

**MEDITERRANEAN ACTION PLAN (MAP)  
REGIONAL MARINE POLLUTION EMERGENCY RESPONSE CENTRE FOR  
THE MEDITERRANEAN SEA (REMPEC)**

**Workshop on international compensation regime for  
damages caused by oil pollution,**

**Morocco, 28-29 November 2012**

**MOIG Technical Session on assistance support costs and  
reimbursement**

**Morocco, 30 November 2012**

**REPORT**



**December 2012**



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## EXECUTIVE SUMMARY

REMPEC and MOIG with the participation of IOPC Funds and SAMIR organised the Workshop on international compensation regime for damages caused by oil pollution, and the MOIG Technical Session on assistance support costs and reimbursement in Mohammedia between the 28 and 30 2012.

Mediterranean Arab speaking countries attended the Workshop and MOIG Technical Session with representatives from the Mediterranean oil industry, ITOPF and IOPC Funds representatives.

The Workshop aiming at discussing with the Government and Industry Representatives the international compensation regime for damages caused by oil pollution and their national implementation, concluded with the following set of recommendations:

- The international cooperation and the sub-regional agreements such as the one between Algeria, Morocco and Tunisia should be tested during the national exercises whilst compensation related matter should be integrated in the national exercises;
- The HNS Convention and the Offshore protocol shall be ratified, in order to cover a wider range of pollution and scenario at a regional scale;
- To translate in Arabic of all the manuals related to the conventions under the mandate of IOPC;
- The use of dispersants should be regulated at a regional level;
- To respect the time bar of the Conventions in the national law;
- To respect the provisions of the convention (without exceptions) as regards environmental compensations; and
- To recognize the limits of the conventions for the ship owners.

The MOIG Technical Session concluded with the following recommendations:

- To enhance information exchange between Algeria, Morocco and Tunisia within the framework of the sub-regional agreement, and within the current national contingency plans revision process;
- To consider the reasonability of the costs and operation when preparing claims;
- To continue efforts on equipment inventory at a regional level;
- To strengthen capacity building to improve the level of preparedness and knowledge regarding the practical provisions of the International Conventions;
- To organise regularly joint exercises involving Mediterranean countries and the industry;
- To test claims and compensation related issues during national exercises; and
- To investigate the establishment of a Mediterranean Fund in case of pollution from offshore platform.



## 1. INTRODUCTION

The Sub-regional Workshop on Claims Management for Arab Speaking Countries and the Technical Session on Assistance Cost and reimbursement were convened in Mohammedia, Morocco, between the 28 November and 30 November 2012.

The event co-funded by the International Maritime Organization (IMO) Integrated Technical Cooperation Programme, the Mediterranean Oil Industry Group (MOIG) and the “Société Anonyme Marocaine de l’Industrie du Raffinage” (SAMIR) was organized by the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC) in collaboration with the International Oil Pollution Compensation Funds (IOPC Funds) and with the technical support of the International Tanker Owner Pollution Federation Ltd (ITOPF) and the International Group of P& I Clubs.

This Workshop aimed at providing knowledge on the related international conventions and their transposition in the national legislation, claims management, eligibility of claims and the procedures through presentations and practical sessions.

## 2. ORGANIZATION OF THE WORKSHOP

The main objectives of this Workshop were:

- To present and discuss with Governments and industry representatives the international conventions and their transposition in the national legislation, claims management, eligibility of claims and the procedures through presentations and practical sessions; and
- To provide recommendations for the development of national legislations and further discussion on the limits of the current conventions.

### 2.1. Lecturers

In order to achieve the objectives outlined above, the Workshop programme was developed by the IOPC Funds and REMPEC. A total of twelve (12) lecturers from International Organisations, Oil Industry Groups and Governments representatives provided specific knowledge related to the legal and practical aspect of the claims management.

The list of lecturers is included in the list of participants in **Annex I** to the present report.

### 2.2. Participants

A total of forty eight (48) participants representing seven (7) Arab speaking Countries of the Mediterranean region (Algeria, Egypt, Lebanon, Libya, Morocco, Tunisia, and Syria), the oil industry, and other organisations. The final list of participants is reproduced in **Annex I** to the present report.

### 2.3 Material

The preparation of the content of the Workshop was coordinated by REMPEC and the IOPC Funds. The Workshop was divided into nine modules, which constituted the backbone of the workshop programme:

- Module 1: Introduction
- Module 2: Legal Framework
- Module 3: Behaviour and impacts of oil spilled in the marine environment, available response means and their influence on the reduction of environmental and economic damages.
- Module 4: Presentation, evaluation and procedures for settlement of claims
- Module 5: Case study – Recent incidents
- Module 6: Funding of the IOPC Funds
- Module 7: Implementation of the compensation regime under the national law
- Module 8, 9: Discussion and Conclusion

The technical session was divided into five modules:

- Module 1: Introduction
- Module 2 to 4: Discussion on Agreements, Costs and scale of fees, Funding and reimbursement
- Module 5: Case study – Recommendations & Conclusions

The final programme of the Workshop and Technical Session as delivered may be found in **Annex II** to the present report.

Prior to the event a questionnaire was sent to all participants to collect information on the above mentioned segments in view of the technical session discussions. A copy of the questionnaires may be found in **Annex III** to the present report.

At the end of the event all participants were provided with a bilingual (English/French) USB containing all the presentations and material (exercise) introduced during the Workshop, the list of participants, the final programme, and a set of technical documentations.

