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**MEDITERRANEAN ACTION PLAN**

Meeting of Legal and Technical Experts  
to examine amendments to the Barcelona  
Convention and its related Protocols  
and the Mediterranean Action Plan (MAP)

Barcelona, 14-18 November 1994

**PROPOSED AMENDMENTS TO  
THE CONVENTION FOR THE PROTECTION OF THE  
MEDITERRANEAN SEA AGAINST POLLUTION  
AND ITS RELATED PROTOCOLS**

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## INTRODUCTION

As a follow up to the decisions of the Eighth Ordinary Meeting of the Contracting Parties held in Antalya in October 1993 as well as the recommendation of the Bureau at their Meeting in Rabat in June 1994, the secretariat initiated the preparation of the present meeting by contacting all Contracting Parties, U.N. Agencies and NGOs asking for views and specific suggestions on the possible revision of the Barcelona Convention, the related Protocols and the Mediterranean Action Plan. To this purpose, a letter was sent on 1 July 1994 and, by 20 October 1994, the following Contracting Parties had replied : Croatia, Cyprus, E.U., Italy, Lebanon, Malta, Spain and Tunisia.

General views were provided on the elements on which a revision of the Convention and the Protocols could be operated ; in addition, specific amendments to the texts of the Convention, the Dumping Protocol, the Land-based sources Protocol and the Specially Protected Areas Protocol were suggested by Italy, Malta, Spain and Tunisia.

The present document reports, article by article, all the amendments received from the Contracting Parties as at 20 October 1994 as well as the views and the specific suggestions by the secretariat with a view to a discussion and a possible agreement by the meeting on specific modifications to the legal texts. The results of the meeting will be used for the formulation of the amendments which will be submitted to the Ninth Meeting of the Contracting Parties to be held in Barcelona in June 1995, for adoption.

The suggested changes to the texts as well as the new texts which are proposed to be added to the existing articles of the Convention and the Protocols appear in the document in bold.

Additional proposed amendments which will be received from Contracting Parties after the 20 October will be introduced in a supplement to this document and will be sent to all Contracting Parties.

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

TITLE OF THE CONVENTION

The title of the Barcelona Convention shall be substituted by the following:

*Proposal by Malta:*

**"CONVENTION ON ENVIRONMENT AND DEVELOPMENT IN THE MEDITERRANEAN SEA AREA"**

*Proposal by Spain:*

**"CONVENTION FOR THE PROTECTION [OF THE ENVIRONMENT] OF THE MEDITERRANEAN SEA AGAINST POLLUTION"**

PREAMBLE TO THE CONVENTION

*Proposal by Malta:*

The preamble to the Barcelona Convention shall be amended as follows:

- (a) the words "to preserve this common heritage" in the second paragraph thereof shall be substituted by the words "**to preserve and sustainable develop this common heritage of mankind**"
- (b) the following two paragraphs shall be added before the paragraph beginning with the words "Realising fully":

**"Recalling that, Agenda 21 adopted by the United Nations Conference on Environment and Development in 1992 and especially Chapter 17 of that Agenda, impose new responsibilities on Mediterranean countries, singly and jointly;**

**Taking into account the Declaration of Genoa of 1985, the Charter of Nicosia of 1990, of the Declaration of Cairo on Euro-Mediterranean Cooperation on the Environment within the Mediterranean Basin of 1992, of the recommendations of the Conference of Casablanca of 1993, and of the Declaration of Tunis on the Sustainable Development of the Mediterranean of 1994;"**

*Proposal by Spain:*

Add the following new preambular paragraphs:

**"Firmly convinced that cooperation in the protection of the Mediterranean [Sea] constitutes a good example of the contribution made by environmental protection to sustainable development and better understanding among peoples,**

**Following the guidelines laid down by the United Nations Conference on Environment**

and Development, held in Rio de Janeiro from 4 to 14 June 1992,

**Aware of the need to protect and enhance the marine environment in the Area, including its flora and fauna, with a view to ensuring the conservation of the biological diversity and the sustainable use of the [biological] resources of the Mediterranean Sea,"**

*Proposal by Tunisia:*

Add the following new preambular paragraph:

Noting that....

**"Mindful of the United Nations Conference on Environment and Development of Rio de Janeiro (1992), the Genoa Declaration (1985), the Nicosia Charter (1990), the Cairo Declaration on Euro-Mediterranean cooperation for the environment in the Mediterranean Basin (1992), the recommendations of the Casablanca Conference (1993), and the Tunis Declaration on Sustainable Development in the Mediterranean (1994),"**

Realising that ....

*Proposal by the Secretariat:*

Add the following new preambular paragraph:

**"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."**

#### ARTICLE 1 Geographical Coverage

*Proposal by Italy:*

Replace paragraph 2 with the following:

**"2. Exceptions to the geographical coverage may be otherwise provided in protocols to this convention."**

*Proposal by Spain:*

Replace paragraph 2 by the following new paragraph:

**"2. The area to which the Convention applies shall be the waters in 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."**

**"3. The area shall include the corresponding seabed and its subsoil."**

*Proposal by Tunisia:*

Substitute Article 1 as follows:

For the purposes of this convention, the Mediterranean **Region** shall mean:

- **The maritime waters of the Mediterranean Sea proper, including its gulfs and seas located inside the geographical area bounded to the West by the meridian passing through Cape Spartel lighthouse, at the entrance of the Straits of Gibraltar, and to the East by the southern limits of the Straits of the Dardanelles between Mehemetrik and Kumkale lighthouses.**
- **All the Mediterranean Coastal States.**

*Proposal by the Secretariat:*

Substitute Article 1 as follows:

- "1. **For the purposes of the Convention, the Mediterranean Sea Area shall mean the internal waters and the territorial seas of the Contracting Parties, the sea beyond and adjacent to the territorial sea under the jurisdiction of the coastal state to the extent recognized by international law, and the high seas, including the bed of all those waters and its subsoil, which is bounded to the west by the median passing through Cape Spartel lighthouse, at the entrance of the Straits of Gibraltar, and to the east by the southern limits of the Straits of the Dardanelles between Mehemetrik and Kumkale lighthouses.**
2. **Any protocol to this Convention may extend the geographical coverage to which that particular protocol applies."**

## ARTICLE 2 Definitions

*Proposal by Malta:*

A. The definition of "sustainable development" shall be substituted by the following:

(c) "sustainable development" means -

- (i) **with regard to living, renewable resources, that the sum of the annual natural mortality and fishing mortality is smaller than the annual recruiting, whether natural or enhanced through marine culture;**
- (ii) **with regard to non-living, non-renewable resources, that the rate of exploitation is lower than the rate of technological development of recycling and substituting synthetics;**
- (iii) **with regard to environmental impact, that the burden generated by exploitation and transformation processes can be internalised in the economics of the resource;**

- (iv) with regard to maintenance and conservation, that more is produced with less input of natural resources and greater input of services in the form of maintenance, utilisation, recycling and waste disposal;
- (v) with regard to future generations, that they should be able to build on and diversify our bequest, on the basis of options, larger, not smaller than those bequeathed to us by our forebears".

