



**United Nations  
Environment  
Programme**



UNEP(DEC)/MED WG.272/4  
4 April 2005

ENGLISH



**MEDITERRANEAN ACTION PLAN**

Second Meeting of the Working Group on Implementation  
and Compliance under the Barcelona Convention

Athens, Greece, 11-12 April 2005

**DRAFT**

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



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## PART I

### INTRODUCTION AND BACKGROUND

1.1 Article 26 of the Convention for the Protection of the Mediterranean Environment and the Coastal region of the Mediterranean, adopted and signed by Contracting Parties at a Plenipotentiary Conference held in Barcelona from 9 to 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. Four of these have been revised during *ad hoc* Plenipotentiary Conferences. The Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea, and the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean, were adopted and signed at the same 1995 Barcelona Conference as revisions to the original 1976 Barcelona and 1982 Athens Protocols respectively. The Protocol Concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea was adopted and signed in Malta on 25 January 2002 as a revision to the 1976 Barcelona original. The Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities was adopted and signed in Syracuse on 7 March 1996 as a revision to the 1980 Athens original. 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. All these 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.

1.3 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.

1.4 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.

1.5 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.

1.6 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.

1.7 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 and 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.

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

1.9 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 twelfth 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.

1.10 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.

1.11 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 eleventh 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.

1.12 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.

1.13 The meeting recommended that the Secretariat should:

- a. Inform the Contracting Parties as soon as possible on the progress made in implementing the recommendations of the Catania Meeting relating to reporting and expected outcomes from such a process;
- b. Assist countries in their efforts to produce their national report according to the timetable attached to the proposed recommendations, through active continuous communication with the Secretariat;
- c. Start work on preparing the report “Status of implementation of the Barcelona Convention and its Protocols for the biennium 2002-2003”, which should include the report proper on the status of implementation of the Barcelona Convention in conformity with the information provided by the national reports and using the same format, and the Findings and recommendations on the MAP reporting system and its relevance to other reporting systems at the global, regional and national levels. Updated Reporting Formats, draft guidelines on reporting about the non-legal components of MAP, and National reports should be annexed to the report;
- d. With a view to ensuring the full sharing of information with the Contracting Parties on the content of the report and its recommendations, possibly holding an expert meeting in advance of or, if appropriate, on the eve of the MAP National Focal Points Meeting in September 2005.

1.14 The Meeting also requested the UNEP/MAP Secretariat in cooperation with the ESPOO (EIA) Convention Secretariat to arrange for possibilities to further study the added

value of the implementation of environmental impact assessment in a transboundary context in the Mediterranean region with the aim of ensuring synergy among the Barcelona Convention, its Protocols and the EIA Convention.

### **Scope of the present document**

1.15 In keeping with the clarification as to scope and content provided by the Secretariat during the May 2004 Tunis Meeting on Reporting under the Barcelona Convention, this Regional Report, which has been compiled with the assistance of two consultants (Professor Michael Scoullou, Greece and Dr Louis J. Saliba, Malta), does on no account consist of an analysis or evaluation of individual national reports, but is essentially a synopsis of these reports presented in the form of one consolidated document covering the whole region, and intended to facilitate the work of the Twelfth Ordinary Meeting of the Contracting Parties, whose workload might not permit examination of each national report. The present report is also intended to provide the necessary data towards assessment of the implementation of the Convention and Protocols, and is not in any way designed to represent a report on activities or on the state of the Mediterranean environment.

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

1.17 The two descriptive parts of this regional report deal respectively with (a) biennial reports submitted by the Contracting Parties on the implementation of the Convention and Protocols, which are submitted in terms of Article 26 of the Convention, and cover legal and administrative measures, and (b) reports on the technical implementation of the individual Protocols, submitted in terms of various articles of the Protocols themselves. The last part of this document contains an analysis of the reports submitted from the point of view of the reporting procedure itself and the degree of reporting, as well as from that of implementation of the relevant articles of the Convention and Protocols, it also includes recommendations designed to improve the procedures in subsequent biennial reports by further amendment of the reporting formats, with the aim of eliminating, or at least minimizing, duplication of effort by the Contracting Parties.



## PART II

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

#### General remarks

2.1 National biennial reports on the legal and administrative implementation of the Convention and Protocols were received from thirteen Contracting Parties (Albania, Algeria, Bosnia & Herzegovina, Croatia, Cyprus, European Union, Israel, Italy, Libyan Arab Jamahiriya, Morocco, Monaco, Serbia & Montenegro and Syria). 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.

2.2 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 one specific case it 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.

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

2.4 In a number of cases (6-7) UNEP/MAP contributed by paying 1500 – 2600 Euros to experts designated to assist the countries in compiling their biannual reports. In most other cases the countries have not requested expert advice or any assistance from UNEP/MAP for their reporting. In most, but not all, cases the UNEP/MAP assistance was requested by countries which feel that the relevant national administrative system is not yet fully developed or had difficulties in collecting the necessary information for the report.

2.5 During the period under review, several of the Contracting Parties have signed and/or ratified the Protocol concerning cooperation in Preventing Pollution by ships (the "Prevention and Emergency Protocol of 2002). The amended Barcelona Convention has been ratified by one East Mediterranean Country which has considerably increased its overall environmental legislation policy and administration within the review period. Similar considerable improvements were made in at least another one S. Mediterranean country. Some other protocols (e.g. the Hazardous Wastes Protocol, the Specially Protected Areas/Biological diversity have been also ratified by contracting parties. Some countries deriving from former Yugoslavia have announced that are preparing for the ratification of all relevant protocols. In some cases of Federal States the responsibility lies with the entity Governments several reports link the issue of accession and ratification to the overall issue of environmental

legislation in their country and their efforts to establish coherent National Environmental Action Plan. In at least one case, such a scheme was supported by the EU.

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

2.7 A major political development with consequences for the implementation of Environmental legislation in general and the Convention and Protocols in particular also was "the enlargement of the EU by 22% in population (01.05.2004) which now includes three more of the Contracting Parties to the Barcelona Convention among its members. This implies that these states had to transpose into their national legislation some 300 directives and regulations related to the environment some of which are directly linked to the Convention and the Protocols. Major developments in the fields of legislation and administration related to the environment took place also in the new States which were created after the breakdown of former Yugoslavia. Strategic master plans and other pieces of legislation were drafted with the support of the European Agency of Reconstruction, GTZ (the German Institute for Technology Cooperation), GEF/WB etc. Support from UNDP/WB was given for similar purposes also to some East Mediterranean countries.

