MONALISA 2.0 – Activity 4
Proposal of protocols in case of accident

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1. Introduction

This report is part of Sub-Activity 4.4. "Risk Management guidelines". In order to continue in the same line of the previous tasks, "Study on different maritime accidents occurred" and "Application of existing reference documents", this document includes legislation not
only related to emergency and contingency plans but also to other activities derived from these plans, such as tracking, communications, etc.

The report is divided in two main parts. The first part is “Basis of the draft proposal of protocols in case of accident”, with several sections regarding the actions to be taken in case of accident, such as the report on the accident, the type of communication that shall be used in the reporting, the information that shall be transmitted in such communication and actions taken to maintain a contingency plan and keep the persons involved trained and updated and the second main part consists of a draft of proposal of protocols in case of accident.

To elaborate a guide on the protocols to take in case of accident, there is some important information about the vessel, the coast likely affected, the people onboard and the incident itself that has to be compiled. This document gathers the legislation in reference to reporting, information, communications and contingency plans, in order to elaborate an action protocol with legal basis, taking into account the existing protocols and contingency plans.

The first part of this report refers to the notification of the accident, compiling legislation in this regard such as IMO Resolutions, SOLAS Convention and MARPOL Protocol. The articles compiled for this section aim to establish a basis on the systems for reporting accidents, the cases in which reporting is necessary and the procedures to follow. Linked directly with the notification of the accident is the communication of such report. Communications can be classified in ship/shore and vice versa, ship to ship or on board communications, and shall be addressed to the Maritime Rescue Coordination Center or the Maritime Assistance Service, depending on the circumstances of the incident. The communications shall be clear by using the standardized language shown in section 3.1. Standard Marine Communication Phrases.

These communications shall carry determined information about what is being reported so that the rescue services to be activated are able to take the relevant actions to resolve the situation. In section 4. The Information, a list of the minimum information needed for this purpose is shown. It is important that the agents involved in the rescue operations are able to gather all the data indicated for the correct development of the protocols.

Once these parameters have been established, a guide for protocols to follow in case of accident is elaborated. First, the legal basis in which the proposal is supported is exposed, including the Conventions, IMO Resolutions and Directives used for this aim. After having described the relevant legislation to this objective, the action protocols to take in case of Alert and Distress Phases are developed.

The alert phase is described taking into account the possible consequences it might cause, defining the figure of the Alert Phase Manager and the tasks he should carry out in case an Alert Phase is declared. It is also described the distress phase, including the figure Distress Phase Manager, and each step that has to be followed in case it is declared. The steps to follow in the Distress Phase are more complex than the steps corresponding to the alert phase. The situation requires first an identification of the danger causing the distress, carried out through the assessment of the situation, determination of the dangers and identification of liabilities and guarantees. Once this identification has been carried out, the steps to follow shall be the assistance to be requested, activation of the relevant contingency plans, the need of an assessment and intervention team, actions to take in case of having a situation of imminent danger and the announcement to the Advisory Committee.

After having determined and carried out every action above mentioned, the person responsible shall use the decision making aid tools in order to take the decision to solve the distress situation. These tools consist of tracking systems to keep the situation of the vessel under surveillance, such as the Long-range identification and tracking, the
Automatic Identification System, the SafeSeaNet, CleanSeaNet and Thetis. Among these tools, there is also an inventory of documents, information and actions to take that can be used to assist the decision making. In addition to these tools, there are criteria that have to be contemplated for the decision making. These criteria consist of the different choices the person or agents responsible involved in the operations of rescue can take, as well as the levels of priority of each of the possible consequences of the accident or of the operations carried out. There are also several parameters related to the vessel, meteorological conditions, existence of legislation related to the incident, etc., that have to be taken into account at the time of the decision making.

Once the danger has been identified and the criteria for the decision making established it is possible to adopt the measures to solve the distress situation. These measures are either to address the vessel to a place of refuge or to distance, continue the journey to its original destination or keep the vessel in the same position as previous step to being accepted in a place of refuge, continue the journey or to distance it. This document pretends to establish with a legal basis the general protocols to follow in each of these two cases, having also common steps such as the communication and implementation of measures, the monitoring of the evolution of the situation, registering the actions taken, establishing an emergency fund, communications with the ship, information to the public and the media, completion and final report, and the implementation and maintenance of the plan.

As final point and as a complement to this report, an inventory of the legislation relevant to the emergency plans on board is shown. This legislation shows with diagrams and charts the steps to follow when a contingency plan has to be activated and the factors that affect the actions to take in each case.

In case of spilling, toxic gases release, fire of the load, explosions or release of pollutants to the atmosphere, the manager of the accident shall count with the consulting of the manufacturer of such products so that he can be advised about the better way of coping with the conditions that caused the accident and minimize the pernicious effects on people and the environment.

It is not part of this Sub-activity 4.4 to include the operational protocols because these are exclusively competency of each State Member, which have available the specific governmental infrastructure and means for salvage and rescue. It shall be the State itself the one to have the operational protocols available, based on the organizations or departments with competency over maritime issues related with accidents and its resources and on the approved Conventions.

It should be pointed out that the European Union has available its own means for save and rescue for the States.

2. General aspects

The service called Digital Selective Calling (DSC) allows mariners to instantly send an automatically formatted distress alert to the Coast Guard or other rescue authority anywhere in the world. Digital Selective Calling also allows mariners to send or receive distress, urgency, safety and routine radiotelephone calls to or from any similarly equipped vessel or shore station, without requiring the parties to be near a radio loudspeaker. DSC acts like the dial and bell of a telephone, allowing to "direct dial" and "ring" other radios, or allowing others to "ring", without having to listen to a speaker. New VHF and HF radiotelephones have DSC capability.
Regardless the activation of the Digital Selective-Calling equipment of the vessel, the report of the accident shall be made in accordance with the provisions of the IMO Resolution A.851 (20) amended, where appropriate and according the International Conventions in this regard, being its provisions included in the section of this document *Accidents reporting*. 

Besides, the European Union advises on the obligation of the Captain of the notification of incidents and accidents at sea¹, in order to prevent or reduce any significant risk for the maritime security, the safety of people and the environment.

Additionally to the legislation mentioned in the document Application of existing reference documents of this sub-activity, the following tools are used for helping the coastal State on the decision-making:

a. IMO Resolutions:
   - MSC 202 (81) and Annexes concerning the LRIT *long-range identification and tracking* ²
   - Resolution A. 917 (22) concerning AIS Automatic Identification System

b. Regulations, Resolutions and EU decisions.
   - Directives 2002/59; 2009/17-2011/15 concerning the Safe Seanet
   - Directive 2005/35; 2009/123 relating to the Clean Seanet
   - Thetis, information to support the New Inspection Regime for Port State Control

3. The information

The information of the incident shall be as described in Chapter 2 of this document “Accidents reporting”. In any case, if the severity of an incident shows the uncertainty that the safety of the ship is threatened, the minimum information that shall be provided by the captain, the owner or the authorized representative of the shipping company will be as follows:

(a) Name, nationality, IMO reference number, Pavilion and owner or operator of the ship.
(b) Length, breadth, depth, real draught and freeboard of the ship.
(c) Type of ship.
(d) Location of the ship.
(l) Identification of the captain of the ship and its crew.
(e) The number of persons on board. Where applicable, number and state of the victims.
(f) Classification society.
(g) Date and time the incident was initiated.
(h) Complete information of the goods transported, including the charger and/or manufacturer
(i) Identification of the incident, for example: fire, explosion, type of fault (including mechanical or structural defects) and its foreseeable evolution, collision, spilling of

¹ Article 17 of the Directive 2002/59

² The vessels to which Rule V/19-1 of the SOLAS Convention are applicable, as well as the rules on performance, shall carry equipment LRIT for the entry into any Member State port.
pollutants, decreasing of the ship’s stability, beaching, flood or fall of cargo that adrift. Where appropriate, the nature and extent of the damage.

(j) Information about the stowage of cargo, weights and its distribution on board
(k) Course and speed (propulsion, driving, drifting or anchoring)
(l) Operating state of firefighting, deck, equipment salvage, towing and mooring equipment.
(m) Possibility of utilization of means of loading and unloading on board, such as pumps and cranes.
(n) Possibility of discharging into the sea cargo, oil or oily mixture necessary for the purpose of securing the safety of a ship or saving life at sea;
(o) Condition of the main machine and auxiliary machinery. Operation of electrical installations, emergency equipment, fire extinguishing appliances.
(p) State of sea and wind.
(q) Ports of origin and destination.
(r) Repair and rehabilitation works, and the shipyards where were carried out.

4. Accident reporting

Any action protocol should be first based on preserving human life and then on the preservation of the environment and marine biodiversity. This human life priority shall be established not only regarding the crew and passengers but also the health and lives of the population that one way or another may result affected by the consequences of the accident.

The adoption of adequate measures to avoid or mitigate the consequences of an accident is based on making a reliable report of it. This is so important that the IMO has implemented accidents reporting regulations which are mentioned in this chapter through the relevant Assembly Resolutions, SOLAS and MARPOL Conventions and the Convention on Cooperation, preparedness and response to oil pollution, 1990.

It shall be the Captain in the first place the one to report the accident and alert the salvors without being prejudicial to the information the assessment team may obtain “in situ”.

The efficiency of the protocols while managing the accident depends on the reports received, type of help requested from the vessel and level of knowledge about the accident of the persons responsible of decision making. These parameters allow the salvors to give a quick response and assign the appropriate resources available. The rapidity of response in an accident may play a decisive role in the success or failure of its management, especially when sequential failures of the materials, equipment or of essential machinery and installations of the vessel are foreseeable.

The report shall be reliable and provide information about the accident, the causes and presumable sequential processes that could cause damage affecting the structural strength, failure in stability, spilling, failure in machinery and equipment, propulsion and installations. It shall be necessary to know, in case the accident causes spilling or gases release, the regulated identification of the product, the presumable category and level of the spill or aerial pollution and the probability of such processes being propagated. In case it is an accident caused by a fire, it shall be taken into account the possible propagation of the flames and the consequences it might bring.

Summarizing, depending on the case, the actors involved in the accident and save and rescue operations shall be aware of the consequences that, in first analysis, may affect the crew, passengers or coastal population, environment by maritime or aerial pollution and the help that the vessel in need of assistance requires.
4.1. IMO Resolution A.851 (20) approved on 27th November 1997

This Resolution approves the general principles for ship reporting systems and ship reporting requirements, including guidelines for reporting incidents involving dangerous goods, harmful substances and/or marine pollutants.

General principles
Ship reporting systems and reporting requirements are used to provide, gather or exchange information through radio reports. The information is used to provide data for many purposes including search and rescue, vessel traffic services, weather forecasting and prevention of marine pollution.

The Resolution is reached through the recognition by the Assembly of the need for coastal States to be informed by the master of an assisting ship, or of a ship undertaking salvage, of particulars of the incident and of action taken, and also that an incident involving damage, failure or breakdown of the ship, its machinery or equipment could give rise to a significant threat of pollution to coastlines or related interests.

1. reports should contain only information essential to achieve the objectives of the system;
2. reports should be simple and use the standard international ship reporting format and procedures; where language difficulties may exist, the languages used should include English, using where possible the Standard Marine Navigational Vocabulary, or alternatively the International Code of Signals. The standard reporting format and procedures to be used are given in the appendix included in the Annex of this Resolution;
3. the number of reports should be kept to a minimum;
4. No charge should be made for communication of reports.

The Resolution 851 (20) establishes itself the guidelines to notify incidents in which dangerous goods, harmful substances and sea polluting substances are involved, as well as the normalized format and procedures for notification, depending on the characteristics of the incident:

- Involving Dangerous Goods (DG)
- Involving Harmful Substances (HS)
- Involving Marine Pollutants (MP)

Furthermore, as far as possible, the probability of occurrence of spill as a consequence of the breakdown of the vessel or its equipment shall be notified.

However, the general guideline is that the captain of the vessel shall report in case of:

- Damage, failure or breakdown affecting the safety of the vessel.
- Incidents related to collision, running aground, fire, explosion, structural failure, flooding, slip of cargo, failure or breakdown of the machinery or equipment that may reduce the security in navigation, failure or breakdown of the steering system, the system of the generator set, or the indispensable auxiliary tools for navigation that are onboard.
- Failure in machinery, equipment and boilers that, in such case, affect the manipulation and handling of cargo, or the heating of the cargo, in case it has,
because of its nature, to be heated to facilitate its transfer, correct operation of the booster pumps, onboard equipment that shall be activated with steam, hydraulic or electrically.

The objective is that the riparian States and other interested parties are aware as soon as possible of every incident that may involve the loss or probable loss in sea of dangerous goods in bulk. Reporting shall be transferred to the nearest riparian State. When the vessel is near or in a zone in which a system for reporting information of vessels has been established, reports shall be transferred to the coastal station of the relevant system appointed for this aim.

According to article V 1) of MARPOL 73/78, a notification to the nearest riparian State shall be processed.

The captain of a vessel involved or requested to be involved in a save or rescue operation of a ship affected by one of the incidents referred in paragraphs 1a) or 1b) of article II of the MARPOL 73/78 Protocol, in its amended form, shall transmit the opportune notification with detail of the measures taken or expected. Riparian States shall be also kept informed about the development of the occurrence.

4.2. SOLAS Convention.


Regulation 31 of Chapter V of the SOLAS Convention concerns the means for transmitting danger messages, and it is indicated below.

