



## INTRODUCTION

The working document UNEP(OCA)/MED WG.107/3 "Proposed Amendments to the Protocol for the Protection of the Mediterranean Sea against Pollution from Land-based Sources", considered the report of the meeting held in Siracusa from 4 to 6 May 1995 (UNEP(OCA)/MED WG.92/4) as the base document to which amendments were introduced to accommodate comments received from the Contracting Parties and also to put the text in line with the Global Programme of Action to Protect the Marine Environment from Land-Based Activities adopted in Washington, D.C. in November 1995, as requested by the Bureau of the Contracting Parties (Rabat, 9 - 10 November 1995). A number of editorial changes were also introduced to improve the language or to correct mistakes.

This document contains additional amendments (in bold) submitted by the Government of Spain and the World Meteorological Organisation (through the Secretariat) formulated only after the finalisation and printing of UNEP(OCA)/MED WG.107/3, and amends the texts proposed therein. In this context, the Secretariat took the opportunity to also include a number of editorial amendments, suggested to improve linguistically the text of Protocol. The Meeting is expected to take the new amendments into consideration together with those of document UNEP(OCA)/MED WG.107/3, for the adoption of the amended text which will be submitted to the Conference of Plenipotentiaries (Siracusa, 6 - 7 March 1996) for approval and signature.

## AMENDMENTS TO THE PROTOCOL FOR THE PROTECTION OF THE MEDITERRANEAN SEA AGAINST POLLUTION FROM LAND-BASED SOURCES

### PREAMBULAR PARAGRAPHS

#### PROPOSAL BY THE SECRETARIAT:

After the 3rd preambular paragraph a new preambular paragraph is inserted as follows:

**Applying** the precautionary principle and the polluter pays principle, **undertaking** environmental impact assessment and **utilizing** the best available techniques and the best environmental practices including clean production [[technologies]], as provided in Article 4 of the Convention,

#### PROPOSAL BY THE SECRETARIAT:

The 4th preambular paragraph of the Protocol is amended as follows:

Recognizing the danger posed to the marine environment, the living resources and human health by pollution from land-based sources and activities and the serious problems resulting therefrom in many coastal waters and river estuaries of the Mediterranean Sea, primarily due to the release of untreated, insufficiently treated or inadequately disposed of domestic or industrial discharges **containing toxic, persistent and liable to bioaccumulate substances,**

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### ARTICLE 1

#### PROPOSAL BY THE SECRETARIAT:

##### *Article 1*

#### GENERAL PROVISION

The Contracting Parties to this Protocol (hereinafter referred to as "the Parties") shall take all appropriate measures to prevent, abate, combat and eliminate to the fullest possible extent pollution of the Mediterranean Sea Area caused by the discharges from rivers, coastal establishment or outfalls, or emanating from any other land-based sources and activities within their territories, with priority given in particular to the phasing out of inputs of toxic, persistent and **liable to bioaccumulate substances.**

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ARTICLE 2

**PROPOSAL BY SPAIN:**

Delete paragraph (c).

- (d) The "**Mediterranean Hydrologic Basin**" means the entire watershed area within the territories of the Contracting Parties, draining into the Mediterranean Sea Area as defined by article 1 of the Convention.
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ARTICLE 3

**PROPOSAL BY THE SECRETARIAT:**

*Article 3*  
**PROTOCOL AREA**

**PROPOSAL BY SPAIN:**

(abis) (re-numbered as (b))

The **Mediterranean** hydrologic basin.

Delete paragraph (c).

- (d) **Saltwater marshes and underground waters communicating with the sea.**
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ARTICLE 4

**PROPOSAL BY THE SECRETARIAT:**

*Article 4*  
**PROTOCOL APPLICATION**

**PROPOSAL BY SPAIN:**

1. This Protocol shall apply:
  - (a) To discharges originating from land-based point and diffuse sources and activities within the territories of the Contracting Parties which may affect directly or indirectly the Mediterranean Sea Area. These discharges shall include those which reach the **Mediterranean Sea Area** through coastal disposals, rivers, canals or other watercourses, including underground watercourses, or through run-off and disposal under the seabed with access from land by tunnel, pipeline, or other means;

**PROPOSAL BY THE WORLD METEOROLOGICAL ORGANISATION - SUBMITTED THROUGH THE SECRETARIAT:**

**ALTERNATIVE 1:**

- (b) To inputs of polluting substances transported through the atmosphere to areas listed in Article 3, paragraph (a), (c) and (d).

