



**United Nations  
Environment  
Programme**



UNEP(OCA)/MED WG.82/3/Add.1  
20 October 1994

Original: ENGLISH

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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**

**(ADDENDUM 1)**

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## INTRODUCTION

1. The Seventh Ordinary Meeting of the Contracting Parties (Cairo, 8-11 October 1991) authorized the Regional Activity Centre for Specially Protected Areas (SPA/RAC) to organize a meeting of experts on environmental legislation concerning Specially Protected Areas and Endangered Species.
2. The issue of the possibility of revising the SPA Protocol was discussed at the Second meeting of the National Focal Points (NFP) for SPA (Athens, 26-30 October 1992) (UNEP(OCA)/MED WG.36/7).
3. The expert meeting on Environmental legislations related to Specially Protected Areas and Endangered Species in the Mediterranean, held in Ustica, Italy, 16-18 September 1993, issued a series of proposals concerning the possible revision of SPA protocol (UNEP(OCA)/MED WG.73/6).
4. The Eighth Ordinary Meeting of the Contracting Parties (Antalya, Turkey, 12-15 October 1993) took note of the proposals by the meeting of experts on environmental legislations concerning Specially Protected Areas and endangered species and invited SPA/RAC to pursue preparatory work on possible amendment of the protocol concerning Specially Protected Areas (UNEP(OCA)/MED IG.3/5).
5. In order to fulfill that mandate, SPA/RAC established an *ad hoc* group of legal and scientific experts, with a view to preparing a draft revised version of the SPA Protocol. The Group met in Tunis on 6-8 April 1994 and prepared the first draft of a revised SPA Protocol, which was submitted to the Coordinating Unit of MAP for comments as well as to all Contracting Parties to the Barcelona Convention.
6. On the basis of the comments received, the present draft of a revised SPA Protocol was prepared for consideration by the present Meeting.

## AMENDMENTS TO THE PROTOCOL CONCERNING SPECIALLY PROTECTED AREAS PROPOSED BY THE SECRETARIAT

The Protocol concerning Specially Protected Areas shall be modified as follows:

### **PROTOCOL CONCERNING SPECIALLY PROTECTED AREAS AND WILDLIFE IN THE MEDITERRANEAN**

*The Contracting Parties to this Protocol,*

*Being Parties* to the Convention for the Protection of the Mediterranean Sea against Pollution, adopted at Barcelona on 16 February 1976, [take into account a new title]

*Wishing* to concretize the implementation of the Genoa Declaration on the Second Mediterranean Decade (1985),

*Conscious* of the profound impact of human activities on the state of the marine environment and the littoral and more generally on the ecosystems of areas having prevailing Mediterranean features,

*Stressing* the importance of protecting and, as appropriate, improving the state of the Mediterranean cultural and natural heritage, in particular through the establishment of specially protected areas and also by the conservation of threatened species,

*Considering* the instruments adopted by the United Nations Conference on Environment and Development and particularly the Convention on Biological Diversity (Rio de Janeiro, 1992),

*Conscious* that when there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be invoked as a reason for postponing measures to avoid or minimize such a threat,

*Considering* that all States shall cooperate to conserve, protect and restore the health and integrity of ecosystems and that they have, in this respect, common but differentiated responsibilities,

Have agreed as follows:

## PART I GENERAL PROVISIONS

### Article 1 Definitions

For the purpose of this Protocol:

- a) "Specially protected area", hereinafter "SPA", means the areas accorded a particular protection pursuant to the provisions of this Protocol;
- b) "Centre" means the Regional Activity Centre for Specially Protected Areas;
- c) "Committee" means the committee referred to in Article 25 of this Protocol;
- d) "Convention" means the Convention for the Protection of the Mediterranean Sea against Pollution, adopted at Barcelona on 16 February 1976; [take into account a new title]
- e) "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;
- f) "Ecosystem" means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit;
- g) "Species" means any species, sub-species and geographically separate population of a species or sub-species;
- h) "Endangered species" means any species that is in danger of extinction throughout all or part of its range;
- i) "Endemic species" means any species whose distribution is restricted to a limited geographical area;
- j) "Threatened species" means every species whose state of conservation is unfavourable;
- k) "Protected species" means any species accorded protection pursuant to the provisions of this Protocol;
- l) "Conservation status of a species" means the sum of the influences acting on the species, that may affect its long-term distribution and abundance;

