

**THE INTERNATIONAL TANKER OWNERS
POLLUTION FEDERATION LIMITED**

COUNTRY PROFILES

A Summary of Oil Spill Response
Arrangements and Resources Worldwide

April 2008



Established as a non-profit making organisation in 1968, **ITOPF** offers a broad range of technical and information services to its Members and Associates, their P&I insurers and other groups around the world involved in marine pollution. These services fall under the headings of:

- Response to marine spills
- Damage assessment and analysis of claims
- Contingency planning and advisory work
- Training and education
- Information

ITOPF also regularly contributes to national and international discussions on matters relating to oil pollution. Since 1980 the organisation has had observer status at both the International Maritime Organization (IMO) and the International Oil Pollution Compensation Funds (IOPC Funds).

ITOPF's priority service is responding to spills of oil and chemicals in the marine environment and the organisation's team of highly experienced technical staff are at constant readiness to travel anywhere in the world at a few hours notice. Since 1978 ITOPF staff have attended on-site at some 600 incidents around the world giving the organisation unparalleled practical experience of the realities of combating major marine spills.

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We would like to acknowledge with grateful thanks the help and assistance provided by many organisations and individuals in the preparation of these Country Profiles.

If you are aware of any items in the Profiles which need updating or are incorrect, please notify us. Your co-operation would greatly increase their value.

1. INTRODUCTION

Regulation 26 of Annex I of MARPOL 73/78 requires all oil tankers over 150 tons gross and all other ships over 400 tons gross and above to carry on board a shipboard oil pollution emergency plan approved by the administration of the State in which the ship is registered. Under the Oil Pollution Act of 1990, additional requirements are placed on a range of vessel types engaged in the transport of petroleum and non-petroleum oils in bulk to and from the USA.

Regulation 26 of Annex I of MARPOL 73/78 requires that the shipboard oil pollution emergency plans shall consist at least of:

- a) the procedure to be followed by the Master or other persons having charge of the ship in reporting an oil pollution incident, as required in Article 8 and Protocol I of MARPOL 73/78;
- b) a 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 discharge of oil following the incident; and
- d) the procedures and point of contact on the ship for coordinating shipboard activities in conjunction with national and local authorities in combating the pollution.

These Country Profiles are designed primarily to assist shipowners to meet requirements b) and d) above. It is anticipated, however, that they will also prove of value to a wide variety of other organisations involved in some aspect of the production, transport or handling of oil products, or in the preparation for and response to oil spills.

The following introductory paragraphs describe the content of each section of the Country Profiles and provide additional background information to aid understanding of the individual Profiles.

Whilst these Country Profiles provide a broad overview of the oil spill response arrangements and capabilities of each country, it is anticipated that shipowners and other users of the profiles will wish to seek additional specific information for ports and countries that they visit frequently, thereby ensuring that their plans meet their particular requirements.

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2. DESCRIPTION OF INDIVIDUAL SECTIONS

2.1 Spill Notification Point

Where appropriate, contact details are provided for the government authority officially designated as the agency or administrative body within the coastal state for the receipt and processing of reports of oil spill incidents or the threat thereof. In some cases, information on such focal points is unavailable or incomplete. It should also be noted that some of these organisations lack arrangements for dealing with reports on a 24-hour basis.

In such cases, and to avoid any undue delay in transmitting a report, the Master is advised to contact the nearest coastal radio station, designated ship movement reporting station or rescue co-ordination centre (RCC) by the quickest available means. It is assumed that this information will be available to the ship's Master and so it is not included here.

Ports often have their own reporting procedures but it is impractical to list all possible contacts in these Profiles. Shipowners or operators should obtain information for those ports visited regularly and should include it in an Appendix to the Plan. Where this is not feasible, the Master should obtain details concerning local reporting procedures upon arriving in port. The Master should also determine whether it is necessary to inform national contact points in addition to those in port.

2.2 Competent National Authority

This is the government authority within the coastal state which, it is understood, has overall (lead) responsibility for dealing with oil spills from ships and to which routine requests for advice or information should be directed. In some cases the authority may be the same as the Spill Notification Point in which case the relevant entry in the Country Profile will simply read "contact details as above". However, the two types of entries should not be confused and information on the Competent National Authority is only provided in order, for example, to facilitate information exchange and cooperation before an incident in order to aid the preparation of a contingency plan. It should also be noted that other government departments not listed may well be involved in the case of oil pollution from non-ship sources or when a spill is likely to impact certain geographic areas.

2.3 Response Arrangements

This section endeavours briefly to describe the arrangements within the particular country for responding to an oil spill incident. The organisational arrangements are described within the context of the national contingency plan, if one exists, with distinctions drawn, as appropriate, for response to spills at sea, within ports or other specific locations, and for oil that reaches shorelines.

It should be noted that in most countries of the world, the owner of a ship causing an oil spill is not required to organise the clean-up or to procure any resources which may be required. In most countries, an agency of government will assume the responsibility for organising and controlling the response operation to a major spill. There are many good reasons why governments are best placed to take the lead in such situations, not the least of which is that major spills can arise from ships in innocent passage whose owners do not have a presence in the affected country. The responsibility for protecting a country's coastlines and interests also ultimately rests with government which alone has the authority to take decisions and to determine priorities for the protection and clean-up of specific areas and resources. As with the arrangements for Search and Rescue, there is a clear advantage in developing solutions that do not depend primarily on the participation of the shipowner. The international strict liability ('no

fault') compensation conventions, were created precisely to encourage governments to assume responsibility for responding to spills of persistent oil from tankers by safeguarding their financial exposure through the 'polluter pays' principle. As a result, government agencies in those countries which have ratified the conventions can act rapidly in the certain knowledge that as long as their actions are reasonable in the circumstances, their clean-up costs and expenses will be reimbursed. Governments' acceptance of these responsibilities is recognised in Regulation 26 with its emphasis on notification, minimisation of oil loss and cooperation with local and national authorities.

