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Conference of Plenipotentiaries of the
Coastal States of the Mediterranean Region for
the Protection of the Mediterranean Sea against
Pollution from Land-Based Sources

Athens, 12 - 17 May 1980

19/4

PRELIMINARY DRAFT PROTOCOL FOR THE PROTECTION OF THE MEDITERRANEAN SEA AGAINST POLLUTION FROM LAND-BASED SOURCES

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,

Desirous of implementing article 4, paragraph 2, and articles 8 and 15 of the said Convention,

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

Recognizing the danger posed to the marine environment and to human health by pollution from land-based sources and the serious problems existing in this respect in many coastal waters and river estuaries of the Mediterranean Sea, primarily due to the release of untreated, insufficiently treated or inadequately disposed domestic or industrial discharges,

Recognizing the differences 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 co-operation all necessary measures to protect the Mediterranean Sea against pollution from land-based sources,

HAVE AGREED AS FOLLOWS:

Article 1. General objective

The Contracting Parties to this Protocol (hereinafter referred to as "the Parties") shall take all appropriate measures to prevent, abate and control pollution of the Mediterranean Sea Area caused by discharges from rivers, coastal establishments or outfalls, or emanating from any other land-based sources within their territories.

Article 2. Definitions^{1/}

For the purposes of this Protocol:

- (a) "The Convention" means the Convention for the Protection of the Mediterranean Sea against Pollution, adopted in Barcelona on 16 February 1976;
- (b) "Organization" means the body referred to in article 13 of the Convention;

^{1/} The expert designated by the Government of Lebanon expressed a reservation to the concept underlying articles 2 and 4.

- (c) "freshwater limit" means the place in the 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. ^{2/}

Article 3. Coverage

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) 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;
- (c) saltwater marshes communicating with the sea. ^{3/}

Article 4. Scope ^{1/}

1. The Protocol shall apply to all polluting discharges reaching the Protocol Area from land-based sources within the territories of the Parties, in particular:
- directly, from outfall pipelines discharging into the sea, or through coastal dumping;
 - indirectly, through rivers, canals and other watercourses, including underground watercourses, through run-off or through the atmosphere. ^{4/}
2. The Protocol shall also apply to all polluting discharges from fixed man-made off-shore structures which are under the jurisdiction of a Party and which serve purposes other than the exploration and exploitation of mineral resources of the continental shelf and the sea-bed and its subsoil.

^{2/} The expert designated by the Government of Turkey expressed a reservation to this paragraph in the light of his reservation to article 3.

^{3/} The expert designated by the Government of Turkey expressed a reservation to this article.

^{4/} The experts designated by the Governments of Italy, Lebanon, Spain and Turkey expressed reservations to paragraph 1 of this article.

Article 5. Substances listed in annex I

1. The Parties undertake to eliminate, by stages if necessary, pollution of the Protocol Area from land-based sources by substances listed in annex I to this Protocol.
2. To this end they shall elaborate and implement, jointly or individually as appropriate, the necessary programmes and measures.
3. These programmes and measures shall include, in particular, emission standards and standards of use as well as time-tables for their application.
4. Time-limits for the implementation of these programmes or measures may differ depending on whether discharges emanate from existing or new installations. ^{5/}
5. The standards and time-tables shall be fixed by the Parties and periodically reviewed for each of the substances listed in annex I, in accordance with the provisions of article 15 of this Protocol. ^{6/}

Article 6. Substances or Sources listed in annex II

1. The Parties shall strictly limit pollution from land-based sources in the Protocol Area by substances or sources listed in annex II to this Protocol.
2. To this end they shall elaborate and implement, jointly or individually as appropriate, suitable programmes and measures.
3. Time-limits for the implementation of these programmes or measures may differ depending on whether discharges emanate from existing or new installations. ^{7/}
4. Such discharges shall be subject to the issue, by the competent national authorities, of an authorization taking into account the provisions of annex III to this Protocol.

^{5/} The experts designated by the Governments of Morocco, Tunisia and Turkey expressed reservations to this paragraph.