- m) "Conservation status" will be taken as "favourable" when:
- population dynamics data indicate that the species is maintaining itself on a long-term basis as a viable component of its ecosystem;
  - the range of the species is neither currently being reduced, nor is likely to be reduced, on a long-term basis;
  - there is, and will be in the foreseeable future, sufficient habitat to maintain the population of the species on a long-term basis;
  - the distribution and abundance of the population of this species approach historic coverage and levels to the extent that potentially suitable ecosystems exist and to the extent consistent with sustainable use of wildlife and its habitat;
- n) "Conservation status" will be considered as "unfavourable" if any one of the conditions set out in sub-paragraph m) is not met;
- o) "Habitat" means the place or type of site where an organism or population naturally occurs;
- p) "Organization" means the organization referred to in Article 2 of the Convention;
- q) "Parties" means the Contracting Parties to this Protocol;
- r) "National Focal Points" means the representatives of the Parties defined in Article 28 of this Protocol.

## Article 2 Territorial Application

1. The area to which this Protocol applies shall be the area of the Mediterranean Sea as delimited in Article 1 of the Convention. It also includes:
  - the continental shelf, the ocean floor and its subsoil;
  - the waters, the ocean floor and its subsoil on the landward side of the baseline from which the breadth of the territorial sea is measured and extending, in the case of watercourses, up to the freshwater limit;
  - wetlands or coastal areas designated by each of the Parties.
2. This Protocol shall not apply to warships or other ships owned or operated by a State while engaged in government non-commercial service. Nevertheless, each Party shall ensure through the adoption of appropriate measures that do not hinder the operation or operational capacities of vessels they own or operate, that they adhere to the terms of this Protocol in so far as is reasonable and feasible.
3. Nothing in this Protocol nor any act adopted on the basis of this Protocol shall prejudice the rights, the present or future claims and the legal views of any State concerning the law of the sea and the nature and the extent of marine areas, the delimitation of marine areas between States with opposite or adjacent coasts, as well as the nature and the extent of the jurisdiction of the coastal State, the flag State and the port State.

Article 3  
General Obligations

1. Each Party shall take the necessary measures to protect, preserve and manage in a sustainable and environmentally sound way:
  - a) areas of particular cultural or natural value;
  - b) threatened or endangered species of flora and fauna.
2. The Parties shall co-operate, directly or through the competent international organizations, for the conservation and the sustainable use of biological diversity in the area to which this Protocol applies.
3. Each Party shall regulate and, where necessary, prohibit activities having adverse effects on these areas and species. Each Party shall apply the measures provided for in this Protocol without prejudice to the sovereignty or the jurisdiction of other Parties or other States. Any measures taken by a Party to enforce these measures shall be in accordance with international law.

## **PART II**

### **Specially Protected Areas**

#### Article 4 Establishment of Specially Protected Areas

1. The Parties shall, to the extent possible, establish SPAs in the area to which this Protocol applies. They shall undertake the action necessary in order to protect, manage or restore those areas as rapidly as possible.
2. SPAs shall be established in order to safeguard in particular:
  - a) representative types of coastal and marine ecosystems of adequate size to ensure their long-term viability and to maintain biological diversity;
  - b) habitats which are in danger of disappearing in their natural area of distribution in the Mediterranean or which have a reduced natural area of distribution as a consequence of their regression or on account of their intrinsically restricted area;
  - c) habitats and their associated ecosystems critical to the survival, reproduction and recovery of endangered, threatened or endemic species of flora or fauna;
  - d) sites of particular importance because of their scientific, aesthetic, historical, archaeological, cultural or educational interest.
3. In the establishment of SPAs the Parties shall take into account common guidelines and criteria adopted in accordance with Article 16 of this Protocol.
4. The Parties shall endeavour to establish coastal SPAs which cover land and marine spaces at the same time.
5. The Parties shall notify SPAs to the Centre which shall compile and keep up to date a directory of SPAs. To this end the Parties shall supply the Centre with all the information necessary for that purpose and shall submit a report containing information in particular on:
  - a) the name of the area and its geographical location;
  - b) the physical and ecological features of the area;
  - c) the date and history of the establishment;
  - d) the legal status;
  - e) the protected area management plans;
  - f) the relevance to cultural heritage;
  - g) the apparatus for research and for reception and the means for training, information and increasing public awareness;
  - h) any threats to the area, including those which may come from sources beyond the control of the Parties.



