



United Nations Environment Programme
Programme des Nations Unies pour l'environnement

COORDINATING UNIT FOR THE MEDITERRANEAN ACTION PLAN

UNITE DE COORDINATION DU PLAN D'ACTION POUR LA MEDITERRANEE

Mediterranean Action Plan

and

Convention for the Protection of the
Marine Environment and the Coastal Region
of the Mediterranean

and its Protocols

INFORMAL DOCUMENT
(2nd edition)

MAP Coordinating Unit
Athens, 2002



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The revision of this document has been made by Humberto da Cruz (UNEP/MAP Programme Officer) with the assistance of Ine Mortelmans (7 August 2002)

The image used on the cover page is a painting by Effie Halivopoulou.

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Introduction

This document contains the texts of the Mediterranean Action Plan, the Barcelona Convention and its Protocols in their current state.

The "Action Plan for the Protection of the Marine Environment and the Sustainable Development of the Coastal Areas of the Mediterranean (MAP Phase II)" presented in this volume was adopted by the Contracting Parties at the Conference of Plenipotentiaries held in Barcelona from 9 to 10 June 1995 to replace the "Mediterranean Action Plan" adopted in 1975. The Conference also adopted a Resolution (The "Barcelona Resolution") and "Priority Field of Activities" for the period until the year 2005, which are annexed to the Action Plan.

The "Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean" and the "Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircrafts or Incineration at Sea" presented in this volume are the amended versions of the "Barcelona Convention" and the "Dumping Protocol" of 1976 as adopted by the Contracting Parties at the Conference of Plenipotentiaries held in Barcelona from 9 to 10 June 1995.

The "Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and activities" presented in this volume is the amended version of the "Land-Based Sources Protocol" of 1980, adopted by the Contracting Parties at the Conference of Plenipotentiaries held in Syracuse from 6 to 7 March 1996.

The "Protocol Concerning Specially Protected Areas and Biological Diversity in the Mediterranean" contained in this volume is a new Protocol adopted by the Contracting Parties at the Conference of Plenipotentiaries held in Barcelona from 9 to 10 June 1995. It also includes annexes which were adopted by the Meeting of Plenipotentiaries held in Monaco on 24 November 1996.

The "Protocol for the Protection of the Mediterranean Sea against Pollution Resulting from the Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil" is a new Protocol which was adopted by the Contracting Parties at the Conference of Plenipotentiaries held in Madrid from 13 to 14 October 1994.

The "Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal" is a new Protocol which was adopted by the Contracting Parties at the Conference of Plenipotentiaries held in Izmir from 30 September to 1 October 1996.

The "Protocol concerning cooperation in preventing Pollution from Ships and, in cases of Emergency, combating Pollution of the Mediterranean Sea" incorporated in this volume is a new Protocol which was adopted by the Contracting Parties at the Conference of Plenipotentiaries held in Malta from 24 to 25 January 2002.

The amended texts of the Convention and Protocols are in the process of being ratified and will enter into force in accordance with Article 16 (4) of the 1976 Barcelona Convention; the new Protocols will enter into force in accordance with Article 27 (3) of

the 1976 Barcelona Convention (Articles 16 and 27 are now referred to, in the 1995 amended Convention, as Articles 22 and 33 respectively).

Action Plan for the Protection of the Marine Environment and the Sustainable Development of the Coastal Areas of the Mediterranean (MAP Phase II)

Introduction

In 1975, Mediterranean countries and the EEC adopted the Mediterranean Action Plan (MAP) and in 1976 the Convention for the Protection of the Mediterranean Sea against Pollution (Barcelona Convention). The main objectives of MAP were to assist the Mediterranean Governments to assess and control marine pollution, to formulate their national environment policies, to improve the ability of governments to identify better options for alternative patterns of development and to make better rational choices for allocation of resources.

Although the initial focus of the MAP was on marine pollution control, experience soon confirmed that socio-economic trends, combined with poor management and planning of development, are the root of most environmental problems, and that meaningful and lasting environmental protection is inseparably linked to social and economic development. Therefore, the focus of MAP gradually shifted from a sectoral approach to pollution control to integrated coastal zone planning and management as the key tool through which solutions are being sought.

Although it is difficult to assess progress achieved, there is direct and indirect evidence that a large number of concrete actions were taken by many countries in conformity with the requirements and provisions of MAP, thus influencing the environmental policies and practices of the Mediterranean countries. MAP has been a significant instrument for change and progress concerning environmental matters in the Mediterranean. Among achievements of particular importance are the creation of awareness concerning the importance of a healthy environment for the present and future of the Mediterranean and its people; a marked change of attitude towards protection of the environment, the policy making level and creating a sense of solidarity and the need to act collectively for the better future of the Mediterranean.

Major shortcomings in the protection of the Mediterranean marine environment and its coastal region are the inappropriate management of the coastal zone due to the lack of adequate coastal zone planning and management; inadequate national legislation and its effective enforcement; weak institutional structures and inadequate human resources allocated for these types of activities; and lack of mobilization of adequate financial resources and clear political commitment to solve the existing problems.

MAP Phase II was designed taking into account the achievements and shortcomings of MAP's first twenty years of existence, as well as the results of recent developments such as the United Nations Conference on Environment and Development (Rio de Janeiro, 1992), the Eighth Meeting of the Contracting Parties to the Barcelona Convention (Antalya, 1993), and the Conference "Med 21" on Sustainable Development in the Mediterranean (Tunis, 1994).

Objectives

The main objectives are:

- to ensure sustainable management of natural marine and land resources and to integrate the environment in social and economic development, and land-use policies;
- to protect the marine environment and coastal zones through prevention of pollution, and by reduction and, as far as possible, elimination of pollutant inputs, whether chronic or accidental;
- to protect nature, and protect and enhance sites and landscapes of ecological or cultural value;
- to strengthen solidarity among Mediterranean coastal States in managing their common heritage and resources for the benefit of present and future generations; and
- to contribute to improvement of the quality of life.

Implementation

The Mediterranean coastal States bear full responsibility for conducting their policies for an improved environment and sustainable development. In this context, they are responsible for the implementation of the Barcelona Convention, its Protocols and MAP.

In carrying out their tasks, the Contracting Parties receive the support of the Secretariat of the Barcelona Convention entrusted to UNEP and its Coordinating Unit, and, under the Unit's supervision, of MAP's Regional Activity Centres (RACs).

The specific tasks entrusted to the Secretariat and the RACs in order to implement the activities of MAP, as well as the corresponding budgets, are decided upon by the meetings of the Contracting Parties to the Barcelona Convention.

The MAP Coordinating Unit establishes and strengthens relations with other regional seas programmes, the secretariats of the international conventions relevant to the region, the United Nations Commission on Sustainable Development and the international financial institutions related to environment and sustainable development in the Mediterranean.

The Contracting Parties to the Barcelona Convention will regularly involve the UN specialized agencies concerned in the formulation and implementation of the MAP Phase II programme of activities.

The Contracting Parties will involve local, provincial and regional authorities, as appropriate, in the formulation and implementation of the MAP Phase II programme of activities.

The Contracting Parties will also associate in the MAP Phase II activities, non-governmental organizations involved in the protection of the environment and the promotion of sustainable development, as well as organizations representing economic activities.

In implementing sustainable development, priority will be given to strengthening institutional capacity and policy coordination at national as well as regional, provincial and local levels, as appropriate. In this context, particular attention will be given to the implementation of existing legal instruments such as the Barcelona Convention and its Protocols, to the introduction of economic instruments for integrated resource management, and to rigorous planning of coastal zones and management of natural resources.

I. SUSTAINABLE DEVELOPMENT IN THE MEDITERRANEAN

1. INTEGRATING ENVIRONMENT AND DEVELOPMENT

Management and conservation of natural resources, and orientation of technological and institutional change in such a manner as to ensure the attainment and continued satisfaction of human needs for present and future generations, are vital for the Mediterranean basin. The complex interaction between environmental components (water, forest, soil) and socio-economic sectors (agriculture, industry, energy, tourism, transport) requires integration of environmental policies into development policies. At regional level, corresponding activities will be developed within the framework of the Mediterranean Commission on Sustainable Development to be established and implemented within MAP in collaboration with the relevant international RACs, and with the support of the Secretariat together with relevant RACs, when appropriate.

1.1 Economic activities and the environment

In the Mediterranean basin, with its limited and fragile natural resources, recent socio-economic developments have given rise to major changes that put its heritage in peril. Population trends, which indicate that a population of 410 million in 1994 may rise to 550 million in 2025, together with modern means of production and consumption are playing a major role in these changes.

Intensification of agriculture is having a major impact on water resources and soil. Since the 1970s, industrialization has proceeded apace, although heavy and polluting industries show signs of decline. The technologies in use are often obsolete and generate considerable pollution. Industry, which consumes vast amounts of natural resources and energy, competes for space with urban development and major transport infrastructures, particularly on the coast. Tourism, which brings in revenue, by exploiting the attractions of the natural and historical heritage, also competes for the coastline, putting increasing areas of it under concrete. A hundred million tourists from all parts of the world visit the coastal area of the Mediterranean today, the expected figure for the year 2025 being between 170 and 340 million, while domestic tourism is also expected to undergo major growth. Great pressure is exerted on water resources, while overcrowding of natural and historic sites and pressure on land use leads to their destruction, thus reducing capital income from tourism, which is essential for a number of countries.

For these economic activities, the major objectives in relation to sustainable development are:

1.1.1 Agriculture

Agricultural production is expected to expand in the Mediterranean region, particularly in the countries of the South and East. Such expansion, for example through the use of irrigation, will have an increasing impact on soil and water quality. Furthermore, arable land is shrinking under pressure of construction, fertility loss, salination and erosion.

The spread of desertification in its various forms poses a threat to social and agricultural development, both in coastal regions and in the hinterland.

In order to contribute to sustainable development, activities should, at their appropriate levels, focus on:

- rational methods for making use of soil and water resources by encouraging farming practices suited to the physical and ecological conditions prevailing in the regions concerned;
- increasing agricultural productivity and production by means of environment-friendly techniques;
- development and use of irrigation techniques using less water and appropriate systems of drainage;
- identification and use of appropriate techniques not only in farming but also to improve local genetic resources; and
- controlling the use of chemicals that pollute soil and water and increasing use of natural fertilizers.

1.1.2 Industry

Industrial development exacerbates a number of existing major problems relating to air and water pollution and degradation of quality of life.

In order to respond to national needs and provide access to Mediterranean and international markets so that sustainable development may be achieved, action should be taken:

- to encourage and facilitate the use of appropriate industrial procedures and clean technologies;
- to facilitate the transfer, adaptation and control of technology among Mediterranean countries;
- to consolidate and accelerate the introduction of programmes for the control and reduction of industrial pollution; and
- to strengthen and expand programmes for the reduction and management of industrial waste.

1.1.3 Energy

The growth in energy consumption in the Mediterranean, principally through use of fossil fuels, is adding to the pollution and environmental damage existing in the Mediterranean. There is thus a need to improve management of energy and to introduce policies compatible with sustainable development.

In that context, the objectives to be achieved at Mediterranean, national and local levels and in cooperation with interested international organizations will be:

- to encourage and facilitate the use of new and renewable sources of energy in domestic, industrial, public and private use, including pilot projects;
- to develop techniques for controlling and saving energy; and
- to ensure that any new power stations to be built on the Mediterranean coast are environmentally friendly and to modernize, as appropriate, existing power plants.

1.1.4 Tourism

Tourism is one of the major factors affecting the environment and development in the Mediterranean basin. It plays an important role in improving economic conditions in many Mediterranean countries but, on the other hand, has a severe impact on land and marine resources, soil and coastal land, sea, historical and natural sites and landscapes, society and local population.

The main objectives of activities related to tourism, at Mediterranean, national and local levels, will be:

- to assess, monitor and evaluate tourism activities and their impact on environment through, *inter alia*, appropriate and pertinent indicators;
- to encourage regional and international cooperation that promotes environment friendly tourism compatible with sustainable development;
- to monitor natural, cultural and human tourist resources and undertake regular assessment of environmental impact and carrying capacity; and
- to develop information and training programmes for the actors concerned including raising the awareness of tourists so that they choose tourism that respects the Mediterranean environment.

1.1.5 Transport

Evolution of air and land transport associated with expanding economic activity will exert growing pressure on the coastal zone. In particular, the number of cars is expected to treble in the next thirty years. It is essential that special attention be given to this clear trend, which will have a major impact on environmental quality in coastal and urban zones.

The main objectives of the programme are:

- to assess and monitor means of transport and their density in coastal zones by using appropriate indicators;

- to identify and encourage use of alternative means of transport less detrimental to the environment; and
- to disseminate information on transport policies and technologies contributing to sustainable development, including those related to public transport.

1.2 Urban management and the environment

The Mediterranean urban population, 40 per cent of which is concentrated on the coast, is expected to double by the year 2025, which will substantially increase settlement of the coast.

The type of urban development resulting from this concentration is a cause of environmental concern for two reasons:

- great pressure is exerted on natural resources, landscapes and natural areas, which are being taken over or destroyed to meet the needs of urban development; and
- the environment created in such built-up areas is unsatisfactory because of the scale of construction and its impact on transport, energy consumption, waste production, loss of space and natural landscapes and increasing demands for infrastructure.

The consequences of these trends are a cause for concern with regard to the sustainability of development:

- deterioration of the urban environment and quality of life have a negative impact on social life and public health; and
- from the economic point of view, built-up areas with a deteriorating environment are likely to become less attractive, particularly to the services sector.

Strategies for sustainable urban management should be formulated by the competent authorities in order to:

- create an institutional framework which will provide for management of built-up areas at the appropriate administrative level;
- encourage the introduction of urban planning taking environmental issues into account through analysis of the urban environment;
- encourage active urban policies directed towards energy saving, non-polluting forms of transport, waste management, sustainable use of water and the creation of town amenities;
- introduce the corresponding financial instruments;
- develop institutional and professional capacities; and
- involve all the actors concerned.

At regional level, cooperation activities will be carried out, encouraging coordinated decentralized cooperation in order to:

- elaborate and disseminate appropriate methodologies;
- promote the exchange of experiences and practice;
- ensure the training of the actors concerned; and
- contribute to the mobilization of international financial resources for the formulation and implementation of strategies for the urban environment.

1.3 Sustainable management of natural resources

At regional level, specific activities in this section will be developed and implemented by the relevant international organizations and programmes, where appropriate, with the support of the Secretariat and RACs.

1.3.1 Water resources

Quality and availability of fresh water resources are vital in the Mediterranean not only for human consumption but also for agriculture, industry, tourism and other components of the economy. The interaction of these components should be tackled through integrated plans for water resources management.

The main objectives of this programme are the management and sustainable use of water resources, and are to be achieved through:

- encouragement of the use of tools for management of water demand;
- assessment and monitoring of the qualitative and quantitative status of water resources in each country, *inter alia* through pertinent indicators;
- preparation in each country of water resources master plans on a basin basis and expansion of existing plans in line with generally accepted principles of sustainable development, making use of an integrated approach, especially in coastal areas and islands;
- preparation or improvement of national legislation directed to the development and implementation of integrated methods for the management and use of water resources; and
- preparation of guidelines, training programmes and means for the exchange of experience on the integrated development, management, use and re-use of water resources.

1.3.2 Soil

Soil erosion and desertification are one of the most serious problems affecting the region. Agriculture and forestry are particularly affected leading to a decline in productivity which, in turn, helps to worsen social problems in the region.

The main objective is land conservation and reclamation.

Activities aim at:

- assessment and monitoring of the situation relating to soil degradation by the use of appropriate and pertinent indicators;
- development of effective policies, strategies and programmes which will include mapping, monitoring and protection measures to prevent and combat soil loss and desertification; and
- implementation, at a national level, of the above measures, as well as relevant decisions taken at various international forums such as FAO, UNEP and IUCN that lay special emphasis on the Convention to Combat Desertification, and more specifically its Mediterranean component.

1.3.3 Living marine resources

As several fish stocks are under heavy pressure, it is essential to take immediate action at several levels, (fishing community, fisheries organization, government) starting by reinforcing those already existing in order to halt present trends towards the degradation of resources and habitats.

The objective is the sustainable management of living marine resources at national and regional levels.

Main activities aim at:

- improving the available information base on the status of living marine resources and encouraging research on the effects of environmental degradation and the impact of fishing activity; such information is necessary for the development of management policies for such resources;
- developing common resource management policies inspired by the precautionary principle;
- establishing through the General Fisheries Council for the Mediterranean (GFCM) the legal framework for a cooperative approach to the protection and conservation of living marine resources outside territorial waters;
- ensuring implementation of the Code of Conduct for Responsible Fishing developed by FAO, the Agreement to Promote Compliance with International Conservation and Management Measures by Fishing Vessels on the High Seas and the decisions taken within the framework of the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks; and
- promoting environmentally friendly aquaculture.

1.3.4 Forest and plant coverage

Degradation of forest and plant coverage is causing increasing concern in the Mediterranean region. Overuse through grazing and the use of wood for fuel in addition to fires and urbanization, are the main causes of deforestation. To tackle these problems, a Mediterranean Forest Action Programme was prepared by FAO,

with which MAP will liaise and coordinate its activities. This programme uses an integrated and multidisciplinary approach which is essential to its general conceptual framework as well as to its application within each country.

The activities of this programme aim, in particular, at:

- making a rapid assessment of the state of the forests in each country, and identifying priorities;
- drawing up Forest Directory Plans for each country designed for protection, sustainable management and the multi-purpose use of forests; and
- enhancing cooperation and exchange of information between countries.

1.4 Integrated coastal area management

Management strategies for the Mediterranean coastal regions should ensure that limited and fragile resources are used in a sustainable manner by means of planning and regulations to conserve their ecological value and to promote activities to improve the quality of life of the coastal populations.

Integrated coastal area management requires understanding of the links existing between coastal resources, their use and the mutual impact of development and environment.

The objectives of protection and integrated coastal area management are as follows:

- preservation of the biological diversity of coastal ecosystems;
- coastal planning to resolve the competition between urbanization, industrialization, tourism, transport, agriculture and aquaculture, and the preservation of ecosystems for future generations;
- control of human pressure on and use of coastal resources;
- achievement of environmental and economic objectives at an acceptable cost to society;
- prevention and elimination, as far as possible, of pollution from all urban, industrial, tourist, agricultural and aquaculture sources, solid and liquid waste, and natural and technological hazards;
- participation by the general public and its various associations with a view to stimulating a sense of civic responsibility in the face of these new challenges; and
- development of the institutional capacity and human resources necessary to respond to these many interlinked and often conflicting objectives.

Integrated coastal area management should gradually become the standard approach for tackling the problems affecting Mediterranean coastal areas. To this end, at national and, where relevant, at sub-national level, relevant legislation should be enacted and institutional capacities created or strengthened. Appropriate tools, such as remote sensing, geographic information systems, systemic and prospective analysis, environmental impact assessment and economic instruments, should also be developed and implemented.

This legislation should encourage protection of a large percentage of the coastal strip, prevent continued urbanization and industrialization of the coastline, establish rules for identification of natural areas to be protected, and ensure compatible use of the coast.

At regional level, cooperation activities will be organized in order to:

- elaborate jointly the most appropriate planning methodologies;
- provide training, exchange of information and transfer of knowledge; and
- promote and facilitate cooperation with international institutions likely to support coastal area management policies.

1.5 Elements for a Mediterranean strategy

The concerns of sustainable development, highlighted by UNCED and resulting from the complex links between socio-economic development and the environment, must be fully clarified to allow a Mediterranean strategy, as well as national strategies on sustainable development, to be defined. The effort to integrate sustainable management of natural resources with stable economic development must be made a priority throughout the Mediterranean. To this end, the main activities at the regional level will be:

- promoting and developing a function for the observation and assessment of the interaction between environment and development in the Mediterranean basin:
 - based on existing relevant activities at national and regional level;
 - contributing to the provision of technical support for the development of similar national functions when requested by governments;
 - receiving, processing and analyzing relevant information on Mediterranean environment and development;
 - analyzing developments in the interaction between environment and development in order to assist the decision-making process; and
 - elaborating sustainable development indicators applicable to the Mediterranean along the lines developed by UNCED and other international and regional institutions.
- exchanging experiences on sustainable economic development; and

- formulating of practical recommendations to facilitate integration of natural resource management and economic development when preparing national development policies.

At the national level, the main activities will be:

- establishment of structures - mainly interministerial - such as Commissions on Sustainable Development, aimed at bringing together all institutions engaged in formulating sustainable development policies;
- formulation of national strategies for sustainable development, including in particular creating the relevant financial instruments; and
- formulation of sectoral policies, incorporating environmental issues, in priority areas such as energy, industry, transport, agriculture and tourism.

1.6 National and local capacity building

The ability of the Mediterranean countries to embark on the path of sustainable development will largely be determined by their capacity to evaluate problems, determine the level of priority of urgent needs, find response strategies and provide the means to carry out such policies.

- At the national institutional level, policies for sustainable development call for an organizational framework that will ensure liaison with all relevant public administrations and agencies within the context of interministerial coordination.
- At the local level, capacities for designing and implementing sustainable development strategies will also be developed.

Capacity building will aim at developing the means available, and improving levels of training, in the following fields:

- science and technology related to the interaction between development and the environment;
- management of public services associated with the environment; and
- management of enterprises whose operation has an impact on the environment.

2. CONSERVATION OF NATURE, LANDSCAPE AND SITES

The Mediterranean, with its landscapes and its varied and unique natural heritage, with its age-old past made evident by the innumerable historic sites, represents for its inhabitants and for the millions of tourists who visit it every year a common heritage which deserves to be protected and conserved for present and future generations. However, the negative impacts of uncontrolled urban, industrial and tourist development and the lack of appropriate environmental strategies are now becoming very evident. The massive occupation of the coastline and the discharge and dumping of large amounts of solid and liquid wastes into the sea, together with the over-exploitation of natural resources, constitute a threat to the preservation of the

ecological balance and the survival of species, as well as to the conservation of several sites of great natural and historic value and of the exceptional Mediterranean landscapes.

In the Mediterranean, examples of coastal management which have the protection of nature, the landscape and historic sites as their objective are still very rare or geographically limited. A shortage of environmentally sound management strategies, under the pressure of rapid socio-economic development, has in fact for too long favoured activities in which the short-term economic advantages were ensured but which had, in the long term, negative effects on the conservation of the Mediterranean coasts. It is evident that this negative trend could be effectively reversed if its consequences for the Mediterranean environment and its biological diversity were made widely known and if the planning and development strategies of the various subregions of the Mediterranean included the rational management of their natural and cultural heritage.

This component of MAP Phase II takes fully into account the Barcelona Convention and the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean and aims at proposing to the Contracting Parties a programme of activities that will assist them to protect and sustainably manage the natural and cultural Mediterranean heritage, thus contributing to the sustainable development of the region.

The proposed activities have been developed in line with the results of UNCED, in particular Agenda 21, the Convention on Biological Diversity and the action programme MED 21.

The activities will be implemented by the Contracting Parties in coordination with, and with the assistance of, the MAP Secretariat and the competent Regional Activity Centres. They will be implemented, as appropriate, in cooperation and coordination with the relevant programmes of the United Nations and the Secretariats of the Conventions, the European Union, especially its NATURA 2000 Network, and other international organizations concerned, as well as with NGOs and networks particularly active in specific fields, in order to create an integrated and efficient synergy in the region and avoid duplication of work.

Five types of activities will be carried out within the framework of the implementation of the Protocol:

- collection of data and periodic assessment of the situation;
- legal measures;
- planning and management;
- public awareness and participation; and
- exchange of experience and strengthening of natural capabilities.

2.1 Collection of data and periodic assessment of the situation

If the level of knowledge on the extent and status of conservation of the historic and cultural heritage of the Mediterranean region can be considered satisfactory, the same cannot be said with regard to the natural heritage, knowledge of which is still very fragmentary. It is therefore important to carry out research and studies to fill the existing gaps for the purpose of defining appropriate action.

The main objective of the present programme is therefore the overall assessment of the status and, where possible, the evolution of biological diversity in the Mediterranean so as to protect it better. It will include:

- at the regional level, the preparation of inventories of natural sites and elements of biological diversity of common Mediterranean interest, and of lists of the threatened and/or endangered species of the region and natural sites; and
- at the national level, the preparation of inventories of species and sites of special natural value as well as of areas with rare or fragile ecosystems that are reserves of biological diversity and are important for threatened and/or endangered species.

Such inventories and lists will be prepared according to common criteria jointly established by the Contracting Parties, will be kept regularly updated and used as the basis for conservation and planning programmes, using as appropriate the best available techniques.

2.2 Legal measures

Legislation on the protection of the natural and cultural heritage is at present insufficient in many Mediterranean countries and it is therefore necessary to adopt modern and adequate legislation in order to support the implementation of conservation policies.

It is also necessary for the Parties take the measures required to ensure that the legal measures adopted are actually implemented.

The following activities will be implemented:

- the institution by Contracting Parties of appropriate legal provisions by adopting instruments to allow for legal protection of sites of special interest because of their natural and/or cultural value. The methods and inventories developed in the European Union and in international organizations could serve as a basis in this respect. Special attention will be given in the Mediterranean to the habitats of threatened species, to insular environments and to archaeological remains, including underwater ports, structures and wrecks;
- the granting of legal protection status to the threatened and/or endangered species identified in the above-mentioned lists. In this regard, the monk seal and the different species of Mediterranean marine turtles and cetaceans deserve special attention;
- the creation of national mechanisms to monitor implementation of the protection measures instituted; and
- the establishment of a list of "Specially Protected Areas of Mediterranean Importance" (SPAMI) and a list of endangered species.

2.3 Planning and management

In addition to the legal protection of the sites, it is essential for such sites to be the object of a management system which, while ensuring the preservation of their natural and/or cultural values, would promote the social aspects, in particular those related to education, awareness, research and recreation.

In the planning process for the protected areas, the role that they could play in the development of economically depressed areas, for example, through the promotion of environment-friendly tourism and tourism in cultural sites, should also be taken into account.

It will also be necessary to identify the processes and factors which have or are likely to have adverse effects on the conservation of biological diversity and at the same time to carry out monitoring and periodic assessment of the conservation status of the sites and the species possessing a special status.

Forms of active management are equally necessary for the conservation of most species.

The following activities will therefore be implemented:

- the formulation and adoption of national strategies to ensure the conservation of biological diversity and the cultural heritage and their integration in development and planning policies;
- the formulation and adoption, at the regional and national levels, of specific action plans for the conservation and management of sites, habitats, ecosystems and threatened and/or endangered species and also the implementation of the action plans already adopted;
- the effective management of protected sites, in particular through the formulation, adoption and implementation of specific management plans;
- the establishment of land-policy tools allowing lasting protection of the areas to be protected, including those outside protected areas;
- the encouragement of active public participation in the conservation and management of protected species and sites;
- the establishment of a Mediterranean diploma, awarded in the course of Ordinary Meetings of the Contracting Parties, for a "Specially Protected Area of Mediterranean Importance" (SPAMI) distinguished by the implementation of specific and concrete activities in the field of management and conservation of the Mediterranean natural heritage; and
- the preparation of specific regional activities or projects for the conservation of nature and biological diversity with a view to mobilizing the necessary financial resources outside the Mediterranean Trust Fund.

2.4 Public awareness and participation

Without public support, the application of nature protection and conservation measures cannot achieve results commensurate with the challenges and threats looming over the natural heritage of the Mediterranean.

By informing and inculcating awareness in particular target groups and in the general public, it has been possible in several countries not only to lessen opposition to certain conservation programmes but even, in some cases, to achieve active public participation.

The main objectives of this component are to consolidate awareness and information at both local and national, as well as regional, levels in addition to ensuring the rapid circulation of scientific research results. The following activities will be undertaken:

- development of education and information programmes to arouse public awareness, together with initiatives aimed at special target groups (young people, fishermen, people connected with protected areas);
- promotion of speedy dissemination of available data by various means, including the media, concerning the state of habitats and populations and the threats affecting them, especially for protected species, and on the management and conservation activities and programmes conducted; and
- establishment at national and/or local levels, and periodic assessment of information and awareness programmes in line with the conservation measures carried out or envisaged.

2.5 Exchange of experience and strengthening of national capabilities

The protection and management of the natural and cultural heritage need specific competences and adequate financial and technical resources. In the Mediterranean region, there are at present wide differences in the availability of such competences and technologies. For the developing countries of the Mediterranean the improvement of national capabilities in these fields represents an important aspect of strengthening inter-Mediterranean cooperation for the protection of the natural and cultural heritage, and for better participation in regional programmes.

The main objective of the present programme is the improvement of the institutional capabilities of the Mediterranean countries in the field of conservation and management of natural resources and of the cultural heritage.

This objective will be reached through:

- technical cooperation and transfer of knowledge among the Contracting Parties and other actors;
- the establishment of networks to improve the exchange of experience among Mediterranean experts, especially in the field of protected areas and sites;

- the preparation of training programmes in scientific, technical and managerial fields for personnel involved in the formulation and implementation of conservation measures and management; and
- assistance to countries in the formulation of projects eligible to be financed by international financial donors.

3. ASSESSMENT, PREVENTION AND ELIMINATION OF MARINE POLLUTION

Since the adoption of the Mediterranean Action Plan in 1975, individual Mediterranean countries and the Mediterranean region as a whole have made considerable progress in the protection of the Mediterranean marine environment against chronic or accidental pollution. Despite such progress, the coastal region of the Mediterranean is under considerable stress; The solution to the problem requires coordinated actions of assessment, prevention and elimination of pollution, bearing in mind the inseparable character of the relationship between economic development and environment.

In line with the concepts and recommendations of UNCED and in particular Agenda 21, this component of MAP Phase II provides the basis for actions related to assessment, prevention and elimination of marine pollution from land-based and sea-based activities, in the perspective of sustainable development.

The main objective of this component is the elimination of pollution of the Mediterranean Sea from land-based and sea-based activities.

3.1 Assessment of pollution-related problems

Assessment of pollution-related problems allows present uncertainties when facing management decisions to be reduced and the links between inputs, concentrations and effects of pollutants clarified. Such an assessment started in the Mediterranean several decades ago in MAP, through its MED POL programme.

Through this programme, which has been implemented jointly with relevant United Nations agencies, a Mediterranean network of over 150 institutions participating in research and monitoring of marine pollution has been established; many of these institutions received assistance in capacity-building.

The results of these activities have been used as a basis for the preparation of assessment documents presented to the Contracting Parties, legal instruments and common measures for pollution control. Even though many data were accumulated on the main pollutants, their sources, and basic pathways and their fate in the environment, gaps in knowledge still exist, among them are a lack of quantitative data on pollution sources, inadequate geographical coverage in the South, poor information on the environmental fate of pollutants and missing links between levels and the effects on biological communities.

The objective of this component is assessment of the following:

- levels and trends in the load of pollutants reaching the Mediterranean Sea from land-based and sea-based sources;

- levels, trends and effects of pollutants in the marine environment;
- risks of pollutants for marine life, fisheries and human health in coastal waters, estuaries and open waters;
- state of the treatment and disposal of liquid and solid waste in the Mediterranean coastal region;
- pollution prevention and clean production processes and the dissemination of information and expertise to allow all parties to implement such processes; and
- extent to which the Mediterranean marine environment is affected by marine pollution from ships and is at risk from a major marine accident.

The activities to be carried out in order to achieve the stated objectives are:

Regional level

- to collect information on the levels and trends of loads of pollutants reaching the Mediterranean Sea;
- to complete the existing network of national programmes for monitoring of pollution, based on adequate observation and monitoring techniques and incorporating mandatory data quality assurance programmes;
- to collect information on the state of the treatment and disposal of liquid and solid wastes in the Mediterranean coastal region and to present such information to the Contracting Parties;
- to collect information on the effects of pollution, including that coming from ships, on the marine environment;
- to provide the Contracting Parties, interested groups and individuals with information about general and specific pollution-related problems and potential short-term and long-term threats to the Mediterranean region; and
- to collect and provide to other Parties information on pollution prevention, elimination and clean production measures and processes in place.

