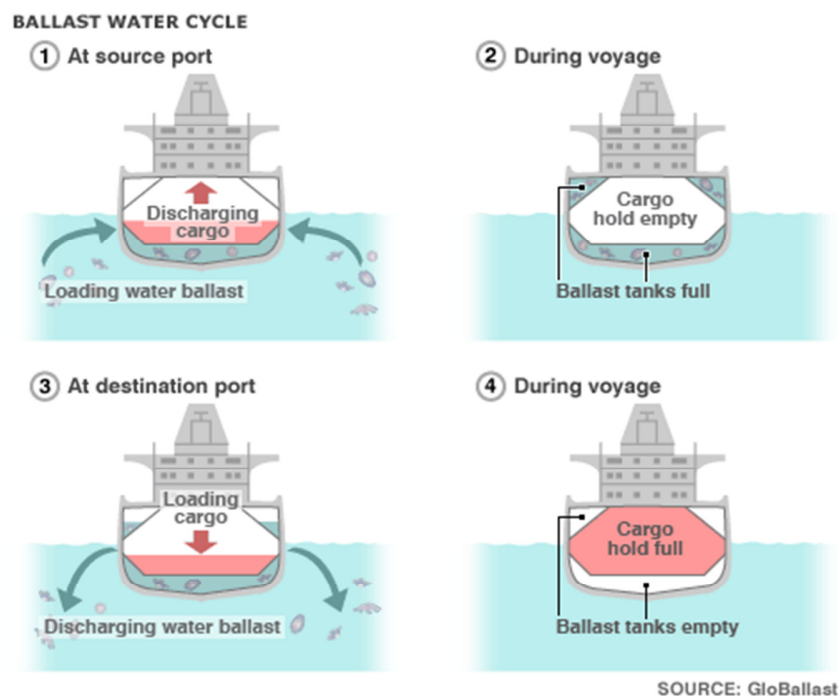


Arab Republic of Egypt



DRAFT REPORT ON THE ASSESSMENT OF LEGAL ASPECTS ON BALLAST WATER (RED SEA, EGYPT)



FEBRUARY 2012

CONTENTS

- 1. INTRODUCTION**
 - 1.1 Report Objectives**
 - 2. POLICIES AND LEGISLATIVE FRAMEWORKS RELATED TO IAS**
 - 2.1 International/Multilateral Agreements, protocols and Codes related to IAS**
 - 2.2 Regional IAS Agreements and Strategies**
 - 2.3 The IMO Ballast Water Management Convention**
 - 2.4 Register of the Multilateral Agreements to which Egypt is a Signatory**
 - 3. EGYPT NATIONAL INSTITUTIONAL ARRANGEMENTS RELATED TO THE POLLUTION OF THE MARINE ENVIRONMENT**
 - 3.1 Ministry of State for Environmental Affairs (MSEA) and the Egyptian Environmental Affairs Agency (EEAA)**
 - 3.2 Ministry of Transport-Maritime Transport Sector “MTS”**
 - 3.2.1. Red Sea Port Authority*
 - 3.2.2 Port State control*
 - 4. EGYPT NATIONAL LEGISLATIONS/REGULATIONS RELATED TO THE POLLUTION OF THE MARINE ENVIRONMENT**
 - 4.1 General**
 - 4.2 Law for the Environment (Law No. 4/1994) amended by the executive statute of Act 9/2009**
 - 4.3 Natural Protectorates (Law No. 102/1983)**
 - 4.4 Environmental Impact Assessment**
 - 4.5 Environmental Protection Fund**
 - 4.6 Legal Setting Associated with Oil Pollution**
 - 4.6.1 Provisions of Law No. 4*
 - 4.6.2 Sea-Based Pollution Sources*
 - 4.6.3 Land-Based Pollution Sources*
 - 4.6.4 Water Quality Standards for Oil and Greases*
 - 4.6.5 National Oil Spill Contingency Plan*
 - 4.7 General Principles for Protecting Coastal and Marine Environment**
 - 4.8 General Direction for Protecting Coastal Water**
 - 4.9 Management Scheme of Coastal Water**
 - 5. GUIDING PRINCIPLES IN IDENTIFYING KEY STEPS TOWARDS THE LEGAL IMPLEMENTATION OF THE BWM CONVENTION WITHIN THE NATIONAL CONTEXT**
 - 6. REPORT MAIN FINDINGS AND GAPS IDENTIFICATION**
 - 6.1 Report main Findings**
 - 6.2 Gaps Identification**
 - 7. RECOMMENDATIONS**
- REFERENCES**
- ANNEX 1. EXCERPT OF LAW NO. 4**

1. INTRODUCTION

Over the past two decades, ships' ballast water has been recognized as one of the major vectors for the introduction of harmful aquatic organisms and pathogens into aquatic environment and the introduction of invasive species was recognised as one of the four biggest threats to the marine environment.

According to GEF/UNDP/IMO/IOI (2009), growing recognition of the impact of invasive species generally has seen a widespread response to the issue in the form of legal instruments, as well as programmes aimed at developing practical, technical solutions.

The Convention on Biological Diversity (CBD) (1992), for example, provides a comprehensive basis for measures to protect all components of biodiversity against invasive alien species. Moreover, in 1995, Contracting Parties to the CBD adopted the "Jakarta Mandate on Marine and Coastal Biological Diversity", which included alien species as a thematic issue. The goal of the programme of work under the Jakarta Mandate is: "to prevent the introduction of invasive alien species into the marine and coastal environment, and to eradicate to the extent possible those invasive alien species that have already been introduced." Initiatives more specific to ballast water have been on the agenda of a wide range of international organizations for the last 30 years. Today, a very wide range of key stakeholders, including shipping, ports, environmental groups, tourism bodies, public health organizations, seafood producers, etc. are working on various aspects of the problem both individually, within their own countries and regions and in international forums.

At the forefront of the international initiatives is the International Maritime Organization (IMO). IMO has been working through its Member States to tackle the problem of ballast water since 1973 when, at the conference to adopt the MARPOL Convention, the ballast water problem was raised. The conference adopted a Resolution which noted that "ballast water taken in waters which may contain bacteria of epidemic diseases, may, when discharged, cause a danger of spreading of the epidemic diseases to other countries", and requested the IMO and the World Health Organization (WHO) to "initiate studies on that problem on the basis of any evidence and proposals which may be submitted by governments".

IMO then established a Ballast Water Working Group under the Marine Environment Protection Committee (MEPC) and has been actively engaged in seeking a solution to the ballast water problem. Activities have included:

- the development of a preliminary set of Guidelines in 1991 – subsequently replaced in 1997 by an updated version: the "Guidelines for control and management of ships' ballast water to minimize the transfer of harmful aquatic organisms and pathogens" (Assembly Resolution A.868(20));
- the development of guidelines for the implementation of the Convention;

IMO's activities to address this issue have also included the development of a regulatory regime culminating in the adoption of the International Convention for the Control and Management of Ships' Ballast Water and Sediments in February 2004, as well as the GloBallast Programme, which included a pilot phase addressing the issue in six Pilot Countries (2000- 2004) and a

follow-up phase (GloBallast Partnerships Project 2008-2012) to be implemented in six priority regions.

