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Meeting of Experts on the Protocol  
for the Prevention of Pollution of the  
Mediterranean Sea by Dumping from  
Ships and Aircraft

Nice, 2-6 July 1979

REPORT OF THE MEETING OF EXPERTS ON THE PROTOCOL  
FOR THE PREVENTION OF POLLUTION OF THE MEDITERRANEAN SEA  
BY DUMPING FROM SHIPS AND AIRCRAFT

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## ANNEX VII

### PROVISIONAL PRIOR CONSULTATION PROCEDURE

1. The following procedure is recommended to preclude misunderstandings between Parties in those instances where the terms "non-toxic", "rapidly converted" and "trace contaminants" (all three in annex I of the Protocol) are quoted to justify dumping.
2. If dumping of substances mentioned in annex I is being considered by a Party on the assumption that they are "non-toxic" or "rapidly converted", or appear only as "trace contaminants", the Organization shall be advised by the Party as soon as possible and no later than four months prior to the time of the envisaged dumping. Information concerning all the factors that are to be considered for the issuance of a permit (annex III of the Protocol) should be given. Where appropriate, an indication may be provided of the considerations that led to a rejection of land-based processing or storage. The Organization shall forward this information to the other Parties which may respond within one month.
3. If one of the Parties wishes to object against the proposed dumping, it must state within the period agreed upon why it considers dumping harmful, e.g. unpermissible. Alternative approaches to processing or storage of waste materials may be suggested. This response shall be sent to the Organization as well as to the Party that intends to resort to dumping. The Organization may be requested to distribute the comments among the other Parties. When requested by a Party the proposed dumping shall be postponed whenever possible, until the matter has been considered at a subsequent ordinary or extraordinary meeting of the Parties. Unless mutual agreement is reached to defer the matter to a subsequent meeting of the Parties or to handle the issue bilaterally, the Party which envisages dumping shall advise the other Parties through the Organization on the course of action that will be followed. This reply should be supported by arguments, in particular regarding why there would be a need to proceed with the dumping before the issue could be brought up at a subsequent meeting of the Parties.
4. Where dumping has occurred without an agreement on the necessity of dumping or the way it has been carried out, the subject shall be brought up at the next meeting of the Parties. This leaves open the possibility (stipulated by article 14 of the Protocol), to convene a special meeting of the Parties at the request of three Parties, possibly preceding the time set for dumping.
5. The provisional procedure outlined above does not, of course, affect article 9 of the Protocol, dealing with critical situations of an exceptional nature.

6. The provisional procedure should not be construed as a substitute for further efforts to refine the definitions of the terms mentioned in paragraph 1 above. On the contrary, experience with this notification and consultation procedure may point the way towards an unambiguous interpretation of these terms.

## Introduction

1. At the Intergovernmental Review Meeting of Mediterranean Coastal States and First Meeting of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea against Pollution and its related protocols (Geneva, 5-10 February 1979), it was decided that the United Nations Environment Programme should convene a special meeting of governmental experts to study in depth the implementation of the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft on the basis, inter alia, of the documentation provided (UNEP/IG.14/5 and UNEP/IG.14/6). <sup>1/</sup>
2. The Executive Director convened the referenced meeting at the headquarters of the World Health Organization in Geneva from 2 to 6 July 1979.

## Participation

3. Experts from eight Mediterranean coastal States and from the European Economic Community participated in the meeting.
4. Representatives of four United Nations bodies or specialized agencies and of the International Atomic Energy Agency attended the meeting as observers.
5. A list of participants is set forth in annex I to this report.

## Agenda item 1 : Opening of the meeting

6. Dr. Stjepan Keckes, Director of the Regional Seas Programme Activity Centre, opened the meeting and welcomed the participants on behalf of Dr. M. K. Tolba, Executive Director of UNEP. He expressed the gratitude of UNEP to WHO for hosting the meeting.

