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Meeting of the MED POL Focal Points

Videoconference, 27-28 May and 6-7 October 2021

Agenda item 6: Review of the new/upgraded Regional Plans in accordance with Article 15 of the LBS Protocol

Updated Regional Plan on Marine Litter Management in the Mediterranean

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Note by the Secretariat

The 21st Ordinary Meeting of the Contracting Parties (COP-21) to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols (Naples, Italy, 2-5 December 2019) adopted Decision IG.24/10 which mandated UNEP/MAP (MED POL Programme) to upgrade the Regional Plan on the Marine Litter Management in the Mediterranean (hereafter referred to as the “Regional Plan”).

To this aim, COP21 Decision IG.24/10 requested the establishment of a Working Group of Experts designated by the Contracting Parties to submit to the MED POL Focal Points Meeting the updated Regional Plan. The First Meeting of the Working Group was held on 31 March and 1 April 2021. The Meeting reviewed the proposed articles and related measures of the Regional Plan and incorporated several technical modifications and amendments.

At the conclusion of the Meeting, it was agreed that the Members of the Working Group would continue on-line consultations after the meeting regarding amendments entailing deadlines and/or specific commitments under Articles 9 and 10 of the Regional Plan. It was further agreed that the Secretariat would update Articles 16 and 17 of the Regional Plan in line with comments received by the participants during the Meeting. With regards to the annexes, the Meeting agreed to update the first and second annexes (workplan and research topics). The Meeting agreed to delete the third annex related to the elements for national biennial reports.

Inputs and comments were received from four Contracting Parties: Malta, Spain, Tunisia and Morocco. Two MAP Partners: WWF-Mediterranean and PlasticEurope also submitted written comments. The following summarizes some of the key issues raised by these Countries. Details are provided within the text of the amended Regional Plan:

- *Malta*: Further to new measures proposed, a number of new definitions under Article 3 were provided including plastic, single-use plastic products, lightweight plastic carrier bags and waste. Amendments to existing definitions were also presented such as fishing gear, and EPR. In Article 8, Malta requested a number of clarifications on the nature of informal sector for recycling of waste and compostable plastics. With regard to Articles 9 and 10, Malta provided amendments to economic incentives, and proposed to extend the deadline for institutionalizing preventive measures to achieve circular economy for plastics. In this regard, it requested clarifications to the nature of marine plastic and the activities for which target setting for establishing national baseline of marine plastics should apply. Malta also recommended to identify sources of plastic litter and of primary and secondary microplastics where feasible. Few points of clarifications were also raised regarding nature of plastic bags, problematic and unnecessary plastics products, plastics of concern, types of products for which EPR applies, etc. Regarding monitoring programme under Article 12, it suggested that the Regional Plan clearly specifies that certain measures that are not applicable to certain Contracting Parties are not obligatory. Finally, under Article 16, Malta requested that an awareness strategy is implemented across different marine users and the general public as well as inclusion of non-governmental organizations as part of stakeholder participation in Article 17.
- *Morocco*: Under Article 8, Morocco opts for a later date (2028) for the Contracting Parties to take adequate regulatory measures to integrate the informal sector into regulated waste collection and recycling schemes. Morocco also supports a later date of 2030 under Article 9 for adopting marine litter prevention measures aiming to achieve a circular economy for plastics. Regarding land-based and sea-based sources under Article 9, Morocco indicates that the Contracting Parties shall apply the prescribed measures, however “to the extent possible.” This was also reiterated for the measures which the Contracting Parties shall take under Article 16 for public awareness and education.
- *Spain*: Under Article 3, comments and amendments are proposed to some definitions such as microplastics, ALDFG, EPR, garbage, BAT and BEP, and circular economy. Under Article 8,

clarification is sought on the informal sector for recycling and in relation to compostable plastics and intention of noting in the Regional Plan. Under Article 9, amendment to EPR. Regarding the monitoring programme (Article 12), Spain notes that a COP decision has agreed to include litter monitoring in SPAMIs, not in all MPA. Therefore, MPAs should be deleted. Finally, with regard to Article 17 on major groups and stakeholder participation, Spain provides inputs with regard to voluntary agreements with the manufacturing and retail industry (included in this document under Article 9).

- *Tunisia*: Under Article 8, Tunisia proposes that Countries are provided with alternatives to develop or adopt required legislation as appropriate. Under Article 10, the groups to develop partnerships with are provided in additional details (fishermen, associations, fishing groups).
- *WWF-Mediterranean*: Proposals are provided for including SMART targets for plastic waste collection and recycling under Article 7. Under Article 9, comments are provide on economic instruments. Under Article 9, phasing out is singled out as the only option deleting possible reduction for single use plastic items. And contrary to Countries' proposals for extending date of 2025 to 2028 to take adequate regulatory measures to integrate the informal sector into regulated waste collection and recycling schemes, WWF recommends keeping the original date in line with the Naples Declaration and commitments of SDG 14.1. Also, under Article 9, WWF indicates that targets setting for establishing national baseline of marine plastics should be for waste collection and recycling as well as for consumption and production of SUPB.
- *PlasticEurope*: the main comment is related to Article 9 regarding fiscal and economic incentives. It proposes that reduction and phasing out of plastic bags and other single-use plastic items of concern should take place *when environmentally sound alternatives exist and based on life cycle assessment (LCA).*"

The present document includes all proposals and inputs provided above. These are categorized as follows:

- Amendments made to the document and agreed by the first Working Group Meeting are highlighted in **green**, with reference to the paragraph in which the amendments were agreed.
- Segments discussed during the Meeting for which no agreement was reached remain in brackets in "**blue typeset**".
- Specific inputs by the Contracting Parties regarding Articles 9 and 10 are presented within brackets and highlighted in "**yellow**" for additions, and "**red typeset**" for deletions; appropriately placed in their respective paragraphs with footnotes.
- With regard Articles 16 and 17 for which the Secretariat was mandated to update reflecting discussions held during the meeting, the proposal is to leave them as they are because they do consider the contents of these discussions.
- Proposals for amendments or inputs by the Contracting Parties on Articles other than those agreed in the conclusion of the Meeting are not included in the text of the Regional Plan as such but addressed in footnotes.
- "Clarifications" requested by the Contracting Parties in relation to some measures are provided in footnotes in their respective sections.
- Finally, following the discussions and some proposals received after the Meeting, it is recommended to consider adding two annexes to the Regional Plan. The first annex includes a list of Single Use Plastic items (SUP) of concern in the Mediterranean. The second Annex provides information on additives and plastics from the 2019 Basel and Stockholm Conventions.

The Second Meeting of the Working Group is expected to review the above elements of the Regional Plan and recommend the final version to the MED POL Focal Points Meeting to be held back-to-back with this meeting (i.e. 27-28 May 2021).

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Updated Regional Plan for Marine Litter Management in the Mediterranean in the Framework of Article 15 of the LBS Protocol

Part I – General provisions

ARTICLE 1

Rationale for the Regional Plan

1. Marine litter may have significant implications for the marine and coastal environment at a global level. These impacts are environmental, economic, health and safety and cultural, rooted in our prevailing production and consumption patterns. The problem originates mostly from land-based activities and sea-based activities, as well as lack of governmental financial resources, general lack of understanding of the public's co-responsibility, and the optimisation of the application of legal enforcement systems could limit pollution.
2. The rationale for the preparation of this Regional Plan is to improve the quality of the marine and coastal environment in accordance with the provisions of the LBS Protocol and to achieve the goals set by the decisions of the 17th meeting of the Contracting Parties in 2012, Decision IG.20/4: "Implementing MAP ecosystem approach roadmap: Mediterranean Ecological and Operational Objectives, Indicators and Timetable for implementing the ecosystem approach roadmap" and Decision IG 20/10: "Adoption of the Strategic Framework for Marine Litter management," at the considerable lower cost than with the no action scenario.

ARTICLE 2

Area and Scope of Application

3. The area to which this Regional Plan applies is the area defined in Article 3 of the LBS Protocol paragraphs (a), (c) and (d).¹ The Regional Plan shall apply to discharges referred to in Article 4(a)² of the LBS Protocol and any operational discharge from ships, platforms and other man-made structures at sea.

¹ Article 3 of the LBS Protocol: Protocol Area:

The area to which this Protocol applies (hereinafter referred to as the "Protocol Area") shall be:

- (a) *The Mediterranean Sea Area as defined in article 1 of the Convention.*
- (c) *Waters on the landward side of the baselines from which the breadth of the territorial sea is measured and extending, in the case of watercourses, up to the freshwater limit.*
- (d) *Brackish waters, coastal saltwater including marshes and coastal lagoons, and ground waters communicating with the Mediterranean Sea.*

² Article 4 of the LBS Protocol Application:

This Protocol shall apply: (a) To discharges originating from land-based point and diffuse sources and activities within the territories of the Contracting Parties that may affect directly or indirectly the Mediterranean Sea Area. These discharges shall include those which reach the Mediterranean Area, as defined in article 3(a), (c) and (d) of this Protocol, through coastal disposals, rivers, outfalls, canals, or other watercourses, including ground water flow, or through run-off and disposal under the seabed with access from land.

ARTICLE 3 Definition of Terms

4. For the purpose of this Regional Plan:
- a) *Barcelona Convention* means the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean, 1995 hereinafter referred to as the Barcelona Convention;
 - b) *LBS Protocol* means the Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities, 1996, hereinafter referred to as the LBS Protocol;
 - c) *LBS National Action Plan* means the national action plans containing measures and timetables for their implementation developed by the Contracting Parties in accordance with Article 5 of the LBS Protocol as endorsed by the 14th and 19th meetings of the Contracting Parties with the view to implement the Strategic Action Programme (SAP-MED) to combat land-based sources in the Mediterranean adopted by the Contracting Parties in 1997 [and UNEP/MAP's ecosystem approach-based ecological objectives on pollution and litter];
 - d) *Secretariat* means the body referred to in Article 17 of the Barcelona Convention;
 - e) *Marine litter*, regardless of the size, means any persistent, manufactured or processed solid material, discarded, disposed of, or abandoned in the marine and coastal environment.
 - f) *Microlitter* means the fraction of marine litter of less than 5 mm in size with a further division into *Large Micro Particles* (1-5 mm) and *Small Micro Particles* (<1 mm);
 - g) *Microplastics*, most commonly defined as manmade solid particles composed of mixtures of polymers and functional additives, smaller than 5 mm;³
 - h) *Primary microplastics* are tiny particles designed for direct commercial use (such as cosmetics, detergents and paints components), or for indirect use (such as pre-production pellets);
 - i) *Secondary microplastics* means the fraction of microplastics in the marine environment which results from the breakdown of larger plastic items into numerous tiny fragments due to mechanical forces and/or photochemical processes, as well as from other degradation sources such as water bottles, fibres in wastewater from washing clothes and particles of rubber lost from tyres due to normal wear;
 - j) *Abandoned, lost or otherwise discarded fishing gear or parts thereof (ALDFG)* or *Derelict fishing gear (DFG)* are the collective terms for commercial and recreational fishing gear or aquaculture-related items that have been abandoned, lost or otherwise discarded into the marine environment, and causes harmful impacts including environmental impacts, navigational hazards and economy, biodiversity, fish stock impacts of ghost fishing, and coverage of sensitive habitats and/or fragmentation into particles that could enter the food web⁴;
 - k) *Single Use Plastics (SUPs)*: means an item or product that is made wholly or partly from plastic and that is not conceived; designed or placed on the market to accomplish, within its life span, multiple trips or rotations by being returned to a producer for refill or re-used for the same purpose for which it was conceived;

