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Meeting of Legal Experts on the Draft
Protocol for the Protection of the
Mediterranean Sea against Pollution
from Land-Based Sources

Geneva, 25-29 June 1979

REPORT OF SECOND INTERGOVERNMENTAL CONSULTATION
CONCERNING A DRAFT PROTOCOL FOR THE PROTECTION OF THE
MEDITERRANEAN SEA AGAINST POLLUTION FROM LAND-BASED SOURCES
(VENICE, 17-21 OCTOBER 1977)



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Second Intergovernmental Consultation
concerning a Draft Protocol for the
Protection of the Mediterranean Sea
against Pollution from Land-Based Sources
Venice, 17-21 October 1977

REPORT OF THE CONSULTATION

Introduction

1. At the Intergovernmental Consultation concerning a Draft Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources, Athens, 7-11 February 1977, the Executive Director of UNEP was requested to convene a second intergovernmental consultation for the purpose of continuing negotiations towards a draft protocol and to present the results of the second intergovernmental consultation to the Intergovernmental Review Meeting of Mediterranean Coastal States on the Mediterranean Action Plan in Monaco in January 1978. In response to this request, and at the kind invitation of the Government of Italy, the Executive Director convened the second Intergovernmental Consultation concerning a draft Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources in Venice from 17 to 21 October 1977.

Attendance

2. The meeting was attended by representatives of thirteen Mediterranean coastal States, the European Economic Community, four United Nations bodies and specialized agencies, two intergovernmental and non-governmental organizations and one observer State. A list of participants is attached as Annex I to this report.

Opening of the Meeting (agenda item 1)

3. The opening ceremony was presided over by Senator Augusto Premoli, who welcomed participants to Venice on behalf of the Government of Italy.

4. Senator Premoli also expressed the special interest of his Government in protecting the Mediterranean Sea, and in particular, he noted his country's participation in activities related to the Mediterranean Action Plan, the RAMOGE project and to the Italo-Yugoslav Adriatic Co-operation Programme.

5. Senator Premoli introduced Mr. Mario Rigo, the Mayor of Venice, who spoke on behalf of the City in welcoming the delegates to the meeting. The Mayor stated that the Mediterranean Action Plan was in close harmony with Venice's own activities and programme for protecting the environment in that it sought to reconcile economic and social needs with the protection of man's natural heritage. Mr. Rigo emphasized the importance international actions have in supporting and co-ordinating local and national endeavours.

6. Senator Premoli then introduced Mr. Adolfo Molinari, Regional Ecology Adviser, who addressed the Consultation on behalf of the Regional Board of Venice. Mr. Molinari remarked that Venice was a particularly appropriate setting for a meeting on the protection of the sea, since the city lived both in the sea and from the sea. He briefly outlined the region's past efforts to protect the Mediterranean and expressed the hope that the Mediterranean Action Plan would serve as a model for protecting all other seas.

7. The meeting was then addressed by Mr. Ernesto Talentino, the Deputy Secretary General of the Fondazione Giorgio Cini. Mr. Talentino referred to the Foundation's long tradition in hosting meetings dealing with environmental matters, and he wished the participants great success in their deliberations.

8. In conclusion, Dr. S. Keckes of UNEP welcomed the participants on behalf of Dr. Mostafa K. Tolba, Executive Director of UNEP, and thanked the Government of Italy for its hospitality in hosting the meeting. Dr. Keckes briefly reviewed the achievements that have been made under the Action Plan since it was adopted in Barcelona in February 1975. He expressed the hope of the Executive Director that the Venice Consultation would be able to produce a draft protocol for presentation to the Intergovernmental Review Meeting to be convened by UNEP from 9 to 14 January 1978 in Monaco. If this could be accomplished, it was hoped that during the Monaco meeting discussions would be held which would lead to a final text of the Protocol. Subsequently, UNEP would convene a short diplomatic conference for the signing of the Protocol later in 1978.

Election of Chairman and Vice-Chairmen (agenda item 2)

9. The meeting unanimously elected the following officers:

Chairman: Mr. Alberto Sciolla Lagrange (Italy)

Vice-Chairman: Mr. Mohamed Kolai (Algeria)

Vice-Chairman: Mr. Bosko Petrik (Yugoslavia)

Rules of Procedure (agenda item 3)

10. The meeting adopted the rules of procedure of the UNEP Governing Council mutatis mutandis as provided for in Rule 62 of those rules (UNEP/GC/3/Rev.1).

Adoption of the Agenda (agenda item 4)

11. The meeting adopted the agenda as set forth in Annex II to this report.

Organization of the Meeting (agenda item 5)

12. It was agreed that the work of the meeting should be carried out primarily in plenary. In addition, it was decided to establish a Drafting Committee whose task would be to produce a preliminary draft protocol based on the discussions in plenary relating to the Principles set forth in document UNEP/IG.9/3. Mr. M. Surbiguet (France) was named Chairman of the Drafting Committee.

