



UNITED
NATIONS

EP

UNEP/MED CC.14/Inf.5



UNITED NATIONS
ENVIRONMENT PROGRAMME
MEDITERRANEAN ACTION PLAN

16 May 2018
Original: English

14th Meeting of the Compliance Committee of the Barcelona Convention and its Protocols

Athens, Greece, 27-29 June 2018

Agenda item 5: Status of Reporting and Examination of Reports Received under Article 26 of the Barcelona Convention

Updated General Status of Progress in the Implementation of the Barcelona Convention and its Protocols

Note by the Secretariat:

This document contains the updated General Status of Progress which, together with the updated Synthesis Analysis (UNEP/MED CC.14/5), has provided the basis for preparing the assessment contained in document UNEP/MED CC.14/Inf.4 and the key findings presented in document UNEP/MED CC.14/6.

For environmental and economic reasons, this document is printed in a limited number. Delegates are kindly requested to bring their copies to meetings and not to request additional copies.

UNEP/MAP
Athens, 2018

Note by the Secretariat

1. In its Decision IG.22/16, the 19th Meeting of the Contracting Parties (COP19) (Athens, Greece, 9-12 February 2017) requested the Secretariat “to undertake an analysis of the information mentioned in the national reports in order to draft a report addressing the general status of progress in the region, on the legal, institutional and technical points of view, in the implementation of the Barcelona Convention and its Protocols, if any, and submit this report to COP20”.
2. In response to this request, and in the spirit of the paragraph 2 (ii) of Article 18 of the Barcelona Convention, the Secretariat and MAP Components, namely MED POL, REMPEC, SPA/RAC and PAP/RAC, prepared the General Status of Progress in the Implementation of the Barcelona Convention and its Protocols for submission first to the Meeting of the MAP Focal Points (Athens, Greece, 12-15 September 2017) and then to COP20 (Tirana, Albania, 17-20 December 2017).
3. The General Status of Progress was transmitted to the 13th Meeting of the Compliance (Athens, Greece, 26-27 September 2017), which recommended its updating in preparation for the 14th Meeting of the Compliance Committee. As agreed, the General Status of Progress has been updated by incorporating the information contained in the national implementation reports submitted by Contracting Parties for the biennium 2014-2015 as of 10 May 2018. The result is presented in this document.
4. The updated Synthesis Analysis (UNEP/MED CC.14/5) and the updated General Status of Progress have provided the basis for preparing the assessment contained in document UNEP/MED CC.14/Inf.4 and the key findings presented in document UNEP/MED CC.14/6.

Updated General Status of Progress in the Implementation of the Barcelona Convention and its Protocols: Analysis of the Information Contained in the National Implementation Reports for the 2014-2015 Biennium

1. As of 10 May 2018, for the 2014-2015 biennium, 16 out of 22 Contracting Parties have submitted their national implementation reports of the Barcelona Convention and its Protocols.

1. Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention)

Number of Contracting Parties: 22

Number of reporting Contracting Parties: 16

Introduction

2. Parts I to III summarize the status of ratification of the Barcelona Convention and its Protocols and the bilateral and multilateral agreements ratified in relation to the Barcelona Convention and its Protocols.

3. Part IV Legal Measures. Part IV seeks to determine whether Contracting Parties have established the legal framework to: (1) implement the precautionary principle and the polluter paid principle (Article 4.3.a and b); (2) notification exchange in case of transboundary EIA (Article 4.3.c); (3) promote Integrated Coastal Zone Management (ICZM) (Article 4.3.e); (5) monitor the pollution of the marine environment and its coastal areas (Article 12), and (6) ensure public information and participation (Article 15).

4. Part V Policy Measures. Part V seeks to determine whether policy measures have been put in place addressing: (1) domestic strategies for sustainable development, (2) regional strategies adopted in the framework of MAP, (3) Integrated Coastal Zone Management (ICZM) and physical planning and (4) economic instruments.

5. Part VI Allocation of resources. Part VI seeks to gather information on the institutional arrangements in place to: apply the polluter paid principle (Article 4), notification exchange in case of transboundary EIA (Article 4), apply Integrated Coastal Zone Management (ICZM) (Article 4), monitor marine pollution (Article 12), and ensure public access to information and public participation in the decision-making process (Article 15).

6. Part VII Other measures. Part VII seeks to collect information on the monitoring arrangements in place and the access to marine environmental data by the public.

Progress in Implementation

a) Legal Measures

7. All reporting Contracting Parties have reported on the legal and administrative measures put in place to implement Articles 4, (General Obligations), 12 (Monitoring) and 15 (Public Information and Participation) of the Barcelona Convention, as shown in detail below.

8. *Application of the precautionary principle (Article 4.3.a).* The precautionary approach has been incorporated into the domestic legislation of nearly all reporting Contracting Parties (15 out of 16). Such integration has been done in general laws, such as environmental protection acts or environment and sustainable development acts, followed by sectoral laws regulating specific issues of environmental protection, such as air protection acts, waste management acts or water acts. In a reporting Contracting Party, this principle is enshrined and recognized in its Constitution. In another reporting Contracting Party work is reported to be ongoing in this area.

9. *Application of the polluter pays principle (Article 4.3.b).* The incorporation of the polluter pays principle into domestic legislation has been taken forward by all reporting Contracting Parties, through their core legal instruments for environmental protection (e.g. environmental protection acts), as well as sectoral legislation.
10. *Undertaking of Environmental Impact Assessment (EIA) for proposed activities that are likely to cause a significant adverse effect and/or are subject to an authorization by competent authorities (Article 4.3.c and d).* All the reporting Contracting Parties reported having in place Environmental Impact Assessment (EIA) and/or Strategic Assessment regulations, thereby activities which are likely to cause a significant adverse impact on the marine environment are subject to an Environmental Impact Assessment (EIA).
11. *Application of notification, exchange of information and consultation among parties concerned, when Environmental Impact Assessment (EIA) is undertaken in a transboundary context (Article 4.3.c and d).* Many of the reporting Contracting Parties (9 out of 16) reported having put in place the cooperation mechanisms of notification, exchange of information and consultation among the concerned states in cases of transboundary Environmental Impact Assessment (EIA). Work in that regard is reported to be ongoing in a reporting Contracting Party. In three reporting Contracting Parties, no action has been taken in this area.
12. *Promotion of integrated planning and management of coastal areas, including areas of ecological and landscape interest and rational use of natural resources (Article 4.3.e).* In most of the reporting Contracting Parties (13 out of 16) Integrated Coastal Zone Management (ICZM) principles have been integrated into their domestic legal and policy frameworks through a variety of instruments encompassing, laws ratifying the Integrated Coastal Zone Management (ICZM) Protocol, national strategies and plans on marine and coastal management, coast laws and in a reporting Contracting Party through the transposition of the EU Marine Spatial Planning (MSP) Directive. In two reporting Contracting Parties work is reported to be ongoing in this area.
13. *Establishment of a system to monitor the pollution of the marine environment and its coastal areas (Article 12).* All reporting Contracting Parties reported having established environmental monitoring programmes and articulated the legal and policy framework for the implementation of their programmes through general and/or sector-oriented acts. Monitoring programmes mentioned include national marine and/or coastal monitoring programmes, land-based sources monitoring programmes and bathing quality monitoring programmes. Four reporting Contracting Parties specifically mention the establishment of their monitoring programmes following the UNEP/MAP MED POL methodology. One reporting Contracting Party notes the monitoring programme for the Adriatic area.
14. *Designation of competent authorities responsible for pollution monitoring within areas under national jurisdiction (Article 12).* All reporting Contracting Parties except one have answered this question affirmatively. In most of them the Ministry of Environment has been designated as the relevant authority, in addition to, for instance, oceanographic institutions.
15. *Public access to information on the state of the marine environment and its coastal areas (Article 15).* In nearly all reporting Contracting Parties (15 out of 16) mechanisms have been set up to ensure the public access to environmental information, for instance by the publication in relevant and official websites of the national reports on the state of the environment. The underlying domestic framework includes regulations transposing the Aarhus Convention, on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (three reporting Contracting Parties), freedom of access to information acts (two reporting Contracting Parties) and framework laws protecting the environment (four reporting Contracting Parties).
16. *Public access to information related to the activities adversely affecting or likely to affect the marine environment and its coastal areas (Article 15).* Most of the reporting Contracting Parties (14 out of 16) have responded to this question affirmatively. Instruments to ensure public access to the referred information range from Environmental Impact Assessment (EIA) laws to specific regulations

on information and participation of the public in environmental matters and regulations transposing EU relevant Directives, such as the Planning and Industrial Emissions (IED) Directive.

17. *Public access to information related to activities carried out and/or measures taken to implement the Barcelona Convention and its Protocols (Article 15).* Many reporting Contracting Parties (12 out of 16) reported having taken action on that regard by publishing relevant information on ministries/agencies websites, press conferences, or seminars.

18. *Public participation and consultation in decision-making processes related to the development of policies and legislation for the protection of the marine environment and its coastal area (Article 15).* Most of the reporting Contracting Parties (14 out of 16) reported having put in place the measures needed to ensure public participation and consultation in environmental legislation decision-making processes. In one reporting Contracting Party, this is part of the legislative process, under which draft laws are distributed for consultation among the relevant NGOs and stakeholders. In another one, the principle of legitimate interest informs its legal framework in that regard.

19. *Public participation and consultation in the Environmental Impact Assessment (EIA) process for proposed activities that are likely to cause damage to the marine environment and its coastal areas (Article 15).* Nearly all reporting Contracting Parties (15 out of 16) have answered this question affirmatively. In one reporting Contracting Party this has been articulated through its planning and building laws.

20. *Public participation in the process of authorization of proposed activities likely to cause damage to the marine environment and its coastal areas (Article 16).* Only some reporting Contracting Parties (9 out of 16) have responded to this question affirmatively.

b) Policy Measures

21. *Protection of the marine environment and its coastal areas is part of the domestic strategy for sustainable development (Article 4).* Nearly all reporting Contracting Parties (15 out of 16) have integrated the protection of the marine environment and its coastal areas into their relevant strategies, mainly their national sustainable development strategies, although other instruments have been also used such as spatial planning or water management strategies.

22. *Protection of the marine environment and its coastal areas from land-based sources of pollution and activities and pollution from ships is part of the Party's National Sustainable Development Strategy and other relevant sectoral development policies (Article 4).* Most of the reporting Contracting Parties (12 out of 16) reported having integrated the protection of the marine and coastal environment from LBS into their national relevant strategies and plans on sustainable development or/and on LBS, as well as other strategic documents that include measures related to land-based sources of pollution, for instance, water catchment plans under the Water Framework Directive (WFD), waste management plans or coastal strategies.

23. *Protection and conservation of marine and coastal biodiversity is part of the Party's National Sustainable Development Strategy and other relevant sectoral development policies (Article 4).* Most of the reporting Contracting Parties (14 out of 16) have integrated into their relevant strategies the protection and conservation of marine and coastal biodiversity. This has been mainly taken forward through national strategies on biodiversity.

24. *Physical plan of the Party's coastal zone(s) has given due regard to the protection of the marine environment and its coastal zone through the use of Integrated Coastal Zone Management or ICAM methodology (Article 4).* Many reporting Contracting Parties (9 out of 15¹) have responded to this question positively. Work is reported to be ongoing in this area in four reporting Contracting Parties, one of them currently in the process of developing its Integrated Coastal Zone Management (ICZM) Strategy and Action Plan.

¹ Not applicable to the EU

25. *Economic instruments such as taxes, fees, funds, charges, earmarked taxes, etc. have been established to promote protection of the marine environment and its coastal areas and conserve their biodiversity (Article 4).* Many reporting Contracting Parties (9 out of 16) reported having adopted such instruments within different legal and policy frameworks, including water management financing acts, programmes, environmental protection fund laws or sectoral acts (e.g. water acts, waste acts, energy acts) providing for such instruments. In one reporting Contracting Party, work is reported to be in progress in this area, with the government studying the possibility of introducing a fee on economic activities within the Economic Exclusive Zone (EEZ).

c) Allocation of resources

26. *The Polluter Pays Principle and use of economic instruments (Article 4.3.b).* Most of the reporting Contracting Parties (13 out of 16) reported having established the institutional structures to implement the polluter pays principle and economic instruments, mainly the Ministry of Environment or Water. In one reporting Contracting Party work is reported to be ongoing.

27. *Undertaking Environmental Impact Assessment (EIA) and implementing the procedure of notification, exchange of information and consultation in case of Environmental Impact Assessment (EIA) in a transboundary context (Article 4.3.c).* Many reporting Contracting Parties (11 out of 16) have set up the institutional structures to conduct Environmental Impact Assessments (EIAs) or implement the notification process in case of Transboundary Environmental Impact Assessments (TEIAs). This has been mainly done through Environmental Impact Assessment acts.

28. *Applying Integrated Coastal Zone Management (ICZM) when preparing coastal zone management plans at the national, regional or local level (Article 4.3.e).* Most of the reporting Contracting Parties (12 out of 16) have responded to this question affirmatively. Relevant institutions work at national, regional or local level. Work is reported to be ongoing in three reporting Contracting Parties.

29. *Monitoring marine pollution (Article 12).* Most of the reporting Contracting Parties (12 out of 16) reported having established institutional structures responsible for monitoring. The Ministry or Agency of Environment or Water has a key role together with other relevant governmental and research institutes, such as regional centers.

30. *Public access to information (Article 15.1).* Nearly all reporting Contracting Parties (15 out of 16) reported having established the institutional structures to ensure public access to information. Within the legal and policy frameworks in place, the relevant ministries or agencies (e.g. Ministries of Environment or Water) have articulated different avenues, including networks of local environmental education centers and distribution of information via websites.

31. *Public participation in the decision-making process (Article 15.2).* Most of the reporting Contracting Parties (14 out of 16) have answered this question affirmatively. In one reporting Contracting Party the institution established has been a Committee for the Protection of the Coastal Environment. In another one, public participation has been taken forward in the frame of Local Agenda 21.

d) Other measures

32. *Establishment of monitoring programmes to assess the state of the marine pollution and its coastal areas and compliance with domestic standards on releases and/or quality marine environment criteria for the effective implementation of the Barcelona Convention and its Protocols (Article 12).* Most of the reporting Contracting Parties (12 out of 16) reported having established monitoring programmes as required under Article 12. Monitoring programmes range from general, e.g. on the status of the marine environment to specific e.g. on the quality of bathing waters.

33. *Publication of periodical assessment reports on the state of the marine environment and its coastal areas, including description of measures taken and related technical data or indicators, and their effectiveness for the implementation of the Barcelona Convention and its Protocols (Article 15).*

Most of the reporting Contracting Parties (13 out of 16) publish on a regular basis different assessment reports, the most common of which being on the state of the marine environment.

34. *The environmental data on the state of the marine environment and its coastal areas are made available to the public (Article 15).* Most of the reporting Contracting Parties (13 out of 16) have responded to this question affirmatively.

Main overall findings

- The precautionary principle and the polluter pays principle have been incorporated into domestic legislation, through core legal instruments for environmental protection as well as sectoral legislation in nearly all reporting Contracting Parties;
- Environmental Impact Assessment (EIA) regulations are in place for activities which are likely to cause a significant adverse impact on the marine environment in all reporting Contracting Parties;
- Integrated Coastal Zone Management (ICZM) principles have been integrated into domestic legal and policy frameworks through a variety of instruments encompassing, laws ratifying the Integrated Coastal Zone Management (ICZM) Protocol and national strategies and plans on marine and coastal management in nearly all reporting Contracting Parties;
- Marine Pollution monitoring programmes have been established in nearly all reporting Contracting Parties;
- Public access to information is ensured through freedom of access to information acts and framework laws protecting the environment in line with the Aarhus Convention in most of the reporting Contracting Parties;
- Cooperation mechanisms of notification, exchange of information and consultation among the concerned states in cases of transboundary Environmental Impact Assessment (EIA) need to be reinforced.

2. Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea (Dumping Protocol)

Number of Contracting Parties to the 1976 Protocol: 21

Number of Contracting Parties that have accepted the 1995 amendments: 15

Number of reporting Contracting Parties: 15

Introduction

35. Part I Legal Measures. Part I seeks to determine whether the required permitting system has been put in place through legal measures. Reporting on national implementing legislation would allow to identify Contracting Parties whose legislation provide them with the authority to: (1) prohibit dumping in violation of the Protocol (Article 4); (2) prohibit incineration at sea (Article 7); (3) apply the Protocol to ships and aircrafts (Article 11), and (4) issue instructions to maritime inspections ships and aircrafts to report on illegal dumping (Article 12).

36. Part II Allocation of Resources. Part II seeks to determine whether the required permit-system: (1) includes the designation or establishment of a competent authority or authorities responsible for the issuance of permits (Article 5); and (2) enables the designated competent authority or authorities responsible for the issuance of permits to inventory current sea disposal operations (Article 10). Part II

further seeks to determine whether monitoring programmes have been established to monitor the conditions of the sea for the purpose of the Protocol.

37. Part III Administrative Measures. Part III seeks to gather information about quantities and types of wastes permitted and dumped, including wastes dumped under force majeure and critical situations.

38. Part IV Enforcement Measures. Part IV seeks to collect information on enforcement in order to verify that permit conditions are met.

39. Part V Implementation of the Guidelines. Part V seeks to gather information on the implementation of the Guidelines adopted under the Dumping Protocol by the meeting of the Contracting Parties. This includes information on decision making procedure for issuing a permit (compliance monitoring) and establishment of monitoring programmes (field monitoring).

