

Table of Contents

1. Introduction.....	1
2. List of priority substances.....	3
2.1 Group 1. Substances for which immediate pollution reduction actions are needed	4
2.2 Group 2. Substances for which additional scientific information (sources, quantities, impacts, etc.) is needed.....	5
2.3 Group 3. Emerging substances for which a risk profile and assessment should be completed or initiated	5
2.4 List of industrial sectors responsible for the releases from Group 1 substances.....	6
3. Proposal for the identification of a differentiation mechanism for pollution reduction.....	6
3.1 Option 1: Temporal differentiation	7
3.2. Option 2: Spatial differentiation in the framework of ecosystem approach.....	8
3.3 Transfer of know how and technology	10
3.4 Monitoring and evaluation	10
3.5 Governance and synergy among regional instruments and initiatives related to pollution reduction.....	11
4. Preparation of actions plans and programmes containing legally binding measures and timetables required by Art.15 of the LBS Protocol	11

1. Introduction

The Contracting Parties to the Barcelona Convention, at their 15th Meeting held in Almeria, Spain, in January 2008, adopted decision 17/8 entitled *"Implementation of NAPs and the preparation of legally binding measures and timetables required by Art.15 of the LBS Protocol"*. According to the decision, the Contracting Parties, with the assistance of MED POL, agreed, quote:

1. *To continue the implementation of NAPs endorsed in 2005 to the greatest possible extent foreseeing their revision in 2011; throughout the process, the Secretariat will continue to support with capacity building activities covering technical, institutional and financial aspects.*
2. *To develop the following elements in the framework of MED POL:*
 - *Identification of priority substances and sectors during 2008-2009;*
 - *Identification of a differentiation mechanism during 2008-2009 for the implementation of regional emission values (ELVs), based on BAT, and start the process of developing regional and/or subregional -as appropriate- Environmental Quality Objectives (EQOs) for the marine environment;*
 - *Identification of relevant elements and indicators arising from the implementation of the ecosystem approach.*
3. *To establish a working group to develop by 2011 actions plans and programmes containing the legally binding measures and timetables required by Art.15 of the LBS Protocol, tacking into consideration the possibility of using the elements arising from the above process for this purpose as well as for the revision of the NAPs. Unquote.*

The decision 17/8 was the result of an exhaustive negotiation process that the Secretariat had started at a Meeting held in 2006 in Durres, Albania, with MED POL National Coordinators, national designated experts and regional experts. In Durres the MED POL Coordinators and the national experts discussed a draft strategy for the long-term implementation of the NAPs and made the following conclusions and recommendations, quote:

1. *To acknowledge the opportunity provided by the Secretariat to initiate discussion on how to apply a differentiated approach and on its implications;*
2. *to continue to elaborate a differentiated approach with a view to its application ;and ,to this end, to establish a working group to discuss technical and policy issues , as indicated in the terms of reference of the Working Group;*
3. *to agree to the process of identifying priorities in the new strategy for implementation of the LBS Protocol, the SAP and the NAPs, in particular on the basis of the identified hot spots and relevant sectors of activity, according to annex I of the LBS Protocol, and to entrust the Working Group with the task of further elaborating the prioritization;*
4. *to continue implementing the pollution reduction activities contained in the NAPs; and*
5. *to communicate to the Secretariat prior to the meeting of the Working Group any change to their NBB in relations to total releases. Unquote*

The working group was established and met in Barcelona in 2007. The working group agreed on a road map for the development of a differentiated mechanism based on ELVs, as follows, quote:

2008-2009

- *Assess the state of the art of ELV development;*
- *propose a list of common, as appropriate, regional and sub-regional ELVs for priority substances and sectors covered by NAPs, taking into consideration national ELVs and ELVs based on BAT(as appropriate);*
- *develop a differentiation mechanism for the implementation of regional ELVs including monitoring and control processes, taking into consideration that national total released loads should not increase;*
- *approve the differentiation mechanism by the CPs;*
- *start the process of developing as appropriate, regional and /or subregional Environmental Quality Objectives (EQOs) for the marine environment;*

2010-2015

- *adjust the implementation of the actions described in the NAPs on the basis of the approved differentiation mechanism , for the priority substances and sectors according to the annexes of the LBS Protocol and the SAP;*

2015

- *adoption of EQOs;*

2015-2020

- *implementation of measures to achieve EQOs. Unquote*

The above recommendations were adopted as decisions by the Contracting Parties at their Meeting held in Almeria, Spain, in 2008.

