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Second Meeting of the Barcelona Convention Offshore Oil and Gas Group (OFOG) Sub-Group on Environmental Impact

Athens, Greece, 27-28 June 2019

Agenda item 5. Possible Amendments to the Annexes of the Offshore Protocol

Report of the First Meeting of the Barcelona Convention Offshore Oil and Gas Group (OFOG) Sub-Group on Environmental Impact of Offshore Monitoring Programmes

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ENVIRONMENT PROGRAMME
MEDITERRANEAN ACTION PLAN

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First Meeting of the Barcelona Convention Offshore Oil and Gas Group (OFOG) Sub-Group
on Environmental Impact of Offshore Monitoring Programmes

Loutraki, Greece, 3-4 April 2017

Report of the First Meeting of the Barcelona Convention Offshore Oil and Gas Group (OFOG) Sub-Group on Environmental Impact of Offshore Monitoring Programmes

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UNEP/MAP
Athens, 2017

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Introduction

The Nineteenth Ordinary Meeting of the Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (“the Barcelona Convention”) (COP19), which was held in Athens, Greece, from 9 to 12 February 2016, adopted basin-wide strategies, action plans and programmes, including the Integrated Monitoring and Assessment Programme of the Mediterranean Sea and Coast and Related Assessment Criteria (IMAP) (Decision IG.22/7), and the Mediterranean Offshore Action Plan in the framework of the Protocol for the Protection of the Mediterranean Sea against Pollution resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil (“the Mediterranean Offshore Action Plan”) (Decision IG.22/3).

In accordance with Decision IG.22/20 on the Programme of Work and Budget 2016-2017, the EcAp Med II Project supports the development of a quality assurance programme for oil and hazardous and noxious substances (HNS) pollution from ships and offshore data reporting and collection in line with the Ecosystem Approach (EcAp) Monitoring Programme, hence the IMAP.

This activity is coordinated by the MED POL Programme, with the support of the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC).

In accordance with Article 19 of the Protocol for the Protection of the Mediterranean Sea against Pollution resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil (“the Offshore Protocol”):

- a) the operator shall be required to measure, or to have measured by a qualified entity, expert in the matter, the effects of the activities on the environment in the light of the nature, scope, duration and technical methods employed in the activities and of the characteristics of the area and to report on them periodically or upon request by the competent authority for the purpose of an evaluation by such competent authority according to a procedure established by the competent authority in its authorisation system; and
- b) the competent authority shall establish, where appropriate, a national monitoring system in order to be in a position to monitor regularly the installations and the impact of the activities on the environment, so as to ensure that the conditions attached to the grant of the authorisation are being fulfilled.

According to Specific Objective 9 of the Mediterranean Offshore Action Plan –*To establish regional offshore monitoring procedures and programmes*, the Contracting Parties to the Barcelona Convention are expected to contribute to the development of a regional monitoring programme for offshore activities building, *inter alia*, on IMAP, with support from the Secretariat, as well as to report results of the national offshore monitoring programme and the related agreed data to the Secretariat every two years.

Moreover, depending on the availability of resources, the Secretariat and its Components are also expected to:

- a) develop the Mediterranean Offshore Reporting and Monitoring System (e.g. Regional Data Bank on Offshore activities through the Barcelona Convention Reporting System or other systems defined by the Contracting Parties to the Barcelona Convention); and
- b) produce, disseminate and publish every two years a report on Discharges, Spills and Emissions from Offshore Oil and Gas Installations, based on data submitted by countries, which should be used as a basis for the State of the Environment Report regarding the impacts of the offshore oil and gas industry.

Therefore, the establishment of regional offshore monitoring procedures and programmes in accordance with Article 19 of the Offshore Protocol should be aimed at completing the IMAP with relevant information and indicators as well as measures to implement the Offshore Protocol and the Mediterranean Offshore Action Plan.

Considering that Contracting Parties to the Barcelona Convention should be efficiently and timely supported to establish regional offshore monitoring procedures and programmes in accordance with Article 19 of the Offshore Protocol with a view, thereafter, to enabling them to develop their national monitoring programmes and to produce their monitoring reports on a regular basis, it is necessary to build upon:

- a) the relevant work that has been undertaken in COR MON in line with Decision IG.21/3; and
- b) the findings of the analysis of existing recognised international best practices and regulations relevant to the implementation of the Offshore Protocol and of the comparative analysis of existing legislative and administrative framework in the region, which were prepared in the framework of the EcAp Med Project and submitted to the Third Offshore Protocol Working Group Meeting held in Attard, Malta from 17 to 18 June 2014 (REMPEC/WG.34/19/Rev.1).