Whilst it has been stated that governments assume responsibility for responding to major oil spills from ships, particularly tankers, this is not the case, for example, in the USA, Canada and Japan where the owner is required to utilise private contractors under the supervision of a government agency. In these countries part of the explanation for this fundamentally different approach lies in the nature of the risk, with virtually all oil tankers in the region actually engaged in trade with the country rather than simply passing its shores on the way to another country.

Between the two extremes of government-organised and spiller-organised response and clean-up there are many intermediate positions. It will also depend to some extent on the circumstances of a particular spill. Thus, a small spill at a terminal or within a port will probably be dealt with by the facility operator or port authority with little or no involvement of central government. A larger spill within the general area may also be dealt with locally through cooperation of various interests and pooling of local resources. In the case of spills of 'national significance' a government agency is more likely to lead the response using a variety of resources, including on occasions equipment brought in from outside the country. This is where the importance of the arrangements for cooperation between the ship and national and local authorities in combating the pollution becomes important. Similar cooperation will be sought by groups and individuals acting on behalf of the ship and its owner in respect of the oil pollution, such as the third party liability insurer (P&I Club), the International Oil Pollution Compensation Funds and the International Tanker Owners Pollution Federation.

2.4 Response Policy

This section details the basic policy of a country and its attitudes towards, for example, the use of chemical dispersants, containment and collection of oil at sea, protection of sensitive resources and shoreline clean-up.

It should be noted that experience shows that the circumstances of an actual spill can cause a country to depart from its stated response policy.

2.5 Equipment

A general indication is given of the types and amounts of oil spill clean-up equipment and materials available from both government agencies and private companies within the country. If major stockpiles of such equipment exist their location is given wherever possible, although no attempt is made to provide precise details of the type and amount available, especially as this is frequently subject to change. It should also be recognised that such information is unlikely to be required by shipowners, except possibly in the event of a serious oil spill incident when data on the specialised resources available within the country and from further afield can be obtained from the Oil Spill Response Database maintained by the International Tanker Owners Pollution Federation.

2.5.1 Industry Cooperative Agreements and Stockpiles

The oil industry has established a number of national and international arrangements for cooperation in combating oil spills. These are mainly Tier III response organisations designed to augment private and government operated, national and local resources. The major stockpiles and some of the smaller cooperatives are listed and summarised here:

- Australian Marine Oil Spill Centre (AMOSC)
- Latin American Oil Companies Reciprocal Assistance Association (ARPEL)
- Clean Caribbean & Americas (CCA)
- Fast Oil Spill Team (FOST), Marseilles
- Hong Kong Response Limited (HKRL)
- Industry Environmental Safety Group (IESG)
- Korea Marine Pollution Response Corporation (KMPRC)
- Marine Spill Response Corporation (MSRC)
- Norsk Oljevernforening For Operatørselskap (NOFO)
- Oil Spill Response and East Asia Response Limited (OSRL/EARL)
- Petroleum Association of Japan (PAJ)
- Petroleum Industry of Malaysia Mutual Aid Group (PIMMAG)
- Regional Clean Sea Organisation (RECISO)
- Waterborne Industry Spill Equipment (WISE)

Australian Marine Oil Spill Centre (AMOSC)

The Australian Institute of Petroleum, supported by the country's oil companies established AMOSC, a major equipment stockpile, at Geelong, Victoria, to provide equipment and trained personnel required to respond to a spill of up to 10,000 tonnes. It is designed to respond to spills anywhere around the Australian coast and in the South-West Pacific including Papua New Guinea. The Centre provides a number of peripheral services such as training, contingency planning and equipment evaluation.

Latin American Oil Companies Reciprocal Assistance Association (ARPEL)

ARPEL was established in 1965 as a non-governmental association of eight national oil companies to promote cooperation and information exchange on commercial, technical and environmental aspects of the marine environment and oil spill preparedness. Membership has now expanded to include private oil companies and local affiliates of the oil majors. ARPEL has been active proposing guidelines for contingency planning and in promoting the creation of local and regional cooperatives to share equipment. ARPEL's headquarters are located in Montevideo, Uruguay. A cooperation agreement exists between ARPEL and ROCRAM (described later).

Clean Caribbean & Americas (CCA)

CCA, formerly the Clean Caribbean Cooperative (CCC), was formed in 1973 by a number of oil companies with interests in the Caribbean to provide a Tier III response to enhance local capability. Its offices and warehouses are based in Florida. CCA has the capability to respond to a 10,000 ton spill under several likely scenarios. Equipment includes an aerial dispersant spraying system, spill response boats, various recovery systems, boom, oil storage and shoreline clean-up equipment. All equipment is air transportable and has been palletised, where appropriate, for a quick response. Although CCA do not have dedicated aircraft at their disposal, they can rely on existing cargo companies operating from airports in the vicinity. Operators are provided from local Florida response contractors.

Fast Oil Spill Team (FOST), Marseilles

The Team was established by Elf and Total in 1990 and consists of an array of oil spill response equipment for use offshore and onshore. The resources include dispersants, helicopter-mounted spraying equipment, inshore and offshore booms, skimming systems, portable storage tanks and a comprehensive communications package. The Marseilles Offshore Fire Brigade is available on standby to fly to spill locations with the equipment and to assist with its deployment. Although primarily intended for the use of Total in the Mediterranean and West African regions, the equipment is available to third parties in any part of the world.

Hong Kong Response Limited (HKRL)

HKRL was established in 1994 as a spill response cooperative by five oil companies operating in Hong Kong: Caltex, China Resources, Esso, Mobil and Shell. HKRL is intended to cover a tier 2 spill in Hong Kong waters and provide initial response to a tier 3 incident. It is intended to provide a logistical bridge to organisations such as OSRL/EARL that may provide additional response. Equipment will be purchased to allow a response using dispersants and mechanical recovery. Manpower will come from the member companies.