## Agenda item 1(a) : Rules of Procedure

7. As the meeting had been convened by the Executive Director on the recommendation of the Contracting Parties "in order to study problems which, because of their specialized nature, could not fruitfully be discussed during the normal sittings", the Rules of Procedure for Meetings and Conferences of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea against Pollution and its related protocols were adopted mutatis mutandis as provided for in Article 49 of those Rules. <sup>2/</sup>

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<sup>1/</sup> UNEP/IG.14/9, page 12, paragraph 46.

<sup>2/</sup> UNEP/IG.14/9, annex VII.

Agenda item 1(b) : Election of officers

8. Dr. S. Keckes pointed out that the meeting could decide to elect a complete Bureau with a Chairman, two Vice-Chairmen and a Rapporteur, or decide otherwise. He suggested that a restricted Bureau may be elected, presided over by a representative of UNEP and a Rapporteur designated from among the experts representing the Contracting Parties.
9. The meeting adopted the formula of a restricted Bureau. The Chairmanship was entrusted to Dr. J. Ros as representative of the Organization and the meeting elected Mr. A. Vatrican (Monaco) Rapporteur.

Agenda item 2 : Adoption of the agenda

10. The provisional agenda proposed by the Secretariat in document UNEP/WG.28/1 was adopted unanimously; it is set forth in annex II to this report.

Agenda item 3 : Organization of the work of the meeting

11. The experts agreed to conduct their deliberations in plenary session.

Agenda item 4 : Consideration of procedures to be followed and definitions required for implementation of the Protocol

12. The meeting addressed itself to the various technical questions remaining to be settled before the Parties could apply the provisions of the Protocol concerning dumping effectively and uniformly on the basis of the information submitted by the Organization, in particular in document UNEP/IG.14/5 and UNEP/WG.28/INF.3.

Specific and General Permits

13. For the purposes of the application of Articles 5 and 6 of the Protocol, the experts reviewed the revised form of report for specific and general permits as it exists for the London and Oslo Conventions, and agreed to adopt this form as reproduced in annex IV to the present report.
14. In the case of Parties to the Protocol which are also Contracting Parties to the London Convention, the experts recommended that reporting of permits should be done in the following way:
  - (a) for specific permits: simultaneous notification to the Organization and to the Convention Secretariat in London;

- (b) for general permits: notification to the Organization, which will take responsibility for their transmittal to the Convention Secretariat in London.

#### Annual Report concerning actual quantities dumped

15. In order to facilitate the application of Article 7 of the Protocol, the experts adopted a provisional outline for an annual report concerning all dumping carried out by the Parties. This outline is set forth in annex V to the present report. The report should be transmitted to the Organization before the end of the calendar year so that it can be submitted to the meeting of the Contracting Parties in the first quarter of the following year. If the date of the bi-annual meetings of the Contracting Parties were to be changed it may be necessary to consider changing the date of transmittal of the report.

#### Cases of a critical situation

16. For the purposes of the application of Article 9 of the Protocol, the experts proposed provisional procedures and criteria for defining cases of critical situations of an exceptional nature. The text adopted is reproduced in annex VI to this report.
17. The experts recommended that for Parties which are also Parties to the London Convention the provisional procedures and criteria proposed in pursuance of Article 9 of the Protocol should be applied in place of the provisional procedures and criteria for defining emergency cases agreed to for the London Convention.
18. To this end the experts suggested that the Organization, in consultation with the Parties and with the Secretariat for the London Convention, should take suitable measures to formalize such a procedure.

#### Definition of Terms

19. The experts then examined the problems posed by the definition of certain terms and expressions contained in the annexes to the Protocol.
20. Annex I to the Protocol lists the substances whose dumping in the Mediterranean Sea area is prohibited. Paragraphs A.1 and A.2 of annex I prohibit dumping of organohalogen and organosilicon compounds, "excluding those which are non-toxic or which are rapidly converted in the sea into substances which are biologically harmless ...".
21. Section B of annex I stipulates another condition for the application of annex I, as follows:

"This annex does not apply to wastes or other materials, such as sewage sludge and dredge spoils, containing the substances referred to in paragraphs 1-6 above as trace contaminants. The dumping of such wastes shall be subject to the provisions of annexes II and III as appropriate."

