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MEDITERRANEAN ACTION PLAN

Meeting on Reporting System

Athens, Greece, 20-21 May 2002

**REPORT OF THE MEETING
ON THE NEW REPORTING SYSTEM OF MAP**

UNEP/MAP

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Introduction

1. The Twelfth Ordinary Meeting of the Contracting Parties to the Convention and Protocols (Monaco, 14-17 November 2001) agreed to adopt the reporting format on the legal component of the Mediterranean Action Plan finalized by the Working Group on Reporting Systems convened by UNEP in Athens on 28 February 2001, and to start implementing it progressively during the next biennium. It also requested the Secretariat (a) to provide technical and financial support for the progressive implementation, on a trial basis, of the reporting system and (b) to report to the Contracting Parties at their Thirteenth Meeting on the lessons learnt from the first phase of implementation and to propose appropriate revision based on MAP experience, as well as on ongoing coordination of reporting activities implemented within the United Nations framework.

2. Following a request by the Secretariat, seven Contracting Parties (Algeria, Croatia, Libya, Monaco, Spain, Tunisia and Turkey) volunteered to participate in the reporting exercise. At its meeting in March 2002, the Bureau of the Contracting Parties requested the Secretariat to hold the first meeting of the Group in May 2002 with the above-mentioned countries, and to keep participation open for other countries during the biennium.

3. In conformity with the above, the Meeting on the Reporting System was convened by UNEP in Athens from 20 to 21 May 2002. It was attended by participants from five of the seven countries participating in the voluntary phase of the system, by representatives of MED POL, REMPEC and SPA/RAC, and by members of the UNEP Coordinating Unit of the Mediterranean Action Plan. A complete list of participants is attached as Annex II to this report.

Agenda item 1: Opening of the Meeting

4. Mr Lucien Chabason, Coordinator of the Mediterranean Action Plan, welcomed participants, and briefly introduced the objectives of the meeting. While stressing the importance of fulfilling reporting obligations in terms of the Barcelona Convention and Protocols, he also reminded participants of similar or overlapping obligations in reporting on the implementation of the several international conventions in the same or similar fields, both global and regional. Several of these legal instruments had different geographical coverage. In Europe, apart from global conventions, there were regional ones under the aegis of the Council of Europe and the ECE, which a number of Mediterranean States were Parties to. He spoke of the concern being felt at the mushrooming of international legal instruments in the field of the environment. This was leading to the need for increased human resources to cope with obligations, increased country participation in meetings, and increased reporting obligations.

5. Mr Chabason also referred to the reporting obligations under the terms of EU Directives, which currently affected four Mediterranean States, and which would also eventually affect candidate countries. Therefore, when launching the MAP reporting system, the need for harmonization with other (non-MAP) international legal instruments, as well as with relevant European legislation as appropriate, should be kept in mind.

6. At the moment, apart from the 1995 Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean, none of the other new or amended versions of the Barcelona Convention and its related Protocols were yet in force. The proposed reporting formats were, however, necessarily based on the requirements of the new versions. As a result, the present exercise should be considered as being on an experimental and voluntary basis.

Agenda item 2: Adoption of provisional Agenda and organization of work

7. The Meeting adopted the provisional agenda and the proposed organization of work as set out in document UNEP(DEC)/MED WG.206/1. The agenda as adopted is attached as Annex I to this report.

Agenda item 3: Report on the changes proposed for the format of the new Reporting System.

8. Dr Louis Saliba, UNEP Consultant, presented the new revised version of the document on National reporting obligations within the framework of the legal component of the Mediterranean Action Plan. He briefly went through the various changes in the document. The main substantive changes in the text of the document were the result of the need to substitute the reporting requirements of the old Protocol concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency (the Emergency Protocol) by those of the new Protocol concerning Cooperation in Preventing Pollution from Ships and in Cases of Emergency, Combating Pollution of the Mediterranean Sea (the Prevention and Emergency Protocol), which was adopted and signed in Malta in January 2002.

9. The changes also reflected new developments in the legal component of MAP, and also took account of the preparations for implementation of the proposed system since the original version of the document was finalized by the February 2001 meeting. A number of minor editorial amendments, either to update information provided, or to correct errors or omissions had also been made.

10. Mr F.S. Civili, MED POL Coordinator, briefly amplified on the changes that had been made to the parts of the document relating to the Protocol for the Protection of the Mediterranean Sea against Pollution from Land-based Sources and Activities. At their twelfth Ordinary Meeting in Monaco in November 2001, the Contracting Parties approved the Operational Document for the Implementation of the Strategic Action Programme to Address Pollution of the Mediterranean Sea from Land-based Activities (SAP). The text of the Reporting Systems document had been amended to reflect this. The reporting format on the technical implementation of the Protocol had been slightly amended to make it more accurate. However, since reporting on the Strategic Action Plan followed a different approach in view of the diversified types of action involved, and the approved operational document for its implementation included monitoring of the actions taken by the countries, no specific format for reporting on the Strategic Action Programme was included in the present document.

11. Mr E. Sampatakakis, Programme Officer at REMPEC, provided further explanations on the reporting requirements of the new Protocol concerning Cooperation in Preventing Pollution from Ships and in Cases of Emergency, Combating Pollution of the Mediterranean Sea. He also proposed a number of additions to the relevant part of the document, particularly reporting requirements in terms of Articles 5, 14 and 15 of the Protocol. The meeting agreed that these additions should be made.

12. During the general discussion on the contents and implications of the document, one participant pointed out that activities undertaken should be mentioned, even if these were not legally binding on the Parties. Another participant also enquired what was happening insofar as non-legal measures were concerned, and whether any mechanism was envisaged for monitoring of compliance by countries. In this regard, the Coordinator explained that the Contracting parties had decided that for the present, reporting obligations should be limited

to those legally binding in terms of the Convention and Protocols. Otherwise, the whole exercise would be very unwieldy. He also reminded participants that such reporting was binding under national as well as international law, since the former had to be enacted to comply with the terms of the latter.

13. Participants discussed which national authorities should be responsible for preparation of the various reports. One opinion expressed was that the national report should be in the form of one document compiled by the central authority. The Coordinator explained that in the MAP set-up, apart from meetings of the Contracting Parties and National Focal Points, there were also meetings of the Focal Points for the various aspects of the programme. These latter meetings preceded the former by several months. Country reports should therefore be prepared early, so that those dealing with technical aspects should go to specific regional centres and come up for discussion at the appropriate focal point meetings. As to the question of who at national level should prepare the reports, this depended very much on the mandate given by the various country authorities to their National Focal Point for MAP. In any case, the National Focal Points will be responsible for the coordination of the reports.

14. It was considered by a number of participants that the formats for the various reports should be more comprehensive and specific, so that countries would know exactly what information they were obliged to submit. Other participants felt that the items should be left as specified in the Convention and Protocols. It was agreed that in view of the fact that the items in the various formats were a reflection of the contents of the actual articles of the Convention and Protocols, it would be difficult to expand on them in their present form. It was therefore agreed that a set of guidelines on what information countries should submit regarding each item in the reporting formats should be prepared. The guidelines should also include explanations as to how information regarding assessment of the effectiveness of measures taken should be submitted. It was also agreed that these guidelines, rather than being produced as a separate document, should be incorporated into the reporting formats themselves, so that in the final version of the document, the section dealing with reporting formats proper would be self-contained in that details on information required would be included. It was agreed by the meeting that in view of the necessity of starting the exercise as soon as possible, these guidelines should be formulated by 15 July 2002.

15. The meeting noted the fact that at the moment, of all the new or amended legal instruments, only the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean was currently in force. Moreover, it was only to be expected that it would take Contracting Parties some time to ratify the others and, for an indeterminate period, there would exist a situation whereby a number of Parties would be bound by the requirements of the new legal instruments, and a number by those of the original versions. One particular case, as pointed out by some participants, was that of the Dumping Protocol. Under the old Protocol, the dumping of quite a number of industrial wastes was permitted, while the new Protocol was much more restrictive. Countries for whom the requirements of the old Protocol still held good were therefore bound to submit records of permits granted for substances banned under the current version of the Protocol. It was agreed that this problem could be solved within the framework of the proposed guidelines.

16. The meeting also agreed that in the national biennial report on legal and administrative measures submitted to the MAP Secretariat, the section dealing with the Dumping Protocol should include a new paragraph requesting, on an optional basis, the provision of information required by the 1972 London Dumping Convention which, while not mandatory under the terms of the Mediterranean Dumping Protocol, would be very useful.

17. In discussing the reporting formats in connection with the Land-based Sources Protocol, it was pointed out by some participants that the tables could only be completed

after collecting relevant national data, insofar as the present test exercise was concerned, countries could report only on what data actually existed at the time. This would provide information as to whether the reporting system worked. The geographical coverage of the Land-based Sources Protocol was queried, and it was suggested that data could be based on the new EU Directive, which covered river basins, watersheds, etc. It was pointed out by the Secretariat that the Protocol covers the hydrological basin of the Mediterranean Sea Area. The matter of requirements under the old Protocol was again brought up, and it was suggested that the proposed guidelines could include information as to how such requirements could also be covered.

18. In discussing the reporting formats in connection with the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean, following an explanation by the representative of SPA/RAC, it was agreed that all countries should report on all specially protected areas, whether SPAMIs or not.

19. The meeting discussed the reporting formats in connection with the Protocol on Pollution resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil. This protocol was not yet in force, but a number of participants stated that for the purpose of the present test exercise, some information could be provided. It was agreed that the countries participating in the test exercise should try to provide whatever information was available.

20. The situation was similar in the case of the Protocol on the Transboundary Movement of Hazardous Wastes and their Disposal. Here again, a number of participants stated that they could provide some information in the section of the report dealing with the Protocol. In some cases, though, some participants were not sure whether such information could really be included, as their countries were not yet Contracting Parties to the Protocol. The MAP Coordinator pointed out that in this particular case, it was essential to achieve as much harmonisation as possible with the reporting required by the 1989 Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, to which seventeen Mediterranean States were Parties. While the proposed formats were generally based as far as possible on the requirements of both the Basel Convention and of relevant EU Directives, these should be considered as provisional, and valid only for the purposes of the test exercise, pending efforts by the MAP Secretariat to try and achieve the fullest possible harmonisation with the reporting requirements of the above-mentioned legal instruments, and would propose amended formats in due course.

21. It was agreed that following the launching of the MAP test exercise, the Secretariat would contact IMO to see how and to what extent information regarding the requirements of MARPOL 73/78 and the London Dumping Convention could be amalgamated with the corresponding information required under the terms of the Mediterranean Prevention and Emergency Protocol and the Mediterranean Dumping Protocol respectively. At the end of the test, the Secretariat would come up with specific proposals for the harmonization of reporting. After that, the next stage would be to explore possibilities regarding the other protocols.

22. In winding up the discussion on this agenda item, the MAP Coordinator confirmed that MAP National Focal Points would be responsible for the test exercise as a whole. The biennial report on legal and administrative measures taken for implementation of the Convention and Protocols would be split up into its various components. The General part of the report and that dealing with the Convention itself would be submitted to MEDU, the other sections to MED POL or to the appropriate regional centres. The sections regarding the Dumping Protocol, the Land-based Sources Protocol and the Hazardous Wastes Protocol should be submitted to MED POL, those regarding the Prevention and Emergency Protocol and the Offshore Protocol should be submitted to REMPEC, and that regarding the Specially

Protected Areas Protocol to SPA/RAC. It was also agreed this information would also be provided under each section of the formats themselves. The Coordinator also confirmed that there would be no need for these sectional reports to be submitted simultaneously. National Focal Points could submit each section to the appropriate component of MAP as soon as this was completed without having to wait for completion of the other sections. This practice will be part of the exercise during this test phase and will be appropriately revised by the next Contracting Parties meeting.

23. As the exercise would cover activities during the period 01 January 2000 to 31 December 2001, the matter of past information was discussed. It was agreed that at some stage, an information baseline would have to be compiled, with successive periodical reports constantly updating this overall picture. It was agreed that as a first step, the Secretariat would aim at the compilation of already-existing information to provide the basis for updating.

24. At the end of this agenda item, participants discussed a brief resume of its conclusions, introduced by Dr Saliba. These reflected the results of discussions held on the first day of the meeting. Participants agreed on a number of amendments and modifications to be reflected in the final report of the meeting, as well as various points of clarification by the MAP Secretariat. These amendments and modifications are incorporated in paragraphs 12 to 23 of this report.

Agenda item 4: Proposals from participating countries about the needs for the implementation of the new Reporting System.

25. Mr H. Da Cruz, UNEP Programme Officer, explained that this part of the agenda was designed to provide the Secretariat with the necessary information from participants as to their needs for implementation of the test exercise, and to identify any problems and difficulties which could arise, so that the necessary measures for solving such problems and difficulties could be taken. In this context, the Bureau of the Contracting Parties had allocated the sum of US\$ 20,000 for the exercise, and a further US\$ 10,000 are still available from the regular budget. In principle, these funds were for all the countries participating in the test exercise. It was expected, however, that EU Member States participating in the exercise would not request financial assistance, but would finance their participation from their own resources.

26. All the participants present agreed that time and human resources were needed for participation in the test exercise. The work involved was multisectorial in nature, and the person compiling the report would have to coordinate with different national organizations. It was agreed by all participants that it was not therefore possible at the present stage to finalize the exact implications and specify the resultant requirements, both financial and otherwise. It was also agreed that the proposed guidelines for completion of the various reports were extremely important, and it was suggested that these should be made as explicit as possible. After the test phase, it could then be decided whether any modifications were necessary prior to commencing the full operative phase.

Agenda item 5: Any other business.

27. The matter of contact points within MAP, to whom countries participating in the test exercise could refer problems, etc, was brought up by some participants. The Coordinator explained that this constituted no problem, and the contact points would be Mr H. Da Cruz in the case of MEDU, Mr F. Abousamra for MED POL, Mr E. Sampatakakis for REMPEC, and

Mr A. Ouergi for SPA/RAC. Participants could also contact Dr L. Saliba in connection with the formats or guidelines, if necessary.

Agenda item 6: Closure of the meeting.

27. Mr L. Chabason, MAP Coordinator, thanked participants for their contributions to the meeting, and expressed his satisfaction at the positive results achieved. He reminded participants that the guidelines would be immediately prepared and sent to them as early as possible. He also informed participants that following the initiation of the test exercise, a meeting would be held in 2003 to review progress. He then declared the meeting closed at 13.00 hours.

ANNEX I

AGENDA

1. Opening of the meeting
2. Adoption of the provisional agenda and organization of work
3. Report on the changes proposed for the format of the new Reporting System
4. Proposals from participating countries about the needs for the implementation of the new Reporting System
5. Any other business
6. Closure of the meeting

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ANNEX III

**NATIONAL REPORTING OBLIGATIONS WITHIN THE FRAMEWORK OF
THE LEGAL COMPONENT OF THE MEDITERRANEAN ACTION PLAN**

**REVISED VERSION
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The designations employed and the presentation of the material in this document do not imply the expression of any opinion whatsoever on the part of UNEP concerning the legal status of any State, Territory, city or area, or of its authorities, or concerning the delimitation of their frontiers or boundaries.

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PART I

INTRODUCTION AND BACKGROUND

1.1. The Mediterranean Action Plan

1. The first Intergovernmental Meeting on the Protection of the Mediterranean, which was convened by UNEP in Barcelona in January/February 1975, adopted one of the largest regional programmes in the marine pollution control field - the Mediterranean Action Plan. As adopted by the governments of the region, the Action Plan had three substantive components. In order of appearance in the relative resolution of the conference (UNEP, 1975), these were Integrated Planning, Environmental Assessment and Legal. A fourth component concerned the programme's institutional and financial implications.

2. The Integrated Planning (later termed Environmental Management) component originally consisted in the "Blue Plan", a prospective multisectorial study linking socio-economic development with environmental preservation. In its current phase, the Blue Plan collects information on a number of key Mediterranean environmental topics, and produces appropriate scenarios to assist Mediterranean countries in long-term planning. At an early stage, in view of the need for immediate practical action on the basis of already-existing knowledge, a second sub-component, the Priority Actions Programme was added to cover sub-regional projects in a number of approved fields. Apart from these activities, which are still ongoing, integrated coastal area management, a holistic approach to the alleviation of developed problems in built-up coastal areas in relation to their impact on the environment, has become the main objective of this programme (UN, 1978; UNEP, 1997b).

3. The Environmental Assessment component (MED POL) was designed to investigate, to the fullest extent possible, the actual state of pollution of the Mediterranean Sea, and to enhance the capabilities of national institutions in the region, particularly those in developing countries, to develop and implement adequate monitoring programmes. One of its main functions was to provide the scientific basis for the development and implementation of legal and administrative measures for pollution prevention and control, and thus provide inputs into both the legal and socio-economic components of the Action Plan. The first or pilot phase of the MED POL Programme was completed at the end of 1980 (UNEP, 1981a), and the second, or long-term, phase (UNEP, 1981b) covered the period 1981 to 1995. The current phase, the Programme for the Assessment and Control of Pollution in the Mediterranean region (MED POL Phase III) commenced in 1996 (UNEP, 1996), and has an even greater emphasis on compliance monitoring than its preceding phases.

4. The legal component of the Mediterranean Action Plan initially consisted of the Convention for the Protection of the Mediterranean Sea against Pollution, and two supporting protocols. These were (1) the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft, and (2) the Protocol concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency. All three instruments were formally adopted by a plenipotentiary conference of Mediterranean States in Barcelona in February 1976 (UN, 1978).

5. Four further Protocols were adopted. The Protocol for the Protection of the Mediterranean Sea against Pollution from Land-based sources was adopted and signed in Athens in 1980 (UN, 1980). The Protocol concerning Mediterranean Specially Protected Areas was adopted and signed in Geneva in 1982. Two other protocols which are not yet in

force are the Protocol on Pollution resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil, adopted and signed in Madrid in 1994, and the Protocol on the Transboundary Movement of Hazardous Wastes and their Disposal, adopted and signed in Izmir in 1996. Only three countries (Cyprus, Morocco and Tunisia) have ratified the former, and three (Malta, Morocco and Tunisia) the latter.

6. The Convention and the Dumping Protocol were amended at a Plenipotentiary Conference in Barcelona in 1995. The scope of both was enlarged. The Convention itself was re-named The Convention for the Protection of the Mediterranean Environment and the Coastal Region of the Mediterranean. The Dumping Protocol became the Protocol for the Prevention and Elimination of Pollution in the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea. The same Plenipotentiary Conference adopted and signed a new Protocol – The Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean – which replaced the 1982 Specially protected Areas Protocol, and came into force in December 1999 following the sixth ratification. To date, nine Parties (Croatia, Cyprus, the European Community, Egypt, France, Italy, Malta, Spain and Tunisia) have ratified the Protocol. The 1980 Land-based Sources Protocol was amended at a Plenipotentiary Conference in Syracuse in 1996, becoming the Protocol for the Protection of the Mediterranean Sea against Pollution from Land-based Sources and Activities. The 1976 Emergency Protocol was replaced by a new Protocol concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea, which was adopted at a Plenipotentiary Conference in Malta in January 2002 (UNEP, 2002a). No short name for this new Protocol has so far been decided on and, simply for the purposes of this document, it is hereinafter referred to as the Prevention and Emergency Protocol.

7. The amended versions of the Convention, the Dumping Protocol and the Land-based Sources Protocol are not yet in force, having so far been accepted by ten, ten and nine Contracting parties respectively. Article 22 of the Convention stipulates that such amendments shall come into force following acceptance by at least three-fourths of the Contracting Parties to the instrument concerned. No country has so far ratified the new Prevention and Emergency Protocol. In this context, however, at its last meeting, held in Syria in March 2002, The Bureau decided to request the Contracting Parties to speed up its ratification, with a view to its entry into force by the end of 2002 (UNEP, 2002b).

8. A Ministerial Conference on Sustainable Development in the Mediterranean, held in Tunis in 1994, adopted the principles of establishing a Mediterranean Commission on Sustainable Development (UNEP, 1997d). It also adopted the principles of Agenda MED 21, which takes up the themes of Agenda 21 of the 1992 Rio United Nations Conference on Environment and Development (UNCED) and adapts them to the regional context. Following its preliminary approval by the Ninth Ordinary Meeting of the Contracting Parties in Barcelona in June 1995 (UNEP, 1995a), the Conference of Plenipotentiaries held immediately thereafter adopted what is termed the Barcelona Resolution on the Environment and Sustainable Development in the Mediterranean Basin (UNEP, 1995b). This Resolution has two appendices: the first of these, the Action Plan for the Protection of the Marine Environment and the Sustainable Development of the Coastal Areas of the Mediterranean (MAP Phase II), which replaced the original Mediterranean Action Plan adopted in 1975. The main elements of the new programme are:

- Sustainable Development in the Mediterranean, incorporating (1) Integrating Environment and Development, (2) Conservation of Nature, Landscape and Sites, (3) Assessment, Prevention and Elimination of Marine Pollution, and (4) Information and Participation;

- Strengthening of the Legal Framework; and
- Institutional and Financial Arrangements.

9. The second appendix to the Resolution listed the Priority Fields of Activities for the Environment and Development in the Mediterranean Basin for the period 1996 to 2005. The main sectors of activity are listed in Section 2.2.2 of this document. The Resolution also included the decision to establish a Mediterranean Commission on Sustainable Development (MCSD) within the framework of the Mediterranean Action Plan.

1.2. The framework for national reports

10. The only way by which the effects of legal, administrative and other measures taken by the various countries towards the continuous implementation of the Mediterranean Action Plan can be assessed, both nationally and regionally, is through the acquisition of relevant national data. Part of such data has to be transmitted to the Mediterranean Action Plan Secretariat to form the basis for assessments of the situation at regional level and evaluation of overall progress achieved. Such reports also enable the Secretariat to formulate appropriate follow-up measures for consideration and eventual adoption by the Contracting Parties.

11. For this reason, reporting obligations have been built into all the main components of the Mediterranean Action Plan. The main overall legal obligation is contained in the Barcelona Convention itself. In the original 1976 version of the Convention, Article 20 stipulated that the Contracting Parties shall transmit to the Organization reports on the measures adopted in the implementation of the Convention and of the Protocols to which they are Parties, in such form and at such intervals as the meetings of Contracting Parties may determine. This meant that the reports referred to in this article do not include data in connection with the non-legal components of the Mediterranean Action Plan in terms of recommendations adopted during Contracting Parties' meetings, unless specifically required by any specific article of the Convention or one of the protocols.