Review of Principles recommended for Inclusion in the Draft Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources (agenda item 6)

13. The principles contained in document UNEP/IG.9/3 were first examined by the Plenary. Thereafter, they were referred to the Drafting Committee. The Drafting Committee examined the principles and, in the light of the comments that had been made during the plenary meetings, prepared a preliminary text of a draft Protocol. This preliminary text (Annex III) was briefly reviewed by the meeting, and comments made with regard to specific articles are noted below. Square brackets have been put round articles or clauses that were not acceptable to all delegations.

14. The plenary noted that the preliminary draft Protocol as prepared by the Drafting Committee was in French. Therefore, the French text was to be considered as the original version when comparing any discrepancies that might appear in the other three languages.

Article 2

15. One delegation suggested that the reference to the Area should include the qualification "up to the freshwater limit". Other delegations felt that this limitation was adequately covered by Article 4.

Article 3

16. Several delegations proposed that paragraph (c) should be amended to include "surface waters and groundwater".

17. One delegation requested that paragraph 2 include the qualification to the term "fixed man-made off-shore structures" which had appeared in the principle: e.g. "and which serve purposes other than the exploration and exploitation of mineral resources in the sea". It was also requested that this paragraph remain in brackets and a definition of "fixed man-made structures" be included in Article 4 because of the importance which the provision could have for the technical annexes.

Article 4

18. One delegation proposed that subparagraphs (a) and (b) should be merged into a single paragraph in an effort to meet the concerns expressed about defining "freshwater limit" when that term was no longer contained in Article 2 (Coverage). The meeting felt that that proposal could provide a possible solution to the problem.

19. It was noted that the definition contained in subparagraph (c) remained unsatisfactory for many of the delegations and should be the subject of study before the next meeting on the draft Protocol. One delegation expressed its intention to submit suggestions for the modification of that subparagraph to the next meeting. Another delegation proposed the addition of the words "which would correspond to one of the following cases" after the word "purpose" in the first line of subparagraph (c). The Secretariat was asked to review that definition with a view to clarifying the text before the next meeting.

20. One delegation requested that a definition of "fixed man-made structures" be included in Article 4.

21. One delegation also suggested that a definition of "discharge" should be included in Article 4.

Article 5

22. A consensus was reached on the use of the term "pollution from existing sources".

23. In respect of Article 5 certain delegations supported the proposal to insert an additional paragraph as follows:

"The Parties shall endeavour to attain the objectives laid down in Article 6 within a time-limit to be agreed during the formulation of these programmes."

Article 6

24. One delegation proposed the addition of the words "including environmental impact assessments" after the word "measures" in paragraph 1 of Article 6.

25. Another delegation requested that the whole of Article 6, and not just paragraph 1, be left between brackets. Consensus was reached on deleting the words between brackets in paragraph 2.

Article 8

26. One delegation requested that paragraph 2 be kept between brackets, since it was closely linked to Annex III, on which no final consensus had been reached. It was also suggested that a definition and clarification of the term "licence" would be needed before that paragraph could be adopted.

Articles 5, 6, 7 and 8

27. One delegation reserved its right to propose a total restructuring of articles 5, 6, 7 and 8 at the next meeting. It was suggested that the substance of those articles should be contained in only two articles which focused on the substances contained in Annex I and the substances contained in Annex II. If it was not acceptable to restructure the articles, then the delegation would propose that the existing text should be re-ordered so that Articles 7 and 8 would appear before Articles 5 and 6.

article 9

28. The Drafting Committee brought to the attention of the plenary its concern that paragraph 2 of Article 9 was repetitious and needed to be redrafted more precisely.

29. One delegation requested that, in the English text, the final words read: "the local environmental capacity of the marine environment", as it was agreed at the Athens consultation. Certain delegations expressed reservations regarding the inclusion of that phrase.

30. Other delegations suggested that the reference to "the economic capacity of the Parties and their need for economic development" would lead to undesirable disparities in the application of the Protocol.

31. It was proposed that a reference to the need for standardization of measuring methods and intercalibration should be included in Article 9.

32. Another delegation did not feel that the new drafting sufficiently reflected an earlier proposal that had been adopted by the plenary, and proposed that a new subparagraph should be added to paragraph 1 which would read:

"(f) the best available treatment methods for each class of agricultural, municipal, and industrial sources."

Article 11

33. One delegation requested that article 11 begin with the words "With a view to implementing the Protocol and within the framework ...".

