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MEDITERRANEAN ACTION PLAN  
PLAN D'ACTION POUR LA MEDITERRANEE



Meeting of National Experts on the Draft Guidelines  
concerning Pleasure Craft Activities and the Protection  
of the Marine Environment in the Mediterranean

Monaco, 13-15 February 2007

REMPEC/WG.27/6  
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French

**FINAL REPORT**  
**OF THE MEETING OF NATIONAL EXPERTS ON THE DRAFT GUIDELINES**  
**CONCERNING PLEASURE CRAFT ACTIVITIES AND THE PROTECTION**  
**OF THE MARINE ENVIRONMENT IN THE MEDITERRANEAN**

**Monaco, 13 – 15 February 2007**

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## **INTRODUCTION**

1. The Meeting of National Experts on the Draft Guidelines concerning Pleasure Craft Activities and the Protection of the Marine Environment in the Mediterranean was convened in Monaco, between 13 and 15 February 2007. The Meeting was organized by the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC), and was held at the Auditorium Rainier III, in Monte Carlo, Monaco, thanks to the financial support of the Government of Monaco.

2. The main objectives of the Meeting were to discuss, amend as appropriate and approve the Draft Guidelines concerning Pleasure Craft Activities and the Protection of the Marine Environment in the Mediterranean. REMPEC circulated, prior to the Meeting, the proposed Draft Guidelines to the Contracting Parties to the Barcelona Convention, as well as to the United Nations Environment Programme/Mediterranean Action Plan (UNEP/MAP) and to the International Maritime Organization (IMO).

3. Invitations to participate in the Meeting were sent to REMPEC Prevention Focal Points. The invitation was also extended to the Co-ordinating Unit of the Mediterranean Action Plan (MEDU) and to IMO. In agreement with Monaco, INDEMER (Institut du droit économique de la mer) and Accord RAMOGE were also invited to attend the Meeting as observers.

4. The following Contracting Parties to the Barcelona Convention attended the Meeting:

ALBANIA	LIBYA
ALGERIA	MALTA
BOSNIA AND HERZEGOVINA	MONACO
CROATIA	MOROCCO
CYPRUS	SLOVENIA
EGYPT	SPAIN
FRANCE	SYRIAN ARAB REPUBLIC
GREECE	TUNISIA
ISRAEL	TURKEY
ITALY	

5. All the Contracting Parties to the Barcelona Convention were represented in the Meeting, except for Lebanon, due to unforeseen reasons, and for the European Commission which informed REMPEC that, due to others commitments, no representative could participate in the Meeting. A representative of Montenegro attended the Meeting as observer.

6. INDEMER and Accord RAMOGE were represented in the Meeting. Neither IMO nor MEDU could participate in the Meeting. However, IMO submitted comments on the Draft Guidelines (REMPEC/WG.27/5/1) to the Meeting.

7. The list of participants is given in **Annex I** to the present report.

## **AGENDA ITEM 1: OPENING OF THE MEETING**

8. The Director of REMPEC, Mr. Frederic Hebert, welcomed the participants and thanked the Government of Monaco for its support, which made possible to organize the Meeting. He pointed out that pollution from pleasure craft was addressed in the Regional Strategy for Prevention of and Response to Marine Pollution from Ships in the Mediterranean, as a specific objective, and recalled shortly the background that led to the

preparation of the Draft Guidelines dealing with prevention of pollution from pleasure craft in the Mediterranean.

9. He underlined that the Draft Guidelines presented to the Meeting was not intended to create new obligations but was rather aimed at assisting the Contracting Parties to improve the governance of pleasure craft activities and related issues.

10. Mr. Jean-Louis Bissuel (Director of Maritime Affairs of Monaco), on behalf of the host country authorities, welcomed the participants, reiterated the commitment of Monaco to promote the development of a regional tool addressing pleasure craft activities and expressed the wish that the Meeting would be successful.

## **AGENDA ITEM 2: ORGANIZATION OF THE MEETING**

### ***2.1 Rules of procedure of the Meeting***

11. The Meeting decided to apply *mutatis mutandis* the Rules of Procedure for Meetings and Conferences of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea against Pollution and its related Protocols (UNEP/IG.43/6, Annex XI).

### ***2.2 Election of officers of the Meeting***

12. Following a suggestion made by Capt. Richard Gabriele (Malta), the participants unanimously elected Mr. Pierre Bouchet (Monaco) as Chairperson, Mr. George Pontikopoulos (Greece) as Vice-Chairperson and Mr. Djillali Guellil (Algeria) as Rapporteur.

### ***2.3 Working languages and documents***

13. The working languages of the Meeting were English and French. Simultaneous English/French interpretation was provided for all the sessions. All working documents prepared by REMPEC for the Meeting were available in both languages. The list of documents is given in **Annex II**.

## **AGENDA ITEM 3: ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK**

14. The Meeting adopted the agenda presented in document REMPEC/WG.27/3/1, which is reproduced in **Annex III** of the present report as well as the timetable of the Meeting presented in document REMPEC/WG/27/3/3. Due to new organisational arrangements, the timetable was revised on day two of the Meeting.

## **AGENDA ITEM 4: INTRODUCTION AND GENERAL COMMENTS TO THE DRAFT GUIDELINES CONCERNING PLEASURE CRAFT ACTIVITIES AND THE PROTECTION OF THE MARINE ENVIRONMENT IN THE MEDITERRANEAN**

15. The Secretariat, making reference to document REMPEC/WG.27/4, presented to the Meeting the approach followed for the preparation of the Draft Guidelines concerning pleasure craft activities and the protection of the marine environment in the Mediterranean. The meeting took note of the information provided by REMPEC.

16. Following this presentation, the Chairman invited the participants to have a general discussion on the format and the content of the proposed Draft. There was a general agreement that the proposed Draft Guidelines were in line with the "Set of Principles" (reproduced in document REMPEC/WG.27/INF.3) and with the Recommendation (UNEP(DEPI)/MED IG.16/13, Annex III, p. 15), adopted by the Contracting Parties at their 14<sup>th</sup> Ordinary Meeting (Portoroz, Slovenija, 8-11 Novembre 2005).

#### **AGENDA ITEM 5: REVIEW OF THE DRAFT GUIDELINES**

17. The Secretariat introduced document REMPEC/WG.27/5 containing the proposed Draft Guidelines concerning Pleasure Craft Activities and the Protection of the Marine Environment in the Mediterranean.

18. The Meeting was then invited to review and discuss the Draft Guidelines, paragraph by paragraph. The Chairman drew the attention of the participants on document REMPEC/WG.27/5/1 reproducing the IMO written comments on the Draft Guidelines and proposed that the Secretariat introduces each IMO comment when the Meeting examines the related paragraph of the Draft Guidelines.

19. The participants acknowledged the fact that IMO had participated in the work of the Meeting by sending written comments. It was noted that IMO had no diverging views on the substance of the draft Guidelines. As several comments of IMO were related to improving the clarity of the text by quoting the applicable regulations, the Meeting had an exchange of views on the methodology to be retained. Several participants recalled that the methodology issue was raised in previous meetings and it was recommended not to quote the details of the regulations laid down in the relevant Conventions. However, some participants pointed out that the present Draft Guidelines were also addressing users of pleasure craft and therefore the need of wording out the content of the regulations.

20. The Meeting agreed that due to the nature of the Guidelines, it should be to each Contracting Party, when implementing these guidelines, to take appropriate steps in order to give clear guidance to users of pleasures craft on the applicable rules.

21. When examining the Draft Guidelines, the participants raised the following main points listed hereunder (points 22 to 26).

22. Scope of application: following an exchange of views on the proposed scope of application, the Meeting agreed that the Draft Guidelines were aimed at assisting the Contracting Parties in dealing with pleasure craft, calling at their internal waters, whether the pleasure craft were registered under their respective flags or under a non-Mediterranean flag. It was also recalled that the Draft Guidelines were not intended to create new regulations or supersede applicable international or national regulations.

23. Duties of the managers of marinas: the Meeting noted that under the proposed Draft Guidelines, some of the tasks assigned to managers of marinas were indeed falling under the competency of the Authorities.

24. Air pollution: following an extensive discussion about the proposed two options related to air pollution, and taking also into consideration the comments made by the IMO on this issue, the Meeting agreed to retain option 2. Considering the discrepancies between MARPOL Annex VI and other relevant regulations, the Meeting agreed to also make reference to these regulations in paragraph 52.

25. Crew qualification: several participants, considering the wide range of situations with respect to the qualification required from skippers and crew, expressed their concern regarding the call, in the Guidelines, to take legislative action on this issue. However, the Meeting agreed on the proposed draft text with the understanding that its meaning was that, when a requirement for a qualification/training exists, the authorities should endeavour to introduce a course on marine environment protection.

26. Insurance: some participants emphasised that the issue of craft insurance was controversial and suggested not to address it in the Guidelines. It was recalled that this issue was part of the "Set of Principles" on the basis of which the Guidelines were expected to be developed. The Meeting agreed that the insurance issue should be limited to third party liability insurance in internal waters, taking into consideration relevant international conventions and on the need for the Parties to disseminate information when deciding upon such a requirement.

