



**Programme des
Nations Unies
pour l'environnement**

EP



UNEP(DEPI)/MED WG 320/Inf.3
2 October 2007
Original: French



MEDITERRANEAN ACTION PLAN

MAP Focal Points meeting

Madrid (Spain), 16–19 October 2007

**ANALYSIS AND SYNTHESIS OF REPORTS SUBMITTED BY
CONTRACTING PARTIES, IN ACCORDANCE WITH ARTICLE 26 OF THE
BARCELONA CONVENTION AND ITS PROTOCOLS, DURING THE
BIENNIUM 2004–2005**

1. Context

During their twelfth Ordinary Meeting (Monaco, 2001), the Contracting Parties to the Barcelona Convention adopted a reporting format, and seven (finally reduced to five) Contracting Parties agreed to participate in the testing phase of the format. The process was monitored by a working group under the supervision of the Bureau.

On the basis of the information derived from this experimental phase, the Contracting Parties, at their thirteenth Ordinary Meeting (Catania, 2003), adopted a number of recommendations on the reporting system, to be implemented by all Contracting Parties during the biennium 2004–2005 in accordance with Article 26 of the Convention.

The reports submitted as a result of application of these decisions were analysed with respect of the objectives set by the Contracting Parties.

In order to improve the reporting system, the Contracting Parties, at their fourteenth Ordinary Meeting (Portoroz, 2005), asked the Secretariat to devise a new reporting format based on an integrated approach of all legal instruments, coherence with the frequency of reporting and the use of indicators. The new format was prepared at two meetings of national experts, held in 2006 and 2007 (see document UNEP/(DEPI)/MED WG 320/3 I.A.4).

This report is a synthesis of 15 reports, submitted in accordance with Article 26 of the Barcelona Convention by Albania, Algeria, Bosnia-Herzegovina, Croatia, Egypt, the European Community, Israel, Italy, Malta, Monaco, Morocco, Slovenia, Spain, the Syrian Arab Republic and Turkey. The synthesis was prepared by the Coordinating Unit, with contributions from MED POL, REMPEC and SPA/RAC. It also represents an overall evaluation of measures taken for the implementation of the Convention and its protocols for the biennium 2004–2005. MED POL and the relevant RACs are preparing more detailed evaluations of the reports submitted by the Contracting Parties for this period.

This report is submitted to the meeting of MAP Focal Points in accordance with Articles 17(iv) 18.2(ii) of the Convention.

2. General comments

- Eight Contracting Parties¹ submitted reports in the current format, seven Contracting Parties² used the new format, and six did not send a report.
- Submission in the two somewhat different formats complicated the analysis and synthesis of the reports, as there was no homogeneous basis.
- Certain Contracting Parties answered only part of the questionnaire and did not cover all legal instruments.
- Some of the reports did not include information on technical application of the protocols.
- Some of the Contracting Parties that submitted reports in the new format used the system of ticking boxes with added comments, some of which were substantive, while others only ticked the boxes without additional comment.
- Certain Contracting Parties that used the new format provided extensive information in part 1.1.2 (general information), particularly on current trends in the coastal and marine environment, which strengthened the entire report. It is very important that this part be correctly filled in by all Contracting Parties.

¹ European Community, Israel, Italy, Malta, Monaco, Morocco, Spain, Turkey

² Albania, Algeria, Bosnia-Herzegovina, Croatia, Egypt, Slovenia, Syrian Arab Republic

- Although information on application of the “Offshore” of 1994, and the Hazardous Wastes of 1996 protocols is clearly important, it might not be appropriate to require a detailed report on these protocols, which have not yet come into force and have not been signed by many Contracting Parties. With regard to the Hazardous Wastes Protocol of 1996, many Contracting Parties reported the actions they had taken in applying the 1989 Basel Convention.
- Some of the reports contained information that was not directly relevant to application of the Convention and its protocols, which made them unnecessarily long.

3. Objective of the analysis

The analysis that follows aims to respond to two types of concern.

- The first is the effectiveness of the measures taken.

Does the report provide exact information on application of the Convention and its protocols by Contracting Parties? Yes, if it is understood that the report does not address the state of the marine environment and coastal zones but only the measures taken to protect them and to manage them sustainably, in application of the Convention and its protocols.

For example, the report may indicate that monitoring of the marine environment is in place, but it will not give the results, as that is not the objective of the report. Similarly, the report may state whether new SPAs have been created but not whether the biodiversity in those areas has been improved.

