



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

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Agenda Item 6: Status of Ratification of the Mediterranean Offshore Protocol

A discussion document on methods to encourage ratification of the Mediterranean Offshore Protocol

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Note by the Secretariat

This document is prepared as a ‘food for thought’ document highlighting some of the possible reasons for non-ratification of the Offshore Protocol and proposes potential actions that could be taken to overcome the barriers to ratification.

Background

1 The Protocol concerning 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), was adopted in 1994 and entered into force on 24th March 2011. Several Contracting Parties (CPs) had originally ratified the Offshore Protocol. The Offshore Protocol is a key pillar of marine environmental protection in the regional legal regime of the Barcelona Convention and its Protocols to protect the Mediterranean Sea from marine pollution. The “Deepwater Horizon” oil spill of 20 April 2010 brought back to the fore the impacts of the exploration and exploitation of the continental shelf and its seabed and its subsoil on the agenda of the Mediterranean, European and international community.

2 In February 2012, the Seventeenth Ordinary Meeting of the Contracting Parties to the Barcelona Convention and its Protocols (COP17) decided on the development of an Action Plan with a view to facilitating the effective implementation of the Offshore Protocol.

3 The Mediterranean Offshore Action Plan 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, hereinafter referred to as the Mediterranean Offshore Action Plan (MOAP), was adopted by the CPs in their 19th Ordinary Meeting (COP 19, Athens, Greece, February 2016.), with the overall objective of “*defining measures which, if applied at regional level and by each Contracting Party within their jurisdiction will ensure the safety of offshore activities and reduce their potential impact on the marine environment and its ecosystem*”.

4 The MOAP provides for the achievement of 10 Specific Objectives, structured around four main components, namely (i) Governance Framework; (ii) Regional Offshore Standards and Guidelines; (iii) Monitoring and (iv) Reporting.

5 Specific Objective 1 of the MOAP is the ratification of the Offshore Protocol.

6 To date, eight (8) CPs, to the Barcelona Convention, are Parties to the Offshore Protocol (Albania, Croatia, Cyprus, European Union, Libya, Morocco, the Syrian Arab Republic and Tunisia). No new ratifications have taken place since 2018.

7 The information set out at Annex, by no means complete, is offered as a “food for thought” highlighting what the barriers to ratification could be and what options could be considered to overcome some of these barriers to increase ratification of the Protocol which has not had a new ratification since 2018.

Overview on the status of ratification of the Offshore Protocol

8 To date, eight Contracting Parties (CPs) to the Barcelona Convention (among twenty-two CPs) are Parties to the Offshore Protocol (Albania, Croatia, Cyprus, European Union, Libya, Morocco, the Syrian Arab Republic and Tunisia). No new ratifications have taken place since 2018.

9 Table 1 provides an overview of the status of ratification of the Offshore Protocol.

Table 1 - 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

| Contracting Parties | Signature | Ratification, Acceptance, Approval, or Accession | Entry into force |
|------------------------|------------|--|------------------|
| Albania [#] | - | 26/07/2001 Accession | 24/03/2011 |
| Algeria | - | - | - |
| Bosnia and Herzegovina | - | - | - |
| Croatia [#] | 14/10/1994 | 02/08/2018 Ratification | 10/03/2018 |
| Cyprus [#] | 14/10/1994 | 16/05/2006 Ratification | 24/03/2011 |
| Egypt [#] | - | - | - |
| France | - | - | - |
| Greece [#] | 14/10/1994 | - | - |
| Israel [#] | 14/10/1994 | - | - |
| Italy [#] | 14/10/1994 | - | - |
| Lebanon [#] | - | - | - |
| Libya [#] | - | 16/06/2005 Ratification | 24/03/2011 |
| Malta | 14/10/1994 | - | - |
| Monaco | 14/10/1994 | - | - |
| Montenegro | - | - | - |
| Morocco | - | 01/07/1999 Accession | 24/03/2011 |
| Slovenia | 10/10/1995 | - | - |
| Spain [#] | 14/10/1994 | - | - |
| Syrian Arab Republic | 20/09/1995 | 22/02/2011 Ratification | 24/03/2011 |
| Tunisia [#] | 14/10/1994 | 01/06/1998 Ratification | 24/03/2011 |
| Türkiye [#] | - | - | - |
| European Union | - | 27/02/2013 Accession | 29/03/2013 |

