



UNITED
NATIONS

EP

UNEP/MED CC.14/Inf.4



UNITED NATIONS
ENVIRONMENT PROGRAMME
MEDITERRANEAN ACTION PLAN

16 May 2018
Original: English

14th Meeting of the Compliance Committee of the Barcelona Convention and its Protocols

Athens, Greece, 27-29 June 2018

Agenda item 5: Status of Reporting and Examination of Reports Received under Article 26 of the Barcelona Convention

Assessment of the Information Contained in the Updated Synthesis Analysis and Updated General Status of Progress as regards the Barcelona Convention and the Protocol Concerning Specially Protected Areas and Biological Diversity in the Mediterranean

Note by the Secretariat:

This document presents the assessment of the information contained in the Updated Synthesis Analysis and Updated General Status of Progress as regards the Barcelona Convention and the SPA/BD Protocol, in support to the key findings contained in document UNEP/MED CC.14/6.

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

UNEP/MAP
Athens, 2018

Assessment of the Information Contained in the Updated Synthesis Analysis and Updated General Status of Progress as regards the Barcelona Convention and the Protocol Concerning Specially Protected Areas and Biological Diversity in the Mediterranean

Introduction

1. The paragraphs below provide an assessment of the information contained in the Updated Synthesis Analysis (UNEP/MED CC. 14/5) and the Updated General Status of Progress (UNEP/MED CC. 14/Inf.5) as regards the Barcelona Convention and the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean (SPA/BD Protocol).
2. The assessment is presented per instrument following the structure of the reporting format for the implementation of the Barcelona Convention and its Protocols, as adopted by COP 2008 Decision IG. 17/3.

Barcelona Convention: Status of Reporting for the biennium 2014-2015 (As of 10 May 2018)

Contracting Parties	Albania	Algeria	Bosnia and Herzegovina	Croatia	Cyprus	European Union	Egypt	France	Greece	Israel	Italy	Lebanon	Libya	Malta	Monaco	Montenegro	Morocco	Slovenia	Spain	Syria	Tunisia	Turkey
Legal instrument																						
1976 Barcelona Convention																						
1995 Amendments																						
Reporting Contracting Parties																						

Instrument of ratification, acceptance, approval or accession deposited and Convention into force

No instrument of ratification, acceptance, approval or accession deposited

Biennium 2014-2015: 16 national implementation reports submitted

Biennium 2014-2015: 6 national implementation reports pending



Blank



Barcelona Convention: Assessment

Legal Measures: This part seeks to determine whether Contracting Parties have established the legal framework to: (1) implement the precautionary principle and the polluter paid principle (Article 4.3.a and b); (2) notification exchange in case of transboundary EIA (Article 4.3.c); (3) promote Integrated Coastal Zone Management (ICZM) (Article 4.3.e); (5) monitor the pollution of the marine environment and its coastal areas (Article 12), and (6) ensure public information and participation (Article 15).

3. The precautionary principle (Article 4.3(a)) has been incorporated into the domestic legislation of nearly all reporting Contracting Parties (15 out of 16), by both general and sectoral laws. Work is reported to be on-going in the remaining reporting Contracting Party. Regarding the incorporation of the polluter pays principle (Article 4.3(b)) into domestic legislation, this has been taken forward by all reporting Contracting Parties.

4. All reporting Contracting Parties have reported having put in place Environmental Impact Assessment (EIA) and/or Strategic Assessment regulations, thereby activities which are likely to cause

a significant adverse impact on the marine environment are subject to an EIA (Article 4.3(c)). However, only 9 out of 16 reporting Contracting Parties have reported having put in place the cooperation mechanisms of notification, exchange of information and consultation among the concerned states in cases of transboundary EIA (Article 4.3(d)).

5. As per Article 4.3(e), 13 out of 16 reporting Contracting Parties have reported that Integrated Coastal Zone Management (ICZM) principles have been integrated into their domestic legal and policy frameworks through a variety of instruments.

