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MEDITERRANEAN ACTION PLAN

Meeting of the MAP Focal Points

Athens, Greece, 7-10 July 2009

Draft decision on implementation of and reporting on Guidelines for the determination of Liability and Compensation For damages resulting from pollution of the Marine Environment In the Mediterranean Sea Area

UNEP/MAP
Athens, 2009

Draft decision on implementation of and reporting on Guidelines for the determination of Liability and Compensation For damages resulting from pollution of the Marine Environment In the Mediterranean Sea Area

The 16th Meeting of the Contracting Parties,

Pursuant to Decision IG 17/4 of the 15th Meeting of the Contracting Parties that the Working Group of Legal and Technical Experts for the Implementation of Guidelines for the Determination of Liability and Compensation for Damage resulting from Pollution of the Marine Environment in the Mediterranean Sea Area, herein referred to as Guidelines, should facilitate and assess the implementation of the Guidelines and make proposals regarding the advisability of additional action;

Taking into account the conclusions of the third meeting of the Working Group, held in Athens on 22 and 23 January 2009;

Noting that all the Parties recognize that these Guidelines provide a good basis for further cooperation for the development of a more comprehensive and effective regime in this field;

Taking note of the findings of the Questionnaire sent out by the Secretariat with regard to liability and compensation for damage resulting from pollution of the marine environment in the Mediterranean Sea area and of the discussions held during the meeting of the Working Group which show differences of approach in national legislation and institutional and administrative frameworks in the Contracting Parties in this field;

Considering that specific practical action is needed to address current weaknesses at the national, sub-regional, regional and international levels;

Adopts the reporting format for reporting on the implementation of the Guidelines, contained in Annex 1 to this decision;

Approves the Programme of Action to facilitate the implementation of the Guidelines, contained in Annex 2 to this decision;

Decides to extend the mandate of the Working Group of Legal and Technical Experts for the biennium 2010-2011;

Invites the Contracting Parties to cooperate and provide support to facilitate the implementation of the Guidelines as appropriate; and

Requests the Secretariat to undertake necessary actions to support the Contracting Parties in their efforts to implement the Guidelines.

Annex I

Draft reporting format on the implementation of Guidelines for the Determination of Liability and Compensation for Damages resulting from Pollution of the Marine Environment in the Mediterranean Sea Area[1]

PART 1
STATE OF THE ART

Guideline 2- Purpose of the Guidelines

***Question 1**: Is PPP[2] adopted and enacted in the Party's legislation?*			
☐ yes	☐ no	In process ☐ yes ☐ no	
Please insert the definition of PPP:		Please insert draft definition, if any	
Please insert the Title of the enacted law/s and regulation/s, Number/Date :			
***Implementation constraints related to PPP application*:**			
Lack of legal implementation measures ☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no
Difficult polluter identification ☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no
Lack of Institutional capacit ☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no
Lack of technical capacity ☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no
Other[3] ☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no
3. Please specify any other constraints (optional)			

[1] Hereinafter: the Guidelines.

[2] PPP : Polluter pays principle

[3] If you wish to specify « Other constraints », please enter the information in the row below that has the same number as the respective footnote.

