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**MEDITERRANEAN ACTION PLAN**

Working Group on Reporting System

Athens, 28 February 2001

**NATIONAL REPORTING OBLIGATIONS WITHIN THE FRAMEWORK  
OF THE MEDITERRANEAN ACTION PLAN**

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## PART I

### INTRODUCTION AND BACKGROUND

#### 1.1. The Mediterranean Action Plan

1. The first Intergovernmental Meeting on the Protection of the Mediterranean, which was convened by UNEP in Barcelona in January/February 1975, adopted one of the largest regional programmes in the marine pollution control field - the Mediterranean Action Plan. As adopted by the governments of the region, the Action Plan had three substantive components. In order of appearance in the relative resolution of the conference (UNEP, 1975), these were Integrated Planning, Environmental Assessment and Legal. A fourth component concerned the programme's institutional and financial implications.

2. The Integrated Planning (later termed Environmental Management) component originally consisted in the "Blue Plan", a prospective multisectorial study linking socio-economic development with environmental preservation. In its current phase, the Blue Plan collects information on a number of key Mediterranean environmental topics, and produces appropriate scenarios to assist Mediterranean countries in long-term planning. At an early stage, in view of the need for immediate practical action on the basis of already-existing knowledge, a second sub-component, the Priority Actions Programme was added to cover sub-regional projects in a number of approved fields. Apart from these activities, which are still ongoing, integrated coastal area management, a holistic approach to the alleviation of developed problems in built-up coastal areas in relation to their impact on the environment, has become the main objective of this programme (UN, 1978; UNEP, 1997b).

3. The Environmental Assessment component (MED POL) was designed to investigate, to the fullest extent possible, the actual state of pollution of the Mediterranean Sea, and to enhance the capabilities of national institutions in the region, particularly those in developing countries, to develop and implement adequate monitoring programmes. One of its main functions was to provide the scientific basis for the development and implementation of legal and administrative measures for pollution prevention and control, and thus provide inputs into both the legal and socio-economic components of the Action Plan. The first or pilot phase of the MED POL Programme was completed at the end of 1980 (UNEP, 1981a), and the second, or long-term, phase (UNEP, 1981b) covered the period 1981 to 1995. The current phase, the Programme for the Assessment and Control of Pollution in the Mediterranean region (MED POL Phase III) commenced in 1996 (UNEP, 1996), and has an even greater emphasis on compliance monitoring than its preceding phases.

4. The legal component of the Mediterranean Action Plan initially consisted of the Convention for the Protection of the Mediterranean Sea against Pollution, and two supporting protocols. These were (1) the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft, and (2) the Protocol concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency. All three instruments were formally adopted by a plenipotentiary conference of Mediterranean States in Barcelona in February 1976 (UN, 1978).

5. Four further Protocols were adopted. The Protocol for the Protection of the Mediterranean Sea against Pollution from Land-based sources was adopted and signed in Athens in 1980 (UN, 1980). The Protocol concerning Mediterranean Specially Protected

Areas was adopted and signed in Geneva in 1982. Two other protocols which are not yet in force are the Protocol on Pollution resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil, adopted and signed in Madrid in 1994, and the Protocol on the Transboundary Movement of Hazardous Wastes and their Disposal, adopted and signed in Izmir in 1996. Only two countries (Morocco and Tunisia) have ratified the former, and three (Malta, Morocco and Tunisia) the latter.

6. The Convention and the Dumping Protocol were amended at a Plenipotentiary Conference in Barcelona in 1995. The scope of both was enlarged. The Convention itself was re-named The Convention for the Protection of the Mediterranean Environment and the Coastal Region of the Mediterranean. The Dumping Protocol became the Protocol for the Prevention and Elimination of Pollution in the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea. The same Plenipotentiary Conference adopted and signed a new Protocol – The Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean – which replaced the 1982 Specially protected Areas Protocol, and came into force in December 1999 following the sixth ratification. The 1980 Land-based Sources Protocol was amended at a Plenipotentiary Conference in Syracuse in 1996, becoming the Protocol for the Protection of the Mediterranean Sea against Pollution from Land-based Sources and Activities. The amended versions of the Convention, the Dumping Protocol and the Land-based Sources Protocol are not yet in force, having so far been accepted by nine, nine and seven Contracting parties respectively. Article 22 of the Convention stipulates that such amendments shall come into force following acceptance by at least three-fourths of the Contracting Parties to the instrument concerned.

7. A Ministerial Conference on Sustainable Development in the Mediterranean, held in Tunis in 1994, adopted the principles of establishing a Mediterranean Commission on Sustainable Development (UNEP, 1997d). It also adopted the principles of Agenda MED 21, which takes up the themes of Agenda 21 of the 1992 Rio United Nations Conference on Environment and Development (UNCED) and adapts them to the regional context. Following its preliminary approval by the Ninth Ordinary Meeting of the Contracting Parties in Barcelona in June 1995 (UNEP, 1995a), the Conference of Plenipotentiaries held immediately thereafter adopted what is termed the Barcelona Resolution on the Environment and Sustainable Development in the Mediterranean Basin (UNEP, 1995b). This Resolution has two appendices: the first of these, the Action Plan for the Protection of the Marine Environment and the Sustainable Development of the Coastal Areas of the Mediterranean (MAP Phase II), which replaced the original Mediterranean Action Plan adopted in 1975. The main elements of the new programme are:

- Sustainable Development in the Mediterranean, incorporating (1) Integrating Environment and Development, (2) Conservation of Nature, Landscape and Sites, (3) Assessment, Prevention and Elimination of Marine Pollution, and (4) Information and Participation;
- Strengthening of the Legal Framework; and
- Institutional and Financial Arrangements.

8. The second appendix to the Resolution listed the Priority Fields of Activities for the Environment and Development in the Mediterranean Basin for the period 1996 to 2005. The main sectors of activity are listed in Section 2.2.2 of this document. The Resolution also included the decision to establish a Mediterranean Commission on Sustainable Development (MCSD) within the framework of the Mediterranean Action Plan.

## 1.2. The framework for national reports

9. The only way by which the effects of legal, administrative and other measures taken by the various countries towards the continuous implementation of the Mediterranean Action Plan can be assessed, both nationally and regionally, is through the acquisition of relevant national data. Part of such data has to be transmitted to the Mediterranean Action Plan Secretariat to form the basis for assessments of the situation at regional level and evaluation of overall progress achieved. Such reports also enable the Secretariat to formulate appropriate follow-up measures for consideration and eventual adoption by the Contracting Parties.

10. For this reason, reporting obligations have been built into all the main components of the Mediterranean Action Plan. The main overall legal obligation is contained in the Barcelona Convention itself. In the original 1976 version of the Convention, Article 20 stipulated that the Contracting Parties shall transmit to the Organization reports on the measures adopted in the implementation of the Convention and of the Protocols to which they are Parties, in such form and at such intervals as the meetings of Contracting Parties may determine. This meant that the reports referred to in this article do not include data in connection with the non-legal components of the Mediterranean Action Plan in terms of recommendations adopted during Contracting Parties' meetings, unless specifically required by any specific article of the Convention or one of the protocols.

11. The equivalent article in the 1995 amended version of the Convention is much more comprehensive. It requires Contracting Parties to report on:

- The legal, administrative or other measures taken by them for the implementation of the Convention, the Protocols, and of the recommendations adopted by their meetings; and
- The effectiveness of the measures referred to in the preceding subparagraph and problems encountered in the implementation of the instruments as mentioned above.

12. The part regarding timing and format remains the same as in the original version of the Convention.

13. A strict interpretation of this article would impose a legal obligation on every country to submit a periodic report on any measure taken by it on any part of the programme. These reporting obligations can be considered as falling into two main categories, namely:

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- Legal obligations – reports to be submitted in conformity with the terms of the Barcelona Convention and Protocols. These would include both periodic and *ad hoc* reports. They would be required from countries in compliance with either specific articles of the Convention and each individual Protocol, or resolutions and recommendations made during ordinary and extraordinary meetings of the Contracting Parties for the implementation of any particular protocol. They would include information on matters falling under any aspect of the Mediterranean Action Plan, so long as such information is specifically required in terms of any article in the Convention or any Protocol. Reports on Activities forming part of the Strategic Action Programme to address Pollution from Land-based Activities, which was adopted by the Contracting Parties at their Tenth Ordinary Meeting in Tunis in 1997, (UNEP, 1997c) will also eventually have to be included in this category as soon as their current “proposed” status becomes definitive.
- Miscellaneous obligations – reports to be submitted in terms of resolutions and recommendations made during ordinary and extraordinary meetings of the Contracting Parties on matters not specifically required in terms of the Convention or any Protocol. These also include both periodic and *ad hoc* reports. Perhaps the main reporting obligation in this category refers to the Priority Fields of Activities for the Environment and Development in the Mediterranean Basin for the period 1996 to 2005.

14. The implications of the above are discussed in the appropriate sections of this document. It is naturally up to the Contracting Parties to decide on the proper interpretation of the obligations in Article 26. The major decision to be taken here is whether the term “and of the recommendations adopted by their meetings” in Article 26.1 (a) should be taken literally to mean any resolution or recommendation, or could be considered to refer only to resolutions and/or recommendations regarding the implementation of the Convention and Protocols. In the meantime, however, the amended version of the Convention is still not in force, and until such time, Contracting Parties are still legally bound by Article 20 of the original version, which would only require reports specified in the first sub-paragraph above. Of course, they would still have the moral obligation to comply with the terms of resolutions and recommendations taken at their various meetings in connection with non-legal issues.

### **1.3. Background and scope of the present document**

15. At their Extraordinary Meeting in Montpellier in July 1996, the Contracting Parties to the Barcelona Convention and Protocols made a number of recommendations in connection with the implementation of the Second Phase of the Mediterranean Action plan (MAP II). In recommending on the strategic priorities in institutional and financial arrangements, the Meeting invited the Secretariat, in consultation with the Contracting Parties and the assistance of two to three experts, to propose the development of a system of coherent reporting by the Contracting Parties in conformity with MAP II and the relevant provisions of the Barcelona Convention and its Protocols (UNEP, 1996).



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16. Two documents were prepared in connection with the above recommendation. The first, prepared by a consultant (Professor E. Scicluna, Malta) in 1997, summarised the background, together with the principles on which a coherent reporting system should be based (UNEP, 1997a). The second, prepared by another consultant (Dr S. Zaouche, Algeria) in 1999, listed the various topics, which Contracting Parties would have to include in their reports to the Secretariat on the implementation of the Convention and Protocols. This report (UNEP, 1999a) was submitted to the Eleventh Ordinary Meeting of the Contracting Parties, held in Malta in 1999), as an information document, but was not discussed.

17. The present document, prepared for UNEP by Dr Louis J. Saliba (Malta), utilises relevant material in both the two previous documents on the subject referred to above, and endeavours to list and describe the periodical reporting commitments of the Contracting Parties in terms of MAP II, the Convention and Protocols. Such commitments are either stipulated in the various articles of the legal instruments in question, or form part of the various resolutions and recommendations adopted or approved by the Contracting Parties in their Ordinary and Extraordinary Meetings.

18. The document also covers the question of *ad hoc* reports (as distinct from periodic reports), but propose specific formats only for what are considered to be the main ones. Similarly, formats for scientific and technical reports consisting of pollution monitoring data are considered to be outside the scope of the present document, and should be dealt with within the overall framework of the MED POL Programme.

19. In proposing general and specific formats for the various reports, three main factors are also taken into account. In view of the existence of a number of global and regional conventions and programmes in similar environmental fields, there is the need for coherence between the reporting commitments required of countries in terms of the Mediterranean Action Plan and in terms of such Conventions and programmes. In addition, as four Mediterranean countries are EU Member States and another four are currently applicants for membership, there is a similar need for harmonisation with the reporting commitments involved in compliance with EU environmental Directives. Finally, considering the volume of information Contracting Parties are required to submit, there is a need for simplicity in the format adopted for its transmission, to ease the burden on national administrations to the extent possible.

## PART II

### NATIONAL REPORTING COMMITMENTS

#### 2.1 Reporting Commitments in terms of legal instruments.

##### 2.1.1. The Barcelona Convention

20. Article 26 of the Barcelona Convention as amended and re-titled in 1995 (The Convention for the Protection of the Marine Environment and the Coastal region of the Mediterranean) states that the Contracting Parties shall transmit to the Organization (UNEP as the body designated in Article 17 to carry out secretariat functions) reports on:

- The legal, administrative or other measures taken by them for the implementation of the Convention, the Protocols, and of the recommendations adopted by their meetings;
- The effectiveness of the measures referred to in the preceding subparagraph and problems encountered in the implementation of the instruments as mentioned above.

21. The above article should also be read in conjunction with Article 27 of the Convention. This states that the meetings of the Contracting Parties shall, on the basis of periodical reports referred to in Article 26 and any other report submitted by the Contracting Parties, assess the compliance with the Convention and the Protocols as well as the measures and recommendations. The article also states that the Contracting Parties shall recommend, when appropriate the necessary steps to bring about full compliance with the Convention and the Protocols and promote the implementation of the decisions and recommendations.

22. The last section of Article 26 states that reports shall be submitted in such form and at such intervals as the Meetings of Contracting Parties may determine. In this context, a number of options are open to Contracting Parties.

23. The first option would be for a periodic comprehensive report, covering all the specific details required by both the legal and non-legal components of MAP. This type of report would anticipate the coming into force of the revised version of the Convention, and would be based on a literal interpretation of the article in question. It would cover all the measures taken by countries in conformity with every aspect of MAP, and could be subdivided into three main elements:

- A general report, which would constitute the country's main overall submission, and be devoted to overall issues. This would cover, *inter alia*, legislation enacted and administrative measures taken to implement the provisions of the Convention and Protocols, together with any relevant material, such as effects of the measures, problems encountered, etc. It would constitute the core of the main periodic report submitted by the Contracting Parties in terms of Article 26 of the Convention, and would be submitted biennially for review at Ordinary meetings;

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- Specific reports as required by each individual Protocol, which would consist mainly in the technical details of compliance, as specified therein. They would not include legal and related measures for implementation, which would form part of the general report described in the preceding subparagraph. The frequency of submission of such specific reports (biennial or annual) would have to be the subject of agreement by the Contracting Parties. Frequency of reporting is defined in some Protocols, though not in others, but biennial review at ordinary meetings of the Contracting parties is a common obligation found in all Protocols.
- A report on, and originating from, other elements of the Mediterranean Action Plan in terms of relevant resolutions and recommendation adopted at Contracting Parties' meetings. Here again, the frequency of submission of such reports (biennial or annual) would have to be the subject of agreement by the Contracting Parties. In general, biennial submission would appear to be called for, unless anything to the contrary is specified.

