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16th Meeting of the Compliance Committee of the Barcelona Convention and its Protocols

Teleconference, 16-18 June 2020

**Agenda Item 4: 2016-2017 National Implementation Reports under Article 26 of the Barcelona Convention:
Status, Key Findings and Recommendations**

**General Status of Progress in the Implementation of the Barcelona Convention and its Protocols Corresponding to
the 2016-2017 Biennium**

Note by the Secretariat:

This document presents the general status of progress in the implementation of the Barcelona Convention and its Protocols elaborated on the basis of the information contained in the 2016-2017 national implementation reports. This document provided the basis for preparing document UNEP/MED CC.16/5.

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, 2020

Note by the Secretariat

In its Decision IG.23/1, the 20th Meeting of the Contracting Parties (COP 20) (Tirana, Albania, 17-20 December 2017) requested the Secretariat to submit to each meeting of the Contracting Parties, on the basis of an analysis of the information contained in the national reports, a report on the general advances made in the region, including at the legal and institutional levels, in implementing the Barcelona Convention and its Protocols along with proposals for further measures, as necessary. In response to this request, on the basis of the information contained in the national implementation reports for the biennium 2016-2017, submitted by the Contracting Parties through the new online Barcelona Convention Reporting System (BCRS), the Secretariat and the MAP Components prepared the *“General Status of the Progress in the Implementation of the Barcelona Convention and its Protocols: Synthesis of the Information Mentioned in the National Implementation Reports for the 2016-2017 Biennium”*, which was tabled at the 21st Meeting of the Contracting Parties (COP 21) (Naples, Italy, 2-5 December 2020) (UNEP/MED IG.24/Inf.8).

For the purpose of the 16th Meeting of the Compliance Committee (Athens, Greece, 16-18 June 2020), the General Status hereby presented has been updated by incorporating the information contained in the 2016-2017 national implementation reports as at 17 April 2020. It provides for the Barcelona Convention and each of its Protocols an overall assessment of the status of progress in implementation. The percentage used in presenting statistical responses is that out of the total reporting Contracting Parties per legal instrument, rather than out of the total number of Contracting Parties per legal instrument. For the purpose of this report: “nearly all” is used for 90% or over, “most” for 70% or over, “many” for 40% or over, “some” for between 40% and 15% and “few” for less than 15%.

General Status of Progress in the Implementation of the Barcelona Convention and its Protocols Corresponding to the 2016-2017 Biennium

(as of 17 April 2020)

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

Status of Reporting

- Number of Contracting Parties to the 1976 Barcelona Convention on the 2016/2017 biennium: 22
- Number of Contracting Parties to the 1995 Barcelona Convention on the 2016-2017 biennium: 21
- Number of reporting Contracting Parties for the 2016-2017 biennium: 14

Introduction

1. **Part I: Bilateral and Multilateral Agreements.** Part I summarizes the bilateral and multilateral agreements signed in relation to the Barcelona Convention and its Protocols.
2. **Part II: Legal and Regulatory Measures.** Part II seeks to determine whether Contracting Parties have established the legal and regulatory framework to: (1) implement the precautionary principle and the polluter paid principle (Article 4.3.a and b); (2) carry out Environmental Impact Assessments (EIAs) (Article 4.3.c); (3) use the Best Available Techniques (BAT) and Best Environmental Practices (BEP) (Article 4.4.b); (4) monitor the pollution of the marine environment and its coastal areas (Article 12); and (5) ensure public information and participation (Article 15). Part II also seeks to gather information on whether Contracting Parties have put in place the legal and regulatory framework enabling: (1) notification, exchange of information and consultation in case of transboundary EIA (Article 4.3.d); (2) promotion of Integrated Coastal Zone Management (ICZM) (Article 4.3.e); (3) promotion of scientific and technological cooperation (Article 13), and (4) implementation of the Guidelines for the Determination of Liability and Compensation (Article 16).
3. **Part III: Policy Measures.** Part III seeks to determine whether policy measures have been put in place addressing: (1) integration of the protection of the marine and coastal environment from LBS and ships into national relevant strategies; (2) integration of the protection and conservation of marine and coastal biodiversity into national relevant strategies; (3) Integrated Coastal Zone Management (ICZM) and physical planning and (4) economic instruments.
4. **Part IV: Monitoring and Public Access to Information.** Part IV seeks to collect information on the monitoring arrangements in place and the access to marine environmental data by the public.

Progress in Implementation

a) Bilateral and Multilateral Agreements

5. Six reporting Contracting Parties have provided information on the bilateral and/or multilateral agreements, including, sub-regional and/or regional agreements falling under the scope of application of the Barcelona Convention and its Protocols. These agreements cover issues such as water management, ballast water, access to genetic resources, climate change adaptation or preparedness and response to oil pollution incidents.

b) Legal and Regulatory Measures

6. Reporting Contracting Parties have reported on the legal and regulatory measures put in place to implement Articles 4, (General Obligations), 12 (Monitoring), 13 (Scientific and Technological Cooperation), 15 (Public Information and Participation) and 16 (Liability and Compensation) of the Barcelona Convention, as shown in detail below.

Mandatory Reporting

7. *Application of the precautionary principle (Article 4.3.a).* All reporting Contracting Parties indicated that they had incorporated the precautionary approach into their domestic legislation. Such integration has been achieved through general laws, such as environmental protection acts or

environment and sustainable development acts; as well as sectoral laws regulating specific issues of environmental protection, such as air protection acts, waste management acts, water acts, or environmental impact assessment acts. In a reporting Contracting Party, this principle is enshrined and recognized in its Constitution, and in another one in the Treaty on the Functioning of the European Union (TFEU).

8. *Application of the polluter pays principle (Article 4.3.b).* All reporting Contracting Parties reported that they had incorporated the polluter pays principle into their domestic legislation. This has been taken forward through their core legal instruments for environmental protection, such as environmental protection acts, codes, charters or treaties, as well as sectoral legislation for the protection of water and air and for the management of hazardous wastes. This adds to the national laws transposing the Environmental Liability Directive (2004/35/EC), and to some sectoral national strategies incorporating the polluter pays principle, such as the strategies for circular economy.

9. *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).* All reporting Contracting Parties stated having in place Environmental Impact Assessment (EIA) and/or Strategic Environmental Assessment (SEA) laws and regulations, thereby activities or projects which are likely to cause a significant adverse impact on the marine environment are subject to an EIA or SEA. Laws and regulations so adopted also transposed the Directives on EIA (85/337/EEC) and SEA (2001/42/EC).

10. *Use of Best Available Techniques (BAT) and Best Environmental Practices (BEP) (Article 4.4.b).* Many reporting Contracting Parties (7 out of 14) indicated having put in place the legal and regulatory framework for the use of BAT and BEP. This has translated into the adoption of industrial sectoral regulations as well as legislation transposing the IPPC (Integrated Pollution Prevention and Control) Directive (2008/1/EC). A reporting Contracting Party reported that the said framework is not in place and another that work to embed BAT and BEP into its national policies and regulations is under development. Five reporting Contracting Parties left this question blank.

11. *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 regulatory framework for the implementation of their programmes through general and/or sector-oriented acts covering water, air, nature protection, or solid wastes. Monitoring programmes mentioned include national marine and/or coastal monitoring programmes, land-based sources monitoring programmes and bathing quality monitoring programmes.

12. Three reporting Contracting Parties specifically mentioned the establishment of their monitoring programmes following the UNEP/MAP MED POL methodology and criteria. Two of those also referred to the alignment of their monitoring programmes with the UNEP/MAP Ecosystem Approach (EcAP) and the Integrated Monitoring Assessment Programme (IMAP), combined with the Marine Strategy Framework Directive (MSFD) (2008/56/EC) and the Water Framework Directive (WFD) (2000/60/EC). Two reporting Contracting Parties noted work undertaken under the monitoring programme for the Adriatic Sea area.

13. *Designation of competent authorities responsible for pollution monitoring within areas under national jurisdiction (Article 12).* All reporting Contracting Parties answered this question affirmatively. In most of them the Ministry or Agency of Environment has been designated as the relevant authority, together with other relevant ministries such as the Ministry of Transport and Maritime Affairs. This adds to the monitoring undertaken by national research or oceanographic institutions.

14. *Ensuring public access to information on the state of the marine environment and its coastal areas (Article 15.1 and 2).* All reporting Contracting Parties indicated that mechanisms had been set up to ensure the public access to environmental information. This includes the publication in relevant and official websites (e.g. ministries, agencies and observatories) of the national reports on the state of

the environment, including the quality of bathing waters, and the establishment of national centers or networks (e.g. National System for Environmental Information, Training and Education, Aarhus Center and Regional Observatories on Environment and Sustainable Development) for the production and dissemination of environmental information.

15. The right to access to environmental information is reported to be embedded in both framework laws protecting the environment and sectoral laws, such as bathing water acts. This adds to the domestic legislation transposing the Aarhus Convention, on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters and the Directive on Public Access to Environmental Information (2003/4/EC), as well as the EU MSFD.

16. *Ensuring public access to information related to the activities adversely affecting or likely to affect the marine environment and its coastal areas (Article 15.1 and 2).* All reporting Contracting Parties responded to this question affirmatively. Instruments to ensure public access to the referred information range from laws on free access to information, to environmental framework laws or codes, to Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) laws, in addition to specific acts on information and participation of the public in environmental matters.

17. *Ensuring public access to information related to activities carried out and/or measures taken to implement the Barcelona Convention and its Protocols (Article 15.1 and 2).* All reporting Contracting Parties reported having taken action on that regard by publishing relevant information on ministries/agencies websites, organizing press conferences for the media, or specific events for the public.

18. *Ensuring 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 15.1 and 2).* All reporting Contracting Parties reported having put in place the legal and regulatory measures needed to ensure public participation and consultation in environmental legislation decision-making processes. This has been mainly achieved through general laws protecting the environment, public participation and access to information laws, and/or Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) laws.

19. Five reporting Contracting Party pointed out how this has been materialized in practice, covering a range of initiatives such as public consultation websites or hearings for the governments to seek the views of citizens and stakeholders when they develop policy and legislation; the establishment of public consultative mechanisms in the framework of reforming the Integrated Coastal Zone Management (ICZM) policy for the implementation of the ICZM Protocol, the fostering of public consultation under the Local Agenda 21 process, and the inclusion of professional associations, scientific institutions and other stakeholders in relevant governmental decision making bodies, e.g. National Council for the Environment.

20. *Ensuring 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 15.1 and 2).* All reporting Contracting Parties answered this question affirmatively. They based their answer on the available mechanisms for public participation and consultation set up at different stages of the Environmental Impact Assessment (EIA) and the Strategic Environmental Assessment (SEA) process under the relevant domestic legislation (EIA and SEA acts and regulations).

21. *Ensuring public participation in the process of authorization of proposed activities likely to cause damage to the marine environment and its coastal areas (Article 15.1 and 2).* Most reporting Contracting Parties (12 out of 14) responded to this question affirmatively, making reference to both the general (e.g. Law on Free Access to Information and Law on Administrative Process) and specific (e.g. Law on the Environment, Environmental Code, and Regulation on Information and Participation of the Public in Environmental Matters) legal framework enabling public access to information,

consultation and participation. On the remaining two reporting Contracting Parties, one answered “no” to this question and another one has left this question blank.

Optional Reporting

22. *Promotion of cooperation on the basis of notification, exchange of information and consultation among parties concerned, when an Environmental Impact Assessment (EIA) is undertaken in a transboundary context (Article 4.3.d).* Most reporting Contracting Parties (10 out of 14) indicated having put in place the cooperation mechanisms of notification, exchange of information and consultation among the concerned states in cases of transboundary EIA. Cooperation in that regard has been mainly taken forward within the framework of Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) laws and regulations, in addition to the action taken by three reporting Contracting Parties under the UNECE Convention on Environmental Impact Assessment in a Transboundary Context (Espoo EIA Convention). On the remaining four reporting Contracting Parties, three answered “no” to this question and another indicated that the question was not applicable.

23. *Promotion of integrated planning and management of coastal areas, when preparing coastal zone management plans at the national, regional or local level, taking into account areas of ecological and landscape interest and the rational use of natural resources (Article 4.3.e).* All reporting Contracting Parties indicated that Integrated Coastal Zone Management (ICZM) principles had been integrated into their domestic legal and policy frameworks. This has been taken forward through a variety of instruments encompassing, laws ratifying and implementing the Integrated Coastal Zone Management (ICZM) Protocol to the Barcelona Convention; national strategies and plans on marine and coastal management or environment and development, as well as on marine spatial planning; and laws on the development, protection and conservation of the coast. This adds to the transposition into national laws of the Marine Spatial Planning (MSP) Directive (2014/89/EU) and the EU Recommendation on the Implementation of Integrated Coastal Zone Management in Europe.

24. *Cooperation in the fields of science and technology by inter alia the exchange of scientific data and other information (Article 13).* Many reporting Contracting Parties (7 out of 14) indicated having taken action to articulate cooperation in the fields of science and technology. Cooperation initiatives described by three reporting Contracting Parties were carried out within the framework of the Ecosystem Approach (EcAP) process, accidental pollution preparedness, response and cooperation agreements. In one out of the two, cooperation has also taken the form of sharing information on climate change adaptation. Otherwise, six reporting Contracting Parties left this question blank and one answered “no” to this question.

25. *Promotion of the research on, access to and transfer of environmental sound technology, including clean production technologies (Article 13).* Some reporting Contracting Parties (5 out of 14) answered affirmatively to this question. Otherwise, two reporting Contracting Parties indicated that work in this area is under development, five reporting Contracting Parties left this question blank and two reporting Contracting Parties answered “no” to this question.

26. *Implementation of the Guidelines for the Determination of Liability and Compensation for Damage resulting from Pollution of the Marine Environment in the Mediterranean Sea Area (Article 16).* Many reporting Contracting Parties (6 out of 14) have answered affirmatively to this question and the remaining ones have left this question blank. A reporting Contracting Party referred to the liability provisions in its Environmental Protection Law and another to its Maritime Code and another one to the difficulties of implementing the guidelines given the lack of common understanding on the determination of what constitutes environmental damage.

27. Main difficulties referred to in this section include administrative management, limited financial resources, technical guidance capabilities and the regulatory and policy framework.

c) Policy Measures

28. *Protection of the marine environment and its coastal areas is part of the domestic strategy for sustainable development.* All reporting Contracting Parties indicated having integrated the protection of the marine environment and its coastal areas into their relevant strategies, mainly their environmental protection strategies and/or national sustainable development strategies as well as regional strategies adopted in the framework of the Mediterranean Action Plan (MAP), although other strategies, plans and policies have been also used such as water management strategies, fisheries policies or growth strategies covering UN Sustainable Development Goals (SDGs).

29. *Protection of the marine environment and its coastal areas from land-based sources (LBS) of pollution and activities and pollution from ships is part of the Party's National Sustainable Development Strategy and other relevant sectoral development policies.* All reporting Contracting Parties but one, on which work is reported to be under development, indicated having integrated the protection of the marine and coastal environment from LBS and ships into their national relevant strategies and plans on sustainable development or/and on LBS and ship-source pollution, as well as other strategic documents that include measures related to land-based and ship sources of pollution, for instance, waste water and waste treatment plans, water management plans, Integrated Coastal Zone Management (ICZM) strategies, and port reception facilities measures.

30. *Protection and conservation of marine and coastal biodiversity is part of the Party's National Sustainable Development Strategy and other relevant sectoral development policies.* All reporting Contracting Parties but one, on which work is reported to be under development, indicated having integrated into their relevant strategies the protection and conservation of marine and coastal biodiversity. This has been mainly taken forward through national strategies and action plans on biodiversity, as well as sustainable development strategies, Integrated Coastal Zone Management (ICZM) strategies or laws on the coast or on protected areas.

31. *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.* Most reporting Contracting Parties (10 out of 14) have responded to this question positively. In this framework, reference is mainly made to the laws ratifying and implementing the Integrated Coastal Zone Management (ICZM) Protocol to the Barcelona Convention, national strategies on ICZM, maritime spatial planning, and coast laws. Work is reported to be ongoing in this area in two reporting Contracting Parties and other two have answered “no” to this question.

32. *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.* Most reporting Contracting Parties (10 out of 14) reported having adopted such instruments within different legal and policy frameworks, including water management financing acts, environmental protection fund laws, depollution industrial funds mechanisms, circular economy measures or sectoral acts (e.g. water acts, waste acts, energy acts, transport and infrastructure acts) providing for such instruments. A reporting Contracting Party specifically mentioned the following economic instruments: excise duty of plastic bags, fee on caging Bluefin tuna, bunkering tax and swimming pool license. In a 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). Three reporting Contracting Parties have answered “no” to this question.