Guideline 5 - Relationship with other Regimes

Question 2: Participation by the party in treaties relating to Liability&Compensation regimes					
Title of the Treaty	**Ratified or acceded to**	**Signed**	**Reservations/ Declarations**	**Intention to ratify or ratification in process**	**Other relevant considerations, including the text of the reservations/ declarations, if any**
(1) Convention on Third Party Liability in the Field of Nuclear Energy (Paris, 1960), amended by (2) Additional Protocol (Paris, 1964), by (3) Protocol (Paris, 1982) and by (4) Protocol (Paris, 2004)	1)☐ yes ☐ no 2)☐ yes ☐ no 3)☐ yes ☐ no 4)☐ yes ☐ no	1)☐ yes ☐ no 2)☐ yes ☐ no 3)☐ yes ☐ no 4)☐ yes ☐ no	1)☐ yes ☐ no 2)☐ yes ☐ no 3)☐ yes ☐ no 4)☐ yes ☐ no	☐ yes ☐ no	
(1) Convention Supplementary to the 1960 Paris Convention on Third Party Liability in the Field of Nuclear Energy (Brussels, 1963), amended by (2) Additional Protocol (Paris, 1964), by (3) Protocol (Paris, 1982) and by (4) Protocol (Paris, 2004)	1)☐ yes ☐ no 2)☐ yes ☐ no 3)☐ yes ☐ no 4)☐ yes ☐ no	1)☐ yes ☐ no 2)☐ yes ☐ no 3)☐ yes ☐ no 4)☐ yes ☐ no	1)☐ yes ☐ no 2)☐ yes ☐ no 3)☐ yes ☐ no 4)☐ yes ☐ no	☐ yes ☐ no	
International Convention on Civil Liability for Oil Pollution Damage (London, 1992)	☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no	
(1) Convention on Civil Liability for Nuclear Damage (Vienna, 1963), amended by (2) Protocol (Vienna, 1997)	1)☐ yes ☐ no 2)☐ yes ☐ no	1)☐ yes ☐ no 2)☐ yes ☐ no	1)☐ yes ☐ no 2)☐ yes ☐ no	☐ yes ☐ no	
Convention relating to Civil Liability in the Field of Maritime Carriage of Nuclear Material (Brussels, 1971)	☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no	
International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (London, 1992)	☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no

(1) Convention on Limitation of Liability for Maritime Claims (London, 1976), amended by (2) Protocol (London, 1996)	1)☐ yes ☐ no 2)☐ yes ☐ no	1)☐ yes ☐ no 2)☐ yes ☐ no	1)☐ yes ☐ no 2)☐ yes ☐ no	1)☐ yes ☐ no 2)☐ yes ☐ no	1)☐ yes ☐ no 2)☐ yes ☐ no
Joint Protocol relating to the Application of the Vienna Convention and the Paris Convention (Vienna, 1988)	☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no	
Convention on Civil Liability for Damage Caused during Carriage of Dangerous Goods by Road, Rail and Inland Navigation Vessels (Geneva, 1989)	☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no	
International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (London,1996)	☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no	
Convention on Supplementary Compensation for Nuclear Damage (Vienna, 1997)	☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no	
Basel Protocol on Liability and Compensation for Damage resulting from Transboundary Movements of Hazardous Wastes and their Disposal (Basel, 1999)	☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no	
International Convention on Civil Liability for Bunker Oil Pollution Damage (London, 2001)	☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no	
Protocol on Civil Liability and Compensation for Damage Caused by the Transboundary Effects of Industrial Accidents on Transboundary Waters (Kiev, 2003)	☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no	
Protocol of 2003 to the International Convention on the Establishment of an International Fund Compensation for Oil Pollution Damage (London, 2003)	☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no	

Participation constraints are related to:				
Lack of legal/administrative implementation measures ☐ yes ☐ no	Lack of technical Capacity ☐ yes ☐ no	Lack of institutional Capacity ☐ yes ☐ no	Lack of financial Resources ☐ yes ☐ no	Other[4] constraints ☐ yes ☐ no
4. Other constraints :				

Question 3[5] **: *Has the Party adopted any legislation to implement the EC Directive 2004/35/CE ?***
☐ yes ☐ no
Please describe the adopted legislation to implement the EC Directive 2004/35/CE (optional question)

Guidelines 8 and 9 - Damage

Question 4: ***Legislation regulating environmental damage***		
If legislation regulating environmental damage has been adopted, please insert in the row below its definition:	Not Adopted	In process
Definition of Damage:	☐ yes	☐ yes ☐ no
Constraints related to the adoption of legislation and its implementation:		
Inadequate legal implementation measures ☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no
Lack of financial resources ☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no
Lack of institutional capacity ☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no
Lack of technical capacity ☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no
Lack of technical capacity ☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no
Other constraints[6] ☐ yes ☐ no		
6. Other constraints	6. Other constraints	6. Other constraints

[4] If you wish to specify « Other constraints », please enter the information in the row below that has the same number as the respective footnote.