³ It is proposed to replace with the following: 'Microplastics' means particles containing solid polymer, to which additives or other substances may have been added, and where $\geq 1\%$ w/w of particles have (i) all dimensions ≤ 5 mm, or (ii) a length of ≤ 15 mm and length to diameter ratio of >3.3

⁴ The section highlighted in yellow is proposed to be deleted as there is no need to refer to impacts.

- l) *Fishing gear*: gear used in fisheries and aquaculture-related activities;^{5 6}
- m) *Extended Producer Responsibility* means a strategy to add the environmental costs associated with a product throughout the product life cycle to the market price of that product;⁷
- n) *Best Available Techniques (BAT)* as defined in Annex IV for the Land-Based Source and Activities (LBS) Protocol;
- o) *Best Environmental Practice (BEP)* as defined in Annex IV for the Land-Based Source and Activities (LBS) Protocol;
- p) *Circular economy*, as approach contributing to Sustainable Consumption and Production patterns, involves shifting to a system keeping products and materials in use, as long as possible, which favors sharing, leasing, reusing, repairing, refurbishing and recycling instead of throw-away or take-make-dispose models.⁸
- q) *Litter monitoring* means repeated surveys of beaches, seabed, water column, surface waters and biota to determine litter types and quantities in a representative manner such that information can be compared with baseline data to follow trends in line with established threshold values to achieve GES;
- r) *Garbage* includes all kinds of food, domestic and operational waste, all plastics, cargo residues, incinerator ashes, cooking oil, fishing gear, and animal carcasses generated during the normal operation of the ship and liable to be disposed of continuously or periodically. Garbage does not include fresh fish and parts thereof generated as a result of fishing activities undertaken during the voyage, or as a result of aquaculture activities;
- s) *Leakage* means unintentional disposal of wastes into the marine environment.

ARTICLE 4

Objectives and Principles

Objectives

5. The main objectives of the Regional Plan are to:
- a) Prevent and reduce to the minimum marine litter pollution in the Mediterranean and its impact on ecosystem services, habitats, species (in particular the endangered species), public health and safety, as well as reduction of the socioeconomic costs it causes;
- b) Remove to the extent possible already existent marine litter by using environmentally sound methods;

⁵ It is proposed to replace this definition as follows : ‘Fishing gear’ refers to any physical device or part thereof or combination of items that may be placed on or in the water or on the seabed with the intended purpose of capturing or controlling for subsequent capture or harvesting marine organisms, in accordance with MARPOL Annex V.

⁶ Another option for this definition: ‘Fishing gear’ means any item or piece of equipment that is used in fishing or aquaculture to target, capture or rear marine biological resources or that is floating on the sea surface, and is deployed with the objective of attracting and capturing or of rearing such marine biological resources

⁷ It is proposed to replace this definition as follows: ‘Extended producer responsibility scheme’ means a set of measures taken by Contracting Parties to ensure that producers of products bear financial responsibility or financial and organisational responsibility for the management of the waste stage of a product’s life cycle.”

⁸ It is proposed to replace this definition as follows: *Circular economy as approach contributing to Sustainable Consumption and Production patterns, involves shifting to a system keeping products and materials in use [in the economy, as long as possible, which favors [the reduction of generation of waste by] sharing, leasing, reusing, repairing, refurbishing and [recovering unavoidable wastes by] recycling, instead of throw-away or take-make-dispose models.*

- c) Enhance knowledge and understanding on marine litter and its impacts;
- d) Ensure that the management of marine litter in the Mediterranean is performed in accordance with accepted international standards and approaches as well as those of relevant regional organizations and as appropriate in harmony with programmes and measures applied in other seas;
- e) Support Contracting Parties in the development, implementation, and coordination of programmes for litter reduction, including National Action Plans (NAPs).⁹

Principles

6. In implementing the Regional Plan, the Contracting Parties shall be guided by:
- a) *Integration* by virtue of which marine litter management shall be an integral part of the solid waste management and other relevant strategies;
 - b) *Prevention* by virtue of which any marine litter management measure should aim at addressing the prevention of marine litter generation at the source;
 - c) *Precautionary principle* by virtue of which where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation;
 - d) *Polluter-pays principle* by virtue of which the costs of pollution prevention, control and reduction measures are to be borne by the polluter, with due regard to the public interest;
 - e) *Ecosystem-based approach* by virtue of which the cumulative effects of marine litter on marine and coastal ecosystem, habitats and species with other contaminants and substances that are present in the marine environment should be fully taken into account;
 - f) *Public participation and stakeholder involvement*;
 - g) *Sustainable Consumption and Production* by virtue of which current unsustainable patterns of consumption and production must be transformed to sustainable ones that decouple human development from environmental degradation, in particular through the use of systemic approaches addressing environmental impacts along the entire value chain, including circular economy;
 - h) *Sound decision making* based on best available knowledge.¹⁰

ARTICLE 5

Preservation of Rights

7. The provisions of this Regional Plan shall be without prejudice to stricter provisions respecting marine litter management measures contained in other existing national, regional or international instruments or programmes.