33. Main difficulties referred to in this section include administrative management, limited financial resources, technical guidance capabilities and the regulatory and policy framework.

d) Monitoring and Public Access to Information

34. *Establishment of monitoring programmes to assess the state of the marine environment 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).*

Nearly all reporting Contracting Parties (13 out of 14) reported having established monitoring programmes as required under Article 12 of the Barcelona Convention. Monitoring programmes range from general, e.g. on the state of the marine environment to specific e.g. on the quality of bathing waters or on land-based sources (LBS). Three reporting Contracting Parties underlined work carried out under UNEP/MAP MEDPOL and two of those mentioned work undertaken in implementing MAP Ecosystem Approach (EcAP) and the Integrated Monitoring Assessment Programme (IMAP), combined with the Marine Strategy Framework Directive (MSFD) and the Water Framework Directive (WFD). A reporting Contracting Party has answered “no” to this question.

35. *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 15.1).* Nearly all reporting Contracting Parties (13 out of 14) publish on a regular basis different assessment reports, the most common of which being on the state of the marine environment. Others include reports on the state of the environment, and the quality of bathing waters. Reports are published in the relevant governmental websites (e.g. Ministries, agencies, observatories) as well as other through other platforms such as the European Environmental Agency (EEA). It is worth noting, as pointed out by three reporting Contracting Parties, that information and data from those reports is used to fulfill the reporting requirements under the Barcelona Convention and its Protocols, as well as under the relevant EU Directives.

36. Main difficulties referred to in this section include administrative management, limited financial resources and technical guidance capabilities.

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

Status of Reporting

- Number of Contracting Parties to the 1976 Dumping Protocol on the 2016/2017 biennium: 21
- Number of Contracting Parties to the 1995 Dumping Protocol on the 2016/2017 biennium: 15
- Number of reporting Contracting Parties on the 2016-2017 biennium: 13

Introduction

37. **Part I: Legal and Regulatory Measures.** Part I seeks to determine whether the required permitting system has been put in place through legal and regulatory 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). In addition, this part 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).

38. **Part II: Dumping at Sea Permits and Quantities.** Part II seeks to gather information about permits issued, either under the 1976 Dumping Protocol or the 1995 Protocol, including permits under force majeure and critical situations.

39. **Part III: Quantities of Wastes of Other Matter for each Dumping Site and Coordinates for Dump Sites.** Part III seeks to collect information on about quantities and types of wastes permitted and dumped per dump site.

40. **Part IV: Monitoring.** Part IV seeks to gather information on field and compliance monitoring per dump site.

41. **Part V: Placement.** Part V seeks to collect information on placement activities conducted under article 3.4.b of the Dumping Protocol.

Progress in Implementation

a) Legal and Regulatory Measures

42. Reporting Contracting Parties have reported on the legal and regulatory measures put in place to implement the Dumping Protocol, as shown in detail below.

*Mandatory Reporting*¹

43. *Prohibition of dumping of wastes or other matter with the exception of those listed in Article 4.2 of the Dumping Protocol (Article 4.1).* Most reporting Contracting Parties (9 out of 11) indicated that they had in place legal and regulatory measures providing for the prohibition of dumping in violation of the Protocol. This has been mainly achieved through the laws ratifying the Dumping Protocol, as well as, as underlined by two Parties, through the laws ratifying the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972 (London Convention) and its Protocol. In two reporting Contracting Parties, this adds to their acts protecting the environment, regulations on maritime and sea harbors as well as flying aircrafts, and their maritime codes. A reporting Contracting Party has answered “no” to this question and two Parties indicated that work to develop the required measures is under development.

44. *Dumping of wastes and other matter listed in Article 4.2. is subject to a prior special permit from the designated competent authority or authorities in conformity with the criteria set forth in the Annex to the Dumping Protocol and the related Guidelines adopted by the Meeting of the Contracting*

¹ Not applicable to the EU or Greece

Parties (Articles 5, 6 and 10.1). Many reporting Contracting Parties (7 out of 11) answered this question positively. Laws ratifying the Dumping Protocol and the London Convention, and its Protocol thereto are mentioned. In addition to, a reporting Contracting Party detailed that under its regulatory framework, ranging from broad legal instruments (e.g. environmental protection act, maritime code) to sectoral ones (e.g. environmental impact assessment act), either the Ministry of Environment or the Ministry of the Sea is the authority responsible for issuing special or general permits in accordance with the Protocol. Another Party referred to the national (Ministry of Environment) and local authorities in charge of issuing dumping permits. Otherwise, two reporting Contracting Parties have answered “no” to this question and other two indicated that work is under development.

45. *Designated competent national authority or authorities keep(s) records of the nature, quantities of the waste or other matter, dumping location and method (Article 10.1).* Most reporting Contracting Parties (8 out of 11) answered this question affirmatively. The competent national authorities responsible for issuing permits and keeping records are mainly the Ministry of Environment or the Ministry of the Sea or local authorities.

46. *Prohibition of incineration at sea (Article 7).* In nearly all reporting Contracting Parties (10 out of 11) incineration is prohibited as per the Dumping Protocol. In addition to the laws ratifying the Dumping Protocol and the London Convention and its Protocol, reference is made by two reporting Contracting Parties to their environmental protection acts and maritime codes. The remaining reporting Contracting Party has answered “no” to this question.

47. *Force majeure dumping at sea is conducted under the conditions set out in Article 8 of the Dumping Protocol and reported to UNEP/MAP Secretariat immediately (Article 8).* Some reporting Contracting Parties answered this question positively (2 out of 11). Otherwise, six reporting Contracting Parties left this question blank, one Party answered “no” to this question, another Party indicated that work is under development and another noted that this question was not applicable.

48. *Critical dumping at sea is conducted under the conditions set out in Article 9 of the Dumping Protocol and UNEP/MAP Secretariat is consulted immediately (Article 9).* Some reporting Contracting Parties answered this question positively (2 out of 11). Otherwise, four reporting Contracting Parties left this question blank, three Parties answered “no” to this question, another Party indicated that work is under development and another noted that this question was not applicable.

49. *Dumping permits provided for in Article 5 of the Dumping Protocol are issued for wastes or other matter loaded in your territory or loaded in the territory of a non-Contracting Party (Article 10.2).* Some reporting Contracting Party answered this question positively (2 out of 11). Three reporting Contracting Parties left this question blank, two Parties indicated that this question was not applicable, two Parties answered “no” to this question, and two more indicated that work is under development.

50. *Application of measures to implement the Dumping Protocol to Contracting Parties’ vessels and aircrafts, those loading in Contracting Parties’ territory and those believed to be engaged in dumping in areas under Contracting Parties’ jurisdiction (Article 11).* Most reporting Contracting Parties (8 out of 11) responded to this question affirmatively. Three of them based their answer on their environmental codes and/or maritime codes, and another Party also noted their national laws transposing the EU Directive on ship-source pollution. Otherwise, two reporting Contracting Parties answered “no” to this question, and another Party indicated that work is under development.

Optional Reporting

51. *Issuing of instructions to maritime inspection ships and aircraft and other appropriate services to report to the relevant national authorities any incidents or conditions giving rise to suspicions that dumping in contravention to the Protocol had occurred or was about to occur (Article 12).* Many reporting Contracting Parties (7 out of 11) responded to this question affirmatively, by mainly making reference to their maritime codes or acts. A reporting Contracting Party answered “no”

to this question, another Party indicated that work is under development and two Parties left this question blank.

52. Main difficulties referred to in this section include administrative management, limited financial resources, technical guidance capabilities and the regulatory and policy framework.

b) Dumping at Sea Permits and Quantities²

53. Contracting Parties are requested to provide information on permits issued under either the 1976 Dumping Protocol or the 1995 Dumping Protocol as well as quantities of wastes or other matter that were permitted for dumping at sea per dumping site. Also Contracting Parties are requested to provide data on quantities in dry weight of dredged material dumped at sea. Only some reporting Contracting Parties (4 out of 12) have provided data regarding permits and quantities and dredged material. This might be due to the fact that either new permits were not issued for the biennium 2016-2017 or permits issued in previous biennia are still valid and in use.

c) Quantities of Wastes of Other Matter for each Dumping Site and Coordinates for Dump Sites³

54. Some Contracting Parties (4 out of 12) provided information on quantities of wastes or other matter for each dump site and coordinates for dump sites.

d) Monitoring⁴

55. Many Contracting Parties (9 out of 12) provided information on monitoring conducted per dump site, including both compliance monitoring and field monitoring, specifying whether any adverse impacts have been found beyond that predicted (Table 5). However, there is a need to further reinforce the reporting on monitoring in terms of surveys conducted, compliance monitoring for checking the permits etc., which is an aspect related to enforcement and compliance monitoring.

² Not applicable to the EU

³ Not applicable to the EU

⁴ Not applicable to the EU

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

Status of Reporting

- Number of Contracting Parties to the 1976 Emergency Protocol on the 2016/2017 biennium: 21
- Number of Contracting Parties to the 2002 Prevention and Emergency Protocol on the 2016/2017 biennium: 17
- Number of reporting Contracting Parties on the 2016-2017 biennium: 13

Introduction

56. **Part I: Legal and Regulatory Measures.** Part I seeks to determine whether Contracting Parties have established the legal and regulatory 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.

57. **Part II: Pollution Preparedness and Response. Operational Measures.** Part II seeks to collect information on the national 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.

58. **Part III: Pollution Incidents.** Part III seeks to gather information on spills incidents. Under this heading, Contracting Parties are invited to provide information, if they have not yet done so through MEDGIS-MAR, on *inter alia* accident type, pollution type, ship category and any actions taken in response to the incident.

Progress in Implementation

a) Legal and Regulatory Measures

59. Reporting Contracting Parties have provided information about the legal and regulatory 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), 8 (Communication of Information), 9 (Reporting Procedure), 10 (Operational Measures), 11 (Emergency Measures on Board Ships, on Offshore Installations and in Ports), 12 (Assistance), 14 (Port Reception Facilities), 15 (Environmental Risks of Maritime Traffic) and 16 (Reception of Ships in Distress in Port and Places of Refugee) of the Prevention and Emergency Protocol, as shown below.

Mandatory Reporting

60. *Maintenance and promotion of contingency plans and other means (i.e. pre-positioned response equipment and training courses for both operating and supervisory level response personnel) of preventing and combating oil and hazardous and noxious substances (HNS) pollution incidents (Article 4.1).* Most reporting Contracting Parties (11 out of 13) indicated that they had adopted contingency plans and other means of preventing and combating oil and HNS pollution incidents. A reporting Contracting Party answered to this question “no”. More in depth, seven reporting Contracting Parties underlined their national contingency plans or emergency programmes, and two of them referred also to their regional, local, and/or port facilities plans. A reporting Contracting Party also referred within the framework of the RAMOGE Agreement to the RAMOGE Plan for incidents involving three countries.

61. National Contingency Plans are adopted by nearly all reporting Contracting Parties, however only two reporting Contracting Parties referred to the adoption of regional, local, and/or port facilities plans. No information is given whether local and regional plans are an integral part of national contingency plans, which is key to ensure the appropriate escalation of response to oil spills from Tier 2 level to Tier 3 level.

62. On the level of response equipment, five reporting Contracting Parties commented on their network of pollution response vessels, as well as the structures in place to ensure the availability of antipollution equipment. In that regard, in two reporting Contracting Parties there is a national operational structure set up to that end (e.g. centers of expertise and pollution response), coupled, in one of them, with a cooperation agreement with the Coast Guard. In another one, funding to enhance the levels of pre-position equipment is secured through the EU Instrument for Pre-Accession Assistance (IPA). A fourth reporting Contracting Party noted that pollution response services are provided on request by States through the European Maritime Safety Agency (EMSA). These include oil spill response vessels, oil spill dispersants, satellite-based oil spill and vessel detection and monitoring (CleanSeaNet), and support with expertise (MAR-ICE Network). This information shows the existence of multiple sources for the provision of response equipment and the need for Contracting Parties to develop national mechanisms listing their national means and defining ways and frameworks to mobilize supporting response equipment and experts.

63. As regards arrangements for ensuring a regular training of both national operating level personnel and supervisory level personnel, details are provided by five reporting Contracting Parties, which pointed out to different training options such as seminars, train-the-trainer courses and oil spill exercises. Training takes place mainly at national level, although international training is also mentioned under REMPEC, the EU Union Civil Protection Mechanism and EMSA.

64. *Designation of a national authority or authorities responsible for the implementation of the Prevention and Emergency Protocol (Article 4.1).* Most reporting Contracting Parties (10 out of 13) indicated that they had designated the national authority or authorities responsible for the implementation of the Prevention and Emergency Protocol. The institutional setting differs from country to country, the most common one being the Ministry of Environment and the Ministry of Maritime Affairs or the Ministry of Transport and Infrastructure sharing responsibilities in the implementation of the Protocol. This adds to the diverse national centers responsible for the implementation of the national contingency plans, such as maritime rescue coordination centers, country operational centers, or centers of accidental pollution response. A reporting Contracting Party answered “no” to this question, another one left this question blank and another reported work under development.

65. *Informing the Regional Centre (REMPEC) every two years of the measures taken for the implementation of the Prevention and Emergency Protocol (Article 4.3).* Most reporting Contracting Parties (10 out of 13) reported to inform REMPEC about the measures taken to implement the Prevention and Emergency Protocol. In this context, a reporting Contracting Party referred to the REMPEC Country Profiles and another one to the REMPEC Focal Points Meeting. A reporting Contracting Party answered “no” to this question, another one left this question blank and a third one reported on ongoing work in this area. This information shows that the use of the REMPEC Country Profiles should be further stepped up among Contracting Parties.

66. *Development of monitoring and surveillance programmes and activities aimed at detecting oil and HNS pollution incidents whether accidental or operational and illicit discharges (Article 5).* Many reporting Contracting Parties (10 out of 13) stated having developed monitoring and surveillance programmes to detect accidental or operational pollution. Five reporting Contracting Parties underlined the satellite-based oil spill monitoring and vessel detection service CleanSeaNet, set up and operated by the European Maritime Safety Agency (EMSA). Three of these five reporting Contracting Parties also pointed out the surveillance services provided by their Coast Guard (e.g. patrolling by oil spill response vessels, aerial surveillance and radars). Two reporting Contracting Parties referred to diverse maritime traffic control systems, such as the Vessel Traffic Management Information System (VTMIS), the Automatic Identification System (AIS) and the Mandatory Ship Reporting System in the Adriatic Sea (ADRIREP). A reporting Contracting Party answered “no” to this question and two indicated that work in this area is under development.

67. *Issuing of instructions to masters of ships flying your flag and pilots of aircrafts registered in your territory to report on actual or potential oil and HNS pollution incidents to the designated national authority or authorities and the nearest Coastal State (Article 9.1).* Many reporting Contracting Parties (7 out of 13) answered this question affirmatively, by referring to their relevant domestic legislation (e.g. maritime codes, laws on the protection of the marine environment, or laws on the prevention of marine pollution from sea-going objects) and/or their national contingency plans. A reporting Contracting Party also referred to its law ratifying the International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC). Otherwise, a reporting Contracting Party answered “no” to this question, three reporting Contracting Parties left this question blank, a reporting Contracting Party indicated that this question is not applicable and another one reported work under development.

68. *Ensuring that the master of every ship sailing in your territorial waters report on actual or potential oil and HNS pollution incidents to the designated national authority or authorities and the nearest Coastal State (Article 9.2).* Many reporting Contracting Parties (7 out of 13) answered this question affirmatively. They based their answer on their domestic laws establishing this obligation (e.g. Maritime Codes), as well as their national contingency plans. A reporting Contracting Party answered “no” to this question, three reporting Contracting Parties left this question blank, another one reported work under development in his area and, a reporting Contracting Party indicated that this question is not applicable.

69. *Issuing of instructions to Port and Port Facility Authorities and offshore installations under your jurisdiction to report on actual or potential oil and HNS pollution incidents to the designated national authority or authorities (Article 9.3 and 9.4).* Most reporting Contracting Parties (10 out of 13) answered this question positively, by referring to their relevant domestic legislation (e.g. maritime codes and safety codes for offshore exploitation and exploration) and/or their national contingency plans. This adds to the law ratifying the International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC) in a reporting Contracting Party. Otherwise, two reporting Contracting Parties left this question blank and a reporting Contracting Party indicated that this question is not applicable.

70. *Communication to REMPEC and those Contracting Parties likely to be affected of information on actual or potential oil and HNS pollution incidents collected by masters of ships flying your flag, pilots or aircrafts registered in your territory, Port and Port Facility Authorities and offshore installations under your jurisdiction (Article 9.6 and 9.7).* Most reporting Contracting Parties (10 out of 13) answered this question affirmatively, by mainly referring to their national/sub-regional contingency plans. In addition, two reporting Contracting Parties specifically referred to the POLREP system and a reporting Contracting Party to its National Center of Research and Maritime Rescue and their maritime traffic monitoring centers. Two reporting Contracting Parties indicated that this question is not applicable, and a reporting Contracting Party left this question blank.

