage, starting and ending time, evaluation of treatment results;
- The status of the environment and its consequences on the environment after using dispersant;
- Conclusions and recommendations.



TỔNG CỤC BIỂN VÀ HẢI ĐẢO VIỆT NAM

Vietnam Administration of Seas and Islands



IV. Organization of implementation

- The Ministry of Natural Resources and Environment shall be responsible for promulgating a Circular on Process of using dispersants in oil spill response at Vietnam sea
- Vietnam Administration of Seas and Islands shall be responsible for instructing, controlling, monitoring the implementation of this Circular



**THANK YOU FOR
YOUR ATTENTION**

Sub-regional Oil Spill Contingency Plan of the Gulf of Thailand

under the

Joint Statement of Cambodia, Thailand and Vietnam

on

**Partnership in Oil Spill Preparedness and Response
in the Gulf of Thailand**

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Executive Summary

This Sub-regional Oil Spill Contingency Plan of the Gulf of Thailand has been developed under the Joint Statement of Cambodia, Thailand and Vietnam on Partnerships in Oil Spill Preparedness and Response in the Gulf of Thailand which was signed on January 12, 2006 in Hanoi, Vietnam. It provides a mechanism whereby littoral states in the Gulf of Thailand can request and provide mutual support in response to oil spills, within their available response equipment.

This Plan adopts the framework, terminologies and procedures in the ASEAN Regional Oil Spill Contingency Plan which are consistent with the provisions of the Joint Statement and Framework Programme signed and adopted by the 3 littoral states in the Gulf of Thailand including alert and communications procedures, pollution reporting system, conduct of joint training and response exercises among others.

The coordination, control and command framework that is used when the Sub-regional Plan is activated do not replace the National response system of the affected State. The affected State will continue to implement its National Contingency Plan and use its established incident management system. The Sub-regional Plan framework exists to ensure that there is common understanding and effective integration between affected and assisting States.

Consistent with the ASEAN Regional Oil Spill Contingency Plan, this Plan contains the alert and communications procedures to allow States' operational authorities to undertake timely and effective co-operative actions. It applies to oil spills which cause or could cause damage to the environment in countries neighbouring the source of the incident i.e. trans-boundary spills. It will also apply when only one country is affected but the magnitude of the spill is such that the incident requires assistance from another country.

A Sub-regional Pollution Reporting (POLREP) system is incorporated into the Plan's procedures. The POLREP system enables sharing of key information and also facilitates requests for assistance between States. The sub-regional coordination framework and terminology is established to allow an assisting State to provide its support within the National response system of the receiving State. A set of financial procedures are included and the need for expedited movement of supporting equipment and personnel without delay is highlighted.

1. INTRODUCTION

1.1. Background

The Joint Statement on Partnerships in Oil Spill Preparedness and Response in the Gulf of Thailand was signed on 12 January, 2006 in Hanoi, Vietnam, wherein the three Participating Countries and other stakeholders expressed their commitment to develop Partnerships that are aimed at enhancing national and sub-regional capacities to prevent, control, combat and mitigate marine pollution and to promote technical cooperation and collaboration to safeguard the resources of the Gulf of Thailand.

This Joint Statement defined the vision, mission and actions of the three Participating Countries in order to work together for oil pollution prevention, preparedness and response through a Gulf wide exchange of information, joint research and development projects, training, oil spill response exercises, and mutual assistance in response, collaborative arrangement, and partnership building. One important element of the Joint Statement is that “the Participating Countries will cooperate in responding to major oil pollution incidents in the Gulf of Thailand. For this purpose, the Framework Programme for Joint Oil Spill Preparedness and Response in the Gulf of Thailand was adopted”. The details of the Joint Statement and the Framework Programme are shown in **Annex A**.

Figure 1 Participating countries to the Joint Statement-Cambodia, Thailand and Vietnam



This document address the requirement to develop a mechanism for sub-regional cooperation for mutual assistance named the GOT Sub-regional Oil Spill Contingency Plan (“hereafter the Sub-regional Plan”), and represents the key operational framework for achieving of the objectives of the Joint Statement and Framework Programme.

1.2. Definitions, Acronyms and Abbreviations

The following definitions, acronyms and abbreviations were adopted from the Joint Statement and ASEAN Sub-regional Plan:

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

Oil pollution incident means an occurrence 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 of one or more States, and which requires emergency action or other immediate response.

The MoU means Memorandum of Understanding on ASEAN Cooperation Mechanism for Joint Oil Spill Preparedness and Response.

The Sub-regional Plan means the Sub-regional Oil Spill Contingency Plan under the Joint Statement.

Participating countries means the signatory States of the Joint Statement such as Cambodia, Thailand and Vietnam.

Joint Statement means the Joint Statement on Partnerships in Oil Spill Preparedness and Response in the Gulf of Thailand

Framework Programme means the Framework Programme for Joint Oil Spill Preparedness and Response

Territory means the geographic area covered by the procedures in Participating countries’ National Contingency Plans.

Lead State means the Party in whose territory a pollution incident has occurred and which has activated the sub-regional Plan and/or asked for assistance within the framework of the sub-regional Plan, or the Party to whom the lead role has been transferred. The Lead State exercises the Operational Coordination of the Joint Response Operations and designates the Sub-regional On-Scene Commander (SOSC).

Lead Authority means the Operational Authority of the Lead State.

Governmental Authority means the designated Competent National Authority having the **governmental** responsibility for dealing with oil pollution incidents.

Operational Authority means the designated Government Department having the **operational** responsibility for dealing with oil pollution incidents.

Operational Coordination means overall co-ordination of Joint Response Operations, including both national resources and response teams, equipment and other resources (aircraft, vessels) rendered as assistance by other Participating countries. It is exerted by the Operational Authority of the Lead State, through the Sub-regional On-Scene Commander (SOSC).

Operational Control means direct control over personnel, means and units taking part in the Joint Response Operations, including giving orders and supplying information necessary for execution of response operations. It is exerted by National On-Scene Commanders (NOSC) of the Participating countries taking part in the operations, or by officers designated by them.

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

Sub-regional On-Scene Commander (SOSC) means a designated officer of the Lead State, having the overall operational coordination of all Joint Response Operations undertaken within the framework of the Sub- regional Plan.

National On-Scene Commander (NOSC) means an officer, designated by the Operational Authority, having operational control of all national pollution response resources which might, if so requested, participate in Joint Response Operations. (Note: NOSC is preferably, but not necessarily, the same officer who performs the duty of On-Scene Commander under the National Contingency Plan.) Following the activation of the Sub- regional Plan, NOSC of the Lead State assumes the role of SOSC, while NOSCs of the assisting countries, operating under the operational coordination of SOSC, nevertheless retain the operational control over their respective response teams and self-contained response units (vessels, aircraft).

National contact point means the entity designated to facilitate the implementation of the Joint Statement and serves as the national operational contact point responsible for receiving and transmitting reports on pollution incidents on a 24 hour basis.

Liaison Officer means an officer from an assisting Party participating in the Joint Response Operations, who is integrated in the staff of the SOSC with a view to providing necessary information on national resources rendered as assistance to the Lead State and to facilitate communications with his/her respective NOSC.

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

Emergency Response Centre means an office, manned 24 hours a day and equipped with appropriate communications equipment, which has been set up, for the purpose of the Sub- regional Plan, by each Party and which will serve as the Operations Room of the NOSC or SOSC respectively, whenever the sub-regional Plan is activated.

Joint Emergency Response Centre (JERC) means the Emergency Response Centre of the Lead State during joint response operations.

Response team means a group of personnel sent as assistance from one Party to another in order to take part as an independent unit in joint response operations. It may include personnel on board vessels, aircraft or other self-contained units or personnel assisting in shore clean-up operations. During joint response operations, response teams work under the tactical command of their leaders, the operational control of their respective NOSCs, and under the overall operational coordination of SOSC.

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

Operations on shore (shore clean-up operations) means any action taken on shore, or in the sea immediately adjacent to the shore, in order to recover, remove or destroy the oil and reduce its impact or effects.

Pollution Report (POLREP) means the incident report by which one Party warns the other Participating countries of a spill and through which it notifies the other Participating countries of the activation of the Sub-regional Plan and requests assistance.

Situation Report (SITREP) means the report by which the Lead State keeps the other Participating countries informed about the situation.

Tiered Preparedness and Response means a framework of tiered capability established to achieve an effective response commensurate with spill risk. Tiers 1, 2 and 3 categorise a response to a particular spill incident based on the availability of sufficient resources to respond effectively within local capacity, within national capacity and beyond national capacity respectively.