B. The definition of "pollution" shall be substituted by the following:

**"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 sea water and reduction of amenities."**

C. The definition of the term "organisation" shall be substituted by the following:

**"The organisation" means the Barcelona Treaty Organisation, consisting of the Meeting of States Parties, the Mediterranean Commission for Sustainable Development, the Secretariat and such other subsidiary institutions as have been established, or may be established in the future, by Annexes and Protocols to this Convention."**

D. The following new definitions shall be added after the definition of the expression "organisation" in Article 2 of the Convention:

**"The Commission" means the Mediterranean Commission for Sustainable Development established under Article 14 of the Convention.**

**"Incineration" means the deliberate combustion of wastes or other matter at sea for the purpose of their thermal destruction but does not include activities incidental to the normal operation of ships or other man-made structure.**

**"Regional economic integration organisation" means any organisation constituted by sovereign states, to which their member states have transferred competence in respect of matters governed by this Convention, including the competence to enter into international agreements in respect of these matters."**

*Proposal by Spain:*

Replace paragraph (a) by the following new paragraph based on the definition contained in the United Nations Convention on the Law of the Sea:

- "(a) 'Pollution' means the introduction by man, directly or indirectly, of substances or energy into the marine environment, **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 sea water and reduction of amenities."

*Proposal by Tunisia:*

Substitute Article 2 as follows:

- "(a) **'sustainable development'** means all development actions which meet the concerns of principles 3 and 4 of the Rio de Janeiro Declaration (1992).
- (b) **'Pollution'** means the introduction by man, directly or indirectly, of substances or energy into the natural environment resulting in harmful effects on hindrance to its sustainable use as harm to biological resources, hazards to human health, impairment of quality of environmental components and physical environment and landscape degradation.
- (c) **'Degradation of natural resources'** means all the processes activated by such forms of use and management of natural resources, biological and physical, which do not respect the capabilities for self-renewal of these resources and which bring about the quantitative and qualitative deterioration.
- (d) **'Organisation'** means the body designated as responsible for carrying out secretariat functions pursuant to Article 13 of this Convention"

*Proposal by the Secretariat:*

Add the following paragraph:

**"Internal waters' means the waters of the landward side of the baselines from which the breadth of the territorial sea is measured, extending in the case of watercourses up to freshwater limits."**

### ARTICLE 3 General Provisions

*Proposal by Malta:*

Article 3 of the Barcelona Convention shall be amended as follows:

- (a) The words "of the marine environment of the Mediterranean Sea against pollution," in paragraph 1 of Article 3 shall be substituted by the words **"of the marine environment and the development of its resources in the Mediterranean Sea area,"**;
- (b) Paragraph 2 of Article 3 shall be substituted by the following:

**"Nothing in this Convention shall prejudice the present or future claims and legal views of any State concerning the United Nations Law of the Sea Convention 1982 and the nature and extent of port, coastal and flag state jurisdiction."**



*Proposal by Spain:*

In paragraph 2, replace the words 'United Nations Conference on the Law of the Sea' by "**United Nations Convention on the Law of the Sea**" and add "**adopted on 10 December 1982**".

*Proposal by Tunisia:*

Substitute paragraph 1 as follows:

- "1. **The Contracting Parties are called upon to enter, if necessary, 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 Area, provided that such agreements are consistent with this Convention and conform to international law. Copies of such agreements shall be communicated to the Organisation.**"

ARTICLE 4  
General Undertakings

*Proposal by Malta:*

Article 4 thereof shall be amended as follows:

- (a) the words "enhance the marine environment in that area" in paragraph 1 thereof shall be substituted by the words "**enhance the marine environment in that area and to advance the sustainable development of its resources.**"
- (b) paragraph 2 thereof shall be renumbered as paragraph 7 thereof; and
- (c) the following new paragraphs shall be added after paragraph 1 thereof:

- "2. **The Contracting Parties shall establish appropriate inter-ministerial and trans-sectoral mechanisms for the advancement of national sustainable development strategies and integrated coastal management.**
3. **The Contracting Parties shall encourage coastal towns and provinces, fishing communities, port authorities, non-governmental organisations and the private sector to participate in the development of integrated coastal and marine management, both nationally and regionally.**
4. **The Contracting Parties shall apply preventive measures when there is reason to assume that pollution has occurred, and such measures shall be taken even when there is no conclusive evidence of a casual relationship between the pollutants and their alleged effects.**
5. **In order to prevent and eliminate pollution of the Mediterranean Sea area, the Contracting Parties shall promote the use of appropriate environmental practice and appropriate available technology as may defined by the Contracting Parties in a Protocol to this Convention. If the reduction of pollutants, resulting from the use**

of the appropriate environmental practice and appropriate available technology does not lead to acceptable results, additional measures shall be applied.

6. The Contracting Parties shall use their best endeavours to ensure that the implementation of the Convention does not cause transboundary pollution in areas outside the Mediterranean Sea area. Furthermore, the relevant measures shall not lead either to unacceptable environmental strains on air quality and the atmosphere or on waters, soil and ground water, to unacceptably harmful or increasing waste disposal, or to increased risks to human health."

The following new Articles shall be added after Article 4 of the Convention:

**ARTICLE 4A.**

**"Management of living resources**

1. The Contracting Parties shall cooperate in the management and conservation of living resources, including straddling and highly migratory fish stocks in the high seas, in accordance with global guidelines.
2. The Contracting Parties shall establish unified seafood safety standards, in accordance with any guidelines established by the competent international organisation."

**ARTICLE 4B.**

**"Nature conservation and biodiversity**

The Contracting Parties shall individually and jointly take all appropriate measures with respect to the Mediterranean Sea area and its coastal ecosystems influenced by the Mediterranean Sea area to conserve natural habitats and biological diversity and to protect ecological processes. Such measures shall also be taken in order to ensure the sustainable use of natural resources within the Mediterranean area. To this end, the Contracting Parties shall aim at adopting subsequent instruments containing appropriate guidelines and criteria."

**ARTICLE 4C.**

**"Regional cooperation in shipping and navigation**

1. The Contracting Parties shall cooperate, among themselves and with the competent international organisations, in the advancements of fair trade, safe ships, and clean seas, considering especially the needs of the poorer coastal states and the land-locked countries of the Mediterranean hinterlands, through the establishment of feeder lines and mutual assistance in the construction of modern port and shipping facilities and training.
2. The Contracting Parties shall cooperate in the establishment of an effective system of port state control in the Mediterranean Sea area."