34. One delegation suggested that the words at present between brackets in subparagraph (a) should be included as a separate subparagraph to be inserted before the existing subparagraphs (a) and (b). Another delegation proposed that the subparagraph in question should be included under article 5.

35. One delegation proposed that the verb "to estimate" which appears in brackets should be replaced by the verb "to assess".

Article 13

36. It was agreed that in the second paragraph of article 13 the term "on a favourable financial basis" should be included between brackets.

Article 14

37. One delegation reserved the right to present further amendments to this article at the next meeting in order to avoid lessening the obligation of Parties under paragraph 1 and suggested that paragraph 2 should contain a reference to the possible need for bilateral consultations between a State Party to the Protocol and neighbouring non-Party States.

Article 15

38. It was brought to the attention of the plenary that, after long discussions, the Drafting Committee had agreed that Article 15 needed further study and that brackets had remained in the text in order to provoke further thought. The Drafting Committee had not included a reference in the Article to Articles 12 and 22 of the Barcelona Convention since, as specified in Article 19, paragraph 1 of the draft Protocol, the provisions of the Convention relating to any Protocol applied with respect to the Protocol on land-based sources. Therefore, it was not necessary to repeat the provisions of Articles 12 and 22 of the Convention in the Protocol.

39. One delegation requested that Article 15 remain in brackets.

40. Another delegation suggested that the original text of this article as contained in Principle 13 of document UNEP/IG.9/3 be reconsidered when this article is discussed at the next meeting.

Article 16

41. It was agreed that references should be included without brackets in paragraph 1 to Articles 5, 6, 7, 8, 10, 11 and 15.

Article 17

42. Subparagraph 2(c) was harmonized with Article 5.

Article 18

43. The Drafting Committee noted that this article had been kept between brackets, since it had not been decided what majority of the Parties would be required to amend the Annexes to the Protocol.

44. It was recommended that on the basis of the text in Annex III and the comments set out above a linguistically improved draft should be prepared by the Secretariat for submission to the intergovernmental meeting in Monaco, January 1978.

Review of Revised Technical Annexes recommended for Inclusion in the Draft Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources (agenda item 7)

45. The technical annexes set forth in document UNEP/IG.9/4 were considered by the meeting. The meeting recalled that those annexes had been reviewed at several meetings of experts, and noted the recommendations of the experts as presented in the Report of the Meeting of Experts on Pollutants from Land-Based Sources, Geneva, 19-24 September 1977 (UNEP/IG.9/INF.4). The technical annexes as accepted by the meeting are contained in the preliminary draft protocol set forth in Annex III to this report. As in the main body of the draft protocol, square brackets have been put round paragraphs or clauses that were not adopted by all delegations. Comments made with regard to specific points in the annexes are noted below.

Technical Annexes

46. The meeting noted with satisfaction the information by the Secretariat that hazard profiles of substances listed in the annexes were being prepared in co-operation with competent international organizations. The offer made by the European Economic Community to supply the Secretariat with the technical data which had been compiled with regard to "the Council directive of 4 May 1976 on Pollution caused by Certain Dangerous Substances Discharged into the Aquatic Environment of the Community" was accepted by the delegations. The meeting recognized that it would be useful for future deliberations concerning the technical annexes if Governments could obtain as complete data as possible on the substances proposed in the annexes, and requested the Secretariat to improve the quality of information on the basis of which specific decisions relating to substances listed in Annexes I and II could be taken.

Annex I. A.6

47. While there was a consensus that "used lubricating oils" should be included in Annex I, it was not possible to reach a consensus on the precise drafting of the first part of subparagraph A.6. Some delegations felt that there was no objective, scientific method available for classifying petroleum hydrocarbons as persistent or non-persistent, and it was therefore suggested that all such hydrocarbons except "used lubricating oils" should be placed in Annex II. One delegation reserved its position on that point, since it was closely linked to paragraph 2 of Article 3 of the draft protocol, at present in brackets.

Annex I. A.7

48. One delegation felt that this subparagraph needed further clarification and discussion before it could be adopted. Several proposals were made in an effort to clarify the text: one delegation proposed the addition of the word "solid" before "synthetic materials"; another delegation proposed the insertion of "in particular plastics". There was no consensus on either proposal.

Annex I. A.8

49. While the majority of delegations agreed to the inclusion of this subparagraph in Annex I, it was not possible to reach an agreement on the precise drafting of the text. One delegation, however, requested the other delegations to reconsider, in the period before the Monaco meeting, the advisability of maintaining the substances referred to in subparagraph A.8 in the technical annexes, since it did not feel that their inclusion was based on objective scientific evidence.

