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MEDITERRANEAN ACTION PLAN

Third meeting of the Compliance Committee

Athens, Greece, 23-24 October 2009

STATUS OF IMPLEMENTATION OF ARTICLE 26 OF THE BARCELONA CONVENTION ON REPORTING DURING THE BIENNIUM 2006–2007

Part 1

1.1. Context

This report is submitted to the meeting of the Contracting Parties in accordance with Articles 17(iv) 18.2(ii) of the Convention. It presents a summary of findings of the reports submitted by the Contracting Parties in view of implementing Article 26 of the Convention and Decision IG.7/3 of the 15th Meeting of the Contracting Parties.

1.2 General comments

- 20 Contracting Parties¹ submitted reports in the current format, out of which 3 in the on line MAP reporting system.
- Contracting Parties did not submit their reports on all legal instruments².
- Some of the reports did not include information on technical and enforcement aspects of application of the protocols.
- Some of the Contracting Parties used the system of ticking boxes with added comments, some of which were substantive, while others only ticked the boxes without additional comment. Some of them did not answer at all.
- A number of Contracting Parties provided clear information with regard to difficulties in implementing the Convention and Protocol provisions
- Information on application of the “Offshore” of 1994, and the Hazardous Wastes of 1996 protocols is clearly important although these protocols have not yet come into force and have not been signed by many Contracting Parties. With regard to the Hazardous Wastes Protocol of 1996, some Contracting Parties reported the actions they had taken in applying the 1989 Basel Convention.

1.3 Main conclusions

Subject to a more detailed examination the following conclusions can be drawn from this analysis of the reports:

- The reports show considerable improvement in terms of information on application of the Barcelona Convention and its protocols
- It is essential that all Contracting Parties submit reports, in accordance with Article 26 of the Convention and the relevant provisions of the protocols, so that information on application of the Convention and its protocols is systematic and is available to all partners and so that the Contracting Parties are on an equal footing in this respect.
- Furthermore, systematic submission of technical data by all the Contracting Parties will enable the Secretariat, particularly the RACs and MED POL, to contribute to periodic reports on the state of the marine and coastal environment.
- The new reporting format improves the comparability of information, as it allows quantitative analysis, unlike the previous system. It is essential, however, that each Contracting Party provide comments to clarify their national situations and conditions with regard to application of the Convention and its protocols.

¹ The number of Contracting Parties submitting reports differ for each legal instrument.

² 15 Contracting Parties submitted reports on the Convention, 9 on the Dumping Protocol, 14 on the LBS Protocol, 15 on the Prevention and Emergency Protocol and 20 on the SPA Biodiversity Protocol.

- The replies concerning indicators of effectiveness show that many Contracting Parties have not established them.
- Many of the reports describe difficulties in applying the protocols, in particular lack of awareness, limited financial capacity, limited human resources and inadequate intersectoral coordination.

Part 2

2. Implementation of the Convention and the Protocols

2.1 Barcelona Convention

- All Contracting Parties provided relevant information on the status of ratifications.
- Overall, Contracting Parties provided clear information on the international, bilateral and multilateral agreements to which they are signatory and which are related to the Convention. Furthermore, most Contracting Parties provided information on the status of signature, accession to or ratification of multilateral environmental agreements. It would therefore be possible to tabulate the status of the Mediterranean Contracting Parties with respect to ratification of such agreements. This is a satisfactory overall situation.
- The Contracting Parties appear to have established adequate structures for implementing the Convention and its protocols.
- Contracting Parties have enacted legislation in accordance with the provisions of the Convention.
- With regard to respecting the obligations and principles specified in the Convention, especially in paragraphs 4.3 and 4.4, most of the Contracting Parties report progress. Emphasis was placed on monitoring programmes in the marine environment, which were described in detail. Most of the Contracting Parties had integrated the precautionary principle, the polluter pay principle, and EIA environmental impact assessment and to some extent the principles of public access to information in their legislation. Contracting Parties differed, however, in the extent to which they had introduced integrated management of coastal zones, the application of ICZM tools in physical planning process, the public access to information and public participation into decision making as well as EIA procedures in a trans-boundary context. A number of the Contracting Parties also report the application of SEA for plans and programmes and policies.
- New important developments are reported by a considerable number of Contracting Parties with regard to the establishment of national strategies for sustainable development that take into account the protection of the marine and coastal environment. The use of economic instruments such as fines on permit violators, indicated polluters are charged cleaning expenses, establishment of eco fund or environmental protection and energy efficiency funds, etc is also reported by a number of Contracting Parties.
- Establishment of monitoring programmes on the marine and coastal environment is reported by almost all Contracting Parties. Efforts are being made to update such programmes.
- Most Contracting Parties publish periodical reports on the state of the environment, including information on marine and coastal zones. However for a

number of Contracting parties there is a need to establish policy to enhance and encourage public access to information and participation.

- With a view to better assist the Contracting Parties to overcome their gaps with regard to public participation, public access to information and EIA in transboundary context, ratification of the ICZM protocol, Aarhus Convention and Espoo Convention by the Contracting Parties may be recommended

Table 1

COMPLETED REPORTING FORMAT (BASED ON THE NUMBER OF QUESTIONS ANSWERED)							
Total Number of Contracting Parties to have submitted the report	Ratification	Cooperation	Legal Measures	Policy Measures	Resources	Other measures	Challenges
15	15	15	15	12	15	15	11

2.2 The Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft (*Dumping Protocol*);

Out of the 9 Contracting Parties that reported on the implementation of the Dumping Protocol, not a single Contracting Party addressed all of the above noted six parts. Specifically, no data are available for Part IV dealing with enforcement measures. The scope of reporting by the 9 Contracting Parties is tabulated below. Three Contracting Parties incorporated some provisions of the requirements of the Protocol into their national legislation even though they have not ratified it yet. Ten Contracting Parties ratified the Protocol, but did submit any report.

Number of Contracting Parties	Completed Reporting Format					
	Part I	Part II	Part III	Part IV	Part V	Part VI
9	9	9	3	0	2	2

The results of the analysis of the present section confirm that the provisions of the Dumping Protocol are incorporated into their national legislation. However, the difficulties and challenges facing the Contracting Parties in addressing all the provisions of the Protocol are not clear and were not specified in the submitted reports. It is recommended that an in-depth investigation is undertaken to pin-point the specific nature of difficulties/challenges facing the Contracting Parties in this domain.

2.3 The Protocol for the protection of the Mediterranean Sea against Pollution from Land-based Sources (*LBS Protocol*)

Out of the 13 Contracting Parties that reported on the implementation of the LBS Protocol, 3 Contracting Parties addressed all of the above noted six parts. The scope of reporting by the 13 Contracting Parties is tabulated below. In that respect, it is interesting to note that some

Contracting Parties that ratified the LBS Protocol did not submit a report. Other Contracting Parties which did not ratify the Protocol did report.

