

ANNEX

I. AMENDMENTS TO THE CONVENTION FOR THE PROTECTION OF THE MEDITERRANEAN SEA AGAINST POLLUTION

A. TITLE

The title of the Convention is amended as follows:

CONVENTION FOR THE PROTECTION OF THE MARINE ENVIRONMENT AND THE COASTAL REGION OF THE MEDITERRANEAN

B. PREAMBULAR PARAGRAPHS

The second preambular paragraph of the Convention is amended as follows:

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

The following paragraphs are added to the Preamble:

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,

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,

C. ARTICLE 1 : GEOGRAPHICAL COVERAGE

Paragraph 2 of Article 1 is amended as follows:

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

The following paragraph is added to Article 1 as new paragraph 3:

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

D. ARTICLE 2 : DEFINITIONS

Paragraph (a) of Article 2 is amended as follows:

- (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

E. ARTICLE 3 : GENERAL PROVISIONS

Paragraphs 1 and 2 of Article 3 are amended as follows:

1. (*renumbered as 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.

2. (*renumbered as 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.

The following new paragraphs are added to Article 3:

0. (*renumbered as 1*) The Contracting Parties, when applying this Convention and its related Protocols, shall act in conformity with international law.

3. (*renumbered as 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.

3bis (*renumbered as 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

F. ARTICLE 4 : GENERAL OBLIGATIONS

Article 4 is amended as follows:

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.

G. Article 5 and its title are amended as follows:

**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

H. ARTICLE 6 : POLLUTION FROM SHIPS

Article 6 is amended as follows:

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.

I. ARTICLE 7 : POLLUTION RESULTING FROM EXPLORATION AND EXPLOITATION OF THE CONTINENTAL SHELF AND THE SEABED AND ITS SUBSOIL

Article 7 is amended as follows:

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

J. ARTICLE 8 : POLLUTION FROM LAND-BASED SOURCES

Article 8 is amended as follows:

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.

K. The following new Article 9A is adopted:

**ARTICLE 9A (renumbered as 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.

L. The following new Article 9B is adopted:

**ARTICLE 9B (renumbered as 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.

Articles 9A and 9B are renumbered as Articles 10 and 11

**M. ARTICLE 11 (renumbered as Article 13) :
SCIENTIFIC AND TECHNOLOGICAL COOPERATION**

Paragraph 2 is amended as follows:

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.

N. The following new Article 11A is adopted:

**ARTICLE 11A (renumbered as 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

O. The following new Article 11B is adopted:

**ARTICLE 11B (*renumbered as 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

**P. ARTICLE 12 (*renumbered as Article 16*) :
LIABILITY AND COMPENSATION**

Article 12 is amended as follows:

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

**Q. ARTICLE 13 (*renumbered as Article 17*) :
INSTITUTIONAL ARRANGEMENTS**

Paragraph (iii) of Article 13 is amended as follows:

(iii) to receive, consider and reply to enquiries and information from the Contracting Parties;

The following new paragraphs are added to Article 13:

(iii bis) (*renumbered as (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;

(iv bis) (*renumbered as (vi)*)

to regularly report to the Contracting Parties on the implementation of the Convention and of the Protocols;

Paragraphs (iv), (v) and (vi) are renumbered as paragraphs (v), (vii) and (viii) respectively.

**R. ARTICLE 14 (*renumbered as Article 18*) :
MEETINGS OF THE CONTRACTING PARTIES**

The following new subparagraph is added to Article 14, paragraph 2:

(vii) to approve the Programme Budget

S. The following new Article 14A is adopted:

**ARTICLE 14A (*renumbered as 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

T. The following new Article 14B is adopted:

**ARTICLE 14B (*renumbered as 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.

Articles 14A and 14B are renumbered as Articles 19 and 20

**U. ARTICLE 15 (*renumbered as Article 21*) :
ADOPTION OF ADDITIONAL PROTOCOLS**

Paragraph 3 of Article 15 is deleted.

**V. ARTICLE 18 (*renumbered as Article 24*) :
RULES OF PROCEDURE AND FINANCIAL RULES**

Paragraph 2 of Article 18 is amended as follows:

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.

W. ARTICLE 20 (*renumbered as Article 26*) : REPORTS

Article 20 is amended as follows:

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.

X. ARTICLE 21 (*renumbered as Article 27*) : COMPLIANCE CONTROL

Article 21 is amended as follows:

The meetings of the Contracting Parties shall, on the basis of periodical reports referred to in Article 20 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.

Articles 10, 16, 17, 19, 22, 23, 24, 25, 26, 27, 28 and 29 are renumbered as Articles 12, 22, 23, 25, 28, 29, 30, 31, 32, 33, 34 and 35 respectively.