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22<sup>nd</sup> Meeting of the Contracting Parties to the  
Convention for the Protection of the Marine Environment  
and the Coastal Region of the Mediterranean and its Protocols

Antalya, Turkey, 7-10 December 2021

### **Agenda Item 3: Thematic Decisions**

**General Status of the Progress in the Implementation of the Barcelona Convention and its Protocols: Analysis of the Information Mentioned in the National Reports for the 2018-2019 Biennium**

For environmental and cost-saving reasons, this document is printed in a limited number. Delegates are kindly requested to bring their copies to meetings and not to request additional copies.

## **Note by the Secretariat**

In its Decision IG.23/1, the 20<sup>th</sup> Meeting of the Contracting Parties (COP 20) (Tirana, Albania, 17-20 December 2017) requested the Secretariat to submit to each meeting of the Contracting Parties, on the basis of an analysis of the information contained in the national reports, a report on the general advances made in the region, including at the legal and institutional levels, in implementing the Barcelona Convention and its Protocols along with proposals for further measures, as necessary.

In response to this request, the Secretariat and MAP Components have prepared the “*General Status of the Progress in the Implementation of the Barcelona Convention and its Protocols: Analysis of the Information Mentioned in the National Reports for the 2018-2019 Biennium*”, which is hereby presented. The general status has been drafted on the basis of the information contained in the national implementation reports for the biennium 2018-2019, submitted by Contracting through the online Barcelona Convention Reporting System (BCRS), as at 4 October 2021. It provides for the Barcelona Convention and each of its Protocols an overall assessment of the status of progress in implementation and associated main overall findings, which are presented in document UNEP/MED IG.25/26 for consideration of the present meeting.

The status of progress in implementation and the associated main overall findings should be understood within the limitations which arise from the fact not all Contracting Parties have submitted their national implementation reports for the 2018-2019 biennium, the limited number of Contracting Parties to some Protocols, and additionally, the difference in the amount of information submitted by Contracting Parties in their national implementation reports. The percentage used in presenting statistical responses is that out of the total reporting Contracting Parties per legal instrument, rather than out of the total number of Contracting Parties per legal instrument. For the purpose of this report: “nearly all” is used for 90% or over, “most” for 70% or over, “many” for 40% or over, “some” for between 40% and 15% and “few” for less than 15%.

**General Status of Progress in the Implementation of the Barcelona Convention and its Protocols: Analysis of the Information Mentioned in the National Reports for the 2018-2019 Biennium**

*(as of 4 October 2021)*

**Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean  
(Barcelona Convention)**

**Status of Reporting**

- Number of Contracting Parties to the 1976 Barcelona Convention on the 2018/2019 biennium: 22
- Number of Contracting Parties to the 1995 Barcelona Convention on the 2018-2019 biennium: 21
- Number of reporting Contracting Parties for the 2018-2019 biennium: 12

**Introduction**

1. **Part I: Bilateral and Multilateral Agreements.** Part I summarizes the bilateral and multilateral agreements signed in relation to the Barcelona Convention and its Protocols.
2. **Part II: Legal and Regulatory Measures.** Part II seeks to determine whether Contracting Parties have established the legal and regulatory framework to: (1) implement the precautionary principle and the polluter paid principle (Article 4.3.a and b); (2) carry out Environmental Impact Assessments (EIAs) (Article 4.3.c); (3) use the Best Available Techniques (BAT) and Best Environmental Practices (BEP) (Article 4.4.b); (4) monitor the pollution of the marine environment and its coastal areas (Article 12); and (5) ensure public information and participation (Article 15). Part II also seeks to gather information on whether Contracting Parties have put in place the legal and regulatory framework enabling: (1) notification, exchange of information and consultation in case of transboundary EIA (Article 4.3.d); (2) promotion of Integrated Coastal Zone Management (ICZM) (Article 4.3.e); (3) promotion of scientific and technological cooperation (Article 13), and (4) implementation of the Guidelines for the Determination of Liability and Compensation (Article 16).
3. **Part III: Policy Measures.** Part III seeks to determine whether policy measures have been put in place addressing: (1) integration of the protection of the marine and coastal environment from LBS and ships into national relevant strategies; (2) integration of the protection and conservation of marine and coastal biodiversity into national relevant strategies; (3) Integrated Coastal Zone Management (ICZM) and physical planning and (4) economic instruments.
4. **Part IV: Monitoring and Public Access to Information.** Part IV seeks to collect information on the monitoring arrangements in place and the access to marine environmental data by the public.

**Progress in Implementation**

**a) Bilateral and Multilateral Agreements**

5. Six reporting Contracting Parties have provided information on the bilateral and/or multilateral agreements, including, sub-regional and/or regional agreements falling under the scope of application of the Barcelona Convention and its Protocols. These agreements cover issues such as water and wastewater management, preparedness and response to oil pollution incidents, transboundary movements of hazardous wastes, climate change adaptation, biological diversity, coastal erosion and coastal zone management, access to genetic resources, pollution from mercury, recycling of ships and ballast water.

**b) Legal and Regulatory Measures**

6. Reporting Contracting Parties have reported on the legal and regulatory measures put in place to implement Articles 4, (General Obligations), 12 (Monitoring), 13 (Scientific and Technological Cooperation), 15 (Public Information and Participation) and 16 (Liability and Compensation) of the Barcelona Convention, as shown in detail below.

### *Mandatory Reporting*

7. *Application of the precautionary principle (Article 4.3.a).* All reporting Contracting Parties indicated that they had incorporated the precautionary approach into their domestic legislation. Such integration has been achieved through general laws, such as environmental protection acts, and environment and sustainable development acts, or codes, such as maritime or environmental codes; as well as sectoral laws regulating specific issues, such as air protection acts, waste management acts, water acts, strategic environmental impact assessment acts, or nature and wildlife protection acts. In a reporting Contracting Party, this principle is enshrined and recognized in its Constitution, and in another one in the Treaty on the Functioning of the European Union (TFEU).

8. *Application of the polluter pays principle (Article 4.3.b).* All reporting Contracting Parties reported that they had incorporated the polluter pays principle into their domestic legislation. This has been taken forward through their core legal instruments for environmental protection, such as environmental protection acts, codes, charters or treaties, as well as sectoral legislation for the protection of water and air, for the management of hazardous wastes, for the protection of biodiversity and for the determination of environmental liability.

9. *Undertaking of Environmental Impact Assessment (EIA) for proposed activities that are likely to cause a significant adverse effect and/or are subject to an authorization by competent authorities (Article 4.3.c).* All reporting Contracting Parties stated having in place Environmental Impact Assessment (EIA) and/or Strategic Environmental Assessment (SEA) laws and regulations, thereby activities or projects which are likely to cause a significant adverse impact on the marine environment are subject to an EIA or SEA. Laws and regulations so adopted also transposed the Directives on EIA (85/337/EEC) and SEA (2001/42/EC).

10. *Use of Best Available Techniques (BAT) and Best Environmental Practices (BEP) (Article 4.4.b).* All reporting Contracting Parties indicated having put in place the legal and regulatory framework for the use of BAT and BEP, including technical guidelines and documents and rule books. This has translated into the adoption of industrial sectoral regulations as well as legislation transposing the IPPC (Integrated Pollution Prevention and Control) Directive (2010/75/EU).

11. *Establishment of a system to monitor the pollution of the marine environment and its coastal areas (Article 12).* All reporting Contracting Parties reported having established environmental monitoring programmes and articulated the legal and regulatory framework for the implementation of their programmes through general and/or sector-oriented acts covering water, air, nature protection, or solid wastes. Monitoring programmes mentioned include national marine and/or coastal waters monitoring programmes, land-based sources monitoring programmes and bathing quality monitoring programmes.

12. Three reporting Contracting Parties specifically mentioned the establishment of their monitoring programmes following the UNEP/MAP MED POL requirements. Two of those also referred to the alignment of their monitoring programmes with the UNEP/MAP Ecosystem Approach (EcAP) and the Integrated Monitoring Assessment Programme (IMAP), combined with the Marine Strategy Framework Directive (MSFD) (2008/56/EC) and the Water Framework Directive (WFD) (2000/60/EC) requirements. This adds to details provided by two Contracting Party on their monitoring programmes in the Adriatic area and Mar Menor, respectively.

13. *Designation of competent authorities responsible for pollution monitoring within areas under national jurisdiction (Article 12).* All reporting Contracting Parties answered this question affirmatively. In most of them the Ministry or Agency of Environment has been designated as the relevant authority, together with other relevant ministries such as the Ministry of Transport and Maritime Affairs, the Ministry of Agriculture and Forestry or the Ministry of Health and competent regional authorities. This adds to the monitoring undertaken by national research or oceanographic institutions.

14. *Ensuring public access to information on the state of the marine environment and its coastal areas (Article 15.1 and 2).* All reporting Contracting Parties indicated that mechanisms had been set up to ensure the public access to environmental information. This includes the publication in relevant and official websites (e.g. ministries, agencies and observatories) of the national reports on the state of the environment, including the quality of bathing waters, and the establishment of national centers or networks (e.g. National Environmental Information System, Canal Mar Menor) for the production and dissemination of environmental information.

15. The right to access to environmental information is reported to be embedded in both framework laws protecting the environment and sectoral laws, such as bathing water acts. This adds to the domestic legislation transposing the Aarhus Convention, on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters and the Directive on Public Access to Environmental Information (2003/4/EC), as well as the EU MSFD and the Directive on Open Data and the Re-use of Public Sector Information (2019/1024/EU).

16. *Ensuring public access to information related to the activities adversely affecting or likely to affect the marine environment and its coastal areas (Article 15.1 and 2).* All reporting Contracting Parties responded to this question affirmatively. Instruments to ensure public access to the referred information range from laws on free access to information, to environmental framework laws or codes, to Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) laws, in addition to specific acts on information and participation of the public in environmental matters. On the operational side, some reporting Contracting Parties referred to specific activities (trainings, seminars, roundtables) with stakeholders to ensure public access to the said information.

17. *Ensuring public access to information related to activities carried out and/or measures taken to implement the Barcelona Convention and its Protocols (Article 15.1 and 2).* All reporting Contracting Parties reported having taken action on that regard by publishing relevant information on ministries/agencies websites, organizing press conferences for the media, or specific events for the public.

18. *Ensuring public participation and consultation in decision-making processes related to the development of policies and legislation for the protection of the marine environment and its coastal area (Article 15.1 and 2).* All reporting Contracting Parties reported having put in place the legal and regulatory measures needed to ensure public participation and consultation in environmental legislation decision-making processes. This has been mainly achieved through general laws protecting the environment, public participation and access to information laws, and/or Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) laws.

19. Six reporting Contracting Party pointed out how this has been materialized in practice, covering a range of initiatives such as public consultation websites for the governments to seek the views of citizens and stakeholders when they develop policy and legislation; the establishment of public consultative mechanisms in the framework of the implementation of the Integrated Coastal Zone Management (ICZM) Protocol or the Specially Protected Areas and Biological Biodiversity (SPA/BD) Protocol, as regards the management of marine protected areas, the fostering of public consultation under MSFD processes, and the inclusion of professional associations, scientific institutions and other stakeholders in relevant governmental decision making bodies.

20. *Ensuring public participation and consultation in the Environmental Impact Assessment (EIA) process for proposed activities that are likely to cause damage to the marine environment and its coastal areas (Article 15.1 and 2).* All reporting Contracting Parties answered this question affirmatively. They based their answer on the available mechanisms for public participation and consultation set up at different stages of the Environmental Impact Assessment (EIA) and the Strategic Environmental Assessment (SEA) process under the relevant domestic legislation, i.e. EIA and SEA acts and regulations.

21. *Ensuring public participation in the process of authorization of proposed activities likely to cause damage to the marine environment and its coastal areas (Article 15.1 and 2).* All reporting Contracting Parties responded to this question affirmatively, making reference to both the general (e.g. Law on Free Access to Information and Law on Administrative Process) and specific (e.g. Law on the Environment, Environmental Code, and Regulation on Information and Participation of the Public in Environmental Matters) legal framework enabling public access to information, consultation and participation.

#### *Optional Reporting*

22. *Promotion of cooperation on the basis of notification, exchange of information and consultation among parties concerned, when an Environmental Impact Assessment (EIA) is undertaken in a transboundary context (Article 4.3.d).* All reporting Contracting Parties but one indicated having put in place the cooperation mechanisms of notification, exchange of information and consultation among the concerned states in cases of transboundary EIA. Cooperation in that regard has been mainly taken forward within the framework of Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) laws and regulations, in addition to the action taken by three reporting Contracting Parties under the UNECE Convention on Environmental Impact Assessment in a Transboundary Context (Espoo EIA Convention).

23. *Promotion of integrated planning and management of coastal areas, when preparing coastal zone management plans at the national, regional or local level, taking into account areas of ecological and landscape interest and the rational use of natural resources (Article 4.3.e).* All reporting Contracting Parties indicated that Integrated Coastal Zone Management (ICZM) principles had been integrated into their domestic legal and policy frameworks. This has been taken forward through a variety of instruments encompassing, laws ratifying and implementing the Integrated Coastal Zone Management (ICZM) Protocol to the Barcelona Convention; national strategies and plans on marine and coastal management, marine spatial planning; and laws on the development, protection and conservation of the coast, including laws on protected areas, such as Specially Protected Areas of Mediterranean Importance (SPAMIs).

24. *Cooperation in the fields of science and technology by inter alia the exchange of scientific data and other information (Article 13).* Most reporting Contracting Parties (9 out of 12) indicated having taken action to articulate cooperation in the fields of science and technology. Cooperation initiatives described were carried out in diverse areas including preparedness and response to accidental pollution through cooperation agreements, climate change adaptation, or R&D Projects for the promotion of blue growth.

25. *Promotion of the research on, access to and transfer of environmental sound technology, including clean production technologies (Article 13).* Half reporting Contracting Parties answered affirmatively to this question, by referring for instance to their international R&D Projects on blue growth or clean production.

26. *Implementation of the Guidelines for the Determination of Liability and Compensation for Damage resulting from Pollution of the Marine Environment in the Mediterranean Sea Area (Article 16).* Most reporting Contracting Parties (9 out of 12) have answered affirmatively to this question, by referring for instance to the liability provisions in its environmental protection laws or maritime codes.

#### **c) Policy Measures**

27. *Protection of the marine environment and its coastal areas is part of the domestic strategy for sustainable development.* All reporting Contracting Parties indicated having integrated the protection of the marine environment and its coastal areas into their relevant strategies, mainly their environmental protection strategies and/or national sustainable development strategies as well as regional strategies adopted in the framework of the Mediterranean Action Plan (MAP), although other strategies, plans and policies have been also used such as water management strategies, fisheries policies or growth strategies covering UN Sustainable Development Goals (SDGs).

28. *Protection of the marine environment and its coastal areas from land-based sources (LBS) of pollution and activities and pollution from ships is part of the Party's National Sustainable Development Strategy and other relevant sectoral development policies.* All reporting Contracting Parties but one, on which work is reported to be under development, indicated having integrated the protection of the marine and coastal environment from LBS and ships into their national relevant strategies and plans on sustainable development or/and on LBS and ship-source pollution, as well as other strategic documents that include measures related to land-based and ship sources of pollution, for instance, marine litter plans, waste water and waste treatment plans, water management plans, and port reception facilities measures.

29. *Protection and conservation of marine and coastal biodiversity is part of the Party's National Sustainable Development Strategy and other relevant sectoral development policies.* All reporting Contracting Parties but one, on which work is reported to be under development, indicated having integrated into their relevant strategies the protection and conservation of marine and coastal biodiversity. This has been mainly taken forward through national strategies and action plans on biodiversity, as well as sustainable development strategies, Integrated Coastal Zone Management (ICZM) strategies or laws on the coast or on protected areas, including SPAMIs.

30. *Physical plan of the Party's coastal zone(s) has given due regard to the protection of the marine environment and its coastal zone through the use of Integrated Coastal Zone Management or ICAM methodology.* Most reporting Contracting Parties (10 out of 12) have responded to this question positively. In this framework, reference is mainly made to the laws ratifying and implementing the Integrated Coastal Zone Management (ICZM) Protocol to the Barcelona Convention, ICZM national strategies, maritime spatial planning, coast laws or laws on the integrated planning of MPAs, including SPAMIs.

31. *Economic instruments such as taxes, fees, funds, charges, earmarked taxes, etc. have been established to promote protection of the marine environment and its coastal areas and conserve their biodiversity.* Many reporting Contracting Parties (8 out of 12) reported having adopted such instruments within different legal and policy frameworks, water management financing acts, environmental protection fund laws, depollution industrial funds mechanisms, circular economy measures or sectoral acts (e.g. water acts, waste acts, energy acts, transport and infrastructure acts and fisheries acts) providing for such instruments.

**d) Monitoring and Public Access to Information**

32. *Establishment of monitoring programmes to assess the state of the marine environment and its coastal areas and compliance with domestic standards on releases and/or quality marine environment criteria for the effective implementation of the Barcelona Convention and its Protocols (Article 12).* All reporting Contracting Parties but one which indicated work under development, reported having established monitoring programmes as required under Article 12 of the Barcelona Convention. Monitoring programmes range from general, e.g. on the state of the marine environment to specific e.g. on the quality of bathing waters or on land-based sources (LBS). Reference is also made to work carried out under UNEP/MAP MEDPOL in implementing MAP Ecosystem Approach (EcAP) and the Integrated Monitoring Assessment Programme (IMAP), combined with requirements under the EU relevant Directives, such as the Marine Strategy Framework Directive (MSFD), the Water Framework Directive (WFD) or the Habitats Directive.

33. *Publication of periodical assessment reports on the state of the marine environment and its coastal areas, including description of measures taken and related technical data or indicators, and their effectiveness for the implementation of the Barcelona Convention and its Protocols (Article 15.1).* All reporting Contracting Parties but one which indicated work under development, publish on a regular basis different assessment reports, the most common of which being on the state of the marine environment. Others include reports on the state of the environment, and the quality of bathing waters. Reports are published in the relevant governmental websites (e.g. Ministries, agencies, observatories) as well as other through other platforms such as the European Environmental Agency (EEA).

34. Difficulties most frequent reported in implementing the Barcelona Convention are limited financial resources, administrative management and technical guidance capabilities.

