



United Nations
Environment
Programme



Distr.
RESTRICTED
UNEP/WG.3/3
15 July 1975

Original: ENGLISH



DRAFT PROTOCOL FOR THE PREVENTION OF POLLUTION OF THE
MEDITERRANEAN SEA BY DUMPING FROM SHIPS AND AIRCRAFT

Article 1

The Parties to this Protocol shall take all appropriate measures to prevent and abate pollution of the Mediterranean Sea Area caused by dumping from ships and aircraft.

Article 2

The area to which this Protocol applies shall be the Mediterranean Sea Area as defined in Article 1 of the Convention for the Protection of the Marine Environment against Pollution in the Mediterranean (hereinafter referred to as "the Convention").

Article 3

For the purposes of this Protocol:

1. "Dumping" means :

- (a) any deliberate disposal at sea of wastes or other matter from ships, aircraft, platforms or other man-made structures at sea;
- (b) any deliberate disposal at sea of ships, aircraft, platforms or other man-made structures at sea.

"Dumping" does not include :

- (a) the disposal at sea of wastes or other matter incidental to or derived from the normal operations of ships, aircraft, platforms or other man-made structures at sea and their equipment, other than wastes or other matter transported by or to ships, aircraft, platforms or other man-made structures at sea, operating for the purpose of disposal of such matter on such ships, aircraft, platforms or structures;
 - (b) placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of this Protocol;
2. "Ships and aircraft" means waterborne or airborne craft of any type whatsoever. This expression includes air-cushioned craft and floating craft whether self-propelled or not.

3. "Organization" means the organization referred to in Article 12 of the Convention.
4. "Wastes or other matter" means material and substance of any kind, form or description.

Article 4

The dumping into the Mediterranean Sea Area of wastes or other matter listed in Annex I to this Protocol is prohibited.

Article 5

The dumping into the Mediterranean Sea Area of wastes or other matter listed in Annex II to this Protocol requires, in each case, a prior special permit from the competent national authorities.

Article 6

The dumping into the Mediterranean Sea Area of all other wastes or other matter requires a prior general permit from the competent authorities.

Article 7

The permits referred to in Articles 5 and 6 shall be issued only after careful consideration of all the factors set forth in Annex III to this Protocol. The Organization shall receive records of such permits.

Article 8

The provisions of Article 4, 5 and 6 shall not apply in case of force majeure due to stress of weather or any other cause when human life or the safety of a ship, aircraft, platform or other man-made structure at sea is threatened. Such dumping shall immediately be reported to the Organization and to any Party or Parties likely to be affected, together with full details of the circumstances and of the nature and quantities of the wastes or other matter dumped.

Article 9

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 in land without unacceptable danger or damage, above all for the safety of human lives, the Party concerned shall forthwith consult the Organization. The Organization, after

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.

Article 10

1. Each Party shall designate one or more competent authorities to :
 - (a) issue the special permits provided for in Article 5;
 - (b) issue the general permits provided for in Article 6;
 - (c) keep records of the nature and quantities of the wastes or other matter permitted to be dumped and the location, time and method of dumping.
2. The competent authorities of each Party shall issue the permits provided for in Articles 5 and 6 in respect of the wastes or other matter intended for dumping :
 - (a) loaded in its territory; or
 - (b) loaded by a ship or aircraft registered in its territory or flying its flag, or on a platform or other man-made structure at sea operating under its authority, when the loading occurs in the territory of a State not Party to this Protocol.

Article 11

1. Each Party shall apply the measures required to implement this Protocol to all :
 - (a) ships and aircraft registered in its territory or flying its flag, and platforms and other man-made structures at sea operating under its authority;
 - (b) ships and aircraft loading in its territory wastes or other matter which are to be dumped;
 - (c) ships and aircraft believed to be engaged in dumping in areas under its jurisdiction in this matter.

