



United Nations
Environment
Programme



UNEP/BUR/40/Inf.3
15 January 1992

Original: ENGLISH

MEDITERRANEAN ACTION PLAN

Meeting of the Bureau of the Contracting Parties
to the Convention for the protection of the
Mediterranean Sea against pollution and
its related protocols

Cairo, Egypt, 25-26 February 1991

**COMPILATION OF ENVIRONMENTAL LEGISLATION RELATIVE TO THE
BARCELONA CONVENTION - COMPARATIVE ANALYSIS**

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PREFACE

The process of compilation of environmental legislation relevant to the Barcelona Convention and its related Protocols was initiated by UNEP Secretariat in 1987 for the purpose of raising the quality of implementation of the legal component of the Mediterranean Action Plan and of making communicative among the Contracting Parties the relevant legislative portrait of each one of them. The Secretariat, with the help of the author, had chosen GREECE as a starting point for a compilation of all legal instruments governing the environmental issues covered by the Barcelona Convention⁽¹⁾. At the Fifth Ordinary Meeting of the Contracting Parties the compilation of Greek legislation related to the Barcelona Convention was approved "as a model for similar compilation of legislative provisions of other countries"⁽²⁾. Subsequently, the compilation model was approved to be used for the relevant legal instruments of four more countries by the Sixth Ordinary Meeting of the Contracting Parties⁽³⁾. So far, the collections of relevant environmental legislation of three countries (those of Egypt, Israel and, recently, of Yugoslavia) have been completed and submitted to the Co-ordinating Unit in Athens.

The present work is based on the comparison of the collections of Egyptian, Israeli and Greek legislation related to the protection and management of the marine and coastal environment. The feasibility of such a comparison has been made possible by the preceded vertical operation of the proposed compilation model. Thus, the above mentioned Collections of legislation were produced on the basis of two criteria, the constructive criterion (identification of the specific normative relationship between the Barcelona Convention and its related Protocols and the implementing national Legislative process of a Contracting Party, locating, at the same time, the idiosyncrasy of the respective national administrative structure) and the formal criterion (establishment of formal categories and sub-categories corresponding, directly or indirectly, to the issues regulated by the Barcelona Convention system and classifying, under them, the bulk of the national, environmentally relevant, legislation)⁽⁴⁾.

The present work discusses and analyzes the horizontal operation of the proposed compilation model. It considers the legal nature of the Barcelona Convention and its related Protocols to be an international public trust and identifies the extent to which each of the three Contracting Parties, as an international trustee, has implemented, through its national legislation, his duties-in-trust as prescribed in the Barcelona Convention system. To this effect, it underlines the importance of attaching the time-element of such

(1) UNEP: Report of the Fifth Ordinary Meeting of the Contracting Parties, UNEP/IG.74/5, 28 Sept. 1987, para. 64, 11.

(2) Ibid., Recommendations, section II (D), Recommendation 8, 51.

(3) UNEP: Report of the Sixth Ordinary Meeting of the Contracting Parties, UNEP(OCA)/MED IG.1/5, 3-6 Oct. 1989, Annex VI, 7.

(4) For an analysis, see RAFTOPOULOS, E., "The Mediterranean Action Plan in a Functional Perspective: A Quest for Law and Policy", MAP Technical Report Series No. 25, UNEP, Athens, 1988, 49-58.

an implementation to the status of the Contracting Parties, as custodians of the marine and coastal environment, rather than to their "contractual" will expressed at the time of the adoption of the Barcelona Convention. Hence, the comparison of the collections of national implementing legislations is being carried out beyond the contractual bounds of the Barcelona Convention, by reference to the overall legislative conduct of each one of the Contracting Parties. The work also identifies the implementing legislative trends in each Contracting Party, highlighting the dimensions of the particular implementing normative strategy employed by them (by including certain types of provisions of the Barcelona Convention system in strong or weak combinations or by omitting others). It finally indicates the influence of their respective administrative structure on the implementing legislative process and, especially, on the stage of development of national environmental legislation in a particular economic context.

ABBREVIATIONS

IC	International Convention
TN	Total Number

Note: The asterisk (*) to be found in front of certain laws and regulations presented at the Tables, indicates their comprehensive or system-oriented legal nature.

I. INTRODUCTORY REMARKS

The purpose of this work is to trace the scope and the quality of the "link" between the Barcelona Convention and its related Protocols and the relevant legislation of three Contracting Parties, EGYPT, GREECE and ISRAEL concerning the regulation of environmental issues.

In essence, this "link" is relational. The duties of the Contracting Parties, enshrined in the Barcelona Convention system, have not a "contractual" finality. They have a history and a future. They refer to a pattern of public conduct which is distinctive, normative and evolving. Each Contracting Party has its own order, its own pattern of public conduct corresponding, as a process rather than as a state, to the Barcelona Convention system. This process of "correspondence" is clustered into the notion of "link". Each Contracting Party has developed its own legislative portrait by a process of legislation which has some relevance, stronger or weaker, to a spectrum of the duties provided by the Barcelona Convention system. Hence, the "link" refers to a process of relevant legislation promulgated prior and/or after the ratification of the Barcelona Convention system by each Contracting Party and varies according to the implementing combinations of duties disclosed along that spectrum. In other words, this "link" is forged by the operative correspondence between relational environmental norms contained in the Barcelona Convention system and their implementation aspects disclosed in the legislative process of each Contracting Party, or, for the purpose of this work, in the legislative processes of EGYPT, GREECE and ISRAEL.

Furthermore, the duties of the Parties to the Barcelona Convention system are by no means exhausted in a "contractually" completed bond. Being formulated in an entirely "permissive" language and in a framework manner, they do not simply postulate the implementing public conduct of each Contracting Party expressed by the respective legislative process but they further denote the establishment of a special community role, attributed to the Contracting Parties in relation to the protection and the management of the Mediterranean marine and coastal environment. That means that these duties are essentially associated with the process of implementation of the public benefit purpose set forth in the Barcelona Convention, they have an intrinsic character and they actually refer to the status of the Contracting Parties as custodians of the protection and management of a global environmental resource, the Mediterranean Sea area. Indeed, it may be suggested that the Barcelona Convention system constitutes an international public trust and confers upon the Parties the status of environmental trustees. Without entering now into the details and the implications of such a proposal⁽¹⁾ the following remarks should be made. For the purposes of this work, a distinction is made between constitutive and administrative trust duties according to their relation to the essence or to the administration of the general trust obligations established by the Barcelona Convention and its related Protocols.

(1) See RAFTOPOULOS, E., "The Barcelona Convention system for the Protection of the Mediterranean Sea against Pollution: An International Trust of Work", (1992) *The International Journal of Estuarine and Coastal Law*, Vol. VII, 27-41.

This distinction is followed in the specific determination of the "link" between the Barcelona Convention system and the implementing legislative process of the three countries, EGYPT, GREECE and ISRAEL. In fact, the implementing combinations of trust duties traced in each legislative process and the further ascertainment of implementing legislative trends characterizing each legislative pattern is carried out in relation to the constitutive and the administrative trust duties contained in the Convention and its Protocols.

In the first stage of the proposed Model of Compilation of National Legislation relevant to the Barcelona Convention system⁽²⁾, adopted by the Meeting of the Contracting Parties⁽³⁾, the relational link was presented by exclusive reference to the legislative process of an individual country. GREECE was the starting point and, on the basis of the criteria used⁽⁴⁾ for the collection of the Greek Legislation relevant to the Barcelona Convention and its related Protocols, similar collections were presented, so far, by ISRAEL⁽⁵⁾ and EGYPT⁽⁶⁾.

The importance of this compilation of relevant national legislations process can be reasonably appreciated if it is considered in different contexts. Thus, it is obvious that such an exercise, that is, the collection of national legislation relevant to the Barcelona Convention system, covers a vacuum existing within the framework of the national jurisdiction of each Contracting Party⁽⁷⁾. Moreover, it bridges an important gap in the informational infra-structures of the International Organizations operating

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- (2) See, RAFTOPOULOS, E., "Collection of Greek Environmental Legislation Relevant to the Barcelona Convention and its related Protocols", Vols. I-IV, Athens, 1987; also his "The Mediterranean Action Plan in a Functional Perspective: A Quest for Law and Policy". MAP Technical Report Series No.25. UNEP, Athens, 1988.
 - (3) See, UNEP: Report of the Fifth Ordinary Meeting of the Contracting Parties, UNEP/IG.74/5, 1987, para. 64, 11 and Recommendation D(8), 51.
 - (4) The constructive and the formal criteria as explained in RAFTOPOULOS E., "Collection of Greek Environmental Legislation relevant to the Barcelona Convention and its related Protocols", op. cit., 8-9; also his "The Mediterranean Action Plan in a Functional Perspective: A Quest for Law and Policy", op. cit., 49-58.
 - (5) ORENB. "Report on the Legislative and International Dimensions of Implementing the Barcelona Convention system in Israel", Jerusalem, 1991.
 - (6) EID, E-M., - EL-GAMAL, A.A., "Report on the Legal Instruments relevant to the Barcelona Convention in Egypt", Cairo, 1990.
 - (7) See, RAFTOPOULOS, E., "Collection of Greek Environmental Legislation relevant to the Barcelona Convention and its related Protocols", op.cit., Preface.

in the Mediterranean Sea area⁽⁸⁾. On the other hand, by disclosing the current environmental action, national and international, taken by the Contracting Parties as well as their respective institutional structures influencing the course of their environmental legislation, one may reasonably expect that this compilation of legislation process will contribute to the development of the implementation-quality of the legal component of the Mediterranean Action Plan and it will effectively remedy the presently experienced inadequacies in the overall decision-making process⁽⁹⁾. It is at this particular context of evaluation where the second stage of the proposed model of compilation comes into operation.

The second stage of the proposed Model of Compilation is the object of this work. The aim here is to present the relational link in a comparative perspective, so that the scope and the quality of the implementation of the Barcelona Convention system by the legislative process of each one of the above mentioned countries will be demonstrated and evaluated.

(8) Ibid, Preface and 4-7.

(9) For an analysis see, RAFTOPOULOS, E., "The Mediterranean Action Plan: A Paradigm for Re-thinking International Law", in Essays on the Law of the Sea 2 (ed. by B. Vukas), 1990, 243, 271-277.

II. THE BARCELONA CONVENTION

I. THE COMPARATIVE NORMATIVE PARAMETERS

Although there is a compulsory link between the Barcelona Convention and the specifying Protocols, the treatment of the Barcelona Convention as a separate category, for the purpose of comparing the relevant environmental legislation of the Contracting Parties (GREECE, ISRAEL, EGYPT), is necessary for the following reasons:

- 1) There are certain specific **constitutive** aspects of the Barcelona Convention which are not yet implemented by the Protocols. It is, therefore, pertinent to investigate into these aspects and to see whether there are pieces of implementing legislation related to these aspects.

These aspects concern:

- (a) Pollution from exploration and exploitation of the continental shelf and the sea-bed and its sub-soil (Art.7)
- (b) Liability and compensation and the degree to which the Contracting Parties are also Parties to global liability conventions (Art.12)

- 2) There are certain specific **constitutive** and **administrative** aspects of the Barcelona Convention which are, by the nature of things, to be specifically covered by relevant conventions of a global character so that the public purpose of the Barcelona Convention system will be more effectively carried out.

These aspects concern:

- (a) Pollution from ships (Art.6) which is considered to be further implemented by the International Convention MARPOL 73/78.
- (b) Specific **constitutive** actions prescribed by the Barcelona Convention and concerning monitoring (Art.10) and scientific and technological co-operation (Art.11) which are connected with pollution from ships. In this context, it is pertinent to look into the degree to which national legislation has proceeded to cover this area.

- 3) There are certain general **constitutive** aspects of the Barcelona Convention which refer to other global, regional or bilateral Conventions for the purpose of co-ordination and consistency or for the purpose of more contextual implementation of its normative content.

These aspects concern:

- (a) Global, regional or bilateral Conventions consistent with the Barcelona Convention (Art.3).
- (b) Regional or bilateral Conventions established for a more contextual functional implementation of the Barcelona Convention (Arts 3(1) and 4(3)).

- 4) Finally, one may notice that there are certain specific **constitutive** and **administrative** aspects of the Barcelona Convention which either can be viewed in relation to some relevant International Agreements and their implementing legislation which, in fact, show the policy so far followed by a particular state on a specific issue, or are nationally projected as parts of a specific policy.

The former concerns the question of liability and compensation (Art.12) whereas the latter is related to the scientific and technological co-operation provided by the Barcelona Convention (Art.11).

II. THE APPLICATION

Since no information is given with regard to ISRAEL, the application of the above analyzed comparative normative parameters is inevitably restricted to GREECE and EGYPT. Thus,

- (a) With regard to those **constitutive** aspects of the Barcelona Convention not yet implemented (Arts.7 and 12) it is worth noting that EGYPT has an early legislation in respect to pollution resulting from the exploration and exploitation of the continental shelf (Art.7) whereas there is no such a legislation in GREECE. On the other hand, GREECE is party to certain international Conventions of a global character dealing with the question of liability and compensation (The Brussels Conventions of 1969 and 1971) and has promulgated implementing legislation in respect to the latter, whereas EGYPT does not present such a legislative portrait.
- (b) With regard to those **constitutive** and **administrative** aspects of the Barcelona Convention which are covered by specific global conventions, GREECE has ratified the MARPOL 73/78 and has promulgated for its implementation at the national level a large bulk of specific legislation whereby the combinations of Arts. 6 and 10 of the Barcelona Convention, of Arts. 6,10 and 11, and especially of Arts. 6 and 11 (where 18 pieces of legislation are issued) find specific implementation. On the other hand, EGYPT is not yet a party to the MARPOL 73/78 but she is a party to the older International Convention for the Prevention of Pollution of the Sea by Oil 1954, which is more limited in its normative scope, and she has promulgated a general legislation for its implementation. On the whole, EGYPT does not appear to project a strong normative regime in regard to this aspect.
- (c) With regard to those general **constitutive** aspects of the Barcelona Convention which refer to relevant multilateral or bilateral conventions for the purposes of consistency or contextual implementation, it appears that GREECE has ratified the Treaty on the Prohibition of the Emplacement of Nuclear Weapons and other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Sub-soil thereof (Law 1528/1985) which is consistent with the public purpose of the Barcelona Convention. Furthermore GREECE has ratified a bilateral

Agreement with Italy for the Protection of the Environment of Ionian Sea and the Coastal Areas (Law 1267/1982) whereby a cumulative implementation of Arts 3 to 11 is effected at a sub-regional level. Finally, through its membership to the IMO, GREECE is able to promote measures concerning the protection of the Mediterranean Marine Environment (Art.4(3)). EGYPT, has ratified the Law of the Sea Convention 1982 which is not yet in force and is member of the International Organization of Hydrography in the framework of which she may promote measures for the protection of the Mediterranean marine environment. She is not party to any sub-regional agreement.

- (d) Finally, with regard to those **constitutive** and **administrative** aspects which either can be viewed in relation to relevant International Conventions and their implementing legislation depicting, thus, the policy followed by a State on a specific issue or are nationally projected as parts of a specific policy only GREECE exhibits some interesting legislative characteristics. As far as the liability and compensation issue is concerned, GREECE has ratified two global conventions, the Civil Liability for Oil Pollution Damage 1969 (Law 314/197) and the Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage 1971 (Law 1638/1986) and has issued specific implementing legislation for the latter. Hence, a future implementation of Art.12 of the Barcelona Convention has to face the existing normative standing and policy of GREECE on this issue. As far as the scientific and technical co-operation is concerned, GREECE, by its national legislation, has made the promotion of scientific and technological research including the research on the marine environment part of a national policy (Law 1514/1985).

THE BARCELONA CONVENTION SYSTEM			
BARCELONA CONVENTION			
Relation to the B.C.	EGYPT	ISRAEL	GREECE
<p>Art.3 Relationship between the B.C. and other international agreements including LOS Agreement</p>	<p>T.N.: 3 Presidential Decree 421/1963 (IC)</p> <p>Presidential Decree 145/1983 (IC)</p> <p>Presidential Decree 415/1968 (IC)</p>	-	<p>T.N.: 2 Legislative Decree 1287/1949 Amend. Law 1146/1981 (IC)</p> <p>Law 1528/1985 (IC)</p>
<p>Art.6 Pollution from ships</p> <p><u>In relation to:</u></p> <p>Art.10 Monitoring</p>	-	-	<p>T.N.: 2 Ministerial Decision 181051/1090/82</p> <p>Presidential Decree 9/84</p>
<p>Art.6 Pollution from ships</p> <p><u>In relation to:</u></p> <p>Art.4 General undertaking by the Parties</p>	<p>T.N.: 1 Law 72/1969</p>	-	-
<p>Art.4 General undertaking by the Parties</p>	<p>T.N.: 1 Presidential Decree 1948/1965 Amend.</p> <p>Presidential Decree 691/1972</p>	-	-

<p>Art.6 Pollution from ships</p> <p><u>In relation to:</u></p> <p>Art.11 Scientific and Technological co- operation</p>	-	-	<p>T.N.: 18 Ministerial Decision 181051/536/1980</p> <p>Ministerial Decision 181051/1985/1980</p> <p>Ministerial Decision 181053/3127/1983</p> <p>Ministerial Decision 181053/593/1983</p> <p>Ministerial Decision 181053/1741/1984</p> <p>Ministerial Decision 181053/201/1984</p> <p>Ministerial Decision 181053/960/1984</p> <p>Ministerial Decision 181053/2661/1984</p> <p>Ministerial Decision 181053/96/1984</p> <p>Ministerial Decision 349/F.183535/85</p> <p>Presidential Decree 417/1986 (IC)</p> <p>Presidential Decree 404/1986 (IC)</p> <p>Presidential Decree 167/1986 (IC)</p> <p>Ministerial Decision 1737/F.183534/1986</p> <p>Ministerial Decision 195/F.183570/1987</p> <p>Ministerial Decision 205/F.183571/1987</p> <p>Ministerial Decision 77/F.183568/1987</p>
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<p>Art.6 Pollution from ships</p> <p><u>In relation to:</u></p> <p>Art.10 Monitoring</p> <p><u>In relation to:</u></p> <p>Art.11 Scientific and Technological co-operation</p>	-	-	<p>T.N.: 4 Law 1269/1982 (IC)</p> <p>Ministerial Decision 181053/900/1983</p> <p>Ministerial Decision 181053/3214/1983</p> <p>Presidential Decree 479/1984</p>
<p>Art.7 Pollution resulting from exploration and exploitation of continental shelf and the sea-bed and its <u>sub-soil</u></p>	<p>T.N.: 2 Presidential Decree 180/1958</p> <p>Presidential Decree 1051/1958</p>	-	-
<p>Art.8 Pollution from land-based sources</p>	<p>T.N.: 2 Law 280/1960</p> <p>Ministry of Defense Decree 56/1962</p>	-	-
<p>Art.12 Liability and compensation</p>	-	-	<p>T.N.: 3 Law 314/1976 (IC)</p> <p>Presidential Decree 666/1982</p> <p>Law 1638/1986 (IC)</p>
<p>Art.11 Scientific and Technological co-operation</p>	-	-	<p>T.N.: 1 Presidential Decree 343/1986</p>
<p>Arts. 3-11</p>	-	-	<p>T.N.: 1 Law 1267/1982 (IC)</p>

III. THE DUMPING PROTOCOL

I. THE COMPARATIVE NORMATIVE PARAMETERS

In essence, the DUMPING Protocol contains three types of provisions: Those which consolidate the **constitutive** aspect of the Protocol, those which establish the **administrative** aspects of the Protocol and those which prescribe the "relational discretion" aspect of the Protocol. Thus, the Protocol is "patterned" by a combination of **constitutive** (Arts. 4-9), **administrative** (Arts. 10-12) and **discretionary** (Art.13) relational covenants which point to the normative field of the Protocol. And they all specify the normative content of the general trust obligation as stated in Arts.1,2 and 3.

