

Application of transboundary EIA/SEA in the context of the Barcelona Convention and its Protocols

Environmental Impact of Transboundary Activities and the Feasibility Study



**Mediterranean
Action Plan**
Barcelona
Convention

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EIA requirements in the MAP Barcelona Convention System

The BC and its Protocols **expressly include** provisions that require CPs to “**undertake environmental impact assessment for proposed activities that are likely to cause a significant adverse impact on the marine environment**”, referring to the **geographical area of the whole maritime waters of the Mediterranean Sea** (BC, art 1), **including the transboundary aspects**, but without entering into the details of the process and its distinct stages, not specifying the list of activities subject to EIA obligations.

The relevant/related **BC requirements** for CPs are to:

- (a) implement the **precautionary principle** and the **polluter pays principle** (Article 4.3.a and b)
- (b) undertake **EIA for proposed activities that are likely to cause significant adverse impact** on the marine environment (Article 4.3.c)
- (c) promote cooperation on the basis of **notification, exchange of information and consultation** in case of TrEIA (Article 4.3.d)
- (d) use **Best Available Techniques (BAT) and Best Environmental Practice (BEP)** (Article 4.4.b)
- (e) monitor the **pollution** of the marine environment and its coastal areas (Article 12)
- (f) ensure **public information and participation** (Article 15).

EIA requirements in the MAP Barcelona Convention System

Five Barcelona Convention Protocols require CPs to undertake an EIA procedure, without specifying the list of activities and/or projects which require EIA:

- 1. Land-Based Sources Protocol:** EIA procedure requirement for pollution prevention (recital referring to BC art 4)
- 2. Prevention and Emergency Protocol:** (recital referring to BC art 4)
- 3. Specially Protected Areas and Biological Diversity Protocol:** evaluation of possible impact, including the cumulative impacts, of planning process leading to decisions that could significantly affect protected areas and species and their habitats (art 17)
- 4. Offshore Protocol:** EIA requirement for authorisation or renewal of authorisation and for the protection of Specially Protected Areas (artt 5.1.a and 21)
Guidelines for the conduct of EIA under the Offshore Protocol (COP 22 Decision IG.25/15), as informal guidance not addressing transboundary aspects.
- 5. ICZM Protocol:** general principle on preliminary assessment for risk; EIA procedure requirement taking into consideration the specific sensitivity of the environment, LSI, cumulative impacts and carrying capacity (artt. 6 and 19)

SEA requirements in the MAP Barcelona Convention System

Barcelona Convention and its **Protocols** do not request the CPs to undertake SEA.

Only the **ICZM Protocol** contain provisions that bear **certain similarities** with those of the SEA Protocol, not specifying the plans and programmes to which it applies.

The **Common Regional Framework for the implementation of ICZM** and the **Conceptual Framework for MSP in the Mediterranean** (Decision IG.23/7) foresee the application of SEA to support the implementation of ICZM principles.

The **guidelines for EA in a transboundary context** contain **recommendations** for the implementation of transboundary procedures that are **coherent with the SEA Protocol**.

→ **Maritime Spatial Planning**

SEA is an integral part of the **MSP process**, providing an assessment of plan alternatives and mitigation measures.

SEA is an operational application of the **Ecosystem-based Approach** as it frames the assessment of significant effects on species and habitats important for conservation.

Other tools

Reporting and Compliance mechanisms to ensure verification and timely compliance and application of Barcelona Convention and its Protocols and the decisions taken by the CPs:

- **Barcelona Convention Compliance Committee** subsidiary body in charge of the implementation and enforcement of the BC and its Protocols.
- **Reporting system** through the submission of National Implementation Reports by the Contracting Parties each biennium, under Barcelona Convention Article 26.

UNCLOS BBNJ Agreement

- **Part IV (Articles 27-39) is dedicated to environmental impact assessments (EIAs)**, establishing innovative baseline requirements for the assessment and management of human activities.
- EIA envisaged in the BBNJ covers ocean areas outside national jurisdiction.
- To date, 11 CPs to the Barcelona Convention have signed the BBNJ Agreement, including some Mediterranean countries that are not parties to the Espoo Convention and its SEA Protocol.
- According to international law, countries that have not yet ratified the international agreement, having signed it, are nevertheless required not to carry out actions that are clearly contrary to the content of the Agreement, including the provisions on environmental assessments.