Number of Contracting Parties	Completed Reporting Format					
	Part I	Part II	Part III	Part IV	Part V	Part VI
14	14	14	9	6	12	5

The results of the analysis of the present section confirm that the provisions of the LBS Protocol are of highest priority to the Contracting Parties (compared to other protocols) as evidenced by the fact that 10 Contracting Parties incorporated a number of its requirements into their national legislation. However, difficulties and challenges facing the Contracting Parties in addressing some of the provisions of the Protocol are not clear and could not be determined from the submitted reports, particularly concerning the regulation of point source discharges, establishment of an inspection system, applying sanctions and common measures to control pollution, in addition to allocation of the necessary resources to establish institutions and monitoring programs. It is recommended that an in-depth investigation is undertaken to pin-point the specific nature of these difficulties and challenges.

2.4 The Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal (*Hazardous Wastes Protocol*).

Out of the 8 Contracting Parties that reported on the implementation of the Hazardous Wastes Protocol, only 1 Party addressed all of the above noted six parts; the remaining 7 Contracting Parties submitted partial information as tabulated below. Two Contracting Parties incorporated some provisions of the Protocol into their national legislation even though they have not ratified it yet. Two Contracting Parties ratified the Protocol, but did submit any report.

Number of Contracting Parties	Completed Reporting Format					
	Part I	Part II	Part III	Part IV	Part V	Part VI
9	9	9	4	4	2	6

The results of the present section highlight the fact that only 6 Contracting Parties have incorporated some of the Hazardous Wastes Protocol provisions into their national legislation. Furthermore, analysis of submitted information indicates that minimizing hazardous waste generation takes precedence to controlling flow of waste to external territories. In order to mitigate related difficulties and challenges facing the Contracting Parties for addressing these provisions, it is recommended that MAP addresses the issue for the need of: (i) allocation of financial and other resources; (ii) introduction of administrative management tools, and (iii) capacity building to enhance technical capabilities to develop necessary legislation that meets the provisions of the Protocol.

2.5 Implementation of the Prevention and Emergency Protocol

Part I: Status of ratification of the international legal instruments related to the Prevention and Emergency Protocol.

Question 1: During the period under review, has the Party signed, ratified, accepted, approved or accessed to any of the international legal instruments listed in Table I, II and III below?

Under this part, the main difficulty encountered when processing the answers to Question 1 quoted above is that the majority of the Contracting Parties were misled, possibly because of the word “status” used in the Reporting Format, and did not report on conventions ratified during the biennium. In most cases, the Participating Parties mentioned all international conventions to which they are Parties. Therefore, one should not interpret the high percentage of positive answers (showing in dark blue in the 3 tables hereunder) as a high number of international conventions ratified during the 2006-2007 biennium.

Chart 1

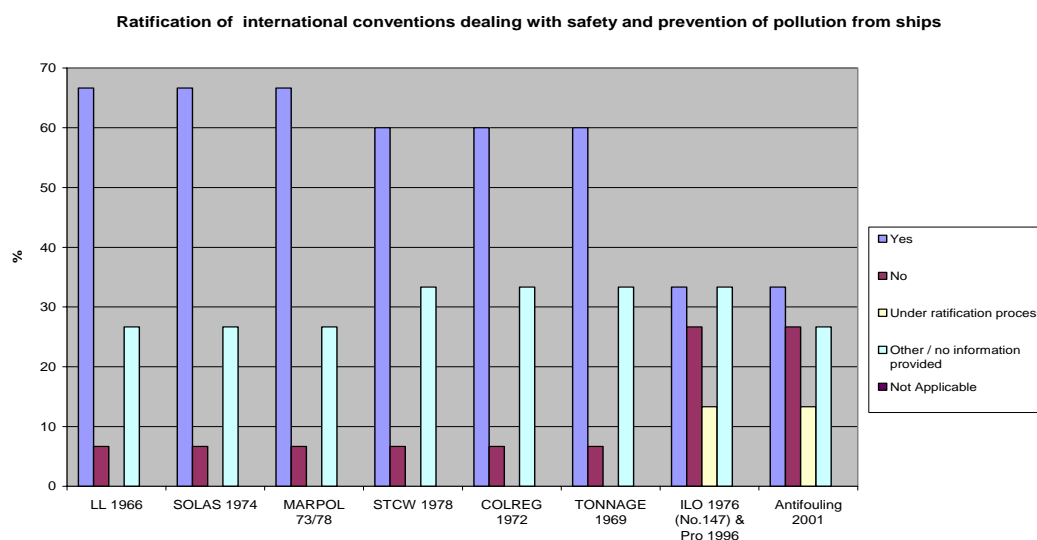


Chart 2

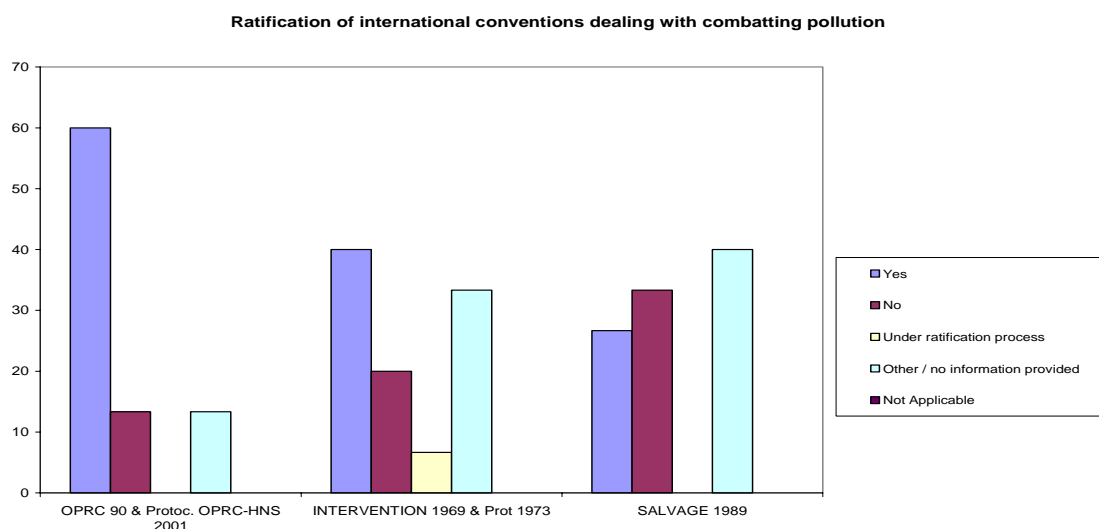
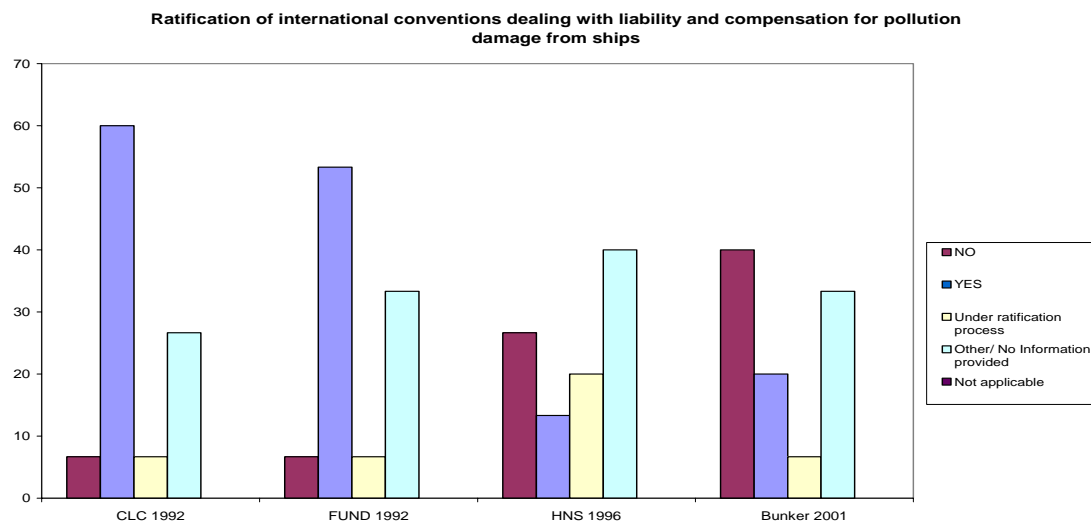