12. The equivalent article in the 1995 amended version of the Convention is much more comprehensive. It requires Contracting Parties to report on:

- The legal, administrative or other measures taken by them for the implementation of the Convention, the Protocols, and of the recommendations adopted by their meetings; and
- The effectiveness of the measures referred to in the preceding subparagraph and problems encountered in the implementation of the instruments as mentioned above.

13. The part regarding timing and format remains the same as in the original version of the Convention.

14. A strict interpretation of this article would impose a legal obligation on every country to submit a periodic report on any measure taken by it on any part of the programme. These reporting obligations can be considered as falling into two main categories, namely:

- Legal obligations – reports to be submitted in conformity with the terms of the Barcelona Convention and Protocols. These would include both periodic and *ad hoc* reports. They would be required from countries in compliance with either specific articles of the Convention and each individual Protocol, or resolutions and

recommendations made during ordinary and extraordinary meetings of the Contracting Parties for the implementation of any particular protocol. They would include information on matters falling under any aspect of the Mediterranean Action Plan, so long as such information is specifically required in terms of any article in the Convention or any Protocol. Reports on Activities forming part of the Strategic Action Programme to address Pollution from Land-based Activities, which was adopted by the Contracting Parties at their Tenth Ordinary Meeting in Tunis in 1997, (UNEP, 1997c) will also eventually have to be included in this category as soon as their current "proposed" status becomes definitive.

- Miscellaneous obligations – reports to be submitted in terms of resolutions and recommendations made during ordinary and extraordinary meetings of the Contracting Parties on matters not specifically required in terms of the Convention or any Protocol. These also include both periodic and *ad hoc* reports. Perhaps the main reporting obligation in this category refers to the Priority Fields of Activities for the Environment and Development in the Mediterranean Basin for the period 1996 to 2005.

15. The implications of the above are discussed in the appropriate sections of this document. It is naturally up to the Contracting Parties to decide on the proper interpretation of the obligations in Article 26. The major decision to be taken here is whether the term "and of the recommendations adopted by their meetings" in Article 26.1 (a) should be taken literally to mean any resolution or recommendation, or could be considered to refer only to resolutions and/or recommendations regarding the implementation of the Convention and Protocols. In the meantime, however, the amended version of the Convention is still not in force, and until such time, Contracting Parties are still legally bound by Article 20 of the original version, which would only require reports specified in the first sub-paragraph above. Of course, they would still have the moral obligation to comply with the terms of resolutions and recommendations taken at their various meetings in connection with non-legal issues.

1.3. Background and scope of the present document

16. At their Extraordinary Meeting in Montpellier in July 1996, the Contracting Parties to the Barcelona Convention and Protocols made a number of recommendations in connection with the implementation of the Second Phase of the Mediterranean Action plan (MAP II). In recommending on the strategic priorities in institutional and financial arrangements, the Meeting invited the Secretariat, in consultation with the Contracting Parties and the assistance of two to three experts, to propose the development of a system of coherent reporting by the Contracting Parties in conformity with MAP II and the relevant provisions of the Barcelona Convention and its Protocols (UNEP, 1996).

17. Initially, two documents were prepared in terms of the above recommendation. The first, prepared by a consultant (Professor E. Scicluna, Malta) in 1997, summarised the background, together with the principles on which a coherent reporting system should be based (UNEP, 1997a). The second, prepared by another consultant (Dr S. Zaouche, Algeria) in 1999, listed the various topics, which Contracting Parties would have to include in their reports to the Secretariat on the implementation of the Convention and Protocols. This report (UNEP, 1999a) was submitted to the Eleventh Ordinary Meeting of the Contracting Parties, held in Malta in 1999), as an information document, but was not discussed.

18. The present document, prepared for UNEP by Dr Louis J. Saliba (Malta) in the capacity of UNEP consultant, utilises relevant material in both the two previous documents on the subject referred to above, and endeavours to list and describe the periodical reporting

commitments of the Contracting Parties in terms of the Convention and Protocols. Such commitments are either specifically stipulated in the various articles of the legal instruments in question, or form part of the various resolutions and recommendations concerning the implementation of such legal instruments adopted or approved by the Contracting Parties in their Ordinary and Extraordinary Meetings.

19. The document also covers the question of *ad hoc* reports (as distinct from periodic reports), but propose specific formats only for what are considered to be the main ones. Formats for scientific and technical reports consisting of pollution monitoring data, even though such reports are specifically required by articles in the Convention and Protocols, are considered to be outside the scope of the present document, as these are being dealt with within the overall framework of the MED POL Programme. Similarly, the document does not contain formats for reports arising from recommendations of the Contracting Parties concerning the non-legal components of the Mediterranean Action Plan, which are being considered as a separate issue.

20. In proposing general and specific formats for the various reports, three main factors are also taken into account. In view of the existence of a number of global and regional conventions and programmes in similar environmental fields, there is the need for coherence between the reporting commitments required of countries in terms of the Mediterranean Action Plan and in terms of such Conventions and programmes. In addition, as four Mediterranean countries are EU Member States and another four are currently applicants for membership, there is a similar need for harmonisation with the reporting commitments involved in compliance with EU environmental Directives. Finally, considering the volume of information Contracting Parties are required to submit, there is a need for simplicity in the format adopted for its transmission, to ease the burden on national administrations to the extent possible.

21. The first substantive version of this document was finalised by a Working Group on Reporting Systems, convened by UNEP in Athens on 28 February 2001 (UNEP, 2001a). The document was submitted to the Twelfth Ordinary Meeting of the Contracting Parties to the Convention and Protocols, held in Monaco in November 2001 (UNEP, 2001c). The Meeting agreed to adopt the proposed reporting format, and to start implementing it progressively during the next biennium. It also requested the Secretariat (a) to provide technical and financial support for the progressive implementation, on a trial basis, of the reporting system and (b) to report to the Contracting Parties at their thirteenth Meeting on the lessons learned from the first phase of implementation and to propose appropriate revision based on MAP experience, as well as on ongoing coordination or reporting activities implemented within the United Nations framework.

22. In terms of the above decision, the Secretariat requested Contracting Parties that wished to provide reports on a voluntary basis to inform the MAP Secretariat accordingly. As a result, in addition to Tunisia, which had immediately announced its intention of participating in the pilot phase, six more countries (Algeria, Croatia, Libya, Monaco, Spain and Turkey) also volunteered to participate. At its March 2002 meeting, the Bureau requested the Secretariat to hold the first meeting on the reporting system in May 2002 with the countries participating in the voluntary trial phase, and to keep participation open for other countries during the biennium (UNEP, 2002b).

23. A revised and updated version of the document was prepared for the above meeting. This document took into account the various changes in reporting requirements as a result of developments occurring since finalisation of the original version in February 2001. The main changes were those rendered necessary by the terms of the new Prevention and Emergency Protocol, which has a wider scope than its 1976 predecessor, as it now deals with

cooperation in preventing pollution from ships, as well as in cases of emergency. The terms of this Protocol also involve a substantial amount of reporting to the Regional Centre (REMPEC), the objectives and functions of which were expanded considerably by the Twelfth Ordinary Meeting of the Contracting Parties in Monaco in November 2001 (UNEP, 2001c). Such reporting, though mostly of an *ad hoc* nature, also involves periodic commitments.

24. The current version of this document incorporates all the amendments proposed and adopted by the Meeting on Reporting Systems convened by UNEP in Athens on 20-21 May 2002. It also includes the guidelines for completing the reports, and forms the basis on which the voluntary experimental phase of reporting will be implemented.

PART II

NATIONAL REPORTING COMMITMENTS

2.1 Reporting Commitments in terms of legal instruments.

2.1.1. The Barcelona Convention

25. Article 26 of the Barcelona Convention as amended and re-titled in 1995 (The Convention for the Protection of the Marine Environment and the Coastal region of the Mediterranean) states that the Contracting Parties shall transmit to the Organization (UNEP as the body designated in Article 17 to carry out secretariat functions) reports on:

- The legal, administrative or other measures taken by them for the implementation of the Convention, the Protocols, and of the recommendations adopted by their meetings;
- The effectiveness of the measures referred to in the preceding subparagraph and problems encountered in the implementation of the instruments as mentioned above.

26. The above article should also be read in conjunction with Article 27 of the Convention. This states that the meetings of the Contracting Parties shall, on the basis of periodical reports referred to in Article 26 and any other report submitted by the Contracting Parties, assess the compliance with the Convention and the Protocols as well as the measures and recommendations. The article also states that the Contracting Parties shall recommend, when appropriate the necessary steps to bring about full compliance with the Convention and the Protocols and promote the implementation of the decisions and recommendations.

27. The last section of Article 26 states that reports shall be submitted in such form and at such intervals as the Meetings of Contracting Parties may determine. In this context, a number of options are open to Contracting Parties.

28. The first option would be for a periodic comprehensive report, covering all the specific details required by both the legal and non-legal components of MAP. This type of report would anticipate the coming into force of the revised version of the Convention, and would be based on a literal interpretation of the article in question. It would cover all the measures taken by countries in conformity with every aspect of MAP, and could be subdivided into three main elements:

- A general report, which would constitute the country's main overall submission, and be devoted to overall issues. This would cover, *inter alia*, legislation enacted and administrative measures taken to implement the provisions of the Convention and Protocols, together with any relevant material, such as effects of the measures, problems encountered, etc. It would constitute the core of the main periodic report submitted by the Contracting Parties in terms of Article 26 of the Convention, and would be submitted biennially for review at Ordinary meetings;
- Specific reports as required by each individual Protocol, which would consist mainly in the technical details of compliance, as specified therein. They would not include legal and related measures for implementation, which would form part of the general report described in the preceding subparagraph. The frequency of submission of such specific reports (biennial or annual) would have to be the subject of agreement by the

Contracting Parties. Frequency of reporting is defined in some Protocols, though not in others, but biennial review at ordinary meetings of the Contracting Parties is a common obligation found in all Protocols.

- A report on, and originating from, other elements of the Mediterranean Action Plan in terms of relevant resolutions and recommendation adopted at Contracting Parties' meetings. Here again, the frequency of submission of such reports (biennial or annual) would have to be the subject of agreement by the Contracting Parties. In general, biennial submission would appear to be called for, unless anything to the contrary is specified.

29. The second option would be to consider two distinct reporting obligations. The first would be on issues arising directly from the terms of the Convention and Protocols (constituting the first two components described in the preceding paragraph). The second would be on other issues within the overall programme, arising from resolutions and recommendations (the third component in the preceding paragraph). Under this option, until such time as the amended version of the Convention comes into force, only the former would be mandatory, in terms of Article 20 of the original version of the Convention, which is the version currently binding on Contracting Parties. The latter could be regarded as optional in that, although still morally binding, it is not entrenched in any of the Mediterranean Action Plan's legal instruments, at least during the transition period. Its future status, on the coming into force of the revised Convention, would depend on how the Contracting Parties eventually decide on the interpretation of Article 26 of the revised Convention.

30. Reporting on most of the measures Contracting Parties take in the implementation of the Convention and Protocols can be considered as falling under the periodic reports detailed above. In some Protocols, certain information has to be communicated to the MAP Secretariat in the form of *ad hoc* reports, in some cases before appropriate action is taken at national level. One specific case is that prevailing in the 2002 Prevention and Emergency Protocol, under the terms of which a substantial amount of *ad hoc* reporting to REMPEC has to be effected. In such cases, while the next periodic report submitted would be expected to include mention of such circumstances, it would be reasonable to conclude that specific details already submitted by the country as part of the *ad hoc* reports need not be repeated.

31. Article 18 of the Convention states that the Contracting Parties shall hold ordinary meetings once every two years and extraordinary meetings at any other time deemed necessary. The article also states that it shall be the functions of the meetings of the Contracting Parties to keep under review the implementation of the Convention and the protocols and, in particular, *inter alia*:

- To review generally the inventories carried out by Contracting Parties and competent international Organizations on the state of marine pollution and its effects in the Mediterranean Sea Area;
- To consider reports submitted by the Contracting Parties under Article 26.

32. The information referred to in the first sub-paragraph above would be of a mainly scientific nature, providing details of the state of marine pollution in specified areas within the region. It covers both national and regional inventories, and Contracting Parties are expected to contribute to the latter by carrying out the former. The general obligation is contained in Article 12 of the Convention. This states that Contracting Parties shall endeavour to establish, in close cooperation with the international bodies which they consider competent, complementary or joint programmes, including, as appropriate, programmes at the bilateral or multilateral levels, for pollution monitoring in the

Mediterranean Sea Area and shall endeavour to establish a pollution monitoring system for that Area. Other specific monitoring requirements are also contained, either directly, or by implication, in the Dumping Protocol (Article 14 (c)), the Land-Based Sources Protocol (Article 8), the Specially Protected Areas Protocol (Article 7.2 (b) and the Offshore Protocol (Article 19).

33. Provision for the reporting of data of this nature has always been covered by the MED POL Programme. Paragraph 5.2 (e) of the current phase of the Programme (MED POL Phase III) includes the monitoring of the implementation of the action plans, programmes and measures for the control of pollution and the assessment of their effectiveness as one of the specific objectives of the Programme. More specific details on the various types of monitoring are contained in the appropriate sections of the Programme as approved and adopted by the Contracting Parties at their extraordinary meeting in Montpellier in 1996 (UNEP, 1996). The programme caters for collection, quality control, storage and analysis of data, and there have always been established procedures and approved formats for data submission. The review of inventories by the Contracting Parties at their ordinary meetings would be on the basis of overall material prepared by the MAP Secretariat on the basis of data received through MED POL, rather than through separate submission by the Contracting Parties.

34. As already stated, there is a more direct link between the monitoring component of the current phase of the MED POL Programme and compliance with the relevant requirements of the Convention and Protocols than was the case with the previous phases of MED POL. There is therefore the need for a thorough review of data reporting requirements within the programme's framework. Such review, which is considered to be outside the scope of this document, would have to be quite comprehensive. It should take into account not only the requirements of each individual Protocol, but also the technical and administrative capabilities of the various Contracting Parties, as well as the data handling capacity of the MAP Co-ordinating Unit. Up to the recent past, the bulk of the monitoring data submitted to the MAP Secretariat within the framework of the MED POL Programme came from countries signing monitoring agreements (and receiving some form of assistance). If the MED POL Programme has to serve (as it should) as the vehicle for compliance with the terms of the Convention and Protocols insofar as technical and related data are concerned, it will have to cater for the receipt of data from all Contracting Parties. This would obviously affect the format in which such data are received, in order to render its collation and analysis feasible.

35. A format for biennial national reports on the implementation of the Convention and Protocols in terms of Article 26 of the Barcelona Convention is given in Section 3.1 of this document. This is mainly devoted to the legal and administrative measures taken during the period under review to implement each legal instrument. Within this overall format, general matters, those matters regarding the Convention itself, and those matters regarding each individual protocol are given in separate sections (3.1.1 to 3.1.7), to conform with the decision taken at the May 2002 meeting that each part should be submitted by the Contracting Parties either to the MAP Secretariat itself, or to the Regional Centre (or other component of MAP) directly concerned with the Protocol in question. In addition, specific information, mainly of a technical nature, required by the various protocols, is covered by formats for the submission of separate reports on the technical implementation of each the protocols in question. Formats for such reports are provided in the sections 3.2 to 3.9 of this document.

36. Neither the Convention itself, nor any of the Protocols adopted up to 2001, specifically binds the Contracting Parties to become Parties to any international legal instrument, although this is indirectly implied in a number of cases. The new 2002 Prevention and

Emergency Protocol, however, departs from this practice in that its Article 3 (General Provisions) binds the Parties to cooperate in the implementation of international regulations to prevent, reduce and control pollution of the marine environment from ships. This necessarily includes adherence to any relevant international legal instrument, which obviously has to be reported to the MAP Secretariat as part of the activities in the implementation of the Convention and Protocols. A number of resolutions and recommendations adopted by the Contracting Parties at most of their Meetings up to 1995 also include an exhortation towards adherence to specific international Conventions. From 1996 onwards, these have been replaced by a standard paragraph urging Contracting Parties "to review their countries' position with respect to other (i.e. non-MAP) international conventions, protocols and agreements, and to ensure the early signature and/or ratification of those instruments which may have a positive influence on the Mediterranean Basin".

37. Resolution 1 of the Conference of Plenipotentiaries on the 2002 emphasises the need for Contracting Parties to become Parties to other international instruments relevant to the Protocol, and the annex to this Resolution contains a detailed list of such relevant instruments, dealing with (a) maritime safety and prevention of pollution from ships, (b) combating pollution, and (c) liability and compensation for pollution damage. Adherence to any specific legal instrument mentioned in such lists is not legally binding on Contracting Parties in the sense that such adherence does not stem directly from the Convention or any Protocol. In the case of the 2002 Prevention and Emergency Protocol, Article 3.1 (a) only mentions international regulations in general. It would however be expected that adherence to non-MAP legal instruments relevant to the objectives of the Convention and Protocols during any specific period would be included in the Contracting Parties' report relating to such period. In this context, the international legal instruments in question form a useful indicative list as to what should be included in national reports. The list of international legal instruments mentioned in the various resolutions of the Contracting Parties is presented as an annex to Section 3.1.1 of this document.

2.1.2. The Dumping Protocol

38. There is no specific article on periodic reporting in the Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea, as amended in 1995. However, Article 26 of the Convention applies, as it covers reports regarding the implementation of all Protocols adopted under its framework.

39. Article 14 of the Protocol states that ordinary meetings of the Parties to it shall be held in conjunction with ordinary meetings of Contracting parties to the Convention, and that parties to the protocol may also hold extraordinary meetings. The same article states that it shall be the function of the meetings of the Parties to the Protocol to, *inter alia*:

- Keep under review the implementation of the Protocol, and to consider the efficacy of the measures adopted and the need for other measures, particularly in the form of annexes; and
- Study and consider the records of the permits issued in accordance with Articles 5, 6 and 7 (of the Protocol) and of the dumping which has taken place.

40. Article 5 covers the issue of permits for the types of wastes or other matter the dumping of which is not prohibited. These are detailed in Article 4.2 of the Protocol. Article 6 covers the factors to be considered in the issue of permits, as detailed in the Annex to the Protocol, together with any criteria, guidelines or procedures for the dumping of wastes which the Contracting Parties may adopt. In this respect, comprehensive guidelines for the

management of dredged material have been adopted by the Contracting Parties at their eleventh Ordinary Meeting in 1999 (UNEP, 1999b). Article 7 simply states that Incineration at sea is prohibited, and the *force majeure* provision in Article 8 does not apply to it. No permits can be issued with respect to Article 7, and any reporting provision (unless reference to this Article has been included in Article 14.2 in error) can only be interpreted as referring to any illegal occurrence of incineration at sea.

41. In order to enable the Contracting Parties to keep under review the implementation of the Protocol, and to consider the efficacy of measures adopted, in terms of Article 14.2, reporting by countries cannot be restricted to the records of permits and dumping specified further on in the same article. In this regard, reporting commitments in terms of the Dumping Protocol can be divided into three categories. Matters of a general nature should be included in the Contracting Parties' overall biennial report on the implementation of the Convention and Protocols in terms of Article 26 of the Convention. This type of information should include (a) any item of national legislation enacted, and administrative measures taken, to comply with the Protocol's obligations, together with general information on the number of permits issued and any cases of *force majeure*. Any problems encountered in the implementation procedures should also be reported on here.

42. Records of specific permits issued and details of dumping operations (including those performed under the terms of Article 9) should be reported on within the framework of a separate report on the Protocol. This report could be submitted at agreed-on intervals, either biennially or annually. Under the terms of Article 10 of the Protocol, Contracting Parties are bound to keep records of the nature and quantities of the wastes or other matter permitted to be dumped, and of the location, date and method of dumping. Under the terms of Article 14.2 (b), reports should include such information with respect to each permit issued. There is also the matter of technical details regarding the factors considered by the authorities of the respective Contracting Parties when establishing criteria governing the issue of permits, as detailed in the Annex to the current Protocol. When reviewing the efficacy of measures adopted, any criteria adopted in line with the factors listed in the Annex to the protocol would be one of the main indicators. There is no indication as to the degree of detail expected from Contracting Parties in reporting on this particular aspect of any dumping operation, and while some sort of general statement would be necessary, it would appear that there is no legal obligation for any Contracting Party to include details of all the factors listed in the annex on the basis of which permits are granted. It should also be kept in mind that the annex, in its original form was designed to cope with the dumping of substances most of which are now prohibited.

43. Monitoring data to assess the effects of any matter dumped, also constitute one of the main criteria for assessing the efficacy of measures adopted as required by the Protocol. In common with similar data required by the terms of other Protocols, such data should preferably be submitted within the overall framework of the MED POL monitoring programme, which would enable the Secretariat to present overall information to Contracting parties at their meetings in a collated form.

44. Apart from the periodic reporting obligations mentioned above, Article 8 of the Protocol requires an immediate report to the Organization when matter is dumped in cases of *force majeure*. Also, Article 9 stipulates that if any wastes cannot be dumped on land, but have to be disposed of at sea, the Party concerned must forthwith consult the Organization and abide by its recommendations. Such Party has to report to the Organization what steps were taken pursuant to such recommendations. While the details will be submitted in these *ad hoc* reports to the Organization, any occurrences of this nature should also be mentioned in the appropriate periodic reports.

45. Thirteen Mediterranean Coastal States (Croatia, Cyprus, Egypt, France, Greece, Italy, Libya, Malta, Monaco, Morocco, Slovenia, Spain and Tunisia) are also Contracting Parties to the 1972 London Dumping Convention (IMO, 2000a). The original 1976 version of the Mediterranean Protocol was generally based on this Convention, and its annexes. The dumping of substances listed in Annex I was prohibited, while the dumping of Annex II substances required a special permit. Dumping of all other substances or matter required a general permit. Over the years, various amendments have been made to the lists of substances in the annexes of the London Dumping Convention (IMO, 1991). The 1996 Protocol to the London Dumping Convention, adopted by the Special Meeting of Contracting Parties to the Convention in November 1996, is not yet in force. As of 27 July 2000, only one Mediterranean country (Spain) has ratified it, and only one other (Morocco) has signed it subject to ratification (IMO, 2000b). The Protocol amends the Convention considerably, and lists the materials that can be considered for dumping in a new Annex I, with the other annexes detailing the procedures involved in issuing permits and assessing results. This change is reflected in the current version of the Mediterranean Protocol, in which the old annexes I and II have disappeared, and the only wastes that can be dumped, and for which a specific permit is required, are those listed in Article 4.2. In this regard, the Mediterranean list of matter that can be considered for dumping is stricter. Incineration at sea, permitted under the original London Dumping Convention under a special addendum to its Annex I, is prohibited in terms of the 1996 protocol. Article 7 of the Mediterranean Dumping protocol also specifically prohibits it.

