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SUMMARY OF NATIONAL REPORTS SUBMITTED BY THE CONTRACTING PARTIES FOR THE 2008-2009 BIENNIUM

UNEP/MAP
Athens, 2011

1. Introduction

This note constitutes a summary of the conclusions in the reports submitted by the Contracting Parties (CPs) in implementation of Article 26 of the Barcelona Convention and Decision IG.17/3 adopted by the 15th Meeting of the Contracting Parties. By 1 November 2011, 15 CPs¹ had submitted their national reports, six of them using MAP's on-line reporting system. This is a provisional estimate because two other CPs (France and Montenegro) have informed the Secretariat that their reports will shortly be transmitted. In that case, the final number of reports (17) will be higher than that recorded (15) for the previous 2006-2007 biennium.

2. Implementation of the Barcelona Convention and its Protocols

2.1 Barcelona Convention

All CPs provided relevant information on the status of ratification, as well as details of the international, bilateral and multilateral agreements to which they are party and which are related to the Convention. Moreover, most of the CPs furnished information on the status of signature, accession or ratification of multilateral environmental agreements. The CPs have made considerable progress in setting up appropriate structures for implementing the Convention and its Protocols. They have incorporated into their national legislation the basic provisions of the Barcelona Convention concerning the following aspects:

- *Application of the precautionary principle:* Eight CPs have included this in their legislation; two (Cyprus and Monaco) stated that it was being incorporated; two (Greece and Turkey) did not give any indication; one (Morocco) stated that this principle had not yet been transposed into its national legislation.
- *Application of the "polluter pays" principle:* The majority of CPs have incorporated the "polluter pays" principle into their legislation: nine have incorporated this principle into their national legislation; one (Monaco) stated that the process of incorporation was under way; three (Greece, Turkey, Egypt) did not provide information on this subject.
- *Environmental impact assessment (EIA):* nine CPs have conducted environmental impact studies, with nuances. For example, three (Cyprus, Algeria, Italy) do not apply Article 4.3(d) on the exchange of information in a transboundary context. Some CPs (Croatia, Syrian Arab Republic) highlighted insufficient technical and financial resources for this purpose.
- *Promotion of integrated management of coastal areas (Article 4.3(e)):* Eight CPs responded to this commitment: two (Monaco and Morocco) indicated that this process was under way; three (Greece, Turkey, Egypt) did not give any indication; one (Bosnia and Herzegovina) replied in the negative, citing problems related to the political and regulatory framework, insufficient financial and technical resources and administrative management difficulties.
- *Ongoing monitoring of pollution/designation of competent authorities (Article 12):* All CPs implement this Article, only one mentioned insufficient financial and technical resources to ensure full implementation of the monitoring programme.

¹ Algeria, Bosnia and Herzegovina, Cyprus, Croatia, Egypt, European Commission, Greece, Israel, Italy, Monaco, Morocco, Spain, Syrian Arab Republic, Tunisia, Turkey.

- *Public access to information on the state of the environment (Article 15.1)*: Eleven CPs responded positively to this commitment, three (Tunisia, Monaco, Syrian Arab Republic) replied in the negative, with the latter citing problems related to the absence of a political and administrative framework.
- *Public participation in decision-making processes (Article 15.2)*: Ten CPs responded positively to this commitment, two (Turkey and Egypt) did not give any reply, three (Tunisia, Monaco, Bosnia and Herzegovina) replied in the negative. Bosnia and Herzegovina and Croatia cited problems related to insufficient financial and technical resources, as well as administrative management difficulties.

