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Athens, Greece, 27-28 June 2019

Agenda item 4. Status of Implementation of the Mediterranean Offshore Action Plan and Recommendations for Potential Updates

Recent Developments of Regional and Global Instruments and Processes Relevant to the Mediterranean Offshore Action Plan Implementation

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1. Introduction

1. The Mediterranean Offshore Action Plan in the framework 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, hereinafter referred to as the Mediterranean Offshore Action Plan, was adopted by the Contracting Parties in their 19th Ordinary Meeting (COP 19, Athens, Greece, February 2016, Decision IG.22/3), with the overall objective of *defining measures which, if applied at regional level and by each Contracting Party within their jurisdiction will ensure the safety of offshore activities and reduce their potential impact on the marine environment and its ecosystem*. The Mediterranean Offshore Action Plan provides for the achievement of 10 specific objectives, structured around four main components, namely (i) Governance Framework; (ii) Regional Offshore Standards and Guidelines; (iii) Monitoring and (iv) Reporting.

2. The scope of the present document falls largely under the integration principle, as outlined in the Mediterranean Offshore Action Plan, reading as follows: *“Integration Principle by virtue of which offshore activities management under the Offshore Protocol shall be an integral part of the Mediterranean Strategy for Sustainable Development, the Ecosystem Approach (the EcAp), other relevant strategies including regional strategies of the Mediterranean Action Plan and shall not conflict with applicable domestic regulations”*.

3. As integration of national, regional and international principles, processes and goals for the sustainable development of marine and coastal areas moves forward among the Contracting Parties of the Barcelona Convention, the Ecosystem Approach (EcAp) has been reaffirmed by them as the overarching principle of the MAP - Barcelona Convention system, which should be integrated in all MAP policies, making the achievement and maintenance of Good Environmental Status (GES) as their central goal. The Integrated Monitoring and Assessment Programme of the Mediterranean Sea and Coast and Related Assessment Criteria (IMAP), has begun to implement a very strong process through which progress toward the shared goal of Good Environmental Status of the marine waters and coastal regions can be monitored and assessed and, thus, sustainably managed and developed.

4. In addition, although not explicitly mentioned in the Mediterranean Offshore Action Plan, developments under other key regional and global processes and instruments, including the Integrated Coastal Zone Management (ICZM) and Marine Spatial Planning (MSP) and the 2030 Agenda for Sustainable Development including relevant Sustainable Development Goals (SDGs), should be also taken into consideration to the extent possible for the implementation of the Mediterranean Offshore Action Plan.

5. The purpose of this document is to inform the meeting about key recent developments under regional and global processes and instruments relevant to the implementation of the Mediterranean Offshore Action Plan, in support of the working document UNEP/MED WG. 476/7 “Status of Implementation of the Mediterranean Offshore Action Plan and Proposed Recommendations for Further Streamlining of the Ecosystem Approach and other Regional and Global Developments”.

2. Developments under key regional and global processes relevant to the Mediterranean Offshore Action Plan

2.1. Good Environmental Status (GES) and the Ecosystem Approach (EcAp)

6. Since the adoption of COP 15 Decision IG.17/6 on the implementation of the ecosystem approach to the management of human activities that may affect the Mediterranean marine and coastal environment, a number of developments have been achieved for its implementation including the adoption of a set of Ecological Objectives, Operational Objectives, GES definitions and related targets. The Integrated Monitoring and Assessment Programme (IMAP) was adopted by COP 19 Decision IG. 22/7 (Athens, Greece, February 2016), and the 2017 Mediterranean Quality Status Report (2017 MED QSR) was launched in 2017. A specific Roadmap for the preparation of the next 2023 Mediterranean Quality Status Report (2023 MED QSR) is under preparation.

7. The First Meeting of the Barcelona Convention Offshore Oil and Gas Group (OFOG) Sub-Group on Environmental Impact of Offshore Monitoring Programmes, held in Greece on 3-4 April 2017, reviewed a proposed list of IMAP indicators relevant to the Offshore Monitoring Programme and related draft guidance fact sheets UNEP(DEPI)/MED WG.434/6, proposing the monitoring of 19 common and candidate indicators. Upon request of the first OFOG meeting a more targeted and results-based set of IMAP indicators for offshore monitoring was developed as presented in the document UNEP/MED WG. 476/7. In line with the first OFOG meeting conclusions and recommendations (UNEP(DEPI)/MED WG.434/10) monitoring data on the 11 Ecological Objectives should be used to compliment the more targeted and site-specific monitoring of offshore installations and activities, and to provide information on whether the impact of activities affects the wider environment and coast.