The project was developed as a joint initiative of the Global Environment Facility (GEF), the United Nations Development Programme (UNDP) and the International Maritime Organization (IMO) with the following objectives:

- assisting developing countries to reduce the transfer of harmful aquatic organisms and pathogens in ships' ballast water;
- building capacity to address the ballast water issues;
- undertaking legal, policy and institutional reform and
- implementing the International Convention for the Control and Management of Ships' Ballast Water and Sediments (BWM Convention) adopted under the aegis of IMO.

In order to facilitate the implementation of the Project in the Red Sea and Gulf of Aden region, PERSGA was identified as the Regional Coordinating Organisation (RCO) in consideration of the close linkages with IMO and of the relevance of the Partnership's objectives to the mandate of the Centre. As the GloBallast partnerships RCO for the region, PERSGA is responsible for the preparation and organization of regional-tier activities including training courses/workshops and meetings (Regional Task Force Meetings) which are carried out under the project.

1.1 Report Objectives

The report has manifold objectives, these are: to review and examine the current situation, and to diagnosis deficiencies, weaknesses in the current situation, and to outline the road map to correct the deficiencies and weaknesses and gaps.

2. POLICIES AND LEGISLATIVE FRAMEWORKS RELATED TO IAS

The GloBallast Legislative Review (McConnell 2002) and the forthcoming *GloBallast Guidelines for legal reform in the context of the Ballast Water Management Convention* provides a comprehensive overview of national legislative frameworks for six pilot countries of Brazil, China, India, Iran, South Africa and the Ukraine as well as an introduction to international policy and law relating to ballast waters and IAS.

However, it should be noted that both national and international policy and legislation with respect to IAS is in constant development. The number of national policies on IAS has increased through time as countries acknowledge the IAS problem and commit to responding to this threat. Similarly, both the number of international agreements relevant to controlling IAS, as well as the number of countries party to these agreements have increased (McGeoch et al 2009). The sections below provide a brief overview of relevant national and international legal and policy frameworks (Tamelander et al, 2010) .

2.1 International/Multilateral Agreements, protocols and Codes related to IAS

There are many international legal and policy instruments with relevance to IAS, reflecting the multifaceted impacts and implications of their spread. While some are very specific to the issue,

such as the International Convention for the Control and Management of Ships' Ballast Water and Sediments, others are more general.

For example, the Convention on Biological Diversity, which sets the overall framework for conservation of biological diversity, sustainable use of its components, and fair and equitable sharing of the benefits from the use of genetic resources, calls in Article 8h on parties to prevent the introduction of, control or eradicate those alien species which threaten ecosystems, habitats or species. Several Plans of Work under the CBD specifically mention invasive species. Others yet again, notably conventions on protection of specific species or habitats, recognize the threat posed by IAS to those species and habitats. In 1995, the Contracting Parties to the CBD adopted the *Jakarta Mandate on Marine and Coastal Biological Diversity*, which included IAS as a thematic issue with a goal "to prevent the introduction of invasive alien species into the marine and coastal environment, and to eradicate to the extent possible those alien species that have already been introduced."

The United Nations Convention on the Law of the Seas (UNCLOS) defines the rights and responsibilities of nations in their use of the world's oceans, establishing guidelines for businesses, the environment, and the management of marine natural resources. UNCLOS decrees that "States shall take all measures necessary to prevent, reduce and control pollution of the marine environment resulting from the use of technologies under their jurisdiction or control, or the intentional or accidental introduction of species, alien or new, to a particular part of the marine environment, which may cause significant and harmful changes thereto". Further, as there are many potential health aspects of species introductions, especially from human pathogens and those that cause poisonings, international health regulations and regulations on trade and transport also apply.

2.2 Regional IAS Agreements and Strategies

Recognizing that addressing IAS requires coordinated responses between nations and especially between nations closely connected geographically and/or through trade and travel, regional IAS strategies and plans have also been developed. Under the GloBallast Partnerships Programme, Regional Strategies and Action Plans for BWM are being developed in all affiliated regions, through the establishment of Regional

Task Forces. To ensure a regional harmonization, it will be important to take this Regional Strategy into account when developing the National BWM Strategy.

Other relevant examples include the European Strategy on Invasive Alien Species developed under the Convention on the Conservation of European Wildlife and Natural Habitats. The Strategy promotes the development and implementation of coordinated measures and cooperative efforts throughout Europe to prevent or minimise adverse impacts of invasive alien species (IAS) on Europe's biodiversity, as well as their consequences for the economy and human health and well-being.

In 2003 the Asia Pacific Economic Cooperation (APEC) forum also discussed the development of a regional strategy to combat invasive alien species. A regional strategy/action plan on marine invasive species is envisaged for South East Asia through member states of the Coordinating Body on the Seas of East Asia United Nations Environment (COBSEA) Programme. A

Cooperative Initiative on Invasive Alien Species (IAS) on Islands has also been proposed through IUCN's Invasive Species Specialist Group, to facilitate cooperation in key areas of invasive alien species management on islands.

The status of regional strategies in BWM in the Red Sea and Gulf of Aden Region specific , where the Regional Organization for the Conservation of the Environment of the Red Sea and Gulf of Aden (PERSGA) is the coordinating body and Egypt is amongst its member states, the following has been achieved : First meeting to draft a Regional Strategic Action Plan was held in June 2009. A regional task force RTF established and its ToR was set.

The Jeddah Convention of 1982, formally titled "Regional Convention for the Conservation of the Red Sea and Gulf of Aden Environment," provides an important basis for environmental cooperation in the Region. It was the result of a Regional Intergovernmental Conference, supported by the United Nations Environment Programme. The Regional Intergovernmental Conference also adopted a "Programme for the Environment of the Red Sea and Gulf of Aden (PERSGA)," and established a Secretariat for the Programme in Jeddah. In addition, the Conference produced two important instruments: (a) an "Action Plan for the Conservation of the Marine Environment and Coastal Areas in the Red Sea and Gulf of Aden"; and (b) a "Protocol Concerning Regional Cooperation in Combating Pollution by Oil and Other Harmful Substances in Cases of Emergency." The provisions of the Jeddah Convention are complemented by those of MARPOL and the Basel Conventions. Djibouti, Egypt, Jordan, Palestine, Saudi Arabia, Somalia, Sudan and Yemen are Parties to the Jeddah Convention.

Besides, a Regional initiative concerning Port State Control in the Red Sea and Gulf of Aden is presented in Box 1.