6. All reporting Contracting Parties have reported having established environmental monitoring programmes and articulated the legal and policy framework for the implementation of their programmes through general and/or sector-oriented acts, as per Article 12. Regarding the designation of competent authorities responsible for pollution monitoring within areas under national jurisdiction, all reporting Contracting Parties except one have answered this question affirmatively.

7. As regards Article 15.1, information provided within the Updated Synthesis Analysis shows that, 15 out of 16 reporting Contracting Parties have reported having set up mechanisms to ensure the public access to environmental information. Regarding the public access to information related to the activities adversely affecting or likely to affect the marine environment and its coastal areas, 14 out of 16 reporting Contracting Parties have responded to this question affirmatively. Concerning the public access to information related to activities carried out and/or measures taken to implement the Barcelona Convention and its Protocols, 12 out of 16 reporting Contracting Parties have reported having taken action in this regard by publishing relevant information on ministries/agencies websites, press conferences, or seminars.

8. As far as it concerns the public participation and consultation in decision-making processes related to the development of policies and legislation for the protection of the marine environment and its coastal area (Article 15.2), 14 out of 16 reporting Contracting Parties have reported having put in place the measures needed. Regarding the public participation and consultation in EIA processes, 15 out of 16 reporting Contracting Parties have answered this question affirmatively. Finally, 9 out of 16 reporting Contracting Parties have responded affirmatively to the question related to public participation in the process of authorization of proposed activities likely to cause damage to the marine environment and its coastal areas.

Policy Measures. This part seeks to determine whether policy measures have been put in place addressing: (1) domestic strategies for sustainable development, (2) regional strategies adopted in the framework of MAP, (3) Integrated Coastal Zone Management (ICZM) and physical planning and (4) economic instruments.

9. As regards Article 4: (a) marine and coastal protection is part of domestic strategies for sustainable development in 15 out of 16 reporting Contracting Parties, (b) marine and coastal protection from Land-Based Sources (LBS) is integrated into domestic strategies, including the ones on sustainable development in 12 out of 16 reporting Contracting Parties, (c) the protection and conservation of marine and coastal biodiversity is part of national sustainable development strategies and other relevant sectoral development policies in 14 out of 16 reporting Contracting Parties, (d) ICZM has been used as an tool for coastal planning in 9 out of 15¹ reporting Contracting Parties, and (e) economic instruments (taxes, fees, funds etc.) have been established for the protection of the marine environment and its coastal areas in 9 out of 16 reporting Contracting Parties.

Allocation of resources. This part seeks to gather information on the institutional arrangements in place to: apply the polluter paid principle (Article 4), notification exchange in case of transboundary EIA (Article 4), apply Integrated Coastal Zone Management (ICZM) (Article 4), monitor marine pollution (Article 12), and ensure public access to information and public participation in the decision-making process (Article 15).

10. In relation to the Article 4.3(b) that refers to the polluter pays principle and the use of economic instruments, 13 out of 16 reporting Contracting Parties have reported having established the institutional structures to implement the polluter pays principle and economic instruments. The ratio slightly decreases as regards Article 4.3(c), with 11 out of 16 reporting Contracting Parties having set up the institutional structures to conduct EIAs or implement the notification process in case of

Transboundary Environmental Impact Assessments (TEIAs). Concerning Article 4.3(e), 12 out of 16 reporting Contracting Parties have reported to have in place the institutional mechanism needed to apply ICZM when preparing coastal zone management plans at national, regional or local levels.

11. Within the framework of Article 12, 12 out of 16 reporting Contracting Parties have established the institutional structures to carry out their marine pollution monitoring programmes.

12. Regarding public access to information (Article 15.1), 15 out of 16 reporting Contracting Parties have reported having established the institutional structures to ensure public access to information. As regards public participation in the decision-making process (Article 15.2), 14 out of 16 reporting Contracting Parties have answered affirmatively to this question.

Other measures. This part seeks to collect information on the monitoring arrangements in place and the access to marine environmental data by the public.

13. As per Article 12.1, 12 out of 16 reporting Contracting Parties have reported having established monitoring programmes to assess the state of the marine environment and its coastal areas in compliance with domestic standards on releases and/or quality marine environment criteria.

