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**Agenda Item 5: 2018-2019 National Implementation Reports under Article 26 of the Barcelona Convention:
Submission, Timelines, Completeness and Implementation**

**Status of Reporting, Key Findings and Recommendations to Promote Compliance corresponding to the 2016-2017
National Implementation Reports**

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UNEP/MAP
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Note by the Secretariat

The 16th Meeting of the Compliance Committee (Teleconference, session 16-18 June 2020) asked the Secretariat to update document UNEP/MAP CC.16/5 in preparation for the 17th Meeting of the Compliance Committee as new national implementation reports for the biennium 2016-2017 are received from Contracting Parties (UNEP/MAP CC.16/13, §16). As requested, the present document updates document UNEP/MAP CC.16/5 by incorporating the information submitted by Contracting Parties in their 2016-2017 national implementation reports through the Barcelona Convention Reporting System (BCRS) as of 20 April 2021.

STATUS OF REPORTING, KEY FINDINGS AND RECOMMENDATIONS TO PROMOTE COMPLIANCE CORRESPONDING TO THE 2016-2017 NATIONAL IMPLEMENTATION REPORTS

Section I: Status of reporting

1. Under Article 26.1 of the Barcelona Convention: “The Contracting Parties shall transmit to the Organization reports on: (a) the legal, administrative or other measures taken by them for the implementation of this Convention, the Protocols and of the recommendations adopted by their meetings; and (b) the effectiveness of the measures referred to in subparagraph (a) and problems encountered in the implementation of the instruments as mentioned above”. Article 26.1 establishes an obligation to report. This sets the basis for the work of the Contracting Parties to keep under review the implementation of the Barcelona Convention and its Protocols (Article 18 of the Barcelona Convention), and to assess the compliance with the Barcelona Convention and its Protocols as well as the measures and recommendations (Article 27 of the Barcelona Convention). In addition, information contained in national implementation reports can be used to measure progress against Sustainable Development Goals (SDGs), in particular Goal 14 Life below Water.
2. Contracting Parties’ national implementation reports are to be transmitted to the Secretariat on a biennial basis through the online Barcelona Convention Reporting System (BCRS), adopted by COP 20 (Tirana, Albania, 17-20 December 2017) by Decision IG.23/1. Action undertaken with the aim to increase the reporting rate of national implementation reports under Article 26 of the Barcelona Convention have focused on: (a) letters from the Coordinator to MAP Focal Points encouraging timely and quality reporting, coupled with Coordinator high-level missions to Contracting Parties addressing inter alia reporting issues, where relevant, (b) follow-up with Contracting Parties on an individual basis to boost reporting, and (c) continued support from the Secretariat and INFO/RAC to Contracting Parties on the use of the BCRS.
3. The status of reporting regarding the 2016-2017 national implementation reports as of 20 April 2021 can be summarized as follows. The reporting rate for the biennium 2016-2017 varies across the Barcelona Convention and its Protocols, with reporting rates per legal instrument as follows: 77% under the SPA/BD Protocol, 68% under the Barcelona Convention and the LBS Protocols, 64% under the Dumping and the Prevention and Emergency Protocols, 59% under the ICZM Protocol, 45% under the Hazardous Wastes Protocol, and 41% under the Offshore Protocol.
4. As to the status of reporting corresponding to the 2012-2013 and 2014-2015 biennia, reporting is pending from Libya and Syria, with the Secretariat working with those two countries for them to submit their outstanding national reports step-by-step and as soon as possible.

