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DRAFT

REPORT ON THE IMPLEMENTATION OF THE CONVENTION FOR THE PROTECTION OF THE MEDITERRANEAN ENVIRONMENT AND THE COASTAL REGION OF THE MEDITERRANEAN, AND ITS RELATED PROTOCOLS, 2002 - 2003

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PART I

INTRODUCTION AND BACKGROUND

1.1 Article 26 of the Convention for the Protection of the Mediterranean Environment and the Coastal region of the Mediterranean, adopted and signed in Barcelona on 10 June 1995 as a revision to the original 1976 Barcelona Convention for the Protection of the Mediterranean Sea against Pollution, stipulates that the Contracting Parties shall transmit to the Organization responsible for Secretariat functions, reports on (a) the legal, administrative or other measures taken by them for the implementation of the Convention, the Protocols, and the recommendations adopted by their meetings, (b) the effectiveness of the measures referred to in (a) above, and problems encountered in the implementation of the instruments in question.

1.2 So far, six Protocols have been adopted within the framework of the Convention. Two of these, the Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea, originally signed and adopted in Barcelona on 16 February 1976, and the Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities, originally adopted and signed in Athens on 17 May 1980, were amended in Barcelona (10 June 1995) and Syracuse (7 March 1996) respectively. Another two, the Protocol concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and other Harmful Substances in cases of Emergency, originally signed and adopted in Barcelona on 16 February 1976, and the Protocol concerning Mediterranean Specially Protected Areas, originally adopted and signed in Athens on 3 April 1982, were replaced respectively by the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean (Barcelona, 10 June 1995), and the Protocol Concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea (Malta, 25 January 2002). Two other Protocols are still in their original versions. The Protocol for the Protection of the Mediterranean Sea against Pollution Resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its subsoil was adopted and signed in Madrid on 14 October 1994, and the Protocol on Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal was adopted and signed in Izmir on 1 October 1996. These last two Protocols are not yet in force.

1.3 All the Protocols contain reporting obligations, which can be considered as falling within two categories: (a) legal and administrative implementation and assessment of effectiveness, within the general framework of Article 26 of the Convention, and (b) various aspects of technical implementation, under the terms of a number of specific articles in each individual Protocol. The second category also includes information that, although not specifically stipulated by the terms of the Protocol, is nevertheless required by the MAP Coordinating Unit (in the case of data relevant to MED POL) or by the appropriate Regional Centre or Regional Activity Centre, either for monitoring purposes, or in order to compile and update country profiles.

1.4 Following the revision of the Barcelona Convention, the Contracting Parties made a number of recommendations in connection with the implementation of the Second Phase of the Mediterranean Action plan (MAP II) at their Extraordinary Meeting in Montpellier in July 1996. As part of the recommendations regarding the strategic priorities in institutional and financial arrangements, the Meeting invited the Secretariat, in consultation with the Contracting Parties and the assistance of two to three experts, to propose the development

of a system of coherent reporting by the Contracting Parties in conformity with MAP II and the relevant provisions of the Barcelona Convention and its Protocols. In terms of this recommendation, two documents were prepared, one of which listed the various topics, which Contracting Parties would have to include in their reports to the Secretariat on the implementation of the Convention and Protocols. This document was submitted to the Eleventh Ordinary Meeting of the Contracting Parties, held in Malta in October 1999, as an information document, but was not discussed. At this meeting, however, the Secretariat was requested by the Contracting Parties to continue and finalise the work on the MAP Reporting System with the assistance of a group of experts, and submit the first report to the Bureau.

1.5 In January 2001, in accordance with the Bureau of the Contracting Parties' authorisation in October 2000, The MAP Secretariat produced a document which detailed the various reporting commitments in terms of (a) the Barcelona Convention and Protocols, and (b) resolutions and recommendations of the Contracting Parties which were not related to the legal component of MAP, particularly the 1995 Barcelona Resolution on the Environment and Sustainable Development of the Mediterranean Basin, and its two appendices, namely the Action Plan for the Protection of the Marine Environment and the Sustainable Development of the Coastal Areas of the Mediterranean (MAP Phase II), and the Priority Fields of Action for the Environment and Development of the Mediterranean Basin. The document also contained a set of proposed reporting formats for biennial national reports on the implementation of the Barcelona Convention and Protocols in terms of Article 26 of the Convention, and for national reports on the technical implementation of each Protocol. In the preparation of the document, the need for as much harmonisation as was feasible with the reporting requirements of other international legal instruments dealing with the same subject-matter to which Mediterranean States were Parties, as well as to those of relevant EU Directives, was taken fully into account.

1.6 An *ad hoc* Working Group was convened by the Secretariat in Athens in February 2001, at which the document was discussed and reviewed. It was decided that it would be desirable to plan for separate reports on (a) issues arising directly from the terms of the Convention and Protocols, and (b) other issues arising from resolutions and recommendations of the Contracting Parties. The report of the Working Group and the revised document was submitted to the Twelfth Ordinary Meeting of the Contracting Parties, held in Monaco in November 2001. The Meeting adopted the reporting formats on the legal component of the Mediterranean Action Plan, and agreed to start implementing it progressively during the next biennium. It also requested the Secretariat (a) to provide technical and financial support for the progressive implementation, on a trial basis, of the reporting system and (b) to report to the Contracting Parties at their Thirteenth Meeting on the lessons learnt from the first phase of implementation and to propose appropriate revision based on MAP experience, as well as on ongoing coordination of reporting activities implemented within the United Nations framework.

1.7 In response to a request by the Secretariat, seven Contracting Parties (Algeria, Croatia, Libya, Monaco, Spain, Tunisia and Turkey) volunteered to participate in the initial phase of the reporting exercise. Representatives from these countries formed the Working Group on Reporting Systems. In conformity with a request by the Bureau, participation was also kept open for other countries that might decide to join the group during the biennium. No other country, however, joined the Group which, consisting of participants from the above countries together with representatives of the relevant components of the Mediterranean Action Plan, held two meetings, the first in Athens in May 2002, and the second in Catania in December 2002. During these two meetings, The Group reviewed progress in the implementation of the pilot reporting exercise, updated the reporting format accordingly and, in order to ensure cohesion between the reports submitted by the different countries, agreed that reporting guidelines should be prepared and incorporated into the reporting formats. It was also agreed that the reporting formats should be based on the latest versions of the

Convention and Protocols, and any Contracting Party that had not yet ratified the amended versions or the new Protocols (and were therefore not bound by their terms) should nevertheless report on their situation simply for information purposes. This would also provide the reporting country itself with an indication of the requirements attached to eventual ratification.

1.8 At the request of the Bureau of the Contracting Parties, a consultation meeting was held in July 2003, attended by representatives of five of the seven countries participating in the pilot phase (Croatia, Monaco, Spain, Tunisia and Turkey) and of seven other Mediterranean countries (Albania, Bosnia-Herzegovina, Egypt, France, Israel, Morocco and Syria) and the European Commission, together with representatives of MED POL, SPA/RAC and by members of the MAP Coordinating Unit. The meeting reviewed the results of the pilot reporting exercise. It also discussed difficulties encountered, considered the updated reporting formats and agreed to consolidate those dealing with the biennial report on the implementation of the Convention and Protocols, as distinct from the various reports on the technical implementation of each individual Protocol, into a single comprehensive format. The meeting also provided guidance on assistance to be provided to Contracting Parties in preparing their reports and on the harmonization of reporting procedures with other multilateral environmental agreements (MEAs) and relevant European Union Directives. The results of the pilot exercise and the recommendations of the Working Group meeting were reviewed by the meeting of MAP National Focal Points, held in Athens in September 2003, which passed on the recommendations to the Contracting Parties.

1.9 At their Thirteenth Ordinary Meeting, held in Catania from 11 to 14 November 2003, the Contracting Parties adopted a set of recommendations regarding the Reporting system and the mechanism for promoting implementation and compliance with the Barcelona Convention. The meeting agreed to commence the implementation of Article 26 of the Barcelona Convention, starting from the biennium 2002-2003, on the basis of the updated reporting formats. It also approved the establishment of a Working Group of Legal and Technical Experts to be assigned the following tasks: (a) to elaborate a platform to promote the implementation of and compliance with the Barcelona Convention to be submitted for consideration to the Meeting of the Contracting Parties in 2005, (b) to provide guidance for the preparation of the regional report on the status of the implementation of the Barcelona Convention during the 2002–2003 biennium. This Working Group would be composed of six experts nominated by the Contracting Parties, respecting geographical distribution, along with one representative from the MAP partners. The progress achieved in the process should be regularly shared with all the Contracting Parties.

1.10 Within the framework of the same set of recommendations, The Meeting requested the Secretariat (a) to provide assistance to the Contracting Parties to strengthen their reporting capacities and systems, (b) to prepare a regional report on the implementation of the Barcelona Convention in the 2002-2003 biennium for submission to the Meeting of MAP National Focal Points and of the Contracting Parties in 2005, (c) to prepare reporting formats and guidelines for the non-legal component of MAP with a view to having a draft for consideration by the Contracting Parties at their Fourteenth Ordinary Meeting in 2005, and (d) to further work towards the harmonization of reporting procedures with other multilateral environmental agreements and the respective European Union Directives, and present a consolidated report on the progress of its work, including a proposed updated format, for consideration by the next Ordinary Meeting of the Contracting Parties in 2005.

1.11 In line with the above recommendations, a Meeting on Reporting under the Barcelona Convention, aimed at assessing the work done, identifying national needs and reviewing the legal, administrative and technical aspects of the reporting process, was held on 10 and 11 May 2004 in Tunis, at the Centre International des Technologies et de l'Environnement de Tunis. This meeting was attended by representatives of 17 Contracting Parties (Albania, Algeria, Bosnia and Herzegovina, Croatia, European Commission, Egypt, France, Italy,

Libyan Arab Jamahiriya, Monaco, Morocco, Serbia and Montenegro, Slovenia, Spain, Syrian Arab Republic, Tunisia and Turkey), by a representative of the United Nations Economic Commission for Europe (UNECE), by members of the MAP Coordinating Unit and by representatives of MED POL and SPA/RAC.

1.12 The meeting thoroughly discussed the Implementation of the Catania recommendation on the Reporting under the Barcelona Convention, the presentation of the reporting formats as approved by the Contracting Parties meeting in Catania, technical issues of the reporting under the protocols, and the experience of Spain during the reporting exercise, as well as on the next steps for the finalization of the national and regional reports on the implementation of the Barcelona Convention and Protocols. It was agreed that while the current reporting formats as approved by the Thirteenth Ordinary Meeting of the Contracting Parties in Catania would have to be used in the preparation of the reports covering the 2002-2003 biennium, they would have to be further refined. In this regard, the Meeting recommended to Contracting Parties to continue work on preparing their national reports with a view to submitting their final versions in January 2005 at the latest through interim consultations with the Secretariat whenever appropriate. The meeting also recommended that national reports should be prepared in conformity with the reporting formats as approved in Catania, including where appropriate:

(a). Any available relevant information on the legal and/or administrative measures taken, starting from 1996 where appropriate, or from whenever they deem most appropriate;

(b). Any available relevant technical information for the period 2002-2003;

(c). Assessment of the main achievements and the difficulties encountered in implementing the Convention and Protocols and any needs for better implementation;

(d). Gaps and constraints faced in completing the reporting forms.

(e). Specific comments and proposals, if appropriate, regarding content design and periodicity of reporting, or related to the harmonization of the MAP reporting system with other relevant regional or global systems and vice – versa;

(f). Any comments and proposals for better matching the MAP reporting system with the national reporting system and vice –versa, with reference, where appropriate, to the application of the relevant EU Directives at the national level;

(g). Listing of all coastal and marine protected areas and zones (including high sea protected areas) with the relevant legal base.

1.13 The meeting also recommended that Contracting Parties should organize, where appropriate, stakeholder and intersectoral consultations with a view to reaching consensus on the report and increasing MAP visibility at the national level.

1.14 The meeting recommended that the Secretariat should:

(a) Inform the Contracting Parties as soon as possible on the progress made in implementing the recommendations of the Catania Meeting relating to reporting and expected outcomes from such a process;

(b) Assist countries in their efforts to produce their national report according to the timetable attached to the proposed recommendations, through active continuous communication with the Secretariat;

(c) Start work on preparing the report "Status of implementation of the Barcelona Convention and its Protocols for the biennium 2002-2003", which should include the report proper on the status of implementation of the Barcelona Convention in conformity with the information provided by the national reports and using the same forma, and the Findings and recommendations on the MAP reporting system and its relevance to other reporting systems at the global, regional and national levels. Updated Reporting Formats, draft guidelines on reporting about the non-legal components of MAP, and National reports should be annexed to the report;

(d) With a view to ensuring the full sharing of information with the Contracting Parties on the content of the report and its recommendations, possibly holding an expert meeting in advance of or, if appropriate, on the eve of the MAP National Focal Points Meeting in September 2005.

Scope of the present document

1.15 This Regional Report on the implementation of the Barcelona Convention and Protocols, which has been compiled with the assistance of two consultants (Professor Michael Scoullos, Greece, and Dr Louis J. Saliba, Malta), is a revision of the original draft submitted to the Second Meeting of the Working Group on Implementation and Compliance under the Barcelona Convention held in Athens from 11 to 12 April 2005, and incorporates both a number of suggestions and recommendations made during the meeting, as well as material from national reports received by the secretariat after 30 March 2005. It is essentially a synopsis of the national reports presented in the form of one consolidated document covering the whole region, and intended to facilitate the work of the Fourteenth Ordinary Meeting of the Contracting Parties, whose workload might not permit examination of each national report. The report is also intended to provide the necessary data towards a more thorough assessment of the implementation of the Convention and Protocols, and is not in any way designed to represent a report on activities or on the state of the Mediterranean environment.

1.16 It was agreed by the Thirteenth Ordinary Meeting of the Contracting Parties in Catania in 2003 that the national reports should basically cover the 2002-2003 biennium During the May 2004 Tunis Meeting, however, it was pointed out by several participants that measures - particularly legal and administrative – that had been taken in their countries prior to that period might usefully be included in an initial periodic report. It was therefore agreed that Contracting Parties should have the option of providing information on legal and/or administrative measures predating that period should they so wish, whereas the required technical data should be limited to the biennium if appropriate. The present report reflects the periods covered in the relative national reports submitted by Contracting Parties, in that it includes all the information submitted, including data referring to years both before and after the period under review.

1.17 The two descriptive parts of this regional report deal respectively with (a) biennial reports submitted by the Contracting Parties on the implementation of the Convention and Protocols, which are submitted in terms of Article 26 of the Convention, and cover legal and administrative measures, and (b) reports on the technical implementation of the individual Protocols, submitted in terms of various articles of the Protocols themselves. The last part of this document contains an analysis of the reports submitted from the point of view of the reporting procedure itself and the degree of reporting, as well as from that of implementation

of the relevant articles of the Convention and Protocols it also includes recommendations designed to improve the procedures in subsequent biennial reports by further amendment of the reporting formats, with the aim of eliminating, or at least minimizing, duplication of effort by the Contracting Parties

1.18 It should be noted that, by agreement during the earlier working Group meetings in connection with the reporting system and subsequent approval by the Twelfth Ordinary Meeting of the Contracting Parties in Monaco in 2001, **the Reporting Formats are based on the amended or new versions of the Convention and Protocols. In this context, it should be recognised that not all these legal instruments were in force by the end of the period under review, as also that a number of countries had still not ratified one or more of these instruments by December 2003.** In the case of these countries, therefore, the information contained in the relevant national reports is more a case of illustrating the progress being made towards eventual implementation and compliance when ratification takes place, rather than the degree of compliance with international legal obligations.

PART II

REGIONAL REPORT ON THE LEGAL AND ADMINISTRATIVE IMPLEMENTATION OF THE CONVENTION AND PROTOCOLS

General remarks

2.1.1 National biennial reports on the legal and administrative implementation of the Convention and Protocols were received from eighteen Contracting Parties (Albania, Algeria, Bosnia & Herzegovina, Croatia, Cyprus, European Union, France, Greece, Israel, Italy, Libyan Arab Jamahiriya, Morocco, Monaco, Serbia & Montenegro, Slovenia, Spain, Syria, Tunisia). The period covered by the reports is from 1.1.2002 to 31.12.2003. However, almost all parties made references to dates before that period, while some also included information covering 2004 or part of it. These have been included in the present report. For additional information on the overall situation including all CPs the status of signatures and ratifications as of September 2004 was also taken into account.

2.1.2 For the vast majority of the Contracting Parties, the organization responsible for compiling the national report is the Ministry for the Environment or the relevant Directorate of the European Commission. In Monaco is the Directorate of External Relationships. It is noteworthy that Ministries for the Environment are frequently also responsible for Physical Planning and in some cases combined with Constructions / Public Works and eventually with Water Resources, Agriculture or even Interior Affairs/Local Administration. It was noted by some countries that within these organizations they had difficulties in finding competent persons to compile the report.

2.1.3 In most countries there are already expanded collaborations with other Ministries, Agencies, Research Institutes and Universities that provide data for the compilation of the national report. There are some variations and specificities, which reflects the overall cooperation scheme existing and the "culture" of public administration prevailing in each country. The contributions obtained differ from country to country. The contributing organizations include: Ministries of Transport, Mercantile Marine, Agriculture, Irrigation, Forestry, Fisheries, Industry, Natural Resources (including Petroleum) and in some cases Ministries of Foreign Affairs. Also many agencies such as "Observatories" and various Institutions (e.g. of Oceanography, etc) and in some cases various National Committees (eg to Combat Desertification etc) were involved. In general there is already established internal collaboration in most of the countries although it is also clear that the level and "quality" of this collaboration need to be further improved.

2.1.4 During the period under review, seventeen of the Contracting Parties (Algeria, Croatia, Cyprus, the European Community, France, Greece, Israel, Italy, Libya, Malta, Monaco, Morocco, Slovenia, Spain, Syria, Tunisia) have signed and seven (Croatia, European Community, France, Malta, Monaco, Slovenia and Turkey) have ratified the Protocol concerning cooperation in Preventing Pollution by ships (the new "Prevention and Emergency Protocol of 2002). Greece has announced its ratification within 2005. The amended Barcelona Convention has been ratified by five more countries (Algeria, Greece, Slovenia, Syria and Turkey). Within the period 2002-2004 considerable improvements were made in legal terms by many countries. Bosnia & Herzegovina has announced that is preparing for the ratification of all relevant

protocols. Croatia and Syria have ratified the SPA Protocol and Cyprus the amended Dumping Protocol. Slovenia has also ratified the amendments of the Barcelona Convention and four protocols (Dumping, New Emergency, LBS, SPA). Serbia & Montenegro ratified the Convention and four protocols (Dumping, the Emergency, LBS, SPA). Turkey has also ratified the Dumping Protocol the amendments to he LBS Protocol, the SPA and Biodiversity Protocol and the Hazardous Wastes protocol.

2.1.5 The countries that made general remarks on the overall national environmental situation during the period under review emphasized on the one hand the various pressures exerted on their environment and, on the other hand, major political developments often linked to administrative changes. Among the pressures, littoralisation, due to demographic pressures and/or new market pressures and illegal constructions for residential, recreational but even for industrial purposes, seems to be a major cluster of problems throughout the region. Lack of adequate infrastructures for treating waste waters, overexploitation of ground waters, soil degradation and pollution by uncontrolled solid waste disposal are very common and in many cases still growing problems throughout the region. Industrial Pollution, mine tailings, air pollution from lignite burning, poor management of chemical wastes are some more specific ones. In the same period EU has experienced a major oil spill ("Prestige" 77000 tones of oil discharged) fortunately not in its Mediterranean coast, that however, led to the establishment of the EMSA (European Marine Safety Agency) and the elaboration of its communication "Towards, a Strategy to protect and conserve the marine environment".