Chart 3



Although, as explained above, the tables do not provide information on the international conventions ratified during the 2006-2007 biennium, they show that a vast majority of Contracting Parties ratified the main international convention dealing with prevention of pollution from ships, preparedness and response to marine incidents and liability and compensation.

Part II: Legal and administrative measures taken to implement the provisions of the Prevention and Emergency Protocol

Question 2 – has the party taken the legal and administrative measures listed in Table IV hereunder for the implementation of the Protocol?

The diagrams hereunder show the percentage of Contracting Parties stating they have taken the legal and/or administrative measures listed in the Reporting Format to implement various articles of the Prevention and Emergency Protocol. The issues addressed throughout the 21 relevant measures included in the Reporting Format concern contingency planning, competent national competent authorities, dissemination of information, communication, port reception facilities and places of refuge. For easier reading, these issues were divided and reflected into the four diagrams appearing below.

The main conclusion that can be drawn from the results shown in the diagrams is that a majority of Participating Parties (50% or more) have undertaken the legal and/or administrative measures which are listed in the Reporting Format, with the exception of six of these measures (with less than 50% of Participating Parties), as follows:

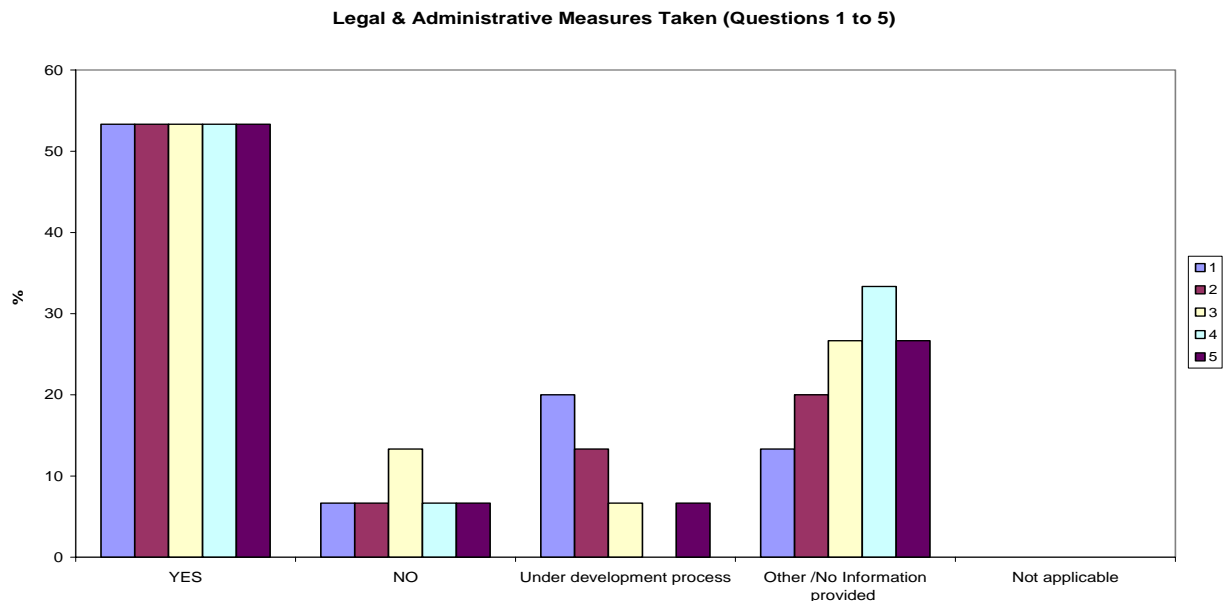
6. Informing the Regional Centre (REMPEC) every two years of the measures taken for the implementation of the Protocol (Article 4.3).
7. Development of programmes and activities aimed at monitoring and detecting pollution, whether accidental or operational (Article 5).
14. Communication of information to the Regional Centre (REMPEC) (Article 7).
16. Ensuring that port reception facilities meeting the needs of ships (including pleasure craft) are available in ports and terminals (Article 14).
17. Ensuring that port reception facilities are used efficiently, without causing any undue delay to ships and limiting discharges to the marine environment (Article 14).

18. Ensuring that ships using the ports of the Parties are provided with updated information with respect to obligations under the MARPOL Convention and applicable national legislation (Article 14).

For more details, one can refer to the list of measures reproduced under each diagram.

- Contingency Planning and authorities in charge of implementation of the Protocol, of international convention and of relevant legislation