#### ARTICLE 4D

**"Regional cooperation in the exploration and exploitation of the continental shelf and the seabed and its subsoil**

**The Contracting Parties shall encourage the establishment of Joint Development Zones for the exploration and production of offshore oil and gas and non-fuel minerals, either bilaterally or multilaterally, especially in areas where exploration and production of minerals is inhibited by overlapping territorial claims."**

#### ARTICLE 4E

**"Integrated coastal and marine management**

**The Contracting Parties shall strive to integrate coastal and marine environment into their national development strategy in order to ensure the kind of economic development appropriate to the common heritage as defined in Part XI of the United Nations Law of the Sea Convention 1982."**

*Proposal by Spain:*

Replace paragraph 1 by the following new paragraph:

"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 **where possible eliminate** pollution of the Mediterranean Sea Area and to protect and enhance the marine environment in that Area **so as to contribute towards the sustainable development of the Basin.**"

Replace paragraph 2 by the following new paragraph, based on Principle 15 of the Rio Declaration on Environment and Development:

"2. **In order to protect the [marine] environment, the precautionary approach shall be widely applied by the Contracting Parties according to their capabilities. 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.**"

Replace paragraph 3 by the following new paragraph, based on Principle 16 of the Rio Declaration on Environment and Development:

"3. **National authorities shall endeavour to promote the internalization of environmental costs and the use of economic instruments, taking into account the approach that the polluter should, in principle, bear the cost of pollution, with due regard to the public interest and without distorting international trade and investment.**"

Add the following new paragraph 4:

"4. **Public or private projects that are likely to have a significant impact on the environment shall only be authorized by national authorities after a prior assessment of their potential effects on the environment.**"

Add the following new paragraph 5, based on provisions of the Oslo-Paris Commission:

- "5. In implementing appropriate measures [to protect the marine environment], the Contracting Parties shall utilize the best available technology and the best environmental practice, including, where necessary, clean technologies, taking into account the social economic and technological situation".**

Add the following new paragraph 6, based on the present text of paragraph 2:

- "6. The Contracting Parties shall cooperate in the formulation and adoption of protocols prescribing agreed measures, procedures and standards for the implementation of this Convention".**

Add the following new paragraph 7, based on the present text of paragraph 3:

- "7. The Contracting Parties further pledge themselves to promote, within the international bodies considered to be competent by the Contracting Parties, measures concerning the protection of the marine environment **and its resources** in the Mediterranean Sea Area from all types and sources of pollution."**

*Proposal by Tunisia:*

Replace paragraph 1 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 promote and implement programmes of sustainable development and especially the rehabilitation and protection of the Mediterranean environment."**

Replace paragraph 3 as follows:

- "3. 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 and conservation of the environment, the natural resources and the ecosystem of the Mediterranean area."**

*Proposal by the Secretariat:*

Article 4 shall be rewritten based on the following:

Mediterranean Action Plan, Barcelona Convention and Sustainable Development

The Mediterranean Action Plan should be fully reflected in the Barcelona Convention. Since the environmental management component is not covered by the Barcelona Convention, new provisions dealing with "integrated planning of the development and management of the resources of the Mediterranean Basin" and giving, thus, effect, within the regime of the Convention to the "sustainable development" objective. Hence:

- (a) Under Article 4 "General Undertakings" which should be changed to "General Obligations" or "General Duties", a new paragraph should be added as 1a which should contain the following elements:

- ! That the Contracting Parties pledge themselves to take appropriate measures to implement the Mediterranean Action Plan;
- ! That the Contracting Parties will pursue the protection of the marine environment in the Mediterranean Sea Area as an integral part of the development process;
- ! That the Contracting Parties in doing so should meet the needs of present and future generations in an equitable manner.

Thus, the second and third element of both Principles 3 and 4 of the Rio Declaration can be integrated.

- (b) A further implementation of the MAP and the sustainable development concept may be carried out through the inclusion, under Art. 4, of:

- ! The Precautionary Principle
- ! The Polluter Pays Principle
- ! The Environmental Impact Assessment applied in a national and in a transnational context
- ! The Integrated Coastal Zone Management (ICZM)

Thus, it should be specifically provided under a separate paragraph of Art.4 that the Contracting Parties will apply the above stated Principles, determining, for each one of them, their proper legal content.

- (c) The effective tools for such an implementation should also be provided under an additional new paragraph stating, *inter alia*:

- ! That the adopted programmes and measures will contain, where appropriate time-limits and will make use of the appropriate available techniques and of the appropriate environmental practice;
- ! Following the Convention for the Protection of the Marine Environment of the North-East Atlantic, 1992, that the criteria for the definition of the above mentioned practices and techniques will be elaborated in an Appendix to the Convention;
- ! That clean technology will also be used if this is possible.

## ARTICLE 5

### Pollution caused by Dumping from Ships and Aircrafts

*Proposal by Italy:*

Modify the article as follows:

**"The Contracting Parties shall take all appropriate measures to prevent, abate and eliminate pollution of the Mediterranean Sea Area caused by dumping from ships, aircrafts and other man-made structures."**

*Proposal by Spain:*

In the title of the Article, add the words "**and incineration**" after the word "**dumping**".

In the second line, add the words '**and where possible eliminate**' after 'abate', and replace the word 'and' at the beginning of the second line **by a comma**. Add the words '**and incineration**' after the word 'dumping'.

*Proposal by Tunisia:*

Add a new article as follows:

#### **ARTICLE 5A**

##### **"Promotion of Sustainable Development**

- 1. The Contracting Parties take all appropriate measures to promote sustainable development by establishing, within their master plans, sustainable development action programmes and ensuring their implementation.**
- 2. The Contracting Parties take all appropriate measures to develop cooperation among themselves and with regional and international organisations concerned to ensure the implementation of the programmes of sustainable development both at the national level and at the level of the Mediterranean area."**

#### ARTICLE 6

##### Pollution from Ships

*Proposal by Italy:*

Modify the article as follows:

"The Contracting Parties shall take all measures in conformity with international law to prevent, abate, combat **and eliminate** pollution in 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."

#### ARTICLE 7

##### Pollution resulting from exploration and exploitation of the Continental Shelf and the Sea-bed and its Subsoil

*Proposal by Spain:*

In the second line, add the words '**and where possible eliminate**' after 'combat' and replace the word 'and' after the word 'abate' by **a comma**.

ARTICLE 8  
Pollution from Land-based Sources

*Proposal by Italy:*

Modify the article as follows:

"The Contracting Parties shall take all appropriate measures to prevent, abate, combat **and eliminate** pollution from the Mediterranean Sea Area **and to phase-out the inputs of toxic, persistent and bioaccumulative substances** from rivers, coastal establishment or outfalls, or emanating from any other land-based sources within their territories."

*Proposal by Malta:*

Article 8 shall be substituted by the following:

- "1. If the input from a watercourse, flowing through the territories of two or more Contracting Parties or forming a boundary between them, is liable to cause pollution of the marine environment of the Mediterranean Sea area, the Contracting Parties concerned shall jointly and, if possible, in cooperation with a third state interested or concerned, take appropriate measures in order to prevent and eliminate such pollution.
2. The Contracting Parties undertake to prevent and eliminate pollution of the Mediterranean Sea area from land-based sources by using, *inter alia*, appropriate environmental practices for all sources and appropriate environmental technology for point sources. The relevant measures to this end shall be taken by each Contracting Party in the catchment area of the Mediterranean Sea are without prejudice to its sovereignty."

The following new Articles shall be added after Article 8 of the Convention:

**ARTICLE 8A.**

**"Environmental impact assessment**

1. Whenever an environmental impact assessment of a proposed activity that is likely to cause a significant adverse impact on the marine environment in the Mediterranean area is required by international law or supra-national regulation applicable to the Contracting Party, that Contracting Party shall notify the Mediterranean Commission for Sustainable Development and any Contracting Party which may be affected by a transboundary impact in the Mediterranean sea area.
2. The Contracting Party concerned shall enter into consultations with any Contracting Party which is likely to be affected by such transboundary impact, whenever consultations are required by international law or supra-national regulation applicable to the Contracting Party concerned.
3. Where two or more Contracting Parties share transboundary waters within the catchment area of the Mediterranean sea area, these Parties shall cooperate to ensure that potential impacts on the marine environment in the Mediterranean sea area are fully investigated within the environmental impact assessment referred to in paragraph 1 of this Article. The Contracting Parties concerned shall jointly take appropriate measures in order to prevent and eliminate pollution including cumulative deleterious effects".