### **3. LOGISTICS**

The Workshop was held in Mohammedia from 28 to 30 November 2012 in the Conference room of the Aventi Hotel, Mohammedia, Morocco, where most of the participants were also accommodated. Logistical arrangements at the hotel and interpretation services were arranged by MOIG and SAMIR who also covered lunches, coffee breaks and the welcoming diner. The limited staff at the hotel and their long working time (over 12 hours) created some logistical and coordination difficulties which were duly overcome. The Workshop was delivered in English and French and simultaneous interpretation from one language to the other was provided. The expected Arabic interpretation could not be provided, due to a last minute cancellation, the interpretation services were delivered by only one interpreter during the three days, thus the quality of the interpretation did not reach the usual standard. Transport, accommodation, transfers and subsistence allowance were covered by IMO for all governmental representatives.

### **4. PROCEEDINGS OF THE WORKSHOP**

#### **4.1. Opening of the Workshop and introduction (Module 1)**

Mr. Gabino Gonzalez, Programme Officer, REMPEC, on behalf of the Director of REMPEC, welcomed the participants to the Workshop and thanked IMO, MOIG and SAMIR for their funding support to the events, IOPC Funds, ITOPF and P&I Club for their technical support and the numerous participants for their presence and interest. He recalled the framework of the Workshop and its objective and introduced the speakers prior to opening the floor to enable participants to introduce themselves. He recalled that these events were the result of the formal joint request to REMPEC by Algeria, Morocco and Tunisia during the last operational meeting of the Sub-regional Agreement for combating oil pollution in the south western Mediterranean held in Tunisia in 2010.

Mr. Ridha Dhaoui, Director of MOIG thanked all the participants and speakers for their involvement in this Workshop.

#### **4.2. Workshop Discussions and Conclusions**

Following the presentation of the Modules 2 to 7 mentioned above, Mr Gonzalez provided an outlook of the ratification of the relevant conventions on compensation matters in the participating countries. Three main areas were discussed:

- The ratification of the conventions;
- the transposition within the national regulation; and
- the cooperation with the industry or between countries

Each country and oil industry representative was invited to give their views on the above, and to present the current status of the Conventions in their countries. Some countries also introduced the status of their national emergency plan in their country.



## **Countries that have not ratified some important Conventions**

**Lebanon.** The Lebanese delegation noted that the process of ratification in Lebanon was quite long. The average rate of the procedure was three years. He informed the meeting that by the end of 2012, the Lebanese Environment Ministry will start the process of the ratification of the CLC & Funds 1992 Conventions. Following a request of the Lebanese representative, IOPC Funds confirmed that the conventions and related texts were available in Arabic. It was recommended also to translate IOPC's technical manuals in Arabic as they were considered as a crucial tool for the implementation of the international text at the operational level. The Director of MOIG recalled that other international manuals were translated with the support of MOIG and that he would investigate with IOPC opportunities to satisfy this request.

**Egypt.** Egypt recalled that the bottleneck for the ratification of the Fund 1992 related to the transfer of oil from the Red Sea to the Mediterranean Sea through the Sumed pipeline. The lack of figures to assess the related contribution faltered the ratification process. It was suggested that the company Summit Petroleum, in charge of the transfer should be consulted.

**Libya.** The Libyan delegation recalled that after the recent Revolution, the establishment of a new system was in progress and relied first on its Constitution not yet established. He underpinned the challenge of the establishment of the relevant legal framework and the related recast of the national law prior to the ratification of international conventions. He informed the participants that the Libyan parliament had established several committees aimed at assessing the national laws and their conformity with international conventions, and at amending them accordingly. He also emphasized the need to have implementing guidelines for the laws as well as proper enforcement means. In this respect he referred to the implementation of a Maritime Vessel Traffic Services (VTS) project aimed inter alia at monitoring pollution on the Libyan coastlines.

## **Countries that have ratified the main Conventions**

**Morocco.** Following the Conventions ratifications, in particular the 1992 Fund, Morocco transposed part of its provisions through the adoption of regulatory texts under the national emergency plan, established in 1995. It was noted that the Environment Department was in charge of its implementation, in collaboration with civil and military entities responsible for the response in case of pollution. Since 2004, exercises were organised on a biannual basis. The Moroccan delegation mentioned that the National Contingency Plan was currently being assessed to identify gaps and areas of improvements. The Moroccan representatives also pointed out that further to the revision of the Moroccan Constitution, any International Law or Convention ratified by Morocco becomes a national law. Therefore, the operational application of the law is the main concern of the Moroccan government.

**Algeria.** The Algerian delegation noted that as for Morocco any ratified Convention prevails over the national laws. Regarding the practical transposition, the national emergency plan in case of pollution ("Plan Tel-Bahr"), gathers civil and military authorities as well as competent maritime administrations. Three committees operating at three levels (national, regional and local) are in charge of the implementation of the provisions. The Coast Guards are responsible for the whole national operations at sea, whilst the civil protection takes care of the onshore operations. A Memorandum of Understanding with Spain, the sub-regional agreement with Morocco and Tunisia, and an on-going agreement with France and Italy define the regional framework of the national plan application. An evaluation and revision of the current response system for marine pollution is under way. Algeria mentioned that they were considering the ratification of the 2003 Supplementary Fund as well as the creation of a national Fund. Sonatrach, the national oil company, regularly transmits oil quantity reports. A subsidiary company is responsible of the oil terminals management, with its own intervention means, which are made available to the government response entities.

**Tunisia.** As for Algeria and Morocco, the Tunisian delegation confirmed that the transposition of the International Conventions into the national law was not necessary as they prevail over the national laws, as stipulated in the Constitution. A national contingency plan was established in 1996. It was noted that the secretariat for its implementation was the National Agency for the Protection of the Environment (ANPE), which works in collaboration with the Government entities involved in the pollution response. The Tunisian representative highlighted that the methodologies presented during the workshop on the calculation of claims would be integrated in the national contingency plan. REMPEC suggested ANPE to liaise with IOPC Funds and REMPEC, should they need any technical support or comment in that respect.