The following are the main **Abbreviations** used in this document:

ASEAN	Association of Southeast Asian Nations
ERC	Emergency Response Centre
GOT	Gulf of Thailand
IMO	International Maritime Organization
IOPC FUND	International Oil Pollution Compensation Fund
JERC	Joint Emergency Response Centre
NCP	National Contingency Plan
NOSC	National On-Scene Commander
OPRC	International Convention on Oil Pollution Preparedness, Response and Co-operation, 1990
OPRC-HNS	Protocol on Preparedness, Response and Co-operation to Pollution Incidents by Hazardous and Noxious Substances, 2000
POLREP	Pollution Report
PRO	Public Relations Officer
SITREP	Situation Report
SOSC	Sub-regional On-Scene Commander

1.3. Purpose and Objectives

The purpose of this Sub-regional Plan is to establish a mechanism for mutual assistance at the operational level in order to implement the Framework Programme whereby upon the call for assistance by the requesting participating country, the responding participating country so requested will exert best efforts to render assistance in addressing oil pollution in the Gulf of Thailand without prejudice to the right of the requesting participating country to seek assistance outside of the partnership. The plan has been developed in accordance with the requirements of Article 6 of OPRC '90 referring to the establishment of sub-regional systems for preparedness and response, and draws upon the operational procedures, reporting systems and planning arrangements developed by a number of established regional and sub-regional cooperation in response to a marine spill incident. The general objective of the Sub-regional Plan is to organise a prompt and effective response to oil spills affecting, or likely to affect, the territory of one or more of the countries concerned and to facilitate co-operation in the field of preparedness and response for oil spill incidents.

For this purpose the following specific objectives are defined:

- a) to define the extent of co-operation for the implementation of the Sub-regional Plan between the responsible authorities at the operational level;
- b) to divide the responsibilities and to anticipate the transfer of responsibility from one Party to another;
- c) to establish the principles of coordination and liaison, and to define the corresponding structures;
- d) to provide arrangements concerning the operation of ships and aircraft of one of the Participating countries within the territory of the other Participating countries;

- e) to specify the type of assistance which might be provided and the conditions under which it will be provided;
- f) to determine in advance the financial conditions and administrative modalities related to co-operative actions in case of emergency.

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

- developing appropriate preparedness measures and effective systems for detecting and reporting pollution incidents affecting or likely to affect the territory of the Participating countries;
- promoting and implementing sub-regional co-operation in oil pollution contingency planning, prevention, control and clean-up operations;
- establishing the necessary measures to restrict spreading and to minimize the hazard posed by oil spills;
- developing and implementing a programme of training courses and practical exercises for different levels of personnel involved in oil pollution prevention and combating; and
- developing procedures to increase sub-regional co-operation.

Nevertheless, the Participating countries agree that response operations in case of an oil pollution incident which occurs within the territory of one of the Participating countries will be conducted in accordance with provisions of the National Contingency Plan of the Party concerned.

1.4. Scope and Geographical Coverage

This Sub-regional Plan applies to oil spill incidents in the Gulf of Thailand region. It will apply to oil spills which cause or could cause damage to the environment in countries neighbouring the source of the incident. It will also apply when only one country is affected but the magnitude of the spill is such that the incident requires assistance from another country.

This Sub-regional Plan coordinates the activities between responsible authorities of each country, prescribes a response structure and establishes a method of operation for personnel responding to an incident.

The Sub-regional Plan is primarily intended to provide a procedure to enhance the capability of the Participating countries to respond to oil spills which may be beyond their individual capabilities. Bearing in mind that OPRC 1990 Article 6 requires each Party, within its capabilities either individually or through bi-lateral or multilateral co-operation and, as appropriate, in co-operation with the oil and shipping industries, port authorities and other relevant entities to establish a minimum level of pre-positioned oil spill combatting equipment commensurate with the risk involved, and programmes for its use. The Sub-regional Plan aligns with the principles of tiered preparedness and response concept.

Risk of oil spills

Major oil spill incidents which are likely to require this Sub-regional Plan to be brought into operation arise from accidents to ships, sea ports and oil handling facilities and offshore units undertaking drilling or production activities.

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 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 the areas of greatest navigational danger will be maintained by each national administration but may be shared from time to time through the Gulf of Thailand information sharing system. 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 has been mapped in the Environmental Sensitivity Index (ESI) Atlas of the Gulf of Thailand. The ESI Atlas of the Gulf of Thailand is a collection of data and information presented in thematic and composite maps describing coastal resources that are at risk during oil spill incidents. It also provides locations of oil spill response resources and related services to aid responders in planning their response operations.

DRAFT

2. Participating countries **POLICY AND RESPONSIBILITIES**

2.1. Basis for the Sub-regional Plan

The essence of the oil spill response planning framework for the GOT sub- region is that each Party shall have its own National Contingency Plan (NCP) and resources to respond to marine oil spills in the waters under its jurisdiction. The purpose of this Sub-regional Plan is to provide the framework and describe the procedures for giving effect to joint response operations. Such operations may occur when a Party whose coasts and related interests are threatened by an oil spill and its own resources are inadequate or inappropriate to deal with it effectively. In such cases, the Party at risk may call for assistance from the other Participating countries and will normally be responsible for organising the joint response operation.

2.2. Exchange of information

Bearing in mind that Article 6 of OPRC 1990 obliges each Party to establish a national system for responding promptly to oil pollution incidents including the designation of competent authorities with specific functions, and to inform the other Participating countries of these arrangements. Thus, in order to implement this Sub-regional Plan, and bearing in mind the Joint Statement , each Party shall inform the other Participating countries:

- a) The national contact point designated to facilitate the implementation of the Joint Statement ;
- b) the competent Governmental Authority with overall responsibility for preparedness and response to oil pollution incidents including responsibility for the implementation of this Sub-regional Plan and, where appropriate, the names of the responsible officers within these Authorities (Annex 1). Unless otherwise determined, the Governmental Authority will be the Authority entitled to act on behalf of the State to request assistance or to decide to render assistance when requested;
- c) the National Operational Authorities, responsible at the operational level for the implementation of this Sub-regional Plan and in particular for exercising Operational Coordination in case of Joint Response Operations and, where appropriate, the names of the responsible officers within these Authorities (Annex 1);
- d) the national operational Contact Points responsible for receiving and transmitting reports on oil pollution incidents on a 24 hour basis (Annex 1);
- e) the designated national Emergency Response Centres (Annex 1);
- f) the designated National On-Scene Commanders ;
- g) the designated competent Customs Authorities and Immigration Authorities (Annex 1);
- h) at least those parts of their respective National Contingency Plan which might be relevant in cases of conducting joint response operations and, in particular, a description of the administrative organization and the responsibilities of each of the constituent authorities in preparing for and combating oil pollution incidents (Annex 2);
- i) inventories of oil spill response equipment and products, as well as other means (for example, vessels and aircraft) available in each country and which may be available for use in joint response operations (Annex 3);
- j) directory of experts, trained personnel and response teams designated by each Party to take part in joint response operations (Annex 3).

The information listed above is attached to this Sub-regional Plan in **Annexes 1, 2 and 3**.

Participating countries shall inform each other of any changes in the information listed above as soon as these occur, through the national contact points, using routine communication channels and supplying relevant changes to the applicable annexes.

Each Operational Authority is responsible for the accuracy of information pertaining to its Party.

Each Operational Authority shall acknowledge receipt of any changes and/or modifications regarding the above information and is responsible for updating its respective copy/copies of the Sub-regional Plan accordingly.

The original copy of this Sub-regional Plan shall be in English language and English shall be used in all official communications related to the Sub-regional Plan (see section 3.8). Participating countries may create unofficial working versions of the Sub-regional Plan in their national languages for internal purposes.

2.3. Annual Meeting of the Gulf of Thailand National Contact Points

The implementation and further improvement of the GOT Sub-regional Plan shall be coordinated and supervised by the National Contact Points which meet as a minimum, once in a year. Recognizing that this Plan details the procedures for mutual assistance among participating countries, an important action identified in the Framework Programme, the Annual Meeting of the Gulf of Thailand NCP's will serve as a forum for discussion of questions related to the implementation of the Sub-regional Plan including sharing of information and best practices in oil spill preparedness and response.