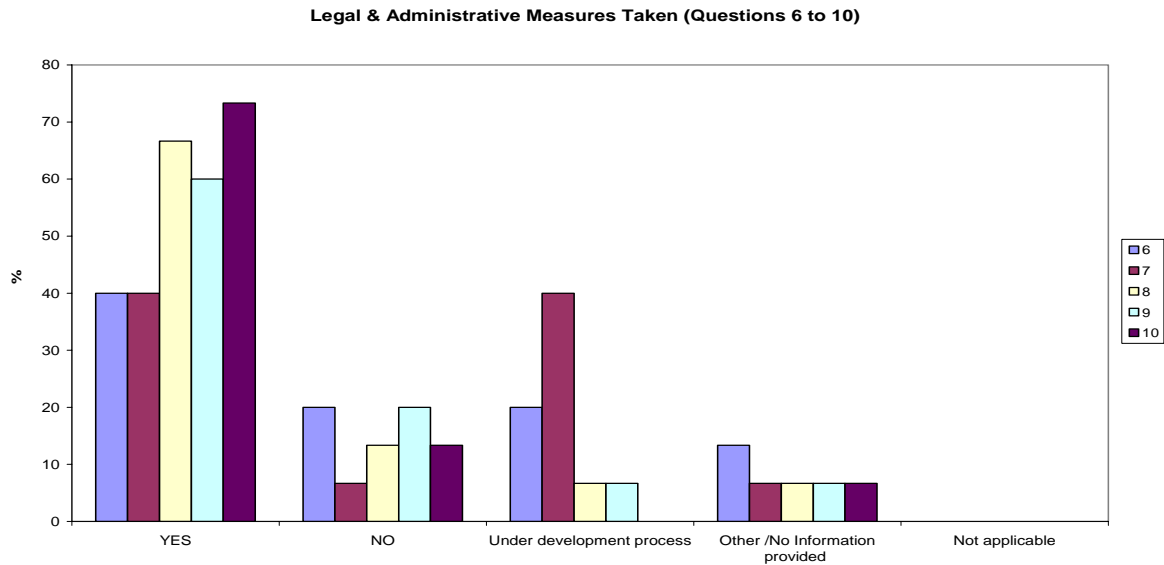
Chart 4



1. Maintenance and promotion of contingency plans for marine pollution incidents (oil and/or other HNS) (Article 4 par.1).
2. Making available sufficient and appropriate equipment for combating pollution, including naval and aerial means (Article 4.1).
3. Proper and regular training of personnel of national authorities involved in operations in case of emergencies (Article 4.1).
4. Designation of national authority or national authorities responsible for the implementation of the Prevention and Emergency Protocol (Article 4.1).
5. Designation of national authorities to act as flag State, port state and coastal state for the implementation of international conventions dealing with prevention and applicable legislation (Article 4.2).

- Dissemination of information and sea monitoring activities

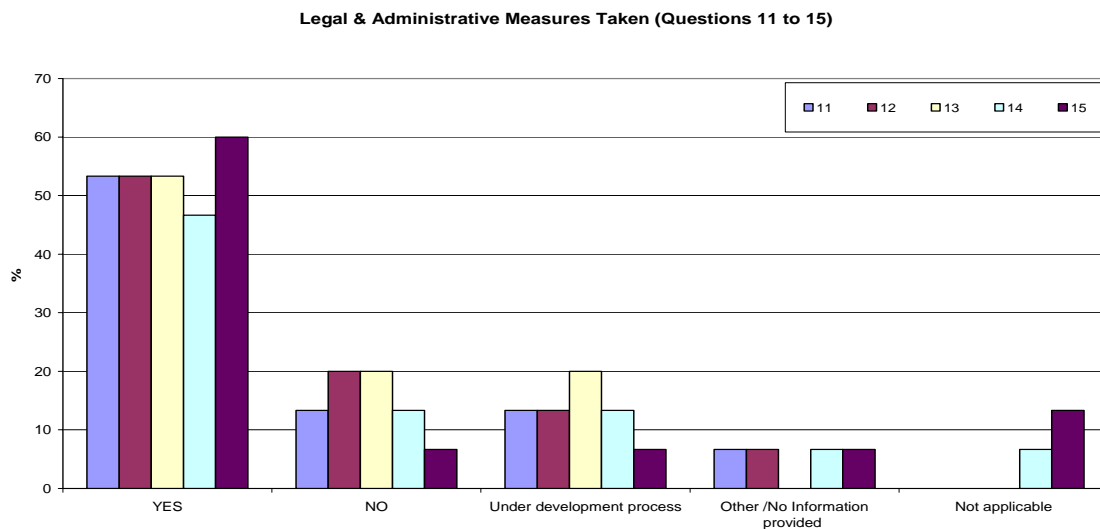
Chart 5



6. Informing the Regional Centre (REMPEC) every two years of the measures taken for the implementation of the Protocol (Article 4.3).
7. Development of programmes and activities aimed at monitoring and detecting pollution, whether accidental or operational (Article 5).
8. Dissemination of information on competent national organization and authorities responsible for combating pollution of the sea by oil and other HNS (Article 7).
9. Dissemination of information on competent national authorities responsible for receiving reports on pollution of the sea by oil and other HNS and for dealing with matters concerning assistance between Parties (Article 7).
10. Dissemination of information on competent national authorities responsible for acting on behalf of the state in regard to measures of mutual assistance and cooperation between parties (Article 7).

- Dissemination of information and communication

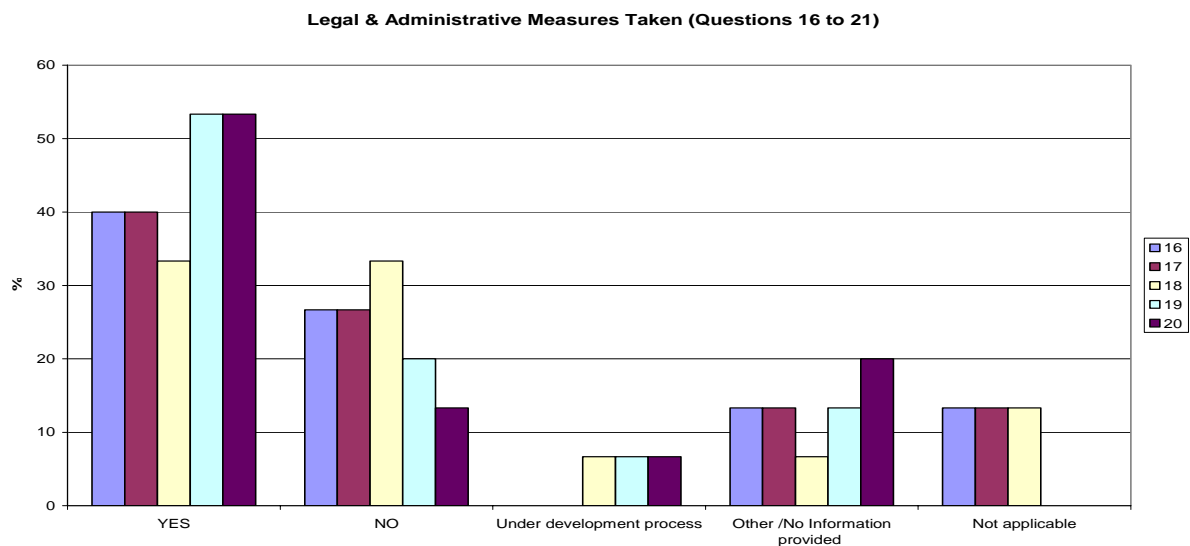
Chart 6



11. Dissemination of information on national authorities responsible for port reception facilities and for monitoring illicit discharges with respect to MARPOL Convention (Article 7).
12. Dissemination of information on national regulations and other matters directly related to preparedness and response to pollution of the sea by oil and other HNS (Article 7).
13. Dissemination of information on new ways in which pollution of the sea by oil or other HNS may be avoided, new measures for combating pollution, new developments in the technology for monitoring and the development of research programmes (Article 7).
14. Communication of information to the Regional Centre (REMPEC) (Article 7).
15. Communication of information to the Regional Centre (REMPEC) on bilateral and multilateral agreements within the framework of the Prevention and Emergency Protocol (Article 7).