27. The text of the Draft Guidelines as reviewed, amended and agreed upon by the Meeting appears in **Annex IV** to the present Report.

#### **AGENDA ITEM 6: OTHER BUSINESS**

28. The Meeting had an exchange of views on the next steps to be taken concerning the prevention of pollution from pleasure craft activities after the adoption of the Guidelines by the Contracting Parties. While some delegates were of the opinion that the necessary time has first to be given to Contracting Parties to implement the Guidelines, other delegates expressed their wish to further explore the issue of recycling of pleasure craft. Some delegates stressed the need for a dedicated user-friendly leaflet to widespread the content of the Guidelines which is of relevance to the users of pleasure craft. Another delegation, elaborating on a specific element of the Draft Guidelines, suggested harmonizing the signalisation in the Mediterranean coastal States.

29. The Director of REMPEC informed the Meeting that the Centre was considering establishing collaboration with INFO/RAC, in order to raise the awareness of users of pleasure craft as well as of the general public on these issues.

#### **AGENDA ITEM 7: ADOPTION OF THE REPORT OF THE MEETING**

30. The Meeting agreed that the new numeration of the paragraphs of the Draft Guidelines was to be made by the Secretariat when preparing the final report.

31. The report, including its annexes, was adopted by the Meeting.

#### **AGENDA ITEM 8 CLOSURE OF THE MEETING**

32. Mr. Calcagno, Adviser of the Government of Monaco, addressed the Meeting on behalf of H.A.S. the Prince of Monaco. He recalled the involvement of the Principality of Monaco in the initiative and the role of INDEMER. He conveyed his thanks to REMPEC for its federative action and underlined that the consensual approach followed with the Draft Guidelines was appropriate. These were providing useful guidance to each State with a view to establishing appropriate national regulations. Finally, he congratulated the Meeting for the

work accomplished and expressed the wish that the Guidelines would be adopted by the Contracting Parties to the Barcelona Convention in 2007.

33. The Director of REMPEC reiterated his thanks to Monaco for the support provided in organising and partly financing the Meeting, and congratulated the participants for the interest they showed and their involvement in the discussion. He recalled the fact that pleasure craft activities mainly take place in internal waters, which the States have all competency to regulate, and emphasized the need for implementing the Guidelines and ensuring the appropriate follow-up. Finally, he stressed the importance of raising awareness of users of pleasure craft and of the general public on these issues.

34. The participants expressed their appreciation for the generous hospitality and commitment of the Principality in addressing the issue of pleasure craft activities and the protection of the marine environment in the Mediterranean.

35. The Chairperson closed the Meeting at 13.00 on Thursday, 15 February 2007.

**ANNEX (E) I**

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LISTE DES PARTICIPANTS**

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

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## **ANNEX II**

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REMPEC/WG.27/3/1	Provisional Agenda.
REMPEC/WG.27/3/2	Annotated Provisional Agenda.
REMPEC/WG.27/3/3/Rev.1	Final Timetable.
REMPEC/WG.27/4	Introduction to the Draft Guidelines concerning Pleasure Craft Activities and the Protection of the Marine Environment in the Mediterranean. (Note by REMPEC).
REMPEC/WG.27/5	Draft Guidelines concerning Pleasure Craft Activities and the Protection of the Marine Environment in the Mediterranean. (Submitted by REMPEC).
REMPEC/WG.27/5/Corr.1	Draft Guidelines concerning Pleasure Craft Activities and the Protection of the Marine Environment in the Mediterranean. (Submitted by REMPEC). Corrigendum. (English only).
REMPEC/WG.27/5/1	Comments to the Draft Guidelines concerning Pleasure Craft Activities and the Protection of the Marine Environment in the Mediterranean. (Submitted by IMO).
REMPEC/WG.27/6	Report of the Meeting.

#### **Information Documents**

REMPEC/WG.27/INF.1/Rev.3	Provisional List of Documents.
REMPEC/WG.27/INF.2	Provisional List of Participants.
REMPEC/WG.27/INF.3	Principles to be Retained for the Development of the Guidelines on the Respect of the Marine Environment by Pleasure Craft Activities in the Mediterranean Sea.

#### **Reference Documents**

UNEP	Rules of procedures for Meetings and Conferences of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea against Pollution and its related Protocols.
UNEP	Mediterranean Action Plan and Convention for the Protection of the Mediterranean Sea against Pollution and its related Protocols, Athens. (1992 Edition).

UNEP	Convention for the Protection of the Marine Environment and the Coastal Regions of the Mediterranean and its Protocols.
UNEP MAP	Recommendations concerning marine pollution prevention and control (REMPEC). Adopted by the 14 <sup>th</sup> Ordinary 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, Portoroz, Slovenia, 8-11 November 2005 (UNEP(DEPI)/MED IG.16/13), Annex III, p.15.
REMPEC	Protocol concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea, 2002. (2005 Edition).
REMPEC	RIS/A: Basic Documents, Recommendations, Principles and Guidelines Concerning Accidental Marine Pollution Preparedness, Response and Mutual Assistance, as well as Prevention of Pollution from Ships, January 2004.
REMPEC	Recommendations for the Prevention of Pollution and Adverse Environmental Effects from Pleasure Craft in the Mediterranean Sea, Malta, 2000-2001.
REMPEC/WG.24/6	Report of the First 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.
REMPEC	Regional Strategy for Prevention of and Response to Marine Pollution from Ships. Adopted by the 14 <sup>th</sup> Ordinary 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, Portoroz, Slovenia, 8-11 November 2005, (UNEP(DEPI)/MED IG.16/13).
U.N.	United Nations Convention on the Law of the Sea (UNCLOS).
IMO	International Convention for the Prevention of Pollution from Ships, 1973. (MARPOL 73/78 Consolidated Edition 2002).
IMO	International Convention for the Prevention of Pollution from Ships, 1973. (MARPOL Consolidated Edition 2006). (English only).
IMO	MARPOL - How to do it (2002 Edition). (English only).
IMO	Guidelines for the Implementation of Annex V of MARPOL. (2006 Edition).
IMO	Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 and 1996 Protocol. (2003 Edition). (London Convention 1972).

IMO	Anti-Fouling Systems. International Convention on the Control of Harmful Anti-Fouling Systems on Ships, 2001 (AFS 2001) and Guidelines. (2005 Edition).
IMO	International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004. (2005 Edition).
IMO	Resolution A.962(23) – IMO Guidelines on Ship Recycling. Adopted on 5 December 2003 (Agenda item 19).
IMO	Resolution A.980(24) – Amendments to the IMO Guidelines on Ship Recycling (Resolution A.962(23)). Adopted on 1 December 2005 (Agenda item 11).
IMO	Code of Conduct for the Prevention of Pollution from Small Ships in Marinas and Anchorages in the Caribbean Region, Sept. 1997.
EU-EC	Regulation (EC) No 2037/2000 of the European Parliament and of the Council of 29 June 2000 on substances that deplete the ozone layer.
EU-EC	Directive 2003/44/EC of the European Parliament and of the Council of 16 June 2003 amending Directive 94/25/EC on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft.
UNEP MAP-RAC/SPA	Sea Turtle Handling Guidebook for Fishermen, 2001. (English only).
UNEP MAP-RAC/SPA	Guidelines for Commercial Cetacean-Watching Activities in the Black Sea, the Mediterranean Sea and Contiguous Atlantic Area. (English only).
UNEP MAP-RAC/SPA	Action Plan concerning species introductions and invasive species in the Mediterranean Sea, 2005.

**ANNEX III**

**AGENDA**

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4. Introduction and general comments on the Draft Guidelines concerning Pleasure Craft Activities and the Protection of the Marine Environment in the Mediterranean.
5. Review of the Draft Guidelines.
6. Other business.
7. Adoption of the Report of the Meeting.
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**ANNEX IV****AMENDED DRAFT GUIDELINES CONCERNING PLEASURE CRAFT ACTIVITIES  
AND THE PROTECTION OF THE MARINE ENVIRONMENT  
IN THE MEDITERRANEAN**

The text of the proposed draft Guidelines concerning Pleasure Craft Activities and the Protection of the Marine Environment in the Mediterranean (REMPEC/WG.27/5), prepared by REMPEC pursuant to the Recommendation adopted by the Contracting Parties to the Barcelona Convention at their 14<sup>th</sup> Ordinary Meeting, has been reviewed and amended as follows by the Meeting of National Experts on the Draft Guidelines concerning Pleasure Craft Activities and the Protection of the Marine Environment in the Mediterranean, Monaco, 13-15 February 2007.