2.1.6 A major political development with consequences for the implementation of Environmental legislation in general and the Convention and Protocols in particular was also "the enlargement of the EU by 22% in population (01.05.2004) which now includes three more of the Contracting Parties to the Barcelona Convention among its members. This implies that these states had to transpose into their national legislation some 300 directives and regulations related to the environment some of which are directly linked to the Convention and the Protocols. Major developments in the fields of legislation and administration related to the environment took place also in a number of countries, strategic master plans and other pieces of legislation were drafted with the support of various agencies and donors such as the European Agency of Reconstruction, GTZ (the German Institute for Technology Cooperation), GEF/WB, UNDP/WB etc.

2.1.7 The part (optional) dealing with problems or constraints in the implementation of the Convention and Protocols was completed only in some of the national reports. In most cases the issue of inadequate financial and human resources was identified as the key constraint while as a second problem was raised the lack of proper coordination among ministries which share responsibilities for the same or related issues. In addition, the lack of data was also mentioned as a problem by a country.

Implementation of the Convention for the Protection of the Mediterranean Environment and the Coastal Region of the Mediterranean:

Report on signature, ratification of International legal instruments

2.1.8 A number of Contracting Parties have developed bilateral and multilateral cooperation and have signed bilateral or multilateral Agreements relevant to the terms of the Convention and Protocols, as per Article 3.2. of the Convention with other Contracting Parties during the period under review, as well as with Third countries on issues related directly to the Convention and Protocols. A list of characteristic bilateral or multilateral agreements is as follows:

The Multilateral Adriatic Ionian Initiative was established as a political initiative, in May 2000 among 7 countries (Albania, Bosnia & Herzegovina, Croatia, Greece, Italy,

Slovenia, Serbia & Montenegro) cooperating on the development, environmental protection and safety of the subregion. Within this framework Slovenia, Italy and Croatia have formed a Trilateral Commission on the Protection of the Adriatic Sea and worked on the preparation and implementation of contingency plans in cooperation with REMPEC/IMO/UNEP and for the preparation of a CAMP.

- A series of bilateral agreements were signed between Italy, on one hand, and Algeria, Bulgaria, Egypt, Iraq, Moldova, Serbia-Montenegro, Tel Aviv University and MEDREP, on the other;

- A trilateral agreement was made among Algeria, Tunisia and Morocco on prevention on the Pollution by hydrocarbons

- A series of Memoranda of Understanding were concluded between Croatia and Netherlands and Croatia and Norway for Integrated Management of Rivers Mirna and Neretva and Guidelines for ICZM respectively

- A tripartite Agreement was reached among Monaco, France, Italy and Bilateral agreements between Monaco and Tunisia and Monaco and Slovenia on RAC/SPA-marine biodiversity issues

- Syria has signed and enacted a large number of bilateral agreements and MoUs in the period 2002-2004 with other Contracting Parties such as Tunisia, Malta, Egypt, Monaco and Italy, and also with third countries such as Jordan, Bahrain etc.

2.1.9 A number of Contracting Parties stated that they had not signed, ratified or entered any international or regional environmental legal instrument relevant to the objectives of the Mediterranean Action Plan during the period under review, while in a few cases, mostly by some of the Balkan countries, new EU Members and Syria, very active accession to many protocols was noticed. Serbia-Montenegro signed, ratified, etc. more than 20 International legal Instruments in the period under review. Syria also ratified, signed, etc. 6 International Conventions and Protocols. An indicative list of some of them is as follows:

- The 2001 International Convention on the Control of Harmful Antifouling Systems on Ships (Serbia-Montenegro, Cyprus, Syria, etc)

- The 2000 Cartagena Protocol on Biosafety (Croatia, France (2005))

- The 2002 emergency Protocol (Croatia)

- The 2003 Protocol on SEA Assessment to the Convention on EIA in a Transboundary Context (Kiev Prot) (Croatia)

- 1996 International Convention on Liability (HNS Convention) (Cyprus, Syria)

- The 2001 International Convention on Civil Liability for Bunker Oil Pollution Damage (Cyprus)

- The 1979 Bonn Convention (Syria)

- The 1990 on Oil Pollution DPRC (Syria)

- The Stockholm Convention on POP (Syria).

Report on application of the Precautionary Principle and the Polluter Pays Principle (Articles 4.3(a) and 4.3 (b)

2.1.10 The situation regarding both the above principles differs considerably among the various Contracting Parties. In the vast majority of them, explicit provisions exist in older or more recent laws, while in few others, these occur in a more implicit way. In some CP totally new relevant legislation was introduced. In Albania there were three new Laws regarding this matter. Law No 8934 on "Environmental Protection" of 2002; Law No 8905 of 2002 on "Protection of the Sea Environment from Pollution and damages" and Law No 9010 of 2003 on "Environmental Administration of solid wastes". In Algeria the Precautionary Principle was explicitly introduced in the Law 03-10/19.7.2003 on the Protection of the Environment in the framework of Sustainable Development Articles 15 & 16). However, it was already applied through numerous other actions. The Polluter Pays Principle was not implemented till 2002, however, taxes existed for many years on wastewaters. Since 2002 ecological taxes are progressively introduced on industrial and hospital wastes, dangerous wastes, atmospheric polluters and fuel. Part of the revenue will be used to promote introduction of lead free petrol. Syria has introduced relevant new legislation: The environmental law No 50 which was passed by the President in 2002, includes explicit provisions for both the Precautionary Principle and the Polluter Pays Principle.

2.1.11 Morocco has also introduced in December 2002 a circular (No 79/MET/SET on the organisation of the access to the exclusive economic zone of the country) according to which certain tankers (single wall, older than 15 years age) are subject to a specific declaration, to be submitted by them, to the Moroccan authorities. For the Polluter Pays Principle article 2 of the law 11-03 on the Protection and Promotion of the Environment (of 12 May 2003) has explicit provisions. Croatia in its Environment Protection Act of 1994, revised in 1999, has in article 14 provisions for the Precautionary Principle and in articles 16 and 20 on the Polluter Pays Principle. Similarly, Slovenia has explicit provisions in its Environment Protection Law 32/1993, Serbia & Montenegro, in the Law on the Fundamentals on Environmental Protection (already in force in FRY), while it is prescribed in many articles of relevant Laws and Regulations (Laws on Environment; on Constructions; on organization of Public Administration etc).

2.1.12 In Tunisia, the Precautionary Principle is reflected in many existing and recently amended pieces of legislation (e.g. Law 75-16 on water, Law 88-20 amended by law 2001-28 on agriculture and fisheries; Law 88-91 amended by Law 98-95; Law 94-122 amended by Law 2003-78 on urban and physical planning etc. The Polluter Pays Principle is also applied for many years (e.g. see laws 96-41; 2001-14; 97-1102) but also according to new legislation introduced in the review period such as the decree No 2002-693 on used oils and law 2003-80 with financial provisions. Libya has relevant provisions in its law 15 for both the Precautionary Principle and the Polluter Pays Principle. In Israel the Precautionary Principle is applied in the area of marine pollution via Interministerial Committees for permits for dumping of waste to the sea and land based discharges. This practice had been introduced already before the period reviewed. In the same country the Pollution Pays Principle was implemented by imposition of higher fines (of many thousands of Euros) while a levy has been proposed to be paid for discharges carried out under permit to finance other environmentally friendly activities. In Monaco the Polluter Pays Principle is applied through charges for potable water used for cleaning wastewaters.

2.1.13 The EU and its Member States recognize the Precautionary Principle as part of the Maastricht Treaty (in Article 130r(2) renumbered Article 172(2)). In the 2000 Communication of the Commission (Com 2000/000/final) it is stated that the Precautionary Principle should be considered within a structural approach to the analysis of risk which comprises three elements: risk analysis; risk management and risk communication. It is noteworthy that the Nice European Council of December 2000 adopted a Council Resolution on the Precautionary Principle which was recognised as gradually asserting itself as a principle of

International law in the fields of environmental and health protection and called in the European Commission to incorporate the Precautionary Principle, whenever necessary when drawing up its legislative proposals and all its actions. There are several references in secondary Community legislation including the Integrated Pollution and Prevention Control (PPC), the Water Framework Directive (WFD), the EU Directive on Reception Facilities (adopted recently by new EU Members) etc. On the Polluter Pays Principle there are provisions in article 174(2) of the EC Treaty which prescribes the Community Policy. Other references are made in Directive 2000/60/EEC (the WFD) and the Commission proposal for a Directive on Environmental Liability (Com (2002) 17/2002) in regard to prevention and remedying of environmental damage to protected species and natural habitats.

2.1.14 EU countries such as Italy and Spain use the Integrated Pollution Prevention and Control (IPPC) Directive, as transposed in their national legislation (in Italy decree 372/99 and amendments in progress) (in Spain Law 16/2002), to regulate pollution prevention by enforcing the mechanism for the issuing, renewal and examination procedures of integrated Environmental Authorisation (AIA) for industrial activities listed in Annex I of the Directive. Italy through its decree No 152/99 has fixed suitable limits to the concentration of pollutants in discharges to marine waters that do not endanger the environment. Furthermore, all discharges require authorisation. The Pollution Pays Principle is applied by the establishment of administrative and penal sanctions contained in the decree. If the discharge has contaminated the water the polluter most undertake the remediation activities at his own expenses and is disciplined according to the article 17 of the decree no 22/97. Further compensations are possible under article 18 of Law no 349/89. In Spain both principles are incorporated in a series of new legislation such as : the Law 43/2003 on Forestry (particularly chapter III dealing with forest fires) as well as Law on Noise 37/2003 which include provisions for both Principles. Finally a series of National Plans prepared in 2001 and put in force in the period 2002-2003 include the Precautionary Principle. These are the National Hydrologic Plan, NP on Urban Wastes; NP in Sludge from waste treating plants; NP on Construction and Demolition; NP on Irrigations (Royal Decree 323/2002).

2.1.15 For the implementation of the Pollution Pays Principle and Precautionary Principle various tools have been introduced by the Contracting Parties, such as regulations including restrictions imposed on pollution sources, on emissions, in quality levels in the environment (e.g. on recipient water bodies etc) combined with heavy fines. Greece has incorporated both principles in a number of legal instruments (Joint Ministerial Decisions, Presidential Decrees, etc.). However, it is noted in the Greek report that the most important piece of legislation incorporating both principles and covering a broad spectrum of activities is the Law 2939/2001 (harmonisation with the EU Directive 94/62) on measures and terms for alternative management of packages and other products followed by the establishment of a relevant National Organisation.
Economic Instruments were also used such as taxes charges, etc. on polluting activities. France has developed and apply these tools extensively (see TEAP: General tax on polluting activities; TIPP tax on petroleum products/on carbon; ecological charges on use of common goods such as water; traded permits introduced in 2003; ratified in 2004 etc.)

Report on Environmental Impact Assessment Studies for relevant activities (Article 4.3 (c))

2.1.16 Legislation on Environmental Impact Assessment Studies existed already for many years in the legislation and was implemented in most of the Contracting Parties including the EU and its members. In some of the Contracting Parties new laws on EIA have been introduced or complemented within the reviewed period. In Albania the Law No 9010 "on Environmental Impact Assessment" was introduced followed by decrees No 249 on endorsement of applications for environmental licences; and No 268 on certification of environmental specialists. In 2003 a new Directive of EIA was established. In Algeria Law No

03-10/2003 on Environmental Impact Assessment followed by the Decrees No 249/2003 and 268/2003 on endorsement of applications for environmental licences and on certification of specialists for EIA and Env-auditing, respectively. In Bosnia Herzegovina the new Law No 33/2003 on Environmental Protection of the Federation Bosnia & Herzegovina, chapter IX, regulates the EIA. In Serbia & Montenegro preparations were made so that the EU legislation will be transposed in 2005. In Israel in addition to pre-existing provisions new planning and building regulations including EIA provisions and principles on Sustainable Development (on conservation of natural resources) came in force in 2003 replacing the earlier ones.

2.1.17 EC Directive 85/337/EEC (1985) was amended in 2003 providing that public authorities before they give development consent for a specific public or private project shall make assessment on the direct and indirect impacts on human health and the environment. In a Recommendation of 2002 (2002/413/EC) there is special reference to EIA in the implementation of ICZM while the impact of plans and projects is covered by Directive 2001/42/EC (of 2001) on Strategic Impact Assessment (SEA). Several Contracting Parties Members of EU including the new ones have implemented this legislation. In Italy, for instance, 99 Ministerial decrees have been issued on EIA in the period reviewed (2002-2003) and 12 Advisory points on SEA within 2003 alone. In France Article L 122-1 of the Code of the Environment was amended by the Law of 27/2/2002 on direct democracy and requires EIA while article L 122-3 prescribes its components. Greece obtained harmonisation with the EU Directives 96/61 and 97/11 (concerning the Integrated Pollution Control and the estimation of environmental impacts from Public and Private Works through Law 3010/2002 – harmonising with previous law 1650/86; JMD 15393/2002 Classification of public and private works and activities; JMD 25335 /2002 on Approval of Terms by the General Secretary of District. In Spain orders PRE/228/2003 and PRE/229/2003 created Commissions on Environmental Assessments to evaluate impacts of enlargement of airports while the Royal Decree 1257/2003 on access of subsonic airplanes to airports implements the relative EC Directive (2003/30/EC). Other relative legislation is the one on noise (Law 37/2003) related to Directive 2002/49/EC) which introduces amendments to the RD 1302/1986 on EIA.

2.1.18 In spite of the significant progress noticed, there are still Contracting Parties that have no legislation on EIA.

Report on promotion of the integrated management of the coastal zones (Article 4.3 (e)).

2.1.19 There was some considerable progress in the year 2002 throughout the region, stimulated partly by relevant legislation passed in the EU and consequently in its members and the introduction of new legislation in some other Contracting Parties. New Laws on Protection and management of the coastal zone have been introduced in Albania and Algeria. Albania has approved in 2002 the relevant Law no 8905 "On protection of Marine environment from pollution and damages" and a Decision of the Council of Ministers No 364/18-7-2002 "On approval of the Coastal Zone Management Plan". Algeria has introduced the new Law 02-02 of 2002 "on the protection and valorisation of the coastal zone".

2.1.20 Bosnia Herzegovina has not introduced specific legislation but several pieces of legislation within the period 2002-2003 are related to coastal management such as the Laws on environmental protection, on Nature protection, on Physical Planning and Construction, on Water etc. In Israel preparations were made within the review period for a new Law introduced in 2004 providing for coastal zone management 300m landwards from the coastline. The EU after the "demonstration program" on ICZM (1996-1999) adopted first a Communication (Com/00/545) followed by a Recommendation of the European Parliament and the Council (2002/413/EE) concerning the implementation of ICZM where EIA is also integrated. It is noteworthy that the Community ICZM strategy encourages a "regional seas"

approach to coastal policy in the countries boardering the Mediterranean. The EU Water Framework Directive (WFD) which is followed also by some non-EU Contracting Parties also targets coastal areas. Some of the Community countries (e.g. Italy) have passed laws (e.g. Low 179/31-7-2002) and created the necessary framework for application in their own regions (e.g. Lazio, Compenia, Puglia, Emilia Romagna, etc.). In Spain the Royal Decree 259/2002 was introduced in order to address the issue of constant increase of nautical motorbikes was introduced and also among many other initiatives an Action Plan for the Malaga Coast has been elaborated; an ecologically important area the "Es Tancat de sa Torre (in Balearic Islands) was acquired and investments of the order of 350 Million Euros were made for recovery and restoration of the coastal and marine environment, while for the support of the administration the General Directorate of Coasts (of the Ministry of the Environment) has signed an agreement with the Public Works Experimental Center for technical assistance on ICZM, Coastal Ecosystems, the WFD and Coastal Information System.

2.1.21 Relevant workshops have been organized e.g. in Algeria (February 2002) and also the First Forum on Community Strategies for Integrated management of coastal zone in Spain (April 2002).

2.1.22 Inter-ministerial Committees, inter-entity committees in Federal States and also inter-sectoral committees among the coastal sites of a country have been formed in several cases. In a few cases bilateral cooperation has been established among Contracting Parties or with other non-Mediterranean European countries for the promotion of ICZM (e.g. Algeria and France, Germany and Serbia-Montenegro).

2.1.23 It is noteworthy that due to pre-existing socio-political and economic conditions in some cases the coastal zone was until recently almost intact but, as it is stated in a national report, market forces and rapidly expanding illegal constructions threaten the coastal zone and no proper legal and administrative frameworks and management capacities are in place to control the situation.

2.1.24 Some countries expect to gain experience on ICZM through their current CAMP programmes (e.g. the CAMP of the major hyper-saline lagoon Mar Menor in Murcia in 2003) or a CAMP to be started in 2005 (Cyprus).

2.1.25 Despite the overall progress there are national reports not mentioning any progress in coastal management or stating that they don't have enough data to reply to the questionnaire.

Report on establishment or improvement of marine pollution monitoring programmes (Article 12.1).

2.1.26 Most Contracting Parties report continuation of already existing monitoring systems or new legal and administrative provisions for further improvement of them. In the vast majority references are made to the coastal marine environment although in some cases the overall aquatic system of a country is monitored. Few references are specific about both critical sites (hot spots) and control areas monitored.

2.1.27 Albania with the decision of Council of Ministers No 103 of 31/3/2002 "on the Monitoring of the Environment in the Republic of Albania" establishes for the first time the obligation of the Ministry for the Environment to prepare the National Environmental Monitoring Programme, and within it that for marine pollution. The monitoring is a yearly one carried out by various scientific institutions of the Country. Algeria through the Law 02-02 of 5/2/2002 on the Protection and valorisation of the Coasts established the National

observatory for Sustainable Development through the Act 02115 of 3/4/2002 which is responsible for monitoring.
In Bosnia and Herzegovina Article 44 of the introduced new Law on Water Protection 33/03 (2003) provides for monitoring of the water bodies at river basin districts but this is not clearly linked to marine pollution.

2.1.28 In Croatia, Articles 35-39 of the Environmental Protection Act refer to monitoring that includes sanitary quality (in 2003, 8469 samples were taken on 837 locations), MED POL, plankton blooms and the Adriatic in the framework of research and sustainable development. France has a series of monitoring programmes related to monitoring of Marine Pollution. Apart from the information provided under the Protocol for land based sources it is noteworthy that IFREMER (L' Institut Français de Recherche pour l' Exploitation de la Mer) monitors chemical parameters, phytoplankton and phytoplanctonic toxins as well as bacteria, while there is also the programme for monitoring of the Ports (REPOM) in collaboration to the CQEL ('Cellute qualité eaux littorale'). There is also the CROSS (Centre Regional Operationnel de surveillance et de Sauvetage) which is engaged to monitor the marine traffic and report on incidences to the relevant authorities. In 2003, France established a Zone for Ecological Protection (ZPE) where a number of activities such as degassing, deballasting, etc. are prohibited and the authorities have enhanced competence to control pollution. Greece has continuously and successfully run from more than 15 years a comprehensive national monitoring programme for various gulfs and coastal marine areas of the country. These monitoring programmes have been the object of official agreements with MEDPOL /UNEP/MAP. The Trend Monitoring was initiated in the framework of MEDPOL Phase III.

2.1.29 The EU has provisions for the implementation of monitoring programmes in a series of Directives (e.g. 76/464 on pollution by certain dangerous substances; 91/676 from Nitrates; 91/271 on urban wastewater treatments; 91/271 and 76/160 on bathing waters etc.). Some of these directives, which provide for monitoring, are followed also by Contracting Parties which are not EU members. Finally EU Communication COM (2002) 539 "*Towards a strategy to protect and conserve the Marine Environment*" introduces a new approach for marine ecosystems and sustainable use of marine resources recognizing also three categories of monitoring with different scope: Regional, Community, Pan-European.

2.1.30 In Israel, apart from what is mentioned under the LBS Protocol, tests are carried out by holders of dumping and discharge permits while additional assessment are undertaken by inspectors from the Marine and Coastal Environment Division (MCED) of the Ministry for the Environment annual balance sheet of all effluents discharged under permits is prepared while in the period under review efforts were made to integrate seawater quality data with MCED data on the discharges to better assess the impacts of pollutants on the marine environment. Libya has entrusted its monitoring system to the Marine Biological Research Centre.

