



## INTRODUCTION

The present document contains amendments to the Protocol for the Protection of the Mediterranean Sea against Pollution from Land-based Sources proposed by the Government of Italy which were received by the Secretariat on 22 February 1996. The amendments will be examined by the Meeting together with those of documents UNEP(OCA)/MED WG.107/3 and UNEP(OCA)/MED WG.107/3 Add.1.

## AMENDMENTS TO THE PROTOCOL FOR THE PROTECTION OF THE MEDITERRANEAN SEA AGAINST POLLUTION FROM LAND-BASED SOURCES

### PREAMBULAR PARAGRAPHS

#### **PROPOSAL BY ITALY:**

Add the following new paragraph:

**Taking into consideration the Global Programme of Action for the Protection of the Marine Environment from Land-based Sources, adopted in Washington on 3 November 1995,**

### ARTICLE 6

#### **PROPOSAL BY ITALY:**

4. Each Party shall **establish** appropriate sanctions in case of non-compliance within its own territories.

### ARTICLE 8

#### **PROPOSAL BY ITALY:**

Within the framework of the provisions of, and the monitoring programmes provided for, in article 12 of the Convention, and if necessary in cooperation with the competent international organizations, the Parties shall carry out at the earliest possible date monitoring activities **and make public access to the findings** in order:

### ARTICLE 15

#### **PROPOSAL BY ITALY:**

3. The measures and timetables adopted in accordance with paragraph 1 of this Article shall be notified by the Secretariat to all the Parties. Such measures and timetables become obligatory on the ninetieth day following the day of notification for the Parties which have voted for them or which have not notified the Secretariat of an objection within eighty nine days from the date of notification.

### ARTICLE 16

#### **PROPOSAL BY ITALY:**

DONE at Athens on 17 May 1980 and amended at Siracusa on .... .

ANNEX I**PROPOSAL BY ITALY:**

This annex contains elements which will be taken into account in the preparation of programmes, **action plans** and measures for the elimination of pollution from land-based sources and activities referred to in articles 5, 7 and 15 of this Protocol.

Such programmes, **action plans** and measures will aim to cover sectors of activities listed in section A of this annex. They may also cover groups of substances cutting across the sectors of activities. Substances included in such programmes, **action plans** and measures will be selected on the basis of the section B of this annex. Section C of this annex includes **discharges which must be regulated in order to eliminate, to the fullest possible extent, the pollution resulting therefrom**. Priorities for action should reflect the relative importance of the impact on public health, the ecosystem and socio-economic cultural conditions. Such programmes, **action plans** and measures should consider the "**Common Measures for the Control of Pollution**" as they are adopted by the Parties, and should cover point sources, diffuse sources and atmospheric deposition.

In preparing programmes, **action plans** and measures, the Parties should give priority to the compounds and substances which are toxic, persistent and liable to accumulate. In conformity with the **Global Programme of Action for the Protection of the Marine Environment from Land-based Activities, adopted in Washington on November 1995**, a particular attention will be reserved to the following twelve substances: Aldrin, Chlordane, DDT, Dieldrin, Dioxins et Furans, Endrin, Heptochlor, Hexachlorobenzene, Mirex, PCBs, and Toxaphene.

**A. SECTORS OF ACTIVITIES**

The following sectors of activities, not in priority order, will be primarily considered when setting priorities for the preparation of programmes, **action plans** and measures for the elimination of the pollution from land-based sources and activities:

1. **Energy production.**
19. **Animal breeding.**
22. **Hazardous waste treatment and disposal.**
24. **Urban solid waste treatment and disposal.**
25. **Sewage sludge disposal.**
26. **Waste Disposal residues.**

27. Incineration of waste.

28. Transport.

[[ 29. Public and private works which cause physical alteration of the natural state of the coastline.]]

## **B. CATEGORIES OF SUBSTANCES**

The following categories of substances will serve as guidance in the preparation of programmes, action plans and measures according to Article 5 of this Protocol. They will be selected on the basis of their characteristics and in particular of:

- Toxicity or noxious properties (eg. carcinogenicity, mutagenicity, teratogenicity)
  - Persistency
  - Bioaccumulation
  - Radioactivity
1. Organohalogen compounds and substances which may form such compounds in the Marine Environment (with the exception of those which are proved to be biologically harmless or which are rapidly converted into biologically harmless substances);
  2. Organophosphorous compounds and substances which may form such compounds within the Marine Environment (with the exception of those which are proved to be biologically harmless or which are rapidly converted into biologically harmless substances);
  3. Organotin compounds and substances which may form such compounds in the Marine Environment (with the exception of those which are proved to be biologically harmless or which are rapidly converted into biologically harmless substances);
  4. Heavy metals and their compounds;
  5. Polycyclic aromatic hydrocarbons;
  6. Crude oils and hydrocarbons of petroleum origin;
  7. Used lubricating oils;
  8. Radioactive substances including their wastes;
  9. Biocides and their derivatives;

10. Cyanides and fluorides;
11. Non-biodegradable detergents and other surface-active substances;
12. Persistent synthetic materials which float, sink or remain in suspension and which may interfere with any legitimate use of the sea;
13. Any other substances or group of substances having any of the characteristics listed above.