The reporting system therefore emphasizes implementation, which should be distinguished from effectiveness. ‘Implementation’ means that a measure has come into force. For example, the system of authorizations and permits works: polluting installations that require a permit do in fact apply for permits and operate according to the conditions of the permit. The system is being implemented.

‘Effectiveness’ refers to the objectives of the permit, i.e. improved environmental quality. A purification plant is effective if it substantially reduces pollution and if the marine environment into which it discharges improves. The concept of effectiveness also introduces the idea of the relation between cost and results. An investment or a mechanism will be effective if it improves the environment while at the same time reducing the cost.

The reporting system thus provides more information on implementation than effectiveness, corresponding more closely to the provisions of Article 20 of the previous Convention than to Article 26 of the amended Convention, which is much more ambitious.

Similarly, articles 8 and 13 of the Land-based Sources (LBS) Protocol are stricter and require reporting of detailed information on application of the Protocol and the results achieved.

In future, the Contracting Parties should be encouraged to supply data on and analyses of the effectiveness of the measures they have taken.

- The second concern is the comparability of national performance.

The reports can also be used to compare national performance.

Given that six Contracting Parties did not send reports and the others used two different reporting formats, comparisons are difficult to make, except in the fields of legislation and regulation. The fact that some of the Contracting Parties that used the new format only

sometimes added comments on questions as well as ticking the boxes also makes comparisons difficult.

Even though the reports represent considerable progress, therefore, it is not yet possible to derive quantitative data for analyses at the level of the Mediterranean region.

4. Analysis of reports

The following analysis follows the structure of the new format, with data from all 15 available reports.

4.1 General information

- All the reports provide precise information on the institutions, focal points and persons responsible for applying the Convention and its protocols. The Contracting Parties therefore appear to have established adequate structures for implementing the Convention and its protocols at national level.
- Only some Contracting Parties provide an analysis of trends in respect of the marine environment and coastal zones. Such analyses are vital and should be presented systematically by all the Contracting Parties in a usable form.
- The section on setting priorities for implementation of the Convention and its protocols did not exist in the previous format. This part was correctly filled in by the users of the new format and would appear to be useful, as national priorities differ from one Contracting Party to another. Once all the reports are available, in the new format, MAP will have an overview of national priorities.
- The same is true of the section on difficulties encountered in implementation. Nevertheless, the main concerns are already clear and include lack of public awareness, lack of technical and human financial resources and lack of intersectoral cooperation.
- All Contracting Parties provided relevant information on the status of ratifications at national level.

4.2 Application of the Convention

The Convention as amended in Barcelona in 1995 has come into force in July 2004.

- Overall, Contracting Parties provided clear information on the international, bilateral and multilateral agreements to which they are signatory and which are related to the Convention. Furthermore, most Contracting Parties provided information on the status of signature, accession to or ratification of multilateral environmental agreements. It would therefore be possible to tabulate the status of the Mediterranean Contracting Parties with respect to ratification of such agreements. This is a satisfactory overall situation.
- With regard to respecting the obligations and principles specified in the Convention, especially in paragraphs 4.3 and 4.4, all the Contracting Parties noted that this depends on their national legislation and sometimes on the conditions under which it is applied. Emphasis was placed on monitoring programmes in the marine environment, which were described in detail. All the Contracting Parties had integrated the precautionary principle, impact studies and the principles of

information and participation in their legislation. Contracting Parties differed, however, in the extent to which they had introduced integrated management of coastal zones.

4.3 Application of the Dumping Protocol

The situation of the Contracting Parties differs widely with respect to this Protocol. The Protocol is in force, but the amendments made in 1995 are not.

- All the Contracting Parties have ratified or acceded to the 1976 Protocol.
- Fourteen Contracting Parties have signed and ratified the 1995 amendments or have acceded to them.
- Eight Contracting Parties have not yet ratified the 1995 amendments.

The original Protocol differs substantially from the 1995 version, which in principle prohibits dumping, with a limited number of exemptions. Nevertheless, some Contracting Parties that have not ratified the 1995 amendments provided precise information on application of the amended Protocol, which should encourage Contracting Parties to continue to report on the amended version even if it is not yet in force.

Most Contracting Parties have enacted legislation on dumping, in accordance with the provisions of both the London Convention and the Mediterranean Dumping Protocol. In particular, they have established relevant permit systems.

The dumping of dredged materials from ports and rivers and of fish wastes are the main concerns.

All the reports identify the authorities responsible for administering national measures for application of the Protocol.