Box 1. Regional initiative concerning Port State Control

Port State Control in the Red Sea and Gulf of Aden

Port State Control (PSC) is the means established by IMO by which ports are authorized to inspect foreign (and national) ships to ensure that they meet required safety, construction, equipment and manning standards, and if necessary to detain the ships that fail to meet required standards. Effective PSC requires close coordination between different parts at the regional level. In recent years, a few shipping disasters, causing alarming damage to the environment triggered the concern of several countries about protection of their coastal resources. Such concern initiated the first Memorandum of Understanding on Port State Control between the European Countries, known as Paris MoU. Subsequently, several other Memoranda of Understanding on Port State Control have been concluded. The International Maritime Organization (IMO) is playing a major role in formulation of such MoUs. These include: Latin American MoU (Latin American region), Asia-Pacific MoU (Asia-Pacific region), Caribbean MoU (Caribbean region), Mediterranean MoU (Mediterranean region), Indian Ocean MoU (Indian Ocean region), West and Central African MoU (West and Central African region), Black Sea MoU (Black Sea region) and the Arab States of the Gulf Region MoU. US Coast Guards, though not a signatory to any of the MoUs, carries out port State control for compliance with the US Code of Federal Regulations and other International Maritime Conventions.

Six of PERSGA member states are parties to different MoUs: Djibouti, Sudan and Yemen are parties to the Indian Ocean MoU, Egypt and Jordan are parties to the Mediterranean MoU, and the Kingdom of Saudi Arabia is a party to the Arab States of the Gulf Region MoU. In 2002 a Workshop was convened by PERSGA in Jeddah, attended by PERSGA member states, Eritrea, representatives of ROPME member states and the IMO. At the Workshop the advantages of membership of one MoU on PSC for the region were stated. It has been recognized that while the states within the RSGA are members of three different MoUs on PSC and that two of these states are not members of any MoU, harmonizing their systems of ship inspections is not sufficient, which may not assist with the control of sub-standard shipping at a regional level.

2.3 The IMO Ballast Water Management Convention

The International Convention for the Control and Management of Ships' Ballast Water & Sediments was adopted by consensus in London on Friday 13 February 2004. The Convention will enter into force 12 months after ratification by 30 States, representing 35 per cent of world merchant shipping tonnage. (As of January 2010 there were 21 countries that have ratified the convention: (Argentina, Australia, Barbados, Brazil, Egypt, Finland, Kenya, Kiribati, Maldives, Marshall Islands, Netherlands, Nigeria, Norway, Republic of Korea, Saint Kitts and Nevis, Spain, Sweden, Syrian Arab Republic, Tuvalu)

The convention includes the following main provisions :

General Obligations

Under Article 2 General Obligations, Parties undertake to give full and complete effect to the provisions of the Convention and the Annex in order to prevent, minimize and ultimately eliminate the transfer of harmful aquatic organisms and pathogens through the control and management of ships' ballast water and sediments.

Parties are given the right to take, individually or jointly with other Parties, more stringent measures with respect to the prevention, reduction or elimination of the transfer of harmful aquatic organisms and pathogens through the control and management of ships' ballast water and sediments, consistent with international law. Parties should ensure that ballast water management practices do not cause greater harm than they prevent to their environment, human health, property or resources, or those of other States.

Reception facilities

Under Article 5 Sediment Reception Facilities, Parties undertake to ensure that ports and terminals where cleaning or repair of ballast tanks occurs, have adequate reception facilities for the reception of sediments.

Research and monitoring

Article 6, Scientific and Technical Research and Monitoring, calls for Parties individually or jointly, to promote and facilitate scientific and technical research on ballast water management; and monitor the effects of ballast water management in waters under their jurisdiction.

Survey, certification and inspection

Ships are required to be surveyed and certified (Article 7 Survey and certification) and may be inspected by port State control officers (Article 9 Inspection of Ships) who can verify that the ship has a valid certificate; inspect the Ballast Water Record Book; and/or sample the ballast water. If there are concerns, then a detailed inspection may be carried out and “the Party carrying out the inspection shall take such steps as will ensure that the ship shall not discharge Ballast Water until it can do so without presenting a threat of harm to the environment, human health, property or resources.” All possible efforts shall be made to avoid a ship being unduly detained or delayed (Article 12 Undue Delay to Ships).

Technical assistance

Under Article 13 Technical Assistance, Co-operation and Regional Co-operation, Parties undertake, directly or through the Organization and other international bodies, as appropriate, in respect of the control and management of ships’ ballast water and sediments, to provide support for those Parties which request technical assistance to train personnel; to ensure the availability of relevant technology, equipment and facilities; to initiate joint research and development programmes; and to undertake other action aimed at the effective implementation of this Convention and of guidance developed by the Organization related thereto.

- *Ballast Water Convention*
- *Convention on Biological Diversity*
- *UN Convention on the Law of the Sea*
- *UNEP Regional Seas Conventions.*

2.4 Register of the Multilateral Agreements to which Egypt is a Signatory

Table (1) is a register of the Multilateral Agreements to which Egypt is a Signatory including the International and Regional Conventions directly linked to the assessment report such as

Table 1. Register of the Multilateral Agreements to which Egypt is a Signatory

Environmental Category	Name of Multilateral Environmental Agreement	Date of Ratification(R)	Date of Entry Into Force(E)	Date of Signature(S)
Biodiversity and Natural Resources	Convention on Wetlands of International Importance Especially as Water Fowl Habitat (RAMSAR)	09/09/1988	09/09/1988	
	Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES)	04/01/1978	04/04/1978	
	Convention on Biological Diversity (CBD)	02/06/1994		
	Protocol Concerning Mediterranean Specially Protected Areas	08/07/1983		
Oceans and Seas (Conservation and	BWM Convention	13/02/2004		
	Regional Convention for the Conservation		20/08/1990	

pollution prevention, management)	of the Red Sea and Gulf of Aden Environment (Jeddah)			
	United Nations Convention on the Law of the Sea	26/08/1983		
	Agreement Relating to the Implementation of Part XI of the United Nations Conventions on the Law of the Sea of 10 December 1982			22/03/1995
	Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks			05/12/1995
	United Nations Convention on Conditions for Registration of Ships	09/01/1992		
	International Convention for the Prevention of Pollution of the Sea by Oil		22/07/1963	
	International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties		04/05/1989	
	Protocol Concerning Cooperation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency	24/08/1978	23/09/1978	16/02/1976
	Protocol Relating to Intervention on the High Seas in Cases of Pollution by Substances Other than Oil		04/05/1989	
	Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter	30/06/1992		
	Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972			
	Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships, 1973		07/11/1986	
	Convention for the Protection of the Mediterranean Sea Against Pollution (Barcelona)	24/08/1978	23/09/1978	
	Amendment to the Convention for the Protection of the Mediterranean Sea Against Pollution			10/06/1995
	Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft	24/08/1978	23/09/1978	

	Amendment to the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft			10/06/1995
	International Convention on Civil Liability for Oil Pollution Damage	03/02/1989	04/05/1989	
	Protocol of 1992 to Amend the International Convention on Civil Liability for Oil Pollution Damage, 1969	21/04/1995		
	Protocol Concerning Regional Cooperation in Combating Pollution by Oil and Other Harmful Substances in Cases of Emergency		20/08/1990	
	International Convention on Oil Pollution Preparedness, Response and Cooperation	29/06/1992		
	Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal			01/10/1996
	Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal	08/01/1993	05/05/1992	13/02/1992
	Amendment to the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal	13/12/2003		22/09/1995
	Stockholm Convention on Persistent Organic Pollutants (POPs)	02/05/2003	17/05/2004	17/05/2002

Besides, Egypt ratified the PSC MoU of the Mediterranean and signed the Red Sea and Gulf of Aden MoU with initials .

