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## MEDITERRANEAN ACTION PLAN

Meeting of the Bureau of the Contracting Parties to the  
Convention for the Protection of the Marine Environment  
and the Coastal Region of the Mediterranean and its Protocols

Istanbul, Turkey, 18-19 June 2009

## Application of the differentiation approach in the pollution reduction process



## Introduction

The aim of the present brief is to propose and describe the process of application of the adopted principle of common but differentiated responsibility for the sustainable implementation of pollution reduction actions in the region. The process is expected to be the basis for the implementation of the regional plans and programmes to be gradually adopted by the Contracting Parties under Art 15 of the LBS Protocol.

### **1. A differentiated approach based on ELVs**

At the meetings of government-designated experts held in Durres and Barcelona (see document UNEP(DEPI)/MED WG. 289/4 and document UNEP(DEPI)/MED WG. 307/4) the Contracting Parties agreed that a consensually identified differentiated approach, in the framework of the principle of common but distinct responsibility of the Parties to the Barcelona Convention, could indeed ensure sustainable long-term implementation of the National Action Plans (NAPs) to address pollution from land-based activities. This is mainly because of the prevailing differences in the socio-economic conditions of the region and the actual capacity of countries to concretely implement their pollution reduction actions and respect their commitments in the framework of the LBS Protocol. After approving the principle of applying a differentiated approach, the Parties adopted the Emission Limit Values (ELVs) as the basic criteria for the development of a differentiation mechanism.

ELVs can be defined as the maximum allowable concentration or load (relative to production or time) that can be discharged to the environment. ELVs are usually set per substances and per sector, and they can be specified for sub-sectors and effluents (before and after treatment). ELVs are enforced at facility level (not average national or sectoral).

### **2 A differentiated approach based on a temporal differentiation**

As a follow-up to the decisions and recommendations of the MED POL Focal Points and according to decision 17/8 (2b) and (2c) of the Contracting Parties (Almeria, 2008), which call for:

- a. Identification of a differentiation mechanism during 2008-2009 for the implementation of regional Emission Limit Values (ELVs), based on BAT, and start the process of developing regional and /or subregional -as appropriate-Environmental Quality Objectives (EQOs) for the marine environment, and
- b. Identification of relevant elements and indicators arising from the implementation of the ecosystem approach,

the Secretariat proposed two options for the differentiation process that were presented to the MED POL National Focal Points Meeting in Aix-en-Provence (see doc UNEP(DEPI)/MED WG. 328/4). The two differentiation processes identified by the Secretariat, on the basis of countries' indications, relevant international literature, MEAs and the most recent developments in the management of ecosystems at the global level in the framework of UNEP and, at the regional level, in the framework of the application of the ecosystem approach, were the following:

- i. *Temporal differentiation (option 1)*
- ii. *Differentiation in the framework of the ecosystem approach (option 2)*

The Focal Points indicated a preference for the temporal differentiation option (option 1), without closing the door on Option 2, for which it was necessary to wait for additional information related to the application of the ecosystem approach in the region. The option should in any case be accompanied by the transfer of knowledge and capacity-building programmes.

As a conclusion, the Focal Points recommended the following:

1. The establishment of an exhaustive list of “substances of concern” for the Mediterranean (Annex I ) and a list of “action substances”( Annex II) out of the list of “substances of concern” according to the following criteria:
  - a. *The substance is covered by regional and /or international instruments regulating its use, release, phasing out, and*
  - b. *The substance has an ELV or its ELV is under development either at national or at regional level, and*
  - c. *The substance and/or its high input could represent a risk to the marine environment or human health.*
2. The implementation of temporal differentiation process is based on the establishment of common regionally ELVs for the “action substances” and relevant sectors. This process should be taken into account when preparing programmes of actions including measures and timetables.
3. The temporal differentiation shall include different “temporal packages” indicating the deadlines by when countries would reach the objectives of the measure as well as intermediate deadlines, as appropriate, in the function of the economic capacity of the Party and their need for development. The differentiation mechanism, in addition to the accompanying measures (transfer of know-how and technology, monitoring and evaluation, governance), could include the good housekeeping, information on the current BAT and information on national ELVs based on input provided by the countries.

### **Objective**

The objective of the differentiation mechanism is to facilitate the implementation by the Parties to the Barcelona Convention of regional programmes or action plans containing measures and timetables to eliminate or reduce releases of priority pollutants in the Mediterranean region (Art. 15 of the LBS Protocol).

### **Definition of reference timetables and deadlines for the adoption of ELVs**

In order to cope with legal, technical and/or economical constraints to adopt reference regional ELVs, the regional programmes or action plans shall include different “temporal packages”, indicating the reference deadlines and intermediate deadlines by when countries shall reach the objectives of the measure.

To allow for differentiation, at least two separate deadlines shall be considered. An appropriate time span should be established since the adoption of the measure, in order to allow countries and sectors to adapt to the new objectives. However, temporal differences in the implementation of measures should not be excessively long, in order to ensure a progressive convergence of environmental standards in the whole Mediterranean region. The definition of the time intervals should also take into account those of other related initiatives (e.g. SAP, EC Horizon 2020, EU directives, etc.) in order to identify, as much as possible, key and shared deadlines.

### **Monitoring and evaluation**

A Monitoring and Evaluation Plan shall be developed by MED POL and subject to the approval of the Contracting Parties on the basis of indicators that will track the implementation of the pollution reduction objectives and targets in the framework of LBS Protocol, on the basis of the differentiation mechanism adopted.

Parties shall elaborate and adopt appropriate permitting, enforcement and inspection systems, taking into account the Reference Handbook on Environmental Compliance and Enforcement in the Mediterranean Region (UNEP/MAP/MEDPOL/WHO, 2004), which

provides guidelines on organizational issues, procedural issues, human infrastructure and sampling.

### **Transfer of know-how and technology**

Reduction of pollution cannot be properly and effectively achieved in the region, in the framework of a differentiation mechanism without promoting a process of transfer of technology and know-how. This will ensure the sustainability of the reduction actions as it will concretely assist countries and create synergies. In this context, and in accordance with articles 9 and 10 of the LBS Protocol, the regional action plans based on a temporal differentiation mechanism shall include provisions to promote the cooperation between the parties concerning the transfer of know-how and technology

Parties shall cooperate to facilitate the capacity to apply, develop and manage access to cleaner production technologies as well as the best available techniques (BAT) and the best environmental practice (BEP) leading to the achievement of ELVs.

Capacity building programmes shall also be promoted by the countries and the Secretariat. Training programmes should be encouraged at regional level and promoted at the national level by industrial and environmental authorities. This will include technical workshops with experts and representatives from public authorities, industry and other stakeholders.

### **Synergies**

The Secretariat and the involved Parties shall take into account the different legal, political and financial instruments and initiatives that are currently targeting the reduction of pollution from urban and industrial sources: the Barcelona Convention and its Protocols, the Union for the Mediterranean, the EU initiative "Horizon 2020 " and its MeHSIP, the new MAP-GEF-World Bank Strategic Partnership, the World Bank initiatives in the region and many other multilateral and bilateral initiatives in addition to the efforts of the Contracting Parties. This will ensure the needed harmonization and thus sustainability and effectiveness to the pollution reduction actions and activities.