



Comparative overview: current operational procedures in case of shallow waters and coastal areas in partner countries

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Overview

Estonian Ministry of Environment carried out a comprehensive analysis in partnering countries on current operational procedures in case of shallow waters and coastal areas.

Based on that, an overview was made of the draft recommendations how to improve oil spill response capacity on the Baltic Sea.



Countries covered:

Denmark, Sweden, Finland, Latvia, Lithuania, Estonia

Topic covered:

- Regulatory aspects, legislation
- Oil spill contingency plan/ National Contingency Plan
- Response coordination
- Involvement of non-governmental organisations in the planning of management work and organization of practical work
- The rules of financing of the recovery of the pollution and the restoration of the wildlife
- Experience of best practices in BSR in financing preventive measures



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Legal acts regulating overall operational procedures

All countries have legal acts regulating overall operational procedures in case of oil spill in shallow waters and coastal areas:

- DK - Sea Environment Act; Environmental Code (regarding decontamination and hazardous waste); Law on Extraordinary Events in Peacetime in Municipalities and County Councils
- SE - Civil protection act regulating the response phase, both at sea and on shore
- FI - Government Regulation from 21.05.2010 No 283 “National Preparedness Plan to Respond to Oil and HNS Pollution Incidents at Sea”
- LV - Cabinet Ministers Regulation “National Oil Spill Response Plan”
- LT – Work Plan for Elimination of Pollution Incidents in the Maritime Area
- EE – Emergency Act; Emergency plan for major marine or coastal pollution (under review)



Legal acts regulating involvement of NGOs

Involvement of non-governmental organisations is provided in legal acts of most countries:

- DK - Emergency Management Act §6 (associations etc.), §12 (the municipal fire and rescue services) § 13.2. (private fire and rescue services)
- SE - Voluntary Defence Operations Ordinance
- FI - Rescue Act
- LV - State Civil Protection Plan
- EE - Emergency plan for major marine or coastal pollution (very generally)
- LT – NGOs are not mentioned specifically, but they can be included in the list of organisations to be involved in oil spill response events within the Work Plan for Elimination of Pollution Incidents in the Maritime Area

National Authority and division of roles in legal acts

Country	at sea	shallow waters	coastal area/ on the shore
DK	Danish Ministry of Defence The Royal Danish Navy	Danish Ministry of Defence The Royal Danish Navy	municipality/ municipal fire and rescue service
SE	Coast Guard		municipality
FI	Border Guard	Rescue Services	Rescue Services
LV	State Environmental Service - Leading national authority Latvian Coast Guard - Operational authority	Latvian Coast Guard - Operational authority	State Fire Fighting Service - Operational authority
LT	Maritime Rescue Co-ordination Center		municipality
EE	Police and Border Guard Board	not defined in legal acts, but works in practice by Police and Border Guard Board and Rescue Board	Rescue Board/ Rescue Center

There are differences between the countries whether the legislation defines clearly when and how marine spill response will transform to shoreline spill response:

Country	Status	Comment
DK	No	defined by the normal water base line; no legislation on how and when the coordination of the response will change; decided on scene between the involved public authorities
SE	Yes	The legislation divides the responsibility between marine pollution and civil protection where the coastguard is responsible for state waters (coast guard) and municipal waters and on land (rescue services).
FI	No	Response responsibilities at open sea, on coastal waters and on shore are clear. But there are no clear criteria on when the acute pollution response on shore ends and post-spill clean-up begins. The post-spill clean-up is municipality task. New legislation is under preparation.
LV	Yes	It is defined in the Cab. Min. Reg. No 283 “National Oil spill response plan”, Article 81. “State Fire and Rescue Service after receipt of information about shoreline pollution according to the emergency tier shall organise performance of measures foreseen by the relevant civil protection plan”.
LT	No	
EE	No	internal procedures of each authority are not harmonised with each other

Tiers of response, most countries have defined tiers of response, on which level which actors act

DK - Danish Minister of Defence has authorised The Royal Danish Navy Command to lead response operations at sea (shallow waters included). The responsibility for response on shore is held by the municipal board but assigned to municipality fire and rescue service; The Minister can decide that the operation on shore shall be led by the Minister of Defence, or other Agencies which the minister authorise to do so in case of particular severe and extensive spills.

SE – No, crisis management in Sweden is built on the principle of responsibility, parity and proximity – meaning, in short, the one normally responsible retains the responsibility in a crisis.

FI - The three tier approach is followed, but it is not described in legislation nor in the Finnish Government's policy decision, on "A National Strategy for the Response to Environmental Emergencies until 2025".