2.2. Integrated Coastal Zone Management (ICZM) and Marine Spatial Planning (MSP)

8. The Integrated Coastal Zone Management (ICZM) is an integrated management approach acknowledging both the land and sea components of the dynamic coastal and nearshore region. It is an obligatory process under the MAP Barcelona Convention system, after the adoption of the ICZM Protocol in 2008.

9. MSP, on the other hand, is a relatively new concept and has not been universally defined, with differences attributable to existing governance structures and legal frameworks as well as institutional, scientific and technological capacity. Despite the lack of universal definition and implementation approaches for MSP, it is receiving increasing interest by the Contracting Parties and is considered as an important process for the integrated management of maritime activities, towards achievement of GES and related targets.

10. In this regard, the adoption of Decision IG.23/7 on the “*Implementation of the Integrated Coastal Zone Management Protocol: Annotated Structure of the Common Regional Framework for Integrated Coastal Zone Management and Conceptual Framework for Marine Spatial Planning*”, by COP 20 (Tirana, Albania, December 2017) has been an important step towards coherent implementation of MSP in the Mediterranean. This Decision provides a shared context to Contracting Parties and, most importantly, links MSP to Integrated Coastal Zone Management (ICZM) under a Common Regional Framework (CRF). According to the Decision, MSP is the appropriate tool for the implementation of the ICZM Protocol in the marine part of the coastal zone. It is therefore highly linked with the offshore activities and should be fully taken into consideration in the implementation of the Mediterranean Offshore Action Plan.

11. As MSP implementation matures among the Contracting Parties, the opportunities for integrating national policies into sub-regional, transboundary mechanisms that serve to capture sub-regional specificities will need to be recognized and capitalized upon. While there may be common

goals for the Mediterranean, scientific and technical implementation may vary among countries and subregions in response to natural and cultural variations.

12. For the Contracting Parties which are EU Member States the implementation of MSP is mandatory, in accordance with the EU MSP Directive¹ adopted in 2014 which provides, in its Article 15, for the development of maritime spatial plans by 31 March 2021.

2.3. Relevant Sustainable Development Goals (SDGs) targets

13. SDGs of most relevance to the Offshore Action Plan, in order of relevance are the following:

- SDG 14, Life Below Water: Conserve and sustainably use the oceans, seas and marine resources for sustainable development;
- SDG 13, Climate Action: Take urgent action to combat climate change and its impacts;
- SDG 12, Responsible Consumption and Production: Ensure sustainable consumption and production patterns.

14. A list of SDG targets and associated indicators with relevance to the Mediterranean Offshore Action Plan is provided in Table 1 below.

Table 1. Sustainable Development Goals and targets with direct relevance to the Mediterranean Offshore Action Plan

| Goals and targets (from the 2030 Agenda for Sustainable Development) | Indicators (from the Global Indicator Framework for the Sustainable Development Goals and targets, including updates as of March 2019) |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|
| SDG 14: Life Below Water | |
| 14.1 By 2025, prevent and significantly reduce marine pollution of all kinds, in particular from land-based activities, including marine debris and nutrient pollution | 14.1.1 Index of coastal eutrophication and floating plastic debris density |
| 14.2 By 2020, sustainably manage and protect marine and coastal ecosystems to avoid significant adverse impacts, including by strengthening their resilience, and take action for their restoration in order to achieve healthy and productive oceans | 14.2.1 Proportion of national exclusive economic zones managed using ecosystem-based approaches |
| 14.5 By 2020, conserve at least 10% of coastal and marine areas, consistent with national and international law and based on the best available scientific information | 14.5.1 Coverage of protected areas in relation to marine areas |