14. As regards Article 15, in 13 out of 16 reporting Contracting Parties periodical assessment reports and data on the state of the marine environment, including description of measures taken and their effectiveness are available to the public.

SPA/BD: Status of Reporting for the biennium 2014-2015 (As of 10 May 2018)

Contracting Parties	Albania	Algeria	Bosnia and Herzegovina	Croatia	Cyprus	European Union	Egypt	France	Greece	Israel	Italy	Lebanon	Libya	Malta	Monaco	Montenegro	Morocco	Slovenia	Spain	Syria	Tunisia	Turkey
Legal instrument																						
1982 SPA Protocol																						
1995 SPA and BD Protocol																						
Reporting Contracting Parties																						

Instrument of ratification, acceptance, approval or accession deposited and Protocol into force

No instrument of ratification, acceptance, approval or accession deposited

Instrument of ratification, acceptance, approval or accession deposited but Protocol has not entered into force yet

Biennium 2014-2015: 16 national implementation reports submitted

Biennium 2014-2015: 6 national implementation reports pending



SPA/BD Protocol: Assessment

Legal Measures: This part seeks to determine whether Contracting Parties have established the legal framework for the protection and conservation of Specially Protected Areas (SPAs), and those endangered or threatened species of flora and fauna listed in Annexes II and III to the Protocol.

15. According to the information provided in the Updated Synthesis Analysis, all reporting Contracting Parties have reported having put in the place the legal framework required in Article 3 of the SPA/BD Protocol to protect SPAs and the species and habitats listed in the annexes to the Protocol.

16. Focusing on the details, under article 6 of the SPA/BD Protocol Contracting Parties are obliged to take a number of protection measures in each SPA. These measures are aimed at regulating the following activities in SPAs: dumping, passage and anchoring of ships, offshore exploration and exploitation, taking of species and scientific research. As pointed out in the Updated General Status of Progress, in nearly all reporting Contracting Parties, measures have been taken to regulate such activities in SPAs as follows: dumping (13 out of 16), passage of ships (11 out of 16), (all) offshore activities, scientific research and taking of species.

17. Regarding Articles 11.2 and 12.1, that refer to the adoption of management measures for the protection and conservation of species, in particular those appearing in Annexes II and III to the Protocol, as pointed out in the Updated General Status of Progress, in nearly all reporting Contracting Parties (15 out of 16), management measures concerning the species listed in Annex II and III to the SPA/BD Protocol are reported to be in place.

18. Regarding Article 17, that prescribes the obligation to address the environmental impact during the procedures that precede decision-making about projects and activities that can have an impact seriously affecting protected areas and species and their habitats, all reporting Contracting Parties reported that impact is addressed through their relevant laws and regulations.

19. Closing this section, and as pointed out in the both the Updated Synthesis Analysis and the General Status of Progress, challenges faced by reporting Contracting Parties in putting in place the legal framework implementing the SPA/BD Protocol cover the whole range: policy framework, regulatory framework, financial resources, administrative management, technical capabilities and public participation.

SPAs: This part seeks to collect information on the list of SPAs designated and the measures adopted for their management, including the development and adoption of a management plan for each SPA¹.

20. Regarding Article 3.1(a), on the creation of protected areas within the Protocol's geographic coverage, 13 out of 15 reporting Contracting Parties have reported having established protected areas and the two remaining reporting Contracting Parties report work in process and well advanced as regards the designation of new protected areas.

21. Regarding Article 7.2(a) which refers to the elaboration and implementation of a management plan for each SPA, as shown in the Updated Synthesis Analysis and General Status of Progress, only a few reporting Contracting Parties (5 out of 15) have developed management plans for all SPAs. However, though management plans are pending for a number of SPAs, measures for the protection of those SPAs are reported to be in place. Challenges faced in elaborating and implementing SPAs management plans include public participation, financial resources and technical difficulties.

22. As regards Article 7.2(b) on the development of monitoring programmes tracking the changes in the state of SPAs, 10 out of 15 reporting Contracting Parties have reported having such programmes. Challenges highlighted in this field mainly refer to financial resources, technical capabilities and administrative management.