## Article 5 Protection Measures

The Parties, having regard to the objectives pursued and taking into account the characteristics of each SPA, shall, in conformity with the rules of international law, progressively take the measures required, in particular:

- a) the strengthening of the application, as far as SPAs are concerned, of the other Protocols to the Convention and of other relevant treaties to which they are Parties;
- b) the prohibition of the dumping or discharge of wastes and other substances that impair directly or indirectly the integrity of the SPA;
- c) the regulation, in conformity with international law, of the passage of ships and any stopping or anchoring;
- d) the regulation or prohibition of fishing, hunting, taking of animals and the harvesting of plants, and their destruction;
- e) the prohibition of the introduction of any non-indigenous species to the SPA in question, or of genetically modified species;
- f) the regulation of the introduction or the re-introduction of species which are or have been present in such SPA;
- g) the regulation or the prohibition of any act likely to harm or disturb the fauna or flora, their habitat or their associated ecosystem;
- h) the regulation or prohibition of any activity involving the exploration or exploitation of the sea-bed or its subsoil or a modification of the sea-bed profile;
- i) the regulation or prohibition of any activity involving a modification of the profile of the soil or the exploitation of the subsoil of the land part of a SPA;
- j) the regulation of any scientific research activity, including archaeological research;
- k) the regulation of the removal and the prohibition of damage to any object which may be considered an archaeological or cultural object;
- l) the regulation or prohibition of trade in animals, parts of animals, plants, parts of plants and archaeological or cultural objects which originate in SPAs and are subject to measures of protection;
- m) the regulation or prohibition of industrial activities or other activities which are not compatible with the uses that have been envisaged for the SPA;
- n) the regulation of touristical, sporting or recreational activities that might endanger the state of conservation of the ecosystems of SPAs, species of flora and fauna, or might impair the cultural and archaeological objects;
- o) any other measure aimed at safeguarding ecological and biological processes in SPAs.

## Article 6 Planning and Management

1. The Parties shall, in accordance with the rules of international law, adopt planning, management and enforcement measures for SPAs. In this regard, the Parties shall take into account the common guidelines and criteria adopted in accordance with Article 16 of this Protocol.
2. Such measures should include:
  - a) the development and adoption of a management plan for each SPA that specifies the legal and institutional framework and the management and protection measures applicable to the SPA;
  - b) the continuous monitoring of user impacts, ecological processes, habitats, species, populations, as well as the undertaking of activities aimed at improved management;
  - c) the active involvement of local communities and populations, as appropriate, in the management of SPAs, including assistance to and training of local inhabitants who may be affected by the establishment of protected areas;
  - d) the adoption of mechanisms for financing the development and effective management of SPAs;
  - e) contingency plans for responding to incidents that could threaten or cause damage to SPAs;
  - f) the regulation of activities compatible with the objectives for which the SPA was established and the terms of the relating permits;
  - g) the development of qualified managers and technical personnel, as well as appropriate infrastructures.
3. When SPAs covering both land and marine areas are established, for each SPA the Parties shall appoint, as far as possible, a single authority with the competence to administer and manage the whole of the SPA concerned.

## Article 7 Buffer Zones

The Parties shall, as far as possible, strengthen the protection of a SPA by establishing one or more buffer zones in which activities are less severely restricted, while remaining compatible with the achievement of the purposes of such SPA.

Article 8  
Specially Protected Areas Contiguous to  
International Boundaries

1. If a Party intends to establish in an area subject to its sovereignty or national jurisdiction, a SPA contiguous to the frontier and to the limits of a zone subject to the sovereignty or national jurisdiction of another Party, the competent authorities of the two Parties shall consult each other with a view to reaching agreement on the measures to be taken and shall, inter alia, examine the possibility of the establishment by the other Party of a corresponding SPA or the adoption by it of any other appropriate measures.
2. If a Party intends to establish, in an area subject to its sovereignty or national jurisdiction, a SPA contiguous to the frontier or to the limits of the zone of national jurisdiction of a State that is not a Party to this Protocol, the Party shall endeavour to co-operate with that State with a view to holding the consultations referred to in the previous paragraph.
3. If a State which is not party to this Protocol intends to establish a SPA contiguous to the frontier or to the limits of the zone subject to the sovereignty or national jurisdiction of a Party to this Protocol, the latter shall endeavour to co-operate with that State with a view to holding the consultations referred to in paragraph 1.

Article 9  
List of Specially Protected Areas  
of Mediterranean Importance

1. The Parties shall draw up a "List of Specially Protected Areas of Mediterranean Importance", hereinafter referred to as "SPAMI List", which constitutes Annex I to this Protocol.
2. The Parties agree:
  - a) to recognize the particular importance for the Mediterranean area of SPAs appearing in the SPAMI List;
  - b) to comply with the measures applicable to the SPAs appearing in the SPAMI List and neither to authorize nor undertake any activities that might be in contrast with the objectives for which the SPA was established.
3. The procedures for the inclusions in the SPAMI List and the terms of the periodical revision of the SPAMI List are stated in Annex I.

