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## PART I

### INTRODUCTION AND BACKGROUND

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

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

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

1.4 Following the revision of the Barcelona Convention, the Contracting Parties made a number of recommendations in connection with the implementation of the Second Phase of the Mediterranean Action plan (MAP II) at their Extraordinary Meeting in Montpellier in July 1996. As part of the recommendations regarding the strategic priorities in institutional and financial arrangements, the Meeting invited the Secretariat, in consultation with the Contracting Parties and the assistance of two to three experts, to propose the development of a system of coherent reporting by the Contracting Parties in conformity with MAP II and the relevant provisions of the Barcelona Convention and its Protocols. In terms of this recommendation, two documents were prepared, one of which listed the various topics,

which Contracting Parties would have to include in their reports to the Secretariat on the implementation of the Convention and Protocols. This document was submitted to the Eleventh Ordinary Meeting of the Contracting Parties, held in Malta in October 1999, as an information document, but was not discussed. At this meeting, however, the Secretariat was requested by the Contracting Parties to continue and finalise the work on the MAP Reporting System with the assistance of a group of experts, and submit the first report to the Bureau.

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

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

1.7 In response to a request by the Secretariat, seven Contracting Parties (Algeria, Croatia, Libya, Monaco, Spain, Tunisia and Turkey) volunteered to participate in the initial phase of the reporting exercise. Representatives from these countries formed the Working Group on Reporting Systems. In conformity with a request by the Bureau, participation was also kept open for other countries that might decide to join the group during the biennium. No other country, however, joined the Group which, consisting of participants from the above countries together with representatives of the relevant components of the Mediterranean Action Plan, held two meetings, the first in Athens in May 2002, and the second in Catania in December 2002. During these two meetings, the Group reviewed progress in the implementation of the pilot reporting exercise, updated the reporting format accordingly and, in order to ensure cohesion between the reports submitted by the different countries, agreed that reporting guidelines should be prepared and incorporated into the reporting formats. It was also agreed that the reporting formats should be based on the latest versions of the Convention and Protocols, and any Contracting Party that had not yet ratified the amended versions or the new Protocols (and were therefore not bound by their terms) should nevertheless report on their situation simply for information purposes. This would also

provide the reporting country itself with an indication of the requirements attached to eventual ratification.

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

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

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

1.11 In line with the above recommendations, a Meeting on Reporting under the Barcelona Convention, aimed at assessing the work done, identifying national needs and reviewing the legal, administrative and technical aspects of the reporting process, was held on 10 and 11 May 2004 in Tunis, at the Centre International des Technologies et de l'Environnement de Tunis. This meeting was attended by representatives of 17 Contracting Parties (Albania, Algeria, Bosnia and Herzegovina, Croatia, European Commission, Egypt, France, Italy, Libyan Arab Jamahiriya, Monaco, Morocco, Serbia and Montenegro, Slovenia, Spain, Syrian Arab Republic, Tunisia and Turkey), by a representative of the United Nations Economic

Commission for Europe (UNECE), by members of the MAP Coordinating Unit and by representatives of MED POL and SPA/RAC.

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

- (a). Any available relevant information on the legal and/or administrative measures taken, starting from 1996 where appropriate, or from whenever they deem most appropriate;
- (b). Any available relevant technical information for the period 2002-2003;
- (c). Assessment of the main achievements and the difficulties encountered in implementing the Convention and Protocols and any needs for better implementation;
- (d). Gaps and constraints faced in completing the reporting forms;
- (e). Specific comments and proposals, if appropriate, regarding content design and periodicity of reporting, or related to the harmonization of the MAP reporting system with other relevant regional or global systems and vice – versa;
- (f). Any comments and proposals for better matching the MAP reporting system with the national reporting system and vice –versa, with reference, where appropriate, to the application of the relevant EU Directives at the national level;
- (g). Listing of all coastal and marine protected areas and zones (including high sea protected areas) with the relevant legal base.

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

1.14 The meeting recommended that the Secretariat should start work on preparing the report “Status of implementation of the Barcelona Convention and its Protocols for the biennium 2002-2003”, which should include the report proper on the status of implementation of the Barcelona Convention in conformity with the information provided by the national reports and using the same forma, and the Findings and recommendations on the MAP reporting system and its relevance to other reporting systems at the global, regional and national levels.



## **Scope of the present document**

1.15 This document, which has been compiled with the assistance of two consultants (Dr Louis J. Saliba, Malta, and Professor Michael Scoullou, Greece), is a summary of national reports on the implementation of the Barcelona Convention and Protocols, submitted to the MAP Secretariat up to 30 May 2005. In its original form, as submitted to the Second Meeting of the Working Group on Implementation and Compliance under the Barcelona Convention held in Athens from 11 to 12 April 2005, and to the Fifth Meeting on Reporting under the Barcelona Convention and its Protocols held in Rabat, Morocco from 13 to 14 June 2005, under the title "Draft Report on the Implementation of the Convention for the Protection of the Mediterranean Environment and the Coastal region of the Mediterranean and its Related protocols, 2002-2003". The document also contained a regional analysis of the overall situation on the basis of the national reports submitted. The analytical part has now become the subject of a separate document, while the present one, containing what can be termed the factual element, is essentially a synopsis of the national reports presented in the form of one consolidated document covering the whole region, and its two main sections deal respectively with (a) biennial reports submitted by the Contracting Parties on the implementation of the Convention and Protocols, which are submitted in terms of Article 26 of the Convention, and cover legal and administrative measures, and (b) reports on the technical implementation of the individual Protocols, submitted in terms of various articles of the Protocols themselves.

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

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

## PART II

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

#### General remarks

2.1.1 National biennial reports on the legal and administrative implementation of the Convention and Protocols were received from nineteen\* Contracting Parties (Albania, Algeria, Bosnia & Herzegovina, Croatia, Cyprus, European Union, France, Greece, Israel, Italy, Libyan Arab Jamahiriya, Morocco, Monaco, Serbia & Montenegro, Slovenia, Spain, Syria, Tunisia). The period covered by the reports is from 1.1.2002 to 31.12.2003. However, almost all parties made references to dates before that period, while some also included information covering 2004 or part of it. These have been included in the present report. For additional information on the overall situation including all Contracting Parties, the status of signatures and ratifications as at 14 September 2004 was also taken into account.

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

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

2.1.4 During the period under review, the amendments to the Barcelona Convention have been accepted by a further five Contracting Parties (Algeria, Greece, Slovenia, Syria and Turkey). Seventeen Contracting Parties (Algeria, Croatia, Cyprus, the European Community, France, Greece, Israel, Italy, Libya, Malta, Monaco, Morocco, Slovenia, Spain, Syria, Tunisia) have signed and seven (Croatia, the European Community, France, Malta, Monaco, Slovenia and Turkey) have ratified the Protocol concerning cooperation in Preventing Pollution by ships (the new "Prevention and Emergency Protocol of 2002). Greece has announced its intention to ratify during 2005. Within the same period, considerable improvements were made by many countries regarding the status of adherence to the legal component of the Mediterranean Action Plan. Bosnia & Herzegovina has announced that preparations are under way for the ratification of all relevant protocols. Croatia and Syria have ratified the SPA Protocol and Cyprus the amended Dumping Protocol. Slovenia has

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\* Turkey has also submitted its national report in June 2005.

also ratified the amendments of the Barcelona Convention and four protocols (Dumping, New Emergency, LBS, SPA). Serbia & Montenegro ratified the Convention and four protocols (Dumping, the Emergency, LBS, SPA). Turkey has also ratified the Dumping Protocol the amendments to the LBS Protocol, the SPA and Biodiversity Protocol and the Hazardous Wastes Protocol.

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

2.1.6 A major political development with consequences for the implementation of Environmental legislation in general and the Convention and Protocols in particular was also the enlargement of the population of the European Union by 22% on 01 May 2004. The Community now includes three more of the Contracting Parties to the Barcelona Convention among its members. This implies that these states had to transpose into their national legislation some 300 Directives and regulations related to the environment some of which are directly linked to the Convention and the Protocols. Major developments in the fields of legislation and administration related to the environment took place also in a number of countries, strategic master plans and other pieces of legislation were drafted with the support of various agencies and donors such as the European Agency of Reconstruction, GTZ (the German Institute for Technology Cooperation), GEF/WB, UNDP/WB, etc.

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

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

### **Report on signature, ratification of International legal instruments**

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

- The Multilateral Adriatic Ionian Initiative was established as a political initiative, in May 2000 among 7 countries (Albania, Bosnia & Herzegovina, Croatia, Greece, Italy, Slovenia, Serbia & Montenegro) cooperating on the development, environmental protection and safety of the sub-region. Within this framework Slovenia, Italy and Croatia have formed a Trilateral Commission on the Protection of the Adriatic Sea and worked on the preparation and implementation of contingency plans in cooperation with REMPEC/IMO/UNEP and for the preparation of a CAMP.
- A series of bilateral agreements were signed between Italy, on one hand, and Algeria, Bulgaria, Egypt, Iraq, Moldova, Serbia-Montenegro, Tel Aviv University and MEDREP, on the other;
- A trilateral agreement was made among Algeria, Tunisia and Morocco on prevention on the Pollution by hydrocarbons
- A series of Memoranda of Understanding were concluded between Croatia and Netherlands and Croatia and Norway for Integrated Management of Rivers Mirna and Neretva and Guidelines for ICZM respectively
- A tripartite Agreement was reached among Monaco, France, Italy and Bilateral agreements between Monaco and Tunisia and Monaco and Slovenia on RAC/SPA-marine biodiversity issues
- Syria has signed and enacted a large number of bilateral agreements and Memoranda of Understanding during the period 2002-2004 with other Contracting Parties such as Tunisia, Malta, Egypt, Monaco and Italy, and also with third countries such as Jordan, Bahrain etc.

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

- The 2001 International Convention on the Control of Harmful Antifouling Systems on Ships (Serbia-Montenegro, Cyprus, Syria, etc)
- The 2000 Cartagena Protocol on Biosafety (Croatia, France (2005))
- The 2002 emergency Protocol (Croatia)
- The 2003 Protocol on SEA Assessment to the Convention on EIA in a Transboundary Context (Kiev Prot) (Croatia)

- The 1996 International Convention on Liability (HNS Convention) (Cyprus, Syria)
- The 2001 International Convention on Civil Liability for Bunker Oil Pollution Damage (Cyprus)
- The 1979 Bonn Convention (Syria)
- The 1990 on Oil Pollution DPRC (Syria)
- The Stockholm Convention on POP (Syria).

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

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

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

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

2.1.14 The European Community and its Member States recognize the Precautionary Principle as part of the Maastricht Treaty (*vide* Article 130r(2) renumbered Article 172(2)). In the 2000 Communication of the Commission (Com 2000/000/final) it is stated that the Precautionary Principle should be considered within a structural approach to the analysis of risk which comprises three elements: risk analysis; risk management and risk communication. It is noteworthy that the Nice European Council of December 2000 adopted a Council Resolution on the Precautionary Principle which was recognised as gradually asserting itself as a principle of International law in the fields of environmental and health protection and called in the European Commission to incorporate the Precautionary Principle, whenever necessary when drawing up its legislative proposals and all its actions. There are several references in secondary Community legislation including the Integrated Pollution and Prevention Control (PPC), the Water Framework Directive (WFD), the EC Directive on Reception Facilities (adopted recently by new EU Members) etc. On the Polluter Pays Principle there are provisions in article 174(2) of the EC Treaty, which prescribes the Community Policy. Other references are made in Directive 2000/60/EEC (the WFD) and the Commission proposal for a Directive on Environmental Liability (Com (2002) 17/2002) in regard to prevention and remedying of environmental damage to protected species and natural habitats.

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

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

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

2.1.17 Legislation on Environmental Impact Assessment Studies has existed for many years in national legal frameworks, and has been implemented by most of the Contracting Parties, including the EU and its members. Some Contracting Parties have introduced or complemented new laws on Environmental Impact Assessment during the period under review. In Albania, Law No 9010 on “Environmental Impact Assessment” was introduced followed by decrees No 249 on “Endorsement of applications for environmental licences”; and No 268 on “Certification of environmental specialists”. In 2003 a new Directive on EIA was established. In Algeria, Law No 03-10/2003 on Environmental Impact Assessment followed by the Decrees No 249/2003 and 268/2003 on endorsement of applications for environmental licences and on certification of specialists for EIA and Environmental auditing, respectively. In Bosnia Herzegovina the new Law No 33/2003 on Environmental Protection of the Federation Bosnia & Herzegovina, chapter IX, regulates the EIA. In Serbia & Montenegro preparations were made so that the EU legislation will be transposed in 2005. In Israel in addition to pre-existing provisions new planning and building regulations including EIA provisions and principles on Sustainable Development (on conservation of natural resources) came in force in 2003 replacing the earlier ones.

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

2.1.19 In spite of the significant progress noticed, there are still Contracting Parties that have no legislation on Environmental Impact Assessment.

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

2.1.20 There was some considerable progress in the year 2002 throughout the region, stimulated partly by relevant legislation passed in the EU and consequently in its members and the introduction of new legislation in some other Contracting Parties. New Laws on Protection and management of the coastal zone have been introduced in Albania and Algeria. Albania has approved in 2002 the relevant Law no 8905 “On protection of Marine environment from pollution and damages” and a Decision of the Council of Ministers No

364/18-7-2002 "On approval of the Coastal Zone Management Plan". Algeria has introduced the new Law 02-02 of 2002 "on the protection and valorisation of the coastal zone".

2.1.21 Bosnia Herzegovina has not introduced specific legislation but several items enacted within the period 2002-2003 are related to coastal management, such as the Laws on Environmental Protection, Nature Protection, Physical Planning and Construction, Water etc. In Israel, during the period under review, preparations were made for a new Law, eventually enacted in 2004, providing for coastal zone management 300m landwards from the coastline. The EU after the "demonstration program" on ICZM (1996-1999) adopted first a Communication (Com/00/545) followed by a Recommendation of the European Parliament and the Council (2002/413/EE) concerning the implementation of ICZM where EIA is also integrated. It is noteworthy that the Community ICZM strategy encourages a "regional seas" approach to coastal policy in the countries bordering the Mediterranean. The EU Water Framework Directive (WFD) that is also followed by some non-EU Contracting Parties also targets coastal areas. Some of the Community countries (e.g. Italy) have passed laws (e.g. Law 179/31-7-2002) and created the necessary framework for application in their own regions (e.g. Lazio, Campania, Puglia, Emilia Romagna, etc.). In Spain the Royal Decree 259/2002 was introduced in order to address the issue of constant increase of nautical motorbikes was introduced and also among many other initiatives an Action Plan for the Malaga Coast has been elaborated; an ecologically important area the "Es Tancat de sa Torre (in Balearic Islands) was acquired and investments of the order of 350 Million Euros were made for recovery and restoration of the coastal and marine environment, while for the support of the administration the General Directorate of Coasts (of the Ministry of the Environment) has signed an agreement with the Public Works Experimental Centre for technical assistance on ICZM, Coastal Ecosystems, the WFD and Coastal Information System.

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

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

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

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

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



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

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

2.1.28 In Albania, the Council of Ministers' Decision No 103 of 31/3/2002 "on the Monitoring of the Environment in the Republic of Albania" establishes for the first time the obligation of the Ministry for the Environment to prepare the National Environmental Monitoring Programme, and within it that for marine pollution. The monitoring is a yearly one carried out by various scientific institutions of the Country. Algeria through the Law 02-02 of 5/2/2002 on the Protection and valorisation of the Coasts established the National observatory for Sustainable Development through the Act 02115 of 3/4/2002, which is responsible for monitoring. In Bosnia and Herzegovina Article 44 of the introduced new Law on Water Protection 33/03 (2003) provides for monitoring of the water bodies at river basin districts but this is not clearly linked to marine pollution.

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

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

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

Libya has entrusted its monitoring system to the Marine Biological Research Centre.

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

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

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

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

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

2.1.36 In France, there is a well-established legislation (see Law No 78-753 of 1978 etc.) for the access of the public to environmental information and public participation. The Law of 27 /2/2002 on "démocratie de proximité" (direct democracy) in articles L 121-1 to L 121-15 of the

Code of the environment and the decree of 22/10/2002 expanded the field of intervention of the existing National Commission on Public Debate. Greece has signed the Aarhus Convention in 1998 but its ratification is planned for 2005. Greek legislation had been harmonised with the 90/313/EC on "Free public access to public authorities for environmental information" as well as with the 2003/35/EC with the Joint Ministerial Decision JMO 37111/2021/2003 (except for the paragraph referring to access to justice). According to article 5 of JMO 77921/1440/95 a "Committee for access to environmental information" has been established. In case of unreasonable refusal or inadequate answer on environmental information within 20 days there is a provision for re-examination of the given answer by the public authorities.

2.1.37 Italy has ratified the Aarhus Convention in 2001 and has numerous relevant national provisions among which also the requirement for each public administration to establish Office for Relationship with the Public (URP). It has paid particular attention for disseminating information employing also new Technologies such as on line Magazine, etc. Its National Strategy for Sustainable Development was adopted in 2002 following a Consultation with various stakeholders.

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

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

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

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

2.1.42 In general, over the period reviewed, there is an effort for further dissemination of information by the various responsible Ministries by using printed and electronic means of communication (on-line magazines, web pages etc) and by entrusting more functions to NGOs (e.g. collaboration in managing protected areas, public awareness campaigns and environmental education schemes). In some cases (in Italy) local initiatives (e.g. Local Agendas 21) were supported or encouraged by central governments. In several countries State of the Environment Reports were issued for the first time and they became available to

the public. In one case (Italy) this report was simplified and a version for children was produced and disseminated. A few national reports do not contain any information on the issues of public information and participation.

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

### **Report on problems or constraints in implementation of the Convention**

2.1.44 From the few countries who have answered this question (optional) it becomes evident that some consider that the difficulties occurring are related to lack of adequate financing and human resources, including qualified professionals within their administration, particularly able to deal with coastal and marine issues. Others point out the lack of appropriate officials or functions within the administration who should have the authority or ability to “guide the implementation” in practice. Problems of overlapping of competences and responsibilities between different Ministries and Agencies and the need for better coordination among them has been also identified as a reason for improper implementation of the Convention and Protocols.

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

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

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

2.2.2 In Bosnia and Herzegovina, the necessary legal and administrative measures have been in general incorporated in National legislation e.g the Law on Waste management, (Official Gazette No. 33/03). Bosnia and Herzegovina has prepared a (still unpublished) Draft Law on Maritime Navigation, in 2003, which in its Articles 34 and 37 includes prohibition of dumping that may disturb or jeopardize the safety of navigation. Furthermore a ship is capable for navigation in certain navigation borders and for specific purpose if it fulfills assigned conditions and technical rules of ship register related to protection of surroundings from pollution caused by hazardous and damaging materials (oil, waste from liquid fuel and their compounds, wastewater and other waste material, radioactive and other similar wastes) discharged by the ship. The main national legal instruments of Croatia covering dumping from ships dealt with in the Mediterranean Dumping Protocol are the Act on Maritime Demesne and Sea Harbours (*Official Gazette No. 158/2003*) and the Maritime Code (*Official Gazette Nos. 17/1994, 74/1994, 43/1996, and 181/2004*). The Act on Maritime Demesne and Sea Harbours provides that Harbour Masters Offices and authorised concessionaires are obliged to equip harbours with adequate reception facilities as defined in the MARPOL 73/78 Convention (Article 83); It is prohibited to throw, discard or discharge into the sea and on the coast solid, liquid and gaseous substances that pollute maritime property (Article 88); The Ministry for Environmental Protection, Physical Planning and Construction is prescribing the list of matters that are prohibited to dispose off into the sea and list of matters that can be disposed off with a permit (Article 88); Anyone noticing that the maritime property is polluted is obliged to notify the closest Harbour Masters Office (Article 88); Disposal of materials on the coast or into the sea is allowed only with the adequate permit from the responsible authorities for protection of the environment and construction (Article 89); Exceptionally, the Harbour Masters Office can allow a vessel to be sunk provided that it will not pollute the environment and that it will not obstruct sea traffic (Article 89); and Ships are allowed to dispose off or discharge solid and liquid waste, oily waters and faecal waste only into the specific reception facilities (Article 90). The provisions of Article 88, in a slightly modified version existed already in the Maritime Code of 1994.

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

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

2.2.5 France implements the dumping issue by applying the provisions of the International Conventions ratified by the country and through relevant National legislation. The first category includes the Protocol of 1996 of the London Convention, applied throughout the world; Annex II of the OSPAR Convention for the North Atlantic; and the Dumping Protocol of the Barcelona Convention for the Mediterranean. Relevant national legislation includes Articles L 218- 42 to L 218- 58 of the code of the Environment, issued under Law No 76-599 of 7/7/1976 on protection of the marine environment from dumping and Decree No. 82-842 of 29/7/82, issued for the application of the above-mentioned Law. This provides for granting permits on a case-by-case basis from the Ministry of the Environment or by the Prefect (in cases of drainage) or by the relevant Government official for the overseas territories. The national legislation is not structured in the same way as the international provisions because they are not based on the principle of not dumping in the sea but provide for granting or refusal of permits on a case-by-case basis. Therefore even if, in practice, permits are not issued for substances that are not included in the lists of derogations included in the international conventions applied, it seems advisable to adapt the relevant law. In fact there was no permit granted for dumping from ships since the 1<sup>st</sup> of January 2005 according to the provisions of article 4.2 of the Protocol with the exception of drainage during the summer. Incineration at sea is prohibited by the Code of Environment (articles L218-59 to L218-71) published by the Law no 76-599 of 7/7/76.

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

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

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

2.2.9 In Monaco, the code of the Sea (Law 1.198 of 27/3/1998) in its articles L.223-1 and those which follow, provide for an in principle prohibition of dumping of wastes and other substances the exact list of which is expected to be published officially in 2005. In Morocco, the article 33 of the Law on the Protection and Evaluation of the Environment, of 2003, provides for termination of all activities that may change the quality of waters and marine resources. The dumping of wastes may be considered as covered indirectly by extrapolating the provisions of article 3, paragraph 18 on the definition of the notion of pollution which refers to all substances that might endanger marine life or the quality of marine waters. In Serbia and Montenegro, every emission that exceeds prescribed limits of polluting substances into the environment, as well as treatment, storing and disposal of radioactive waste and disposal of all types of waste are forbidden, except at the locations designated specially for that purpose (Article 9 of the Environmental Law). Article 10 of the same Law provides for the limitation of import of waste materials, except in cases when it is used as

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

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

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

2.2.12 In Spain, Law 27/1992 of 24/11/1992, on State Ports and Merchant Shipping, prohibits all dumping from vessels and aircrafts, with the exception of the dredging material discharged, which is authorised under the conditions of the legislation in force. There have been no changes in this regard during the biennium 2002-2003. With regard to sinking wood vessels at sea, this practice was stopped in Spain at the end of year 2000 in compliance with the Dumping Protocol. A number of legal dispositions were approved within the biennium 2002-2003 in order to prevent and reduce littoral pollution by using port reception facilities and by carrying out inspections on vessels docked at Spanish ports or leaving them. The Royal Decree 1381/2002, of 20/12/2002, on port reception facilities for ship-generated waste and cargo residues (Spanish Official Journal 305), repealed the previous existing legislation (Royal Decree 438/1994). The purpose of this Royal Decree, implementing Directive 2000/59/CE, is to reduce the discharges of ship-generated waste and cargo residues into the sea, specifically illegal discharges from ships using Spanish ports, by improving the availability and use of port reception facilities. It applies to all ships, including fishing vessels



and recreational craft, irrespective of their flag, calling at, or operating within a Spanish port, with the exception of warships; to all Spanish ports; to all ship-generated wastes and cargo residues included in the technical Annexes to the MARPOL Convention 73/78 ratified by Spain and published within the Spanish Official Journal. Regarding wastewaters from vessels, the Second Temporary Provision states that the application of this Royal Decree will be outstanding up to 27/9/2004, 12 months after the entry into force of Annex IV of MARPOL Convention 73/78, respecting at the same time the distinction made by this Convention between new and existing vessels.

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

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

2.2.15 Local initiatives in Spain include environmental activities undertaken by specific ports to improve the environmental management in their respective port areas. These so-called "*Green Ports*" were represented in the Spanish Mediterranean shore by the Valencia port and the Algeciras Bay Port. In Valencia a Life programme was approved by the EC in 1998, which was concluded in January 2001, and the tools obtained are currently in use in the Valencia State Port Community. In 2002, the Valencia Port Authority published its first *Environmental Memory* 2001. This document included a chapter regarding the quality of port waters and analysing the origin of its pollution including the deliberate one. In Algeciras Bay State Port surveillance Special Plan was introduced in 2002. During its first year of application, 1,092 vessels were inspected, 963 control operations were carried out by vessels and helicopter surveillance, 9 penalty proceedings were initiated and 5,457 m<sup>3</sup> more than the previous year of waste were delivered at port reception facilities contributing to a significant reduction of deliberate discharges from vessels. In Syria, the Environmental Law

No. 50, which was passed by the President in 2002, includes provisions that prohibit the dumping, incineration or illegal disposal of any solid, liquid or gaseous wastes in Syrian territorial waters. It also imposes heavy fines on violators with possible prison sentences for repeated violation. The dumping and spraying from military airplanes is usually covered with other regulations.

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

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

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

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

2.2.19 In Bosnia and Herzegovina according to Article 21 of the Draft Law on Maritime Navigation (of 2003) concerning operations on maintaining navigable passage, extraction of material from seabed and sunk subjects that may influence navigation safety, an authorization from the competent Captaincy must be obtained. Technical documentation

must support the aforementioned request including details on the excavation place, of longitudinal and lateral profiles on 50 m, with previously provided authorization of the competent ministry for the water management affairs. The Authorization defines nautical and technical conditions and measures for carrying out safe navigation, during the performance of those operations, which are determined by the competent Captancy. In Cyprus no criteria, guidelines or procedures were adopted at national level by Law No. 266/87. Such criteria and procedures, which ensure that the dumping of such wastes did not result in pollution, are applied on a case-by-case basis when a permit of dumping is issued. In Croatia, the government requires, prior to the issue of a permit, an identification of chemical, physical and biological characteristics of the material to be dumped. The proposed location of the dumping site and its characterization is necessary as well. The procedure for eventually dumping of wastes is under strict control by the Ministry of Sea, Tourism, Transport and Development, in cooperation with and by the agreement of the Ministry of Environmental Protection, Physical Planning and Construction.

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

2.2.21 In Italy, as far as the dumping of dredged materials and sediments is concerned, technical and procedural aspects for the issue of authorizations are established by the Decree 24/01/1996 of IMET. Permits are released by IMET on the proposal of the Head of the Maritime District of the ships' port of departure after a proper assessment of several aspects (e.g. the characteristics of the dumping site, the development of a monitoring programme). Costs incurred for technical investigations and for environmental monitoring are charged on the entity requesting the authorization. During the authorization procedure, IMET consults technical bodies and public scientific institutions. In 2001, ICRAM, which is among these institutions, published a technical manual concerning the environmental aspects of the management of port-dredged materials. In 2002, Law n. 179/2002 shifted to regional authorities the responsibility for the issue of authorizations for the management of sediments and soils connected with nourishment and, in case of disposal into coastal tanks and structures, of dredged materials. For the technical procedures on the issue of nourishment authorizations, starting from 2002, ICRAM has carried out several relevant

research programmes in view of developing guidelines for national environmental practices, including the dumping of sand.

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

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

2.2.24 In Slovenia, dumping is not allowed. In Spain, permits and conditions regulating dredging material discharges into the sea are specified in Law 27/1992, on State Ports and Merchant shipping, Articles 21 and 62. The only relevant changes operated during the biennium under review were those referred to the competence on the authorisation of dumps: Following the XIX Additional Disposition of Law 62/2003, of 30/12/2003, on social, administrative and tax measures, when dumping takes place within the waters of the port, it will be the Fishing and Environment Regional Administration, and not the relevant State one, which must favourably report for the authorisation of dumping. Regarding Spanish vessels carrying oil tankers, operational discharges are only allowed, when all the conditions included in Annex I of the IMO International Convention for the Prevention of Pollution from Ships jointly meet (e.g. the rate at which oil may be discharged must not exceed 60 litres per mile traveled by the ship; no discharge of any oil whatsoever must be made from the cargo spaces of a tanker within 50 miles of the nearest land).

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

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

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

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

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

2.2.29 With regard to the European Community, the measures listed in paragraph 2.2.20 above also apply to these issues. In France, in cases of violation of the regulations the code of Environment (Articles L 218 – 48 and following) has provisions for penalties up to two

years of imprisonment and 18000 € of fines. The Decree of 29/12/1982 provides that wastes other than dredged material which is going to be dumped are loaded on a ship upon the presentation of a document describing the specifications of the dumping authorisation in a form which will allow the custom services to control the nature, quantity and conditions of loading of the waste to be dumped. Controlling authorities could ask to be on board of the ship or aircraft and inspect/supervise the dumping operations in the designated zone. In Italy within the Period 2002-2003 it was reported that there were no changes in previously existing legislation.

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

**Report on problems or constraints in implementation of the Protocol**

2.2.42 Only a few of the Contracting Parties made comments under this item. In Albania it was noted that existing legislation drafted under different Ministries needs harmonization in order to allow the full implementation of the Protocol. This is expected to be solved within 2005 following an Order of the Prime Minister to establish an Inter-Ministerial group. In Bosnia and Herzegovina the Draft Law on Maritime Navigation still is not in force and this is the main constraint, which impeded the implementation of any measure relevant to the terms of the Protocol. In Croatia the Dumping sites are identified on a case-by-case basis. The records are kept by the Ministry of Sea, Tourism, Transport and Development. In France a revision of the Code of Environment was launched in 2004 in view of harmonizing the

International commitments with National legislation e.g. the amendments to the 1995 Protocol, ratified by France in April 2001. In fact it will replace the regime described earlier on, which permits dumping with the exception of certain wastes, by the principle of general prohibition of dumping except for a restricted list of wastes. In Israel the exception regarding dumping of brines brings about constraints in implementing the Protocol. It is reported that national regulations ensure that Israel implements environmentally sound procedures for dealing with brines disposal. In Morocco there is a serious problem because of the difficulty in identifying the competent authorities. In Serbia and Montenegro, Montenegro is the signatory party to 1972 London Convention but not to its 1996 Protocol. No information was provided to IMO in accordance with Article IV. Tunisia notes that the implementation of this Protocol requires significant resources for controlling the marine environment. Some countries (Spain, Monaco) indicate that there is no problem in this area, whatsoever.

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

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

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

**Report on legal and/or administrative measures taken regarding the implementation of international regulations to prevent, reduce and control pollution of the marine environment from ships (Article 3.1 (a))**

2.3.1 Most of the countries have signed and ratified major relevant International Conventions and adjusted their national legislation accordingly. Albania has signed one Convention, and acceded to five. The following laws are reported as relevant: Law No. 8905, 06/06/2002, "On Protection of the Sea environment from pollution and damages"; Law no. 9010, of 13/02/2003, "On Environmental Administration of solid waste; Law no. 9251, 08/07/2004 "Sea code of the Republic of Albania"; Law no. 8756, of 26/03/2001" On civil emergencies". Algeria has ratified seven Conventions, acceded to two, and adopted one. The relevant legal acts are not provided in the country report. Bosnia & Herzegovina acceded in the International Convention on Civil Liability for Oil Pollution Damage, 1992 (CLC 1992) in 12/1/94. Croatia acceded to seven Conventions, ratified five and signed two. Cyprus signed, acceded to or ratified eleven Conventions. No relevant legal acts are provided in the report. In the European Community, six Conventions are in force, and one has been ratified. The French report, lists fifteen relevant Conventions signed and/or ratified etc by the country. Greece has provided a list of legal acts through which the terms of fifteen Conventions that were signed, acceded to or ratified are now being put into force. Israel acceded to the "International Convention on Civil Liability for Oil Pollution Damage, 1992 (CLC 1992)" and the "International Convention on the establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 (FUND 1992)" in 21/10/2004.

2.3.2 Italy ratified thirteen Conventions, accepted two, and acceded to three. Libya referred to its Law No. 15 for the protection of the Environment. The Monaco report annexes five Conventions to which the country acceded during the period 1970 – 1992. Morocco signed ratified or acceded to fifteen Conventions and other international legal instruments. Serbia & Montenegro signed, ratified or acceded to seven Conventions - five of them on the 13/3/2003. Slovenia signed seven Conventions and ratified or acceded to two. Two of these (the OPRC/OPRC-HNS and the International Convention on Civil Liability) were signed in 2001 and 2004 respectively. In Spain, eleven Conventions are in force and further three have been signed. Syria acceded to eight Conventions. In Tunisia, Law No 96-26 of 3/4/1996 establishes a National Plan for intervention and abatement of events of marine pollution.

**Report on legal and/or administrative measures taken regarding the maintenance and promotion of contingency plans and other means of preventing and combating pollution incidents (Article 4.1)**

2.3.3 Relevant provisions currently exist in most of the countries of the region. In Albania, Law No.8756, of 26/03/2001 "On civil emergencies" includes a chapter on the sea emergencies. The National Emergency Plan has been based on this Law. In Algeria, the National Organization for the Abatement of Marine Pollution was established with the Decree No 94-279 of 17/9/1994, which also provides for emergency plans. Bosnia and Herzegovina did not provide any relevant legislation. There is no Contingency Plan developed in the country. In Croatia, the National Contingency Plan for Accidental Marine Pollution (Official Gazette No. 8/1997) was enacted in 1997, prepared on the basis of Article 1045 of the Maritime Code (Official Gazette Nos. 17/1994, 74/1994, 43/1996, and 181/2004), Article 42 of the Environmental Protection Act (Official Gazette Nos. 82/1994 and 128/1999) and Article

2 of the Waters Act (Official Gazette 107/1995). In Cyprus, the “National Contingency” is updated and upgraded to comply with EU obligations for new member states.

2.3.4 In the European Community, implementation of Article 4.1 is obtained through a number of legal acts. As these also constitute the relevant legal framework for eight of the Contracting Parties, these acts are described hereunder in more detail:

- Decision (EC) 2850/2000 setting up a Community framework for cooperation in the field of accidental or deliberate marine pollution;
- Council Decision 2001/792/EC, EURATOM of 23/10/2001 establishing a Community Mechanism to facilitate reinforced cooperation in civil protection assistance interventions;
- Directive 94/57/EC on common rules and standards for ship inspection and survey organizations and for the relevant activities of maritime administrations, as last amended by Directive 2001/105/EC of 19/12/2001;
- Directive 95/21/EC concerning the enforcement, in respect of shipping using Community ports and sailing in the waters under the jurisdiction of the Member States, of international standards for ship safety, pollution prevention and shipboard living and working conditions (Port State control), as last amended by Directive 2001/106/EC;
- Regulation (EC) 417/2002, as later amended by Regulation (EC) 1726/2003 on the accelerated phasing-in of double hull or equivalent design requirements for single hull oil tankers, amended by Regulation (EC) 1726/2003;
- Directive 2001/96/EC establishing harmonized requirements and procedures for the safe loading and unloading of bulk carriers;
- Directive 2002/59/EC establishing a Community vessel traffic monitoring and information system, with a view to enhance safety and minimize the environmental impact of shipping accidents; Regulation (EC) 1406/2002 establishing a European Maritime Safety Agency in order to provide the Member States and the Commission with technical and scientific assistance to ensure the proper application of Community legislation in the field of maritime safety, and monitor/evaluate its implementation and effectiveness;
- Council Decision 2002/971/EC authorizing the Member States, in the interest of the Community, to ratify or accede to the international Convention on Liability and Compensation for damage in Connection with the carriage of hazardous and Noxious Substances by sea (the NHS Convention);
- Commission Proposal COM(2000)802 for a Council Regulation on the establishment of a fund for the compensation of oil pollution damage in European waters and related measures; and
- Commission Proposal COM (2003) 92 final for a Directive concerning pollution caused by vessels and the introduction of criminal sanctions, in the event of pollution violations.

2.3.5 In France, the Decree of 6/2/2004 annuls the decree of 9/3/1978 and provides that only the “Prefects Maritime” are responsible for the actions of the state at sea. To carry out this work it combines the competences of all relevant departments such as National Marine, Customs etc. There is one of them for the Mediterranean, based in Toulon. There are also

Prefects for the coastal areas. After an Instruction by the Prime Minister (4/3/2002) there are plans of action for emergencies at sea and land (POLMAR Mer and POLMAR Terre). The General Secretariat of the Sea, which coordinates this activity, is part of the Services of the Prime Minister. Together with the various relevant administrations they form the Inter-ministerial Committee of the Sea, which is presided by the Prime Minister. One ship "le Meron" is patrolling the high waters of the Mediterranean shore in France. The ship will be replaced by the "l' Abeille Flandre". Specialised ships of total capacity of 500 m<sup>3</sup> for receiving polluting substances exist and they are based in Toulon. Many kilometers of floating dams exist in the ports of Marseilles, Sete and Ajaccio for restricting and abating oil pollution. There are bilateral and trilateral cooperation agreements of emergencies with neighboring countries: "The Lion Plan" with Spain and the RAMOGE Project with Italy and Monaco. Regular exercises are carried out within the framework of these schemes.

2.3.6 In Greece, a National Contingency Plan has been approved. The responsible authority is the Ministry of Mercantile Marine (MMM), which also approves the local contingency plans prepared by local Port Authorities. Israel has not reported any specific legislation concerning the implementation of Article 4.1. However, progress has been reported in preparing its national contingency plan. The Ministry of the Environment (MoE) is working towards a government decision on the subject that will provide the legal basis for the plan. In Italy, the contingency system is structured on three planning levels that, according to the entity of the threat, are activated in chronological succession: The local contingency plans approved at local level by the Maritime Department Authorities; the Intervention plan for the protection of the sea and the coastline from pollution deriving from incidents adopted by Decree of the Ministry of Merchant Shipping of 3/03/1987; the National intervention contingency plan for the sea and coastline protection against pollution of oil and hazardous substances in case of casualties) adopted by Decree of the Ministry of Civil Protection of 11/01/1993. The 1987 and 1993 contingency plans for the revision processes have been started. According to the Law n. 464/1998 (ratification of the OPRC 90 convention) a public service was activated in 1999 aimed at preventing and responding to marine pollution along the Italian coasts. In 2002 a Ministerial Decree was adopted regarding the use of dispersants in case of pollution.

2.3.7 The Government of Monaco maintains boats for abatement of pollution as well as floating dams and various other means. The relevant personnel, includes that of the Port, of the Maritime Police and firemen which carry out regular exercises. A plan for abatement of Marine Pollution was published in 2004. In Morocco, the relevant legislative framework includes Decree No 2-95-717 of 22/11/1996 on the preparation for the abatement of accidental marine pollution and the Act of the Prime Minister of No 3-3-00 of 16/7/2003 which implements the aforementioned Decree. An inter-ministerial and interagency commission was set up to elaborate a programme of marine pollution (POLMAR). The country was benefited from a GEF project on training of personnel necessary for cases of emergency. Simulation exercises have been organized. In Serbia & Montenegro, a "Regulation National Plan for prevention of, preparedness for and response to major marine pollution incidents at sea" is being developed with main actors the Administrative Council, the Port authorities and the Regional Center of Montenegro. An Agency for Maritime Safety has been established on 1/1/2004. In Slovenia, the Water Act (OJ RS, No. 67/02) represents the fundamental legislation for the implementation of water policy. The relevant legislative framework, also includes: the Nature Conservation Act (OJ RS, No. 56/99), included in the new one (OJ RS, No. 96/04); the Environment Protection Act (OJ RS, No. 32/93) of 1993, replaced in 2004 by new Environment Protection Act (OJ RS, No. 41/2004); and the Slovenian Maritime Code that was adopted in 2001 (OJ RS, No. 26/01, 21/02) and included in 2004 in the new Maritime Code (OJ RS, No. 37/04). Several acts, programs and agreements for bilateral and multilateral cooperation regarding marine water protection exist, e.g. National Environmental Action Programme (2004); Trilateral Croatian, Italian and Slovene Commission for the protection of the Adriatic Sea.

2.3.8 In Spain, considerable new financial, technical and human resources will be invested to implement the National Plan on Salvage for the 2002-2005 period. A number of relevant legal acts and plans were developed in the regions of Andalusia and Catalonia in 2003. In Syria, a law concerning the protection of marine environment from pollution incidents resulting from oil, chemicals and other wastes is being drafted. A Committee was formed to review the draft national contingency plans, not yet ratified by the government. In Tunisia, a National Commission for the prevention and fight against marine pollution incidents was established for the preparation and implementation of the National emergency Plan.

#### **Report on legal and/or administrative measures taken in conformity with International Law to prevent the pollution of the Mediterranean Sea from ships (Article 4)**

2.3.9 In Albania, no measures have been taken in contributing to international legislation during the period under review. In Algeria, five Circulars were issued concerning a large number of issues on security of navigation and protection of the environment addressed to the National Coast Guard, the Port Authorities and the enterprises of marine navigation. In Bosnia & Herzegovina there is a Draft Law - not yet published - on Maritime Navigation Ship. Relevant provisions are included in its crash chapter. In Croatia preventive measures are taken according to the provisions of the MARPOL Convention and control measures of foreign flag ships are performed according to the Paris Memorandum of Understanding. In Cyprus the State Control inspections verify compliance of ships with the Conventions that the country has signed or ratified. The measures taken by the European Community have already been listed in paragraph 2.3.4 above. France, jointly with Italy, has been instrumental in obtaining the adoption of a recommendation by the International Maritime Organization for ships carrying hydrocarbons or chemical substances to avoid the "Bouches de Bonifacio" Straits between Corsica and Sardinia. The Protocol of 5/2/2001 describes the modalities for monitoring carried out by each one of the aforementioned countries in the territorial waters of the other. France applies the provisions of MARPOL 73/78 in order to address illegal discharges by ships of foreign flag without exercising in the same zone the rights of economic exploitation with the Law of 15/4/2003 concerning Zone of Ecological Protection under the UN Convention of the Law of the Sea. The Act 153 of 8/3/2004 of the Prefect Maritime of the Mediterranean implements the provision of the Directive 2002/59/CE of 27/6/2002 and Article 9.2 of the Protocol on Critical Situations.

2.3.10 In Greece the Hellenic Coast Guard (HCG) of the Ministry of Mercantile Marine provide aerial means (aircrafts and helicopters) for monitoring illegal discharges from ships, in addition to the boats and naval vessels employed. Israel complies with the terms of Article 4 of the Protocol through implementation of the MARPOL 73/78 Convention. In Italy, "Regulation (EC) N° 782/2003 of the European Parliament and of the Council of 14 April 2003 on the prohibition of organotin compounds on ships" is in force. The Legislative Decree n.182 of 24/06/2003 adopts EU Directive n. 2000/59/CE regarding port reception facilities. Amendments of MARPOL 73/78 Convention have been translated into the national law. Monaco complies within the framework of the RAMOGE Agreement through the RAMOGE POL Plan of 1993 organized in cooperation with the other two Parties to the Agreement (France and Italy). A new plan was signed in 2004 for implementation in 2005. Morocco has signed an agreement with Spain (6/2/1996) for cooperation in abating marine pollution. The country accepted on 5/8/99 the Memorandum of Understanding of 11/7/1997 for the control of South and East of the Mediterranean (Malta, 1997). Special authorisation is required (since 05/12/2002) for single hull tankers more than 15 years old, carrying heavy fuels etc for entering its exclusive economic zone.

2.3.11 In Serbia & Montenegro there are relevant legal measures prescribed in Article 21 of the Law on the Coastal Zone. However, these have not yet been implemented. A national Plan for prevention of, preparedness for and response to major marine pollution incidents at sea is in the phase of adoption and approval. Slovenia refers to its application of the terms

of the MARPOL 73/78 Convention as its means of implementing Article 4 of the Protocol. In Spain, Article 4 is implemented through Royal Decree 90/2003 on regulations and common standards for organizations involved in vessels inspection and control and for those activities concerning the Maritime Administration (Spanish Official Journal 30, of 04/02/03, pages 4539 to 4551); Royal Decree 91/2003 concerning the approval of a Regulation on the inspection of foreign vessels in Spanish harbours (Spanish Official Journal 30, 04/02/03) implementing Directive 2001/106/EC amending Council Directive 95/21/EC; Order FOM/1144/2003 of the Ministry of Public Works of 28/4/2003; Order FOM/1144/2003 (28/4/2003) that deals with security, safety, pollution discharges etc of recreational crafts. In Syria, numerous decrees have been issued for ships flying Syrian flag to be properly equipped with the necessary for the prevention of sea pollution (in accordance to several international agreements including MARPOL 73/78).

### **Report on legal and/or administrative measures taken regarding the development and application of monitoring activities (Article 5)**

2.3.12 In Algeria, the National Service of Coast Guard (SNGC) is responsible for monitoring. Regarding legislative measures, Decree No 95-290 of 30/9/1995 provides for a national and two regional centers under SNGC for operations of monitoring and rescue at sea. The information is channeled to the Chairman of the national or regional Committee of the National System TELBAHR. In Bosnia & Herzegovina, there are related provisions in the Draft Law on Maritime Navigation, which has not yet been published. In Croatia, monitoring programs aiming at detecting pollution in high-risk marine areas due to maritime traffic are performed according to the National Contingency Plan (see measures listed under 1.2 above, in this chapter).

2.3.13 In the European Community, the article is implemented through Directive 79/116/EEC of 21/12/1978 concerning minimum requirements for certain tankers entering or leaving Community ports, replaced by Directive 93/75 concerning minimum requirements for vessels bound for or leaving Community ports and carrying dangerous or polluted goods; Council Decision 2001/792/EC, EURATOM of 23/10/2001 establishing a Community Mechanism to facilitate reinforced cooperation in civil protection assistance interventions, providing for the establishment and management of a Monitoring and Information Centre, which is operational on a continuous basis; Directive 2002/59/EC of 27/06/2002 establishing a Community vessel traffic monitoring and information system, with a view to enhance safety and minimise the environmental impact of shipping accidents; and Regulation (EC) 1406/2002/EC of 27/6/2002 establishing the European Maritime Safety Agency (EMSA) which is in charge of the establishment of the Community vessel traffic monitoring and information system set up under Directive 2002/59/EC).

2.3.14 In France, monitoring from the air is carried out by the customs and the Navy. The aircraft "POLMAR II" is able - thanks to teledetection - to cover the entire zone in intervals of 40 miles in one single flight. The application of Article 14 of Decree 2002/59/EC and of Article 5 of the Protocol is obtained by the system "Trafic 2000" which allows the Regional Operations Center for Monitoring and Rescue (CROSS) to exchange and verify information. In Greece the territorial waters and coastline are under 24-hour continuous surveillance by the Hellenic Coast Guard aerial means, boats and mobile squad patrols. In Israel aerial surveillance is used. A satellite-based information system is under development, among others, for the detection of pollution from ships and LBS. In Italy monitoring activities, such as use of satellite images to monitor and report oil spills, information system able to monitor the routes of vessels etc, are in place. In Monaco, regular exercises are carried out within the framework of the RAMOGE Agreement. In Morocco, Article 8 of the Act of the Minister of Equipment and Transport No 10-00 of 06/01/2000 (on attributing to an organization the external services of the Ministry of Transport) defines also the competences of the Centre of

Monitoring of the Maritime Traffic (VTS) which deals also with the traffic in the zone of the Straits of Gibraltar.

2.3.15 In Serbia & Montenegro, an Electronic Monitoring System is expected to be activated in the near future. Data from many institutes are collected and aggregated by the Ministry of Environmental Protection and Physical Planning. Bilateral (with Italy) and multilateral (Adriatic – Ionian) initiatives on monitoring exist. In Slovenia, the relevant legal framework includes article 24 of the Decree on the Emission of Substances and Heat in the discharge of wastewater from pollution sources (OJRS 35/98) and OJRS 35/96, 29/00, 106/01 giving rules on operations for monitoring. An inspectorate for the Environment and Spatial Planning supervises implementation of Laws. The Environmental Regional Information System (REIS) established in 2004 is one of the monitoring systems. In Spain, information is provided through the national communication system according to the provisions of Directive 2002/59/EC of the European Parliament and of the Council of 27/6/2002 which establishes a Community vessel traffic monitoring and information system, repealing Council Directive 93/75/EEC. Syria reports that several monitoring activities are currently being undertaken.

**Report on legal and/or administrative measures taken regarding the dissemination and exchange of information concerning the competent national authorities responsible for combating pollution of the sea (Article 7.1 (a))**

2.3.16 In Albania the Law No. 8905 of 6/6/2002 “On protection of marine environment from pollution and damage” provides for the designation of the competent national authorities (Ministry of Transport and Telecommunications, Ministry of Environment and local authorities). Algeria transmits information through a web page within the Internet site of REMPEC. In Bosnia & Herzegovina the Draft Law on Maritime Navigation (not yet published) includes relevant provisions. In Croatia the exchange of information is regularly undertaken within the Trilateral Croatian-Italian-Slovenian Commission for the protection of the Adriatic Sea and the same information is submitted to REMPEC. In Cyprus relevant information is already disseminated to other national authorities. The Director of the Department of Fisheries and Marine Research (DFMR) is the REMPEC Focal Point.

2.3.17 In the European Community, relevant measures include Decision (EC) 2850/2000 of 20/12/ 2000 of the European Parliament and the Council; Council Decision 2001/792/EC, EURATOM of 23/10/2001; Directive 2002/59/EC of 27/6/2002; Regulation (EC) 1406/2002 of 27/6/2002; and Directive 2002/59/EC of 27/6/2002 and Commission Proposal COM (2003) 440. These measures provide for the creation and management of organizations (some have already been established) such as the: Community Information System (CIS), Monitoring and Information Centre (operational on a continuous basis), Community Vessel Traffic Monitoring and Information System, European Maritime Safety Agency (EMSA).

2.3.18 In France the relevant information is communicated to the IMO in the framework of the OPRC of 1990, the unit of Civil Protection of the DG Environment of the European Commission, REMPEC and the authorities of the RAMOGE Agreement with Italy and Monaco, and the “Lion Plan” Agreement with Spain. Information on the Greek OPRC Focal Point (MEPD) was provided to REMPEC. It is also available in the REMPEC website. In Israel the Ministry of Environment disseminates any relevant information to REMPEC, from where it is disseminated to other countries *via* hard copy and Internet. In Italy relevant information is disseminated through the EU Community Information System (CIS), sub-regional agreements (i.e. RAMOGE) and REMPEC. The competent authorities of Monaco inform REMPEC and the authorities of France and Italy on a regular basis about the organization of pollution abatement schemes. The division of maritime and airport police is in charge of monitoring the Monaco’s waters employing helicopters if needed. In Morocco, the Decree of 22/11/1996 designates the Department of the Environment as the National Coordinator. The Departments of Marine Fisheries, Equipment and Transport, Royal Navy,



Royal Air forces, Royal Gendarmerie, Civil Protection, and Office of Exploitation of Ports also participate in the Commission against pollution.

2.3.19 In Serbia & Montenegro the competent authorities to combat sea pollution are the Ministry of Transport and Maritime Affairs, Ministry of Environmental Protection and Physical Planning, the Agency for Maritime Safety in Bar and the Institute for Marine Biology in Kotor. An Administrative Council and a Regional Centre are about to be established on the basis of the National Plan for prevention of, preparedness for and response to major marine pollution incidents at sea. Also the Coast Guard of Montenegro will be established soon. The relevant information is disseminated through REMPEC. In Spain the competent authority is the General Directorate of the Merchant Shipping, in the framework of the Ministry of Public Works. It is not reported whether such information is disseminated. Syria reports that the relevant information is disseminated to all parties concerned. In Tunisia, there is an effort to harmonize the national plans with those of the neighboring countries with the support REMPEC.

**Report on legal and/or administrative measures taken regarding the dissemination and exchange of information concerning the competent national authorities responsible for receiving reports on pollution on the sea and dealing with matters concerning assistance (Article 7.1 (b))**

2.3.20 In Albania, the relevant legal framework comprises Law No. 8756 26/3/2001 "On civil emergencies" and Law No. 8905 of 6/6/2002 "On protection of marine environment from pollution and damage". Algeria transmits information through a web page within the Internet site of REMPEC, as in 2.3.16 above. In addition, in 2002, the Ministry of Physical Planning and the Environment organised an exercise of simulation of a pollution incident. In Croatia, the Ministry of Sea, Tourism, Transport and Development is the competent national authority for receiving reports on pollution of the sea. Relevant information is being disseminated. In Cyprus the Director of the Department of Fisheries and Marine Research is the competent national authority responsible. The situation regarding the European Community, France, Israel, Italy and Monaco is the same as described in paragraphs 2.3.17 and 2.3.18 above. The situation in Greece is as described in paragraph 2.3.18 above, and the Greek focal point - the Piraeus Joint Rescue Co-ordination Centre (MRCC Piraeus) - receives reports on pollution on a 24-hour basis. In Morocco the Ministry of Equipment and Transport is designated to receive the reports concerning pollution from REMPEC, etc. In Serbia & Montenegro the Law on Coastal Zone and the Law on Waters, provides that the Port authorities, Internal Affairs authorities and the Inspections for Waterworks and Ecology are the competent authorities for receiving pollution reports. In Slovenia, the Office for the Protection of Coastal Waters (OPCW), Koper, within the Environmental Agency of the Republic of Slovenia, is the competent authority. It is not reported whether the relevant information is distributed. In Spain the General Directorate of the Merchant Shipping, in the framework of the Ministry of Public Works is the competent authority. See also information provided under 1.5.1 above, in this chapter. It is stated that the Syrian competent authorities disseminate relevant information to all parties concerned.

**Report on legal and/or administrative measures taken regarding the dissemination and exchange of information concerning the competent national authorities entitled to act on behalf of the State in regard to measures of mutual assistance and cooperation. (Article 7.1 (c)).**

2.3.21 In Algeria, the Ministry of Foreign Affairs in cooperation with the Ministry of Environment is responsible for the coordination of operations to abate pollution. In Croatia the competent authority is the Ministry of Environment Protection, Physical Planning and Construction. The relevant information is submitted to REMPEC and to the Trilateral

Croatian-Italian-Slovenian Commission for the Protection of the Adriatic Sea. Cyprus reports that information is disseminated through REMPEC. The situation regarding the European Community, France, Israel, Italy and Monaco is the same as described in paragraphs 2.3.17 and 2.3.18 above. The situation in Greece is similar to that described in paragraph 2.3.20 above. In Morocco, the Department of the Environment is the intermediary for the dissemination of information. In Serbia & Montenegro, the National Action Plan provide for the procedure in regard to measures of mutual assistance and cooperation. The Contracting parties have been partially informed in the framework of the Adriatic – Ionian Initiative.

**Report on legal and/or administrative measures taken regarding the dissemination and exchange of information regarding the national organization or authorities responsible for the implementation of paragraph 2 of Article 4 of the Protocol (Article 7.1 (d))**

2.3.22 In Albania the Ministry of Environment is the National Focal Point. In Bosnia & Herzegovina, no relevant measures have as yet been taken. In Croatia, information is delivered to REMPEC upon request by the Ministry of Sea, Tourism, Transport and Development, which is the national authority mainly responsible for the implementation of the international conventions and regulations regarding sea pollution from ships. Relevant information was not disseminated to other Parties. Cyprus reports that information is disseminated through REMPEC. The situation regarding the European Community, France, Greece, Monaco and Spain is the same as described in paragraphs 2.3.17, 2.3.18 and 2.3.20 above. In Israel, information is being disseminated. The ports and the Maritime Administration are the responsible authorities working with MCED as joint operational focal points. In Morocco, a large number of national authorities are involved. In Serbia & Montenegro, the Ministry of Maritime Affairs and Transport and the Maritime Safety Department are the competent authorities (Administrative Council and Coast Guard will be included after they are established). Relevant information is being disseminated through the REMPEC web page.

**Report on legal and/or administrative measures taken regarding the dissemination and exchange of information regarding regulations and other matters regarding pollution of the sea by oil and hazardous and noxious substances (Article 7.1 (e))**

2.3.23 In Albania, information is being disseminated through REMPEC. In Bosnia & Herzegovina, no relevant measures have as yet been taken. In Croatia, information is disseminated within the Trilateral Croatian-Italian-Slovenian Commission for the Protection of the Adriatic Sea. As is the case with other aspects of information exchange, Cyprus reports that information is disseminated through REMPEC. The situation regarding the European Community, Israel and Monaco is the same as described in paragraphs 2.3.17 and 2.3.18 above. The establishment by France of the Zone of Ecological Protection was notified to all Mediterranean riparian States through diplomatic channels, as well as during an IUCN/REMPEC Seminar for representatives of the Contracting Parties in November 2003. Relevant legal texts are communicated to REMPEC and IMO. In Greece, information is communicated to REMPEC upon request. In Italy relevant information is disseminated through official meetings, workshops and other initiatives carried out, generally by REMPEC, within the framework of the Mediterranean Action Plan. Relevant information concerning Morocco is shared with Spain (based on the bilateral agreement of 6/2/1996) and with Algeria and Tunisia (based on an agreement not yet adopted). All information is also communicated to REMPEC. Serbia & Montenegro reported that it provides partial information to the Contracting parties within the framework of the Adriatic – Ionian Initiative. In Spain, Royal Decree – Law 9/2002 (13/12/2002) approved extraordinary measures for cargo transporting dangerous or polluting goods. The country should report the IMO on its decision to deny entry of oil tankers, pursuant to Article 7 of the EU Regulation No 417/2002.

**Report on legal and/or administrative measures taken regarding the dissemination and exchange of information concerning new developments in avoiding and combating pollution of the sea by oil and hazardous and noxious substances (Article 7.1 (f))**

2.3.24 Algeria is updating of the TELBAHR plans of emergency at local level and REMPEC is regularly informed for the evolutions of the national system TELBAHR. In Croatia, a Vessels Traffic System (VTS) was introduced from 1/7/ 2003 within the bilateral cooperation with Italy. The situation regarding the European Community and Monaco is the same as described in preceding paragraphs. Among the initiatives for exchange of information listed in the country report submitted by France, one particular item worthy of mention is a capacity building seminar ("INFOPOL") is organized every year for representatives of developing countries working in the area of combating pollution. In Italy, ICRAM, jointly with the French research centres CEDRE and IFREMER and with financial support from the EU, developed a research programme to identify the best technology available to detect submerged oils (the DENIM project). Serbia & Montenegro reported that it provides partial information to the Contracting parties within the framework of the Adriatic – Ionian Initiative. In Spain, numerous Research and Development projects have been undertaken. Order CTE/634/2003, of 18/3/2003 approved the special call for grants to carry out relevant scientific research and technological development projects. Some information was provided by Tunisia in its first National report covering the 2000-2001 biennium.

**Report on legal and/or administrative measures taken regarding the dissemination and exchange of information regarding information exchanged directly with other Parties and communicated to the Regional Center (Article 7.2)**

2.3.25 Albania provides information to other parties through REMPEC. The situation in Algeria, the European Community, France, Israel, Monaco and Morocco is as described in preceding paragraphs. In Croatia, any relevant information is communicated upon request to REMPEC. In Serbia & Montenegro, relevant information is disseminated within the framework of MAP, generally through REMPEC, as well as within the framework of the Round Table on Environmental Protection and Sustainable Development, as part of the Adriatic-Ionian Initiative, under Montenegrin presidency, in November 2004. In Slovenia as far as major oil spills are concerned, interstate (with Italy, Croatia) joint action plans are underway with the coordination of REMPEC. In Spain the competent authority is the General Directorate of the Merchant Shipping, in the framework of the Ministry of Public Works. It is not reported whether such information is disseminated.