With a view to completing the IMAP with elements corresponding to the Offshore related monitoring at regional level as well as developing guiding elements in support of the Contracting Parties to the Barcelona Convention for the development of a National Monitoring Programme and at Offshore operator level as well as of a National Monitoring Inspection Programme, a set of draft working documents were presented to the First Meeting of the OFOG Sub-Group on Environmental Impact of Offshore Monitoring Programmes, held in Greece, between 3 and 4 April 2017 for its review and recommendation.

The main objectives of the Meeting were:

- a) to review and examine the proposed outputs related to the establishment of National and Regional Offshore Monitoring Programmes, including pollutants, parameters and minimum requirement, and
- b) to give clear instructions and guidance to the Secretariat for the preparation of the required documentation in relation to offshore monitoring, to be submitted to the MAP Focal Point Meeting, to be held in Athens, Greece, between 5 and 8 September 2017, for its review and adoption.

Participation

1. The meeting was attended by participants from the following Contracting Parties: Croatia, Cyprus, Egypt, France, Greece, Israel, Libya, Montenegro, Morocco, and Turkey. The UNEP/MAP Secretariat was represented by the Coordinating Unit including the MED POL Programme, the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC). The meeting was also attended by Oil Spill Response Limited and Noble Energy Inc. The list of participants is reproduced in Annex I to the present report.

Agenda item 1. Opening of the Meeting

2. The meeting was opened by Mr. Gabino Gonzalez, Head of Office of REMPEC and Ms. Virginie Hart, Programme Officer, MEDPOL.

3. In his opening remarks Mr. Gonzalez the importance of the Offshore Protocol, which entered into force on 24 March 2011 was so far ratified by seven (7) Contracting Parties to the Barcelona Convention out of twenty-two (22) (i.e. Albania, Cyprus, EU, Libya, Morocco, Syria and Tunisia) and invited Contracting Parties who have not done it yet to ratify this regional instrument. He further

recalled the Terms of Reference of the Barcelona Convention Offshore Oil and Gas Group (BARCO OFOG) adopted by COP 18 (Decision IG.21/8) and referred to Specific objective 2 of the Mediterranean Action Plan which on the designation of representative to the BARCO OFOG, whilst stressing on the importance of the cooperation between government and operators as requested in Decision IG.22/18 adopted by COP 19. He finally stressed that the establishment of a regional offshore monitoring procedures and programmes should be developed in line with the 11 Integrated Monitoring and Assessment (IMAP) Ecological Objectives and 27 Indicators adopted by COP19. Ms. Virginie Hart, stressed the importance of ensuring complementarity between offshore monitoring and the work undertaken to implement the IMAP decision, which is based on the ecosystem approach towards achieving good environmental status (GES) in the Mediterranean.

Agenda item 2. Adoption of the Agenda and Election of Officers

Adoption of the Agenda

4. The proposed Provisional Agenda appearing in document UNEP(DEPI)/MED/WG.434/1 was amended to bring forward the discussion on the List of IMAP indicators relevant to the Offshore Monitoring Programme and related draft guidance fact sheets. The adopted Agenda as amended by the Meeting appears as Annex II to the present report.

Election of officers

5. In accordance with the Rules of procedures for meetings and conferences of the Contracting Parties the meeting elected one (1) President, three (3) Vice-Presidents and one (1) Rapporteur from among the participants, as follows:

Chair:	Mr. Alexandros KOULIDIS, Greece
Vice-Chair 1:	Dr. Marios JOSEPHIDES, Cyprus
Vice-Chair 2:	Mrs. Fatima SBAL, Morocco
Vice-Chair 2:	Mr. Rani AMIR, Israel
Rapporteur:	Mr. Youssoupha, DIOP, France

Agenda item 3. Offshore Monitoring Programme

6. Under this agenda item, the Secretariat provided an overview of the Offshore Monitoring Programme by presenting the status of ratification of the Offshore Protocol and recalling the role and responsibilities of the National Competent Authorities and the one of the Operators according to Article 19 of the Offshore Protocol relate to Monitoring activities, to be considered within IMAP. The Secretariat then presented the thinking behind the preparation of the working documents leading to the proposed establishment of the Offshore Protocol Monitoring Programme (OPMP) based on IMAP, as detailed in figure 1 below.