2.2 Protocols

2.2.1 Protocol on specially protected areas and biodiversity in the Mediterranean

This Protocol, with the 1995 amendments, has been ratified by the CPs which submitted reports (with the exception of Greece, Bosnia and Herzegovina and Israel). An examination of the replies received leads to the following remarks concerning the implementation of the following provisions of the Protocol by CPs:

- *Designation of terrestrial coastal areas under the jurisdiction of the Party and in the area covered by the Protocol (Article 2.1)*: Twelve CPs have designated such areas, two (Algeria, Israel) indicated that their designation was under way.
- *Protection and sustainable management of the environment of areas of particular natural or cultural value, notably by the establishment of specially protected areas (Article 3.1(a))*: Thirteen CPs comply with this commitment; one (Greece) did not provide any indication and another (Algeria) indicated that implementation was under way. Some CPs (Syrian Arab Republic, Spain, Morocco) underlined implementation problems related to the political and administrative framework or insufficient financial and technical resources.
- *Protection of threatened animal and plant species (Article 3.1(b))*: Ten CPs comply with this commitment; one (Syrian Arab Republic) indicated that the process was under way; two (Croatia and Morocco) furnished no reply.
- *Protection measures (Article 6)*: Eight CPs observe all the provisions of this Article: one (Bosnia and Herzegovina) does not meet the requirement in paragraphs (c) and (e); one (Syrian Arab Republic) indicated that the process was under way for 6(b) and underlined implementation problems related to paragraphs 6(c), (e), (f) and (g), replying in the negative to 6(h); lastly, one CP (Turkey) did not provide information on this Article.
- *Planning and management: monitoring and control of specially protected areas (Article 7.2)*:
 - 7.2(a) Management plans: seven CPs have taken measures; two (Greece, Turkey) indicated that implementation was under way; one (Algeria) did not provide information on this paragraph/
 - 7.2(b) Continuous monitoring: six CPs have taken measures; two (Cyprus, Morocco) replied in the negative; two (Greece, Croatia) indicated that the process was under way; two (Italy, Algeria) did not provide information on this paragraph.
 - 7.2(c) Active involvement of local communities: five CPs have taken measures; two (Cyprus, Croatia) indicated that the process was under way; one (Greece)

replied in the negative; four (Algeria, Syrian Arab Republic, Turkey, Italy) did not provide information on this paragraph.

- 7.2(d): Adoption of financing mechanisms: seven CPs have taken implementation measures; four (Algeria, Italy, Morocco, Syrian Arab Republic) did not provide information; one (Cyprus) replied in the negative. Some CPs (Spain, Croatia) cited problems relating to insufficient financial and technical resources, and administrative management difficulties.
- 7.2(f): Training of personnel: six CPs have taken measures; one (Croatia) indicated that the process was under way; four (Algeria, Greece, Italy, Israel) did not provide information on this paragraph.
- 7.3: Establishment of measures for responding to incidents: eight CPs have taken adequate measures; three (Algeria, Italy, Syrian Arab Republic) did not provide information; one (Croatia) replied in the negative.
- 7.4: Coordination of administration and management of specially protected areas: seven CPs have taken measures; four (Italy, Syrian Arab Republic, Algeria Israel) did not provide information; one (Morocco) replied in the negative.
- *Planning and management of specially protected areas (Article 7.2(a))*: four CPs have not taken any measures.
- *National measures for the protection and conservation of species (Articles 11.2 to 11.7)*:
 - 11.2: Five CPs have taken measures; one (Morocco) replied in the negative; two (Syrian Arab Republic, Israel) indicated that the process was under way.
 - 11.4: Four CPs have taken measures; one (Syrian Arab Republic) indicated that the process was under way; four (Algeria, Monaco, Turkey, Egypt) replied in the negative; two (Cyprus, Israel) did not provide information.
 - 11.6: Six CPs (Algeria, Monaco, Bosnia and Herzegovina, Syrian Arab Republic, Croatia, Egypt) replied in the negative.
 - 11.7: Five CPs (Algeria, Monaco, Turkey, Croatia, Egypt) replied in the negative.
 - 13: Two CPs (Monaco, Algeria) replied in the negative; one (Morocco) indicated that the process was under way.

2.2.2 Prevention and Emergency Protocol

This Protocol, amended in 2002, has been ratified by nine CPs which submitted reports. An examination of the replies received leads to the following remarks concerning the implementation of the following provisions of the Protocol by CPs:

- *Implementation of international regulations to prevent, reduce and control pollution of the marine environment from ships (Article 3.1(a))*: Almost all the CPs have taken the required measures, except one (Bosnia and Herzegovina).
- *Contingency plans and other means of preventing and combating pollution (Article 4)*:
 - 4.1: Two CPs (Turkey, Syrian Arab Republic) have not taken measures, citing problems related to insufficient financial and technical resources.