## **The Contracting Parties to the Barcelona Convention**

**Bearing in mind** the relevant provisions of the United Nations Convention on the Law of the Sea, adopted at Montego Bay on 10 December 1982, which is now in force and to which many Mediterranean coastal States and the European Community are Parties;

**Taking into account** the provisions of the relevant International Conventions dealing with the prevention of pollution from ships, and biological diversity;

**Considering** the provisions of the 1995 Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention) and its relevant Protocols, in particular the Protocol Concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea (Prevention and Emergency Protocol) adopted in 2002 as well as the Protocol Concerning Specially Protected Areas and Biological Diversity in the Mediterranean Sea (SPA and Biodiversity Protocol) adopted in 1995;

**Considering** also the draft protocol to the Barcelona Convention concerning Integrated Coastal Areas Management, currently under preparation;

**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 in the Mediterranean region;

**Conscious** of the risks that this increase constitutes for the marine environment of the Mediterranean Sea, a semi-enclosed basin with a delicate ecological balance;

**Fully aware** however of how such activities favour cultural, economic, social, sport and leisure exchanges;

**Intending**, therefore, to promote and facilitate an environmentally sound practice of activities related to pleasure craft, while fully respecting State competence in accordance with international law;

**Wishing** to harmonise, where necessary, the application of international, regional, national or local rules relating to pleasure craft activities and prevention of pollution;

**Desirous** of establishing a common framework that could assist the Mediterranean coastal States in implementing applicable international regulations and streamlining their regulations;

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

**Having considered** the REMPEC's Regional Strategy for Prevention of and Response to Marine Pollution from Ships, adopted at the 14<sup>th</sup> Ordinary Meeting of the Contracting Parties to the Barcelona Convention convened in November 2005, which includes the prevention of pollution from pleasure craft activities as a specific objective;

**Having also considered** the Recommendation adopted by the Contracting Parties to the Barcelona Convention at their 14<sup>th</sup> Ordinary Meeting, which invited the Secretariat (REMPEC) to prepare guidelines on pollution from pleasure craft activities, taking into consideration the Principles for the development and respect of the marine environment by pleasure craft activities in the Mediterranean Sea, and to present them to the next Meeting of REMPEC Focal Points for endorsement, prior to their submission for adoption to the 15th Meeting of the Contracting Parties;

**Appreciating** the initiative of the Government of Monaco for promoting the development of a regional framework for the protection of the Mediterranean from the impact pleasure craft activities, may have, as well as the efforts of the Centre to achieve the completion of the present Guidelines;

Have agreed as follows:

1. **ADOPT** the Draft Guidelines concerning Pleasure Craft Activities and the Protection of the Marine Environment in the Mediterranean, set out in the Annex to the present Resolution;
2. **COMMIT** themselves to developing, as appropriate, measures and procedures for the implementation of the actions set out in the Guidelines, individually or in co-operation;
3. **INVITE** the non-Mediterranean States whose pleasure craft sail the Mediterranean Sea to adopt, if not yet done so, analogous Guidelines.

## **ANNEX**

### **Guidelines concerning Pleasure Craft Activities and the Protection of the Marine Environment in the Mediterranean**

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## **GENERAL**

### **1. Introduction**

1. Pleasure craft activities have expanded considerably in the Mediterranean region and are now one of the key sectors of Mediterranean tourism. This has resulted in an additional source of income and in the creation of direct and indirect jobs. Thus, these activities play an important economic and social role.
2. However, the development of marinas and the increasing density of boats and yachts in some parts of the Mediterranean have led to a serious concern with respect to the potential harm it may cause to the marine environment.
3. Thus it is crucial that the development of pleasure craft activities be accompanied by suitable measures to mitigate the impact these activities have on the environment and coastal areas.

### **2. Purpose of the Guidelines**

4. The purpose of these Guidelines is to assist Governments when developing, improving and enacting domestic laws and taking appropriate measures, with a view to implementing international and regional regulations applicable to the prevention of pollution of the marine environment from pleasure craft activities.
5. The present Guidelines are also intended to users of pleasure craft and managers of marinas to encourage them to apply proper environmental practices and to comply with the relevant requirements.
6. These Guidelines should also serve to assist in planning and developing the environmental performance of marinas.

### **3. Application**

7. The present Guidelines should apply to pleasure craft which are operated and/or used in the Mediterranean as defined hereunder, as well as to marinas under the jurisdiction of the Contracting Parties. They should apply to pleasure craft where, relevant International Conventions dealing with the prevention of pollution from ships are not applicable.
8. The present Guidelines are without prejudice to any applicable national or international legislation.
9. The geographical coverage of the present Guidelines is the Mediterranean Sea as defined hereunder including internal waters.

### **4. Definitions**

10. For the purpose of these Guidelines:
  - **"Pleasure craft"** means all kinds of craft, including yachts, used for the purpose of leisure, sport or recreational activities, be they privately owned or chartered, and using any type of propulsion system<sup>1</sup>.

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<sup>1</sup> Rowing boats and similar non engine powered craft may also be covered by some aspects of the Guidelines.

- **"User of pleasure craft"** means any person who is responsible for operating and sailing the craft, including skipper and crew, and any person enjoying the use of a pleasure craft, including persons living on board for shorter or longer periods.
- **"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 and coastal lagoons, 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.
- **"Mediterranean Sea"** means the maritime waters of the Mediterranean Sea proper, including its gulfs and seas bounded to the west by the meridian passing through Cape Spartel lighthouse, at the entrance of the Strait of Gibraltar, and to the east by the southern limits of the Straits of the Dardanelles between the Mehmetick and Kumkale lighthouses.
- **"Sea watching"** means the activities of users of pleasure craft aimed at the observation of marine species and other forms of marine life including coastal landscapes and underwater seascapes.
- **"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.
- **"Endangered or threatened species"** means the species listed in Annex 2 to the Barcelona Convention's Protocol Concerning Specially Protected Areas and Biological Diversity in the Mediterranean<sup>2</sup>.
- **"Authorities"** means the competent national authorities in charge of maritime activities and protection of the marine environment.
- **"Marina"** means any infrastructure intended to service the needs of pleasure craft, including zones reserved for pleasure craft in those ports that are accessible to all types of vessels, as well as mooring areas and shipyards.
- **"Contracting Parties"** means the Contracting Parties to the 1976 Barcelona Convention (Convention for the Protection of the Mediterranean Sea against Pollution), as amended in 1995 (Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean).
- **"The Centre"** means the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC).

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<sup>2</sup> The Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean defines the threatened and endangered species as follows:

- "Threatened species" means any species that is likely to become extinct within the foreseeable future throughout all or part of its range and whose survival is unlikely if the factors causing numerical decline or habitat degradation continue to operate.
- "Endangered species" means any species that is in danger of extinction throughout all or part of its range.

## **CHAPTER 1. PREVENTION OF POLLUTION FROM PLEASURE CRAFT**

11. Pleasure craft, together with other categories of vessels, constitute a major source of pollution. This is particularly visible in the Mediterranean region, and marine and coastal areas hot spots can be identified in those areas where pleasure craft are sailing or mooring. The release at sea of wastes produced by the operation of the craft, deliberate dumping of wastes at sea, emissions of exhaust and noise, disturbance caused to the marine environment by antifouling systems and its contamination during craft maintenance and other operations are all sources of pollution that should be addressed by the Mediterranean coastal States in order to achieve a sustainable use of the sea.

### **1.1 Waste Management**

12. A wide range of wastes can originate from the use of a pleasure craft. Waste includes both the wastes generated by the routine operation of the craft and those generated on board which at times are deliberately dumped at sea. Both categories of wastes are regulated at international level.

#### **1.1.1 Wastes generated by the normal operation of the craft**

13. Operational wastes comprise oil, oily mixtures and oily wastes, sewage, grey waters (waste water from sinks and showers) and garbage. These are primarily, with the exception of grey waters, regulated by the International Convention for the Prevention of Pollution from Ships (MARPOL Convention) and its Annexes I (Oil), IV (Sewage) and V (Garbage).

- **Guidelines for actions required of Authorities**

*Oily wastes, sewage, grey water and garbage:*

14. Authorities should implement the relevant provisions of MARPOL Convention related to discharges at sea and ensure that suitable regulations, directed at marinas and containing requirements to provide adequate reception facilities for oily wastes, sewage, grey waters and garbage generated by pleasure craft, are adopted.

- **Guidelines for actions required of managers of marinas**

*Fuel:*

15. Managers of marinas should make available the appropriate antipollution equipment and relevant information and instructions on the use of these material (absorbent sheets, booms etc.)

16. Bins dedicated to the collection of oily sheets and contaminated absorbent should be provided in the areas where fuel is used, stored and dispensed.

*Oily residues, oily mixtures and garbage:*

17. Managers of marinas should assess the requirements for reception facilities aimed at collecting oily residues, oily mixtures and garbage and ensure their availability and maintenance.

18. Managers of marinas should also ensure the final treatment and proper disposal of the oily residues, oily mixtures and garbage that is collected.

*Sewage (black water):*

19. Managers of marinas should ensure that the marina is equipped with sanitary installations, taking into account the capacity of the marina, the estimated number as well as type of users (sailors, visitors, divers, etc.) and peak usage periods.
20. Managers of marinas should ensure that reception facilities for sewage, of adequate capacity, are available, well maintained and regularly disinfected.
21. They should also ensure the sanitary treatment of sewage collected and its final disposal at the marina or via the municipal waste treatment system.

*Grey water:*

22. Managers of marinas should prepare lists of biodegradable or environmentally sound detergents and make the said list available to users of pleasure craft and recommend the use of the detergents listed.