2.8 The part dealing with problems or constraints in the implementation of the Convention and Protocols was only completed in some national reports. In most cases the issue of inadequate financial and human resources was identified as the key constraint while as a second problem was raised the lack of proper coordination among ministries which share responsibilities for the same or related issues. In addition, the lack of data was also mentioned as a problem by a country. It was also clarified that to a certain degree the dumping from ships and operations of offshore installations remains unregulated at EU level. A recent decision, of the Court of Justice on Implementation of the Barcelona Convention, points that certain provisions of the CBS Protocol are not fully implemented. What it has also become clear is that the Barcelona Convention and the Protocols are integral part of the European Community Law. Particularly as regards provisions from the convention and the protocols that are sufficiently precise, clear and non conditional, those provisions may have direct effect in the member States even without any implementing legislation at the Community level.

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

#### **Signature, ratification of International legal instruments:**

2.9 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:

- A series of bilateral agreement between Italy and Algeria on one hand, Bulgaria, Egypt, Iraq, Moldova, Serbia-Montenegro, Tel Aviv University, (MEDREP), on the other;
- A trilateral agreement among Algeria, Tunisia and Morocco on prevention on the Pollution by hydrocarbons
- A Trilateral Commission among Croatia, Slovenia and Italy was established on the Protection of the Adriatic Sea and implementation of contingency plans in cooperation with REMPEC
- 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 (2002) and Bilateral agreements between Monaco and Tunisia and Monaco and Slovenia on RAC/SPA-marine biodiversity issues
- Syria has signed and enacted a large number of bilateral agreements and MoUs in the period 2002-2004 with other Contracting Parties such as Tunisia (2001/2002), Malta (2000/2002), Egypt (2002/2003), Monaco (2001/2004) and Italy, and also with third countries such as Jordan, Bahrain etc.

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

- The 2001 International Convention on the Control of Harmful Antifouling Systems on Ships (Serbia-Montenegro, Cyprus, Syria, etc)
- The 2000 Cartagena Protocol on Biosafety (Croatia)
- The 2002 emergency Protocol (Croatia)
- The 2003 Protocol on SEA Assessment to the Convention on EIA in a Transboundary Context (Kiev Prot) (Croatia)
- 1996 International Convention on Liability (HNS Convention) (Cyprus, Syria)
- The 2001 International Convention on Civil Liability for Bunker Oil Pollution Damage (Cyprus)
- The 1979 Bonn Convention (Syria)
- The 1990 on Oil Pollution DPRC (Syria)
- The Stockholm Convention on POP (Syria)

- The Convention on Biological Diversity (Cyprus)

### **Application of the Precautionary Principle and the Polluter Pays Principle (Articles 4.3 (a) and 4.3 (b))**

2.11 The situation regarding both the above principles differs considerably among the various Contracting Parties although in the vast majority of them, provisions exist in many cases explicitly in the legislation in few others in a more implicit way. The EU and its Members States recognize the precautionary principle as part of the Maastricht Treaty (in Article 130r(2) renumbered Article 172(2)). In the 2000 Communication of the Commission (Com 2000/000/final) it is stated that the precautionary principle should be considered within a structural approach to the analysis of risk which comprises three elements: risk analysis; risk management and risk communication. There are several references in secondary community legislation including the Water Framework Directive (WFD), the EU Directive on Reception Facilities (adopted recently by new EU Members) etc. On the Polluter Pays Principle there are provisions in article 174(2) of the EC Treaty which prescribes the Community Policy. Other references are made in Directive 2000/60/EEC (the WFD) and the Commission proposal for a Directive on Environmental Liability (Com (2002) 17/2002) in regard to prevention and remedying of environmental damage to protected species and natural habitats.

2.12 In three Contracting Parties, (one S. Mediterranean, one East Mediterranean and one Balkan) new legislation on both the Precautionary Principle and Polluter Pays Principle were introduced within the renewed period 2002-2003. In one country the precautionary principle is applied in the area of marine pollution via Interministerial Committee 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 another case the Polluter Pays Principle is applied through charges for potable water used for cleaning waste waters.

### **Environmental Impact Assessment studies for relevant activities (Article 4.3 (c)).**

2.13 Legislation on Environmental Impact Assessment Studies existed already for many years in the legislation and was implemented in most of the Contracting Parties including the EU and its members. However, even Directive 85/337/EEC (1985) was amended for a second time 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 the case of one of these countries 99 Ministerial decrees have been issued on EIA in the period reviewed (2002-2003) and 12 Advisory points on SEA within 2003 alone.

2.14 In all Contracting Parties, which were former Federal States of Yugoslavia, new laws on EIA have been introduced or complemented within the reviewed period while in one of their preparations were made so that the EU legislation will be transposed in 2005. Similarly, in one N. African Contracting Party new legislation was introduced concerning EIA, whereas in one East Mediterranean Contracting Party 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. Despite this progress there are still Contracting Parties that have no legislation on EIA and in one case a draft EIA decree prepared through a METAP project in 1995 has not been issued yet.

### **Promotion of the integrated management of the coastal zones (Article 4.3 (e)).**

2.15 There was some considerable progress in the year 2002 throughout the region stimulated partly by relevant legislation passed in the EU and its members and the introduction of new legislation in some of the countries of the Balkans and N. Africa. 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) which is followed also by some non-EU Contracting Parties also targets coastal areas. Some of the Community countries (eg 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.).

2.16 Laws on Protection and valorization of the coastal zone have been introduced in some N. African countries. Relevant workshops have been organized as well as interministerial committees, inter-entity committees in Federal States and also intersectoral committees among the coastal sites of a country. In a few cases bilateral cooperation has been established among Contracting Parties or with other non Mediterranean European countries for the promotion of ICZM (eg Algero-French; German with Serbia-Montenegro). It is noteworthy that due to pre-existing sociopolitical 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. Some countries also expect to gain experience on ICZM through their CAMP programmes to be started in 2005. 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.

### **Establishment or improvement of marine pollution monitoring programmes (Article 12.1).**

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

2.18 In fact, 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.

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

2.19 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 area 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 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 non EU members inspired by its *acquis*.

2.20 Progress was made also in few countries of the S and E of the region. In one country environmental NGOs were granted the right to file cases against the Government and in another case after an appeal of NGO to the Court of the Justice of the Country it was given observers status to Interministerial Committees responsible to grant discharge permits.

2.21 Despite the overall trend the progress is slow in few other countries which recognize this right only indirectly by involving Parliamentarians to participate in public debates or which have provisions only in draft legislation (eg on EIA) which has been prepared within cooperative schemes (eg METAP) but not formally introduced yet. 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 (eg collaboration in managing protected areas, public awareness campaigns and environmental education schemes). In some cases local initiatives (eg 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 while in one case this report was simplified and a version for children was produced and disseminated. A few national reports do not contain any information on this issue.

### **Problems or constraints in implementation of the Convention**

2.22 From the few countries who have answered this question it becomes evident that some, particular those established after the breakdown of former Yugoslavia and some from the Southern coast 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.