Article 10  
Changes in the status of the specially protected areas

1. Changes in the delimitation or legal status of a SPA or the suppression of all or part of such an area may not take place unless there are important reasons for doing so, taking into account the necessity of safeguarding the environment and of complying with the obligations provided for by this Protocol. The Parties shall notify this modification to the Centre with the aim of keeping updated the directory mentioned under Article 4, paragraph 5.

### **PART III PROTECTED SPECIES**

#### Article 11

#### National Measures for the Protection of Wildlife

1. The Parties shall manage species of flora and fauna with the aim of maintaining them in a favourable state of conservation.
2. The Parties shall, in the zones situated on the landward side of the external limit of their territorial sea and on the continental shelf, identify endangered or threatened species of flora and fauna and accord protected status to such species. The Parties shall regulate and, where appropriate, prohibit activities having adverse effects on such species or their habitats and ecosystems, and carry out management, planning and other measures to ensure a favourable state of conservation of such species.
3. With respect to protected species of fauna, the Parties shall control and, where appropriate, prohibit:
  - a) the taking, possession or killing (including, to the extent possible, the incidental taking, possession or killing), the commercial trade, the transport and the exhibition for commercial purposes of these species, their eggs, parts or products;
  - b) to the extent possible, the disturbance of wild fauna, particularly during the period of breeding, incubation, estivation or migration, as well as other periods of biological stress.
4. The Parties shall, in addition to the measures specified in the previous paragraph, co-ordinate their efforts, through bilateral or multilateral actions, including if necessary, any agreements for the protection and recovery of migratory species whose range extends into the area to which this Protocol applies.
5. With respect to protected species of flora and their parts and products, the Parties shall regulate, and where appropriate, prohibit all forms of destruction and disturbance, including the picking, collecting, cutting, uprooting, possession of, commercial trade in, or transport and exhibition for commercial purposes of such species.
6. The Parties shall formulate and adopt policies and plans for the management of captive breeding of protected fauna and propagation of protected flora.
7. The Parties shall endeavour, directly or through the Centre, to consult with range States that are not Parties to this Protocol, with a view to co-ordinating their efforts to manage and protect endangered or threatened species.
8. The Parties shall make provisions, where possible, for the return of protected species exported or held illegally. Efforts should be made by Parties to reintroduce such species to the wild or, if unsuccessful, make provision for their use in scientific studies or for public education purposes.

Article 12  
Co-operative Measures for the Protection of Wildlife

1. The Parties shall adopt co-operative measures to ensure the protection of endangered or threatened species of flora and fauna listed in Annexes II (List of Endangered and Threatened Species) and III (List of Species Whose Exploitation Is Regulated) of this Protocol.
2. The Parties shall ensure total protection and recovery to the species of fauna listed in Annex II by prohibiting:
  - a) the taking, possession or killing (including, to the extent possible, the incidental taking, possession or killing) commercial trade in, transport and exhibition of such species, their eggs, parts or products;
  - b) the disturbance of such species, particularly during periods of breeding, incubation, estivation or migration, as well as other periods of biological stress.
3. The Parties shall adopt appropriate measures to ensure the protection and recovery of the species of flora listed in Annex II. They shall prohibit, to this end, all forms of destruction or disturbance, including the picking, collecting, cutting, uprooting, or possession of, or commercial trade in, or transport and exhibition for commercial purposes of such species, their seeds, parts or products.
4. The Parties shall prohibit the destruction of and the damage to the habitat of species listed in Annex II and shall formulate and implement action plans for their conservation or recovery.
5. Each Party shall adopt appropriate measures to ensure the protection of species of flora and fauna listed in Annex III and may regulate the use of such species in order to ensure and maintain their populations at a favourable conservation status. With regard to the species listed in Annex III, the Parties shall, in co-operation with other Parties and competent international organizations, formulate, adopt and implement plans for the management and use of such species, including:
  - a) For species of fauna:
    - the prohibition of all equipment likely to cause local disturbance or disappearance of a species;
    - the establishment of closed hunting and fishing seasons and of other measures of conservation;
    - the regulation of the taking, possession, transport or sale of living or dead species, their eggs, parts or products;
  - b) For species of flora, including their parts or products, the regulation of their collection, harvest and commercial trade.