The Secretariat has worked towards the full implementation of the above conclusions and recommendations and, as a result, has prepared the present document. The document covers three issues and brings them to the attention of the working group, i.e. the identification of priority substances, different options for the identification of a differentiation mechanism for pollution reduction and a proposal for the preparation of action plans and programmes with legally binding measures and timetables.

The Meeting is expected to review the Secretariat proposals on the three issues above and provide clear indications on the way the Secretariat should proceed aiming to reach the Meeting of the Contracting Parties in 2009 with a set of commonly agreed proposals for adoption.

2. List of priority substances

According to the 2008-2009 agreed MED POL work plan and the Decision 17/8 of the Almeria Meeting, MED POL prepared, with the assistance of regional experts, a background comparative analysis (see doc UNEP(DEPI)/MED WG. 328/Inf. 1) of the major substances and related sectors existing at global and regional levels that could be used to select a **Mediterranean list of priority substances** for which a differentiation mechanism based on ELVs would be developed at later stage.

On the basis of document UNEP(DEPI)/MED WG. 328/Inf. 1, the Secretariat has developed a proposal that takes into account the recent developments occurred at relevant regional and international Multilateral Environmental Agreements (MEAs) e.g. Basel and Stockholm Conventions, EU Directives and regulations, LBS Protocol, OSPAR and HELCOM decisions as well as the data on levels of substances in the Mediterranean obtained from monitoring activities in the region e.g. MED POL monitoring programme, Mytilos and Mytimed projects.

The proposal described here below would be utilized in connection with the proposal for a differentiation mechanism for the reduction of pollution based on ELVs (see chapter 3.).

According to decision 17/8 (2a) "Identification of priority substances and sectors during 2008-2009 " it is proposed to consider a dynamic system for the identification of priority substances.

It is therefore proposed to have three groups of substances:

Group 1. Substances for which immediate pollution reduction actions are needed. It is an **action-oriented** group; the sectors releasing the substances of this group would be adequately addressed to achieve pollution reductions according to the provisions of LBS Protocol, the programme of measures and timetables foreseen by Article 15 of the same Protocol and the differentiation process that would be eventually adopted.

Group 2. Substances for which additional scientific information (sources, quantities, impacts, etc.) is needed before considering their integration in the action-oriented group 1;

Group 3. Emerging substances for which an assessment of their impacts on the marine environment should be completed or initiated before taking any managerial decision.

Parties could decide to move the substances between different groups according scientific evidences and findings, risk profile and assessments that would prove that their release could negatively affect the marine ecosystem. Thus, if need be, every biennium the Parties would review the list of substances placed in the different groups and, should evidences arise, could decide upon the transfer of a substance between the groups or its complete elimination from the system.

2.1 Group 1. Substances for which immediate pollution reduction actions are needed

The National Diagnostic Analysis (NDAs), the National Baseline Budget (NBB) and National Action Plans (NAPs) earlier prepared in the framework of the implementation the SAP, clearly indicate that, out of the exhaustive list mentioned in the SAP, only a selected number of substances for which sufficient data and information are currently available could be included in this group.

On the basis of the above, and taking into consideration the regional and international developments in the field of management of chemicals and pollution, the Secretariat is proposing a short list of substances for which immediate actions of reduction could be established. This would include:

- Nutrients
 - i. BOD (group of biodegradable substances expressed as BOD) from Industrial sources
 - ii. BOD (group of biodegradable substances expressed as BOD) from urban wastewater
 - iii. Total Nitrogen
 - iv. Total Phosphorus
- Metals and related compounds
 - Chromium
 - Cadmium
 - Lead
 - Mercury
 - Organic tin compounds
 - Organic mercury compounds
 - Organic lead compounds
- Organohalogen compounds:
 - Polychlorinated Biphenyls (PCBs)
 - Polychlorinated dibenzodioxins (PCDDs)
 - Polychlorinated dibenzofurans (PCDFs)
- Total suspended particulates
- Total Volatile Organic Compounds