^{6/} The expert designated by the Government of Lebanon expressed a reservation to this paragraph.

^{7/} The experts designated by the Governments of Morocco, Tunisia and Turkey expressed reservations to this paragraph.

Article 7. Common guidelines, standards or criteria

1. The Parties shall progressively formulate and adopt, in co-operation 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 discharged of the substances listed in annexes I and II, 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 ecological subregional features, local geographical and physical characteristics, the economic capacity of the Parties and their need for development, the level of existing pollution and the real local absorptive capacity of the marine environment.^{8/} The common guidelines, standards or criteria shall be adopted taking into account, in their time-limits for implementation, the economic capacity of the Parties and their need for development.

Article 8. Monitoring

Within the framework of the monitoring programmes provided for in article 10 of the Convention, and if necessary in co-operation with the competent international organizations, the Parties shall carry out at the earliest possible date monitoring activities in order:

- (a) systematically to assess, as far as possible, the levels of pollution along their coasts, in particular with regard to the substances or sources listed in annexes I and II, and periodically to provide information in this respect;

^{8/} The expert designated by the Government of Lebanon expressed his reservation to including the phrase "the economic capacity of the Parties and their need for development".

- (b) to evaluate the effects of measures taken under the Protocol to reduce pollution of the marine environment.

Article 9. Scientific and technological co-operation

In conformity with article 11 of the Convention, the Parties shall co-operate as far as possible in scientific and technological fields related to pollution from land-based sources, particularly research on inputs, pathways and effects of pollutants and on the development of new methods for their treatment, reduction or elimination. To this end the Parties shall, in particular, endeavour to:

- (a) exchange scientific and technical information;
- (b) co-ordinate their research programmes.

Article 10. Training and assistance

1. The Parties shall, directly or as appropriate with the assistance of competent regional or other international organizations, endeavour to promote programmes of assistance to developing countries, particularly in the fields of science, education and technology, with a view to preventing pollution from land-based sources and its harmful effects in the marine environment. 9/
2. Such technical assistance may comprise the training of scientific and technical personnel, and the acquisition, utilization and production by those countries of appropriate equipment. 10/

Article 11. Watercourses shared by several States

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 concerned shall be invited to co-operate in taking appropriate measures in order to ensure the full application of this Protocol. 11/
2. The provisions of this Protocol may not be invoked against a Party insofar as that Party is unable, as a result of pollution having its origin in the territory of a non-contracting State, to ensure their full application. However, the said Party shall endeavour to co-operate with the said State so as to make possible the full application of the Protocol.

9/ The experts designated by the Governments of Lebanon, Libyan Arab Jamahiriya, Morocco, Tunisia and Turkey proposed to add after "endeavour to promote" the words "and implement".

10/ The expert designated by the Government of Morocco expressed a reservation to this paragraph

11/ The experts designated by the Governments of Lebanon and Morocco expressed reservations to this paragraph.

Article 12. Pollution affecting other Parties

1. 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 in consultation with a view to seeking a satisfactory solution.^{12/}
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. Exchange of information

1. 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 implementation of this Protocol. Procedures for the collection and submission of such information shall be determined at the meetings of the Parties.
2. Such information shall include, inter alia:
 - (a) statistical data on the authorizations granted according to 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) measures taken in accordance with articles 5 and 6 of this Protocol.^{13/}

Article 14. Meetings of the Parties

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 14 of the Convention. The Parties may also hold extraordinary meetings in accordance with article 14 of the Convention.
2. The functions of the meeting of the Parties to this Protocol shall be, inter alia:

^{12/} The expert designated by the Government of Lebanon expressed a reservation to paragraph 1 of this article.

^{13/} The expert designated by the Government of Turkey expressed a reservation to paragraph 2.

- (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 revise and amend any annex to the Protocol, as appropriate;
- (c) to formulate and adopt programmes and measures in accordance with articles 5, 6, 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 information submitted by the Parties under article 13 of this Protocol;
- (g) to discharge such other functions as may be appropriate for the implementation of this Protocol.