*Proposal by Spain:*

In the second line, add the words "**and where possible eliminate**" after "combat" and replace the word "and" after "abate" by a comma. In the fourth line, add the words "**or from the atmosphere**" at the end of the paragraph .

ARTICLE 9  
Cooperation in dealing with Pollution Emergencies

*Proposal by Spain:*

Add the following new articles:

**ARTICLE 9A**

**"The Contracting Parties shall formulate strategies, plans or programmes and shall adopt appropriate measures for the conservation of the biological diversity and sustainable use of the biological resources of the Mediterranean Sea".**

**ARTICLE 9B**

**"The Contracting Parties shall adopt appropriate methods to prevent, abate and where possible eliminate pollution which may be caused by the transboundary movements and disposal of hazardous wastes, as well as to reduce such transboundary movements to a minimum and, if possible, eliminate them in the Mediterranean Sea Area".**

*Proposal by the Secretariat:*

Add the following new articles:

**ARTICLE 9A**

**"Nature conservation and biodiversity**

- 1. The Contracting Parties shall formulate strategies, plans or programmes and shall adopt appropriate measures for the conservation of the biological diversity and sustainable use of the biological resources of the Mediterranean Sea.**
- 2. The Contracting Parties shall jointly prepare and adopt inventories of sites and species of common Mediterranean heritage. Lists of threatened and/or endangered species shall be prepared by the Contracting Parties and regularly updated. The Contracting Parties shall take appropriate measures to protect such species and sites.**
- 3. The Contracting Parties shall establish specially protected areas of particular cultural or natural value and threatened or endangered species of flora and fauna."**



## ARTICLE 9B

### "Sustainable Management of Coastal Zones

The Contracting Parties shall take all appropriate measures to ensure the sustainable management of the coastal zones, taking into account the protection of areas of ecological and landscape interest and the rational use of natural resources."

## ARTICLE 10 Monitoring

*Proposal by Malta:*

Article 10 of the Convention shall be substituted by the following:

### "Monitoring and Surveillance

1. The Contracting Parties shall endeavour to establish, in close cooperation with the international bodies which they consider competent, complementary or joint programmes including, as appropriate, programmes at the bilateral or multilateral levels, for multi-purpose monitoring and surveillance in the Mediterranean area and shall endeavour to establish a monitoring system for that area. Activities to be subject to monitoring and surveillance shall include pollution of the marine environment, compliance with fishery regulations, smuggling and drug traffic. The system shall also be available for search and rescue disaster relief.
2. For this purpose, the Contracting Parties shall designate the competent authorities responsible for monitoring and surveillance within areas under their national jurisdiction and participate as far as practicable in international arrangements for monitoring and surveillance in areas, beyond national jurisdiction.
3. Peacetime cooperation among navies and coast guards shall be organized to address the challenges of comprehensive security at the regional level.
4. The possibility of sharing, declassifying and releasing oceanographic information in the possession of navies for the benefit of the Mediterranean community shall be examined by the Contracting Parties.
5. The Contracting Parties undertake to cooperate in the formulation, adoption and implementation of such Protocols to this Convention as may be required to prescribe common procedures and standards for multi-purpose monitoring and surveillance."

*Proposal by the Secretariat:*

Modify paragraph 2 as follows:

2. For this purpose, the Contracting Parties **shall establish national marine pollution monitoring programmes and** shall designate the competent authorities responsible for pollution monitoring within areas under their national jurisdiction and shall participate as far as practicable in international arrangements for pollution monitoring in areas beyond national jurisdiction.

ARTICLE 11  
Scientific and Technological Cooperation

*Proposal by Italy:*

Add the following paragraph after paragraph 1:

**"1a. The Contracting Parties undertake to promote the research, access and transfer of clean production, technologies and to cooperate in the formulation, establishment and implementation of clean production processes."**

*Proposal by Malta:*

Article 11 shall be amended as follows:

(a) the words "national research programmes relating to all types of marine pollution" in paragraph 2 thereof shall be substituted by the words **'national marine scientific research programme'**;

(b) Paragraph 3 thereof shall be substituted by the following:

**"3. The Contracting Parties undertake to co-operate in the provision of assistance to developing 'countries in the Mediterranean area in the field of marine science and technology.'"**

(c) the following new Paragraphs shall be added after Paragraph 3 thereof:

**"4. In accordance with Articles 276 and 277 of the United Nations Convention On the Law Of The Sea, the Contracting Parties undertake to establish a Mediterranean Centre For Research And Development In Marine Industrial Technology.**

**5. The Centre shall act as a catalyst for joint ventures in research and development concerning ocean energy sources, including wave energy and ocean thermal energy conversion."**

*Proposal by the Secretariat:*

Add the following new articles:

**ARTICLE 11A**

**"Environmental Legislation**

**1. The Contracting Parties shall enact effective environmental legislation implementing this Convention and the Protocols which shall reflect the environmental and developmental context to which it applies.**

**2. The Secretariat shall review the compliance of national legislation with the Convention and the Protocols and shall report, in cooperation with the Bureau, to the Meetings of the Contracting Parties.**

**3. For this purpose, assistance may be provided by the Secretariat to any Contracting Party in the drafting and enforcing effective environmental legislation in compliance with the Convention and the Protocols."**

## ARTICLE 11B

### "Public Information and Participation

1. Without prejudice to confidentiality, public security or investigation proceedings, the Contracting Parties shall ensure that the public shall be given adequate information on issues relevant to the environment of the Mediterranean region and appropriate access to that information.
2. The Contracting Parties shall ensure that the opportunity is given to the public to participate in decision making processes, as appropriate.
3. The Contracting Parties shall provide effective access to judicial and administrative proceedings on all issues concerning environment and development in the Mediterranean Region."

## ARTICLE 12

### Liability and Compensation

#### *Proposal by Spain:*

In the fourth line, replace the words "deriving from violations" by "**within the framework**".

## ARTICLE 13

### Institutional Arrangements

#### *Proposal by Malta:*

Article 13 shall be substituted by the following:

### "Meeting of the Contracting Parties

1. The Contracting Parties shall hold ordinary meetings once every two years, and extraordinary meetings at any other time deemed necessary, upon the request of the Coordinator or of any Contracting Party, provided that such requests are supported by at least two Contracting Parties.
2. Each Contracting Party shall be represented at these meetings by a representative of the body in charge of integrated coastal and marine management at the national level.
3. The meetings of Contracting Parties shall be attended also by competent regional and international organizations, including the European Union and other regional economic integration organizations, regional economic commissions of the United Nations, regional development banks, and non governmental organizations. The said organizations which are not Contracting Parties shall participate in the discussions without a vote.
4. The meetings of Contracting Parties shall take decisions by consensus, if possible, resorting to voting only when all efforts at reaching a consensus have been exhausted.