46. Article VI of the London Convention stipulates that each Contracting Party shall, *inter alia*, (a) keep records of the nature and quantities of all matter permitted to be dumped and the location, time and method of dumping, and (b) monitor, individually or in collaboration with other Parties and competent international Organizations, the condition of the sea for the purposes of the Convention. This implies that the actual areas to be monitored are the actual dumping sites, plus the adjoining marine areas that may be affected by the dumping. In addition, in the issue of permits, Contracting Parties are bound to comply with the provisions listed in Annex III for the establishment of criteria governing the issue of permits, together with such additional criteria, measures and requirements, as they may consider relevant. Article VI also binds Contracting Parties to report to the Organization, (in this case, the International maritime Organization) the information specified in (a) and (b) above, as well as the criteria, measures and requirements it adopts for issuing permits. All these requirements remain unchanged in terms of the 1996 Protocol.

47. The first requirement (a) in the previous paragraph is practically identical to the terms of Article 10 of the Mediterranean Dumping Protocol. The second requirement (b) has no specific equivalent in the Mediterranean Protocol although, as already stated, it can be considered as covered by implication, as the only means available to detect dumping effects. It can also be considered as falling under the appropriate measures for prevention of pollution by dumping (Article 5) and under the general coverage of monitoring (Article 12) in the revised Barcelona Convention. It is very doubtful, however, whether this aspect of monitoring can be seen as a legal obligation in view of the absence of any specific mention of it in the Mediterranean Action plan's legal component, unless the Contracting parties specifically define which measures and what sort of monitoring apply.

48. The reporting requirements of the Mediterranean Dumping Protocol and the London Dumping Convention are therefore not quite the same. It should be noted that if a Contracting Party to the London Dumping Convention is also a Party to a regional convention and has submitted an annual report on all dumping or incineration operations carried out under a regional convention, that report may be substituted for the stipulated report format adopted by the Consultative Committee of the London Dumping Convention. The Secretariat

of the regional convention shall notify the Organization (IMO) of the annual reports submitted under the regional convention (IMO, 1991).

49. This provision would permit a number of Mediterranean States to make only one report regarding both the legal instruments in question. As the Mediterranean Protocol is the stricter of the two in the matter of materials the dumping of which is permitted, compliance with its terms would automatically mean similar compliance with the London Convention. However, the latter's procedures are more comprehensively defined, and the reporting requirements include monitoring data and details of procedures followed which are not mandatory under the Mediterranean protocol. One way of easing the problem would be to try to achieve a Mediterranean report format as close as possible to that utilised for the London Convention. It should be noted, however, that submission of any material by States to the Mediterranean Action Plan Secretariat in excess of that required by the terms of the Protocol could only be optional. Whether the Secretariat of the London Dumping Convention would accept reports from the Secretariats of Regional Conventions that meet only part of their stipulated requirements is a matter that would have to be discussed. Submission of annual (as distinct from biennial) reports to the MAP Secretariat would also be necessary.

50. The London Convention's interpretation of the term "nature of the waste", which countries are obliged to record and transmit when issuing permits, includes chemical analysis of the constituents of the waste. This is particularly applicable in the present context to dredged materials, which are listed as item (a) in Article 4.2 of the Mediterranean Dumping Protocol. In view of the identical wording used in the relevant articles and annex of the two legal instruments, the Mediterranean reporting formats for permits issued should be based on the London model.

51. States having both Mediterranean and non-Mediterranean seabords (Egypt, France, Israel, Morocco, Spain and Turkey) have the option of applying the stricter Mediterranean criteria only in the protocol area, while utilising the London criteria elsewhere. They would also be obliged to report to the Mediterranean Action Plan Secretariat only on operations carried out inside the Barcelona Convention Area, but to report globally to the London Convention Secretariat. This would also apply to any other Mediterranean State carrying out dumping outside the Protocol area.

52. A format for national reports on the technical implementation of the Dumping Protocol is provided in Section 3.2. This consists essentially of the format for reports on the disposal of wastes or other matter in terms of Articles 4, 5, 6, 8 and 9 of the Protocol. In view of the need for harmonisation with the requirements of the London Dumping Convention, it is suggested that this report be submitted annually.

2.1.3. The Prevention and Emergency Protocol

53. The original Emergency Protocol (Protocol Concerning Cooperation in Combating Pollution of the Mediterranean Sea by Oil and other Harmful Substances in Cases of Emergency) was adopted and signed in 1976. In this version, as in the case of the Dumping protocol, there was no specific article on periodic reporting, and Article 26 of the Convention therefore also applied. The situation was also similar in that Article 12 of this Protocol, which provided for meetings to be held in conjunction with those of Contracting Parties to the Convention, states that one of the functions of such meetings shall be to keep under review the implementation of the Protocol, and to consider the efficacy of the measures adopted and the need for other measures, particularly in the form of annexes. The periodic (as distinct from the specific) reporting obligations in terms of the original 1976 Protocol were therefore of a general nature, to be included in the Contracting Parties' overall biennial reports.

54. The new 2002 Prevention and Emergency Protocol contains provisions for periodic reporting. Under the terms of Article 4.3, the Parties have to inform the Regional Centre (REMPEC) every two years of the measures taken in conformity with implementation of the first two paragraphs of the Article in question. These measures include those taken for maintenance and promotion of contingency plans and other means of preventing and combating pollution incidents Article 4.1), and those taken in conformity with international law to prevent the pollution of the Mediterranean Sea Area from ships in order to ensure the effective implementation in that Area of the relevant international conventions in their capacity as flag state, port state, coastal state, and their applicable legislation (Article 4.2).

55. In terms of Article 7 (Dissemination and exchange of information) of the Protocol, Parties have undertaken to disseminate to other Parties information concerning:

- the competent national organization or authorities responsible for combating pollution of the sea by oil and hazardous and noxious substances;
- the competent national authorities responsible for receiving reports of pollution of the sea by oil and hazardous and noxious substances and for dealing with matters concerning matters of assistance between Parties;
- the national authorities entitled to act on behalf of the state in regard to measures of mutual assistance and cooperation between Parties;
- the national organization or authorities responsible for the implementation of Paragraph 2 of Article 4, in particular those responsible for the implementation of the international conventions concerned and other relevant applicable regulations, those responsible for port reception facilities and those responsible for the monitoring of discharges which are illegal under MARPOL 73/78;
- the regulations and other matters which have a direct bearing on preparedness for and response to pollution of the sea by oil and hazardous and noxious substances;
- new ways in which pollution of the sea by oil and hazardous and noxious substances may be avoided, new measures for combating pollution, new developments in the technology of conducting monitoring and the development of research programmes.

56. Article 7.2 stipulates that Parties that have agreed to exchange information directly shall communicate such information to the Regional Centre. The Centre, in turn, shall communicate such information to the other Parties and, on a basis of reciprocity, to coastal States of the Mediterranean which are not Parties to the Protocol. Article 7.3 stipulates that Parties concluding bilateral or multilateral agreements within the framework of the Protocol shall inform the Regional Centre of such agreements. The Centre shall communicate this information to other Parties.

57. Article 16 of the Protocol (Reception of ships in distress in ports and places of refuge) states that the Parties shall define national, subregional or regional strategies concerning reception in places of refuge, including ports, of ships in distress presenting a threat to the marine environment. They shall cooperate to this end, and inform the Regional Centre of the measures they have adopted.

58. As is the case with other Protocols, Article 18 stipulates that Ordinary Meetings of Parties to the Protocol shall be held in conjunction with ordinary meetings of the Contracting Parties to the Convention. One of the functions of such meetings shall be to examine and

discuss reports from the Regional Centre on the implementation of the Protocol, and particularly of its Articles 4, 7 and 16. The obligation to submit periodic reports to the Contracting Parties therefore devolves on REMPEC, rather than on the Contracting Parties themselves. Such reports, of course, would have to be compiled by REMPEC on the basis of the relevant information submitted to it by Contracting Parties in terms of the various Articles of the Protocol.

59. Apart from Articles 4,7 and 16, the reporting obligations in which are specifically mentioned as particularly relevant to meetings of the Parties, other Articles in the Protocol also contain reporting requirements. These are essentially of an *ad hoc* nature. Article 9 deals with Reporting Procedure, and under the terms of Article 9.1, each Party must issue instructions to masters or other persons having charge of ships flying their flag and to the pilots of aircraft registered in its territory to report by the most rapid and adequate channels in the circumstances, following reporting procedures to the extent required by, and in accordance with, the applicable provisions of the relevant international agreements, to the nearest coastal state and to this Party:

- all incidents which result or may result in a discharge of oil or hazardous and noxious substances;
- the presence, characteristics and extent of spillages of oil or hazardous and noxious substances, including hazardous and noxious substances in packaged form, observed at sea which pose or are likely to pose a threat to the marine environment or to the coast or related interests of one or more of the Parties.

60. Each Party must issue similar instructions to persons having charge of sea ports or handling facilities (Article 9.3) and of offshore units (Article 9.4) under its jurisdiction. The information collected in accordance with the three paragraphs in question must be immediately communicated to the Regional Centre and to other Parties likely to be affected by a pollution incident. The Parties must use a mutually agreed standard form for such reports (Article 9.8).

61. Under the terms of Article 10 (Operational measures), any Party which takes action to combat pollution from a ship shall inform the International Maritime Organization of such action, either directly or through the Regional Centre. Again, it is expected that reference to any such action within any specific period would figure in the Contracting Party's report to the MAP Secretariat or REMPEC covering that period.

62. Considering the nature and scope of this Protocol, it is perfectly understandable that much of the reports to be submitted by countries have to be of the *ad hoc* type, to be transmitted as early as possible. The contents would, however, have to be summarised in periodic reports. In this regard, practically all the operative articles of the Protocol specifically stipulate that reports have to be submitted to the Regional Centre and, as has already been stated, the main obligation for providing periodic reports to the Contracting Parties at their ordinary meetings rests with the Regional Centre in terms of Article 18.2 (a). Within the framework of their overall periodic (biennial) report to the Secretariat on the implementation of the Convention and protocols, individual Parties would, however, be expected to include, in the part of the report dealing with the Prevention and Emergency Protocol (which has to be submitted to REMPEC) some brief reference to the information already submitted on an *ad hoc* basis to REMPEC itself or to other Contracting Parties during each period under review.

63. Eighteen Mediterranean coastal states (Algeria, Croatia, Cyprus, Egypt, France, Greece, Israel, Italy, Lebanon, Malta, Monaco, Morocco, Slovenia, Spain, Syria, Tunisia, Turkey and Yugoslavia) are Parties to the International Convention for the Prevention of

Pollution from Ships, 1973, as modified by the Protocol of 1978 (IMO, 1978). All of them, as Parties, have ratified the two obligatory annexes – Annex I, which specifies regulations to minimise pollution caused by ships, and Annex II, which deals with regulations pertaining to the carriage and discharge of chemicals carried at sea by bulk chemical carriers. Thirteen of the above-mentioned coastal states (Algeria, Croatia, Egypt, France, Greece, Italy, Lebanon, Monaco, Morocco, Slovenia, Spain, Tunisia, and Yugoslavia) have also ratified three voluntary annexes. Annex III deals with harmful substances in packaged form, Annex IV (not yet in force) with the disposal of sewage from vessels. And Annex V with the release and disposal of garbage and other domestic wastes generated during the normal operation of a ship. Of the other five countries, Cyprus and Turkey have ratified Annex V and Israel Annex III. Malta and Syria have not ratified any of the voluntary annexes. To date, no Mediterranean coastal state has ratified Annex VI, which deals with the reduction of emissions of airborne pollutants by ships.

64. The MARPOL Convention contains no obligation for periodic reporting as such, except in the case of violations. In this context, Article 11 stipulates that Parties shall submit an annual statistical report, in a form standardised by the Organization, of penalties actually imposed for infringement of the Convention. There are, however, a number of *ad hoc* reporting obligations. In terms of Article 8 of the Convention (Reports on incidents involving harmful substances), a report of an incident has to be made without delay to the fullest extent possible in accordance with the provisions of Protocol I to the Convention. The contents of this Protocol is particularly relevant to the provisions of the 2002 Mediterranean Prevention and Emergency Protocol. The Article in the original 1976 Protocol (UNEP, 1982) dealing with reports on pollution incidents stipulated that such reports should be made in conformity with Annex I to the Protocol. This annex specified the contents of such reports. There is no such annex in the new Prevention and Emergency Protocol, wherein Article 9.1. stipulates that reporting procedures should be to the extent required by, and in accordance with, the applicable provisions of the relevant international agreements.

65. In this context, at their fifth Ordinary Meeting in 1987, the Contracting Parties adopted guidelines for cooperation in combating marine oil pollution in the Mediterranean which include the obligation for Parties to report to the Regional Centre at least all spillages or discharges of oil in excess of 100 cubic metres as soon as they have knowledge of them, using a Standard Alert Format (UNEP, 1987). Furthermore, at their eleventh Ordinary Meeting in 1999, Contracting Parties formally approved a recommendation to utilise and adhere to the POLREP system for the exchange of information when accidental pollution of the sea has occurred or when a threat of such pollution is present (UNEP, 1999b). This system, therefore, can be said to constitute the agreed-on standard form for the reporting of pollution incidents in terms of Article 9.8 of the Protocol. The information contained therein amply satisfies the requirements of Protocol I to the 1973/78 MARPOL Convention.

66. Apart from the annual statistical report on penalties imposed for infringement of the Convention's provisions, Article 11 of the MARPOL Convention (Communication of information) also requires Contracting Parties to communicate to the Organization (IMO) the text of legislation and other instruments within the scope of the Convention, a list of nominated surveyors authorised to act on their behalf, specimens of their certificates, a list of reception facilities, official reports, or summaries of such reports, insofar as they show the results of the application of the Convention. This is a requirement normally met by the submission of *ad hoc* reports as necessary. Its relevance to the 2002 Prevention and Emergency Protocol lies in the fact that the material it covers is very similar to that required by REMPEC either in terms of the various articles of the Protocol, or in connection with its objectives and functions,

67. Mediterranean EU Member States are also bound by Council Decision 886/85/EEC of 6 March 1986 (EU, 1986), which establishes a Community information system for the control and reduction of pollution caused by the spillage of hydrocarbons and other harmful substances at sea. This is intended to make available to the competent authorities in the Member States the data required for the control and reduction of pollution caused by the spillage of hydrocarbons and other harmful substances at sea in large quantities. The information system shall comprise:

- A list of national and joint plans for combating pollution caused by the spillage of hydrocarbons at sea, comprising a brief description of the content of the plans and naming the authorities responsible for them;
- An inventory of resources for combating pollution of the sea by hydrocarbons;
- A compendium of hydrocarbon properties and their behaviour and of methods of treatment and end uses of mixtures of water-hydrocarbon-solid matter recovered from the sea or along the coast;
- An inventory, to be compiled gradually by the Commission, of resources for intervention in the event of a spillage at sea of harmful substances other than hydrocarbons;
- A compendium of information, also to be compiled gradually by the Commission, in the light of experience, of information concerning the properties and behaviour of harmful substances or groups of harmful substances other than hydrocarbons.

68. Member States are bound to forward to the Commission the information referred to in (a) the first sub-paragraph above, as well as in the three annexes to the decision, for the first time within twelve months of the day of publication of this Decision in the Official Journal of the European Communities (i.e. by 22 March 1987) and, subsequently, to update the information specified in (a) above in January of each year. Apart from this, Member States are also bound to notify the Commission at the earliest opportunity of substantial changes relating to such information.

69. The Annexes in question respectively deal with:

- An inventory of resources for combating pollution of the sea by hydrocarbons, the purpose of which is to provide a preliminary indication of the resources available in each Member State which, in the event of an incident and at the request of another Member State, might be made available to that Member State on conditions to be decided between the respective competent authorities;
- A compendium of hydrocarbon properties and their behaviour and of methods of treatment and end uses of mixtures of water- hydrocarbon – solid matter recovered from the sea or along the coast, the aim of which is to provide information, in the form of guidelines, on hydrocarbons in order to facilitate rapid and effective strike action to control the effects of an accidental spillage of hydrocarbons and in order to limit the ultimate long-term impact of contaminated hydrocarbon stocks;
- An inventory of resources for intervention in the event of a spillage of harmful substances other than hydrocarbons, the purpose of which is to provide a preliminary indication of the resources which are available in a Member State for intervention when harmful substances other than hydrocarbons are spilt at sea which, in the event of an incident and at the request of another Member State, might be made available

to that Member State on conditions to be decided between the respective competent authorities.

70. Decision No 2850/2000/EC of the European Parliament and of the Council of 20 December 2000 sets up a Community framework for cooperation in the field of accidental or deliberate marine pollution (EU, 2000). This framework for cooperation is intended: (a) to support and supplement Member States' efforts at national, regional and local levels for the protection of the marine environment, coastlines and human health against the risks of accidental or deliberate pollution at sea, sources; b) to contribute to improving the capabilities of the Member States for response in case of incidents involving spills or imminent threats of spills of oil or other harmful substances at sea and also to contribute to the prevention of the risks. In accordance with the internal division of competence within Member States, they shall exchange information on dumped munitions with a view to facilitating risk identification and preparedness measures; (c) to strengthen the conditions for and facilitate efficient mutual assistance and cooperation between Member States in this field; and (d) to promote cooperation between Member States in order to provide for compensation for damage in accordance with the polluter-pays principle. Under the terms of this Decision, EU member States have to provide full information as to their preparedness to combat accidental pollution and to assist other States.

71. The Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC), which has been operational since 1976, performs activities which are practically identical to those described in the 1986 and 2000 EU Decisions. These form an integral part of the Objectives and functions of the Centre, which were last revised by the Contracting parties at their Twelfth ordinary meeting in Monaco in November 2001 (UNEP, 2001b). The provisions of Articles 9 and 10 of the 2002 Prevention and Emergency Protocol bind the Parties to submit an appreciable amount of the information listed both in the above-mentioned EU Decisions, and in Article 8 of the 1973/78 MARPOL Convention. There is no legal obligation within the specific terms of the 2002 Prevention and Emergency Protocol for Mediterranean States to submit the remainder of this information on a periodic basis. Contracting Parties, however, have formally approved REMPEC's function of collecting it, and they can therefore be considered as under obligation to provide it.

72. A format for periodic national reports to REMPEC on the technical aspects of implementation of the Prevention and Emergency Protocol is given in Section 3.3. The information required to be submitted here is different from that relating to legal, administrative measures concerning the Protocol, which has to be submitted to REMPEC in terms of both the Convention and the Protocol, and which is provided in Section 3.1.3. A format for *ad hoc* reports on pollution at sea is given in Section 3.4. This format, which utilises the Pollution Reporting (POLREP) system, was adopted by the Contracting Parties at their eleventh Ordinary Meeting in 1999 (UNEP, 1999b).

2.1.4. The Land-based Sources Protocol

73. Article 13 of the Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities, as amended and re-named in 1996, specifically states that Contracting Parties shall submit reports every two years (unless decided otherwise by the Meetings of the Contracting Parties) to the Meetings of the Contracting Parties, through the Organization, of measures taken, results achieved and, if the case arises, difficulties encountered in the application of the protocol. The same article also states that procedures for the submission of such reports shall be determined at the meetings of the Parties.

74. The same Article also states that such reports shall include, *inter alia*:

- Statistical data on the authorizations granted in accordance with Article 6 of the protocol;
- Data resulting from monitoring as provided for in Article 8 of the protocol;
- Quantities of pollutants discharged from their territories; and
- Action plans, programmes and measures implemented in accordance with Articles 5, 7 and 15 of the Protocol.

75. Reporting under the terms of this Protocol can be considered as falling into three categories. Firstly, matters of a general nature regarding the Protocol's implementation to be included in the Contracting Parties' overall biennial report. These could include information on Action Plans, programmes and measures implemented. Secondly, specific technical and administrative data regarding authorizations granted and quantities of pollutants discharged, which would constitute a specific report relating to the protocol's implementation. Insofar as the report on authorizations granted could be submitted biennially. With regard to the quantities of pollutants discharged, the Strategic Action Programme (SAP) adopted in 1997 (*vide* paragraph 69.), foresees the calculation of the "national baseline budget of emissions/releases", i.e. the total amount of pollutants emitted/released country by country, for the first time in 2003. After that, an updating of the baseline budget is expected every five years. Thirdly, monitoring data, which should be submitted within the overall framework of MED POL monitoring reports, according to the frequency and the formats being determined by the procedures prevailing in this programme.

76. Under the terms of the original 1980 version of the Protocol, Substances were divided into two Annexes. Discharges of Annex I substances in concentrations above limits to be progressively defined by the Contracting Parties were prohibited. Discharges containing (a) Annex I substances in concentrations below the defined limits and/or (b) Annex II substances were to be permitted subject to the issue of an authorization by the competent national authorities, which in turn had to take into due account a number of factors listed in Annex III to the protocol. These conditions were defined in Articles 5 and 6 of the protocol.

77. Article 7 of the original Protocol also stipulated that the Parties would also progressively formulate and adopt, in cooperation with the competent international Organizations, common guidelines and, as appropriate, standards or criteria dealing in particular with, *inter alia*, the quality of seawater used for specific purposes that is necessary for the protection of human health, living resources and ecosystems.

78. Following the coming into force of the Protocol in 1983, a calendar of activities for its technical implementation was adopted in 1985 (UNEP, 1985b). This calendar included a list of Annex I and Annex II substances for which common measures were to be prepared and eventually adopted by Contracting Parties. The Contracting Parties formally approved a number of measures under the terms of Articles 5, 6 and 7 between 1985 and 1996. These measures are given below. Both the substance's position in the original annexes to the Protocol, and their position in the new annexes are given.

79. The following measures were adopted under the terms of Article 5 of the original Protocol:

- Measures to prevent mercury pollution (1987) (UNEP, 1987). Originally in Annex I, item 4, now in Annex I C, item 5.
- Measures for control of pollution by organohalogen compounds (1989) (UNEP, 1989b). Originally in Annex I, Item 1, now in Annex I C, item 1.
- Measures for control of pollution by organotin compounds (1989) (UNEP, 1989b). Originally in Annex I, Item 3, now in Annex I C, item 3.
- Measures for control of pollution by cadmium and cadmium compounds (1989) (UNEP, 1989b). Originally in Annex I, Item 5, now in Annex I C, item 5.
- Measures for control of pollution by used lubricating oils (1989) (UNEP, 1989b). Originally in Annex I, Item 6, now in Annex I C, item 6.
- Measures for control of pollution by organophosphorus compounds (1991) (UNEP, 1991). Originally in Annex I, Item 2, now in Annex I C, item 2.
- Measures for control of pollution by persistent synthetic materials (1991) (UNEP, 1991). Originally in Annex I, Item 7, now in Annex I C, item 14.
- Measures for control of pollution by radioactive substances (1991) (UNEP, 1991). Originally in Annex I, Item 9, now in Annex I C, item 7.
- Measures for the control of pollution by carcinogenic, teratogenic and mutagenic substances (1993) (UNEP, 1993). Originally in Annex I, Item 8, not included in new annex.