[5] This question is addressed to those Parties which are members of the European Union

[6] If you wish to further specify « other constraints », please insert the information in the row below that has the same number as the respective footnote

Guideline 10,11,13,14,15 - Compensation for Damage and Damage Assessment

Question 5 (optional) : Environmental damage in the Party's legislation include the following elements:

a) Costs of activities and studies to assess the damage	b) Costs of the preventive measures including measures to prevent a threat of damage or an aggravation of damage	c) Costs of measures undertaken or to be undertaken to clean up, restore and reinstate the impaired environment, including the cost of monitoring and control of the effectiveness of such measures	d) Diminution in value of natural or biological resources pending restoration	e) Compensation by equivalent if the impaired environment cannot return to its previous condition	f) Other elements[7]
☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no

7. "Other elements":

Implementation constraints in introducing any of the above elements of compensation in the Party's Legislation is related to:

Lack of specialized İnstitutes	Lack of reliability of Data	Lack of BAT (best available technology)	Lack of trained Personnel	Inadequate participation by the civil society	Other Constraints[8]
☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no	☐ yes ☐ no

8 "Other constraints":

Question 6 (optional) : Does the Party's legislation provide that the competent authority can decide that no further reinstatement measures should be taken if their cost would be disproportionate to the consequent environmental benefits? ☐ yes ☐ no

Question 7 : Does the Party's legislation provide for compensation for diminution in value ? (Guid. 10-d) :

☐ yes ☐ no; ***; If so, under what criteria is the relevant amount determined:***

The criteria for 'compensatory remediation provided for in Annex II of the above mentioned EU Directive?	Other[9] criteria?
☐ yes ☐ no	☐ yes ☐ no

9. "Other criteria"

Question 8 : Does the Party's legislation provide for compensation by equivalents (Guideline 10-e)?

☐ yes ☐ no; , ***If the answer is yes what kind of equivalents are envisaged:***

The equivalent provided for 'compensatory remediation provided for in Annex II of the above mention EU Directive?	Other[10] criteria?
☐ yes ☐ no	☐ yes ☐ no

10. " Other criteria"

Question 9: Does the Party's legislation allow for the use of non-economic values, such as spiritual and cultural values, in the determination of compensation for diminution in value or compensation by equivalent?

☐ yes ☐ no

Question 10: Does the Party's legislation provide for thresholds of significance to compensate environmental damage?

☐ yes ☐ no

[7] If the answer is in the affirmative, please specify it in the row below that has the same number as the respective footnote
[8] If the answer is in the affirmative, please specify it in the row below that has the same number as the respective footnote
[9] If the answer is in the affirmative, please specify it in the row below that has the same number as the respective footnote
[10] If the answer is in the affirmative, please specify it in the row below that has the same number as the respective footnote

***Question 11* : What are the sources of information available to the Party on the previous condition of the environment (so-called baseline condition) in order to assess the extent of environmental damage?**		
a) the National Baseline Budgets of Pollution Emission and Releases as referred to in Guideline 11 ☐ yes ☐ no	b) the Biodiversity Inventory as referred to in Guideline 11 ☐ yes ☐ no	c) Other sources[11] ☐ yes ☐ no
11. "Other sources":		

Implementation constraints in getting the information not provided by the sources referred to in Guidelines 11					
Lack of specialized İnstitutes ☐ yes ☐ no	Lack of reliability of Data ☐ yes ☐ no	Lack of BAT ☐ yes ☐ no	Lack of trained personnel ☐ yes ☐ no	Inadequate participation by the civil society ☐ yes ☐ no	Other[12] ☐ yes ☐ no
12." Other sources"					