3. EGYPT NATIONAL INSTITUTIONAL ARRANGEMENTS RELATED TO THE POLLUTION OF THE MARINE ENVIRONMENT

The key national institutions in Egypt which play a role in ballast water management are:

3.1 Ministry of State for Environmental Affairs (MSEA) and the Egyptian Environmental Affairs Agency (EEAA)

In Egypt, the environmental policy is set formally by the Ministry of State for Environmental Affairs (MSEA) and Egyptian Environmental Affairs Agency (EEAA) is the executive arm of the MSEA.

The mandate of MSEA is to achieve a harmonized balance between the needs of developing the State, while protecting her natural resources. MSEA is required to address the cumulative impact of environmental problems that have accumulated over the past 40 years, mobilizing investments and building human capacities.

MSEA has established the National Environmental Action Plan (NEAP). It includes plans to deal with these requirements, which has to be implemented through line ministries in collaboration with major stakeholders, such as NGOs and the private sector.

The Environmental Law (Law No. 4) provides a variety of mandates for EEAA. Given its coordinating and horizontal role among all related ministries, EEAA is put under the responsibility of the Council of Ministers, and the Minister is assigned to oversee the work of the agency and chair EEAA Board of directors.

3.2 Ministry of Transport-Maritime Transport Sector “MTS”

Egypt is a maritime country that has a remarkable geographical location on the junction of three continents and has coasts up to 2000 km on the Mediterranean and the Red Sea which allowed its connection with the foreign world since ancient ages. Moreover a vital artery – Suez Canal- passes through its land linking the East to the West which is Suez Canal.

The foreign seaborne trade volume of Egypt represents about 90% of the Egyptian foreign trade volume. Since the maritime transport process became a complicated industry it was indispensable to develop this industry through a well-defined strategic goal

The Sector strategy

The effective contribution in the Egyptian national economy and the Egyptian foreign trade through creating efficient cadres capable of influencing the decision makers in the field of maritime transport on the international level.

MTS Objectives

- Setting the objectives and the policies of the authorities, bodies and entities, following up their application and coordinating between them.
- Developing the Egyptian sea ports in order to cope with the progress of the maritime transport industry and to acquire the necessary competitiveness through updating their infrastructure and facilities as well as transforming the role of the ports from being just a gateway or a passage to become one of the links of the multi-modal transport chain and a distribution center.
- Coordinating with the governmental bodies, ministries, ports authorities, maritime chambers and port users in order to unify, revise and scrutiny the resolutions, laws and regulations.
- Raising the efficiency of the maritime transport personnel according to the international standards to be able to provide labor to the foreign countries.
- Applying the information technology in the Maritime Transport Sector.
- Achieving the safety of navigation in the territorial waters according to the international standards as well as preventing and combating maritime accidents and pollution.
- Encouraging the participation of the private sector in the maritime transport activities and the ownership of vessels and floating units.
- Following up, anticipating and consequently coping with the world maritime transport development, in order to increase the Egyptian transit trade volume.

Main Tasks

- Developing the maritime transport facilities in order to cope with the world development in the field of maritime transport industry.
- Developing the necessary plans for organizing the work process and achieving the optimal level of efficiency in order to serve the national economy.
- Ensuring the territorial waters safety and providing the labor capable of coping with the scientific and technological development in the field of maritime transport industry.

3.2.1. Red Sea Port Authority

The Red Sea Port Authority is responsible for the operation of several ports located along the coast of the Red Sea. The following are Ports Under Red Sea Port Authority Jurisdiction: Adabiya, Ataq, Safagah, Hurghadah, Nuweibah, Sharm El Sheikh, El Tour, El Qusseir, Abou Zenimah, Abou El Ghouson, Wadi Feran, Ras Shukheir, Ras Sedr.

3.2.2 Port State control

Port State Control (PSC) is the inspection of foreign ships in other national ports by PSC officers (inspectors) for the purpose of verifying that the competency of the master and officers on board, and the condition of the ship and its equipment comply with the requirements of international conventions (e.g. SOLAS, MARPOL, STCW, etc.) and that the vessel is manned and operated in compliance with applicable international law.

PSC responsibilities

- Reviewing ports compliance to security requirements according the criteria of International Convention for the Safety of Life at Sea (SOLAS) and those of
- International Ship and Port Facility Security Code (ISPS Code) and issuing compliance certificates to such ports;
- Exercising control of ships in territorial waters, the exclusive economic zone and the continental shelf in accordance with the provisions of the maritime law, the law of environment protection as well as international regulations and conventions in force;
- Inspecting foreign ships in ports to check the availability of the conditions stipulated in international conventions concerning safety of life at sea, load lines and the protection of marine environment from pollution.

The responsible agencies in Egypt

1. Port Authority performs operational aspects & Environmental inspection of BWM on ships.
2. Egypt Maritime Safety Agency.

Inspection protocols

Egypt ratified Memorandum of Understanding (MoU) of Mediterranean 1997, Inspection under resolution A (A.787) & (A.882).

- Frequency of inspection: every 6 months at least.
- Inspecting foreign ships in Egypt Red Sea ports to check the availability of the conditions stipulated in international conventions concerning safety of life at sea,

load lines and the protection of marine environment from pollution (15% of foreign ships calling ports).

- Reporting requirements: compulsory.

Enforcement mechanisms: Prime ministerial decree no.898 /2002.

4. EGYPT NATIONAL LEGISLATIONS/REGULATIONS RELATED TO THE POLLUTION OF THE MARINE ENVIRONMENT

4.1 General

A number of laws/decrees have been enacted that directly protect the marine and coastal environments from oil pollution; these include as example the following;

- Public Law No 280, 1960 regulating Ports and Territorial waters
- The Minister of Defence Decree No 56, 1962 on the cleanliness of Ports and Territorial waters in compliance with the above Public Law
- Public Law No 72, 1968 on the Protection of Sea water against oil pollution
- Presidential Decree No 1948, 1985 establishing the Standing Committee for the Prevention of Marine Pollution by oil, amending the decree No 961, 1973

Because the existing laws/decrees and regulations have resulted in unclear and sometimes overlapping responsibilities and jurisdictions for the management of marine environment and coastal zone in Egypt, a new law for the environment was introduced in 1994.

