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**REGIONAL MARINE POLLUTION EMERGENCY
RESPONSE CENTRE FOR THE MEDITERRANEAN SEA (REMPEC)**

**CENTRE REGIONAL MEDITERRANEEN POUR L'INTERVENTION
D'URGENCE CONTRE LA POLLUTION MARINE ACCIDENTELLE (REMPEC)**

**MEDITERRANEAN ACTION PLAN
PLAN D'ACTION POUR LA MEDITERRANEE**



7th Meeting of Focal Points of the
Regional Marine Pollution Emergency
Response Centre for the Mediterranean
Sea (REMPEC)

REMPEC/WG.26/8
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Agenda Item 8

**Sustainable development and respect of the marine environment
by pleasure craft activities in the Mediterranean Sea**

Note by REMPEC

1. In order to examine the latest draft Convention prepared by INDEMER (Institut du Droit Economique de la Mer), taking also into consideration the work carried out by REMPEC, the Government of Monaco convened a Meeting of legal experts, which REMPEC attended, between 21 and 22 January 2003. The meeting agreed that it would be appropriate to continue the preparatory work within the framework of MAP on the condition that its further development focuses on the environmental aspects of pleasure craft navigation. The Centre informed the 6th Meeting of REMPEC Focal Points (REMPEC/WG.21/12, Malta, 12-15 February 2003) on the outcome of the Monaco Meeting and the Focal Points confirmed that the initiative was pertinent.

2. Subsequently, the Monegasque authorities organized and REMPEC attended a second meeting of legal experts, held on 25 April 2003 in Monaco, in order to further examine and discuss the proposed legal instrument. The second Meeting agreed on a revised document, which was consolidated in the view of its submission to the Thirteenth Ordinary Meeting of the Contracting Parties to the Barcelona Convention.

3. The Thirteenth Ordinary Meeting of the Contracting Parties to the Barcelona Convention (UNEP(DEC)/MED IG.15/11, Catania, 11-14 November 2003) considered the initiative and decided to proceed with the preparatory work for drafting a legal regional instrument on prevention of pollution from pleasure craft activities in the Mediterranean Sea. It also mandated the Secretariat to take appropriate actions in order to facilitate the relative preparatory work. Consequently, Monaco kindly offered to host a first Meeting of National Experts and, as its voluntary contribution, to cover all the expenses related to it.

4. The Meeting of National Experts on the Feasibility of a Legal Regional Instrument on Prevention of Pollution from Pleasure Craft Activities in the Mediterranean (REMPEC/WG.24/6, Monaco, 8-10 December 2004) was organized by REMPEC and was held at the Auditorium Rainier III, in Monte Carlo, Monaco, thanks to the logistical and financial support of the Government of Monaco.

5. The main objectives of the Meeting were to discuss the feasibility of a legal regional instrument on prevention of pollution from pleasure craft activities in the Mediterranean and to decide on the content as well as on the form that this instrument could have within the Barcelona system. Prior to the Meeting, REMPEC circulated the proposed legal regional instrument (REMPEC/WG.24/5) to the

Contracting Parties, United Nations Environment Programme/Mediterranean Action Plan (UNEP/MAP) and International Maritime Organization (IMO).

6. REMPEC official Prevention Focal Points were invited to participate in the Meeting. The invitation was also extended to the Coordinating Unit of the Mediterranean Action Plan (MEDU) and to IMO. In agreement with Monaco, representatives from INDEMER were also invited to attend the Meeting as observers.

7. The Meeting, after exhaustive discussion, decided not to retain the hypothesis of a legally binding instrument and consequently excluded both the adoption of a new Protocol and amendments to the existing Prevention and Emergency Protocol 2002. The Meeting agreed on the form of a Resolution containing Principles, which should serve as a framework for the development of the Guidelines by REMPEC.

8. The Meeting then reviewed, discussed, and amended the content of the proposed text, and agreed upon the set of principles to be taken into consideration when preparing the Guidelines. It was decided that the Resolution containing these Principles would be submitted to the 7th Meeting of REMPEC Focal Point for its endorsement, prior to its further submission to the Contracting Parties for adoption.

9. The Resolution containing the Principles agreed upon is reproduced in **Annex** to the present document.

10. **The Meeting of Focal Points is invited to** take note of the information provided by REMPEC and endorse the Resolution containing the set of principles that was agreed upon during the Meeting of National Experts on the Feasibility of a Legal Regional Instrument on Prevention of Pollution from Pleasure Craft Activities in the Mediterranean (Monaco, 8-10 December 2004), and which is annexed to the present document.