23. Under Article 7.2 (c), most reporting Contracting Parties (11 out of 15) reported having put in place measures ensuring the involvement of local communities in the management of protected areas. Under the same article, 8 out of 15 reporting Contracting Parties have reported having put in place measures to compensate local inhabitants who might be affected by the establishment of SPAs.

24. The ratio is 12 out of 15 when it comes to the establishment funding mechanisms for managing and promoting protected areas within the framework of Article 7.2(d), though work is reporting to be ongoing in the 3 remaining reporting Contracting Parties. Appropriate training for the managers and staff of the protected areas (e.g. workshops, seminars etc.) is reported to be provided in most of Contracting Parties (12 out of 15), as Article 7.2(f) establishes.

25. The incorporation of measures into National Contingency Plans (NCP) for ensuring an adequate response to incidents in SPAs, as requested by Article 7.3, has been done by 10 out of 15

¹ Not applicable to the EU

reporting Contracting Parties. As regards Article 7.4, institutional arrangements are reported to be in place for the integrated management of SPAs in 12 out of 15 reporting Contracting Parties.

Specially Protected Areas of Mediterranean Importance (SPAMIs): This part seeks to gather information on the list of SPAMIs designated and the measures adopted for their management, including the development and implementation of a management plan for each SPAMI¹.

26. Regarding the establishment of SPAMIs, for the current reporting period (2014-2015) no new SPAMIs have been established. For the ones already set up, exception made of a SPAMI, the management plan is reported to be under development, all SPAMIs are reported to have a management plan in place (Annex I, Section D, Article 7).

Measures for the Protection and Conservation of Species: This part seeks to gather information on the protection measures adopted by Contracting Parties to protect those endangered or threatened species listed in the Annexes to the Protocol.

27. Regarding Article 11.2 that prescribes the obligation to identify and compile lists of the endangered or threatened flora and fauna species in the zones subject to their sovereignty or national jurisdiction, 12 out of 16 reporting Contracting Parties have done so and work is reported to be ongoing in two reporting Contracting Parties on that regard.

28. Bilateral or multilateral cooperation to protect and restore migrant species in the area where the Protocol applies has been established under Article 11.4 by 9 out of 16 reporting Contracting Parties. A few reporting Contracting Parties 5 out of 16 have reported ex-situ reproduction programmes addressing the conservation of protected species under Article 11.6.

29. Under Article 12.6, exceptions to the prohibitions prescribed for the protection of the species listed in the Annexes to the SPA/BD can only be granted for the scientific, educational or management purposes. Exceptions so granted have been reported by 8 of 16 reporting Contracting Parties, though only one reporting Contracting Party has detailed the permits granted for scientific research and conservation purposes under this article for the current reporting period (2014-2015).

30. Regarding Article 13, measures have been adopted by 11 out of 16 reporting Contracting Parties to deal with the deliberate or accidental introduction of non-indigenous or genetically modified species into the wild.

Conservation of the Components of Marine and Coastal Diversity: This part seeks to test whether Contracting Parties have inventoried the components of marine and coastal biodiversity and formulated a national strategy and action plan to protect the components of marine and coastal biodiversity.

31. In relation to Article 3.3, that refers to the compilation of an inventory of the components of marine and coastal biodiversity, 6 out of 16 reporting Contracting Parties have conducted that inventory. Work in this area is reported to be ongoing in 7 reporting Contracting Parties. Regarding Article 8.4, 12 out of 16 reporting Contracting Parties reported that the protection of the components of marine and coastal biodiversity are integrated mainly through their national biodiversity strategies and associated action plans.

Enforcement Measures: This part seeks to collect information on enforcement in order to verify compliance with the Protocol.

32. Seven reporting Contracting Parties have provided data on the number of inspections conducted, non-compliance cases detected and fines issued as regards Article 6.g, that refers to the prohibition of all activities (i.e. fishing, hunting, taking of animals, harvesting of plants and their destruction, trade in animals and plants) involving taking of species which originate in SPAs.