2.1.31 Monaco has a monthly monitoring programme which is becoming even more intensive (weekly) during summer. Serbia and Montenegro reported on monitoring activities carried out by a set of Institutes based on old (1997) regulation. Slovenia reports the ORIS bilateral project with Italy which on the basis of established data bases and a system of information flow will allow for direct access to environmental information. Spain has reported several activities indirectly linked to monitoring. Syria has designated the General Irrigation Directorate as responsible for monitoring which was preparing, in the review period, for undertaking also the MAP Monitoring. Tunisia has an "observatory" for the Coast which collects and treats the necessary information about the protection and restoration of the coastal environment based on a set of indicators supervised by a series of institutions and bodies. In 2003 the first national report on indicators was published. The monitoring system of Tunisia includes more than 500 points of observation.

2.1.32 In the reports there is no information about the use of the monitoring results in formulating or adjusting policies. In few countries training courses were organized for the personnel involved, whereas in many cases monitoring is contracted to an Institute or a consortium of Institutes and Universities without further involvement of the Administration. In one case monitoring includes also balance sheet of the quantities of effluents discharged.

Report on access to information by the public, and participation of the Public in decision-making processes (Article 15).

2.1.33 In the vast majority of the Contracting Parties there are provisions for access to Environmental Information by the public and some kind of public participation in decision making processes. A considerable progress with concrete steps taken has been made in this field in several cases. It is noteworthy that whereas in some countries (such as Croatia, Serbia & Montenegro, etc) the rights to information and participation derive directly from their Constitution (which demands regulatory bodies to facilitate and encourage Public Awareness, participation, etc.) in many other cases they have been mobilized by new legislation based either on the Aarhus Convention (ratified by relatively few Mediterranean States until now) or through the relevant EU Directives 2003/4/EC on Public access to Environmental Information (repealing Council Directive 90/313/EEC) and 2003/35/EC which provide for public participation in respect to the formulation of certain plans and programmes relating to environment. The same directive amends, with regard to public participation and access to justice, the European Council Directives 85/337/EC and 96/61/EC. These provisions are followed by many of the Contracting Parties members of the EU or even non EU members inspired by its *acquis*.

2.1.34 Albania has ratified the Aarhus Convention already in October 2000. The principles of the Convention are included in the new legislation approved since and within 2002 and 2003 in Albania especially the environmental legal framework. In the new structure of the Ministry a Centre for public information is included. In Algeria Laws 02-02/ of 5/2/2003 and 3-10/ of 19/7/2003 provide for public information and awareness. A series of public information and participation campaigns were carried out. In Bosnia and Herzegovina further to the Law of Freedom for Access to Information No 28/2000, there was in 2003 the Law 33/03 on Public Participation and access to information according to which regulatory bodies are requested to facilitate and encourage public awareness and participation. In Cyprus Law No 119(1) of 2004 on Public Access to Environmental Information transposed Directive 2003/35/EC of the EU.

2.1.35 In France there is a well established legislation (see Law No 78-753 of 1978 etc.) for the access of the public to environmental information and public participation. The Law of 27 /2/2002 on "démocratie de proximité" (direct democracy) in articles L 121-1 to L 121-15 of the Code of the environment and the decree of 22/10/2002 expanded the field of intervention of the existing National Commission on Public Debate. Greece has signed the Aarhus Convention in 1998 but its ratification is planned for 2005. Greek legislation had been harmonised with the 90/313/EC on "Free public access to public authorities for environmental information" as well as with the 2003/35/EC with the Joint Ministerial Decision JMO 37111/2021/2003 (except for the paragraph referring to access to justice). According to article 5 of JMO 77921/1440/95 a "Committee for access to environmental information" has been established. In case of unreasonable refusal or inadequate answer on environmental information within 20 days there is a provision for re-examination of the given answer by the public authorities.

2.1.36 Italy has ratified the Aarhus Convention in 2001 and has numerous relevant national provisions among which also the requirement for each public administration to establish Office for Relationship with the Public (URP). It has paid particular attention for disseminating information employing also new Technologies such as on line Magazine, etc. Its National

Strategy for Sustainable Development was adopted in 2002 following a Consultation with various stakeholders.

2.1.37 Spain has prepared its National Inventory of Biodiversity a monumental work that took 20 years to complete with contributions from 2000-3000 experts, published in 2003 by the Ministry of the Environment. An Atlas on-line was based on it with about 640 000 registries (www.programmanthos.org) which facilitates the free access of everybody to this environmental information. Annual reports on the status of the environment are published as well as the monthly "Ambiente Magazine" available on the website. Exhibitions and campaigns for citizens on the coasts collecting wastes and also providing information about facilities for disabled people in beaches, etc. were carried out in the period under review.

2.1.38 Slovenia has adopted in 2003 the Act on Access to information of Public Character (OJRS No 24/2003) while it made the necessary preparations and adopted in 2004 the Aarhus Convention (OJRS No 62/04), which provides in details for the Participation of the public in decision making.
In practice, the Environmental protection programme for Slovenian Istria was prepared with the contribution and involvement of experts and the wide public. The third session of the Project Council for this programme took place in December 2004.

2.1.39 In Tunisia the Code for Physical Management introduces public consultations in the process of elaboration of urban plans. In 2002 and 2003 and in particular within the project MedWet Coast (with the support of GWP-Med, etc.) about twenty workshops were organised with different categories of partners of different age and also women for discussing management plans in wetlands affected by agriculture. Similarly a workshop was organised on the role of local cooperatives and NGOs in managing natural areas.

2.1.40 In Algeria environmental NGOs were granted the right to file cases against the Government Agencies and in Israel after an appeal of NGOs to the Court of the Justice, it was given to them "observers status" to Inter-ministerial Committees responsible to grant discharge permits. Private persons and NGOs are entitled to institute proceedings before the competent Court regarding administrative rules adopted or omissions under environmental law also, according to the Greek legislation.

2.1.41 In general, over the period reviewed, there is an effort for further dissemination of information by the various responsible Ministries by using printed and electronic means of communication (on-line magazines, web pages etc) and by entrusting more functions to NGOs (e.g. collaboration in managing protected areas, public awareness campaigns and environmental education schemes). In some cases (in Italy) local initiatives (e.g. Local Agendas 21) were supported or encouraged by central governments. In several countries State of the Environment Reports were issued for the first time and they became available to the public. In one case (Italy) this report was simplified and a version for children was produced and disseminated. A few national reports do not contain any information on the issues of public information and participation.

2.1.42 Despite the overall positive trend the progress is slow in few other countries which recognize the right of public participation only indirectly by involving Parliamentarians to participate in public debates or which have provisions only in draft legislation (e.g. on EIA) which has been prepared within cooperative schemes (e.g. METAP) but not formally introduced yet.

Report on problems or constraints in implementation of the Convention

2.1.43 From the few countries who have answered this question (optional) it becomes evident that some consider that the difficulties occurring are related to lack of adequate

financing and human resources, including qualified professionals within their administration, particularly able to deal with coastal and marine issues. Others point out the lack of appropriate officials or functions within the administration who should have the authority or ability to "guide the implementation" in practice. Problems of overlapping of competences and responsibilities between different Ministries and Agencies and the need for better coordination among them has been also identified as a reason for improper implementation of the Convention and Protocols.

Regional report on the implementation of the Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea

Regional report on the implementation of the Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft and Incineration at Sea

Report on legal and/or administrative measures taken regarding the prohibition of dumping of wastes and other matter (Article 4).

2.2.1 The relevant legislation in Albania includes Law No. 8905, dated 06.06.2002, "On Protection of the Sea environment from pollution and damages", Law no. 9010, dated 13.02.2003, "On Environmental Administration of solid waste, and Law no. 9251, dated 08.07.2004 "Sea code of the Republic of Albania". Algeria has ratified the protocol through the Decree No 81-02 of 17/1/1981 followed by Law No 83-03 of 5/2/1983 (Article 48) which provides for the protection of the sea and prohibits dumping or incineration at sea, of substances that could affect public health and biological resources, damage maritime activities including navigation and fisheries and alter the quality of seawater. Decree No 83-580 of 22/10/83 provides for notification – declaration by the captain in cases of (pollution) event involving toxic substances or pollutants; Decree No 88-228 of 5/11/88 defines the conditions, procedures and modalities for dumping of wastes into the sea in conjunction to the afore-mentioned Law 83-03. Legal implementation is now obtained through the new Law No 03-10 of 19/7/2003 related to the protection of the environment in the framework of sustainable development. This law terminates progressively the provisions of Law 83-03 of 5/2/83.

2.2.2 In Bosnia and Herzegovina, the necessary legal and administrative measures have been in general incorporated in National legislation e.g the Law on Waste management, (Official Gazette No. 33/03). B&H has prepared a (still unpublished) Draft Law on Maritime Navigation, in 2003, which in its Articles 34 and 37 includes prohibition of dumping that may disturb or jeopardize the safety of navigation. Furthermore a ship is capable for navigation in certain navigation borders and for specific purpose if it fulfils assigned conditions and technical rules of ship register related to protection of surroundings from pollution caused by hazardous and damaging materials (oil, waste from liquid fuel and their compounds, wastewater and other waste material, radioactive and other similar wastes) discharged by the ship. The main national legal instruments of Croatia covering dumping from ships dealt with in the Mediterranean Dumping Protocol are the Act on Maritime Demesne and Sea Harbours (*Official Gazette No. 158/2003*) and the Maritime Code (*Official Gazette Nos. 17/1994, 74/1994, 43/1996, and 181/2004*). The Act on Maritime Demesne and Sea Harbours provides that Harbour Masters Offices and authorised concessionaires are obliged to equip harbours with adequate reception facilities as defined in the MARPOL 73/78 Convention (Article 83); It is prohibited to throw, discard or discharge into the sea and on the coast solid, liquid and gaseous substances that pollute maritime property (Article 88);The Ministry for Environmental Protection, Physical Planning and Construction is prescribing the list of matters that are prohibited to dispose off into the sea and list of matters that can be disposed off with a permit (Article 88); Anyone noticing that the maritime property is polluted is obliged to notify the closest Harbour Masters Office (Article 88); Disposal of materials on the coast or into the sea is allowed only with the adequate permit from the responsible authorities for protection of the environment and construction (Article 89); Exceptionally, the Harbour Masters Office can allow a vessel to be sunk provided that it will not pollute the environment and that it will not obstruct sea traffic (Article 89); and Ships are allowed to dispose off or discharge solid and liquid waste, oily waters and faecal waste only into the

specific reception facilities (Article 90). The provisions of Article 88, in a slightly modified version existed already in the Maritime Code of 1994.

2.2.3 The main relevant provisions of the Croatian Maritime Code includes references to international regulations and standards and Croatian regulations on the protection of the sea from dumping (Article 42) and the related inspections of vessels (Articles 180 and 181), including checking whether a vessel has adequate certificates as envisaged by the MARPOL 73/78 Convention (Article 182). If during the inspecting survey it is discovered that a foreign vessel is polluting the environment due to inadequate equipment and storage, or if its storage is full with wastewater, or if its equipment is out of order, the vessel will be prohibited from leaving the harbour until the problem is solved (Article 183). The penalties for non-compliance are administrative fines and are dealt with issues relevant to the Dumping Protocol in Articles 1018, 1021, 1031, 1035, and 1036. Dumping from flying aircrafts is regulated by the Ordinance on Flying of Aircraft (*Official Gazette No. 17/2000*) which states that the dumping or spraying from flying aircrafts is prohibited unless the Ministry of Sea, Tourism, Transport and Development gives its permission (Article 20); There are several exceptions on safety grounds. The dumping of fuel while flying is prohibited at a height lower than 5000 feet in the case of dumping of kerosene, or 2000 feet in the case of dumping of gasoline (Article 20).

2.2.4 In Cyprus, the application of administrative measures as listed in article 4.2 is obtained with the enforcement of Ratification Law No. 266/87 as amended by the Law No. 20(III) of 2001. In European Community legislation, under Directive 75/442/EEC of 15 July 1975 on waste ("the Waste Framework Directive"), the unauthorized abandonment, dumping or uncontrolled disposal of waste into waters, is prohibited. However Member States may authorise the discharge of waste into their waters at their discretion. Directive 2000/59/EC of 27 November 2000 on port reception facilities for ship-generated waste and residues, provides for the inspection of ships. The choice of the ships to be inspected will be determined mainly by non-compliance with the notification requirement and suspected non-delivery of waste. The Directive pursues the same aim as the 73/78 MARPOL Convention on the prevention of pollution by ships but focuses on ship operations in Community ports and addresses in detail the responsibilities of the operators involved. Commission Proposal COM(2003)92 of 7 October 2003 for a Directive on ship-source pollution and the introduction of sanctions, including criminal ones, for pollution offences. The proposed directive provides for two different measures: (1) the incorporation into Community law of international discharge rules for ship-source pollution, and detailed regulation of the enforcement of those rules; and (2) the establishment of criminal sanctions and guidance on the nature of the sanctions to be imposed.

2.2.5 France implements the dumping issue by applying the provisions of the International Conventions ratified by the country and the relevant National legislation. In the first case are included the Protocol of 1996 of the London Convention applied throughout the world; Annex II of the OSPAR Convention for the N. Atlantic; the "dumping" Protocol of the Barcelona Convention for the Mediterranean. The National laws are Articles L 218– 42 to L 218– 58 of the code of the Environment published by Law no 76-599 of 7/7/1976 on protection of the marine environment from dumping and the Degree NO 82-842 of 29/7/82 issued for the application of the above mentioned Law. This provide for granting permits on a case by case basis from the Ministry of the Environment or by the Prefect (in cases of drainage) or by the relevant Government official for the overseas territories. The national legislation is not structured in the same way as the international provisions because they are not based on the principle of not dumping in the sea but provide for granting or refusal of permits on a case by case basis. Therefore even if, in practice, permits are not issued for substances that are not included in the lists of derogations included in the international conventions applied, it seems advisable to adapt the relevant law. In fact there was no permit granted for dumping from ships since the 1st of January 2005 according to the provisions of article 4.2 of the Protocol with the exception of drainage during the summer. Incineration at sea is prohibited by the

Code of Environment (articles L218-59 to L218-71) published by the Law no 76-599 of 7/7/76.

2.2.6 Greece has not yet ratified the "Dumping" Protocol. Nevertheless, a number of legislative measures, (originating mainly from harmonization to the EU Directives), regarding this issue, exist. These include: harmonization to the EU Directive 75/442 as amended by EU Directive 91/156 and EU Decisions 2001/118, 2001/57 and 2000/532 by publishing the Joint Ministerial Decisions:
JMD 50910/2727 (GG 1909B/2003) on "Measures and Terms for the Management of Solid Wastes and National and Regional Planning" and JMD 29407/3508 (GG 1572B/2002) on "Measures and Terms for the Sanitary Landfill Sites".

2.2.7 In Italy, a number of steps were taken before 2002: The 1976 Dumping Protocol was ratified by Law n. 30/1979 and the 1995 amendments by Law n. 175/1999. Since 1976, national legislation on the protection of waters against pollution (article 11 of Law n. 319/1976) regulated the dumping of wastes and polluting substances into marine waters by requiring the issue of specific permits. In 1982, art. 16 of Law n. 979 on the sea protection, while confirming this legal framework, provided an exhaustive list of polluting substances that can not be discharged into the marine environment. Therefore, the dumping of materials containing such polluting substances is prohibited. In 1999, 1976 legislation was revoked and replaced by Decree n. 152, which implemented two water Directives (i.e. n. 91/271/CEE and n. 91/676/CEE). Article 35 of this Decree establishes, according to international conventions in force, the exceptionality of dumping. Dumping activities are limited to: a) materials resulting from the excavation of the marine subsoil or coastal areas; b) inert uncontamined geological materials and manufacts, only for utilization purposes; c) organic and inorganic materials produced during fishing activities. According to a frame law on protected areas n. 394 of 6/12/1991, any dumping of solid or liquid wastes is prohibited within protected areas. In 2003, Legislative Decree n. 182 of 24/06/2003 on the implementation of EU Directive n. 2000/59/CE on port reception facilities established the ships obligation of conferring to ports and coastal facilities any waste or any residue of the cargo, including fish waste. This decree aims both at the improvement of facilities and at the reduction of unauthorized dumping activities.

2.2.8 In Israel, the Ministry of the Environment is currently promulgating an amendment to the Prevention of Sea Pollution (Dumping of Waste) Regulations of 1984, in order to adapt them to the provisions of the amended dumping protocol. According to the existing law and regulations, all dumping of waste into the sea must be carried out with the appropriate permit, issued by the Interministerial Committee established for this purpose. No permits are given in cases where a land-based alternative exists, and permits are granted according to the stipulations of Article 4.2.
In Israel there is an exception for the dumping of brines. Due to Israel's water shortage and policy to recycle treated wastewater, the water within the sewerage system must be fit for recycling. Thus brines may not be disposed of in the sewerage system and dumping must serve as an alternative. Israel has enacted special regulations that reflect this policy and govern the way in which brines may be disposed of. Libya referred to its Law no.7 of 1982 amended with Act no,15 of 2003, concerning the protection of the Environment

2.2.9 In Monaco, the code of the Sea (Law 1.198 of 27/3/1998) in its articles L.223-1 and those which follow, provide for an in principle prohibition of dumping of wastes and other substances the exact list of which is expected to be published officially in 2005. In Morocco, the article 33 of the Law on the Protection and Evaluation of the Environment, of 2003, provides for termination of all activities that may change the quality of waters and marine resources. The dumping of wastes may be considered as covered indirectly by extrapolating the provisions of article 3 paragraph 18 on the definition of the notion of pollution which refers to all substances that might endanger marine life or the quality of marine waters. In Serbia and Montenegro, every emission that exceeds prescribed limits

of polluting substances into the environment, as well as treatment, storing and disposal of radioactive waste and disposal of all types of waste are forbidden, except at the locations designated specially for that purpose (Article 9 of the Environmental Law). Article 10 of the same Law provides for the limitation of import of waste materials, except in cases when it is used as secondary raw material, upon approval of the ministry competent for environmental protection, and the limitation of waste disposal having the characteristics of hazardous and dangerous substance, except at the designated locations and upon the approval of the Ministry. Furthermore, the Law on Waters provides for the protection of water against pollution by prohibiting hazardous and harmful substances getting into waters, (Article 26). Moreover, Article 29 prescribes that it is forbidden, *inter alia*, to dump hazardous and harmful solid and liquid substances that can pollute water or put in danger users and navigation. The National Plan for the Prevention of, Preparedness and Response to Major Marine Pollution Incidents at Sea is currently under adoption and provides for, *inter alia*, the control and monitoring of coastal waters.

2.2.10 In Slovenia, the Environment Protection Act (OJ RS, No. 32/93) was adopted in 1993. In 2004 was replaced by the new Environment Protection *Act* (OJ RS, No. 41/2004) which regulates a series of environmental protection related issues. The Waters Act (ZV-1) (OJ RS, No. 67/02) was adopted by the National Assembly on 12/7/2002. This Act governs the management of marine, inland and ground waters, and the waterside land. It also governs public assets and services, water facilities and installations, and other water-related issues. Its Article 66 refers to navigation practices applying to water pollution while Article 68 (depositing or disposal of substances or objects) prohibits the discharge or disposal of substances or objects which, due to their form, their physical, chemical or biological properties, their quantity or other features, may endanger the life or health of people or of aquatic and semi-aquatic organisms, hamper the flow of waters or threaten water facilities and installations; similarly dumping of waste is prohibited on water and waterside land including:(1) depositing or reloading of hazardous substances in solid, liquid or gaseous form; (2) depositing or disposal of extracted or waste materials, or other similar substances; (3) disposal of waste. Article 69 (use of hazardous substances) provides amongst others that transport and reloading of hazardous substances at sea shall be regulated pursuant to regulations governing the carriage of hazardous goods and maritime transport.