- Guidelines for actions required of users of pleasure craft

*Oil, fuel, oily mixtures and oily wastes:*

23. Annex I of MARPOL Convention prohibits all discharges of oil except in certain cases.
24. Users of pleasure craft should comply with MARPOL Annex I, under which the Mediterranean Sea is a special area where the discharge into the sea of fuel oil residues (sludge) and oily mixtures (bilge water) is strictly regulated. They should also comply with any applicable legislation implementing these regulations.
25. Users of pleasure craft should ensure that the craft is properly maintained in order to avoid any fuel spillage and/or leakages and is kept clean from any fuel residues.
26. Utmost attention should also be paid by users of pleasure craft during tank fuelling operations, when connecting and disconnecting the hoses through which the fuel is passing, in order to avoid accidental oil spills at sea.
27. Oil absorbent material should be kept on board of the craft at all times for use in the event of a spill or leakage.

*Sewage (black water):*

28. Users of pleasure craft should ensure that the craft complies with the applicable regulations of MARPOL Annex IV, which regulates discharge of sewage for ships of 400 gross tonnage and above, and for ships of less than 400 gross tonnage which are certified to carry more than 15 persons (crew and passengers).
29. Users of pleasure craft of less than 400 gross tonnage which are certified to carry less than 15 persons should ensure, irrespective of whether or not the craft is engaged on an international voyage, that the craft has a sewage retention system that can be emptied in port reception facilities. As an alternative the craft can be equipped with a portable toilet or portable holding tank that can be discharged on shore.

30. For small craft into which portable toilets or portable holding tanks cannot fit, onshore toilets are to be used whenever possible and discharge of sewage should be avoided in shallow areas, low tidal-flushing areas and sensitive natural sites.

*Grey water:*

31. Users of pleasure craft should ensure that grey water, which is waste water from receptacles other than toilets, such as sinks and showers, do not contain substances that have or can have potential effects on the marine environment. They should, as far as possible, make use of bio-detergents.
32. Alternatively, users of pleasure craft should ensure that the craft is fitted with a tank dedicated to the collection of grey waters.

*Garbage:*

33. Users of pleasure craft should comply with the applicable regulations of MARPOL Annex V which regulates the disposal of garbage at sea. Disposal into the sea of food wastes should be done as far away as is practical from land, but in any case not less than 12 nautical miles from the nearest land.
34. A space of adequate capacity on board the craft should be allocated to store garbage until it can be disposed of to shore reception facilities.
35. The on-board storage of garbage should be done in a way that minimises the amount and volume of the waste.
36. As far as possible, separation of the daily wastes should be undertaken, respecting possible sorting requirements of the reception facilities.
37. Every craft of 400 tons gross tonnage and above and every ship certified to carry 15 persons or more, have to possess a garbage management plan developed according to IMO international standards, as well as a Garbage Record Book.

1.1.2 Dumping of waste

38. Dumping refers to wastes that are deliberately disposed at sea from the craft. Dumping at sea is regulated by the International Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Convention 1972) and its 1996 Protocol, as well as, at the regional level, by the 1976 Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft (Dumping Protocol) to the Barcelona Convention.

• Guidelines for actions required of Authorities

39. Authorities should ensure that legislation implementing the London Convention and its 1996 Protocol is adopted. They should in particular prohibit the dumping of any wastes or other matter in whatever form or condition, except as otherwise specified or authorised by the London Convention.
40. Authorities should ensure that a monitoring system is in place in the area under their responsibility in order to detect violations of the prohibition of dumping.
41. When dumping is required within the area under their responsibility, Authorities should verify that the craft has the necessary permit.

- Guidelines for actions required of managers of marinas
42. Managers of marina should report to the Authorities any violation to the dumping Convention in areas under their responsibility.
43. Managers of marinas should recommend to the Authorities upon alternative solutions to dumping into the area under their responsibility.
- Guidelines for actions required of users of pleasure craft
44. Users of pleasure craft, unless duly authorised, should not dispose at sea or on land outside specifically designated reception facilities, of waste, substances that are toxic, persistent and bio-accumulative such as paints, pesticides, hydrocarbons, or products which contain such substances, such as components of electrical appliances, batteries, and any other substance or product that has or can have potential effects on the marine environment,.
45. Users of pleasure craft should not dump into the sea the craft, or any of its components, appliances or structure, for the purpose of its deliberate disposal.

## **1.2 Air Pollution and Nuisance**

46. Engines of pleasure craft produce exhaust emissions which affect the environment and human health. Pleasure craft are also a source of noise pollution which affects marine life and hinder the legitimate use of the sea.

### **1.2.1 Exhaust emissions**

47. At international level, MARPOL Annex VI regulates the release from craft into the atmosphere or sea of substances that contribute to the pollution of the air.

- Guidelines for actions required of Authorities

48. Authorities should ensure that legislation implementing the international regulations related to the air pollution generated from ships, including pleasure craft, is adopted, and in particular to;
- .1 prohibit the installation in pleasure craft of any equipment of system containing ozone depleting substances as defined in regulation 2(6) of MARPOL Annex VI;
  - .2 require that new diesel engines installed in pleasure craft with a power output of more than 130 kW meets the limits of Nitrogen oxides (NO<sub>x</sub>) emission set out in MARPOL Annex VI regulation 13; and,
  - .3 set appropriate limits on sulphur levels in fuel sold to and used by pleasure craft.
49. Authorities should in particular prohibit the incineration on board craft of residues, PCBs (polychlorinated biphenyls), garbage containing traces of heavy metals, refined petroleum products containing halogen compounds and polyvinyl chloride (PVCs). They should also prohibit any incineration of sewage sludge and sludge oil inside ports, harbours and estuaries.
50. Authorities should ensure that pleasure craft berthed or using areas under their responsibility comply with the air pollution regulations.

- Guidelines for actions required of managers of marinas

51. Managers of marina should report on any violation detected in areas under their responsibility.

- Guidelines for actions required of users of pleasure craft

52. Users of pleasure craft should ensure, as far as possible, that their craft comply with the applicable regulations of MARPOL Annex VI and/or the relevant national and/or European legislation which regulate the release from craft into the atmosphere or sea of substances that contribute to the pollution of the air.

53. Unbalanced gas-to-oil ratio mixture during the fuelling process of outboard two-stroke engines results in incomplete combustion of lubricating oil and thus contributes to the pollution of the sea and air by hydrocarbons. Users of pleasure craft should pay particular attention to the gas-to-oil ratio when fuelling the engine.

#### 1.2.2 Noise emission

54. Like any other kind of boats, pleasure craft generate sound emissions that can cause nuisance and disturbance for the natural environment, including the marine environment. The issue of the impact sound emissions have on marine life has frequently been raised, and some countries and organisations have elaborated regulations and guidelines to reduce sound emissions at sea and thus their effect on marine life.

- Guidelines for actions required of Authorities

55. Authorities should establish maximum levels permitted for sound emissions from engine-powered pleasure craft. Measurements of sound emissions should be made according to ISO Standard 14509 concerning "Measurement of airborne sound emitted by powered recreational craft".

- Guidelines for actions required of users of pleasure craft

56. Users of pleasure craft should ensure that the technical specifications of the pleasure craft's engine comply with the standards for noise emissions required by the relevant national and/or European legislation.

57. When navigating in populated areas or areas with significant populations of wild fauna, the users of the pleasure craft should take the necessary steps (including speed reduction) to minimise noise disturbance and nuisance.



### **1.3 Maintenance and Recycling of Craft**

58. During the life cycle of the craft, various operations related to its maintenance have to take place. When the craft reaches the end of its operative life, it has to be scrapped. All these operations should be carried out in a manner that is compatible with the environment.

#### **1.3.1 Anti-fouling systems**

59. Anti-fouling systems refer to marine craft coating, paint, surface treatment, surface or device that is used on a ship to control or prevent the attachment of unwanted organisms. Harmful anti-fouling systems are regulated by the International Convention on the Control of Harmful Anti-Fouling Systems on Ships, adopted in 2001 (AFS 2001), which is applicable to pleasure craft.

- **Guidelines for actions required of Authorities**

60. The Authorities should ensure, as far as practicable, the requirements of the AFS 2001 Convention are transposed into domestic law, violations prohibited and sanctions for violations established.
61. The Authorities are encouraged to propose, approve, register or license anti-fouling systems in compliance with the process set out in the AFS 2001 Convention.
62. Inspections by authorized officers should take place to verify that the craft complies with the requirements of the AFS 2001 Convention and national rules.

- **Guidelines for actions required of managers of marinas**

63. The managers of marinas should ensure that wastes from the application or removal of an anti-fouling system are collected, handled, treated and disposed of in a safe and environmentally sound manner.

- **Guidelines for actions required of users of pleasure craft**

64. Users of pleasure craft should only use the anti-fouling systems which have been approved by the Authorities.
65. As an alternative, in case there is no anti-fouling systems approved at national level, only those anti-fouling systems which do not contain organotin compounds which act as biocides, or are recognised to be environment-friendly products, should be used.

#### **1.3.2 Maintenance of craft**

66. Craft maintenance and cleaning operations can generate toxic paint chips and debris, sanding dust and contaminated rinse waters.