**Report on legal and/or administrative measures taken regarding the dissemination and exchange of information concerning 1.7 Regarding bilateral and/or multilateral agreements concluded within the framework of the Protocol (Article 7.3)**

2.3.26 Albania has signed a series of bilateral agreements on Maritime Transport with different states: Turkey (Apr. 1987), Greece (Jan. 1991), Slovenia (Dec. 1992), Italy (May 1994), Croatia (Aug. 1995), Bulgaria (Jun. 2002), Germany (1998), Russia (Sep. 1996), Poland (Dec. 1992), Romania (Jul. 1993), China (1971). The Ministry of Environment has signed Memoranda of Understanding with relative Ministries of Environment of Greece (2003), Montenegro (2002) and Croatia (June 2004). There is a trilateral agreement for mutual assistance in cases of emergency between Algeria, Morocco and Tunisia launched under the auspices of REMPEC in 2001 and finalized in 2003. There are activities taking place for updating of the Emergency Plans of the Wilayas in cooperation of TELBAHR with REMPEC and CEDRE. The latter participates in another collaboration project with the

country. Croatia has functionally established cooperation with Italy and Slovenia in the framework of the Trilateral Croatian-Italian-Slovenian Commission for the protection of the Adriatic Sea, since 1977. In Cyprus the Law No. 19(III) of 2001 transposed the agreement between Cyprus, Egypt and Israel to combat major pollution accidents in the eastern Mediterranean in the national legislation. The situation regarding the European Community and Monaco is the same as described in preceding paragraphs. France and Spain work through the "Lion Plan" operational since July 2002. Italy has concluded several such agreements: RAMOGE agreement concerning the protection of the waters of the Mediterranean Coastline (1976), with Monaco and France; "Adriatic and Ionian Initiative" with Albania, Bosnia-Herzegovina, Croatia, Greece and Slovenia; The Osimo Agreement signed between riparian Countries of the Adriatic Sea.

2.3.27 Morocco has conducted relevant agreements: a bilateral agreement with Spain was signed on 6/2/1996; a Memorandum on the South and East of the Mediterranean of 11/7/1997 was accepted by Morocco in 5/8/1999; an Agreement for Sub-regional Cooperation among Morocco, Algeria and Tunisia (not signed yet). A Memorandum of Understanding between the Ministry of Environmental Protection and Physical Planning of the Republic of Montenegro and the Ministry of Environment and Territory of Republic of Italy was signed in November of 2004. Slovenia has conducted several agreements, namely the Agreement between Slovenia and Croatia on water management relations (OJ RS, No. 75/97); the Agreement on collaboration of the Yugoslavian-Italian Commission for water management (OJ FLRJ, No. 9/80) with Document/Act on Notification of the succession of the Agreements of former Yugoslavia by Slovenia, with Italy (OJ RS No. 11/92); and the Agreement on the cooperation on the protection of the Adriatic Sea and waterside land from the pollution between Yugoslavia and Italy (OJ SFRJ, No. 2/77) which Slovenia entered into with Document/Act on Notification of the succession of the Agreements of former Yugoslavia with Italy (OJ RS No. 11/92). The country also participates in the Adriatic-Ionian Initiative (AI - May 2000) with Albania, Bosnia and Herzegovina, Croatia, Greece, Italy and Serbia and Montenegro. Finally, an agreement with the Republic of Croatia is ready to be signed regarding prevention, readiness and handling in the case of pollution from accidents on sea. The reports of Bosnia & Herzegovina, Greece, Israel, Spain and Syria all state that no new bilateral or multilateral agreements were concluded.

#### **Report on legal and/or administrative measures taken regarding Port Reception Facilities (Article 14)**

2.3.28 Within the framework of a relevant project supported by the EU, and implemented in Albania, Croatia and Slovenia, an assessment report on port facilities was prepared. This report makes recommendations regarding the management of the solid waste and oil waste generated by the Ships for three ports of Albania. This report is submitted to the REMPEC, which approved it in December 2004. A REMPEC consultant evaluated the capacity of reception facilities in Algerian ports. A purchasing procedure for such facilities by the sectors concerned is currently in process. In Cyprus the EU Directive on Reception facilities has been adopted and is fully implemented in all Ports. The European Community's relevant legal instrument is Directive 2000/59/EC of 27/11/2000 on port reception facilities for ship-generated waste and cargo residues, which aims to provide better protection of the marine environment against pollution by ships by enhancing the availability and use of port reception facilities for ship-generated waste and cargo residues. A waste reception and handling plan must be drawn up in each port. In France the provisions of Article 14 of the Emergency Protocol are implemented through the transposition into the French Law of the provisions of the Directive 2000/59/EC. Marseille, the major French port (95 millions of tonnes of freight), 3<sup>rd</sup> in order in Europe, has very important waste reception facilities. For the infrastructures see point 1.5.5. Greece has transposed into the national legislation the provisions of the Directive 2000/59 of 27/11/2000, on port reception facilities. In Israel, activity in this area was ongoing during the period under review, in line with obligations under MARPOL and

national legislation. All ports in the country are equipped with appropriate reception facilities. In Italy the Legislative Decree n.182 of 24/06/2003 was approved, for the implementation of the EU Directive n. 2000/59 (Regarding Port Reception Facilities).

2.3.29 The new installations of the port of Monaco, which receives only cruise ships have the capacity to receive the used waters of passage ships and big yachts together with all their wastes. Together with nine other Mediterranean countries, Morocco signed a "Grant Agreement" (Project MED B7.4100: 97-04/5.8) with the EU and IMO for the installation of wastewater reception facilities in ports during the period 1/1/2003 to 31/12/2005 within the framework of the Euro-Mediterranean Partnership. In Serbia-Montenegro, the Montenegrin ports are not yet equipped with any port reception facility. A Study on port reception facility installations in these ports has however been initiated. In Slovenia there is an Environmental Impact Assessment for the port of Koper. In Spain the relevant legal framework comprise: the Royal Decree 1381/2002 of 20/12/2002, on port reception facilities for ship-generated waste and cargo residues (Spanish Official Journal 305, of 21/12/02), repealed the previous existing legislation (Royal Decree 438/1994) implementing Directive 2000/59/CE of 27/11/2000; the Royal Decree 995/2003, of 25/7/2003, in force since July 2003, established the harmonized requirements and procedures for the loading and unloading operations from bulk carriers; the Royal Decree 1249/2003, of 3/10/2003, regarding information formalities required to the merchants cargo vessels arriving at Spanish Ports or departing from them implementing Directive 2002/6/EC of the European Parliament and the Council, of 18/2/2002.

#### **Report on legal and/or administrative measures taken regarding the assessment of environmental risks of maritime traffic (Article 15)**

2.3.30 In Albania, relevant provisions exist in the Sea Code of the Republic of Albania, (Law no. 9251, dated. 08.07.2004). A draft law "on port captaincy" is in the process of adoption. In Algeria, Decree No 83-580 of 22/10/1983, which obliges the captains of boats carrying dangerous toxic or polluting substances to report in case of incident at sea, is under modification within the framework of Law 03-10 on the Environment in the Framework of Sustainable Development. Risk evaluations are among the duties of TELBAHR. In Croatia the Vessels Traffic System (VTS) was introduced since 1/7/2003 within the bilateral cooperation with Italy. The European Community introduced Directive 2002/59/EC of 27 June 2002 establishing a vessel traffic monitoring and information system. It aims at ensuring that ships in EU waters, and their cargoes, are monitored more effectively than in the past, and that there is a more consistent approach across all Community seas. It also provides for a system of prior notification. In France the results of a study on the maritime traffic were implemented in December 2003. Other information on this point has been provided in preceding paragraphs. In Greece, based on an assessment of risks, the Ministry of Mercantile Marine has distributed antipollution means and equipment to Port Authorities.

2.3.31 In Israel a new computerized control system has been set up in 2003 for the Haifa and Ashdod ports. No steps were taken at bilateral or multilateral levels. In Italy measures adopted, focusing on the improvement of the safety of navigation, are: VTS systems and Traffic Separation Scheme in the North Adriatic (jointly submitted to IMO by Italy, Croatia and Slovenia). The only traffic envisaged for the port of Monaco is that of cruise ships and the emphasis of the regulations points to the minimization of the risks of collision. The Morocco report stresses that due to its crucial position on the Gibraltar strait the country mobilises significant human and financial means to reduce pollution risks and refers to the circular of 2002 concerning prohibitions of access to ships with single hull of more than 15 years old as well as to the Mediterranean memorandum mentioned previously. In Serbia & Montenegro an assessment is to be done by the Agency for Maritime Safety, Maritime Police and Coast Guard in cooperation with other states and international organizations. Surveillance of ships carrying hazardous cargo in the Southern Adriatic Sea is carried out through Adriatic-Traffic and all international organizations are met with its work.

**Report on legal and/or administrative measures taken regarding national, sub-regional or regional strategies concerning reception in places of refuge of ships in distress (Article 16)**

2.3.32 In Algeria there are no places for refuge for ships in distress, but there are intentions to proceed in this area. The national strategy, which is planned within the framework of TELBAHR is not yet in place. In Croatia the National Maritime Rescue Coordinating Centre (MRCC) has been established in the town of Rijeka. EC Directive 2002/59/EC of 27 June 2002, establishing a vessel traffic monitoring and information system, requires Member States to draw up plans to accommodate ships in distress in the waters under their jurisdiction. Such plans shall contain the necessary arrangements and procedures, taking into account operational and environmental constraints, to ensure that ships in distress may immediately go to a place of refuge, subject to authorisation by the competent authority. Where necessary, the plans must contain arrangements for the provision of adequate means and facilities for assistance, salvage and pollution response. In France there is an inventory for the Mediterranean Coastline of France describing the accessibility and vulnerability of places, which might serve as refuges for ships under difficult conditions.

2.3.33 Greece has adopted a national strategy for places of refuge of ships in distress. The Ministerial Decision (2411.1/7/03 (850 B)) is designating relevant ports in pursuance of Article 20 of Directive 2002/59/EC. The country reports of Israel and Morocco state that no such strategies are in place. Monaco is reported as not a port for refuge of ships in distress. In Serbia & Montenegro the Law on Maritime and Internal Sailing (Articles 175 – 185) provides for monitoring and salvage at sea. The port of Koper In Slovenia has facilities for such cases. In Spain, partial implementation of Directive 2002/59/EC of 27/6/2002 establishing a Community Vessel Traffic Monitoring and Information system was started by Law 62/2003 (30/12/2003) on taxes, administrative and social measures.

**Report on problems or constraints in implementation of the Protocol (optional)**

2.3.34 Not all Contracting Parties provided an input under this section. The European Community stressed that since the disasters with the Erika and the Prestige, the Community has worked on improving cooperation between Member States in preventing and combating pollution incidents through contingency planning. Nonetheless, problems remain when it comes to the reception of ships in distress, since the implementation of the emergency plans is a matter of discretion of the Member States. Israel reported that the Ministry of Transport (Shipping and Ports Administration) is the national focal point for MARPOL. As the new Emergency Protocol covers issues related to MARPOL, an administrative division of responsibility has been created between MCED and the Ministry of Transport. It also stated that in spite of the Protocol's requirements, the use of aerial surveillance is still not economically viable for most Mediterranean countries, as compared to their European counterparts. Thus the Protocol requires measures that may be difficult to implement in many Mediterranean countries for economic reasons. Libya reported the establishment of a National Contingency Plan and pointed out that assistance is needed in realizing such plan. Morocco reported that the major problem was the lack of coordination and cooperation between the National and Local Authorities, and the overlapping of competences of the various Ministries responsible for Marine issues. The lack of technical infrastructure and adequate means to implement the provisions of the Protocol was also reported to be a problem.

2.3.35 Serbia and Montenegro pointed out that the new Prevention and Emergency Protocol is expected to be ratified at State Union level, following approval by the Government of the

Republic of Montenegro. The evident lack of human and technical capacities and the need of strong support by relevant international organizations that are active in marine traffic and marine pollution issues in order to be able to involve in ongoing activities at regional and international level, are stressed out. The Slovenian report notes that although political will exists, there were still matters pending concerning the implementation of the Protocol. Syria's main problem regarding the implementation of the protocol was reported to be the weak and inadequate human and technical capacities available for combating pollution of the sea by oil and hazardous and noxious substances under emergency conditions. The Tunisian report noted the general inadequacy of technical means adapted to Mediterranean realities.

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

**Report on legal and/or administrative measures taken to elaborate and/or implement national action plans, programmes and joint measures adopted by the Contracting Parties (Articles 5.2, 5.3 and 5.4)**

2.4.1 The country report of Albania states that two studies have been completed on Baseline Budget and National Diagnosis Analysis; Sectoral Plans are under preparation, and a National Plan to combat pollution from land based activities is to be drafted as the final phase of the process. The Algerian report lists a series (more than 50) of Laws, Decrees and other legal instruments directly or indirectly linked with the issue. It also lists policies and programmes or projects related, which apparently sum in to a considerable body of legislative and administrative provisions. In Bosnia & Herzegovina the National plans prepared and adopted in the 2000 -2003 period include the National Environmental Action Plan (NEAP) and Solid Waste Management Strategy. Law on Environmental Protection (Official gazette of F B&H, no. 33/03) contains the article regarding "Register of Installations and of Pollution".

2.4.2 A long list of Laws and Acts is given in the Croatian report as directly or indirectly linked to the issue. These are:

- Environmental Protection Act (Official Gazette Nos. 82/1994, 128/1999);
- Act on Maritime Demesne and Sea Harbours (Official Gazette No. 158/2003);
- Maritime Code (Official Gazette Nos. 17/1994, 74/1994, 43/1996, and 181/2004);
- Waters Act (Official Gazette No. 107/1995);
- Water Management Financing Act (Official Gazette Nos. 107/1995, 19/1996, 88/1998);
- Waste Act (Official Gazette No. 151/2003);
- Act on the Transport of Hazardous Substances (Official Gazette Nos. 97/1993, 151/2003);
- National Environmental Protection Strategy (Official Gazette No. 46/2002);
- National Environmental Action Plan (Official Gazette No. 46/2002);
- National Contingency Plan for Accidental Marine Pollution in the Republic of Croatia (Official Gazette No. 8/1997);
- National Water Protection Plan (Official Gazette No. 8/1999);
- Regulation on Beach Water Quality Standards (Official Gazette No. 33/1996);
- Regulation on the Classification of Waters (Official Gazette 77/1998);
- Regulation on Requirements for the Handling of Hazardous Waste (Official Gazette No. 32/1998);
- Regulation on Hazardous Matters in Waters (Official Gazette No. 78/1998);
- Ordinance on Handling of Dangerous Substances, Conditions and Ways of Loading and -Unloading of Dangerous Substances, Loose and other Load in Harbours and Ways of Prevention of Spreading of Leaked Oils in Harbours (Official Gazette No. 108/1995);
- Ordinance on the Limit Values of the Indicators of Hazardous and other Substances in Wastewaters (Official Gazette Nos. 40/1999, 6/2001);
- Ordinance on the Transport and Handling of Hazardous Substances in Internal Marine -Transport (Official Gazette No. 80/2000); and
- Ordinance on Veterinary-Health Criteria for Fishing, Growing, Purification and Trade of Live Shellfish (Official Gazette Nos. 129/1999, 16/2000).



The National Water Protection Plan was developed in 1999. In cooperation with the international community many important and relevant water protection projects have been prepared or are in the process of preparation.

2.4.3 The basic legislative instrument for elimination of pollution from LBS in Cyprus is the Law on Water and Soil Pollution Control (No. 106(I)/2002). The list of substances under Annex I is now under consideration. EC Directive 2000/60/EC of 23/10/2000 (Water Framework Directive) and the Decision 2455/2001/EC of 20/11/2001 establish a list of priority hazardous substances in the field of water policy, which has become Annex X of the Directive. The following guidance documents were adopted concerning the implementation of the Water Framework Directive, by the Water Directors of the EU Member States during the reporting period: Guidance No 01 - Economics – WATECO; Guidance No 02 - Identification of water bodies; Guidance No 03 - pressures and impacts – IMPRESS; Guidance No 04 - heavily modified water bodies – HMWB; Guidance No 05 - characterisation of coastal waters – COAST; Guidance No 06 – intercalibration; Guidance No 07 – Monitoring; Guidance No 08 - Public participation; Guidance No 09 – GIS; Guidance No 10 - references conditions inland waters; Guidance No 11 - Planning Process.

2.4.4 In France there are three categories of wastes: urban, industrial and agricultural. On urban the Directive 2000/60/EC provides the Community Framework. The national legislation includes Book V of the 1<sup>st</sup> title of the Code of the Environment related to the aquatic environment (Articles L 210-1 and following). Action plans for urban management are based on the Decree No 92-1042 of 24/9/1992 and are implemented at national and river basin level. Industrial wastes are regulated by Community directives No 76/464/CEE of 4/5/1976, on dangerous substances and 90/61/CE of 24/9/1996, on preservation and integrated reduction of Pollution, as well as by Directive 2000/60/CE of 23/10/2000, the WFD. The National provisions also derive from the aforementioned Book V; Title 1<sup>st</sup> of the Code of the Environment related to installations classified for the protection of the environment. The relevant actions at regional level concerning research and reduction of discharges of substances into waters are determined by the Circular of 4/2/2002. Regarding agricultural waste, the Community Framework is provided by Directive 91/676/CEE of 12/12/1991 protecting the waters from nitrates. The National Legislation includes Decree 93-1038, 27/8/1993 and Decree No 2001-34 of 10/1/2001 on the same issue and several acts on good practices in vulnerable zones etc. There is also an Action Plan and some other initiatives taken on the subject.

2.4.5 In Greece, the relevant legal framework comprise:

- JMD 14312/2000 which amended JMD 113944/97 for the “National Plan for Waste Management” , implementing article 7 of EU Directive 91/156;
- Government Council Act 2/2001 (“Limit values of water quality from discharges in waters”--National Plan for pollution reduction) and JMD 4859/2001 (“Limit values of hazardous substances discharges in waters”) implementing article 7 of EU Directive 76/464;
- JMD 48392/2002 “Completion of list of sensitive areas from urban waste water discharge” implementing article 5 of EU Directive 91/271;
- JMD 1501/2003: “Amendments of National Plan for Waste Management” - completion of application of article 7 of EU Directive 91/156;
- JMD 37591/2003: “Management of medical wastes from sanitary units”
- Law 3199/2003 (GG 280A) - Partial harmonization of EU Directive 2000/60 (the “Water Framework Directive”).

2.4.6 In Israel there is an Inter-ministerial Committee for Land-Based Discharge Permits. The preparation of a National Action Plan has been completed. In Italy there are several legal acts on the subject, notably Legislative decree 152/99 (Italian water framework law); Ministerial decree n. 185 on reuse of wastewaters; Ministerial decree 6/11/2003, n. 367, in

line with the provisions of the “Dangerous Substances Directive 76/464/EC” regulates quality standards; Ministerial decree of IMET, 25/10/1999, n. 471 for recovery of contaminated areas; Law 426/98 which has defined a list of the contaminated areas; Law 388/2000, “National Program for the remediation and environmental recovery of contaminated sites” 426/01 and Law 179/2002, which lists contaminated areas (including marine ones) of national interest. In Monaco, since 1990, all wastewaters discharged to the sea are subject to secondary treatment. There is a progressive elimination of use of substances listed in Annex 1 of the Protocol. The discharge of many categories of detergents is prohibited (Ord. Souv. No 4.885 of 7/3/72). The Code of the Sea (Law No 1198 of 27/3/1998), article 224-1 prohibits the discharge into the sea or other waters of any substance or object that may cause problems to health or to fauna and flora or which may inhibit the economic and touristic development of the country. In Morocco urban solid and liquid wastes of some big cities such as Tangier and Nador are managed by private companies. In other cases they are managed by many communities on a collective basis. For the industrial wastes partnerships and institutions (such as, CMPP) are encouraged to address the issue and promote appropriate technologies.

2.4.7 Serbia & Montenegro report that the Law on Environmental Protection (1996) and the Law on Eco-fund that is now being developed, as relevant to the Protocol. Numerous activities have been undertaken in the Republic of Montenegro (such as Parliamentary Declarations, the development of the National Strategy for Sustainable Development of Montenegro-NSSD, and the Integrated Coastal Zone Management Plane of Montenegro, a Tourist Master Plan for Montenegro etc.). In Slovenia the reduction of pollution from LBS is based on a number of legal instruments and programmes, mainly the Water Act (OJ RS, No. 67/02); the Nature Conservation Act (OJ RS, No. 96/04) including the old one (OJ RS, No. 56/99); the Environment Protection Act (OJ RS, No. 41/2004) that replaced the (OJ RS, No. 32/93); the Slovenian Maritime Code (OJ RS, No. 37/04) of 2004 that included the (OJ RS, No. 26/01, 21/02) adopted in 2001; the Penal Code of the Republic of Slovenia (OJ RS, No. 63/94, 95/04, 70/94, 23/99, 40/04) as well as the Act on Forests, the Agricultural Land Act, the Spatial Planning Act, the Freshwater Fisheries Act, Marine Fisheries Act and the Energy Act. Action programs, such as the National Environmental Action Programme (NEAP) of 1999 and 2004, the Coastal area Management Programme (CAMP) and the Local programme of Environment Protection for Slovenian Istria are described in the country report. A series of important bilateral and sub-regional initiatives are also reported to exist.

2.4.8 Spain has a number of legal instruments of general and specific scope: Law 16/2002, of 1/7/2002, on Integrated Pollution Prevention and Control (IPPC) implementing the Directive 96/61/EC; Partial amendments were introduced through the IPPC Law, in the Basic Law on Wastes 10/1998 of 21st April, the Water Act approved by the Royal Decree legislative 1/2001 of 20th July, and the Law 38/1972 regarding Atmospheric Environmental Protection; Royal Decree 837/2002 of 22/8/2002 introducing the Directive 1999/94/EC of the European Parliament and of the Council of 13/12/1999; Order CTE/3216/2002, of 12/12/2002 setting up rules for the implementation of the Decision 1753/2000/EC of the European Parliament and of the Council of 22/6/2000; Royal Decree 1437/2002, of 27/12/2002, which adapted petrol cisterns to the Royal Decree 2102/1996, of 20/9/1996 introducing into the Spanish legislation the Directive 94/63/EC of 20/12/1994; Royal Decree 117/2003, of 31/1/2003 introducing into the Spanish regulation the Directive 1999/13/EC; Royal Decree 255/2003 of 28/2/2003 introduced into the Spanish legislation Directive 1999/45/EC, Directive 2001/60/EC; Order PRE/2317/2002 of 19/09/2002, which modified Annexes I, II, III, IV, V, VI, VII and VIII of the regulation on new substances notification and classification, packaging and labelling of dangerous preparations, approved by the Royal Decree 363/1995 of 10/03/1995. A long list of legal acts issued in 2002 and 2003 is included: Order PRE/2666/2002, of 25/10/2002; Order PRE/ 2277/2003, of 4/08/2003; Order PRE/730/2003, of 25/03/2003; Order PRE/375/2003, of 24/02/2003; Order PRE/145/2002, of 24/01/2002; Order PRE/2126/2002, of 26/08/2002; Order PRE/3107/2002, of 5/12/2002; Order PRE/470/2003, of 28/02/2003; Order PRE/1114/2003, of 30/04/2003; Order PRE/3057/2003,

of 30/10/2003; Order PRE/3058/2003, of 30/10/2003; Order PRE/3235/2003 of 19/11/2003, amending Annex II of the Royal Decree 280/1994, of 18/02/1994; Order PRE/236/2002, of 7/02/2002; Order PRE/3290/2002, of 23/12/2002; Order PRE/1376/2002, of 5/6/2002; Order PRE/2556/2002, of 14/10/2002; Order PRE/1447/2003, of 30/05/2003; Order PRE/3476/2003, of 9/10/2003; Order APA/717/2002, of 25/03/2003; Order APA/1610/2003, of 17/06/2003; Resolution of 30/05/2003, of the General Directorate on Agriculture, regulated by the Order APA/1610/2003; Royal Decree 1054/2002 of 11/10/2002; Royal Decree 1323/2002, of 13/10/2002, amending the Royal Decree 324/2002, of 3rd March; Royal Decree 653/2003, of 30/05/2003; Royal Decree 1349/2003, of 31st October.

2.4.9 In Syria, Environmental Law No. 50 (articles 23, 24, 25, 27), which was issued in 2002, includes provisions that contribute to the reduction and elimination of pollution from land-based sources and activities. The law entitles the General Commission for Environmental Affairs to set policies, monitor and penalize in order to protect the environment against pollution. In Tunisia the Protocol was signed on 9/3/1996 and ratified with Law No 15 of 23/2/1998. Ten Laws, Decrees and other legal acts have been published and are relevant to its implementation. Libya reports that LawNo.15 for the Protection of the Environment/Adoption of Agenda 21 includes all the legal and administrative measures for effective implementation of the Protocol.

#### **Report on legal and/or administrative measures taken to reduce to a minimum the risk of pollution caused by accidents (Article 5.5)**

2.4.10 The relevant legal framework in Albania includes: Law No. 8934 of 5/9/2002 "On environmental protection"; Law No. 8990 of 23/01/2003 "On the environmental impact assessment"; Law No. 9010, of 13/02/2003 "On the environmental management of solid wastes"; Law No. 9115 of 24/7/2003 "On the environmental treatment of used waters"; and Law No. 8897, of 16/05/2002 "On the air protection". A considerable number of by acts, which regulate emissions and discharges, are also in force. In Algeria there are ten Laws and Decrees, relative to the subject. In addition the precautionary principle is applied through the EIA studies, assessing the risk e.g. for all industrial installations of categories 1 and 2. Prior authorisation of all types of exploitation is provided only after public hearing on eventual accidents from the operations. An Internal Plan of Organization (POL) and a Particular Plan of Interventions (PPI) in order to limit the consequences of industrial risks exist. In Bosnia & Herzegovina the requirements of the Protocol with regard to this issue, are incorporated in the Law on Water protection in Article 28. In Croatia the National Water Protection Plan is dealing with the elimination/reduction of the risk of pollution. There are several measures anticipated for cases of exceptional and unexpected water pollution, as well as a list of physical and legal persons responsible for the implementation of the plan. Cyprus has established port reception facilities for collection and treatment of ships wastes caused by accidents according to the MARPOL 73/78 Convention and the European Directive 2000/59/EC.

2.4.11 In the European Community, the legal instruments providing for such measures comprise the Seveso II Directive, Directive 96/82/EC on the control of major-accident hazards of 9/ 10/1996, fully replaced Directive 82/501/EEC on the major-accident hazards of certain industrial activities, the Directive 2003/105/EC of 16/12/2003 extended the Seveso II Directive, and the Directive 96/61/EC of 24/09/1996 concerning integrated pollution prevention and control ("the IPPC Directive"). France implements the Seveso II Directive. There is also the Ministerial Act of 10/5/2000 on prevention of major accidents and relevant inventory of installations. In Israel the discharge permits issued by the Inter-ministerial Committee include various conditions related to minimising the risk of pollution from accidents. In Italy the Law n.979/82 establishes relevant rules, the Law n.225/92 provides for rules in particularly serious accidents, the Legislative decree n. 334/99 puts into effect the

European Directive n. 96/82 regarding the risk of accidents in industrial plants and the Ministerial decree n. 293/01 puts into effect the above-mentioned decree n. 334/99.

2.4.12 In Morocco there is no relevant legislation for pollution from Land-based Sources. Although Serbia and Montenegro is neither an EU member state or a formal EU candidate country the transposition in the legal system of the Republic of Serbia & Montenegro of the EU directives such as the, Environmental Impact Assessment Directive, Strategic Environmental Impact Assessment Directive, Integrated Pollution Prevention and Control Directive and Public access to the information in the environment field, has been initiated. Drafts of laws and sub-laws that have been prepared include the Law on Environmental Impact Assessment (EIA Law); the Regulation on the project that are subject to elaboration of EIA Study; the Rulebook on the contents of the developer's application, contents and scope of EIA Study, contents, format and method of public register keeping; the Law on Strategic Environmental Impact; the Rulebook on the content of the Strategic Environmental Assessment report and of the criteria for its validation; the Law on Integrated Pollution Prevention and Control (IPPC Law); the Regulation on activities and installation that are subject to integrated permit issuing, and the Rulebook on the contents and methods of keeping the Registry Book of issued integrated permits. In Slovenia the Water Act (OJ RS, No. 67/02), adopted in 2002 (Articles 66, 68, 69) provides for the issue.

2.4.13 In Spain, the IPPC Law 16/2002 of 1/7/2002 contains provisions and obligations for the operator and the competent authorities in order to prevent and reduce the risk of industrial accidents and its consequences for the human health and the environment. Other relevant legal instruments providing for the issue comprise, the Royal Decree 1196/2003, the Royal Decree 1254/1999 implementing Council Directive 96/82/EC of 9th December 1996, the Royal Decree 1254/1999 and the Regulation 300/2002/EC of the Commission that came into force on 21st February 2002 amending Annex II of the Regulation 2455/92/EEC of the Council, concerning the export and import of certain dangerous chemicals. In Tunisia, the Law No 96-26 of 3/4/1996 provides for a National Plan of urgent intervention in order to address events of marine pollution. A national Commission for prevention and fight against marine pollution incidents is also foreseen.

#### **Report on legal and/or administrative measures taken to establish authorization or regulation systems for control of discharges, including systems of inspection and sanctions (Article 6)**

2.4.14 In Albania, the Environmental Inspectorate has been established and has issued a number of agreements with the other inspectorates in the country. Some of the draft sub-laws related with the discharges are done with the assistance of UNEP-MAP. Nine Laws are listed in the report of Algeria as relevant to this point. A number of policies are also mentioned including those on atmospheric pollution etc. In Bosnia & Herzegovina the Law on Environmental Protection (Official gazette of F B&H and RS) includes the IPPC Directive requirements. The Water Law (Official gazette of FB&H, No. 18/98) includes relevant to the article 6 provisions. In Croatia, the legal acts that provide for the establishment of such systems are the Waters Act (Official Gazette No. 107/1995) and the Regulation on the Classification of Waters and the Regulation on Hazardous Matters in Waters. Also, the Ordinance on the Limit Values of the Indicators of Hazardous and other Substances in Wastewaters provide classification of waters and define what substances and in what quantities would be considered hazardous. In Cyprus legislation is in place for the implementation of a regulatory control system for permitting and inspecting discharges, including sanctions. The Water and Soil Pollution Control Law [106(1) /2002] fully provides the legal base needed.

2.4.15 In the European Community, the relevant legal acts comprise Council Directive 96/61/EC concerning integrated pollution prevention and control (IPPC) and Commission

Communication COM (2003) 354 on IPPC, “On the Road to Sustainable Production Progress” (In implementing Council Directive 96/61/EC; the questionnaire relating to Council Directive 96/61/EC (IPPC) was modified by a Commission Decision of 26/03/2003). The Water Framework Directive, which requires that all discharges from point sources, other than IPPC, to be subject to prior regulation, and Directive 2003/35/EC of 26/5/2003 that establishes a scheme for emissions trading involving IPPC. The Commission has organised a European-wide information exchange on Best Available Techniques. In France there is a special “Police of water” and a “Police for classified installations” with very comprehensive competences. In Israel the Inter-ministerial Committee decides on Land-Based Discharge Permits and the Ministry of the Environment’s Marine and Coastal Environment Division (MCED) is responsible for inspections. In Italy, Directive 96/61/EC on Integrated Pollution Prevention and Control (IPPC) was transposed into the Italian Legislation by decree 4.8.1999 n.372/99 which lays down the rules regarding the issuing, renewal and examination procedures of integrated environmental permits for existing industrial plants. Art.9 of Decree 372/99 establishes controls within the operator’s monitoring system and inspections of the plants by the competent authorities. Art.13 of Decree 372/99 also lays down sanctions for different degrees of non-fulfillment. Furthermore, Legislative Decree 152/99 (the Italian framework law on water) provides that all the industrial discharges have to be authorized by the State; for the civil and urban discharges the authorization is referred to the regions. The decree defines the deadlines and the criteria for the authorizations of the industrial discharges.

2.4.16 In Monaco all discharges are subject to authorisation by the Ministry of State on approval by the Technical Commission for the fight against pollution established in 1992. In Morocco, relevant legislation was first introduced during the last decade. The law on water of 1995 has provisions against pollution. The major piece of legislation is that of 2003, which includes also provisions for authorisation. The country is using funds for industrial de-pollution (FODEP) and application of voluntary schemes and the “Responsible Care” by the chemical and pharmaceutical industry. In Serbia & Montenegro the Law on the Environment provides for inspections by the ecological inspectorate. These are carried out in various ways. There are several problems regarding the inspection and enforcement systems. In Slovenia the area of urban waste collection and treatment is governed by the regulations issued on the basis of the Environmental Protection Act (OJ RS, No. 41/2004), Public Utilities Act (OJ RS, No. 32/93), Water Act (OJ RS, No. 67/02) and Spatial Planning Act (OJ RS, No. 110/02). Among the most relevant legal instruments are the: Rules on the Collection and Treatment of Urban Waste Water and Meteoric Water (Official Gazette of the RS No. 105/02), Decree on the Emission of Substances and Heat in the Discharge of Waste Water from Pollution Sources (Official Gazette of the RS No.35/96), Decree on the Emission of Substances in the Discharge of Waste Water from Small Urban Waste Water Treatment Plants (Official Gazette of the RS No. Official Gazette of the RS No. 103/02), Decree on the Emission of Substances in Waste Water Discharged from Urban Waste Water Treatment Plants (Official Gazette of the RS No. 35/96, 90/98, 31/01 and 62/01), Rules on Initial Measurements and Operational Monitoring of Waste Water and on Conditions for their Implementation (Official Gazette of the RS No. 36/96) and Decree on the Water Pollution Tax (Official Gazette of the RS No. 41/95, 44/95, 8/96, 124/00 and 49/01). In Spain the IPPC Law (Law 16/2002, of 1/7/2002) deals with the regime of authorisations including also the issue of single authorization. In Syria no authorization and/or regulation systems for the control of discharges have been established yet. In the period 1975 – 2002, 12 legal acts have been published regarding / controlling discharges in Tunisia. Among them are the acts for establishing the agencies ANDPE and ONAS.

**Report on legal and/or administrative measures taken to implement resolutions adopted by Contracting Parties regarding standards and criteria for the quality of seawater used for specific purposes (Article 7.1) - Interim environmental quality criteria for bathing waters (1985); and Interim environmental quality criteria for shellfish waters (1987)**

2.4.17 In Albania no such measures have been taken. In Algeria there is a network for monitoring bathing water under the Ministry of Health in cooperation with the Ministry for the Environment. Numerous Laws and initiatives are listed as relevant. In Bosnia & Herzegovina there is an official system for monitoring of the level of pollution of bathing waters. The Hydrometeorology Institute is the monitoring authority for the quality of bathing waters, according to the Law on elements of water regime of importance to two or more republics, or autonomic province and on inter-state water, (Article No. 25) (Official Gazette of SFRY, No. 2/74, 24/76, which is overtaken from ex SFRJ). Sea fishing is regulated by the Law on Sea Fishing (Official Gazette of SR B&H, No 7/89, which is overtaken from former Socialistic Republic of B&H). The quality of seawater for bathing has been monitored on the Croatian Adriatic region since 1988. The criteria for bathing water quality are prescribed by the Regulation on Beach Water Quality Standard, based on the Council Directive of EEC concerning the quality of bathing water 76/160/EEC (*Official Journal of ECC No. L28/47-52*), UNEP/MAP Guidelines for the Quality of Sea Bathing Water; and WHO criteria. The quality criteria for shellfish growing waters was evaluated according to the national legislation prescribed in the Ordinance on Veterinary-Health Criteria for Fishing, Growing, Purification and Trade of Live Shellfish and according to criteria proposed by WHO/UNEP (1985).

2.4.18 In Cyprus these issues are regulated by the EU directives on the Quality of Bathing Waters (76/160/EEC) and the Quality of Shellfish Waters (79/923/EEC), respectively. Although in Cyprus there are no shellfish waters, in order to implement the legislative framework mentioned, the above directives have been transposed in national legislation through the Quality of Bathing Waters Decree (No. 99/2000) and the Shellfish Waters Regulation (No. 512/2002). In the European Community, the legal measures related to the interim environmental quality criteria for bathing waters are the Directive on Bathing Water Quality, Directive 76/160/EEC of 8/12/1975 and the Revised Directive concerning the Quality of Bathing Water, COM (2002) 581 24/10/2002. Directive 79/923/EC of 30/10/1979 relates to the interim environmental quality criteria for shellfish waters is the. In Israel the discharge of substances on the seashore and into bathing waters is prevented. The Ministry of Health is responsible for setting standards and carrying out tests and the Ministry of the Environment deals with the engineering and application of the standards. In Italy the legal instruments providing on these issues are Presidential Decree 470/82 for bathing water and standards which is in line with the provisions of the Directive 76/160/CEE, the Legislative decree 152/99 on quality objectives for shellfish waters which is in line with the conditions fixed in the European directive 79/923/CEE and the Ministerial decree 367/03 on environmental quality standards for 160 substances.

2.4.19 In Monaco, the bathing waters are controlled on the basis of the Ordinance No 14.872 of 4/5/2001, which sets the conditions of application of the article L.750-1 of the Code of the Sea. The shellfish waters provisions are not applicable in Monaco (not existing). In Morocco, reports on the quality of bathing waters have been published since 1993. The waters are classified into 4 categories: waters of good quality, waters of average quality, waters (instantly)/ occasionally polluted, waters of bad quality. In Serbia & Montenegro the regulation on Classification and Categorization of Waters, (1997), provides for three levels: general quality, bathing, and shellfish. There are monitoring activities on marine water quality and on marine pollution levels. Slovenia has harmonized its legislation with that of the European Community in this field: The Decree on bathing water areas and the monitoring of bathing water quality (OJ RS, No. 70/03) amending the Decree on bathing water areas and the monitoring of bathing water quality (OJ RS, No. 72/04) implements Bathing Water Directive (76/160/EEC) - Official Journal 031/1976; the Decree on the quality required of

water supporting marine bivalves and gastropods (OJ RS, No. 46/02) implements Shellfish Waters Directive (79/923/EEC) - Official Journal 28/1979 complemented with Directive (91/692/EEC). In Spain the regulation concerning the quality of bathing waters (continental and marine ones) did not change within the biennium 2002-2003. The Royal Decree 734/1988 of 1st July implementing EU Directive 76/160/EEC was still in force. Royal Decree 345/1993 of 5/3/1993, Royal Decree 571/1999 of 9/4/1999 and Order APA/1029/2003 of 23/4/2003 provide for the interim environmental quality criteria for shellfish waters. In Syria, no national standards and criteria for the quality of seawater used for specific purposes have been developed yet. In Tunisia, criteria for bathing waters were introduced before the period under review without any recent amendments.

**Report on legal and/or administrative measures taken 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))**

2.4.20 In Albania there are several on going monitoring programmes and activities. In Algeria there are National inventories/registries for the special wastes as well as for the coastline. Among others there is a national programme for the evolution of pollution within the framework of MEDPOL, which is to be carried out by the National Observatory for the Environment and Sustainable Development. Bosnia & Herzegovina reports as relevant the Water Law (Official gazette of FB&H, No. 18/98) Article 212 and the Law on Environmental Protection. In Croatia a number of Monitoring programs (some of them are ongoing) have been developed. The most important current one is the Croatian National Monitoring Programme "Project Adriatic" while the country participates also in the Strategic Action Programme (SAP). The Ministry of Agriculture, Forestry and Water Management, Water Management Directorate is responsible for the implementation of the monitoring programs of the quality of waters and the sea in accordance with international obligations. In Cyprus there are no point sources of pollution regarding the substances of Annex I to the Protocol. A plan to identify possible concentrations of these substances in water bodies is now under consideration.

2.4.21 In the European Community, relevant provisions are included in the Council Directive 91/271/EEC of 21/05/1991 concerning urban wastewater treatment, the Water Framework Directive and the Bathing Water Directive. In France, IFREMER is the Institute responsible for research and monitoring of coastal waters. A series of other networks and institutes (RNO, RLM, RSL) is also involved. In Israel various monitoring activities are carried out. The legal instruments that provide for monitoring such activities in Italy are Legislative Decree 152/99 on monitoring in regions, Legislative Decree 18/09/2002 on reporting and Law 31/12/1982 n. 979 on ongoing monitoring of marine coastal areas. In Monaco monitoring is carried out in the marine environment (waters, sediments, mussels) in regular, frequent basis. The country report of Morocco refers to the national report submitted to MEDPOL in December 2003 for the last 5 years as well as to the BDN (Bilan Diagnostic National/National Diagnostic Account). In Serbia & Montenegro, the Centre for Ecotoxicological Research of Montenegro undertakes research on specific pollutants for new water-supply installation, the contamination of coastal seawater, and toxic substances in waste water. It also monitors surface and ground waters. The Hydrometeorological Institute maintains a network of measuring stations. Surface water parameters and seawater quality, is being measured using standard physicochemical, microbiological and saprobe parameters. Due to the lack of financing, only the most important parameters are selected for measurement. Marine water is monitored by the Hydrometeorological Institute and the Institute for Marine Biology – Kotor, for biological parameters. An effective monitoring system already exists in Slovenia and is regulated by the Environmental Agency of the Republic of Slovenia. In 2004, an Environmental Regional Information System (REIS) was set up, the purpose of which is to monitor the environment at the regional level via the system of environmental indicators and indicators of sustainable development. The duty to

perform monitoring of facilities and to issue reports on monitoring is defined in the Article 24 of the Decree on the Emission of Substances and Heat in the Discharge of Waste Water from Pollution Sources (OJ RS 35/96). Treatment facility monitoring is defined in the "First measurements and operational monitoring of waste water and on the conditions for its implementation" (OJ RS 35/96, 29/00, 106/01). The Environment Protection Act (OJ RS, No. 32/93) and new Environment Protection Act (OJ RS, No. 41/2004) are also relevant.

2.4.22 In Spain the legal acts regulating this issue are the Royal Decree 1073/2002 of 18/10/2002 introducing Directive 96/62/EC and Directive 2000/69/EC, the Royal Decree 130/2003 of 13/5/2003 and a series of regional Decrees (such as Decree 49/2003 of 9/5/2003 for Balearic Islands, Royal Decree 130/2003 of 13/5/2003 for Catalonia, the Resolution of 10/1/2003 and the Order of 22/12/2003 of the Regional Council of Agriculture, Water and Environment) for Murcia. The monitoring of seawater along the Syrian coast is assigned to the General Irrigation Directorate of the Coastal Basin of the Ministry of Irrigation. Furthermore, the Higher Institute for Marine Research routinely analyzes seawater samples to detect any possible pollution. In Tunisia, ANPE is in charge of collecting and evaluating the data provided by half a dozen of institutes.

**Report on legal and/or administrative measures taken to evaluate the effectiveness of national action plans, programmes and measures implemented under the Protocol (Article 8 (b))**

2.4.23 In Albania, no such evaluation has been implemented. In Algeria, a considerable number of activities and initiatives were carried out as indicators of effectiveness of the adopted measures. In Croatia, the "Croatian Water" has the obligation to prepare an annual report of the status of waters in the country following the provisions of the Waters Act (Official Gazette No. 107/1995). Cyprus reported the Water and Soil Pollution Control Law (106 (I) / 2002) as relevant. In the European Community, the Commission has published an annual report on the quality of bathing waters in the Community for 2002 and 2003 on Bathing Water Directive. In 2003, the Member States received the first reports for the new European Pollution Emission Register (EPER). In France the water management policies are evaluated in the annual and other national and regional reports. With regard to the management of industrial emissions there are two schemes: a national register and individual surveys by each classified installation, which are submitted periodically to inspection. In Israel the outputs of the various monitoring systems are assessed and improvement has been noted. In cases where deterioration or unusual occurrences are noted, monitoring is increased to determine the cause of the problem.

2.4.24 In Italy there is an ongoing evaluation of the effectiveness of national programmes and measures to eliminate to the fullest extent the pollution of the marine environment. In Monaco, the study in the period 2002-03 to compare the results of purification of waters to the requirements of the EU Directive No 91/271 of 21/9/1991 is showing a good response. In Morocco, as far as shellfish waters are concerned, there are frequent controls indirectly linked with the EU standards, since most of the products are sold to EU markets. In Serbia & Montenegro evaluation is reported to be based on all plans, programs and measures mentioned previously. Slovenia refers to the national report on the implementation of the Water Directive of 2003. In Spain there are several National Plans in force during the biennium studied, dealing with the management of specific categories of wastes. Most of them foresee their own revision and in some cases, such revision should have been carried out during the period 2002-2003. In Tunisia the results from studies, monitoring etc permitted the installation of numerous pre-treatment or treatment plants reducing the discharged pollution loads from industry.



### **Report on problems or constraints in implementation of the Protocol (optional)**

2.4.25 Most Contracting Parties did not provide any input regarding this item. In Albania, the problem reported concerns the difficulties in the enforcement of the laws that are in place. In Croatia, all the problems regarding the implementation of the Protocol are the same as the problems related to the implementation of national legislation. The legal framework is almost complete at the State level, the only exception being the regulation for the development of planning documents, or more precisely, the contents, method and procedure of enacting of planning documents in water management (whose enactment is under way). On the other hand, the major part of the legal framework has not been enacted or harmonized with the state-level legal framework by the local authorities. In this regard, more intensive work on the enactment of this legal framework and a further development of implementation mechanisms for the existing legal framework has been planned.

2.4.26 During the period 2002-2003, some EU Member States had still not transposed the IPPC Directive into their national legislation and the European Commission took actions against those Member States. The first national implementation reports show uneven progress in implementation of the Directive, with many southern EU Member States lagging behind. A recent decision of the European Court of Justice ("the Court") on the implementation of the Barcelona Convention, indicates that certain provisions of the Land Based Sources protocol ("LBS Protocol") have not been fully implemented in Community Law, i.e. the discharge of fresh water and alluvia into a saltwater marsh, as well as prior authorization of the discharge of waste on basis of the criteria of the Convention and the Protocol. Nevertheless, the Court stated that even in the absence of specific Community legislation, the application of these provisions from the LBS Protocol and the Convention fall within the Community framework since those articles are in mixed agreements concluded by the Community and its Member States and concern a field in large measure covered by Community law. Consequently, the Court assumed jurisdiction to assess a Member State's compliance with those articles (Case C-239/03 of 7 October 2004: Commission vs. French Republic; paragraph 31). As becomes clear from the ruling of the Court, the Barcelona Convention and its Protocols are part of Community environmental law. As regards the provisions from the LBS Protocol that are sufficiently precise, clear and non-conditional, the Protocol has direct effect in the Member States, without any implementing legislation at the Community level. In Morocco, among the problems mentioned is the lack of adequate funding for involvement of experts particularly in certain industrial sectors. Also the delays related to the work of the focal points, is noted.

2.4.27 The Barcelona Convention as amended in 1995, and its Protocols have not been ratified yet by Serbia and Montenegro at State Union level, although they have been approved by the Government of the Republic of Montenegro). It is, however, expected to be ratified soon. The evident lack of human and technical capacities and the need for strong support by relevant international organizations that are active in marine traffic and marine pollution issues in order to be able to involve in ongoing activities at regional and international level, are stressed. Slovenia has made a lengthy analysis of the pollution problems it has along its coast and within its watershed, many of which are related to accumulated pollution for many years while others are of a transboundary nature. In Tunisia, there are financial constraints related to the funding of the needed analysis, monitoring of the quality of waters discharged in the Mediterranean and pretreatment of industrial waste despite the interaction of the De-pollution Fund (FOREP) subvention to purchase such relevant equipment.

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

### **General remarks**

2.5.1 Not all the Contracting Parties provided sufficient information regarding the implementation of the provisions of this Protocol and its articles. Greece did not provide any information on this protocol. Of the Contracting Parties countries submitting national reports, Libya reported briefly on the creation of a National Committee for protected Areas, the issuing of the Decree for New Protected Areas and the organisation of several Workshops and seminars.

### **Report on legal and/or administrative measures taken 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)**

2.5.2 The relevant legislation in Albania includes the Law No. 8906, 06/06/2002 on Protected Areas, Law No. 8870 of 21/03/2002 amending Law No. 7908, 05/04/1995 on Fishing and Aquaculture, and Law No.9103, 10/07/2003 on Transboundary Lakes. In Algeria, the legal framework includes 34 laws, decrees and acts directly or indirectly relevant to the protection of nature and biodiversity concerning the period of 1982 to 2003. In Bosnia & Herzegovina, there is still no environmental policy at state level. However, drafts of Laws are being prepared. There are some Laws at Canton and State level such as the 1994 Order for Nature Protection, a decree and laws that define Hutovo Blato and Blidinje as natural parks (1995) in Herzegovina-Neretva Canton, Laws that regulate the protection of nature and environment in the Republic of Srpska, etc

2.5.3 In Croatia there is along list of relevant legal acts such as the Nature Protection Act (Official Gazette No. 162/2003), the Act on Maritime Domain and Sea Harbours (Official Gazette No. 158/2003, the Maritime Code (Official Gazette Nos. 17/1994, 74/1994, 43/1996, and 181/2004), the Islands Act (Official Gazette No. 34/1999), twelve Acts regarding the proclamation of parks: (Official Gazette Nos. 31/1980, 14/1988, 13/1997); (Official Gazette No. 46/1983, 57/1989, 5/1990, 45/1999); (Official Gazette Nos. 5/1985, 9/1988, 13/1997); (Official Gazette Nos. 49/1960, 54/1976, 13/1997); (Official Gazette Nos. 84/1949, 34/1965, 54/1976, 15/1997); (Official Gazette No. 58/1999); (Official Gazette No. 24/1981); (Official Gazette No. 14/1988); (Official Gazette No. 45/1999); (Official Gazette No. 4/1969); (Official Gazette No. 7/1963, 34/1965); (Official Gazette No. 77/1999), four National Strategies and action plans (Official Gazette No. 46/2002); (Official Gazette No. 46/2002); (Official Gazette No. 81/1999); (Official Gazette No. 8/1997), fifteen Ordinances (Official Gazette No. 79/2002); (Official Gazette No. 97/1998); (Official Gazette No. 129/1999, 16/2000); (Official Gazette No. 38/1996); (Official Gazette No. 77/2000); (Official Gazette No. 76/2000); (Official Gazette No. 76/2000); (Official Gazette No. 38/1996); (Official Gazette No. 75/2000); (Official Gazette No. 75/2000); (Official Gazette No. 47/1995); (Official Gazette No. 43/1995); (Official Gazette No. 31/1995); No. 76/1998); Lithophaga) (Official Gazette No. 86/2002), and five Decisions on the Enactment of the Physical Plan of 5 National Parks (Official Gazette Nos. 2/1990, 118/2003); (Official Gazette No. 23/2001); (Official Gazette No. 45/2001); (Official Gazette No. 23/2001); (Official Gazette Nos. 1/1990, 22/1992).

2.5.4 In Cyprus these issues are controlled by the Law on the Protection and Management of Nature and Wildlife (No. 153 (I) / 2003) and the Fisheries Law (No. 61 (I) / 2001), along with Regulations and their amendments. In the European Community, the list of relevant legal acts comprise of the Directive 78/659/EEC of 18/7/978 on the quality of fresh waters

needing protection or improvement in order to support fish life; Directive 79/923 of 30/10/1979 for shellfish; Directive 79/409/EEC of 2/4/1979 on the conservation of wild birds (“the Wild Birds Directive”); Directive 92/43/EEC of 21/5/1992 on the conservation of natural habitats and of wild fauna and flora (“the Habitats Directive”); Regulation (EC) 338/97 of 9/12/1996 on the protection of species of wild fauna and flora; Directive 2000/60/EC of 23/10/2000 (“the Water Framework Directive”), and COM (2002)539, European Commission’s Communication to the Council and the Parliament entitled «Towards a strategy to protect and conserve the marine environment ». Both Directives 78/659/EEC and 79/923 failed to reach the objectives, and will be repealed in 2013 by Directive 2000/60/EC of 23 October 2000 (the Water Framework Directive), which will take over the attainment of the objectives of both Directives. In France, there are different types of protected areas and different procedures exist for the management. National Parks are designated using the Code for Environment Articles L 331-1 to 25 and R 241-1 to 71. Similarly there are provisions for Regional National Parks (L 333-1 to 4), for the Natural reserves (L 332-1 to 27 and R 242-1 to 49) for the biotopes (L 411-1 to 3 and R 211-12 and 14) and other sites (see L 341).

2.5.5 In Israel, the Law for the Protection of the Coastal Environment came into force on November 2004. The “National Parks Law” (National Parks, Nature Reserves, National Sites and Memorial Sites Law), 1998 is the other main piece of local legislation that acts as a basis for the protection of natural assets, and the preservation and management of specially protected areas. In Italy, the main existing legal instruments for the Protection, preservation and management of marine areas are Law No. 979/1982 on the sea protection improved and amended by e.g. law n. 394/1991, the frame law on protected areas and Law No. 391 of 11/11/2001 ratifying the agreement for the establishment of “International Sanctuary for Marine Mammals” signed by France, Monaco and Italy. Regarding the protection, preservation and management of marine species, in Italy there are several legal instruments: Law n. 381/1988, containing amendments to law n. 963 of 14/07/65 on fisheries; Decree of the Ministry of the Merchant Fleet of 03/05/1989; Law n. 157/1992; Council Regulation n. 1626/94/EEC of 27/06/1994; Decree of the Ministry of Agriculture, Forestry and Fisheries of 16/10/1998; Presidential Decree n. 120/2003 of 12/03/2003 containing amendments to implementation measures of the EU Directive n. 43/92/EEC. A number of decrees (22) were adopted establishing 22 Marine Protected Areas. Marine protected species are identified and given protection status according to ratification laws of international conventions and following implementation of EC Directives.

2.5.6 In Monaco, there is the Code of the Sea, Law No 1197 of 27/3/1998 introducing the protected marine zones. The marine fauna and flora are protected already since 1908 modified by Souv. Ord. of 25/4/1978, 19/8/1986, 9/1/1992 and 29/1/1993. A sanctuary for marine mammals is based on the trilateral (Monaco-France-Italy) agreement of 25/5/2000 published (Os. No 15258 of 18/2/2002). The country has two marine protected areas: Larvotto and a coral reserve both entrusted to the Monegasque Association for the Protection of Nature. In Morocco, within the Regional Directorates of Waters and Forests, special sections are allowed to be created for protected areas, providing some independence to the national parks regarding personnel, etc. The Act of 9/4/2004 fixes the reserves for fisheries for the period 2004-2005. There are annual regulations for hunting periods. In Serbia & Montenegro several problems of political, economic and institutional nature did not allow measures and actions to be undertaken. Montenegro has no national Biodiversity Strategy and Action Plan but is moving towards its development. The programme for Biodiversity monitoring is in its starting phase. In Slovenia the relevant list of legal acts comprise: the Nature Conservation Act (OJ RS, No. 96/04) including the Nature Conservation Act (OJ RS, No. 56/99), articles 1, 4, 5, 6, 8, 24, 26, 33a, Part 3 (articles 37-49), 130-136; Environment Protection Act (OJ RS, No. 32/93), articles 19, 34; the Decree on the protection of endangered animal species (OJ RS, No. 57/93, 61/93 and 69/00) replaced by Decree on protected wild animal species (OJ RS, No. 46/2004, 109/2004); and the Ordinance on the protection of rare or endangered plant species (OJ SRS, No. 15/76) replaced by Decree on protected wild plant species (OJ RS, No. 46/04, 110/04).

2.5.7 Spain, as a member country, is implementing the relevant EU Policy. The legislation at national level includes the Law on Coasts 22/1988, of 28/07/1988 (Law 53/2002 made amendments to article 111 and Law 53/2002 of 30/12/2002 to article 12 of the aforementioned Law; amendments were made to article 112 as well) and the Law 4/1989 of 27th March for the conservation of natural spaces and wild flora and fauna modified (in particular its Chapter IV regarding National Parks) by Law 53/2002 of 30/12/2002. A Regional (Andalusia) law, Law 8/2003 on wild flora and fauna provides among others for the preservation of biodiversity. In Syria the Law No. 50 (Environmental Law) which was passed by the Parliament and ratified by the President in 2002, allows for the establishment of specially protected areas, and authorises the Council for the Protection of the Environment to formulate guidelines for their establishment, management and implementation. Ministry of Agriculture and Agrarian Reform (MAAR), issued Decrees No. 50 - 53 in 2003 and Decree No. 54 in 2004. In Tunisia the relevant legislation is based on the Code of Forests and the Law for the creation of APAL. Special legislation includes the Law No 68-4 of 8/3/1968 on the protection of seals. Laws No 88-20/ articles 207 to 217 of 13/4/1998 on the Code of Forests Coastal and Marine protected areas include: the Islands of Zembra and Zambretta (Decree 7-340 of 1/4/1977); National Park of l' Tchkenl (Decree No 80-1608 of 18/12/1980); and a number of national reserves created through acts of the Minister of Agriculture (Isle of Kneiss, la Grotte de Chaure-Sourir, Isle of Chickly).

#### **Report on legal and/or administrative measures taken to establish specially protected marine and coastal areas (Article 5)**

2.5.8 In Albania, a draft law "On biodiversity" waiting to be approved by the Parliament foresees legal provisions for the setting up of specially protected areas taking into account the implementation of the SPA Protocol. There are two Decisions of the Council of Ministers on the subject: No. 531, 31/10/2002 "On the Proclamation of the Butrinti wetland and its surroundings specially protected area and its inclusion in the list of wetlands of international importance, especially as waterfowl habitats" and No. 676, 20/12/2002 "On Nature Monuments" establishing 750 areas under this category, a part of them in coastal areas. Algeria has issued a very long list of legal acts establishing protected areas such as the National Park of El Kala; Gouraya; Taza; the Habitats islands; the marine Algero-Tunisian sanctuary etc. The first three are also designed under MAB/UNESCO. Twelve sites are designed under the RAMSAR Convention. In Bosnia & Herzegovina, the Law on Nature Protection, Articles 25, 26 defines specially protected areas. This Law has not yet been adopted. A number of legal instruments listed in paragraph 2.5.3 above deal with the establishing of specially protected marine and coastal areas in Croatia. In Cyprus the relevant laws include the one on the Protection and Management of Nature and Wildlife (No. 153 (I) / 2003) and the Fisheries Law (No. 61 (I) / 2001), along with Regulations and their amendments.

2.5.9 In the European Community, the Wild Birds and the Habitats Directives provide for the designation of "Special Areas of Conservation". Under these legal instruments a coherent European ecological network, the Natura 2000 Network, is formed. The future marine component of the Natura 2000 has to be part of this ecological network. The Commission has established a Working Group under the Habitats Committee to consider aspects of implementation of both directives in the marine environment. This group has been working since 2003 in order to progress with the definition of practical guidelines to apply the Directives in the marine zone. In November 1999, a list of habitat types and species present in the Mediterranean region was drawn up. In 2002, 2,885 special protection areas were designated under the Wild Birds Directive, whereas 14,912 sites were submitted to the Commission under the Habitats Directive. In 2003, National lists were considered complete for all Member States, except for France, Belgium and Germany. The measures adopted by France have already been listed in paragraph 2.5.4 above. Israel reported that no such

measures were implemented within the review period. In Italy 22 Decrees were adopted establishing 22 Marine Protected Areas. The agreement for the establishment “International Sanctuary for Marine Mammals” (“Pelagos Sanctuary for marine mammals in the Mediterranean” was decided to be its official name) signed with France and Monaco was ratified by the Law n. 391 of 11/11/2001. The latter created the underwater reserve of Larvotto with Os of 25/4/1978. Monaco has supported similar measures in Croatia.

