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MEDITERRANEAN ACTION PLAN**

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Meeting of the MED POL Focal Points

Videoconference, 27-28 May and 6-7 October 2021

Agenda item 5: Updates of the annexes of the pollution-related protocols

DRAT REPORT

Meeting on updating the annex to the Dumping Protocol

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REPORT

**Meeting of the Working Group of Designated Experts for Reviewing the Annex to the Dumping Protocol of the
Barcelona Convention, 9 February 2021**

FINAL DRAFT

29 April 2021

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Introduction

1. The 21st Ordinary Meeting of the Contracting Parties (COP-21) to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols (Naples, Italy, 2-5 December 2019) adopted Decision IG.24/10 which called for updating of the Annexes to the LBS and Dumping Protocols of the Barcelona Convention.
2. In line with this mandate, the meeting reviewed the proposals developed by the UNEP/MAP Secretariat (MED POL Programme) for updating the annexes of the Dumping Protocol for the consideration of the Meeting of the MEDPOL Focal Points planned in May 2021.
3. The meeting was attended by representatives from the following Contracting Parties: Albania, Algeria, Bosnia and Herzegovina, Croatia, Cyprus, Egypt, France, Israel, Italy, Lebanon, Malta, Morocco, Slovenia, Spain, Tunisia and Turkey.
4. The United Nations Environment Programme (UNEP), including the Mediterranean Action Plan/ Barcelona Convention Secretariat (UNEP/MAP) were also represented, along with the following Mediterranean Action Plan Components: the Mediterranean Pollution Assessment and Control Programme (MED POL), the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC) and the Regional Activity Centre for Sustainable Consumption and Production (SCP/RAC).
5. The following United Nations bodies, specialized agencies, convention secretariats and intergovernmental organizations were represented: the Convention for the Protection of the Marine Environment of the North-East Atlantic (CONVENTION OSPAR), the European Environment Agency (EEA). The International Maritime Organization (IMO), the South Asia Cooperative Environment Programme (SASP) as well as the Secretariat of the Union for the Mediterranean (UFM).
6. The following non-governmental organizations and other institutions were represented: the Association de la Continuité des Générations (ACG), the Arab Network for Environment and Development (RAED) the Center for Energy, Environment and Resources (CENER21), the Economic and Social Council of Greece, the Hellenic Marine Environment Protection Association, the International Association of Oil & Gas Producers (IOGP), the National Environment Agency, the Mohammed VI Foundation for Environmental Protection as well as Youth Love Egypt Foundation.
7. The full list of participants is attached as Annex I to the present report.

Agenda item 1: Opening of the Meeting

8. The Meeting was opened at 10:00 AM (EST) on Friday 11 December 2020 by Ms. Tatjana Hema, the Deputy Coordinator of the United Nations Environment Programme/Mediterranean Action Plan - Barcelona Convention. In her opening remarks, Ms. Hema underlined the importance of the Dumping Protocol; reminded the participants that the Protocol was amended in 1995 noting that this amended version has not entered into force yet. She also underlined the important difference of the amended version where current version prohibits all dumping activities with exception of wastes or other matter listed in the Protocol. She referred to COP Decision IG.24/10 regarding the update of the Dumping Protocol Annex endorsed by COP21, Naples, Italy, as an important mandate to keep up-to-date the Protocol itself for better taking into account the relevant regional and global developments as well as emerging issues of concerns. She underlined the work undertaken to date, summarizing the long process including initial reflections since 2017 that culminated with the mandate given in 2019 by COP21 which is expected to be concluded successfully with a pertinent and consensual proposal for the consideration of COP22. In this context, she thanked all participants for attending this virtual meeting of the Working Group, considering it is an important milestone for delivering this important COP21 mandate by updating the annex to the Dumping Protocol.

Agenda item 2: Organizational Matters

- a) Rules of Procedure for the Rules for the Meeting of the Working Group of Experts on Updating the Annexes to the Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources of the Barcelona Convention*

9. The Rules of Procedure for Meetings and Conferences of the Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols (UNEP/IG.43/6, Annex XI) was applied mutatis mutandis to the Meeting (UNEP/IG.43/6, Annex XI).