* Color code green: Contracting Parties that have ratified the Offshore Protocol. (Source: <https://www.unep.org/unepmap/>)

: Contracting Parties exerting oil and gas activities in the Mediterranean Sea (see table 2)

10 Table 2 illustrates that among the twelve (12) CPs exerting oil and gas activities in the Mediterranean Sea, only five (5) have ratified the Offshore Protocol.

Table 2 - Number of oil and gas offshore fields for each Mediterranean country

| Country | Marine area* | Gas fields | Oil Fields | Oil and Gas Fields | Total |
|---------------------------------------|-----------------------|------------|------------|--------------------|------------|
| Albania | Adriatic Sea | 1 | 0 | 0 | 1 |
| Croatia | Adriatic Sea | 9 | 0 | 0 | 9 |
| Cyprus | Eastern Mediterranean | 4 | 0 | 0 | 4 |
| Egypt | Gulf of Suez | 0 | 66 | 12 | 78 |
| Egypt | Eastern Mediterranean | 90 | 3 | 3 | 96 |
| France | Atlantic coast | 0 | 4 | 0 | 4 |
| Greece | Aegean Sea | 2 | 6 | 0 | 8 |
| Greece | Ionian Sea | 0 | 0 | 1 | 1 |
| Israel | Eastern Mediterranean | 14 | 0 | 1 | 15 |
| Italy | Adriatic Sea | 92 | 7 | 4 | 103 |
| Italy | Ionian Sea | 4 | 0 | 0 | 4 |
| Italy | Central Mediterranean | 3 | 6 | 1 | 10 |
| Lebanon | Eastern Mediterranean | 1 | 0 | 0 | 1 |
| Libya | Central Mediterranean | 15 | 7 | 3 | 25 |
| Morocco | Atlantic coast | 1 | 3 | 0 | 4 |
| Spain | Atlantic coast | 2 | 0 | 0 | 2 |
| Spain | Western Mediterranean | 1 | 12 | 0 | 13 |
| Tunisia | Central Mediterranean | 7 | 19 | 5 | 31 |
| Türkiye | Black Sea | 10 | 0 | 0 | 10 |
| Türkiye | Marmara Sea | 1 | 0 | 0 | 1 |
| Türkiye | Eastern Mediterranean | 0 | 2 | 0 | 2 |
| Total in the Mediterranean Sea | | 243 | 62 | 18 | 323 |
| Total | | 257 | 135 | 30 | 422 |

*Mediterranean locations highlighted in orange

Note that some of the countries' own fields which are located outside the Mediterranean; related numbers are provided for completeness of the information. The total number of Mediterranean fields consider those located within the basin (marine areas highlighted in orange).

Data source: Clarksons Research Offshore Intelligent Network, data retrieved on 08.06.2020. Figures retrieved from EP/MED WG.498/Inf.4

Practical benefits arising from the Offshore Protocol

11 Broadly, the Offshore Protocol provides practical and comprehensive regulations that address the prevention and control of marine pollution resulting from the exploration and exploitation of the continental shelf and the seabed and its subsoil of the Mediterranean Sea.

12 The regulations of offshore activities create a framework for the concrete protection of the marine environment, preserving the Mediterranean Sea from pollution resulting from such activities. The regulations cover, among others:

- .1 authorization systems for exploration and exploitation;
- .2 obligations to observe internationally accepted standards regarding wastes and harmful or noxious substances and materials;
- .3 adoption of common standards for the disposal of oil mixtures and installations;
- .4 the discharge of waste and garbage;
- .5. reception facilities;

- .6 safety measures to be in place in the design, construction, placement, equipment, marking, operation and maintenance of installation;
- .7 inspections;
- .8 contingency planning, notification of incidents, and mutual assistance in cases of emergency;
- .9 monitoring;
- .10 removal of installations;
- .11 installation in specially protected areas;
- .12 cooperation in studies and research;
- .13 transboundary pollution; and
- .14 liability, compensation and sanctions.