**Syria.** The Syrian delegation introduced the three ministries dealing with the ratification and implementation of the Conventions (Transport, Environment and Maritime). He pointed out that the main issue was related to the absence of judges specialised in the maritime law. Thus, claim settlements had to go through the general juridical procedure, which was sometimes not adapted. He referred to the current support of IMO to Syria for the establishment of three separated and specialised departments: Ship registry, Marine Environment and Fisheries. Syria requested further assistance from IOPC Funds to in view of the ratification of the relevant Conventions.

### **4.3. Conclusion and recommendations of the workshop**

The discussions and presentations of the workshop led to a set of recommendations from the participants and lecturers:

#### **Participants' recommendations:**

- The international cooperation and the sub-regional agreements such as the one between Algeria, Morocco and Tunisia should be tested during the national exercises whilst compensation related matter should be integrated in the national exercises;
- the HNS Convention and the Offshore protocol shall be ratified, in order to cover a wider range of pollution and scenario at a regional scale;
- the translation in Arabic of all the manuals related to the conventions under the mandate of IOPC Funds as they are considered of utmost importance, to assist in the national and local implementation of the conventions; and
- the use of dispersants should be regulated at a regional level, the recent entry into force of the Offshore Protocol could stimulate this requirement in view of potential use of the technique in case of major oil spill as it was the case in the "Deepwater Horizon" incident.

#### **IOPC Funds recommendations:**

Mr. Liebert recalled that three areas were by experience problematic in the transposition of the 1992 Fund Convention into the national laws and therefore recommended respecting the three following rules:

- To respect the time bar of the Conventions in the national law;
- To respect the provisions of the convention (without exceptions) as regards environmental compensations; and
- To recognize the limits of the conventions for the ship owners.

As a conclusion, it is noted that three countries confirmed that the transposition of international provisions was not required as they prevail over national laws. However, the technical and pragmatic aspects of those provisions have to be dealt with at a national level, integrating regional and sub-regional agreements.

In this view, the translation of the manuals and international guidelines into Arabic is crucial to facilitate the compliance to and the application of the International Conventions on claims management and compensation regimes by the competent national legal and technical bodies. MOIG will liaise with IOPC Funds to investigate opportunities to satisfy this specific of translation into Arabic. Three main elements as recommended by IOPC Funds have to be taken into account when transposing the operational aspects of the International Conventions.

## **5. PROCEEDINGS OF THE TECHNICAL SESSION**

### **5.1. Opening of the Technical Session and introduction**

Mr. Dhaoui welcomed the participants and recalled that the MOIG Technical Session was, for the last few years, organised in collaboration with REMPEC. Whilst introducing the objective of the session, Mr Gonzalez gave a brief overview of the related article and annex of the OPRC Convention, the OPRC-HNS and the Emergency Protocol in relation with assistance and reimbursement in case of assistance.

Mr Gonzalez reiterated the importance of the exercises to test international offer of assistance. He recalled that for the last exercise which involved REMPEC in the coordination of the request of assistance (equipment and experts) in October 2012, only five countries over twenty-one answered to the assistance request.

He highlighted that as a result of the request of the Tenth Meeting of the REMPEC Focal Points Meeting, within the framework of the Mediterranean Technical Working Group (MTWG), Mediterranean countries were requested to provide REMPEC with data on the response equipment to improve the efficiency of the response and the assistance at a regional level. Mr Gonzalez strengthened the importance of the inventory of equipment, which will benefit all countries in terms of regional cooperation and would assist in assessing the national and regional response capacity in light of the outcome of the ongoing project MEDESS-4MS which includes a component on risk assessment.

The technical session was set as a round table discussion focused on assistance and reimbursement cost with emphasis on agreements, funding and technical aspects. Each country and industry representative was invited to introduce their respective situation to feed the discussion with a view to conclude the discussions with recommendations. The limits of the international, regional and local current legal framework were also discussed.

## **5.2. Intergovernmental agreements**

Each country was invited to give an overview of their current situation in terms of legal and operational means to respond to an oil spill, and the related claims procedures in place, under intergovernmental agreements.

### **DISCUSSIONS:**

#### **Sub-regional agreement between Morocco, Algeria and Tunisia.**

Prior to giving the floor to the participants, REMPEC highlighted that the Parties to the Agreement agreed within the framework of the annual operational meeting for the implementation of the sub-regional agreement to exchange inventories of equipment as well as details on rates for equipment and personnel assistance.

Algeria mentioned that Tunisia and Morocco were invited to attend the recent seminar and exercise for the evaluation of their national anti-pollution plan "Tel-Bahr". The Tunisian representatives recognized that the current workshop was a good opportunity to revive discussions on the exchange of information regarding claims. It was further noted that the recent political circumstances challenged the organisation, as the agreement stipulates, of regular meetings and the follow-up of the related programme of work. He indicated that the agreement was considered within the Tunisian contingency plan.

Since the Tunisian and the Moroccan plans are both under revision, exchanges of information before completion of their respective plans integrating the sub-regional agreement's main components, was recommended.

The Algerian representatives mentioned that the similarities of the national laws of the three countries should facilitate the implementation of the sub-regional agreement. Despite, the level of details within the agreement, simulations during exercises and exchange of information were recognized effective to ensure that the agreement was truly operational.

**In Syria**, activities in the field of prevention from and preparedness to marine pollution would require in the future further capacity building activities. In this respect, he strengthened the crucial role of REMPEC and IMO in the region. The Syrian representative highlighted the importance of enhancing the knowledge on available equipment in the region.