Regulation 31. Danger messages

1. The master of every ship which meets with dangerous ice, a dangerous derelict, or any other direct danger to navigation, or a tropical storm, or encounters sub-freezing air temperatures associated with gale force winds causing severe ice accretion on superstructures, or winds of force 10 or above on the Beaufort scale for which no storm warning has been received, is bound to communicate the information by all means at his disposal to ships in the vicinity, and also to the competent authorities. The form in which the information is sent is not obligatory. It may be transmitted either in plain language (preferably English) or by means of the International Code of Signals.

2. Each Contracting Government will take all steps necessary to ensure that when intelligence of any of the dangers specified in paragraph 1 is received, it will be promptly brought to the knowledge of those concerned and communicated to other interested Governments.

3. The transmission of messages respecting the dangers specified is free of cost to the ships concerned.

4. All radio messages issued under paragraph 1 shall be preceded by the safety signal, using the procedure as prescribed by the Radio Regulations as defined in regulation IV/2.

B) Chapter VII: Transport of Dangerous Goods. Regulations 6 and 7.4
Regulations 6 and 7.4 of Chapter VII of the SOLAS Convention concern the reporting of incidents related to transport of dangerous goods in packaged form and in bulk form respectively. These regulations are indicated below.

Regulation 6. Reporting of incidents involving Dangerous Goods

1. When an incident takes place involving the loss or likely loss overboard of dangerous goods in packaged form into the sea, the master, or other person having charge of the ship, shall report the particulars of such an incident without delay and to the fullest extent possible to the nearest coastal State. The report shall be drawn up based on general principles and guidelines developed by the Organization.

2. In the event of the ship referred to in paragraph 1 being abandoned, or in the event of a report from such a ship being incomplete or unobtainable, the company, as defined in regulation IX/1.2, shall, to the fullest extent possible, assume the obligations placed upon the master by this regulation.

Regulation 7.4 Reporting of incidents involving dangerous goods

1. When an incident takes place involving the loss or likely loss overboard of dangerous goods in solid form in bulk into the sea, the master, or other person having charge of the ship, shall report the particulars of such an incident without delay and to the fullest extent possible to the nearest coastal State. The report shall be drawn up based on general principles and guidelines developed by the Organization.

2. In the event of the ship referred to in paragraph 1 being abandoned, or in the event of a report from such a ship being incomplete or unobtainable, the company, as defined in regulation IX/1.2, shall, to the fullest extent possible, assume the obligations placed upon the master by this regulation.

4.3. MARPOL PROTOCOL I

A) Provisions concerning Reports on Incidents Involving Harmful Substances (in accordance with article 8 of the Convention)

Article I - Duty to report

(1). The master or other person having charge of any ship involved in an incident referred to in article II of this Protocol shall report the particulars of such incident without delay and to the fullest extent possible in accordance with the provisions of this Protocol.

(2). In the event of the ship referred to in paragraph (1) of this article being abandoned, or in the event of a report from such a ship being incomplete or unobtainable, the owner, charterer, manager or operator of the ship, or their agent shall, to the fullest extent possible, assume the obligations placed upon the master under the provisions of this Protocol.

Article II When to make reports

(1). The report shall be made when an incident involves:
(a). a spill above the permitted level or probable spill of oil or of noxious liquid substances for whatever reason including those for the purpose of securing the safety of the ship or for saving life at sea; or
(b). a spill or probable spill of harmful substances in packaged form, including those in freight containers, portable tanks, road and rail vehicles and shipborne barges; or
(c). damage, failure or breakdown of a ship of 15 metres in length or above which:
   (i). affects the safety of the ship; including but not limited to collision, grounding, fire, explosion, structural failure, flooding, and cargo shifting; or
   (ii). results to impairment of the safety of navigation; including but not limited to, failure or breakdown of steering gear, propulsion plant, electrical generating system, and essential shipborne navigational aids; or
(d). a spill during the operation of the ship of oil or noxious liquid substances in excess of the quantity or instantaneous rate permitted under the present Convention.

(2). For the purposes of this Protocol:

(a). "Oil" referred to in subparagraph 1(a) of this article means oil as defined in regulation 1(1) of Annex I of the Convention.
(b). "Noxious liquid substances" referred to in subparagraph 1(a) of this article means noxious liquid substances as defined in regulation 1(6) or Annex II of the Convention.
(c). "Harmful substances" in packaged form referred to in subparagraph 1(b) of this article means substances which are identified as marine pollutants in the International Maritime Dangerous Goods Code (IMDG Code).

B) International Convention on oil pollution preparedness, response and cooperation, in London on 30 November 1990

ARTICLE 4 Oil pollution reporting procedures

(1) Each Party shall:

(a) Require masters or other persons having charge of ships flying its flag and persons having charge of offshore units under its jurisdiction to report without delay any event on their ship or offshore unit involving a spill or probable spill of oil:
   (i) in the case of a ship, to the nearest coastal State;
   (ii) in the case of an offshore unit, to the coastal State to whose jurisdiction the unit is subject;
(b) require masters or other persons having charge of ships flying its flag and persons having charge of offshore units under its jurisdiction to report without delay any observed event at sea involving a spill of oil or the presence of oil:
   (i) in the case of a ship, to the nearest coastal State;
   (ii) in the case of an offshore unit, to the coastal State to whose jurisdiction the unit is subject;
(c) require persons having charge of sea ports and oil handling facilities under its jurisdiction to report without delay any event involving a spill or probable spill of oil or the presence of oil to the competent national authority;
(d) instruct its maritime inspection vessels or aircraft and other appropriate services or officials to report without delay any observed event at sea or at a sea port or oil handling
facility involving a spill of oil or the presence of oil to the competent national authority or, as the case may be, to the nearest coastal State; (e) request the pilots of civil aircraft to report without delay any observed event at sea involving a spill of oil or the presence of oil to the nearest coastal State.

(2) Reports under paragraph (l)(a)(i) shall be made in accordance with the requirements developed by the Organization and based on the guidelines and general principles adopted by the Organization. Reports under paragraph (l)(a)(ii), (b), (c) and (d) shall be made in accordance with the guidelines and general principles adopted by the Organization to the extent applicable.

ARTICLE 5

Action on receiving an oil pollution report

(1) Whenever a Party receives a report referred to in article 4 or pollution information provided by other sources, it shall:
(a) assess the event to determine whether it is an oil pollution incident;
(b) assess the nature, extent and possible consequences of the oil pollution incident; and
(c) then, without delay, inform all States whose interests are affected or likely to be affected by such oil pollution incident, together with
   (i) details of its assessments and any action it has taken, or intends to take, to deal with the incident, and
   (ii) further information as appropriate, until the action taken to respond to the incident has been concluded or until joint action has been decided by such States.

(2) When the severity of such oil pollution incident so justifies, the Party should provide the Organization directly or, as appropriate, through the relevant regional organization or arrangements with the information referred to in paragraph (l)(b) and (c).

(3) When the severity of such oil pollution incident so justifies, other States affected by it are urged to inform the Organization directly or, as appropriate, through the relevant regional organizations or arrangements of their assessment of the extent of the threat to their interests and any action taken or intended.

(4) Parties should use, in so far as practicable, the oil pollution reporting system developed by the Organization when exchanging information and communicating with other States and with the Organization.

5. Communication of the accident

The information shall be reliable and with no linguistic doubts. The actors involved in the mitigation of the consequences of the accident shall understand each other. In this way, the IMO has edited a glossary of phrases in English for its use. It is important to ensure that the auxiliary vessels and, in such case, the aerial means and save and rescue services and pollution fighting receive a correct transmission of the accident and are able to communicate between them in an understandable way. A correct understanding between the vessel in accident and the save and rescue means. Communications on the accident should be accurate, simple and clear and the normalized language of communications referred to in the IMO Resolution A. 918 (22) of the IMO shall be followed. These are classified as:
• Communications ship/shore and vice versa
• Communications ship/ship
• Communications on board

If the situation changes so that people on board may be in danger, the communication about the accident shall be addressed to the Maritime Rescue Coordination Center (MRCC).

The communication of the accident, if the circumstances of the activity of a vessel do not only require the rescue of people, shall be addressed to the Maritime Assistance Service (MAS), according to the definition of the IMO Resolution A.950, although MAS should not necessarily imply creating a new agency.

The functions of the Maritime Assistance Service are, according to the IMO Resolution mentioned, the following:

a. Receiving the reports, consultations and notifications required by the IMO instruments.

b. Monitoring the ship’s situation if a report, as referred to in paragraph a), discloses an incident that may cause the ship to be in need of assistance.

c. Serving as the point of contact between the master and the coastal state concerned, if the ship’s situation requires exchanges of information between the ship and the coastal State but is not a distress situation that could lead to a search and rescue operation.

d. Serving as the point of contact between those involved in a marine salvage operation undertaken by private facilities at the request of parties having a legitimate interest in the ship and the coastal State, if the coastal state concerned decides that it should monitor all phases of the operation.

According to this Resolution, the functions of the MAS could, at the discretion of the Administration, be displaced by an existing organization, preferably by the MRCC, or alternatively the harbor master’s office, coast guard operations center or any other body.

The circumstances of a ship’s operation that involve the MAS are not those requiring rescue of persons. Three situations can arise:

• the ship is involved in an incident (e.g., loss of cargo, accidental spilling of oil, etc.) that does not impair its seakeeping ability but nevertheless has to be reported;

• the ship, according to its master’s assessment, is in need of assistance but not in a distress situation (about to sink, fire developing, etc.) that requires the rescue of those on board; and

• the ship is found to be in a distress situation and those on board have already been rescued, with the possible exception of those who have remained aboard or have been placed on board to attempt to deal with the ship’s situation.
The competent authority responsible of the decision-making shall, where appropriate, designate according the range of internal rules governing in each Member State, the Alert Phase Manager (APM) and the Distress Phase Manager (DPM), following the MAS or MRCC their orders about activating the following services:

- Rescue unit: Defined as the unit composed of trained personnel and provided with suitable equipment for the fast performance of search and rescue operations.
- Search and rescue means, defined as any mobile resource, including naval and air units used for search and rescue operations.

"On-scene commander", is the commander of the “rescue unit” and will be designated by the MAS/MRCC to coordinate the search and rescue operations within a specified search area.

5.1. A.918 (22) IMO: STANDARD MARINE COMMUNICATION PHRASES

As navigational and safety communications from ship to shore and vice versa, from ship to ship, and on board ship must be precise, simple and unambiguous so as to avoid confusion and error, there is a need to standardize the language used. This is of particular importance in the light of the increasing number of internationally trading vessels with crews speaking many different languages, since problems of communication may cause misunderstandings leading to dangers to the vessel, the people on board and the environment.

A1-EXTERNAL COMMUNICATION PHRASES

A1/1 Distress traffic
- A1/1.1 Distress communications
  1 Fire, explosion
  2 Flooding
  3 Collision
  4 Grounding
  5 List, danger of capsizing
  6 Sinking
  7 Disabled and adrift
  8 Armed attack / piracy
  9 Undesignated distress
  10 Abandoning vessel
  11 Person overboard
- A1/1.2 Search and Rescue communications
  1 SAR communications (specifying or supplementary to A1/1.1)
  2 Acknowledgement and / or relay of SAR messages
  3 Performing / co-ordinating SAR operations
  4 Finishing with SAR operations
- A1/1.3 Requesting Medical Assistance
- A1/2 Urgency traffic-Safety of a vessel (other than distress)
  1 Technical failure

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2 Cargo
3 Ice damage
A1/3 Safety Communications
  A1/3.1 Meteorological and hydrological conditions
    1 Winds, storms, tropical storms; sea state
    2 Restricted visibility
    3 Ice
    4 Abnormal tides
  A1/3.2 Navigational warnings involving
    1 Land- or seamarks
    2 Drifting objects
    3 Electronic navigational aids
    4 Seabottom characteristics, wrecks
    5 Miscellaneous
      5.1 Cable, pipe and seismic / hydrographic operations
      5.2 Diving operations, tows, dredging operations
      5.3 Tanker transhipment
      5.4 Off-shore installations, rig moves
      5.5 Defective locks or bridges
      5.6 Military operations
      5.7 Fishery
  A1/3.3 Environmental protection communications
A1/4 Pilotage
  A1/4.1 Pilot request
  A1/4.2 Embarking / disembarking pilot
  A1/4.3 Tug request
A1/5 Specials
  A1/5.1 Helicopter operations
  A1/5.2 Ice-breaker operations
    1 Ice-breaker request
    2 Ice-breaker assistance for convoy
    3 Ice-breaker assistance in close-coupled towing
A1/6 Vessel Traffic Service (VTS) Standard Phrases
  A1/6.1 Phrases for acquiring and providing data for a traffic image
    1 Acquiring and providing routine traffic data
    2 Acquiring and providing distress traffic data
  A1/6.2 Phrases for providing VTS services
    1 Information service
      1.1 Navigational warnings
      1.2 Navigational information
      1.3 Traffic information
      1.4 Route information
      1.5 Hydrographic information
      1.6 Electronic navigational aids information
      1.7 Meteorological warnings
      1.8 Meteorological information
      1.9 Meteorological questions and answers
    2 Navigational assistance service
      2.1 Request and identification
      2.2 Position
      2.3 Course
.3 Traffic organization service
   3.1 Clearance, forward planning
   3.2 Anchoring
   3.3 Arrival, berthing and departure
   3.4 Enforcement
   3.5 Avoiding dangerous situations, providing safe movements
   3.6 Canal and lock operations

A1/6.3 Handing over to another VTS
A1/6.4 Phrases for communication with emergency services and allied services
   1 Emergency services (SAR, fire fighting, pollution fighting)
   2 Tug services
   3 Pilot request
   4 Embarking / disembarking pilot

Appendix to A1 – External Communication Phrases
Standard GMDSS Messages
   1 Standard Distress Message
      1 Structure
      2 Example
   2 Standard Urgency Message
      1 Structure
      2 Example
   3 Standard Safety Message
      1 Structure
      2 Example