With regard to dumping permits, of those Parties that filled in the relevant section of the report:

- four have not issued authorizations for dumping; and
- six have issued authorizations in compliance with the 1976 Protocol or the amended Protocol of 1995, and four of these provided precise information on the quantities and the nature of the dumped products, which were mainly dredged material.

The reporting system has had beneficial effects and has resulted in a substantial amount of information on authorized dumping; however, the information is not readily comparable, as dumped dredged material is sometimes evaluated by weight and sometimes by volume. In the Contracting Parties that submitted reports, the weight of dumped dredged material was about 8 million tonnes in 2 years.

Only a few Contracting Parties provided information on the dumping of fish wastes and of sand, and two Contracting Parties gave information on dumping from boats.

In general, information was not provided in a sufficiently systematic, harmonized manner to allow preparing regional statistics.

4.4 Application of the new Prevention and Emergency Protocol

The new Protocol, signed in Malta in 2002, came into force in 2004. Eight Contracting Parties have ratified it.

The activities under this Protocol relate to one of the most well-established and traditional components of MAP over the past 30 years. Therefore, most of the national reports are complete and reflect national efforts to apply the Protocol.

All the Contracting Parties included a list of the international agreements they had signed to prevent, reduce or combat pollution from ships in the marine environment. The rate of ratification of the relevant instruments, especially those of the IMO, is very high.

Almost all Contracting Parties have national emergency plans to address incidents of pollution at sea and their consequences, and also administrative measures for their implementation.

Overall, the Contracting Parties apply the provisions of the Protocol with regard to notifying REMPEC and mutual exchanges of information on pollution incidents.

Furthermore, almost all the Contracting Parties have formulated a set of measures for applying international regulations for preventing pollution from ships.

With regard to operational pollution from ships, some Contracting Parties have not set up monitoring programmes to detect pollution from ships in marine zones susceptible to this risk. It should be noted that, in order to achieve this result, a considerable financial investment and aerial and naval support are required to detect, find and pursue offenders.

Examination of the reports showed three weak areas:

- lack of facilities for handling hydrocarbon-containing wastes from ships in ports;
- difficulty in identifying environmental risks linked to maritime routes;
- difficulty in identifying ports of refuge.

With regard to technical questions, three Contracting Parties made very brief replies, and eight Contracting Parties provided extremely detailed information on:

- the available intervention plans,
- national capacity for monitoring and intervention,
- use of dispersants,
- sensitivity maps and
- pollution incidents that occurred during the biennium.

The reports allow an analysis of the number of the pollution incidents that occurred during the biennium as well as the nature, importance and handling of the incidents.

In conclusion, the Protocol appears to be applied correctly with regard to the provisions taken from the original Protocol for the prevention and handling of accidents that could result in marine pollution. Furthermore, State control over ports also appeared to operate. Much remains to be done, however, in applying other measures of the Prevention and Emergency Protocol for preventing pollution, especially of operational origin, monitoring pollution at sea and port facilities.

4.5 Application of the LBS Protocol

The LBS Protocol, as amended in Syracuse, Italy, in 1997, has been ratified by 14 Contracting Parties but has not yet come into force.

Nevertheless, MAP has begun implementation, with the adoption of strategic action plans at regional level and establishment of baseline budgets and national action plans at national level.

Most of the Contracting Parties provided extensive information on implementation of the Protocol.

Nearly all Contracting Parties have adopted a national action plan to reduce land-based pollution and have adopted the relevant legislation and regulation and authorization systems for its enforcement.

All the Contracting Parties have also set up mechanisms for monitoring compliance and for inspection and sanctions. All Contracting Parties have established a monitoring system to evaluate the level of coastal pollution, in the framework of MED POL. Extensive information was provided on this topic in many of the reports.

Greater variation was seen regarding the development of indicators and evaluation of effectiveness.

All the reports identified the authorities responsible for issuing authorizations.

Half of the reports, however, contained little or no information on the number of authorizations issued or on the quantities of authorized pollutants by type of activity; in contrast, some reports contained detailed information on this question.

The baseline budgets drawn up in the framework of the strategic action plans provide substantial information for each Contracting Party. This frequency with which this information is updated is every 5 years, which is different from that for the reports, which is every 2 years. Therefore, the information on volume of wastes discharged by activity sector identified in 2003 on the basis of the baseline budgets will be updated only in 2008. On this basis, the Secretariat proposes to update the table on polluting releases in the national reports for the period 2006–2008, using the data from the baseline budgets for 2008.