Annex I. A.9

50. Although there was a consensus that radioactive discharges should be included in Annex I to the draft Protocol, the meeting could not agree on the formulation of a text. Several proposals were made; they are reflected in the four alternatives presented in the proposed text. The meeting requested the delegations which had made those proposals to submit a written explanation of their suggestions for consideration at the Monaco meeting. The IAEA was also requested to submit a written statement of the Agency's views on subparagraph A.9.

Annex I. B

51. After deliberations on this paragraph, the meeting was unable to adopt a single proposal. Certain delegations favoured maintaining the paragraph. Some delegations suggested the deletion of the entire paragraph, since Article 7 of the draft Protocol sufficiently covered the substantive points of the paragraph, which was therefore redundant. Other delegations felt it would be useful to maintain the first sentence only. Still other delegations proposed that the first sentence should be deleted and the rest of the paragraph retained as amended and set forth in Annex III to this report. All delegations agreed that the term "trace contaminants" was difficult to define and should be avoided in the text.

Annex II. A.4

52. In the light of the discussions on subparagraph A.6 of Annex I and the lack of agreement on that subparagraph, it was agreed that subparagraph A.4 of Annex II should remain in brackets, since the two were closely linked.

Annex II. A.7

53. As had previously been pointed out at the September meeting of experts in Geneva, the introduction of "inorganic compounds of phosphorus and elemental phosphorus" into the marine environment is hazardous only for some subregions of the Mediterranean where eutrophication is a problem. Since the meeting did not unanimously agree to maintain these substances in Annex II, the subparagraph was placed in brackets.

Annex II. A.10

54. Since this subparagraph is closely linked to subparagraph 9 of Annex I, on which no agreement was reached, A.10 of Annex II was placed between brackets.

Annex II. A.12

55. Several delegations felt that the formulation of this subparagraph was unclear, and its inclusion could not be supported by an objective scientific explanation. It was therefore left in brackets.

Annex II. A

56. One delegation proposed that an additional paragraph be included in Annex II, Section A, as follows:

"Substances which without having toxic effects may be deleterious on account of the concentrations or quantities in which they are discharged, especially residues from aluminium, titanium and phosphoric acid industries."

Annex II. B

57. It was agreed that the formulation of this paragraph should correspond to the formulation of paragraph B of Annex I.

Annex III. C

58. While discussing Section C of Annex III, one delegation raised the question of whether the Protocol required national authorities to issue licences for discharges which reached the marine environment indirectly, for example through rivers. If such were the case, the delegation suggested that it would be necessary to add a new section to Annex III concerning the criteria to be applied when authorizing the emission of discharges into rivers. The meeting agreed that this was a serious matter of substance relating to the interpretation of the draft Protocol, and it should be considered carefully at the next intergovernmental meeting.

59. After the meeting had concluded its consideration of the technical annexes, it was generally agreed that a great deal of work remained before the annexes could be adopted in final form. The Secretariat was requested to ensure that ample time was set aside at the next intergovernmental meeting for consideration of the annexes. It was suggested that at the Monaco meeting the technical annexes should be discussed before the draft protocol.

Other Business (agenda item 8)

60. Under this agenda item a question was raised concerning the future work to be undertaken with regard to the draft Protocol. It was agreed that there was not sufficient time before the Monaco intergovernmental review meeting to convene another intergovernmental consultation; however, it was suggested that the Secretariat, in consultation with the Government of Monaco, try to organize informal consultations immediately preceding the intergovernmental meeting in January. The consultation also noted that it would be useful for delegations to receive documentation for the Monaco meeting as soon as possible. All delegations were urged to stimulate preparatory work within their Governments so that delegations would come to the next meeting with well prepared positions.

61. The Secretariat was requested to use appropriate means to harmonize linguistically the four language versions of the draft Protocol.

Adoption of Report (agenda item 9)

1. The report of the meeting was adopted on 21 October 1977.

Closure of the Consultation (agenda item 10)

63. The meeting expressed its deep appreciation and gratitude for the courtesy and generous hospitality extended by the Government of Italy and the City of Venice to the members of the delegations, observers and the secretariat attending the Conference, and it agreed that the efforts which had been made by the Government of Italy and the authorities of Venice in providing facilities, premises and other resources had contributed significantly to the smooth conduct of its proceedings.

64. The meeting was closed on 21 October 1977 by the Chairman, who thanked all the delegations for the co-operative spirit in which they had participated in the meeting.

