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Conference of Plenipotentiaries of the
Coastal States of the Mediterranean
Region, on the Protection of the
Mediterranean Sea (convened by UNEP)
2-13 February 1976

WORKING GROUP ON DRAFT LEGAL INSTRUMENTS FOR THE PROTECTION OF THE MEDITERRANEAN

Geneva, 7-11 April 1975

Report of the Meeting

In accordance with Recommendation III A.4 of the Intergovernmental Meeting on the Protection of the Mediterranean (Barcelona, 28 January-4 February 1975)^{1/}, a Working Group on Draft Legal Instruments for the Protection of the Mediterranean, composed of legal and technical experts from Governments and international organizations (list of participants attached), met in Geneva under the auspices of UNEP, from 7 to 11 April 1975 to consider the following draft instruments:

- Draft Framework Convention for the Protection of the Marine Environment against Pollution in the Mediterranean;
- Draft Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft;
- Draft Protocol on Co-operation in Combating Pollution of the Mediterranean by Oil and Other Harmful Substances in Cases of Emergency.

The Working Group elected Mr. Marcel Subiguat (France; formerly Rapporteur of Committee II of the Barcelona Meeting) as its chairman. The secretariat of the Working Group was provided by UNEP and FAO.

The Working Group reviewed the draft instruments before it, and instructed the Secretariat to prepare the revised texts attached herewith, for their eventual submission to Governments in advance of the conference of plenipotentiaries scheduled to be held in Barcelona from 2-13 February 1976. It also took note of the following observations and proposals:

1. One delegation proposed that UNEP be designated as the organization responsible for carrying out the secretariat functions envisaged in Article 12 of the Draft Framework Convention.
2. After drawing the attention of the Working Group to the fact that Article 7 of the Draft Framework Convention, in particular, deals with a matter in which the Member States of European Economic Community (EEC) have transferred to the EEC part of their jurisdiction one

^{1/} UNEP/WG.2/5, Annex p.4.

delegation proposed to envisage the possibility of the EEC becoming a Contracting Party to the Framework Convention. In this event, and without prejudice to the outcome of deliberations under the Community's procedures for this purpose, the following legal problems would have to be resolved: (a) participation by the EEC in the Convention; (b) with the EEC becoming a Contracting Party, determination of its place among States Parties; (c) dispute settlement, taking into account the substitution of the EEC for the States in matters for which their jurisdiction has been transferred to the EEC and the ensuing procedural consequences.

3. One delegation pointed out that "complementary programmes" in Article 9 of the Draft Framework Convention were understood to be complementary both to other national programmes and to international (global, regional or sub-regional) programmes.

4. One delegation expressed the view that preambular paragraph 5 should not be interpreted as implying any criticism of existing international conventions.

5. One delegation requested to record its view that a definition of "ships and aircraft" should be provided in Article 3 of the Draft Protocol on Co-operation.

6. It was noted that the concept of "regional centre" in Article 7 of the Protocol on Co-operation, in the draft as presented to the Working Group, should be made more precise.

7. One delegation proposed to insert in Article 9 of the Draft Protocol on Dumping a provision to the effect that steps taken by any State in accordance with this Article shall not prejudice the interests of any other State.

8. One delegation proposed to add to Article 10 of the Draft Protocol on Dumping a third paragraph to the effect that no Party shall issue a permit of any kind for dumping of wastes or other matter in areas under the national jurisdiction of another State.

9. One delegation proposed the addition of a general provision to ensure compatibility of any permits issued pursuant to the Protocol on Dumping with permits that may be issued pursuant to other international conventions.

10. One delegation proposed that the majority required in Article 16(2) of the Draft Framework Convention and in Article 15(3) of the Draft Protocol on Dumping should be a strong majority.

11. One delegation proposed that residues of cargoes discharged should be considered in the Protocol on Dumping (substances referred to in Annexes I and II), and that provision should be made for the issue of permits relating to such residues and to the eventual dumping thereof. The said delegation submitted a written proposal for amendment of the Protocol to this effect, as well as a model certificate which would become a new Annex (IV).

ANNEX

Working Group on Draft
Legal Instruments for
the Protection of the
Mediterranean

Groupe de travail chargé
d'examiner les projets
d'instruments juridiques
pour la protection de la
Méditerranée

Grupo de Trabajo sobre
los proyectos de
instrumentos jurídicos
para la protección del
Mediterráneo

Geneva, 7-11 April 1975

Genève, 7-11 avril 1975

Ginebra,
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