- 4.2: One CP (Syrian Arab Republic) mentions implementation problems related to an inappropriate administrative structure and insufficient technical capacity.
- *Monitoring with a view to preventing, detecting and combating pollution and ensuring compliance with the applicable international regulations (Article 5):* Some CPs (Turkey, Morocco) mentioned that a process was under way.
- *Technical and operational measures to prevent and combat marine pollution incidents (Articles 4, 11, 8 and 9):* All the CPs complied with the requirements in these Articles, with the exception of Bosnia and Herzegovina.

2.2.3 Land-based sources Protocol

This Protocol, amended in 2006, has been ratified by 12 CPs which submitted reports. An examination of the replies received leads to the following remarks concerning the implementation of the following provisions of the Protocol by CPs:

The results of the analysis of this section confirm that the provisions in the LBS Protocol are the main priority for CPs (compared to the other Protocols), as can be seen from the fact that seven CPs have incorporated a certain number of its requirements into their national legislation. Nevertheless, the problems and challenges facing CPs in responding to certain of the Protocol's provisions are not identified and could not be determined from the reports submitted, particularly as regards the regulation of point source discharges, the introduction of an inspection system, the application of sanctions and common pollution control measures, in addition to the allocation of the resources needed to set up monitoring institutions and programmes.

The analysis of the replies concerning the implementation of the Protocol's provisions leads to the following findings:

- *Legal measures (Articles 5.2 (implementation of action plans and programmes), 6.1 (development of an authorization or regulation system), 6.2 (establishment of an inspection system to assess compliance with authorizations and regulations) and 7 (development of common guidelines, standards and criteria)):*

A large majority of CPs have taken the corresponding measures. Some CPs did not provide information on these articles (Egypt) or only on some of them: 6.1, 6.2 and 7 (Monaco), 6.1, 6.2, 6.3 and 7 (Turkey), 7 (Morocco). One CP (Syrian Arab Republic) replied in the negative on 7, highlighting problems related to the inappropriate institutional framework and overlapping of responsibilities, preventing the adoption of the mandatory legal measures.

- *Allocation of resources*
 - 1. Eight CPs responded positively: four (Greece, Turkey, Egypt, Morocco) did not provide information; one (Syrian Arab Republic) replied in the negative.
 - 2. Nine CPs responded positively; three (Greece, Turkey, Egypt) did not provide information.
 - 3. Eight CPs responded positively; three (Greece, Turkey, Egypt) did not provide information; one (Bosnia and Herzegovina) indicated that the process was under way.

- 4. Four CPs responded positively; four (Greece, Turkey, Egypt, Croatia) did not provide information; one (Syrian Arab Republic) indicated that the process was under way; one (Bosnia and Herzegovina) replied in the negative.

2.2.4 Dumping Protocol

Ten CPs out of the 15 which submitted reports have approved the 1995 amendments to the Protocol. The results of the analysis of this section confirm that the provisions in the Dumping Protocol have been incorporated into their national legislation. Nevertheless, the problems and challenges facing CPs with regard to the Protocol's provisions are not identified and have not been specified in the reports submitted.

- *Legal measures (Articles 4.1 (prohibition of dumping of wastes or other matter), 4.2 (exceptions to the principle of prohibition), 7 (prohibition of incineration at sea), 11(a), 11(b), 11(c) (application of measures to implement the measures), and 12 (reporting of incidents))*

Almost all the CPs have taken measures to implement these Articles, with the following qualifications: three (Bosnia and Herzegovina, Greece, Egypt) did not provide information, and Morocco did not provide information on Articles 11(a), (b), (c) and 12 or Turkey on 11(a); four CPs (Tunisia, Croatia, Israel, Cyprus) do not apply Article 4. Some CPs (Spain, Syrian Arab Republic and Croatia) cited problems related to the political and administrative framework, and insufficient technical and financial capacity.

- *Allocation of resources*
 - 1. Nine CPs have taken measures; two (Egypt, Morocco) did not provide information; one (Bosnia and Herzegovina) replied in the negative.
 - 2. Seven CPs have taken measures; two (Egypt and Morocco) did not provide information; three (Syrian Arab Republic, Croatia and Bosnia and Herzegovina) replied in the negative.