A2-ONBOARD COMMUNICATION PHRASES
A2/1 Standard Wheel Orders
A2/2 Standard Engine Orders
A2/3 Pilot on the Bridge
   A2/3.1 Propulsion system
   A2/3.2 Maneuvering
   A2/3.3 Radar
   A2/3.4 Draft and air draft
   A2/3.5 Anchoring
      1 Going to anchor
      2 Leaving the anchorage
   A2/3.6 Tug assistance
   A2/3.7 Berthing and unberthing
      1 General
      2 Berthing
      3 Unberthing

B-ONBOARD COMMUNICATION PHRASES
B1 Operative ship handling
   B1/1 Handing over the watch
      B1/1.1 Briefing on position, movement and draft
         1 Position
         2 Movements
         3 Draft
      B1/1.2 Briefing on traffic situation in the area
B1/1.3 Briefing on navigational aids and equipment status
B1/1.4 Briefing on radiocommunications
B1/1.5 Briefing on meteorological conditions
B1/1.6 Briefing on standing orders and bridge organization
B1/1.7 Briefing on special navigational events
B1/1.8 Briefing on temperatures, pressures and soundings
B1/1.9 Briefing on operation of main engine and auxiliary equipment
B1/1.10 Briefing on pumping of fuel, ballast water, etc.
B1/1.11 Briefing on special machinery events and repairs
B1/1.12 Briefing on record keeping
B1/1.13 Handing and taking over the watch

B1/2 Trim, list and stability

B2 Safety on board

B2/1 General activities
B2/1.1 Raising alarm
B2/1.2 Briefing crew and passengers
B2/1.3 Checking status of escape routes
B2/1.4 Checking status of lifeboats / liferafts
B2/1.5 Ordering evacuation
B2/1.6 Roll call
B2/1.7 Ordering abandon vessel
B2/1.8 In-boat procedures

B2/2 Occupational Safety
B2/2.1 Instruction
B2/2.2 Practical occupational safety
B2/2.3 Occupational accidents

B2/3 Fire protection and fire fighting
B2/3.1 Fire protection
   1 Checking status of equipment
B2/3.2 Firefighting and drills
   1 Reporting fire
   2 Reporting readiness for action
   3 Orders for fire fighting
   4 Cancellation of alarm

B2/4 Damage control
B2/4.1 Checking equipment status and drills
B2/4.2 Damage control activities
   1 Reporting flooding
   2 Reporting readiness for action
   3 Orders for damage control
   4 Cancellation of alarm

B2/5 Grounding
B2/5.1 Reporting grounding and ordering actions
B2/5.2 Reporting damage
B2/5.3 Orders for refloating
B2/5.4 Checking seaworthiness

B2/6 Search and Rescue on-board Activities
B2/6.1 Checking equipment status
B2/6.2 Person-overboard activities
B2/6.3 Rescue operation - reporting readiness for assistance
B2/6.4 Conducting search
B2/6.5 Rescue activities
B2/6.6 Finishing with search and rescue operations

B3 Cargo and cargo handling
B3/1 Cargo handling
B3/1.1 Loading and unloading
  1 Loading capacities and quantities
  2 Dockside/shipboard cargo handling gear and equipment
  3 Preparing for loading / unloading
  4 Operating cargo handling equipment and hatches
  5 Maintaining/repairing cargo handling equipment
  6 Briefing on stowing and securing
B3/1.2 Handling dangerous goods
  1 Briefing on nature of dangerous goods
  2 Instructions on compatibility and stowage
  3 Reporting incidents
  4 Action in case of incidents
B3/1.3 Handling liquid goods, bunkers and ballast pollution prevention
  1 Preparing safety measures
  2 Operating pumping equipment
  3 Reporting and cleaning up spillage
  4 Ballast handling
  5 Tank cleaning
B3/1.4 Preparing for sea
B3/2 Cargo care
B3/2.1 Operating shipboard equipment for cargo care
B3/2.2 Taking measures for cargo care
  1 Carrying out inspections
  2 Describing damage to the cargo
  3 Taking actions

B4 Passenger care
B4/1 Briefing and instruction
B4/1.1 Conduct of passengers on board
  1 General information on conduct of passengers
  2 Briefing on prohibited areas, decks and spaces
B4/1.2 Briefing on safety regulations, preventive measures and communications
  1 The general emergency alarm
  2 Preventing / reporting fire
  3 PA announcements on emergency
  4 Person overboard
  5 Protective measures for children
B4/2 Evacuation and boat drill
B4/2.1 Allocating/directing to assembly stations, describing how to escape
B4/2.2 Briefing on how to dress and what to take to assembly stations
B4/2.3 Performing roll call
B4/2.4 Briefing on how to put on life-jackets
B4/2.5 Instructions on how to embark and behave in lifeboats/liferafts
B4/2.6 On-scene measures and actions in lifeboats/liferafts
B4/3 Attending to passengers in an emergency
B4/3.1 Informing on present situation
B4/3.2 Escorting helpless passengers
6. Emergency plan on board

An obligation exists of having on board emergency plans. The relevant legislation which establishes the emergency plans includes the following Resolutions and Conventions.

- IMO Assembly Resolution 852 (20) Guidelines for a structure of an integrated system of contingency planning for shipboard emergencies
- IMO Assembly Resolution 854 (2) Guidelines for developing shipboard emergency plans for ships carrying materials subject to the INF Code (IMO Code for the Safe Carriage of Irradiated Nuclear Fuel, Plutonium, and High-Level Radioactive Wastes in Flasks on board Ships)
- IMO Marine Environment Protection Committee Resolution 85(44) Guidelines for the development of shipboard marine pollution emergency plans for oil and/or noxious liquid substances
- IMO Marine Environment Protection Committee Resolution 137 (53) Amendments to the guidelines for the development of shipboard marine pollution emergency plans for oil and/or noxious liquid substances (Resolution MEPC.85(44))
- IMO Marine Environment Protection Committee Resolution 54 (32) Guidelines for the development of shipboard oil pollution emergency plans
- IMO Marine Environment Protection Committee Resolution 86 (44) Amendments to the Guidelines for the development of shipboard oil pollution emergency plans (MEPC. 54 (32))
- Regulation 37 of Annex I MARPOL regarding Shipboard oil pollution emergency plan (SOPEP)
- Regulation 17 of Annex II MARPOL regarding Shipboard hazardous and noxious substances emergency plan.

6.1. A.852 (20) Guidelines for a structure of an integrated system of contingency planning for shipboard emergencies

Guidance for shipboard personnel in an emergency when the ship is underway, berthed, moored, at anchor, in port or dry dock is provided in paragraph 3.2.4. of this Resolution: Module IV Response actions.

- In an emergency, the best course of action to protect the personnel, ship, marine environment and cargo requires careful consideration and prior planning. Standards for shipboard procedures to protect personnel, stabilize conditions, and minimize environmental damage when an incident occurs should therefore be developed.
- In this context reference is made to the guidelines already developed by the Organization, which contain information to provide a starting point and to assist personnel in the preparation of plans for individual ships.
• The variety of plans to be incorporated in the system should be simple documents which outline procedures different from those used for daily routine operations. With normal operational procedures very difficult problems can be handled, but an emergency situation, whether on the ship at sea or in a port, can extend those involved beyond their normal capabilities.

• In order to keep the plans held by ship and shore identical, and to reduce possible confusion in an emergency as to who is responsible for which action, plans should make clear whether the action should be taken by shipboard personnel or shoreside personnel.

• Taking these particulars into consideration, the module "Response actions" should comprise main groupings of emergency shipboard situations.

• Potential emergency situations should be identified in the plans, including, but not limited to, the following main groups of emergency:
  1. Fire
  2. Damage to the ship
     1. Pollution
     2. Unlawful acts threatening the safety of the ship and the security of its passengers and crew
     3. Personnel accidents
     4. Cargo related accidents
     5. Emergency assistance to other ships.

In order to give the company the necessary flexibility for identifying, describing and responding to further shipboard emergency situations, more specific types of emergency should be included in the main groups.

• The majority of shipboard emergencies can be classified under the above-mentioned main groups.
  For example, the main group "Damage to ship" can be subdivided to cover other shipboard emergencies, which may require very different responses, such as:
    - collision
    - grounding/stranding
    - heavy weather damage
    - hull/structural failure, etc.

The detailed response actions should be formulated so as to set in motion the necessary steps to limit the consequence of the emergency and the escalation of damage following, for example, collision or grounding.

• In all cases priority should be given to actions which protect life, the marine environment and property, in that order. This means that "initial actions" which are common for all ships, regardless of their type and the cargoes carried, should be fully taken into account when formulating "subsequent response" procedures.

• The planning of subsequent response actions should include information relating to the individual ship and its cargo, and provide advice and data to assist the shipboard personnel. Examples of such information are listed below:
1. Information on:

- the number of persons aboard;
- the cargo carried (e.g. dangerous goods, etc.);

2. Steps to initiate external response:

- search and rescue co-ordination;
- buoyancy, strength and stability calculations;
- engagement of salvors/rescue towage;
- lightering capacity;
- external clean-up resources;

3. Ship drift characteristics

4. General information:

- co-operation with national and port authorities;
- public relations.

• Although shipboard personnel should be familiar with the plan, ease of reference is an important element in compiling and using an effective plan. Allowance must be made for quick and easy access to essential information under stressful conditions.

Appendices 3 and 4 of the Resolution show a detailed picture of the sequence of priorities for "initial actions" in an emergency situation and their link with the "subsequent response". This picture is presented in next page.
In summary, the module should guide those responsible for developing the system on what should be included in emergency plans, namely:
- co-ordination of response efforts;
- response procedures for the entire spectrum of possible accident scenarios, including methods that protect life, the marine environment and property;
- the person or persons identified by title or name as being in charge of all response activities;
- the communication lines used for ready contact with external response experts;
- information concerning the availability and location of response equipment;
- reporting and communication procedures on board ship.

A seven-step approach flow chart for emergency plan(s) implementation is presented as an example format for a procedure of a selected emergency situation.
Emergency Plan(s) Implementation Flow Chart

This flow chart outlines the step-wise approach to carrying out the emergency plan(s) implementation. It indicates steps or objectives to be achieved rather than specific procedures to be followed. Based on experience, a seven-step approach to implementing the plan(s) can be set out which leads to a useful and effective integrated emergency response plan.

STEP 1
Evaluate the risks and hazards which may result in different emergency situations (Possible events should be identified and their probability of occurrence and consequences must be addressed to set priorities for planning)

STEP 2
Identify the required response tasks (This step requires a thorough definition of actions which must be taken in an emergency)

STEP 3
Identify the shipboard emergency response participants and establish their roles, resources and communication lines (There is a limited range of potential participants in emergency response aboard; it is important to identify them early)

STEP 4
Make changes necessary to improve existing plans and integrate them in the system (Integrating all existing plans into one plan will reveal problems with overlapping activities and complicated interfaces)

STEP 5
Prepare final plan(s) and obtain identity with both the shoreside and shipboard plan(s) (Once agreement on the integrated plan has been reached, a final plan should be documented out to be kept ready for updating in accordance with the experiences gained under steps 6 and 7)

STEP 6
Educate the emergency response participants about the integrated system and plan(s) and ensure that all emergency responders are trained (It is important that emergency responders are well trained)

STEP 7
Establish procedures for periodic testing, review and updating of the plan(s) (Emergency responders should test the plan on a regular basis. Any deficiencies should then be corrected in the plan and the training programme)
6.2. A.854 (2) Guidelines for developing shipboard emergency plans for ships carrying materials subject to the INF Code

6.2.1. Concept of the Plan

The Plan is intended to assist personnel in avoiding the further escalation of an incident and in dealing with an actual or potential release of INF Code materials. Its primary purpose is to set in motion the necessary actions to avoid or minimize a release and to mitigate its effects. Regardless of the magnitude of an incident, effective planning ensures that the necessary actions are taken in a structured, logical, safe, and timely manner.

The Plan should provide for small or routine emergencies. However, it should also include guidance to assist the master in meeting the demands of a large scale incident, should the ship become involved in one.

The need for a predetermined and properly structured Plan is clear when one considers the pressures and multiple tasks facing personnel confronted with an emergency situation. In the heat of the moment, lack of proper planning will often result in confusion, mistakes, and failure to advise key people. Delays will be incurred and time will be wasted, time during which the situation may well worsen. As a consequence, the ship, its personnel, and the public may be exposed to increasing hazards, and greater environmental damage may result.

Shipboard emergency plans should be realistic, practical, and easy to use. They should be understood by ship management personnel, both onboard and ashore, and be evaluated, reviewed, and updated regularly.

6.2.2. Flow diagram

This flow diagram is an outline of the course of action that shipboard personnel should follow in responding to an incident involving INF Code materials based on the Guidelines published by the Organization. This diagram is not exhaustive and should not be used as a sole reference in response. Consideration should be given for inclusion of specific references to the Plan. The steps are designed to assist ship personnel in actions to prevent or control the release or loss of INF Code materials. These steps fall into two main categories, reporting and action.
6.3. IMO MEPC.85(44) Guidelines for the development of shipboard marine pollution emergency plans for oil and/or noxious liquid substances amended by MEPC 137 (53)

The Plan is available to assist personnel in dealing with an unexpected spill of oil or other noxious liquid substance. Its primary purpose is to set in motion the necessary actions to
stop or minimize the spill and to mitigate its effects. Effective planning ensures that the necessary actions are taken in a structured, logical, safe and timely manner. The Plan must go beyond providing for operational spills. It must include guidance to assist the master in meeting the demands of a catastrophic spill, should the ship become involved in one. The need for a predetermined and properly structured Plan is clear when one considers the pressures and multiple tasks facing personnel confronted with an emergency situation. In the heat of the moment, lack of planning will often result in confusion, mistakes, and failure to advise key people. Delays will be incurred and time will be wasted; time during which the situation may well worsen. As a consequence, the ship and its personnel may be exposed to increasing hazards and greater environmental damage may occur.