The first type of provisions refers to certain trust-duties related to the resource-in-trust, the Mediterranean Sea Area. In fact, these provisions have a **constitutive** character and deal with the listed prohibition of dumping of wastes or other matter, the **prior** special permit for the dumping of wastes or other matter according to a list, the **prior** general permit for the dumping of all other wastes or other matter, the listed determination of all the factors for the issuance of special and general permits, the dumping in case of force majeure and the treatment of prohibited, according to the list, wastes or other matter which, due to a critical situation of an exceptional nature, cannot be disposed of on land without unacceptable danger or damage (Arts.4-9).

The second type of provisions refers to a series of trust duties related to the administration of the resource-in-trust in the case of dumping. Thus, these provisions formulate a pattern of trust-duties having an **administrative** character and deal with the designation of the competent authorities by each Party to issue the permits and with their function, the determination by each Party of the ships and aircraft to which the DUMPING Protocol will be applicable and the issuance of instructions by each Party to its maritime inspection ships, aircraft or other appropriate services to report incidents giving suspicion of dumping in the Mediterranean Sea Area (Arts.10-12).

Finally, there is a third type of provision, that of Art.13, which prescribes the **relational discretion** of the Parties to adopt other measures, in accordance with international law, to prevent pollution due to dumping.

From the point of view of national implementing legislation, the quest is for the degree to which all or some of the above stated normative aspects, the **constitutive**, the **administrative** and that of the **relational discretion**, are implemented by specific or general laws in the jurisdictional domain of each Contracting Party.

II. THE APPLICATION

The relevant legislation of EGYPT, ISRAEL and GREECE compiled on the basis of the accepted model, may be evaluated according to the above stated normative parameters as follows:

(a) The legislative pattern of EGYPT consists of a very few instruments (3), promulgated **prior** to the signature of the DUMPING Protocol and during the years 1953-1962. Each one of them is correspondingly related to the **constitutive**, the **administrative** and the **relationally discretionary** aspect of the general trust obligation on dumping, they have a risk-oriented sectoral character and they deal with the safety of ships and health quarantine. It seems, therefore, that the implementing legislation is rather weak, its relational correspondence with the DUMPING Protocol is incidental and very limited and it covers only Articles 4, 11, 12 and 13.

(b) The legislative pattern of ISRAEL consists of a number of instruments (8), six of which were promulgated **prior** to the ratification of the DUMPING Protocol by ISRAEL (1 March 1984). These instruments are relationally linked with the **constitutive** and the **administrative** aspects of the general trust obligation on dumping enshrined in this Protocol. The legislation on Ports and on Aviation and the Maintenance of Cleanliness Law approach dumping sectorally, whereas two more recent pieces of legislation concerning the prevention of sea pollution adopt a comprehensive approach regulating a number of issues. This body of risk-oriented legislation follows two trends: one, covering only the definitional and a certain **constitutive** aspect of the DUMPING Protocol (Arts. 1,2,3/Art.4) and a second, more recent, which covers, in a comprehensive manner, both the **constitutive** and the **administrative** aspects implementing the combination of Articles 1-8, 10 and 11. So far, only Articles 9 (treatment of listed prohibited wastes or other matter which, due to a critical situation of an exceptional nature, cannot be disposed of on land without unacceptable danger or damage) and 12 (issuance of instructions to maritime inspection ships, aircraft or other appropriate services to report incidents giving suspicion of dumping) are not specifically implemented.

(c) The legislative pattern of GREECE consists of a few instruments (5) and all, except one, were promulgated **prior** to the ratification of the DUMPING Protocol by GREECE (3 Jan. 1979). These instruments represent a sectoral and a comprehensive approach to the dumping question, the former being reflected in the legislation concerning ports, operation of regional stations and listing of substances whose discharge into the sea is prohibited, and the latter being traced in the comprehensive legislation concerning the protection of the marine environment (Law 743/1977 "On the Protection of the Marine Environment and related Matters"). Moreover, these instruments are of a risk-oriented character and their relational link with the DUMPING Protocol corresponds to all three aspects (the **constitutive**, the **administrative** and the **relationally discretionary**) of the trust duties included in this Protocol. With the exception of Law 1147/1981 ratifying the 1972 Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matters which deals with the same source of pollution and covers all relevant issues, the other four legislative instruments seem to implement almost all **constitutive** and **administrative** aspects of the DUMPING Protocol (Arts. 4,5,6,7,10 and 11) as well as Art.13. No specific legislative trend in the implementation of this Protocol can be discerned, whereas, so far, no specific legislation seems to deal with the implementation of Arts.8 (Dumping in case of force majeure), 9 (treatment of listed prohibited wastes in a critical situation of an exceptional nature etc.) and 12 (issuance of instructions etc.).

CONTROL OF POLLUTION BY DUMPING FROM SHIPS			
Relation to the Dumping Protocol	EGYPT	ISRAEL	GREECE
<p>Art.3(3) Definition of "Dumping"</p> <p><u>In relation to:</u></p> <p>Art.4 Dumping of wastes or other matter listed is prohibited</p> <p><u>In relation to:</u></p> <p>Art.10 Designation of competent authorities and their function</p> <p><u>In relation to:</u></p> <p>Art.13 The right of each Party to adopt other measures according to IL to prevent dumping</p>	-	-	T.N.: 1 Law 743/1977
<p>Art.1 General Obligation</p> <p><u>In relation to:</u></p> <p>Art.2 Scope of application</p> <p><u>In relation to:</u></p> <p>Art.3 Definitions</p>	-	<p>T.N.: 5 Aviation Law 1927</p> <p>Ports Ordinance 5731/1971</p> <p>Ports Regulations 5731/1971</p> <p>Aviation Regulations 5742/1981</p> <p>Ports Regulations 5743/1982</p>	-
<p>Art.4 Dumping of wastes or other matter listed is prohibited</p>	T.N. 1 Law 97/1960	T.N.: 1 Maintenance of Cleanliness Law 5744-1984	-

<p>Art.3(3) Definition of "Dumping"</p> <p><u>In relation to:</u></p> <p>Art.10 Designation of competent authorities and their function</p>	-	-	T.N.: 1 Ministerial Decision 1181051/559/80
<p>Art.3(3) Definition of Dumping</p> <p><u>In relation to:</u></p> <p>Art.4 Dumping of wastes or other matter listed is prohibited</p> <p><u>In relation to:</u></p> <p>Art.5 Dumping of wastes or other matter listed requiring a prior special permit</p> <p><u>In relation to:</u></p> <p>Art.7 Permits for Arts.5 and 6 issued after consideration of all factors set in Annex III</p>	-	-	T.N.: 1 Ministerial Decision 1181051/2079/78

<p>Art.3(3) Definition of "Dumping"</p> <p><u>In relation to:</u></p> <p>Art.4 Dumping of wastes and other matter listed is prohibited</p> <p><u>In relation to:</u></p> <p>Art.11 To which ships and aircrafts the measures of the Protocol are applied</p>	-	-	T.N.: 1 Joint Ministerial Decision 515316/1981
<p>Art.11 To which ships and aircrafts the Protocol is applied</p> <p><u>In relation to:</u></p> <p>Art.12 Instructions to maritime inspection to report incidents giving suspicions for dumping</p>	T.N.: 1 Law 44/1955 A 130/1962	-	-
<p>Art.13 The right of each Party to adopt other measures according to IL to prevent dumping</p>	T.N.: 1 Law 459/1953(IC)	-	-
<p>Arts 1-8</p> <p><u>In relation to:</u></p> <p>Art.10</p> <p><u>In relation to:</u></p> <p>Art.11</p>	-	T.N.: 2 Prevention of Sea Pollution Law 5743/1983 Prevention of Sea Pollution Regulations 5744/1984	-
<p>Arts 3-13</p>	-	-	T.N.: 1 Law 1147/1981 (IC)

IV. THE EMERGENCY PROTOCOL

I. THE COMPARATIVE NORMATIVE PARAMETERS

The EMERGENCY Protocol, 1976, contains two types of provisions which specify the general trust obligation provided in Arts. 1 and 2.

The first type of provisions refers to a series of trust-duties in relation to the resource-in-trust, the Mediterranean environment. Thus, these provisions formulate a pattern of trust-duties which have a **constitutive** character and deal with the maintenance and promotion of contingency plans, the developing of monitoring activities, the co-operation in the salvage and recovery of harmful substances released or lost overboard, the dissemination and exchange of the necessary information, and the co-ordination of the means of communication and development of regional centres (Arts.3-7).

The second type of provisions refers to a series of trust-duties which are related to the administration of the resource-in-trust in an emergency situation. Thus, these provisions formulate a pattern of trust-duties which have an **administrative** character and deal with the instructions to the masters of ships and to the pilots of aircraft to report pollution of the sea by oil or other harmful substances and the communication of such an information to the other Contracting Parties, the conduct of a Contracting Party faced with an emergency situation, and the call of assistance (Arts. 8-10).

From the point of view of national implementing legislation, the question is whether or not both aspects, the **constitutive** as well as the **administrative**, of the emergency trust obligation are implemented and the degree to which this comprehensive implementation is reflected in the legislative portrait of each Contracting Party.

II. THE APPLICATION

The relevant legislations of EGYPT, ISRAEL and GREECE, compiled on the basis of the accepted model and evaluated according to the above stated normative parameters, present the following features:

(a) The legislative pattern of EGYPT consists of a very few instruments (4) and all but one are promulgated **prior** to the entry into force of the EMERGENCY Protocol. These instruments are relationally linked only with certain trust duties having both a **constitutive** and an **administrative** character. Thus, in the context of the Egyptian Legislation, only the duty to develop contingency plans (Art.3) and the duty to issue instructions to the masters of Egyptian ships and to the pilots of EGYPTian aircraft to report pollution and then, to communicate this information to the other Parties (Art.8) are implemented. These risk-oriented instruments express a specific and sectoral approach to the question of emergency in case of pollution and reflect a minimum implementing combination of constitutive/administrative Articles.

(b) The legislative pattern of ISRAEL consists of a number of instruments (13), four of which were promulgated **after** the ratification of the EMERGENCY Protocol by ISRAEL (3 March 1978). These instruments are

relationally linked with both aspects of the trust-duties comprised in the EMERGENCY Protocol and one may discern a predominant legislative trend which corresponds to the combination of Articles 1 (General Obligation) 2 (Determination of the term "related interests"), 3 (Contingency Plans) and 9 (Specific Actions by a Party in emergency situations) but also of Art.8 (Issuance of Instructions) of the EMERGENCY Protocol. This trend is marked by a substantive body of sectoral risk-oriented and use-oriented legislation. By the ratification of the MARPOL 73/78 (Govt.Dec. 24.7.1983) the implementation of all provisions of the EMERGENCY Protocol has been reinforced and promoted. Thus, a more comprehensive correspondence between Israeli legislation and all issues provided in the EMERGENCY Protocol is to be found in this context.

(c) The legislative pattern of GREECE consists of a number of instruments (15) and it is characteristic that all but two of them have been promulgated **after** the ratification of the EMERGENCY Protocol by GREECE (3 January 1979). These instruments are relationally linked with both aspects of the trust-duties enshrined in the EMERGENCY Protocol and there is not a predominant legislative pattern which could point to a particular legislative trend. Thus there is a substantial body of sectoral risk-oriented legislation which corresponds to a variety of combinations of both aspects of the trust duties comprised in the EMERGENCY Protocol, such as, a combination of Articles 1,2,3 and 4 or of Articles 1,2 and 4, or of Articles 3 and 6, or of Articles 1,2 and 6 or of Articles 1,2,3 and 6, or of Articles 1,2,4 and 8, or of Articles 1,2, 3 and 5, or of Articles 1,2,4 and 6, or of Articles 1,3 and 6 or of Articles 1,4,6 and 7. On the other hand, a comparative correspondence between Greek legislation and all issues of the EMERGENCY Protocol may be found in a comprehensive legislation (Law 743/1977) as well as in the legislation ratifying the 1972 International Convention on the International Regulations for Preventing Collisions at Sea and the MARPOL 73/78. It should be noted that the overall Greek legislative Pattern appears to be in operation **after** the signature of the EMERGENCY Protocol (16 February 1976).

CONTROL OF POLLUTION IN CASES OF EMERGENCY			
Relation to Emergency Protocol	EGYPT	ISRAEL	GREECE
<p>Art.1 General obligation</p> <p><u>In relation to:</u></p> <p>Art.2 Determination of the term "related interests"</p> <p><u>In relation to:</u></p> <p>Art.3 Contingency plans</p> <p><u>In relation to:</u></p> <p>Art.4 Monitoring activities</p>	-	-	<p>T.N.: 1 Ministerial Decision 181051/2771/82</p>
<p>Art.1 General obligation</p> <p><u>In relation to:</u></p> <p>Art.2 Determination of the term "related interests"</p> <p><u>In relation to:</u></p> <p>Art.4 Monitoring activities</p>	-	-	<p>T.N.: 2 Ministerial Decision 181051/559/80 Presidential Decree 9/1984</p>

<p>Art.1 General obligation</p> <p><u>In relation to:</u></p> <p>Art.2 Determination of the term "related interests"</p> <p><u>In relation to:</u></p> <p>Art.3 Contingency plans</p> <p><u>In relation to:</u></p> <p>Art.9 Specific actions by a Party faced with an emergency situation</p>	<p>-</p>	<p>T.N.: 8 Oil in navigable waters Ordinance 5726-1966</p> <p>Ports Regulations 5731 - 1971</p> <p>Oil in navigable waters Ordinance - 1972</p> <p>Prevention of the sea water pollution by oil regulations 5737-1977</p> <p>Ratification of the 1972 International Convention on the International</p> <p>Regulations for Prevention Coll. at Sea (1977)</p> <p>Prevention of sea water pollution by oil Ordinance 5740-1980</p> <p>Prevention of sea water Pollution by oil Regulation 5740-1980</p> <p>Prevention Sea Water Pollution by Oil Regulations 5747-1987</p>	<p>-</p>
<p>Art.1 General obligation</p> <p><u>In relation to:</u></p> <p>Art.2 Determination of the term "related interests"</p> <p><u>In relation to:</u></p> <p>Art.3 Contingency Plans</p>	<p>-</p>	<p>T.N.: 2 Plan. Build. Law 5725/1965</p> <p>Sec. Annex Plan. Build. Law 5725-1965</p>	<p>-</p>

<p>Art. 1 General Obligation</p> <p><u>In relation to:</u></p> <p>Art. 3 Contingency Plans</p> <p>Art. 8 Obligation to issue instructions to the masters of ships and pilots of aircraft to report emergency situations, and to communicate this information to the other Parties</p>	<p>T.N.: 3 Ministry of Defense Decree 2726-1962</p> <p>Law 148/1959 Amend. 10/1965</p> <p>Amend. 75/1981 Amend. 107/1982</p> <p>Ministry of Interior Decree 4/1960</p>	-	-
<p>Art.1 General obligation</p> <p><u>In relation to:</u></p> <p>Art.3 Contingency plans</p>	<p>T.N.: 1 Law 79/1958</p>	-	
<p>Art.3 Contingency plans</p> <p><u>In relation to:</u></p> <p>Art.6(1)(c) Dissemination of information concerning new ways of combating pollution</p>			<p>T.N.: 1 Ministerial Decision 181051/1985/80</p>

<p>Art.1 General obligations</p> <p><u>In relation to:</u></p> <p>Art.2 Determination of the term "related interests"</p> <p><u>In relation to:</u></p> <p>Art.6(1)(c) Dissemination of information by the Parties concerning new ways of combating pollution</p>	-	-	<p>T.N.: 2 Ministerial Decision 195/F.183570/87 Ministerial Decision 205/F.183571/87</p>
<p>Art.1 General obligation</p> <p><u>In relation to:</u></p> <p>Art.2 Determination of the term "related interests"</p> <p><u>In relation to:</u></p> <p>Art.3 Contingency plans</p> <p><u>In relation to:</u></p> <p>Art.6(1)(c) Dissemination of information on new ways of combating pollution</p>	-	-	<p>T.N.: 1 Ministerial Decision 142510-11/3/85</p>