a) List of IMAP indicators relevant to the Offshore Monitoring Programme and related draft guidance fact sheets

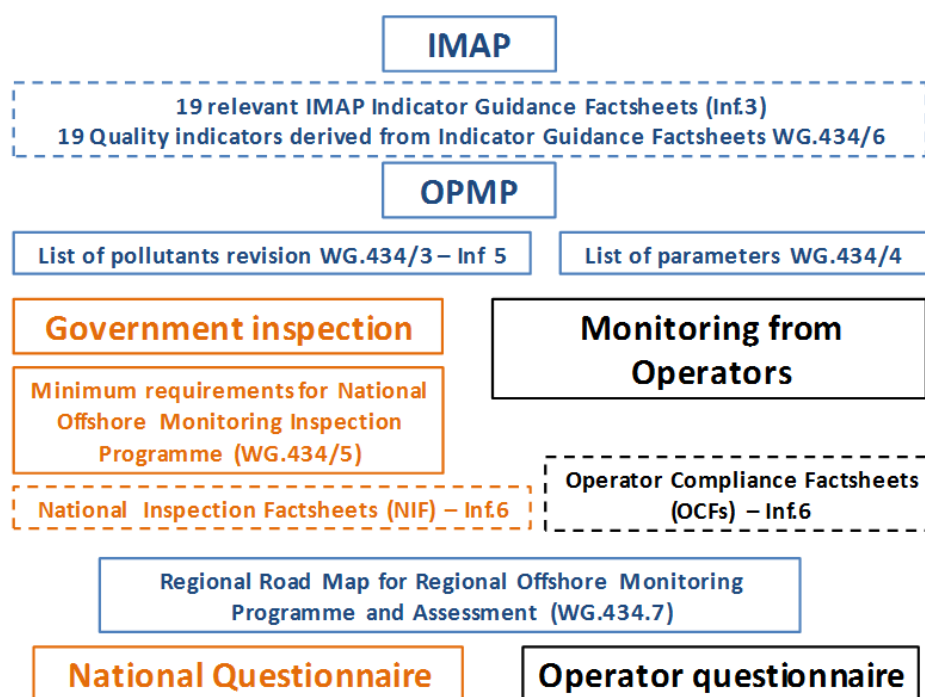
7. Under this agenda item, on behalf of Secretariat, Mr. Evelthon Iacovides, MED POL consultant presented the working document UNEP(DEPI)/MED WG.434/6 providing a list of quality indicators relevant to the Offshore Monitoring Programme and related IMAP Guidance fact sheets (IMAP) reproduced in the information document UNEP(DEPI)/MED WG.434/Inf.3. On the latter, the Secretariat emphasised that the fully elaborated Guidance Fact Sheets produced in a parallel work under CORMON, were not reflected in this information document.

8. In this regard, the Meeting noted the importance of national coordination between those responsible for IMAP implementation with those involved in the implementation of the Offshore National Monitoring Programme, through regular meetings of experts from the three CORMON

Correspondence Groups on Monitoring (Coastal and Hydrography, Pollution and Marine Litter, as well as Biodiversity).

9. The Participants welcomed the holistic documents presented by the Secretariat proposing the monitoring 19 IMAP indicators, however they expressed concern that such proposal was ambitious compared to current monitoring practices in Mediterranean countries, and suggested to review and revise based on comments provided with a more targeted and results based set of indicators.

10. The Meeting further proposed to take into consideration the different nature of offshore activities, as not all indicators may be relevant for different activities (i.e. Research and Development, Exploration, Exploitation, etc), in different locations considering depth and the position of the installation (i.e. within or out of the continental shelf) as well as the type of installation for the future development of a mandatory set of indicators for offshore monitoring. Also noted was that certain species are not appropriate for offshore activities such as turtles. It was stressed that the monitoring data regarding the 11 Ecological Objectives should be used to compliment the more targeted and site specific monitoring of offshore installations and activities, to provide information on whether the impact of activities effects the wider environment and coast.



