Mediterranean Network of Law Enforcement Officials relating to MARPOL within the framework of the Barcelona Convention (MENELAS)

Greece



Legal Framework

- Law 1269/1982: “Ratification of the International Convention for the Prevention of the Pollution from Ships, 1973, and its Protocol of 1978”, as amended.

- Presidential Decree No. 55/1998 (Official Gazette A’ No. 58/1998): “Protection of the Marine Environment” (Codification of Law 1269/1982 “On protection of the marine environment and regulation of relevant matters”).

- Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 “on port reception facilities for ship-generated waste and cargo residues” as amended [endorsed in Greek law system with Common Ministerial Decisions No.3418/07/2002 (Official Gazette B’ No. 712/2002) and No. 8111.1/41/2009 (Official Gazette B’ No. 412/2009)]

- Presidential Decree No. 11/2002 (Official Gazette A’ No. 6/2002): “National Contingency Plan for dealing with incidents of pollution from oil and other harmful substances”.

- Law 3104/2003 (Official Gazette A’ No. 28/1982): “Ratification of the Protocol of 1997 to amend the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1998 relating thereto”, as amended

- Directive 2002/59/EC of the European Parliament and of the Council of 27 June 2002 “establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC” as amended [endorsed in Greek law system with Presidential Decrees No.49/2005 (Official Gazette A’ No. 66/2005), No.17/2011 (Official Gazette A’ No.37/2011) and No.78/2012 (Official Gazette A’ No.136/2012)]

- Directive 2005/35/EC of the European Parliament and of the Council of 7 September 2005 “on ship-source pollution and on the introduction of penalties for infringements” [endorsed in Greek law system with Law No. 4037/2012 (Official Gazette A’ No. 10/2012)]

Operational Structure

According to the National Contingency Plan for dealing with incidents of pollution from oil and other harmful substances (N.C.P.), the competent authority for the preparation and application of the N.C.P. for dealing with pollution of the sea and coasts from oil and other harmful substances is the Ministry of Maritime Affairs and Insular Police, through its Central Services and the H.C.G. Port Authorities.

The national system of preparedness designates the H.C.G.'s Operations Centre as the National Coordinator, in cooperation with the H.C.G./Marine Environment Protection Directorate (MEPD) of the Ministry of Maritime Affairs and Insular Police and provides for the escalation of the combating activity depending on the severity of each pollution incident. A relevant contingency plan corresponds to each level of mobilization of the H.C.G. Authorities.

The National Contingency Plan (NCP) covers the entire territory, while the Local Contingency Plan (LCP) refers to the specific geographical district of each H.C.G. Port Authority. Moreover, coastal oil-handling facilities, commercial ports, off-shore crude-oil drilling facilities, as defined in Article 3 of the International Convention (I.C.) on Oil Pollution Preparedness, Response and Cooperation, 1990: OPRC 90, ratified under Law 2252/94 (Official Gazette A' 192), are required to have emergency plans in place for combating marine pollution incidents coordinated with the Local Contingency Plan of the competent Port Authority and, by extension, with the National Contingency Plan.

Based on the national system, an escalated activation of the combating mechanisms is adopted for dealing with marine pollution incidents, comprising three levels of mobilisation:

- "Level 1" refers to planning for dealing with operational or accidental pollution incidents which, as a rule, must be dealt with by employing the existing capabilities of each specific facility or commercial port. (quantity of oil spilled: up to 7 tons)

- "Level 2" refers to planning for dealing with a pollution incident, the size of which requires the coordination of more bodies disposing technical means, equipment and personnel for responding to such incident. (quantity of oil spilled: more than 7 tons and less than 700 tons)

- "Level 3" refers to extensive severe pollution incidents when all available means are placed in stand-by status and the resources for combating marine pollution are activated on a national scale. (quantity of oil spilled: more than 700 tons)

In practice, this classification that is associated only with quantity is not strictly followed, since the prevailing conditions during the occurrence of the incident and the valid predictions for its course, with the assessed resulting consequences, weigh decisively on the decision for the appropriate level of action.