Industry Environmental Safety Group (IESG)

Oil companies operating in Thailand have established the Industry Environmental Safety Group (IESG), an industry cooperative to facilitate the movement of resources between companies in the event of a major spill. Equipment is located at IESG member terminals and is designed for dealing with small local spills (Tier I).

Korea Marine Pollution Response Corporation. (KMPRC)

KMPRC was originally established by five major Korean oil companies in 1997 to respond to marine chemical and oil spills at a tier 2 level within Korean waters. KMPRC now has 10 branches and its members include companies with oil storage facilities and tanker owners and other shipowers. Its activities include spill response operations and collection of oily waste, stockpiling and rental service of response materials and equipment, operating waste storage and waste oil disposal facilities, R&D for oil spill response technology, maintaining and stationing Oil Spill Response Vessels(OSRV) and administrating tug and crane business and salvage operations.

Marine Spill Response Corporation (MSRC)

MSRC was incorporated in 1990, succeeding the Petroleum Industry Response Organisation. It is funded by member oil companies through the Marine Preservation Association as an independent, non-profit, national spill response company dedicated to rapid response. Although MSRC was created to respond to catastrophic spills, its mission now includes response to oil spills of any size, shoreline clean-up and, as appropriate, hazardous material spill response and response to spills outside the US (in addition to emergency response services). MSRC's capabilities include a large inventory of vessels, equipment, and trained personnel, complemented by a large contractor workforce in numerous locations in the continental US, Hawaii, and the Caribbean. MSRC also provides dedicated access to alternative response technologies such as *in situ* burn kits and aerial and vessel dispersant spraying. MSRC can provide additional response capabilities through a network of contractors that make up MSRC's Spill Team Area Responders or STARS.

Norsk Oljevernforening For Operatørselskap (NOFO)

NOFO is the oil industry forum for cooperation in spill response on the Norwegian Continental Shelf. The organisation has its own contingency plan which is integrated with the individual operating company plans. NOFO has established five equipment depots in Norway, each of which has a variety of equipment including offshore booms and skimmers and dispersant

spraying units. Through contracts and agreements, some thirty oil recovery and towing vessels are available to the organisation in the event of a major spill.

Oil Spill Response And East Asia Response Limited (OSRL/EARL)

OSRL merged with EARL in 2006 to form a new company called Oil Spill Response And East Asia Response Limited (OSRL/EARL). OSRL/EARL is a non-profit making organisation and operates from offices in the UK, Singapore and Bahrain. It is financed by a consortium of major oil companies for whom the service is principally intended. However, subject to availability, the resources are also available to non-member companies. Much of the equipment is packaged and on trailers for rapid mobilisation, and OSRL/EARL has chartered aircraft on standby to transport the equipment anywhere in the world. OSRL/EARL also provides a number of other services such as training, contingency planning and equipment evaluation.

Petroleum Association of Japan (PAJ)

PAJ has implemented an Oil Spill Response Programme involving preparedness and response, R&D and organising international conferences. It has established bases equipped with oil spill response equipment in six locations in Japan and five overseas in Singapore, Malaysia, Indonesia, Saudi Arabia and Abu Dhabi (along the tanker route between the Middle East oil producing countries and Japan). Equipment is stored and lent out free of charge. Each stockpile includes boom, weir and vacuum skimmers and portable storage units. Local companies have been selected to manage and maintain the equipment.

Petroleum Industry of Malaysia Mutual Aid Group (PIMMAG)

PIMMAG, established in 1993, is funded by 10 oil companies operating in Malaysia to provide a coordinated Tier 2 response capability in Malaysian waters supplementary to member resources. PIMMAG operates and maintains six OSR equipment stockpiles in Malaysia. Three of these stockpiles are in manned bases at Kemaman, Port Dickson and Labuan. The unmanned stockpiles are at Kuching, Miri and Tawau. The group also supports the movement of resources between member companies in the event of a major spill and is designed to cooperate and integrate with the national response capability. PIMMAG also provides training for its members.

Regional Clean Sea Organisation (RECSO) (formerly GAOCMAO)

GAOCMAO was formed in 1972 by thirteen major operating oil companies to provide a mutual response to pollution in the Gulf. Renamed RECSO in 2002, its remit includes developing detailed contingency plans within member companies, providing a pool of equipment and materials for use in response operations and providing a clearing house for information. Equipment operated by RECSO member companies is located at sites throughout the Gulf and includes a wide range of oil containment and recovery systems, storage barges, marine craft of various types and ship-borne and aerial dispersant delivery systems. RECSO is based at Manama, Bahrain and presently has twelve oil companies as its membership. RECSO and ROPME (see further on) members have undertaken joint spill exercises and have a commitment together to improve spill preparedness in the region.

Waterborne Industry Spill Equipment (WISE)

WISE, a cooperative formed in 1992 between the Philippine arms of Caltex and Shell, is designed to reinforce the Tier I requirements in Manila Bay. Equipment including boom, skimmers and temporary storage tanks has been placed onboard two tugs stationed at Batangas. Caltex and Shell will alternately act as administrators of the cooperative for thirty months each. The WISE equipment is intended for a Tier II response with the capability of handling up to 250 tons of spilled oil.

2.6 Previous Spill Experience

A broad and brief overview is provided of the response to and damage caused by previous oil spills in each country. Details of specific incidents are in general avoided since the purpose of this section is only to provide a summary of the lessons to be learned from past spills as an indication of the approach which may be followed in the event of a future spill in that country and the particular problems that may be encountered.

2.7 Conventions

The country's ratification or otherwise of the most relevant International Maritime Organization (IMO) Conventions in the areas of pollution prevention, oil spill response and compensation is indicated. The conventions covered are:

The International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (MARPOL 73/78)
International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990 (OPRC Convention)
International Conventions on Civil Liability for Oil Pollution Damage (CLC)
International Conventions on the Establishment of an International Fund for Compensation for Oil Pollution Damage (Fund Convention)
The International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious substances by Sea (HNS Convention)
International Convention on Civil Liability for Bunker Oil Pollution Damage (Bunker Convention)

The International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 (MARPOL 73/78)

This Convention was adopted in 1973 and was subsequently modified by the Protocol of 1978. MARPOL was established in recognition of the need to control and minimise the deliberate, negligent or accidental release of oil and other harmful substances from ships into the marine environment. Several amendments have been adopted, some of which have yet to enter into force. Regulations covering the various sources of ship-generated pollution are contained in five annexes.