**In Lebanon**, the oil industry is 100% private, with 35 facilities on the Lebanese coast. The cooperation with all the stakeholders for the ratification of the Conventions, including the oil industry is of utmost importance.

From the **Libyan** point of view, there is a willingness to work on the implementation of operational and legal aspects of the response in case of an oil spill. Regional cooperation through Workshops enhances the technical level and knowledge of the parties involved in the response.

### **5.3. Agreement between oil industry in a country / region – agreement government / industry**

#### **ETAP and the Tunisian context**

MOIG presented the Tunisian context and the setup of the ETAP contingency plan, through the cooperation between the oil industry and the government.

#### **BP in Egypt**

Ms Hala Elaskalany, Director of the C&CM of BP Egypt, introduced BP's activities in the Mediterranean.

### **DISCUSSIONS**

**The Tunisian government** imposed to the oil industry an insurance contract and a contract with waste treatment companies to ensure that the management of the generated waste is taken into account in case of pollution.

**In Algeria**, during an incident in 2003 in the East of Algeria (Skikda), the claim was accompanied by an expertise. The reimbursement of the economic impacts was done, whilst the Algerian government covered the operational mobilisation. As Sonatrach is a State owned company, all the equipment and means are made available for the State.

**In Libya**, the creation of a “national club” gathering the response companies is envisaged to facilitate the coordination between all the entities operating in the Libya.

### **5.4. Costs and scale of fees, funding and reimbursement**

Mr Alam Syah Bin Mohamed Amin from Oil Spill Response Limited (OSRL) and Captain Paul Xiradakis Director of OSRA made a presentation on their respective companies, their organisation and provide details on their respective equipment fees.

### **DISCUSSION**

Following the presentation and in response to participant's questions, it was clarified that fees are assessed according to the standard fees applied in the affected countries and that economic loss are also calculated within the local context (revenues, taxes, benefits... etc.).

The discussion pointed out the limitations of the Conventions on claims management which take into account only accidents from tankers. In the Mediterranean, the important number of offshore platforms in the region raises the issue of a compensation system for pollution resulting from offshore activities. It was recognized that so far, no International Convention was in place, however, the matter had been raised by the delegation of Indonesia at the International Maritime Organisation who was requested to study the matter.

IOPC Funds referred to the UK procedure through the Oil Pollution Liability Association (OPOL) which have a reserve fund in case of an offshore incident. It's an example of national arrangement that can be taken as a reference for future regional agreements.

Algeria raised the importance of the creation of a regional compensation fund in the Mediterranean that could be considered through the implementation of the Offshore Protocol.

In this respect, it was recalled that the Offshore Protocol to the Barcelona Convention entered into force following its adoption by Syria and that further development will follow to assist Mediterranean countries in its implementation. The issue of the establishment of Mediterranean compensation fund is not stipulated in the Protocol; however reference is made to the question of compensation.

IOPC Funds and ITOPF are working under the context of ship or tanker incidents. For the offshore incidents, there is no specific procedure in place. Therefore the priority will be given to tanker incidents.

## **5.5. Case study**

### **Algeria**

Mr Ghellal, Legal Adviser, presented the cooperation between Sonatrach and BP during the Deep Water Horizon incident in 2010. Sonatrach received a request from BP for equipment and provided them with 840 m of booms. He emphasised that no cost was charged to BP for its assistance, as BP is a close partner of Sonatrach. During the 2003 earthquake in Boumerdes, Algeria, partners from the oil industry assisted Sonatrach during the crisis. He underlined the fact that at the time of the incident, no specific regulation or legal frameworks were in place for this kind of cooperation.

### **Libya**

Mr Miloud Omran Miloud Tabiaa, Communication & International Affairs Consultant representing the Libyan Maritime authority, presented the legal framework in Libya covering reimbursement and compensation. Several authorities are in charge of the implementation of the national law (Law 15), which create a complicated administrative process. He highlighted the lack of methodology to apply the law. He underlined the limits of the Law 15, with particular emphasis in its generic content lacking of specific figures and reference to be applied in the field. He gave an overview of the status of ratification of the International Conventions, emphasising the number of contradictions with the national laws. He presented his recommendations on the implementation of Law 15, to be in line with International Conventions and ensure its applicability in the field. Raising awareness among the public and intensified training for the technical staff were recommended. Shoreline survey and monitoring were considered as initial steps to secure the protection of the Libyan coasts.

### **JS Amazing & Redfferm**

Mr Homan presented two case studies from incidents in Nigeria, in which IOPC Funds had to face different issues.

## **5.6. Conclusions and recommendations of the technical session**

Following the group discussions, a debriefing enabled participants to review the main issues and elements to take into account when submitting a claim or during an incident. Comments and questions were raised and the current knowledge gaps in the Mediterranean were underlined.

### **The discussion concluded with the following recommendations:**

- To enhance information exchange between Algeria, Morocco and Tunisia within the framework of the sub-regional agreement, and within the current national contingency plans revision process;
- To consider the reasonability of the costs and operation when preparing claims;
- To continue efforts on equipment inventory at a regional level;
- To strengthen capacity building to improve the level of preparedness and knowledge regarding the practical provisions of the International Conventions;
- To organise regularly joint exercises involving Mediterranean countries and the industry;
- To test claims and compensation related issues during national exercises; and
- To investigate the establishment of a Mediterranean Fund in case of pollution from offshore platform.

The Technical session ended with closing remarks from REMPEC, MOIG, IOPC Funds and ITOPF representatives who thanked all lecturers and participants for their active contribution to the Workshop and Technical Session. Participants were invited to evaluate the Workshop and Technical Session. The outcome of the evaluation is reported in **Annex IV** of the present report.