**C. DISCHARGES WHICH MUST BE REGULATED IN ORDER TO ELIMINATE POLLUTION**

1. Thermal discharges;
2. Discharges containing:
  - *pathogenic microorganisms*;
  - inorganic compounds of nitrogen and phosphorous;
  - acid or alkaline compounds not covered in Section B of this Annex which may impair the quality of water;
3. Discharges which, though of non-toxic nature, :
  - have directly, or indirectly, a relevant adverse affect on oxygen content of the marine environment, especially those which may cause eutrophication;
  - may interfere with any legitimate use of the sea;
  - have deleterious effect on the taste, or smell of products for human consumption derived from the aquatic environment.

ANNEX II

**PROPOSAL BY ITALY:**

ANNEX II  
**ELEMENTS TO BE TAKEN INTO ACCOUNT IN THE ISSUE OF  
THE AUTHORISATIONS FOR DISCHARGES**

With a view to the issue of an authorization for the discharges of wastes containing substances referred to in article 6 to this Protocol, particular account will be taken, as the case may be, of the following factors:

**A. CHARACTERISTICS AND COMPOSITION OF THE DISCHARGES**

1. Type and size of point and diffuse source (e.g. industrial process).
2. Type of discharges (e.g. origin, average composition).

3. Form of **inputs** (e.g. solid, liquid, sludge, slurry).

6. Concentrations with respect to major constituents, substances listed in Annex I, **and other** substances as appropriate.

7. Physical, chemical and biochemical properties of the **discharges**.

B. CHARACTERISTICS OF **DISCHARGE** CONSTITUENTS WITH RESPECT TO THEIR HARMFULNESS

C. CHARACTERISTICS OF DISCHARGE SITE AND RECEIVING **ENVIRONMENTAL MEDIA**

3. Initial dilution achieved at the point of discharge into the receiving **aquatic** environment.

Delete point 6.

Delete Section D.

Rename Section E as Section D.

ANNEX III

**PROPOSAL BY ITALY:**

**ANNEX III  
POLLUTION FROM LAND-BASED SOURCES TRANSPORTED  
BY THE ATMOSPHERE**

ANNEX IV

**PROPOSAL BY ITALY:**

**ANNEX IV  
CRITERIA FOR THE DEFINITION OF PRACTICES AND TECHNIQUES  
MENTIONED IN ARTICLE 5, (para.4) OF THIS PROTOCOL**

**A. BEST AVAILABLE TECHNIQUES**

1. The use of "best available techniques" shall emphasise the use of non-waste technology, if available;

2. The term "best available techniques" means the latest stage of development (state of the art) of processes, of facilities or of methods of operation which indicate the practical suitability of a particular measure for limiting discharges, emissions and waste. In determining whether a set of processes, facilities and methods of operation constitute the best available techniques in general or individual cases, special consideration shall be given to:

- (a) comparable processes, facilities or methods of operation which have recently been successfully tried out;
- (b) technological advances and changes in scientific knowledge and understanding;
- (c) the economic feasibility of such techniques;
- (d) time limits for installation in both new and existing plants;
- (e) the nature and volume of the discharges and emissions concerned;

3. It therefore shows that what is "best available techniques" for a particular process will change with time in the light of technical advances, economic and social factors, as well as changes in scientific knowledge and understanding.

4. If the reduction of discharges of emissions resulting from the use of best available techniques does not lead to environmentally acceptable results, additional measures have to be applied.

5. "Techniques" include both the technology used and the way in which the installation is designed, built, maintained, operated and dismantled.



## **B. BEST ENVIRONMENTAL PRACTICE**

**6. The term "best environmental practice" means the application of the most appropriate combination of environmental control measures and strategies. In making a selection for individual cases, at least the following graduated range of measures should be considered:**

- (a) the provision of information and education to the public and to users about the environmental consequences of choice of particular activities and choice of products, their use and ultimate disposal;**
- (b) the development and application of codes of good environmental practice which covers all aspect of the activity in the product's life;**
- (c) the mandatory application of labels informing users of environmental risks related to a product, its use and ultimate disposal;**
- (d) saving resources, including energy;**
- (e) making collection and disposal systems available to the public;**
- (f) avoiding the use of hazardous substances or products and the generation of hazardous waste;**
- (g) recycling, recovery and re-use;**
- (h) the application of economic instruments to activities, products or groups of products;**
- (i) establishing a system of licensing, involving a range of restrictions or a ban.**

**7. In determining what combination of measures constitute best environmental practice, in general or individual cases, particular consideration should be given to:**

- (a) the environmental hazard of the product and its production, use and ultimate disposal;**
- (b) the substitution by less polluting activities or substances;**
- (c) the scale of use;**
- (d) the potential environmental benefit or penalty of substitute materials or activities;**

- (e) advances and changes in scientific knowledge and understanding;
- (f) time limits for implementation;
- (g) social and economic implications.

**8. It therefore follows that best environmental practice for a particular source will change with time in the light of technological advances, economic and social factors, as well as changes in scientific knowledge and understanding.**

**9. If the reduction of inputs resulting from the use of best environmental practice does not lead to environmentally acceptable results, additional measures have to be applied and best environmental practice redefined.**

**COMMENT BY THE GOVERNMENT OF ITALY:**

Since February 1995, (see document UNEP(OCA)/MED WG.91/7, para.22) Italy had already proposed a series of criteria for the definition of best available techniques and best environmental practices. In the same spirit, Italy proposes now to insert the criteria included in the 1992 Convention for the Protection of the Marine Environment of the North-East Atlantic (so-called OSPAR Convention).