80. The following measures were adopted under the terms of Article 6 of the original Protocol:

- Measures for control of pollution by pathogenic microorganisms (1991) (UNEP, 1991). Originally in Annex II, Item 7, now in Annex I C, item 9.
- Measures for the control of pollution by zinc, copper and their compounds (1996) (UNEP, 1996). Originally in Annex II, item 1, now in Annex I C, item 5.
- Measures for the control of pollution by detergents (1996) (UNEP, 1996). Originally in Annex II, item 5, now in Annex I C, item 12.

81. The following measures were adopted under the terms of Article 7.1 (c) of the original Protocol:

- Interim environmental quality criteria for bathing waters (1985) (UNEP, 1985)
- Interim environmental quality criteria for mercury (1985) (UNEP, 1985)
- Interim environmental quality criteria for shellfish waters (1987) (UNEP, 1987)

82. All the above measures include reporting obligations. These are, generally, the provision to the MAP Secretariat of the fullest possible information on legislation and administrative measures on the subject-matter (a) existing at the time, (b) measures taken in accordance with the terms of the resolution or recommendation in question, and (c) relevant monitoring data. The first requirement is obviously of an *ad hoc* nature, not normally forming part of a periodic report. The second requirement would involve the inclusion within any specific periodic report, of information regarding any measures taken during the period covered by the report in question, while the third would be a regular submission preferably made within the framework of an overall monitoring report.

83. In the current amended version of the Protocol, Articles 5 and 6 have been extensively altered. Article 5 binds the Contracting Parties to elaborate and implement, individually or jointly, as appropriate, national and regional action plans and programmes, containing measures and timetables for their implementation, in order to eliminate pollution deriving from land-based sources, in particular to phase out inputs of the substances that are toxic, persistent and liable to bioaccumulate listed in Annex I. The current version of Article 5 no longer stipulates that programmes and measures shall include, in particular, common

emission standards and standards for use, but does not exclude them. The new Annex I contains a number of sections, of which Section C (Categories of substances) includes practically all the items previously listed in Annexes I and II of the previous version of the Protocol. The categories are listed to serve as guidance in the preparation of action plans, programmes and measures. Article 6 stipulates that all point discharges into the Protocol Area, and releases into water or air that reach or may affect the Mediterranean Area, shall be strictly subject to authorization or regulation by the competent authorities of the Parties.

84. The provisions of the revised versions of Articles 5 and 6 do not materially alter those of the original versions. Although the new version of the Protocol gives emphasis to tackling the problem at source through the regulation of polluting activities, the control of inputs of Annex I substances (previously Annex I and Annex II substances) into the marine environment through municipal and industrial discharges is not in any way excluded. The measures adopted by the Contracting Parties listed above are therefore equally valid for the amended version of the Protocol, until they are formally superseded by newer ones and, as a result, the reporting commitments included in the relative resolutions have to be complied with. The only exception is the 1993 measure regarding carcinogenic, teratogenic and mutagenic substances, as these substances, previously listed in the original Annex I, are not mentioned in the new Annex I C. The measures adopted under the terms of Article 7 remain valid, as this article has remained unchanged. The reporting commitments of the Contracting Parties in terms of the measures adopted therefore still stand.

85. In terms of the provisions of Articles 5, 6 and 7 of the revised Protocol, at their tenth Ordinary Meeting in Tunis in November 1997, the Contracting Parties adopted a Strategic Action Programme to address Pollution from Land-Based Activities (UNEP, 1997c). Section 6 of this Programme (Reporting) cites the obligations of Contracting Parties in terms of Article 13 of the Protocol, and proposes a number of activities at regional level. The various components of the Strategic Action Plan also involve a large number of national activities on which countries would eventually have to report within the framework of implementation of the Protocol.

86. It should be noted that national activities proposed in the various sections of the Strategic Action Plan include application at the national level of the common measures jointly adopted by the Contracting Parties in terms of the original version of the Land-based Sources Protocol. Furthermore, the Strategic Action Programme presents a full programme of expected reductions of emissions/releases of pollutants according to an agreed schedule. The methodology for tracking the pollution reductions was approved by the Contracting Parties at their twelfth Ordinary Meeting in Monaco in 2001 and is contained in Annex II to the Operational Document for the Implementation of the Strategic Action Programme to Address Pollution of the Mediterranean Sea from Land-based Activities (SAP). (UNEP 2001b). In addition, the section on Assessment, Prevention and Control of Marine Pollution in the Priority Fields of Activities for the Environment and Development in the Mediterranean Basin, adopted as an appendix to the 1995 Barcelona Resolution on the Environment and Sustainable Development in the Mediterranean Basin (UNEP, 1995b) includes, as one of the priority activities, the promotion of the reduction of the amount of pollution carried into the marine environment, particularly by strengthening capabilities for implementing the 13 specific measures adopted. The above represent an added confirmation of the continued validity of the relative resolutions concerning these measures, including the reporting obligations therein.

87. A number of EU Directives in the field of land-based pollution prevention and control are binding on EU Member States. These essentially deal with very much the same subjects as the relevant articles of the Land-Based Sources protocol, or the measures adopted by

resolutions or recommendations of the Contracting Parties in compliance with the Protocol's terms. All the Directives contain some form of reporting commitment.

88. Council Directive 76/160/EEC of 8 December 1975 (EU, 1976a) concerns the quality of bathing waters. In its original form, Article 13 of this Directive required Member States to submit, four years following its notification and at regular intervals thereafter, a comprehensive report to the Commission on their bathing water and the most significant characteristics thereof. In Council Directive 91/692/EEC of 23 December 1991, which standardises and rationalises reports on the implementation of certain Directives relating to the environment (EU, 1991b), Article 13 of Directive 76/160/EEC was replaced by a new article stipulating that every year, and for the first time by 31 December 1993, the Member States should send to the Commission a report on the implementation of this Directive in the current year, drawn up on the basis of a questionnaire or outline drafted by the Commission in accordance with the procedure laid down in Article 6 of Directive 91/692/EEC. Mediterranean EU Member States are therefore bound to report both to the EU in terms of this Directive as well as to the MAP Secretariat in terms of their 1985 recommendation on the interim criteria for bathing waters (UNEP, 1985a), whereby they bound themselves to provide monitoring data. The criteria and standards for acceptability of bathing waters in the 1975 EU Bathing Water Directive and in the 1985 Contracting Parties' Interim criteria are however different, and the raw analytical data from monitoring programmes has to be processed differently to determine compliance with standards.

89. Proposals for a new Bathing Water Directive to replace the old 1976 one were made to the EU in 1994 (EU, 1994), but have not been accepted, and new alternative proposals are in preparation. Similarly, proposals for new bathing water standards to substitute the 1985 Mediterranean interim criteria were made in 1996, but the Contracting Parties have delayed consideration of these pending developments regarding the new EU Directive. Unless the eventual mandatory standards adopted in both cases are identical, which is not expected to be the case as the prevailing conditions in the Mediterranean call for equivalence with what the EU consider as guide values, reports by Mediterranean EU Member States to the EU and to the MAP Secretariat will have to remain separate.

90. Council Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community (EU, 1976b) provides for the formulation of emission standards, and for limit values to be determined on the concentrations of substances discharged in municipal and industrial effluents. There is a marked similarity between the Annexes in this Directive and the first two Annexes in the 1980 Mediterranean Land-Based Sources Protocol. Member States were originally obliged to report to the Commission on inventories of discharges, authorisations granted, and monitoring results, but only on specific request.

91. The situation has been altered by the provisions of the previously mentioned Council Directive 91/692/EEC of 23 December 1991 standardising and rationalising reports on the implementation of certain Directives relating to the environment (EU, 1991b). Article 4 therein requires Member States to send information to the Commission at intervals of three years on the implementation of this Directive, in the form of a sectoral report, also covering other pertinent Community Directives, to be drawn up on the basis of a questionnaire or outline drafted by the Commission, sent to the Member States six months before the start of the period covered by the report, and submitted to the Commission within nine months of the end of the three-year period covered by it.

92. Council Directive 91/692/EEC of 23 December 1991 standardising and rationalising reports on the implementation of certain Directives relating to the environment (EU, 1991b)

has also amended the reporting requirements in a number of other environmental Directives, standardising them in the same way, i.e. stipulating three-yearly reports. These include:

- Council Directive 78/176/EEC of 20 February 1978 on waste from the titanium oxide industry (EU, 1978);
- Council Directive 79/923/EEC of 30 October 1979 on the quality required of shellfish waters (EU, 1979b),
- Council Directive 82/176/EEC of 22 March 1982 on limit values and quality objectives for mercury discharges by the chlor-alkali electrolysis industry (EU, 1982);
- Council Directive 83/513/EEC of 26 September 1983 on limit values and quality objectives for cadmium discharges (EU, 1983);
- Council Directive 84/156/EEC of 8 March 1984 on limit values and quality objectives for mercury discharges by sectors other than the chlor-alkali electrolysis industry (EU, 1984a);
- Council Directive 84/491/EEC of 9 October 1984 on limit values and quality objectives for discharges of hexachlorocyclohexane (EU, 1984b).

93. The requirements of the Directives in question overlap to various degrees with those contained in the resolutions and recommendations made by Contracting Parties to the Land-Based Sources Protocol between 1987 and 1996. In this regard, Mediterranean EU Member States would be able to use the same material for their reports to the EU and the MAP Secretariat respectively. There is, however, no question of submitting the same report to the two Organizations concerned, as the EU reports cover a three-year period, while the MAP reports cover a maximum period of two years. In addition, the sectoral report required by the EU covers geographical areas which overlap, but are not identical with, those covered by the Land-based Sources Protocol.

94. A format for National Reports on the technical implementation of the Land-based Sources protocol is provided in Section 3.5. This deals with (a) the number of authorizations for discharge granted in accordance with Article 6, together with the relevant details concerning each authorisation and (b) the total amounts of pollutants listed in Annex I C discharged following authorisation. The list of pollutants given in the proposed format excludes those that cannot be quantitatively measured. Also, countries would not be in a position to report on quantities of unauthorised discharges. Information of a legal and/or administrative nature is contained in the report format in Section 3.1.4 as part of the biennial report on the implementation of the Convention and Protocols.

95. A number of additional items will eventually have to be included either in the appropriate part of the biennial report on the implementation of the Convention and Protocols (Section 3.1.4) or, when appropriate, in the National Report on the technical implementation of the Land-based Sources Protocol (Section 3.5), to fulfil the requirements of the Strategic Action Programme to address Pollution from Land-based Activities, which was adopted by the Contracting Parties in Tunis in 1997. Reporting on the Strategic Action Plan is considered to follow a different approach in view of the diversified types of action involved, and the operational document for the implementation of this Action Programme, developed within the framework of the MED POL programme and approved by the Contracting Parties at their twelfth Ordinary Meeting in Monaco in 2001 (UNEP, 2001b) includes monitoring of the actions taken by the countries. No specific format for reporting on the Strategic Action Programme is therefore included in the present document.

2.1.5. The Specially Protected Areas Protocol

96. Article 23 of the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean binds Contracting Parties to submit to ordinary meetings of the Parties a report on the implementation of the Protocol, in particular on:

- The status and the state of the areas included in the SPAMI (Specially Protected Areas of Mediterranean Importance) list;
- Any change in the delimitation of legal status of the SPAMIs and protected species; and
- Possible exemptions allowed pursuant to Articles 12 and 18 of the Protocol, which respectively cover co-operative measures for the protection and conservation of species and integration of traditional activities in the formulation of protective measures.

97. The establishment of SPAMI lists is covered by Article 8 of the protocol, the procedures for the establishment and listing of SPAMIs by Article 9, and changes in their status by Article 10 of the Protocol.

98. The implementation of the Protocol includes a number of other elements, on which Contracting Parties would also have to include in their report. Apart from the general obligations covered by Article 3, these elements are:

- The establishment of Specially Protected Areas in the marine and coastal areas subject to each Party's jurisdiction (Article 5);
- Protection measures taken (Article 6);
- Planning, management, supervision and monitoring measures taken (Article 7);
- National measures taken for the protection and conservation of species (Article 11);
- Action taken on any co-operative measures for the protection and conservation of species adopted by the Parties (Article 12);
- Measures taken to regulate the introduction of non-indigenous or genetically modified species (Article 13), and compilation of inventories (Article 15).

99. In addition, Article 26 of the Protocol stipulates that meetings of the Parties (which, as in the case of the other Protocols, shall be held in conjunction with meetings of the Contracting Parties to the Convention) are particularly aimed, *inter alia*, at keeping under review the implementation of the Protocol, considering reports transmitted by Contracting Parties under Article 23, and discussing and evaluating the exemptions allowed by the Parties in conformity with Articles 12 and 18.

100. The Regional Activity Centre for Specially Protected Areas (SPA-RAC) has recently prepared an outline format for national reports which was sent to National Focal points of the Centre as a guide on which to prepare their reports for the 1999 Focal Points meeting (UNEP, 1999c). This outline format consisted in:

- A brief description of the Institutional framework;

- A Brief description of the legal framework governing the conservation of species and sites (with a list of the main legal instruments);
- The status of signature/ratification of relevant national agreements;
- Marine and coastal protected areas (new developments in 1996, 1997 and 1998);
- Protected species of marine fauna and flora;
- Elaboration and implementation of national biodiversity strategy; and
- Preparation or updating of relevant inventories (completed or ongoing).

101. The above format contains points that have to be covered in what can be termed an initial report, in which countries would have to describe the prevailing legal, administrative and technical set-up. For the purpose of periodic reports, the material would have to be split up between (a) legal/administrative updates, to be included in the Parties' biennial reports on the implementation of the Barcelona Convention and Protocols, and (b) Specific reports on the technical implementation of the Specially protected Areas Protocol.

102. There are a number of international Conventions, both global and regional, in the field of nature conservation, to which various Mediterranean States are Parties. The objectives of these Conventions, and the obligations they impose on Parties, overlap to various extents with those of the Mediterranean Specially Protected Areas Protocol. Reporting obligations form an integral part of all these Conventions.

103. All Mediterranean Member States of the Council of Europe (Croatia, Cyprus, France, Greece, Italy, Malta, Slovenia, Spain and Turkey), as well as Monaco, Morocco and Tunisia, are Parties to the 1979 Council of Europe Convention on the conservation of European wildlife and natural habitats, commonly referred to as the Bern Convention (Council of Europe, 1979). The aims of this Convention are to conserve wild flora and fauna and their natural habitats, and its scope covers all habitats, including the marine and coastal environment, to which latter the Mediterranean Specially Protected Areas Protocol is necessarily restricted. Contracting Parties to the Bern Convention are bound to take all appropriate and necessary legal and administrative measures to ensure the protection of natural habitats and the species of fauna and flora listed in the various appendices to the Convention (Articles 4-8). A number of exceptions, under circumstances that are listed in Article 9, are allowed. Under this Article, Contracting Parties are bound to report every two years to the Standing Committee established under Article 13 of the Convention on the exceptions made. The details as to what such reports shall contain are listed in Article 9. There is no other reporting obligation.

104. The reports that Contracting Parties to the Bern Convention have to make are completely different from those required from Contracting Parties to the Mediterranean Specially Protected Areas Protocol. The former reports would have to be wider in environmental scope, in that they would cover both aquatic and terrestrial habitats, but would be limited to exceptions made in applying the protection measures specified by the Convention. On the other hand, the latter reports, while limited to the marine and coastal habitats, would have to be much more comprehensive. While there is therefore no contradiction between the reports to be submitted to the two different Organizations, there is no question of using the same material to cover both reports.

105. Another international legal instrument of relevance is the Convention on International Trade in Endangered Species of Wild Fauna and Flora (the CITES Convention), signed at Washington, D.C., on 3 March 1973, and amended at Bonn, on 22 June 1979. (UNEP, 1979a). Fifteen Mediterranean States (Algeria, Croatia, Cyprus, Egypt, France, Greece, Israel, Italy, Malta, Monaco, Morocco, Slovenia, Spain, Tunisia and Turkey) are Parties to this Convention. Under its terms, each Party must maintain records of trade in specimens of species included in its Appendices I, II and III. These records should cover (a) the names

and addresses of exporters and importers; and (b) the number and type of permits and certificates granted; the States with which such trade occurred; the numbers or quantities and types of specimens, names of species as included in Appendices I, II and III and, where applicable, the size and sex of the specimens in question.

106. Each Party is also bound to prepare periodic reports on its implementation of the Convention and to transmit to the Secretariat (a) an annual report containing a summary of the information specified in sub-paragraph (b) of the preceding paragraph, and (b) a biennial report on legislative, regulatory and administrative measures taken to enforce the provisions of the Convention. Such information must be available to the public where this is not inconsistent with the law of the Party concerned.

107. The 1979 Bonn Convention on the Conservation of Migratory Species of Wild Animals, (UNEP, 1979b) covers marine fauna that are accorded equivalent status in the Mediterranean Specially protected Areas Protocol. Eleven Mediterranean States (Croatia, Egypt, France, Greece, Israel, Italy, Monaco, Morocco, Slovenia, Spain, and Tunisia) are Parties to this Convention. The Convention stipulates that the Parties a) should promote, co-operate in and support research relating to migratory species; b) shall endeavour to provide immediate protection for migratory species included in its Appendix I; and c) shall endeavour to conclude Agreements covering the conservation and management of migratory species included in its Appendix II.

108. The Articles of the Convention contain no specific provision regarding periodical reporting, Parties only being bound to inform the Secretariat of exceptions made in the case of endangered species listed in Appendix I, and International agreements on species listed in Appendix II. Article VII.5 states that at each of its meetings the Conference of the Parties shall review the implementation of the Convention and may in particular, *inter alia*, review and assess the conservation status of migratory species, review the progress made towards the conservation of migratory species, especially those listed in Appendices I and II and receive and consider any reports presented by the Scientific Council, the Secretariat, any Party or any standing body established pursuant to an Agreement.

109. Eighteen Mediterranean States (Albania, Algeria, Croatia, Egypt, France, Greece, Israel, Italy, Lebanon, Libya, Malta, Monaco, Morocco, Slovenia, Spain, Syria, Tunisia and Turkey) are Parties to the Convention on Wetlands of international Importance especially as Waterfowl Habitat, signed in Ramsar, Iran in February 1971. The Convention was amended by the Paris Protocol of December 1982 and the Amendments of May 1987. (UNESCO, 1994) The objectives of the Convention are to promote the conservation and management of wetlands and waterfowl. As such, there is an overlap with the Mediterranean Specially protected Areas Protocol, as coastal wetlands are included in the Ramsar Convention. There is no specific periodic reporting commitment in any of the Articles of the Convention. Parties have to inform the International Union for the Conservation of Nature and Natural Resources(IUCN), which performs continuing Bureau duties in terms of Article 8 of the Convention, of any wetlands established, of any alterations to this list or any changes in the character of any wetland therein. The implementation of the Convention is discussed by the Conference of the Parties, held at intervals of not more than three years.

110. The 1972 UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage (UNESCO, 1972), commonly referred to as the World heritage Convention (WHC) considers the following as part of the natural heritage:

- Natural features consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view;

- Geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation;
- Natural sites or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation or natural beauty.

111. Twenty Mediterranean Coastal States (Albania, Algeria, Bosnia and Herzegovina, Croatia, Cyprus, Egypt, France, Greece, Israel, Italy, Lebanon, Libya, Malta, Monaco, Morocco, Slovenia, Spain, Syria, Tunisia and Turkey) are Parties to the Convention, which establishes a World Heritage Committee and a World heritage List. The Convention stipulates that every State Party to it shall, in so far as possible, submit to the World Heritage Committee an inventory of property forming part of the cultural and natural heritage, situated in its territory and suitable for inclusion in the World heritage List. This inventory, which shall not be considered exhaustive, shall include documentation about the location of the property in question and its significance.

112. Contracting Parties to this Convention are bound to submit reports to the General Conference of the UNESCO on dates and in a manner to be determined by it. Such reports should include information on the legislative and administrative provisions that they have adopted and other action which they have taken for the application of the Convention, together with details of the experience acquired in this field. The reports are brought to the attention of the World Heritage Committee, which submits a report on its activities at each of the ordinary sessions of the General Conference of UNESCO.

113. The Convention on Biological Diversity was signed in Rio de Janeiro in June 1992 during the United Nations Conference on Environment and Development (UNCED). The objectives of this Convention, to be pursued in accordance with its relevant provisions, are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding (UNEP, 1992b). The articles of the Convention contain a number of obligations in the field of habitat and species conservation. Article 26 stipulates that each Contracting Party shall, at intervals to be determined by the Conference of the Parties, present to the Conference of the Parties, reports on measures which it has taken for the implementation of the provisions of this Convention and their effectiveness in meeting the objectives of this Convention. Seventeen Mediterranean States (Albania, Algeria, Croatia, Cyprus, Egypt, France, Greece, Israel, Italy, Lebanon, Monaco, Morocco, Slovenia, Spain, Syria, Tunisia and Turkey) are currently Parties to the Convention.

114. A Memorandum of Cooperation has been signed between the Secretariat of the Convention on Biological Diversity and the Coordinating Unit for the Mediterranean Action Plan aimed at ensuring the harmonised implementation in the Mediterranean region of the Convention and the Mediterranean Specially Protected Areas Protocol. Article 3 of this Memorandum stipulates that the two Secretariats will establish procedures for regular exchanges of information and data in areas of common interest. It has been proposed that a meeting between the national focal points of the two legal instruments in question would discuss and agree on a number of matters of mutual interest, including coordination of the national process for reporting within the network of the two instruments.

115. The Regional Activity Centre for Specially Protected Areas (SPA-RAC) is participating in a feasibility study being co-ordinated by the World Conservation Monitoring Centre

(WCMC) on harmonising information management among five biodiversity-related Conventions. These are the Convention on Biological Diversity (CBD), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Convention on World Heritage (CWH), the Convention on Migratory Species of Wild Animals (CMS), and the Convention on Wetlands of international Importance especially as Waterfowl Habitat (RAMSAR). One of the three programmes of work recommended by a WCMC workshop in April 1998 is devoted to the development of streamlined national reporting to facilitate national reporting to, and implementation of, the Conventions in question. The Protocol concerning Specially Protected Areas has areas of common interest with CWH and RAMSAR concerning sites, and with CMS and CITES concerning species.