Section II: Key Findings

5. Key findings identify general issues affecting the compliance of a number of reporting Contracting Parties with respect to their obligations under the Barcelona Convention and its Protocols, as well as main difficulties in implementation. Key findings focus on those issues reflecting a level of implementation among reporting Contracting Parties less than 70% out of the total reporting Contracting Parties per legal instrument, i.e. implemented by “many” (for between 40% and 70%), “some” (for between 40% and 15%) or a “few” (for less than 15%) reporting Contracting Parties as indicated in the General Status. The result is presented below for the consideration of the Compliance Committee.
6. **Barcelona Convention.** Number of reporting Contracting Parties: 15
 - (1) Article 13: 40% of reporting Contracting Parties answered affirmatively the question whether they have put in place the legal and regulatory framework for promoting research on, access to and transfer of environmental sound technology including clean production technologies;

- (2) Article 16: 47% of reporting Contracting Parties indicated having articulated the framework needed for the implementation of the Guidelines for the Determination of Liability and Compensation for Damage resulting from Pollution of the Marine Environment in the Mediterranean Sea Area.
- (3) Article 4.4.b: 53% of reporting Contracting Parties indicated having put in place the legal and regulatory framework for the use of Best Available Technology (BAT) and Best Environmental Practices (BEP);
- (4) Article 13: 53% of reporting Contracting Parties indicated having taken action to articulate cooperation in the fields of science and technology by inter alia the exchange of scientific data and other information.

7. **Dumping Protocol.** Number of reporting Contracting Parties: 14

- (1) Articles 8 and 9: 25% of reporting Contracting Parties reported of critical and force majeure dumping to be conducted under the conditions set out in the Dumping Protocol;
- (2) Article 10.2: 25% of reporting Contracting Parties answered affirmatively the question whether Dumping permits provided for in Article 5 of the Dumping Protocol are issued for wastes or other matter loaded in Contracting Parties' territory or loaded in the territory of a non-Contracting Party;
- (3) Article 10: 38% of reporting Contracting Parties provided data on dumping at sea permits and quantities as well as coordinates of dump sites;
- (4) Article 10.1: 58% of reporting Contracting Parties reported having designated a competent authority keeping records of the nature, quantities dumped, dumping location and method;
- (5) Article 12: 67% of reporting Contracting Parties indicated having issued instructions to maritime inspection ships, aircrafts and other appropriate services to report to the relevant national authorities any actual or potential dumping incidents.

8. **Prevention and Emergency Protocol.** Number of reporting Contracting Parties: 14

- (1) Articles 9.6 and 7: 54% of reporting Contracting Parties reported on oil and/or HNS pollution incidents;
- (2) Articles 11.2 and 3: 50% of reporting Contracting Parties answered positively the question whether their ships and ships sailing their territorial waters follow the procedures of the shipboard emergency plan for oil and HNS pollution incidents;
- (3) Article 4: 77% of reporting Contracting Parties reported having adopted local contingency plans and having integrated them in the National Contingency Plan and industry emergency procedures;
- (4) Articles 9.1 and 2: 57% of reporting Contracting Parties answered affirmatively the question whether instructions were issued for their ships and aircrafts or ships sailing their territorial waters to report of observed oil and HNS pollution incidents which may be in violation of the Prevention and Emergency Protocol;
- (5) Article 12.3: 57% of reporting Contracting Parties reported having taken the necessary measures to facilitate the entry into, stay in and departure from their national territory of equipment, products and personnel engaged in responding to a pollution incident.

9. **Land-based Sources (LBS) Protocol.** Number of reporting Contracting Parties: 15

- (1) Article 6: 35% of reporting Contracting Parties provided data on enforcement measures for non-compliance with national legislation and regulations implementing the Protocol;
- (2) Article 5.2: 40% of reporting Contracting Parties responded positively to the question whether priorities and timetables for implementing the action plans, programmes and measures are adopted taking into account the elements set out in Annex I to the LBS Protocol and periodically updated;
- (3) Article 13: 57% of reporting Contracting Parties (8 out of 14²) provided data on pollution loads per sector and sub-sector for each group of pollutants.