2. This Protocol shall not apply to any ships, aircraft, platforms or other man-made structure owned or operated by a State and used, for the time being, only on government non-commercial service. However, each Party shall ensure by the adoption of appropriate measures not impairing the operations or operational capabilities of such ships, aircraft, platforms or structures owned or operated by it, that such ships, aircraft, platforms or structures shall not act in a manner consistent, so far as is reasonable and practicable, with this Protocol.

Article 12

Each Party undertakes to issue instructions to its maritime inspection ships and aircraft and to other appropriate services to report to its authorities any incidents or conditions in the Mediterranean Sea Area, which give rise to suspicions that dumping in contravention to the provisions of this Protocol has occurred or is about to occur. That Party shall, if it considers it appropriate, report accordingly to any other Party concerned.

Article 13

Nothing in this Protocol shall affect the right of each Party to adopt other measures, in accordance with international law, to prevent pollution due to dumping.

Article 14*

The provisions of Articles 12, 15, 16, 20, 21, 22, 23 and 25 of the Convention, and the Rules of Procedure and Financial Rules adopted pursuant to Article 17 of the Convention shall apply with regard to this Protocol, to the extent that they are not modified by it.

Article 15*

1. Ordinary meetings of the Parties to this Protocol shall be held in conjunction with ordinary meetings of the Contracting Parties held pursuant to Article 13 of the Convention. The Parties to this Protocol may also hold extraordinary meetings as provided in the Rules of Procedure.

2. It shall be the function of the meetings of the Parties to this Protocol :
- (a) to keep under review the implementation of this Protocol, and to consider the efficacy of the measures adopted and the need for any other measures;
 - (b) to study and consider the records of the permits issued in accordance with Articles 5, 6 and 7, and of the dumping which has taken place;
 - (c) to review and amend as required the Annexes to this Protocol;
 - (d) to discharge such other functions as may be appropriate for the implementation of this Protocol.
3. The adoption of amendments to the Annexes of this Protocol pursuant to Article 16 of the Convention, sub-paragraph 2(ii) of that Article notwithstanding, shall require a.....majority of the Parties.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Protocol.

Done at.....on.....(date) in a single copy in the.....languages, each version being equally authoritative.

ANNEX I

- A. The following substances are listed for the purpose of Article 4 of the Protocol.
1. Organohalogen compounds and compounds which may form such substances in the marine environment, excluding those which are non-toxic, or which are rapidly converted in the sea into substances which are biologically harmless.
 2. Organosilicon compounds and compounds which may form such substances in the marine environment, excluding those which are non-toxic, or which are rapidly converted in the sea into substances which are biologically harmless.
 3. Mercury and mercury compounds.
 4. Cadmium and cadmium compounds.
 5. Persistent plastics and other persistent synthetic materials which may seriously interfere with fishing or navigation, reduce amenities, or interfere with other legitimate uses of the sea.
 6. Crude oil and hydrocarbons of petroleum origin, and any mixtures containing any of these, taken on board for the purpose of dumping.
 7. (a) High-level radioactive wastes or other high-level radioactive matter, defined on public health, biological or other grounds, by the competent international body in this field, at present the IAEA, as unsuitable for dumping at sea.
 - (b) High and medium level radioactive wastes or other high and medium level radioactive matter as defined by the IAEA.
 - (c) High and medium and low level radioactive wastes or other high and medium and low level radioactive matter as defined by the IAEA.
 8. Large quantities of acids and alkalis from titanium and aluminium industries.

9. Materials in whatever form (e.g. solids, liquids, semi-liquids, gases or in a living state) produced for biological and chemical warfare.

B. This Annex does not apply to substances which are rapidly rendered harmless by physical, chemical or biological processes in the sea provided they do not :

- (i) make edible marine organisms unpalatable, or
- (ii) endanger human health or that of domestic animals.