¹ Directive 2014/89/EU of the European parliament and of the council of 23 July 2014 establishing a framework for maritime spatial planning

| Goals and targets (from the 2030 Agenda for Sustainable Development) | Indicators (from the Global Indicator Framework for the Sustainable Development Goals and targets, including updates as of March 2019) |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 14.a Increase scientific knowledge, develop research capacity and transfer marine technology, taking into account the Intergovernmental Oceanographic Commission Criteria and Guidelines on the Transfer of Marine Technology, in order to improve ocean health and to enhance the contribution of marine biodiversity to the development of developing countries, in particular small island developing States and least developed countries | 14.a.1 Proportion of total research budget allocated to research in the field of marine technology |
| SDG 13: Climate action | |
| 13.1 Strengthen resilience and adaptive capacity to climate-related hazards and natural disasters in all countries | 13.1.3 Proportion of local governments that adopt and implement local disaster risk reduction strategies in line with national disaster risk reduction strategies |
| 13.2 Integrate climate change measures into national policies, strategies and planning | 13.2.1 Number of countries that have communicated the establishment or operationalization of an integrated policy/strategy/plan which increases their ability to adapt to the adverse impacts of climate change, and foster climate resilience and low greenhouse gas emissions development in a manner that does not threaten food production (including a national adaptation plan, nationally determined contribution, national communication, biennial update report or other) |
| SDG 12: Responsible Consumption and Production | |
| 12.4 By 2020, achieve the environmentally sound management of chemicals and all wastes throughout their life cycle, in accordance with agreed international frameworks, and significantly reduce their release to air, water and soil in order to minimize their adverse impacts on human health and the environment | 12.4.1 Number of parties to international multilateral environmental agreements on hazardous waste, and other chemicals that meet their commitments and obligations in transmitting information as required by each relevant agreement 12.4.2 Hazardous waste generated per capita and proportion of hazardous waste treated, by type of treatment |

2.4. EU Marine Strategic Framework Directive (MSFD)

15. In the framework of the EU Marine Strategy Framework Directive, adopted by the EU on 17 June 2008 (Directive 2008/56/EC) a set of detailed criteria and methodological standards were produced in 2010 to help its implementation by the Member States. These criteria and standards were subsequently repealed, and a revised set was published in May 2017, “laying down criteria and methodological standards on good environmental status of marine waters and specifications for monitoring and assessment” (Commission Decision (EU) 2017/848 of 17 May 2017).

16. Overall, the new Decision on GES reduced the number of criteria the Member States need to monitor and assess and applies a risk-based approach to those that were retained in order to allow

Member States to focus their efforts on the main anthropogenic pressures affecting their waters. It also emphasizes that Member States should have sufficient flexibility, under specified conditions, to focus on the predominant pressures and their environmental impacts in the different ecosystem elements in each region or subregion in order to monitor and assess their marine waters in an efficient and effective manner and to facilitate prioritization of actions to be taken to achieve good environmental status.

17. Member States are directed to apply the criteria, methodological standards, specifications and standardized methods for monitoring and assessment laid down in the Decision and combine those with the ecosystem elements, anthropogenic pressures, and human activities listed in Annex III of the Directive. Annex III was also amended in 2017 to better link ecosystem components, anthropogenic pressures and impacts on the marine environment with the MSFD's 11 descriptors and with the May 2017 Decision.

2.5. Other relevant policy and technological developments

18. The IMO Sub-Committee on Pollution Prevention and Response (PPR) held its 6th meeting from 18-22 February 2019. It agreed on a draft Guide on practical implementation of the pollution prevention and response treaties (OPRC Convention and the OPRC-HNS Protocol). The Guide is intended among others to:

- Promote understanding of the overall OPRC Convention and OPRC-HNS Protocol concept;
- Explain the benefits of participation in this international regime;
- Provide a step-wise approach for the planning, preparedness and implementation process at national and regional levels; and
- Identify existing publications and support mechanisms to assist with implementation.

19. In 2017, a group of major oil and gas companies pledged to reduce methane emissions from their gas operations and created a Guiding Principles document with the view to:

- Continually reducing methane emissions;
- Advancing strong performance across gas value chains;
- Improving accuracy of methane emissions data;
- Advocating sound policies and regulations on methane emissions; and
- Increasing transparency.

20. In July 2018, the North American Marine Environment Protection Association (NAMEPA) created a manual with tools for effective environmental compliance, entitled "Operation: Compliance²" to educate maritime personnel on the importance of environmental compliance, including MARPOL compliance, and to provide educational tools to support compliance efforts and the reporting of non-compliance.