10. **Specially Protected Areas and Biodiversity (SPA/BD) Protocol.** Number of reporting Contracting Parties: 17

- (1) Article 6 and 11: 19% of reporting Contracting Parties reported of enforcement measures adopted to implement the SPA/BD Protocol;
- (2) Article 11.6: 29% of reporting Contracting Parties reported having developed ex-situ reproduction programmes addressing the conservation of protected species;
- (3) Article 18: 31% of reporting Contracting Parties responded affirmatively to the question whether traditional subsistence and cultural activities of local populations have been taken into account when formulating protective measures for SPAs;
- (4) Article 7.2.c: 33% of reporting Contracting Parties reported having put in place measures to compensate local inhabitants affected by the establishment of SPAs;
- (5) 33% of reporting Contracting Parties indicated having monitoring activities in place within the Integrated Monitoring and Assessment Programme (IMAP);
- (6) Article 11.4: 41% of reporting Contracting Parties reported having established cooperation arrangements to protect and restore migrant species in the area where the SPA/BD Protocol applies;
- (7) Article 3.3: 47% of reporting Contracting Parties stated having conducted an inventory of the components of marine and coastal biodiversity;
- (8) Article 3.5: 47% of reporting Contracting Parties answered positively the question whether monitoring is in place to assess the actual and potential significant adverse impacts of human activities on the components of marine and coastal biodiversity;
- (9) Articles 11.2 and 12.1: 53% of reporting Contracting Parties reported of the adoption of management measures concerning the species listed in Annexes II and III to the SPA/BD Protocol;
- (10) Articles 11.5 and 12.2: 53% of reporting Contracting Parties responded positively to the question whether all forms of destruction and disturbance of protected species of flora, particularly those listed in Annex II to the SPA/BD Protocol have been either regulated or prohibited;
- (11) Article 7.2.b: 69% of reporting Contracting Parties reported having put in place measures ensuring the involvement of local communities in the management of protected areas;
- (12) Articles 11.3 and 12.2: 59% of reporting Contracting Parties reported having adopted measures such as prohibiting the commercial trade of protected species of fauna, particularly those listed in Annex II to the SPA/BD Protocol;
- (13) Article 6.d: 69% of reporting Contracting Parties indicated having regulated the introduction of any species not indigenous to the SPA or of genetically modified species;
- (14) Article 11.2: 65% of reporting Contracting Parties indicated having drawn up lists of endangered or threatened species of flora and fauna at national level transposing the SPA/BD Protocol;
- (15) Article 6.c: 69% of reporting Contracting Parties reported having put in place a legal framework regulating the passage and anchoring of ships in SPAs;
- (16) Article 7.2(b): 69% of reporting Contracting Parties reported having developed scientific monitoring programmes tracking changes in the state of SPAs.

11. **Hazardous Wastes Protocol.** Number of reporting countries: 10

- (1) Articles 6 and 11: Reporting Contracting Parties provided data on the generation of hazardous wastes, their transboundary movement and on disposal which did proceed as intended in varying percentages ranging from 56% to 67% to 37% respectively;
- (2) Articles 3.1(a) (b) and 4.1: 50% of reporting Contracting Parties answered positively to the question whether legal and regulatory measures are in place to regulate and control the transboundary movements of any additional wastes as hazardous that are not included in Annex I to the Hazardous Wastes Protocol;

- (3) Article 5.1: 60% of reporting Contracting Parties reported having in place the legal and regulatory framework dealing with restrictions on the import of hazardous wastes and other wastes for final disposal in their territory;
- (4) Article 5.1: 60% of reporting Contracting Parties indicated the legal and regulatory framework be in place addressing restrictions on the transit of hazardous wastes and other wastes through their territory;
- (5) Articles 3.1.(a) (b) and 4.1: 56% of reporting Contracting Parties responded affirmatively to the question whether their national definition of hazardous wastes cover wastes other than those listed in Annex I to the Hazardous Wastes Protocol;
- (6) Article 5.1: 60% of reporting Contracting Parties indicated having articulated the legal and regulatory framework dealing with restrictions on the export of hazardous wastes and other wastes for final disposal in their territory;
- (7) Article 11: 56% of reporting Contracting Parties reported of enforcement measures adopted for the implementation of the Protocol;
- (8) Articles 3.1.(a) (b) and 4.1: 67% of reporting Contracting Parties answered positively the question whether a national definition of wastes or hazardous wastes is used for the purpose of transboundary movements of wastes.