<p>Art.1 General obligation</p> <p><u>In relation to:</u></p> <p>Art.2 Determination of the term "related interests"</p> <p><u>In relation to:</u></p> <p>Art.4 Monitoring Activities</p> <p><u>In relation to:</u></p> <p>Art.8 Obligation to issue instructions etc.</p>	-	-	T.N.: 1 Presidential Decree 618/1981
<p>Art.1 General obligation</p> <p><u>In relation to:</u></p> <p>Art.2 Determination of the term "related interests"</p> <p><u>In relation to:</u></p> <p>Art.3 Contingency Plans</p> <p><u>In relation to:</u></p> <p>Art.5 Co-operation in the salvage and recovery of substances to reduce pollution</p>	-	-	T.N.: 1 Ministerial Decree 47325/1983

<p>Art.1 General obligation</p> <p><u>In relation to:</u></p> <p>Art.2 Determination of the term "related interests"</p> <p>Art.3 Contingency plans</p> <p><u>In relation to:</u></p> <p>Art.8 Obligation to issue instructions etc.</p> <p><u>In relation to:</u></p> <p>Art.9 Specific actions by a Party faced with an emergency situation</p>	<p>-</p>	<p>T.N.: 1 Ports Regulations 5736-1976</p>	<p>-</p>
<p>Art.1 General obligation</p> <p><u>In relation to:</u></p> <p>Art.2 Determination of the term "related interests"</p> <p><u>In relation to:</u></p> <p>Art.4 Monitoring Activities</p> <p><u>In relation to:</u></p> <p>Art.6(1)(c) Dissemination of information etc.</p>	<p>-</p>	<p>-</p>	<p>T.N.: 1 Ministerial Decision 77/F.183568/87</p>

<p>Art.1 General Obligation</p> <p><u>In relation to:</u></p> <p>Art.4 Monitoring Activities</p> <p><u>In relation to:</u></p> <p>Art.6(1) Dissemination of Information</p> <p><u>In relation to:</u></p> <p>Art.7 Co-ordination of Means of Communication</p>	-	-	T.N.: 1 Ministerial Decree 19744/454/88
<p>Art.1 General obligation</p> <p><u>In relation to:</u></p> <p>Art.3 Contingency plans</p> <p>Art.6(2) Dissemination of information and communication to RC</p>	-	-	T.N.: 1 Ministerial Decision 181051/2078/78
<p>Arts. 1-4</p> <p><u>In relation to:</u></p> <p>Art.9 Specific actions by a Party etc.</p> <p><u>In relation to:</u></p> <p>Art.10 Assistance from other Parties</p>	-	T.N.: 1 Oil in Nav. Wat. Ordinance 1936	-

<p>Art.1 General obligations</p> <p><u>In relation to:</u></p> <p>Art.3 Contingency plans</p> <p><u>In relation to:</u></p> <p>Art.4 Monitoring activities</p> <p><u>In relation to:</u></p> <p>Art.6(1) Dissemination of information</p> <p><u>In relation to:</u></p> <p>Art.8 Obligation to issue instructions etc.</p> <p><u>In relation to:</u></p> <p>Art.9 Specific actions by a Party etc.</p>	-	-	T.N.: 1 *Law 743/1977
Arts.3-10	-	T.N.: 1 Ratification of the MARPOL 73/78 (Gov. Dec. 24.7.83)	T.N.: 2 Law 1269/1982 (IC) Legislative Decree 93/1974 Amend. Presidential Decree 233/5.7.83 (IC)

V. THE LAND-BASED SOURCES PROTOCOL

I. THE COMPARATIVE NORMATIVE PARAMETERS

The LAND-BASED SOURCES Protocol, 1980, (hereafter LBS Protocol) contains two types of provisions which specify the general trust obligation for pollution from land-based sources: the **constitutive** trust duties and the **administrative** trust duties. On the other hand, there is a number of definitional provisions relative to the essence, the linguistic scope, the geographical scope and the scope of application of the hereby established trust which is very broad covering direct and indirect polluting discharges, pollution from land-based sources transported by the atmosphere, and polluting discharges from off-shore structures serving purposes other than exploration and exploitation of the continental shelf (Arts.1-4).

As far as the **constitutive** trust duties comprised in the LBS Protocol is concerned, one can specifically refer to a series of relational obligations or trust duties related to the resource-in-trust, the Mediterranean Sea Area, in the case of pollution from land-based sources. These trust duties form a pattern of a **constitutive** character and deal with the elimination of pollution from land-based sources by listed substances, the strict limitation of pollution from land-based sources by listed substances or sources and the formulation and adoption of common guidelines, standards or criteria for the purpose of controlling pollution from land-based sources (Arts.5-7).

As far as the **administrative** trust duties of this Protocol is concerned, reference can be made to a series of typical relational obligations relevant to the administration of the resource-in-trust in the case of pollution from land-based sources. This pattern of **administrative** trust duties refers to monitoring activities, scientific and technical co-operation, technical assistance to developing countries, co-operation between Parties to ensure full application of the Protocol in cases of pollution through the discharges of international watercourses draining into the Protocol Area, **prior** consultation between the Parties concerned when land-based pollution originating from the territory of one Party is likely to prejudice directly the interests of one or more of other Parties, and information exchange relating to the application of the LBS Protocol.

From the point of view of national implementing legislation, an important aspect is the variety of fields of the relevant national legislation which is related to the broad scope of application of the LBS Protocol. Apart from such a "subjective" exploration in the context of national legislation, the implementation of the **constitutive** as well as of the **administrative** aspects of the LBS Protocol should be compared and its normative "breadth" should be evaluated in the context of the internal order of the Parties.

II. THE APPLICATION

The internal legislation of EGYPT, ISRAEL, and GREECE which appears to be relevant to the LBS Protocol may be examined now, from a comparative perspective, as follows:

(a) The pattern of the relevant Egyptian legislation consists of a large number of risk-oriented and use-oriented instruments (30) which, in view of the broad scope of application of the LBS Protocol, refers to the following fields: control of industry, urban planning and land use, municipal and industrial liquid and solid wastes, toxic and dangerous wastes, management of watercourses, management of agriculture and agro-industry and management of mining and quarrying.

The category "control of Industry" is only covered by 3 instruments promulgated **prior** to the ratification of the LBS Protocol by EGYPT (18 May 1983) and they deal with the regulation of industry and the protection of the environment from introduction of new technologies. They are all relationally linked with the implementation of certain **constitutive** trust duties enshrined in the LBS Protocol only, and the legislative trend which can be identified corresponds to the implementation of the combination of Articles 4 (definitional scope of application), 6 (strict limitation of pollution by listed substances or sources) and 7 (adoption of common guidelines, standards and criteria for controlling pollution from land-based sources). It is worth stressing that no implementing legislation is recorded with regard to Art.5 (elimination of pollution by listed substances).

The category "Urban Planning and Land Use" is covered by 5 instruments promulgated **prior** to the ratification of the LBS Protocol by EGYPT and they concern urban planning, allocation of industrial areas and building activities. They are also relationally linked with the **constitutive** aspect of the Protocol only, and there is a clearly identifiable legislative trend which corresponds to the implementation of the combination of Articles 6 and 7 of the Protocol.

The category "Municipal and Industrial Liquid and Solid Wastes" is covered by 5 instruments promulgated **prior** to the ratification of the LBS Protocol by EGYPT with one only exception (Law 74/1971 covering Irrigation and Drainage as amended by Law 12/1984), and they deal with sewage disposal, irrigation and drainage, public cleanliness and housing. They are also exclusively connected with the **constitutive** aspect of the Protocol and there is a clearly identifiable legislative trend which corresponds either to the combination of Articles 4 and 6 or to the combination of Articles 4,5 and 6 of the Protocol.

The category "Toxic and Dangerous Wastes" is covered by 5 instruments promulgated **prior** to the ratification of the LBS Protocol by EGYPT with only one exception (Law 53/1966 concerning agriculture as amended by Law 116/1983 and by Law 225/1984). They deal with agriculture, pesticides used in agriculture, the use of ionizing radiations and its administration and they are also exclusively linked with the **constitutive** aspect of the Protocol. The identifiable legislative trend mainly corresponds to the implementation of Articles 4 and 5 of the Protocol whereas more recent legislation refers also to the implementation of Articles 6 and 7.

The category "Management of Water Courses" is covered by 5 instruments promulgated **prior** to the ratification of the LBS Protocol by EGYPT and they concern the protection of the river Nile and waterways against pollution, irrigation, the establishment of High Committee for Water, the specification of standards of drinking water and the regulations of public water sources for

drinking and domestic use. Four of these instruments are exclusively linked with the implementation of the **constitutive** aspect of the Protocol and there is a clearly identifiable legislative trend. Thus, two instruments correspond to the implementation of Articles 4 and 7 (Law 48/1982 on Protection of River Nile and Waterways from pollution and Irrigation Decree 8/1983 implementing Law 48/1982), one instrument corresponds to the implementation of Article 5 (Presidential Decree 2703/1966 establishing the High Committee for Water) whereas another instrument corresponds to the combined implementation of Articles 5 and 7. There is one instrument which is relationally linked with the **constitutive** and the **administrative** aspect of the LBS Protocol corresponding, more specifically to the combined implementation of Articles 5 and 8 (Law 27/1978 concerning Regulations of Public Water Sources for Drinking and Domestic Use). No implementation of Article 6 can be traced in the legislation of this category.

The category "Management of Agriculture and Agro-industry" is covered by 5 instruments promulgated or amended **after** to the ratification of the LBS Protocol by EGYPT with only one exception. They deal with agriculture, meat inspection in slaughter houses, fishing and control of fisheries and livestock and poultry farms. They are all exclusively linked with the **constitutive** aspect of the LBS Protocol and there is no identifiable legislative trend corresponding to its implementation. In fact, two of these instruments correspond to the implementation of Articles 4 and 7 (Law 53/1966 as amended by Law 116/1983 and by Law 225/1984 concerning Agriculture, and Min. of Agriculture Decree 517/1986 setting up a Code of Meat Inspection in Slaughter Houses), one instrument corresponds to the implementation of Article 5 (Law 124/1983 concerning Fishing of Marine Life and Fish, and Control of Fisheries) whereas another instrument corresponds to the combined implementation of Articles 4,6 and 7 (Min. of Housing Decree 58/1972 concerning Regulation of Live-Stock and Poultry Farms).

The final category concerns "Management of Mining and Quarrying" is covered by 2 instruments promulgated **prior** to the ratification of the LBS Protocol by EGYPT, they deal with the work and the employment of workers in mines and quarries and they are both relationally linked with the implementation of Articles 4 and 6 of the Protocol.

(b) The pattern of the relevant Israeli legislation consists of a large number of instruments (85) and a great deal of them concern more than one of the categories emanating from the broad scope of application of the LBS Protocol. The categories of implementing legislation, already standardized by the accepted Model of Compilation, refer to the following fields: control of industry, urban planning, management of municipal and industrial sewage, management of solid wastes, management of toxic and dangerous substances, management of watercourses, management of agriculture and management of mining and quarrying operations.

The category "Control of Industry" is covered by 22 instruments and despite the fact that this category includes a number of recently issued instruments, all of these instruments are promulgated **prior** to the ratification of the LBS Protocol by ISRAEL which has taken place lately (21 Feb. 1991). It is characteristic that a large number of these instruments deal with the local planning and building scheme of eight areas (Chof Hasharon, Rishon-Lezion, Bat Yam, Ashkelon, Emek Hefer, Nanariya, Akko and Nataniya) as well as with the regional planning and building scheme of central

district and the planning and building regulations. Furthermore, they deal with municipal corporations, local councils, power stations and they regulate power plant stations and electricity networks by certain national schemes. Finally, they refer to water regulations, ports, licensing of business and abatement of nuisances. This risk-oriented sectoral legislation is, one exception apart, relationally linked with the **constitutive** only aspect of the LBS Protocol and this link, in fact, evidences of distinct legislative trend pointing to the combined implementation of Articles 4,6 and 7 or of Articles 4 and 6 by the vast majority of these instruments (19). Only in one case (Planning and Building-EIA-Regulations 5742-1982) one may witness a relational link with both aspects of the Protocol since the relevant instrument corresponds to the implementation of Articles 6,7 and 8 of this Protocol. On the other hand, by means of two pieces of comprehensive risk-oriented legislation issued recently (Prevention of Sea Pollution from Land-Based Sources Law 5748-1988 and Prevention of Sea Pollution from Land-Based Sources Regulations 5750-1990) a cumulative implementation of Articles 1-8 (all **constitutive** trust duties and one **administrative** trust duty-the monitoring activities) is effected.

The category "Urban Planning" is covered by 16 instruments promulgated **prior** to the ratification of the LBS Protocol by ISRAEL. It is worth stressing that 13 out of these 16 instruments have already been referred to in the context of the previous category: they concern the local planning and building scheme of the same eight areas, the regional planning and building scheme of central district, the planning and building regulations and the licensing of business. The new 3 instruments deal with the planning and building, the ports and the national scheme on the Mediterranean coastline. What has already been said with regard to the previous category is also valid here. Thus, this risk-oriented sectoral legislation is relationally linked with the **constitutive** only aspect of the LBS Protocol and this link marks a distinct legislative trend in the implementation of this Protocol based on the combination of Articles 4, 6 and 7 or of Articles 4 and 6. There is only one exception to this, that of Planning and Building - EIA - Regulations 5742-1982, which corresponds to the implementation of Articles 6,7 (**constitutive** trust duties) and 8 (**administrative** trust duties). Likewise, by means of the two already mentioned risk-oriented comprehensive legislative instruments, a cumulative implementation of Articles 1-8 of the LBS Protocol is achieved.

The category "Management of Municipal and Industrial Sewage" consists of 16 instruments promulgated **prior** to the ratification of the LBS Protocol by ISRAEL. Only 4 out of these 16 instruments also concern the previously mentioned categories (those which deal with municipal corporation, local councils and the two comprehensive pieces of legislation on the prevention of sea pollution from land-based sources). The rest of them deal with such issues as public health, associations of municipalities for sewage, associations of municipalities for sewage and waste disposal, associations of municipalities for environmental protection or for the environment, local authorities for sewage, water (prohibition of hard detergents, and local authorities for discharges of industrial wastes into the sewage system. This body of risk-oriented sectoral legislation is relationally linked with the

constitutive only aspect of the LBS Protocol and the legislative trend here, related to the implementation of this Protocol, is clearly distinct being, more specifically, associated with the implementation of the combination of Articles 4,6 and 7. A cumulative implementation of Arts. 1-8 is also effected, in this context, by the two already mentioned risk-oriented comprehensive instruments.

The category "Management of Solid Wastes" consists of 17 instruments promulgated **prior** to the ratification of the LBS Protocol by ISRAEL. Only 3 out of these 17 instruments (Municipalities Ordinance (New Version), 1964, National Scheme (Solid Waste Disposal) No. 16, 1981, and Maintenance of Cleanliness Law 5744-1984) appears for the first time in the list. The rest of them also concern some of the previously mentioned categories, while 11 of them have already been stated in the immediately preceding category. They concern public health, operation of local councils, associations of municipalities for the environment and environmental protection, licensing of business, ports and abatement of nuisances (prevention of unreasonable air and odor pollution from waste disposal sites). This body of risk-oriented sectoral legislation is exclusively linked with the **constitutive** aspect of the LBS Protocol and reflects a legislative trend relative to the combined implementation of Articles 4,6 and 7 of the Protocol. There is only one instrument which corresponds to the combined implementation of Articles 4,5,6 and 7. On the other hand, the two more comprehensive instruments, the Prevention of Sea Pollution from Land-based Sources Law 5748-1988 and Regulations, 5750-1990, correspond to the cumulative implementation of Arts. 1-8, thus connected with all **constitutive** trust duties and with one **administrative** trust duty (the monitoring activities) of this Protocol.

The category "Management of Toxic and Dangerous Substances" consists of 16 instruments promulgated **prior** to the ratification of the LBS Protocol by ISRAEL and 10 of them appear as new entries dealing with such issues as aviation, radioactive minerals, civil defence, plant protection, limitation of poisons and harmful chemical spray from aircraft, pharmacology and transportation of hazardous substances by air. In addition, instruments concerning public health, licensing of business and ports also reappear here. In this body of risk-oriented sectoral legislation there is an exclusive relational link with the **constitutive** aspect of the Protocol and the main legislative trend relative to the implementation of this Protocol is specially connected with Articles 4 and 6. One instrument corresponds to the combined implementation of Articles 4,5, 6 and 7 while it is worth noting that for half of the instruments included (8), the relational link with the LBS Protocol is very loose, their only connection being Art. 4(1)(a). On the other hand, the two more comprehensive instruments, concerning the prevention of sea pollution from land-based sources, are, also, applicable to this category, corresponding to the cumulative implementation of Articles 1-8 of the Protocol.

The category "Management of Watercourses" consists of 26 instruments promulgated **prior** to the ratification of the LBS Protocol by ISRAEL. Only 7 of these instruments have already been mentioned in the context of other categories and they deal with public health, planning and building law, licensing of business and prohibition of hard detergents in water. The rest 19 instruments appear as new entries and they deal with such issues as drainage and protection from floods, river/district/valley and spring drainage

authorities for the maintenance of drainage network, river authority, sanitary quality of drinking water, purification of sewage designated for watering, drinking water pool system and prohibition of fertilizing device in a water system. This large body of risk-oriented and use-oriented sectoral Legislation has an exclusive relational link with the **constitutive** aspect of the LBS Protocol and the identifiable legislative trend of this relational link is twofold: it is based either on the combined implementation of Articles 4 and 6 (this is the case with all the instruments concerning river/ district/ valley and spring drainage authorities for the maintenance of drainage network, and river authority which constitute the half of the overall number, as well as with the instruments dealing with drainage and protection from floods, planning and building and the prohibition of fertilizing device in a water system) or on the combined implementation of Articles 4,6, and 7 (the instruments dealing with public health, water, sanitary quality of drinking water, prohibition of hard detergents in the water and purification of sewage designated for watering). One instrument corresponds to the combined implementation of Articles 4,5,6 and 7, while, in one case the link is very loose corresponding simply to Art. 4(1)(a) (Public Health (Drinking Water Pool System) 5743-1983). Finally, the two comprehensive instruments dealing with the prevention of sea pollution from land-based sources are, also, applicable to this category, corresponding to the cumulative implementation of Articles 1-8 of the Protocol.