- **Guidelines for actions required of Authorities**

67. Authorities should regulate the release of contaminants and hazardous wastes produced during the operations related to the maintenance and repair of the craft.
68. Particularly, Authorities should prohibit the disposal on land or into the water of hazardous solid and liquid wastes generated by the maintenance of the craft unless

the conditions related to the environmentally sound management of these are satisfied. Some operations should be subject to the delivery of a special permit.

- Guidelines for actions required of managers of marinas

69. Dedicated hull cleaning areas should be designated by the managers of marina. The waste water collected from washing and rinsing should be discharged to water treatment systems or to a wastewater treatment facility.
70. As far as is possible, these underwater hull cleaning, repairing and maintaining operations should be avoided when the craft are in the water.
71. Similarly, whenever possible, indoor areas where the craft can undergo painting and hull maintenance should be identified by the managers of marinas. Alternatively, managers of marinas should provide equivalent options.
72. Managers of marinas should ensure that paint and coatings, sanding dust and debris are collected in appropriate receptacles for disposal at an authorised landfill.

- Guidelines for actions required of users of pleasure craft

73. Cleaning, repairing and maintaining the craft should be carried out, in a yacht yard or dedicated areas equipped or fitted out so as to avoid pollution of the sea and the air.
74. Where possible, users of pleasure craft should proceed to the washing and rinsing of craft in an area designated to collect and contain rinse water.
75. Application of paint and of coating or their removal from the craft hull and top sides should be carried out indoors. If these operations are performed over water, every effort should be made to avoid contamination of the water.
76. Pleasure craft users are encouraged to use paints and coatings that do not contain environmentally harmful solvents.

### 1.3.3. Recycling of craft

77. Craft that have reached the end of their operational life are a severe concern for the environment. It is recognised that recycling of ships, including pleasure craft, contributes to sustainable development. In this regard, IMO has adopted Guidelines on ship recycling<sup>3</sup> and is currently working on the preparation of a draft International Convention for the Safe and Environmentally Sound Recycling of Ships.

- Guidelines for actions required of Authorities

78. Authorities should ensure, as necessary, the availability of appropriate technology, equipment and recycling facilities for an environmentally sound decommissioning and recycling of pleasure craft.
79. Authorities should also ensure that the craft is dismantled in controlled conditions at an authorized recycling facility in order to recover those components and materials that are harmful for the marine environment.

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<sup>3</sup> Resolution A.962(23) - IMO Guidelines on Ship Recycling, adopted on 5 December 2003. Resolution A.980(24) – Amendments to the IMO Guidelines on Ship Recycling, adopted on 1 December 2005.

80. In doing so, Authorities should whenever necessary duly take into account the IMO Guidelines on ship recycling and take into consideration the ongoing developments related to the draft International Convention for the Safe and Environmentally Sound Recycling of Ships.
81. Authorities should ensure that the recycling equipment and facilities that may be available or are to be made available, as necessary, comply with their legislation, regulations and standards.
- Guidelines for actions required of users of pleasure craft
82. Users of pleasure craft should ensure that when the craft has reached the end of its operational life, it is recycled at an authorized recycling facility.

#### **1.4 Information Requirements**

83. The provision of adequate information on the location and use of facilities and equipment, as well as on amenities and services available to users of the marinas is crucial to prevent pollution of the marine environment. The same requirement should also be applied on board the craft.

##### **1.4.1 Information on the facilities and services available at the marinas**

84. In order to enable users of pleasure crafts to dispose their wastes safely and comply with prevention of pollution requirements, information on the location of facilities and dedicated areas of the marinas should be available.
- Guidelines for actions required of Authorities
85. Authorities should, in cooperation with authorities of other Mediterranean coastal States, adopt environmental symbols to be used in marinas.
- Guidelines for actions required of managers of marinas
86. Managers of marinas should ensure that clear information is given, by using placards, post signs and other appropriate signage means, of the location of the reception facilities and other facilities like fuel storage and dispensing installations as well as the areas dedicated to cleaning, repairing and maintaining pleasure craft.
87. Where necessary, instructions related to description of pollution preventive measures and requirements for waste management and disposal should be provided.
- Guidelines for actions required of users of pleasure craft
88. Users of pleasure craft should enquire about the availability of facilities for receiving solid and liquid waste in the areas and marinas to be visited.

#### 1.4.2 Information on board the craft

89. Information related to waste management and the use of related equipment and devices on board the craft should also be clearly visible.
- Guidelines for actions required of Authorities
90. Authorities should ensure that when inspections are carried out on-board the craft, requirements related to the provision of clear information about the procedures for waste management is checked.
- Guidelines for actions required of users of pleasure craft
91. Users of pleasure craft should ensure, when applicable, that placards, signs, notices and stickers are placed on board the craft and clearly show the requirements for the management of the waste and the location of storage and holding tanks.

## **CHAPTER 2. MITIGATING THE IMPACT OF PLEASURE CRAFT ACTIVITIES ON BIODIVERSITY AND SITES OF PARTICULAR IMPORTANCE**

92. Some pleasure craft activities and practices can harm and damage fauna and flora as well as habitats. Therefore, it is important to mitigate, as far as possible, the negative impacts these activities may have on the elements that make up marine biodiversity in the Mediterranean and on sites of cultural importance.

### **2.1 Conservation of Habitats and Endangered Species**

93. The main direct harm occasioned by the activity of pleasure craft activities to habitats and species particularly concerns the use of anchors as well as the destruction of species via the taking of rare and endangered or threatened species. Using pleasure craft to watch marine species and landscapes and seascapes can also harm the environment if certain rules are not respected.

#### 2.1.1 Mooring of craft

94. Anchoring of pleasure craft, if not done properly, may cause considerable damage to the assemblages of the seabed, particularly meadows and coralligenous beds. A pleasure craft anchor can also harm the seabed over long distances when a drifting boat drags its anchor along the bottom.
- Guidelines for actions required of Authorities
95. Authorities should list the sites frequently used as mooring areas by pleasure craft and/or with a high density of pleasure craft during peak seasons and fit these areas out with a sufficient number of mooring buoys. These sites are usually sheltered bays, shores with great landscape value, diving areas, or recreational or harpoon fishing grounds.
96. Authorities should also list the sites that contain biological formations that are sensitive to anchoring (meadows, coralligenous beds, underwater archaeological sites, etc.) and forbid pleasure craft from mooring in these areas.

97. Authorities should ensure during inspections undertaken in accordance with their national legislation, that the pleasure craft is equipped with an anchor corresponding to its size.

- Guidelines for actions required of users of pleasure craft

98. Users of pleasure craft should ensure that the craft is fitted only with anchors suitable to its size, taking into consideration strong winds, in order to minimise the risk of the anchor and its chain dragging on the seabed. Nautical charts should be referred to for any anchorage prohibit area.

99. Before envisaging casting anchor, users of pleasure craft must be sure that the area does not contain marine biological formations that are particularly important for the Mediterranean. These are, in particular, *Posidonia* meadows and coralligenous formations.

#### 2.1.2 Taking and transfer of species

100. Taking specimens of threatened or endangered species contributes to the decline of those species. As for the Mediterranean Sea, more than one hundred species are classified as endangered or threatened species and listed in Annex 2 to the SPA Protocol of the Barcelona Convention. In addition, the cross-border transfer of endangered species is regulated by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES Convention)<sup>4</sup>.

101. Introducing new species in marine areas may cause serious ecological disturbance, particularly in cases when these species prove to be invasive, dominate other species and shatter the biological inter-species balance. The International Convention for the Control and Management of ship's Ballast Water and Sediments, 2004 (BWM Convention, not yet in force) addresses the transfer of harmful aquatic organisms and pathogens caused by the discharge of ballast waters and sediments from ships, and is applicable to pleasure crafts.

- Guidelines for actions required of Authorities

102. Authorities should ensure that the taking, possession, destruction and harassment of threatened or endangered species are regulated at national level and that the law also applies to users of pleasure craft. When implementing the relevant provisions of the CITES Convention, they should also look at cross-border transfer of endangered species by mean of pleasure craft.

103. Authorities should, as far as possible, determine equivalent compliance with the BWC provisions for pleasure craft less than 50 metres in length overall and with a maximum ballast water capacity of 8 cubic metres, taking into account the Guidelines for ballast water management equivalent compliance (G3), adopted by IMO (MEPC resolution MEPC.123 (53) refer to Annex 1 of MEPC 53/24/Add.1).

104. Authorities should elaborate and provide the users of pleasure craft and managers of marinas with information material about the endangered or threatened species and the presence of invasive species, including clear guidance about how to avoid propagating invasive species and disturbing or harming endangered or threatened species.

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<sup>4</sup> The Convention on International Trade in Endangered Species of Wild Fauna and Flora, adopted in Washington DC (United States of America) on 3 March 1973 aims at ensuring that international trade in specimens of wild animals and plants does not threaten their survival.

- Guidelines for actions required of managers of marinas

105. Managers of marinas, under the guidance of Authorities, should regularly undertake monitoring activities of the seabed within their marinas to detect the occurrence of invasive species.