2.2.5 Hazardous Wastes Protocol

Only four CPs which submitted reports have ratified this Protocol. An analysis of the replies highlights the following:

- *Legal measures (Articles 5.2 (measures to prevent, reduce and eliminate pollution), 5.3 (measures to reduce to a minimum the transboundary movement of hazardous wastes), 5.4 (prohibition of the export and transit of hazardous wastes to developing countries), 6.3 (obligation on prior notification by the exporting State), 7.4, 5.5 (cooperation measures to prevent illegal traffic), 9 (measures to prevent and punish illegal traffic))*

Seven CPs have taken measures in relation to all these Articles; three (Greece, Monaco and Israel) did not provide information; one (Turkey) has taken measures under Article 5.2, but did not provide information on the other Articles. Regarding implementation of this Article, one CP (Morocco) cited problems related to insufficient technical and financial resources, as well as administrative management difficulties.

- *Allocation of resources (Articles 1 and 2)*

The CPs have taken measures, although three (Spain, Egypt, Morocco) drew attention to problems related to insufficient financial and technical resources, as well as administrative management difficulties. One CP (Israel) did not provide information.

2.2.6 Offshore Protocol

Only four CPs which submitted reports have ratified this Protocol.

- *Legal measures (Articles 4 (prior authorization obligation), 5 (submission of applications for authorizations), 6 (requirements for authorization applications), 8 (utilization of best available techniques), 9 (conditions for use and storage of chemicals), 11 (prohibition of the discharge of sewage), 12 (prohibition of the discharge of garbage), 13 (reception facilities, instructions and sanctions))*

No replies were received from CPs that had not ratified the Protocol (Monaco, Greece, Turkey, Egypt, Israel); two CPs (Spain, Italy) have taken measures, except as regards Article 9 in the case of Italy, and Articles 12 and 13 for Bosnia and Herzegovina.

- *Allocation of resources*

Only three CPs (Spain, Italy, Croatia) have taken measures, the others did not provide information.

3. Conclusions and recommendations

3.1 Need for more uniform and detailed presentation of reports

3.1.1 Six CPs out of the 15 used the new on-line reporting format. This progress is encouraging and should continue. The new reporting format makes it easier to compare information as it enables a quantitative analysis to be made, unlike the previous system. It is, however, essential for CPs to provide comments in order to clarify their situations and national circumstances as regards the implementation of the Convention and its Protocols.

3.1.2 The reports highlight the undoubted improvements in respect of information on implementation of the Barcelona Convention and its Protocols, including the amended texts of these instruments that have not yet entered into force. The reports submitted show the concern of CPs to transmit the information available.

3.1.3 Some CPs only replied to part of the questionnaire and/or did not cover all the legal instruments. Some reports contain no information on the technical implementation of the Protocols.

3.1.4 Some reports did not include information on technical aspects and strengthening the implementation of the Protocols. Some CPs used the system of ticking boxes, adding comments, some of them important, whereas others only ticked boxes without adding any comments. Some did not even reply.

3.1.5 It is essential for reports to be drafted according to the harmonized form of presentation so as to enable MAP to prepare reliable analyses and regional reports on the effective implementation of the Barcelona Convention and its Protocols. The new reporting format makes comparison of information easier because it enables a quantitative assessment to be made, unlike the previous system. This implies that each CP make comments in order to explain its situation and its national circumstances as regards implementation of the Convention and its Protocols.

3.2 Need for compliance with the reporting obligation

3.2.1 It is essential for all CPs to submit their reports, in implementation of Article 26 of the Convention and the relevant provisions in the Protocols, in order to ensure that information on the implementation of these instruments is systematic and that all CPs are on the same footing. The Secretariat considers that the repeated failure to submit reports in implementation of Article 26 of the Barcelona Convention constitutes a case of non-compliance. This concerns, respectively, Lebanon, which has not submitted any report for the past four bienniums, and to a lesser extent Malta, which has not yet submitted any report for the 2006-2007 and 2008-2009 bienniums, and Cyprus, which has not submitted any report for the 2002-2003, 2004-2005 and 2006-2007 bienniums.