2.4. Joint training and exercises

In accordance with the Joint Statement and Framework Programme, participating countries will endeavour to develop and implement a joint comprehensive capacity building programme in the field of oil pollution prevention, preparedness and response. The Participating countries shall conduct periodically joint training courses and/or joint exercises. The main objectives of these training courses and exercises shall be:

- to improve the level of co-operation and coordination among operational personnel and, in particular, the response teams of the different Participating countries;
- to test the coordination structure of the Sub-regional Plan;
- to achieve a satisfactory level of communication among personnel and, in particular, the response teams designated to take part in joint response operations;
- to acquire knowledge in handling equipment, products and other means which might be used in joint response operations;
- to enable the personnel from different Participating countries to gain experience in working together.

The Participating countries may host such training courses and exercises alternately. The GOT NCP's shall agree on an annual programme for training courses and bi-annual programme for joint exercises including scheduling the training and exercise programmes, their duration and other relevant details.

Training courses and exercises carried out in accordance with this Sub-regional Plan shall be based on the IMO OPRC Model Training Courses, other relevant training courses and guidelines.

2.5. Revision and amendment of the Sub-regional Plan

a) Policy and relations between the Participating countries

- (i) If the need arises for changes in the provisions of the Sub-regional Plan concerning the policy and relations between the Participating countries, the **Governmental Authority** of the Party proposing such changes shall request the GOT Secretariat to place the matter on the agenda of the next GOT NCP meeting.
- (ii) Any Party proposing a revision of or amendment to the Sub-regional Plan shall circulate to the other Participating countries the draft proposal at least two months before the GOT NCP meeting.
- (iii) All changes concerning the policy and relations between the Participating countries, as captured in the main body of the Sub-regional Plan, shall be proposed by agreement of the competent National Governmental and Operational Authorities of the Participating countries and shall be confirmed by the unanimous decision of all Participating countries at the GOT_NCP
- (iv) The changes to the Sub-regional Plan shall come into effect immediately following unanimous approval or at such other date decided during the GOT NCP Meeting.
- (v) If a unanimous decision concerning the revision and amendment of the Sub-regional Plan cannot be reached, the Participating countries agree to observe and retain the original provisions of the Sub-regional Plan.

b) Operational provisions

The accuracy of the information concerning the operational provisions of the Sub-regional Plan pertaining to each Participating country is the sole responsibility of the respective countries.

Changing, modifying and updating of such information should be done, as necessary, by the Operational Authority of the Party concerned, who has to ensure that other Participating countries are duly informed of such changes as soon as these are made.

c) Annexes

Information contained in the Annexes to the Sub-regional Plan shall be updated as necessary by the Operational Authorities of the Participating countries.

The Participating countries shall inform each other of any changes in the Annexes as soon as these are made.

It shall be the responsibility of the Operational Authorities to distribute copies of this Sub-regional Plan to appropriate officials and organizations within their country. It will be the responsibility of those holding a copy of the Sub-regional Plan and receiving amendments, to keep their copy up to date.

3. RESPONSE ELEMENTS AND SUB-REGIONAL PLANNING

The coordination, control and command framework that is used when the Sub-regional Plan is activated neither alters nor replaces the National response system of the affected State. The terminology used in this Plan is only for the purposes of sub-regional cooperation. In practice, the affected State will continue to implement its National Contingency Plan and use its established incident management system. The Sub-regional Plan framework exists to ensure that there is common understanding and effective integration between affected and assisting States.

3.1. Mechanism for Activating the Sub-regional Plan

The Sub-regional Plan shall be activated by the **Operational Authority** of one of the Participating countries in the following cases:

- occurrence, within the territory of the Party who activates the Sub-regional Plan, of an oil spill which threatens to affect or has already affected the territory of another Party;
- occurrence, within the territory of the Party who activates the Sub-regional Plan, of an oil spill whose severity surpasses the response capabilities of the Party concerned alone.

In the cases of emergency listed above, the Sub-regional Plan shall be activated after consultations with the other Participating countries concerned. However, when the situation does not permit such consultations, the Sub-regional Plan may be activated by the affected Party without prior consultations.

When, in the opinion of the Operational Authority of one of the Participating countries, its interests are threatened by a pollution incident which has occurred within the territory of another Party, and when the other Party/ies have not taken appropriate action to respond to it, that Party may, after consulting the other Party/ies concerned, activate the Sub-regional Plan.

The Operational Authority of the Party who has activated the Sub-regional Plan shall immediately inform the Operational Authorities of the other Participating countries that the Sub-regional Plan has been activated. Notification, which shall be formulated in accordance with the provisions of section 5.2, shall be transmitted to the Operational Authorities of the other Participating countries through the designated National Contact Points listed in Annex 1.

3.2. Role of the Lead State

The lead role in the implementation of the Sub-regional Plan shall be assumed by the Operational Authority of the Party whose territory or related interests have been affected, or are likely to be affected, by a pollution incident and who has activated the Sub-regional Plan.

The Lead State shall be responsible for:

- initiating the response to the spill;
- activating the Sub-regional Plan;
- surveillance of the pollution;
- assessment of the situation;
- spill movement forecasting;
- reporting regularly on the situation to the other Participating countries, particularly those whose interests may be threatened by the pollution incident;
- exercising Operational Coordination over Joint Response Operations.

The lead role shall be transferred from one Party to another, when the major part of the pollutant has moved from the territory of the Party initially affected and who has activated the Sub-regional

Plan, to the territory of another Party, and/or when the main response activities have moved to such other Party.

When the pollution incident which has occurred in the territory of one of the Participating countries directly (imminently) threatens the interests of another Party, the Participating countries may also agree, in direct contact between their Operational Authorities, that the threatened Party will assume the lead role.

3.3. National On-Scene Commander (NOSC) / Sub regional On-Scene Commander (SOSC)

For the purpose of the Sub- regional Plan, the Operational Authority of each Party shall nominate an officer who will exercise operational control over all response activities of that Party, including control over personnel (response teams), equipment and self-contained units (vessels, aircraft). These officers shall be called National On-Scene Commanders (NOSC).

After the activation of the Sub-regional Plan and commencement of the Joint Response Operations, the NOSC of the Lead State shall assume the role of the Sub-regional On-Scene Commander (SOSC). The SOSC shall have the overall responsibility for all decisions and actions taken in order to combat the pollution and to mitigate its consequences and for co-ordination of Joint Response Operations. The SOSC, working in liaison with his/her Lead Authority, exerts Operational Coordination over Joint Response Operations.

The NOSCs of the assisting Participating countries shall operate under the overall Operational Coordination of the SOSC, but shall nevertheless retain operational control over personnel, equipment and self-contained units of their respective Participating countries.

In order to relieve the SOSC of a part of his/her duties concerning operational control of national resources, the Lead Authority may, at the time of the activation of the Sub-regional Plan, designate another officer who will have direct operational control of the national resources taking part in the Joint Response Operations and who will act as the NOSC of the Lead State.

In exercising his/her functions, the SOSC may be assisted by a Support Team (see section 3.5).

Relevant information concerning NOSCs is given in **Annex 1**. It is the responsibility of the Operational Authority of each Party to keep this information up-to-date at all times.

3.4. Emergency Response Centres/Joint Emergency Response Centre

For the purpose of this Sub- regional Plan, each Party shall maintain capacity to set up an Emergency Response Centre (ERC) manned 24 hours a day, which will be equipped with an appropriate communications system and have the necessary facilities to be used as the operations room of the Operational Coordination during Joint Response Operations. Where appropriate, the ERC may be the National emergency response centre.

If deemed necessary, each Party may decide to establish more than one ERC.

In cases of activation of the Sub-regional Plan, the ERC of the Lead State shall serve as the Joint Emergency Response Centre (JERC). The JERC shall serve as the base of the Sub-regional On-Scene Commander (SOSC) and the main communications centre for all communications related to the implementation of the Sub-regional Plan.

Alternative sites for the JERC, closer to the scene of the incident, may be specified if appropriate at the discretion of the Lead State.

When the lead role is transferred from one Party to another, the ERC of the Party assuming the lead role shall automatically become the JERC.

Relevant information concerning ERC(s) of each Party is given in **Annex 1**.

3.5. Support Teams

With a view to assisting NOSC and/or SOSC, each Party may set up its national Support Team composed of the representatives of various relevant public authorities, national services and industry including, in particular, the oil and shipping industries.

In cases of activation of the Sub-regional Plan, Support Teams shall operate from their respective national Emergency Response Centres.

The role of the Support Teams is advisory, and their functions include:

- a) providing assistance to the NOSC/SOSC in cases of activation of the Sub-regional Plan;
- b) providing advice to the NOSC/SOSC concerning, in particular, methods and techniques for combating oil pollution, safety of navigation and salvage, knowledge of the marine environment (especially the potential biological impact) and fisheries, (radio) communications, public information and compensation for oil pollution damage;
- c) providing support in co-ordinating the activities of national public authorities, services and industry which might take part in Joint Response Operations, concerning in particular the provision of personnel, equipment and other resources, logistic support, immigration and customs formalities;
- d) monitoring incoming reports and assessing the situation;
- e) co-ordinating all reporting on the status of the pollution incident to their respective national Authorities.