Annex I specifies regulations to minimise oil pollution caused by ships, particularly oil tankers. Controls are specified on the amounts of oil that can be discharged at sea and standards are established for segregated ballast tanks and onboard equipment such as crude oil washing devices, oily-water separators, pumping and discharge systems, and monitoring devices.

In addition to the requirement for shipboard oil pollution emergency plans, the most recent amendments will make it mandatory for all tankers to be constructed with double hulls or to the mid-height deck design in order to limit the amount of oil likely to escape into the sea in the event of a grounding or collision.

Annex II deals with regulations pertaining to the carriage and discharge of chemicals carried at sea by bulk chemical carriers. Discharge criteria are established for different types of chemicals in different operating environments, and standards have been established for tank washing and associated pumping and piping arrangements. Annex III deals with harmful substances carried in packaged forms including freight containers and portable tanks. It provides guidelines for packaging, labelling, stowage and documentation of such substances. Annex IV, which has yet

to enter into force deals with the disposal of sewage from vessels. It includes guidelines for the discharge of sewage into the sea within established criteria. Annex V controls the release and disposal of garbage and other domestic wastes generated during the normal operation of a ship. Although discharge of food waste is permitted subject to established criteria, Annex V requires governments to provide garbage reception facilities at ports and terminals. Annex VI was adopted with the aim of reducing emissions of airborne pollutants by ships. It includes a global cap on the sulphur content of bunker fuel and limits CFC, SO_x and NO_x emissions and the incineration of certain products.

International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990 (OPRC Convention)

This Convention was adopted by a Diplomatic Conference convened by the IMO in November, 1990. It entered into force in May 1995. As its name indicates, it deals with preparing for and responding to oil pollution incidents, not only from ships but also from offshore oil exploration and production platforms, sea ports and oil handling facilities. The various articles of the Convention cover the preparation of oil pollution emergency plans by the operators of the above; oil pollution reporting procedures and the actions to be taken on receipt of such a report; the establishment of national and regional systems for preparedness and response; international cooperation in pollution response; research and development; and technical cooperation.

The Convention is designed primarily to assist developing countries to prepare for and respond to major oil pollution incidents. The Convention will potentially benefit shipowners since it will probably result in more effective oil spill response in various parts of the world.

In 2000 a Protocol was introduced extending the provisions of OPRC 1990 to encompass Hazardous and Noxious Substances (**OPRC-HNS Protocol**). This entered into force in June 2007. This OPRC-HNS Protocol aims to provide a global framework for international co-operation in combating major incidents or threats of marine pollution. Parties to the Protocol are required to establish measures for dealing with pollution incidents, either nationally or in co-operation with other countries. Ships are required to carry a shipboard pollution emergency plan to deal specifically with incidents involving HNS.

International Conventions on Civil Liability for Oil Pollution Damage (CLC)

The original Civil Liability Convention (CLC) was developed under the auspices of the IMO in 1969. It governs the liability of tanker owners for damage caused as a result of spills of persistent oil from laden tankers. It adopts the principle of strict liability for tanker owners and creates a system of compulsory liability insurance, normally provided by one of the Protection and Indemnity Associations ("P&I Clubs"). The tanker owner is normally entitled to limit liability to an amount of 133 million Special Drawing Rights (SDR) (~US\$203) per gross ton of a particular tanker or 14 million SDR (~US\$21 million), whichever is less.

The 1969 CLC entered into force in 1975. The Convention has been amended by Protocols developed in 1976, 1984 and 1992. The 1976 Protocol, which entered force in April 1981, changed the unit of account to the SDR whilst the 1992 Protocol, which superseded the 1984 Protocol, significantly increased both the scope of coverage and amounts of compensation available. The resulting amended convention, the 1992 CLC, extends the coverage to include incidents within a party's Exclusive Economic Zone and for damage caused by spills of bunker oil from unladen tankers. In addition, expenses are recoverable for preventive measures undertaken even if no oil is spilt, provided there was a grave and imminent threat of pollution damage. The 1992 CLC, which came into force in May 1996, also increased the liability limits significantly. For tankers up to 5,000 gross tons, a maximum of SDR 3 million (~US\$ 4.6 million),

thereafter increasing by an additional SDR 420 (~US\$641) per gross ton, up to a maximum of SDR 59.7 million (~US\$91 million) was then available.

In October 2000 the Contracting States to the 1992 CLC and 1992 Fund Convention (see below) approved a proposal to increase by about 50% the amount of compensation available under the terms of the Conventions (up to about US\$310 million). These new limits came into effect on 1st November 2003.

The '69 CLC and the '92 CLC will run concurrently until the former is denounced by all States which are still a party.

International Conventions on the Establishment of an International Fund for Compensation for Oil Pollution Damage (Fund Convention)

The original Fund Convention was developed under the auspices of the IMO in 1971. It is designed to provide supplementary compensation to that available under the 1969 CLC, when the valid claims arising under that Convention as a result of a spill of persistent oil from a laden tanker exceed the tanker owner's limit of liability or when, for some other reason, the CLC requirements fail to operate. As with the CLC, compensation is available to reimburse reasonable clean-up expenses and to meet the costs of physical damage and economic loss. The total amount of compensation available under the 1971 Fund Convention, including that available under the CLC, was 60 million SDR, irrespective of the size of the tanker, equivalent to approximately US\$92 million.

The International Oil Pollution Compensation Fund (IOPC Fund) was set up pursuant to the coming into force of the Fund Convention in 1978. The IOPC Fund, based in London, administers the Convention by collecting contributions from oil receivers in Member States and by settling claims.