5. In that case, decisions on procedure shall be taken by simple majority; decisions on substance by two-thirds majority. The Contracting Parties shall determine which decisions refer to substance and which decisions refer to procedure in the Rules of Procedure.
6. The meetings of Contracting Parties shall keep under review the implementation of this Convention and its Protocols and, in particular shall-
  - (i) make recommendations on measures relating to the purposes of this Convention;
  - (ii) approve action plans;
  - (iii) approve the budget of the Organization;
  - (iv) elect the members of the Mediterranean Commission for Sustainable Development;
  - (v) appoint the Coordinator."

The following Articles shall be added after Article 13:

**"The Mediterranean Commission for Sustainable Development**

1. The Mediterranean Commission for Sustainable Development shall consist of seven Members, Six of these shall be elected by the Meeting of the Contracting Parties. Two shall be from Europe, two from North Africa, and two from the Middle East. The seventh Member shall be elected by the six thus elected, and he/she shall be the Chairperson of the Commission. The seventh Member shall be chosen from the Mediterranean sea area. Members shall serve for three years and shall be eligible for re-election.
2. The Commission shall meet at least once a year. Extraordinary meetings shall, upon the request of any Member, be convened by the Chairperson as soon as possible, and not later than ninety days after the date of submission of the request.
3. The Commission shall act as the Executive Body of the Meeting of Contracting Parties. It shall adopt budgets, action plans, annexes, protocols and rules of procedure for approval by the Meeting of the Contracting Parties. It shall discuss and make recommendations on any matter within the scope of the Organization.
4. The Commission shall take decisions by consensus, if possible. It shall resort to voting only after all efforts at reaching consensus have been exhausted. Voting on matters of procedure shall be by simple majority. Voting on matters of substance shall require a two-thirds majority.
5. The Commission may assume such other functions as it deems appropriate to further the purposes of this Convention.

6. **The Commission shall have a High-Level Segment, consisting of Ministers Plenipotentiary. The number of the Ministers, and their portfolio shall vary according to the nature of the issue under discussion, and the Contracting Parties involved.**
7. **The High-Level Segment shall take decisions by consensus. Decisions taken by the High-Level Segment shall be binding on the Contracting Parties who participated in the decision-making.**
8. **The Chairperson of the Commission shall represent the Commission at meetings of the United Nations Commission for Sustainable Development."**

**"Financial Provisions for the Commission**

1. **The Commission shall adopt its financial rules.**
2. **The Commission shall prepare a Protocol introducing a tax on tourism in the Mediterranean area. Additional Protocols, introducing taxation on other international uses of the Mediterranean sea area may be introduced. Funds derived from such taxation shall be used for the implementation of the Mediterranean Action Plan and the provision of regional services."**

**"The Secretariat**

1. **The Co-ordinating Centre in Athens, Greece, shall serve as the Secretariat of the Organization.**
2. **The Coordinator of the Mediterranean Action Plan shall be the chief administrative official of the Organization and shall perform the functions that are necessary for the administration of this Convention, the work of the Commission and other tasks entrusted to him/her by the Commission and its Rules of Procedures.**
3. **The Contracting Parties shall seek Observer Status for the Organization with any regional or international organization which they may consider appropriate and the Coordinator shall represent the Organization at the meetings of such organizations."**

*Proposal by Tunisia:*

Amend Article 13 as follows:

- (a) The Contracting Parties designate the **MAP Coordinating Unit under the auspices of UNEP** as responsible for carrying out under the authority of the Bureau, the following secretariat functions:
  - (i) To convene and prepare the meetings of the Contracting Parties, the Conferences provided for in Articles 14, 15 and 16, **and those of the Mediterranean Commission on Sustainable Development provided for in Article 13a;**

- (ii) To transmit **to the Bureau** and to the Contracting Parties reports and other information received **in accordance with the Convention and its Protocols**;
- (iii) **To ensure the drafting of the reports of the Meetings of the Contracting Parties, the Bureau and the Mediterranean Commission on Sustainable Development for which it is carrying out secretariat functions**;
- (iv) To consider enquiries.... (see original iii)
- (v) **To perform the functions assigned to it by the Convention, its protocols and, if necessary, the Bureau and/or the Contracting Parties**;
- (vi) To ensure all necessary coordination....

**"(b) Mediterranean Commission for Sustainable Development**

- (i) **A Mediterranean Commission on Sustainable Development is established by the Contracting Parties within the framework of the existing structures of MAP;**
- (ii) **The Mediterranean Commission on Sustainable Development (MCDS) is the technical body for the follow-up of the implementation of the MAP biennial programme as defined by the meetings of the Contracting Parties.**
- (iii) **The Mediterranean Commission on Sustainable Development replaces the existing Scientific, Technical and Socio-economic committees within the MAP framework and has the following members:**
  - **one member of the Bureau of the Contracting Parties, President**
  - **representatives of the Contracting Parties, members**
  - **representatives of international and the regional organisations, observers**
  - **MAP Coordinator, Secretary**
- (iv) **The Mediterranean Commission on Sustainable Development holds annual meetings to review the implementation of the programmes of sustainable development (Agenda MED 21) and to recommend to the meetings of the Contracting Parties measures for the promotion of sustainable development in the region.**

**It drafts an annual report for the Bureau which is submitted for information to the United Nations Commission on Sustainable Development and UNEP."**

*Proposal by the Secretariat:*  
Add new indent:

- (vii) **to monitor the implementation of the convention and its protocols and to regularly inform the Contracting Parties about the results of such monitoring.**

ARTICLE 14  
Meetings of the Contracting Parties

*Proposal by Spain:*

In paragraph 1, replace the words "meetings once every two years" by "**meetings every year**".

Add the following new article:

**ARTICLE 14A**

- "1. At meetings held in conformity with Article 14, Contracting Parties shall adopt recommendations and decisions on implementation of this Convention and the Protocols to which they are party.**
- 2. Except as may be otherwise provided in this Convention or any of its Protocols, recommendations and decisions shall be adopted unanimously by the Parties to the instrument concerned. If there is no unanimity, decisions and recommendations may be adopted by a two-thirds majority of the Parties.**
- 3. Decisions adopted shall be binding on all Contracting Parties which vote in favour of them and, within a period of 200 days, notify the Secretariat in writing of their agreement.**
- 4. The Contracting Parties may at any time notify the Secretariat of their agreement to a particular decision which they did not accept at the time it was adopted".**

*Proposal by the Secretariat:*

New Articles should be written on the basis of the following:

New Article on Non-Governmental Organizations (NGOs)

The participation of NGOs in the implementation of the Barcelona Convention and its related Protocols should be regulated at two levels:

First, by the recognition of the relationship between the Meetings of the Contracting Parties and the NGOs, inserting thus a new paragraph in Art. 14 providing for the function of these Meetings to receive and analyze relevant input from competent non-governmental organizations and to enhance the dialogue with them.

Second, by specifying the role of the NGOs in the framework of the Barcelona Convention by permanently evaluating such a role and by determining the terms and conditions for their accreditation and participation.