6. When the range area of a threatened or endangered species occurs on both sides of a national frontier or of the limit that separates the territories or the spaces subject to the sovereignty or the national jurisdiction of two Parties to this Protocol, these Parties shall co-operate with a view to ensure the conservation and, if necessary, the recovery of such species.
7. Provided that there are no other satisfactory solutions available, and that the exemption does not harm the survival of the population or of any other species, the Parties may adopt exemptions to the prohibitions prescribed for the protection of the species listed in Annex II and III for scientific, educational or management purposes necessary to ensure the survival of the species or to prevent significant damage. Such exemptions shall be notified to the Centre.

### Article 13

#### Introduction of Non-indigenous or Genetically Altered Species

1. The Parties shall take all appropriate measures to regulate the intentional or accidental introduction of non-indigenous or genetically altered species to the wild and prohibit those that may cause harmful impacts to the ecosystems, habitats or species in the area to which this Protocol applies.
2. The Parties shall adopt all possible measures to eradicate species that have already been introduced when such species cause or risk causing damage to ecosystems, habitats or species in the area to which this Protocol applies.

### Article 14

#### Amendments to Annexes II and III

1. The status of species appearing in Annexes II and III shall be revised and periodically evaluated by the Committee on the basis of available information.
2. The procedures to amend Annexes II and III shall be as follows:
  - a) any Party may nominate an endangered or threatened species of flora or fauna for inclusion in or deletion from the Annexes. Such nominations shall be made taking into account the guidelines and criteria adopted by the Parties pursuant to Article 16 of this Protocol;
  - b) the Party making a nomination shall provide the Centre with an introductory report which shall include in particular the following information:
    - scientific names of the species;
    - estimated populations of species and their geographic distribution;
    - its legal status;
    - biological interactions with other species and specific habitat requirements;
    - management and recovery plans for endangered and threatened species;

- scientific and technical research programmes on the species;
  - threats to the species, its habitat and its associated ecosystems, including those which may come from sources of pollution beyond the control of the Parties;
- c) the Committee shall evaluate the nominations and shall report its views to the Centre;
- d) the Parties shall review the nominations and the report of the Committee. A species shall be listed in Annex II or Annex III by consensus, if possible, and if not, by a two-thirds' majority vote of the Parties present and voting;
- e) a Party may, at the moment of the adoption of the decision, enter a reservation to the listing of a particular species in Annex II or Annex III. The reservation shall be confirmed by notifying the Depositary in writing within 90 days of the date of the decision. The Depositary shall, without delay, notify other Parties of the confirmation of a reservation;
- f) a listing in Annex II or Annex III shall become effective 90 days after the date of the decision. The listing shall be binding for all the Parties, except those which made a reservation in accordance with the previous paragraph;
- g) a Party may, at any time, withdraw a reservation to the listing of a species in Annexes II and III to this Protocol. The withdrawal shall take effect from the date the Depositary has received the notification. The Depositary shall, without delay, notify the withdrawal to the other Parties.
3. The Depositary shall inform the competent international organizations and the States concerned which are not Parties to the Protocol of the inclusion of a species in Annexes II or III.



## **PART IV COMMON PROVISIONS TO PROTECTED AREAS AND SPECIES**

### Article 15 Inventories

Each Party shall compile comprehensive inventories of:

- a) areas over which they exercise sovereignty or jurisdiction that contain rare or fragile ecosystems, that are reservoirs of biological diversity, that are important for threatened or endangered species, and that are of value for aesthetic, tourist or archaeological reasons;
- b) species of fauna or flora that are threatened or endangered.

### Article 16 Establishment of Common Guidelines and Criteria

The Parties shall take into account the "Guidelines for the Selection, Establishment, Management and Notification of Information on Marine and Coastal Protected Areas in the Mediterranean", of which the fifth ordinary meeting of the Contracting Parties to the Convention took note in 1987. At their first meeting, the Parties shall adopt common criteria, concerning the procedures of listing areas and species in Annexes I, II and III.

### Article 17 Environmental Impact Assessment

1. In the planning process leading to decisions about industrial and other projects and activities that could significantly affect protected areas or species, the Parties shall evaluate and take into consideration the possible direct and indirect, immediate or in the long term, impact, including cumulative impacts of the projects and activities being contemplated.
2. The Centre shall, to the extent possible, provide guidance and assistance, upon request, to the Parties making these assessments.