## PART III

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

#### General remarks

3.1 Thirteen Contracting Parties (Albania, Algeria, Bosnia-Herzegovina, Croatia, Cyprus, The European Community, Israel, Italy, Libya, Monaco, Morocco, Serbia-Montenegro and Syria) submitted reports on the implementation of the Convention and Protocols to the MAP Coordinating Unit. All these included national reports on the technical implementation of the Protocols, in accordance with the reported formats approved by the Contracting Parties, except for Cyprus and the European Community (to which latter technical implementation of the Protocols does not apply). The amount of information provided varied between the different countries, and the Protocols covered by individual national reports are summarised in Table 3.1. It should be stressed that the classification (+++, ++ or +) of reports is based on the number of items in each Protocol questionnaire responded to, and in the manner of such response, not on the number of positive activities described, or on the detail supplied with respect to each or any of them. In the majority of cases, whenever any item in the questionnaire format dealing with any particular Protocol could not be answered, a response was provided to the effect that this particular item was not applicable, or that no action was taken. In other cases, however, no response whatever was provided.

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

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

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

overall contract covering the complete national report on the implementation of the Convention and Protocols.

**TABLE 3.1**  
**Protocols covered by Contracting Parties' technical reports**

Contracting Party	DU	EM	LBS	SPA	OFF	HW
Albania	+++	+++	+++	+++	+++	+
Algeria	++	+++	-	+++	-	+++
Bosnia-Herzegovina	+++	+++	+++	+++	+++	+++
Croatia	+++	+++	+++	+++	+++	+++
Cyprus	-	-	-	-	-	-
Egypt	-	-	-	-	-	-
European Community	n/a	n/a	n/a	n/a	n/a	n/a
France	-	-	-	-	-	-
Greece	-	-	-	-	-	-
Israel	+++	+++	+++	+++	-	-
Italy	+++	+++	+++	+++	+++	+++
Lebanon	-	-	-	-	-	-
Libya	++	++	+	+	+	+
Malta	-	-	-	-	-	-
Monaco	+++	++	+++	+++	++	+++
Morocco	+++	+++	+	+++	++	+
Serbia-Montenegro	+++	+++	+++	+++	+++	+++
Slovenia	-	-	-	-	-	-
Spain	-	-	-	-	-	-
Syria	+++	+++	+++	+++	+++	+++
Tunisia	-	-	-	-	-	-
Turkey	-	-	-	-	-	-

Legend:

- +++ Good to excellent coverage: most or practically all items reported on
- ++ Medium coverage: approximately 50% of items reported on
- + Low coverage: only a few points reported on
- No coverage: no information provided or no report submitted
- n/a National technical reports are not applicable to the European Community

Protocols	DU	Dumping Protocol
	EM	Emergency Protocol
	LBS	Land-based Sources Protocol
	SPA	Specially Protected Areas Protocol
	OFF	Offshore Protocol
	HW	Hazardous Wastes Protocol

## **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**

### **General**

3.5 Contracting Parties are required to report on special permits granted by the competent national authorities in terms of Articles 5 and 6 for the dumping of wastes listed in Article 4.2, on dumping of any other matter in cases of *force majeure* in terms of Article 8, and on dumping at sea when wastes cannot be disposed of on land in terms of Article 9.

3.6 Eleven Contracting Parties (Albania, Algeria, Bosnia-Herzegovina, Croatia, Israel, Italy, Libya, Monaco, Morocco, Serbia-Montenegro and Syria) submitted reports on the technical implementation of this Protocol. Of these, five (Albania, Croatia, Italy, Monaco and Morocco) are Parties to the amended Protocol, while the other six (Algeria, Bosnia-Herzegovina, Israel, Libya, Serbia-Montenegro and Syria) have ratified the original Protocol.

### **Permits issued in terms of Articles 5 and 6:**

3.7 A total of 74 permits were issued by four of the reporting countries (Albania, Algeria, Israel and Italy) 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.

3.8 The other seven reporting countries (Bosnia-Herzegovina, Croatia, Libya, Monaco, Morocco, Serbia-Montenegro and Syria) stated that no permits were issued by their competent authorities. 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. In Morocco, there are no authorities responsible for the control of dumping and the issue of permits, and no data could therefore be reported.

### **Occurrences of dumping in cases of *force majeure* in terms of Article 8**

3.9 Seven countries (Albania, Croatia, Israel, Italy, Libya, Serbia-Montenegro and Syria) reported that no dumping in cases of *force majeure* occurred during the period under review. Bosnia-Herzegovina and Morocco reported that no data on such occurrences was available. No information was provided in the national reports of Algeria and Monaco.

### **Occurrences of dumping at sea in critical situations in terms of Article 9**

3.10 Eight countries (Albania, Croatia, Israel, Italy, Libya, Monaco, Serbia-Montenegro and Syria) reported that no dumping took place due to critical situations during the period under review. Bosnia-Herzegovina reported that no data was available. No information was provided in the national reports of Algeria and Morocco,

### **Total quantities of material dumped during period under review**

3.11 Four countries (Israel, Italy, Serbia-Montenegro and 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. 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.

3.12 Croatia and Libya reported that no dumping took place during the period under review. Albania, Bosnia-Herzegovina and Morocco reported that no data were available, while no information was reported by Algeria or Monaco.

**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**

**General**

3.13 Contracting Parties are required in terms of Article 4 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. They are also required in terms of Articles 8 and 9 to submit information on the number of reports submitted regarding pollution incidents or spillages at sea likely to constitute local emergencies or to affect other Parties, including details of such reports.

3.14 Eleven Contracting Parties (Albania, Algeria, Bosnia-Herzegovina, Croatia, Israel, Italy, Libya, Monaco, Morocco, Serbia-Montenegro and Syria) submitted reports on the technical implementation of this Protocol. Of these, only two (Croatia and Monaco) have ratified the new Protocol, while the remaining nine (Albania, Algeria, Bosnia-Herzegovina, Israel, Italy, Libya, Morocco, Serbia-Montenegro and Syria) have ratified the original Protocol.

**Status of national contingency plans**

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

3.16 A national contingency plan is operational in Israel, and 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.

3.17 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.

3.18 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 2000, 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.

3.19 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.

### **Operational responsibilities and command structures**

3.20 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.

3.21 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.

3.22 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.

3.23 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 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.

## **Response strategy**

3.24 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. 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. 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.

3.25 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.

3.26 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.

## **Policy on the use of dispersants**

3.27 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 allowed to be used 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 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.

3.28 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.

3.29 There is no official policy in Albania and Bosnia Herzegovina 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.

### **Status of capacity for airborne surveillance**

3.30 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 aeroplane and helicopter missions and the activities of aero-clubs. Remote-sensing equipment during airborne surveillance is not used in civil operations. 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. 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.