4.2 Law for the Environment (Law No. 4/1994) amended by the executive statute of Act 9/2009

The Law for Environment (the Law No. 4) was drafted with a view not to replace previous environment-related legislations but to complement these legislations and to address any legal gaps or needs that are not adequately addressed by these previous laws like the Law No. 48. The Law No. 4 and its executive regulations define the roles and responsibilities of EEAA, which include regulation of air pollution, control of hazardous substances, management of hazardous waste and control of discharges to marine waters. Though the Law No. 4 gives EEAA diverse legal tools to implement and enforce these provisions, the environmental standards of water quality which are set up to raise the administrative target in many countries are not defined. Meanwhile, the Law No. 4 stipulates specific quality standards for ambient air and noise.

The key features of Law No. 4 may be summarized as follows:

- It re-establishes EEAA under the Cabinet of Ministers as the highest national authority in charge of the environment;
- It requires all new projects and activities to submit an environmental impact assessment (EIA), and gave EEAA the final responsibility of approving them;
- It gives EEAA the power to inspect and enforce the law;
- It establishes an environmental fund and mandated EEAA with the proposal of economic incentives for the protection of the environment;
- It addresses gaps in the previous laws (Law No. 48) concerning air pollution, noise,

industrial and municipal discharges to the marine environment, hazardous wastes and sanitary landfilling; and

- Finally, it increases significantly the fines and penalties for violations.

According to the Law No. 4, EEAA has the responsibility of formulating the general environmental policy as well as the plans for environmental protection and to follow up on their implementation in coordination with the competent administrative authorities. In addition, the Agency is responsible for strengthening environmental relations between Egypt and other countries, and regional and international organizations.

In specific, the Law No. 4 mandates EEAA with the following:

- Prepare draft laws and decrees related to the fulfillment of its objects and express its opinion on proposed legislation related to the protection of the environment;
- Prepare studies on the state of the environment, formulate the national plan with the projects included for the protection of the environment, prepare the estimated budgets for each as well as environmental maps of urban areas and areas to be developed and lay down the criteria to be observed when planning and developing new areas as well as the criteria targeted for old areas;
- Lay down the criteria and conditions, which owners of projects and establishments must observe before the start of construction and during the operation of these projects;
- Conduct field follow-up of compliance with the criteria and conditions that are binding to agencies and establishments and take the procedures prescribed by law against those who violate such criteria and conditions;
- Lay down the principles and procedures for assessing the environmental effects of projects;
- Lay down a plan for environmental training and supervise its implementation;
- Prepare the draft budgets required for the protection and promotion of the environment;
- Propose economic mechanisms to encourage different activities and procedures for the prevention of pollution; and
- Coordinate with the Ministry for International Cooperation to ensure that projects funded by donor organizations and countries are in line with environmental safety considerations.

4.3 Natural Protectorates (Law No. 102/1983)

The Nature Protectorates Law (the Law No. 102/1983) addresses the protection of the marine environment including that of the Gulf of Aqaba announced as one of the nature reserves by the Prime Minister decree No. 33/1996, as well as the Red Sea protected islands south of Hurghada. The protectorates encompass the waters with one nautical mile around such islands and mangrove forests.

The provisions of this Law have addressed the protection of the marine environment declared as nature reserves in the Red Sea, Gulf of Aqaba and Red Sea islands. Provisions related with water quality in natural protectorates are in place in the articles of Law No. 102, as follows:

- Polluting nature protectorates waters from any source including land or marine sources should be prohibited; and
- The Law mandated EEAA with the protection of marine environment and processing of violations.

4.4. Environmental Impact Assessment

The Environmental Impact Assessment (EIA) is a major legal tool which EEAA is given under the Law No. 4 to exercise its law enforcement for comprehensive environmental protection. It is implemented through its Executive Regulations (Prime Ministerial Decree No. 338 of 1995), which came into full implementation in 1998.

EIA is defined as a technical study which clarifies potential environmental impacts resulting from the project and is undertaken by the investor or his representative. Through the study, different impacts of the project are analyzed and measures and alternatives for the different elements of the project are proposed, leading eventually to the elimination or mitigation of these impacts to the lowest extent possible.

The study is taken into consideration by relevant administrative authorities when deciding whether to grant or reject a license to a project. EIA process comprises a number of procedures determined by the Law No. 4 and its Executive Regulation, as well as EIA Principles and Procedures Guideline issued by EEAA, ensuring environmentally sound and sustainable development choices, besides the ability to identify any environmental consequences in the first stages of the planning process.

The Law and Executive Regulation require an EIA for new projects and expansions and renovations of existing ones. Sectoral ministries and Governorates are the competent administrative authorities for EIA in Egypt, as they possess the executive powers in relation to development authorization. The Central EIA Department of the EEAA is responsible for supervising the screening process, managing the review of EIA reports, taking decisions on the acceptability of EIA reports and giving an opinion on the development and proposals for mitigation measures.

Specific objectives of each EIA undertaken under the Law No. 4 are described as follows:

- Providing sound basis for the decision-making process of project component design;
- Ensuring project implementation with full awareness of environmental factors;
- Increasing public awareness of the timing and forms of any potential environmental impacts; and
- Facilitating public participation in the decision-making process. Facilities subject to EIA conditions are classified according to the following four criteria:
 - Type of activity;
 - Natural resources used;
 - Facility location; and
 - Type of energy used.

The general guidelines have been issued in 1995 and describe in detail the screening method, which is based on three lists of project types:

- White list projects with minor impacts (Category A);
- Gray list projects which may result in substantial environmental impacts (Category B); and
- Black list projects for which complete EIA is mandatory due to the magnitude and nature of their potential impacts (Category C).

The guidelines include two screening forms, form A for white list projects and form B for gray list projects. For gray list projects, EEAA may require a scoped EIA, as specified by EEAA on the basis of the information presented by the developer in form B. In 2001, the EIA classification system was updated to include some modifications to the division between the three categories A, B, and C, varying in the severity of possible environmental impacts, as well as the expansion of the lists of facilities in each category to include additional ones, with the purpose of minimizing errors in categorization.

4.5 Environmental Protection Fund

One of noteworthy topics in the Law No. 4 is an Environment Protection Fund (EPF) established under the Article 14. The resources of the EPF will be drawn from:

- State budget allocations;
- Grants and donations by national and foreign agencies for protecting and promoting the environment;
- Fines and compensations by court rulings or which are agreed upon for damages affecting the environment; and
- Resources from the Protectorate Fund established by the Law No. 102 of 1983.