24. The second option would be to consider two distinct reporting obligations. The first would be on issues arising directly from the terms of the Convention and Protocols (constituting the first two components described in the preceding paragraph). The second would be on other issues within the overall programme, arising from resolutions and recommendations (the third component in the preceding paragraph). Under this option, until such time as the amended version of the Convention comes into force, only the former would be mandatory, in terms of Article 20 of the original version of the Convention, which is the version currently binding on Contracting Parties. The latter could be regarded as optional in that, although still morally binding, it is not entrenched in any of the Mediterranean Action Plan's legal instruments, at least during the transition period. Its future status, on the coming into force of the revised Convention, would depend on how the Contracting Parties eventually decide on the interpretation of Article 26 of the revised Convention.

25. Reporting on most of the measures Contracting Parties take in the implementation of the Convention and Protocols can be considered as falling under the periodic reports detailed above. In some Protocols, certain information has to be communicated to the MAP Secretariat in the form of *ad hoc* reports, in some cases before appropriate action is taken at national level. In such cases, while the next periodic report submitted would be expected to include mention of such circumstances, it would be reasonable to conclude that specific details already submitted by the country as part of the *ad hoc* reports need not be repeated.

26. Article 18 of the Convention states that the Contracting Parties shall hold ordinary meetings once every two years and extraordinary meetings at any other time deemed necessary. The article also states that it shall be the functions of the meetings of the Contracting Parties to keep under review the implementation of the Convention and the protocols and, in particular, *inter alia*:

- To review generally the inventories carried out by Contracting Parties and competent international organizations on the state of marine pollution and its effects in the Mediterranean Sea Area;
- To consider reports submitted by the Contracting Parties under Article 26.



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27. The information referred to in the first sub-paragraph above would be of a mainly scientific nature, providing details of the state of marine pollution in specified areas within the region. It covers both national and regional inventories, and Contracting Parties are expected to contribute to the latter by carrying out the former. The general obligation is contained in Article 12 of the Convention. This states that Contracting Parties shall endeavour to establish, in close cooperation with the international bodies which they consider competent, complementary or joint programmes, including, as appropriate, programmes at the bilateral or multilateral levels, for pollution monitoring in the Mediterranean Sea Area and shall endeavour to establish a pollution monitoring system for that Area. Other specific monitoring requirements are also contained, either directly, or by implication, in the Dumping Protocol (Article 14 (c)), the Land-Based Sources Protocol (Article 8), the Specially Protected Areas Protocol (Article 7.2 (b) and the Offshore Protocol (Article 19).

28. Provision for the reporting of data of this nature has always been covered by the MED POL Programme. Paragraph 5.2 (e) of the current phase of the Programme (MED POL Phase III) includes the monitoring of the implementation of the action plans, programmes and measures for the control of pollution and the assessment of their effectiveness as one of the specific objectives of the Programme. More specific details on the various types of monitoring are contained in the appropriate sections of the Programme as approved and adopted by the Contracting Parties at their extraordinary meeting in Montpellier in 1996 (UNEP, 1996). The programme caters for collection, quality control, storage and analysis of data, and there have always been established procedures and approved formats for data submission. The review of inventories by the Contracting Parties at their ordinary meetings would be on the basis of overall material prepared by the MAP Secretariat on the basis of data received through MED POL, rather than through separate submission by the Contracting Parties.

29. As already stated, there is a more direct link between the monitoring component of the current phase of the MED POL Programme and compliance with the relevant requirements of the Convention and Protocols than was the case with the previous phases of MED POL. There is therefore the need for a thorough review of data reporting requirements within the programme's framework. Such review, which is considered to be outside the scope of this document, would have to be quite comprehensive. It should take into account not only the requirements of each individual Protocol, but also the technical and administrative capabilities of the various Contracting Parties, as well as the data handling capacity of the MAP Co-ordinating Unit. Up to the recent past, the bulk of the monitoring data submitted to the MAP Secretariat within the framework of the MED POL Programme came from countries signing monitoring agreements (and receiving some form of assistance). If the MED POL Programme has to serve (as it should) as the vehicle for compliance with the terms of the Convention and Protocols insofar as technical and related data are concerned, it will have to cater for the receipt of data from all Contracting Parties. This would obviously affect the format in which such data are received, in order to render its collation and analysis feasible.

30. A proposed format for biennial national reports on the implementation of the Convention and Protocols in terms of Article 26 of the Barcelona Convention is given in Section 3.1 of this document. This is mainly devoted to the legal and administrative measures taken during the period under review to implement each legal instrument. It does not include specific information, mainly of a technical nature, required by any particular Protocol, which information is considered as better forming part of a separate report on the

technical implementation of the Protocol in question. Formats for such reports are proposed in the subsequent sections of Part III of this document.

### 2.1.2. The Dumping Protocol

31. There is no specific article on periodic reporting in the Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea, as amended in 1995. However, Article 26 of the Convention applies, as it covers reports regarding the implementation of all Protocols adopted under its framework.

32. Article 14 of the Protocol states that ordinary meetings of the Parties to it shall be held in conjunction with ordinary meetings of Contracting parties to the Convention, and that parties to the protocol may also hold extraordinary meetings. The same article states that it shall be the function of the meetings of the Parties to the Protocol to, *inter alia*:

- Keep under review the implementation of the Protocol, and to consider the efficacy of the measures adopted and the need for other measures, particularly in the form of annexes; and
- Study and consider the records of the permits issued in accordance with Articles 5, 6 and 7 (of the Protocol) and of the dumping which has taken place.

33. Article 5 covers the issue of permits for the types of wastes or other matter the dumping of which is not prohibited. These are detailed in Article 4.2 of the Protocol. Article 6 covers the factors to be considered in the issue of permits, as detailed in the Annex to the Protocol, together with any criteria, guidelines or procedures for the dumping of wastes which the Contracting Parties may adopt. To date, no specific criteria, guidelines or procedures have been adopted on a joint basis, as the revised Protocol is not yet in force, and there was no equivalent stipulation in the original version. In this instance, Contracting Parties bound themselves to consider the contents of Annex III before issuing permits, which obligation is reflected in Article 6.1 of the current version as an alternative to such criteria, guidelines or procedures. Article 7 simply states that Incineration at sea is prohibited, and the *force majeure* provision in Article 8 does not apply to it. No permits can be issued with respect to Article 7, and any reporting provision (unless reference to this Article has been included in Article 14.2 in error) can only be interpreted as referring to any illegal occurrence of incineration at sea.

34. In order to enable the Contracting Parties to keep under review the implementation of the Protocol, and to consider the efficacy of measures adopted, in terms of Article 14.2, reporting by countries cannot be restricted to the records of permits and dumping specified further on in the same article. In this regard, reporting commitments in terms of the Dumping Protocol can be divided into three categories. Matters of a general nature should be included in the Contracting Parties' overall biennial report on the implementation of the Convention and Protocols in terms of Article 26 of the Convention. This type of information should include (a) any item of national legislation enacted, and administrative measures taken, to comply with the Protocol's obligations, together with general information on the number of permits issued and any cases of *force majeure*. Any problems encountered in the implementation procedures should also be reported on here.

35. Records of specific permits issued and details of dumping operations (including those performed under the terms of Article 9) should be reported on within the framework of a separate report on the Protocol. This report could be submitted at agreed-on intervals, either biennially or annually. Under the terms of Article 10 of the Protocol, Contracting Parties are bound to keep records of the nature and quantities of the wastes or other matter





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permitted to be dumped, and of the location, date and method of dumping. Under the terms of Article 14.2 (b), reports should include such information with respect to each permit issued. There is the matter of the technical details regarding the factors considered by the authorities of the respective Contracting Parties when establishing criteria governing the issue of permits, as detailed in the Annex to the current Protocol. When reviewing the efficacy of measures adopted, any criteria adopted in line with the factors listed in the Annex to the protocol would be one of the main indicators. There is no indication as to the degree of detail expected from Contracting Parties in reporting on this particular aspect of any dumping operation, and while some sort of general statement would be necessary, it would appear that there is no legal obligation for any Contracting Party to include details of all the factors listed in the annex on the basis of which permits are granted. It should also be kept in mind that the annex, in its original form was designed to cope with the dumping of substances most of which are now prohibited.

36. Monitoring data to assess the effects of any matter dumped, also constitute one of the main criteria for assessing the efficacy of measures adopted as required by the Protocol. In common with similar data required by the terms of other Protocols, such data should preferably be submitted within the overall framework of the MED POL monitoring programme, which would enable the Secretariat to present overall information to Contracting parties at their meetings in a collated form.

37. Apart from the periodic reporting obligations mentioned above, Article 8 of the Protocol requires an immediate report to the Organization when matter is dumped in cases of *force majeure*. Also, Article 9 stipulates that if any wastes cannot be dumped on land, but have to be disposed of at sea, the Party concerned must forthwith consult the Organization and abide by its recommendations. Such Party has to report to the Organization what steps were taken pursuant to such recommendations. While the details will be submitted in these *ad hoc* reports to the Organization, any occurrences of this nature should also be mentioned in the appropriate periodic reports.

38. Thirteen Mediterranean Coastal States (Croatia, Cyprus, Egypt, France, Greece, Italy, Libya, Malta, Monaco, Morocco, Slovenia, Spain and Tunisia) are also Contracting Parties to the 1972 London Dumping Convention (IMO, 2000a). The original 1976 version of the Mediterranean Protocol was generally based on this Convention, and its annexes. The dumping of substances listed in Annex I was prohibited, while the dumping of Annex II substances required a special permit. Dumping of all other substances or matter required a general permit. Over the years, various amendments have been made to the lists of substances in the annexes of the London Dumping Convention (IMO, 1991). The 1996 Protocol to the London Dumping Convention, adopted by the Special Meeting of Contracting Parties to the Convention in November 1996, is not yet in force. As of 27 July 2000, only one Mediterranean country (Spain) has ratified it, and only one other (Morocco) has signed it subject to ratification (IMO, 2000b). The Protocol amends the Convention considerably, and lists the materials that can be considered for dumping in a new Annex I, with the other annexes detailing the procedures involved in issuing permits and assessing results. This change is reflected in the current version of the Mediterranean Protocol, in which the old annexes I and II have disappeared, and the only wastes that can be dumped, and for which a specific permit is required, are those listed in Article 4.2. In this regard, the Mediterranean list of matter that can be considered for dumping is stricter. Incineration at sea, permitted under the original London Dumping Convention under a special addendum to its Annex I, is prohibited in terms of the 1996 protocol. Article 7 of the Mediterranean Dumping protocol also specifically prohibits it.



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39. Article VI of the London Convention stipulates that each Contracting Party shall, *inter alia*, (a) keep records of the nature and quantities of all matter permitted to be dumped and the location, time and method of dumping, and (b) monitor, individually or in collaboration with other Parties and competent international organizations, the condition of the sea for the purposes of the Convention. This implies that the actual areas to be monitored are the actual dumping sites, plus the adjoining marine areas that may be affected by the dumping. In addition, in the issue of permits, Contracting Parties are bound to comply with the provisions listed in Annex III for the establishment of criteria governing the issue of permits, together with such additional criteria, measures and requirements, as they may consider relevant. Article VI also binds Contracting Parties to report to the Organization, (in this case, the International maritime Organization) the information specified in (a) and (b) above, as well as the criteria, measures and requirements it adopts for issuing permits. All these requirements remain unchanged in terms of the 1996 Protocol.

40. The first requirement (a) in the previous paragraph is practically identical to the terms of Article 10 of the Mediterranean Dumping Protocol. The second requirement (b) has no specific equivalent in the Mediterranean Protocol although, as already stated, it can be considered as covered by implication, as the only means available to detect dumping effects. It can also be considered as falling under the appropriate measures for prevention of pollution by dumping (Article 5) and under the general coverage of monitoring (Article 12) in the revised Barcelona Convention. It is very doubtful, however, whether this aspect of monitoring can be seen as a legal obligation in view of the absence of any specific mention of it in the Mediterranean Action plan's legal component, unless the Contracting parties specifically define which measures and what sort of monitoring apply.

41. The reporting requirements of the Mediterranean Dumping Protocol and the London Dumping Convention are therefore not quite the same. It should be noted that if a Contracting Party to the London Dumping Convention is also a Party to a regional convention and has submitted an annual report on all dumping or incineration operations carried out under a regional convention, that report may be substituted for the stipulated report format adopted by the Consultative Committee of the London Dumping Convention. The Secretariat of the regional convention shall notify the Organization (IMO) of the annual reports submitted under the regional convention (IMO, 1991).

42. This provision would permit a number of Mediterranean States to make only one report regarding both the legal instruments in question. As the Mediterranean Protocol is the stricter of the two in the matter of materials the dumping of which is permitted, compliance with its terms would automatically mean similar compliance with the London Convention. However, the latter's procedures are more comprehensively defined, and the reporting requirements include monitoring data and details of procedures followed which are not mandatory under the Mediterranean protocol. One way of easing the problem would be to try to achieve a Mediterranean report format as close as possible to that utilised for the London Convention. It should be noted, however, that submission of any material by States to the Mediterranean Action Plan Secretariat in excess of that required by the terms of the Protocol could only be optional. Whether the Secretariat of the London Dumping Convention would accept reports from the Secretariats of Regional Conventions that meet only part of their stipulated requirements is a matter that would have to be discussed. Submission of annual (as distinct from biennial) reports to the MAP Secretariat would also be necessary.

43. The London Convention's interpretation of the term "nature of the waste", which countries are obliged to record and transmit when issuing permits, includes chemical analysis of the constituents of the waste. This is particularly applicable in the present context to dredged materials, which are listed as item (a) in Article 4.2 of the Mediterranean Dumping Protocol. In view of the identical wording used in the relevant articles and annex of the two legal instruments, the Mediterranean reporting formats for permits issued should be based on the London model.

44. States having both Mediterranean and non-Mediterranean seabords (Egypt, France, Israel, Morocco, Spain and Turkey) have the option of applying the stricter Mediterranean criteria only in the protocol area, while utilising the London criteria elsewhere. They would also be obliged to report to the Mediterranean Action Plan Secretariat only on operations carried out inside the Barcelona Convention Area, but to report globally to the London Convention Secretariat. This would also apply to any other Mediterranean State carrying out dumping outside the Protocol area.

45. A proposed format for national reports on the technical implementation of the Dumping Protocol is given in Section 3.2. This consists essentially of the format for reports on the disposal of wastes or other matter in terms of Articles 4, 5, 6, 8 and 9 of the Protocol. In view of the need for harmonisation with the requirements of the London Dumping Convention, it is suggested that this report be submitted annually.