As with the CLC, Protocols to the Fund Convention were agreed in 1984 and 1992. The 1976 Protocol entered into force in November 1994 and similarly changed the unit of account to the SDR. The 1992 Protocol (which superseded the 1984 Protocol) came into force in May 1996 and fundamentally amended the basic Convention, both in scope of coverage (as with the '92 CLC Protocol) and amounts of compensation. The resulting amended convention, termed the 1992 Fund, significantly increased the liability limits to SDR135 million (US\$206 million), again inclusive of the amount available under 1992 CLC. The 1971 Fund Convention was terminated on 24th May 2002.

In October 2000 the Contracting States to the 1992 CLC and 1992 Fund Convention approved a proposal to increase by about 50% the amount of compensation available under the terms of the Conventions (up to about US\$310 million). These new limits came into effect on 1st November 2003.

In May 2003, a Protocol establishing a Supplementary ('third tier') Fund was agreed by government delegations at the IMO. This Supplementary Fund is designed to address the concerns of those States that believe that even the enhanced limits of the 1992 CLC and Fund Convention that came into effect in November 2003 might be insufficient to meet in full all valid oil pollution claims arising out of a major tanker accident. The Supplementary Fund (which will be administered by the same secretariat that administers the 1992 Fund) will provide about US\$ 1,145 million in compensation (including the amounts paid under the 1992 CLC and Fund Convention). The Supplementary Fund entered into force on 3 March 2005.

The International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious substances by Sea (HNS Convention)

The International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious substances by Sea (HNS Convention) was adopted by the IMO in May 1996. It aims to ensure adequate, prompt and effective compensation for damage that may result from shipping accidents involving hazardous and noxious substances.

The Convention entitles claimants to compensation for loss or damage to persons, property and the environment caused by incidents involving cargoes of oil, gases and chemicals, plus other substances which are hazardous in packaged form. Pollution damage caused by persistent oils already covered by the CLC and Fund Convention is excluded, as is damage caused by radioactive materials and coal.

The HNS Convention is modelled on the CLC and Fund Convention. Thus, the shipowner (and his P&I insurer) is strictly liable to pay the first tier of compensation whereas the second tier comes from a fund levied on cargo receivers in all Contracting States on a post-event basis.

Shipowner liability ranges from SDR 10 million (about US\$ 15 million) for ships up to 2,000 GT, rising linearly through SDR 82 million (about US\$ 122 million) for ships of 50,000 GT, to a maximum of SDR 100 million (about US\$ 150 million) for ships over 100,000 GT. It is compulsory for all ships over 200 GT to have insurance to cover the relevant amount.

An HNS Fund (which will most likely be administered by the secretariat of the 1992 IOPC Fund) provides compensation up to a total of SDR 250 million (US\$ 371 million), inclusive of shipowner liability but irrespective of ship size. The HNS Fund will comprise four separate accounts for oil, LPG, LNG and a general account for other HNS substances such as bulk solids and chemicals. Each separate account will meet claims attributable to the relevant cargo without cross subsidisation and will be funded in proportion to total receipts of relevant cargoes in Contributing States.

The HNS Convention will enter into force 18 months after ratification by 12 flag States, including four States each representing 2 million GT and Port States importing an annual aggregate of 40 million tonnes of chemicals and other solid bulk materials which are hazardous in packaged form.

International Convention on Civil Liability for Bunker Oil Pollution Damage (Bunker Convention)

Recognition of the problems that can be caused by spills of heavy bunker fuel from non-tankers led to the adoption of the International Convention on Civil Liability for Bunker Oil Pollution Damage at a Diplomatic Conference in March 2001.

This IMO Convention seeks to ensure that adequate compensation is promptly available to persons who are required to clean-up or who suffer damage as a result of spills of ships' bunker oil, who would not otherwise be compensated under the 1992 CLC. Although strict liability under the Bunker Spills Convention extends beyond the registered owner to the bareboat charterer, manager and operator of the ship, the Convention only requires the registered owner of ships greater than 1,000 GT to maintain insurance or other financial security. The level of cover must be equal to the limits of liability under the applicable national or international limitation regime, but in no case exceeding the amount calculated in accordance with the Convention on Limitation of Liability for Maritime Claims, 1976, as amended.

The Bunker Spills Convention will enter into force on 21 November 2008.

2.8 Regional and Bilateral Agreements

2.8.1 Regional Agreements

2.8.1.1 Freestanding Agreements

Even before the OPRC Convention was drafted, the International Maritime Organization had for some years encouraged initiatives by maritime states for international cooperation, particularly on a regional basis, to enhance their ability to respond to pollution incidents. These agreements include:

- Agreement for Cooperation in Dealing with Pollution of the North Sea by Oil and Other Harmful Substances (Bonn Agreement, 1969)
- Agreement on Cooperation in Taking Measures Against Pollution of the Sea by Oil (Copenhagen Agreement, 1971)
- Convention on the Protection of the Marine Environment of the Baltic Sea Area (Helsinki Convention 1974/1992)
- Agreement for Cooperation in Protecting the Shores and Coastal Waters of the North East Atlantic Ocean from Accidental Pollution by Oil and Other Harmful Substances (Lisbon Agreement, 1990)
- Association of South East Asian Nations Oil Spill Response Action Plan (ASEAN-OSRAP)
- Operational Network for the Regional Cooperation among Maritime Authorities of South America, Mexico and Panama (ROCRAM)

Agreement for Cooperation in Dealing with Pollution of the North Sea by Oil and Other Harmful Substances (Bonn Agreement, 1969)

The parties to the Bonn Agreement are Belgium, Denmark, France, Germany, the Netherlands, Norway, Sweden, the United Kingdom and the European Community. The Agreement calls on Contracting States to exchange information on national contingency plans, oil spill alerting procedures and developments in oil spill response measures.