UNEP/MAP Activities in a Transboundary Context (1/2)

Marine Pollution from Ships in a Transboundary Context

- Marine Pollution is **transboundary**, especially in a semi enclosed sea like the Mediterranean; therefore, preventing and controlling marine pollution requires **international and regional cooperation**;
- The Mediterranean Sea is recognised as a Special Area with strict controls in terms of oil pollution, marine litter and sulphur emissions. Many activities have been put in place under the Barcelona Convention, particularly through REMPEC, to support and facilitate the **implementation of international measures for shipping pollution reduction and prevention** by the Mediterranean littoral States;
- The establishment of **special areas under MARPOL or Particularly Sensitive Sea Areas** requires preparation of studies to satisfy the criteria established for such special areas. REMPEC has developed **Guidance Document for the identification and designation of Particularly Sensitive Sea Areas in relation to Specially Protected Areas of Mediterranean Importance** which may be used by countries.
- The CPs have committed to promote and support the development and implementation of **innovative solutions to mitigate and respond to reduction of GHG emissions from shipping** in the Mediterranean;
- The CPs have pledged the full implementation of the designation of the Mediterranean Sea as a **Sulphur Emission Control Area**. This will enter in effect on 1 May 2025;
- The CPs have agreed to explore the possible designation of the Mediterranean Sea, as a whole, as an **Emission Control Area for NOx**. The work on the possible designation has been initiated; it is envisaged that a road map for the possible designation is discussed and agreed upon during the next meeting of the Contracting Parties to be held in December 2025, in Egypt.

UNEP/MAP Activities in a Transboundary Context (2/2)

Transboundary Coastal Area Management Programme

- The **Coastal Area Management Programme (CAMP) Otranto**, which was just finalized, is the first programme to test the CAMP methodology on a transboundary scale, to reinforce sustainable coastal development across the South Adriatic.
- In this Transboundary CAMP project between Italy (Puglia) and Albania (Vlora) our Regional Activity Centre PAP/RAC proposed (a) some **Area-Based Management Tools in the transboundary area**, and (b) a **specialized methodology that incorporates quantitative scoring system to evaluate the cumulative impacts of environmental pressures**.

Transboundary EIA/SEA for sub-regional marine oil pollution contingency plans in the Mediterranean

- UNEP/MAP through REMPEC provides technical support to countries notably through provision of **forecasting models in case of emergencies** through its partnership with the Mediterranean Operational Network for the Global Ocean Observing System, in the framework of the **Mediterranean Assistance Unit**.
- REMPEC has supported Mediterranean coastal States in the **preparation of sub-regional contingency plans**. Such sub-regional arrangements for mutual assistance in helping to manage marine pollution emergencies, significantly extends the spill response capacities of individual countries, by providing a mechanism for pooling resources and jointly conducting response operations
- To date **seven sub-regional contingency plans** have been developed in different region of the Mediterranean.

Possible Areas of Cooperation with the ESPOO Convention/Kiev Protocol

- **Exchange of good practices** in terms of transboundary impact assessment; enhance transboundary cooperation and exchange of experiences
- Focus on environmental impact assessments in coastal areas, and on how to take into account **coastal specificities**
- Defining the **links between SEA/EIA and Marine Spatial Planning**
- How to better take into **account cumulative impacts** in assessments
- Possible collaboration in the preparation and of **Data Standards and Data Dictionaries** for Common Indicator 19 *“Occurrence, origin (where possible), extent of acute pollution events (e.g. slicks from oil, oil products and hazardous substances), and their impact on biota affected by this pollution (EO9)”* of related chapters on the next **MED QSR**
- Exchange on the role of bodies such as the **Compliance Committee** to ensure that the provisions on transboundary environmental assessments are implemented
- Cooperation/exchanges on data and studies on EIAs related to the establishment of **special areas under MARPOL or Particularly Sensitive Sea Areas**, or of **emission control areas**
- Exchanges on how to **better build capacities in the countries with no legal framework on transboundary EIA and SEA** (i.e. countries which are neither EU Member States nor Parties to the ESPOO Convention), for example, through the preparation and adoption of guidelines
- Collaborate in assessing how **to better take in consideration climate change related challenges** in doing assessments, including EIAs and SEAs
- The need to further invest **on renewable energies, including on offshore wind energy**, is creating new needs related to EIA, SEA and related assessments in the context of Marine Spatial Planning.