### **2.1.3. The Emergency Protocol**

46. The Protocol Concerning Cooperation in Combating Pollution of the Mediterranean Sea by Oil and other Harmful Substances in Cases of Emergency is still in its original form as adopted and signed in 1976. As in the case of the Dumping protocol, there is no specific article on periodic reporting, and Article 26 of the Convention therefore also applies. The situation is also similar in that Article 12 of the Protocol, which provides for meetings to be held in conjunction with those of Contracting Parties to the Convention, states that one of the functions of such meetings shall be to keep under review the implementation of the Protocol, and to consider the efficacy of the measures adopted and the need for other measures, particularly in the form of annexes. The periodic reporting obligations in this regard are therefore of a general nature, to be included in the Contracting Parties' overall biennial reports.

47. There are, however, specific reporting obligations as detailed in Articles 6, 8 and 9. Under the terms of Article 6, Contracting Parties have undertaken to disseminate information concerning their competent national organizations or authorities responsible for combating pollution of the sea by oil and other harmful substances, for receiving reports of pollution of the sea by oil and other harmful substances, and for dealing with matters concerning measures of assistance between Parties. Under the terms of Article 8, they are bound to issue instructions to masters of ships flying their flag, and to the pilots of aircraft registered in their territory, requiring them to report by the most rapid and adequate channel in the circumstances, and in accordance with Annex I to the Protocol, either to a Party or to the Regional Centre, all accidents causing or likely to cause pollution of the sea by oil or other harmful substances, as well as the presence, characteristics and extent of spillages of oil or other harmful substances observed at sea which are likely to present a serious and imminent threat to the marine environment or to the coast or related interest of one or more of the

Parties. Both the Party receiving the information and the Regional Centre are bound to communicate such information to the other Parties likely to be affected by such pollution.

48. Under the terms of Article 9, any Party faced with an emergency situation of grave and imminent danger to the marine environment due to the presence of oil or other harmful substances resulting from accidental causes or to the accumulation of small discharges is bound to make an assessment of the nature and extent of the casualty or emergency, take every practical measure to avoid or reduce the effects of pollution, and immediately inform all other parties, either directly or through the Regional Centre, of these assessments and of any action it has taken or intends to take to combat the pollution. The same article also binds such Party to continue to observe the situation for as long as possible and report thereon in accordance with Article 8.

49. While the periodic report on the technical implementation of the Protocol should include mention of such incidents, if any, there is no obligation to re-submit details which have already been communicated at the proper time.

50. Mediterranean EU Member States are also bound by Council Decision 886/85/EEC of 6 March 1986 (EU, 1986), which establishes a Community information system for the control and reduction of pollution caused by the spillage of hydrocarbons and other harmful substances at sea. This is intended to make available to the competent authorities in the Member States the data required for the control and reduction of pollution caused by the spillage of hydrocarbons and other harmful substances at sea in large quantities. The information system shall comprise:

- A list of national and joint plans for combating pollution caused by the spillage of hydrocarbons at sea, comprising a brief description of the content of the plans and naming the authorities responsible for them;
- An inventory of resources for combating pollution of the sea by hydrocarbons;
- A compendium of hydrocarbon properties and their behaviour and of methods of treatment and end uses of mixtures of water-hydrocarbon-solid matter recovered from the sea or along the coast;
- An inventory, to be compiled gradually by the Commission, of resources for intervention in the event of a spillage at sea of harmful substances other than hydrocarbons;
- A compendium of information, also to be compiled gradually by the Commission, in the light of experience, of information concerning the properties and behaviour of harmful substances or groups of harmful substances other than hydrocarbons.

51. Member States are bound to forward to the Commission the information referred to in (a) the first sub-paragraph above, as well as in the three annexes to the decision, for the first time within twelve months of the day of publication of this Decision in the Official Journal of the European Communities (i.e. by 22 March 1987) and, subsequently, to update the information specified in (a) above in January of each year. Apart from this, Member States are also bound to notify the Commission at the earliest opportunity of substantial changes relating to such information.

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52. The Annexes in question respectively deal with:

- An inventory of resources for combating pollution of the sea by hydrocarbons, the purpose of which is to provide a preliminary indication of the resources available in each Member State which, in the event of an incident and at the request of another Member State, might be made available to that Member State on conditions to be decided between the respective competent authorities;
- A compendium of hydrocarbon properties and their behaviour and of methods of treatment and end uses of mixtures of water- hydrocarbon – solid matter recovered from the sea or along the coast, the aim of which is to provide information, in the form of guidelines, on hydrocarbons in order to facilitate rapid and effective strike action to control the effects of an accidental spillage of hydrocarbons and in order to limit the ultimate long-term impact of contaminated hydrocarbon stocks;
- An inventory of resources for intervention in the event of a spillage of harmful substances other than hydrocarbons, the purpose of which is to provide a preliminary indication of the resources which are available in a Member State for intervention when harmful substances other than hydrocarbons are spilt at sea which, in the event of an incident and at the request of another Member State, might be made available to that Member State on conditions to be decided between the respective competent authorities.

53. Decision No 2850/2000/EC of the European Parliament and of the Council of 20 December 2000 sets up a Community framework for cooperation in the field of accidental or deliberate marine pollution (EU, 2000). This framework for cooperation is intended: (a) to support and supplement Member States' efforts at national, regional and local levels for the protection of the marine environment, coastlines and human health against the risks of accidental or deliberate pollution at sea, sources; (b) to contribute to improving the capabilities of the Member States for response in case of incidents involving spills or imminent threats of spills of oil or other harmful substances at sea and also to contribute to the prevention of the risks, ces within Member States, they shall exchange information on dumped munitions with a view to facilitating risk identification and preparedness measures; (c) to strengthen the conditions for and facilitate efficient mutual assistance and cooperation between Member States in this field; and (d) to promote cooperation between Member States in order to provide for compensation for damage in accordance with the polluter-pays principle. Under the terms of this Decision, EU member States have to provide full information as to their preparedness to combat accidental pollution and to assist other States.

54. The Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC), which has been operational since 1976, performs activities which are practically identical to those described in the 1986 and 2000 EU Decisions. These form an integral part of the Objectives and functions of the Centre, which were revised by the Contracting parties at their sixth ordinary meeting in Athens in 1989 (UNEP, 1989b). There is no legal obligation at the moment within the specific terms of the Protocol for Mediterranean States to submit all this information. Contracting Parties, however, have formally approved the Centre's function of collecting it, and they can therefore be considered as under obligation to provide it.

55. A proposed format for national reports on the technical implementation of the Emergency Protocol is given in Section 3.3. A proposed format for *ad hoc* reports on pollution at sea is given in Section 3.4. In this context, while Annex I to the Protocol specifies the contents of reports to be made pursuant to Article 8, the Contracting Parties, at their fifth Ordinary Meeting in 1987 adopted guidelines for cooperation in combating marine oil pollution in the Mediterranean which include the obligation for Parties to report to the Regional Centre at least all spillages or discharges of oil in excess of 100 cubic metres as soon as they have knowledge of them, using a Standard Alert Format (UNEP, 1987). At their eleventh Ordinary Meeting in 1999, Contracting Parties formally approved a recommendation to utilize and adhere to the POLREP system for the exchange of information when accidental pollution of the sea has occurred or when a threat of such pollution is present (UNEP, 1999b). The proposed format therefore utilizes this system.

56. It should be noted that the Emergency Protocol is currently in the process of being amended. The precise eventual reporting obligations of Contracting Parties in this regard will therefore depend on the final form of the amended version of the Protocol.

#### **2.1.4. The Land-based Sources Protocol**

57. Article 13 of the Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities, as amended and re-named in 1996, specifically states that Contracting Parties shall submit reports every two years (unless decided otherwise by the Meetings of the Contracting Parties) to the Meetings of the Contracting Parties, through the Organization, of measures taken, results achieved and, if the case arises, difficulties encountered in the application of the protocol. The same article also states that procedures for the submission of such reports shall be determined at the meetings of the Parties.

58. The same Article also states that such reports shall include, *inter alia*:

- Statistical data on the authorizations granted in accordance with Article 6 of the protocol;
- Data resulting from monitoring as provided for in Article 8 of the protocol;
- Quantities of pollutants discharged from their territories; and
- Action plans, programmes and measures implemented in accordance with Articles 5, 7 and 15 of the Protocol.

59. Reporting under the terms of this Protocol can be considered as falling into three categories. Firstly, matters of a general nature regarding the Protocol's implementation to be included in the Contracting Parties' overall biennial report. These could include information on Action Plans, programmes and measures implemented. Secondly, specific technical and administrative data regarding authorizations granted and quantities of pollutants discharged, which would constitute a specific report relating to the protocol's implementation. This report could also be submitted biennially. Thirdly, monitoring data, which should be submitted within the overall framework of MED POL monitoring reports,



according to the frequency and the formats being determined by the procedures prevailing in this programme.

60. Under the terms of the original 1980 version of the Protocol, Substances were divided into two Annexes. Discharges of Annex I substances in concentrations above limits to be progressively defined by the Contracting Parties were prohibited. Discharges containing (a) Annex I substances in concentrations below the defined limits and/or (b) Annex II substances were to be permitted subject to the issue of an authorization by the competent national authorities, which in turn had to take into due account a number of factors listed in Annex III to the protocol. These conditions were defined in Articles 5 and 6 of the protocol.

61. Article 7 of the original Protocol also stipulated that the Parties would also progressively formulate and adopt, in cooperation with the competent international organizations, common guidelines and, as appropriate, standards or criteria dealing in particular with, *inter alia*, the quality of seawater used for specific purposes that is necessary for the protection of human health, living resources and ecosystems.

62. Following the coming into force of the Protocol in 1983, a calendar of activities for its technical implementation was adopted in 1985 (UNEP, 1985b). This calendar included a list of Annex I and Annex II substances for which common measures were to be prepared and eventually adopted by Contracting Parties. The Contracting Parties formally approved a number of measures under the terms of Articles 5, 6 and 7 between 1985 and 1996. These measures are given below. Both the substance's position in the original annexes to the Protocol, and their position in the new annexes are given.

63. The following measures were adopted under the terms of Article 5 of the original Protocol:

- Measures to prevent mercury pollution (1987) (UNEP, 1987). Originally in Annex I, item 4, now in Annex I C, item 5.
- Measures for control of pollution by organohalogen compounds (1989) (UNEP, 1989b). Originally in Annex I, Item 1, now in Annex I C, item 1.
- Measures for control of pollution by organotin compounds (1989) (UNEP, 1989b). Originally in Annex I, Item 3, now in Annex I C, item 3.
- Measures for control of pollution by cadmium and cadmium compounds (1989) (UNEP, 1989b). Originally in Annex I, Item 5, now in Annex I C, item 5.
- Measures for control of pollution by used lubricating oils (1989) (UNEP, 1989b). Originally in Annex I, Item 6, now in Annex I C, item 6.
- Measures for control of pollution by organophosphorus compounds (1991) (UNEP, 1991). Originally in Annex I, Item 2, now in Annex I C, item 2.
- Measures for control of pollution by persistent synthetic materials (1991) (UNEP, 1991). Originally in Annex I, Item 7, now in Annex I C, item 14.
- Measures for control of pollution by radioactive substances (1991) (UNEP, 1991). Originally in Annex I, Item 9, now in Annex I C, item 7.
- Measures for the control of pollution by carcinogenic, teratogenic and mutagenic substances (1993) (UNEP, 1993). Originally in Annex I, Item 8, not included in new annex.

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64. The following measures were adopted under the terms of Article 6 of the original Protocol:

- Measures for control of pollution by pathogenic microorganisms (1991) (UNEP, 1991). Originally in Annex II, Item 7, now in Annex I C, item 9.
- Measures for the control of pollution by zinc, copper and their compounds (1996) (UNEP, 1996). Originally in Annex II, item 1, now in Annex I C, item 5.
- Measures for the control of pollution by detergents (1996) (UNEP, 1996). Originally in Annex II, item 5, now in Annex I C, item 12.

65. The following measures were adopted under the terms of Article 7.1 (c) of the original Protocol:

- Interim environmental quality criteria for bathing waters (1985) (UNEP, 1985)
- Interim environmental quality criteria for mercury (1985) (UNEP, 1985)
- Interim environmental quality criteria for shellfish waters (1987) (UNEP, 1987)

66. All the above measures include reporting obligations. These are, generally, the provision to the MAP Secretariat of the fullest possible information on legislation and administrative measures on the subject-matter (a) existing at the time, (b) measures taken in accordance with the terms of the resolution or recommendation in question, and (c) relevant monitoring data. The first requirement is obviously of an *ad hoc* nature, not normally forming part of a periodic report. The second requirement would involve the inclusion within any specific periodic report, of information regarding any measures taken during the period covered by the report in question, while the third would be a regular submission preferably made within the framework of an overall monitoring report.

67. In the current amended version of the Protocol, Articles 5 and 6 have been extensively altered. Article 5 binds the Contracting Parties to elaborate and implement, individually or jointly, as appropriate, national and regional action plans and programmes, containing measures and timetables for their implementation, in order to eliminate pollution deriving from land-based sources, in particular to phase out inputs of the substances that are toxic, persistent and liable to bioaccumulate listed in Annex I. The current version of Article 5 no longer stipulates that programmes and measures shall include, in particular, common emission standards and standards for use, but does not exclude them. The new Annex I contains a number of sections, of which Section C (Categories of substances) includes practically all the items previously listed in Annexes I and II of the previous version of the Protocol. The categories are listed to serve as guidance in the preparation of action plans, programmes and measures. Article 6 stipulates that all point discharges into the Protocol Area, and releases into water or air that reach or may affect the Mediterranean Area, shall be strictly subject to authorization or regulation by the competent of the parties.

68. The provisions of the revised versions of Articles 5 and 6 do not materially alter those of the original versions. Although the new version of the Protocol gives emphasis to tackling the problem at source through the regulation of polluting activities, the control of inputs of Annex I substances (previously Annex I and Annex II substances) into the marine environment through municipal and industrial discharges is not in any way excluded. The measures adopted by the Contracting Parties listed above are therefore equally valid for the amended version of the Protocol, until they are formally superseded by newer ones and, as a result, the reporting commitments included in the relative resolutions have to be complied with. The only exception is the 1993 measure regarding carcinogenic, teratogenic and mutagenic substances, as these substances, previously listed in the original Annex I, are not mentioned in the new Annex I C. The measures adopted under the terms of Article 7 remain valid, as this article has remained unchanged. The reporting commitments of the Contracting Parties in terms of the measures adopted therefore still stand.

69. In terms of the provisions of Articles 5, 6 and 7 of the revised Protocol, at their tenth Ordinary Meeting in Tunis in November 1997, the Contracting Parties adopted a Strategic Action Programme to address Pollution from Land-Based Activities (UNEP, 1997c). Section 6 of this Programme (Reporting) cites the obligations of Contracting Parties in terms of Article 13 of the Protocol, and proposes a number of activities at regional level. The various components of the Strategic Action Plan also involve a large number of national activities on which countries would eventually have to report within the framework of implementation of the Protocol.