71. *Conducting oil and HNS pollution incident assessments (i.e. nature, extent and possible consequences) and taking every practical measure to prevent, reduce and, to the fullest possible extent, eliminate the effects of the pollution incident (Article 10.1).* Most reporting Contracting Parties (10 out of 13) answered this question positively by underlying their contingency plans. A reporting Contracting Party also referred to the institutions involved in pollution incident assessments and prevention measures to combat accidental pollution, ranging from the Ministry of Environment to a number of research centers (e.g. Italian National Institute for Environmental Protection and Research-ISPRA, and Regional Environmental Protection Agency-ARPA). Two reporting Contracting Parties left this question blank, and a reporting Contracting Party answered “no” to this question.

72. *Ensuring that ships flying your flag have on board a pollution emergency plan as required by, and in accordance with, the relevant international regulations (Article 11.1).* Most reporting Contracting Parties (11 out of 13) have reported that ships flying their flag have on board a pollution emergency plan. Two reporting Contracting Parties specifically noted the obligations under the

MARPOL Convention, and one of them also pointed out the IMO Guidelines for the Development of Shipboard Oil Pollution Emergency Plans. Another reporting Contracting Party referred to the provisions of its Maritime Code and the Port State Control (PSC) Inspections carried out to ensure that ships have the required pollution emergency plans. Two reporting Contracting Parties indicated that this question is not applicable.

73. *Master of ships flying your flag follow the procedures described in the shipboard emergency plan in case of oil and HNS pollution incidents (Article 11.2).* Many reporting Contracting Parties (6 out of 13) answered this question affirmatively. Two reporting Contracting Parties based their answer on the procedures within the framework of the MARPOL Convention, and one of them also underlined the IMO Guidelines for Reporting Incidents Involving Dangerous Goods, Harmful Substances and/or Marine Pollutants. Four reporting Contracting Parties left this question blank, a reporting Contracting Party answered “no” to this question, another one reported work under development in this area, and another reporting Contracting Party indicated that this question is not applicable.

74. *Ensuring that the master of every ship sailing in your territorial waters follow the procedures described in the shipboard emergency plan in case of oil and HNS pollution incidents (Article 11.3).* Many reporting Contracting Parties (6 out of 13) answered this question positively. Two reporting Contracting Parties referred to the relevant provisions of the MARPOL Convention and another reporting Contracting Party underlined its Maritime Code and the Port State Control (PSC) Inspections undertaken in accordance with the Code. Four reporting Contracting Parties left this question blank, a reporting Contracting Party answered “no” to this question, another reporting Contracting Party indicated that this question is not applicable, and another reported work under development.

75. *Authorities or operators in charge of seaports handling facilities have pollution emergency plans or other similar arrangements coordinated with the national system (Article 11.4).* Most reporting Contracting Parties (11 out of 13) indicated that legislation is in place requesting authorities or operators in charge of seaports handling facilities to have pollution emergency plans or other similar arrangements coordinated with the national system. A reporting Contracting Party referred to its law ratifying the International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC), another one noted the relevant provisions of its Maritime Code and a further reporting Contracting Party pointed out the emergency plans adopted for its 360 coastal facilities, in addition to its six regional plans and national contingency plan. A reporting Contracting Party answered “no” to this question and another one indicated that this question is not applicable.

76. *Operators in charge of offshore installations under your jurisdiction have a contingency plan, coordinated with the national system (Article 11.5).* Most reporting Contracting Parties (10 out of 13) reported that the legal framework is in place requesting operators in charge of offshore installations under their jurisdiction to have a contingency plan, coordinated with the national system. A reporting Contracting Party based its answer on the law transposing the Directive on Safety of Offshore Oil and Gas Operations (2013/30/EU) and the law ratifying the International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC). Two Contracting Parties referred to their domestic laws, one of them underlying its Safety Code for Offshore Exploration and Exploitation of Hydrocarbons, under which offshore operators are obliged to coordinate their emergency plans with the national contingency plan. A reporting Contracting Party answered “no” to this question and two indicated that this question is not applicable.

77. *Taking the necessary legal or administrative measures to facilitate the entry into, stay in and departure from your national territory of equipment, products and personnel engaged in responding to a pollution incident (Article 12.3).* Many reporting Contracting Parties (7 out of 13) answered this question positively. Three reporting Contracting Parties left this question blank, a reporting Contracting Party answered “no” to this question, another reporting Contracting Party indicated that this question is not applicable and another reported work under development. These data show that

more than 50% of the reporting Contracting Parties have not taken such measures, which indicates the need for the development of “national mechanisms for mobilizing emergency response equipment”.

78. *Ensuring that port reception facilities meeting the needs of ships (including pleasure craft) are available in your ports and terminals (Article 14).* Nearly all reporting Contracting Parties (12 out of 13) indicated that port reception facilities are available in their ports and terminals meeting the needs of ships, including pleasure crafts. Two reporting Contracting Parties based their answer on their domestic laws transposing the Directive on Port Reception Facilities for Ships-generated Waste and Cargo Residues (2000/59/EC), and one of them also mentioned the requirements under the MARPOL Convention.

79. A reporting Contracting Party specifically pointed out the REMPEC Project on Port Reception Facilities, as instrumental in meeting this obligation under the Prevention and Emergency Protocol. The same Party further pointed out the EU PHARE Programme, under which Port Reception Facility studies were conducted. Another reporting Contracting Party mentioned its 301 Port Reception Facilities and 39 waste reception ships. A reporting Contracting Party answered “no” to this question.

80. *Ensuring that port reception facilities are used efficiently, without causing any undue delay to ships and limiting discharges to the marine environment (Article 14).* All but one reporting Contracting Party answered to this question affirmatively. That Party answered “no” to this question.

81. *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 (11 out of 13) information to ships is reported to be provided in that regard. Two reporting Contracting Parties cited the IMO Global Integrated Shipping Information System (GISIS) Database. In a reporting Contracting Party information is so provided by Port Authorities and the Coast Guard and in another by the Ministry of the Sea, Transport and Infrastructure. A reporting Contracting Party answered “no” to this question and another one indicated that this question is not applicable.

82. *Assessing the environmental risks of the recognized routes used in maritime traffic (Article 15).* In many reporting Contracting Parties (10 out of 13) the assessment of the environmental risks of the recognized routes used in maritime traffic is reported having been undertaken. This has been done by undertaking different risk assessment studies as follows: in a reporting Contracting Party by the development of an oil spill risk index and the commissioning of an offshore installations risk assessment study; in another one by the conclusion of a risk assessment study for its coast and in further one by the preparation of assessments of risks and sensitivity for its Adriatic coast. In addition to, two reporting Contracting Parties also cited Vessels Traffic Systems (VTS). A reporting Contracting Party answered “no” to this question, another one indicated that this question is not applicable and a Contracting Party left this question blank.

83. *Taking appropriate measures aimed at reducing the risks accidents or their environmental consequences (Article 15).* Most reporting Contracting Parties (11 out of 13) answered this question affirmatively. Two reporting Contracting Parties based their answer on their Vessels Traffic Systems (VTS), and one of them also cited the designation and management of Particularly Sensitive Sea Areas (PSSAs). Another Party underlined its mandatory ship reporting systems for the Bonifacio and Messina Straits, and another one referred to the maritime traffic control measures in the Gibraltar Strait. A reporting Contracting Party answered “no” to this question and another Party left this question blank.

84. *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).* Most reporting Contracting Parties (11 out of 13) stated having adopted measures dealing with places of refuge for ships in distress. In this context, two reporting Contracting Parties cited their laws transposing the Directive establishing a Community Vessel Traffic Monitoring and Information

System (2002/59/EC) and another Party pointed out its regulations on refuge places for ships in distress. Two reporting Contracting Parties answered “no” to this question.

Optional Reporting

85. *Dissemination of information on designated national authorities with responsibilities, including operational responsibilities, in case of oil and HNS pollution incidents (Article 7).* Most reporting Contracting Parties (11 out of 13) answered this question affirmatively, by indicating the different channels used for information dissemination of their designated national authorities for oil and HNS pollution incidents response. In addition to the websites of the relevant Ministries, mainly the Ministry of Maritime Affairs, Transport and Infrastructure or the Ministry of Environment, four reporting Contracting Parties pointed out the REMPEC Country Profiles as the most common avenue for information sharing. This adds to other channels such as the European Maritime Safety Agency (EMSA) in two reporting Contracting Parties, and the regional Agreement RAMOGE in another reporting Contracting Party.

86. *Dissemination of information on national regulations and other matters directly related to preparedness for and response to pollution of the sea by oil or other hazardous and noxious substances (Article 7).* Most reporting Contracting Parties (10 out of 13) provided a positive answer to this question, by listing the most common channels used for dissemination of information on national regulations concerning preparedness and response to oil and HNS incidents. This is mainly achieved through the action of the Ministry of Maritime Affairs, Transport and Infrastructure, the Ministry of Environment or the Coast Guard. Regional and sub-regional Agreements also played a role in this regard, examples being the Agreement of the Sub-Regional Contingency Plan for Prevention of, Preparedness for and Response to Major Marine Pollution Incidents in the Adriatic Sea, the Regional Agreement among Morocco, Algeria and Tunisia and the Lisbon Agreement. This adds to the REMPEC Country Profiles in two reporting Contracting Parties. A reporting Contracting Party answered “no” to this question, another Party left this question blank and another indicated work under development.

87. *Dissemination of information on new ways in which pollution of the sea by oil and other hazardous and noxious substances may be avoided, new measures for combating pollution, new developments in the technology of conducting monitoring and the development of research programmes (Article 7).* Most reporting Contracting Parties (10 out of 13) answered this question positively. A reporting Contracting Party based its answer on the exchange of information within the framework of the Joint Commission for the Protection of the Adriatic Sea. Another Party referred to the websites of its Ministry of Transport and Coast Guard, in addition to the website of its National Institute for Environmental Protection and Research (ISPRA), where relevant information is published (e.g. Notebooks on Environmental Emergencies at Sea). In a reporting Contracting Party, dissemination activities are channeled through the Ministry of Environment and the Ministry of Transport. Three reporting Contracting Party answered “no” to this question.

88. *Coordination of the 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).* All reporting Contracting Parties but two answered positively to this question. A reporting Contracting Party referred to the Common Emergency Communication and Information System (CECIS Marine Pollution) and another Party to its Emergency Response Plan for the Protection of the Sea and Coastal Areas from Accidental Pollution by Oil and other Harmful Substances and the RAMOGE Agreement. There appears to be a lack of reference to the existing communication procedure using the POLREP format, which is part of the Mediterranean Emergency Communication Procedure, available on REMPEC’s Website and in the Mediterranean Guide on Cooperation and Mutual Assistance in Responding to Marine Pollution Incidents adopted by Contracting Parties at their 20th Meeting (COP 20).

b) Pollution Preparedness and Response: Operational Measures⁵

89. *National response strategy for marine pollution incidents adopted including a policy for the use of dispersants (Article 4).* Many reporting Contracting Parties (9 out of 12) have reported having adopted a response strategy for marine pollution incidents, including a policy for the use of dispersants. Two reporting Contracting Parties left this question blank and a reporting Contracting Party answered “no” to this question.

90. *National Contingency Plan covers oil, Hazardous and Noxious Substances (HNS), or both, i.e. oil and HNS (Article 4).* Most reporting Contracting Parties (9 out of 12) have answered this question affirmatively.

91. *National stockpiles of pre-positioned oil and HNS spill response equipment, including naval and aerial means, established (Article 4).* Most reporting Contracting Parties (9 out of 12) have reported having a stockpile of anti-pollution equipment and means, including naval and aerial means, available. Details of the pre-positioned response equipment are given by three reporting Contracting Parties. Two reporting Contracting Parties left this question blank and two Parties answered “no” to this question.

92. *Regular exercises are carried out to test the National Contingency Plan (Article 4).* Most reporting Contracting Parties (9 out of 12) have reported that exercises are regularly organized to test their national contingency plans. Three reporting Contracting Parties provided details of the frequency of the national and international exercises, which in a reporting Contracting Party are carried out within the framework of the RAMOGE Agreement. Otherwise, a reporting Contracting Party answered “no” to this question and two Parties left this question blank.

93. *Local contingency plans, including port contingency plans adopted (Article 4).* Most reporting Contracting Parties (9 out of 12) have reported having adopted local/port contingency plans. In a reporting Contracting Party, such plans are indicated to be under preparation. Two reporting Contracting Parties left this question blank, another Party answered “no” to this question and another reported work under development.

94. *Local plans, including port contingency plans, are integrated with the National Contingency Plan (Article 4).* Half of the reporting Contracting Parties (6 out of 12) have reported having integrated their local plan(s) into their national contingency plans. This is work in motion in a reporting Contracting Party. Otherwise, two reporting Contracting Parties left this question blank, two Parties answered “no” to this question and another reported work under development.

95. *Local plans, including port contingency plans, are integrated with the industry emergency procedures (Article 4).* Half of the reporting Contracting Parties (6 out of 12) have reported having integrated the local plan(s) with the industry emergency procedures. Three reporting Contracting Parties answered “no” to this question and three Parties left this question blank.

96. *Participation in sub-regional agreements regarding emergency situations adopted (Article 4).* Many reporting Contracting Parties (6 out of 12) have reported participating in bilateral and /or sub regional agreements regarding emergency situations. Further information is given by these three Parties, which referred to the RAMOGE Agreement, the Bucharest Convention or the Black Sea Contingency Plan. Four reporting Contracting Parties answered “no” to this question and two Parties left this question blank.

c) Pollution Incidents⁶

97. Three reporting Contracting Parties provided a detailed list of the 2016-2017 pollution incidents.

⁵ Not applicable to the EU

⁶ Not applicable to the EU

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

Status of Reporting

- Number of Contracting Parties to the 1980 LBS Protocol on the 2016/2017 biennium: 22
- Number of Contracting Parties to the 1996 LBS Protocol on the 2016/2017 biennium: 17
- Number of reporting Contracting Parties on the 2016-2017 biennium: 15

Introduction

98. **Part I: Legal and Regulatory 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 under this part 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) measures have been adopted to reduce accidental pollution (Article 5); (3) discharges and pollutant releases are subject to the required authorization/regulation issued by the competent national authority (Article 6); (4) a system of enforcement, including sanctions, is in place (Article 6), (5) measures adopted by the Conferences of the Parties are implemented (Article 7) and (6) field and compliance monitoring mechanisms are in place (Article 8).

99. **Part II: Inventory.** Part II seeks to collect quantitative information on pollutant releases per pollutant group and sector of activity.

100. **Part III: Implementation of Regional Actions Plans (RAPs) and their effectiveness.** Part III seeks to gather information on the implementation of the RAPs adopted under the LBS Protocol (i.e. RAPs on POPs, RAP on Mercury, RAPs on BOD₅ reduction, RAP on Marine Litter and RAP on Sustainable Consumption and Production).

101. **Part IV: Implementation of National Action Plans (NAPs) and their effectiveness.** As its title suggest, Part IV seeks to gather information on the implementation of NAPs and their effectiveness.

102. **Part V: Monitoring.** Part V seeks to gather information on implementation of quality status monitoring and Integrated Monitoring and Assessment (IMAP).

103. **Part VI: Enforcement Measures.** Part VI seeks to gather information on enforcement measures taken to implement the LBS Protocol.

a) Legal and Regulatory Measures

104. Reporting Contracting Parties have reported on the legal and regulatory measures put in place to implement the LBS Protocol, as shown in detail below.

105. *Action plans, programmes and measures (NAPs and SAP) to eliminate pollution from LBS activities particularly regarding the phasing out of inputs of the substances listed in Annex I to the Protocol that are toxic, persistent and liable to bioaccumulate, using BAT and BEP (Article 5.1).* Most reporting Contracting Parties (13 out of 15) indicated that they had articulated measures to eliminate LBS pollution and phase-out POPs using BAT and BEP. 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, (urban) waste management and environmental impact assessments. This adds to the domestic legislation transposing the relevant EU directives, such as the IPPC (Integrated Pollution Prevention and Control) Directive (2008/1/EC), the Water Framework Directive (WFD) (2000/60/EC) and the Marine Strategy Framework Directive (MSFD) (2008/56/EC). In addition, work is underlined by a reporting Contracting Party within the framework of implementation of the UNEP/MAP Regional Action Plan on Marine Litter. The remaining two reporting Contracting Parties left this question blank.

106. *Priorities and timetables for implementing the action plans, programmes and measures adopted taking into account the elements set out in Annex I to the Protocol and periodically updated (Article 5.2).* Many reporting Contracting Parties (6 out of 15) have responded to this question positively, one of them pointing out the 2015 update of its LBS national implementation plans and regional plans within SAP MED. Otherwise, five reporting Contracting Parties left this question blank, two Parties indicated work under development in this area and another Party answered “no” to this question.

107. *Preventive measures taken to reduce to a minimum the risk of pollution caused by accidents (Article 5.5).* All reporting Contracting Parties reported having put in place measures to reduce to a minimum the risk of accidental pollution. Three reporting Contracting Parties based their answer on their national contingency plans on preparedness and response to accidental marine pollution, and one of them further developed its response by underlining the provisions to protect the marine environment from pollution caused by accidents in its general laws protecting the environment, waters and the coast. In addition, a reporting Contracting Party referred to work under the IPPC (Integrated Pollution Prevention and Control) (2008/1/EC) Directive and SEVESO III EU Directive (2012/18/EU).