4.6 Application of the SPA and Biological Diversity Protocol

The new Protocol of 1995 came into force in 1999; 14³ Contracting Parties have ratified it to date.

Overall, the national reports provided extensive information on application of this Protocol.

Contracting Parties have either general or specific legislation applicable to the protection and management of marine and coastal zones and species as well as administrative structures for their application.

Many Contracting Parties enacted legislation on the control of dredging and maritime navigation which applies to protected areas but is not necessarily specific to these areas.

³ Pending notification from Depository country on the accession by Algeria

Most Contracting Parties have adopted or prepared legislation on the introduction of non-indigenous or genetically modified species.

The majority of Contracting Parties have adopted legislation or rules for controlling research activities, off-shore activities, taking species, hunting and fishing in protected areas and protection of ecological processes and the landscape. Overall, the Contracting Parties have taken steps to involve local populations in managing protected areas.

The situation is more critical with regard to financing the management of protected zones and for their ecological integrity. Analysis of the national reports shows that monitoring of marine and coastal biodiversity is not sufficiently taken into consideration and the monitoring activities are preferably carried out in the existing SPA, associating sometimes scientists and managers.

Furthermore, many Contracting Parties have not yet taken the measures stipulated in the Protocol for the protection and conservation of species.

Overall, with a few exceptions, the reports on technical application of the SPA Protocol are complete and detailed. They show:

- active policies for SPAs, although very few new SPAs have been created;
- insufficient proposals for the inclusion of SPAs of Mediterranean importance;
- a limited inventory policy; and
- only preliminary policies for protecting species according to the action plans.

4.7 Application of the Offshore Protocol

Although this Protocol was adopted in 1994, it requires ratification⁴ by six more Contracting Parties before it comes into force.

Less than half the submitted reports dealt with this Protocol. In the Contracting Parties that mentioned it, both national legislation and authorization systems are in place. Nevertheless, administrative measures to reduce the risks of pollution linked to offshore installations are still limited or under study.

4.8 Application of the Hazardous Wastes Protocol

This Protocol, adopted in 1996, has still not come into force as there have been insufficient ratifications⁵.

More than half the Contracting Parties replied to this part of the questionnaire.

The work of the Contracting Parties is facilitated by the fact that they are all Party to the Basel Convention of 1989, which addresses the problems of hazardous wastes (production, transport, elimination) at global level. The Contracting Parties which are member of the European Union implement the Basel Convention through the implementation of relevant European directives. Therefore, most of the provisions of the Hazardous Wastes Protocol are already being applied by them through this channel. The other Contracting Parties which are not members of the European Union, that replied to this part of the questionnaire, reported that they apply the Basel Convention directly.

⁴ To this date, 4 Contracting Parties ratified this Protocol.

⁵ To this date, 5 Contracting Parties ratified this Protocol.

Once this Protocol comes into force, the replies should be completed to cover its specific provisions.

5. Main conclusions

Subject to a more detailed examination of the technical data by the relevant RACs and MED POL, the following conclusions can be drawn from this analysis of the reports:

- The reports show considerable improvement in terms of information on application of the Barcelona Convention and its protocols, including the amended versions that have not yet come into force (the Dumping and LBS protocols). The reports submitted show gratifying transparency.
- It is essential that all Contracting Parties submit reports, in accordance with Article 26 of the Convention and the relevant provisions of the protocols, so that information on application of the Convention and its protocols is systematic and is available to all partners and so that the Contracting Parties are on an equal footing in this respect.
- Furthermore, systematic submission of technical data by all the Contracting Parties will enable the Secretariat, particularly the RACs and MED POL, to contribute to periodic reports on the state of the marine and coastal environment.
- The new reporting format improves the comparability of information, as it allows quantitative analysis, unlike the previous system. It is essential, however, that each Contracting Party provide comments to clarify their national situations and conditions with regard to application of the Convention and its protocols.
- The replies concerning indicators of efficacy show that many Contracting Parties have not established them. The Secretariat should encourage greater cooperation in developing a battery of relevant indicators, to allow better evaluation of the efficacy of the measures taken at regional and national levels.
- Many of the reports describe difficulties in applying the protocols, in particular lack of awareness, limited financial capacity, limited human resources and inadequate intersectoral coordination.

In conclusion, as described above, it is important that all the reports be written in a standardized way, to allow MAP to produce reliable regional data and analyses on effective implementation of the Barcelona Convention and its protocols.