70. It should be noted that national activities proposed in the various sections of the Strategic Action Plan include application at the national level of the common measures jointly adopted by the Contracting Parties in terms of the original version of the Land-based Sources Protocol. In addition, the section on Assessment, Prevention and Control of Marine Pollution in the Priority Fields of Activities for the Environment and Development in the Mediterranean Basin, adopted as an appendix to the 1995 Barcelona Resolution on the Environment and Sustainable Development in the Mediterranean Basin (UNEP, 1995b) includes, as one of the priority activities, the promotion of the reduction of the amount of pollution carried into the marine environment, particularly by strengthening capabilities for implementing the 13 specific measures adopted. The above represent an added confirmation of the continued validity of the relative resolutions concerning these measures, including the reporting obligations therein.

71. A number of EU Directives in the field of land-based pollution prevention and control are binding on EU Member States. These essentially deal with very much the same subjects as the relevant articles of the Land-Based Sources protocol, or the measures adopted by resolutions or recommendations of the Contracting Parties in compliance with the Protocol's terms. All the Directives contain some form of reporting commitment.

72. Council Directive 76/160/EEC of 8 December 1975 (EU, 1976a) concerns the quality of bathing waters. In its original form, Article 13 of this Directive required Member States to submit, four years following the notification of the Directive and at regular intervals thereafter, a comprehensive report to the Commission on their bathing water and the most significant characteristics thereof. In Council Directive 91/692/EEC of 23 December 1991,

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standardizing and rationalizing reports on the implementation of certain Directives relating to the environment (EU, 1991b), Article 13 of Directive 76/160/EEC was replaced by a new article stipulating that every year, and for the first time by 31 December 1993, the Member States should send to the Commission a report on the implementation of this Directive in the current year, drawn up on the basis of a questionnaire or outline drafted by the Commission in accordance with the procedure laid down in Article 6 of Directive 91/692/EEC. Mediterranean EU Member States are therefore bound to report both to the EU in terms of this Directive as well as to the MAP Secretariat in terms of their 1985 recommendation on the interim criteria for bathing waters (UNEP, 1985a), whereby they bound themselves to provide monitoring data. The criteria and standards for acceptability of bathing waters in the 1975 EU Bathing Water Directive and in the 1985 Contracting Parties' Interim criteria are however different, and the raw analytical data from monitoring programmes has to be processed differently to determine compliance with standards.

73. Proposals for a new Bathing Water Directive to replace the old 1976 one were made to the EU in 1994 (EU, 1994), but have not been accepted, and new alternative proposals are in preparation. Similarly, proposals for new bathing water standards to substitute the 1985 Mediterranean interim criteria were made in 1996, but the Contracting Parties have delayed consideration of these pending developments regarding the new EU Directive. Unless the eventual mandatory standards adopted in both cases are identical, which is not expected to be the case as the prevailing conditions in the Mediterranean call for equivalence with what the EU consider as guide values, reports by Mediterranean EU Member States to the EU and to the MAP Secretariat will have to remain separate.

74. Council Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community (EU, 1976b) provides for the formulation of emission standards, and for limit values to be determined on the concentrations of substances discharged in municipal and industrial effluents. There is a marked similarity between the Annexes in this Directive and the first two Annexes in the 1980 Mediterranean Land-Based Sources Protocol. Member States were originally obliged to report to the Commission on inventories of discharges, authorisations granted, and monitoring results, but only on specific request.

75. The situation has been altered by the provisions of the previously mentioned Council Directive 91/692/EEC of 23 December 1991 standardizing and rationalizing reports on the implementation of certain Directives relating to the environment (EU, 1991b). Article 4 therein requires Member States to send information to the Commission at intervals of three years on the implementation of this Directive, in the form of a sectoral report, also covering other pertinent Community Directives, to be drawn up on the basis of a questionnaire or outline drafted by the Commission, sent to the Member States six months before the start of the period covered by the report, and submitted to the Commission within nine months of the end of the three-year period covered by it.

76. Council Directive 91/692/EEC of 23 December 1991 standardizing and rationalizing reports on the implementation of certain Directives relating to the environment (EU, 1991b) has also amended the reporting requirements in a number of other environmental Directives, standardising them in the same way, i.e. stipulating three-yearly reports. These include:

- Council Directive 78/176/EEC of 20 February 1978 on waste from the titanium oxide industry (EU, 1978);
- Council Directive 79/923/EEC of 30 October 1979 on the quality required of shellfish waters (EU, 1979b),
- Council Directive 82/176/EEC of 22 March 1982 on limit values and quality objectives for mercury discharges by the chlor-alkali electrolysis industry (EU, 1982);
- Council Directive 83/513/EEC of 26 September 1983 on limit values and quality objectives for cadmium discharges (EU, 1983);
- Council Directive 84/156/EEC of 8 March 1984 on limit values and quality objectives for mercury discharges by sectors other than the chlor-alkali electrolysis industry (EU, 1984a);
- Council Directive 84/491/EEC of 9 October 1984 on limit values and quality objectives for discharges of hexachlorocyclohexane (EU, 1984b).

77. The requirements of the Directives in question overlap to various degrees with those contained in the resolutions and recommendations made by Contracting Parties to the Land-Based Sources Protocol between 1987 and 1996. In this regard, Mediterranean EU Member States would be able to use the same material for their reports to the EU and the MAP Secretariat respectively. There is, however, no question of submitting the same report to the two Organizations concerned, as the EU reports cover a three-year period, while the MAP reports cover a maximum period of two years. In addition, the sectoral report required by the EU covers geographical areas which overlap, but are not identical with, those covered by the Land-based Sources Protocol.

78. A proposed format for National Reports on the technical implementation of the Land-based Sources protocol is given in Section 3.5. This deals with (a) the number of authorizations for discharge granted in accordance with Article 6, together with the relevant details concerning each authorisation and (b) the total amounts of pollutants listed in Annex I C discharged following authorisation. The list of pollutants given in the proposed format excludes those that cannot be quantitatively measured. Also, countries would not be in a position to report on quantities of unauthorised discharges. Information of a legal and/or administrative nature is contained in the appropriate part of the report format in Section 3.1. on the biennial report on the implementation of the Convention and Protocols.

79. A number of additional items will eventually have to be included either in the Biennial report on the implementation of the Convention and Protocols (Section 3.1) or, when appropriate, in the National Reports on the technical implementation of the Land-based Sources Protocol (Section 3.5), on implementation of the Strategic Action Programme to address Pollution from Land-based Activities, which was adopted by the Contracting Parties in Tunis in 1997. Reporting on the Strategic Action Plan is considered to follow a different approach in view of the diversified types of action involved. A specific operational manual for the implementation of the Strategic Action Programme, which will include monitoring of the actions taken by the countries, is currently under development within the framework of the MED POL programme. No specific format for reporting on the Strategic Action Programme is therefore included in the present document.

### 2.1.5. The Specially Protected Areas Protocol

80. Article 23 of the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean binds Contracting Parties to submit to ordinary meetings of the Parties a report on the implementation of the Protocol, in particular on:

- The status and the state of the areas included in the SPAMI (Specially Protected Areas of Mediterranean Importance) list;
- Any change in the delimitation of legal status of the SPAMIs and protected species; and
- Possible exemptions allowed pursuant to Articles 12 and 18 of the Protocol, which respectively cover cooperative measures for the protection and conservation of species and integration of traditional activities in the formulation of protective measures.

81. The establishment of SPAMI lists is covered by Article 8 of the protocol, the procedures for the establishment and listing of SPAMIs by Article 9, and changes in their status by Article 10 of the Protocol.

82. The implementation of the Protocol includes a number of other elements, on which Contracting Parties would also have to include in their report. Apart from the general obligations covered by Article 3, these elements are:

- The establishment of Specially Protected Areas in the marine and coastal areas subject to each Party's jurisdiction (Article 5);
- Protection measures taken (Article 6);
- Planning, management, supervision and monitoring measures taken (Article 7);
- National measures taken for the protection and conservation of species (Article 11);
- Action taken on any cooperative measures for the protection and conservation of species adopted by the Parties (Article 12);
- Measures taken to regulate the introduction of non-indigenous or genetically modified species (Article 13), and compilation of inventories (Article 15).

83. In addition, Article 26 of the Protocol stipulates that meetings of the Parties (which, as in the case of the other Protocols, shall be held in conjunction with meetings of the Contracting Parties to the Convention) are particularly aimed, *inter alia*, at keeping under review the implementation of the Protocol, considering reports transmitted by Contracting Parties under Article 23, and discussing and evaluating the exemptions allowed by the Parties in conformity with Articles 12 and 18.

84. The Regional Activity Centre for Specially Protected Areas (SPA-RAC) has recently prepared an outline format for national reports which was sent to National Focal points of the Centre as a guide on which to prepare their reports for the 1999 Focal Points meeting (UNEP, 1999c). This outline format consisted in:





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- A brief description of the Institutional framework;
- A Brief description of the legal framework governing the conservation of species and sites (with a list of the main legal instruments);
- The status of signature/ratification of relevant national agreements;
- Marine and coastal protected areas (new developments in 1996, 1997 and 1998);
- Protected species of marine fauna and flora;
- Elaboration and implementation of national biodiversity strategy; and
- Preparation or updating of relevant inventories (completed or ongoing).

85. The above format contains points that have to be covered in what can be termed an initial report, in which countries would have to describe the prevailing legal, administrative and technical set-up. For the purpose of periodic reports, the material would have to be split up between (a) legal/administrative updates, to be included in the Parties' biennial reports on the implementation of the Barcelona Convention and Protocols, and (b) Specific reports on the technical implementation of the Specially protected Areas Protocol.

86. There are a number of international Conventions, both global and regional, in the field of nature conservation, to which various Mediterranean States are Parties. The objectives of these Conventions, and the obligations they impose on Parties, overlap to various extents with those of the Mediterranean Specially Protected Areas Protocol. Reporting obligations form an integral part of all these Conventions.

87. All Mediterranean Member States of the Council of Europe (Croatia, Cyprus, France, Greece, Italy, Malta, Slovenia, Spain and Turkey), as well as Monaco, Morocco and Tunisia are Parties to the 1979 Council of Europe Convention on the conservation of European wildlife and natural habitats, commonly referred to as the Bern Convention (Council of Europe, 1979). The aims of this Convention are to conserve wild flora and fauna and their natural habitats, and its scope covers all habitats, including the marine and coastal environment, to which latter the Mediterranean Specially Protected Areas Protocol is necessarily restricted. Contracting Parties to the Bern Convention are bound to take all appropriate and necessary legal and administrative measures to ensure the protection of natural habitats and the species of fauna and flora listed in the various appendices to the Convention (Articles 4-8). A number of exceptions, under circumstances that are listed in Article 9, are allowed. Under this Article, Contracting Parties are bound to report every two years to the Standing Committee established under Article 13 of the Convention on the exceptions made. The details as to what such reports shall contain are listed in Article 9. There is no other reporting obligation.

88. The reports that Contracting Parties to the Bern Convention have to make are completely different from those required from Contracting Parties to the Mediterranean Specially Protected Areas Protocol. The former reports would have to be wider in environmental scope, in that they would cover both aquatic and terrestrial habitats, but would be limited to exceptions made in applying the protection measures specified by the Convention. On the other hand, the latter reports, while limited to the marine and coastal habitats, would have to be much more comprehensive. While there is therefore no contradiction between the reports to be submitted to the two different organizations, there is no question of using the same material to cover both reports.

89. Another international legal instrument of relevance is the Convention on International Trade in Endangered Species of Wild Fauna and Flora, signed at Washington, D.C., on 3 March 1973, and amended at Bonn, on 22 June 1979. (UNEP, 1979a). Fourteen Mediterranean States (Algeria, Cyprus, Egypt, France, Greece, Israel, Italy, Malta, Monaco, Morocco, Slovenia, Spain, Tunisia and Turkey) are Parties to this Convention. Under its terms, each Party must maintain records of trade in specimens of species included in its Appendices I, II and III. These records should cover (a) the names and addresses of exporters and importers; and (b) the number and type of permits and certificates granted; the States with which such trade occurred; the numbers or quantities and types of specimens, names of species as included in Appendices I, II and III and, where applicable, the size and sex of the specimens in question.

90. Each Party is also bound to prepare periodic reports on its implementation of the Convention and to transmit to the Secretariat (a) an annual report containing a summary of the information specified in sub-paragraph (b) of the preceding paragraph, and (b) a biennial report on legislative, regulatory and administrative measures taken to enforce the provisions of the Convention. Such information must be available to the public where this is not inconsistent with the law of the Party concerned.

91. The 1979 Bonn Convention on the Conservation of Migratory Species of Wild Animals, (UNEP, 1979b) covers marine fauna that are accorded equivalent status in the Mediterranean Specially protected Areas Protocol. Eleven Mediterranean States (Croatia, Egypt, France, Greece, Israel, Italy, Monaco, Morocco, Slovenia, Spain, and Tunisia) are Parties to this Convention. The Convention stipulates that the Parties a) should promote, co-operate in and support research relating to migratory species; b) shall endeavour to provide immediate protection for migratory species included in its Appendix I; and c) shall endeavour to conclude Agreements covering the conservation and management of migratory species included in its Appendix II.

92. The Articles of the Convention contain no specific provision regarding periodical reporting, Parties only being bound to inform the Secretariat of exceptions made in the case of endangered species listed in Appendix I, and International agreements on species listed in Appendix II. Article VII.5 states that at each of its meetings the Conference of the Parties shall review the implementation of the Convention and may in particular, *inter alia*, review and assess the conservation status of migratory species, review the progress made towards the conservation of migratory species, especially those listed in Appendices I and II and receive and consider any reports presented by the Scientific Council, the Secretariat, any Party or any standing body established pursuant to an Agreement.

93. Eighteen Mediterranean States (Albania, Algeria, Croatia, Egypt, France, Greece, Israel, Italy, Lebanon, Libya, Malta, Monaco, Morocco, Slovenia, Spain, Syria, Tunisia and Turkey) are Parties to the Convention on Wetlands of international Importance especially as Waterfowl Habitat, signed in Ramsar, Iran in February 1971. The Convention was amended by the Paris Protocol of December 1982 and the Amendments of May 1987. (UNESCO, 1994) The objectives of the Convention are to promote the conservation and management of wetlands and waterfowl. As such, there is an overlap with the Mediterranean Specially protected Areas Protocol, as coastal wetlands are included in the Ramsar Convention. There is no specific periodic reporting commitment in any of the Articles of the Convention. Parties have to inform the International Union for the Conservation of Nature and Natural Resources(IUCN), which performs continuing Bureau

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duties in terms of Article 8 of the Convention, of any wetlands established, of any alterations to this list or any changes in the character of any wetland therein. The implementation of the Convention is discussed by the Conference of the Parties, held at intervals of not more than three years.