## **5.5. Case study**

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ANNEX I

PARTICIPANTS





**Sub-Regional Workshop on Claims Management for Arab Speaking countries in the Mediterranean, 28-29 November 2012 and Technical Session on Assistance Cost and reimbursement , 30 November 2012, Mohammedia, Morocco**

**Atelier sous régional sur la gestion des demandes d'indemnisation pour les pays arabophones Méditerranéens, 28-29 novembre 2012, et Session Technique sur les coûts et les remboursements d'assistance, 30 novembre 2012, Mohammedia, Maroc**

**List of Participants / Liste de participants**

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**Sub-Regional Workshop on Claims Management for Arab Speaking countries in the Mediterranean,  
28-29 November 2012**

**Atelier sous régional sur la gestion des demandes d'indemnisation pour les pays arabophones  
Méditerranéens, 28-29 novembre 2012**

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**Technical Session on Assistance Cost and reimbursement  
30 November 2012, Mohammedia, Morocco**

**Session Technique sur les coûts et les remboursements d'assistance, 30 novembre 2012**

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**Sub-Regional Workshop on Claims Management for Arab Speaking countries in the Mediterranean, 28-29 November 2012 and Technical Session on Assistance Cost and reimbursement , 30 November 2012, Mohammedia, Morocco**

**Atelier sous régional sur la gestion des demandes d'indemnisation pour les pays arabophones Méditerranéens, 28-29 novembre 2012, et Session Technique sur les coûts et les remboursements d'assistance, 30 novembre 2012, Mohammedia, Maroc**

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**ANNEX II**  
**PROGRAMME OF THE WORKSHOP**  
**AND TECHNICAL SESSION**





## Workshop on international compensation regime for damages caused by oil pollution, Morocco, 28-29 November 2012

Wednesday 28 November 2012

Module	Theme
<b>Module 1</b>	<b>Introduction</b>
09:00 – 09:30	<ul style="list-style-type: none"> <li>• Opening</li> <li>• Introductions,</li> <li>• Presentation of the proceedings of the workshop</li> </ul>
<b>Module 2</b>	<b>Legal Framework</b>
09:30 – 10:30	<ul style="list-style-type: none"> <li>• The international compensation regime, part 1:               <ul style="list-style-type: none"> <li>◦ Convention Civil Liability, 1992</li> </ul> </li> <li>• Role of P&amp;I</li> <li>• Presentation of the « International Group of P&amp;I Associations »</li> <li>• Compensation regime for Bunker Oil:               <ul style="list-style-type: none"> <li>◦ Bunkers Convention, 2001</li> </ul> </li> </ul>
	<b>Break</b>
10:45 – 12:15	<ul style="list-style-type: none"> <li>• The international compensation regime, part 2:               <ul style="list-style-type: none"> <li>◦ The 1992 IOPC Fund Convention and the 2003 Supplementary Fund Protocol</li> </ul> </li> <li>• Role of the IOPC Funds</li> <li>• Exercise: Legal Framework</li> </ul>
12 :15 – 12 :30	<ul style="list-style-type: none"> <li>• Presentation of the applicable legal regime to environmental protection and response to accidental pollution in Morocco</li> </ul>
12:30 – 14:00	<b>Lunch</b>
<b>Module 3</b>	<b>Behaviour and impacts of oil spilled in the marine environment, available response means and their influence on the reduction of environmental and economic damages.</b>
14:00 – 15:30	<ul style="list-style-type: none"> <li>• Review of the causes of oil pollution</li> <li>• Impacts of oil on marine and coastal resources               <ul style="list-style-type: none"> <li>◦ Oil behaviour at sea</li> <li>◦ Impacts on resources and claims for compensation resulting from oil spills</li> </ul> </li> <li>• Response means               <ul style="list-style-type: none"> <li>◦ Examples of cases handled by the IOPC Funds</li> <li>◦ Assessment of the situation, the role of the stakeholders involved in the pollution response</li> <li>◦ Response means and limitations</li> </ul> </li> </ul>
	<b>Break</b>
<b>Module 4</b>	<b>Presentation, evaluation and procedures for settlement of claims</b>
15:45 – 17:30	<ul style="list-style-type: none"> <li>• Types of claims</li> <li>• Criteria for claims admissibility               <ul style="list-style-type: none"> <li>◦ Clean-up and preventive measures</li> <li>◦ Exercise: reasonable measures</li> <li>◦ Damages to property and economic loss                   <ul style="list-style-type: none"> <li>(a) fishing and aquaculture</li> <li>(b) tourism</li> </ul> </li> <li>◦ Environmental damages (studies, restoration)</li> <li>◦ Exercise: causality and other technical concepts</li> </ul> </li> </ul>