In its above mission, Ministry of Maritime Affairs and Insular Police is supported by other bodies of central administration, organizations and parties, such as:

- Hellenic National Meteorological Service: Issues regular and special forecasts of meteorological and

oceanographic data in the framework of the applicable plan of action in case of marine pollution from oil.

- Hellenic Centre for Marine Research (NCMR): Provides scientific support on the manner/method of response to pollution incidents depending on the type of the natural ecosystems of the areas affected by the pollution incident. It also monitors the pollution combating operations as well as the short-term and medium-term impact on the marine fauna and flora of affected areas and expresses an opinion on the quality of environmental restoration.
- General Chemical State Laboratory: Performs urgent chemical analyses as requested by the National Coordinator, and analyses for the identification of oil pollutants, facilitating the work of the H.C.G. Port Authorities in establishing those responsible for the pollution.
- Hellenic Port Administration Authorities: In cases of pollution of ports and anchorages they intervene for dealing with them in the framework of their applicable port contingency plan under the coordination and the guidance of the competent H.C.G. Port Authority and/or the National Coordinator, as the case may be, depending on the severity of the incident. They are also required to ensure the existence of adequate and suitable port reception facilities.

In case an illicit pollution discharge from a ship is identified, MEPD collects all the relative evidence (pilot's report, satellite image from EMSA's system CleanSeaNet, photos, videos, testimonies etc). All the EU Member States located along the planned route of the ship are informed with a POLREP, through EMSA's system SafeSeaNet according to Directive 2002/59/EC as amended, and REMPEC as well. Moreover, the State of the ship's next port of call is requested to carry out an inspection on board the ship and subsequently notify MEPD over the results of the inspection, according to Directive 2002/59/EC and Article 6 of MARPOL. All the evidence gathered is forwarded to the ship's Administration, according to Articles 4 and 6, in order to investigate the matter and enable proceedings to be brought in respect of the alleged violation. In case the ship calls at a Greek port, a Port State Control inspection from H.C.G. Officers is carried out on board the ship and sanctions (administrative, penal) are imposed on the basis of Article 4 of MARPOL, Greek Law and Directive 2005/35/EC as endorsed in Greek law system.

Links:

Ministry of Maritime Affairs & Insular Policy –www.yen.gr

Hellenic Coast Guard – www.hcg.gr

Hellenic National Meteorological Service – www.hnms.gr

Hellenic Centre for Marine Research – www.hcmr.gr

General Chemical State Laboratory – www.gcsl.gr

Surveillance Operations

According to Greek legislation [Presidential Decree No. 55/1998 (Official Gazette A' No. 58/1998)], an illicit ship pollution discharge can be detected with special sea pollution identification and detection equipment by airborne or navigable or land means. For that reason, in case of an illicit ship pollution discharge is identified by airborne means, pilots of Hellenic Coast Guard' s aircraft and helicopters prepare a relative full report which constitutes evidence of the violation and is used, together with other piece of evidence, for imposing sanctions to the offenders.

Hellenic Coast Guard has a number of airplanes and helicopters, suitably equipped (SLAR, IR/UV Scanner, IR/Video Camera) for the detection of illicit pollution discharges from ships.

Moreover, in case an illicit ship pollution discharge is detected and identified by Air Force's aircraft and helicopters, the Air Force's pilots prepare a similar report, with equal evidentiary effect, which is also used for prosecuting the offenders.

Links:
Hellenic Coast Guard- www.hcg.gr

Annual Reports

HCG/Marine Environment Protection Directorate (MEPD) every year prepares and makes publicly available (www.hcg.gr) annual report concerning statistical data about the sea pollution incidents and the administrative sanctions imposed for the pollution of the marine environment.

1. Annual Report 2007
2. Annual Report 2008
3. Annual Report 2009
4. Annual Report 2010
5. Annual Report 2011
6. Annual Report 2012
7. Annual Report 2013
8. Annual Report 2014