

CONTENTS

Part I	Introduction and background
Part II	General Analysis of national reports on the implementation of the Convention and Protocols
Part III	Recommendations <ul style="list-style-type: none">• Recommendations on the improvement of the reporting system• Recommendations on improvement in the implementation of the Convention and protocols
Annex I	Tables

PART I

INTRODUCTION AND BACKGROUND

1.1 Article 26 of the Convention for the Protection of the Marine Environment and the Coastal region of the Mediterranean, adopted in Barcelona on 10 June 1995 as a revision to the original 1976 Barcelona Convention for the Protection of the Mediterranean Sea against Pollution, stipulates that the Contracting Parties shall transmit to the Organization responsible for Secretariat functions, reports on (a) the legal, administrative or other measures taken by them for the implementation of the Convention, the Protocols, and the recommendations adopted by their meetings, (b) the effectiveness of the measures referred to in (a) above, and problems encountered in the implementation of the instruments in question.

1.2 So far, six Protocols have been adopted within the framework of the Convention. Two of these, the Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea, originally adopted in Barcelona on 16 February 1976, and the Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities, originally adopted in Athens on 17 May 1980, were amended in Barcelona (10 June 1995) and Syracuse (7 March 1996) respectively. Another two, the Protocol concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and other Harmful Substances in cases of Emergency, originally adopted in Barcelona on 16 February 1976, and the Protocol concerning Mediterranean Specially Protected Areas, originally adopted in Geneva on 3 April 1982, were replaced respectively by the Protocol Concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea (Malta, 25 January 2002) and the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean (Barcelona, 10 June 1995). Two other Protocols are still in their original versions. 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 was adopted in Madrid on 14 October 1994, and the Protocol on Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal was adopted in Izmir on 1 October 1996. These last two Protocols are not yet in force.

1.3 The Convention and all the Protocols contain reporting obligations, which can be considered as falling within two categories: (a) legal and administrative implementation and assessment of effectiveness, within the general framework of Article 26 of the Convention and (b) in the case of the Protocols, various aspects of technical implementation, under the terms of a number of specific articles in each individual Protocol. The second category also includes information that, although not specifically stipulated by the terms of any of the Protocols, is nevertheless required by the MAP Coordinating Unit (in the case of data relevant to MED POL) or by the appropriate Regional Activity Centre, either for monitoring purposes, or in order to compile and update country profiles.

1.4 At the Eleventh Ordinary Meeting of the Contracting Parties, held in Malta in October 1999, the Secretariat was requested to continue and finalise the work on the MAP Reporting System with the assistance of a group of experts, and submit the first report to the Bureau. Subsequent to this request, in January 2001, the MAP Secretariat produced a document which detailed the various reporting commitments in terms of (a) the Barcelona Convention and Protocols, and (b) resolutions and recommendations of the Contracting Parties which were not related to the legal component of MAP. The document also contained a set of proposed reporting formats for biennial national reports on the implementation of the Barcelona Convention and Protocols in terms of Article 26 of the Convention, and for national

reports on the technical implementation of each Protocol. In the preparation of the document, the need for as much harmonisation as was feasible with the reporting requirements of other international legal instruments dealing with the same subject-matter to which Mediterranean States were Parties, as well as to those of relevant EC Directives, was taken fully into account.

1.5 Following discussion of this document by an *ad hoc* Working Group in February 2001, it was decided that it would be desirable to plan for separate reports on (a) issues arising directly from the terms of the Convention and Protocols, and (b) other issues arising from resolutions and recommendations of the Contracting Parties. The Twelfth Ordinary Meeting of the Contracting Parties, held in Monaco in November 2001, adopted the reporting formats on the legal component of the Mediterranean Action Plan, and agreed to start implementing them progressively during the next biennium. It also requested the Secretariat (a) to provide technical and financial support for the progressive implementation, on a trial basis, of the reporting system and (b) to report to the Contracting Parties at their Thirteenth Meeting on the lessons learnt from the first phase of implementation and to propose appropriate revision based on MAP experience, as well as on ongoing coordination of reporting activities implemented within the United Nations framework.

1.6 In response to a request by the Secretariat, seven Contracting Parties (Algeria, Croatia, Libya, Monaco, Spain, Tunisia and Turkey) volunteered to participate in the initial phase of the reporting exercise, which would cover implementation of the Convention and Protocols during the 2000-2001 biennium. During *ad hoc* Working Group meetings convened to review progress, the reporting formats were updated and, in order to ensure cohesion between the reports submitted by the different countries, reporting guidelines were prepared and incorporated into the reporting formats. It was also agreed that the reporting formats should be based on the latest versions of the Convention and Protocols, and any Contracting Party that had not yet ratified the amended versions or the new Protocols (and were therefore not bound by their terms) should nevertheless report on their situation simply for information purposes. This would also provide the reporting country itself with an indication of the requirements attached to eventual ratification.

1.7 At their Thirteenth Ordinary Meeting, held in Catania from 11 to 14 November 2003, the Contracting Parties reviewed the results of the pilot reporting exercise, and adopted a set of recommendations regarding the Reporting system and the mechanism for promoting implementation and compliance with the Barcelona Convention. The meeting agreed to commence the implementation of Article 26 of the Barcelona Convention, starting from the biennium 2002-2003.

1.8 In line with the above recommendations, and on the basis of the results of a Meeting on Reporting under the Barcelona Convention, held in Tunis in 2004, and aimed at assessing the work done, identifying national needs and reviewing the legal, administrative and technical aspects of the reporting process, preparations for compilation of national reports by Contracting Parties, and their processing by the Secretariat, were concluded, and reports were received by the Secretariat during the second half of 2005. By 31 May 2005, reports had been received from eighteen Contracting Parties. A comprehensive document prepared by the Secretariat on the basis of these national reports, entitled "Report on the Implementation of the Convention for the Protection of the Mediterranean Environment and the Coastal Region of the Mediterranean, and its Related Protocols, 2002-2003" was reviewed at a Working Group Meeting held in Rabat, Morocco in June 2005. It was decided that the material should be reorganized into two separate documents, the first being an analytical review of regional implementation of the Convention and Protocols on the basis of material submitted by Contracting Parties in their national reports, to be submitted as a working document for discussion by the forthcoming meeting of MAP National Focal Points, and subsequently by the Fourteenth Ordinary Meeting of the Contracting Parties in Portoroz,

Slovenia, later in 2005, and the second a résumé of the national reports, to be submitted to the same meetings as an information document.

Scope of the present document

1.9 The present document, for which the original title of “Report on the Implementation of the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean, and its Related Protocols, 2002 – 2003” has been retained, is essentially a brief analysis of the implementation of the Convention and Protocols at regional level. It has been prepared with the assistance of two consultants (Dr Louis J. Saliba, Malta, and Professor Michael Scoullos, Greece) from material contained in the national reports submitted by Contracting Parties. Although the national reports were primarily designed to cover measures taken during the 2002-2003 biennium, material submitted by most Contracting Parties also contained earlier measures. The material now available, therefore, can be considered as a major step forward in the compilation of a database on which future reports would simply constitute updates.

1.10 It should be noted that while this document is also intended to provide the necessary data towards an eventual more thorough assessment of the implementation of the Convention and Protocols, it is not in any way designed to represent a report on individual activities or on the state of the Mediterranean environment. It should also be noted that as approved by the Twelfth Ordinary Meeting of the Contracting Parties in Monaco in 2001, the Reporting Formats used for national reports are based on the amended or new versions of the Convention and Protocols.

PART II

GENERAL ANALYSIS OF NATIONAL REPORTS ON THE IMPLEMENTATION OF THE CONVENTION AND PROTOCOLS

General analysis

2.1 The scope of this first Regional Report covering the 2002-2003 biennium is in no way designed to constitute an in-depth analysis or evaluation of the national reports from the point of view of the activities described therein, but is essentially a brief analysis of the situation based on the material contained in the national reports in question, presented in the form of one consolidated document covering the whole region, and intended to facilitate the work of the fourteenth Ordinary Meeting of the Contracting Parties, whose workload might not permit examination of each national report or the regional résumé thereof. The present report is mainly intended to provide the necessary data towards assessment of the status of implementation of the Convention and Protocols through an analysis of the information provided, including the effectiveness of the reporting procedure. It is not in any way designed to represent a report on activities or on the state of the Mediterranean environment.

2.2 One of the first elements to be considered is that this report has been compiled on the basis of replies received from eighteen (Albania, Algeria, Bosnia-Herzegovina, Croatia, Cyprus, European Commission, France, Greece, Israel, Italy, Libya, Monaco, Morocco, Serbia-Montenegro, Slovenia, Spain, Syria, Tunisia*) out of the twenty-two Contracting Parties. Although such a response (86%) is above the normal range of reporting for International Conventions in general, it can also be considered as a performance that could be improved upon. As a result, therefore, this Regional Analysis of implementation of the Convention and Protocols during the 2002-2003 biennium cannot be described as complete and the analyses and recommendations could probably be subject to a certain degree of modification had reports from all twenty-two Contracting Parties been available.