22. The experts noted that the difficulties involved in interpreting the above expressions without ambiguity and stressed the need to define them on the basis of scientific data, including, in particular, tests of toxicity, bioaccumulation and degradation. They accordingly recommended to the Organization that it invite the Parties to appoint an ad hoc working group of experts which would be assigned the task of defining the above expressions and specifying the test methods to be utilized.
23. To this end, the experts also recommended that the Organization should distribute to the Parties the tests recommended by the Commission of the Oslo Convention.
24. The experts also proposed that, for the time being, should any Party contemplate the dumping of a substance listed in annex I of the Protocol on the grounds that it is "non-toxic" or "rapidly converted" or exists only as "trace contaminants", that Party should apply the provisional procedure for prior consultation set forth in annex VII to this report.

#### Acid and alkaline compounds

25. The experts then considered paragraph A.8 of annex I to the Protocol, which refers to the following substances or materials:

"Acid and alkaline compounds of such composition and in such quantity that they may seriously impair the quality of sea water. The composition and quantity to be taken into consideration shall be determined by the Parties in accordance with the procedure laid down in article 14, paragraph 3 of this Protocol".
26. Paragraph 2 of annex II, which must be considered in conjunction with the above paragraph, concerns the following substances:
  - "(i) acid and alkaline compounds the composition and quantity of which have not yet been determined in accordance with the procedure referred to in annex I, paragraph A.8;
  - "(ii) acid and alkaline compounds not covered by annex I, excluding compounds to be dumped in quantities below thresholds which shall be determined by the Parties in accordance with the procedure laid down in article 14, paragraph 3 of this Protocol."



27. The experts noted that the differences between this Protocol and the Oslo and London Conventions, in which all these substances are dealt with in annex II, and considered that the distinction between acid and alkaline compounds referred to in annex II should be established by a technical working group.
28. It was the experts' opinion that only after that distinction had been established could practical guidelines be adopted for the dumping of acid and alkaline compounds dealt with in annex II, taking into account existing experience.
29. The experts recommended to the Organization that it invite the Parties to nominate experts to participate in a technical working group which would have the task of defining the acid and alkaline compounds referred to in annex I and annex II respectively and of working out the practical guidelines for dumping of acid or alkaline substances listed in annex II of the Protocol.

#### Radioactive wastes and other radioactive matter

30. The experts then considered the subject of radioactive wastes and other radioactive matter, which is dealt with in the annexes to the Protocol as follows:
  - annex I, paragraph A.7: "High- and medium- and low-level radioactive wastes or other high- and medium- and low-level radioactive matter to be defined by the International Atomic Energy Agency";
  - annex II, paragraph 5: "Radioactive waste or other radioactive matter which will not be included in annex I. In the issue of permits for the dumping of this matter, the Parties should take full account of the recommendations of the competent international body in this field, at present the International Atomic Energy Agency".
31. The representative of IAEA introduced document UNFP/WG.28/INF.3: "Note on and text of IAEA revised definition and recommendations concerning radioactive wastes and other radioactive matter relevant to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter (London Convention)". He pointed out that the requirements for selection of a dumping site, and in particular, its depth (> 4000m), distance from coasts, non-occurrence of tectonic phenomena, and location away from areas known to have sea-bed resources, effectively prohibited dumping of radioactive waste in the Mediterranean area within the meaning of the London Convention. He mentioned that the IAEA was developing for the purposes of the London Convention a definition of the "inferior threshold" for low-level radioactive wastes and other radioactive matter.

32. The experts noted that the provisions of the Protocol prohibited dumping in the Mediterranean Sea area of high- and medium- and low-level radioactive wastes or other high- and medium- and low-level radioactive matter (annex I) and that annex II was applicable to wastes and other matter whose radioactivity was to be defined by IAEA. To this effect, they recommended that the Organization take the necessary measures so that IAEA would submit to the next regular meeting of the Contracting Parties to the Barcelona Convention the definition of the "inferior threshold" of low-level radioactive wastes or other radioactive matter which may enable the Parties to make the distinction between radioactive waste or other radioactive matter listed in annex I and in annex II.
33. Taking into account the explanations of the IAEA representative, the special hydrographical, geomorphological and ecological characteristics of the Mediterranean Sea, as well as its particular vulnerability to pollution, the experts recommended to the Contracting Parties that they abstain from all dumping of radioactive waste and other radioactive matter of any kind in the Mediterranean Sea area until such time as the IAEA definition was accepted by the Parties to the Protocol.

