



UNITED NATIONS ENVIRONMENT PROGRAMME

Intergovernmental Consultation Concerning  
a Draft Protocol for the Protection of the  
Mediterranean Sea Against Pollution from  
Land-Based Sources

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PRINCIPLES SUGGESTED FOR INCLUSION IN THE  
DRAFT PROTOCOL FOR THE PROTECTION OF THE MEDITERRANEAN SEA  
AGAINST POLLUTION FROM LAND-BASED SOURCES

Prepared in cooperation with the  
World Health Organization

Introduction

This working paper has been prepared jointly by the World Health Organization (WHO) and the United Nations Environment Programme (UNEP). It is intended to serve as a starting point for the drafting process for a protocol on land-based pollution in much the same way as the Principles prepared in 1973 by the FAO Secretariat served in the preparation of the Guidelines adopted at the Rome Consultations in 1974. These Guidelines then provided the basis for the drafting of the Convention for the Protection of the Mediterranean Sea Against Pollution which was adopted at the Conference of Plenipotentiaries of the Coastal States of the Mediterranean Region on the Protection of the Mediterranean Sea (Barcelona, 2-16 February 1976).

In order to facilitate comparison between the tentative principles suggested in the present paper for inclusion in the draft Protocol and other relevant international instruments, each principle is followed by a brief commentary indicating analogous provisions in other instruments which may serve as precedents. The references to those instruments, which are reproduced in extract form in document UNEP/IG.6/INF.3, employ the short title appearing in that paper. The proposed Technical Annexes appear separately in document UNEP/IG.6/4.

Preamble

The Contracting Parties of the Protocol would recall their being Parties to the Convention for the Protection of the Mediterranean Sea Against Pollution opened for signature at Barcelona on 16 February 1976 (hereinafter referred to as "the Convention").

They would recognize the seriousness of the existing problems of pollution in many coastal waters and river estuaries of the Mediterranean Sea, mostly due to the release of untreated, insufficiently treated or inadequately disposed municipal sewage or industrial effluents into the sea, both directly and through rivers.

The Preamble could further recall the findings and recommendations of organizations and agencies of the United Nations system and of other competent international and regional organizations aimed at urgent remedial action in this field.

In conclusion, the Parties might express their resolve to adopt, in close cooperation among themselves and with the competent organizations of the United Nations system, a coordinated programme for the control of pollution of the Mediterranean Sea Area emanating from land-based sources.

#### Commentary

The Preamble, which places the proposed Protocol in the general framework of the Convention, recalls in the second paragraph the principal sources of pollution of coastal waters, as recorded in the Report of the 1974 Rome Consultation (FAO Fisheries Reports, No. 148, para. 6). The third paragraph refers in a general way to the work of bodies of the United Nations system (e.g. ECE, FAO, IMCO, IOC, United Nations Conference on the Law of the Sea, UNEP, UNIDO, UNITAR and WHO) and of other international and regional bodies (e.g. Council of Europe, European Economic Community, International Commission for the Scientific Exploration of the Mediterranean Sea, Inter-Parliamentary Union and OECD). The findings and recommendations of all these bodies constitute essential background material which serves, together with existing international instruments dealing with analogous problems in other sea areas, as a valuable basis for the drafting of the proposed new Protocol.

#### 1. General obligation

The Contracting Parties to this Protocol (hereinafter referred to as "the parties") should pledge themselves to take all appropriate measures to prevent, abate and progressively eliminate pollution of the Mediterranean Sea Area emanating from land-based sources in their territories.

#### Commentary

Similar general obligations are to be found in all relevant international instruments. The words "prevent" and "abate" are taken from the Barcelona Convention. The further words "and progressively eliminate" have been added to stress both the gradual approach intended (cf. for instance "gradual reduction" in Article 3, paragraph 1(b) of the Council of Europe Draft) and the ultimate objective of putting an end in the particularly sensitive coastal area, to all pollution, i.e. to all introduction of substances or energy having "deleterious effects" in the terms of the definition given in Article 2, paragraph 1 of the Barcelona Convention. The term "eliminate" is also used in Article 4, paragraph 4 of the Paris Convention.

#### 2. Scope and geographical coverage

(a) The area to which this Protocol applies (hereinafter referred to as the "Protocol Area") should be the Mediterranean Sea Area as defined in Article 1 of the Convention and should include the territorial seas and waters on the landward side of the base lines from which the breadth of the territorial sea is measured, extending, in the case of watercourses, up to the freshwater limit. "Freshwater limit" means the place in the watercourse where, at low tide and in a period of low freshwater flow, there is an appreciable increase in salinity due to the presence of sea-water.