Progress in Implementation

a) Legal Measures and Allocation of Resources

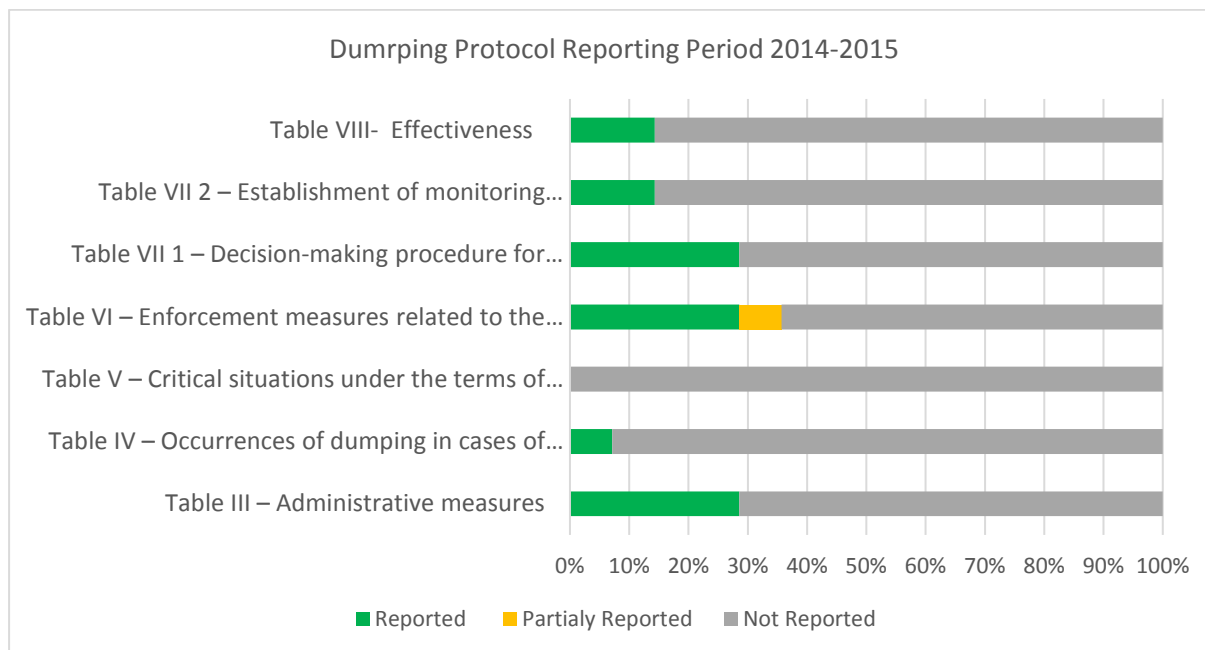
40. Nearly all reporting Contracting Parties have provided in their national implementation reports details on their laws, regulations and administrative provisions put in place to implement the Dumping Protocol. Dumping and incineration activities at sea are reported to be domestically regulated in accordance with the Dumping Protocol, either by sectoral or broader laws and regulations, such as the dumping of wastes law or the environment act, respectively.

41. Nearly all reporting Contracting Parties have reported having put in place a legal framework: (1) prohibiting dumping in violation of the Protocol (Article 4), (2) establishing the required permitting system under the Protocol (Article 5), by designating a competent authority or authorities responsible for the issuance of permits and inventorying the sea disposal operations permitted (Article 10), (3) covering their vessels and aircrafts as well as those loading in their territory, and those engaged in dumping in areas under their jurisdiction (Article 11); and (4) prohibiting incineration at sea (Article 7).

42. Over half of reporting Contracting Parties however have not instituted mechanisms for the implementation of the notification procedures laid down in the Guidelines adopted under Article 6 of the Protocol (i.e. Guidelines for the management of the dredged material, 1999; Guidelines for the management of fish waste or organic materials resulting from the processing of fish and other marine organisms, 2001; Guidelines for the dumping of platforms and other man-made structures at sea, 2003; and Guidelines for the dumping of inert uncontaminated geological materials, 2005).

43. When asked to list the challenges faced in implementing the Protocol, nearly all reporting Contracting Parties have identified for different articles the following: regulatory framework, financial resources, technical capabilities and administrative management. Financial resources and technical capabilities are common challenges for most of reporting Contracting Parties when it comes to the establishment of a monitoring programme for the purpose of the Protocol. In that regard, some reporting Contracting Parties have reported having developed a monitoring programme for dumping activities, while some others are in the process of doing so. Only a few have not yet developed their monitoring programmes.

b) Administrative Measures, Enforcement Measures and Implementation of the Guidelines



44. *Reporting of information on the number of permits issued during the biennium for wastes or other matters listed in Article 4.2 of the Protocol and statement of number of permits issued for the dumping of wastes under terms of Article 5 and 6 (1976 Dumping Protocol) (Table III).* Few reporting Contracting Parties (5 out of 14²) have submitted data. Completion of Table III is very important for reporting on the Protocol implementation, since it has links with the other following Tables of the reporting format, seeking more detailed information on the dumped quantities, characteristics and dumping sites location.

45. *Reporting of information on occurrences of dumping cases of force majeure under Article 8, if any (Table IV)*³. Almost no reporting Contracting Party reported on this table and it was left blank. This might be due to the fact that there were no occurrences to be reported. However, in cases of non-occurrence the Contracting Parties should have reported as zero or other similar indication. This has been the case in only one reporting Contracting Party, which has explicitly specified that no dumping has occurred because of *force majeure*, for all the types of waste listed in the table.

46. *Reporting of information regarding the number of occurrences, where dumping of wastes at sea occurred because their disposal on land would result in unacceptable danger and damage (Critical situation, Article 9) (Table V)*⁴. No reporting Contracting Party reported on this table, instead it was left blank.

47. *Reporting of information on enforcement measures related to the provisions described in column 2 of Table VI.* A few reporting Contracting Parties (4 out of 14⁵) reported and one reporting Contracting Party partially reported to the table. One reporting Contracting Party indicated that no information is provided for any of the listed categories. The rest of the reporting Contracting Parties left the table blank without any remark/comment to the table.

² Not applicable to the EU

³ Not applicable to the EU

⁴ Not applicable to the EU

⁵ Not applicable to the EU

48. *Reporting of information on the situations of decision-making procedures for issuing a permit in the Contracting Party (Table VII.1)*⁶. Contracting Parties are asked, for each permit issued (according to Table III), whether any actions described in the headings of Table VII.1 have been carried out or not. 4 out of 5 reporting Contracting Parties which reported on Table III responded to the requested information indicating the action taken by their side.

49. *Reporting of information on the establishment of the monitoring programmes for each permit issued (according to Table III) (Table VII.2)*⁷. Only 2 out of 5 Contracting Parties reporting information on Table III provided information on the monitoring of the permits. The rest of the Contracting Parties left the table blank with no comments.

50. *Reporting of information on effectiveness of measures for the implementation of the Protocol, through number of inspections carried out in the biennium (Table VIII)*⁸. Only two reporting Contracting Parties reported on the table.

Main overall findings

- In nearly all reporting Contracting Parties the legal and policy framework is in place prohibiting dumping in violation of the Protocol and establishing the required permitting system under the Protocol;
- A more significant effort should be made to improve reporting on the technical aspects of the implementation of the Dumping Protocol, in particular on permits, characteristics of wastes dumped and dumping location coordinates, as provided for by the Table III of the reporting format, which was built on the basis of the requirements under Article 6 of the Protocol as well as the relevant guidelines (5 out of 14 reporting Contracting Parties have provided relevant data, namely Algeria, France, Israel, Italy, and Malta);
- A better internal collaboration between the MED POL and/or Barcelona Convention Dumping Protocol focal points and the national focal points of the London Dumping Protocol is encouraged, to facilitate reporting and exchange of data;
- In total, 31 dumping permits and 2,735,205 tons of solid waste dumped have been reported during the assessed biennium. Compared to the last biennium, and pending further analysis of technical data, there seems to be a slight increase of quantities of solid wastes dumped at sea;
- The Contracting Parties that have accepted the 1995 amendments to the Dumping Protocol, shall make clear which categories defined under the Protocol Article 4.2, the dumped quantities reported under Table III of the reporting format belong to.

3. Protocol Concerning Cooperation in Preventing Pollution from Ships and in Cases of Emergency, Combating Pollution of the Mediterranean Sea (Prevention and Emergency Protocol)

Number of Contracting Parties to 1976 Protocol: 21

Number of Contracting Parties to 2002 Protocol: 16

Number of Reporting Contracting Parties: 16

⁶ Not applicable to the EU

⁷ Not applicable to the EU

⁸ Not applicable to the EU

Introduction

51. Part I Status of Ratification: Part I seeks to collect information on the Emergency Protocol-related Conventions signed, ratified, accepted, approved or acceded to by Contracting Parties. This encompasses Conventions dealing with maritime safety and prevention of pollution from ships, combating pollution and liability and compensation for pollution damage.

52. Part II Legal and Administrative Measures: Part II seeks to determine whether Contracting Parties have established the legal and administrative framework to facilitate international cooperation and mutual assistance in preparing for and responding to oil and hazardous noxious substances (HNS) pollution incidents. This includes a designated national authority, a national operational contact point and a national contingency plan. In turn, this needs to be backstopped by a minimum level of response equipment, communications plans, regular training and exercises.

53. Part III Operational Measures: Part III seeks to collect information on the response strategy in place, resources and expertise in order to evaluate whether there is adequate capacity and resources to address oil and/or HNS pollution emergencies.

54. Part IV Spill incidents: Part IV seeks to gather information on spills incidents. Under this heading, Contracting Parties are invited to provide information on accident type, vessel flag, product released, if any, and any actions taken in response to the incident.

Progress in Implementation

a) Status of Ratification

55. Most of the reporting Contracting Parties (12 out of 16) have provided information on the status of ratification of the conventions dealing with: (1) maritime safety and prevention of pollution from ships, (2) combating pollution, and (3) liability and compensation for pollution damage. Only one reporting Contracting Party has ratified all the Conventions listed in the reporting format.

b) Legal and Administrative Measures

56. Nearly all reporting Contracting Parties (14 out of 16) have provided information about the legal and administrative measures taken to implement Articles 4 (Contingency Plans and Other Means of Preventing and Combating Pollution Incidents), 5 (Monitoring), 7 (Dissemination and Exchange of Information), 14 (Port Reception Facilities), 15 (Environmental Risks of Maritime Traffic) and 16 (Reception of Ships in Distress in Port and Places of Refuge) of the Emergency Protocol. One reporting Contracting Party stated that no measures have been taken to implement the Emergency Protocol and another one has left blank this section. Measures adopted are shown in detail below.

57. *Maintenance and promotion of contingency plans for marine pollution incidents, involving oil and/or other hazardous and noxious substances (Article 4.1).* Most of the reporting Contracting Parties (13 out of 16) have adopted national contingency plans or emergency programmes. Regional and/or port facilities plans are in place in two reporting Contracting Parties. Work is reported to be ongoing in a reporting Contracting Party to update its national contingency plan to include hazardous noxious substances (HNS).

58. *Making available sufficient and appropriate equipment for combating pollution, including naval and aerial means (Article 4.1).* In most of the reporting Contracting Parties (13 out of 16) spill response equipment is reported to be available. The level of response equipment varies from country to country, with two reporting Contracting Parties highlighting the insufficiency of the deployed equipment. Different avenues are pointed out to ensure the availability of antipollution equipment. In one reporting Contracting Party, there is a national operational structure set up to that end, coupled with a cooperation agreement with the Coast Guard. In another country, funding to enhance the levels of pre-position equipment is secured through the EU Instrument for Pre-Accession Assistance (IPA).

59. *Proper and regular training of personnel of national authorities involved in operations in cases of emergency (Article 4.1).* Most of the reporting Contracting Parties (13 out of 16) reported having training programmes for response to pollution incidents, ensuring a regular training of both

national operating level personnel and supervisory level personnel. Training varies among reporting Contracting Parties, ranging from seminars to train-the-trainer courses to oil spill exercises. It takes place mainly at national level, although international training is also reported in two Contracting Parties under REMPEC and EMSA.

60. *Designation of a national authority or national authorities responsible for the implementation of the Emergency Protocol (Article 4.1).* All reporting Contracting Parties with the exception of two have designated the national authority or authorities responsible for the implementation of the Emergency Protocol. The institutional setting differs from country to country, the most common one being the Ministry of Environment and the Ministry of Public Works and Transport sharing responsibilities in the implementation of the Emergency Protocol.

61. *Designation of national authorities to act as flag State, port State and coastal State for the implementation of international conventions dealing with prevention of pollution from ships an applicable legislation (Article 4.2).* Nearly all reporting countries (13 out of 15)⁹ have designated its Ministry of Transport or Merchant Marine as the one to act as flag State, port State and coastal State for the implementation of the international conventions dealing with ship pollution prevention.

62. *Informing the Regional Centre (REMPEC) every two years of the measures taken for the implementation of the Protocol (Article 4.3).* Most of the reporting Contracting Parties (13 out of 16) reported to inform REMPEC about the measures taken to implement the Emergency Protocol. One of those reporting Contracting Parties noted that this could be done on a much more regular basis.

63. *Development of programmes and activities aimed at monitoring and detecting pollution, whether accidental or operational (Article 5).* Most of the reporting Contracting Parties (13 out of 16) stated having developed programmes to detect accidental or operational pollution. Coast Guard aerial surveillance is conducted in three reporting Contracting Parties, as well as satellite surveillance under the EMSA CleanSeaNet.

64. *Dissemination and exchange of information as per Article 7.* The dissemination and exchange of information in nearly all reporting Contracting Parties (14 out of 16) follow the conditions set in Article 7 of the Protocol, involving at national level the relevant ministries, mainly the Ministry of Maritime Affairs, Transport and Infrastructure or the Ministry of Environment. Different channels are used for information sharing, the most common is the REMPEC Country Profiles, although EMSA and RAMOGE are also avenues used in two reporting Contracting Parties.

65. *Ensuring that port reception facilities meeting the needs of ships (including pleasure craft) are available in their ports and terminals, are used efficiently, without causing any undue delay to ships and limiting discharges to the marine environment (Article 14).* In nearly all reporting Contracting Parties (14 out of 16) port reception facilities are stated to meet the need of ships and operate efficiently. This is mainly reported to be done through the transposition into domestic legislation of the EC Directive 2000/59 of 27 November 2000 on Port Reception Facilities for Ships-generated Waste and Cargo Residues as well as various REMPEC projects.

66. *Ensuring that ships using the ports of the Parties are provided with updated information with respect to obligations under the MARPOL Convention and applicable national legislation (Article 14).* In most of the reporting Contracting Parties (13 out of 16) information to ships is reported to be provided in that regard, mainly by the Shipping and Port Authorities or the Coast Guard.

67. *Assessing the environmental risks of the recognized routes used in maritime traffic and taking appropriate measures aimed at reducing the risks of accidents or their environmental consequences (Article 15).* In most of the reporting Contracting Parties (12 out of 16) the assessment of the environmental risks of the recognised routes used in maritime traffic is reported having been undertaken and measures reducing the risks of accidents adopted accordingly. Tools to do so, include REMPEC web-based tool developed for that purpose, mandatory reporting systems in some areas

⁹ Not applicable to the EU

(Bonifacio Strait, Messinna, Adriatic Sea or Gibraltar Strait) to reduce the risks of accident and Vessels Traffic Systems (VTS), and the designation and management of particularly sensitive sea areas (PSSAs).

68. *Defining national, sub-regional or regional strategies concerning reception in ports and places of refuge, of ships in distress presenting a threat to the marine environment (Article 16).* Many reporting Contracting Parties (11 out of 16) stated having adopted measures dealing with places of refuge for ships in distress. This has been done through specific regulations, strategies, plans or procedures on refuge places. In one reporting Contracting Party, its procedures follow the REMPEC Guidelines. In another, its regulations transpose the Directive 2002/59/EC June 2002 establishing a Community vessel traffic monitoring and information system.

c) Technical Measures

69. *Has your country adopted a response strategy for marine pollution incidents, including a policy for the use of dispersant? (Article 4).* Most of the reporting Contracting Parties (11 out of 16) have reported having adopted a response strategy for marine pollution incidents, including a policy for the use of dispersant. Two reporting Contracting Parties have reported that they are in the process to adopt such a strategy. Two more reporting Contracting Parties replied that they did not adopt such a strategy.

70. These data show that the majority of the reporting Contracting Parties have their own strategy. However the data mix the adoption of a response strategy with the policy for the use of dispersants. In addition to the policy of the use of dispersants however, a response strategy, also includes, the industry (Tier 1) and regional (Tier 2) readiness and response capability, the ability to respond to a significant (Tier 3) marine oil spill, and the relationships, the evidence-based and intelligence-led to improve readiness and response to marine oil spills.

71. *Does the national contingency plan (NCP) cover Oil? (Article 4).* Nearly all reporting Contracting Parties (14 out of 16) have reported having a national contingency plan which covers pollution by Oil spills. Considering that one reporting Contracting Party has no NCP, the figures show that all NCP adopted by the reporting Contracting Parties are dedicated to marine pollution by oil.

72. *Does the national contingency plan (NCP) cover HNS (Hazardous and noxious substances)? (Article 4).* Some reporting Contracting Parties (8 out of 16) reported having a national contingency plan which covers HNS pollution. Five reporting Contracting Parties have reported that their NCP does not cover HNS, while one reporting Contracting Party is in the process to integrate the HNS to its NCP.

73. These figures show that response to marine pollution by HNS is still problematic given that 50% of the reporting Contracting Parties did not adopt the relevant legal framework to HNS pollution emergencies. Priority should be given, at the level of the region, to the extension of existing NCPs or the adoption of new NCP to cover marine pollution by HNS.