After the termination of response operations, the Support Team shall, together with their respective NOSC:

- review post-incident reports from the NOSC/SOSC on the handling of the pollution incident for the purpose of analysing and introducing recommendations and improvements needed in the Sub-regional Plan and in their respective National Contingency Plans;
- forward to their respective national Authorities relevant reports and recommendations, including NOSC/SOSC post-incident reports, Support Team debriefing reports and recommendations concerning amendments to the Sub-regional Plan or its Annexes.

3.6. Coordination Structure

The Coordination Structure for Joint Response Operations is shown in Figure 2.

The Coordination Structure consists of 3 components:

- a) **Operational Coordination** which consists of taking decisions concerning response strategy, defining the tasks of various groups of teams and units and having overall command and co-ordination over all resources taking part in the Joint Response Operations, under the framework of the National Oil Spill Contingency Plan. Following the activation of the Sub-regional Plan, operational coordination over Joint Response Operations is exercised by the Operational Authority of the Lead State (Lead Authority) through its NOSC who, once the Sub-regional Plan has been activated, assumes the role of SOSC.
- b) **Operational Control** which consists of giving orders to specific groups of teams and units, in accordance with the strategy and the tasks defined by the Operational Coordination. Operational Control over national resources is exercised by the NOSCs of the respective Participating countries. Operational Control over the resources of the Lead State is exercised by an officer designated to act as NOSC in lieu of the officer who has assumed the role of SOSC.

- c) **Tactical Command** which consists of directing and supervising the actions of each team or unit. Tactical Command is exercised by the Leader of each team or the Commander of each unit taking part in the response operations.

Liaison between the Lead Authority and the assisting Participating countries shall 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 electronic, telephone and/or radio contacts between the Lead Authority (SOSC) and Operational Authorities (NOSCs) of the assisting Participating countries;
- b) by a Liaison Officer, sent to the Lead State by the Operational Authority of the Assisting Party with a view to being integrated in the staff of the SOSC. His/her duties shall be to provide necessary information on resources rendered as assistance and to facilitate communication with his/her respective NOSC, ERC and/or Response Teams and self-contained units taking part in the operations;
- c) by the NOSC of the assisting Party who personally attends at the spill site and participates in the Joint Response Operations.

3.7. Use of aligned Incident Management Systems

The implementation of operational control and tactical command will involve a variety of organizations from different jurisdictions working cooperatively. Each Participating countries' NCPs will determine their specific national response organization and related procedures – this forming the basis of the coordination, control and command structure.

The IMO has published guidance on the implementation of incident management systems¹ to assist their members' development of national planning. Furthermore, the oil industry associations have published good practice guidance on incident management², which aligns to IMO's publication.

Where feasible within national planning, the use of these published guidelines within the sub-regional cooperation framework of this Sub- regional Plan is encouraged. This will facilitate aligned and efficient incident management systems, between both the Participating countries' authorities and relevant private sector organizations, to the maximum extent.

3.8. Communication arrangements

The communication network established by the Participating countries in accordance with section 5.1 shall be used for all exchanges of information pertinent to the implementation of the Sub-regional Plan.

- a) **Electronic communication** shall be used for all communication between the Operational Authorities, SOSC, NOSCs and their respective Support Teams, particularly in cases of emergency.
Telephone and radio communications could also be used; however, all decisions, information relevant to the situation at the site of operations and, in particular, **requests for assistance and replies to such requests shall be confirmed by email.**
- b) **Operational communication** between JERC, SOSC, NOSCs, team and unit leaders and other participants in response operations shall be made by using pre-selected VHF

¹ IMO Guidance Document on the Implementation of an Incident Management System (IMS), 2012. ISBN: 978-92-801-1553-6.

² IPIECA-IOGP Incident management system for the oil and gas industry: Good practice guidelines for incident management and emergency response personnel, 2014 (links)

channels (see **Annex 4**), mobile telephones and other appropriate means. Lines of communication to be used in cases of Joint Response Operations are shown in Figure 3.

- c) The English language shall be used in all communication related to the implementation of the Sub-regional Plan. Alternative language may be used at the level of operational control and tactical command.

3.9. Response planning

The response to a pollution incident within the territory of each Party shall be conducted in accordance with the provisions of the NCP of the Lead State under the overall Operational Coordination of the Lead Authority exercised through the SOSC.

In order to facilitate the smooth proceeding of Joint Response Operations, the Participating countries shall inform each other on the relevant parts of their NCPs and, in particular, those parts describing the national response organisation.

Copies of these parts of NCPs are attached to the Sub-regional Plan in **Annex 2**.

Deciding upon the response strategy to be applied in each particular pollution incident and the planning of specific operations shall be the responsibility of the SOSC. In taking such decisions, the SOSC shall follow the relevant NCP and may also be guided by the outline given in section 3.10.

3.10. Response strategy

The outline of the strategy which shall be applied by the Operational Authorities of the Participating countries in responding to oil pollution incidents within the framework of the Sub-regional Plan shall follow the relevant NCP but also be guided as follows:

- assessment of the severity of the incident, taking into consideration, at least, the following criteria:
 - position at which the incident occurred;
 - type of and amount of oil which has been released and/or is likely to be released;
 - the movement of the oil slick ;
 - the degree of risk to human life and/or potential health and fire/explosion hazard;
 - the toxicity of the released pollutant;
 - the potential to damage fisheries and natural resources, especially internationally protected sites such as those under the Ramsar Convention;
 - the potential to damage valuable property and/or to have serious economic consequences;
- activation of the National Contingency Plan and notification of other Participating countries;
- evaluation of available and required response resources;
- selection of appropriate response methods, bearing in mind the principles of Net Environment Benefit Analysis;
- activation of the Sub-regional and request for assistance;
- implementation of selected response methods, making use of national resources and resources from assisting Participating countries;
- re-assessment of the situation and making necessary modifications (if necessary) of response actions;

- termination of response operations;
- de-activation of the Sub-regional PLAN;
- the return to the country of origin of personnel, equipment and other means rendered as assistance by the other Participating countries.

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Figure 2 Coordination Structure