- Port reception facilities, environmental risks and places of refuge

Chart 7



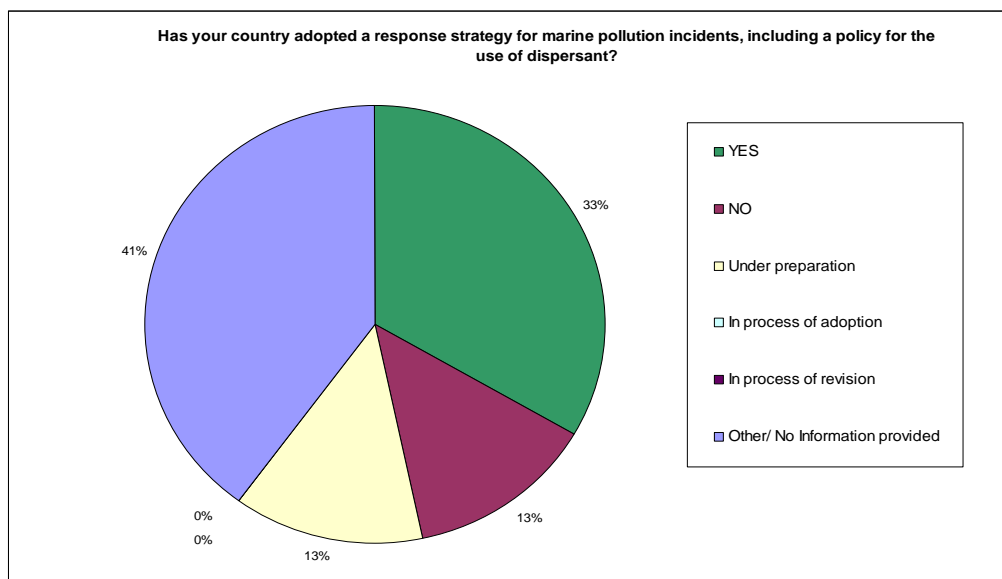
16. Ensuring that port reception facilities meeting the needs of ships (including pleasure craft) are available in ports and terminals (Article 14).
17. Ensuring that port reception facilities are used efficiently, without causing any undue delay to ships and limiting discharges to the marine environment (Article 14).
18. Ensuring that ships using the ports of the Parties are provided with updated information with respect to obligations under the MARPOL Convention and applicable national legislation (Article 14).
19. Assessing the environmental risks of the recognized routes used in maritime traffic (Article 15).
20. Taking appropriate measures aimed at reducing the risks of accidents or their environmental consequences (Article 15).
21. Defining national, sub-regional or regional strategies concerning reception in ports and places of refuge, of ships in distress presenting a threat to the marine environment (Article 16).

Part III: Technical and operational measures taken to prevent and combat marine pollution incidents

Question 3: Has the Party taken the technical measures listed in Table V hereunder for the implementation of the Prevention and Emergency Protocol?

- Response strategy

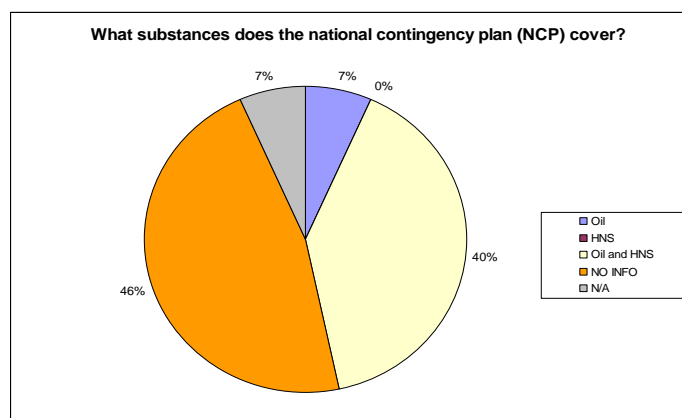
Chart 8



Only 33% of the Participating Parties reported they have a strategy in place to face marine pollution incidents, and 13% reported a strategy was under preparation. This is somewhat surprising as according to the National Reports submitted for the biennium 2004-2005, 61% of the Participating Parties had stated they have defined a strategy. These results might find an explanation in the high percentage of Participating Parties that have not provided information. It may also be explained by the sub-question 1 itself, which includes in fact two aspects that can be dissociated. For instance a Party having a response strategy may not have a policy for the use of dispersant, and therefore would tick “no” to answer the sub-question.

- Substances covered by the National Contingency plan

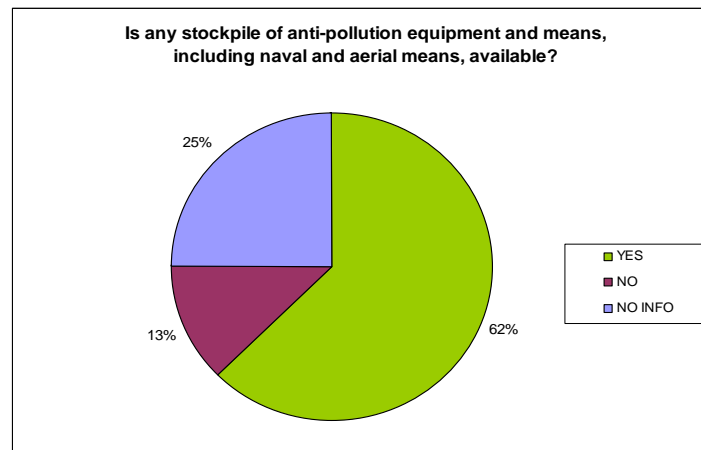
Chart 9



It should be noted that, within the information provided with respect to sub-question 2, the majority of National Contingency plans cover both oil and other hazardous noxious substances.