6.4. **IMO MEPC. 54 (32) Guidelines for the development of shipboard oil pollution emergency plan amended by Resolution 86 (44)**

Under the provisions of article 5 of the 1973 MARPOL Convention, a ship is required to hold a certificate in accordance with the provisions of regulations and, while in the ports or offshore terminals under the jurisdiction of a Party, is subject to inspection by officers duly authorized by that Party. In this context, the carriage of a shipboard oil pollution emergency plan should also be subject to such inspection. These Guidelines contain information for the preparation of shipboard oil pollution emergency plans.

The main objectives of these Guidelines are:

- to assist ship owners in preparing shipboard oil pollution emergency plans in conformance with the cited regulations; and
- to assist Governments in developing and enacting domestic laws which give force to and implement the cited regulations.

6.5. **ANNEX I MARPOL CONVENTION 1973. Regulation 26: Shipboard oil pollution emergency plan.**

(1). Every oil tanker of 150 tons gross tonnage and above and every ship other than an oil tanker of 400 tons gross tonnage and above shall carry on board a shipboard oil pollution emergency plan approved by the Administration. In the case of ships built before 4 April 1993 this requirement shall apply 24 months after that date.

(2). Such a plan shall be in accordance with guidelines see footnote developed by the Organization and written in the working language of the master and officers. The plan shall consist at least of:

(a) the procedure to be followed by the master or other persons having charge of the ship to report an oil pollution incident, as required in article 8 and Protocol I of the present Convention, based on the guidelines developed by the Organization;

(b) the list of authorities or persons to be contacted in the event of an oil pollution incident;
(c). a detailed description of the action to be taken immediately by persons on board to reduce or control the spill of oil following the incident; and
(d). the procedures and point of contact on the ship for coordinating shipboard action with national and local authorities in combating the pollution.

(3). In the case of ships to which regulation 16 of Annex II of the Convention also apply, such a plan may be combined with the shipboard marine pollution emergency plan for noxious liquid substances required under regulation 16 of Annex II of the Convention. In this case, the title of such a plan shall be “Shipboard marine pollution emergency plan”.


(1). Every ship of 150 gross tonnage and above certified to carry noxious liquid substances in bulk shall carry on board a shipboard marine pollution emergency plan for noxious liquid substances approved by the Administration. This requirement shall apply to all such ships not later than 1 January 2003.

(2). Such a plan shall be in accordance with Guidelines developed by the Organization and written in a working language or languages understood by the master and officers. The plan shall consist at least of:
(a). the procedure to be followed by the master or other persons having charge of the ship to report a noxious liquid substances pollution incident, as required in article 8 and Protocol I of the present Convention, based on the Guidelines developed by the Organization;
(b). the list of authorities or persons to be contacted in the event of a noxious liquid substance pollution incident;
(c). a detailed description of the action to be taken immediately by persons on board to reduce or control the spill of noxious liquid substances following the incident; and
(d). the procedures and point of contact on the ship for coordinating shipboard action with national and local authorities in combating the pollution.

(3). In the case of ships to which regulation 26 of Annex I of the Convention also apply, such a plan may be combined with the shipboard oil pollution emergency plan required under regulation 26 of Annex I of the Convention. In this case, the title of such a plan shall be “Shipboard marine pollution emergency plan”.

7. Legal basis for protocols in case of accident

This chapter pretends to offer the manager of the accident the legal tools to develop the actions for the management of the accident. These legal tools come from the United Nations, IMO and from the European Union through Directives and Regulations. For the elaboration of this chapter, the specific articles with direct relation with accidents management have been extracted from the relevant Conventions, Resolutions, Directives and Regulations.

This way, the manager of the accident, instead of needing thick legal texts, has the possibility of consulting only a few pages of each legal text obtaining quick access to the
necessary legal prescription in every moment. The aim of this chapter is that with a simple look to no more than twelve sheets the manager has a tool that allows him verify that the management is in the framework the legislation establishes. Regardless the previous, it is essential that the manager knows the Conventions in force in his country and also knows the national legislation. 

The basis in which Protocols of action are supported are not discretionary, they have their origin in the United Nations Convention on the Law of the Sea, Montego Bay 1982, several IMO Resolutions and Convention and Communitarian legislation, as the obligations of the masters and crew related with prevention or, in such case, the actions in case of accident.

The main texts of each of the legislative quotes that the responsible of operations in case of accident shall take into account at the time of activating the material and human resources to overcome the crisis are mentioned below.

- The protocol on preparedness, response and co-operation to pollution incidents by hazardous and noxious substances, 2000 (HNS protocol).
- International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, Brussels 1969.
- The International Convention on Civil Liability for Bunker Oil Pollution Damage, 2001 (the 'Bunkers Convention').
- IMO Assembly Resolution 949 (23) Guidelines on places of refuge for ships in need of assistance.

\[1\] It would be pending the issue of what to do if in any of the actions the manager observes discrepancies at the time of carrying them out between the national legislation and the international conventions signed by the member state. In such case, a consultation shall be made to the legal department, taking into account that the international prescription prevails over the national, as disposed by the Vienna Convention.


ARTICLE 221. Measures to avoid pollution arising from maritime casualties

A State can take action in defense of the general interest, health of the population, and protection of resources and marine and environmental ecosystem, according to Article 221, Measures to avoid pollution arising from maritime casualties:

1. Nothing in this Part shall prejudice the right of States, pursuant to international law, both customary and conventional, to take and enforce measures beyond the territorial sea proportionate to the actual or threatened damage to protect their coastline or related interests, including fishing, from pollution or threat of pollution following upon a maritime casualty or acts relating to such a casualty, which may reasonably be expected to result in major harmful consequences.

2. For the purposes of this article, "maritime casualty" means a collision of vessels, stranding or other incident of navigation, or other occurrence on board a vessel or external to it resulting in material damage or imminent threat of material damage to a vessel or cargo.


ANNEX. CHAPTER I. TERMS AND DEFINITIONS

• "Search and rescue region". An area of defined dimensions within which search and rescue services are provided.

• "Rescue co-ordination centre". A unit responsible for promoting efficient organization of search and rescue services and for co-ordinating the conduct of search and rescue operations within a search and rescue region.

• "Coast watching unit". A land unit, stationary or mobile, designated to maintain a watch on the safety of vessels in coastal areas.

• "Rescue unit". A unit composed of trained personnel and provided with equipment suitable for the expeditious conduct of search and rescue operations.

• "Co-ordinator surface search". A vessel, other than a rescue unit, designated to co-ordinate surface search and rescue operations within a specified search area.

ANNEX. CHAPTER 5. OPERATING PROCEDURES. 5.2. Emergency phases
For operational purposes, the following emergency phases shall be distinguished:

1. Uncertainty phase:
   1.1. When a vessel has been reported overdue at its destination; or
   1.2. When a vessel has failed to make an expected position or safety report.

2. Alert phase:
   2.1. When, following the uncertainty phase, attempts to establish contact with the vessel have failed and inquiries addressed to other appropriate sources have been unsuccessful; or
   2.2. When information has been received indicating that the operating efficiency of a vessel is impaired but not to the extent that a distress situation is likely.

3. Distress phase:
   3.1. When positive information is received that a vessel or a person is in grave and imminent danger and in need of immediate assistance; or
   3.2. When, following the alert phase, further unsuccessful attempts to establish contact with the vessel and more widespread unsuccessful inquiries point to the probability that the vessel is in distress; or
   3.3. When information is received which indicates that the operating efficiency of a vessel has been impaired to the extent that a distress situation is likely.

7.3. International Convention on Salvage, 1989

CHAPTER I – General Provisions

Article 1 - Definitions

- Salvage operation means any act or activity undertaken to assist a vessel or any other property in danger in navigable waters or in any other waters whatsoever.
- Damage to the environment means substantial physical damage to human health or to marine life or resources in coastal or inland waters or areas adjacent thereto, caused by pollution, contamination, fire, explosion or similar major incidents.

CHAPTER II – Performance of salvage operations

Article 8 - Duties of the salvor and of the owner and master

The salvor shall owe a duty to the owner of the vessel or other property in danger:

(a) To carry out the salvage operations with due care;
(b) In performing the duty specified in subparagraph (a), to exercise due care to prevent or minimize damage to the environment;
(c) Whenever circumstances reasonably require, to seek assistance from other salvors; and
(d) To accept the intervention of other salvors when reasonably requested to do so by the owner or master of the vessel or other property in danger; provided however that the
amount of his reward shall not be prejudiced should it be found that such a request was unreasonable.

Article 10 - Rights of coastal States

Nothing in this Convention shall affect the right of the coastal State concerned to take measures in accordance with generally recognized principles of international law to protect its coastline or related interests from pollution or the threat of pollution following upon a maritime casualty or acts relating to such a casualty which may reasonably be expected to result in major harmful consequences, including the right of a coastal State to give directions in relation to salvage operations.

7.4. International Convention on Oil Pollution Preparedness, Response and Cooperation, adopted in London on 30 November 1990

This Convention was reached mindful of the importance of precautionary measures and prevention in avoiding oil pollution in the first instance, and the need for strict application of existing international instruments dealing with maritime safety and marine pollution prevention, particularly the International Convention for the Safety of Life at Sea, 1974, as amended, and the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 19783 relating thereto, as amended, and also the speedy development of enhanced standards for the design, operation and maintenance of ships carrying oil, and of offshore units.

Article 3: Oil pollution emergency plans

(1) (a) Each Party shall require that ships entitled to fly its flag have on board a shipboard oil pollution emergency plan as required by and in accordance with the provisions adopted by the Organization for this purpose.

(1)(b) A ship required to have on board an oil pollution emergency plan in accordance with subparagraph (a) is subject, while in a port or at an offshore terminal under the jurisdiction of a Party, to inspection by officers duly authorized by that Party, in accordance with the practices provided for in existing international agreements or its national legislation.

(2) Each Party shall require that operators of offshore units under its jurisdiction have oil pollution emergency plans, which are coordinated with the national system established in accordance with article 6 and approved in accordance with procedures established by the competent national authority.

(3) Each Party shall require that authorities or operators in charge of such sea ports and oil handling facilities under its jurisdiction as it deems appropriate have oil pollution emergency plans or similar arrangements which are coordinated with the national system established in accordance with article 6 and approved in accordance with procedures established by the competent national authority.
7.5. The protocol on preparedness, response and co-operation to pollution incidents by hazardous and noxious substances, 2000 (HNS protocol).

ARTICLE 2 Definitions

For the purposes of the HNS Protocol, a Hazardous and Noxious Substance is defined as any substance other than oil which, if introduced into the marine environment is likely to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea.

The HNS Protocol ensures that ships carrying hazardous and noxious liquid substances are covered by preparedness and response regimes similar to those already in existence for oil incidents. For the purposes of the OPRC-HNS Protocol, HNS means any substance other than oil which, if introduced into the marine environment, is likely to create hazards to human health, to harm living resources and marine life, to damage amenities, or to interfere with legitimate uses of the sea. Such a definition will include:

- Noxious liquid substances described in Annex II of MARPOL 73/78 and the International Bulk Chemical Code (IBC Code).
- Dangerous goods described in the IMO Dangerous Goods Code (IMDG Code).
- Solid cargoes covered by the Code of Safe Practice for Solid Bulk Cargoes (BC Code)

ARTICLE 3 Emergency plans and reporting

6. Each Party shall require that ships entitled to fly its flag have on board a “Pollution Incident Emergency Plan” and shall require masters or other persons having charge of such ships to follow reporting procedures to the extent required. Both planning requirements and reporting procedures shall be in accordance with applicable provisions of the conventions, developed within the organization, which have entered into force for that party.

7. Each Party shall require that authorities or operators in charge of seaports and facilities handling hazardous and noxious substances under its jurisdiction as it deems appropriate, shall have pollution incident emergency plans or similar arrangements for hazardous and noxious substances that it deems appropriate, which are coordinated with the national system established in accordance with article 4, and approved in accordance with procedures established by the competent national authority.

ARTICLE 4 National and Regional Systems for Preparedness and Response

Each Party shall establish a national system for responding promptly and effectively to pollution incidents. This system shall include as a minimum:

a) the designation of:

   a. the competent national authority or authorities with responsibility for preparedness for and response to pollution incidents;
b. the national operational contact point or points;
c. an authority which is entitled to act on behalf of the State to request assistance or to decide to render the assistance requested.

b) a national contingency plan for preparedness and response which includes the organizational relationship of the various bodies involved, whether public or private, taking into account guidelines developed by the Organization.

In addition, each Party within its capabilities either individually or through bilateral or multilateral co-operation and, as appropriate, in co-operation with the shipping industries and industries dealing with hazardous and noxious substances, port authorities and other relevant entities, shall establish: a minimum level of pre-positioned equipment for responding to pollution incidents commensurate with the risk involved, and programs for its use; a program of exercises for pollution incident response organizations and training of relevant personnel; detailed plans and communication capabilities for responding to a pollution incident - such capabilities should be continuously available; a mechanism or arrangement to co-ordinate the response to a pollution incident with, if appropriate, the capability to mobilize the necessary resources.