2.5.10 Measures taken for the creation of specially protected areas in Morocco include an inventory of sites developed, resulted to 14 SPAs, the establishment of the National Park of Al Hoceima (Decree No 5255 11/10/2004), the preparation of the project for the National Park of Moussa, the launching of the procedure for the Park of Moulouya and preparations for the intercontinental Biosphere Reserve of the Mediterranean in the framework of the Morocco-Andalusia cooperation. There are also several framework agreements for the management of protected areas signed by the national authorities of Morocco. The relevant legislation in Slovenia include the: Nature Conservation Act (OJ RS, No. 96/04), the Nature Conservation Act (OJ RS, No. 56/99), articles 33, 49, 50, 53, 55; a Decree on special protection areas - Natura 2000 areas (OJ RS, No. 49/2004, 110/2004); a Decree on the categories of valuable natural features (OJ RS, No. 52/02, 67/03); Rules on determination and protection of valuable natural features (OJ RS, No. 111/2004). There are also series of Decrees and Acts for the establishment and the conservation of parks and protected areas. Spain is the Mediterranean country with the greatest number of SPAMIs; two new areas were declared in November 2003. In Syria 3 protected areas have been established with the Ministerial decisions T/15 of 13/5/1999, T/26 of 29/5/1999 and T/23 of 19/7/2000. However, no ministerial decision has been issued yet to specify the actual designated area. In Tunisia no new areas were established in the review period but many relevant projects were implemented.

#### **Report on legal and/or administrative measures taken to ensure protection through the strengthening of application of the other Protocols and other treaties (Article 6(a))**

2.5.11 In Albania, the most important activity is related to the approval of the administration of the protected areas as separate entities. These administrations are part of the General Directory of Forestry and Pastures. In terms of legislative measures there are the Decision of the Government no. 266, dated 24.04.2003 “For the administration of the protected areas”, the Orders approved by the General Director of the Forestry and Pastures, and the Law No.9021, 06/03/2003 for the accession of Albania in CITES Convention (Convention on International Trade of Endangered Species of Wild Flora and Fauna). In Bosnia & Herzegovina, there were no new measures approved for the strengthening of the application of any other protocols during the period under review. Croatia reported that no special measures were taken. No information was provided by Cyprus. In Italy, the agreement for the establishment of “International Sanctuary for Marine Mammals” signed by France, Monaco and Italy (ratified with the Law n. 391 of 11/11/2001) provides for the obligation of the parties to exercise specific control on the area and, in particular, to strengthen the fight against land based and marine sources of pollution that are able to have an impact on the conservation status of marine mammals. Parties also commit themselves to adopt national strategies for the progressive reduction of toxic substances in the area, giving priority to substances listed in Annex I of LBS Protocol. In Morocco, an information exchange centre (A Clearing-House Mechanism) has been established by the Department of the Environment, which serves as a platform for internal information and communication for implementation of the Protocol.

2.5.12 The report of Serbia & Montenegro refers the Law on Nature Protection, articles 2, 3, 9; the Decree on Protection of Rare, Scarce, Endemic and Endangered Plant and Animal Species; the Law on Forests Article 2; the Law on Environment Article 7, Items 1 and 2, Article 15 and II Part; the Law on Hunting Article 1, 12, 16, 17; the Law on National Parks

and subsequent regulations. Slovenia is a Party to the Convention on Wetlands of International Importance Especially Waterfowl Habitats (Ramsar) by succession (OJ RS, No. 15/92) and has ratified the Convention on Biological Diversity (OJ RS, No. 7/96), as well as the *Cartagena Protocol on Biosafety to the Convention on Biological Diversity* (OJ RS, No. 23/02). Spain has undertaken several actions (signature, ratification, submission of reports etc) regarding International conventions and Agreements, including the Ramsar Convention of 2nd February 1971, the Antarctic Treaty, the CITES Convention, the Bonn Convention, the Convention on Biological Diversity and the European Landscape Convention. No information on this point was provided by Syria.

### **Report on legal and/or administrative measures taken to ensure protection through the prohibition of dumping or discharge affecting protected areas (Article 6(b))**

2.5.13 In Albania, the Law "On Protected Areas", No. 8906, 06/06/2002, contains strict provisions prohibiting dumping or discharge in protected areas. In Bosnia & Herzegovina, as a general provision, within the respective legislation of every existing protected area, all those activities potentially harming them are restricted. Within its chapter on Management of Protected Areas, the Law on Nature Protection defines that the necessary nature protection management measures and related techniques to be applied in protected areas shall be governed by special regulations. This regulation is to be harmonized with the Federal Nature Protection Strategy and, after its adoption the Federal Government is to adopt a special management plan for each national park and nature protection area. Existing legislative and administrative measures in Croatia regarding dumping also apply to Specially Protected Areas. The most relevant provisions for the specially protected areas are included in the Maritime Domain and Sea Harbours Act (Official Gazette No. 158/2003) articles 88-90 and in the Maritime Code (Official Gazette Nos. 17/1994, 74/1994, 43/1996, and 181/2004) articles 180-182. No information was provided by Cyprus. In Italy, according to the framework law on protected areas (Law No. 394/1991), the discharge of any solid or liquid waste is prohibited within marine protected areas. Other economic and human activities are regulated by specific legislation: e.g. the 1996 Ministerial Decree limits the dumping of dredged materials in protected areas. There were no new generally applicable measures adopted for the period 2002 – 2003.

2.5.14. Since enactment of the Law of 23 November 1973 on Maritime Fisheries, which prohibits the intentional discharge into seawater of all substances liable to harm marine ecosystems, no new amendments to the text have been introduced so far. However, two new laws have been enacted in Morocco, one on Environmental Impact Assessment studies, and the other on the protection and evaluation of the Environment. Both texts were adopted on 12 May 2003, and entered into force on 19 June 2003. No legislation was reported by Serbia & Montenegro. In Slovenia, the Nature Conservation Act (OJ RS, No. 96/04) including the Nature Conservation Act (OJ RS, No. 56/99) Articles 51, 64-66, the Water Act (OJ RS, No. 67/02) Articles 66, 68, and the Slovenian Maritime Code (OJ RS, No. 26/01, 21/02) Articles 72, 138, 157 provide for the necessary measures to implement this sub-Article of the Protocol. In Spain, within the provisions of the respective legislation regarding protected areas, all kinds of potentially harmful activities are restricted and strictly regulated. In Syria, as a general rule, any legislation declaring areas as specially protected marine or coastal areas include relevant provisions.

### **Report on legal and/or administrative measures taken to ensure protection through the regulation of the passage of ships (Article 6c)**

2.5.15 In Albania, this aspect of the Protocol has been reported as non-applicable. In Algeria, there are an impressive number of decrees regulating the management of the passage of ships, and special prohibitions regarding the collection of corals, scientific

activities, fisheries and hunting. No specific regulations exist in Bosnia & Herzegovina. In Croatia, existing legislative and administrative measures regarding sailing of ships also apply to Specially Protected Areas. In Italy, through the provisions of the framework law on protected areas (Law No. 394/1991), the passage of ships is regulated within marine protected areas. The decrees establishing the marine protected areas and consequent regulations include specific provisions on this item. The area between the island of Corsica (France) and the island of Sardinia (Italy), which falls within the boundaries of the "Pelagos Sanctuary", is a strait used for international navigation and represents a major concern as far as the risk of pollution from international shipping is concerned. In 2001, with the aim of addressing this risk, the Italian and French Coast Guards signed a co-operation agreement for the co-ordinated monitoring and surveillance of the area. At international level, since the '80s, both countries have been submitting to the International Maritime Organization (IMO) several requests for the prohibition of the passage of ships through the strait. In 1998, same national legislation was adopted in both countries prohibiting loaded national ships to cross the strait.

2.5.16 In Morocco, monitoring of the marine areas of the Al Hoceima National Park has been achieved in collaboration with the Law Enforcement Authorities, The High Commissariat for Water, Forests and the combating of desertification, and the Department of Marine Fisheries. Improved means of communication and mobility have been established within the Park to contribute to the effectiveness of the monitoring system. In Slovenia, the Nature Conservation Act (OJ RS, No. 96/04) including the Nature Conservation Act (OJ RS, No. 56/99), Articles 51, 64-66, 68, provides for such regulation. In Spain, within the provisions of the respective legislation regarding protected areas all activities potentially harming them are restricted and strictly regulated through the Master plans of management and use, or other similar existing tools. No information on this point was provided by Cyprus, Serbia & Montenegro and Syria.

#### **Report on legal and/or administrative measures taken to ensure protection through the regulation of introduction of species (Article 6(d))**

2.5.17 Albania is a Party to the Bern Convention "On the Conservation of European Wildlife and Natural Habitats" and has endorsed the Strategy on Invasive Alien Species elaborated by the Council of Europe in 2003. In Bosnia & Herzegovina, the Law on Nature Protection, within its chapter on "Introduction of new or extinct species" stipulates that the deliberate introduction of plant and animal species which are not native to its territory shall be forbidden. In Croatia, relevant provisions are included in the National Strategy and Action Plan for the Protection of Biological and Landscape Diversity (NSAP) (Official Gazette No. 81/1999), the Islands Act (Official Gazette No. 34/1999) and the Nature Protection Act (Official Gazette No. 162/2003). The first of these three legal acts is touching upon the issue of introduction of non-indigenous species into the ecological systems only in two paragraphs. In Cyprus, the introduction of such species is regulated by the Law on the Protection and Management of Nature and Wildlife (No. 153 (I) / 2003) and through the Convention on International Trade of Endangered Species (CITES), which has been ratified by the country. In Italy, no legislative or administrative measures have been adopted regarding the problem of introduction of indigenous species in protected areas in general. Specific provisions on the introduction of species are, however, included in the Decrees establishing new marine protected areas.

2.5.18 In Morocco, The management plan for the Al Hoceima National Park contains a list of specific recommendations, in which the introduction of non-indigenous species is strictly prohibited. In Serbia & Montenegro, the Law on Marine Fisheries prohibits fish stocking, the introduction of non-indigenous species and other marine organisms and/or genetically modified species. In Slovenia, the Nature Conservation Act (OJ RS, No. 96/04) including the Nature Conservation Act (OJ RS, No. 56/99) articles 17, 18 provides for such regulation. In

Spain, Commission Regulation (EC) No 1497/2003 of 18/8/2003, amending Council regulation (EC) No 338/97 on the Protection of species of wild fauna and flora, entered into force in 9/2003. With this legal disposition, some measures to protect wild indigenous species of fauna and flora from non-indigenous ones were enacted. In Syria, the Ministry of Agriculture and Agrarian Reform (MAAR) prohibits the introduction of any marine species not indigenous to the Syrian Mediterranean Territories and the introduction of any genetically modified species that may pose a threat to the marine environment. Although this ban is currently practiced, its legal basis (legislation, regulations etc) is unclear.

#### **Report on legal and/or administrative measures taken to ensure protection through the regulation of activities (Article 6(e), 6(h))**

2.5.19 In Albania, relevant activities are regulated by the Law "On Agricultural Land" recently approved by the Parliament. A number of by laws regarding the soil exploitation and harmful substances are being developed. In Bosnia & Herzegovina, the Law on Nature Protection regulates both specific activities and prohibitions in its chapter on "European Protection Areas". In Croatia, existing legislation regulates activities in protected areas, depending on the category of protection. The problem is that up to the present, no protected area has an operational management plan, although five Croatian national parks in the coastal region have valid physical plans, which offer a certain level of protection. The Physical Plan for the Area of Special Characteristics adopted by the Parliament of the Republic of Croatia and the Ordinance on the Internal Order, announced by the Minister responsible for the protection of the nature, regulate various levels of management of the protected areas. In Cyprus, the Law on the Protection and Management of Nature and Wildlife (No. 153 (I) / 2003) is the relevant item of legislation. In Italy, relevant regulations and prohibitions are provided through the framework Law on protected areas (No. 394 of 06/12/1991), Law No. 979/1982, Law No. 391 of 11/10/2001, article 5.1 and Law No. 391 of 11/11/2001 ratifying the agreement for the establishment of the International Sanctuary for Marine Mammals, signed by France, Monaco and Italy (Art. 4, 7.a, 7.b). In Morocco, the required conditions for conformity with the zoning plan established in 1993, which include special regulations according to the level of identified zones have been reinforced. In Serbia & Montenegro, it is envisaged that most of the issues will be solved through the adoption of a Coastal Zone Spatial Plan for the whole coastal region of Montenegro. In Slovenia, the Nature Conservation Act (OJ RS, No. 96/04) including the Nature Conservation Act (OJ RS, No. 56/99) articles 51, 64-66, 68, 81 provides for such regulations. In Spain, the Law on Coasts, No. 22/1988, of 28/7/1988 and its amendments include relevant provisions. In Syria, as a general rule, any legislation declaring areas as specially protected marine or coastal areas include relevant provisions.

#### **Report on legal and/or administrative measures taken to ensure protection through the regulation of scientific research activities (Article 6(f))**

2.5.20 In Albania, the law on Protected Areas, No. 8906, 06/06/2002, provides that every scientific research to be carried out in all categories of protected areas has to be approved beforehand by the administration of the protected area. In Bosnia & Herzegovina, there are no regulations regarding scientific research activities for the period under review. In Croatia, the Ordinance on Conditions for the Investigations in Specially Protected Areas of Nature on the Seabed and its Subsoil of the Territorial Waters of Croatia (Official Gazette No. 97/1998) is the legal instrument that regulates scientific research activities in specially protected areas. In Cyprus, the law on the Protection and Management of Nature and Wildlife (No. 153 (I) / 2003) regulates scientific research within specially protected areas. In Italy, Decrees and regulations pertaining to each marine protected area provide specific indications as to the modalities, periods and methods allowed for the collection of wildlife, as well as on the procedures for obtaining licenses for scientific research activities. The elaboration of a draft



management plan for the Pelagos Sanctuary, encompassing management and planning activities and including research and monitoring activities, has started. In Morocco, all research activities within national parks require an authorisation (scientific permit) from the High Commissariat for Water, Forests and combating of Desertification.

2.5.21 In Serbia & Montenegro, the Law on Marine Fisheries regulates fisheries issues, and prohibits scientific research activities, which use hunting and collecting of fish and other marine organisms without permission from the Ministry of Agriculture, Forestry and Water Supply. In Slovenia, the Nature Conservation Act (OJ RS, No. 96/04) including the Nature Conservation Act (OJ RS, No. 56/99) articles 51, 64-66, 68 regulate scientific research. In Spain, insofar as the Region of Andalusia is concerned, Law No. 8/2003 stipulates that scientific projects requiring the use of threatened wild species should include a protocol of use and management, which should be approved by the Regional Council of Environment. In Syria, any legislation declaring a site as a specially protected marine or coastal area includes provisions that restrict scientific research activities within it.

**Report on legal and/or administrative measures taken to ensure protection through the 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))**

2.5.22 In Albania, a number of legislative items have contributed to the implementation of this Article. The country report mentions the accession of Albania to the CITES Convention, the amendment of the law on Fishing and Aquaculture, and Law No. 8906 on Protected Areas. The Directorate of Fisheries is preparing a new regulation for fishermen. In Bosnia & Herzegovina, the law on Nature Protection, in its chapter on the protection of wild animals and plants, provides for the relevant activities. In Croatia, the legal instruments that regulate such activities are the Ordinance on Veterinary Health Criteria for Fishing, Growing, Purification and Trade of Live Shellfish (Official Gazette Nos. 129/1999, 16/2000), the Ordinance on the Protection of the Date-shell (*Lithophaga lithophaga*) as strictly protected species, which was enacted in 2002 (Official Gazette No. 86/2002), the Ordinance on the Protection of several Genera of Reptiles (Official Gazette No. 47/1995), the Ordinance on the Protection of several Genera of Birds (Official Gazette No. 43/1995), the Ordinance on the Protection of several Genera of Mammals (Official Gazette No. 31/1995) and the Ordinance on the Protection of *Holothuria* (Official Gazette No. 76/1998). In Cyprus, the legal instruments that regulate such activities are the Fisheries Law (No. 61 (I) / 2001) and the Law on the Protection and Management of Nature and Wildlife (No. 153 (I) / 2003). In Italy, the framework Law on protected areas (No. 394 of 06/12/1991), as well as Decrees establishing marine protected areas, provide for the regulation of such activities. In Morocco, apart from existing legislation on hunting and fishing, the High Commissariat for water, Forests and the Combating of Desertification have reviewed the national situation with regard to implementation of the terms of the CITES Convention, and have elaborated a draft law on trade in endangered species with a view to integration of the provisions of the Convention into national law. Serbia & Montenegro issued the Law on Approval of the Convention on International Trade of Endangered Species of Wild Flora and Fauna (CITES) of 5/11/2001 ("Yugoslav Official Register", International Agreements, no. 11/2001). The Convention is not yet in force.

2.5.23 In Slovenia, the Nature Conservation Act (OJ RS, No. 96/04) including the Nature Conservation Act (OJ RS, No. 56/99) articles 19, 23, 24-26, 52, 64-66, 68, 81 and the Decree on the management and protection methods in trade in animal and plant species (OJ RS, No. 104/03, 52/04) regulate such activities. In Spain, Commission Regulation (EC) No 1497/2003 of 18th August 2003 amending Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating its trade, replaced its Annex A, B, C and D came into force in Spain on 1/9/2003. The country is also a Party to the Convention on International Trade in Endangered Species of Wild Fauna and Flora and its amendments.

A Series of Legal Instruments (Laws, Orders, Decrees and Agreements) of national and regional governments regarding scientific research activities exist. These include six Orders (Order APA/163/2002, of 29th January; Order APA/116/2003, of 28th January; Order APA/664/2002, of 20th March; Order APA/711/2003, of 26<sup>th</sup> March; Order APA/973/2002, of 23rd April; Order of the 1st October regarding) regarding Andalusia, four Orders (Order APA/946/2002, of 17th April; Order APA/3101/2003, of 4th November; Order MAB/29/2002, of 25th January; Order 402/2003), regarding Catalonia, a Law (Law 7/2003, on Hunting and Fluvial Fishing), and three Orders (Order PA/399/2002; Order APA/1261/2002; Order APA/3319/2003) regarding Murcia, and four Orders (Order APA/398/2002; Order APA/945/2002; Order APA/1619/2002; Order APA/3320/2003) regarding Valencia. In Syria, the provisions of this sub-Article are covered by the fact that, as a general rule, any legislation declaring areas as specially protected marine or coastal areas include relevant provisions.

### **Report on general legal and/or administrative measures taken to ensure protection (Article 6 (a) to (g))**

2.5.24 The legislative measures taken by the European Community EU which ensure effective implementation of Article 6 of the Protocol include Directive 92/43/EEC of 21/5/1992 (“the Habitats Directive”) and Directive 79/409/EEC of 2/4/1979 (“the Wild Birds Directive”), which satisfy the requirements of all six Sub-Articles (6(a) through 6(h)), and Directive 2000/60/EC of 23/10/2000 (“the Water Framework Directive”), which also satisfies the requirements of Sub-Article 6 (b). In Israel, no specially protected areas have been declared under the new Protocol. The country’s local protected areas are governed by the National Parks Law for which the Israel Nature and Parks Authority (INPA) is the responsible implementing body. The law protects these areas from changes and requires that any activity with potential impacts be subject to a permit from the INPA. Therefore, in these areas, the law prevents any dumping or discharge, passage of ships, introduction of non-indigenous species, hunting and harvesting, or any activity likely to impair the natural or cultural characteristics of the site. Plans for scientific research with the potential to bring about detrimental impacts to the site must receive prior approval via an INPA permit. In Monaco, there are various activities implemented in the framework of the RAMOGE Agreement, including scientific research. Severe punishments for damaging activities, as well as several prohibitions, are provided for the marine park of the Larvotto area. Tunisia makes a reference to nine Laws and Decrees for the protection of the coastal zone etc. that, however, are not specific for protected areas.

### **Report on legal and/or administrative measures taken regarding planning and management of specially protected areas (Article 7)**

2.5.25 In Albania the relevant legal instruments include Decision of the Council of Ministers No. 266 “On the administration of protected areas”, the Decision of the Council of Ministers No.807, of 04.12.2003 “On Regulations of cave use” and the Decision of the Council of Ministers “On the Management Committees of protected areas”. In the case of Algeria, the legal instruments that provide for such actions are Law No 03-10 of 19/7/2003, Law No 83-458 of 28/7/1983 setting the status of National Parks followed by decrees No 83-458 (23/7/1983) and No 98-216 of 24/6/1998 and Decree No 82-498 (25/12/1982) implementing CITES. In Bosnia & Herzegovina the chapter on “Management of protected areas” of the draft Law on Nature Protection defines that the necessary nature protection management measures and related techniques to be applied in protected areas shall be regulated by a special regulation. This regulation shall be harmonized with the Federal Nature Protection Strategy. The draft Nature Protection Strategy will define tasks and policies connected with the protection of nature and biodiversity, to ensure the surveying, protection and other parts of the natural heritage according to the Law on Nature Protection. Both the Law and the

Strategy have not yet been adopted. In Cyprus, the Law on the Protection and Management of Nature and Wildlife (No. 153 (I) / 2003) and the Fisheries Law (No. 61 (I) / 2001), along with Regulations and their amendments, provide for the planning, management and supervision of special protected areas.

2.5.26 In the European Community, Directive 92/43/EEC of 21/5/1992 ("the Habitats Directive") specifies that any plan or project likely to have a significant effect on the site is to be subject to appropriate assessment of its implications for the site. Furthermore, Member States are obliged to set up a system of strict protection for animal and plant species of Community interest, including monitoring and research activities. The Directive 79/409/EEC of 2/4/1979 ("the Wild Birds Directive") requires management and conservation of the sites specified as Special Protection Areas. In France there is a public institution, the Conservatory of Coastal Areas, active since 1975, which has a mission to buy and manage large plots of coastal lands. It is also responsible for the management of significant sites. In Israel, the INPA is charged under the National Parks Law with the responsibility of developing and implementing management plans for every protected area. In Italy the Decrees establishing the marine protected areas provide for such measures. A draft management plan for the International Sanctuary for Marine Mammals has been formulated and is under discussion. The plan encompasses the management of human activities, research and monitoring, education and capacity building as well as, administration activities. The measures reported as taken by Monaco at the beginning of this section holds good for the implementation of this Article of the Protocol. The Directorate of the Environment is responsible for the relevant inventories in the National Parks.

2.5.27 In Morocco the administrative measures include the elaboration of an Action Plan for the marine part of the Park of Al Hoceima, implementation of activities for the protection of Specially Protected Areas (support by CEE for the acquisition of power boats and vehicles, and for training of personnel, together with several urgent actions on ecotourism. In Serbia & Montenegro, the institutions that have certain competencies on Coastal and Marine Biodiversity are the Ministry of Environmental Protection and Physical Planning, the Ministry of Agriculture, Forestry and Water Supply, the Institute for Nature Protection, the Institute for Marine Biology (IMB) and the Public Enterprise Coastal Zone Management Agency (PE CZMA) established by the Coastal Zone Law (CZL). In Slovenia a series of articles (108, 109, 110-113, 115-119, 130-136, 155-159) of the Nature Conservation Act (OJ RS, No. 96/04) including the Nature Conservation Act (OJ RS, No. 56/99) provide for several aspects of the planning and management of special protected areas.

2.5.28 In Spain a series of Legal acts (Laws, Orders, Decrees and Agreements) of national and regional governments regarding declaration, planning and management of protected areas are reported. These include seven Decrees (Decree 308/2002, of 23rd December, Decree 57/2003, of 4th March Decree 95/2003 of April, Decree 210/2003, of 15th July, Decree 252/2003, of 9th September, Decree 251/2003, of 9th September, Decree 250/2003, of 9th September), Law 3/2003, of 25th July, and Agreement of 10th December 2002 regarding Andalusia, four Decrees (Decree 24/2002, of 15th February, Decree 24/2002 of 15th February, Decree 53/2003, of 16<sup>th</sup> May establishing the Natural Monument of the Torrentes de Pareis of the Gora Blau and the Lluc, Decrees 51/2003 and 52/2003, of 16th May, modified Decree 4/1988, of 28<sup>th</sup> January), two agreements of the Governing Council (agreement of 15th February and the Agreement of 24th May) regarding the Balearic islands, two Decrees (Decree 23/2003, of 21<sup>st</sup> January and Decree 181/2002), and two Resolutions (Resolution MAB/3344/2003 and Resolution MAB/170/2003, of 15th January) regarding Catalonia, two Resolutions (Resolution of 15th January 2002 and Resolution of 28<sup>th</sup> November 2003) and the Order of 12th July 2003) regarding Murcia, and one Order (APA/781/2003 of 21st March 2003) and five Decrees (Decree 180/2002, of 5th November; Decree 4/2003, of 21st January; Decree 40/2003, of 15th April; Decree 60/2003, of 13th May; Decree 108/2002, of 16th July) and 2 Agreements (Agreement of 8th February 2002 and Agreement of 5th November 2002) regarding Valencia.

2.5.29 No legislative or administrative measures have been taken so far for the planning, management and supervision of specially protected areas in Syria. However, the Ministry of Local Administration and Environment are formulating management plans for each protected area, which are expected to be finalised during 2005. Planning and management plans of several areas were elaborated in Tunisia.

#### **Report on legal and/or administrative measures taken for the protection and conservation of species (Article 11)**

2.5.30 Albania implements the CITES Convention, and has designated Management and Scientific Authorities that grant permits regarding the international trade of endangered species of wild flora and fauna and their parts. The Law on Wild Fauna and Hunting” includes relevant provisions. In Algeria the relevant legal framework includes Law No 03-10 of 19/7/2003 on the protection of the environment in the framework of sustainable development, Decrees No 95-429 of 16/12/1995 on the conditions of transport, use etc of non cultivated species, Decree No 97-493 (21/12/1997) on different types of establishments of fisheries and Decree No 02-371 (11/11/2002) establishing the centre for Development of Biological resources (CDRB). In Bosnia & Herzegovina, within its chapter on Protection of wild animals and plants, the draft Law on Nature Protection stipulates that wild plants, which do not have protected status, shall not be deliberately damaged or destroyed, misused or excessively used. However, this Law has not yet been adopted. In Croatia, there are several activities, action plans and projects for the protection and conservation of species (among others, dolphins, Mediterranean monk seal, *Posidonia Oceanica* etc). Legal instruments comprise the National Biological and Landscape Diversity Protection Strategy with an Action Plan (NSAP) (Official Gazette No. 81/199) and Nature Protection Act (Official Gazette No. 162/2003). In Cyprus the Law on the Protection and Management of Nature and Wildlife (No. 153 (I) / 2003), the Fisheries Law (No. 61 (I) / 2001), along with Regulations and their amendments, provide for the protection and conservation of species.

2.5.31 In the European Community, Directive 92/43/EEC of 21/5/1992 (“the Habitats Directive”) and Directive 79/409/EEC of 2/4/1979 (“the Wild Birds Directive”) are the two main legal acts securing compliance with the provisions of article 11. As a legal consequence of designation as a specially protected area (“SAC” or “SPA”) under the above-referred Directives, Member States must establish the necessary conservation measures, involving appropriate management plans. In addition, Member States must take appropriate steps to avoid the deterioration of habitats and the habitats of species, as well as the disturbance of the species for which the areas have been selected. Member States are also obliged to set up a system of strict protection for animal and plant species of Community interest, including monitoring and research activities. In France there are provisions in the Code for the Environment, Articles L 411-1 and 2, which allow for the preparation of lists of protected species. All those listed in Annex II of the Protocol are protected together with one additional species of fish (the European Sturgeon).

2.5.32 In Israel, all “natural assets” (defined as “anything or class of things in nature, whether animal, vegetable or mineral, whose preservation, in the opinion of the Minister of Agriculture, is of value”) covered by the National Parks Law are protected and may not be damaged, picked, uprooted, changed or sold. In Italy the legal framework includes Law 150/92 for the application of CITES and Law 426/98 on new aspects on environmental matters. In Monaco all cetaceans are fully protected in all marine areas and special protection exists for few fish species. In the park of Larvotto fishing and other activities affecting fauna, flora or the seabed are prohibited. In Morocco there are projects on listing of new sites under the RAMSAR Convention (for Moulouya and Cap des Trois Fourches) and monitoring of two bird species at the National Park of Al Hoceima. In Serbia & Montenegro, Law on Nature Protection, Article 9 includes relevant provisions. In Slovenia there are

several relevant legal acts: Nature Conservation Act (OJ RS, No. 96/04) including the Nature Conservation Act (OJ RS, No. 56/99) articles 14, 20, 23-26, 52, 64-68, 80-83, and several other articles in which many of the afore-mentioned are referred; Decree on the management and protection methods in trade in animal and plant species (OJ RS, No. 104/03, 52/04); Decree on the protection of endangered animal species (OJ RS, No. 57/93, 61/93 and 69/00) replaced by the Decree on protected wild animal species (OJ RS, No. 46/04, 109/04); Ordinance on the protection of rare or endangered plant species (OJ SRS, No. 15/76) replaced by the Decree on protected wild plant species (OJ RS, No. 46/04, 109/04).

2.5.33 In Spain, the legal instruments providing for the protection and conservation of species include Regulation 2152/2003/EC of the European Parliament and of the Council of 17/11/ 2003 concerning monitoring of forests and environmental interactions in the Community (Forest Focus) which came into force on 12/12/2003; Council Decision 89/367/EC; Forestry Law 43/2003 of 23rd November, came into force in 2/2004, repealed the previous law on Forestry of 1957, and the Law 81/1968 of 5/12, concerning Forestry Fires; Order MAM/2734/2002 of 22/10 and Order 1653/2003 of 10/6 through which changes were made in the National Catalogue of Threatened Species through Regulation 349/2003/EC; Annex of the Commission Regulation 1479/2003/EC of 18/8/2003 that came into force in the country. Several LIFE NATURE projects have been realized, and a number of relevant legal instruments regarding the protection and conservation of species for different areas of the country exist. In Syria, as a general rule, any legislation declaring areas as specially protected marine or coastal areas include relevant provisions. In Tunisia Law No 68-4 and Law No 88-20 as in article 3 provide for such measures.

#### **Report on legal and/or administrative measures taken to regulate introduction of non-indigenous or genetically modified species (Article 13)**

2.5.34 In Albania, the Law on the wild fauna and the Decision of the government for the protection of plant species include relevant provisions. The Draft law on biodiversity has still to be approved by the Albanian Parliament. Algeria reported as relevant the Ministerial Act no 910 of 24/12/2000 regarding the import of products based on Genetically Modified Organisms. In Bosnia & Herzegovina, the draft Law on Nature Protection forbids the introduction of non-indigenous species. However, this Law has not yet been adopted. In Croatia, the government has financed a project regarding the green alga *Caulerpa taxifolia*. In Cyprus, Law 160(I)/2003 on the Deliberate Release of Genetically Modified Organisms, transposed Directive 2001/18/EC. To date, there have been no applications and consequently no permits granted for the import or release of GMOs into the environment. In the European Community, the legal measures taken comprise Council Regulation (EC) 338/97 of 9/12/1996; Council Directive 90/219/EEC of 23 April 1990, as amended by Directives 94/51/EC of 7/11/1994 and 98/81/EC of 26 October 1998, on the contained use of genetically modified micro-organisms; Directive 90/220/EEC of 23/4/1990 (is currently being revised); and Regulation 1946/2003 of 15/7/2003 on the transboundary movement of genetically modified organisms. In France the Code of the Environment, article L411-3 forbids the introduction of non-indigenous species in the environment. Some Protected areas such as national ports have specific relevant provisions in their regulations. On the issue of *Caulerpa taxifolia* and *Caulerpa racemosa*) which have expanded rapidly in the early 1990's in the eastern part of the French coast including the water of the National Park of Port – Cross, a special National Observatory on the expansion of this algae has been established equipped with GIS internet and cartographic activities.

2.5.35 In Israel, committees convened by the Ministry of Agriculture aim to prevent the introduction of any new species to the wild that pose a risk of ecological problems. The focus is on prevention rather than eradication of harmful species. In Ital, decrees establishing Specially Protected Areas specifically address the problem of introduction of non-indigenous species in the respective areas. In Monaco no special measures were taken apart from the

monitoring of the spread of *Caulerpa Taxifolia*. In Slovenia, the Nature Conservation Act (OJ RS, No. 96/04) including the Nature Conservation Act (OJ RS, No. 56/99) includes relevant provisions in its articles 17, 18 and 24. The Cartagena Protocol on Biosafety was ratified by Spain on 16/1/2002. In August of the same year, Regulation 1946/2003 of 15th July of the European Parliament and of the Council, regarding transboundary movements of genetically modified organisms, entered into force. It is stated in the report of Tunisia that Law No 68-4 and Law No 88-20, as in the case of article 3, provide for such measures.

### **Report on legal and/or administrative measures taken to grant exemptions from protection measures (Articles 12 and 18)**

2.5.36 No exemptions were granted by Albania, Croatia, Israel, Monaco, Morocco and Syria for the period under review. No relevant legislative measure was taken by Tunisia during the review period, while no information was provided by Bosnia & Herzegovina, Cyprus, France, Serbia & Montenegro and Spain. In the European Community, relevant provisions are included in Directives 92/43/EEC of 21/5/1992 ("the Habitats Directive") and 79/409/EEC of 2/4/1979 ("the Wild Birds Directive"). In Italy, a Ministerial Decree containing specific procedures on the granting of exemptions regulated by the European Union Directive n. 92/43/CEE will be formulated. In Slovenia, a Decree on the protection of endangered animal species (OJ RS, No. 57/93, 61/93 and 69/00) of 5/2004 replaced by Decree on protected wild animal species (OJ RS, No. [46/04](#), [109/04](#)) and an Ordinance on the protection of rare or endangered plant species (OJ SRS, No. 15/76) of 5/2004 replaced by Decree on protected wild plant species (OJ RS, No. 46/04, 109/04) provide for such procedures.

### **Report on problems or constraints in implementation of the Protocol (optional)**

2.5.37 A number of Contracting Parties made specific comments on this point. Algeria noted that the management of protected areas, exclusively or partly marine is not mentioned or covered in any specific legal text of the country. This vacuum is covered indirectly with texts relevant to fisheries and marine transport. However it constitutes a problem. The absence of reliable data banks makes difficult the formulation of policies and decision – making appropriate for the sustainable use of marine biological resources in the country. In the case of Croatia, the main problems were inadequate human and financial resources, insufficient cooperation (both in general and between relevant governmental organizations, such as Ministries), lack of integration of biodiversity conservation measures into sectoral planning and lack of integration of sectoral issues during the process of physical planning and policymaking.

2.5.38 In the European Community, there are still problems concerning the special protection regime under the Wild Birds Directive and the Habitats Directive. The classification of SPA and selection of proposed Sites of Community Importance (SCI) for inclusion in the Natura 2000 Network remain problematic. On the other hand, insufficient protection of such sites from ongoing activities or new projects is becoming an important issue, which is also reflected in an increasing number of infringement cases in the course of 2002 and 2003. As for the Mediterranean region, a list of sites of Community Importance has not yet been established so far. The application of the Birds and Habitats Directives in the marine environment presents more challenges than originally expected, especially as regards the offshore marine environment. The main difficulties identified to propose Natura 2000 sites relate to a lack of scientific knowledge and the high costs of carrying out research and survey in offshore marine areas. Further work is needed to develop a common understanding of the provisions to designate and manage marine Natura 2000 sites. Since 2003 a Working Group under the Habitats Committee has worked on defining practical guidelines to apply the Directives in the marine zone.

2.5.39 In Israel, the responsibilities related to the sea and marine life are divided between the INPA and the Ministry of Agriculture, the former controlling protected areas and the latter working in all other marine areas. There is a certain conflict of interest over the protection and exploitation of fish reserves between these areas, which is complicated by the division of administrative responsibility. Morocco notes the need to reinforce the coordination among the different involved institutions in order to enhance synergies among the various initiatives undertaken and in order to obtain more efficient planning. To address the problem a proposal is made in the Moroccan report for the establishment of a Committee bringing together the different Focal Points of the various protocols of the Convention and the institutes the most relevant to protected areas. Slovenia elaborated on the problems of the Gulf of Trieste shared by three countries and described the work undertaken by Slovenia in preparing an Integrated Coastal Zone Management Plan in cooperation with UNEP/MAP which will incorporate the requirements stemming from the Barcelona Convention and its Protocols. In the case of Syria, the main difficulties were reported to be the lack or weakness of general awareness, the lack of training for National Staff on the management of Marine and Coastal Protected areas, and financial difficulties. According to Tunisia, the implementation of this Protocol requires considerable means and a panoply of measures, which have to be part of a strategy if tangible results are expected. Tunisia has enacted a National procedure for the analysis of the situation of the marine and coastal biodiversity. In order to identify the most pressing issues and priorities on which a national integrate.

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

### **General**

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

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

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

2.6.4 A very brief résumé of the situation in each of the fourteen reporting countries with regard to the terms of the Protocol is contained in Table 2.6. The table only refers to the degree of coverage provided by existing legislation, and reference to the text of this document should be made for further details, including names, reference numbers and scope of the various Laws. It should also be noted that the Protocol is not yet in force, and that only three Contracting Parties have so far ratified it. At the present time, therefore, Contracting Parties are not legally bound by the Protocol's provisions.



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

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

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

2.6.7 In Italy, national legislation establishing the need of a prior written authorization for seabed exploration and exploitation has existed since the 1960s, the main applicable regulations being Law No. 613 of 21 July 1967 on seabed exploration and exploitation of hydrocarbons in the territorial sea and on the continental shelf), Law No. 9 of 9 January 1991 and Law No. 220 of 28 February 1992 that establish the obligation to carry out Environmental Impact Assessment for the exploitation of the continental shelf, Presidential Decree No.526 of 18 April 1994 which establishes the Environmental Impact Assessment procedures, Presidential Decree No. 382 of 18 April 1994 on the procedures for the release or permits for the exploration and exploitation of hydrocarbons, Ministerial Decree of 28 July 1994 on the authorization procedures for the discharge at sea of materials deriving from exploration and exploitation of hydrocarbons, and Legislative Decree No. 625 of 25 November 1996, which implements EC Directive 94/22/CEE on the conditions for the issue of the authorizations for research, exploration and exploitation of hydrocarbons. Furthermore, environmental aspects of discharges are regulated by national legislation on the protection of waters.

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

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

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

2.6.11 No information was provided by Cyprus.

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

2.6.12 Eleven Contracting Parties (Albania, Algeria, Croatia, Cyprus, European Community, Italy, Libya, Morocco, Serbia-Montenegro, Spain, Tunisia) reported the taking of appropriate measures on this point. In Albania, Law No.9108 of 17 July 2003 on chemical substances and compounds treats the use, storage and disposal of chemicals. In Algeria, a number of legal instruments enacted between 1986 and 2001 regulate industrial security in installations, as well as a number of regulations issued under the powers of Law No. 03-10 of 19 July 2003 relative to the protection of the environment. In Croatia, the chemicals that are used during gas exploration and exploitation are managed according to the "Plan for the usage of chemicals" contained in EIA studies. This plan includes the physical and chemical properties of chemicals, their handling and potential dangers, toxicological characteristics, ecological acceptance for the environment and other information relevant for safety. The plan covers

the exploratory phase, exploitation phase and closing phase for platforms and all relevant operations.

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

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

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

2.6.15 Ten Contracting Parties (Algeria, Croatia, Cyprus, European Community, Italy, Libya, Morocco, Serbia-Montenegro, Spain, Tunisia) reported the enactment of legislation regarding sewage discharge from offshore installations. In Algeria, control is enforced both through environmental Law and specific legal instruments relating to discharge of wastes. In Croatia, measures regarding the discharge of sewage are contained in the EIA studies. In Cyprus, this is partly regulated by the Sewerage Systems Law of 1971, and subsequent amendments. In the European Community, the basic legal instrument for waste materials is Directive 75/442/EEC of 15 July 1975, which was fundamentally reviewed in 1991 and constitutes the framework for waste legislation at Community level (“the Waste Framework Directive”). The Directive defines waste, establishes a hierarchy for waste management

(prevention, recovery and safe disposal) and basic requirements for all waste management activities. Directive 2000/76/EC of 4 December 2000 on the incineration of waste also covers waste that is being incinerated on oil platforms. According to the Directive, waste incinerators need a permit for operation, which shall include detailed conditions as laid down in the Directive.

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

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

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

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

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

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

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

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

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

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

2.6.24 In the European Community, Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community established two lists of substances: List I containing substances considered toxic, persistent or bio-accumulative, and List II "other polluting substances". The Directive requires all discharges, which contain in List I or II substances, to be authorised. Under the Directive emission limit values and quality objectives have been fixed for List I substances, whereas for List II substances, Member States were obliged to establish pollution reduction programmes. Decision 2850/2000/EC of the European Parliament and the Council of 20 December 2000, sets up a Community framework for cooperation in the field of accidental or deliberate marine pollution. Another relevant item of legislation is Directive 2000/59/EC of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues.

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

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

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

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

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

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

2.6.30 In Serbia-Montenegro, a draft Law on Integrated Pollution Prevention and Control has been prepared. This Law is compliant with relevant EU legislation (IPPC Directive 96/61), and its target is to achieve an integrated prevention and control of pollution arising from

certain activities. It stipulates that the operator shall ensure that the installation operates in such a way that all the necessary measures are taken to prevent accidents and limit their consequences. This Law affects all the energy, chemical and mineral industries. In Spain, in conformity with the 2002 IPPC Law, the single authorization required, *inter alia*, for energy industries (mineral oil and gas refineries) and chemical industries, integrates all the previous existing permits for emissions, discharges and wastes, so as the decisions on the prevention of fire and major accidents and health protection. In Tunisia, control is exercised through the legislation controlling sewage and garbage, as well as by Law No. 76-59 setting out the Code of maritime navigation of the Administrative Police, as modified, and by Law No. 99-25 of 18 March 1999, carrying the issue of the code of commercial maritime ports.

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

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

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

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

2.6.34 In Spain, the National Plan on Salvage (1998-2001) has been superseded by a new plan, elaborated for the period 2002-2005, aiming to improve the means and service quality in the coordination of maritime salvage and in the fight against marine contamination. In addition, Royal Decree 1196/2003 enacted the Basic Guidelines on Civil Protection for the control and planning of major-accident hazards involving dangerous substances. Further, Royal Decree 253/2004 established prevention and fighting measures against contamination from discharge operations and hydrocarbons in the maritime and port areas. In Tunisia,

contingency planning is covered by Law No. 76-59, setting out the Code of maritime navigation of the Administrative Police, as modified, Law No. 99-25 of 18 March 1999, carrying the issue of the code of commercial maritime ports, Law No, 99-93 of 17 August 1999, through the hydrocarbon code, as modified by Law No. 2002-23 of 14 February 2002, and Law No. 2002-47 of 14 May 2002, relating to fishing ports.

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

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

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

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

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

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

2.6.39 Eight Contracting Parties (Albania, Algeria, Croatia, European Community, Italy, Libya, Spain, Tunisia) have legal and/or administrative measures in force regarding removal of installations. In Albania, abandoned installations are treated in the area where environmental hot spots are classified. In Algeria, the existing legal infrastructure covers both situations where the installation in question is no longer viable, and where the activity in question is being pursued without proper authorization. In Croatia, the EIA studies to be carried out also give the procedure in the case of closing of operations and removal of



installations. Spain reported that under the terms of the OSPAR Convention, it agreed to the prohibition of dismantling out-of-use oil platforms at sea, as well as to the establishment of 2020 as the time limit for the progressive elimination of hazardous substances, with the aim of protecting the marine environment and guarantying its biodiversity. In Tunisia, control is exercised through Law No. 99-93 of 17 August 1999, setting out the hydrocarbon code, as modified by Law No. 2002-23 of 14 February 2002.

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

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

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

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

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

#### **Report on problems or constraints in implementation of the Protocol**

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

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

**General**

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

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

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

2.7.4 A very brief résumé of the situation in each of the fifteen reporting countries with regard to the terms of the Protocol is contained in Table 2.7. The table only refers to the degree of coverage provided by existing legislation, and reference to the text of this document should be made for further details, including names, reference numbers and scope of the various Laws. It should also be noted that the Protocol is not yet in force, and that only three Contracting Parties have so far ratified it. At the present time, therefore, Contracting Parties are not legally bound by the Protocol's provisions.

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

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

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

2.7.7 The European Community has two Directives regarding the reduction of hazardous waste generation. Directive 75/442/EEC on Waste of 15 July 1975 ("the Waste Framework Directive") specifies that the Member States are required to take the necessary measures to encourage the prevention or reduction of waste production and its harmfulness, by various means. And to encourage the recovery of waste by means of recycling, re-use of reclamation or any other process. The Directive furthermore requests that the competent authorities in the member States draw up one or more waste management plans, which relate to the type of waste recovered or disposed of, any special arrangements of particular wastes and suitable disposal sites or installations. Directive 91/689/EC on Hazardous Waste of 12 December 1991 applies to all waste featuring on a list of hazardous waste having a number of characteristics, such as explosive, carcinogenic, mutagenic, etc. In addition, Regulation 850/2004 of 29 April 2004 on Persistent Organic Pollutants (POPs) strives for the reduction of POPs and therefore avoids the generation of POPs waste. In Greece, very strict legislation applies to hazardous wastes as a result of the enactment of national legislation to comply with the terms of relevant EU Directives and Decisions, specifically, EU Directives 91/689, 94/31 and 96/350 and EU Decision 356/14, through Joint Ministerial Decision (JMD) 19396/1546 (GG 604/B/97) on "Measures and Terms for the Management of Hazardous Wastes". No details regarding the above legislation are however provided.

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

protection and evaluation of the environment stipulates that the unauthorized circulation of all harmful and dangerous substances is prohibited.

2.7.9 In Serbia-Montenegro, a large number of national Laws apply to waste reduction, in particular the 1996 Law on Environment, the Law on cleanliness, collecting and use of waste, as amended in 1994, the Law on transport of hazardous substances, as amended in 2002, and the 2000 Regulation on criteria for the selection, locations, methods and action for storage of waste material. In addition, all the obligations related to the implementation of the Basel Convention have been incorporated in national legislation in 1999. In addition, the Ministry of Environmental Protection and Physical Planning have undertaken activities aiming in development of the Strategy and Master plan of solid waste management at national level. In Spain, the basic legislation on waste, Law 10/98 of 21 April 1998, was modified by Law 16/2002 of 1 July 2002 on Integrated Pollution Prevention and Control (IPPC) to update the authorization process. The National Strategy on Hazardous Wastes (1995-2000) was based on this, and aimed at the gradual reduction at source of the amount of hazardous wastes generated, while ensuring their environmentally sound reuse, recycling and treatment. This Plan was still under revision in 2002-2003. A number of other national and regional items of legislation dealing with various aspects of waste reduction were enacted during the period under review.

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

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

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

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

2.7.13 In European Community legislation, Council Regulation (EEC) No 259/93 of 1 February 1993 on the supervision and control of shipments of waste within, into and out of the European Community (the Waste Shipment regulation) lays down the conditions under which such shipments may be made. In Italy, the Legislative Decree of 1997 and its amendments cover both import and export of hazardous wastes. To the exports, Italy applies the Community Regulation n. 259/93 which embodies the Basel Convention and its amendments. The importation into Monaco of hazardous wastes for treatment, recycling or final disposal is not allowed. Only incineration of wastes for energy production is authorized. In Serbia-Montenegro, requests for permits for import, export and transit of the waste used in the process of production of secondary raw materials must be submitted by the exporter or importer to the Ministry of Environmental Protection and Physical Planning of the Republic of Montenegro, with related general and specific documentation, in terms of the 1999 Regulation on Documentation for the Issuing of Licences for Waste Import, Export and Transit. Spain reported that transboundary movements of wastes in the country are governed by the Basel Convention, and by European Community legislation.

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

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

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

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

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

Convention and its amendment. Also all the provisions of regulation 259/1993/EC are implemented in Cyprus.

2.7.18 In the European Community, the Waste Shipment Regulation (EEC) No 259/93 of 1 February 1993 provides that all exports to developing countries of waste for disposal are banned. All exports to developing countries of waste for disposal are banned, as is the export of hazardous waste for recovery to countries to which the OECD decision does not apply (mainly non-industrialized third countries). Council Directive 92/3/Euratom of 3 February 1992 on the supervision and control of shipments of radioactive waste between Member States and into and out of the Community requires Member States to ensure that waste is not exported to certain countries, including third countries that do not have the resources to manage the waste safely. In Italy, the above-mentioned Community Regulation is applied to all exports of hazardous wastes. In Monaco, hazardous wastes collected by public organizations are treated in neighbouring European Union member states.

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

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

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

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

2.7.22 Within the European Community, Directive 1991/689/EEC of 12 December 1991 on hazardous waste contains provisions that indirectly refer to the prevention of illegal traffic. In

particular, record keeping requirements as provided in the Waste Framework Directive also apply to establishments and undertakings transporting hazardous waste. In Italy, the illegal traffic of wastes is controlled by Legislative Decree No. 22 of 5 February 1997, which imposes heavy sanctions on offenders. In Serbia-Montenegro, the Criminal code covers penalties in general for infringement of the Law and, in particular, its Article 314 specifies the illegal treatment, disposal and storing of dangerous substances as a criminal offence, and carries a penalty of imprisonment. In Spain, measures to prevent and punish illegal traffic of hazardous wastes are contained in the 1998 Law on Wastes, and include all types of sanctions, depending on the gravity of the offence. In Syria, the Environmental Law penalizes any person who participates or assists in the transboundary movement of nuclear or radioactive wastes into the Syrian Arab Republic, the sanctions being more severe if such is done with the intention of dumping, burying, disposing, incinerating or storing these wastes inside the country. In Tunisia, Law No. 96-41 of 10 June 1996, as modified by Law No. 2001-14 of 30 January 2001, regarding wastes and the control of their management and elimination, includes the relative penalties for non-compliance, and covers illegal traffic in combination with Decree No. 2000-2339 of 10 October 2000, which establishes the list of dangerous wastes.

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

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

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

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

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

#### **Report on problems or constraints encountered in implementation of the Protocol**

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



## PART III

### REGIONAL REPORT ON THE TECHNICAL IMPLEMENTATION OF THE PROTOCOLS

#### General remarks

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

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

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

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

**Reporting obligations on technical implementation**

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

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

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

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

3.2.4 The other eight Contracting Parties reporting (Bosnia-Herzegovina, Croatia, Libya, Monaco, Morocco, Serbia-Montenegro, Slovenia, Syria) stated that their competent authorities issued no permits. In the first-mentioned case, the Law defining such issue,

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

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

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

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

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

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

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

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

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

**Reporting obligations on technical implementation**

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

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

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

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

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

plan. Greece has an officially approved National Contingency Plan for responding to marine oil spills, as well as to marine pollution incidents caused by harmful substances other than oil. The Marine Environment Protection Division (MEPD) of the Hellenic Ministry of Mercantile Marine (MMM) is the competent national authority which is responsible for the approval of the Local Contingency Plans prepared by the Local Port Authorities as well as for the level of activation of resources and personnel following a marine pollution-related emergency.

3.3.5 Plans in force in Italy outline the competences and responsibilities of national authorities and set out the basic guidelines to be applied in case of a pollution incident involving the spillage of oil or other harmful substances, and also provide information on risk assessment of vulnerable areas, tier responses, operational procedures, means and equipment, training and compensation claims. The Italian contingency plan covers pollution occurring both within and outside territorial waters. A National Contingency Plan on Maritime Accidental Pollution was approved in Spain on 23 February 2002. The plan, approved for the period 2002-2005, aims at improving the means and service quality in the coordination of maritime salvage and the fight against marine contamination, starting from an already consolidated and organised structure, and lists the new human resources, materials and investments foreseen. In Tunisia, a national contingency plan is operational throughout the whole country. Simulation exercises are organised from time to time to optimise operational procedures and to help the various authorities gain experience in joint intervention techniques.

3.3.6 In Monaco, vessels for combating marine pollution, booms and stocks of various products are available. Trained personnel are available and exercises are held regularly. A Plan for combating marine pollution (the POLYMAR plan) was published in 200, and details will be supplied in the report covering that period. In Morocco, the national contingency plan adopted by decree in 1996 was reinforced by an edict by the Prime Minister in 2003. The plan covers both oil and other harmful substances. It is being implemented in stages, as capabilities increase. In Slovenia, a co-operation project between the Slovenian and Flemish Governments was set up for the development and implementation of a National Oil and Chemical Spill Contingency Plan (NOCSCP). The contingency plan itself is one of the precautionary measures that can be taken to prevent oil and hazardous and noxious (HNS) spills, and was prepared in February 2005. It delineates an entire national preparedness and response system, including both public and private resources, for response to emergencies resulting in or which can result in the spillage of oil or hazardous and noxious substances into the marine environment.

3.3.7 No national contingency plan currently exists in Bosnia Herzegovina. In Libya, a national contingency plan is under consideration; in the meantime, the National Oil Company has an effective contingency plan for incidents in the main oil-export harbours. No national contingency plan existed in Serbia-Montenegro during the period under review, but procedures for the development of a comprehensive national plan for prevention of, preparedness for and response to major pollution incidents at sea were established in 2004. In Syria, a national contingency plan for the preparedness and response to pollution incidents at sea, which assigns tasks to national authorities and applies both to oil and to other harmful substances, has been prepared, but still awaits Government ratification. No information regarding the status of the national contingency plan was provided by Albania.

#### **Reports on operational responsibilities and command structures in terms of Article 4**

3.3.8 In Albania, the Directory of Preventing Pollution within the Ministry of Environment is the competent national authority in charge of the implementation of the Protocol; the Directory of Maritime Transport is responsible for prevention of pollution from ships and the

Harbour Master of Durres for preparedness and response. In Algeria, the Executive Directive cited in paragraph 3.15 above also defines the responsibilities of the various relevant national authorities in cases of pollution emergencies, the main responsibility for combating pollution at sea being assumed by the National Coastguard Service of the ministry of National Defence. In Croatia, the relevant responsibilities and structures have been defined, the main operational responsibility being borne by the Ministry of Sea, Tourism, Transport and Development. In Israel, the Command structure is divided between the Ministries of Environment and of Transport, the former taking command whenever any event poses a greater risk to the environment, and the latter whenever there is danger to lives and the safety of crews.

3.3.9 Bosnia Herzegovina's national contact points in cases of emergency have been designated, and are included in REMPEC's Directory of competent national authorities in charge of prevention of pollution from ships, and preparedness for and responses to accidental marine pollution. In Italy, the structures at different levels of emergency are described in the national report. The Maritime Directorates and Port Authorities assume responsibility in local events (level 1), the Ministry of Environment with the assistance of the Coast Guard enter in case of local emergencies (level 2) and President of the Council of Ministers and the Civil protection Department, with the involvement of a number of Ministries in case of national emergencies (level 3). No changes to this structure were effected during the 2002-2003 biennium. In Greece, the National Contingency Plan contains a three-tiered activation of the response mechanism – at local level for spills less than 7 tonnes, at regional level for spills from 7 to 700 tonnes, and at national level for spills of more than 700 tonnes.

3.3.10 In France, the conduct of pollution combating operations is the responsibility of local authorities, the maritime prefectures where pollution is restricted to the sea, and the prefecture of the appropriate department where pollution affects the coast. Action at central government level is also dependent on the area at risk, the Ministry of Transport coordinating government action through the Secretariat-General for the Sea when pollution affects only the marine environment. When pollution affects both the sea and the coast, coordination is taken over by the Ministry of the Interior, through an operational centre for inter-ministerial intervention on emergencies. In Libya, the operational responsibility rests with the National Oil Company. Monaco's structures have been modified in the POLYMAR plan, and will be detailed in the report for the 2004-2005 biennium. In Morocco, the responsibility for combating accidental marine pollution falls mainly on the Department of the Environment. At local level, the responsibility rests with the Governor of the Prefecture or Province. Operations at sea are under the control of the Navy with the collaboration of the Department of Fisheries, the Merchant Marine, the Harbour Authorities, the Police and the Air Force.

3.3.11 In Serbia-Montenegro, the command structure involves the Administrative Council as the main decision-making body, and the Regional Centre of Montenegro, with two operational units, as exercising operational command. The Coastguard is responsible for control of the implementation of, and compliance with, the terms of national and international legal instruments. In Spain, the operational responsibilities and command structure are defined in the National Contingency Plan on Maritime Accidental Pollution. In Slovenia, the Koper Branch Office of the Administration for Civil Protection and Disaster Relief (ACPDR Koper), a regional executive office under the Ministry of Defence, has been designated as overall responsible governmental authority and lead agency for dealing with accidental and/or operational oil and chemical pollution of the Slovenian area of responsibility. The Coastal Region Civil Protection Headquarter Koper (CRCPH Koper) has been designated as the responsible operational authority for dealing with accidental and/or operational oil and chemical pollution of the Slovenian area of responsibility. CRCPH Koper is led by a Regional Civil Protection Commander, subordinate to the National Civil Protection Commander who in turn falls directly under the National Government. In case of national response actions initiated by Slovenia or transferred to Slovenia, CRCPH will exercise the operational control

through a Response Commander (RC). The local authorities are responsible for marine pollution cleaning activities in their respective coastal areas. The Spanish Marine Safety Agency, SASEMAR, provides at-sea pollution response under the overall coordination of the General Directorate of the Merchant Navy. The Maritime Rescue National Commission (MRNC), created by Royal Decree in November 2002, provides Planning and Surveillance. In Syria, the General Directorate of Harbours within the Ministry of Transport is responsible for compliance with international agreements regarding the prevention and combating of marine pollution, and the Local Authorities of coastal Governorates for cleaning-up operations along the coast. No information on command structures was provided by Tunisia.

#### **Reports on response strategy in terms of Article 4**

3.3.12 In Algeria, the prevailing situation forming the basis for the development of a national strategy for response to marine pollution emergencies is described in detail in the national report. An Action Programme within the framework of the TELBAHR Plan was launched in September 2001, but the final response strategy is still not operational. Croatia's response strategy is based on two broad elements: the prevention of pollution from ships through surveys and inspections, and responding to pollution incidents at sea through a reporting system followed by implementation of the national contingency plan. The response strategy employed in France is detailed in the country's national contingency plan, specifically in the Prime Ministerial Directive of 2 April 2001 regarding public intervention in the case of major maritime accidents. This Directive clarifies the coordination of inter-ministerial action at central level. Israel's response strategy is based on PSC inspection of ships, tankers and chemical tankers under the Paris Memorandum of Understanding and the provisions of MARPOL. In clean-up operations, the strategy is to treat oil using biological methods as far as possible, so as to avoid using sand resources from the shore and the creation of extra waste.

3.3.13 The national response strategy of Greece, which is being implemented within the framework of the Paris memorandum of Understanding on Port State Control, is based on the inspection and survey of ships calling at Greek ports, and is primarily aimed at preventing pollution from ships. The first option implemented for combating marine oil spills is the mechanical recovery of oil at sea, whenever such is technically feasible. In Italy, the strategy includes both aspects of prevention of pollution from ships and response to pollution incidents at sea. A public service aimed at the prevention and combating of marine pollution along the coastline has been activated through the use of naval vessels supplied by a contracting company, which perform surveillance activities along programmed routes, intervention for the recovery of oil at sea, and routine waste collection operations. Furthermore, since 2001, the Italian Coast Guard has oriented its surveillance activities towards areas of high vulnerability to maritime transport.

3.3.14 The spill response strategy in Slovenia is included in the report on Development and Implementation of a National Oil and Chemical Spill Contingency Plan for Slovenia (NOCSCP). The strategy is comprehensive and deals with all aspects of evaluation of the situation and appropriate response. The Intervention strategy employed in Spain is defined in the National Contingency Plan on Maritime Accidental Pollution. The General Directorate of the Merchant Shipping, as a part of the Ministry of Public Works, is responsible for the oil spill response within Spain territorial waters and EEZ and for the implementation of the National Plan on Salvage and Pollution Control. SASEMAR, the Spanish Maritime Safety Agency, has 10 MRCCs (Maritime Rescue Coordinated Centres) along the coast and additional local centres at important ports. On-site coordination and response of maritime operations is provided by the MCRCCs under the coordination of the Sub-director General for Maritime Safety and Pollution Control. The National Coordination Centre in Madrid provides central control and establishes links with foreign coordination centres. The strategy employed in Libya is to ensure continual preparedness to combat oil pollution, while that

employed in Morocco is to reinforce and improve national capability in the field of marine pollution combating, and to achieve this by regular training. Simulation exercises were organised in 2002 and 2004. At the same time, progress has been made in the identification of storage sites resulting in pollutant discharge, and vulnerable zones requiring protection.