116. Eventual harmonisation between the reporting requirements of all these legal instruments will affect mainly the periodic report on the technical implementation of the Specially Protected Areas Protocol, in that the agreed-on format would cover common requirements. It would not, however, affect the main biennial report on the implementation of the Barcelona Convention and Protocols, as this would be devoted to specific legal and administrative issues, and would, of necessity, remain separate.

117. Mediterranean EU member States are also bound by the provisions of Council Directive 92/43/EEC of 21 May 1992 on the Conservation of Natural Habitats and Wild Fauna and Flora (EU, 1992), and Council Directive 97/62/EC of 27 October 1997, adapting this Directive to technical and scientific progress (EU, 1997). The Directive lays down a range of protection measures for habitats and species, which include marine and coastal habitats and species. Member States are bound to submit a detailed report every six years on the implementation of the Directive, and the status of habitats and species as a result of the measures applied. In addition, they are also bound to submit a detailed report on any derogations from the operative articles of the Directive every two years. Mediterranean EU Member States could use extracts from this latter report (containing those areas, habitats and species covered by the Mediterranean Specially Protected Areas Protocol) for reporting on this Protocol. However, the main six-yearly report stipulated by the Directive and the relevant section of the biennial report on the implementation of the Barcelona Convention and Protocols will have to remain two separate issues.

118. Another obligation affecting Mediterranean EU member States is that resulting from Council Directive 79/409/EEC of 2 April 1979 on the Conservation of Wild Birds. This Directive binds Member States to undertake comprehensive protection measures in connection with a number of bird species and their habitats. Reports on national measures taken are required every three years, and reports on derogations granted are required every year. As in the preceding case, extracts from these reports, which would include bird species and habitats not covered by the Mediterranean Specially Protected Areas Protocol, could be used for the latter purpose, but the same report cannot be utilised for both legal instruments.

119. A format for national reports on measures of a legal and/or administrative nature for the implementation of the Specially Protected Areas Protocol is contained in Section 3.1.5 within the framework of the general biennial report on the implementation of the Convention and protocols. In addition, a format for national reports on the technical implementation of the protocol is given in Section 3.6. This latter includes all the technical information required from Parties in terms of the various articles of the Protocol, and may have to change if and when the harmonisation exercise referred to above is realised. As an appendix to this technical report, a format for reports on Specially Protected Areas of Mediterranean Importance (SPAMIS) under the jurisdiction of more than one country is provided in Section 3.7.

2.1.6. The Offshore Protocol

120. Article 25 of the Protocol for the Protection of the Mediterranean Sea against Pollution Resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil, adopted and signed by a Conference of Plenipotentiaries in Madrid in October 1994, stipulates that Contracting Parties shall inform one another directly or through the Organization of measures taken, of results achieved and, if the case arises, of difficulties encountered in the application of the Protocol. The same article also stipulates that procedures for the collection and submission of such information shall be determined at the meetings of the Parties. The Protocol is not yet in force.

121. In its general principles (Article 4), the Protocol stipulates that all activities in the protocol area, including erection on site of installations, shall be subject to the prior written authorization for exploration or exploitation from the competent authority. In Section II (Authorization system), the requirements for authorizations are covered by Article 5, and other matters regarding the granting of authorizations by Article 6. In Section III (Wastes and harmful or noxious substances and materials), Article 9 stipulates, *inter alia*, that:

- The disposal into the protocol Area of harmful or noxious substances and materials resulting from the activities covered by the Protocol and listed in Annex I to the protocol shall be prohibited;
- The disposal into the protocol Area of harmful or noxious substances and materials resulting from the activities covered by the Protocol and listed in Annex II to the protocol requires, in each case, a prior special permit from the competent authority;
- The disposal into the protocol Area of all other harmful or noxious substances and materials resulting from the activities covered by the Protocol, and which might cause pollution requires a prior general permit from the competent authority; and
- The permits referred to in the two preceding subparagraphs shall be issued only after careful consideration of the factors set forth in Annex III to the Protocol.

122. In Section IV (Safeguards), Article 16 stipulates that in cases of emergency, Parties shall implement *mutatis mutandis* the provisions of the Protocol concerning Cooperation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency. In the same Section, Article 19 stipulates that the competent authority shall establish, where appropriate, a national monitoring system in order to be in a position to monitor regularly the installations and the impact of the activities on the environment, so as to ensure that the conditions attached to the grant of the authorizations are being fulfilled. Article 30 (Meetings) stipulates that ordinary meetings of the Parties shall take place in conjunction with ordinary meetings of the Contracting Parties to the Convention, and that the function of such meetings shall include, *inter alia*:

- To keep under review of the implementation of the Protocol and to consider the efficacy of measures adopted and the advisability of any other measures, in particular in the form of annexes and appendices;
- To consider the information concerning authorizations granted or renewed in accordance with Section II of the protocol;

- To consider the information concerning the permits issued and approvals given in accordance with Section III of the Protocol; and
- To consider the records of the contingency plans and means of intervention in emergencies adopted in accordance with Article 16 of the Protocol.

123. In this context, Article 25 (Mutual information) states that the parties shall inform one another directly or through the Organization of measures taken and, if the case arises, of difficulties arising in the application of the Protocol. The same article also states that procedures for the collection and submission of such information shall be determined at the meetings of the Parties.

124. The reporting obligations relevant to this Protocol therefore include (a) matters of general import that would be incorporated into the biennial overall report on the implementation of the Convention and Protocols, and (b) specific details regarding authorizations and permits which would form part of a report on the technical implementation of this particular Protocol. The latter could be submitted at either annual or biennial intervals, as may be determined by the Contracting Parties.

125. A format for national reports on legal and/or administrative measures in connection with the implementation of the Offshore Protocol within the general framework of the biennial report on the implementation of the Convention and Protocols is provided in Section 3.1.6. In addition, a format for national reports on the technical implementation of the Offshore Protocol is given in Section 3.8. This latter includes all the technical information required from Parties in terms of the various articles of the Protocol, principally the details regarding authorizations granted for seabed exploration and exploitation, and permits for discharge.

2.1.7. The Hazardous Wastes Protocol

126. Article 11 (Transmission of Information) of the Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal states that the Parties shall inform one another of measures taken, of results achieved and, if the case arises, of difficulties encountered in the application of the Protocol. It also states that procedures for the collection and distribution of such information shall be determined at the meetings of the Parties. In addition, paragraph 2 of Article 8 (Regional Cooperation) stipulates that the Parties shall submit annual reports to the Organization regarding the hazardous wastes they generate and transfer within the protocol area in order to enable the Organization to produce a hazardous waste audit.

127. Article 15 (Meetings) states, as is the case with the other Protocols, that ordinary meetings of the Parties shall take place in conjunction with ordinary meetings of the Contracting parties to the Convention. It also states that the functions of the meetings (ordinary or extraordinary) shall be, *inter alia*, to

- Keep under review the implementation of the Protocol and consider any additional measures, including in the form of annexes;
- Consider any information submitted by the Parties to the Organization or to the meetings of the Parties in accordance with the relevant articles of the Protocol.

128. Article 5 of the Protocol (General Obligations) binds the Parties to take all appropriate measures to prevent, abate and eliminate pollution of the Protocol area which can be caused by transboundary movements and disposal of hazardous wastes. The same article gives

Parties the right to ban the import of hazardous wastes, and binds them not to permit the export of hazardous wastes to States that have prohibited their import. Article 5 also binds States to co-operate with other United Nations Agencies, relevant international and regional Organizations in order to prevent illegal traffic, and to take appropriate measures to achieve this goal, including criminal punishment measures in accordance with their national legislation. This is reinforced by paragraph 2 of Article 9 (Illegal Traffic), which binds Parties to introduce appropriate national legislation to prevent and punish illegal traffic, including criminal penalties on all persons involved in such illegal activities. Any measure taken by any Party in connection with the above should therefore be reported.

129. Article 9.6 binds the Parties to forward, as soon as possible, all information related to illegal traffic to the Organization, which shall distribute the information to all Contracting Parties. Article 13 (Verification) stipulates that any Party which has reason to believe that another Party is acting or has acted in breach of its obligations under the Protocol has to inform the Organization and, in such an event, simultaneously and immediately to inform, directly or through the Organization, the Party against whom the allegation is made. All the above can be considered as constituting material for an *ad hoc* report, as distinct from inclusion in a periodic one. However, any such instances should also be mentioned in the relevant periodic report without, however, inclusion of all the details.

130. Seventeen Mediterranean States (Albania, Algeria, Croatia, Cyprus, Egypt, France, Greece, Israel, Italy, Malta, Monaco, Morocco, Slovenia, Spain, Syria, Tunisia and Turkey) are also Parties to the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, signed in Basel in March 1989. The Mediterranean Protocol is generally based on this Convention, and the annexes are practically identical, except for the fact that items in Annex I (Categories of Wastes to be controlled) and Annex II (categories of Wastes requiring special consideration) to the Basel Convention are grouped together in Annex I in the Mediterranean Protocol. In all the annexes, the code letters and numbers for the various substances and characteristics are also identical in both legal instruments.

131. Article 3 of the Basel Convention stipulates that each Party shall, within six months of becoming a Party, inform the Secretariat of the Convention of the wastes, other than those listed in Annexes I and II, considered or defined as hazardous under its national legislation and of any requirements concerning transboundary movement procedures applicable to such wastes. Each Party shall subsequently inform the Secretariat of any significant changes to the information it has initially provided.

132. Article 13 of the Convention (Transmission of Information) contains both *ad hoc* and periodic reporting obligations. Parties are bound, whenever it comes to their knowledge, ensure that, in the case of an accident occurring during the transboundary movement of hazardous wastes or other wastes or their disposal, which are likely to present risks to human health and the environment in other States, those states are immediately informed. They are similarly bound to inform each other, through the Secretariat, of:

- Changes regarding the designation of competent authorities and/or focal points;
- Changes in their national definition of hazardous wastes, and, as soon as possible,
- Decisions made by them not to consent totally or partially to the import of hazardous wastes or other wastes for disposal within the area under their national jurisdiction;
- Decisions taken by them to limit or ban the export of hazardous wastes or other wastes;
- Any other information required pursuant to paragraph 4 of the article in question, which states that the Parties, consistent with national laws and regulations, shall ensure that copies of each notification concerning any given transboundary

movement of hazardous wastes or other wastes, and the response to it, are sent to the Secretariat when a Party considers that its environment may be affected by that transboundary movement has requested that this should be done.

133. The above represents an *ad hoc* reporting obligation. The same Article stipulates that Parties, consistent with national laws and regulations, shall transmit, through the Secretariat, to the Conference of the Parties established under Article 15 of the Convention, before the end of each calendar year, a report on the previous calendar year, containing the following information:

- Competent authorities and focal points that have been designated by them pursuant to Article 5;
- Information regarding transboundary movements of hazardous wastes or other wastes in which they have been involved, including:
 - (i) The amount of hazardous wastes and other wastes exported, their category, characteristics, destination, any transit country and disposal method as stated on the response to notification;
 - (ii) The amount of hazardous wastes and other wastes imported, their category, characteristics, origin, and disposal methods;
 - (iii) Disposals which did not proceed as intended;
 - (iv) Efforts to achieve a reduction of the amount of hazardous wastes or other wastes subject to transboundary movement;
- Information on the measures adopted by them in implementation of the Convention;
- Information on available qualified statistics which have been compiled by them on the effects on human health and the environment of the generation, transportation and disposal of hazardous wastes or other wastes;
- Information on the measures adopted by them in implementation of the Convention;
- Information on available qualified statistics which have been compiled by them on the effects on human health and the environment of the generation, transportation and disposal of hazardous wastes or other wastes;
- Information concerning bilateral, multilateral and regional agreements and arrangements entered into pursuant to Article 11 of the Convention;
- Information on accidents occurring during the transboundary movement and disposal of hazardous wastes and other wastes and on the measures undertaken to deal with them;
- Information on disposal options operated within the area of their national jurisdiction;
- Information on measures undertaken for development of technologies for the reduction and/or elimination of production of hazardous wastes and other wastes; and
- Such other matters as the Conference of the Parties shall deem relevant.

134. Most of the items detailed above could form part of periodic reports by Mediterranean States to the MAP Coordinating Unit regarding the implementation of the Hazardous Wastes Protocol. Those dealing with legal and related aspects would best fit into the general biennial report on the Convention and protocols. The remainder, which include information required annually in terms of Article 8.2 of the Protocol, could constitute the periodic report on the technical implementation of the Protocol, which would be submitted annually.

135. Within the European Union, Council Directives 84/631/EEC, 85/469/EEC (Transfrontier) and Decision 90/170/EEC deal with the transfrontier shipment of toxic or hazardous waste. Directive 84/631/EEC requires the use of a detailed consignment note detailing the source and composition of the waste, the routes by which it will be transported, measures undertaken to ensure safe transportation and the existence of a formal agreement with the consignee of the waste. Transportation cannot take place until the Member States concerned have acknowledged receipt of notification of the shipment. Objections from a Member State must be based on Community law or international agreements concerning environmental protection, public policy, security or health protection. The Directive also includes conditions for packaging and labelling the waste.

136. Council Regulation (EEC) 259/93 of 1 February 1993 on the Supervision and Control of shipments of waste within, into and out of the European Community (EU, 1993), which entered into force on 6 May 1994, has as its aim the comprehensive regulation of the movement of all waste within, into and out of the EU. The Regulation implements the Basel Convention and OECD Decision on the transfrontier shipment of waste. The shipment of hazardous waste destined for final disposal to non-OECD countries is prohibited. This is to prevent EU and non-OECD operators from dumping hazardous waste in developing countries. Waste for disposal within the EU requires prior authorisation. The principles of self-sufficiency (disposal by Member States of their own waste) and proximity (local waste disposal) also apply. The treatment of wastes for recovery operations within the EU depends on the listing of the wastes in question. Those listed as 'green' largely excluded from the Regulation; those listed as 'amber' subject to a prior notification requirement and those listed as 'red' requiring prior authorisation. The Regulation was amended and extended in February 1997 in relation to waste exports out of the European Union. The amendment implemented into Community law the decision taken under the Basel convention to immediately ban exports of hazardous waste destined for final disposal to non-OECD countries, and to ban by January 1998 all exports of hazardous waste destined for recovery in non-OECD countries.

137. A format for reports on measures of a legal and/or administrative nature for the implementation of the Hazardous Wastes Protocol within the overall framework of the biennial national reports on the implementation of the Convention and protocols is provided in Section 3.1.7. In addition, a format for national reports on the technical aspects of implementation of the Protocol is given in Section 3.9. This includes all the technical information required from Parties in terms of the various articles of the Protocol, and is based principally on the format of the Basel Convention annual report as far as applicable. This format is also generally in line with that required by the EU Directives detailed above, in particular Council Regulation 259/93/EEC, which stipulates that every calendar year, Member States should submit a report in accordance with Article 13 (3) of the Basel Convention. The periodicity of the proposed report in Section 3.8 (annual or biennial) will have to be decided by the Contracting Parties, but an annual report would be preferable to achieve harmonisation with the Basel Convention and EU Directives and Protocols. Both formats should be considered as purely provisional in nature, and intended only for the purpose of the voluntary test phase, pending action by the MAP Secretariat to try and achieve as much harmonisation as possible with the reporting requirements of the Basel Convention.

2.1.8. Monitoring obligations

138. Monitoring obligations in terms of the Convention and Protocols have already been discussed briefly under the preceding sections. They are briefly reviewed again here in order to present an overall picture of all obligations in this field.

139. As has been already stated, Article 12 of the Barcelona Convention covers the establishment of a pollution monitoring system for the Mediterranean Sea Area, the elements of which are national programmes. The Dumping Protocol does not specifically mention monitoring, but an assessment of the efficacy of the measures adopted (Article 14.2 (a)) can only be made through monitoring dumping sites and adjoining areas. Article 4 of the Emergencies Protocol carries the general obligation that Parties shall develop and apply monitoring activities covering the Mediterranean Sea Area in order to have as precise information as possible on situations referred to in Article 1 of the Protocol (grave and imminent danger to the marine environment, the coast or the related interests of one or more of the Parties due to the presence of massive quantities of oil or other harmful substances resulting from accidental causes or an accumulation of small discharges which are polluting or threatening to pollute the sea within the Convention Area).

140. Article 8 of the Land-based Sources Protocol specifically binds the Parties to carry out monitoring activities in order to (a) systematically assess the levels of pollution along their coasts, in particular with regard to the sectors of activity and categories of substances listed in Annex I and periodically to provide information in this respect, and (b) to evaluate the effectiveness of action plans, programmes and measures implemented under the Protocol to eliminate to the fullest possible extent pollution of the marine environment. Article 13 of the Protocol requires Parties to submit data from the monitoring in question.

141. Article 3.5 of the Specially Protected Areas Protocol requires Parties to monitor the components of biological diversity, and identify processes and categories of activities which have or are likely to have a significant adverse impact on the conservation and sustainable use of biological diversity, and monitor their effects.

142. Article 13 of the Offshore Protocol requires Parties to establish, where appropriate, a national monitoring system in order to be in a position to monitor regularly the installations and the impact of the activities on the environment, so as to ensure that the conditions attached to the grant of authorizations are being fulfilled. One of the functions of the meetings of the Parties, that of considering the efficacy of measures adopted (Article 30.2 (a)), is dependent on the availability of monitoring results, which therefore have to be reported.

143. The specific objectives of the Programme for the Assessment and Control of Pollution in the Mediterranean (MED POL Phase III), designed to cover the period 1996 to 2005 (UNEP, 1996), include the assessment of all (point and diffuse) sources of pollution and the load of pollution reaching the Mediterranean Sea, and the monitoring of the implementation of the action plans, programmes and measures for the control of pollution and the assessment of their effectiveness. It is therefore, as already stated, the proper channel through which scientific and technical reports in the form of monitoring data should be transmitted by countries to the Mediterranean Action Plan Secretariat. For this reason, it is considered that the proposing of draft formats for submission of monitoring data would be outside the scope of this document. It is proposed that the current set of data report forms utilised within the MED POL programme be reviewed, with a view to introducing all those elements required for implementation of the relevant articles of the various protocols.

2.2 Reporting commitments in terms of resolutions and recommendations of the Contracting parties not related to legal instruments

2.2.1. The Barcelona Resolution on the Environment and Sustainable Development in the Mediterranean Basin

144. Following approval by the Ninth Ordinary meeting of the Contracting Parties in Barcelona in June 1995, the Conference of Plenipotentiaries held immediately thereafter adopted the Barcelona Resolution on the Environment and Sustainable Development in the Mediterranean Basin (UNEP, 1995). In this resolution, Contracting Parties adopted the Mediterranean Action Plan Phase II and, in committing themselves to the full implementation of this Plan, adopted a set of Priority Fields of Activity for the Environment and Development in the Mediterranean Basin for the period 1996 – 2005 (UNEP, 2000). Both the above were included as annexes to the resolution, which also covered the establishment of a Mediterranean Commission for Sustainable Development within the framework of the Mediterranean Action Plan.

145. The Resolution also included the undertaking of a number of activities, *inter alia* in the fields of biological diversity, waste management and clean technologies. It also requests evaluation of the results of the envisaged activities in view of the objectives defined within the framework of the Mediterranean Action Plan Phase II and tasks accorded by the Priority Fields of Activities for the Environment and Development of the Mediterranean Basin (1996-2005) which is subject to a mechanism for monitoring its implementation.

146. The Resolution in question was not adopted in terms of any of the regional legal instruments to which Mediterranean States are Parties (i.e. the Barcelona Convention and protocols). As a result of this, Mediterranean States do not have the legal obligation to submit national reports on activities undertaken in the same sense as reports specifically stipulated by the legal instruments in question. There is, of course, however, the moral obligation to submit periodic progress reports. Such reports should be submitted within the frameworks of the two appendices to the Barcelona resolution: (a) the Action Plan for the Protection of the Marine Environment and the Sustainable Development of the Coastal Areas of the Mediterranean (MAP Phase II) and (b) the Priority Fields of Activities for the Environment and Development of the Mediterranean Basin.

2.2.2. MAP Phase II

147. It would appear *prima facie* that one of the main reporting obligations of the Contracting Parties would be a periodic report on measures undertaken and progress achieved within the general framework of the Action Plan for the Protection of the Marine Environment and the Sustainable Development of the Coastal Areas of the Mediterranean (MAP Phase II). Such a report, however, would have to include both items constituting a legal commitment in terms of the Convention and Protocols, and items for which there is no such legal commitment. MAP Phase II has two operative components: (1) Sustainable Development in the Mediterranean, and (2) Strengthening of the Legal Framework. Action taken at national level on the second of these components would be amply covered by the biennial national progress report on the implementation of the Convention and Protocols in terms of Article 26 of the Convention, and the periodic reports on the technical implementation of the various protocols, proposed formats for which are given in Section 3 of

this document. The reports in question would also cover relevant aspects of the first component, which includes legal measures in a number of its sections.

148. The first component of MAP Phase II (Sustainable Development in the Mediterranean) has four parts:

- Integrating Environment and Development;
- Conservation of Nature, Landscape and Sites;
- Assessment, Prevention and Elimination of Marine Pollution; and
- Information and Participation.

149. These deal mainly with objectives and strategies, but a number of regional and national activities are also indicated. Most of the activities either concern measures to be taken in terms of the Convention or any specific Protocol or, in most cases, deal with specific items that are also listed in the Priority Fields of Activities for the Environment and Development of the Mediterranean Basin.

150. The first part (integrating Environment and Development) contains six sections. The first (Economic Activities on the Environment) contains subsections on Agriculture, Industry, Energy, Tourism and Transport. The second section is devoted to urban management and the Environment. The third (Sustainable management of natural resources) contains subsections on water resources, soil, living marine resources, and forest and plant coverage. The fourth, fifth and sixth sections are respectively devoted to Integrated coastal area management, Elements for a Mediterranean strategy, and National and local capacity building. Except for the fifth section (Elements for a Mediterranean strategy) which deals with regional issues and does not require any national reporting, all the above contain items, mainly connected with measures taken towards the attainment of defined objectives, which can be considered to require reporting on at national level. However, since the activities themselves would be covered by the report on the Priority Fields of activities, the report on this part could consist in brief descriptions of the strategies employed towards the achievement of the various objectives listed.