(b) The Protocol should apply to all polluting discharges reaching the Protocol Area from the territories of the parties:

- (i) directly from the coast through coastal dumping or from coastal establishments or outfalls;
- (ii) through run-off from land;

- (iii) through rivers, canals, and lakes;
- (iv) from man-made off-shore structures which are under the jurisdiction of a party and which serve purposes other than the exploration and exploitation of mineral resources in the sea;
- (v) through the atmosphere (wherever this is specified in the provisions of the Protocol or in any annex thereto).

(c) The Protocol should not apply to accidental spills or pollution due to natural causes or disasters.

#### Commentary

It is suggested that this Protocol avail itself of the possibility to expand the geographical coverage to internal waters of the Contracting Parties as provided in Article 1, paragraph 2 of the Barcelona Convention. Such expansion would be in line with Article 3 of the Paris Convention and with Article 1 of the Directive of the Council of the European Community of 4 May 1976. The inclusion of internal waters would seem essential in a protocol concerning land-based pollution as the bulk of such pollution originates in coastal waters and estuaries which form an integral part of the area requiring particular protection.

Since the term pollution has been already defined in the Barcelona Convention, the Protocol will only have to indicate the specific scope of its provisions. The description of land-based pollution adopted for this purpose follows closely the wording employed in Article 8 of the Barcelona Convention and in other relevant instruments (Article 3(c) of the Paris Convention; Article 2, paragraph 2 of the Helsinki Convention; Article 16 of the United Nations Conference on the Law of the Sea). As in those provisions, man-made structures in the sea are covered, although in the present Protocol, it would seem necessary to exempt structures serving the exploration and exploitation of the continental shelf and the sea-bed and its subsoil as it is intended to cover such activities in a separate protocol. The present text would, for instance, apply to structures used for off-shore fertilizer plants. The exclusion of accidental spills or pollution due to natural causes or disasters is in line with the general definition of pollution, which requires "introduction by man". Accidental spills are much more difficult to control than deliberate introduction and constitute a much less significant factor in pollution from land-based sources. Also, measures for dealing with pollution from massive quantities of oil or other harmful substances resulting from accidental causes are provided for in the Protocol Concerning Cooperation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency, adopted at Barcelona in February 1976.

Similarly, from the technical point of view, it may be considered that airborne pollution is more difficult to control and assess and possibly less important than waterborne pollution. It may have to be dealt with specifically, whenever required, by special provisions or standards (see Principle 7(a)(IV) below). Airborne pollution has been placed into a separate category in Article 6, paragraph 8 of the Helsinki Convention, which requires the use of "best practicable means in order to minimize" it.

### 3. Reduction of pollution from existing sources

The parties should undertake to elaborate and adopt programmes for the progressive reduction of pollution from existing land-based sources according to agreed environmental quality criteria and within an agreed time-table, and to submit to the Organization, designated pursuant to Article 13 of the Convention (hereinafter referred to as "the Organization"), for consideration by the meetings of the parties, reports on the implementation of these programmes.

## Commentary

The undertaking for a reduction of general pollution (i.e. discharges of substances other than those specifically listed in Annexes I and II) is a necessary corollary to the requirements to be imposed on new installations under Principle 6. A similar general undertaking is, for instance, to be found in Article 6, paragraph 1(a) of the Paris Convention along with a pledge to forestall new pollution from land-based sources (sub-paragraph (b) *ibid.*). The determination of the specific forms and means of the programmes for the reduction of pollution from existing sources under the above principle, will be the task of the parties concerned, within such framework of agreed criteria and of an agreed time-table as they may establish jointly.

### 4. Harmful substances

(a) The parties should undertake to prohibit and effectively prevent pollution of the Mediterranean Sea Area from land-based sources of harmful substances listed in Annex II, and should implement, jointly or individually as appropriate, programmes and measures towards this end. The prohibition of such pollution should take effect not later than . . . year(s) following the entry into force of the Protocol.

(b) The parties should report thereafter to the Organization on the measures taken and any difficulties encountered in their implementation; these reports should be submitted for consideration to the meetings of the parties.

(c) The provisions of this principle should so far as practicable apply also to pollution through airborne substances (provided, however, that the prohibition for this form of discharge shall take effect not later than . . . years following the entry into force of the Protocol).