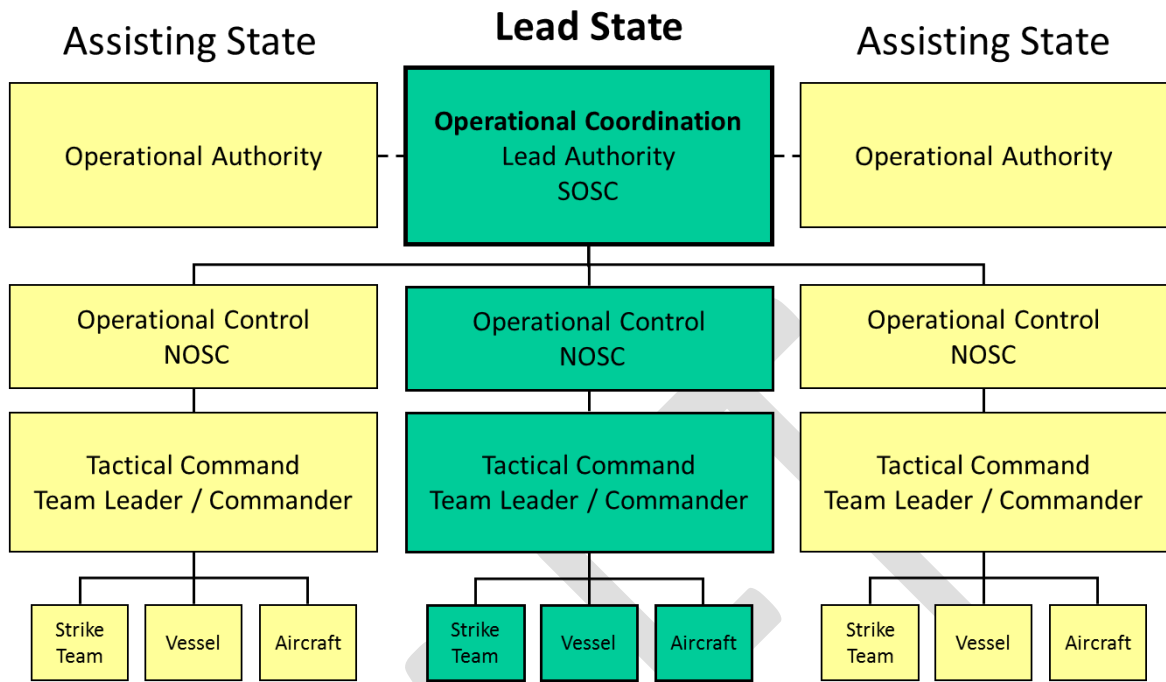
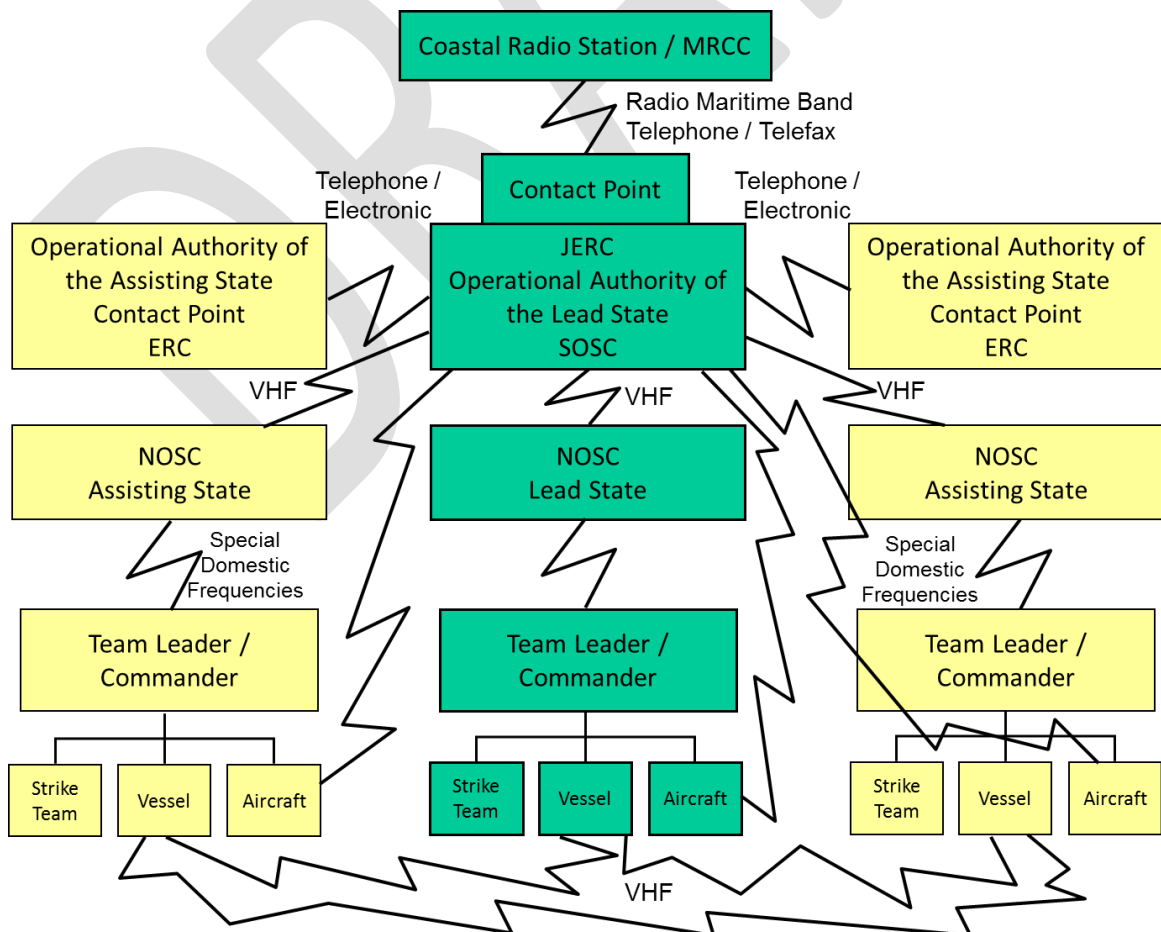


Figure 3 Lines of communication



4. RESPONSE OPERATIONS

4.1. Response Phases

For the purpose of the Sub-regional Plan, pollution response operations have been divided into six distinct phases:

Pre-activation of the Sub-regional Plan

- Phase I Evaluation
- Phase II Notification and consultation

Activation of the Sub-regional Plan

- Phase III Activation of the Sub-regional Plan
- Phase IV Request for assistance
- Phase V Joint response operations at sea
- Phase VI Joint response operations on shore

It is understood that, according to circumstances, entire phases or parts thereof may take place concurrently with one or more other phases.

4.2. Pre-activation of the Sub-regional Plan

Phase I: Evaluation

Notification and verification of **the initial** information concerning pollution incidents shall be done, at the national level, in accordance with the provisions of the NCP.

Before activating the Sub-regional Plan, the Operational Authority of the Party concerned shall activate its NCP and alert other relevant Authorities in its own country, including the NOSC.

Phase II: Notification and consultation

Regardless of the need for the activation of the Sub-regional Plan, the Operational Authority of the Party becoming aware of a spill incident in its territory should after receiving and verifying the incident report, immediately inform the Operational Authorities of the other Participating countries through their National Contact Points.

If the Operational Authority of the Party concerned considers that it might be necessary to activate the Sub-regional Plan, it shall immediately consult the Operational Authorities of the other Participating countries, clearly indicating the extent of the planned response measures and of the assistance which might be required.

The Operational Authority may consider requests from other Participating countries who wish to attend and observe the response operations for training purposes.

Activation of the Sub-regional

Phase III: Activation of the Sub-regional Plan

The decision to activate the Sub-regional Plan shall be taken by the Operational Authority of the Party affected by the incident or likely to be affected first, in accordance with the principles outlined in section 3.10.

After taking the decision to activate the Sub-regional Plan, the Operational Authority of the Party concerned shall assume the role of Lead Authority and shall:

- a) notify the Operational Authorities of the other Participating countries, through their designated national Contact Points and in accordance with the procedure described in section 5.2, that the sub-regional Ihas been activated;
- b) activate its own ERC which shall assume the role of JERC;
- c) activate its own Support Team;
- d) appoint the SOSC who shall, in liaison with the Lead Authority and his/her Support Team, formulate the strategy for dealing with the incident and evaluate the need for assistance from other Participating countries. The SOSC shall initiate phases IV, V and VI of the response respectively.

Phase IV: Request for assistance

The request for assistance, on the basis of the SOSC's requirements and advice, shall be sent following the activation of the Sub-regional Plan by the competent national authority of the Lead State to the designated authority of the other Participating countries in accordance with the procedure outlined in **Annex 6** and taking into consideration the previous consultations (if any) with the Operational Authorities of the other Participating countries.

Phase V: Joint Response Operations at Sea

The main objectives of the **Joint Response Operations at sea** are to stop the spillage of the pollutant from the source, to restrict its spreading and movement and to remove as much pollutant as possible from the sea surface before it reaches the shores of one of the Participating countries.

Joint Response Operations at sea shall be conducted in accordance with the procedures described in the NCP of the Lead State. Operational Coordination over the Joint Response Operations shall be exercised by the Lead Authority through the SOSC. The use shall primarily be made of the national resources of the Party concerned, which shall be supplemented as necessary by the personnel and means of the other Participating countries rendered as assistance upon the request of the Lead Authority. The personnel and means of the assisting Participating countries shall work under direct Operational Control and Tactical Command of their respective NOSCs and unit commanders or team leaders.

During the Joint Response Operations, the ERC of the Lead State, which has assumed the role of JERC, shall serve as the main communication centre and headquarters of the SOSC.

Phase VI: Joint Response Operations on Shore

The main objectives of **Joint Response Operations on shore** are to protect environmentally sensitive coastal areas and other vulnerable resources, including islands, from the impact of the pollutant and to remove the pollutant which has reached the shore in order to prevent recontamination of other coastal areas.

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

The principles of coordination outlined under Phase V shall also apply for the entire duration of Phase VI.

In order to increase the effectiveness of Joint Response Operations on shore, JERC may be transferred, at the discretion of the Lead Authority, to adequate alternative premises closer to the site of operations (see section 3.4). In such cases, the Lead Authority shall duly inform the Operational Authorities of the assisting Participating countries of the move.

4.3. Spill Surveillance

For the surveillance of spill movement and behaviour, priority shall be given to aerial surveillance, although any other suitable means (e.g. ships) might also be used if the aircraft are not immediately available.