#### **Main overall findings**

- The precautionary principle and the polluter pays principle have been incorporated into domestic legislation in all reporting Contracting Parties. This has been achieved through core legal instruments for environmental protection as well as sectoral legislation regulating specific issues of environmental protection.
- Environmental Impact Assessment (EIA) and/or Strategic Environmental Assessment (SEA) laws and associated regulations are in place in all reporting Contracting Parties for activities or projects which are likely to cause a significant adverse impact on the marine environment.
- All reporting Contracting Parties indicated having put in place the legal and regulatory framework for the use of Best Available Technology (BAT) and Best Environmental Practices (BEP), which has mainly translated into the adoption of industrial sectoral regulations.
- Environmental monitoring programmes have been established in all reporting Contracting Parties. In establishing such programmes, through general and/or sector-oriented acts, some reporting Contracting Parties refer to the United Nations Environment Programme/Mediterranean Action Plan (UNEP/MAP) MED POL Programme for the Assessment and Control of Marine Pollution in the Mediterranean (MED POL) methodology and criteria, and the alignment of their national monitoring programmes with the MAP Ecosystem Approach (EcAP) and the Integrated Monitoring Assessment Programme (IMAP), combined with the requirements under the relevant European Union (EU) Directives, including the EU Marine Strategy Framework Directive (MSFD).
- Public access to environmental information is ensured in all reporting Contracting Parties through a variety of legal instruments ranging from laws on free access to information, to environmental framework laws or codes, to Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) laws. This adds to the legislation transposing the Aarhus Convention, on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters and relevant EU Directives, such as the Directive on Open Data and the Re-use of Public Sector Information (2019/1024/EU).
- Public participation and consultation in environmental legislation decision-making processes is ensured in all reporting Contracting Parties. This has been achieved through general laws protecting the environment, public participation and access to information laws, and/or Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) laws. In many reporting Contracting Parties public participation and consultation has been in practice through for instance the establishment of public consultative mechanisms in the framework of the implementation of the Integrated Coastal Zone Management (ICZM) Protocol.
- Cooperation mechanisms of notification, exchange of information and consultation among the concerned states in cases of transboundary EIA are in place in nearly all reporting Contracting Parties. This has been mainly taken forward within the framework of Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) laws and regulations, in addition to the action taken under the UNECE Convention on Environmental Impact Assessment in a Transboundary Context (Espoo EIA Convention).
- Integrated Coastal Zone Management (ICZM) principles have been integrated into domestic legal and policy frameworks in all reporting Contracting Parties through a variety of instruments encompassing, laws ratifying the Integrated Coastal Zone Management (ICZM) Protocol and national strategies and plans on marine and coastal management, as well as on marine spatial planning; and laws on the development, protection and conservation of the coast, including laws on protected areas, such as Specially Protected Areas of Mediterranean Importance (SPAMIs).



- The promotion of the research on, access to and transfer of environmental sound technology, including clean production technologies needs to be further reinforced, as only half reporting Contracting Parties have indicated action in this field, which mainly focus on preparedness and response to accidental pollution through cooperation agreements, climate change adaptation, or R&D Projects for the promotion of blue growth.
- Most reporting Contracting Parties have answered affirmatively to the question on the implementation of the Guidelines for the Determination of Liability and Compensation for Damage resulting from Pollution of the Marine Environment in the Mediterranean Sea Area.
- Difficulties most frequent reported in implementing the Barcelona Convention are limited financial resources, administrative management and technical guidance capabilities.

**Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea  
(Dumping Protocol)**

### Status of Reporting

- Number of Contracting Parties to the 1976 Dumping Protocol on the 2018/2019 biennium: 21
- Number of Contracting Parties to the 1995 Dumping Protocol on the 2018/2019 biennium: 15
- Number of reporting Contracting Parties on the 2018-2019 biennium: 10

### Introduction

35. **Part I: Legal and Regulatory Measures.** Part I seeks to determine whether the required permitting system has been put in place through legal and regulatory measures. Reporting on national implementing legislation would allow to identify Contracting Parties whose legislation provide them with the authority to: (1) prohibit dumping in violation of the Protocol (Article 4); (2) prohibit incineration at sea (Article 7); (3) apply the Protocol to ships and aircrafts (Article 11), and (4) issue instructions to maritime inspections ships and aircrafts to report on illegal dumping (Article 12). In addition, this part seeks to determine whether the required permit-system: (1) includes the designation or establishment of a competent authority or authorities responsible for the issuance of permits (Article 5); and (2) enables the designated competent authority or authorities responsible for the issuance of permits to inventory current sea disposal operations (Article 10).

36. **Part II: Dumping at Sea Permits and Quantities.** Part II seeks to gather information about permits issued, either under the 1976 Dumping Protocol or the 1995 Protocol, including permits under force majeure and critical situations.

37. **Part III: Quantities of Wastes of Other Matter for each Dumping Site and Coordinates for Dump Sites.** Part III seeks to collect information on about quantities and types of wastes permitted and dumped per dump site.

38. **Part IV: Monitoring.** Part IV seeks to gather information on field and compliance monitoring per dump site.

39. **Part V: Placement.** Part V seeks to collect information on placement activities conducted under article 3.4.b of the Dumping Protocol.

### Progress in Implementation

#### a) Legal and Regulatory Measures

40. Reporting Contracting Parties have reported on the legal and regulatory measures put in place to implement the Dumping Protocol, as shown in detail below.

#### *Mandatory Reporting*

41. *Prohibition of dumping of wastes or other matter with the exception of those listed in Article 4.2 of the Dumping Protocol (Article 4.1).* Most reporting Contracting Parties (7 out of 10) indicated

that they had in place legal and regulatory measures providing for the prohibition of dumping in violation of the Protocol. This has been mainly achieved through the laws ratifying the Dumping Protocol, as well as, through the laws ratifying the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972 (London Convention) and its 1996 Protocol. In some reporting Contracting Parties, this adds to their acts protecting the marine environment, including the integral protection of SPAMIs, and regulations on ports.

42. *Dumping of wastes and other matter listed in Article 4.2. is subject to a prior special permit from the designated competent authority or authorities in conformity with the criteria set forth in the Annex to the Dumping Protocol and the related Guidelines adopted by the Meeting of the Contracting Parties (Articles 5, 6 and 10.1).* Most reporting Contracting Parties (7 out of 10) answered this question positively. Laws ratifying the Dumping Protocol and the London Convention, and its 1996 Protocol are mentioned. Reporting Contracting Party referred to their regulatory framework, ranging from broad legal instruments (e.g. environmental protection acts, maritime codes) to sectoral ones (e.g. environmental impact assessment acts, fishing and aquaculture acts), pointing out to either the Ministry of Environment or the Ministry of the Sea, as the authorities responsible for issuing special or general permits in accordance with the Protocol.

43. *Designated competent national authority or authorities keep(s) records of the nature, quantities of the waste or other matter, dumping location and method (Article 10.1).* Half reporting Contracting Parties answered this question affirmatively. The competent national authorities responsible for issuing permits and keeping records are mainly the Ministry of Environment or the Ministry of the Sea or local authorities.

44. *Prohibition of incineration at sea (Article 7).* In most reporting Contracting Parties (8 out of 10) incineration is prohibited as per the Dumping Protocol.

45. *Force majeure dumping at sea is conducted under the conditions set out in Article 8 of the Dumping Protocol and reported to UNEP/MAP Secretariat immediately (Article 8).* A few reporting Contracting Parties (3 out of 10) answered this question positively.

46. *Critical dumping at sea is conducted under the conditions set out in Article 9 of the Dumping Protocol and UNEP/MAP Secretariat is consulted immediately (Article 9).* Many reporting Contracting Parties (4 out of 10) answered this question positively.

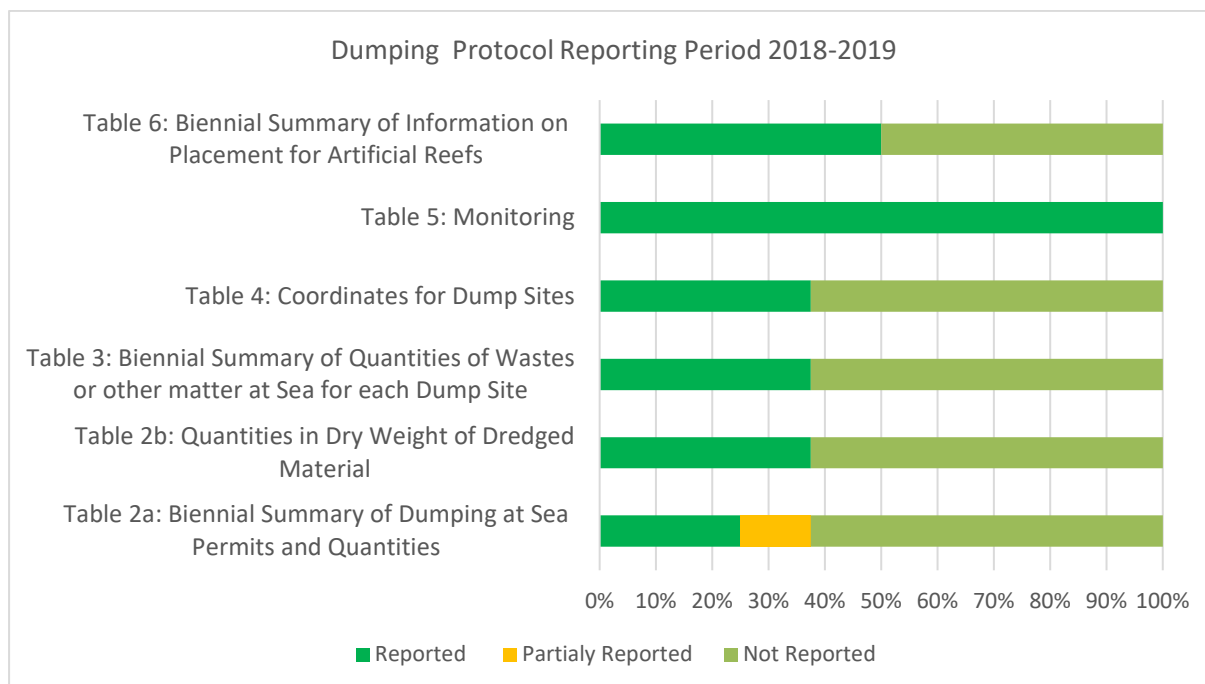
47. *Dumping permits provided for in Article 5 of the Dumping Protocol are issued for wastes or other matter loaded in your territory or loaded in the territory of a non-Contracting Party (Article 10.2).* A few reporting Contracting Parties (2 out of 10) answered this question positively.

48. *Application of measures to implement the Dumping Protocol to Contracting Parties' vessels and aircrafts, those loading in Contracting Parties' territory and those believed to be engaged in dumping in areas under Contracting Parties' jurisdiction (Article 11).* Many reporting Contracting Parties (4 out of 10) responded to this question affirmatively, by referring to their environmental codes and/or maritime codes as well as marine spatial planning acts.

#### *Optional Reporting*

49. *Issuing of instructions to maritime inspection ships and aircraft and other appropriate services to report to the relevant national authorities any incidents or conditions giving rise to suspicions that dumping in contravention to the Protocol had occurred or was about to occur (Article 12).* Half reporting Contracting Parties responded to this question affirmatively, by mainly making reference to their maritime codes or acts.

50. Difficulties most frequent reported in implementing the Dumping Protocol are the regulatory and policy framework, technical guidance capabilities and limited financial resources.



**b) Dumping at Sea Permits and Quantities<sup>1</sup>**

51. Contracting Parties are requested to provide information on permits issued under either the 1976 Dumping Protocol or the 1995 Dumping Protocol as well as quantities of wastes or other matter that were permitted for dumping at sea per dumping site (Table 2a). Also Contracting Parties are requested to provide data on quantities in dry weight of dredged material dumped at sea (Table 2b). Few reporting Contracting Parties have provided data regarding permits and quantities and dredged material.

**c) Quantities of Wastes of Other Matter for each Dumping Site and Coordinates for Dump Sites<sup>2</sup>**

52. Few Contracting Parties provided information on quantities of wastes or other matter for each dump site (Table 3) and coordinates for dump sites (Table 4).

**d) Monitoring<sup>3</sup>**

53. Contracting Parties are requested to provide information on monitoring conducted per dump side, including both compliance monitoring and field monitoring, specifying whether any adverse impacts have been found beyond that predicted (Table 5). All reporting Contracting Parties provided the requested data.

**e) Placement<sup>4</sup>**

54. Half Contracting Parties are requested to provide information on placement activities conducted within the biennium 2018-2019 (Table 6).

**Main overall findings**

- In most reporting Contracting Parties, the prohibition of dumping of wastes or other matter with the exception of those listed in Article 4.2 of the Dumping Protocol, as well as the establishment of the required permitting system has been mainly articulated through their laws ratifying the Dumping Protocol, in addition to their domestic laws and regulations protecting the environment, managing wastes, marine protected areas or aquaculture

<sup>1</sup> Not applicable to the EU

<sup>2</sup> Not applicable to the EU

<sup>3</sup> Not applicable to the EU

<sup>4</sup> Not applicable to the EU

activities, regulating ports and/or maritime codes. This adds to the laws ratifying the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter 1972 (London Convention) and its 1996 Protocol.

- It appears that there is a need to enhance the institutional structure to implement the Dumping Protocol, as only half of reporting Contracting Parties have responded positively to the question whether they have designated a competent national authority responsible for keeping records of the nature, quantities of the waste or other matter, dumping location and method.
- In most reporting Contracting Parties incineration is prohibited as per the Dumping Protocol.
- It seems that critical and force majeure dumping at sea as per the conditions set out in the Dumping Protocol are areas where further action is needed, as only a limited number of reporting Contracting Party has responded positively to the questions whether critical and force majeure dumping is conducted as required by the Dumping Protocol.
- Data received by reporting Contracting Parties shows that continued enhancement of data collection is key, by both continuing refining the UN Mediterranean knowledge platform (INFO/MAP) system to avoid duplication of reporting, as well as exploring practical ways and means to support Contracting Parties in the collection and submission of data, subject to available resources.
- Difficulties most frequent reported in implementing the Dumping Protocol are the regulatory and policy framework, technical guidance capabilities and limited financial resources.

### **Protocol Concerning Cooperation in Preventing Pollution from Ships and in Cases of Emergency, Combating Pollution of the Mediterranean Sea (Prevention and Emergency Protocol)**

#### **Status of Reporting**

- Number of Contracting Parties to the 1976 Emergency Protocol on the 2018/2019 biennium: 21
- Number of Contracting Parties to the 2002 Prevention and Emergency Protocol on the 2018/2019 biennium: 17
- Number of reporting Contracting Parties on the 2018-2019 biennium: 9

#### **Introduction**

55. **Part I: Legal and Regulatory Measures.** Part I seeks to determine whether Contracting Parties have established the legal and regulatory framework to facilitate international cooperation and mutual assistance in preparing for and responding to oil and hazardous noxious substances (HNS) pollution incidents. This includes a designated national authority, a national operational contact point and a national contingency plan. In turn, this needs to be backstopped by a minimum level of response equipment, communications plans, regular training and exercises.

56. **Part II: Pollution Preparedness and Response. Operational Measures.** Part II seeks to collect information on the national response strategy in place, resources and expertise in order to evaluate whether there is adequate capacity and resources to address oil and/or HNS pollution emergencies.

57. **Part III: Pollution Incidents.** Part III seeks to gather information on spills incidents. Under this heading, Contracting Parties are invited to provide information, if they have not yet done so through MEDGIS-MAR, on *inter alia* accident type, pollution type, ship category and any actions taken in response to the incident.

## Progress in Implementation

### a) Legal and Regulatory Measures

58. Reporting Contracting Parties have provided information about the legal and regulatory measures taken to implement Articles 4 (Contingency Plans and Other Means of Preventing and Combating Pollution Incidents), 5 (Monitoring), 7 (Dissemination and Exchange of Information), 8 (Communication of Information), 9 (Reporting Procedure), 10 (Operational Measures), 11 (Emergency Measures on Board Ships, on Offshore Installations and in Ports), 12 (Assistance), 14 (Port Reception Facilities), 15 (Environmental Risks of Maritime Traffic) and 16 (Reception of Ships in Distress in Port and Places of Refugee) of the Prevention and Emergency Protocol, as shown below.

#### *Mandatory Reporting*

59. *Maintenance and promotion of contingency plans and other means (i.e. pre-positioned response equipment and training courses for both operating and supervisory level response personnel) of preventing and combating oil and hazardous and noxious substances (HNS) pollution incidents (Article 4.1).* Nearly all reporting Contracting Parties (8 out of 9) indicated that they had adopted contingency plans and other means of preventing and combating oil and HNS pollution incidents.

60. Reporting Contracting Parties underlined their national contingency plans or emergency programmes, referring also to their regional, local and/or port facilities plans. On the level of response equipment, Contracting Parties commented on their network of pollution response vessels, as well as the operational structures in place, mainly national centers of expertise and pollution response, to ensure the availability of antipollution equipment. Reporting Contracting Parties also noted the role of REMPEC and the European Maritime Safety Agency (EMSA), in order to mobilize response services in case of pollution incidents, either in the framework of cooperation agreements concluded under the Prevention and Emergency Protocol or by the EMSA Network of Stand-by-Oil Spill Response Vessels, respectively. As regards arrangements for ensuring a regular training of both national operating level personnel and supervisory level personnel, details are provided by pointing out to different training options such as seminars, train-the-trainer courses and oil spill exercises. Training takes place mainly at national level, although international training is also mentioned under REMPEC (e.g. to use the Evaluation Tool for Oils Spills at the West Mediterranean), the EU Union Civil Protection Mechanism and EMSA.

61. *Designation of a national authority or authorities responsible for the implementation of the Prevention and Emergency Protocol (Article 4.1).* Nearly all reporting Contracting Parties (8 out of 9) indicated that they had designated the national authority or authorities responsible for the implementation of the Prevention and Emergency Protocol. The institutional setting differs from country to country, the most common one being the Ministry of Environment and the Ministry of Maritime Affairs, the Ministry of Transport and Infrastructure or Maritime Safety Agencies sharing responsibilities in the implementation of the Protocol. This adds to the diverse national centers or agencies responsible for the implementation of the national contingency plans.

62. *Informing the Regional Centre (REMPEC) every two years of the measures taken for the implementation of the Prevention and Emergency Protocol (Article 4.3).* Most reporting Contracting Parties (7 out of 9) reported to inform REMPEC about the measures taken to implement the Prevention and Emergency Protocol, with a few reporting Contracting Parties referring to the REMPEC Country Profiles.

63. *Development of monitoring and surveillance programmes and activities aimed at detecting oil and HNS pollution incidents whether accidental or operational and illicit discharges (Article 5).* Nearly all reporting Contracting Parties (8 out of 9) stated having developed monitoring and surveillance programmes to detect accidental or operational pollution. Reporting Contracting Parties underlined the EMSA satellite-based oil spill monitoring and vessel detection service CleanSeaNet, and the surveillance services provided by their Coast Guard (e.g. patrolling by oil spill response vessels, aerial surveillance and radars). Reference is also made to diverse maritime traffic control

systems, such as the Vessel Traffic Management Information System (VTMIS), the Automatic Identification System (AIS) and the Mandatory Ship Reporting System in the Adriatic Sea (ADRIREP).

64. *Issuing of instructions to masters of ships flying your flag and pilots of aircrafts registered in your territory to report on actual or potential oil and HNS pollution incidents to the designated national authority or authorities and the nearest Coastal State (Article 9.1).* Most reporting Contracting Parties (7 out of 9) answered this question affirmatively, by referring to their relevant domestic legislation (e.g. maritime codes, laws on the protection of the marine environment, or laws transposing relevant EU Directives or ratifying the International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC)) and/or their national contingency plans.

65. *Ensuring that the master of every ship sailing in your territorial waters report on actual or potential oil and HNS pollution incidents to the designated national authority or authorities and the nearest Coastal State (Article 9.2).* Nearly all reporting Contracting Parties (8 out of 9) answered this question affirmatively. They based their answer on their domestic laws establishing this obligation (e.g. Maritime Codes), as well as their national contingency plans.