C. This Annex does not apply to wastes or other materials, containing the matters referred to in paragraphs 1-6 above as traced contaminants. Such wastes shall be subject to the provisions of Annexes II and III as appropriate.

ANNEX II

The following wastes and other matter requiring special care are listed for the purposes of Article 5.

1. (i) Arsenic, lead, copper, zinc, beryllium, chromium, nickel vanadium and their compounds.
(ii) Cyanides and fluorides.
(iii) Pesticides and their by-products not covered in Annex I.
[(iv) Synthetic organic chemicals.]
2. Large quantities of acids and alkalis [not covered in Annex I.]
In the issue of such permits consideration should be given to the possible presence in such wastes of the substances listed in paragraph 1.
3. Containers, scrap metal and other bulky wastes liable to sink to the sea bottom which may present a serious obstacle to fishing or navigation.
4. Substances which, though of a non-toxic nature, may become harmful due to the quantities in which they are dumped, or which are liable to seriously reduce amenities.
5. [Radioactive waste or other radioactive matter not 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 IAEA.]

ANNEX III

Provisions to be considered in establishing criteria governing the issue of permits for the dumping of matter at sea taking into account Articles 6 and 7 include :

A. CHARACTERISTICS AND COMPOSITION OF THE MATTER

1. Total amount and average composition of matter dumped (e.g. per year).
2. Form, e.g. solid, sludge, liquid or gaseous.
3. Properties : physical (e.g. solubility and density), chemical and biochemical (e.g. oxygen demand, nutrients) and biological (e.g. presence of viruses, bacteria, yeasts, parasites).
4. Toxicity.
5. Persistence : physical, chemical and biological.
6. Accumulation and biotransformation in biological materials or sediments.
7. Susceptibility to physical, chemical and biochemical changes and interaction in the aquatic environment with other dissolved organic and inorganic materials.
8. Probability of production of taints or other changes reducing market ability of resources (fish, shellfish, etc.).

B. CHARACTERISTICS OF DUMPING SITE AND METHOD OF DEPOSIT

1. Location (e.g. co-ordinates of the dumping area, depth and distance from the coast), location in relation to other areas (e.g. amenity areas, spawning, nursery and fishing areas and exploitable resources).
2. Rate of disposal per specific period (e.g. quantity per day, per week, per month).
3. Methods of packaging and containment, if any.
4. Initial dilution achieved by proposed method of release, particularly the speed of the ship.

5. Dispersal characteristics (e.g. effects of currents, tides and wind on horizontal transport and vertical mixing).
6. Water characteristics (e.g. temperature, pH, salinity, stratification, oxygen indices of pollution - dissolved oxygen (DO), chemical oxygen demand (COD), biochemical oxygen (BOD) - nitrogen present in organic and mineral form including ammonia suspended matter, other nutrients and productivity).
7. Bottom characteristics (e.g. topography, geochemical and geological characteristics and biological productivity).
8. Existence and effects of other dumping which have been made in the dumping area (e.g. heavy metal background reading and organic carbon content).
9. In issuing an authorization for dumping, the Parties should consider whether an adequate scientific basis, taking into account seasonal variations, exists for assessing, as outlined in this Annex, the consequences of such dumping in that area, e.g. taking into account seasonal variations.

C. GENERAL CONSIDERATIONS AND CONDITIONS

1. Possible effects on amenities (e.g. presence of floating or stranded material, turbidity, objectionable odour, discoloration and foaming).
2. Possible effects on marine life, fish and shellfish culture, fish stocks and fisheries, seaweed harvesting and culture.
3. Possible effects on other uses of the sea (e.g. impairment of water quality for industrial use, underwater corrosion of structures, interference with ship operations from floating materials, interference with fishing or navigation through deposit or waste or solid objects on the sea floor and protection of areas of special importance for scientific or conservation purposes).
4. The practical availability of alternative land-based methods of treatment, disposal or elimination, or of treatment to render the matter less harmful for sea dumping.