New Article on the Bureau

The Bureau is a functionally developed organ which, despite its long and consistent operation, is not provided in the text of the Barcelona Convention. It is characteristic that its terms of reference are presently contained in Annex I of the Refocusing Document. Its competence needs to be formalized, its terms of reference should be carefully re-cast and its role should be clarified. The above stated document could serve as a basis for a discussion.

New Article on the Regional Activity Centres (RACs):

The terms of reference of the RACs, provided only in Annexes IV-VII of the Re-focusing Document as stated in (4) should also be re-examined so that their overall role in the institutional structure of the Convention and the MAP will be clearly defined and their coordination will be effectively provided.

New Article on National Committees for the Barcelona Convention, Protocols and Mediterranean Action Plan

The Contracting Parties shall consider the establishment of National Committees for the coordination of the Barcelona Convention, the Protocols and the Mediterranean Action Plan's activities. The terms of reference of the Committees as well as their tasks shall be prepared, taking into account the necessary multi-disciplinary functions of the body.

ARTICLE 15  
Adoption of Additional Protocols

*Proposal by Spain:*  
Delete paragraph 3.

ARTICLE 16  
Amendment of the Convention or Protocols

*Proposal by Malta:*  
The word "Organization" shall be respectively substituted by the word "**Co-ordinator**"

The words "diplomatic conference" wherever they occur in Article 16 shall be substituted by the words "**High Level Segment of the Commission**".

ARTICLE 18  
Rules and Procedure and Financial Rules

*Proposal by Spain:*  
In paragraph 1, replace the words "shall adopt rules of procedure" by "**shall be governed by rules of procedure**".

In paragraph 2, replace the words "shall adopt financial rules" by "**shall be governed by financial rules to determine, in particular, their financial participation in the Trust Fund**".



ARTICLE 20  
Reports

*Proposal by Malta:*

The word "Organization" shall be respectively substituted by the word "**Co-ordinator**"

*Proposal by the Secretariat:*

The content of this Article should be effectively specified. Article 20 should *inter alia*, contain the following elements:

- ! That the Contracting Parties should report to the Meetings at regular intervals on the measures (legal, administrative or other) taken by them for the implementation of the Convention, its Protocols and of decisions and recommendations adopted by the Meetings, including in particular preventive and enforcement measures.
- ! That the Contracting Parties should also report on the effectiveness of the above stated measures and on the problems encountered in the implementation of the above stated instruments.

ARTICLE 21  
Compliance Control

*Proposal by the Secretariat:*

The Article on compliance should be effectively specified. An organ, preferably the Secretariat, should be vested with the authority:

- (a) to assess, on the basis of periodical reports of Article 20 or of any other report, their compliance with the Convention, its Protocols and the Decisions and Recommendations adopted by the Meetings;
- (b) to decide upon the steps about full compliance and to assist a Contracting Party to carry out its duties.

ARTICLE 22  
Settlement of Disputes

*Proposal by Malta:*

Article 22 shall be amended as follows:

- (a) Paragraphs 2 and 3 thereof shall be substituted by the following:

**"2. If the parties concerned cannot settle their dispute through the means mentioned in the preceding paragraph, the dispute shall upon common agreement be submitted to any other procedures enumerated in the United Nations Convention on the Law of the Sea, 1982.**

3. **When signing, ratifying or acceding to this Convention or at any time thereafter, a Contracting Party shall be free to choose, by means of a written declaration, one or more of the means for the settlement of disputes in article 287 of the United Nations Convention on the Law of the Sea, 1982".**
- (b) the following new paragraphs shall be added after Paragraph 3 thereof:
- "4. **A Contracting Party, which is a party to a dispute not covered by a declaration in force, shall be deemed to have accepted arbitration in accordance with Annex A to this Convention.**
5. **If the dispute relates to fisheries, protection and preservation of the marine environment, marine scientific research or navigation, including pollution from vessels and by dumping, the parties may submit the dispute to the special arbitral procedure provided for in Annex VIII of the United Nations Convention on the Law of the Sea, 1982. In such a case, all five members of the arbitral tribunal may be chosen from the Mediterranean sea area".**

ARTICLE 29  
Responsibilities of the Depositary

*Proposal by Malta:*

The word "Organization" shall be respectively substituted by the word "**Co-ordinator**"

## II. AMENDMENTS TO THE PROTOCOL FOR THE PREVENTION OF POLLUTION OF THE MEDITERRANEAN SEA BY DUMPING FROM SHIPS AND AIRCRAFT

### TITLE

*Proposal by Spain:*

Replace the title by the following:

"PROTOCOL FOR THE PREVENTION OF POLLUTION OF THE MEDITERRANEAN SEA BY DUMPING **OR INCINERATION** FROM SHIPS AND AIRCRAFT"

### PREAMBLE

*Proposal by Spain:*

Replace the preamble by the following:

*"The Contracting Parties to the present Protocol,*

*"Being Parties to the Convention for the Protection **of the environment**] of the Mediterranean Sea,*

*"Recognizing the danger posed to the marine environment by the dumping **or incineration** of wastes or other matter,*

*"Considering that the coastal States of the Mediterranean Sea have a common interest in protecting the marine environment from this danger,*

*"**Bearing in mind** that Chapter 17 of Agenda 21 of UNCED calls on the Contracting Parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter (London 1972) to take the necessary measures to end dumping in the ocean and the incineration of hazardous substances,*

*"**Taking into account** Resolutions LC 49(16) and LC 50(16), approved by the 16th Consultative Meeting of the 1972 London Convention, which prohibit the dumping and incineration of industrial wastes at sea,*

*["**Also taking into account** the fact that the Convention on the Protection of the Marine Environment in the North-East Atlantic prohibits the dumping of wastes and other matter, with some exceptions, and totally prohibits incineration at sea,]*

*Have agreed as follows:"*

## ARTICLE 1

*Proposal by Spain:*

Replace Article 1 by the following text:

"The Contracting Parties to this Protocol (hereinafter referred to as 'the Parties') shall take all appropriate measures to prevent, abate **and eliminate** pollution of the Mediterranean Sea caused by dumping **or incineration** from ships and aircraft."

## ARTICLE 2

*Proposal by Spain:*

Replace Article 2 by the following text:

"The area to which this Protocol applies shall be the Mediterranean Sea Area as defined in Article 1 of the Convention for the Protection of the [**Environment of the**] Mediterranean Sea against Pollution (hereinafter referred to as 'the Convention')."

## ARTICLE 3

*Proposal by Spain:*

Add the following new subparagraph 3(c):

"(c) **Any deliberate disposal or emplacement of wastes or other matter on the bed or in the marine subsoil from ships or aircraft.**"

Add the following new paragraphs 5 and 6:

"5. **'Incineration' means the deliberate combustion of wastes or other matter in the Mediterranean Sea Area, with the aim of thermal destruction.**

"6. **'Incineration' does not include activities incidental to the normal operations of ships or aircraft.**"

Former paragraph 5 becomes paragraph 7.