74. *Is any stockpile of anti-pollution equipment and means, including naval and aerial means, available? (Article 4).* Nearly all reporting Contracting Parties (14 out of 16) have reported having a stockpile of anti-pollution equipment and means, including naval and aerial means, available. One reporting Contracting Party considers this requirement as not applicable while another Contracting Party stated that this is under process.

75. These data show that almost all reporting Contracting Parties have stockpile of anti-pollution equipment and means. However, the availability of equipment and means should not shed light on the state of these equipment and means. The periodic inventory, maintenance, and ownership should be ensured by the Contracting Parties and the periodical provision of related information to REMPEC directly or through MEDGIS-MAR should be ensured. The implementation of the Specific Objective 17 of the Regional Strategy (2016-2021) to enhance the levels of pre-positioned spill response equipment under the direct control of Mediterranean Coastal States will support this process.

76. *Are exercises regularly organized to test the NCP? (Article 4).* Nearly all reporting Contracting Parties (14 out of 16) have reported that exercises are regularly organized to test the NCP. This performance should be maintained and supported by planning further national trainings (by REMPEC) and programming more Trainer training IMO training courses. Furthermore, it would be fruitful that Contracting Parties provide details on the periodicity, the level, the type of exercises and their planning. Finally, the implementation of the Specific Objective 20 of the Regional Strategy (2016-2021) 'To increase as much as practical the level of knowledge in the field of preparedness and response to accidental marine pollution by Oil and other harmful substances' will support this process.

77. *Has your country adopted local/port contingency plans? (Article 4).* Most of the reporting Contracting Parties (12 out of 15¹⁰) have reported having adopted local/port contingency plans. One reporting Contracting Party, is in the process of adopting local/port contingency plans. Another one which has not adopted a NCP, did not adopt contingency plans on the local/port levels. The data shows that almost all Contracting Parties (84%) have adopted local/port contingency plans, considering that the local contingency plans refer to the Tier 2 level of response.

78. *Is (are) the local plan(s) integrated with the national contingency plan? (Article 4).* Many reporting Contracting Parties (9 out of 15¹¹) have reported having integrated the local plan(s) with the national contingency plan. Three reporting Contracting Parties reported that the status is under process. One of the two reporting Contracting Parties that already adopted a NCP reported that such integration is not realised.

79. The data shows that integration of local contingency plans in the NCPs is made in 58% of the Contracting Parties. However, such integration should be relevant to all NCP and Contracting Parties concerned, should work on such integration to ensure the appropriate escalation of their response system to pollution from Tier 2 level to Tier 3 level. The implementation of the Specific Objective 3 'Ensuring effective maritime administrations', Specific Objective 19 'To improve the quality, speed and effectiveness of decision-making processes in case of marine pollution incidents through the development and introduction of technical and decision support tools' and 20 of the Regional Strategy (2016-2021) will support this process.

80. *Is (are) the local plan(s) integrated with the industry emergency procedures? (Article 4).* Many reporting Contracting Parties (10 out of 15¹²) have reported having integrated the local plan(s) with the industry emergency procedures. Two reporting Contracting Parties reported that the status is under process. One of the two reporting Contracting Parties that already adopted a NCP, reported that such integration is not realized.

81. The data shows a low rate (66%) of integration of local contingency plans with the industry emergency procedures. Such integration should be relevant to all local plans and it belongs to the Contracting Parties to ensure such integration to meet the requirements of the escalation of response to marine pollution from Tier 1 level to Tier 2 level. The implementation of the Specific Objectives 3, 19, 20 of the Regional Strategy (2016-2021) will support this process.

82. *Is your country ensuring that ships flying its flag have on board a pollution emergency plan? (Article 4).* Most of the reporting Contracting Parties (12 out of 15¹³) have reported that ships flying their flag have on board a pollution emergency plan. One reporting Contracting Party reported that the process is ongoing. The data shows that all the ships flying the flag of 91% of the countries have on board a pollution emergency plan. This data would be more meaningful if accompanied with the provision of information on the fleet of each Contracting Party.

83. *Has your country requested authorities or operators in charge of sea ports handling facilities to have pollution emergency plans or other similar arrangements coordinated with the national*

¹⁰ Not applicable to the EU

¹¹ Not applicable to the EU

¹² Not applicable to the EU

¹³ Not applicable to the EU

system? (Article 4). Nearly all reporting Contracting Parties (14 out of 15¹⁴) have reported having requested authorities or operators in charge of sea ports handling facilities to have pollution emergency plans or other similar arrangements coordinated with the national system.

84. *Has your country requested operators in charge of offshore installations under its jurisdiction to have a contingency plan, coordinated with the national system? (Article 4).* Many reporting Contracting Parties (10 out of 15¹⁵) reported having requested operators in charge of offshore installations under their jurisdiction to have a contingency plan, coordinated with the national system. Two reporting Contracting Parties reported that the status is under process. These data show that nearly all reporting Contracting Parties comply with this requirement; it would be more meaningful if this data were presented together with information on the offshore platforms in each Contracting Party.

85. *Is your country participating in bilateral and /or sub regional agreements regarding emergency situations (if yes, specify in the 'Comments' field, reference and date of NCP adoption act, and other Contracting Parties involved in the agreement)? (Article 4).* Many reporting Contracting Parties (9 out of 16) have reported participating in bilateral and /or sub regional agreements regarding emergency situations. Three reporting Contracting Parties have reported that the status is under process. Three other reporting Contracting Parties reported that they are not participating in any bilateral and /or sub regional agreements.

86. The data shows that most of the reporting Contracting Parties are already, or in the process, to participate in a bilateral and /or sub regional agreement. The data indicates that some reporting Contracting Parties are members of more than one bilateral or sub regional agreement. Other reporting Contracting Parties mentioned bilateral and /or sub regional agreements that other Contracting Parties member of these agreements did not mention. Some reporting Contracting Parties mentioned sub regional agreements which are not in force while others did not refer to such sub regional agreements.

87. *If yes, what is the geographical coverage of such bilateral and /or sub regional agreements regarding emergency situations? (Article 4).* Many reporting Contracting Parties (10 out of 16) are participating in bilateral and /or sub regional agreements as follows: 04 Bilateral agreements: LION Plan, France and Spain, signed 2002 - Accord Partie Atlantique et Méditerranéenne du Maroc et de l'Espagne – Bilateral Agreement between Greece and Italy for the protection of the marine environment of Ionian sea and its coastal areas, 1979 - 06 Subregional Agreements: - Accord RAMOGE: (France, Italy, Monaco), signed 1976, updated 2005 - Sub-regional contingency plan for prevention of, preparedness for and response to major marine pollution incidents in the Adriatic sea (Croatia, Italy, Slovenia), signed 2005 - Sub-regional contingency plan for preparedness and response to major marine pollution incidents in the Mediterranean (Cyprus, Egypt, Israel), signed 1995 - Plan d'urgence sous-régional pour la préparation à la lutte et la lutte contre la pollution marine accidentelle dans la zone de la Méditerranée du sud-ouest (Algérie, Maroc, Tunisie), signed 2005, in force 2011 - Bucharest Convention, Black sea contingency Plan – Accord de Lisbonne – Union Civil Protection Mechanism .

88. The data shows a variety of bilateral and sub regional agreements; some of them cover part of the water and the coast of Mediterranean countries in other areas, such as the Atlantic for Morocco, Spain, France and the Black Sea for Turkey. The information provided by two reporting Contracting Parties on the agreements within the framework of the Arab league and the European Civil Protection Mechanism seems not relevant to the context of this question. Finally, the data should mention the agreements which are not in force.

89. *Are exercises organized within the framework of such bilateral and /or sub regional agreements regarding emergency situations? If yes, specify in the 'Comments' field the dates and types of the exercises (Article 5).* Many reporting Contracting Parties (8 out of 16) have organized exercises within the framework of such bilateral and /or sub regional agreements. The other seven Contracting

¹⁴ Not applicable to the EU

¹⁵ Not applicable to the EU

Parties did not organise such exercise given that they are not participating in bilateral and /or sub regional agreements, or their sub regional agreements are not in force.

90. The data shows that the sub regional agreements provide further opportunities to organise such exercises which have a positive impact on preparedness for marine pollution at the national and sub regional levels. The implementation of the Specific Objective 22 of the Regional Strategy (2016-2021) ‘To strengthen the capacity of individual coastal States to respond efficiently to marine pollution incidents through development of sub-regional operational agreements and contingency plans’ will improve this process.

d) Operational Measures

91. *Has your country the necessary means of communication to ensure, with the necessary speed and reliability, the reception, transmission and dissemination of reports and urgent information concerning pollution incidents? (Article 8).* Most of the reporting Contracting Parties (14 out of 16) have reported they have the necessary means of communication to ensure, with the necessary speed and reliability, the reception, transmission and dissemination of reports and urgent information concerning pollution incidents. One reporting Contracting Party reported having no such means, while another did not provide information in this regard. Considering the latter, the data shows a large percentage of the reporting Contracting Parties have these capacities. The implementation of the Specific Objective 3 of the Regional Strategy (2016-2021) is expected to improve this process.

92. *Is the competent administration in your country currently undertaking actions to remedy to any impediments encountered with respect to the previous obligation? (Article 8).* A few reporting Contracting Parties (4 out of 15¹⁶) have reported that their competent administration is currently undertaking actions to remedy any impediments encountered with respect to the previous obligation, while four reporting Contracting Parties reported that their competent administrations are not undertaking such actions. Five reporting Contracting Parties including the EU did not reply to this question.

93. This data is at some point in contradiction with the previous result. Contracting Parties should focus on the ways and means to ensure compliance to such commitment. The implementation of the Specific Objective 3 of the Regional Strategy (2016-2021) is expected to improve this process.

94. *Has your country issued instructions to masters of ships and to pilots of aircraft to report by the most rapid and adequate channels all incidents which result or may result in a discharge of oil or hazardous and noxious substances? (Article 9).* Many reporting Contracting Parties (10 out of 15¹⁷) have reported that they issued instructions to masters of ships and to pilots of aircraft to report by the most rapid and adequate channels all incidents which result or may result in a discharge of oil or hazardous and noxious substances. Three reporting Contracting Parties did not reply to this question, while one reporting Contracting Party did not issue such instructions to masters of ships and to pilots of aircraft.

95. *Is the competent administration in your country currently undertaking actions to remedy to any impediments encountered with respect to the previous obligation? (Article 9).* A few reporting Contracting Parties (4 out of 15¹⁸) have reported that their competent administration is currently undertaking actions to remedy any impediments encountered with respect to the previous obligation. Four reporting Contracting Parties have reported that their competent administrations are not undertaking such actions. While four reporting Contracting Parties did not reply to this question.

96. The data shows that a large percentage of the reporting Contracting Parties do not comply with this requirement, which is in contradiction to the previous result. According to this high rate, Contracting Parties should focus on ways and means to ensure compliance to such commitment. The

¹⁶ Not applicable to the EU

¹⁷ Not applicable to the EU

¹⁸ Not applicable to the EU

implementation of the Specific Objective 3 of the Regional Strategy (2016-2021) is expected to improve this process.

97. *Has the information collected in accordance with paragraphs 1, 3 and 4 been communicated to the Regional Centre? (Article 9).* Many reporting Contracting Parties (10 out of 15¹⁹) have reported that the information collected in accordance with paragraphs 1, 3 and 4 has been communicated, or is ongoing, to the Regional Centre. One reporting Contracting Party has reported that the information was not communicated to the Centre. While two reporting Contracting Parties did not reply to this question.

98. *Is the competent administration in your country currently undertaking actions to remedy to any impediments encountered with respect to the previous obligation? (Article 9).* A few reporting Contracting Parties (3 out of 15²⁰) have reported that their competent administrations are currently undertaking actions to remedy any impediments encountered with respect to the previous obligation. Four reporting Contracting Parties have reported that their competent administrations are not undertaking such actions. While six reporting Contracting Parties did not reply to this question.

99. The implementation of the Specific Objective 3 of the Regional Strategy (2016-2021) is expected to improve this process.

100. *Has the information collected in accordance with paragraphs 1, 3 and 4 been communicated to the other Parties likely to be affected by the pollution incident, directly or through the Regional Centre? (Article 9).* Some reporting Contracting Parties (7 out of 15²¹) have reported that the information collected in accordance with paragraphs 1, 3 and 4 has been communicated to the Regional Centre. Three reporting Contracting Parties have reported that the information was not communicated to the Centre. While three reporting Contracting Parties did not reply to this question. The data shows that there is still a lack of provision of information to REMPEC related to the reporting procedure from 50% of the reporting Contracting Parties.

101. *Is the competent administration in your country currently undertaking actions to remedy to any impediments encountered with respect to the previous obligation? (Article 9).* A few reporting Contracting Parties (5 out of 15²²) have reported that their competent administration is currently undertaking actions to remedy any impediments encountered with respect to the previous obligation. Three reporting Contracting Parties have reported that their competent administrations are not undertaking such actions. While six reporting Contracting Parties did not reply to this question.

102. This data is in contradiction with the previous result. The implementation of the Specific Objective 3 of the Regional Strategy (2016-2021) is expected to improve this process.

e) **Spill Incidents**

103. Of the 15 reporting Contracting Parties²³, three provided information on accidents and spill incidents: One Contracting Party reported three accidents, two of them with spill. Another Contracting Party reported one accident and another reported twenty accidents, fourteen with spill of non-hazardous substances. One reporting Contracting Party reported three accidents two of them with spill. The remaining reporting Contracting Parties did not provide information.

104. In this regard, it should be noted that REMPEC reported to the 12th Focal Points Meeting, paragraphs 7 to 11 of working document (REMPEC/WG.41/9): data sharing and reporting, that only few Contracting Parties to the Barcelona Convention reports to REMPEC accidents causing or likely to cause pollution of the sea by oil and other harmful substances, though MEDGIS-MAR. In addition, despite several reminders sent by the Centre, only nine (9) Contracting Parties to the Barcelona

¹⁹ Not applicable to the EU

²⁰ Not applicable to the EU

²¹ Not applicable to the EU

²² Not applicable to the EU

²³ Not applicable to the EU

Convention (representing 41%) replied to the request. As reflected in the report of the meeting REMPEC/WG.41/16 (paragraph 63.1) the meeting requested REMPEC, in consultation with the Contracting Parties, to send a reminder before each Meeting of the Focal Points of REMPEC, to update the information contained in MEDGIS-MAR in particular to report accidents causing or likely to cause pollution of the sea by oil and other harmful substances and REMPEC Country Profile to ensure their regular update.

Main overall findings

- Nearly all reporting Contracting Parties have adopted national contingency plans for marine pollution incidents. However, most of them cover only oil, and there is need to give priority, at the level of the region, to the extension of existing national contingency plans or the adoption of new national contingency plans to cover marine pollution by hazardous noxious substances (HNS);
- In nearly all reporting Contracting Parties spill response equipment is available, although the level of response equipment varies from country to country. However, the periodic inventory, maintenance, ownership should be ensured by the Contracting Parties as well as the periodical provision of related information to REMPEC directly or through MEDGIS-MAR;
- Regular training of both national operating level personnel and supervisory level personnel is conducted in nearly all reporting Contracting Parties;
- Further work should be done to integrate local contingency plans into national contingency plans (NCP) and industry emergency procedure. The Regional Strategy (2016-2021) is an instrument to do so;
- Programmes to detect accidental or operational pollution are in place in nearly all reporting Contracting Parties; this includes aerial surveillance and satellite surveillance under the EMSA CleanSeaNet;
- REMPEC Projects have been one of the avenues in nearly all reporting Contracting Parties to ensure the availability of proper Port Reception Facilities;
- To assess the environmental risk of recognized routes in maritime traffic, a variety of tools is being used in nearly all reporting Contracting Parties, including the REMPEC web-based tool developed for that purpose;
- Sub-regional agreements regarding emergency situations provide further opportunities to organize exercises, thus strengthening the capacity of coastal States to respond to marine pollution incidents;
- The report of accidents causing or likely to cause pollution of the sea by oil and other harmful substances, through MEDGIS-MAR, should be highly encouraged.

4. Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities (LBS Protocol)

Number of Contracting Parties to the 1980 Protocol: 22

Number of Contracting Parties that have accepted the 1996 amendments: 17

Number of reporting Contracting Parties: 16

Introduction

105. Part I Legal Measures. Part I seeks to determine whether national legislative regimes address land-based sources and activities as per the provisions of the LBS Protocol. In particular, questions in Table I of the reporting format are meant to test whether: (1) National Actions Plans (NAPs) and the Strategic Action Plan (SAP) are in place to eliminate LBS pollution and phase-out POPs (Article 5.2); (2) measures have been adopted to reduce accidental pollution (Article 5.5); (3) discharges and pollutant releases are subject to the required authorization/regulation issued by the competent national authority (Article 6.1); (4) a system of enforcement, including sanctions, is in place (Article 6.2 /3) and (5) measures adopted by the Conferences of the Parties are implemented (Article 7).

106. Part II Allocation of Resources. Part II seeks to gather information on the institutional arrangements for environmental permitting, compliance monitoring, environmental monitoring and the testing of the National Actions Plans (NAPs) and the Strategic Action Plan (SAP) effectiveness.

107. Part III Administrative Measures. Part III seeks to collect quantitative information on authorizations for discharge granted, pollutant releases and enforcement measures.

108. Part IV Implementation of NAPs and their effectiveness: As its title suggest, Part IV seeks to gather information on the implementation of NAPs and their effectiveness.

109. Part V Implementation of Monitoring Programmes: Part V seeks to gather information on whether compliance and field monitoring (state and trend, biomonitoring and eutrophication) are carried out.