## Thursday 29 November 2012

Module	Theme
<b>Module 4</b>	<b>Presentation, evaluation and procedures for settlement of claims (part 2)</b>
09:30 – 10 :45	<ul style="list-style-type: none"> <li>• Practical aspects: how to submit a claim.               <ul style="list-style-type: none"> <li>○ Use of the compensation claims manual</li> </ul> </li> <li>• Practical aspects: claims handling process               <ul style="list-style-type: none"> <li>○ Claims management, Claims assessment,</li> <li>○ Claims settlement procedures</li> </ul> </li> <li>• Technical Concepts               <ul style="list-style-type: none"> <li>○ Fixed costs</li> <li>○ Residual value</li> <li>○ Accounting record maintenance</li> <li>○ Improvement</li> <li>○ Costs of submission of claims and advice</li> </ul> </li> </ul>
	<b>Break</b>
11 :00 – 11 :45	<ul style="list-style-type: none"> <li>• Exercise: how to prepare a claim for compensation</li> <li>• Compensation in practice: discussion / questions</li> </ul>
<b>Module 5</b>	<b>Case study – Recent incidents</b>
11:45 – 12:30	<ul style="list-style-type: none"> <li>• Hebei Sprit - 2007</li> <li>• Solar I - 2006</li> </ul>
	<b>Lunch</b>
<b>Module 6</b>	<b>Funding of the IOPC Funds</b>
14 :00 – 14:30	<ul style="list-style-type: none"> <li>• Report on the quantity of oil received               <ul style="list-style-type: none"> <li>○ Procedures and recent developments</li> </ul> </li> <li>• Contributions and funding</li> </ul>
<b>Module 7</b>	<b>Implementation of the compensation regime under the national law</b>
14:30 – 15:00	<ul style="list-style-type: none"> <li>• Basic principles</li> <li>• Common Problems and Solutions</li> </ul>
<b>Module 8</b>	<b>Discussion</b>
15:00 – 16:00	<ul style="list-style-type: none"> <li>• Roundtable and preparation of recommendations</li> </ul>
	<b>Break</b>
<b>Module 9</b>	<b>Conclusion</b>
16:30 – 17 :00	<ul style="list-style-type: none"> <li>• Presentation of the roundtable recommendations</li> <li>• Conclusion and closure</li> </ul>



## MOIG Technical Session on Assistance support costs and reimbursement Morocco, November 30, 2012

Friday November, 30<sup>th</sup>, 2012

Module	Theme	
<b>Module 1</b>	<b>Introduction</b>	
09:00 – 09:30	<ul style="list-style-type: none"> <li>• Introductions</li> <li>• Overview of the session</li> <li>• Article 7 &amp; Annex to the OPRC Convention</li> <li>• Article 12 &amp; 13 Prevention &amp; Emergency Protocol</li> </ul>	<ul style="list-style-type: none"> <li>• REMPEC/MOIG</li> <li>• REMPEC</li> </ul>
<b>Module 2</b>	<b>Discussion : Agreements</b>	
09:30 – 10:30	<ul style="list-style-type: none"> <li>• Intergovernmental agreements</li> <li>• Agreement between oil industry in a country / region</li> <li>• Agreement government / industry</li> </ul>	<ul style="list-style-type: none"> <li>• REMPEC</li> <li>• MOIG</li> </ul>
10 :30 – 11:00	<b>Break</b>	
<b>Module 3</b>	<b>Discussion : Costs and scale of fees</b>	
11:00 – 12.30	<ul style="list-style-type: none"> <li>• Personnel</li> <li>• Specialized equipment</li> <li>• Mobilization / demobilization (Transport)</li> <li>• Specialized Companies</li> </ul>	<ul style="list-style-type: none"> <li>• ITOPF / IOPC</li> <li>• ITOPF / IOPC</li> <li>• ITOPF / IOPC</li> <li>• OSRL/OSRA</li> </ul>
12:30 – 14:00	<b>Lunch</b>	
<b>Module 4</b>	<b>Discussion : Funding and reimbursement</b>	
14 :00 – 14:30	<ul style="list-style-type: none"> <li>• Costs covered by the requesting country</li> <li>• Reimbursement to the assisting country by the requesting country or by IOPC</li> </ul>	<ul style="list-style-type: none"> <li>• ITOPF</li> <li>• IOPC/P&amp;I Club</li> </ul>
<b>Module 5</b>	<b>Case Study</b>	
14:30 – 15:15	<ul style="list-style-type: none"> <li>• Deepwater Horizon : Algerian Assistance</li> <li>• Other case studies</li> </ul>	<ul style="list-style-type: none"> <li>• Algeria</li> <li>• IOPC</li> </ul>
<b>Module 5</b>	<b>Recommendations &amp; Conclusions</b>	
15:15 – 16 :00	<ul style="list-style-type: none"> <li>• Recommendations &amp; Conclusions of the session</li> </ul>	<ul style="list-style-type: none"> <li>• Participants</li> </ul>
<b>16:00</b>	<b>End of the Technical Session</b>	
16:30 – 17:30	<ul style="list-style-type: none"> <li>• MOIG AGM 2012</li> </ul>	<ul style="list-style-type: none"> <li>• MOIG Members</li> </ul>





**ANNEX III**

**QUESTIONNAIRES**





**TECHNICAL SESSION ON ASSISTANCE COST AND REIMBURSEMENT, 30 NOVEMBER 2012, MOHAMMEDIA, MOROCCO**

**GOVERNMENT QUESTIONNAIRE**

In view of the discussions of the technical session on assistance cost and reimbursement you are kindly requested to prepare the session by providing **detailed information** relevant to your country.

Kindly forward the questionnaire duly fill-in to Mrs. Bonavia ([MBonavia@rempec.org](mailto:MBonavia@rempec.org)) at your earliest convenience **but not later than 16 November 2012**.

Additional information can be provided on separate document if required.

<b>Name and Surname</b>	
<b>Country</b>	

**INTRODUCTION**

A quick intervention and facilitation of mutual assistance in the case of a major marine pollution accident must be planned and organized. To this end, within the Contingency Plan, special institutional arrangements should be adopted and administrative and financial arrangements should be established.

Careful documentation of operational activities and their associated costs during a spill response, can assist in resolving disputes over cost recovery and in the preparation of claims for compensation. In the event of loss or damage to the equipment, insurance claims will need to be substantiated by supporting documentation.

The Requesting Country should reimburse the Assisting Country for any loss or damage to equipment or other property belonging to the Assisting Country. The Requesting Country should reimburse the Assisting Country for expense involved in the assistance, and for loss of life or property incurred during the assistance unless otherwise agreed.

Countries should cooperate closely to facilitate the settlement of legal proceedings and claims which could result from any assistance activities.