**ALTERNATIVE 2:**

- (b) To inputs of polluting substances transported to the Mediterranean Sea Area from land-based sources or activities within the territories of the Contracting Parties under conditions defined in annex III to this Protocol.

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ARTICLE 5

**PROPOSAL BY THE SECRETARIAT:**

1. The Parties undertake to eliminate pollution deriving from land-based sources and activities, in particular to phase out toxic, persistent and **liable to bioaccumulate** inputs of the substances listed in annex I. [[inputs of the toxic, persistent and **liable to bioaccumulate** substances from the list in annex I, section C to this Protocol.]]

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ARTICLE 6

**PROPOSAL BY SPAIN:**

1. Point source discharges to the Protocol area, and releases into air which reach and may affect the Mediterranean Sea Area, shall be strictly subject to authorization or regulation by the competent authorities of the Parties, **taking due account of the provisions of this Protocol and of its annex II as well as the relevant decisions or recommendations of the Contracting Parties.**

Delete paragraph 3.

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ARTICLE 7

**PROPOSAL BY THE SECRETARIAT:**

- (e) Specific requirements concerning the quantities of the substances **discharged** (listed in annex I), their concentration in effluents and methods of discharging them.
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ARTICLE 8

**PROPOSAL BY SPAIN:**

- (a) Systematically to assess, as far as possible, the levels of pollution along their coasts, in particular with regard to the sectors of activities and categories of **substances** listed in annex I, and periodically to provide information in this respect;
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ARTICLE 10

**PROPOSAL BY SPAIN:**

2. Technical assistance would include, in particular, the training of scientific and technical personnel, as well as the acquisition, utilization and production by those countries of appropriate equipment and, as appropriate, clean production **techniques**, on advantageous terms to be agreed upon among the Parties concerned.
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ARTICLE 13

**PROPOSAL BY SPAIN:**

1. The Parties shall submit reports **periodically** to the meetings of the Contracting Parties, through the Organization, of measures taken, results achieved and, if the case arises, of difficulties encountered in the application of this Protocol. Procedures for the submission of such reports shall be determined at the meetings of the Parties.
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## ANNEX I

### **PROPOSAL BY SPAIN: (paragraph 2)**

Such programmes, measures and action plans will aim to cover sectors of activities listed in section A and also cover groups of substances enumerated in section C on the basis of the characteristics listed in Section B of the present Annex.

Priorities for action should be established by the Parties, on the basis of relative importance of the impact on public health, the environment and socio-economic and cultural conditions. Such programmes should cover point sources, diffuse sources and atmospheric deposition.

### **PROPOSAL BY THE SECRETARIAT:**

#### **A. SECTORS OF ACTIVITIES**

The following sectors of activities (not listed in order of priority) shall be primarily considered when setting national and regional priorities for the preparation of programmes, measures and action plans for the elimination of the pollution from land-based sources and activities:

4. The pharmaceutical industry.
5. Petroleum refining.
6. The paper and pulp industry.
8. The Tanning industry.
9. The metal industry.
11. Ship building and repairing.
12. The textile industry.
13. The electronic industry.
14. The recycling industry.
17. Tourism
25. Disposal of sewage sludge and residues from waste disposal plants.

## PROPOSAL BY SPAIN:

- [[ 27. **Maritime works**, public or private, which cause physical alteration of the natural state of the coastline.]]