The category "Management of Agriculture" consists of 25 instruments promulgated **prior** to the ratification of the LBS Protocol by ISRAEL. Half of these instruments have already been included in the context of previously mentioned categories and they concern plant protection, licensing of business, the local planning and building scheme of the already stated eight areas and the regional planning and building scheme of central district. The other half are new entries and they deal with plant protection regulations concerning chemicals sellings, use of fluoroacetamide, use of novacron, arodrine, ciolen and methacil use of herbicides, prohibition of use of strychnine and thallium, use of parathion, use of endrin, aldrin and dieldrin, use of alona-chlorlose, packing and using hormonal herbicides, complying with package label instructions, use and maintenance of aldicarb-tamic and conditions for licensing poultry farms. This large body of risk-oriented sectoral legislation has an exclusive relational link with the **constitutive** aspect of the LBS Protocol and the identifiable legislative trend relative to this link is twofold: on the one hand, it is based on the combined implementation of Articles 4,6 and 7 (this is mainly the case with those instruments concerning planning and building schemes) and on the other hand, it is based on the combined implementation of Articles 4 and 7(1)(d) (this is mainly the case with the instruments concerning the various plant protection regulations). Again, one instrument corresponds to the combined implementation of Articles 4,5,6 and 7 whereas in three instruments, dealing with plant protection regulations and the conditions for licensing poultry farms, the link with the LBS Protocol (Art. 4(1)(a)) is very loose. Finally, the two comprehensive instruments concerning the prevention of sea pollution from land-based sources continue to apply also to this category, making thus possible the implementation of Articles 1-8 of the Protocol.

The last category, that of "Management of Mining and Quarrying Operations", consists of 18 instruments promulgated **prior** to the ratification of the LBS Protocol by ISRAEL. Only 5 of these instruments are new entries

and they concern petroleum regulations and mining regulations dealing with quarrying licenses and quarries restoration fund. The rest 13 instruments concern also previously mentioned categories and deal with such issues as the local planning and building schemes of the eight areas and the regional planning and building scheme of the central district. This body of risk-oriented sectoral legislation is relationally linked with the **constitutive** only aspect of the LBS Protocol and the identifiable legislative trend relative to this link is based on the combination of Articles 4,6 and 7. On the other hand, it is worth noticing that a number of these instruments (6) is very loosely connected with the LBS Protocol since the relational link is limited to Article 4(1)(a). Finally, the two comprehensive instruments

concerning the prevention of sea pollution from land-based sources, are, also, applicable to this category corresponding to the cumulative implementation of Articles 1-8 of the LBS Protocol.

(c) The pattern of the relevant Greek Legislation consists of a very large number of instruments (107) which are compiled in the light of broad scope of application of the LBS Protocol and classified, according to the accepted Model, under the following categories: control of industry, urban planning, management of municipal and industrial liquid wastes, management of solid wastes, management of toxic and dangerous wastes, management of watercourses, management of agro-industry and management of mining and quarrying operations.

The category "control of Industry" consists of 19 instruments and, with one exception, all of them were promulgated **prior** to the ratification of the LBS Protocol by GREECE (26 Jan. 1987). Apart from the Law 1650/1986 "On the Protection of the Environment" which has a system-oriented character, all the rest of these instruments have a risk-oriented sectoral character and deal with such issues as the regulation of the terms and conditions for the designation and operation of industrial areas, the establishment and operation of industries, craft industries, machine installations and warehouses, the establishment and enforcement of limit values of dangerous substances in liquid wastes discharged from industries, the terms and conditions for concerted action and effective treatment of major accident hazards due to certain industrial activities and finally, the incentives for the promotion of the economic and regional development of the country. This body of risk-oriented sectoral legislation has an exclusive relational link with the **constitutive** aspect of the LBS Protocol and there is only one exception to this, the Ministerial Decision 18187/272/1988 which refers to both aspects of this Protocol, to the **constitutive** as well as to the **administrative**. The legislative trend which marks this relational link is predominantly based on the combined implementation of Articles 4 and 7. There are, however, two instruments which deviate from this weak implementation of the LBS Protocol: the Presidential Decree 1180/81 which is related to the implementation of

Articles 4,5,6 and 7 and the Ministerial Decision 18187/272/1988 which is related to the implementation of the **constitutive** duties established under Articles 5,6 and 7 as well as of the **administrative** duties stated in Articles 8,9 and 13. On the other hand, by the system-oriented Law 1650/1986 a cumulative implementation of the **constitutive** aspect of the Protocol is authorized (Arts. 5,6,7) together with the implementation of the **administrative** trust duty enshrined in Article 8.

The category "Urban Planning" consists of 28 instruments and a considerable number of them (23) were promulgated **prior** to the ratification of the LBS Protocol by GREECE. This large body of specialized sectoral legislation deals with such issues as, organizational plans for urban regions, shore and seashore, designation of boundaries of urban areas and of zones of urban control in various districts, municipalities and prefectures, conditions for housing, construction of touristic installations, designation of protective zones in certain areas, the city planning and the expansion of urban areas and the organizational plans for certain major urban areas. The relational link between this sectoral body of legislation and the LBS Protocol is limited to the latter's **constitutive** aspect and it is characteristic that there is a distinctive legislative trend marking this link which is based on the implementation of Articles 4(1)(a) and 7. A stronger implementing combination is provided in the framework of two instruments, Law 1515/1985 and Law 1561/1985 concerning the organizational plans and environmental protection programmes of the greater areas of Athens and Thessaloniki, where the relational link comprises Articles 4(1)(a), 6 and 7 of the LBS Protocol.

The category "Management of Municipal and Industrial Liquid Wastes" consists of 13 instruments promulgated **prior** to the ratification of the LBS Protocol by GREECE. These instruments deal with such issues as the disposal of sewage and industrial waste, the operation of sewage network of certain areas, the determination of the maximum permissible limits of toxic substances and other pollutants contained in the disposal of waste and effluent of industrial waste in natural waste disposal sites, the establishment of municipal enterprises for water supply and sewage, the designation of waste disposal site for specific activities, the sanitary control of licenses for the establishment and operation of enterprises of a sanitary interest and, even, the specifications of pipes for the conveyance of municipal and industrial wastes and rain water. This body of risk-oriented sectoral legislation is relationally linked with both aspects of the LBS Protocol, the **constitutive** and the **administrative** and it is worth-noticing that this relational link is expressed by a variety of combinations of Articles of this Protocol. Thus, some of the instruments of this category are relationally linked with the combination of Articles 4,5 6 and 7 of the SPA Protocol, the strongest combination from the point of view of the **constitutive** trust duties, others correspond to the implementing combination of Articles 4,6 and 7 and one instrument is relationally linked with the weaker implementing combination of Articles 4 and 7. Moreover, one instrument corresponds to the implementation of both aspects of the SPA Protocol with the minimum possible combination based on Articles 4,7 and 9 whereas another one is more fully linked with the implementation of both aspects of this Protocol, that is with the combination of Articles 4,5,6,7 and 8. Finally, there are two instruments which are only related to the implementation of the **administrative** aspect of this Protocol and they only correspond to the specific implementation of Article 8. On the other hand, by virtue of the comprehensive system-oriented Law 1650/1986 "On the Protection of the Environment" and implementation of both aspects of the LBS Protocol is carried out through the combined implementation of Articles 4,5,6,7 and 8.

The category "Management of Solid Wastes" consists only of 5 instruments promulgated **prior** to the ratification of the LBS Protocol by GREECE. These instruments deal with such issues as, the collection, transportation and disposal of solid wastes, the sanitation of wastes and food remainders used for animals' feeding, the establishment of inter-municipal enterprise for the cleaning up and the protection of the environment and the solid wastes (in implementation of the EEC Directive 75/442 of 15 July 1975). This body of risk-oriented sectoral Legislation is relationally linked only to the **constitutive** trust duties enshrined in the LBS Protocol and the predominant legislative trend of this link refers to the combined implementation of Articles 4,5 and 7 of the LBS Protocol. Only in one case this link refers to a stronger implementing combination covering Articles 4,5,6 and 7. On the other hand, the system-oriented Law 1650/1986 is also applicable to this category and it seems to implement, to the minimum extent, both the **constitutive** and the **administrative** aspect of this Protocol, covering the implementing combination of Articles 4,7 and 8.

The category "Management of Toxic and Dangerous Wastes" consists of 11 instruments promulgated **prior** to the ratification of the LBS Protocol by GREECE. These instruments concern the prescription of sampling modes and of methods for qualitative and quantitative analysis of chemical fertilizers, the prohibition of trading and use of certain chemicals for agricultural purposes, the circulation and control of agricultural drugs, the prescription of the maximum level of crop residues of agricultural chemicals on/or in the horticultural products (in pursuance of the EEC Directive 76/895 of 23 Nov. 1976 as amended by the EEC Dir.80/428 of 28 March 1980 and by the EEC Dir. 81/36 of 9 Feb. 1981), the conditions governing the composition, recognition, stamping, packaging and control of fertilizers with the indication "fertilizers of Common Market" (in pursuance of the EEC Directive 76/116 of 18 Dec. 1975), the spraying of chemicals for the control of pests and diseases of products, the technical use of aircraft for agricultural purposes, the method of biological control of pesticides of sanitary importance in slab form and the toxic and dangerous wastes and elimination of polychlorinated biphenyls and terphenyls (in pursuance of the EEC Directives 78/319 and 76/403). This body of risk-oriented sectoral legislation is relationally linked either only with the **constitutive** aspect or with both the **constitutive** and the **administrative** aspects of the LBS Protocol and the relational link is expressed by a variety of combinations implementing a number of Articles of this Protocol. Thus, while the majority of the instruments may be classified either under the weaker implementing combination of Articles 4 and 7 or under the stronger implementing combination of Articles 4,6 and 7, there is one instrument which is related to the implementing combination of Articles 4,6,7 and 8 and another one which is related to an even stronger implementing combination covering Articles 4,5,6,7 and 8 of the Protocol. Furthermore, the system-oriented Law 1650/1986 also applies to this category implementing the combination of Articles 4,7 and 8.

The category "Management of Watercourses" consists of 22 instruments and only 4 of them were promulgated **after** the ratification of the LBS Protocol by GREECE. These instruments deal with a variety of issues such as, the administration and management of irrigation waters, all matters of water

management and the study for the integrated reclamation of the Axios watershed between GREECE and Yugoslavia, the use of water of the rivers crossing and co-operation in the fields of electric power between GREECE and Bulgaria, the water use planning for certain national rivers, the administration of the water resources of the country, the protection of water supply, the disposal of wastes and industrial waste effluents into certain rivers, the quality of surface waters intended for drinking water, bathing water, fish life in fresh waters and shellfish waters (in compliance with the EEC Directives 75/440, 76/160, 78/659, 79/923 and 79/869), the protection of the aquatic environment against pollution caused by certain hazardous substances discharged into it and the protection of groundwater against discharges of certain dangerous substances. This bulk of use-oriented and risk-oriented legislation is relationally linked with both the **constitutive** and the **administrative** aspect of the LBS Protocol and there is not, as such, a distinctive legislative trend implementing this Protocol. Instead, one may clearly notice that the instruments of this category link with a variety of implementing combinations of the trust duties contained in this Protocol. Thus, some instruments relate to a weak implementing combination of the **constitutive** only aspect of the Protocol (Arts. 4 and 7), some other instruments relate to a stronger implementing combination of this aspect (Arts. 4, 6 and 7), whereas a full implementation of the **constitutive** aspect is achieved by a number of other instruments (Arts. 4,5,6 and 7). Both aspects of the Protocol are implemented by a number of some other instruments of this category and this implementation takes place either at a weak level (combination of Articles 4,6 and 8 or 4,7 and 8) or at a stronger level (combination of Articles 4,5,6,7 and 8). One should also mention the inclusion of instruments which contain a weak implementing **administrative** only aspect of the Protocol (combination of Articles 4 and 8 or 4 and 11) as well as the inclusion of instruments with very loose relational link with the LBS Protocol (Art. 4(1)(a)). On the other hand, there is, in addition to the above stated bulk of use-oriented and risk-oriented sectoral legislative instruments, one resource-oriented comprehensive instrument (The Law 1739/1987 concerning the management of water resources) which is exclusively related to all **constitutive** trust duties of the Protocol (Articles 4,5,6 and 7) whereas the system-oriented Law 1650/1986 also applies to this category implementing the combination of Articles 4,5,6,7 and 8.

The category "Management of Agro-Industry" consists of 8 instruments promulgated **prior** to the ratification of the LBS Protocol by GREECE. These instruments deal with such issues as, the terms and conditions for the establishment and operation of cattle and poultry slaughterhouses or of slaughterhouses in general, the granting of license for the installation of cattle sheds, poultry runs and similar installations, the distances from certain areas for the erection of new and the expansion of breeding birds and stock farms and the conditions for the establishment and operation of breeding birds and stock farms. This body of risk-oriented sectoral legislation is related to the **constitutive** only aspect of the LBS Protocol and the legislative trend expressing this relational link is based, to a large extent, on the weak implementing combination of Articles 4 and 7 and secondarily, on the stronger implementing combination of Articles 4,6 and 7. Again, the system-oriented Law 1650/1986 also applies here, corresponding at the minimum level, to the **constitutive** as well as to the **administrative** aspect of the Protocol and projecting the implementing combination of Articles 4,7 and 8.

Finally, the category "Management of Mining and Quarrying Operations" consists of 9 instruments promulgated **prior** to the ratification of the LBS Protocol by GREECE. These instruments concern mining , the exploration, research and exploitation of hydrocarbons, the exploitation of quarries, the establishment of state-owned quarries for industrial minerals, the inspection councils for mining and quarries enterprises, the regulations on mining and quarries enterprises, the regulations on mining and quarry works and the technical specification for environmental impact and environmental restoration. This body of risk-oriented sectoral legislation is relationally linked with the **constitutive** as well as with the **administrative** trust duties provided in the LBS Protocol and there is a clear legislative trend in implementing this link which is expressed by a weak implementing combination (Articles 4,7,8) and by a stronger implementing combination (Articles 4,6,7 and 8). The weak implementing combination is also carried out by the system-oriented Law 1650/1986 which also applies here.

PROTECTION AGAINST POLLUTION FROM LAND-BASED SOURCES			
(A) <u>Control of Industry</u>			
Relation to Protocol III	EGYPT	ISRAEL	GREECE
<p>Art.4(1)(a) Scope of the application of the Protocol</p> <p><u>In relation to:</u></p> <p>Art.7(1)(d) Progressive Formulation of common guide-lines standards or criteria for the control and progressive replacement of products, installations and industrial and other processes</p>	<p>T.N.: 2 Law 21/1958</p> <p>Ministerial Decree 380/1982</p>	-	<p>T.N.: 15 Law 3214/1955</p> <p>Law 4458/1965</p> <p>Compulsory Law 207/1967</p> <p>Royal Decree 750/1968</p> <p>Legislative Decree 35/68</p> <p>Law 742/1977</p> <p>Law 849/1978</p> <p>Legislative Decree 181/1979</p> <p>Presidential Decree 189/1981</p> <p>Law 1262/1982</p> <p>Presidential Decree 84/1984</p> <p>Ministerial Decision 49206/2173/84</p> <p>Decision National Council...../...../626/1985</p> <p>Presidential Decree 136/1986</p> <p>Ministerial Decision B.17541/2000/1986</p>

<p>Art.4(1)(a) Scope of the application of the Protocol</p> <p><u>In relation to:</u></p> <p>Art.6 Strict Limitation of pollution by listed substances or sources - issuance of authorization taking into account Annex III</p>	<p>-</p>	<p>T.N.: 10 Mun.Corp.Ordinance Loc.Councils Ordinance</p> <p>Law 5727-1967</p> <p>Licenc.of Bus.Law 5728-1968</p> <p>Water Regul.5734- 1974</p> <p>Ports Regul.5736- 1976</p> <p>Nat.Scheme Num.10</p> <p>Nat.Scheme Num.10</p> <p>Abat.of Nuis.Reg. 5750-1990</p> <p>Licencing of Bus. Regul. 5751-1990</p>	<p>-</p>
<p>Art. 4(1)(a) Scope of the application of the Protocol</p> <p><u>In relation to:</u></p> <p>Art. 6(1)(2) Limitation of pollution from substances or sources listed in Annex II</p>	<p>T.N.: 1 6(1)(2)(3) Ministerial Decree 380/1982</p>	<p>T.N.: 9 Chof Hasharon</p> <p>Rishon-Lezion Scheme</p> <p>Bat Yam Scheme</p> <p>Ashkelon Scheme</p> <p>Emek Hefer Scheme</p> <p>Nanariya Scheme</p> <p>Regional Pl. and Build. Scheme</p> <p>Akko Scheme</p> <p>Nataniya Scheme</p>	<p>-</p>

<p>Art. 6(3) Issuance of authorization taking into account Annex III</p> <p><u>In relation to:</u></p> <p>Art. 7(1)(d) Formulation of common guidelines standards or criteria for the control of industry</p>			
<p>Art. 4(1)(a)</p> <p><u>In relation to:</u></p> <p>Art. 5 Elimination of pollution by listed substances or sources</p> <p><u>In relation to:</u></p> <p>Art. 6 Strict limitation of pollution by listed substances or sources Issuance of authorization taking into account Annex III</p> <p><u>In relation to:</u> Art.7</p>	-	-	T.N.: 1 P.D. 1180/1981