7.6. International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, Brussels 1969

ARTICLE 1

1. Parties to the present Convention may take such measures on the high seas as may be necessary to prevent, mitigate or eliminate grave and imminent danger to their coastline or related interests from pollution or threat of pollution of the sea by oil; following upon a maritime casualty or acts related to such a casualty, which may reasonably be expected to result in major harmful consequences.

ARTICLE 3

When a coastal State is exercising the right to take measures in accordance with Article I, the following provisions shall apply:

(a) Before taking any measures, a coastal State shall proceed to consultations with other States affected by the maritime casualty, particularly with the flag State or States;
(b) The coastal State shall notify without delay the proposed measures to any persons physical or corporate known to the coastal State, or made known to it during the consultations, to have interests which can reasonably be expected to be affected by those measures. The coastal State shall take into account any views they may submit;
(c) Before any measure is taken, the coastal State may proceed to a consultation with independent experts, whose names shall be chosen from a list maintained by the Organizations;
(d) in cases of extreme urgency requiring measures to be taken immediately, the coastal State may take measures rendered necessary by the urgency of the situation, without prior notification or consultation or without continuing consultations already begun;
(e) A coastal State shall, before taking such measures and during their course, use its best endeavors to avoid any risk to human life, and to afford persons in distress any
assistance of which they may stand in need, and in appropriate cases to facilitate the repatriation of ships’ crews, and to raise no obstacle thereto;
(f) Measures which have been taken in application of Article I shall be notified without delay to the States and to the known physical or corporate persons concerned, as well as to the Secretary-General of the Organization.

7.7. IMO Assembly Resolution 949 (23) Guidelines on places of refuge for ships in need of assistance

3. Guidelines for actions expected of coastal states

Under international law, a coastal State may require the ship’s master or company to take appropriate action within a prescribed time limit with a view to halting a threat of danger. In cases of failure or urgency, the coastal State can exercise its authority in taking responsive action appropriate to the threat.

Decision-making process for the use of a place of refuge

3.12. When permission to access a place of refuge is requested, there is no obligation for the coastal State to grant it, but the coastal State should weigh all the factors and risks in a balanced manner and give shelter whenever reasonably possible.

3.13. In the light of the outcome of the assessment provided for above, the coastal State should decide to allow or refuse admittance, coupled, where necessary, with practical requirements.

3.14. The action of the coastal State does not prevent the company or its representative from being called upon to take steps with a view to arranging for the ship in need of assistance to proceed to a place of refuge. As a general rule, if the place of refuge is a port, a security in favor of the port will be required to guarantee payment of all expenses which may be incurred in connection with its operations, such as: measures to safeguard the operation, port dues, pilotage, towage, mooring operations, miscellaneous expenses, etc.

APPENDIX 2: GUIDELINES FOR THE EVALUATION OF RISKS ASSOCIATED WITH THE PROVISION OF PLACES OF REFUGE

2. Assessment of risks related to the identified event taking into account:

- Environmental and social factors offshore and fishing or shellfishing activities in the transit area or in the approaches to the place of refuge or vicinity which can be endangered by the incoming ship in need of assistance.
- Natural conditions, such as:
  - Prevailing winds in the area
  - Place of refuge safely guarded against heavy winds and rough seas
  - Tides and tidal currents.
  - Weather and sea conditions
  - Bathymetry: Minimum and maximum water depths in the place of refuge and its approaches.
• Navigational characteristics: Risk of stranding the ship, which may obstruct channels, approaches or vessel navigation.
• Description of anchorage and mooring facilities in the place of refuge.
• Whether the ship will be allowed in the place of refuge, e.g. escape of poisonous gases, danger of explosion, etc.
• Possibility of containing any pollution within a compact area.
• Disaster relief plan in the area.
• Evacuation facilities.


This IMO Assembly Resolution urges all States to respect the basic human rights of seafarers involved in maritime accidents, expeditiously investigate maritime accidents to avoid any unfair treatment of seafarers and adopt procedures to allow the prompt repatriation or re-embarkation of seafarers following maritime accidents.


(9) Accurate knowledge of dangerous or polluting goods being carried on board ships and of other relevant safety information, such as information relating to navigational incidents, is essential to the preparation and effectiveness of operations to tackle pollution or the risk of pollution at sea. Ships leaving or bound for Member States' ports must notify this information to the competent authorities or port authorities of those Member States.

(13) Member States need to guard against the threats to maritime safety, to the safety of individuals and to the marine and coastal environment created by incidents, accidents or certain other situations at sea and by the presence of polluting slicks or packages drifting at sea.

To this end, masters of ships sailing within Member States’ search and rescue region/exclusive economic zone or equivalent, should report such occurrences to the coastal authorities, supplying all appropriate information. In the light of their specific situation, Member States should be given flexibility in choosing which of the abovementioned geographical areas should be covered by the reporting obligation.

Annex IV sets out a non-exhaustive list of measures available to Member States pursuant to paragraph 1 of Article 19, relative to measures relating to incidents or accidents at sea, being these measures indicated below.

Article 17, Reporting of incidents and accidents at sea

1. Without prejudice to international law and with a view to preventing or mitigating any significant threat to maritime safety, the safety of individuals or the environment, Member States shall monitor and take all appropriate measures to ensure that the master of a ship
sailing within their search and rescue region/exclusive economic zone or equivalent, immediately reports to the coastal station responsible for that geographical area:

(a) any incident or accident affecting the safety of the ship, such as collision, running aground, damage, malfunction or breakdown, flooding or shifting of cargo, any defects in the hull or structural failure;

(b) any incident or accident which compromises shipping safety, such as failures likely to affect the ship's manoeuvrability or seaworthiness, or any defects affecting the propulsion system or steering gear, the electrical generating system, navigation equipment or communications equipment;

(c) any situation liable to lead to pollution of the waters or shore of a Member State, such as the discharge or threat of discharge of polluting products into the sea;

(d) any slick of polluting materials and containers or packages seen drifting at sea.

2. The report message sent in application of paragraph 1 shall include at least the ship's identity, its position, the port of departure, the port of destination, the address from which information may be obtained on the dangerous and polluting goods carried on board, the number of persons aboard, details of the incident and any relevant information referred to in IMO Resolution A.851(20).

Adding the Directive 2011/15/EC the following statement: 'In the case of a ship which is towed under a towage or salvage agreement, the measures taken by the competent authority of a Member State under points (a) and (d) may be also addressed to the assistance, salvage and towage companies involved.'


To make provision for ships in need of assistance as referred to in IMO Resolution A.949(23), one or more competent authorities should be designated to take decisions with a view to minimizing risks to maritime safety, the safety of human life and the environment.

ARTICLE 12 – Obligations on the shipper

No dangerous or polluting goods may be offered for carriage or taken on board any ship, irrespective of its size, in a port of a Member State unless a declaration has been delivered to the master or operator containing the information listed in Annex I(2). It shall be the duty of the shipper to deliver to the master or operator such declaration and to ensure that the shipment offered for carriage is indeed the one declared in compliance with the first subparagraph.

ARTICLE 15 – Exemptions

1. Member States may exempt scheduled services performed between ports located on their territory from the requirement laid down in Article 13 where the following conditions are met: (a) the company operating the scheduled services referred to above keeps and updates a list of the ships concerned and sends it to the competent authority concerned, (b) for each voyage performed, the information listed in Annex I(3) is kept available for
the competent authority upon request. The company must establish an internal system to ensure that, upon request 24 hours a day and without delay, the said information can be sent to the competent authority electronically, in accordance with Article 13(4).

2. When an international scheduled service is operated between two or more States, of which at least one is a Member State, any of the Member States involved may request of the other Member States that an exemption be granted to that service. All Member States involved, including the coastal States concerned, shall collaborate in granting an exemption to the service concerned in accordance with the conditions laid down in paragraph 1.

3. Member States shall periodically check that the conditions laid down in paragraphs 1 and 2 are being met. Where at least one of these conditions is no longer being met, Member States shall immediately withdraw the privilege of the exemption from the company concerned.

4. Member States shall communicate to the Commission a list of companies and ships granted exemption under this Article, as well as any updating of that list.

ARTICLE 16 – Transmission of information concerning certain ships

1. Ships meeting the criteria set out below shall be considered to be ships posing a potential hazard to shipping or a threat to maritime safety, the safety of individuals or the environment:
   (a) ships which, in the course of their voyage: have been involved in incidents or accidents at sea as referred to in Article 17; or have failed to comply with the notification and reporting requirements imposed by this Directive; or have failed to comply with the applicable rules in ships' routing systems and VTS placed under the responsibility of a Member State;
   (b) ships in respect of which there is proof or presumptive evidence of deliberate discharges of oil or other infringements of the MARPOL Convention in waters under the jurisdiction of a Member State;
   (c) ships which have been refused access to ports of the Member States or which have been the subject of a report or notification by a Member State in accordance with Annex I-1 to Council Directive 95/21/EC of 19 June 1995 on port State control of shipping (1).

2. Coastal stations holding relevant information on the ships referred to in paragraph 1 shall communicate it to the coastal stations concerned in the other Member States located along the planned route of the ship.

3. Member States shall ensure that the information communicated to them under paragraph 2 is transmitted to the relevant port authorities and/or any other authority designated by the Member State. Within the limits of their available staff capacity, Member States shall carry out any appropriate inspection or verification in their ports either on their own initiative or at the request of another Member State, without prejudice to any port State control obligation. They shall inform all Member States concerned of the results of the action they take.

ARTICLE 18 – Measures in the event of exceptionally bad weather
1. Where the competent authorities designated by Member States consider, in the event of exceptionally bad weather or sea conditions, that there is a serious threat of pollution of their shipping areas or coastal zones, or of the shipping areas or coastal zones of other States, or that the safety of human life is in danger: (a) they should, where possible, fully inform the master of a ship which is in the port area concerned, and intends to enter or leave that port, of the sea state and weather conditions and, when relevant and possible, of the danger they may present to his/her ship, the cargo, the crew and the passengers; (b) they may take, without prejudice to the duty of assistance to ships in distress and in accordance with Article 20, any other appropriate measures, which may include a recommendation or a prohibition either for a particular ship or for ships in general to enter or leave the port in the areas affected, until it has been established that there is no longer a risk to human life and/or to the environment; (c) they shall take appropriate measures to limit as much as possible or, if necessary, prohibit the bunkering of ships in their territorial waters.

2. The master shall inform the company of the appropriate measures or recommendations referred to under paragraph 1. These do not however prejudice the decision of the master on the basis of his/her professional judgement corresponding to the SOLAS Convention. Where the decision taken by the master of the ship is not in accordance with the measures referred to under paragraph 1, he/she shall inform the competent authorities of the reasons for his/her decision.

3. The appropriate measures or recommendations, referred to under paragraph 1, shall be based upon a sea state and weather forecast provided by a qualified meteorological information service recognised by the Member State.


(3) Following an incident at sea, the powers of intervention of Member States should be made more explicit. In particular, it should be clearly stated that they may give instructions to the assistance, salvage or towage companies in order to prevent a serious and imminent threat to its coastline or related interests, to the safety of other ships and their crews and passengers or of persons on shore or to protect the marine environment.

PART II – DRAFT OF PROPOSAL OF PROTOCOLS IN CASE OF ACCIDENT

8. General action protocols

Once the legal basis for the elaboration of a proposal of protocols in case of accident has been established, a difference between two type of situations has been made. On the one hand, the Alert Phase, which would have less estrict protocols. On the other hand, the Distress Phase, which can be reached going first through the Alert Phase or not, and
that has estricter protocols. In the following paragraphs this type of situations and a proposal of protocols for each one of them have been established.

8.1. General action protocol in Alert Phase

The situation of alert in the vessel is that in which the safety of the vessel and people onboard are in danger.
The situation of alert on shore is that in which the origin is an incident in a vessel, and as a consequence the safety and security of the population on shore, the marine ecology, the way of life of the people on shore, sea water treatment systems, aquaculture, fishing industry, marine industry, tourism and services are in danger.
When the situation is considered as an Alert, the Alert Phase Manager (APM) is the person responsible of carrying out the following tasks:
1. Review the information received and check if it is enough for the decision-making. Otherwise, additional information shall be required to the master of the vessel or to other organs of the maritime administration, as well as to the port administration if the vessel is in the waters of the port.
2. Decide if the Alert Phase should become a Distress Phase, acting, if so, assuming the role of Distress Phase Manager, except if this function corresponds to the Deputy Director-General of maritime safety and pollution, in which case the information available shall be communicated and transferred.
3. If the situation remains qualified as an alert, it shall be communicated, by sending part of the available information considered as relevant in each case, to the competent authority, who shall verify that the contingency plans for marine pollution competence of each of the following bodies are activated,
   (a) The port authority.
   (b) Coastal authority.
   (c) The environmental authority.

It should be notified also to the Authority to which Civil Protection responds.
4. Order the captain of the vessel to give updated information of the developments taking place on board and in the immediate surroundings of the vessel.
5. In case it is considered as necessary, and in order to have accurate and immediate information of the situation in which the vessel is, the APM could order the intervention of a team composed of technical specialized personnel appropriate to the situation, to perform a recognition and tracking of the vessel, by sea or air means.
6. The gathered information considered as relevant shall be reported in each case to the authorities mentioned in paragraph 3.
7. Decide the moment when the Alert Phase should be over, whether because the problems have been solved, or because the APM decides that it must become into a Distress Phase.
8. Report the completion of the Alert Phase to the competent authorities.
9. Elaborate a report of what happened during the Alert Phase and its evolution, and send it to the General Directorate of the Merchant Marine, along with the information gathered.

10. The Alert Phase Manager shall consider the opinions of the advisers consulted, but will have full capacity for decision-making during the Alert Phase.