66. *Issuing of instructions to Port and Port Facility Authorities and offshore installations under your jurisdiction to report on actual or potential oil and HNS pollution incidents to the designated national authority or authorities (Article 9.3 and 9.4).* Many reporting Contracting Parties (5 out of 9) answered this question positively, by referring to their relevant domestic legislation (e.g. maritime codes and safety codes for offshore exploitation and exploration) and/or their national contingency plans. This adds to the laws ratifying the International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC).

67. *Communication to REMPEC and those Contracting Parties likely to be affected of information on actual or potential oil and HNS pollution incidents collected by masters of ships flying your flag, pilots or aircrafts registered in your territory, Port and Port Facility Authorities and offshore installations under your jurisdiction (Article 9.6 and 9.7).* Most reporting Contracting Parties (7 out of 9) answered this question affirmatively, by mainly referring to their national/sub-regional contingency plans and a few to the REMPEC POLREP system.

68. *Conducting oil and HNS pollution incident assessments (i.e. nature, extent and possible consequences) and taking every practical measure to prevent, reduce and, to the fullest possible extent, eliminate the effects of the pollution incident (Article 10.1).* Most reporting Contracting Parties (7 out of 9) answered this question positively by underlying their contingency plans. Reporting Contracting Party also referred to their institutions involved in pollution incident assessments and prevention measures to combat accidental pollution, ranging from the Ministry of Environment to a number of research centers.

69. *Ensuring that ships flying your flag have on board a pollution emergency plan as required by, and in accordance with, the relevant international regulations (Article 11.1).* Nearly all reporting Contracting Parties (8 out of 9) have reported that ships flying their flag have on board a pollution emergency plan. Reporting Contracting Parties specifically noted the obligations under the MARPOL Convention and associated relevant IMO Guidelines, as well as provisions of their Maritime Codes.

70. *Master of ships flying your flag follow the procedures described in the shipboard emergency plan in case of oil and HNS pollution incidents (Article 11.2).* Nearly all reporting Contracting Parties (8 out of 9) answered this question affirmatively. Some of them based their answer on the Guidelines in place within the framework of the MARPOL Convention.

71. *Ensuring that the master of every ship sailing in your territorial waters follow the procedures described in the shipboard emergency plan in case of oil and HNS pollution incidents (Article 11.3).* Most reporting Contracting Parties (7 out of 9) answered this question positively. Reporting Contracting Parties referred to the relevant provisions of the MARPOL Convention and specific Guidelines on this area.

72. *Authorities or operators in charge of ports sea handling facilities have pollution emergency plans or other similar arrangements coordinated with the national system (Article 11.4).* Most reporting Contracting Parties (7 out of 9) indicated that legislation is in place requesting authorities or operators in charge of ports sea handling facilities to have pollution emergency plans or other similar arrangements coordinated with the national system. Some reporting Contracting Party referred to their law ratifying the International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC), and others pointed out the emergency plans adopted for their coastal or port facilities.
73. *Operators in charge of offshore installations under your jurisdiction have a contingency plan, coordinated with the national system (Article 11.5).* Many reporting Contracting Parties (6 out of 9) reported that the legal framework is in place requesting operators in charge of offshore installations under their jurisdiction to have a contingency plan, coordinated with the national system. References are made to the laws transposing the Directive on Safety of Offshore Oil and Gas Operations (2013/30/EU) and the laws ratifying the International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC), as well as requirements set in the emergency plans for offshore installations.
74. *Taking the necessary legal or administrative measures to facilitate the entry into, stay in and departure from your national territory of equipment, products and personnel engaged in responding to a pollution incident (Article 12.3).* Many reporting Contracting Parties (6 out of 9) answered this question positively.
75. *Ensuring that port reception facilities meeting the needs of ships (including pleasure craft) are available in your ports and terminals (Article 14).* Nearly all reporting Contracting Parties (8 out of 9) indicated that port reception facilities are available in their ports and terminals meeting the needs of ships, including pleasure crafts. Reference is made to laws ratifying MARPOL Convention and domestic laws transposing the Directive on Port Reception Facilities for Ships-generated Waste and Cargo Residues (2000/59/EC). Some reporting Contracting Party specifically pointed out the REMPEC Projects, such as the REMPEC Project on Port Reception Facilities, supporting meeting this obligation under the Prevention and Emergency Protocol.
76. *Ensuring that port reception facilities are used efficiently, without causing any undue delay to ships and limiting discharges to the marine environment (Article 14).* All but one reporting Contracting Party answered to this question affirmatively.
77. *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).* In nearly all reporting Contracting Parties (8 out of 9) information to ships is reported to be provided in that regard. Reporting Contracting Parties cited their Port Authorities, Harbour Master Offices and the Coast Guard as avenues to channel that information.
78. *Assessing the environmental risks of the recognized routes used in maritime traffic (Article 15).* In nearly all reporting Contracting Parties (8 out of 9) the assessment of the environmental risks of the recognized routes used in maritime traffic is reported having been undertaken. This has been done by undertaking different risk assessment studies (e.g. offshore installations risk assessment study; assessments of risks and sensitivity for its Adriatic coast) and through the Vessels Traffic Systems (VTS) and Automatic Ship Identification (AIS) systems.
79. *Taking appropriate measures aimed at reducing the risks accidents or their environmental consequences (Article 15).* Nearly all reporting Contracting Parties (8 out of 9) answered this question affirmatively. Reference is made to Vessels Traffic Systems (VTS), Particularly Sensitive Sea Areas (PSSAs) and national air surveillance systems.
80. *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).* Most reporting Contracting Parties (7 out of 9) stated having adopted measures dealing with places of refuge

for ships in distress. Some reporting Contracting Parties cited their national systems of response on marine pollution, their laws transposing the Directive establishing a Community Vessel Traffic Monitoring and Information System (2002/59/EC) and regulations on refuge places for ships in distress.

#### *Optional Reporting*

81. *Dissemination of information on designated national authorities with responsibilities, including operational responsibilities, in case of oil and HNS pollution incidents (Article 7).* Nearly all reporting Contracting Parties (8 out of 9) answered this question affirmatively, by indicating the different channels used for information dissemination of their designated national authorities for oil and HNS pollution incidents response. In addition to the websites of the relevant Ministries, mainly the Ministry of Maritime Affairs, Transport and Infrastructure or the Ministry of Environment, reporting Contracting Parties also pointed out the REMPEC Country Profiles as the most common avenue for information sharing.

82. *Dissemination of information on national regulations and other matters directly related to preparedness for and response to pollution of the sea by oil or other hazardous and noxious substances (Article 7).* Nearly all reporting Contracting Parties (8 out of 9) provided a positive answer to this question, by listing the most common channels used for dissemination of information on national regulations concerning preparedness and response to oil and HNS incidents. This is mainly achieved through the action of the Ministry of Maritime Affairs, Transport and Infrastructure, the Ministry of Environment or the Coast Guard. Regional and sub-regional Agreements also played a role in this regard, as well as the REMPEC Country Profiles.

83. *Dissemination of information on new ways in which pollution of the sea by oil and other hazardous and noxious substances may be avoided, new measures for combating pollution, new developments in the technology of conducting monitoring and the development of research programmes (Article 7).* Nearly all reporting Contracting Parties (8 out of 9) answered this question positively. Reference is made to websites of relevant ministries, mainly the Ministry of Environment and the Ministry of Transport, and research centers.

84. *Coordination of the means of communication to ensure, with the necessary speed and reliability, the reception, transmission and dissemination of reports and urgent information concerning pollution incidents (Article 8).* All reporting Contracting Parties but one answered positively to this question. Some reporting Contracting Party referred to the Common Emergency Communication and Information System (CECIS Marine Pollution) and to their Emergency Response Plan for the Protection of the Sea and Coastal Areas from Accidental Pollution by Oil and other Harmful Substances, as well as the RAMOGE Agreement.

#### **b) Pollution Preparedness and Response: Operational Measures<sup>5</sup>**

85. *National response strategy for marine pollution incidents adopted including a policy for the use of dispersants (Article 4).* Many reporting Contracting Parties (5 out of 8) have reported having adopted a response strategy for marine pollution incidents, including a policy for the use of dispersants.

86. *National Contingency Plan covers oil, Hazardous and Noxious Substances (HNS), or both, i.e. oil and HNS (Article 4).* Many reporting Contracting Parties (5 out of 8) have answered this question affirmatively. In three reporting Contracting Parties the national contingency plan covers both oil and HNS and in two reporting Contracting Parties covers only oil.

87. *National stockpiles of pre-positioned oil and HNS spill response equipment, including naval and aerial means, established (Article 4).* Most reporting Contracting Parties (6 out of 8) have reported having a stockpile of anti-pollution equipment and means, including naval and aerial means,

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<sup>5</sup> Not applicable to the EU



available. Details of the pre-positioned response equipment are given by half reporting Contracting Parties.

88. *Regular exercises are carried out to test the National Contingency Plan (Article 4).* Nearly all reporting Contracting Parties (7 out of 8) have reported that exercises are regularly organized to test their national contingency plans. Two reporting Contracting Parties provided details of the frequency of the national and international exercises, in the latter case by for example referring to REMPEC activities in this area.

89. *Local contingency plans, including port contingency plans adopted (Article 4).* Many reporting Contracting Parties (5 out of 8) have reported having adopted local/port contingency plans.

90. *Local plans, including port contingency plans, are integrated with the National Contingency Plan (Article 4).* Most reporting Contracting Parties (6 out of 8) have reported having integrated their local plan(s) into their national contingency plans.

91. *Local plans, including port contingency plans, are integrated with the industry emergency procedures (Article 4).* Most reporting Contracting Parties (6 out of 8) have reported having integrated the local plan(s) with the industry emergency procedures.

92. *Participation in sub-regional agreements regarding emergency situations adopted (Article 4).* Most reporting Contracting Parties (6 out of 8) have reported participating in bilateral and /or sub regional agreements regarding emergency situations. Reference is made to the RAMOGE Agreement and Southeast Mediterranean Agreement.

93. Difficulties most frequent reported in implementing the Prevention and Emergency Protocol are the regulatory and policy framework, administrative management and limited financial resources.

**c) Pollution Incidents<sup>6</sup>**

94. Two reporting Contracting Parties indicated that information on pollution incidents for the 2018-2019 biennium had been provided through the database MEDGIS-MAR. Two reporting Contracting Parties provided a detailed list of the 2018-2019 pollution incidents.

**Main overall findings**

- Contingency plans and other means of preventing and combating oil and hazardous noxious substances (HNS) have been adopted in nearly all reporting Contracting Parties. Contingency plans range from national, to regional to local and/or port facilities.
- The national level of response equipment varies from country to country, and at regional level key actors are the European Maritime Safety Agency (EMSA), with its Network of Stand-by-Oil Spill Response Vessels, and the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC), which has put in place mechanisms for the mobilization of response equipment and experts, mainly through cooperation agreements in the Mediterranean region.
- Regular training of both national operating level personnel and supervisory level personnel has been conducted through seminars, train-the-trainer courses and oil spill exercises. Training has taken place mainly at national level, although international training has been also conducted under REMPEC, the European Union (EU) Civil Protection Mechanism and EMSA. In that regard, a key training initiative from REMPEC was the Readiness Evaluation Tool for Oils Spills at the West Mediterranean, that enable the countries of the region to develop their respective self-assess of the level of their preparation to respond to oil spills.

<sup>6</sup> Not applicable to the EU

- Monitoring and surveillance programmes to detect accidental or operational pollution are in place in nearly all reporting Contracting Parties. This includes the aerial and satellite surveillance under the EMSA detection service CleanSeaNet, as well as at national level the surveillance carried out by the Coast Guard. In addition, maritime traffic control systems are also used.
- Reporting procedures to ensure that those required (e.g. ships, aircrafts, offshore installations, and Port Facility Authorities) report on actual or potential oil and hazardous noxious substances (HNS) pollution incidents to the designated national authority or authorities and, if so required, the nearest Coastal State are in place in most reporting Contracting Parties. This has been mainly achieved through relevant domestic legislation and national contingency plans' requirements.
- Communication to REMPEC and those Contracting Parties likely to be affected of information on actual or potential oil and hazardous noxious substances (HNS) pollution incidents is carried out by most reporting Contracting Parties. This has been mainly articulated through the national contingency plans or in a few reporting Contracting Parties through the POLREP system. To further encourage the use of the POLREP system or to establish a Common Emergency Communication System for the Mediterranean are options to consider.
- Conducting oil and HNS pollution incident assessments and taking every practical measure to prevent, reduce and, to the fullest possible extent, eliminate the effects of the pollution incident is part of the national contingency plans' requirements in most reporting Contracting Parties.
- In most reporting Contracting Parties, the legal and regulatory framework is in place to ensure that those required (e.g. ships, ports sea, and offshore installations) have contingency plans on board. This has been articulated through domestic legislation as well as laws ratifying the MARPOL Convention and the International Convention on Oil Pollution Preparedness, Response and Co-operation (OPRC).
- Port reception facilities are available in ports and terminals meeting the needs of ships, including pleasure crafts, in nearly all reporting Contracting Parties. REMPEC Project on Port Reception Facilities has been one of the avenues to ensure proper Port Reception Facilities.
- Measures aimed at reducing the risks accidents or their environmental consequences have been taken by nearly all reporting Contracting Parties. This has been articulated in different ways, including Vessels Traffic Systems (VTS), the designation and management of Particularly Sensitive Sea Areas (PSSAs) and national air surveillance systems.
- In most reporting Contracting Parties measures dealing with places of refuge for ships in distress have been adopted.
- The dissemination and exchange of information as per the requirements of the Prevention and Emergency Protocol has been mainly achieved through the official websites of the relevant Ministries (e.g. the Ministry of Maritime Affairs, Transport and Infrastructure or Ministry of Environment), as well as the REMPEC Country Profiles. The use and regular update of REMPEC Country Profiles should be further promoted among Contracting Parties.
- Responses strategies for marine pollution incidents, including policies for the use of dispersants, are in place in many reporting Contracting Parties.
- National contingency plans cover both oil and hazardous noxious substances (HNS) in some reporting Contracting Parties.

- Difficulties most frequent reported in implementing the Prevention and Emergency Protocol are the regulatory and policy framework, administrative management and limited financial resources.

**Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities  
(LBS Protocol)**

**Status of Reporting**

- Number of Contracting Parties to the 1980 LBS Protocol on the 2018/2019 biennium: 22
- Number of Contracting Parties to the 1996 LBS Protocol on the 2018/2019 biennium: 17
- Number of reporting Contracting Parties on the 2018-2019 biennium: 10

**Introduction**

95. **Part I: Legal and Regulatory Measures.** Part I seeks to determine whether national legislative regimes address land-based sources and activities as per the provisions of the LBS Protocol. In particular, questions under this part are meant to test whether: (1) National Actions Plans (NAPs) and the Strategic Action Plan (SAP) are in place to eliminate LBS pollution and phase-out POPs (Article 5); (2) measures have been adopted to reduce accidental pollution (Article 5); (3) discharges and pollutant releases are subject to the required authorization/regulation issued by the competent national authority (Article 6); (4) a system of enforcement, including sanctions, is in place (Article 6), (5) measures adopted by the Conferences of the Parties are implemented (Article 7) and (6) field and compliance monitoring mechanisms are in place (Article 8).

96. **Part II: Inventory.** Part II seeks to collect quantitative information on pollutant releases per pollutant group and sector of activity.

97. **Part III: Implementation of Regional Actions Plans (RAPs) and their effectiveness.** Part III seeks to gather information on the implementation of the RAPs adopted under the LBS Protocol (i.e. RAPs on POPs, RAP on Mercury, RAPs on BOD<sub>5</sub> reduction, RAP on Marine Litter and RAP on Sustainable Consumption and Production).

98. **Part IV: Implementation of National Action Plans (NAPs) and their effectiveness.** As its title suggest, Part IV seeks to gather information on the implementation of NAPs and their effectiveness.

99. **Part V: Monitoring.** Part V seeks to gather information on implementation of quality status monitoring and Integrated Monitoring and Assessment (IMAP).

100. **Part VI: Enforcement Measures.** Part VI seeks to gather information on enforcement measures taken to implement the LBS Protocol.

**a) Legal and Regulatory Measures**

101. Reporting Contracting Parties have reported on the legal and regulatory measures put in place to implement the LBS Protocol, as shown in detail below.

102. *Action plans, programmes and measures (NAPs and SAP) to eliminate pollution from LBS activities particularly regarding the phasing out of inputs of the substances listed in Annex I to the Protocol that are toxic, persistent and liable to bioaccumulate, using BAT and BEP (Article 5.1).* Nearly all reporting Contracting Parties (9 out of 10) indicated that they had articulated measures to eliminate LBS pollution and phase-out POPs using BAT and BEP. Reporting Contracting Parties referred to broad domestic legislation mainly on environmental protection, water or coast, which is supplemented by specific legislation particularly on industrial emissions, sea bathing water quality, (urban) waste management and persistent organic pollutants (POPs), such as mercury and cadmium. This adds to the domestic legislation transposing the relevant EU directives, such as the IPPC (Integrated Pollution Prevention and Control) Directive (2008/1/EC), the Water Framework Directive

(WFD) (2000/60/EC) and the Marine Strategy Framework Directive (MSFD) (2008/56/EC). In addition, work is also underlined within the framework of implementation of the UNEP/MAP Regional Action Plan on Marine Litter.

103. *Priorities and timetables for implementing the action plans, programmes and measures adopted taking into account the elements set out in Annex I to the Protocol and periodically updated (Article 5.2).* Only a few reporting Contracting Parties (3 out of 10) have responded to this question positively, referring to action taken within the framework of UNEP/MAP and/or relevant EU Directives.

104. *Preventive measures taken to reduce to a minimum the risk of pollution caused by accidents (Article 5.5).* All reporting Contracting Parties reported having put in place measures to reduce to a minimum the risk of accidental pollution. Reference is mainly made to national contingency plans on preparedness and response to accidental marine pollution, as well as work under the relevant EU Directives, e.g. the IPPC (Integrated Pollution Prevention and Control) (2008/1/EC) Directive and the SEVESO III EU Directive (2012/18/EU), and REACH Regulations.

105. *Point source discharges into the Protocol area and releases into water and/or air that reach and may affect the Mediterranean Area are strictly subject to authorization or regulation by the competent national authority or authorities (Article 6)<sup>7</sup>.* Nearly all reporting Contracting Parties (8 out of 9) reported that discharges and pollutant releases are subject to the required authorization or regulation issued by the competent national authority. Legal instruments listed, mainly on water, on bathing quality water, on coast, and on environmental protection, establish a system which enables the competent national authority or authorities to issue a permit (e.g. water right permit, environmental permit) for any discharge or release into the sea or surface waters, provided that *inter alia* some specific limit values are met.

106. *Establishment of inspection systems for the competent national authority or authorities to assess compliance with authorizations and regulations (Article 6)<sup>8</sup>.* All reporting Contracting Parties reported having in place a system of inspection through specific acts on that regard. Depending on the country, the system rests on different authorities, ranging from Environmental Inspectors, State Water Rights Inspectors, Judicial or Environmental Police, Harbor Master's Inspectors, Royal Police, Water Management Inspectors, and accredited Networks and Agencies.