Progress in Implementation

a) Legal Measures

110. All reporting Contracting Parties reported having put in place relevant legislation to regulate LBS and activities as required in Articles 5, 6 and 7 of the LBS Protocol. In doing so, general legislation, such as coastal, water or environment protection acts, and specific legislation, such as industrial emission, bathing water or urban waste regulations go hand-in-hand to ensure the implementation of the LBS requirements, as shown in detail below.

111. *Measures to eliminate pollution from LBS activities particularly regarding the phasing out of inputs of the substances listed in Annex I that are toxic, persistent and liable to bioaccumulate, using BAT, BEP and Cleaner Production (Article 5.2).* All reporting Contracting Parties have articulated measures to eliminate LBS pollution and phase-out POPs. Reporting Contracting Parties mentioned broad domestic legislation mainly on environmental protection, water or coast, which is supplemented by specific legislation particularly on industrial emissions, sea bathing water quality, and (urban) waste management. In addition, the National Implementation Plans (NAPs) of the LBS Protocol are specifically mentioned by three reporting Contracting Parties as tools to implement the provisions of the LBS Protocol, in particular as regards BAT, BEP and Clean Production.

112. *Measures to reduce to a minimum the risk of pollution caused by accidents (Article 5.5).* Most of the reporting Contracting Parties (14 out of 16) reported having put in place measures to reduce to a minimum the risk of accidental pollution. This has been done mainly by the IPPC (Integrated Pollution Prevention and Control) and SEVESO EU Directives and related legislation. In two reporting Contracting Parties work is underway in this area. In one reporting Contracting Party, a draft law on accident control from risks related to dangerous substances is in its final stages. In another one, work is under development in the framework of its national contingency plan.

113. *Authorization or regulation of point source discharges into the Protocol area and releases into water and/or air that reach and may affect the sea (Article 6.1).* Nearly all reporting Contracting Parties (14 out of 15²⁴) reported that discharges and pollutant releases are subject to the required authorization or regulation issued by the competent national authority. Legal instruments listed, mainly on water, on coast, and on environmental protection, establish a system which enables the competent national authority or authorities to issue a permit (e.g. water right permit, environmental

²⁴ Not applicable to the EU

permit) for any discharge or release into the sea or surface waters, provided that some specific limit values are met. In a reporting Contracting Party, the permit is also subject to the submission of an Environmental Impact Assessment (EIA). In another one, permits are not issued if BAT is available. Finally, in one reporting Contracting Party the required permit is coupled with the opinion of the authority granting the permit.

114. *Establishment of an inspection system to assess compliance with authorizations and regulations (Article 6.2).* All reporting Contracting Parties reported having in place a system of inspection through specific acts on that regard. Depending on the country, the system rests on different authorities, ranging from Environmental Inspectors, State Water Rights Inspectors, Directorate of Inspection, Criminal Police, or Water Management Inspection.

115. *Application of appropriate sanctions in the event of non-compliance with authorizations and/or regulations (Article 6.3).* Nearly all reporting Contracting Parties (14 out of 15²⁵) reported having put in place the appropriate sanctions in cases of non-compliance. This includes fines, indictments, temporary suspension of work or activities and ordering measures to be taken for the treatment of polluted water and elimination of the cause of pollution.

116. *Implementation of common measures for the control of pollution adopted by the Meeting of the Contracting Parties (Article 7).* Most of reporting Contracting Parties (12 out of 16) have responded affirmatively to this question, by mainly referring to specific legislation adopted on bathing waters, levels of contaminants in seafood and priority substances.

117. Main challenges reported are administrative management, financial resources and regulatory framework.

b) Allocation of Resources ²⁶

118. *Issue of the permits provided for in Article 6 of the LBS Protocol.* Most of the reporting Contracting Parties (13 out of 15) reported having put in place the institutional arrangements needed to operationalize their LBS permitting or authorization system. Different pieces of legislation have been used to that end, ranging from the general (e.g. environment protection acts, water acts, or coast acts) to the specific (rules and procedures for issuing environmental permits, or Environmental Impact Assessment (EIA) acts). The national competent authority or authorities responsible for the granting of permits varies from country to country, encompassing national environmental agencies, waters agencies or inter-ministerial committees. Work is reported to be ongoing in two reporting Contracting Parties to enhance the legislative framework of the environmental permitting system.

119. *Competent structures for inspection of compliance (Article 6.2).* In nearly all reporting Contracting Parties (14 out of 15) a system to monitor compliance is reported to be in place, under which different national competent authorities (e.g. Environmental Inspectorate, National Inspectorate of Environment and Forestry, State Water Inspectors, Environment Resources Authority, Provincial Directorates) assess compliance with authorizations and regulations. In three reporting Contracting Parties specific challenges in this area include limited number of inspectors and weak coordination among authorities involved. In the remaining reporting Contracting Parties, work is reported to be in process.

120. *Establishment of appropriate monitoring structures and programmes to assess as far as possible the levels of pollution along the coast in particular with regard to the sectors of activity and categories of substances listed in Annex I (Article 8).* Environmental monitoring programmes are reported to be in place in most of the reporting Contracting Parties (13 out of 15), with work underway in that regard in the two remaining reporting Contracting Parties. In one of them, developments are reported as to the implementation of the Mediterranean Integrated Monitoring and Assessment Programme (IMAP). In the other one, reference is made to a Pollutant Release and Transfer Register

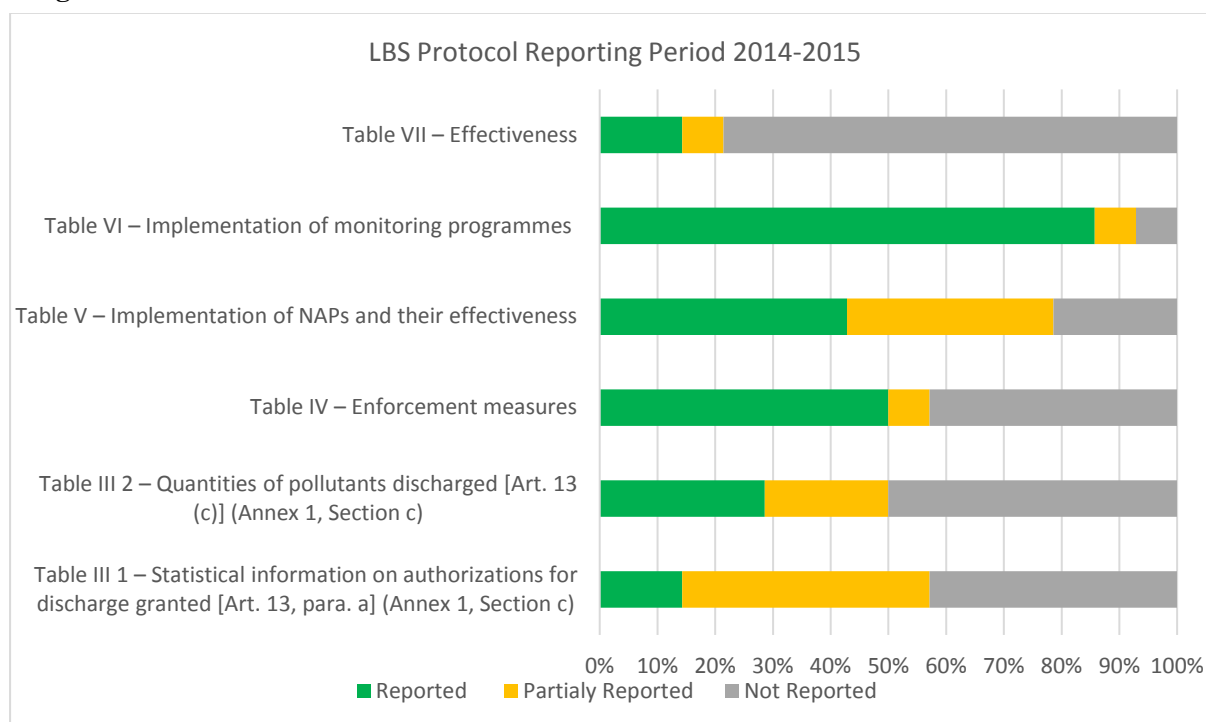
²⁵ Not applicable to the EU

²⁶ Not applicable to the EU

(PRTR) demo project. Monitoring programmes in place have been adopted within the framework of MEDPOL in synergy with the relevant EU Directives, where appropriate. Monitoring programmes in place vary in scope, encompassing marine ecosystems, marine and coastal waters, or bathing waters.

121. *Establishment of appropriate monitoring programmes to evaluate the effectiveness of action plans, programmes and measures under this Protocol (the NAPs and the SAP) to eliminate to the fullest possible extent pollution of the marine environment (Article 13).* Many reporting Contracting Parties (11 out of 15) reported the establishment of monitoring programmes to assess National Implementation Plans (NAPs) effectiveness. One of those reporting Contracting Parties referred to the incorporation of the UNEP/MAP Ecosystem Approach (EcAp) indicators into its National Implementation Plan (NAP). In two reporting Contracting Parties work is underway in this area.

c) Administrative Measures, Implementation of NAPs and Implementation of Monitoring Programmes²⁷



122. *Reporting of statistical information on authorizations for discharges granted based on Article 13, (a), Annex 1 (C) (Table III.1).* The table requests numeric inputs by the Contracting Parties on number of ongoing authorizations, granted authorizations, total loads discharged etc. The information requested is sector-based. Eight out of 15 reporting Contracting Parties responded to the inquiry, out of which 6 were partially reported.

123. *Reporting of information on quantities of pollutants discharged based on Article 13 (c), Annex 1 (C) (Table III.2).* The table requests numeric inputs by the Contracting Parties on substances discharged (ton/year). Seven out of 15 reporting Contracting Parties submitted information of which 4 reported fully to the question.

124. *Reporting of information regarding enforcement measures for the implementation of LBS Protocol (Table IV).* The table requests numeric inputs by the Contracting Parties on inspections and non-compliance cases and it was completed by 8 out of 15 reporting Contracting Parties. Some reporting Contracting Parties indicated that they do not have available data for reporting this table.

125. *Reporting of information on implementation of NAPs (Table V).* Most of the reporting Contracting Parties (11 out of 15) provided information. Most of the reporting Contracting Parties

²⁷ Not applicable to the EU

underlined the financial resources as a difficulty/challenge for NAPs implementation, while administrative management and technical capabilities were also reported as challenges.

126. *Reporting of information regarding pollution monitoring programmes and activities (Table VI).* Most of the reporting Contracting Parties (12 out of 15) reported under this table. Several reporting Contracting Parties stressed out the need for increased financial resources and personnel to ensure full implementation of marine pollution monitoring. Most of the Contracting Parties that are EU member States underlined the connection with on-going MSFD monitoring.

127. *Reporting of information on effectiveness through numbers of total authorizations granted, total discharges occurred, NAP Projects completed etc. (Table VII).* A few reporting Contracting Parties (4 out of the 15) submitted information on inspection. Regarding NAP projects completion, the table may have higher response performance, than it is demonstrated in the graph, since there are countries which already prepared their projects under updated NAPs, but they have not reported to the reporting system. It has to be noted that work is ongoing by the Secretariat to develop a list of common indicators in cooperation with the H2020 Initiative to report on the effectiveness of the NAP measures implementation. This will facilitate the reporting of Contracting Parties in the future.

Main overall findings

- In nearly all reporting Contracting Parties, discharges and pollutant releases are subject to authorization or regulation issued by the competent national authority, as required by the LBS Protocol;
- All reporting Contracting Parties have taken measures to reduce and/or eliminate land-based sources of pollution and phase-out POPs;
- Monitoring programmes are reported to be in place in nearly all reporting Contracting Parties;
- Developments are also reported as to the implementation of the Mediterranean Integrated Monitoring Assessment Programme (IMAP) on pollution and marine litter clusters;
- Most of the reporting Contracting Parties duly reported on their work for updating their National Action Plans/Programmes of Measures (NAPs/PoM);
- More strengthened efforts should be made to improve reporting on the technical aspects of the LBS Protocol, especially regarding number of authorizations and quantities released per category (6 out of 15 reporting Contracting Parties have fully reported this information, namely Croatia, Cyprus, France, Israel, Italy, and Malta);
- In total, 254 discharge authorizations have been reported during the assessed biennium. Pending further analysis of data and taking into account that only 6 reporting Contracting Parties have provided data on quantities of pollutants released according to 16 categories of substances listed in the reporting format, in line with Annex I (C) of the Protocol, it shows that loads of pollutants are decreasing for a considerable number of categories (i.e. nutrients, heavy metals, biocides, cyanides and fluorides etc.). There is also an indication that loads of pollutants from energy sector and agriculture are increasing. However, and as already mentioned, further analysis of technical data is required in order to come up with precise conclusions on this matter.

5. Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean (SPA/BD Protocol)

Number of Contracting Parties to the 1982 Protocol: 21

Number of Contracting Parties to the 1995 Protocol: 17

Number of reporting Contracting Parties: 16

Introduction

128. Part I Legal Measures. Part I seeks to determine whether Contracting Parties have established the legal framework for the protection and conservation of Specially Protected Areas (SPAs), including Specially Protected Areas of Mediterranean Importance (SPAMIs) and those endangered or threatened species of flora and fauna listed in Annexes II and III to the Protocol.

129. Part II Specially Protected Areas (SPAs). Part II seeks to collect information on the list of SPAs designated and the measures adopted for their management, including the development and adoption of a management plan for each SPA, which incorporates the elements listed in Article 7 of the Protocol.

130. Part III Specially Protected Areas of Mediterranean Importance (SPAMIs). Part III seeks to gather information on the list of SPAMIs designated and the measures adopted for their management, including the development and implementation of a management plan for each SPAMI which includes regulation of dumping and releases of wastes likely to impair the integrity of the SPAMI, monitoring programmes, introduction and reintroduction of species, and activities carried out in the buffer zone.

131. Part IV Measures for the Protection and Conservation of Species. Part IV seeks to gather information on the protection measures adopted by Contracting Parties to protect those endangered or threatened species listed in the Annexes to the Protocol.

132. Part V Conservation of the Components of Marine and Coastal Diversity. Part V seeks to test whether Contracting Parties have inventoried the components of marine and coastal biodiversity and formulated a national strategy and action plan to protect the components of marine and coastal biodiversity, as requested in Article 3 of the Protocol.

133. Part VI Enforcement Measures. Part VI seeks to collect information on enforcement in order to verify compliance with the Protocol.

134. Part VII Implementation of Regional Action Plans (RAPs). Part VII seeks to collect information on measures put in place for the implementation of biodiversity RAPs adopted by the Meeting of the Contracting Parties, i.e. RAPs on cartilaginous fish, non-indigenous species, bird species, cetaceans, marine vegetation, monk seal and marine turtles.

Progress in Implementation

a) Legal Measures

135. All reporting Contracting Parties have reported having put in the place the legal framework for the protection of areas of particular natural or cultural value, notably by the establishment of SPAs and the protection of endangered or threatened species of flora and fauna, as required in Article 3 of the SPA/BD Protocol.

136. To implement the general obligations under Article 3 of the SPA/BD Protocol, reporting Contracting Parties have used a wide array of instruments, ranging from laws and regulations to administrative orders to government/royal decrees, which present a diverse nature, from general, such as acts ratifying the SPA/BD Protocol or nature protection acts, to sectoral, such as protected areas acts or flora and fauna acts.

137. The incorporation of the provisions of the SPA/BD Protocol into domestic legislation has been taken forward at different degrees, as shown in detail below.

138. *Designation of the terrestrial areas (including wetlands) under its jurisdiction which are in the area to which the SPA/BD applies (Article 2.1).* All reporting Contracting Parties have designated these areas under different protected area management categories, encompassing Nature Reserves, National Parks, Marine Protected Areas or Sites of Biological and Ecological Interest (SBEI). Work is reported to be ongoing to designate the areas referred to in Article 2.1 in one reporting Contracting Party, which points out the following challenges in so doing: financial resources, administrative

management and policy framework. These are common challenges for most of the reporting Contracting Parties (10 out of 14), which have also pointed out the lack of technical capabilities. This adds to public participation, which is a challenge faced by three reporting Contracting Parties.

139. *Protection and management of endangered or threatened plant and animal species (Article 3.1(b)).* All reporting Contracting Parties have answered this question positively. In those Contracting Parties, the provision of protection to endangered or threatened species of flora and fauna has been articulated through either general laws (e.g. nature protection acts and environment protection acts) or specific ones (e.g. flora, fauna and habitats protection acts). Lists of endangered or threatened species of flora and fauna have been developed in nearly all reporting Contracting Parties (13 out of 16), either under the SPA/BD Protocol, EU relevant Directives or the Convention on International Trade in Endangered Species (CITES).

140. *Protection, preservation and management in a sustainable and environmentally sound way of areas of particular natural or cultural value, notably by the establishment of SPAs (Article 3.1(a)).* All reporting Contracting Parties have indicated the existence of measures for the protection, conservation and sustainable management of SPAs. Through domestic nature protection acts, coastal protection acts, forest acts, or protected areas acts, those Contracting Parties have reported having established a framework for the designation and management of protected areas in their territory.

141. *Prohibition of the dumping and any discharge likely to directly or indirectly harm the integrity of SPAs (Article 6.b).* In many reporting Contracting Parties (13 out of 16), legislation is reported to be in place prohibiting dumping activities in SPAs. Legislation mainly refers to existing legislative and administrative measures governing dumping activities in general, which also apply to SPAs. This framework includes hazardous wastes, maritime, coastal zone or port reception facilities regulations. In two reporting Contracting Parties, the prohibition of dumping is articulated through their specific laws on protected areas.