The surveillance of the spill and its movement, and the transmission of relevant reports to the other Participating countries, prior to the activation of the Sub-regional Plan, is the responsibility of the Party in whose territory the pollution incident has occurred. Following the activation of the Sub-regional Plan this responsibility rests with SOSC, who shall take all necessary measures to ensure regular surveillance of the spill and its movement and behaviour, in order to properly assess the situation and decide on adequate response measures. For this purpose, the SOSC may request assistance from other Participating countries.

Participating countries agree to undertake measures to obtain urgent permission, when deemed necessary, for flights over their territory by aircraft of the other Participating countries for the purpose of surveillance of spills within the framework of the Sub-regional Plan and following the specific request put forward by the Party in whose territory the pollution incident has occurred. In its request, the Lead Authority shall define precisely the aim of the mission and flight plan.

Information concerning aircraft suitable for spill surveillance (including their technical characteristics and specialised equipment), to which each Party has access, is given in **Annex 3**.

Airports within the territory of the Lead State, which might be used by surveillance aircraft of assisting Participating countries operating upon request in the air space of the Lead State, are listed together with relevant navigational and technical information, in **Annex 3**. Arrangements may be put in place for surveillance by unmanned aerial vehicles, and/or satellites

4.4. Requests for Assistance within the Framework of the Sub-regional Plan

Following the activation of the Sub-regional Plan, the Party who has activated the Sub-regional Plan may request assistance from the other Participating countries in any of the cases described in section 3.1.

Assistance might be requested in the form of:

- a) specific technical expertise
- b) trained response personnel and, in particular, response teams;
- c) specialised pollution combating equipment;
- d) pollution treatment products;
- e) other means, including, in particular, self-contained units such as vessels and aircraft;

and/or any combination thereof.

The request for assistance shall be formulated in a clear and precise manner, using the standard form defined in the POLFAC section of the POLREP in **Annex 6**. It shall contain a detailed description of the kind of assistance required and the purpose for which personnel, equipment, products and/or other means will be used.

The Party receiving a request for assistance shall immediately acknowledge receipt.

It is the duty of the Party or Participating countries receiving a request for assistance to offer it to the requesting Party with the shortest possible delay, taking into consideration that it should not deplete its own national resources beyond a reasonable level of preparedness.

With a view to being able to respond promptly to requests for assistance, Participating countries should have part of their national response equipment, products and other means ready for transportation, at short notice, to the other Participating countries, except for *force majeure* situations, other emergencies and repair/maintenance situations.

Any response personnel and/or means, rendered as assistance within the framework of the Sub-regional Plan, will act under the overall Operational Coordination of the SOSC and the Lead Authority. However, their respective NOSCs shall retain operational control over them.

Following a decision to render assistance, liaison between the Lead State and the assisting Participating countries shall be maintained, according to the circumstances and to the type and importance of such assistance, in one of the ways described in section 3.6.

4.5. Joint Response Operations

For the purpose of the Sub- regional Plan, Joint Response Operations are all pollution response operations in which personnel, equipment, products and/or other means of at least two Participating countries are involved.

Joint Response Operations can be carried out at sea and on shore, and include specific operations described in section 4.1.

The Lead State shall be in full charge of Joint Response Operations. The coordination structure of the Joint Response Operations is described in section 3.6 and Figure 2.

Personnel, equipment and other means rendered as assistance by the other Participating countries within the framework of the Sub-regional Plan, shall execute their tasks and duties following the decisions of the SOSC, under the direct operational control of their NOSCs and the tactical command of their respective team leaders and unit commanders (see section 3.6). If response teams or self-contained units are put at the disposal of the Lead State, the assisting Party will issue instructions to their respective team leaders and unit commanders who will then exercise tactical command over the details of the operations.

During Joint Response Operations the SOSC shall, in addition to assuming overall Operational Coordination, be specifically responsible for co-ordinating the actions taken by national means (response teams, vessels, aircraft) of the Lead State with those taken by the means of the assisting Participating countries.

The liaison between the assisting Party and the Lead State during Joint Response Operations shall be maintained, according to circumstances, either through direct contacts, through the Liaison Officer of the assisting Party integrated in the staff of the SOSC, or through NOSCs if these are personally taking part in the operations (see section 3.6).

The Lead Authority shall appoint an officer responsible for receiving the personnel, equipment, products and/or other means from the assisting Participating countries and for facilitating their participation in Joint Response Operations from the moment of their arrival in the country to the moment of their departure. This officer shall work closely with the Liaison Officer of the assisting Party.

4.6. Use of Dispersants

Each Party shall define its policy regarding the use of dispersants in combating oil pollution and describe it in its NCP. For this purpose the Participating countries shall take account of the IMO's dispersant publications and other suitable international guidelines such as those produced by the industry associations³.

Each Party shall inform the other Participating countries (see section 3.9) on its policy regarding the use of dispersants. The information shall include the list of dispersant products approved for use in the waters within the jurisdiction of the Party and an indication of the zones where the use of dispersants is authorized, restricted or prohibited.

³ IPIECA-IOGP Dispersant: surface application good practice guidelines 2015, available at: http://oilspillresponseproject.org/sites/default/files/uploads/Dispersants_surface_application.pdf

In case of Joint Response Operations, the Participating countries shall observe the principle of **prior authorization** for the use of dispersants. This authorization can be given only by the SOSC or by a person designated by him/her.

In the territory of each particular Party, dispersants shall always be used in accordance with the provisions of the NCP of the Party concerned.

If a Party has prohibited the use of dispersants in its waters, other Participating countries participating in Joint Response Operations shall observe this decision.

4.7. Request for Additional Assistance from Other Participating countries

In the case of a pollution incident of such magnitude and nature that, in the opinion of the Lead Authority, the joint capabilities and resources of the Participating countries are not adequate to deal with it, the Lead State may request additional assistance from other States or other resources of equipment and response teams outside the ASEAN region, including private organizations. States shall bear in mind the provisions of the both OPRC Convention and the IMO Resolution A.983(24) "Guidelines for Facilitation of Response to a Pollution Incident" and also the IMO guidelines for international offers of assistance during a marine pollution incident, when requesting and offering mutual assistance.

In such circumstances, and after consultations with the Lead Authority, other Participating countries may also request, in accordance with their needs, such additional assistance.

If more than one Party requests assistance from other States or other resources of equipment and response teams, co-ordination of these actions between the Participating countries shall be made at the level of their Operational Authorities.

4.8. Termination of Joint Response Operations and Deactivation of the Sub-regional Plan

The SOSC shall terminate the Joint Response Operations when:

- a) Pollution response measures have been finalised and the pollutant no longer threatens the interests of any of the Participating countries; or when
- b) pollution response measures have been completed to a point where response capabilities and resources of the Lead State are sufficient for successfully finalising the response activities.

When considering the termination of Joint Response Operations, the SOSC shall take into account, in particular, the financial consequences of the continuation and whether continued action would be reasonable.

After taking the decision to terminate Joint Response Operations, the SOSC shall immediately inform the NOSC of the other Participating countries and their respective Operational Authorities of this decision and of the deactivation of the Sub-regional Plan.

Following the deactivation of the Sub-regional Plan, all personnel, equipment, unused products and other means which were involved in the Joint Response Operations shall return or be returned to their respective countries of origin.

The Party who requested assistance shall take the necessary measures for the prompt repatriation of the personnel of the assisting Participating countries, although the co-ordination and preparation of the necessary arrangements for their repatriation remains the responsibility of their respective Operational Authorities.

Unless otherwise agreed, the Party who requested assistance shall be responsible for returning to the country of origin all equipment, rendered as assistance and all unused treatment products. All equipment and other means shall be returned clean and in the best possible working order.

The Operational Authorities of the Participating countries concerned may decide, in direct contacts between them that unused treatment products remain in the country that requested the assistance.

Self-contained units (vessels, aircraft) shall return to their country of origin using their own power. The Party who requested assistance is responsible for facilitating formalities related to leaving its territory/territorial waters/airspace, for all units rendered as assistance.

The Party who requested assistance shall prepare a report on the effectiveness of the personnel, equipment, products and other means received as assistance. These reports shall be circulated to the other Participating countries.

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5. COMMUNICATION AND REPORTING

5.1. Communication Systems

Each Party shall establish and maintain an efficient communication system, operational 24 hours a day, which shall serve for:

- a) receiving reports on pollution incidents and transmitting these reports to the Operational Authorities and to other interested parties within the country;
- b) activation of the Sub-regional Plan, requesting assistance and the exchange of operational messages during Joint Response Operations.

The system shall comprise national ERCs together with the National Contact Points for receiving reports on pollution incidents, if these are different from the ERCs.

Elements of this communications system which each Party shall establish, including telephone, e-mail addresses and websites, and the allocated radio frequencies and channels pertinent to each Party, are given in **Annex 4**.