107. *Application of appropriate sanctions in the event of non-compliance with authorizations and/or regulations (Article 6)<sup>9</sup>.* All reporting Contracting Parties reported having put in place the appropriate sanctions in cases of non-compliance with authorizations and/or regulations through the relevant acts, ranging from environmental inspection and control acts to environmental codes. Sanctions include fines, indictments, imprisonment, temporary suspension of work or activities.

108. *Implementation of common measures for the control of pollution adopted by the Meeting of the Contracting Parties, including the implementation of measures provided for in Regional Action Plans (RAPs) (Articles 7 and 15).* All reporting Contracting Parties have responded affirmatively to this question, by mainly referring to specific legislation adopted on bathing waters, wastewater emissions limit values, environmental quality standards and mercury. This adds to references to action taken within the framework of national implementation plans (NAPs) and to the domestic laws transposing relevant EU Directives, mainly the Environmental Quality Standards Directive (EQS) (2008/105/EC), the Bathing Water Directive (2006/7/EC) and the Quality of Fresh Waters (2006/44/EC) Directive.

109. *Monitoring programmes and activities carried out to assess as far as possible the levels of pollution along the coast in particular with regard to the sectors of activity and categories of*

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<sup>7</sup> Not applicable to the EU

<sup>8</sup> Not applicable to the EU

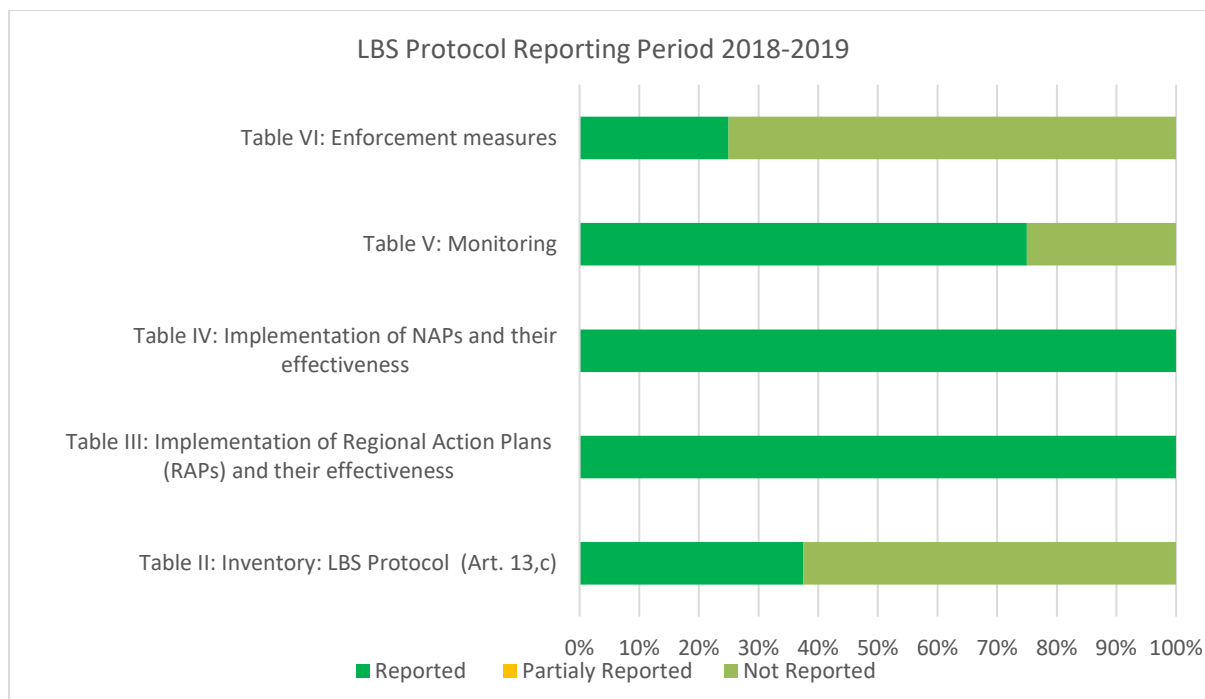
<sup>9</sup> Not applicable to the EU

*substances listed in Annex I to the Protocol (Article 8)*<sup>10</sup>. Environmental monitoring programmes are reported to be in place in most of the reporting Contracting Parties (7 out of 9). Reference is made to the monitoring programmes in place adopted within the framework of MEDPOL, in consistency with the Ecosystem Approach (EcAP), and in synergy with the relevant EU Directives, including the Marine Strategy Framework Directive (MSFD) (2008/56/EC).

110. References are also made to the effort in aligning national monitoring programmes with the Mediterranean Integrated Monitoring and Assessment Programme (IMAP). Monitoring programmes in place vary in scope, encompassing marine ecosystems, marine and coastal waters, bathing waters, land-based sources, marine wastes, industrial emissions, and marine litter. In addition, national institutions and networks for observation and monitoring underpin these programmes through the regular collection and assessment of data.

111. *Monitoring programmes and activities carried out to evaluate the effectiveness of action plans, programmes and measures under this Protocol (the NAPs and the SAPs) to eliminate to the fullest possible extent pollution of the marine environment (Article 8)*<sup>11</sup>. Most reporting Contracting Parties (7 out of 9) answered to this question positively. References are made to work carried out within the framework of MEDPOL in updating national implementation plans (NAPs) and preparing the MEDPOL National Baseline Budget (NBB). This adds to work carried out by some reporting Contracting Parties under the MSFD.

112. Difficulties most frequent reported in implementing the Land-based Sources Protocol are the regulatory framework, administrative management and limited financial resources.



## b) Inventory<sup>12</sup>

113. Contracting Parties are requested to submit their inventory of pollution loads per sector and sub-sector for each group of pollutants as required by article 13 of the LBS Protocol (Table II). The inventory table needs to be populated, provided that the requested data was not already submitted through the MED POL National Baseline Budget (NBB). Few reporting Contracting Parties submitted the required data, including a partial submission of data.

<sup>10</sup> Not applicable to the EU

<sup>11</sup> Not applicable to the EU

<sup>12</sup> Not applicable to the EU

**c) Implementation of Regional Actions Plans (RAPs) and their effectiveness**

**i. Regional Action Plans on Persistent Organic Pollutants (POPs)**

114. The implementation of the Regional Plans on the elimination/phasing out of POPs are, in general, being progressively implemented by the Contracting Parties in synergy with the Stockholm Convention.

115. Most Contracting Parties have legal and administrative measures on POPs in place. Nearly all Contracting Parties reported measures for ensuring the environmentally sound management of POPs. Almost half of the Contracting Parties have monitoring plans for POPs in place, although at different degrees of implementation.

**ii. Regional Plan on the Reduction of Inputs of Mercury**

116. More than half of the Contracting Parties have regulations in place regarding prohibiting and/or restricting the manufacture, export and import of mercury and setting national ELVs in line with the values set in the Regional Plan. In that respect, most countries have met the deadline set in the Regional Plan for 2019.

117. More than two thirds of the Contracting Parties have in place, or work is in progress for consolidating monitoring plans for mercury.

118. Some of the measures provided in the Regional Plan had timetable for their achievement, while others did not specify deadlines. The overall situation is that at least half the Contracting Parties have met deadlines set in the Regional Plan's provisions.

119. The prohibition of new chloralkali plants and new vinyl chloride monomer plants had immediate effects. Although this measure has not been evidenced for the half of the Contracting Parties, the installation of such new plants has not been identified in the region.

120. By 2020, the releases of mercury from the activity of chloralkali plants shall cease. To comply with this provision, urgent measures need to be adopted in countries where chloralkali plants are still operating.

121. The adoption of national ELVs should be in place by 2019, in this case the evidence is that some Contracting Parties need to implement or modify national regulations to ensure compliance with ELVs. Identification of contaminated sites has been roughly achieved in some Contracting Parties and is in progress in others.

**iii. Regional Action Plans on the Reduction of BOD<sub>5</sub>**

122. Most countries have national regulations setting National Emission Limit Values (ELVs) in place on urban wastewater in line with the Regional Plans. Only few Contracting Parties need to amend national regulations to adopt ELV on urban wastewater in line with the Regional Plans requirements.

123. Adopting national ELVs for BOD from urban wastewater was set to be achieved by two alternative deadlines: 2015 and 2019 while ELV for food sector by 2014. Most countries have met the deadlines for ELV for urban wastewater. For the food sector, many Contracting Parties have not adopted ELVs.

124. Gaps do exist regarding implementation of formal authorization, monitoring and reporting systems. Approximately half of the Contracting Parties have not consolidated formal authorization, monitoring and reporting systems.

125. Most of Contracting Parties have programmes for construction or development of their WWTPs particularly for agglomerations larger than 2000 inhabitants. However, only few have completed their programmes to date. Countries are at different stage of progress with regards to collecting and treating their urban wastewater.

**iv. Regional Plan on Marine Litter Management in the Mediterranean**

126. Most Contracting Parties have adopted national legislation on the prevention of marine litter through sectorial policies with incidence in the marine environment such as waste management and

protection and the integrated management of the coast. Some countries have also put in place national legislation and policies for recycling, pilot projects on Extended Producer Responsibility (EPR), and initiatives for reducing the use of single-use plastic bags, tackling the major marine litter items found in the Mediterranean.

127. Further work is required with regards the enforcement of measures further to implementation of monitoring and assessment programmes, in particular the Integrated Monitoring and Assessment Programme for the Mediterranean Sea and Coast (IMAP), which encompasses two Common Indicators and a single Candidate Indicator on marine litter.

128. Important progress has been achieved with regards to the better management of sea-based marine litter, and particularly in relation to better management of marine litter in ports and marinas, as well as the implementation of Fishing-for-litter measures.

129. Several measures on the prevention of marine litter from land-based sources and sea-based sources provided in the Regional Plan had 2017 as the deadline for their achievement (e.g. Extended Producer Responsibility, Sustainable Procurement Policies, voluntary agreements, charge reasonable cost for the use of port reception facilities, apply No-Special-Fee system, “Fishing for Litter” practices, etc.). The overall evaluation based on the available information shows that most of Contracting Parties have reported to have launched some of the marine litter prevention initiatives before 2017. However, such initiatives need to be strengthened and consolidated in the near future.

130. Regarding measures to be achieved by 2019, while marine litter clean-up campaigns have been positively initiated by most of the Contracting Parties, other measures such as the identification of accumulations/hotspots of marine litter and close to the extent possible the existing illegal dump sites, have been partially implemented or insufficient information has been collected. In this context, urgent measures are needed to support the implementation of such measures.

131. Provisions with deadlines by 2020 are currently being implemented in most of the Contracting Parties including measures to establish as appropriate adequate urban sewer, wastewater treatment plants, and waste management systems to prevent run-off and riverine inputs of litter and effective measures to prevent any marine littering from dredging activities. Further efforts are needed in this direction.

132. With regards to provisions to base urban solid waste management on reduction at source and applying the waste hierarchy by 2025; this measure is far from being achieved in almost half of the Contracting Parties. So, waste management strategies and action plans need to be developed and implemented in this regard.

**v. Regional Action Plan on Sustainable Consumption and Production in the Mediterranean**

133. The 1<sup>st</sup> SCP RAP requirement under the FFA sector is the “adoption and implementation of Good Agricultural Practices (GAP)”. Five reporting Contracting Parties responded positively to this question.

134. The 2<sup>nd</sup> SCP RAP requirement under this sector is the “adoption and implementation of Sustainable Fishing Practices”. Four reporting Contracting Parties responded positively to this question.

135. The 3<sup>rd</sup> SCP RAP requirement under this sector is the “establishment of certification schemes (eco-labels) that confirm the sustainable production of food and fisheries products”. Four reporting Contracting Parties responded positively to this question.

136. The 4<sup>th</sup> SCP RAP requirement is the “adoption of Sustainable Public Procurement (SPP) schemes for food and fisheries products.” Two reporting Contracting Parties responded positively to this question.

137. The 5<sup>th</sup> SCP RAP requirement is the “adoption of measures in the field of communication and education to promote the consumption of sustainable, healthy and local food”. Five reporting Contracting Parties responded positively to this question.

138. The 6<sup>th</sup> SCP RAP requisite under the “Goods manufacturing” sector is the “adoption of measures to implement the waste management hierarchy, develop extended produced responsibility schemes, and encourage circular economy”. Four reporting Contracting Parties responded positively to this question.

139. The 7<sup>th</sup> SCP RAP requirement is the “development of policy instruments to support the private sector in the sustainable design, production and use of manufactured goods”. Three reporting Contracting Parties responded positively to this question.

140. The 8<sup>th</sup> SCP RAP requirement is the “adoption and implementation of sustainable public procurement (SPP) in the goods manufacturing”. Three reporting Contracting Parties responded positively to this question.

141. The 9<sup>th</sup> SCP RAP requirement is the “establishment of certification schemes (eco-labels) for manufactured goods and awareness raising among the population”. Five reporting Contracting Parties responded positively to this question.

142. The 10<sup>th</sup> SCP RAP requirement under the tourism sector is the “creation of eco-taxes, eco-charges or fees to internalize externalities of tourism activities”. Two reporting Contracting Parties responded positively to this question.

143. The 11<sup>th</sup> SCP RAP requirement is the “revision of the current national tourism legislation to integrate sustainable principles and measures”. Two reporting Contracting Parties responded positively to this question.

144. The 12<sup>th</sup> SCP RAP condition is the “adoption of measures to promote the diversification of the tourism offer from mass tourism to alternative forms of tourism”. Four reporting Contracting Parties responded positively to this question.

145. The 13<sup>th</sup> SCP RAP requirement is the “adoption of measures to promote tourism eco-labels and facilitate their award by tourist facilities.” Two reporting Contracting Parties responded positively to this question.

146. The 14<sup>th</sup> SCP RAP requirement under the housing and construction sector is to “develop measures to support sustainable coastal urban development and green construction, taking into account the entire life cycle of buildings”. Three reporting Contracting Parties responded positively to this question.

147. The 15<sup>th</sup> SCP RAP requisite is to “promote sustainable public procurement in the public housing and construction”. Three reporting Contracting Parties responded positively to this question.

148. Technical assistance and capacity building activities led by UNEP/MAP should be established as soon as possible to support countries in preparing the mandatory national reporting on the SCP RAP, including comments and difficulties encountered per each SCP measure taken.

**d) Implementation of National Action Plans (NAPs) and their effectiveness<sup>13</sup>**

149. All reporting Contracting Parties submitted the required data, in addition to partial submissions of data by eight reporting Contracting Parties (Table IV).

**e) Monitoring<sup>14</sup>**

150. This Part requires information on Implementation of quality status monitoring and Integrated Monitoring and Assessment (IMAP) or steps to revise national monitoring programmes in line with IMAP (Table V). Most reporting Contracting Parties submitted the required information.

**f) Enforcement Measures<sup>15</sup>**

151. *Enforcement measures for non-compliance with national legislation and regulations implementing the Protocol (Article 6) (Table VI)*. Few reporting Contracting Parties provided data on

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<sup>13</sup> Not applicable to the EU

<sup>14</sup> Not applicable to the EU

<sup>15</sup> Not applicable to the EU



the enforcement measures taken, including number of inspections, fines, and suspension of authorizations permits.

152. *Enforcement measures for non-compliance with specific conditions attached to authorizations or permits (Article 6) (Table VI).* Few reporting Contracting Parties provided data on the enforcement measures taken, including number of inspections, fines, and suspension of authorizations permits.

#### **Main overall findings**

- Legal and regulatory measures to eliminate Land-based Sources (LBS) pollution and phase-out Persistent Organic Pollutants (POPs) are reported to be in place in nearly all the reporting Contracting Parties. This has been mainly articulated through broad domestic legislation (e.g. on environmental protection, water or coast), as well as specific legislation (e.g. on industrial emissions, sea bathing water quality, (urban) waste management and persistent organic pollutants (POPs)). This adds to the domestic legislation transposing the relevant European Union (EU) Directives, including the Marine Strategy Framework Directive (MSFD) (2008/56/EC).
- In nearly all reporting Contracting Parties, discharges and pollutant releases are subject to the required authorization or regulation issued by the competent national authority. In general, legal instruments listed, mainly on water, on coast, and on environmental protection, establish a system which enables the competent national authority or authorities to issue a permit (e.g. water right permit, environmental permit) for any discharge or release into the sea or surface waters, provided that *inter alia* some specific limit values are met.
- Measures to reduce to a minimum the risk of accidental pollution are reported to be in place in all reporting Contracting Parties. This has been mainly achieved through national contingency plans, in addition to the transposition into domestic legislation of the relevant EU Directives, including the SEVESO III EU Directive (2012/18/EU) and REACH Regulations.
- All reporting Contracting Parties indicated having in place a system of inspection to assess compliance with authorizations and regulations and to impose sanctions in the event of non-compliance. Such system rests on different authorities from country to country, ranging from Environmental Inspectors, to Judicial or Environmental Police, to Harbor Master's Inspectors and accredited Agencies and Networks; and cover sanctions such as fines, indictments, imprisonment, temporary suspension of work or activities.
- Environmental monitoring programmes are reported to be in place in most of the reporting Contracting Parties. This has been mainly articulated within the framework of the MED POL Programme for the Assessment and Control of Marine Pollution in the Mediterranean (MED POL), in consistency with the Ecosystem Approach (EcAP) and the Mediterranean Integrated Monitoring and Assessment Programme (IMAP), and in synergy with the relevant European Union (EU) Directives, including the Marine Strategy Framework Directive (MSFD) and . Monitoring programmes in place vary in scope from country to country, encompassing marine ecosystems, marine and coastal waters, bathing waters, land-based sources, marine litter, or industrial emissions. In addition, national institutions and networks for observation and monitoring underpin these programmes through the regular collection and assessment of data.
- Monitoring programmes to evaluate the effectiveness of action plans, programmes and measures under the LBS Protocol are reported to be in place in most reporting Contracting Parties. Answers are mainly based on work carried out within MEP POL to update national implementation plans (NAPs) and within the framework of the MSFD.

- The limited amount of data received by reporting Contracting Parties shows the need to further refine the UN Mediterranean knowledge platform (INFO/MAP) system to facilitate the submission of data, as well as to articulate practical ways and means to support Contracting Parties through capacity building activities, subject to available resources.
- Data received by reporting Contracting Parties shows that continued enhancement of data collection is key, by both continuing refining the UN Mediterranean knowledge platform (INFO/MAP) system to avoid duplication of reporting, as well as exploring practical ways and means to support Contracting Parties in the collection and submission of data, subject to available resources.
- Technical assistance and capacity building activities should be strengthened in synergy with relevant MEAs and other stakeholders, to further advance in the implementation of the regional actionplans.
- Difficulties most frequent reported in implementing the Land-based Sources Protocol are the regulatory framework, administrative management and limited financial resources.

## Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean (SPA/BD Protocol)

### Status of Reporting

- Number of Contracting Parties to the 1982 SPA Protocol on the 2018/2019 biennium: 21
- Number of Contracting Parties to the 1995 SPA/BD Protocol on the 2018/2018 biennium: 17
- Number of reporting Contracting Parties on the 2018-2019 biennium: 11

### Introduction

153. **Part I: Legal and Regulatory Measures.** Part I seeks to determine whether Contracting Parties have established the legal framework for the protection and conservation of Specially Protected Areas (SPAs), including Specially Protected Areas of Mediterranean Importance (SPAMIs) and those endangered or threatened species of flora and fauna listed in Annexes II and III to the Protocol.

154. **Part II: Specially Protected Areas (SPAs).** Part II seeks to collect information on the list of SPAs designated and the measures adopted for their management, including the development and adoption of a management plan for each SPA, which incorporates the elements listed in Article 7 of the Protocol.

155. **Part III: Specially Protected Areas of Mediterranean Importance (SPAMIs).** Part III seeks to gather information on the list of SPAMIs designated and the measures adopted for their management, including the development and implementation of a management plan for each SPAMI which includes regulation of dumping and releases of wastes likely to impair the integrity of the SPAMI, monitoring programmes, introduction and reintroduction of species, and activities carried out in the zone surrounding the area.

156. **Part IV: Endangered and Threatened Species.** Part IV seeks to gather information on the protection measures adopted by Contracting Parties to protect those endangered or threatened species listed in the Annexes to the Protocol.

157. **Part V: Monitoring.** Part V seeks to gather information on implementation of quality status monitoring and Integrated Monitoring and Assessment (IMAP).

158. **Part VI: Enforcement Measures.** Part VI seeks to collect information on enforcement in order to verify compliance with the Protocol.

159. **Part VII: Implementation of Regional Action Plans (RAPs).** Part VII seeks to collect information on measures put in place for the implementation of biodiversity RAPs adopted by the Meeting of the Contracting Parties.

### Progress in Implementation

#### a) Legal and Regulatory Measures

160. Reporting Contracting Parties have reported on the legal and regulatory measures put in place to implement the SPA/BD Protocol, as shown in detail below.

161. *Designation of the terrestrial areas (including wetlands) under its jurisdiction which are in the area to which the SPA/BD Protocol applies (Article 2.1).* Nearly all reporting Contracting Parties (10 out of 11) have designated these areas under different protected area management categories, encompassing Areas of Conservation Importance for Birds, Sites of Community Importance, Nature Reserves, National Parks, Marine Protected Areas or Sites of Biological and Ecological Interest (SBEI).

162. *Protection, preservation and management in a sustainable and environmentally sound way of areas of particular natural or cultural value, notably by the establishment of SPAs (Article 3.1(a)).* All reporting Contracting parties indicated the existence of measure for the protection, preservation and sustainable management of SPAs, mainly through domestic nature protection, coastal protection, national parks or protected areas acts.

163. *Protection, preservation and management of endangered or threatened plant and animal species (Article 3.1(b)).* All reporting Contracting Parties have answered this question positively. The protection, preservation and management of endangered or threatened species of flora and fauna has been articulated through either general laws (e.g. nature protection acts and environment protection acts) or specific ones (e.g. flora, fauna and habitats protection acts and invasive alien species acts). This adds to the (Red) Lists of endangered or threatened species of flora and fauna, the SPA/BD Protocol Protected species list, EU relevant Directives or the Convention on International Trade in Endangered Species (CITES).

164. *Compilation of an inventory of the components of marine and coastal biodiversity (Article 3.3).* Many reporting Contracting Parties (6 out of 11) stated having conducted an inventory of the components of marine and coastal biodiversity. This has been mainly undertaken for marine areas within the framework of the SPA/BD Protocol, as well as relevant EU Directives, such as the Habitats Directive (92/43/EEC).

165. *Formulation of a national strategy and an action plan to protect the components of marine and coastal biodiversity (Article 3.4).* Most reporting Contracting Parties (8 out of 11) stated having taken forward the protection of the components of marine and coastal biodiversity through their national biodiversity strategies and associated action plans, and/or Integrated Coastal Zone Management (ICZM) strategies. This adds to measures taken within the framework of the EU Marine Strategy Framework Directive (MSFD).

166. *Monitoring the components of marine and coastal biodiversity and those processes and categories of activities which have or are likely to have a significant adverse impact on them (Article 3.5).* Most reporting Contracting Parties (8 out of 11) answered to this question affirmatively by referring to programmes of observation and monitoring under the Integrated Monitoring and Assessment Programme (IMAP) as well as the MSFD and also by making reference to the specific monitoring programmes in protected areas, such as the SPAMI Mar Menor.

167. *Taking into consideration, in the planning process leading to decisions on projects and activities that could significantly affect protected areas and species and their habitats, of possible direct or indirect, immediate or long-term, impact, including the cumulative impact of projects and activities on habitats (Article 17).* All reporting Contracting Parties answered to this question positively by mainly noting their Environmental Impact Assessment (EIA) regulations or Strategic Environmental Assessment (SEA) regulations.

168. Difficulties most frequent reported in implementing the SPA/BD Protocol are the policy framework, limited financial resources and technical capabilities.

**b) Specially Protected Areas (SPAs)<sup>16</sup>**

169. *Setting up of protected areas within the Protocol's geographical coverage (Article 3.1(a)).* Nearly all reporting Contracting Parties (9 out of 10) answered this question positively by indicating the SPAs established on their territory during the current reporting period 2018-2019.

170. *Prohibition of the dumping and any discharge likely to directly or indirectly harm the integrity of SPAs (Article 6.b).* Most reporting Contracting Parties (8 out of 10) reported legislation to be in place prohibiting dumping activities in SPAs. Legislation mainly refers to legislative and administrative measures governing dumping activities in general, which also apply to SPAs. This framework includes maritime, coastal zone or port reception facilities regulations, wastewater treatment, hazardous wastes. This adds to the prohibition of dumping in place through specific laws on protected areas, including SPAMIs, such as Mar Menor.

171. *Regulation of the passage of ships and all stopping or anchoring in the SPAs' extension zone (Article 6.c).* Most reporting Contracting Parties (7 out of 10) reported having put in place a legal framework regulating the passage and anchoring of ships in SPAs. In addition to the legislative and

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<sup>16</sup> Not applicable to the EU

administrative measures regulating navigation, specifically designed measures are reported having been adopted restricting or prohibiting the passage and anchoring of ships in SPAs. This has been mainly prohibited through a variety of instruments, such as management plans and spatial planning guidelines in protected areas (e.g. SPAMI Mar Menor).

172. *Regulation of the introduction of any species not indigenous to the SPA or of genetically modified species (Article 6.d).* Many reporting Contracting Parties (6 out of 10) answered to this question positively.

173. *Regulation or prohibition of all exploration activities or activities that involve modifying the soil or subsoil of the land part, of the seabed or of its subsoil in the SPAs (Article 6.e).* Most reporting Contracting Parties (8 out of 10) reported legal and regulatory measures to be in place dealing with offshore activities in SPAs. Relevant measures form part of broad laws concerning for instance nature protection or Environmental Impact Assessment (EIA), as well as of more specific instruments governing the management of SPAs, such as their management plans, as for instance the management plans of the SPAMIs Mare Menor and Mediterranean Cetacean Migration Corridor.

174. *Regulation of scientific research in the SPAs (Article 6.f).* Nearly all reporting Contracting Parties (9 out of 10) reported having adopted measures regulating scientific research in their SPAs. In general, scientific research is subject to a permit issued by the national competent authority or authorities, provided that certain conditions are met.

175. *Prohibition and regulation of all activities involving taking of species (i. e. fishing, hunting, taking of animals and harvesting of plants and their destruction as well as trade in animals, parts of animals, plants and parts of plants) which originate in SPAs (Article 6.g).* Nearly all reporting Contracting Parties (9 out of 10) reported the taking of species which originate in SPAs to be regulated mainly by wildlife protection, protected areas or hunting and fishing laws, which are tightened up in some SPAs through their specific management instruments.

176. *Regulation and, if necessary, prohibition of any other activity likely to have an adverse impact on the SPAs. These include activities that may harm or disturb the species or that might endanger the state of conservation of the ecosystems or species or might impair the natural or cultural characteristics of the SPA (Article 6.h).* All reporting Contracting Parties reported having in place measures regulating activities other than the ones above mentioned in their SPAs.

177. *Traditional subsistence and cultural activities of local populations taken into account when formulating protective measures for SPAs (Article 18).* Many Contracting Parties (6 out of 10) answered this question positively, some of them referring to specific guidelines on the matter in their SPAs.

### **c) Management of SPAs<sup>17</sup>**

178. *Adoption of planning, management, supervision and monitoring measures for SPAs (Article 7.1).* Most reporting Contracting Parties (7 out of 10) indicated having adopted the required measures under article 7.1 of the SPA/BD Protocol.

179. *Elaboration and implementation of a management plan for each SPA (Article 7.2 (a)).* Most reporting Contracting Parties (8 out of 10) responded affirmatively, indicating also that plans for some protected areas, including SPAMIs, are integrated management plans, e.g. SPAMI Mar Menor. It is indicated by remaining reporting Contracting Parties that though management plans are not in place for some SPAs, measures for the protection of those SPAs have been put in place through other means.

180. *Programmes for the observation and scientific monitoring of changes in the Protocol Areas' ecosystems and on the impact of human activities (Article 7.2 (b)).* Some reporting Contracting Parties (4 out of 10) reported having developed scientific monitoring programmes tracking changes in the state of SPAs. This has been mainly done specifically through the instruments designating or

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<sup>17</sup> Not applicable to the EU

managing SPAs, including SPAMIs, e.g. Mar Menor, where a monitoring system is in place to check on its ecological status and on the state of its flora and fauna (i.e. *Pinna nobilis*).

181. *Measures for the involvement of local communities in the process of managing the protected areas (Article 7.2(c)).* Only three reporting Contracting Parties reported having put in place measures ensuring the involvement of local communities in the management of protected areas. In doing so, different strategies have been taken ranging from inclusion of local communities' representatives in the management bodies of SPAs, to public consultation on projects and activities in SPAs subject to Environmental Impact Assessment (EIA), or to the development of SPAs management plans, including SPAMIs (e.g. Mar Menor).

182. *Provision of assistance to local inhabitants to compensate for the possible adverse impact which the protection measures introduced in the SPA might have on their income (Article 7.2 (c)).* Many reporting Contracting Parties (5 out of 10) reported having put in place measures to compensate local inhabitants affected by the establishment of SPAs, by either providing compensation to owners and users of the property right, for the restrictions in the use of protected areas or by employing local inhabitants in the management and maintenance of the protected areas through different projects, for instance eco-development projects.

183. *Funding mechanisms for managing and promoting the protected areas or income-generating activities that are compatible with the protection measures (Article 7.2(d)).* Most reporting Contracting Parties (8 out of 10) indicated having established funding mechanisms for managing and promoting protected areas, including income-generating activities such as swimming and recreational activities, entry fees, tourist boat route charges and international projects

184. *Appropriate training for the technical managers and other qualified staff of the protected areas (Article 7.2 (f)).* Many Contracting Parties (7 out of 10) reported providing training to SPAs managers and staff. This has been taken forward in different ways (e. g. workshops, seminars, courses etc.), including SPA/RAC Projects.

**d) Specially Protected Areas of Mediterranean Importance (SPAMIs)<sup>18</sup>**

185. *Setting up of Specially Protected Areas of Mediterranean Importance (SPAMIs) (Article 3.1.a).* Many reporting Contracting Parties (4 out of 10) reported having established SPAMIs. Four (4) SPAMIs were designated during the current reporting period (2018-2019).

186. *Elaboration and implementation of a management plan for each SPAMI (Article 7.2.a).* Many reporting Contracting Parties (5 out of 10) reported having elaborated and implemented a management plan for their SPAMIs.

**e) Endangered and threatened species**

187. *Drawing up of a list of endangered or threatened species of fauna and flora and identification of their distribution in the zones subject to Party's jurisdiction (Article 11.2).* Many reporting Contracting Parties (7 out of 11) have drawn up lists of endangered or threatened species of flora and fauna at national level (e. g. Red Lists, Red Data Book, Catalogue of Threatened Species), transposing the SPA/BD Protocol and other agreements, such as the Convention on International Trade in Endangered Species (CITES), or relevant EU Directives. In drawing up national lists a key driver has been the Med-MPA Network Project.

188. *Management of species of flora and fauna listed in Annexes II and III to the Protocol, to ensure their favorable state of conservation (Article 11.2 and Article 12.1).* Many reporting Contracting Parties (5 out of 11) reported management measures concerning the species listed in Annexes II and III to the SPA/BD Protocol. This has been mainly achieved by either nature or environment protection acts or specific protected species acts. This adds in some reporting Contracting Parties to action and management plans.

189. *Controlling and, where appropriate, prohibiting the taking, possession or killing, the commercial trade, the transport and the exhibition for commercial purposes of protected species of*

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<sup>18</sup> Not applicable to the EU

*fauna, particularly those listed in Annex II to the Protocol (Article 11.3.a and Article 12.2).* Many reporting Contracting Parties (5 out of 11) responded positively to this question.

190. *Controlling and where appropriate prohibiting the disturbance of protected wild fauna, particularly during the period of breeding, incubation, hibernation and migration (Article 11.3.b).* Many reporting Contracting Parties (7 out of 11) indicated having taken measures in that regard.

191. *Establishment of bilateral or multilateral cooperation (including agreements) to protect and restore the population of migrant species in the area where the Protocol is applied (Article 11.4).* Many reporting Contracting Parties (6 out of 11) reported having established cooperation arrangements to protect and restore migrant species in the area where the Protocol applies. Cooperation has been established through multilateral agreements, mainly the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic area (ACCOBAMS), the Convention on the Conservation of Migratory Species of Wild Animals (CMS Convention) and its associated agreements, and the Agreement on the Conservation of African-Eurasian Migratory Waterbirds (AEWA). This adds to the existing multilateral agreement in place for protecting species in protected areas, such as the Pelagos Sanctuary.

192. *Regulating and where appropriate prohibiting all forms of destruction and disturbance of protected species of flora, particularly those listed in Annex II to the Protocol (Article 11.5 and Article 12.2).* Many reporting Contracting Parties (7 out of 11) answered positively to this question.

193. *Formulation and adoption of measures and plans concerning the ex-situ reproduction, particularly in captivity, of protected fauna, and the growing of protected flora (Article 11.6).* Ex-situ reproduction programmes addressing the conservation of protected species have been developed by many reporting Contracting Parties (5 out of 11).

194. *Granting of exemptions to the prohibitions prescribed for the protection of the species listed in the Annexes to the Protocol for scientific, educational, or management purposes necessary to ensure the survival of the species (Article 12.6).* Many reporting Contracting Parties (7 out of 11) reported that exceptions to the prohibitions prescribed for the protection of the species listed in the Annexes to the SPA/BD Protocol are granted as stated in Article 12.6 of the Protocol

195. *Taking steps to deal with the deliberate or accidental introduction into the wild of non-indigenous or genetically modified species and prohibiting those that may have harmful impacts on ecosystems habitats or species (Article 13).* Many reporting Contracting Parties (7 out of 11) stated having adopted measures dealing with the deliberate or accidental introduction of non-indigenous or genetically modified species into the wild. Various legal, policy and administrative frameworks addressing biodiversity are reported to be in place.

**f) Monitoring**

196. This Part requires information on implementation of quality status monitoring and Integrated Monitoring and Assessment (IMAP), with focus on monitoring of biodiversity-related Ecological Objectives (EO) (i.e. EO-1 biodiversity, EO-2 non-indigenous species, EO-3 harvest of commercially exploited fish and shellfish, EO-6 sea floor integrity). Only some reporting Contracting Parties (4 out of 11) indicated having monitoring activities in place, and others noted ongoing work in this area.

**g) Enforcement Measures**

197. Five reporting Contracting Parties have provided information under this section.

**h) Implementation of Regional Action Plans (RAPs)**

**i. Regional Action Plan on Cartilaginous Fishes (Chondrichthyans)**

198. Seven reporting Contracting Parties reported on the implementation of the Regional Action Plan on Cartilaginous Fishes (Chondrichthyans), as below.

199. *Formalize/reinforce synchronous submission of catch, bycatch and discard data to both scientific and management bodies, annually to the General Fisheries Commission for the Mediterranean (GFCM).* None of the seven reporting Contracting Parties indicated they formalized

the submission of data as requested. Three Contracting parties answered the negative and four of them indicated work being under development.

200. *Establish strict legal protection for species listed in Annex II and GFCM recommendation through national laws and regulations.* Three out of seven reporting Contracting Parties indicated action in that regard by the establishment of strict legal protection for the species listed in Annex II to the SPA/BD Protocol and GFCM Recommendation through their national laws and regulations. In three reporting Contracting Parties work is indicated to be under development.

201. *Support GFCM finning prohibition by enacting national regulations and monitoring their implementation and enforcement.* Four out of seven reporting Contracting Parties answered this question positively. A reporting Contracting Party indicated that this question was not applicable and another one indicated work under development.

202. *Complete and disseminate inventories of critical habitats (mating, spawning and nursery grounds).* Only two reporting Contracting Parties have answered this question affirmatively. Three Contracting Parties indicated work under development in this area.

203. *Increase compliance with obligations to collect and submit species-specific commercial catch and bycatch data to FAO and GFCM, including through increased use of observers.* Only two out of seven reporting Contracting Parties answered this question positively. Three reporting Contracting Parties indicated work under development in this area.

204. *Comply with obligations under GFCM recommendations to collect and submit data on pelagic shark catches.* None of reporting Contracting Parties indicated action in this field to comply with obligations under GFCM recommendations. Two Parties indicated the question is not applicable.

205. *Improve programmes for the collection and reporting of data from coastal fisheries.* Only two out of seven reporting Contracting Parties answered this question positively and five Parties indicated work under development.

206. *Monitor Critically Endangered, Endangered and endemic species.* One reporting Contracting Party answered to this question affirmatively and two more indicated work under development. Four other reporting Contracting Parties answered the negative.

207. *Submit to the GFCM annual Shark Assessment Reports describing all national target and/or bycatch fisheries.* Only one out of seven reporting Contracting Parties answered this question positively.

208. *Develop and adopt (where these do not exist) national Shark Plans and specific regulations for fisheries exploiting chondrichthyans, whether target or bycatch.* None of the reporting Contracting Parties answered this question positively and two Parties indicated work under development in this area. Three Parties responded negatively, and two Parties indicated the question is not applicable.

## **ii. Regional Action Plan concerning Species Introduction and Invasive Species**

209. Six reporting Contracting Parties reported on the implementation of the Regional Action Plan concerning Species Introduction and Invasive Species, as below.

210. *Set up a mechanism to promote and coordinate the actions listed in paragraph 22 of the Regional Action Plan.* Only one reporting Contracting Party out of six answered this question positively. Two reporting Contracting Parties indicated work under development.

211. *Conduct a baseline study to feed the Marine Mediterranean Invasive Species (MAMIAS).* A reporting Contracting Parties out of six indicated action taken in that regard.

212. *Development of programmes for data collection and monitoring.* Three reporting Contracting Parties out of six referred to the data collection and monitoring programmes developed under IMAP and the EcAPMed Project, as well as the MSFD. The main difficulties reported in this field are financial resources and technical capabilities.