142. *Regulation of the passage of boats and all stopping or anchoring in the SPAs' extension zone (Article 6.c).* Most of the reporting Contracting Parties (11 out of 16) have reported having put in place a legal framework regulating the passage and anchoring of ships in SPAs. In addition to the existing legislative and administrative measures regulating navigation (e.g. Port Regulations, Transport Regulations), in those Contracting Parties specifically designed measures are reported having been adopted restricting or prohibiting the passage and anchoring of ships in their SPAs. This has been articulated through a variety of instruments, such as management plans, spatial planning documents, guidelines, and designation acts.

143. *Regulation or prohibition of all exploration activities or activities that involve modifying the soil or subsoil of the land part, of the seabed or of its subsoil in the SPAs (Article 6.e).* In all reporting Contracting Parties, regulatory measures are reported to be in place dealing with offshore activities in SPAs. Relevant measures form part of broad laws concerning for instance nature protection or Environmental Impact Assessment (EIA), as well as of more specific instruments governing the management of SPAs, such as their management plans.

144. *Regulation of scientific research in the SPAs (Article 6.f).* All reporting Contracting Parties have reported having adopted measures regulating scientific research in their SPAs. Details of the regime governing scientific research in their SPAs are provided by eight reporting Contracting Parties. In those Contracting Parties, scientific research is subject to a permit issued by the national competent authority or authorities, provided that certain conditions are met.

145. *Prohibition and regulation of all activities involving taking of species which originate in SPAs (Article 6.g).* The taking of species which originate in SPAs is reported to be regulated in all reporting Contracting Parties. By mainly wildlife protection, protected areas or hunting and fishing laws, specific provisions are reported to be in place prohibiting or restricting a number of activities in SPAs, including capture, collection or destruction of species of flora and fauna. In some reporting

Contracting Parties (five Contracting Parties) existing general provisions are tightened up in some SPAs through their specific management instruments.

146. *Regulation and if necessary prohibition of any other activity likely to have an adverse impact on the SPAs (Article 6.h).* All reporting Contracting Parties have reported having in place measures regulating activities other than the ones above mentioned in their SPAs.

147. *Managing species, in particular those appearing in Annexes II and III to the Protocol, to ensure that they enjoy a favorable state of conservation (Article 11.2 and Article 12.1).* In nearly all reporting Contracting Parties (15 out of 16), management measures concerning the species listed in Annex II and III to the SPA/BD Protocol are reported to be in place. By either nature or environment protection acts or specific protected species acts, the protection of endangered or threatened species of flora and fauna listed in the SPA/BD is reported to be in place. In some SPAs, general protection requirements are reported having been strengthened by the laws establishing the SPAs or their management plans.

148. *During the procedures that precede decision-making about projects and activities that can have an impact seriously affecting protected areas and species and their habitats, taking into account the possible direct or indirect, immediate or long-term, impact, including the cumulative impact, of the projects and activities under consideration (Article 17).* The impact of projects and activities in SPAs is reported to be addressed in all reporting Contracting Parties mainly through Environmental Impact Assessment (EIA) regulations or Strategic Environmental Assessment (SEA) regulations. In addition, three reporting Contracting Parties have reported specific pieces of legislation addressing environmental impact assessment requirements in their SPAs networks (i.e. Natura 2000 Network, Impact Assessment for the Ecological Network).

149. Challenges faced by reporting Contracting Parties in putting in place the legal framework implementing the SPA/BD Protocol cover the whole range: policy framework, regulatory framework, financial resources, administrative management, technical capabilities and public participation.

b) Specially Protected Areas (SPAs)²⁸

150. *Creation of protected areas within the Protocol's geographic coverage (Article 3.1(a)).* Nearly all reporting Contracting Parties (13 out of 15) have reported having established protected areas within the geographical scope of the SPA/BD Protocol. The two remaining reporting Contracting Parties report work in process and well advanced as regards the designation of new protected areas. All reporting Contracting Parties, with the exception of one which reports to not having designated SPAs during the present reporting period (2014-2015), provide their list of SPAs. However, the lists provided do not limit themselves to the SPAs established during the current reporting period 2014-2015, instead including all SPAs designated per Contracting Party. Some reporting Contracting Parties (5 out of 14) report work underway as to the expansion of their network of protected areas, including Natura 2000 Network, under which one reporting Contracting Party has actually expanded its network in 2015.

151. *Elaboration and Implementation of a Management Plan for each SPA (Article 7.2 (a)).* Most reporting Contracting Parties (11 out of 15) have responded affirmatively to the question whether they have developed and adopted management plans for their SPAs. However, only a few reporting Contracting Parties (5 out of 15) have adopted management plans for all their SPAs. Work is reported to be underway in nearly all reporting Contracting Parties (10 out of 15) to develop the outstanding management plans. Although management plans are pending for a number of SPAs, measures for the protection of those SPAs are reported to be in place. Challenges faced in elaborating and implementing SPAs management plans include public participation, financial resources and technical difficulties.

152. *Programmes for the observation and scientific monitoring of changes in ecosystems and on the impact of human activities (Article 7.2 (b)).* Most reporting Contracting Parties (10 out of 15) have

²⁸ Not applicable to the EU

reported having developed scientific monitoring programmes tracking changes in the state of SPAs. This has been done specifically through the instruments designating or managing SPAs. In one reporting Contracting Party, mapping of SPAs is reported having been conducted in the frame of a Memorandum of Understanding (MOU) designed to that end. Work is reported to be ongoing in two reporting Contracting Parties as to the development of these monitoring programmes. Challenges highlighted in this field mainly refer to financial resources, technical capabilities and administrative management.

153. *Measures for the involvement of local communities in the process of managing the protected areas (Article 7.2(b)).* Most reporting Contracting Parties (11 out of 15) reported having put in place measures ensuring the involvement of local communities in the management of protected areas. In doing so, different avenues have been taken ranging from inclusion of local communities representatives in the management bodies of SPAs, to public consultation on projects and activities in SPAs subject to Environmental Impact Assessment (EIA), or on the development of SPAs management plans, to educational programmes. In two reporting Contracting Parties work is reported to be in process in this area, in one of them for the new SPAs to be established.

154. *Provision of assistance to local inhabitants who could be affected by the establishment of SPAs (Article 7.2 (c)).* Some reporting Contracting Parties (8 out of 15) have reported having put in place measures to compensate local inhabitants affected by the establishment of SPAs, by either providing compensation to owners and users of the property right, for the restrictions in the use of protected areas or by employing local inhabitants in the management and maintenance of the protected areas through different projects. Work is reported to be ongoing in this area in three reporting Contracting Parties and difficulties reported in that regard refer to the challenges to put in place compensation measures in MPAs.

155. *Mechanisms for funding the promotion and management of protected areas or income-generating activities that are compatible with the protection measures (Article 7.2(d)).* Most reporting Contracting Parties (12 out of 15) have established funding mechanisms for managing and promoting protected areas, with work ongoing in that regard in two reporting Contracting Parties. They two main types of funding sources reported are national budgets and traditional revenue generating mechanisms in protected areas (e.g. ticket sales, tourist activities, merchandising etc.).

156. *Appropriate training for the managers and staff of the protected areas (Article 7.2 (f)).* Nearly all reporting Contracting Parties (12 out of 15) have reported to provide training (e.g. workshops, seminars etc.) to SPAs managers and staff. Work to that end is reported to be in process in a reporting Contracting Party. Two reporting Contracting Parties noted the need for further training on the management and sustainable use of biological resources and the management of the marine part of SPAs.

157. *Integrating into national contingency plans measures to respond to incidents that could cause damage or constitute a threat to SPAs (Article 7.3).* Most reporting Contracting Parties (10 out of 15) stated having incorporated into their National Contingency Plans (NCP) measures ensuring an adequate response to incidents in SPAs. One reporting Contracting Party reports work underway in that regard.

158. *Institutional arrangements in place for the management as a whole of each SPA, covering both its land and sea areas (Article 7.4).* In nearly all reporting Contracting Parties (12 out of 15) institutional arrangements are reported to be in place for the integrated management of SPAs, thus covering both their terrestrial and marine components. Four reporting Contracting Parties note that public institutions are the authorities responsible for the management of SPAs. In a reporting Contracting Party, this is the case for the components of the SPAs in the public maritime domain. Otherwise, the management is also open to legal and natural persons, provided the fulfilment of established criteria.

159. Challenges faced by reporting Contracting Parties in putting in designating and managing SPAs mainly refer to financial resources, administrative management, technical capabilities and regulatory framework.

c) Specially Protected Areas of Mediterranean Importance (SPAMIs)²⁹

160. *Creation of Specially Protected Areas of Mediterranean Importance (Article 8)*. Only a few reporting Contracting Parties (6 out of 15) have established SPAMIs, but none of them have been designated during the current reporting period (2014-2015). Work is reported to be ongoing in four reporting Contracting Parties to establish SPAMIs. In one reporting Contracting Party, challenges faced in that regard refer to the limited availability of financial resources and administrative management. For another reporting Contracting Party the challenges faced are mainly the policy framework and the legal framework.

161. *Elaboration and Implementation of a Management Plan for each SPAMI (Annex I, Section D, Article 7)*. Exception made of a SPAMI, the management plan of which is reported to be under development, all SPAMIs established so far are reported to have a management plan in place. Challenges faced in developing and implementing SPAMIs management plans are reported to be financial resources, administrative management and technical capabilities.

d) Measures for the Protection and Conservation of Species

162. *Listing of the endangered or threatened animal and plant species and determining their distribution in the areas subject to the Party's jurisdiction (Article 11.2)*. Many reporting Contracting Parties (12 out of 16) have drawn up lists of endangered or threatened species of flora and fauna at national level, transposing the SPA/Protocol and other agreements, such as the Convention on International Trade in Endangered Species (CITES), or relevant EU Directives. The listing of species takes form of Red Lists, Red Data Books or Identification Sheets. In two of those reporting Contracting Parties, work is reported to be ongoing to update their listing of species, with challenges in one reporting Contracting Party referring to financial resources, administrative management and technical capabilities. Two reporting Contracting Parties report work ongoing to complete their lists of endangered or threatened species of flora and fauna.

163. *Establishment of bilateral or multilateral cooperation (including agreements) to protect and restore the population of migratory species in the Protocol's area (Article 11.4)*. Many reporting Contracting Parties (9 out of 16) have established cooperation arrangements to protect and restore migrant species in the area where the Protocol applies. Cooperation has been articulated through multilateral agreements, mainly the Convention on the Conservation of Migratory Species of Wild Animals (CMS Convention) and its associated agreements, the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic area (ACCOBAMS), the International Commission for the Conservation of Atlantic Tunas (ICCAT), and bilateral projects for specific species. This adds to the existing multilateral projects in place for protecting species in a determined area, and the Pelagos Sanctuary Agreement.

164. *Formulation and adoption of measures and plans concerning the ex situ reproduction, particularly in captivity, of protected fauna, and the growing of protected flora (Article 11.6)*. Ex-situ reproduction programmes addressing the conservation of protected species have been developed by few reporting Contracting Parties (5 out of 16). In one of those Contracting Parties programmes focused on green sea turtles and soft-shelled turtles. In another reporting Contracting Party, on the species *Aphanius fasciatus* and in another one for the European sturgeon.

165. *Granting of exemptions, pursuant to Article 12. 6, concerning the bans set for the protection of the species listed in the Annexes to the Protocol (Article 12.6)*. Many reporting Contracting Parties (8 out of 16) reported that exceptions to the prohibitions prescribed for the protection of the species listed in the Annexes to the SPA/BD Protocol are granted for scientific, educational or management purposes, as stated in Article 12.6 of the Protocol. Only one reporting Contracting Party has detailed

²⁹ Not applicable to the EU

the permits granted for scientific research and conservation purposes under Article 12.6 for the current reporting period (2014-2015).

166. *Taking the appropriate steps to regulate the intentional or unintentional introduction of non-native or genetically modified species into the wild (Article 13).* Most of the reporting Contracting Parties (11 out of 16) stated having adopted measures dealing with the deliberate or accidental introduction of non-indigenous or genetically modified species into the wild. Various legal, policy and administrative frameworks are reported to be in place, mainly consisting of: (1) specific domestic legislation (i.e. Genetically Modified Organisms (GMO) acts, Invasive Alien Species (IAS) acts), transposing relevant EU acquis (e.g. EU Regulatory Act 1143/2014 on Invasive Species) or/and international agreements (e.g. the Cartagena Protocol on Biosafety to the Convention on Biological Diversity or the IMO Ballast Water Convention), and (2) national strategies (i.e. national strategies on IAS, national strategies on biodiversity). This is in addition to existing IAS databases and work under different projects, such as LIFE Projects, as well as actions targeting specific species, such as *Caulerpa taxifolia*, in SPAs.

167. Challenges faced in protecting and conserving species are mainly refer to financial resources and technical capabilities.

e) Conservation of the Components of Marine and Coastal Diversity

168. *Compilation of an inventory of the components of marine and coastal biodiversity (Article 3.3).* Some reporting Contracting Parties (6 out of 16) stated having conducted an inventory of the components of marine and coastal biodiversity. Work in this area is reported to be ongoing in seven reporting Contracting Parties. In half of them, specific national or UNEP projects are in place to that end.

169. *Formulation of a national strategy and an action plan to protect the components of marine and coastal biodiversity (Article 8.4).* Many reporting Contracting Parties (12 out of 16) stated having taken forward the protection of the components of marine and coastal biodiversity mainly through their national biodiversity strategies and associated action plans. National strategies on Integrated Coastal Zone Management (ICZM), on Sustainable Development, or Invasive Alien Species (IAS) have been also served that purpose. In a reporting Contracting Party, specific national plans have been adopted for monk seals and marine turtles.

170. Main challenges faced are reported to be financial resources, technical capabilities and administrative management.

f) Enforcement Measures

171. *Prohibition of all activities (i.e. fishing, hunting, taking of animals, harvesting of plants and their destruction, trade in animals and plants) involving taking of species which originate in SPAs (Article 6.g).* Data is reported by seven reporting Contracting Parties on the number of inspections conducted, non-compliance cases detected and fines issued.

172. *Controlling and prohibiting, where appropriate, the taking, possession or killing, the commercial trade, the transport and exhibition for commercial purpose of protected species of fauna, particularly those listed in Annex II to the Protocol (Article 11.3).* Data is reported by five reporting Contracting Parties on the number of inspections conducted, non-compliance cases detected and fines issued.

173. *Regulating and prohibiting, where appropriate, all forms of destruction and disturbance of protected species of flora particularly those listed in Annex II to the Protocol (Article 11.5).* Only two reporting Contracting Parties have provided data on inspections conducted, non-compliance cases detected and fines issued.

174. Two reporting Contracting Parties reported that data was not available on enforcement measures and four reporting Contracting Parties left this part blank.

g) Implementation of Regional Action Plans (RAPs)

i. Regional Action Plan on Cartilaginous Fishes (Chondrichthyans)

175. Nearly all reporting Contracting Parties (14 out of 16) reported on the implementation of the Regional Action Plan on Cartilaginous Fishes (Chondrichthyans). On the remaining two reporting Contracting Parties, one left this part blank and another stated that this part was not applicable.

176. *Question 1. Has the Party given chondrichthyans a legal status that complies with the conventions adopted to protect them against degradation and harm due to human activities?* Most of the reporting Contracting Parties (11 out of 16) stated having granted chondrichthyans legal protection by domestic legislation: (1) including chondrichthyans in their national lists of endangered or threatened species (e.g. Red Lists), or (2) transposing the relevant EU regulations (e.g. EU Fishing Regulations) and/or (3) ratifying and implementing the relevant international agreements (e.g. recommendations from General Fisheries Commission for the Mediterranean (GFCM), the International Commission for the Conservation of Atlantic Tunas (ICCAT) and the Convention on International Trade in Endangered Species (CITES). Two reporting Contracting Parties reported to be in process.

177. *Question 2. Has the Party established specific programmes in the context of the IPOA- Sharks FAO plan to conserve/manage sharks?* Only a few reporting Contracting Parties (5 out of 16) stated having adopted specific programmes for the conservation and management of sharks in the context of the FAO Plan. Work to that end is reported to be ongoing in a reporting Contracting Party. In addition, in three reporting Contracting Parties specific protection and conservation measures targeting sharks are reported to be in place, although not in the context of the FAO Plan. Two reporting Contracting Parties stated this question was not applicable, one of them on the grounds that this species are not targeted for fisheries.

178. *Question 3. Has the Party taken steps about fishing?* Measures prohibiting or restricting some fishing practices to protect cartilaginous fishes as part of the bycatch of commercial fisheries are reported to be in place in most reporting Contracting Parties (11 out of 16). Such measures regulate fishing in coastal and marine areas in alignment with relevant EU policies and regulations (e.g. EU Common Fisheries Policy) and/or international agreements (e.g. recommendations from General Fisheries Commission for the Mediterranean (GFCM), FAO provisions on sharks). Work is ongoing in this area in one reporting Contracting Party.

179. *Question 4. Has the Party started scientific research programmes on chondrichthyans?* Many reporting Contracting Parties (9 out of 16) reported having in place programmes of scientific research on chondrichthyans. Specific monitoring programmes are conducted or have been conducted as well as programmes for the collection of biological data. Monitoring activities have been developed within the framework of the EU Marine Strategy Framework Directive (MSFD) and/or specific national programmes, such as projects on fisheries data collection or classification and protection of chondrichthyans species. Work is reported to be ongoing in this field in three reporting Contracting Parties.

180. *Question 5. Has the Party developed training programmes for specialists and fishing technicians and managers on the study and conservation of chondrichthyans?* One reporting Contracting Party has developed programmes to train specialists in the study and conservation of chondrichthyans in conjunction with Universities. Work to train specialist, fisheries technicians and managers in that area is reported to be ongoing in four reporting Contracting Parties.