Agenda item 5 : Consideration of incineration at sea in relation to the Protocol

34. The experts noted that to their knowledge no incineration operations at sea were at the present time being performed in the Mediterranean.
35. Taking into account the special hydrographic and ecological characteristics of the Mediterranean Sea area and its particular vulnerability to pollution, the experts recommended to the Parties that they take all necessary measures to prohibit incineration operations in the Mediterranean Sea area.

Agenda item 6 : Other business

36. The experts recommended that it would be desirable, in order to ensure the implementation of the Protocol, for the Parties to develop practical guidelines for the dumping of substances listed in annex II.
37. The representative of IMCO informed the meeting that the Contracting Parties to the London Convention had been presented with requests for amendment of the annexes to that Convention, (e.g. inclusion of lead in annex I instead of in annex II as at present), and invited the Parties to the Mediterranean Protocol to attend the meetings of the Contracting Parties to the London Convention in order to follow the amendments made to the provisions of that Convention and to facilitate the harmonization of the two instruments.

38. The representative of IMCO also informed the experts that the next meeting of the Contracting Parties to the London Convention would be considering a format for reporting on monitoring of dumping zones. The experts invited UNEP to take the necessary steps to distribute this document, once it was adopted, to the Mediterranean States.

Agenda item 7 : Adoption of the report

39. The experts adopted the report of the meeting.

Agenda item 8 : Closure of the meeting

40. The meeting was closed by the Chairman who thanked all the experts for the spirit of co-operation that they had shown in conducting their work.

ANNEX I

LIST OF PARTICIPANTS  
LISTE DES PARTICIPANTS

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ANNEX II

A G E N D A

1. Opening of the meeting.
  - (a) Rules of procedure.
  - (b) Election of officers.
2. Adoption of the agenda.
3. Organization of the work of the meeting.
4. Consideration of procedures to be followed and definitions required for implementation of the Protocol.
5. Consideration of incineration at sea in relation to the Protocol.
6. Other business.
7. Adoption of the report.
8. Closure of the meeting.

ANNEX III

LIST OF DOCUMENTS BEFORE THE MEETING

A. Working Documents

- |              |  |
|--------------|--|
| UNEP/WG.28/1 | Provisional Agenda   |
| UNEP/WG.28/2 | Annotated Provisional Agenda   |
| UNEP/IG.14/5 | Proposal for procedures to be followed and definitions required for implementation of the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft |
| UNEP/IG.14/6 | Note on Incineration at Sea in relation to the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft  |

B. Information Documents

- |                  |   |
|------------------|---|
| UNEP/WG.28/INF.1 | List of documents   |
| UNEP/WG.28/INF.2 | List of participants  |
| UNEP/WG.28/INF.3 | Note on and text of IAEA Revised Definition and Recommendations concerning Radioactive Wastes and other Radioactive Matter relevant to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter |

ANNEX IV

FORM OF REPORT FOR SPECIAL AND GENERAL PERMITS

(Application of Articles 5 and 6 of the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft)

1. Special permits issued in accordance with Article 5 of the Protocol concerning dumping by ships and aircraft of the Barcelona Convention should be notified immediately to the Organization. General permits issued in accordance with Article 6 of the Protocol should be reported annually to the Organization.
2. The notifications should contain the following information, for each special and general permit or approval (unless in any individual case a particular item of information is clearly inappropriate):
  - (a) Issuing authority;
  - (b) Date issued;
  - (c) Country of origin of wastes or other matter and port of loading;
  - (d) General description of waste or other matter and the process from which the waste is derived;
  - (e) Form in which waste or other matter is presented for disposal (i.e. solid, liquid or sludge);
  - (f) Total quantity (in metric units) of waste or other matter covered by the permit;
  - (g) Period for which permit is valid;
  - (h) Expected frequency of dumping;
  - (i) Chemical composition of waste or other matter (this should be sufficiently detailed to provide adequate information to other countries on the nature and composition);

- (j) Properties of waste or other matter:
  - (i) solubility;
  - (ii) density;
  - (iii) pH.
- (k) Method of packaging;
- (l) Method of release;
- (m) Procedure and site for subsequent tank washing;
- (n) Approved dumping site:
  - (i) geographical position (latitude and longitude);
  - (ii) depth of water;
  - (iii) distance from nearest coast.
- (o) Additional information (relevant factors listed in annex III of the Protocol, e.g. toxicity, other biological properties).