3.3 Evaluation of problems in implementing the Barcelona Convention and its Protocols

3.3.1 This is a relatively sensitive undertaking because information on the Protocols is uneven. Some CPs have not submitted reports on all the legal instruments, which can be explained by the fact that the CP concerned has not provided information on Protocols that it has not ratified.

3.3.2 CPs provided precise information as regards the problems of implementing the provisions of the Convention and Protocols. Several reports once again highlight the problems encountered in implementing the Protocols related in particular to an inadequate political and administrative framework, limited financial resources that do not permit large investment in the environment, as well as limited technical capacity, insufficient human resources, and a lack of horizontal cooperation among the various stakeholders. More explicitly, some CPs underlined the lack of an environmental policy and strategy at government level, as well as shortcomings in administrative management in relation to protection of the environment. These problems can be explained also to a large extent by the complexity of the institutional structure and by a lack of intersectoral coordination and implementation at the central level.

3.3.3 More specifically, several CPs drew attention to the problems encountered in implementing the Protocol on specially protected areas and biodiversity in the Mediterranean. These problems relate, in particular, to implementation of the plan for the establishment and management of each specially protected area and to preparation of projects. They also concern the drawing up of lists of animal species because of the lack of data on marine species.

3.3.4 To be more precise, the Secretariat is concerned at the replies by some CPs, which refer to problems which, without actually constituting cases of non-compliance, have the indirect effect of preventing the implementation of the provisions in the Protocols.

3.3.5 For example, as regards the implementation of several Protocols (especially the LBS and SPA Protocols), the difficulties mentioned are the following: the need for proper administrative procedures and a special legislative framework; the absence of specific regulations and administrative procedures; insufficient financial and technical resources; and, lastly, problems related to administrative management.

3.3.6 These different types of problem are mentioned by CPs separately, but also frequently cumulatively. The Secretariat considers that the persistence of such problems is problematic inasmuch as it could permanently jeopardize the implementation of the Protocols to the Barcelona Convention by the CPs.

3.3.7 The basic issue is to determine whether the problems mentioned by the CPs to a certain extent constitute cases of non-compliance and need to be resolved as envisaged in paragraph 23 of the Procedures and mechanisms on compliance.

3.3.8 Under such circumstances, it is important to examine carefully the substance of each of these problems in order to provide a satisfactory response. The Secretariat would therefore like the Compliance Committee to address this issue and asks the CPs concerned to contact the Secretariat to explain the precise nature of the problems encountered and the solutions that could be envisaged to overcome them. At a broader level, the Secretariat recommends that an in-depth survey be conducted in order to determine the specific nature of these problems and challenges faced by CPs in this respect.

3.4 Findings and proposals

3.4.1 As regards compliance with the specific obligations and principles in the Convention, especially paragraphs 4.3 and 4.4, the majority of CPs indicate progress. Emphasis has been laid on programmes to evaluate the marine environment, which have been described in detail and, to a certain extent, the principles of access to information. The CPs find it difficult to implement the provisions on access to information and public participation, as well as decision-making and the EIA procedures, in a transboundary context, in their national legislation.

3.4.2 Important new developments were highlighted by many CPs as regards the introduction of national sustainable development strategies which take into account the marine and coastal environment. The use of economic or financial levers (fines for offenders, payment of clean-up costs by polluters, establishment of an eco fund or fund for the protection of the environment and energy efficiency) were also mentioned by a number of CPs.

3.4.3 The introduction of marine and coastal environment monitoring programmes was mentioned by almost all the CPs. Efforts are being made to update these programmes.

3.4.4 Most of the CPs have published periodic reports on the state of the environment, including information on marine and coastal areas. For a certain number of CPs, however, there is a need to introduce a policy to reinforce and encourage public access to information and participation.

3.4.5 In order to assist CPs to catch up as regards public participation, access to information and EIA in a transboundary context, they are urged to ratify the ICZM Protocol and the "offshore" Protocol, which both came into force on 24 March 2011, and in the case of European countries also to ratify the Aarhus and Espoo Conventions.