2.3 In very general terms, the reports submitted by the Contracting Parties on the implementation of the Convention and Protocols demonstrated that the reporting capability is not the same in the different countries. The weakest part of the overall response consisted in the statistical data in the reports on the technical implementation of the Protocols. On the whole, however, the degree of variation encountered, however, was rather less than was the case in the pilot reporting exercise. At overall level, however, there was a marked improvement in the degree of reporting, as compared to that pertaining* to the pilot exercise covering the 2000-2001 biennium.

2.4 The information submitted by the different Contracting Parties varied both in the degree of response to the different items in the model reporting formats, and in the amount of information and data provided. The majority of the reports mostly contained what can be considered satisfactory responses, in that they provided information, or explained the reasons for lack of it, with regard to all or most of the items in the various questionnaire formats. However, in a number of cases, the questionnaire forms were returned with the spaces for information with respect to one or more of the legal instruments either partially (or sometimes even completely) blank, or with the response restricted to one or two words giving no satisfactory explanation of the situation.

* Since Turkey has submitted its national report in June 2005, their data are not included in the regional assessment report

2.5 The problem lies in the fact that in the case of those participating countries submitting only partial information, it is not known whether the lack of response to any item in the various questionnaires can be attributed to the absence of any measures taken or, as may be the case, to the inability of the national organisation responsible for submitting the reports to acquire the necessary information from those other national bodies involved in the activities in question. The latter is true in the case of a small number of Contracting Parties that specifically stated in their reports that the national authorities responsible for some aspects of implementation did not provide the necessary information to the reporting national organization.

2.6 Most of the Contracting Parties supplied full details regarding those national authorities that collaborated with the national Central Agency responsible for compiling the overall report with regard to the implementation of the Convention and the different Protocols, by providing them with the relevant information and data on activities relevant to their respective spheres of responsibility. The reporting capability of any country in the case of a complex multidisciplinary exercise, such as the Mediterranean Action Plan, is essentially in direct proportion to the degree of inter-sectoral cooperation between the different national authorities. From the details supplied by the various Contracting Parties as to the national sources from which relevant information and data were collected, it is obvious that in most cases there is satisfactory internal collaboration at national level. There were, however, a number of instances in which the Central Authorities compiling and submitting the reports specifically stated that information regarding particular items was not received from the responsible Authorities in question.

2.7 The biennial reports of the various Contracting Parties on the implementation of the Convention and Protocols dealt mainly with the legal and administrative measures at national level taken to ensure adherence to the legal component of the Mediterranean Action Plan, as well as with other international legal instruments outside its framework. On the other hand, the national reports on technical implementation of the various protocols contained both administrative measures and activities, and technical data. In the former case, the degree of reporting was consistently good, and it is obvious that the absence of information on legal and administrative measures in a number of cases was mostly due to the fact that these measures still had to be taken, rather than to any difficulty in obtaining the relevant information from the responsible national authorities. In the latter case, however, while the administrative-type information provided was generally good, there was a significant variation among the different countries in the provision of technical data. It transpired that in a number of instances there was still no national legal or administrative mechanism through which the data could be collected, while in others such data was compiled in a format different to that required in terms of the Protocols concerned. This latter problem mainly arose in the case of authorizations for discharge under the terms of the Land-Based Sources Protocol.

2.8 The collection of data regarding implementation of the legal and administrative provisions of the Convention and protocols was relatively simple in that it mainly consisted in the listing and outline description of national legislation. The response obtained varied. On the one hand, a number of Contracting Parties went into unnecessary detail, including the bulk transcription of several articles of the legislation itself. On the other, there were instances where specific questionnaire items were replied to by simply providing the name of the relevant Law, without any indication of what the coverage was in terms of compliance with the respective Article in the Convention or Protocol referred to.

2.9 On the other hand, the collection of statistical data in connection with the technical implementation of the various Protocols, particularly those dealing with dumping at sea, waste discharge and generation and transboundary movement of hazardous wastes, still requires improvement in terms of reporting methodology. No overall regional report can be compiled unless the data coming from different countries can be successfully integrated. In this regard, as detailed in the sections covering the different Protocols in Part 3 of this report,

the data was reported and tabulated under different headings, mostly differing from that stipulated in the reporting formats. As the requirements listed or tabulated in the reporting formats reproduce Protocol requirements, resolution of this problem is only possible through the observance of stipulated presentation methods by Contracting Parties, to ensure harmonization and integration of data at overall regional level.

2.10 A preliminary reading, therefore, of the achievements in the 2002-2003 biennium indicates satisfactory progress, not only as far as legal and administrative, and to a slightly lesser extent technical, implementation of the Convention and Protocols is concerned, but also with respect to official environmental policies in general. This progress is obviously not evenly spread among all issues and all Contracting Parties. It is obvious that, at least in some countries, a very large amount of progress has been made towards eventual full conformity with the terms and requirements of the Convention and Protocols. In fact, in certain instances, measures taken have been well beyond the Convention and Protocols' requirements. Similarly, adherence to other international legal instruments relevant to the objectives of the Mediterranean Action Plan can be considered generally satisfactory.

2.11 A number of driving forces can be considered as contributing to this progress. In the first place, at general international level, there is a positive trend towards more effective consideration of the environmental sector in national planning and development. Within this overall framework, the national development policy of most Contracting Parties is also becoming geared to the protection and management of the sea and the coastal zone. Secondly, all Contracting Parties are showing a high commitment to implement the terms of the Barcelona Convention and Protocols as fully and as effectively as possible. This is clearly evidenced by the progress being achieved in the implementation by most countries of the terms of those instruments within the legal component of the Mediterranean Action Plan that are not yet in force, which confirms that the Contracting Parties look at the Convention and Protocols as an efficient and useful legal regime for the protection of the Mediterranean Sea and its coastal zone, and for promoting its sustainable development.

2.12 The third factor is the recent accession of a further three Contracting Parties to the Barcelona Convention (Cyprus, Malta and Slovenia) to membership of the European Union which, along with France, Greece, Italy and Spain, brings the total number of EU Mediterranean Coastal States to seven. A number of other Contracting Parties along the northern Mediterranean seaboard have also expressed their willingness or intention to join the EU at a later stage, and have started adjusting their legal and administrative systems in this direction. This has involved the adoption by these countries of a large number of EC Directives relevant to the protection of the Mediterranean.

2.13 In addition, a number of countries, mainly on the South and East coasts of the Mediterranean that, for a variety of internal reasons, had previously been rather slow in the adoption of international environmental legislation, became increasingly active during the period under review, and signed, and in many cases ratified, a series of relevant International Conventions, Protocols, and other Agreements. This can be considered as part of a general regional trend whereby Mediterranean countries are steadily increasing their participation in both global and regional initiatives other than those forming part of the Mediterranean Action Plan in the fields of environmental protection and sustainable development.

Implementation of the Barcelona Convention

2.14 Sixteen Contracting Parties (Albania, Algeria, Croatia, Cyprus, European Community, Egypt, France, Greece, Italy, Malta, Monaco, Slovenia, Spain, Syria, Tunisia and Turkey) have accepted the 1995 amendments to the Convention for the Protection of the Mediterranean Environment and the Coastal Region of the Mediterranean, and the revised version of the Convention has been in force since 09 July 2004. While the Convention

remains essentially a framework one, there are a number of specific obligations, mainly through the terms of Article 4, whereby the Parties have bound themselves to apply the Precautionary Principle in accordance with their capabilities, as well as the Polluter Pays Principle, to undertake Environmental Impact Assessment for proposed activities likely to cause a significant adverse effect on the marine environment, and to promote the integrated management of coastal zones. Article 12 binds the Parties to establish monitoring programmes, while Article 15 binds the Parties to ensure that their competent authorities provide the public with appropriate access to environmental information, as well as to give the public the opportunity to participate in the decision-making process in the field of application of the Convention and Protocols. Article 3 encourages (but does not oblige) Parties to enter into appropriate bilateral and/or multilateral agreements in areas consistent with the Convention and Protocols and in conformity with International Law.

2.15 Of the eighteen Contracting Parties reporting, five stated that they had entered into a considerable number of bilateral and/or multilateral agreements (no copies of which, however, were submitted to the Secretariat), eight did not report any agreements, one stated that this matter did not apply in its particular case, while the remaining four did not provide any information. Seventeen Contracting Parties reported the taking of appropriate measures for application of the Precautionary Principle and the Polluter Pays Principle, while the remaining one reported that no measures had been taken. Fourteen Contracting Parties reported the taking of measures on Environmental Impact Assessment studies, the other four reporting that no measures had been taken. Twelve Contracting Parties have taken the necessary measures regarding the integrated management of coastal zones, five have taken no measures, and the remaining one provided no information. Nine Contracting Parties reported the formal establishment of marine pollution monitoring programmes, eight reported that no measures had been taken, and one provided no information. Twelve Contracting Parties reported that measures guaranteeing public access to environmental information were in force, while such measures had still not been developed by the other six. Thirteen Contracting Parties reported that measures for participation of the public in the decision-making process were in force, the other five reporting that so far the necessary measures had not been taken. Taken as a whole, the situation can be described as satisfactory in the sense that most Contracting Parties have incorporated the main principles of the Convention into their national legal and administrative infrastructure. The situation is summarized in Table 2.