ANNEX V

THE FORM OF ANNUAL REPORT CONCERNING ACTUAL DUMPING CARRIED OUT BY THE  
PARTIES TO THE PROTOCOL

ANNUAL REPORT ON ALL DUMPINGS CARRIED OUT DURING THE YEAR 19..

The purpose of this form is to facilitate an assessment of the Parties' inputs by dumping to the waters of the Protocol Area. The form must be completed for each calendar year in retrospect and submitted to the Organization following the year to which the dumping relates.

The Parties are reminded that the figures for the quantities of substances dumped should relate to the actual amounts dumped during the report year and not to the quantities licensed.

As far as possible, the following information shall be given for each dumping area:

1. DUMPING AREA

(a) LOCATION - Longitude:  
Latitude:

(b) DEPTH ..... metres

(c) TIDAL FLOWS - Direction:  
Maximum speed:

(d) TYPE OF WASTE DUMPED (deleted as appropriate)

Industrial wastes  
Sewage sludges  
Dredgings

(e) OTHER RELEVANT INFORMATION (e.g. residual water movements):

2. INDUSTRIAL WASTES DUMPED

Details need only be given for the categories listed in Section 1(d) as having been dumped during the reporting year.

Units of quantity should be in tonnes unless otherwise stated.

(a) YEAR OF ISSUE OF THE PERMITS CONCERNED .....

(b) GENERAL DESCRIPTION OF THESE WASTES .....

- (c) METHOD OF DUMPING (When more than one vessel is involved, give the range of loads and discharge conditions)
- (i) Vessel(s) load .....
  - (ii) Manner of discharge from vessel .....
  - (iii) Rate of discharge .....
  - (iv) Speed of vessel while dumping .....
- (d) TOTAL QUANTITY OF WASTES ACTUALLY DUMPED .....
- (e) TOTAL QUANTITY OF WASTES LICENSED .....
- (f) TOTAL QUANTITY OF INSOLUBLE SOLIDS .....
- (g) TOTAL QUANTITY OF PARTICULATE ORGANIC COMPONENTS .....
- (h) TOTAL QUANTITY OF TRACE CONTAMINANTS OF ANNEX I SUBSTANCES:
- Mercury .....
  - Cadmium .....
  - Organohalogen compounds .....(specify)
  - Others .....
- (i) TOTAL QUANTITY OF THE FOLLOWING METALS:
- |                |              |
|----------------|--------------|
| Arsenic .....  | Nickel ..... |
| Chromium ..... | Zinc .....   |
| Copper .....   | Others ..... |
| Lead .....     | .....        |
- (j) ANY OTHER COMPOUNDS PRESENT IN APPRECIABLE QUANTITY:
- (k) TOTAL QUANTITY OF STRONG ACIDS .....
- strength/pH .....
- (l) TOTAL QUANTITY OF STRONG ALKALIS .....
- strength/pH .....

(m) TOXICITY OF WASTE(S) - Give LC-50 values and names of species tested (Where more than one waste is involved give toxicity criteria e.g. 96-h-LC-50 values not below 1000 ppm to Crangon crangon or Agonus cataphractus)

(n) MONITORING AUTHORITY

(o) OTHER RELEVANT INFORMATION:

### 3. SEWAGE SLUDGES DUMPED IN EACH SITE

Details need only be given for the categories listed in section 1(d) as having been dumped during the reporting year.

Units of quantity should be in tonnes unless otherwise stated.

(a) YEAR OF ISSUE OF THE PERMITS CONCERNED .....