### Article 18 Integration of Traditional Activities

1. The Parties shall, in formulating protective measures, take into account the traditional subsistence and cultural needs of their local populations. They shall provide exemptions, as necessary, to meet these needs. No exemption which is allowed for this reason shall:
  - a) endanger either the maintenance of ecosystems protected under the terms of this Protocol or the biological processes contributing to the maintenance of those ecosystems;

- b) cause either the extinction of, or a substantial reduction in the number of, individuals making up the populations of species of flora and fauna, in particular threatened, endangered, migratory or endemic species.
2. Parties which allow exemptions with regard to protective measures shall inform the Centre accordingly.

Article 19  
Publicity, Information, Public Awareness and Education

1. The Parties shall give appropriate publicity to the establishment of SPAs, their boundaries, buffer zones, applicable regulations, and to the designation of protected species, their habitats and applicable regulations.
2. The Parties shall endeavour to inform the public of the interest and value of SPAs and protected species, and of the scientific knowledge which may be gained from the point of view of nature conservation and other points of view. Such information should have an appropriate place in education programmes. The Parties shall also endeavour to promote the participation of their public and their conservation organizations in measures that are necessary for the protection of the areas and species concerned, including environmental impact assessments.

Article 20  
Scientific, Technical and Management Research

1. The Parties shall encourage and develop scientific and technical research relating to the aims of this Protocol. They shall also encourage and develop research into the sustainable use of protected areas and species, as well as research on the archaeological, historical and cultural heritage.
2. The Parties shall consult among themselves and with competent regional and world organizations with a view to identifying, planning and undertaking scientific and technical research and monitoring programmes necessary to characterize and monitor protected areas and species and to assess the effectiveness of measures taken to implement management and recovery plans.
3. The Parties shall exchange, directly or through the Centre, scientific and technical information concerning current and planned research and monitoring programmes and the results thereof. They shall, to the fullest extent possible, co-ordinate their research and monitoring programmes, and endeavour to jointly define or standardize their procedures.
4. The Parties shall, in technical and scientific research, accord priority to SPAMI and species appearing in Annexes I, II or III.

Article 21  
Mutual Co-operation

1. The Parties shall, directly or with the assistance of the Centre or relevant international organizations, establish co-operation programmes to co-ordinate the establishment, conservation, planning and management of SPAs, as well as the choice, management and conservation of protected species. There shall be regular exchanges of information concerning the characteristics of protected areas and species, the experience acquired and the problems encountered.
2. The Parties shall, without delay, communicate any situation that might endanger the ecosystems of SPAs or the survival of protected species of flora and fauna to the other Parties, to the States that might be affected and to the Centre.

Article 22  
Mutual Assistance

1. The Parties shall co-operate, directly or with the assistance of the Centre or international organizations, in formulating, drafting, financing and implementing programmes of mutual assistance and assistance to developing countries that express a need for it with a view to the implementation of this Protocol.
2. These programmes shall include public environmental education, the training of scientific, technical and management personnel, scientific research, the acquisition, utilization, design, development of appropriate equipment, and transfer of technology on advantageous terms to be agreed among the Parties concerned.
3. The Parties shall, in matters of mutual assistance, accord priority to SPAMIs and species appearing in Annexes I, II and III.

Article 23  
Reports of the Parties

Each Party shall submit, at each ordinary meeting of the Parties, a report on the implementation of this Protocol, in particular on:

- a) the status of SPAs that the Party established or nominated for inclusion in the SPAMI List;
- b) any changes in the delimitation or legal status of SPAs, buffer zones and protected species;
- c) possible exemptions allowed pursuant to Articles 12 and 18 of this Protocol.

Article 24  
Liability and Compensation

The Parties shall adopt appropriate measures to implement the provisions of this Protocol. Such measures shall include penal or administrative sanctions as well as measures for the compensation for damages caused to SPAs and species deriving from violations of the provisions of this Protocol.

## **PART V INSTITUTIONAL PROVISIONS**

### Article 25 Committee of Experts

1. A Committee of Experts is hereby established. It shall be composed of seven members chosen by the meeting of the National Focal Points on the basis of a list proposed by the Centre.
2. The members of the Committee shall carry out their functions in their personal capacity.
3. The rules of procedure of the Committee shall be established by the meeting of the National Focal Points.
4. The Committee shall be responsible for providing advice to the Parties through the Centre on the scientific and technical matters relating to the Protocol, in particular :
  - a) the SPAs which may be listed in the SPAMI List, in the manner provided for in Articles 10 and 11 of this Protocol;
  - b) the amendments to the lists of protected species in the manner provided for in Article 16 of this Protocol;
  - c) the formulation of common guidelines and criteria pursuant to Article 16 of this Protocol.