108. *Point source discharges into the Protocol area and releases into water and/or air that reach and may affect the Mediterranean Area are strictly subject to authorization or regulation by the competent national authority or authorities (Article 6)⁷.* All reporting Contracting Parties 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 permit) for any discharge or release into the sea or surface waters, provided that *inter alia* some specific limit values are met. In a reporting Contracting Party, the required permit is coupled with the opinion of the authority granting the permit.

109. *Establishment of inspection systems for the competent national authority or authorities to assess compliance with authorizations and regulations (Article 6)⁸.* All reporting Contracting Parties reported having in place a system of inspection through specific acts on that regard, e.g., laws on (environmental) inspection. Depending on the country, the system rests on different authorities, ranging from Environmental Inspectors, State Water Rights Inspectors, Judicial or Environmental Police, Harbor Master’s Inspectors, Royal Police to Water Management Inspectors.

110. *Application of appropriate sanctions in the event of non-compliance with authorizations and/or regulations (Article 6)⁹.* All reporting Contracting Parties reported having put in place the appropriate sanctions in cases of non-compliance with authorizations and/or regulations through the relevant acts, ranging from (environmental) inspection and control acts to environmental codes. Sanctions include fines, indictments, imprisonment, 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.

111. *Implementation of common measures for the control of pollution adopted by the Meeting of the Contracting Parties, including the implementation of measures provided for in Regional Action Plans (RAPs) (Articles 7 and 15).* Most reporting Contracting Parties (13 out of 15) have responded affirmatively to this question, by mainly referring to specific legislation adopted on bathing waters, wastewater emissions limit values, and environmental quality standards. This adds to the domestic laws transposing relevant EU Directives, mainly the Environmental Quality Standards Directive (EQS) (2008/105/EC), the Bathing Water Directive (2006/7/EC) and the Quality of Fresh Waters (2006/44/EC) Directive, in three reporting Contracting Parties. A reporting Contracting Party also

⁷ Not applicable to the EU

⁸ Not applicable to the EU

⁹ Not applicable to the EU

noted action whitening the framework of its national implementation plans (NAPs). A reporting Contracting Party indicated work under development in this area, and another Party answered “no” to this question.

112. *Monitoring programmes and activities carried out 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 to the Protocol (Article 8)*¹⁰. Environmental monitoring programmes are reported to be in place in most of the reporting Contracting Parties (12 out of 14), with work underway in that regard in the two remaining reporting Contracting Parties, one of them indicating that activities are ongoing for the MEDPOL National Baseline Budget (NBB). In half of the reporting Contracting Parties, monitoring programmes in place have been adopted within the framework of MEDPOL, in consistency with the Ecosystem Approach (EcAP), and in synergy with the relevant EU Directives, including the Marine Strategy Framework Directive (MSFD) (2008/56/EC).

113. In addition, in one of the four Parties, work is underway to further align its national monitoring programme to the Mediterranean Integrated Monitoring and Assessment Programme (IMAP). Monitoring programmes in place vary in scope, encompassing marine ecosystems, marine and coastal waters, bathing waters, land-based sources, marine wastes, or industrial emissions. In addition, national institutions for observation and monitoring underpin these programmes through the regular collection and assessment of data.

114. *Monitoring programmes and activities carried out to evaluate the effectiveness of action plans, programmes and measures under this Protocol (the NAPs and the SAPs) to eliminate to the fullest possible extent pollution of the marine environment (Article 8)*¹¹. Most reporting Contracting Parties (11 out of 14) answered to this question positively. Two reporting Contracting Parties based their answer on work carried out in updating their national implementation plans (NAPs) within the framework of MED POL. Another Party referred to the established monitoring and observation system for the assessment of the Adriatic. Otherwise, a reporting Contracting Party indicated work underway in this area with the preparation of the MEDPOL National Baseline Budget (NBB) and another Party left this question blank.

115. Main difficulties referred to in this section include limited financial resources, technical guidance capabilities, administrative management, and the regulatory and policy framework.

b) Inventory¹²

116. Contracting Parties are requested to submit their inventory of pollution loads per sector and sub-sector for each group of pollutants as required by article 13 of the LBS Protocol. The inventory needs to be populated, provided that the requested data was not already submitted through the MED POL National Baseline Budget (NBB). Many reporting Contracting Parties (8 out of 14) submitted the required data.

c) Implementation of Regional Actions Plans (RAPs) and their effectiveness

i. Regional Action Plans on Persistent Organic Pollutants (POPs)

117. With regards to prohibiting and/or taking legal and administrative measures to eliminate the production and use, import and export of POPs and their wastes, half of the reporting Contracting Parties responded positively for complying with this measure. The other half did not respond.

118. Concerning application of BAT and BEPs for environmentally sound management of POPs, one third of the reporting Contracting Parties responded in compliance with this measure, one half of the reporting Contracting Parties indicated that they are in compliance or work is under development; the remaining one half did not respond.

¹⁰ Not applicable to the EU

¹¹ Not applicable to the EU

¹² Not applicable to the EU

119. Regarding taking appropriate measures to handle, collect, transport, store and dispose in an environmentally sound manner POPs wastes, one half of the reporting Contracting Parties confirmed their compliance with this measure; the other half did not respond.

ii. Regional Plan on the Reduction of Inputs of Mercury

120. With regards to prohibiting the installation of new Chlor-alkali plants using mercury cells and vinyl chloride monomer production plants using mercury as a catalyst, one half of the reporting Contracting Parties indicated that they are in compliance or work is under development; the other half did not respond.

121. In relation to ensuring that the releases of mercury from the activity of Chlor-alkali plants shall cease by 2020 at the latest, one third of the reporting Contracting Parties indicated they are in compliance or work under development; the remaining two thirds did not respond.

122. Regarding the adoption of National Emission Limit Values (ELVs) by 2015 and 2019 for mercury emissions based on values included in the Regional Plan on the Reduction of inputs of Mercury from other than Chlor-alkali industry, one third of the reporting Contracting Parties indicated that they are in compliance or work is under development; two thirds did not respond.

123. Concerning the monitoring of releases of mercury into water, air and soil in order to verify compliance, one half of the reporting Contracting Parties indicated that they are in compliance or work is under development; the other half did not respond.

124. In relation to achieving environmental sound management of metallic mercury from the decommissioned plants, one third of the reporting Contracting Parties indicated they are in compliance or work under development; the remaining two thirds did not respond.

125. Concerning the progressive reduction of total releases of mercury from existing Chlor-alkali plants until their final cessation with the view not to exceed 1.0 g per metric tonne of installed chlorine production capacity in each plant, one third of the reporting Contracting Parties indicated they are in compliance or work under development; the remaining two thirds did not respond.

126. With regards to taking appropriate measures to isolate and contain mercury containing wastes, one third of the reporting Contracting Parties indicated they are in compliance or work under development; the remaining two thirds did not respond.

iii. Regional Action Plans on the Reduction of BOD₅

127. Concerning the adoption of National Emission Limit Values (ELV) for BOD₅ in urban wastewater after treatment, one fifth of the reporting Contracting Parties indicated they are in compliance or work under development; the remaining did not respond.

128. With regards to monitoring discharges from municipal waste-water treatment plants to verify compliance with the requirements, one third of the reporting Contracting Parties indicated they are in compliance or work under development; the remaining two thirds did not respond.

129. In relation to ensuring that all agglomerations of more than 2000 inhabitants collect and treat urban wastewater before discharging them into the environment, one third of the reporting Contracting Parties indicated they are in compliance or work under development; the remaining two thirds did not respond.

130. Concerning the establishment of ELV and authorization compatible with the operation and the emission discharge values of the urban waste water treatment plan, in case the food sector installation discharges into the sewage system, one third of the reporting Contracting Parties indicated they are in compliance or work under development; the remaining two thirds did not respond.

131. Regarding monitoring food sector installation discharges into water to verify compliance with the requirements, one third of the reporting Contracting Parties indicated they are in compliance or work under development; the remaining two thirds did not respond.

iv. Regional Plan on Marine Litter Management in the Mediterranean

132. With regards to reduction of fraction of plastic packaging waste that goes to landfill or incineration, one half of the reporting Contracting Parties indicated they are in compliance or work under development; the remaining one half did not respond.

133. Concerning ensuring adequate urban sewer systems, wastewater treatment plants and waste management systems to prevent run-off and riverine inputs of marine litter, one third of the reporting Contracting Parties indicated they are in compliance or work under development; the remaining two thirds did not respond.

134. With regards to application of cost-effective measures to prevent any marine littering from dredging activities, one third of the reporting Contracting Parties indicated they are in compliance or work under development; the remaining two thirds did not respond.

135. In relation to urban solid waste management to be based on reduction at source, one half of the reporting Contracting Parties indicated they are in compliance or work under development; the remaining one half did not respond.

136. Regarding enhancement of public awareness and education of pollution and involvement of various stakeholders with regard to marine litter management, one half of the reporting Contracting Parties indicated they are in compliance or work under development; one fifth indicated that they are not in compliance; the remaining one third did not respond.

137. Concerning the adoption of preventive measures to minimize inputs of plastic in the marine environment, one third of the reporting Contracting Parties indicated they are in compliance or work under development; one fifth indicated that they are not in compliance; the remaining one half did not respond.

138. With regards to implementation of programmes on regular removal and sound disposal of accumulations/hotspots of marine litter, one third of the reporting Contracting Parties indicated they are in compliance or work under development; one fifth indicated that they are not in compliance; the remaining one half did not respond.

139. In relation to removal of existing accumulated litter from Specially Protected Areas of Mediterranean Importance (SPAMI) and litter impacting endangered species listed in Annexes II and III of the SPA and Biodiversity Protocol, one half of the reporting Contracting Parties indicated they are in compliance or work under development; the remaining one half did not respond.

140. Regarding the closure of existing illegal solid waste dump sites, one half of the reporting Contracting Parties indicated they are in compliance or work under development; the remaining one half did not respond.

141. Concerning the exploration and implementation of National Marine Litter Cleanup Campaigns, and for participating in international Coastal Cleanup Campaigns and Programmes, applying Adopt a Beach or similar practices and applying Fishing for Litter practices, two thirds of the reporting Contracting Parties indicated they are in compliance or work under development; the remaining one third did not respond.

142. Concerning the exploration and implementation a No-Special - Fee System in port facilities used for implementing the measures, one third of the countries indicated work under development; one fifth did not comply; the remaining one half did not respond.

v. Regional Action Plan on Sustainable Consumption and Production in the Mediterranean

143. Twelve national implementation reports have been submitted and analyzed as regards the RAP on Sustainable Consumption and Production in the Mediterranean. Information is provided at various degrees of detail by seven reporting Contracting Parties, as shown below.

144. *Food, Fisheries and Agriculture (FFA): adoption and implementation of Good Agricultural Practices (GAP) in line with the Ecosystem Approach (EcAP) ecological objectives and Integrated Coastal Zone Management (ICZM) guidelines.* Four reporting Contracting Parties out seven have

answered this question affirmatively, while another noted that it is under development and another that it is not applicable. These four reporting Contracting Parties regulate the GAP through the existence of a rulebook certifying individual producers or a code of GAP. One of the two Parties reported that the adoption and implementation of GAP is managed through a national strategy. The regulatory framework is reported to be a challenge.

145. *Food, Fisheries and Agriculture (FFA): adoption and implementation of sustainable fishing practices, in line with the EcAP ecological objectives and ICZM guidelines.* Four reporting Contracting Parties out of seven have answered this question affirmatively, while two ones expressed that it is not applicable. One of the four reporting Parties is using a certification to promote sustainable fishing practices and products in line with previously established minimum environmental criteria. The four reporting Contracting Parties have decrees or laws in place, for example a Ministerial Decree for organic aquaculture or sustainable fishing in public procurement or the Law on Marine Fisheries and Mariculture. A reporting Contracting Party reported the issue of the regulatory framework as a challenge.

146. *Food, Fisheries and Agriculture (FFA): establishment of certification schemes (eco-labels) that confirm the sustainable production of food and fisheries products.* Three reporting Contracting Parties provided an answer to this question. A Party reported having established an ecolabel for sustainable production of food and fisheries products, as well as a system of designation of origin (DOP) and protected geographical indications (IGP) recognized by the EU. The Ministry of Agriculture, Food, Forestry and Tourism established a list of authorized organic control bodies which control the system.

147. *Food, Fisheries and Agriculture (FFA): adoption of Sustainable Public Procurement (SPP) schemes for food and fisheries products.* Three reporting Contracting Party reported on the application of the Green Public Procurement (GPP) law for food and fisheries products including the minimum environmental criteria for the catering services and the supply of food and beverages.

148. *Food, Fisheries and Agriculture (FFA): adoption of measures in the field of communication and education to promote the consumption of sustainable, healthy and local food.* Six reporting Contracting Parties out of seven responded affirmatively to the status of implementation of measures in the field of communication and education promoting consumption of sustainable, healthy and local food. They reported having taken action organizing educational activities such as workshops, brochures, or the use of other policy instruments such as the Public procurement law or an Urban Food Policy Pact for a specific city.

149. *Goods Manufacturing (GM): adoption of measures to implement the waste management hierarchy, develop extended produced responsibility schemes, and encourage circular economy.* Four reporting Contracting Parties out of seven answered the question to status on implementation affirmatively, while two expressed it is under development and another that it is not applicable. The efforts of the reporting Contracting Parties for adopting measures to implement the waste management hierarchy, develop extended produced responsibility schemes, and encourage circular economy range from amendments to national ordinances on packaging and packaging waste to generating new ordinances on waste tires management or adopting specific measures that improve existing Extended Producer Responsibility (EPR) schemes. This has also been complemented with the creation of thematic working groups.

150. *Goods Manufacturing (GM): development of policy instruments to support the private sector in the sustainable design, production and use of manufactured goods.* Five reporting Contracting Parties out of seven provided an answer but only one Party reported to have integrated into their national plans measures to foster eco competitiveness of small and medium-sized enterprises (SMEs), and provided initiatives for stimulating sustainable goods and products by incentives, voluntary schemes, or by legislative instruments such as the entering into force of Green Public Procurement (GPP). The same Party reported that the regulatory framework and financial resources is a burden.

151. *Goods Manufacturing (GM): adoption and implementation of Sustainable Public Procurement (SPP) in the goods manufacturing sector.* Five reporting Contracting Parties out of seven responded affirmatively to the status of implementation, one reported implementation under development and another that it is not applicable. The three Parties reported having public procurement laws in place regulating the different sectors, including goods manufacturing. The three reporting Contracting Parties have integrated into their relevant strategies and laws sectoral environmental criteria and goals, in some cases followed up by Ministerial Decrees.

152. *Goods Manufacturing (GM): establishment of certification schemes (eco-labels) for manufactured goods and awareness rising among the population on the consumption of eco-labelled goods.* Five reporting Contracting Parties out of seven answered the question to status of implementation affirmatively, while another one expressed it is under development and another indicated that it is not applicable. The three reporting Contracting Parties reported having taken action on that regard by issuing and establishing new legal frameworks and procedures for eco labelling including guidelines and specific rulebooks for goods manufacturing. Awareness rising actions have also taken place such as training courses or publication of materials and data. Administrative management, technical guidance capabilities, and financial resources were reported as difficulties by the reporting Contracting Party that answered to the question.

153. *Tourism: creation of eco-taxes, eco-charges or fees to internalize externalities of tourism activities.* Three reporting Contracting Parties out of seven answered the question on status of implementation affirmatively, while another one expressed it is under development. Reporting Contracting Parties use laws and existing regulations to promote the inclusion of tourist activities in Eco-Management and Audit Scheme (EMAS) membership and EU Ecolabel. Those Parties also reported the creation of catalogues and database to support member organizations. Policy framework, regulatory framework and administrative management were reported as difficulties by one of the reporting Contracting Parties.

154. *Tourism: revision of the current national tourism legislation to integrate sustainable principle and measures.* Two reporting Contracting Parties reported under this question. They mentioned having taken action on that regard through a Strategic Plan for Tourism including directions and strategies for the sector on sustainability, innovation and competitiveness. The difficulties found are reported as technical guidance capabilities, and financial resources.

155. *Tourism: adoption of measures to promote the diversification of the tourism offer from mass tourism to alternative forms of tourism.* Two Contracting Parties reported under this question. They mentioned having taken action on that regard through a Strategic Plan for Tourism including economic and territorial sustainability measures, the use of heritage, and innovation of tourism products. The difficulties found are reported as technical guidance capabilities, and financial resources.

156. *Tourism: Adoption of measures to promote tourism eco-labels and facilitate their award by tourist facilities.* Four reporting Contracting Parties out of seven responded affirmatively to this question and the third one noted that this activity is under development. Reporting Contracting Parties reported the existence of guidelines for managing eco-labels and the promotion of specific events to promote the ecolabel in the tourism sector including training courses.

