

AGREEMENT

between Denmark, Finland, Iceland, Norway and Sweden
about Cooperation concerning Pollution Control of the Sea
after Contamination by Oil or other Harmful Substances.

The Governments of Denmark, Finland, Iceland, Norway and Sweden,

agreeing that contamination of the sea by oil or other harmful substances can pose a serious threat to the marine environment and essential interests of these States,

being convinced that protection of the marine environment demands active cooperation and mutual help among the States,

appreciating the progress already achieved among the States concerning measures against oil pollution of the sea,

aiming to improve the cooperation further to protect the marine environment against contamination by oil or other harmful substances,

have come to an Agreement about the following:

Article 1

General commitments

The Parties commit themselves to cooperate in protecting the marine environment against contamination of the sea by oil or other harmful substances which pose a serious and imminent threat to essential interests of one or several Parties.

Article 2

Spheres of application

This Agreement is used by contamination of the sea by oil or other harmful substances in the coastal waters, territorial waters and other waters within the respective fishing zones, the continental shelf and economic zonal boundaries of the Parties. These boundaries are used by demarcation according to this Agreement between the waters of the Parties, if the Parties have not agreed otherwise.

Article 3

Monitoring

Within their respective waters, the Parties are responsible for appropriate monitoring. The Parties mutually agree common monitoring or coordinate the monitoring.

Article 4

Investigation

If contamination of the sea by oil or other harmful substances, which can pose a serious threat to the marine environment, is detected in connection with the monitoring or a Party in another manner has obtained knowledge of such threat in its waters, the Party will immediately initiate an investigation of the present situation in order that the necessary measures can be taken.

Article 5

Reporting

1. A Party who has obtained knowledge of substantial contamination of the sea by oil or other harmful substances will immediately inform the other Parties of this and of the measures that have been taken or have been planned.
2. A Party will immediately inform another Party of an established violation of regulations aimed to prevent contamination of the sea by oil or other harmful substances, if the violation has occurred in the waters of the other Party.

Article 6

Production of evidence

The Parties will to the greatest possible extent assist each other in securing evidence in connection with legal measures by contamination of the sea by oil or other harmful substances, when it is due to suspected violations of regulations, and is to be used for claiming compensation for expenses and damage in consequence of such pollution.

Article 7

Pollution control

1. The Parties will establish an appropriate preparedness for pollution control of the sea after contamination by oil or other harmful substances.

2. By the establishment of the national preparedness, it must be taken into account that it shall be possible to render assistance to another Party.
3. The Parties will take appropriate measures for pollution control within their waters of contamination of the sea by oil or other harmful substances, particularly if the pollution can be spread to the waters of another Party.

Article 8

Assistance

1. A Party that needs help for pollution control within its waters of contamination of the sea by oil or other harmful substances can request assistance from the other Parties. A Party that receives a request for assistance will do what is possible in order to render such help.
2. The authority of a Party that is responsible for pollution control after contamination of the sea by oil or other harmful substances can request assistance direct with the competent authority of another Party. The authority that receives the request for assistance decides if this can be rendered.
3. The authority of the Party requesting help bears the full responsibility for the direction of the effort within his waters. Personnel from the helping Party are at disposal under the direction of their own supervisors and perform the duty on the territory of the Party seeking help in accordance with the service regulations which are in force in their own state.

Article 9

Crossing of frontiers

1. It is the responsibility of the Party seeking help to ensure that vehicles, rescue equipment and other materials that are used in connection with an effort can cross the frontiers without import and export formalities and without having to pay customs duties, taxes and other duties. Vehicles, rescue equipment and other materials can be used in accordance with the regulations in force in the helping state without special permission.

After an effort has been completed, vehicles, rescue equipment and other materials will be transported from the country as soon as possible. Similar rules apply in connection with exercises.

2. If the assistance consists of military personnel, state vessels, state aircraft and military vehicles which require a special permission to enter, the authority in the

helping state requesting assistance will obtain such permission. Before the permission has been issued, the limit of territorial waters cannot be crossed.

3. At the request of the Party seeking help or the Party rendering help, the Parties will take measures to ease a transit through their own territories to and from the territory of the Party seeking help of duly registered personnel, vehicles, rescue equipment and other materials in connection with the assistance.