181. *Question 6. Has the Party developed information materials for local authorities, residents, teachers, tourists, people working in commercial and sport fishermen, divers, and all other groups likely to be concerned?* Many reporting Contracting Parties (7 out of 16) have prepared information materials on chondrichthyans and distributed them among fishermen, relevant authorities and the

general public. In one reporting Contracting Party this has been done through the national stranding network for strictly protected species. Work is underway in that area in three reporting Contracting Parties.

182. Challenges faced in implementing this regional action plan are reported to be mainly of financial and technical nature.

ii. Regional Action Plan on the Introduction of Non-Indigenous Species

183. *Question 1. Has the Party adopted legislation to control the introduction of marine species and taken the necessary steps to transpose into its national laws the provisions of the pertinent international treaties?* Many reporting Contracting Parties (10 out of 16) stated having adopted legislation regulating the introduction of non-native species. Domestic laws and regulations add to strategies and plans to prevent and mitigate the impact of Invasive Alien Species (IAS), and to the relevant EU Directives and Regulations. Work in that area is reported to be ongoing in four reporting Contracting Parties, with a Contracting Party finalizing a draft law on the management and control of ballast water discharges in their national waters.

184. *Question 2. Has the Party an assessment of the situation concerning the introduction of marine species?* In some reporting Contracting Parties (7 out of 16) the situation regarding the introduction of marine species has been assessed, mainly within the framework of specific programmes involving the relevant ministries and research centers. In a reporting Contracting Party data available feeds into its national database on Invasive Alien Species (IAS). In another reporting Contracting Party, due to the lack of financial and technical resources the data available is limited. Four reporting Contracting Parties reported work to be ongoing, with one Contracting Party developing studies and associated monitoring programmes for non-native species.

185. *Question 3. Has the Party a mechanism to monitor and control ballast water discharged into its territorial waters?* A few reporting Contracting Parties (5 out of 16) have in place a mechanism to monitor and control ballast water discharges into their waters. The reported mechanism in place is articulated in three different ways through: (1) domestic legislation on management and surveillance of ballast water, or (2) port state control regulations or (3) the ratification of the IMO Ballast Water Management Convention. Work is ongoing in that area in many reporting Contracting Parties, which are currently incorporating into their domestic legislation the provisions of the IMO Ballast Water Management Convention.

186. *Question 4. Has the Party established an action plan to control the introduction of non-native marine species and to mitigate the harmful effects thereof?* None of the sixteen reporting Contracting Parties have set up an action plan to control the introduction of non-native marine species. However, measures in that direction are in place, including a draft Strategy for Ballast Water Management, an action plan for *Caluierpa racemosa*, and action within the Convention on International Trade in Endangered Species (CITES) to control the import/export of non-indigenous marine species. In three reporting Contracting Parties work is reported to be underway in this area, in one of them within the framework of the IMO Ballast Water Management Convention.

187. *Question 5. Has the Party developed training and awareness programmes on the risks, legal aspects, management of ballast water and the fouling of ships' hulls?* Awareness raising programmes in this field are reported having been developed by only a few reporting Contracting Parties (5 out of 16). One reporting Contracting Party has done so as part of a number of non-indigenous species related projects, such as GLOBALLAST, and as part of awareness raising activities undertaken by their relevant agencies. In another reporting Contracting Party awareness raising has taken form of specific Guidelines on the subject matter. One reporting Contracting Party reported programmes targeting consumers and the fishing sector. Another reporting Contracting Party has developed those material for *Caluierpa racemose*. Work is under development in this area in three reporting Contracting Parties.

188. Challenges faced in implementing this regional action plan are reported to be limited financial resources, technical capabilities and administrative management.

iii. Regional Action Plan for the Conservation of Bird Species

189. *Question 1. Does the Party grant legal protection to bird species?* Bird species are protected by legislation in all the 16 reporting Contracting Parties. Legal instruments so adopted vary between different Contracting Parties, ranging from nature protection laws, to protected species and sites laws to protection and trade of wild flora and fauna and hunting laws.

190. *Question 2. In the Party's territory, are there protected areas established to conserve the bird species listed in the Annexes to the Protocol?* All reporting Contracting Parties, with the exception of one Contracting Party, reported having established protected areas for the conservation of bird species listed in Annex II to the Protocol. Such areas have been designated as RAMSAR sites, Nature Reserves, National Parks or Natura 2000 sites. In one of those reporting Contracting Parties, work is reported to be underway to protect additional species listed in Annex II to the SPA/BD Protocol by expanding its Natura 2000 network.

191. *Question 3. Has the Party developed research programmes on one or several of the bird species listed in the Annexes to the Protocol?* In most of the reporting Contracting Parties (13 out of 16) research programmes have been developed concerning one or more bird species listed in Annex II to the SPA/BD Protocol. These programmes have been carried out in the context of the SPA/BD Protocol and national biodiversity strategies in synergy with the EU Marine Strategy Framework Directive (MSFD). In one reporting Contracting Party work is ongoing in this area.

192. *Question 4. Has the Party an action plan for one or several of the species listed in the Annexes to the Protocol?* Actions plans for the protection of the bird species listed in Annex II to the Protocol are reported to be in place in many reporting Contracting Parties (8 out of 16). Actions plans adopted target among others the following species: Phalacrocorax pygmeus, Larus audouinii, Falco eleonorae, Dalmatian Pelicans/Pelicans crispus Osprey pandion haliaetus, Ichthyaelus audouinii and Pink flamingo. In one reporting Contracting Party, an action plan on the European sturgeon is being developed.

193. Challenges faced in implementing this regional action plan are reported to be financial resources, technical capabilities, administrative management and public participation.

iv. Regional Action Plan for the Conservation of Cetaceans

194. Most of the reporting Contracting Parties (14 out of 16) reported on the implementation of the Regional Action Plan for the Conservation of Cetaceans. On the remaining two reporting Contracting Parties, one left this part blank and another stated that this part was not applicable.

195. *Question 1. Has the Party developed an action plan for the conservation of cetaceans?* A very few reporting Contracting Parties (3 out of 16) stated having developed an action plan for the conservation of cetaceans. One reporting Contracting Party has developed its plan within the framework of ACCOBANS. Another one refers to the specific action plan for the Pelagos Sanctuary. The remaining reporting Contracting Party has developed its action plan, thus paving the way for the development of a strategy for the conservation of Tursiops Truncatus.

196. Despite the lack of an action plan, measures and strategies are reported to be in place to protect cetaceans, such as the Regional Adriatic Strategy for Conservation of Cetaceans. In addition, work is reported to be ongoing in six reporting Contracting Parties to adopt their national action plans. In one reporting Contracting Party work is underway under the EU LIFE MIGRATE Project. In another one, under the Net CET Project (Network for the Conservation of Cetaceans and Sea Turtles in the Adriatic), a draft national action plan has been prepared, which is expected to be adopted within the upcoming period. In the third reporting Contracting Party work is advancing in the framework of its national strategy for biodiversity and ACCOBAMS.

197. *Question 2. Has the Party carried out studies and set up scientific research programmes on cetaceans?* Many reporting Contracting Parties (9 out of 16) described projects/research activities on cetaceans, involving national authorities and a wide range of actors including research centres, universities and NGOs. In two reporting Contracting Parties research is conducted within the framework of ACCOBANS. Two reporting Contracting Parties specifically referred to research undertaken in the context of the Pelagos Sanctuary Agreement. Another one noted the long established scientific research programme on the resident community of bottlenose dolphins in the Mediterranean Sea and in the Adriatic, in the scope of the Adriatic Dolphin Project (ADP).

198. *Question 3. Has the Party set up a cetacean stranding monitoring network?* In most reporting Contracting Parties (11 out of 16), a network for the monitoring of stranding cetaceans is reported to be in place. In nearly all those Contracting Parties, national authorities, such as the Coast Guard, the Port Police or the Agencies/Ministries of Environment are part of the networks so established, together with Universities and research centers. They function as per the established procedures and systematically collect and keep the data on stranding cetaceans for research purposes. In two reporting Contracting Parties, where no networks are reported to be in place, observation along the coast points are reported instead, NGOs playing a key role in this area.

199. *Question 4. Has the Party established MPAs and/or SPAMIs to protect one or several species of cetaceans?* Some reporting Contracting Parties (8 out of 16) stated having established either MPAs or SPAMIs for the protection of cetaceans, although not necessarily during the current reporting period (2014-2015). Work is reported to be ongoing in that regard in four reporting Contracting Parties. In one of them work is underway to expand the 2000 Network to include new areas of importance for cetaceans and mammals. In another one, through the EU LIFE MIGRATE Project, three Proposed Sites of Community Interest (pSCIs) will be declared under the EU Habitats Directive in 2016 due to their importance for turtles. In a third one, work is underway to designate a new marine reserve to protect cetaceans.

200. Main challenges faced in implementing this regional action plan are reported to be financial resources and technical capabilities.

v. Regional Action Plan for the Conservation of Marine Vegetation

201. *Question 1. Has the Party adopted protection status for vegetation species and formations that are significant for the marine environment, particularly for the meadows?* Most of the reporting Contracting Parties (13 out of 16) reported having accorded protection status to vegetation species and formations of significant importance to the marine environment, mainly Posidonia. In one reporting Contracting Party, action is reported having been taken for the conservation of marine vegetation local species by proposing the inclusion of *Cymodocea nodosa* in the List of Protected Natural Assets of that country.

202. *Question 2. Do the Party's regulations on environmental impact assessment take into account an impact analysis for each human activity undertaken over meadows and other plant formations that are significant for the marine environment?* In most of the reporting Contracting Parties (13 out of 16), the legal framework is reported to be in place taking into consideration the impact of planned human activities on meadows and other plant formations. In one reporting Contracting Party, a specific Environmental Impact Assessment (EIA) Procedure has been developed in the coastal zone where Posidonia meadows occur. The same Contracting Party noted that EIA may not be the most appropriate procedure for all activities likely to have a harmful effect on meadows. In those cases, marine spatial planning or a management plan is needed.

203. *Question 3. Has the Party established marine protected areas to protect the most representative meadows and other plant formations that are significant for the marine environment?* In some reporting Contracting Parties (8 out of 16) protected areas are reported having been established for the purpose of protecting the most representative meadows. This has been mainly done through domestic laws establishing different protected areas management categories and/or within the

framework of the EU Habitats Directive. Work is reported to be ongoing in two reporting Contracting Parties. In one of them, through different projects (e.g. CAMP, MEDKEY habitats) seven potential MPAs for the purpose of protecting meadows and other plant formations have been identified. In another one, the expansion of its Nature 2000 Network will include the underwater meadows of *Posidonia oceanica*.

204. *Question 4. Has the Party conducted studies and scientific research to inventory and map marine vegetation formations that are natural monuments?* Some reporting Contracting Parties (8 out of 16) reported having conducted such studies.

205. *Question 5. Has the Party developed programmes to map the main meadows and other plant formations that are significant for the marine environment?* In many reporting Contracting Parties (10 out of 16), programmes are reported having been conducted for the mapping of vegetation formations important for the marine environment, mainly *Posidonia* meadows. This has been or is taken forward in the frame of different projects, such as RAC/SPA Med-*Posidonia* Project, national projects for specific MPAs and the SPAMI Project and INTERREG projects.

206. *Question 6. Has the Party developed awareness and education actions (targeting sea users, local populations, and the wider public) concerning the conservation of marine vegetation, particularly the organogenic surface formations?* Awareness raising programmes are reported having been conducted in many reporting Contracting Parties (9 out of 16), within the framework of national projects and/or LIFE Projects, such as LIFE BAHAR.

207. *Question 7. Has the Party developed training programmes for specialists in the study and conservation of marine vegetation?* Training programmes for specialists are reported having been conducted in some reporting Contracting Parties (8 out of 16), through regional workshops and seminars and Universities. Most of them focused on *Posidonia* and taxonomy and the main challenges faced in putting in place a systematic programme for the training of specialists in this area are lack of capacities and financial resources.

208. *Question 8. Has the Party established an action plan on the basis of the scientific data available, for the conservation of marine vegetation?* An Action Plan for *Posidonia oceanica* and halophyte vegetation is in place in one reporting Contracting Party, although it needs updating. Otherwise, no action plans are reported having been established. However, actions for the protection and conservation of marine vegetation have been taken within the framework of national biodiversity strategies or SPAs management plans. Work is reported to be ongoing in five reporting Contracting Parties to develop actions plans.

209. The following key challenges are reported to be faced when implementing this regional action plan: financial resources and technical capabilities.

vi. Regional Action Plan for the Conservation of the Monk Seal

210. Nearly all reporting Contracting Parties (13 out of 16) reported on the implementation of the Regional Action Plan for the Conservation of the Monk Seal. On the remaining reporting Contracting Parties, it is stated that this part was not applicable, as the monk seal species are not present on their coasts.

211. *Question 1. Has the Party accorded protection status to the monk seal?* Nearly all reporting Contracting Parties (13 out of 16) have granted protection status to the monk seals. The legal instruments used to do so vary from country to country, including general protection laws on marine mammals, protection laws of (strictly) protected species and trade of wild flora and fauna laws. In addition, it is noted that monk seals are included in Annex I to the Convention on International Trade in Endangered Species (CITES).

212. *Question 2. As regards fishing, does the Party expressly ban the use of dynamite, the carrying of firearms on board ships, and all the fishing techniques that can imperil the monk seal?* Fishing techniques that can endanger monk seals, including the use of dynamite, are reported to be prohibited

in nearly all reporting Contracting Parties (12 out of 16). In some reporting Contracting Parties, this general prohibition is supplemented with specific prohibitions in monk seals shelters and breeding sites. One reporting Contracting Party noted that monk seals caught as bycatch is a challenge to overcome as well as juveniles mortality.

213. *Question 3. If the Party still has monk seal populations of reproductive age, have steps been taken to keep them away from any human activity?* Breeding monk seals populations are reported to be present in three reporting Contracting Parties, which have adopted a number of measures to keep monk seals isolated from any human activity for protection and conservation purposes. In one reporting Contracting Party, no human activity is allowed within three miles range around the strictly protected area where monk seals breed. This protected area hosts the largest population of monk seals in the Contracting Party. In another reporting Contracting Party, the isolation measures adopted are stated having led to an increase in the monk seal populations in its Atlantic coast. In the third reporting Contracting Party, these measures have been adopted in the SPAs established for the protection of monk seals populations. One reporting Contracting Party also refers to its Code of conduct designed to protect and improve the Mediterranean monk seal population in the Adriatic.

214. *Question 4. In the Party's territory, have SPAs been created to conserve monk seal populations or their potential habitats?* Protected areas for the conservation of monk seal populations are reported to be in place in some reporting Contracting Parties (5 out of 16). Work is reported to be ongoing in one reporting Contracting Party concerning the identification of potential habitats of monk seal populations.

215. *Question 5. Has the Party established a list of breeding caves and other habitats that are of importance for monk seal conservation?* Some reporting Contracting Parties (5 out of 16) reported having inventoried the breeding caves and other habitats of importance for monk seals conservation.

216. *Question 6. Has the Party carried out programmes for data collection on the monk seal?* Many reporting Contracting Parties (8 out of 16) stated having in place programmes for the collection of data on monk seals. In two of those Contracting Parties, data collection programmes are carried out within the framework of the National Programme for the Protection of the Mediterranean Monk Seal and the Action Plan for the Conservation of the Monk Seal respectively. This adds to the action taken at protected area level in one more reporting Contracting Party. Work is reported to be ongoing in this area in the frame of ACCOBAMS in one reporting Contracting Party.

217. *Question 7. Has the Party developed awareness, information and training programmes on the conservation of the monk seal?* Many reporting Contracting Parties (9 out of 16) have developed awareness raising and training programmes concerning monk seals. In a reporting Contracting Party this has been done within the framework of its national biodiversity strategy and in another as a result of LIFE Projects.

218. *Question 8. Has the Party an action plan for the conservation of the monk seal and its potential habitats?* A few reporting Contracting Parties (3 out of 16) have developed an action plan for the conservation of the monk seal. One of those Contracting Parties has developed its action plan in the framework of the Convention on the Conservation of Migratory Species of Wild Animals (CMS Convention) for the protection of monk seals in the West Atlantic Coast. Two reporting Contracting Parties noted that although action plans are not in place, measures to protect monk seals have been taken in the framework of the National Strategy for the Conservation of the Mediterranean Monk Seal and management plans for SPAs, respectively.

219. Main challenges faced in implementing this regional action plan are reported to be financial resources, technical capabilities and administrative management.

vii. Regional Action Plan for the Conservation of Marine Turtles

220. Nearly all reporting Contracting Parties (14 out of 16) reported on the implementation of the Regional Action Plan for the Conservation of the Marine Turtles. On the remaining reporting Contracting Parties, it is stated that this part was not applicable.

221. *Question 1. Does the Party have laws and regulations for the protection of marine turtles?* Nearly all reporting Contracting Parties (15 out of 16) stated having a legal framework in place for the protection of marine turtles. Wild fauna and flora protection laws, general protection laws on marine mammals or protected species of flora and fauna laws are the legal instruments used for granting legal protection to marine turtles. In addition, relevant international agreements as well as EU Directives and Regulations have also been the avenue to protect marine turtles. Species protected include sea turtles *Caretta caretta*, *Chelonia mydas* and *Dermochelys coriacea*.

222. *Question 2. Has the Party taken steps to reduce incidental by-catch of marine turtles?* Measures for reducing the incidental by-catch of marine turtles are reported to be in place in some reporting Contracting Parties (6 out of 16). In those Contracting Parties such measures have been put in place in their protected areas for turtles and include the enforcement of fishing regulations and manuals for fishermen. One reporting Contracting Party reported to be in the process of implementing such measures.