## Commentary

Most of the other instruments provide that pollution from certain particularly hazardous substances shall be "prohibited" (Article 4 of the Barcelona Dumping Protocol), "counteract (ed)", (Article 5 of the Helsinki Convention) or "prohibited or restricted" (Article 5 of the Council of Europe Draft, similarly the Paris Convention (Article 4, paragraph 1(a)) requires the parties "to eliminate, if necessary by stages, pollution", by certain substances. In all these cases the substances concerned are enumerated in an annex which can be amended through less stringent procedures than the instrument itself. This model, which is also envisaged in Article 16 of the Barcelona Convention, is equally suggested for the Protocol here under consideration.

The reporting procedure outlined in the second paragraph is essentially designed to facilitate any review of the Annex which may prove necessary.

### 5. Substances requiring special care

(a) The parties of the Protocol should control and strictly limit, in concentration and quantities for any given source, pollution of the Mediterranean Sea Area from land-based sources of substances requiring special care which are listed in Annex II and should implement, jointly or individually as appropriate, programmes and measures towards this end. Within . . . year(s) from the entry into force of the Protocol all such discharges should be subjected to the requirement of a special prior permit granted and periodically reviewed by the appropriate national authority in accordance with the criteria set out in Annex III.

(b) Statistical records of such licences should be submitted through the Organization to the meetings of the parties for review at such intervals and in such manner as may be determined by these meetings.

(c) The provisions of this principle may be extended to pollution from airborne substances through the application of best practicable means in accordance with an additional technical annex defining the modalities applicable to this form of discharge.

#### Commentary

Following the example of the other instruments mentioned in the commentary to the previous principle, it is suggested to classify substances which are potentially dangerous and require constant surveillance (but no absolute prohibition) in a second list and to provide that their discharge will require special permits granted on the basis of agreed criteria set out in a further annex (see Article 4, paragraph 1(b) and Annex I, Part II of the Paris Convention; Article 6, paragraph 3 and Annexes II and III of the Helsinki Convention; Appendix II, list B of the Council of Europe Draft; Articles 5 and 7 and Annexes II and III of the Barcelona Dumping Protocol). From the technical point of view, it appears essential that the limitations of discharges of this second group of substances take account both of the quantities of discharges containing these substances and of the degree of their concentration in the discharge.

In order to permit some form of overall control and joint review of discharges falling into this category, it is suggested that the parties submit regular reports on the permits granted for this type of discharge.

#### 6. Discharges from new installations

(a) The parties should through the implementation, jointly or individually as appropriate, of programmes and measures ensure within . . . year(s) from the entry into force of the Protocol that all discharges of municipal or industrial wastes from newly established installations as defined in Annex IV undergo a minimum treatment complying with the minimum requirements set forth in the technical guidelines contained in Annex V.

(b) The parties should report thereafter to the Organization on the measures taken and any difficulties encountered in their implementation; these reports should be submitted to the meetings of the parties.

#### Commentary

This principle is based on the generally adopted approach of gradual change leading to an ultimate state in which all discharges undergo a satisfactory form of treatment which eliminates, reduces, or transforms all pollution substances so as to prevent any harmful effect on the marine environment and all applicable forms of use. The requirement of proper treatment facilities for all new sources of discharges seems the most economically efficient way of ensuring in the long run a gradual transition to non-polluting installations. This provision aims, in particular, at matter such as domestic sewage, which can be rendered innocuous by well-established and comparatively simple treatment processes. The period that the parties may fix for the entry into operation of such requirements should ensure sufficient advance notice for all industries and public entities concerned to adapt their planning and financing to the new requirements. As indicated by the words "complying with the minimum requirements set forth in the technical guidelines", these guidelines seek to establish generally acceptable minimum requirements of treatment which, it is felt, could be met within the time-limit established. The parties are, however, encouraged to extend voluntarily this treatment to the maximum extent practicable for each of them. The parties would retain the possibility of revising the minimum requirements in the light of their experience which would be reflected in the reports submitted by each of them.