151. The second section (Conservation of nature, landscape and sites) is devoted to activities to be carried out within the framework of the implementation of the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean. Any separate reporting in any form of detail on this section would only be repeating items essentially falling under the periodic report on the technical implementation of this protocol. Again, all that would be required would be general statements of progress towards the realisation of relevant objectives.

152. The third section (Assessment, prevention and control of marine pollution) includes both measures taken within the framework of the various Protocols concerning land-based and sea-based pollution, and scientific activities such as monitoring. Most of the activities will be reported on as part of the general biennial report on the implementation of the Convention and Protocols or, as appropriate, as part of the periodic reports on the technical implementation of the various Protocols. There would be very little additional reporting on this aspect of MAP Phase II, and a general statement on overall strategy would suffice.

153. The fourth section (Information and participation) includes a number of activities which are not included elsewhere, and the general report on progress achieved in the implementation of national activities within the framework of MAP Phase II should include a brief description of such activities in addition to general strategy statements.

154. In addition to the periodic reports submitted in terms of the legal components of the Mediterranean Action Plan, a combined report on the implementation of the non-legal components of MAP Phase II and the activities undertaken within the framework of the Priority Fields, respectively constituting Appendices I and II to the 1995 Barcelona Resolution, would appear to constitute the most sensible option. It would not, however, be easy to integrate the reporting requirements of the two into one format, as the subsections within each are not the same.

155. It is therefore considered that the most sensible option would be to have a separate report on progress achieved in the implementation of MAP Phase II, excluding the legally binding elements. This report would be of a general nature, and would not cover those specific national activities undertaken in the Priority Fields listed in Appendix II to the Barcelona Resolution. A proposed format for such report will be discussed at a later stage, and will be the subject of a separate document.

PART III

REPORTING FORMATS

156. With the exception of the format for National *ad hoc* Reports on pollution at sea in terms of the Prevention and Emergencies Protocol (Section 3.4 below), which consists in the pollution Reporting System (POLREP) adopted by the Contracting Parties at their Eleventh Ordinary Meeting in 1999 (UNEP, 1999b), all the other formats are for periodic reports. In this context, therefore, only information pertaining to the specific period under review has to be provided.

157. The main objective of the reports in question is to provide periodically updates of an already-existing baseline situation. It will therefore be necessary for the Coordinating Unit of the Mediterranean Action Plan to take the necessary steps to fill in any gaps in existing knowledge, particularly regarding the status of implementation of the Barcelona Convention and Protocols in the various countries prior to the first report. There are two options available in this respect. The first option would be for the first periodic report to include relevant past information, so that this report would really cover a number of years. The second option would be for the Secretariat to transmit an appropriate questionnaire to all Contracting Parties, requesting them to provide all the basic information up to the beginning of the period from which the first biennial report starts. If this second option is eventually decided on, the Coordinating Unit might wish to survey the information it has already received from the various countries, so that the questionnaire sent out will be aimed at filling gaps, rather than starting afresh.

158. The formats for the various reports are based on the requirements in the Convention and protocols as amended. The Contracting Parties will therefore have to decide as to whether or not they should use these formats even for the interim period before the amended or new versions of the relative legal instruments enter into force. It would obviously not be worth the effort to produce temporary formats based on the original versions of the various legal instruments.

159. Some of the proposed reporting formats might appear to be long and unwieldy. It should be remembered, however, that only those parts on which action has actually been taken during the particular period under review have to be completed. Mention of any measure taken during preceding periods, and not altered since, would not be necessary unless there is some form of progress during the period under review that is considered as worth reporting on.

160. As has already been stated, reports on practically every measure taken in accordance with the terms of the new Prevention and Emergency Protocol have to be submitted to the Regional Centre, mostly on an *ad hoc* basis, but also periodically in the case of measures taken under Articles 4, 7 and 16. Article 18.2 (a) specifies that biennial Meetings of the Contracting Parties to the Protocol have to examine and discuss reports from the Centre on the implementation of the Protocol. At the same time, The Parties' Biennial National Reports on the implementation of the Convention and Protocols to be submitted to the MAP Secretariat in terms of Article 26 of the Convention must include summarised information regarding the Prevention and Emergency Protocol to the same degree as that submitted for other Protocols. In view of the fact that such biennial reports are to be submitted in parts, each part to the relevant MAP Centre, the information in question need only be submitted to REMPEC.

3.1 Format for Biennial National Report on the implementation of the Convention and Protocols in terms of Article 26 of the Barcelona Convention

3.1.1. Format for biennial general report, and report on the implementation of the Convention for the Protection of the Mediterranean Environment and the Coastal Region of the Mediterranean:

To be submitted to the MAP Secretariat

1. Country.

Name of country with regard to which report is being submitted

2. Period covered by the Report.

Write down biennium covered by the report, e.g. 01 January 2000 to 31 December 2001.

3. National Organization responsible for compiling report

Give name and address of the national Organization compiling this report, including name and title of person actually responsible for its compilation.

4. Assistance received towards the compilation of the present report.

Give details of any assistance received from UNEP/MAP in the form of funds, expert advice, etc., including name(s) of expert(s) and amount and purpose of funds received, if any, as applicable.

5. General remarks on overall national environmental situation during period under review.

Very briefly, outline any major improvement or deterioration in the various aspects of the national environment in general occurring during the period under review, such as changes in environmental quality and the factors responsible for, or contributing to, such changes.

6. Signature, ratification of International legal instruments:

6.1 Ratification of amended or new versions of the Convention and Protocols.

List the amended or new versions of the Barcelona Convention and Protocols signed and/or ratified by your country during the period under review, in each case giving the date of such signature and/or ratification.

6.2 Bilateral or multilateral Agreements relevant to the terms of the Convention and Protocols entered into (Article 3.2. of the Convention)

List any bilateral or multilateral agreements your country has entered into during the period under review with other countries, whether Contracting Parties to the Barcelona Convention and Protocols or not, which are considered relevant to the Terms of the Convention and/or any of its related Protocols. In each case, state briefly the title and scope of the agreement in question, and the country or countries entering into such Agreement.

- 6.3 Signature, ratification or accession to any international or regional environmental legal instrument relevant to the objectives of the Mediterranean Action Plan, in particular, those listed in the attached appendix

State which of those international legal instruments listed in the annex to this section your country has signed, ratified or acceded to during the period under review. State also whether, during the same period, your country has signed, ratified or acceded to any other international legal instrument which, although not listed in the annex to this section, you consider also relevant to the objectives of the Mediterranean Action Plan. In each case, give the exact title of the international legal instrument concerned, and the date of signature, ratification or accession.

7. Legal and/or administrative measures taken under the terms of the Convention:

- 7.1. For the application of the Precautionary Principle and the Polluter Pays Principle (Articles 4.3 (a) and 4.3 (b)).

State briefly what legal and/or administrative measures were taken during the period under review for the application of (a) the Precautionary Principle, which places emphasis on the prevention of environmental damage, rather than on remedial action after damage has already been done, and (b) the Polluter Pays Principle, under the terms of which, whoever causes harm to the environment must pay for it. Indicate whether any such measures represented the implementation of new policies or updated relevant measures already existing prior to the commencement of the period under review. In the case of legal measures, state the title and objectives of laws or regulations, and the date of enactment.

- 7.2. To ensure the undertaking of Environmental Impact Assessment studies for relevant activities (Article 4.3 (c)).

State briefly what legal and/or administrative measures were taken during the period under review to ensure the undertaking of Environmental Impact Assessment studies prior to approval of developmental and related activities having an actual or potential impact on any facet of the Environment. Indicate whether any such measures represented the implementation of new policies or updated measures already existing prior to the commencement of the period under review. In the case of legal measures, state the title and objectives of laws or regulations, and the date of enactment.

- 7.3. For the promotion of the integrated management of the coastal zones (Article 4.3 (e)).

State briefly what legal and/or administrative measures were taken during the period under review to promote the integrated management of coastal zones, including the establishment of coordinating and other bodies to ensure such integrated management. Indicate whether any such measures represented the implementation of new policies or update measures already existing prior to the commencement of the period under review. In the case of legal measures, state the title and objectives of laws or regulations, and the date of enactment.

- 7.4. To establish or improve marine pollution monitoring programmes (Article 12.1).

State briefly what legal and/or administrative measures were taken during the period under review to establish or improve marine pollution monitoring programmes on a national or local basis. In the case of legal measures, state the title and objectives of laws or regulations, and the date of enactment.

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

State briefly what legal and/or administrative measures were taken during the period under review to introduce or improve (a) the right of access by the public to information regarding the environment, and (b) participation of the public in decision-making processes regarding the environment. In the case of legal measures, state the title and objectives of laws or regulations, and the date of enactment.

8. Brief description of any problems or constraints in implementation of the Convention.

Briefly describe state any problem or constraint which impeded the implementation of any measure relevant to the terms of the Convention during the period under review. State what action was taken to solve such a problem or constraint.

9. Any relevant remarks or comments regarding the implementation of the Convention.

Briefly give any other relevant remarks or comments of a general nature regarding action taken towards the implementation of the Convention during the period under review.

Appendix to Section 3.1.1

List of international legal instruments on which information regarding signature, ratification or accession would be required as per paragraph 6.3 in terms of Resolutions and Recommendations of the Contracting Parties between 1985 and 2002.

The international legal instruments below are listed in chronological order of adoption, and NOT in order of their relative importance to Contracting Parties to the Barcelona Convention and protocols.

1. The 1966 International Convention on Load Lines LL 1966)
2. The 1969 International Convention on Tonnage Measurement of Ships (TONNAGE 1969)
3. The International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties (INTERVENTION 1969) and its 1973 Protocol relating to Intervention on the High Seas in Cases of Pollution by Substances other than Oil INTERVENTION PROTOCOL 1973).
4. The 1971 UNESCO Convention on Wetlands of international Importance especially as Waterfowl Habitat, as amended by the 1982 Paris Protocol and the 1987 Amendments (The Ramsar Convention).

5. The 1972 IMO Convention on the prevention of Marine Pollution by Dumping of Wastes and other Matter, and the 1996 Protocol thereto (The London Dumping Convention).
6. The 1972 UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage (The World heritage Convention).
7. The 1972 Convention on the International Regulations for Preventing Collisions at Sea (COLREG 1972).
8. The 1973 IMO International Convention for the Prevention of Pollution from Ships, as modified by the Protocol of 1978 (The MARPOL 73/78 Convention)..
9. The 1973 UNEP Convention on International Trade in Endangered Species of Wild Fauna and Flora, as amended in 1979.
10. The 1974 \international Convention for the Safety of Life at Sea (SOLAS 1974).
11. The 1976 ILO Merchant Shipping (Minimum Standards) Convention (No. 147), and the 1996 Protocol thereto.
12. The 1978 International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW 1978).
13. The 1979 Council of Europe Convention on the Conservation of European wildlife and natural habitats (The Bern Convention).
14. The 1979 UNEP Convention on the Conservation of Migratory Species of Wild Animals (The Bonn Convention).
15. The 1979 UNEP Convention on the Conservation of Migratory Species of Wild Animals (The Bonn Convention).
16. The 1982 United Nations Convention on the Law of the Sea.
17. The 1989 UNEP Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (The Basel Convention).
18. The 1989 International Convention on Salvage (SALVAGE 1989).
19. The 1990 International Convention on Oil Pollution Preparedness, Response and Cooperation (OPRC), and the 2000 Protocol on Preparedness, Response and Cooperation to Pollution Incidents by Hazardous and Noxious Substances (OPRC-HNS Protocol).
20. The 1992 International Convention on Civil Liability for Oil Pollution Damage (CLC 1992)
21. The 1992 International Convention on the establishment of an International Fund for Compensation for Oil Pollution Damage (FUND 1992).
22. The 1992 UNEP Convention on Biological Diversity
23. The 1992 United Nations Framework Convention on Climate Change

24. The 1994 United Nations Convention to Combat Desertification
25. The 1996 International Convention on Liability and Compensation for Damage in connection with the Carriage of Hazardous and Noxious Substances at Sea (1996 HNS Convention).
26. The 2001 International Convention on the Control of Harmful Antifouling Systems on Ships.
27. The 2001 International Convention on Civil Liability for Bunker Oil Pollution Damage.

3.1.2. Format for biennial report on the implementation of the Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft and Incineration at Sea:

To be submitted to MED POL

1. Country.

Name of country with regard to which report is being submitted

2. Period covered by the Report.

Write down biennium covered by the report, e.g. 01 January 2000 to 31 December 2001.

3. National Organization responsible for compiling report

Give name and address of the national Organization compiling this report, including name and title of person actually responsible for its compilation.

4. Assistance received towards the compilation of the present report.

Give details of any assistance received from UNEP/MAP in the form of funds, expert advice, etc. , including name(s) of expert(s) and amount and purpose of funds received, if any, as applicable.

5. Legal and/or administrative measures taken under the terms of the Protocol :

5.1. Regarding the prohibition of dumping of wastes and other matter (Article 4).

State briefly what legal and/or administrative measures were taken during the period under review for prohibition of the dumping of wastes or other matter other than those listed in Article 4.2. Indicate whether any such measures represented the implementation of new policies or updated relevant measures already existing prior to the commencement of the period under review. In the case of legal measures, state the title and objectives of laws or regulations, and the date of enactment. In the case of administrative measures, describe the machinery established for ensuring that dumping of the wastes in question does not occur.

5.2. Regarding the issue of permits and the conditions governing such issue (Articles 5 and 6).

State briefly what legal and/or administrative measures were taken during the period under review for the issue of permits prior to dumping of any wastes listed in Article 4.2 of the Protocol. State whether any criteria, guidelines or procedures were developed or adopted at national level to ensure that the dumping of such wastes did not result in pollution. Indicate whether any such measures represented the implementation of new policies or updated relevant measures already existing prior to the commencement of the period under review. In the case of legal measures, state the title and objectives of laws or regulations, and the date of enactment. Briefly describe the procedures established for the issue of permits.

5.3 Regarding application of the measures required to implement the Protocol to ships and aircraft:

- registered in the territory of the reporting country or flying its flag (Article 11 (a)).
- loading in the territory of the reporting country wastes or other matter intended for dumping (Article 11 (b)).
- believed to be engaged in dumping in areas under national jurisdiction (Article 11 (c)).

State briefly what legal and/or administrative measures were taken during the period under review to ensure that ships and aircraft (a) registered in the of the reporting country's territory or flying its flag, (b) loading wastes or other matter intended for dumping in the territory of the reporting country and (c) believed to be engaged in dumping in areas under national jurisdiction comply with the terms of the Protocol. In the case of legal measures, state the title and objectives of laws or regulations, and the date of enactment. Briefly describe the machinery and procedures established for ensuring compliance.

5.4. Regarding the obligation to report possible contraventions of the Protocol (Article 12).

State what legal and/or administrative measures were taken during the period under review to issue instructions to maritime inspection ships and aircraft and to other appropriate services to report to the relevant national authorities any incidents or conditions in the Mediterranean Sea Area giving rise to suspicions that dumping in contravention of the Protocol had occurred or was about to occur. State whether such instructions had already been issued prior to the beginning of the period under review.

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

- 6.1. The organisation of monitoring, individually or in collaboration with other Parties and competent international Organizations, the condition of the sea for the purposes of the Convention;
- 6.2. The criteria, measures and requirements adopted for issuing permits.

In the case of countries Parties to the 1972 London Dumping Convention, state whether any information was supplied to the International Maritime Organization IMO) in terms of Article VI of the Convention in question regarding (a) the establishment of appropriate monitoring programmes and (b) the criteria, measures and requirements adopted at national level for issuing permits. Attach a copy of any such information provided.

7. Brief description of any problems or constraints in implementation of the Protocol.

Briefly describe state any problem or constraint which impeded the implementation of any measure relevant to the terms of the Protocol during the period under review. State what action was taken to solve such a problem or constraint.

8. Any relevant remarks or comments regarding the implementation of the Protocol.

Briefly give any other relevant remarks or comments of a general nature regarding action taken towards the implementation of the Protocol during the period under review.

3.1.3. Format for biennial report on the implementation of the Protocol concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea.

To be submitted to REMPEC

1. Country.

Name of country with regard to which report is being submitted

2. Period covered by the Report.

Write down biennium covered by the report, e.g. 01 January 2000 to 31 December 2001.

3. National Organization responsible for compiling report

Give name and address of the national Organization compiling this report, including name and title of person actually responsible for its compilation.

4. Assistance received towards the compilation of the present report.

Give details of any assistance received from UNEP/MAP or REMPEC in the form of funds, expert advice, etc., including name(s) of expert(s) and amount and purpose of funds received, if any, as applicable.

5. Legal and/or administrative measures taken under the terms of the Protocol :

5.1. Regarding the implementation of international regulations to prevent, reduce and control pollution of the marine environment from ships (Article 3.1.(a)).

State which of the international legal instruments listed in the Annex to Resolution I in the Final Act and Resolutions of the Conference of Plenipotentiaries on the Protocol Concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea were signed, ratified, accepted, approved or acceded to during the period under review.

5.2. Regarding the maintenance and promotion of contingency plans and other means of preventing and combating pollution incidents (Article 4.1).

Briefly describe any legal or administrative measure taken during the period under review to promote or maintain national or local contingency plans and/or any other means to prevent and combat pollution incidents at sea. This information should include the acquisition of any equipment, and the preparation of human and material resources that can be made available for operations in cases of emergency.

5.3. Regarding measures taken in conformity with international law to prevent the pollution of the Mediterranean Sea Area from ships (Article 4.2).

Briefly describe any measures taken during the period under review to prevent the pollution of the Mediterranean Sea from Ships within the framework of applicable international legislation to which the reporting country is a Party.

5.4. Regarding monitoring activities (Article 5).

State whether any monitoring activities relevant to the Protocol covering the Mediterranean Sea Area in order to prevent, detect and combat pollution, and to ensure compliance with applicable international regulations were developed and/or applied during the period under review. State also whether the reporting country cooperated with any other country or countries in the development and/or application of such monitoring activities.

5.5. Regarding the designation of national authorities responsible for combating pollution of the sea (Article 7.1.(a)), responsible for receiving reports on pollution of the sea and dealing with matters concerning assistance (Article 7.1.(b)), and entitled to act on behalf of the State in regard to measures of mutual assistance and cooperation (Article 7.1.(c)).

State whether any new or revised designations of those national authorities assigned with the above responsibilities were made during the period under review, and if so, provide an updated list.

5.6. Regarding the national organization or authorities responsible for the implementation of paragraph 2 of Article 4 of the Protocol (Article 7.1.(d)).

State whether and new or revised designation of the national authorities responsible for the implementation of the above paragraph of the Protocol, in particular those responsible for the implementation of the international conventions concerned and other relevant applicable regulations, those responsible for port reception facilities and those responsible for the monitoring of discharges which are illegal under MARPOL 73/78, were made during the period under review, and if so, provide updated information.

5.7. Regarding information exchanged directly with other Parties and communicated to the Regional Centre (Article 7.2).

State whether any relevant information with regard to the items listed in Article 7.1 (a) to (f) was exchanged directly with any other Parties during the period under review, and whether and when such information was also communicated to the Regional Centre.

5.8. Regarding bilateral and/or multilateral agreements concluded within the framework of the Protocol (Article 7.3).

State whether any bilateral and/or multilateral agreements were concluded within the framework of the Protocol during the period under review and, if so, whether and when the Regional Centre was informed of such agreements.

5.9. Regarding port reception facilities (Article 14).

State what steps were taken during the period under review to (a) ensure the availability of reception facilities meeting the needs of ships using them, and the efficient operation of such facilities without causing undue delays to ships, and (b) provide ships using the ports of the reporting country with updated information relevant to the obligations arising from MARPOL 73/78 and from their applicable national legislation.

- 5.10. Regarding the assessment of environmental risks of maritime traffic (Article 15).

State whether any steps were taken by the reporting country during the period under review to assess the environmental risks of any recognised route used in maritime traffic and, if applicable, what measures were taken to reduce risks of accidents and the environmental consequences thereof. State also whether any steps were similarly taken at bilateral or multilateral level and, if so, with what other countries.

- 5.11. Regarding national, subregional or regional strategies concerning reception in places of refuge of ships in distress (Article 16).

State whether any national strategies concerning reception in places of refuge, including ports, of ships in distress presenting a threat to the marine environment, were developed and/or implemented during the period under review. State also whether the reporting country cooperated with any other country or countries in the definition of subregional and/or regional strategies and, if so, whether and when REMPEC was informed about the measures adopted.

6. Brief description of any problems or constraints in implementation of the Protocol.

Briefly describe state any problem or constraint which impeded the implementation of any measure relevant to the terms of the Protocol during the period under review. State what action was taken to solve any such a problem or constraint.

7. Any relevant remarks or comments regarding the implementation of the Protocol.

Briefly give any other relevant remarks or comments of a general nature regarding action taken towards the implementation of the Protocol during the period under review.

3.1.4. Format for biennial report on the implementation of the Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities.

To be submitted to MED POL

1. Country.

Name of country with regard to which report is being submitted

2. Period covered by the Report.

Write down biennium covered by the report, e.g. 01 January 2000 to 31 December 2001.

3. National Organization responsible for compiling report

Give name and address of the national Organization compiling this report, including name and title of person actually responsible for its compilation.

4. Assistance received towards the compilation of the present report.

Give details of any assistance received from UNEP/MAP in the form of funds, expert advice, etc. , including name(s) of expert(s) and amount and purpose of funds received, if any, as applicable.

5. Legal and/or administrative measures taken under the terms of the Protocol :

5.1. To elaborate and/or implement national action plans and programmes and joint measures adopted by the Contracting Parties (Articles 5.2, 5.3 and 5.4).

State whether any national action plans, programmes and measures to eliminate or reduce pollution from land-based sources and activities, particularly regarding the phasing out of inputs of the substances listed in Annex I to the Protocol, were developed and/or implemented during the period under review. If in the affirmative, briefly describe the action plan, programme or measure. Also state whether, during the same period, any action plan, programme and/or measure adopted jointly by the Parties was implemented in the reporting country.

5.2. To reduce to the minimum the risk of pollution caused by accidents (Article 5.5).

State whether any preventive measures were taken at national level during the period under review to reduce to the minimum the risk of pollution caused by accidents. If in the affirmative, briefly describe the measures in question..

5.3. To establish authorization or regulation systems for control of discharges, including systems of inspection and sanctions (Article 6).