Article 10

Reimbursement of expenses

The expenses for the relief effort in accordance with this Agreement will be paid according to the rules below, unless other arrangements have been made in the individual cases.

- a) The helping Party is entitled to reimbursement by the Party seeking help for expenses for its measures to the extent that they can be referred to the rendered assistance.
- b) The Party seeking help can any time cancel its request for assistance. In such cases, the helping Party is entitled to reimbursement for the expenses inflicted on it.
- c) The helping Party must always be prepared to leave information to the Party seeking help about the estimated expenses for the assistance.
- d) The direct expenses must underlie the calculations of the expenses.
- e) These regulations do not limit the Parties' right to demand that the expenses are covered by a third party in accordance with other regulations and rules which apply in accordance with national legislation or international law.

Article 11

Compensation

1. The Party seeking help is responsible for damage caused by the assistance and rendered in accordance with this Agreement. The Party seeking help is committed to participate in a trial or to negotiate about a settlement concerning claim for compensation which is addressed from a third party against the helping Party or its personnel. The Party seeking help is responsible for expenses as a result of a trial and for other expenses which can be referred to such claims.
2. The Party seeking help will pay compensation to the helping Party for deaths or personal injuries inflicted on the latter's personnel, also for loss or damage to equipment or materials caused by the assistance.

3. The helping Party will, however, vouch for damage occurring on its own territory.
4. The Party seeking help is entitled to submit a counterclaim for compensation paid by the Party in accordance with this Agreement against an individual of the helping personnel who intentionally or by gross negligence has caused the damage.

Article 12

General exchange of information

The Parties will inform each other of:

- a) Their organisation and preparedness and the authorities whose business it is to implement pollution control of contamination of the sea by oil or other harmful substances and who are in charge of monitoring,
- b) their experiences with the use of means and methods by pollution control of contamination of the sea and the result of the monitoring activity, and
- c) their technological research and development.

Article 13

Implementation of the Agreement

1. The Parties will work in favour of a development of the cooperation in the area through preparation of plans and guidelines and by implementing exercise activities.
2. For the practical implementation of this Agreement it is assumed that the Parties' competent authorities are in direct contact with each other. This can also take place at regional and local level in accordance with the plans and guidelines that are prepared by the Parties.
3. Meetings will be held within the frames of this Agreement when found to be appropriate.

Article 14

Change of the Agreement

1. Proposals from a Party for change of this Agreement will be considered at a meeting among the Parties. If the proposal is unanimously accepted, the Danish Ministry of Foreign Affairs will inform the Parties of the change.

2. The change comes into force 30 days after the day that all Parties have informed the Danish Ministry of Foreign Affairs of their approval of the change.

The Danish Ministry of Foreign Affairs will inform the other Parties of the receipt of these messages and of the time of the implementation of the change.

Article 15

Coming into force

The Agreement comes into force 30 days after the day that all Parties have informed the Danish Ministry of Foreign Affairs of their approval of the Agreement.

The Danish Ministry of Foreign Affairs will inform the other Parties of the receipt of these messages and of the time of the implementation of the Agreement.

In the case of the Faroe Islands and Greenland, however, the Agreement does not come into force until 30 days after the other Parties have been informed by the Danish Ministry of Foreign Affairs that the conditions for approval have been fulfilled.

Article 16

Annulment of former Agreement

By the implementation of this Agreement, the Agreement of 16 September 1971 between Denmark, Finland, Norway and Sweden about cooperation concerning measures against contamination of the sea by oil is annulled.

Article 17

Withdrawal

A Party can denounce the Agreement by written message about this to the Danish Ministry of Foreign Affairs which will inform the other Parties of the receipt of the message and of its contents.

A denunciation applies only to the Party that has submitted it and will become effective six months after the day that the Danish Ministry of Foreign Affairs received the message about the denunciation.

Article 18

Deposition of the Agreement

The original copy of this Agreement is deposited in the Danish Ministry of Foreign Affairs which will forward certified copies of the Agreement to the other Parties.

In confirmation of this, the undersigned authorized representatives have signed this Agreement. Drawn up in *Copenhagen on 29 March 1993* in one copy in Danish, Finnish, Icelandic, Norwegian and Swedish all of which texts will have the same validity.