5.2. Pollution Reporting System (POLREP)

For the exchange of information concerning pollution incidents, the Participating countries shall use the pollution reporting system (POLREP) which has been agreed for use within the framework of this Sub-regional Plan. The POLREP is divided into three parts:

Part I (POLWARN) is an initial notice (a first information or a warning) of a pollution incident.

Part II (POLINF) is a detailed supplementary report to Part I.

Part III (POLFAC) is used for requesting assistance from other Participating countries and for defining operational matters related to this assistance.

A detailed description of all three Parts of the POLREP is given in **Annex 6**.

In situations where the type and extent of the required assistance have not yet been determined, the Party who takes the decision to activate the Sub-regional Plan shall utilize line 53 of the POLINF part of the POLREP message to inform the other Participating countries that the Sub-regional Plan has been activated.

5.3. Situation Reports (SITREPs)

During the entire period between the activation of the Sub-regional Plan and its deactivation, the Lead State shall keep the other Participating countries regularly informed on:

- a) the development of the situation regarding the pollution incident;
- b) the actions taken to combat pollution;
- c) the progress of the Joint Response Operations;
- d) any decisions regarding future response activities;
- e) all other relevant information including, in particular, information concerning environmental impact, effects on marine and coastal resources, and the economic consequences of the pollution incident.

Such information shall be transmitted by the SOSC to the Operational Authorities of the Participating countries either in the form of POLINF (see Annex 6) or as a text in the form of a situation report (SITREP).

The Lead Authority shall endeavour to transmit a POLINF or SITREP at least once a day.

Before dissemination, each report shall be verified by the SOSC.

If pollution combating operations continue at the national level after the deactivation of the Sub-regional Plan, the Party affected by the incident shall continue to inform the other Participating countries of the situation until the final termination of all pollution response operations.

It is the responsibility of the Operational Authority of each Party to ensure that the situation reports are transmitted to all interested Participating countries within its respective country.

5.4. Post Incident Reports

Following the termination of pollution response operations, taken at both national level and within the framework of the Sub -regional Plan, the NOSC and/or the SOSC respectively shall prepare a final report including:

- a) a description of the pollution incident and development of the situation;
- b) a description of the response measures taken;
- c) a description of the assistance rendered by the other Participating countries;
- d) an assessment of the complete response operation;
- e) an assessment of the assistance rendered by the other Participating countries;
- f) a description and analysis of the problems encountered in responding to the pollution incident;
- g) recommendations regarding the possible improvement of existing arrangements and, in particular, of the provisions of the Sub-regional Plan.

The final report may also include:

- a) an account of the costs incurred during the response by each Party;
- b) an estimate of environmental and economic damage.

Copies of the post-incident reports shall be sent to all Participating countries through the national contact points.

The reports shall be analysed at the national level by the members of each Support Team and their respective NOSCs, who shall prepare recommendations concerning amendments and improvements to the Sub-regional Plan, and if necessary, of their NCPs (see sections 2.5 and 3.5).

The conduct of Joint Response Operations and other questions of common interest shall be reviewed during the meetings of the Participating countries.

States may choose to share lessons learned from responding to spill incidents that did not require activation of the Sub-regional Plan.

6. ADMINISTRATION, LOGISTICS AND FUNDING

6.1. Logistics

The Lead Authority is responsible for providing all the logistic support necessary for conducting Joint Response Operations.

The Lead Authority shall, in particular:

- a) make the necessary arrangements for accommodation and transportation, within the assisted country, of all assisting personnel;
- b) when equipment and other means are received from the assisting Participating countries, take the necessary measures to provide:
 - safe storage or parking places, as appropriate, including cranes, fork-lifts and other handling equipment, as necessary;
 - fuel, lubricants, basic repair and maintenance facilities.

As regards the stay in the territory of the Lead State of vessels and aircraft rendered as assistance by other Participating countries, the Lead Authority shall take the necessary measures to ensure assistance to the crews at airports and in ports, as appropriate, and to provide security services for ships, aircraft and related equipment, while these are in ports or at airports of the Lead State.

6.2. Financial Procedures

The Participating countries shall observe the following principles concerning the reimbursement of costs related to mutual assistance:

- a) The Party who has requested assistance shall reimburse to the assisting Party all expenses incurred in rendering such assistance, according to the invoice submitted by the assisting Party unless otherwise decided on a case by case basis. A decision on reimbursement procedures should be agreed during a consultation prior to activation of the sub- regional Plan
- b) Alternatively, the Participating countries may agree that the claims for reimbursement of such expenses shall be submitted directly to the party liable for the pollution incident, its insurers or an international system for compensation for pollution damages, by each Party separately. Regardless of the party to whom such claims are submitted, they shall be prepared in accordance with the guidelines provided by the IOPC Fund in its "Claims Manual". The current version of the IOPC Fund "Claims Manual" and related documentation is posted the IOPC Fund website: www.iopcfund.org.
- c) At the time of incident, the assisting Party shall provide information on the wages of personnel, the rental rates for equipment and other means and the cost of treatment products, which might be rendered as assistance. The Participating countries may endeavour to harmonise their rates for specialized spill response equipment and agree rates in advance for specialized and non-specialized services. The assisting Party shall, immediately following receipt of a request for assistance, submit to the requesting Party an offer of the personnel, equipment and other means which can be provided and an estimate of the costs of such assistance.
- d) If the Party who requested assistance decides to withdraw the request for whatever reason, it shall nevertheless pay to the assisting Party all the expenses incurred up to the moment when the request was withdrawn including costs to return personnel and equipment to their location/base of origin, as appropriate.

- e) In the event of the transfer of responsibility of Lead State from one Party to another, the costs incurred by requests for assistance by the Lead State shall remain that State's responsibility up to the time of transfer of Operational Coordination. Any continuation of assistance provided at the confirmed request of the Party taking over responsibility as Lead State shall also take over responsibility for the reimbursement of the costs of assistance from the time of transfer of Operational Coordination.
- f) The Participating countries shall resolve all questions related to financial matters after the termination of Joint Response Operations.

The provisions of this paragraph shall not prejudice the resolution of any dispute involving third Participating countries that may arise regarding liability and compensation for damages resulting from any pollution incident.

In the case of Joint Response Operations, the Lead State (the Party who has requested assistance) shall directly cover the following expenses related to the stay in its territory of personnel, equipment and means (including vessels and aircraft) of the assisting Party:

- a) board and lodging and/or daily subsistence allowance as appropriate, of all response personnel other than the crews of ships and vessels;
- b) any port dues for vessels and ships rendered as assistance;
- c) any airport dues for aircraft rendered as assistance;
- d) necessary fuel for all equipment and means including, in particular, vessels and aircraft, engaged in Joint Response Operations;
- e) medical services provided to injured and ill personnel of the assisting Party;
- f) costs related to repatriation of any personnel who died, were injured or taken ill during Joint Response Operations;
- g) maintenance costs for any piece of equipment, vessel and aircraft engaged in Joint Response Operations;
- h) repair costs for any piece of equipment, vessel or aircraft damaged in its territory during and due to the Joint Response Operations, if such repair needs to be made prior to returning to the country of origin of such equipment and means;
- i) costs of communications related to the Joint Response Operations that have been incurred by the personnel of the assisting Party in the territory of the Lead State.

The assisting Party shall directly cover the following expenses related to the sending to the country that requested the assistance of its personnel, equipment, products or other means including, in particular, vessels and aircraft:

- a) the mobilization of personnel, equipment, products or other means;
- b) the costs of transport of personnel, equipment and products to and from the country where Joint Response Operations are taking place ;
- c) fuel for self-contained units (vessels, aircraft) which travel to the scene of Joint Response Operations using their own power;
- d) costs of communications related to Joint Response Operations that are originating from the territory of the assisting Party;
- e) insurance of the personnel of the respondersresponse teams;
- f) medical services rendered, following their return to their country of origin, to response personnel who were injured or taken ill during Joint Response Operations;
- g) maintenance and repair costs for equipment and means engaged in Joint Response Operations which were incurred after the return of such equipment and means to the country of origin.