3.3.15 There is no strategy in Bosnia Herzegovina and in Serbia-Montenegro for prevention of pollution from ships, or for responding to pollution incidents at sea, and in both cases an appropriate strategy has still to be developed. In Syria, a committee that includes members of all concerned national parties is being formed to devise a response strategy for any pollution incidents at sea. Albania reported that it forms part of the regional process for preparation of the Regional Strategy for the Prevention of, and Response to, Marine Pollution from Ships. No information on response strategies was provided by Tunisia.

#### **Reports on policy on the use of dispersants in terms of Article 4**

3.3.16 In Croatia, dispersants (a) allowed for use and (b) the use of which is prohibited or limited are listed in the relevant annexes to the national contingency plan. In general, only dispersants with water permits issued in Croatia are permitted for use and, in cases of non-availability, those approved in the European union subject to submission of technical information and approval by the national authorities. In France, dispersant usage is based on charts of the coastline, which establish the limits beyond which the use of dispersants by the responsible authorities is permitted. In certain instances, depending on the physico-chemical qualities of the dispersant, the advice of a committee of experts is required. In Greece, when mechanical recovery of oil at sea can not be applied due to prevailing weather and sea conditions, and the use of chemical dispersants seems to be the only feasible option in open sea areas, offshore and away from enclosed and sensitive sea areas, chemical dispersants of an approved type can be used with the prior approval of Marine Environment Protection Division (M.E.P.D) of the Hellenic Ministry of Mercantile Marine. In Israel, special permission from the Ministry of Environment is required for the use of dispersants, of which about 15 are currently permitted for use. Dispersants are mainly used by aircraft, and may only be used in waters over 30 metres in depth or at least 1 km from the shore. In Libya, dispersants are used only with the approval of Environment General Authority. In Morocco, the authorities responsible for pollution control are equipped with third generation dispersants, and the policy adopted in their use is that recommended by REMPEC and CEDRE.

3.3.17 In line with IMO and UNEP guidelines on the use of dispersants, Italian policy on the response to oil spills is based on the mechanical recovery of polluting substances and, due to the high vulnerability of marine ecosystems, chemical operations are only considered as the last option. In cases of extreme weather conditions, dispersants may be authorised for use where there is a significant risk of a worse scenario. A Ministerial decree on the establishment of the procedural aspects of the identification of dispersants and absorbent materials that can be used on contaminated areas, taking their impact on the marine environment into account, was adopted in 2002. The list of dispersants is currently under review. In Serbia-Montenegro, dispersants are used in the open sea, when it is not possible to contain spills. They are not used in shallow coastal waters, and the national plan prescribes the prohibition of dispersant use in certain areas, including mariculture and protected cultural and natural heritage areas. In Spain, mechanical recovery is the preferred option when dealing with oil at sea. The use of dispersants is banned, unless it is authorised by the competent Maritime Captaincy, which will evaluate the situation and homologation of the dispersant before authorising its use. New regulations are being drafted to include official testing and approval methods.

3.3.18 There is no official policy in Albania, Bosnia Herzegovina and Slovenia regarding the use of dispersants for controlling oil pollution at sea. In Algeria, a project for the elaboration



of a policy on the use of dispersants was in progress during the period under review. In Syria, the Higher Institute of Marine Research has been assigned the task of preparing the official national policy on dispersant use. No information was provided by Tunisia on dispersant use policy.

#### **Reports on the status of capacity for airborne surveillance in terms of Article 4**

3.3.19 In Croatia, monitoring activities are performed on the basis of the national contingency plan, and the relevant authorities decide on the mode of surveillance, which in principle is performed from the air through airplane and helicopter missions and the activities of aero-clubs. Remote-sensing equipment during airborne surveillance is not used in civil operations. In France, apart from services provided by the French Air Force, a specialised aircraft of the French Customs is available on the Mediterranean coast. This is equipped with the means of teledetection by radar, as well as through ultraviolet and infrared imagery. In Greece, the Hellenic Coast Guard owns seven fixed-wing aircraft and six helicopters used for monitoring and surveillance work, and all equipped with remote sensing apparatus. In Israel, airborne surveillance is carried out at least once a week. Remote sensing is not currently being used, but the SISCAL project will increase capability in this area. In Italy, in line with national legal provisions, air surveillance is carried out by aircraft and helicopters under the control of the Italian Coast Guard. The national capacity for airborne surveillance was strengthened during the 2002-2003 period by the purchase of an additional two aircraft. In Monaco, the airport police have the capacity for airborne surveillance, including the use of helicopters where necessary. In Spain there were no aerial surveillance media, apart from helicopters of the Spanish Salvage Society for emergency situations. However, one of the investment objectives of the National Plan on Salvage 2002-2005 included 40 million euros for the management of 5 salvage helicopters. The acquisition of three planes equipped with pollution detection devices for aerial surveillance, and also three other helicopters in order to renew the fleet was approved in November 2004. Syria reported no change in the national capacity for airborne surveillance of pollution from ships and pollution incidents at sea during the period under review.

3.3.20 In Albania, Algeria, Bosnia Herzegovina, Libya, Morocco and Slovenia, there was no national capacity for airborne surveillance of pollution from ships and pollution incidents at sea during the period under review. Serbia-Montenegro reported a lack of capacity for airborne surveillance with remote-sensing equipment. In Morocco, it is intended to acquire helicopters for surveillance. No information was reported by Tunisia.

#### **Reports on the availability of sensitivity maps in terms of Article 4**

3.3.21 In Albania, the Ministry of Defence and its relevant structures have detailed maps of marine and coastal areas. In Algeria, a TELBAHR atlas is being elaborated. In Croatia, charts of sensitive areas, which are listed in the national contingency plan, have been developed, and are available at Headquarters and Operational Headquarters. In France, sensitivity maps are available for the whole coastline, and form an integral part of the departmental POLMAR plans. During the period under review, the maps started to be converted from paper to electronic format. In Greece, maps indicating sensitive marine and coastal areas are contained in local contingency plans. In Israel, preparations for the production of a Sensitivity Atlas of the country's Mediterranean shoreline were undertaken during the period under review, for publication in late 2004. In Italy, the national map of Italian marine protected areas is available in the website of the Italian Ministry of Environment and Territory (IMET), and the national contingency plan also identifies marine areas according to their specific vulnerability as a result of maritime traffic flow. In Morocco, a project for the development of a national map identifying sensitive zones has been scheduled for commencement in 2004. In Slovenia, a sensitivity map of the Slovenian coast

is available within the CAMP sub-project, in the report "A More Detailed Scheme of the Coastal Area Spatial Arrangements" (May 2005). In Spain, a number of areas are being declared sensitive zones.

3.3.22 No sensitivity maps were reported as available in Bosnia Herzegovina, Libya and Serbia-Montenegro. In the last-named, the Automatic Identification System (AIS) has been introduced. No information on sensitivity maps was provided by Monaco, Slovenia Syria and Tunisia.

### **Reports on pollution incidents or spillages observed at sea likely to constitute a local emergency in terms of Article 8**

3.3.23 In all, 232 incidents, the majority of which were minor spillages, were reported by nine of the Contracting Parties (Algeria, Croatia, France, Israel, Italy, Morocco, Serbia-Montenegro, Spain, Syria) reporting on this Protocol as occurring during the period under review. Algeria reported six pollution incidents, which were reported between 29 January and 03 April 2003. One of these involved the shipwreck of a cargo vessel carrying Kaolin, fuel oil, gas oil and lubricants; the remainder involved the grounding of three tankers carrying oil and lubricants, and two cargo vessels carrying phosphate fertilisers and various fuel oils and lubricants. In most cases, the polluting products were unloaded or the ship in question towed out to sea. Beach pollution occurred in two cases. Croatia reported five cases of minor spillages between 30 May 2002 and 01 October 2003 from ships involving small amounts of diesel oil, heavy fuel oil, engine oil and oily water. Cleaning was performed locally. France reported six incidents, between 26 August 2002 and 22 September 2003, involving various types of vessels, from which crude oil, chemicals and other materials were spilt. All these incidents, however, occurred in the Atlantic or North Sea, not in the Mediterranean. Israel reported 11 incidents, occurring between 24 January 2002 and 29 December 2003, from various vessels, all involving oil spills. In five of these cases, natural recovery resulted in no need for intervention, in the rest, clean-up operations were effected successfully. Albania reported one incident of unknown source occurring in August 2004.

3.3.24 During the period under review, Italy reported 122 discharges to IMO, of which one incident (the grounding of a tanker off the coast near Ancona in January 2003) caused the activation of the local emergency plan and the implementation of the IMEDT contingency plan. Morocco reported two incidents, one in December 2000 involving a damaged oil tanker that, however, did not result in pollution, and one involving a barge in January 2003. Syria reported 18 oil pollution incidents or spillages, 10 in 2002 and 8 in 2003. These occurred from a variety of vessels, the total quantity of pollutants estimated as released being 52,650 litres in 2002 and 1,260 litres in 2003. There was an information gap of one year between August 2002 and August 2003, which was reported as unexplainable. Serbia-Montenegro reported that apart from the 14 minor spillages referred to in the national report on the technical implementation of the Dumping Protocol, no information regarding any other incidents was available. Slovenia reported 614 pollution incidents as occurring between 1977 and 2002, but none within the period under review. 49 incidents were reported by Spain as occurring within the Mediterranean, mainly of minor significance.

3.3.25 Albania, Bosnia-Herzegovina, Libya, Monaco and Tunisia reported that no pollution incidents occurred off their coasts. Greece provided no specific information on pollution incidents, but stated that *ad hoc* post-incident marine pollution reports are always filled in and copies submitted to REMPEC in the recommended POLREP Reporting System format.

**Reports on pollution incidents or spillages observed at sea likely to affect other Parties**

3.3.26 One pollution incident in this category, also included among the six reported as causing local problems, was reported by France. This threatened the Atlantic coasts of both France and Spain (not the Mediterranean). Another incident in the same category, involving an oil spill in May 2003 threatening the Italian and French coastal zones, was reported by Italy. The response was jointly organised within the framework of the RAMOGEPOL Plan. No pollution incidents likely to affect other Parties were reported by the other fourteen Contracting Parties (Albania, Algeria, Bosnia-Herzegovina, Croatia, Israel, Libya, Monaco, Morocco, Serbia-Montenegro, Slovenia, Spain, Syria, Tunisia) to have occurred during the period under review.

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

**Reporting obligations on technical implementation**

3.4.1 Article 6 of the Protocol binds Contracting Parties to ensure that point source discharges into the Protocol Area, and releases into water or air that reach and may affect the Mediterranean Area shall be strictly subject to authorization and regulation by their competent authorities, to provide for systems of inspection by such competent authorities, and to apply appropriate sanctions in case of non-compliance with authorizations and regulations, and ensure their application. To this end, Contracting Parties are required in terms of Article 13 of the Protocol to provide reports containing statistical information on authorizations for discharge granted in accordance with the provisions of Article 6, including information on the number and type of sanctions applied in cases of non-compliance with authorizations and regulations, and on the institutional structure of inspection systems, as well as data on the quantities of pollutants discharged from their territories.

3.4.2 Article 8 of the Protocol stipulates that Contracting Parties shall carry out monitoring activities to assess the levels of pollution along their coasts and to evaluate the effectiveness of action plans, programmes and measures implemented under the Protocol. In this context, monitoring data is submitted by Contracting Parties to the MAP Secretariat on a regular basis through the MED POL Programme, while information on Action Plans, programmes and measures implemented in accordance with this and other Articles (5, 7 and 15) of the Protocol forms part of the legal and administrative implementation of the Protocol. These items are therefore outside the scope of national reports on the technical implementation of the Protocol, and do not form part of the relative Reporting Format.

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

**Report on authorizations for discharge granted in terms of Article 5**

3.4.4 Twelve of the Contracting Parties reporting on the Protocol (Albania, Algeria, Bosnia-Herzegovina, Croatia, France, Israel, Italy, Monaco, Serbia-Montenegro, Spain, Syria, Tunisia) submitted information on authorizations for discharge granted and/or amounts of substances released or discharged in tabular form. Of these, seven (Algeria, Croatia, France, Israel, Monaco, Spain, Tunisia) used the tables provided in the appendix to the Protocol's reporting format, or comparable ones. The other five countries (Albania, Bosnia-Herzegovina, Italy, Serbia-Montenegro, Syria) provided information either wholly or partially in other formats with a classification not quite the same as that requested. In the case of the latter two countries, the information only covered the total load of substances released. With regard to the status of the authorization process, nine Contracting Parties (Albania, Algeria, Bosnia-Herzegovina, Croatia, France, Israel, Italy, Spain, Tunisia) reported that their national system was operational. Two others (Morocco, Serbia-Montenegro) reported that no information was available regarding the issue of authorizations, and one (Syria) reported that no authorization system had yet been established by the end of the period under review. No

information on the issue of authorizations was provided by the remaining three Contracting Parties (Libya, Monaco, Slovenia).

3.4.5 Except for Bosnia-Herzegovina and Italy, all the reports were stated as covering the prescribed period of 2002-2003. In the case of Bosnia-Herzegovina, the tabular data provided covered two regions: (a) the Federation of Bosnia and Herzegovina, covering the total number of water management authorizations granted during the period 1996-2003 and (b) The Republic of Srpska, covering similar authorizations in each of the years 1998 to 2004. In both cases, most of the activities described did not match with those listed in the Protocol's reporting format. In the case of Italy, the report on the Protocol was stated as covering the 2002-2003 biennium, together with information on previous years considered important within the context of implementation of the Convention and protocols.

3.4.6 A total of 152 authorizations covering nearly all sectors of activity were issued by the relevant authorities in Albania in 2002-2003, all being described as new. Croatian authorities issued 60 authorizations in 2002-2003, covering various activity sectors. 67% deal with the treatment and disposal of hazardous wastes. All are still ongoing. In Israel a total 151 authorizations were issued in 2002-2003, also covering various activity sectors. In Monaco, no authorizations were issued for most of the activities, but the number issued for those activities where the pollution load into the sea was recorded was not provided. In Bosnia-Herzegovina, a total of 214 authorizations between 1996 and 2003 were issued by the Federation of Bosnia and Herzegovina, and 683 authorizations between 1998 and 2004 were issued by the Republic of Srpska. Of the latter, 69 were operational in 2002-2003.

3.4.7 In France, discharges are subject to authorization or declaration. During the period under review, 57 authorizations for discharge into the sea from purification plants from the nine Mediterranean coastal departments were in force. 215 authorizations in connection with urban waste discharge were in force during the same period, while there were 13 new authorizations and 43 new declarations in 2002, and 13 new authorizations and 31 new declarations in 2003. There were nine authorised installations declaring industrial waste discharges during 2002-2003. The French report included a break-up of pollutants discharged by type. Italy reported 50,455 authorizations granted between the end of 1999 and the beginning of 2001 by provincial administrations in twenty regions for discharge of municipal, industrial, bio technical and mixed wastes into rivers, lakes and the sea, and provided their break up by both region and category. Italy also reported 417 ongoing authorizations for discharges in connection with ten sectors of activity for IPPC plants in 2002, and provided tabulated details of direct and indirect discharges into the water and atmosphere, including the types and amounts of pollutants involved.

3.4.8 Spain reported 63 authorizations for discharge by various activity sectors as ongoing at the start of the period under review, with another 11 new authorizations granted, making a total of 74. The statistics provided included a break-up between the two regions of Andalusia and Catalonia. Tunisia reported that no authorizations as such were given during the period under review, but an equivalent provision exists in national law, which prescribes the undertaking of environmental impact assessment studies. At the beginning of the period under review, 3,207 EIA studies had provided favourable results, becoming equivalent to authorizations, while 610 new studies were completed in 2002-2003. The report indicated that in a number of activity sectors, details of EIAs were not available. The Algerian report did not include any statistical information on authorizations issued.

3.4.9 Eleven Contracting Parties (Albania, Algeria, Bosnia-Herzegovina, Croatia, France, Israel, Monaco, Serbia-Montenegro, Spain, Syria, Tunisia) submitted a variable amount of tabular information on the pollution load of substances released. Of these, only two (Croatia, Spain) provided separate figures for 2002 and 2003. The information submitted by five of the above-mentioned countries (Albania, Bosnia-Herzegovina, France, Serbia-Montenegro and

Syria) was in a different form to the classification in the tabular annex to the Protocol's reporting format.

3.4.10 In the circumstances, considering the wide variation in the amount, type and format of the information provided, it was not possible to integrate the data from the individual **national** reports into any meaningful overall regional picture.

#### **Report on sanctions in cases of non-compliance in terms of Article 5**

3.4.11 No sanctions were applied by Albania, Croatia, Libya and Morocco during the period under review. 12 investigations of non-compliance were undertaken in Israel, and 9 non-renewal of permits occurred during the period under review. Other rulings and fines were also effected for cases originating prior to 2002. French Law provides for various types of sanctions, depending on the particular infringement in question. The French report contained tabulated details of all sanctions, which included 57 judicial procedures in 2002 and 74 in 2003. Mediterranean coastal departments reported 125 sanctions in 2002 and 128 in 2003. Italy provided tabular information on the type of control activities performed by the Regional Agency for Environmental Protection (ARPA), the Autonomous Provinces Environmental Protection Agency (APPA), the Local sanitary Authority (ASL, formerly PMP) and other National Institutes for the period 1999-2002. 682 administrative sanctions for illicit actions were performed in 1998/1999, and 739 in 1999-2000. During the same periods, the number of other measures taken (penal denunciations, sequestrations and others) was 11,119 and 10,993 respectively. In 2002, a total of 1,011 sanctions and 536 other measures were taken for illicit actions in connection with discharges into the sea, 104 other measures for contamination of surface waters, and 115 other measures for contamination of underground waters. In Monaco, legal action was taken on two occasions for discharges into the harbour without authorization. The penal sanctions imposed were not published. In Serbia-Montenegro, out of 198 inspections conducted in 2002, five resulted in 2 criminal and 3 penal offences. Again, the penal sanctions imposed were not reported. Tunisia reported that during the period under review, approximately 1400 indictments were drawn up by the National Agency for Protection of the Environment. The types of industry causing the infringement were tabulated, but the actual sanctions imposed were not clearly defined.

3.4.12 The Algerian report contained a description of the procedure for the application of sanctions and withdrawal of authorizations, but no details of any sanctions actually applied were included. No data regarding sanctions applied in cases of non-compliance with the terms of authorizations were reported available in Bosnia Herzegovina and Syria, while no information in this regard was provided by Slovenia.

#### **Reports on the institutional structure of inspection systems in terms of Article 5**

3.4.13 In Albania, the Environmental Inspectorate was established in 2003, and further strengthening and training were reported to be required. Other Inspectorates operating in the field are the Coast Guard, the inspectorate for Hydrocarbon fuels, the Municipal Environment Inspectorates, the Environmental Units of the Port Authorities and the Port Captaincies. In Algeria, the Regional (Wilaya) Inspectorate was created in 1996, and has both executive functions (including the issue of authorizations and permits) and responsibility for coordination with national and local bodies. The Inspectorate's structure and functions were revised and expanded in 2003. In Bosnia Herzegovina, Entities and Cantonal Authorities have their inspectors for control of water law enforcement, which includes compliance control in the case of work executed according to permits issued, and control of the results of sampling and measuring of water and waste quality and quantity, functioning of wastewater treatment plants, etc. In Croatia, the State Water Inspection Department, established in 1995, inspects *inter alia* the condition of watercourses, the condition and use

water works and plants, water use, the status of water pollution, and compliance with legal instruments by public enterprises.

3.4.14 In France, the Water Police and the Classified Installations Police form the main control organisations. The former operate mainly at the local level under the authority of the prefecture of the relevant department through inter-service bodies concerned with water (Agriculture, Environment, etc.). The latter carry out inspections following declarations and requests for authorizations by classified installations. The inspectors are responsible for processing authorization requests from new installations or for modification of old authorizations, for surveillance of the installations in question, instruction of personnel and, in appropriate cases, for advising the prefectures on the necessary measures to be taken in cases of non-compliance, and to formulate the necessary indictments. In Israel, the Marine and Coastal Environment Division of the Ministry of Environment is involved in the entire structure, and inspections relate to both the conditions and targets of the discharge permit. Inspections are carried out through examination of compliance with permit conditions in the light of monitoring results, as well as in the field. In Italy, the institutional structure of the inspection system is composed of the Regional Agency for Environmental Protection (ARPA), the Autonomous Provinces Environmental Protection Agency (APPA), the Local sanitary Authority (ASL, formerly PMP), the State Forestry Corps, the Ecological Operative Command of the Carabinieri, the Port Authorities and the Magistrate of the waters of the basin of the river Po.

3.4.15 In Libya, the Inspectorate Department within the Environment General Authority is responsible for environmental inspections. In Monaco, the Ministry of State for the Principality is responsible for issue of authorizations regarding the construction and operation of all establishments that can cause marine pollution through discharge of their wastes. In granting such authorization, the Ministry acts on the advice of the Technical Commission for combating pollution, which has a broad mandate in the fields of relevant research and compliance control. In Serbia-Montenegro, inspectorate responsibilities are divided between the inspection departments of the Ministry of Environmental Protection and Physical Planning, the Ministry of Agriculture (Forestry and Water Management) and the Ministry of Transport and Maritime Affairs. Of these, the Environmental Inspectorate is the responsible authority for control of the implementation of environmental protection legislation. In Tunisia, the National Agency for Protection of the Environment is responsible for controlling industrial pollution, and its expert controllers have got the necessary legal powers to ensure that the function of installations conforms to national standards. In addition, other Government departments also play a role in ensuring health and environmental safety.

3.4.16 Syria reported no significant developments in the institutional structure of inspection systems as occurring during the period under review. No information on institutional structure was reported by Morocco and Slovenia.

## **Regional report on the technical implementation of the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean**

### **Reporting obligations on technical implementation**

3.5.1 Article 5 of the Protocol provides for the establishment by Contracting Parties of specially protected areas in the marine and coastal zones subject to their sovereignty or jurisdiction. Parties are not specifically bound to establish such protected areas but, if they do, they have to ensure that the necessary protection measures are taken in conformity with the provisions of Article 6, and that the planning and management of such areas is conducted in accordance with the terms of Article 7. Article 8 of the Protocol provides for the establishment of a list of specially protected Areas of Mediterranean Importance (SPAMI), while Article 9 regulates the procedures for such establishment. Contracting Parties are required to provide a list of Specially Protected Areas established under the terms of Article 5, as well as information on proposals made for inclusion of areas under national jurisdiction in the SPAMI list in terms of Article 9A.

3.5.2 Article 12 of the Protocol binds the Parties to ensure protection and conservation of the flora and fauna listed in its annexes, which cover endangered or threatened species and species whose exploitation is regulated, while Article 18 defines the conditions under which exemptions to protection measures are allowed. Article 13 binds Parties to take all appropriate measures to regulate the intentional or accidental introduction of non-indigenous species. Article 15 of the Protocol binds Parties to the compilation of comprehensive inventories of areas that are reservoirs of biological diversity, as well as of threatened or endangered fauna and flora. Contracting Parties have to report on the compilation of such inventories. Article 23 of the Protocol stipulates that in their reports on the implementation of the Protocol, Contracting Parties should provide information on the status and state of the areas under national jurisdiction included in the SPAMI list, on any changes in the delimitation or legal status of (a) such SPAMI and (b) protected species, and on any exemptions granted from protection measures pursuant to the provisions of Articles 12 and 18. Contracting Parties are further required to report on implementation of (a) the Action Plans for threatened species adopted within the framework of the Mediterranean Action Plan, and (b) other relevant recommendations of the Contracting Parties. The report on the technical implementation of the Protocol should also include, wherever applicable, a special Report on Specially Protected Areas of Mediterranean Importance (SPAMIS) under the jurisdiction of more than one country

3.5.3 Fifteen Contracting Parties (Albania, Algeria, Bosnia-Herzegovina, Croatia, France, Israel, Italy, Libya, Monaco, Morocco, Serbia-Montenegro, Slovenia, Spain, Syria, Tunisia) submitted reports on the technical implementation of this Protocol. Of these, nine (Albania, Croatia, France, Italy, Monaco, Syria, Slovenia, Spain, Tunisia) have ratified the new Protocol, while the remaining six (Algeria, Bosnia-Herzegovina, Israel, Libya, Morocco, Serbia-Montenegro) are Parties to the original Protocol.

### **List of Specially Protected Areas established in terms of Article 5**

3.5.4 In Algeria, in addition to the three Areas already established prior to the period under review, one marine park was re-classified in March 2003, and preparations for the creation, reclassification or extension of six other Areas were commenced. In Bosnia Herzegovina, the two areas currently existing were both established in 1995. In Croatia, there are eleven national parks, established between 1949 and 1999, and 427 protected areas, all established



by 2001, of which 89% of their total area of 1,192 km<sup>2</sup> consists in marine parks. In Israel, 12 Specially Protected Areas were declared under the original Protocol, but none have been declared so far under article 5 of the new Protocol.

3.5.5 In France, protected areas are classified into National parks, natural reserves, and Biotope protection areas, the last-named fixed by decree. A list of areas in all the above categories is given in the French report. Italian legislation enacted in 1982 and 1991 foresees the possibility of establishing 47 marine protected areas in Italian waters, to which list five more areas have recently been added. Of these, 22 have been established and have a management body. Two national parks including marine areas have also been established. With regard to wetlands, 103 main sites have been selected, 50 of which have already been established. Italy has also proposed 2,255 sites of community importance and 505 Special Protection Areas (of which 160 and 6 include marine habitats) within the framework of the EC Natura 2000 Programme. In Spain, the Nature 2000 Network embraces a total area of 12,290,288 hectares. The LIC list includes 928 Mediterranean areas covering both terrestrial and maritime zones, while the ZEPA list includes 163 Mediterranean zones.

3.5.6 In Libya, 11 protected areas have been established between 1978 and 1998, five of these being nature reserves and the other six national parks. In Morocco, one specially protected area was established following signature of the Protocol. Serbia-Montenegro provided a list of protected areas, including one national park, four special nature reserves, two natural monuments, three caves, and three protected landscapes. Syria reported the establishment of three protected areas, all located in Lattakia, and including both terrestrial (or coastal) and marine components. In Slovenia, several municipal decrees declaring protected areas were adopted in the beginning of the nineties. More than 10% of the coast, with almost all typical habitat types, associations and species, was included in the protected areas. In Monaco, no specially protected areas were established during the period under review. In Albania, the Law does not include the establishment of Specially Protected Areas, but other categories are being considered as potential areas of this nature. Two areas, consisting of one lagoon and national park and one wetland area, currently exist. In 1996, a study was made for the assessment of Specially Protected Areas in the central part of the Albanian coastline. In addition, Albania reported details of its national network of 56 protected areas in six categories. The Tunisian report lists four specially protected areas established in terms of Article 5.

#### **Reports on proposals made for inclusion of areas under national jurisdiction in SPAMI list in terms of Article 9.**

3.5.7 In Algeria, proposals for the inclusion of three areas were made in 2000-2001 (before the start of the period under review). In Bosnia Herzegovina, one of the current national parks is planned for integration into a larger national park, which would increase its status of protection. A proposal for including a further area in the UNESCO list is in course of preparation. France submitted two proposals, both in November 2001, both of which were accepted. Italy has funded a specific research project to gather the information required to propose the inclusion of the Portofino marine protected area in the SPAMI list. Morocco will shortly be proposing one of its national parks for inclusion in the SPAMI list, and intends to do the same in the case of another national park in which the process of formal establishment is in progress. Tunisia has proposed three areas, including two of its specially protected areas created under Article 5, for inclusion in the SPAMI list. All three were proposed in November 2001, and later accepted.

3.5.8 Albania, Croatia, Israel, Monaco, Serbia-Montenegro, Slovenia and Syria have not so far proposed any specially protected area under national jurisdiction for inclusion in the SPAMI list. Spain reported that the competent national authorities provided no information.

**Reports on the status and state of areas under national jurisdiction included in the SPAMI list, and any changes in the delimitation or legal status of such SPAMIs in terms of Article 23.**

3.5.9 France and Italy reported that during the period under review, no changes were made to the definition and legal status of the International Sanctuary for Marine Mammals in the Corso-Ligurio-Provencal basin (the PELAGOS Sanctuary), which was established by a treaty between Italy, France and Monaco in 1999, proposed for inclusion in the SPAMI list in 2001 and accepted at the end of the same year. Monaco reported that the Agreement regarding this Sanctuary entered into force in Monaco on 21 February 2002. France reported on the status and state of both the Pelagos sanctuary and its other SPAMI, to which latter no changes were made. Tunisia reported on the status and state of the three SPAMIs under its jurisdiction, to which no changes were made during the period under review. In Algeria, the preparation of the relative documentation regarding the three proposals referred to in paragraph 3.61 above had not been started by the end of the period under review, and was in fact commenced in April 2004. Spain provided details of nine areas in the SPAMI list, but reported that no information had been received from the competent authorities regarding any changes in their delimitation or legal status.

3.5.10 In Albania, Bosnia Herzegovina, Croatia, Israel, Morocco, Serbia-Montenegro, Slovenia and Syria, no areas under national jurisdiction are currently included in the SPAMI list.

**Reports on changes in the delimitation or legal status of protected species in terms of Article 23.**

3.5.11 In Albania, a decree of the Council of Ministers in December 2003 lists the species of Albanian flora to be placed under protection. A list of 61 globally threatened vertebrate species in Albanian wetlands was also provided. New environmental legislation (July 2003) in Algeria stipulates that the list of protected species of non-domesticated animals and non-cultivated plants shall be fixed taking into account the conditions of reconstitution of natural populations and their habitats, and the exigencies of protection of certain animal species during the periods and circumstances when they are generally vulnerable. In Bosnia Herzegovina, a set of new environmental laws were enacted in 2003, including a law on nature protection which defines the status of protected species, and includes protected plants and fungi, protected animals, exemptions and the introduction of new or extinct species. A procedure for adjusting Cantonal laws to ensure conformity with the new Federal law is in operation. In Croatia, a number of "red lists" (assessment of threats to individual species) were made in accordance with IUCN criteria in 2002. A number of species were found to be threatened.

3.5.12 No changes in the delimitation or legal status of protected species were effected in France, Israel, Italy, Monaco, Morocco, Serbia-Montenegro, Slovenia and Tunisia. Spain reported that no information in this regard had been provided by the competent authorities. In Syria, no identification of protected species had been completed by the end of the period under review. The preparation of a list of marine fauna and flora, from which endangered species would be determined after completion, was commenced.

**Reports on new records of non-indigenous or genetically modified species likely to cause damage in terms of Article 13.**

3.5.13 France reported on the spread of the alga *Caulerpa taxifolia* along its eastern coastline, together with action being taken towards its eventual eradication. No new records

of non-indigenous or genetically modified species likely to cause damage were reported by Albania, Algeria, Bosnia-Herzegovina, Monaco, Morocco, and Serbia-Montenegro, Syria. In Algeria, a December 2000 Decree prohibits the import, distribution and commercialisation of genetically modified vegetable material. A draft Law regarding the circulation of biological resources, the control of genetically modified organisms, and the taking in hand of the risks connected with the use of modern biotechnology was adopted by the Council of Ministers and submitted for discussion at the level of the National Popular Assembly.

3.5.14 In Croatia, the new Nature Protection Act enacted in 2003 devotes a number of its articles to the matter of Genetically modified organisms, and regulates the transboundary transport, transit, use and introduction into the environment of genetically modified organisms, and products containing such organisms. Under the Act, the purposeful introduction of genetically modified organisms into the environment, into protected areas and areas of the ecological web, as well as areas intended for the ecological production of agricultural products, forms of eco-tourism and areas which represent protected zones of influence is not permitted. In Israel, contributions (mainly in the form of detection of the introduction of non-indigenous species of Indo-Pacific origin via the Suez Canal) are made to records of exotic marine species compiled by the International Commission for the Scientific Exploration of the Mediterranean (ICSEM), and the information is published in the Commission's atlases.

3.5.15 In Italy, the Central Institute for Scientific and Technological Research (ICRAM) is carrying out a project concerning the presence of alien species reported in Italian seas. The project has produced a biological, taxonomic, ecological and zoogeographic atlas providing information on alien species reported in the Mediterranean. A tissue bank of alien species was also created to support future genetic research. The Italian report on the technical implementation of the SPA Protocol also classifies the 541 alien species recorded in the Mediterranean so far into their taxonomic groups. In Slovenia, the introduction of non-indigenous or genetically modified species is regulated by the Nature Conservation Act (OJ RS, Nr. 96/04), adopted by the Slovene parliament in August 2004. According to the above-mentioned act, the introduction of non-indigenous animal or plant species is prohibited. Introduction might be permitted in cases where there is no negative impact on the elements of biodiversity. No information on the presence of new non-indigenous or genetically modified species, liable to be harmful, was reported to be available during the period under review. Tunisia reported that an action plan on invasive marine species has been developed within the framework of the "Pas Bio" project. This has demonstrated the presence of a significant number of species of Red Sea or Atlantic origin. An annex to the Tunisian report lists 22 species of fish, molluscs, crustaceans and algae that are non-indigenous. Spain reported that the competent authorities had provided no information regarding non-indigenous or genetically modified species.

#### **Reports on inventories of the components of biological diversity in terms of Article 15.**

3.5.16 In Albania, an inventory of national wetlands was completed in 2004. In Algeria, an inventory of species of fauna and flora and their ecosystems was elaborated within the framework of conservation and sustainable use of biological diversity. In Bosnia Herzegovina, inventories on the components of biological diversity are scheduled for compilation as part of two Action Plans that have been proposed within the framework of the SPA BIO Project. In Croatia, the Red Book of Croatian endangered plants and animals was prepared during the period under review and issued in 2004. In Israel, an inventory of protected areas along its Mediterranean shoreline exists, and has last been updated in August 2004. Inventories also exist for nature reserves and marine protected belts. In addition, the "red list" of threatened vertebrate species (including marine species) was published in 2002, and the latest inventory for flora was completed in 1999.

3.5.17 In France, an inventory of zones of ecological and faunistic interest (the ZNIEFF inventory) has been in existence for over two decades. This inventory identifies, localizes and describes the territories of national heritage interest from the point of view of living species and habitats. Other inventories are also in existence. In Italy, the Italian Society of Marine Biology has been entrusted with the task of updating the checklist of Italian fauna. The checklist, the preparation of which is programmed for 2002-2005, will also include the presence of threatened and endangered fauna within an appropriate inventory. In Monaco, an atlas of submarine biocoenoses of the Larvotto reserve, as well as the state of health of *Posidonia* beds, was completed in 2002. Inventories of invertebrates attached to hard substrates and serving as biological indicators were compiled in 2003. In Morocco, an inventory of protected areas was completed in 1996, and an inventory of biological diversity for a number of marine areas was completed in 2003. In Spain, work on updating the inventory of areas containing rare or fragile ecosystems included a survey of the Cabrera Archipelago marine reserve, and the completion of the Spanish Forestry Map. The National Inventory of Biological Diversity was published in May 2003. The Anthos programme, constituting the only On-Line Atlas of vascular plants worldwide, completed in 2003, includes comprehensive information of the Spanish flora. The Regional Catalogue of Wild Protected Flora of the Autonomous Community of Murcia was also created in May 2003.

3.5.18 In Serbia-Montenegro, inventories for protected areas on the coastal strip were established in 1968, and are now considered outdated. Relevant data on the biological diversity of the Adriatic Sea are widely spread in institutional publications. A number of species are recognised as most endangered or rare. A number of inventories have been compiled in Slovenia. According to the data compiled, the diversity of species is extremely high, despite the small size of Slovenian territory. Only a small proportion of the species believed to live in Slovenia has so far been identified. Approximately 22,000 species have been recorded. The estimated number is between 50,000 and 120,000, which reflects the outstandingly rich biodiversity for such a small area. In Syria, the first list of marine species was prepared in 1995-1996. A study of the marine species in the area opposite Om Al Tuyour was initiated during the period under review. A field survey of all species in this location was performed as part of the formulation of a management plan for the protected area. In Tunisia, an inventory of species within the framework of the national strategy on biodiversity (constituting a national inventory) was compiled between 1996 and 1999, inventories of species and their habitats within the framework of specific studies on sensitive natural areas, covering 25 sites, were compiled between 1999 and 2002, and inventories of natural areas within the framework of land management schemes were compiled between 1996 and 2001.

#### **Reports on exemptions granted from protection measures in terms of Articles 12 and 18.**

3.5.19 Eleven of the Contracting Parties (Albania, Algeria, Bosnia-Herzegovina, Croatia, Israel, Libya, Monaco, Morocco, Serbia-Montenegro, Syria, Tunisia) reporting on the technical implementation of the Protocol stated that no exemptions from protection measures were granted during the period under review. Spain reported one modification from the European Council in the regulation relating to Community Forest Protection against fire. Italy reported that no information concerning this item was available, while Slovenia provided no information. France reported that exemptions were normally granted for scientific reasons.

#### **Reports on implementation of the action plans for threatened species adopted within the framework of MAP in terms of Article 23.**

3.5.20 In Albania, a project for protection of the marine turtle *Caretta caretta* was launched in 2002. Plans are in hand for future projects, including the cartography of *Posidonia*

meadows, monitoring of marine turtles and protection of the Mediterranean Monk Seal. In Algeria, Action Plans for endangered species adopted within the framework of MAP and the SPA BIO project were implemented. In addition, Action Plans, which have been released and considered as priorities, include the establishment of a network for monitoring *Posidonia* beds, and elaboration of a programme for gathering data on the monk seal. Also, within the framework of the Plan of Action on birds, an inventory of organisms, and of experts working in these fields, is in course of completion. In Bosnia Herzegovina, a national report on the application of the Protocol is being prepared for submission to MAP in May 2005. A programme of research and study on cetaceans in the eastern Mediterranean is being developed in France within the framework of the Pelagos Project.

3.5.21 An overview of the state of biological and landscape diversity of Croatia with the protection strategy and action plans was officially issued in 1999, in which year a national biological and landscape diversity strategy with an action plan was also produced. A national environmental strategy and a national environmental action plan were prepared in 2002. Activities implemented in cooperation with UNEP and GEF include projects involving the Adriatic dolphin, the Mediterranean Monk Seal, the Adriatic marine turtle, *Posidonia oceanica*, and various habitats. Israel reported ongoing activity with regard to sea turtles, involving location of nests, transfer to protected areas, and release of hatched turtles into the sea. Italy reported that draft guidelines for the formulation of national action plans for the conservation of cetaceans, monk seals, sharks and marine turtles were elaborated. Libya and Morocco are implementing the MAP action plans for the Mediterranean Monk Seal, and for marine turtles. Syria is implementing the MAP action plan on the Mediterranean Monk Seal, and also organised a national workshop on the establishment of a national network for the monitoring of whales. In Serbia-Montenegro, a national report on the status, problems and conservation of coastal and marine biodiversity in Montenegro has been prepared within the framework of MAP. Slovenia is participating in the Action Plans for the conservation of cetaceans, for the management of the monk seal, for the conservation of sea turtles, for the conservation of cartilaginous fish, (chondrichthyes) in the Mediterranean Sea, on the introduction of species and invasive species, and for the conservation of birds listed in Annex 2. In many of these, national programmes are still in the early stages. In Tunisia, work has been taken in hand for the implementation of an action plan on marine vegetation. Specific action has also been taken with regard to the action plan on marine turtles, and studies on cetaceans have also been carried out. No new action plans were implemented by Monaco during the period under review. Similarly, no new action plans were implemented by Spain in the Mediterranean area, but Spanish authorities collaborated in a project for the conservation of the Monk Seal in Cape Blanca in Mauritania.

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

3.5.22 In Algeria, a number of legal and administrative measures (as detailed in the national biennial report on implementation of the Protocol) have been taken with regard to recommendations of the Contracting Parties. In Croatia, implementation of a project entitled "Development of the National Biosafety Framework" as part of the relative UNEP – GEF global project, with the eventual objective of preparing Croatia for implementation of the Cartagena Protocol on Biosafety, was commenced in 2003. France attaches great importance to the establishment of specially protected areas, and the preservation of biodiversity, and develops programmes accordingly. In Israel, two protected areas were declared in 2003 and one in 2004 according to local legislation. Monaco reported that it has undertaken several measures at the bilateral level of cooperation towards the implementation of the Protocol and of the recommendations of the Contracting Parties.

3.5.23 Implementation by Morocco of recommendations adopted by the Contracting Parties with regard to the Protocol has been reported to SPA/RAC. Syria prepared its national

strategy for the protection of marine biodiversity in 2002, and also organised three training courses on the management of protected coastal and marine areas. In Tunisia, work started on the strategic action plan for the conservation of biological diversity in the Mediterranean region, and on the MEDMPA Project, which involves six Mediterranean countries. No data was reported to be available or applicable by Albania, Bosnia Herzegovina, Italy, Serbia-Montenegro and Spain, while no information was provided by Slovenia.

**Appendix to the 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**

3.5.24 Ten Contracting Parties (Albania, Algeria, Bosnia-Herzegovina, Croatia, France, Monaco, Morocco, Serbia-Montenegro, Syria, Tunisia) submitted information regarding this appendix.

**Proposals made for inclusion in SPAMI list of areas situated partly or wholly on the high sea**

3.5.25 No new proposals in this category were made by any of the Contracting Parties reporting on the appendix to the Specially Protected Areas Protocol. France reported on the sanctuary for the protection of marine mammals in the Mediterranean in the Corso-Ligurio-Provencal basin (the PELAGOS Sanctuary), which was included in the SPAMI list in 2001.

**Proposals made for inclusion in SPAMI list of areas where the limits of national sovereignty or jurisdiction have not yet been defined.**

3.5.26 One Contracting Party (Algeria) reported that a proposal for the joint establishment of a marine sanctuary by Algeria and Tunisia has been submitted to the relevant Tunisian Authorities, but no decision had been reached as yet. No new proposals in this category were made by any of the other Contracting Parties reporting on the appendix to the Specially Protected Areas Protocol.

**The status and state of the areas listed above included in the SPAMI list, and any changes in the delimitation or legal status of such SPAMIs.**

3.5.27 France and Monaco reported that the Agreement for the establishment of a sanctuary for the protection of marine mammals in the Mediterranean in the Corso-Ligurio-Provencal basin (the PELAGOS Sanctuary) signed between France, Monaco and Italy in 1999, entered into force in Monaco on 21 February 2002, and in France 18 July 2002.

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

**General**

3.6.1 Article 4 of the Protocol stipulates that all activities in the Protocol Area shall be subject to the prior written authorization for exploration or exploitation from the competent authorities, and also defines the conditions under which such authorization should be granted. Article 5 lists the requirements for authorization. Article 9 of the Protocol regulates the disposal into the Protocol Area of harmful or noxious substances and materials resulting from activities covered by the Protocol, while Article 14 covers the exceptions that can be made in cases of *force majeure*. Article 21 defines the measures to be taken in the case of activities affecting Specially Protected Areas. In this context, Contracting Parties are required to report on authorizations granted for seabed exploration and exploitation in terms of Article 4.1, and on applications refused in terms of Article 4.2. They are also required to provide technical information with respect to (a) each authorization granted in terms of Articles 4, 9 and 21, and (b) any disposals carried out as exceptions, including the dates on which reports on such cases were submitted to the Organization, in terms of Article 14.

3.6.2 Ten Contracting Parties (Albania, Algeria, Bosnia-Herzegovina, Croatia, Italy, Libya, Morocco, Serbia-Montenegro, Spain, Syria) submitted reports on the technical implementation of this Protocol. Of these, only two (Albania and Morocco) have ratified the Protocol. The other eight (Algeria, Bosnia-Herzegovina, Croatia, Italy, Libya, Serbia-Montenegro and Syria), as well as the five (France, Israel, Monaco, Slovenia, Tunisia) that submitted reports on the technical implementation of the Protocols, but did not include this Protocol, have still to ratify it. In this context, one Contracting Party (Monaco) reported that the Protocol was not yet in force in its country, and no relevant activity could therefore be reported for the period under review.

**Reports on authorizations granted for seabed exploration and/or exploitation, and relevant information in terms of Article 4.1**

3.6.3 A total of 114 authorizations were reported as granted or ongoing, of which 74 originated before the beginning of the period under review. Four were granted by Croatia, covering three offshore gas production fields and part of a gas pipeline. In one case, location permits were issued in 1997 and 1999, and the construction permit in 2000. In another case, the location permit was issued in 2003 and the construction permit in 2004. In the other two cases, the location permits were issued in 2000 and 2003, with construction permits still to be issued. 103 authorizations (34 for seabed exploration and 69 for seabed exploitation) were issued by Italy, of which 10 and 28 respectively started during the period under review. One authorization was issued by Libya. Two authorizations for oil exploration were issued by Morocco in 1999 and 2000 respectively. Four authorizations for oil drilling were issued by Serbia-Montenegro in 1997. No authorizations were issued by Albania, Algeria, Bosnia Herzegovina and Syria. Spain reported that three types of authorizations could be distinguished: exploration authorizations, research permits to investigate the existence of hydrocarbons, and exploitation concessions. No information regarding the number of authorizations, or any details about them, was provided.



**Report on applications for authorization refused in terms of Article 4.2**

3.6.4 One Contracting Party (Spain) reported that no information on this point had been provided by the competent national authorities. No application for authorization was refused by any of the other nine Contracting Parties reporting on the technical implementation of this Protocol.

**Reports on disposals carried out in exceptional circumstances, and dates of reports on such disposals submitted to the Organization in terms of Article 14.**

3.6.5 No exceptions for disposal were authorised by Croatia, Italy and Morocco. This aspect did not apply in the case of Albania, Algeria, Bosnia-Herzegovina and Syria where, as no authorizations had been granted, no waste disposal occurred. No information regarding disposal was reported by Libya, or as available by Serbia-Montenegro and Spain.

**Reports on the nature and total quantities of wastes in connection with authorizations granted, in terms of Article 9.**

3.6.6 Morocco reported that no wastes were generated in the areas covered by the two authorizations granted. No data was available from Croatia, Italy, Libya, Serbia-Montenegro and Spain regarding wastes in connection with the authorizations granted.

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

**General**

3.7.1 Article 6 of the Protocol regulates the conditions under which transboundary movements of hazardous wastes can take place, including notification procedures. In terms of this Article, and of Article 8, which deals with Regional Cooperation and reporting, Contracting Parties are required to report on hazardous waste generated, including the amount, category, origin and disposal methods of hazardous waste and other waste imported, on transboundary movements of hazardous waste or other waste in which they have been involved, and on pollution accidents occurring during the Transboundary movement and disposal of hazardous waste and other waste, and on the measures undertaken to deal with them. They are also required in terms of Article 8.3 to provide information on disposal options within the areas of their national jurisdiction.

3.7.2 Eleven Contracting Parties (Albania, Algeria, Bosnia-Herzegovina, Croatia, Italy, Libya, Monaco, Morocco, Serbia-Montenegro, Spain, Syria) submitted reports on the technical implementation of this Protocol. Of these, only two (Albania and Morocco) have ratified the Protocol, while the remaining nine (Algeria, Bosnia-Herzegovina, Croatia, Italy, Libya, Monaco, Serbia-Montenegro, Spain, Syria) have still to ratify it. The report from Albania did not include any information on the operative items, while Monaco reported that it was not yet a Contracting Party to the Protocol, and the data submitted was only for information purposes. Of the other four Contracting Parties (France, Israel, Slovenia, Tunisia) that submitted a national report on the technical implementation of the Protocols, but did not include this particular Protocol, only one (Tunisia) has so far ratified it.

**Reports on hazardous waste generated in terms of Article 8.**

3.7.3 Algeria reported that in 2002, the quantity of hazardous waste generated at the national level was estimated to be of the order of 325,100 tons per year. Bosnia Herzegovina reported that an estimated amount of 740 tons of obsolete pharmaceuticals and 14 tons of hospital waste of a hazardous nature existed, but the period of generation was not mentioned. In Croatia, 116,619 metric tons of hazardous waste was reported as having been generated during the four-year period 1999 through 2002. These consisted of clinical waste, waste from biocide and phytopharmaceutical production, waste from wood-preserving chemicals manufacture, waste from heat treatment and tempering operations containing cyanides, waste mineral oils, and oil-water and hydrocarbon-water mixtures and emulsions, waste tarry residues from refining, distillation pyrolytic treatments, waste production of inks, dyes, pigments, paints, and from the production, formulation and use of photographic chemicals, and waste resulting from surface treatment of metals and plastics. Other hazardous waste included lead and lead compounds, halogenated organic solvents and other organic solvents.

3.7.4 Italy reported the generation of 19,460,708 metric tons of hazardous waste during the five-year period 1997-2001, together with 195,201,600 metric tons of other waste (municipal waste) during the eight-year period 1995-2002. No details as to the composition of the former category were provided. Spain reported the generation of 1.58 million tonnes of hazardous wastes in its Mediterranean Communities in 2002, the figure excluding mining wastes. Details of their classification by geographical area, by origin and by category were provided in tabular form. No information regarding 2003 was provided. Syria reported the

annual generation of 30,514 tons of domestic solid waste, disposed of by burial or in open dump sites, around 3,564 tons of medical waste, disposed of by incineration in hospitals or specially-equipped sites, and the daily generation of 3,000 tons of phospho-gypsum, disposed of in a specially-equipped dumping site. An accumulated total of 580 tons of outdated pesticides is being held in storage pending to a decision as to their safe disposal. No data was reported available from Morocco or Serbia-Montenegro regarding hazardous wastes generated. In the latter case, a Management plan for hazardous and industrial waste was adopted in January 2005. The provisions of the Basel Convention are incorporated in this plan, which also includes the establishment of a National Hazardous Waste Management System. No hazardous wastes were reported to have been generated in Libya.

3.7.5 In Algeria, the current method of disposal is vitrification in the case of asbestos wastes, and incineration for PCB transformers. In Bosnia Herzegovina, there is no processing plant capable of dealing with waste materials generated, and the usual method of disposal is collection of the material in barrels, concreting, and burial. The method is not considered satisfactory from the sanitary viewpoint. No facility for the storage and processing of hazardous waste exists in Croatia.

#### **Reports on transboundary movements of hazardous wastes in terms of Articles 6 and 8.**

3.7.6 Algeria reported the export of 800,000 kg of asbestos wastes, 25 transformers and 26,064 kg of PCB oils to France. Croatia reported the export in 2003 of 20,380 metric tons of waste of most of the categories generated. The waste in question was exported to Austria, Germany, and Slovenia, mainly for disposal. Italy exported 407,250 metric tons of various types of hazardous and other waste to a number of countries in 2002, and 429,504 metric tons in 2003. Imports into Italy, also from various countries, were 1,011,099 metric tons in 2002 and 1,373,303 metric tons in 2003. Monaco exported a total of just over 18,470 metric tons of various materials to France in 2003, and imported 22,639 metric tons from France in the same year. Serbia-Montenegro reported the issue of permits for the export of 341 tyres (2004), 72 Television sets (2004), 53 (2003) and 125 (2004) refrigerators and freezers, and 13 computers (2004), to Germany, Albania and Kosovo. Spain imported 152,265 metric tonnes of hazardous waste materials in several categories from a number of countries in 2002 and, during the same year, exported 139,893 metric tonnes of varying categories, also to a number of countries.

3.7.7 The importation of hazardous wastes into Algeria, Croatia and Serbia-Montenegro is prohibited by Law. In Syria, both importation and exportation of hazardous waste are against the law.

3.7.8 Libya reported no transboundary movements of hazardous wastes, while no data was reported as available on transboundary movement of hazardous wastes into and out of Bosnia Herzegovina and Morocco. No information was provided by Albania.

#### **Reports on pollution accidents occurring during the transboundary movement and disposal of hazardous wastes and other wastes and on the measures undertaken to deal with them, in terms of Article 8**

3.7.9 No accidents were reported to have occurred in Algeria, Bosnia-Herzegovina, Croatia, Libya, Monaco and Serbia-Montenegro. The problem did not apply to Syria, as all transboundary movement is illegal. Italy reported that information on this item was not applicable. No information from Morocco and Spain was reported as available.

**Reports on disposal options operated within the area of Contracting Parties' national jurisdiction, in terms of Article 8**

3.7.10 In Algeria, the options fixed by Law (December 2003) include burial techniques, incineration, co-incineration, physico-chemical treatment, and the confinement of large stocks in hand. In Bosnia Herzegovina, no controlled waste management system currently exists, but within the new framework legislation for environmental protection, particularly the Law on Waste, special regulations on hazardous wastes are being developed. In Croatia, the cement production industry has permission to use waste oils as a fuel, which partially alleviates the country's waste oil problem. In Monaco, there is no alternative to the elimination of hazardous wastes other than to export them for appropriate treatment in a country with the required capacity. As from July 2004, disposal of hazardous wastes in Spain will be subject to the European Union's Council Decision 2002/33/EC of 19 December 2002, which establishes criteria and procedures for the acceptance of wastes at landfills. In the meantime, a number of disposal and recovery operations are fixed by national legislation. No information on disposal options was supplied by Albania, Italy, Libya, Serbia-Montenegro and Syria.

**ANNEX**

**TABLES**



**Table 1**

**STATUS OF SIGNATURES AND RATIFICATIONS**

**as at 14 September 2004**





	Barcelona Convention 1/			Dumping Protocol 2/			Emergency Protocol 3/		New Emergency Protocol 4/	
Contracting Parties	Signature	Ratification	Acceptance of Amendments	Signature	Ratification	Acceptance of Amendments	Signature	Ratification	Signature	Ratification
Albania	-	30.05.90/AC	26.07.01	-	30.05.90/AC	26.07.01	-	30.05.90/AC	-	-
Algeria	-	16.02.81/AC	09.06-04	-	16.03.81/AC	-	-	16.03.81/AC	25.01.02	-
Bosnia & Herzegovina	-	01.03.92/SUC	-	-	01.03.92/SUC	-	-	01.03.92/SUC	-	-
Croatia	-	08.10.91/SUC	03.05.99	-	08.10.91/SUC	03.05.99	-	08.10.91/SUC	25.01.02	01.10.03
Cyprus	16.02.76	19.11.79	15.10.01	16.02.76	19.11.79	18.0703	16.02.76	19.11.79	25.01.02	-
European Commission	13.09.76	16.03.78/AP	12.11.99	13.09.76	16.03.78/AP	12.11.99	13.09.76	12.08.81/AP	25.01.02	25.06.04
Egypt	16.02.76	24.08.78/AP	11.02.00	16.02.76	24.08.78/AP	11.02.00	16.02.76	24.08.78/AC	-	-
France	16.02.76	11.03.78/AP	16.04.01	16.02.76	11.03.78/AP	16.04.01	16.02.76	11.03.78/AP	25.01.02	02.07.03
Greece	16.02.76	03.01.79	10.03.03	11.02.77	03.01.79	-	16.02.76	03.01.79	25.01.02	-
Israel	16.02.76	03.03.78	-	16.02.76	01.03.84	-	16.02.76	03.03.78	22.01.03	-
Italy	16.02.76	03.02.79	07.09.99	16.02.76	03.02.79	07.09.99	16.02.76	03.02.79	25.01.02	-
Lebanon	16.02.76	08.11.77/AC	-	16.02.76	08.11.77/AC	-	16.02.76	08.11.77/AC	-	-
Libya	31.01.77	31.01.79	-	31.01.77	31.01.79	-	31.01.77	31.01.79	25.01.02	-
Malta	16.02.76	30.12.77	28.10.99	16.02.76	30.12.77	28.10.99	16.02.76	30.12.77	25.01.02	18.02.03
Monaco	16.02.76	20.09.77	11.04.97	16.02.76	20.09.77	11.04.97	16.02.76	20.09.77	25.01.02	03.04.02
Morocco	16.02.76	15.01.80	-	16.02.76	15.01.80	05.12.97	16.02.76	15.01.80	25.01.02	-
Serbia & Montenegro	-	16.07.2002	-	-	16.07.2002	-	-	16.07.2002	-	-
Slovenia	-	15.03.94/AC	08.01.03	-	15.03.94/AC	08.01.03	-	15.03.94/AC	25.01.02	16.02.04
Spain	16.02.76	17.12.76	17.02.99	16.02.76	17.12.76	17.02.99	16.02.76	17.12.76	25.01.02	-
Syria	-	26.12.78/AC	10.10.03	-	26.12.78/AC	-	-	26.12.78/AC	25.01.02	-
Tunisia	25.05.76	30.07.77	01.06.98	25.05.76	30.07.77	01.06.98	25.05.76	30.07.77	25.01.02	-
Turkey	16.02.76	06.04.81	18.09.02	16.02.76	06.04.81	18.09.02	16.02.76	06.04.81	-	04.06.03

Accession = AC

Approval = AP

Succession = SUC

Contracting Parties	Land-Based Sources Protocol 5/			Specially Protected Areas Protocol 6/		SPA & Biodiversity Protocol 7/		Offshore Protocol 8/		Hazardous Wastes Protocol 9/	
	Signature	Ratification	Acceptance of Amendments	Signature	Ratification	Signature	Ratification	Signature	Ratification	Signature	Ratification
Albania	-	30.05.90/AC	26.07.01	-	30.05.90/AC	10.06.95	26.07.01	-	26.07.01	-	26.07.01
Algeria	-	02.05.83/AC	-	-	16.05.85/AC	10.06.95	-	-	-	01.10.96	-
Bosnia & Herzegovina	-	22.10.94/SUC	-	-	22.10.94/SUC	-	-	-	-	-	-
Croatia	-	12.06.92/SUC	-	-	12.06.92/SUC	10.06.95	12.04.02	14.10.94	-	-	-
Cyprus	17.05.80	28.06.88	12.10.01	-	28.06.88/AC	10.06.95	15.10.01	14.10.94	15.10.01	-	-
European Community	17.05.80	07.10.83/AP	12.11.99	30.03.83	30.06.84/AP	10.06.95	12.11.99	-	-	-	-
Egypt	-	18.05.83/AC	-	16.02.83	08.07.83	10.06.95	11.02.00	-	-	01.10.96	-
France	17.05.80	13.07.82/AP	16.04.01	03.04.82	02.09.86/AP	10.06.95	16.04.01	-	-	-	-
Greece	17.05.80	26.01.87	10.03.03	03.04.82	26.01.87	10.06.95	-	14.10.94	-	01.10.96	-
Israel	17.05.80	21.02.91	-	03.04.82	28.10.87	10.06.95	-	14.10.94	-	-	-
Italy	17.05.80	04.07.85	07.09.99	03.04.82	04.07.85	10.06.95	07.09.99	14.10.94	-	01.10.96	-
Lebanon	17.05.80	27.12.94	-	-	27.12.94/AC	-	-	-	-	-	-
Libya	17.05.80	06.06.89/AP	-	-	06.06.89/AC	10.06.95	-	-	-	01.10.96	-
Malta	17.05.80	02.03.89	28.10.99	03.04.82	11.01.88	10.06.95	28.10.99	14.10.94	-	01.10.96	28.10.99
Monaco	17.05.80	12.01.83	26.11.96	03.04.82	29.05.89	10.06.95	03.06.97	14.10.94	-	01.10.96	-
Morocco	17.05.80	09.02.87	02.10.96	02.04.83	22.06.90	10.06.95	-	-	01.07.99	20.03.97	01.07.99
Serbia & Montenegro	-	16.07.2002	-	-	16.07.2002	-	-	-	-	-	-
Slovenia	-	16.09.93/AC	08.01.03	-	16.09.93/AC	-	08.01.03	10.10.95	-	-	-
Spain	17.05.80	06.06.84	17.02.99	03.04.82	22.12.87	10.06.95	23.12.98	14.10.94	-	01.10.96	-
Syria	-	01.12.93/AC	-	-	11.09.92/AC	-	10.10.03	20.09.95	-	-	-
Tunisia	17.05.80	29.10.81	01.06.98	03.04.82	26.05.83	10.06.95	01.06.98	14.10.94	01.06.98	01.10.96	01.06.98
Turkey	-	21.02.83/AC	18.05.02	-	06.11.86/AC	10.06.95	18.09.02	-	-	01.10.96	03.04.04

Accession = AC

Approval = AP

Succession = SUC

1/ Convention for the Protection of the Mediterranean Sea against Pollution

Adoption (Barcelona): 16 February 1976  
Entry into force\*: 12 February 1978  
Status: Signatories: 15, Parties: 22

The 1995 Amendments (Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean)

Adoption (Barcelona) 10 June 1995  
Entry into force 9 July 2004  
Status: Parties to the Amendments: 16

2/ The Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft (Dumping Protocol)

Adoption (Barcelona): 16 February 1976  
Entry into force\*: 12 February 1978  
Status: Signatories: 15, Parties: 22

The 1995 Amendments (The Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea)

Adoption (Barcelona) 10 June 1995  
Not Yet in Force  
Status: Parties to the Amendments: 14

3/ The Protocol concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and other Harmful Substances in Cases of Emergency (Emergency Protocol)

Adoption (Barcelona): 16 February 1976  
Entry into force\*: 12 February 1978  
Status: Signatories: 15, Parties: 22

4/ The Protocol concerning Co-operation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea (Prevention and Emergency Protocol)

Adoption (Malta): 25 January 2002  
Entry into force\*: 17 March 2004, replacing the 1976 Emergency Protocol in accordance with Article 25(2)  
Status: Signatories: 16, Parties: 7

5/ The Protocol for the Protection of the Mediterranean Sea Against Pollution from Land-based Sources (LBS Protocol)

Adoption (Athens): 17 May 1980  
Entry into force\*: 17 June 1983  
Status: Signatories: 22, Parties: 22

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The 1996 Amendments (The Protocol for the Protection of the Mediterranean Sea Against Pollution from Land-based Sources and Activities (LBS Protocol))

Adoption (Syracuse): 7 March 1996

Not Yet in Force

Status: Parties to the Amendments: 13

6/ The Protocol Concerning Mediterranean Specially Protected Areas (SPA Protocol)

Adoption (Geneva): 3 April 1982

Entry into force\*: 23 March 1986

Status: Signatories: 11, Parties: 22

7/ The Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean (SPA & Biodiversity Protocol)

Adoption (Barcelona): 10 June 1995

Entry into force\*: 12 December 1999, replacing the 1980 SPA Protocol in accordance with Article 32

Status: Signatories: 17, Parties: 14

8/ 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 (Offshore Protocol)

Adoption (Madrid): 14 October 1994

Not Yet in Force

Status: Signatories: 11, Parties: 4

9/ Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal (Hazardous Wastes Protocol)

Adoption (Izmir): 1 October 1996

Not Yet in Force

Status: Signatories: 11, Parties: 5

**Table 2**

**ON THE IMPLEMENTATION OF THE  
CONVENTIONS AND THE PROTOCOLS**



**TABLE 2.1**  
**Implementation of the Convention for the Protection of the Mediterranean**  
**Environment and the Coastal region of the Mediterranean**

**Brief Overview of Degree of Legal/Administrative Implementation of the Convention as**  
**indicated by material in national biennial reports for 2002-2003**

The table below lists the legal and administrative measures in force at the end of the 2002-2003 biennium among Contracting Parties for implementation of the Convention for the Protection of the Mediterranean Environment and the Coastal Region of the Mediterranean, on the basis of the material contained in the national biennial report submitted. Relevant details concerning the various items of legislation cited are contained in the relevant parts of the text of Part 2 of this Regional Report.