3.31 In Albania, Algeria, Bosnia Herzegovina, Libya, Morocco, 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.

### **Availability of sensitivity maps**

3.32 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 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.

3.33 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 and Syria.

### **Reports on pollution incidents or spillages observed at sea likely to constitute a local emergency**

3.34 In all, 177 incidents, the majority of which were minor spillages, were reported by seven of the countries (Algeria, Croatia, Israel, Italy, Morocco, Serbia-Montenegro and 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. 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.

3.35 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.

3.36 Albania, Bosnia-Herzegovina, Libya and Monaco reported that no pollution incidents occurred off their coasts.

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

3.37 One pollution incident in this 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 ten Contracting Parties (Albania, Algeria, Bosnia-Herzegovina, Croatia, Israel, Libya, Monaco, Morocco, Serbia-Montenegro and Syria) 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**

### **General**

3.38 Contracting Parties are required in terms of Article 13 to provide reports containing (a) statistical information on authorizations for discharge granted in accordance with 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, (b) data resulting from monitoring as provided for in Article 8, (c) quantities of pollutants discharged from their territories and (d) information on Action Plans, programmes and measures implemented in accordance with Articles 5, 7 and 15 of the Protocol. The last item comes under legal and administrative, as opposed to technical, implementation of the Protocol, and is outside the scope of the technical report.

3.39 Ten Contracting Parties (Albania, Bosnia-Herzegovina, Croatia, Israel, Italy, Libya, Monaco, Morocco, Serbia-Montenegro and Syria) submitted reports on the technical implementation of this Protocol. Of these, four (Albania, Italy, Monaco and Morocco) are Parties to the amended Protocol, while the remaining six (Bosnia-Herzegovina, Croatia, Israel, Libya, Serbia-Montenegro and Syria) are all Parties to the original version. Algeria, which reported on the technical implementation of the Protocols but did not report on this Protocol, is still a Party to the original version, not having yet accepted the amendments.

### **Authorizations for discharge granted**

3.40 Eight of the countries reporting on the Protocol (Albania, Bosnia-Herzegovina, Croatia, Israel, Italy, Monaco, Serbia-Montenegro and Syria) submitted information on authorizations for discharge granted and/or amounts of substances released or discharged in tabular form. Of these, three (Croatia, Israel and Monaco) 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 and 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, Morocco and Serbia-Montenegro reported that no information was available regarding the issue of authorizations. 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 Libya and Monaco.

3.41 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 Sprska, 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.

3.42 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.

3.43 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.

3.44 Seven countries (Albania, Bosnia-Herzegovina, Croatia, Israel, Monaco, Serbia-Montenegro and Syria) submitted a variable amount of tabular information on the pollution load of substances released. Of these, only one (Croatia) provided separate figures for 2002 and 2003. The information submitted by Albania, Bosnia-Herzegovina, Serbia-Montenegro and Syria was not in accordance with the classification in the Protocol's reporting format.

3.45 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 country reports into any meaningful overall regional picture.

### **Sanctions in cases of non-compliance**

3.46 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. 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. No data regarding sanctions applied in cases of non-compliance with the terms of authorizations were reported available in Bosnia Herzegovina and Syria.

### **Institutional structure of inspection systems**

3.47 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 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. 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.

3.48 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.

3.49 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.

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

### **General**

3.50 Contracting Parties are required to provide a list of Specially Protected Areas established under the terms of Article 5, information on proposals made for inclusion of areas under national jurisdiction in the list of Specially Protected Areas of Mediterranean Importance (SPAMI) in terms of Article 9A, and information on the status and state of the areas under national jurisdiction included in the SPAMI list, as well as on any changes in the delimitation or legal status of (a) such SPAMI and (b) protected species in terms of Article 23. Inventories of the components of biological diversity are required in terms of Article 15, while Exemptions granted from protection measures pursuant to the provisions of Articles 12 and 18 have to be reported in terms of Article 23(c). 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

3.51 Eleven Contracting Parties (Albania, Algeria, Bosnia-Herzegovina, Croatia, Israel, Italy, Libya, Monaco, Morocco, Serbia-Montenegro and Syria) submitted reports on the technical implementation of this Protocol. Of these, five (Albania, Croatia, Italy, Monaco, and Syria) have ratified the new Protocol, while the remaining six (Algeria, Bosnia-Herzegovina, Israel, Libya, Morocco and Serbia-Montenegro) are Parties to the original Protocol.

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

3.52 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. 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.

3.53 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 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.

### **Proposals made for inclusion of areas under national jurisdiction in SPAMI list**

3.54 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. 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.

3.55 Albania, Croatia, Israel, Monaco, Serbia-Montenegro, Syria, have not so far proposed any specially protected area under national jurisdiction for inclusion in the SPAMI list.

### **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**

3.56 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. In Algeria, the preparation of the relative documentation regarding the three proposals referred to in paragraph 3.xx above had not been started by the end of the period under review, and was in fact commenced in April 2004.

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

### **Changes in the delimitation or legal status of protected species**

3.58 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.

3.59 No changes in the delimitation or legal status of protected species were effected in Israel, Italy, Monaco, Morocco and Serbia-Montenegro. 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

### **New records of non-indigenous or genetically modified species likely to cause damage**

3.60 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 modern biotechnology was adopted by the Council of Ministers and submitted for discussion at the level of the National Popular Assembly.

3.61 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.

3.62 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.

### **Inventories of the components of biological diversity**

3.63 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.

3.64 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.

3.65 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. 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.

### **Exemptions granted from protection measures**

3.66 Ten of the Contracting Parties (Albania, Algeria, Bosnia-Herzegovina, Croatia, Israel, Libya, Monaco, Morocco, Serbia-Montenegro and Syria) reporting on the technical implementation of the Protocol stated that no exemptions from protection measures were granted during the period under review. Italy reported that no information concerning this item was available.

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

3.67 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.

3.68 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.

3.69 No new action plans were implemented by Monaco during the period under review.

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

3.70 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. 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.

3.71 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. No data was reported to be available or applicable by Albania, Bosnia Herzegovina, Italy and Serbia-Montenegro.

**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**

3.72 Seven Contracting Parties (Albania, Bosnia-Herzegovina, Croatia, Monaco, Morocco, Serbia-Montenegro and Syria) submitted information regarding this appendix.

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

3.73 No proposals in this category were made by any of the seven Contracting Parties reporting on the appendix to the Specially Protected Areas Protocol.

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

3.74 No proposals in this category were made by any of the seven 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.**

3.75 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. The sanctuary was included in the SPAMI list in 2001.

**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**

3.76 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.

3.77 Eight Contracting Parties (Albania, Bosnia-Herzegovina, Croatia, Italy, Libya, Morocco, Serbia-Montenegro and Syria) submitted reports on the technical implementation of this Protocol. Of these, only two (Albania and Morocco) have ratified the Protocol. The other six (Bosnia-Herzegovina, Croatia, Italy, Libya, Serbia-Montenegro and Syria), as well as the three (Algeria, Israel and Monaco) 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.