11. The President of the Meeting invited the participants to introduce current practices in their countries or company with regards to monitoring of offshore activities and to explain the roles and responsibilities of national competent authorities and operators. The national monitoring programmes varied from the monitoring of quality waters on the coastal areas only, to more complex systems considering distance, depth, contaminants threshold, different criteria (chemical, biological, physical), through private and public funded programmes, whilst others followed the MEDPOL or the OSPAR monitoring programme as reference.

12. Following the round table presentation, the Meeting agreed to submit specific and detailed information on their respective national offshore monitoring programmes including chemical, biological, physical, temporal and spatial parameters if possible by type of activity, including roles and responsibilities of national competent authorities and operators and funding practices, by 12 May 2017, with a view to propose a revised set of indicators to be monitored in the framework of OPMP. To ensure a regional approach, the Meeting requested the Secretariat to invite all other Contracting Parties and operators not present to submit the above information.

13. The Meeting noted the difference between Environment Impact Assessment (EIA) and a monitoring programme, however, they recognized that EIA could serve as a baseline for monitoring activities.

b) List of pollutants

14. The Secretariat presented document UNEP(DEPI)/MED WG.434/3 proposing recommendations for the required modification of the lists of pollutants referred in Annex I (Harmful or Noxious Substances and materials, the disposal of which in the Protocol area is prohibited) and Annex II (Harmful or Noxious Substances and materials, the disposal of which in the Protocol area is subject to a special permit) of the Offshore Protocol, in the context of the development of a Mediterranean Offshore Monitoring Procedures and Programmes.

15. The Secretariat further recalled that the 1st Offshore Protocol Working Group Meeting which was held in Valletta, Malta, between 13 and 14 June 2013 agreed that *“the revision of the Protocol should not be considered as it would take too long time and move the Contracting Parties backward on the process of implementation. However, the language and content of the twenty year-old Protocol, could be interpreted in line of today’s best practices when the need for guidelines should arise”*. The Secretariat underlined that according to article 23.4 of the Offshore Protocol on Annexes and Amendments to Annexes and the related Article 22 on Amendment of the Convention or Protocols, amendments to the Protocol should be adopted by at least three-fourths of the Parties to the Offshore Protocol (i.e. 6 Parties).

16. The President of the Meeting invited the participants to comment upon the proposed modifications of Annex I, and II and of the Offshore Protocol, with a view to define a list of pollutants to be monitored as well as potential emerging pollutants.

17. The Meeting welcomed and reviewed, pollutant by pollutant, the proposed lists of pollutants. One delegation requested the inclusion of dispersant in Annex II of the Offshore Protocol.

18. The Meeting request explanations on the thresholds presented in the proposed changes as referred in Annex I to document UNEP(DEPI)/MED WG.434/3 and to indicate for the added chemical whether total prohibition is applied in other regions or whether specific thresholds are being considered for such chemicals.

19. The Meeting further requested the Secretariat to undertake a review, in collaboration with industry, of all current scientific work on baselines and thresholds for the proposed list of pollutants, including a review of the thresholds included in other Conventions, and the methodologies used, in order to provide an elaborated proposal for further consideration. The participants were invited to submit to the Secretariat by 12 May 2017, any baseline and threshold known by Contracting Parties.

20. In this regards, considering that the Nineteenth Ordinary Meeting of the Contracting Parties to the Barcelona Convention and its Protocols agreed to support the development of the following offshore common standards and guidelines in the Mediterranean Action Plan (MAP) Programme of Work and Budget 2016-2017, it was proposed to include the above requested task in the terms of reference of the consultant recruited for the below developments:

- .1 Develop the common offshore standards on the disposal of oil and oily mixtures, the use and disposal of drilling fluids and cutting and analytical measurements
- .2 Prepare Environment Impact Assessment guidelines from offshore activities
- .3 Develop the offshore common standards and guidelines for Special restrictions or conditions for specially protected areas.

21. Whilst acknowledging the physical and environmental differences between the North Sea and the Mediterranean Sea, the Meeting welcomed the proposal to consider the OSPAR list in the preparation of the OPMP list of pollutant. The Meeting also suggested that the Secretariat strengthen the relationship with OSPAR, in particular through participation of the Secretariat and/or Contracting Parties to the OSPAR's Offshore Industry Committee (OIC) to contribute to the work of the OFOG.

c) List of parameters

22. The Secretariat introduced document UNEP(DEPI)/MED WG.434/4 which proposes a draft list of parameters to be monitored by Operator for exploration and exploitation of the continental shelf and the seabed and its subsoil, including an analysis of methodological guidance for their monitoring and data availability.