2.2.11 The Slovenian Maritime Code was adopted in 2001. (OJ RS, No. 26/01, 21/02). In 2004 it was included in a new Maritime Code (OJ RS, No. 37/04) which regulates the sovereignty, jurisdiction and control of the Republic of Slovenia over its sea. Furthermore it regulates the navigation safety, the protection from pollution from boats, the regulation of ports, contracts and other law matters related to marine transport, the register of boats, collision rules, etc. MARPOL 73/78 is implemented with the Protocol Concerning Cooperation in Combating Pollution of the Mediterranean Sea by Dumping from Ships and in Cases of Emergency was ratificated. The International Convention on Readiness, Response and Cooperation in Cases of Oil Spills 1990 (OJ RS – International Agreements, No 9/01) was also ratified. Since June 2003, the control of navigation under the mandatory ship reporting system and the vigilance service at the competent Maritime Directorate of the Republic of Slovenia are being implemented.

2.2.12 In Spain, Law 27/1992 of 24/11/1992, on State Ports and Merchant Shipping, prohibits all dumping from vessels and aircrafts, with the exception of the dredging material discharged, which is authorised under the conditions of the legislation in force. There have been no changes in this regard during the biennium 2002-2003. With regard to sinking wood vessels at sea, this practice was stopped in Spain at the end of year 2000 in compliance with the Dumping Protocol. A number of legal dispositions were approved within the biennium 2002-2003 in order to prevent and reduce littoral pollution by using port reception facilities and by carrying out inspections on vessels docked at Spanish ports or leaving them. The Royal Decree 1381/2002, of 20/12/2002, on port reception facilities for ship-generated waste and cargo residues (Spanish Official Journal 305), repealed the

previous existing legislation (Royal Decree 438/1994). The purpose of this Royal Decree, implementing Directive 2000/59/CE, is to reduce the discharges of ship-generated waste and cargo residues into the sea, specifically illegal discharges from ships using Spanish ports, by improving the availability and use of port reception facilities. It applies to all ships, including fishing vessels and recreational craft, irrespective of their flag, calling at, or operating within a Spanish port, with the exception of warships; to all Spanish ports; to all ship-generated wastes and cargo residues included in the technical Annexes to the MARPOL Convention 73/78 ratified by Spain and published within the Spanish Official Journal. Regarding wastewaters from vessels, the Second Temporary Provision states that the application of this Royal Decree will be outstanding up to 27/9/2004, 12 months after the entry into force of Annex IV of MARPOL Convention 73/78, respecting at the same time the distinction made by this Convention between new and existing vessels.

2.2.13 The Royal Decree also stated that the Spanish ports reception facilities, should be capable of receiving different types and quantities of ship-generated waste, taking into account the operational needs of the users of every port, the size and the geographical location of the ports, the type of ships calling at any port and the exemptions provided for under Article 9. The Decree gives a period of 6 months for owners of port reception facilities, to adapt them to the new legal requirements. The elaboration of appropriate handling plans should be developed and implemented by each Spanish port, following consultations with the relevant parties, (users etc). The cost recovery systems for using port reception facilities must not provide any kind of incentive for ships to discharge their waste into the sea. A reduction on fees is foreseen, if it is demonstrated by the master that the ship's environmental management, design, equipment and operation are such that reduced quantities of wastes are generated. Port reception facilities were classified in categories, under this Royal Decree, according to the type of wastes received (MARPOL Annex I; MARPOL Annex II; MARPOL Annex IV; MARPOL Annex IV, and other residues category). Royal Decree 90/2003, of 24/1/2003, on regulations and common standards for organizations involved in vessels inspection and control for activities concerning the Maritime Administration. (Spanish Official Journal 30, of 04/02/03, pages 4539 to 4551) provide for the functions assigned to specific organizations regarding inspection activities. These include supervision and control of oil discharges; separation of hydrocarbons from ballast waters; evaluation of the system and equipment for tankers washing, and cargo submerged devices.

2.2.14 Royal Decree 91/2003, of 24/1/2003, concerning the approval of a Regulation on the inspection of foreign vessels in Spanish harbours (Spanish Official Journal 30, of 04/02/03). The decree establishes the priority for the inspection of vessels under arrest in a previous port; vessels not inspected by any country during the previous sixth months; vessels flying a flag included in the black list published in the annual report of the *Paris Memorandum*; vessels presenting deficiencies in a previous inspection. All deficiencies detected must be mended according to the international conventions ratified by Spain and in conformity with the Spanish Authority. The Competent Inspection Authority is the Ministry of Public Works, by means of its General Directorate of Merchant Shipping and the Maritime Captaincies, performing as periphery maritime administration.
The regulation implements Directive 2001/106/EC of 19/12/2001 amending Council Directive 95/21/EC concerning shipping using Community ports and sailing in waters under the jurisdiction of the EU Member States.

2.2.15 Local initiatives in Spain include environmental activities undertaken by specific ports to improve the environmental management in their respective port areas. These so-called *"Green Ports"* were represented in the Spanish Mediterranean shore by the Valencia port and the Algeciras Bay Port. In Valencia a Life programme was approved by the EC in 1998 which was concluded in January 2001 and the tools obtained are currently in use in the Valencia State Port Community. In 2002, the Valencia Port Authority published its first *Environmental Memory* 2001. This document included a chapter regarding the quality of port waters and analysing the origin of its pollution including the deliberate one. In Algeciras

Bay State Port surveillance Special Plan was introduced in 2002. During its first year of application, 1,092 vessels were inspected, 963 control operations were carried out by vessels and helicopter surveillance, 9 penalty proceedings were initiated and 5,457 m^3 more than the previous year of waste were delivered at port reception facilities contributing to a significant reduction of deliberate discharges from vessels. In Syria, the Environmental Law No. 50 which was passed by the President in 2002 includes provisions that prohibit the dumping, incineration or illegal disposal of any solid, liquid or gaseous wastes in Syrian territorial waters. It also imposes heavy fines on violators with possible prison sentences for repeated violation. The dumping and spraying from military airplanes is usually covered with other regulations.

2.2.16 Most of the Contracting Parties are also members of the International Civil Aviation Organisation (ICAO) and therefore they are obliged to apply international norms and practices of this Organisation. The Annex 2 of the Convention on International Civil Aviation, Rules of the Air states that nothing shall be dropped or sprayed from an aircraft during flight except under conditions prescribed by the appropriate authority and as indicated by relevant information, advice and/or clearance from the appropriate air traffic services unit (Article 3.1.4)

Report on legal and/or administrative measures taken regarding the issue of permits and the conditions governing such issue (Articles 5 and 6).

2.2.17 In Albania the relevant Law No. 8905, dated 06.06.2002 "On protection of marine environment from pollution and damage", provides that the following activities are forbidden in the marine environment: a) dumping of hazardous poisonous and explosive substances and waste; b) dumping of substances and solid matter defined in Annex I attached to the Law; c) discharge of hydrocarbons and polluted waters; d) discharge of solid substances and material of any kind and nature, with the exception of fishing vessels and equipment and materials and resources needed for the construction of ports, pontines and other structures, in accordance with blue prints approved by the Ministry of the Environment and conditions set by this Ministry. e) dumping of waste and all substances from ships, platforms, installations and the coast; f) transport of hazardous substance and waste; g) sinking of ships, cargoes and merchandise of all type and manner; h) sinking and abandonment of any installation that used to serve for various activities; i) construction and operation of equipment shedding radiation; j) incineration of substances and materials of any kind; k) entrance into ports with unclean vessels. Annex II of this Law presents a list of wastes that may be dumped into the sea only upon authorization of the Ministry of Environment. Related to the waste management regulation this Law provides that the collection and disposal of waste created in the marine environment by economic and social activities and by anchored or sailing ships is subject to the provisions of this law. A Regulation governing the management of waste in the marine environment is designed jointly by the Minister of Environment, the Minister of Transports &Telecommunications and the Minister of Territorial Regulation and Tourism.

2.2.18 In Algeria_the Degree No 81-02 of 17/1/81 ratifies the Protocol. Law No 83-03 of 5/2/83 (articles 49-52) provides that dumping or incineration at sea cannot take place unless an authorization is granted by the Ministry in charge of the environment. Degree No 88-228 of 5/11/1988 defines the conditions, procedures and modalities of dumping from vessels and aircrafts (Art. 5, 6, 7, 8, 9). Permits are not granted unless a full dossier is presented by the applicant according to the provisions of Annex III of the protocol. The decision about the permit should be very well justified and documented technically and scientifically including, in the case of granting it, the measures to be taken to avoid negative impacts on the marine environment. Law No 03-10 of 19/7/2003 on the protection of the environment in the framework of sustainable development (Article 55) will replace progressively the dispositions of Law No 83-03 of 5/2/83.

2.2.19 In Bosnia and Herzegovina according to Article 21 of the Draft Law on Maritime Navigation (of 2003) concerning operations on maintaining navigable passage, extraction of material from seabed and sunk subjects that may influence navigation safety, an authorization from the competent Captaincy must be obtained. Technical documentation must support the aforementioned request including details on the excavation place, of longitudinal and lateral profiles on 50 m, with previously provided authorization of the competent ministry for the water management affairs. The Authorization defines nautical and technical conditions and measures for carrying out safe navigation, during the performance of those operations which are determined by the competent Captaincy In Cyprus no criteria, guidelines or procedures were adopted at national level by Law No. 266/87. Such criteria and procedures, which ensure that the dumping of such wastes did not result in pollution, are applied on a case by case basis when a permit of dumping is issued. In Croatia, the government requires, prior to the issue of a permit, an identification of chemical, physical and biological characteristics of the material to be dumped. The proposed location of the dumping site and its characterisation is necessary as well. The procedure for eventually dumping of wastes is under strict control by the Ministry of Sea, Tourism, Transport and Development, in cooperation with and by the agreement of the Ministry of Environmental Protection, Physical Planning and Construction.

2.2.20 With regard to the European Community, it has been clarified (see above) that EU Member States may authorise the discharge of waste into their waters from ships and aircraft at their discretion. In France the Decree of 29/9/1982 applies the Law of 7/7/1976 describing the modalities and procedures for obtaining a permit for dumping. The authorization for dumping depending on the nature of the material to be dumped may be of either specific or general nature.
The articles L. 210-1 and L. 211-1 of the Code of the Environment pose the notion of the unity of the water resources and their management. This is taken into account by authorities when issuing a permit for an operation which should not endanger, even indirectly, any aquatic ecosystem at sea or wetland or any surface water body. Permits for dredging on the marine or estuarine environment usually depend on two criteria considered in combination: the quality or level of pollution of the dredged sludge and the volume of the material to be extracted. The dumping of the dredged material is regulated by Law No 92-3 of 3/1/1992 on water (Articles L. 214-1 to L. 214-6 of the Code of the Environment) which submits to authorization all installations, works and operations which may cause serious or important damage to the aquatic environment; The Decrees No 93-742 concerning the relevant procedure for authorization and declaration and No 93-743 of 29/3/1993 related to nomenclature of operations, succeeded by the Decree No 2001-189 of 23/2/2001; The act of 14/6/2000 related to the background level to be taken into account when analysing sediments of marine or estuarine origin from the natural environment or from ports; The act of 23/2/2001, fixing the general conditions applying to dredging operations that are subject to declaration. The circular No 2000-62 of 14/6/2000 related to the conditions of use of the quality data register on marine and estuarine sediments from natural environments or ports and the note of technical instructions provided for the dredged material, establishing the instructions for sampling and analysis of sediments. These national instructions are taken into account in setting at prefectural level the conditions for dumping of dredged material and deciding on the dumping sites.

2.2.21 In Italy, as far as the dumping of dredged materials and sediments is concerned, technical and procedural aspects for the issue of authorizations are established by the Decree 24/01/1996 of IMET. Permits are released by IMET on the proposal of the Head of the Maritime District of the ships' port of departure after a proper assessment of several aspects (e.g. the characteristics of the dumping site, the development of a monitoring programme). Costs incurred for technical investigations and for environmental monitoring are charged on the entity requesting the authorization. During the authorization procedure, IMET consults technical bodies and public scientific institutions. In 2001, ICRAM, which is among

these institutions, published a Technical manual concerning the environmental aspects of the management of port dredged materials. In 2002, Law n. 179/2002 shifted to regional authorities the responsibility for the issue of authorizations for the management of sediments and soils connected with nourishment and, in case of disposal into coastal tanks and structures, of dredged materials. For the technical procedures on the issue of nourishment authorizations, starting from 2002, ICRAM has carried out several relevant research programmes in view of developing guidelines for national environmental practices, including the dumping of sand.

2.2.22 In Israel, permits for dumping are issued under the Prevention of Sea Pollution (Dumping of Waste) Law of 1983, and Regulations of 1984. Apart from the limitations regarding Israel's stated reservations on the protocol amendments pertaining to brines, the Interministerial Committee for Permits for Dumping Wastes at Sea operates according to the amended Protocol. Requests for permits are received by the Marine and Coastal Environment Division of the Ministry of the Environment (MCED) and forwarded to the Committee. No permits are given in cases where a land-based alternative exists. The Committee has adopted the guidelines issued by MAP for the dumping of wastes according to Article 4.2. The Committee has been working in line with the terms of the amended Protocol and the MAP guidelines since 2000. MCED inspectors carry out enforcement measures to ensure that the conditions described in the permit are fulfilled. In Libya it is reported that no permissions for dumping are issued. In Monaco the dumping of non prohibited wastes is subject of prior administrative authorization (article L.223-2 of the code of the sea). The conditions for such discharge will be determined by legislation to be published within 2005. In Morocco there is no particular authority explicitly designated for granting permits for dumping and consequently there are no criteria, guidelines or procedures provided for such activity in the Moroccan legislation

2.2.23 In Serbia and Montenegro the Agency for Maritime Safety has been established on 1/1/2004 and situated in the town of Bar. Its main responsibility is to control traffic on the Adriatic including ships with hazardous cargo. This Department issues international certificates on the prevention of sea pollution by oil, bilge-waters and sewage pollution. The forms of the following certificates exist: International Sewage Pollution Prevention Certificate, International Oil Pollution Prevention Certificate; Endorsement for Annual and Interim Surveys; Supplements to the International Oil Pollution Prevention Certificate; Record of Construction and Equipment for Ships other than Oil Tankers; Shipboard Oil Pollution Emergency Plan; Sewage Pollution Prevention Certificate and Waste Pollution Prevention Certificate. The above-mentioned certificates have been issued in accordance with the International Convention for the Prevention of Pollution from Ships, 1973, modified by its 1978 Protocol and amended by MEPC Resolution. Furthermore the Agency for Maritime Safety issued two types of Oil Record Books for oil tankers of 150 tons gross and more, and ships of 400 tons gross and more, to record relevant machinery space operations and cargo ballast operations respectively. Article 131 of Law 48/2003, of 26/11/2003 on economic regime and render of services in ports of general interest, states the binding authorisation which must be granted by the Port Authority to carry out dredging material discharges into the port public domain. In the case of offshore dumping, it is the State Administration which authorises the dumping.

2.2.24 In Slovenia, dumping is not allowed. In Spain, permits and conditions regulating dredging material discharges into the sea are specified in Law 27/1992, on State Ports and Merchant shipping, Articles 21 and 62. The only relevant changes operated during the biennium under review were those referred to the competence on the authorisation of dumps: Following the XIX Additional Disposition of Law 62/2003, of 30/12/2003, on social, administrative and tax measures, when dumping takes place within the waters of the port, it will be the Fishing and Environment Regional Administration, and not the relevant State one, which must favourably report for the authorisation of dumping. Regarding Spanish vessels carrying oil tankers, operational discharges are only allowed, when all the conditions included

in Annex I of the IMO International Convention for the Prevention of Pollution from Ships jointly meet (e.g. the rate at which oil may be discharged must not exceed 60 litres per mile travelled by the ship; no discharge of any oil whatsoever must be made from the cargo spaces of a tanker within 50 miles of the nearest land).

2.2.25 In Syria there is not yet any licensing system for the dumping of wastes listed in Article 4.2 of the Protocol. Dredged materials are usually dumped at a distance of more than 12 km offshore. No readily available inventory of dredged material is available. It was reported that data related to dredged materials in terms of quantities and dumping locations are badly archived and not reliable.

Report on legal and/or administrative measures taken regarding application of the measures required to implement the Protocol to ships and aircraft (a) registered in the territory of the reporting country or flying its flag (Article 11 (a)); (b) loading in the territory of the reporting country wastes or other matter intended for dumping (Article 11 (b)); and (c) believed to be engaged in dumping in areas under national jurisdiction (Article 11 (c)).

2.2.26 In Albania Law No. 8905, of 06/06/2002 "On protection of marine environment from pollution and damage", provides in its Article 8 that the control by the Environment Inspectorate is permanent and continuous. The Inspectorate exercises control over the impact produced by the various activities in the marine environment and enforces the implementation of the environmental law and the terms and conditions stipulated in the environmental permit. In carrying out its duties, the Inspectorate interacts with Portual Authorities, the Fishing Inspectorate, the State Police and the Coast Guard of the Republic of Albania. Article 13 of the same law deals with the notification of pollution and provides for the obligation of those detecting pollution in the marine environment and describes the content of the obligation and the duties of the Port Authorities.

2.2.27 In Algeria the Decree No 81-02 17/1/1981 which ratifies the protocol is linked to the Law 83-03 of 5/2/1983 on the protection of the Environment which prohibits damping in its Articles 53 and 54 and introduces sanctions (including imprisonment) (Articles 63, 64, 65, 66, 67, 68, 69, 70, 71). Decree No 83-580 of 22/10/1983 provides that the Captains of the ships transporting dangerous toxic or polluting substances have to report on incidents at sea while Decree No 90-79 of 27/2/1990 refers to the transport of dangerous substances. There as a reinforcement of the juridical measures by the introduction of the new Laws such as Law No 03-10 of 19/7/2003 on the Protection of the Environment in the framework of sustainable development. The prohibition of dumping is covered under article 55 while in chapter 4, articles 88 and 89 the sanctions are defined. In Bosnia and Herzegovina according to the Draft Law on Maritime Navigation if, during the inspection, is determined that a foreign ship due to disabilities pollutes the environment, it will be prohibited to sail from the harbour until those disabilities are eliminated. Heavy penalties are imposed if objects or materials, which can disturb or jeopardize navigation safety or impose danger of pollution, are disposed onto navigable passage (Article 33). Apart from the penalty for navigation offence a crew member of the ship, boat or a floating object may, as a protection measure, be deprived of all or some authorisations for conducting operations of certain profession on any ship etc, for up to 2 years.

2.2.28 In Croatia the Act on Maritime Demesne and Sea Harbours (see also point 1.1 above) applies to all ships, national and foreign, in the territorial waters of the country. Compliance is ensured through inspections carried out by the maritime inspectors of the Ministry of Sea, Tourism, Transport and Development, which are responsible for the implementation of the act. In Cyprus within the scope of the implementation of the London Dumping Convention, in case of any inquiries for permits, the provisions of the London

Dumping Convention are taken into consideration and always in consultation with the International Maritime Organisation and/or other interested Parties.

2.2.29 With regard to the European Community, the measures listed in paragraph 2.2.20 above also apply to these issues. In France, in cases of violation of the regulations the code of Environment (Articles L 218 – 48 and following) has provisions for penalties up to two years of imprisonment and 18000 € of fines. The Decree of 29/12/1982 provides that wastes other than dredged material which is going to be dumped are loaded on a ship upon the presentation of a document describing the specifications of the dumping authorisation in a form which will allow the custom services to control the nature, quantity and conditions of loading of the waste to be dumped. Controlling authorities could ask to be on board of the ship or aircraft and inspect/supervise the dumping operations in the designated zone. In Italy within the Period 2002-2003 it was reported that there were no changes in previously existing legislation.