### Article 26 National Focal Points

Each Party shall appoint a delegate called the National Focal Point to serve as liaison with the Centre on the technical aspects of the implementation of this Protocol. The National Focal Points shall meet at least once every two years to exercise the competencies that are assigned to them by this Protocol, to discuss matters of joint interest and especially to propose recommendations concerning scientific, administrative and legal information as well as the standardization and processing of data.

### Article 27 Regional Activity Centre for Specially Protected Areas

The Centre shall be responsible, under the supervision of the Co-ordinating Unit for the Mediterranean Action Plan, for co-ordinating the implementation of this Protocol and ensuring all the functions that have been attributed to it by the latter, among others:

- a) convening and servicing the meetings of the National Focal Points and providing them with secretariat services;

- b) convening and servicing the meetings of the Committee and providing them with secretariat services;
- c) assisting the Parties, in co-operation with the competent international, intergovernmental and non-governmental organizations, in:
  - facilitating programmes of technical and scientific research as provided for in Article 20 of this Protocol;
  - facilitating the exchange of scientific and technical information among the Parties as provided for in Article 20 of this Protocol;
  - the preparation, when so requested, of management plans for protected areas and protected species pursuant to Article 6 of this Protocol;
  - the development of co-operative programmes pursuant to Article 21 of this Protocol;
  - the preparation of educational materials designed for various groups;
- d) assisting the Committee in the formulation of recommendations on common guidelines and criteria pursuant to Article 16 of this Protocol;
- e) maintaining and updating databases of protected areas and protected species;
- f) preparing reports and technical studies which may be required for the implementation of this Protocol;
- g) elaborating and implementing the training programmes mentioned in Article 22, paragraph 2;
- h) co-operating with regional, international governmental and non-governmental organizations concerned with the protection of areas and species, provided that the specificity of each organization and the need to avoid the duplication of activities are respected;
- i) assisting in the collection of funds pursuant to Article 29 of this Protocol;
- j) carrying out any other function assigned by the Parties to the Centre.

#### Article 28 Meetings of the Parties

1. The ordinary meetings of the Parties to this Protocol shall be held in conjunction with the ordinary meetings of the Contracting Parties to the Convention held pursuant to Article 14 of the Convention. The Parties may also hold extraordinary meetings in conformity with that Article.
2. The meetings of the Parties shall carry out all the functions that are conferred to them by this Protocol and that are particularly aimed at:
  - a) keeping under review the implementation of this Protocol;
  - b) overseeing and providing policy guidance to the Organization and the Centre;

- c) considering the efficacy of the measures adopted for the management and protection of areas and species, and examining the need for other measures, in particular in the form of Annexes, as well as amendments to this Protocol or to its Annexes;
- d) adopting the common guidelines and criteria provided for in Article 16 of this Protocol;
- e) analyzing reports transmitted by the Parties under Article 23 of this Protocol, as well as any other pertinent information which the Parties shall transmit through the Centre;
- f) making recommendations to the Parties on the measures to be adopted for the implementation of this Protocol;
- g) examining the recommendations of the meetings of the National Focal Points pursuant to Article 26 of this Protocol;
- h) making any proposal to improve the efficacy of this Protocol;
- i) examining any other matter as appropriate.

#### Article 29 Additional Funding

In addition to the funds provided by the Parties in accordance with Article 18, paragraph 2, of the Convention, the Parties may direct the Organization to seek additional funds to assign to priority actions. These may include voluntary contributions for purposes connected with the Protocol from Parties, other governments, governmental agencies, international or regional organizations, non-governmental organizations, private sector organizations and individuals.

## **PART VI FINAL PROVISIONS**

### **Article 30 Effect of the Protocol on Domestic Legislation**

The provisions of this Protocol shall in no way affect the right of Parties to adopt relevant stricter domestic measures in the implementation of this Protocol.

### **Article 31 Relationship with Third Parties**

1. The Parties shall invite States that are not Parties to the Protocol and international organizations to co-operate in the implementation of this Protocol.
2. The Parties undertake to adopt appropriate measures, consistent with international law, to the end that no one engages in any activity contrary to the principles or purposes of this Protocol.

### **Article 32 Signature**

This Protocol shall be open for signature at [place] from [date] to [date], by any Contracting Party to the Convention.