ANNEX

Draft Resolution for the sustainable development and respect of the marine environment by pleasure craft activities in the Mediterranean Sea

The Contracting Parties to the Barcelona Convention

Bearing in mind the relevant provisions of the United Nations Convention on the Law of the Sea, done at Montego Bay on 10 December 1982, which is in force and to which many Mediterranean Coastal States and the European Community are Parties, as well as the applicable provisions of relevant IMO Conventions, in particular those of the MARPOL 73/78 Convention for the Prevention of Pollution from Ships;

Taking into account the provisions of the Convention on Biological Diversity (Rio de Janeiro, 1992);

Considering also the provisions of the 1995 Barcelona Convention and its relevant Protocols, and in particular the "Prevention and Emergency" Protocol adopted in 2002;

Bearing in mind the measures adopted within the framework of the Regional Seas Programme of UNEP;

Acknowledging that the principle of freedom of navigation implies the freedom to carry out pleasure craft activities without prejudice to the recognised rights and obligations of the coastal State over marine areas within its jurisdiction;

Noting the considerable increase of pleasure craft activities in the past decades and aware of the role that tourism plays in the achievement of sustainable development;

Fully aware of how this kind of activities favours cultural, economic, social, sport and leisure exchanges;

Conscious, nevertheless, of the risks that this kind of traffic constitutes to the environment and to safety at sea;

Anxious, therefore, to promote and facilitate the practice of pleasure craft activities while fully respecting the competence of the State in accordance with international law;

Wishing to harmonise, where necessary, the application of international, regional, or national rules relating to pleasure craft activities;

Desirous of establishing a regime to regulate these activities that would be adapted to the Mediterranean Sea, a semi-enclosed sea with a delicate ecological balance, and that would fit in with the different uses coastal areas are put to;

Considering, furthermore, that in this particular field, it is important to strengthen the cooperation that has been developed between coastal States of the Mediterranean;

Taking into consideration REMPEC's Regional Strategy for Prevention of and Response to Marine Pollution from Ships, [adopted during the 14th Ordinary Meeting of the Contracting Parties convened in November 2005], which includes the prevention of pollution from pleasure craft activities as a specific objective;

ADOPT the principles underlying the sustainable development and respect for the environment by pleasure craft activities in the Mediterranean Sea, set out in the Annex to the present resolution;

MANDATE REMPEC to develop comprehensive guidelines to enable the principles to be applied in the Mediterranean region, taking into account previous work done on pleasure craft activities and to present these guidelines to the 15th Ordinary Meeting of the Contracting Parties for adoption;

COMMIT themselves to apply, individually or in cooperation, the principles adopted by the present Resolution, which constitute the framework of the Guidelines to be developed by REMPEC;

INVITE non-Mediterranean States whose pleasure craft sail the Mediterranean sea to adopt principles analogous to those recommended by the present Resolution.

ANNEX

PRINCIPLES TO BE RETAINED FOR THE DEVELOPMENT OF THE GUIDELINES

Section I. General principles

.1 Definitions

The following definitions apply to these terms:

1. “Pleasure craft” means all kinds of craft using any type of propulsion system, be it privately owned or chartered, used for pleasure, sport or leisure.
2. “Pollution” means the introduction by man, directly or indirectly, [within the framework of pleasure craft activities], of substances or energy into the marine environment, including estuaries, which results or is likely to result, in such deleterious effects as harm to living resources and marine life, hazard to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of seawater and reduction of amenities.
3. “Biological diversity” means the variability of living organisms from all sources including *inter alia* terrestrial, marine and other aquatic ecosystems and the ecological complex of which they are part; this includes diversity within species, between species and of ecosystems.
4. “Authorities” means the competent national authorities entitled to ensure maritime safety and to protect the marine environment.
5. “Marina” means all reception and berthing facilities for pleasure craft, specifically intended or equipped for this purpose, including zones reserved for pleasure craft in those ports that are accessible to all types of vessels.

.2 Application

The guidelines should apply to pleasure craft, marinas and relevant facilities.

Section II. **Principles relating to prevention of pollution by pleasure craft and protection of the marine environment**

.1 Polluting discharges

- a) The Contracting Parties should prohibit operational discharges consisting of oil or oily mixtures, sewage and garbage, as provided respectively in Annexes I, IV and V in the MARPOL 73/78 Convention.
- b) The Contracting Parties should take all necessary measures to prevent spillages into the sea of pleasure craft fuel during refuelling operations.