#### 7. Special guidelines, criteria or standards

(a) The parties should progressively elaborate and adopt, in cooperation with the competent international organizations, common guidelines, criteria or standards dealing with:

- (i) the length, depth and position of pipelines for coastal outfalls;
  - (ii) special requirements for separate treatment of hazardous types of sewage, such as sewage from hospitals and industrial wastes which may be harmful to man or living resources or which may create difficulties for the biological treatment of municipal waste waters;
  - (iii) quality of waters used for specific purposes and necessary for the protection of human health (fish and shellfish, bathing water), of living resources (fisheries, fishing activities, aquaculture) and of ecosystems;
  - (iv) a control and progressive replacement of products, installations and industrial and other processes contributing significantly to water pollution either directly or through rivers or the atmosphere.
  - (v) supplementary control of the concentration and amounts, as well as methods, of discharges into the Protocol Area of substances referred to in Principle 5 and Annexes II and III.
- (b) Such guidelines, criteria or standards should take into account characteristic sub-regional features, the economic capacity of states and their need for economic development. They may be adopted either in the form of recommended practices or in the form of binding provisions to be incorporated in further annexes to the Protocol.

#### Commentary

The elaboration of regional (or global) water quality standards, based on common guidelines and criteria, and adapted to regional features and local conditions, has been called for in the Rome Guidelines of 1974 and by the United Nations Conference on the Law of the Sea in 1975 (Article 16, paragraph 3). It will be necessary to determine these water quality standards on the basis of scientifically defined and justifiable requirements for each water use, and it should be recognized that these will vary according to the proposed use. It will be the responsibility of each state to enforce water quality standards through appropriate measures which take into account the local factors that may affect the coastal area. The above principle attempts to single out the most important fields where special guidelines or criteria appear desirable from the scientific and technical point of view. Thus, proper positioning of sewage outfalls, special care regarding hospital wastes, and appropriate sanitary protection of waters used for aquaculture or bathing have been demonstrated time and again to be a major prerequisite of successful epidemiological control (see for instance Brisou, *Mesure à prendre pour assurer la salubrité du littoral Méditerranéen, Aspects sanitaires de la pollution*, WHO Public Health Papers No. 62, Geneva, 1975). The establishment of guidelines and criteria for recreational quality of beaches and coastal waters has been the subject of particular efforts in the region concerned (see the Report of a Working Group of the WHO Regional Office for Europe, document EURO 3125(1) and the directive on the quality of bathing waters of the Council of the European Community of 8 December 1975).

#### 8. Protection of unpolluted areas

- (a) The parties should take all appropriate measures, through the establishment of marine parks, zoning provisions and similar means, to protect, to the largest extent possible, from any land-based pollution, certain coastal areas selected because of particular ecological conditions, uses or conservation requirements.
- (b) The parties should draw up, as soon as possible, an inventory of such areas and of the protective measures applied to them as well as a list of areas which they intend to similarly protect in the future. The parties should update this information at such intervals and in

such manner as may be determined by the meetings of the parties held in accordance with Principle 13. These meetings may also establish criteria for the various categories of coastal areas and the protective measures applicable to them.

#### Commentary

From a technical and economic point of view, an important step in the fight against the mounting pollution of the Mediterranean coastal waters would seem to be the protection of hitherto unspoilt areas (particularly those of outstanding scenic and recreational value as well as those on which the protection of a maximum sustainable yield of edible marine resources or the maintenance of an adequate ecological balance may depend) against invasion by new sources of pollution. In adopting for this purpose protective measures of the kind mentioned in the above principle, the parties would partially fulfil the responsibility (recognized in the Preamble of the Barcelona Convention) to preserve for the benefit and enjoyment of present and future generations, their common heritage in the Mediterranean Sea Area.

The drawing-up and mutual reporting of comprehensive inventories of existing and proposed protected areas is designed to reinforce the efforts of each Mediterranean state and to act as a catalyzing and encouraging factor in this field. The parties may also wish to adopt common guidelines to ensure comparable forms of protection for all Mediterranean zones, if experience shows this to be desirable and feasible.

#### 9. Monitoring

(a) Within the framework of the monitoring programmes provided for in Article 10 of the Convention, the parties should implement at the earliest possible date monitoring activities for:

a continued assessment of the levels of pollution along their coasts, in particular with regard to the substances listed in Annexes I and II;

an assessment of the effectiveness of measures taken under the present Protocol.

(b) The results of these monitoring measures should be reported to the Organization at such intervals and in such manner as may be determined by the meetings of the parties.

#### Commentary

Detailed provisions regarding monitoring measures are already set out in the Barcelona Convention (Article 10) which, as specified in its final provisions, will enter into force for any party to a protocol at the same time as the latter. This principle would single out the two aspects of monitoring that are of prime importance for the control of pollution from land-based sources. The wording adopted in this respect has been modelled on the provisions of Article 11 of the Paris Convention.