In order to streamline and expedite this process of cooperation and to avoid any potential for later misunderstanding, the Requesting Country and Assisting Country should agree on the principles for compensating the potential damage suffered by third parties as early as possible, ideally already during the process of requesting, offering and accepting the international assistance. Both, the Requesting Country and Assisting Country should declare their willingness or non-willingness to cover damage suffered by third parties.

The objective is to obtain **detailed information** on arrangements made **between countries** and to share equipment or trained personal and on the specific conditions established.

Scale of fees for equipment	<p>If a scale of fees has been agreed kindly provide any related detail.  <i>Provide a separate document or past the scale here</i></p> <p>If the scale of fees been established by using a specific calculation method, kindly detail the calculation method and its criteria:  <i>Answer here</i></p>
Agreed personal fees	<p>If a regulation/Law regulating salaries in your countries exist, kindly provide its reference or provide a copy of the text  <i>Answer here</i></p> <p>Are there several scales depending on the authority?  <i>Answer here</i></p> <p>Kindly provide details on the personal fees according to their rank, level of expertise:  <i>Answer here</i> USD/day  <i>Answer here</i> USD/day  <i>Answer here</i> USD/day  <i>Answer here</i> USD/day</p> <p>Spill responder/operator:  <i>Answer here</i> USD/day</p> <p>Operation team leader:  <i>Answer here</i> USD/day</p> <p>Specialist:  <i>Answer here</i> USD/day</p> <p>Manager level:  <i>Answer here</i> USD/day</p> <p>If there is different scales depending on the authority kindly provide more information  <i>Answer here</i></p>
Mobilization & demobilization costs/responsibilities	<p>Have the cost of mobilization been estimated? If yes kindly provide more information.  <i>Answer here</i></p> <p>Cost from equipment location to nearest port:  <i>Answer here</i></p> <p>Cost from equipment location to nearest international airport  <i>Answer here</i></p> <p>Have you made pre-arrangement with a transport company, if yes please provide <b>details</b> on the arrangements  <i>Please explain the type and condition of arrangement made or provide copy of the arrangement.</i></p> <p>Have you made pre-arrangement with customs? If yes please provide <b>details</b> of the arrangements  <i>Please explain the type and condition of arrangement made or provide copy of the arrangement.</i></p>
Insurance and compensation	<p>If you call on the assistance of another country do you have any specific arrangements to cover damage to equipment or personal?  <i>Answer here</i></p> <p>If yes, please provide more information  <i>Answer here</i></p>



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**TECHNICAL SESSION ON ASSISTANCE COST AND REIMBURSEMENT , 30  
NOVEMBER 2012, MOHAMMEDIA, MOROCCO**

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**INDUSTRY QUESTIONNAIRE**

In view of the discussions of the technical session on assistance cost and reimbursement you are kindly requested to prepare the session by providing **detailed information** relevant to your company..

Kindly forward the questionnaire duly fill-in to Mrs. Bonavia ([MBonavia@rempec.org](mailto:MBonavia@rempec.org)) at your earliest convenience **but not later than 16 November 2012**.

Additional information can be provided on separate document if required.

<b>Name and Surname</b>	
<b>Company name</b>	

**INTRODUCTION**

A quick intervention and facilitation of mutual assistance in the case of a major marine pollution accident must be planned and organized. To this end, within the Contingency Plan, special institutional arrangements should be adopted and administrative and financial arrangements should be established.

Careful documentation of operational activities and their associated costs during a spill response can assist in resolving disputes over cost recovery and in the preparation of claims for compensation.

The objective is to obtain **detailed information** on arrangements made **between oil companies or between oil industry and response companies** to share equipment or trained personal and on the specific conditions established.

Scale of fees for equipment	<p>If a scale of fees has been agreed, kindly provide any related detail.  <i>Provide a separate document or past the scale here</i></p> <p>If the scale of fees has been established by using a specific calculation method, kindly detail the calculation method and its criteria:.  <i>Answer here</i></p>
Agreed personal fees	<p>Provide the personal fees according to their rank, level of expertise:  <i>Answer here USD/day</i></p> <p>Spill responder/operator:  <i>Answer here USD/day</i></p> <p>Operation team leader:  <i>Answer here USD/day</i></p> <p>Specialist:  <i>Answer here USD/day</i></p> <p>Manager level:  <i>Answer here USD/day</i></p>
Mobilization & demobilization costs/responsibilities	<p>Have the cost of mobilization been estimated? If yes kindly provide more information.  <i>Answer here</i></p> <p>Cost from equipment location to nearest port:  <i>Answer here</i></p> <p>Cost from equipment location to nearest international airport  <i>Answer here</i></p> <p>Have you made pre-arrangement with a transport company, if yes please provide details on the arrangements  <i>Answer here</i></p> <p>Provide details on customs arrangements:  Have you made pre-arrangement with customs? If yes please provide details of the arrangements  <i>Answer here</i></p>
Insurance and compensation	<p>If you call on the assistance of another companies do you have any specific arrangements to cover damage to equipment or personal?  <i>Answer here</i></p> <p>If yes please provide more information on this arrangement  <i>Answer here</i></p>
Arrangements with Governments	<p>Have you any arrangement with governmental authorities concerning equipment and personal sharing in case of emergency?  <i>Answer here</i></p> <p>If yes please provide more information on this arrangement  <i>Answer here</i></p>



**ANNEX IV**

**EVALUATION OF THE WORKSHOP**



## EVALUATION OF THE WORKSHOP

1. The seminar was aimed at senior government officials and key industry personnel who would be involved in claims management following a marine pollution from ships.
2. On the last day of the workshop and technical session, the participants were asked to fill in a "Course Evaluation Form" prepared by REMPEC in English and French. These were aimed at obtaining an assessment of the seminar, but also at gathering suggestions that could be used for planning future training activities.
3. The evaluation form did not include the name of the participants in order to obtain as objective and sincere replies as possible.
4. Out of 48 participants, 30 returned duly filled-in evaluation forms.
5. A summary of the main answers and comments made by the participants are shown in the following tables.