.2 Retention on board of polluting wastes

The Contracting Parties should ensure that the operational wastes referred to in Section II, Point 1 are kept on board in tanks or other storage containers until their disposal in appropriate reception facilities.

.3 Anti-fouling systems

- a) Contracting Parties should prohibit the use, by pleasure-craft, of anti-fouling systems as provided in the International Convention on the Control of Harmful Anti-fouling Systems on Ships, 2001.
- b) Contracting Parties should take the appropriate measures in order to collect, handle, process and dispose of wastes originating from anti-fouling systems mentioned in the above paragraph, so as to protect human health and the environment.

.4 Exhaust gas emissions

- a) With reference to Annex VI of the MARPOL 73/78 Convention, the Contracting Parties should establish maximum levels allowed for exhaust gas and particle emissions originating from pleasure craft engines.
- b) The Contracting Parties should develop quality standards for the fuels used by pleasure craft with a view to reducing harmful exhaust gas and particle emission to the levels stipulated under paragraph a).

.5 Sound emissions

The Contracting Parties should establish maximum levels permitted for sound emissions from engine-powered pleasure craft.

.6 Principles related to reporting procedure from pleasure craft

Each Party should issue instructions to skippers or any other persons in charge of pleasure craft, to report to the nearest Coastal State authorities, by the most rapid and adequate channels in the circumstances, the presence, characteristics and extent of pollution of the marine environment observed at sea.

Section III. Principles relating to protective measures

.1 Water sports activities

The Contracting Parties should, individually or in cooperation with one another, ensure that recreational craft activities, including competitive events and other water sports events, do not jeopardize life at sea nor cause undue harm to the environment.

.2 Specially protected sea areas

In accordance with international law and considering the characteristics of each specially protected sea area in the Mediterranean, the Contracting Parties should regulate the passage of pleasure craft as well as any stopping or mooring within such areas inside their territorial waters.

.3 Protection of marine fauna and flora and ecosystems

- a) The Contracting Parties should request all pleasure craft to respect international, regional and national regulations, with regard to protection and the safeguarding of marine fauna and flora.
- b) The Contracting Parties should take all necessary measures of a regulatory and administrative nature, to preserve from the impacts of pleasure craft marine activities coastal ecosystems in general, protected areas, and in particular the Specially Protected Areas of Mediterranean Importance (SPAMI).

.4 Protection of underwater archaeological heritage

The Contracting Parties should take all necessary measures with the aim of preventing any impact, by pleasure craft, on the underwater heritage, if such impact would constitute an infringement of national or international laws.

Section IV. Principles relating to marinas

.1 Operation of marinas

- a) The Contracting Parties should undertake to carry out environmental impact assessment prior to the construction or development of marinas.
- b) The Contracting Parties should take all necessary measures with the aim of eliminating the discharge into the sea of wastewater and other wastes generated by the operation of marinas.

.2 Development of marinas

- a) The Contracting Parties should foster the development of necessary reception facilities for pleasure craft in their marinas, and should keep each other informed of progress made in this regard. They should attach particular importance to the standardisation of equipment and, to this end, should establish all the useful links with the competent bodies in this field.
- b) The Contracting Parties should ensure the development, for their marinas, of plans for the management and processing of operational wastes collected *in situ*.

.3 Environmental awareness

The Contracting Parties should ensure that persons involved in the administration and management of marinas are have the knowledge to deal with issues related to protection of the marine environment.

Section V. Principles relating to administrative measures

.1 Identification

The Contracting Parties should, as far as reasonable and practicable, introduce into their legislation, if they have not already done so, a system by means of which pleasure craft falling under their jurisdiction may be identified.

.2 Qualification

The Contracting Parties should, as far as reasonable and practicable, taking into account the characteristics of the pleasure craft, ensure that the skipper or any other person in charge of the operation of a pleasure craft is adequately qualified to operate the craft safely.

.3 Insurance

The Contracting Parties should, as far as reasonable and practicable, ensure that the pleasure craft are covered by an appropriate insurance.

.4 Communications and reports

The Contracting Parties should communicate to REMPEC with the shortest possible delay, their legislative and statutory texts regulating pleasure craft activities, the modifications made thereto, as well as the status of implementation of the Guidelines. REMPEC should in turn transmit such information to other Contracting Parties.

Section VI. Principles relating to monitoring and control of pleasure craft activities

In conformity with international law, the competent authorities should exercise monitoring and control of pleasure craft activities and take any measures that they are entitled to apply in the marine areas under their sovereignty or jurisdiction.