<b>Albania</b>		
<u>Article/provision</u>	<u>Legal Framework / Measure s</u>	<u>Remarks</u>
Article 3 par.2 (Bilateral Agreements)	According to the report, – 11 Bilateral agreements regarding Maritime Transport; – 3 Memorandums of understanding between the competent ministries regarding Environmental Protection with Greece, Croatia and Republic of Montenegro; – A Memorandum of understanding regarding Lake Ohrid with Albania were signed.	
Article 3 par.2 (Multilateral Agreements)	Signature to the Protocol on SEA within the frame of the Espoo Convention.	
Article 4.par.3 (a) and b (Precautionary principle and Polluter pays Principle correspondingly)	Law No 8934 on “Environmental Protection” of 2002; Law No 8905 of 2002 on “Protection of the Sea Environment from Pollution and damages”; Law No 9010 of 2003 on “Environmental Administration of solid wastes”.	
Article 4 par.3 (c) Undertaking of EIA	Law No 9010 of 23/01/03 “on Environmental Impact Assessment” followed by Decrees No 249 on endorsement of applications for environmental licences and No 268 of 24/4/03 on certification of environmental specialists; Directive of EIA (2003).	
Article 4 par. 3(e) on integrated coastal management	Law no 8905 “On protection of Marine environment from pollution and damages” (2002); Decision of the Council of Ministers No 364/18-7-2002 “On approval of the Coastal Zone Management Plan”.	
Article 12 (Monitoring)	Decision of Council of Ministers No 103 of 31/3/2002 “on the Monitoring of the Environment in the Republic of Albania”.	
Article 15 (Access to Information)	Aarhus Convention is ratified and its principles are included in the new legislation approved since and within 2002 and 2003.	
Article 15 (Public Participation)		

	<b>Algeria</b>	
<u>Article/provision</u>	<u>Legal Framework / Measures</u>	<u>Remarks</u>
Article 3 par.2 (Bilateral Agreements)	No bilateral agreements were reported.	The country states that there are bilateral agreements.
Article 3 par.2 (Multilateral Agreements)	No multilateral agreements were reported.	The country states that there are multilateral agreements.
Article 4.par.3 (a) and b (Precautionary principle and Polluter pays Principle correspondingly)	(a) Law 03-10/19.7.2003 on the Protection of the Environment in the framework of Sustainable Development (Articles 15 & 16). (b) Law No 03-10 of 19/7/2003 on the protection of the environment in the framework of sustainable development.	(a) According to the report these are applied through numerous other actions. (b) According to the report the Polluter Pays Principle was not implemented till 2002.
Article 4 par.3 (c) Undertaking of EIA	Law No 03-10/2003 on Environmental Impact Assessment followed by Decrees No 249/2003 and 268/2003 on endorsement of applications for environmental licences and on certification of specialists for EIA and Env-auditing, respectively.	
Article 4 par. 3(e) on integrated coastal management	Law 02-02 "on the protection and valorisation of the coastal zone" (2002).	
Article 12 (Monitoring)	Law 02-02 of 5/2/2002 on the Protection and valorisation of the Coastal Zone; Act 02115 of 3/4/2002.	
Article 15 (Access to Information)	Laws 02-02/ of 5/2/2003 and 3-10/ of 19/7/2003 .	
Article 15 (Public Participation)		

	<b>Bosnia &amp; Herzegovina</b>	
<u>Article/provision</u>	<u>Legal Framework / Measures</u>	<u>Remarks</u>
Article 3 par.2 (Bilateral Agreements)	No bilateral agreements were reported.	The country states that there are no agreements relevant to the terms of the Convention and Protocols that has entered into.
Article 3 par.2 (Multilateral Agreements)	No multilateral agreements were reported.	
Article 4.par.3 (a) and b (Precautionary Principle and Polluter pays Principle correspondingly)	(a) Article 6 of Law on Environmental Protection of Federation of B&H, Official Gazette No 33/03), defines "The Principle of Precaution and Prevention". (b) Article 11 of Law on Environment of Federation of B&H, (Official Gazette No 33/03), defines the "Polluter pays" principle.	
Article 4 par.3 (c) Undertaking of EIA	Law No 33/2003 on Environmental Protection of the Federation Bosnia & Herzegovina, chapter IX (Official Gazette No 33/03).	
Article 4 par. 3(e) on integrated coastal management	No specific legislation exist but several pieces of legislation within the period 2002-2003 are related to coastal management: (FB&H and RS) Law on Environmental Protection, (passed 2002 and 2003); Nature Protection (passed 2002 and 2003); Air Protection; (passed 2002 and 2003); Waste Management; (passed 2002 and 2003) Water Protection, (passed 2002 and 2003); Water Law, (passed 2002 and 2003); Physical Planning and Construction, (passed 2002 and 2003); Eco-Fund (passed 2002 and 2003). Freedom Access to Information in B&H ("B&H OfficialGazette", No. 28/2000)	
Article 12 (Monitoring)	Law on Water Protection of Federation of B&H, (Official Gazette No 33/03), Article 47, defines the "River basin district water protection database and monitoring".	
Article 15 (Access to Information)	Law No 28/2000 of Freedom for Access to Information; Law 33/03 on Environmental Protection (2003).	
Article 15 (Public Participation)	Law 33/03 on Environmental Protection (2003).	

<b>Croatia</b>		
<u>Article/provision</u>	<u>Legal Framework / Measures</u>	<u>Remarks</u>
Article 3 par.2 (Bilateral Agreements)	A series of Memoranda of Understanding were concluded between Croatia and Netherlands and Croatia and Norway for Integrated Management of Rivers Mirna and Neretva and Guidelines for ICZM respectively.	
Article 3 par.2 (Multilateral Agreements)	According to the report there were 3 multilateral agreements regarding the conservation of species (European But, Migratory Waterbirds, Cetaceans) and 1 regarding the protection of the waters and coastal regions of the Adriatic, that the country has entered into.	
Article 4.par.3 (a) and b (Precautionary Principle and Polluter pays Principle correspondingly)	(a) Environment Protection Act of 1994, revised in 1999, article 14. (b) Environment Protection Act of 1994 (Official Gazzete No 82/1994), revised in 1999, Articles 16 and 20.	
Article 4 par.3 (c) Undertaking of EIA	Environmental Protection Act of 1994, Articles 25 – 32; Ordinance on the Environmental Impact Assessment, adopted in 1999 ( <i>Official Gazette No. 59/2000 and 136/2004</i> ).	
Article 4 par. 3(e) on integrated coastal management	Physical Planning Act ( <i>Official Gazette Nos. 30/1994, 68/1998 and 61/2000</i> ), only partially covers the coastal zone management;	According to the report a Directive on spatial arrangement and environmental protection of the coastal area is under preparation.
Article 12 (Monitoring)	Environmental Protection Act , Articles 35-39.	
Article 15 (Access to Information)	Article 38 of the Constitution ( <i>Official Gazette Nos. 56/1990 and 8/1998</i> ); Act on Public Informing ( <i>Official Gazette No. 22/1992</i> ); Act on Public Reporting ( <i>Official Gazette No. 83/1996</i> ); Environmental Protection Act.	
Article 15 (Public Participation)	Article 46 of the Constitution; Constitution Provisions of the Standing Order of the Chamber of Deputies of the Parliament ( <i>Official Gazette No 99/1995</i> ); Ordinance on Env. Impact Assessment.	

<b>Cyprus</b>		
<u>Article/provision</u>	<u>Legal Framework / Measures</u>	<u>Remarks</u>
Article 3 par.2 (Bilateral Agreements)	No relevant information is provided.	
Article 3 par.2 (Multilateral Agreements)	No relevant information is provided.	
Article 4.par.3 (a) and b (Precautionary principle and Polluter pays Principle correspondingly)	No legislation is reported	The country states that EU Directive on Reception Facilities has been adopted.
Article 4 par.3 (c) Undertaking of EIA	Law on Environmental Impact Assessment (No. 57(I)/2001).	
Article 4 par. 3(e) on integrated coastal management	No legislation is reported.	
Article 12 (Monitoring)	No information is provided.	
Article 15 (Access to Information)	Law No 119(1) of 2004 on Public Access to Environmental Information.	
Article 15 (Public Participation)	No legislation is reported.	According to the report amendments are currently being made to the relevant national laws, for the transposition of the Directive 2003/35/EC.

<b>European Community</b>		
<u>Article/provision</u>	<u>Legal Framework / Measures</u>	<u>Remarks</u>
Article 3 par.2 (Bilateral Agreements)	Not applicable.	
Article 3 par.2 (Multilateral Agreements)	Not applicable.	
Article 4.par.3 (a) and b (Precautionary principle and Polluter pays Principle correspondingly)	(a) Maastricht Treaty (in Article 130r(2) renumbered Article 172(2)); Com 2000/000/final; Council Resolution of Nice European Council of December 2000; - Secondary Community legislation: Integrated Pollution and Prevention Control (PPC); Directive 2000/60/EEC (the WFD); EU Directive on Reception Facilities. (b) References on article 174(2) of the EC Treaty; Directive 2000/60/EEC (the WFD); Commission proposal for a Directive on Environmental Liability (Com (2002) 17/2002).	
Article 4 par.3 (c) Undertaking of EIA	Directive 85/337/EEC (1985) and 2003 amendments; Recommendation of 2002 (2002/413/EC); Directive 2001/42/EC (of 2001) on Strategic Impact Assessment (SEA).	
Article 4 par. 3(e) on integrated coastal management	Communication (Com/00/545); Recommendation of the European Parliament and the Council (2002/413/EE); Directive 2000/60/EEC (the WFD).	
Article 12 (Monitoring)	Series of Directives (e.g. 76/464 on pollution by certain dangerous substances; 91/676 from Nitrates; 91/271 on urban wastewater treatments; 91/271 and 76/160 on bathing waters etc.); EU Communication COM (2002) 539 "Towards a strategy to protect and conserve the Marine Environment"	
Article 15 (Access to Information)	Directives 2003/4/EC on Public access to Environmental Information (repealing Council Directive 90/313/EEC) and 2003/35/EC; The same directive amends, with regard to public participation and access to justice, the European Council Directives 85/337/EC and 96/61/EC.	
Article 15 (Public Participation)		

<b>France</b>		
<u>Article/provision</u>	<u>Legal Framework / Measures</u>	<u>Remarks</u>
Article 3 par.2 (Bilateral Agreements)	There were no bilateral agreements reported.	The country states that such agreements exist.
Article 3 par.2 (Multilateral Agreements)	There were no multilateral agreements reported.	The country states that such agreements exist.
Article 4.par.3 (a) and b (Precautionary principle and Polluter pays Principle correspondingly)	Code for the Environment Article L 110-1;	According to the report, there are several fiscal instruments and since 13/10/2003 a system for trading emission permits.
Article 4 par.3 (c) Undertaking of EIA	Code of the Environment Article L 122-1 and L 122-3 amended by the Law of 27/2/2002 on direct democracy.	
Article 4 par. 3(e) on integrated coastal management	Participation in the EC Work.	
Article 12 (Monitoring)	Exist	
Article 15 (Access to Information)	Well established legislation (see Law No 78-753 of 1978 etc.) for the access of the public to environmental information and public participation exist; Law of 27 /2/2002 on "démocratie de proximité" (direct democracy), articles L 121-1 to L 121-15 of the Code of the environment and decree of 22/10/2002	
Article 15 (Public Participation)	Article L-110-1 4 of the Code of the Environment covers the participation and access to environmental information. The latter is dealt specifically under Chapter IV, Article L 124-1 and Law No 78-753 of 17/7/1978. Other references are made in Articles L 121-1, L 121-15, L 123-1, L123-16 and L 300-2	

<b>Greece</b>		
<u>Article/provision</u>	<u>Legal Framework / Measures</u>	<u>Remarks</u>
Article 3 par.2 (Bilateral Agreements)	No information is provided.	
Article 3 par.2 (Multilateral Agreements)	No information is provided.	
Article 4.par.3 (a) and b (Precautionary principle and Polluter pays Principle correspondingly)	Law 2939/2001 (harmonisation with the EU Directive 94/62) on measures and terms for alternative management of packages and other products;	According to the report, there are number of legal instruments (Joint Ministerial Decisions, Presidential Decrees, etc.). These, are not reported.
Article 4 par.3 (c) Undertaking of EIA	Law 3010/2002 – harmonising of previous law 1650/86 with the EU Directives 96/61 and 97/11 (concerning the Integrated Pollution Control and the estimation of environmental impacts from Public and Private Works and activities); JMD 15393/2002 Classification of public and private works and activities; JMD 25335 /2002 on Approval of Environmental Terms by the General Secretary of District.	
Article 4 par. 3(e) on integrated coastal management	No legislation is reported.	The country states that the EU Guidelines for Integrated Coastal Zone Management are being applied.
Article 12 (Monitoring)	No legislation is reported.	According to the report monitoring activities are implemented.
Article 15 (Access to Information)	Joint Ministerial Decision JMO 77921/1440/95 harmonizing national legislation with EU Directive 90/313/EC.	
Article 15 (Public Participation)	EU Directive 2003/35/EC, on public participation in certain environmental decision-making, has been partly harmonized with the national legislation-except for the part referring to access to justice-by the JMD 37111/2021/2003 on “Public information and participation in environmental approval of plans and activities, according to paragraph 2, article 3 of Law 3010/2002” (Article 3 of the abovementioned JMD has been corrected and article 4 has been amended by the JMD 49987/231/2002).	



<b>Italy</b>		
<u>Article/provision</u>	<u>Legal Framework / Measures</u>	<u>Remarks</u>
Article 3 par.2 (Bilateral Agreements)	A series of bilateral agreements were signed between Italy, on one hand, and Algeria, Bulgaria, Egypt, Iraq, Moldova, Serbia-Montenegro, Tel Aviv University and MEDREP, on the other.	
Article 3 par.2 (Multilateral Agreements)	Multilateral Adriatic Ionian Initiative, established as a political initiative, in May 2000 among 7 countries (Albania, Bosnia & Herzegovina, Croatia, Greece, Italy, Slovenia, Serbia & Montenegro).	
Article 4.par.3 (a) and b (Precautionary principle and Polluter pays Principle correspondingly)	(a) Integrated Pollution Prevention and Control (IPPC) Directive transposed in national legislation through decree 372/99 (amendments in progress); Decree 372/99; Decree 152/99. (b) Decree no 22/97, Article 17; Law no 349/89, Article 18.	
Article 4 par.3 (c) Undertaking of EIA	Law 8.8.1986 n.349, Article 6 – For its application: Decrees DPCM 10.8.1988 n.377 (subsequently integrated by DPR 11.2.1998) and DPCM 27.12.1988 (subsequently integrated by DPR 2.9.1999 n.348); Law 9.1.1991 n.9 and decree DPR 3/07/1998; Law 28.2.1992 n.220; Decree DPR n. 484, 18.4.1994; Law 28.1.1994 n.84; Law 22.2.1994 n.146, art. 40 and subsequent decrees DPR 12.4.1996, DPCM 3.9.1999 DPCM 1.9.2000 transposing the Appendix II of Directive 85/337/EEC; Law 443/2001 and the Legislative Decree 190/2002; Law 443/2001; Law 15.12.2004 n.308 (among others, transposition of Directive 85/337/EEC).	
Article 4 par. 3(e) on integrated coastal management	Law n. 59/1997 and legislative decree n. 112/1998 (art. 89 lett. H); Law n. 979 of 31/12/1982; Law n. 179 of 31/07/2002; Legislative Decree n. 112 of 31/03/1998, Article 21; Series of regional Laws.	
Article 12 (Monitoring)	Law n. 979/1982, art. 3.	
Article 15 (Access to Information)	Law 108/2001 (Aarhus Convention ratification); numerous relevant national provisions.	

Article 15 (Public Participation)		
	<b>Israel</b>	
<u>Article/provision</u>	<u>Legal Framework / Measures</u>	<u>Remarks</u>
Article 3 par.2 (Bilateral Agreements)	No bilateral agreements were reported.	According to the report there were no relevant bilateral agreements that the country has entered into.
Article 3 par.2 (Multilateral Agreements)	No multilateral agreements were reported.	According to the report there were no relevant multilateral agreements that the country has entered into.
Article 4.par.3 (a) and b (Precautionary principle and Polluter pays Principle correspondingly)	(a) Prevention of Sea Pollution (Dumping of Waste) Law, 1983 and Regulations, 1984; Prevention of Sea Pollution from Land-Based Sources Law, 1988, and Regulations, 1990. (b) A proposed amendment to the Prevention of Sea Pollution from Land-Based Sources Law is currently being advanced; Criminal proceedings are issued under laws such as the Licensing of Businesses Law, 1968.	
Article 4 par.3 (c) Undertaking of EIA	No legislation is reported;	According to the report, - EIA processes exist; - New planning and building regulations (EIAs) provisions and principles on Sustainable Development (on conservation of natural resources) came in force in 2003 replacing the earlier ones.
Article 4 par. 3(e) on integrated coastal management	Law for the Protection for the Coastal Environment passed in 8/2004, came into force in 11/2004.	
Article 12 (Monitoring)	No legislation is reported.	According to the report there is ongoing implementation of monitoring programmes.
Article 15 (Access to Information)	No legislation is reported	According to the report relevant processes exist.
Article 15 (Public Participation)	The Representation of Environmental Public Bodies Law (Legislative Amendments) passed in November 2002.	

	<b>Libya</b>	
<u>Article/provision</u>	<u>Legal Framework / Measures</u>	<u>Remarks</u>
Article 3 par.2 (Bilateral Agreements)	No bilateral agreements were reported.	
Article 3 par.2 (Multilateral Agreements)	No multilateral agreements were reported.	
Article 4.par.3 (a) and b (Precautionary principle and Polluter pays Principle correspondingly)	Law 15 for the Protection of the Environment	
Article 4 par.3 (c) Undertaking of EIA	No legislation is reported.	According to the report relevant legislation, exist.
Article 4 par. 3(e) on integrated coastal management	Law No.15 for Env. Protection; Law no 14 for the Protection of Marine Wealth.	
Article 12 (Monitoring)	No legislation is reported.	
Article 15 (Access to Information)	No legislation is reported.	
Article 15 (Public Participation)	No legislation is reported.	

<b>Monaco</b>		
<u>Article/provision</u>	<u>Legal Framework / Measures</u>	<u>Remarks</u>
Article 3 par.2 (Bilateral Agreements)	Bilateral agreements between Monaco and Tunisia and Monaco and Slovenia on RAC/SPA-marine biodiversity issues.	
Article 3 par.2 (Multilateral Agreements)	2 trilateral agreements were reached among Monaco, France, Italy	
Article 4.par.3 (a) and b (Precautionary principle and Polluter pays Principle correspondingly)	(b) Relevant instrument of economic nature exists.	
Article 4 par.3 (c) Undertaking of EIA	No legislation is reported.	According to the report such there is no such provision in the country's legislation.
Article 4 par. 3(e) on integrated coastal management	No legislation is reported.	
Article 12 (Monitoring)	No legislation is reported.	According to the report monitoring activities, exist.
Article 15 (Access to Information)	No legislation is reported.	
Article 15 (Public Participation)	No legislation is reported.	

<b>Morocco</b>		
<i>Article/provision</i>	<i>Legal Framework / Measures</i>	<i>Remarks</i>
Article 3 par.2 (Bilateral Agreements)	2 Agreements: with Portugal on the environment and Spain against pollution	
Article 3 par.2 (Multilateral Agreements)	Agreement among Morocco, Spain, France, Portugal and EU on the protection of Coast and Waters of the North east Atlantic form hydrocarbons; Trilateral agreement among Algeria, Tunisia.	
Article 4.par.3 (a) and b (Precautionary principle and Polluter pays Principle correspondingly)	(a) Circular No 79/MET/SET on the organisation of the access to the exclusive economic zone of the country (December 2002). (b) Law 11-03, Article 2 on the Protection and Promotion of the Environment (of 12 May 2003).	
Article 4 par.3 (c) Undertaking of EIA	Law No 12-03 of 12/5/2003; Law No 11-03 of 12/5/2003.	
Article 4 par. 3(e) on integrated coastal management	No legislation is reported.	
Article 12 (Monitoring)	Decree No 2 -95-717 of 22/11/1996, Article 3.	
Article 15 (Access to Information)	Law No 12-03 of 12/5/2003 on EIA; provisions of articles 9 and 50.	
Article 15 (Public Participation)		

<b>Serbia &amp; Montenegro</b>		
<u>Article/provision</u>	<u>Legal Framework / Measures</u>	<u>Remarks</u>
Article 3 par.2 (Bilateral Agreements)	No relevant information is provided.	
Article 3 par.2 (Multilateral Agreements)	No relevant information is provided.	
Article 4.par.3 (a) and b (Precautionary principle and Polluter pays Principle correspondingly)	Law on the Fundamentals on Environmental Protection (in force in FRY); Montenegrin Law on Nature Protection; Law on Environment. Many articles of relevant Laws and Regulations (Laws on Constructions of Buildings; on organization of Public Administration, on Planing and Physical Planing etc)	
Article 4 par.3 (c) Undertaking of EIA	Law on Environment.	According to the report, EU legislation will be transposed in 2005.
Article 4 par. 3(e) on integrated coastal management	No legislation is reported.	According to the report, there are ongoing actions for the development of a policy for ICZM.
Article 12 (Monitoring)	The legislation reported: 1977 regulation on Institutes responsible for monitoring activities; Classification and Categorization of Waters, 1997	According to the report monitoring activities are undertaken.
Article 15 (Access to Information)	Republic of Montenegro: Article 19 of the Constitution; Law on Environment, Article 12; Law on Environment, Article 26.	
Article 15 (Public Participation)	Article 2 of the Constitution of the Republic of Montenegro; Law on Environment (Article 7, 42).	

	<b>Slovenia</b>	
<u>Article/provision</u>	<u>Legal Framework / Measures</u>	<u>Remarks</u>
Article 3 par.2 (Bilateral Agreements)	No relevant information is provided.	
Article 3 par.2 (Multilateral Agreements)	No relevant information is provided.	
Article 4.par.3 (a) and b (Precautionary principle and Polluter pays Principle correspondingly)	Environmental Protection Act OJ RS, No. 32/93, Articles 8,10; Waters Act (ZV-1) (OJ RS, No. 67/02), Articles 28, 29-34.	
Article 4 par.3 (c) Undertaking of EIA	The Environmental Protection Act (OJ RS, No. 32/93), Articles 55-60	
Article 4 par. 3(e) on integrated coastal management	No legislation is reported.	
Article 12 (Monitoring)	No legislation is reported.	According to the report, the country is active in this field.
Article 15 (Access to Information)	Act on Access to information of Public Character (OJRS No 24/2003); Aarhus Convention adopted in 2004 (OJRS No 62/04).	
Article 15 (Public Participation)	Aarhus Convention adopted in 2004 (OJRS No 62/04); Environmental Protection Act Article 60.	

<b>Spain</b>		
<u>Article/provision</u>	<u>Legal Framework / Measures</u>	<u>Remarks</u>
Article 3 par.2 (Bilateral Agreements)	No relevant information is provided.	
Article 3 par.2 (Multilateral Agreements)	The country reported the following: - Agreement for the Implementation of the Convention Provisions relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (UNCLOS), 2003. - First Forum on Community Strategies for the integrated management of the coastal zones (April 2002).	
Article 4.par.3 (a) and b (Precautionary principle and Polluter pays Principle correspondingly)	(a) Law 16/2002 transposing in national legislation Integrated Pollution Prevention and Control (IPPC) Directive; Degree No 152/99 on limits to the concentration of pollutants in discharges to marine waters; Law 10/2001; Decree 329/2002. (a),(b) Law 43/2003 on Forestry (particularly chapter III dealing with forest fires) and Law on Noise 37/2003 which include provisions for both Principles; (b)No legislation is reported.	(b) According to the report, - the Polluter pays Principle laid down in Article 174 Section 2 of the European Community Treaty is incorporated in Spanish legislation and is very common in the environmental policy; - a series of National Plans put in force include the Polluter Pays Principle. These are the National Plan of Urban Wastes, NP of Sludge from waste treating plants; NP on Construction and Demolition Wastes.
Article 4 par.3 (c) Undertaking of EIA	Orders PRE/228/2003 and PRE/229/2003; Decree 1257/2003 on access of subsonic airplanes to airports implements the relative EC Directive (2003/30/EC); Law 37/2003 on noise (related to Directive 2002/49/EC) introduces amendments to the RD 1302/1986 on EIA; Law 62/2003 introduces amendments to RD 1302/1986.	
Article 4 par. 3(e) on integrated coastal management	Royal Decree 259/2002 of 8/3/2002; Royal Decree 1043/2003 of 1/8/2003; Relevant EU legislation.	According to the report, the country assumed the duty of heading the implementation of relevant National Strategies in accordance with the policies of the European Strategy for the Sustainable Development and the VI Env. Action Programme.
Article 12 (Monitoring)	No legislation is described;	According to the report the country is



	Relevant EU legislation	
Article 15 (Access to Information)	No legislation is reported.	active in this field.
Article 15 (Public Participation)		According to the report the country is active in this field.

<b>Syria</b>		
<u>Article/provision</u>	<u>Legal Framework / Measures</u>	<u>Remarks</u>
Article 3 par.2 (Bilateral Agreements)	Agreements in the area of environmental protection between the Syrian Arab Republic and Morocco, Tunisia, Malta, Jordan, Bahrain, Egypt, Italy, Monaco. Similar Agreements were signed with Cuba, Iraq, and Lebanon. However, (not yet been ratified and issued). Agreements of the same nature with Syria and Yemen, Armenia, Qatar, India and Turkey are in the preparation phase.	
Article 3 par.2 (Multilateral Agreements)	No relevant information is provided.	
Article 4.par.3 (a) and b (Precautionary principle and Polluter pays Principle correspondingly)	Environmental law No 50 passed by the president in 2002, Articles 23-25, 27, 29-31, 34.	
Article 4 par.3 (c) Undertaking of EIA	No legislation is reported.	According to the report, a draft Environmental Impact Assessment Decree is ready since 1995 but has not been issued yet.
Article 4 par. 3(e) on integrated coastal management	No information is provided.	The country states that there is no available data.
Article 12 (Monitoring)	No legislation is reported.	According to the report, monitoring activities exist.
Article 15 (Access to Information)	No legislation is reported.	
Article 15 (Public Participation)	No legislation is reported.	

<b>Tunisia</b>		
<u>Article/provision</u>	<u>Legal Framework / Measures</u>	<u>Remarks</u>
Article 3 par.2 (Bilateral Agreements)	No relevant information is provided.	
Article 3 par.2 (Multilateral Agreements)	According to the report: Kyoto and Cartagena protocols.	
Article 4.par.3 (a) and b (Precautionary principle and Polluter pays Principle correspondingly)	(a) Law 75-16 on water; Law 88-20 amended by law 2001-28 on agriculture and fisheries; Law 88-91 amended by Law 98-95; Law 94-122 amended by Law 2003-78 on urban and physical planning etc. (b) Laws 96-41; 2001-14; 97-1102; Decree No 2002-693 on used oils; Law 2003-80 with financial provisions.	
Article 4 par.3 (c) Undertaking of EIA	Decree No 362 13/3/1991.	According to the report, some 1000 – 1200 cases are examined every year.
Article 4 par. 3(e) on integrated coastal management	Law 94-122 of 28/11/1994; Law 95-72 of 24/7/1995 for the creation of the Agency for the protection management of the coast; Law 95-73 of 24/7/1995 on the maritime Public domain; Decree No 2000-167 of 24/1/2000 on the proceedings and modalities etc for addressing illegal constructions in the maritime public domain.	
Article 12 (Monitoring)	No legislation is reported.	According to the report, - monitoring activities exist; - an observatory of Coast operates.
Article 15 (Access to Information)	The Code for Physical Management introduces public consultations in the process of elaboration of urban plans.	
Article 15 (Public Participation)	The Code for management of territory requires public consultation.	



**TABLE 2.2**  
**Implementation of Dumping Protocol**

**Brief Overview of Degree of Legal / Administrative Implementation of Protocol as  
indicated by material in national biennial reports for 2002-2003**

The information below is a very brief summary of the situation in the respective countries at the end of the 2002-2003 biennium regarding legal and administrative measures for implementation of the Offshore Protocol on the basis of the material contained in the national report submitted. It should be seen in conjunction with the relevant parts of the text of Part 3 of this Regional Report. It should be noted that the Protocol is not yet in force, and there is therefore no legal obligation on the part of the Contracting Parties to comply with the provisions of the various articles.

<b>Albania</b>		
<u>Article/provision</u>	<u>Legal Framework / Measures</u>	<u>Remarks</u>
Article 4.(Prohibition of dumping)	Law No. 8905, of 06/06/2002, "On Protection of marine environment from pollution and damages"; Law no. 9010 of 13/02/2003, "On Environmental Administration of solid waste; Law no. 9251 of 08/07/2004, "Sea code of the Republic of Albania".	
Article 5 and 6 (Issue of permits, criteria, procedures and guidelines)	Law No. 8905 of 06/06/2002 "On protection of marine environment from pollution and damage".	
Article 11a,b,c (Application of measures required to ships and aircraft)	Law No. 8905 of 06/06/2002 "On protection of marine environment from pollution and damage", Article 8 on "Object of Control" and Article 13 on "Notification of pollution".	
Article 12 (reporting obligation of contraventions)	Law No. 8905 of 06/06/2002 "On protection of marine environment from pollution and damage", Article 14 on "Pollution elimination" and Article 15 on "Cleaning operations". The latter provides that in the event of large scale pollutions, a cleaning operation is mounted in accordance with the requirements of Law No. 8756, 26/3/2001 "On civil emergencies".	

<b>Algeria</b>		
<u>Article/provision</u>	<u>Legal Framework / Measures</u>	<u>Remarks</u>
Article 4.(Prohibition of dumping)	Decree No 81-02 of 17/1/1981 ratifies the protocol; Law No 83-03 of 5/2/1983 (Article 48) provides for the protection of the sea and prohibits dumping of substances that could affect public health and biological resources, damage maritime activities including navigation and fisheries and alter the quality of seawater, and incineration at sea; Decree No 83-580 of 22/10/83 provides for notification by the captain in cases of pollution; Decree No 88-228 of 5/11/88 on the conditions, procedures and modalities for dumping of wastes into the sea in conjunction to the afore-mentioned Law 83-03; Law No 03-10 of 19/7/2003 related to the protection of the environment in the framework of sustainable development. This law terminates progressively the provisions of Law 83-03 of 5/2/83.	
Article 5 and 6 (Issue of permits, criteria, procedures and guidelines)	Law No 83-03 of 5/2/83 (articles 49-52) provides that dumping or incineration at sea cannot take place unless an authorization is granted by the Ministry in charge of the environment; Degree No 88-228 of 5/11/1988 (Art. 5,6,7,8,9) on the conditions, procedures and modalities of dumping from vessels and aircrafts; Law No 03-10 of 19/7/2003 on the protection of the environment in the framework of sustainable development (Article 55) will replace progressively the dispositions of Law No 83-03 of 5/2/83.	
Article 11a,b,c (Application of measures required to ships and aircraft)	Decree No 81-02 17/1/1981; Law 83-03 of 5/2/1983 on the protection of the Environment, Articles 53, 54 (prohibits dumping) Articles (63-71) (introduces sanctions); Decree No 83-580 of 22/10/1983; Decree No 90-79 of 27/2/1990 refers to the transport of dangerous substances; Law No 03-10 of 19/7/2003 on the Protection of the Environment in the framework of sustainable development (reinforcement of the juridical measures) article 55 (prohibition of dumping) and chapter 4, articles 88 and 89 (sanctions are defined).	
Article 12 (reporting obligation of contraventions)	Decree No 81-02 of 17/1/1981 on the ratification of the protocol; Law 98-05 of 25/6/1998 modifying and completing the Ordinance No 76-80 of 23/10/1976 on the maritime code and Law No 03-10 of 19/7/2003 on the protection of the environment on the	

	<p>framework of sustainable development which annuls the provisions of Law 83-03 of the 5/2/1983; Ordinance 73-12 of 3/4/1973 creates the Coast-guard; Decree 88-227 of 5/11/1998 describes the functionality of the body of inspectors; Executive Decree No 2003-494 of 17/12/2003 (creation of inspections of the environment); Decree No 90-79 of 27-2-1990 (transport of dangerous substances); Presidential Decree No 95-290 of 30/9/1995 creation of a national and regional centers and operations for monitoring and intervening for safety in the sea.</p>	
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<b>Bosnia &amp; Herzegovina</b>		
<u>Article/provision</u>	<u>Legal Framework / Measures</u>	<u>Remarks</u>
Article 4.(Prohibition of dumping)	Law on Waste management (Official Gazette No. 33/03) of Federation of B&H; Draft Law on Maritime Navigation Articles 34 and 37 prepared in 2003 - (still unpublished).	
Article 5 and 6 (Issue of permits, criteria, procedures and guidelines)	Draft Law on Maritime Navigation Article 21, prepared in 2003.	Still unpublished
Article 11a,b,c (Application of measures required to ships and aircraft)	Draft Law on Maritime Navigation Article 33, prepared in 2003.	
Article 12 (reporting obligation of contraventions)	Draft Law on Maritime Navigation, prepared in 2003.	

<b>Croatia</b>		
<u>Article/provision</u>	<u>Legal Framework / Measures</u>	<u>Remarks</u>
Article 4.(Prohibition of dumping)	Act on Maritime Demesne and Sea Harbours ( <i>Official Gazette No. 158/2003</i> ) (Article 83, 88, 89, 90); Maritime Code ( <i>Official Gazette Nos. 17/1994, 74/1994, 43/1996, and 181/2004</i> ) (Article 42,180 - 183, 1018, 1021, 1031, 1035 and 1036); Ordinance on Flying of Aircraft ( <i>Official Gazette No. 17/2000</i> ) on dumping from flying aircrafts. Its articles 20 and 3.1.4 specifies the exceptions and the authorities that can issue permissions for dumping from aircrafts.	According to the report, the provisions of Article 88 of the Act on Maritime Demesne and Sea Harbours, in a slightly modified version existed already in the Maritime Code of 1994.
Article 5 and 6 (Issue of permits, criteria, procedures and guidelines)	No legislation is reported.	According to the report, the procedure for eventually dumping of wastes is under strict control of the Ministry of Sea, Tourism, Transport and Development, in cooperation with and by the agreement of the Ministry of Environmental Protection, Physical Planning and Construction.
Article 11a,b,c (Application of measures required to ships and aircraft)	Act on Maritime Demesne and Sea Harbours ( <i>Official Gazette No. 158/2003</i> ).	According to the report, the Ministry of Sea, Tourism, Transport and Development, are responsible for the implementation of the act.
Article 12 (reporting obligation of contraventions)	No legislation is reported.	According to the report a provision existed already in the Maritime Code, requires that Maritime inspection within its jurisdiction has the obligation to prepare a report of possible contraventions of the Protocol.

<b>Cyprus</b>		
<u>Article/provision</u>	<u>Legal Framework / Measures</u>	<u>Remarks</u>
Article 4. (Prohibition of dumping)	According to the report: "Application of administrative measures as listed in article 4.2 with enforcement of Ratification Law No. 266/87 as amended by the Law No. 20(III) of 2001".	
Article 5 and 6 (Issue of permits, criteria, procedures and guidelines)	Law No. 266/87 does not adopt any criteria, guidelines or procedures.	The country states that "criteria and procedures, which ensure that the dumping of such wastes do not result in pollution are applied on a case by case basis when a permit of dumping is issued".
Article 11a,b,c (Application of measures required to ships and aircraft)	No legislation is reported.	In case of any inquiries for permits, the provisions of the London Dumping Convention are taken into consideration and always in consultation with the International Maritime Organization and/or other interested Parties.
Article 12 (reporting obligation of contraventions)	No information is provided.	

<b>European Community</b>		
<u>Article/provision</u>	<u>Legal Framework / Measures</u>	<u>Remarks</u>
Article 4. (Prohibition of dumping)	Directive 75/442/EEC of 15/7/1975 on waste ("the Waste Framework Directive"); Directive 2000/59/EC of 27 November 2000 on port reception facilities for ship-generated waste and residues; Commission Proposal COM(2003)92 of 7/10/2003 for a Directive on ship-source pollution and the introduction of sanctions, including criminal ones, for pollution offences.	
Article 5 and 6 (Issue of permits, criteria, procedures and guidelines)	As for article 4.	According to the report, EU Member States may authorize the discharge of waste into their waters from ships and aircraft at their discretion.
Article 11a,b,c (Application of measures required to ships and aircraft)	As for article 4.	
Article 12 (reporting obligation of contraventions)	Directive 95/21/EC of 19 June 1995, concerning the enforcement, of international standards for ship safety, pollution prevention and shipboard living and working conditions (Port State Control); Directive 2002/59/EC of 27 June 2002 establishing a Community vessel traffic monitoring and information system.	

<b>France</b>		
<u>Article/provision</u>	<u>Legal Framework / Measures</u>	<u>Remarks</u>
Article 4. (Prohibition of dumping)	Code of the Environment, Articles L 218– 42 to L 218– 58 published by Law no 76-599 of 7/7/1976 on protection of the marine environment from dumping; Code of Environment (articles L218-59 to L218-71) published by the Law no 76-599 of 7/7/76 regarding incineration at sea (prohibited); Decree No 82-842 of 29/7/82 for the application of the Law no 76-599 of 7/7/1976.	The country states that it also implements the dumping issue by applying the provisions of the International Conventions ratified by the country Protocol of 1996 of the London Convention; Annex II of the OSPAR Convention for the N. Atlantic.
Article 5 and 6 (Issue of permits, criteria, procedures and guidelines)	Decree of 29/9/1982 that applies the Law of 7/7/1976 on the modalities and procedures for obtaining a permit for dumping; Code of the Environment articles L. 210-1 and L. 211-1 (poses the notion of the unity of the water resources and their management); The Law No 92-3 of 3/1/1992 on water (Articles L. 214-1 to L. 214-6 of the Code of the Environment) which submits to authorization all installations, works and operations which may cause serious or important damage to the aquatic environment; Decrees No 93-742 on the relevant procedure for authorization and declaration and No 93-743 of 29/3/1993 on the nomenclature of operations, succeeded by the Decree No 2001-189 of 23/2/2001; Act of 14/6/2000 on the background level to be taken into account when analysing sediments of marine or estuarine origin; Act of 23/2/2001 fixing the general conditions applying to dredging operations that are subject to declaration; Circular No 2000-62 of 14/6/2000.	
Article 11a,b,c (Application of measures required to ships and aircraft)	Code of Environment (Articles L 218 – 48) (provisions for penalties in cases of violation of the regulations); Decree of 29/12/1982.	
Article 12 (reporting obligation of contraventions)	Code of the Environment, aArticles L 218-36 and L218-37 (lists all personnel responsible for examining the violations).	The “Prefect Maritime” has the powers of police and competence in all aspects related to the protection of the environment

<b>Greece</b>		
<u>Article/provision</u>	<u>Legal Framework / Measures</u>	<u>Remarks</u>
Article 4. (Prohibition of dumping)	Harmonization to the EU Directive 75/442 as amended by EU Directive 91/156 and EU Decisions 2001/118, 2001/57 and 2000/532 by publishing the Joint Ministerial decisions: JMD 50910/2727 (GG 1909B/2003) on "Measures and Terms for the Management of Solid Wastes and National and Regional Planning"; JMD 29407/3508 (GG 1572B/2002) on "Measures and Terms for the Sanitary Landfill Sites".	"Dumping" Protocol is not ratified yet by Greece.
Article 5 and 6 (Issue of permits, criteria, procedures and guidelines)	No information is provided.	
Article 11a,b,c (Application of measures required to ships and aircraft)	No information is provided.	
Article 12 (reporting obligation of contraventions)	No information is provided.	

<b>Israel</b>		
<u>Article/provision</u>	<u>Legal Framework / Measures</u>	<u>Remarks</u>
Article 4. (Prohibition of dumping)	Prevention of Sea Pollution (Dumping of Waste) Regulations, 1984.	According to the report, - The Ministry of the Environment is currently promulgating an amendment in order to adapt the regulations to the provisions of the amended dumping protocol; - Permits are granted according to the stipulations of Article 4.2.
Article 5 and 6 (Issue of permits, criteria, procedures and guidelines)	Prevention of Sea Pollution (Dumping of Waste) Law, 1983, and Regulations, 1984.	According to the report, - Interministerial Committee for Permits for Dumping Wastes at Sea operates according to the amended Protocol; - The Committee has adopted the guidelines issued by MAP for the dumping of wastes according to Article 4.2.
Article 11a,b,c (Application of measures required to ships and aircraft)	No legislation is reported.	
Article 12 (reporting obligation of contraventions)	No legislation is reported.	

<b>Italy</b>		
<u>Article/provision</u>	<u>Legal Framework / Measures</u>	<u>Remarks</u>
Article 4.(Prohibition of dumping)	Law n. 30/1979 ratifying the 1976 Dumping Protocol and Law n. 175/1999 the 1995 amendments to the Protocol; Law n. 319/1976 (article 11) on the protection of waters against pollution; Law n. 979 art. 16 on the sea protection (1982) provide a list of polluting substances that can not be discharged into the marine environment; Decree n. 152, (1999) implemented two water Directives (n. 91/271/CEE and n. 91/676/CEE); Article 35 of this Decree establishes the exceptionality of dumping; Frame Law on protected areas n. 394 of 6/12/1991; Legislative decree n. 182 of 24/06/2003 on the implementation of EU Directive n. 2000/59/CE on port reception facilities.	
Article 5 and 6 (Issue of permits, criteria, procedures and guidelines)	Decree 24/01/1996 of IMET established technical and procedural aspects for the issue of authorizations; Law n. 179/2002 (shifting of responsibilities for issuing authorizations to the regional authorities, under certain conditions).	
Article 11a,b,c (Application of measures required to ships and aircraft)	No legislation is reported.	The country states that "No changes in existing legislation were made"
Article 12 (reporting obligation of contraventions)	No relevant information is reported.	



<b>Libya</b>		
<u>Article/provision</u>	<u>Legal Framework / Measures</u>	<u>Remarks</u>
Article 4 .(Prohibition of dumping)	Law no.7 of 1982 amended with Act no,15 of 2003, concerning the protection of the Environment.	
Article 5 and 6 (Issue of permits, criteria, procedures and guidelines)	No legislation is reported.	The country states that no permissions for dumping are issued.
Article 11a,b,c (Application of measures required to ships and aircraft)	Act 15.of 2003.	
Article 12 (reporting obligation of contraventions)	No legislation is reported.	

<b>Monaco</b>		
<u>Article/provision</u>	<u>Legal Framework / Measures</u>	<u>Remarks</u>
Article 4. (Prohibition of dumping)	Law 1.198 of 27/3/1998 (Code of the Sea), articles L.223-1 and those which follow (in principle prohibition of dumping of wastes and other substances).	The country states that the exact list of substances that are forbidden to be dumped is expected to be published officially in 2005.
Article 5 and 6 (Issue of permits, criteria, procedures and guidelines)	Code of the sea, articles L.223-2.	The country states that the dumping of non prohibited wastes is subject of prior administrative authorization. The conditions for such discharge will be determined by ordinance to be published within 2005.
Article 11a,b,c (Application of measures required to ships and aircraft)	No legislation is reported.	The country states that there are not any particular legal provisions for the application of the protocol (to be published within 2005). There is a procedure very rarely used on a case by case approach. In practice there was only one case in 1998.
Article 12 (reporting obligation of contraventions)	No legislation is reported.	According to the report the Direction of Marine Affairs and the Marine Police are the competent authorities.

<b>Morocco</b>		
<u>Article/provision</u>	<u>Legal Framework / Measures</u>	<u>Remarks</u>
Article 4.(Prohibition of dumping)	Law on the protection and Valorization of the Environment of 2003, article 3 paragraph 18; article 33.	
Article 5 and 6 (Issue of permits, criteria, procedures and guidelines)	No legislation is reported.	The country states that there is no particular authority explicitly designated for granting permits for dumping and consequently there are no criteria, guidelines or proceedings provided for such activity in the Moroccan legislation.
Article 11a,b,c (Application of measures required to ships and aircraft)	No legislation is reported.	The country states that there is no specific procedure on the issue obliging the boats and aircrafts to respect the protocol.
Article 12 (reporting obligation of contraventions)	No information is provided.	

<b>Serbia &amp; Montenegro</b>		
<u>Article/provision</u>	<u>Legal Framework / Measures</u>	<u>Remarks</u>
Article 4.(Prohibition of dumping)	Environmental Law, Articles 9,10; Law on Waters, Articles 26,29.	The National Plan for the Prevention of, Preparedness and Response the Major Marine Pollution Incidents at Sea is currently under adoption and provides for, <i>inter alia</i> , the control and monitoring of coastal waters.
Article 5 and 6 (Issue of permits, criteria, procedures and guidelines)	Law 48/2003, of 26/11/2003 Article 131 of economic regime and render of services in ports of general interest.	The Agency for Maritime Safety issues international certificates on the prevention of sea pollution by oil, bilge-waters and sewage pollution. These certificates have been issued in accordance with the International Convention for the Prevention of Pollution from Ships, 1973, modified by its 1978 Protocol and amended by MEPC Resolution.
Article 11a,b,c (Application of measures required to ships and aircraft)	No legislation is reported.	According to the report there were no relevant legal or administrative measures taken during the period under review.
Article 12 (reporting obligation of contraventions)	Coastal Zone Law, Article 22; Law on Waters, Article 34.	The National Plan for Prevention of, Preparedness for and Response to the major Marine Pollution Incidents at Sea includes relevant provisions.

<b>Slovenia</b>		
<u>Article/provision</u>	<u>Legal Framework / Measures</u>	<u>Remarks</u>
Article 4.(Prohibition of dumping)	Environment Protection Act (OJ RS, No. 41/2004) replacing Environment Protection Act (OJ RS, No. 32/93); Waters Act (OJ RS, No. 67/02), 12/8/2002, Articles 66, 68, 69; Slovenian Maritime Code adopted in 2001 (OJ RS, No. 26/01, 21/02); in 2004 it was included in new Maritime Code (OJ RS, No. 37/04).	The country states that the MARPOL 73/78 and the International Convention on Readiness, Response and Cooperation in Cases of Oil Spills 1990 (OJ RS – International Agreements, No 9/01) were ratified.
Article 5 and 6 (Issue of permits, criteria, procedures and guidelines)	No legislation is reported.	The country states that "Dumping is not allowed"
Article 11a,b,c (Application of measures required to ships and aircraft)	No information is provided.	
Article 12 (reporting obligation of contraventions)	No legislation is reported.	According to the report the Office for the Protection of Coastal Waters (OPCW), Koper, Environmental Agency of the Republic of Slovenia is the competent authority.

<b>Spain</b>		
<u>Article/provision</u>	<u>Legal Framework / Measures</u>	<u>Remarks</u>
Article 4. (Prohibition of dumping)	<p>Law 27/1992 of 24/11/1992, on State Ports and Merchant Shipping;                      Royal Decree 1381/2002, of 20/12/2002, on port reception facilities for ship-generated waste and cargo residues (Spanish Official Journal 305, of 21/12/02), repealed the previous existing legislation (Royal Decree 438/1994), implementing Directive 2000/59/CE;                      Royal Decree 90/2003, of 24/1/2003, on regulations and common standards for organizations involved in vessels inspection and control and for those activities concerning the Maritime Administration. (Spanish Official journal 30, of 04/02/03, pages 4539 to 4551);                      Royal Decree 91/2003, of 24th January, concerning the approval of a Regulation on the inspection of foreign vessels in Spanish harbors (Spanish Official Journal 30, of 04/02/03) implements Directive 2001/106/EC of 19/12/2001 amending Council Directive 95/21/EC.</p>	<p>According to the report,                      - MARPOL Convention 73/78 was ratified by Spain;                      - Local initiatives in Spain include environmental initiatives undertaken by specific ports to improve the environmental management in their respective port areas.</p>
Article 5 and 6 (Issue of permits, criteria, procedures and guidelines)	<p>Law 27/1992, on State Ports and Merchant shipping, Articles 21 and 62 in which permits and conditions regulating dredging material discharges into the sea are specified.</p>	<p>According to the report the relevant changes operated during the biennium were: Law 62/2003, of 30/12/2003, on social, administrative and tax measures - XIX Additional Disposition, regulating authorization issues when dumping takes place within the waters of the port.</p>
Article 11a,b,c (Application of measures required to ships and aircraft)	<p>Royal Decree 1381/2002 regarding conditions to avoid pollution etc.</p>	<p>According to the report,                      - Annex IV of MARPOL 73/78 Convention (Prevention of Pollution by sewage from ships), entered into force in Spain in 27/9/2003 and Annex of Air Pollution from ships already ratified by Spain enters into force on 19/5/2005.                      - Vessels discharging dredging materials into the sea are all inspected.</p>
Article 12 (reporting obligation of contraventions)	<p>Royal Decree 91/2003 concerning the approval of a Regulation for "Inspection of foreign vessels in Spanish harbours".</p>	

<b>Syria</b>		
<u>Article/provision</u>	<u>Legal Framework / Measures</u>	<u>Remarks</u>
Article 4. (Prohibition of dumping)	Environmental Law No. 50 passed by the President in 2002.	It includes relevant provisions.
Article 5 and 6 (Issue of permits, criteria, procedures and guidelines)	No legislation is reported.	According to the report, there isn't any licensing system for the dumping of wastes listed in Article 4.2 of the Protocol, yet.
Article 11a,b,c (Application of measures required to ships and aircraft)	No legislation is reported.	
Article 12 (reporting obligation of contraventions)	No legislation is reported.	

<b>Tunisia</b>		
<i>Article/provision</i>	<i>Legal Framework / Measures</i>	<i>Remarks</i>
Article 4.(Prohibition of dumping)	No information is provided.	
Article 5 and 6 (Issue of permits, criteria, procedures and guidelines)	No information is provided.	
Article 11 a,b, c	No information is provided.	
Article 11a,b,c (Application of measures required to ships and aircraft)	Law No 96-29/3-4-96 for a National Plan for urgent intervention for the abatement of eventual marine pollution; Law 95-51/95 ratifying the Convention of 1969 on Civil Liability in case of pollution from hydrocarbons; Law 95-51/95 ratification of the Convention in case of pollution from hydrocarbons; Law 96-98 provides for the entry of Tunisia in the protocol of 1992 modifying the Convention of 1971 for the creation of an International Fund for addressing damages caused by hydrocarbon's pollution; <u>Law 99-25 (1999)</u> is a promulgation of the Code of Commercial.	
Article 12 (reporting obligation of contraventions)	No information is provided.	



**TABLE 2.3**  
**Implementation of Prevention and Emergency Protocol**

**Brief Overview of Degree of Legal / Administrative Implementation of Protocol as  
indicated by material in national biennial reports for 2002-2003**



Article/provision - Country	<b>Albania</b>	
	Laws	Remarks
Article 3par.1 (a) (Implementation of international regulations for ship source pollution)	According to the report, the country signed 1 Convention, and acceded in 5. The country report lists as relevant the following. Law No. 8905, 06/06/2002, "On Protection of the Sea environment from pollution and damages"; Law no. 9010, of 13/02/2003, "On Environmental Administration of solid waste; Law no. 9251, 08/07/2004 "Sea code of the Republic of Albania"; Law no. 8756, of 26/03/2001" On civil emergencies".	
Article 4 par.1 (Maintenance and promotion of contingency plans)	Law No.8756, of 26/03/2001 "On civil emergencies".	The National Emergency Plan was based on this Law. It includes a chapter on the sea emergencies
Article 4 par.2 (measures for pollution prevention of the Mediterranean Sea from ships)	No legislation is reported.	It is reported that no measures have been taken during the period under review in the framework of the international legislation.
Article 5 (Monitoring Activities)	No information is provided.	
Article 7 (dissemination and exchange of information)	7.1 (a) Law No. 8905 of 6/6/2002 "On protection of marine environment from pollution and damage".	
	7.1 (b) Law No. 8756 26/3/2001 "On civil emergencies"; Law No. 8905 of 6/6/2002 "On protection of marine environment from pollution and damage".	
	7.1 (c) No information is provided	
	7.1 (d) No legislation is reported.	The country report states that the Ministry of Environment is the National Focal Point.
	7.1 (e) No legislation is reported.	
	7.1 (f) No legislation is reported.	
	7.2 -	The report states that information is provided to REMPEC

	7.3 -	<p>Agreement on Maritime Transport has been signed with different states: Turkey (Apr. 1987); Greece (Jan. 1991); Slovenia (Dec. 1992); Italy (May 1994), Croatia (Aug. 1995); Bulgaria (Jun. 2002) Germany (1998), Russia (Sep. 1996), Poland (Dec. 1992), Romania (Jul. 1993), China (1971)</p> <p>The Ministry of Environment has signed Memoranda of Understanding with relative Ministries of Environment of Greece (2003), Montenegro (2002) and Croatia(June 2004)</p>
Article 14 (port reception facilities)	No legislation is reported.	
Article 15 (Assessment of environmental risks of maritime traffic)	Sea Code of Republic of Albania, (Law no. 9251, dt. 08.07.2004)	The country report states that a draft law “on portual captainery” is in the process of adoption.
Article 16 ( Strategies for reception in places of refuge of ships in distress)	No information is provided	The country report states that it is not applicable.

Article/provision - Country	<b>Algeria</b>	
	Laws	Remarks
Article 3par.1 (a) (Implementation of international regulations for ship source pollution)	According to the report, the country ratified 7 Convention, acceded in 2 and adopted 1.	The relevant legal acts are not provided in the country report.
Article 4 par.1 (Maintenance and promotion of contingency plans)	The national organization of the abatement of Marine Pollution was established with the Decree No 94-279 of 17/9/1994 which provides also for emergency plans.	
Article 4par.2 (measures for pollution prevention of the Mediterranean Sea from ships)	Five Circulars are issued concerning a large number of issues on security of navigation and protection of the environment addressed to the National Coast Guard, the port Authorities and the enterprises of marine navigation.	
Article 5 (Monitoring Activities)	The National Service of Coast Guard (SNGC) is responsible for monitoring. Decree No 95-290 of 30/9/1995 provides for one national and two regional centers under SNGC for operations of monitoring and rescue at sea. The information is channelled to the chairman of the national of regional committee of the National System TELBAHR.	
Article 7 (dissemination and exchange of information)	7.1 (a) The country has a webpage under the internet site of REMPEC.	
	7.1 (b) See also above. Also the Ministry of Physical Planning and the Environment has organised in 2002 an exercise of simulation of pollution incident.	
	7.1 (c) The Ministry of Foreign Affairs in cooperation with the Ministry of Environment are responsible for the coordination of operation to abate pollution.	
	7.1 (d) No information is provided.	
	7.1 (e) No information is provided.	
	7.1 (f) Updating of the TELBAHR plans of emergency at local level REMPEC is regularly informed for the evolutions of the national system TELBAHR.	
	7.2 – see above (7.1(f))	

	7.3 – There is a trilateral agreement for mutual assistance in cases of emergency between Algeria, Morocco and Tunisia launched under the auspices of REMPEC in 2001 and finalized in 2003. The country report refers to activities for updating of the Emergency Plans of Wilaya in cooperation of TELBAHR with REMPEC and CEDRE and another collaboration project with CEDRE.	
Article 14 (port reception facilities)	There was a mission by a consultant of REMPEC to evaluate the capacity of reception facilities in Algerian ports. A purchasing procedure for such facilities by the sectors concerned is currently in process.	
Article 15 (Assessment of environmental risks of maritime traffic)	Risk evaluations are among the duties of TELBAHR. The Decree No 83-580 of 22/10/1983 which obliges the captains of boats carrying dangerous toxic or polluting substances to report in case of incident at sea, is under modification within the framework of Law 03-10 on the Environment in the Framework of Sustainable Development.	
Article 16 ( Strategies for reception in places of refuge of ships in distress)	There are no places for refuge for ships in distress.	The country report states intentions to proceed in this area. The national strategy which is planned in the framework of TELBAHR is not yet in place.