94. The 1972 UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage (UNESCO, 1972), commonly referred to as the World heritage Convention (WHC) considers the following as part of the natural heritage:

- Natural features consisting of physical and biological formations or groups of such formations, which are of outstanding universal value from the aesthetic or scientific point of view;
- Geological and physiographical formations and precisely delineated areas which constitute the habitat of threatened species of animals and plants of outstanding universal value from the point of view of science or conservation;
- Natural sites or precisely delineated natural areas of outstanding universal value from the point of view of science, conservation or natural beauty.

95. Twenty Mediterranean Coastal States (Albania, Algeria, Bosnia and Herzegovina, Croatia, Cyprus, Egypt, France, Greece, Israel, Italy, Lebanon, Libya, Malta, Monaco, Morocco, Slovenia, Spain, Syria, Tunisia and Turkey) are Parties to the Convention, which establishes a World Heritage Committee and a World heritage List. The Convention stipulates that every State Party to it shall, in so far as possible, submit to the World Heritage Committee an inventory of property forming part of the cultural and natural heritage, situated in its territory and suitable for inclusion in the World heritage List. This inventory, which shall not be considered exhaustive, shall include documentation about the location of the property in question and its significance.

96. Contracting Parties to the Convention are bound to submit reports to the General Conference of the UNESCO on dates and in a manner to be determined by it. Such reports should include information on the legislative and administrative provisions that they have adopted and other action which they have taken for the application of the Convention, together with details of the experience acquired in this field. The reports are brought to the attention of the World Heritage Committee, which submits a report on its activities at each of the ordinary sessions of the General Conference of UNESCO.

97. The Convention on Biological Diversity was signed in Rio de Janeiro in June 1992 during the United Nations Conference on Environment and Development (UNCED). The objectives of this Convention, to be pursued in accordance with its relevant provisions, are the conservation of biological diversity, the sustainable use of its components and the fair and equitable sharing of the benefits arising out of the utilisation of genetic resources, including by appropriate access to genetic resources and by appropriate transfer of relevant technologies, taking into account all rights over those resources and to technologies, and by appropriate funding (UNEP, 1992b). The articles of the Convention contain a number of obligations in the field of habitat and species conservation. Article 26 stipulates that each Contracting Party shall, at intervals to be determined by the Conference of the Parties, present to the Conference of the Parties, reports on measures which it has taken for the implementation of the provisions of this Convention and their effectiveness in meeting the objectives of this Convention. Seventeen Mediterranean States (Albania, Algeria, Croatia,

Cyprus, Egypt, France, Greece, Israel, Italy, Lebanon, Monaco, Morocco, Slovenia, Spain, Syria, Tunisia and Turkey) are currently Parties to the Convention.

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98. A Memorandum of Cooperation has been signed between the Secretariat of the Convention on Biological Diversity and the Coordinating Unit for the Mediterranean Action Plan aimed at ensuring the harmonised implementation in the Mediterranean region of the Convention and the Mediterranean Specially Protected Areas Protocol. Article 3 of this Memorandum stipulates that the two Secretariats will establish procedures for regular exchanges of information and data in areas of common interest. It has been proposed that a meeting between the national focal points of the two legal instruments in question would discuss and agree on a number of matters of mutual interest, including coordination of the national process for reporting within the network of the two instruments.

99. The Regional Activity Centre for Specially Protected Areas (SPA-RAC) is participating in a feasibility study being co-ordinated by the World Conservation Monitoring Centre (WCMC) on harmonising information management among five biodiversity-related Conventions. These are the Convention on Biological Diversity (CBD), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the Convention on World Heritage (CWH), the Convention on Migratory Species of Wild Animals (CMS), and the Convention on Wetlands of international Importance especially as Waterfowl Habitat (RAMSAR). One of the three programmes of work recommended by a WCMC workshop in April 1998 is devoted to the development of streamlined national reporting to facilitate national reporting to, and implementation of, the Conventions in question. The Protocol concerning Specially Protected Areas has areas of common interest with CWH and RAMSAR concerning sites, and with CMS and CITES concerning species.

100. Eventual harmonisation between the reporting requirements of all these legal instruments will affect mainly the periodic report on the technical implementation of the Specially Protected Areas Protocol, in that the agreed-on format would cover common requirements. It would not, however, affect the main biennial report on the implementation of the Barcelona Convention and Protocols, as this would be devoted to specific legal and administrative issues, and would, of necessity, remain separate.

101. Mediterranean EU member States are also bound by the provisions of Council Directive 92/43/EEC of 21 May 1992 on the Conservation of Natural Habitats and Wild Fauna and Flora (EU, 1992), and Council Directive 97/62/EC of 27 October 1997, adapting this Directive to technical and scientific progress (EU, 1997). The Directive lays down a range of protection measures for habitats and species, which include marine and coastal habitats and species. Member States are bound to submit a detailed report every six years on the implementation of the Directive, and the status of habitats and species as a result of the measures applied. In addition, they are also bound to submit a detailed report on any derogations from the operative articles of the Directive every two years. Mediterranean EU Member States could use extracts from this latter report (containing those areas, habitats and species covered by the Mediterranean Specially Protected Areas Protocol) for reporting on this Protocol. However, the main six-yearly report stipulated by the Directive and the relevant section of the biennial report on the implementation of the Barcelona Convention and Protocols will have to remain two separate issues.

102. Another obligation affecting Mediterranean EU member States is that resulting from Council Directive 79/409/EEC of 2 April 1979 on the Conservation of Wild Birds. This Directive binds Member States to undertake comprehensive protection measures in connection with a number of bird species and their habitats. Reports on national measures taken are required every three years, and reports on derogations granted are required every



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year. As in the preceding case, extracts from these reports, which would include bird species and habitats not covered by the Mediterranean Specially Protected Areas Protocol, could be used for the latter purpose, but the same report cannot be utilised for both legal instruments.

103. A proposed format for national reports on the technical implementation of the Specially Protected Areas Protocol is given in Section 3.6. This includes all the technical information required from Parties in terms of the various articles of the Protocol, and may have to change if and when the harmonisation exercise referred to above is realised. Information of a legal and/or administrative nature is contained in the appropriate part of the report format in Section 3.1 on the biennial report on the implementation of the Convention and protocols.

#### **2.1.6. The Offshore Protocol**

104. Article 25 of the Protocol for the Protection of the Mediterranean Sea against Pollution Resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil, adopted and signed by a Conference of Plenipotentiaries in Madrid in October 1994, stipulates that Contracting Parties shall inform one another directly or through the Organization of measures taken, of results achieved and, if the case arises, of difficulties encountered in the application of the Protocol. The same article also stipulates that procedures for the collection and submission of such information shall be determined at the meetings of the Parties. The Protocol is not yet in force.

105. In its general principles (Article 4), the Protocol stipulates that all activities in the protocol area, including erection on site of installations, shall be subject to the prior written authorization for exploration or exploitation from the competent authority. In Section II (Authorization system), the requirements for authorizations are covered by Article 5, and other matters regarding the granting of authorizations by Article 6. In Section III (Wastes and harmful or noxious substances and materials), Article 9 stipulates, *inter alia*, that:

- The disposal into the protocol Area of harmful or noxious substances and materials resulting from the activities covered by the Protocol and listed in Annex I to the protocol shall be prohibited;
- The disposal into the protocol Area of harmful or noxious substances and materials resulting from the activities covered by the Protocol and listed in Annex II to the protocol requires, in each case, a prior special permit from the competent authority;
- The disposal into the protocol Area of all other harmful or noxious substances and materials resulting from the activities covered by the Protocol, and which might cause pollution requires a prior general permit from the competent authority; and
- The permits referred to in the two preceding subparagraphs shall be issued only after careful consideration of the factors set forth in Annex III to the Protocol.

106. In Section IV (Safeguards), Article 16 stipulates that in cases of emergency, Parties shall implement *mutatis mutandis* the provisions of the Protocol concerning Cooperation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency. In the same Section, Article 19 stipulates that the competent authority shall establish, where appropriate, a national monitoring system in order to be in a position to monitor regularly the installations and the impact of the activities on the environment, so as to ensure that the conditions attached to the grant of the authorizations are being fulfilled. Article 30 (Meetings) stipulates that ordinary meetings of the Parties shall take place in conjunction with ordinary meetings of the Contracting Parties to the Convention, and that the function of such meetings shall include, *inter alia*:

- To keep under review of the implementation of the Protocol and to consider the efficacy of measures adopted and the advisability of any other measures, in particular in the form of annexes and appendices;
- To consider the information concerning authorizations granted or renewed in accordance with Section II of the protocol;
- To consider the information concerning the permits issued and approvals given in accordance with Section III of the Protocol; and
- To consider the records of the contingency plans and means of intervention in emergencies adopted in accordance with Article 16 of the Protocol.

107. In this context, Article 25 (Mutual information) states that the parties shall inform one another directly or through the Organization of measures taken and, if the case arises, of difficulties arising in the application of the Protocol. The same article also states that procedures for the collection and submission of such information shall be determined at the meetings of the Parties.

108. The reporting obligations relevant to this Protocol therefore include (a) matters of general import that would be incorporated into the biennial overall report on the implementation of the Convention and Protocols, and (b) specific details regarding authorizations and permits which would form part of a report on the technical implementation of this particular Protocol. The latter could be submitted at either annual or biennial intervals, as may be determined by the Contracting Parties.

109. A proposed format for national reports on the technical implementation of the Offshore Protocol is given in Section 3.7. This includes all the technical information required from Parties in terms of the various articles of the Protocol, principally the details regarding authorizations granted for seabed exploration and exploitation, and permits for discharge. Information of a legal and/or administrative nature is contained in the appropriate part of the report format in Section 3.1 on the biennial report on the implementation of the Convention and Protocols.



### 2.1.7. The Hazardous Wastes Protocol

110. Article 11 (Transmission of Information) of the Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal states that the Parties shall inform one another of measures taken, of results achieved and, if the case arises, of difficulties encountered in the application of the Protocol. It also states that procedures for the collection and distribution of such information shall be determined at the meetings of the Parties. In addition, paragraph 2 of Article 8 (Regional Cooperation) stipulates that the Parties shall submit annual reports to the Organization regarding the hazardous wastes they generate and transfer within the protocol area in order to enable the Organization to produce a hazardous waste audit.

111. Article 15 (Meetings) states, as is the case with the other Protocols, that ordinary meetings of the Parties shall take place in conjunction with ordinary meetings of the Contracting parties to the Convention. It also states that the functions of the meetings (ordinary or extraordinary) shall be, *inter alia*, to

- Keep under review the implementation of the Protocol and consider any additional measures, including in the form of annexes;
- Consider any information submitted by the Parties to the Organization or to the meetings of the Parties in accordance with the relevant articles of the Protocol.

112. Article 5 of the Protocol (General Obligations) binds the Parties to take all appropriate measures to prevent, abate and eliminate pollution of the Protocol area which can be caused by transboundary movements and disposal of hazardous wastes. The same article gives Parties the right to ban the import of hazardous wastes, and binds them not to permit the export of hazardous wastes to States that have prohibited their import. Article 5 also binds States to co-operate with other United Nations Agencies, relevant international and regional organizations in order to prevent illegal traffic, and to take appropriate measures to achieve this goal, including criminal punishment measures in accordance with their national legislation. This is reinforced by paragraph 2 of Article 9 (Illegal Traffic), which binds Parties to introduce appropriate national legislation to prevent and punish illegal traffic, including criminal penalties on all persons involved in such illegal activities. Any measure taken by any Party in connection with the above should therefore be reported.

113. Article 9.6 binds the Parties to forward, as soon as possible, all information related to illegal traffic to the Organization, which shall distribute the information to all Contracting Parties. Article 13 (Verification) stipulates that any Party which has reason to believe that another Party is acting or has acted in breach of its obligations under the Protocol has to inform the Organization and, in such an event, simultaneously and immediately to inform, directly or through the Organization, the Party against whom the allegation is made. All the above can be considered as constituting material for an *ad hoc* report, as distinct from inclusion in a periodic one. However, any such instances should also be mentioned in the relevant periodic report without, however, inclusion of all the details.

114. Sixteen Mediterranean States (Albania, Algeria, Croatia, Cyprus, Egypt, France, Greece, Israel, Italy, Malta, Monaco, Morocco, Slovenia, Spain, Tunisia and Turkey) are also Parties to the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, signed in Basel in March 1989. The Mediterranean Protocol is generally based on this Convention, and the annexes are practically identical, except for the



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fact that items in Annex I (Categories of Wastes to be controlled) and Annex II (categories of Wastes requiring special consideration) to the Basel Convention are grouped together in Annex I in the Mediterranean Protocol. In all the annexes, the code letters and numbers for the various substances and characteristics are also identical in both legal instruments.

115. Article 3 of the Basel Convention stipulates that each Party shall, within six months of becoming a Party, inform the Secretariat of the Convention of the wastes, other than those listed in Annexes I and II, considered or defined as hazardous under its national legislation and of any requirements concerning transboundary movement procedures applicable to such wastes. Each Party shall subsequently inform the Secretariat of any significant changes to the information it has initially provided.

116. Article 13 of the Convention (Transmission of Information) contains both *ad hoc* and periodic reporting obligations. Parties are bound, whenever it comes to their knowledge, ensure that, in the case of an accident occurring during the transboundary movement of hazardous wastes or other wastes or their disposal, which are likely to present risks to human health and the environment in other States, those states are immediately informed. They are similarly bound to inform each other, through the Secretariat, of:

- Changes regarding the designation of competent authorities and/or focal points;
- Changes in their national definition of hazardous wastes, and, as soon as possible,
- Decisions made by them not to consent totally or partially to the import of hazardous wastes or other wastes for disposal within the area under their national jurisdiction;
- Decisions taken by them to limit or ban the export of hazardous wastes or other wastes;
- Any other information required pursuant to paragraph 4 of the article in question, which states that the Parties, consistent with national laws and regulations, shall ensure that copies of each notification concerning any given transboundary movement of hazardous wastes or other wastes, and the response to it, are sent to the Secretariat when a Party considers that its environment may be affected by that transboundary movement has requested that this should be done.