Article 7 of the Executive Regulations of the Law No. 4 also lays down the following sources of income:

- EEAA's share of the 25% dues imposed on travel tickets issued in Egypt in Egyptian currency (according to the Article 1 of the Law No. 5 of 1986 and the Prime Minister's Decree No. 697 of 1986) with a minimum of 12.5 % of the total proceeds;
- The returns from experimental projects undertaken by EEAA; and
- Remuneration for services rendered by EEAA to third parties.

The Fund is allocated in order to achieve its objectives. The Article 8 of the Executive Regulations list 13 objectives including the following which are relevant for the NOSCP:

- Confronting environmental disasters; and
- Confronting pollution from unknown sources;

EEAA is responsible for administering the national funds for oil spill response which will be available from the Environmental Protection Fund. These funds will be available specifically for providing the financial support for responding to oil spills in which the polluter is unknown.

4.6 Legal Setting Associated with Oil Pollution

4.6.1 Provisions of Law No. 4

In terms of water quality, the Environmental Law (Law No. 4) aims to control the water quality of marine and coastal waters, because the Law No. 48/1982 has already set provisions for other waters like rivers and lakes. Therefore, the Law No. 4 lays numbers of provisions to control water pollutions in coastal and marines, especially oil pollutions to be caused by sea-based and land-based sources. **Annex 1** demonstrates excerpt articles directly related with oil pollution.

4.6.2 Sea-Based Pollution Sources

In the Chapter 1 (pollution from ship) of the Law No. 4, the section 1 (oil pollution) states oil pollution caused by sea-based sources like oil tankers, commercial ship, platforms for oil extraction, etc. From above articles, owners of ships, sea rigs/platforms and companies working in digging, exploitation and exploration for oil at the sea are imposed by the following obligations.

- Not dumping or discharging any oils or oil mixtures into the sea;
- Prompt reporting of spills or leakages resulting from facilities, boats, ships or tankers by the captain or owner of such or by affiliated companies;
- Taking measures and precautions required for preventing the spread of pollution by oil after the occurrence of a pollution incidence;
- Preparing marine platforms and facilities working in oil exploitation and exploration by devising appropriate plans and measures required for marine environment protection from oil pollution risks;
- Oil tankers shall keep oil registers and make it available for inspection;
- Foreign ships using Egyptian ports or sailing through the special maritime zone shall be equipped with pollution mitigation facilities; and
- Taking all sufficient precautions for the prevention or mitigation of pollution impacts before or after the occurrence of breakdowns in a ship or one of its equipment and promptly notifying competent administrative authorities immediately about discharges resulting from such breakdowns in a ship or one of its equipment.

4.6.3 Land-Based Pollution Sources

At the same time, the Chapter 2 of the Law No. 4 (land-based pollution) stipulates regulations about various pollutions including oil pollutions to be generated from land-based sources like industrial and domestic wastewater facilities.

Establishments have to comply with the effluent standards (including oil and greases) for wastewater discharged. EEAA has the competence to carry out periodical monitoring for compliance checks.

According to Article 1 of the Law, the following establishments are regulated as the land-based sources:

- Industrial establishments;
- Tourist establishments;
- Establishments used for electrical power generation and production;
- Mines, quarries and establishments operating in the field of oil exploration, drilling, and transportation;
- All infrastructure projects; and
- Any other establishment, activity or project which may have a noticeable impact on the environment.

4.6.4 Water Quality Standards for Oil and Greases

Law No. 48/1982 has set up the environment standard in terms of oil pollution. According to the article 40 of the ministerial degree for this law, Nile and canals should maintain less than 0.1 mg/l of oil and greases. Meanwhile, the decree by the Ministry of Health and Population (in

1996) has stipulated less than 0.1 mg/l of oil and greases as the standard quality for swimming purpose.

To mitigate oil pollutions in Egypt, the Law No. 4, the Law No. 48/1982 and others have set numbers of effluent standards including oil and grease. These effluent standards are applied for the wastewater discharged from establishments.

4.6.5 National Oil Spill Contingency Plan

Through the Article 25, Law No. 4 provides the legal and institutional basis for formulating and updating of Egypt's National Oil Spill Contingency Plan (NOSCP). The Article 25 does not specify any particular type of environmental disaster but it is acknowledged by all concerned that such events include major oil spills. The definition of "environmental disasters" in the Article 1 of the Law reads: "Accidents due to natural or man-made actions that lead to severe damage to the environment and require resources beyond local capabilities to confront.

The NOSCP will, in effect, form a component of the Environmental Disasters Contingency Plan which, under the Article 25, has to be prepared by EEAA. This Plan will have to be approved by the Cabinet of Ministers and Prime Ministerial decree.

The Environmental Disasters Contingency Plan envisaged by Law No. 4 comprises the following elements:

- Determining the different kinds of environmental disasters and the agencies responsible for their occurrence or expected occurrence;
- Establishing a Central Operations Room for receiving the reports about environmental disasters and following up the receipt and dispatch of accurate information with a view to mobilizing the necessary response action,
- Forming a task group to respond to the disaster. The Head of the task group will be delegated power to respond to the disaster, in co-operation and coordination with other concerned agencies.

4.7 General Principles for Protecting Coastal and Marine Environment

The "Egypt State of the Environment Report (2004)" refers to the following principles to be pursued in the seas and coastal zone management in Egypt. For addressing the problems in coastal and marine environment, EEAA states a number of general principles to be monitored:

These principles are:

- Marine pollution threatens all state sectors, and therefore, marine pollution prevention is a collective responsibility, not restricted to one entity;
- Each sector is required to prevent the sources from marine pollution resulting from its activity, in accordance with local laws and according to and in compliance with international and regional conventions;
- Each sector is responsible for protecting its investments from marine pollution hazards and is required to raise its preparedness to address marine pollution to the level corresponding to the hazards such sector causes or is exposed to; and

- Encouraging private sector participation in marine pollution prevention and establishing specialized companies for that purpose.

4.8 General Direction for Protecting Coastal Water

The “National Environmental Action Plan 2002” presents the direction and management scheme for protecting coastal waters, as below:

Pollution of coastal areas originates from land-based resources including towns and cities, industries, construction, agriculture and tourism. The contaminants that pose the greatest threat to the marine environment are sewage, chemicals, sediments, litter, plastics, and oil. Some of the materials are toxic and tend to accumulate in living creatures. Pollution also originates from sea-based activities, like shipping, accidental spills of oil and chemicals and offshore activities.

Therefore, the protection of coastal waters should be conducted along the following directions:

- An integrated management scheme to address marine pollution from land-based and sea-based sources are required;
- This scheme should provide a framework within which the role of each stakeholder is identified; and
- In order to assist decision making at all levels, further measures should be considered. These include establishing a database system for coastal water quality and sources of pollution, producing maps for different coastal water and marine environment in Egypt and expanding appropriate monitoring and assessment programs.