(b) PLACE OF ORIGIN OF THE SEWAGE SLUDGE .....

(c) METHOD OF DUMPING (where more than one vessel is involved, give the range of loads and discharge conditions)

(i) Vessel(s) load .....

(ii) Manner of discharge from vessel .....

(iii) Rate of discharge .....

(iv) Speed of vessel while discharging .....

(d) TOTAL QUANTITY ACTUALLY DUMPED .....

(e) TOTAL QUANTITY LICENSED .....

(f) TOTAL QUANTITY OF INSOLUBLE SOLIDS .....

(g) TOTAL QUANTITY OF PARTICULATE ORGANIC COMPONENTS .....

(h) TOTAL QUANTITY OF TRACE CONTAMINANTS OF ANNEX I SUBSTANCES:

Mercury .....

Cadmium .....

Organohalogen compounds .....(specify)

Others .....

(i) TOTAL QUANTITY OF FOLLOWING METALS:

Arsenic .....	Nickel .....
Chromium .....	Zinc .....
Copper .....	Others .....
Lead .....	.....

(j) MONITORING AUTHORITY:

4. DREDGINGS DUMPED IN EACH SITE

Details need only be given for the categories listed in section 1(d) as having been dumped during the reporting year.

Units of quantity should be in tonnes unless otherwise stated.

When less than 10,000 tonnes per year are dumped, chemical analysis of dredgings composition are not required unless the source of the dredging is believed to be polluted.

(a) YEAR OF ISSUE OF THE PERMITS CONCERNED .....

(b) PLACE OF ORIGIN OF THE DREDGINGS .....

(c) METHOD OF DUMPING: Stationary/Moving (delete as appropriate)

(d) TOTAL QUANTITY ACTUALLY DUMPED .....

(e) TOTAL QUANTITY LICENSED .....

(f) TOTAL QUANTITY OF INSOLUBLE SOLIDS .....

(g) TOTAL QUANTITY OF PARTICULATE  
ORGANIC COMPONENTS .....

(h) TOTAL QUANTITY OF TRACE CONTAMINANTS OF ANNEX I SUBSTANCES:

Mercury .....

Cadmium .....

Organohalogen compounds .....(specify)

Others .....



(i) TOTAL QUANTITY OF THE FOLLOWING METALS:

Arsenic ..... Nickel .....

Chromium ..... Zinc .....

Copper ..... Others .....

Lead ..... .....

(j) MONITORING AUTHORITY:

ANNEX VI

TEXT CONCERNING THE APPLICATION OF ARTICLE 9 OF THE PROTOCOL

INTERIM PROCEDURES AND CRITERIA FOR DETERMINING CRITICAL SITUATIONS  
OF AN EXCEPTIONAL NATURE

1. Under Article 9 of the Protocol, if a Party in a critical situation of an exceptional nature considers that wastes or other matter listed in annex I to this Protocol cannot be disposed of on land without unacceptable danger or damage, above all for the safety of human life, the Party concerned shall forthwith consult the Organization. The Organization, after consulting the Parties to this Protocol, shall recommend methods of storage or the most satisfactory means of destruction or disposal under the prevailing circumstances. The Party shall inform the Organization of the steps adopted in pursuance of these recommendations. The Parties pledge themselves to assist one another in such situations.
  
2. In this connexion the Parties may develop or adopt, in consultation with the Organization and appropriate international organizations, procedures including:
  - (a) Basic criteria for determining critical situations of an exceptional nature; and
  - (b) Procedures for consultative advice and safe disposal of matter in such circumstances, including the designation of appropriate dumping areas.

ACTION REQUIRED TO IMPLEMENT ARTICLE 9

3. In the implementation of the above provisions the following sequence of actions can be envisaged:
  - (a) In order to decide that a critical situation of an exceptional nature does in fact exist, the Party proposing to carry out dumping of matter listed in annex I should:
    - (i) investigate the situation to decide whether or not it poses an unacceptable risk relating to human health;
    - (ii) investigate possible alternative methods or disposal in order to decide that no feasible solution other than dumping in the Protocol area can be found.

