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Agenda item 4. Amendment of the Annexes to the Mediterranean Offshore Protocol

Amended Annexes to the Offshore Protocol

Draft

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Note by the Secretariat

1. More than 25 years have passed since the Protocol for the protection of the Mediterranean Sea against pollution resulting from exploration and exploitation of the continental shelf and the seabed and its subsoil (hereinafter referred to as the Offshore Protocol) was adopted in October 1994, during which time significant regulatory, scientific and technical developments related to offshore activities have been achieved at both regional and global levels.

2. The Mediterranean Offshore Action Plan in the framework of the Protocol for the Protection of the Mediterranean Sea against Pollution resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil (hereinafter referred to as the Mediterranean Offshore Action Plan) adopted by the Nineteenth Ordinary Meeting of the Contracting Parties to the Barcelona Convention and its Protocols (Athens, Greece, 9 - 12 February 2016), requests, under Specific Objective 7.c, Contracting Parties to identify the required modifications of Annex I, II and III to the Offshore Protocol and the definition of which chemicals should be covered and not covered by such standards and under which conditions.

3. In response to Specific Objective 7.c of the Offshore Action Plan, the document UNEP(DEPI)/MED WG.434/3 ‘*List of pollutants*’ was presented in April 2017 to the First Meeting of the Barcelona Convention Offshore Oil and Gas Group (OFOG) Sub-Group on Environmental Impact. Subsequently, this list was refined in 2018 on the basis of key findings drawn from a consultation process held in line with the conclusions and recommendations of the kick-off meeting which took place at the REMPEC offices, Valletta, Malta between 21 and 22 August 2017. The results of this update are presented in UNEP/MED WG. 476/Inf.4 “*Rationale for the Guidelines for the Conduct of Environmental Impact Assessment (EIA)*”.

4. In parallel, the Secretariat undertook a thorough analysis of the Annexes to all the pollution-related Protocols, including the Offshore Protocol, which was presented as information document (UNEP(DEPI)/MED WG.439/Inf.14) to the MED POL Focal Points Meeting (Rome, Italy, 29-31 May 2017). This analysis resulted in the identification of additional possible revisions to the Annexes III, IV and VII to the Offshore Protocol.

5. The outcomes of the different review processes were consolidated in an initial list of possible amendments to the Offshore Protocol Annexes (UNEP/MED WG.476/7) and presented at the Second Meeting of the Barcelona Convention OFOG Sub-Group on Environmental Impact held in Athens, Greece on 27-28 June 2019. In line with the Contracting Parties’ obligation to review and revise, as appropriate, the Annexes to the Offshore Protocol complemented by the more specific mandate to identify required modifications of the annexes, as set out in the Specific Objective 7.c of the Mediterranean Offshore Action Plan and requested by the 21st Meeting of the Contracting Parties (COP 21), the current document provides an overview of possible revisions on the basis of different reviews and analyses undertaken by the Secretariat and MAP Components in the 2016-2019 and presented earlier in UNEP/MED WG.476/7, followed by validation in the biennium 2020-2021.

6. In accordance with the OFOG Terms of Reference¹ to keep under review the technical content of the annexes to the protocol and make relevant recommendations, the updated annexes (Annexes I, II, III, IV and VII A) to the Offshore Protocol are presented herein to the OFOG Sub-Group on Environmental Impact, for its consideration and review. The **green type text** indicates the proposed changes.

¹ Decision IG.21/8: Terms of Reference of the Barcelona Convention Offshore Oil and Gas Groups

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OFFSHORE PROTOCOL TO THE BARCELONA CONVENTION**ANNEX I:****HARMFUL OR NOXIOUS SUBSTANCES AND MATERIALS THE DISPOSAL OF WHICH
IN THE PROTOCOL AREA IS PROHIBITED**

A. The following substances and materials and compounds thereof are listed for the purposes of Article 9, paragraph 4, of the Protocol. They have been selected mainly on the basis of their toxicity, persistence and bioaccumulation:

1. Mercury and mercury compounds, with the exception of mercury within drilling mud/fluids and drilling cuttings up to a maximum of 1 mg/kg dry weight in stock barite. The above exception does not apply in Specially Protected Areas, as determined in Article 21, in coastal or inland waters, or in wetlands
2. Cadmium and cadmium compounds, with the exception of cadmium within drilling mud/fluids and drilling cuttings of 3 mg/kg dry weight in stock barite outside SPAs. The above exception does not apply in Specially Protected Areas, as determined in Article 21, in coastal or inland waters, or in wetlands
3. Organotin compounds and substances which may form such compounds in the marine environment, with the exception of those which are biologically harmless or which are rapidly converted into biologically harmless substances
4. Organophosphorus compounds and substances which may form such compounds in the marine environment, with the exception of those which are biologically harmless or which are rapidly converted into biologically harmless substances
5. Organohalogen compounds and substances which may form such compounds in the marine environment, with the exception of those which are biologically harmless, or which are rapidly converted into biologically harmless substances
6. Polynuclear aromatic hydrocarbons (PAHs), also known as polycyclic aromatic compounds
7. Oil & grease in production water, with the exception of permitted process discharges with an oil in water concentration of less than 30 mg/l, as an average in any calendar month. The discharge concentration of oil in production water shall not exceed 100 mg/l at any time
8. Drilling fluids and drill cuttings within 1 mile / (or 1.61 km or 0.87 nm) from shore
9. Non-aqueous drilling fluids (NAFs), with the exception of NAFs associated with drill cuttings
10. Copper
11. Lead and organic lead compounds
12. Zinc
13. Phosphorus
14. Aliphatic hydrocarbons, also known as non-aromatic compounds
15. Tin and organic tin compounds
16. Free oil, diesel oil, formation oil
17. Organohalogens
18. 4-(dimethyl butyl amino) diphenylamine (6PPD) (Organic Nitrogen Compounds)
19. Neodecanoic acid, ethenyl ester (Organic Esters)
20. Phthalate Esters
21. Dicofof, endosulfan, hexachlorocyclohexane isomers (HCH), methoxychlor, pentachlorophenol (PCP), trifluralin (Pesticides/Biocides)
22. Phenols
23. Clotrimazole (Pharmaceuticals)
24. Musk xylene (Synthetic musks)
25. Non-aqueous based drilling fluids (except that fluid which adheres to cuttings) and small volume discharges

26. Oil-based drilling fluids and associated cuttings
27. Diesel oil
28. Formation oil
29. Crude oil, fuel oil, oily sludge, used lubricating oils and refined products
30. Persistent synthetic materials which may float, sink or remain in suspension and which may interfere with any legitimate use of the sea
31. Substances having proven carcinogenic, teratogenic or mutagenic properties in or through the marine environment
32. Radioactive substances, including their wastes, if their discharges do not comply with the principles of radiation protection as defined by the competent international organizations, taking into account the protection of the marine environment

B. ~~The present~~ Annex I does not apply to discharges which contain substances listed ~~above in section~~ A that are below the limits defined jointly by the Parties and, in relation to oil, below the limits defined in Article 10 of this Protocol.

ANNEX II:**HARMFUL OR NOXIOUS SUBSTANCES AND MATERIALS THE DISPOSAL OF WHICH
IN THE PROTOCOL AREA IS SUBJECT TO A SPECIAL PERMIT**

- A. The following substances and materials and compounds thereof have been selected for the purpose of Article 9, paragraph 5, of the Protocol.
1. Arsenic
 - Lead
 - Copper
 - Zinc
 2. Beryllium
 3. Nickel
 4. Vanadium
 5. Chromium
 6. Biocides and their derivatives not covered in Annex I
 7. Selenium
 8. Antimony
 9. Molybdenum
 10. Titanium
 - Tin
 11. Barium (other than barium sulphate)
 12. Boron
 13. Uranium
 14. Cobalt
 15. Thallium
 16. Tellurium
 17. Silver
 18. Cyanides
- B. The control and strict limitation of the discharge of substances referred to in section A must be implemented in accordance with Annex III.

ANNEX III:

FACTORS TO BE CONSIDERED FOR THE ISSUE OF THE PERMITS

For the purpose of the issue of a permit required under Article 9, paragraph 7, particular account will be taken, as the case may be, of the following factors:

A. Characteristics and composition of the waste

1. Type and size of waste source (e.g. industrial process);
2. Type of waste (origin, average composition);
3. Form of waste (solid, liquid, sludge, slurry, gaseous);
4. Total amount (volume discharged, e.g. per year);
5. Discharge pattern (continuous, intermittent, seasonally variable, etc.);
6. Concentrations with respect to major constituents, substances listed in Annex I, substances listed in Annex II, and other substances as appropriate;
7. Physical, chemical and biochemical properties of the waste.

B. Characteristics of waste constituents with respect to their harmfulness

1. Persistence (physical, chemical, biological) in the marine environment;
2. Toxicity and other harmful effects;
3. Accumulation in biological materials or sediments;
4. Biochemical transformation producing harmful compounds;
5. Adverse effects on the oxygen content and balance;
6. Susceptibility to physical, chemical and biochemical changes and interaction in the aquatic environment with other sea-water constituents which may produce harmful biological or other effects on any of the uses listed in Section E below.

C. Characteristics of discharge site and receiving marine environment

1. Hydrographic, meteorological, geological and topographical characteristics of the area;
2. Location and type of the discharge (outfall, canal, outlet, etc.) and its relation to other areas (such as amenity areas, spawning, nursery and fishing areas, shellfish grounds) and other discharges;
3. Initial dilution achieved at the point of discharge into the receiving marine environment;
4. Dispersion characteristics such as effects of currents, tides and wind on horizontal transport and vertical mixing;
5. Receiving water characteristics with respect to physical, hydrological, chemical, biological and ecological conditions in the discharge area; temperature, hydrology (wave and current regimes, upwelling, mixing, residence time, freshwater input, sea level), bathymetry, turbidity, transparency, sound, salinity, nutrients, organic carbon, dissolved gases, pH, links between

species of marine birds, mammals, reptiles, fish and cephalopods and habitats, pelagic-benthic community shifts and productivity;

6. Capacity of the receiving marine environment to receive waste discharges without undesirable effects.

D. Availability of waste technologies

The methods of waste reduction and discharge for industrial effluents as well as domestic sewage should be selected taking into account the availability and feasibility of:

- (a) Alternative treatment processes;
- (b) Reuse or elimination methods;
- (c) On-land disposal alternatives;
- (d) Appropriate low-waste technologies.