## ARTICLE 4

*Proposal by Spain:*

Replace Article 4 by the following text:

"1. **The dumping of wastes or other matter, with the exception of those listed in paragraph 2 of this Article, is prohibited.**

"2. **The following is the list referred to in the preceding paragraph:**

(a) **dredged material;**

- (b) sewage sludge, until 31 December 1998;
- (c) fish waste or organic materials resulting from the processing of fish and other marine organisms;
- (d) vessels, platforms and other man-made structures at sea, provided that material capable of creating floating debris or otherwise contributing to pollution of the marine environment has been removed to the maximum extent;
- (e) inert uncontaminated geological materials the chemical constituents of which are unlikely to be released into the marine environment;"

#### ARTICLE 5

*Proposal by Spain:*

Replace Article 5 by the following text:

**"The dumping of the wastes or other matter listed in Article 4.2 requires a prior special permit from the competent national authorities."**

#### ARTICLE 6

Replace Article 6 by the following text:

**"(a) The permits referred to in Article 5 shall be issued only after careful consideration of the factors set forth in Annex I to this Protocol or the criteria, guidelines and relevant procedures adopted by the meeting of the Contracting Parties pursuant to paragraph (b) below;**

**"(b) The Contracting Parties shall draw up and adopt criteria, guidelines and procedures for the dumping of wastes or other matter listed in Article 4.2 so as to prevent, abate and eliminate pollution."**

#### ARTICLE 7

*Proposal by Spain:*

Replace Article 7 by the following text

**"Incineration at sea is prohibited."**

## ARTICLE 10

*Proposal by Spain:*

Replace paragraph 1 by the following text:

- "1. Each Party shall designate one or more competent authorities to:
- (a) **issue the permits provided for in Article 5;**
  - (b) keep records of the nature and quantities of the wastes or other matter permitted to be dumped and of the location, date and method of dumping."

Replace the first three lines of paragraph 2 by the following text:

- "2. The competent authorities of each Party shall issue the permits provided for in Article 5 in respect of the wastes or other matter intended for dumping:".**

## ARTICLE 11

*Proposal by Spain:*

Replace paragraph 2 by the following text:

**"Nothing in this Protocol shall limit the sovereign immunity of certain ships in accordance with international law"**

## ANNEXES

*Proposal by Spain:*

Delete Annexes I and II.

Annex III will become Annex I.

### III. AMENDMENTS TO THE PROTOCOL OF THE MEDITERRANEAN SEA AGAINST POLLUTION FROM LAND-BASED SOURCES

#### PREAMBLE

*Proposal by Italy:*

Modify the preamble as follows:

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 **and amended on .....**

Desirous .... etc. ...

Noting the increasing **environmental impacts resulting from** human activities in the Mediterranean Sea Area, particularly in the fields of industrialization and urbanization, as well as the seasonal increase in the 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 resulting therefrom in many coastal waters and river estuaries of the Mediterranean Sea, primarily due to **inputs of toxic, persistent and bioaccumulative substances,**

**Committed to the effective implementation of the precautionary principle with a view to eliminate pollution from land-based sources,**

Recognizing ... etc. ...

Determined .... etc. ....

Have agreed as follows:

#### ARTICLE 1

*Proposal by Italy:*

Modify the article as follows:

1. The Contracting Parties to this Protocol (hereinafter referred to as "the Parties") shall take all appropriate measures to prevent, abate, combat and **eliminate** pollution of the Mediterranean Sea Area caused by the discharges from rivers, coastal establishment or outfalls, or emanating from any other land-based sources within their territories, **with priority given to the elimination of inputs of toxic, persistent and bioaccumulative substances.**

## ARTICLE 2

*Proposal by Italy:*

Modify the article as follows:

For the purposes of this Protocol:

- (a) "The Convention" means the Convention for the Protection of the Mediterranean Sea against Pollution, adopted at Barcelona on 16 February 1976 **and amended on ....**;
- (b) (unchanged)
- (c) **The "Hydrographic Basin" means the entire catchment area of the rivers flowing into the Mediterranean area as defined by article 1 of the Convention"**

*Proposal by Malta:*

The following definition shall be added after the definition of the expression "freshwater limit" in Article 2 of the Protocol For The Protection Of The Mediterranean Sea Against Pollution From Land-Based Sources:

**"(d) "Pollution from land-based sources" means pollution of the sea by point or diffuse inputs from all sources on land reaching the sea waterborne, airborne, or directly from the coast and includes pollution from any deliberate disposal under the seabed with access from land by tunnel, pipeline, or other means."**

## ARTICLE 3

*Proposal by Italy:*

Modify the article as follows:

The area to which this Protocol applies (hereinafter referred to as the "Protocol Area") shall be:

- (a) (unchanged)
- (b) **The hydrographic basin of the Mediterranean Sea Area.**
- (c) **Waters on the landward side of the baseline from which the breadth of the territorial sea is measured and extending.**
- (d) **Saltwater marshes communicating with the sea.**



#### ARTICLE 4

*Proposal by Italy:*

Modify the article as follows:

1. This Protocol shall apply:
  - (a) **To discharges reaching the Protocol Area from land-based sources, in particular from outfalls discharging into the sea, or through coastal disposal, rivers, canals and other watercourses, including underground watercourses, or through run-off.**
  - (b) **To inputs from land-based sources transported by the atmosphere.**
2. This Protocol shall **apply to discharges** from fixed man-made offshore structures etc.

#### ARTICLE 5

*Proposal by Italy:*

Modify the article as follows:

1. **The Parties undertake to eliminate by the year 2005., in the Protocol Area, toxic, persistent and bioaccumulative inputs from land-based sources by substances listed in annex 1 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, **transition plans and implementation timetables to eliminate the inputs of contaminants into the Protocol Area.**
4. **The transition plans and implementation timetables aimed at eliminating the inputs of contaminants should be periodically reviewed, if necessary every year, for each of the substances listed in Annex I, in accordance with the provisions of article 15 of this Protocol.**

#### ARTICLE 7

*Proposal by Italy:*

Modify the article as follows:

- (e) Specific requirements concerning the quantities of the substances **listed in annex II** discharged, their concentration in effluents and methods of discharging them.
2. **Such common guidelines, standards and criteria shall take into account local ecological, geographical and physical characteristics, the economic capacity of the Parties, and the level of existing pollution.**

3. The programmes and measures referred to in articles 5 and 6 shall be adopted by taking into account, for their progressive implementation, **the need to adapt and reconvert existing and future installations.**

#### ARTICLE 8

*Proposal by Italy:*

Modify the article as follows:

- (b) To evaluate the effects of measures taken under this Protocol to **eliminate pollution** of the marine environment.

#### ARTICLE 9

*Proposal by Italy:*

Modify the article as follows:

In conformity with article 11 of the Convention, the Parties shall **cooperate** 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 clean production processes for their reduction and elimination. To this end the Parties shall, in particular:**

#### ARTICLE 10

*Proposal by Italy:*

Modify the article as follows:

2. Technical assistance would include, in particular, the training of scientific and technical personnel, as well as the acquisition, utilization and production by those countries of appropriate equipment, **including clean production technologies**, on advantageous terms to be agreed upon among the Parties concerned.