**Authorizations granted for seabed exploration and/or exploitation, and relevant information**

3.78 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, Bosnia Herzegovina and Syria.

**Applications for authorization refused**

3.79 No applications for authorizations were refused by any of the eight Contracting Parties reporting on the technical implementation of this Protocol.

**Information on disposals carried out in exceptional circumstances, and dates of reports on such disposals submitted to the Organization.**

3.80 No exceptions for disposal were authorised by Croatia, Italy and Morocco. This aspect did not apply in the case of Albania, 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.

**Nature and total quantities of wastes in connection with authorizations granted.**

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

3.82 Contracting Parties are required in terms of Articles 6 and 8.2 of the Protocol 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.

3.83 Nine Contracting Parties (Albania, Algeria, Bosnia-Herzegovina, Croatia, Italy, Libya, Monaco, Morocco and Serbia-Montenegro) submitted reports on the technical implementation of this Protocol. Of these, only two (Albania and Morocco) have ratified the Protocol, while the remaining seven (Algeria, Bosnia-Herzegovina, Croatia, Italy, Libya, Monaco and Serbia-Montenegro) 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. The other two Contracting Parties (Israel and Syria) that submitted reports on the technical implementation of the Protocols, but did not include this Protocol, have still to ratify it.

### **Hazardous waste generated**

3.84 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.

3.85 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. 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.

3.86 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.

### **Transboundary movements of hazardous wastes**

3.87 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.

3.88 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.

3.89 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.

### **Pollution accidents occurring during the transboundary movement and disposal of hazardous wastes and other wastes and on the measures undertaken to deal with them**

3.90 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 was reported as available.

### **Disposal options operated within the area of their national jurisdiction**

3.91 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. No information on disposal options was supplied by Albania, Italy, Libya, Serbia-Montenegro and Syria.

## PART IV

### GENERAL ANALYSIS AND RECOMMENDATIONS

#### **Main findings and recommendations on the implementation of the Convention and its related Protocols**

##### **General analysis**

4.1 As has been stated in the introductory part of this document, the scope of this first Regional Report covering the 2002-2003 biennium is in no way designed to constitute an analysis or evaluation of the national reports from the point of view of the activities described therein, but is essentially a synopsis of these reports presented in the form of one consolidated document covering the whole region, and intended to facilitate the work of the Twelfth Ordinary Meeting of the Contracting Parties, whose workload might not permit examination of each national report. The present report is mainly intended to provide the necessary data towards assessment of the status of implementation of the Convention and Protocols through an analysis of the information provided, including the effectiveness of the reporting procedure. It is not in any way designed to represent a report on activities or on the state of the Mediterranean environment.

4.2 One of the first elements to be considered is that until now only slightly more than half of the Contracting Parties (thirteen out of twenty-two) submitted their national report by the agreed-on deadline date, a fact that is not unusual in reporting to International Conventions but also a feature which cannot be considered as positive. As a result, therefore, the present version of the Regional Report for the 2002-2003 biennium can only be described as incomplete and unbalanced, and any analyses and recommendations are only preliminary. The non-responding Parties include most of the EU member states and the most populated countries of the South and East coasts. This may also indicate inadequate human resources in the ministries dealing with the issue and/or some "fatigue" in reporting. Half of the reports submitted were prepared by experts supported financially by UNEP/MAP. This indicates the need for such assistance, but at the same time it also reflects upon the inertia of the national reporting systems.

4.3 In very general terms, the reports submitted by the Contracting Parties on the implementation of the Convention and Protocols demonstrated that the reporting capability is not the same in the different countries. As was the case with the responses submitted in 2003 within the framework of the pilot reporting exercise, in which six countries participated, the weakest part of the overall response consisted in the statistical data in the reports on the technical implementation of the Protocols. On the whole, however, the degree of variation encountered, however, was considerably less than was the case in the pilot reporting exercise.

4.4 The information submitted by the different Contracting Parties varied both in the degree of response to the different items in the model reporting formats, and in the amount of information and data provided. The majority of the reports mostly contained what can be considered satisfactory responses, in that they provided information, or explained the reasons for lack of it, with regard to all or most of the items in the various questionnaire formats. However, in a number of cases, the questionnaire forms were returned with the spaces for information with respect to one or more of the legal instruments either partially (or sometimes even completely) blank, or with the response restricted to one or two words giving no satisfactory explanation of the situation. At overall level, however, there was a marked improvement in the degree of reporting, as compared to that pertaining to the pilot exercise covering the 2000-2001 biennium.

4.5 Most of the Contracting Parties supplied full details regarding those national authorities that collaborated with the national Central Agency responsible for compiling the overall report with regard to the Convention and the different Protocols. The reporting capability of any country in the case of a complex multidisciplinary exercise, such as the Mediterranean Action Plan, is essentially in direct proportion to the degree of inter-sectorial cooperation between the different national authorities. From the details supplied by the various Contracting Parties as to the national sources from which relevant information and data were collected, it is obvious that in most cases there is satisfactory internal collaboration at national level.

4.6 The biennial reports of the various Contracting Parties on the implementation of the Convention and Protocols, in line with the reporting formats followed, dealt mainly with the legal and administrative measures at national level taken to ensure adherence to the legal component of the Mediterranean Action Plan, as well as with other international legal instruments outside its framework. On the other hand, the national reports on technical implementation of the various protocols contained both administrative measures and activities, and technical data. In the former case, the degree of reporting was consistently good, and it is obvious that the absence of information on legal and administrative measures in a number of cases was mostly due to the fact that these measures still had to be taken, rather than to any difficulty in obtaining the relevant information from the responsible national authorities. In the latter case, however, while the administrative information provided was generally good, there was a significant variation among the different countries in the provision of technical data. It transpired that in a number of instances there was still no national legal or administrative mechanism through which the data could be collected, while in others such data was compiled in a format different to that required in terms of the Protocols concerned. This latter problem mainly arose in the case of authorizations for discharge under the terms of the Land-Based Sources Protocol.

4.7 The collection of statistical data in connection with the technical implementation of the various Protocols, particularly those dealing with dumping at sea, waste discharge and generation and transboundary movement of hazardous wastes, still requires improvement in terms of reporting methodology. No overall regional report of any practical value can be compiled unless the data coming from different countries can be successfully integrated. In this regard, as detailed in the sections covering the different Protocols in Part 2 of this report, the data was reported and tabulated under different headings, mostly differing from that stipulated in the reporting formats. As the requirements listed or tabulated in the reporting formats reproduce Protocol requirements, resolution of this problem is only possible through the observance of stipulated presentation methods by Contracting Parties, to ensure harmonisation and integration of data at overall regional level.