<p>Arts.3-8</p> <ul style="list-style-type: none"> - Area of application - Scope of application - Elimination of pollution by listed substances or sources - Limitation of pollution by listed substances or sources - Issuance of authorization - Formulation of common Guidelines standards or criteria for controlling pollution - Monitoring activities <p><u>In relation to:</u></p> <p>Art.9</p> <p>Art.13</p>	<p>-</p>	<p>T.N.: 2</p> <p>*Law 5748-1988</p> <p>*Regulation 5750-1990</p>	<p>-</p>
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(B) URBAN PLANNING			
Relation to Protocol III	EGYPT	ISRAEL	GREECE
<p>Art. 4(1)(a) Scope of application</p> <p><u>In relation to:</u></p> <p>Art. 7(1)(d) Formulation of common guidelines, standards or criteria for the control of industry</p> <p><u>In relation to:</u></p> <p>Art. 7(2) Take into account relativizing factors</p>	-	-	<p>T.N. 2 Legislative Decree 1262/72</p> <p>Law 947/1979 Minist. Decision .../...2659/80 Comp. Law 2344/1940 Amend. Law 719/1977 Amend. Law 1078/1980 Amend. Law 1337/1983 P.D. 7/8/1983 P.D. 13/3/1981 Amend. P.D. 6/7/1984 P.D. 3/5/1985 P.D. 1872/1985 P.D. 30/8/1985 P.D. 30/2/1985 P.D. 24/4/1985 Law 1577/1985 P.D. 23/9/1985 P.D. 3/9/1985 P.D 5/1/1986 Gen. Guid. by OTE 1986 P.D. 6/11/86 Min. Decision 83809/3495/86</p> <p>Min. Dec. 88208/3237/87 Min. Dec. 28798/1432/87 P.D. 25410/19.6.1987 P.D. 25/6/1987</p>

<p>Art. 4(1)(a) Scope of application</p> <p><u>In relation to:</u></p> <p>Art. 6(1)(2)(3) Strict limitation of pollution by listed substances or sources - Authorization issuance</p>	-	<p>T.N.: 2 Law 5728-1968</p> <p>Ports Regulations 5731-1971</p>	-
<p>Art.4(1)(a) Scope of application</p> <p><u>In relation to:</u></p> <p>Art. 6(1)(2) Strick limitation of pollution by listed substances or sources</p> <p><u>In relation to:</u></p> <p>Art. 7(1)(d) Formulation of guidelines, standards or criteria for control of industry</p>	-	<p>T.N.: 9 Chof Hasharon Scheme</p> <p>Rishon-Lezion Scheme</p> <p>Bat-Yam Scheme</p> <p>Ashkelon Scheme</p> <p>Emek Hefer Scheme</p> <p>Nanariva Scheme</p> <p>Regional Plan Building Scheme</p> <p>Akko Scheme</p> <p>Nataniya Scheme</p>	
<p>Art. 4(1)(a) Scope of application</p> <p><u>In relation to:</u></p> <p>Art. 6 Strict limitation of pollution by listed substances or sources - Issuance of authorization</p> <p><u>In relation to:</u></p> <p>Art. 7</p>	<p>T.N.: 4 Law 3/1982</p> <p>Ministerial Decree 600/1982</p> <p>Law 28/1949</p> <p>Law 106/1978 Amend. Law 30/1983</p>	<p>T.N.: 2 Law 5725-1965</p> <p>Nat. Scheme No. 13</p>	<p>T.N.: 2 Law 1515/1985</p> <p>Law 1561/1985</p>

<p>Art. 7 Formulation of common guidelines, standards or criteria for controlling pollution</p>	<p>T.N.: 1 Law 59/1979</p>	<p>-</p>	<p>T.N. Presidential Decree 17/10/78 Amend. Presidential Decree 27/2/85 (a,b,d,e) Presidential Decree 31/5/85 (a,b,d,e) Presidential Decree 14/2/87</p>
<p>Arts. 3-8 - Area of application - Scope of application - Elimination of pollution by listed substances or sources - Strict limitation of pollution by listed substances or sources - Issuance of authorization - Formulation of common guidelines, standards or criteria for controlling pollution - Monitoring activities</p>	<p>-</p>	<p>T.N.: 2 * Law 5748-1988 * Regulation 5750-1990</p>	<p>-</p>

(C) Management of Wastes			
(a) Management of Industrial and Municipal Liquid Wastes			
Articles	EGYPT	ISRAEL	GREECE
<p>Art.4(1)(a) Scope of application</p> <p><u>In relation to:</u></p> <p>Art.6</p> <ul style="list-style-type: none"> - Strict limitation of pollution by listed substances or sources - Issuance of authorization 	<p>T.N.: 3 Law 74/1971 Amend. by Law 12/1984</p> <p>Law 38/1967 Amend. by Law 31/1976</p> <p>Ministerial Decree 134/1968</p>	<p>T.N.: 1 Water Regulations 5734/1974</p>	-
<p>Art.4(1)(a) Scope of application</p>	<p>T.N.: 2 Law 93/1962</p> <p>Ministerial Decree 649/1962</p>	-	-
<p><u>In relation to:</u></p> <p>Art.5 Elimination of pollution by listed substances or sources</p> <p><u>In relation to:</u></p> <p>Art.6</p> <ul style="list-style-type: none"> - Strict limitation of pollution by listed substances or sources - Issuance of authorization 			

<p>Art.4(1)(a) Scope of application</p> <p><u>In relation to:</u></p> <p>Art.7(1)(a) Formulation of common guidelines, standards or criteria on pipelines</p>	<p>-</p>	<p>-</p>	<p>T.N.: 1 Ministerial Decision A1B 8577/1983</p>
<p>Art.4(1)(a) Scope of application</p> <p><u>In relation to:</u></p> <p>Art. 6 Strict limitation of pollution by listed substances or sources</p> <p><u>In relation to:</u></p> <p>Art.7 Formulation of common guidelines, standards or criteria for controlling pollution</p>	<p>-</p>	<p>T.N.: 12 Public Health Ordinance 1940 7(1)(d)</p> <p>Ass.of Mun. 5719-1959</p> <p>Loc.Auth.Law 5722-1962 7(1)(d)</p> <p>Mun. Corp. Ordinance</p> <p>Ass.of Munic.5726-1966</p> <p>Ass. of Munic.5733-1973</p> <p>Ass. of Munic.5739-1976</p> <p>Ass. of Munic.5739-1979</p> <p>Ass. of Mun. for Environment 5739-1979 7(1)(b)(d)(a)(e) Model By-Law 5742-1981</p> <p>Ass. of Mun. for Environment 5743-1983</p> <p>Ass. of Mun. for Environment 5746-1985</p>	

<p>Art.4(1)(a) Scope of application</p> <p><u>In relation to:</u></p> <p>Art.5 Elimination of pollution by listed substances or sources</p> <p><u>In relation to:</u></p> <p>Art.6 - Strict limitation of pollution by listed substances or sources - Issuance of authorization</p> <p><u>In relation to:</u></p> <p>Art.7(1) Formulation of common guidelines, standards or criteria for controlling pollution</p>	-	-	<p>T.N.: 4 Ministerial Decision ../17831/1971 7(1)(b)(c)(e)</p> <p>Ministerial Decision .../1305/1974 7(1)(a)(b)</p> <p>Presidential Decree 348/1976 7(1)(a)(b)(e)</p> <p>Ministerial Decision Eib 221/1965 7(1)(b)(c)(e)</p>
<p>Art.8 Monitoring activities</p>	-	-	<p>T.N.: 2 Law 890/1979</p> <p>Law 1069/1980</p>

<p>Arts.4-8</p> <ul style="list-style-type: none"> - Scope of application - Elimination of pollution by listed substances or sources - Strict limitation of pollution by listed substances or sources - Issuance of authorization - Formulation of guidelines, standards or criteria for controlling pollution - Monitoring activities 	-	-	T.N.:1 Presidential Decree 6/1986
Arts.1-8	-	T.N.: 2 *Law 5748-1988 *Regulation 5750-1990	T.N.: 1 *Law 1650/1986
<p>Art.4(1)(a) Scope of application</p> <p>Art.7(1)(a) Formulation of guidelines, standards or criteria on pipelines</p> <p><u>In relation to:</u></p> <p>Art.9 Scientific and technical co-operation</p>	-	-	T.N.: 1 Ministerial Decision ...2a/02/44/...II./ 1984

(b) Management of Solid Wastes			
Articles	EGYPT	ISRAEL	GREECE
<p>Art.4(1)(a) Scope of application</p> <p><u>In relation to:</u></p> <p>Art.5 Elimination of pollution listed by substances or sources</p> <p><u>In relation to:</u></p> <p>Art.7(1)(d) Formulation of guidelines standards or criteria on the control of industry</p> <p>7(1)(e) Formulation of guidelines, standards or criteria on quantities of listed substances concentration in effluents, methods of discharging them</p>		-	<p>T.N.: 3 Ministerial Decision E1B/301/1964</p> <p>Ministerial Decision ..8233/1975</p> <p>Ministerial Decision 49541/1424/1986</p>

<p>Art.4(1)(a) Scope of application</p> <p><u>In relation to:</u></p> <p>Art.6 Strict limitation of pollution by listed substances or sources</p> <p><u>In relation to:</u></p> <p>Art.7 or Art.7(1)(d) 7(1)(e) Formulation of common guidelines, standards or criteria for controlling pollution</p>		<p>T.N.: 12 Public Health Ordinance 1940 7(1)(d)</p> <p>Munic.Ordinance 7(1)(d)</p> <p>Local Councils Ordinance 7(1)(d)</p> <p>Assoc.of Mun. 5726-1966 7</p> <p>Assoc.of Mun. 5733-1973 7</p> <p>Assoc.of Mun. 5739-1978 7</p> <p>Assoc.of Mun. (Ashkelon District) 5739-1979 7</p> <p>Assoc.of Mun. (Hadera) 5739-1979 7</p> <p>Nat.Scheme No.16 6(1)(2)</p> <p>Assoc.of Mun. 5743/1983</p> <p>Law 5744-1984 6(1)(2), 7(1)(d)</p> <p>Assoc. of Mun. 5746/1985 6,7</p>	
<p>Art.4(1)(a) Scope of application</p>		<p>T.N. (1) Ports Regul.5731/1971</p>	<p>-</p>

<p>Art.4(1)(a)</p> <p><u>In relation to:</u></p> <p>Art.5 Elimination of pollution by listed substances or sources</p> <p><u>In relation to:</u></p> <p>Art.6 - Strict limitation of pollution by listed substances or sources - Issuance of authorization</p> <p><u>In relation to:</u></p> <p>Art.7 Formulation of guidelines, standards or criteria for controlling pollution</p>		<p>T.N.: 1 Law 5728-1968 7(1)(d)(e)</p>	<p>T.N.: 1 Ministerial Decision 57363/1984 7(1)(d)</p>
<p>Art.4(1)(a)</p> <p><u>In relation to:</u></p> <p>Art.6 - Strict limitation of pollution by listed substances or sources - Issuance of authorization</p>		<p>T.N.: 1 Regulation 5750-1990</p>	<p>-</p>
<p>Arts.1-8</p>		<p>T.N.: 2 *Law 5748-1988 *Regulation 5750-1990</p>	<p>-</p>
<p>Arts.1,3,4,7,8</p>		<p>-</p>	<p>T.N.: 1 *Law 1650/1986</p>

(c) Management of Toxic and Dangerous Wastes			
Articles	EGYPT	ISRAEL	GREECE
<p>Art.4(1)(a) Scope of application</p>	-	<p>T.N.: 7 Aviation Law 1927</p> <p>Pub.Health Ordinance 1940</p> <p>Radioactive Minerals Ordinance 1947</p> <p>Civil Defense Law 5711-1951</p> <p>Pharm.Regulation 5739-1979</p> <p>Aviation Regulations 5742-1981</p> <p>Aviation Regulations 5744-1983</p>	-
<p>Art.4(1)(a) Scope of application</p> <p><u>In relation to:</u></p> <p>Art.7(1)(d) Formulation of guidelines, standards or criteria for control of industry</p>	-	-	<p>T.N.: 5 Ministerial Decision 1434/1958</p> <p>Ministerial Decision 231978/2018/72</p> <p>Ministerial Decision 148570/1983</p> <p>Presidential Decree 347/1982 4(1)(b)</p> <p>Ministerial Decision 149318/83 4(1)(b)</p>
<p>Art.4(1)(a) Scope of application</p> <p><u>In relation to:</u></p> <p>Art.5 Elimination of pollution by listed substances</p>	<p>T.N.: 4 Ministerial Decree 50/1967</p> <p>Law 59/1960</p> <p>Ministerial Decree 630/1962</p> <p>Ministerial Decree 380/1971</p>	-	-

<p>Art.4(1)(a) Scope of application</p> <p><u>In relation to:</u></p> <p>Art.6(1)(2) Strict limitation of pollution by listed substances or sources</p>	-	<p>T.N.: 5 Plant Prot.Law 5726 1956</p> <p>Plant Prot.Regulation 5727-1967</p> <p>Penal Law 5737-1977</p> <p>Pharm. Ordin. 1981</p> <p>Licen.of Bus.Reguls. 5751-1990</p>	
<p>Art.4(1)(a) Scope of application</p> <p><u>In relation to:</u></p> <p>Art.6 - Strict limitation of pollution by listed substances or sources - Issuance of authorization</p> <p><u>In relation to:</u></p> <p>Art.7(1)(d) 7(1)(e) Formulation of common guidelines, standards or criteria for the control of industry or for quantities of listed substances concentration in effluents, methods of discharging them</p>	<p>T.N.: 1 Law 53/1966 Amend. Law 116/1983 Amend. Law 225/1984</p>	-	<p>T.N.: 3 Ministerial Decision 322706/1195/81 (EEC Directive)</p> <p>Presidential Decree 1381/81 (EEC Directive) 4(1)(b), 6(3)</p> <p>Ministerial Decision 141965/1165/82</p>

<p>Art.4(1)(a) Scope of application</p> <p>Art.5 Elimination of pollution by listed substances or sources</p> <p><u>In relation to:</u></p> <p>Art.6 - Strict limitation of pollution by listed substances or sources - Issuance of authorization</p> <p><u>In relation to:</u></p> <p>Art.7(1)(d) Formulation of common guidelines, standards or criteria for the control of industry</p>	<p>-</p>	<p>T.N.: 1 Licen. Bus.Law 5728/1968</p>	<p>-</p>
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<p>Art.4(1)(a) Scope of application</p> <p><u>In relation to:</u></p> <p>Art.6 - Strict limitation of pollution by listed substances or sources - Issuance of authorization</p> <p><u>In relation to:</u></p> <p>Art.7(1)(e) Formulation of common guidelines, standards or criteria for quantities of listed substances concentrated in effluents, methods of discharging them</p> <p><u>In relation to:</u></p> <p>Art.8 Monitoring activities</p>	-	-	T.N.: 1 Law 721/1977
<p>Arts.4-8 - Scope of application - Elimination of pollution by listed substances or sources - Strict limitation of pollution by substances or sources - Issuance of authorization - Formulation of guidelines, standards or criteria for controlling pollution - Monitoring activities</p>	-	-	T.N.: 1 Ministerial Decision 72751/3054/85 (EEC Directive)

Arts. 1,4(1)(a) 7,8	-	-	T.N.: 1 *Law 1650/1986
Arts. 1-8	-	T.N.: 2 *Law 5748-1988 *Regulation 5750-1990	-
(d) Management of Watercourses			
Articles	EGYPT	ISRAEL	GREECE
Art.4(1)(a) Scope of application	-	T.N.: 1 Publ.Health 5743-1983	T.N.: 2 Law 608/1948 Legislative Decree 4012/1959

<p>Art.4(1)(a) Scope of application</p> <p><u>In relation to:</u></p> <p>Art.6 Strict limitation of pollution by listed substances or sources</p>	-	<p>T.N. Drain.Prot.Floods Law 5718-1957</p> <p>Taninium Riv.Drain. Auth.by-Law 5721-1961</p> <p>Poleg Riv.Drain.Auth. by-Law 5722-1962</p> <p>Alexander Riv.Drain Auth. by-Law 5722-1962 6(1)(2)</p> <p>Plan.and Build.Law 5725- 1965 6(3)</p> <p>Hadera Riv.Drain. 5725-1965</p> <p>Penal Law 5737-1977</p> <p>Kishon Riv.Drain.Auth. by-law 5739-1979</p> <p>Lachish Riv.Drain.Auth. by-law 5740-1980</p> <p>Zvulun Valley Drain.Auth. by-law 5740-1980</p> <p>Ayalon Sorak Drain. Auth. by-law 5741-1981</p> <p>Carmel Beach Drain. Auth. by-law 5741-1981</p> <p>Bsor Drain.Auth. by-law 5741-1981</p> <p>Asher Distr.Drain. Auth. by-law 5744-1984</p> <p>Publ.Health Regls. 5747-1987</p> <p>Yarkon Riv.Auth.Order 5748-1988</p>	
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<p>Art.4(1)(a) Scope of application</p> <p><u>In relation to:</u></p> <p>Art.7 Formulation of guidelines, standards or criteria for controlling pollution</p>	<p>T.N.: 2 Law 48/1982</p> <p>Min.Decree 8/1983</p>	<p>-</p>	<p>T.N.: 2 San. Decree .../1392 /1966</p> <p>Ministerial Decision .../12132/1969</p>
<p>Art.4(1)(a)</p> <p><u>In relation to:</u></p> <p>Art.6</p> <ul style="list-style-type: none"> - Strict limitation of pollution by listed substances or sources - Issuance of authorization <p><u>In relation to:</u></p> <p>Art.7 Formulation of guidelines standards or criteria for controlling pollution</p>	<p>-</p>	<p>T.N.: 3 The Water Law 5719-1959 6(1)(2), 7(1)(d)</p> <p>Public Health Regulations 5734-1974 7(b)(d)</p> <p>Public Health Regulations 5741-1981</p>	<p>T.N.: 1 Legislative Decree 420/1970 6(3), 7(1)(c)</p>

<p>Art.4(1)(a) Scope of application</p> <p><u>In relation to:</u></p> <p>Art.5 Elimination of pollution by listed substances or sources</p> <p><u>In relation to:</u></p> <p>Art.6 - Strict limitation of pollution by listed substances or sources - Issuance of authorization</p> <p><u>In relation to:</u></p> <p>Art.7 Formulation of guidelines, standards or criteria for controlling pollution</p>	-	T.N.: 1 Lic.Bus.Law 5728-1968	T.N.:2 Ministerial Decision 46399/1352/1986 7(1)(b)(c)(e) EEC Directive Ministerial Decision 26857/533/1988 7(e)
<p>Art.5 Elimination of pollution by listed substances or sources</p>	T.N.: 1 P.D. 2703/1966	-	-
<p>Art.5 Elimination of pollution by listed substances or sources</p> <p><u>In relation to:</u></p> <p>Art.7 Formulation of guidelines standards or criteria for controlling pollution</p>	T.N.: 1 High Comm.Wat. Dec. 7/1/1975		