4.9 Management Scheme of Coastal Water

The MWRI developed a sustainable management scheme for coastal waters in Egypt. An integrated plan for managing and protecting coastal water quality is the output of this program. The expected results of implementing this plan are the improvement of water quality that will have positive economic and financial returns on the cost of the program formulation and implementation. The activities of this scheme include:

- Update and extend existing contingency plans;
- In collaboration with relevant authorities, develop a system to control sources of pollution;
- Set criteria for brine disposal to the marine environment; and
- Support wider ratification and implementation of relevant shipping conventions and protocol.

5. GUIDING PRINCIPLES IN IDENTIFYING KEY STEPS TOWARDS THE LEGAL IMPLEMENTATION OF THE BWM CONVENTION WITHIN THE NATIONAL CONTEXT

The developing of national legislation database with the initiation of certain key steps:

- a- Establish an inventory of existing legislation related to the subject matter.
- b- Examine the deficiencies in the existing legislation;
- c- Analyse the information of relevant applicable international convention;

- d- Review the steps necessary to incorporate the BWM Convention into national legislation.
- e- Examine the compliance and enforcement requirements for implementing the BWM Convention.
- f- Establish appropriate institutional framework for the effective implementation of the Convention

6. REPORT MAIN FINDINGS AND GAPS IDENTIFICATION

The primary purpose of the assessment report on the legal aspects of ballast water (Red Sea, Egypt) is to review and examine the current situation, and to diagnosis deficiencies, weaknesses in the current situation, and to outline the road map to correct the deficiencies and weaknesses and gaps.

The report provides the basis for informed decisions makers on what needs to be done with respect to ballast water management within the country, and is a building block towards the development of the country strategy in this respect.

This report has clearly presented relevant and update information on legal aspects related to marine pollution and the status of ballast water in the country.

6.1 Report main Findings

- 1) The inventory of national legislation was ongoing.
- 2) Most of the international legal instruments has been adopted by the country as the Convention on Biological Diversity...etc (Table 1). Egypt ratified the BWM Convention and the process of its incorporation into national legislation was just starting.
- 3) Although Egypt is a party to an extensive legislation protecting the marine environment but such legislation was not adequately addressing the issue of ships' ballast water and invasive species.

6.2 Gaps Identification

1. Acts by which the Port Authority is dealing with the ballast water in practice is not clear
2. There is no clear information on the existence and efficiency of the reception facilities in Egypt's Red Sea Ports.

7. RECOMMENDATIONS

Egypt is concerned and took the necessary action about the prevention of pollution at sea and its environmental impacts, particularly in ports areas and most recently in issues related to ballast water. Being a signatory of most of the International/regional laws, Egypt has recently ratified the Ballast Water Management Convention, and knowing that it always requires appropriate enabling legislation to be enacted and brought into force. Therefore, Egypt is working in developing adequate framework of National laws leading to the full implementation of the convention.

Developing a legislation is a long process, therefore there is a need to fasten the process at national level by continuing raising awareness and working towards changing the political perception, in order to have the ballast water issue considered as a priority issue.

The following are the **main recommendations** generated from the legal assessment study:

1. Developing adequate legislations that enable the implementation of the various conventions, protocols..etc, particularly the BWM convention. Therefore, issuance of national laws and regulations in this regard become mandatory.
2. The Ministry of Transport/Maritime Sector through their specialized authorities have to convey all regulation regarding the ballast water to maritime sectors, ships' masters, ships owners through their agents at Egypt's Red Sea ports, and to ensure the compliance with regulations including reporting regularly to the port authorities, and particularly in case of incident discharge.
3. The Ministry of Transport/Maritime Sector is encouraged to develop and adopt at a national level the NBWM strategy.
4. Provision of port facilities for ballast water deemed necessary both from environmental and legal (compliance with international conventions) perspectives.
5. A data base is to be established regarding the existing laws and regulations controlling the protection of the marine environment from pollution
6. Integration of Environmental Legislation, particularly those related to ports and oil pollution
7. Understanding the roles of International Agreements and incorporating them into the national legal system
8. The applicability of legislation and the commitment to its regulations
9. Strengthening the institutional body to carry out efficiently the responsibilities
10. Environmental awareness is vital and must be included in the proper legal system
11. Capacity building is to be considered to enable the enforcement of laws and regulations

8. NATIONAL SOURCES OF INFORMATION

7. 1 National Experts prepared the report:

1-Prof. Dr. Mahmoud Khamis EL SAYED – National Expert – Professor of Oceanography.

2- Eng. Kamal H ELKAZAZ National Focal Point – Port Authority.

3-Chem. Gehan Mohamed Elsayed EL SAKKA- M. Sc. Oceanography – team leader.

5-Mr. Mohamed Farouk - Legal related issues.

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ANNEX 1. EXCERPT OF LAW NO. 4

CHAPTER 1 POLLUTION FROM SHIP

Section 1 Oil Pollution

Article 48:

The aim of protecting the water environment from pollution is to achieve the following objectives:

- a- To protect the coasts and ports of the Arab Republic of Egypt from the risks of pollution in all its forms and shapes.
- b- To protect the environment of the territorial sea and the exclusive economic zone and their living or non-living natural resources by preventing, controlling and reducing pollution from any source.
- c- To protect the natural resources in the economic zone and the continental shelf.
- d- To compensate any natural or juridical person for any injury they sustain from the pollution of the water environment.

The Minister for Environmental Affairs in conjunction with the Minister of Maritime Transport and the competent administrative authorities referred to in para (38) of article (1) of this Law shall undertake to fulfill the aforesaid objectives, each within their respective fields of competence.

Article 49:

Ships of any nationality are forbidden to discharge oil or oily mixtures in the territorial sea or the exclusive economic zone of the Arab Republic of Egypt.

Military ships or support naval vessels of the Arab Republic of Egypt and other ships owned or operated by the state or by public authorities which are used in non-commercial governmental service and which are not subject to the provisions of the Convention shall take all necessary precautions to prevent pollution of the territorial sea or the exclusive economic zone of the Arab Republic of Egypt.

Article 50:

Ships registered in the Arab Republic of Egypt are forbidden to discharge oily or oil mixtures into the sea, in accordance with the Convention and international agreements to which the Arab Republic of Egypt adheres.

Article 51:

Foreign oil tankers calling at Egyptian ports must comply with all the requirements of Rule 13 of Annex 1 of the Convention as amended. Oil tankers used in short voyages are exempt from these requirements pursuant to Rule 13c of the Convention as amended, as are oil tankers navigating the Suez Canal which are not obliged to discharge unclean ballast water.

Article 52:

National and foreign companies and organizations licensed to explore, extract or exploit off-shore oil fields and other marine natural resources, including oil transport facilities, are forbidden to discharge any polluting substances resulting from drilling, exploration, testing of wells or production in the territorial sea or the exclusive economic zone of the Arab Republic or Egypt. They are held to use safe measures not liable to harm the water environment and to treat any discharged waste or polluting substance according to the available technical methods and in accordance with the regulations of international conventions.