Implementation of the Dumping protocol

2.16 Fourteen Contracting Parties (Albania, Croatia, Cyprus, European Commission, Egypt, France, Italy, Malta, Monaco, Morocco, Slovenia, Spain, Tunisia and Turkey) have accepted the amendments to the Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea. From the legal and administrative aspects, Article 4 of the Protocol binds the Parties to prohibit the dumping of wastes at sea, with the exception of a number of listed materials, for which latter Article 5 stipulates the issue of a prior special permit from the competent national authorities. Article 6 of the Protocol defines the conditions under which permits should be granted, while Article 11 binds the Parties to apply the measures required to implement the Protocol to ships and aircraft registered in their territories or flying their flag, loading wastes intended to be dumped, or believed to be engaged in dumping in areas under their jurisdiction. Article 12 binds the Parties to issue instructions to its maritime inspectorate to report any incident believed to be in contravention of the terms of the Protocol.

2.17 Of the eighteen Contracting Parties reporting, seventeen reported that the prohibition measures stipulated by the Protocol were in force. The other Contracting Party provided no information. Eleven Contracting Parties reported operational measures for the issue of permits, and provided details of the procedures for their issue, five reported that no

measures were in force, and two provided no information. Eight Contracting Parties reported that the measures required for the implementation of the Protocol had been applied to ships and aircraft as stipulated by Article 11, another eight reported that the relative measures had not yet been taken, while the remaining two provided no information. Seven Contracting Parties reported that measures for the reporting of contraventions had been taken; another six reported that no such measures had yet been taken, while the remaining five provided no information. The general situation is summarised in Table 3.

2.18 The implementation of the Protocol can be best analyzed by considering the imposition by Contracting parties of special permits by their competent national authorities for the dumping of wastes in terms of Articles 5 and 6, and on observance of the provisions of Article 8 in cases of *force majeure* and Article 9 when disposal of wastes on land is not possible. The permit system appears to be operational in most of the countries reporting, seven of which issued permits or their equivalent during the period under review. Of the other eight, all of which reported that no permits were issued, one country reported that dumping was prohibited, another that it had drafted, but not yet adopted, the necessary legislation to enforce the issue of permits, and another that there were still no authorities responsible for the control of dumping and the issue of permits. On the issue of dumping in case of *force majeure*, six out of the fifteen Contracting Parties either reported that no data were available, or left the response to the item blank. A similar situation occurred in the case of four Contracting Parties on the issue of dumping because of the impossibility of terrestrial disposal. Only five Contracting Parties provided figures on substances and materials dumped. Of the other ten, one stated that data were not yet available, two that no dumping took place during the period under review, and three that no data were available. No information was reported by the remaining three. The general situation is summarised in Table 4.

Implementation of the Prevention and Emergency Protocol

2.19 Seven Contracting Parties (Cyprus, European Community, France, Malta, Monaco, Slovenia and Turkey) have ratified the new Protocol Concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea. (Malta, 25 January 2002). The Protocol entered into force on 17 March 2004, replacing the 1976 Emergency Protocol. From the legal and administrative aspects, Article 3 binds the Parties to cooperate in the implementation of international regulations to prevent, reduce and control pollution of the marine environment from ships and to take all necessary measures in cases of pollution incidents. Article 4 binds the Parties to maintain and promote contingency plans and other means of preventing and combating pollution incidents. Article 5 binds the Parties to establish monitoring programmes to ensure compliance with applicable international regulations. Article 7 stipulates that Parties shall disseminate information relating to the relevant national authorities responsible for the implementation of the terms of the Protocol, and to exchange information both directly and through the Regional Centre. Article 14 binds the Parties to take all the necessary steps to ensure that reception facilities meeting the needs of ships are available at their ports and terminals. Article 15 binds the Parties to take the necessary steps to assess the environmental risks of the recognised routes used by maritime traffic, and to reduce such risks to the extent possible. Article 16 stipulates that Parties should define strategies concerning reception in places of refuge for ships in distress presenting a threat to the marine environment.

2.20 All the eighteen Contracting Parties reporting stated that they were implementing all the relevant international regulations to reduce and control pollution from ships in accordance with the terms of Article 3 of the Protocol. Twelve Contracting Parties reported that the relative measures for establishing contingency plans had been taken; five stated that no measures were as yet operational, while one provided no information. Twelve Contracting Parties reported that measures for pollution prevention in terms of Article 4,2 were in force,

four stated that no measures were as yet in force, while the remaining four provided no information. Ten Contracting Parties reported ongoing monitoring programmes; four reported that no measures had yet been taken in this regard, while the remaining four provided no information. The response to the question of dissemination of information varied between the different sub-paragraphs of Article 7.1, the majority of the Contracting Parties reporting measures in force, slightly less reporting no measures in force, while a number of Contracting Parties provide no information. Eight Contracting Parties reported action taken regarding information exchange as stipulated by Articles 7.2 and 7.3. No information was provided by the remaining ten. Nine Contracting Parties reported that the necessary measures for the installation of port reception facilities had been taken; five stated that no measures had as yet been taken, while the remaining four provided no information. Nine Contracting Parties reported that the necessary steps had been taken for the assessment of environmental risks in maritime traffic routes; four reported that no measures had been taken, while the remaining five provided no information. Nine Contracting Parties reported that strategies for reception in places of refuge for vessels in distress had been developed, three reported that no measures had as yet been taken for the development of such strategies, while the remaining six provided no information. The situation is summarised in Table 5.

2.21 In general, compliance with the terms of relevant IMO conventions appears to be satisfactory. Legal and related provisions for dealing with emergency situations exist in most countries, but the situation here could be improved, and various types of monitoring systems are in existence. Contingency plans at national and local level have been reported as existing in most countries. From the reports submitted, however, their operational status is not always clear. No information has been provided on the operational status of Agreements at sub regional level, mainly those entailing exchange of information and assistance in case of emergency. Reception facilities are lacking in approximately 50% of countries, but are fully operational in a number of major ports. In other instances, they are being developed with external assistance. The reports also show the existence of gaps in inter-ministerial coordination and in the designation of responsibilities of many national institutions.

2.22 From the point of view of technical implementation, Article 4 of the Protocol requires Contracting Parties to report on the status of their National Contingency Plans, including geographical coverage and application to oil, other harmful substances or both, on their response strategy in the case of pollution incidents and emergencies, and on the status of their capacity for airborne surveillance, with or without remote sensing equipment. Insofar as concrete action is concerned, however, they are only required to develop their capability to respond to pollution incidents at sea in general terms, and are not bound to attain any specific stage of organization. The measures taken for the technical implementation of this Protocol will therefore be expected to vary among individual countries, depending on their national capabilities and the degree to which these can be strengthened within the overall national framework. In this connection, out of the fifteen Contracting Parties submitting national reports, although all have one or more national and/or local authorities designated as responsible for responding to pollution incidents, six still have no operational Contingency Plan, which is a *sine qua non* for implementation of the Protocol, at national level. Of these, three countries have their national Contingency Plan under development or consideration. In one of these countries, there is a plan covering harbours. No Contingency Plan exists in the remaining three countries. Implementation of what is the most important measure in connection with the Protocol on a region-wide basis is still below expectations. Less than 50% of Contracting Parties use aerial surveillance.

2.23 In very general terms, the technical requirements of the Protocol are being met satisfactorily through the response strategies that have been adopted in most countries, the restrictions in force on the use of dispersants, and the maps of sensitive areas currently available. A few countries are still lagging behind in one or more of these issues.

2.24 Implementation of the terms of Articles 8 and 9 of the Protocol, which respectively require Contracting Parties to provide information on the number of reports submitted regarding pollution incidents or spillages at sea likely to constitute local emergencies or to affect other Parties, including details of such reports, can be considered satisfactory in that nine countries provided details of such reports, five stated that no such incidents had occurred, while the other provided no information. The general situation with respect to the technical implementation of the Protocol is summarised in Table 6.

Implementation of the Land-Based Sources and Activities Protocol

2.25 Thirteen Contracting Parties (Albania, Cyprus, European Community, France, Greece, Italy, Malta, Monaco, Morocco, Slovenia, Spain, Tunisia and Turkey) have accepted the amendments to the Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities. From the legal and administrative aspects, Article 5 of the Protocol binds the Parties to the elaboration and implementation of appropriate action plans, programmes and measures to eliminate pollution from land-based sources and activities, as well as the procedures to be followed in the case of both national and joint regional measures. Article 6 stipulates that discharges shall be strictly subject to authorisation or regulation by the competent authorities of the Parties. Article 7 deals with the adoption of guidelines, criteria and standards regarding coastal outfalls, effluents, seawater quality, and product replacement. Article 8 binds the Parties to periodically assess the levels of pollution along their coasts, and to evaluate the effectiveness of action plans, programmes and measures implemented under the Protocol.