- Nitrogen oxides
- NH₃
- Sulfur oxide

2.2 Group 2. Substances for which additional scientific information (sources, quantities, impacts, etc.) is needed

The assessment reports on the status of the marine environment of the Mediterranean and other relevant assessments showed that there is enough scientific evidence of the negative impacts of the group of substances listed below on the marine environment. Nevertheless, data and information on sources, quantity and order of magnitude of releases and other information are still missing. Thus, there is a need to fill the gaps before considering any decision on limitation and reduction of their inputs. This list (not exhaustive) would include the following:

- Phenolic compounds
- Brominated flame retardants
- Hydrocarbons:
 - Polycyclic aromatic hydrocarbons
 - Short Chain Chlorinated Parafins *
- Organohalogenated pesticides/biocides:
 - Endosulphan *
 - Hexachlorocyclohexane *
 - Hexachlorobenzene *
- Other organic compounds:
 - diethylhexylphthalate (DEHP)

* Substances under review in the framework of Stockholm Convention

2.3 Group 3. Emerging substances for which a risk profile and assessment should be completed or initiated

Current marine research programmes have identified the presence of a number of new chemical substances in the marine ecosystem. Their risk is not yet assessed.

The list (not exhaustive) would include the following:

- Pharmaceuticals
- Potential substances in the framework of Stockholm Convention.

2.4 List of industrial sectors responsible for the releases from Group 1 substances

The assessment indicated that the major sectors responsible for releasing Group 1 priority substances are as follows:

1. Production of energy
2. Manufacture of metals
3. Manufacture of cement
4. Oil refining
5. Treatment of urban wastewater
6. Organic chemicals
7. Waste management
8. Inorganic chemicals
9. Tanning and dressing of leather
10. Transport
11. Manufacture of paper

At a later stage, the pollution reduction process related to the above sectors would be affected by the differentiation mechanism eventually adopted. In the case when a substance from group 2 and 3 moves upward to group 1, the related relevant sectors would be automatically integrated in the differentiation mechanism.

3. Proposal for the identification of a differentiation mechanism for pollution reduction

At the Government-designated Expert Meetings held in Durres and Barcelona (see doc. UNEP(DEPI)/MED WG. 289/4 and doc. UNEP(DEPI)/MED WG. 307/4) it was agreed that a consensually identified differentiated approach could indeed ensure sustainable long-term implementation of the NAPs. This is mainly because of the prevailing differences in the socio economic conditions of the region and the actual capacity of countries to concretely implement their priority pollution reduction actions and respect their commitments in the framework of LBS Protocol. After approving the principle of applying a differentiated approach the Parties adopted the ELVs as the basic criteria for the development of a differentiation mechanism.

As a follow up to the decisions and recommendations of the Meetings in Durres and Barcelona and according to decision 17/8 (2b) and (2c) of the Contracting Parties (Almeria, 2008), which states the following:

- a. Identification of a differentiation mechanism during 2008-2009 for the implementation of regional Emission Limit Values (ELVs), based on BAT, and

start the process of developing regional and /or subregional-as appropriate-Environmental Quality Objectives(EQOs) for the marine environment, and

- b. Identification of relevant elements and indicators arising from the implementation of the ecosystem approach,

the Secretariat is now in position to propose a comprehensive differentiation mechanism.

The mechanism described in Chapter 3. will cover: the differentiation process itself, in this context the Secretariat proposes three options that have been developed on the basis of countries' indications as provided during the precedent Meetings, relevant international literature, MEAs and most recent developments occurred in the management of ecosystems at the global level in the framework of UNEP and, at regional level, in the framework of the application of the Ecosystem Approach; transfer of know how and technology; Monitoring and evaluation; and need for governance and synergy among regional instruments and initiatives related to pollution reduction.

In formulating its proposal, the Secretariat has attempted to ensure:

- a cost effective and sustainable long-term implementation of the NAPs (through a differentiation mechanism);
- the optimum cooperation between the Parties which is the basis of the Barcelona Convention (through transfer of know how and technology) and synergy between all regional initiatives;
- countries' ownership of the exercise (through the country- and subregion-specific elements of the differentiation mechanisms);
- traceability and accountability of the mechanism (through monitoring and evaluation).

Additional options or amendments to the options described here below could still be proposed by the countries throughout the negotiation process that should be completed by the year 2009.