23. With regard to the qualification of personnel, it was recommended to participate to OSPAR working groups, involving competent authorities, industry representatives as well as other stakeholder, including NGOs, to consider their approach in the Mediterranean context. Some participants recognized the need for further capacity building in the Mediterranean countries to undertake monitoring activities, to be financed by operators. The Meeting also discussed the possibility of establishing a pool of experts in charge of inspecting installations, which could be composed of experts from other experienced regions, as it is the case in other areas of expertise.

24. As far as the frequency of the monitoring activities are concerned, the Meeting highlighted that this should be distinguished according to the type of installation, phase of operation and the duration of offshore activities. It was further underlined that the document should include all phases of offshore activities as the current document focuses on drilling activities.

d) Minimum requirements for the establishment of a National Offshore Monitoring Inspection Programme and Regional Road Map for the establishment of a Regional Offshore Monitoring Programme and Assessment

25. The Secretariat presented the document UNEP(DEPI)/MED WG.434/5 suggesting a check list with minimum requirements to enable Competent Authorities to establish a National Monitoring Inspection Programme aimed at inspecting the regular monitoring by Operators of the installations and the impact of the activities on the environment.

26. The Meeting agreed that benthic communities and habitat should be monitored by operators throughout the life cycle of offshore activities from seismic research (exploration), through drilling and production (exploitation). In the other end, other indicators will be monitored if they are immediately affected by the specific activity taking place (e.g. marine mammals during seismic research). The Meeting further recognised that other IMAP elements (e.g. change of chemistry, bathymetry, physics) should be monitored possibly through the relevant existing national monitoring programme to avoid duplication and ensure a complete overview of the situation. In addition, the impact on the environment of other offshore activities should also be monitored (e.g. impact of flaring on birdlife).

27. The Secretariat then presented document UNEP(DEPI)/MED WG.434/7, which provides a detailed Regional Road Map for the Implementation of a Regional Offshore Protocol Monitoring Programme and Assessment and recommendations on the process to be followed and implemented for the establishment of harmonised National Offshore Monitoring Programmes leading to a Regional Offshore Protocol Monitoring Programme. In this context, the proposed Operator Compliance Factsheets (OCFs) and "National Inspection Factsheet" (NIF) were introduced.

28. The Meeting was concerned about duplication of efforts through new reporting procedures and suggested to merge the OCFs and the NIFs into one template, which should be considered as a

voluntary tool to facilitate the implementation of the OPMP and its inspection as well as the transmission of information to the Secretariat of the Offshore Protocol to complement the IMAP database.

29. The Meeting agreed that the proposed Regional Road Map for the establishment of a Regional Offshore Monitoring Programme and Assessment should be reviewed at a later stage, once the tasks referred above are completed.

30. Acknowledging that the establishment of the OPMP was not sufficiently mature and required additional work from competent authorities, operators, stakeholders and the Secretariat, and with a view to continue the on-going efforts, the Meeting agreed to establish a Correspondence Group led by Cyprus and France with the support the other participants of the Meeting and the Secretariat to analyse the national offshore monitoring programmes and develop a review of current best practices for consideration by the BARCO OFOG.

31. In this regards, the Meeting requested the Secretariat to set a time frame for the completion of the tasks identified in the present report, in consultation with Cyprus and France.

e) Questionnaire for private sector stakeholders and Competent Authorities

32. Due to time constraint and to enable the required national consultations, the participants were invited to submit the questionnaire duly completed as soon as possible but not later than 12 May 2016.

Agenda item 4. Conclusions and Recommendations

33. The Secretariat presented the Conclusions and Recommendations of the meeting which after minor changes were adopted and are included in Annex III to this report.

Agenda item 5. Any Other Business

34. Under this Agenda item, participants didn't raise and discuss any other matters.

Agenda item 9. Closure of the Meeting

35. After the expression of usual courtesies, the President declared the meeting closed at 12.00 p.m. on Tuesday 4 April 2017.