213. *Launch the procedures for enacting or strengthening national legislation governing the control of alien species introduction.* Three reporting Contracting Parties out of six underlined the general domestic legislation regulating the introduction of alien species, as well as the EU Regulation on Invasive Alien Species (IAS Regulation). Two reporting Contracting Parties noted work under development in this area.

214. *Develop programmes to raise the awareness of the general public and target groups, including decision-makers, concerning the risks associated with species introduction.* Two reporting Contracting Parties out of six responded affirmatively to this question, basing their answers on the training and awareness raising programmes conducted on the risks linked to the introduction of non-native species and on ways of addressing this problem. Two Parties noted that work is under development.

### **iii. Regional Action Plan for the Conservation of Bird Species**

215. Seven reporting Contracting Parties reported on the implementation of the Regional Action Plan for the Conservation of Bird Species, as below.

216. *Protect legally all bird species listed in Annex II to the SPA/BD Protocol.* Bird species are protected by legislation (e.g. nature protection laws, protected species and sites laws and protection and trade of wild flora and fauna laws) in all reporting Contracting Parties.

217. *Optimize synergies with international agreements and organizations dedicated to bird conservation.* Only one reporting Contracting Party answered negatively to this question.

218. *Organize specific training courses and workshops in coordination/synergy with international and/or national NGOs.* Five reporting Contracting Parties out of seven indicated the organization of such courses and workshops and two Parties answered 'no' to this question.

219. *Establishment / support of research and monitoring programs to fill gaps in the knowledge of threatened species in partnership with other organizations.* Five reporting Contracting Parties referred to the already established research and monitoring programmes in the context of the Barcelona Convention.

220. *Establishment and implementation of National Action Plans for the conservation of endangered and threatened bird species in the Mediterranean.* Two reporting Contracting Parties out of seven indicated having action plans for one or several of the bird species listed in Annex II to the Protocol. Three Parties indicated work under development in this area.

221. *Identification of areas of important for birds on land and at sea (mapping of breeding, feeding and wintering areas).* Five reporting Contracting Parties out of seven responded to this question affirmatively.

222. *Legal establishment of protected areas with adequate management plans at breeding sites.* All reporting Contracting Parties indicated the establishment of protected areas in their territories for the protection of bird species and breeding sites under the SPA/BD Protocol.

### **iv. Regional Action Plan for the Conservation of Cetaceans**

223. Eight reporting Contracting Parties reported on the implementation of the Regional Action Plan for the Conservation of Cetaceans, as below.

224. *Ratify the Agreement on the Conservation of Cetaceans of the Black Sea, Mediterranean Sea and contiguous Atlantic area (ACCOBAMS) and implement its Resolutions and Recommendations of relevance for the Mediterranean Sea.* Five out of eight reporting Contracting Parties indicated ratification of the ACCOBAMS Agreement.

225. *Ensure that cetaceans are covered, at national level, by appropriate regulation measures providing for the elimination of deliberate killing and for the mitigation of the adverse impacts from their interactions with human activities.* Seven reporting Contracting Parties reported having taken regulatory measures to protect cetaceans mainly through enforcement laws.

226. *Ensure, through regulation or other appropriate approaches, that whale-watching activity is environmentally sound and sustainably conducted.* Two reporting Contracting Parties out of eight referred to specific regulation to monitor and follow-up whale-watching activities. Two other Parties indicated work in progress and three stated that this question is not applicable.

227. *Undertake the comprehensive survey of abundance and distribution of cetaceans being planned by ACCOBAMS (ACCOBAMS Survey initiative).* Six reporting Contracting Parties out of eight answered to this question affirmatively.

228. *Assess the cetacean bycatch and depredation in their fisheries and adopt mitigation measures.* Two reporting Contracting Parties out of eight indicated action taken in this regard. Three Parties noted that work is under development in this area and one that this question was not applicable.

229. *Pursue the development and the implementation of a basin-wide strategy for underwater noise monitoring in the Mediterranean under the Ecological Objective 11 of the EcAp process.* Only one reporting Contracting Party out of eight specifically referred to the development and implementation of a strategy for underwater noise monitoring. Five reporting Contracting Parties indicated ongoing work on this matter under the IMAP.

230. *Development of acoustic mapping to build a comprehensive picture of the spatial and temporal distribution of anthropogenic noise sources, in particular for the noise hotspot areas identified in the Mediterranean by ACCOBAMS.* No developments indicated by reporting Contracting Parties. Otherwise, three Reporting Parties indicated work being prepared.

231. *Promote awareness of the anthropogenic noise impacts on cetaceans, targeting in particular decision makers, key players in the industry organizations and the stockholders in the shipping sectors.* Three reporting Contracting Parties out of eight have responded to this question positively.

232. *Establish a list of marine areas under its jurisdiction identified as of special importance for cetaceans.* Three reporting Contracting Parties out of eight indicated having set up marine protected areas for the protection of cetacean. Three others mentioned work being prepared in this field.

#### **v. Regional Action Plan for the Conservation of Marine Vegetation**

233. Seven reporting Contracting Parties reported on the implementation of the Regional Action Plan for the Conservation of Marine Vegetation, as below.

234. *Take new vegetation species in Annex II to the SPA/BD Protocol into account.* Only two reporting Contracting Parties out of seven stated that new vegetation species included in Annex II to the SPA/BD Protocol has been considered in their domestic protection measures.

235. *Create MPAs to conserve marine vegetation.* Three reporting Contracting Parties out of seven answered positively to this question, by referring to the MPAs established as well as Sites of Community Importance (pSCIs). Two Parties indicated work under development in this area for the designation of MPAs.

236. *Set up a programme for making national inventories on macrophyta species, with staggered planning according to the regions' priorities.* Only one reporting Contracting Party out of seven responded to this question affirmatively. Three Parties indicated that inventories of macrophyta species were under development and another Party referred to the need to update its existing inventory.

237. *Make theoretical probable distribution maps for the main plant assemblages.* One reporting Contracting Party out of seven responded to this question positively.

238. *Implement targeted mapping and inventorying actions (Annex II species, priority sites).* Two of the seven reporting Contracting Parties indicated having implemented targeted mapping and inventory actions. Two other reporting Contracting Parties stated that work in this area is under development.

239. *Establish a programme for setting up monitoring networks for the main marine plant assemblages at national and regional level.* One reporting Contracting Party out of seven reported having setting-up monitoring networks for the main marine vegetation assemblages. Two Parties indicated work under development in this area. Main difficulties pointed out are financial resources and technical guidance.

240. *Set up and/or extend their networks for follow-up of plants in the Mediterranean.* Only one reporting Contracting Party responded positively to this question.

241. *To develop short, medium- and long-term action plans according to national and regional priorities.* Five reporting Contracting Parties out of seven negatively answered this question.

**vi. Regional Action Plan for the Conservation of the Monk Seal**

242. Nine reporting Contracting Parties reported on the implementation of the Regional Action Plan for the Conservation of the Monk Seal, as below

243. *Has the Party given the monk seal protection status?* Six reporting Contracting Parties out of nine reported having granted protection status to the monk seals.

244. *For fishing, does the Party explicitly ban the use of dynamite, the carrying of firearms on boats, and all fishing techniques that can endanger monk seals?* Six reporting Contracting Parties out of nine reported having banned fishing techniques that can endanger monk seals, including the use of dynamite.

245. *If the Party still has breeding monk seal populations, have measures been taken to isolate monk seals from any human activity?* Two reporting Contracting Parties answered this question positively. Six Contracting parties stated that this question is not applicable.

246. *In the Party's territory, have SPAs been created to conserve monk seal populations or their potential habitats?* Three reporting Contracting Parties out of nine indicated having established protected areas for the conservation of monk seal populations.

247. *Has the Party established a list of breeding caves and other habitats that are of importance for monk seal conservation?* Two reporting Contracting Parties reported having inventoried the breeding caves and other habitats of importance for monk seals conservation. Two Parties indicated ongoing work in this field.

248. *Has the Party carried out programmes for data collection on the monk seal?* Four reporting Contracting Parties out of nine reported having in place programmes for the collection of data on monk seals.

249. *Has the Party developed programmes for awareness raising, information and training concerning monk seal conservation?* Four reporting Contracting Parties out of nine reported having developed awareness raising and training programmes concerning monk seals. This has been channeled through the relevant ministries and/or NGOs and cover a variety of actions such as wider distribution of informative material (i.e. booklets, brochures, etc.).

250. *Does the Party have an action plan for the conservation of monk seals and its potential habitats?* Only one reporting Contracting Party indicated having developed an action plan for the conservation of the monk seal. However, Parties noted that although action plans are not in place, measures to protect monk seals have been taken in the framework of protecting species acts.

**vii. Regional Action Plan for the Conservation of Mediterranean Marine Turtles**

251. Eight reporting Contracting Parties reported on the implementation of the Regional Action Plan for the Conservation of Mediterranean Marine Turtles, as below

252. *Protection of turtles—general species protection.* Six reporting Contracting Parties out of eight stated having a legal framework in place for the protection of marine turtles. Reference is made to the specific measure to protect the species of *Loggerhead turtles and Green turtles*.

253. *Enforce legislation to eliminate deliberate killing.* Three reporting Contracting Parties out of eight indicated enforcement measures to eliminate deliberate killing of marine turtles. Two Parties noted ongoing work in this area.
254. *Habitat protection and management (nesting, mating, feeding, wintering and key migration passages).* Six reporting Contracting Parties out of eight indicated the establishment of habitat protection and management programmes for marine turtles. Reference is made by one reporting Contracting Party to the Marine Protected Area the Cetaceans Migration Corridor of the Mediterranean. Two Parties indicated work being in preparation in this point.
255. *Setting up and implementing management plans.* Three reporting Contracting Parties out of eight answered this question affirmatively. One of them underlined the role of Regional Activity Center for Specially Protected Areas (SPA/RAC) and MAVA foundation in the preparation of the plan.
256. *Restoration of damaged nesting habitats.* Three reporting Contracting Parties out of eight answered this question positively, one of them giving details of the protocols in place to that end. Five Parties indicated that this question was not applicable.
257. *Fishing regulations (depth, season, gear) in key areas.* Four reporting Contracting Parties out of eight reported having established fishing regulations in key areas. One of them noted its awareness raising programmes to fishermen and the action of the Coast Guard in preventing marine turtles fishing. Three Parties noted ongoing work in developing their legal framework to regulate fishing of marine turtles.
258. *Setting up and/or improving operation of rescue centers.* Four reporting Contracting Parties out of eight stated having established rescue centers for marine turtles. One of them noted that a project to that end was launched in 2017 and that it has been completed by 2019.
259. *Identification of new mating, feeding and wintering areas and key migration passages.* Four reporting Contracting Parties out of eight responded to this question affirmatively. One of them specifically mentioned its programme in the Adriatic Sea for the *caretta caretta*, which is an important area for the wintering and feeding of the *caretta caretta*. Two Parties noted work under development in this field.
260. *Elaboration and execution of cooperative research projects of regional importance aimed at assessing the interaction between turtles and fisheries.* Two reporting Contracting Parties out of eight responded to this question affirmatively, one of them referring to LIFE projects on this area (LIFE MED Turtles), and two Parties indicated ongoing work to develop research projects assessing the interaction between turtles and fisheries.
261. *Tagging and genetic analysis (as appropriate).* Three reporting Contracting Parties out of eight indicated having conducted tagging programmes and genetic analysis.
262. *Modification of gear, methods and strategies.* Only one reporting Contracting Party responded to this question affirmatively. Three Parties indicated work under development in this area.
263. *Setting up and/or improving long-term monitoring programmes.* Two reporting Contracting Parties responded to this question affirmatively, by referring to the programmes established within the framework of IMAP and relevant EU Directives, such as the Habitats and MSFD Directives. Three Parties noted work under development in this field.
264. *Setting up stranding networks.* Four reporting Contracting Parties out of eight indicated the establishment of stranding networks for marine turtles.
265. *Public awareness and information campaigns in particular for fishermen and local populations.* Seven reporting Contracting Parties out of eight reported having established awareness raising programmes and training activities on the conservation of marine turtles targeting fishermen and local populations. This has been done through action in nesting sites or care centers for marine turtles.

266. *Training courses.* Two reporting Contracting Parties out of eight answered to this question affirmatively.

267. *Elaboration of national action plans and assessment of progress in implementation.* Three reporting Contracting Party responded to this question affirmatively.

**viii. Dark Habitats Action Plan**

268. Two reporting Contracting Parties indicated that the Plan is not applicable for them. Four other reporting Contracting Parties reported on the implementation of the Dark Habitats Action Plan, as below.

269. *Making a summary of knowledge of dark populations and their distribution around the Mediterranean in the form of a geo-referenced information system.* Only one reporting Contracting Party noted studies undertaken to expand the knowledge of dark populations. Two Parties indicated ongoing work in this area.

270. *Identify and assess proven pressures on each of the various types of habitat.* Two reporting Contracting Parties out of four answered the negative to this question and two other Parties indicated ongoing work.

271. *Revise the reference list of types of marine habitat for the selection of sites for inclusion in the national inventories of natural sites of conservation interest, in order to take account of dark assemblages.* No affirmative response to this question was reported. Two Parties noted work under development in this area.

272. *Revise the list of endangered or threatened species in order to take account of dark assemblages' species.* No reporting Contracting Party responded to this question affirmatively and two Parties noted ongoing work in this field.

273. *Promote the identification of areas of interest for the conservation of dark assemblages in the Mediterranean and carry out concerted actions in national and/or cross-border sites.* Only a reporting Contracting Party reported on actions to identify areas of interest for the conservation of dark habitats in the Mediterranean.

274. *Finalize the implementing of marine protected areas (MPAs) in already identified sites at national level and outside waters that lie within national jurisdiction.* No affirmative response to this question received. All the four responding Parties indicated work under development in this area. Difficulties reported referred mainly to administrative management.

275. *Propose the creation of new MPAs.* Only one reporting Contracting Party referred to studies carried out addressing the creation of MPAs for the protection of dark habitats, and three noted ongoing work in this area.

276. *Extent existing MPAs to integrate nearby sites that host dark assemblages.* Only one reporting Contracting Party answered this question affirmatively.

277. *Introduce national legislation to reduce negative impacts.* Two reporting Contracting Parties out of four answered this question.

278. *Integrate taking dark assemblages into account within impact studies procedures.* Three reporting Contracting Parties out of four responded to this question affirmatively and a Party reported ongoing work to factor dark assemblages into impact studies procedures.

279. *Step up awareness and information about dark assemblages with the various actors.* Three reporting Contracting Parties out of four reported ongoing work in this process.

280. *Implement monitoring systems.* Only one reporting Contracting Party out of four responded affirmatively to this question.

**ix. Regional Action Plan for the conservation of Coralligenous and Other Calcareous Bio-concretions**

281. Five reporting Contracting Parties reported on the implementation of the Regional Action Plan for the conservation of Coralligenous and Other Calcareous Bio-concretions, as below.

282. *Improve habitat modeling methods could provide new predictive models on Coralligenous distribution and guide cost-effective field surveys for data acquisition.* Only one reporting Contracting Party out of five reported having improved habitat modeling methods and predictive models on Coralligenous distribution either through scientific research or ongoing projects.

283. *Promote research programs on Coralligenous assemblages and maerl beds.* Two reporting Contracting Parties out of five reported having promoted research programs on Coralligenous assemblages and maerl beds, and a Party stated that programmes are under development to that end.

284. *Develop and implement legislation initiatives for the conservation of Coralligenous assemblages.* Three reporting Contracting Parties out of five indicated having developed and implemented legislation initiatives to protect Coralligenous assemblages.

285. *Coordinate the design of an Integrated Monitoring and Assessment Program for the assessment of the state Coralligenous/maerl assemblages in view to be included the assessment of the state of the Mediterranean.* Only one reporting Contracting Party out of five responded affirmatively to this question.

**Main overall findings**

- Nearly all reporting Contracting Parties have designated Specially Protected Areas (SPAs), as well as the measures for their protection, preservation and sustainable management. This is a living process, with ongoing work as new SPAs are being established.
- Management Plans for SPAs are reported to having been developed by most reporting Contracting Parties. In addition, as specifically indicated by some reporting Contracting Parties, though management plans are not in place for some SPAs, measures for the protection of those SPAs have been articulated through other means. As regards the effective management of SPAs, it seems that further work is needed in that area.
- In nearly all reporting Contracting Parties, measures are indicated having been taken to regulate scientific research in their SPAs. Nearly all reporting Contracting Parties indicated the adoption of measures regulating offshore activities and most reporting Contracting Parties noted the adoption of measures in their SPAs regulating the taking of species, dumping activities and the passage and anchoring of ships. Measures include those taken under the SPAs and or SPAMIs management plans.
- Appropriate training for the technical managers and other qualified staff of SPAs were established by many reporting Contracting Parties. This has been taken forward in different ways, including SPA/RAC training courses.
- Some reporting Contracting Parties noted their programmes for the observation and scientific monitoring of changes in the Protocol Areas' ecosystems and of the impact of human activities. Only a few reporting Contracting Parties reported measures in place for the involvement of local communities in the process of managing protected areas.
- Most reporting Contracting Parties indicated the diverse funding mechanisms for the management and promotion of protected areas or income- generating activities that are compatible with the protection measures.
- It seems that the monitoring of the Biodiversity related Ecological Objectives within the framework of the Integrated Monitoring Assessment Programme (IMAP) requires strengthening collective and national efforts on EO2 (Non- indigenous species) and EO6 (Sea-floor integrity).

- The List of Specially Protected Areas of Mediterranean Importance (SPAMIs) currently consists of 39 sites. Within the 2018-2019 biennium, four new SPAMIs were included.
- Regulatory protection measures for endangered or threatened species are reported to be in place in many reporting Contracting Parties.
- Inventories of the components of the biological diversity important for its conservation and sustainable use are indicated to be in place in many reporting Contracting Parties, with particular emphasis on marine areas. This has been mainly achieved by transposing the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean (SPA/BD Protocol), as well as relevant European Union Directives, such as the Habitats Directive.
- Many reporting Contracting Parties mention listing species that are endangered or threatened at national level, or the ongoing updating of existing lists and identification of their distribution in the zones subject to Party's jurisdiction.
- Measures and plans concerning the ex-situ reproduction or reintroduction of wild protected fauna are indicated having been established in many reporting Contracting Parties.
- Many reporting Contracting Parties have indicated the adoption of measures dealing with the deliberate or accidental introduction into the wild of non-indigenous or genetically modified species.
- Regional Action Plan on Cartilaginous Fishes: Data synchronization and submission, preparation, collection and submission of data on pelagic shark catches, development and adoption of national Shark Action Plans are areas which appear to require further action to progress on the implementation of this Plan.
- Regional Action Plan on Invasive Species: It seems that further efforts should be made to effectively address the threats that invasive species represent to the marine biodiversity in the Mediterranean region. In particular, action should be reinforced as regards coordination among Contracting Parties and populating the Marine Mediterranean Invasive Species (MAMIAS).
- Regional Action Plan on Bird Species: Significant efforts have been made in advancing in the implementation of this Plan by reporting Contracting Parties.
- Regional Action Plan on Cetaceans: Significant efforts have been undertaken by Contracting Parties in implementing this Plan. Room for improvement appears to be in the area of acoustic mapping to build a comprehensive picture of the spatial and temporal distribution of anthropogenic noise sources.
- Regional Action Plan on Marine Vegetation: It appears that there is a need to increase efforts to advance in the implementation of this Plan, by developing national action plans according to new priorities.
- Regional Action Plan on the Conservation of the Monk Seal: Efforts made by Contracting Parties for the conservation of the monk seal are linked to the presence of this species in their national waters. It is worth pointing out that some reporting Contracting Parties are developing several projects and programmes aimed at protecting the Mediterranean Monk Seal.
- Regional Action Plan on Turtles: It appears that efforts should be intensified in the following areas to further advance in the implementation of the plan: Setting up and/or improving long-term monitoring programmes, establishment of cooperative research projects of regional importance and training courses.