Article 53:

Without prejudice to the provisions of Law 79 of 1961 concerning marine disasters and shipwrecks, representatives of the competent administrative authority or judicial officers vested with the power to effect seizures shall be

Article 54:

The penalties prescribed in this Law shall not apply to cases of pollution resulting from:

a- Securing the safety of a ship or the lives of those on board.

b- Discharge resulting from damage to a ship or its equipment, provided such damage was not caused by the master or the person in charge to disable or destroy the ship or as a result of negligence. In all cases, the master of the ship or the person in charge thereof must have taken before and after the occurrence of damage all necessary precautions to prevent or reduce the effects of pollution and must have immediately notified the competent administrative authority.

c- A sudden break in the pipeline carrying oil or oily mixtures during the operating, drilling, exploring or testing of oil wells, without any negligence in supervising or maintaining the pipelines, provided sufficient precautions to supervise the operation of the pipeline and immediate measures to control the pollution and its sources have been taken.

This shall be without prejudice to the right of the competent authority to recover the costs of removing the effects of pollution from the party responsible therefore and to claim damages for losses incurred and injuries sustained by reason of such pollution.

Article 55:

The owner of the ship, its master or any person responsible therefore and those responsible for means of oil transport within the port areas or the territorial sea or the exclusive economic zone of the ARE and the companies working in the field of oil extraction are held to notify the competent administrative authorities of any oil

entitled to order the captain or the person in charge of the ship to take appropriate protection measures against the effects of pollution in the event of an accident involving a ship carrying an oil cargo which may pollute the territorial sea or the exclusive economic zone of the Arab Republic of Egypt.

spill immediately on its occurrence, with a description of the circumstances of the accident, the type of oil involved and the measures taken to stop or reduce the spill and such other information as determined in the Convention and the executive regulations of this Law. In all cases, the competent administrative authorities are held to notify the EEAA of all particulars concerning the incident promptly on its occurrence.

Article 56:

All loading ports, ports equipped to receive oil tankers and all dockyards must be fitted out with the necessary equipment to receive unclean ballast water and the bilge water from cleaning the tanks of oil tankers and other ships. Ports must be equipped with enough barges and containers to receive the deposits, residues, and waste of oil and oily mixtures from ships docked in port.

No ship or tanker may be licensed to carry out loading and unloading works except after referring to the competent administrative authority which will receive and direct it to the locations for the disposal of waste and unclean ballast water.

Article 57:

The competent minister shall determine the tools and equipment for reducing pollution with which all ships registered in ARE or off-shore platforms installed in the water environment must be fitted out.

Foreign ships calling at Egyptian ports or passing through their littoral zones must be fitted out with pollution reducing equipment in accordance with the provisions of the Convention and its annexes.

Article 58:

Owners or masters of ships registered in the ARE as well as of ships pertaining to the states adhering to the Convention are held to keep a register of the oil on board in which shall be entered all operations relating to oil in the manner determined in the Convention, and in particular the following operations:

- a- Loading, delivery or other oil cargo transport operations, while designating the type of oil.
- b- Discharge of oil or oily mixture to secure the safety of the ship or its cargo or to save lives, while designating the type of oil.
- c- Oil or oily mixture spills as a result of a collision or accident, while indicating the size of the spill.
- d- Discharge of unclean ballast water or of bilge water from cleaning the tanks.
- e. Disposal of polluting waste.
- f. Discharge of machinery space bilges, containing the oil collected within the machinery space, outside the ship while in port.

The executive regulations shall determine the means of recording the processes of discharging oil or oily mixture, in respect of off-shore platforms installed in the water environment.

Article 59:**CHAPTER 2 POLLUTION FROM LAND-BASED SOURCES****Article 69:**

It is prohibited for all establishments, including public places and commercial, industrial, touristic and service establishments, to discharge or throw any untreated substances, wastes or liquids which may cause pollution along the Egyptian sea shores or adjoining waters either directly or indirectly, intentionally or unintentionally. Each day of such prohibited discharge shall be considered as a separate violation.

Without prejudice to the provisions of the International Convention on Civil Liability for Injuries Resulting from Oil Pollution Accidents signed in Brussels in 1969 as amended, all oil tankers whose total tonnage amounts to 2,000 tons or more and which are registered in ARE, and other oil transport equipment whose total tonnage amounts to 150 tons or more operating in the territorial sea or the exclusive economic zone of ARE, are held to present a financial guarantee certificate in the form of insurance or indemnity bond or any other form of guarantee to the competent administrative authority in accordance with the guidelines laid down in a decree from the Minister of Maritime Transport in agreement with the Minister of Petroleum and the Minister for Environmental Affairs. The guarantee certificate must be presented when the tanker enters the territorial sea and shall be valid and cover all damages and compensation as assessed by the competent administrative authority.

With regard to ships registered in a country adhering to the International Convention on Civil Liability for Injuries Resulting from Oil Pollution Accidents, such certificate shall be issued from the competent authority in the country where the ship is registered.

Article 70:

No building permits shall be granted for establishments or public places on or near the sea shore, which would result in the discharge of polluting substances in violation of the provisions of this Law and the decrees issued in implementation thereof unless the applicant for such permit conducts environmental impact studies and undertakes to provide waste treatment units and to operate them as soon as the establishment commences work.

Article 71:

The executive regulations of this Law shall define the specifications and criteria which must be observed by industrial establishments allowed to discharge degradable polluted substances after they have been treated. The administrative authority, specified in the said executive regulations, shall conduct periodic analysis of samples of the treated liquid waste in its laboratories and notify the competent administrative authorities of the results. In case of violations, the party concerned shall be granted a grace period of one month to treat the waste and render it compatible with the said specifications and standards. If treatment is not completed within the grace period as aforesaid or if the tests carried out during such period prove that continued discharge would result in severe harm to the water environment, discharge shall be halted by administrative means and the establishment license shall be revoked without prejudice to the penalties prescribed in this Law. In addition, the executive regulations shall specify the non-degradable polluting substances which industrial establishments are prohibited from discharging in the water environment.

Article 72:

Without prejudice to the provisions of article 96 of this Law, representatives of the juridical persons or managers of the establishments mentioned in article 69 which discharge in the water environment shall be responsible for any acts carried out by their employees in violation of the provisions of the said article as well as for providing means of treatment in accordance with the criteria and specifications laid down in the executive regulations and shall be liable to the penalties prescribed in Article 87 of this Law.

Article 73:

It is prohibited to construct any establishment within 200 meters of the Egyptian coast lines without the permission of the competent administrative authority in coordination with the EEAA. The executive regulations of this Law shall lay down the procedures and conditions to be followed in this connection.