4.8 On the basis of the information and data submitted, it is obvious that, at least in some countries, a very large amount of progress has been made towards eventual full conformity with the terms and requirements of the Convention and Protocols. The degree of implementation of individual legal instruments as it appears from the reports submitted is discussed in subsequent paragraphs of this section. In fact, in certain instances, measures taken have been well beyond the Convention and Protocols' requirements. Similarly, adherence to other international legal instruments relevant to the objectives of the Mediterranean Action Plan can be considered generally satisfactory. The problem lies in the fact that in the case of those participating countries submitting only partial information, it is not known whether the lack of response to any item in the various questionnaires can be attributed to the absence of any measures taken or, as may be the case, to the inability of the national organisation responsible for submitting the reports to acquire the necessary information from those other national bodies involved in the activities in question.

4.9 A preliminary reading, therefore, of the achievements in the 2002-2003 biennium indicates an undoubted progress, not only as far as legal and administrative, and to a slightly

lesser extent technical, implementation of the Convention and Protocols is concerned, but also with respect to official environmental policies in general. This progress is obviously not evenly spread on all issues and all Contracting Parties.

4.10 A number of driving forces can be considered as contributing to this progress. In the first place, at general international level, there is a positive trend towards more effective consideration of the environmental sector in national planning and development. Within this overall framework, the national development policy of most Contracting Parties is also becoming geared to the protection and management of the sea and the coastal zone. Secondly, all Contracting Parties are showing a high commitment to implement the terms of the Barcelona Convention and Protocols as fully and as effectively as possible. This is clearly evidenced by the progress being achieved in the implementation by most countries of the terms of those instruments within the legal component of the Mediterranean Action Plan that are not yet in force, which confirms that the Contracting Parties look at the Convention and Protocols as an efficient and useful legal regime for the protection of the Mediterranean Sea and its coastal zone, and for promoting its sustainable development.

4.11 Thirdly, EU enlargement and the recent accession of a further three Contracting Parties to the Barcelona Convention (Cyprus, Malta and Slovenia) to membership of the EU. Several other Parties have also expressed their willingness or intention to join the EU at a later stage, and have started adjusting their legal and administrative systems in this direction. This has involved the adoption of a large number of EU Directives relevant to the protection of the Mediterranean. On the other hand, because the EU, as one of the Contracting Parties to the Convention and its Protocols or other related international instruments, automatically incorporates them in its own Legislation, its member states and those who follow its "acquis" automatically have to implement the relevant legal instruments.

4.12 In addition, the countries that were previously part of former Yugoslavia and are now established as independent states had to cover a considerable vacuum in International Law. Although this was achieved in different ways in each individual case, it did lead, however, to the rapid adoption of many Conventions and Protocols. Also, a number of countries on the South and East coasts of the Mediterranean that, for a variety of internal reasons, had not been very active in the past in adopting international environmental legislation became active during the period under review, and signed, and in many cases ratified, a series of relevant Conventions and Protocols. This can be considered as part of a general regional trend whereby Mediterranean countries are steadily increasing their participation in both global and regional initiatives other than those forming part of the Mediterranean Action Plan in the fields of environmental protection and sustainable development.

4.13 There were clear improvements in the appreciation of the role of NGOs institutionalized in some cases and recognized also through Court decisions. However, there are still considerable areas where progress was very limited in some Contracting Parties, including limited access of the Public to Information, Public Participation and access to justice.

4.14 The degree of 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 can be best analysed by considering the imposition by Contracting parties of special permits by their competent national authorities for the dumping of wastes in terms of Articles 5 and 6, and on observance of the provisions of Article 8 in cases of *force majeure* and Article 9 when disposal of wastes on land is not possible. The permit system appears to be operational in most of the countries reporting, four of which issued permits during the period under review. Of the other seven, all of which reported that no permits were issued, one country reported that it had drafted, but not yet adopted, the necessary legislation to enforce the issue of permits, and another that there were still no authorities responsible for the control of dumping and the issue of permits. On the issue of dumping in

case of *force majeure*, or because of the impossibility of dumping on land, four out of the eleven Contracting Parties in each case either reported that no data were available, or left the response to the item blank. Since the Parties are obliged to report to, or consult with, the secretariat in cases of this nature, this type indicates that the necessary measures for implementing the terms of these two articles have not yet been developed in the countries in question.

4.15 Article 4 of the Protocol Concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea requires Contracting Parties 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. Insofar as concrete action is concerned, however, they are only required to develop their capability to respond to pollution incidents at sea in general terms, and are not bound to attain any specific stage of organization. The measures taken for the technical implementation of this Protocol will therefore be expected to vary among individual countries, depending on their national capabilities and the degree to which these can be strengthened within the overall national framework. In this connection, out of the eleven Contracting Parties submitting national reports, although all have one or more national and/or local authorities designated as responsible for responding to pollution incidents, five still have no operational Contingency Plan, which is a *sine qua non* for implementation of the Protocol, at national level. Of these, three countries have their national Contingency Plan under development or consideration. In one of these countries, there is a plan covering harbours. No Contingency Plan exists in the remaining two countries. Implementation of what is the most important measure in connection with the Protocol on a region-wide basis is still below expectations.

4.16 In very general terms, the technical requirements of the Protocol are being met satisfactorily through the response strategies that have been adopted in most countries, the restrictions in force on the use of dispersants, and the maps of sensitive areas currently available. A few countries are still lagging behind in one or more of these issues. The fact that most countries still have no capacity for airborne surveillance of pollution, and limited response capability in cases of pollution incidents at sea, does not in itself imply a lack of implementation of the terms of the Protocol.

4.17 Implementation of the terms of Articles 8 and 9 of the Protocol, which respectively require Contracting Parties 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, can be considered satisfactory in that seven countries provided details of such reports, and the other four stated that no such incidents had occurred.

4.18 Article 13 of the Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities requires Contracting Parties to provide reports of a technical nature on the implementation of the terms of two other articles: authorizations for discharge granted in accordance with 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; and monitoring data in accordance with Article 8. Contracting Parties are also required by Article 13 to provide statistical data on the quantities of pollutants discharged from their territories. The degree of implementation of this particular Protocol, at least insofar as it stipulates that all discharges should be subject to official authorization, appears to be still unsatisfactory. Of the eleven Contracting Parties submitting reports on the technical implementation of this particular protocol, one did not report on this Protocol at all, and of the remaining ten, three reported either that no authorization system had yet been established, or that no information regarding the issue of authorizations was available, and another two provided no information at all.