Article/provision - Country	<b>Bosnia &amp; Herzegovina</b>	
	Laws	Remarks
Article 3par.1 (a) (Implementation of international regulations for ship source pollution)	According to the country report the country acceded in the International Convention on Civil Liability for Oil Pollution Damage, 1992 (CLC 1992) in 12/1/94.	
Article 4 par.1 (Maintenance and promotion of contingency plans)	No legislation is reported.	The country report states that there is no Contingency Plan in Bosnia and Herzegovina.
Article 4par.2 (measures for pollution prevention of the Mediterranean Sea from ships)	Draft Law on Maritime Navigation Ship crash chapter provisions.	Not yet published.
Article 5 (Monitoring Activities)	Draft Law on Maritime Navigation related provisions.	
Article 7 (dissemination and exchange of information)	7.1 (a) Draft Law on Maritime Navigation related provisions. 7.1 (b) Draft Law on Maritime Navigation related provisions. 7.1 (c) Draft Law on Maritime Navigation related provisions. 7.1 (d) No legislation is reported. 7.1 (e) No legislation is reported. 7.1 (f) No legislation is reported. 7.2 - The country reports states that "None regular communication was carried out". 7.3 - The report states that no bilateral or multilateral agreements were concluded.	
Article 14 (port reception facilities)	No information is provided	
Article 15 (Assessment of environmental risks of maritime traffic)	No information is provided	
Article 16 ( Strategies for reception in places of refuge of ships in distress)	No information is provided	

Article/provision - Country	Cyprus	
	Laws	Remarks
Article 3par.1 (a) (Implementation of international regulations for ship source pollution)	According to the country report,the country signed, acceded in or ratified 11 Conventions.	The relevant legal acts are not provided in the report.
Article 4 par.1 (Maintenance and promotion of contingency plans)	No legislation is reported.	The country report states that the “National Contingency is updated and upgraded to comply with EU obligations for new member states.
Article 4par.2 (measures for pollution prevention of the Mediterranean Sea from ships)	No legislation is reported.	
Article 5 (Monitoring Activities)	No information is provided.	
Article 7 (dissemination and exchange of information)	7.1 (a) No legislation is reported.	The Director of the Department of Fisheries and Marine Research (DFMR) is the REMPEC Focal Point.
	7.1 (b) No legislation is reported.	The Director of the Department of Fisheries and Marine Research is the competent national authority responsible for receiving reports on pollution of the sea and dealing with matters concerning assistance.
	7.1 (c) No legislation is reported.	The country report states that this was “Already done through REMPEC”.
	7.1 (d) No legislation is reported.	
	7.1 (e) No legislation is reported.	
	7.1 (f) The country report states that according to the MARPOL 73/78 Convention and the European Directive 2000/59/EC all member states ports should establish reception facilities for collection and treatment of ships wastes.	.
7.2 -		



	7.3 Law No. 19(III) of 2001 for the transposition of the agreement between Cyprus, Egypt and Israel to combat major pollution accidents in the eastern Mediterranean in national legislation.	
Article 14 (port reception facilities)	The country report states that the EU Directive on Reception facilities has been adopted and is fully implemented in all Cyprus Ports.	
Article 15 (Assessment of environmental risks of maritime traffic)	No information is provided.	
Article 16 ( Strategies for reception in places of refuge of ships in distress)	No information is provided.	

Article/provision - Country	<b>Croatia</b>	
	Laws	Remarks
Article 3par.1 (a) (Implementation of international regulations for ship source pollution)	The country acceded in 7 Conventions, ratified 5 and signed 2.	The relevant legal acts are provided in the report.
Article 4 par.1 (Maintenance and promotion of contingency plans)	The National Contingency Plan for Accidental Marine Pollution (Official Gazette No. 8/1997) was enacted in 1997, prepared on the basis of Article 1045 of the Maritime Code (Official Gazette Nos. 17/1994, 74/1994, 43/1996, and 181/2004), Article 42 of the Environmental Protection Act (Official Gazette Nos. 82/1994 and 128/1999) and Article 2 of the Waters Act (Official Gazette 107/1995).	The relevant provisions of the Plan are given in the country report.
Article 4par.2 (measures for pollution prevention of the Mediterranean Sea from ships)	No specific legislation is reported.	The country report states that preventive measures are taken according to the provisions of the MARPOL Convention. Control measures of foreign flag ships are performed according to the Paris Memorandum of Understanding.
Article 5 (Monitoring Activities)	Monitoring programs aiming at detecting pollution in high-risk marine areas due to maritime traffic are performed according to the national Contingency Plan (see above). No other legislation is reported.	
Article 7 (dissemination and exchange of information)	7.1 (a) No legislation is reported.	The country report states that the exchange of information is regularly undertaken within the Trilateral Croatian-Italian-Slovenian Commission for the protection of the Adriatic Sea and the same information is submitted to REMPEC.
	7.1 (b) No legislation is reported.	The country report states that information is disseminated.
	7.1 (c) No legislation is reported.	The relevant information is submitted to REMPEC and to the Trilateral Croatian-Italian-Slovenian Commission for the Protection of the Adriatic Sea.

	7.1 (d) No legislation is reported.	The country report states that information was not disseminated to other Parties.
	7.1 (e) No legislation is reported.	The information is disseminated within the Trilateral Croatian-Italian-Slovenian Commission for the Protection of the Adriatic Sea.
	7.1 (f) No legislation is reported.	Within the bilateral cooperation with Italy, a Vessels Traffic System (VTS) was introduced from 1/7/ 2003.
	7.2 - The country report states that any relevant information is communicated upon request to the Regional Centre.	
	7.3 - Cooperation has been functionally established with Italy and Slovenia in the framework of the Trilateral Croatian-Italian-Slovenian Commission for the protection of the Adriatic Sea, since 1977.	
Article 14 (port reception facilities)	No legislation is reported.	
Article 15 (Assessment of environmental risks of maritime traffic)	No legislation is reported.	The country report refers to the bilateral cooperation with Italy and the Vessels Traffic System (VTS) introduced since 1/7/2003.
Article 16 ( Strategies for reception in places of refuge of ships in distress)	No legislation is reported.	The country report refers to establishment of the National Maritime Rescue Coordinating Centre (MRCC).

Article/provision - Country	<b>EC</b>	
	Laws	Remarks
Article 3par.1 (a) (Implementation of international regulations for ship source pollution)	6 Conventions are in force, and 1 is ratified.	
Article 4 par.1 (Maintenance and promotion of contingency plans)	Decision (EC) 2850/2000 of 20/12/2000 ; Council Decision 2001/792/EC, EURATOM of 23/10/2001; Directive 94/57/EC of 22 November 1994 as last amended by Directive 2001/105/EC of 19/12/2001; Directive 95/21/EC of 23 May 1995 as last amended by Directive 2001/106/EC of 19/12/ 2001; Regulation (EC) 417/2002 of 18 /2/2002 ,as later amended by Regulation (EC) 1726/2003 of 22 July 2003, amended by Regulation (EC)1726/2003 of 17 November 2003; Directive 2001/96/EC of 4 December 2001; Directive 2002/59/EC of 27 June 2002; Regulation (EC) 1406/2002 of 27 June 2002; Council Decision 2002/971/EC of 18 November 2002; Commission Proposal COM(2000)802; Commission Proposal COM (2003) 92 final of 5 March 2003 for a Directive concerning pollution caused by vessels and the introduction of sanctions, in particular criminal sanctions, in the event of pollution violations.	
Article 4par.2 (measures for pollution prevention of the Mediterranean Sea from ships)	See the measures listed above.	
Article 5 (Monitoring Activities)	Directive 79/116/EEC of 21/12/1978 replaced by Directive 93/75; Council Decision 2001/792/EC, EURATOM of 23/10/2001; Directive 2002/59/EC of 27/06/2002; Regulation (EC) 1406/2002/EC of 27/6/ 2002 establishes the European Maritime Safety Agency (EMSA). The EMSA is in charge of the establishment of the	

	Community vessel traffic monitoring and information system, set up under Directive 2002/59/EC.	
Article 7 (dissemination and exchange of information)	According to the report the following EU measures are relevant: Decision (EC) 2850/2000 of 20/12/ 2000 of the European Parliament and the Council; Council Decision 2001/792/EC, EURATOM of 23/10/2001; Directive 2002/59/EC of 27/6/2002; Regulation (EC) 1406/2002 of 27/6/2002; Directive 2002/59/EC of 27/6/2002; Commission Proposal COM (2003)440.	According to the report these measures provide for the establishment and management of organizations (some have already been established) such as the following: Community information system (CIS), Monitoring and Information Centre (operational on a continuous basis), Community vessel traffic monitoring and information system, European Maritime Safety Agency (EMSA).
Article 14 (port reception facilities)	Directive 2000/59/EC of 27/11/2000 on port reception facilities for ship-generated waste and cargo residues.	
Article 15 (Assessment of environmental risks of maritime traffic)	Directive 2002/59/EC of 27 June 2002 establishing a vessel traffic monitoring and information system.	
Article 16 ( Strategies for reception in places of refuge of ships in distress)	Directive 2002/59/EC of 27 June 2002 establishing a vessel traffic monitoring and information system.	

Article/provision - Country	France	
	Laws	Remarks
Article 3par.1 (a) (Implementation of international regulations for ship source pollution)	The country report lists 15 relevant Conventions signed and/or ratified etc by France.	The list is given in the country report.
Article 4 par.1 (Maintenance and promotion of contingency plans)	<p>Decree of 6/2/2004 annuls the decree of 9/3/1978 and provides that only the "Prefects Maritime" are responsible for the actions of the state at sea. To carry out this work it combines the competences of all relevant departments such as National Marine, Customs etc. There is one of them for the Mediterranean, based in Toulon. There are also Prefects for the coastal areas. After an Instruction by the Prime Minister (4/3/2002) there are plans of action for emergencies at sea and land (POLMAR Mer and POLMAR Terre). The General Secretariat of the Sea which coordinates this, is part of the Services of the Prime Minister. Together with the various relevant administrations they form the Inteministerial Committee of the Sea which is presided by the Prime Minister. One ship "le Meron" is patrolling the high waters of the Mediterranean shore in France. The ship will be replaced by another one "l' Abeille Flandre". Specialised ships of total capacity of 500 m<sup>3</sup> for receiving polluting substances exist and they are based in Toulon. Many kilometres and the ports of Marseilles, Sete and Ajaccio for restricting and abating oil pollution.</p> <p>Bilateral and trilateral cooperation agreements of emergencies exist with neighbouring countries: "The Lion Plan" with Spain and the "Ramogepol" with Italy and Monaco. Regular exercises are carried out within all the schemes.</p>	
Article 4par.2 (measures for pollution prevention of the Mediterranean Sea from ships)	<p>France jointly with Italy have obtained from IMO the adoption of a recommendation for ships carrying hydrocarbons or chemical substances to avoid the straits "Bouches de Bonifacio" between Corcica and Sardenia. The Protocol of 5/2/2001 describes the modalities for monitoring carried out by each one of the aforementioned countries in the territorial waters of the other.</p> <p>The Law of 15/4/2003 concerning Zone of Ecological Protection under the UN Convention of the Law of the Sea where France applies the provisions of MARPOL 73/78 in order to address illegal discharges by ships of foreign flag without exercising in the same zone the rights of economic exploitation.</p> <p>The Act 153 o 8/3/2004 of the Prefect Maritime of the Mediterranean implements the provision of the Directive 2002/59/CE of 27/6/2002 and Article 9.2 of the Protocol on Critical Situations.</p>	

Article 5 (Monitoring Activities)	Monitoring from the air are carried out by the customs and the Navy. The aircraft "POLMAR II" is able - thanks to teledection – to cover the entire zone in intervals of 40 miles in one single flight. The application of article 14 of the Decree 2002/59/EC and of the article 5 of the Protocol is obtained by the system "Trafic 2000" which allows to the Regional Operations Center for Monitoring and Resque (CROSS) to exchange and verify information.	
Article 7 (dissemination and exchange of information)	<p>7.1 (a) The relevant information is communicated to</p> <ul style="list-style-type: none"> <li>- the IMO in the framework of the OPRC of 1990</li> <li>- the unit of Civil Protection of the DG Environment of the European Commission</li> <li>- REMPEC</li> <li>- the authorities of the agreements REMOGE (Monaco, Italy) and "LionPlan" (Spain)</li> </ul> <p>7.1 (b) see the response in 7.1</p> <p>7.1 (c) see the response in 7.1</p> <p>7.1 (d) see the response in 7.1</p> <p>7.1 (e) The establishment by France of the Zone of Ecological Protection was notified to all Mediterranean riparian States through the diplomatic channels and to the meeting of the CP of the Barcelona Convention (Seminar by IUCN and REMPEC) in November 2003. The legal texts area communicated to REMPEC and IMO.</p> <p>7.1 (f) Among the initiatives for exchange of information listed in the country report a capacity building seminar ("INFOPOL") is organised every year by France for representatives of developing countries working in the area of combating pollution, should be mentioned.</p> <p>7.2 see the response in 7.1</p> <p>7.3 The "Lion Plan" was conducted between France and Spain in July 2002.</p>	
Article 14 (port reception facilities)	The provision of Article 14 of the Emergency Protocol are implemented through the transposition into the French Law of the provisions of the Directive 200/59EC. For the infrastructures see point 7.1 (e).	Marseille is the major French port (95 millions of tonnes of freight), 3 <sup>rd</sup> in order in Europe with very important waste reception facilities.
Article 15 (Assessment of environmental risks of maritime traffic)	The results of a study on the maritime traffic were implemented in December 2003. See also the response in article 4.2.	
Article 16 ( Strategies for reception in places of refuge of ships in distress)	There is an inventory for the Mediterranean Coastline of France describing the accessibility and vulnerability of places which might serve as refuges for ships under difficult conditions.	

Article/provision - Country	<b>Greece</b>	
	Laws	Remarks
Article 3par.1 (a) (Implementation of international regulations for ship source pollution)	The country report states that 15 Conventions were signed, acceded in or ratified.	The relevant legal acts are provided in the country report.
Article 4 par.1 (Maintenance and promotion of contingency plans)	A National Contingency Plan has been approved. Responsible authority is the Ministry of Mercantile Marine (MMM) which also approves the local contingency plans prepared by local Port Authorities.	
Article 4par.2 (measures for pollution prevention of the Mediterranean Sea from ships)	The Hellenic Coast Guard (HCG) of the MMM owns aerial means (aircrafts and helicopters) for monitoring illegal discharges from ships, in addition to the boats and naval vessels employed.	
Article 5 (Monitoring Activities)	The territorial waters and coastline are under 24h/day continuous surveillance by the H.C.G aerial means, boats and mobile squad patrols.	
Article 7 (dissemination and exchange of information)	7.1 (a) Information on the Greek OPRC Focal Point (MEPD) was provided to REMPEC and is also available in the REMPEC website.	
	7.1 (b) The Greek focal point is the Piraeus Joint Rescue Co-ordination Centre (MRCC Piraeus ) receiving on a 24h/day basis reports on pollution. (see also 7.1(a)).	
	7.1 (c) As in 7.1(a)	
	7.1 (d) As in 7.1(a)	
	7.1 (e) Information is communicated to REMPEC upon request.	
	7.1 (f) Not applicable	
	7.2 Not applicable	
	7.3 Not applicable	
Article 14 (port reception facilities)	See transposition to national legislation of the provisions of the Directive 2000/59 of 27/11/2000, on port reception facilities.	
Article 15 (Assessment of environmental risks of maritime traffic)	Based on assessment of risks, the MMM has distributed antipollution means and equipment to Port Authorities.	
Article 16 ( Strategies for reception in places of refuge of ships in distress)	There is a national strategy for places of refuge of ships in distress and a Ministerial Decision (2411.1/7/03 (850 B)) designating relevant ports in pursuance of Article 20 of Directive 2002/59/EC.	



Article/provision - Country	Israel	
	Laws	Remarks
Article 3par.1 (a) (Implementation of international regulations for ship source pollution)	The country accessed in 2 Conventions both in 21/10/2004: The International Convention on Civil Liability for Oil Pollution Damage, 1992 (CLC 1992) and The International Convention on the establishment of an International Fund for Compensation for Oil Pollution Damage, 1992 (FUND 1992).	The relevant national legal acts are not provided in the report.
Article 4 par.1 (Maintenance and promotion of contingency plans)	No specific legislation is reported.	The country report states that progress has been made in preparation of its national contingency plan. The Ministry of the Environment (MoE) is working towards a government decision on the subject that will provide the legal basis for the plan.
Article 4par.2 (measures for pollution prevention of the Mediterranean Sea from ships)	The country report refer to implementation of the MARPOL 73/78.	The relevant national legal act(s) are not provided in the report.
Article 5 (Monitoring Activities)	No legislation is reported.	Aerial surveillance is used and a satellite-based information system is under development, among others, for the detection of pollution from ships and LBS.
Article 7 (dissemination and exchange of information)	7.1 (a) The country report states that the MoE, disseminates any relevant information to the REMPEC from where it is disseminated to other countries via hard copy and the internet.	
	7.1 (b) As above	
	7.1 (c) As above	
	7.1 (d) Information is disseminated	
	7.1 (e) No legislation is reported.	As in 7.1 (a)
	7.1 (f) No legislation is reported.	The country report states that "there were no developments and thus no dissemination".
	7.2 -	As in 7.1 (a)

	7.3 -	The country report states that none was concluded
Article 14 (port reception facilities)	The country report states that "Activity in this area was ongoing during the period under review, in line with obligations under MARPOL and national legislation".	
Article 15 (Assessment of environmental risks of maritime traffic)	No legislation is reported.	A new computerised control system has been set up in 2003 for the Haifa and Ashdod ports. No steps were taken at the bilateral or multilateral levels.
Article 16 ( Strategies for reception in places of refuge of ships in distress)	No legislation is reported.	The country report states that no such strategies are in place

Article/provision - Country	Italy	
	Laws	Remarks
Article 3par.1 (a) (Implementation of international regulations for ship source pollution)	According to the country report the country ratified 13 Conventions, was accepted in 2 and acceded in 3.	Several relevant legal acts are provided in the country report.
Article 4 par.1 (Maintenance and promotion of contingency plans)	Intervention plan for the protection of the sea and the coastline from pollution deriving from incidents adopted by Decree of the Ministry of Merchant Shipping of 3/03/1987; National intervention contingency plan for the sea and coastline protection against pollution of oil and hazardous substances in case of casualties) adopted by Decree of the Ministry of Civil Protection of 11/01/1993; Law n. 464/1998 (ratification of the OPRC 90 convention) according to which a public service was activated in 1999 aimed at preventing and responding to marine pollution along the Italian coasts	The country report states that the contingency system is structured on three planning levels that, according to the entity of the threat, are activated in chronological succession. The 1987 and 1993 contingency plans for the revision processes have been started.
Article 4par.2 (measures for pollution prevention of the Mediterranean Sea from ships)	"Regulation (EC) N° 782/2003 of the European Parliament and of the Council of 14 April 2003 on the prohibition of organotin compounds on ships" is in force. Legislative Decree n.182 of 24/06/2003 adopting EU Directive n. 2000/59/CE regarding port reception facilities.	Amendments of MARPOL 73/78 Convention have been translated into national law.
Article 5 (Monitoring Activities)	No legislation is reported.	The country report states that monitoring activities are undertaken such as use of satellite images to monitor and report oil spills, information system able to monitor the routes of vessels etc (described in the report).
Article 7 (dissemination and exchange of information)	7.1 (a) No legislation is reported.	Relevant information is disseminated through EU "Community Information System", sub-regional agreements (i.e. RAMOGE) and REMPEC.
	7.1 (b) No legislation is reported.	As in 7.1 (a)
	7.1 (c) No legislation is reported.	Not applicable according to the country report.

	7.1 (d) No legislation is reported.	Not applicable according to the country report.
	7.1 (e) No legislation is reported.	The country states that relevant information is disseminated through official meetings, workshops and other initiatives carried out in the MAP and REMPEC framework.
	7.1 (f) No legislation is reported.	
	7.2	Not applicable according to the country report.
	7.3	The country report states that such agreements were concluded (RAMOGE "Agreement concerning the protection of the waters of the Mediterranean Coastline" - 1976 (Monaco, France and Italy) "Adriatic and Ionian Initiative" (Italy, Albania, Bosnia-Erzegovina, Croatia, Greece and Slovenia). Osimo Agreement signed between riparian Countries of the Adriatic Sea)
Article 14 (port reception facilities)	Legislative Decree n.182 of 24/06/2003 implementing the EU Directive n. 2000/59 (Regarding Port Reception Facilities).	
Article 15 (Assessment of environmental risks of maritime traffic)	No legislation is reported.	The country report refers to measures adopted focusing on the improvement of the safety of navigation: VTS systems, Traffic Separation Scheme in the North Adriatic (jointly submitted to IMO by Italy, Croatia and Slovenia).
Article 16 ( Strategies for reception in places of refuge of ships in distress)	No legislation is reported.	

Article/provision - Country	<b>Libya</b>	
	Laws	Remarks
Article 3par.1 (a) (Implementation of international regulations for ship source pollution)	Law 15 for the protection of the Environment.	This Law is the only one mentioned in the country report.
Article 4 par.1 (Maintenance and promotion of contingency plans)	No information is provided.	
Article 4par.2 (measures for pollution prevention of the Mediterranean Sea from ships)	No information is provided.	
Article 5 (Monitoring Activities)	No information is provided.	
Article 7 (dissemination and exchange of information)	No information is provided.	
Article 14 (port reception facilities)	No information is provided.	
Article 15 (Assessment of environmental risks of maritime traffic)	No information is provided.	
Article 16 ( Strategies for reception in places of refuge of ships in distress)	No information is provided.	

Article/provision - Country	<b>Monaco</b>	
	Laws	Remarks
Article 3par.1 (a) (Implementation of international regulations for ship source pollution)	The country report annexes 5 Conventions were the country acceded in the period 1970 – 1992.	
Article 4 par.1 (Maintenance and promotion of contingency plans)	The Government of the Country maintains boats for abatement of pollution as well as floating dams and various other means. The relevant personnel includes that of the Port, of the Maritime Police and the firemen which carry out regular exercises. A plan for abatement of Marine Pollution was published in 2004.	
Article 4par.2 (measures for pollution prevention of the Mediterranean Sea from ships)	In the framework of RAMOGE Agreement the plan RAMOGEPOL (1993) organized the cooperation among Monaco, France and Italy. A new plan was signed in 2004 to be implemented in 2005.	
Article 5 (Monitoring Activities)	See above. Regular exercises are carried out within this framework.	
Article 7 (dissemination and exchange of information)	The REMPEC and the authorities of France and Italy are regularly informed about the organisation of the pollution abatement schemes. The division of maritime and airport police is in charge of monitoring the Monegasque waters empackaging, if needed, helicopters.	
Article 14 (port reception facilities)	The new installations of the port of Monaco which receives only cruise ships have the capacity to receive the used waters of passage ships and big yachts together with all their wastes.	
Article 15 (Assessment of environmental risks of maritime traffic)	The only traffic envisaged for the port of Monaco of that of cruise ships and the emphasis of the regulations points to the minimisation of the risks of collision.	
Article 16 ( Strategies for reception in places of refuge of ships in distress)	Monaco is not a port for refuge of ships in distress.	

Article/provision - Country	<b>Morocco</b>	
	Laws	Remarks
Article 3par.1 (a) (Implementation of international regulations for ship source pollution)	The country report lists 15 Conventions and other pieces of international legislation signed, ratified or acceded by the country.	
Article 4 par.1 (Maintenance and promotion of contingency plans)	Decree No 2-95-717 of 22/11/1996 on the preparation for the abatement of accidental marine pollution; The Act of the Prime Minister of No 3-3-00 of 16/7/2003 which implements the aforementioned Decree; An interministerial and interagency commission was set up to elaborate a programme of marine pollution (POLMAR); Morocco was benefited from a GEF project on training of personnel necessary for cases of emergency. Simulation exercises have been organized.	
Article 4par.2 (measures for pollution prevention of the Mediterranean Sea from ships)	Agreement of 6/2/1996 with Spain for cooperation in abating marine pollution; Acceptance on 5/8/99 of the Memorandum of Understanding of 11/7/1997 for the control of East and West of the Mediterranean special authorisation for old single hull tankers carrying heavy fuels etc for entering the exclusive economic zone of Morocco.	
Article 5 (Monitoring Activities)	The Article 8 of the Act of the Minister of Equipment and Transport No 10-00 of 06/01/2000 (on attributing to an organization the external services of the Ministry of Transport) defines also the competences of the Centre of Monitoring of the Maritime Traffic (VTS) which deals also with the traffic in the zone of Gibraltar straits.	
Article 7 (dissemination and exchange of information)	7.1 (a) The Decree of 22/11/1996 designates the Department of the Environment as the National Coordinator while in the Commission against pollution participate also: the Departments of Marine Fisheries, Equipment and Transport, Royal Navy, Royal Air forces, Royal Gendarmerie, Civil Protection, and Office of Exploitation of Ports.	
	7.1 (b) Exchange of information with other parties is carried out through the competent authorities. The Ministry of Equipment and Transport is designated to receive the reports concerning pollution from REMPEC etc.	
	7.1 (c) The Department of the Environment is the intermediate for disseminating information.	

	<p>7.1 (d) A large number of authorities are involved.</p> <p>7.1 (e) The information is shared with Spain (based on the bilateral agreement of 6/2/1996) and with Algeria and Tunisia (based on the agreement not yet adopted). All information is also communicated to REMPEC.</p> <p>7.1 (f) No new or novel technologies are developed to reinforce the means of prevention of pollution by hydrocarbons.</p> <p>7.2 see 7.1 (f)</p> <p>7.3 See relevant agreements on the following:          - bilateral agreement with Spain signed on 6/2/1996;          - Memorandum on the South and East of the Mediterranean of 11/7/1997; accepted by Morocco in 5/8/1999;          - Agreement for Subregional Cooperation among Morocco, Algeria and Tunisia (not signed yet).</p>	
Article 14 (port reception facilities)	In the framework of the Euro Mediterranean Partnership, Morocco and other 9 Mediterranean countries signed with the EU and IMO "Grant Agreement" (Project MED B7.4100:97-04/5.8) for the installation within the period 1/1/2003 – 31/12/2005 of wastewater reception facilities in ports.	
Article 15 (Assessment of environmental risks of maritime traffic)	The report stresses that due to its crucial position on the Gibraltar strait the country mobilises significant human and financial means to reduce pollution risks and refers to the circular of 2002 concerning prohibitions of access to ships with single hull older than 15 years old as well as to the Mediterranean memorandum mentioned previously.	
Article 16 ( Strategies for reception in places of refuge of ships in distress)	There is no such strategy.	



Article/provision - Country	<b>Serbia &amp; Montenegro</b>	
	Laws	Remarks
Article 3par.1 (a) (Implementation of international regulations for ship source pollution)	According to the report the country signed, ratified or acceded in 7 Conventions. In five of them on 13/3/2003	The relevant legal acts are provided in the country report.
Article 4 par.1 (Maintenance and promotion of contingency plans)	No specific legislation is reported.	A "Regulation National Plan for prevention of, preparedness for and response to major marine pollution incidents at sea" is being developed with main actors the Administrative Council, the Port authorities and the Regional Center of Montenegro. An Agency for Maritime Safety has been established on 1/1/2004.
Article 4par.2 (measures for pollution prevention of the Mediterranean Sea from ships)	Law on Coastal Zone, article 21	A national Plan for prevention of, preparedness for and response to major marine pollution incidents at sea that is in the phase of adoption and approval.
Article 5 (Monitoring Activities)	No relevant legislation is reported. Several bilateral (with Italy) and multilateral (Adriatic – Ionian) initiatives exist on monitoring.	An Electronic Monitoring System is expected to be activated in the near future. Data form many institutes are collected and aggregated by the Ministry of Environmental Protection and Physical Planning.
Article 7 (dissemination and exchange of information)	7.1 (a) No legislation is reported.	The country report states that relevant information is disseminated through REMPEC. Coast Guard will be enabled.
	7.1 (b) Under the Law on Coastal Zone and the Law on Waters, responsible for receiving pollution reports are the Port authorities, Internal affairs authorities and the Inspections for Waterworks and ecology.	

	7.1 (c) No relevant legislation is reported.	The country report states that Contracting parties have been partially informed in the framework of the Adriatic – Ionian Initiative in November 2005.
	7.1 (d) No legislation is reported.	The country report states that relevant information is disseminated through the REMPEC webpage.
	7.1 (e) No legislation is reported.	As in 7.1 (c).
	7.1 (f) No legislation is reported.	As in 7.1 (c) and 7.1 (e).
	7.2 -	The country states that relevant information is disseminated in the framework of MAP and REMPEC structure, but also in the framework of the Round table on Environmental Protection and Sustainable Development within the Adriatic-Ionian Initiative, under Montenegrin presidency, in November 2004.
	7.3 -	The country report states that such agreements were concluded: e.g. Memorandum of Understanding between Ministry of Environmental Protection and Physical Planning of Republic of Montenegro and Ministry of Environment and Territory of Republic of Italy in November 2004.
Article 14 (port reception facilities)	No legislation is reported.	According to the report Montenegrin ports are not equipped with any port reception facility. A Study on port reception facility installations in Montenegrin ports has been initiated.
Article 15 (Assessment of environmental risks of maritime traffic)	No legislation is reported.	According to the report it is planned that such an assessment is to be done by the Agency for Maritime Safety, Maritime Police and Coast Guards in cooperation with other states and international organizations. Surveillance of ships

		<p>carrying hazardous cargo in the Southern Adriatic Sea is carried out through Adriatic-Traffic and all international organizations are met with its work.</p>
<p>Article 16 ( Strategies for reception in places of refuge of ships in distress)</p>	<p>Law on Maritime and Internal Sailing (Articles 175 – 185) provides for monitoring and salvage at sea.</p>	

Article/provision – Country	Slovenia	
	Laws	Remarks
Article 3par.1 (a) (Implementation of international regulations for ship source pollution)	According to the report the country signed 7 Conventions and ratified or acceded in 2. Two of them (the OPRC/OPRC-HNS and the International Convention on Civil Liability) were signed in 2001 and 2004 respectively.	The relevant legal acts are provided in the country report.
Article 4 par.1 (Maintenance and promotion of contingency plans)	The Water Act (OJ RS, No. 67/02; Nature Conservation Act (OJ RS, No. 56/99), included in the new one (OJ RS, No. 96/04); The Environment Protection Act (OJ RS, No. 32/93) of 1993, replaced in 2004 by new Environment Protection Act (OJ RS, No. 41/2004); The Slovenian Maritime Code was adopted in 2001. (OJ RS, No. 26/01, 21/02), included in 2004 in new Maritime Code (OJ RS, No. 37/04).	The report provides information on acts programs and agreements for bilateral and multilateral cooperation regarding marine water protection (eg National Environmental Action Programme of 1999 and 2004 , Coastal area Management Programme (CAMP), Agreement between governments of the Republic of Slovenia and the Republic of Croatia on water management relations Trilateral Croatian, Italian and Slovene Commission for the protection of the Adriatic Sea, etc.
Article 4par.2 (measures for pollution prevention of the Mediterranean Sea from ships)	No specific legislation is provided. Reference is made to the MARPOL 73/78.	
Article 5 (Monitoring Activities)	Article 24 of the Decree on the Emission of Substances and Heat in the discharge of wastewater from pollution sources (OJRS 35/98); Rules on operations for monitoring are given in OJRS 35/96, 29/00, 106/01. An inspectorate for the Environment and Spatial Planning supervises implementation of Laws.	The country report states that there are effective monitoring systems including the Environmental Regional Information System (REIS) established in 2004.
Article 7 (dissemination and exchange of information)	7.1 (a) No information is provided.	
	7.1 (b) No legislation is provided.	It is not reported whether the relevant information is distributed.
	7.1 (c) No information is provided.	
	7.1 (d) No information is provided.	
	7.1 (e) No information is provided.	

	7.1 (f) No information is provided.	
	7.2 For major spills interstate (Slovenia, Italy, Croatia) joint action plans are underway with coordination of REMPEC.	
	7.3 Agreement between governments of Republic of Slovenia and Republic of Croatia on water management relations (OJ RS, No. 75/97); Agreement on coloboration of the Yugoslavian-Italian Commission for water management (OJ FLRJ, No. 9/80) which Slovenia succeed with Document/Act on Nostrification of the succession of the Agreements of former Yugoslavia with the Republic of Italy (OJ RS No. 11/92); Agreement on the cooperation on the protection of the Adriatic Sea and waterside land from the pollution between Yugoslavia and Italy (OJ SFRJ, No. 2/77) which Slovenia succeed with Document/Act on Nostrification of the succession of the Agreements of former Yugoslavia with the Republic of Italy (OJ RS No. 11/92).	Accoding to the report: - There is also the Adriatic-Ionian Initiative (AII) May 2000. (Albania, Bosnia and Herzegovina, Croatia, Greece, Italy, Slovenia and Serbia and Montenegro) and - The Subregional plan for prevention, readiness and handling in the case of pollution from accidents on sea for Adriatic - agreement between governments of Republic of Slovenia and Republic of Croatia is ready to be signed for prevention, readiness and handling in the case of pollution form accidents on sea (for the Adriatic).
Article 14 (port reception facilities)	There is an Environmental Impact Assessment for the port of Koper.	
Article 15 (Assessment of environmental risks of maritime traffic)	No relevant information is provided	
Article 16 ( Strategies for reception in places of refuge of ships in distress)	It is stated that the port of Koper has facilities for such cases.	

Article/provision - Country	Spain	
	Laws	Remarks
Article 3par.1 (a) (Implementation of international regulations for ship source pollution)	According to the report, 11 conventions are in force and 3 were signed.	The relevant legal acts are provided in the country report.
Article 4 par.1 (Maintenance and promotion of contingency plans)	The country report states that there is a National Plan on Salvage for the 2002-2005 period and legal acts and plans were developed in the regions Andalusia and Catalonia in 2003.	Considerable new financial technical and human resources will be invested to implement the plan.
Article 4par.2 (measures for pollution prevention of the Mediterranean Sea from ships)	Royal Decree 90/2003, of 24/1/2003 on regulations and common standards for organizations involved in vessels inspection and control and for those activities concerning the Maritime Administration (Spanish Official Journal 30, of 04/02/03, pages 4539 to 4551); Royal Decree 91/2003, of 24/1/2003, concerning the approval of a Regulation on the inspection of foreign vessels in Spanish harbours (Spanish Official Journal 30, 04/02/03 implementing of Directive 2001/106/EC of 19th December, amending Council Directive95/21/EC; Order FOM/1144/2003 of the Ministry of Public Works of 28/4/2003; Order FOM/1144/2003 (28/4/2003) deals with security, safety, pollution discharges etc of recreational crafts.	
Article 5 (Monitoring Activities)	The country states that information is provided through the national communication system according to the provisions of Directive 2002/59/EC of the European Parliament and of the Council of 27/6/2002 establishing a Community vessel traffic monitoring and information system and repealing Council Directive 93/75/EEC.	
Article 7 (dissemination and exchange of information)	7.1 (a) The competent authorities is the General Directorate of the Merchant Shipping, in the framework of the Ministry of Public Works.	It is not reported whether such information is disseminated.
	7.1 (b) As above.	
	7.1 (c) As above.	
	7.1 (d) As above.	

	7.1 (e) The Royal Decree – Law 9/2002 (13/12/2002) approved extraordinary measures for cargo transporting dangerous or polluting goods.	Spain should report the IMO on its decision to deny entry of oil tankers, pursuant to Article 7 of the EU Regulation No 417/2002.
	7.1 (f) Order CTE/634/2003, of 18/3/2003, approved the special call for grants, to carry out scientific research and technological development projects.	Numerous R+D projects are listed in the report.
	7.2 The General Directorate of the Merchant Shipping, in the framework of the Ministry of Public Works is the competent authority.	It is not reported whether such information is disseminated.
	7.3	The country report states that no new bilateral or multilateral agreements were concluded.
Article 14 (port reception facilities)	Royal Decree 1381/2002 of 20/12/2002, on port reception facilities for ship-generated waste and cargo residues (Spanish Official Journal 305, of 21/12/02), repealed the previous existing legislation (Royal Decree 438/1994) implementing Directive 2000/59/CE of 27/11/2000; The Royal Decree 995/2003, of 25/7/2003, in force since July 2003, established the harmonised requirements and procedures for the loading and unloading operations from bulk carriers; Royal Decree 1249/2003, of 3/10/2003, regarding information formalities required to the merchants cargo vessels arriving at Spanish Ports or departing from them implementing Directive 2002/6/EC of the European Parliament and the Council, of 18/2/2002.	
Article 15 (Assessment of environmental risks of maritime traffic)	No information is provided.	
Article 16 ( Strategies for reception in places of refuge of ships in distress)	On regional strategies the country report refers to Directive 2002/59/EC of 27/6/2002 establishing a Community Vessel Traffic Monitoring and Information system. In Spain, partial implementation of this Directive was started by Law 62/2003 (30/12/2003) on taxes, administrative and social measures.	

Article/provision - Country	Syria	
	Laws	Remarks
Article 3par.1 (a) (Implementation of international regulations for ship source pollution)	According to the report the country acceded in 8 Conventions.	The relevant legal acts are provided in the country report.
Article 4 par.1 (Maintenance and promotion of contingency plans)	No legislation is reported.	The country report states that the national contingency plans are not yet ratified by the government but a Committee was formed to review the draft plan. A law concerning the protection of marine environment from pollution incidents resulting from oil, chemicals and other wastes is being drafted.
Article 4par.2 (measures for pollution prevention of the Mediterranean Sea from ships)	The country report states that numerous decrees have been issued to ships flying Syrian flags to properly equip their vessels with equipment necessary for the prevention of sea pollution from ships (in accordance with several international agreements including MARPOL 73/78).	
Article 5 (Monitoring Activities)	The country report states that monitoring activities are undertaken (described in the report).	
Article 7 (dissemination and exchange of information)	7.1 (a) The country report states that relevant information is disseminated to all parties concerned.	
	7.1 (b) The country report states that relevant information is disseminated to all parties concerned.	
	7.1 (c) No information is provided	
	7.1 (d) No information is provided	
	7.1 (e) No information is provided	
	7.1 (f) No legislation is reported.	The country report states that there are no new developments.
	7.2 No information is provided	
7.3	No bilateral or multilateral agreements were concluded.	



Article 14 (port reception facilities)	No information is provided.	The country report states that no information is available.
Article 15 (Assessment of environmental risks of maritime traffic)	-	The country report states that no relevant steps were taken.
Article 16 ( Strategies for reception in places of refuge of ships in distress)	No information is provided.	

Article/provision - Country	Tunisia	
	Laws	Remarks
Article 3par.1 (a) (Implementation of international regulations for ship source pollution)	Law No 96-26 of 3/4/1996 establishes a National Plan for intervention and abatement of events of marine pollution.	
Article 4 par.1 (Maintenance and promotion of contingency plans)	A National Commission for the prevention and fight against marine pollution events was established for the preparation and implementation under optimum conditions of the emergency National Plan.	
Article 4par.2 (measures for pollution prevention of the Mediterranean Sea from ships)	No information is provided.	
Article 5 (Monitoring Activities)	No information is provided.	
Article 7 (dissemination and exchange of information)	7.1 (a) There is an effort to harmonize the national plans with those of the neighbouring countries with support by REMPEC.	Information was provided with the first National report 2000-2001.
	7.1 (b) No information is provided.	
	7.1 (c) No information is provided.	
	7.1 (d) No information is provided.	
	7.1 (e) No information is provided.	
	7.1 (f) No information is provided.	
	7.2 No information is provided.	
7.3 No information is provided.		
Article 14 (port reception facilities)	No information is provided.	
Article 15 (Assessment of environmental risks of maritime traffic)	No information is provided.	
Article 16 ( Strategies for reception in places of refuge of ships in distress)	No information is provided.	

**TABLE 2.4**  
**Implementation of land-based Sources Protocol**

**Brief Overview of Degree of Legal / Administrative Implementation of Protocol as  
indicated by material in national biennial reports for 2002-2003**



Article/provision - Country	<b>Albania</b>	
	<u>Legal framework / measures</u>	<u>Remarks</u>
Article 5 par.2, par 3, par 4 (Elaboration and implementation of national action plans and programmes)	No legislation is reported.	The country report states that two studies have been completed, Baseline Budget and National Diagnosis Analysis; Sectoral Plans are under preparation, and a National Plan to combat pollution from land base activities is to be drafted as the final phase of the process.
Article 5 par.5 (Reduction of accidental pollution)	The country report lists as relevant to the following Laws: Law No. 8934 of 5/9/2002 "On environmental protection"; Law No. 8990 of 23/01/2003 "On the environmental impact assessment"; Law No. 9010, of 13/02/2003 "On the environmental management of solid wastes"; Law No. 9115, of 24/7/2003 "On the environmental treatment of used waters"; Law No. 8897, of 16/05/2002 "On the air protection".	The country report states that a considerable number of by acts which regulate emissions and discharges are also in force.
Article 6 (Authorization and regulations systems for control of discharges)	No specific legislation is reported. The Environmental Inspectorate has been established and has issued a number of agreements with the other inspectorates in the country.	According to the report some of the draft sub-laws related with the discharges are done with the assistance of UNEP-MAP.
Article 7 (Implementation of resolution for quality of seawater)	No legislation is reported.	The country report states that no measures have been taken.
Article 8 (a) (assess levels of pollution along the coast)	According to the report there are several monitoring programmes and activities.	
Article 8 (b)Evaluation of the effectiveness of the adopted measures	Non applicable.	The country report states that there was no such evaluation implemented.

Article/provision - Country	<b>Algeria</b>	
	<u>Legal framework / measures</u>	<u>Remarks</u>
Article 5 par.2, par 3, par 4 (Elaboration and implementation of national action plans and programmes)	The country report lists a very long series (more than 50) of Laws, Decrees and other legal acts directly or indirectly linked with the issue. It also lists policies and programmes or projects related, which sum in to a considerable body of legislative and administrative provisions.	
Article 5 par.5 (Reduction of accidental pollution)	10 Laws and Decrees are mentioned as relative. In addition the precautionary principle is applied through the EIA studies, assessing the risk eg for all industrial installations of categories 1 and 2 - Prior authorisation of all types of exploitation provided only after public hearing on eventual accidents from the operations - Internal Plan of Organization (POL) - Particular Plan of Interventions (PPI) in order to limit the consequences of industrial risks.	
Article 6 (Authorization and regulations systems for control of discharges)	9 Laws are listed in the report as relevant to this point also a number of policies are mentioned including those on atmospheric pollution etc.	
Article 7 (Implementation of resolution for quality of seawater)	There is a network monitoring bathing water under the Ministry of Health in cooperation with the Ministry for the Environment; Numerous Laws and initiatives are listed.	
Article 8 (a) (assess levels of pollution along the coast)	There are National inventories/registries for the special wastes as well as for the coastline. Among others there is a national programme for the evolution of pollution within the framework of MEDPOL. This programme is to be carried out by the National Observatory for the Environment and Sustainable Development.	
Article 8 (b)Evaluation of the effectiveness of the adopted measures	The country report lists a considerable number of activities and initiatives carried out as indicators of effectiveness of the adopted measures.	

Article/provision - Country	<b>Bosnia &amp; Herzegovina</b>	
	<u>Legal framework / measures</u>	<u>Remarks</u>
Article 5 par.2, par 3, par 4 (Elaboration and implementation of national action plans and programmes)	Law on Environmental Protection (Official gazette of F B&H, no. 33/03) contains the article regarding " Register of Installations and of Pollution".	National plans adopted and prepared in the 2000 - 2003 period include the following: - National Environmental Action Plan (NEAP); - Solid Waste Management Strategy.
Article 5 par.5 (Reduction of accidental pollution)	Law on Water protection, Article 28.	
Article 6 (Authorization and regulations systems for control of discharges)	Water Law (Official gazette of FB&H, No. 18/98) Law on Environmental Protection (Official gazette of F B&H and RS) contains the IPPC Directive requirements.	
Article 7 (Implementation of resolution for quality of seawater)	Law on elements of water regime of importance to both republics, or two or more autonomic province and on inter-state water, (Article No. 25) (Official Gazette of SFRY, No. 2/74, 24/76, which is overtaken from ex SFRJ); Law on Sea Fishing (Official Gazette of SR B&H, No 7/89, which is overtaken from former Socialistic Republic of B&H )	
Article 8 (a) (assess levels of pollution along the coast)	Water Law (Official gazette of FB&H, No. 18/98) Article 212. Law on Environmental Protection	
Article 8 (b)Evaluation of the effectiveness of the adopted measures	No information is provided.	

Article/provision - Country	<b>Croatia</b>	
	<u>Legal framework / measures</u>	<u>Remarks</u>
Article 5 par.2, par 3, par 4 (Elaboration and implementation of national action plans and programmes)	<p>A long list of Laws and Acts is given in the country report as directly or indirectly linked to the issue:</p> <ul style="list-style-type: none"> <li>• Environmental Protection Act (Official Gazette Nos. 82/1994, 128/1999);</li> <li>• Act on Maritime Demesne and Sea Harbours (Official Gazette No. 158/2003);</li> <li>• Maritime Code (Official Gazette Nos. 17/1994, 74/1994, 43/1996, and 181/2004);</li> <li>• Waters Act (Official Gazette No. 107/1995);</li> <li>• Water Management Financing Act (Official Gazette Nos. 107/1995, 19/1996, 88/1998);</li> <li>• Waste Act (Official Gazette No. 151/2003);</li> <li>• Act on the Transport of Hazardous Substances (Official Gazette Nos. 97/1993, 151/2003);</li> <li>• National Environmental Protection Strategy (Official Gazette No. 46/2002);</li> <li>• National Environmental Action Plan (Official Gazette No. 46/2002);</li> <li>• National Contingency Plan for Accidental Marine Pollution in the Republic of Croatia (Official Gazette No. 8/1997);</li> <li>• National Water Protection Plan (Official Gazette No. 8/1999);</li> <li>• Regulation on Beach Water Quality Standards (Official Gazette No. 33/1996);</li> <li>• Regulation on the Classification of Waters (Official Gazette 77/1998);</li> <li>• Regulation on Requirements for the Handling of Hazardous Waste (Official Gazette No. 32/1998);</li> <li>• Regulation on Hazardous Matters in Waters (Official Gazette No. 78/1998);</li> <li>• Ordinance on Handling of Dangerous Substances, Conditions and Ways of Loading and Unloading of Dangerous Substances, Loose and other Load in Harbours and Ways of Prevention of Spreading of Leaked Oils in Harbours (Official Gazette No. 108/1995);</li> <li>• Ordinance on the Limit Values of the Indicators of Hazardous and</li> </ul>	<p>The National Water Protection Plan was developed in 1999.</p> <p>In cooperation with the international community many important and relevant water protection projects have been prepared or are in the process of preparation (they are described in the country report).</p>



	<p>other Substances in Wastewaters (Official Gazette Nos. 40/1999, 6/2001);</p> <ul style="list-style-type: none"> <li>• Ordinance on the Transport and Handling of Hazardous Substances in Internal Marine Transport (Official Gazette No. 80/2000); and</li> <li>• Ordinance on Veterinary-Health Criteria for Fishing, Growing, Purification and Trade of Live Shellfish (Official Gazette Nos. 129/1999, 16/2000).</li> </ul>	
Article 5 par.5 (Reduction of accidental pollution)	Waters Act (Official Gazette No. 107/1995).	The National Water Protection Plan is dealing with the elimination/reduction of the risk of pollution. The measures in cases of exceptional and unexpected water pollution, as well as a list of physical and legal persons responsible for the implementation of the plan are listed in the country report.
Article 6 (Authorization and regulations systems for control of discharges)	Waters Act (Official Gazette No. 107/1995); Regulation on the Classification of Waters; Regulation on Hazardous Matters in Waters; Ordinance on the Limit Values of the Indicators of Hazardous and other Substances in Wastewaters provide classification of waters and define what substances and in what quantities would be considered hazardous.	
Article 7 (Implementation of resolution for quality of seawater)	Interim environmental quality criteria for bathing waters: Regulation on Beach Water Quality Standards; Interim environmental quality criteria for shellfish water:s Ordinance on Veterinary-Health Criteria for Fishing, Growing, Purification and Trade of Live Shellfish.	
Article 8 (a) (assess levels of pollution along the coast)	According to the National Water Protection Plan developed as required by the Waters Act (Official Gazette No. 107/1995). The Ministry of Agriculture, Forestry and Water Management, Water Management Directorate is responsible for the implementation of the monitoring programs of the quality of waters and the sea in accordance with international obligations.	A number of Monitoring programs (some of them are ongoing) have been developed. The most important current one is the Croatian National Monitoring Programme "Project Adriatic" while the country participates also in the Strategic Action Programme (SAP).
Article 8 (b)Evaluation of the effectiveness of the adopted measures	Following the provisions of the Waters Act (Official Gazette No. 107/1995), it is an obligation of the "Croatian Water" to prepare an annual report-of the status of waters in the country.	

Article/provision - Country	<b>Cyprus</b>	
	<u>Legal framework / measures</u>	<u>Remarks</u>
Article 5 par.2, par 3, par 4 (Elaboration and implementation of national action plans and programmes)	Law on Water and Soil Pollution Control (No. 106(I)/2002) is the basic legislative instrument for elimination of pollution from LBS in Cyprus. Substances under Annex I are now under consideration.	
Article 5 par.5 (Reduction of accidental pollution)	The country report states that "According to the MARPOL 73/78 Convention and the European Directive 2000/59/EC, as a member state Cyprus has established port reception facilities for collection and treatment of ships wastes caused by accidents".	
Article 6 (Authorization and regulations systems for control of discharges)	It is reported that there is in place legislation implementing a regulatory control system for permitting and inspecting discharges including sanctions. The Water and Soil Pollution Control Law [106(1) /2002] secures fully the legal base needed.	
Article 7 (Implementation of resolution for quality of seawater)	Quality of Bathing Waters Decree (No. 99/2000); Shellfish Waters Regulation (No. 512/2002) transposing in national legislation the EU directives on the Quality of Bathing Waters (76/160/EEC) and the Quality of Shellfish Waters (79/923/EEC), respectively.	The provisions of the Directive were transposed in the National legislation although there are no shellfish waters in Cyprus, in order to practically implement the legislative framework mentioned
Article 8 (a) (assess levels of pollution along the coast)	No legislation is reported.	The country report states that there are no point sources of pollution regarding the substances of Annex I to the Protocol. A plan to identify possible concentrations in water bodies of these substances is now under consideration.
Article 8 (b)Evaluation of the effectiveness of the adopted measures	Water and Soil Pollution Control Law (106 (I) / 2002).	

Article/provision - Country	EC	
	Legal framework / measures	Remarks
Article 5 par.2, par 3, par 4 (Elaboration and implementation of national action plans and programmes)	Directive 2000/60/EC of 23/10/2000 (Water Framework Directive); Decision 2455/2001/EC of 20/11/2001 establishes a list of priority hazardous substances in the field of water policy, which has become Annex X of the Directive.	The following guidance documents were adopted concerning the implementation of the Water Framework Directive, by the Water Directors of the EU Member States during the reporting period: Guidance No 01 - Economics – WATECO; Guidance No 02 - Identification of water bodies; Guidance No 03 - pressures and impacts – IMPRESS; Guidance No 04 - heavily modified water bodies – HMWB; Guidance No 05 - characterisation of coastal waters – COAST; Guidance No 06 – intercalibration; Guidance No 07 – Monitoring; Guidance No 08 - Public participation; Guidance No 09 – GIS; Guidance No 10 - references conditions inland waters; Guidance No 11 - Planning Process
Article 5 par.5 (Reduction of accidental pollution)	Seveso II Directive, Directive 96/82/EC on the control of major-accident hazards of 9/ 10/1996, fully replaced Directive 82/501/EEC on the major-accident hazards of certain industrial activities; Directive 2003/105/EC of 16/12/2003 extended the Seveso II Directive; Directive 96/61/EC of 24/09/1996 concerning integrated pollution prevention and control (“the IPPC Directive”).	
Article 6 (Authorization and regulations systems for control of discharges)	Council Directive 96/61/EC concerning integrated pollution prevention and control (IPPC) and Commission Communication COM (2003) 354 on IPPC, “On the Road to Sustainable Production Progress” in implementing Council Directive 96/61/EC; Water Framework Directive requires that all discharges from point sources, other than IPPC, to be subject to prior regulation; Directive 2003/35/EC of 26/5/2003 establishes a scheme for emissions trading involving IPPC.	The questionnaire relating to Council Directive 96/61/EC (IPPC) was modified by a Commission Decision of 26/03/2003. The Commission has organised a European-wide information exchange on Best Available Techniques.
Article 7 (Implementation of resolution for quality of seawater)	(a) Interim environmental quality criteria for bathing waters Directive on Bathing Water Quality, Directive 76/160/EEC of 8/12/1975; Revised Directive concerning the Quality of Bathing Water, COM(2002)581. 24/10/2002. (b) Interim environmental quality criteria for shellfish waters	

	Directive 79/923/EC of 30/10/1979.	
Article 8 (a) (assess levels of pollution along the coast)	Council Directive 91/271/EEC of 21/05/1991 concerning urban waste water treatment. Water Framework Directive; Bathing Water Directive.	
Article 8 (b)Evaluation of the effectiveness of the adopted measures	The commission has published an annual report on the quality of bathing waters in the Community for 2002 and 2003 on Bathing Water Directive. In 2003 the first reports were received by MS for the new European Pollution Emission Register (EPER).	

Article/provision - Country	France	
	<u>Legal framework / measures</u>	<u>Remarks</u>
Article 5 par.2, par 3, par 4 (Elaboration and implementation of national action plans and programmes)	<p>The French report elaborates on three categories of wastes: urban, industrial and agricultural. On urban the Directive 2000/60/EC of 23/10/2000 provides the Community Framework. The national legislation includes Book V of the 1<sup>st</sup> title of the Code of the environment related to the aquatic environment (Articles L 210-1 and following). Action plans for urban management are based on the Decree No 92-1042 of 24/9/1992 and are implemented at national and river basin level. Industrial wastes are regulated by community directives No 76/464/CEE of 4/5/1976, on dangerous substances; and 90/61/CE of 24/9/1996, on preservation and integrated reduction of Pollution, as well as Directive 2000/60/CE of 23/10/2000; the WFD. The National provisions also derive from the aforementioned Book V; Title 1<sup>st</sup> of the Code of the Environment related to installations classified for the protection of the environment.</p> <p>The relevant actions at regional level concerning research and reduction of discharges of substances into waters are determined by the circular of 4/2/2002.</p> <p>For the agricultural waste the Community Framework is provided by Directive 91/676/CEE of 12/12/1991 protecting the waters from nitrates while the National Legislation includes in Decree 93-1038, 27/8/1993 and Decree No 2001-34 of 10/1/2001 on the same issue; and several acts on good practices in vulnerable zones etc.</p>	Action Plan and other initiatives are described in the country report.
Article 5 par.5 (Reduction of accidental pollution)	Directive No 96/82/CE of 9/12/1996 on major accidents (Seveso II), Ministerial Act of 10/5/2000 on prevention of major accidents and relevant inventory of installations.	
Article 6 (Authorization and regulations systems for control of discharges)	There is a special "Police of water" and a "Police for classified installations" with very comprehensive competences listed in the country report.	
Article 7 (Implementation of resolution for quality of seawater)	No Information is provided	
Article 8 (a) (assess levels of pollution along the coast)	IFRAMER is the French Institute responsible for the research and monitoring of the coastal waters. A series of other networks and institutes are also involved (RNO, RLM, RSL)	Details are given in the report

Article 8 (b)Evaluation of the effectiveness of the adopted measures	On management of water there is evaluation of management policies (see annual and other national and regional reports). On the management of industrial emissions there are two schemes: a national register and individual surveys by each classified installation which are submitted periodically to inspection.	
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Article/provision - Country	Greece	
	<u>Legal framework / measures</u>	<u>Remarks</u>
Article 5 par.2, par 3, par 4 (Elaboration and implementation of national action plans and programmes)	<ul style="list-style-type: none"> <li>– JMD 14312/2000 which amended JMD 113944/97 for the “National Plan for Waste Management” , implementing article 7 of EU Directive 91/156;</li> <li>– Government Council Act 2/2001 (“Limit values of water quality from discharges in waters”-National Plan for pollution reduction) and JMD 4859/2001 (“Limit values of hazardous substances discharges in waters”) Implementing article 7 of EU Directive 76/464;</li> <li>– JMD 48392/2002 “Completion of list of sensitive areas from urban waste water discharge” implementing article 5 of EU Directive 91/271;</li> <li>– JMD 1501/2003: “Amendments of National Plan for Waste Management” - completion of application of article 7 of EU Directive 91/156;</li> <li>– JMD 37591/2003: “Management of medical wastes from sanitary units”</li> <li>– LAW 3199/2003 (GG 280A) - Partial harmonization of EU Directive 2000/60 (the “Water Framework Directive”).</li> </ul>	
Article 5 par.5 (Reduction of accidental pollution)	No information is provided.	
Article 6 (Authorization and regulations systems for control of discharges)	No information is provided.	
Article 7 (Implementation of resolution for quality of seawater)	No information is provided.	
Article 8 (a) (assess levels of pollution along the coast)	No information is provided.	
Article 8 (b)Evaluation of the effectiveness of the adopted measures	No information is provided.	

Article/provision - Country	Israel	
	<u>Legal framework / measures</u>	<u>Remarks</u>
Article 5 par.2, par 3, par 4 (Elaboration and implementation of national action plans and programmes)	No specific legislation is reported. The preparation of a National Action Plan is completed. There is an Interministerial Committee for Land-Based Discharge Permits.	
Article 5 par.5 (Reduction of accidental pollution)	No legislation is reported.	The discharge permits issued by the Interministerial Committee include various conditions related to minimising the risk of pollution from accidents which are described in the report.
Article 6 (Authorization and regulations systems for control of discharges)	The Interministerial Committee decides on Land-Based Discharge Permits. The Ministry of the Environment's Marine and Coastal Environment Division (MCED) is responsible for inspection.	
Article 7 (Implementation of resolution for quality of seawater)	No legislation is reported.	The Ministry of Health is responsible for setting standards and carrying out tests. The Ministry of the Environment deals with the engineering and application of the standards.
Article 8 (a) (assess levels of pollution along the coast)	It is reported that various monitoring activities are carried out. These are described in the report.	
Article 8 (b) Evaluation of the effectiveness of the adopted measures	No legislation is reported.	



Article/provision - Country	Italy	
	Legal framework / measures	Remarks
Article 5 par.2, par 3, par 4 (Elaboration and implementation of national action plans and programmes)	Legislative decree 152/99 (Italian water framework law); Ministerial decree 12/6/ , n. 185 on reuse of wastewaters; Ministerial decree 6/11/2003, n. 367, in line with the provisions of the “Dangerous Substances Directive 76/464/EC” regulates quality standards; Ministerial decree of IMET, 25/10/1999, n. 471 for recovery of contaminated areas; Law 426/98 lists the contaminated areas; Law 388/2000, “National Program for the remediation and environmental recovery of contaminated sites” 426/01; Law 179/2002 lists Contaminated areas (including marine ones) of national interest.	
Article 5 par.5 (Reduction of accidental pollution)	Law n.979/82 establishes relevant rules; Law n.225/92 for rules in particularly serious accidents; Legislative decree n. 334/99 putting into effect the European Directive n. 96/82, regarding the risk of accidents in industrial plants; Ministerial decree n. 293/01, putting into effect the above mentioned decree n. 334/99.	
Article 6 (Authorization and regulations systems for control of discharges)	Decree 4.8.1999 n.372/99 transposed into the Italian Legislation the Directive 96/61/EC on Integrated Pollution Prevention and Control (IPPC); Decree 372/99, Art.9 on control – monitoring; Decree 372/99, Art.13 on sanctions; Legislative Decree 152/99 (the Italian “law water framework”) on authorization of discharges and relevant criteria.	
Article 7 (Implementation of resolution for quality of seawater)	President Decree 470/82 for bathing water and standards in line with the provisions of the Directive 76/160/CEE; Legislative decree 152/99 on quality objectives for shellfish waters in line with the conditions fixed in the European directive 79/923/CEE; Ministerial decree 367/03 on environmental quality standards for 160 substances.	
Article 8 (a) (assess levels of pollution along the coast)	Legislative decree 152/99 on monitoring at regions; Legislative decree 18/09/2002 on reporting; Law 31/12/1982, n. 979 on ongoing monitoring of marine coastal areas.	