Part II – Measures and Operational Targets

ARTICLE 6

⁹ In the views of the Secretariat, adding this objective is questionable and maybe redundant. This is already covered by Articles 5 and 15 of the LBS Protocol

¹⁰ In the views of the Secretariat, principle (h) may be reconsidered because the precautionary principle should prevail in decision making

Coherence and Integration of Measures

8. The Contracting Parties shall make best effort that the measures provided for in Articles 7 to 10 are implemented, as specified in the respective articles, in a coherent manner to achieve good environmental status and relevant targets on marine litter. Various actors shall be involved in the development and implementation of agreed measures as provided for in Article 17.

ARTICLE 7

Integration of marine litter measures into the LBS National Action Plans (LBS NAPs)

9. The Contracting Parties in accordance with Article 5 of the LBS Protocol shall elaborate and implement, individually or jointly, as appropriate, national and regional action plans and programmes, containing measures and timetables for their implementation. In doing so, the Contracting Parties shall consider updating **periodically** the LBS NAPs to integrate marine litter in accordance with the provisions of this Regional Plan and other means to perform their obligations.
10. The LBS National Action Plan shall include:¹¹
- a) Development and implementation of appropriate policy, legal instruments and institutional arrangements, including adequate management plans for solid waste also including those originating from sewer and storm water systems, which shall incorporate marine litter prevention and reduction measures
 - b) Monitoring and assessment programmes for marine litter;
 - c) Measures to prevent and reduce marine litter;¹²
 - d) Programmes of removal and environmentally sound disposal of existing marine litter according to the national legislation about management of this kind of waste; and
 - e) Awareness raising and education programmes.

ARTICLE 8

Legal and Institutional Aspects

11. For the purpose of implementing the Regional Plan, the Contracting Parties shall develop and ¹³ adopt, as appropriate, the necessary legislation and/or establish adequate institutional arrangements to ensure efficient marine litter including plastic waste and microplastics reduction and the prevention of its generation. To this aim the Contracting Parties shall endeavor to ensure:
- a) Institutional coordination, where necessary, among the relevant national policy bodies and relevant regional organizations and programmes, in order to promote integration;
 - b) Close coordination and collaboration between national, regional and local authorities in the field of marine litter management;

¹¹ During the 1st Working Group Meeting, and while presenting paragraph 10, the Secretariat omitted by mistake the individual points (a to e) to be addressed by the LBS National Action Plan. These are reinstated again, as stipulated in the 2013 Regional Plan under the same Article 7.

¹² Proposal for point (c): Measures to prevent and reduce marine litter, [including plastic waste collection and recycling]

¹³ Proposal to replace in Paragraph 11 the word “and” with “or”

- c) Strengthened sanctions in case of non-compliance with the respective national regulations;¹⁴
12. [By the year 2025],¹⁵ the Contracting Parties shall take adequate regulatory measures to integrate the informal sector¹⁶ into regulated waste collection and recycling schemes;
13. By the year 2025, the Contracting Parties shall establish a regulatory framework for compostable plastics to be integrated into national waste management policies;¹⁷
14. The Contracting Parties shall give due consideration to the implementation of the relevant related provisions of the Protocols¹⁸ [adopted in the framework]¹⁹ of the Barcelona Convention affecting marine litter management to enhance efficiency, synergies and maximize the results.

ARTICLE 9

Prevention of Marine Litter

15. In conformity with the objectives and principles of the Regional Plan the Contracting Parties shall:
- 15.1 Apply economic instruments needed to regulate and prevent marine litter pollution including plastic waste from land-based and sea-based sources:
- a) Extended Producer Responsibility²⁰ [strategy addressing prevention measures and incentives for manufacturers to design resource efficient and low impact products as well as to ensure effective end-of-life collection and cleanup and recovery operations; to promote the eco-design and production of more environmentally friendly materials; and to advocate the environmentally sound treatment of collected products, including fishing gear and waste from fishing gear, and improved rates of collection, reuse and recycling];
- b) Safe/formal markets for recycled plastics that incentivize the collection of plastic waste and, hence, reduce marine litter generation;
- c) Fiscal and economic incentives [or other equally effective measures (e.g. market restrictions)] to promote the [reduction and] phasing out, [-when possible], of [light weight] plastic [carrier] bags and other single-use plastic items of concern;

¹⁴ The Secretariat proposes to delete this measure (11.c) as there are relevant adequate provisions in the LBS Protocol on sanctions

¹⁵ Proposal to extend deadline for measure in Paragraph 12 to year 2028

¹⁶ One possible definition of the informal sector in Paragraph 13 could be: *Informal recycling sector (IRS) refers to individuals or community enterprises who are involved in the recovery of material and waste management activities which are not necessarily sponsored, financed, recognized, supported, organized, or acknowledged by the formal solid waste authorities*

¹⁷ The Secretariat would like to bring to the attention of the WG Meeting the need to move this paragraph to Article 9 on "Prevention of Marine Litter"

¹⁸ Specifically in the framework of the Protocol Concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea, 2002 (Port reception facilities); Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea, 1995 (waste dumping prohibition); Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean, 1995 (Regional Plans to protect endangered species; establishment of SPA and SPAMIs); Protocol for the Protection of the Mediterranean Sea against Pollution Resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil, 1994 (prohibition of the disposal of garbage from offshore installations); and the Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movement of Hazardous Wastes and their Disposal, 1996.