2.26 Out of the eighteen Contracting Parties reporting on the legal and administrative implementation of the Protocol, sixteen reported the development and implementation of various action plans, programmes and measures at national level within the terms of the Protocol. One Contracting Party reported that no measures had been taken, while the remaining one provided no information. Thirteen Contracting Parties reported the development of national preventive measures to reduce the risks of accidental pollution; two Parties reported that no preventive measures had been developed, while the remaining three provided no information. Fourteen Contracting Parties reported that an authorization system for waste discharges was in place, the necessary legal and administrative measures having been taken. Two Contracting Parties reported that no authorization system was yet in place, while the other two provided no information. Twelve Contracting Parties reported that the necessary measures for implementation of the Interim Criteria for Bathing Waters, adopted by the Contracting Parties in 1985 in terms of Article 7.1 (c) of the Protocol had been taken. Three Contracting Parties reported that no measures had been taken for implementation of these Criteria, while the remaining three provided no information. Fifteen Contracting Parties reported that the necessary measures for assessing coastal pollution levels were in force; one Party reported that it had not yet taken such measures, while no information was provided by the remaining two. Eleven Contracting Parties reported that the necessary measures to assess programme effectiveness with regard to the terms of the Protocol had been taken; three Parties reported that no measures had yet been developed, while the remaining four provided no information. The general situation with respect to the legal and administrative implementation of the Protocol is summarised in Table 7.

2.27 From the point of view of technical implementation, Article 13 of the Protocol requires Contracting Parties to provide reports of a technical nature on the implementation of the terms of two other articles: authorizations for discharge granted in accordance with Article 6, including information on the number and type of sanctions applied in cases of non-compliance with authorizations and regulations, and on the institutional structure of inspection systems; and monitoring data in accordance with Article 8. Contracting Parties are also required by Article 13 to provide statistical data on the quantities of pollutants discharged from their territories. The implementation of this particular Protocol, at least

insofar as it stipulates that all discharges should be subject to official authorization, appears to be still unsatisfactory. Of the fifteen Contracting Parties submitting reports on the technical implementation of this particular protocol, one did not report on this Protocol at all. Of the remaining fourteen, three reported either that no authorization system had yet been established, or that no information regarding the issue of authorizations was available, while another three provided no information at all. The general situation with respect to the technical implementation of the Protocol is summarised in Table 8.

2.28 The information received from Contracting Parties regarding the total load of substances released into the sea during the period under review, as has been detailed earlier in this document, varied significantly in content between the different countries, and was submitted in different formats, which would make any attempt to compile even a partial regional picture meaningless. In this context, it should be recalled that the tabular format for reporting the total load of substances released had been developed as a faithful reproduction of the relative annex to the Protocol, and then amended to bring it into full conformity with the Operational Document for the Implementation of the Strategic Action Programme to Address Pollution of the Mediterranean Sea from Land-based Activities (SAP). While, therefore, from a purely legalistic point of view, Contracting Parties have, in the main, satisfactorily implemented the requirements of Article 13 (c) of the Protocol insofar as they have reported substances released. The main scope of the reporting, which is the development of the total load of pollutants reaching the Mediterranean Sea. It will be difficult to achieve it in view of the lack of harmonization between the different formats in which the data have been submitted.

Implementation of the Specially Protected Areas and Biological Diversity Protocol

2.29 Fourteen Contracting Parties (Albania, Croatia, Cyprus, European Community, Egypt, France, Italy, Malta, Monaco, Slovenia, Spain, Syria, Tunisia and Turkey) have ratified the new Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean (Barcelona, 10 June 1995). The Protocol entered into force on 12 December 1999, replacing the 1982 Specially Protected Areas Protocol. From the legal and administrative aspects, Article 3 binds the Parties to protect, preserve and manage areas of particular natural or cultural value, notably by the establishment of specially protected areas. Article 5 empowers (but does not bind) Parties to establish specially protected areas in the marine and coastal zones subject to their sovereignty or jurisdiction. Article 6 details the protection measures required of such area, while Article 7 stipulates planning and management methodology. Article 11 defines the national measures necessary for the protection and conservation of species, and Article 13 binds the Parties to take all appropriate measures to regulate the introduction of non-indigenous and genetically modified species.

2.30 Out of the seventeen Contracting Parties reporting on the legal and administrative implementation of the Protocol, fourteen reported the development and implementation of measures for management of protected areas in terms of article 3, two Contracting Parties reported that no measures were yet in force, while the remaining one provided no information. Fourteen Contracting Parties reported the establishment of various types of specially protected areas in coastal and marine areas under their jurisdiction, one Contracting party reported that no protected areas had yet been established, while the remaining two provided no information. Fifteen Contracting Parties reported that they had implemented the necessary measures in terms of Article 6 of the Protocol to ensure protection of established areas, one Contracting Party reported that no such protection measures had yet been taken, while the remaining one did not provide any information. Fourteen Contracting Parties reported that planning, management, supervision and monitoring measures in terms of Article 7 had been adopted, two Contracting Parties reported that no such measures were yet in force, while the remaining one provided no

information. Fifteen Contracting Parties reported the taking of measures for the conservation and protection of species in terms of Article 11, one Contracting Party reported the absence of such measures, and the remaining one provided no information. Nine Contracting Parties reported that they had taken all appropriate measures to regulate the introduction of non-indigenous and genetically modified species, three Contracting Parties stated that no such measures had as yet been taken, while the remaining five provided no information. Regarding the granting of exemptions under the terms of Articles 12 and 18, six Contracting Parties reported that the necessary measures to regulate procedures were in force, four Contracting Parties stated that no measures regarding exemptions had as yet been taken, while the other seven provided no information. The general situation with respect to the legal and administrative implementation of the Protocol is summarised in Table 9.

2.31 Various tools of implementation of the Protocol were reported by the Contracting Parties, including the enactment of Laws and regulations, including sanctions, the ratification of a number of relevant non-MAP international legal instruments including the CITES, Bern and Ramsar Conventions, and the implementation of their terms, participation in international programmes such as UNESCO's Man and the Biosphere Programme, and observance of the terms of relevant EC directives. A number of Contracting Parties also entered into bilateral and/or multilateral agreements, and a considerable number of Specially Protected Areas of various types were established. Progress was also registered in the elaboration of national actions plans, strategies, physical and management plans for Specially Protected Areas, and their implementation, as well as in research and monitoring activities and the preparation of inventories. One evident gap was however, related to the taking of appropriate measures *vis-à-vis* non-indigenous species and genetically modified organisms.

2.32 The technical implementation of the Protocol is mainly governed by the provisions of Articles 5, 9, 12, 15, 18 and 23, which between them cover the provision of information on Specially Protected Areas established, proposals made for inclusion of areas under national jurisdiction in the list of Specially Protected Areas of Mediterranean Importance (SPAMI), the status and state of the areas under national jurisdiction included in the SPAMI list, changes in the delimitation or legal status of such SPAMI and of protected species, inventories of the components of biological diversity, and exemptions granted from protection measures. Information is also required on implementation of the Action Plans for threatened species adopted within the framework of the Mediterranean Action Plan, and other relevant recommendations of the Contracting Parties.

2.33 Implementation of the Protocol must be considered as generally satisfactory in that all the reporting countries have established a variable number of Specially Protected Areas or their equivalent, most have completed or started compiling inventories of their national indigenous fauna and flora, and most again have implemented one or more of the MAP Action Plans for threatened species.

2.34 A number of countries have not so far made any proposals for the inclusion of areas in the SPAMI list, but this in itself is not a yardstick by which the implementation of the Protocol should be measured. Perhaps the weak spot in implementation lies in the mechanism for regulating the introduction of non-indigenous species, as projects in connection with such species were reported from only two countries. In general, the main response to the question of non-indigenous or genetically modified species was that no new records were available. The general situation with respect to the technical implementation of the Protocol is summarised in Table 10.

Implementation of the Offshore Protocol

2.35 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 is

not yet in force, having only been ratified by four countries (Albania, Cyprus, Morocco and Tunisia). On its eventual entry into force, Contracting Parties will be bound to impose prior written authorization for exploration or exploitation activities (Article 4), under the conditions detailed in Articles 5 and 6. They will also be bound under Article 9 to regulate the use, storage and disposal into the Protocol Area of harmful or noxious substances and materials resulting from activities covered by the Protocol, and to control the discharge of sewage and garbage from installations (Articles 11 and 12 respectively), as well as to ensure proper disposal of wastes in designated reception facilities (Article 13). Under the terms of Articles 15 and 16, they have to ensure safety measures and contingency planning respectively, while under Article 17 they require operators in charge of installations under their jurisdiction to report to their competent authority any event likely to cause pollution. Removal of installations has to be undertaken in conformity with Article 21, while under Article 29 they will have to elaborate procedures and regulations regarding all activities initiated before the entry into force of the Protocol, to ensure conformity, as far as practicable, with its provisions.