LIST OF PARTICIPANTS
LISTE DES PARTICIPANTS
LISTA DE LOS PARTICIPANTES

ALGERIA
ALGERIE
ARGELIA

* KOLAI M.
Ministère de l'hydrologie de la mise en
valeur des terres et de l'environnement

CYPRUS
CHYPRE
CHIPRE

* LOIZIDES Loizos
Representative
Fisheries Department
Ministry of Agriculture and
Natural Resources of Cyprus

FRANCE
FRANCE
FRANCIA

* CREPIN-LEBLOND Henri
Conseiller des Affaires Etrangères
et des Affaires Economiques
Ministère des Affaires Etrangères

SURBIGUET Marcel
Conseiller juridique
Ministère des Affaires Etrangères

DUBOIS Hélène
Secrétaire des Affaires Etrangères
Direction des Nations Unies et des
Organisations Internationales
Ministère des Affaires Etrangères

MERCIER Jean-Pierre
Sous-Directeur à la Direction de la
Prévention des Pollutions et Nuisances

NICOLAZO Jean Loic
Chargé de Mission
Direction de la Prévention des Pollutions
et Nuisances

GREECE
GRECE
GRECIA

* YEROULANOS Marinos
Director General
Environment Secretariat
Ministry of Co-ordination

DOUMANIS Damianos
Technical Adviser
Ministry of Mercantile Marine

KARDASSIS George
Adviser

VASSILOPOULOS Miltiades
Scientific Adviser
Ministry of Co-ordination

* Head of delegation/Chef de la délégation/Jefe de la delegación

ISRAEL
ISRAEL
ISRAEL

* HELLMAN Richard Anthony
Representative
Environmental Protection Service
Ministry of the Interior

ITALY
ITALIE
ITALIA

* PREMOLI Augusto
Head of Delegation
Communal Adviser of Venice

SCIOLLA LAGRANCE Alberto
Deputy Head of Delegation

DE MOHR Arnaldo
Adviser
Economic Affairs Department
Ministry of Foreign Affairs

ORTONA Ludovico
Adviser, Press Office
Ministry of Foreign Affairs

SARTI Nicola
Ministry of Health

GARAU Pietro
Ministry of Public Works

DE ANNA Lucia
Conseiller
Ministère de la Recherche Scientifique

MAGI Franco
Ministero Partecipazioni Statali

CIGNA Arrigo
Head, Division of Environment Protection
Comitato Nazionale Energia Nucleare (CNEEN)

DOJMI DI DELUPIS Gianluigi
Primo Ricercatore
Istituto Superiore di Sanità

IMBERGAMO Giovanni
Expert
Ministero Partecipazioni Statali

DELLA CROCE Norberto
UNEP National Co-ordinator
Istituto di Idrobiologia
Università di Genova

MORARA Ombretta
Secretary of Italian Delegation

FIERRO Giuliano
Istituto di Geologia
Università di Genova

LEBANON
LIBAN
LIBANO

* NAGGEAR Joseph
Conseil National de la Recherche
Scientifique (CNRS)

MALTA
MALTE
MALTA

* SALIBA Louis J.
Secretary
Malta Human Environment Council
Ministry of Health and Environment

MONACO
MONACO
MONACO

* VATRIGAN Alain
Secrétaire Général du
Centre Scientifique

MOROCCO
MAROC
MARRUECOS

* LAHLOU Abdelkader
Professor, Faculty of Law

SPAIN
ESPAGNE
ESPAÑA

* MONFORTE Francisco
Ministerio de Asuntos Exteriores

MINGO Julian
Jefe de Medio Ambiente
Ministerio de Obras Publicas

MONOZ MITCHELL Juan
Ministerio de Obras Publicas

YÁÑEZ-BARNUEVO Juan A.
Jefe Adjunto
Asesoría Jurídica Internacional
Ministerio de Asuntos Exteriores

RCS VICENT Joaquín
Jefe del Departamento
de la Contaminación del Mar
Laboratorio Oceanográfico

RUIZ RODRIGUEZ Jaime
Jefe de la Sección de la
Contaminación Industrial del Agua
Ministerio de Industria

TUNISIA
TUNISIE
TUNISIA

* HADJ ALI SALEM Mohamed
Maître de Conférences

YUGOSLAVIA
YUGOSLAVIE
YUGOSLAVIA

* PETRIK Bosko
Adviser at the Republic Secretariat
for Water Management

STROHAL Petar
Scientific Adviser
Rudjer Boskovic Institute
Centre for Marine Research

EUROPEAN ECONOMIC COMMUNITY
COMMUNAUTE ECONOMIQUE EUROPEENNE
COMUNIDAD ECONOMICA EUROPEA

* ZITO Ubaldo
Chef du service international
Service de l'environnement et
de la protection des consommateurs

HERAUD René-Christian
Conseiller juridique

MANDL Vladimiro
Chef de service

* * *

REPRESENTATIVES OF UNITED NATIONS, SPECIALIZED AGENCIES AND OTHER ORGANIZATIONS
REPRESENTANTS DES NATIONS UNIES, INSTITUTIONS SPECIALISEES ET AUTRES ORGANISATIONS
REPRESENTANTES DE LAS NACIONES UNIDAS, ORGANISMOS ESPECIALIZADOS Y OTRAS ORGANIZACIONES