223. *Question 3. Has the Party established care and rescue centers for marine turtles?* Many reporting Contracting Parties (9 out of 15³⁰) stated having established rescue centers for marine turtles. In one reporting Contracting Party there is a nationwide Sea Turtle Rescue Centre and a Sea Turtle Stranding Network. In two reporting Contracting Parties centers are designated in the protected areas for the conservation of marine turtles. Work is ongoing in this field in one reporting Contracting Party. In another reporting Contracting Party there is a nationwide network, which monitors and collects data on marine turtles, as well as a specific observation programme for turtles.

224. *Question 4. In the Party's territory, have SPAs been created to conserve populations of marine turtles or their potential habitats?* Protected areas for the conservation of marine turtle populations have been designated by some reporting Contracting Parties (6 out of 16). In one of those Contracting Parties, work is ongoing to expand its Natura 2000 Network to include areas of importance for the *Caretta caretta* sea turtle. In another one, 21 marine turtle nesting sites are protected by law.

225. *Question 5. Has the Party compiled an inventory of marine turtle nesting sites?* Many reporting Contracting Parties (7 out of 16) reported having compiled inventories of turtle nesting beaches. This is an activity which usually involves national authorities, Universities and NGOs.

226. *Question 6. Does the Party participate in marine turtle tagging programmes?* Many reporting Contracting Parties (9 out of 16) have conducted tagging programmes, including satellite broadcasting and metal tagging.

227. *Question 7. Has the Party developed programmes for awareness raising, information and training on the conservation of marine turtles?* In most of the reporting Contracting Parties (12 out of 16) awareness raising campaigns and training courses on the conservation of marine turtles have been developed. Workshops, sea turtle release events, sea turtle day and meetings with fishermen are some of the activities carried out in this area of work. National authorities, management bodies and NGOs have been involved and a wide range of stakeholders have been targeted, in particular fishermen.

228. *Question 8. Has the Party an action plan for the conservation of marine turtles?* Many reporting Contracting Parties (7 out of 16) stated having adopted an action plan for the conservation of marine turtles. Work is reported to be ongoing in that direction in three reporting Contracting Parties. In one of them a draft national plan for the protection of species is available. In another one, work is planned within the framework of the Regional (Adriatic) Strategy for the Conservation of Cetaceans. In the third one, work is underway, although Guidelines are in place for the handling and holding of marine turtles for rehabilitation and scientific purposes.

229. Main challenges reported in implementing this action plan are financial resources, technical capabilities and administrative management.

³⁰ Not applicable to the EU

Main overall findings

- Through domestic nature protection acts, coastal protection acts, forest acts, or protected areas acts, all reporting Contracting Parties have established a framework for the designation and management of protected areas in their territory;
- In nearly all reporting Contracting Parties, measures have been taken to regulate dumping, passage and anchoring of ships, offshore activities, taking of species and scientific research in SPAs, as required by the SPA/BD Protocol;
- In nearly all reporting Contracting Parties, management measures concerning the flora and fauna species listed in Annexes to the SPA/BD Protocol are reported to be in place. In some reporting Contracting Parties, these measures have been strengthened by the laws designating the SPAs;
- Only a few reporting Contracting Parties have adopted management plans for all of their SPAs. However, although management plans are pending for a number of SPAs, measures for the protection of those SPAs have been articulated through other means;
- Monitoring programmes tracking the changes in the state of SPAs are in place in most reporting Contracting Parties. Instruments designating or managing SPAs have been used to that end;
- The involvement of local communities in the management of protected area has been taken forward in most of the reporting Contracting Parties through different venues, including inclusion of local communities representatives in the management bodies of SPAs;
- The List of SPAMIs currently consists of 34 sites. This includes the Pelagos Sanctuary, which extends to areas beyond national jurisdiction. Work is reported to be ongoing in four reporting Contracting Parties to establish SPAMIs. Exception made of a SPAMI, the management plan of which is reported to be under development, all SPAMIs established so far are reported to have a management plan in place;
- Most reporting Contracting Parties have drawn up lists of endangered or threatened species of flora and fauna at national level, transposing the SPA/Protocol and other agreements such as the Convention on International Trade in Endangered Species (CITES), or relevant EU Directives;
- Nearly all reporting Contracting Parties have adopted measures dealing with the deliberate or accidental introduction of non-indigenous or genetically modified species into the wild. This has been done through specific domestic legislation (on Invasive Alien Species (IAS), Genetically Modified Organisms (GMO)) transposing relevant international agreements, such as the SPA/BD Protocol;
- Regional Action Plan (RAP) on Cartilaginous Fishes. In most of the reporting Contracting Parties chondrichthyans enjoy legal protection by domestic legislation inter alia ratifying and implementing the relevant international agreements (e.g. recommendations from General Fisheries Commission for the Mediterranean (GFCM), the International Commission for the Conservation of Atlantic Tunas (ICCAT) and the Convention on International Trade in Endangered Species (CITES)
- The development of programmes to train specialists in the study and conservation of chondrichthyans should be encouraged, as only one reporting Contracting Party has undertaken such programmes;
- RAP on the Introduction of Non-indigenous Species. A few reporting Contracting Parties have in place a mechanism to monitor and control ballast water discharges into their waters. However, work is ongoing in that area in many reporting Contracting Parties within the framework of the IMO Ballast Water Management Convention;

- A few reporting Contracting Parties have set up an action plan to control the introduction of non-native marine species. However, measures in that direction are in place within inter alia the Convention on International Trade in Endangered Species (CITES);
- RAP for the Conservation of Birds. Bird species are protected by legislation in all the reporting Contracting Parties and protected areas were established to conserve bird species populations and their habitats in all reporting Contracting Parties with the exception of one. Such areas have been designated as RAMSAR sites, Nature Reserves, National Parks or Natura 2000 sites. In addition, actions plans for the protection of the bird species listed in Annex II to the Protocol are reported to be in place in many reporting Contracting Parties;
- RAP for the Conservation of Cetaceans. A very few reporting Contracting Parties have developed an action plan for the conservation of cetaceans. Despite the lack of an action plan, measures and strategies are reported to be in place to protect cetaceans, such as the Regional Adriatic Strategy for Conservation of Cetaceans. In most reporting Contracting Parties, a network for the monitoring of stranding cetaceans is in place;
- RAP for the Conservation of Marine Vegetation. An Action Plan for *Posidonia oceanica* and halophyte vegetation is in place in one reporting Contracting Party. Otherwise, no action plans are reported having been established. However, actions for the protection and conservation of marine vegetation have been taken within the framework of national biodiversity strategies;
- Most of the reporting Contracting Parties have accorded protection status to vegetation species and formations of significant importance to the marine environment, mainly *Posidonia*, which is also protected by the establishment of SPAs. In that regard, work is reported to be ongoing in two reporting Contracting Parties through different projects (e.g. CAMP, MEDKEY habitats);
- In many reporting Contracting Parties, programmes have been developed for the mapping of vegetation formations important for the marine environment, mainly *Posidonia* meadows. This has been or is taken forward in the frame of different projects, such as RAC/SPA Med-*Posidonia* Project, national projects for specific MPAs and the SPAMI Project;
- RAP for the Conservation of the Monk Seal. Nearly all reporting Contracting Parties have granted protection status to the monk seals;
- Breeding monk seals populations are reported to be present in three reporting Contracting Parties, which have adopted a number of measures to keep monk seals isolated from any human activity for protection and conservation purposes;
- Protected areas for the conservation of monk seal populations are reported to be in place in some reporting Contracting Parties. A few reporting Contracting Parties have developed an action plan for the conservation of the monk seal. However, measures to protect monk seals are reported taken in the framework of the National Strategy for the Conservation of the Mediterranean Monk Seal and management plans for SPAs;
- RAP for the Conservation of Marine Turtles. Although reporting Contracting Parties declared that the turtle species are protected by law in their waters and that they were implementing measures to reduce incidental catches in turtles, the species remain poorly protected at sea since many turtle critical habitats are not granted appropriate conservation measures, in particular the feeding and breeding zones, migration routes, etc.;
- Nevertheless, awareness raising programmes are implemented in the reporting Contracting Parties with important occurrence of turtles, with significant contribution from NGOs. In addition, many reporting Contracting Parties have adopted an action plan for the conservation of marine turtles. Work is reported to be ongoing in other reporting Contracting Parties,

within inter alia the framework of the Regional (Adriatic) Strategy for the Conservation of Cetaceans.

6. Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal (HW Protocol)

Number of Contracting Parties to the HW Protocol: 7

Number of reporting Contracting Parties: 11

Introduction

230. Part I Legal Measures. Part I seeks to determine whether Contracting Parties have established the legal framework to: (1) reduce and/or eliminate the generation of hazardous wastes (Article 5.2); (2) reduce the amount of hazardous wastes subject to transboundary movement (Article 5.3); (3) restrict and/or prohibit the export import and transit of hazardous wastes (Article 5.4) ; (4) establish the notification procedure of the transboundary movement of hazardous wastes (Article 6) and (5) put in place enforcement measures (Article 5.5).

231. Part II Allocation of Resources. Part II seeks to gather information on the institutional arrangements put in place to control the generation and transboundary movement of hazardous wastes and to identify and sanction activities in contravention of the Protocol.

232. Part III Technical Data: This Part seeks to collect data on *inter alia* the total amount of hazardous wastes and other wastes generated under the different categories of wastes listed in the HW Protocol and their import and export movements.

233. Part IV Enforcement Measures. Part IV seeks to collect information on enforcement in order to verify that the provisions of the HW Protocol are applied.

234. Part V Effectiveness. Part V seeks to collect information on the implementation of the Regional Plan on the Reduction of Hazardous Wastes Generation by 20% in 2011.

Progress in Implementation

a) Legal Measures

235. All reporting Contracting Parties reported having put in place the legal and administrative regime to implement Articles 5 and 6 of the HW Protocol. This includes both reporting Contracting Parties which have ratified the Protocol and those which have not done so yet. The framework in place consists of domestic legislation, mainly on waste management. This has been taken forward at different degrees, as shown in detail below.

236. *Reduction to a minimum or where possible elimination of the generation of hazardous waste (Article 5.2).* All the reporting Contracting Parties stated having adopted measures to reduce and/or eliminate the generation of hazardous wastes. Activities aimed at reducing the generation of wastes are at the heart of the domestic legislation on waste management adopted in all the reporting Contracting Parties. In two reporting Contracting Parties, waste management strategies and plans have been also adopted.

237. *Reduction to a minimum and possibly elimination of the transboundary movement of hazardous waste through bans on the import of hazardous waste, and refusal of permits for export of hazardous waste to States which have prohibited their import (Article 5.3).* Nearly all the reporting Contracting Parties (10 out of 11) reported having adopted the measures needed to reduce the amount of hazardous wastes subject to transboundary movement, mainly within the framework of the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (The Basel Convention) and/or the ECC Regulation on Shipments of Wastes. One reporting

Contracting Party noted that there are no facilities for disposal of hazardous waste in its territory, therefore all hazardous waste must be exported. Another reporting Contracting Party referred to the proximity principle, under which the disposal of wastes is conducted in the nearest appropriate installation to reduce to a minimum the movement of wastes.

238. *Subject to the specific provisions referred to in Article 6.4 relating to the transboundary movement of hazardous waste through the territorial sea of the State of transit, prohibition of the export and transit of hazardous waste, within the area under their jurisdiction, to developing countries (Article 5.4).* Most of the reporting Contracting Parties (9 out of 11) have responded to this question affirmatively. The key reference given is the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (The Basel Convention) and the ECC Regulation on Shipments of Wastes.

239. *Subject to the specific provisions referred to in Article 6.4 relating to the transboundary movement of hazardous waste through the territorial sea of the State of transit, prohibition, by the Parties which are not Member States of the European Community of all imports and transit of hazardous waste (Article 5.4).* Most of the reporting Contracting Parties (9 out of 11) have responded to this question affirmatively.

240. *The transboundary movements of hazardous waste only take place (within areas beyond the territorial sea waters) with the prior written notification of the State of export and consent of the State of import, as specified in Annex IV (Article 6.3).* The notification procedure of the transboundary movement of hazardous substances is reported to be in place in some reporting Contracting Parties (7 out of 11), which mainly referred in this area to the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (The Basel Convention) and the ECC Regulation on Shipments of Wastes.

241. *Prevention and punishment of illegal traffic in hazardous wastes, including criminal penalties for all persons involved in such illegal activities, in accordance with the terms of Article 5.5 and Article 9 of the Protocol (Article 5.5).* In many reporting Contracting Parties (8 out of 11) enforcement measures (e.g. fines, imprisonment) are in place under various instruments (e.g. Criminal Codes or Penal Codes) in cases of importation and trafficking of dangerous substances and hazardous wastes.

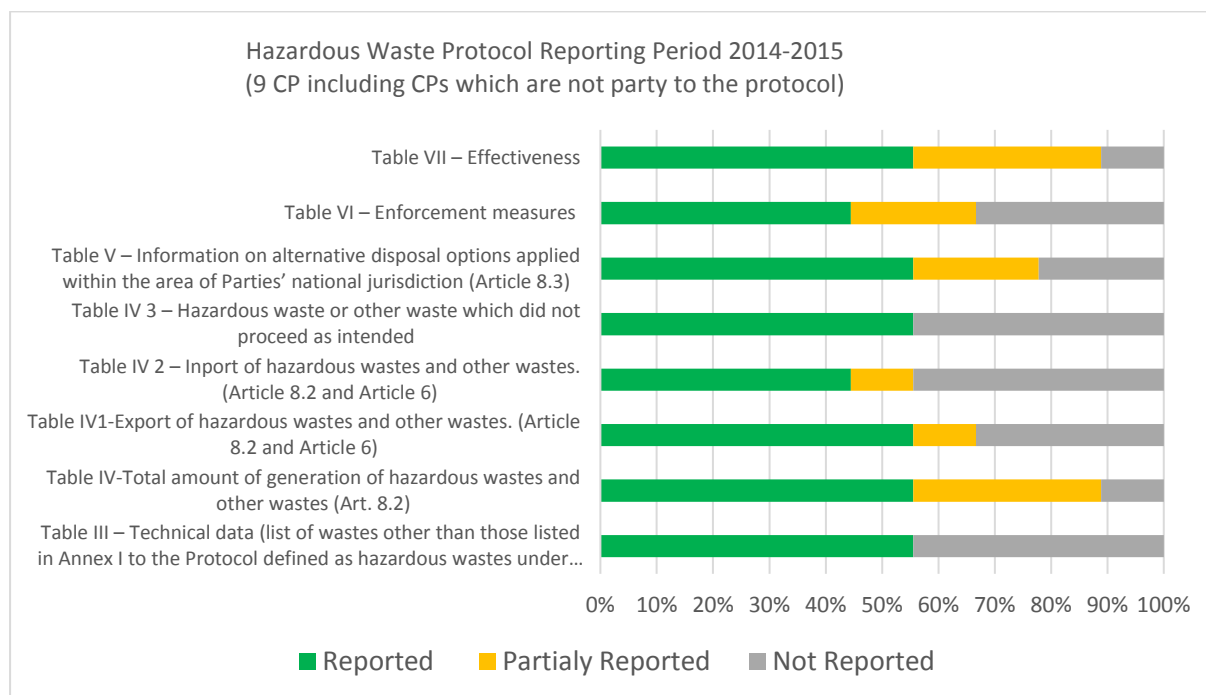
b) Allocation of resources

242. *To implement the requirement of Articles 6 and 12 of the Protocol on Transboundary movement s of Hazardous Wastes and notification procedures and provide adequate information to the public.* A few reporting Contracting Parties (4 out of 11) have allocated the resources needed to operationalize Articles 6 (Transboundary Movement and Notification Procedures) and 12 (Information and Participation of the Public) of the Protocol.

243. *Necessary structures to identify, punish or impose sanctions in the event of contravention of this Protocol.* A few reporting Contracting Parties (5 out of 11) have responded to this question affirmatively.

c) Technical Data and Enforcement Measures

244. With regards to the technical data and enforcement measures, the evaluation is based on the reports provided by 10 reporting Contracting Parties³¹ both signatory and not signatory to the Protocol.



245. Table III of the reporting format requires information on wastes other than those listed in Annex I to the Protocol that are considered/defined as hazardous under the national legislation. There is an indication of presence in some Contracting Parties of hazardous waste which are not listed in the Annex of the Protocol.

246. Tables IV of the reporting format requires information on the total amount of generation of hazardous waste according to the Article 8.

247. Table IV.I of the reporting format requires information (numerical data) on the export of the hazardous wastes.

248. Table IV.2 of the reporting format requires information regarding the import of the hazardous waste. For some Contracting Parties import of hazardous waste is prohibited.

249. Table IV.3 of the reporting format requires information on hazardous waste which did not proceed as intended. Reporting under this table needs improvement.

250. Table V of the reporting format requires information on alternative disposal options of the hazardous wastes in the country.

251. Table VI of the reporting format requires information on enforcement measures including inspections, fines and others. Most of the reporting Contracting Parties have records on the enforcement, and apply fines and inspection as regulatory activities.

252. Table VII of the reporting format requires information regarding indicators measuring effectiveness of implementation of Hazardous waste protocol. Most of the reporting Contracting Parties reported on their progress on the implementation of the regional plan on Hazardous Wastes. Most of the reporting Contracting Parties indicated that the implementation is in progress mentioning that the biggest difficulties/challenges for the process are technical capability and financial resources.

³¹ Not applicable to the EU

Whereas, some countries reported they already implemented the elements of the regional plans including the online register system.