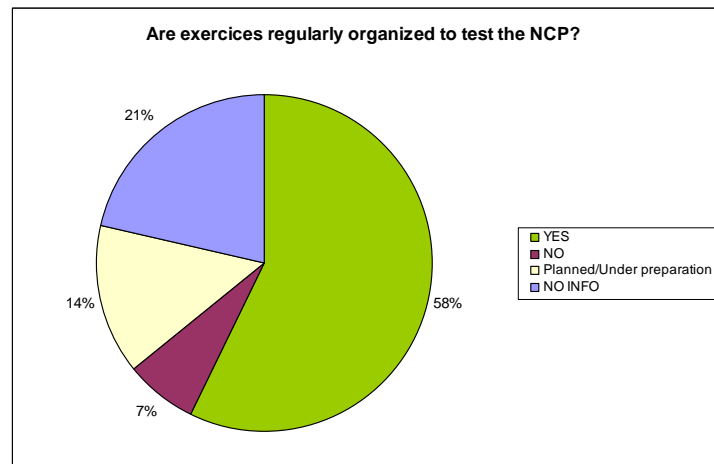
- Equipments and means

Chart 10



- Exercises

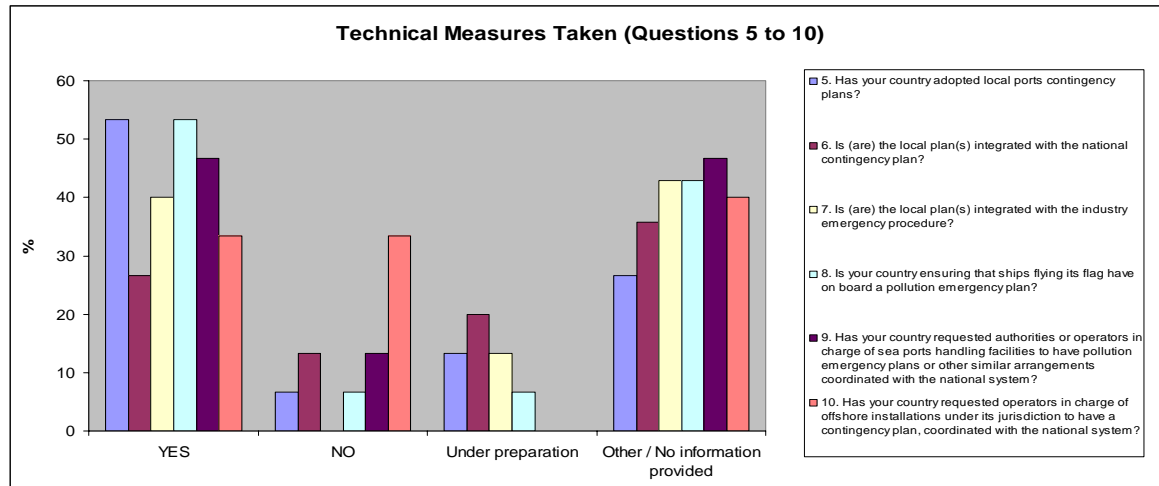
Chart 11



A significant majority of Participating Parties have stated that anti-pollution equipment and means were available (62%), and that exercises were regularly organized to test the National Contingency Plan (58%).

- Local, on board, port and installation emergency plans

Chart 12



It must be noted that sub-questions 6 and 7 are relevant only when the Participating Parties have replied positively to sub-question 5. In such circumstances, Participating Parties which replied negatively to sub-question 5 were not included in the calculations for sub-questions 6 and 7. Chart 12 shows that a relative majority of Participating Countries stated that technical measures related to local and other contingency plans were taken. More than 50% indicated that they have adopted local contingency plans and that they ensured that ships flying their flag have a pollution emergency plan on board.

- Sub-regional agreements

Chart 13

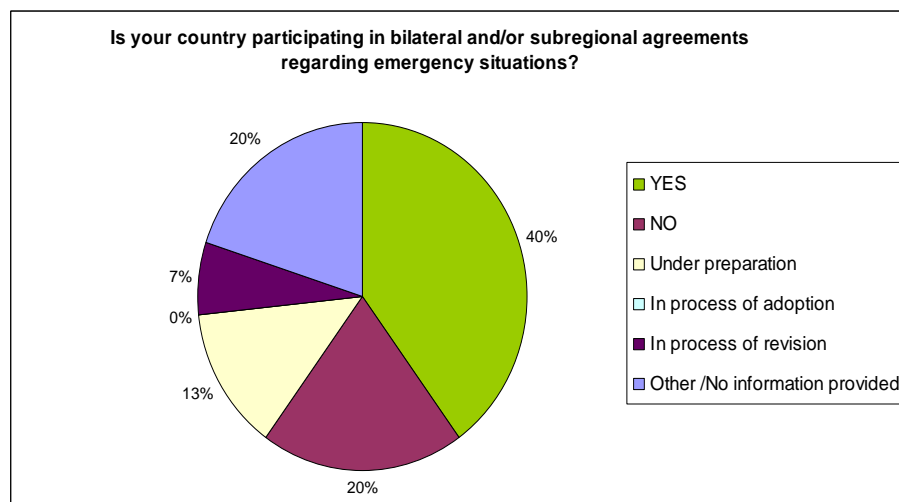


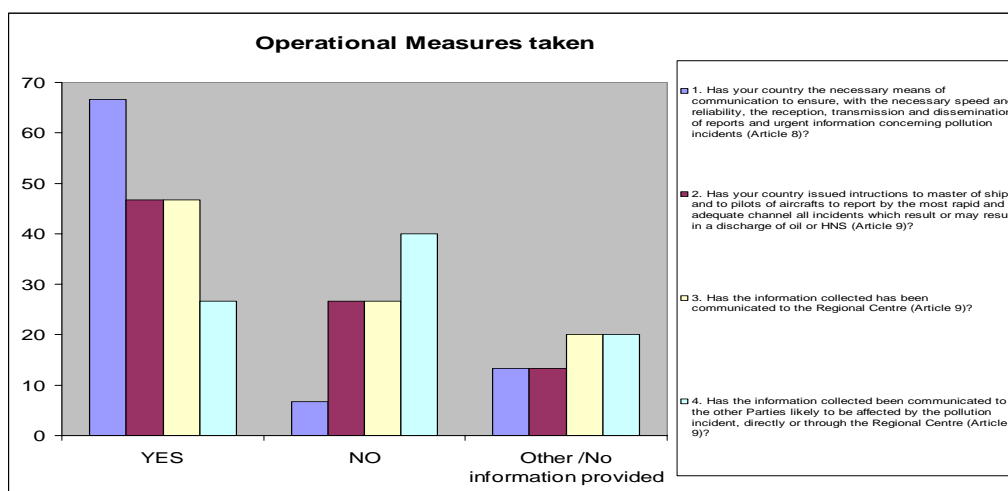
Chart 13 reflects the situation with respect to sub-regional agreements signed between two or more countries in the Mediterranean region, with 40% Participating countries engaged in sub-regional agreements. This chart is probably below the real situation as some

Mediterranean coastal States which are part of sub-regional agreements (such as Cyprus, Tunisia and Egypt for instance) did not submit National Reports.

Question 4: Has the Party taken the operational measures listed in Table VI hereunder for the implementation of the Prevention and Emergency Protocol?

- Communications and reporting related to pollution incidents

Chart 14



Part IV: Spill incidents

Under this section of the Reporting Format, 40% of the Contracting Parties reported a total of 41 incidents including 34 oil spills of various volume (from 40 to 6000 litres). Very few incidents involving HNS were reported.

2.6 Implementation of the SPA Biodiversity Protocol *(continued on next page)*



5. Status of implementation of the SPA/BD Protocol

A - Reports of the Parties on the implementation at national level of the SPA/BD Protocol

- I Legal measures
- II Establishment & management of SPA
- III SPAMI
- IV Measures for protection & conservation of species
- V Conservation of marine & coastal biodiversity
- VI Enforcement measures
- VII Effectiveness
- VIII Action plans

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- 21 CP – 20 rep. – 2006/2007
- Legal measures

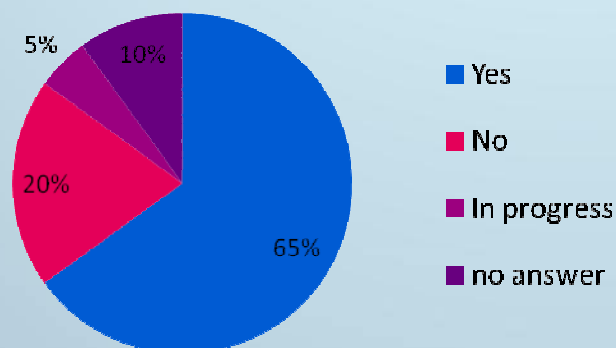
Ratification of the SPA/BD Protocol : 1 CP