4.19 The information received from Contracting Parties regarding the total load of substances released into the sea during the period under review, as has been detailed earlier in this document, varied significantly in content between the different countries, and was submitted in different formats, which would make any attempt to compile even a partial regional picture meaningless. In this context, it should be recalled that the tabular format for reporting the total load of substances released had been developed as a faithful reproduction of the relative annex to the Protocol, and then amended to bring it into full conformity with the Operational Document for the Implementation of the Strategic Action Programme to Address Pollution of the Mediterranean Sea from Land-based Activities (SAP), which was approved by Contracting Parties at their twelfth Ordinary Meeting in Monaco in November 2001. While, therefore, from a purely legalistic point of view, Contracting Parties have, in the main, satisfactorily implemented the requirements of Article 13 (c) of the Protocol insofar as they have reported substances released, the main scope of the reporting, which is the development of the total load of pollutants reaching the Mediterranean Sea, will be difficult to achieve in view of the lack of harmonization between the different formats in which the data have been submitted.

4.20 The technical implementation of the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean is mainly governed by the provisions of Articles 5, 9, 12, 15, 18 and 23, which between them cover the provision of information on Specially Protected Areas established, proposals made for inclusion of areas under national jurisdiction in the list of Specially Protected Areas of Mediterranean Importance (SPAMI), the status and state of the areas under national jurisdiction included in the SPAMI list, changes in the delimitation or legal status of such SPAMI and of protected species, inventories of the components of biological diversity, and exemptions granted from protection measures. Information is also required on implementation of the Action Plans for threatened species adopted within the framework of the Mediterranean Action Plan, and other relevant recommendations of the Contracting Parties. Implementation of the Protocol must be considered as generally satisfactory in that all the reporting countries have established a variable number of Specially Protected Areas or their equivalent, most have completed or started compiling inventories of their national indigenous fauna and flora, and most again have implemented one or more of the MAP Action Plans for threatened species. A number of countries have not so far made any proposals for the inclusion of areas in the SPAMI list, but this in itself is not a yardstick by which the degree of implementation of the Protocol should be measured. Perhaps the weak spot in implementation lies in the mechanism for regulating the introduction of non-indigenous species, as projects in connection with such species were reported from only two countries. In general, the main response to the question of non-indigenous or genetically modified species was that no new records were available.

4.21 Within the terms 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, Article 4 binds Contracting Parties to report on authorizations granted for seabed exploration and exploitation, and on applications refused. The same article, together with Articles 9 and 21, bind them to provide technical information with respect to each authorization granted, and any disposals carried out as exceptions, including information on reports on such cases previously submitted to the Secretariat. Reports on the technical implementation of this Protocol were received from eight Contracting Parties, including one that 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. Five countries provided information on authorizations granted. Of the remaining three, which reported that no authorizations had been granted during the period under review, only one would appear to have still not developed the authorization process. In another, seabed exploration and exploitation were reported as prohibited by Law, so that authorization as such did not apply.

4.22 The authorization requirement appears to be satisfactorily implemented in practically all the countries reporting. The part dealing with disposal permits requires some clarification, as two out of the five countries reporting authorizations did not provide and information regarding disposal.

4.23 Technical implementation of the Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal is regulated by Articles 6 and 8, which bind Contracting Parties to report on hazardous waste generated, on transboundary movements of hazardous or other waste, including any accidents occurring during such movement and on the measures undertaken to deal with them, on disposal of hazardous waste and other waste, and on disposal options within the areas of their national jurisdiction. Reports on the technical implementation of this Protocol were received from nine Contracting Parties, including one which reported that it was not yet a Contracting Party to the Protocol in question, and that the data submitted was only for information purposes, and another that was only partial, and included no information on the operative items. Five Contracting Parties provided details of hazardous waste generated, one reported that no such waste was generated, and another two that no details were available. The remaining two countries left the relative questionnaire spaces blank

4.24 An analysis of the situation prevailing in the nine countries submitting reports on the transboundary movements of hazardous waste shows that in one country, both the importation and exportation of such waste is prohibited by Law, and in another three, importation is prohibited. Two countries provided details of both imports and exports, another three (in which imports were reported as prohibited), provided details on exports, one reported no transboundary movements as having taken place, while the remaining three either reported that no data was available, or provided no response. Three countries provided details on disposal options either in practice or under development. One country reported that no disposal is effected, as all hazardous waste is exported. The other five Contracting Parties reporting on the technical implementation of the Protocol supplied no information on disposal options. Implementation of this Protocol, therefore, requires some degree of improvement.

4.25 Throughout the reports, no indication was found concerning the use of monitoring data and their connection to decision-making, etc. The way in which data are used to translate them in meaningful information for policy formulation may require some further discussion to explore the possibilities of linking or synergy with other reporting systems that are already in place in the region.

4.26 The most important problem still visible in the Mediterranean and, in some cases, on the increase is the apparent inability of national Authorities to enforce existing legislation. Illegal settlements, illegal waste dumping, illegal water abstraction, illegal discharges etc. are all very common throughout the region and, apart from the damage caused to the environment, they also erode the confidence of citizens to the Authorities. The enforcement of legislation is incomplete due to lack of human resources, lack of continuous and coherent political will, particularly at local level while corruption is not an unknown problem.

### **Recommendations on the improvement of the reporting system.**

4.27 From the overall point of view, *i.e.* within the framework of the total reporting obligations the Mediterranean Action Plan demands of the participating Contracting Parties, the current reporting formats cover only those reporting obligations arising within the framework of the Action Plan's legal component, and therefore constitute only part of the reporting required of Contracting parties in conformity with the terms of Article 26 of the revised version of the Barcelona Convention. In this context, as stated in the introductory part of this document, Contracting Parties have also bound themselves to include, in their

biennial reports, the measures taken by them in terms of the recommendations adopted during their meetings, in addition to those taken in direct implementation of the various articles of the Convention and Protocols. In keeping with this obligation, the Contracting Parties, at their eleventh Ordinary Meeting in Catania in 2003, formally requested the Mediterranean Action Plan Secretariat 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 2005 Ordinary Meeting.

4.28 Practically all Contracting Parties to the Barcelona Convention and Protocols have other reporting obligations with regard to international environmental legal instruments of a global or regional nature outside the framework of the Mediterranean Action Plan. Apart from this, seven Mediterranean States (Cyprus, France, Greece, Italy, Malta, Slovenia and Spain) that are Contracting Parties to the Barcelona Convention and Protocols are also members of the European Union and, as such, bound by EU Directives in the environmental field. These legal instruments and Directives cover subjects that are identical or similar to those contained in the legal component of the Mediterranean Action Plan, and the additional new reporting now imposed through implementation of the terms of Article 26 of the Barcelona Convention is considered in many national quarters as constituting an unnecessary strain on existing resources. During the operational phase of the pilot reporting exercise, the advisability of harmonisation to the extent possible of MAP reporting formats with comparable ones within the framework of (a) other, non-MAP, international legal instruments and (b) EU Directives, to avoid undue duplication of effort on the part of Contracting Parties was discussed at length. In the report of the pilot reporting exercise, it was concluded that this was a matter which the MAP Secretariat would have to take up with the bodies concerned in an effort to reach satisfactory mutual agreement, and it was recommended that the Contracting Parties be requested to authorise the Secretariat to commence action, and following submission of progress to consecutive meetings of the Bureau, submit a report to the 2005 Contracting Parties' meeting.