The two differentiation processes identified by the Secretariat are as follows:

i-Temporal differentiation

ii-Differentiation in the framework of ecosystem approach

3.1 Option 1: Temporal differentiation

In this option, the differentiation is based on the establishment of **common regional ELVs** for the Group 1 priority substances and relevant sectors. Each of the Party (CP1, CP2, CP3 etc...) would have then to propose, justify and negotiate its own temporal framework (T1, T2, T3,...) needed to comply with the agreed regional ELVs from the national ELVs for all the selected substances and sectors. Alternatively, each Party could negotiate a temporal framework for each individual substance and sector. The temporal differentiation would take into account the targets already agreed upon in the framework of MEAs, e.g the Stockholm Convention, but also the EU Directives, the MSSD, the EU Horizon 2020 and others. This scheme is country specific.

By establishing "common regional ELVs", this option is in line with the current Barcelona Convention approach to deal with the Mediterranean marine environment and coastal areas as

one ecosystem. It will effectively contribute to the development of regional Environmental Quality Objectives (EQOs) in the framework of the ecosystem approach.

3.2. Option 2: Spatial differentiation in the framework of ecosystem approach

The application of the Ecosystem Approach in the marine environment takes into account the linkages between the terrestrial and marine environment and recognize that actions on land can affect the marine environment.

The Ecosystem Approach strives to ensure that those human activities and demands that have an actual or potential impact on the marine environment are managed effectively. The Ecosystem Approach to management of human activities is based on a long-term perspective, and highlights the dependence of economic and social sustainability on ecological sustainability. Ecological sustainability will be achieved by setting and achieving Ecological Objectives that protect ecosystem structure and function from serious or irreversible harm. Economic and Social Objectives should be met without compromising Ecological Objectives. Achieving the appropriate balance between Ecological, Economic and Social Objectives requires that Ecological Objectives, and the associated Operational Objectives, should be set on geographical scales comparable with Economic and Social Objectives. The linkages between EQOs and Operational objectives are obvious and the CPs underlined this linkage in the Decision 17/8.

The Ecosystem approach as adopted by the CP will be implemented at many scales, ranging from local to Mediterranean region wide. The ecosystem approach requires Targets and Limits, such as ELVs from LBS, that can be applied at all these scales. Whereas some Targets and Limits could be the same in all areas or at all geographical scales, such as the ambition to limit harmful substance to levels that do not threaten the health of the ecosystem including humans, others and associated Operational Objectives would apply at scales ranging from local to regional.

Therefore and on the basis of the decision IG 17/6 of the 15th Meeting of the Contracting Parties held in Almeria in 2008 concerning the implementation of the ecosystem approach for the management of human activities, the Second Meeting of Government-designated Experts on the application of the ecosystem approach held in Athens, 9-10 July 2008 agreed on the following, quote:

“The Meeting agrees that, for the purpose of implementing step 3 of the road map for the application of the ecosystem approach relevant to the assessment of the ecological status, **four** areas are identified in the Mediterranean as shown in Fig. 1 of document UNEP(DEPI)/MED WG 326/3, as follows:

Area 1: Western Mediterranean Sea

Area 2: Adriatic Sea

Area 3: Ionian Sea and Central Mediterranean

Area 4: Aegean-Levantine Sea.

The identification is based on bio-geographic and oceanographic considerations and it is provisional, liable to modification on the basis of the results of the assessment studies and further consideration.” Unquote.