8.2. General action protocol in Distress Phase.

The distress phase is the situation in which a justified conviction that a vessel or person is threatened by a serious or imminent danger exists, or in which as a consequence of an incident in a vessel the safety and security of the crew, way of life of the coastal population, marine ecology, beaches, coast, extracting and manufacturing industry, activities related with leisure and tourism and/or Ramsar Convention, SCI, SPA or SPAMI areas are threatened by an imminent and/or serious danger.

The competent authority shall report to the Civil Protection Authority immediately after the incident to take action in case the population’s health is in danger.

The competent authority shall report to the Environmental Authority about the incident to take action for the coastal environment safety. In case the Distress Phase is decreed without going through the alert phase, the initial actions shall be as described in the following paragraphs.

The main objective of the action to be taken by the Distress Phase Manager shall be the minimization of the risk associated with the situation, understood as the sum of the risks associated with the possible outcomes at each moment.

In case human lives are in danger, human, air and maritime resources shall be activated according to the International Conventions, specially SOLAS Convention, Chapter III on lifesaving appliances and arrangements, SAR Convention of Hamburg 1979 and the International Aeronautical and Maritime Search and Rescue (IAMSAR) Manual.

Actions with an objective of saving human lives shall prevail over others. In such way, considering that each accident is unique and assuming that a limitation of available means exists in order to face the consequences of a ship accident, an order of priority actions is proposed:

In the Distress Phase, the steps to follow shall be the same as the followed for the Alert Phase (Chapter 2. Accidents reporting), and it is also recommended to follow the steps exposed in the next paragraphs. The Distress Phase Manager, depending on the case, shall coordinate the people responsible for the national and regional systems for preparations and fight against pollution, and against the events that cause contamination by toxic substances and potentially dangerous. A national contingency plan for preparedness and response including the organisational relationship of the different bodies involved, whether public or private, taking into account guidelines developed by the Organisation.

8.2.1. Background

The shipowners along with the insurance companies of the vessel and the cargo consider that the no polluting cargo is in the vessel’s hold and the action to take in case of spilling
would be to take the vessel to a protected area of the coast in which it could be stabilized and the repairs or transfer needed could be carried out, assuming that during these operations spilling could take place because it is impossible to carry them out with the safety terms that, as an example, the federal regulations of the USA require. In this case, depending on the state of the vessel and its cargo, a risk of wreck or strengthening of the spilling could be taken.

The rescue services companies address to obtain some benefit from the rescue operations, achieving this by rescuing the vessel and its cargo. Although in the present the International Convention on Maritime Search and Rescue allows them to obtain a bigger reward if the effects of pollution are reduced, the reward of avoiding pollution still remains lower than the benefit they can obtain by rescuing the vessel and the cargo.

It is thought that if the vessel is near the coast, the pollution fans less and it would affect less length than if it was far from the coast. It is also thought that this protected area should be a sacrifice area, what would make it useless for any activity related with the sea or any type of sea life within a long period of time. This would carry economic, ethical and future loss to the population and the ecosystem. It is not demonstrated that the factor of proximity to the coast influences the length of the affected coast because there are more influential factors such as meteorology, the states of the sea, currents and bathymetry.

Cases such as the Exxon Valdez, which run aground in the coast of Alaska and polluted 1800 km, demonstrate that the proximity of the accident to the coast does not reduce the fan of length of affected coast and worsens the consequences. Taking as a reference the case of the Exxon Valdez, ten years after the disaster, the mortality rate of certain species or eggs still remained abnormally high, although no link with the shipwrecking of the vessel could be clearly confirmed by experts. The process of affected populations regaining their natural balance may have been delayed by the persistence of pockets of oil buried in the sediments. Twenty five years after disaster of the Exxon Valdez, rests of the oil spilled can be found in isolated coves. A study carried out on this accident in 2010 showed that around 50 beaches still had rests of hydrocarbons, in total 2,5 km. Thousands of animals died as a consequence of the spill, including approximately 250.000 marine birds and 2.800 marine otters. The cleaning cost around 2,1 billion dollars and some areas of the coast close to the spill were in 2014 still contaminated with oil under the surface.

Certain coastal states consider that a vessel spilling cargo should not be authorized to enter its waters and should stay far because the pollution is better cleaned up from the sea than from the coast. Furthermore, it would take more time to prepare for the fight against the pollution by marine and air means, agreements between other coastal states or the EMSA. If the contamination focal point is near the coast, the number of vessels and means, such as skimmers, which can operate in the area, shall be limited because the oil or heavy products derived from oil could reach the seabed destroying the life, flora and fauna on the movements of the waves.

It is not assumable by the States, nor the UNCLOS Convention allows it, to condemn certain coastal areas (sacrifice areas), turning them into a desert. Furthermore, the concept of preservation of the marine environment the UNCLOS Convention of Montego Bay of 1982 imposes the States the adoption of measures for the administration and conservation of the living resources at open sea.

In this way, the State cannot allow a vessel to spill the sea along the way from open sea to the refuge area with polluting products, nor can assume the risk of the vessel running aground or wrecking, because the subsequent contamination would increase the difficulties and cost of the withdrawal of the rests of the vessel from the coast or from the entry and exit channels of the port, obstructing the navigation, with the aggravating
circumstance of the sequential and continuing contamination from the cargo that remained in the holds.
In the end, the shipowner and the insurance and rescue services companies abandon the place after the accident, being the State the one who stays and assumes the "new desert" and the environmental, social and political consequences that will be coming due to the accident.

8.2.2. Identification of the danger

When the master of a vessel or the representative of the shipping company authorized is requested from the relevant administration to lend assistance in the relevant State’s maritime waters, it shall be provided to the corresponding Harbor, either through the coastal station, the maritime rescue coordination center or directly, in addition to the information prescribed by the international agreements in force, the following information:

(a) Assessment of the situation:

- Name, nationality, Pavilion and owner or operator of the ship.
- Tonnage, length and breadth of the ship.
- Number of persons on board and conditions in which they are found. Where applicable, number and status of the victims.
- Nature, quantity and state of the cargo, supplies and fuels and, in particular, dangerous or polluting goods.
- Maximum draught.
- Location of the ship.
- Course and speed (propelled, drifted or anchored).
- Identification of the event, for example: fire, explosion, type of fault (including mechanical or structural defects) and its foreseeable evolution, approach, spilling of pollutants, decreasing of the stability of the ship, beaching, flood or fall of lumps that adrift.
- Date and time of the occurrence.
- State of sea and wind.
- Ports of origin and destination.
- Name of the captain of the ship, whether the captain is or not aboard and degree of collaboration of the crew with the competent authorities during the accident.
- Risk of fire, explosion or imminent pollution
• Response measures taken by the captain, the operator or shipping company, such as actions aboard, signature of contracts of salvage or towing or any other provision of services intended to remedy the situation of the ship

• The value of the empty ship and the load.

• Name and title of the person who is responsible of sending the information.

(b) Determination of the dangers.

It is necessary to estimate the impact on the ship and the load in case of performing each of the following safeguard measures:

- Keep the vessel in the same position.
- Continue the journey towards its original destination.
- Address the vessel offshore.
- Direct it towards the coast in search of a possible place of refuge.
- Let it sink or wreck it intentionally

(c) Liability and guarantees.

- Insurances of the vessel and load, including the civil responsibility, identification of the insurer and value of the insured goods, P&I (Protection and Indemnity) insurance.

- Whether the person responsible is willing or not to waive the benefit of limitation or exclusion of liability in case the vessel is authorized to go to a place of refuge.

- Whether the person responsible is willing or not to receive the provision of guarantee in the amount accorded in the Directive 2009/17, article 20a g) “the financial guarantee and liability procedures in place for ships accommodated in a place of refuge”.

- Appointment of a person to be in charge of the shipping company in the State with an accepted address for service of notice.

8.2.3. Requested assistance.

The captain of the ship needed of assistance shall report to the DPM on the Emergency plan onboard approved by the flag state, and on any additional information that becomes better known. In any case, the following should be determined:

• Safeguard measures chosen.
• Measures of assistance requested.
8.2.4. Activation of contingency plans against accidental marine pollution

If the information received suggests the existence of a maritime pollution problem, the Distress Phase Manager shall inform and coordinate the personnel responsible for the activation of the contingency plans against accidental marine pollution at the relevant level according to the HNS Protocol or OPRC 1990.

From that moment, the DPM will maintain fluid contact with the bodies of coordination of operations established for these plans in order to optimize the use of resources and reduce response times.

8.2.5. Assessment and intervention team.

The Distress Phase Manager can mobilize a team for evaluation and intervention at the right time, to get aboard the ship to collaborate with the captain for the accurate assessment of the situation and the operations that must be performed to resolve or alleviate the problems raised, reporting this directly to the DPM.

The DPM can mobilize an intervention team for, at the right time, get aboard to collaborate with the captain or Salvors, and in such case require them, the assumption of measures to solve the distress situation for the crew, the coastal population, marine environment, the coast, and the environmental and socio-economic conditions of the area that might result affected.

8.2.6. Situations of imminent danger.

If the situation of the vessel requires immediate action, without allowing to carry out the consultations and deeper analysis, the DPM shall without delay take the following actions:

(a) Assess with the available information the consequences of carrying out each of the possible safeguard measures, using what is described in point 8.2.8. Decision-making aid tools.
(b) In case of deciding that the most appropriate alternative is to order the ship to go into a place of refuge, the DPM shall quickly identify that it is appropriate to use the inventory of information about possible places of refuge (8.2.8. Decision-making aid tools).
(c) The decision shall be communicated to the General Directorate of the Merchant Marine.
(d) When considered, the competent authority shall convene the Advisory Committee to continue managing the outstanding issues.
(e) Decide the moment the distress situation ends either because the problems which caused it have been solved or because the DPM decides that it should become normal danger or State of alert.
(f) If the DPM decides that the distress situation is complete, he shall inform all organs aware of this situation, draw up a report of what happened during the distress situation, including the information obtained and send it to the General Directorate of the Merchant Marine.
8.2.7. Announcement to the Advisory Committee.

If it is not a distress situation, the DPM shall always convene the Advisory Committee to assist in the evaluation of the situation, obtaining the necessary information and analysis of the consequences of possible measures to adopt.

8.2.8. Decision making aid tools.

TRACKING SYSTEMS

Long-range identification and tracking (LRIT)

Subject to the provisions of paragraphs 8.2 to 11.2 included in the Resolution MSC. 202 (81), Adoption of Amendments to the International Convention for the Safety of Life at Sea, 1974, as amended, Contracting Governments shall be able to receive long-range identification and tracking information about ships, for security and other purposes as agreed by the Organization, as follows:

1. The Administration shall be entitled to receive such information about ships entitled to fly its flag irrespective of where such ships may be located;
2. A Contracting Government shall be entitled to receive such information about ships which have indicated their intention to enter a port facility, as defined in regulation XI-2/1.1.9, or a place under the jurisdiction of that Contracting Government, irrespective of where such ships may be located provided they are not located within the waters landward of the baselines, established in accordance with international law, of another Contracting Government; and
3. A Contracting Government shall be entitled to receive such information about ships entitled to fly the flag of other Contracting Governments, not intending to enter a port facility or a place under the jurisdiction of that Contracting Government, navigating within a distance not exceeding 1,000 nautical miles of its coast provided such ships are not located within the waters landward of the baselines, established in accordance with international law, of another Contracting Government; and
4. A Contracting Government shall not be entitled to receive, pursuant to subparagraph 3, such information about a ship located within the territorial sea of the Contracting Government whose flag the ship is entitled to fly.

Automatic Identification System (AIS)

According to what is included in Resolution A. 917 (22), Guidelines for the onboard operational use of shipborne automatic identification systems (AIS), the Automatic Identification System is intended to enhance: safety of life at sea; the safety and efficiency of navigation; and the protection of the marine environment. SOLAS regulation V/19 requires that AIS exchange data ship-to-ship and with shore-based facilities. Therefore, the purpose of AIS is to help identify vessels; assist in target tracking; simplify information exchange (e.g. reduce verbal mandatory ship reporting); and provide additional information to assist situation awareness. In general, data received via AIS will improve the quality of the information available to the Officer of the Watch (OOW),
whether at a shore surveillance station or on board a ship. AIS should become a useful source of supplementary information to that derived from navigational systems (including radar) and therefore an important ‘tool’ in enhancing situation awareness of traffic confronting users. The AIS is able to detect ships within VHF/FM range around bends and behind islands, if the landmasses are not too high. A typical value to be expected at sea is 20 to 30 nautical miles depending on antenna height. With the help of repeater stations, the coverage for both ship and VTS stations can be improved.

SafeSeaNet

SafeSeaNet was established as a centralised European platform for maritime data exchange, linking together maritime authorities from across Europe. It enables European Union Member States, Norway, and Iceland, to provide and receive information on ships, ship movements, and hazardous cargoes. Main sources of information include Automatic Identification System (AIS) based position reports, and notification messages sent by designated authorities in participating countries.

CleanSeaNet

CleanSeaNet is a European satellite-based oil spill and vessel detection service. It offers assistance to participating States for the following activities:

- identifying and tracing oil pollution on the sea surface
- monitoring accidental pollution during emergencies
- contributing to the identification of polluters

The CleanSeaNet service is based on radar satellite images, covering all European sea areas, which are analyzed in order to detect possible oil spills on the sea surface. When a possible oil spill is detected in national waters, an alert message is delivered to the relevant country. Analyzed images are available to national contact points within 30 minutes of the satellite passing overhead. Approximately 2,000 images are ordered and analysed per year.

The service, which is integrated into national and regional pollution response chains, aims to strengthen operational responses to accidental and deliberate spills from ships, and assist participating States to locate and identify polluters in areas under their jurisdiction.