Further details of the monitoring programmes may be determined progressively by the meetings of the parties in the light of experience gained through the implementation of the coordinated Mediterranean monitoring and research programme adopted as part of the overall Mediterranean Action Plan in Barcelona in February 1975.

#### 10. Scientific and technological cooperation

In conformity with Article 11 of the Convention, the parties should undertake to cooperate as far as possible in all fields of science and technology related to pollution from land-based sources, including research on inputs, pathways and effects of pollutants as well as on the development of new methods of their treatment, disposal and reduction. To this end the parties should, in particular, endeavour:

- (i) to exchange scientific and technical information;
- (ii) to coordinate their research programmes; and
- (iii) to provide technical and other assistance in accordance with the special needs of developing countries in the Mediterranean region.

#### Commentary

This principle seeks to give effect, in the specific field of pollution from land-based sources, to the basic obligation of scientific and technological cooperation laid down in Article 11 of the Convention. Supporting measures of this type are also provided for in Article 10 of the Paris Convention and in Articles 11 and 12 of the Single Negotiating Text of the United Nations Conference on the Law of the Sea.

#### 11. More stringent measures

The Protocol and all measures adopted in accordance with it should be without prejudice to the adoption and enforcement of any more stringent measures adopted by any party, unilaterally or by agreement with one or more other states, to combat pollution from land-based sources.

#### Commentary

The above principle is modelled on a similar express provision contained in Article 8 of the Paris Convention. Moreover, the concept that international rules and standards for pollution control are minimum requirements, which individual states may supplement by more stringent measures, is clearly underlying all relevant international instruments.

#### 12. Watercourses shared by several states

- (a) If the discharge from a watercourse, flowing through the territories of two or more parties or forming a boundary between them, is liable to cause pollution of the marine environment of the Mediterranean, the parties concerned shall take appropriate measures in common in order to prevent and abate such pollution.
- (b) The provisions of the Protocol may not be invoked against a party to the extent that the latter is prevented, as a result of pollution having its origin in the territory of a non-contracting state, from ensuring their full application.

#### Commentary

The first paragraph of the above principle follows the example of Article 6, paragraph 7, of the Helsinki Convention (similar provisions are also to be found in Article 14, paragraph 1, of the Paris Convention and in Articles 12 et seq. of the Council of Europe Draft).

The second paragraph is modelled on Article 14, paragraph 1, of the Paris Convention and Article 6, paragraph 1, of the Council of Europe Draft.

#### 13. Discharges affecting other parties

- (a) Each party should ensure at all times that discharges of wastes from its territory do not prejudice the interest of one or more of the other parties and should, whenever necessary for this purpose or requested by any other party concerned, enter into mutual consultation with a view to reaching an agreed solution.



(b) At the request of any party concerned, the question should be considered at the next meeting of the parties which should make recommendations with a view to reaching a satisfactory solution.

(c) International or regional organizations particularly interested in the protection of the marine environment, e.g. concerned with tourism, fishing or aquaculture, should be given the right to submit communications regarding the alleged non-compliance by any party with the provisions of the Protocol or the standards established in accordance with it. Such communications should be addressed to the Organization and should be presented, together with any comments the party concerned might wish to make, to the next meeting of the parties for consideration and any recommendations that may appear appropriate.

#### Commentary

The first paragraph of this principle is based on the generally recognized basic rule that "States have . . . the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment of other States or of areas beyond the limits of national jurisdiction" (Principle 21 of the Declaration of the United Nations Conference on the Human Environment of 16 June 1972, document A/CONF.48/14, page 7, which was expressly endorsed by resolution 2996 (XXVII) adopted by the General Assembly of the United Nations on 15 December 1972). Similar provisions are also to be found in Article 9 of the Paris Convention and Articles 12 et seq. of the Council of Europe Draft.

The second paragraph provides a first opportunity of overcoming an impasse in consultations between interested parties by putting at their disposal the possibility of seizing the meeting of all parties of the matter concerned. This possibility is of course without prejudice to the right of any parties involved to pursue any dispute through the means laid down in Article 20 of the Barcelona Convention.

The third paragraph submits for consideration a suggestion for an additional procedure which would give major interested parties other than governments some means of making themselves heard. It is felt that the possibility of such procedure might be conducive to effective compliance with the provisions of the Protocol and the standards established in accordance with it.