SPECIALIZED AGENCIES
AGENCES SPECIALISEES

FOOD AND AGRICULTURE ORGANIZATION OF THE UNITED NATIONS (FAO)
ORGANISATION DES NATIONS UNIES POUR L'ALIMENTATION ET L'AGRICULTURE (FAO)

SAND Peter

INTERGOVERNMENTAL MARITIME CONSULTATIVE ORGANIZATION (IMCO)
ORGANISATION INTERGOUVERNEMENTALE CONSULTATIVE DE LA NAVIGATION MARITIME (IMCO)

NAUKE Manfred

WORLD HEALTH ORGANIZATION (WHO)
ORGANISATION MONDIALE DE LA SANTE (OMS)

FLUSS Sev.

HELMER Richard

PONGHIS George

SCHLENZKA Hans J.

INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA)
AGENCE INTERNATIONALE DE L'ENERGIE ATOMIQUE (AIEA)

LENNEMANN William

* * *

OBSERVERS
OBSERVATEURS

UNITED NATIONS MEMBER STATES
ETATS MEMBRES DES NATIONS UNIES

PORTUGAL

DE ATAIDE José Cabido
Chairman
National Committee against Marine Pollution

EBBIANO Maria João
Assistant of CEPASA

INTERGOVERNMENTAL AND NON-GOVERNMENTAL ORGANIZATIONS
ORGANISATIONS INTERGOUVERNEMENTALES ET NON-GOUVERNEMENTALES

INTERNATIONAL JURIDICAL ORGANIZATION (IJO)

CIARNELLI Francesco

GUTPIERES Mario

OSLO COMMISSION AND INTERIM PARIS COMMISSION

TROMP Dik

AGENDA

1. Opening of the Meeting
2. Election of Chairman and Vice-Chairman
3. Rules of Procedure
4. Adoption of agenda
5. Organization of meeting
6. Review of Principles recommended for inclusion in the Draft Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources
7. Review of Revised Technical Annexes proposed for the Draft Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources
8. Other Business
9. Adoption of Report
10. Closure of the Consultation

Original: FRENCH

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

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 combat 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. Coverage

The area to which this Protocol applies (hereinafter referred to as the "Protocol Area") shall be the Mediterranean Sea Area as defined in article 1 of the Convention for the Protection of the Mediterranean Sea against Pollution; it shall also include coastal internal waters.

Article 3. Scope

1. The Protocol shall apply to all polluting discharges reaching the Protocol Area from the territories of the Parties:

- (a) directly from the coast through coastal dumping or from coastal establishments or outfalls;
- (b) through run-off;
- (c) through rivers, canals and other watercourses;
- [(d) through the atmosphere (wherever this is specified in the Protocol or in any annex thereto).]

2. The Protocol shall also apply to fixed man-made off-shore structures under the jurisdiction of a Party.

Article 4. Definitions

For the purposes of this Protocol:

- (a) "coastal internal waters" means the waters on the landward side of the base lines from which the breadth of the territorial sea is measured and extending, in the case of watercourses, up to the freshwater limit;
- (b) "freshwater limit" means the place in the watercourse 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;

[(c) "new installation" means any establishment used for any purpose:

(i) for which a building contract or construction permit has been signed, or construction or works have begun, within ... from the entry into force of the Protocol;

or

(ii) for which construction or works have not been completed three years after the entry into force of the Protocol.

Extensions or conversions of existing installations resulting in an increase of more than 25 per cent in production capacity or the amount of waste discharged, or in a change in the nature of the discharges, shall also be considered as new installations.];

(d) "Organization" means the body referred to in article 13 of the Convention.

Article 5. Reduction of pollution from existing sources

1. The Parties shall formulate and adopt programmes for the progressive reduction of pollution from existing land-based sources aimed at protecting and improving the quality of the marine environment and carried out in accordance with a time-table agreed upon by the Parties.

Article 6. Discharges from new installations

[1. The Parties shall implement, jointly or individually, the programmes and measures necessary to ensure that wastes reaching the Protocol Area from new installations are discharged in such a manner or, as necessary, after such treatment as to avoid deleterious effects on the marine environment which interfere with any existing or foreseeable legitimate uses.]

[2. The application of this provision shall not permit the implementation of measures less stringent than those prescribed in articles 7 and 8 below.]

Article 7. Substances listed in annex I

1. The Parties shall adopt strict measures in order to eliminate pollution of the Protocol Area from land-based sources by the substances listed in annex I. To this end they shall formulate, jointly or individually as appropriate, programmes and measures to ensure such elimination, if necessary in stages.