Article 8 (b)Evaluation of the effectiveness of the adopted measures	No legislation is reported	The country report states that there is an ongoing evaluation.
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Article/provision - Country	Libya	
	<u>Legal framework / measures</u>	<u>Remarks</u>
Article 5 par.2, par 3, par 4 (Elaboration and implementation of national action plans and programmes)	No information is provided.	The country report states that "Law no.15 for the Protection of the Environment/ Adoption of Agenda 21" includes the Legal and administrative measures taken under the terms of the protocol.
Article 5 par.5 (Reduction of accidental pollution)	No information is provided.	
Article 6 (Authorization and regulations systems for control of discharges)	No information is provided.	
Article 7 (Implementation of resolution for quality of seawater)	No information is provided.	
Article 8 (a) (assess levels of pollution along the coast)	No information is provided.	
Article 8 (b)Evaluation of the effectiveness of the adopted measures	No information is provided.	

Article/provision - Country	<b>Monaco</b>	
	<u>Legal framework / measures</u>	<u>Remarks</u>
Article 5 par.2, par 3, par 4 (Elaboration and implementation of national action plans and programmes)	Since 1990 all waste waters discharged to the sea are subject to secondary treatment. There is a progressive elimination of use of substances listed in Annex 1 of the Protocol. The discharge of many categories of detergents is prohibited (Ord. Souv. No 4.885 of 7/3/72). The Code of the Sea (Law No 1198 of 27/3/1998), article 224-1 prohibits the discharge into the sea or other waters of any substance or object that may cause problems to health or to fauna and flora or which may inhibit the economic and touristic development of the country.	Some relevant legal acts are mentioned in the country report.
Article 5 par.5 (Reduction of accidental pollution)	No information is provided	
Article 6 (Authorization and regulations systems for control of discharges)	All discharges are subject to authorisation by the Ministry of State on approval by the Technical Commission for the fight against pollution established in 1992.	
Article 7 (Implementation of resolution for quality of seawater)	Bathing waters are controlled on the basis of the Ordinance No 14.872 of 4/5/2001 which sets the conditions of application of the article L.750-1 of the Code of the Sea. The shellfish waters provisions are not applicable in Monaco (not existing).	
Article 8 (a) (assess levels of pollution along the coast)	Regular monitoring is carried out in the marine environment (waters, sediments, mussels).	
Article 8 (b) Evaluation of the effectiveness of the adopted measures		Study in the period 2002-03 to compare the results of purification of waters to the requirements of the EU Directive No 91/271 of 21/9/1991, showing a good response.

Article/provision - Country	<b>Morocco</b>	
	<u>Legal framework / measures</u>	<u>Remarks</u>
Article 5 par.2, par 3, par 4 (Elaboration and implementation of national action plans and programmes)	No specific legislation is mentioned	Urban solid and liquid wastes of some big cities such as Tanger and Nador are managed by private companies. In other cases they are managed collectively by many communities. For the industrial wastes partnerships and institutions (such as, CMPP) are encouraged to address the issue and promote appropriate technologies.
Article 5 par.5 (Reduction of accidental pollution)	There is no relevant legislation for pollution from LBS	
Article 6 (Authorization and regulations systems for control of discharges)	Relevant Legislation was first introduced during the last decade. The law on water of 1995 has provisions against pollution. The major one is that of 2003, which includes also provisions for authorisation.	Use of funds for industrial de-pollution (FODEP) and application of voluntary schemes and the "Responsible Care" by the chemical and pharmaceutical industry.
Article 7 (Implementation of resolution for quality of seawater)	Since 1993 publication of reports on the quality of bathing waters. The waters are classified in 4 categories: of good quality, of average quality, waters (instantly)/ occasionally polluted waters, of bad quality.	
Article 8 (a) (assess levels of pollution along the coast)	The country report refers to the national report submitted to MEDPOL in December 2003 for to last 5 years as well as to the BDN (Bilan Diagnostic National)	
Article 8 (b)Evaluation of the effectiveness of the adopted measures		For shellfish waters there are frequent controls indirectly linked with the EU standards, since most of the products are sold to EU markets.

Article/provision - Country	<b>Serbia &amp; Montenegro</b>	
	<u>Legal framework / measures</u>	<u>Remarks</u>
Article 5 par.2, par 3, par 4 (Elaboration and implementation of national action plans and programmes)	Laws on Environmental Protection (1996); Law on Eco-fund is now being developed.	Numerous activities have been undertaken in the Republic of Montenegro (such as Parliamentary Declarations, the development of the National Strategy for Sustainable Development of Montenegro-NSSD, and the Integrated Coastal Zone Management Plane of Montenegro, a Tourist Master Plan for Montenegro etc.). These are described in the country report.
Article 5 par.5 (Reduction of accidental pollution)	Although Serbia and Montenegro is neither EU or formal EU candidate country the transposition in the legal system of the Republic of Serbia & Montenegro of the EU directives such as: Environmental Impact Assessment Directive, Strategic Environmental Impact Assessment Directive, Integrated Pollution Prevention and Control Directive and Public access to the information in the environment field has been initiated. Drafts of the following laws and sub-laws have been prepared: The Law on Environmental Impact Assessment (EIA Law); Regulation on the project that are subject to elaboration of EIA Study; Rulebook on the contents of the developer's application, contents and scope of EIA Study, contents, format and method of public register keeping; Law on Strategic Environmental Impact; Rulebook on the content of the Strategic Environmental Assessment report and of the criteria for its validation; Law on Integrated Pollution Prevention and Control (IPPC Law); Regulation on activities and installation that are subject to integrated permit issuing; Rulebook on the contents and methods of keeping the Registry Book of issued integrated permits.	
Article 6 (Authorization and regulations systems for control of discharges)	Law on the Environment provides for inspections by the ecological inspectorate. These are carried out in various ways.	Several problems regarding the inspection and enforcement systems are reported.
Article 7 (Implementation of resolution for quality of seawater)	Regulation on Classification and Categorization of Waters, (1997), provides for three levels: general quality, bathing, shellfish.	There are monitoring activities and institutions involved, described in detail in the report.

Article 8 (a) (assess levels of pollution along the coast)	Article 2 and 19 of the Constitution.	
Article 8 (b) Evaluation of the effectiveness of the adopted measures	Evaluation is reported to be based on all previously mentioned.	

Article/provision - Country	<b>Slovenia</b>	
	<u>Legal framework / measures</u>	<u>Remarks</u>
Article 5 par.2, par 3, par 4 (Elaboration and implementation of national action plans and programmes)	The reduction of pollution from LBS is based on the following: The Water Act (OJ RS, No. 67/02; Nature Conservation Act (OJ RS, No. 96/04) including the old (OJ RS, No. 56/99); The Environment Protection Act (OJ RS, No. 41/2004) that replaced the (OJ RS, No. 32/93); The Slovenian Maritime Code (OJ RS, No. 37/04) of 2004 that included. the (OJ RS, No. 26/01, 21/02) adopted in 2001; Penal Code of the Republic of Slovenia (OJ RS, No. 63/94, 95/04, 70/94, 23/99, 40/04); Act on Forests, the Agricultural Land Act, the Spatial Planning Act, Freshwater Fisheries Act, Marine Fisheries Act, the Energy Act, etc.	Action programs, such as the National Environmental Action Programme (NEAP) of 1999 and 2004; Coastal area Management Programme (CAMP); Local programme of environment protection for Slovenian Istra are described in the country report. A series of important bilateral and subregional initiatives are also listed.
Article 5 par.5 (Reduction of accidental pollution)	The Water Act (OJ RS, No. 67/02), adopted in 2002 (Articles 66, 68, 69) provides for the issue.	
Article 6 (Authorization and regulations systems for control of discharges)	Regulations are issued on the basis of the Environmental Protection Act (OJ RS, No. <a href="#">41/2004</a> ), such as the ones mentioned: Public Utilities Act (OJ RS, No. 32/93), Water Act (OJ RS, No. 67/02) and Spatial Planning Act (OJ RS, No. 110/02): Rules on the Collection and Treatment of Urban Waste Water and Meteoric Water (Official Gazette of the RS No. 105/02). Decree on the Emission of Substances and Heat in the Discharge of Waste Water from Pollution Sources (Official Gazette of the RS No.35/96); Decree on the Emission of Substances in the Discharge of Waste Water from Small Urban Waste Water Treatment Plants (Official Gazette of the RS No. Official Gazette of the RS No. 103/02); Decree on the Emission of Substances in Waste Water Discharged from Urban Waste Water Treatment Plants (Official Gazette of the RS No. 35/96, 90/98, 31/01 and 62/01); Rules on Initial Measurements and Operational Monitoring of Waste Water and on Conditions for their Implementation (Official Gazette of the RS No. 36/96); Decree on the Water Pollution Tax (Official Gazette of the RS No. 41/95, 44/95, 8/96, 124/00 and 49/01).	
Article 7 (Implementation of	Decree on bathing water areas and the monitoring of bathing water quality (OJ RS, No. 70/03) amending the Decree on bathing water areas and the monitoring of bathing water	



<p>resolution for quality of seawater)</p>	<p>quality (OJ RS, No. 72/04) implementing Bathing Water Directive (76/160/EEC) - Official Journal 031/1976;          Decree on the quality required of water supporting marine bivalves and gastropods (OJ RS, No. 46/02; implementing Shellfish Waters Directive (79/923/EEC) - Official Journal 28/1979 complemented with Directive (91/692/EEC).</p>	
<p>Article 8 (a) (assess levels of pollution along the coast)</p>	<p>Decree on the Emission of Substances and Heat in the Discharge of Waste Water from Pollution Sources (OJ RS 35/96), Article 24 on first measurements and operational monitoring of waste water and on the conditions for its implementation (OJ RS 35/96, 29/00, 106/01);          Environment Protection Act (OJ RS, No. 32/93) and new Environment Protection Act (OJ RS, No. 41/2004).</p>	
<p>Article 8 (b)Evaluation of the effectiveness of the adopted measures</p>		<p>The country report refers to the national report on the implementation of the Water Directive of 2003.</p>

Article/provision - Country	Spain	
	<u>Legal framework / measures</u>	<u>Remarks</u>
Article 5 par.2, par 3, par 4 (Elaboration and implementation of national action plans and programmes)	<p>Law 16/2002, of 1/7/2002, on Integrated Pollution Prevention and Control (IPPC) implementing the Directive 96/61/EC. Partial amendments were introduced through the IPPC Law, in the Basic Law on Wastes 10/1998 of 21st April, the Water Act approved by the Royal Decree legislative 1/2001 of 20th July, and the Law 38/1972 regarding Atmospheric Environmental Protection;</p> <p>Royal Decree 837/2002 of 22/8/2002 introducing the Directive 1999/94//EC of the European Parliament and of the Council of 13/12/1999;</p> <p>Order CTE/3216/2002, of 12/12/2002 set up rules for the implementation of the Decision 1753/2000/EC of the European Parliament and of the Council of 22/6/2000;</p> <p>Royal Decree 1437/2002, of 27/12/2002, which adapted petrol cisterns to the Royal Decree 2102/1996, of 20/9/1996 introducing into the Spanish legislation the Directive 94/63/EC of 20/12/1994;</p> <p>Royal Decree 117/2003, of 31/1/2003 introducing into the Spanish regulation the Directive 1999/13/EC;</p> <p>Royal Decree 255/2003 of 28/2/2003 introduced into the Spanish legislation Directive 1999/45/EC, Directive 2001/60/EC;</p> <p>Order PRE/2317/2002 of 19/09/2002, which modified Annexes I, II, III, IV, V, VI, VII and VIII of the regulation on new substances notification and classification, packaging and labelling of dangerous preparations, approved by the Royal Decree 363/1995 of 10/03/1995;</p> <p>Along list of orders issued in 2002 and 2003 is included:</p> <p>Order PRE/2666/2002, of 25/10/2002; Order PRE/ 2277/2003, of 4/08/2003; Order PRE/730/2003, of 25/03/2003; Order PRE/375/2003, of 24/02/2003; Order PRE/145/2002, of 24/01/2002; Order PRE/2126/2002, of 26/08/2002; Order PRE/3107/2002, of 5/12/2002; Order PRE/470/2003, of 28/02/2003; Order PRE/1114/2003, of 30/04/2003; Order PRE/3057/2003, of 30/10/2003; Order PRE/3058/2003, of 30/10/2003,</p> <p>Order PRE/3235/2003 of 19/11/2003, amending Annex II of the Royal Decree 280/1994, of 18/02/1994;</p> <p>Order PRE/236/2002, of 7/02/2002;</p> <p>Order PRE/3290/2002, of 23/12/2002; Order PRE/1376/2002, of 5/6/2002;</p> <p>Order PRE/2556/2002, of 14/10/2002; Order PRE/1447/2003, of 30/05/2003; Order PRE/3476/2003, of 9/10/2003; Order APA/717/2002, of 25/03/2003; Order APA/1610/2003, of 17/06/2003; Resolution of 30/05/2003, of the General Directorate on Agriculture, regulated by the Order APA/1610/2003; Royal Decree 1054/2002 of 11/10/2002; Royal Decree 1323/2002, of 13/10/2002, amending the Royal Decree 324/2002, of 3rd March; Royal Decree 653/2003, of 30/05/2003; Royal Decree 1349/2003, of 31st October.</p>	
Article 5 par.5 (Reduction of accidental pollution)	<p>Law 16/2002, of 1/7/2002;</p> <p>Royal Decree 1196/2003;</p> <p>Royal Decree 1254/1999 implementing Council Directive 96/82/EC of 9th December 1996;</p>	

	Royal Decree 1254/1999; Regulation 300/2002/EC of the Commission came into force amending Annex II of the Regulation 2455/92/EEC of the Council.	
Article 6 (Authorization and regulations systems for control of discharges)	Law 16/2002, of 1/7/2002. The IPPC Law deals with the regime of authorisations including also the issue of single authorization.	
Article 7 (Implementation of resolution for quality of seawater)	a) Interim environmental quality criteria for bathing waters Royal Decree 734/1988 of 1/7/1988 implementing EU Directive 76/160/EEC. b) Interim environmental quality criteria for shellfish waters Royal Decree 345/1993 of 5/3/1993; Royal Decree 571/1999 of 9/4/1999; Order APA/1029/2003 of 23/4/2003.	
Article 8 (a) (assess levels of pollution along the coast)	Royal Decree 1073/2002, of 18/10/2002 introducing Directive 96/62/EC and Directive 2000/69/EC; Royal Decree 130/2003, of 13/5/2003; Series of regional Decrees (such as Decree 49/2003 of 9th May of Balearic Islands etc).	
Article 8 (b) Evaluation of the effectiveness of the adopted measures	No legislation is reported	Several National plans are described in the report.

Article/provision - Country	Syria	
	<u>Legal framework / measures</u>	<u>Remarks</u>
Article 5 par.2, par 3, par 4 (Elaboration and implementation of national action plans and programmes)	Environmental Law No. 50 issued in 2002 and its articles 23, 24, 25, 27.	
Article 5 par.5 (Reduction of accidental pollution)	No information is provided.	
Article 6 (Authorization and regulations systems for control of discharges)	No legislation is reported.	The country report states that no authorization and/or regulation systems for the control of discharges have been established yet.
Article 7 (Implementation of resolution for quality of seawater)	No legislation is reported.	The country report states that, no national standards and criteria for the quality of seawater used for specific purposes have been developed yet.
Article 8 (a) (assess levels of pollution along the coast)	There are monitoring activities described in the report.	
Article 8 (b)Evaluation of the effectiveness of the adopted measures	No information is provided.	

Article/provision - Country	<b>Tunisia</b>	
	<u>Legal framework / measures</u>	<u>Remarks</u>
Article 5 par.2, par 3, par 4 (Elaboration and implementation of national action plans and programmes)	The Protocol was signed on 9/3/1996 and ratified with Law No 15 of 23/2/1998. Ten Laws, Decrees and other legal acts have been published and are relevant to its implementation.	
Article 5 par.5 (Reduction of accidental pollution)	Law No 96-26 of 3/4/1996 provides for a National Plan of urgent intervention in order to address events of marine pollution and a national Commission for prevention and fight against marine pollution incidents.	
Article 6 (Authorization and regulations systems for control of discharges)	In the period 1975 – 2002 12 legal acts have been published regarding / controlling discharges. Among them the acts for establishing the agencies ANDPE and ONAS.	
Article 7 (Implementation of resolution for quality of seawater)	Criteria for bathing waters were introduced before the period under review without any recent amendments.	
Article 8 (a) (assess levels of pollution along the coast)	ANPE is in charge of collecting and evaluating the data provided by half a dozen institutes.	Details are provided in the country report
Article 8 (b) Evaluation of the effectiveness of the adopted measures	The country report states that the aforementioned results permitted the installation of numerous pre-treatment or treatment plants reducing the discharged pollution loads from industry.	



**TABLE 2.5**  
**Implementation of Specially Protected Areas Protocol**

**Brief Overview of Degree of Legal / Administrative Implementation of Protocol as  
indicated by material in national biennial reports for 2002-2003**





Article/provision - Country	<b>Albania</b>	
	Legal measures	Remarks
Article 3 (protection and management of marine and coastal areas of particular natural value)	Law "On Protected Areas", No. 8906, 06/06/2002 Law No. 8870, date 21/03/2002 amending the Law "On Fishing and Aquaculture" No. 7908, 05/04/1995 Law "On Transboundary Lakes", No.9103, 10/07/2003	
Article 5 (Establishment of special protected marine and coastal areas)	A draft law "On biodiversity" waiting to be approved by the Albanian Parliament foresees legal provisions for the setting up of specially protected areas taking into account the implementation of the SPA Protocol. Decision of the Council of Ministers No. 531, 31/10/2002 "On the Proclamation of the Butrinti wetland and its surroundings specially protected area and its inclusion in the list of wetlands of international importance, especially as waterfowl habitats". The Decision of the Council of Ministers "On Nature Monuments" No. 676, 20/12/2002	
Article 6 (protection measures in conformity with the provisions of the Article)	(a) Decision of the government no. 266, dt. 24.04.2003 "For the administration of the protected areas" the Orders approved by the General Director of the Forestry and Pastures. Law No.9021, 06/03/2003 for the accession of Albania in CITES Convention "Convention on International Trade of Endangered Species of Wild Flora and Fauna"	no information on the latter is provided
	(b) Law "On Protected Areas", No. 8906, 06/06/2002	
	(c) -	The country report states that it is not applicable since such areas do not exist
	(d) No legislation is reported	Albania is a Party to the Bern Convention "On the Conservation of European Wildlife and Natural Habitats" and has endorsed the Strategy on Invasive Alien Species elaborated by CoE in 2003.
	(e), (h) Law "On Agricultural Land" was approved by the Parliament recently.	The country report states that a number of by laws regarding the soil exploitation and harmful substances are developed.
	(f) Law "On Protected Areas", No. 8906, 06/06/2002	

	(g) A number of normative acts: <ul style="list-style-type: none"> <li>- Accession in CITES Convention;</li> <li>- Amendment of Law "On Fishing and aquaculture";</li> <li>- Law 8906 "On Protected Areas";</li> </ul>	The directorate of Fisheries is preparing a new regulation for fishermen.
Article 7 (planning and management of special protected areas)	Decision of the Council of Ministers No. 266 "On the administration of protected areas". Decision of the Council of Ministers No.807, date 04.12.2003 "On Regulations of cave use". Decision of the Council of Ministers "On the Management Committees of protected areas"	
Article 11 (protection and conservation of species)	Law "On wild fauna and hunting"	
Article 13 (regulation of introduction of non-indigenous or genetically modified species)	Law on the wild fauna Decision of the government for the plant species protection. Draft law on biodiversity and Law "On Biodiversity" actually to be approved by the Albanian Parliament	
Articles 12 and 18 (granting exemptions from protection measures)	No legislation is reported	The country report states that no exemptions were granted for the period under review.

Article/provision - Country	Algeria		
	Laws		Remarks
Article 3 (protection and management of marine and coastal areas of particular natural value)	The country report lists 34 laws decrees and acts directly or indirectly relevant to the protection of nature and biodiversity concerning the period of 1982 to 2003.		
Article 5 (Establishment of special protected marine and coastal areas)	The country report provides a very long list of legal acts establishing protected areas such as the national park of EIKala; Gouraya; Taza; the Habitats islands; the marine Algero-Tunisian sanctuary etc. The first three are also under MAB/UNESCO. Twelve sites are designed under the RAMSAR Convention.		
Article 6 (protection measures in conformity with the provisions of the Article)	(a)	A very impressive number of decrees is given in the national report regulating the management of the passage of ships, the special prohibitions eg for the collection of corals, scientific activities, fisheries and hunting.	
	(b)		
	(c)		
	(d)		
	(e),		
(h)			
(f)			
(g)			
Article 7 (planning and management of special protected areas)	Law No 03-10 of 19/7/2003 Law No 83-458 of 28/7/1983 setting the status of National Praka followed by decrees No 83-458 (23/7/1983) and No 98-216 of 24/6/1998: Also the decree No 82-498 (25/12/1982) implementing CITES		
Article 11 (protection and conservation of species)	The Law No 03-10 (see above) Decrees No 95-429 of 16/12/1995 on the conditions of transport, use etc of non cultivated species Decree No 97-493 (21/12/1997) on different types of establishments of fisheries. Decree No 02-371 (11/11/2002) establishing the centre for Development of Biological resources (CDRB).		
Article 13 (regulation of introduction of non-indigenous or genetically modified species)			
Articles 12 and 18 (granting exemptions from protection measures)			

Article/provision - Country	<b>Bosnia &amp; Herzegovina</b>	
	Laws	Remarks
Article 3 (protection and management of marine and coastal areas of particular natural value)	No legislation is reported	The country stated that there is still no environmental policy at the state level. Drafts of set of Laws are being prepared. There are some Laws at Canton and State level such as the 1994 Order for Nature Protection; a decree and laws that define Hutovo blato and Blidinje as natural parks (1995) in Herzegovina-Neretva Canton, Laws that regulate the protection of nature and environment in Republic Srpska, etc
Article 5 (Establishment of special protected marine and coastal areas)	Law on Nature Protection, Articles 25, 26	This Law has not been adopted yet
Article 6 (protection measures in conformity with the provisions of the Article)	(a) No legislation is reported	The country report states that no legal measures were approved during the period under review
	(b) Law on Nature Protection, chapter "Management of protected areas".	The country report states that "as a general provision, within the respective legislation of every existing protected area, all those activities potentially harming them are restricted".
	(c) No legislation is reported.	There are no specific regulations related to this issue according to the report.
	(d) Law on Nature Protection, chapter "Introduction of new or extinct species"	
	(e), (h) Law on Nature Protection, chapter "European Protection Areas"	
	(f) No legislation is reported.	There are no regulations regarding scientific research activities for the period under review.
	(g) Law on Nature Protection, chapter "Protection of wild animals and plants"	
Article 7 (planning and management of special protected areas)	Law on Nature Protection, chapter "Management of protected areas"	The country report states that the Nature Protection Strategy shall define tasks and policies connected with the protection of nature and biodiversity, to ensure the surveying,

		protection and other parts of the natural heritage according to the Law on Nature Protection. Both the Law and the strategy have not been adopted yet.
Article 11 (protection and conservation of species)	Law on Nature Protection, chapter "Protection of wild animals and plants"	This Law has not been adopted yet
Article 13 (regulation of introduction of non-indigenous or genetically modified species)	Law on Nature Protection	This Law has not been adopted yet
Articles 12 and 18 (granting exemptions from protection measures)	No information is provided	

Article/provision - Country	<b>Croatia</b>	
	Laws	Remarks
Article 3 (protection and management of marine and coastal areas of particular natural value)	<ul style="list-style-type: none"> <li>– Nature Protection Act (Official Gazette No. 162/2003);</li> <li>– Act on Maritime Domain and Sea Harbours (Official Gazette No. 158/2003);</li> <li>– Maritime Code (Official Gazette Nos. 17/1994, 74/1994, 43/1996, and 181/2004);</li> <li>– Islands Act (Official Gazette No. 34/1999);</li> <li>– 12 Acts regarding the proclamation of parks (Official Gazette Nos. 31/1980, 14/1988, 13/1997); (Official Gazette No. 46/1983, 57/1989, 5/1990, 45/1999); (Official Gazette Nos. 5/1985, 9/1988, 13/1997); (Official Gazette Nos. 49/1960, 54/1976, 13/1997); (Official Gazette Nos. 84/1949, 34/1965, 54/1976, 15/1997); (Official Gazette No. 58/1999); (Official Gazette No. 24/1981); (Official Gazette No. 14/1988); (Official Gazette No. 45/1999); (Official Gazette No. 4/1969); (Official Gazette No. 7/1963, 34/1965); (Official Gazette No. 77/1999);</li> <li>– 4 National Strategies and action plans (Official Gazette No. 46/2002); (Official Gazette No. 46/2002); (Official Gazette No. 81/1999); (Official Gazette No. 8/1997);</li> <li>– 15 Ordinances (Official Gazette No. 79/2002); (Official Gazette No. 97/1998); (Official Gazette No. 129/1999, 16/2000); (Official Gazette No. 38/1996); (Official Gazette No. 77/2000); (Official Gazette No. 76/2000); (Official Gazette No. 76/2000); (Official Gazette No. 38/1996); (Official Gazette No. 75/2000); (Official Gazette No. 75/2000); (Official Gazette No. 47/1995); (Official Gazette No. 43/1995); (Official Gazette No. 31/1995); No. 76/1998); lithophaga) (Official Gazette No. 86/2002);</li> <li>– 5 Decisions on the Enactment of the Physical Plan of 5 National Parks (Official Gazette Nos. 2/1990, 118/2003); (Official Gazette No. 23/2001); (Official Gazette No. 45/2001); (Official Gazette No. 23/2001); (Official Gazette Nos. 1/1990, 22/1992).</li> </ul>	
Article 5 (Establishment of special protected marine and coastal areas)	Several of the legal instruments listed above deal with establishing specially protected marine and coastal areas.	
Article 6 (protection measures in conformity with	(a) No legislation is reported.	The country report states that no special measures were taken.

the provisions of the Article)	(b) Maritime Domain and Sea Harbours Act (Official Gazette No. 158/2003) articles 88-90 Maritime Code (Official Gazette Nos. 17/1994, 74/1994, 43/1996, and 181/2004) articles 180-182	Existing legislative and administrative measures regarding dumping also apply to specially protected areas.
	(c) No legislation is reported.	<b>The country report states that existing legislative and administrative measures regarding sailing of ships also apply to specially protected areas.</b>
	(d) National Strategy and Action Plan for the Protection of Biological and Landscape Diversity (NSAP) (Official Gazette No. 81/1999) Islands Act (Official Gazette No. 34/1999) and the Nature Protection Act (Official Gazette No. 162/2003)	For the first of the 3 legal acts the country report states that is touching upon the issue of introduction of non-indigenous species into the ecological systems only in two paragraphs (described in the report).
	(e), (h) The Physical Plan for the Area of Special Characteristics adopted by the Parliament of the Republic of Croatia. The Ordinance on the Internal Order is announced by the Minister responsible for the protection of the nature.	The existing legislation regulates activities in protected areas, depending on the category of protection.
	(f) Ordinance on Conditions for the Investigations in Specially Protected Areas of Nature on the Seabed and its Subsoils of the Territorial Waters of Croatia (Official Gazette No. 97/1998)	
	(g) Ordinance on veterinary-health Criteria for Fishing, Growing, Purification and Trade of Live Shellfish (Official Gazette Nos. 129/1999, 16/2000); Ordinance on the Protection of the Date-shell ( <i>Lithophaga lithophaga</i> ) as strictly protected species was enacted in 2002 (Official Gazette No. 86/2002); Ordinance on the Protection of several Genuses of Reptiles (Official Gazette No. 47/1995); Ordinance on the Protection of several Genuses of Birds (Official Gazette No. 43/1995); Ordinance on the Protection of several Genuses of Mamals (Official Gazette No. 31/1995); and Ordinance on the Protection of Holothuria (Official Gazette No. 76/1998).	
Article 7 (planning and management of special protected areas)	No legislation is reported.	
Article 11 (protection and conservation of species)	National Biological and Landscape Diversity Protection Strategy with an Action Plan (NSAP) (Official Gazette No. 81/199; Nature Protection Act (Official Gazette No. 162/2003).	Several activities, action plans and projects regarding the protection and conservation of species are described in the report.

Article 13 (regulation of introduction of non-indigenous or genetically modified species)	No legislation is reported.	
Articles 12 and 18 (granting exemptions from protection measures)		The country report states that no such exemptions were granted



Article/provision - Country	Cyprus	
	Laws	Remarks
Article 3 (protection and management of marine and coastal areas of particular natural value)	Law on the Protection and Management of Nature and Wildlife (No. 153 (I) / 2003) Fisheries Law (No. 61 (I) / 2001), along with Regulations and their amendments.	
Article 5 (Establishment of special protected marine and coastal areas)	Law on the Protection and Management of Nature and Wildlife (No. 153 (I) / 2003) Fisheries Law (No. 61 (I) / 2001), along with Regulations and their amendments.	
Article 6 (protection measures in conformity with the provisions of the Article)	(a) No information is provided.	
	(b) No information is provided.	
	(c) No information is provided.	
	(d) Law on the Protection and Management of Nature and Wildlife (No. 153 (I) / 2003) CITES (Convention on International Trade of Endangered Species) ratified Cyprus government.	No legal act regarding the ratification of CITES is provided
	(e), (h) Law on the Protection and Management of Nature and Wildlife (No. 153 (I) / 2003).	
	(f) Law on the Protection and Management of Nature and Wildlife (No. 153 (I) / 2003).	
	(g) Fisheries Law (No. 61 (I) / 2001); Law on the Protection and Management of Nature and Wildlife (No. 153 (I) / 2003).	
Article 7 (planning and management of special protected areas)	Law on the Protection and Management of Nature and Wildlife (No. 153 (I) / 2003) Fisheries Law (No. 61 (I) / 2001), along with Regulations and their amendments.	
Article 11 (protection and conservation of species)	Law on the Protection and Management of Nature and Wildlife (No. 153 (I) / 2003) Fisheries Law (No. 61 (I) / 2001), along with Regulations and their amendments.	
Article 13 (regulation of introduction of non-indigenous or genetically modified species)	Law 160(I)/2003 on the Deliberate release of Genetically Modified Organisms, which transposed Directive 2001/18/EC.	To date, there have been no applications and consequently no permits granted for the import or release of GMOs into the environment.
Articles 12 and 18 (granting exemptions from protection measures)	No information is provided	

Article/provision - Country	EC	
	Laws	Remarks
Article 3 (protection and management of marine and coastal areas of particular natural value)	Directive 78/659/EEC of 18/7/1978 on the quality of fresh waters needing protection or improvement in order to support fish life; Directive 79/923 of 30/10/1979 for shellfish; Directive 79/409/EEC of 2/4/1979 on the conservation of wild birds ("the Wild Birds Directive"); Directive 92/43/EEC of 21/5/1992 on the conservation of natural habitats and of wild fauna and flora ("the Habitats Directive"); Regulation (EC) 338/97 of 9/12/1996 on the protection of species of wild fauna and flora; Directive 2000/60/EC of 23/10/2000 ("the Water Framework Directive"); COM (2002)539, European Commission's Communication to the Council and the Parliament entitled «Towards a strategy to protect and conserve the marine environment »	It was reported that both Directives 78/659/EEC and 79/923 failed to reach the objectives, and will be repealed in 2013 by Directive 2000/60/EC of 23 October 2000 (the Water Framework Directive), which will take over the attainment of the objectives of both Directives
Article 5 (Establishment of special protected marine and coastal areas)	Wild Birds Directive and the Habitats Directives which designates "Special Areas of Conservation"	Under these legal instruments a coherent European ecological network, the Natura 2000 Network, is formed
Article 6 (protection measures in conformity with the provisions of the Article)	For Articles 6(a), 6(c), 6(d), 6(e), 6(h), 6(g): Directive 92/43/EEC of 21/5/1992 ("the Habitats Directive") Directive 79/409/EEC of 2/4/1979 ("the Wild Birds Directive")	
	For Articles 6 (b): Directive 92/43/EEC of 21/5/1992 ("the Habitats Directive") Directive 79/409/EEC of 2/4/1979 ("the Wild Birds Directive") Directive 2000/60/EC of 23/10/2000 ("the Water Framework Directive")	
	For Articles 6 (f): Directive 92/43/EEC of 21/5/1992 ("the Habitats Directive")	
Article 7 (planning and management of special protected areas)	Directive 92/43/EEC of 21/5/1992 ("the Habitats Directive") Directive 79/409/EEC of 2/4/1979 ("the Wild Birds Directive")	
Article 11 (protection and	Directive 92/43/EEC of 21/5/1992 ("the Habitats Directive")	Member States must establish the

conservation of species)	Directive 79/409/EEC of 2/4/1979 ("the Wild Birds Directive")	necessary conservation measures, involving appropriate management plans, as a legal consequence of designation as a specially protected area ("SAC" or "SPA") under the Habitat and Wild Birds Directives
Article 13 (regulation of introduction of non-indigenous or genetically modified species)	Council Regulation (EC) 338/97 of 9/12/1996; Council Directive 90/219/EEC of 23 April 1990, as amended by Directives 94/51/EC of 7/11/1994 and 98/81/EC of 26 October 1998, on the contained use of genetically modified micro-organisms; Directive 90/220/EEC of 23/4/1990 (is currently being revised) Regulation 1946/2003 of 15/7/2003 on the transboundary movement of genetically modified organisms	
Articles 12 and 18 (granting exemptions from protection measures)	Directive 92/43/EEC of 21/5/1992 ("the Habitats Directive") Directive 79/409/EEC of 2/4/1979 ("the Wild Birds Directive")	

Article/provision - Country	France	
	Laws	Remarks
Article 3 (protection and management of marine and coastal areas of particular natural value)	Different types of protected areas and different procedures exist. National Parks are designated using the Code for Environment Articles L 331-1 to 25 and R 241-1 to 71, similarly are provisions for regional National Parks (L 333-1 to 4), for the Natural reserves (L 332-1 to 27 and R 242-1 to 49); for the biotopes (L 411-1 to 3 and R 211-12 and 14); and other sites (see L 341)	
Article 5 (Establishment of special protected marine and coastal areas)	See above	
Article 6 (protection measures in conformity with the provisions of the Article)	Not specified	
Article 7 (planning and management of special protected areas)	The Conservation of Coastal Areas is a public institution active since 1975 with a mission to buy and manage large plots of coastal lands and it is also responsible to manage significant sites (the report refers to a list of protected areas)	
Article 11 (protection and conservation of species)	There are provisions in the Code for the Environment, Articles L 411-1 and 2 which allow for the preparation of lists of protected species. All those listed in Annex II of the Barcelona Convention are protected together with one fish (l' esturgeon d' Europe). In the review period the prohibition included the underwater fishing of hamecon. The report provides the names of all marine species protected.	
Article 13 (regulation of introduction of non-indigenous or genetically modified species)	No information is provided	
Articles 12 and 18 (granting exemptions from protection measures)	No information is provided	

Article/provision - Country	<b>Greece</b>	
	Laws	Remarks
Article 3 (protection and management of marine and coastal areas of particular natural value)	No information is provided	This card seems to have been forgotten in the country report.
Article 5 (Establishment of special protected marine and coastal areas)	No information is provided	
Article 6 (protection measures in conformity with the provisions of the Article)	No information is provided	
Article 7 (planning and management of special protected areas)	No information is provided	
Article 11 (protection and conservation of species)	No information is provided	
Article 13 (regulation of introduction of non-indigenous or genetically modified species)	No information is provided	
Articles 12 and 18 (granting exemptions from protection measures)	No information is provided	

Article/provision - Country	Israel	
	Laws	Remarks
Article 3 (protection and management of marine and coastal areas of particular natural value)	Law for the Protection of the Coastal Environment (2004). The National Parks, Nature Reserves, National Sites and Memorial Sites Law, 1998 - "National Parks Law" (local legislation)	
Article 5 (Establishment of special protected marine and coastal areas)	-	The country report states that no such measures were implemented (within the review period).
Article 6 (protection measures in conformity with the provisions of the Article)	National Parks Law	The country report states that no specially protected areas have been declared under the new Protocol. Israel Nature and Parks Authority (INPA) is the responsible implementing body with regard to the National Parks Law.
Article 7 (planning and management of special protected areas)	National Parks Law	
Article 11 (protection and conservation of species)	National Parks Law	
Article 13 (regulation of introduction of non-indigenous or genetically modified species)	No legislation is reported	Ministry of Agriculture is the competent authority
Articles 12 and 18 (granting exemptions from protection measures)	No legislation is reported	The country report states that no exemptions were granted.

Article/provision - Country	Italy	
	Laws	Remarks
Article 3 (protection and management of marine and coastal areas of particular natural value)	<p>Legal instruments for the Protection, preservation and management of marine areas: Law n. 979/1982 on the sea protection improved and amended by e.g. law n. 394/1991, frame law on protected areas Law n. 394/1991 Law n. 391 of 11/11/2001 ratifying the agreement for the establishment "International Sanctuary for Marine Mammals" signed by France, Monaco and Italy</p> <p>Legal instruments for the Protection, preservation and management of marine species: Law n. 381/1988, containing amendments to law n. 963 of 14/07/65 on fisheries; Decree of the Ministry of the Merchant Fleet of 03/05/1989; Law n. 157/1992 Council Regulation n. 1626/94/EEC of 27/06/1994; Decree of the Ministry of Agriculture, Forestry and Fisheries of 16/10/1998 Presidential Decree n. 120/2003 of 12/03/2003 containing amendments to implementation measures of the EU Directive n. 43/92/EEC</p>	<p>22 decrees were adopted establishing 22 Marine Protected Areas (a table including the MPAs and the relevant legal acts is provided)</p> <p>Marine protected species are identified and given protection status ratifying international conventions and following implementation of EC Directives</p>
Article 5 (Establishment of special protected marine and coastal areas)	<p>22 decrees were adopted establishing 22 Marine Protected Areas Law n. 391 of 11/11/2001 ratifying the agreement for the establishment "International Sanctuary for Marine Mammals" signed by France, Monaco and Italy</p>	<p>The official name was decided to be "Pelagos - Sanctuary for marine mammals in the Mediterranean".</p>
Article 6 (protection measures in conformity with the provisions of the Article)	(a) Law n. 391 of 11/11/2001 ratifying the agreement for the establishment "International Sanctuary for Marine Mammals" signed by France, Monaco and Italy	<p>The country report states that no new generally applicable measures were adopted for the period 2002 - 2003</p> <p>Specific provisions on the introduction of species included in the Decrees establishing new marine protected areas</p>
	(b) Law n. 394/1991 frame law on protected areas specific legislation regulates other economic and human activities: e.g. the 1996 Ministerial Decree limits the dumping of dredged materials in protected areas	
	(c) Law n. 394/1991, frame law on protected areas Decrees establishing the marine protected areas and consequent regulations.	
	(d) No legislation nor administrative measures were adopted addressing the problem introduction of indigenous species in protected areas in general	

	(e), (h) Frame Law on protected areas (n. 394 of 06/12/1991) Law n. 391 of 11/10/2001, article 5.1 Law n. 391 of 11/11/2001 ratifying the agreement for the establishment “International Sanctuary for Marine Mammals” signed by France, Monaco and Italy (Art. 4, 7.a, 7.b).	
	(f) Decrees establishing the marine protected areas	
	(g) Frame Law on protected areas (n. 394 of 06/12/1991) Decrees establishing the marine protected areas	
Article 7 (planning and management of special protected areas)	Decrees establishing the marine protected areas	
Article 11 (protection and conservation of species)	Law 150/92 for the application of CITES Law 426/98 on new aspects on environmental matters	
Article 13 (regulation of introduction of non-indigenous or genetically modified species)	Decrees establishing the marine protected areas	
Articles 12 and 18 (granting exemptions from protection measures)	No legislation is reported	The country report refers to a Ministerial Decree containing specific procedures on the granting of exemptions regulated by the European Union Directive n. 92/43/CEE which will be formulated.



Article/provision - Country	Libya	
	Laws	Remarks
Article 3 (protection and management of marine and coastal areas of particular natural value)	No information is provided	For the Legal and/or administrative measures that were taken under the terms of the protocol the country report states: Creation of National Committee for protected Areas, Issuing of the Decree for New Protected Areas.
Article 5 (Establishment of special protected marine and coastal areas)	No information is provided	
Article 6 (protection measures in conformity with the provisions of the Article)	No information is provided	
Article 7 (planning and management of special protected areas)	No information is provided	
Article 11 (protection and conservation of species)	No information is provided	
Article 13 (regulation of introduction of non-indigenous or genetically modified species)	No information is provided	
Articles 12 and 18 (granting exemptions from protection measures)	No information is provided	

Article/provision - Country	<b>Monaco</b>	
	Laws	Remarks
Article 3 (protection and management of marine and coastal areas of particular natural value)	Code of the Sea Law No 1197 of 27/3/1998 introducing the protected marine zones, the marine fauna and flora are protected already since 1908 modified by Souv. Ord. of 25/4/1978, 19/8/1986, 9/1/1992 and 29/1/1993. A sanctuary for marine mammals is based on the trilateral (Monaco-France-Italy) agreement of 25/5/2000 published (Os. No 15258 of 18/2/2002). Monaco has two marine protected areas: Larvotto and a coral reserve both entrusted to the Monegasque Association for the Protection of Nature.	
Article 5 (Establishment of special protected marine and coastal areas)	Os of 25/4/1978 created the underwater reserve of Larvotto For the marine mammals sanctuary see above Support of similar measures in Croatia	
Article 6 (protection measures in conformity with the provisions of the Article)	Various activities in the framework of RAMOGE including scientific research as well as prohibitions and severe punishment for damaging activities in the marine park of the Larvotto area are discussed in the country report.	
Article 7 (planning and management of special protected areas)	(see under article 3). The Direction of the Environment etc is responsible for the relevant inventories in the parks	
Article 11 (protection and conservation of species)	In the park of Larvotto fishing and other activities affecting fauna, flora or the seabed are prohibited. All cetaceans are fully protected in all marine areas. Special protection exists for few fish species.	
Article 13 (regulation of introduction of non-indigenous or genetically modified species)	No special measures apart from the monitoring of the expansion of <i>Caulerpa Taxifolia</i> .	
Articles 12 and 18 (granting exemptions from protection measures)	No exemption was granted.	

Article/provision - Country	<b>Morocco</b>	
	Laws	Remarks
Article 3 (protection and management of marine and coastal areas of particular natural value)	No Specific legislation is given. The country report explains that within the Regional Directions of Waters and Forests special sections are allowed to be created for protected areas, permitting to the national parks some independence as it concerns personnel etc. The Act of 9/4/2004 fixes the reserves for fisheries for the period 2004-2005. There are annual regulations for hunting periods etc.	
Article 5 (Establishment of special protected marine and coastal areas)	Among the measures taken for the creation of SPAs: An inventory of sites resulted to 14 mentioned in the report; establishment of National Park of Al Hoceima (Decree No 5255 11/10/2004) and preparation of the project for the National Park of Moussa Launching of the procedure for the Park of Moulouya Preparations for the intercontinental Biosphere reserve of the Mediterranean in the framework of the Morocco-andalouse cooperation; Several framework agreements for management of protected areas by the national authorities of Morocco.	
Article 6 (protection measures in conformity with the provisions of the Article)	At the level of the Ministry of the Environment, establishment of a "Clearing House Mechanism" (CHM-Maroc) for communication of information on the Biodiversity Convention. No specific legislation apart from the one on fisheries (of 23/11/1973) and general provisions forbidding intentional discharges of toxic substances etc. in the marine environment. recent acceptance (May-June 2003) of the Law on EIA and of protection and valorization of the marine environment. Reinforcement of monitoring of the space of the park Horts in the areas of hunting and fishing.	
Article 7 (planning and management of special protected areas)	-Elaboration of Action Plan for the marine part of the Park of Al Hoceima - Implementation of activities for the protection of the SPAs (support by CEE) for zodiacs, vehicles, training of personnel etc. - Urgent actions on ecotourism etc. mentioned in the country report.	
Article 11 (protection and conservation of species)	Project on listing of new sites under the RAMSAR Convention (for Moulouya and Cap des Trois Fourches) monitoring of two bird species of the National Park of Al Hoceima.	
Article 13 (regulation of introduction of non-indigenous or genetically	In cooperation with IUCN to set up a project to extinct Erismature, an invasive species; also elaboration of a draft law on GMOs.	

modified species)		
Articles 12 and 18 (granting exemptions from protection measures)	No exemption was granted within the review period.	

Article/provision - Country	<b>Serbia &amp; Montenegro</b>	
	Laws	Remarks
Article 3 (protection and management of marine and coastal areas of particular natural value)	No legislation is reported.	The country report states that several problems of political, economic and institutional nature did not allow measures and actions to be undertaken. Montenegro has no national Biodiversity Strategy and Action Plan.
Article 5 (Establishment of special protected marine and coastal areas)	No legislation is reported.	
Article 6 (protection measures in conformity with the provisions of the Article)	(a) Law on Nature Protection, articles 2, 3, 9 Decree on Protection of Rare, Scarce, Endemic and Endangered Plant and Animal Species The Law on Forests Article 2 Law on Environment Article 7, Items 1 and 2 , Article15 and II Part of the Law. Law on Hunting Article 1, 12, 16, 17 Law on National Parks and subsequent regulations	
	(b) No legislation is reported	
	(c) No information is provided	
	(d) Law on Marine Fishery	
	(e), (h) No legislation is reported	The country report states that most of the activity and land use conflict is attempted to be solved through the adoption of Coastal Zone Spatial Plan for the whole coastal region of Montenegro.
	(f) Law on Marine Fishery	
	(g) Law on Approval of the CITES Convention on International Trade of Endangered Species of Wild Flora and Fauna of 5/11/2001 ("Yugoslav Official Register", International Agreements, no. 11/2001)	The Convention is not yet into effect
Article 7 (planning and management of special protected areas)	No legislation is provided.	The institutions that have certain competencies on Coastal and marine Biodiversity are described in the report. Among them is the Public Enterprise Coastal Zone Management Agency (PE CZMA) established by the Coastal Zone Law (CZL).
Article 11 (protection and conservation of species)	Law on Nature Protection, Article 9	

Article 13 (regulation of introduction of non-indigenous or genetically modified species)	No legislation is provided.	
Articles 12 and 18 (granting exemptions from protection measures)	No legislation is provided.	According to the country report it is "Not applicable"

Article/provision - Country	Slovenia	
	Laws	Remarks
Article 3 (protection and management of marine and coastal areas of particular natural value)	<p>Nature Conservation Act (OJ RS, No. 96/04) including the Nature Conservation Act (OJ RS, No. 56/99), articles 1, 4, 5, 6, 8, 24, 26, 33a, Part 3 (articles 37-49), 130-136            Environment Protection Act (OJ RS, No. 32/93), articles 19, 34            Decree on the protection of endangered animal species (OJ RS, No. 57/93, 61/93 and 69/00) replaced by Decree on protected wild animal species (OJ RS, No. 46/2004, 109/2004)            Ordinance on the protection of rare or endangered plant species (OJ SRS, No. 15/76) replaced by Decree on protected wild plant species (OJ RS, No. 46/04, 110/04)</p>	
Article 5 (Establishment of special protected marine and coastal areas)	<p>Nature Conservation Act (OJ RS, No. 96/04) including the Nature Conservation Act (OJ RS, No. 56/99), articles 33, 49, 50, 53, 55            Decree on special protection areas - Natura 2000 areas (OJ RS, No. 49/2004, 110/2004)            Decree on the categories of valuable natural features (OJ RS, No. 52/02, 67/03)            Rules on determination and protection of valuable natural features (OJ RS, No. 111/2004)            Series of Decrees and Acts for the establishment and the conservation of parks and protected areas.</p>	
Article 6 (protection measures in conformity with the provisions of the Article)	<p>(a) Convention on Wetlands of International Importance Especially as Waterfowl Habitat (Ramsar) – succession (OJ RS, No. 15/92)            Act Ratifying the Convention on Biological Diversity (OJ RS, No. 7/96)</p>	
	<p>(b) Nature Conservation Act (OJ RS, No. 96/04) including the Nature Conservation Act (OJ RS, No. 56/99) articles 51, 64-66            Water Act (OJ RS, No. 67/02) articles 66, 68,            The Slovenian Maritime Code was adopted in 2001. (OJ RS, No. 26/01, 21/02) articles 72, 138, 157</p>	
	<p>(c) Nature Conservation Act (OJ RS, No. 96/04) including the Nature Conservation Act (OJ RS, No. 56/99) articles 51, 64-66, 68</p>	
	<p>(d) Nature Conservation Act (OJ RS, No. 96/04) including the Nature Conservation Act (OJ RS, No. 56/99) articles 17, 18</p>	
	<p>(e), (h) Nature Conservation Act (OJ RS, No. 96/04) including the Nature Conservation Act (OJ RS, No. 56/99) articles 51, 64-66, 68, 81</p>	
	<p>(f) Nature Conservation Act (OJ RS, No. 96/04) including the Nature Conservation Act (OJ RS, No. 56/99) articles 51, 64-66, 68</p>	

	(g) Nature Conservation Act (OJ RS, No. 96/04) including the Nature Conservation Act (OJ RS, No. 56/99) articles 19, 23, 24-26, 52, 64-66, 68, 81 Decree on the management and protection methods in trade in animal and plant species (OJ RS, No. 104/03, 52/04) article1	
Article 7 (planning and management of special protected areas)	Nature Conservation Act (OJ RS, No. 96/04) including the Nature Conservation Act (OJ RS, No. 56/99) articles 108, 109, 110-113, 115-119, 130-136, 155-159 and several other articles in which many of the afore-mentioned are referred	
Article 11 (protection and conservation of species)	Nature Conservation Act (OJ RS, No. 96/04) including the Nature Conservation Act (OJ RS, No. 56/99) articles 14, 20, 23-26, 52, 64-68, 80-83, and several other articles in which many of the afore-mentioned are referred Decree on the management and protection methods in trade in animal and plant species (OJ RS, No. 104/03, 52/04) Decree on the protection of endangered animal species (OJ RS, No. 57/93, 61/93 and 69/00) in May 2004 replaced by the Decree on protected wild animal species (OJ RS, No. 46/04, 109/04) Ordinance on the protection of rare or endangered plant species (OJ SRS, No. 15/76) in May 2004 replaced by the Decree on protected wild plant species (OJ RS, No. 46/04, 109/04)	
Article 13 (regulation of introduction of non-indigenous or genetically modified species)	Nature Conservation Act (OJ RS, No. 96/04) including the Nature Conservation Act (OJ RS, No. 56/99) articles 17, 18, 24	
Articles 12 and 18 (granting exemptions from protection measures)	Decree on the protection of endangered animal species (OJ RS, No. 57/93, 61/93 and 69/00) of 5/2004 replaced by Decree on protected wild animal species (OJ RS, No. <a href="#">46/04</a> , <a href="#">109/04</a> ). Ordinance on the protection of rare or endangered plant species (OJ SRS, No. 15/76) of 5/2004 replaced by Decree on protected wild plant species (OJ RS, No. 46/04, 109/04)	



Article/provision - Country	<b>Spain</b>	
	Laws	Remarks
Article 3 (protection and management of marine and coastal areas of particular natural value)	Law on Coasts 22/1988, of 28/07/1998 (Law 53/2002 made amendments to article 111 and Law 53/2002 of 30/12/2002 to article 12 of the afore-mentioned Law; amendments were made to article 112 as well) The Law 4/1989 of 27th March for the conservation of natural spaces and wild flora and fauna modified (in particular its Chapter IV regarding National Parks) by Law 53/2002 of 30/12/2002	Regional laws are also reported and described in the country report.
Article 5 (Establishment of special protected marine and coastal areas)	No legislation is reported.	The country report states that it is the Mediterranean country with the greatest number of SPAMIs; two new areas were declared in November 2003
Article 6 (protection measures in conformity with the provisions of the Article)	(a) No legislation is reported.	The country report refers to actions undertaken (signing, ratification, submitting of reports etc) regarding International agreements.
	(b) No legislation is reported.	The country report states that within the respective legislation of every existing protected area, all kind of activities potentially harming the protected areas are restricted and strictly regulated in any case.
	(c) No specific legislation is reported but it is stated that within the respective legislation of every existing protected area all those activities potentially harming them are restricted and strictly regulated by the Master plans of management and use or other similar existing tools.	
	(d) Commission Regulation (EC) No 1497/2003 of 18/8/2003, amending Council regulation (EC) No 338/97 on the Protection of species of wild fauna and flora, entered into force in Spain (9/2003).	
	(e), (h) Law on Coasts 22/1988, of 28/7/1988 and its amendments	Amendments are described in the report
	(f) No national legislation is reported	A regional Law (Andalously) 8/2003 is reported

	<p>(g) Commission Regulation (EC) No 1497/2003 of 18th August 2003 amending Council Regulation (EC) No 338/97 on the protection of species of wildfauna and flora by regulating its trade, replaced its Annex A, B, C and D came into force in Spain on 1/9/2003</p> <p>Convention on International Trade in Endangered Species of Wild Fauna and Flora and its amendments</p> <p>Series of Legal acts (Laws, Orders, Decrees and Agreements) of national and regional governments regarding scientific research activities are reported: 4 Orders regarding Andalusia, 4 Orders regarding Catalonia, a Law and 3 Orders regarding Murcia, 4 Orders regarding Valencia community.</p>	Series of Orders in regard with Andalusia, Catalonia, Murcia and Valencia community are reported.
Article 7 (planning and management of special protected areas)	Series of Legal acts (Laws, Orders, Decrees and Agreements) of national and regional governments regarding declaration, planning and management of protected areas are reported: 7 Decrees, a Law and an Agreement regarding Andalusia, 4 Decrees, 2 Agreements regarding Balearic islands, 2 Decrees, 2 Resolutions regarding Catalonia, 2 Resolutions, an Order regarding Murcia, an Orders, 5 Decrees and 2 Agreements regarding Valencia community.	The information reported is of such extent that could not be presented in this table.
Article 11 (protection and conservation of species)	<p>Regulation 2152/2003/EC of the European Parliament and of the Council of 17/11/2003 concerning monitoring of forests and environmental interactions in the Community (Forest Focus) came into force on 12/12/2003</p> <p>Council Decision 89/367/EC</p> <p>Forestry Law 43/2003 of 23rd November, came into force in 2/2004, repealed the previous law on Forestry of 1957, and the Law 81/1968 of 5/12, concerning Forestry Fires</p> <p>Order MAM/2734/2002 of 22/10 and Order 1653/2003 of 10/6 through which changes were made in the National Catalogue of Threatened Species through, Regulation 349/2003/EC</p> <p>Annex of the Commission Regulation 1479/2003/EC of 18/8/2003 came into force in the country</p>	Information on LIFE NATURE projects and projects along with relevant legal acts regarding the protection and conservation of species, for different areas of the country is reported.
Article 13 (regulation of introduction of non-indigenous or genetically modified species)	Cartagena Protocol on Biosafety, was ratified by the Spanish Government 16/1/2002; Regulation 1946/2003 of 15/7/2003 of the European Parliament and of the Council, regarding transboundary movements of genetically modified organisms, entered into force in 8/2002.	
Articles 12 and 18 (granting exemptions from protection measures)	No information is provided	

Article/provision - Country	Syria	
	Laws	Remarks
Article 3 (protection and management of marine and coastal areas of particular natural value)	Law No. 50 (Environmental Law ) which was passed by parliament and ratified by the president in 2002 Decrees No. 50 - 53 of the Ministry of Agriculture and Agrarian Reform (MAAR), 2003 Decree No. 54 of the Ministry of Agriculture and Agrarian Reform (MAAR), 2004	
Article 5 (Establishment of special protected marine and coastal areas)	No legislation is reported.	Information about established marine and coastal areas is reported
Article 6 (protection measures in conformity with the provisions of the Article)	(a) No information is provided	
	(b) No specific legislation is reported.	The country report states that as a general rule, any legislation declaring areas in Syrian territories as specially protected marine or coastal areas include relevant provisions.
	(c)	
	(d) No specific legislation is provided.	
	(e), (h) No specific legislation is provided but the country report states that as a general rule, any legislation declaring areas in Syrian territories as specially protected marine or coastal areas include relevant provisions.	
	(f) No specific legislation is provided but the country report states that any legislation declaring any area in Syrian territories as specially protected marine or coastal areas include provisions that restrict scientific research activities within the areas.	

	(g) No specific legislation is provided but the country report states that as a general rule, any legislation declaring areas in Syrian territories as specially protected marine or coastal areas include relevant provisions.	
Article 7 (planning and management of special protected areas)	No legislative or administrative measures have been taken so far for the planning, management and supervision of specially protected areas.	The country report states that management plans are being formulated by the Ministry of Local Administration and Environment for each protected area, expected to be finalised before June 2005.
Article 11 (protection and conservation of species)	No legislation is provided.	The country report states that as a general rule, any legislation declaring areas in Syrian territories as specially protected marine or coastal areas include relevant provisions.
Article 13 (regulation of introduction of non-indigenous or genetically modified species)	As above	
Articles 12 and 18 (granting exemptions from protection measures)		No exemptions have been granted in this regard

Article/provision - Country	<b>Tunisia</b>	
	Laws	Remarks
Article 3 (protection and management of marine and coastal areas of particular natural value)	The relevant legislation is based on the Code of Forests and the Law for the creation of APAL. Special legislation includes: Law No 68-4 of 8/3/1968 on the protection of seals Laws No 88-20/ articles 207 to 217 of 13/4/1998 on the Code of Forests Coastal and Marine protected areas include: the Islands of Zembra and Zambretta (Decree 7-340 of 1/4/1977) National Park of l' Tchkenl (Decree No 80-1608 of 18/12/1980) and a number of national reserves created through acts of the Minister of Agriculture (isl of kneiss, la Grotte de Chaure-Sourir, isl of Chickly).	
Article 5 (Establishment of special protected marine and coastal areas)	No new areas were established in the review period.	Relevant projects are mentioned in the national report.
Article 6 (protection measures in conformity with the provisions of the Article)	There is a reference to 9 Laws and Decrees for the protection of the coastal zone etc., not specific for protected areas.	
Article 7 (planning and management of special protected areas)	On Planning and management plans of Galita, Zembra and Zambretta and Kheiss islands were elaborated.	
Article 11 (protection and conservation of species)	Law No 68-4 and Law No 88-20 as in article 3.	
Article 13 (regulation of introduction of non-indigenous or genetically modified species)	See articles 3 and 11 above.	
Articles 12 and 18 (granting exemptions from protection measures)	No legislative measure was taken within the review period.	



**TABLE 2.6**  
**Implementation of Offshore Protocol**

**Brief Overview of Legal / Administrative Implementation of Protocol as  
indicated by material in national biennial reports for 2002-2003**

The information below is a very brief summary of the situation in the respective countries at the end of the 2002-2003 biennium regarding legal and administrative measures for implementation of the Offshore Protocol on the basis of the material contained in the national report submitted. It should be seen in conjunction with the relevant parts of the text of Part 3 of this Regional Report. It should be noted that the Protocol is not yet in force, and there is therefore no legal obligation on the part of the Contracting Parties to comply with the provisions of the various articles.