12. **Offshore Protocol.** Number of reporting countries: 9

- (1) Article 30: Reporting Contracting Parties provided data on permits issued under the Protocol, inventory of offshore installations and enforcement in varying percentages ranging from 25% to 50% to 30% respectively;
- (2) Article 9: 50% of reporting Contracting Parties reported having adopted legal and regulatory measures implementing the requirement that the use and storage of offshore chemicals is approved by the competent national authority on the basis of the Chemical Use Plan;
- (3) Article 21: 50% of reporting Contracting Parties indicated having adopted special measures to prevent offshore pollution in protected areas;
- (4) Article 10: 50% of reporting Contracting Parties indicated having in place the legal and regulatory framework so that the disposal of oil and oily mixtures and the use and disposal of drilling fluids is conducted in accordance with Annex V to the Protocol;
- (5) Article 20: 50% of reporting Contracting Parties reported having adopted the legal and regulatory measures under which the operator is obliged to remove disused offshore installations and pipelines according to international guidelines and standards.

13. **Integrated Coastal Zone Management (ICZM) Protocol¹.** Number of reporting countries: 13

- (1) Article 8: Enforcement measures to control urban development along the coastal line is reported as a challenge, in particular in the 100-meter setback zone;
- (2) Article 9: The use of indicators to evaluate the economic impacts on the coastal zone is limited, with a varying picture from country to country depending on whether or not indicators are ICZM specific;
- (3) Article 10: The adoption of measures to reactivate and restore coastal wetlands and islands is very limited;
- (4) Article 13: There is room for improvement as regards the protection of underwater cultural heritage.

¹ To note that ICZM national implementation reports are entirely structured around open questions instead of tick boxes which require per question on implementation a “yes”, “no”, “under development” or “not applicable” answer. Consequently, compared to the other Protocols the analysis of information contained in the ICZM national implementation reports involves a much higher degree of expert judgment based on the interpretation of the narrative text provided.

Difficulties and challenges reported in implementation

14. Difficulties and challenges are grouped in the national implantation reports as follows: (1) policy framework, (2) regulatory framework, (3) financial resources, (4) administrative management and (5) technical and guidance capabilities. Difficulties reported in implementing the Barcelona Convention and its Protocols for the 2016-2017 biennium cover the whole range of challenges described above, particularly limited financial resources, technical and guidance capabilities and administrative management.

Section III: Recommendations

15. In order to implement the Barcelona Convention and its Protocols, Contracting Parties need to put the necessary legislative and policy measures in place, and to establish the corresponding institutional structures to implement them. As key findings show, there is a need for the Contracting Parties concerned:

Barcelona Convention

- (1) to enhance action for the promotion of scientific and technological cooperation under Article 13 of the Convention, in particular when it comes to the promotion of research on, access to and transfer of environmental sound technology including clean production technologies;
- (2) to put in place the relevant framework for the implementation of the Guidelines for the Determination of Liability and Compensation for Damage resulting from Pollution of the Marine Environment in the Mediterranean Sea Area, adopted under Article 16 of the Convention;
- (3) to reinforce BAT and BEP implementation within the framework of Article 2 of the Convention;

Dumping Protocol

- (4) to improve data collection and reporting to assess effectiveness at reducing dumping pollution and of the national implementing legislation;
- (5) to address critical and force majeure dumping at sea as per the conditions set out in Articles 8 and 9 of the Protocol;
- (6) to further strengthen the institutional structure to implement the Dumping Protocol, by making sure that a competent national authority is designated for keeping records of dumping activities as per Article 10.1 of the Protocol;
- (7) to reinforce the established channels for ships, aircrafts and other appropriate services to report of observed dumping incidents which may be in violation of the Dumping Protocol under Article 9.2 of the Dumping Protocol;

Prevention and Emergency Protocol

- (8) to enhance reporting of oil and/or or HNS pollution incidents;
- (9) to take further action to ensure that ships follow their emergency plans for oil and HNS pollution incidents and report according to given instructions of observed oil and HNS pollution incidents which may be in contravention of the Prevention and Emergency Protocol within the terms of Articles 11 and 9 of the Protocol respectively;
- (10) to advance towards further integration of local contingency plans into the National Contingency Plan and industry emergency procedures within the framework of Article 4 of the Protocol;
- (11) to smooth national mechanisms for mobilizing emergency response equipment under Article 12 of the Protocol;