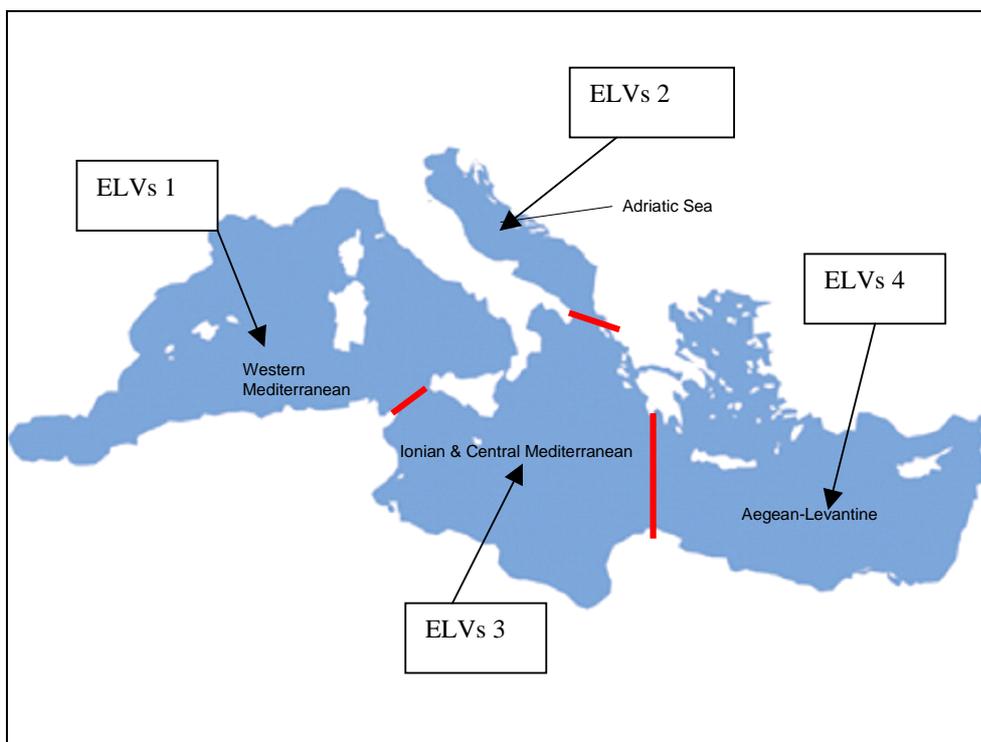


Fig. 1 Illustration of the four ecosystem regions for the Mediterranean

In this framework, and in order to ensure policy consistency, the Secretariat could propose two Alternatives for differentiation:

3.2. a Alternative 1: the development of a differentiation process based on the development of a set of ELVs (1), ELVs (2), ELVs (3), ELVs (4) for the group 1 substances and relevant sectors and **specific for each ecosystem region**. As an example, if this Alternative was retained, the ELVs of nitrogen input from point sources would be specific and possibly different for each ecosystem region. This Alternative does not consider any temporal differentiation. All countries would have to comply with the sub-regionally agreed ELVs by a time framework (year xxxxxxxx) agreed for the whole region. This Alternative would also consider the time targets already agreed upon in the framework of the relevant MEAs, relevant EU Directives, MSSD, EU Horizon 2020 and others.

3.2. b Alternative 2: This option combines the temporal and the spatial differentiation while taking into consideration the ecosystem regions adopted in the framework of the implementation of the ecosystem approach for the management of human activities.

According to this Alternative, it is proposed that once the Parties have agreed on a set of common **regional** ELVs for the group or individual substances and relevant sectors, each Party falling in a specific ecosystem region would have then to negotiate a **temporal frame** to reach the region wide ELVs with the other Parties of the same **ecosystem region**.

The two Alternatives (3.2.a, 3.2.b) which are based on ecosystem approach follow the philosophy of the ecosystem approach where the Parties should jointly cooperate for a better management of their ecosystem region. In addition, this proposal would facilitate the implementation the steps iv, v, vi, vii of the roadmap for the implementation of the ecosystem approach agreed by the Contracting Parties, as follows:

- i) Definition of an ecological Vision for the Mediterranean.
- ii) Setting of common Mediterranean strategic goals.
- iii) Identification of important ecosystem properties and assessment of ecological status and pressures.
- iv) Development of a set of ecological objectives corresponding to the Vision and strategic goals.
- v) Derivation of operational objectives with indicators and target levels.
- vi) Revision of existing monitoring programmes for ongoing assessment and regular updating of targets.
- vii) Development and review of relevant action plans and programme

According to the Secretariat, Alternative 2 is considered the most appropriate one as it is keeps into account the principles of sharing common principles (common regional ELVs) and implementing them taking into account sub-regional needs (ecosystem approach). Nevertheless, a revision of the adopted ELVs would be mandatory once the Ecological Obejctives would be agreed upon by the CPs.

3.3 Transfer of know how and technology

Reduction of pollution actions in the framework of any differentiation mechanism that would be adopted could not be properly and effectively implemented without promoting a process of transfer of technology and know how in the region. This would ensure the sustainability of the reduction actions as it would concretely assist less developed countries of the region.