Annex I
List of Participants

LIST OF PARTICIPANTS

CROATIA / CROATIE	<p>Mrs. Biserka Vištica Senior advisor Maritime Safety Directorate Ministry of Sea, Transport and Infrastructure</p> <p>Tel: +38516169028 Fax: +38516169069 Email: biserka.vistica@pomorstvo.hr</p>
CYPRUS / CHYPRE	<p>Mr. Marios Josephides Fisheries and Marine Research Officer Department of Environment Ministry of Agriculture, Rural Development and Environment</p> <p>Tel: +35722408953 Fax: +35722774945 Email: mjosephides@environment.moa.gov.cy</p>
EGYPT / EGYPTE	<p>Mr. Mohamed Elghazawy Environmental researcher Integrated Coastal Zone Management Ministry of Environment / Egyptian Environmental Affairs</p> <p>Tel: +20225256452 Cell: +201222512811 Fax: +20225256490 Email: melghazawy@gmail.com</p>
FRANCE / FRANCE	<p>Mr. Youssoupha Diop Engineer General Directorate of Risks Prevention Ministry of environment, energy and sea France</p> <p>Tel: +33 Cell: +33660198271 Email: you.diop@yahoo.fr</p>
GREECE / GRÈCE	<p>Mr. Alexandros Koulidis EIA Expert Directorate of Environmental Licensing Ministry of Environment and Energy</p> <p>Tel: +302106417960 Cell: +306974458547 Email: alexander.koulidis@gmail.com</p>

	<p>Mr. Iosif Athanasiadis Expert Hydrocarbons Directorate Ministry of Environment and Energy</p> <p>Tel: +302106969401 Cell: +306947222000 Fax: +302106969435 Email: josephath@gmail.com Greece</p>
ISRAEL / ISRAEL	<p>Mr. Ran Amir Director MEPD Marine Environment Protection Division Environmental Protection Ministry of Environmental Protection</p> <p>Tel: +97248633501 Cell: +972506233050 Fax: +97248633520 Email: amirrani_2012@yahoo.com</p> <p>Mr Dror Zurel Marine monitoring and Research Coordinator Marine and Coastal Environment Division Ministry of Environmental Protection</p> <p>Tel: +972-50-6237652 E-mail: DrorZ@sviva.gov.il, drorzurel@gmail.com</p>
LIBYA/LIBYE	<p>Mr. Ali Elkekli Director Technical Cooperation & Consultation Environment General Authority P. O. Box 83618</p> <p>Tel: +21821913777246 Email: arelkekli@gmail.com</p>
MONTENEGRO / MONTÉNEGRO	<p>Ms. Ivana Stojanovic Adviser Department for Sustainable Development and Integrated Coastal Zone Management Ministry of Sustainable Development and Tourism</p> <p>Tel: +38267338108 Email: stojanovic_ivana@hotmail.com</p>
MOROCCO / MAROC	<p>Mme Fatima Sbai Ingénieur</p>

	<p>Ministère Délégué auprès du Ministre de l'Energie, des Mines, de l'Eau et de l'Environnement, chargé de l'Environnement</p> <p>Tel: +212537688461 Cell: +212661160794 Fax: +212537688863 Email: sbaifatima2011@gmail.com</p> <p>Mme Amina Drissi Chef de la Division de l'Evaluation Environnementale Ministère de l'Environnement</p> <p>Tel Fixe: +212 5 37 57 05 95 Cell: +212661160794 Email: aminadrissi3@gmail.com</p>
TURKEY / TURQUIE	<p>Mrs. Vildan Bölükbaşı Atay Marine and Coastal Management Department Ministry of Environment and Urbanization</p> <p>Tel: +903124101010 Cell: +90 5436905125 Email: vildan.bolukbasi@csb.gov.tr</p>

OTHER INVITEES

Mrs. Marta Januszewska

Regional Representative Europe and Caspian
Business Development
Oil Spill Response Limited

Tel: +442380331551

Cell: +447876885612

Email: martajanuszewska@oilspillresponse.com

Ms. Christiana Kenta

Environmental Specialist
Environmental, Health, Safety and Regulatory
Noble Energy International Ltd

Tel: +35797874671

Email: christiana.kenta@nblenergy.com

**SECRETARIAT TO THE BARCELONA CONVENTION
AND COMPONENTS OF THE MEDITERRANEAN ACTION PLAN
SECRETARIAT DE LA CONVENTION DE BARCELONE ET COMPOSANTES DU PLAN
D'ACTION POUR LA MEDITERRANEE**