2.36 Of the fourteen Contracting Parties submitting national reports, which included the four that ratified the Protocol, twelve reported that they had appropriate legislation in place regarding prior authorization for seabed exploration and exploitation, ten reported that legal coverage for the control of chemical use, storage and disposal, ten reported the existence of measures regarding sewage and garbage disposal, while eight stated that proper onshore reception facilities for disposal of wastes and harmful substances were operational. Eight Contracting Parties reported that legal measures to ensure safety were in force, and nine that similar measures were in force regarding contingency planning. Ten Contracting Parties reported that notification of pollution-causing events was required by national Law, and seven that legal measures regarding removal of installations had been developed. The legislation described varied in practically every case, coverage being obtained either through specific or through more general legislation. Several Contracting Parties had more than one Law relevant to each point at issue. In the main, those Contracting Parties that reported negatively in the sense that the indicated measures were still not operational also stated that the necessary steps to ensure eventual conformity with the terms of the Protocol were in hand. There were also cases where no specific measures were currently required, as seabed exploration and/or exploitation were either prohibited, or still in the very early stages.

2.37 The general situation with respect to the legal, administrative implementation of the Protocol is summarised in Table 11. From the overall regional point of view, the situation can be regarded as satisfactory in the sense that most Contracting Parties appear to be well prepared for formal implementation of the terms of the Protocol when it eventually comes into force. However, reports on the legal and administrative measures taken in the case of activities already initiated (*i.e.* prior to the entry into force of the Protocol), under the terms of Article 29, were only received from five Contracting Parties and, of these, four reported respectively that the measures were considered inapplicable, that no measures had been taken, that the relevant national authorities had not provided any information, and that the point would be considered when the Protocol entered into force. Out of eight Contracting Parties reporting on constraints, two gave negative responses, two stated that the matter was still under consideration, one reported a technical problem regarding drilling mud disposal, while the problems of the remaining three were mainly the current lack of financial resources and/or the necessary legal infrastructure.

2.38 From the point of view of technical implementation of the Protocol, Article 4 binds Contracting Parties to report on authorizations granted for seabed exploration and exploitation, and on applications refused. The same article, together with Articles 9 and 21, bind them to provide technical information with respect to each authorization granted, and any disposals carried out as exceptions, including information on reports on such cases previously submitted to the Secretariat. Reports on the technical implementation of this Protocol were received from nine Contracting Parties. Five Contracting Parties provided information on authorizations granted, while another listed the types of authorizations, but

gave no details. Of the remaining three, which reported that no authorizations had been granted during the period under review, only one would appear to have still not developed the authorization process. In another, seabed exploration and exploitation were reported as prohibited by Law, so that authorization as such did not apply. The general situation with respect to the technical implementation of the Protocol is summarised in Table 12.

2.39 The authorization requirement appears to be satisfactorily implemented in practically all the countries reporting. The part dealing with disposal permits requires some clarification, as two out of the five countries reporting authorizations did not provide any information regarding disposal.

Implementation of the Hazardous Wastes Protocol

2.40 The Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal is not yet in force, as only five Contracting Parties (Albania, Malta, Morocco, Turkey and Tunisia) have so far ratified it. Under the various paragraphs of Article 5 of the Protocol, apart from general obligations with regard to pollution of the Protocol area through the transboundary movements and disposal of hazardous wastes, Contracting Parties are bound to reduce or eliminate the generation of hazardous wastes (Article 5.2), to reduce the transboundary movement of hazardous wastes or contribute to the elimination of such movement in the Mediterranean (Article 5.3), to prohibit the export and transit of hazardous wastes to developing countries, or to prohibit all imports and transit of hazardous wastes (Article 5.4), and to prevent and punish illegal traffic of hazardous wastes (Article 5.5 and Article 9). Contracting Parties are also bound by Article 6 to take appropriate measures to control transboundary movements of hazardous wastes, in particular regarding prior notification of transboundary movements of hazardous wastes through territorial seas, as provided by Article 6.4 and Annex IV.

2.41 Out of the fifteen Contracting Parties submitting national reports on the implementation of this Protocol, twelve reported the existence of legal measures in force to control the generation of hazardous waste. Twelve reported that they possessed the legal framework for reduction of the trans-boundary movements of hazardous waste, twelve that an appropriate legal framework was present to control the export and transit of hazardous waste, and twelve that adequate legal provisions existed for the application of the necessary penalties for infringement. Eleven Contracting Parties reported the enactment of the necessary legal provisions to ensure proper prior notification if transboundary movements of hazardous wastes through territorial seas takes place. Legislation in force varied between the provisions of general environmental or waste laws, and specific items of legislation regarding particular aspects. In some cases, there is an outright prohibition on import and/or export of hazardous wastes. In one country, both the importation and exportation of such waste is prohibited by Law, and in another three, importation is prohibited. This situation naturally renders specific measures unnecessary. The fact that practically all Contracting Parties to the Barcelona Convention and Protocols have also ratified the Basel Convention on the control of Transboundary Movements of Hazardous Wastes and their Disposal, and are mostly abiding by its terms has contributed to a considerable degree towards the development and establishment of the necessary infrastructure in the Mediterranean in general for eventual proper implementation of the Hazardous Wastes Protocol when it eventually enters into force. The general situation with respect to the legal and administrative aspects of the implementation of the Protocol is summarised in Table 13.

2.42 Technical implementation of the Protocol is regulated by Articles 6 and 8, which bind Contracting Parties to report on hazardous waste generated, on transboundary movements of hazardous or other waste, including any accidents occurring during such movement and on the measures undertaken to deal with them, on disposal of hazardous waste and other

waste, and on disposal options within the areas of their national jurisdiction. Reports on the technical implementation of this Protocol were received from ten Contracting Parties. Six Contracting Parties provided details of hazardous waste generated, one reported that no such waste was generated, and another that no details were available. The remaining two countries left the relative questionnaire spaces blank.

2.43 Three Contracting Parties provided details of both imports and exports, another three (in which imports were reported as prohibited), provided details on exports, one reported no transboundary movements as having taken place, while the remaining three either reported that no data was available, or provided no response. Four Contracting Parties provided details on disposal options either in practice or under development, one reported that no disposal is effected, as all hazardous waste is exported, while the other five that reported on the technical implementation of the Protocol supplied no information on disposal options. Implementation of this Protocol, therefore, requires some degree of improvement. The general situation with respect to the technical implementation of the Protocol is summarised in Table 14.

2.44 Throughout the national reports, no indication was found concerning the use of monitoring data and their connection to decision-making, etc. The way in which data are used to translate them in meaningful information for policy formulation may require some further discussion to explore the possibilities of linking or synergy with other reporting systems that are already in place in the region.

PART III

RECOMMENDATIONS

3.1 The recommendations below are based wholly on the analysis of the national reports submitted by the Contracting Parties on the implementation of the Barcelona Convention and Protocols for the 2002-2003 biennium. They should therefore also be seen in conjunction with parallel work being carried out concurrently by the Secretariat on (a) the comparative analysis between the MAP and other reporting systems, and (b) the exercise on development of updated formats for the submission of national reports within the legal component of the Mediterranean Action Plan.

Recommendations on the improvement of the reporting system.

3.2 Practically all Contracting Parties to the Barcelona Convention and Protocols have other reporting obligations with regard to international environmental legal instruments of a global or regional nature outside the framework of the Mediterranean Action Plan. Apart from this, seven Mediterranean States (Cyprus, France, Greece, Italy, Malta, Slovenia and Spain) that are Contracting Parties to the Barcelona Convention and Protocols are also member states of the European Union and, as such, bound by EC Directives in the environmental field.

3.3 The phenomenon of leaving unexplained blanks in response to a number of questionnaire items was noted during analysis of the present national reports. It would therefore appear appropriate for the general guidelines for the completion of national reports to be further modified and expanded to ensure that countries know exactly what is expected of them.

3.4 It should be noted that, in the framework of the implementation of the SAP and the Dumping Protocol, some information not included in the national reports, had already been provided by the national MED POL Coordinators to the Secretariat. In this context more efforts should be done at the national level for a better coordination in the collection of data and information, not only among different ministries and sectors, but also within the system of the focal points of MAP and its components.

3.5 One possible way of easing the national reporting loads by minimising duplication of effort as a result of repetition could be to review the current reporting formats with a view to identifying those items which are being reported twice, initially on taking the stipulated measure through legal enactment or any other appropriate method, and eventually within the structure of periodic reports.