**ALBANIA**

Article	Coverage	Implementation	Remarks
<b>Offshore Protocol</b>			Ratified Protocol
26.07.2001			
4.1, 5	Prior written authorization	EIA Law	Assessment of activities
9	Storage and disposal	Law on chemical substances	Use, storage and disposal
11	Sewage discharge	Standards drafted	Not yet in force
12	Garbage discharge	Law not yet in force	Awaiting supporting legislation
13	Reception facilities	Legal framework not ready	Feasibility study commenced
15	Safety measures	No information provided	
16	Contingency planning	Precondition for permit	Control by Env Inspectorate
17	Notification of events	Notification compulsory	Covered by various laws
20	Removal of installations	Treatment in sensitive areas	
29	Existing activities	No information provided	

**ALGERIA**

Article	Coverage	Implementation	Remarks
<b>Offshore Protocol</b>			Not yet
ratified			
4.1, 5	Prior written authorization	Law regarding mining activities	Compulsory authorization
9	Storage and disposal	Industry and Environment laws	All installations covered
11	Sewage discharge	Environmental and waste laws	
12	Garbage discharge	Legislation 1893-2001	Every aspect controlled
13	Reception facilities	Mining legislation	Mining Agency sees to norms
15	Safety measures	Mining and Environmental Law	
16	Contingency planning	Legislation 1985-1998	Laws deal with various themes
17	Notification of events	Covered by various laws	Also cover inspections
20	Removal of installations	Covered by existing laws	
29	Existing activities	No information provided	

**BOSNIA-HERZEGOVINA**

Article	Coverage	Implementation	Remarks
<b>Offshore Protocol ratified</b>			Not yet
4.1, 5	Prior written authorization	Decree on mining	
9	Storage and disposal	No legislation enacted	
11	Sewage discharge	No legislation enacted	
12	Garbage discharge	No legislation enacted	
13	Reception facilities	Waste Law in preparation	
15	Safety measures	Environment Protection Law	Procedures for installations
16	Contingency planning	Environment Protection Law	
17	Notification of events	Environment Protection Law	Covers all pollution events
20	Removal of installations	No measures in force	
29	Existing activities	No measures in force	

**CROATIA**

Article	Coverage	Implementation	Remarks
<b>Offshore Protocol ratified</b>			Not yet
4.1, 5	Prior written authorization	Required by Law	EIA, followed by permits
9	Storage and disposal	Covered by EIA studies	Plan for the use of chemicals
11	Sewage discharge	Covered by EIA studies	
12	Garbage discharge	Covered by EIA studies	
13	Reception facilities	Covered by EIA studies	
15	Safety measures	Covered by EIA studies	All aspects controlled
16	Contingency planning	Developed in 1997	Linked with marine pollution
17	Notification of events	Covered by Contingency Plan	Also individual provisions
20	Removal of installations	Covered by EIA studies	
29	Existing activities	No information provided	

**CYPRUS**

Article	Coverage	Implementation	Remarks
<b>Offshore Protocol 15.10.2001</b>			Ratified
4.1, 5	Prior written authorization	No information provided	
9	Storage and disposal	Chemical Substances Law	MARPOL, EC Directives
11	Sewage discharge	Sewerage systems Law	Partial coverage
12	Garbage discharge	Regulated by various Laws	Listed in text
13	Reception facilities	Available in main ports	Services being expanded
15	Safety measures	No information provided	
16	Contingency planning	2001 Law on EIA	
17	Notification of events	No information provided	
20	Removal of installations	No information provided	
29	Existing activities	No information provided	



**EUROPEAN COMMUNITY**

Article	Coverage	Implementation	Remarks
<b>Offshore Protocol ratified</b>			Not yet
4.1, 5	Prior written authorization	Covered by Directives	Listed in text
9	Storage and disposal	Covered by several Directives	New framework proposed
11	Sewage discharge	Waste Framework Directive	Also Incineration Directive
12	Garbage discharge	Waste Framework Directive	Also Incineration Directive
13	Reception facilities	Covered by several Directives	Listed in text
15	Safety measures	Covered by several Directives	Listed in text
16	Contingency planning	No specific legislation	Priorities being identified
17	Notification of events	Covered by Directives	Listed in text
20	Removal of installations	Waste Framework Directive	Same conditions as waste
29	Existing activities	Covered by various Directives	Details in text

**ITALY**

Article	Coverage	Implementation	Remarks
<b>Offshore Protocol ratified</b>			Not yet
4.1, 5	Prior written authorization	Law in force since 1960	EC Directives also apply
9	Storage and disposal	Covered by Ministerial Decree	Disposal strictly regulated
11	Sewage discharge	Treatment prescribed by Law	
12	Garbage discharge	According to international Law	Sea disposal prohibited
13	Reception facilities	Waste legislation in force	Also covered by EC Laws
15	Safety measures	Legislation in force	Laws implement EC Directives
16	Contingency planning	Precondition of authorization	
17	Notification of events	Sea protection legislation	Also apply EC Directives
20	Removal of installations	No information provided	
29	Existing activities	No information provided	

**LIBYA**

Article	Coverage	Implementation	Remarks
<b>Offshore Protocol ratified</b>			Not yet
4.1, 5	Prior written authorization	Environment Protection Law	No details provided
9	Storage and disposal	Environment Protection Law	No details provided
11	Sewage discharge	Environment Protection Law	No details provided
12	Garbage discharge	Environment Protection Law	No details provided
13	Reception facilities	Environment Protection Law	No details provided
15	Safety measures	Environment Protection Law	No details provided
16	Contingency planning	Environment Protection Law	No details provided
17	Notification of events	Environment Protection Law	No details provided
20	Removal of installations	Environment Protection Law	No details provided
29	Existing activities	No information provided	

**MONACO**

Article	Coverage	Implementation	Remarks
<b>Offshore Protocol ratified</b>			Not yet
4.1, 5	Prior written authorization	Covered by Maritime Code	Ordinance to be issued 2005
9	Storage and disposal	No information provided	
11	Sewage discharge	Covered by Maritime Code	Code includes Env. Protection
12	Garbage discharge	Covered by Maritime Code	Code includes Env. Protection
13	Reception facilities	No information provided	
15	Safety measures	No information provided	
16	Contingency planning	No information provided	
17	Notification of events	No information provided	
20	Removal of installations	No information provided	
29	Existing activities	No information provided	

**MOROCCO**

Article	Coverage	Implementation	Remarks
<b>Offshore Protocol 01.07.1999</b>			Ratified
4.1, 5	Prior written authorization	Covered by Law and Decree	
9	Storage and disposal	Hydrocarbon Code	Includes Env Protection
11	Sewage discharge	Hydrocarbon Code	
12	Garbage discharge	Hydrocarbon Code	
13	Reception facilities	None exist at present	
15	Safety measures	Too early for safety measures	No installations yet complete
16	Contingency planning	Too early for Planning	No installations yet complete
17	Notification of events	System not yet established	No installations yet complete
20	Removal of installations	Does not yet apply	No installations yet complete
29	Existing activities	No information provided	

**SERBIA-MONTENEGRO**

Article	Coverage	Implementation	Remarks
<b>Offshore Protocol ratified</b>			Not yet
4.1, 5	Prior written authorization	Mining Law	Regulations re conditions
9	Storage and disposal	Toxic substances Law	Only partial coverage
11	Sewage discharge	Environmental Law	Defines discharge conditions
12	Garbage discharge	Environmental Law	Defines discharge conditions
13	Reception facilities	Reported as not applicable	
15	Safety measures	Draft Law not yet in force	Complies with EC legislation
16	Contingency planning	Plan for marine pollution	
17	Notification of events	Plan for marine pollution	
20	Removal of installations	Reported as not applicable	
29	Existing activities	Reported as not applicable	

**SPAIN**

Article	Coverage	Implementation	Remarks
<b>Offshore Protocol ratified</b>			Not yet
4.1, 5	Prior written authorization	Covered by various Laws	Also ISA Protocol
9	Storage and disposal	Decree on chemical storage	New regulations approved
11	Sewage discharge	Covered by various Laws	
12	Garbage discharge	Covered by various Laws	
13	Reception facilities	Reception facilities available	Facilities controlled by Decree
15	Safety measures	Recent legislation in force	Integrates previous laws
16	Contingency planning	New Plan on Salvage 2002-5	Also covered by various laws
17	Notification of events	Covered by Royal Decree	
20	Removal of installations	Terms of OSPAR Convention	Coverage in text
29	Existing activities	No information available	

**SYRIA**

Article	Coverage	Implementation	Remarks
<b>Offshore Protocol ratified</b>			Not yet
4.1, 5	Prior written authorization	No exploration allowed by Law	
9	Storage and disposal	Not applicable	
11	Sewage discharge	Not applicable	
12	Garbage discharge	Not applicable	
13	Reception facilities	Not applicable	
15	Safety measures	Not applicable	
16	Contingency planning	Not applicable	
17	Notification of events	Not applicable	
20	Removal of installations	Not applicable	
29	Existing activities	Not applicable	

**TUNISIA**

Article	Coverage	Implementation	Remarks
<b>Offshore Protocol 01.06.1998</b>			Ratified
4.1, 5	Prior written authorization	Covered by various Laws	All modalities regulated
9	Storage and disposal	Law re Hydrocarbon Code	EIA studies also cover
11	Sewage discharge	Covered by various Laws	All discharges controlled
12	Garbage discharge	Mainly through Waste Law	Other Laws also control
13	Reception facilities	Mainly through Waste Law	Other Laws also control
15	Safety measures	Mainly through Waste Law	Also Maritime Law
16	Contingency planning	Covered by various laws	
17	Notification of events	Same legislation as for above	
20	Removal of installations	Law re Hydrocarbon Code	
29	Existing activities	Under consideration	Will wait until Protocol in force

**TABLE 2.7**  
**Implementation of Hazardous Wastes Protocol**

**Brief Overview of Legal / Administrative Implementation of Protocol as indicated by material in national biennial reports for 2002-2003**

The information below is a very brief summary of the situation in the respective countries at the end of the 2002-2003 biennium regarding legal and administrative measures for implementation of the Hazardous Waste Protocol on the basis of the material contained in the national report submitted. It should be seen in conjunction with the relevant parts of the text of Part 3 of this Regional Report. It should be noted that the Protocol is not in force, and there is therefore no legal obligation on the part of the Contracting Parties to comply with the provisions of the various articles.

**ALBANIA**

Article	Coverage	Implementation	Remarks
<b>Hazardous Wastes Protocol</b> 26.07.2001			Ratified Protocol
5.2	Waste generation	No information provided	
5.3	Transboundary movements	No information provided	
5.4	Export to developing countries	No information provided	
5.5, 9	Illegal traffic	No information provided	
6.4	Prior notification	Legal measures in force	Terms of Basel Convention

**ALGERIA**

Article	Coverage	Implementation	Remarks
<b>Hazardous Wastes Protocol</b> ratified			Not yet
5.2	Waste generation	Framework Law on Wastes	Cadastral Survey evaluation
5.3	Transboundary movements	Framework Law on Wastes	Also Basel Convention
5.4	Export to developing countries	Imports strictly prohibited	Export only by agreement
5.5, 9	Illegal traffic	Framework Law on Wastes	Contains penalty provisions
6.4	Prior notification	Framework Law on Wastes	Notification compulsory

**BOSNIA-HERZEGOVINA**

Article	Coverage	Implementation	Remarks
<b>Hazardous Wastes Protocol</b> ratified			Not yet
5.2	Waste generation	Waste Management Law	Includes load reduction
5.3	Transboundary movements	Waste Management Law	Authorization compulsory
5.4	Export to developing countries	Waste Management Law	Imports prohibited
5.5, 9	Illegal traffic	Waste Management Law	Contains penalty provisions
6.4	Prior notification	Reported as not applicable	No territorial seas

**CROATIA**

Article	Coverage	Implementation	Remarks
<b>Hazardous Wastes Protocol ratified</b>			Not yet
5.2	Waste generation	Covered by various Laws	Basel Convention also applies
5.3	Transboundary movements	Regulated by Waste Act	Imports forbidden
5.4	Export to developing countries	Regulated by Waste Act	Permits under set conditions
5.5, 9	Illegal traffic	Regulated by Waste Act	Also covered by Penal Act
6.4	Prior notification	Regulated through Permits	Notification compulsory

**CYPRUS**

Article	Coverage	Implementation	Remarks
<b>Hazardous Wastes Protocol ratified</b>			Not yet
5.2	Waste generation	Waste Management Law	Strategic Plan also in force
5.3	Transboundary movements	No Law at present	Plans for Management Centre
5.4	Export to developing countries	Law applies Basel Convention	Also applies EC Regulation
5.5, 9	Illegal traffic	Law applies Basel Convention	Also applies EC Regulation
6.4	Prior notification	Waste Management Law	Included in permit conditions

**EUROPEAN COMMUNITY**

Article	Coverage	Implementation	Remarks
<b>Hazardous Wastes Protocol ratified</b>			Not yet
5.2	Waste generation	Waste Framework Directive	Other Directives listed in text
5.3	Transboundary movements	Waste Shipment Regulation	Lays down all conditions
5.4	Export to developing countries	Waste Shipment regulation	Details in text
5.5, 9	Illegal traffic	Hazardous Waste Directive	Details in text
6.4	Prior notification	Waste Shipment regulation	Conditions include notification

**GREECE**

Article	Coverage	Implementation	Remarks
<b>Hazardous Wastes Protocol ratified</b>			Not yet

5.2	Waste generation	Covered by Legislation	Applies EC Directives
5.3	Transboundary movements	Covered by Legislation	Applies EC Directives
5.4	Export to developing countries	Covered by Legislation	Applies EC Directives
5.5, 9	Illegal traffic	Covered by Legislation	Applies EC Directives
6.4	Prior notification	Covered by Legislation	Applies EC Directives

## ITALY

Article	Coverage	Implementation	Remarks
<b>Hazardous Wastes Protocol ratified</b>			Not yet
5.2	Waste generation	Covered by Legislative Decree	All aspects taken into account
5.3	Transboundary movements	Covered by Legislative Decree	Also applies EC Regulation
5.4	Export to developing countries	EC Regulations applied	Applied to all exports
5.5, 9	Illegal traffic	Legislative Decree	Imposes heavy penalties
6.4	Prior notification	EC Regulations applied	Notification compulsory

## LIBYA

Article	Coverage	Implementation	Remarks
<b>Hazardous Wastes Protocol ratified</b>			Not yet
5.2	Waste generation	Environment Protection Law	Terms of Basel Convention
5.3	Transboundary movements	Environment Protection Law	No details provided
5.4	Export to developing countries	Environment Protection Law	No details provided
5.5, 9	Illegal traffic	Environment Protection Law	No details provided
6.4	Prior notification	Environment Protection Law	No details provided

## MONACO

Article	Coverage	Implementation	Remarks
<b>Hazardous Wastes Protocol ratified</b>			Not yet
5.2	Waste generation	No measures in force	Measures unnecessary
5.3	Transboundary movements	Importation not allowed	Only incineration authorized
5.4	Export to developing countries	Not practised	Treated in EU Member States
5.5, 9	Illegal traffic	No measures in force	International Laws respected
6.4	Prior notification	No legal / admin measures	Customs Treaty with France

## MOROCCO

Article	Coverage	Implementation	Remarks

<b>Hazardous Wastes Protocol</b>			Ratified
01.07.1999			
5.2	Waste generation	Environment Protection Law	Bans unauthorized circulation
5.3	Transboundary movements	No national Law mentioned	Ratified Basel Convention
5.4	Export to developing countries	No national Law at present	Legal measures in preparation
5.5, 9	Illegal traffic	No measures in force	
6.4	Prior notification	No measures in force	

**SERBIA-MONTENEGRO**

Article	Coverage	Implementation	Remarks
<b>Hazardous Wastes Protocol ratified</b>			Not yet
5.2	Waste generation	Covered by several Laws	Listed in text
5.3	Transboundary movements	Regulations for waste import	Official permit required
5.4	Export to developing countries	Transport Law	Also controlled <i>via</i> permits
5.5, 9	Illegal traffic	Covered by Criminal Code	Various penalties imposed
6.4	Prior notification	Licensing Regulation	Notification compulsory

**SPAIN**

Article	Coverage	Implementation	Remarks
<b>Hazardous Wastes Protocol ratified</b>			Not yet
5.2	Waste generation	IPPC Law	National strategy also ongoing
5.3	Transboundary movements	Covered by EC Regulation	Also as for Basel Convention
5.4	Export to developing countries	Covered by EC Regulation	Also as for Basel Convention
5.5, 9	Illegal traffic	Law on Wastes	All types of sanctions
6.4	Prior notification	Covered by EC Regulation	Includes notification

**SYRIA**

Article	Coverage	Implementation	Remarks
<b>Hazardous Wastes Protocol ratified</b>			Not yet
5.2	Waste generation	Covered by Environment Law	Also classification of wastes
5.3	Transboundary movements	Covered by Environment Law	Illegal imports returned
5.4	Export to developing countries	Waste Management Law	All HW trading illegal
5.5, 9	Illegal traffic	Covered by Environment Law	Heavy penalties imposed
6.4	Prior notification	Applies Basel Convention	



**TUNISIA**

Article	Coverage	Implementation	Remarks
<b>Hazardous Wastes Protocol</b>			Ratified
01.06.1998			
5.2	Waste generation	Covered by various Laws	Described in text
5.3	Transboundary movements	Covered by various Laws	Described in text
5.4	Export to developing countries	Covered by various Laws	Described in text
5.5, 9	Illegal traffic	Waste Management Law	Includes various penalties
6.4	Prior notification	Waste Management Law	Also Basel Convention

**TABLE 3.1**  
**Technical Implementation of Protocols**

**Brief Overview of Degree of Implementation of Technical Aspects of Protocols as Indicated from material in national report submitted by**

**ALBANIA**

The information in the Table below is a very brief recapitulation of the situation in Albania at the end of the 2002-2003 biennium regarding the technical implementation of the Protocols on the basis of the material contained in the national report submitted. It should be seen in conjunction with the relevant parts of the text of Part 3 of this Regional Report.

Article	Coverage	Implementation	Remarks
<b>Dumping Protocol</b> , Ratified original 30.05.1990, accepted amendments 26.07.2001			
5,6	Special permits granted	Procedure operational	4 permits issued
8	Dumping under <i>force majeure</i>	Procedure operational	No dumping reported
9	Dumping in critical situations	Procedure operational	No dumping reported
14	Quantities of material dumped	Procedure not operational	No information available
<b>Prevention and Emergency Protocol</b> , Ratified original 30.05.1990			
4	National Contingency Plan	Not operational	No information provided
4	Operational responsibilities	Defined	Structure described
4	Response strategy	In preparation	Part of regional strategy
4	Policy on use of dispersants	No policy	
4	Airborne surveillance	Not available	
4	Sensitivity maps	Available	Described in report
8	Local incidents	One incident reported	Described as doubtful
9	International incidents	None reported as occurred	
<b>Land-Based Sources Protocol</b> , Ratified original 30.05.1990, accepted amendments 26.07.2001			
6.1	Authorizations for discharge	Procedure operational	152 permits issued
6.1	Pollution loads discharged	Information provided	
6.2	Inspection systems	Structure operational	Described in report
6.4	Sanctions	Procedure operational	No sanctions reported
<b>SPA and Biodiversity Protocol</b> , Ratified original 30.05.1990, ratified new protocol 26.07.2001			
5	SPAs established	58 SPAs established	Described in report
9A	Proposals for SPAMs	No proposals so far	
11.2	Status of protected species	Official list published	Described in report
13	Genetically-modified species	No records	
15	Components of biodiversity	Inventory of wetlands	
18	Exemptions	No exemptions	
23	MAP Action Plans	Sea Turtles	Described in report
23	Other CP recommendations	No information provided	
*	Multi-jurisdictional SPAMs	No proposals made	
<b>Offshore Protocol</b> , Ratified protocol 26.07.2001			
4.1	Authorizations granted	No permits issued	
4.2	Applications refused	Not applicable	
9.4-7	Exceptional waste disposal	Not applicable	
9.4-7	Wastes generated	Not applicable	
<b>Hazardous Wastes Protocol</b> , Ratified protocol 26.07.2001			
6, 8.2	Hazardous waste generated	No information provided	
6	Transboundary movement	No information provided	
8.3	Disposal options	No information provided	

**TABLE 3.2**  
**Technical Implementation of Protocols**

**Brief Overview of Degree of Implementation of Technical Aspects of Protocols as Indicated from material in national report submitted by**

**ALGERIA**

The information in the Table below is a very brief recapitulation of the situation in Algeria at the end of the 2002-2003 biennium regarding the technical implementation of the Protocols on the basis of the material contained in the national report submitted. It should be seen in conjunction with the relevant parts of the text of Part 3 of this Regional Report.

Article	Coverage	Implementation	Remarks
<b>Dumping Protocol, Ratified original 16.03.1981</b>			
	Special permits granted	Procedure operational	4 permits issued
8	Dumping under <i>force majeure</i>	One incident reported	Details in report
9	Dumping in critical situations	No information provided	
14	Quantities of material dumped	No information provided	
<b>Prevention and Emergency Protocol, Ratified original 16.03.1981</b>			
4	National Contingency Plan	Operational since 1994	
4	Operational responsibilities	Defined	Structure described
4	Response strategy	Not yet operational	Needs listed in report
4	Policy on use of dispersants	In preparation	
4	Airborne surveillance	Not available	
4	Sensitivity maps	Atlas in preparation	
8	Local incidents	Six incidents reported	Described in report
9	International incidents	None reported as occurred	
<b>Land-Based Sources Protocol, Ratified original 02.05.1983</b>			
6.1	Authorizations for discharge	No information provided	
6.1	Pollution loads discharged	No information provided	
6.2	Inspection systems	Operational since 1996	Described in report
6.4	Sanctions	Procedures established by law	Described in report
<b>SPA and Biodiversity Protocol, Ratified original 16.05.1985</b>			
5	SPAs established	3 established, 6 in progress	Described in report
9A	Proposals for SPAMIs	3 proposed in 2004	Described in report
11.2	Status of protected species	Official lists published	Described in report
13	Genetically-modified species	Legislation issued	Described in report
15	Components of biodiversity	Inventories in existence	
18	Exemptions	No exemptions	
23	MAP Action Plans	Monk Seal, <i>Posidonia</i>	Described in report
23	Other CP recommendations	No information provided	
*	Multi-jurisdictional SPAMIs	Proposal under discussion	Described in report
<b>Offshore Protocol, Not yet ratified</b>			
4.1	Authorizations granted	None	
4.2	Applications refused	None	
9.4-7	Exceptional waste disposal	None	
9.4-7	Wastes generated	None	
<b>Hazardous Wastes Protocol, Not yet ratified</b>			
6, 8.2	Hazardous waste generated	Information provided	Described in report
6	Transboundary movement	Details of exports provided	Imports prohibited by Law
8.3	Disposal options	Options fixed by Law	Described in report

**TABLE 3.3**  
**Technical Implementation of Protocols**

**Brief Overview of Degree of Implementation of Technical Aspects of Protocols as Indicated from material in national report submitted by**

**BOSNIA-HERZEGOVINA**

The information in the Table below is a very brief recapitulation of the situation in Bosnia-Herzegovina at the end of the 2002-2003 biennium regarding the technical implementation of the Protocols on the basis of the material contained in the national report submitted. It should be seen in conjunction with the relevant parts of the text of Part 3 of this Regional Report.

Article	Coverage	Implementation	Remarks
<b>Dumping Protocol, Ratified original 01.03.1992</b>			
5,6	Special permits granted	Procedure not yet operational	Situation described in report
8	Dumping under <i>force majeure</i>	No data available	
9	Dumping in critical situations	No data available	
14	Quantities of material dumped	No data available	
<b>Prevention and Emergency Protocol, Ratified original 01.03.1992</b>			
4	National Contingency Plan	Not operational	
4	Operational responsibilities	Defined	Structure described
4	Response strategy	Not operational	
4	Policy on use of dispersants	No official policy	
4	Airborne surveillance	Not available	
4	Sensitivity maps	Not available	
8	Local incidents	None reported as occurred	
9	International incidents	None reported as occurred	
<b>Land-Based Sources Protocol, Ratified original 22.10.1994</b>			
6.1	Authorizations for discharge	Procedure operational	897 permits (see report)
6.1	Pollution loads discharged	Information provided	Tables in report
6.2	Inspection systems	Structure in place	Described in report
6.4	Sanctions	No information provided	
<b>SPA and Biodiversity Protocol, Ratified original 22.10.1994</b>			
5	SPAs established	2 established	Described in report
9A	Proposals for SPAMIs	2 proposals in preparation	Described in report
11.2	Status of protected species	New legislation issued in 2003	Described in report
13	Genetically-modified species	No information available	
15	Components of biodiversity	Inventories in planning stage	
18	Exemptions	No data available	
23	MAP Action Plans	In preparation	Described in report
23	Other CP recommendations	No information provided	
*	Multi-jurisdictional SPAMIs	No proposals made	
<b>Offshore Protocol, Not yet ratified</b>			
4.1	Authorizations granted	No information provided	
4.2	Applications refused	No information provided	
9.4-7	Exceptional waste disposal	No information provided	
9.4-7	Wastes generated	No information provided	
<b>Hazardous Wastes Protocol, Not yet ratified</b>			
6, 8.2	Hazardous waste generated	Information provided	Described in report
6	Transboundary movement	No data available	
8.3	Disposal options	Under review	Described in report

**TABLE 3.4**  
**Technical Implementation of Protocols**

**Brief Overview of Degree of Implementation of Technical Aspects of Protocols as Indicated from material in national report submitted by**

**CROATIA**

The information in the Table below is a very brief recapitulation of the situation in Croatia at the end of the 2002-2003 biennium regarding the technical implementation of the Protocols on the basis of the material contained in the national report submitted. It should be seen in conjunction with the relevant parts of the text of Part 3 of this Regional Report.

Article	Coverage	Implementation	Remarks
<b>Dumping Protocol</b> , Ratified original 08.10.1991, accepted amendments 03.05.1999			
5,6	Special permits granted	Procedure operational	No permits issued
8	Dumping under <i>force majeure</i>	None reported as occurred	
9	Dumping in critical situations	None reported as occurred	
14	Quantities of material dumped	No material dumped	
<b>Prevention and Emergency Protocol</b> , Ratified original 08.10.1991, ratified new protocol 01.10.2003			
4	National Contingency Plan	Operational since 1997	Described in report
4	Operational responsibilities	Defined	Structure described
4	Response strategy	Procedure operational	Described in report
4	Policy on use of dispersants	Defined in contingency plan	Options described in report
4	Airborne surveillance	Available and in use	
4	Sensitivity maps	Available	
8	Local incidents	5 cases reported	Described in report
9	International incidents	None reported as occurred	
<b>Land-Based Sources Protocol</b> , Ratified original 22.10.1994			
6.1	Authorizations for discharge	Procedure operational	60 permits (see report)
6.1	Pollution loads discharged	Information provided	Tables in report
6.2	Inspection systems	Structure in place	Described in report
6.4	Sanctions	No sanctions applied	
<b>SPA and Biodiversity Protocol</b> , Ratified original 12.06.1992, ratified new protocol 12.04.2002			
5	SPAs established	427 protected sites	Described in report
9A	Proposals for SPAMs	No proposals made	
11.2	Status of protected species	Red lists made in 2002	Described in report
13	Genetically-modified species	Covered by 2003 legislation	Described in report
15	Components of biodiversity	Red book issued in 2004	
18	Exemptions	No exemptions granted	
23	MAP Action Plans	Several ongoing	Described in report
23	Other CP recommendations	UNEP/GEF project	Described in report
*	Multi-jurisdictional SPAMs	No proposals made	
<b>Offshore Protocol</b> , Not yet ratified			
4.1	Authorizations granted	4 authorizations granted	Described in report
4.2	Applications refused	No applications refused	
9.4-7	Exceptional waste disposal	No exceptions authorized	
9.4-7	Wastes generated	No data available	
<b>Hazardous Wastes Protocol</b> , Not yet ratified			
6, 8.2	Hazardous waste generated	Information provided	Described in report
6	Transboundary movement	Details of exports provided	Imports prohibited by Law
8.3	Disposal options	Export	Described in report

**TABLE 3.5**  
**Technical Implementation of Protocols**

**Brief Overview of Degree of Implementation of Technical Aspects of Protocols as Indicated from material in national report submitted by**

**FRANCE**

The information in the Table below is a very brief recapitulation of the situation in France at the end of the 2002-2003 biennium regarding the technical implementation of the Protocols on the basis of the material contained in the national report submitted. It should be seen in conjunction with the relevant parts of the text of Part 3 of this Regional Report.

Article	Coverage	Implementation	Remarks
<b>Dumping Protocol, Ratified original 24.08.1978, accepted amendments 16.04.2001</b>			
5,6	Special permits granted	Data available in 2005	Only dredging wastes dumped
8	Dumping under <i>force majeure</i>	None reported as occurred	
9	Dumping in critical situations	None reported as occurred	
14	Quantities of material dumped	Data available in 2005	
<b>Prevention and Emergency Protocol, Ratified original 11.03.1978, ratified new protocol 02.07.2003</b>			
4	National Contingency Plan	Updated in 2002	Described in report
4	Operational responsibilities	Defined	Structure described
4	Response strategy	Procedure operational	Described in report
4	Policy on use of dispersants	Use dependent on coast type	Described in report
4	Airborne surveillance	Available and in use	
4	Sensitivity maps	Available	
8	Local incidents	6 cases reported	Not in Mediterranean
9	International incidents	1 case reported	Not in Mediterranean
<b>Land-Based Sources Protocol, Ratified original 13.07.1982, accepted amendments 16.04.2001</b>			
6.1	Authorizations for discharge	Procedure operational	Permits listed in report
6.1	Pollution loads discharged	Information provided	Tables in report
6.2	Inspection systems	Structure in place	Described in report
6.4	Sanctions	Various sanctions applied	Described in report
<b>SPA and Biodiversity Protocol, Ratified original 02.09.1986, ratified new protocol 16.04.2001</b>			
5	SPAs established	Various types of sites	Described and listed in report
9A	Proposals for SPAMIs	Two proposals made	
11.2	Status of protected species	No changes made in 2002/3	
13	Genetically-modified species	Data re <i>Caulerpa taxifolia</i>	Described in report
15	Components of biodiversity	Long-standing inventories	Described in report
18	Exemptions	Exemptions for research	
23	MAP Action Plans	Several ongoing	Described in report
23	Other CP recommendations	Action taken	Described in report
*	Multi-jurisdictional SPAMIs	One proposal	Described in report
<b>Offshore Protocol, Not yet ratified</b>			
4.1	Authorizations granted	No information provided	
4.2	Applications refused	No information provided	
9.4-7	Exceptional waste disposal	No information provided	
9.4-7	Wastes generated	No information provided	
<b>Hazardous Wastes Protocol, Not yet ratified</b>			
6, 8.2	Hazardous waste generated	No information provided	
6	Transboundary movement	No information provided	
8.3	Disposal options	No information provided	

**TABLE 3.6**  
**Technical Implementation of Protocols**  
**Brief Overview of Degree of Implementation of Technical Aspects of Protocols as**  
**Indicated from material in national report submitted by**

**GREECE**

The information in the Table below is a very brief recapitulation of the situation in Greece at the end of the 2002-2003 biennium regarding the technical implementation of the Protocols on the basis of the material contained in the national report submitted. It should be seen in conjunction with the relevant parts of the text of Part 3 of this Report.

Article	Coverage	Implementation	Remarks
<b>Dumping Protocol</b> 03.01.1979			Ratified original
5,6	Special permits granted	No information provided	
8	Dumping under <i>force majeure</i>	No information provided	
9	Dumping in critical situations	No information provided	
14	Quantities of material dumped	No information provided	
<b>Prevention and Emergency Protocol</b> 03.01.1979			Ratified original
4	National Contingency Plan	Operational	Described in report
4	Operational responsibilities	Defined	Structure described
4	Response strategy	Procedure operational	Described in report
4	Policy on use of dispersants	Restricted use in open waters	Options described in report
4	Airborne surveillance	Available and in use	
4	Sensitivity maps	Included in Contingency Plan	
8	Local incidents	No information provided	Reports sent to REMPEC
9	International incidents	None reported as occurred	
<b>Land-Based Sources Protocol</b> 10.03.2003			Ratified original 26.01.1987, accepted amendments
6.1	Authorizations for discharge	No information provided	
6.1	Pollution loads discharged	No information provided	
6.2	Inspection systems	No information provided	
6.4	Sanctions	No information provided	
<b>SPA and Biodiversity Protocol</b> 26.01.1987			Ratified original
5	SPAs established	No information provided	
9A	Proposals for SPAMIs	No information provided	
11.2	Status of protected species	No information provided	
13	Genetically-modified species	No information provided	
15	Components of biodiversity	No information provided	
18	Exemptions	No information provided	
23	MAP Action Plans	No information provided	
23	Other CP recommendations	No information provided	
*	Multi-jurisdictional SPAMIs	No information provided	
<b>Offshore Protocol</b> ratified			Not yet
4.1	Authorizations granted	No information provided	
4.2	Applications refused	No information provided	
9.4-7	Exceptional waste disposal	No information provided	

9.4-7	Wastes generated	No information provided	
<b>Hazardous Wastes Protocol</b> ratified			Not yet
6, 8.2	Hazardous waste generated	No information provided	
6	Transboundary movement	No information provided	
8.3	Disposal options	No information provided	



**TABLE 3.7**  
**Technical Implementation of Protocols**

**Brief Overview of Degree of Implementation of Technical Aspects of Protocols as Indicated from material in national report submitted by**

**ISRAEL**

The information in the Table below is a very brief recapitulation of the situation in Israel at the end of the 2002-2003 biennium regarding the technical implementation of the Protocols on the basis of the material contained in the national report submitted. It should be seen in conjunction with the relevant parts of the text of Part 3 of this Regional Report.

Article	Coverage	Implementation	Remarks
<b>Dumping Protocol, Ratified original 01.03.1984</b>			
5,6	Special permits granted	Procedure operational	41 permits issued
8	Dumping under <i>force majeure</i>	None reported as occurred	
9	Dumping in critical situations	None reported as occurred	
14	Quantities of material dumped	Figures supplied	Described in report
<b>Prevention and Emergency Protocol, Ratified original 03.03.1978</b>			
4	National Contingency Plan	Operational	Described in report
4	Operational responsibilities	Defined	Structure described
4	Response strategy	Procedure operational	Described in report
4	Policy on use of dispersants	Restrictions in force	Options described in report
4	Airborne surveillance	Available and in use	
4	Sensitivity maps	Atlas to be completed in 2004	
8	Local incidents	11 cases reported	Described in report
9	International incidents	No case reported as occurred	
<b>Land-Based Sources Protocol, Ratified original 21.02.1991</b>			
6.1	Authorizations for discharge	Procedure operational	151 permits (see report)
6.1	Pollution loads discharged	Information provided	Tables in report
6.2	Inspection systems	Structure in place	Described in report
6.4	Sanctions	Sanctions applied	Described in report
<b>SPA and Biodiversity Protocol, Ratified original 28.10.1987</b>			
5	SPAs established	12 protected sites	Described in report
9A	Proposals for SPAMIs	No proposals made	
11.2	Status of protected species	No changes made in 2002/3	
13	Genetically-modified species	Information provided	Described in report
15	Components of biodiversity	Inventories available	Lists in report
18	Exemptions	No exemptions granted	
23	MAP Action Plans	Sea Turtle Plan ongoing	Described in report
23	Other CP recommendations	Declaration of protected areas	Described in report
*	Multi-jurisdictional SPAMIs	No proposals made	
<b>Offshore Protocol, Not yet ratified</b>			
4.1	Authorizations granted	No information provided	
4.2	Applications refused	No information provided	
9.4-7	Exceptional waste disposal	No information provided	
9.4-7	Wastes generated	No information provided	
<b>Hazardous Wastes Protocol, Not yet ratified</b>			
6, 8.2	Hazardous waste generated	No information provided	
6	Transboundary movement	No information provided	
8.3	Disposal options	No information provided	

**TABLE 3.8**  
**Technical Implementation of Protocols**

**Brief Overview of Degree of Implementation of Technical Aspects of Protocols as Indicated from material in national report submitted by**

**ITALY**

The information in the Table below is a very brief recapitulation of the situation in Italy at the end of the 2002-2003 biennium regarding the technical implementation of the Protocols on the basis of the material contained in the national report submitted. It should be seen in conjunction with the relevant parts of the text of Part 3 of this Regional Report.

Article	Coverage	Implementation	Remarks
<b>Dumping Protocol, Ratified original 03.02.1979, accepted amendments 07.09.1999</b>			
5,6	Special permits granted	Procedure operational	27 permits issued
8	Dumping under <i>force majeure</i>	None reported as occurred	
9	Dumping in critical situations	None reported as occurred	
14	Quantities of material dumped	Figures provided	Described in report
<b>Prevention and Emergency Protocol, Ratified original 24.08.1978</b>			
4	National Contingency Plan	Operational and updated	Described in report
4	Operational responsibilities	Defined	Structure described
4	Response strategy	Based on prevention	Described in report
4	Policy on use of dispersants	Use regulated by Law	Options described in report
4	Airborne surveillance	Available and in use	
4	Sensitivity maps	Available	
8	Local incidents	122 cases reported	Described in report
9	International incidents	1 case reported	Described in report
<b>Land-Based Sources Protocol, Ratified original 04.07.1985, accepted amendments 07.09.1999</b>			
6.1	Authorizations for discharge	Procedure operational	Permits listed in report
6.1	Pollution loads discharged	Information provided	Tables in report
6.2	Inspection systems	Structure in place	Described in report
6.4	Sanctions	Several sanctions applied	Described in report
<b>SPA and Biodiversity Protocol, Ratified original 04.07.1985, ratified new protocol 07.09.1999</b>			
5	SPAs established	22 SPAs established	Described in report
9A	Proposals for SPAMIs	One proposal made	
11.2	Status of protected species	No changes in 2002/3	
13	Genetically-modified species	Ongoing project	Described in report
15	Components of biodiversity	Fauna list being updated	
18	Exemptions	No information available	
23	MAP Action Plans	Several ongoing	Described in report
23	Other CP recommendations	No information provided	
*	Multi-jurisdictional SPAMIs	No new proposals made	
<b>Offshore Protocol, Not yet ratified</b>			
4.1	Authorizations granted	103 authorizations granted	Described in report
4.2	Applications refused	No applications refused	
9.4-7	Exceptional waste disposal	No exceptions authorized	
9.4-7	Wastes generated	No data available	
<b>Hazardous Wastes Protocol, Not yet ratified</b>			
6, 8.2	Hazardous waste generated	Information provided	Described in report
6	Transboundary movement	Import/export details provided	
8.3	Disposal options	No information provided	

TABLE 3.9

## Technical Implementation of Protocols

## Brief Overview of Degree of Implementation of Technical Aspects of Protocols as Indicated from material in national report submitted by

## LIBYA

The information in the Table below is a very brief recapitulation of the situation in Libya at the end of the 2002-2003 biennium regarding the technical implementation of the Protocols on the basis of the material contained in the national report submitted. It should be seen in conjunction with the relevant parts of the text of Part 3 of this Regional Report.

Article	Coverage	Implementation	Remarks
<b>Dumping Protocol, Ratified original 31.01.1979</b>			
5,6	Special permits granted	No permits issued	
8	Dumping under <i>force majeure</i>	None reported as occurred	
9	Dumping in critical situations	None reported as occurred	
14	Quantities of material dumped	No material dumped	
<b>Prevention and Emergency Protocol, Ratified original 31.01.1979</b>			
4	National Contingency Plan	Currently under consideration	
4	Operational responsibilities	Defined	
4	Response strategy	State of readiness	
4	Policy on use of dispersants	Use subject to official approval	
4	Airborne surveillance	Not available	
4	Sensitivity maps	Not available	
8	Local incidents	None reported as occurred	
9	International incidents	None reported as occurred	
<b>Land-Based Sources Protocol, Ratified original 06.06.1989</b>			
6.1	Authorizations for discharge	No information provided	
6.1	Pollution loads discharged	No information provided	
6.2	Inspection systems	Structure in place	Described in report
6.4	Sanctions	No sanctions applied	
<b>SPA and Biodiversity Protocol, Ratified original 06.06.1989</b>			
5	SPAs established	11 protected sites	Listed in report
9A	Proposals for SPAMs	No proposals made	
11.2	Status of protected species	No information provided	
13	Genetically-modified species	No information provided	
15	Components of biodiversity	No information provided	
18	Exemptions	No information provided	
23	MAP Action Plans	Marine turtles, Monk seals	
23	Other CP recommendations	No information [provided	
*	Multi-jurisdictional SPAMs	No proposals made	
<b>Offshore Protocol, Not yet ratified</b>			
4.1	Authorizations granted	1 authorization granted	
4.2	Applications refused	No applications refused	
9.4-7	Exceptional waste disposal	No exceptions authorized	
9.4-7	Wastes generated	No waste reported as involved	
<b>Hazardous Wastes Protocol, Not yet ratified</b>			
6, 8.2	Hazardous waste generated	No information provided	
6	Transboundary movement	No information provided	
8.3	Disposal options	No information provided	

**TABLE 3.10**  
**Technical Implementation of Protocols**

**Brief Overview of Degree of Implementation of Technical Aspects of Protocols as Indicated from material in national report submitted by**

**MONACO**

The information in the Table below is a very brief recapitulation of the situation in Monaco at the end of the 2002-2003 biennium regarding the technical implementation of the Protocols on the basis of the material contained in the national report submitted. It should be seen in conjunction with the relevant parts of the text of Part 3 of this Regional Report.

Article	Coverage	Implementation	Remarks
<b>Dumping Protocol</b> , Ratified original 20.09.1977, accepted amendments 11.04.1997			
5,6	Special permits granted	Procedure operational	No permits issued 2002/3
8	Dumping under <i>force majeure</i>	None reported as occurred	
9	Dumping in critical situations	None reported as occurred	
14	Quantities of material dumped	No materials dumped 2002/3	
<b>Prevention and Emergency Protocol</b> , Ratified original 20.09.1977, ratified new protocol 03.04.2002			
4	National Contingency Plan	Operational and updated	Described in report
4	Operational responsibilities	Defined	Modified in POLYMAR Plan
4	Response strategy	Defined	Modified in POLYMAR Plan
4	Policy on use of dispersants	Defined	Modified in POLYMAR Plan
4	Airborne surveillance	Available and in use	
4	Sensitivity maps	Available	
8	Local incidents	None reported	
9	International incidents	None reported	
<b>Land-Based Sources Protocol</b> , Ratified original 12.01.1983, accepted amendments 26.11.1996			
6.1	Authorizations for discharge	Procedure operational	No authorizations issued
6.1	Pollution loads discharged	Information provided	Tables in report
6.2	Inspection systems	Structure in place	Described in report
6.4	Sanctions	Legal action in 2 instances	Described in report
<b>SPA and Biodiversity Protocol</b> , Ratified original 29.05.1989, ratified new protocol 03.06.1997			
5	SPAs established	None established in 2002/3	
9A	Proposals for SPAMIs	No proposal made in 2002/3	
11.2	Status of protected species	No changes in 2002/3	
13	Genetically-modified species	No changes in 2002/3	
15	Components of biodiversity	Inventories available	Described in report
18	Exemptions	No exemptions granted	
23	MAP Action Plans	Several ongoing	Described in report
23	Other CP recommendations	Several action plans ongoing	
*	Multi-jurisdictional SPAMIs	No new proposals made	
<b>Offshore Protocol</b> , Not yet ratified			
4.1	Authorizations granted	No information provided	
4.2	Applications refused	No information provided	
9.4-7	Exceptional waste disposal	No information provided	
9.4-7	Wastes generated	No information provided	
<b>Hazardous Wastes Protocol</b> , Not yet ratified			
6, 8.2	Hazardous waste generated	Information provided	Described in report
6	Transboundary movement	Import/export details provided	
8.3	Disposal options	Appropriate treatment abroad	

**TABLE 3.11**  
**Technical Implementation of Protocols**

**Brief Overview of Degree of Implementation of Technical Aspects of Protocols as Indicated from material in national report submitted by**

**MOROCCO**

The information in the Table below is a very brief recapitulation of the situation in Morocco at the end of the 2002-2003 biennium regarding the technical implementation of the Protocols on the basis of the material contained in the national report submitted. It should be seen in conjunction with the relevant parts of the text of Part 3 of this Regional Report.

Article	Coverage	Implementation	Remarks
<b>Dumping Protocol</b> , Ratified original 15.01.1980, accepted amendments 05.12.1997			
5,6	Special permits granted	No authority responsible	No permits issued
8	Dumping under <i>force majeure</i>	No information available	
9	Dumping in critical situations	No information available	
14	Quantities of material dumped	No information available	Described in report
<b>Prevention and Emergency Protocol</b> , Ratified original 15.01.1980			
4	National Contingency Plan	Operational and updated	Described in report
4	Operational responsibilities	Defined	Structure described
4	Response strategy	Improvement of capability	Described in report
4	Policy on use of dispersants	Third generation dispersants	REMPEC recommendations
4	Airborne surveillance	No national capacity	
4	Sensitivity maps	No maps at present	Project commencing 2004
8	Local incidents	2 cases reported	Described in report
9	International incidents	None reported	
<b>Land-Based Sources Protocol</b> , Ratified original 09.02.1987, accepted amendments 02.10.1996			
6.1	Authorizations for discharge	No information available	
6.1	Pollution loads discharged	No information available	
6.2	Inspection systems	No information available	
6.4	Sanctions	No information available	
<b>SPA and Biodiversity Protocol</b> , Ratified original 22.06.1990			
5	SPAs established	One SPA established	Described in report
9A	Proposals for SPAMIs	One proposal in preparation	
11.2	Status of protected species	No changes in 2002/3	
13	Genetically-modified species	No new records	Described in report
15	Components of biodiversity	2 Inventories completed	Described in report
18	Exemptions	No exemptions granted	
23	MAP Action Plans	Monk Seal, marine turtles	Described in report
23	Other CP recommendations	Several implemented	
*	Multi-jurisdictional SPAMIs	No new proposals made	
<b>Offshore Protocol</b> , Ratified protocol 01.07.1999			
4.1	Authorizations granted	2 authorizations granted	Described in report
4.2	Applications refused	No applications refused	
9.4-7	Exceptional waste disposal	No exceptions authorized	
9.4-7	Wastes generated	No wastes generated	
<b>Hazardous Wastes Protocol</b> , Ratified protocol 01.07.1999			
6, 8.2	Hazardous waste generated	No data available	
6	Transboundary movement	No data available	
8.3	Disposal options	No information provided	

**TABLE 3.12**  
**Technical Implementation of Protocols**

**Brief Overview of Degree of Implementation of Technical Aspects of Protocols as Indicated from material in national report submitted by**

**SERBIA-MONTENEGRO**

The information in the Table below is a very brief recapitulation of the situation in Serbia-Montenegro at the end of the 2002-2003 biennium regarding the technical implementation of the Protocols on the basis of the material contained in the national report submitted. It should be seen in conjunction with the relevant parts of the text of Part 3 of this Regional Report.

Article	Coverage	Implementation	Remarks
<b>Dumping Protocol, Ratified original 16.07.2002</b>			
5,6	Special permits granted	Procedure operational	No permits issued
8	Dumping under <i>force majeure</i>	No dumping occurred	
9	Dumping in critical situations	No dumping occurred	
14	Quantities of material dumped	Figures provided	Described in report
<b>Prevention and Emergency Protocol, Ratified original 16.07.2002</b>			
4	National Contingency Plan	No Plan in 2002/3	Procedures established 2004
4	Operational responsibilities	Defined	Structure described in report
4	Response strategy	No strategy at present	
4	Policy on use of dispersants	Use regulated in new plan	Options described in report
4	Airborne surveillance	Remote sensing unavailable	
4	Sensitivity maps	None available	
8	Local incidents	14 cases reported	Described in report
9	International incidents	None reported	
<b>Land-Based Sources Protocol, Ratified original 16.07.2002</b>			
6.1	Authorizations for discharge	No information available	
6.1	Pollution loads discharged	Information provided	Tables in report
6.2	Inspection systems	Structure in place	Described in report
6.4	Sanctions	Sanctions applied	Described in report
<b>SPA and Biodiversity Protocol, Ratified original 16.07.2002</b>			
5	SPAs established	13 SPAs established	Described in report
9A	Proposals for SPAMIs	No proposal made	
11.2	Status of protected species	No changes in 2002/3	
13	Genetically-modified species	No new records	
15	Components of biodiversity	Inventories require updating	
18	Exemptions	No exemptions granted	
23	MAP Action Plans	National report prepared	
23	Other CP recommendations	No data available	
*	Multi-jurisdictional SPAMIs	No new proposals made	
<b>Offshore Protocol, Not yet ratified</b>			
4.1	Authorizations granted	4 authorizations granted	Described in report
4.2	Applications refused	No applications refused	
9.4-7	Exceptional waste disposal	No information available	
9.4-7	Wastes generated	No data available	
<b>Hazardous Wastes Protocol, Not yet ratified</b>			
6, 8.2	Hazardous waste generated	No data available	
6	Transboundary movement	Export details provided	Imports prohibited
8.3	Disposal options	No information provided	

**TABLE 3.13**  
**Technical Implementation of Protocols**

**Brief Overview of Degree of Implementation of Technical Aspects of Protocols as Indicated from material in national report submitted by**

**SLOVENIA**

The information in the Table below is a very brief recapitulation of the situation in Slovenia at the end of the 2002-2003 biennium regarding the technical implementation of the Protocols on the basis of the material contained in the national report submitted. It should be seen in conjunction with the relevant parts of the text of Part 3 of this Regional Report.

Article	Coverage	Implementation	Remarks
<b>Dumping Protocol</b> , Ratified original 15.03.1994, accepted amendments 08.01.2003			
5,6	Special permits granted	Procedure operational	Dumping not allowed
8	Dumping under <i>force majeure</i>	No information provided	
9	Dumping in critical situations	No information provided	
14	Quantities of material dumped	No information provided	
<b>Prevention and Emergency Protocol</b> , Ratified original 15.03.1994, ratified new protocol 16.02.2004			
4	National Contingency Plan	No information provided	
4	Operational responsibilities	No information provided	
4	Response strategy	No information provided	
4	Policy on use of dispersants	No information provided	
4	Airborne surveillance	No information provided	
4	Sensitivity maps	No information provided	
8	Local incidents	No information provided	
9	International incidents	No information provided	
<b>Land-Based Sources Protocol</b> , Ratified original 16.09.1993, accepted amendments 08.01.2003			
6.1	Authorizations for discharge	No information provided	
6.1	Pollution loads discharged	No information provided	
6.2	Inspection systems	No information provided	
6.4	Sanctions	No information provided	
<b>SPA and Biodiversity Protocol</b> , Ratified original 16.09.1993, ratified new protocol 08.01.2003			
5	SPAs established	No information provided	
9A	Proposals for SPAMIs	No information provided	
11.2	Status of protected species	No information provided	
13	Genetically-modified species	No information provided	
15	Components of biodiversity	No information provided	
18	Exemptions	No information provided	
23	MAP Action Plans	No information provided	
23	Other CP recommendations	No information provided	
*	Multi-jurisdictional SPAMIs	No information provided	
<b>Offshore Protocol</b> , Not yet ratified			
4.1	Authorizations granted	No information provided	
4.2	Applications refused	No information provided	
9.4-7	Exceptional waste disposal	No information provided	
9.4-7	Wastes generated	No information provided	
<b>Hazardous Wastes Protocol</b> , Not yet ratified			
6, 8.2	Hazardous waste generated	No information provided	
6	Transboundary movement	No information provided	
8.3	Disposal options	No information provided	

**TABLE 3.14**  
**Technical Implementation of Protocols**

**Brief Overview of Degree of Implementation of Technical Aspects of Protocols as Indicated from material in national report submitted by**

**SPAIN**

The information in the Table below is a very brief recapitulation of the situation in Spain at the end of the 2002-2003 biennium regarding the technical implementation of the Protocols on the basis of the material contained in the national report submitted. It should be seen in conjunction with the relevant parts of the text of Part 3 of this Regional Report.

Article	Coverage	Implementation	Remarks
<b>Dumping Protocol</b> , Ratified original 17.12.1976, accepted amendments 17.02.1999			
5,6	Special permits granted	Procedure operational	12 permits issued (1 in Med)
8	Dumping under <i>force majeure</i>	None reported as occurred	
9	Dumping in critical situations	None reported as occurred	
14	Quantities of material dumped	Figures provided	Described in report
<b>Prevention and Emergency Protocol</b> , Ratified original 17.12.1976			
4	National Contingency Plan	Operational since 2002	Described in report
4	Operational responsibilities	Defined	Structure described in report
4	Response strategy	Defined in Contingency Plan	Described in report
4	Policy on use of dispersants	Mechanical recovery	Options described in report
4	Airborne surveillance	Only for emergencies	
4	Sensitivity maps	Not currently available	
8	Local incidents	49 minor incidents reported	Described in report
9	International incidents	None reported	
<b>Land-Based Sources Protocol</b> , Ratified original 06.06.1984, accepted amendments 17.02.1999			
6.1	Authorizations for discharge	Procedure operational	74 Permits listed in report
6.1	Pollution loads discharged	Information provided	Tables in report
6.2	Inspection systems	Structure in place	Described in report
6.4	Sanctions	No information provided	
<b>SPA and Biodiversity Protocol</b> , Ratified original 22.12.1987, ratified new protocol 23.12.1998			
5	SPAs established	928 protected areas	Described in report
9A	Proposals for SPAMIs	9 areas at present	
11.2	Status of protected species	No information provided	
13	Genetically-modified species	No information provided	
15	Components of biodiversity	National inventory 2003	
18	Exemptions	No information provided	
23	MAP Action Plans	Monk Seal	Described in report
23	Other CP recommendations	No information provided	
*	Multi-jurisdictional SPAMIs	No information provided	
<b>Offshore Protocol</b> , Not yet ratified			
4.1	Authorizations granted	No information provided	Types described in report
4.2	Applications refused	No information provided	
9.4-7	Exceptional waste disposal	No information provided	
9.4-7	Wastes generated	No information provided	
<b>Hazardous Wastes Protocol</b> , Not yet ratified			
6, 8.2	Hazardous waste generated	Information provided	Described in report
6	Transboundary movement	Import/export details provided	
8.3	Disposal options	Various options available	Described in report



**TABLE 3.15**  
**Technical Implementation of Protocols**

**Brief Overview of Degree of Implementation of Technical Aspects of Protocols as Indicated from material in national report submitted by**

**SYRIA**

The information in the Table below is a very brief recapitulation of the situation in Syria at the end of the 2002-2003 biennium regarding the technical implementation of the Protocols on the basis of the material contained in the national report submitted. It should be seen in conjunction with the relevant parts of the text of Part 3 of this Regional Report.

Article	Coverage	Implementation	Remarks
<b>Dumping Protocol, Ratified original 26.12.1978</b>			
5,6	Special permits granted	No licensing system in place	No permits issued
8	Dumping under <i>force majeure</i>	None reported as occurred	
9	Dumping in critical situations	None reported as occurred	
14	Quantities of material dumped	Figures provided	Described in report
<b>Prevention and Emergency Protocol, Ratified original 26.12.1978</b>			
4	National Contingency Plan	Prepared, but not yet ratified	Described in report
4	Operational responsibilities	Defined	Structure described in report
4	Response strategy	In preparation	
4	Policy on use of dispersants	In preparation	
4	Airborne surveillance	No change reported 2002/3	
4	Sensitivity maps	No information available	
8	Local incidents	18 cases reported	Described in report
9	International incidents	No information available	
<b>Land-Based Sources Protocol, Ratified original 01.12.1993</b>			
6.1	Authorizations for discharge	System not yet established	Permits listed in report
6.1	Pollution loads discharged	Information provided	Tables in report
6.2	Inspection systems	Structure in place	No developments 2002/3
6.4	Sanctions	No information available	
<b>SPA and Biodiversity Protocol, Ratified original 11.09.1992, ratified new protocol 10.10.2003</b>			
5	SPAs established	3 SPAs established	Details in report
9A	Proposals for SPAMIs	No proposals so far	
11.2	Status of protected species	List in preparation	
13	Genetically-modified species	Ongoing project	Described in report
15	Components of biodiversity	Lists in preparation	
18	Exemptions	No exemptions granted	
23	MAP Action Plans	Monk Seal	
23	Other CP recommendations	National strategy 2002	
*	Multi-jurisdictional SPAMIs	No proposals made	
<b>Offshore Protocol, Not yet ratified</b>			
4.1	Authorizations granted	No authorizations granted	
4.2	Applications refused	No applications refused	
9.4-7	Exceptional waste disposal	No exceptions authorized	
9.4-7	Wastes generated	No waste disposal occurred	
<b>Hazardous Wastes Protocol, Not yet ratified</b>			
6, 8.2	Hazardous waste generated	Information provided	Described in report
6	Transboundary movement	Import/export prohibited	
8.3	Disposal options	No information available	

**TABLE 3.16**  
**Technical Implementation of Protocols**

**Brief Overview of Degree of Implementation of Technical Aspects of Protocols as Indicated from material in national report submitted by**

**TUNISIA**

The information in the Table below is a very brief recapitulation of the situation in Tunisia at the end of the 2002-2003 biennium regarding the technical implementation of the Protocols on the basis of the material contained in the national report submitted. It should be seen in conjunction with the relevant parts of the text of Part 3 of this Regional Report.

<b>Article</b>	<b>Coverage</b>	<b>Implementation</b>	<b>Remarks</b>
<b>Dumping Protocol, Ratified original 30.07.1977, accepted amendments 01.06.1998</b>			
5,6	Special permits granted	Procedure not yet operational	EIA studies described
8	Dumping under <i>force majeure</i>	No information available	
9	Dumping in critical situations	No information available	
14	Quantities of material dumped	No information available	
<b>Prevention and Emergency Protocol, Ratified original 30.07.1977</b>			
4	National Contingency Plan	Operational and updated	
4	Operational responsibilities	No information provided	
4	Response strategy	No information provided	
4	Policy on use of dispersants	No information provided	
4	Airborne surveillance	No information provided	
4	Sensitivity maps	No information provided	
8	Local incidents	No case reported as occurred	
9	International incidents	No case reported as occurred	
<b>Land-Based Sources Protocol, Ratified original 29.10.1981, accepted amendments 01.06.1998</b>			
6.1	Authorizations for discharge	EIA Procedure operational	3817 authorizations 2002/3
6.1	Pollution loads discharged	Information provided	Tables in report
6.2	Inspection systems	Structure in place	Described in report
6.4	Sanctions	Several sanctions applied	Described in report
<b>SPA and Biodiversity Protocol, Ratified original 26.05.1983, ratified new protocol 01.06.1998</b>			
5	SPAs established	4 SPAs established	Described in report
9A	Proposals for SPAMIs	3 proposals made	
11.2	Status of protected species	No changes in 2002/3	
13	Genetically-modified species	Action Plan elaborated	Described in report
15	Components of biodiversity	Inventories available	Listed in report
18	Exemptions	No exemptions granted	
23	MAP Action Plans	Several ongoing	Described in report
23	Other CP recommendations	Several projects	Described in report
*	Multi-jurisdictional SPAMIs	No proposals made	
<b>Offshore Protocol, Ratified 01.06.1998</b>			
4.1	Authorizations granted	No information provided	
4.2	Applications refused	No information provided	
9.4-7	Exceptional waste disposal	No information provided	
9.4-7	Wastes generated	No information provided	
<b>Hazardous Wastes Protocol, Ratified 01.06.1998</b>			
6, 8.2	Hazardous waste generated	No information provided	
6	Transboundary movement	No information provided	
8.3	Disposal options	No information provided	