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## news

### **Argentina- New Spill Contingency Plan Requirements for Foreign Flag Oil Tankers**

Pandi Liquidadores, the Club's correspondents in Buenos Aires, have advised that the owners or operators of foreign flag oil tankers due to call at ports in Argentina must appoint a local Oil Spill Response Organisation (OSRO) prior to arrival. In addition, the oil spill contingency plans of tankers which trade regularly to Argentina must be worded to comply with national regulations and require the approval of the Argentine authorities in this respect.

#### **Background**

In 1998 Argentina introduced a national contingency plan in accordance with the International Convention on Oil Pollution Preparedness, Response and Co-operation 1990 (OPRC 90). The owners of Argentine flagged vessels were required to submit the oil spill contingency plans of their ships to the Environmental Protection Department (EPD) of the Prefectura Naval Argentina (PNA) for approval, and to take responsibility for clean up operations in the event of a spill either directly or by nominating a local OSRO to act on their behalf.

#### **Requirements**

The requirements were recently extended and now apply to all foreign flag oil tankers calling at ports in Argentina as follows:

1. Foreign flag oil tankers trading in coastal waters with an exemption permit granted under cabotage law must ensure that their contingency plans comply with Annex 18 and Annex 21 of Ordinance No 08/98 Book 6 DPMA and also meet with EPD approval. For a copy of Annex 18, see: [http://www.prefecturanaval.gov.ar/organismos/dpma/plan\\_contingencia/anexo18\\_ingles.pdf](http://www.prefecturanaval.gov.ar/organismos/dpma/plan_contingencia/anexo18_ingles.pdf).
2. Foreign flag oil tankers which call at Argentine ports only occasionally are required to comply with statutory Shipboard Oil Pollution Emergency Plan (SOPEP) requirements as prescribed by Regulation 26 of Annex I to Marpol 73/78. Before entering Argentine waters the vessel's port agents are to advise the PNA of the route that the vessel will follow, the amount of cargo on board and the name of the local OSRO appointed by the owner or operator.
3. The owners or operators of foreign flag oil tankers trading to Argentina on a regular basis must appoint a local OSRO and are also required to ensure that such vessels carry a contingency plan which complies with Annex 18 of Ordinance No 08/98. Two copies of the plan, written in Spanish, are to be submitted to the EPD for approval at least 30 days prior to the arrival of each vessel. These may be filed via the owner's local agent.

#### **Additional Information**

Owners who wish to appoint a particular company to act as their OSRO in Argentina should make sure that the organisation concerned is a PNA-approved provider of oil spill response services. A list of the companies which have already obtained such approval may be found at: [http://www.prefecturanaval.gov.ar/organismos/dpma/ingles/empre\\_prestadoras.htm](http://www.prefecturanaval.gov.ar/organismos/dpma/ingles/empre_prestadoras.htm).

It is understood that foreign flag oil tankers not complying with these regulations may not be allowed to enter Argentine waters. Further information may be obtained from the PNA by e-mail at: [larroz@prefecturanaval.gov.ar](mailto:larroz@prefecturanaval.gov.ar) or [dpma-re@prefecturanaval.gov.ar](mailto:dpma-re@prefecturanaval.gov.ar).

#### **Club Comment and Advice**

Argentina is a party to the 1992 CLC and Fund Conventions, therefore the decision to require owners to pre-contract with an OSRO is at variance with the usual practice of CLC governments undertaking the clean up at the owner's expense. Consequently, consideration is being given to approaching the Argentine government to explore the possibility of modifying these requirements.

In the meantime, Members who anticipate sending a vessel to an Argentine port in the near future are invited to contact the Managers for guidance. In particular, Members are advised not to enter into any contract with an Argentine response contractor without first checking with the Managers to ascertain whether or not cover may be available in respect of liabilities assumed under such contracts.

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