LV – The first response tier is preparedness and measures against discharges consequences of which may be eliminated solely by the Naval Forces resources. The second response tier is preparedness and measures against discharges consequences of which may be eliminated by supplementing the Naval Forces resources by additional resources that are at the disposal of other State institutions, local governments or merchants. The third response tier is preparedness and measures against discharges consequences of which may be eliminated by supplementing the Naval Forces, State authority, local government or merchant resources by resources requested through international assistance

LT – level 1 - pollution incident eliminated by pollution object itself in accordance with the local plan; level 2 - pollution incident goes beyond the object's ability to eliminate, will be eliminated by a national pollution incident response force; level 3 - national pollution incident response forces are insufficient, need assistance from other states

EE – Police and Border Guard Board - at sea, Rescue Board/ Rescue Centre - on the coast. Both agencies have the right to involve other authorities and persons in the resolution. Rescue Board will hand over the management of site to the Environmental Board to carry out activities for restoration of the previous state of environment. Also, Environmental Board organizes the rescue of wildlife on the coast.



All countries have regulated the request for international assistance

Country	Status	Designated Authority	Criteria & Comments
DK	N/A	Ministry of Defence & Danish Emergency Management Agency	Requests for support in clean-up at sea is handled by the Royal Danish Navy Command. Requests for support in clean-up on the shore is handled by Danish Emergency Management Agency.
SE	Yes	Yes, in general.	This question can't be answered in a simple way as Sweden has split responsibilities and many plans in Sweden.
FI	Yes	The Response Commander (nominated by the Border Guard if the incident has happened at open sea and by the Rescue Service if the incident has happened on coastal waters or on shore)	If the incident is commended by the Finnish Border Guard, the Response Commander appointed by the Border Guard will decide. If the incident is commended by a Rescue Service, the Response Commander appointed by the Rescue Services will decide together with the Ministry of the Interior. All requests for international assistance go via the MRCC Turku
LV	Yes	Crisis Management Council will decide on the request of international assistance and submit it for final decision to the Government - Cabinet Of Ministers.	National Plan defines three level response approach, so Tier 3 is the international assistance request if the national resources are not sufficient
LT	Yes	MRCC of the Lithuanian NAVY	Criteria - assessment that national response forces to pollution incidents are inadequate
EE	Yes	Government of Estonia	Plan (until 2020) foresees the request of international assistance; however, it does not include criteria

Guidelines for assessment of probable type/size of spill & impacted resources

There are differences between countries whether there are guidelines for assessment of probable type/size of spill & impacted resources:

Country	Status	(Inter)national principles	Assessment conducted	Likely movement and fate of spilled oil considered
DK	No; Guidelines are under consideration and/or development.			
SE	Yes	National strategy for oil spill preparedness and response, which also includes a national risk assessment.	The national risk assessment provides common understanding, and is recommended as a basis for the responsible actors' own more detailed risk assessments and contingency plans.	In case of an oil spill a specific drift prognosis is produced by the Swedish Coast Guard using Seatrack web. The drift and fate depends on type of oil spilled, weather conditions and other specific factors.
FI	Yes	Finnish Government's policy decision, on "A National Strategy for the Response to Environmental Emergencies until 2025."	Report on "Analysis of Finland's Response Capacity for Environmental Accidents 2017–2025 - Goals, Present State and Development of the National Preparedness for Response".	Yes; oil spill trajectories used for spreading estimations
LV	No	National guidelines do not exist. For assessment of spill size international guidelines are used – HELCOM BRISK, IMO, ITOPI, IPIECA using national data on largest tanker calling Latvian ports	Each real case is assessed individually.	Yes, by calculation of oil drift using SeaTrackWeb and national FiMar model, fate of oil is calculated using NOAA ADIOS model.
LT	No			
EE	No	There are no national guidelines, but international guidelines are used.	Yes; an in-flight observation or from a ship	Yes; by modelling tool SeatrackWeb

Priorities for protection

Similarly, there are differences between countries whether priorities for protection are defined:

DK – Yes; made according to the Environmental Sensitivity Index (ESI).

SE – Yes; prioritized areas have been identified and mapped in an open-source online tool (Digital Miljöatlas) and is used as a decision support for the response operation both at sea and on shore.

FI – Yes; based in SYKE's BORIS system.

LV – 31 special marine protected areas and objects are defined by governmental regulations and identified in marine charts used by Naval Forces (Coast Guard) to plan response operations. As these areas are located all along the Latvian coastline priority for protection would be decided for each individual case by State Environmental Service in order to perform proper mitigation options.