2. The Parties shall, within a period of ... years from the date of entry into force of the Protocol, prepare and adopt a time-table for the application of standards for emissions and/or standards of use as appropriate. The standards and time-table shall be fixed by common agreement and periodically reviewed for each of the substances listed in annex I.

Article 8. Substances listed in annex II

1. The Parties shall combat and strictly limit pollution from land-based sources in the Protocol Area by substances listed in annex II. They shall formulate, jointly or individually as appropriate, programmes and implement measures towards this end.

[2. Discharges of these substances shall be subject to the issue by the competent national authorities of a licence which takes the criteria laid down in annex III into account.]

Article 9. Common guidelines, criteria or standards

1. The Parties shall progressively formulate and adopt, in co-operation with the competent international organizations, common guidelines, criteria or standards dealing, inter alia, with:

- (a) the length, depth and position of pipelines for coastal outfalls; taking into account, inter alia, the methods used for prior treatment of effluents;
- (b) special requirements for effluents requiring 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) special requirements concerning the quantities discharged of the substances referred to in annexes I and II, their concentration in effluents and methods of discharging them.

2. Without prejudice to the provisions of article 7, such common guidelines, criteria or standards shall take into account subregional features, local geographical and physical characteristics, the economic capacity of the Parties and their need for economic development, the level of existing pollution and the local absorptive capacity of the marine environment.

3. The common guidelines, criteria or standards shall be adopted in the form either of recommended practices or of provisions incorporated in annexes to the Protocol.

Article 10. Specially protected areas

The Parties shall take appropriate measures (such as the establishment of marine parks) to protect to the greatest extent possible from any land-based pollution certain areas selected because of particular ecological conditions.

Article 11. 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, and periodically to provide information on the levels of pollution along their coasts [and to estimate the quantities of pollutants discharged from their coastlines], in particular with regard to the substances listed in annexes I and II;
- (b) to evaluate the effects of measures to reduce pollution of the marine environment taken under the Protocol.

Article 12. 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, including research on inputs, pathways and effects of pollutants and on the development of new methods for the treatment, elimination or reduction of such pollutants. To this end the Parties shall, in particular, endeavour to:

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

Article 13. Training and assistance

The Parties shall, directly or if necessary with the assistance of regional or other qualified international organizations, endeavour to promote programmes of assistance to developing countries, in particular 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.

Such technical assistance, provided on [a favourable financial basis], could comprise for example the training of scientific and technical personnel, and the acquisition, utilization and production by those countries of appropriate equipment.

Article 14. 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 liable to cause pollution of the marine environment of the Protocol Area, the Parties concerned shall endeavour to take appropriate joint measures in order as far as possible to prevent, abate and combat such pollution.
2. The provisions of the 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, fully to apply them.

Article 15. Pollution affecting other Parties

- [1. When land-based pollution originating from the territory of one Party is likely [, notwithstanding the implementation of the measures provided for in this Protocol,] to prejudice the interests of one or more of the other Parties, the Parties concerned shall, whenever the need arises and at the request of one or more of them, undertake to enter into consultation with a view to negotiating a solution.
2. At the request of any Party concerned, the question shall be placed on the agenda of the next meeting of the Parties, which may make recommendations with a view to reaching a satisfactory solution.]

Article 16. Exchange of Information

1. The Parties shall inform one another, either directly or through the Organization, of measures taken under articles 5, 6, 7, 8, 10, 11 and 13 and of any difficulties encountered in their implementation. This information shall take the form of reports, including in particular for article 8 statistical data on licences granted. Procedures for the submission of such reports shall be determined by the meetings of the Parties

2. Information communicated through the Organization shall be circulated as soon as possible to the other Parties.

3. Parties which agree to exchange information directly shall nevertheless communicate such information to the Organization.

Article 17. 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 purposes of meetings of the Parties shall include:

- (a) to keep under review the implementation of the Protocol and to consider the efficacy of the measures adopted and the need for any other revisions, in particular in the form of annexes;
- (b) to review and amend any annex to the Protocol, as appropriate;
- (c) to formulate and adopt agreed programmes for the progressive reduction of pollution from existing land-based sources in accordance with article 5;
- (d) to adopt, in accordance with article 9, common guidelines, criteria or standards, in the form either of recommended practices or of provisions incorporated in annexes to the Protocol;
- (e) to make recommendations in accordance with article 15, paragraph 2;
- (f) to consider the documents submitted by the Parties under article 16;
- (g) as necessary, to perform any other function in implementation of this Protocol.

Article 18. Annexes and amendments to annexes

[The amendment of the annexes to this Protocol or the adoption of additional annexes pursuant to article 17 of the Convention shall require, notwithstanding subparagraph 2 (ii) of that article, a ... majority of the Parties.]