5. Implement. of the SPA/BD Protocol

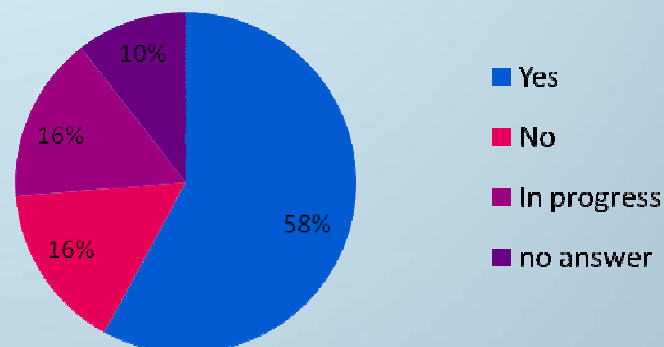
A - Reports of the Parties

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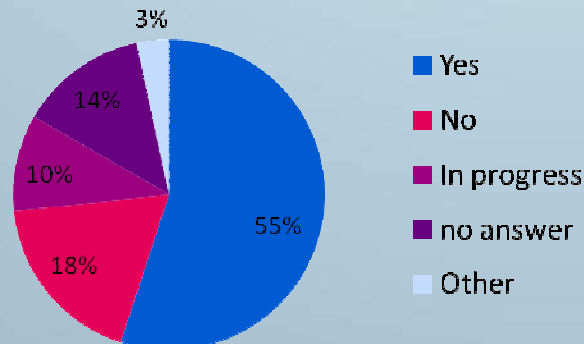
Protection sp



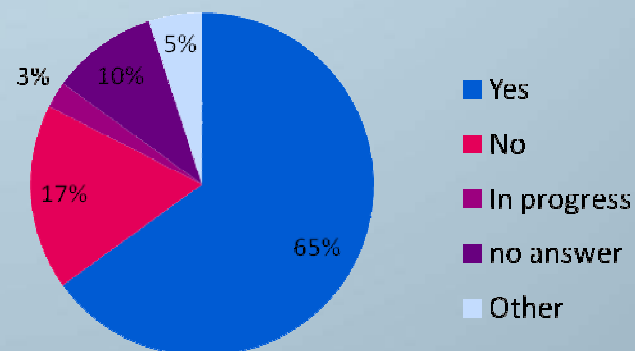
Protection Hab.



Reduction Imp.



Gestion esp.



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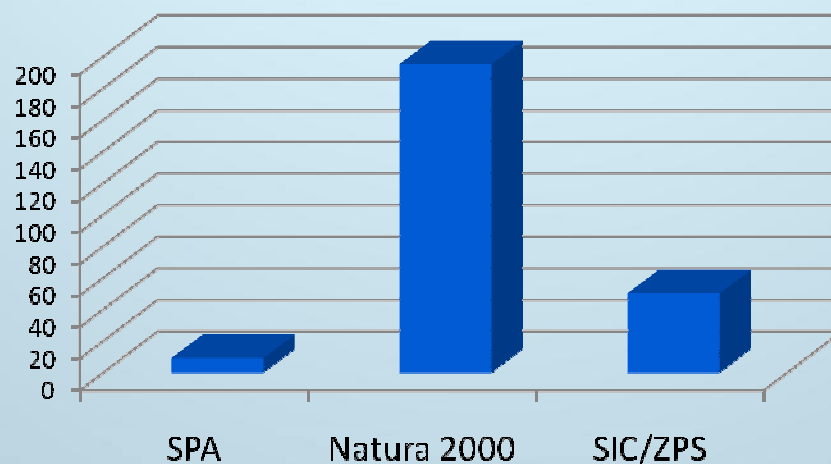


- Establishment and management of SPA
 - 13 CP announced the creation of SPAs

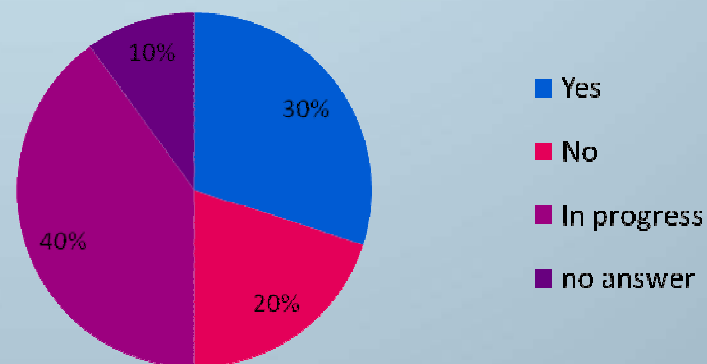
5. Implement.
of the SPA/BD
Protocol

A - Reports of
the Parties

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Management Plan



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- SPAMI

– 4 new SPAMIs

5. Implement.
of the SPA/BD
Protocol

A - Reports of
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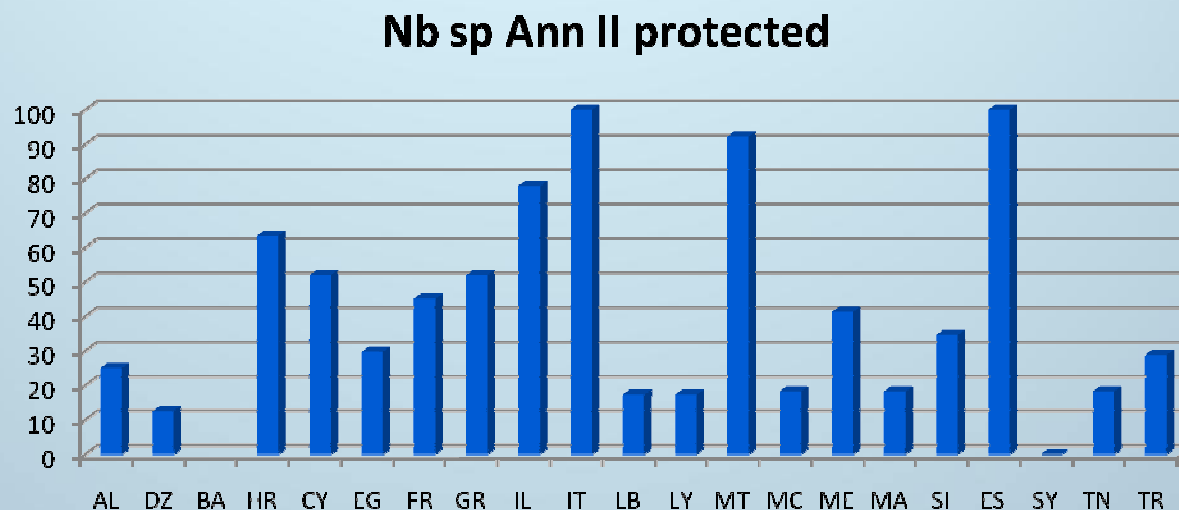