3.6 In certain cases, a decision would have to be taken on whether new information of an *ad hoc* nature should be reported to the MAP Secretariat on an individual basis as soon as the relevant action has been taken, or whether it should be included in the periodic report covering the biennium in question. By and large, it could be considered that when an *ad hoc* report on a single event (the nature of which could vary between a pollution incident to a change in the national authorities or structures dealing with any particular pollution control aspect) has to be reported individually on occurrence either to the MAP Coordinating Unit or to the appropriate Regional Centre, it should not be repeated in detail in the biennial national report. Depending on the nature of the information, it could be either circulated on receipt (*i.e.* it would not form part of the national or regional reports) or included in biennial reports to the MAP Secretariat by the Regional Centres, detailing or summarising (as required) the

information submitted to them by individual Contracting Parties in terms of one or more of the articles of the relevant Protocol.

3.7 With a view to further simplification of reports, consideration could also be given to part of them to be given the form of a multiple answer matrix, reducing the text to an absolute minimum with one overview assessment per country.

3.8 The capacity for reporting within national administrations should be increased. Experts compiling national reports for countries should be considered "trainers of administration" and provisions should be made to ensure that they collaborate closely with those who will draft the future reports.

3.9 In the reporting systems themselves, innovative ways should be found for the better use of facilities and resources already invested for the same purposes, reducing overlapping and duplication. Other existing structures need to be explored, such as, for instance, the functioning of the European Environmental Agency (EEA), which concentrates all monitoring data from the countries connected to it (not only the EU member states, but also the Eastern Adriatic ones) may play in the future a more important role in mainstreaming reporting and better use of the results of monitoring.

Recommendations on improvement in the implementation of the Convention and protocols

3.10 From the national reports, it is evident that although, as stated earlier on this Section, implementation of the Convention and Protocols by the various Contracting Parties can be considered as satisfactory, there are a number of areas where such implementation can be improved. These areas mainly arise from statements made by Contracting Parties themselves in their national reports, wherein the lack of measures to implement the terms of any particular article of the Convention or any Protocol has been reported. Apart from these areas actually identified by Contracting parties themselves, there were also a considerable number of instances where the material in the national reports provided insufficient indication as to whether or not the measures reported as taken were actually in conformity with the terms of the Convention or Protocol Article in question. Such instances, therefore, can also be considered as having room for improvement.

3.11 The MAP Secretariat, jointly with the relevant national authorities, should review the situation regarding implementation of the Convention and Protocols in each country, and identify areas of concern, along with the assistance required by the country in question to improve implementation.

3.12 The MAP Secretariat should prepare a database for each Contracting Party, which would summarise all the relevant measures taken to implement the provisions of the Convention and protocols, as well as enforcement measures to ensure compliance. This publication would be accessible to all Contracting Parties, and would be updated biennially through the insertion of data on additional measures taken during the periods covered by successive biennial reports.

3.13 It is recommended that following the compilation of such a database, the MAP Secretariat, jointly with the Contracting Parties concerned, prepare a list of "implementation improvement areas" for each Contracting Party and a plan of measures to improve implementation. These lists would (a) provide a fuller indication of what each Contracting Party requires in order to ensure adequate implementation of the Convention and Protocols, and also (b) serve as a basis for identification of the assistance required by the Contracting Party in question to develop the necessary infrastructure required for implementation.

ANNEX I

TABLES

TABLE 1**Summary Status of ratification of the Barcelona Convention and Protocols**

Legal Instrument	Number of ratifications or acceptance of amendments	Ratifications or acceptances 2002 - 2003	Entry into force
Amendments to the Barcelona Convention, 1995	16	4	09.07.2004
Amendments to the Dumping Protocol, 1995	13	3	Not yet in force
Amendments to the LBS Protocol, 1996	13	3	Not yet in force
New SPA and Biodiversity Protocol, 1995	14	4	12.12.1999
New Prevention and Emergency Protocol, 2002	7	5	17.03.2004
Offshore Protocol, 1994	4	0	Not yet in force
Hazardous Wastes Protocol, 1996	5	0	Not yet in force

TABLE 2

IMPLEMENTATION OF THE BARCELONA CONVENTION
(Reports submitted by 18 Contracting Parties)

Article 3 - Regional /Sub Regional agreements	Agreements Reported	5 Contracting Parties
	No agreements reported	8 Contracting Parties
	Reported as non applicable	1 Contracting Party
	No information provided	4 Contracting Parties
Article 4.3 (a) - Precautionary Principle	Measures Reported	17 Contracting Parties
	No measures reported	1 Contracting Party
Article 4.3.(b) - Polluter Pays Principle	Measures Reported	17 Contracting Parties
	No measures reported	1 Contracting Party
Article 4.3 (c) – Environmental Impact Assessment	Measures Reported	14 Contracting Parties
	No measures reported	4 Contracting Parties
Article 4.3 (e) – Integrated Management of Coastal Zones	Measures Reported	12 Contracting Parties
	No measures reported	5 Contracting Parties
	No information provided	1 Contracting Party
Article 12 – Establishment of Monitoring Programmes	Measures Reported	9 Contracting Parties
	No measures reported	8 Contracting Parties
	No information provided	1 Contracting Party
Article 15 - Access to Information	Measures Reported	12 Contracting Parties
	No measures reported	6 Contracting Parties
Article 15 - Public participation	Measures Reported	13 Contracting Parties
	No measures reported	5 Contracting Parties

Findings and conclusions

- Most of the Contracting Parties have incorporated the main principles of the Convention into their national legislation, including clear provisions on Monitoring
- The tools of implementation reported are mainly:
 - Laws, Regulations and Governmental Decrees
 - Bilateral and multilateral agreements
 - Accession/ ratification of the Aarhus Convention and/or the Espoo Convention
 - Implementation of EC Directives relevant to MAP
- The reports show gaps in information on practical implementation measures

TABLE 3**LEGAL AND ADMINISTRATIVE IMPLEMENTATION
OF THE DUMPING PROTOCOL**

(Reports submitted by 18 Contracting Parties)

Article 4 - Prohibition	Measures Reported	17 Contracting Parties
	No information provided	1 Contracting Party
Article 5 - Permits	Measures Reported	11 Contracting Parties
	No measures reported	5 Contracting Parties
	No information provided	2 Contracting Parties
Article 6 – Permit criteria and procedures	Measures Reported	11 Contracting Parties
	No measures reported	5 Contracting Parties
	No information provided	2 Contracting Parties
Article 11 - ships and aircraft	Measures Reported	8 Contracting Parties
	No measures reported	8 Contracting Parties
	No information provided	2 Contracting Parties
Article 12 (contraventions)	Measures Reported	7 Contracting Parties
	No measures reported	6 Contracting Parties
	No information provided	5 Contracting Parties

Findings and Conclusions

- Three Contracting Parties do not yet have a system of permits in place
- Some Contracting Parties have no system in place to ensure compliance with article 11, a, b, c
- Tools of implementation reported include:
 - Laws, Regulations, and Administrative and technical structures
 - Application of the terms of the London Dumping Convention
 - Establishment of procedures and guidelines
 - Implementation of relevant EC Directives
- The reports showed gaps in information on practical implementation measures

TABLE 4

TECHNICAL IMPLEMENTATION OF THE DUMPING PROTOCOL

(Reports submitted by 15 Contracting Parties)

Articles 4, 5 - Dumping Permits	Procedure operational	11 Contracting Parties
	No measures reported	4 Contracting Parties
	No information provided	0 Contracting Parties
Article 8 - Dumping under Force Majeure	Procedure operational	11 Contracting Parties
	No measures reported	0 Contracting Parties
	No information provided	4 Contracting Parties
Article 9 - Dumping in critical situations	Procedure operational	10 Contracting Parties
	No measures reported	0 Contracting Parties
	No information provided	5 Contracting Parties
Article 14 - Quantities of material dumped	Procedure operational	9 Contracting Parties
	No measures reported	0 Contracting Parties
	No information provided	6 Contracting Parties

Findings and conclusions

- Approximately one third of the Contracting Parties have no measures for the issue of dumping permits, and have not provided information. This situation should be rectified.
- Nearly 50% of reporting Contracting Parties provided no information on quantity of materials dumped.
- The majority of Contracting Parties reported that no cases of dumping under force majeure and in critical situation occurred, but approximately one third of them provided no information.