Article 19. Final Clauses

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

3. This Protocol shall be open for signature in from to by any State invited to participate in the Conference of Plenipotentiaries 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.

ANNEX I

A. The following substances, families and groups of substances are listed 1/ for the purposes of Article 7 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. 2/
 2. Organophosphorus compounds and substances which may form such compounds in the marine environment. 2/
 3. Organotin compounds and substances which may form such compounds in the marine environment. 2/
 4. Mercury and mercury compounds.
 5. Cadmium and cadmium compounds.
 6. [Persistent mineral oils and persistent hydrocarbons derived from petroleum origin, in particular] used lubricating oils.
 7. Persistent [solid] synthetic materials [,in particular plastics,] which may float, sink or remain in suspension and which may interfere with any legitimate use of the sea.
 8. Substances [having proven] [being potentially] carcinogenic, teratogenic or mutagenic [properties] in or through the marine environment.
 9. [Radioactive wastes and other radioactive matter.]

OR

[Radioactive wastes and other radioactive matter to be defined by the Parties.]

1/ Not in order of priority.

2/ With the exception of those which are biologically harmless or which are rapidly converted into biologically harmless substances.

OR

[Radioactive wastes and other radioactive matter to be defined by the IAEA.]

OR

[Radionuclides, when the discharges do not comply with the principles of radiation protection and/or exceed the limits to be defined jointly by the Parties.]

B. [This annex applies to all wastes from land-based sources including municipal and industrial discharges as well as any other point and non-point sources. The present annex does not apply to discharges which contain the substances referred to in Section A below the limits defined by the Parties. The discharge of such wastes shall be subject to the provisions of annexes II and III as appropriate.]

OR

[This annex applies to all wastes from land-based sources, including municipal and industrial discharges as well as any other point and non-point sources.]

OR

[The present annex does not apply to discharges which contain the substances referred to in Section A below the limits defined by the Parties. The discharge of such wastes shall be subject to the provisions of annexes II and III as appropriate.]

OR

[Delete entire paragraph.]

ANNEX II

A. The following substances, families and groups of substances, or sources of pollution are listed hereunder for the purposes of Article 8 of the Protocol. The substances, families and groups of substances, or sources of pollution have been selected mainly on the basis of criteria used for annex I, 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. thalium
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 harmless substances.

[4. Crude oils and hydrocarbons derived from petroleum origin and mixtures containing any of these other than those listed in annex I.]

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 pollution.

[10. Radioactive wastes and other radioactive matter, other than those covered in annex I.]

11. Substances which have a deleterious effect on the taste and/or smell of the products for human consumption derived from the aquatic environment, and compounds liable to give rise to such substances in the marine environment.

[12. Substances which have an adverse effect on the oxygen balance.]

B. [This annex applies to all wastes from land-based sources including municipal and industrial discharges as well as any other point and non-point sources. The present annex does not apply to discharges which contain the substances referred to in Section A below the limits defined by the Parties. The discharge of such wastes shall be subject to the provisions of annex III.]

OR

[This annex applies to all wastes from land-based sources, including municipal and industrial discharges as well as any other point and non-point sources.]

OR

[The present annex does not apply to discharges which contain the substances referred to in Section A below the limits defined by the Parties. The discharge of such wastes shall be subject to the provisions of annex III.]

OR

[Delete entire paragraph.]

C. The control and strict limitation of the discharge of substances referred to in Section A should be implemented in accordance with the criteria set out in annex III.

ANNEX III

According to Article 8 of the Protocol, the factors to be considered in establishing criteria governing the issue of an authorization for the discharge of wastes containing substances referred to in annex II include:

A. Characteristics and composition of the waste

1. Type and size of waste source (industrial process, etc.).
2. Type of waste (origin, average composition).
3. Form of waste (solid, liquid, sludge, slurry).
4. Total amount (volume, e.g. per year).
5. Discharge pattern (continuous, intermittent, seasonal variations, 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 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 conditions of the coastal area.
2. Location of the waste discharge (outfall, canal, outlet, etc.) and its location in relation to other areas (e.g. amenity areas, spawning, nursery and fishing areas, shellfish grounds), and other discharges.
3. Initial dilution achieved at the point of waste release.
4. Dispersion characteristics (e.g. effects of currents, tides and wind on horizontal transport and vertical mixing).

5. Water characteristics with respect to physical, chemical, biochemical, biological and ecological conditions in the discharge area.
6. Capacity of the receiving marine environment to absorb waste discharges without undue effects.

D. Availability of waste treatment technology

The method of waste treatment and discharge should be selected taking into account the availability and the possible implementation of various treatment, re-use or elimination methods of industrial and domestic wastes and waste waters on land, including particularly, the methods available for new installations.

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.