State what steps were taken during the period under review to establish authorization and/or regulation systems for the control of discharges, and to provide for systems of inspection by the national competent authorities to assess compliance with such authorizations and regulations. State whether any request for assistance was made to, and received from, the Organization (UNEP)

- 5.4. To implement resolutions adopted by Contracting Parties regarding standards and criteria for the quality of seawater used for specific purposes (Article 7.1).
- (a) Interim environmental quality criteria for bathing waters (1985);
 - (b) Interim environmental quality criteria for shellfish waters (1987).

State whether any legal and/or administrative measures were taken or updated to implement the Resolutions adopted by the Contracting Parties referring to the above Interim Environmental Quality Criteria during the period under review.

- 5.5. To assess levels of pollution along the coast, in particular with regard to the sectors of activity and categories of substances listed in Annex 1 to the protocol (Article 8 (a)).

State whether any monitoring activities designed to assess levels of pollution along the coast, in particular with regard to the sectors of activity and categories of substances listed in Annex 1 to the protocol were undertaken during the period under review. State also whether the results of such monitoring were communicated to the Organization (UNEP)

- 5.6. To evaluate the effectiveness of national action plans, programmes and measures implemented under the Protocol (Article 8 (b)).

State whether any evaluation of the effectiveness of national action plans, programmes and measures implemented under the terms of the Protocol to eliminate to the fullest extent pollution of the marine environment was carried out during the period under review. If in the affirmative, briefly describe the results of such evaluation.

6. Brief description of any problems or constraints in implementation of the Protocol.

Briefly describe state any problem or constraint which impeded the implementation of any measure relevant to the terms of the Protocol during the period under review. State what action was taken to solve such a problem or constraint.

7. Any relevant remarks or comments regarding the implementation of the Protocol.

Briefly give any other relevant remarks or comments of a general nature regarding action taken towards the implementation of the Protocol during the period under review.

3.1.5. Format for biennial report on the implementation of the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean:

To be submitted to SPA/RAC

1. Country.

Name of country with regard to which report is being submitted

2. Period covered by the Report.

Write down biennium covered by the report, e.g. 01 January 2000 to 31 December 2001.

3. National Organization responsible for compiling report

Give name and address of the national Organization compiling this report, including name and title of person actually responsible for its compilation.

4. Assistance received towards the compilation of the present report.

Give details of any assistance received from UNEP/MAP in the form of funds, expert advice, etc. , including name(s) of expert(s) and amount and purpose of funds received, if any, as applicable.

5. Legal and/or administrative measures taken under the terms of the Protocol :

- 5.1. To protect, preserve and manage marine and coastal areas of particular natural or cultural value, and to protect, preserve and manage threatened and endangered species of marine and coastal flora and fauna (Article 3).

State what legislation was enacted or administrative measures implemented during the period under review for the protection, preservation and management of national marine and coastal areas considered to be of particular natural or cultural value, and for the protection, preservation and management of threatened or endangered species of marine and coastal fauna and flora.

- 5.2. To establish Specially Protected marine and coastal areas (Article 5).

State what legislative and/or administrative measures were enacted and/or implemented during the period under review for the establishment of Specially Protected marine and coastal areas.

- 5.3. To ensure protection in conformity with Article 6, in particular:

- (a) Strengthening of application of the other Protocols and other treaties (Article 6(a));

State what legislative and/or administrative measures, if any, were taken during the period under review in order to strengthen the application of other Protocols and other (non-MAP) international legal instruments, insofar as the protection of specially protected areas is concerned.

- (b) Prohibition of dumping or discharge affecting protected areas (Article 6(b));

State what legislative and/or administrative measures, if any, were taken during the period under review regarding the prohibition of dumping or discharge in localities where specially protected areas could be affected.

- (d) Regulation of the passage of ships (Article 6(c));

State what legislative and/or administrative measures, if any, were taken during the period under review to regulate the passage of ships through specially protected areas.

- (e) Regulation of introduction of species (Article 6(d));

State what legislative and/or administrative measures, if any, were taken during the period under review in order to regulate the introduction of any species not indigenous to specially protected areas.

- (f) Regulation of activities (Article 6(e), 6(h));

State what legislative and/or administrative measures, if any, were taken during the period under review in order to regulate or prohibit within specially protected areas any activity involving the exploration or modification of the soil or of the exploitation of the subsoil of the land part, the seabed or its subsoil. Similarly, state what measures have been taken to regulate and, if necessary to prohibit, any other activity or act likely to harm or disturb the species or that might endanger the state of conservation of the ecosystems or species, or might impair the natural or cultural characteristics of specially protected areas.

- (g) Regulation of scientific research activities (Article 6(f));

State what legislative and/or administrative measures were taken during the period under review to regulate scientific research activity within specially protected areas.

- (h) Regulation of fishing, hunting, taking of animals, harvesting of plants, and trade in plants and animals and parts thereof originating from protected areas (Article 6 (g));

State what legislative and/or administrative measures were taken during the period under review to regulate fishing, hunting, taking of animals, harvesting of plants, and trade in plants and animals and parts thereof originating from protected areas

- 5.4. Regarding planning and management of specially protected areas (Article 7);

State and briefly describe what legislative and/or administrative measures have been taken during the period under review for the planning, management and supervision of specially protected areas.

- 5.5 For the protection and conservation of species (Article 11);

State what legislative and/or administrative measures were taken during the period under review to comply with the provisions of Article 11 of the Protocol, in particular those measures related to regulation or prohibition of (a) taking, possessing, killing, transporting and commercial exhibition of protected species of fauna, their eggs,

parts or products, (b) the disturbance of wild fauna during sensitive periods, and (c) the destruction or disturbance of protected species of flora.

- 5.6. To regulate introduction of non-indigenous or genetically modified species (Article 13);

State what legislative and/or administrative measures were taken during the period under review to regulate the intentional or accidental introduction of non-indigenous or genetically-modified species to the wild, and to prohibit those that may have harmful impacts on the ecosystems, habitats or species in the Protocol area. State also what legislative and/or administrative measures have been taken during the period under review to ensure the eradication of harmful species that had already been introduced.

- 5.7. To grant exemptions from protection measures (Article 12,18).

State what exemptions from the prohibitions prescribed in the annexes to the Protocol were granted during the period under review.

6. Brief description of any problems or constraints in implementation of the Protocol.

Briefly describe state any problem or constraint which impeded the implementation of any measure relevant to the terms of the Protocol during the period under review. State what action was taken to solve such a problem or constraint.

7. Any relevant remarks or comments regarding the implementation of the Protocol.

Briefly give any other relevant remarks or comments of a general nature regarding action taken towards the implementation of the Protocol during the period under review.

3.1.6. Format for biennial report on the implementation of the Protocol on Pollution resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil:

To be submitted to REMPEC

1. Country.

Name of country with regard to which report is being submitted

2. Period covered by the Report.

Write down biennium covered by the report, e.g. 01 January 2000 to 31 December 2001.

3. National Organization responsible for compiling report

Give name and address of the national Organization compiling this report, including name and title of person actually responsible for its compilation.

4. Assistance received towards the compilation of the present report

Give details of any assistance received from UNEP/MAP in the form of funds, expert advice, etc., including name(s) of expert(s) and amount and purpose of funds received, if any, as applicable.

5. Legal and/or administrative measures taken under the terms of the Protocol :

5.1. Regarding prior written authorization for seabed exploration and/or exploitation (Article 4.1) and the requirements for such authorization (Article 5 and Annex 4).

State what legislative and/or administrative measures were enacted and/or implemented during the period under review regarding the requirement for prior written authorization for seabed exploration and/or exploitation. State also what legislative and/or administrative measures were enacted and/or implemented during the period under review regarding the requirements for such authorization in terms of Article 5 and Annex 4 of the Protocol.

5.2. For the control of use, storage and disposal of chemicals in authorised activities covered by the Protocol (Article 9).

State what legislative and/or administrative measures were enacted and/or implemented during the period under review to control the use, storage and disposal of chemicals in accordance with the terms of Article 9 of the Protocol.

5.3. Regarding the discharge of sewage from installations (Article 11).

State what legislative and/or administrative measures were enacted and/or implemented during the period under review to control the discharge of sewage from installations, in accordance with the provisions of Article 11 of the Protocol.

5.4. Regarding the disposal of garbage from installations (Article 12).

State what legislative and/or administrative measures were enacted and/or implemented during the period under review to control the disposal of garbage by prohibiting the disposal into the Protocol area of the materials listed in Article 12.1 (a) and (b) of the Protocol, and ensuring that disposal into the Protocol area of food wastes is effected as far away as possible from land in accordance with international rules and standards.

5.5. Regarding the disposal of all wastes and harmful substances in designated onshore reception facilities (Article 13).

State what legislative and/or administrative measures were enacted and/or implemented during the period under review to ensure that operators in charge of installations dispose satisfactorily of all wastes and harmful or noxious substances and materials in designated onshore reception facilities, as required by Article 13 of the Protocol.

5.6. Regarding safety measures (Article 15).

State what legislative and/or administrative measures were enacted and/or implemented during the period under review to ensure the taking of safety measures with regard to the design, construction, placement, equipment, marking, operation and maintenance of installations, as required by Article 15 of the Protocol. State also what legislative and/or administrative measures were enacted and/or implemented during the period under review to ensure that at all times the operator has on the installations adequate equipment and devices maintained in good working order for protecting human life, preventing and combating accidental pollution and facilitating prompt response to an emergency, in accordance with the best available environmentally effective and economically appropriate techniques in terms of the operator's contingency plan by virtue of Article 15.2 and Article 16 of the Protocol.

5.7. Regarding Operator's contingency plan (Article 16).

State what steps were taken during the period under review to ensure that operators in charge of installations under the jurisdiction of the reporting Party have a contingency plan to combat accidental pollution, coordinated with the contingency of the reporting Contracting Party established in accordance with the new Prevention and Emergency Protocol, and approved in conformity with the procedures established by the competent authorities. State also what legislative and/or administrative measures were enacted and/or implemented during the period under review regarding the establishment of coordination for the development and implementation of contingency plans, in terms of Article 16.3 and Annex VII of the Protocol.

5.8. Regarding notification of events on the installation or at sea likely to cause pollution (Article 17).

State what legislative and/or administrative measures were enacted and/or implemented during the period under review to ensure that operators in charge of installations under national jurisdiction report without delay to the competent authority any event on their installation or observed at sea causing or likely to cause pollution in the Protocol area.

5.9. Regarding removal of installations (Article 20).

State what legislative and/or administrative measures were enacted and/or implemented during the period under review for the removal of abandoned installations in terms of Article 20 of the Protocol.

5.10. Regarding activities initiated before the entry into force of the Protocol (Article 29).

State what legislative and/or administrative measures were enacted and/or implemented during the period under review regarding activities initiated before the entry into force of the Protocol.

6. Brief description of any problems or constraints in implementation of the Protocol.

Briefly describe state any problem or constraint which impeded the implementation of any measure relevant to the terms of the Protocol during the period under review. State what action was taken to solve such a problem or constraint.

7. Any relevant remarks or comments regarding the implementation of the Protocol.

Briefly give any other relevant remarks or comments of a general nature regarding action taken towards the implementation of the Protocol during the period under review.

3.1.7. Format for biennial report on the implementation of the Protocol on the Transboundary Movement of Hazardous Wastes and their Disposal:

To be submitted to MED POL

1. Country.

Name of country with regard to which report is being submitted

2. Period covered by the Report.

Write down biennium covered by the report, e.g. 01 January 2000 to 31 December 2001.

3. National Organization responsible for compiling report

Give name and address of the national Organization compiling this report, including name and title of person actually responsible for its compilation.

4. Assistance received towards the compilation of the present report.

Give details of any assistance received from UNEP/MAP in the form of funds, expert advice, etc. , including name(s) of expert(s) and amount and purpose of funds received, if any, as applicable.

5. Legal and/or administrative measures taken under the terms of the Protocol :

- 5.1. To reduce or eliminate the generation of hazardous wastes (Article 5.2).

State what legislative and/or administrative measures were enacted and/or implemented during the period under review with a view to reducing to a minimum or, where possible, eliminate the generation of hazardous waste.

- 5.2. To reduce the transboundary movement of hazardous wastes or contribute to the elimination of such movement in the Mediterranean (Article 5.3).

State what legislative and/or administrative measures were enacted and/or implemented during the period under review to reduce and possibly eliminate the transboundary movement of hazardous waste in the Mediterranean, such as bans on the import of hazardous waste, and refusal of permits for export of hazardous waste to States which have prohibited their import.

- 5.3. To prohibit the export and transit of hazardous wastes to developing countries, or to prohibit all imports and transit of hazardous wastes (Article 5.4).

State what legislative and/or administrative measures were enacted during the period under review to prohibit the export and transit of hazardous wastes to developing countries, or to prohibit all imports and transit of hazardous wastes, in accordance with the terms of Article 5.4 of the protocol.

- 5.4. To prevent and punish illegal traffic of hazardous wastes (Article 5.5, Article 9).

State what legislative and/or administrative measures were enacted and/or implemented during the period under review to prevent and punish illegal traffic in hazardous wastes, including criminal penalties on all persons involved in such illegal activities, in accordance with the terms of Article 5.5 and Article 9 of the Protocol.

- 5.5. To control transboundary movements of hazardous wastes (Article 6), in particular regarding prior notification of transboundary movements of hazardous wastes through territorial seas, as provided by Article 6.4 and Annex IV.

State what legislative and/or administrative measures were enacted and/or implemented during the period under review to control transboundary movements of hazardous wastes, and to ensure notification procedures as specified in Article 6 and Annex IV of the Protocol.

6. Brief description of any problems or constraints in implementation of the Protocol.

Briefly describe state any problem or constraint which impeded the implementation of any measure relevant to the terms of the Protocol during the period under review. State what action was taken to solve such a problem or constraint.

7. Any relevant remarks or comments regarding the implementation of the Protocol.

Briefly give any other relevant remarks or comments of a general nature regarding action taken towards the implementation of the Protocol during the period under review.

3.2. Format for National Report on the technical implementation of the Dumping Protocol: Report on the disposal of wastes or other matter in terms of Articles 4, 5, 6, 8 and 9.

To be submitted to MED POL

1. Country.

Name of country with regard to which report is being submitted

2. Period covered by the Report.

Write down biennium covered by the report, e.g. 01 January 2000 to 31 December 2001.

3. National Organization responsible for compiling report

Give name and address of the national Organization compiling this report, including name and title of person actually responsible for its compilation.

4. Number of permits issued in terms of Articles 5 and 6 of the Protocol

State the number of approval permits issued during the period under review for the dumping of wastes or other matter listed in Article 4.2 of the Protocol.

State also the number of approval permits issued during the period under review for the dumping of wastes under the terms of Articles 5 and 6 of the 1976 Dumping Protocol, i.e. special permits for the dumping of Annex IB substances and Annex II substances, and general permits for the dumping of other substances.

5. For each permit issued:

- (a) Issuing authority
- (b) Permit start date / Permit expiry date
- (c) Country of origin of wastes or other matter, and port of loading
- (d) Detailed specification of wastes or other matter, and description of the process or source from which the waste or other matter is derived
- (e) Form in which waste or other matter is presented for disposal, *i.e.* solid, liquid or sludge (in case of liquids or sludges, include weight per cent of insoluble compounds)
- (f) Total quantity (in metric tonnes) of waste or other matter covered
- (g) Expected frequency of dumping
- (h) Chemical composition of waste or other matter (this should be sufficiently detailed to provide adequate information, in particular with regard to concentrations of prohibited substances)
- (i) Properties of waste or other matter (solubility, relative density, pH)
- (j) Method of packaging, if applicable
- (k) Method of release
- (l) Procedure and site for adequate tank washing, if applicable
- (m) Approved dumping site (geographical position – latitude and longitude, depth of water, distance from nearest coast).
- (n) Any relevant additional information on the basis of the Annex to the Protocol.

List the permits issued during the period under review and, for each, provide the information in (a) to (n) above. Use a separate sheet or sheets for each permit.

6. Number of occurrences of dumping in cases of *force majeure* in terms of Article 8 of the Protocol, if any.

List the number of occurrences during the period under review, if any, where dumping of wastes occurred because of force majeure.

7. For each such occurrence:
(a) Date of dumping
(b) Reference number and date of report to Organization
(c) Reference number and date of report to any other Contracting Parties (if applicable)

In the case of each of the occurrences referred to in 6 above, if any, provide the information detailed in 7 above. Use a separate sheet or sheets for each occurrence described.

8. Number of occurrences of dumping at sea in critical situations in terms of Article 9 of the Protocol, if any.

List the number of occurrences during the period under review, if any, where dumping of wastes at sea occurred because of their disposal on land would result in unacceptable danger and damage.

9. For each such occurrence:
(a) Reference number and date of referral to Organization
(b) Date of reply from Organization
(c) Date of dumping, if applicable.
(d) Storage or disposal of the material, if not dumped at sea.

For each occurrence specified in 8 above, if any, state the reference number allotted to such occurrence, and the date on which the matter was referred to the Organization (UNEP) in terms of Article of the Protocol, together with the date of the Organization's reply, and the date of dumping of the material, if applicable. If the material was not dumped at sea, specify the type of storage or disposal. There is no need to attach copies of the actual correspondence with the Organization.

10. Total quantities of each material or substance dumped during the period under review.

Give the total quantities of each material or substance dumped at sea during the period under review.

3.3. Format for National Report on the technical implementation of the Prevention and Emergency Protocol.

To be submitted to REMPEC.

1. Country

Name of country with regard to which report is being submitted

2. Period covered by the Report.

Write down biennium covered by the report, e.g. 01 January 2000 to 31 December 2001.

3. National Organization responsible for compiling report

Give name and address of the national Organization compiling this report, including name and title of person actually responsible for its compilation.

4. Status of National Contingency Plan, including geographical coverage and application to oil, other harmful substances or both

Briefly describe developments in the status of the National Contingency Plan during the period under review. Provide details of the Plan's coverage, including geographical areas involved and scope of application (oil, harmful substances or both), at the end of the period under review (i.e. in the first periodic report, as at 31 December 2001). If details have already been provided to REMPEC, make a statement to this effect, with a reference to the date of submission of the material in question.

5. Operational responsibilities and command structure of authorities at different hierarchical levels of Government

Briefly describe developments occurring during the period under review in the operational responsibilities and command structure of national authorities for dealing with pollution from ships and pollution emergencies at sea. Provide details of such structure in tabular form as at the end of the period under review (i.e. in the first periodic report, as at 31 December 2001). If details have already been provided to REMPEC, make a statement to this effect, with a reference to the date of submission of the material in question.

6. Response strategy

Briefly describe the strategy employed in the reporting country for (a) prevention of pollution from ships and (b) responding to pollution incidents at sea. Describe any developments occurring in the development and evolution of such strategy during the period under review. If updated details on such strategy have already been provided to REMPEC, make a statement to this effect, with a reference to the date of submission of the material in question.

7. Policy on the use of dispersants

Briefly describe the official policy in the reporting country regarding the use of dispersants for controlling oil pollution at sea. Describe any developments occurring in the development of such policy during the period under review. If updated details on such policy have already been provided to REMPEC, make a statement to this effect, with a reference to the date of submission of the material in question.

8. Status of capacity for airborne surveillance with/without remote sensing equipment

State what improvements were made in the national capacity of the reporting country for airborne surveillance of pollution from ships and pollution incidents at sea, during the period under review. If remote sensing equipment is available to the reporting country, specify in as much detail as possible the extent to which such equipment is used within the framework of national airborne surveillance of pollution.

9. Status of availability of sensitivity maps

Briefly describe developments in the availability status of sensitivity maps relating to marine and coastal areas during the period under review. Provide a statement, showing the status availability of such maps at the end of the period under review (i.e. in the first periodic report, as at 31 December 2001).

10. Number of reports of pollution incidents or spillages observed at sea likely to constitute a local emergency

State the number of reports of pollution incidents or spillages observed at sea during the period under review which were considered likely to constitute a local emergency.

11. For each such report:

- (a) Date and source of report.
- (b) Type of incident or spill, and nature and amounts of pollutants involved.
- (c) Request for assistance from other Parties and/or Regional Centre, if any.
- (d) Assistance provided, and by whom.
- (e) Results of action taken.

For each report under 10 above, provide brief information in accordance with (a) to (e) of 11 above.

12. Number of reports of pollution incidents or spillages observed at sea likely to affect other Parties

State the number of reports of pollution incidents or spillages observed at sea during the period under review which were considered likely to affect other Parties

13. For each such report:

- (a) Date and source of report.
- (b) Date of transmission of information to other Parties and/or Regional Centre.
- (c) To whom information was transmitted.

For each report under 12 above, provide brief information in accordance with (a) to (c) of 13 above.

**3.4 Format for National *ad hoc* Report on pollution at sea (POLREP).
(in accordance with Recommendation II A (a) (b) 4 approved by the XIth
Ordinary Meeting of the Contracting Parties in 1999)**

POLLUTION REPORTING SYSTEM (POLREP)

1. The pollution reporting system is for use between Contracting Parties to the Emergency Protocol of the Barcelona Convention themselves and between the Contracting Parties and the Regional Centre, for exchanging information when pollution of the sea has occurred or when a threat of such is present.