- (b) Having decided that dumping in the Protocol area is necessary the Party concerned:
  - (i) should consult with the Organization for recommendations as to the most appropriate procedures to adopt; and
  - (ii) may consult with other countries that may be affected.
- (c) Upon being informed of the situation, the Organization should:
  - (i) consult with other Parties;
  - (ii) when necessary consult with the organization responsible for the secretariat of the London Dumping Convention and other appropriate international organizations; and
  - (iii) decide upon and promptly recommend to the Party the most appropriate procedures to adopt.
- (d) With regard to the dumping operation the Party concerned should:
  - (i) follow the Organization's recommendations to the maximum extent feasible consistent with the time within which action must be taken and with the general obligation to avoid damage to the marine environment; and
  - (ii) inform the Organization of the action taken.

#### ACTION BY THE PARTY CONCERNED

#### Assessment of the Critical Situation of an Exceptional Nature

4. With reference to paragraph 3(a) above, it is apparent that when a critical situation of an exceptional nature involving annex I materials occurs, the first step to be taken by the Party is to assess the risk to human health. Such assessment should include the following factors:

- (a) Circumstances of the critical situation:
  - (i) type including chemical composition of material involved;

- (ii) location and cause of release;
- (iii) amount to be discharged into the environment;
- (iv) potential for further release and expected rate.

(b) Risk relating to human health:

(1) toxicity to human life:

- by inhalation
- by ingestion
- by skin absorption;

(ii) method of contact;

- direct contact with material
- water supply
- food sources;

(iii) impact of health of present and future generations:

- chronic toxicity
- carcinogenic, teratogenic and mutagenic properties of the material
- potential for causing long-term effects.

5. The feasibility of disposal in the Protocol area should only be considered by the Party after an evaluation of alternative methods of disposal, taking into account the following factors:

(a) Alternatives to be considered including cost:

- (1) land fill and soil disposal;
- (ii) well injection;
- (iii) incineration on land or at sea;
- (iv) reclamation and recycling;
- (v) biological, chemical or physical treatment;
- (vi) storage;
- (vii) partial treatment prior to sea disposal.

- (b) Assessment of environmental impact of each alternative:
- (i) adverse environmental effects of alternative actions;
  - (ii) impact on living and non-living marine resources, navigation, recreation and other uses of the sea;
  - (iii) evaluation to determine which alternative has least overall environmental impact.
- (c) Disposal site designation and monitoring:
- (i) physical, chemical and biological information relating to the proposed dump site;
  - (ii) proposed method of release of material at the site;
  - (iii) proposed times and dates of disposal;
  - (iv) programmes for monitoring to assess the impact of the dumping of the material on the marine environment.

Consultation with the Organization

6. With reference to paragraph 3(b) above, once it has been determined that an unacceptable danger or damage exists, above all for the safety of human life, and that disposal at sea is the only feasible solution, the Party should consult the Organization and should provide it with all significant information used in making the determination.
7. In implementation of paragraph 3(c) above, the Organization:
- should consult with the other Parties, in particular those likely to be affected by the requested dumping; and
  - should undertake a sufficient review of the information submitted by the Party to ensure that the Party has done the following:
    - (a) demonstrated an unacceptable danger or damage, above all for the safety of human health;

- (b) evaluated other alternatives and found no other feasible solution;
  - (c) foreseen the avoidance of damage to the marine environment to the maximum extent possible;
  - (d) established procedures to monitor the impact of the proposed action;
8. If the Organization finds that further review and analysis is needed, the following action should be taken:
- (a) refer specific questions to appropriate international organizations;
  - (b) consult with countries which may be affected;
  - (c) consult with independent experts nominated by Parties.

Recommendations by the Organization

9. After consultation with the Parties, and if necessary with the appropriate international organizations, other countries likely to be affected, and nominated independent experts, the Organization should recommend appropriate procedures which should be adopted by the Party prior to dumping.

REPORTING ON ACTION TAKEN

10. After having received the recommendations of the Organization the Party should inform the Organization forthwith of the action taken and any additional facts relating to the disposal of the material. The Organization should inform all Parties of the follow-up measures taken with regard to the dumping request.