- b) Election of Officers*

10. Subject to Rule 20 of the rules of procedure mentioned at para. 2(a) for meetings and conferences of the Contracting Parties, the Meeting elected one (1) President, three (3) Vice Presidents and one (1) Rapporteur from among the participants, as follows:

Chair: Ms. Pilar Zorzo, Spain
Vice-Chair: Mr. Emmanuelle Thiessie, France
Vice-Chair: Ms. Souadd Boustilla, Algeria,
Vice-Chair: Ms. Olfat Hamdan, Lebanon,
Rapporteur: Mr. Mehmet Tamer Çobanoglu, Turkey

- c) Adoption of the Provisional Agenda*

11. Subject to Rule 14 of the rules of procedure mentioned at para. 2(a), the proposed agenda appearing in document UNEP/MED WG.488/1 and annotated in the present document (UNEP/MED WG.488/2) was reviewed and proposed for adoption by the Meeting including the timetable. The agenda as approved by the Meeting is contained in Annex II to this report.

- d) Organization of Work*

12. The discussions were held in three plenary sessions from 10:00 to 12:00; 13:00 to 15:00 and 15:15-17:30 during the one-day Meeting.

13. Simultaneous interpretation in English and French were available for the three sessions. All documentation was provided in English and French. Participants were encouraged to download the documentation on their computers in advance of the session.

14. The meeting addressed all agenda items and closed at 17:30 on 09 February 2021 after adopting its Conclusions and Recommendations.

Agenda item 3: Review of proposed updates of the annexes of Dumping Protocol

15. Under this agenda item, Erol Cavus, Programme Officer, UNEP/MAP-MED POL, made a short presentation highlighting the work undertaken to align to the extent possible the content of the Annex with the most recent development at global and regional levels as presented in document UNEP/MED WG.488/3 on the updating of the Annex to the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft of the Barcelona Convention.

16. The Meeting discussed at length, how to define better the characteristic of the matter to be dumped, relevant to their toxicity, persistence and accumulations. Following this in-depth discussion, the meeting agreed not to include a list of all substances as such, but rather to name their chemical grouping where they belong to, enabling more substances to be listed, as per their characteristics defined as deemed necessary.

17. The meeting discussed at length the issue of monitoring for assessing the consequences of dumping in the area concerned, in accordance with the foregoing provisions and taking into account seasonal variations. Despite there is no specific article in the Protocol regarding the monitoring programs after the permits are given for dumping, the Meeting underlined the importance of such monitoring to be conducted by the country to ensure the compliance with permit conditions and managing any risk of undesired effects. The meeting emphasized the need of such compliance monitoring programme where possible, to be executed by Contracting Parties in accordance to national and regional methodologies and techniques agreed.

18. Given the consideration that Marine Protected Areas are growing in the Mediterranean, the Meeting particularly underlined the importance of considering, location and distance of the dumping sites in relation to other amenities of the sea including MPAs and assessing the potential effects, where relevant, to these MPAs and other sensitive areas when establishing dumping sites.

Agenda item 4: Any other Business

8. Under this Agenda item, no participants raised any other business related to the subject of the Meeting.

Agenda item 5: Conclusions and Recommendations

9. The Meeting reviewed and adopted the conclusions and recommendations as prepared by the Rapporteur and appended to this Meeting Report as Annex III.

Agenda item 6: Closure of the Meeting

10. The Chair closed the Meeting at 17:30 hours on Tuesday 9 February 2020.

Annex I
List of Participants

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Annex II
Agenda of the Meeting

Agenda

Agenda item 1: Opening of the Meeting

Agenda item 2: Organizational Matters

Agenda item 3: Review of proposed updates of the annexes of Dumping Protocol

Agenda item 4: Any other business

Agenda item 5: Conclusions and recommendations

Agenda item 6: Closure of the Meeting

Annex III
Conclusions and Recommendations

Conclusions and Recommendations

On 9 February 2021, the Meeting of the Working Group of Designated Experts for Reviewing the Annex to the Dumping Protocol of the Barcelona Convention was held by videoconference. The meeting was organized by UNEP/MAP Secretariat (MED POL Programme).

Further to its deliberations, the Meeting reached the following conclusions:

1. The Meeting reviewed and approved the proposed updates of the Annex to the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft as revised and contained in the Annex.
2. The Meeting agreed with the proposed updates and requested the Secretariat to submit the final version for the consideration and possible approval of the MED POL Focal Points Meeting, planned in May 2021.