## ANNEX I

*Proposal by Italy:*  
(Annex I and II should be combined into a new Annex I)

Annex I - A:

Change paragraph A as follows:

### **9. Radioactive substances, including their waste**

Add under A:

1. zinc, 2. copper, 3. nickel, 4. chromium, 5. lead, 6. selenium, 7. arsenic, 8. antimony, 9. molybdenum, 10. titanium, 11. tin, 12. barium, 13 beryllium, 14. boron, 15. uranium, 16. vanadium, 17. cobalt, 18. thallium, 19. tellurium, 20. silver.
2. Biocides and their derivatives.
3. Crude oils and hydrocarbons of any origin.
4. Cyanides and fluorides.
5. Non-biodegradable detergents and other surface-active substances.
6. Inorganic compounds of phosphorus and elemental phosphorus.
8. Thermal discharges
9. 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.
10. Substances which have, directly or indirectly, an adverse effect on the oxygen content of the marine environment, especially those which may cause eutrophication.
11. Acid or alkaline compounds of such composition and in such quantity that they may impair the quality of water.

**The present Annex apply to 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.**

## **ANNEX II**

(list of biologically harmless inputs)

*Proposal by Italy:*

- A. The following substances, families and groups of substances, or sources of pollution, listed not in order of priority for the purposes of Article 6 of this Protocol, have been selected taking into account the fact that they are generally non-toxic or can be rendered harmless by natural processes. (list will be provided by Italy)**
- B. The control and strict limitation of the discharges of substances referred to in section A above must be implemented in accordance with annex III.**

**With a view to the issue of an authorization for the discharge of waste containing substances referred to in annex II of this Protocol, particular accounts will be taken, as the case may be, of the following factors:**

- A.6. Concentrations with respect to major constituents, substances listed in annex II, and other substances as appropriate**

## **ANNEX IV**

*Proposal by Italy:*

1.(b): Delete

4.(b) and (d): Delete

#### IV. AMENDMENTS TO THE PROTOCOL CONCERNING SPECIALLY PROTECTED AREAS

*Proposal by Spain:*

Replace the title by the following:

**"PROTOCOL CONCERNING THE CONSERVATION OF THE  
BIOLOGICAL DIVERSITY AND SPECIALLY PROTECTED AREAS  
OF THE MEDITERRANEAN "**

Add the following new fourth, fifth and sixth preambular paragraphs:

**"Aware of the ecological, economic, aesthetic, cultural and recreational importance of the Mediterranean Sea Area and the fragility or specificity of its flora, fauna and ecosystems,**

**"Considering that many natural habitats in the Mediterranean Sea Area continue to deteriorate, that a growing number of wild species are seriously threatened and that it is necessary to take appropriate measures for their conservation,**

**"Reaffirming that States have sovereign rights over their own biological resources and are responsible for the conservation of their biological diversity, as well as the sustainable use of their biological resources,"**

The last preambular paragraph remains the same.

*Article 1*

Replace paragraph 1 by the following text:

**"1. The Contracting Parties to this Protocol (hereinafter referred to as 'the Parties') shall take all appropriate measures with a view to the conservation and sustainable use of natural marine and coastal resources, as well as for the safeguard of wild flora and fauna, biological diversity and natural habitats and areas of importance in the Mediterranean Sea Area."**

*Article 2*

Replace Article 2 by the following text:

**"For the purposes of this Protocol, the area to which it applies shall be the Mediterranean Sea Area as defined in Article 1 of the Convention for the Protection [of the Environment] of the Mediterranean Sea against Pollution, including the seabed, the flora and fauna living in the water or on the seabed.**

"It may also include wetlands or coastal areas designated by each of the Parties."

*Article 3*

Replace Article 3 by the following text:

**"(a) 'Biological diversity' means the variability among living organisms from all sources including, *inter alia*, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems;**

**"(b) 'Sustainable use' means the use of components of biological diversity in a way and at a rate that does not lead to the long-term decline of biological diversity, thereby maintaining its potential to meet the needs and aspirations of present and future generations."**

*Article 4*

Replace Article 4 by the following text:

**"1. The Parties shall formulate national strategies, plans or programmes for the conservation and sustainable use of biological diversity and marine and coastal biological resources.**

**"2. The Parties shall integrate, as far as possible, the conservation and sustainable use of biological diversity and biological resources into relevant sectoral or cross-sectoral plans, programmes and policies.**

**"3. The Parties shall identify components of biological diversity important for its conservation and sustainable use.**

**"4. The Parties shall monitor the components referred to in paragraph 3 of this Article and shall identify processes and categories of activities which have or are likely to have significant adverse impacts on the conservation and sustainable use of biological diversity, and monitor their effects through sampling and other techniques."**

*Article 5*

Replace Article 5 by the following text:

**"The Parties shall establish and develop appropriate means to regulate, manage or control the risks associated with the use and release of alien species or genetically modified organisms which are likely to have an adverse environmental impact or which affect the conservation and sustainable use of biological diversity, taking into account also the risks to human health."**

*Article 6*

Replace Article 6 by the following text:

**"1. The Parties shall adopt appropriate measures to establish a system for the protection of species of flora and fauna that are at risk or threatened.**

**"2. The Parties may adopt the system of protection referred to in paragraph 1 of this Article, as well as lists of the species to be protected, in the form of annexes to this Protocol."**

*Article 7*

Add the following new paragraph 1:

**"1. The Parties shall develop action plans for species of flora and fauna which require protection with a view to their long-term protection and conservation."**

*Article 8*

Replace by the present text of Article 3.

*Article 9*

Replace by the present text of Article 4.

*Article 10*

Replace by the present text of Articles 5 and 6.

*Article 11*

Replace Article 11 by the following text:

**"1. The Parties shall establish a regional system of specially protected areas with a view to creating a coherent and representative ecological network of all the ecosystems, landscapes, habitats and biological diversity of the Mediterranean Sea. This regional system shall give priority to the requirements of protection and conservation of the species listed in Annexes I and II to this Protocol.**

**"2. The meeting of the Parties shall decide upon the areas to be incorporated in the regional system on the basis of proposals submitted by States.**

**"3. These proposals shall be accompanied by an individual management plan for each area."**

*Article 12*

Replace by the present text of Article 7.

*Article 13*

Replace paragraph 1 by the following text, based on the present text of Article 8, paragraph 1:

"The Parties shall give appropriate publicity to the **identification of protected species and to the establishment of protected areas, as well as of the areas provided for in Article 10, their characteristics**, marking and the regulations applying thereto."

Replace paragraph 2 by the present text of Article 8, paragraph 2.

*Article 14*

Replace by the present text of Article 9.

*Article 15*

Replace Article 15 by the following text:

**"1. The Parties shall establish and develop programmes for scientific and technical education and training in measures for the identification, conservation and sustainable use of biological diversity and its components.**

**"2. The Parties shall promote and develop technical and management research programmes for the protection and conservation of species of flora and fauna indigenous to the Mediterranean which are rare, threatened or in danger of extinction, as well as for the protection and conservation of their natural habitats.**

**"3. The Parties shall promote and strengthen scientific and technical research on their protected areas."**

*Article 16*

Replace by the present text of Article 13 as paragraph 1.

Add the following text as paragraph 2:

**"2. The Organization shall recommend the formulation and implementation of joint research programmes among the Parties."**

*Articles 17, 18, 19, 20 and 21*

Replace by the present text of Articles 14, 15, 16, 17 and 18 respectively, making the relevant minor corrections.