<p>Art.5 Elimination of pollution by listed substances</p> <p><u>In relation to:</u></p> <p>Art.8 Monitoring activities</p>	<p>T.N.: 1 Law 27/1978</p>	<p>-</p>	<p>-</p>
<p>Art.4(1)(a) Scope of application</p> <p><u>In relation to:</u></p> <p>Art.6 - Strict limitation of pollution by listed substances or sources</p> <p>- Issuance of authorization</p> <p><u>In relation to:</u></p> <p>Art.8 Monitoring activities</p>	<p>-</p>	<p>-</p>	<p>T.N.: 4 Legislative Decree 4393/1964 IC</p> <p>Sanit.Reguls. 15235/1969</p> <p>Law 366/1976 IC</p> <p>Sanit. Reguls. 1805/1969</p>
<p>Art.4(1)(a) Scope of application</p> <p><u>In relation to:</u></p> <p>Art.7 Formulation of common guidelines, standards or criteria for controlling pollution</p> <p><u>In relation to:</u></p> <p>Art.8 Monitoring activities</p>	<p>-</p>	<p>-</p>	<p>T.N.: 4 San. Ordin. .../18464/1969 7(b)(e)</p> <p>P.D. 499/1975 7(1)(b)</p> <p>Min. Dec. 5/3698/1981 7(a)(b)(e)</p> <p>Min. Dec. A5/2280/1983</p>

<p>Art.4(1)(a) Scope of application</p> <p><u>In relation to:</u></p> <p>Art.8 Monitoring activities</p>	-	-	<p>T.N.: 2 Dec. National Council. of Phys. Plan. and Env. 10/1981</p> <p>Law 4393/1964</p>
<p>Art.4(1)(a) Scope of application</p> <p><u>In relation to:</u></p> <p>Art.11(1) Discharges from a watercourse flowing through the territories of the Parties or forming a boundary between them</p>	-	-	<p>T.N.: 1 Legislative Decree 1207/72 IC</p>
<p>Arts.1-8</p>	-	<p>T.N.: 2 *Law 5748-1988</p> <p>*Regulations 5750-1990</p>	<p>T.N.: 2 *Law 1650/1986</p> <p>Ministerial Decision 18186/271/82</p>
<p>Arts.1-6</p>	-	-	<p>T.N.: 1 Law 1739/1987</p>
<p>Arts.1-7</p>	-	-	<p>T.N.: 1 Act of Ministerial Council 144/2.11.1987</p>

(e) Management of Agro-Industry			
Articles	EGYPT	ISRAEL	GREECE
<p>Art.4(1)(a) Scope of application</p> <p><u>In relation to:</u></p> <p>Art. 7(1)(d) Formulation of common guidelines standards or criteria for the control of industry or for quantities of listed substances concentration in effluents, methods of discharging them</p>	<p>T.N.: 2 Law 53/1966 Amend. by Law 116/1983 Amend. by Law 225/1984</p> <p>Ministerial Decree 517/1986</p>	<p>T.N.: 6 Plant.Prot.Reggs. 5729/69</p> <p>5732/72</p> <p>5732/71</p> <p>5735/75</p> <p>5736/76</p> <p>5737/76</p>	<p>T.N.: 5 Law 111/1975</p> <p>Presidential Decree 286/1975</p> <p>Presidential Decree 490/1976</p> <p>Presidential Decree 460/1978 7(a)(b)</p> <p>Ministerial Decision 83840/3591/1986</p>
<p>Art.4(1)(a) Scope of application</p>	<p>T.N.: 1 Law 207/1983</p>	<p>T.N.: 3 Plant.Prot.Reggs.5737/77</p> <p>5738/78</p> <p>5741/81</p>	-

<p>Art.4(1)(a) Scope of application</p> <p><u>In relation to:</u></p> <p>Art.6 Strict limitation of pollution by listed substances or sources</p> <p><u>In relation to:</u></p> <p>Art.7(1)(d) Formulation of common guidelines standards or criteria for the control of industry</p>	<p>T.N.: 1 Ministerial Decree 58/1972</p>	<p>T.N.: 11 Plant.Prot.Law 5716/56 6(1), 6(2)</p> <p>Plant.Prot.Reg.5727/67 6(1)(2)</p> <p>Chof Hasharon Scheme 6(1)(2)</p> <p>Rishon-Lezion Scheme 6(1)(2)</p> <p>Bat Yam Scheme 6(1)(2)</p> <p>Ashkelon Scheme 6(1)(2)</p> <p>Emek Hefer Scheme 6(1)(2)</p> <p>Nanariya Scheme 6(1)(2)</p> <p>Regional Plan and Build.Scheme 6(1)(2)</p> <p>Akko Scheme 6(1)(2)</p> <p>Nataniya Scheme 6(1)(2)</p>	<p>T.N.: 2 Plant.Prot. Reguls. Pres. Decree 190/1981 6(3)</p> <p>Minist. Decree Ai/8181/1986 6(3) 7(a)(b)</p>
<p>Art.5 Elimination of pollution by listed substances</p>	<p>T.N.: 1 Law 124/1983</p>	<p>-</p>	<p>-</p>

<p>Art.4(1)(a) Scope of application</p> <p><u>In relation to:</u></p> <p>Art.5 Elimination of pollution by listed substances or sources</p> <p><u>In relation to:</u></p> <p>Art.6 Strict limitation of pollution by listed substances or sources</p> <p><u>In relation to:</u></p> <p>Art.7 Formulation of guidelines and standards for certain issues</p>	-	T.N.: 1 Licen.Bus.Law 5728/68	-
<p>Art.4(1)(a) Scope of application</p> <p><u>In relation to:</u></p> <p>Art.7 Formulation of guidelines and standards for certain issues</p> <p><u>In relation to:</u></p> <p>Art.8 Monitoring activities</p>	-	-	T.N.: 1 *Law 1650/1986

Arts.1-8	-	T.N.: 2 *Law 5748/1988 *Regulations 5750/1990	-
(f) Management of mining and quarrying operations			
Articles	EGYPT	ISRAEL	GREECE
Art.4(1)(a) Scope of application <u>In relation to:</u> Art.6 Strict limitation of pollution by listed substances or sources	T.N.: 2 Presidential Decree 46/1958 Law 27/1981	-	-
Art.4(1)(a) Scope of application	-	T.N.: 6 Rad.Min.Ordinance Petr.Law 5712-52 Petr. Reguls.5713-53 Plan Build.Law 5725-65 Mining Reguls. 5738-1978 Mining Reguls. RF 5738-1978	-

<p>Art.4(1)(a) Scope of application</p> <p><u>In relation to:</u></p> <p>Art.6(1)(2) Limitation listed</p> <p><u>In relation to:</u></p> <p>Art.7(1)(d) Formulation of common guidelines, standards or criteria for the control of industry or for quantities of listed substances concentration in effluents, methods of discharging them</p>	<p>-</p>	<p>T.N.: 10 Min.Ordinance 1925</p> <p>Chof Hasharon Scheme</p> <p>Rishon-Lezion Scheme</p> <p>Bat Yam Scheme</p> <p>Ashkelon Scheme</p> <p>Emek Hefer Scheme</p> <p>Nataniya Scheme</p> <p>Regional Plan and Build. Scheme</p> <p>Akko Scheme</p> <p>Nataniya Scheme</p>	<p>-</p>
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<p>Art.4(1)(a) Scope of application</p> <p><u>In relation to:</u></p> <p>Art.6(3) Issuance of authorization</p> <p><u>In relation to:</u></p> <p>Art.7(1)(d) Formulation of common guidelines, standards or criteria for the control of industry or for quantities of listed substances concentration in effluents, methods of discharging them</p> <p><u>In relation to:</u></p> <p>Art.8 Monitoring activities</p>	<p>-</p>	<p>-</p>	<p>T.N.: 4 Legislative Decree 210/1973 4(2)</p> <p>Ministerial Decision 183037/5115/80</p> <p>Law 1428/1984</p> <p>Ministerial Decision 17402/84</p>
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<p>Art.4(1)(a) 4(2) Scope of application</p> <p><u>In relation to:</u></p> <p>Art.7(1)(d) Formulation of common guidelines, standards or criteria for the control of industry or for quantities of listed substances concentration in effluents, methods of discharging them</p> <p><u>In relation to:</u></p> <p>Art.8 Monitoring activities</p>	-	-	<p>T.N.: 4 Law 468/1976 4(2) Law 669/1977 4(2) Presidential Decree 285/1979 *Law 1650/1986 7</p>
<p>Art.6(3) Issuance of authorization</p> <p><u>In relation to:</u></p> <p>Art.7(1)(d) Formulation of common guidelines, standards or criteria for the control of industry or for quantities of listed substances concentration in effluents, methods of discharging them</p> <p><u>In relation to:</u></p> <p>Art.8 Monitoring activities</p>	-	-	<p>T.N.: 1 Law 1385/1983</p>

Arts.1-8	-	T.N.: 2 Law 5748-1988 Regulations 5750-1990	-
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VI. SPECIALLY PROTECTED AREAS PROTOCOL

I. THE COMPARATIVE NORMATIVE PARAMETERS

The SPECIALLY PROTECTED AREAS Protocol, 1982 (hereafter, SPA Protocol) contains two types of provisions which specify the generally constituted trust under Articles 1,2 and 3.

The first type of provisions refers to a series of relational obligations or trust duties related to the resource-in-trust, the Mediterranean Specially Protected Areas. More specifically, these provisions formulate a pattern of trust-duties having a **constitutive** character and dealing with the selection/establishment/management/notification of protected areas, the establishment of buffer areas, the establishment of a protected area contiguous to the frontier or to the limits of the zone of national jurisdiction of another Party of Non-Party, the protective measures vis-à-vis the resource-in-trust to be taken by the Parties, the appropriate publicity to the establishment of the protected area, the conditions of taking into account traditional local activities when promulgating protective measures and, finally, the changes in the delimitation or legal status of protected areas (Arts. 4-9,16).

The second type of provisions refers to a pattern of trust-duties related to the **administration** of the resource-in-trust. This pattern contains provisions which deal with the development of scientific and technical research, the information of the public and the promotion of its participation, the creation of a network of protected areas in the Mediterranean and the exchange of scientific and technical information among the Parties in accordance with a specified procedure, and finally, the formulation and implementation of programmes of assistance (Arts. 10-15).

From the point of view of national implementing legislation, the question is whether or not the **constitutive** and the **administrative** aspects of the Mediterranean Specially Protected Areas trust obligation are being implemented and the degree to which such an implementation takes place at national level.

II. THE APPLICATION

The relevant legislations of EGYPT, ISRAEL and GREECE placed in a comparative perspective present the following features:

(a) The legislative pattern of EGYPT consists of a number of instruments (16) and there is a strict distinction between legislation concerning protected areas which are sites of biological and ecological value and legislation which is relative to sites of historical and cultural importance. The former category is covered by 10 instruments, six (6) of which are promulgated **after** the ratification of the SPA Protocol by EGYPT (8 July 1983), and they deal with such issues as the establishment of specific protected areas, the protection of some indigenous animals, the prohibition of hunting and the protection of birds and animals. They are relationally

linked with certain **constitutive** aspects of this Protocol whereas no link can be traced with regard to its **administrative** aspect. Thus, there is a substantial body of resource-oriented sectoral legislation which marks two distinct legislative trends: that which corresponds to Art.7 of the SPA Protocol (protective measures vis-à-vis the resource-in-trust) and that which corresponds to a combination of Arts. 3 (determination of protected areas), 4 (selection/ establishment/management/notification of protected areas) and with the addition of Art.5 (establishment of buffer areas). A further implementation of Arts. 3 and 4 with the addition of Art. 8 (appropriate publicity to the establishment of the protected area) is achieved by joining the 1971 Ramsar Convention on Wetlands of International Importance (Presidential Decree 25/7/1986).

The latter category is covered by 6 instruments dealing with antiquities and tourism and all but one of them are promulgated **prior** to the signature of the SPA Protocol. They are relationally linked with certain **constitutive** and **administrative** aspects of the trust obligation established under this Protocol. More specifically, half of them are only related to the implementation of Art. 10 of the Protocol (development of scientific and technical research on protected areas) whereas a variety of combination of Articles appear to be implemented by the rest of them (Arts. 6 and 12, Arts. 3 and 4, Arts. 3,7 and 10). It is worth noting that EGYPT, by joining the 1972 Convention concerning Protection of the World Cultural and Natural Heritage (Presidential Decree 17/12/1975), supports the implementation of Articles 3 (determination of protected areas), 7 (protective measures vis-à-vis the resource-in-trust) and 10 (development of scientific and technical research on protected areas). On the whole, there is a body of resource-oriented sectoral legislation belonging to this category which does not reveal any legislative trend but it refers to a spectrum of normative implementation ranging from a weak implementation of the administrative aspect of the SPA Protocol to a stronger implementing combination, covering both aspects of this Protocol.

(b) The legislative pattern of ISRAEL consists of a large number of relevant instruments (43) and a clear distinction is made between legislation concerning protected areas which are sites of biological and ecological value and legislation which is relative to sites of scientific, aesthetic, historical, archeological, cultural and educational importance.

With regard to legislation concerning sites of biological and ecological value, there is a considerable body of resource-oriented sectoral legislation consisting of twenty-two (22) instruments dealing, mainly, with special nature reserves and national parks but also with fishing and wild animals protection. It is worth noticing that all these instruments are promulgated **prior** to the ratification of the SPA Protocol by ISRAEL (28 October 1987). It is also characteristic that, one exception apart, this bulk of legislation is relationally linked with the **constitutive** aspects of the Protocol and follows two inter-related trends: one trend marks a relational correspondence based on the combination of Articles 3 (determination of protected areas) and 7 (protective measures vis-à-vis the resource-in-trust) of the Protocol; another trend emanates from the relational correspondence of the stronger combination

of Articles 3,5 (establishment of buffer zones) and 7 of the Protocol. On the other hand, by virtue of a more comprehensive instrument (National Parks, Nature, Reserves and National Sites Law 5723-1963) one may identify a relational link with the trust-duties referring to both the **constitutive** and the **administrative** aspects of the SPA Protocol, and more specifically with those stated in Articles 3,5,7,8 (appropriate publicity to the establishment of protected areas) 9 (conditions of taking into account traditional local activities when promulgating protective measures) 11 (information of the public and promotion of its participation) and 16 (changes in the delimitation or legal status of protected areas).

With regard to legislation concerning sites of scientific, aesthetic, historical, archaeological, cultural and educational importance, there is again a considerable body of resource-oriented sectoral legislation which consists of twenty-one (21) instruments dealing, mainly, with certain local planning and building schemes, but also with national parks, antiquities sites and the Mediterranean coastline. With one only exception, all of these instruments are promulgated **prior to** the ratification of the SPA Protocol by ISRAEL. Moreover, eighteen of these instruments are relationally linked only with the **constitutive** aspect of the trust-duties enshrined in this Protocol, and only three of them relate to both aspects, the **constitutive** and the **administrative**. As far as the former is concerned, a two-fold legislative trend dominates this relational link and is to be identified either with the weaker combination of Arts. 3 and 7 or with the stronger combination of Arts. 3,5 and 7. As far as the latter is concerned, the specific legislative trend is identified with the combination of Arts. 3,7 8 and 11.

(c) The legislative pattern of GREECE consists of a large number of instruments (28) and, again, a clear distinction is made between legislation concerning sites of biological and ecological value and legislation relative to sites of scientific, aesthetic, historical, archeological, cultural and educational importance.

With regard to legislation concerning sites of biological and ecological value, there is a number of resource-oriented sectoral legislation consisting of twelve (12) instruments dealing with a variety of issues such as, prohibition of hunting in areas covered by the scope of the SPA Protocol, protection of loggerhead turtles, management of wild birds and their breeding grounds, the establishment of specific protected areas, the preservation, protection and ecological management of coastal wetlands, the designation of building zones in coastal areas related to specially protected areas, the protection of wetlands especially as waterfowl habitat and the conservation of wildlife and natural habitats. To them, there should be added the system-oriented Law 1650/1986 "On the Protection of the Environment". Taking into account that the SPA Protocol was ratified by GREECE on 26 January 1987, all these thirteen instruments have **preceded** the operation of this Protocol in the Greek national order. On the other hand, it is worth noticing that these instruments, with one exception, are related to the **constitutive** aspect of the trust-duties provided in the SPA Protocol and that the main legislative trend

which constructively implements this Protocol is based on the combination of Articles 3 (determination of protected areas), 4 (selection, establishment, management, notification of protected areas) and 7 (protective measures vis-à-vis the resource-in-trust). By virtue of the system-oriented Law 1650/1986 a comprehensive implementation of the **constitutive** aspect of Protocol is envisaged (Arts. 1-8), whereas by virtue of the ratified 1979 Convention on the Conservation of European Wildlife and Natural Habitats the implementation of Art. 6 (establishment of protected area contiguous to another Party or to a Non-Party) is to be added to the above legislative trend. On the other hand, by the ratified 1971 Convention on the Protection of Wetlands of International Importance especially as Waterfowl Habitat, both aspects, the **constitutive** and the **administrative**, of the SPA Protocol may be implemented to a certain degree, since the relational link between this Protocol and the ratifying legislation is expressed by the combination of the Articles 3,4,7,8 (appropriate publicity to the establishment of the protected area), 12 (creation of a network of protected areas in the Mediterranean) and 13 (exchange of technical and scientific information among the Parties).