¹⁹ Proposed to be deleted by the Secretariat for editorial purposes

²⁰ The Secretariat recommends deleting the definition that follows the title (Extended Producer Responsibility" as this definition is included in Article 3 (definition of terms), Paragraph 4(1).

- d) Innovative business practices to prevent plastic waste generation in line with the Extended Producer Responsibility approach by:
- i. Establishment of Deposits, Return and Restoration System for expandable polystyrene boxes in the commercial and recreational fishing and aquaculture sectors.
 - ii. Establishment of Deposits, Return and Restoration System for food and beverage packaging, prioritizing when possible their reuse and recycling including deposit refund systems for bottles, containers and cans (e.g. glass, plastic and aluminium).
- e) Best practices to create incentives for:
- i. Fishing vessels to retrieve derelict fishing gear, [collect other items of marine litter,] and deliver it to port reception facilities;²¹
 - ii. Delivering waste in port reception facilities such as the non-special fee system.²²
- 15.2 Apply by the year [2030] [2025], prevention measures aiming to achieve, [to the extent possible], a circular economy for plastics:
- a) ~~Establish national baselines of plastic [waste collection and recycling] [(production, consumption, waste management and leakage, including into the marine environment)] for national priority and target setting;~~²³
 - b) [Put in place a system to] identify on a regular basis the sources of plastic litter in the coastal and marine environment, including primary and secondary microplastics industrial pellets and personal care products-related microparticles fibers from clothing, microbeads in cosmetics, wear and tear from car tires;
 - c) Regulate the use of primary microplastics, as appropriate, by promoting voluntary commitments (e.g. certification schemes) or other actions (e.g. legal instruments);
 - d) Implement Sustainable Procurement Policies prioritizing the phase out of single-use plastic products and promoting reuse options. [To this aim, the Contracting Parties may consider the list of Single Use Plastic items presented in Annex I to the regional Plan];
 - e) Establish voluntary agreements with retailers and supermarkets to set an objective of reduction of [light weight] plastic [carrier] bags consumption as well as selling dry food or cleaning products in bulk and refill special and reusable containers;
 - f) Establish procedures and manufacturing methodologies together with the plastic industry in order to minimize the decomposition characteristics of plastic and reduce microplastic;
 - g) Identify [Phase out] single-use plastic products of concern and implement sound measures to phase out consumption [and production] and minimize the risk to end up in the marine environment. [To this aim, the Contracting Parties may consider the list of Single Use Plastic items presented in Annex I to the Regional Plan];²⁴
 - h) Set targets to phase out production and use of [nonreusable, non-recyclable, and non-compostable plastic products]²⁵ [~~problematic and unnecessary plastic products (e.g. nonreusable, non-recyclable, and non-compostable plastic)~~];

²¹ This measure requires some clarifications to better understand the incentives recommended considering that the MAP guidelines promote fishing for litter on voluntary basis

²² The Secretariat would like to draw the attention of possible redundancy with the relevant measures in Article 10.

²³ In the views of the Secretariat, it may be appropriate to reconsider point 16.2(a) because this is not a technical measure.

²⁴ Further consideration should be given to paragraphs (d, g, o) to this Article to eliminate any possible redundancy

²⁵ In the views of the Secretariat, it may be appropriate to reconsider point 15.2(h) because this is not a technical measure

- i) Take adequate measures to increase the reuse and recycling of plastics toward total plastic products;
- j) Phase-out [~~chemicals of concerns used as~~]²⁶ additives in plastic products, and in particular those chemicals already listed under the Stockholm Convention [~~contained as annex II of this Regional Plan~~];
- k) **Substitute plastics causing substantial impacts on the marine environment with materials with net positive impacts verified by life cycle assessment;**
- l) Implement standards for product labelling (including on packaging) to provide consumers with clear and reliable information on sustainable choices;
- m) Establish dedicated collection and recycling schemes supported by Extended Producer Responsibility approach for end-of-life products;²⁷
- n) Implement measures to minimize the amount of marine litter associated with fishing/aquaculture;
- o) Scale-up and replicate sustainable models providing solutions to reduce single-use plastic products consumption.²⁴

15.3 [~~Marine litter and waste management~~] Land-based Sources

- a) By the year 2025, base urban solid waste management on reduction at source, applying the following waste hierarchy as a priority order in waste prevention and management legislation and policy: prevention, preparing for re-use, recycling, other recovery, e.g. energy recovery and environmentally sound disposal;
- b) By the year 2019, implement adequate waste reducing/reusing/recycling measures in order to reduce the fraction of plastic packaging waste that goes to landfill or incineration without energy recovery;
- e) [~~Prevent inputs of litter from urban sewage networks and wastewater treatment plants in line with the provisions of the Regional Plan on Urban Wastewater Management;~~
- d) **Prevent inputs of litter from urban stormwater networks in line with the provisions of the Regional Plan on Storm Water Management;**
- e) **Adopt BAT and BEP in the design and operation of wastewater treatment plants in line with the provisions of the Regional Plan on Urban Wastewater Management];²⁸**
- f) Take the necessary measures by the year 2020 to close to the extent possible the existing illegal dump sites on land in the area of the application of this Regional Plan;
- g) Apply in accordance with national and regional legislation enforcement measures to combat dumping, littering on the beach, illegal sewage disposal from land sources in the sea, the coastal zone and rivers in the area of the application of this Regional Plan;
- h) [~~Taking into consideration the occurrence and extent of marine litter accumulations~~], **identify and assess by the year 2025, impacts of these accumulations in upstream regions of rivers and their tributaries, and apply measures to prevent or reduce their leakage into the Mediterranean, particularly during flood seasons and other extreme weather events.**