The geographical area covered by the Agreement extends from the North Sea south of 61° N, including the Skagerrak and the English Channel and approaches. Ireland will shortly join the Bonn Agreement and the North Sea Area will be enlarged to include Irish waters. For the purposes of oil spill monitoring and control, the sea area has been divided up into 8 zones with supervisory responsibilities being ascribed to each of the Contracting States. Within a particular zone, oil which is deemed a threat to national resources must be kept under observation by the supervisory party. A country requiring assistance may request it from other Contracting States which are obliged to use their best endeavours to supply appropriate expertise, manpower, equipment or other available resources.

Agreement on Cooperation in Taking Measures Against Pollution of the Sea by Oil (Copenhagen Agreement, 1971)

The governments of Denmark, Finland, Iceland, Norway and Sweden are party to the Copenhagen Agreement. The Contracting Parties agree to cooperate on surveillance, investigations, reporting, securing of evidence, combating and assistance in combating, as well as general exchange of information in order to protect the marine environment from pollution by

oil or other hazardous substances. The Agreement also requires spill control authorities in the participant countries to undertake joint exercises to test alerting and field communication procedures and to evaluate the compatibility of equipment and response measures.

Convention on the Protection of the Marine Environment of the Baltic Sea Area (Helsinki Convention 1974/1992)

This Agreement was adopted in 1974 at a time of growing awareness of the sensitivity of the Baltic Sea. The original Convention was signed by the then seven Baltic coastal states (the former USSR, Poland, Finland, Denmark, Sweden, Federal Republic of Germany and the former German Democratic Republic). In the light of political changes and developments in international environmental and maritime law, a new convention was signed in 1992 by all the states bordering on the Baltic Sea and the European Community. The governing body of the Convention is the Helsinki Commission - Baltic Marine Environment Protection Commission - also known as HELCOM. The present contracting parties to HELCOM are Denmark, Estonia, European Community, Finland, Germany, Latvia, Lithuania, Poland, Russia and Sweden.

The scope of the Agreement is very wide, but oil spill control forms a central part. Each coastal state maintains surveillance aircraft for patrolling designated sea zones as a capability for combating spills in their waters. If requested, such resources will be transported on site and placed at the disposal of the local on-scene commander. The host country undertakes to fund the operation and to provide any logistic support necessary for foreign resources to function effectively.

Agreement for Cooperation in Protecting the Shores and Coastal Waters of the North East Atlantic Ocean from Accidental Pollution by Oil and Other Harmful Substances (Lisbon Agreement, 1990)

Although the Lisbon Agreement is not yet in force, cooperation as outlined in the Agreement has been effective in response to incidents in the region. The signatories to the Agreement comprise states bordering the north-east Atlantic, namely France, Spain, Portugal and Morocco, together with their offshore islands and the European Community. The area covered has yet to be defined in detail.

The Contracting States will establish their own response organisations and national contingency plans and undertake to assess pollution incidents and inform other parties accordingly. The Agreement provides for the establishment of "zones of joint responsibility". All Contracting States will be obliged to render assistance to other parties, if required.

An international response centre and a stockpile of equipment for use by Contracting States are both provided for in the Agreement but have not yet been established.

Association of South East Asian Nations Oil Spill Response Action Plan (ASEAN-OSRAP)

The ASEAN-OSRAP is a regional plan, adopted in 1993, integrating the national and sub-regional capabilities of the ASEAN nations, namely; Brunei, Indonesia, Malaysia, Philippines, Singapore and Thailand. It aims to assist agencies of member governments in responding to major spills. The OSRAP collates information on the contingency plans and spill resources of member countries and provides the mechanism for mobilising regional resources of expertise and equipment in an emergency.

Aid for this initiative was provided by the IMO and the UNDP with support from the Oil Spill Preparedness and Response (OSPAR) programme. This programme was developed as a separate initiative by the Japanese Ministry of Transport with the aim of promoting international cooperation and improving response capabilities in the ASEAN region. Part of the project has

been to develop and enhance stockpiles of equipment at specific locations within the region that would be available to host or neighbouring agencies. OSPAR equipment has been located at Muara, Brunei Darussalam; Balikpapan, Indonesia; Port Klang, Penag Johor Bharu and Labuan, Malaysia; Manila, Cebu and Davao, Philippines; Songkhla, Thailand and Singapore.

Operational Network for the Regional Cooperation among Maritime Authorities of South America, Mexico and Panama (ROCRAM)

ROCRAM is a network of the national maritime authorities of Argentina, Bolivia, Brazil, Chile, Colombia, Cuba, Ecuador, Mexico, Panama, Paraguay, Peru, Uruguay and Venezuela created in 1983 by an IMO initiative with the support of UNEP and CEPAL (Latin America Economic Commission) to coordinate maritime activities and to assist member states to implement international conventions. A cooperation agreement exists between ROCRAM and ARPEL. A similar agreement has been developed for the protection of the marine environment of Central America and the Dominican Republic, termed ROCRAM-CA.

2.8.1.2 Regional Seas Conventions

Under the auspices of the United Nations Environment Programme (UNEP), the Regional Seas Programme was initiated in 1974 to endorse a regional approach to the control of marine pollution and the management of marine and coastal resources and to encourage the promotion of sub-regional cooperation to enhance national capabilities in marine emergency preparedness and response. The programme currently covers thirteen areas where regional action plans are operative or are under development.