LT – Yes; consideration shall be given to the Sensitivity Maps provided by the Ministry of the Environment.

EE – Yes and No; Oil Spill Contingency Plan has not specified priority areas; in practice probable direction of the spilled oil is estimated by Environmental Board using the corresponding modelling tool SeatrackWeb.



Protection and clean-up strategies, Most countries have set protection and clean-up strategies:

Country	Status	Reasons explained & documented	“clean-up” defined	Measurable targets
DK	Yes	in the beach clean-up guideline	manual & automated clean-up, method according to circumstances	fire and rescue service decides when to stop, but no guideline when
SE	Yes	in national protection and clean-up strategy	contains methods for protection and clean-up	no fixed measurable point for when is finished – every case is assessed separately.
FI	Yes	<p>The National Strategy for the Response to Environmental Emergencies until 2025 is the guiding document.</p> <p>The contingency plans of the Border Guard and of the Rescue Services define the response methods/options in different areas.</p>	<p>Mechanical clean up.</p> <p>Decision on ending the acute pollution response task is taken by the Response Commander and the responsibility for the further clean up actions is handed over to the municipalities.</p>	No, it is a case by case decision and is based both on the efficiency of the mechanical recovery devices and on the shore also on the probability that oil will not spread anymore.
LV	Yes	Naval Forces and State Firefighting Service have defined response strategies and capacities in their operational plans.		“Clean-up” targets would be issued by State Environmental Service for each individual case.
LT	Yes	in Marine pollution incident response plan/ Response Preparedness & Response Strategy		defining necessary countermeasures to prevent and / or minimise impact
EE	No			not to clean when cost is higher than damage

Equipment

Most countries have not adopted long-term plan for procurement of equipment, but equipment is located and maintained according to potential risks in key areas:

Country	Long term plan for procurement	Backup resources identified & available	Equipment located & maintained
DK	No; but responsibilities defined	Yes; in contingency plans	Yes; at authorities responsible within own sector
SE	Partly. The responsibility is divided so the question is hard to answer in a simple way. The level of preparedness is uneven in Sweden. Some counties have no material resources while others have more. On national level (MSB and Coast Guard) the answer is yes.	Yes; partly identified	Yes in general mainly located in harbour, fire stations; The national resources are allocated according to the national risk assessment.
FI	Yes. Development of the governmental preparedness is planned according to the funds allocated in the Governmental budget. Rescue Services do 5 year plans, financed by Finnish Oil Pollution Compensation Fund	Yes; International equipment assistance from other HELCOM contracting Parties (including EMSA) On shore backup manpower consists of the volunteers – the availability is unclear	Yes; Finnish Border Guard has 11 depots along coastline and each Rescue Service District has depots – these are located according to potential risks and maintained regularly
LV	No; there are no long-term procurement plans. Resources are allocated annually.	Backup resources are listed in response plans of ports, oil terminals, local municipalities, state civil protection reserves and theoretically available. In case of large-scale oil spill additional financial resources would be requested from the state emergency fund. International (HELCOM) resources are considered as back-up resources.	Yes; Stockpiles of Naval Forces equipment are located appropriately in the three largest commercial ports in order to deploy equipment at sea. Regional State Firefighting Service departments are located appropriately within coastal municipalities in order to provide swift response on shoreline. One central civil protection depot is maintained for large-scale emergencies.
LT	No		No; unclear what equipment municipalities have and where located
EE	No		Yes; but maintenance costs are often a problem

Training, All countries provide both basic and refreshment training for responders and other involved specialists:

Country	Basic or refreshment also	Trainers	Topics
DK	Ships crews from Navy and Naval Home Guard get an introduction to oil spill response and are trained. Denmark has 10-12 response exercises per year. Crews from the dedicated response vessels (the ones that can actually collect pollution) are every third year attending a specialist course on oil spill response.	Training by appointed instructors within own Navy/NHG organisation. Exercises are planned and led by Navy, National Police and DEMA. Marstal Navigations School are IMO certified for Tanker course. Police, Judicial Authority, Navy Command etc. teach in response techniques and, witnessing, court trials etc.	Introduction is given at Naval Home Guard school and at the Navy's tactical centre. Each exercise has participation of 2-4 dedicated response vessels, 1-2 navy vessels and 2-4 Naval home Guard vessels. This course includes a tanker safety course, judicial matters, response techniques etc.
SE	On national level, Partly yes. Training on local and county level varies. Basic training is included in the firefighting education, provided by MSB.	internal trainers MSB (as well as some expert consultants) offer training at a cost. Before 2015 trainings were provided freely by MSB. Courses are built upon request by the buyer and include both theoretical and practical elements.	Forecasts and risks; Different products and their properties; The national clean-up manual with index; Practical inventory of different shorelines; The phases of oil spills; actors and resources involved; methods Prioritized environmental areas; working environment; practical training with booms
FI	basic + refreshment	senior responders	Skimmer operations, recovery ship operations, oil booming, commanding, drift forecast modelling, software, databases, oiled wildlife response, shoreline clean up, aerial surveillance, etc
LV	senior personnel - as trainers, junior personnel - regularly basic State Firefighting Service personnel undergo regular training at the Fire Safety and Civil Protection College.	international trainers and Navy instructor for local training	international - according to IMO OPRC course (all topics), basic - practical use of oil spill equipment, methods and tactics
LT	no separate training for responders; ship's crew and MRCC staff in exercises	(no information provided on this)	(no information provided on this)
EE	basic training + oil spill exercise 1x per year; no regular refreshment	mostly internal trainers	Police and Border Guard Board: sectoral legal space, discussion of cases - best practices, practical exercises at sea and in transboundary waters, exercises in handling existing equipment.

The co-ordination of actions between national authorities, non-governmental organisations and private bodies differs significantly between countries:

Country	Status	Comment	Communication
DK	Yes, partly	NGO's are not part of the planning but will be included in the cooperation during an oil spill operation	Incident Command System, sufficient until now. For operations that require more than one leading authority the overall campaign is led by the police.
SE	Yes, partly	Probably not in all counties. There may be differences between counties; some have more established NGO cooperation than others have. Some counties have more active and resourceful NGOs than others. The response coordination is included in the contingency plan and relevant parties are listed.	National field guide for government agencies collaboration with volunteers and NGOs during a crisis; local arrangements and agreements
FI	Yes	A national marine pollution response advisory board has representatives of authorities, NGOs and private bodies.	HELCOM manual, SÖKÖ manual. For volunteers in pollution response the SPEK manual.
LV	No	NGO's are not part of the planning, but: State Civil Protection Plan considers involvement of non-governmental and private organisations.	Chapter IV (Paragraph 21) of the State Civil Protection Plan regulates involvement of NGO's and private organisations into response operations. National Plan (at sea) serves as a guideline (manual) for communication between authorities but does not provide specific guidelines for communication with NGO's and private organisations. Such communication would be carried out in each individual case by decision of Response authority.
LT	No		
EE	No	Oil Spill Contingency Plan (until 2020) for public authorities	no manuals or guidelines

Involvement of non-governmental organisations in the planning of management work and organization of practical work differs significantly between countries:

Country	Stakeholder meetings/ activities held	Roles & responsibilities of NGOs clarified	Financing of NGOs foreseen
DK	Yes; annual training activities & incidents evaluated by stakeholders	Yes; in Incident Command System; review of system can lead to new guidelines	Yes; a part of the financing of municipalities and harbours
SE	A national conference for all concerned stakeholders with in the oil spill community in Sweden is arranged annually. Many relevant NGOs participate actively.	Yes. General guidelines are given by MSB. But each local or county contingency plan has a more detailed description of roles and responsibilities relevant to their context. Some NGOs have preassigned agreements with the responsible authority others are integrated into the response operation as deemed to necessary in the situation.	No
FI	Yes; annually with all stakeholders	Yes; roles discussed but need some clarifications as there is wide range of NGOs	Yes; rescue services have allocated some funds to equip NGOs. Some NGOss have also had financing from the Finnish Oil Pollution Compensation Fund
LV	Generally, NGO's are not involved in the planning of work. Sometimes stakeholder meetings take place within EU funded relevant projects.	Only for wildlife response. State Firefighting volunteer societies are part of response chain within the State Civil Protection Plan.	No specific financing is foreseen. State Firefighting volunteer societies are self-financed.
LT	Yes; inter-institutional meetings twice a year	<i>Unclear; information may be provided by NGOs</i>	No
EE	No	No	Estonian Ministry of Environment has a financing agreement with coordinating NGO.