2.2.30 In Israel dumping permits include the registration number of the vessels which is authorised to curry out the dumping. Both Israeli and foreign vessels are subject to the same process, including authorization from the Ministry of Transport that the ship is seaworthy and fit to carry out the intended task. MCED carries out enforcement of the permit regarding the dumping time, location and method using electronic tools such as GPS located on the dumping ship, as well as aerial and maritime surveillance. In Libya Act 15 of 2003, includes the relevant provisions of the application of the protocol for ships and aircraft. In Monaco in the absence of any particular legal provision for the application of the protocol (to be published within 2005) the procedure very rarely used on a case by case approach includes, before the issuing of the dumping authorization: the verification of the fact that the wastes to be dumped are not dangerous and damaging for the environment; the destination and the dumping site. In practice there was only one case of such authorisation in 1998. In Morocco there is no specific provision or procedure on the issue, obliging the boats and aircrafts to respect the protocol. In Serbia and Montenegro there were no legal or administrative measures taken during the period under review to ensure that ships and aircraft (a) registered in the territory of the reporting country or flying its flag (b) loading wastes or other matter intended for dumping in the territory of the reporting country (c) believed to be engaged in dumping in areas under national jurisdiction.

2.2.31 In Spain vessels discharging dredging materials into the sea are all inspected, no matter what state flag the vessels are flagging. Regarding entry of vessels to Spanish ports RD 1381/2002 sets up conditions to avoid pollution etc. Also Annex IV of MARPOL 73/78 Convention (Prevention of Pollution by sewage from ships) entered into force in Spain in 27/9/2003 and the Annex of Air Pollution from ships, already ratified by Spain, enters into force on 19/5/2005. For Syria the General Directorate of Harbours has indicated that numerous decrees have been issued for ships flying Syrian flags to properly equip their vessels with equipment necessary for the prevention of marine pollution (in accordance with several international agreements including MARPOL 73/78). It is also indicated that the number of boats engaged in sea patrols has increased in the reviewed period (2002-2003) in order to detect any violation of the terms of the protocol by any Syrian or foreign ships. The patrols have been ordered to detect any pollution incident and to report it immediately.

2.2.32 Tunisia has a National Plan for urgent intervention for the abatement of eventual marine pollution since 1996 (Law No 96-29/3-4-96) which covers the ratification of the Convention in case of pollution from hydrocarbons in which Tunisia adhered (Law 95-51/95). Law 96-47 authorised the entry of Tunisia to the Protocol of 1992 modifying the International Convention of 1969 on Civil Liability in case of damages from hydrocarbons. Law 96-98 provides for the entry of Tunisia in the Protocol of 1992 modifying the Convention of 1971 for the creation of an International Fund for addressing damages caused by hydrocarbon's pollution. Law 99-25 (1999) is a promulgation of the Code of Commercial Ports.

Report on legal and/or administrative measures taken regarding the obligation to report possible contraventions of the Protocol (Article 12).

2.2.33 In Albania the application of Article 12 is covered by Law No. 8905 of 06/06/2002 On protection of marine environment from pollution and damage, Article 14 on Pollution elimination according to which the polluters (Captains, operators etc.) causing pollution to the marine environment are obligated to clean up the polluted zone and return it to its previous condition. They are obligated to indemnify damages, as well. Article 15 provides that in the event of large scale pollutions, a cleaning operation is mounted in accordance with the requirements of Law No. 8756 of 26/3/2001 "On civil emergencies". Algeria has reported a very long list of pieces of legislation related to the issue starting with the Decree No 81-02 of 17/1/1981 which covers the ratification of the protocol followed by Law 98-05 of 25/6/1998 modifying and completing the Ordinance No 76-80 of 23/10/1976 on the maritime code and Law No 03-10 of 19/7/2003 on the protection of the environment on the framework of sustainable development which annuls the provisions of Law 83-03 of the 5/2/1983. In addition. Ordinance 73-12 of 3/4/1973 creates the Coast-guard. Decree 88-227 of 5/11/1998 describes the functionality of the body of inspectors; Decree 88/228 of 5/11/88 defines the conditions, procedures and modalities for dumping of wastes eventually polluting the sea, discharged by ships or airplanes; and the executive Decree No 2003-494 (of 17/12/2003) provides for the creation of the inspections of the environment of "wilayas". The dumping operations should not take place except in the presence of a Commission designated for this purpose and comprised by representatives of the ministries of the Environment, Transport and National Defence, open, if necessary, to other ministries or experts. If, as a result of a control, appears that the provisions have not been fully followed the dumping could be blocked (even during the operation) until the necessary measures defined by the ministries of the Environment and Transport are fulfilled. The Decree No 90-79 of 27-2-1990 provides for the transport of dangerous substances while Presidential Decree No 95-290 of 30/9/1995 creates a National and series of regional centers and operations for monitoring and intervening for safety in the sea. The National Center is under the coast-guard and its monitoring responsibilities cover marine traffic, abatement of marine pollution of all kind, fisheries as well as research and safety at sea and any mission entrusted to it from the ministries.

2.2.34 In Bosnia and Herzegovina according to the Draft Law on maritime Navigation the members of the ship crew are obliged to immediately inform a captain or officer on duty on every extraordinary event which may jeopardize safety of the ship, passengers, etc and pollute the environment by hazardous and dangerous materials from the ship; If pollution is noted by oil, hazardous chemicals and dangerous materials the ship captain is obliged to enter into the captain's log a note on the pollution on the navigable passage, within the next 24 hours. The ship's captain is obliged to submit a report on those events immediately by radio-line or after the arrival, within 24 hours the latest, to the competent captaincy, together with the statement from the captain's log. In Croatia a provision existed already for years in the Maritime Code requires that the Maritime inspection within its jurisdiction has the obligation to prepare a report of possible contraventions of the Protocol.

2.2.35 In the European Community, the implementation of Article 12 is obtained through Directive 95/21/EC of 19/6/1995, concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (Port State Control). This Directive specifies that pilots and port authorities shall immediately inform the competent authorities, whenever they learn that there are deficiencies which may prejudice the safe navigation of the ship, or which may pose a threat of harm to the marine environment.
Directive 2002/59/EC of 27/6/2002 establishing a Community vessel traffic monitoring and information system, requires Member States to monitor and take all necessary and

appropriate measures to ensure that the masters, operators or agents of ships, as well as shippers or owners of dangerous or polluting goods carried on board such ships, comply with the requirements of this Directive. In particular, it provides for notification of dangerous or polluting goods on board ships (HAZMAT), as well as the transmission of information concerning certain ships and the reporting of incidents and accidents at sea

2.2.36 In France the code of the Environment lists all personnel responsible for examining the violations (articles L 218-36 and L218-37). The "Prefect Maritime" has the powers of police and competence in all aspects related to the protection of the environment and the coordination of the fight against illegal actions at sea. In Israel part of the MCED inspectors' tasks is to report any such problems or suspicions. Any other suspicious activity can be reported by others to the national environment hotline which is accessible by all citizens and organisations. Any relevant information is reported to MCED if it concerns marine activity. Information is given to all Ministries on how to report to the hotline. In addition, any holder of a permit from the Interministerial Committee has to report on any activity that was not carried out in line with the terms of the permit.
In Monaco the Direction of Marine Affairs is responsible for the inspections of ships and aircrafts. The Marine Police is in charge of observing any pollution incidents or illegal dumping in territorial waters.

2.2.37 In Serbia and Montenegro Article 22 of the Coastal Zone Law as well as the Law on Waters, Article 34 provide for the shipmasters, members of the crew and navigators of sailing boats as well as of all citizens to be obliged to inform the port authority in case they notice sea pollution. The National Plan for Prevention of, Preparedness for and Response to the major Marine Pollution Incidents at Sea prescribes that the person who has caused, or noticed pollution shall be obliged to notify of such circumstances promptly the Maritime Safety Department, Coastal Radio Station "Barradio", Port Authority or its outpost and the Police. Entities to be notified are mentioned in the table below, along with relevant contact details, numbers of telephones and faxes. In the period under review, there have been no cases of loading of waste or other substances to be dumped in territorial or other waters. There have been regular sea inspections and controls by the port authorities and Coast Guard. Furthermore, monitoring from mainland is carried out and citizens, fishermen and others provide information. Notification is carried out on the basis of international regulations.

2.2.38 In Slovenia the competent authority is the Office for the Protection of Coastal Waters (OPCW), Koper, Environmental Agency of the Republic of Slovenia, which compiles monthly reports with the relevant data. The collection of data was carried out in the event of individual incidences with a view to keep an internal record for the needs of the OPCW. According to the afore stated, the existing data are insufficient and can serve only for orientation. From individual reports so far there have been no incidences resulting in spills exceeding the quantity of 7 tons of oil. Despite great shortcomings the data clearly show the number of incidences by year, the number of oil and other pollutions, as well as identified and unidentified polluters. In Spain the Royal Decree 91/2003 concerning the approval of a Regulation for "Inspection of foreign vessels in Spanish harbours" provides accordingly giving all necessary details. The inspection report contains data referred to in its Annex X. In Syria the Harbour Directorate has indicated that the number of boats engaged in sea patrols has increased in the period 2002-2003 in order to detect any violation of the terms of the protocol by any Syrian or foreign ships. The patrols were instructed to detect and report immediately any pollution incident by any party. No exact date of this instruction is given.

Information submitted to the International Maritime Organization on legal and/or administrative measures taken under the terms of the 1972 London Dumping Convention (not obligatory under the terms of the Mediterranean Dumping Protocol):

1. The organisation of monitoring, individually or in collaboration with other Parties and competent international Organizations, the condition of the sea for the purposes of the Convention;

2.2.39 Only a few countries commented on this part. Some of them (e.g. Albania) are not Parties to the 1972 London Dumping Convention. In Bosnia and Herzegovina Captaincies that carry out the relevant surveillances are organizational units within the Ministry of Communications and Traffic. In France a network for the continuous monitoring of waters and sediments of the ports (REPOM) is in place since 1977. 183 Ports in 24 out of the 25 coastal departments of the country are monitored together with 3 ports of offshore territories. The results are not communicated to any Convention. Serbia and Montenegro has ratified the 1972 London Dumping Convention, but not its 1996 Protocol. The information has not been delivered to IMO in accordance with Article IV.
The "Regulation on maintenance of law and order in the ports and other areas of coastal sea and inner navigable watercourses" provides that the legal or natural persons who are responsible for the exploitation of a port or part of a coast are also responsible to control them under the supervision of the Coast Guard. The Coastal Zone Law (Article 17) gives the port Authorities the responsibilities to protect the sea against pollution by hazardous and harmful substances. Control of the sea conditions will be performed by the Sailing Unit of the Ministry of Internal Affairs which will be transformed into Maritime Police.

2.2.40 Spain is a Contracting Party to the London Convention and compiles annually reports under Article VI(4) of the Convention. In October 2003 it was agreed that Spain will act as a focal point for promoting the London Convention collaborative arrangements in a regional context within the OSPAR Convention. In Tunisia there are several bodies including the navy; the national guard etc. to secure the relevant regular monitoring.

2. The criteria, measures and requirements adopted for issuing permits

2.2.41 In **Croatia** the Ministry of Environmental Protection, Physical Planning and Construction provide the criteria, measures and requirements for issuing permits. In **France** there is a National database (DRAGAGE) on dredging which has integrated results on the quality of sediments of the French ports dumped. The results of the OSPAR zone are communicated to the London Convention while those concerning the Mediterranean will be transmitted to the Secretariat of the Barcelona Convention from the year 2002. **Monaco** has submitted dumping reports (Nil Reports) according to the 1972 Convention for the years 2000 - 2003

Report on problems or constraints in implementation of the Protocol
2.2.42 Only a few of the Contracting Parties made comments under this item. In Albania it was noted that existing legislation drafted under different Ministries needs harmonization in order to allow the full implementation of the Protocol. This is expected to be solved within 2005 following an Order of the Prime Minister to establish an Inter-Ministerial group. In Bosnia and Herzegovina the Draft Law on Maritime Navigation still is not in force and this is the main constraint which impeded the implementation of any measure relevant to the terms of the Protocol. In Croatia the Dumping sites are identified on a case-by-case basis. The records are kept by the Ministry of Sea, Tourism, Transport and Development. In France a revision of the Code of Environment was launched in 2004 in view of harmonizing the International commitments with National legislation e.g. the amended in 1995 Protocol ratified by France in April 2001. In fact it will replace the regime described in §1 which permits the dumping with the exception of certain wastes by the principle of prohibition of

dumping except from a restricted list of wastes. In Israel the exception regarding dumping of brines brings about constraints in implementing the Protocol. It is reported that national regulations ensure that Israel implements environmentally sound procedures for dealing with brines disposal. In Morocco there is a serious problem because of the difficulty in identifying the competent authorities. In Serbia and Montenegro, Montenegro is the signatory party to 1972 London Convention but not its 1996 Protocol. No information was provided to IMO in accordance with Article IV. Tunisia notes that the implementation of this Protocol requires significant resources for controlling the marine environment. Some countries (Spain, Monaco) indicate that there is no problem in this area, whatsoever.

Report on relevant remarks or comments submitted regarding the implementation of the Protocol.

2.2.43 Under this chapter only the EC and Spain provided some input. The EC listed relevant Community Acts including the Council Directive 75/442/EEC of 15/7/1975 on Waste *Official Journal L 19,* Directive 2000/59/EC of the European Parliament and the Council of 27/11/2000 on port reception facilities for ship-generated waste and cargo residues - Commission declaration *Official Journal L 332,* Commission Proposal 2003/92 final of 7/10/2003 for a Directive on ship-source pollution and the introduction of sanctions, including criminal sanctions, for pollution offences, Council Directive 1995/21/EC of 19/8/1995, concerning the enforcement in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the member States of international standards for ship safety, pollution prevention and shipboard living and working conditions (port state control) *Official Journal L 157,* Directive 2002/59/EC of the European Parliament and the Council 27/6/2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC *Official Journal L 208.* Spain noted the reporting obligations of the country derived from other Conventions including the 1972 IMO Convention on the prevention of Marine Pollution by Dumping of Wastes and other Matter, and the 1996 Protocol (The London Dumping Convention)*: National report:* Article VI.4 of the Convention. and the 1973 IMO and 1978 Protocol (The MARPOL 73/78 Convention).

Regional report on the implementation of the Protocol concerning Cooperation in Preventing Pollution from Ships and in Cases of Emergency, Combating Pollution of the Mediterranean Sea

Section 2.3 in preparation

Regional report on the implementation of the Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities

Section 2.4 in preparation

Regional report on the implementation of the Protocol Concerning Specially Protected Areas and Biological Diversity in the Mediterranean

Section 2.5 in preparation

Regional report on the implementation of the Protocol for the Protection of the Mediterranean Sea against Pollution resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil

General

2.6.1 Article 4 of the Protocol stipulates that all activities in the Protocol Area shall be subject to the prior written authorization for exploration or exploitation from the competent authorities, and also defines the conditions under which such authorization should be granted. Articles 5 and 6 list the requirements and conditions for authorization. Article 9 of the Protocol regulates use, storage and disposal into the Protocol Area of harmful or noxious substances and materials resulting from activities covered by the Protocol, Articles 11 and 12 control the discharge of sewage and garbage respectively from installations, while Article 13 regulates disposal of wastes in designated reception facilities. Articles 15 and 16 regulate safety measures and contingency planning respectively, while Article 17 requires operators in charge of installations under the jurisdiction of the Party concerned to report to their competent authority any event, either on their installation or at sea, likely to cause pollution. Article 21 regulates the removal of installations. Article 29 requires that each Party elaborates procedures and regulations regarding all activities initiated before the entry into force of the Protocol, to ensure conformity, as far as practicable, with its provisions.

2.6.2 In this context, Contracting Parties are required to report on the legal and/or administrative measures taken by the, regarding prior written authorization for seabed exploration and/or exploitation (Article 4.1) and the requirements for such authorization (Article 5 and Annex 4), for the control of use, storage and the disposal of chemicals in authorised activities covered by the Protocol (Article 9), and regarding the discharge of sewage (Article 11) and garbage (Article 12) from installations under their jurisdiction. They are also required to report on legal and/or administrative measures regarding the disposal of wastes and harmful or noxious substances and materials in designated onshore reception facilities (Article 13), regarding safety measures (Article 15), contingency planning (Article 16), notification of events on the installation or at sea likely to cause pollution (Article 17), and removal of installations (Article 20). Finally, they should also report on legal and/or administrative measures taken with regard to activities initiated before the entry into force of the protocol (Article 29).

2.6.3 Fourteen Contracting Parties (Albania, Algeria, Bosnia-Herzegovina, Croatia, Cyprus, European Community, Italy, Libya, Monaco, Morocco, Serbia-Montenegro, Spain, Syria, Tunisia) submitted reports on the implementation of this Protocol. Of these, only four (Albania, Cyprus, Morocco and Tunisia) have ratified the Protocol. The other ten (Algeria, Bosnia-Herzegovina, Croatia, European Community, Italy, Libya, Monaco, Serbia-Montenegro, Spain, Syria), as well as the three (France, Israel, Slovenia,) that submitted biennial reports on the implementation of the Convention and Protocols, but did not include this Protocol, have still to ratify it.

2.6.4 A very brief résumé of the situation in each of the fourteen reporting countries with regard to the terms of the Protocol is contained in Table 2.6. The table only refers to the degree of coverage provided by existing legislation, and reference to the text of this document should be made for further details, including names, reference numbers and scope of the various Laws. It should also be noted that the Protocol is not yet in force, and that only

three Contracting Parties have so far ratified it. At the present time, therefore, Contracting Parties are not legally bound by the Protocol's provisions.

Report on legal and/or administrative measures regarding prior written authorization for seabed exploration and/or exploitation (Article 4.1) and the requirements for such authorization (Article 5 and Annex 4)

2.6.5 Twelve Contracting Parties (Albania, Algeria, Bosnia-Herzegovina, Croatia, European Community, Italy, Libya, Monaco, Morocco, Serbia-Montenegro, Spain, Tunisia) reported that they have appropriate legislation regarding authorization for seabed exploration and exploitation. In Albania, the subject is covered by Law No. 9010 of 23.January 2003 on Environmental Impact Assessment, together with a number of Decrees. These provide for general, integrated and real-time assessment of the environmental impacts of projects or activities. The Law sets forth rules, procedures, deadlines, rights and duties to assess impacts of activities on the environment, to compare the advantages and deficiencies of the projects and other potential variants, and the provision of a technical, professional, legal and administrative processing of requests and decision making by relevant organs. In Algeria, seabed exploration and exploitation activities cannot be undertaken except by an authorization delivered by the Minister in charge of Mining or the competent local authority (Wali) in terms of Law No. 84-06 of 7 January 1984 regarding mining activities. A number of legal measures enacted since that time control all aspects, including the environmental, and lay down the conditions for the authorization. In Bosnia-Herzegovina, the Decree on Mining regulates obligations of mining companies, Article 14 prescribing that mining companies are obliged to comply with environmental regulations. After supervision of final design documentation, and after obtaining the required urban and water management agreements, in accordance with Article 26 of the Decree, the Ministry of Industry, Mining, and Energy, is authorized to issue an extraction permit. In Croatia, the Law stipulates the stages (EIA study, location permit and construction permit) through which applications have to pass prior to obtaining authorization.

2.6.6 The European Community has two relevant Directives. Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment ("the EIA Directive") requires that, before consent is given, projects likely to have significant effects on the environment by virtue of their nature, size or location, are made subject to a requirement for development consent and an assessment with regard to their effects. The scope of "projects" extends to installations for the extraction of mineral resources, including the exploitation and exploration of the continental shelf and the seabed and its subsoil. Directive 96/61/EC of 24 September 1996 ("the IPPC Directive"), concerning integrated pollution prevention and control, has been applicable to new installations since 1999, whereas existing installations will be covered as of 2007. In principle, offshore installations are covered, as long as their activities fall under either one of the categories in Annex I (including energy industries, production and processing of metals, mineral industry, chemical industry and waste management).