National level

- to establish/improve national monitoring programmes through assistance for capacity building of national authorities and individual laboratories, training and data quality assurance programmes.

3.2 Pollution prevention

3.2.1 Prevention and elimination of the pollution of the marine environment from land-based activities

Marine pollution from land-based sources and activities has long been recognized as a major problem in the marine environment. One of the responses of the Mediterranean countries to this problem was the adoption of the Protocol for the

Protection of the Mediterranean Sea against Pollution from Land-Based Sources (LBS Protocol), which came into force in 1983. In the framework of the implementation of the LBS Protocol, by the end of 1994 thirteen Mediterranean recommendations concerning common measures for the control of LBS of pollution had been adopted by the Contracting Parties. As a measure for strengthening the Protocol further, the marine pollution monitoring and research programme (MED POL), carried out in the framework of the Mediterranean Action Plan, is gradually refocusing on problems of direct relevance to the prevention and elimination of pollution from land-based activities.

The objective of this component is:

- the protection of the Mediterranean marine environment from the pollution from land-based activities. This objective will be met through the specific activities arising from the provisions of the LBS Protocol and common measures for the elimination of pollution. This objective could be achieved through the formulation and adoption of a regional action plan for the reduction and, as far as possible, the elimination of pollution from land-based activities, which will include quantitative objectives and a calendar of implementation. Such a plan should be based on the following principles: integrated coastal zone and river basin management; the precautionary principle; the polluter-pays principle; the clean production technology principle; an anticipatory rather than reactive approach; environmental impact assessment; environmental accounting, economic instruments (user fees, specific taxes, pricing policies and practices) and voluntary agreements (covenants).

The following activities are recommended:

Regional level

- to develop proposals for concrete measures for pollution prevention, reduction and elimination, based on the precautionary approach, as required by the Barcelona Convention and its Protocols;
- to develop technical guidelines for the implementation of the measures adopted and to assist developing countries in their implementation and enforcement;
- to collect information on the implementation of the measures adopted or recommended by the Contracting Parties and on their effectiveness, and to inform the Contracting Parties accordingly; and
- to identify problems experienced by the Contracting Parties in the implementation of the measures and to formulate proposals which may help to overcome those problems.

National level

- to formulate and implement national action programmes or plans, based on the precautionary approach, to prevent and eliminate pollution from land-based activities. Such programmes or plans should include, as appropriate:
 - the setting up or the strengthening of a public administration specialized in the prevention of and fight against pollution and the provision of adequate funds for its funding;

- development of adequate national legal instruments and the formulation and adoption of measures for prevention and elimination of pollution;
- the creation or strengthening of bodies of environmental inspectors having specific training and administrative authority;
- the use of appropriate economic instruments deriving from the "polluter pays" principle and the precautionary approach;
- encouraging voluntary agreements (covenants) for the reduction and elimination of pollution, where appropriate;
- establishing a calendar for the full implementation of the common measures against pollution adopted by the Contracting Parties, as well as the relevant points of the Genoa Declaration;
- to develop and implement national compliance monitoring programmes, carried out by participating national collaborating institutions; and
- provision for mandatory country reporting on the implementation of national action plans, including the monitoring of compliance.

3.2.2 Prevention of and response to the pollution of the marine environment from sea-based activities

This component of MAP Phase II aims at proposing strategies and activities which will support and supplement national efforts for the prevention of, preparedness for and response to the pollution of the marine environment from sea-based activities.

(a) Prevention of pollution of the marine environment from ships

Among the world's oceans, the traffic density of merchant vessels in the Mediterranean is particularly important. About 30 per cent of international sea-borne trade volume originates from or is directed to the 300 Mediterranean ports, or passes through the Mediterranean Sea.

Marine pollution from ships is, to a considerable extent, due to inadequate implementation and insufficient enforcement of international standards. In the course of routine operations, ships may discharge into the sea, a wide variety of substances such as oily wastes, noxious liquid substances, sewage and garbage. The discharge into the sea of such substances is a significant source of pollution of the marine environment. Ship design, maintenance and operation in compliance with the higher standard adopted within the International Maritime Organization, as well as the availability of port reception facilities, will largely reduce pollution to acceptable levels.

Following the Genoa Declaration (1985), which included among priority targets to be achieved the establishment of port reception facilities for dirty ballast waters and other oily residues, an Action Plan concerning the provision of adequate port reception facilities within the Mediterranean region was adopted in the framework of the MAP in Cairo in December 1991.

The objectives of this component are:

- the prevention of pollution of the Mediterranean marine environment from ships by providing incentives and encouragement for the adoption, effective implementation and enforcement of the international conventions for the prevention of the pollution from ships; and
- the establishment, where necessary, of port reception facilities for the collection of liquid and solid wastes generated from ships (oily and chemical residues, sewage and garbage).

The following activities to be carried out in order to achieve the stated objectives will be implemented with the assistance of the competent Regional Activity Centre and the cooperation of the International Maritime Organization:

Regional level

- to implement the Action Plan concerning the provision of adequate port reception facilities within the Mediterranean region (adopted in Cairo in December 1991);
- to promote regional cooperation in the field of Port State Control;
- to promote regional cooperation in monitoring marine pollution from ships, especially that from illegal discharges, enforcing the provisions of MARPOL 73/78 more rigorously; and
- to develop technical guidelines for the establishment and operation of shore reception facilities for wastes generated by maritime transport-related activities.

National level

- to assist in the design and implementation of projects related to the establishment and operation of port reception facilities; and
- to assist Contracting Parties which face difficulties in ratifying, implementing and enforcing the relevant international conventions.

(b) Preparedness for, response to and cooperation in cases of accidental marine pollution

In the Mediterranean Sea the risks of an incident likely to cause massive pollution by oil or by other hazardous substances continues to be high. The Mediterranean Sea is a major route for transporting oil and gas from the Middle East and North Africa to Europe and North America (20 per cent of oil carried worldwide by ships), and the region has about 58 major oil loading and unloading ports.

Most of the countries are not in a position to rely solely on their own resources when dealing with a major marine pollution accident. Regional cooperation and mutual assistance are therefore indispensable. The pooling of resources and expertise will provide a cost effective way of combating spills. In order to be quick and effective, both cooperation and assistance have to be planned and organized.

In 1976 the Mediterranean countries adopted a Protocol concerning Cooperation in Combating Oil Pollution of the Mediterranean Sea by Oil and Other

Harmful Substances in Cases of Emergency. This Protocol provides the legal and institutional framework for actions of regional cooperation in combating accidental marine pollution and decided to set up a Regional Centre with a view to assisting them in implementing the Protocol. The Regional Centre (REMPEC) is administered by the International Maritime Organization.

Since 1976, activities have been undertaken which have helped to develop the individual and collective capabilities of the coastal States of the Mediterranean to combat accidental marine pollution by oil and hazardous substances.

The objectives of this component are:

- the development of national, bilateral and/or subregional systems for preparedness for and response to accidental marine pollution by oil and other hazardous substances, including organizational structure, contingency plans, trained personnel and appropriate pollution response means; and
- the organization of cooperation among Contracting Parties in preparing for and responding to accidental marine pollution in case of emergency.

The activities to be carried out in order to achieve the stated objectives are:

Regional level

- to develop and maintain a regional information system including computerized tools for assisting in marine pollution response;
- to adopt measures for facilitating cooperation among countries in order to respond to accidents causing or likely to cause pollution of the sea by oil and other harmful substances;
- to prepare guidelines, manuals, documents and reference publications relevant to preparedness for and response to accidental marine pollution; and
- to facilitate and coordinate international cooperation and mutual assistance and to provide, in case of emergency, advisory assistance upon request.

Subregional level

- to develop subregional operational agreements for combating major marine pollution accidents, affecting or likely to affect the territorial sea, coasts and related interests of neighbouring countries.

National level

- to develop a national system, including the training of personnel, for preparedness for and response to accidental marine pollution; and
- to assist in the design and implementation of pilot demonstration projects.

(c) Prevention of the pollution of the marine environment by dumping from ships and aircraft

Pollution of the marine environment by dumping of wastes or other matter from ships and aircraft, if not controlled, poses an environmental danger in the Mediterranean Sea.

The objective of this programme is:

- the prevention and abatement of pollution of the Mediterranean Sea Area caused by dumping from ships and aircraft. This objective will be met through the specific activities arising from the provisions of the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft.

The activities to be carried out in order to achieve the stated objective are:

Regional level

- to collect information on issuance of permits and dumping activities and to present consolidated reports to the Contracting Parties;
- to prepare technical guidelines regarding disposal methodology and monitoring of disposal sites; and
- to assess the implementation of this Protocol, and consider the efficiency of the measures adopted and the need for any other measures.

National level

- to assist the Contracting Parties to take, individually or through bilateral or multilateral cooperation, all appropriate measures to prevent and abate pollution of the Mediterranean Sea, as specified in the Dumping Protocol;
 - to adhere strictly to the adopted procedure on issuance of permits and submission of national annual reports on dumping permits and activities; and
 - to develop and implement programmes for the monitoring of established dumping sites.
- (d) Prevention and control of the pollution of the marine environment resulting from exploration and exploitation of the continental shelf and the seabed and its subsoil

The activities related to the exploration and exploitation of the continental shelf and the seabed and its subsoil are an important potential source of pollution for the Mediterranean. In particular, exploration, rig construction, drilling mud, water discharge, operational oil discharges, loading and accidents represent a realistic threat to the Mediterranean marine environment.

The objective of this component is the protection of the Mediterranean marine environment from all forms of pollution resulting from offshore activities. This objective will be met through specific activities arising from the provisions of the Protocol for the Protection of the Mediterranean Sea against Pollution resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil.

The activities to be carried out in order to achieve the stated objective are:

Regional level

- to promote cooperation among Contracting Parties, with the assistance of competent regional or international organizations, to formulate and implement programmes of assistance to developing countries including training of personnel and acquisition of appropriate equipment; and
- to formulate and adopt common standards for the disposal of oil and oily mixtures and for the use and disposal of drilling fluids and drill cuttings.

National level

- to monitor the effects of the activities on the environment through the creation of national monitoring programmes; and
- to organize research studies and programmes enabling the carrying out of the activities with minimum risk of pollution.

3.2.3 Prevention and control of the pollution of the environment resulting from transboundary movements of hazardous wastes and their disposal

In the Mediterranean, a crossroads between three continents and countries at different levels of industrial and socio-economic development, transboundary movements of hazardous wastes have become a serious potential threat especially for the developing countries of the region. It is in fact known that only a small part of the hazardous wastes produced is disposed of through hazardous wastes disposal technology.

The objectives of this component are:

- the protection of the Mediterranean environment against pollution caused by transboundary movements and the disposal of hazardous waste;
- the prohibition of all exports of hazardous waste from the OECD countries of the Mediterranean to countries which are not Member States of the European Union; and
- the early ratification and implementation of the draft Protocol for the Prevention of Pollution of the Mediterranean Sea resulting from the Transboundary Movements of Hazardous Wastes and their Disposal, as well as of the Basel Convention.

The activities to be carried out in order to achieve the stated objectives are:

Regional level

- to develop appropriate guidelines for the evaluation of damage, as well as rules and procedures in the field of liability and compensation for damage resulting from the transboundary movement and disposal of hazardous wastes;

- to develop new clean production methods for reducing and eliminating hazardous wastes; and
- to establish regional cooperation for the prevention and control of transboundary movements of hazardous wastes.

National level

- to assist the Contracting Parties to reduce to a minimum, and where possible eliminate, the generation and transboundary movement of hazardous wastes in the Mediterranean;
- to assist the Contracting Parties to take appropriate legal, administrative and other measures within the area under their jurisdiction in order to prohibit the export and transit of hazardous wastes to developing countries; and
- to develop programmes for financial and technical assistance to developing countries for the implementation of the Hazardous Wastes Protocol.

3.3 Supporting measures

The assessment, prevention and elimination of marine pollution in the Mediterranean cannot be achieved without a strong national institutional basis supported with adequate financial resources, equipment and experts. While the situation in developed countries of the Mediterranean region seems adequate to deal with the implementation of this component, the capacity of the developing countries will need further strengthening.

The objective of this component is the building of the institutional capabilities of the Contracting Parties for the assessment and elimination of marine pollution.

The activities to be carried out in order to achieve the stated objectives are:

- to provide advice on legal, technical and fiscal policies, strategies, and practices which may contribute to the implementation of the measures and targets adopted by the Contracting Parties;
- to prepare guidelines, manuals, documents and reference publications relevant to the implementation of this component;
- to formulate and implement pollution data quality assurance programmes;
- to facilitate the exchange of information and access to and transfer of relevant technologies;
- to organize individual and group training (e.g., seminars, workshops) of national experts (administrators, technicians, scientists) in all subjects relevant to this component;
- to formulate and implement adequate educational and public awareness programmes; and

- to facilitate contacts with international financial institutions in order to obtain financial support for the implementation of specific activities.

4. INFORMATION AND PARTICIPATION

Public information and public participation are a dimension essential to the policy of sustainable development and environmental protection.

The objectives of this component are:

- to provide to the general public the information available on the state of the development and environment of the Mediterranean and its evolution, and the measures taken to improve it;
- to enhance the environmental awareness of the population, and create a common approach to the environmental problems of the Mediterranean;
- to facilitate public access to activities for the protection and management of the environment and access to scientific knowledge in a proper manner; and
- to mobilize and ensure the participation and involvement of major actors concerned (local and provincial communities, economic and social groups, consumers, etc).

To achieve the stated objectives on the national and regional levels, the actions needed are:

- to implement coordinated information campaigns and special activities on environmental protection, directed towards managers and decision-makers, as well as children, students, teachers and tourists;
- to launch educational programmes aimed at informing the public and young people in particular, of the value and the rarity of natural heritage, the need to avoid degradation of natural and urban environments, and the importance of public participation in their conservation and management;
- to continue and expand publication and distribution of brochures, leaflets, posters, reports, newsletters and other information material, as well as the use of the media in all its forms;
- to enhance and strengthen the exchange of information and experience on environmental problems of the region, and to develop cooperation in this field;
- to ensure, through the Coordinating Unit and the Regional Activity Centres, that all relevant IGOs and NGOs have appropriate access to information concerning MAP, and actively participate in MAP activities accordingly; and
- to publish the Report on the State and Evolution of the Mediterranean Environment at regular intervals.

II. STRENGTHENING OF THE LEGAL FRAMEWORK

While the development of international environmental law has accelerated rapidly since the Stockholm Conference of 1972, UNCED has placed emphasis on the increased evolution of international environmental law towards sustainable development, paying special attention to the delicate balance between environmental and developmental concerns.

The Agenda 21 programme emphasized the importance of the use of law to achieve this balance and contribute to the process of monitoring compliance.

During their twenty years of cooperation, the Contracting Parties to the Barcelona Convention (1976) have adopted a number of important legal instruments which, result in fostering cooperation. These include:

- Convention for the Protection of the Mediterranean Sea against Pollution (Barcelona, 1976);
- Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft (Barcelona, 1976);
- Protocol concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency (Barcelona, 1976);
- Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources (Athens, 1980);
- Protocol concerning Mediterranean Specially Protected Areas (Geneva, 1982); and
- Protocol for the Protection of the Mediterranean Sea against Pollution resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil (Madrid, 1994).

With regard to the legal aspects, MAP Phase II will result in an amended Convention for the Protection of the Mediterranean Sea against Pollution, an amended Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft, and a new Protocol concerning Mediterranean Specially Protected Areas and Biodiversity in the Mediterranean.

It is also expected that a new protocol on the protection of the Mediterranean region against pollution deriving from the transboundary movements and disposal of hazardous wastes will soon be adopted, as well as amendments to the Protocol for the Protection of the Mediterranean Sea against Pollution from Land-based Sources.

These amended texts take into consideration the development of international environmental law and the introduction of the sustainable development concept.

As to the legal aspect, MAP Phase II will be implemented on the basis of the following:

- developing further appropriate legal instruments in order to strengthen and consolidate the legal basis of Mediterranean cooperation;

- supporting the Mediterranean countries, in particular developing countries, in their efforts to develop and upgrade their environmental regulations related to the protection of the environment and sustainable development, be fully involved in regional and international negotiations dealing with the protection of the environment and sustainable development and be assisted in achieving the early entry into force and effective implementation of regional and relevant international environmental agreements;
- providing developing Mediterranean countries with technical assistance in their attempts to enhance their national legislative provisions in the field of environmental protection and sustainable development with a view to clarifying them and enhancing their effectiveness;
- enhancing full, effective and prompt implementation of the legal instruments adopted by the Contracting Parties at the regional level is a prerequisite for future cooperation and partnership of the Mediterranean countries in their efforts to protect their environment and develop their region in a sustainable manner;
- upgrading administrative capacity by means of a system of permits and control, as well as strengthening jurisdictional capacity building, in the field of environmental law at the national level, will contribute largely to the effective implementation of regional and national laws and agreements related to environmental protection and sustainable development in the Mediterranean region; and
- carrying out periodic review and assessment should be undertaken by Mediterranean countries with a view to evaluating and promoting the effectiveness of their regional laws and regulations and to promoting the integration of environmental and sustainable development policies through effective national laws and regional agreements.

The Contracting Parties play a fundamental role in ensuring the success of the Mediterranean Action Plan, in particular by working on the strengthening and development of a legal framework at the national and regional levels related to the protection of the environment and sustainable development.

The Contracting Parties will ensure at all times that the instruments they create at regional and national levels are in keeping with the development of international environmental law.

III. INSTITUTIONAL AND FINANCIAL ARRANGEMENTS

1. INSTITUTIONAL ARRANGEMENTS

At the institutional level, the Mediterranean Action Plan Phase II will be implemented in line with the following:

- the Contracting Parties to the Barcelona Convention exercise the functions established by the Convention in the framework of their Ordinary and Extraordinary meetings. They approve the activities and budget of MAP Phase

- II. They appoint a Bureau which assume some of their responsibilities during the interval between meetings of the Contracting Parties;
- the Contracting Parties have designated the United Nations Environment Programme as responsible for carrying out the function of the Secretariat;
 - to ensure this function, the Executive Director of UNEP has established a Coordinating Unit. The Unit prepares the meetings of the Contracting Parties and of the Bureau, and is responsible for following up the decisions taken. The Unit maintains relations and coordinates its activities with international and non-governmental organizations. The Unit reports regularly on its activities and those of the Regional Activity Centres;
 - the Regional Activity Centres are established by the Protocols or by the meeting of the Contracting Parties on the proposal of a Party which provides the necessary means and facilities for their operation. They are responsible for carrying out specific activities agreed upon by the Contracting Parties under the general guidance and supervision of the Coordinating Unit for the Mediterranean Action Plan of UNEP. Their status is harmonized in formal agreements between UNEP and the host countries;
 - the Mediterranean Commission on Sustainable Development is established in the framework of MAP. It constitutes a forum for open dialogue and consultation with all relevant partners on policies for promoting sustainable development in the Mediterranean Basin on the basis of activities and contributions identified by MAP Phase II and implemented by Parties and the MAP in line with Agenda MED 21. It advises on activity programmes and formulates the necessary recommendations for Contracting Parties. The Coordinating Unit provides Secretariat services for the Commission;
 - *ad hoc* advisory working groups may be established by the Contracting Parties to follow up the implementation of the Protocols or of specific programmes;
 - each Contracting Party, within its national administration, appoints one or more focal points responsible for the follow-up and coordination of MAP activities at national level, and for ensuring the dissemination of information. Specific focal points are also appointed by the national focal point to follow up implementation of a Protocol or the activities of a Regional Activity Centre.

2. FINANCIAL ARRANGEMENTS

The Contracting Parties consider and adopt the budget prepared by the Coordinating Unit. This budget is financed by contributions from the Contracting Parties, voluntary contributions from governments, supporting organizations and selected non-governmental sources, as well as clearly identified counterpart contributions.

The contributions of the Contracting Parties are assessed on the basis of a mutually agreed scale taking into account the United Nations scale of assessment.

The Mediterranean Trust Fund is established within the framework of the United Nations Environment Programme to ensure the effective coordination and funding of the Mediterranean Action Plan. An appropriate revolving fund is maintained.

The Mediterranean Trust Fund is managed in accordance with the financial rules of the United Nations Environment Programme. These rules may be amended in agreement with UNEP.

Annex I

Barcelona Resolution on the Environment and Sustainable Development in the Mediterranean Basin

The Ministers in charge of the Environment in the Mediterranean countries representing the Governments and the member of the European Commission in charge of the Environment, having met in Barcelona, Spain, on 10 June 1995, within the framework of the Mediterranean Action Plan:

Recalling that the Mediterranean Action Plan was approved at Barcelona in 1975 by the Governments of the Mediterranean States and the European Community to monitor and protect the Mediterranean marine environment and ensure the integrated planning of the development and management of the resources of the basin on the basis of multilateral cooperation under the auspices of the United Nations Environment Programme,

Recalling the adoption of the Barcelona Convention for the Protection of the Mediterranean Sea against Pollution and its Protocols in 1976 and subsequent years,

Recognizing the important contribution of the Mediterranean Action Plan, MED POL, and Regional Activity Centres, as well as the cooperating international organizations, to protection of the marine environment and promotion and establishment of an environmental legal system and environmental institutional structure at the regional and national levels in the Mediterranean basin,

Taking into account the results of the successive meetings in Genoa (1985), Nicosia (1990), Cairo (1992), Casablanca (1993) and recognizing the results of the Tunis Ministerial Conference (1994), the importance of its declaration and resolutions for the promotion of sustainable development in the Mediterranean taking into account the Rio Declaration and Agenda 21,

Conscious of the differences in socio-economic development still existing among the Mediterranean coastal States,

Concerned by the continued pressures on the marine and coastal areas and their ecosystems, due to the process of urbanization, population growth and economic development which has resulted in degradation of human and natural resources in the Mediterranean, as clearly indicated by the Blue Plan scenarios,

Recognizing the progress achieved since the adoption of the Genoa Declaration on the Second Mediterranean Decade (1985), while noting that the state of the environmental quality of the Mediterranean Sea requires greatly intensified action,

Expressing their satisfaction at being able to adopt the amendments to the Barcelona Convention, which substantially extend its field of application and provide principles with which to meet the challenge of sustainable development,

Stressing the importance of the adoption of the amendments to the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and

Aircraft in accordance with relevant international conventions which will ensure improved protection of the Mediterranean Sea,

Stressing also the importance of the adoption of the new Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean with a view to ensuring the conservation and better management of biological diversity, especially endangered species and valuable natural sites,

Recalling the importance of the resolution adopted at the Tunis Conference on the use of land use tools with a view to ensuring the conservation of nature and natural sites of the Mediterranean coastal areas,

Reconfirming their commitment to the protection of the Mediterranean environment, individually and collectively, through understanding, dialogue, cooperation and solidarity among the peoples of the region,

Confirming their commitment to promote sustainable development when formulating and implementing national and regional environment and development policies, bearing in mind the Rio and Tunis Declarations,

Aware that the European Union has decided to convene a Euro-Mediterranean Ministerial Conference to be held in Barcelona on 27 and 28 November 1995 with a view to strengthening Euro-Mediterranean partnership between the countries of the European Union and other Mediterranean countries,

1. *Adopt* the Mediterranean Action Plan Phase II as contained in Annex I to this Resolution, which should aim to achieve the following objectives:
 - integrate the environment in economic, social, cultural and other development, as well as land use policies;
 - ensure sustainable management of natural marine and coastal resources, bearing in mind Agenda MED 21;
 - conserve nature and protect species as well as sites and landscapes of ecological or cultural value;
 - prevent pollution of the Mediterranean Sea and of its coastal areas;
 - establish national enforcement and control mechanisms which would follow up the implementation of Convention, its related protocols and the adopted protection measures;
 - strengthen cooperation with relevant international governmental organizations, and the United Nations specialized agencies at all stages of development and implementation of the specific activities;
 - enhance the support and involvement of international, regional and national non-governmental organizations (NGOs) and the public.

2. *Commit* themselves to the full implementation of the Mediterranean Action Plan Phase II, the Barcelona Convention and its Protocols, and to this end adopt the

Priority Fields of Activities for the Environment and Development in the Mediterranean Basin (1996-2005) contained in Annex II to this Resolution;

3. *Decide* that within the framework of the Mediterranean Action Plan a Mediterranean Commission on Sustainable Development (MCSD) should be set up, and start work during the first half of 1996;
4. *Entrust* the Coordinating Unit with the task of concluding the process of preparing the Protocol on the Prevention of Pollution of the Mediterranean resulting from the Transboundary Movements of Hazardous Wastes and their Disposal and the amendments to the Land-Based Sources Protocol, and request that the Executive Director of UNEP convene a Conference of Plenipotentiaries to adopt these protocols by March 1996;
5. *Commit themselves* to undertake all necessary measures to incorporate and integrate the conservation of biological diversity as an objective in economic development, land, and natural resource planning policies, and to reinforce as a matter of urgency all field action pursuant to the conservation of threatened species, habitats, and sites of ecological value;
6. *Agree* to the reduction by the year 2005 of discharges and emissions which could reach the marine environment, of substances which are toxic, persistent and liable to bioaccumulate, in particular the organohalogens, to levels that are not harmful to man or nature, with a view to their gradual elimination; to this end, to implement substantial reductions of such discharges and emissions, and if necessary, to supplement the reduction measures with programmes aiming at banning the use of such substances; and instruct the Contracting Parties to review regularly the relevant timetables;

With the aim of eliminating by the year 2005 the greatest possible number of these substances, in particular the organohalogens, and in order to facilitate and speed up the definition of methods, programmes and timetables, by categories of substance and by industrial branches, and of the best available techniques, they entrust UNEP with organizing consultation with the Contracting Parties, scientific experts, industrialists and NGOs;

A first meeting will be held as soon as possible and by 1 July 1996 at the latest;

7. *Commit themselves* to promote actively the transfer of clean technologies, in particular to developing countries, to encourage the establishment of clean production centres where required, to research, promote, collect and disseminate information on clean production processes;
8. *Commit themselves* to demonstrating solidarity with populations in the Mediterranean basin suffering from the consequences of aggression and terrorism, by developing and implementing programmes to rehabilitate areas, environments and resources affected by destructive actions;
9. *Commit themselves* to cooperate and strengthen solidarity with Mediterranean populations in case of natural disasters and major technical accidents by implementing programmes to rehabilitate affected areas and the environment;

10. *Entrust* the Coordinating Unit with the task of mobilizing additional funds and resources to carry out the activities envisaged by the Mediterranean Action Plan Phase II and the Priority Field of Activities for the Environment and Development in the Mediterranean Basin (1996-2005);
11. *Request* evaluation of the results of implementation of the envisaged activities in view of the objectives defined within the framework of the Mediterranean Action Plan Phase II and tasks accorded by the Priority Fields of Activities for the Environment and Development in the Mediterranean Basin (1996-2005) which is subject to a mechanism for monitoring its implementation;
12. *Agree* to transmit to the Euro-Mediterranean Conference the documents adopted at the Conference of Plenipotentiaries on the Barcelona Convention held on 9 and 10 June 1995 as a contribution to the efforts of the Conference *inter alia* to ensure the protection of the environment and the sustainable development of the region and to strengthen regional cooperation within the framework of MAP;
13. *Request* the Mediterranean Commission on Sustainable Development, in which NGOs will be duly represented, to examine the feasibility of creating a special fund for the promotion of projects related to nature conservation and integrated coastal management, complementary to the Mediterranean Trust Fund and aimed at mobilizing and ensuring additional, necessary financial resources;
14. *Invite* all social and economic actors concerned, especially local communities, the scientific and educative community, companies and non-governmental organizations to associate themselves with the implementation of the Mediterranean Action Plan Phase II;
15. *Invite* international organizations and other financial and development programmes to associate themselves with the implementation of the new phase of the Mediterranean Action Plan, and to coordinate and harmonize their programmes relevant to the Mediterranean region with Mediterranean Action Plan;
16. *Decide* to meet again at the Tenth Ordinary Meeting of the Contracting Parties in Tunisia in 1997.

Annex II

Priority Fields of Activities for the Environment and Development in the Mediterranean Basin (1996-2005)

The Ninth Meeting of the Contracting Parties to the Barcelona Convention (Barcelona, 5-8 June 1995) approved, and the Conference of Plenipotentiaries (9-10 June 1995) adopted the following Priority Fields of Activities for the forthcoming decade (1996-2005) which take into account Agenda MED 21.

1. INTEGRATION OF ENVIRONMENT AND DEVELOPMENT

- (i) To formulate national strategies for sustainable development.
- (ii) To develop appropriate instruments for monitoring and assessment of the environment and development in the Mediterranean basin.
- (iii) To develop a regional framework and a programme for environmental health action plan within the context of sustainable development.

2. INTEGRATED MANAGEMENT OF NATURAL RESOURCES

2.1 Integrated water management

- (i) To promote the preparation in each country of instruments for integrated water management based, as far as possible, on hydrographic basins.
- (ii) To promote water resources protection and anti-drought measures.
- (iii) To promote rational water demand management tools.
- (iv) To propose measures and techniques on sustainable utilization of water for various uses.
- (v) To promote the establishment of national water resources quality and quantity monitoring systems.
- (vi) To promote appropriate treatment and reuse of waste water and saline water.
- (vii) To encourage the installation of infrastructures for the treatment of urban sewage of 100 Mediterranean coastal cities corresponding to a pollutant load of approximately 10 million people.

2.2 Soil management

- (i) To evaluate and monitor the vulnerability of soil resources.
- (ii) To protect and preserve soils by implementing preventive measures.
- (iii) To promote rehabilitation of degraded land and restoration of plant cover.

2.3 The fight against erosion and desertification

- (i) To promote measures against erosion and desertification.
- (ii) To promote implementation of the Convention on Desertification.

2.4 Management of forests and plant cover

- (i) To promote sustainable management of forest resources and participate in the Mediterranean Forest Action Programme.
- (ii) To enhance national capability and prepare national or regional emergency plans against fire hazard and promote appropriate techniques and means.

2.5 Management of genetic resources

- (i) To prepare appropriate measures of *in-situ* protection of genetic resources.
- (ii) To promote the creation of a bank of genes and the rational use of genetic resources at country level.

2.6 Marine living resources

- (i) To develop common resource management policies inspired by the precautionary principle.
- (ii) To implement international conventions concerning fisheries especially the code of conduct for responsible fishing.

3. INTEGRATED MANAGEMENT OF COASTAL AREAS

- (i) To develop appropriate measures and techniques for integrated management of coastal areas and coastline protection.
- (ii) To develop the capabilities of each country in this field through training.
- (iii) To formulate and implement programmes on management of coastal areas, particularly in pilot zones.

4. WASTE MANAGEMENT

- (i) To prepare and adopt national programmes on reduction and environmental management of hazardous wastes on the basis of methodology guidelines for rational environmental management.
- (ii) To prepare and adopt national programmes on the environmental management of urban wastes on the basis of methodology guidelines for rational environmental management.
- (iii) To encourage the installation of controlled discharges or treatment plants in coastal towns of over 100,000 inhabitants.
- (iv) To encourage the installation of at least one secure depot and, where necessary, a treatment plant for hazardous wastes in each Mediterranean country.
- (v) To ban export by OECD member countries of toxic wastes and other residues including radioactive materials to Mediterranean countries not members of the European Union.
- (vi) To stimulate actions for the control of marine and coastal litter especially persistent synthetic materials.