The rules of financing of the recovery of the pollution and the restoration of the wildlife differ significantly between countries

Country	Dedicated central funds	Funds for a) ad hoc, or b) multi-year approach
DK	No	The MoD has access to cover of costs related to clean-up at sea in the annual financial act. The Minister of Environment has the same access for clean-up on the shore (to cover municipal and DEMA costs)
SE	Yes; MSB has funds to compensate the municipality for direct costs connected to the response operation and shore clean-up. These central funds do not include compensation for any other related costs such as environmental restoration, environmental monitoring, wildlife response or compensation to NGOs	ad hoc; paid out when an oil spill has occurred and covers expenses shown by local authorities
FI	The governmental authorities' preparedness is financed from the governmental budget (about 6 million euros annually) and partly by the Finnish Oil Pollution Compensation Fund. The future of the Fund is under review at the moment. The authority that leads the response task (i.e. Border Guard or Rescue Service District) covers the cost of all participating actors and claims the costs from the polluter. Government can appoint emergency funding, that will also be claimed from the polluter. This principle covers all the actions related to the response (i.e. also the wildlife).	a) There is funding mechanism for covering the response costs already during the response operations b) Yes, but only on governmental budget, not in Rescue Services' budget. The national Fund has also financed multi-year preparedness building of the Rescue Services. New legislation is under preparation and the situation regarding the Rescue Services' financing might change and might the status of the Fund.
LV	No dedicated specific fund is available. Funding for recovery and restoration would be requested for each individual case from the State Fund of Emergencies.	No specific funds are available. Each activity is carried out by individual decision based on budget of a particular authority. Discussions on specific funds have ended without result.
LT	No	No; no special funds; each organisation plans its budget independently
EE	No	No; Environmental Board does not provide for separate funding related to emergency response

Some countries have provided finances for preventive measures:

Country	Dedicated central funds	Funds for a multi-year budget
DK	No	N/A
SE	No	N/A
FI	Yes; Finnish Oil Pollution Compensation Fund and Governmental annual budget	Yes; Annual Government budget has funds for oil and HNS preparedness and response, this is multi-annual financing. Bigger costs, such as building new response vessels will have separate funding from the Governmental budget. Rescue Services to apply funding from the National Fund for equipment and training. To get funding all investments and larger exercises has to be included in the oil spill recovery contingency plan which is done for a 5-year period
LV	No dedicated central funds are available. Each authority plans preparedness development within its own budget.	Funds are not available. Each authority carries out activities within its own budget allocated on annual basis.
LT	No	No; each organisation plans its own funding needs, incl. equipment investments and maintenance, attendance and organisation of exercises, staff training and needs
EE	No	No; no funds available

Proposal 1: To define in a relevant legal act clearly when and how marine spill response will transform to shoreline spill response

More specifically:

- **in 4 participating countries (DK, FI, LT, EE), there are no relevant legal acts currently.**
- **if in the practical work the co-operation between different authorities is working, then there is no need for additional legal provisions. However, in some cases, there is a need for a better definition of transformation, how and when the coordination of the response will change between the involved public authorities.**

Proposal 2: To describe in a relevant legal act/ plan more clearly the roles & responsibilities of non-governmental organisations

More specifically:

- **in 3 participating countries (LV, LT, EE), the roles and responsibilities of non-governmental organisations are not sufficiently defined.**
- **3 participating countries (DK, SE, FI) have provided or discussed the roles & responsibilities of NGOs, but it needs improvement/ some clarifications.**

Proposal 3: To revise the Manual for cross-border shoreline oil spill exercise for exercise on oil spill response in shallow waters that can be adjusted and applied for exercise of different target groups individually in BSR countries

More specifically:

- currently the target groups, formats and topics of exercises training courses seem to differ significantly in participating 6 countries; the question may arise whether the necessary learning outcomes and target groups could be more similar on oil spill response in shallow waters.
- the exercise modules could include descriptions of:
- objective and expected learning outcomes
- types of participants (e.g., for rescue workers, incident site officers, volunteers, or others)
- methods/ format of exercise
- materials (both during the exercise and self-learning before/after exercise).

Proposal 4: To introduce in BSR countries the “polluter pays principle”

More specifically:

- the "polluter pays" principle is one of the key principles of EU environmental policy. The application of the principle means that polluters should bear their own pollution costs, including the costs of measures taken to prevent (precautionary principle), control and remedy pollution, and the related costs to society. The 'polluter pays' principle is a key tool for achieving European environmental goals effectively and fairly.
- according to special report of European Court of Auditors 2021, currently this principle is inconsistently applied in EU environmental policies and measures, reflected to varying degrees in different areas of the policy, and insufficiently covered and applied.
- one possible solution is to include the relevant cost in the sum of waterway tax that is already applied in the Member States.

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Thank you for your attention!



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