Feasibility Study

The **Feasibility Study on the application of Transboundary EIA/SEA in the context of the Barcelona Convention and its Protocols** was presented at the Regional Workshop on Transboundary EIA/SEA in the Mediterranean, organized by PAP/RAC in Athens, Greece, on 5 March 2024.

The legal analysis of the study focuses on the CPs that are currently **not Parties to the Espoo Convention** (Algeria, Egypt, Israel, Lebanon, Libya, Monaco, Morocco, Syrian Arab Republic, Tunisia, and Türkiye); and **to the SEA Protocol** (Algeria, Egypt, France, Greece, Israel, Lebanon, Libya, Monaco, Morocco, Syrian Arab Republic, Tunisia and Türkiye). From these, 7 are **not currently Parties to the ICZM Protocol** (Algeria, Egypt, Greece, Libya, Monaco, Tunisia, Türkiye).

Chapter 5 presents justification, methodology and key findings and some proposals for the adoption of the transboundary EIA/SEA procedures by all Mediterranean countries, based on the previous comparative analysis between the BC System and the UNECE legal tools, since they constitute the international reference instruments for the implementation of correct application of transboundary environmental assessments also for the Mediterranean countries.

There is still **limited information available on how Mediterranean countries cooperate on notification, exchange of information and consultations** in assessing transboundary impacts of projects, plans or programmes. The relevant legislation is very varied and inhomogeneous and, as such, does not facilitate the comparability in a transboundary context.

Feasibility Study - Draft options (1/2)

These options, even in combination among them, are proposed steps that may be taken for the introduction and adoption of Transboundary EIA/SEA procedures throughout the Mediterranean region.

- **Continuation of the current policy framework:** a development in the exchange of information is envisaged, through both formal (including through UNEP MAP) and more informal modes of communication.
- **Invitation of the CPs that have not yet done so to adhere to** the relevant international instrument, i.e., the **Espoo Convention** and **its SEA Protocol**, by providing for a Mediterranean linkage mechanism within the UNEP/MAP Barcelona Convention System.
- **Update of “draft *guidelines for environmental assessment in a transboundary context on the procedures for notification, exchange of information and consultation among the Mediterranean States*”** referring to the existing legal and policy framework for the application and implementation of the transboundary EIA and SEA procedures by all Mediterranean countries under the UNEP/MAP Barcelona Convention System.

Feasibility Study -Draft options (2/2)

- Promote the use of and facilitate Countries to enter into **bilateral or multilateral agreements** to enhance the effective implementation of the transboundary environmental assessment (in accordance with Article 4(3)(d) of the Barcelona Convention and also as provided for in the ICZM Protocol, Article 29).
- **Amendment of the existing BC** to include a dedicated article to introduce the transboundary EIA and SEA concept and main elements of the procedures.
- **Amendment of the existing relevant BC Protocols** to include a separate Title/Chapter containing articles dedicated to the transboundary EIA and SEA procedures.
- **Adoption of a specific Protocol on transboundary EIA and SEA**, reflecting the procedures and degree of detail provided by the Espoo Convention and its SEA Protocol, adapted as necessary to the characteristics of the Mediterranean.
- **Implementation of pilot transboundary CAMP projects on transboundary EIA/SEA** to test and improve the related activities, to facilitate engagement and to help to build trust between the concerned countries.

Feasibility Study – Next Steps

- Finalise report with the authorities and institutions in charge of EIA/SEA in particular those states not bound by the Espoo Convention and its SEA Protocol to get their feedback.
- Finalise steps and measures to be taken for the proposed introduction of the transboundary EIA/SEA throughout the Mediterranean Region.
- Finalize the FS taking into account the recommendations of the regional consultation meeting.



Thank you!



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