33. Five reporting Contracting Parties have provided data on the number of inspections conducted, non-compliance cases detected and fines issued concerning Article 11.3, that refers to the control and prohibition of, where appropriate, the taking, possession or killing, the commercial trade, the transport and exhibition for commercial purpose of protected species of fauna, particularly those listed in Annex II to the Protocol.

34. Two reporting Contracting Parties have provided data on the number of inspections conducted, non-compliance cases detected and fines issued as regards Article 11.5, that refers to regulating and prohibiting, where appropriate, all forms of destruction and disturbance of protected species of flora particularly those listed in Annex II to the Protocol.

Regional Action Plans (RAPs): This part seeks to collect information on measures put in place for the implementation of biodiversity RAPs adopted by the Meeting of the Contracting Parties.

35. RAP on Cartilaginous Fishes (Chondrichthyans) – In most of reporting Contracting Parties (11 out of 16) chondrichthyans enjoy legal protection by domestic legislation inter alia ratifying and implementing relevant international agreements. Specific programmes in the context of IPOA (FAO International Plan of Action for Conservation and Management of Sharks) have been adopted by 5 out of 16 reporting Contracting Parties. Measures to prohibit or restrict fishing practices to protect cartilaginous fishes as part of the bycatch of commercial fisheries have been adopted in 11 out of 16 reporting Contracting Parties. Only one reporting Contracting Party has developed programmes to train specialist in the study and conservation of chondrichthyans.

36. *RAP on the Introduction of Non-Indigenous Species-* Legislation regulating the introduction of non-indigenous species has been adopted in 10 out of 16 reporting Contracting Parties. The situation on the introduction non-indigenous species has been assessed in 7 out of 16 reporting Contracting Parties. Only 5 out of 16 reporting Contracting Parties have in place a mechanism to monitor and control ballast water discharges into their waters. No national actions plans have been developed to control the introduction on non-indigenous species, though other measures (Guidelines, Strategies, etc) are in place to that end.

37. *RAP for the Conservation of Birds-* Bird species are protected by legislation in all the reporting Contracting Parties. However, only 8 out of 16 reporting Contracting Parties have developed actions plans for the protection of the bird species listed in Annex II to the Protocol.

38. *RAP for the Conservation of Cetaceans-* Only 3 out of 16 reporting Contracting Parties have developed an action plan for the conservation of cetaceans. However, despite the lack of an action plan, measures and strategies are reported to be in place to protect cetaceans. In 9 out of 16 reporting Contracting Parties, scientific research programmes on cetaceans have been carried out and in 11 out of 16 reporting Contracting Parties a network for the monitoring of stranding cetaceans is in place. The protection of cetaceans through the designations of MPAs or SPAMIs has been taken by 8 out of 16 reporting Contracting Parties.

39. *RAP for the Conservation of Marine Vegetation-* In 8 out of 16 reporting Contracting Parties marine vegetation significant for the marine environment is protected by the establishment of MPAs. Action Plans for the conservation of marine vegetation are in place in one reporting Contracting Party -for *Posidonia oceanica* and halophyte vegetation-, though actions for the protection and conservation of marine vegetation have been taken within the framework of national biodiversity strategies.

40. *RAP for the Conservation of the Monk Seal-* Protected areas for the conservation of monk seal populations are reported to be in place in 5 out of 16 reporting Contracting Parties. A few reporting Contracting Parties (3 out of 16) have developed an action plan for the conservation of the monk seal. However, measures to protect monk seals are reported to be taken in the framework of wide policies and strategies.

41. *RAP for the Conservation of Marine Turtles -* Marine turtles are reported as a protected by laws and regulations in all reporting Contracting Parties. However, only 6 out of 16 reporting Contracting Parties have taken steps to reduce incidental by-catch of marine turtles. The same ratio applies when it comes to the establishment of SPAs to conserve populations of marine turtles or their potential habitats. Action plans for the conservation of marine turtles have been adopted in 7 out of 16 reporting Contracting Parties.