2.6.7 In Italy, national legislation establishing the need of a prior written authorization for seabed exploration and exploitation has existed since the 1960s, the main applicable regulations being Law No. 613 of 21 July 1967 on seared exploration and exploitation of hydrocarbons in the territorial sea and on the continental shelf), Law No. 9 of 9 January 1991 and Law No. 220 of 28 February 1992 that establish the obligation to carry out Environmental Impact Assessment for the exploitation of the continental shelf, Presidential Decree No.526 of 18 April 1994 which establishes the Environmental Impact Assessment procedures, Presidential Decree No. 382 of 18 April 1994 on the procedures for the release or permits for the exploration and exploitation of hydrocarbons, Ministerial Decree of 28 July 994 on the authorization procedures for the discharge at sea of materials deriving from exploration and exploitation of hydrocarbons, and Legislative Decree No.. 625 of 25 November 1996, which

implements EC Directive 94/22/CEE on the conditions for the issue of the authorizations for research, exploration and exploitation of hydrocarbons. Furthermore, environmental aspects of discharges are regulated by national legislation on the protection of waters.

2.6.8 Libya reported that all aspects of the control of seabed exploration and exploitation are covered by Law No 15 for the protection of the environment. In Monaco, seabed exploration and exploitation require an authorization From the Minister of State of the Principality in terms of Article L 242-1 of the maritime code. An Ordinance to put this code into effect is in preparation, and will be published in 2005. In Morocco, the control of seabed exploration and exploitation is covered by Decree No. 1-01-118 of 18 April 1992, which promulgates Law No. 21 of 1990 regarding research and exploitation of hydrocarbon-bearing strata. In Serbia-Montenegro, pursuant to the Law on Participation of Private Sector in Performing Public Services and the Law on Mining, the Montenegrin Government has passed a Regulation on Procedure and Conditions for the Granting of Concessions for the Geological Research and Exploitation of Mineral Raw Materials. Which This Regulation regulates in details the procedure and conditions relevant for granting of concessions to do geological research and exploit mineral raw materials.

2.6.9 Spain reported deposit of the Instrument of Ratification of the Protocol on the Privileges and Immunities of the International Seabed Authority, which entered into force in Spain on 31 May 2003. National legislation relevant to the Protocol includes the 1988 Law on Coasts, which specifies that the occupation of the Maritime-Terrestrial Public Domain may only be allowed with respect to those activities and installations that, due to their special nature, could only be placed within this area. With regard to hydrocarbon, gas and mining exploitation installations, which could be located in the above-mentioned area, their corresponding legislation provides for specific and compulsory authorization before obtaining the administrative permits. Other relevant legal; instruments are the Royal Decree of 30 July 1976, approving the Regulation of the Law on Research and Exploitation of Hydrocarbons, the Mining Law of 1973, the Environment Impact Assessment Law of 2001, and the Law on Sea State Fishing of 2001. In Tunisia, the main items of legislation are Law No. 82-60 of 30 June 1982, relating to the works connected with the exploitation of installations for the transport of hydrocarbons, as modified by Law No. 95-50 of 1995, Law No.99-93 of 17 August 1999, issuing the hydrocarbon code, and setting out the conditions of seabed exploration and exploitation, and the modalities of authorization for the carrying out of the activities in question.

2.6.10 Syria reported that according to the Ministry of Petroleum and Mineral Resources, all activities involving seabed exploration and/or exploitation in Syrian territorial waters are still not allowed. Therefore, no authorization system for granting permits for seabed exploration and/or exploitation has been established yet, and no requirements for such authorizations have been determined. The rest of the items in the reporting format for the Protocol were therefore not applicable to Syria.

2.6.11 No information was provided by Cyprus

Report on legal and/or administrative measures for the control of use, storage and the disposal of chemicals in authorised activities covered by the Protocol (Article 9)

2.6.12 Eleven Contracting Parties (Albania, Algeria, Croatia, Cyprus, European Community, Italy, Libya, Morocco, Serbia-Montenegro, Spain, Tunisia) reported the taking of appropriate measures on this point. In Albania, Law No.9108 of 17 July 2003 on chemical substances and compounds treats the use, storage and disposal of chemicals. In Algeria, a number of legal instruments enacted between 1986 and 2001 regulate industrial security in installations, as well as a number of regulations issued under the powers of Law No. 03-10 of 19 July 2003 relative to the protection of the environment. In Croatia, the chemicals that are used

during gas exploration and exploitation are managed according to the "Plan for the usage of chemicals" contained in EIA studies. This plan includes the physical and chemical properties of chemicals, their handling and potential dangers, toxicological characteristic s, ecological acceptance for the environment and other information relevant for safety. The plan covers the exploratory phase, exploitation phase and closing phase for platforms and all relevant operations.

2.6.13 In Cyprus, this is partly regulated by the Chemical Substances and Preparations Law of 2002. Annexes II (Control of pollution by noxious liquid substances in bulk) and III (prevention of pollution by harmful substances) of the MARPOL 73/78 convention and the European Directive 2000/59/ are the legislation measures associated with the control of use, storage and disposal of chemicals in authorised activities. The European Community has issued a number of Directives regarding control of the use, storage and disposal of chemicals within the terms of the Protocol. Directive 67/548/EEC of 27 June 1967, as amended by Directive 79/831/EC (6^{th} amendment) of 18 September 1979 and 92/32/EEC (7^{th} amendment) of 30 April 1992 on the classification, labeling and packaging of dangerous substances, requires a risk assessment for substances covered by the Directive, and lays down a system of notification of new substances. Directive 1999/45/EC of 31 May 1999 deals with the classification, packaging and labeling of preparations that contain at least one dangerous substance or are otherwise considered dangerous (classified as "dangerous for the environment" according to the Directive). Another item of legislation is Regulation 793/93/EC of 23 March 1993 on the evaluation and control of the risks of existing substances. Finally, Commission Proposal COM 2003/0644 (03) of 29 October 2003 proposes a new EU regulatory framework for chemicals. The proposed new system is called REACH (Registration, Evaluation and Authorisation of Chemicals).

2.6.14 In Italy, the disposal of hazardous substances is regulated by the Ministerial Decree of 28 July 1994 regarding the authorization procedures for the discharge at sea of matters deriving from exploration and exploitation of hydrocarbons. The Decree strictly limits the possibility of such discharge and requires specific prior authorization. In Morocco, the Hydrocarbon code of 1992, which was amended and completed in 1999, contains several provisions regarding the protection of the environment in general, and the marine environment in particular. In Serbia-Montenegro, chemicals are currently only regulated by Law No. 27 of 1994 on the production and trade of toxic substances and this law only provides partial coverage. In Spain, The basic legislation on this matter and still in force during the biennium under review is Royal Decree 379 of 6 April 2001, which approves the regulation of storage of chemicals, and its technical complementary instructions. This legal instrument came into force in August 2003. A new complementary item of legislation, Order PRE/2666/2002 of 25 October 2002, imposes limitations to the marketing and use of certain hazardous substances and preparations, has also been approved. In Tunisia, the use, storage and disposal of chemicals is regulated by Law No, 99-93 of 17 August 1999, through the hydrocarbon code, as modified by Law No. 2002-23 of 14 February 2002, as well as by all the measures in the Environmental Impact Assessment approved by the competent authorities. No legislation has been enacted in Bosnia-Herzegovina. No information was provided by Monaco.

Report on legal and/or administrative measures regarding the discharge of sewage from installations (Article 11)

2.6.15 Ten Contracting Parties (Algeria, Croatia, Cyprus, European Community, Italy, Libya, Morocco, Serbia-Montenegro, Spain, Tunisia) reported the enactment of legislation regarding sewage discharge from offshore installations. In Algeria, control is enforced both through environmental Law and specific legal instruments relating to discharge of wastes. In Croatia, measures regarding the discharge of sewage are contained in the EIA studies. In Cyprus, this is partly regulated by the Sewerage Systems Law of 1971, and subsequent amendments. In the European Community, the basic legal instrument for waste materials is

Directive 75/442/EEC of 15 July 1975, which was fundamentally reviewed in 1991 and constitutes the framework for waste legislation at Community level ("the Waste Framework Directive"). The Directive defines waste, establishes a hierarchy for waste management (prevention, recovery and safe disposal) and basic requirements for all waste management activities. Directive 2000/76/EC of 4 December 2000 on the incineration of waste also covers waste that is being incinerated on oil platforms. According to the Directive, waste incinerators need a permit for operation, which shall include detailed conditions as laid down in the Directive.

2.6.16 Under Italian Law, sewage produced from installations is subject to appropriate treatment before its discharge into marine waters or on-shore treatment plants. In Monaco, according to Article L 242-1 of the maritime code, seabed exploration and exploitation activities should not affect the quality of the environment. In Morocco, sewage disposal is controlled by the Hydrocarbon code of 1992, as amended and completed in 1999. In Serbia-Montenegro, the Law on Environment defines waste, harmful materials and hazardous materials, contains provisions on disposal of waste with harmful or hazardous properties, and calls for Environmental Impact Assessment of landfills for municipal and especially industrial hazardous waste treatment and disposal. The Regulation on the criteria for the selection of sites, methods and procedures for depositing waste materials sets out the conditions for selecting both temporary and permanent storage sites of waste containing hazardous material. The Law of Cleaning, Collecting and Using Waste Production was only sets out the conditions for selecting both temporary and permanent storage sites of waste containing hazardous materials.

2.6.17 In Spain, Law 3/2001 on Sea State Fishing, states that the administrative authorization for any kind of discharges offshore would require a binding report from the Ministry of Agriculture, Fishing and food and from the Autonomous Communities affected, in order to evaluate the effects of discharges for the living marine resources. In addition, Law 16/2002 Integrated Pollution Prevention and Control (IPPC) lays down measures designed to prevent or, where this is not practicable, to reduce emissions in air, water and soil from certain activities included in its Annex I. These measures also concerned sewage from installations affected. In Tunisia, sewage discharges are controlled by Law No. 75-16 of 31 March 1975, and its subsequent amendments, by Law No, 99-93 of 17 August 1999, through the hydrocarbon code, as modified by Law No. 2002-23 of 14 February 2002, and by Decree No. 85-86 of 2 January 1985, relative to the control of discharges into the receiving medium. Decree No. 89-1047 of 28 July 1989, setting out the conditions for the use of treated wastewaters, and by Decree No. 94-1885 of 12 September 1994, setting out the conditions of overflow and discharge of residual waters.

2.6.18 In Albania, sewage discharge standards have been drafted, but are not yet in force. No legislation has been enacted in Bosnia-Herzegovina

Report on legal and/or administrative measures regarding the disposal of garbage from installations (Article 12)

2.6.19 Ten Contracting Parties (Algeria, Croatia, Cyprus, European Community, Italy, Libya, Morocco, Serbia-Montenegro, Spain, Tunisia) reported the existence of legislation in force regarding the disposal of garbage from offshore installations. In Algeria, various items of legislation enacted between 1983 and 2001 control every aspect, including inspection systems. In Croatia, the necessary measures for garbage disposal are included in the EIA studies, which take the provisions of the Protocol into account. In Cyprus, the disposal of garbage from installations is regulated by a number of laws enacted in 2003 and 2004, including those dealing with discharge of incineration residues, sewerage systems, protection and management of waters, civil liability and compensation for damages related to the

marine transport of hazardous and harmful substances, and water pollution prevention and control.

2.6.20 European Community legislation includes the Waste Framework Directive, which defines waste, establishes a hierarchy for waste management (prevention, recovery and safe disposal) and basic requirements for all waste management activities. It also includes Directive 2000/76/EC of 4 December 2000 on the incineration of waste, which also covers waste incinerated on oil platforms. According to the Directive, waste incinerators need a permit for operation, which shall include detailed conditions as laid down in the Directive.

2.6.21 In Italy, food residues and wastes are discharged according to international rules and standards. The disposal of other types of garbage into marine waters is prohibited. In Monaco, as in the case of sewage, Article L 242-1 of the maritime code stipulates that seabed exploration and exploitation activities should not affect the quality of the environment. In Morocco, garbage disposal is controlled by the Hydrocarbon code of 1992, as amended and completed in 1999. In Serbia-Montenegro and Spain, the same legal coverage as for sewage applies. In Tunisia, control is exercised through Law No. 96-41 of 10 June 1996 regarding wastes and their management and elimination, Law No. 99-93 regarding the code on hydrocarbons, and Decree No. 2000-2339 of 10 October 2000 setting out the list of hazardous wastes.

2.6.22 In Albania, Law No.9010 of 13 February 2003 on the environmental management of solid wastes is still not in force, pending the enactment of supporting legislation. However, other official decisions regarding the rules and regulations on waste import, export and transition are already being implemented. The Albanian Catalogue of Waste will be also in place very soon. No legislation has been enacted in Bosnia-Herzegovina

Report on legal and/or administrative measures regarding the disposal of wastes and harmful or noxious substances and materials in designated onshore reception facilities (Article 13)

2.6.23 Eight Contracting Parties (Algeria, Croatia, Cyprus, European Community, Italy, Libya, Spain, Tunisia) reported the existence of the necessary legal infrastructure for ensuring the safe disposal of wastes and harmful or noxious substances. In Algeria, this is controlled by a number of Laws and regulations enacted between 1983 and 2001, in which year the National Agency of Geology and Control of Mines was created. The Mining Engineers of the Agency ensure that regulations and security standards are observed. In Croatia, EIA studies determine the way of the disposal of waste and harmful or noxious substances and materials in onshore reception facilities and provide instructions for the implementation of sanctions regarding illegal disposal. In Cyprus, the Ports Authority established reception facilities at both Limassol and Larnaca ports for the collection and disposal of garbage from ships calling at the two ports in question in 1982. The collection of garbage from ships at anchorage is carried out by barges belonging to private companies which are selected through tender procedures, while a service to provide for the collection and storage of noxious liquid substances and harmful substances is being established by a private company at Vassiliko port.

2.6.24 In the European Community, Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community established two lists of substances: List I containing substances considered toxic, persistent or bio-accumulative, and List II "other polluting substances". The Directive requires all discharges, which contain in List I or II substances, to be authorised. Under the Directive emission limit values and quality objectives have been fixed for List I substances, whereas for List II substances, Member States were obliged to establish pollution reduction programmes. Decision 2850/2000/EC of the European Parliament and the Council of 20

December 2000, sets up a Community framework for cooperation in the field of accidental or deliberate marine pollution. Another relevant item of legislation is Directive 2000/59/EC of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues.

2.6.25 The basic European and national legislation on wastes and on the protection of waters applies in Italy. In Spain, Royal Decree 1381/2002 on port reception facilities for ship-generated waste and cargo residues has the purpose of reducing the discharges of ship-generated waste and cargo residues into the sea, specifically illegal discharges from ships using Spanish ports, by improving the availability and use of port reception facilities for ship-generated waste and cargo residues, enhancing thereby the protection of the marine environment. In Tunisia, control is exercised through the same legislation as for sewage and garbage, as well as through Law No. 2002-47 of 14 May 2002 regarding fishing ports, and Decree No. 70-101 of 23 March 1970, establishing a national coastal monitoring service.

2.6.26 In Albania, the legal framework in the field of hazardous wastes is not yet in place. However, a project on the detailed design and feasibility study for a hazardous waste landfill has already commenced. In Bosnia-Herzegovina, special regulations for hazardous waste management are in course of preparation. No reception facilities exist in Morocco at the present time. No reply was obtained from Monaco on this point. Serbia-Montenegro reported that this aspect was not applicable in its case.

Report on legal and/or administrative measures regarding safety measures (Article 15)

2.6.27 Eight Contracting Parties (Algeria, Bosnia-Herzegovina, Croatia, Italy, Libya, Serbia-Montenegro, Spain, Tunisia) reported that they have legal and administrative measures in force to ensure safety. In Algeria, control is enforced through both Mining and Environmental Laws. In Bosnia-Herzegovina, The 2003 Law on Environmental Protection contains a chapter on safety measures, and defines the procedures in the case of installations where dangerous substances are present. In Croatia, EIA studies determine the safety measures with regard to the design, construction, placement, equipment, marking, operation and maintenance of installations.

2.6.28 European Community legislation regarding safety measures includes Directive 96/82/EC of 9 December 1996 on accident prevention from industrial installations ("the Seveso II Directive"), which aims at preventing major industrial accidents that involve dangerous chemicals, and at limiting the consequences of such accidents. The latest amendment of the Directive, Directive 2003/105/EC of 16 December 2003 has extended the scope of the Seveso Directive to cover risks arising from chemical and thermal processing operations and storage related to those operations that involve dangerous substances. However, offshore exploration and exploitation of minerals, including hydrocarbons, are excluded. The IPPC Directive requires Member States to ensure that the permits they issue for activities covered by the Directive, contain measures relating to conditions other than normal operating conditions. Thus, where there is a risk that the environment may be effected, appropriate provision shall be made for start-up, leaks malfunctions, momentary stoppages and definitive cessation of operations. Council Decision 2001/792/EC, EURATOM of 23 October 2001, establishes a Community Mechanism to facilitate reinforced cooperation in civil protection assistance interventions. The Decision aims at improving coordination of interventions in case of disasters triggered by events of nature or human intervention, including environmental disasters and maritime pollution.

2.6.29 In Italy, Legislative Decree No. 624 of 25 November 1996 implements both the European Union Directives 92/91/EEC and 92/104/EEC concerning minimum requirements for improving the safety and the protection of health of workers in the mineral-extracting and drilling industry, including updated procedural and technical requirements on fire prevention.

2.6.30 In Serbia-Montenegro, a draft Law on Integrated Pollution Prevention and Control has been prepared. This Law is compliant with relevant EU legislation (IPPC Directive 96/61), and its target is to achieve an integrated prevention and control of pollution arising from certain activities. It stipulates that the operator shall ensure that the installation operates in such a way that all the necessary measures are taken to prevent accidents and limit their consequences. The energy, chemical and mineral industries are all affected by this Law. In Spain, in conformity with the 2002 IPPC Law, the single authorization required, *inter alia*, for energy industries (mineral oil and gas refineries) and chemical industries, integrates all the previous existing permits for emissions, discharges and wastes, so as the decisions on the prevention of fire and major accidents and health protection. In Tunisia, control is exercised through the legislation controlling sewage and garbage, as well as by Law No. 76-59 setting out the Code of maritime navigation of the Administrative Police, as modified, and by Law No. 99-25 of 18 March 1999, carrying the issue of the code of commercial maritime ports.

2.6.31 In Morocco, work progress in seabed exploration has not yet reached the stage of setting up installations. No information on this point was provided by Albania, Cyprus, Monaco.

Report on legal and/or administrative measures regarding contingency planning (Article 16)

2.6.32 Nine Contracting Parties (Albania, Algeria, Bosnia-Herzegovina, Croatia, Italy, Libya, Serbia-Montenegro, Spain, Tunisia) reported that they have legal and administrative measures in force to cater for emergencies. In Albania, contingency plans are asked as a precondition for equipment with the environmental permit. The plans are then subject of control by the Environmental Inspectorate. In Algeria, this is done through a variety of Laws and Decrees enacted between 1985 and 1998 dealing with Environment, control of dangerous materials, response to national emergencies and marine salvage. In Bosnia-Herzegovina, the 2003 Law on Environmental Protection covers contingency planning. In Croatia, Contingency plans to combat accidental pollution were developed in 1997 and harmonized with the provisions of the National Contingency Plan for Accidental Marine Pollution in the Republic of Croatia. In Cyprus, contingency planning is regulated by the 2001 Law on assessment of environmental impacts.