Article 15. Adoption of programmes and measures

1. The meeting of the Parties shall adopt the programmes and measures for the reduction or the elimination of pollution from land-based sources which are provided for in articles 5 and 6 of this Protocol in accordance with the procedure prescribed in article 17 of the Convention.
2. However, the Parties which are not able to accept a programme, shall inform the meeting of the Parties of the measures they intend to take as regards the programme concerned, it being understood that these Parties may, at any time, give their consent to the programme that has been adopted. ^{14/}

Article 16. 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 18 of the Convention shall apply with respect to this Protocol, unless the Parties agree otherwise.

^{14/} The experts designated by the Governments of the Libyan Arab Jamahiriya, Morocco and Tunisia, expressed reservations to the entire article.

3. This Protocol shall be open for signature in
from to by any State invited to
participate in 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
..... from to It shall
also be open until the same date 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, 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 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 on in a single copy in the
Arabic, English, French and Spanish languages, the four texts being
equally authoritative.

ANNEX I

- A. The following substances, families and groups of substances are listed, not in order of priority, for the purposes of Article 5 of the Protocol. They have been selected mainly on the basis of their
- toxicity
 - persistence
 - bioaccumulation.
1. Organohalogen compounds and substances which may form such compounds in the marine environment. ^{1/}
 2. Organophosphorus compounds and substances which may form such compounds in the marine environment. ^{1/}
 3. Organotin compounds and substances which may form such compounds in the marine environment. ^{1/}
 4. Mercury and mercury compounds.
 5. Cadmium and cadmium compounds.
 6. Used lubricating oils.
 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, 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.
- B. The present annex does not apply to discharges which contain the substances listed in Section A below the limits defined jointly by the Parties.

^{1/} With the exception of those which are biologically harmless or which are rapidly converted into biologically harmless substances.

ANNEX II

- A. The following substances, families and groups of substances, or sources of pollution, listed not in order of priority for the purpose of Article 6 of the Protocol, have been selected mainly on the basis of criteria used for Annex I, while taking into account the fact that they are generally less noxious or are more readily rendered harmless by natural processes and therefore generally affect more limited coastal areas.
1. The following elements and their compounds:

1. zinc	6. selenium	11. tin	16. vanadium
2. copper	7. arsenic	12. barium	17. cobalt
3. nickel	8. antimony	13. beryllium	18. thallium
4. chromium	9. molybdenum	14. boron	19. tellurium
5. lead	10. titanium	15. uranium	20. silver
 2. Biocides and their derivatives not covered in Annex I.
 3. Organosilicon compounds and substances which may form such compounds in the marine environment excluding those which are biologically harmless or are rapidly converted into biologically harmless substances.
 4. Crude oils and hydrocarbons of all origins.
 5. Cyanides and fluorides.
 6. Non-biodegradable detergents and other surface-active substances.
 7. Inorganic compounds of phosphorus and elemental phosphorus.
 8. Pathogenic micro-organisms.
 9. Thermal discharges.
 10. Substances which have a deleterious effect on the taste and/or smell of products for human consumption derived from the aquatic environment, and compounds liable to give rise to such substances in the marine environment.
 11. Substances which have, directly or indirectly, an adverse effect on the oxygen content of the marine environment, especially those which may cause eutrophication.
 12. Acid or alkaline compounds of such composition and in such quantity that they may impair the quality of sea water.
 13. Substances which, though of a non-toxic nature, may become harmful to the marine environment or may interfere with any legitimate use of the sea owing to the quantities in which they are discharged.

- B. The control and strict limitation of the discharge of substances referred to in Section A above should be implemented in accordance with Annex III.

ANNEX III

With a view to the issue of an authorization for the discharge of wastes containing substances referred to in Annex II or in Section B of Annex I of this Protocol, 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).
 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 rendering 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 seawater 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 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 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) re-use or elimination methods;
- (c) on-land disposal alternatives; and
- (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.