Following the termination of the Joint Response Operations and the return of all personnel, equipment and other means which were engaged in the Joint Response Operations, each assisting Party shall prepare a detailed invoice including the costs of assistance rendered to the Lead State and other expenses related to this assistance. The following items shall be included in the invoice:

- a) wages of personnel engaged in the Joint Response Operations, calculated on the basis of the prices given to the Lead State when assistance was requested, and the daily work logs approved by the SOSC or another responsible officer of the Lead State;
- b) costs of rental of equipment and means calculated on the basis of the prices given to the Lead State when assistance was requested, and the daily work logs approved by the SOSC or another responsible officer of the Lead State;
- c) cost of treatment products used during Joint Response Operations calculated on the basis of the prices given to the Lead State when assistance was requested, and the daily work logs approved by the SOSC or another responsible officer of the Lead State;
- d) all expenses incurred by the assisting Party as listed above;
- e) costs for replacement of equipment damaged beyond repair during Joint Response Operations.

Upon receipt of such an invoice, the Party who had activated the Sub-regional Plan and requested assistance shall reimburse the expenses incurred by the assisting Participating countries in relation to the pollution response measures undertaken by these Participating countries following the activation of the Sub-regional Plan. The Party who activated the Sub-regional Plan shall subsequently include such invoices in its own claim for reimbursement of pollution response related costs, submitted to the party liable for the pollution incident, its insurers or an international system for compensation for pollution damages, as appropriate.

6.3. Transboundary Movement of Response Personnel, Equipment, Products and Self-Contained Units

In order to facilitate the movement of response personnel, equipment and other means to the place where the assistance is required, the requesting Party will:

- make arrangements for the rapid entry of equipment, products and personnel prior to their arrival and ensure that customs formalities are facilitated to the maximum extent. Equipment and products should be admitted on a temporary basis in accordance with the national law on customs duties of the requesting Party. Such equipment and products should be admitted free of excise and duties wherever possible.
- ensure that, should ships and aircraft be provided, ships are granted all necessary authorisations and aircraft cleared to fly in the national air space. A flight plan or a flight notification will be filed and accepted as an authorization for aircraft to take off, land ashore or at sea outside regular customs airfields.

6.3.1. Immigration and customs formalities

Each Party shall endeavour to make, at the national level, special arrangements applicable in emergency situations, concerning provisions for rapid granting of entry visas and work permits for personnel, as well as permits necessary for the transit or temporary importation of the requested equipment and material.

Details of such arrangements shall be included in the National Contingency Plan of each Party, and are reproduced in **Annex 2** to the Sub-regional Plan. This refers, in particular, to information which the assisting Party has to provide to the appropriate national Authorities of the requesting Party in order to facilitate the implementation of these special arrangements.

When offering assistance in response to a request the assisting Party 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

6.3.2. Overflight procedures

Within the framework of the Sub-regional Plan and upon a specific request of the Lead State, aircraft of the other Participating countries might be allowed to enter and operate in the airspace of the Lead State for one or more of the following purposes:

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

Each Party shall make, in advance, necessary arrangements concerning rapid granting of permits and clearances for civil aircraft (fixed wing or helicopters) of other Participating countries, who might be requested to take part in response operations within its airspace. Similar arrangements shall be made for the use of airport facilities by civilian fixed wing aircraft and helicopters engaged in Joint Response Operations.

Overflight for the above-mentioned purposes, of the national territory or territorial waters of one of the Participating countries, by military and State owned aircraft of the other Participating countries, shall be decided on a case by case basis by the Participating countries concerned.

6.3.3. Navigation procedures

Within the framework of the Sub-regional Plan and upon the request of the Lead State, vessels of the other Participating countries might enter and operate in the territory of the Lead State for one or more of the following purposes:

-
- pollution response operations, including containment and recovery of spilled products, spraying of dispersants or other treatment products, storage and transportation of recovered pollutant;
- transportation of response personnel, equipment and products;
- any other voyage related to pollution response operations.

Each Party shall make, in advance, the necessary arrangements concerning the rapid granting of permits and clearances for the navigation of civil vessels (ships, boats, specialised anti-pollution vessels) of the other Participating countries who might be requested to take part in response operations within its territory. Similar arrangements shall be made for the use of port facilities by civilian vessels engaged in Joint Response Operations.

Navigation for the above-mentioned purposes, in the territory of one of the Participating countries, by naval and State owned vessels of the other Participating countries, shall be decided on a case by case basis by the Participating countries concerned.

In all cases the provisions of the International Convention on Facilitation of International Maritime Traffic, as amended, shall be observed by the Participating countries concerned.

6.4. Health and Safety, Medical Insurance and Medical Assistance

Each Party shall ensure that proper health and safety procedures, including the wearing of suitable protective clothing and safety equipment, are followed by its personnel at all times.

Each Party shall take the necessary measures to insure against death, illness and injury, its personnel who might participate in Joint Response Operations, joint exercises and joint training courses.

The Lead State shall endeavour to offer the best possible initial medical care and services to any person from another Party who was injured or taken ill during his/her participation in Joint Response Operations.

The Lead State shall facilitate the repatriation of assisting personnel who are injured or taken ill during Joint Response Operations.

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

The Participating countries shall waive the right to make claims against each other for the reimbursement of costs of medical care rendered to persons injured and taken ill during Joint Response Operations.

6.5. Responsibility for Injury and Damage

If assisting response teams cause any damages to third Participating countries at the time when they are going to or leaving the site of operations, or when they are engaged in oil spill combating and clean-up, the responsibility for such damages shall rest with the Authority of the assisting Party.

Each Party shall be responsible for damages caused to third Participating countries by its national response teams during joint exercises.

6.6. Documentation of Response Operations and Related Costs

Full documentation of response activities is vital to facilitate the subsequent pursuance of claims for compensation and capturing lessons learned.

The SOSC shall take all necessary measures to ensure that detailed records of all actions taken in order to respond to a pollution incident, within the framework of the Sub-regional Plan, are accurately kept. For this purpose, the SOSC will include a record keeping officer/financial controller in his/her Support Team.

As a minimum, the following records shall be regularly kept:

- a) Description of the situation (including photographs and video records where available), decisions taken and the 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 (place, number, time);
- response products and other material (e.g. fuel) consumed (type, quantity, purpose).

c) Records of all expenditures made in relation to the pollution response operations.

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

In cases where the Participating countries have agreed that the assisting Party will submit a separate claim for compensation, the Authorities of the Lead State shall make available to the Authorities of the assisting Participating countries copies of relevant records. The guidelines provided by the IOPC Fund in its "Claims Manual", are an example of good practice in relation to the type of supporting document required to pursue claims for compensation. The current version of the IOPC Fund "Claims Manual" and related documentation is posted the IOPC Fund website: www.iopcfund.org.

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7. PUBLIC INFORMATION

7.1. Public Relations Officer (PRO)

Public relations should follow the procedures set out in the National Contingency Plan. After the activation of the Sub-regional Plan, the Lead Authority shall designate a Public Relations Officer (PRO) who shall be seconded to the SOSC's Support Team.

The PRO shall be responsible for:

- a) maintaining contacts with the press and other media including radio and TV and website updates;
- b) preparing press releases on behalf of the SOSC and the Lead Authority;
- c) monitoring the information released by the press and the media and clarifying any possible misunderstandings.

7.2. Press Releases

Press releases should be prepared on behalf of the SOSC and Lead Authority and distributed to the press at least once a day during the entire period between the activation and the deactivation of the Sub-regional Plan.

Press releases shall be prepared on the basis of accurate facts provided by the SOSC and/or his/her support Team. They shall contain information concerning:

- the pollution incident and the development of the situation;
- technical data on vessels involved, type and characteristics of the pollutants, etc.;
- the measures taken to combat pollution;
- the progress of the response measures;
- injuries of personnel and damage to vessels, equipment, etc.

The following guidelines shall be observed when preparing press releases:

- prepare titles/headlines;
- give priority to the most recent and important information;
- use simple sentences and give only one idea per sentence;
- avoid quoting estimates, conjectures and suppositions;
- avoid giving opinions on environmental or other unquantifiable damages;
- draft final wordings very carefully.

Maps showing the area of incident, the evolution of the spill and the sites of the response operations should accompany press releases whenever possible.

All press releases shall be vetted and approved by the SOSC before distribution to the press.

7.3. Press Conferences

After the activation of the Sub-regional Plan, the Lead Authority may decide, in consultation with the SOSC, to organise one or more press conferences for briefing the media.

The following persons may take part in such press conferences:

- SOSC
- specially designated expert members of the Support Team

- PRO
- representative(s) of the Lead Authority
- representative(s) of the other Participating countries (e.g. Liaison Officers or NOSCs)
- representative(s) of ship and cargo owners and/or their insurers.

Written information on the main facts concerning the pollution incident and the Joint Response Operations, maps and photographs may be prepared in advance by the PRO and approved by the SOSC for use during the press conference.

The guidelines concerning the preparation of press releases (section 7.2) are also applicable to participants in press conferences.

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