TABLE 5**LEGAL AND ADMINISTRATIVE IMPLEMENTATION OF THE PREVENTION
AND EMERGENCY PROTOCOL**

(Reports submitted by 18 Contracting Parties)

Article 3.1 (a) - International regulations	Measures Reported	18 Contracting Parties					
	No measures reported	0 Contracting Parties					
	No information provided	0 Contracting Parties					
Article 4.1 - Contingency Plan	Measures Reported	12 Contracting Parties					
	No measures reported	5 Contracting Parties					
	No information provided	1 Contracting Party					
Article 4.2 - Measures for pollution prevention	Measures Reported	12 Contracting Parties					
	No measures reported	4 Contracting Parties					
	No information provided	2 Contracting Parties					
Article 5 - Monitoring	Measures Reported	10 Contracting Parties					
	No measures reported	4 Contracting Parties					
	No information provided	4 Contracting Parties					
Article 7.1 - Dissemination of information	Sub-paragraph	a	b	c	d	e	f
	Measures Reported	12	12	7	6	6	7
	No measures reported	5	3	6	7	7	8
	No information provided	1	3	5	5	5	3
Article 7.2 – Information exchange	Measures Reported	8 Contracting Parties					
	No measures reported	0 Contracting Parties					
	No information provided	10 Contracting Parties					
Article 7.3 – Information on bilateral/multilateral agreements	Measures Reported	8 Contracting Parties					
	No measures reported	0 Contracting Parties					
	No information provided	10 Contracting Parties					
Article 14 - Port reception facilities	Measures Reported	9 Contracting Parties					
	No measures reported	5 Contracting Parties					
	No information provided	4 Contracting Parties					
Article 15 - Risk assessment	Measures Reported	9 Contracting Parties					
	No measures reported	4 Contracting Parties					
	No information provided	5 Contracting Parties					
Article 16 - Strategy for reception in places of refuge	Measures Reported	9 Contracting Parties					
	No measures reported	3 Contracting Parties					
	No information provided	6 Contracting Parties					

Findings and conclusions

- Legal provisions exist in most countries, but there is room for improvement.
- Compliance with the terms of relevant IMO conventions has been reported.
- No information has been provided on the operational status of Agreements at sub regional level (exchange of information and assistance in case of emergency).
- Various types of Monitoring systems are in place in most countries.
- Contingency plans at national and local level exist in most countries. From the reports submitted, however, their operational status is not always clear.
- Reception facilities are lacking in approximately 50% of countries. Their preparation is in process with assistance. Reception facilities are, however, fully operational in a number of major ports.
- Aerial surveillance is used by less than 50% of Contracting Parties.
- Gaps in inter-ministerial coordination and in the designation of responsibilities regarding many national institutions have been reported.
- There appears to be a serious shortage of technical means to implement the Protocol.

TABLE 6**TECHNICAL IMPLEMENTATION OF THE PREVENTION
AND EMERGENCY PROTOCOL**

(Reports submitted by 16 Contracting Parties)

Article 4 - National Contingency Plan	Plan operational	10 Contracting Parties
	Plan not operational	5 Contracting Parties
	No information provided	1 Contracting Parties
Article 4 - Operational responsibilities	Officially defined	14 Contracting Parties
	Not officially defined	0 Contracting Parties
	No information provided	2 Contracting Party
Article 4 - Response strategy	Procedure operational	9 Contracting Parties
	Procedure not operational	5 Contracting Parties
	No information provided	2 Contracting Parties
Article 4 - Policy on the use of Dispersants	Policy defined	10 Contracting Parties
	Policy not defined	4 Contracting Parties
	No information provided	2 Contracting Parties
Article 4 - Airborne surveillance	Aircraft available	9 Contracting Parties
	Aircraft not available	5 Contracting Parties
	No information provided	2 Contracting Parties
Article 4 – Availability of Sensitivity maps	Maps available	6 Contracting Parties
	Maps not available	4 Contracting Parties
	No information provided	6 Contracting Parties
Articles 8,9 - Reports on Pollution Incidents	Measures Reported	15 Contracting Parties
	No measures reported	0 Contracting Parties
	No information provided	1 Contracting Parties

Findings and conclusions

- Nearly 50% of Contracting Parties either have no operational contingency plan or provided no information. These countries should develop such plans in conjunction with REMPEC as soon as possible.
- Sensitivity maps are reported as available in less than one third of Contracting Parties. In view of their importance, the other Contracting Parties should develop such maps.
- Only 50% of Contracting Parties reported on operational response strategy. To enable an appropriate response to an emergency situation it is important that strategies be developed.
- A number of Contracting Parties still have to develop adequate reception facilities.

TABLE 7**LEGAL AND ADMINISTRATIVE IMPLEMENTATION OF THE LAND-BASED SOURCES
PROTOCOL**

(Reports submitted by 18 Contracting Parties)

Articles 5.2, 5.3, 5.4 – Action Plans, programmes and Measures	Measures Reported	16 Contracting Parties
	No measures reported	1 Contracting Party
	No information provided	1 Contracting Party
Article 5.5 – Preventive measures	Measures Reported	13 Contracting Parties
	No measures reported	2 Contracting Parties
	No information provided	3 Contracting Parties
Article 6 – Authorization system	Measures Reported	14 Contracting Parties
	No measures reported	2 Contracting Parties
	No information provided	2 Contracting Parties
Article 7.1 (c) – Seawater quality	Measures Reported	12 Contracting Parties
	No measures reported	3 Contracting Parties
	No information provided	3 Contracting Parties
Article 8 (a) – Assessment of pollution levels	Measures Reported	15 Contracting Parties
	No measures reported	1 Contracting Party
	No information provided	2 Contracting Parties
Article 8 (b) – Evaluation of programme effectiveness	Measures Reported	11 Contracting Parties
	No measures reported	3 Contracting Parties
	No information provided	4 Contracting Parties

Findings and conclusions

- Tools of implementation reported
 - Enactment of a considerable numbers of Laws and Regulations
 - Monitoring programs (Monitoring networks are mostly in place)
 - Adoption of national actions plans, LEAPs, Coastal Management plans, also including water management plans to some extent
 - Bilateral agreements, Sub regional initiatives
- Authorization system for discharges is in place in most of countries; Progress reported on implementation of the Interim criteria on bathing and shellfish waters;
- Practical implementation measures not fully reported.

TABLE 8

TECHNICAL IMPLEMENTATION OF THE LAND-BASED SOURCES PROTOCOL
(Reports submitted by 15 Contracting Parties)

Article 6.1 - Authorization for discharge	Procedure operational	9 Contracting Parties
	Procedure not operational	1 Contracting Party
	No information provided	5 Contracting Parties
Article 6.1 - Pollution loads discharged	Procedure operational	11 Contracting Parties
	Procedure not operational	0 Contracting Parties
	No information provided	4 Contracting Party
Article 6.2 - Inspection systems	Procedure operational	13 Contracting Parties
	Procedure not operational	0 Contracting Parties
	No information provided	2 Contracting Parties
Article 6.4 - Sanctions	Procedure operational	10 Contracting Parties
	Procedure not operational	0 Contracting Parties
	No information provided	5 Contracting Parties

Findings and conclusions

- Nearly 50% of reporting Contracting Parties do not possess the necessary mechanism for authorisation for waste discharge and have not provided any information on authorizations granted.
- Only a few Contracting Parties provided information/data on pollution loads discharged in the agreed-on format and one third of those reporting provided no information. In order to enable even an approximate assessment of the regional level pollution load discharged. Contracting Parties should endeavour to supply as much data as possible in the proper format.
- While most countries impose sanctions for non-compliance and provided appropriate figures on those imposed, more than one third of reporting Contracting Parties provided no information as to whether their national laws provided for sanctions or if any had actually been imposed.

TABLE 9

LEGAL AND ADMINISTRATIVE IMPLEMENTATION OF THE SPECIALLY PROTECTED AREAS AND BIODIVERSITY PROTOCOL

(Reports submitted by 17 Contracting Parties)

Article 3 - Management of Protected Areas	Measures Reported	14 Contracting Parties
	No measures reported	2 Contracting Parties
	No information provided	1 Contracting Party
Article 5 – Establishment of Protected Areas	Measures Reported	14 Contracting Parties
	No measures reported	1 Contracting Party
	No information provided	2 Contracting Parties
Article 6 - Protection Measures	Measures Reported	15 Contracting Parties
	No measures reported	1 Contracting Party
	No information provided	1 Contracting Parties
Article 7 - Planning and Management of Protected Areas	Measures Reported	14 Contracting Parties
	No measures reported	2 Contracting Parties
	No information provided	1 Contracting Party
Article 11 (Protection of Species)	Measures Reported	15 Contracting Parties
	No measures reported	1 Contracting Party
	No information provided	1 Contracting Party
Article 13 – Non-indigenous and Genetically modified species	Measures Reported	9 Contracting Parties
	No measures reported	3 Contracting Parties
	No information provided	5 Contracting Parties
Articles 12, 18 - Granting of exemptions	Measures Reported	6 Contracting Parties
	No measures reported	4 Contracting Parties
	No information provided	7 Contracting Parties

Findings and conclusions

- Tools of implementation reported
 - Enactment of Laws and regulations, including sanctions
 - Ratification of relevant non-MAP international legal instruments, Bilateral and/or multilateral agreements
 - Establishment of a considerable number of Specially Protected Areas
 - Implementation of the CITES, Bern and Ramsar Conventions, UNESCO's MAB Programme, and relevant EC directives
 - Elaboration of national actions plans, strategies, physical and management plans for Specially Protected Areas, and their implementation
 - Research activities Monitoring activities, inventories
- Gaps in taking measures *vis a vis* GMOs and non-indigenous species

TABLE 10**TECHNICAL IMPLEMENTATION OF THE SPECIALLY PROTECTED AREAS AND BIODIVERSITY PROTOCOL**

(Reports submitted by 15 Contracting Parties)