Sea-based Sources

- i) In accordance with Article 14 of the Prevention and Emergency Protocol, explore and implement by 2017, to the extent possible, ways and means to charge reasonable cost for

²⁶ Secretariat proposes to rewrite as shown without making reference to “chemicals of concern” as this term is not defined in the LBS Protocol

²⁷ Further clarification on the types of products to be covered by this measure is needed

²⁸ Further thinking on the need for these references to the Regional Plan as these are not approved or not yet developed.

the use of port reception facilities or when applicable, apply No-Special-Fee system. The Contracting Parties shall also take the necessary steps to provide ships using their ports with updated information relevant to the obligations arising from Annex V of MARPOL Convention and from their legislation applicable in the field;²⁹

- j) Implement targeted measures by 2025 aiming at preventing and reducing marine litter impact in Marine Protected Areas (MPAs) and Specially Protected Areas of Mediterranean Importance (SPAMIs);
- k) Explore and implement to the extent possible by the year 2017 “Gear marking to indicate ownership” concept and “reduced fishing catches through the use of environmental neutral upon degradation of nets, pots and traps concept,” in consultation with the competent international and regional organizations in the fishing sector;
- l) Apply by the year 2020 the cost-effective measures to prevent any marine littering from dredging activities taking into account the relevant guidelines adopted in the framework of Dumping Protocol of the Barcelona Convention;
- m) Take the necessary measures to ensure that cruise ships flying their flag or entering their ports implement the procedures for minimizing, collecting, storing, processing and disposing of garbage;
- n) Take the necessary measures to promote best practices to prevent plastic waste and particularly single use plastic products in tourism and leisure activities including cruise shipping, including through regional cooperation;
- o) Implement measures on prevention, response and remediation regarding litter from maritime accidents, including containers lost at sea.

ARTICLE 10

Removing Existing Marine Litter and its Environmentally Sound Disposal

- 16 The Contracting Parties shall, where it is environmentally sound and cost effective, remove existing accumulated litter, subject to Environmental Impact Assessment procedure, in particular from Marine Protected Areas (MPAs) and Specially Protected Areas of Mediterranean Importance (SPAMI) and litter impacting endangered species listed in Annexes II and III of the SPA and Biodiversity Protocol. To this aim the Contracting Parties undertake to explore and implement to the extent possible the following measures by the year 2019. To this aim the Contracting Parties undertake to explore and implement to the extent possible the following measures by the year 2019:
- a) Identify, in collaboration with relevant stakeholders, accumulations/hotspots of marine litter at sea and implement national programmes on their regular removal and sound disposal;
 - b) Implement National Marine Litter Cleanup Campaigns on a regular basis and evaluate their effectiveness;
 - c) Implement Cleanup Campaigns on a regular basis driven by beach; concessionaries/ managers/ local authorities, including outside the touristic season;
 - d) Participate in International Coastal Cleanup Campaigns and Programmes;
 - e) Apply as appropriate ‘Adopt-a-Beach’ or similar practices and enhance public participation role with regard to marine litter management;
 - f) Apply Fishing for Litter in an environmentally sound manner, based on agreed guidelines and best practice, in consultation with the competent international and regional organizations

²⁹ There is an overlapping with measure 15.1.e.ii

and in partnership with fishermen and ensure adequate collection, sorting, recycling and/or environmentally sound disposal of the fished litter;

- g) Charge reasonable costs for the use of port reception facilities or, when applicable apply No-Special-Fee system, in consultation with competent international and regional organizations, when using port reception facilities for implementing the measures provided for in Article 10.

17 The Contracting Parties shall explore and implement to the extent possible by the year 2017 the “Fishing for Litter” environmentally sound practices to facilitate clean-up of the floating litter and the seabed from marine litter caught incidentally and/or generated by fishing vessels in their regular activities including derelict fishing gear;³⁰

- 18 The Contracting Parties shall explore and implement [to the extent possible] by the year 2025, [where possible,]³¹ targeted activities for the localization and retrieval, and where possible, reuse or recycling of derelict fishing gear including through new environmentally sustainable technologies.

Part III – Assessment

ARTICLE 11

Assessment of Marine Litter in the Mediterranean

- 19 The Contracting Parties shall assess in the framework of ecosystem approach the state of marine litter, the impact of marine litter on the marine and coastal environment and human health, as well as the socio-economic aspects of marine litter management based on coordinated and, if possible, common agreed methodologies, national monitoring programmes and surveys.
- 20 The Secretariat shall prepare the assessment of marine litter in the Mediterranean every six years using results of the national monitoring programmes and applied measures with the view to address priority issues and major information and data gaps, using all other available relevant regional and international data and where appropriate responses by the Contracting Parties to specific marine litter related questionnaires prepared by the Secretariat.
- 21 The first Assessment of the state of marine litter in the Mediterranean based on the existing information shall be submitted to the meeting of the Contracting Parties two years after entry into force of the Regional Plan.