Vessel detection is also available through the CleanSeaNet service. When a vessel is detected on a satellite image, the identity of the vessel can often be determined through correlating the satellite data with vessel traffic reports (SafeSeaNet). This increases the likelihood that a State will be able to determine which vessel is polluting and take action (e.g. verifying the spill, inspecting the vessel on entry into port).

Each coastal State has access to the CleanSeaNet service through a dedicated user interface, which enables them to view ordered images. Users can also access a wide range of supplementary information through the interface, such as oil drift modeling (forecasting and backtracking), optical images, and oceanographic and meteorological information.

Thetis

5 Directives 2002/59; 2009/17 and 2011/15
EMSA has been tasked to develop, in cooperation with Member States and the European Commission, a new information system, which will support the New Inspection Regime for Port State Control. The design and creation of an effective inspection system will be crucial for the implementation of this New Inspection Regime and assist Member States with harmonization of PSC procedures and execution through centralized storage and distribution of reports. At the same time the requirements stemming from Directive 99/35/EC introducing an inspection system for RoRo ferries and High Speed Passenger craft will be catered for.

THETIS implements all processes and interfaces, in line with the EMSA founding Regulation 1406/2002 to:

- Assist Member States with targeting and selecting the right vessel for inspection through continuous profiling of seagoing ships
- Assist the Commission and EC and Member States by providing statistics on inspection results and performance
- Monitor performance of Member States in relation to their obligations under the Directive;
- Provide a system to handle similar information from 2 non-EU members of the Paris MoU (Canada and Russia)

ADITIONAL TOOLS

In addition to the tracking of the sequence of events, on which the captain shall report, the Salvors, assessment team onboard, naval and aerial units observation team, MRCC, MAS, On-scene commander, the competent authority and the DPM shall have the following available:

- Documents included in Chapter 4.4.2. Application of existing documents
- The extract of the Conventions and IMO Resolutions and Directives included in Chapter 4.4.3. Proposal of protocols in case of accident
- Maps of the vessel, systems, equipment, devices, main and auxiliary machinery. This can be provided by the Classification Society.
- An inventory of reports on maritime accidents of the IMO database, as well as those included in CEDRE or ITOPF databases.
- An inventory of information on potential places of refuge. This tool will consist of a software application based on a geographic information system that contains abundant physical, environmental, socio-economic and operational information from a large number of possible places of refuge along the relevant State’s coast and shall be periodically updated.
- A list of the potential places of refuge indicating the physical and operational characteristics, as well as the environmental and socioeconomic conditions of the area, including human resources and materials available.
– Availability of human and operational resources to offer the help requested or the possibility of bringing them quickly from other locations.

– Intergovernmental agreements for the cooperation in matters of maritime accidents, identifying the focal points and persons to contact in case of the activation of such agreements. Based on them, the list of means available in case of emergency shall be known: specialized assessors, aerial and naval units, laboratories, meteorological information and forecast, and state and forecast of the sea.

– Guide of the needs of towing or assistance in open sea, including results of the simulations for various types and sizes of vessels combined with different states of sea and wind. The simulation shall consist of both the reorientation and towing of the ship to a particular course and maintaining a steady course for different orientations of the storm.

– A permanently updated database on response to ships in need of assistance with special attention to the issue of places of refuge. It shall contain, among others, the following sections:
  
  o Legislation.
  
  o Meetings, conferences and seminars.
  
  o Publications.
  
  o Positions of the interested parties.
  
  o Specific cases.

– Information on the meteorological forecasts through the official Agencies.

– Additionally, the following actions may be considered as important at the time of decision-making:

  o Promote the establishment of agreements with public or private centers specialized in simulation of the evolution of slicks of contaminants, to make possible the direct assignment by the DPM of the simulations needed to assist decision making.

  o Take into account that in these cases the speed is much more important than the accuracy of the results, so preference will be given to models that have implemented modules for rapid assimilation of observed, measured or provided data for the establishment of initial and boundary conditions or for calibration of models.

  o In any case, take into account that the simulation of a ship sailing under abnormal conditions is not reliable because the parameters of the ship have not been determined experimentally for these conditions.
In case of contamination, the DPM can request services of hydrodynamic simulation and dispersion of pollutants that may be provided in contingency plans for accidental marine pollution.

The inventory of resources for combating pollution contained in the plans also constitutes a useful tool for the DPM.

8.2.9. Criteria for decision making.

a) The following safeguard measures shall be:

- Keep the vessel in the same position.
- Continue the journey towards its original destination.
- Address the vessel offshore.
- Direct it towards the coast in search of a possible place of refuge.
- Let it sink or wreck it intentionally

b) The decision shall be taken case by case based in an assessment of the risks associated with each alternative, carried out with the information and support tools available within the urgency requiring the situation, from the following points of view:

- First level of priority:
  - Safety of human life: crew, passengers, personnel involved in operations of relief, civilian population close to the coast (fire, explosion, toxic clouds, etc.)

- Second level of priority:
  - Preservation of the water purification system
  - Preservation of the coastal and marine ecosystem.
  - Preservation of natural resources.
  - Preservation of low resilience areas
  - Preservation of pureness of the seawater flow system destined to the onshore aquiculture stations.
  - Guarantee of entry and exit of the port terminals
  - Guarantee the navigation safety

- Third level of priority:
- Preservation of the water desalinization system for industrial and agrarian ends.
- Preservation of marine archaeological sites
- The vessel, the fuel and oil onboard and the cargo.

**c) The following parameters shall be taken into account to carry out the aforementioned assessment:**

- **Factors such as:**

  - Type, size, dimensions and location of the ship.
  - Seaworthiness of the vessel, in particular: buoyancy, stability, availability of means of propulsion and maneuvering and berthing capacity and energy production.
  - State of the sea and weather conditions present and foreseeable.
  - Nature, quantity and state of charge, supplies and fuel, and in particular, dangerous goods.
  - Distance and estimated time of navigation to the potential places of refuge for the dangerous situation considered.
  - Presence or absence of the captain on the ship and collaboration in the incident or maritime accident of the crew with the competent authority.
  - Number of crew members or other persons who are on board and evaluation of human factors, including fatigue.
  - Whether the ship is insured or not, including civil liability and, if it is, identification of the insurer, the limits of application of liability and eventual membership to a P&I club.
  - If the provision of guarantee has been reported in the amount and forms indicated in Royal Decree 210/2004.
  - Appointment of a person to be in charge of the shipping company in the State with an accepted address for service of notice.
  - Once communicated the provisional decision, whether there is accordance or not with the decision of the authorized representative of the shipping company.
  - Once communicated the provisional decision, whether there is compliance and technical justification of the issuer's classification of the appropriate certificate of class, as well as the salvors’, or not, with that decision.
- Rescue agreements signed by an authorized representative of the shipping company.

- Information about the intentions of the captain and/or the company providing life-saving.

- The existence of IMO conventions relating to compensation for spills of crude oil, oil products, hazardous or toxic substances, and conventions relating to limits of liability or any other damage caused by ship-source marine pollution.

- National and international law applicable at each time, including the Civil Code, the rest of the conventions of the International Maritime Organization and the resolutions of the Assembly, the resolutions of the Committee on Maritime Safety, the Marine Environment Protection Committee and their respective subcommittees relating to ship-source marine pollution and the directives and regulations of the European Union to the effect.

  o The type of incident or accident that occurred, for example: fire, explosion, damage (including mechanical or structural fault and its foreseeable evolution), collision, spilling of pollutants, decrease in the stability of the ship, beaching, load slides, flood or fall of lumps that adrift. If it is the case, nature and extent of the damage and impact on buoyancy, stability, availability of propulsion, rudder, production of energy and means of fight against accidents on board, anchoring and berthing capacity.

  o Risk of fire, explosion or imminent pollution

  o The class of help requested: assistance or evacuation of people, load transfer, combating pollution, towing, stowage, rescue or shelter

  o Availability in a close placement of human and operational resources to provide the requested assistance or the possibility of bringing them fast from distant points. In such case, the possible difficulties that may exist in land shall be taken into account, as the collapse of roads in summer, restrictions of load in bridges and viaducts or light in underpasses, poor access to the coast due to the high density of buildings, etc.

  o The opinion of the assessment and intervention team

8.2.10. Decision making

Once the danger has been identified and the situation established, the support tools for decision-making gathered and the criteria fixed, it is possible to adopt the following measures.

A) Addressing the vessel to a place of refuge
The decision of refuge may come from the Captain or Master, the shipowner or the salvors, or may be imposed by the competent authority. If the DPM, with the authorization of the competent authority, adopts the decision of refuge the vessel, he shall consider that refuge is the less bad alternative from the ones indicated in paragraph 4.4.8 a) of this document, in accordance with what is disposed in Directive 2009/17 about vessels being accepted in a place of refuge if the competent authority considers that such acceptance is the best solution for the protection of human life and the environment.

In case the measure to take is finally to address the vessel to a place of refuge, during the process for selecting such place, the following basic principles shall be taken into account:

- The best place of refuge is not always a port. Any point on the coast is likely to be used as a place of refuge.
- Selection should be based on objective criteria and an evaluation without bias.
- There should be proper equipment to handle the situation available in the vicinity of the place of refuge selected.
- There shall be devised response plans to emergencies in case an accident occurs in the place of refuge chosen.
- To make the decision among the different places of refuge, the criteria listed below should be taken into account. The information available in paragraph 4.4.8 about the possible places of refuge is very useful to carry out the assessment of such criteria.
- Safety and health of persons:
  - Availability of means for the rescue of people onboard.
  - Evaluation of the human factor, including the possible fatigue of the crew.
  - Safety of persons who are in the vicinity of the place of refuge with respect to the risks of explosion, fire and pollution, especially by air.
  - Availability of routes, facilities and evacuation plans.
- Geographical and weather:
  - Distance and time of navigation to the place of refuge.
  - Depth and surface available to accommodate the ship, space for maneuvers and possibility of double banking for load and fuel transfer.
  - The route should be free of obstructions and deep enough.
  - Presence of adequate funding for a stranded possible (voluntary or involuntary) or to anchor the vessel while it garree.
- Tide and current situations.
- Possibility to confine a spill in progress or foreseeable.
- Existing weather conditions during the journey to the place of refuge.
- Conditions of shelter for weather conditions and the sea as backdrop, existing and anticipated for the period of time that the ship will remain in the place of refuge.
- Possibility of resorting to another place of refuge if weather conditions worsen suddenly.
- Availability of measures to adopt if you must abort the crossing until the place of refuge or stabilization operations of the ship due to a sudden worsening of weather conditions.
- Nearby town if there is risk of fire, explosion or production of toxic gases.

○ Socioeconomic factors
- The area shall be of low ecological value with no purification facilities, environmental protection, fishing grounds, aquaculture areas, nurseries for fish and crustaceans, touristic attraction nor recreational areas, with a seabed with no interest to the marine fauna and flora.
- Absence or scarcity of ecological values such as species threatened or in danger of extinction, protected habitats or breeding areas
- Absence or small extension of zones with a nature of historical, cultural or environmental protection
- Distance from known areas of high productivity of fish or shellfish
- Reduced impact on maritime traffic and port activities
- Distance of aquaculture facilities
- Distance from desalination or cooling of waters
- Remoteness from submerged pipelines (pipelines, cables, outfalls, etc.)
- Remoteness of areas of high tourism

○ Operational characteristics:

Generally, the acceptance of vessels in danger of wreck is not recommended, nor the vessels spilling polluting, dangerous products or that release toxic gases. The DPM shall have the addresses, phone numbers, etc. of the manufacturers of the polluting or dangerous products available, and shall get as soon as possible the presence and
The process of acceptance would be initiated once the vessel stops spilling dangerous or polluting products or releasing toxic gases. However, the DPM and personnel shall be prepared in case the effects could cause problems, to the firefighting, the elimination of an occasional spill with spill containment barriers or the necessity of an oil skimmer or a collection vessel. At the time of using barriers, it has been experimentally checked that they are not effective for waves over one meter height.

A factor to consider when choosing a place of refuge is the close availability of facilities for the collection of the load and spills of dangerous or pollutant products and equipment for firefighting and fighting against chemical agents.

Other factors to take into account when choosing a place of refuge are the nearby location of shipyards, pumping equipment and cargo handling. The course of the vessel towards the place of refuge shall be safe and with no risk of stranding. The voluntary stranding shall be considered in case the vessel or the loss of the cargo suppose a serious problem for the correct navigation. The naval units shall be available in case the course has to be interrupted for unexpected causes such as break of the trailer, structural collapse, fire, explosion, new spills or release of toxic gases, loss of stability, flood or worsening of wind and sea conditions. If these means are provided by the riparian state, the shipowner shall present enough guarantee to compensate the expense incurred.

As far as possible, the course of the vessel shall not cross or coincide in its way to the place of refuge with routes of navigation or approach, with areas for berthing nor the entry channel of the port. It shall not navigate either in sensitive areas. The access points to the place of refuge shall allow the transport of materials, equipment and installations to resolve the causes that originated the necessity of refuge. If the State of the ship allows it, the possibility of accessing to places of refuge further afield but better prepared or less sensitive shall be considered.

Additionally, the place of refuge should comply with the following in order to guarantee that the operations will be carried out with the best control possible.

- Availability of pilotage, tugboats and mooring, anchoring or mooring appropriate points.

- Ease of access to the place of refuge via terrestrial, naval and aerial means.

- Availability of equipment of firefighting and fight against pollution, as well as trained and experienced personnel.

- Availability of facilities for the reception and storage of the cargo, especially for dangerous goods.

- Availability of adequate means for the transfer of the cargo and fuel.

- Availability of facilities and resources to repair the ship.