Article 5 – Specially Protected Areas established	Areas established	13 Contracting Parties
	Areas not established	1 Contracting Party
	No information provided	1 Contracting Parties
Article 11.2 - Status of protected species	Official lists published	11 Contracting Parties
	No lists published	1 Contracting Party
	No information provided	3 Contracting Parties
Article 13 – Non-indigenous and Genetically modified species	Records available	10 Contracting Parties
	No records available	0 Contracting Parties
	No information provided	5 Contracting Parties
Article 15 - Components of biodiversity	Inventories available	11 Contracting Parties
	No inventories available	2 Contracting Parties
	No information provided	2 Contracting Parties
Article 18 – Exemptions	Exemptions granted	1 Contracting Party
	No exemptions granted	9 Contracting Parties
	No information provided	5 Contracting Parties
Article 23 – Implementation of MAP action plans	Implementation reported	13 Contracting Parties
	No implementation reported	0 Contracting Parties
	No information provided	2 Contracting Parties
Article 23 – Implementation of other Recommendations by Contracting Parties	Implementation reported	7 Contracting Parties
	No implementation reported	0 Contracting Parties
	No information provided	8 Contracting Parties

Findings and conclusions

- Most reporting Contracting Parties have established various types of Specially Protected Areas.
- Official lists of protected species have been published by two thirds of Contracting Parties reporting. The remaining Contracting Parties should accelerate preparations of such lists.
- More information is requested on records of GMO. Seven Contracting Parties provided no information.

- Inventories of the components of biological diversity are still lacking in just over one third of reporting countries.
- Only one Contracting Party granted exemption for scientific research. Nine Contracting Parties granted no exemptions. No other information was available from the other seven Contracting Parties reporting on the Protocol.
- Most Contracting Parties reported implementation of various action plans in the field of species.
- Only just over one third of reporting Contracting Parties have implemented other MAP recommendations regarding Protected Areas and Species. The remainder did not provide any information

TABLE 11**LEGAL AND ADMINISTRATIVE IMPLEMENTATION OF THE OFFSHORE PROTOCOL**

(Reports submitted by 14 Contracting Parties)

Articles 4.1, 5 – Prior Authorization	Measures Reported	12 Contracting Parties
	No measures reported	0 Contracting Parties
	Not applicable	1 Contracting Party
	No information provided	1 Contracting Party
Article 9 – Use and storage of chemicals	Measures Reported	9 Contracting Parties
	No measures reported	1 Contracting Party
	Not applicable	1 Contracting Party
	No information provided	3 Contracting Parties
Article 11 – Control of sewage	Measures Reported	10 Contracting Parties
	No measures reported	1 Contracting Party
	Not applicable	1 Contracting Party
	No information provided	2 Contracting Parties
Article 12 – Discharge of Garbage	Measures Reported	9 Contracting Parties
	No measures reported	2 Contracting Parties
	Not applicable	1 Contracting Party
	No information provided	2 Contracting Parties
Article 13 – Disposal of waste	Measures Reported	7 Contracting Parties
	No measures reported	2 Contracting Parties
	Not applicable	2 Contracting Parties
	No information provided	3 Contracting Parties
Article 15 – Safety measures	Measures Reported	8 Contracting Parties
	No measures reported	1 Contracting Party
	Not applicable	1 Contracting Party
	No information provided	4 Contracting Parties
Article 16 – Contingency Plans	Measures Reported	9 Contracting Parties
	No measures reported	0 Contracting Parties
	Not applicable	1 Contracting Party
	No information provided	4 Contracting Parties
Article 17 – Notification requirements	Measures Reported	9 Contracting Parties
	No measures reported	0 Contracting Parties
	Not applicable	2 Contracting Parties
	No information provided	3 Contracting Parties
Article 20 – Removal of Installations	Measures Reported	8 Contracting Parties
	No measures reported	2 Contracting Parties
	Not applicable	1 Contracting Party
	No information provided	3 Contracting Parties

Article 29 – Existing activities	Measures Reported	2 Contracting Parties
	No measures reported	1 Contracting Party
	Not applicable	3 Contracting Parties
	No information provided	8 Contracting Parties

Findings and conclusions

- Eight Contracting Parties reported the existence of an authorization system for offshore exploration and/or exploitation. Of these three issued no permits.
- Nine of the reporting Contracting Parties provided no information on authorizations granted.
- More than 50% of reporting Contracting Parties provided no information as to whether any application was refused. No Contracting Party reported the refusal of any application.
- No exceptional waste disposal in connection with permits issued was reported as authorized by any Contracting Party. More than 50% of Contracting Parties reporting on this Protocol provided no information.
- More than two thirds of the Contracting Parties provided no information on waste generated from offshore installations

TABLE 12**TECHNICAL IMPLEMENTATION OF THE OFFSHORE PROTOCOL**

(Reports submitted by 9 Contracting Parties)

Article 4.1 - Authorizations granted	Permits issued	5 Contracting Parties
	No permits issued	3 Contracting Parties
	No information provided	1 Contracting Party
Article 4.2 - Applications refused	Applications refused	0 Contracting Parties
	No applications refused	5 Contracting Party
	Not applicable	3 Contracting Parties
	No information provided	1 Contracting Party
Article 9 – Wastes generated	Generated	0 Contracting Parties
	Not generated	5 Contracting Party
	Not applicable	3 Contracting Parties
	No information provided	1 Contracting Parties
Article 14 - Exceptional waste disposal	Exceptions authorised	0 Contracting Parties
	No exceptions authorised	5 Contracting Parties
	Not applicable	3 Contracting Parties
	No information provided	1 Contracting Parties

Findings and conclusions

- Eight Contracting Parties reported the existence of an authorization system for offshore exploration and/or exploitation. Of these, three issued no permits.
- Nine of the reporting Contracting Parties provided no information on authorizations granted.
- More than 50% of reporting Contracting Parties provided no information as to whether any application was refused. No Contracting Party reported the refusal of any application.
- No Contracting Party authorised the exceptional disposal of waste in connection with permits issued. More than 50% of the reporting Contracting Parties provided no information on this.
- More than two thirds of Contracting Parties provided no information on waste generated from offshore installations

TABLE 13

**LEGAL AND ADMINISTRATIVE IMPLEMENTATION OF THE HAZARDOUS WASTES
PROTOCOL**

(Reports submitted by 15 Contracting Parties)

Article 5.2 - Reduction/elimination of wastes	Measures Reported	12 Contracting Parties
	No measures reported	2 Contracting Parties
	No information provided	1 Contracting Party
Article 5.3 – Reduction of transboundary movements of wastes	Measures Reported	12 Contracting Parties
	No measures reported	1 Contracting Party
	No information provided	2 Contracting Party
Article 5.4 - Prohibition of import of wastes	Measures Reported	12 Contracting Parties
	No measures reported	0 Contracting Parties
	No information provided	3 Contracting Party
Article 5.5 - Prevention and punishment of illegal traffic	Measures Reported	12 Contracting Parties
	No measures reported	1 Contracting Party
	No information provided	2 Contracting Parties
Article 6 - Control of movement through territorial seas	Measures Reported	8 Contracting Parties
	No measures reported	3 Contracting Parties
	No information provided	4 Contracting Parties
Article 6.4 - Notification	Measures Reported	11 Contracting Parties
	No measures reported	1 Contracting Party
	No information provided	3 Contracting Parties

Findings and conclusions

- Tools of implementation reported:
 - Enactment of Laws and Regulations
 - Ratification of Basel Convention and its amendment
 - Sanctions, penalties, imprisonment
 - Implementation of EC Directives
- Procedure of notification mostly in place
- Legal administrative frame not fully developed
- Technical assistance required in terms of training and capacity building

TABLE 14**TECHNICAL IMPLEMENTATION OF THE HAZARDOUS WASTES PROTOCOL**

(Reports submitted by 10 Contracting Parties)

Articles 6, 8.2 - Hazardous wastes generated	Information provided	7 Contracting Parties
	No data reported available	2 Contracting Parties
	No information provided	1 Contracting Party
Article 6 - Transboundary movements of hazardous waste	Imports/exports prohibited	1 Contracting Party
	Imports prohibited	3 Contracting Parties
	Import/export details provided	3 Contracting Parties
	Export details provided	3 Contracting Parties
	No data reported available	2 Contracting Parties
	No information provided	1 Contracting Party
Article 8.3 - Disposal options	Options fixed by Law	4 Contracting Parties
	Options under review	1 Contracting Party
	No information provided	5 Contracting Parties

Findings and conclusions

- Nearly two thirds of reporting Contracting Parties either stated that no data on hazardous waste generation was available or provided no information.
- One Contracting Party prohibits both imports and exports.
- Three Contracting Parties prohibit imports of hazardous waste.
- Nearly 50% of reporting Contracting Parties either stated that no data on transboundary movements of hazardous wastes were available or provided no information.
- Four Contracting Parties have disposal option for hazardous waste fixed by laws while in another the matter is under consideration.
- Nearly 75% of reporting Contracting Parties provided no information on disposal options.