## PROPOSAL BY THE SECRETARIAT:

### B. CHARACTERISTICS OF SUBSTANCES IN THE ENVIRONMENT

**In the setting of priorities for phasing out inputs by substances in terms of Article 5, the Parties shall take into account the characteristics listed below. Such characteristics are not necessarily applicable, or of equal importance, for the consideration of any particular substance or group of substances.**

1. **Persistence.**
2. **Toxicity and/or other noxious properties (e.g. carcinogenicity, mutagenicity, teratogenicity).**
6. **The risk of eutrophication of anthropogenic origin.**
9. **The risk of undesirable changes in the marine ecosystem and irreversibility or durability of effects.**
11. **Effects on the taste and/or smell of marine products for human consumption or effects on smell, colour, transparency or other characteristics of sea water.**
12. **Distribution patterns (i.e. quantities involved, use patterns and probability of reaching the marine environment).**

### C. CATEGORIES OF SUBSTANCES

**The following groups of substances, not listed in order of priority, have been selected on the basis of characteristics listed in section B of this annex. This list, together with any other unlisted substance or group of substances having any similar characteristics, shall serve as a basis for the preparation of programmes, measures and action plans for the elimination of pollution from land-based sources and activities.**

Delete point 15.

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ANNEX III - (Annex III is re-numbered as Annex II)

**PROPOSAL BY SPAIN:**

ANNEX II  
**ELEMENTS TO BE TAKEN INTO ACCOUNT FOR  
THE AUTHORIZATION OF WASTE DISCHARGES**

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ANNEX IV - (Annex IV is re-numbered as Annex III)

**PROPOSAL BY SPAIN:**

ANNEX III  
**CONDITIONS OF APPLICATION TO ATMOSPHERIC POLLUTION**

1. This Protocol shall apply to polluting discharges into the atmosphere under the following conditions:
  - (a) the discharged substance is or could be transported to the **Mediterranean Sea Area** under prevailing meteorological conditions;
  - (b) the input of the substance into the **Mediterranean Sea Area** is hazardous for the environment in relation to the quantities of the same substance reaching the Area by other means.
2. This Protocol shall also apply to polluting discharges into the atmosphere affecting the **Mediterranean Sea Area** from land-based sources within the territories of the parties, from fixed man-made offshore structures, subject to the provisions of Article 4.2 of this Protocol.
3. In the case of pollution of the **Mediterranean Sea Area** from land-based sources through the atmosphere, the provisions of articles 5 and 6 to this Protocol shall apply progressively to appropriate substances and sources listed in annex I to this Protocol as will be agreed by the Parties.

**PROPOSAL BY THE SECRETARIAT:**

ANNEX III  
**CONDITIONS OF APPLICATION TO POLLUTION TRANSPORTED  
THROUGH THE ATMOSPHERE**

**PROPOSAL BY THE WORLD METEOROLOGICAL ORGANIZATION - SUBMITTED THROUGH THE SECRETARIAT:**

**ALTERNATIVE 1:**

1. This Protocol shall apply to polluting discharges into the atmosphere under the following conditions:

- (a) the discharged substance is or could be transported to the areas listed in Article 3, paragraphs (a), (c) and (d).

**ALTERNATIVE 2:**

- (a) the discharged substance is or could be transported to the **Mediterranean Sea Area** under prevailing meteorological conditions or could drain there after its deposition on the hydrologic basin from the atmosphere;

**PROPOSAL BY THE WORLD METEOROLOGICAL ORGANIZATION - SUBMITTED THROUGH THE SECRETARIAT:**

**ALTERNATIVE 1:**

- (b) the input of the substance into the areas listed in Article 3, paragraphs (a), (c) and (d) or its subregions is hazardous for the environment in relation to the quantities of the same substance reaching these areas by other means.

**ALTERNATIVE 2:**

- (b) the input of the substance into the **Mediterranean Sea Area** or its subregions is hazardous for the environment in relation to the quantities of the same substance reaching these areas by other means.

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NEW ANNEX IV

**PROPOSAL BY THE SECRETARIAT:**

[[ ANNEX IV  
**CRITERIA FOR THE DEFINITION OF BEST AVAILABLE TECHNIQUES  
AND BEST ENVIRONMENTAL PRACTICE**

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