- The Barcelona Convention (adopted 1976) for the Mediterranean states
- The Kuwait Convention (adopted 1978) for the Gulf states
- The Abidjan Convention (adopted 1981) for West & Central African states
- The Lima Convention (adopted 1981) for the South-East Pacific states
- The East Asian Seas agreement (adopted 1981)
- The Jeddah Convention (adopted 1982) for Red Sea & Gulf of Aden states
- The Cartagena Convention (adopted 1983) for the Wider Caribbean states
- The Nairobi Convention (adopted 1985) for the East African states
- The Noumea Convention (adopted 1986) for the South Pacific states
- The Bucharest Convention (adopted 1992) for the Black Sea states
- The Northwest Pacific Action Plan (adopted 1994)
- The South Asian Seas Action Plan (adopted 1995)
- The Antigua Convention (adopted 2002) for countries of the north east Pacific

Convention on the Protection of the Mediterranean Sea Against Pollution (Barcelona Convention, 1976)

The Mediterranean coastal states, namely; Albania, Algeria, Bosnia/ Herzegovina, Croatia, Cyprus, Egypt, France, Greece, Israel, Italy, Lebanon, Libya, Malta, Monaco, Montenegro, Morocco, Serbia, Slovenia, Spain, Syria, Tunisia, Turkey as well as the European Community are signatories to this Convention which, amongst other things, addresses all aspects of oil spill response and ensures practical and efficient action to combat significant spills at sea even if coastal resources are not threatened. A Mediterranean Action Plan has been adopted.

There are no provisions for dividing the area into zones of responsibility but Contracting States are committed to promoting cooperation and diffusion of information within the Mediterranean

region through the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC) which was established in Malta in 1976. This centre provides information on coastal states, assists with the development of national systems for preparedness and response, and arranges training courses. A Mediterranean Assistance Unit is being established under the auspices of REMPEC. A sub-regional agreement exists between Cyprus, Egypt and Israel for spills in this area of the Mediterranean.

Kuwait Regional Convention for Cooperation on the Protection of the Marine Environment from Pollution. (Kuwait Convention, 1976)

The eight Gulf states, namely; Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia and the United Arab Emirates are signatories to this convention. The Kuwait Action Plan adopted at the initial meeting of the member states is intended to aid in the assessment, development and support of solutions to specific environmental problems, particularly those concerning the marine environment and to promote awareness of these problems.

In order to implement the Kuwait Action Plan, the Regional Convention and its accompanying protocols, the Regional Organisation for the Protection of the Marine Environment (ROPME) was established and eventually based in Kuwait. ROPME itself established the Marine Emergency Mutual Aid Centre (MEMAC) based in Bahrain. The functions of MEMAC are to facilitate cooperation between the member states and provide assistance to those states when requested particularly for contingency planning and assistance at spills. ROPME and GAOCMAO (see previously) members have undertaken joint spill exercises and have a commitment together to improve spill preparedness in the region.

Convention for Cooperation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Regions (Abidjan Convention 1981)

There are 23 contracting parties to this convention. A Protocol Concerning Cooperation in Combating Pollution in Cases of Emergency has also been adopted. UNEP has been designated the secretariat of the Convention. Workshops are held irregularly to report on the work of an *ad hoc* steering committee. A West and Central African Action Plan has been adopted.

Convention for the Protection of the Marine Environment and Coastal Areas of the South East Pacific (Lima Convention, 1981)

The five South-Eastern Pacific states, namely; Chile, Colombia, Ecuador, Panama and Peru are signatories to this convention. The Permanent Commission of the South Pacific (CPPS) based in Lima acts as the secretariat of this convention and is responsible for its implementation and development. Several supplementary protocols and agreements to this convention have been agreed for protection from hydrocarbons, land based sources and radioactive contamination. A South East Pacific Action Plan has been adopted.

Regional Convention for the Conservation of the Red Sea and Gulf of Aden Environment (Jeddah Convention, 1982)

Djibouti, Egypt, Jordan, Palestine, Saudi Arabia, Somalia, Sudan and the Yemen are signatories to this convention. An action plan for the conservation of the marine environment and coastal areas of the Red Sea and Gulf of Aden has been adopted. A Regional Organisation for the Conservation of the Red Sea and Gulf of Aden Environment (PERSGA) has been established under the auspices of the Arab League Educational, Cultural and Scientific Organisation (ALESCO) in Jeddah. In addition, a protocol to the convention specifically encourages regional cooperation in combating pollution.

Convention for the Protection and Development of the Marine Environment of the Wider Caribbean (Cartagena Convention, 1983)

The Cartagena Convention has been ratified by 23 United Nations Member States in the Wider Caribbean Region. Its area of application comprises the marine environment of the Gulf of Mexico, the Caribbean Sea and the areas of the Atlantic Ocean adjacent thereto. The Convention has been supplemented by three protocols addressing specific environmental issues namely, oil spills, specially protected areas and wildlife and land-based sources and activities or marine pollution. The Caribbean Environment Programme (CEP), one of the UNEP administered Regional Seas Programmes, provides the programmatic framework for the Cartagena Convention. A Caribbean Islands OPRC Plan, which details the response arrangements in each Caribbean state or territory to enhance the ability of mutual response to a spill that may be beyond an individual country's capability, has been developed with the assistance of the International Maritime Organization (IMO).

Convention for the Protection, Management and Development of the Marine and Coastal Environment of the East African Region (Nairobi Convention 1985)

The Nairobi Convention has 9 Contracting Parties: Comoros, Kenya, Madagascar, Mauritius, Mozambique, Reunion (France), Seychelles, Somalia and Tanzania. Contracting Parties to this Convention have adopted a Protocol Concerning Co-operation in Combating Marine Pollution in Cases of Emergency. The objective of this is to facilitate the development of regional arrangements to supplement national arrangements for the effective combating of major spillages of oil and other harmful substances from ships. The provisions cover the development of legislation and contingency plans, exchange of information, reporting of incidents and mutual assistance.

Convention for the Protection of the Natural resources and Environment of the South Pacific Region (Noumea Convention, 1986)

There are 12 contracting parties to the Noumea Convention: Australia, Cook Islands, Federated States of Micronesia, Fiji, France, Marshall Islands, Nauru, New Zealand, Papua New Guinea, Samoa, Solomon Islands and United States of America. It obliges Parties to endeavour to take all appropriate measures to prevent, reduce and control pollution from any source and to ensure sound environmental management and development of natural resources, using the best practicable means at their disposal, and in accordance with their capabilities. The South Pacific Regional Environment Programme (SPREP), based in Samoa, serves as the Secretariat for the Convention. A South Pacific Action Plan has been adopted to identify and find solutions to environmental problems in the region.