- Regional Action Plan on Dark Habitats: A few initiatives have been put in place in some reporting Contracting Parties, which indicate the need to continue and strengthen efforts to further advance in the implementation of this Plan.
- Regional Action Plan on Coralligenous and other Calcareous Bio-concretions: Actions taken by reporting Contracting Parties signal a positive signal progress in implementation. To further enhance implementation, it seems that focus should be put on habitat data modelling and on designing an integrated monitoring and assessment program for the assessment of the state coralligenous/maërl assemblages.
- Difficulties most frequent reported in implementing the SPA/BD Protocol are the policy framework, limited financial resources and technical capabilities.

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

### **Status of Reporting**

- Number of Contracting Parties to the 1996 Hazardous Wastes Protocol on the 2018/2019 biennium: 7
- Number of reporting countries on the 2018-2019 biennium: 6 (2 national implementation reports submitted by Contracting Parties to the Hazardous Wastes Protocol)

### **Introduction**

286. **Part I: Legal and Regulatory Measures.** Part I seeks to determine whether Contracting Parties have established the legal framework to: (1) reduce and/or eliminate the generation of hazardous wastes (Article 5.2); (2) reduce the amount of hazardous wastes subject to transboundary movement (Article 5.3); (3) restrict and/or prohibit the export import and transit of hazardous wastes (Article 5.4) ; (4) establish the notification procedure of the transboundary movement of hazardous wastes (Article 6) and (5) put in place enforcement measures (Article 5.5).

287. **Part II: Generation of Hazardous Wastes and Other Wastes.** Part II seeks to collect data on the total amount of generation of hazardous wastes generated under the different categories listed in the Hazardous Wastes Protocol.

288. **Part III: Transboundary Movements of Hazardous Wastes and Other Wastes.** Part III seeks to collect data on the import and export movements of hazardous wastes.

289. **Part IV: Disposal which did not proceed as intended and accidents.** Part IV seeks to collect data on accidents during the transboundary movement and disposal of hazardous wastes

290. **Part V Enforcement Measures.** Part V seeks to collect information on enforcement in order to verify that the provisions of the Hazardous Protocol are implemented.

### **Progress in Implementation**

#### **a) Legal and Regulatory Measures**

291. Reporting Contracting Parties have reported on the legal and regulatory measures put in place to implement the Hazardous Wastes Protocol, as shown in detail below.

292. *National definition of wastes used for the purpose of transboundary movements of waste (Articles 3.1 (a) and (b) and 4.1)<sup>19</sup>.* Most reporting Contracting Parties (4 out of 5) answered positively to this question.

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<sup>19</sup> Not applicable to the EU



293. *National definition of hazardous wastes used for the purpose of transboundary movements of waste (Articles 3.1 (a) and (b) and 4.1)*<sup>20</sup>. Most reporting Contracting Parties (4 out of 5) answered positively to this question.

294. *National definition of hazardous wastes cover wastes other than those listed in Annex I to the Hazardous Wastes Protocol (Articles 3.1 (a) and (b) and 4.1)*<sup>21</sup>. Most reporting Contracting Parties (4 out of 5) answered positively to this question.

295. *Regulation and control for the purpose of transboundary movements of any additional wastes as hazardous that are not included in Annex I to the Hazardous Wastes Protocol (Articles 3.1 (a) and (b) and 4.1)*. All reporting Contracting Parties but one answered positively to this question.

296. *Reduction to a minimum or where possible elimination of the generation of hazardous wastes (Article 5.2)*. All reporting Contracting Parties stated having adopted measures to reduce and/or eliminate the generation of hazardous wastes. Activities aimed at reducing the generation of wastes are at the heart of the domestic legislation, strategies and plans on waste management adopted by reporting Contracting Parties. This adds to laws ratifying the Stockholm Convention on Persistent Organic Pollutants (POPs) and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade.

297. *Reduction to a minimum and possibly elimination of the transboundary movement of hazardous waste through bans on the import of hazardous waste, and refusal of permits for export of hazardous waste to States which have prohibited their import (Article 5.3)*. All reporting Contracting Parties indicated having adopted the measures needed to reduce the amount of hazardous wastes subject to transboundary movement, mainly within the framework of the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (The Basel Convention).

298. *Subject to the specific provisions referred to in Article 6.4 relating to the transboundary movement of hazardous waste through the territorial sea of the State of transit, prohibition of the export and transit of hazardous waste, within the area under their jurisdiction, to developing countries (Article 5.4)*<sup>22</sup>. All reporting Contracting Parties have responded to this question affirmatively. The key references given are the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (The Basel Convention) and the EC Regulation on Shipments of Wastes (No. 1013/2006).

299. *Subject to the specific provisions referred to in Article 6.4 relating to the transboundary movement of hazardous waste through the territorial sea of the State of transit, prohibition, by the Parties which are not Member States of the European Community of all imports and transit of hazardous waste (Article 5.4)*<sup>23</sup>. All reporting Contracting Parties responded to this question affirmatively.

300. *The transboundary movements of hazardous waste only take place (within areas beyond the territorial sea waters) with the prior written notification of the State of export and consent of the State of import, as specified in Annex IV to the Hazardous Wastes Protocol (Article 6. (3) and (4))*<sup>24</sup>. The notification procedure of the transboundary movement of hazardous substances is reported to be in place in all reporting Contracting Parties, which mainly referred in this area to the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (The Basel Convention) and the EC Regulation on Shipments of Wastes (No. 1013/2006).

301. *The transboundary movements of hazardous waste through the territorial sea of the State of transit only take place with the prior notification by the State of export to the State of transit, as*

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<sup>20</sup> Not applicable to the EU

<sup>21</sup> Not applicable to the EU

<sup>22</sup> Not applicable to the EU

<sup>23</sup> Not applicable to the EU

<sup>24</sup> Not applicable to the EU

*specified in Annex IV to the Hazardous Wastes Protocol (Article 6. (3) and (4))*<sup>25</sup>. The notification procedure of the transboundary movement of hazardous substances is reported to be in place in all reporting Contracting Parties.

302. *Restrictions on the export of hazardous wastes and other wastes for final disposal (Annex III.A) in your country (Article 5.1)*. Many reporting Contracting Parties (4 out of 6) answered positively to this question by noting relevant EU Regulations.

303. *Restrictions on the export of hazardous wastes and other wastes for recovery (Annex III.B) in your country (Article 5.1)*. Many reporting Contracting Parties (4 out of 6) answered positively to this question.

304. *Restrictions on the import of hazardous wastes and other wastes for final disposal (Annex III.A) in your country (Article 5.1)*. Many reporting Contracting Parties (4 out of 6) answered positively to this question, making reference to their laws on waste management in this area.

305. *Restrictions on the import of hazardous wastes and other wastes for recovery (Annex IV.B) in your country (Article 5.1)*. Many reporting Contracting Parties (4 out of 6) answered positively to this question, by mainly referring to their acts on the sustainable management of wastes and the EC Regulation on Shipments of Wastes (No. 1013/2006).

306. *Restrictions on the transit of hazardous wastes and other wastes through your country (Article 5.1)*. Many reporting Contracting Parties (4 out of 6) answered positively to this question.

307. *Prevention and punishment by the national competent authority or authorities of illegal traffic in hazardous wastes, including criminal penalties for all persons involved in such illegal activities (Articles 5.5 and 9)*<sup>26</sup>. In all reporting Contracting Parties enforcement measures (e.g. fines, imprisonment) are reported to be in place in cases of importation and trafficking of dangerous substances and hazardous wastes under instruments regulating wastes (e.g. acts on sustainable management of wastes, on prevention of illegal traffic) and also those imposing sanctions (e.g. Criminal Codes or Penal Codes).

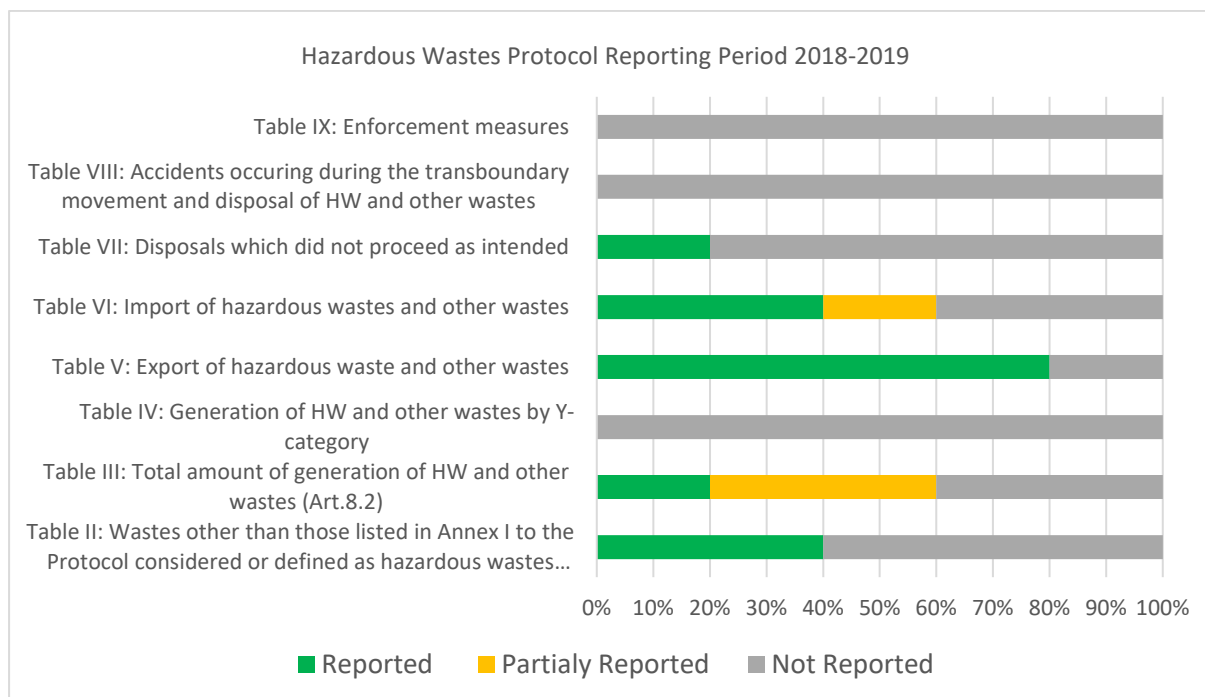
308. *Ensure that adequate information is made available to the public, and whenever possible and appropriate the public have an opportunity to participate (Article 12)*. All reporting Contracting Parties answered positively to this question, some of them by making reference to the registers of disposal facilities publicly available.

309. Difficulties most frequent reported in implementing the Hazardous Wastes Protocol are the policy and regulatory framework, limited financial resources and technical capabilities.

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<sup>25</sup> Not applicable to the EU

<sup>26</sup> Not applicable to the EU



**b) Generation of Hazardous Wastes and Other Wastes<sup>27</sup>**

310. Information is requested on: (a) wastes other than those listed in Annex I to the Protocol or defined as hazardous wastes under domestic legislation (article 4.1) (Table II) (2 out of 5 reporting Contracting Parties provided data), (b) the total amount of generation of hazardous wastes and other wastes (article 8.2) (Table III) (3 out of 5 reporting Contracting Parties provided data), and (c) the generation of hazardous wastes and other wastes by Y-categories (Table IV) (no data provided).

**c) Transboundary Movements of Hazardous Wastes and Other Wastes<sup>28</sup>**

311. Information is requested on the transboundary movements of hazardous waste or other wastes, i.e. on the total amount of hazardous wastes and other wastes exported (Table V) (4 out of 5 reporting Contracting Parties provided data) or imported (Table VI) (3 out of 5 reporting Contracting Parties provided data) per Y categories as required in article 3.1 (a) Annex IA and Annex IB.

**d) Disposal which did not proceed as intended and accidents<sup>29</sup>**

312. Information is requested on disposals which did not proceed as intended (Table VII) (1 out of 5 reporting Contracting Parties provided data) and accidents occurring during the transboundary movement and disposal of hazardous wastes and other wastes (Table VIII) (no data provided). To avoid potential misunderstandings, indication should be given whether disposals or accidents did not occur rather than leaving the table blank.

**e) Enforcement Measures**

313. Information is required on the enforcement measures, such as inspections, fines and preventive action taken (Table IX) (no data provided).

**Main overall findings**

- Measures aimed at reducing to a minimum or where possible eliminating the generation of hazardous wastes are at the heart of the domestic legislation on waste management adopted

<sup>27</sup> Not applicable to the EU

<sup>28</sup> Not applicable to the EU

<sup>29</sup> Not applicable to the EU

in all reporting Contracting Parties, as per the requirements of the Hazardous Wastes Protocol.

- All reporting Contracting Parties indicated having adopted measures to reduce to a minimum and possibly eliminate the amount of hazardous wastes subject to transboundary movement, as required by the Hazardous Wastes Protocol, and in synergy with the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (The Basel Convention).
- The notification procedure sets out in Article 6 of the Hazardous Wastes Protocol in cases of transboundary movement of hazardous wastes is reported to be in place in all reporting Contracting Parties.
- Restrictions on the export and import of hazardous wastes either for final disposal or recovery are indicated to be in place in many reporting Contracting Parties.
- Data received by reporting Contracting Parties shows that continued enhancement of data collection is key, by both continuing refining the UN Mediterranean knowledge platform (INFO/MAP) system to avoid duplication of reporting, as well as exploring practical ways and means to support Contracting Parties in the collection and submission of data, subject to available resources.
- Difficulties most frequent reported in implementing the Hazardous Wastes Protocol are the policy and regulatory framework, limited financial resources and technical capabilities.

### **Protocol for the Protection of the Mediterranean against Pollution Resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil (Offshore Protocol)**

#### **Status of Reporting**

- Number of Contracting Parties to the 1994 Offshore Protocol on the 2018/2019 biennium: 7
- Number of reporting countries on the 2018-2019 biennium: 9 (3 national implementation reports submitted by Contracting Parties to the Offshore Protocol)

#### **Introduction**

314. **Part I: Legal and Regulatory Measures.** Part I seeks to determine whether Contracting Parties have established the appropriate legal and regulatory framework to regulate offshore oil and gas activities, so that offshore activities are subject to prior authorization issued by the national competent authority in accordance with the requirements of the Protocol for the use and discharge of harmful or noxious substances and materials, oil and oily mixtures and drilling fluids and cuttings, sewage and garbage (plastics, such as synthetic ropes, synthetic fishing nets, plastic garbage etc.) and remove of disused offshore installations.

315. **Part II: Permits and Quantities.** Part II seeks to gather data on the authorization permits given per waste category under the Offshore Protocol.

316. **Part III: Inventory of Offshore Installations.** Part III seeks to collect data on the number of offshore installations in the Mediterranean region.

317. **Part IV: Enforcement Measures.** Part IV seeks to collect information on enforcement in order to verify that the provisions of the Offshore Protocol are applied.

#### **Progress in Implementation**

318. Reporting Contracting Parties have reported on the legal and regulatory measures put in place to implement the Offshore Protocol, as shown in detail below.

**a) Legal and Regulatory Measures**

319. Nine reporting Contracting Parties have provided information about the legal and regulatory measures taken to implement Articles 4, 5 and 6 Annex IV (Authorization system), Article 8 (Best Available Techniques (BAT) and Best Environmental Practices (BEP) to minimize the risk of offshore pollution), Article 9 (Harmful and noxious substances and materials), Article 10 (Oil and oily mixtures and drilling fluids and cuttings), Article 11 (Sewage discharge), Article 12 (Garbage disposal), Article 13 (Reception facilities), Article 15 (Safety measures), Article 16 (Contingency planning), Article 19 (Monitoring), Article 20 (Removal of installations) and Article 21 (Specially protected areas) of the Offshore Protocol.

320. All reporting Contracting Parties indicated that they have the appropriate legal and regulatory measures in place for granting the construction and operation of installations. One Contracting Party referred to a moratorium on the prospecting, research and cultivation of hydrocarbons on its national territory in place since 2019. Another reporting Contracting Party indicated challenges with respect to the regulatory framework and another in relation to the policy framework. The latter indicated that although the Protocol was approved, it has not been ratified yet. Ratification is subject to parliamentary and government approval.

321. All reporting Contracting Parties have adopted legislation on the use of BAT and BEP by operators in order to minimize the risk of offshore pollution, through environmental protection laws, as part of the EIA or by meeting operator's contract requirements. One reporting Contracting Party indicated that the common standards and guidelines developed under the framework on the Offshore Protocol (Decision IG.24/9) are taken into account in the Offshore Protocol permit issued by the competent authority. Another Contracting Party indicated challenges in relation to the regulatory framework.

322. As for the disposal of harmful and noxious substance and materials<sup>30</sup>, the Offshore Protocol distinguishes between three categories of substances: i. prohibition of disposal of substances listed in Annex I to the Protocol, ii. disposal of substances in Annex II to the Protocol subject to prior special permit and iii. disposal of other substances not included in Annexes I and II subject to a prior general permit. Many reporting Contracting Parties (5 out of the 9) indicated that legal provisions are in place for all three categories of substances. One reporting Contracting Party indicated that no legal provisions are adopted for category iii; another reporting Contracting Party informed that all substances that may cause pollution are prohibited from being disposed and disposal of any substance is subject to permission provided that it causes no risk of pollution. One reporting Contracting Party indicated that the prohibition of disposal of substances listed in Annex I is not applicable. A number of difficulties were indicated in relation to the disposal of harmful or noxious substances and materials, including challenges related to the regulatory framework, technical guidance capabilities and administrative management.

323. Many reporting Contracting Parties (4 out of 9) indicated that not provisions had been adopted yet that allow for the approval of a chemical use plan on the use and storage of offshore chemicals by the national competent authority. In the case of one reporting Contracting Party, the related provisions are under development. Another reporting Contracting Party with relevant provisions in place commented on the need for more detailed guidance on the content of chemical use plan, its assessment and its continuous monitoring.