Main overall findings

- Activities aimed at reducing the generation of wastes are at the heart of the domestic legislation on waste management adopted in all the reporting Contracting Parties, in line with the Hazardous Wastes Protocol and the Basel Convention;
- Nearly all the reporting Contracting Parties have adopted the measures needed to reduce the amount of hazardous wastes subject to transboundary movement, thus complying with the Hazardous Wastes Protocol as well as the Basel Convention;
- A more significant effort should be made to improve reporting on the technical aspects of the implementation of the Hazardous Wastes Protocol, especially regarding Generation of hazardous wastes and other wastes by Y-categories and amounts of wastes imported/exported, (Two Contracting Parties, namely Croatia and Malta have fully reported);
- A better internal collaboration between the MED POL and/or Barcelona Convention Hazardous Wastes Protocol focal points and national focal points of the Basel Convention, is encouraged to facilitate reporting and exchange of data;

7. Protocol for the Protection of the Mediterranean against Pollution Resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil (Offshore Protocol)

Number of Contracting Parties to the Offshore Protocol: 7

Number of reporting Contracting Parties: 11

Introduction

253. Part I Legal Measures. Part I seeks to determine whether Contracting Parties have established the appropriate legal framework to regulate offshore oil and gas activities, so that offshore activities are subject to prior authorization issued by the national competent authority in accordance with the requirements of the Protocol for the use and discharge of harmful or noxious substances and materials, oil and oily mixtures and drilling fluids and cuttings, sewage and garbage (plastics, such as synthetic ropes, synthetic fishing nets, plastic garbage etc.).

254. Part II Allocation of Resources: Part II seeks to test institutional arrangements in place for: (1) the required permitting system for offshore chemicals, (2) the exceptions to the prohibition of sewage, and garbage discharges to be granted, (3) the required safety measures, including an on-board offshore contingency plan, (4) environmental and compliance monitoring and (5) the removal of disused offshore installations.

255. Part III Administrative Measures. Part III seeks to gather data on the authorization permits given under the Protocol, including removal installation permits.

256. Part IV Enforcement Measures. Part IV seeks to collect information on enforcement in order to verify that the provisions of the Offshore Protocol are applied.

Progress in Implementation

257. All reporting Contracting Parties reported having put in place the legal and administrative regime to implement the Offshore Protocol. This includes both reporting Contracting Parties which

have ratified the Protocol (four reporting Contracting Parties) and those which have not done so yet (seven reporting Contracting Parties). The framework in place consists mainly of domestic legislation specifically devoted to offshore exploration and exploitation of hydrocarbons. This adds to the legislation on LBS, shipping (MARPOL) or wastes, which governs some aspects of offshore activities, such as the disposal of garbage or sewage. This has been taken forward at different degrees, as shown in detail below.

a) Legal Measures

258. *Prior authorization for all activities for exploration and exploitation according to the requirements of Articles 5 and 6 and criteria set forth in Annex IV.* All reporting Contracting Parties stated offshore activities to be subject to prior authorization as required by the Protocol. This authorization or permitting system has been articulated through laws governing the offshore exploration and exploitation of mineral resources and/or Environmental Impact Assessment (EIA) laws and environmental permitting laws.

259. *Mandating the use of the best available environmentally effective and economically appropriate techniques by operators in order to minimize the risk of pollution (Article 8).* All reporting Contracting Parties have responded to this question affirmatively. In some reporting Contracting Parties, the use of BAT and BEP is also a specific requirement of the Environmental Impact Assessment (EIA) conducted for offshore activities.

260. *Prohibition of disposal into the Protocol area of harmful and noxious substances and material listed in Annex I to this Protocol (Article 9).* In most of the reporting Contracting Parties (9 out of 11) the disposal of the offshore chemicals listed in Annex I to the Protocol is reported to be prohibited. The legal framework in place includes waste management acts, coast acts, LBS acts and domestic legislation transposing the MARPOL Convention.

261. *Issuance of a prior special permit for disposal into the Protocol area of harmful and noxious substances and material listed in Annex II to this Protocol (Article 9).* Many reporting Contracting Parties (6 out of 11) reported the disposal of harmful and noxious substances and material listed in Annex II to the Protocol to be subject to a prior special permit from the national competent authority or authorities. In some reporting Contracting Parties this is articulated through waste management regulations and in others through their Environmental Impact Assessment (EIA) laws or LBS regulations.

262. *Issuance of a prior general permit for disposal into the Protocol area of harmful and noxious substances and material that are not listed in Annexes I and II to this Protocol (Article 9).* Many reporting Contracting Parties (6 out of 11) have responded to this question affirmatively.

263. *Prohibition of discharges of sewage from installations except for the cases provided for in Article 11 of the Protocol.* In all reporting Contracting Parties the discharge of sewage is prohibited, with the exception of the cases provided for in the Protocol. The legal framework established mainly reflects MARPOL provisions through the relevant domestic legislation (e.g. on limits values for liquid discharges).

264. *Prohibition of disposal into the Protocol area of all plastics, such as synthetic ropes, synthetic fishing nets and plastic garbage bags and all non-biodegradable garbage, including paper products, rags, galls, metal, bottles, crockery, dunnage, lining and packing materials (Article 12).* Most of the reporting Contracting Parties (8 out of 11) stated having put in place the prohibition of disposal of the items listed in Article 12 of the Protocol. In some reporting Contracting Parties this has been done through the implementation of Annex V (Garbage) to MARPOL.

265. *Disposal of food waste to take place as far away as possible from land in accordance with international rules and standards (Article 12).* Some reporting Contracting Parties (5 out of 11) stated to follow established international rules and standards, e.g. MARPOL Convention, and dispose food wastes in accordance to them. In one reporting Contracting Party, work is reported to be ongoing with the drafting of a regulation on Port Reception Facilities and requirements on ship generated waste.

266. *Mandating disposal of all waste and harmful or noxious substances and materials in designated onshore reception facilities (Article 13).* Many reporting Contracting Parties (6 out of 11) have responded to this question affirmatively.

267. *Mandating special measures to prevent, abate, combat and control pollution in specially protected areas arising from activities in these areas (Article 21).* Many reporting Contracting Parties (6 out of 11) reported having adopted special measures to prevent offshore pollution in protected areas. This has been done in some reporting Contracting Parties through their environmental protection acts or flora and fauna species and habitats acts.

b) Allocation of Resources³²

268. *Establishment of the institutional structures for the required authorization/permitting system under the Offshore Protocol.* Half of the reporting Contracting Parties (5 out of 10) reported institutional arrangements in place for the issuance of the required offshore permit. Two reporting Contracting Parties stated this section was not applicable, as during the current reporting period no permit was granted.

269. *Establishment of the institutional structures for putting in place the safety measures referred to in Article 15, including the establishment of a national contingency plan for the offshore installations.* Half of the reporting Contracting Parties (5 out of 10) have responded to this question affirmatively.

270. *Establishment of environmental and compliance monitoring as required in Article 19 of the Protocol.* Some reporting Contracting Parties (4 out of 10) reported having in place the required monitoring procedures under the Protocol.

271. *Removal of installations (Article 20).* Institutional arrangement for the removal of abandoned or disused installations are reported to be in place in some reporting Contracting Parties (4 out of 10).

c) Administrative Measures³³

272. *Data on authorization/s and permit/s issued and related technical data.* Out of the ten reporting Contracting Parties, only one reported one authorization for exploratory drilling. Another one provided more detailed information, summarized as follows: (1) Authorizations granted: 14 among them 5 seismic, 4 exploration drilling, (2) Nature of wastes: Generated mainly during exploration drilling activity, consisting mainly of sewage and solid waste treated according to MARPOL, (3) Monitoring programme, contingency plan and safety measures are undertaken mainly during Exploration and Appraisal drilling activities, and (4) Reception facilities provided for all activities (11) except seismic survey.

273. *Data on Disposal under the terms of Article 14.* None of the 10 reporting Contracting Parties provided information in this regard.

d) Enforcement Measures³⁴

274. Out of the ten reporting Contracting Parties, one reported four inspections, two related to the Protocol obligations and two related to the specific conditions attached to authorizations or permits. Another Contracting Party reported 431 inspections related to the Protocol obligations, 90 related to the specific conditions attached to authorizations or permits, 30 related to provisions regarding to illegal disposal and 101 related to the provisions regarding safety measures.

275. The conclusion is that the challenge is to articulate avenues to encourage Contracting Parties, signatory to the Protocol, to report data *inter alia* on administrative measures and effectiveness related to their offshore activities. One of the tools that may be helpful in this respect is the development of

³² Not applicable to the EU

³³ Not applicable to the EU

³⁴ Not applicable to the EU

the Mediterranean Offshore Reporting and Monitoring System within the framework of the Mediterranean Offshore Action Plan.

Main overall findings

- All reporting Contracting Parties have put in place the legal and administrative regime to implement the Offshore Protocol, through legislation specifically devoted to that end or through legislation on LBS, shipping (MARPOL) or wastes, which governs some aspects of offshore activities;
- Institutional arrangements for the removal of abandoned or disused installations as required by the Protocol should be reinforced;
- A more significant effort should be made in reporting on technical data under the administrative measures part, as well as on enforcement measures (2 reporting Contracting Parties provided data on authorization/s and permit/s; No reporting Contracting Party provided data on disposals; 2 reporting Contracting Parties provided data on enforcement measures);

8. Protocol on Integrated Coastal Zone Management in the Mediterranean (ICZM Protocol)

Number of Contracting Parties to the ICZM Protocol: 10

Number of reporting Contracting Parties: 11

276. Nearly all reporting Contracting Parties reported having adopted legal and policy frameworks for the implementation of the ICZM Protocol by the relevant strategies and instruments. Integrated Coastal Zone Management (ICZM) principles have been integrated into domestic legal and policy framework through a variety of instruments encompassing, laws ratifying the Integrated Coastal Zone Management (ICZM) Protocol, national strategies and plans on marine and coastal management, coast laws.

277. *Protection and Sustainable Use of the Coastal Zone (Article 8)*. No major evolution to be noticed in this assessment period, as the principle of a “set back” zone for development is widely accepted and, in many cases, long established.

278. In some cases national legislation already exceeds the Protocol’s 100 metres. In other reporting Contracting Parties, the non-building zones, are defined by spatial plans, which integrate requirements of other sectorial laws (nature protection, protection of cultural heritage, agriculture land protection, forestry etc.), so that building close to the coast is controlled. Also, we can notice that mechanisms in place have been modified to be in line with requirements of ecological network of the European Union's Natura 2000.

279. However, setback zones are proving to be an evolving challenge – with the arbitrary 100 metres setback as a minimum - but with factors such as natural risk and climate change, or of the need to protect natural and landscape heritage, dictating a more flexible and dynamic approach. Enforcement remains a challenge.

280. Even though control of urbanisation remains a problem, reporting Contracting Parties that have ratified the Protocol have regulation to limiting the linear extension of urban development and creation of new transport infrastructure along the coast. As regards the reporting Contracting Parties which have not ratified the ICZM Protocol, the control of urbanisation is addressed through different mechanisms. Freedom of access rights to the foreshore and sea by the public are widespread and are seen as common rights across much of the Mediterranean.

281. *Economic Activities (Article 9)*. The use of indicators to evaluate economic impacts on the coastal zone is limited with very little comprehensive activity in this field. Three reporting Contracting Parties are reporting the use of economic indicators and one partially. Regarding reporting Contracting Parties which have not ratified the Protocol, no one has reported having established indicators.

282. *Specific Coastal Ecosystems (Article 10)*. The protection and regulation of sensitive areas through designation is well advanced. Most reporting Contracting Parties have reported specific protection measures in place for nominated sites. In contrast however, few reporting Contracting Parties have yet taken positive measures to restore and reactivate the positive role of coastal wetlands (there is room for progress regarding compensation measures) and islands.

283. It is to be noticed that in all the reporting Contracting Parties, national legislations are taking into consideration the role of these regions and their importance in protecting the marine and fluvial biodiversity and the comprehensive coastal environmental balances, with references to the key role of the RAMSAR Convention and in Contracting Parties which are EU member States, to the role of the EU Habitats Directive and Natura 2000 network.

284. There is a high level of participation in international cooperation programmes, agreements or activities to protect marine habitats, with numerous and diverse positive examples. The region-wide MedPAN network is active in promoting Mediterranean marine protected areas (MPAs), boosting MPAs creations and establishment of management schemes.

285. Landscape protection is intended primarily for the conservation of sites with biological, geological and cultural values rather than aesthetic values (architecture and cultural heritage are slowly being taken into account). Even though all the reporting Contracting Parties responded to have measures for protection of landscapes, specific measures for coastal landscape are still scarce, and landscape protection is generally built on broader landscape protection measures.

286. The specificity of islands is generally recognised in national legislation.

287. *Cultural Heritage (Article 13)*. The protection of land-based cultural heritage is well established. Archaeological localities and zones in territorial waters tend to be protected as one kind of cultural heritage. Nevertheless, the protection and accessibility of underwater sites is still underdeveloped.

288. *Participation (Article 14)*. There is considerable scope for improvement in this field.

289. *Awareness Raising, Training, Education and Research (Article 15)*. Awareness raising, education, training and public programmes are characterised by a huge variety of approaches and a wealth of experience. Target audiences range from key civil servants to the general public. The annual Mediterranean Coast Day is seen as key activity. Most of the Awareness Raising, Training, Education and Research initiatives and programmes are run at the national level, there is a lack of actions, but as well of visibility of the actions, at the regional and local levels.

290. There are relatively few dedicated ICZM centres, but many operating in related fields dealing with the subject. There is a continued need for networking research activity.

291. *Monitoring and Review (Article 16)*. Reporting Contracting Parties reported high level of commitment regarding the establishment of national inventories of coastal resources and activities, institutions, legislation and planning. The majority of reporting Contracting Parties reported some activity as follows: Regarding reporting Contracting Parties which have ratified the ICZM Protocol four reported the establishment of monitoring mechanisms and two did so partially. Regarding reporting Contracting Parties which have not ratified the ICZM Protocol, two have established monitoring mechanisms, one partially, and two have not done so). However, there appears to be little focus on the coastal zones, and there is a lack of unique coastal inventory, both at national and local level.

292. *National Coastal Strategies, Plans & Programmes, Transboundary Cooperation (Article 18)*. New coastal strategies have been developed since 2014. The sharing of experience would help maintain the momentum across the region. Guidelines, prepared by PAP/RAC that are now available for the definition of national coastal strategies can be helpful in this respect.

293. Even though most reporting Contracting Parties reported comprehensive and up-to-date assessment of the use and management of the coast, it seems that a common methodology for interpreting the nature or undertaking such assessments is missing. This may be an area for further development.

294. ICZM Projects have been common throughout the Mediterranean in the past decade, and nearly all reporting Contracting Parties reported their value in supporting a more effective implementation of the ICZM principles imbedded in the ICZM Protocol. The CAMP projects predominate both spatially and over time.

295. *Environmental Assessment (Article 19)*. The EIA process is widely used. Its effectiveness was not questioned. SEA's on the other hand are predominantly used in Contracting Parties which are EU members States and Candidates. There is a potential for improved guidance on this subject, particularly on its applicability to the coastal zone. In one reporting Contracting Party EIA and SEA legislations have been developed by MoE, and they are applied in order to reinforce planning, environmental protection and monitoring.

296. *Land Policy (Article 20)*. Mechanisms for the transfer and management of coastal land in the public domain are well established in the reporting Contracting Parties which ratified the ICZM protocol (Five out of six, and one partially). In the reporting Contracting Parties that have not ratified the Protocol yet three out of five answered they have mechanisms for the acquisition, cession, donation or transfer of land to the public domain.

297. There is no clear picture of the percentage of coastal land in the public domain. In terms of management of private coastal land, the various models currently available in the Mediterranean may be worth being further considered for their transferability regarding management approaches.

298. *Economic, Financial & Fiscal Instruments (Article 21)*. Only a small minority of reporting Contracting Parties indicate the use of economic or financial instruments to support ICZM.

299. *Natural Hazards (Article 22)*. Most of the reporting Contracting Parties which have ratified the Protocol have established comprehensive risk assessments for the coast at the national level. A progress is to be noticed in terms of integration of climate variability and change into coastal and marine planning schemes, compared to previous approaches focused only on sectoral risk analyses such as flooding or pollution.

300. *Exchange of Information and Activities of Common Interest (Article 27)*. A positive evolution is to be noticed in terms the comprehensive analyses of the marine and coastal environment carried out by the Contracting Parties, still there is a lack of evaluation the effectivity of the ICZM principles implementation, and their effectiveness. None of the five reporting Contracting Parties which have not ratified the Protocol responded positively to the questions regarding the definition of management indicators and up-to-date assessments carried out.

301. *Transboundary Environmental Assessment (Article 29)*. Bilateral memoranda of understanding or projects are common and have been particularly successful in promoting cross-border, transnational and interregional co-operation. Most of the reporting Contracting Parties point out a lack of joint approach to protection and management of continuous coastal zones. Four reporting Contracting Parties are reporting partial transboundary cooperation, one answered "yes" and one "no". Regarding, reporting Contracting Parties which have not ratified the ICZM Protocol, none of the five Contracting Parties have reported having established transboundary cooperation in contiguous coastal zones. Further support seems crucial top this matter as the issue will only be reinforced with issues related to maritime spatial planning and adaptation to climate change.

302. Co-operation between states exists concerning transport development strategy, environmental impact assessment (ex. exploration and exploitation of mineral/gas resources (Espoo Convention)), water management, marine pollution prevention, maritime spatial planning, awareness raising events.

Main overall findings

- All reporting Contracting Parties have put in place the legal regulatory framework for ICZM Protocol implementation.