157. *Housing and Construction: develop measures to support sustainable coastal urban development and green construction, taking into account the entire life cycle of buildings.* Two reporting Contracting Parties reported under this question by underlying their actively support to the transformation of the building and construction sector through working with associations and professional communities active in the sustainable building industry and the promotion of specific certifications such as Leadership in Energy and Environmental Design (LEED). Regulatory and policy framework are the difficulties reported.

158. *Housing and Construction: promote sustainable public procurement in the public housing and construction sector.* Five reporting Contracting Parties out of seven have public procurement laws in

place regulating the different sectors, including housing and construction. The reporting Contracting Parties have integrated environmental criteria for the provision of services, planning and works for new construction, renovation, and maintenance of public buildings considered in a life cycle perspective. Administrative management was reported as a difficulty by one of the reporting Contracting Parties.

d) Implementation of National Action Plans (NAPs) and their effectiveness¹³

159. Most reporting Contracting Parties submitted the required data, in addition to partial submissions of data by eight reporting Contracting Parties.

e) Monitoring¹⁴

160. This Part requires information on Implementation of quality status monitoring and Integrated Monitoring and Assessment (IMAP) or steps to revise national monitoring programmes in line with IMAP. Most reporting Contracting Parties submitted the required information, including partial data from one of them. Along with reporting of the information into BCRS, during the period 2016-2018 MED POL database was also updated with new datasets reported by the Contracting Parties with regards to eutrophication. There is ongoing process of these datasets upload into IMAP Pilot Info System further to quality checking; along with transfer of present MED POL online database to IMAP (Pilot) Info System. For further information refer to Report on Progress of the Implementation of the MAP Programme of Work 2018- 2019 related to Land Based Pollution and Governance Themes executed by MED POL¹⁵.

f) Enforcement Measures¹⁶

161. *Enforcement measures for non-compliance with national legislation and regulations implementing the Protocol (Article 6) (Table VI).* Some reporting Contracting Parties (5 out of 14) provided data on the enforcement measures taken, including number of inspections, fines, and suspension of authorizations permits. The nine remaining reporting Contracting Parties left this section blank.

162. *Enforcement measures for non-compliance with specific conditions attached to authorizations or permits (Article 6) (Table VI).* Some reporting Contracting Parties (5 out of 14) provided data on the enforcement measures taken, including number of inspections, fines, and suspension of authorizations permits. The seven remaining reporting Contracting Parties left this section blank.

¹³ Not applicable to the EU

¹⁴ Not applicable to the EU

¹⁵ UNEP/MED WG 473/3

¹⁶ Not applicable to the EU

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

Status of Reporting

- Number of Contracting Parties to the 1982 SPA Protocol on the 2016/2017 biennium: 21
- Number of Contracting Parties to the 1995 SPA/BD Protocol on the 2016/2017 biennium: 17
- Number of reporting Contracting Parties on the 2016-2017 biennium: 16

Introduction

163. **Part I: Legal and Regulatory 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.

164. **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.

165. **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 zone surrounding the area.

166. **Part IV: Endangered and Threatened 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.

167. **Part V: Monitoring.** Part V seeks to gather information on implementation of quality status monitoring and Integrated Monitoring and Assessment (IMAP).

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

169. **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.

Progress in Implementation

a) Legal and Regulatory Measures

170. Reporting Contracting Parties have reported on the legal and regulatory measures put in place to implement the SPA/BD Protocol, as shown in detail below.

171. *Designation of the terrestrial areas (including wetlands) under its jurisdiction which are in the area to which the SPA/BD Protocol applies (Article 2.1).* Most reporting Contracting Parties (12 out of 16) have designated these areas under different protected area management categories, encompassing Areas of Conservation Importance for Birds, Sites of Community Importance (pSCIs), Nature Reserves, National Parks, Marine Protected Areas or Sites of Biological and Ecological Interest (SBEI). Otherwise, a reporting Contracting Party indicated that the designation is on process, two Parties answer “no” to this question and another one stated that this question is not applicable. Four reporting Contracting Parties raised as difficulties financial resources and administrative management.

172. *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)).* Most reporting Contracting Parties (13 out of 16) indicated the existence of measures for the protection, preservation and sustainable management of SPAs, mainly through domestic nature

protection acts, coastal protection acts, national parks acts or protected areas acts. This adds to measures under the UNESCO's Man and the Biosphere Programme (MAB) in a reporting Contracting Party. On future developments in this area, one of the reporting Contracting Parties noted that work is ongoing for the establishment of two new coastal and marine protected areas. Difficulties mentioned are mainly related to administrative management.

173. *Protection, preservation and management of endangered or threatened plant and animal species (Article 3.1(b)).* Most reporting Contracting Parties (13 out of 16) have answered this question positively. In those Contracting Parties, the protection, preservation and management of 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). This adds to the (Red) Lists of endangered or threatened species of flora and fauna developed either under the SPA/BD Protocol, EU relevant Directives or the Convention on International Trade in Endangered Species (CITES). Difficulties reported refer to financial resources, technical guidance and administrative management.

174. *Compilation of an inventory of the components of marine and coastal biodiversity (Article 3.3).* Many reporting Contracting Parties (7 out of 16) stated having conducted an inventory of the components of marine and coastal biodiversity. This has been mainly undertaken for marine areas within the framework of the SPA/BD Protocol, as well as relevant EU Directives, such as the Habitats Directive (92/43/EEC). Main difficulties reported are financial resources and technical guidance.

175. *Formulation of a national strategy and an action plan to protect the components of marine and coastal biodiversity (Article 3.4).* Most reporting Contracting Parties (12 out of 16) stated having taken forward the protection of the components of marine and coastal biodiversity through their national biodiversity strategies and associated action plans, and/or Integrated Coastal Zone Management (ICZM) strategies. This adds to measures taken within the framework of the EU Marine Strategy Framework Directive (MSFD).

176. *Monitoring the components of marine and coastal biodiversity and those processes and categories of activities which have or are likely to have a significant adverse impact on them (Article 3.5).* Many reporting Contracting Parties (7 out of 16) answered to this question affirmatively by referring to programmes of observation and monitoring under the Integrated Monitoring and Assessment Programme (IMAP) as well as the MSFD. Difficulties highlighted in this area are financial resources, administrative management and technical guidance.

177. *Taking into consideration, in the planning process leading to decisions on projects and activities that could significantly affect protected areas and species and their habitats, of possible direct or indirect, immediate or long-term, impact, including the cumulative impact of projects and activities on habitats (Article 17).* Most reporting Contracting Parties (14 out of 16) answered to this question positively by mainly noting their Environmental Impact Assessment (EIA) regulations or Strategic Environmental Assessment (SEA) regulations. The key challenge reported is administrative management.

b) Specially Protected Areas (SPAs)¹⁷

178. *Setting up of protected areas within the Protocol's geographical coverage (Article 3.1(a)).* Most reporting Contracting Parties (13 out of 15) answered this question positively by indicating the SPAs established on their territory during the current reporting period 2016-2017. Financial resources and administrative management are the main challenges highlighted.

179. *Prohibition of the dumping and any discharge likely to directly or indirectly harm the integrity of SPAs (Article 6.b).* Most reporting Contracting Parties (13 out of 15) reported legislation to be in place prohibiting dumping activities in SPAs. Legislation mainly refers to legislative and administrative measures governing dumping activities in general, which also apply to SPAs. This

¹⁷ Not applicable to the EU

framework includes hazardous wastes, waste-water treatment, maritime, coastal zone or port reception facilities regulations. This adds to the prohibition of dumping articulated through specific laws on protected areas.

180. *Regulation of the passage of ships and all stopping or anchoring in the SPAs' extension zone (Article 6.c).* Many reporting Contracting Parties (10 out of 15) reported having put in place a legal framework regulating the passage and anchoring of ships in SPAs. In addition to the legislative and administrative measures regulating navigation, specifically designed measures are reported having been adopted restricting or prohibiting the passage and anchoring of ships in SPAs. This has been mainly articulated through a variety of instruments, such as management plans and spatial planning guidelines. Key difficulties reported are financial resources and administrative management.

181. *Regulation of the introduction of any species not indigenous to the SPA or of genetically modified species (Article 6.d).* Many reporting Contracting Parties (9 out of 15) answered to this question positively. Two reporting Contracting Parties indicated work under development and the remaining ones left this question blank.

182. *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).* Nearly all reporting Contracting Parties (14 out of 15) reported legal and regulatory measures 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.

183. *Regulation of scientific research in the SPAs (Article 6.f).* All reporting Contracting Parties reported having adopted measures regulating scientific research in their SPAs. In general, scientific research is subject to a permit issued by the national competent authority or authorities, provided that certain conditions are met. Key challenges reported are administrative management and technical difficulties.

184. *Prohibition and regulation of all activities involving taking of species (i.e. fishing, hunting, taking of animals and harvesting of plants and their destruction as well as trade in animals, parts of animals, plants and parts of plants) which originate in SPAs (Article 6.g).* Nearly all reporting Contracting Parties (14 out of 15) reported the taking of species which originate in SPAs to be regulated mainly wildlife protection, protected areas or hunting and fishing laws, which are tightened up in some SPAs through their specific management instruments.

185. *Regulation and, if necessary, prohibition of any other activity likely to have an adverse impact on the SPAs. These include activities that may harm or disturbed the species or that might endanger the state of conservation of the ecosystems or species or might impair the natural or cultural characteristics of the SPA (Article 6.h).* Nearly all reporting Contracting Parties (14 out of 15) reported having in place measures regulating activities other than the ones above mentioned in their SPAs.

186. *Traditional subsistence and cultural activities of local populations taken into account when formulating protective measures for SPAs (Article 18).* Only some reporting Contracting Parties (4 out of 15) answered this question positively.

c) Management of SPAs¹⁸

187. *Adoption of planning, management, supervision and monitoring measures for SPAs (Article 7.1).* Most reporting Contracting Parties (12 out of 15) indicated having adopted the required measures under article 7.1 of the SPA/BD Protocol.

188. *Elaboration and implementation of a management plan for each SPA (Article 7.2 (a)).* Most reporting Contracting Parties (12 out of 15) responded affirmatively to the question whether they have developed and adopted management plans for their SPAs. However, it is indicated by some reporting

¹⁸ Not applicable to the EU

Contracting Parties that though management plans are not in place for some SPAs, measures for the protection of those SPAs have been articulated through other means.

189. *Programmes for the observation and scientific monitoring of changes in the Protocol Areas' ecosystems and on the impact of human activities (Article 7.2 (b)).* Many reporting Contracting Parties (10 out of 15) reported having developed scientific monitoring programmes tracking changes in the state of SPAs. This has been mainly done specifically through the instruments designating or managing SPAs. Work is reported to be ongoing in four reporting Contracting Parties. Difficulties reported referred to financial resources, administrative management and technical guidance capabilities.

190. *Measures for the involvement of local communities in the process of managing the protected areas (Article 7.2(b)).* Many reporting Contracting Parties (8 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 to the development of SPAs management plans.

191. *Provision of assistance to local inhabitants to compensate for the possible adverse impact which the protection measures introduced in the SPA might have on their income (Article 7.2 (c)).* Some reporting Contracting Parties (5 out of 15) 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, for instance eco-development projects. Difficulties reported referred to financial resources and administrative management.

192. *Funding mechanisms for managing and promoting the protected areas or income-generating activities that are compatible with the protection measures (Article 7.2(d)).* Most reporting Contracting Parties (11 out of 15) indicated having established funding mechanisms for managing and promoting protected areas, including income-generating activities such as swimming and recreational activities, entry fees, tourist boat route charges and national and fund raisers co-financing. Two reporting Contracting Parties indicated work under development in this area.

193. *Appropriate training for the technical managers and other qualified staff of the protected areas (Article 7.2 (f)).* Nearly all reporting Contracting Parties (14 out of 15) reported providing training to SPAs managers and staff. This has been taken forward in different ways (e.g. workshops, seminars etc.), including through the Med Key Habitats II Project. Two reporting Contracting Parties indicated work under development in this area.

d) Specially Protected Areas of Mediterranean Importance (SPAMIs)¹⁹

194. *Setting up of Specially Protected Areas of Mediterranean Importance (SPAMIs) (Article 3.1.a).* Some reporting Contracting Parties (4 out of 15) reported having established SPAMIs, but only a SPAMI is indicated having been designated during the current reporting period (2016-2017).

195. *Elaboration and implementation of a management plan for each SPAMI (Article 7.2.a).* Some reporting Contracting Parties (5 out of 15) reported having elaborated and implemented a management plan for their SPAMIs.

e) Endangered and threatened species

196. *Drawing up of a list of endangered or threatened species of fauna and flora and identification of their distribution in the zones subject to Party's jurisdiction (Article 11.2).* Many reporting Contracting Parties (10 out of 16) have drawn up lists of endangered or threatened species of flora and fauna at national level (e.g. Red Lists, Red Data Book), transposing the SPA/Protocol and other agreements, such as the Convention on International Trade in Endangered Species (CITES), or

¹⁹ Not applicable to the EU

relevant EU Directives. In drawing up national lists a key driver has been the Med-MPA Network Project. Reporting Contracting Parties noted that the development of such lists is resource-intensive and that there is a gap in knowledge on the distribution of marine species.

197. *Management of species of flora and fauna listed in Annexes II and III to the Protocol, to ensure their favorable state of conservation (Article 11.2 and Article 12.1).* Many reporting Contracting Parties (8 out of 16) reported management measures concerning the species listed in Annexes II and III to the SPA/BD Protocol. This has been mainly achieved by either nature or environment protection acts or specific protected species acts. This adds in some reporting Contracting Parties to action and management plans. Four reporting Contracting Parties indicated work under development in this area.

198. *Controlling and, where appropriate, prohibiting the taking, possession or killing, the commercial trade, the transport and the exhibition for commercial purposes of protected species of fauna, particularly those listed in Annex II to the Protocol (Article 11.3.a and Article 12.2).* Many reporting Contracting Parties (9 out of 16) responded positively to this question.

199. *Controlling and where appropriate prohibiting the disturbance of protected wild fauna, particularly during the period of breeding, incubation, hibernation and migration (Article 11.3.b).* Many reporting Contracting Parties (8 out of 16) indicated having taken measures in that regard. The key difficulties reported in this area are financial resources and administrative management.

200. *Establishment of bilateral or multilateral cooperation (including agreements) to protect and restore the population of migrant species in the area where the Protocol is applied (Article 11.4).* Some reporting Contracting Parties (6 out of 16) reported having 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 Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic area (ACCOBAMS), the Convention on the Conservation of Migratory Species of Wild Animals (CMS Convention) and its associated agreements, and the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA). This adds to the existing multilateral projects in place for protecting species in a determined area, such as the Pelagos Sanctuary Agreement.

201. *Regulating and where appropriate prohibiting all forms of destruction and disturbance of protected species of flora, particularly those listed in Annex II to the Protocol (Article 11.5 and Article 12.2).* Many reporting Contracting Parties (8 out of 16) answered positively to this question. Main difficulties reported in this are administrative management.

202. *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 some reporting Contracting Parties (4 out of 16).

203. *Granting of exemptions to the prohibitions prescribed for the protection of the species listed in the Annexes to the Protocol for scientific, educational, or management purposes necessary to ensure the survival of the species (Article 12.6).* Most reporting Contracting Parties (12 out of 16) reported that reported that exceptions to the prohibitions prescribed for the protection of the species listed in the Annexes to the SPA/BD Protocol are granted as stated in Article 12.6 of the Protocol

204. *Taking steps to deal with the deliberate or accidental introduction into the wild of non-indigenous or genetically modified species and prohibiting those that may have harmful impacts on ecosystems habitats or species (Article 13).* Most reporting Contracting Parties (13 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* and *Caulerpa racemose* in SPAs.

f) Monitoring²⁰

205. This Part requires information on implementation of quality status monitoring and Integrated Monitoring and Assessment (IMAP), with focus on monitoring of biodiversity-related Ecological Objectives (EO) (i.e. EO-1 biodiversity, EO-2 non-indigenous species, EO-3 harvest of commercially exploited fish and shellfish, EO-6 sea floor integrity). Only some reporting Contracting Parties (5 out of 15) indicated having monitoring activities in place, and others noted ongoing work in this area.

g) Enforcement Measures²¹

206. Only two reporting Contracting Parties out of fifteen have provided information under this section.

h) Implementation of Regional Action Plans (RAPs)²²

i. Regional Action Plan on Cartilaginous Fishes (Chondrichthyans)

207. Twelve reporting Contracting Parties reported on the implementation of the Regional Action Plan on Cartilaginous Fishes (Chondrichthyans), as below.

208. *Formalize/reinforce synchronous submission of catch, bycatch and discard data to both scientific and management bodies, and annually to the General Fisheries Commission for the Mediterranean (GFCM).* Four out of twelve reporting Contracting Parties indicated that they formalized the submission of data as requested. One of the four, mentioned action within the FAO project on fisheries data collection. Work is indicated to be under development in six reporting Contracting Parties.