5. AGRICULTURE

- (i) To participate in the programmes and activities of international organizations, especially FAO, on sustainable agricultural and rural development in the Mediterranean.
- (ii) To encourage the preparation of national and regional strategies in the Mediterranean based on controlled, appropriate and rational use of seeds, fertilizers and pesticides, including improvement of seeds.
- (iii) To develop the use of irrigation techniques contributing to water saving.
- (iv) To identify pilot areas for developing the application and exchange of experience on sustainable agricultural development.

6. INDUSTRY AND ENERGY

- (i) To identify the best available and environmentally sound techniques and best environmental practices, prioritizing the aspects of availability, accessibility, cost and effectiveness, especially in the production and use of energy, paper, tanneries and derivatives, cement works, metallurgy, agro-industries, and organic and inorganic chemical industry.
- (ii) To promote the development and application of programmes for the transfer, adaptation of and expertise in appropriate technology, prioritizing clean and safe technologies and taking into account the additional costs involved.

(iii) To develop and implement programmes to reduce polluting emissions and monitor industrial residues.

(iv) To promote and facilitate the use of new and renewable sources of energy in the domestic, public and private sectors.

7. TRANSPORT

(i) To promote, in accordance with the MARPOL Convention, the installation of port reception facilities for the collection of solid and liquid wastes generated by ships.

(ii) To encourage the installation of navigational aids and monitoring systems.

(iii) To promote regional cooperation for control of the implementation by ships of the relevant international Conventions on the protection of the marine environment from pollution by ships.

8. TOURISM

(i) To develop activities for rational management of coastal tourism.

(ii) To prepare and implement national programmes for the diversification of tourism.

(iii) To encourage the development of tourism that respects the environment and the cultural heritage.

9. URBAN DEVELOPMENT AND THE ENVIRONMENT

(i) To encourage town decision-makers to apply sustainable development policies in compliance with Agenda 21 and keeping in mind the United Nations Conference "Habitat II".

(ii) To promote active urban policies for energy control, non-polluting transport, waste management, sustainable use of water, and the creation of urban amenities, paying greater attention to underprivileged districts.

(iii) To develop and implement programmes for the rehabilitation of zones affected by recent hostilities.

10. INFORMATION

(i) To encourage the development of methodology for applying the participation approach in the process of decision-making related to sustainable development at national and local levels.

(ii) To increase the flow of information on the environment and the Mediterranean Action Plan Phase II to governments and national

and international institutions and to promote greater public awareness regarding these matters.

- (iii) To prepare public information on the scientific and technical data and information produced by MAP Phase II and to promote and encourage production at national level of public information to back up information and awareness campaigns on the environment and sustainable development.

11. ASSESSMENT, PREVENTION AND CONTROL OF MARINE POLLUTION

- (i) To assess, on the basis of agreed methodologies, the inputs of pollutants in the sea from water courses, the atmosphere and diffuse sources, and to evaluate in each country the major sources of marine pollution.
- (ii) To prepare evaluations, at national and regional levels, on the quality of the marine environment.
- (iii) To promote the reduction of the amount of pollution carried into the marine environment, particularly by strengthening capabilities for implementing the 13 specific measures adopted.
- (iv) To prepare and adopt guidelines on the dumping of dredging spoils.
- (v) To promote the establishment of national, bilateral and/or subregional systems for preparedness for and response to accidental marine pollution.

12. CONSERVATION OF NATURE, LANDSCAPE AND SITES

- (i) To prepare and approve national strategies for the conservation of biodiversity.
- (ii) To draw up inventories of the elements of Mediterranean biological diversity, lists of threatened species and of sites of natural or cultural value.
- (iii) To draft and approve the annexes to the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean.
- (iv) To enhance conservation and rational management of Mediterranean wetlands.
- (v) To encourage the establishment of national inspection mechanisms and land-use policy tools allowing protection of the coastal areas to be safeguarded taking into account the specific conditions in each country.
- (vi) To apply, in cooperation with other organizations involved, action plans on the monk seal, marine turtles and marine mammals.

Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean ¹

The Contracting Parties,

Conscious of the economic, social, health and cultural value of the marine environment of the Mediterranean Sea Area,

Fully aware of their responsibility to preserve and sustainably develop this common heritage for the benefit and enjoyment of present and future generations,

Recognizing the threat posed by pollution to the marine environment, its ecological equilibrium, resources and legitimate uses,

Mindful of the special hydrographic and ecological characteristics of the Mediterranean Sea Area and its particular vulnerability to pollution,

Noting that existing international conventions on the subject do not cover, in spite of the progress achieved, all aspects and sources of marine pollution and do not entirely meet the special requirements of the Mediterranean Sea Area,

Realizing fully the need for close cooperation among the States and international organizations concerned in a coordinated and comprehensive regional approach for the protection and enhancement of the marine environment in the Mediterranean Sea Area,

Fully aware that the Mediterranean Action Plan, since its adoption in 1975 and through its evolution, has contributed to the process of sustainable development in the Mediterranean region and has represented a substantive and dynamic tool for the implementation of the activities related to the Convention and its Protocols by the Contracting Parties,

Taking into account the results of the United Nations Conference on Environment and Development, held in Rio de Janeiro from 4 to 14 June 1992,

¹ The Convention for the Protection of the Mediterranean Sea Against Pollution (the Barcelona Convention) was adopted on 16 February 1976 by the Conference of Plenipotentiaries of the Coastal States of the Mediterranean Region for the Protection of the Mediterranean Sea, held in Barcelona. The Convention entered into force on 12 February 1978.

The original Convention has been modified by amendments adopted on 10 June 1995 by the Conference of Plenipotentiaries on the Convention for the Protection of the Mediterranean Sea against Pollution and its Protocols, held in Barcelona on 9 and 10 June 1995 (UNEP(OCA)/MED IG.6/7). The amended Convention, recorded as "Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean" has not yet entered into force.

Also taking into account the Declaration of Genoa of 1985, the Charter of Nicosia of 1990, the Declaration of Cairo of 1992 on Euro-Mediterranean Cooperation on the Environment within the Mediterranean Basin, the recommendations of the Conference of Casablanca of 1993, and the Declaration of Tunis of 1994 on the Sustainable Development of the Mediterranean,

Bearing in mind the relevant provisions of the United Nations Convention on the Law of the Sea, done at Montego Bay on 10 December 1982 and signed by many Contracting Parties,

Have agreed as follows:

Article 1

GEOGRAPHICAL COVERAGE

1. For the purposes of this Convention, the Mediterranean Sea Area shall mean the maritime waters of the Mediterranean Sea proper, including its gulfs and seas, bounded to the west by the meridian passing through Cape Spartel lighthouse, at the entrance of the Straits of Gibraltar, and to the east by the southern limits of the Straits of the Dardanelles between Mehmetcik and Kumkale lighthouses.

2. The application of the Convention may be extended to coastal areas as defined by each Contracting Party within its own territory.

3. Any Protocol to this Convention may extend the geographical coverage to which that particular Protocol applies.

Article 2

DEFINITIONS

For the purposes of this Convention:

(a) "Pollution" means the introduction by man, directly or indirectly, of substances or energy into the marine environment, including estuaries, which results, or is likely to result, in such deleterious effects as harm to living resources and marine life, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of seawater and reduction of amenities.

(b) "Organization" means the body designated as responsible for carrying out secretariat functions pursuant to article 17 of this Convention.

Article 3

GENERAL PROVISIONS

1. The Contracting Parties, when applying this Convention and its related Protocols, shall act in conformity with international law.

2. The Contracting Parties may enter into bilateral or multilateral agreements, including regional or sub-regional agreements for the promotion of sustainable development, the protection of the environment, the conservation and preservation of natural resources in the Mediterranean Sea Area, provided that such agreements are consistent with this Convention and the Protocols and conform to international law. Copies of such agreements shall be communicated to the Organization. As appropriate, Contracting Parties should make use of existing organizations, agreements or arrangements in the Mediterranean Sea Area.

3. Nothing in this Convention and its Protocols shall prejudice the rights and positions of any State concerning the United Nations Convention on the Law of the Sea of 1982.

4. The Contracting Parties shall take individual or joint initiatives compatible with international law through the relevant international organizations to encourage the implementation of the provisions of this Convention and its Protocols by all the non-party States.

5. Nothing in this Convention and its Protocols shall affect the sovereign immunity of warships or other ships owned or operated by a State while engaged in government non-commercial service. However, each Contracting Party shall ensure that its vessels and aircraft, entitled to sovereign immunity under international law, act in a manner consistent with this Protocol.

Article 4

GENERAL OBLIGATIONS

1. The Contracting Parties shall individually or jointly take all appropriate measures in accordance with the provisions of this Convention and those Protocols in force to which they are party to prevent, abate, combat and to the fullest possible extent eliminate pollution of the Mediterranean Sea Area and to protect and enhance the marine environment in that Area so as to contribute towards its sustainable development.

2. The Contracting Parties pledge themselves to take appropriate measures to implement the Mediterranean Action Plan and, further, to pursue the protection of the marine environment and the natural resources of the Mediterranean Sea Area as an integral part of the development process, meeting the needs of present and future generations in an equitable manner. For the purpose of implementing the objectives of sustainable development the Contracting Parties shall take fully into account the recommendations of the Mediterranean Commission on Sustainable Development established within the framework of the Mediterranean Action Plan.

3. In order to protect the environment and contribute to the sustainable development of the Mediterranean Sea Area, the Contracting Parties shall:

(a) apply, in accordance with their capabilities, the precautionary principle, by virtue of which where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation;

(b) apply the polluter pays principle, by virtue of which the costs of pollution prevention, control and reduction measures are to be borne by the polluter, with due regard to the public interest;

(c) undertake environmental impact assessment for proposed activities that are likely to cause a significant adverse impact on the marine environment and are subject to an authorization by competent national authorities;

(d) promote cooperation between and among States in environmental impact assessment procedures related to activities under their jurisdiction or control which are likely to have a significant adverse effect on the marine environment of other States or areas beyond the limits of national jurisdiction, on the basis of notification, exchange of information and consultation;

(e) commit themselves to promote the integrated management of the coastal zones, taking into account the protection of areas of ecological and landscape interest and the rational use of natural resources.

4. In implementing the Convention and the related Protocols, the Contracting Parties shall:

(a) adopt programmes and measures which contain, where appropriate, time limits for their completion;

(b) utilize the best available techniques and the best environmental practices and promote the application of, access to and transfer of environmentally sound technology, including clean production technologies, taking into account the social, economic and technological conditions.

5. The Contracting Parties shall cooperate in the formulation and adoption of Protocols, prescribing agreed measures, procedures and standards for the implementation of this Convention.

6. The Contracting Parties further pledge themselves to promote, within the international bodies considered to be competent by the Contracting Parties, measures concerning the implementation of programmes of sustainable development, the protection, conservation and rehabilitation of the environment and of the natural resources in the Mediterranean Sea Area.

Article 5

POLLUTION CAUSED BY DUMPING FROM SHIPS AND AIRCRAFT OR INCINERATION AT SEA

The Contracting Parties shall take all appropriate measures to prevent, abate and to the fullest possible extent eliminate pollution of the Mediterranean Sea Area caused by dumping from ships and aircraft or incineration at sea.

Article 6

POLLUTION FROM SHIPS

The Contracting Parties shall take all measures in conformity with international law to prevent, abate, combat and to the fullest possible extent eliminate pollution of the Mediterranean Sea Area caused by discharges from ships and to ensure the effective implementation in that Area of the rules which are generally recognized at the international level relating to the control of this type of pollution.

Article 7

POLLUTION RESULTING FROM EXPLORATION AND EXPLOITATION OF THE CONTINENTAL SHELF AND THE SEABED AND ITS SUBSOIL

The Contracting Parties shall take all appropriate measures to prevent, abate, combat and to the fullest possible extent eliminate pollution of the Mediterranean Sea Area resulting from exploration and exploitation of the continental shelf and the seabed and its subsoil.

Article 8

POLLUTION FROM LAND-BASED SOURCES

The Contracting Parties shall take all appropriate measures to prevent, abate, combat and to the fullest possible extent eliminate pollution of the Mediterranean Sea Area and to draw up and implement plans for the reduction and phasing out of substances that are toxic, persistent and liable to bioaccumulate arising from land-based sources. These measures shall apply:

(a) to pollution from land-based sources originating within the territories of the Parties, and reaching the sea:

- directly from outfalls discharging into the sea or through coastal disposal;
- indirectly through rivers, canals or other watercourses, including underground watercourses, or through run-off;

(b) to pollution from land-based sources transported by the atmosphere.

Article 9

COOPERATION IN DEALING WITH POLLUTION EMERGENCIES

1. The Contracting Parties shall cooperate in taking the necessary measures for dealing with pollution emergencies in the Mediterranean Sea Area, whatever the causes of such emergencies, and reducing or eliminating damage resulting therefrom.

2. Any Contracting Party which becomes aware of any pollution emergency in the Mediterranean Sea Area shall without delay notify the Organization and, either through the Organization or directly, any Contracting Party likely to be affected by such emergency.

Article 10

CONSERVATION OF BIOLOGICAL DIVERSITY

The Contracting Parties shall, individually or jointly, take all appropriate measures to protect and preserve biological diversity, rare or fragile ecosystems, as well as species of wild fauna and flora which are rare, depleted, threatened or endangered and their habitats, in the area to which this Convention applies.

Article 11

POLLUTION RESULTING FROM THE TRANSBOUNDARY MOVEMENTS OF
HAZARDOUS WASTES AND THEIR DISPOSAL

The Contracting Parties shall take all appropriate measures to prevent, abate and to the fullest possible extent eliminate pollution of the environment which can be caused by transboundary movements and disposal of hazardous wastes, and to reduce to a minimum, and if possible eliminate, such transboundary movements.

Article 12

MONITORING

1. The Contracting Parties shall endeavour to establish, in close cooperation with the international bodies which they consider competent, complementary or joint programmes, including, as appropriate, programmes at the bilateral or multilateral levels, for pollution monitoring in the Mediterranean Sea Area and shall endeavour to establish a pollution monitoring system for that Area.

2. For this purpose, the Contracting Parties shall designate the competent authorities responsible for pollution monitoring within areas under their national jurisdiction and shall participate as far as practicable in international arrangements for pollution monitoring in areas beyond national jurisdiction.

3. The Contracting Parties undertake to cooperate in the formulation, adoption and implementation of such annexes to this Convention as may be required to prescribe common procedures and standards for pollution monitoring.

Article 13

SCIENTIFIC AND TECHNOLOGICAL COOPERATION

1. The Contracting Parties undertake as far as possible to cooperate directly, or when appropriate through competent regional or other international

organizations, in the fields of science and technology and to exchange data as well as other scientific information for the purpose of this Convention.

2. The Contracting Parties undertake to promote the research on, access to and transfer of environmentally sound technology, including clean production technologies, and to cooperate in the formulation, establishment and implementation of clean production processes.

3. The Contracting Parties undertake to cooperate in the provision of technical and other possible assistance in fields relating to marine pollution, with priority to be given to the special needs of developing countries in the Mediterranean region.

Article 14

ENVIRONMENTAL LEGISLATION

1. The Contracting Parties shall adopt legislation implementing the Convention and the Protocols.

2. The Secretariat may, upon request from a Contracting Party, assist that Party in the drafting of environmental legislation in compliance with the Convention and the Protocols.

Article 15

PUBLIC INFORMATION AND PARTICIPATION

1. The Contracting Parties shall ensure that their competent authorities shall give to the public appropriate access to information on the environmental state in the field of application of the Convention and the Protocols, on activities or measures adversely affecting or likely to affect it and on activities carried out or measures taken in accordance with the Convention and the Protocols.

2. The Contracting Parties shall ensure that the opportunity is given to the public to participate in decision-making processes relevant to the field of application of the Convention and the Protocols, as appropriate.

3. The provision of paragraph 1. of this Article shall not prejudice the right of Contracting Parties to refuse, in accordance with their legal systems and applicable international regulations, to provide access to such information on the ground of confidentiality, public security or investigation proceedings, stating the reasons for such a refusal.

Article 16

LIABILITY AND COMPENSATION

The Contracting Parties undertake to cooperate in the formulation and adoption of appropriate rules and procedures for the determination of liability and compensation

for damage resulting from pollution of the marine environment in the Mediterranean Sea Area.

Article 17

INSTITUTIONAL ARRANGEMENTS

The Contracting Parties designate the United Nations Environment Programme as responsible for carrying out the following secretariat functions:

- (i) To convene and prepare the meetings of Contracting Parties and conferences provided for in articles 18, 21 and 22;
- (ii) To transmit to the Contracting Parties notifications, reports and other information received in accordance with articles 3, 9 and 26;
- (iii) To receive, consider and reply to enquiries and information from the Contracting Parties;
- (iv) To receive, consider and reply to enquiries and information from non-governmental organizations and the public when they relate to subjects of common interest or to activities carried out at the regional level; in this case, the Contracting Parties concerned shall be informed;
- (v) To perform the functions assigned to it by the protocols to this Convention;
- (vi) To regularly report to the Contracting Parties on the implementation of the Convention and of the Protocols;
- (vii) To perform such other functions as may be assigned to it by the Contracting Parties;
- (viii) To ensure the necessary coordination with other international bodies which the Contracting Parties consider competent, and in particular, to enter into such administrative arrangements as may be required for the effective discharge of the secretariat functions.

Article 18

MEETINGS OF THE CONTRACTING PARTIES

1. The Contracting Parties shall hold ordinary meetings once every two years and extraordinary meetings at any other time deemed necessary, upon the request of the Organization or at the request of any Contracting Party, provided that such requests are supported by at least two Contracting Parties.

2. It shall be the function of the meetings of the Contracting Parties to keep under review the implementation of this Convention and the protocols and, in particular:

- (i) To review generally the inventories carried out by Contracting Parties and competent international organizations on the state of marine pollution and its effects in the Mediterranean Sea Area;
- (ii) To consider reports submitted by the Contracting Parties under article 26;
- (iii) To adopt, review and amend as required the annexes to this Convention and to the protocols, in accordance with the procedure established in article 23;
- (iv) To make recommendations regarding the adoption of any additional protocols or any amendments to this Convention or the protocols in accordance with the provisions of articles 21 and 22;
- (v) To establish working groups as required to consider any matters related to this Convention and the protocols and annexes;
- (vi) To consider and undertake any additional action that may be required for the achievement of the purposes of this Convention and the protocols.
- (vii) To approve the Programme Budget.

Article 19

BUREAU

1. The Bureau of the Contracting Parties shall be composed of representatives of the Contracting Parties elected by the Meetings of the Contracting Parties. In electing the members of the Bureau, the Meetings of the Contracting Parties shall observe the principle of equitable geographical distribution.

2. The functions of the Bureau and the terms and conditions upon which it shall operate shall be set in the Rules of Procedure adopted by the Meetings of the Contracting Parties.

Article 20

OBSERVERS

1. The Contracting Parties may decide to admit as observers at their meetings and conferences:

- (a) any State which is not a Contracting Party to the Convention;
- (b) any international governmental organization or any non-governmental organization the activities of which are related to the Convention.

2. Such observers may participate in meetings without the right to vote and may present any information or report relevant to the objectives of the Convention.

3. The conditions for the admission and participation of observers shall be established in the Rules of Procedure adopted by the Contracting Parties.

Article 21

ADOPTION OF ADDITIONAL PROTOCOLS

1. The Contracting Parties, at a diplomatic conference, may adopt additional protocols to this Convention pursuant to paragraph 5 of article 4.

2. A diplomatic conference for the purpose of adopting additional protocols shall be convened by the Organization at the request of two thirds of the Contracting Parties.

Article 22

AMENDMENT OF THE CONVENTION OR PROTOCOLS

1. Any Contracting Party to this Convention may propose amendments to the Convention. Amendments shall be adopted by a diplomatic conference which shall be convened by the Organization at the request of two thirds of the Contracting Parties.

2. Any Contracting Party to this Convention may propose amendments to any protocol. Such amendments shall be adopted by a diplomatic conference which shall be convened by the Organization at the request of two thirds of the Contracting Parties to the protocol concerned.

3. Amendments to this Convention shall be adopted by a three-fourths majority vote of the Contracting Parties to the Convention which are represented at the diplomatic conference and shall be submitted by the Depositary for acceptance by all Contracting Parties to the Convention. Amendments to any protocol shall be adopted by a three-fourths majority vote of the Contracting Parties to such protocol which are represented at the diplomatic conference and shall be submitted by the Depositary for acceptance by all Contracting Parties to such protocol.

4. Acceptance of amendments shall be notified to the Depositary in writing. Amendments adopted in accordance with paragraph 3 of this article shall enter into force between Contracting Parties having accepted such amendments on the thirtieth day following the receipt by the Depositary of notification of their acceptance by at least three fourths of the Contracting Parties to this Convention or to the protocol concerned, as the case may be.

5. After the entry into force of an amendment to this Convention or to a protocol, any new Contracting Party to this Convention or such protocol shall become a Contracting Party to the instrument as amended.

Article 23

ANNEXES AND AMENDMENTS TO ANNEXES

1. Annexes to this Convention or to any protocol shall form an integral part of the Convention or such protocol, as the case may be.

2. Except as may be otherwise provided in any protocol, the following procedure shall apply to the adoption and entry into force of any amendments to annexes to this Convention or to any protocol, with the exception of amendments to the annex on arbitration:

- (i) Any Contracting Party may propose amendments to the annexes to this Convention or to any protocol at the meetings referred to in article 18;
- (ii) Such amendments shall be adopted by a three-fourths majority vote of the Contracting Parties to the instrument in question;
- (iii) The Depositary shall without delay communicate the amendments so adopted to all Contracting Parties;
- (iv) Any Contracting Party that is unable to approve an amendment to the annexes to this Convention or to any protocol shall so notify in writing the Depositary within a period determined by the Contracting Parties concerned when adopting the amendment;
- (v) The Depositary shall without delay notify all Contracting Parties of any notification received pursuant to the preceding sub-paragraph;
- (vi) On expiry of the period referred to in sub-paragraph (iv) above, the amendment to the annex shall become effective for all Contracting Parties to this Convention or to the protocol concerned which have not submitted a notification in accordance with the provisions of that sub-paragraph.

3. The adoption and entry into force of a new annex to this Convention or to any protocol shall be subject to the same procedure as for the adoption and entry into force of an amendment to an annex in accordance with the provisions of paragraph 2 of this article, provided that, if any amendment to the Convention or the protocol concerned is involved, the new annex shall not enter into force until such time as the amendment to the Convention or the protocol concerned enters into force.

4. Amendments to the annex on arbitration shall be considered to be amendments to this Convention and shall be proposed and adopted in accordance with the procedures set out in article 22 above.

Article 24

RULES OF PROCEDURE AND FINANCIAL RULES

1. The Contracting Parties shall adopt rules of procedure for their meetings and conferences envisaged in articles 18, 21 and 22 above.

2. The Contracting Parties shall adopt financial rules, prepared in consultation with the Organization, to determine, in particular, their financial participation in the Trust Fund.

Article 25

SPECIAL EXERCISE OF VOTING RIGHT

Within the areas of their competence, the European Economic Community and any regional economic grouping referred to in article 30 of this Convention shall exercise their right to vote with a number of votes equal to the number of their member States which are Contracting Parties to this Convention and to one or more protocols; the European Economic Community and any grouping as referred to above shall not exercise their right to vote in cases where the member States concerned exercise theirs, and conversely.

Article 26

REPORTS

1. The Contracting Parties shall transmit to the Organization reports on:

(a) the legal, administrative or other measures taken by them for the implementation of this Convention, the Protocols and of the recommendations adopted by their meetings;

(b) the effectiveness of the measures referred to in subparagraph (a) and problems encountered in the implementation of the instruments as mentioned above.

2. The reports shall be submitted in such form and at such intervals as the Meetings of Contracting Parties may determine.

Article 27

COMPLIANCE CONTROL

The meetings of the Contracting Parties shall, on the basis of periodical reports referred to in Article 26 and any other report submitted by the Contracting Parties, assess the compliance with the Convention and the Protocols as well as the measures and recommendations. They shall recommend, when appropriate, the necessary steps to bring about full compliance with the Convention and the Protocols and promote the implementation of the decisions and recommendations.

Article 28

SETTLEMENTS OF DISPUTES

1. In case of a dispute between Contracting Parties as to the interpretation or application of this Convention or the protocols, they shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.

2. If the Parties concerned cannot settle their dispute through the means mentioned in the preceding paragraph, the dispute shall upon common agreement be submitted to arbitration under the conditions laid down in annex A to this Convention.

3. Nevertheless, the Contracting Parties may at any time declare that they recognize as compulsory *ipso facto* and without special agreement, in relation to any other Party accepting the same obligation, the application of the arbitration procedure in conformity with the provisions of annex A. Such declaration shall be notified in writing to the Depositary, who shall communicate it to the other Parties.

Article 29

RELATIONSHIP BETWEEN THE CONVENTION
AND PROTOCOLS

1. No one may become a Contracting Party to this Convention unless it becomes at the same time a Contracting Party to at least one of the protocols. No one may become a Contracting Party to a protocol unless it is, or becomes at the same time, a Contracting Party to this Convention.

2. Any protocol to this Convention shall be binding only on the Contracting Parties to the protocol in question.

3. Decisions concerning any protocol pursuant to articles 18, 22 and 23 of this Convention shall be taken only by the Parties to the protocol concerned.

Article 30

SIGNATURE

This Convention, the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft and the Protocol concerning cooperation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency shall be open for signature in Barcelona on 16 February 1976 and in Madrid from 17 February 1976 to 16 February 1977 by any State invited as a participant in the Conference of Plenipotentiaries of the Coastal States of the Mediterranean Region on the Protection of the Mediterranean Sea, held in Barcelona from 2 to 16 February 1976, and by any State entitled to sign any protocol in accordance with the provisions of such protocol. They shall also be open until the same date 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 exercise competence in fields covered by this Convention, as well as by any protocol affecting them.

Article 31

RATIFICATION, ACCEPTANCE OR APPROVAL

This Convention and any protocol thereto shall be subject to ratification, acceptance, or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of Spain, which will assume the functions of Depositary.

Article 32

ACCESSION

1. As from 17 February 1977, the present Convention, the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft, and the Protocol concerning Cooperation in Combating Pollution of the Mediterranean Sea by Oil and other Harmful Substances in Cases of Emergency shall be open for accession by the States, by the European Economic Community and by any grouping as referred to in article 30.

2. After the entry into force of the Convention and of any protocol, any State not referred to in article 30 may accede to this Convention and to any protocol, subject to prior approval by three fourths of the Contracting Parties to the protocol concerned.

3. Instruments of accession shall be deposited with the Depositary.

Article 33

ENTRY INTO FORCE

1. This Convention shall enter into force on the same date as the protocol first entering into force.

2. The Convention shall also enter into force with regard to the States, the European Economic Community and any regional economic grouping referred to in article 30 if they have complied with the formal requirements for becoming Contracting Parties to any other protocol not yet entered into force.

3. Any protocol to this Convention, except as otherwise provided in such protocol, shall enter into force on the thirtieth day following the date of deposit of at least six instruments of ratification, acceptance, or approval of, or accession to such protocol by the Parties referred to in article 30.

4. Thereafter, this Convention and any protocol shall enter into force with respect to any State, the European Economic Community and any regional economic

grouping referred to in article 30 on the thirtieth day following the date of deposit of the instruments of ratification, acceptance, approval or accession.

Article 34

WITHDRAWAL

1. At any time after three years from the date of entry into force of this Convention, any Contracting Party may withdraw from this Convention by giving written notification of withdrawal.

2. Except as may be otherwise provided in any protocol to this Convention, any Contracting Party may, at any time after three years from the date of entry into force of such protocol, withdraw from such protocol by giving written notification of withdrawal.

3. Withdrawal shall take effect 90 days after the date on which notification of withdrawal is received by the Depositary.

4. Any Contracting Party which withdraws from this Convention shall be considered as also having withdrawn from any protocol to which it was a Party.

5. Any Contracting Party which, upon its withdrawal from a protocol, is no longer a Party to any protocol to this Convention, shall be considered as also having withdrawn from this Convention.

Article 35

RESPONSIBILITIES OF THE DEPOSITARY

1. The Depositary shall inform the Contracting Parties, any other Party referred to in article 30, and the Organization:

- (i) Of the signature of this Convention and of any protocol thereto, and of the deposit of instruments of ratification, acceptance, approval or accession in accordance with articles 30, 31 and 32;
- (ii) Of the date on which the Convention and any protocol will come into force in accordance with the provisions of article 33;
- (iii) Of notifications of withdrawal made in accordance with article 34;
- (iv) Of the amendments adopted with respect to the Convention and to any protocol, their acceptance by the Contracting Parties and the date of entry into force of those amendments in accordance with the provisions of article 22;
- (v) Of the adoption of new annexes and of the amendment of any annex in accordance with article 23;

- (vi) Of declarations recognizing as compulsory the application of the arbitration procedure mentioned in paragraph 3 of article 28.

2. The original of this Convention and of any protocol thereto shall be deposited with the Depositary, the Government of Spain, which shall send certified copies thereof to the Contracting Parties, to the Organization, and to the Secretary-General of the United Nations for registration and publication in accordance with Article 102 of the United Nations Charter.

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

DONE at Barcelona on 16 February 1976 in a single copy in the Arabic, English, French and Spanish languages, the four texts being equally authoritative.

ANNEX A

ARBITRATION

Article 1

Unless the Parties to the dispute otherwise agree, the arbitration procedure shall be conducted in accordance with the provisions of this annex.

Article 2

1. At the request addressed by one Contracting Party to another Contracting Party in accordance with the provisions of paragraph 2 or paragraph 3 of article 28 of the Convention, an arbitral tribunal shall be constituted. The request for arbitration shall state the subject matter of the application including, in particular, the articles of the Convention or the protocol, the interpretation or application of which is in dispute.

2. The claimant party shall inform the Organization that it has requested the setting up of an arbitral tribunal, stating the name of the other Party to the dispute and articles of the Convention or the protocols the interpretation or application of which is in its opinion in dispute. The Organization shall forward the information thus received to all Contracting Parties to the Convention.

Article 3

The arbitral tribunal shall consist of three members: each of the Parties to the dispute shall appoint an arbitrator; the two arbitrators so appointed shall designate by common agreement the third arbitrator who shall be the chairman of the tribunal. The latter shall not be a national of one of the Parties to the dispute, nor have his usual place of residence in the territory of one of these Parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

Article 4

1. If the chairman of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Secretary-General of the United Nations shall, at the request of the more diligent Party, designate him within a further two months' period.

2. If one of the Parties to the dispute does not appoint an arbitrator within two months of receipt of the request, the other Party may inform the Secretary-General of the United Nations who shall designate the chairman of the arbitral tribunal within a further two months' period. Upon designation, the chairman of the arbitral tribunal shall request the Party which has not appointed an arbitrator to do so within two months. After such period, he shall inform the Secretary-General of the United Nations, who shall make this appointment within a further two months' period.

Article 5

1. The arbitral tribunal shall decide according to the rules of international law and, in particular, those of this Convention and the protocols concerned.

2. Any arbitral tribunal constituted under the provisions of this annex shall draw up its own rules of procedure.

Article 6

1. The decisions of the arbitral tribunal, both on procedure and on substance, shall be taken by majority vote of its members.

2. The tribunal may take all appropriate measures in order to establish the facts. It may, at the request of one of the Parties, recommend essential interim measures of protection.

3. If two or more arbitral tribunals constituted under the provisions of this annex are seized of requests with identical or similar subjects, they may inform themselves of the procedures for establishing the facts and take them into account as far as possible.

4. The Parties to the dispute shall provide all facilities necessary for the effective conduct of the proceedings.

5. The absence or default of a Party to the dispute shall not constitute an impediment to the proceedings.

Article 7

1. The award of the arbitral tribunal shall be accompanied by a statement of reasons. It shall be final and binding upon the Parties to the dispute.