4.29 Throughout the course of operation of the pilot reporting exercise, demands were made by national representatives at each successive meeting (a) to review the current reporting formats with the aim of reducing their content by the elimination of items information on which was stated to be difficult to provide, and (b) to try and achieve the optimum possible harmonisation with the reporting formats used by other Convention Secretariats with the aim of possibly utilising the same report for more than one legal instrument of the same nature. In the analysis of the results of the pilot reporting exercise in 2003, it was stressed that while the presentation of the reporting formats for the Convention and Protocols could possibly be further improved both from the point of view of assuring an optimal facilitation of country response, and from that of effecting the best possible harmonisation with the reporting requirements of other international legal instruments to which Mediterranean Coastal States are also Parties, their content, as expressed by the type and amount of information countries have to submit, was necessarily fixed by the provisions of the various articles of the Convention and Protocols which the Contracting Parties themselves had adopted, signed and ratified. The pilot reporting exercise carried out as a prelude to this first region-wide periodic report was, in fact, designed to determine to the extent possible the capabilities of the countries to fulfil their reporting obligations, to identify existing constraints of whatever nature, and to develop the necessary means to overcome such constraints. There was no question whatever of utilising its results to remove items stipulated in the Convention and Protocols from the questionnaire-type formats simply in order to reduce the amount of information and data the countries would have to produce.

4.30 Prior to the commencement of the current full-scale reporting exercise, analysis of the results of the pilot reporting exercise in 2003 had indicated that there were two major matters for concern: (a) lack of information as to why a number of countries participating in the exercise only responded to a limited number of questionnaires, and somehow ignored the

rest, and (b) the fact that, in several instances, countries returned partially completed sections, and gave no information whatever as to why no response was given to any particular item in the various questionnaires. In this context, it was considered that the guidelines for completion of the reporting formats needed to be expanded through the addition of material of a more general material, explaining to countries what was required of them should it not be possible to provide a positive response to any questionnaire item. As a result of this recommendation, a general section on this issue was added to the guidelines for completion of the reporting formats. To a lesser extent, this phenomenon of leaving unexplained blanks in response to a number of questionnaire items was still noted during analysis of the present national reports. It would therefore appear appropriate for the general guidelines for the completion of national reports to be further modified and expanded to ensure that countries know exactly what is expected of them.

4.31 One possible way of easing the national reporting loads by minimising duplication of effort as a result of repetition could be to review the current reporting formats with a view to identifying those items which are being reported twice, initially on taking the stipulated measure through legal enactment or any other appropriate method, and eventually within the structure of periodic reports. In certain cases, a decision would have to be taken on whether new information of an *ad hoc* nature should be reported to the MAP Secretariat on an individual basis as soon as the relevant action has been taken, or whether it should be included in the periodic report covering the biennium in question. By and large, it could be considered that when an *ad hoc* report on a single event (the nature of which could vary between a pollution incident to a change in the national authorities or structures dealing with any particular pollution control aspect) has to be reported individually on occurrence either to the MAP Coordinating Unit or to the appropriate Regional Centre, it should not be repeated in detail in the biennial national report. Depending on the nature of the information, it could be either circulated on receipt (*i.e.* it would not form part of the national or regional reports) or included in biennial reports to the MAP Secretariat by the Regional Centres, detailing or summarising (as required) the information submitted to them by individual Contracting Parties in terms of one or more of the articles of the relevant Protocol.

4.32 With a view to further simplification of reports, consideration could also be given to part of them to be given the form of a multiple answer matrix, reducing the text to an absolute minimum with one overview assessment per country.

4.33 The capacity for reporting within national administrations should be increased. Experts compiling national reports for countries should be considered "trainers of administration" and provisions should be made to ensure that they collaborate closely with those who will draft of the future reports.

4.34 Regarding the harmonisation of the reporting requirements of the legal component of MAP with those of other international legal instruments, the Eleventh Ordinary Meeting of the Contracting Parties, in its recommendations on reporting on the implementation of the Convention and Protocols, formally requested the MAP Secretariat 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. Until such time as such a format is developed, any recommendations for improvement of the reporting formats must be based on the existing ones which, after all, are modelled on the terms of the various articles of the Convention and Protocols and, as such, exactly in line with the obligations of countries in their capacity of Contracting Parties to the legal instruments in question.

4.35 In the reporting systems themselves, innovative ways should be found for the better use of facilities and resources already invested for the same purposes, reducing overlapping and duplication. Other existing structures need to be explored, such as, for instance, the

functioning of the European Environmental Agency (EEA), which concentrates all monitoring data from the countries connected to it (not only the EU member states, but also the Balkan ones) may play in the future a more important role in mainstreaming reporting and better use of the results of monitoring. Because of the rapid adoption by some countries of such a vast amount of new legislation it is necessary that they have time and resources, both human and financial, to assimilate and properly apply this legislation. It will require considerable internal reallocation of resources in each country to fulfill this target.

4.36 The situation indicates that when there is considerable delay in accepting and adopting international legislation, gaps are created and problems are accumulated that force countries at a given moment to adopt international law in a massive and urgent way with eventually problematic side effects related to it. Therefore, the recommendation for timely accession to and ratification of Conventions and Protocols with parallel strengthening of relevant national infrastructure is always valid.

4.37 The Secretariat, through a small team of experts, could usefully discuss separately with each Contracting Party the issue of accession to the various Protocols, etc. and the problems occurring during implementation, with their resultant serious delays in enforcement. The results of such discussions could help to speed up the processes at national level, whenever this is needed, and also, eventually, to secure the transfer of experiences from other Contracting Parties who might volunteer through formal or informal bilateral agreements. There should be, possibly on a voluntary pilot basis, some report or assessment of the impact, results and effectiveness of the various bilateral and multilateral agreements and Memoranda of Understanding, aimed at improving implementation of the Convention and Protocols.

4.38 More human, technical and financial resources should be devoted to the improvement of law-enforcement, and to better control. In parallel, support should be provided to the "watch-dogs", the most efficient of which are non-profit organizations at all levels. Ideas and initiatives such as the production of a special version of National State of the Environment Reports for Children, or the invitation of NGOs as observers to Inter-ministerial Committees granting discharge permits etc. might be compiled in a short publication of good practices, which could eventually be used by others as examples.



## **ANNEX I**

### **List of potential/possible non-compliance cases in the technical implementation of the Protocols**

to be distributed at the meeting