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Meeting of the MAP Focal Points

Teleconference, 10-17 September 2021

**Agenda Item 5: Specific Matters for Consideration and Action by the Meeting, including Draft Decisions**

**Draft Decision 6: Amendments to the Annex to the Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea (Dumping Protocol)**

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### **Note by the Secretariat**

The 21<sup>st</sup> Ordinary Meeting of the Contracting Parties (COP-21) to the Barcelona Convention and its Protocols (Naples, Italy, 2-5 December 2019) adopted Decision IG.24/10 which called for updating the Annexes to the Land-Based Sources and Activities (LBS Protocol) and the Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at the Sea.

Decision IG.24/10 of COP-21 also requested the establishment of a Working Group composed of experts designated by the Contracting Parties to review the Annex to the Dumping Protocol and to make proposals for consideration of the 22<sup>nd</sup> Meeting of the Contracting Parties (COP-22), Antalya Turkey, December 2021.

The Secretariat (MED POL) prepared the amendments to the Annex of the Dumping Protocol taking into consideration the provisions of the 1972 London Convention and its 1996 Protocol both of which considered the global instruments regulating the dumping of wastes and other matter in the sea, as well as the Marine Strategy Framework Directive (MSFD), where applicable and the ecosystem-based approach.

The Working Group of designated experts met on 9 February 2021 via videoconference. The Meeting reviewed and agreed to proposed updates with modifications. The Working Group further expanded the major amenities defined under the characteristics of dumping sites in relation to values and other uses of the sea in areas under consideration for dumping such as, spawning, nursery and fishing areas, marine protected areas and exploitable resources. The Working Group also agreed to assess potential effects of dumping in selected sites, with available technology using modelling tools while recognizing the importance of establishing a compliance monitoring programme, where applicable, to related to permitting conditions granted by the competent authorities. The modifications agreed, during the meeting of the Working Group, also provide for waste assessment; consideration of other management and disposal options; as well as a better consideration of emerging issues related to minimization of possible impacts.

The proposed updates to annex to the Dumping Protocol was approved with no additional modifications by Meeting of MEDPOL Focal Points, held in 28-29 May 2021.

For the easy reference, the accepted changes in the updated Annex to the Dumping Protocol versus the original text of the Protocol Annex are indicated in **grey**.

This draft decision and its Annex is hereby submitted to the Meeting of the Mediterranean Action Plan (MAP) Focal Points 2021 (Teleconference, 10-17 September 2021) for consideration and possible transmission to the 22<sup>nd</sup> Meeting of the Contracting Parties (COP 22) (Antalya, Turkey, 7-10 December 2021).

**[Draft decision IG.25/9]**

**Amendments to the Annex to the Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea**

*The Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention) and its Protocols at their 22<sup>nd</sup> Meeting,*

*Recalling* United Nations General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”,

*Recalling also* the United Nations Environment Assembly resolution of 15 March 2019, UNEP/EA.4/Res. 21, entitled “Towards a pollution-free planet”,

*Having regard* to the Barcelona Convention, and in particular Article 23 thereof, which establishes the amendment procedure for Annexes to the Barcelona Convention and to its Protocols,

*Having also regard* to the Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea, hereinafter referred to as “the Dumping Protocol”, and in particular Article 14 (c) thereof, which provides that the function of the meetings of the Parties to the Protocol shall be to review and amend as required any Annex to the Protocol,

*Recalling* Decision IG.24/10 on Main elements of the six Regional Plans to Reduce/Prevent Marine Pollution from Land-based Sources; Updating the Annexes to the LBS, and Dumping Protocols of the Barcelona Convention, adopted by the Contracting Parties at their 21<sup>st</sup> Meeting (COP 21) (Naples, Italy, 2-5 December 2019),, *Conscious* of the need to update the Annexes to the Dumping Protocol to further address emerging marine pollution issues and to reflect the significant regulatory, scientific and technical developments related to dumping activities that have been achieved at both global and regional levels, including relevant developments under the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter, 1972 (London Convention) and its 1996 Protocol thereof, and under the Mediterranean Action Plan (MAP)-Barcelona Convention system, with particular focus on those developments related to the implementation of the ecosystem approach for achieving good environmental status (GES) of the Mediterranean Sea and coast,

*Appreciating* the work delivered by the Working Group of Experts (Videoconference on 9 February 2021), which was mandated to update the Annex to the Dumping Protocol,