117. The above represents an *ad hoc* reporting obligation. The same Article stipulates that Parties, consistent with national laws and regulations, shall transmit, through the Secretariat, to the Conference of the Parties established under Article 15 of the Convention, before the end of each calendar year, a report on the previous calendar year, containing the following information:

- Competent authorities and focal points that have been designated by them pursuant to Article 5;
- Information regarding transboundary movements of hazardous wastes or other wastes in which they have been involved, including:
  - (i) The amount of hazardous wastes and other wastes exported, their category, characteristics, destination, any transit country and disposal method as stated on the response to notification;
  - (ii) The amount of hazardous wastes and other wastes imported, their category, characteristics, origin, and disposal methods;
  - (iii) Disposals which did not proceed as intended;

- (iv) Efforts to achieve a reduction of the amount of hazardous wastes or other wastes subject to transboundary movement;

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- Information on the measures adopted by them in implementation of the Convention;
- Information on available qualified statistics which have been compiled by them on the effects on human health and the environment of the generation, transportation and disposal of hazardous wastes or other wastes;
- Information on the measures adopted by them in implementation of the Convention;
- Information on available qualified statistics which have been compiled by them on the effects on human health and the environment of the generation, transportation and disposal of hazardous wastes or other wastes;
- Information concerning bilateral, multilateral and regional agreements and arrangements entered into pursuant to Article 11 of the Convention;
- Information on accidents occurring during the transboundary movement and disposal of hazardous wastes and other wastes and on the measures undertaken to deal with them;
- Information on disposal options operated within the area of their national jurisdiction;
- Information on measures undertaken for development of technologies for the reduction and/or elimination of production of hazardous wastes and other wastes; and
- Such other matters as the Conference of the Parties shall deem relevant.

118. Most of the items detailed above could form part of periodic reports by Mediterranean States to the MAP Coordinating Unit regarding the implementation of the Hazardous Wastes Protocol. Those dealing with legal and related aspects would best fit into the general biennial report on the Convention and protocols. The remainder, which include information required annually in terms of Article 8.2 of the Protocol, could constitute the periodic report on the technical implementation of the Protocol, which would be submitted annually.

119. Within the European Union, Council Directives 84/631/EEC, 85/469/EEC (Transfrontier) and Decision 90/170/EEC deal with the transfrontier shipment of toxic or hazardous waste. Directive 84/631/EEC requires the use of a detailed consignment note detailing the source and composition of the waste, the routes by which it will be transported, measures undertaken to ensure safe transportation and the existence of a formal agreement with the consignee of the waste. Transportation cannot take place until the Member States concerned have acknowledged receipt of notification of the shipment. Objections from a Member State must be based on Community law or international agreements concerning environmental protection, public policy, security or health protection. The Directive also includes conditions for packaging and labelling the waste.

120. Council Regulation (EEC) 259/93 of 1 February 1993 on the Supervision and Control of shipments of waste within, into and out of the European Community (EU, 1993), which entered into force on 6 May 1994, has as its aim the comprehensive regulation of the movement of all waste within, into and out of the EU. The Regulation implements the Basel Convention and OECD Decision on the transfrontier shipment of waste. The shipment of hazardous waste destined for final disposal to non-OECD countries is prohibited. This is to prevent EU and non-OECD operators from dumping hazardous waste in developing countries. Waste for disposal within the EU requires prior authorisation. The principles of self-sufficiency (disposal by Member States of their own waste) and proximity (local waste disposal) also apply. The treatment of wastes for recovery operations within the EU depends on the listing of the wastes in question. Those listed as 'green' largely excluded from the Regulation; those listed as 'amber' subject to a prior notification requirement and those listed as 'red' requiring prior authorisation. The Regulation was amended and extended in February 1997 in relation to waste exports out of the European Union. The amendment implemented into Community law the decision taken under the Basel convention to immediately ban exports of hazardous waste destined for final disposal to non-OECD countries, and to ban by January 1998 all exports of hazardous waste destined for recovery in non-OECD countries.

121. A proposed format for national reports on the technical implementation of the Hazardous Wastes Protocol is given in Section 3.8. This includes all the technical information required from Parties in terms of the various articles of the Protocol, and is based principally on the format of the Basel Convention annual report as far as applicable. This format is also generally in line with that required by the EU Directives detailed above, in particular Council Regulation 259/93/EEC, which stipulates that every calendar year, Member States should submit a report in accordance with Article 13 (3) of the Basel Convention. The periodicity of the proposed report in Section 3.8 (annual or biennial) will have to be decided by the Contracting Parties, but an annual report would be preferable to achieve harmonisation with the Basel Convention and EU Directives. Information of a legal and/or administrative nature is contained in the appropriate part of the report format in Section 3.1 on the biennial report on the implementation of the Convention and Protocols.

#### **2.1.8. Monitoring obligations**

122. Monitoring obligations in terms of the Convention and Protocols have already been discussed briefly under the preceding sections. They are briefly reviewed again here in order to present an overall picture of all obligations in this field.

123. As has been already stated, Article 12 of the Barcelona Convention covers the establishment of a pollution monitoring system for the Mediterranean Sea Area, the elements of which are national programmes. The Dumping Protocol does not specifically mention monitoring, but an assessment of the efficacy of the measures adopted (Article 14.2 (a)) can only be made through monitoring dumping sites and adjoining areas. Article 4 of the Emergencies Protocol carries the general obligation that Parties shall develop and apply monitoring activities covering the Mediterranean Sea Area in order to have as precise information as possible on situations referred to in Article 1 of the Protocol (grave and imminent danger to the marine environment, the coast or the related interests of one or more of the Parties due to the presence of massive quantities of oil or other harmful substances resulting from accidental causes or an accumulation of small discharges which are polluting or threatening to pollute the sea within the Convention Area).



124. Article 8 of the Land-based Sources Protocol specifically binds the Parties to carry out monitoring activities in order to (a) systematically assess the levels of pollution along their coasts, in particular with regard to the sectors of activity and categories of substances listed in Annex I and periodically to provide information in this respect, and (b) to evaluate the effectiveness of action plans, programmes and measures implemented under the Protocol to eliminate to the fullest possible extent pollution of the marine environment. Article 13 of the Protocol requires Parties to submit data from the monitoring in question.

125. Article 3.5 of the Specially Protected Areas Protocol requires Parties to monitor the components of biological diversity, and identify processes and categories of activities which have or are likely to have a significant adverse impact on the conservation and sustainable use of biological diversity, and monitor their effects.

126. Article 13 of the Offshore Protocol requires Parties to establish, where appropriate, a national monitoring system in order to be in a position to monitor regularly the installations and the impact of the activities on the environment, so as to ensure that the conditions attached to the grant of authorizations are being fulfilled. One of the functions of the meetings of the Parties, that of considering the efficacy of measures adopted (Article 30.2 (a)), is dependent on the availability of monitoring results, which therefore have to be reported.

127. The specific objectives of the Programme for the Assessment and Control of Pollution in the Mediterranean (MED POL Phase III), designed to cover the period 1996 to 2005 (UNEP, 1996), include the assessment of all (point and diffuse) sources of pollution and the load of pollution reaching the Mediterranean Sea, and the monitoring of the implementation of the action plans, programmes and measures for the control of pollution and the assessment of their effectiveness. It is therefore, as already stated, the proper channel through which scientific and technical reports in the form of monitoring data should be transmitted by countries to the Mediterranean Action Plan Secretariat. For this reason, it is considered that the proposing of draft formats for submission of monitoring data would be outside the scope of this document. It is proposed that the current set of data report forms utilised within the MED POL programme be reviewed, with a view to introducing all those elements required for implementation of the relevant articles of the various protocols.



## **2.2 Reporting commitments in terms of resolutions and recommendations of the Contracting parties not related to legal instruments**

### **2.2.1. The Barcelona Resolution on the Environment and Sustainable Development in the Mediterranean Basin**

128. Following approval by the Ninth Ordinary meeting of the Contracting Parties in Barcelona in June 1995, the Conference of Plenipotentiaries held immediately thereafter adopted the Barcelona Resolution on the Environment and Sustainable Development in the Mediterranean Basin (UNEP, 1995). In this resolution, Contracting Parties adopted the Mediterranean Action Plan Phase II and, in committing themselves to the full implementation of this Plan, adopted a set of Priority Fields of Activity for the Environment and Development in the Mediterranean Basin for the period 1996 – 2005 (UNEP, 2000). Both the above were included as annexes to the resolution, which also covered the establishment of a Mediterranean Commission for Sustainable Development within the framework of the Mediterranean Action Plan.

129. The Resolution also included the undertaking of a number of activities, *inter alia* in the fields of biological diversity, waste management and clean technologies. It also requests evaluation of the results of the envisaged activities in view of the objectives defined within the framework of the Mediterranean Action Plan Phase II and tasks accorded by the Priority Fields of Activities for the Environment and Development of the Mediterranean Basin (1996-2005) which is subject to a mechanism for monitoring its implementation.

130. The Resolution in question was not adopted in terms of any of the regional legal instruments to which Mediterranean States are Parties (i.e. the Barcelona Convention and protocols). As a result of this, Mediterranean States do not have the legal obligation to submit national reports on activities undertaken in the same sense as reports specifically stipulated by the legal instruments in question. There is, of course, however, the moral obligation to submit periodic progress reports. Such reports should be submitted within the frameworks of the two appendices to the Barcelona resolution: (a) the Action Plan for the Protection of the Marine Environment and the Sustainable Development of the Coastal Areas of the Mediterranean (MAP Phase II) and (b) the Priority Fields of Activities for the Environment and Development of the Mediterranean Basin.

### **2.2.2. MAP Phase II**

131. It would appear *prima facie* that one of the main reporting obligations of the Contracting Parties would be a periodic report on measures undertaken and progress achieved within the general framework of the Action Plan for the Protection of the Marine Environment and the Sustainable Development of the Coastal Areas of the Mediterranean (MAP Phase II). Such a report, however, would have to include both items constituting a legal commitment in terms of the Convention and Protocols, and items for which there is no such legal commitment. MAP Phase II has two operative components: (1) Sustainable Development in the Mediterranean, and (2) Strengthening of the Legal Framework. Action taken at national level on the second of these components would be amply covered by the

biennial national progress report on the implementation of the Convention and Protocols in terms of Article 26 of the Convention, and the periodic reports on the technical implementation of the various protocols, proposed formats for which are given in Section 3 of this document. The reports in question would also cover relevant aspects of the first component, which includes legal measures in a number of its sections.

132. The first component of MAP Phase II (Sustainable Development in the Mediterranean) has four parts:

- Integrating Environment and Development;
- Conservation of Nature, Landscape and Sites;
- Assessment, Prevention and Elimination of Marine Pollution; and
- Information and Participation.

133. These deal mainly with objectives and strategies, but a number of regional and national activities are also indicated. Most of the activities either concern measures to be taken in terms of the Convention or any specific Protocol or, in most cases, deal with specific items that are also listed in the Priority Fields of Activities for the Environment and Development of the Mediterranean Basin.

134. The first part (integrating Environment and Development) contains six sections. The first (Economic Activities on the Environment) contains subsections on Agriculture, Industry, Energy, Tourism and Transport. The second section is devoted to urban management and the Environment. The third (Sustainable management of natural resources) contains subsections on water resources, soil, living marine resources, and forest and plant coverage. The fourth, fifth and sixth sections are respectively devoted to Integrated coastal area management, Elements for a Mediterranean strategy, and National and local capacity building. Except for the fifth section (Elements for a Mediterranean strategy) which deals with regional issues and does not require any national reporting, all the above contain items, mainly connected with measures taken towards the attainment of defined objectives, which can be considered to require reporting on at national level. However, since the activities themselves would be covered by the report on the Priority Fields of activities, the report on this part could consist in brief descriptions of the strategies employed towards the achievement of the various objectives listed.

135. The second section (Conservation of nature, landscape and sites) is devoted to activities to be carried out within the framework of the implementation of the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean. Any separate reporting in any form of detail on this section would only be repeating items essentially falling under the periodic report on the technical implementation of this protocol. Again, all that would be required would be general statements of progress towards the realisation of relevant objectives.

136. The third section (Assessment, prevention and control of marine pollution) includes both measures taken within the framework of the various Protocols concerning land-based and sea-based pollution, and scientific activities such as monitoring. Most of the activities will be reported on as part of the general biennial report on the implementation of the Convention and Protocols or, as appropriate, as part of the periodic reports on the technical implementation of the various Protocols. There would be very little additional reporting on this aspect of MAP Phase II, and a general statement on overall strategy would suffice.



137. The fourth section (Information and participation) includes a number of activities which are not included elsewhere, and the general report on progress achieved in the implementation of national activities within the framework of MAP Phase II should include a brief description of such activities in addition to general strategy statements.

138. In addition to the periodic reports submitted in terms of the legal components of the Mediterranean Action Plan, a combined report on the implementation of the non-legal components of MAP Phase II and the activities undertaken within the framework of the Priority Fields, respectively constituting Appendices I and II to the 1995 Barcelona Resolution, would appear to constitute the most sensible option. It would not, however, be easy to integrate the reporting requirements of the two into one format, as the subsections within each are not the same.

139. It is therefore considered that the most sensible option would be to have a separate report on progress achieved in the implementation of MAP Phase II, excluding the legally binding elements. This report would be of a general nature, and would not cover those specific national activities undertaken in the Priority Fields listed in Appendix II to the Barcelona Resolution. A proposed format for this report will be discussed at a later stage.

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### PART III

#### PROPOSED REPORTING FORMATS

140. With the exception of the proposed format for National *ad hoc* Reports on pollution at sea in terms of Article 8 and Annex I of the Emergencies Protocol (Section 3.4 below), all the other proposed formats are for periodic reports. In this context, therefore, only information pertaining to the specific period under review has to be provided.

141. The main objective of the reports in question is to provide periodically updates of an already-existing baseline situation. It will therefore be necessary for the Coordinating Unit of the Mediterranean Action Plan to take the necessary steps to fill in any gaps in existing knowledge, particularly regarding the status of implementation of the Barcelona Convention and Protocols in the various countries prior to the first report. There are two options available in this respect. The first option would be for the first periodic report to include relevant past information, so that this report would really cover a number of years. The second option would be for the Secretariat to transmit an appropriate questionnaire to all Contracting Parties, requesting them to provide all the basic information up to the beginning of the period from which the first biennial report starts. If this second option is eventually decided on, the Coordinating Unit might wish to survey the information it has already received from the various countries, so that the questionnaire sent out will be aimed at filling gaps, rather than starting afresh.

142. The proposed formats for the various reports are based on the requirements in the Convention and protocols as amended. The Contracting Parties will therefore have to decide as to whether or not they should use these formats even for the interim period before the amended versions of the relative legal instruments enter into force. It would obviously not be worth the effort to produce temporary formats based on the original versions of the various legal instruments.

143. Some of the proposed reporting formats, particularly the first, might appear to be long and unwieldy. It should be remembered, however, that only those parts on which action has actually been taken during the particular period under review have to be completed. Mention of any measure taken during proceeding periods, and not altered since, will not be necessary unless there is some form of progress during the period under review that is considered as worth reporting on.

