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

Fourth Meeting of the Barcelona Convention Offshore Oil
and Gas Group (OFOG) Sub-Group on Environmental
Impact

REMPEC/WG.55/4
25 April 2023
Original: English

Floriana, Malta, 23-24 May 2023

Agenda Item 4: Technical review of the Annexes to the Mediterranean Offshore Protocol

Outcome of the work of the Intersessional Correspondence Group of the OFOG Sub-Group on the Environmental Impact on the the technical review of the Annexes to the Offshore Protocol

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Note by the Secretariat

This document provides brief information on the outcome of the work of the Intersessional Correspondence Group (ICG) on the technical review of the Annexes of the Offshore Protocol.

Background

1 The Protocol for the Protection of the Mediterranean Sea against pollution resulting from exploration and exploitation of the continental shelf and the seabed and its subsoil (Offshore Protocol) was adopted in October 1994, and since its adoption significant regulatory, scientific and technical developments related to offshore activities have been achieved at both regional and global levels.

2 The Mediterranean Offshore Action Plan (MOAP) in the framework of the Protocol for the Protection of the Mediterranean Sea against Pollution resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil which was adopted by the Nineteenth Ordinary Meeting of the Contracting Parties to the Barcelona Convention and its Protocols (Athens, Greece, 9-12 February 2016), requests, under Specific Objective 7.c, *Contracting Parties to identify the required modifications of Annex I, II and III to the Offshore Protocol and the definition of which chemicals should be covered and not covered by such standards and under which conditions.*

3 In response to Specific Objective 7.c of the MOAP document UNEP(DEPI)/MED WG.434/3 ‘*List of pollutants*’ was presented in April 2017 to the First Meeting of the Barcelona Convention Offshore Oil and Gas Group (OFOG) Sub-Group on Environmental Impact. Subsequently, this list was refined in 2018 based on key findings drawn from a consultation process held in line with the conclusions and recommendations of the kick-off meeting which took place in Malta, 21-22 August 2017. The results of this update were presented in UNEP/MED WG. 476/Inf.4 “*Rationale for the Guidelines for the Conduct of Environmental Impact Assessment (EIA)*”.

4 In parallel, the Secretariat undertook a thorough analysis of the Annexes to all the pollution-related Protocols, including the Offshore Protocol, which was presented as information document (UNEP(DEPI)/MED WG.439/Inf.14) to the MED POL Focal Points Meeting (Rome, Italy, 29-31 May 2017). This analysis resulted in the identification of additional possible revisions to the Annexes III, IV and VII to the Offshore Protocol.

5 The outcomes of the different review processes were consolidated in an initial list of possible amendments to the Annexes of the Offshore Protocol (UNEP/MED WG.476/7) and presented at the Second Meeting of the Barcelona Convention OFOG Sub-Group on Environmental Impact held in Greece, 27-28 June 2019. Further work was completed leading to the adoption of amendments to the Annexes to the Protocol by the 22nd Meeting of the Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols (Antalya, Turkey, 7-10 December 2021; COP22) (IG.25/7).

Intersessional Correspondence Group on the Technical review of the Annexes to the Offshore Protocol

6 In accordance with the OFOG’s Terms of Reference¹ to keep under review the technical content of the Annexes to the Protocol, and make relevant recommendations, and following the adoption of the Programme of Work (PoW) for the biennium 2022-2023 by COP22, REMPEC, facilitated the launch of an Intersessional Correspondence Groups (ICG), of the Barcelona Convention Offshore Oil and Gas Group (OFOG) Sub-Group on Environmental Impact, on the technical review of the Annexes to the Offshore Protocol, identifying further required alignments with international, regional and national standards. The ICG on the technical review of the Annexes to the Offshore Protocol was launched towards the end of 2022.

7 The scope of work for the Terms of Reference (ToR) of the ICG on the technical review of the Annexes to the Offshore Protocol includes:

¹ Decision IG.21/8: Terms of Reference of the Barcelona Convention Offshore Oil and Gas Groups

- .1 Keeping under review the technical content of the Annexes to the Offshore Protocol and making relevant recommendations for their periodic update as necessary in accordance with Specific Objective 7 .c Identification of the required modifications of Annex I, II and III and definition of which chemicals should be covered and not covered by such standards and under which conditions of the MOAP (Decision IG.22/3); and
- .2 Building on the working document UNEP/MED WG.498/4 presented at the Third OFOG on Environmental Impact, 3-4 June 2021 and references therein, including links to the Common Standards and Guidance on the Disposal of Oil and Oily Mixtures and the Use and Disposal of Drilling Fluids and Cuttings (Decision IG.24/9 - Annex I) and to also take into account recent and ongoing relevant activities and processes at the international, regional and national level.