- Availability of other means of assistance (cranes, pumps, air-tight containers, waste managing companies, etc.)

- Availability of means to enforce the decisions taken.
- Option to restrict the access of persons, vehicles, ships or even aircraft or helicopter if necessary.

- Conformity of the captain of the vessel and the authorized representative.

  o Physical characteristics:

  - The area of the place of refuge shall be conveniently marked with buoys.

  - The area less exposed to wind and marine currents shall prevail in the election of the place of refuge.

  - In addition to the depth, the minimum surface that the area for the refuge shall have for the handling or, in such case, the transfer shall be taken into account, for what the opinion of the pilots is very useful.

  o Compensation measures

An insurance shall be required as the Directive 2009/20 disposes in accordance with the Civil Liability Convention of 1992 and the Protocol of 2003 to the international Convention on the establishment of an international fund for compensation for oil pollution damage, 1996 Protocol to the Convention on Limitation of Liability for Maritime Claims (LLMC) 1976, International convention on liability and compensation for damage in connection with the carriage of hazardous and noxious substances by sea (HNS Convention), 1996 (and its Protocol of 2010) and the IMO Assembly Resolution 898 (21) Guidelines on shipowners’ responsibilities in respect of maritime claims. Additionally, the IMO Assembly Resolution 949 (23) Guidelines on places of refuge for ships in need of assistance admits that the riparian state of refuge may receive a compensation to ensure the payment of the expenses that may derive from the operations, such as safeguard measures, port dues, pilotage, towing, berthing, miscellaneous expenses, etc. The compensation for damages is also to be taken into account according to article 62.4 a) of UNCLOS, for quantities received as previous concession of fishing licenses, vessels and fishing equipment, including the payment of dues and other ways of compensation.

  o Causality

The causality of the accident in any of the initial, intermediate or final phases of the accident shall correspond to the captain, shipowner or Salvor, as well as in the cases in which the an Intervention of the State occurs due to actions according to the International convention relating to Intervention on High Seas of 1969, in force, the article 221 of the UNCLOS Convention of Montego Bay 1982 and the Directive 2002/59 amended by the 2009/17, specially its Annex IV.

  o Information and monitoring by the Competent Authority

Regardless of the reports to the national responsible persons for the civil, coasts and port protection, the DPM shall report on the actions or shall inform about his intentions, as appropriate, to:

  - The captain, shipowner or its representative in the area, the consulate in which the vessel is registered, salvors and classification society.
- The person responsible of the activation of agreements for the intergovernmental collaboration in case of maritime accidents.

- Consulate of the flag state

- Consulate in which the vessel is registered

- European Union-EMSA

- Consulates or Maritime Authorities of the neighborhood States

- MOU

- IMO

- P&I

- IOPC (where appropriate), OSRL, ITOF

  o Monitoring, surveillance and control of the situation at sea during the way to the place of refuge

The MRCC, as responsible for the operations at sea, shall be the interlocutor with the vessel from which receives the information and to which gives the instructions from the DPM, and shall monitor that such instructions are accomplished. In case of urgency, when the DPM or Competent Authority cannot be reached, the MRCC may activate the aerial and naval means without the previous authorization and may also give instructions to the vessel within the alternatives offered by the established protocol. The MRCC shall be in permanent alert to the evolution of the events. The audio communication between actors in emergency situations shall be recorded. The video captures and photos made by the actors during the operations, along with the audio recordings shall be delivered to the MRCC for its custody and subsequently delivered to the DPM, competent authority and, where appropriate, to the Court of Justice, trying not to break the chain of custody. The MRCC shall inform about the sea and meteorological forecast to the vessel and the participant units. The unit acting as Scene on Commander shall inform the MRCC about the evolution of the operations and shall request, where appropriate, the collaboration of other units or the elimination of any of the present, the contribution of other needed resources or the elimination of any of the existent. Taking into account the evolution of the operations, the Scene on Commander shall justifiably suggest the execution of other operations that could go hand in hand or not with the suspension or limitation of those that are being carried out.

  o The DPM shall track the public resources and those contracted by the administration placed in the location of the accident and compensate the consequences, with the aim of creating the debit note to which shall respond, as appropriate, directly or through the contracted insurances, shipowner, charterer, stevedore, agent, rescue company or the FIDAC.
The DPM shall take into consideration the opinion of the members of the Advisory Committee and the evaluation and intervention teams, but will have full capacity for decision-making about safeguards.

To obtain an authorization of access of the vessel to a place of refuge, it shall have the relevant delegation of powers provided as accorded in article 24.1 of Royal Decree 210/2004 of 6th February.

B) Distancing, continuation of the journey towards its original destination or keeping the vessel in the same position as previous step to being accepted in a place of refuge, to continue the journey or to distance it.

The decision of distancing, keeping the vessel in its position or continuing the journey shall not limit the obligations of the state about the security of human life, keeping rescue means available in its Search and Rescue (SAR) zone.

If the decision of distancing, continuing the journey or keeping the vessel in the same position made based on the reasons indicated in the first paragraph of this section implies the utilization of state resources, the state will have the right to demand a guarantee to ensure the expenses that may derive from the operation.

The decision of distancing, continuing the journey or keeping the vessel in the same position does not exempt the captain or the shipowner of the civil liability, being possible to demand compensation as disposed in Directive 2009/20, according to the Civil Liability Convention of 1992 and the Protocol of 2003 to the international Convention on the establishment of an international fund for compensation for oil pollution damage, 1996 Protocol to the Convention on Limitation of Liability for Maritime Claims (LLMC) 1976, International convention on liability and compensation for damage in connection with the carriage of hazardous and noxious substances by sea (HNS Convention), 1996 (and its Protocol of 2010) and the IMO Assembly Resolution 898 (21) Guidelines on shipowners’ responsibilities in respect of maritime claims. Additionally, the IMO Assembly Resolution 949 (23) Guidelines on places of refuge for ships in need of assistance admits that the riparian state of refuge may receive a compensation to ensure the payment of the expenses that may derive from the operation, such as operations safeguard measures, port dues, pilotage, towing, berthing, miscellaneous expenses, etc. The compensation for damages is also to be taken into account according to article 62.4 a) of UNCLOS, for quantities received as previous concession of fishing licenses, vessels and fishing equipment, including the payment of dues and other ways of compensation.

The MRCC, as responsible for the operations at sea, shall be the interlocutor with the vessel from which receives the information and to which gives the instructions from the DPM, and shall monitor that such instructions are accomplished. In case of urgency, when the DPM or Competent Authority may not be reached, the MRCC may activate the aerial and naval means without the previous authorization and may also give instruction to the vessel within the alternatives offered by the established protocol. The MRCC shall be in permanent alert to the evolution of the events.

The audio communication between actors in emergency situations shall be recorded. The video captures and photos made by the actors during the operations, along with the audio recordings shall be delivered to the MRCC for its custody and subsequent deliver to the DPM, competent authority and, where appropriate, to the Court of Justice, trying not to break the chain of custody.

The MRCC shall inform about the sea and meteorological forecast to the vessel and the participant units.

The unit acting as Scene on Commander shall inform the MRCC about the evolution of the operations and shall request, where appropriate, the collaboration of other units or the
elimination of any of the presents, the contribution of other needed resources or the elimination of any of the existents. Taking into account the evolution of the operations the Scene on Commander shall justifiably suggest the execution of other operations that could go hand in hand or not with the suspension or limitation of those that are been carried out.

The responsibility of the competent authority in matters of rescue shall be limited to it SAR zone. In terms of pollution, the UNCLOS Convention allows he states to take or impose beyond the territorial sea measures proportional to the real or potential damage with the aim of protecting its coasts or interests, including fishing, from the pollution or pollution threats resulting from a maritime accident or actions related with such accident, from which is reasonable to anticipate seriously detrimental consequences. This is similarly shown in the International convention relating to Intervention on High Seas of 1969.

8.2.11. Communication and implementation of measures.

(a) Once decided on measures to adopt, the DPM shall immediately communicate them to the captain of the ship, the authorized representative of the shipping company or the salvor, and depending on who requested the assistance, the Government delegation in the corresponding Autonomous Community and the maritime services of the neighboring states.

(b) For the implementation of the measures to be adopted, the DPM shall give guidelines to the authorities of the different administrations (maritime, port, coastal, environmental and civil protection), responsible for following them.

In order to ensure a quick response, the communication between DPM and the authorities shall take place through representatives of the administrations in the Advisory Committee.

8.2.12. Monitoring of the evolution of the situation

(a) The Maritime Rescue Coordination Centre providing the maritime assistance service, will maintain a permanent monitoring of the evolution of the situation in regard to the ship and the conditions of sea and wind in the area, sending brief periodic reports to the Manager on the distress situation every six hours if the situation remains unchanged and specific timely reports when a worsening or a significant improvement of the situation occurs.

(b) Moreover, DPM shall keep the Government delegation in the corresponding Autonomous Community informed about the development of the situation through the submission of reports with the detail deemed necessary. In particular, in case of request for shelter, this Government delegation shall communicate the decision of accepting or not, and the reasons of making such decision.

8.2.13. Register of actions

In order to facilitate the further analysis of the distress situation and the possible instruction of legal procedures, the DPM shall request a documentary record of all activities, events, decision-making, communications, etc., that take place in the course of the management of the distress situation.
8.2.14. Establishment of an emergency fund

The maritime administration shall constitute a fund for the financing of urgent measures that need to be taken in the course of the management of a distress situation. The DPM shall be entitled to the use of this fund.

8.2.15. Communications with the ship

Communications with the affected ship shall take place through the Maritime Rescue Coordination Centre, exclusively by the captain or the institution or person delegated.

8.2.16. Information to the public and the media.

From the moment the distress situation starts, information to the public and the media will take place exclusively:
(a) Through the DPM, or
(b) Through a person with experience and training suitable for situations of this nature, expressly appointed for this purpose by the DPM, or
(c) Through the delegate of the Government of the relevant Autonomous Community, or person appointed.

8.2.17. Completion and final report.

When the proceedings have been completed and before terminating the distress situation, the Advisory Committee shall carry out a review of the events occurred and draw lessons from them with the aim of improving the management of future distress situations.

When the DPM decides to complete the distress situation, he shall communicate such termination to all the organs that participated in the management and prepare a report of the events occurred during the distress situation, including all the information obtained, a copy of the record of the proceedings and the analysis undertaken in the review referred to in the preceding paragraph.

This report shall be sent to the General Directorate for Merchant Shipping for its filing.

8.2.18. Implementation and maintenance of the Plan.

1. Appointments of members of the Advisory committee

(a) In order to avoid unnecessary delays, organisms that have a representative in the Advisory Committee shall appoint a holder and a substitute within a period of 30 days from the date of adoption of the Plan.
(b) These appointments shall be communicated to the General Directorate for Merchant Shipping indicating name, position and contact details of the designated representatives. This procedure will be repeated every time a new representative is appointed to replace the previous.
(c) The General Directorate for Merchant Shipping shall send this information to the relevant coastguard.
(d) At least once per year a communication shall be sent to the members of the Advisory Committees as reminder of their obligations in the event of distress or alert situation and to keep them abreast of the developments that are taking place.
2. Drills and exercises.

(a) Periodically the maritime administration will organize distress or alert simulations, choosing to do this preferably dates coming after the annual exercises of the national contingency Plan to fight accidental marine pollution, in order to leverage synergies.
(b) At the end of each drill there will be a review of the events to draw lessons that serve to improve the management of future distress situations.

3. Training and refresher courses

(a) During the second and third month of the adoption of this Plan, the Maritime Administration shall carry out a course of education and training in matters regarded in this plan that will be mandatory for the alert phase managers, distress phase managers and the appointed members of the Advisory Committees.
(b) Also hold annual calls for this mandatory course for the alert phase managers, distress phase managers and members of advisory committees who have not completed the course earlier, being voluntary for those who have already completed it.

The revisions and conclusions made at the end of the distress situations and drills shall be taken into account in the program of each course.
ANNEX I – ABBREVIATIONS

AIS – Automatic Identification System

APM – Alert Phase Manager
CEDRE – Centre de documentation, de recherche et d'expérimentations sur les pollutions accidentelles des eaux

DG – Dangerous Goods

DPM – Distress Phase Manager

DSC – Digital Selective Calling

EMSA – European Maritime Safety Agency

HF – High Frecuency


HS – Harmful Substances

IAMSAR – International Aeronautical and Maritime Search and Rescue

IBC – International Code for the Construction and Equipment of Ships carrying Dangerous Chemicals in Bulk

IMDG – International Maritime Dangerous Goods Code

IMO – International Maritime Organisation

INF – The International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on board Ships

IOPC – International Oil Pollution Compensation Funds

ITOPF – The International Tanker Owners Pollution Federation

LLMC – Protocol to the Convention on Limitation of Liability for Maritime Claims


MAS – Maritime Assistance Service

MEPC – Marine Environment Protection Committee

MOU – Memorandum of Understanding

MP – Marine Pollutants

MRCC – Maritime Rescue Co-ordination Centres

MSC – Maritime Safety Committee
PSC – Port State Control
OOW – Officer of the Watch
OSRL – Oil Spill Response Limited
SAR – International Convention on Maritime Search and Rescue
SCI – Site of Community Importance
SOLAS – Safety of Life at Sea
SOPEP – Shipboard oil pollution emergency plan
SPA – Special Protection Area
SPAMI – Specially Protected Areas of Mediterranean Importance
VHF – Very High Frequency
VHF/FM – Very High Frequency/Frequency modulation
VTS – Vessel Traffic Service
ANNEX II – IMO STANDARD MARINE COMMUNICATION PHRASES
Resolution A.918(22) Adopted on 29 November 2001 (Agenda item 9)
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