106. Managers of marinas should cooperate with the relevant authorities to provide the users of pleasure craft with information about endangered or threatened species and the presence of invasive species using panels in marinas and leaflets.

- Guidelines for actions required of users of pleasure craft

107. The users of pleasure craft should not destroy, take or possess on board of their pleasure craft endangered species or threatened species, their eggs, parts or products. They should comply with the legal measures applicable for these species, including the provisions of the CITES concerning the international transfer of species.

108. Users of pleasure craft should ensure that there is a total absence of plant or animal matter still clinging to the anchor, particularly in areas where the presence of invasive species is indicated. This will help avoid the propagation of invasive marine species. This precaution also applies to the propellers of outboard engines.

109. Users of pleasure craft should not take and keep on board marine species and release them in areas other than those where these species were taken.

110. In the event of detection of invasive species, users of pleasure craft should report to managers of marinas and/or to the Authorities.

### 2.1.3 Sea watching

111. Watching species and other forms of marine life is a leisure activity that is becoming increasingly common in the Mediterranean region. In addition to its recreational aspect, it is likely to increase pleasure craft users' awareness of the need to protect marine life and the environment. However, watching species must be done in a way that does not disturb the biological cycle and the behaviour of the species, and does not harm either species or habitats.

- Guidelines for actions required of Authorities

112. The authorities should identify areas suitable for sea watching (diving sites, snorkelling sites, wrecks, archaeological sites, sites that are suitable for cetacean watching, etc.) and take the necessary steps to mitigate the impact such activities have on species and habitats.

113. These measures should specifically include:

- Regulating access to such areas (number of craft present at the same time in the site, mooring buoys set out, and mooring bans);
- setting-up of speed limitation for sailing.

- Guidelines for actions required of users of pleasure craft

114. Users of pleasure craft should avoid harassing marine animals by trying to get too close to them and should never persist in following them when they try to move away from their craft.

115. Users of pleasure craft should not feed cetaceans, monk seals, marine turtles and sea birds since this changes their natural behaviour, makes them less wary and alters their wild character. Also, they should not attract these marine animals and fish for sightseeing purposes by feeding them.
116. Users of pleasure craft should not get within 50 metres of a marine mammal. If there are calves present, the appropriate distance is 100 metres.
117. In areas where it is probable that there are monk seals, users of pleasure craft should avoid going near the caves, and should sail slowly in coves and narrow inlets.
118. Users of pleasure craft should avoid swimming with cetaceans since, as well as the risk to human health and the danger of accidents, this practice changes their natural behaviour.
119. When approaching an individual or group of marine mammals, users of pleasure craft should follow the precautions appearing in Appendix 2 to the present Guidelines.<sup>5</sup>
120. Scuba diving requires both safety rules for divers and a certain number of rules to prevent this activity harming marine species and habitats. Diving Charters have been drawn and applied on a voluntary basis by several divers in the Mediterranean. Users of pleasure craft are invited to find out about these charters and comply with them when using their craft for scuba diving operations.

#### 2.1.4 Rescuing animals in distress

121. Sometimes at sea one meets animals that are in difficulty because they are sick, wounded, accidentally caught up in fishing gear or coated by oil or other pollutants. Users of pleasure craft can help relieve such animals in distress. But it is important to have a minimum of knowledge to be able to act effectively in such situations.
  - Guidelines for actions required of Authorities
122. Authorities are invited, if this has not yet been done, to adopt documents such as codes of conduct, guidelines or similar documents containing a list of the precautions to be taken when rescuing an animal in distress.
  - Guidelines for actions required of managers of marinas
123. Managers of marinas should make available to pleasure craft users information material regarding the precautions that should be taken when rescuing animals in distress.
  - Guidelines for actions required of users of pleasure craft
124. Users of pleasure craft may find animals in distress that are wounded or heavily coated by pollutants (especially oil) or caught in fishing nets or on hooks. When rescuing animals, users of pleasure craft should take a certain number of precautions not to worsen the situation or be involved in an accident.

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<sup>5</sup> Appendix 2 provides recommendations for approaching cetaceans.

### 2.1.5 Recreational and sport fishing

125. In several Mediterranean coastal States, non-commercial fishing and the keeping of fishing gear on board are regulated and/or subject to the delivery of a permit. To carry out such activities, users of pleasure craft must comply with the regulations in force in the concerned area, and seek out information about this from the local competent authorities.

## 2.2 Conservation of Sites of Natural or Cultural Interest

126. In the Mediterranean, several sites are of special interest naturally (presence of particularly important, rare, endangered or threatened species and habitats), or culturally (presence of historical and/or archaeological remains, aesthetic or educational interest, etc.). Some such sites are protected areas in that they enjoy special protection status to protect the natural and/or cultural heritage they contain.

### 2.2.1 Conservation of sensitive natural sites and Specially Protected Areas

127. Several users of pleasure craft use their craft to visit and stay in natural sites, to enjoy the sites' beauty, tranquillity and seawater quality. It is vital that this practice follows adequate rules of conduct so as not to cause harm to the natural sites and their natural wealth, particularly those that are sensitive to an unsupervised human presence. Often the damage done to such sites by users of pleasure craft is not intentional but is caused by lack of information.

- Guidelines for actions required of Authorities

128. Authorities should assist users of pleasure craft in following good practices by:
- providing them with leaflets and other means containing information about the preventive measures to be taken not to harm these;
  - setting up suitable signs showing where the sensitive biological formations are located.

- Guidelines for actions required of managers of marinas

129. Managers of marinas should ensure that information boards are available to draw the attention of the users of pleasure craft to the sensitive biological formations present in the area surrounding the marina, and contain precautions to be taken.

- Guidelines for actions required of users of pleasure craft

130. Users of pleasure craft should enquire about the presence of sensitive biological formations and natural monuments in the areas visited.

131. Users of pleasure craft should avoid disembarking on shores containing marine biological formations that are vulnerable to trampling or may be harmed by the pleasure craft's hull. Particular attention should be paid to the marine formations considered natural monuments<sup>6</sup>.

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<sup>6</sup> The following marine formations are particularly sensitive and deemed to be natural monuments in the Mediterranean:

- Barrier reefs of *Posidonia*;
- *Litophyllum* rims;
- *Vermidid* terraces.



### 2.2.2 Conservation of the underwater archaeological heritage

132. The very rich history of the Mediterranean and the great civilisations that have succeeded one after another in this part of the world have left traces in several Mediterranean areas which constitute particularly important elements of the Mediterranean heritage. Some such heritage elements are today found under the surface of the Mediterranean Sea and attract users of pleasure craft. Authorities should, as far as possible, take into consideration the relevant provisions of UNESCO Convention on the Protection of the Underwater Cultural Heritage, 2001.

- Guidelines for actions required of Authorities

133. Authorities should take all necessary steps to prevent any impact, by pleasure craft, on the underwater heritage. They should in particular adopt and enforce legislation to protect sites with archaeological and/or historical heritage elements.

134. Where necessary, information about the exact location of archaeological or historical heritage elements should not be communicated to the general public.

- Guidelines for actions required of users of pleasure craft

135. When visiting sites with underwater archaeological and/or historical heritage elements, users of pleasure craft should refrain from any action that might affect the underwater heritage and act in accordance with international, regional and national legislation.

## **CHAPTER 3. SOUND ENVIRONMENTAL MANAGEMENT AND IMPLEMENTATION MEASURES**

136. To achieve the objectives of the present Guidelines, it is important that suitable measures be introduced to both ensure the wise management of the marinas and, via information and awareness, get the support of the general public and the various stakeholders, and to make sure that pleasure craft and marinas are controlled and monitored.

### **3.1 Environmental Management and Strategies**

137. The environmental management of pleasure craft activities requires, in addition to the measures advocated in Chapter 1 and 2 of these Guidelines, that marinas be developed and managed in an environment-friendly way, and that awareness and information campaigns be started that particularly target users of pleasure craft but also the general public.

#### 3.1.1 Planning and management of marinas

138. The big growth in the number of marinas along the Mediterranean coast, while playing an important role in the economic and social development of the coastal zones, does bring about environmental impacts that should be mitigated by the planning and environmental management of the marinas. Through the services they provide to users of pleasure craft, marinas play a decisive part in the management of pollution and other nuisances caused by pleasure craft activities.

- Guidelines for actions required of Authorities

139. Authorities should develop a national charter of environmental practice for marinas. This charter must lay down the environmental measures that each marina must implement.
140. Authorities should require by law that managers of marinas carry out environmental audits and adopt environment management plans.
141. The creation of a marina or the extension of an existing one should be subject to the outcomes of an environmental impact assessment. The assessment should cover, among other aspects, possible impacts on the seabed, the shoreline configuration, the landscape features of the area, the water circulation (marine currents) and the socio-economic activities existing in the area.

- Guidelines for actions required of managers of marinas

*Environmental management:*

142. The marina's environmental performance must be one of the marina manager's main concerns. This must be clearly reflected in the planning of work, budget and performance indicators of the marina. Appendix 4 presents a set of indicators that can be used by marina managers to assess the environmental performance of their facilities.
143. Managers should maintain an environmental management register, which will record all the operations carried out regarding the environmental management of the marina.
144. The financial needs for the environmental management of the marina should be taken into account when preparing the marina's budget.