2.6.33 The European Community has no specific legislation dealing with contingency planning. However, within the Community framework for cooperation in the field of accidental or deliberate marine pollution established by Decision n° 2850/2000/EC of the European Parliament and of the Council, the Commission, together with Member States, is identifying current and future priorities to be taken into consideration in the three-year rolling plan. Actions shall be selected primarily on the basis of their capacity to contributing to providing information and preparing those responsible for and involved in dealing with accidental or deliberate marine pollution, in order to increase their degree of preparedness and contribute to preventing the risks. In Italy, Law No. 9 of 1991 stipulates that in order to obtain the activity authorization the applicant shall assess, among others, environmental safety aspects, accidental pollution, possible damages to marine ecosystems and shall take any measure to avoid such risks, including the adoption of contingency plans. In Serbia-Montenegro, the National Plan for the Prevention of, Preparedness for and Response to Major Marine Pollution Incidents at Sea, partially covers research and exploitation of the seabed and subsoil and also controls the use, storage and disposal of chemicals in authorised activities.

2.6.34 In Spain, the National Plan on Salvage (1998-2001) has been superseded by a new plan, elaborated for the period 2002-2005, aiming to improve the means and service quality

in the coordination of maritime salvage and in the fight against marine contamination. In addition, Royal Decree 1196/2003 enacted the Basic Guidelines on Civil Protection for the control and planning of major-accident hazards involving dangerous substances. Further, Royal Decree 253/2004 established prevention and fighting measures against contamination from discharge operations and hydrocarbons in the maritime and port areas. In Tunisia, contingency planning is covered by Law No. 76-59, setting out the Code of maritime navigation of the Administrative Police, as modified, Law No. 99-25 of 18 March 1999, carrying the issue of the code of commercial maritime ports, Law No, 99-93 of 17 August 1999, through the hydrocarbon code, as modified by Law No. 2002-23 of 14 February 2002, and Law No. 2002-47 of 14 May 2002, relating to fishing ports.

2.6.35 In Morocco, works have not yet progressed to the point of developing contingency plans. No reply was received from Monaco on this point.

Report on legal and/or administrative measures regarding notification of events on the installation or at sea likely to cause pollution (Article 17)

2.6.36 Ten Contracting Parties (Albania, Algeria, Bosnia-Herzegovina, Croatia, European Community, Italy, Libya, Serbia-Montenegro, Spain, Tunisia) reported the existence of legislation in force to ensure proper notification in case of pollution-causing events. In Albania, notification is included as a requirement in the various laws covering different environmental media (air, water and land). In Algeria, existing legislation on environmental protection, maritime code, mining and transport of chemicals cover both the reporting procedure and appropriate inspections. In Bosnia-Herzegovina, the 2003 Law on Environmental Protection covers the notification of pollution-causing events. In Croatia, besides the contingency plans to combat accidental pollution, every offshore facility has its own rulebook that contains the relevant provisions. European Community legislation covers notification through Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment ("the EIA Directive"), and Directive 96/61/EC of 24 September 1996 ("the IPPC Directive"), concerning integrated pollution prevention and control.

2.6.37 Italian national legislation on the protection of the sea binds the person responsible or in charge of the structure or platform at sea and on the continental shelf to inform the District Maritime Authority of any risk of marine pollution or environmental damage. In Serbia-Montenegro, the National Plan for the Prevention of, Preparedness for and Response to Major Marine Pollution Incidents at Sea, covers notification of pollution-causing incidents. In Spain, under the terms of Royal Decree 379/2001, approving the regulation of storage of chemicals and its technical complementary instructions, in case of major accidents involving dangerous substances, the operator of the installation, is bound to immediately inform to the competent body of the Autonomous Community, which shall adopt the necessary measures (e.g. the movement of the technical staff to note the circumstances and origin of the accident). In Tunisia, the notification process is ensured through the same legislation as for contingency planning, as well as through Law No. 96-29 of 3 April 1996, establishing a national contingency plan for marine pollution emergencies.

2.6.38 Morocco reported that exploration works have not yet progressed to the point relevant to this Article No information on this point was provided by Cyprus, Monaco.

Report on legal and/or administrative measures regarding removal of installations (Article 20)

2.6.39 Eight Contracting Parties (Albania, Algeria, Croatia, European Community, Italy, Libya, Spain, Tunisia) have legal and/or administrative measures in force regarding removal of installations. In Albania, abandoned installations are treated in the area where environmental hot spots are classified. In Algeria, the existing legal infrastructure covers both situations where the installation in question is no longer viable, and where the activity in question is being pursued without proper authorization. In Croatia, the EIA studies to be carried out also give the procedure in the case of closing of operations and removal of installations. Spain reported that under the terms of the OSPAR Convention, it agreed to the prohibition of dismantling out-of-use oil platforms at sea, as well as to the establishment of 2020 as the time limit for the progressive elimination of hazardous substances, with the aim of protecting the marine environment and guarantying its biodiversity. In Tunisia, control is exercises through Law No, 99-93 of 17 August 1999, setting out the hydrocarbon code, as modified by Law No. 2002-23 of 14 February 2002.

2.6.40 Under European Community legislation, installations are considered as becoming waste at the end of their lifetime, and come under Directive 75/442/EEC of 15 July 1975 on waste ("the Waste Framework Directive"), under which the unauthorized abandonment, dumping or uncontrolled disposal of waste into the environment, and thus also into waters, is prohibited. In Italy, upon request of the Ministry of Environment and Territory (IMET), preliminary studies are carried out by the Institute for Applied Marine Research (ICRAM) for the evaluation of environmental aspects of decommissioning of abandoned installations.

2.6.41 The present Article does not yet apply in the case of Morocco, as no installations have been completed. It was also reported as not applicable to Serbia-Montenegro. No measures were reported as having been taken in Bosnia-Herzegovina, and no information on this point was provided by Cyprus, Monaco,

Report on legal and/or administrative measures regarding activities initiated before the entry into force of the Protocol (Article 29)

2.6.42 Five Contracting Parties (Bosnia-Herzegovina, European Community, Serbia-Montenegro, Spain, Tunisia) reported on this point. European Community Legislation includes EIA Directive 85/337/EEC of 27 June 1985 as amended by Directive 97/11/EC of 3 March 1997: the EIA Directive (as amended) came into force on 14/3/1997, whereas Member States were required to transpose the Directive into national law by 14/3/1999. The IPPC Directive 96/61/EC of 24 September 1996 became applicable to new installations in 1999. Existing installations are to comply with its requirements by 2007. The Seveso II Directive 96/82/EC of 9 December 1996 came into force on 30 December 1997, and countries were required to transpose the Directive into national law by 30 December 1999.

2.6.43 No measures have been taken in Bosnia-Herzegovina. The measures in question were reported as not applicable to Serbia-Montenegro. Spain reported that the relevant national authorities provided no information on this point. Tunisia reported that this point would be considered when the Protocol enters into force. No information was provided by Albania, Algeria, Croatia, Cyprus, Italy, Libya, Monaco, Morocco, on activities initiated before the entry into force of the Protocol

Report on problems or constraints in implementation of the Protocol

2.6.44 Eight Contracting Parties (Albania, Algeria, Croatia, European Community, Libya, Morocco, Serbia-Montenegro, Spain, Tunisia) reported on this point. Croatia and Spain

reported that no constraints had been felt so far. Albania reported that the problems were the usual ones related to enforcement and funds. Libya reported a technical problem – the elimination of drilling mud. Serbia-Montenegro reported that in spite of the existence of the necessary legal infrastructure, practical implementation presented a problem. Algeria reported that the matter was under review as a prelude to eventual ratification, while Morocco reported that it was considering an appropriate legal regime. Tunisia stated that the constraints could not be reported on, as the Protocol was not yet in force.

Regional report on the implementation of the Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal

General

2.7.1 Article 5 of the Protocol details the general obligations of Contracting Parties with regard to pollution of the Protocol area through the transboundary movements and disposal of hazardous wastes. They are bound, in particular, by Article 5.2 to reduce or eliminate the generation of hazardous wastes, by Article 5.3 to reduce the transboundary movement of hazardous wastes or contribute to the elimination of such movement in the Mediterranean, by Article 5.4 to prohibit the export and transit of hazardous wastes to developing countries, or to prohibit all imports and transit of hazardous wastes, and by Article 5.5 to prevent and punish illegal traffic of hazardous wastes. This last obligation is also detailed in Article 9. Contracting Parties are also bound by Article 6 to take appropriate measures to control transboundary movements of hazardous wastes, in particular regarding prior notification of transboundary movements of hazardous wastes through territorial seas, as provided by Article 6.4 and Annex IV.

2.7.2 Contracting Parties are required to report on legal and/or administrative measures taken by them to reduce or eliminate the generation of hazardous wastes (Article 5.2), to reduce the transboundary movement of hazardous wastes or contribute to the elimination of such movement in the Mediterranean (Article 5.3), to prohibit the export and transit of hazardous wastes to developing countries, or to prohibit all imports and transit of hazardous wastes (Article 5.4), and to prevent and punish illegal traffic of hazardous wastes (Article 5.5, Article 9). They are also required to report on the legal and/or administrative measures to control transboundary movements of hazardous wastes (Article 6), in particular regarding prior notification of transboundary movements of hazardous wastes through territorial seas, as provided by Article 6.4 and Annex IV.

2.7.3 Fourteen Contracting Parties (Albania, Algeria, Bosnia-Herzegovina, Croatia, Cyprus, European Community, Italy, Libya, Monaco, Morocco, Serbia-Montenegro, Spain, Syria, Tunisia) submitted reports on the implementation of this Protocol. Of these, only three (Albania, Morocco, Tunisia) have ratified the Protocol, while the remaining eleven (Algeria, Bosnia-Herzegovina, Croatia, Cyprus, European Community, Italy, Libya, Monaco, Serbia-Montenegro, Spain, Syria) have still to ratify it. The report from Albania did not include any information on the operative items, while Monaco reported that it was not yet a Contracting Party to the Protocol, and the data submitted was only for information purposes. Of the other three Contracting Parties (France, Israel, Slovenia,) that submitted a national biennial report on the implementation of the Convention and Protocols, but did not include this particular Protocol, none has so far ratified it.

2.7.4 A very brief résumé of the situation in each of the fourteen reporting countries with regard to the terms of the Protocol is contained in Tables 2.6.1 to 2.6.7. The tables only refer to the degree of coverage provided by existing legislation, and reference to the text of this document should be made for further details, including names, reference numbers and scope of the various Laws. It should also be noted that the Protocol is not yet in force, and that only three Contracting Parties have so far ratified it. At the present time, therefore, Contracting Parties are not legally bound by the Protocol's provisions.

Report on legal and/or administrative measures to reduce or eliminate the generation of hazardous wastes (Article 5.2)

2.7.5 Eleven Contracting Parties (Algeria, Croatia, Bosnia-Herzegovina, Cyprus, European Community, Italy, Libya, Morocco, Serbia-Montenegro, Syria, Tunisia) reported the existence of legal and/or administrative measures in force regarding hazardous waste generation. In Algeria, the main legal framework consists in Law No. 1-19 of 12 December 2001 regulating management, control and elimination of wastes, which deals with pollution prevention and reduction, collection, transport and treatment, and the evaluation of wastes for recycling, and their impact on Public Health and the Environment. In addition, the National Cadastral Survey of Special Wastes was launched in October 2001, by the Ministry of the Environment, and is an instrument for recognition, evaluation of waste generation. On the basis of this survey, A national plan for the management of special wastes was launched by Decree on 9 December 2003. The plan includes all aspects of waste management, and conforms with the terms of both the Protocol and the Basle and Stockholm conventions. In Bosnia-Herzegovina, the 2003 Law on Waste Management defines the general regulations concerning waste management. The relevant Article stipulates that all activities shall be designed and undertaken in a way to have the least effect on environment and human health, to decrease the load and use of environmental resources, not to endanger or pollute the environment, not to endanger or harm human health, to decrease the quantity and harmful effects of waste, to promote the reuse and recycling (material recovery) of waste and also the safe disposal of waste.

2.7.6 In Croatia, a number of legal instruments, both general and specific, deal with hazardous wastes, and all legal and administrative measures in this regard are performed following the provisions of the Basel Convention and relevant national legislation. In Cyprus, the issues concerning hazardous waste are regulated under the Solid and Hazardous Waste Management Law No. 215 (I) of 2002). A strategic plan has been established for the management of solid and hazardous waste. Within this strategy there are provisions to reduce to a minimum, or where possible, eliminate the generation of hazardous waste.

2.7.7 The European Community has two Directives regarding the reduction of hazardous waste generation. Directive 75/442/EEC on Waste of 15 July 1975 ("the Waste Framework Directive") specifies that the Member States are required to take the necessary measures to encourage the prevention or reduction of waste production and its harmfulness, by various means. And to encourage the recovery of waste by means of recycling, re-use of reclamation or any other process. The Directive furthermore requests that the competent authorities in the member States draw up one or more waste management plans, which relate to the type of waste recovered or disposed of, any special arrangements of particular wastes and suitable disposal sites or installations. Directive 91/689/EC on Hazardous Waste of 12 December 1991 applies to all waste featuring on a list of hazardous waste having a number of characteristics, such as explosive, carcinogenic, mutagenic, etc. In addition, Regulation 850/2004 of 29 April 2004 on Persistent Organic Pollutants ("POP's) strives for the reduction of POP's and therefore avoids the generation of POPs waste.

2.7.8 In Italian national Law, all aspects regarding reduction of waste generation are covered by Legislative Decree No. 22 of 5 February 1997 and its subsequent amendments. Libya reported that all aspects of the control of the transboundary movements of hazardous waste are covered by Law No 15 for the protection of the environment, and through its ratification of the Basel Convention. In Morocco, Law No. 11-03 of 12 May 2003 on the protection and evaluation of the environment stipulates that the unauthorized circulation of all harmful and dangerous substances is prohibited.

2.7.9 In Serbia-Montenegro, a large number of national Laws apply to waste reduction, in particular the 1996 Law on Environment, the Law on cleanliness, collecting and use of waste, as amended in 1994, the Law on transport of hazardous substances, as amended in 2002,

and the 2000 Regulation on criteria for the selection, locations, methods and action for storage of waste material. In addition, all the obligations related to the implementation of the Basel Convention have been incorporated in national legislation in 1999. In addition, the Ministry of Environmental Protection and Physical Planning have undertaken activities aiming in development of the Strategy and Master plan of solid waste management at national level. In Spain, the basic legislation on waste, Law 10/98 of 21 April 1998, was modified by Law 16/2002 of 1 July 2002 on Integrated Pollution Prevention and Control (IPPC) to update the authorization process. The National Strategy on Hazardous Wastes (1995-2000) was based on this, and aimed at the gradual reduction at source of the amount of hazardous wastes generated, while ensuring their environmentally sound reuse, recycling and treatment. This Plan was still under revision in 2002-2003. A number of other national and regional items of legislation dealing with various aspects of waste reduction were enacted during the period under review.

2.7.10 In Syria, Article 4 of the Environmental Law passed by parliament and ratified by the president in 2002 authorizes the General Commission for Environmental Affairs to formulate the guidelines for the circulation of hazardous materials that have noxious effect on the environment. The guidelines also include classification, storage, transportation, and disposal of hazardous material. In May 2002, the Higher Council of Environmental Safety issued a classification of solid industrial hazardous wastes classified according to the concentration of hazardous substances in the wastes. The Council also issued in the same date a list of industrial processes that produce solid hazardous wastes. Tunisia reported several items of legislation on waste generation and elimination. These include Law No. 96-41 of 10 June 1996, as modified by Law No. 2001-14 of 30 January 2001, regarding wastes and the control of their management and elimination, Decrees No. 2000-2339 of 10 October 2000 and 2002-693 of 1 April 2002, which respectively establish the list of dangerous wastes, and regulate the conditions and modalities of reuse of lubricating oils, as well as several other decrees and decisions regarding maritime transport of wastes.

2.7.11 No measures for reduction of hazardous waste generation were reported to have been taken in Monaco. It was stated that such production is relatively small, and under existing legislation, the industries themselves have to manage any hazardous wastes produced through their activities. No information was provided by Albania.

Report on legal and/or administrative measures to reduce the transboundary movement of hazardous wastes or contribute to the elimination of such movement in the Mediterranean (Article 5.3)

2.7.12 Ten Contracting Parties (Algeria, Bosnia-Herzegovina, Croatia, Italy, Libya, Monaco, Serbia-Montenegro, Spain, Syria, Tunisia) reported that they have the legal framework for reduction of the transboundary movement of hazardous wastes. In Algeria, the 2001 Law on management, control and elimination of wastes includes the provision that transport of hazardous wastes is dependent on authorization from the Minister responsible for Environment following referment by the Minister responsible for transport. In addition, a 1998 Presidential Decree stipulates the adhesion without reservations to the Basel Convention. In Bosnia-Herzegovina, the transboundary movement of hazardous wastes is regulated by the terms of the 2003 Law on waste Management. In Croatia, the transboundary movement of wastes is regulated by the Waste Act of 2003, under the terms of which the import of (a) waste for the purpose of storage and (b) hazardous waste is forbidden.

2.7.13 In European Community legislation, Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community (the Waste Shipment regulation) lays down the conditions under which such shipments may be made. In Italy, the Legislative Decree of 1997 and its

amendments cover both import and export of hazardous wastes. To the exports, Italy applies the Community Regulation n. 259/93 which embodies the Basel Convention and its amendments. The importation into Monaco of hazardous wastes for treatment, recycling or final disposal is nit allowed. Only incineration of wastes for energy production is authorized. In Serbia-Montenegro, requests for permits for import, export and transit of the waste used in the process of production of secondary raw materials must be submitted by the exporter or importer to the Ministry of Environmental Protection and Physical Planning of the Republic of Montenegro, with related general and specific documentation, in terms of the 1999 Regulation on Documentation for the Issuing of Licences for Waste Import, Export and Transit. Spain reported that transboundary movements of wastes in the country are governed by the Basel Convention, and by European Community legislation.

2.7.14 In Syria, the Environmental Law authorises the General Commission for Environmental Affairs to take necessary measures to prevent the introduction or burial of any wastes in Syria, and also specifies that the importer of any chemical material is responsible for returning it to its country of origin if this material proves to be harmful to the environment. Tunisia again has several items of legislation in force. Apart from the ones mentioned above with regard to waste generation and elimination, transboundary movements of hazardous waste are also regulated by Law No. 92-11 of 3 February 1992 ratifying the Bamaco Convention on hazardous wastes, Law No. 95-63 of 10 July 1995, ratifying the Basel Convention, and Law No. 98-15 of 23 February 1998 ratifying the Protocol.

2.7.15 There is a provision for the construction of a hazardous waste management centre in Cyprus as part of the country's strategic plan. It is expected that the centre will be operational in about 4 years. Most of the hazardous waste generated in Cyprus will be managed in this Centre, resulting in the elimination of the transboundary movement of hazardous waste to other countries.

2.7.16 Morocco reported that it ratified the Basel Convention on 28 December 1995, and the Hazardous Wastes Protocol on 1 July 1999, but did not specify any item of national legislation relative to this particular Article. Albania provided no information.

Report on legal and/or administrative measures to prohibit the export and transit of hazardous wastes to developing countries, or to prohibit all imports and transit of hazardous wastes (Article 5.4)

2.7.17 Eleven Contracting Parties (Algeria, Croatia, Cyprus, Croatia, European Community, Italy, Libya, Monaco, Serbia-Montenegro, Spain, Tunisia) reported the existence of the necessary legaland/or administrative framework regarding the export and transit of hazardous wastes. In Algeria, the December 2001 Law referred to above stipulates that the importation of hazardous wastes is strictly prohibited, as is the export and transit of such wastes to countries which prohibit import, as well to other countries unless by specific written agreement. In Bosnia-Herzegovina, the 2003 Law on Waste Management defines transboundary movement when the BH Federation is the destination. Under this Law, the transboundary movement of wastes from other countries to final disposal in the Federation of Bosnia and Herzegovina is prohibited, and wastes may be imported to the B&H Federation only for recovery operations. In Croatia, the transboundary movement of wastes is regulated by the Waste Act of 2003, whereby both import and export can be permitted under stipulated conditions. Cyprus has enacted the necessary measures following ratification of the Basel Convention and its amendment. Also all the provisions of regulation 259/1993/EC are implemented in Cyprus.