### Feedback from Questionnaires

Questions	Answers	
	Yes	No
Did you acquire new knowledge during the Workshop?	96.67%	
Do you think that you will use what you have learnt during this Workshop in your work in the future?	93.33%	6.67%
Were the modules/presentations well balanced in terms of content of and the flow of the overall programme?	86.67%	6.67%
Do you think that the duration of the lectures/presentations was adequate?	80.00%	20.00%
Did you have enough time for questions?	93.33%	3.33%
Do you think that it was useful to meet other official from the Mediterranean region?	70.00%	20.00%

43.33% of the participants judge the content and quality of the lectures/presentations **very good**, 46.67% **good**, 6.67% **quite good** and 3.33% **not good enough**. For 3.33% of the participants the Workshop was **beyond their expectation**, and **more or less their expectation** for 96.67% of them. Generally speaking, 43.33% of the participants were **very satisfied** and 53.33% **satisfied** of the Workshop.

## Feedback Comments

6. A summary of the comments included in the received questionnaires reveals that the participants learnt the following:

<b>Lessons Learnt</b>
<p><b>Claims management, legal and international framework</b></p> <ul style="list-style-type: none"><li>• The P&amp;I framework,</li><li>• relationship between the conventions,</li><li>• a better understanding of the issues faced by the various countries to ratify the CLC 92</li><li>• the IOPC Fund process,</li><li>• the importance of strengthening the data exchange between member states &amp; the IOPC Fund in order to have the right to investigate during any casualty.</li></ul>
<p><b>Technical aspects of a claim</b></p> <ul style="list-style-type: none"><li>• Technical concepts, fixed costs, accounting record maintenance,</li><li>• evaluation and procedure for settlement of claims,</li><li>• transboundary claims,</li><li>• IOPC Funds manuals,</li><li>• the importance of improving the management of the costs during incidents.</li></ul>
<p><b>Regional and international cooperation</b></p> <ul style="list-style-type: none"><li>• The views and position of the various countries with respect to pollution and prevention, and international compensation regime,</li><li>• agreements between oil industries in accounting,</li><li>• joint cooperation between the states of the region.</li></ul>
<p><b>General aspect of an oil pollution</b></p> <ul style="list-style-type: none"><li>• Response means,</li><li>• behaviour and impacts of oil spill in the marine environment and coastal resources.</li></ul>

## Feedback Summary

7. It can be seen from the above responses that the participants appreciated and valued the workshop content, material and the facilitators. A number of participants indicated that they would like to have focused on more exercises and case histories.
8. Most of the participants agreed that the content of the workshop was related to their actual work and that they were now better equipped as a result of their participation. It is very

encouraging that a high percentage indicated that they were satisfied of the content of the workshop. However, suggestions on the content of the Workshop and Technical Session were made:

### **Suggestions for further development**

#### **Application and limits of the Convention**

- More details on planning and the application of the Conventions
- Practical experience of Contracting parties to Fund 92
- Claims to damages caused by other cargos
- Offshore platforms, claims related to oil spills resulting from pipelines and rigs

#### **Legal Aspects**

- Practical example on the juridical aspect (examples of court cases etc.)
- Examples of decisions from Mediterranean courts. The case of Prestige and Erika could have been presented.

#### **Insurance**

- P&I Clubs responsibilities
- Communication with the Insurers

#### **Technical aspects of a claim**

- The exact process to follow in case of an incident should have been detailed
- Claims process and how to settle the conflicts
- Consideration should be given to a range of exercise scenarios, possibly involving the reporting aspect and specific national examples

#### **Operational aspects of an oil pollution**

- More details on the assessment of the damages due to oil
- Solid waste treatment in the Mediterranean
- Case studies on crisis management
- Qualification of the personnel
- Quality and reliability of the equipment
- Transboundary oil spill incidents
- Cleanup operations until the final phase (treatment)

### **Conclusion and Recommendations**

9. Overall, this workshop was very successful in helping the participants to identify the very specific issues related to Claims management and delivered a grounding in the technical aspect of the implementation of the international conventions that can be built upon. The level

of responses to the questionnaires indicated that they were now better informed and equipped as a result of their participation.

10. However, in order to build on the lessons learned, the recommendations arising from this workshop are as follows:

### **Recommendations on the Workshop**

#### **Lecturers and participation**

- More presentation from the oil industry to enhance the relationship between governments and oil industry in the region
- Contracting parties should present their views regarding pros and cons, and benefits of its ratification to the 1992 Fund
- The speakers should share their experience in a practical way, and should not focus too long on theoretical aspects
- A more explicit presentation of the objectives of each module would have allowed the countries bringing official feedbacks from their respective government
- The participants should be more active during the debates and present pollution case studies of their respective country. The ITOPF and IOPC Funds experts can then comment and provide recommendations on those cases.
- To make judges participate to the workshop to present the different phases of claims settlement under civil and criminal laws.

#### **Logistics**

- The presentation should be openly available on REMPEC and MOIG website with objectives clearly outlined
- Consideration should be given to running the workshop in an alternative location
- The workshop was too congested, spare time should have been given
- To adopt direct flights for the meeting
- To give more time to participant to prepare presentations
- More time for debate
- Translation problems which prevent the French speaking participants from understanding well the English presentations
- A visit to SAMIR refinery would have been relevant