E. Potential impairment of marine ecosystem and sea-water uses

1. Effects on human life through pollution impact on:
 - (a) Edible marine organisms;
 - (b) Bathing waters;
 - (c) Aesthetics.
2. Effects on marine ecosystems, in particular living resources, endangered species and critical habitats².
3. Effects on other legitimate uses of the sea in conformity with international law.

² More guidance may be needed to better define the main effects on marine organisms, in line with relevant MAP Ecological Objectives (mainly 1, 2, 5, 7, 9, 10, 11), Good Environmental Status and targets.

ANNEX IV:

ENVIRONMENTAL IMPACT ASSESSMENT

1. Each Party shall require that the environmental impact assessment contains at least the following:
 - (a) A description of the geographical boundaries of the area within which the activities are to be carried out, including safety zones where applicable, with particular regard to the environmental sensitivity of areas likely to be affected. Safety zones, where applicable, shall cover areas within a distance of 500 metres around installations and be established in conformity the provisions of general international law and technical requirements;
 - (b) A description of the initial state of the environment of the area, (baseline scenario) and the likely evolution of the state in a “no- project scenario”, on the basis of available information and scientific knowledge;
 - (c) An indication of the nature, aims, scope and duration of the proposed activities, including description of reasonable alternatives and an indication of the main reasons for selecting the chosen option supported by a comparison of environmental effects;
 - (d) A description of the methods, installations and other means to be used, possible alternatives to such methods and means;
 - (e) A description of the foreseeable direct or indirect short and long-term and cumulative effects of the proposed activities on the environment, including fauna, flora, soil, air, water, climate and the ecological balance, including possible transboundary impacts. This description shall include an estimate by type and quantity of expected discharges and emissions (pollutants, water, air, noise, vibration, heat, light, radiation) produced during the construction and operation phases, as well as demolition works, where relevant;
 - (f) A statement setting out the measures proposed for reducing to the minimum the risk of damage to the environment as a result of carrying out the proposed activities, including possible alternatives to such measures;
 - (g) An indication of the measures to be taken for the protection of the environment ~~from~~ in order to avoid, prevent, reduce and if possible offset pollution and any other likely pollution and other pollution and other adverse effects during and after the proposed activities;
 - (h) A reference to the methodology used for the environmental impact assessment;
 - (i) An indication of whether the environment of any other State is likely to be affected by the proposed activities.
2. Each Party shall promulgate standards taking into account the international rules, standards and recommended practices and procedures, adopted in accordance with Article 23 of the Protocol, by which environmental impact assessments are to be evaluated.

ANNEX VII:

CONTINGENCY PLAN

A. The operator's contingency plan

1. Operators are obliged to ensure:

- (a) That the most appropriate alarm system and communication system are available at the installation and they are in good working order;
- (b) That the alarm is immediately raised on the occurrence of an emergency and that any emergency is immediately communicated to the competent authority;
- (c) That, in coordination with the competent authority, transmission of the alarm and appropriate assistance and coordination of assistance can be organized and supervised without delay;
- (d) That immediate information about the nature and extent of the emergency is given to the crew on the installation and to the competent authority;
- (e) That the competent authority is constantly informed about the progress of combating the emergency;
- (f) That at all times sufficient and most appropriate materials and equipment, including stand-by boats and aircraft, are available to put into effect the emergency plan;
- (g) That the most appropriate methods and techniques are known to the specialized crew referred to in Annex VI, paragraph (c), in order to combat leakages, spillages, accidental discharges, fire, explosions, blow-outs and any other threat to human life or the environment;
- (h) That the most appropriate methods and techniques are known to the specialized crew responsible for reducing and preventing long-term adverse effects on the environment, in order to mitigate the negative impacts on wildlife both onshore and offshore including the situations where oiled animals reach shore earlier than the actual spill;
- (i) That the crew is thoroughly familiar with the operator's contingency plan, that periodic emergency exercises are held so that the crew has a thorough working knowledge of the equipment and procedures and that each individual knows exactly his role within the plan;
- (j) That the names and positions of persons authorised to initiate emergency procedures are known to the crew and the authorities;
- (k) That there is evidence of prior environment and health assessments of any chemicals foreseen for use as dispersants.

2. The operator shall cooperate, on an institutional basis, with other operators or entities capable of rendering necessary assistance, so as to ensure that, in cases where the magnitude or nature of an emergency creates a risk for which assistance is or might be required, such assistance can be rendered.