2. Any dispute which may arise between the Parties concerning the interpretation or execution of the award may be submitted by the more diligent Party to the arbitral tribunal which made the award or, if the latter cannot be seized thereof, to another arbitral tribunal constituted for this purpose in the same manner as the first.

Article 8

The European Economic Community and any regional economic grouping referred to in article 30 of the Convention, like any Contracting Party to the Convention, are empowered to appear as complainants or as respondents before the arbitral tribunal.

Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea ¹

The Contracting Parties to the present Protocol,

Being Parties to the Convention for the Protection of the Mediterranean Sea against Pollution,

Recognizing the danger posed to the marine environment by the dumping or incineration of wastes or other matter,

Considering that the coastal States of the Mediterranean Sea have a common interest in protecting the marine environment from this danger,

Bearing in mind that Chapter 17 of Agenda 21 of UNCED calls on the Contracting Parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter (London, 1972) to take the necessary measures to end dumping in the ocean and the incineration of hazardous substances,

Taking into account Resolutions LC 49(16) and LC 50(16), approved by the 16th Consultative Meeting of the 1972 London Convention, which prohibit the dumping and incineration of industrial wastes at sea,

Have agreed as follows:

Article 1

The Contracting Parties to this Protocol (hereinafter referred to as "the Parties") shall take all appropriate measures to prevent, abate and eliminate to the fullest extent possible pollution of the Mediterranean Sea caused by dumping from ships and aircraft or incineration at sea.

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 and the Coastal Region of the Mediterranean (hereinafter referred to as "the Convention").

¹ The Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft (the Dumping Protocol) was adopted on 16 February 1976 by the Conference of Plenipotentiaries of the Coastal States of the Mediterranean Region for the Protection of the Mediterranean Sea, held in Barcelona. The Protocol entered into force on 12 February 1978.

The original Protocol was modified by amendments adopted on 10 June 1995 by the Conference of Plenipotentiaries on the Convention for the Protection of the Mediterranean Sea against Pollution and its Protocols, held in Barcelona on 9 and 10 June 1995 (UNEP(OCA)/MED IG.6/7). The amended Protocol, recorded as "Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea", has not yet entered into force.

Article 3

For the purposes of this Protocol:

1. "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, and platforms and other man-made structures at sea and their equipment.

2. "Wastes or other matter" means material and substances of any kind, form or description.

3. "Dumping" means:

(a) Any deliberate disposal at sea of wastes or other matter from ships or aircraft;

(b) Any deliberate disposal at sea of ships or aircraft.

(c) Any deliberate disposal or storage and burial of wastes or other matter on the seabed or in the marine subsoil from ships or aircraft.

4. "Dumping" does not include:

(a) The disposal at sea of wastes or other matter incidental to, or derived from, the normal operations of vessels or aircraft and their equipment, other than wastes or other matter transported by or to vessels or aircraft, operating for the purpose of disposal of such matter, or derived from the treatment of such wastes or other matter on such vessels or aircraft;

(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.

5. "Incineration at sea" means the deliberate combustion of wastes or other matter in the maritime waters of the Mediterranean Sea, with the aim of thermal destruction and does not include activities incidental to the normal operations of ships or aircraft.

6. "Organization" means the body referred to in article 17 of the Convention.

Article 4

1. The dumping of wastes or other matter, with the exception of those listed in paragraph 2 of this Article, is prohibited.

2. The following is the list referred to in the preceding paragraph:

(a) dredged material;

(b) fish waste or organic materials resulting from the processing of fish and other marine organisms;

(c) vessels, until 31 December 2000;

(d) platforms and other man-made structures at sea, provided that material capable of creating floating debris or otherwise contributing to pollution of the marine environment has been removed to the maximum extent, without prejudice to the provisions of the Protocol concerning Pollution Resulting from Exploration and Exploitation of the Continental Shelf, the Seabed and its Subsoil;

(e) inert uncontaminated geological materials the chemical constituents of which are unlikely to be released into the marine environment.

Article 5

The dumping of the wastes or other matter listed in Article 4.2 requires a prior special permit from the competent national authorities.

Article 6

1. The permit referred to in Article 5 shall be issued only after careful consideration of the factors set forth in the Annex to this Protocol or the criteria, guidelines and relevant procedures adopted by the meeting of the Contracting Parties pursuant to paragraph 2 below:

2. The Contracting Parties shall draw up and adopt criteria, guidelines and procedures for the dumping of wastes or other matter listed in Article 4.2 so as to prevent, abate and eliminate pollution.

Article 7

Incineration at sea is prohibited.

Article 8

The provisions of articles 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 or aircraft is threatened. Such dumpings shall immediately be reported to the Organization and, either through the Organization or directly, 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 not listed in Article 4.2 of 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.

Article 10

1. Each Party shall designate one or more competent authorities to:
 - (a) Issue the permits provided for in Article 5;
 - (b) Keep records of the nature and quantities of the wastes or other matter permitted to be dumped and of the location, date and method of dumping.
2. The competent authorities of each Party shall issue the permits provided for in Article 5 in respect of the wastes or other matter intended for dumping:
 - (a) Loaded in its territory;
 - (b) Loaded by a ship or aircraft registered in its territory or flying its flag, 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;
 - (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.

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 of 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

1. Ordinary meetings of the Parties to this Protocol shall be held in conjunction with ordinary meetings of the Contracting Parties to the Convention held pursuant to article 18 of the Convention. The Parties to this Protocol may also hold extraordinary meetings in conformity with article 18 of the Convention.

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, in particular in the form of annexes;

(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 any annex 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 Annex to this Protocol pursuant to Article 23 of the Convention shall require a three-fourths majority vote of the Parties.

Article 15

1. The provisions of the Convention relating to any protocol shall apply with respect to the present Protocol.

2. The rules or procedure and the financial rules adopted pursuant to article 24 of the Convention shall apply with respect to this Protocol, unless the Parties to this Protocol agree otherwise.

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

DONE at Barcelona on 16 February 1976 in a single copy in the Arabic, English, French and Spanish languages, the four texts being equally authoritative.

ANNEX

The factors to be considered in establishing criteria governing the issue of permits for the dumping of matter at sea taking into account Article 6 include:

A. CHARACTERISTICS AND COMPOSITION OF THE MATTER

1. Total amount and average compositions 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 marketability of resources (fish, shellfish, etc.).

B. CHARACTERISTICS OF DUMPING SITE AND METHOD OF DEPOSIT

1. Location (e.g. coordinates 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 demand (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 dumpings which have been made in the dumping area (e.g. heavy metal background reading and organic carbon content).
9. When issuing a permit for dumping, the Contracting Parties shall endeavour to determine whether an adequate scientific basis exists for assessing the consequences of such dumping in the area concerned, in accordance with the foregoing provisions and 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, discolouration and foaming).
2. Possible effects on marine life, fish and shellfish culture, fish stocks and fisheries, sea-weed 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 of 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.

Protocol Concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea ¹

The Contracting Parties to the present Protocol,

Being Parties to the Convention for the Protection of the Mediterranean Sea against Pollution, adopted at Barcelona on 16 February 1976 and amended on 10 June 1995,

Desirous of implementing Articles 6 and 9 of the said Convention,

Recognizing that grave pollution of the sea by oil and hazardous and noxious substances or a threat thereof in the Mediterranean Sea Area involves a danger for the coastal States and the marine environment,

Considering that the cooperation of all the coastal States of the Mediterranean Sea is called for to prevent pollution from ships and to respond to pollution incidents, irrespective of their origin,

Acknowledging the role of the International Maritime Organization and the importance of cooperating within the framework of this Organization, in particular in promoting the adoption and the development of international rules and standards to prevent, reduce and control pollution of the marine environment from ships,

Emphasizing the efforts made by the Mediterranean coastal States for the implementation of these international rules and standards,

Acknowledging also the contribution of the European Community to the implementation of international standards as regards maritime safety and the prevention of pollution from ships,

Recognizing also the importance of cooperation in the Mediterranean Sea Area in promoting the effective implementation of international regulations to prevent, reduce and control pollution of the marine environment from ships,

Recognizing further the importance of prompt and effective action at the national, subregional and regional levels in taking emergency measures to deal with pollution of the marine environment or a threat thereof,

Applying the precautionary principle, the polluter pays principle and the method of environmental impact assessment, and utilizing the best available techniques and the best environmental practices, as provided for in Article 4 of the Convention,

¹ A new Protocol was adopted by the Conference of Plenipotentiaries (Malta, 24-25 January 2002) and will replace the original Protocol. This new Protocol "Protocol Concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea" has not yet entered into force.

Bearing in mind the relevant provisions of the United Nations Convention on the Law of the Sea, done at Montego Bay on 10 December 1982, which is in force and to which many Mediterranean coastal States and the European Community are Parties,

Taking into account the international conventions dealing in particular with maritime safety, the prevention of pollution from ships, preparedness for and response to pollution incidents, and liability and compensation for pollution damage,

Wishing to further develop mutual assistance and cooperation in preventing and combating pollution,

Have agreed as follows:

Article 1

DEFINITIONS

For the purpose of this Protocol:

- (a) “Convention” means the Convention for the Protection of the Mediterranean Sea against Pollution, adopted at Barcelona on 16 February 1976 and amended on 10 June 1995;
- (b) “Pollution incident” means an occurrence or series of occurrences having the same origin, which results or may result in a discharge of oil and/or hazardous and noxious substances and which poses or may pose a threat to the marine environment, or to the coastline or related interests of one or more States, and which requires emergency action or other immediate response;
- (c) “Hazardous and noxious substances” means any substance other than oil which, if introduced into the marine environment, is likely to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea;
- (d) “Related interests” means the interests of a coastal State directly affected or threatened and concerning, among others:
 - (i) maritime activities in coastal areas, in ports or estuaries, including fishing activities;
 - (ii) the historical and tourist appeal of the area in question, including water sports and recreation;
 - (iii) the health of the coastal population;
 - (iv) the cultural, aesthetic, scientific and educational value of the area;
 - (v) the conservation of biological diversity and the sustainable use of marine and coastal biological resources;
- (e) “International regulations” means regulations aimed at preventing, reducing and controlling pollution of the marine environment from ships as adopted, at the global level and in conformity with international law, under the aegis of United Nations specialized agencies, and in particular of the International Maritime Organization;

- (f) “Regional Centre” means the “Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea” (REMPEC), established by Resolution 7 adopted by the Conference of Plenipotentiaries of the Coastal States of the Mediterranean Region on the Protection of the Mediterranean Sea at Barcelona on 9 February 1976, which is administered by the International Maritime Organization and the United Nations Environment Programme, and the objectives and functions of which are defined by the Contracting Parties to the Convention.

Article 2

PROTOCOL AREA

The area to which the Protocol applies shall be the Mediterranean Sea Area as defined in Article 1 of the Convention.

Article 3

GENERAL PROVISIONS

1. The Parties shall cooperate:
 - (a) to implement international regulations to prevent, reduce and control pollution of the marine environment from ships; and
 - (b) to take all necessary measures in cases of pollution incidents.
2. In cooperating, the Parties should take into account as appropriate the participation of local authorities, non-governmental organizations and socio-economic actors.
3. Each Party shall apply this Protocol without prejudice to the sovereignty or the jurisdiction of other Parties or other States. Any measures taken by a Party to apply this Protocol shall be in accordance with international law.

Article 4

CONTINGENCY PLANS AND OTHER MEANS OF PREVENTING AND COMBATING POLLUTION INCIDENTS

1. The Parties shall endeavour to maintain and promote, either individually or through bilateral or multilateral cooperation, contingency plans and other means of preventing and combating pollution incidents. These means shall include, in particular, equipment, ships, aircraft and personnel prepared for operations in cases of emergency, the enactment, as appropriate, of relevant legislation, the development or

strengthening of the capability to respond to a pollution incident and the designation of a national authority or authorities responsible for the implementation of this Protocol.

2. The Parties shall also take measures in conformity with international law to prevent the pollution of the Mediterranean Sea Area from ships in order to ensure the effective implementation in that Area of the relevant international conventions in their capacity as flag State, port State and coastal State, and their applicable legislation. They shall develop their national capacity as regards the implementation of those international conventions and may cooperate for their effective implementation through bilateral or multilateral agreements.

3. The Parties shall inform the Regional Centre every two years of the measures taken for the implementation of this Article. The Regional Centre shall present a report to the Parties on the basis of the information received.

Article 5

MONITORING

The Parties shall develop and apply, either individually or through bilateral or multilateral cooperation, monitoring activities covering the Mediterranean Sea Area in order to prevent, detect and combat pollution, and to ensure compliance with the applicable international regulations.

Article 6

COOPERATION IN RECOVERY OPERATIONS

In case of release or loss overboard of hazardous and noxious substances in packaged form, including those in freight containers, portable tanks, road and rail vehicles and shipborne barges, the Parties shall cooperate as far as practicable in the salvage of these packages and the recovery of such substances so as to prevent or reduce the danger to the marine and coastal environment.

Article 7

DISSEMINATION AND EXCHANGE OF INFORMATION

1. Each Party undertakes to disseminate to the other Parties information concerning:

- (a) the competent national organization or authorities responsible for combating pollution of the sea by oil and hazardous and noxious substances;
- (b) the competent national authorities responsible for receiving reports of pollution of the sea by oil and hazardous and noxious substances and for dealing with matters concerning measures of assistance between Parties;

- (c) the national authorities entitled to act on behalf of the State in regard to measures of mutual assistance and cooperation between Parties;
- (d) the national organization or authorities responsible for the implementation of paragraph 2 of Article 4, in particular those responsible for the implementation of the international conventions concerned and other relevant applicable regulations, those responsible for port reception facilities and those responsible for the monitoring of discharges which are illegal under MARPOL 73/78;
- (e) its regulations and other matters which have a direct bearing on preparedness for and response to pollution of the sea by oil and hazardous and noxious substances;
- (f) new ways in which pollution of the sea by oil and hazardous and noxious substances may be avoided, new measures for combating pollution, new developments in the technology of conducting monitoring and the development of research programmes.

2. The Parties which have agreed to exchange information directly shall communicate such information to the Regional Centre. The latter shall communicate this information to the other Parties and, on a basis of reciprocity, to coastal States of the Mediterranean Sea Area which are not Parties to this Protocol.

3. Parties concluding bilateral or multilateral agreements within the framework of this Protocol shall inform the Regional Centre of such agreements, which shall communicate them to the other Parties.

Article 8

COMMUNICATION OF INFORMATION AND REPORTS CONCERNING POLLUTION INCIDENTS

The Parties undertake to coordinate the utilization of the means of communication at their disposal in order to ensure, with the necessary speed and reliability, the reception, transmission and dissemination of all reports and urgent information concerning pollution incidents. The Regional Centre shall have the necessary means of communication to enable it to participate in this coordinated effort and, in particular, to fulfil the functions assigned to it by paragraph 2 of Article 12.

Article 9

REPORTING PROCEDURE

1. Each Party shall issue instructions to masters or other persons having charge of ships flying its flag and to the pilots of aircraft registered in its territory to report by the most rapid and adequate channels in the circumstances, following reporting procedures to the extent required by, and in accordance with, the applicable provisions of the relevant international agreements, to the nearest coastal State and to this Party:

- (a) all incidents which result or may result in a discharge of oil or hazardous and noxious substances;
- (b) the presence, characteristics and extent of spillages of oil or hazardous and noxious substances, including hazardous and noxious substances in packaged form, observed at sea which pose or are likely to pose a threat to the marine environment or to the coast or related interests of one or more of the Parties.

2. Without prejudice to the provisions of Article 20 of the Protocol, each Party shall take appropriate measures with a view to ensuring that the master of every ship sailing in its territorial waters complies with the obligations under (a) and (b) of paragraph 1 and may request assistance from the Regional Centre in this respect. It shall inform the International Maritime Organization of the measures taken.

3. Each Party shall also issue instructions to persons having charge of sea ports or handling facilities under its jurisdiction to report to it, in accordance with applicable laws, all incidents which result or may result in a discharge of oil or hazardous and noxious substances.

4. In accordance with the relevant provisions of the Protocol for the Protection of the Mediterranean Sea against Pollution Resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil, each Party shall issue instructions to persons having charge of offshore units under its jurisdiction to report to it by the most rapid and adequate channels in the circumstances, following reporting procedures it has prescribed, all incidents which result or may result in a discharge of oil or hazardous and noxious substances.

5. In paragraphs 1, 3 and 4 of this Article, the term "incident" means an incident meeting the conditions described therein, whether or not it is a pollution incident.

6. The information collected in accordance with paragraphs 1, 3 and 4 shall be communicated to the Regional Centre in the case of a pollution incident.

7. The information collected in accordance with paragraphs 1, 3 and 4 shall be immediately communicated to the other Parties likely to be affected by a pollution incident:

- (a) by the Party which has received the information, preferably directly or through the Regional Centre; or
- (b) by the Regional Centre.

In case of direct communication between Parties, these shall inform the Regional Centre of the measures taken, and the Centre shall communicate them to the other Parties.

8. The Parties shall use a mutually agreed standard form proposed by the Regional Centre for the reporting of pollution incidents as required under paragraphs 6 and 7 of this Article.

9. In consequence of the application of the provisions of paragraph 7, the Parties are not bound by the obligation laid down in Article 9, paragraph 2, of the Convention.

Article 10

OPERATIONAL MEASURES

1. Any Party faced with a pollution incident shall:
 - (a) make the necessary assessments of the nature, extent and possible consequences of the pollution incident or, as the case may be, the type and approximate quantity of oil or hazardous and noxious substances and the direction and speed of drift of the spillage;
 - (b) take every practicable measure to prevent, reduce and, to the fullest possible extent, eliminate the effects of the pollution incident;
 - (c) immediately inform all Parties likely to be affected by the pollution incident of these assessments and of any action which it has taken or intends to take, and simultaneously provide the same information to the Regional Centre, which shall communicate it to all other Parties;
 - (d) continue to observe the situation for as long as possible and report thereon in accordance with Article 9.

2. Where action is taken to combat pollution originating from a ship, all possible measures shall be taken to safeguard:
 - (a) human lives;
 - (b) the ship itself; in doing so, damage to the environment in general shall be prevented or minimized.

Any Party which takes such action shall inform the International Maritime Organization either directly or through the Regional Centre.

Article 11

EMERGENCY MEASURES ON BOARD SHIPS, ON OFFSHORE INSTALLATIONS
AND IN PORTS

1. Each Party shall take the necessary steps to ensure that ships flying its flag have on board a pollution emergency plan as required by, and in accordance with, the relevant international regulations.

2. Each Party shall require masters of ships flying its flag, in case of a pollution incident, to follow the procedures described in the shipboard emergency plan and in particular to provide the proper authorities, at their request, with such detailed information about the ship and its cargo as is relevant to actions taken in pursuance of Article 9, and to cooperate with these authorities.

3. Without prejudice to the provisions of Article 20 of the Protocol, each Party shall take appropriate measures with a view to ensuring that the master of every ship

sailing in its territorial waters complies with the obligation under paragraph 2 and may request assistance from the Regional Centre in this respect. It shall inform the International Maritime Organization of the measures taken.

4. Each Party shall require that authorities or operators in charge of sea ports and handling facilities under its jurisdiction as it deems appropriate have pollution emergency plans or similar arrangements that are coordinated with the national system established in accordance with Article 4 and approved in accordance with procedures established by the competent national authority.

5. Each Party shall require operators in charge of offshore installations under its jurisdiction to have a contingency plan to combat any pollution incident, which is coordinated with the national system established in accordance with Article 4 and in accordance with the procedures established by the competent national authority.

Article 12

ASSISTANCE

1. Any Party requiring assistance to deal with a pollution incident may call for assistance from other Parties, either directly or through the Regional Centre, starting with the Parties which appear likely to be affected by the pollution. This assistance may comprise, in particular, expert advice and the supply to or placing at the disposal of the Party concerned of the required specialized personnel, products, equipment and nautical facilities. Parties so requested shall use their best endeavours to render this assistance.

2. Where the Parties engaged in an operation to combat pollution cannot agree on the organization of the operation, the Regional Centre may, with the approval of all the Parties involved, coordinate the activity of the facilities put into operation by these Parties.

3. In accordance with applicable international agreements, each Party shall take the necessary legal and administrative measures to facilitate:

- (a) the arrival and utilization in and departure from its territory of ships, aircraft and other modes of transport engaged in responding to a pollution incident or transporting personnel, cargoes, materials and equipment required to deal with such an incident; and
- (b) the expeditious movement into, through and out of its territory of the personnel, cargoes, materials and equipment referred to in subparagraph (a).

Article 13

REIMBURSEMENT OF COSTS OF ASSISTANCE

1. Unless an agreement concerning the financial arrangements governing actions of Parties to deal with pollution incidents has been concluded on a bilateral or multilateral basis prior to the pollution incident, Parties shall bear the costs of their respective action in dealing with pollution in accordance with paragraph 2.
2.
 - (a) If the action was taken by one Party at the express request of another Party, the requesting Party shall reimburse to the assisting Party the costs of its action. If the request is cancelled, the requesting Party shall bear the costs already incurred or committed by the assisting Party;
 - (b) if the action was taken by a Party on its own initiative, that Party shall bear the cost of its action;
 - (c) the principles laid down in subparagraphs (a) and (b) above shall apply unless the Parties concerned otherwise agree in any individual case.
3. Unless otherwise agreed, the costs of the action taken by a Party at the request of another Party shall be fairly calculated according to the law and current practice of the assisting Party concerning the reimbursement of such costs.
4. The Party requesting assistance and the assisting Party shall, where appropriate, cooperate in concluding any action in response to a compensation claim. To that end, they shall give due consideration to existing legal regimes. Where the action thus concluded does not permit full compensation for expenses incurred in the assistance operation, the Party requesting assistance may ask the assisting Party to waive reimbursement of the expenses exceeding the sums compensated or to reduce the costs which have been calculated in accordance with paragraph 3. It may also request a postponement of the reimbursement of such costs. In considering such a request, assisting Parties shall give due consideration to the needs of developing countries.
5. The provisions of this Article shall not be interpreted as in any way prejudicing the rights of Parties to recover from third parties the costs of actions taken to deal with pollution incidents under other applicable provisions and rules of national and international law applicable to one or to the other Party involved in the assistance.

Article 14

PORT RECEPTION FACILITIES

1. The Parties shall individually, bilaterally or multilaterally take all necessary steps to ensure that reception facilities meeting the needs of ships are available in their ports and terminals. They shall ensure that these facilities are used efficiently without causing undue delay to ships.

The Parties are invited to explore ways and means to charge reasonable costs for the use of these facilities.

2. The Parties shall also ensure the provision of adequate reception facilities for pleasure craft.
3. The Parties shall take all the necessary steps to ensure that reception facilities operate efficiently to limit any impact of their discharges to the marine environment.
4. The Parties shall take the necessary steps to provide ships using their ports with updated information relevant to the obligations arising from MARPOL 73/78 and from their legislation applicable in this field.

Article 15

ENVIRONMENTAL RISKS OF MARITIME TRAFFIC

In conformity with generally accepted international rules and standards and the global mandate of the International Maritime Organization, the Parties shall individually, bilaterally or multilaterally take the necessary steps to assess the environmental risks of the recognized routes used in maritime traffic and shall take the appropriate measures aimed at reducing the risks of accidents or the environmental consequences thereof.

Article 16

RECEPTION OF SHIPS IN DISTRESS IN PORTS AND PLACES OF REFUGE

The Parties shall define national, subregional or regional strategies concerning reception in places of refuge, including ports, of ships in distress presenting a threat to the marine environment. They shall cooperate to this end and inform the Regional Centre of the measures they have adopted.

Article 17

SUBREGIONAL AGREEMENTS

The Parties may negotiate, develop and maintain appropriate bilateral or multilateral subregional agreements in order to facilitate the implementation of this Protocol, or part of it. Upon request of the interested Parties, the Regional Centre shall assist them, within the framework of its functions, in the process of developing and implementing these subregional agreements.

Article 18

MEETINGS

1. Ordinary meetings of the Parties to this Protocol shall be held in conjunction with ordinary meetings of the Contracting Parties to the Convention, held pursuant to Article 18 of the Convention. The Parties to this Protocol may also hold extraordinary meetings as provided in Article 18 of the Convention.

2. It shall be the function of the meetings of the Parties to this Protocol, in particular:
- (a) to examine and discuss reports from the Regional Centre on the implementation of this Protocol, and particularly of its Articles 4, 7 and 16;
 - (b) to formulate and adopt strategies, action plans and programmes for the implementation of this Protocol;
 - (c) to keep under review and consider the efficacy of these strategies, action plans and programmes, and the need to adopt any new strategies, action plans and programmes and to develop measures to that effect;
 - (d) to discharge such other functions as may be appropriate for the implementation of this Protocol.

Article 19

RELATIONSHIP WITH THE CONVENTION

1. The provisions of the Convention relating to any protocol shall apply with respect to the present Protocol.
2. The rules of procedure and the financial rules adopted pursuant to Article 24 of the Convention shall apply with respect to this Protocol, unless the Parties agree otherwise.

FINAL PROVISIONS

Article 20

EFFECT OF THE PROTOCOL ON DOMESTIC LEGISLATION

In implementing the provisions of this Protocol, the right of Parties to adopt relevant stricter domestic measures or other measures in conformity with international law, in the matters covered by this Protocol, shall not be affected.

Article 21

RELATIONS WITH THIRD PARTIES

The Parties shall, where appropriate, invite States that are not Parties to the Protocol and international organizations to cooperate in the implementation of the Protocol.

Article 22

SIGNATURE

This Protocol shall be open for signature at Valletta, Malta, on 25 January 2002 and in Madrid from 26 January 2002 to 25 January 2003 by any Contracting Party to the Convention.

Article 23

RATIFICATION, ACCEPTANCE OR APPROVAL

This Protocol shall be subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Government of Spain, which will assume the functions of Depositary.

Article 24

ACCESSION

As from 26 January 2003, this Protocol shall be open for accession by any Party to the Convention.

Article 25

ENTRY INTO FORCE

1. This Protocol shall enter into force on the thirtieth day following the deposit of the sixth instrument of ratification, acceptance, approval or accession.
2. From the date of its entry into force, this Protocol shall replace the Protocol concerning Cooperation in Combating Pollution of the Mediterranean Sea by Oil and other Harmful Substances in Cases of Emergency of 1976 in the relations between the Parties to both instruments.

Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities¹

The Contracting Parties to the present Protocol,

Being Parties to the Convention for the Protection of the Mediterranean Sea against Pollution, adopted at Barcelona on 16 February 1976 and amended on 10 June 1995,

Desirous of implementing article 4, paragraph 5, and articles 8 and 21 of the said Convention,

Noting the increasing environmental pressures resulting from human activities in the Mediterranean Sea Area, particularly in the fields of industrialization and urbanization, as well as the seasonal increase in the coastal population due to tourism,

Recognizing the danger posed to the marine environment, 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 substances that are toxic, persistent and liable to bioaccumulate,

Applying the precautionary principle and the polluter pays principle, undertaking environmental impact assessment and utilizing the best available techniques and the best environmental practice, including clean production technologies, as provided for in article 4 of the Convention,

Recognizing the difference in levels of development between the coastal States, and taking account of the economic and social imperatives of the developing countries,

Determined to take, in close cooperation, the necessary measures to protect the Mediterranean Sea against pollution from land-based sources and activities,

¹ The Protocol on Land-Based Sources (the LBS Protocol) was adopted on 17 May 1980 by the Conference of Plenipotentiaries of the Coastal States of the Mediterranean Region for the Protection of the Mediterranean Sea Against Pollution from Land-based Sources, held in Athens. The Protocol entered into force on 17 June 1983.

The original Protocol was modified by amendments adopted on 7 March 1996 by the Conference of Plenipotentiaries on the Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources, held in Syracuse on 6 and 7 March 1996 (UNEP(OCA)/MED IG.7/4). The amended Protocol, recorded as "Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities", has not yet entered into force.

Taking into consideration the Global Programme of Action for the Protection of the Marine Environment from Land-Based Activities, adopted in Washington, D.C., on 3 November 1995,

Have agreed as follows:

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 discharges from rivers, coastal establishments or outfalls, or emanating from any other land-based sources and activities within their territories, giving priority to the phasing out of inputs of substances that are toxic, persistent and liable to bioaccumulate.

Article 2

DEFINITIONS

For the purposes of this Protocol:

(a) "The Convention" means the Convention for the Protection of the Mediterranean Sea against Pollution, adopted at Barcelona on 16 February 1976 and amended on 10 June 1995;

(b) "Organization" means the body referred to in article 17 of the Convention;

(c) "Freshwater limit" means the place in watercourses where, at low tides and in a period of low freshwater flow, there is an appreciable increase in salinity due to the presence of sea-water;

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

Article 3

PROTOCOL AREA

The area to which this Protocol applies (hereinafter referred to as the "Protocol Area") shall be:

(a) The Mediterranean Sea Area as defined in article 1 of the Convention;

(b) The hydrologic basin of the Mediterranean Sea Area;

(c) Waters on the landward side of the baselines from which the breadth of the territorial sea is measured and extending, in the case of watercourses, up to the freshwater limit;

(d) Brackish waters, coastal salt waters including marshes and coastal lagoons, and ground waters communicating with the Mediterranean Sea.

Article 4

PROTOCOL APPLICATION

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 that may affect directly or indirectly the Mediterranean Sea Area. These discharges shall include those which reach the Mediterranean Area, as defined in article 3(a), (c) and (d) of this Protocol, through coastal disposals, rivers, outfalls, canals, or other watercourses, including ground water flow, or through run-off and disposal under the seabed with access from land;

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

2. This Protocol shall also apply to polluting discharges from fixed man-made offshore structures which are under the jurisdiction of a Party and which serve purposes other than exploration and exploitation of mineral resources of the continental shelf and the sea-bed and its subsoil.

3. The Parties shall invite States that are not parties to the Protocol and have in their territories parts of the hydrologic basin of the Mediterranean Area to cooperate in the implementation of the Protocol.

Article 5

GENERAL OBLIGATIONS

1. The Parties undertake to eliminate pollution deriving from land-based sources and activities, in particular to phase out inputs of the substances that are toxic, persistent and liable to bioaccumulate listed in annex I.

2. To this end, they shall elaborate and implement, individually or jointly, as appropriate, national and regional action plans and programmes, containing measures and timetables for their implementation.

3. The priorities and timetables for implementing the action plans, programmes and measures shall be adopted by the Parties taking into account the elements set out in annex I and shall be periodically reviewed.

4. When adopting action plans, programmes and measures, the Parties shall take into account, either individually or jointly, the best available techniques and the best environmental practice including, where appropriate, clean production technologies, taking into account the criteria set forth in annex IV.

5. The Parties shall take preventive measures to reduce to the minimum the risk of pollution caused by accidents.

Article 6

AUTHORIZATION OR REGULATION SYSTEM

1. Point source discharges into the Protocol Area, and releases into water or air that reach and may affect the Mediterranean Area, as defined in article 3(a), (c) and (d) of this Protocol, 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 annex II thereto, as well as the relevant decisions or recommendations of the meetings of the Contracting Parties.

2. To this end, the Parties shall provide for systems of inspection by their competent authorities to assess compliance with authorizations and regulations.

3. The Parties may be assisted by the Organization, upon request, in establishing new, or strengthening existing, competent structures for inspection of compliance with authorizations and regulations. Such assistance shall include special training of personnel.

4. The Parties establish appropriate sanctions in case of non-compliance with the authorizations and regulations and ensure their application.