8 The objectives of the ToR included the technical review of the Annexes to the Offshore Protocol, identifying further required alignments with international, regional and national standards and to propose recommendations for modifications and corresponding justification as appropriate.

9 Comments and recommendations on the amendments to the Annexes of the Offshore Protocol were received by the Secretariat from a CP to the Offshore Protocol, a Non-Contracting Party to the Offshore Protocol and an accredited MAP Partner.

10 Table A1 as set out in Annex I of the present document, attempts to summarize the main elements of the comments and recommendations for easy reference whilst the detailed comments and recommendations received, are compiled in the Meeting Information document REMPEC/WG.55/INF.6.

11 One recommendation was the establishment of an ICG to further the work on the revision of the Annexes to the Offshore Protocol.

12 In this context, draft ToRs including a timetable prepared by the Secretariat, are set out at Annex II for perusal by the Meeting.

Actions requested by the Meeting

13 **The Meeting is invited to:**

- .1 take note of the information provided; and
- .2 approve the establishment of an Intersessional Correspondence Group, including its Terms of Reference as set out at Annex II, to further the work on the Annexes to the Offshore Protocol.

Annex I

Main comments and recommendations from the ICG on the technical review of the Annexes to the Offshore Protocol

Table A1. Main comments and recommendations from the ICG on the technical review of the Annexes to the Offshore Protocol.

Details of the comments and concerns are available in REMPEC/WG.55/INF.6

	Annexes to the Offshore Protocol	Main comments / concerns /feedbacks reported by the OFOG Members, Partners
Technical review	ANNEX I : Harmful or noxious substances and materials the disposal of which in the Protocol area is prohibited	<ul style="list-style-type: none"> – Annex I contains some redundancies and inconsistencies; – Annex I as listed at the 2021 COP is not consistent with Decision IG. 24/09 which was adopted in December 2019; – The proposed Annex I list is not aligned with the philosophy of REACH and OSPAR; – Some items listed refer to a concept that needs to be commonly defined to be practical; – /
	ANNEX II : Harmful or noxious substances and materials the disposal of which in the Protocol area is subject to a special permit	<ul style="list-style-type: none"> – to include aluminium and aluminium salts ; –
	ANNEX III : Factors to be considered for the issue of the permits	<ul style="list-style-type: none"> – Concerns expressed in relation with antifouling paints ; –
	<i>ANNEX IV: Environmental Impact Assessment</i>	– /
	<i>ANNEX V : Oil and oily mixtures and drilling fluids and cuttings</i>	– /
	<i>ANNEX VI : Safety measures</i>	– /
	<i>ANNEX VII : Contingency Plan</i>	– /
	<i>Appendix</i>	– /
Recommendations expressed on possible ways forward		Feedbacks on recommendation as a possible way forward
<ul style="list-style-type: none"> – an Intersessional Correspondence Group (ICG) is formed to work on a revised version that would be consistent and not conflicting with the Common Standards approved at COP 21 in December 2019. 		<ul style="list-style-type: none"> – Approval on the recommendation to form an ICG that would propose a revised version consistent with the Common Standards approved at COP 21 in December 2019; – /

Annex II

Proposed Terms of Reference for an Intersessional Correspondence Group (ICG) to work on a revised version of the Annexes to the Offshore Protocol consistent with the Common Standards approved at COP 21

Scope of work

1 The scope of work of the ICG on the revision of the Annexes to the Offshore Protocol (in short - ICG Revision of Annexes) is to keep under review the technical content of the Annexes to the Protocol for the Protection of the Mediterranean Sea against Pollution Resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil (the Offshore Protocol) and make relevant recommendations for their periodic update as necessary. This is in accordance with the Terms of Reference of the Barcelona Convention Offshore Oil and Gas Group (OFOG) and Specific Objective 7.c Identification of the required modifications of Annex I, II and III and definition of which chemicals should be covered and not covered by such standards and under which conditions of the Mediterranean Offshore Action Plan (Decision IG.22/3).