Convention on the Protection of the Black Sea against Pollution (Bucharest Convention 1992)

Six states, namely; Bulgaria, Georgia, Romania, Russia, Turkey, Ukraine are signatories to the Bucharest Convention and its accompanying protocols. The Convention stipulates that the Contracting Parties endeavour to maintain and promote either individually or through bilateral or multilateral co-operation, contingency plans for combating pollution of the sea by oil or other harmful substances. In line with the Convention, a Black Sea Commission was established with a Permanent Secretariat in Istanbul. This implements the provisions of the Convention and the Black Sea Strategic Action Plan.

A further product of the Bucharest Convention was the creation of thematic working centres for key regional environmental issues. The one for spill response, the regional Emergency Response Activity Centre (ERAC) was established in 1994 in Varna, Bulgaria, to assist with pollution preparedness and response.

Action Plan for the Protection and Development of the Marine Environment and Coastal Areas of the East Asian Seas Region (1981)

The East Asian Seas Action Plan was approved in 1981. It has ten member countries: Indonesia, Malaysia, Philippines, Singapore, Thailand, Australia, Cambodia, the People's Republic of China, Republic of Korea and Vietnam. The main components of East Asian Seas Action Plan are the assessment of the effects of human activities on the marine environment, control of coastal pollution, protection of mangroves, seagrasses and coral reefs, and waste management. Among the Regional Seas Programmes, East Asia has steered a unique course. There is no regional convention; instead the programme promotes compliance with existing environmental treaties and is based on member country goodwill. The East Asian Seas Action Plan is steered by the Coordinating Body on the Seas of East Asia (COBSEA). The East Asian Seas Regional Coordinating Unit (EAS/RCU) serves as Secretariat for COBSEA, and is the lead agency of the United Nations for marine environmental matters in East Asia.

Action Plan for the Protection, Management and Development of the Marine and Coastal Environment of the Northwest Pacific Region (1994)

The Northwest Pacific Action Plan (NOWPAP) focuses on environmental conservation in enclosed international sea areas through regional cooperation. NOWPAP was adopted by Japan, China, Korea and Russia in 1994 and incorporates the waters of the Sea of Japan and the Yellow Sea.

Action Plan for the Protection and Management of the Marine and Coastal Environment of the South Asian Seas Region (1995)

Five states, namely; Bangladesh, India, the Maldives, Pakistan and Sri Lanka are participants in the South Asian Seas Action Plan (SASAP). The overall objective of the SASAP is to protect and manage the marine environment and related coastal ecosystems of the region in an environmentally sound and sustainable manner. The South Asia Cooperative Environment Programme (SACEP) is acting as the Action Plan secretariat. SASAP focuses on Integrated Coastal Zone Management, oil-spill contingency planning, human resource development and the environmental effects of land-based activities. Although there is no regional convention yet, SASAP follows existing global environmental and maritime conventions and considers Law of the Sea as its umbrella convention.

The Convention for Cooperation in the Protection and Sustainable Development of the Marine and Coastal Environment of the Northeast Pacific (Antigua Convention, 2002)

Contracting Parties to the Antigua Convention are Colombia, Costa Rica, El Salvador, Guatemala, Honduras, Mexico, Nicaragua and Panama. The governments also approved an Action Plan detailing how the countries concerned would improve the environment of the North-East Pacific for the benefit of people and wildlife. One of a number of priority issues, is to assess the risks from oil pollution and evaluate the availability of clean-up equipment and personnel to deal with them. The Action Plan's secretariat COCATRAM (Central America Marine Transport Commission) will seek financial support for its implementation and explore ways to work with their neighbour, the Caribbean Action Plan, which shares many members.

2.8.2 Bilateral and Trilateral Agreements

A number of bilateral and trilateral agreements, both formal and informal in character, have also been created to satisfy requirements for international cooperation on a smaller scale in terms of scope and geographical area. These agreements include:

<u>Countries</u>	<u>Areas covered</u>
Argentina & Uruguay	Rio Plata
Australia & Indonesia	Timor Sea
Australia & New Zealand	Tasman Sea
Australia & Papua New Guinea	Torres Strait
Bermuda & USA	North Atlantic (Bermudan waters)
Brunei Darussalam & Malaysia	South China Sea and Brunei Bay
Canada & Denmark	Baffin Bay, Davis Strait etc.
Canada & USA	Great Lakes, St. Lawrence Seaway etc..
Colombia & Venezuela	Gulf of Venezuela & Southern Caribbean Sea
Cyprus, Egypt & Israel	South-East Mediterranean
Denmark & Germany	Wadden Sea, Southern Baltic Sea
Djibouti, Somalia & Yemen	Gulf of Aden
Estonia & Finland	Gulf of Finland
Finland & Russian Federation	Gulf of Finland
France & Italy	Tyrrhenian Sea, Ligurian Sea (Mediplan)
France, Italy & Monaco	Ligurian Sea (RAMOGE)
France & Spain	Bay of Biscay, North-West Mediterranean
France & UK	English Channel (Manche Plan)
Germany & Netherlands	Wadden Sea, South-East North Sea
Germany & Sweden	South-Western Baltic Sea
Greece & Italy	Ionian Sea
Ireland & UK	Irish Sea
Indonesia, Malaysia & Singapore	Straits of Malacca and Singapore
Indonesia, Malaysia & Philippines	Sulawesi Sea
Indonesia & Malaysia	Lombok - Macassar Straits
Japan & South Korea	Sea of Japan.
Japan & USA	North Pacific
Mexico & USA	Mexican Gulf
Netherlands Antilles & Venezuela	Southern Caribbean Sea
Norway & UK	North Sea
Norway & Russian Federation	Barents Sea
Russian Federation & USA	Bering Strait, Chukchi Sea
Trinidad & Tobago & Venezuela	Gulf of Paria & Southern Caribbean Sea

2.9 Date of issue

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2.10 Terms & Conditions

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