Article 7

COMMON GUIDELINES, STANDARDS AND CRITERIA

1. The Parties shall progressively formulate and adopt, in cooperation with the competent international organizations, common guidelines and, as appropriate, standards or criteria dealing in particular with:

(a) The length, depth and position of pipelines for coastal outfalls, taking into account, in particular, the methods used for pretreatment of effluents;

(b) Special requirements for effluents necessitating separate treatment;

(c) The quality of sea-water used for specific purposes that is necessary for the protection of human health, living resources and ecosystems;

(d) The control and progressive replacement of products, installations and industrial and other processes causing significant pollution of the marine environment;

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

2. Without prejudice to the provisions of article 5 of this Protocol, such common guidelines, standards or criteria shall take into account local ecological, geographical and physical characteristics, the economic capacity of the Parties and their need for development, the level of existing pollution and the real absorptive capacity of the marine environment.

3. The action plans, programmes and measures referred to in articles 5 and 15 of this Protocol shall be adopted by taking into account, for their progressive implementation, the capacity to adapt and reconvert existing installations, the economic capacity of the Parties and their need for development.

Article 8

MONITORING

Within the framework of the provisions of, and the monitoring programmes provided for in article 12 of the Convention, and if necessary in cooperation with the competent international organizations, the Parties shall carry out at the earliest possible date monitoring activities and make access to the public of the findings in order:

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

(b) To evaluate the effectiveness of action plans, programmes and measures implemented under this Protocol to eliminate to the fullest possible extent pollution of the marine environment.

Article 9

SCIENTIFIC AND TECHNICAL COOPERATION

In conformity with article 13 of the Convention, the Parties shall cooperate in scientific and technological fields related to pollution from land-based sources and activities, particularly research on inputs, pathways and effects of pollutants and on the development of new methods for their treatment, reduction or elimination, as well as the development of clean production processes to this effect. To this end, the Parties shall, in particular, endeavour to:

- (a) Exchange scientific and technical information;
- (b) Coordinate their research programmes;
- (c) Promote access to, and transfer of, environmentally sound technology including clean production technology.

Article 10

TECHNICAL ASSISTANCE

1. The Parties shall, directly or with the assistance of competent regional or other international organizations, bilaterally or multilaterally, cooperate with a view to formulating and, as far as possible, implementing programmes of assistance to developing countries, particularly in the fields of science, education and technology, with a view to preventing, reducing or, as appropriate, phasing out inputs of pollutants from land-based sources and activities and their harmful effects in the marine environment.

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 technologies, on advantageous terms to be agreed upon among the Parties concerned.

Article 11

TRANSBOUNDARY POLLUTION

1. If discharges from a watercourse which flows through the territories of two or more Parties or forms a boundary between them are likely to cause pollution of the marine environment of the Protocol Area, the Parties in question, respecting the provisions of this Protocol in so far as each of them is concerned, are called upon to cooperate with a view to ensuring its full application.

2. A Party shall not be responsible for any pollution originating on the territory of a non-contracting State. However, the said Party shall endeavour to cooperate with the said State so as to make possible full application of the Protocol.

Article 12

SETTLEMENT OF DISPUTES

1. Taking into account article 28, paragraph 1, of the Convention, when land-based pollution originating from the territory of one Party is likely to prejudice directly the interests of one or more of the other Parties, the Parties concerned shall, at the request of one or more of them, undertake to enter into consultation with a view to seeking a satisfactory solution.

2. At the request of any Party concerned, the matter shall be placed on the agenda of the next meeting of the Parties held in accordance with article 14 of this Protocol; the meeting may make recommendations with a view to reaching a satisfactory solution.

Article 13

REPORTS

1. The Parties shall submit reports every two years, unless decided otherwise by the Meeting of the Contracting Parties, 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.

2. Such reports shall include, *inter alia*:

(a) Statistical data on the authorizations granted in accordance with article 6 of this Protocol;

(b) Data resulting from monitoring as provided for in article 8 of this Protocol;

(c) Quantities of pollutants discharged from their territories;

(d) Action plans, programmes and measures implemented in accordance with articles 5, 7 and 15 of this Protocol.

Article 14

MEETINGS

1. Ordinary meetings of the Parties shall take place in conjunction with ordinary meetings of the Contracting Parties to the Convention held pursuant to article 18 of the Convention. The Parties may also hold extraordinary meetings in accordance with article 18 of the Convention.

2. The functions of the meetings of the Parties to this Protocol shall be, *inter alia*:

(a) To keep under review the implementation of this Protocol and to consider the efficacy of the action plans, programmes and measures adopted;

(b) To revise and amend any annex to this Protocol, as appropriate;

(c) To formulate and adopt action plans, programmes and measures in accordance with articles 5, 7 and 15 of this Protocol;

(d) To adopt, in accordance with article 7 of this Protocol, common guidelines, standards or criteria, in any form decided upon by the Parties;

(e) To make recommendations in accordance with article 12, paragraph 2, of this Protocol;

(f) To consider the reports submitted by the Parties under article 13 of this Protocol;

(g) To discharge such other functions as may be appropriate for the application of this Protocol.

Article 15

ADOPTION OF ACTION PLANS, PROGRAMMES AND MEASURES

1. The meeting of the Parties shall adopt, by a two-thirds majority, the short-term and medium-term regional action plans and programmes containing measures and timetables for their implementation provided for in article 5 of this Protocol.

2. Regional action plans and programmes as referred to in paragraph 1 shall be formulated by the Organization and considered and approved by the relevant technical body of the Contracting Parties within one year at the latest of the entry into force of the amendments to this Protocol. Such regional action plans and programmes shall be put on the agenda for the subsequent meeting of the Parties for adoption. The same procedure shall be followed for any additional action plans and programmes.

3. The measures and timetables adopted in accordance with paragraph 1 of this article shall be notified by the Secretariat to all the Parties. Such measures and timetables become binding on the one hundred and eightieth day following the day of notification for the Parties which have not notified the Secretariat of an objection within one hundred and seventy-nine days from the date of notification.

4. The Parties which have notified an objection in accordance with the preceding paragraph shall inform the meeting of the Parties of the provisions they intend to take, it being understood that these Parties may at any time give their consent to these measures or timetables.

Article 16

FINAL PROVISIONS

1. The provisions of the Convention relating to any Protocol shall apply with respect to this Protocol.

2. The rules of procedure and the financial rules adopted pursuant to article 24 of the Convention shall apply with respect to this Protocol, unless the Parties to this Protocol agree otherwise.

3. This Protocol shall be open for signature, at Athens from 17 May 1980 to 16 June 1980, and at Madrid from 17 June 1980 to 16 May 1981, by any State invited to the Conference of Plenipotentiaries of the Coastal States of the Mediterranean Region for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources held at Athens from 12 May to 17 May 1980. It shall also be open until the same dates for signature by the European Economic Community and by any similar regional economic grouping of which at least one member is a coastal State of the Mediterranean Sea Area and which exercises competence in fields covered by this Protocol.

4. This Protocol shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of Spain, which will assume the functions of Depositary.

5. As from 17 May 1981, this Protocol shall be open for accession by the States referred to in paragraph 3 above, by the European Economic Community and by any grouping referred to in that paragraph.

6. This Protocol shall enter into force on the thirtieth day following the deposit of at least six instruments of ratification, acceptance or approval of, or accession to, the Protocol by the Parties referred to in paragraph 3 of this article.

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

DONE at Athens on 17 May 1980 and amended at Syracuse on 7 March 1996 in a single copy in the Arabic, English, French and Spanish languages, the four texts being equally authoritative.

ANNEX I

ELEMENTS TO BE TAKEN INTO ACCOUNT IN THE PREPARATION OF ACTION PLANS, PROGRAMMES AND MEASURES FOR THE ELIMINATION OF POLLUTION FROM LAND-BASED SOURCES AND ACTIVITIES

This annex contains elements which will be taken into account in the preparation of action plans, programmes and measures for the elimination of pollution from land-based sources and activities referred to in articles 5, 7 and 15 of this Protocol.

Such action plans, programmes and measures will aim to cover the sectors of activity listed in section A and also cover the groups of substances enumerated in section C, selected 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 the relative importance of their impact on public health, the environment and socio-economic and cultural conditions. Such programmes should cover point sources, diffuse sources and atmospheric deposition.

In preparing action plans, programmes and measures, the Parties, in conformity with the Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, adopted in Washington, D.C. in 1995, will give priority to substances that are toxic, persistent and liable to bioaccumulate, in particular to persistent organic pollutants (POPs), as well as to wastewater treatment and management.

A. SECTORS OF ACTIVITY

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

1. Energy production;
2. Fertilizer production;
3. Production and formulation of biocides;
4. The pharmaceutical industry;
5. Petroleum refining;
6. The paper and paper-pulp industry;
7. Cement production;
8. The tanning industry;
9. The metal industry;

10. Mining;
11. The shipbuilding and repairing industry;
12. Harbour operations;
13. The textile industry;
14. The electronic industry;
15. The recycling industry;
16. Other sectors of the organic chemical industry;
17. Other sectors of the inorganic chemical industry;
18. Tourism;
19. Agriculture;
20. Animal husbandry;
21. Food processing;
22. Aquaculture;
23. Treatment and disposal of hazardous wastes;
24. Treatment and disposal of domestic waste water;
25. Management of municipal solid waste;
26. Disposal of sewage sludge;
27. The waste management industry;
28. Incineration of waste and management of its residues;
29. Works which cause physical alteration of the natural state of the coastline;
30. Transport.

B. CHARACTERISTICS OF SUBSTANCES IN THE ENVIRONMENT

For the preparation of action plans, programmes and measures, the Parties should take into account the characteristics listed below:

1. Persistence;
2. Toxicity or other noxious properties (e.g. carcinogenicity, mutagenicity, teratogenicity);

3. Bioaccumulation;
4. Radioactivity;
5. The ratio between observed concentrations and no observed effect concentrations (NOEC);
6. The risk of eutrophication of anthropogenic origin;
7. Health effects and risks;
8. Transboundary significance;
9. The risk of undesirable changes in the marine ecosystem and irreversibility or durability of effects;
10. Interference with the sustainable exploitation of living resources or with other legitimate uses of the sea;
11. Effects on the taste and/or smell of marine products for human consumption;
12. Effects on the smell, colour, transparency or other characteristics of seawater;
13. Distribution pattern (i.e. quantities involved, use patterns and probability of reaching the marine environment).

C. CATEGORIES OF SUBSTANCES

The following categories of substances and sources of pollution will serve as guidance in the preparation of action plans, programmes and measures:

1. Organohalogen compounds and substances which may form such compounds in the marine environment. Priority will be given to Aldrin, Chlordane, DDT, Dieldrin, Dioxins and Furans, Endrin, Heptachlor, Hexachlorobenzene, Mirex, PCBs and Toxaphene;
2. Organophosphorus compounds and substances which may form such compounds in the marine environment;
3. Organotin compounds and substances which may form such compounds in the marine environment;
4. Polycyclic aromatic hydrocarbons;
5. Heavy metals and their compounds;
6. Used lubricating oils;

7. Radioactive substances, including their wastes, when their discharges do not comply with the principles of radiation protection as defined by the competent international organizations, taking into account the protection of the marine environment;
8. Biocides and their derivatives;
9. Pathogenic microorganisms;
10. Crude oils and hydrocarbons of petroleum origin;
11. Cyanides and fluorides;
12. Non-biodegradable detergents and other non-biodegradable surface-active substances;
13. Compounds of nitrogen and phosphorus and other substances which may cause eutrophication;
14. Litter (any persistent manufactured or processed solid material which is discarded, disposed of, or abandoned in the marine and coastal environment);
15. Thermal discharges;
16. Acid or alkaline compounds which may impair the quality of water;
17. Non-toxic substances that have an adverse effect on the oxygen content of the marine environment;
18. Non-toxic substances that may interfere with any legitimate use of the sea;
19. Non-toxic substances that may have adverse effects on the physical or chemical characteristics of seawater.

ANNEX II

ELEMENTS TO BE TAKEN INTO ACCOUNT IN THE ISSUE OF THE AUTHORIZATIONS FOR DISCHARGES OF WASTES

With a view to the issue of an authorization for the discharges of wastes containing substances referred to in article 6 to this Protocol, particular account will be taken, as the case may be, of the following factors:

A. CHARACTERISTICS AND COMPOSITION OF THE DISCHARGES

1. Type and size of point or diffuse source (e.g. industrial process).
2. Type of discharges (e.g. origin, average composition).
3. State of waste (e.g. solid, liquid, sludge, slurry).
4. Total amount (volume discharged, e.g. per year).
5. Discharge pattern (continuous, intermittent, seasonally variable, etc.).
6. Concentrations with respect to relevant constituents of substances listed in annex I and of other substances as appropriate.
7. Physical, chemical and biochemical properties of the waste discharges.

B. CHARACTERISTICS OF DISCHARGE CONSTITUENTS WITH RESPECT TO THEIR HARMFULNESS

1. Persistence (physical, chemical, biological) in the marine environment.
2. Toxicity and other harmful effects.
3. Accumulation in biological materials or sediments.
4. Biochemical transformation producing harmful compounds.
5. Adverse effects on the oxygen content and balance.
6. Susceptibility to physical, chemical and biochemical changes and interaction in the aquatic environment with other sea-water constituents which may produce harmful biological or other effects on any of the uses listed in section E below.
7. All other characteristics as listed in annex I, section B.

C. CHARACTERISTICS OF DISCHARGE SITE AND RECEIVING ENVIRONMENT

1. Hydrographic, meteorological, geological and topographical characteristics of the coastal area.

2. Location and type of the discharge (outfall, canal outlet, etc.) and its relation to other areas (such as amenity areas, spawning, nursery, and fishing areas, shellfish grounds) and other discharges.

3. Initial dilution achieved at the point of discharge into the receiving environment.

4. Dispersion characteristics such as effects of currents, tides and wind on horizontal transport and vertical mixing.

5. Receiving water characteristics with respect to physical, chemical, biological and ecological conditions in the discharge area.

6. Capacity of the receiving marine environment to receive waste discharges without undesirable effects.

D. AVAILABILITY OF WASTE TECHNOLOGIES

The methods of waste reduction and discharge for industrial effluents as well as domestic sewage should be selected taking into account the availability and feasibility of:

- (a) Alternative treatment processes;
- (b) Re-use or elimination methods;
- (c) On-land disposal alternatives;
- (d) Appropriate low-waste technologies.

E. POTENTIAL IMPAIRMENT OF MARINE ECOSYSTEMS AND SEA-WATER USES

- 1. Effects on human health through pollution impact on:
 - (a) Edible marine organisms;
 - (b) Bathing waters;
 - (c) Aesthetics.
- 2. Effects on marine ecosystems, in particular living resources, endangered species and critical habitats.
- 3. Effects on other legitimate uses of the sea.

ANNEX III

CONDITIONS OF APPLICATION TO POLLUTION TRANSPORTED THROUGH THE ATMOSPHERE

This annex defines the conditions of application of this Protocol to pollution from land-based sources transported by the atmosphere in terms of Article 4.1(b) are the following:

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 and 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 of this Protocol shall apply progressively to appropriate substances and sources listed in annex I to this Protocol as will be agreed by the Parties.

4. Subject to the conditions specified in paragraph 1 of this annex, the provisions of Article 7.1 of this Protocol shall also apply to:

(a) discharges - quantity and rate - of substances emitted to the atmosphere, on the basis of the information available to the Contracting Parties concerning the location and distribution of air pollution sources;

(b) the content of hazardous substances in fuel and raw materials;

(c) the efficiency of air pollution control technologies and more efficient manufacturing and fuel burning processes;

(d) the application of hazardous substances in agriculture and forestry.

5. The provisions of annex II to this Protocol shall apply to pollution through the atmosphere whenever appropriate. Air pollution monitoring and modelling using acceptable common emission factors and methodologies shall be carried out in the assessment of atmospheric deposition of substances, as well as in the compilation of inventories of quantities and rates of pollutant emissions into the atmosphere from land-based sources.

6. All Articles, including parts thereof to this Protocol not mentioned in paragraphs 1 to 5 above shall apply equally to pollution from land-based sources

transported by the atmosphere wherever applicable and subject to the conditions specified in paragraph 1 of this Annex.

ANNEX IV

CRITERIA FOR THE DEFINITION OF BEST AVAILABLE TECHNIQUES AND BEST ENVIRONMENTAL PRACTICE

A. BEST AVAILABLE TECHNIQUES

1. The use of the best available techniques shall emphasize the use of non-waste technology, if available.

2. The term "best available techniques" means the latest stage of development (state of the art) of processes, of facilities or of methods of operation which indicate the practical suitability of a particular measure for limiting discharges, emissions and waste. In determining whether a set of processes, facilities and methods of operation constitute the best available techniques in general or individual cases, special consideration shall be given to:

(a) comparable processes, facilities or methods of operation which have recently been successfully tried out;

(b) technological advances and changes in scientific knowledge and understanding;

(c) the economic feasibility of such techniques;

(d) time limits for installation in both new and existing plants;

(e) the nature and volume of the discharges and emissions concerned.

3. It therefore follows that what is "best available techniques" for a particular process will change with time in the light of technological advances, economic and social factors, as well as changes in scientific knowledge and understanding.

4. If the reduction of discharges and emissions resulting from the use of best available techniques does not lead to environmentally acceptable results, additional measures have to be applied.

5. "Techniques" include both the technology used and the way in which the installation is designed, built, maintained, operated and dismantled.

B. BEST ENVIRONMENTAL PRACTICE

6. The term "best environmental practice" means the application of the most appropriate combination of environmental control measures and strategies. In making a selection for individual cases, at least the following graduated range of measures should be considered:

(a) the provision of information and education to the public and to users about the environmental consequences of choice of particular activities and choice of products, their use and ultimate disposal;

(b) the development and application of codes of good environmental practice which cover all aspects of the activity in the product's life;

(c) the mandatory application of labels informing users of environmental risks related to a product, its use and ultimate disposal;

(d) saving resources, including energy;

(e) making collection and disposal systems available to the public;

(f) avoiding the use of hazardous substances or products and the generation of hazardous waste;

(g) recycling, recovery and re-use;

(h) the application of economic instruments to activities, products or groups of products;

(i) establishing a system of licensing, involving a range of restrictions or a ban.

7. In determining what combination of measures constitute best environmental practice, in general or individual cases, particular consideration should be given to:

(a) the environmental hazard of the product and its production, use and ultimate disposal;

(b) the substitution by less polluting activities or substances;

(c) the scale of use;

(d) the potential environmental benefit or penalty of substitute materials or activities;

(e) advances and changes in scientific knowledge and understanding;

(f) time limits for implementation;

(g) social and economic implications.

8. It therefore follows that best environmental practice for a particular source will change with time in the light of technological advances, economic and social factors, as well as changes in scientific knowledge and understanding.

9. If the reduction of inputs resulting from the use of best environmental practice does not lead to environmentally acceptable results, additional measures have to be applied and best environmental practice redefined.

Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean ¹

The Contracting Parties to the present Protocol,

Being Parties to the Convention for the Protection of the Mediterranean Sea against Pollution, adopted at Barcelona on 16 February 1976,

Conscious of the profound impact of human activities on the state of the marine environment and the littoral and more generally on the ecosystems of areas having prevailing Mediterranean features,

Stressing the importance of protecting and, as appropriate, improving the state of the Mediterranean natural and cultural heritage, in particular through the establishment of specially protected areas and also by the protection and conservation of threatened species,

Considering the instruments adopted by the United Nations Conference on Environment and Development and particularly the Convention on Biological Diversity (Rio de Janeiro, 1992),

Conscious that when there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be invoked as a reason for postponing measures to avoid or minimize such a threat,

Considering that all the Contracting Parties should cooperate to conserve, protect and restore the health and integrity of ecosystems and that they have, in this respect, common but differentiated responsibilities,

Have agreed as follows:

PART I

GENERAL PROVISIONS

Article 1

DEFINITIONS

¹ The Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean was adopted on 10 June 1995 by the Conference of Plenipotentiaries for the Protection of the Mediterranean Sea against Pollution and its Protocols, held in Barcelona. This Protocol, which replaces the Protocol concerning Mediterranean Specially Protected Areas of 1982 in accordance with its Article 32, entered into force the 12 December 1999.

The Annexes to the Protocol were adopted on 24 November 1996 by the Meeting of Plenipotentiaries on the Annexes to the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean, held in Monaco.

For the purposes of this Protocol:

(a) "Convention" means the Convention for the Protection of the Mediterranean Sea against Pollution, adopted at Barcelona on 16 February 1976 and amended at Barcelona in 1995;

(b) "Biological diversity" means the variability among living organisms from all sources including, *inter alia*, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems;

(c) "Endangered species" means any species that is in danger of extinction throughout all or part of its range;

(d) "Endemic species" means any species whose range is restricted to a limited geographical area;

(e) "Threatened species" means any species that is likely to become extinct within the foreseeable future throughout all or part of its range and whose survival is unlikely if the factors causing numerical decline or habitat degradation continue to operate;

(f) "Conservation status of a species" means the sum of the influences acting on the species that may affect its long-term distribution and abundance;

(g) "Parties" means the Contracting Parties to this Protocol;

(h) "Organization" means the organization referred to in Article 2 of the Convention;

(i) "Centre" means the Regional Activity Centre for Specially Protected Areas.

Article 2

GEOGRAPHICAL COVERAGE

1. The area to which this Protocol applies shall be the area of the Mediterranean Sea as delimited in Article 1 of the Convention. It also includes:

- the seabed and its subsoil;
- the waters, the seabed and its subsoil on the landward side of the baseline from which the breadth of the territorial sea is measured and extending, in the case of watercourses, up to the freshwater limit;
- the terrestrial coastal areas designated by each of the Parties, including wetlands.

2. Nothing in this Protocol nor any act adopted on the basis of this Protocol shall prejudice the rights, the present and future claims or legal views of any State relating to the law of the sea, in particular, the nature and the extent of marine areas, the delimitation of marine areas between States with opposite or adjacent coasts, freedom of navigation on the high seas, the right and the modalities of passage

through straits used for international navigation and the right of innocent passage in territorial seas, as well as the nature and extent of the jurisdiction of the coastal State, the flag State and the port State.

3. No act or activity undertaken on the basis of this Protocol shall constitute grounds for claiming, contending or disputing any claim to national sovereignty or jurisdiction.

Article 3

GENERAL OBLIGATIONS

1. Each Party shall take the necessary measures to:
 - (a) protect, preserve and manage in a sustainable and environmentally sound way areas of particular natural or cultural value, notably by the establishment of specially protected areas;
 - (b) protect, preserve and manage threatened or endangered species of flora and fauna.
2. The Parties shall cooperate, directly or through the competent international organizations, in the conservation and sustainable use of biological diversity in the area to which this Protocol applies.
3. The Parties shall identify and compile inventories of the components of biological diversity important for its conservation and sustainable use.
4. The Parties shall adopt strategies, plans and programmes for the conservation of biological diversity and the sustainable use of marine and coastal biological resources and shall integrate them into their relevant sectoral and intersectoral policies.
5. The Parties shall monitor the components of biological diversity referred to in paragraph 3 of this Article and shall identify processes and categories of activities which have or are likely to have a significant adverse impact on the conservation and sustainable use of biological diversity, and monitor their effects.
6. Each Party shall apply the measures provided for in this Protocol without prejudice to the sovereignty or the jurisdiction of other Parties or other States. Any measures taken by a Party to enforce these measures shall be in accordance with international law.

PART II

PROTECTION OF AREAS

SECTION ONE - SPECIALLY PROTECTED AREAS

Article 4

OBJECTIVES

The objective of specially protected areas is to safeguard:

(a) representative types of coastal and marine ecosystems of adequate size to ensure their long-term viability and to maintain their biological diversity;

(b) habitats which are in danger of disappearing in their natural area of distribution in the Mediterranean or which have a reduced natural area of distribution as a consequence of their regression or on account of their intrinsically restricted area;

(c) habitats critical to the survival, reproduction and recovery of endangered, threatened or endemic species of flora or fauna;

(d) sites of particular importance because of their scientific, aesthetic, cultural or educational interest.

Article 5

ESTABLISHMENT OF SPECIALLY PROTECTED AREAS

1. Each Party may establish specially protected areas in the marine and coastal zones subject to its sovereignty or jurisdiction.

2. If a Party intends to establish, in an area subject to its sovereignty or national jurisdiction, a specially protected area contiguous to the frontier and to the limits of a zone subject to the sovereignty or national jurisdiction of another Party, the competent authorities of the two Parties shall endeavour to cooperate, with a view to reaching agreement on the measures to be taken and shall, *inter alia*, examine the possibility of the other Party establishing a corresponding specially protected area or adopting any other appropriate measures.

3. If a Party intends to establish, in an area subject to its sovereignty or national jurisdiction, a specially protected area contiguous to the frontier and to the limits of a zone subject to the sovereignty or national jurisdiction of a State that is not a Party to this Protocol, the Party shall endeavour to cooperate with that State as referred to in the previous paragraph.

4. If a State which is not party to this Protocol intends to establish a specially protected area contiguous to the frontier and to the limits of a zone subject to the sovereignty or national jurisdiction of a Party to this Protocol, the latter shall endeavour to cooperate with that State as referred to in paragraph 2.

Article 6

PROTECTION MEASURES

The Parties, in conformity with international law and taking into account the characteristics of each specially protected area, shall take the protection measures required, in particular:

(a) the strengthening of the application of the other Protocols to the Convention and of other relevant treaties to which they are Parties;

(b) the prohibition of the dumping or discharge of wastes and other substances likely directly or indirectly to impair the integrity of the specially protected area;

(c) the regulation of the passage of ships and any stopping or anchoring;

(d) the regulation of the introduction of any species not indigenous to the specially protected area in question, or of genetically modified species, as well as the introduction or reintroduction of species which are or have been present in the specially protected area;

(e) the regulation or prohibition of any activity involving the exploration or modification of the soil or the exploitation of the subsoil of the land part, the seabed or its subsoil;

(f) the regulation of any scientific research activity;

(g) the regulation or prohibition of fishing, hunting, taking of animals and harvesting of plants or their destruction, as well as trade in animals, parts of animals, plants, parts of plants, which originate in specially protected areas;

(h) the regulation and if necessary the prohibition of any other activity or act likely to harm or disturb the species or that might endanger the state of conservation of the ecosystems or species or might impair the natural or cultural characteristics of the specially protected area;

(i) any other measure aimed at safeguarding ecological and biological processes and the landscape.

Article 7

PLANNING AND MANAGEMENT

1. The Parties shall, in accordance with the rules of international law, adopt planning, management, supervision and monitoring measures for the specially protected areas.

2. Such measures should include for each specially protected area:

(a) the development and adoption of a management plan that specifies the legal and institutional framework and the management and protection measures applicable;

(b) the continuous monitoring of ecological processes, habitats, population dynamics, landscapes, as well as the impact of human activities;

(c) the active involvement of local communities and populations, as appropriate, in the management of specially protected areas, including assistance to local inhabitants who might be affected by the establishment of such areas;

(d) the adoption of mechanisms for financing the promotion and management of specially protected areas, as well as the development of activities which ensure that management is compatible with the objectives of such areas;

(e) the regulation of activities compatible with the objectives for which the specially protected area was established and the terms of the related permits;

(f) the training of managers and qualified technical personnel, as well as the development of an appropriate infrastructure.

3. The Parties shall ensure that national contingency plans incorporate measures for responding to incidents that could cause damage or constitute a threat to the specially protected areas.

4. When specially protected areas covering both land and marine areas have been established, the Parties shall endeavour to ensure the coordination of the administration and management of the specially protected area as a whole.

SECTION TWO - SPECIALLY PROTECTED AREAS OF MEDITERRANEAN IMPORTANCE

Article 8

ESTABLISHMENT OF THE LIST OF SPECIALLY PROTECTED AREAS OF MEDITERRANEAN IMPORTANCE

1. In order to promote cooperation in the management and conservation of natural areas, as well as in the protection of threatened species and their habitats, the Parties shall draw up a "List of Specially Protected Areas of Mediterranean Importance", hereinafter referred to as the "SPAMI List".

2. The SPAMI List may include sites which:

- are of importance for conserving the components of biological diversity in the Mediterranean;
- contain ecosystems specific to the Mediterranean area or the habitats of endangered species;
- are of special interest at the scientific, aesthetic, cultural or educational levels.

3. The Parties agree:

(a) to recognize the particular importance of these areas for the Mediterranean;

(b) to comply with the measures applicable to the SPAMIs and not to authorize nor undertake any activities that might be contrary to the objectives for which the SPAMIs were established.

Article 9

PROCEDURE FOR THE ESTABLISHMENT AND LISTING OF SPAMIs

1. SPAMIs may be established, following the procedure provided for in paragraph 2 to 4 of this Article, in: (a) the marine and coastal zones subject to the sovereignty or jurisdiction of the Parties; (b) zones partly or wholly on the high seas.

2. Proposals for inclusion in the List may be submitted:

(a) by the Party concerned, if the area is situated in a zone already delimited, over which it exercises sovereignty or jurisdiction;

(b) by two or more neighbouring Parties concerned if the area is situated, partly or wholly, on the high sea;

(c) by the neighbouring Parties concerned in areas where the limits of national sovereignty or jurisdiction have not yet been defined.

3. Parties making proposals for inclusion in the SPAMI List shall provide the Centre with an introductory report containing information on the area's geographical location, its physical and ecological characteristics, its legal status, its management plans and the means for their implementation, as well as a statement justifying its Mediterranean importance;

(a) where a proposal is formulated under subparagraphs 2 (b) and 2 (c) of this Article, the neighbouring Parties concerned shall consult each other with a view to ensuring the consistency of the proposed protection and management measures, as well as the means for their implementation;

(b) proposals made under paragraph 2 of this Article shall indicate the protection and management measures applicable to the area as well as the means of their implementation.

4. The procedure for inclusion of the proposed area in the List is the following:

(a) for each area, the proposal shall be submitted to the National Focal Points, which shall examine its conformity with the common guidelines and criteria adopted pursuant to Article 16;

(b) if a proposal made in accordance with subparagraph 2 (a) of this Article is consistent with the guidelines and common criteria, after assessment, the Organization shall inform the meeting of the Parties, which shall decide to include the area in the SPAMI List;

(c) if a proposal made in accordance with subparagraphs 2 (b) and 2 (c) of this Article is consistent with the guidelines and common criteria, the Centre shall

transmit it to the Organization, which shall inform the meeting of the Parties. The decision to include the area in the SPAMI list shall be taken by consensus by the Contracting Parties, which shall also approve the management measures applicable to the area.

5. The Parties which proposed the inclusion of the area in the List shall implement the protection and conservation measures specified in their proposals in accordance with paragraph 3 of this Article. The Contracting Parties undertake to observe the rules thus laid down. The Centre shall inform the competent international organizations of the List and of the measures taken in the SPAMIs.

6. The Parties may revise the SPAMI List. To this end, the Centre shall prepare a report.

Article 10

CHANGES IN THE STATUS OF SPAMIs

Changes in the delimitation or legal status of a SPAMI or the suppression of all or part of such an area shall not be decided upon unless there are important reasons for doing so, taking into account the need to safeguard the environment and comply with the obligations laid down in this Protocol and a procedure similar to that followed for the creation of the SPAMI and its inclusion in the List shall be observed.

PART III

PROTECTION AND CONSERVATION OF SPECIES

Article 11

NATIONAL MEASURES FOR THE PROTECTION AND CONSERVATION OF SPECIES

1. The Parties shall manage species of flora and fauna with the aim of maintaining them in a favourable state of conservation.

2. The Parties shall, in the zones subject to their sovereignty or national jurisdiction, identify and compile lists of the endangered or threatened species of flora and fauna and accord protected status to such species. The Parties shall regulate and, where appropriate, prohibit activities having adverse effects on such species or their habitats, and carry out management, planning and other measures to ensure a favourable state of conservation of such species.