- Measures for the protection and conservation of species

5. Implement.
of the SPA/BD
Protocol

A - Reports of
the Parties

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- 3 CP gave derogation (scientific purpose)
- 8 CP engaged measures against introduction of species and 2 CP preparing



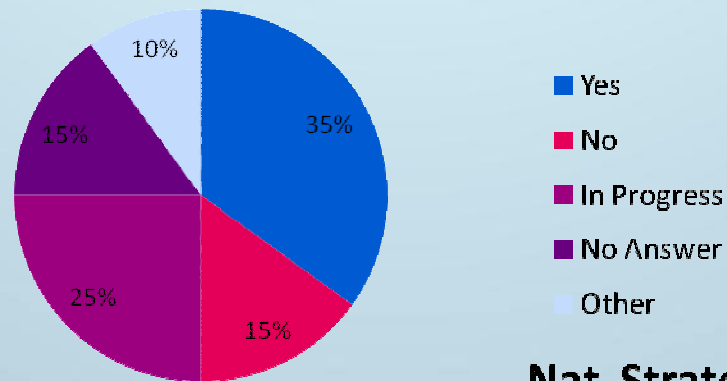
- Conservation of the components of marine and coastal biodiversity

5. Implement.
of the SPA/BD
Protocol

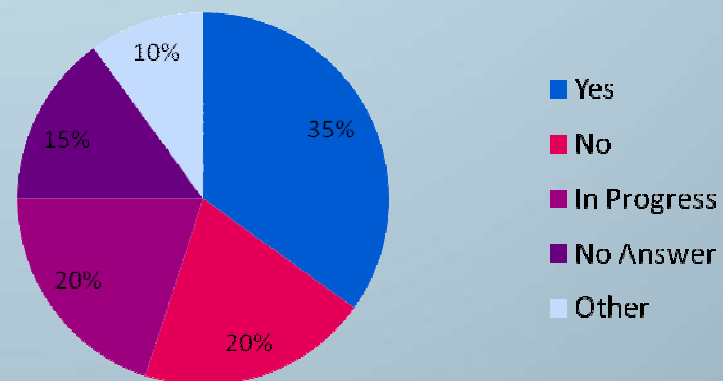
A - Reports of
the Parties

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Inventory



Nat. Strategy & AP



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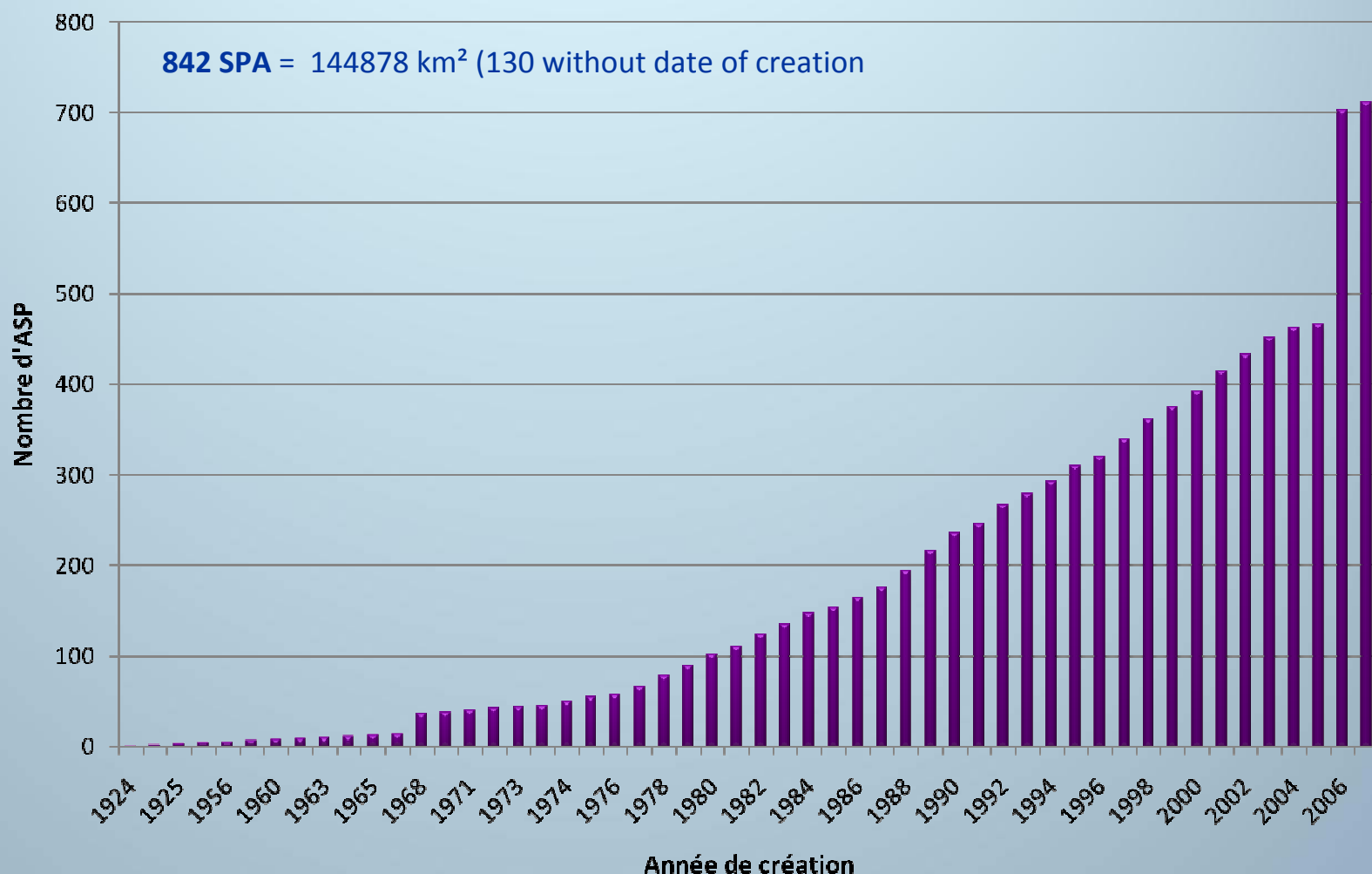
Enforcement measures & Effectiveness

- Few answers on enforcement measures

5. Implement. of the SPA/BD Protocol

A - Reports of the Parties

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- Action plan adopted in the framework of the MAP

5. Implement. of the SPA/BD Protocol

A - Reports of the Parties

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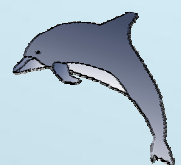


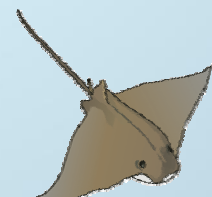

Regul.

Manag.

Research

Formation

Awaren.

							
	Monk seal	Cetacean	Turtle	Vegetat	Fish	Bird	Alien
	35	X	70	65	25	75	45
	27	15	39	25	20	60	10
	48	45	58	50	30	40	x
	X	X	X	25	15	X	x
	18	X	60	35	10	X	5