With regard to legislation concerning sites of scientific, aesthetic, historical, archaeological, cultural and educational importance, there is a number of resource-oriented sectoral legislation consisting of fourteen (14) instruments dealing with a variety of issues such as, the protection of cultural, natural and archaeological heritage, buildings and works of art, the protection of caves, the protection of "reserved natural monuments", the declaration of certain islands and islets as landscapes of special natural beauty, the declaration of rivers' passes as aesthetic forests and the designation of sites of aesthetic value as protected areas in inhabited areas. To this resource-oriented sectoral legislation, there should be added the system-oriented Law 1650/1986 On the Protection of the Environment. With one exception, all these instruments were promulgated **prior** to the ratification of the SPA Protocol by GREECE (26 January 1987). They correspond to a variety of combinations of both aspects of the trust duties comprised in the SPA Protocol and no implementing legislative trend is, as such, discernible. Thus, some of them are relationally linked with the **constitutive** only aspect of the Protocol and this link is expressed either with the weaker combination of Articles 3 and 7 of the SPA Protocol, or with the stronger combination of Articles 3, 4,5 and 7, whereas in some other instances the relevant instruments correspond to both, the **constitutive** and the **administrative** aspects of the SPA Protocol by a variety of combinations of Articles such as, the combination of Arts. 3,7 and 11, or of Articles 3,7 and 10 (Law 1126/1981 ratifying the 1972 Convention for the Protection of the World Cultural and Natural Heritage) of Articles 3,4,5,7,8,10 and 11 (Law 1127/1981 ratifying the 1969 European Convention for the Protection of the Archaeological Heritage). On the other hand, by the system-oriented Law 1650/1986 a comprehensive implementation of the **constitutive** aspect of the SPA Protocol is advanced (Arts.1-8), whereas, at the other end of the spectrum, one may notice the existence of a few instruments which merely correspond to Art.3 and they include no further relational links with the **constitutive** or **administrative** trust duties of the SPA Protocol.

SPECIALLY PROTECTED AREAS			
(A) Sites of Biological and Ecological Value			
Relation to Protocol IV	EGYPT	ISRAEL	GREECE
<p>Art. 3(1)(2)(a) General undertaking by the Parties in relation to sites of biological and ecological value</p> <p><u>In relation to:</u></p> <p>Art.4 Guidelines, standards or criteria dealing with the selection, establishment, management of, and notification of information on Protected Areas</p>	<p>T.N.: 3 Prime Minister Decree 1429/1985</p> <p>Prime Minister Decree 671/1986</p> <p>Prime Minister Decree 459/1988</p>	-	<p>T.N. 1: Decree of the National Council of Physical Planning and the Environment 6/1981</p>
<p>Art. 3(1)(2)(a) General undertaking in relation to sites of biological and ecological value</p> <p><u>In relation to:</u></p> <p>Art.4 Guidelines, standards or criteria dealing with the selection, establishment, management of, and notification of information on Protected Areas</p> <p><u>In relation to:</u></p> <p>Art.7 Measures to be taken by the Parties</p>	-	-	<p>T.N.: 6 Ministerial Decree 205332/974/77 7(d)</p> <p>Ministerial Decree 200293/43/77 7(d)</p> <p>Ministerial Decree 204564/672/78 7(d)</p> <p>Decision of National Council of Physical Planning and the Environment 11/1981 7(a)(k)</p> <p>Presidential Decree 19/3/1984 7(h)(k)</p> <p>Prefectural Decree 25/8/1986 7(c)(d)</p>

<p>Art.3(1)(2)(a) General undertaking in relation to sites of biological and ecological value</p> <p><u>In relation to:</u></p> <p>Art.7 Measures to be taken by the Parties</p>	<p>T.N.: 4 Ministry of Agriculture Decree 16/1980</p> <p>Ministry of Agriculture Decree 472/1982</p> <p>Ministry of Agriculture Decree 28/1967</p> <p>Governor of North Sinai Decree 442/1980</p>	<p>T.N.: 9 Fishing Ordinance 1937 7(d)(e)</p> <p>Fishing Regulation 1937 7(d)(e)</p> <p>Wild Animal Protection Law 5715-1955 7(d)(e)(f)</p> <p>National Parks and Nature Reserves by-law 5727-1967 7(a)(k)</p> <p>National Parks and Nature Reserves Regulations 5728-1968 7(a)(b)(c)(d)(e)(f)(g)(h)(j)(k)</p> <p>Wild Animal Protection Regulations 5731-1971 7(d)(e)(f)</p> <p>National Parks and Nature Reserves Declaration 5739-1979 7(d)(e)(f)(j)(k)</p> <p>Nature Reserves Regulations 5739-1979 7(a)(b)(c)(d)(e)(f)(k)</p> <p>National Parks, Nature Reserves and National Sites Regulation 5744-1983 7(d)(e)(f)(j)(k)</p>	<p>T.N.: 2 Ministerial Decision 44353/1812/83 7(a)(b)(f)(h)(j)</p> <p>Ministerial Decision 414985/85</p>
<p>Art.3(1)(2)(a)</p> <p><u>In relation to:</u></p> <p>Art.4</p> <p><u>In relation to:</u></p> <p>Art.5 Establishment of buffer areas</p>	<p>T.N.: 1 Law 102/1983</p>	<p>-</p>	<p>-</p>

<p>Art.3(1)(2)(a) General undertaking in relation to sites of biological and ecological value</p> <p><u>In relation to:</u></p> <p>Art.5 Establishment of Buffer Areas</p> <p><u>In relation to:</u></p> <p>Art.7 Measures to be taken by the Parties</p>	-	<p>T.N.: 13 National Parks, Nature Reserves and National Sites Law 5723-1963 7(a-f) (h-k)</p> <p>Nature Reserve Declaration Chof Dor Isl.-Maagan Michael 7(a-f)(h)(i)(k)</p> <p>Nature Reserve Declaration Rosn Hanikara Isl. 7(a-f)(h)(i)(k)</p> <p>Nature Reserve Declaration Ha Chof Hashaket 7(a-f)(h)(i)(k)</p> <p>Nature Reserve Declaration Rosn Hanikra 7(a-f)(h)(i)(k)</p> <p>Nature Reserve Declaration Betzet River 7(a-f)(h)(i)(k)</p> <p>Nature Reserve Declaration Poleg River 7(a-f)(h)(i)(k)</p> <p>Nature Reserve Declaration Ha'tanim River 7(a-f)(h)(i)(k)</p> <p>Nature Reserve Declaration Atlit 7(a-f)(h)(i)(k)</p> <p>Nature Reserve Declaration Kzin River 7(a-f)(h)(i)(k)</p> <p>Nature Reserve Declaration Chof Dor Ha'bonim 7(a-f)(h)(i)(k) Nature Reserve Declaration Liman-Givat Tzivonim 7(a-f)(h)(i)(k)</p>	
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		National Scheme (Mediterranean Coastline) Number 13 7(a)(k)	
<p>Art.3(1)(2)(a)</p> <p><u>In relation to:</u></p> <p>Art.4</p> <p><u>In relation to:</u></p> <p>Art.6 Establishment of Protected Area Contiguous to the frontier or to the limits of zone of national jurisdiction of another state</p> <p><u>In relation to:</u></p> <p>Art.7</p>	-	-	T.N.: 1 Law 1335/1983 (IC)
<p>Art.3(1)(2)(a)</p> <p><u>In relation to:</u></p> <p>Art.4</p> <p><u>In relation to:</u></p> <p>Art.8 Information on the establishment of protected area</p>	T.N.: 1 Presidential Decree 25/7/1986 (IC)	-	-

<p>Art.3(1)(2)(a)</p> <p><u>In relation to:</u></p> <p>Art.4</p> <p><u>In relation to:</u></p> <p>Art.7</p> <p><u>In relation to:</u></p> <p>Art.8</p> <p><u>In relation to:</u></p> <p>Art.12 Establishment of a co-operation programme for co-ordination by the Parties</p> <p><u>In relation to:</u></p> <p>Art.13 Exchange of scientific and technical information</p>	<p>-</p>	<p>-</p>	<p>T.N.: 1 Legislative Decree 191/74 (IC)</p>
<p>Arts.1-8</p>	<p>-</p>	<p>-</p>	<p>T.N.: 1 *Law 1650/1986</p>

<p>Art.3(1)(2)(a)</p> <p><u>In relation to:</u></p> <p>Art.5</p> <p><u>In relation to:</u></p> <p>Art.7</p> <p><u>In relation to:</u></p> <p>Art.8</p> <p><u>In relation to:</u></p> <p>Art.9 Exemptions</p> <p><u>In relation to:</u></p> <p>Art.11 Information of the public and promotion of its participation</p> <p><u>In relation to:</u></p> <p>Art.16 Changes in the delimitation or legal status of protected areas</p>	<p>-</p>	<p>T.N.: 1 National Parks, Nature, Reserves and National Sites Law 5723-1963</p>	<p>-</p>
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(B) Sites of Scientific, Aesthetic, Historical, Archaeological, Cultural and Educational Importance			
<p>Art.3(1)(2)(b) General undertaking</p> <p><u>In relation to:</u></p> <p>Art.7</p> <p>Measures to be taken by the Parties</p>	-	<p>T.N.: 11 National Parks and Nature Reserves by-law 5727-1967 7(a)(b)(d)(e)(f)(i)(k)</p> <p>Hof Hasharon Lo. Plan. and Build. Scheme 7(a)(g)(h)(k)</p> <p>Rishon-Lezion Lo. Plan. and Build. Scheme 7(a)(g)(h)(k)</p> <p>Bat Yam Lo.Plan. Build. Scheme Ashkelon Lo.Plan. Build. Scheme 7(a)(g)(h)(k)</p> <p>Emek Hefer Lo. Plan. Build. Scheme 7(a)(g)(h)(k)</p> <p>Nahariya Lo.Plan. Build. Scheme 7(a)(g)(h)(k)</p> <p>National Scheme Number 8 7(a)</p> <p>Reg.Plan. Build. Scheme 7(a)(g)(h)(k)</p> <p>Nataniya Lo.Plan. Build. Scheme 7(a)(g)(h)(k)</p> <p>Acco Lo. Plan.Build. Scheme 7(a)(g)(h)(k)</p>	<p>T.N.: 4 Presidential Decree 24/8/1932 7(i)(j) Law 1469/1950 7(i)(j) Ministerial Decree 44353/1812/83 7(h) Presidential Decree 47852/1872/85</p>

<p>Art.3(1)(2)(b) General undertaking</p> <p><u>In relation to:</u></p> <p>Art.4 Guidelines, standards or criteria dealing with the selection, establishment, management of, and notification of information on protected areas</p>	<p>T.N.: 1 Law 2/1973</p>	<p>-</p>	<p>-</p>
<p>Art.3(2)(b) General guidelines</p>	<p>-</p>	<p>-</p>	<p>T.N.: 3 Decision of the National Council of Physical Planning and the Environment 12/1981</p> <p>Ministerial Decision/131/2934/1984</p> <p>Presidential Decree 443/85</p>
<p>Art.3(1)(2)(b)</p> <p><u>In relation to:</u></p> <p>Art.4</p> <p><u>In relation to:</u></p> <p>Art.8</p>	<p>-</p>	<p>-</p>	<p>T.N.: 1 Presidential Decree 1977</p>

<p>Art.3(1)(2)(b)</p> <p><u>In relation to:</u></p> <p>Art.5</p> <p><u>In relation to:</u></p> <p>Art.7</p>	-	<p>T.N.: 6</p> <p>National Park Declaration Sidney Ali 7(a)(b)(d)(e)(f)(i)(j)(k)</p> <p>National Park Declaration Cesarea 7(a)(b)(d)(e)(f)(i)(j)</p> <p>National Park Declaration Chof-Hasharon 7(a)(b)(d)(e)(f)(i)(j)(k)</p> <p>National Park Declaration Rosh Hanikra 7(a)(b)(d)(e)(f)(i)(j)(k)</p> <p>National Park Declaration Alexander River 7(a)(b)(d)(e)(f)(i)(j)(k)</p> <p>National Park Declaration Chof Achriv 7(a)(b)(d)(e)(f)(i)(j)(k)</p>	-
<p>Art.3(1)(2)(b)</p> <p><u>In relation to:</u></p> <p>Art.4</p> <p><u>In relation to:</u></p> <p>Art.5</p> <p><u>In relation to:</u></p> <p>Art.7</p>	-	-	<p>T.N.: 2</p> <p>Ministerial Decision 17664/1980 7(d)</p> <p>Presidential Decree 24/4/85 7(h)</p>

<p>Art.2 Scope of the application of the Protocol</p> <p><u>In relation to:</u></p> <p>Art.3(1)(2)(b)</p> <p><u>In relation to:</u></p> <p>Art.5</p> <p><u>In relation to:</u></p> <p>Art.7</p>	-	<p>T.N.: 1 National Scheme (Mediterranean coastline) Number 13 7(a)(k)</p>	-
<p>Art.3(1)(2)(b)</p> <p><u>In relation to:</u></p> <p>Art.7</p> <p><u>In relation to:</u></p> <p>Art.10 Scientific and technical research on protected areas</p>	<p>T.N.: 1 Presidential Decree 17/12/1975</p>		<p>T.N.: 1 Law 1126/1981 7(i)(j)</p>
<p>Art.10</p>	<p>T.N.: 3 Law 529/1953 Amend. Law 192/1955 Presidential Decree 2828/1971 Law 117/1983</p>	-	-
<p>Art.3(1)(2)(b)</p> <p><u>In relation to:</u></p> <p>Art.7</p> <p><u>In relation to:</u></p> <p>Art.11</p>	-	-	<p>T.N.: 1 Ministerial Decision 34593/1108/83 7(i)(j)</p>

<p>Art.3(1)(2)(b)</p> <p><u>In relation to:</u></p> <p>Art.7</p> <p><u>In relation to:</u></p> <p>Art.8</p> <p><u>In relation to:</u></p> <p>Art.11</p>	<p>-</p>	<p>T.N.: 3 National Parks, Nature Reserves and Natural Sites Law 5723-1963 7(a)</p> <p>Antiquities Law 7(a)(b)(g)(h)(i)(j)(k) 5738-1978</p> <p>Antiquities Sites List 7(a)(b)(j)</p>	<p>-</p>
<p>Art.6</p> <p><u>In relation to:</u></p> <p>Art.12</p>	<p>T.N.:1 Law 1/1973</p>	<p>-</p>	<p>-</p>
<p>Arts. 1-8</p>	<p>-</p>	<p>-</p>	<p>T.N.: 1 *Law 1650/1086</p>
<p>Art.3(1)(2)(b)</p> <p><u>In relation to:</u></p> <p>Art.4</p> <p><u>In relation to:</u></p> <p>Art.5</p> <p><u>In relation to:</u></p> <p>Art.7</p> <p><u>In relation to:</u></p> <p>Art.8</p> <p><u>In relation to:</u></p> <p>Art.10</p> <p><u>In relation to:</u></p> <p>Art.11</p>	<p>-</p>	<p>-</p>	<p>T.N.:1 Law 1127/1981 (IC) 7(i)(j)</p>

Art.3(1)(2)(b) <u>In relation to:</u> Art.4 <u>In relation to:</u> Art.7	-	-	T.N.:1 Presidential Decree 14/2/1987

VII. INSTITUTIONAL QUESTIONS

It is worth noting that the institutional structure of each one of the three countries (EGYPT, Israel and GREECE) affects the development of national environmental legislation relevant to the Barcelona Convention system in many directions.

The creation of new administrative institutions, of a central character, for the protection of the environment, affects the flow of environmental legislation⁽¹⁾, supports the development of environmental order and influences the shift of environmental legislation from sectoral and risk-oriented to a comprehensive resource-oriented or system-oriented legislation.

In ISRAEL, since the establishment of the Ministry of the Environment, in 1987, there is a clear shift towards the development of significant comprehensive environmental legislation such as, the Prevention of Sea Pollution from Land-based Sources Law 5748-1988 and Regulations 5750-1990, the development of resource-oriented legislation concerning river authority, such as, The Yarkon River Authority Order 5748-1988 establishing the first river authority in ISRAEL and implementing the River and Springs Authorities Law 5725-1965⁽²⁾, the promulgation of legislation implementing previously ratified International Convention concerning the protection of the marine environment, such as The Prevention of Sea Water Pollution by Oil Regulations 5747-1987 implementing the MARPOL 73/78, and, finally, the orientation of multi-purpose legislation to cover important environmental issues, e.g., The Abatement of Nuisances Regulations 5750-1990, covering the Prevention of Unreasonable Air and Odor Pollution from Waste Disposal Sites or The Licensing of Business Regulations 5751-1990, regulating the Disposal of Harmful Waste.

In GREECE, since the establishment of the Ministry of Physical Planning, Housing and the Environment, in 1980, which changed its name into the Ministry of the Environment, Physical Planning and Public Works in 1985, the development of a relevant environmental order has been considerable. In the first place, the promulgation of the important system-oriented Law 1650/1986 On the Protection of the Environment, which has a framework character, subjecting the management of all natural resources to common policies and central procedures and adapting existing sectoral legislation and institutions accordingly, marks an important shift of the legislation relevant to the environment from a sectoral to an integrated approach to the environmental issues. In the second place, the above ad hoc Ministry gave an impetus and developed multi-purpose environmental legislation of a comprehensive character, combining both environmental and developmental aspects, such as, the Laws 1515/1985 and 1561/1985 concerning the Organizational Plan and Environmental Protection Programme for the Greater Athens and Thessaloniki Areas, and, more generally, it has promoted the promulgation of legislation integrating the environmental concern within the framework of economic

(1) On the influence of institutions on the political environment they operate in general, see, MARCH J.G. - OLSEN J.P.: *Rediscovering institutions: The Organizational Basis of Politics*", The Free Press, 1989, esp. pp. 1-19.

(2) See ISRAEL'S REPORT (B. Oren) 1991, p.4.
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planning development, as it is most obvious in the legislation concerning urban planning. In the third place, the ad hoc Ministry plays a central role in the harmonization of the Greek environmental Legislation with the Community Directives and Decisions, an important function provided in the framework Law 1560/1986. In fact, the ad hoc Ministry is the initiator or the co-signatory of a considerable number of Community Environmental Directives and Decisions (almost 80 by the end of 1991) whereby the Greek environmental order has been harmonized with that of the Community.