3. With respect to protected species of fauna, the Parties shall control and, where appropriate, prohibit:

(a) the taking, possession or killing (including, to the extent possible, the incidental taking, possession or killing), the commercial trade, the transport and the exhibition for commercial purposes of these species, their eggs, parts or products;

(b) to the extent possible, the disturbance of wild fauna, particularly during the period of breeding, incubation, hibernation or migration, as well as other periods of biological stress.

4. In addition to the measures specified in the previous paragraph, the Parties shall coordinate their efforts, through bilateral or multilateral action, including if necessary, agreements for the protection and recovery of migratory species whose range extends into the area to which this Protocol applies.

5. With respect to protected species of flora and their parts and products, the Parties shall regulate, and where appropriate, prohibit all forms of destruction and disturbance, including the picking, collecting, cutting, uprooting, possession of, commercial trade in, or transport and exhibition for commercial purposes of such species.

6. The Parties shall formulate and adopt measures and plans with regard to ex situ reproduction, in particular captive breeding, of protected fauna and propagation of protected flora.

7. The Parties shall endeavour, directly or through the Centre, to consult with range States that are not Parties to this Protocol, with a view to coordinating their efforts to manage and protect endangered or threatened species.

8. The Parties shall make provision, where possible, for the return of protected species exported or held illegally. Efforts should be made by Parties to reintroduce such specimens to their natural habitat.

Article 12

COOPERATIVE MEASURES FOR THE PROTECTION AND CONSERVATION OF SPECIES

1. The Parties shall adopt cooperative measures to ensure the protection and conservation of the flora and fauna listed in the Annexes to this Protocol relating to the List of Endangered or Threatened Species and the List of Species whose Exploitation is Regulated.

2. The Parties shall ensure the maximum possible protection and recovery of the species of fauna and flora listed in the Annex relating to the List of Endangered or Threatened Species by adopting at the national level the measures provided for in paragraphs 3 and 5 of Article 11 of this Protocol.

3. The Parties shall prohibit the destruction of and damage to the habitat of species listed in the Annex relating to the List of Endangered or Threatened Species and shall formulate and implement action plans for their conservation or recovery. They shall continue to cooperate in implementing the relevant action plans already adopted.

4. The Parties, in cooperation with competent international organizations, shall take all appropriate measures to ensure the conservation of the species listed in the Annex relating to the List of Species whose Exploitation is Regulated while at the

same time authorizing and regulating the exploitation of these species so as to ensure and maintain their favourable state of conservation.

5. When the range area of a threatened or endangered species extends to both sides of a national frontier or of the limit that separates the territories or the areas subject to the sovereignty or the national jurisdiction of two Parties to this Protocol, these Parties shall cooperate with a view to ensuring the protection and conservation and, if necessary, the recovery of such species.

6. Provided that no other satisfactory solutions are available and that the exemption does not harm the survival of the population or of any other species, the Parties may grant exemptions to the prohibitions prescribed for the protection of the species listed in the Annexes to this Protocol for scientific, educational or management purposes necessary to ensure the survival of the species or to prevent significant damage. Such exemptions shall be notified to the Contracting Parties.

Article 13

INTRODUCTION OF NON-INDIGENOUS OR GENETICALLY MODIFIED SPECIES

1. The Parties shall take all appropriate measures to regulate the intentional or accidental introduction of non-indigenous or genetically modified species to the wild and prohibit those that may have harmful impacts on the ecosystems, habitats or species in the area to which this Protocol applies.

2. The Parties shall endeavour to implement all possible measures to eradicate species that have already been introduced when, after scientific assessment, it appears that such species cause or are likely to cause damage to ecosystems, habitats or species in the area to which this Protocol applies.

PART IV

PROVISIONS COMMON TO PROTECTED AREAS AND SPECIES

Article 14

AMENDMENTS TO ANNEXES

1. The procedures for amendments to Annexes to this Protocol shall be those set forth in Article 23 of the Convention.

2. All proposed amendments submitted to the meeting of Contracting Parties shall have been the subject of prior evaluation by the meeting of National Focal Points.

Article 15

INVENTORIES

Each Party shall compile comprehensive inventories of:

- (a) areas over which they exercise sovereignty or jurisdiction that contain rare or fragile ecosystems, that are reservoirs of biological diversity, that are important for threatened or endangered species;
- (b) species of fauna or flora that are endangered or threatened.

Article 16

GUIDELINES AND COMMON CRITERIA

The Parties shall adopt:

- (a) common criteria for the choice of protected marine and coastal areas that could be included in the SPAMI List which shall be annexed to the Protocol;
- (b) common criteria for the inclusion of additional species in the Annexes;
- (c) guidelines for the establishment and management of specially protected areas.

The criteria and guidelines referred to in paragraphs (b) and (c) may be amended by the meeting of the Parties on the basis of a proposal made by one or more Parties.

Article 17

ENVIRONMENTAL IMPACT ASSESSMENT

In the planning process leading to decisions on industrial and other projects and activities that could significantly affect protected areas and species and their habitats, the Parties shall evaluate and take into consideration the possible direct or indirect, immediate or long-term, impact, including the cumulative impact of the projects and activities being contemplated.

Article 18

INTEGRATION OF TRADITIONAL ACTIVITIES

1. In formulating protective measures, the Parties shall take into account the traditional subsistence and cultural activities of their local populations. They shall grant exemptions, as necessary, to meet such needs. No exemption which is allowed for this reason shall:

- (a) endanger either the maintenance of ecosystems protected under this Protocol or the biological processes contributing to the maintenance of those ecosystems;

(b) cause either the extinction of, or a substantial reduction in, the number of individuals making up the populations or species of flora and fauna, in particular endangered, threatened, migratory or endemic species.

2. Parties which grant exemptions from the protection measures shall inform the Contracting Parties accordingly.

Article 19

PUBLICITY, INFORMATION, PUBLIC AWARENESS AND EDUCATION

1. The Parties shall give appropriate publicity to the establishment of specially protected areas, their boundaries, applicable regulations, and to the designation of protected species, their habitats and applicable regulations.

2. The Parties shall endeavour to inform the public of the interest and value of specially protected areas and species, and of the scientific knowledge which may be gained from the point of view of nature conservation and other points of view. Such information should have an appropriate place in education programmes. The Parties shall also endeavour to promote the participation of their public and their conservation organizations in measures that are necessary for the protection of the areas and species concerned, including environmental impact assessments.

Article 20

SCIENTIFIC, TECHNICAL AND MANAGEMENT RESEARCH

1. The Parties shall encourage and develop scientific and technical research relating to the aims of this Protocol. They shall also encourage and develop research into the sustainable use of specially protected areas and the management of protected species.

2. The Parties shall consult, when necessary, among themselves and with competent international organizations with a view to identifying, planning and undertaking scientific and technical research and monitoring programmes necessary for the identification and monitoring of protected areas and species and assessing the effectiveness of measures taken to implement management and recovery plans.

3. The Parties shall exchange, directly or through the Centre, scientific and technical information concerning current and planned research and monitoring programmes and the results thereof. They shall, to the fullest extent possible, coordinate their research and monitoring programmes, and endeavour jointly to define or standardize their procedures.

4. In technical and scientific research, the Parties shall give priority to SPAMIs and species appearing in the Annexes to this Protocol.

Article 21

MUTUAL COOPERATION

1. The Parties shall, directly or with the assistance of the Centre or international organizations concerned, establish cooperation programmes to coordinate the establishment, conservation, planning and management of specially protected areas, as well as the selection, management and conservation of protected species. There shall be regular exchanges of information concerning the characteristics of protected areas and species, the experience acquired and the problems encountered.

2. The Parties shall, at the earliest opportunity, communicate any situation that might endanger the ecosystems of specially protected areas or the survival of protected species of flora and fauna to the other Parties, to the States that might be affected and to the Centre.

Article 22

MUTUAL ASSISTANCE

1. The Parties shall cooperate, directly or with the assistance of the Centre or the international organizations concerned, in formulating, financing and implementing programmes of mutual assistance and assistance to developing countries that express a need for it with a view to implementing this Protocol.

2. These programmes shall include public environmental education, the training of scientific, technical and management personnel, scientific research, the acquisition, utilization, design and development of appropriate equipment, and transfer of technology on advantageous terms to be agreed among the Parties concerned.

3. The Parties shall, in matters of mutual assistance, give priority to the SPAMIs and species appearing in the Annexes to this Protocol.

Article 23

REPORTS OF THE PARTIES

The Parties shall submit to ordinary meetings of the Parties a report on the implementation of this Protocol, in particular on:

- (a) the status and the state of the areas included in the SPAMI List;
- (b) any changes in the delimitation or legal status of the SPAMIs and protected species;
- (c) possible exemptions allowed pursuant to Articles 12 and 18 of this Protocol.

PART V

INSTITUTIONAL PROVISIONS

Article 24

NATIONAL FOCAL POINTS

Each Party shall designate a National Focal Point to serve as liaison with the Centre on the technical and scientific aspects of the implementation of this Protocol. The National Focal Points shall meet periodically to carry out the functions deriving from this Protocol.

Article 25

COORDINATION

1. The Organization shall be responsible for coordinating the implementation of this Protocol. For this purpose, it shall receive the support of the Centre, to which it may entrust the following functions:

(a) assisting the Parties, in cooperation with the competent international, intergovernmental and non-governmental organizations, in:

- establishing and managing specially protected areas in the area to which this Protocol applies;
- conducting programmes of technical and scientific research as provided for in Article 20 of this Protocol;
- conducting the exchange of scientific and technical information among the Parties as provided for in Article 20 of this Protocol;
- preparing management plans for specially protected areas and species;
- developing cooperative programmes pursuant to Article 21 of this Protocol;
- preparing educational materials designed for various groups;

(b) convening and organizing the meetings of the National Focal Points and providing them with secretariat services;

(c) formulating recommendations on guidelines and common criteria pursuant to Article 16 of this Protocol;

(d) creating and updating databases of specially protected areas, protected species and other matters relevant to this Protocol;

(e) preparing reports and technical studies that may be required for the implementation of this Protocol;

(f) elaborating and implementing the training programmes mentioned in Article 22, paragraph 2;

(g) cooperating with regional and international governmental and non-governmental organizations concerned with the protection of areas and species, provided that the specificity of each organization and the need to avoid the duplication of activities are respected;

- (h) carrying out the functions assigned to it in the action plans adopted in the framework of this Protocol;
- (i) carrying out any other function assigned to it by the Parties.

Article 26

MEETINGS OF THE PARTIES

1. The ordinary meetings of the Parties to this Protocol shall be held in conjunction with the ordinary meetings of the Contracting Parties to the Convention held pursuant to Article 18 of the Convention. The Parties may also hold extraordinary meetings in conformity with that Article.

2. The meetings of the Parties to this Protocol are particularly aimed at:

- (a) keeping under review the implementation of this Protocol;
- (b) overseeing the work of the Organization and of the Centre relating to the implementation of this Protocol and providing policy guidance for their activities;
- (c) considering the efficacy of the measures adopted for the management and protection of areas and species, and examining the need for other measures, in particular in the form of Annexes and amendments to this Protocol or to its Annexes;
- (d) adopting the guidelines and common criteria provided for in Article 16 of this Protocol;
- (e) considering reports transmitted by the Parties under Article 23 of this Protocol, as well as any other pertinent information which the Parties transmit through the Centre;
- (f) making recommendations to the Parties on the measures to be adopted for the implementation of this Protocol;
- (g) examining the recommendations of the meetings of the National Focal Points pursuant to Article 24 of this Protocol;
- (h) deciding on the inclusion of an area in the SPAMI List in conformity with Article 9, paragraph 4, of this Protocol;
- (i) examining any other matter relevant to this Protocol, as appropriate;
- (j) discussing and evaluating the exemptions allowed by the Parties in conformity with Articles 12 and 18 of this Protocol.

PART VI

FINAL PROVISIONS

Article 27

EFFECT OF THE PROTOCOL ON DOMESTIC LEGISLATION

The provisions of this Protocol shall not affect the right of Parties to adopt relevant stricter domestic measures for the implementation of this Protocol.

Article 28

RELATIONSHIP WITH THIRD PARTIES

1. The Parties shall invite States that are not Parties to the Protocol and international organizations to cooperate in the implementation of this Protocol.

2. The Parties undertake to adopt appropriate measures, consistent with international law, to ensure that no one engages in any activity contrary to the principles or purposes of this Protocol.

Article 29

SIGNATURE

This Protocol shall be open for signature in Barcelona on 10 June 1995 and in Madrid from 11 June 1995 to 10 June 1996 by any Contracting Party to the Convention.

Article 30

RATIFICATION, ACCEPTANCE OR APPROVAL

This Protocol shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of Spain, which will assume the functions of Depositary.

Article 31

ACCESSION

As from 10 June 1996, this Protocol shall be open for accession by any State and regional economic grouping which is Party to the Convention.

Article 32

ENTRY INTO FORCE

1. This Protocol shall enter into force on the thirtieth day following the deposit of the sixth instrument of ratification, acceptance or approval of, or accession to, the Protocol.

2. From the date of its entry into force, this Protocol shall replace the Protocol Concerning Mediterranean Specially Protected Areas of 1982, in the relationship among the Parties to both instruments.

IN WITNESS WHEREOF, the undersigned, being duly authorized, have signed this Protocol.

DONE at Barcelona, on 10 June 1995, in a single copy in the Arabic, English, French and Spanish languages, the four texts being equally authoritative, for signature by any Party to the Convention.

ANNEX I

COMMON CRITERIA FOR THE CHOICE OF PROTECTED MARINE AND COASTAL AREAS THAT COULD BE INCLUDED IN THE SPAMI LIST

A. GENERAL PRINCIPLES

The Contracting Parties agree that the following general principles will guide their work in establishing the SPAMI List:

a) The conservation of the natural heritage is the basic aim that must characterize a SPAMI. The pursuit of other aims such as the conservation of the cultural heritage, and the promotion of scientific research, education, participation, collaboration, is highly desirable in SPAMIs and constitutes a factor in favour of a site being included on the List, to the extent in which it remains compatible with the aims of conservation.

b) No limit is imposed on the total number of areas included in the List or on the number of areas any individual Party can propose for inscription. Nevertheless, the Parties agree that sites will be selected on a scientific basis and included in the List according to their qualities; they will have therefore to fulfil the requirements set out by the Protocol and the present criteria.

c) The listed SPAMI and their geographical distribution will have to be representative of the Mediterranean region and its biodiversity. To this end the List will have to represent the highest number possible of types of habitats and ecosystems.

d) The SPAMIs will have to constitute the core of a network aiming at the effective conservation of the Mediterranean heritage. To attain this objective, the Parties will develop their cooperation on bilateral and multilateral bases in the field of conservation and management of natural sites and notably through the establishment of transboundary SPAMIs.

e) The sites included in the SPAMI List are intended to have a value of example and model for the protection of the natural heritage of the region. To this end, the Parties ensure that sites included in the List are provided with adequate legal status, protection measures and management methods and means.

B. GENERAL FEATURES OF THE AREAS THAT COULD BE INCLUDED IN THE SPAMI LIST

1. To be eligible for inclusion in the SPAMI List, an area must fulfil at least one of the general criteria set in Article 8 paragraph 2 of the Protocol. Several of these general criteria can in certain cases be fulfilled by the same area, and such a circumstance cannot but strengthen the case for the inclusion of the area in the List.

2. The regional value is a basic requirement of an area for being included in the SPAMI List. The following criteria should be used in evaluating the Mediterranean interest of an area:

a) Uniqueness

The area contains unique or rare ecosystems, or rare or endemic species.

b) Natural representativeness

The area has highly representative ecological processes, or community or habitat types or other natural characteristics. Representativeness is the degree to which an area represents a habitat type, ecological process, biological community, physiographic feature or other natural characteristic.

c) Diversity

The area has a high diversity of species, communities, habitats or ecosystems.

d) Naturalness

The area has a high degree of naturalness as a result of the lack or low level of human-induced disturbance and degradation.

e) Presence of habitats that are critical to endangered, threatened or endemic species.

f) Cultural representativeness

The area has a high representative value with respect to the cultural heritage, due to the existence of environmentally sound traditional activities integrated with nature which support the well-being of local populations.

3. To be included in the SPAMI List, an area having scientific, educational or aesthetic interest must, respectively, present a particular value for research in the field of natural sciences or for activities of environmental education or awareness or contain outstanding natural features, landscapes or seascapes.

4. Besides the fundamental criteria specified in article 8, paragraph 2, of the Protocol, a certain number of other characteristics and factors should be considered as favourable for the inclusion of the site in the List. These include:

a) the existence of threats likely to impair the ecological, biological, aesthetic or cultural value of the area;

b) the involvement and active participation of the public in general, and particularly of local communities, in the process of planning and management of the area;

c) the existence of a body representing the public, professional, non-governmental sectors and the scientific community involved in the area;

d) the existence in the area of opportunities for sustainable development;

e) the existence of an integrated coastal management plan within the meaning of Article 4 paragraph 3 (e) of the Convention.

C. LEGAL STATUS

1. All areas eligible for inclusion in the SPAMI List must be awarded a legal status guaranteeing their effective long-term protection.

2. To be included in the SPAMI List, an area situated in a zone already delimited over which a Party exercises sovereignty or jurisdiction must have a protected status recognized by the Party concerned.

3. In the case of areas situated, partly or wholly, on the high sea or in a zone where the limits of national sovereignty or jurisdiction have not yet been defined, the legal status, the management plan, the applicable measures and the other elements provided for in Article 9, paragraph 3, of the Protocol will be provided by the neighbouring Parties concerned in the proposal for inclusion in the SPAMI List.

D. PROTECTION, PLANNING AND MANAGEMENT MEASURES

1. Conservation and management objectives must be clearly defined in the texts relating to each site, and will constitute the basis for assessment of the adequacy of the adopted measures and the effectiveness of their implementation at the revisions of the SPAMI List.

2. Protection, planning and management measures applicable to each area must be adequate for the achievement of the conservation and management objectives set for the site in the short and long term, and take in particular into account the threats upon it.

3. Protection, planning and management measures must be based on an adequate knowledge of the elements of the natural environment and of socio-economic and cultural factors that characterize each area. In case of shortcomings in basic knowledge, an area proposed for inclusion in the SPAMI List must have a programme for the collection of the unavailable data and information.

4. The competence and responsibility with regard to administration and implementation of conservation measures for areas proposed for inclusion in the SPAMI List must be clearly defined in the texts governing each area.

5. In the respect of the specificity characterizing each protected site, the protection measures for a SPAMI must take account of the following basic aspects:

a) the strengthening of the regulation of the release or dumping of wastes and other substances likely directly or indirectly to impair the integrity of the area;

b) the strengthening of the regulation of the introduction or reintroduction of any species into the area;

c) the regulation of any activity or act likely to harm or disturb the species, or that might endanger the conservation status of the ecosystems or species or might impair the natural, cultural or aesthetic characteristics of the area.

d) the regulation applicable to the zones surrounding the area in question.

6. To be included in the SPAMI List, a protected area must have a management body, endowed with sufficient powers as well as means and human resources to prevent and/or control activities likely to be contrary to the aims of the protected area.

7. To be included in the SPAMI List an area will have to be endowed with a management plan. The main rules of this management plan are to be laid down as from the time of inclusion and implemented immediately. A detailed management plan must be presented within three years of the time of inclusion. Failure to respect this obligation entails the removal of the site from the List.

8. To be included in the SPAMI List, an area will have to be endowed with a monitoring programme. This programme should include the identification and monitoring of a certain number of significant parameters for the area in question, in order to allow the assessment of the state and evolution of the area, as well as the effectiveness of protection and management measures implemented, so that they may be adapted if need be. To this end further necessary studies are to be commissioned.

ANNEX II

LIST OF ENDANGERED OR THREATENED SPECIES

Magnoliophyta

Posidonia oceanica
Zostera marina
Zostera noltii

Chlorophyta

Caulerpa ollivieri

Phaeophyta

Cystoseira amentacea (including *var. stricta* and *var. spicata*)
Cystoseira mediterranea
Cystoseira sedoides
Cystoseira spinosa (including *C. adriatica*)
Cystoseira zosteroides
Laminaria rodriguezii

Rhodophyta

Goniolithon byssoides
Lithophyllum lichenoides
Ptilophora mediterranea
Schimmelmannia schousboei

Porifera

Asbestopluma hypogea
Aplysina sp. plur.
Axinella cannabina
Axinella polypoides
Geodia cydonium
Ircinia foetida
Ircinia pipetta
Petrobiona massiliana
Tethya sp. plur.

Cnidaria

Astroides calycularis
Errina aspera
Gerardia savaglia

Echinodermata

Asterina pancerii
Centrostephanus longispinus
Ophidiaster ophidianus

Bryozoa

Hornera lichenoides

Mollusca

Ranella olearia (= *Argobuccinum olearium* = *A. giganteum*)

Charonia lampas (= *Ch. rubicunda* = *Ch. nodifera*)
Charonia tritonis (= *Ch. seguenziae*)
Dendropoma petraeum
Erosaria spurca
Gibbula nivosa
Lithophaga lithophaga
Luria lurida (= *Cypraea lurida*)
Mitra zonata
Patella ferruginea
Patella nigra
Pholas dactylus
Pinna nobilis
Pinna rudis (= *P. pernula*)
Schilderia achatidea
Tonna galea
Zonaria pyrum

Crustacea

Ocypode cursor
Pachylasma giganteum

Pisces

Acipenser naccarii
Acipenser sturio
Aphanius fasciatus
Aphanius iberus
Cetorhinus maximus
Carcharodon carcharias
Hippocampus ramulosus
Hippocampus hippocampus
Huso huso
Lethenteron zanandreaei
Mobula mobular
Pomatoschistus canestrinii
Pomatoschistus tortonesei
Valencia hispanica
Valencia letourneuxi

Reptiles

Caretta caretta
Chelonia mydas
Dermochelys coriacea
Eretmochelys imbricata
Lepidochelys kempii
Trionyx triunguis

Aves

Pandion haliaetus
Calonectris diomedea
Falco eleonorae
Hydrobates pelagicus
Larus audouinii
Numerius tenuirostris

Phalacrocorax aristotelis
Phalacrocorax pygmaeus
Pelecanus onocrotalus
Pelecanus crispus
Phoenicopterus ruber
Puffinus yelkouan
Sterna albifrons
Sterna bengalensis
Sterna sandvicensis

Mammalia

Balaenoptera acutorostrata
Balaenoptera borealis
Balaenoptera physalus
Delphinus delphis
Eubalaena glacialis
Globicephala melas
Grampus griseus
Kogia simus
Megaptera novaeangliae
Mesoplodon densirostris
Monachus monachus
Orcinus orca
Phocoena phocoena
Physeter macrocephalus
Pseudorca crassidens
Stenella coeruleoalba
Steno bredanensis
Tursiops truncatus
Ziphius cavirostris

ANNEX III

LIST OF SPECIES WHOSE EXPLOITATION IS REGULATED

Porifera

Hippospongia communis
Spongia agaricina
Spongia officinalis
Spongia zimocca

Cnidaria

Antipathes sp. plur.
Corallium rubrum

Echinodermata

Paracentrotus lividus

Crustacea

Homarus gammarus
Maja squinado
Palinurus elephas
Scyllarides latus
Scyllarus pigmaeus
Scyllarus arctus

Pisces

Alosa alosa
Alosa fallax
Anguilla anguilla
Epinephelus marginatus
Isurus oxyrinchus
Lamna nasus
Lampetra fluviatilis
Petromyzon marinus
Prionace glauca
Raja alba
Sciaena umbra
Squatina squatina
Thunnus thynnus
Umbrina cirrosa
Xiphias gladius

Protocol for the Protection of the Mediterranean Sea against Pollution Resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil ¹

The Contracting Parties to the present Protocol,

Being Parties to the Convention for the Protection of the Mediterranean Sea against Pollution, adopted at Barcelona on 16 February 1976,

Bearing in mind Article 7 of the said Convention,

Bearing in mind the increase in the activities concerning exploration and exploitation of the Mediterranean seabed and its subsoil,

Recognizing that the pollution which may result therefrom represents a serious danger to the environment and to human beings,

Desirous of protecting and preserving the Mediterranean Sea from pollution resulting from exploration and exploitation activities,

Taking into account the Protocols related to the Convention for the Protection of the Mediterranean Sea against Pollution and, in particular, the Protocol concerning Cooperation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency, adopted at Barcelona on 16 February 1976, and the Protocol concerning Mediterranean Specially Protected Areas, adopted at Geneva on 3 April 1982,

Bearing in mind the relevant provisions of the United Nations Convention on the Law of the Sea, done at Montego Bay on 10 December 1982 and signed by many Contracting Parties,

Recognizing the differences in levels of development among the coastal States, and taking account of the economic and social imperatives of the developing countries,

Have agreed as follows:

SECTION I - GENERAL PROVISIONS

Article 1

DEFINITIONS

¹ The Protocol for the Protection of the Mediterranean Sea against Pollution Resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil was adopted on 14 October 1994 by the Conference of Plenipotentiaries held in Madrid and has not yet entered into force.

For the purposes of this Protocol:

(a) "Convention" means the Convention for the Protection of the Mediterranean Sea against Pollution, adopted at Barcelona on 16 February 1976;

(b) "Organization" means the body referred to in Article 17 of the Convention;

(c) "Resources" means all mineral resources, whether solid, liquid or gaseous;

(d) "Activities concerning exploration and/or exploitation of the resources in the Protocol Area" (hereinafter referred to as "activities") means:

(i) Activities of scientific research concerning the resources of the seabed and its subsoil;

(ii) Exploration activities:

- Seismological activities; surveys of the seabed and its subsoil; sample taking;
- Exploration drilling;

(iii) Exploitation activities:

- Establishment of an installation for the purpose of recovering resources, and activities connected therewith;
- Development drilling;
- Recovery, treatment and storage;
- Transportation to shore by pipeline and loading of ships;
- Maintenance, repair and other ancillary operations;

(e) "Pollution" is defined as in Article 2, paragraph (a), of the Convention;

(f) "Installation" means any fixed or floating structure, and any integral part thereof, that is engaged in activities, including, in particular:

(i) Fixed or mobile offshore drilling units;

(ii) Fixed or floating production units including dynamically-positioned units;

(iii) Offshore storage facilities including ships used for this purpose;

(iv) Offshore loading terminals and transport systems for the extracted products, such as submarine pipelines;

(v) Apparatus attached to it and equipment for the reloading, processing, storage and disposal of substances removed from the seabed or its subsoil;

(g) "Operator" means:

- (i) Any natural or juridical person who is authorized by the Party exercising jurisdiction over the area where the activities are undertaken (hereinafter referred to as the "Contracting Party") in accordance with this Protocol to carry out activities and/or who carries out such activities; or
- (ii) Any person who does not hold an authorization within the meaning of this Protocol but is *de facto* in control of such activities;

(h) "Safety zone" means a zone established around installations in conformity with the provisions of general international law and technical requirements, with appropriate markings to ensure the safety of both navigation and the installations;

(i) "Wastes" means substances and materials of any kind, form or description resulting from activities covered by this Protocol which are disposed of or are intended for disposal or are required to be disposed of;

(j) "Harmful or noxious substances and materials" means substances and materials of any kind, form or description, which might cause pollution, if introduced into the Protocol Area;

(k) "Chemical Use Plan" means a plan drawn up by the operator of any offshore installation which shows:

- (i) The chemicals which the operator intends to use in the operations;
- (ii) The purpose or purposes for which the operator intends to use the chemicals;
- (iii) The maximum concentrations of the chemicals which the operator intends to use within any other substances, and maximum amounts intended to be used in any specified period;
- (iv) The area within which the chemical may escape into the marine environment;

(l) "Oil" means petroleum in any form including crude oil, fuel oil, oily sludge, oil refuse and refined products and, without limiting the generality of the foregoing, includes the substances listed in the Appendix to this Protocol;

(m) "Oily mixture" means a mixture with any oil content;

(n) "Sewage" means:

- (i) Drainage and other wastes from any form of toilets, urinals and water-closet scuppers;
- (ii) Drainage from medical premises (dispensary, sick bay, etc.) via wash basins, wash tubs and scuppers located in such premises;

- (iii) Other waste waters when mixed with the drainages defined above;

(o) "Garbage" means all kinds of food, domestic and operational waste generated during the normal operation of the installation and liable to be disposed of continuously or periodically, except those substances which are defined or listed elsewhere in this Protocol;

(p) "Freshwater limit" means the place in water courses where, at low tides and in a period of low freshwater flow, there is an appreciable increase in salinity due to the presence of sea water.

Article 2

GEOGRAPHICAL COVERAGE

1. The area to which this Protocol applies (referred to in this Protocol as the "Protocol Area") shall be:

(a) The Mediterranean Sea Area as defined in Article 1 of the Convention, including the continental shelf and the seabed and its subsoil;

(b) Waters, including the seabed and its subsoil, on the landward side of the baselines from which the breadth of the territorial sea is measured and extending, in the case of watercourses, up to the freshwater limit.

2. Any of the Contracting Parties to this Protocol (referred to in this Protocol as "the Parties") may also include in the Protocol area wetlands or coastal areas of their territory.

3. Nothing in this Protocol, nor any act adopted on the basis of this Protocol, shall prejudice the rights of any State concerning the delimitation of the continental shelf.

Article 3

GENERAL UNDERTAKINGS

1. The Parties shall take, individually or through bilateral or multilateral cooperation, all appropriate measures to prevent, abate, combat and control pollution in the Protocol Area resulting from activities, *inter alia* by ensuring that the best available techniques, environmentally effective and economically appropriate, are used for this purpose.

2. The Parties shall ensure that all necessary measures are taken so that activities do not cause pollution.

SECTION II - AUTHORIZATION SYSTEM

Article 4

GENERAL PRINCIPLES

1. All activities in the Protocol Area, including erection on site of installations, shall be subject to the prior written authorization for exploration or exploitation from the competent authority. Such authority, before granting the authorization, shall be satisfied that the installation has been constructed according to international standards and practice and that the operator has the technical competence and the financial capacity to carry out the activities. Such authorization shall be granted in accordance with the appropriate procedure, as defined by the competent authority.

2. Authorization shall be refused if there are indications that the proposed activities are likely to cause significant adverse effects on the environment that could not be avoided by compliance with the conditions laid down in the authorization and referred to in Article 6, paragraph 3, of this Protocol.

3. When considering approval of the siting of an installation, the Contracting Party shall ensure that no detrimental effects will be caused to existing facilities by such siting, in particular, to pipelines and cables.

Article 5

REQUIREMENTS FOR AUTHORIZATIONS

1. The Contracting Party shall prescribe that any application for authorization or for the renewal of an authorization is subject to the submission of the project by the candidate operator to the competent authority and that any such application must include, in particular, the following:

(a) A survey concerning the effects of the proposed activities on the environment; the competent authority may, in the light of the nature, scope, duration and technical methods employed in the activities and of the characteristics of the area, require that an environmental impact assessment be prepared in accordance with Annex IV to this Protocol;

(b) The precise definition of the geographical areas where the activity is envisaged, including safety zones;

(c) Particulars of the professional and technical qualifications of the candidate operator and personnel on the installation, as well as of the composition of the crew;

(d) The safety measures as specified in Article 15;

(e) The operator's contingency plan as specified in Article 16;

(f) The monitoring procedures as specified in Article 19;

(g) The plans for removal of installations as specified in Article 20;

(h) Precautions for specially protected areas as specified in Article 21;

(i) The insurance or other financial security to cover liability as prescribed in Article 27, paragraph 2 (b).

2. The competent authority may decide, for scientific research and exploration activities, to limit the scope of the requirements laid down in paragraph 1 of this Article, in the light of the nature, scope, duration and technical methods employed in the activities and of the characteristics of the area.