209. *Establish strict legal protection for species listed in Annex II and GFCM recommendation through national laws and regulations.* Six out of twelve reporting Contracting Parties indicated action in that regard by the establishment of strict legal protection for the species listed in Annex II to the SPA/BD Protocol and GFCM Recommendation through their national laws and regulations. In four reporting Contracting Parties work is indicated to be under development.

210. *Support GFCM finning prohibition by enacting national regulations and monitoring their implementation and enforcement.* Seven out of twelve reporting Contracting Parties answered this question positively. A reporting Contracting Party indicated that this question was not applicable.

211. *Complete and disseminate inventories of critical habitats (mating, spawning and nursery grounds).* Two reporting Contracting Parties answered this question affirmatively. Four reporting Contracting Parties indicated work under development in this area.

212. *Increase compliance with obligations to collect and submit species-specific commercial catch and bycatch data to FAO and GFCM, including through increased use of observers.* Six out of twelve reporting Contracting Parties answered this question positively. Four reporting Contracting Parties indicated work under development in this area.

213. *Comply with obligations under GFCM recommendations to collect and submit data on pelagic shark catches.* Seven out of twelve reporting Contracting Parties indicated action in this filed to comply with obligations under GFCM recommendations.

²⁰ Not applicable to the EU

²¹ Not applicable to the EU

²² Not applicable to the EU

214. *Improve programmes for the collection and reporting of data from coastal fisheries.* Six out of twelve reporting Contracting Parties answered this question positively and five Parties indicated work under development.

215. *Monitor Critically Endangered, Endangered and endemic species.* Four out of twelve reporting Contracting Parties answered to this question affirmatively and three more indicated work under development. Difficulties raised in this area are mainly financial resources.

216. *Submit to the GFCM annual Shark Assessment Reports describing all national target and/or bycatch fisheries.* Five out of twelve reporting Contracting Parties answered this question positively.

217. *Develop and adopt (where these do not exist) national Shark Plans and specific regulations for fisheries exploiting chondrichthyans, whether target or bycatch.* Three reporting Contracting Parties answered this question and five Parties indicated work under development in this area.

ii. Regional Action Plan concerning Species Introduction and Invasive Species

218. Ten reporting Contracting Parties reported on the implementation of the Regional Action Plan concerning Species Introduction and Invasive Species, as below.

219. *Set up a mechanism to promote and coordinate the actions listed in paragraph 22 of the Regional Action Plan.* Three reporting Contracting Parties out of ten answered this question positively. Three reporting Contracting Parties indicated work under development.

220. *Conduct a baseline study to feed the Marine Mediterranean Invasive Species (MAMIAS).* Three reporting Contracting Parties out of ten indicated action taken in that regard and five Parties answered “no” to this question, some of them indicating that baselines studies have been carried out in a framework other than MAMIAS and one reported ongoing developments in that regard.

221. *Development of programmes for data collection and monitoring.* Four reporting Contracting Parties out of ten referred to the data collection and monitoring programmes developed under IMAP and the EcAPMed Project, as well as the MSFD. The main difficulty reported in this field is financial resources.

222. *Launch the procedures for enacting or strengthening national legislation governing the control of alien species introduction.* Four reporting Contracting Parties out of ten underlined the general domestic legislation regulating the introduction of alien species, as well as the EU Regulation on Invasive Alien Species (IAS Regulation). Five reporting Contracting Parties noted work under development in this area.

223. *Develop programmes to raise the awareness of the general public and target groups, including decision-makers, concerning the risks associated with species introduction.* Five reporting Contracting Parties out of ten responded affirmatively to this question, basing their answers on the training and awareness raising programmes conducted on the risks linked to the introduction of non-native species and on ways of addressing this problem. Four Parties noted that work is under development.

iii. Regional Action Plan for the Conservation of Bird Species

224. Nine reporting Contracting Parties reported on the implementation of the Regional Action Plan for the Conservation of Bird Species, as below.

225. *Protect legally all bird species listed in Annex II to the SPA/BD Protocol.* Bird species are protected by legislation (e.g. nature protection laws, protected species and sites laws and protection and trade of wild flora and fauna laws) in all reporting Contracting Parties.

226. *Optimize synergies with international agreements and organizations dedicated to bird conservation.* All reporting Contracting Parties answered positively to this question.

227. *Organize specific training courses and workshops in coordination/synergy with international and/or national NGOs.* Seven reporting Contracting Parties out of nine indicated the organization of such courses and workshops and two Parties answered ‘no’ to this question.

228. *Establishment / support of research and monitoring programs to fill gaps in the knowledge of threatened species in partnership with other organizations.* All reporting Contracting Parties referred to the already established research and monitoring programmes in the context of the Barcelona Convention. Main difficulties reported are financial resources.

229. *Establishment and implementation of National Action Plans for the conservation of endangered and threatened bird species in the Mediterranean.* Four reporting Contracting Parties out of nine indicated having action plans for one or several of the bird species listed in Annex II to the Protocol. Four Parties indicated work under development in his area for the conservation of the Cory's Shearwater (*Calonectris diomedea*), Hydrobates Pelagicus and Yelkouan Shearwater (*Puffinus yelkouan*).

230. *Identification of areas of important for birds on land and at sea (mapping of breeding, feeding and wintering areas).* Eight reporting Contracting Parties out of nine responded to this question affirmatively. The key difficulty reported is financial resources.

231. *Legal establishment of protected areas with adequate management plans at breeding sites.* Eight reporting Contracting Parties out of nine indicated the establishment of protected areas in their territories for the protection of bird species and breeding sites under the SPA/BD Protocol.

iv. Regional Action Plan for the Conservation of Cetaceans

232. Ten reporting Contracting Parties reported on the implementation of the Regional Action Plan for the Conservation of Cetaceans, as below.

233. *Ratify the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic area (ACCOBAMS) and implement its Resolutions and Recommendations of relevance for the Mediterranean Sea.* All reporting Contracting Parties indicated ratification of the ACCOBAMS Agreement.

234. *Ensure that cetaceans are covered, at national level, by appropriate regulation measures providing for the elimination of deliberate killing and for the mitigation of the adverse impacts from their interactions with human activities.* All reporting Contracting Parties reported having taken regulatory measures to protect cetaceans mainly through enforcement laws.

235. *Ensure, through regulation or other appropriate approaches, that whale-watching activity is environmentally sound and sustainably conducted.* Five reporting Contracting Parties out of ten referred to specific regulation to monitor and follow-up whale-watching activities.

236. *Undertake the comprehensive survey of abundance and distribution of cetaceans being planned by ACCOBAMS (ACCOBAMS Survey initiative).* Nine reporting Contracting Parties out of ten answered to this question affirmatively, though for two of them the survey was taken in 2018 and 2019, i.e. no within the current reporting period.

237. *Assess the cetacean bycatch and depredation in their fisheries and adopt mitigation measures.* Three reporting Contracting Parties out of ten indicated action taken in this regard. Three Parties noted that work is under development in this area and two others that this question was not applicable. Key difficulties reported referred to the regulatory framework, administrative management and financial resources.

238. *Pursue the development and the implementation of a basin-wide strategy for underwater noise monitoring in the Mediterranean under the Ecological Objective 11 of the EcAp process.* Three reporting Contracting Parties out of ten specifically referred to the development and implementation of a strategy for underwater noise monitoring such as an initiative adopted in 2014 and started in 2016 within the framework of the MSFD. Seven reporting Contracting Parties indicated ongoing work on this matter under the IMAP.

239. *Development of acoustic mapping to build a comprehensive picture of the spatial and temporal distribution of anthropogenic noise sources, in particular for the noise hotspot areas*

identified in the Mediterranean by ACCOBAMS. Seven reporting Contracting Parties out of ten indicated ongoing work in this area. Otherwise, no developments indicated in the remaining Parties.

240. *Promote awareness of the anthropogenic noise impacts on cetaceans, targeting in particular decision makers, key players in the industry organizations and the stockholders in the shipping sectors.* Seven reporting Contracting Parties out of ten have responded to this question positively. Difficulties reported referred to financial resources.

241. *Establish a list of marine areas under its jurisdiction identified as of special importance for cetaceans.* Eight reporting Contracting Parties out of ten indicated having set up marine protected areas for the protection of cetacean. One of them specifically mentioned a project on this area.

v. Regional Action Plan for the Conservation of Marine Vegetation

242. Nine reporting Contracting Parties reported on the implementation of the Regional Action Plan for the Conservation of Marine Vegetation, as below.

243. *Take new vegetation species in Annex II to the SPA/BD Protocol into account.* Five reporting Contracting Parties out of nine stated that new vegetation species included in Annex II to the SPA/BD Protocol has been taken into account in their domestic protection measures. Four Parties noted ongoing work in this area. Financial resources and technical guidance capabilities are the main difficulties highlighted.

244. *Create MPAs to conserve marine vegetation.* Five reporting Contracting Parties out of nine answered positively to this question, by referring to the MPAs established as well as Sites of Community Importance (pSCIs). Four Parties indicated work under development in this area for the designation of MPAs.

245. *Set up a programme for making national inventories on macrophyta species, with staggered planning according to the regions' priorities.* Three reporting Contracting Parties out of nine responded to this question affirmatively. Three Parties indicated that inventories of macrophyta species were under development and another Party referred to the need to update its existing inventory.

246. *Make theoretical probable distribution maps for the main plant assemblages.* Three reporting Contracting Parties out of nine responded to this question positively.

247. *Implement targeted mapping and inventorying actions (Annex II species, priority sites).* Six reporting Contracting Parties out of nine indicated having implemented targeted mapping and inventorying actions. Two reporting Contracting Parties stated that work in this area is under development.

248. *Establish a programme for setting up monitoring networks for the main marine plant assemblages at national and regional level.* Four reporting Contracting Parties out of nine reported having setting-up monitoring networks for the main marine vegetation assemblages. This has been mainly done under IMAP and the MedMPA Network project. Four Parties indicated work under development in this area. Main difficulty pointed out is financial resources.

249. *Set up and/or extend their networks for follow-up of plants in the Mediterranean.* Eight reporting Contracting Parties out of nine responded positively to this question.

250. *To develop short, medium- and long-term action plans according to national and regional priorities.* Two reporting Contracting Parties answered this question affirmatively, two Parties indicated work under development in this area and five Parties answered "no" to this question.

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

251. Fourteen reporting Contracting Parties reported on the implementation of the Regional Action Plan for the Conservation of the Monk Seal, as below

252. *Has the Party given the monk seal protection status?* Thirteen reporting Contracting Parties out of fourteen reported having granted protection status to the monk seals. In a reporting Contracting Party work is indicated to be ongoing.

253. *For fishing, does the Party explicitly ban the use of dynamite, the carrying of firearms on boats, and all fishing techniques that can endanger monk seals?* Twelve reporting Contracting Parties out of fourteen reported having banned fishing techniques that can endanger monk seals, including the use of dynamite. One of the reporting Contracting Parties noted the enforcement measures put in place in that regard through its domestic legislation.

254. *If the Party still has breeding monk seal populations, have measures been taken to isolate monk seals from any human activity?* Three reporting Contracting Parties answered this question positively.

255. *In the Party's territory, have SPAs been created to conserve monk seal populations or their potential habitats?* Seven reporting Contracting Parties out of fourteen indicated having established protected areas for the conservation of monk seal populations. Two Parties noted ongoing projects for the creation of SPAs to conserve monk seal populations.

256. *Has the Party established a list of breeding caves and other habitats that are of importance for monk seal conservation?* Three reporting Contracting Parties reported having inventoried the breeding caves and other habitats of importance for monk seals conservation. Four Parties indicated ongoing work in this field.

257. *Has the Party carried out programmes for data collection on the monk seal?* Seven reporting Contracting Parties out of fourteen reported having in place programmes for the collection of data on monk seals. Three Parties indicated ongoing work in this area.

258. *Has the Party developed programmes for awareness raising, information and training concerning monk seal conservation?* Seven reporting Contracting Parties out of fourteen reported having developed awareness raising and training programmes concerning monk seals. This has been channeled through the relevant ministries and/or NGOs and cover a variety of actions such as wider distribution of informative material (i.e. booklets, brochures, etc.). The main difficulty reported is financial resources.

259. *Does the Party have an action plan for the conservation of monk seals and its potential habitats?* Two reporting Contracting Parties indicated having developed an action plan for the conservation of the monk seal. However, some Parties noted that although action plans are not in place, measures to protect monk seals have been taken in the framework of acts protecting species.

vii. Regional Action Plan for the Conservation of Mediterranean Marine Turtles

260. Ten reporting Contracting Parties reported on the implementation of the Regional Action Plan for the Conservation of Mediterranean Marine Turtles, as below

261. *Protection of turtles—general species protection.* Eight reporting Contracting Parties out of ten stated having a legal framework in place for the protection of marine turtles.

262. *Enforce legislation to eliminate deliberate killing.* Six reporting Contracting Parties out of ten indicated enforcement measures to eliminate deliberate killing of marine turtles. A Party noted ongoing work in this area.

263. *Habitat protection and management (nesting, mating, feeding, wintering and key migration passages).* Six reporting Contracting Parties out of ten indicated the establishment of habitat protection and management programmes for marine turtles. One of them specified that there is a team responsible for identifying nesting areas and counting the number of nests and eggs and another that three marine sites have been identified and designated for the conservation of *Caretta caretta*.

264. *Setting up and implementing management plans.* Four reporting Contracting Parties out of ten answered this question affirmatively. One of them underlined the role of Regional Activity Center for

Specially Protected Areas (SPA/RAC) and MAVIA foundation in the preparation of the plan. Two Parties indicated ongoing work in this respect.

265. *Restoration of damaged nesting habitats.* Two reporting Contracting Parties out of ten answered this question positively. Three Parties indicated that this question was not applicable, and two Parties noted that work is under development in this area.

266. *Fishing regulations (depth, season, gear) in key areas.* Five reporting Contracting Parties out of ten reported having established fishing regulations in key areas. One of them noted its awareness raising programmes to fishermen and the action of the Coast Guard in preventing marine turtles fishing. Three Parties noted ongoing work in developing their legal framework to regulate fishing of marine turtles.

267. *Setting up and/or improving operation of rescue centers.* Six reporting Contracting Parties out of ten stated having established rescue centers for marine turtles. One of them noted that a project to that end was launched in 2017 and that it is expected to be completed by 2019.

268. *Identification of new mating, feeding and wintering areas and key migration passages.* Five reporting Contracting Parties out of ten responded to this question affirmatively. One of them specifically mentioned its programme in the Adriatic Sea for the *caretta caretta*, which is an important area for the wintering and feeding of the *caretta caretta*. Three Parties noted work under development in this field.

269. *Elaboration and execution of cooperative research projects of regional importance aimed at assessing the interaction between turtles and fisheries.* Seven reporting Contracting Parties out of ten responded to this question affirmatively and a Party indicated ongoing work to develop research projects assessing the interaction between turtles and fisheries.

270. *Tagging and genetic analysis (as appropriate).* Six reporting Contracting Parties out of ten indicated having conducted tagging programmes and genetic analysis. Three Parties also indicated ongoing work in this area undertaken by research centers and universities.

271. *Modification of gear, methods and strategies.* Only a reporting Contracting Party responded to this question affirmatively. Six Parties indicated work under development in this area.

272. *Setting up and/or improving long-term monitoring programmes.* Two reporting Contracting Parties responded to this question affirmatively, by making reference to the programmes established within the framework of IMAP and relevant EU Directives, such as the Habitats Directive. Six Parties noted work under development in this field.

273. *Setting up stranding networks.* Three reporting Contracting Parties out of ten indicated the establishment of stranding networks for marine turtles and one Party specified that its national stranding network was reinforced in 2016-2017.

274. *Public awareness and information campaigns in particular for fishermen and local populations.* Seven reporting Contracting Parties out of ten reported having established awareness raising programmes and training activities on the conservation of marine turtles targeting fishermen and local populations. This has been done through action in nesting sites or care centers for marine turtles.

275. *Training courses.* Six reporting Contracting Parties out of ten answered to this question affirmatively.