#### 14. Meetings of the parties

(a) Ordinary meetings of the parties should be held in conjunction with ordinary meetings of the Contracting Parties held pursuant to Article 14 of the Convention. The parties may also hold extraordinary meetings as provided in the Rules of Procedure adopted under Article 18 of the Convention.

(b) It should be the function of the meetings of the parties:

(i) to keep under review the implementation of the Protocol and to consider the efficacy of the measures adopted and the need for any other measures;

(ii) to review and amend, as required, the annexes to the Protocol;

(iii) to collaborate and adopt agreed programmes for the progressive reduction of pollution from existing land-based sources in accordance with Principle 9 and to consider reports of the parties on the implementation of these programmes;

(iv) to consider the reports of the parties on the measures taken for the prevention of any discharge of harmful substances in accordance with Principle 4 and any difficulties encountered in the implementation of such measures;

- (v) to review the statistical records of licences granted by the parties for the discharge of substances requiring special care in accordance with Principle 5 and to determine, as may be found necessary, the intervals and manner for the submission of such records;
  - (vi) to consider the reports of the parties on the measures taken to ensure the treatment of all discharges from newly established installations or outfalls in accordance with Principle 6 and any difficulties encountered in the implementation of such measures;
  - (vii) to adopt in accordance with Principle 7 special standards, either in the form of recommended practices or in the form of further annexes to the Protocol;
  - (viii) to consider information from the parties on areas protected in accordance with Principle 8 and to determine, as may be found necessary, the intervals and manner for the submission of such information, as well as any criteria for the various categories of coastal areas and the protective measures applicable to them;
  - (ix) to consider reports of the parties on the monitoring measures undertaken in accordance with Principle 9 and to determine, if found necessary, the intervals and manner for the submission of such reports;
  - (x) to make, in accordance with Principle 13, recommendations regarding pollution from the territory of one party affecting one or more other parties and to consider and make any recommendations on communications received from international or regional organizations;
  - (xi) to discharge such other functions as may be appropriate for the implementation of this Protocol.
- (c) The amendment of the annexes to this Protocol or the adoption of additional annexes pursuant to Article 17 of the Convention should require, sub-paragraph 2(ii) of that article notwithstanding, a . . . majority of the parties.

#### Commentary

The first paragraph of this principle, which is modelled on Article 15 of the Barcelona Dumping Protocol, clarifies the relations between the general meetings of the Contracting Parties to the Barcelona Convention and the (simultaneously held) meetings of the parties to the particular Protocol under consideration which may of course be more restricted in composition (see also Article 23, paragraph 3 of the Barcelona Convention).

The second paragraph recapitulates the specific functions assigned to the meetings of the parties by the substantive provisions, as well as the general task to discharge other appropriate functions in the implementation of the Protocol. This provision, too, follows the example of the Barcelona Dumping Protocol as well as similar provisions in Article 16 of the Paris Convention and Article 13 of the Helsinki Convention.

The third paragraph will only be required if it is intended to fix a lower (or higher) majority requirement for the adoption or amendment of technical annexes to the present Protocol, than the three-quarters majority laid down in Article 17, paragraph 2(ii) of the Barcelona Convention.

#### 15. Final clauses

- (1) The provisions of the Convention relating to any Protocol should apply with respect to the present Protocol.

(2) The Rules of Procedure and the Financial Rules adopted pursuant to Article 18 of the Convention should apply with respect to this Protocol, unless the parties to this Protocol agree otherwise.

(3) This Protocol should be open for signature in ..... from ..... to ..... by any state invited as a participant in the Conference of Plenipotentiaries at which it will be adopted. It should also be open for signature by the European Economic Community and by any similar regional economic grouping at least one member of which is a coastal state of the Mediterranean Sea Area and which exercises competences in fields covered by this Protocol.

(4) As from ....., the present Protocol should be open for accession by the states, by the European Economic Community and by any grouping as referred to in paragraph 3 of this principle.

[(5) This Protocol should enter into force on the thirtieth day following the deposit of at least ..... instruments of ratification, acceptance or approval of, or accession to the Protocol by the parties referred to in paragraph 3 of this principle.]

Commentary

The above final clauses correspond to Article 15 of the Barcelona Dumping Protocol and Articles 24, 26, para. (1), and 27, para. (3) of the Barcelona Convention. The last paragraph will only be required if it is intended to fix a lower (or higher) minimum number of ratifications, etc., for the entry into force of this Protocol, than six as laid down in Article 27, para. (3) of the Convention.