13 Against this comprehensive regulatory framework, the practical benefits from being a Party to the Offshore Protocol could be drawn, which include, but not limited to:

- .1 influencing the direction and implementation of regional efforts to prevent, reduce and control pollution of the Mediterranean Sea from offshore activities by setting the latest regional rules and standards;
- .2 contributing to the developing guidance for implementing the Offshore Protocol and any amendments to it, thus potentially also increasing domestic marine environmental protection;
- .3 even if not intending to conduct such activities, Protocol membership provides countries with a forum to have their concerns about these activities conducted by others heard;
- .4 protecting better the marine environment and having cleaner coasts;
- .5 potentially enabling efficiencies in trade negotiations by allowing countries to build trade relationships from a uniform level of environmental protection;
- .6 effectively supporting the achievement of SDG 14 and its targets;
- .7 continuity through applying the same technical standards and guidelines as a basis;
- .8 ensuring a level playing field with other Protocol Parties which are also obliged to take similar measures; and
- .9 an opportunity to benefit from and shape amendments to address emerging issues under the Protocol.

Possible reasons for non-ratification

14 The following could be some of the reasons for non-ratification of the Offshore Protocol:

- .1 a lack of an in-depth understanding of the benefits of being a Party to the Offshore Protocol, in particular by politicians, even when a country has no oil and gas activities;
- .2 competing national development priorities pushing certain (marine) environmental issues down the legislative pecking order in terms of priority;
- .3 existing national legislation of offshore activities giving the perception that the provisions of the Protocol are not needed or redundant;
- .4 lack of national capacity to implement the provisions of the Protocol; and
- .5 a lack of a well-defined institutional arrangement coupled to constant and reliable funding at regional level to deliver the specific objectives of the Mediterranean Offshore Action Plan (MOAP).

Potential actions that could be taken to overcome the barriers to ratification

15 A number of initiatives and actions could be considered to overcome the barriers of ratification. As a first step, consideration could be given to conducting a survey of those countries that have yet not ratified the Offshore Protocol to identify the possible reasons for non-ratification.

16 Having collected the information and on the basis of the findings of the survey, a targeted approach would probably serve best the specific requirements of a non-ratifying country which, upon request for assistance, have tailored support in the form of the development of a detailed road map to support its specific needs to accession and implementation of the Protocol. The road map could, *inter alia*, identify donor funding or other resources (e.g. expertise) to support each step towards accession and implementation, including the necessary institutional strengthening and capacity building activities. With this approach, it is often that a country will need to designate a clear “lead agency” for offshore affairs and form and operate an inter-departmental ministerial, cross-sectoral multi-disciplinary national task force or standing committee.

17 In addition, a number of supporting activities can be explored which will serve this targeted approach as well as encourage accession and implementation of the Offshore Protocol at the general level.

- .1 building awareness on the benefits of ratifying the Offshore Protocol, sensitizing decision-makers on the issue and stimulate discussion among this community in the country;
- .2 leveraging the relevant NGOs/partners to promote the benefits of being a Party to the Offshore Protocol;
- .3 providing examples of national legislation or building a list of national legislation, supporting documentation that can be share with countries considering becoming a party to the Offshore Protocol. This list of resources could be made available on an appropriate website of one of the RACs or that of the Coordinating Unit;
- .4 developing bilateral cooperation and “twining approaches” between Contracting and non-Contracting Parties which will allow the sharing of experiences and lessons learnt in the route to accession and implementation of the Offshore Protocol by a non-Party country; and
5. building capacity though specific national Workshops either on the general framework and obligations of the Offshore Protocol and/or specific technical and legal matters.

18 All the supporting activities in would need a reliable flow of funds to deliver the kind of support described in paragraph 17 above.

Action requested by the Meeting

19 The Meeting is invited to consider the information provided, comment upon or take action as deemed appropriate.