**3.1 Proposed Format for Biennial National Report on the implementation of the Convention and Protocols in terms of Article 26 of the Barcelona Convention**

1. Country.
2. Period covered by the Report.
3. National Organization responsible for compiling report
4. General remarks on overall national environmental situation during period under review.
5. Signature, ratification of International legal instruments:
  - 5.1 Ratification of amended or new versions of the Convention and Protocols).
  - 5.2 Bilateral or multilateral Agreements relevant to the terms of the Convention and Protocols entered into (Article 3.2. of the Convention)
  - 5.3 Signature, ratification or accession to any international or regional environmental legal instrument relevant to the objectives of the Mediterranean Action Plan.
6. National legislation and administrative measures to implement the Convention and Protocols (Article 14 of the Convention):
  - A. *Convention for the Protection of the Mediterranean Environment and the Coastal Region of the Mediterranean:*
    - I Legal and/or administrative measures taken:
      - 6A1. For the application of the Precautionary Principle and the Polluter Pays Principle (Articles 4.3 (a) and 4.3 (b)).
      - 6A2. To ensure the undertaking of Environmental Impact Assessment studies for relevant activities (Article 4.3 (c)).
      - 6A3. To establish or improve marine pollution monitoring programmes (Article 12.1).
      - 6A4. Regarding access to information by the public, and participation of the Public in decision-making processes (Article 15).
    - II Brief description of any problems or constraints in implementation of the Convention.
  - B. *Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft and Incineration at Sea:*
    - I Legal and/or administrative measures taken:

- 6B1. Regarding the regulation of dumping of wastes and other matter (Articles 4, 5 and 6).

- 6B2. Regarding obligation to report possible contraventions of the Protocol (Article 11).
  - II Brief description of any problems or constraints in implementation of the Protocol.
- C. *Protocol concerning Cooperation in Combating Pollution of the Mediterranean Sea by Oil and other Harmful Substances in Cases of Emergency:*
- I Legal and/or administrative measures taken:
    - 6C1. Regarding the development and implementation of national contingency plans (Article 3) and bilateral and multilateral agreements (Article 4).
    - 6C2. Regarding designation of competent national organizations or authorities for combating pollution (Article 6.1 (a))
    - 6C3. Regarding designation of competent national authorities responsible for dealing with reports on pollution, and for dealing with matters concerning measures of assistance between parties (Article 6.1 (b))
    - 6C4. Regarding instructions for the reporting of accidents (Article 8.1)
  - II Brief description of any problems or constraints in implementation of the Protocol.
- D. *Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities.*
- I Legal and/or administrative measures taken:
    - 6D1. To elaborate and/or implement national action plans and programmes (Article 5.2).
    - 6D2. To implement joint measures adopted by the Contracting Parties in terms of Article 5.2, 5.3 and 5.4 (Articles 5 and 6 of the original protocol).
      - (a) Measures to prevent mercury pollution (1987);
      - (b) Measures for control of pollution by organohalogen compounds (1989);
      - (c) Measures for control of pollution by organotin compounds (1989);
      - (d) Measures for control of pollution by cadmium and cadmium compounds (1989);
      - (e) Measures for control of pollution by used lubricating oils (1989);
      - (f) Measures for control of pollution by organophosphorus compounds (1991);
      - (g) Measures for control of pollution by persistent synthetic materials (1991);
      - (h) Measures for control of pollution by radioactive substances (1991);
      - (i) Measures for control of pollution by pathogenic micro-organisms (1991);



- (j) Measures for the control of pollution by zinc, copper and their compounds (1996) (UNEP, 1996);
- (k) Measures for the control of pollution by detergents (1996).

- 6D3. To reduce to the minimum the risk of pollution caused by accidents (Article 5.5).
- 6D4. To establish authorization or regulation systems for control of discharges, including systems of inspection and sanctions (Article 6).
- 6D5. To implement resolutions adopted by Contracting Parties regarding standards and criteria for the quality of seawater used for specific purposes (Article 7.1).
  - (a) Interim environmental quality criteria for bathing waters (1985);
  - (b) Interim environmental quality criteria for mercury (1985);
  - (c) Interim environmental quality criteria for shellfish waters (1987).
- 6D6. To assess levels of pollution along the coast and whether or not information was provided (Article 8).
- II Brief description of any problems or constraints in implementation of the Protocol.

*E. Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean:*

- I Legal and/or administrative measures taken:
  - 6E1. To protect, preserve and manage marine and coastal areas of particular natural or cultural value, and to protect, preserve and manage threatened and endangered species of marine and coastal flora and fauna (Article 3).
  - 6E2. To establish Specially Protected marine and coastal areas (Article 5).
  - 6E3. To ensure protection in conformity with Article 6, in particular:
    - (a) Strengthening of application of the other Protocols and other treaties (Article 6(a));
    - (b) Prohibition of dumping or discharge affecting protected areas (Article 6(b));
    - (c) Regulation of the passage of ships (Article 6(c));
    - (d) Regulation of introduction of species (Article 6(d));
    - (e) Regulation of activities (Article 6(e), 6(h));
    - (f) Regulation of scientific research activities (Article 6(f));
    - (g) Regulation of fishing, hunting, taking of animals, harvesting of plants, and trade in plants and animals and parts thereof originating from protected areas (Article 6 (g));
  - 6E4. Regarding planning and management of specially protected areas (Article 7);
  - 6E5. For the protection and conservation of species (Article 11);
  - 6E6. To regulate introduction of non-indigenous or genetically modified species (Article 13);

6E7. To grant exemptions from protection measures (Article 12,18).

II Brief description of any problems or constraints in implementation of the Protocol.

*F. Protocol on Pollution resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil:*

I Legal and/or administrative measures taken:

6F1. Regarding prior written authorization for seabed exploration and/or exploitation (Article 4.1) and the requirements for such authorization (Article 5 and Annex 4).

6F2. For the control of use, storage and disposal of chemicals in authorised activities covered by the Protocol (Article 9).

6F3. Regarding the discharge of sewage from installations (Article 11).

6F4. Regarding the disposal of garbage from installations (Article 12).

6F5. Regarding safety measures (Article 15).

6F6. Regarding notification of events on the installation or at sea likely to cause pollution (Article 17).

6F7. Regarding removal of installations (Article 20).

6F8. Regarding activities initiated before the entry into force of the protocol (Article 29).

II Brief description of any problems or constraints in implementation of the Protocol.

*G. Protocol on the Transboundary Movement of Hazardous Wastes and their Disposal:*

I Legal and/or administrative measures taken:

6G1. To reduce or eliminate the generation of hazardous wastes (Article 5.2).

6G2. To reduce the transboundary movement of hazardous wastes or contribute to the elimination of such movement in the Mediterranean (Article 5.3).

6G3. 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).

6G4. To prevent and punish illegal traffic of hazardous wastes (Article 5.5, Article 9).

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- 6G5. To control transboundary movements of hazardous wastes (Article 6).
  - 6G6. To implement the precautionary approach based on prevention of pollution problems arising from hazardous wastes and their transboundary movements and disposal.
- II Brief description of any problems or constraints in implementation of the Protocol.
7. Any relevant general remarks or comments.

**3.2. Proposed Format for National Report on the technical implementation of the Dumping Protocol: Report on the disposal of wastes or other matter in terms of Articles 4, 5, 6, 8 and 9.**

1. Country
2. Period covered by the Report
3. National Organization responsible for compiling report
4. Number of permits issued in terms of Article 6 of the Protocol
5. For each permit issued:
  - (a) Issuing authority
  - (b) Permit start date / Permit expiry date
  - (c) Country of origin of wastes or other matter, and port of loading
  - (d) Detailed specification of wastes or other matter, and description of the process or source from which the waste or other matter is derived
  - (e) Form in which waste or other matter is presented for disposal, *i.e.* solid, liquid or sludge (in case of liquids or sludges, include weight per cent of insoluble compounds)
  - (f) Total quantity (in metric tonnes) of waste or other matter covered
  - (g) Expected frequency of dumping
  - (h) Chemical composition of waste or other matter (this should be sufficiently detailed to provide adequate information, in particular with regard to concentrations of prohibited substances)
  - (i) Properties of waste or other matter (solubility, relative density, pH)
  - (j) Method of packaging, if applicable
  - (k) Method of release
  - (l) Procedure and site for adequate tank washing, if applicable
  - (m) Approved dumping site (geographical position – latitude and longitude, depth of water, distance from nearest coast).
  - (n) Any relevant additional information on the basis of the Annex to the Protocol.
6. Number of occurrences of dumping in cases of *force majeure* in terms of Article 8 of the Protocol, if any.
7. For each such occurrence:
  - (a) Date of dumping
  - (b) Reference number and date of report to Organization
  - (c) Reference number and date of report to any other Contracting Parties (if applicable)
8. Number of occurrences of dumping at sea in critical situations in terms of Article 9 of the Protocol, if any.
9. For each such occurrence:
  - (a) Reference number and date of referral to Organization
  - (b) Date of reply from Organization
  - (c) Date of dumping, if applicable.

10. Total quantities of each material or substance dumped during the period under review.

**3.3. Proposed Format for National Report on the technical implementation of the Emergency Protocol**

1. Country
2. Period covered by the Report
3. National Organization responsible for compiling report
4. Status of National Contingency Plan, including geographical coverage and application to oil, other harmful substances or both
5. Operational responsibilities and command structure of authorities at different hierarchical levels of Government.
6. Response strategy
7. Policy on the use of dispersants
8. Status of capacity for airborne surveillance with/without remote sensing equipment
9. Status of availability of sensitive maps
10. Number of reports of accidents or spillages observed at sea likely to constitute a local emergency
11. For each such report:
  - (a) Date and source of report
  - (b) Type of accident or spill, and nature and amounts of pollutants involved.
  - (c) Request for assistance from other Parties and/or Regional Centre, if any.
  - (d) Assistance provided, and by whom
  - (e) Results of action taken
12. Number of reports of accidents or spillages observed at sea likely to affect other Parties
13. For each such report:
  - (a) Date and source of report
  - (b) Date of transmission of information to other Parties and/or Regional Centre
  - (c) To whom information was transmitted



**3.4 Proposed Format for National *ad hoc* Report on pollution at sea (POLREP).  
(in accordance with Recommendation II A (a) (b) 4 approved by the XIth  
Ordinary Meeting of the Contracting Parties in 1999)**

**POLLUTION REPORTING SYSTEM (POLREP)**

1. The pollution reporting system is for use between Contracting Parties to the Emergency Protocol of the Barcelona Convention themselves and between the Contracting Parties and the Regional Centre, for exchanging information when pollution of the sea has occurred or when a threat of such is present.

2. POLREP is divided into three parts:

1	Part I or POLWARN (figures 1-5)	POLLution WARNing	gives first information or warning of the pollution or the threat
2	Part II or POLINF (figures 40-60)	POLLution INFormation	gives detailed supplementary INFormation, as well as situation reports
3	Part III or POLFAC (figures 80-99)	POLLution FACilities	is used for requesting assistance from other Contracting Parties and for defining operational matters related to the assistance

3. A summarised list of POLREP is given below.

	Address	from ....	to ....
INTRODUCTORY PART	Date Time Group Identification Serial number		

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PART I (POLWARN)	1	Date and time
	2	Position
	3	Incident
	4	Outflow
	5	Acknowledge

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PART II (POLINF)	40	Date and time
	41	Position
	42	Characteristics of pollution
	43	Source and cause of pollution
	44	Wind direction and speed
	45	Current or tide

	46	Sea state and visibility
PART II	47	Drift of pollution
(POLINF)	48	Forecast
(continued)	49	Identity of observer and ships on scene
	50	Action taken
	51	Photographs or samples
	52	Names of other States informed
	53-59	Spare
	60	Acknowledge

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	80	Date and time
	81	Request for assistance
PART III	82	Cost
(POLFAC)	83	Pre-arrangements for the delivery
	84	Assistance to where and how
	85	Other States requested
	86	Change of command
	87	Exchange of information
	88-98	Spare
	99	Acknowledge

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## EXPLANATION OF A POLREP MESSAGE

### INTRODUCTORY PART

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Contents	Remarks
ADDRESS	Each report should start with an indication of the country Whose competent national authority is sending it and of addressee, e.g.:
	FROM:ITA (indicates the country which sends the report)
	TO: GRC (indicates the country to which it is sent) or
	REMPEC (indicates that the message is sent to the Regional Centre).
DTG (Day Time Group)	The day of the month followed by the time (hour and minute) of Drafting the message. Always a 6-figure group which may be followed by month indication. Time should be stated either as GMT, e.g. 092015Z june (i.e. the 9th of the relevant month at 20.15 GMT) or as local time e.g. 092115LT june.

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## IDENTIFICATION

"POL..." indicates that the report might deal with all aspects of pollution (such as oil as well as other harmful substances).

".....REP" indicates that this is a report on a pollution incident. It can contain up to 3 main parts:

Part I (POLWARN) - is an initial notice (a first information or a warning) of a casualty or the presence of oil slicks or harmful substances. This part of the report is numbered from 1 to 5.

Part II (POLINF) - is a detailed supplementary report to Part I. This part of the report is numbered from 40 to 60.

Part III (POLFAC) - is for a requests for assistance from other Contracting Parties, as well as for defining operational matters related to the assistance. This part of the report is numbered from 80 to 99.

BARCELONA CONVENTION indicates that the message is sent within the framework of the Emergency Protocol of the Barcelona Convention.

Parts I, II and III can be transmitted all together in one report or separately. Furthermore, single figures from each part can be transmitted separately or combined with figures from the two other parts.

Figures without additional text shall not appear in the POLREP.

When Part I is used as warning of a serious threat, the telex should be headed with the traffic priority word "URGENT".

All POLREPs containing ACKNOWLEDGE figures (5, 60 or 99) should be acknowledged as soon as possible by the competent national authority of the country receiving the message.

POLREPs should always be terminated by a telex from the reporting State, which indicates that no more operational communication on that particular incident can be expected.