***Question 12* : Does the Party's legislation:**		
a) provide that compensation for environmental damage is earmarked for interventions in the environmental field? (Guideline 13) ☐ yes ☐ no	***b) cover all the four elements of traditional damage as referred to in Guideline 14?*** ☐ yes ☐ no[13]	***c) provide for joint and several liability in case of pollution of a diffuse character?*(Guideline 15)** ☐ yes ☐ no
13. Please specify the missing elements		

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Guidelines 16, 17, 18 – Preventive and Remedial measures; Channelling of liability

***Question 13* : Under the Party's legislation, is the operator bound to take the preventive and remedial measures referred to in Guideline 10 (b) and (c)?** ☐ yes ☐ no			
***Question 14*: How does the Party's legislation regulate the taking of the above preventive or remedial measures, when the operator fails to take such measures or cannot be identified or is not liable under the existing legislation:**			
a) the Party takes both measures and recovers the cost from the operator, where appropriate ? ☐ yes ☐ no	***b) no measures are taken by the Party?*** ☐ yes ☐ no	***c) the Party takes only preventive measures ?*** ☐ yes ☐ no	***d) the Party takes only remedial measures ?*** ☐ yes ☐ no

[11] If the answer is in the affirmative, please specify it in the row below that has the same number as the respective footnote

[12] If the answer is in the affirmative, please specify it in the row below that has the same number as the respective footnote

[13] If the answer is No, please describe in the row below that has the same number as the footnote , what are the missing elements?

Question 15 (optional): ***Under the Party's legislation, is liability imposed also on subjects different from the operator, as defined in Guideline 18 ?***				
☐ yes ☐ no ***and If so, what other subjects*** **:**				
a) Captain of ship? ☐ yes ☐ no	b) Classification society? ☐ yes ☐ no	Owner of a hazardous cargo? ☐ yes ☐ no	Owner of an off-shore installation? ☐ yes ☐ no	Other subjects[14] ? ☐ yes ☐ no
14. "Other subjects":				
Question 16(optional): ***Does the party's legislation provide for a definition of operator different from that provided in Guideline 18?*** ☐ yes ☐ no				
If yes, please specify the definition :				

Guidelines 19, 20,21,22 – Standards of liability

Question 17 (optional) ***: Does the party's legislation include provisions related to:***		
a) ***General civil extra-contractual liability (also called tort or delictual liability)*** ☐ yes ☐ no	b) ***General administrative liability of State organs*** ☐ yes ☐ no	c) ***Environmental liability (special liability provisions applying to the environment, including the marine environment)*** ☐ yes ☐ no

Question 18: What is the basis standard of liability established under the Party's legislation law for					
a) Environmental damage			**b) Traditional damage**		
-Strict liability? ☐ yes ☐ no	-Fault liability? ☐ yes ☐ no	-A combination of the two? ☐ yes ☐ no	-Strict liability? ☐ yes ☐ no	-Fault liability? ☐ yes ☐ no	-A combination of the two? ☐ yes ☐ no

Question 19: Is absolute liability for either environmental or traditional damage applied by the Party's legislation? ☐ yes ☐ no
If so, please specify in what cases:

Question 20 (optional): ***Does the Party's legislation:***			
a) Apply fault based liability in cases of environmental damage resulting from activities not covered by any of the Protocols to the Barcelona Convention? (Guideline 20) ☐ yes ☐ no If so, you may specify what are the activities in question:	***b) Provide for apportionment of liability in case of multiparty causation of damage? (Guideline 21)*** ☐ yes ☐ no	***c) Provide for joint and several liability in case of multy-party causation of damage? (Guideline 21)*** ☐ yes ☐ no	***d) Define an incident as defined in Guideline 22?*** ☐ yes ☐ no If not, please specify here what are the differences:

[14] If the answer is in the affirmative, please specify it in the row below that has the same number as the respective footnote.