*Waste management plan:*

145. Each marina should have a waste management plan addressing all kind of wastes, aiming at minimising the generation of wastes and at ensuring their proper collection, storage, treatment or transfer to dedicated facilities and disposal.
146. The waste management plan should take into account the requirements of the international, regional and national legislation and provide in particular for the sound environmental management and recycling of fuel oil; oily residues oily mixtures; garbage; grey water and sewage (black water)<sup>7</sup> and other wastes as well as marina maintenance.
147. The waste management plan should define all the operational procedures for the collection, storage, treatment and disposal of wastes.
148. The waste management plan should be regularly evaluated and where necessary updated with any technical development related to the type of equipment used on board pleasure craft for processing and storing liquid and solid wastes, as well as with any technical development related to reception facilities, waste processing, storage techniques and final disposal options.

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<sup>7</sup> for further details see Section 1 "Waste management" in Chapter 1 of these Guidelines.

*Pollution risk assessment:*

149. Every marina should undertake a pollution risk assessment and set-up pollution emergency procedures.
150. Managers should ensure that the marina has available and maintain the equipment, including booms and absorbent material, which is necessary to face a local pollution.
151. The personnel of the marina should be trained to use the equipment and regular simulation exercises should be carried out.

3.1.2 Awareness raising programmes and information campaigns

152. Information, education, outreach and public awareness are essential components of strategies to prevent and reduce marine pollution from pleasure craft activities. These can contribute significantly to the efforts aiming at bringing a change in the behaviour of all users.

- Guidelines for actions required of Authorities

153. Authorities should develop and implement training programmes, targeting the personnel of their administrations or agencies involved in the management and monitoring of pleasure craft activities and the prevention of marine pollution. These programmes should include sound knowledge on applicable international, regional or national regulations, including any sanctions incurred in case of violations.
154. Authorities should also develop, individually or in co-operation with other Mediterranean coastal States, raising-awareness programmes and information campaigns targeting the general public and particularly the users of pleasure craft.
155. These programmes should clearly describe the various sources of pollution and environmental impacts that may originate from pleasure craft activities, applicable regulations as well as measures that users should implement in order to comply with the relevant requirements.
156. The following information should as a minimum be made available:
  - lists of areas suitable for sea watching (diving sites, snorkelling sites, wrecks, archaeological sites, sites that are suitable for cetacean watching, etc.) and the regulations applicable to these area;
  - lists of endangered and threatened species and their location;
  - codes of conduct, guidelines or similar documents containing a list of the precautions to be taken when rescuing a marine animal in distress;
  - lists of the sites that contain biological formations that are sensitive to craft anchors (meadows, coralligenous beds, underwater archaeological sites, etc.).

- Guidelines for actions required of managers of marinas

157. Managers of marinas should, as far as possible, develop and implement information campaigns targeting users of pleasure craft, especially during pick seasons.
158. Managers of marinas should also make available at any time to the users of pleasure craft information on, *inter alia*:
  - biodegradable or environmentally sound detergents;
  - authorized anti-fouling systems, including guidance to collect, handle, treat and dispose of them in a safe and environmentally sound manner;

- restricted anchoring zones in the areas around the marina;
- sensitive biological formations and endangered or threatened species present in the area surrounding the marina, including the required precautions to avoid harming them;
- invasive species type and location.

### **3.2 Implementation Measures**

159. Checking and monitoring marinas, pleasure craft and their crew helps master the environmental aspects linked to pleasure craft activities.

#### **3.2.1 Regulating and controlling pleasure craft activities and operation of marinas**

160. Authorities should carry out a comprehensive assessment of their national legislation relating to pleasure craft activities and to marinas, with a view to identifying possible gaps and promulgating, where necessary, new regulations or amending existing regulations, in conformity with international applicable law.
161. Authorities should require that crafts and marinas operated under their jurisdiction comply with the requirements set forth in the applicable legislation.
162. When enacting national legislation relating to pleasure craft and the protection of the marine environment, authorities should also establish sanctions for violations.
163. Authorities should set up a system to monitor and control of pleasure craft activities and operation of marinas in the context of the present Guidelines.

#### **3.2.2 Administrative measures**

164. Systems to identify pleasure craft and control the qualifications of their crews, as well as appropriate insurance provisions, are administrative measures that are likely to facilitate the management of pleasure craft activities.

##### *Craft identification:*

165. The authorities should, as far as is 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 by permanent markings.
166. Authorities should compile and keep up to date a register of pleasure craft containing relevant data pertaining to the craft.

##### *Crew qualification:*

167. Authorities should, as far as is reasonable and practicable, taking into account the characteristics of the pleasure craft, introduce in their legislation standard requirements related to qualification of the skipper or any other person in charge of the operation of a pleasure craft. The qualification should as a minimum ensure that they are able to operate the craft safely and have good knowledge of the rules and practices related to the protection of the marine environment.

*Craft insurance:*

168. Authorities should, as far as possible and practicable, ensure that pleasure craft calling in their internal waters are covered by appropriate and valid third party liability insurance. When considering imposing such insurance, Authorities should take into consideration the relevant international Conventions and give appropriate publicity to such requirements.

3.2.3. Communications and reports

169. The competent authority should communicate to the Centre their legislative and statutory texts regulating pleasure craft activities and the modifications made thereto, as well as the state of implementation of the present Guidelines. The Centre should in turn transmit such information to other Contracting Parties.
170. The competent authority should report on the implementation of these Guidelines within the reporting system of the Barcelona Convention.

**ANNEX IV**

**APPENDIX 1**

**LIST OF RELEVANT CONVENTIONS AND OTHER INSTRUMENTS**

**International and regional instruments:**

- United Nations Convention on the Law of the Sea (UNCLOS), 1982.
- International Convention for the Prevention of Pollution from Ships, 1973 (MARPOL).
- IMO Guidelines for the Implementation of Annex V of MARPOL.
- Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (London Convention), and its 1996 Protocol.
- International Convention on the Control of Harmful Anti Fouling Systems on Ships, 2001.
- International Convention for the Control and Management of Ships' Ballast Water and Sediments, 2004.
- Resolutions and other decisions of the 24<sup>th</sup> Assembly. Resolution A.980(24) – Amendments to the IMO Guidelines on Ship Recycling (Resolution A.962(23)). Adopted on 1 December 2005 (Agenda item 11).
- Convention on Limitation of Liability for Maritime Claims (LLMC), 1976.
- UNESCO Convention on the Protection of the Underwater Cultural Heritage, 2001.
- Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean, 1995.
- Protocol for the Prevention of Pollution in the Mediterranean Sea by Dumping from Ships and Aircraft, 1976.
- Protocol for the Prevention and Elimination of Pollution in the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea, 1995.
- Protocol Concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea, 2002.
- Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities, 1996.
- Protocol Concerning Specially Protected Areas and Biological Diversity in the Mediterranean, 1995.
- Directive 94/25/EC of the European Parliament and of the Council of 16 June 1994 on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft.

- Directive 2003/44/EC of the European Parliament and of the Council of 16 June 2003 amending Directive 94/25/EC on the approximation of the laws, regulations and administrative provisions of the Member States relating to recreational craft.
- Directive 2000/59/EC of the European Parliament and of the Council of 27 November 2000 on port reception facilities for ship-generated waste and cargo residues.
- Agreement on the Conservation of Cetaceans in the Black Sea, Mediterranean Sea and contiguous Atlantic area (ACCOBAMS, 1996).

**Reference document and other tools:**

- MARPOL - How to do it. (IMO, 2002 Edition).
- Code of Conduct for the Prevention of Pollution from Small Ships in Marinas and Anchorages in the Caribbean Region, Sept. 1997.
- Le management environnemental des ports de plaisance: Guide à l'attention des gestionnaires et exploitants. (RAMOGE).
- Préservation et conservation des herbiers à *Posidonia oceanica*. (RAMOGE, 2006).
- Guidelines for the Management of Dredged Material. (MAP Technical Reports Series No 129, 2000).
- Clean Marina Action Plan Workbook. (Florida Department of Environmental Protection, 2005).
- Guidelines for Commercial Cetacean-Watching Activities in the Black Sea, the Mediterranean Sea and Contiguous Atlantic Area. (UNEP/CMS/ACCOBAMS-UNEP/MAP/RAC/SPA, November 2004).
- Sea Turtle Handling Guidebook for Fishermen, (UNEP/MAP/RAC/SPA, 2001).
- Action Plan for the Conservation of Marine Vegetation in the Mediterranean Sea, (UNEP/MAP/RAC/SPA, 1999).
- Action Plan for the Management of Mediterranean, Monk Seal, (UNEP/MAP/RAC/SPA, 1987).
- A Handbook for Measuring the Progress and Outcomes of Integrated Coastal Management. IOC Manuals and Guides, 46; ICAM Dossier, 2. Paris, UNESCO, 2006 (English).