ARTICLE 12

Mediterranean Marine Litter Monitoring Programme

- 22 Based on ecosystem approach ecological objectives and integrated monitoring programme, and in synergy with the relevant international and regional guidelines and documents, the Contracting Parties, on the basis of the proposals of the Secretariat, shall:
- a) Prepare the Regional Marine Litter Monitoring Programme, as part of the Integrated Monitoring and Assessment Programme (IMAP);

³⁰ Need to understand the logic

³¹ Need to understand the logic of measures under 17, 18 and 16f

- b) Establish in the year 2016 the Regional Data **Base** on Marine Litter which should be compatible with other regional or overarching databases;
 - c) Establish by the year 2014 Expert Group on Regional Marine Litter Monitoring Programme, in the framework of the implementation of the Ecosystem Approach.
- 23 For the purpose of this Regional Plan and in compliance with the monitoring obligations under Article 12 of the Barcelona Convention and Article 8 of the LBS Protocol, the Contracting Parties shall design by the year 2017 National Monitoring Programme on Marine Litter.
- 24 The National Monitoring Programmes should address:
- a) The need for harmonization and consistency with the integrated regional monitoring programme based on ecosystem approach and consistency with other regional seas;
 - b) **Aspects related to monitoring litter originating from riverine inputs;**
 - c) **The need for litter monitoring in high sensitivity areas (endangered species, key habitats, etc.), and in Marine Protected Areas (MPAs), as well as Specially Protected Areas in the Mediterranean (SPAMIs).**
- 25 To this aim, the Secretariat shall prepare, in collaboration with the relevant regional organizations, by the year 2014 the Guidelines for the preparation of the National Marine Litter Monitoring Programmes.

Part IV – Support to Implementation

ARTICLE 13

Research Topics and Scientific Cooperation

- 26 The Contracting Parties agree to cooperate, with support from the Secretariat, with competent international and regional organizations and relevant scientific institutions, on marine litter issues that due to their complexity require further research.

ARTICLE 14

Specific Guidelines

- 27 The Secretariat in cooperation with relevant international and regional organizations, shall prepare specific guidelines, taking into account where appropriate existing guidelines, to support and facilitate the implementation of measures provided for in articles 9 and 10 of the Regional Plan. Subject to availability of external funds such guidelines shall be published in different Mediterranean region languages.

ARTICLE 15

Technical Assistance

- 28 For the purpose of facilitating the implementation of the measures and monitoring obligations as provided for in Articles **7 to 10 and 12** of the Regional Plan, technical assistance, transfer of knowhow and technology shall be provided, including capacity building, by the Secretariat to the Contracting Parties in need of assistance.

ARTICLE 16

Enhancement of Public Awareness and Education

- 29 Due to the nature of the marine litter management issue, enhancement of public awareness and education, **and co-responsibility** are very important components of the marine litter management.
- 30 To this aim the Contracting Parties shall³² undertake, where appropriate, in synergy with existing initiatives in the field of education for sustainable development and environment, and in partnership with civil society, public awareness and education activities, with adequate duration and follow up, with regard to marine litter management including activities related to prevention and promotion of sustainable consumption and production.³³

ARTICLE 17³⁴

Major groups and Stakeholder Participation

- 31 For the effective implementation of the Regional Plan, the Contracting Parties shall encourage appropriate involvement of, and partnerships with, various stakeholders including local authorities, civil society, private sector (producers, garbage collection and treatment companies, etc.) and other stakeholders as appropriate:
- a) Regional, National and local authorities;
 - b) Maritime sector;
 - c) Tourism sector;
 - d) Fisheries and Aquaculture;
 - e) Agriculture;
 - f) Industry; and
 - g) Civil society.

ARTICLE 18

Regional and International Cooperation

- 32 For the purpose of facilitating the implementation of the Regional Plan the Secretariat shall establish institutional cooperation with various relevant regional and global institutions and initiatives.
- 33 The Contracting Parties shall cooperate directly or with the assistance of the Secretariat or the competent international and regional organizations to address transboundary marine litter cases.

ARTICLE 19

Reporting

³² Proposal to add after the word “shall” the following words “to the extent possible”

³³ Proposal to add the following measure:

[Develop and implement an awareness strategy across different marine users and the public in general through basic training on marine environment awareness oriented on marine plastic litter.]

³⁴ Further to the mandate given to the Secretariat to update Article 17, it is proposed to keep the list of stakeholders in this Article as is as the general classification of stakeholders in paragraph 37 can cover all possible stakeholders to be involved. Voluntary agreements are addressed in Paragraph 16 under Article 9.

- 34 In conformity with Article 26 of the Barcelona Convention and Article 13, paragraph 2(d), of the LBS Protocol the Contracting Parties shall report on a biennial basis on the implementation of this Regional Plan, in particular the implementation of the above measures, their effectiveness and difficulties encountered and data resulting from monitoring programme as provided for in Article 12 of this Regional Plan.
- 35 The Contracting Parties shall review biennially the status of implementation of the Regional Plan upon its entry into force, on the basis of the regional report prepared by the Secretariat.

Part V – Final Provisions

ARTICLE 20

Implementation Timetable

- 36 The Contracting Parties shall implement this Regional Plan, in particular the above measures according to the timetables indicated in the respective Articles of the Regional Plan.

ARTICLE 21

Entry into Force

- 37 The present Regional Plan shall enter into force and become binding on the 180th day following the day of notification by the Secretariat in accordance with Article 15, paragraphs 3 and 4, of the LBS Protocol.

ARTICLE 22

Enforcement of Measures

- 38 The Contracting Parties shall take the necessary actions to enforce the measures in accordance with their national regulations.