Guidelines 23, 24 - Exemptions of Liability and Limitations of liability

Question 21 : What are the exemptions for liability provided for under the Party's legislation?				
a) force majeure ☐ yes ☐ no	***b) act of war, hostilities, civil war, insurrection*** ☐ yes ☐ no	***c) Act of terrorism*** ☐ yes ☐ no	***d) order or compulsory measure of public authority*** ☐ yes ☐ no	***e) other exemptions***[15] ? ☐ yes ☐ no
15: "Other exemptions"				
Question 22: Does the Party's legislation, including the treaties in force for the Party, provide for any financial limits of liability ? ☐ yes ☐ no; **if the answer is in the affirmative :**				
a) for what kind of activities:				
a) Navigation? ☐ yes ☐ no	**b) Ultra hazardous activities?** ☐ yes ☐ no	**c) Other activities**[16] ☐ yes ☐ no		
16. " Other activities":				
b) Are these financial limits of liability re-evaluated on a regular basis? ☐ yes ☐ no				

Guidelines 26, 27- Time limits

Question 23(optional): Does the Party's legislation apply a two-tier system of shorter and longer periods to commenceproceedings for compensation? ☐ yes ☐ no; ***if yes : how long do the statutes of limitations last for*** :		
a) shorter period lasting for	b) longer period lasting for	c) one-tier period lasting for
Question 24 : From when does the statute of limitation run:		
a) In case of an incident consisting of a series of occurrences having the same origin?	***b) In case of an incident consisting of a series of occurrences?***	
Please specify:	***Please specify:***	

Guideline 28 - Financial and Security Scheme

Question 25: Does the Party's legislation require that the operator of activities covered by these Guidelines participates in a financial security scheme or financial guarantee to cover liability? ☐ yes ☐ no ***If so :*** **a) in what form :**		
Insurance contract? ☐ yes ☐ no	**Financial guarantee?** ☐ yes ☐ no	**Other form**[17]**?** ☐ yes ☐ no
17. "Other form":		
and **b) for what kind of activities? Please specify**		
If the answer to question 24 is No ***Question 26: How does the party envisage the possibility of establishing a compulsory insurance regime in the cases mentioned by this guideline?*** **Please specify:**		

[15] If the answer is in the affirmative, please specify it in the row below that has the same number as the respective footnote.

[16] If the answer is the affirmative, please specify it in the row below that has the same number as the respective footnote.

[17] If the answer is the affirmative, please specify it in the row below that has the same number as the respective footnote.

Question 27 *: Have the operators voluntarily established financial and security schemes?*		
☐ yes ☐ no		
Question 28*: Are financial and security schemes available on the market to cover environmental liability?*		
☐ yes	☐ no	The market is developing

Guideline 29 - Mediterranean Compensation Fund

Please refer to Part No.3 of the Reporting format

Guideline 30 - Access to information

Question 29**: Are the competent authorities of the Party bound by any specific procedure to give public access to information as regards environmental damage or the threat thereof, as well as measures taken to receive compensation for it?** ☐ yes ☐ no		
1- When the answer is in the affirmative:		**2- When the answer is No**
a) Do they have a specific time limit to reply to requests for information? ☐ yes ☐ no **If so, what is the time limit? Please specify:**	**b) Is information provided also to applicants who are not directly affected by an incident, and, in particular, to non governmental organizations for the protection of the environment?** ☐ yes ☐ no	**c) For what reasons the information could be refused? Please specify:**

Guideline 31 - Action for compensation

Question 30*: Under the Party's legislation, action for compensation for environmental damage can be brought by:*			
a) the State ☐ yes ☐ no	b) other public entities (regions, provinces, municipalities) ☐ yes ☐ no	c) civil society organisations ☐ yes ☐ no	d) private persons ☐ yes ☐ no
Question 31: If civil society organizations or private persons cannot bring an action, can they intervene in the proceedings or present amicus curiae briefs? ☐ yes ☐ no			