Contents	Remarks																																												
SERIAL NUMBER	<p>Each single report should be possible to identify and the receiving agency should be in a position to check whether all reports of the incident in question have been received. This is done by using a nation-identifier:</p> <table border="0"> <tr> <td>Albania</td> <td>ALB</td> <td>Lebanon</td> <td>LBN</td> </tr> <tr> <td>Algeria</td> <td>DZA</td> <td>Libya</td> <td>LBY</td> </tr> <tr> <td>Bosnia &amp; Herzegovina</td> <td>BIH</td> <td>Malta</td> <td>MLT</td> </tr> <tr> <td>Croatia</td> <td>CRT</td> <td>Monaco</td> <td>MCO</td> </tr> <tr> <td>Cyprus</td> <td>CYP</td> <td>Morocco</td> <td>MAR</td> </tr> <tr> <td>EU</td> <td>EU</td> <td>Slovenia</td> <td>SLO</td> </tr> <tr> <td>Egypt</td> <td>EGY</td> <td>Spain</td> <td>ESP</td> </tr> <tr> <td>France</td> <td>FRA</td> <td>Syria</td> <td>SYR</td> </tr> <tr> <td>Greece</td> <td>GRC</td> <td>Tunisia</td> <td>TUN</td> </tr> <tr> <td>Israel</td> <td>ISR</td> <td>Turkey</td> <td>TUR</td> </tr> <tr> <td>Italy</td> <td>ITA</td> <td></td> <td></td> </tr> </table> <p>Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea</p> <p>REMPEC</p> <p>The nation-identifier should be followed by a stroke and the name of the ship or other installation involved in the accident and another stroke followed by the number of the actual report concerning this particular accident.</p> <p>ITA/POLLUX/1 indicates that this is the first report from Italy concerning the accident of MT "POLLUX".</p> <p>ITA/POLLUX/2, in accordance with the described system, indicates the second report on the same incident.</p>	Albania	ALB	Lebanon	LBN	Algeria	DZA	Libya	LBY	Bosnia & Herzegovina	BIH	Malta	MLT	Croatia	CRT	Monaco	MCO	Cyprus	CYP	Morocco	MAR	EU	EU	Slovenia	SLO	Egypt	EGY	Spain	ESP	France	FRA	Syria	SYR	Greece	GRC	Tunisia	TUN	Israel	ISR	Turkey	TUR	Italy	ITA		
Albania	ALB	Lebanon	LBN																																										
Algeria	DZA	Libya	LBY																																										
Bosnia & Herzegovina	BIH	Malta	MLT																																										
Croatia	CRT	Monaco	MCO																																										
Cyprus	CYP	Morocco	MAR																																										
EU	EU	Slovenia	SLO																																										
Egypt	EGY	Spain	ESP																																										
France	FRA	Syria	SYR																																										
Greece	GRC	Tunisia	TUN																																										
Israel	ISR	Turkey	TUR																																										
Italy	ITA																																												

Part I (POLWARN)

Contents	Remarks
1 DATE AND TIME	<p>The day of the month as well as the time of the day when the incident took place or, if the cause of the pollution is not known, the time of the observation should be stated with 6 figures. Time should be stated as GMT for example, 091900z (i.e. the 9th of the relevant month at 1900 GMT) or as local time for example, 091900lt (i.e. 9th of the relevant month at 1900 local time)</p>



Contents	Remarks
2 POSITION	Indicates the main position of the incident in latitude and longitude in degrees and minutes and may, in addition, give the bearing of and the distance from a location known by the receiver.
3 INCIDENT	The nature of the incident should be stated here, such as BLOWOUT, TANKER GROUNDING, TANKER COLLISION, OIL SLICK, etc.
4 OUTFLOW	The nature of the pollution, such as CRUDE OIL, CHLORINE, DINITROL, PHENOL, etc. as well as the total quantity in tonnes of the outflow and/or the flow rate, as well as the risk of the further outflow. If there is no pollution but a pollution threat, the words NOT YET followed by the substance, for example, NOT YET FUEL OIL, should be stated.
5 ACKNOWLEDGE	When this figure is used the telex should be acknowledged as soon as possible by the competent national authority.

Part II (POLINF)

Contents	Remarks
40 DATE AND TIME	No. 40 relates to the situation described in figures 41 to 60 if it varies from figure 1.
41 POSITION AND/OR EXTENT OF POLLUTION ON/ ABOVE/IN THE SEA	Indicates the main position of the pollution in latitude and longitude in degrees and minutes and may in addition give the distance and bearing of some prominent landmark known to the receiver if other than indicated in figure 2. Estimate amount of pollution (e.g. size of polluted areas, number of tonnes of oil spilled if other than indicated in figure 4, or number of containers, drums etc. lost). Indicates length and width of slick given in nautical miles if not indicated in Fig. 2.
42 CHARACTERISTICS OF POLLUTION	Give type of pollution, e.g. type of oil with viscosity and pour point, packaged or bulk chemicals, sewage. For chemicals give proper name or United Nations number if known. For all, give also appearance, e.g. liquid, floating solid, liquid oil, semi-liquid sludge, tarry lumps,

weathered oil, discolouration of sea, visible vapour.  
Any markings on drums, containers, etc. should be  
given.

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Contents	Remarks
43 SOURCES AND CAUSE OF POLLUTION	For example, from vessel or other undertaking. If from vessel, say whether as a result of a deliberate discharge or casualty. If the latter, give brief description. Where possible, give name, type, size, call sign, nationality and port of registration of polluting vessel. If vessel is proceeding on its way, give course, speed and destination.
44 WIND DIRECTION AND SPEED	Indicates wind direction and speed in degrees and m/s. The direction always indicates from where the wind is blowing.
45 CURRENT DIRECTION AND SPEED AND/OR TIDE	Indicates currents direction and speed in degrees and m/s. The direction always indicates the direction in which the current is flowing.
46 SEA STATE AND VISIBILITY	Sea state indicated as wave height in metres. Visibility in nautical miles.
47 DRIFT OF POLLUTION	Indicates drift course and speed of pollution in degrees and knots and tenths of knots. In case of air pollution (gas cloud) drift speed is indicated in m/s.
48 FORECAST OF LIKELY EFFECT OF POLLUTION AND ZONES AFFECTED	For example, arrival on beach with estimated timing. Results of mathematical models.
49 IDENTITY OF OBSERVER/REPORTER IDENTITY OF SHIPS ON SCENE	Indicates who has reported the incident. If a ship, name, home port, flag and call sign must be given. Ships on scene can also be indicated under this item by name, home port, flag and call sign, especially if the polluter cannot be identified and the spill is considered to be of recent origin.
50 ACTION TAKEN	Any action taken in response to the pollution.
51 PHOTOGRAPHS OR SAMPLES	Indicates if photographs or samples from the pollution have been taken. Telex number of the sampling authority should be given.

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Contents	Remarks
52 NAMES OF OTHER STATES AND ORGANIZATIONS INFORMED	
53 - 59	SPARE FOR ANY OTHER RELEVANT INFORMATION (e.g. results of sample or photographic analysis, results of inspection of surveyors, statements of ship's personnel, etc.)
60 ACKNOWLEDGE	When this figure is used the telex should be acknowledged as soon as possible by the competent national authority.

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Part III (POLFAC)

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Contents	Remarks
80 DATE AND TIME	No. 80 is related to the situation described below, if it varies from figures 1 and/or 40.
81 REQUEST FOR ASSISTANCE	Type and amount of assistance required in form of: <ul style="list-style-type: none"><li>- specified equipment</li><li>- specified equipment with trained personnel</li><li>- complete strike teams</li><li>- personnel with special expertise</li></ul> with indication of country requested.
82 COST	Requirements for cost information to requesting country of delivered assistance.
83 PRE-ARRANGEMENTS FOR DELIVERY OF ASSISTANCE	Information concerning customs clearance, access to territorial waters, etc. in the requesting country.

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Contents	Remarks
84 TO WHERE ASSISTANCE SHOULD BE RENDERED	Information concerning the delivery of the assistance, e.g. rendez-vous at sea with information on AND HOW frequencies to be used, call sign and name of supreme on-scene commander of the requesting country, or land-based authorities with telephone, telex and fax numbers and contact persons.
85 NAMES OF OTHER STATES AND ORGANIZATIONS	Only to be filled in if not covered by figure 81, e.g. if further assistance is later needed by other States.
86 CHANGE OF COMMAND	When a substantial part of an oil pollution or serious threat of oil pollution moves or has moved into the zone of another Contracting Party, the country which has exercised the supreme command of the operation may request the other country to take over the supreme command.
87 EXCHANGE OF INFORMATION	When a mutual agreement has been reached between two parties on a change of supreme command, the country transferring the supreme command should give a report on all relevant information pertaining to the operation to the country taking over the command.
88 - 98	SPARE FOR ANY OTHER RELEVANT REQUIREMENTS OR INSTRUCTIONS
99 ACKNOWLEDGE	When this figure is used the telex should be acknowledged as soon as possible by the competent national authority.

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**3.5. Format for National Report on the technical implementation of the Land-based Sources Protocol**

1. Country
2. Period covered by the Report
3. National Organization responsible for compiling report
4. Statistical information on authorizations granted, as per appendix.
5. Number of sanctions applied in cases of non-compliance with authorizations and regulations.
6. Information on the institutional structure of inspection systems

Appendix

Section 1

Country	Name of contact person	Period From: To:
	Title	
	Address	Date of reporting
	Telephone:	Signature
	Fax:	
	E-mail:	

Appendix (continued)

Section 2

Sector of activity (1)	Number of authorizations	Load of substances released (2) Tons/year	%age of total authorizations (3)
Energy production			
Fertilizer production			
Production and formulation of biocides			
Pharmaceutical industry			
Petroleum refining			
Paper and paper-pulp industry			
Cement production			
Tanning industry			
Metal industry			
Mining			
Shipbuilding and ship repairing industry			
Harbour operations			
Textile industry			
Electronics industry			
Recycling industry			
Other sections of the inorganic chemical industry			
Tourism			
Agriculture			

Appendix (continued)

Section 2 (continued)

Sector of activity (1)	Number of authorizations	Load of substances released (2) Tons/year	%age of total authorizations (3)
Animal husbandry			
Food processing			
Aquaculture			
Treatment and disposal of hazardous wastes			
Treatment and disposal of domestic wastewater			
Management of municipal solid waste			
Disposal of sewage sludge			
Waste management industry			
Works which cause physical alteration of the natural state of the coastline			
Transport			

Section 3

Total load of substances released from all sectors of activities	Quantities Tons/year
Organohalogen compounds	
Organophosphorus compounds	
Organotin compounds	



Section 3 (continued)

Total load of substances released from all sectors of activities	Quantities Tons/year
Polycyclic aromatic hydrocarbons	
Heavy metals and their compounds	
Used lubricating oils	
Radioactive substances, including their wastes	
Biocides and their derivatives	
Crude oils and hydrocarbons of petroleum origin	
Cyanides and fluorides	
Non-biodegradable detergents and surface-active substances	
Compounds of nitrogen and phosphorus	
Litter, persistent or processed solid material	
Acid or alkaline compounds	
Non-toxic substances that have an adverse effect on the oxygen balance (specify)	
Non-toxic substances that have adverse effects on the physical or chemical characteristics of seawater (specify)	

- (1) According to LBS Protocol, Annex 1, Section A
- (2) According to LBS Protocol, Annex 1, Section C  
(Please note that one sector could release more than one substance)
- (3) The percentage of authorizations of each sector of activity from the total authorizations granted during the reporting period.



**3.6. Proposed Format for National Report on the technical implementation of the Specially Protected Areas Protocol**

1. Country
2. Period covered by the Report
3. National Organization responsible for compiling report
4. List of Specially Protected Areas established in terms of Article 5 (unless already covered by national biennial report on implementation of Convention and protocols).
5. Proposals made for inclusion of areas in SPAMI list (Article 9)
  - (a) Date of proposal/s
  - (b) Attach list of areas proposed
6. SPAMI lists:
  - (a) The status and state of the areas included in the SPAMI list (Article 23(a))
  - (b) Any changes in the delimitation or legal status of the SPAMIs and protected species (Article 23 (b)).
7. New records of non-indigenous or genetically modified species likely to cause damage (Article 13.2).
8. Inventories of the components of biological diversity (Article 15).
  - (a) Date of compilation or updating of inventory of areas containing rare or fragile ecosystems;
  - (b) Date of compilation or updating of inventory of threatened or endangered flora and or fauna.
  - (c) Attach inventory/inventories, unless already previously submitted in *ad hoc* report.
9. Exemptions granted from protection measures (Articles 12, 18, 23(c)).
10. Implementation of the four action plans for threatened species adopted within the framework of MAP.
11. Implementation of other relevant recommendations of Contracting Parties not already included in national biennial report on implementation of Convention and Protocols.

**3.7. Proposed Format for National Report on the technical implementation of the Offshore Protocol**

1. Country
2. Period covered by the Report
3. National Organization responsible for compiling report
4. Number of authorizations granted for seabed exploration and/or exploitation Article 4.1).
5. Number of applications for authorization refused (Article 4.2).
6. For each authorization granted (Articles, 4, 9, 21):
  - (a) Date of authorization
  - (b) Period covered by authorization
  - (c) Brief description of activity authorised
  - (d) Geographical site of activity
  - (e) Substances covered by special disposal permit
  - (f) Site of discharge of substances in (e) above
  - (g) Substances covered by general disposal permit
  - (h) Site of discharge of substances in (g) above
  - (i) Any special restrictions or provisions for safeguarding specially protected areas
7. Number of disposals carried out in terms of Article 14 (Exceptions), and dates of reports to Organization in terms of Article 14.3.
8. Nature and total quantities of wastes involved in 6 above.

**3.8. Proposed Format for national Report on the technical implementation of the Hazardous Wastes Protocol**

1. Country
2. Period covered by the Report
3. National Organization responsible for compiling report
4. Information regarding generation of hazardous wastes generated, including the amount of hazardous wastes and other wastes imported, their category, characteristics, origin, and disposal methods (Article 8.2).
5. Information regarding transboundary movements of hazardous wastes or other wastes in which they have been involved (Article 6, Article 8.2), including:
  - (a) The amount of hazardous wastes and other wastes exported, their category, characteristics, destination, any transit country and disposal method as stated on the response to notification;
  - (b) The amount of hazardous wastes and other wastes imported, their category, characteristics, origin, and disposal methods;
  - (c) Disposals which did not proceed as intended;
6. Information on accidents occurring during the transboundary movement and disposal of hazardous wastes and other wastes and on the measures undertaken to deal with them (Article 8.2);
7. Information on disposal options operated within the area of their national jurisdiction (Article 8.3)

## PART IV

### REFERENCES

- Council of Europe (1979).** Convention on the conservation of European wildlife and natural habitats. European Treaty Series /104. Council of Europe, Strasbourg.
- EU (1976a).** Council Directive 76/160/EEC of 8 December 1975 concerning the quality of bathing waters. Official Journal of the European Communities, L31/76 (05/02/1976), pp 0001-0007.
- EU (1976b).** Council Directive 76/464/EEC of 4 May 1976 on pollution caused by certain dangerous substances discharged into the aquatic environment of the Community. Official Journal of the European Communities, L129/76 (18/05/1976), pp 0023-0029.
- EU (1978).** Council Directive 78/176/EEC of 20 February 1978 on waste from the titanium oxide industry. Official Journal of the European Communities, L054/78 (25/02/1978), pp 0019-0024.
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