As a result, whatever option is retained, the agreed differentiation mechanism should encompass a proposal of a mechanism to promote transfer of know how and technology.

3.4 Monitoring and evaluation

A Monitoring and Evaluation Plan would be developed on the basis of indicators that would track the implementation of the pollution reduction objectives and targets in the framework of LBS Protocol, on the basis of the differentiation mechanism adopted. Environmental status indicators could be considered as a complementary tool to assess the effectiveness of the pollution reduction measures.

In addition, the possibility to have accredited national or international laboratories for tracking changes and conformity to regulations could be considered as a tool for a reliable implementation of the Monitoring and Evaluation process.

3.5 Governance and synergy among regional instruments and initiatives related to pollution reduction.

Many legal, political and financial instruments and initiatives are currently targeting the reduction of pollution from urban and industrial sources: the Barcelona Convention and its Protocols, the Union for the Mediterranean, the EU initiative "Horizon 2020 " and its MeHSIP, the new MAP-GEF-World Bank Strategic Partnership and many other bilateral initiatives. No efforts should be spared by the Secretariat or by the countries involved in the different initiatives to ensure the sustainability and the effectiveness of pollution reduction actions and activities through the following orientations:

- a. Joint planning and joint implementation of activities
- b. Exchange of information on common issues
- c. Liaison or coordinating groups

4. Preparation of actions plans and programmes containing legally binding measures and timetables required by Art.15 of the LBS Protocol

The Art. 15 of the LBS Protocol recently entered into force stipulates that, quote " *Regional action plans and programmes as referred to in paragraph 1 shall be formulated by the organization and considered and approved by the relevant technical body of the CPs within one year at the latest of the entry into force of the amendments to this protocol. Such regional action plans and programmes shall be put on the agenda for the subsequent meeting of the Parties for adoption. The same procedure shall be followed for any additional action plans and programmes*" unquote. As a result, immediate steps have to be taken for the development of action plans and programmes as it is mandatory to develop and adopt a first set of such action plans and programmes, including measures and timetables, by the next Contracting Parties Meeting.

To this aim and in order to comply with the legal text and time constrains, the Secretariat has critically reviewed all related activities reports, assessments, guidelines, recommendations and regional plans previously prepared by MED POL and RACs as well as similar processes adopted by OSPAR, HELCOM and other MEAs. The review has enabled the Secretariat to propose the following process and steps:

- a. To prepare for the consideration of the next Contracting Parties Meeting in 2009 the following action plans and programmes including measures and timetables, as follows:
 - Programme/ action plan for the reduction of BOD5 from urban centers;
 - Programme/ action plan for the reduction of BOD5 from the food sector;
 - Programme/ action plan for the rational use of fertilizers and the reduction of nutrient loss from agriculture making use of BEPs and BATs;
 - Programme/ action plan for the reduction of nutrients and suspended solids from point sources making use of BEPs and BATs.

b. For any set of measures related to the programmes/action plans that would be submitted for adoption to the Parties, the following sections should be prepared:

- an introduction
- a section with definitions of terms which should be consistent with the definitions agreed upon in the framework of Barcelona Convention and its Protocols;
- a description of the purpose and scope of the programme/ action plan and of the measure with a detailed indication of the processes/substances/activities/thresholds;
- a detailed description of the programmes/ action plans and measures making use of figures and/or tables;
- the indication of the deadline and timetable related to the implementation of the measure;
- a description of the process to monitor the implementation of the measure;
- Annex(s) including the description of the BAT and BEP to be used for the implementation of the measure.

For the development of this first set of programmes/action plans, MED POL will cooperate with CP/RAC and other stakeholders and make use of the most updated published literatures.

The Secretariat believes that the above first set of programmes and measures could be conveniently prepared and successfully adopted by the Parties as they cover issues for which there are sufficient data and information and which have been, at different levels, already discussed and negotiated in the framework of MED POL and the LBS Protocol.

Once the process of adopting programmes/ action plans will start, hopefully in 2009, the Secretariat will continue to prepare and propose additional programmes/ action plans –initially related to the priority substances selected- to be adopted at each Contracting Parties Meeting.