2 This work will build on the working document UNEP/MED WG.498/4 presented at the third OFOG meeting held remotely on 3-4 June 2021, and references therein, including links to the Common Standards and Guidance on the Disposal of Oil and Oily Mixtures and the Use and Disposal of Drilling Fluids and Cuttings (Decision IG.24/9 - Annex I). It will also build on the working document REMPEC/WG.55/4 presented at the fourth OFOG meeting on 23-24 May 2023. Furthermore it will take into account the planned activities of the OFOG related to guidelines on the use and discharge of harmful or noxious substances, as well as recent and ongoing relevant activities and processes at the international, regional and national level.

Objectives

3 The objective of the ICG Revision of Annexes is to carry out the following tasks with the support of REMPEC:

- .1 Technical review of the Annexes to the Offshore Protocol, identifying further required alignments with international, regional and national standards;
- .2 Propose recommendations for modifications and corresponding justification;
- .3 Submit proposed amendments to OFOG members, partners and experts for consultation;
- .4 Present outcomes at the fifth OFOG meeting to be held in Q2 2025.

Table 1 Proposed planning for the implementation of an Intersessional Correspondence Group (ICG) to work on Annexes to the Offshore Protocol

Activities/Tasks to implement	Indicative timeline					Deadline	Coordination and considerations for implementation	Entity responsible for the implementation
	2023	2024	2025					
Development of the ToR for an ICG on Annexes to the Offshore Protocol	#						Secretariat to draft the ToR, circulation of the document and reaching an agreement	Secretariat
Approval of the ToR	#							Contracting Parties (CPs) Secretariat
Circular letter launching the ICG	#							Secretariat
Submission of a first draft of a revised version of the Annexes with corresponding justification by Secretariat to OFOG members, partners and experts for consultation		#						Secretariat
Comments from OFOG members, partners and experts			#				Secretariat to compile the comments	CPs, OFOG Partners and experts
Submission of a second draft with corresponding justification by Secretariat to OFOG members, partners and experts for consultation			#					Secretariat
Comments from OFOG members, partners and experts			#				Secretariat to compile the comments	CPs, OFOG Partners and experts
Submission of a third draft with corresponding justification by Secretariat to OFOG members, partners and experts for pre-approval during an online meeting				#			Secretariat to coordinate the meeting and compile the comments	Secretariat
Present a revised version of the Annexes to the Offshore Protocol at the Fifth OFOG meeting					#		Secretariat coordinating the meeting	Secretariat

/ Green/Shaded, anticipated implementation period.

Participation

4 Participation is open to all Contracting Parties to the Barcelona Convention, partner organizations and appropriate entities which can provide the necessary expertise on a timely basis or which have a particular interest in the issue under consideration. Any Contracting Party, partner organization or appropriate entity can join in the work of the ICG Revision of the Annexes and any contribution should be accepted at any stage of the work of the Group.

Organisation of work

5 The group will be convened by the Secretariat, with the participation of other CPs, partners and experts (ICG members), and support from the Secretariat (REMPEC).

6 The Secretariat is expected to plan, organize and coordinate the work, making sure the task is progressing as planned.

7 The Secretariat will correspond remotely, through scheduling of regular remote meetings with the members, as considered necessary.

8 The working language is preferably English. Correspondence and documents would also be accepted in French, however no translation will be made by the Secretariat.

Responsibilities

9 Responsibilities of the Secretariat include:

- .1 organization of the work, planning, coordination and keeping track of the progress,
- .2 establishment of deadlines for the preparation of the recommendations,
- .3 scheduling regular remote meetings with the members, as considered necessary,
- .4 facilitation of the administrative and operational functioning of the ICG, including establishment of contacts with other entities etc., as required, and
- .5 presentation of the recommendations for amendments at the 5th OFOG meeting.

11 Responsibilities of the member Contracting Parties include:

- .1 designation of a person/entity with the corresponding expertise for the issues dealt within the ICG Revision of the Annexes,
- .2 active participation and contribution to the work of the ICG notably by:
 - a) conducting the technical analysis required for the revision of the Annexes,
 - b) submitting recommendations and justification for the proposed amendment to the Annexes to the Offshore Protocol,
- .3 compliance with the timeline and deadlines established by the Secretariat, and
- .4 submit input using the template shared by the Secretariat.

12 Responsibilities of third parties participating in the ICG Revision of the Annexes include:

- .1 active contribution to the technical content of the work of the ICG notably by:
 - a) conducting the technical analysis required for the review of the Annexes,
 - b) submitting recommendations and justification for the proposed amendment to the Annexes to the Offshore Protocol,
 - .2 compliance with the timeline and deadlines established by the Secretariat, and
 - .3 submit input using the template shared by the Secretariat.
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