2.7.18 In the European Community, the Waste Shipment Regulation (EEC) No 259/93 of 1 February 1993 provides that all exports to developing countries of waste for disposal are banned. All exports to developing countries of waste for disposal are banned, as is the export

of hazardous waste for recovery to countries to which the OECD decision does not apply (mainly non-industrialized third countries). Council Directive 92/3/Euratom of 3 February 1992 on the supervision and control of shipments of radioactive waste between Member States and into and out of the Community requires Member States to ensure that waste is not exported to certain countries, including third countries that do not have the resources to manage the waste safely. In Italy, the above-mentioned Community Regulation is applied to all exports of hazardous wastes. In Monaco, hazardous wastes collected by public organizations are treated in neighbouring European Union member states.

2.7.19 In Serbia-Montenegro, The Law on the Transport of Hazardous Substances prohibits the import of hazardous wastes of foreign origin for the purpose of their temporary or permanent disposal. The competent authorities can forbid the transport of certain types of hazardous substances across an area or decide on the means of transport of such substances. The prohibition of export and transit of hazardous wastes to developing countries, or prohibition of all imports and transit of hazardous wastes is also regulated by the Rulebook on Documentation Submitted along with the Application for the Issue of a licence for Waste Import, Export and Transit. In Spain, national legislation is in conformity with the provisions of the Basel Convention and European Community legislation. Syria considers all trading in hazardous wastes as illegal activities. Tunisian legislation is reported to cover the terms of this Article, and includes Law No. 94-41 of 7 March 1994 regarding external trade, commerce, Law No. 96-41 of 10 June 1996, as modified by Law No. 2001-14 of 30 January 2001, regarding wastes and the control of their management and elimination, and Decree No. 2000-2339 of 10 October 2000, which establishes the list of dangerous wastes.

2.7.20 In Morocco, a chapter on pollutants and nuisances is being added to the 2003 Law on protection and evaluation of the environment. This will include a provision to the effect that the Administration and Local Councils will utilize all the necessary legal instruments available to set the conditions and management options for elimination of waste, including storage, transport, import and export. Albania provided no information

Report on legal and/or administrative measures to prevent and punish illegal traffic of hazardous wastes (Article 5.5, Article 9)

2.7.21 Eleven Contracting Parties (Algeria, Bosnia-Herzegovina, Croatia, Cyprus, European Community, Italy, Libya, Serbia-Montenegro, Spain, Syria, Tunisia) reported the enactment of legal provisions regarding the illegal traffic of hazardous wastes. In Algeria, the December 2001 Law referred to above, regulates all aspects, including return of the waste to the country of origin, and penalization of offenders. In Bosnia-Herzegovina, the 2003 Law on Waste Management contains penalty provisions for infringement that include both fines and imprisonment. In Croatia, the penalty provisions (Article 62) of the Waste Act stipulate the imposition of a pecuniary penalty for violation. In addition, the Penal Act of 1997 envisages penal provisions for criminal acts against the environment, including the Import of radioactive and hazardous waste. Cyprus has enacted the necessary measures following ratification of the Basel Convention and its amendment. Also all the provisions of regulation 259/1993/EC are implemented in Cyprus.

2.7.22 Within the European Community, Directive 1991/689/EEC of 12 December 1991 on hazardous waste contains provisions that indirectly refer to the prevention of illegal traffic. In particular, record keeping requirements as provided in the Waste Framework Directive also apply to establishments and undertakings transporting hazardous waste. In Italy, the illegal traffic of wastes is controlled by Legislative Decree No, 22 of 5 February 1997, which imposes heavy sanctions on offenders. In Serbia-Montenegro, the Criminal code covers penalties in general for infringement of the Law and, in particular, its Article 314 specifies the illegal treatment, disposal and storing of dangerous substances as a criminal offence, and carries a penalty of imprisonment. In Spain, measures to prevent and punish illegal traffic of

hazardous wastes are contained in the 1998 Law on Wastes, and include all types of sanctions, depending on the gravity of the offence. In Syria, the Environmental Law penalizes any person who participates or assists in the transboundary movement of nuclear or radioactive wastes into the Syrian Arab Republic, the sanctions being more severe if such is done with the intention of dumping, burying, disposing, incinerating or storing these wastes inside the country. In Tunisia, Law No. 96-41 of 10 June 1996, as modified by Law No. 2001-14 of 30 January 2001, regarding wastes and the control of their management and elimination, includes the relative penalties fore non-compliance, and covers illegal traffic in combination with Decree No. 2000-2339 of 10 October 2000, which establishes the list of dangerous wastes.

2.7.23 There are no legal or administrative measures in force in Monaco and in Morocco regarding the illegal traffic of hazardous wastes. However, in the former case, the Principality cooperates to the full in the control of these activities through International legal instruments to which it is a Party. Albania provided no information

Report on legal and/or administrative measures to control transboundary movements of hazardous wastes (Article 6), in particular regarding prior notification of transboundary movements of hazardous wastes through territorial seas, as provided by Article 6.4 and Annex IV

2.7.24 Ten Contracting Parties (Albania, Algeria, Croatia, Cyprus, European Community, Italy, Libya, Serbia-Montenegro, Syria Tunisia) reported the enactment of legal provisions to control transboundary movements of hazardous wastes, including notification procedures. In Albania, the necessary measures are in force under the terms of Law No. 9299 of 28.10.2004 on the accession of Albania to the Basel Convention. In Algeria, Article 26 of the December 2001 Law provides that the operations in question require an authorization from the Minister of Environment, subject to specified conditions, which include documents of notification. In Croatia, no import, transit or export of waste is allowed without permit issued by the Ministry of Environmental Protection, Physical Planning and Construction. In Cyprus, Law No. 215 (I) of 2002 stipulates that any physical or legal person that is involved with waste management has to apply for a permit, which is
Provided by the competent authority after a thorough examination of the applicant's status, and is accompanied by specific conditions.

2.7.25 European Community legislation includes the Waste Shipment Regulation, which lays down the conditions under which such shipments may be made, including requirements for notifications. Under the notification procedure, the competent authorities of the state of destination may object to a shipment if it is not in accordance with national laws relating to environmental protection, public safety or health protection. A distinction is made between the shipment of hazardous waste for disposal and shipment of hazardous waste for recovery. In Italy and Spain, the terms of EEC Regulation 259/93 are applied, including the stipulation for documents both for notification and for provision of all the information related to the transboundary transport in question. In Serbia-Montenegro, the Regulation on Documentation to be submitted with Application for the issue of a Licence for Waste Import, Export and Transit prescribes the appropriate notification procedures. Syria reported that it uses the model notification and movements/accompanying documents specified in the Basel Convention.

2.7.26 In Tunisia, relevant legislation is reported to include the already-mentioned Law No. 96-41 of 10 June 1996, as modified by Law No. 2001-14 of 30 January 2001, regarding wastes and the control of their management and elimination, as well as Law No. 95-63 of 10 July 1995, on the ratification by Tunisia of the Basel Convention. No regulations have been enacted in Bosnia-Herzegovina and Morocco, the former of which reported that the Article was not applicable, as the country has no territorial seas. In Monaco, there are no legal or administrative measures in force regarding notification. The transboundary movement of

hazardous wastes (exported from Monaco) is indirectly the object of a Customs Union treaty with France.

Report on problems or constraints encountered in implementation of the Protocol

2.7.27 Albania reported that the national legal framework in the field of hazardous wastes was not yet in place, and also that training of Environmental Inspectorate and Customs staff was needed. Laboratories to classify the hazardous waste were also still unavailable. Morocco reported that no specific law on waste management was yet in force. The need for technical assistance was stressed by Morocco and Serbia-Montenegro. The European Community reported that the main problem arose from the different standards for recovery (incineration) activities that existed in the various Member States. Algeria reported that the matter was under review prior to eventual ratification, while Spain and Tunisia stated that the constraints could not be identified, as the Protocol was not yet in force. Cyprus and Libya reported that no problems had been encountered so far, while no comments were received from Bosnia-Herzegovina, Croatia, Italy and Monaco.

PART III

REGIONAL REPORT ON THE TECHNICAL IMPLEMENTATION OF THE PROTOCOLS

General remarks

3.1 Fifteen Contracting Parties (Albania, Algeria, Bosnia-Herzegovina, Croatia, France, Israel, Italy, Libya, Monaco, Morocco, Serbia-Montenegro, Slovenia, Spain, Syria, Tunisia) submitted national reports on the technical implementation of the Protocols to the MAP Coordinating Unit. All the reports were submitted in accordance with the reporting formats approved by the Contracting Parties, except for the tabular material in connection with the Land-based Sources Protocol, for which a number of Contracting Parties submitted the data in different formats. In the majority of cases, whenever any item in the questionnaire format dealing with any particular Protocol could not be answered, a response was provided to the effect that this particular item was not applicable, or that no action was taken. In other cases, however, no response whatever was provided.

3.2 As stated in Part I of this document, the Contracting Parties had agreed at their Thirteenth Ordinary Meeting in Catania in 2003 that national reports should cover the 2002-2003 biennium, *i.e.* the period 01 January 2002 to 31 December 2003, and the May 2004 Tunis Meeting .had recommended that while Contracting Parties should have the option of providing information on legal and/or administrative measures predating that period should they so wish, the required technical data should be limited to the biennium if appropriate. In this context, it should be noted that the formats for national reports on the technical implementation of the Protocols also include a certain amount of legal and administrative data. All the Contracting Parties submitting reports formally stated that these covered the 2002-2003 biennium, except Bosnia-Herzegovina and Libya, which covered the periods 2000-2003 and 2001-2003 respectively. Nearly all the reports, however, contained information pertaining to prior (and in some cases later) years, not only regarding legal and/or administrative measures, but also, in a number of instances, technical data. Further details are provided in the appropriate sections of this report.

3.3 Most Contracting Parties reported the situation existing for most of the measures and/or activities covered by the various questionnaires relating to the different protocols either at the end of the 2002-2003 biennium or, in several instances, at the time of preparation of the report (late 2004 or even early 2005). In the majority of instances, the reports indicated the period prior to the 2002-2003 biennium during which such measures or activities originated, and also provided information on any changes effected during the period under review. In some cases, however, the only information provided under a number of items was that no changes were effected during the 2002-2003 biennium, without any indication of the actual situation.

3.4 In all cases, the national reports of the Contracting Parties on the technical implementation of the Protocols were compiled by Central Agencies on the basis of information received from those national authorities with executive responsibility for those activities concerning each particular Protocol. Seven Contracting Parties (Albania, Croatia, Israel, Morocco, Serbia-Montenegro, Syria, Tunisia) received assistance from the Mediterranean Action Plan Secretariat towards the compilation of the reports (within the framework of an overall contract covering the complete national report on the implementation of the Convention and Protocols.

Regional report on the technical implementation of the Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea

Reporting obligations on technical implementation

3.5 Article 4.2 of the Protocol lists the type of wastes that can be dumped. Article 5 lays down that the dumping of wastes or other matter listed in Article 4.2 requires a prior special permit from the competent national authorities, while Article 6 specifies that such permit shall be issued only after careful consideration of the factors set forth in the Protocol's Annex and of any criteria, guidelines and relevant procedures for the dumping of wastes adopted by the Contracting Parties. Article 8 of the Protocol states that any dumping occurring as a result of *force majeure* due to stress of weather or any other cause threatening human life or ship/aircraft safety shall be reported in full detail. Similarly, in terms of Article 9 of the Protocol, in critical situations where wastes or other matter not listed in Article 4.2 cannot be disposed of on land without unacceptable danger or damage, the Contracting Party in question shall consult the Organization, and report on action taken in accordance with recommendations received. In addition, sub-paragraph 2(b) of Article 14 of the Protocol specifies that one of the functions of the Meetings of Contracting Parties to the Protocol shall be to study and consider the records of the permits issued in terms of Articles 5, 6 and 7 (Incineration at sea) and of the dumping that has taken place, thus requiring Contracting Parties to report on the quantities of materials dumped.

3.6 Fifteen Contracting Parties (Albania, Algeria, Bosnia-Herzegovina, Croatia, France, Israel, Italy, Libya, Monaco, Morocco, Serbia-Montenegro, Slovenia, Spain, Syria, Tunisia) submitted reports on the technical implementation of this Protocol. Of these, nine (Albania, Croatia, France, Italy, Monaco, Morocco, Slovenia, Spain, Tunisia) have accepted the amendments to the Protocol, while the other six (Algeria, Bosnia-Herzegovina, Israel, Libya, Serbia-Montenegro and Syria) have ratified the original Protocol, but not yet accepted the amendments.

Reports on dumping permits issued in terms of Articles 5 and 6:

3.7 A total of 86 permits were issued by five of the Contracting Parties reporting (Albania, Algeria, Israel, Italy, Spain) during the period under review. Four permits were issued in Albania for the period 2003-2004, all dealing with harbour operations. In Algeria, four permits referred to dredging wastes from the harbours of Arzew, Annaba, Skikda and Sisi Fredi, and two to the wrecks of two vessels. 41 permits, involving dredged material, fish waste and brines, were issued by Israel. 27 permits (14 in 2002 and 13 in 2003) were issued by Italy, all with regard to dredging waste. In each case, technical details regarding the characteristics of the wastes dumped, as well as the dumping sites, were provided. Spain reported the issue of twelve permits, all involving harbour dredging wastes, but only one these (at Melilla) was located within the Protocol area. A sixth Contracting Party (France) reported that only dredging waste was authorised for dumping by the national authorities, and that consolidated data regarding wastes dumped during the 2002-2203 biennium would be available at the end of March 2005. A seventh (Tunisia) reported that four environmental impact studies on harbour dredging waste were carried out in 2002-2003 in conformity with standing regulations. In addition, two dumping operations were effected in 2003 with the object of creating an artificial reef.

3.8 The other eight Contracting Parties reporting (Bosnia-Herzegovina, Croatia, Libya, Monaco, Morocco, Serbia-Montenegro, Slovenia, Syria) stated that their competent

authorities issued no permits. In the first-mentioned case, the Law defining such issue, drafted in 2003, has not yet been adopted. In Monaco, dumping activities are not authorized except in vary rare cases, and only where these are necessary for the development of harbour installations, and involve inert mineral materials. In such cases, the Government systematically imposes solutions posing the least pollution problems. Dumping at sea is not allowed in Slovenia. In Morocco, there are no authorities responsible for the control of dumping and the issue of permits, and no data could therefore be reported.

Reports on occurrences of dumping in cases of *force majeure* in terms of Article 8

3.9 One Contracting Party (Algeria) reported one instance of dumping due to *force majeure* in April 2002. Nine Parties (Albania, Croatia, France, Israel, Italy, Libya, Serbia-Montenegro, Spain, Syria) reported that no such dumping occurred during the period under review. Three others (Bosnia-Herzegovina, Morocco, Tunisia) reported that no data on such occurrences was available. No information was provided in the national reports of the remaining two (Monaco, Slovenia).

Reports on occurrences of dumping at sea in critical situations in terms of Article 9

3.10 Ten Contracting Parties (Albania, Croatia, France, Israel, Italy, Libya, Monaco, Serbia-Montenegro, Spain, Syria) reported that no dumping took place due to critical situations during the period under review. Another two (Bosnia-Herzegovina, Tunisia) reported that no data was available. No information was provided in the national reports of the remaining three (Algeria, Morocco, Slovenia).

Reports on total quantities of material dumped during period under review in terms of Article 14.

3.11 Five Contracting Parties (Israel, Italy, Serbia-Montenegro, Spain, Syria) provided figures of substances and materials dumped. Israel reported the annual dumping of 500,000 m^3 of dredged material (300,000 m^3 waste derived from industrial effluents, and c.200,000 m^3 clean marine sand), and 170, 650 m^3 of brines (143,000 m^3 from the food industry, specifically from dairy and meat koshering, and 27,650 m^3 organic and inorganic industrial brines), together with the monthly dumping of c.300 m^3 of fish waste. Italy reported that 488,090 m^3 of dredged sediments were dumped in 2002, and 1,516, 052 m^3 in 2003. In Spain, the amount of dredging waste from the one locality (Melilla harbour) within the Protocol area was estimated at 222,436 cubic metres. Syria reported the annual dumping of just over 2,000 m^3 of material from the port of Banias thermal power station, and 4,500 dredged material from the small harbour at Al-Tahouneh. The Syrian report also included the information that while no dredging took place in the port of Lattakia and Tartous Harbour during the period under review, estimated amounts of 456,000 and 785,000 m^3 of dredged materials respectively were dumped in 2004. Serbia-Montenegro reported 14 small-scale spillages in bays, consisting mainly in oily wastewater.

3.12 Of the other ten Contracting Parties, France reported that consolidated data regarding quantities of material dumped during 2002-2003 would be available at the end of March 2005, Croatia and Libya reported that no dumping took place during the period under review. Albania, Bosnia-Herzegovina, Morocco and Tunisia reported that no data were available, while no information was reported by Algeria, Monaco and Slovenia.

Regional report on the technical implementation of the Protocol concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, combating Pollution of the Mediterranean Sea

Reporting obligations on technical implementation

3.13 Article 4 of the Protocol requires *inter alia* that Contracting Parties maintain and promote contingency plans and other means of preventing and combating pollution incidents, including equipment, ships, aircraft and personnel prepared for operations in cases of emergency, the development or strengthening of the capability to respond to a pollution incident, and the designation of national authorities responsible for the implementation of the Protocol. They therefore have to report on the status of their National Contingency Plans, including geographical coverage and application to oil, other harmful substances or both, on their response strategy in the case of pollution incidents and emergencies, and on the status of their capacity for airborne surveillance, with or without remote sensing equipment. Article 8 of the Protocol binds the Parties to report pollution incidents on an *ad hoc* basis, while Article 9 defines the reporting procedure. Under the terms of these two articles, Contracting Parties have to provide information on the number of reports submitted regarding pollution incidents or spillages at sea likely to constitute local emergencies or to affect other Parties, including details of such reports.

3.14 Fifteen Contracting Parties (Albania, Algeria, Bosnia-Herzegovina, Croatia, France, Israel, Italy, Libya, Monaco, Morocco, Serbia-Montenegro, Slovenia, Spain, Syria, Tunisia) submitted reports on the technical implementation of this Protocol. Of these, only four (Croatia, France, Monaco, Slovenia) have ratified the new Protocol, while the remaining eleven (Albania, Algeria, Bosnia-Herzegovina, Israel, Italy, Libya, Morocco, Serbia-Montenegro, Spain, Syria, Tunisia) have ratified the original Protocol, but still have to ratify the new one.

Reports on the status of national contingency plans in terms of Article 4

3.15 In Algeria, a national organization for combating marine pollution was formed by Executive Directive No. 94-279 of 17 September 1994, and included the institution of a Marine Pollution Contingency Plan, which was operational during the period under review. The contingency plan, operated at national, regional and local levels, is collectively termed the TELBAHR Plan. A National Contingency Plan for Accidental Marine Pollution in the Republic of Croatia was established by law in 1997. This includes procedures to be followed in cases of oil and/or oil-mixture spillages, pollution by other hazardous chemicals and noxious substances, and unusual natural events.

3.16 In France, a new Contingency Plan has been in operation since 2002. This plan lays an accent on international cooperation, and provides for the reinforcement of combat measures at both national and local levels, for the organisation and enhancement of the capacity of expertise available to the relevant authorities, especially for assessment of health and environmental damage, for optimising available stocks of material and for treatment of polluted materials and recovered pollutants, as well as for consideration of conservation measures and the assessment of compensation. This plan, termed the "Plan POLMAR", is continually upgraded. The national contingency plan currently operational in Israel provides an organizational structure, authority and framework of command for the various entities involved in oil spill response, as well as for the efficient use of measures in emergency situations involving up to approximately 4,000 tons of spilled oil. The Ministry of the