276. *Elaboration of national action plans and assessment of progress in implementation.* Three reporting Contracting Party responded to this question affirmatively.

viii. Dark Habitats Action Plan

277. Nine reporting Contracting Parties reported on the implementation of the Dark Habitats Action Plan, as below.

278. *Making a summary of knowledge of dark populations and their distribution around the Mediterranean in the form of a geo-referenced information system.* Four reporting Contracting Parties out of nine noted studies undertaken to expand the knowledge of dark populations. One of them referred to a research programme in that regard carried out by SPA/RAC, IUCN, the CNRS and Oceana. Three Parties indicated ongoing work in this area and two others stated that this question was not applicable to them.
279. *Identify and assess proven pressures on each of the various types of habitat.* Five reporting Contracting Parties out of nine indicated studies addressing the pressures and activities having a potential negative impact on dark habitats.
280. *Revise the reference list of types of marine habitat for the selection of sites for inclusion in the national inventories of natural sites of conservation interest, in order to take account of dark assemblages.* Three reporting Contracting Parties out of nine responded to this question affirmatively and three Parties noted work under development in this area. Main difficulty mentioned referred to financial resources.
281. *Revise the list of endangered or threatened species in order to take account of dark assemblages species.* Only a reporting Contracting Party responded to this question affirmatively and six Parties noted ongoing work in this field.
282. *Promote the identification of areas of interest for the conservation of dark assemblages in the Mediterranean and carry out concerted actions in national and/or cross-border sites.* Four reporting Contracting Parties out of nine reported on actions to identify areas of interest for the conservation of dark habitats in the Mediterranean.
283. *Finalize the implementing of marine protected areas (MPAs) in already identified sites at national level and outside waters that lie within national jurisdiction.* Two reporting Contracting Parties responded to this question affirmatively and five Parties indicated work under development in this area. Difficulties reported referred to administrative management and financial resources.
284. *Propose the creation of new MPAs.* Three reporting Contracting Parties out of nine referred to studies carried out addressing the creation of MPAs for the protection of dark habitats, and five noted ongoing work in this area.
285. *Extent existing MPAs to integrate nearby sites that host dark assemblages.* Three reporting Contracting Parties out of nine answered this question affirmatively.
286. *Introduce national legislation to reduce negative impacts.* Three reporting Contracting Parties out of nine answered this question affirmatively and four Parties noted work under development in this field.
287. *Integrate taking dark assemblages into account within impact studies procedures.* Four reporting Contracting Parties out of nine responded to this question affirmatively and four Parties reported ongoing work to factor dark assemblages into impact studies procedures.
288. *Step up awareness and information about dark assemblages with the various actors.* Three reporting Contracting Parties out of nine responded affirmatively to this question and three Parties noted ongoing work in this area.
289. *Implement monitoring systems.* Three reporting Contracting Parties out of nine responded affirmatively to this question.

ix. Regional Action Plan for the conservation of Coralligenous and Other Calcareous Bio-concretions

290. Nine reporting Contracting Parties reported on the implementation of the Regional Action Plan for the conservation of Coralligenous and Other Calcareous Bio-concretions, as below.
291. *Improve habitat modeling methods could provide new predictive models on Coralligenous distribution and guide cost-effective field surveys for data acquisition.* Two reporting Contracting

Parties out of nine reported having improved habitat modeling methods and predictive models on Coralligenous distribution either through scientific research or ongoing projects.

292. *Promote research programs on Coralligenous assemblages and maerl beds.* Five reporting Contracting Parties out of nine reported having promoted research programs on Coralligenous assemblages and maerl beds, and three Parties stated that programmes are under development to that end.

293. *Develop and implement legislation initiatives for the conservation of Coralligenous assemblages.* Six reporting Contracting Parties out of nine indicated having developed and implemented legislation initiatives to protect Coralligenous assemblages.

294. *Coordinate the design of an Integrated Monitoring and Assessment Program for the assessment of the state Coralligenous/maerl assemblages in view to be included the assessment of the state of the Mediterranean.* Four reporting Contracting Parties out of nine responded affirmatively to this question.

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

Status of Reporting

- Number of Contracting Parties to the 1996 Hazardous Wastes Protocol on the 2016/2017 biennium: 7
- Number of reporting countries on the 2016-2017 biennium: 9 (4 national implementation reports submitted by Contracting Parties to the Hazardous Wastes Protocol)

Introduction

295. **Part I: Legal and Regulatory 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).

296. **Part II: Generation of Hazardous Wastes and Other Wastes.** Part II seeks to collect data on the total amount of generation of hazardous wastes generated under the different categories listed in the Hazardous Wastes Protocol.

297. **Part III: Transboundary Movements of Hazardous Wastes and Other Wastes.** Part III seeks to collect data on the import and export movements of hazardous wastes.

298. **Part IV: Disposal which did not proceed as intended and accidents.** Part IV seeks to collect data on accidents during the transboundary movement and disposal of hazardous wastes

299. **Part V Enforcement Measures.** Part V seeks to collect information on enforcement in order to verify that the provisions of the Hazardous Protocol are implemented.

Progress in Implementation

a) Legal and Regulatory Measures

300. Reporting Contracting Parties have reported on the legal and regulatory measures put in place to implement the Hazardous Wastes Protocol, as shown in detail below.

301. *National definition of wastes used for the purpose of transboundary movements of waste (Articles 3.1 (a) and (b) and 4.1)*²³. Many reporting Contracting Parties (5 out of 8) answered positively to this question and three Parties left this question blank.

302. *National definition of hazardous wastes used for the purpose of transboundary movements of waste (Articles 3.1 (a) and (b) and 4.1)*²⁴. Many reporting Contracting Parties (5 out of 8) answered positively to this question and three Parties left this question blank.

303. *National definition of hazardous wastes cover wastes other than those listed in Annex I to the Hazardous Wastes Protocol (Articles 3.1 (a) and (b) and 4.1)*²⁵. Many reporting Contracting Parties (4 out of 8) answered positively to this question, three Parties left this question blank and another Party answered “no” to this question.

304. *Regulation and control for the purpose of transboundary movements of any additional wastes as hazardous that are not included in Annex I to the Hazardous Wastes Protocol (Articles 3.1 (a) and (b) and 4.1)*. Many reporting Contracting Parties (4 out of 9) answered positively to this question and three Parties left this question blank.

305. *Reduction to a minimum or where possible elimination of the generation of hazardous wastes (Article 5.2)*. All 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

²³ Not applicable to the EU

²⁴ Not applicable to the EU

²⁵ Not applicable to the EU

at the heart of the domestic legislation on waste management adopted in all reporting Contracting Parties. In addition, in three reporting Contracting Parties, waste management strategies and plans have been also adopted. This adds in a reporting Contracting Party to its laws ratifying the Stockholm Convention on Persistent Organic Pollutants (POPs) and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade.

306. *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).* All reporting Contracting Parties indicated 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 EC Regulation on Shipments of Wastes (No. 1013/2006). A reporting Contracting Party noted that there are no facilities for disposal of hazardous waste in its territory, therefore all hazardous waste must be exported.

307. *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)²⁶.* All reporting Contracting Parties have responded to this question affirmatively. The key references given are the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (The Basel Convention) and the EC Regulation on Shipments of Wastes (No. 1013/2006). A reporting Contracting Party noted that there are no facilities for disposal of hazardous waste in its territory, therefore all hazardous waste must be exported.

308. *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)²⁷.* Most reporting Contracting Parties (6 out of 8) responded to this question affirmatively. A reporting Contracting Party left this question blank and another Party indicated that this question is not applicable as it is member of the EU.

309. *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 to the Hazardous Wastes Protocol (Article 6. (3) and (4))²⁸.* The notification procedure of the transboundary movement of hazardous substances is reported to be in place in all reporting Contracting Parties, 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 EC Regulation on Shipments of Wastes (No. 1013/2006).

310. *The transboundary movements of hazardous waste through the territorial sea of the State of transit only take place with the prior notification by the State of export to the State of transit, as specified in Annex IV to the Hazardous Wastes Protocol (Article 6. (3) and (4))²⁹.* The notification procedure of the transboundary movement of hazardous substances is reported to be in place in all reporting Contracting Parties.

311. *Restrictions on the export of hazardous wastes and other wastes for final disposal (Annex III.A) in your country (Article 5.1).* Many reporting Contracting Parties (5 out of 9) answered positively to this question and four Parties left this question blank. A reporting Contracting Party specifically noted the EC Regulation on Shipments of Wastes (No. 1013/2006).

²⁶ Not applicable to the EU

²⁷ Not applicable to the EU

²⁸ Not applicable to the EU

²⁹ Not applicable to the EU

312. *Restrictions on the export of hazardous wastes and other wastes for recovery (Annex III.B) in your country (Article 5.1).* Many reporting Contracting Parties (5 out of 9) answered positively to this question and four Parties left this question blank.

313. *Restrictions on the import of hazardous wastes and other wastes for final disposal (Annex III.A) in your country (Article 5.1).* Many reporting Contracting Parties (4 out of 9) answered positively to this question, and three of them made reference to their laws on waste management in this area. Five Parties left this question blank.

314. *Restrictions on the import of hazardous wastes and other wastes for recovery (Annex IV.B) in your country (Article 5.1).* Many reporting Contracting Parties (4 out of 9) answered positively to this question, two of them referring to their acts on the sustainable management of wastes and the EC Regulation on Shipments of Wastes (No. 1013/2006). A reporting Contracting Party responded “no” to this question, noting that waste can be imported in the country only with the purpose of recovery or materials or energy. Otherwise, four reporting Contracting Parties left this question blank.

315. *Restrictions on the transit of hazardous wastes and other wastes through your country (Article 5.1).* Many reporting Contracting Parties (4 out of 9) answered positively to this question, four Parties left this question blank and another Party responded “no” to this question.

316. *Prevention and punishment by the national competent authority or authorities of illegal traffic in hazardous wastes, including criminal penalties for all persons involved in such illegal activities (Articles 5.5 and 9)³⁰.* In most reporting Contracting Parties (7 out of 8) enforcement measures (e.g. fines, imprisonment) are reported to be in place in cases of importation and trafficking of dangerous substances and hazardous wastes under instruments regulating wastes (e.g. acts on sustainable management of wastes) and also those imposing sanctions (e.g. Criminal Codes or Penal Codes). A reporting Contracting Party left this question blank.

317. *Ensure that adequate information is made available to the public, and whenever possible and appropriate the public have an opportunity to participate (Article 12).* Most reporting Contracting Parties (7 out of 9) answered positively to this question, and four Parties left this question blank.

b) Generation of Hazardous Wastes and Other Wastes³¹

318. Information is requested on: (a) wastes other than those listed in Annex I to the Protocol or defined as hazardous wastes under domestic legislation (article 4.1) (some reporting Contracting Parties, 2 out of 8, provided data), (b) the total amount of generation of hazardous wastes and other wastes (article 8.2) (many reporting Contracting Parties, 5 out of 8, provided data), and (c) the generation of hazardous wastes and other wastes by Y-categories (many reporting Contracting Parties 4 out of 8, provided data).

c) Transboundary Movements of Hazardous Wastes and Other Wastes³²

319. Information is requested on the transboundary movements of hazardous waste or other wastes, i.e. on the total amount of hazardous wastes and other wastes exported (many reporting Contracting Parties, 5 out of 8, provided data) or imported (many reporting Contracting Parties, 5 out of 8, provided data) per Y categories as required in article 3.1 (a) Annex IA and Annex IB.

d) Disposal which did not proceed as intended and accidents³³

320. Only some reporting Contracting Parties (3 out of 8) reported data under this section.

³⁰ Not applicable to the EU

³¹ Not applicable to the EU

³² Not applicable to the EU

³³ Not applicable to the EU

e) Enforcement Measures³⁴

321. Information is required on the enforcement measures, such as inspections, fines and preventive action taken. Many of the Contracting Parties (5 out of 8) reported to the question, including partial information from one of them.

322. Data of records related to enforcement measures are not always fully collected due to the fact that the enforcement authority is widely dispersed in the country, hindering quality data collection for the reporting. In some cases, there is a need to improve the capacity of Contracting Parties regarding effectively establishment of centralized system enabling the data providers (such as companies for permits) and other stakeholders (control authorities) to enter the data. There is also a need for capacity building of inspectors specializing them on hazardous wastes inspection.

³⁴ Not applicable to the EU

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)

Status of Reporting

- Number of Contracting Parties to the 1994 Offshore Protocol on the 2016/2017 biennium: 7
- Number of reporting countries on the 2016-2017 biennium: 8 (3 national implementation reports submitted by Contracting Parties to the Offshore Protocol)

Introduction

323. **Part I: Legal and Regulatory Measures.** Part I seeks to determine whether Contracting Parties have established the appropriate legal and regulatory 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.) and remove of disused offshore installations.

324. **Part II: Permits and Quantities.** Part II seeks to gather data on the authorization permits given per waste category under the Offshore Protocol.

325. **Part III: Inventory of Offshore Installations.** Part III seeks to collect data on the number of offshore installations in the Mediterranean region.

326. **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

327. Reporting Contracting Parties have reported on the legal and regulatory measures put in place to implement the Offshore Protocol, as shown in detail below.

a) Legal and Regulatory Measures

328. *Exploration and exploitation offshore activities subject to prior authorization issued by the national competent authority in accordance with Articles 5 and 6 and the criteria set forth in Annex IV of the Offshore Protocol (Articles 4, 5 and 6).* All reporting Contracting Parties indicated that under their regulatory framework offshore activities are subject to prior authorization as required by the Offshore Protocol. This authorization or permitting system has been mainly articulated through laws governing the offshore exploration and exploitation of mineral resources and/or Environmental Impact Assessment (EIA) laws and environmental permitting laws.

329. *Obligation on the operators to use the best available, environmentally effective and economically appropriate techniques in order to minimize the risk of offshore pollution (Article 8).* All reporting Contracting Parties responded to this question affirmatively. The requirement on operators to use BAT and BEP has been mainly materialized through laws on environmental protection and/or laws on mines and hydrocarbons.

330. *Prohibition of disposal of harmful and noxious substances and materials listed in Annex I to the Offshore Protocol (Article 9).* In all reporting Contracting Parties the disposal of the offshore chemicals listed in Annex I to the Offshore Protocol is reported to be prohibited. The legal and regulatory framework in place includes waste management acts, coast acts, and maritime codes.

331. *Disposal of harmful and noxious substances and materials listed in Annex II to the Offshore Protocol is subject to a prior special permit from the competent national authority in conformity with the criteria set forth in Annex III to the Offshore Protocol (Article 9)*³⁵. All reporting Contracting Parties but one indicated the disposal of harmful and noxious substances and materials listed in Annex II to the Offshore Protocol to be subject to a prior special permit from the national competent authority

³⁵ Not applicable to the EU

or authorities. In some reporting Contracting Parties this is achieved through waste management laws and in others through their laws protecting the coast.

332. *Disposal of harmful and noxious substances and materials that are not listed in Annexes I and II to the Offshore Protocol is subject to a prior general permit from the competent national authority in conformity with the criteria set forth in Annex III to the Offshore Protocol (Article 9)*³⁶. All reporting Contracting Parties but one responded to this question affirmatively.

333. *Use and storage of offshore chemicals is approved by the competent national authority on the basis of the Chemical Use Plan (Article 9)*³⁷. Many reporting Contracting Parties (3 out of 7) answered this question positively. Otherwise, two Parties left this question blank and another Party answered “no” to this question.

334. *Disposal of oil and oily mixtures in accordance with the provisions of Annex V-A to the Offshore Protocol (Article 10)*³⁸. Many reporting Contracting Parties (4 out of 7) indicated that the disposal of oil and oily mixtures is conducted as per the requirements of the Offshore Protocol. One of them referred to its maritime code and the specific standards set out to that end at national level. Three reporting Contracting Parties left this question blank and another reported work under development.

335. *Use and disposal of drilling fluids and cuttings in accordance with the provisions of Annex V-B to the Offshore Protocol (Article 10)*³⁹. Many reporting Contracting Parties (4 out of 7) answered this question positively, one of them noting that the offshore discharge of oil-based-drilling fluids is prohibited. Otherwise, a reporting Contracting Party left this question blank, another Party answered “no” to this question and another reported work under development.

336. *Discharge of sewage prohibited with the exception of those cases provided for in Article 11.1 of the Offshore Protocol (Article 11)*⁴⁰. In all reporting Contracting Parties the discharge of sewage is prohibited, with the exception of the cases provided for in the Offshore Protocol. The legal framework established range from domestic legislation on water and waste management to legislation implementing the MARPOL Convention.

337. *Prohibition of disposal into the Offshore 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)*⁴¹. All reporting Contracting Parties stated having put in place the prohibition of disposal of the items listed in Article 12 of the Offshore Protocol. A reporting Contracting Party specifically mentioned its domestic legislation implementing Annex V (Garbage) to the MARPOL Convention, and another Party noted the provisions of its maritime code as well as the environmental impact assessments (EIAs) studies, as tools to articulate this prohibition.

338. *Disposal of food waste to take place as far away as possible from land in accordance with international rules and standards (Article 12)*⁴². Most reporting Contracting Parties (5 out of 7) indicated to follow established international rules and standards, e.g. the MARPOL Convention, and dispose food wastes in accordance to them. Two reporting Contracting Parties answered “no” to this question.

339. *Ensuring that operators dispose of all waste and harmful or noxious substances and materials in designated onshore reception facilities (Article 13)*⁴³. Most reporting Contracting Parties (5 out of 7) have responded to this question affirmatively, one of them underlying measures taken to implement the MARPOL Convention. Two reporting Contracting Parties answered “no” to this question.