## **ANNEX IV**

### **APPENDIX 2**

#### **GUIDANCE FOR APPROACHING CETACEANS**

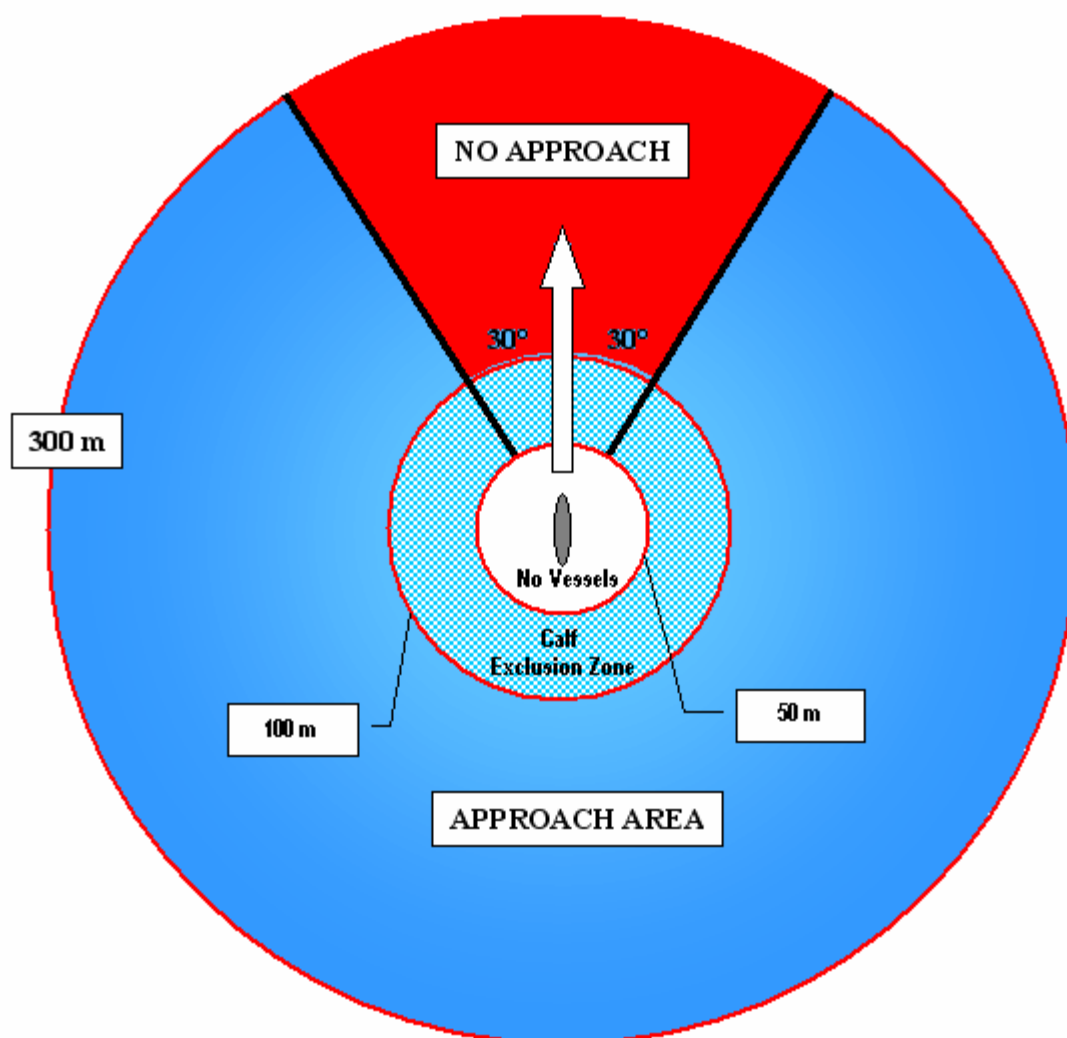
When a pleasure craft approaches an individual or group of marine mammals, the following recommendations should be followed<sup>1</sup>:

- pleasure craft should be operated so as not to disrupt the normal behaviour of marine mammals;
- contact with marine mammals should be abandoned at any stage if they show signs of becoming disturbed or alarmed;
- particular care should be taken when calves are present;
- users should refrain from feeding the animals or throwing food to attract them;
- if more than one craft is in the approach zone, coordinated movements of the boats around cetaceans should be ensured using radio communication;
- a dedicated observer should be on duty wherever possible, in addition to the captain of the pleasure craft;
- care should be taken such that no marine mammal should be separated from a group, or a mother from her calf, or a group be dispersed;
- under no circumstances should marine mammals be driven forward or their movements blocked by the pleasure craft;
- sudden or repeated changes in the speed or direction of your leisure boat should not be made except in the case of an emergency;
- pleasure craft should not drift towards cetaceans;
- if cetaceans approach the pleasure craft or bow ride, a slow, steady speed (for guidance, 6 knots or under) should be maintained without changing direction (if unsure of their movements, operators should slow down gradually and put the engine into neutral);
- where a pleasure craft stops to enable the users of pleasure craft to watch a cetacean, the engines should be placed in neutral;
- when departing from watching cetaceans, it is important to determine where the animals are located to avoid collisions or coming too close to the animals. In some circumstances it may be necessary to wait for the animals to return to the surface from a dive to be certain of their position;
- cetaceans should never be approached head-on but from the rear or the side, nor should the craft sail alongside.

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<sup>1</sup> Listed recommendations are taken from the Guidelines for Commercial Cetacean-Watching Activities in the Black Sea, the Mediterranean Sea and Contiguous Atlantic Area, developed by the Secretariat of ACCOBAMS (Agreement on the Conservation of Cetaceans in the Black Sea, Mediterranean Sea and Contiguous Atlantic Area) and RAC/SPA (Regional Activity Centre for Specially Protected Areas of the Mediterranean Action Plan).





Distances are from the animals (centre of the drawing)<sup>2</sup>.  
Boat speed should be constant in the approach area.

<sup>2</sup> Drawing prepared in accordance with the Guidelines for Commercial Cetacean-Watching Activities in the Black Sea, the Mediterranean Sea and Contiguous Atlantic Area.

**ANNEX IV****APPENDIX 3****SELF-EVALUATION OF THE ENVIRONMENTAL MANAGEMENT  
OF PLEASURE CRAFT**

	Not applicable	Yes	If no	
			Planned for (month/year)	Main hindrance(s) or difficulty (ies)
1. Is the pleasure craft fitted with tank(s) dedicated to the collection of oily wastes?				
2. Is the pleasure craft fitted with tank(s) dedicated to the collection of sewage?				
3. Is the pleasure craft fitted with tank(s) dedicated to the collection of grey water?				
4. Are the equipment and space allocated to store garbage onboard adequate?				
5. Is garbage sorted on board?				
6. Is there a garbage management plan developed according to IMO international standards? <sup>1</sup>				
7. Is there a Garbage Record Book?				
8. Are the rules requiring that substances that are toxic, persistent or bio-accumulative (paints, pesticides, hydrocarbons, etc.) should not be disposed of at sea applied?				
9. Is the ratio (fuel/oil) of the fuel mixture of the two-stroke outboard engines used by the pleasure craft carefully controlled?				
10. Is the information on the procedure to follow if the pleasure craft causes an accidental fuel spillage clearly indicated?				
11. Are the hull maintenance operations carried out in areas fitted with appropriate antipollution equipment?				
12. Are the anti-fouling systems used recognised as environment-friendly?				
13. Is the pleasure craft fitted with an appropriate anchoring system?				
14. Is the information about endangered or threatened species, sensitive natural sites and invasive species available onboard?				

<sup>1</sup> The garbage management plan and the Garbage Record Book are required for every craft of 400 tons gross tonnage and above and every ship certified to carry 15 persons or more.

**ANNEX IV**

**APPENDIX 4**

**SELF-EVALUATION OF THE ENVIRONMENTAL MANAGEMENT  
 OF MEDITERRANEAN MARINAS**

	Yes	If no		
		Planned for (month/year)	Estimated cost	Main hindrance(s) or difficulty (ies)
1. Is the location of the waste reception facilities well indicated?				
2. Are the facilities for wastewater reception equipped with pumps and/or vacuum extraction systems, and can the pleasure craft easily discharge their sewage water?				
3. Are your reception facilities compatible with the best available techniques for waste storage and processing?				
4. Are your fuelling facilities designed in a way that minimises the risks of spillage?				
5. Are your solid waste reception facilities compatible with waste sorting systems?				
6. Is the procedure to follow in case of an accidental fuel spillage, clearly indicated?				
7. Is the size/capacity of your reception facilities adapted to the size and number of pleasure craft frequenting the marina, including during the peak seasons?				
8. Is the information on the sensitive biological formations located in the areas surrounding the marina available?				
9. Are the financial needs of the environmental management of your marina clearly stated in the marina budget allocation?				

	Yes	If no		
		Planned for (month/year)	Estimated cost	Main hindrance(s) or difficulty (ies)
10. Do you have a waste management plan for your marina?				
11. Are operations related to waste management in your marina recorded?				
12. Are you keeping records of pollution incidents?				
13. Have you set-up emergency procedures in case of pollution?				
14. Is the equipment for implementing the emergency procedures available?				
15. Are you conducting regular simulation exercises to you're your emergency procedures?				
16. Are you regularly cleaning up your marina from waste, including oil?				