Land-based Sources (LBS) Protocol

- (12) to provide data on enforcement measures taken (i.e. inspections, fines, suspension of authorization permits) to implement the LBS Protocol as per Article 6 of the Protocol;

(13) to improve data collection and reporting under Article 13 of the Protocol, so that inventories are populated with data on pollution loads per sector and group of pollutants;

(14) to enhance action towards the adoption and regular updating of the priorities and timetables for implementing action plans, programmes and measures within the terms of Article 6 of the Protocol;

Specially Protected Areas and Biodiversity (SPA/BD) Protocol

(15) to provide data on enforcement measures taken (i.e. inspections, non-compliance cases, fines) to implement the Protocol;

(16) to advance action that addresses the inventorying and monitoring of marine and coastal biodiversity components within the terms of Article 3 of the Protocol;

(17) to continue to adopt protection measures in SPAs to both regulate the introduction of non-indigenous species and the passage and anchoring of ships as per Article 6 of the Protocol;

(18) to further work so that in the management of SPAs the involvement of local communities is ensured, their traditional subsistence and cultural activities are taken into account and if any damage resulting from the establishment of the SPA, they are compensated, all framed within Articles 18 and 7 of the Protocol;

(19) to continue to develop scientific monitoring programmes tracking changes in the state of SPAs as per Article 7 of the Protocol;

(20) to enhance action towards the protection of the endangered and threatened species listed in Annex II to the Protocol by regulating or prohibiting all forms of their destruction and disturbance, their commercial trade, killing, possession and by developing lists of endangered or threatened species, as per the terms of Articles 11 and 12 of the Protocol;

(21) to develop ex-situ reproduction programmes addressing the conservation of protected species within the framework of Article 11 of the Protocol;

(22) to establish cooperation arrangements to protect and restore migrant species in the area where the SPA/BD Protocol applies as per Article 11 of the Protocol; and

(23) to strengthen IMAP monitoring activities under the Protocol;

Hazardous Wastes Protocol

(24) to enhance data collection and reporting to assess effectiveness at reducing hazardous wastes pollution and of the national implementing legislation;

(25) to further advance action so that the legal and regulatory framework is in place to address restrictions on the import, export and transit of hazardous wastes and other wastes as per the conditions set out in Articles 5.1 of the Protocol;

(26) to provide further information whether national definitions of wastes or hazardous wastes are used instead of the definition provided by the Hazardous Wastes Protocol and to further develop the legal and regulatory framework to regulate the transboundary movements of wastes and hazardous wastes other than those not included in Annex I to the Protocol, within the terms of Articles 3.1(a) (b) and 4.1 of the Protocol;

(27) to provide data on enforcement measures taken (i.e. inspections, non-compliance cases, fines) to implement the Protocol;

Offshore Protocol

(28) to enhance data collection and reporting to assess effectiveness at reducing offshore pollution and of the national implementing legislation, as well as provide data on enforcement measures taken to implement the Protocol;

(29) to advance action to put in place the legal regulatory measures required to manage the use and disposal of oil and oily mixtures and drilling fluids and cuttings under Article 6 of the Protocol as well as to manage the use and storage of offshore chemicals under Article 9 of the Protocol;

(30) to take action so that the legal and regulatory framework is in place requesting operators to remove disused offshore installations and pipelines as per Article 20 of the Protocol;

(31) to further work in the development of special measures to prevent offshore pollution in protected areas under Article 21 of the Protocol;

ICZM Protocol

(32) to enhance action in order to put in place enforcement measures for the protection and sustainable use of the coastal zone, focusing on controlling the urban development in the established 100-meter setback zone within the terms of Article 8 of the Protocol;

(33) to advance work as to the development and use of coastal management indicators, including economic driven indicators within the framework of Article 9 of the Protocol; and

(34) to further work towards the protection of underwater cultural heritage and the reactivation and restoration of coastal wetlands and islands.