³⁶ Not applicable to the EU

³⁷ Not applicable to the EU

³⁸ Not applicable to the EU

³⁹ Not applicable to the EU

⁴⁰ Not applicable to the EU

⁴¹ Not applicable to the EU

⁴² Not applicable to the EU

⁴³ Not applicable to the EU

340. *Certificate of safety and fitness required to the offshore installation by the competent national authority (Article 15)*⁴⁴. Most reporting Contracting Parties (5 out of 7) have responded to this question positively. Answers provided are mainly based on the domestic laws transposing the relevant EU Directives, including the Safety of Offshore Oil and Gas Operations Directive (Offshore Directive) (2013/30/EU). Two reporting Contracting Parties answered “no” to this question.

341. *Contingency plan in accordance with Annex VII to the Offshore Protocol required to the operator by the competent national authority (Article 16)*⁴⁵. Most reporting Contracting Parties (5 out of 7) have responded to this question affirmatively. A reporting Contracting Party noted its act on the safety of offshore exploration and production of hydrocarbons and another Party the domestic framework put in place for the implementation of the EU Offshore Directive. Otherwise, two reporting Contracting Parties answered “no” to this question.

342. *Establishment of environmental and compliance monitoring programmes and activities (Article 12)*⁴⁶. Most reporting Contracting Parties (5 out of 7) indicated having establish monitoring programmes and activities as per the requirements of Article 12 of the Offshore Protocol. A reporting Contracting Party referred to their Environmental Impact Assessment (EIAs) regulations, under which EIA screening is required for exploratory wells. Another Party noted that there are ad-hoc requests for monitoring for each permit depending on the activity. Two reporting Contracting Parties answered “no” to this question.

343. *Obligation upon operators to remove disused offshore installations and pipelines in accordance with the guidelines and standards adopted by the competent international organization (Article 20)*⁴⁷. Many reporting Contracting Parties (4 out of 7) responded to this question affirmatively, by pointing out their environmental regulations and specific acts on the safety of offshore activities. Two reporting Contracting Parties answered “no” to this question, and another Party indicated that this question was not applicable.

344. *Adoption of special measures to prevent, abate, combat and control pollution in specially protected areas arising from activities in these areas (Article 21)*⁴⁸. Some reporting Contracting Parties (3 out of 7) reported having adopted special measures to prevent offshore pollution in protected areas. On the remaining Parties, one Party responded “no” to this question, another Party indicated that this question was not applicable, as offshore activities are not allowed in its specially protected areas, a third Party left this question blank and the remaining one reported work under development.

b) Permits and Quantities⁴⁹

345. *Data is requested on permits and quantities issued under the Offshore Protocol*. Only a reporting Contracting Parties have submitted the requested data. This indicates that closer examination is needed to understand the root causes of non-reporting and on that basis to design activities to strengthen capacity building at nation and regional level, as resources permit.

c) Inventory of Offshore Installations⁵⁰

346. *Data is requested on the number of offshore installations, including disused installations*. Only some reporting Contracting Parties (3 out of 7) submitted the requested information.

⁴⁴ Not applicable to the EU

⁴⁵ Not applicable to the EU

⁴⁶ Not applicable to the EU

⁴⁷ Not applicable to the EU

⁴⁸ Not applicable to the EU

⁴⁹ Not applicable to the EU

⁵⁰ Not applicable to the EU

d) Enforcement⁵¹

347. Information is requested on enforcement measures, including number of inspections, number of non-compliance cases, safety measures etc. Only some reporting Contracting Parties (2 out of 7) submitted the information requested.

⁵¹ Not applicable to the EU

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

Status of Reporting

- Number of Contracting Parties to the ICZM Protocol on the 2016/2017 biennium: 11
- Number of reporting countries on the 2016-2017 biennium: 11 (7 national implementation reports submitted by Contracting Parties to the ICZM Protocol)

Introduction

348. The operational section of the reporting format for the ICZM Protocol was adopted by COP 19 Decision IG. 22/16 and it is structured as follows: (1) Ratification and general legal transposition into national law (Article 37), (2) information on geographical coverage (Article 3), (3) institutional measures (Article 7), and (4) operational measures (Articles 8 to 29).

Progress in Implementation

349. *Ratification and General Legal Transposition into National Law.* Once the ICZM Protocol was ratified, in some reporting Contracting Parties became directly applicable and in others was transposed into domestic legislation. The integration of the provisions of the ICZM Protocol into the domestic framework has been taken forward through a variety of instruments ranging from ICZM strategies and national strategies for sustainable development, to national strategies for the sea and the coast to coastal laws and spatial planning laws. In those countries where the ICZM Protocol has not been ratified yet, it is noted that some of the provisions of the Protocol are already embedded into the current legal framework, through for instance water laws, laws on nature protection and environment and development planning acts.

350. *Information on Geographical Coverage (Article 3).* Stakeholder and public consultations on the geographical coverage of the Protocol have been conducted by reporting Contracting Parties, for instance by involving stakeholders in the public participation processes carried out during the preparation of ICZM national strategies or other ICZM related strategies such as national strategies for sustainable development or by including stakeholders in national commissions and regional committees for ICZM.

351. *Coordination (Article 7).* The central authority for the implementation of the ICZM Protocol varies from Party to Party ranging from the Ministry of the Environment, Energy and the Sea, to the Ministry for Sustainable Development and Tourism and to the Ministry of Foreign Trade and Economic Relations. National commissions and coordination committees play also a role in implementing the ICZM Protocol. Coordination is reported to exist between maritime and land authorities. This has been taken forward in different ways, for instance as part of the physical planning process, or the establishment of maritime councils and local fora for stakeholders. Challenges in implementing the ICZM Protocol range from the complex government system to the multiplicity of tools and policies involved in ICZM to the multiple sectors and users making demands on the coast in conjunction with the relevant regulatory requirements.

352. *Protection and Sustainable Use of the Coastal Zone (Article 8).* All reporting Contracting Parties indicated having legal measures for controlling urban development along the coastline. The setback zone of 100 or more meters is legally established in five reporting Contracting Parties. This has been done through coastal laws or physical planning acts or by defining non-building zones 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.

353. All reporting Contracting Parties reported on the existence of measures (at least partial) regarding the restriction of urban development and other activities, linear urbanisation, creation of new transport infrastructures, parking and anchoring in fragile natural areas and freedom to access to the sea. However, setback zones are proving to be an evolving challenge – with the 100 metre 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.

354. *Economic Activities (Article 9)*. Reporting Contracting Parties have reported the use of coast-specific indicators. The use of indicators to evaluate economic impacts on the coastal zone is limited, with little comprehensive activity in this field. Six reporting Contracting Parties reported the existence of some economic indicators either at national or lower administrative/geographical level.

355. For instance: (1) in a reporting Contracting Party there is no specific legislation on indicators; however, the relevant national authority envisages to develop place-based indicators, (2) in another Party, there are some indicators for sustainable use of coastal zone in the tourism development strategy concerning a specific canton, (3) a reporting Contracting Party indicated that there were no specific coastal indicators, but that some of the national indicators were of relevance for the coastal zone, (4) in a reporting Contracting Party a set of ICZM indicators has been developed in both the National Strategy for ICZM, and the National Strategy for Sustainable Development by 2030, and (5) a reporting Contracting Party referred to work under its coast law and (6) in a reporting Contracting Party local, departmental and regional observatories also carry socio-economic indicators of coastal development.

356. *Specific Coastal Ecosystems (Article 10)*. Nearly all reporting Contracting Parties answered positively. Protection and regulation of sensitive areas through designation is well advanced. Most reporting Contracting Parties have specific protection measures in place for designated sites. On the contrary, only few reporting Contracting Parties have taken positive measures to restore and reactivate the positive role of coastal wetlands (there is room for progress regarding compensation measures) and islands.

357. It is to be noticed that in all 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 on Wetlands of International Importance and in EU reporting Contracting Parties to the Habitats and Water Framework Directives and the Natura 2000 network. 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 SPA/RAC and MedPAN network are instrumental in boosting this cooperation, in particular the Marine Protected Area (MPA) creation and establishment of management schemes.

358. *Coastal Landscapes (Article 11)*. All reporting Contracting Parties answered positively. Landscape protection is intended primarily for the conservation of sites with biological, geological and cultural values. Even though all the reporting Contracting Parties 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. National legislation to ensure the protection of coastal landscapes varies from Party to Party, ranging from coastal laws, to nature protection acts, and spatial development strategies, to laws on conservation and valorisation of landscapes and cultural heritage acts.

359. *Islands (Article 12)*. Most reporting Contracting Parties answered positively, while one Contracting Party does not have islands. The specificity of islands is recognised in national legislation of four reporting Contracting Parties, one of which is actually an archipelago of small islands. A reporting Contracting Party does not have islands and another one does not have specific legislation, but the CAMP project provided recommendations to be taken into account by the spatial plan for its coastal zone.

360. *Cultural Heritage (Article 13)*. Nearly all reporting Contracting Parties answered positively, and one Party answered as non-applicable. The protection of land-based cultural heritage is well established through a variety of laws and other regulations, including international treaties such as the UNESCO Convention on the Protection of the Underwater Cultural Heritage. Archaeological localities

and zones in territorial waters tend to be protected as a kind of cultural heritage. With regard to the protection and accessibility of underwater sites, there is still room for improvement.

361. *Awareness Raising, Training, Education and Research (Article 15)*. Nearly all reporting Contracting Parties answered positively to the question on the development of awareness raising activities, training and education on ICZM, though only few reporting Contracting Parties (10%) answered positively for the existence of specific coastal centres.

362. Awareness raising, education, training and public programmes are characterised by a huge variety of approaches and a wealth of experience at all levels, except in one reporting Contracting Party. Depending on the Party, ICZM awareness raising and training activities are organized at national, regional and/or local levels, with the involvement of relevant governmental authorities, NGOs, and/or research institutions such as Universities. Activities are defined in national strategies or policy documents (e.g. marine and coastal strategies and ICZM strategies) and/or individual projects. Target audiences range from key civil servants to the general public. The annual Mediterranean Coast Day is seen as a key activity.

363. There are relatively few dedicated ICZM centres but many operating in related fields dealing with the subject. PAP/RAC as well as the CAMP projects are identified as region-wide tools for supporting ICZM implementation.

364. *Monitoring and observation mechanisms and networks (Article 16)*. Most reporting Contracting Parties's answers can be considered as positive. Although the majority of reporting Contracting Parties report some activity, there appears to be little focus on the coastal zones and there is a lack of a single coastal inventory. For instance: (1) in a reporting Contracting Party, the establishment of a global information system and the cartography of coastal zones are activities which are being developed within the implementation of the coastal law, (2) in another Party, each Ministry acting in coastal zones has its own inventory of resources and activities, (3) a reporting Contracting Party referred its inventory of institutions and inventory of legal and planning tools influencing coastal zones, (4) another Party underlined the stocktake undertaken in 2002 with updates in 2006 and 2010 for the purpose of reporting to the EU ICZM Recommendation, and (5) in a reporting Contracting Party the monitoring and information system are indicated to be as the main weakness for an efficient coastal management. The National Strategy for ICZM defines a number of measures towards establishing monitoring of coastal processes. In light of information submitted, there may be scope for some further discussion and guidance within the UNEP/MAP system, particularly regarding the IMAP processes.

365. *National Coastal Strategies, Plans and Programmes (Article 18)*. Most reporting Contracting Parties answered positively. Six reporting Contracting Parties have developed national ICZM or coastal strategies. Half of them report the existence of (some) indicators which can be used for assessing the progress in implementing the ICZM Protocol. If there is a strategy, there are also provisions for its assessment and update.

366. ICZM projects have been common throughout the Mediterranean region, and nearly all reporting Contracting Parties pointed out their value in supporting a more effective implementation of the ICZM principles imbedded in the ICZM Protocol. The CAMP projects play an important role in this as well as the PEGASO Project. In depth: (1) in a reporting Contracting Party there is a national strategy for ICZM, though no indicators are defined in order to evaluate the effectiveness of ICZM, (2) in another Party there is no coastal strategy but there is a tourism development strategy for its canton, (3) in a reporting Contracting Party there is a coastal and marine strategy with a programme of measures and indicators for MSFD and ICZM Protocol implementation, and regular assessments on state of physical space and development are carried out, (4) a Party referred to its national strategy for sea and Coast, its mandatory assessment of the implementation of the coastal law; and the evaluation conducted within CAMP Project, (5) in a reporting Contracting Party ICZM is integrated within the its strategic plan for environment and development; though no progress is reported on the definition of

indicators for the implementation of the ICZM Protocol, and (6) a reporting Contracting Party referred to its national ICZM strategy adopted with progress indicators defined and a piloting analysis on the first-year implementation in 2016 and (7) in a reporting Contracting Party the development of indicators to evaluate the effectiveness of ICZM is provided for in its coast law.

367. *Environmental Assessment (Article 19)*. All reporting Contracting Parties answered positively for Environmental Impact Assessment (EIA) and nearly all for Strategic Environmental Assessment (SEA). There is legislation in all reporting Contracting Parties regarding the EIA process, which is widely used. The use of SEA is regulated in all the reporting Contracting Parties except one.

368. *Land Policy (Article 20)*. Nearly all reporting Contracting Parties have answered positively. Mechanisms for management of coastal land in the public domain exist in most reporting Contracting Parties. Most of the coastal land is public property and the responsibility for management is either on the Government or local authorities. However, it can be shared or delegated to associations, foundations or NGOs.

369. In detail: (1) in a reporting Contracting Party most of the coastal land belongs to the public domain, (2) in another Party there is a variety of land policy instruments for the purpose of promoting ICZM and the maritime domain, including cultural heritage situated in coastal zones could be managed by entities other than the Government, (3) in a reporting Contracting Party the local community is responsible for land management, which can be shared with associations, foundations and NGOs, (4) a another Party most of the coastal land is owned by the Government, the land authority is responsible for the management of the coastal land and there are agreements between the Government and NGOs for management of some particular coastal areas (mainly of high ecological value), and (5) in a reporting Contracting Party there are no private or non-governmental organisations for preservation of coastal land.

370. *Economic, Financial and Fiscal Instruments (Article 21)*. Reporting Contracting Parties gave a predominantly affirmative answer. Only two reporting Contracting Parties reported a limited existence and partial use of economic or financial instruments to support ICZM. Bank incentives for the acquisition of fishing boats and aquaculture development could counter the ICZM objectives according to one Contracting Party

371. *Natural Hazards and Coastal Erosion (Articles 22 and 23)*. Reporting Contracting Parties answered positively. Four reporting Contracting Parties have established comprehensive risk assessments for the coast at the national level; only a reporting Contracting Party gave negative answer to this question while another one has answered as not applicable to this and all the other questions in this section. A progress is to be noticed in terms of integration of climate variability and change into coastal and marine strategies and planning schemes. Activities implemented with the UNEP/GEF and EU support are identified as instrumental in this respect, which vary range from national ICZM strategies and coastal plans to research and awareness raising projects. There is still considerable scope for common working on concrete examples of restoring natural capacities of the coast to adapt to changes, first of all to sea level rise. To this end, the establishment of the 100 m setback zone is considered as extremely useful.

372. *Response to Natural Disasters (Article 24)*. Most reporting Contracting Parties answered can be affirmatively to this question. There are national contingency/emergency plans for natural disasters affecting the coastal zone in many reporting Contracting Parties which are in some cases complemented by lower-level plans. In those reporting Contracting Parties without national contingency plans for natural disasters affecting the coastal zone there are some documents dealing with crisis management. Responsible authorities are generally those in charge of civil protection and internal affairs.

373. *Exchange of Information and Activities of Common Interest (Article 27)*. Most reporting Contracting Parties use indicators and conduct assessments. All reporting Contracting Parties answered positively on whether activities of common interest such as demonstration projects of ICZM

have been carried out and none for the existence of a specific ICZM scientific capacity centre. Indicators used for coastal management are confirmed by three reporting Contracting Parties; these have been defined in national sustainable development strategies, national ICZM strategies, through EcAp/IMAP process or within the framework of relevant EU Directives. Assessments on the use and management of coastal zones are reported having been conducted by three reporting Contracting Parties, according to national laws and strategies, including the national ICZM Strategies. There is a large number of ICZM projects in all countries; CAMPs and GEF funding were fundamental for the implementation of many successful initiatives.

374. *Transboundary Cooperation (Article 28)*. Most reporting Contracting Parties answered positively. Three reporting Contracting Parties confirm that transboundary cooperation is rather well established with the neighbouring countries. EU Directives (such as the MSFD), Strategies (such as EUSAIR) and funding instruments (such as INTERREG Programme) are instrumental for this cooperation as well as the GEF-funded initiatives. Two reporting Contracting Parties answered as not applicable while a reporting Contracting Party considered important the cooperation that has been established within the process of preparation of the Common Regional Framework for ICZM.

375. *Transboundary Environmental Assessment (Article 29)*. Most of the reporting Contracting Parties answered positively. They mentioned the obligation for transboundary environmental assessment either according to the national law, the Convention on Environmental Impact Assessment in a Transboundary Context (ESPOO Convention) or the MSFD. In terms of means and ways of cooperation (i.e. notification, exchange of information and consultation), informal exchange of information is very common rather than concrete and formalised cooperation, but Parties seem to be working in that direction, especially in the framework of EU cooperation and EU neighbouring programmes.