324. Annex V of the Offshore Protocol provides for the use and disposal of: A. oil and oil mixtures and B. drilling fluids and cuttings. All six Contracting Parties that reported on A. confirmed that provisions on the disposal of oil and oily mixtures are in place; in one case this is stipulated in discharge permits which are closely inspected and enforced. As for B., four Contracting Parties indicated the existence of provisions on the use and disposal of drilling fluids and cuttings; another three indicated their absence, whereas in the case for another two reporting Contracting Parties this

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<sup>30</sup> Not applicable to the EU

was deemed as not applicable. One reporting Contracting Party made reference to the use of the common guidelines and standards on the use and disposal oil and oil mixtures and drilling fluids and cuttings adopted in 2019 (Decision IG.24/9) under the framework of the Offshore Protocol, adopting minimum standards specified in Article 10 and stricter conditions if required. Two reporting Contracting Parties referred to the recommended use of water-base drilling mud, including the full prohibition of the offshore discharge of oil-base drilling fluids and cuttings in the case of one of them.

325. With respect to the disposal of sewage and garbage, nearly all reporting Contracting Parties reported on existing provisions, either on the complete prohibition of sewage discharge or in some cases of untreated sewage, and on the prohibition of garbage disposal in the Protocol area. One reporting Contracting Party refers to the International Convention for the Prevention of Pollution from Ships (MARPOL); another specifies that the way of regulating the disposal of sewage and garbage disposal is defined in the EIA studies which take into account provisions of the Offshore Protocol. As for the disposal of food waste, most reporting Contracting Parties reported having appropriate provisions in place (some in accordance to Annex V to MARPOL Convention), whereas the other two indicated the absence of such provisions. Similarly, most reporting Contracting Parties have provisions that ensure that operators dispose of all waste and harmful or noxious substances and materials in designated onshore reception facilities.

326. None of the Contracting Parties reported on difficulties/challenges related to the disposal of oil and oily mixtures and drilling fluids and cuttings, sewage, garbage and reception facilities.

327. Many reporting Contracting Parties (4 out of 9) confirm the adoption of legal provisions of safety measures and contingency planning covered by various pieces legislation. Safety measures are addressed through e.g. Health, Safety and Environment, (HSE) certificates in some countries, whereas contingency planning through, e.g. the Oil Pollution Prevention Emergency Plan (OPEP) as provided by the OPRC Convention 1990 and oil spills contingency plan (OSCP) under exploration licenses. One reporting Contracting Party referenced the European Directive 2013/30/EU on safety of offshore oil and gas operations, indicating the regulatory framework as a difficulty/challenge, and highlighting the overlap between the Offshore Protocol and the Directive requirements.

328. In relation to environmental and compliance monitoring programmes and activities, many reporting Contracting Parties (5 out of 9) confirmed their establishment, mainly through EIA requirements for projects/activities and SEA requirements for plans/programs. One other reporting Contracting Party indicated the absence of a national monitoring system, with monitoring activities conducted on the basis of ad-hoc requests for each permit depending on the activity. The need for strengthened technical guidance capabilities and regulatory framework was identified.

329. The removal of disused offshore installations and pipelines is prescribed in relevant provisions in many reporting Contracting Parties (4 out of 9). The procedure of removal and recovery is elaborated either in a dedicated part of the description of "mining project", as part of the EIA, or through a decommissioning plan. One reporting Contracting Party specified that a decommissioning plan with specific decommissioning obligations is compulsory for abandoning the facilities once the concession over the deposit or underground store has concluded and to restore the environment. A fifth Contracting Party reported that relevant provisions are not applicable as it did have productive offshore installations. However, in the case of offshore exploration installations, a complete removal of the authorized installation and any other equipment is requested, followed by a visual inspection of the subsea area and an "end of well" report.

330. As regards to special measures to prevent, abate, combat and control pollution in specially protected areas (SPAs), most Contracting Parties (6 out of 9) confirmed their adoption, of which two Contracting Parties mentioned the complete prohibition of offshore activities in SPAs or in areas considered as strict reserves.

331. Some Contracting Parties (3 out of 9) indicated the absence of provisions on safety measures (Article 15), contingency planning (Article 16), monitoring (Article 19), removal (Article 20) and SPA

(Article 21), possibly related to the lack of offshore oil and gas exploration or exploitation activities in their respective Protocol Areas during the reporting period.

**b) Permits and Quantities<sup>31</sup>**

332. Only two reporting Contracting Parties provided information on Part II – Permits and quantities. Limited reporting under Part II results in significant data and information gaps on the number of permits and the total quantity of waste permitted/actually dumped at sea at the regional level.

**c) Inventory of Offshore Installations<sup>32</sup>**

333. Information on Part III, the inventory of offshore installations, was provided by four reporting Contracting Parties that have oil and gas operations, one of which provided an extensive overview in a separate supporting document.

**d) Enforcement<sup>33</sup>**

334. Four reporting Contracting Parties that have oil and gas operations provided information on Part IV in terms of number of inspections that monitor the enforcement the Protocol obligations. The reported information indicates that: three of the reporting Contracting Parties carried out inspections in relation to the Protocol obligations and national legislation and regulations implementing the Protocol (Article 3); three of the reporting Contracting Parties carried out inspections related to specific conditions attached to authorizations or permits (Article 4 and 5); none of the Contracting Parties carried out inspections related to illegal disposal (Article 9), whereas two reporting Contracting Parties carried out inspections related to safety measures (Article 15).

**Main overall findings**

- Offshore activities are subject to prior authorization, appropriate legal and regulatory measures for granting the construction and operation of installations as required by the Offshore Protocol in all reporting Contracting Parties. This authorization or permitting system has been mainly articulated through laws governing the offshore exploration and exploitation of mineral resources and/or Environmental Impact Assessment (EIA) laws and environmental permitting laws.
- In some reporting Contracting Parties, the use and storage of offshore chemicals is approved by the competent national authority on the basis of the Chemical Use Plan as requested by Article 9 of the Offshore Protocol. It seems that further work is needed in this area, in particular about the content of the chemical use plan, its assessment and its continuous monitoring.
- A number of difficulties have been indicated in relation to the disposal of harmful or noxious substances and materials, including challenges related to the regulatory framework, technical guidance capabilities and administrative management.
- The limited data submitted regarding authorization permits, number of offshore installations and enforcement measures, shows that continued enhancement of data collection is key, by both continuing refining the UN Mediterranean knowledge platform (INFO/MAP) system to avoid duplication of reporting, as well as exploring practical ways and means to support Contracting Parties in the collection and submission of data, subject to available resources.

<sup>31</sup> Not applicable to the EU

<sup>32</sup> Not applicable to the EU

<sup>33</sup> Not applicable to the EU

- Difficulties most frequent reported in implementing the Offshore Protocol are the policy and regulatory framework, and administrative management.

**Protocol on Integrated Coastal Zone Management in the Mediterranean  
(ICZM Protocol)**

**Status of Reporting**

- Number of Contracting Parties to the ICZM Protocol on the 2018/2019 biennium: 11
- Number of reporting countries on the 2018-2019 biennium:8 (6 national implementation reports submitted by Contracting Parties to the ICZM Protocol)

**Introduction**

335. The operational section of the reporting format for the ICZM Protocol was adopted by COP 19 Decision IG. 22/16 and it is structured as follows: (1) Ratification and general legal transposition into national law (Article 37), (2) information on geographical coverage (Article 3), (3) institutional measures (Article 7), and (4) operational measures (Articles 8 to 29).

**Progress in Implementation**

336. *Ratification and General Legal Transposition into National Law.* Once the ICZM Protocol was ratified, in some reporting Contracting Parties became directly applicable and in others was transposed into domestic legislation. The integration of the provisions of the ICZM Protocol into the domestic framework has been taken forward through a variety of instruments ranging from ICZM strategies and national strategies for sustainable development, to national strategies for the sea and the coast to coastal laws and spatial planning laws.

337. *Information on Geographical Coverage (Article 3).* Stakeholder and public consultations on the geographical coverage of the Protocol have been conducted in some reporting Contracting Parties, for instance by involving stakeholders in the public participation processes carried out during the preparation of ICZM national strategies or other ICZM related strategies such as national strategies for sustainable development or by including stakeholders in national commissions and regional committees for ICZM.

338. *Coordination (Article 7).* The central authority for the implementation of the ICZM Protocol varies from Party to Party ranging from the Ministry of the Environment, Energy and the Sea, to the Ministry for Sustainable Development and Tourism and to the Ministry of Foreign Trade and Economic Relations. Coordination is reported to exist between maritime and land authorities. This has been taken forward in different ways, for instance in some Parties as part of the physical planning process, or the establishment of maritime councils and local fora for stakeholders.

339. *Protection and Sustainable Use of the Coastal Zone (Article 8).* Most reporting Contracting Parties have reported to having established a 100 m setback zone. All Contracting Parties have reported having in place legal measures for controlling urban development along the coastline. The setback zone of 100 or more meters is legally established through Coastal Laws or Physical / Spatial Planning Acts. The non-building zones are defined in spatial plans, which integrate requirements of other sectorial laws (nature protection, water, protection of cultural heritage, agriculture land protection, forestry, etc.) so that building close to the coast is controlled. However, setback zones are proving to be a challenge in practice.

340. *Economic Activities (Article 9).* Many Contracting Parties reported the use of coast-specific indicators. Five Contracting Parties reported the existence of some economic indicators either at national or lower administrative / geographical level, which are included in national strategies or plans be they cross-cutting (e.g. spatial planning, development) or sectoral (e.g. tourism).

341. *Specific Coastal Ecosystems (Article 10).* Nearly all reporting Contracting Parties answered positively. Protection and regulation of sensitive areas through designation is well advanced. Most



reporting Contracting Parties have specific protection measures in place for designated sites. On the contrary, only few reporting Contracting Parties have taken positive measures to restore and reactivate the positive role of coastal wetlands.

342. In all reporting Contracting Parties, national legislations are taking into consideration the role of these areas and their importance in protecting the marine and coastal biodiversity. References are made to RAMSAR Convention on Wetlands of International Importance and relevant EU Directives, such as the Habitats and Water Framework Directives. It is reported a high level of participation in international cooperation programmes, agreements or activities to protect marine habitats, being the SPA/RAC and MedPAN networks instrumental in enhancing this cooperation, in particular when it comes to the establishment of Marine Protected Areas (MPAs) and management schemes.

343. *Coastal Landscapes (Article 11)*. All reporting Contracting Parties answered positively. Landscape protection is intended primarily for the conservation of sites with biological, geological and cultural values. Even though all the reporting Contracting Parties have measures for protection of landscapes, specific measures for coastal landscape are still scarce, and landscape protection is generally built on broader landscape protection measures (e.g. nature protection or landscape conservation acts, and spatial development strategies).

344. *Islands (Article 12)*. All reporting Contracting Parties having islands answered positively, by noting that the specificity of islands is recognised in their national legislation. Reference is also made to the CAMP project and its recommendations, taken into account in the development of spatial plans for coastal zones.

345. *Cultural Heritage (Article 13)*. All reporting Contracting Parties answered positively. The protection of land-based cultural heritage is well established through a variety of laws and other regulations. Archaeological localities and zones in territorial waters tend to be protected as a kind of cultural heritage. With regard to the protection and accessibility of underwater sites, there is still room for improvement.

346. *Awareness Raising, Training, Education and Research (Article 15)*. Nearly all reporting Contracting Parties answered positively to the question on the development of awareness raising activities, training and education on ICZM, though only few reporting Contracting Parties answered positively for the existence of specific coastal centres.

347. Awareness raising, education, training and public programmes are characterised by a huge variety of approaches and a wealth of experience at all levels. ICZM awareness raising and training activities are organized at national, regional and/or local levels, with the involvement of relevant governmental authorities, NGOs, and/or research institutions such as Universities. Target audiences range from key civil servants to the general public. The annual Mediterranean Coast Day is seen as a key activity in the field.

348. *Monitoring and observation mechanisms and networks (Article 16)*. Most reporting Contracting Parties have responded positively to this question. Although the majority of reporting Contracting Parties report some activity, there appears to be little focus on the coastal zones and there is a lack of a single coastal inventory. CAMP and other ICZM projects, as well as the work on IMAP indicators are seen as key tools in this field, together with MSFD and MSP. Institutional and legal/policy frameworks for coastal inventory and monitoring are fragmented as there are no specific institutions for coastal zone monitoring and responsibilities are divided among several bodies.

349. *National Coastal Strategies, Plans and Programmes (Article 18)*. Most reporting Contracting Parties answered positively. Six reporting Contracting Parties have developed national ICZM or coastal strategies. They report the existence of (some) indicators which can be used for assessing the progress in implementing the ICZM Protocol. ICZM projects have been common throughout the Mediterranean region, and all reporting Contracting Parties pointed out their value in supporting a more effective implementation of the ICZM principles imbedded in the ICZM Protocol. In this area, the CAMP projects are highlighted by all Contracting Parties as the most effective tool to do so. The process of strategy

preparation and implementation has triggered the establishment of intersectoral bodies for coastal management; the same at lower level where this kind of bodies are established for plans and programmes.

350. *Environmental Assessment (Article 19)*. All reporting Contracting Parties answered positively for Environmental Impact Assessment (EIA) and for Strategic Environmental Assessment (SEA). There is legislation in all reporting Contracting Parties regarding the EIA process, which is widely used. The use of SEA is regulated in all the reporting Contracting Parties that are EU Member States.

351. *Land Policy (Article 20)*. Most reporting Contracting Parties have answered positively. Mechanisms for management of coastal land in the public domain exist in most reporting Contracting Parties. Most of the coastal land is public property and the responsibility for management is either on the Government or local authorities. However, it can be shared or delegated to associations, foundations or NGOs.

352. *Economic, Financial and Fiscal Instruments (Article 21)*. Some reporting Contracting Parties gave an affirmative answer. Only three reporting Contracting Parties reported a limited existence and partial use of economic or financial instruments to support ICZM.

353. *Natural Hazards and Coastal Erosion (Articles 22 and 23)*. Nearly all reporting Contracting Parties answered positively. Seven reporting Contracting Parties address systematically this issue at the national (strategic) level as well as through concrete actions for various coastal segments. Progress is to be noticed in terms of integration of climate variability and change into coastal and marine strategies and planning schemes. There is still considerable scope for common working on concrete examples of restoring natural capacities of the coast to adapt to changes, first of all to sea level rise. To this end, the establishment of the 100 m setback zone is considered as extremely useful.

354. *Response to Natural Disasters (Article 24)*. Many of the reporting Contracting Parties answers can be considered as affirmative answers. There are national contingency/emergency plans for natural disasters affecting the coastal zone in five reporting Contracting Parties which are in some cases complemented by lower-level plans. In those reporting Contracting Parties without national contingency plans for natural disasters affecting the coastal zone there are some documents dealing with crisis management. Responsible authorities are generally those in charge of civil protection and internal affairs.

355. *Exchange of Information and Activities of Common Interest (Article 27)*. Many reporting Contracting Parties use indicators and conduct assessments. All reporting Contracting Parties answered positively on whether activities of common interest such as demonstration projects of ICZM have been carried out and none for the existence of a specific ICZM scientific capacity centre. Indicators used for coastal management are confirmed by five reporting Contracting Parties; these have been defined in national sustainable development strategies, national ICZM strategies, through EcAp/IMAP process or within the framework of relevant EU Directives. There is a large number of ICZM projects in all countries; CAMPs and GEF funding were fundamental for the implementation of many successful initiatives.

356. *Transboundary Cooperation (Article 28)*. Many reporting Contracting Parties answered positively. Five reporting Contracting Parties confirm that transboundary cooperation is rather well established with the neighbouring countries. EU Directives (such as the MSFD), Strategies (such as EUSAIR) and funding instruments (such as INTERREG Programme) are instrumental for this cooperation as well as the GEF-funded initiatives and the transboundary CAMPs in preparation.

357. *Transboundary Environmental Assessment (Article 29)*. Many reporting Contracting Parties answered positively. They mentioned the obligation for transboundary environmental assessment either according to the national law, the Convention on Environmental Impact Assessment in a Transboundary Context (ESPOO Convention) or the MSFD. In terms of means and ways of cooperation (i.e. notification, exchange of information and consultation), informal exchange of

information is very common rather than concrete and formalised cooperation, but Parties seem to be working in that direction, especially in the framework of UNEP/MAP and EU cooperation.

#### **Main overall findings**

- ICZM projects have been common throughout the Mediterranean, and all reporting Contracting Parties report their value in supporting the implementation of ICZM principles embedded in the ICZM Protocol. In this, CAMP projects are highlighted by all Contracting Parties as the most relevant.
- Most reporting Contracting Parties have adopted a national ICZM or coastal strategy while none of them has established a specific ICZM centre, which would guarantee the sustainability of the ICZM effort. Still, the process of strategy preparation and implementation trigger the establishment of intersectoral bodies for coastal management; the same at a lower level where this kind of bodies are established for plans and programmes.
- Legal measures for controlling urban development along the coastline are defined in all the reporting Contracting Parties. The setback zone of 100 or more meters is legally established through Coastal Laws or Physical/Spatial Planning Acts. Also, the non-building zones are defined in spatial plans that integrate requirements of other sectorial laws (nature protection, water, protection of cultural heritage, agriculture land protection, forestry, etc.). However, setback zones are proving to be a challenge in practice (with the 100 m setback as a minimum).
- Institutional and legal/policy frameworks for coastal inventory and monitoring result in a majority of cases fragmented as there are no specific institutions for coastal zone monitoring and responsibilities are divided among several bodies. Although the majority of Contracting Parties report some activity it appears to be little focus on their coastal zones and there is a lack of a specific coastal observatory. CAMP and other ICZM projects, as well as the work on IMAF indicators are seen as key monitoring/observation tools, while for the EU Member States monitoring obligations according to MSFD and MSP are equally important.
- The use of indicators for coastal management is limited, in particular when it comes to indicators to evaluate economic impacts on the coastal zone. One could conclude that this is in close relation with the lack of national coastal observatories. However, when there is a national ICZM or coastal strategy (some) indicators are used for assessing the progress in implementing the ICZM Protocol.
- Protection measures in all fields (biodiversity, sensitive areas, landscape, land-based cultural heritage) appear to be the most developed. On the contrary, only few countries have taken measures to restore and reactivate the positive role of coastal wetlands.
- Mechanisms for management of coastal land in the public domain exist and are operational in the majority of the reporting Contracting Parties. Most of the coastal land is public property and the responsibility for management is either on Government or local authorities.
- There is legislation in all the reporting Contracting Parties regarding the EIA process, which is widely used. The use of SEA is regulated in almost all the reporting Contracting Parties, as well as the obligation for transboundary environmental assessment, either according to the national law, the ESPOO Convention or the EU MSFD.
- Risks and emergency situations seem to be of a major concern for a large majority of the reporting Contracting Parties that have established national contingency/emergency plans. Progress is to be noticed in terms of integration of climate change into coastal and marine

strategies and planning schemes. However, there is still a considerable scope for increasing the resilience and the capacity of the coast to adapt to changes, first of all to sea level rise.

- Awareness raising, education, training and international cooperation are deemed crucial for making progress with such a complex approach as ICZM. The annual Mediterranean Coast Day is seen as a key awareness raising event while EU Directives (e.g. MSFD), Strategies (e.g. EUSAIR) and funding instruments (e.g. INTERREG Programme), as well as the GEF-funded initiatives are instrumental for boosting cooperation.