<p>UNEP/MAP PNUE/PAM</p>	<p>Ms Virginie Hart Programme Officer Tel: +30 210 7273122 E-mail: virgine.hart@unep.org</p> <p>Mr. Evelthon Iacovides Consultant</p> <p>Tel: +35722499569 Cell: +35799644753 Fax: +35722677668 Email: evelthon.iacovides@gmail.com</p>
<p>REGIONAL MARINE POLLUTION EMERGENCY RESPONSE CENTRE FOR THE MEDITERRANEAN SEA (REMPEC) / CENTRE REGIONAL MEDITERRANEEN POUR L'INTERVENTION D'URGENCE CONTRE LA POLLUTION MARINE ACCIDENTELLE (REMPEC)</p>	<p>Mr Gabino Gonzalez Head of Office</p> <p>Tel: +35621337296 Cell: +35699497978 Fax: +35621339551 Email: ggonzalez@rempec.org</p>

Annex II
Agenda of the Meeting

Agenda item 1. Opening of the Meeting

Agenda item 2. Adoption of the Agenda and Election of Officers

Agenda item 3. Offshore Monitoring Programme

- a) List of IMAP indicators relevant to the Offshore Monitoring Programme and related draft guidance fact sheets
- b) List of pollutants
- c) List of parameters
- d) Minimum requirements for the establishment of a National Offshore Monitoring Inspection Programme and Regional Road Map for the establishment of a Regional Offshore Monitoring Programme and Assessment
- e) Questionnaire for private sector stakeholders and Competent Authorities

Agenda item 4 Conclusions and Recommendations

Agenda item 5 Any Other Business

Agenda item 6 Closure of the Meeting

Annex III
Conclusions and Recommendations

Conclusions and Recommendations

The First Meeting of the Offshore Oil and Gas (OFOG) Sub-Group on Environmental Impact, which met in Greece from 3 to 4 April 2017:

- 1 Noted with appreciation the work undertaken by the Secretariat for the preparation of the Working Documents for the Meeting, as a sound basis for the future development of an offshore monitoring programme.
- 2 Regarding the proposal for monitoring 19 of the Integrated Monitoring and Assessment Programme (IMAP) indicators, concern was expressed that this was ambitious compared to current monitoring practices in Mediterranean countries, and suggested to review and revise based on comments provided with a more targeted and results based set of indicators.
- 3 It was proposed that the Secretariat take into consideration for the future development of a mandatory set of indicators for offshore monitoring the different nature of offshore activities, as not all indicators may be relevant for different activities and in different locations (such as deep sea drilling and continental shelf drilling).
- 4 The Meeting noted the importance of national coordination between those responsible for IMAP implementation with those involved in the implementation of the Offshore National Monitoring Programme, through regular meetings of experts from the three CORMON Correspondence Groups on Monitoring (Coastal and Hydrography, Pollution and Marine Litter, as well as Biodiversity).
- 5 The Meeting provided information on current practices in their countries with regards to monitoring of offshore activities, and agreed to submit specific and detailed information on their respective national offshore monitoring programmes including chemical, biological, physical, temporal and spatial parameters if possible by type of activity (Research, Exploration and Exploitation), including roles and responsibilities of national competent authorities and operators and funding practices, by 12 May 2017.
- 6 In addition, the Meeting requested the Secretariat to invite all other Contracting Parties and operators not present to submit the above information.
- 7 Noting that COP 18 decided that the BARCO OFOG should be financed through extra budgetary resources, the participants agreed to follow the ongoing work through a OFOG Environmental Impact Correspondence group.
- 8 The Meeting welcomed the proposal for leadership of this Correspondence group until the next OFOG meeting would be led by Cyprus and France (for English and French documentation) with the support the other meeting participants and the Secretariat to analyze the national offshore monitoring programmes and develop a review of current best practices for consideration by the BARCO OFOG.
- 9 The Meeting requested the Secretariat to undertake a review, in collaboration with industry, of all current scientific work on baselines and thresholds for the proposed list of pollutants, including a review of the thresholds included in other Conventions, and the methodologies used, in order to provide an elaborated proposal for further consideration.
- 10 The meeting also suggested that the Secretariat strengthen the relationship with OSPAR, in particular through participation of the Secretariat and/or Contracting Parties to the Offshore Industry Committee to contribute to the work of the OFOG.
- 11 The Meeting agreed to provide further comments to all working documents in writing by 12 May 2017.