### **Article 33 Entry into force**

1. This Protocol shall enter into force on the thirtieth day following the deposit of at least six instruments of ratification, acceptance or approval of, or accession to, the Protocol.
2. From the date of its entry into force, this Protocol shall replace the Protocol Concerning Mediterranean Specially Protected Areas, open for signature at Geneva on 3 April 1982, in the relationship among the Parties to both instruments.

In witness whereof, the undersigned, being duly authorized, have signed this Protocol.

Done at [place], on [date], in a single copy in the Arabic, English, French and Spanish languages, the four texts being equally authoritative.



## ANNEX I

### List of Specially Protected Areas of Mediterranean Importance

#### Procedures for the inclusion in the SPAMI List of zones situated on the landward side of the external limit of the territorial sea and on the continental shelf

The procedures for the inclusion in the SPAMI List of zones situated on the landward side of the external limit of the territorial sea and on the continental shelf of the Parties are as follows:

- a) the nomination shall be submitted by the Party concerned, taking into account the guidelines and criteria adopted by the Parties pursuant to Article 16 of this Protocol;
- b) the Party making a nomination shall provide the Centre with an introductory report, including, in particular, the information mentioned under Article 4, paragraph 5, of this Protocol, as well as a justification of the Mediterranean importance of the area;
- c) the Committee shall evaluate the nominations and shall report its views to the Centre. The latter shall submit them to the examination of the National Focal Points with a view to presenting them to the meeting of the Parties for approval;
- d) the Parties shall review the nominations and the report of the Committee. An area shall be included in the SPAMI List by consensus, if possible; otherwise the decision shall be taken by a majority vote of the Parties present and voting;
- e) a Party may, when the decision is adopted, enter a reservation to the inclusion of an area in the SPAMI List. The reservation shall be confirmed by notifying the Depositary in writing within 90 days of the date of the decision. The Depositary shall, without delay, notify other Parties of the confirmation of a reservation;
- f) the inclusion of an area in the SPAMI List shall become effective 90 days after the date of the decision. The inclusion shall be binding for all Parties, except those which confirmed a reservation in accordance with the previous paragraph;
- g) a Party may, at any time, withdraw a reservation to the inclusion of an area in the SPAMI List. The withdrawal shall become effective from the date the Depositary has received the notification. The Depositary shall, without delay, notify the withdrawal to the other Parties.

Procedures for the inclusion in the SPAMI List  
of areas on the seaward side of the external limit of the  
territorial sea

The procedures for the inclusion in the SPAMI List of areas on the seaward side of the external limit of the territorial sea are as follows:

- a) the nomination shall be submitted by one Party or more Parties jointly, at any time, after the entry into force of this Protocol. The nomination shall be made taking into account the guidelines and criteria adopted by the Parties pursuant to Article 16 of this Protocol;
- b) the Parties making a nomination shall provide the Centre with an introductory report including, in particular, the information mentioned under Article 4, paragraph 5, of this Protocol, as well as a justification of the Mediterranean importance of the area;
- c) the Committee shall evaluate the nominations and shall report its views to the Centre. The latter shall submit them to the examination of the National Focal Points with a view to present them to the meeting of the Parties for approval;
- d) the Parties shall review the nominations and the report of the Committee. An area shall be included in the SPAMI List by consensus, if possible; otherwise the decision shall be taken by a majority vote of the Parties present and voting;
- e) a Party may, at the moment of the adoption of the decision, enter a reservation to the inclusion of an area in the SPAMI List. The reservation shall be confirmed by notifying the Depositary in writing within 90 days of the date of the decision. The Depositary shall, without delay, notify other Parties of the confirmation of a reservation;
- f) the inclusion of an area in the SPAMI List shall become effective 90 days after the date of the decision. The inclusion shall be binding for all Parties, except those which confirmed a reservation in accordance with the previous paragraph;
- g) a Party may, at any time, withdraw a reservation to the inclusion of an area in the SPAMI List. The withdrawal shall take effect from the date the Depositary has received the notification. The Depositary shall, without delay, notify the withdrawal to the other Parties.

The Depositary shall inform the competent international organizations and the States concerned which are not Parties to this Protocol of the inclusion of an area in the SPAMI List.

The SPAMI List shall be periodically revised by the Parties. The inclusion of an area in the List shall be tacitly renewed so long as the guidelines and criteria adopted by the Parties in accordance with Article 16 are respected. Otherwise, the maintenance of this area in the List shall be re-examined in accordance with the procedure followed for its inclusion.

**ANNEX II**

List of Endangered and Threatened Species of Fauna and Flora

[Omissis]

**ANNEX III**

List of Species Whose Exploitation Is Regulated

[Omissis]