2. POLREP is divided into three parts:

1	Part I or POLWARN (figures 1-5)	POLLution WARNING	gives first information or warning of the pollution or the threat
2	Part II or POLINF (figures 40-60)	POLLution INFormation	gives detailed supplementary INFormation, as well as situation reports
3	Part III or POLFAC (figures 80-99)	POLLution FACILITIES	is used for requesting assistance from other Contracting Parties and for defining operational matters related to the assistance

3. A summarised list of POLREP is given below.

	Address	from	to
INTRODUCTORY PART	Date Time Group Identification Serial number		
<hr/>			
PART I (POLWARN)	1	Date and time	
	2	Position	
	3	Incident	
	4	Outflow	
	5	Acknowledge	
<hr/>			
PART II (POLINF)	40	Date and time	
	41	Position	
	42	Characteristics of pollution	
	43	Source and cause of pollution	
	44.	Wind direction and speed	
PART II (POLINF) (continued)	45.	Current or tide	
	46	Sea state and visibility	
	47	Drift of pollution	
	48	Forecast	
	49	Identity of observer and ships on scene	

50	Action taken
51	Photographs or samples
52	Names of other States informed
53-59	Spare
60	Acknowledge

PART III (POLFAC)	80	Date and time
	81	Request for assistance
	82	Cost
	83	Pre-arrangements for the delivery
	84	Assistance to where and how
	85	Other States requested
	86	Change of command
	87	Exchange of information
	88-98	Spare
99	Acknowledge	

EXPLANATION OF A POLREP MESSAGE

INTRODUCTORY PART

Contents	Remarks
ADDRESS	<p>Each report should start with an indication of the country whose competent national authority is sending it and of addressee, e.g.:</p> <p>FROM:ITA (indicates the country which sends the report) TO: GRC (indicates the country to which it is sent) or REMPEC (indicates that the message is sent to the Regional Centre).</p>
DTG (Day Time Group)	<p>The day of the month followed by the time (hour and minute) of Drafting the message. Always a 6-figure group which may be followed by month indication. Time should be stated either as GMT, e.g. 092015Z June (i.e. the 9th of the relevant month at 20.15 GMT) or as local time e.g. 092115LT June.</p>
IDENTIFICATION	<p>"POL..." indicates that the report might deal with all aspects of pollution (such as oil as well as other harmful substances).</p> <p>".....REP" indicates that this is a report on a pollution incident. It can contain up to 3 main parts:</p> <p>Part I (POLWARN) - is an initial notice (a first information or a warning) of a casualty or the presence of oil slicks or harmful substances. This part of the report is numbered from 1 to 5.</p> <p>Part II (POLINF) - is a detailed supplementary report to Part I. This part of the report is numbered from 40 to 60.</p>

Contents	Remarks																																												
	<p>Part III (POLFAC) - is for a requests for assistance from other Contracting Parties, as well as for defining operational matters related to the assistance. This part of the report is numbered from 80 to 99.</p>																																												
	<p>BARCELONA CONVENTION indicates that the message is sent within the framework of the Emergency Protocol of the Barcelona Convention.</p>																																												
	<p>Parts I, II and III can be transmitted all together in one report or separately. Furthermore, single figures from each part can be transmitted separately or combined with figures from the two other parts.</p>																																												
	<p>Figures without additional text <u>shall not</u> appear in the POLREP.</p>																																												
	<p>When Part I is used as warning of a serious threat, the telex should be headed with the traffic priority word "URGENT".</p>																																												
	<p>All POLREPs containing ACKNOWLEDGE figures (5, 60 or 99) should be acknowledged as soon as possible by the competent national authority of the country receiving the message.</p>																																												
	<p>POLREPs should always be terminated by a telex from the reporting State, which indicates that no more operational communication on that particular incident can be expected.</p>																																												
SERIAL NUMBER	<p>Each single report should be possible to identify and the receiving agency should be in a position to check whether all reports of the incident in question have been received. This is done by using a nation-identifier:</p>																																												
	<table border="0"> <tbody> <tr> <td>Albania</td> <td>ALB</td> <td>Lebanon</td> <td>LBN</td> </tr> <tr> <td>Algeria</td> <td>DZA</td> <td>Libya</td> <td>LBY</td> </tr> <tr> <td>Bosnia & Herzegovina</td> <td>BIH</td> <td>Malta</td> <td>MLT</td> </tr> <tr> <td>Croatia</td> <td>CRT</td> <td>Monaco</td> <td>MCO</td> </tr> <tr> <td>Cyprus</td> <td>CYP</td> <td>Morocco</td> <td>MAR</td> </tr> <tr> <td>EU</td> <td>EU</td> <td>Slovenia</td> <td>SLO</td> </tr> <tr> <td>Egypt</td> <td>EGY</td> <td>Spain</td> <td>ESP</td> </tr> <tr> <td>France</td> <td>FRA</td> <td>Syria</td> <td>SYR</td> </tr> <tr> <td>Greece</td> <td>GRC</td> <td>Tunisia</td> <td>TUN</td> </tr> <tr> <td>Israel</td> <td>ISR</td> <td>Turkey</td> <td>TUR</td> </tr> <tr> <td>Italy</td> <td>ITA</td> <td></td> <td></td> </tr> </tbody> </table>	Albania	ALB	Lebanon	LBN	Algeria	DZA	Libya	LBY	Bosnia & Herzegovina	BIH	Malta	MLT	Croatia	CRT	Monaco	MCO	Cyprus	CYP	Morocco	MAR	EU	EU	Slovenia	SLO	Egypt	EGY	Spain	ESP	France	FRA	Syria	SYR	Greece	GRC	Tunisia	TUN	Israel	ISR	Turkey	TUR	Italy	ITA		
Albania	ALB	Lebanon	LBN																																										
Algeria	DZA	Libya	LBY																																										
Bosnia & Herzegovina	BIH	Malta	MLT																																										
Croatia	CRT	Monaco	MCO																																										
Cyprus	CYP	Morocco	MAR																																										
EU	EU	Slovenia	SLO																																										
Egypt	EGY	Spain	ESP																																										
France	FRA	Syria	SYR																																										
Greece	GRC	Tunisia	TUN																																										
Israel	ISR	Turkey	TUR																																										
Italy	ITA																																												
	<p>Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea</p>																																												
	<p>The nation-identifier should be followed by a stroke and the name of the ship or other installation involved in the accident and another stroke followed by the number of the actual report concerning this particular accident.</p>																																												

Contents	Remarks
	ITA/POLLUX/1 indicates that this is the first report from Italy concerning the accident of MT "POLLUX".
	ITA/POLLUX/2, in accordance with the described system, indicates the second report on the same incident.
Part I (POLWARN)	
1 DATE AND TIME	The day of the month as well as the time of the day when the incident took place or, if the cause of the pollution is not known, the time of the observation should be stated with 6 figures. Time should be stated as GMT for example, 091900z (i.e. the 9th of the relevant month at 1900 GMT) or as local time for example, 091900lt (i.e. 9th of the relevant month at 1900 local time)
2 POSITION	Indicates the main position of the incident in latitude and longitude in degrees and minutes and may, in addition, give the bearing of and the distance from a location known by the receiver.
3 INCIDENT	The nature of the incident should be stated here, such as BLOWOUT, TANKER GROUNDING, TANKER COLLISION, OIL SLICK, etc.
4 OUTFLOW	The nature of the pollution, such as CRUDE OIL, CHLORINE, DINITROL, PHENOL, etc. as well as the total quantity in tonnes of the outflow and/or the flow rate, as well as the risk of the further outflow. If there is no pollution but a pollution threat, the words NOT YET followed by the substance, for example, NOT YET FUEL OIL, should be stated.
5 ACKNOWLEDGE	When this figure is used the telex should be acknowledged as soon as possible by the competent national authority.
Part II (POLINF)	
40 DATE AND TIME	No. 40 relates to the situation described in figures 41 to 60 if it varies from figure 1.
41 POSITION AND/OR EXTENT OF POLLUTION ON/ ABOVE/IN THE SEA	Indicates the main position of the pollution in latitude and longitude in degrees and minutes and may in addition give the distance and bearing of some prominent landmark known to the receiver if other than indicated in figure 2. Estimate amount of pollution (e.g. size of polluted areas, number of tonnes of oil spilled if other than indicated in figure 4, or number of containers, drums etc. lost). Indicates length and width of slick given in nautical miles if not indicated in Fig. 2.
42 CHARACTERISTICS OF POLLUTION	Give type of pollution, e.g. type of oil with viscosity and pour point, packaged or bulk chemicals, sewage. For chemicals give proper name or United Nations number if known. For all, give also appearance, e.g. liquid, floating solid, liquid oil, semi-liquid sludge, tarry lumps, weathered oil, discolouration of sea, visible vapour. Any markings on drums, containers, etc. should be given.
43 SOURCES AND CAUSE OF POLLUTION	For example, from vessel or other undertaking. If from vessel, say whether as a result of a deliberate discharge or casualty. If the latter, give brief description. Where possible, give name, type, size, call sign, nationality and port

Contents	Remarks
	of registration of polluting vessel. If vessel is proceeding on its way, give course, speed and destination.
44 WIND DIRECTION AND SPEED	Indicates wind direction and speed in degrees and m/s. The direction always indicates from where the wind is blowing.
45 CURRENT DIRECTION AND SPEED AND/OR TIDE	Indicates currents direction and speed in degrees and m/s. The direction always indicates the direction in which the current is flowing.
46 SEA STATE AND VISIBILITY	Sea state indicated as wave height in metres. Visibility in nautical miles.
47 DRIFT OF POLLUTION	Indicates drift course and speed of pollution in degrees and knots and tenths of knots. In case of air pollution (gas cloud) drift speed is indicated in m/s.
48 FORECAST OF LIKELY EFFECT OF POLLUTION AND ZONES AFFECTED	For example, arrival on beach with estimated timing. Results of mathematical models.
49 IDENTITY OF OBSERVER/REPORTER IDENTITY OF SHIPS ON SCENE	Indicates who has reported the incident. If a ship, name, home port, flag and call sign must be given. Ships on scene can also be indicated under this item by name, home port, flag and call sign, especially if the polluter cannot be identified and the spill is considered to be of recent origin.
50 ACTION TAKEN	Any action taken in response to the pollution.
51 PHOTOGRAPHS OR SAMPLES	Indicates if photographs or samples from the pollution have been taken. Telex number of the sampling authority should be given
52 NAMES OF OTHER STATES AND ORGANIZATIONS INFORMED	
53 - 59	SPARE FOR ANY OTHER RELEVANT INFORMATION (e.g. results of sample or photographic analysis, results of inspection of surveyors, statements of ship's personnel, etc.)
60 ACKNOWLEDGE	When this figure is used the telex should be acknowledged as soon as possible by the competent national authority.
Part III (POLFAC)	
80 DATE AND TIME	No. 80 is related to the situation described below, if it varies from figures 1 and/or 40.
81 REQUEST FOR ASSISTANCE	Type and amount of assistance required in form of: <ul style="list-style-type: none"> - specified equipment - specified equipment with trained personnel - complete strike teams - personnel with special expertise with indication of country requested.
82 COST	Requirements for cost information to requesting country of delivered assistance.
83 PRE-ARRANGEMENTS FOR DELIVERY OF ASSISTANCE	Information concerning customs clearance, access to territorial waters, etc. in the requesting country.
84 TO WHERE ASSISTANCE SHOULD BE RENDERED	Information concerning the delivery of the assistance, e.g. rendez-vous at sea with information on AND HOW frequencies to be used, call sign and name of supreme on-scene commander of the requesting country, or

Contents	Remarks
	land-based authorities with telephone, telex and fax numbers and contact persons.
85 NAMES OF OTHER STATES AND ORGANIZATIONS	Only to be filled in if not covered by figure 81, e.g. if further assistance is later needed by other States.
86 CHANGE OF COMMAND	When a substantial part of an oil pollution or serious threat of oil pollution moves or has moved into the zone of another Contracting Party, the country which has exercised the supreme command of the operation may request the other country to take over the supreme command.
87 EXCHANGE OF INFORMATION	When a mutual agreement has been reached between two parties on a change of supreme command, the country transferring the supreme command should give a report on all relevant information pertaining to the operation to the country taking over the command.
88 - 98	SPARE FOR ANY OTHER RELEVANT REQUIREMENTS OR INSTRUCTIONS
99 ACKNOWLEDGE	When this figure is used the telex should be acknowledged as soon as possible by the competent national authority.

3.5. Format for National Report on the technical implementation of the Land-based Sources Protocol

To be submitted to MED POL

1. Country

Name of country with regard to which report is being submitted

2. Period covered by the Report.

Write down biennium covered by the report, e.g. 01 January 2000 to 31 December 2001.

3. National Organization responsible for compiling report

Give name and address of the national Organization compiling this report, including name and title of person actually responsible for its compilation.

4. Statistical information on authorizations for discharge granted, as per attached appendix.

Insert the required statistical information on authorizations for discharge granted during the period under review in the tables in the appendix to this section.

5. Number and type of sanctions applied in cases of non-compliance with authorizations and regulations.

State the number and type of sanctions applied in cases of non-compliance with the terms of authorizations granted, or of relevant regulations during the period under review.

6. Information on the institutional structure of inspection systems

Briefly describe developments in the institutional structure of inspection systems established in accordance with the terms of Article 6.2 of the Protocol during the period under review. Give details of the institutional structure as it stands at the end of the period under review (i.e. in the first periodic report, as at 31 December 2001).

Appendix to Section 3.5

Statistical information on authorizations for discharge granted.

Section 1

Sector of activity (1)	Number of ongoing authorizations	Number of new authorizations	%age of total authorizations (3)	Load of substances released (2) Tons/year
Energy production				
Fertilizer production				
Production and formulation of biocides				
Pharmaceutical industry				
Petroleum refining				
Paper and paper-pulp industry				
Cement production				
Tanning industry				
Metal industry				
Mining				
Shipbuilding and ship repairing industry				
Harbour operations				
Textile industry				
Electronics industry				
Recycling industry				
Other sections of the inorganic chemical industry				
Tourism				

Sector of activity (1)	Number of ongoing authorizations	Number of new authorizations	%age of total authorizations (3)	Load of substances released (2) Tons/year
Agriculture				
Animal husbandry				
Food processing				
Aquaculture				
Treatment and disposal of hazardous wastes				
Treatment and disposal of domestic wastewater				
Management of municipal solid waste				
Disposal of sewage sludge				
Waste management industry				
Works which cause physical alteration of the natural state of the coastline				
Transport				

Section 2

Total load of substances released from all sectors of activities	Quantities Tons/year
Organohalogen compounds	
Organophosphorus compounds	
Organotin compounds	
Polycyclic aromatic hydrocarbons	
Heavy metals and their compounds	
Used lubricating oils	
Radioactive substances, including their wastes	

Total load of substances released from all sectors of activities	Quantities Tons/year
Biocides and their derivatives	
Crude oils and hydrocarbons of petroleum origin	
Cyanides and fluorides	
Non-biodegradable detergents and surface-active substances	
Compounds of nitrogen and phosphorus	
Litter, persistent or processed solid material	
Acid or alkaline compounds	
Non-toxic substances that have an adverse effect on the oxygen balance (specify)	
Non-toxic substances that have adverse effects on the physical or chemical characteristics of seawater (specify)	

- (1) According to LBS Protocol, Annex 1, Section A
- (2) According to LBS Protocol, Annex 1, Section C. This section represents the national baseline budget of emissions/releases
(Please note that one sector could release more than one substance)
- (3) The percentage of authorizations of each sector of activity from the total authorizations granted during the reporting period.

3.6. Proposed Format for National Report on the technical implementation of the Specially Protected Areas Protocol

To be submitted to SPA/RAC

1. Country

Name of country with regard to which report is being submitted

2. Period covered by the Report.

Write down biennium covered by the report, e.g. 01 January 2000 to 31 December 2001.

3. National Organization responsible for compiling report

Give name and address of the national Organization compiling this report, including name and title of person actually responsible for its compilation.

4. List of Specially Protected Areas established in terms of Article 5 (unless already covered by national biennial report on implementation of Convention and protocols).

Give a list of Specially Protected Area established in terms of Article 5 of the Protocol as at the end of the period under review. Within this list, indicate by appropriate annotations which Areas had already been established at the beginning of such period, and which were established during the period under review itself. If such a list has already been included in the part of the biennial report dealing with the Protocol (Section 3.1.5), indicate that this has been effected.

5. Proposals made for inclusion of areas under national jurisdiction in SPAMI list (Article 9 (a))

- (a) Date of proposal/s
- (b) Areas proposed (attach list)

Give a list of areas under national jurisdiction proposed for inclusion in the SPAMI list during the period under review, and the date of each such proposal/s.

6. SPAMI list:

- (a) The status and state of the areas under national jurisdiction included in the SPAMI list (Article 23(a))
- (b) Any changes in the delimitation or legal status of such SPAMIs (Article 23 (b)).

Give an updated list showing the status and state of areas under national jurisdiction included in the SPAMI list during the period under review, and briefly describe any changes occurring in the delimitation or legal status of SPAMIS, whether established prior to, or during, the period under review.

7. Any changes in the delimitation or legal status of protected species.

State whether any changes in the delimitation or legal status of protected species were made during the period under review. If in the affirmative, briefly describe such changes

8. New records of non-indigenous or genetically modified species likely to cause damage (Article 13.2).

Provide information on any new records available on the presence of non-indigenous or genetically modified species likely to cause damage

9. Inventories of the components of biological diversity (Article 15).
- (a) Date of compilation or updating of inventory of areas containing rare or fragile ecosystems;
 - (b) Date of compilation or updating of inventory of threatened or endangered flora and or fauna.
 - (c) Attach inventory/inventories, unless already previously submitted in *ad hoc* report.

Provide information on the dates of compilation or updating of the inventories listed in 9 (a) to (c) above which occurred during the period under review. Attach copies of the relative inventories, unless these have already been submitted to SPA/RAC as part of ad hoc reports.

10. Exemptions granted from protection measures (Articles 12, 18, 23(c)).

Give a list of exemptions granted from protection measures in terms of Articles 12, 18 and/or 23(c) during the period under review. In each case, briefly state the reasons for such exemption.

11. Implementation of the action plans for threatened species adopted within the framework of MAP.

Describe developments in national implementation of the action plans for threatened species adopted within the framework of MAP which occurred during the period under review.

12. Implementation of other relevant recommendations of Contracting Parties not already included in national biennial report on implementation of Convention and Protocols.

Briefly describe national implementation of other recommendations of the Contracting Parties relevant to the Protocol. If such information has already been provided in the part of the biennial report dealing with the Protocol (Section 3.1.5), indicate that this has been effected.

3.7. Appendix to the proposed Format for Report on the technical implementation of the Specially Protected Areas Protocol

Report on Specially Protected Areas of Mediterranean Importance (SPAMIS) under the jurisdiction of more than one country

1. Countries submitting joint Report

Names of countries with regard to which joint report is being submitted

2. Period covered by the Report.

Write down biennium covered by the report, e.g. 01 January 2000 to 31 December 2001.

3. National Organization responsible for compiling report

Give name and address of the national Organization/s compiling this report, including name and title of person/s actually responsible for its compilation.

4. Proposals made for inclusion in SPAMI list of areas situated partly or wholly on the high sea (Article 9 (b))

- (a) Date of proposal/s
- (b) Areas proposed (attach list)
- (c) Countries concerned in each area.

Give a list of any areas proposed for inclusion in the SPAMI list of areas situated partly or wholly on the high sea, as per Article 9 (b) of the Protocol, during the period under review, in each case providing the date of the respective proposal, and the countries concerned in the area in question

5. Proposals made for inclusion in SPAMI list of areas where the limits of national sovereignty or jurisdiction have not yet been defined (Article 9 (c))

- (a) Date of proposal/s
- (b) Areas proposed (attach list)
- (c) Countries concerned in each area.

Give a list of any areas proposed for inclusion in the SPAMI list of areas where the limits of national jurisdiction have not yet been defined, as per Article 9 (c) of the Protocol, during the period under review, in each case providing the date of the respective proposal, and the countries concerned in the area in question

6. SPAMI list:

- (a) The status and state of the areas listed in paragraphs 4 and 5 above included in the SPAMI list (Article 23(a))
- (b) Any changes in the delimitation or legal status of such SPAMIs.

Briefly describe the status and state of each of the areas listed in 4 and 5 above included in the SPAMI list as at the end of the period under review, and any changes made in the delimitation or legal status of such SPAMIs during the period under review.

3.8. Proposed Format for National Report on the technical implementation of the Offshore Protocol

To be submitted to REMPEC

1. Country

Name of country with regard to which report is being submitted

2. Period covered by the Report.

Write down biennium covered by the report, e.g. 01 January 2000 to 31 December 2001.

3. National Organization responsible for compiling report

Give name and address of the national Organization compiling this report, including name and title of person actually responsible for its compilation.

4. Number of authorizations granted for seabed exploration and/or exploitation (Article 4.1).

State the number of authorizations granted for seabed exploration and/or exploitation during the period under review.

5. Number of applications for authorization refused (Article 4.2).

State the number of applications for authorization for seabed exploration and/or exploitation which were refused during the period under review.

6. For each authorization granted (Articles, 4, 9, 21 and Annexes I, II and III):

- (a) Date of authorization
- (b) Period covered by authorization
- (c) Brief description of activity authorised
- (d) Geographical site of activity
- (e) Substances covered by special disposal permit
- (f) Site of discharge of substances in (e) above
- (g) Substances covered by general disposal permit
- (h) Site of discharge of substances in (g) above
- (i) Any special restrictions or provisions stipulated when granting authorizations for safeguarding specially protected areas

For each authorization granted as per 4 above, provide the information listed in (a) to (i) of 6 above. Use a separate page for each authorization.

7. Number of disposals carried out in terms of Article 14 (Exceptions), and dates of reports to Organization in terms of Article 14.3.

State the number of disposals of waste carried out in terms of Article 14 of the Protocol during the period under review, and in each case, the date on which the relative report to the Organization was effected.

8. Nature and total quantities of wastes involved in 6 above.

State the nature and the total quantities of wastes involved in the authorizations granted as per 6 above.

3.9. Proposed Format for National Report on the technical implementation of the Hazardous Wastes Protocol

To be submitted to MED POL

1. Country

Name of country with regard to which report is being submitted

2. Period covered by the Report.

Write down biennium covered by the report, e.g. 01 January 2000 to 31 December 2001.

3. National Organization responsible for compiling report

Give name and address of the national Organization compiling this report, including name and title of person actually responsible for its compilation.

4. Information regarding hazardous wastes generated, including the amount of hazardous wastes and other wastes imported, their category, characteristics, origin, and disposal methods (Article 8.2).

State the amount of hazardous waste generated and imported during the period under review. List the categories of such waste, the characteristics of each, their origin, and the methods of disposal used.

5. Information regarding transboundary movements of hazardous wastes or other wastes in which they have been involved (Article 6, Article 8.2), including:

- (a) The amount of hazardous wastes and other wastes exported, their category, characteristics, destination, any transit country and disposal method as stated on the response to notification;
- (b) The amount of hazardous wastes and other wastes imported, their category, characteristics, origin, and disposal methods;
- (c) Disposals which did not proceed as intended;

State the amount of hazardous wastes (and other wastes containing or including hazardous wastes) exported during the period under review. State the categories and characteristics of such wastes, their destination (including transit countries), and the disposal methods employed. State the amount of similar wastes imported during the period under review, together with the categories and characteristics of the wastes in question, their origin, and methods of disposal employed. Briefly describe any disposals which did not proceed as intend, providing reasons if available.

6. Information on accidents occurring during the transboundary movement and disposal of hazardous wastes and other wastes and on the measures undertaken to deal with them (Article 8.2);

State whether any accidents occurred during the transboundary movement and disposal of any hazardous wastes during the period under review, and if so, what measures were undertaken to deal with such accidents. If in the affirmative, state the effectiveness of the measures undertaken.

7. Information on disposal options operated within the area of their national jurisdiction (Article 8.3)

Provide any information available on alternative options for the disposal of hazardous wastes carried out within the area of national jurisdiction of the reporting country.

PART IV

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