21. In March 2019, the Joint Group of Experts on the Scientific Aspects of Marine Environmental Protection (GESAMP) produced a report entitled: "High level review of a wide range of proposed marine geoengineering techniques"³ in which they urge, firstly, a precautionary approach to decision making about bioengineering. The report addresses 27 different approaches. Co-location of geoengineering sites and offshore installations may be considered in this context.

² <https://namepa.net/marpol/>

³ <http://www.gesamp.org/publications/high-level-review-of-a-wide-range-of-proposed-marine-geoengineering-techniques>

3. Links with the Mediterranean Offshore Action Plan

3.1. Ecosystem Approach and Integrated Monitoring and Assessment Programme

22. The IMAP seems to be the most cogent and comprehensive programme fulfilling the monitoring needs under the Offshore Protocol and Action Plan. In this regard, it is proposed that the development of the Offshore Guidelines and Standards should continue to track and integrate first with the IMAP Guidance and Assessment Criteria.

23. The Contracting Parties are encouraged to focus on the subset of IMAP Common and Candidate Indicators set out also in the working document UNEP/MED WG.476/6. It should be noted that this is not to be perceived as a way to dismiss the importance of the remaining IMAP Indicators; it is only meant as a guide to those IMAP indicators that might best be specifically and narrowly indicative of problems or inconsistencies in offshore oil and gas activities.

24. In addition, emphasis should be placed on the continuation and strengthening by Contracting Parties of and the support by Secretariat for Economic and Social Analyses/Assessments (ESAs), as provided for in Annex VI of COP 18 Decision IG.21/3.

25. Assessments in the marine and coastal environments around the social and economic benefits and costs of various activities has been very compelling to policy and decision makers around the world in recent years. The Correspondence Group on Economic and Social Analysis (COR ESA) should be especially encouraged to track, report on and incorporate into discussions the various economic constructs, such as, Blue Economy, Blue Finance, Blue Bonds, *etc.*, as well as the contemporary evolutions around Ecosystem Services and Natural Capital.

3.2. Sustainable Development Goals and Targets

26. SDG 14.2, with its single corresponding Indicator 14.2.1, which encourages countries to sustainably manage and protect marine and coastal ecosystems using ecosystem-based management (EBM) approaches, is of high relevance to the Offshore Action Plan. In this respect a number of elements could be taken into consideration for its implementation, as follows:

- Contracting Parties should be strongly encouraged to establish, at least, an ecosystem-based planning process for their coasts and for their territorial waters, exclusive economic zones (EEZ), or EEZ-derived zones;
- Other SDG goals that would likely be addressed in an SDG 14.2-inspired EBM ICZM approach include, *inter alia*: 14.1, 14.5, 13.1, 13.2, 12.4, which are also all relevant to the Offshore Action Plan;
- Further and importantly, Contracting Parties should be strongly encouraged to adhere to ICZM principles as outlined in the ICZM Protocol when developing their EBM plans, and be guided by the Common Regional Framework for ICZM and the Conceptual Framework for MSP in the Mediterranean (Decision IG.23/7).

27. It should be noted here that since the SDGs were first announced, there has been extensive discussion around how stringent the indicator for SDG 14.2 should be, given that the conditions and challenges in as well as the capacity for managing the marine environment varies widely among countries. Thus, it was intentional that the chosen indicator, 14.2.1 - *Proportion of national exclusive economic zones managed using ecosystem-based approaches* – be as non-prescriptive as possible while still clearly delineating the importance of applying an ecosystem-based approach. As such, countries are encouraged to use any of a wide range of accepted models for EBM.

3.3. Integrated Coastal Zone Management and Marine Spatial Planning

28. As provided for in the General Structure and Elements of the Common Regional Framework for ICZM and Timetable of its Preparation (Decision IG. 23/7), the Part II of the CRF is meant to facilitate [in part]: the development and harmonisation of policies and measures needed to ensure the sustainable use and management of coastal zones, ensuring that the economic activities related to coastal zones minimise the use of natural resources and are adapted to the fragile nature of coastal zones – in order to protect from pollution and to preserve the coastal natural habitats, landscapes, natural resources and ecosystems and cultural heritage, raise awareness, enhance education, training and research, in compliance and synergy with international and regional legal instruments (ICZM Protocol-Part II, Art. 8-15). It therefore explains how to reach the added value of a CRF for ICZM as an integrative process that provides a framework in which sectoral policies affecting the coastal zones can be brought together and harmonised, thus preventing overlaps or contradictions or filling the gaps among them and contributing to the rationalization of effort, resources and time. The full text of the CRF is under finalization for consideration and possible adoption by COP 21 (Naples, Italy, December 2019).