PART 2
GENERAL QUESTIONS AND NEEDS ASSESSMENT

I - Institutional Regime

No	***Question 32****: Does the Party have Institutions which deal with the issues of liability and compensation for damage resulting from pollution of the marine environment ?* ☐ yes ☐ no Please describe in case the answer is yes :	**Specific competences in the field of liability and compensation for damage resulting from pollution of the marine environment**
1	a) Institut's name	b) any specific competence

II Case and Experience Studies (Optional Questions)

***Question 33*: Were your authorities confronted with any incident which provoked a substantive pollution of the marine environment over the past five years?**	
☐ yes	☐ no
***Question 34*: Please briefly describe the incident, the damages (environmental and traditional) and the measures undertaken in order to determine liability and to pay compensation?**	-
***Question 35*: Do you consider that the measures undertaken were sufficient?** ☐ yes ☐ no	-

PART 3

Other steps (optional)

1. What measures would the Party suggest to enhance access and knowledge to these Guidelines by all stakeholders at the regional, national, local level?

2. Should a future Mediterranean liability and compensation regime also apply to activities which are not specifically regulated by the Barcelona Convention and its Protocols?

☐ yes ☐ no

3. If so, what kind of activities:

a. fishing ☐ yes ☐ no

b. aquaculture ☐ yes ☐ no

c. activities producing underwater noise ☐ yes ☐ no

d. ship dismantling ☐ yes ☐ no

e. CO_2 sequestration ☐ yes ☐ no

f. other (please specify) ☐ yes ☐ no

4. Should a future Mediterranean liability and compensation regime apply to activities covered by liability and compensation treaties listed in the Appendix to Guidelines which have not yet entered into force (pending their entry into force?

☐ yes ☐ no

5. Should a future Mediterranean liability and compensation regime apply to Parties which are not yet parties to liability and compensation treaties listed in the Appendix to Guidelines (pending their participation to such treaties)?

☐ yes ☐ no

6. How does the Party consider the possibility of establishing a compulsory insurance regime for the Mediterranean in the cases mentioned by Guidline 28?

7. What kind of synergies can be established with multilateral liability and compensation regimes already established, in particular the European Community regime?

Annex II

Programme of Action to facilitate 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

The Programme of Action is aimed at building the capacity of all the relevant stakeholders, including the competent authorities and personnel at all levels (local, regional and national), scientific institutions and non-governmental organizations. The following action should be organized by the Secretariat, in close cooperation with the Parties, in particular through the convening of workshops and seminars or through consultancies at the Mediterranean or country levels and should cover the following subjects:

- The identification among the treaties listed in Annex 1 to the Guidelines of those that are most relevant for the establishment of a consistent and effective regime of liability and compensation in the Mediterranean, and where appropriate the constraints that have so far impeded their entry into force, and the steps that could be taken to ensure the broadest possible participation to these treaties by the Parties to the Barcelona Convention;

- The identification of the activities covered by the Barcelona Convention and its Protocols that are likely to cause damage to the environment but are not addressed by any relevant treaty;

- The analysis of existing national legislation, and the consequent development, where necessary, of updated legislation;

- The harmonization of the key definitions used in the relevant legal instruments;

- The formulation of criteria for the evaluation of environmental damage, especially as regards diminution in value of natural resources pending restoration, and compensation by equivalent;

- The strengthening of national institutional capacity and inter-institutional coordination at both the horizontal and vertical levels;

- The development of means to ensure effective access to information by the public and its right to take or participate in legal actions;

- Taking into account all available information and studies, an assessment of the products available on the insurance market for the possible future development of a compulsory insurance regime, as envisaged in Guideline 28;

- Taking into account all available information and studies, the preparation of a study of the feasibility of a Mediterranean Compensation Fund, as envisaged in Guideline 29.