Article 6

GRANTING OF AUTHORIZATIONS

1. The authorizations referred to in Article 4 shall be granted only after examination by the competent authority of the requirements listed in Article 5 and Annex IV.

2. Each authorization shall specify the activities and the period of validity of the authorization, establish the geographical limits of the area subject to the authorization and specify the technical requirements and the authorized installations. The necessary safety zones shall be established at a later appropriate stage.

3. The authorization may impose conditions regarding measures, techniques or methods designed to reduce to the minimum risks of and damage due to pollution resulting from the activities.

4. The Parties shall notify the Organization as soon as possible of authorizations granted or renewed. The Organization shall keep a register of all the authorized installations in the Protocol Area.

Article 7

SANCTIONS

Each Party shall prescribe sanctions to be imposed for breach of obligations arising out of this Protocol, or for non-observance of the national laws or regulations implementing this Protocol, or for non-fulfilment of the specific conditions attached to the authorization.

SECTION III - WASTES AND HARMFUL OR NOXIOUS SUBSTANCES AND MATERIALS

Article 8

GENERAL OBLIGATION

Without prejudice to other standards or obligations referred to in this Section, the Parties shall impose a general obligation upon operators to use the best available, environmentally effective and economically appropriate techniques and to observe internationally accepted standards regarding wastes, as well as the use, storage and

discharge of harmful or noxious substances and materials, with a view to minimizing the risk of pollution.

Article 9

HARMFUL OR NOXIOUS SUBSTANCES AND MATERIALS

1. The use and storage of chemicals for the activities shall be approved by the competent authority, on the basis of the Chemical Use Plan.

2. The Contracting Party may regulate, limit or prohibit the use of chemicals for the activities in accordance with guidelines to be adopted by the Contracting Parties.

3. For the purpose of protecting the environment, the Parties shall ensure that each substance and material used for activities is accompanied by a compound description provided by the entity producing such substance or material.

4. The disposal into the Protocol Area of harmful or noxious substances and materials resulting from the activities covered by this Protocol and listed in Annex I to this Protocol is prohibited.

5. The disposal into the Protocol Area of harmful or noxious substances and materials resulting from the activities covered by this Protocol and listed in Annex II to this Protocol requires, in each case, a prior special permit from the competent authority.

6. The disposal into the Protocol Area of all other harmful or noxious substances and materials resulting from the activities covered by this Protocol and which might cause pollution requires a prior general permit from the competent authority.

7. The permits referred to in paragraphs 5 and 6 above shall be issued only after careful consideration of all the factors set forth in Annex III to this Protocol.

Article 10

OIL AND OILY MIXTURES AND DRILLING FLUIDS AND CUTTINGS

1. The Parties shall formulate and adopt common standards for the disposal of oil and oily mixtures from installations into the Protocol Area:

(a) Such common standards shall be formulated in accordance with the provisions of Annex V, A;

(b) Such common standards shall not be less restrictive than the following, in particular:

(i) For machinery space drainage, a maximum oil content of 15 mg per litre whilst undiluted;

- (ii) For production water, a maximum oil content of 40 mg per litre as an average in any calendar month; the content shall not at any time exceed 100 mg per litre;

(c) The Parties shall determine by common agreement which method will be used to analyze the oil content.

2. The Parties shall formulate and adopt common standards for the use and disposal of drilling fluids and drill cuttings into the Protocol Area. Such common standards shall be formulated in accordance with the provisions of Annex V, B.

3. Each Party shall take appropriate measures to enforce the common standards adopted pursuant to this Article or to enforce more restrictive standards that it may have adopted.

Article 11

SEWAGE

1. The Contracting Party shall prohibit the discharge of sewage from installations permanently manned by 10 or more persons into the Protocol Area except in cases where:

(a) The installation is discharging sewage after treatment as approved by the competent authority at a distance of at least four nautical miles from the nearest land or fixed fisheries installation, leaving the Contracting Party to decide on a case by case basis; or

(b) The sewage is not treated, but the discharge is carried out in accordance with international rules and standards; or

(c) The sewage has passed through an approved sewage treatment plant certified by the competent authority.

2. The Contracting Party shall impose stricter provisions, as appropriate, where deemed necessary, *inter alia* because of the regime of the currents in the area or proximity to any area referred to in Article 21.

3. The exceptions referred to in paragraph 1 shall not apply if the discharge produces visible floating solids or produces colouration, discolouration or opacity of the surrounding water.

4. If the sewage is mixed with wastes and harmful or noxious substances and materials having different disposal requirements, the more stringent requirements shall apply.

Article 12

GARBAGE

1. The Contracting Party shall prohibit the disposal into the Protocol Area of the following products and materials:

(a) All plastics, including but not limited to synthetic ropes, synthetic fishing nets and plastic garbage bags;

(b) All other non-biodegradable garbage, including paper products, rags, glass, metal, bottles, crockery, dunnage, lining and packing materials.

2. Disposal into the Protocol Area of food wastes shall take place as far away as possible from land, in accordance with international rules and standards.

3. If garbage is mixed with other discharges having different disposal or discharge requirements, the more stringent requirements shall apply.

Article 13

RECEPTION FACILITIES, INSTRUCTIONS AND SANCTIONS

The Parties shall ensure that:

(a) Operators dispose satisfactorily of all wastes and harmful or noxious substances and materials in designated onshore reception facilities, except as otherwise authorized by the Protocol;

(b) Instructions are given to all personnel concerning proper means of disposal;

(c) Sanctions are imposed in respect of illegal disposals.

Article 14

EXCEPTIONS

1. The provisions of this Section shall not apply in case of:

(a) *Force majeure* and in particular for disposals:

- to save human life,
- to ensure the safety of installations,
- in case of damage to the installation or its equipment,

on condition that all reasonable precautions have been taken after the damage is discovered or after the disposal has been performed to reduce the negative effects.

(b) The discharge into the sea of substances containing oil or harmful or noxious substances or materials which, subject to the prior approval of the competent authority, are being used for the purpose of combating specific pollution incidents in order to minimize the damage due to the pollution.

2. However, the provisions of this Section shall apply in any case where the operator acted with the intent to cause damage or recklessly and with knowledge that damage will probably result.

3. Disposals carried out in the circumstances referred to in paragraph 1 of this Article shall be reported immediately to the Organization and, either through the Organization or directly, to any Party or Parties likely to be affected, together with full details of the circumstances and of the nature and quantities of wastes or harmful or noxious substances or materials discharged.

SECTION IV - SAFEGUARDS

Article 15

SAFETY MEASURES

1. The Contracting Party within whose jurisdiction activities are envisaged or are being carried out shall ensure that safety measures are taken with regard to the design, construction, placement, equipment, marking, operation and maintenance of installations.

2. The Contracting Party shall ensure that at all times the operator has on the installations adequate equipment and devices, maintained in good working order, for protecting human life, preventing and combating accidental pollution and facilitating prompt response to an emergency, in accordance with the best available environmentally effective and economically appropriate techniques and the provisions of the operator's contingency plan referred to in Article 16.

3. The competent authority shall require a certificate of safety and fitness for the purpose (hereinafter referred to as "certificate") issued by a recognized body to be submitted in respect of production platforms, mobile offshore drilling units, offshore storage facilities, offshore loading systems and pipelines and in respect of such other installations as may be specified by the Contracting Party.

4. The Parties shall ensure through inspection that the activities are conducted by the operators in accordance with this Article.

Article 16

CONTINGENCY PLANNING

1. In cases of emergency the Contracting Parties shall implement *mutatis mutandis* the provisions of the Protocol concerning Cooperation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency.

2. Each Party shall require operators in charge of installations under its jurisdiction to have a contingency plan to combat accidental pollution, coordinated with the contingency plan of the Contracting Party established in accordance with the Protocol concerning Cooperation in Combating Pollution of the Mediterranean Sea by

Oil and Other Harmful Substances in Cases of Emergency and approved in conformity with the procedures established by the competent authorities.

3. Each Contracting Party shall establish coordination for the development and implementation of contingency plans. Such plans shall be established in accordance with guidelines adopted by the competent international organization. They shall, in particular, be in accordance with the provisions of Annex VII to this Protocol.

Article 17

NOTIFICATION

Each Party shall require operators in charge of installations under its jurisdiction to report without delay to the competent authority:

(a) Any event on their installation causing or likely to cause pollution in the Protocol Area;

(b) Any observed event at sea causing or likely to cause pollution in the Protocol Area.

Article 18

MUTUAL ASSISTANCE IN CASES OF EMERGENCY

In cases of emergency, a Party requiring assistance in order to prevent, abate or combat pollution resulting from activities may request help from the other Parties, either directly or through the Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (REMPEC), which shall do their utmost to provide the assistance requested.

For this purpose, a Party which is also a Party to the Protocol concerning Cooperation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency shall apply the pertinent provisions of the said Protocol.

Article 19

MONITORING

1. The operator shall be required to measure, or to have measured by a qualified entity, expert in the matter, the effects of the activities on the environment in the light of the nature, scope, duration and technical methods employed in the activities and of the characteristics of the area and to report on them periodically or upon request by the competent authority for the purpose of an evaluation by such competent authority according to a procedure established by the competent authority in its authorization system.

2. The competent authority shall establish, where appropriate, a national monitoring system in order to be in a position to monitor regularly the installations and

the impact of the activities on the environment, so as to ensure that the conditions attached to the grant of the authorization are being fulfilled.

Article 20

REMOVAL OF INSTALLATIONS

1. The operator shall be required by the competent authority to remove any installation which is abandoned or disused, in order to ensure safety of navigation, taking into account the guidelines and standards adopted by the competent international organization. Such removal shall also have due regard to other legitimate uses of the sea, in particular fishing, the protection of the marine environment and the rights and duties of other Contracting Parties. Prior to such removal, the operator under its responsibility shall take all necessary measures to prevent spillage or leakage from the site of the activities.

2. The competent authority shall require the operator to remove abandoned or disused pipelines in accordance with paragraph 1 of this Article or to clean them inside and abandon them or to clean them inside and bury them so that they neither cause pollution, endanger navigation, hinder fishing, threaten the marine environment, nor interfere with other legitimate uses of the sea or with the rights and duties of other Contracting Parties. The competent authority shall ensure that appropriate publicity is given to the depth, position and dimensions of any buried pipeline and that such information is indicated on charts and notified to the Organization and other competent international organizations and the Parties.

3. The provisions of this Article apply also to installations disused or abandoned by any operator whose authorization may have been withdrawn or suspended in compliance with Article 7.

4. The competent authority may indicate eventual modifications to be made to the level of activities and to the measures for the protection of the marine environment which had initially been provided for.

5. The competent authority may regulate the cession or transfer of authorized activities to other persons.

6. Where the operator fails to comply with the provisions of this Article, the competent authority shall undertake, at the operator's expense, such action or actions as may be necessary to remedy the operator's failure to act.

Article 21

SPECIALLY PROTECTED AREAS

For the protection of the areas defined in the Protocol concerning Mediterranean Specially Protected Areas and any other area established by a Party and in furtherance of the goals stated therein, the Parties shall take special measures in conformity with international law, either individually or through multilateral or bilateral cooperation, to prevent, abate, combat and control pollution arising from activities in these areas.

In addition to the measures referred to in the Protocol concerning Mediterranean Specially Protected Areas for the granting of authorization, such measures may include, *inter alia*:

- (a) Special restrictions or conditions when granting authorizations for such areas:
 - (i) The preparation and evaluation of environmental impact assessments;
 - (ii) The elaboration of special provisions in such areas concerning monitoring, removal of installations and prohibition of any discharge.
- (b) Intensified exchange of information among operators, the competent authorities, Parties and the Organization regarding matters which may affect such areas.

SECTION V - COOPERATION

Article 22

STUDIES AND RESEARCH PROGRAMMES

In conformity with Article 13 of the Convention, the Parties shall, where appropriate, cooperate in promoting studies and undertaking programmes of scientific and technological research for the purpose of developing new methods of:

- (a) Carrying out activities in a way that minimizes the risk of pollution;
- (b) Preventing, abating, combating and controlling pollution, especially in cases of emergency.

Article 23

INTERNATIONAL RULES, STANDARDS AND RECOMMENDED PRACTICES AND PROCEDURES

1. The Parties shall cooperate, either directly or through the Organization or other competent international organizations, in order to:

- (a) Establish appropriate scientific criteria for the formulation and elaboration of international rules, standards and recommended practices and procedures for achieving the aims of this Protocol;
- (b) Formulate and elaborate such international rules, standards and recommended practices and procedures;
- (c) Formulate and adopt guidelines in accordance with international practices and procedures to ensure observance of the provisions of Annex VI.

2. The Parties shall, as soon as possible, endeavour to harmonize their laws and regulations with the international rules, standards and recommended practices and procedures referred to in paragraph 1 of this Article.

3. The Parties shall endeavour, as far as possible, to exchange information relevant to their domestic policies, laws and regulations and the harmonization referred to in paragraph 2 of this Article.

Article 24

SCIENTIFIC AND TECHNICAL ASSISTANCE TO DEVELOPING COUNTRIES

1. The Parties shall, directly or with the assistance of competent regional or other international organizations, cooperate with a view to formulating and, as far as possible, implementing programmes of assistance to developing countries, particularly in the fields of science, law, education and technology, in order to prevent, abate, combat and control pollution due to activities in the Protocol Area.

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

Article 25

MUTUAL INFORMATION

The Parties shall inform one another directly or through the Organization of measures taken, of results achieved and, if the case arises, of difficulties encountered in the application of this Protocol. Procedures for the collection and submission of such information shall be determined at the meetings of the Parties.

Article 26

TRANSBOUNDARY POLLUTION

1. Each Party shall take all measures necessary to ensure that activities under its jurisdiction are so conducted as not to cause pollution beyond the limits of its jurisdiction.

2. A Party within whose jurisdiction activities are being envisaged or carried out shall take into account any adverse environmental effects, without discrimination as to whether such effects are likely to occur within the limits of its jurisdiction or beyond such limits.

3. If a Party becomes aware of cases in which the marine environment is in imminent danger of being damaged, or has been damaged, by pollution, it shall immediately notify other Parties which in its opinion are likely to be affected by such damage, as well as the Regional Marine Pollution Emergency Response Centre for the

Mediterranean Sea (REMPEC), and provide them with timely information that would enable them, where necessary, to take appropriate measures. REMPEC shall distribute the information immediately to all relevant Parties.

4. The Parties shall endeavour, in accordance with their legal systems and, where appropriate, on the basis of an agreement, to grant equal access to and treatment in administrative proceedings to persons in other States who may be affected by pollution or other adverse effects resulting from proposed or existing operations.

5. Where pollution originates in the territory of a State which is not a Contracting Party to this Protocol, any Contracting Party affected shall endeavour to cooperate with the said State so as to make possible the application of the Protocol.

Article 27

LIABILITY AND COMPENSATION

1. The Parties undertake to cooperate as soon as possible in formulating and adopting appropriate rules and procedures for the determination of liability and compensation for damage resulting from the activities dealt with in this Protocol, in conformity with Article 16 of the Convention.

2. Pending development of such procedures, each Party:

(a) Shall take all measures necessary to ensure that liability for damage caused by activities is imposed on operators, and they shall be required to pay prompt and adequate compensation;

(b) Shall take all measures necessary to ensure that operators shall have and maintain insurance cover or other financial security of such type and under such terms as the Contracting Party shall specify in order to ensure compensation for damages caused by the activities covered by this Protocol.

SECTION VI - FINAL PROVISIONS

Article 28

APPOINTMENT OF COMPETENT AUTHORITIES

Each Contracting Party shall appoint one or more competent authorities to:

(a) Grant, renew and register the authorizations provided for in Section II of this Protocol;

(b) Issue and register the special and general permits referred to in Article 9 of this Protocol;

(c) Issue the permits referred to in Annex V to this Protocol;

(d) Approve the treatment system and certify the sewage treatment plant referred to in Article 11, paragraph 1, of this Protocol;

(e) Give the prior approval for exceptional discharges referred to in Article 14, paragraph 1 (b), of this Protocol;

(f) Carry out the duties regarding safety measures referred to in Article 15, paragraphs 3 and 4, of this Protocol;

(g) Perform the functions relating to contingency planning described in Article 16 and Annex VII to this Protocol;

(h) Establish monitoring procedures as provided in Article 19 of this Protocol;

(i) Supervise the removal operations of the installations as provided in Article 20 of this Protocol.

Article 29

TRANSITIONAL MEASURES

Each Party shall elaborate procedures and regulations regarding activities, whether authorized or not, initiated before the entry into force of this Protocol, to ensure their conformity, as far as practicable, with the provisions of this Protocol.

Article 30

MEETINGS

1. Ordinary meetings of the Parties shall take place in conjunction with ordinary meetings of the Contracting Parties to the Convention held pursuant to Article 18 of the Convention. The Parties may also hold extraordinary meetings in accordance with Article 18 of the Convention.

2. The functions of the meetings of the Parties to this Protocol shall be, *inter alia*:

(a) To keep under review the implementation of this Protocol and to consider the efficacy of the measures adopted and the advisability of any other measures, in particular in the form of annexes and appendices;

(b) To revise and amend any annex or appendix to this Protocol;

(c) To consider the information concerning authorizations granted or renewed in accordance with Section II of this Protocol;

(d) To consider the information concerning the permits issued and approvals given in accordance with Section III of this Protocol;

(e) To adopt the guidelines referred to in Article 9, paragraph 2, and Article 23, paragraph 1 (c), of this Protocol;

(f) To consider the records of the contingency plans and means of intervention in emergencies adopted in accordance with Article 16 of this Protocol;

(g) To establish criteria and formulate international rules, standards and recommended practices and procedures in accordance with Article 23, paragraph 1, of this Protocol, in whatever form the Parties may agree;

(h) To facilitate the implementation of the policies and the achievement of the objectives referred to in Section V, in particular the harmonization of national and European Community legislation in accordance with Article 23, paragraph 2, of this Protocol;

(i) To review progress made in the implementation of Article 27 of this Protocol;

(j) To discharge such other functions as may be appropriate for the application of this Protocol.

Article 31

RELATIONS WITH THE CONVENTION

1. The provisions of the Convention relating to any Protocol shall apply with respect to this Protocol.

2. The rules of procedure and the financial rules adopted pursuant to Article 24 of the Convention shall apply with respect to this Protocol, unless the Parties to this Protocol agree otherwise.

Article 32

FINAL CLAUSE

1. This Protocol shall be open for signature at Madrid from 14 October 1994 to 14 October 1995, by any State Party to the Convention invited to the Conference of Plenipotentiaries of the Coastal States of the Mediterranean Region on the Protocol for the Protection of the Mediterranean Sea against Pollution resulting from Exploration and Exploitation of the Seabed and its Subsoil, held at Madrid on 13 and 14 October 1994. It shall also be open until the same dates for signature by the European Community and by any similar regional economic grouping of which at least one member is a coastal State of the Protocol Area and which exercises competence in fields covered by this Protocol in conformity with Article 30 of the Convention.

2. This Protocol shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of Spain, which will assume the functions of Depositary.

3. As from 15 October 1995, this Protocol shall be open for accession by the States referred to in paragraph 1 above, by the European Community and by any grouping referred to in that paragraph.

4. This Protocol shall enter into force on the thirtieth day following the date of deposit of at least six instruments of ratification, acceptance or approval of, or accession to, the Protocol by the Parties referred to in paragraph 1 of this Article.

IN WITNESS WHEREOF the undersigned, being duly authorized, have signed this Protocol.

ANNEX I

HARMFUL OR NOXIOUS SUBSTANCES AND MATERIALS THE DISPOSAL OF WHICH IN THE PROTOCOL AREA IS PROHIBITED

- A. The following substances and materials and compounds thereof are listed for the purposes of Article 9, paragraph 4, of the Protocol. They have been selected mainly on the basis of their toxicity, persistence and bioaccumulation:
1. Mercury and mercury compounds
 2. Cadmium and cadmium compounds
 3. Organotin compounds and substances which may form such compounds in the marine environment¹
 4. Organophosphorus compounds and substances which may form such compounds in the marine environment¹
 5. Organohalogen compounds and substances which may form such compounds in the marine environment¹
 6. Crude oil, fuel oil, oily sludge, used lubricating oils and refined products
 7. Persistent synthetic materials which may float, sink or remain in suspension and which may interfere with any legitimate use of the sea
 8. Substances having proven carcinogenic, teratogenic or mutagenic properties in or through the marine environment
 9. Radioactive substances, including their wastes, if their discharges do not comply with the principles of radiation protection as defined by the competent international organizations, taking into account the protection of the marine environment
- B. The present Annex does not apply to discharges which contain substances listed in section A that are below the limits defined jointly by the Parties and, in relation to oil, below the limits defined in Article 10 of this Protocol.

¹ With the exception of those which are biologically harmless or which are rapidly converted into biologically harmless substances.

ANNEX II

HARMFUL OR NOXIOUS SUBSTANCES AND MATERIALS THE DISPOSAL OF WHICH IN THE PROTOCOL AREA IS SUBJECT TO A SPECIAL PERMIT

A. The following substances and materials and compounds thereof have been selected for the purpose of Article 9, paragraph 5, of the Protocol.

1. Arsenic
2. Lead
3. Copper
4. Zinc
5. Beryllium
6. Nickel
7. Vanadium
8. Chromium
9. Biocides and their derivatives not covered in Annex I
10. Selenium
11. Antimony
12. Molybdenum
13. Titanium
14. Tin
15. Barium (other than barium sulphate)
16. Boron
17. Uranium
18. Cobalt
19. Thallium
20. Tellurium
21. Silver
22. Cyanides

B. The control and strict limitation of the discharge of substances referred to in section A must be implemented in accordance with Annex III.

ANNEX III

FACTORS TO BE CONSIDERED FOR THE ISSUE OF THE PERMITS

For the purpose of the issue of a permit required under Article 9, paragraph 7, particular account will be taken, as the case may be, of the following factors:

A. Characteristics and composition of the waste

1. Type and size of waste source (e.g. industrial process);
2. Type of waste (origin, average composition);
3. Form of waste (solid, liquid, sludge, slurry, gaseous);
4. Total amount (volume discharged, e.g. per year);
5. Discharge pattern (continuous, intermittent, seasonally variable, etc.);
6. Concentrations with respect to major constituents, substances listed in Annex I, substances listed in Annex II, and other substances as appropriate;
7. Physical, chemical and biochemical properties of the waste.

B. Characteristics of waste constituents with respect to their harmfulness

1. Persistence (physical, chemical, biological) in the marine environment;
2. Toxicity and other harmful effects;
3. Accumulation in biological materials or sediments;
4. Biochemical transformation producing harmful compounds;
5. Adverse effects on the oxygen content and balance;
6. Susceptibility to physical, chemical and biochemical changes and interaction in the aquatic environment with other sea-water constituents which may produce harmful biological or other effects on any of the uses listed in Section E below.

C. Characteristics of discharge site and receiving marine environment

1. Hydrographic, meteorological, geological and topographical characteristics of the area;

2. Location and type of the discharge (outfall, canal, outlet, etc.) and its relation to other areas (such as amenity areas, spawning, nursery and fishing areas, shellfish grounds) and other discharges;
3. Initial dilution achieved at the point of discharge into the receiving marine environment;
4. Dispersion characteristics such as effects of currents, tides and wind on horizontal transport and vertical mixing;
5. Receiving water characteristics with respect to physical, chemical, biological and ecological conditions in the discharge area;
6. Capacity of the receiving marine environment to receive waste discharges without undesirable effects.

D. Availability of waste technologies

The methods of waste reduction and discharge for industrial effluents as well as domestic sewage should be selected taking into account the availability and feasibility of:

- (a) Alternative treatment processes;
- (b) Reuse or elimination methods;
- (c) On-land disposal alternatives;
- (d) Appropriate low-waste technologies.

E. Potential impairment of marine ecosystem and sea-water uses

1. Effects on human life through pollution impact on:
 - (a) Edible marine organisms;
 - (b) Bathing waters;
 - (c) Aesthetics.
2. Effects on marine ecosystems, in particular living resources, endangered species and critical habitats.
3. Effects on other legitimate uses of the sea in conformity with international law.

ANNEX IV

ENVIRONMENTAL IMPACT ASSESSMENT

1. Each Party shall require that the environmental impact assessment contains at least the following:
 - (a) A description of the geographical boundaries of the area within which the activities are to be carried out, including safety zones where applicable;
 - (b) A description of the initial state of the environment of the area;
 - (c) An indication of the nature, aims, scope and duration of the proposed activities;
 - (d) A description of the methods, installations and other means to be used, possible alternatives to such methods and means;
 - (e) A description of the foreseeable direct or indirect short and long-term effects of the proposed activities on the environment, including fauna, flora and the ecological balance;
 - (f) A statement setting out the measures proposed for reducing to the minimum the risk of damage to the environment as a result of carrying out the proposed activities, including possible alternatives to such measures;
 - (g) An indication of the measures to be taken for the protection of the environment from pollution and other adverse effects during and after the proposed activities;
 - (h) A reference to the methodology used for the environmental impact assessment;
 - (i) An indication of whether the environment of any other State is likely to be affected by the proposed activities.
2. Each Party shall promulgate standards taking into account the international rules, standards and recommended practices and procedures, adopted in accordance with Article 23 of the Protocol, by which environmental impact assessments are to be evaluated.

ANNEX V

OIL AND OILY MIXTURES AND DRILLING FLUIDS AND CUTTINGS

The following provisions shall be prescribed by the Parties in accordance with Article 10:

A. Oil and Oily Mixtures

1. Spills of high oil content in processing drainage and platform drainage shall be contained, diverted and then treated as part of the product, but the remainder shall be treated to an acceptable level before discharge, in accordance with good oilfield practice;
2. Oily waste and sludges from separation processes shall be transported to shore;
3. All the necessary precautions shall be taken to minimize losses of oil into the sea from oil collected or flared from well testing;
4. All the necessary precautions shall be taken to ensure that any gas resulting from oil activities should be flared or used in an appropriate manner.

B. Drilling Fluids and Drill Cuttings

1. Water-based drilling fluids and drill cuttings shall be subject to the following requirements:
 - (a) The use and disposal of such drilling fluids shall be subject to the Chemical Use Plan and the provisions of Article 9 of this Protocol;
 - (b) The disposal of the drill cuttings shall either be made on land or into the sea in an appropriate site or area as specified by the competent authority.
2. Oil-based drilling fluids and drill cuttings are subject to the following requirements:
 - (a) Such fluids shall only be used if they are of a sufficiently low toxicity and only after the operator has been issued a permit by the competent authority when it has verified such low toxicity;
 - (b) The disposal into the sea of such drilling fluids is prohibited;
 - (c) The disposal of the drill cuttings into the sea is only permitted on condition that efficient solids control equipment is installed and properly operated, that the discharge point is well below the

surface of the water, and that the oil content is less than 100 grams of oil per kilogram dry cuttings;

- (d) The disposal of such drill cuttings in specially protected areas is prohibited;
- (e) In case of production and development drilling, a programme of seabed sampling and analysis relating to the zone of contamination must be undertaken.

3. Diesel-based drilling fluids:

The use of diesel-based drilling fluids is prohibited. Diesel oil may exceptionally be added to drilling fluids in such circumstances as the Parties may specify.

ANNEX VI

SAFETY MEASURES

The following provisions shall be prescribed by the Parties in accordance with Article 15:

- (a) That the installation must be safe and fit for the purpose for which it is to be used, in particular, that it must be designed and constructed so as to withstand, together with its maximum load, any natural condition, including, more specifically, maximum wind and wave conditions as established by historical weather patterns, earthquake possibilities, seabed conditions and stability, and water depth;
- (b) That all phases of the activities, including storage and transport of recovered resources, must be properly prepared, that the whole activity must be open to control for safety reasons and must be conducted in the safest possible way, and that the operator must apply a monitoring system for all activities;
- (c) That the most advanced safety systems must be used and periodically tested in order to minimize the dangers of leakages, spillages, accidental discharges, fire, explosions, blow-outs or any other threat to human safety or the environment, that a trained specialized crew to operate and maintain these systems must be present and that this crew must undertake periodic exercises. In the case of authorized not permanently manned installations, the permanent availability of a specialized crew shall be ensured;
- (d) That the installation and, where necessary, the established safety zone, must be marked in accordance with international recommendations so as to give adequate warning of its presence and sufficient details for its identification;
- (e) That in accordance with international maritime practice, the installations must be indicated on charts and notified to those concerned;
- (f) That, in order to secure observance of the foregoing provisions, the person and/or persons having the responsibility for the installation and/or the activities, including the person responsible for the blow-out preventer, must have the qualifications required by the competent authority, and that sufficient qualified staff must be permanently available. Such qualifications shall include, in particular, training, on a continuing basis, in safety and environmental matters.

ANNEX VII

CONTINGENCY PLAN

A. The operator's contingency plan

1. Operators are obliged to ensure:
 - (a) That the most appropriate alarm system and communication system are available at the installation and they are in good working order;
 - (b) That the alarm is immediately raised on the occurrence of an emergency and that any emergency is immediately communicated to the competent authority;
 - (c) That, in coordination with the competent authority, transmission of the alarm and appropriate assistance and coordination of assistance can be organized and supervised without delay;
 - (d) That immediate information about the nature and extent of the emergency is given to the crew on the installation and to the competent authority;
 - (e) That the competent authority is constantly informed about the progress of combating the emergency;
 - (f) That at all times sufficient and most appropriate materials and equipment, including stand-by boats and aircraft, are available to put into effect the emergency plan;
 - (g) That the most appropriate methods and techniques are known to the specialized crew referred to in Annex VI, paragraph (c), in order to combat leakages, spillages, accidental discharges, fire, explosions, blow-outs and any other threat to human life or the environment;
 - (h) That the most appropriate methods and techniques are known to the specialized crew responsible for reducing and preventing long-term adverse effects on the environment;
 - (i) That the crew is thoroughly familiar with the operator's contingency plan, that periodic emergency exercises are held so that the crew has a thorough working knowledge of the equipment and procedures and that each individual knows exactly his role within the plan.
2. The operator shall cooperate, on an institutional basis, with other operators or entities capable of rendering necessary assistance, so as to ensure that, in cases where the magnitude or nature of an emergency creates a risk for which assistance is or might be required, such assistance can be rendered.

B. National coordination and direction

The competent authority for emergencies of a Contracting Party shall ensure:

- (a) The coordination of the national contingency plan and/or procedures and the operator's contingency plan and control of the conduct of actions, especially in case of significant adverse effects of the emergency;
- (b) Direction to the operator to take any action it may specify in the course of preventing, abating or combating pollution or in the preparation of further action for that purpose, including placing an order for a relief drilling rig, or to prevent the operator from taking any specified action;
- (c) The coordination of actions in the course of preventing, abating or combating pollution or in preparation for further action for that purpose within the national jurisdiction with such actions undertaken within the jurisdiction of other States or by international organizations;
- (d) Collection and ready availability of all necessary information concerning the existing activities;
- (e) The provision of an up-to-date list of the persons and entities to be alerted and informed about an emergency, its development and the measures taken;
- (f) The collection of all necessary information concerning the extent and means of combating contingencies, and the dissemination of this information to interested Parties;
- (g) The coordination and supervision of the assistance referred to in Part A above, in cooperation with the operator;
- (h) The organization and if necessary, the coordination of specified actions, including intervention by technical experts and trained personnel with the necessary equipment and materials;
- (i) Immediate communication to the competent authorities of other Parties which might be affected by a contingency to enable them to take appropriate measures where necessary;
- (j) The provision of technical assistance to other Parties, if necessary;
- (k) Immediate communication to the competent international organizations with a view to avoiding danger to shipping and other interests.