Annex I
List of Single Use Plastic (SUP) Items of Concern in the Mediterranean

List of Single Use Plastic (SUP) Items

Option 1

Mediterranean Top-10 and the Mediterranean Top-X (80%) for beach marine litter items

	UNEP Code	Item name	SUP	Macro-Category
MED Top-10 Marine Litter Items	G76	Plastic/polystyrene pieces 2.5 cm > < 50 cm	No	Plastic/Polystyrene
	G27	Cigarette butts and filters	Yes	Plastic/Polystyrene
	G21/G24	Plastic caps and lids (including rings from bottle caps/lids)	Yes	Plastic/Polystyrene
	G95	Cotton bud sticks	Yes	Sanitary Waste
	G7/G8	Drink bottles	Yes	Plastic/Polystyrene
	G30/G31	Crisps packets/sweets wrappers/Lolly sticks	Yes	Plastic/Polystyrene
	G124	Other plastic/polystyrene items (identifiable) including fragments	No	Plastic/Polystyrene
	G50	String and cord (diameter less than 1 cm)	No	Plastic/Polystyrene
	G208a	Glass fragments >2.5cm	No	Glass
	G200	Bottles (including identifiable fragments)	No	Glass
MED Top-X (80%) Marine Litter Items	G73	Foam sponge items (i.e. matrices, sponge, etc.)	No	Plastic/Polystyrene
	G34/G35	Cutlery, plates and trays / Straws and stirrers	Yes	Plastic/Polystyrene
	G3	Shopping bags incl. pieces	Yes	Plastic/Polystyrene
	G10	Food containers incl. fast food containers	Yes	Plastic/Polystyrene
	G33	Cups and cup lids	Yes	Plastic/Polystyrene
	G204	Construction material (brick, cement, pipes)	No	Ceramics
	G152	Cigarette packets	No	Paper/Cardboard
	G67	Sheets, industrial packaging, plastic sheeting excluding agriculture and greenhouse sheeting	No	Plastic/Polystyrene
	G4	Small plastic bags, e.g. freezer bags incl. pieces	Yes	Plastic/Polystyrene
	G175	Cans (beverage)	No	Metal
	G54	Nets and pieces of net > 50 cm	No	Plastic/Polystyrene
	G158	Other paper items (including non-recognizable fragments)	No	Paper/Cardboard
	G145	Other textiles (including pieces of cloths, rags, etc.)	No	Cloth

Source:

Official monitoring data retrieved from the Contracting Parties to the Barcelona Convention for the purpose of proposing updated baseline and threshold values for IMAP Ecological Objective 10 (Marine Litter) Common Indicator 22 (beach macro-litter) including the relative and cumulative frequency for the full UNEP/MAP list for beach marine litter items.³⁵

1. Table (1) demonstrates a high occurrence of SUPs in the composition of beach litter; nearly half of total items.
2. Using beach litter information as a reasonable proxy to identify SUPs to be tackled in priority, the following Top-10 SUPs beach litter items is depicted:

³⁵ UNEP/MED WG.509/11

*Option 2**Mediterranean Top-10 SUPs found as beach litter items*

Ranking	Mediterranean region
1	Cigarette butts and filters
2	Plastic caps and lids (including rings from bottle caps/lids)
3	Cotton bud sticks
4	Drink bottles
5	Crisps packets/sweets wrappers/Lolly sticks
6	Cutlery, plates and trays / Straws and stirrers
7	Shopping bags incl. pieces
8	Food containers incl. fast food containers
9	Cups and cup lids
10	Small plastic bags, e.g. freezer bags incl. pieces

*Option 3**Mediterranean priority list of SUPs per group of items*

Group of items	Items
Packaging	Bags
Smoking-related	Cigarette filters
Food and beverage packaging	Drink bottles, caps and lids
	Crisp packets and sweet wrappers
On-the-go food and beverage packaging	Cutlery, plates and trays
	Straws and stirrers
	Drinks cups and cup lids
	Food containers including fast food packaging
WC flushed items	Sanitary applications, including cotton buds, wet wipes and sanitary towels
Personal protective equipment	Masks and gloves

Annex II
List of Chemical Additives of Concern Used in Plastic Production

List of Chemical Additives of Concern Used in Plastic Production

1. List of Chemical Additives of Concern Used in Plastic Production are as follows:
 - a) Flame-retardants: brominated flame retardants (BFRs) with antimony (Sb) as synergist (e.g. polybrominated diphenyl ethers (PBDEs); decabromodiphenylethane; tetrabromobisphenol A (TBBPA); phosphorous flame retardant (e.g. Tris(2-chloroethyl)phosphate (TCEP) and Tris(2-chlorisopropyl) phosphate (TCPP); short, medium and long chain chlorinated paraffins (SCCP/MCCP/LCCP); boric acid; hexabromocyclododecane (HBCD); Dechloranes in all its forms (e.g. Dechlorane 602, Dechlorane 603, Dechlorane 604 and Dechlorane Plus); Tetra- to hepta-BDEs and hexabromobiphenyl (HBB); decaBDE; 1,2-bis (2,4,6- tribromophenoxy) ethane (BTBPE); decabromodiphenylethane (DBDPE); and hexabromobenzene (HBBz).
 - b) Perflourinated chemicals: Phthalic acid esters (phthalates); Di(2-ethylexyl) phthalate (DEHP); diisononyl phthalate (DiNP); diisodecyl phthalate (DiDP); and di(2-Propyl Heptyl) phthalate (DPHP)
 - c) Bisphenols: bisphenol A; 4-tertiary-octylphenol; bisphenol B; bisphenol F; and bisphenol S.
 - d) Nonylphenols: nonylphenol ethoxylates (NPE)
2. Polymers and their additives are extensively used in the following categories of consumer products:
 - a) Children's products;
 - b) Packaging: food and beverage contact materials;
 - c) Electrical and electronic equipment (EEE) and related waste (WEEE/E-waste);
 - d) Textile, upholstery and furniture; and
 - e) Construction sector.