29. Marine Spatial Planning offers an important tool for integrated management of different sectors in the sea area, including the offshore sector. The development of marine spatial plans, on the basis of the principles and steps outlined in the Conceptual Framework for MSP in the Mediterranean (Decision IG. 23/7), including the Strategic Environmental Assessment (SEA), as an integral part of the preparation of MSP plans, can guide the development and regulation of offshore activities, thus contributing to the implementation of the Mediterranean Offshore Action Plan in synergy with other MAP Barcelona Convention policies.

4. Most relevant Offshore Action Plan's Specific Objectives

30. The Specific Objectives of the Mediterranean Offshore Action Plan that could benefit the most from a streamlined implementation of the above-analyzed regional and global instruments and processes are the following:

Specific Objective 3. To establish a technical cooperation and capacity building programme

- Strengthening coordination with the CRF for ICZM, especially its Part II related to synergies between the ICZM Protocol and the BC aiming at achieving and maintaining GES of coastal and marine areas, which includes the recognition of the complexity of ICZM and of assessing land-sea interactions (LSI). The efforts required for that work should be coordinated with the Integration of the technical cooperation and capacity building programmes outline in SO3.
- Providing support and capacity building on the identification and analysis of interlinkages with other maritime activities, interactions among Pressures/Impacts/State and assessment of cumulative impacts, using to the extent possible tools developed under the ICZM CRF and MSP.

Specific Objective 5. To promote access to information and public participation in decision-making

- Aligning this SO with the Part III of the CRF for ICZM related to tools and instruments to implement the CRF aiming at facilitating public education and public access to information. The direction under SO5 for the preparation of templates and an online system for public information should be aligned with the development of the tools and instruments under the CRF for ICZM.
- Aligning the SO with the Common Principles and Contents in the Conceptual Framework for MSP in the Mediterranean. *“Increased stakeholder involvement, public participation and*

information sharing” is stated as an expected benefit of MSP Step 6b, which recommends considering “Interest of the public” when implementing the strategic environmental assessment (SEA) process and elaborating the environmental report.

- Ensuring representation of the national competent authorities in charge of offshore activities in the interministerial mechanisms, when such mechanisms are established for the coordinated preparation of MSP plans at national level.
- Supporting the involvement of key offshore actors in the stakeholder involvement process required for the implementation of the Marine Spatial Planning.

Specific Objective 6. To enhance the regional transfer of technology

- Supporting synergies with the SDG 14.a. which directs countries to increase, *inter alia*, the transfer of marine technology, in part by taking into account the Guidelines on the Transfer of Marine Technology. These guidelines, specifically the “Intergovernmental Oceanographic Commission (IOC) Criteria and Guidelines on Transfer of Marine Technology (CGTMT)” should be also considered under SO6.

Specific Objective 7. To develop and adopt regional offshore standards

Specific Objective 8. To develop and adopt regional offshore guidelines

- Continuing and further supporting the integration of relevant Ecological Objectives considerations (i.e. those related to biodiversity (EO1), pollution and marine litter (EO5, 9, 10), hydrography (EO7) energy including underwater noise (EO11) etc.) into the development of regional offshore guidelines and standards and their submission for review in relevant MAP bodies, including the meetings of the REMPEC Focal Points, SPA/BD Thematic Focal Points, MED POL Focal Points and other technical meetings, as appropriate.

Specific Objective 9. To establish regional offshore monitoring procedures and programme

- Ensuring full streamlining with IMAP implementation focusing on the Common and Candidate Indicators, as outlined in the document UNEP/MED WG. 476/6.
- Aligning these monitoring procedures and programmes with activities under the Part III of the CRF for ICZM, including a section on integrating the directions from the Offshore Protocol with IMAP and other assessment tools, *inter alia*, EIAs and SEAs.

Specific Objective 10. To report on the implementation of the Action Plan

- Promoting linkages with Part III of the CRF for ICZM related to tools and instruments to implement the CRF, which, under the section International Cooperation, calls for standardized and harmonized reporting on the implementation of ICZM and other Barcelona Convention Protocols.