*Recalling* the mandate of the Mediterranean Pollution Assessment and Control Programme (MED POL), as laid down in Decision IG.19/5 on the Mandates of the Components of MAP, adopted by the Contracting Parties at their 16<sup>th</sup> Meeting (COP16) (Marrakesh, Morocco, 3-5 November 2009), and its relevance to the implementation of this Decision,

*Having considered* the report of the MED POL Focal Points Meeting (Videoconference, 27-28 May 2021),

1. *Adopt* the amendments to the Annex to the Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea, set out in the Annex to this Decision;
2. *Agreed*, in accordance with Article 23 (2) (iv), to determine a period of 60 days since the adoption of this Decision, within which, any Contracting Party that is unable to approve the amendments to notify so the Depositary in writing;
3. *Request* the Depositary to communicate without delay to all Contracting Parties the adopted amendments, pursuant to article 23 (2) (iii) of the Barcelona Convention.]

**Annex I**

## DUMPING PROTOCOL TO THE BARCELONA CONVENTION

### 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. Origin and form (e.g. solid, sludge, liquid, or gaseous within the matter, e.g. gases in sediments, or any mixture of these forms).
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, invasive species).
4. Toxicity including but not limited to, trace metals, organohalogens, organosilicons, biocides (e.g. TBT), petroleum hydrocarbons, or other toxic substances, and as their mixtures.
5. Persistence: physical, chemical and biological.
6. Accumulation and biotransformation in biological materials and sediments including but not limited to, trace metals, organohalogens, organosilicons, biocides (e.g. TBT) or other toxic substances.
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.)
9. Presence of marine litter/debris (e.g. plastic materials, micro-litter, etc.).

#### B. CHARACTERISTICS OF DUMPING SITE AND METHOD OF DEPOSIT

1. Location of the dumping site (e.g. coordinates, depth and distance from the coast), location/distance in relation to other amenities, values and other uses of the sea in the areas under consideration (e.g. amenity areas, spawning, nursery and fishing areas, marine protected 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. Physical, chemical and biological characteristics of the water-column and the seabed, including:
  - a) Dispersal characteristics (e.g. effects of currents, tides and wind on horizontal transport and vertical mixing).
  - b) Water characteristics, physical, chemical and biological (e.g. temperature, pH, salinity, turbidity, transparency, stratification, oxygen indices of pollution-dissolved oxygen (DO), chemical oxygen demand (COD), biochemical oxygen demand (BOD5), nitrogen present in organic and mineral form, including suspended matter, other dissolved gases, organic carbon, other nutrients (phosphate and silicate) and productivity).
  - c) Bottom characteristics (e.g. substrate, topography/morphology, geochemical and geological characteristics and biological productivity).
  - d) Levels of underwater noise, particularly in relation to sensitive resources (e.g. cetaceans and pinnipeds, etc.)
6. Existence and effects of other dumpings which have been made in the dumping area (e.g. heavy metal background reading and organic carbon content).
7. Assessment of the constituent fluxes associated with dumping in relation to existing fluxes of substances in the marine environment.
8. Consideration of the physical characteristics of the waste proposed for disposal in relation to the site characteristics and waste assessment.
9. Assessment of potential effects of dumping in the selected site(s) using, *inter alia*, modelling tools and cumulative effects of other activities in the same maritime sector, taking into consideration C.1, C.2 and C.3 under "Section C: General Considerations and Conditions".

10. When issuing a permit for dumping, the Contracting Parties shall endeavour to determine whether an adequate scientific basis exist for assessing the consequences of such dumping in the area concerned, in accordance with the foregoing provisions and taking into account seasonal variations. If it is accepted that a permit can be issued, then a suitable field monitoring programme may be developed/implemented, where appropriate.

### **C. GENERAL CONSIDERATIONS AND CONDITIONS**

1. Possible effects on amenities (e.g. presence of floating or stranded material, turbidity, objectionable odor, discoloration and foaming).

2. Possible effects on marine life, fish and shellfish culture, fish stocks and fisheries, seaweed harvesting and culture, as well as effect on local communities living near islands or near marine protected areas.

3. Possible effects on other uses of the sea (e.g. impairment of water quality for industrial use, such as desalination plants, underwater corrosion of structures, interference with ship operations from floating materials, interference with fishing, mariculture, 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. Consideration of possible waste reduction/prevention techniques at source including: a) product reformulation; b) clean production technologies; c) process modification; d) input substitution; e) and on-site, closed-loop recycling.

5. Consideration of the following hierarchy of waste or other matter management options: re-use; off-site recycling; destruction of hazardous constituents; treatment to reduce or remove the hazardous constituents; disposal on land and in water.

6. 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.

7. Economic and operational feasibility.