APPENDIX

List of Oils *

Asphalt solutions

Blending Stocks
Roofers Flux
Straight Run Residue

Oils

Clarified
Crude Oil
Mixtures containing crude oil
Diesel Oil
Fuel Oil No. 4
Fuel Oil No. 5
Fuel Oil No. 6
Residual Fuel Oil
Road Oil
Transformer Oil
Aromatic Oil (excluding vegetable oil)
Lubricating Oils and Blending Stocks
Mineral Oil
Motor Oil
Penetrating Oil
Spindle Oil
Turbine Oil

Distillates

Straight Run
Flashed Feed Stocks

Gas Oil

Cracked

Jet Fuels

JP-1 (Kerosene)
JP-3
JP-4
JP-5 (Kerosene, Heavy)

* The list of oils should not necessarily be considered as exhaustive.

Turbo Fuel
Kerosene
Mineral Spirit

Naphtha

Solvent
Petroleum
Heartcut Distillate Oil

Gasoline Blending Stocks

Alkylates - fuel
Reformats
Polymer - fuel

Gasolines

Casinghead (natural)
Automotive
Aviation
Straight Run
Fuel Oil No. 1 (Kerosene)
Fuel Oil No. 1-D
Fuel Oil No. 2
Fuel Oil No. 2-D

Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal¹

The Contracting Parties to the present Protocol,

Being Parties to the Convention for the Protection of the Mediterranean Sea against Pollution, adopted at Barcelona on 16 February 1976 and amended on 10 June 1995,

Conscious of the danger threatening the environment of the Mediterranean Sea caused by the transboundary movements and disposal of hazardous wastes,

Convinced that the most effective way of protecting human health and the marine environment from the dangers posed by hazardous wastes is the reduction and elimination of their generation, for example through substitution and other clean production methods,

Recognizing the increased will for the prohibition of transboundary movements of hazardous wastes and their disposal in other States, especially in developing countries,

Taking into account the 1992 Rio Declaration on Environment and Development and especially Principle 14 which declares that States "should effectively cooperate to discourage or prevent the relocation and transfer to other States of any activities or substances that cause severe environmental degradation or are found to be harmful to human health",

Aware of the growing international concern regarding the need to ensure that pollution originating in one State is not transferred to other States and, consistent with this objective, of the need to reduce transboundary movements of hazardous wastes to a minimum as far as possible, with the ultimate aim of phasing out such movements,

Recognizing also that any State has the sovereign right to ban the entry, transit or disposal of hazardous wastes in its territory,

Bearing in mind the relevant provisions of the United Nations Convention on the Law of the Sea of 1982,

Taking into account also the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, adopted on 22 March 1989, in

¹ The Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal was adopted on 1 October 1996 by the Conference of Plenipotentiaries on the Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal, held in Izmir. The Protocol has not yet entered into force.

particular Article 11, and decisions I/22, II/12 and III/1 adopted by the First, Second and Third Meetings respectively of the Conference of the Parties to the Basel Convention,

Taking into account further that many States, among them Contracting Parties to the Barcelona Convention, have taken legal measures and entered into international agreements consistent with the Basel Convention to ban transboundary movements of hazardous wastes, for example, the IVth ACP/EEC Convention signed in Lomé on 15 December 1989 by the European Economic Community and the African, Caribbean and Pacific Group of States, and the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa, adopted under the auspices of the Organization of African Unity on 30 January 1991,

Recognizing further the differences in levels of economic and legislative development among the various Mediterranean coastal States, and realizing that hazardous waste should not be allowed to be transported in order to take advantage of such economic or legislative disparities to the detriment of the environment and of the social well-being of developing countries,

Bearing in mind also the fact that the most effective way of dealing with the threats represented by wastes for human health and the environment consists in decreasing or even prohibiting the transfer of activities which generate hazardous wastes,

Have agreed as follows:

Article 1

DEFINITIONS

For the purposes of this Protocol:

(a) "Convention" means the Convention for the Protection of the Mediterranean Sea against Pollution, adopted at Barcelona on 16 February 1976 and amended on 10 June 1995;

(b) A "Party" means a Contracting Party to this Protocol in accordance with Article 29, paragraph 1, of the Convention;

(c) "Wastes" means substances or objects which are disposed of or are intended to be disposed of or are required to be disposed of by the provisions of national law;

(d) "Hazardous wastes" means wastes or categories of substances as specified in Article 3 of this Protocol;

(e) "Disposal" means any operation specified in Annex III to this Protocol;

(f) "Transboundary movement" means any movement of hazardous wastes from an area under the national jurisdiction of one State to or through an area under the national jurisdiction of another State or to or through an area not under the national jurisdiction of any State, provided at least two States are involved in the movement;

(g) "Approved site or facility" means a site or facility for the disposal of hazardous wastes which is authorized or permitted to operate for this purpose by a relevant authority of the State where the site or facility is located;

(h) "Competent authority" means one governmental authority designated by a Party to be responsible, within such geographical areas as the Party may think fit, for receiving the notification of a transboundary movement of hazardous waste, and any information related to it, and for responding to such a notification;

(i) "Clean production methods" means those which reduce or avoid the generation of hazardous wastes in conformity with Articles 5 and 8 of this Protocol;

(j) "Environmentally sound management" of hazardous wastes means taking all practicable steps to ensure that hazardous wastes are collected, transported and disposed of (including after-care of disposal sites) in a manner which will protect human health and the environment against the adverse effects which may result from such wastes;

(k) "Area under the national jurisdiction of a State" means any land, marine area or airspace within which a State exercises administrative and regulatory responsibilities in accordance with international law in regard to the protection of human health or the environment;

(l) "State of export" means a Party from which a transboundary movement of hazardous wastes is planned to be initiated or is initiated;

(m) "State of import" means a Party to which a transboundary movement of hazardous wastes is planned or takes place for the purpose of disposal therein or for the purpose of loading prior to disposal in an area not under the national jurisdiction of any State;

(n) "State of transit" means any State, other than the State of export or import, through which a movement of hazardous wastes is planned or takes place;

(o) "Exporter" means any person under the jurisdiction of the State of export who arranges for hazardous wastes to be exported;

(p) "Importer" means any person under the jurisdiction of the State of import who arranges for hazardous wastes to be imported;

(q) "Generator" means any person whose activity produces hazardous wastes or, if that person is not known, the person who is in possession and/or control of those wastes;

(r) "Disposer" means any person to whom hazardous wastes are shipped and who carries out the disposal of such wastes;

(s) "Illegal traffic" means any transboundary movement of hazardous wastes as specified in Article 9;

(t) "Person" means any natural or legal person;

(u) "Developing countries" means those countries which are not Member States of the Organization for Economic Co-operation and Development (OECD);¹

(v) "Developed countries" means those countries which are Member States of the Organization for Economic Co-operation and Development (OECD);²

(w) "Organization" means the body referred to in Article 2 (b) of the Convention.

Article 2

PROTOCOL AREA

The Protocol area as referred to in this Protocol shall mean the area as defined in Article 1 of the Convention.

Article 3

SCOPE OF THE PROTOCOL

1. This Protocol shall apply to:

(a) Wastes that belong to any category in Annex I to this Protocol;

(b) Wastes that are not covered under paragraph (a) above but are defined as, or are considered to be, hazardous wastes by the domestic legislation of the State of export, import or transit;

(c) Wastes that possess any of the characteristics contained in Annex II to this Protocol;

(d) Hazardous substances that have been banned or are expired, or whose registration has been cancelled or refused through government regulatory action in the country of manufacture or export for human health or environmental reasons, or have been voluntarily withdrawn or omitted from the government registration required for use in the country of manufacture or export.

2. Wastes which derive from the normal operations of ships, the discharge of which is covered by another international instrument, are excluded from the scope of this Protocol.

3. The generator, the exporter or the importer, depending on the circumstances, shall bear the responsibility for checking with the competent authorities of the State of export, import or transit that a particular waste, prior to its transboundary movement, is not subject to this Protocol.

¹ For the purpose of this Protocol, Monaco shall have the same rights and obligations as Member States of the OECD.

² For the purposes of this Protocol, Monaco shall have the same rights and obligations as Member States of the OECD.

Article 4

NATIONAL DEFINITIONS OF HAZARDOUS WASTES

1. Each Party to the Convention shall, within six months of becoming a Party, inform the Organization of the wastes, other than those listed in Annex I to this Protocol, considered or defined as hazardous wastes under its national legislation, and of any requirements concerning transboundary movement procedures applicable to such wastes.
2. Each Party shall subsequently inform the Organization of any significant changes in information it has provided pursuant to paragraph 1 of this Article.
3. The Organization shall inform all Parties of the information it has received pursuant to paragraphs 1 and 2 of this Article.
4. The Parties shall be responsible for making the information transmitted to them by the Organization under paragraph 3 of this Article available to their exporters.

Article 5

GENERAL OBLIGATIONS

1. The Parties shall take all appropriate measures to prevent, abate and eliminate pollution of the Protocol area which can be caused by transboundary movements and disposal of hazardous wastes.
2. The Parties shall take all appropriate measures to reduce to a minimum, and where possible eliminate, the generation of hazardous wastes.
3. The Parties shall also take all appropriate measures to reduce to a minimum the transboundary movement of hazardous wastes, and if possible to eliminate such movement in the Mediterranean. To achieve this goal, Parties have the right individually or collectively to ban the import of hazardous wastes. Other Parties shall respect this sovereign decision and not permit the export of hazardous wastes to States which have prohibited their import.
4. Subject to the specific provisions relating to the transboundary movement of hazardous wastes through the territorial sea of a State of transit, referred to in Article 6.4 of this Protocol, all Parties shall take appropriate legal, administrative and other measures within the area under their jurisdiction to prohibit the export and transit of hazardous wastes to developing countries, and Parties which are not Member States of the European Community¹ shall prohibit all imports and transit of hazardous wastes.

¹ For the purposes of this Protocol, Monaco shall have the same rights and obligations as Member States of the European Community.

5. The Parties shall cooperate with other United Nations agencies, relevant international and regional organizations in order to prevent illegal traffic, and shall take appropriate measures to achieve this goal, including criminal punishment measures in accordance with their national legislation.

Article 6

TRANSBOUNDARY MOVEMENT AND NOTIFICATION PROCEDURES

In exceptional cases, unless otherwise prohibited, when hazardous wastes cannot be disposed of in an environmentally sound manner in the country in which they originated, transboundary movements of such wastes can be allowed if:

1. The special situation of the Mediterranean developing countries which do not have the technical capabilities nor the disposal facilities for the environmentally sound management of hazardous wastes is taken into consideration.

2. The competent authority of the State of import ensures that the hazardous waste is disposed of in an approved site or facility with the technical capacity for its environmentally sound disposal.

3. The transboundary movement of hazardous wastes only takes place with the prior written notification of the State of export as specified in Annex IV to this Protocol, and the prior written consent of the State(s) of import and the State(s) of transit. This paragraph does not apply to conditions of passage through the territorial sea, which are governed by paragraph 4 of this Article.

4. The transboundary movement of hazardous wastes through the territorial sea of a State of transit only takes place with the prior notification by the State of export to the State of transit, as specified in Annex IV to this Protocol. After reception of the notification, the State of transit brings to the attention of the State of export all the obligations relating to passage through its territorial sea in application of international law and the relevant provisions of its domestic legislation adopted in compliance with international law to protect the marine environment. Where necessary, the State of transit may take appropriate measures in accordance with international law. This procedure must be complied with within the delays provided for by the Basel Convention.

5. Every State involved in a transboundary movement ensures that such movement is consistent with international safety standards and financial guarantees, in particular the procedures and standards set out in the Basel Convention.

Article 7

DUTY TO REIMPORT

The State of export shall reimport the hazardous wastes if the transboundary movement cannot be completed by reason of impossibility of performance of the contracts relating to the movement and disposal of the wastes. To this end, any State of transit shall not oppose, hinder or prevent the return of those wastes to the State of export after being properly informed by the State of export.

Article 8

REGIONAL COOPERATION

1. In conformity with Article 13 of the Convention, the Parties shall cooperate as far as possible in scientific and technological fields related to pollution from hazardous wastes, particularly in the implementation and development of new methods for reducing and eliminating hazardous waste generated through clean production methods.

2. To this end, the Parties shall submit annual reports to the Organization regarding the hazardous wastes they generate and transfer within the Protocol area in order to enable the Organization to produce a hazardous waste audit.

3. The Parties shall cooperate in taking appropriate measures to implement the precautionary approach based on prevention of pollution problems arising from hazardous wastes and their transboundary movement and disposal. To this end, the Parties shall ensure that clean production methods are applied to production processes.

Article 9

ILLEGAL TRAFFIC

1. For the purpose of this Protocol, any transboundary movement of hazardous wastes in contravention of this Protocol or of other rules of international law shall be deemed to be illegal traffic.

2. Each Party shall introduce appropriate national legislation to prevent and punish illegal traffic, including criminal penalties on all persons involved in such illegal activities.

3. In the case of illegal traffic due to the conduct of the generator or the exporter, the State of export shall ensure that the wastes in question are taken back by the exporter or the generator or, if necessary, by itself, into the State of export within 30 days from the time the illegal traffic has come to its attention and that appropriate legal action is taken against the contravenor(s).

4. In the case of illegal traffic due to the conduct of the importer or disposer, the State of import shall ensure that the wastes in question are eliminated according to environmentally sound methods by the importer within 30 days from the time the illegal traffic has come to the attention of the State of import; if not possible, the State of export shall ensure that the wastes are taken back by the exporter, the generator or, if necessary, by itself into the State of export. The competent authorities of the importing or exporting States shall ensure that legal proceedings according to this Protocol are taken against the contravenor(s).

5. In cases where the responsibility for the illegal traffic cannot be assigned either to the exporter or generator or to the importer or disposer, the Parties concerned or other Parties, as appropriate, shall ensure, through cooperation that the wastes in

question are disposed of as soon as possible in an environmentally sound manner either in the State of export or the State of import or elsewhere as appropriate.

6. The Parties shall forward, as soon as possible, all information relating to illegal traffic to the Organization, which shall distribute the information to all Contracting Parties.

7. The Parties shall cooperate to ensure that no illegal traffic takes place. Upon request, the Organization shall assist Parties in their identification of cases of illegal traffic and shall circulate immediately to the Parties concerned any information it has received regarding illegal traffic.

8. The Organization shall undertake the necessary coordination with the Secretariat of the Basel Convention in relation to the effective prevention and monitoring of illegal traffic in hazardous wastes. Such coordination shall be mainly based on:

(a) Exchange of information on cases or alleged cases of illegal traffic in the Mediterranean and coordination of action to remedy such cases;

(b) Providing assistance in the field of capacity-building, including development of national legislation and of appropriate infrastructure in the Mediterranean States with a view to the prevention and penalization of illegal traffic in hazardous wastes;

(c) The establishment of a mechanism to prevent and monitor illegal traffic in hazardous wastes in the Mediterranean.

Article 10

ASSISTANCE TO DEVELOPING COUNTRIES

The Parties shall, directly or with the assistance of competent or other international organizations or bilaterally, cooperate with a view to formulating and implementing programmes of financial and technical assistance to developing countries for the implementation of this Protocol.

Article 11

TRANSMISSION OF INFORMATION

The Parties shall inform one another through the Organization of measures taken, of results achieved and, if the case arises, of difficulties encountered in the application of this Protocol. Procedures for the collection and distribution of such information shall be determined at the meetings of the Parties.

Article 12

INFORMATION TO AND PARTICIPATION OF THE PUBLIC

1. In the exceptional cases in which transboundary movement of hazardous wastes is permitted under Article 6 of this Protocol, the Parties shall ensure that adequate information is made available to the public, transmitted through such channels as the Parties deem appropriate.

2. The State of export and the State of import shall, in accordance with the provisions of this Protocol and whenever possible and appropriate, give the public an opportunity to participate in relevant procedures with the aim of making known its views and concerns.

Article 13

VERIFICATION

1. Any Party which has reason to believe that another Party is acting or has acted in breach of its obligations under this Protocol informs the Organization thereof, and, in such an event, simultaneously and immediately informs, directly or through the Organization, the Party against whom the allegations are made.

2. The Organization shall carry out a verification of the substance of the allegation through consultation with the Parties concerned and submit a report thereon to the Parties.

Article 14

LIABILITY AND COMPENSATION

The Parties shall cooperate with a view to setting out, as soon as possible, appropriate guidelines for the evaluation of the damage, as well as rules and procedures in the field of liability and compensation for damage resulting from the transboundary movement and disposal of hazardous wastes.

Article 15

MEETINGS

1. Ordinary meetings of the Parties shall take place in conjunction with ordinary meetings of the Contracting Parties to the Convention held pursuant to Article 18 of the Convention. The Parties to this Protocol may also hold extraordinary meetings in conformity with Article 18 of the Convention.

2. The functions of the meetings of the Parties shall be, *inter alia*:

(a) To keep under review the implementation of this Protocol, and consider any additional measures, including in the form of annexes;

(b) To revise and amend this Protocol and any annex thereto, as appropriate;

(c) To formulate and adopt programmes, methods and measures in accordance with the relevant Articles of this Protocol;

(d) To consider any information submitted by the Parties to the Organization or to the meetings of the Parties in accordance with the relevant Articles of this Protocol;

(e) To perform such other functions as may be appropriate for the application of this Protocol.

Article 16

ADOPTION OF ADDITIONAL PROGRAMMES AND MEASURES

The meeting of the Parties shall adopt, by a two-thirds (2/3) majority, any additional programmes and measures for the prevention and elimination of pollution from transboundary movements of hazardous wastes and their disposal.

Article 17

FINAL CLAUSES

1. The provisions of the Convention relating to any Protocol shall apply with respect to this Protocol.

2. The rules of procedure and the financial rules adopted pursuant to Article 24 of the Convention shall apply with respect to this Protocol, unless the Parties to this Protocol agree otherwise.

3. This Protocol shall be open for signature at Izmir on 1 October 1996, and at Madrid from 2 October 1996 to 1 October 1997 by any State Party to the Convention. It shall also be open on the same dates for signature by the European Community and by any similar regional economic grouping of which at least one member is a coastal State of the Protocol area and which exercises competence in the fields covered by this Protocol.

4. This Protocol shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of Spain, which will assume the functions of Depositary.

5. As from 2 October 1997, this Protocol shall be open for accession by the States referred to in paragraph 3 above, by the European Community and by any grouping referred to in that paragraph.

6. This Protocol shall enter into force on the thirtieth (30) day following the deposit of at least six (6) instruments of ratification, acceptance or approval of, or accession to, the Protocol by the Parties referred to in paragraph 3 of this Article.

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

DONE at Izmir on this first day of October 1996 in a single copy in the Arabic, English, French, and Spanish languages, the four texts being equally authoritative.

ANNEX I

CATEGORIES OF WASTES SUBJECT TO THIS PROTOCOL

- A. HAZARDOUS WASTES
- Y0 All wastes containing or contaminated by radionuclides, the radionuclide concentration or properties of which result from human activity
- Y1 Clinical wastes from medical care in hospitals, medical centres and clinics
- Y2 Wastes from the production and preparation of pharmaceutical products
- Y3 Waste pharmaceuticals, drugs and medicines
- Y4 Wastes from the production, formulation and use of biocides and phytopharmaceuticals
- Y5 Wastes from manufacturing, formulation and use of wood preserving chemicals
- Y6 Wastes from the production, formulation and use of organic solvents
- Y7 Wastes from heat treatment and tempering operations containing cyanides
- Y8 Waste mineral oils unfit for their originally intended use
- Y9 Waste oils/water, hydrocarbons/water mixtures, emulsions
- Y10 Waste substances and articles containing or contaminated with polychlorinated biphenyls (PCBs) and/or polychlorinated terphenyls (PCTs) and/or polybrominated biphenyls (PBBs)
- Y11 Waste tarry residues arising from refining, distillation and any pyrolytic treatment
- Y12 Wastes from production, formulation and use of inks, dyes, pigments, paints, lacquers, varnishes
- Y13 Wastes from production, formulation and use of resins, latex, plasticizers, glues/adhesives
- Y14 Waste chemical substances arising from research and development or teaching activities which are not identified and/or are new and whose effects on man and/or the environment are not known
- Y15 Wastes of an explosive nature not subject to other legislation
- Y16 Wastes from production, formulation and use of photographic chemicals and processing materials
- Y17 Wastes resulting from surface treatment of metals and plastics

18 Residues arising from industrial waste disposal operations

Wastes having as constituents:

- Y19 Metal carbonyls
- Y20 Beryllium; beryllium compounds
- Y21 Hexavalent chromium compounds
- Y22 Copper compounds
- Y23 Zinc compounds
- Y24 Arsenic; arsenic compounds
- Y25 Selenium; selenium compounds
- Y26 Cadmium; cadmium compounds
- Y27 Antimony; antimony compounds
- Y28 Tellurium; tellurium compounds
- Y29 Mercury; mercury compounds
- Y30 Thallium; thallium compounds
- Y31 Lead; lead compounds
- Y32 Inorganic fluorine compounds excluding calcium fluoride
- Y33 Inorganic cyanides
- Y34 Acidic solutions or acids in solid form
- Y35 Basic solutions or bases in solid form
- Y36 Asbestos (dust and fibres)
- Y37 Organic phosphorus compounds
- Y38 Organic cyanides
- Y39 Phenols; phenolic compounds including chlorophenols
- Y40 Ethers
- Y41 Halogenated organic solvents
- Y42 Organic solvents excluding halogenated solvents
- Y43 Any congener of polychlorinated dibenzo-furan

- Y44 Any congener of polychlorinated dibenzo-p-dioxin
- Y45 Organohalogen compounds other than substances referred to in this Annex (e.g. Y39, Y41, Y42, Y43, Y44)

B. HOUSEHOLD WASTES

- Y46 Wastes collected from households, including sewage and sewage sludges
- Y47 Residues arising from the incineration of household wastes.

ANNEX II

LIST OF HAZARDOUS CHARACTERISTICS

<u>UN</u> Class	<u>Code</u> *****	<u>Characteristics</u>
1	H1	Explosive An explosive substance or waste is a solid or liquid substance or waste (or mixture of substances or wastes) which is in itself capable by chemical reaction of producing gas at such a temperature and pressure and at such a speed as to cause damage to the surroundings.
3	H3	Flammable liquids The word "flammable" has the same meaning as "inflammable". Flammable liquids are liquids, or mixtures of liquids, or liquids containing solids in solution or suspension (for example paints, varnishes, lacquers, etc., but not including substances or wastes otherwise classified on account of their dangerous characteristics) which give off a flammable vapour at temperatures of not more than 60.5 degrees C, closed-cup test, or not more than 65.6 degrees C, open-cup test. (Since the results of open-cup tests and of closed-cup tests are not strictly comparable and even individual results by the same test are often variable, regulations varying from the above figures to make allowance for such difference would be within the spirit of this definition.)
4.1	H4.1	Flammable solids Solids, or waste solids, other than those classed as explosives, which under conditions encountered in transport are readily combustible, or may cause or contribute to fire through friction.
4.2	H4.2	Substances or wastes liable to spontaneous combustion Substances or wastes which are liable to spontaneous heating under normal conditions encountered in transport, or in heating up on contact with air, and being liable to catch fire.
4.3	H4.3	Substances or wastes which, in contact with water, emit flammable gases

***** Corresponds to the hazardous classification system included in the United Nations Recommendations on the Transport of Dangerous Goods (ST/SG/AC.10/1/Rev.5, United Nations, New York, 1988).

		<p>Substances or wastes which, by interaction with water, are liable to become spontaneously flammable or to give off flammable gases in dangerous quantities.</p>
5.1	H5.1	<p>Oxidizing</p> <p>Substances or wastes which, while in themselves not necessarily combustible, may generally by yielding oxygen, cause or contribute to the combustion of other materials.</p>
5.2	H5.2	<p>Organic peroxides</p> <p>Organic substances or wastes which contain the bivalent-O-O-structure are thermally unstable substances which may undergo exothermic self-accelerating decomposition.</p>
6.1	H6.1	<p>Poisonous (Acute)</p> <p>Substances or wastes liable either to cause death or serious injury or to harm human health if swallowed or inhaled or by skin contact.</p>
6.2	H6.2	<p>Infectious substances</p> <p>Substances or wastes containing viable microorganisms or their toxins which are known or suspected to cause disease in animals or humans.</p>
8	H8	<p>Corrosives</p> <p>Substances or wastes which, by chemical action, will cause severe damage when in contact with living tissue, or in the case of leakage, will materially damage, or even destroy, other goods or the means of transport; they may also cause other hazards.</p>
9	H10	<p>Liberation of toxic gases in contact with air or water</p> <p>Substances or wastes which, by interaction with air or water, are liable to give off toxic gases in dangerous quantities.</p>
9	H11	<p>Toxic (Delayed or chronic)</p> <p>Substances or wastes which, if they are inhaled or ingested or if they penetrate the skin, may involve delayed or chronic effects, including carcinogenicity.</p>
9	H12	<p>Ecotoxic</p> <p>Substances or wastes which if released present or may present immediate or delayed adverse impacts on the environment by means of bioaccumulation and/or toxic effects upon biotic systems.</p>

- 9 H13 Capable, by any means, after disposal, of yielding another material, e.g. leachate, which possesses any of the characteristics listed above.

ANNEX III

DISPOSAL OPERATIONS

The list of disposal operations contained in this Annex reflects those which occur or have occurred in practice. It does not necessarily reflect a list of acceptable disposal operations. Pursuant to Articles 5 and 6 of this Protocol, hazardous wastes must in any event be managed in an environmentally sound manner.

- A. Operations which do not lead to the possibility of resource recovery, recycling, reclamation, direct reuse or alternative uses.

Section A encompasses all such disposal operations which occur in practice.

- D1 Deposit into or onto land (e.g. landfill, etc.)
- D2 Land treatment (e.g. biodegradation of liquid or sludgy discards in soils, etc.)
- D3 Deep injection (e.g. injection of pumpable discards into wells, salt domes or naturally occurring repositories, etc.)
- D4 Surface impoundment (e.g. placement of liquid or sludge discards into pits, ponds, lagoons, etc.)
- D5 Specially engineered landfill (e.g. placement into lined discrete cells which are capped and isolated from one another and the environment, etc.)
- D6 Release into a water body except seas/oceans
- D7 Release into seas/oceans including sea-bed insertion
- D8 Biological treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations in Section A
- D9 Physico-chemical treatment not specified elsewhere in this Annex which results in final compounds or mixtures which are discarded by means of any of the operations in Section A (e.g. evaporation, drying, calcination, neutralization, precipitation, etc.)
- D10 Incineration on land
- D11 Incineration at sea
- D12 Permanent storage (e.g. emplacement of containers in mines, etc.)
- D13 Blending or mixing prior to submission to any of the operations in Section A
- D14 Repackaging prior to submission to any of the operations in Section A
- D15 Storage pending any of the operations in Section A

- B. Operations which may lead to resource recovery, recycling, reclamation, direct reuse or alternative uses.

Section B encompasses all such operations with respect to materials legally defined as or considered to be hazardous wastes and which otherwise would have been destined for operations included in Section A.

- R1 Use as a fuel (other than in direct incineration) or other means to generate energy
- R2 Solvent reclamation/regeneration
- R3 Recycling/reclamation of organic substances which are not used as solvents
- R4 Recycling/reclamation of metals and metal compounds
- R5 Recycling/reclamation of other inorganic materials
- R6 Regeneration of acids or bases
- R7 Recovery of components used for pollution abatement
- R8 Recovery of components from catalysts
- R9 Used oil re-refining or other reuses of previously used oil
- R10 Land treatment resulting in benefit to agriculture or ecological improvement
- R11 Uses of residual materials obtained from any of the operations numbered R1-R10
- R12 Exchange of wastes for submission to any of the operations numbered R1-R11
- R13 Accumulation of material intended for any operation in Section B

ANNEX IV (A)

INFORMATION TO BE PROVIDED ON NOTIFICATION

1. Reason for waste export;
2. Exporter of the waste 1/;
3. Generator(s) of the waste and site of generation 1/;
4. Importer and disposer of the waste and actual site of disposal 1/;
5. Intended carrier(s) of the waste or their agents, if known 1/;
6. Country of export of the waste
Competent authority 2/;
7. Expected countries of transit
Competent authority 2/;
8. Country of import of the waste
Competent authority 2/;
9. Projected date(s) of shipment(s) and period of time over which waste is to be exported and proposed itinerary (including point of entry and exit) 3/;
10. Means of transport envisaged (road, rail, sea, air, inland waters);
11. Information relating to insurance 4/;
12. Designation and physical description of the waste including Y number and UN number and its composition 5/ and information on any special handling requirements including emergency provisions in case of accidents;
13. Type of packaging envisaged (e.g. bulk, drums, tanker);
14. Estimated quantity in weight/volume 6/;
15. Process by which the waste is generated 7/;
16. Code according to ANNEX I, classifications according to ANNEX II, H number, and UN class;
17. Method of disposal as per ANNEX III;
18. Declaration by the generator and exporter that the information is correct;
19. Information transmitted (including technical description of the plant) to the exporter or generator from the disposer of the waste upon which the latter has based his assessment that there is no reason to believe that the waste will not be managed in an environmentally sound manner in accordance with the laws and regulations of the country of import;

20. Information concerning the contract between the exporter and the disposer.

NOTES

The Organization should make use of a Notification Form and accompanying documents such as those developed within the framework of the Basel Convention, the OECD and the European Community.

- 1/ Full name and address, telephone, telex or telefax number and the name, address, telephone, telex or telefax number of the person to be contacted.
- 2/ Full name and address, telephone, telex or telefax number.
- 3/ In the case of a general notification covering several shipments, either the expected dates of each shipment or, if this is not known, the expected frequency of the shipments will be required.
- 4/ Information to be provided on relevant insurance requirements and how they are met by exporter, carrier and disposer.
- 5/ The nature and the concentration of the most hazardous components, in terms of toxicity and other dangers presented by the waste both in handling and in relation to the proposed disposal method.
- 6/ In the case of a general notification covering several shipments, both the estimated total quantity and the estimated quantities for each individual shipment will be required.
- 7/ Insofar as this is necessary to assess the hazard and determine the appropriateness of the proposed disposal operation.

ANNEX IV (B)

INFORMATION TO BE PROVIDED ON THE MOVEMENT DOCUMENT

1. Exporter of the waste 1/;
2. Generator(s) of the waste and site of generation 1/;
3. Disposer of the waste and actual site of disposal 1/;
4. Carrier(s) of the waste 1/ or his agent(s);
5. The date the transboundary movement started and date(s) and signature on receipt by each person who takes charge of the waste;
6. Means of transport (road, rail, inland waterway, sea, air) including countries of export, transit and import, also point of entry and exit where these have been designated;
7. General description of the waste (physical state, proper UN shipping name and class, UN number, Y number and H number as applicable);
8. Information on special handling requirements including emergency provision in case of accidents;
9. Type and number of packages;
10. Quantity in weight/volume;
11. Declaration by the generator or exporter that the information is correct;
12. Declaration by the generator or exporter indicating no objection from the competent authorities of all States concerned which are Parties;
13. Certification by disposer of receipt at designated disposal facility and indication of method of disposal and of the approximate date of disposal.
14. The insurance documents, bond or other guarantee as may be required by the Parties, as provided in Article 6, paragraph 5.

NOTES

The Organization should make use of a Movement Document and accompanying documents such as those developed within the framework of the Basel Convention, the OECD and the European Community.

The information required on the Movement Document shall where possible be integrated in one document with that required under transport rules. Where this is not possible, the information should complement rather than duplicate that required under the transport rules. The Movement Document shall carry instructions as to who is to provide information and fill out any form.

- 1/ Full name and address, telephone, telex or telefax number and the name, address, telephone, telex or telefax number of the person to be contacted in case of emergency.