Appendix 1
Annex to the Dumping Protocol

DUMPING PROTOCOL TO THE BARCELONA CONVENTION**ANNEX**

The factors to be considered in establishing criteria governing the issue of permits for the dumping of matter at sea taking into account Article 6 include:

A. CHARACTERISTICS AND COMPOSITION OF THE MATTER

1. Total amount and average compositions of matter dumped (e.g. per year).
2. Origin and form (e.g. solid, sludge, liquid, or gaseous within the matter, e.g. gases in sediments, or any mixture of these forms).
3. Properties: physical (e.g. solubility and density), chemical and biochemical (e.g. oxygen demand, nutrients) and biological (e.g. presence of viruses, bacteria, yeasts, parasites, invasive species).
4. Toxicity including but not limited to, trace metals, organohalogens, organosilicons, biocides (e.g. TBT), petroleum hydrocarbons, or other toxic substances, and as their mixtures.
5. Persistence: physical, chemical and biological.
6. Accumulation and biotransformation in biological materials and sediments [including but not limited to, trace metals, organohalogens, organosilicons, biocides (e.g. TBT) or other toxic substances.
7. Susceptibility to physical, chemical, and biochemical changes and interaction in the aquatic environment with other dissolved organic and inorganic materials.
8. Probability of production of taints or other changes reducing marketability of resources (fish, shellfish, etc.)
9. Presence of marine litter/debris (e.g. plastic materials, micro-litter, etc.).

B. CHARACTERISTICS OF DUMPING SITE AND METHOD OF DEPOSIT

1. Location of the dumping site (e.g. coordinates, depth and distance from the coast), location/distance in relation to other amenities, values and other uses of the sea in the areas under consideration (e.g. amenity areas, spawning, nursery and fishing areas, marine protected areas and exploitable resources).
2. Rate of disposal per specific period (e.g. quantity per day, per week, per month).
3. Methods of packaging and containment, if any.
4. Initial dilution achieved by proposed method of release, particularly the speed of the ship.
5. Physical, chemical and biological characteristics of the water-column and the seabed, including:
 - a) Dispersal characteristics (e.g. effects of currents, tides and wind on horizontal transport and vertical mixing).
 - b) Water characteristics, physical, chemical and biological (e.g. temperature, pH, salinity, turbidity, transparency, stratification, oxygen indices of pollution-dissolved oxygen (DO), chemical oxygen demand (COD), biochemical oxygen demand (BOD5), nitrogen present in organic and mineral form, including suspended matter, other dissolved gases, organic carbon, other nutrients (phosphate, nitrate, nitrite, ammonia and silicate) and productivity).
 - c) Bottom characteristics (e.g. substrate, topography/morphology, geochemical and geological characteristics and biological productivity).
 - d) Levels of underwater noise, particularly in relation to sensitive resources (e.g. cetaceans and pinnipeds, etc.)
6. Existence and effects of other dumpings which have been made in the dumping area (e.g. heavy metal background reading and organic carbon content).
7. Assessment of the constituent fluxes associated with dumping in relation to existing fluxes of substances in the marine environment.
8. Consideration of the physical characteristics of the waste proposed for disposal in relation to the site characteristics and waste assessment.
9. Assessment of potential effects of dumping in the selected site(s) using, inter alia, modelling tools and cumulative effects of other activities in the same maritime sector, taking into consideration C.1, C.2 and C.3 under "Section C: General Considerations and Conditions".

10. When issuing a permit for dumping, the Contracting Parties shall endeavour to determine whether an adequate scientific basis exist for assessing the consequences of such dumping in the area concerned, in accordance with the foregoing provisions and taking into account seasonal variations. If it is accepted that a permit can be issued, then a suitable field monitoring programme may be developed/implemented, where appropriate.

C. GENERAL CONSIDERATIONS AND CONDITIONS

- 1.** Possible effects on amenities (e.g. presence of floating or stranded material, turbidity, objectionable odor, discoloration and foaming).
- 2.** Possible effects on marine life, fish and shellfish culture, fish stocks and fisheries, seaweed harvesting and culture, as well as effect on local communities living near islands or near marine protected areas.
- 3.** Possible effects on other uses of the sea (e.g. impairment of water quality for industrial use, such as desalination plants, underwater corrosion of structures, interference with ship operations from floating materials, interference with fishing, mariculture, or navigation through deposit of waste or solid objects on the sea floor and protection of areas of special importance for scientific or conservation purposes).
- 4.** Consideration of possible waste reduction/prevention techniques at source including: a) product reformulation; b) clean production technologies; c) process modification; d) input substitution; e) and on-site, closed-loop recycling.
- 5.** Consideration of the following hierarchy of waste or other matter management options: re-use; off-site recycling; destruction of hazardous constituents; treatment to reduce or remove the hazardous constituents; disposal on land and in water.
- 6.** The practical availability of alternative land-based methods of treatment, disposal or elimination or of treatment to render the matter less harmful for sea dumping.
- 7.** Economic and operational feasibility.