In EGYPT the overall approach to the creation of a central administrative institution for the protection of the environment has been different. The establishment of the Environment Affairs Agency by the Presidential Decree 611/1982 as a national plan-preparing, legislation-studying, information-giving, standards-proposing and co-ordinating environmental institution⁽³⁾ may operate effectively but, since the existing sectoral institutional structure continues to play its usual role by simply adding environmental control functions to its responsibilities, it appears that the influence of this Agency on the development of the relevant environmental legislation is, by definition, limited. Of course, the establishment of a merely advisory and co-ordinating central administrative institution for environment protection in EGYPT, should be reviewed in relation to other factors such as the level of economic development of that country and the strength of the traditional legal structures and socio-cultural attitudes which, in their totality, decisively determine, in turn, the nature of the environmental problems, the environmental priorities and the process of developing an integrated approach and an effective central planning of legislation. This is clearly depicted in the Egyptian legislation which presents the following features. First, the backbone of the Egyptian legislation relevant to the implementation of the Barcelona Convention system consists of a few legal instruments drawn up on the basis of sectoral interests and serving a multiplicity of purposes. At the same time, they are promulgated, some exceptions apart, before the establishment of the Environmental Affairs Agency, 1981, which shows that the legislative response to the continuously developing environmental issues is rather slow and is essentially conditioned upon a more contextual perception (such as, the level of development or the side-effects of accelerated growth in urban and especially in rural areas). It is not, therefore, a mere coincidence that the areas where there is a continuing interest in amending existing legislation or in establishing a new one, so that technological progress and changing conditions will properly be taken into account, deal with the following subjects: urban planning and land use (Law 3/1982 concerning Urban Planning. Ministerial Decree 600/1982 implementing Law 3/1982 and Law 30/1983 amending Law 106/1978 concerning Regulations of Building Activities) irrigation (Law 12/1984 amending Law 74/ 1971 concerning Irrigation and Drainage) agriculture

(3) EGYPT'S REPORT (El-Mohamady Eid, Ahmed A. El-Gamal), 1990, p.28.

(Law 225/1984 amending Law 116/1983 which also amended Law 53/1966 concerning Agriculture) the protection of river Nile (Law 48/1982 on Protection of the river Nile and Waterways against Pollution and Ministerial Decree 8/1983 implementing Law 48/1982) fishing and fisheries (Law 124/1983). Special attention also is given to specially protected areas and, as is stated in the Report, "the concept of having legally protected natural areas is a new one in EGYPT⁽⁴⁾". Being established by Law 102/1983 concerning Natural Protected Areas this concept is more specifically implemented by Decrees establishing such areas, inter alia, in the Mediterranean area. A related area of concern is that of wildlife conservation (Ministerial Decree 16/1980, Ministerial Decree 472/1982, Ministerial Decree 28/1967) and the protection of wetlands. The legislative trend, therefore, in a developing country like EGYPT reveals that the areas of environmental concern are closely related to the level of economic development and are influenced by the use of the existing institutional structure which has to match sectoral priorities with specific environmental concerns.

(4) EGYPT'S REPORT, op.cit., pp. 10-11.

VIII. A SYNTHESIS

The aim of this work has been to expound the nature of the "purposive" implementation of the Barcelona Convention and its related Protocols testing it against the evidence of the relevant national legislation available from three Contracting Parties, EGYPT, GREECE and ISRAEL.

Since the protection and management of the marine and coastal environment serves a purpose of a public nature, the question of the implementation of the Barcelona Convention system refers, in fact, to the legislative action by each Contracting Party implementing the public purpose of the norms included therein. The consequences of such a "purposive" implementation are far-reaching.

First, the time-element of implementation is not formally limited to the strict legislative performance of the obligations (trust duties) undertaken by the Contracting Parties of the Barcelona Convention but it rather refers to the overall legislative process emitted by the all-levels penetrating community purpose to protect and enhance the marine and coastal environment. This is the reason why the relational link between the Barcelona Convention and its related Protocols and the relevant national legislation can essentially be traced not only prior to the introduction of the former into each national legal order (through ratification) but also prior to the very establishment of the Barcelona Convention system. Hence, a stronger or weaker normative regime may - and this is the rule - pre-exist the establishment or the internalization-by-ratification of the Barcelona Convention and its related Protocols, emanating either from internal legislative initiative or from international co-operation. In other words, it is the pattern of the Barcelona Convention system and of the relevant national and international legal instruments, influencing as a whole, since they belong to the same order, the implementation of the relational community (public) purpose, which is being examined.

- Thus, GREECE and EGYPT have to a varying degree, implemented certain aspects of the Barcelona Convention which have not been yet specified by new additional Protocols.

- The relevant legislation of EGYPT pre-existed the DUMPING Protocol and, one exception apart, the EMERGENCY Protocol. It also pre-existed the ratification of the LAND-BASED SOURCES Protocol and with regard to all of its categories; only one exception can be traced in two out of its seven categories. Finally, the overwhelming picture of pre-existing relevant legislation continues to appear in that category of the SPA Protocol which deals with sites of historical and cultural importance but it substantially differentiates with regard to the category of the SPA Protocol concerning the sites of biological and ecological value where 60% of the legislative instruments have been promulgated after the ratification of the SPA Protocol by EGYPT.

- The relevant legislation of ISRAEL pre-existed, to a large extent, the ratification of the DUMPING as well as the EMERGENCY Protocol (the percentage is 75% for the former and almost 70% for the latter). It also pre-existed the ratification of the LBS Protocol and with regard to all of its categories, with no exception, since ISRAEL has ratified this Protocol lately (21 Feb. 1991).

It also pre-existed the ratification of the SPA Protocol (28 Oct. 1987) with one only exception regarding the category of sites of scientific, aesthetic, historical etc importance.

- The relevant legislation of GREECE overwhelmingly pre-existed the ratification of the DUMPING Protocol but this is not the case with regard to the EMERGENCY Protocol where only the 14% of the relevant legislation pre-existed whereas the 86% of this legislation was promulgated after the ratification of this Protocol. It overwhelmingly pre-existed the ratification of the LBS Protocol (26 Jan. 1987) and only a small scale of exceptions can be traced in two out of the eight established categories (12% and 18% respectively of the relevant legislation concerning "Urban Planning" and "Management of Watercourses" promulgated after the ratification of the LBS Protocol). Finally, the relevant legislation of GREECE pre-existed the ratification of the SPA Protocol (26 Jan. 1987) with one only exception regarding the category of sites of scientific, aesthetic, historical etc importance.

Second, by the fact that the Barcelona Convention system and the relevant national legislation of the Contracting Parties form the same order, aiming at the implementation of a particular community (public) purpose the normative standards enshrined in the Barcelona Convention system can, to some extent, be traced in the process of the related legislative action of each Contracting Party irrespective of time. The link between the former and the latter is not formal but purposive and relational. On the other hand, and this is a fundamental premise of this work, the Barcelona Convention and its related Protocols constitute an international public trust for the protection and the enhancement of the Mediterranean marine and coastal environment and, as such, they set up, in a comprehensive manner, those international environmental trust standards which the Contracting Parties are entrusted to implement, in their entirety, within their domestic order. An investigation is therefore carried out concerning the types of provisions, contained in the Barcelona Convention and its Protocols, which are "purposively" implemented by the relevant legislative process of EGYPT, ISRAEL and GREECE, the modes, including the trends, of the "purposive" implementation of these provisions and the stage of development of the "purposively" implementing national legislation.

- Thus, the relevant legislation of EGYPT, "purposively" implementing the DUMPING Protocol and the EMERGENCY Protocol, is sectoral and risk-oriented. The legislative implementation of the DUMPING Protocol is insufficient since it covers only one substantive or constitutive trust-duty (Art.4) and two procedural or administrative trust duties (Arts. 11,12). Equally insufficient is the legislative implementation of the EMERGENCY Protocol where only one specific aspect of the constitutive and administrative trust-duties is being covered (Arts. 3 and 8). The picture is slightly different in respect to the "purposive" implementation of the LAND-BASED SOURCES Protocol, where it is characteristic that, one exception apart, only the substantive or trust-constituting duties of this Protocol are being implemented (namely, Articles 5,6 and 7) by sectoral risk-oriented and use-oriented legislation. On the other hand, the implementation of the substantive or trust-constituting duties is rather inadequate since two of the legislative sub-categories do not cover Art.5 ("Control of Industry" and "Urban Planning and Land Use"), one legislative sub-category does not cover

Art. 6 ("Management of Watercourses"), whereas a weak implementing combination of the Articles referring to these duties is often indicated in the legislative instruments of most of the sub-categories. Finally, with regard to the purposive implementation of the SPECIALLY PROTECTED AREAS Protocol, there is a body of sectoral resource-oriented legislation which, as far as the category of sites of biological and ecological value is concerned, evidences a partial coverage of the substantive or trust-constituting duties of this Protocol (namely, Articles 4,5 and 7) whereas, as far as the category of sites of historical and cultural importance is concerned, it relates to the implementation of certain trust-constituting and trust-administering duties, covering them separately or in weak combinations (Art.10, Arts. 6 and 12, Art. 3 and 4, Arts. 3,7 and 10).

The relevant legislation of ISRAEL "purposively" implementing the DUMPING Protocol is marked by a trend from a sectoral to a more comprehensive approach to the issues involved: whereas the earlier specific sectoral legislation covers only certain substantive or constitutive trust duties (Articles 3,4), the more recent comprehensive environmental laws concerning the prevention of sea pollution cover almost all substantive or constitutive and procedural or administrative trust duties (Articles 1-8, 10, 11 - only Articles 9 and 12 are not being implemented). In respect to the EMERGENCY Protocol, the Israeli implementing legislation consists of a number of sectoral risk-oriented and use-oriented instruments which together with the above mentioned comprehensive laws and the ratification of the MARPOL 73/78 touches upon almost all constitutive and administrative aspects of this Protocol although there can still be detected a weak implementation of Articles 4-7. In regard to the legislative implementation of the LAND-BASED SOURCES Protocol, a trend is clearly discernible from sectoral risk-oriented legislative instruments, implementing the Protocol more narrowly, to comprehensive laws, implementing the Protocol more extensively. Thus, the former type of legislation mainly covers, in all sub-categories, only the substantive or trust constituting duties contained in Articles 4,6 and 7 whereas only four out of the eight sub-categories implement, quite exceptionally, (and only by one instrument in each one of them) Article 5 ("Management of Solid Wastes", "Management of Toxic and Dangerous Substances", "Management of Watercourses" and "Management of Agriculture") and two sub-categories touch, in an equally exceptional manner, on the procedural or administrative duty contained in Art.8 ("Control of Industry" and "Urban Planning"). On the other hand, the latter type of legislation adequately implements all constitutive trust duties together with only one administrative trust duty (Arts.8). Finally, the legislative implementation of the SPECIALLY PROTECTED AREAS Protocol is carried out by a considerable body of resource-oriented legislative instruments. Nevertheless, both categories of implementing legislation (those relevant to sites of biological and ecological value and those relevant to sites of scientific, aesthetic, historical etc importance) seem, on the one hand, to manifest a process of a rather adequate coverage of the constitutive trust duties, in weaker (Arts. 3,7) or stronger (Arts. 3,5,7) combinations, and, on the other hand, to implement only exceptionally and restrictively the administrative trust duties of the Protocol.

- The relevant legislation of GREECE "purposively" implementing the DUMPING Protocol is characterized by a trend towards a combination of

comprehensive and specific sectoral legislation. This implementing combination touches upon almost all substantive or constitutive and procedural or administrative trust duties of the Protocol, except those of Arts. 8,9 and 12. With regard to the implementation of the EMERGENCY Protocol, the combination of comprehensive and specific sectoral legislation is also noticeable covering, rather adequately, all aspects of the constitutive and administrative trust duties contained in this Protocol. The legislative implementation of the LAND-BASED SOURCES Protocol is equally marked by a combination of comprehensive, integrated and specific sectoral legislation, expressed by risk-oriented, use-oriented, resource-oriented and system-oriented legislative instruments. Thus, in regard to a certain sub-category ("Control of Industry") the system-oriented law 1650/1986 comes forward to cover the inadequate implementation by the specific risk-oriented sectoral legislation of all the constitutive (5-7) and of a certain administrative (8) trust duties, whereas, in another sub-category ("Management of Watercourses"), the combination of the specific sectoral (risk-oriented and use-oriented), comprehensive (resource-oriented) and system-oriented law secure an adequate coverage of all the constitutive (5-7) and of certain administrative (8,11) trust duties. Similarly, in regard to the sub-category concerning "Management of Municipal and Industrial Liquid Wastes", the combination of the system-oriented Law 1650/1986 and the specific risk-oriented sectoral legislation seem to guarantee a process of effective implementation of all the constitutive (5-7) and of certain administrative (8,9) trust duties. On the other hand, the quality of implementation is lessened with regard to those sub-categories where the system-oriented law deals, more abstractly, with the relevant environmental issues (covering only Arts. 4,7 and 8 of the Protocol). Thus, as far as "Management of Solid Wastes", "Management of Toxic and Dangerous Wastes" and "Management of Agro-Industry is concerned, the implementation of the constitutive duty enshrined in Art.5 is not covered by the body of the specific risk-oriented sectoral legislation, whereas the implementation of the administrative aspect of the Protocol is restricted to the trust duty expressed by Art.8. Even weaker is the picture of implementation given by the "Urban Planning" where the specific sectoral body of legislation does not cover Arts.5 and 6 nor any of the administrative trust duties, and the two comprehensive laws 1515/1985 and 1561/1985 touch only upon Arts.4, 6 and 7. Finally, the legislative implementation of the SPECIALLY PROTECTED AREAS Protocol is adequately effected, in both categories, by the combination of a large sectoral resource-oriented legislation, the system-oriented Law 1650/1986 (which covers Arts. 1-8) and the ratification of relevant International Conventions which, as a whole, secure thus an extensive coverage of both, the constitutive and the administrative, aspects of this Protocol.

The comparative examination of the national legislations of EGYPT, GREECE and ISRAEL, purposively implementing the Barcelona Convention and its four related Protocols, is not carried out in a vacuum but in view of their contextual reference. That means that the evaluation of their normative effectiveness in the implementation of the Barcelona Convention system is also to be carried out in the light of certain contextual factors facilitating or, adversely, preventing the process of such a legislative implementation. Depicting the totality of these contextual factors is not an easy task. Two of them, however, the domestic institutional structure coupled with the level of economic development, are of a predominant importance in perceiving, more accurately, the inherent limitations or potentialities of the implementing legislative process.

Thus, GREECE, as a member of the European Community, has developed its institutional structure at a level where mobility towards the expression of the continuing interest in the protection and management of the environment is, to a degree, secured, and harmonization of legal instruments - as well as improvement of their form - can effectively be pursued nationally, at a Community level and internationally. At the beginning of the eighties, GREECE has established a hybrid institutional system of environment-aggregative and environment-integrative elements. The former are illustrated in the sharing of environmental responsibilities by a number of traditional Ministries, whereas the latter is expressed by the establishment of an ad hoc environmental institution, yet pertaining certain traditional developmental competences, the Ministry of the Environment, Physical Planning and Public Works. Although the nature of environmental problems seems to call for the sharing of competences among the Ministries, it is beyond any doubt that the role of the ad hoc Ministry, here, is, for the purpose of this work, catalytic and central in three respects. First, it promoted the promulgation of comprehensive and system-oriented environmental laws which, together with the specific sectoral environmental legislation, co-exist as necessary interlocking components of a multi-level regulatory system. Second, it initiated and guaranteed the harmonization of the Greek environmental order with that of the European Community and promoted the ratification of International Conventions which have an impact on the development of comprehensive environmental policies. Finally, and this may be inferred from the examination of the legislative pattern itself, the ad hoc Ministry has played a decisive role in integrating environmental considerations into developmental legislation.

Similar observations are, mutatis mutandis, applicable to ISRAEL. Since the establishment of the Ministry of the Environment, in 1987, an equally hybrid institutional system of environment-aggregative and environment-integrative elements was set up. Its operation accommodated the sectoral environmental concerns of a number of traditional Ministries with the elaboration and projection of a comprehensive integrating environmental policy by the ad hoc institution, the Ministry of the Environment. As may be inferred from the above analysis of the implementing Israeli environmental legislation, since this hybrid institutional system was consolidated, a marked tendency towards the development of comprehensive environmental legislation manifested itself, co-existing with the process of continuously evolving sectoral environmental legislation. Furthermore, the ad hoc Ministry contributed to the facilitation of amending existing legislation and developing new legislation in view of inadequacies in the legal system for environmental management and protection and on the basis of transfer of authorities from other Ministries. Finally, and this is evident in the subjects environmentally treated by the implementing Israeli legislation, the ad hoc Ministry refined and strengthened the incorporation of environmental considerations and controls in business licensing and land-planning.

In EGYPT, the institutional system is basically environment-aggregative since environmental control functions are sectorally added to the responsibilities of a number of traditional Ministries. The establishment of the Environment Affairs Agency, in 1982, as an advisory body for the development of a comprehensive environmental policy touching upon all relevant legislative, institutional and informational aspects, provides a solid base

for such a policy, but its role should be viewed in direct relation to the special problems associated with the country's level of economic development. Indeed, what the implementing pattern of the Egyptian environmental legislation clearly shows is that implementation requires reform at the level of the specific sectoral environmental legislation: almost 67% of the sectoral legislation implementing the Barcelona Convention system was promulgated before 1980 and, from this legislation, only 9% was amended after 1980. On the other hand, it is worth noting that the sectoral legislation promulgated after 1980 (33%) deals with the implementation of those aspects of the Barcelona Convention which are closer to the types of environmental problems faced by developing countries and to the level of development of their administrative infrastructure: only those issues covered by certain sub-categories of the LBS Protocol and by the first category of the SPA Protocol appear to be legislatively implemented in this regard. It is therefore evident that the ad hoc agency has to play an important role, within the framework of its advisory function, in the reform of the existing implementing legislation and to pave the way for the development of new implementing legislation going even beyond the pressing environmental problems exclusively arising from the effects or side-effects of the country's pattern of development.

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I will conclude this work with a final remark. Of course, the implementation of the Barcelona Convention system by the relevant legislation of the three Contracting Parties is by no means exclusive. Implementation "from below", that is through citizen participation in the decision-making process using public organizations, associations or other suitable alternatives according to the national idiosyncracies, is, to some extent, invisible since it is not mentioned in the legislation itself. Equally invisible may be some aspects of the technical implementation process (eg "monitoring"). Nevertheless, even within these constraints, the "from above" implementation of the Barcelona Convention system, that is implementation - through - legislation, looked upon comparatively and pragmatically, remains extremely important in interpreting the normative quality of such an implementation process.