



**United Nations
Environment
Programme**



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MEDITERRANEAN ACTION PLAN

Meeting of Legal and Technical Experts
to examine amendments to the Barcelona
Convention, the Dumping Protocol and the
Specially Protected Areas Protocol

Barcelona, 7-11 February 1995

**PROPOSED AMENDMENTS TO
THE PROTOCOL FOR THE PREVENTION OF POLLUTION OF THE
MEDITERRANEAN SEA BY DUMPING FROM SHIPS AND AIRCRAFT**

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 process of revision of the Barcelona Convention, the related Protocols and the Mediterranean Action Plan.

As a result, a meeting, hosted by the government of Spain and the Generalitat of Catalunya, was organised in Barcelona from 14 to 18 November 1994 during which the amendments to the Convention, the Dumping Protocol, the Land-Based Sources Protocol and the Specially Protected Areas Protocol, proposed by the Contracting Parties and the Secretariat were examined and discussed. A brief discussion on the future Mediterranean Action Plan was also held during the meeting (UNEP(OCA)/MED WG.82/4).

As a follow up to the decisions of the Meeting, the present meeting, thanks to the financial offer received from the Government of Spain, was convened to examine new draft amendments to the Barcelona Convention, the Dumping Protocol and the Specially Protected Areas Protocol.

The proposed amendments to the Convention, the Dumping Protocol and the Specially Protected Areas Protocol reflect the deliberations of the meeting held in Barcelona from 14 to 18 November 1994. As a result, the amended texts to the Dumping Protocol included in the present document are identical to those agreed upon by the Barcelona Meeting.

The purpose of the meeting is to conclude the discussion on the amendments of the above mentioned legal instruments by agreeing on the texts which would be brought to the attention of the Ninth Ordinary Meeting of the Contracting Parties, to be held in Barcelona in June 1995, for adoption.

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

The amendments reproduced herebelow are submitted to the Meeting for discussion. The texts are reproduced as approved by the Meeting of the Legal and Technical Experts held in Barcelona from 14 to 18 November 1994.

Title

Replace the title by the following:

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

Preamble

Replace the preamble by the following:

"The Contracting Parties to the present Protocol,

"Being Parties to the Convention [for the Protection of the Mediterranean Sea against Pollution],

*"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,***

Have agreed as follows:"

Article 1

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** [to the fullest extent possible] pollution of the Mediterranean Sea caused by dumping **or incineration** from ships and aircraft."

Article 2

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 Mediterranean Sea against Pollution] (hereinafter referred to as 'the Convention'.")

Article 3

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 paragraph after paragraph 4:

"5. 'Incineration' means the deliberate combustion of wastes or other matter in the Mediterranean Sea Area, with the aim of thermal destruction and does not include activities incidental to the normal operations of ships or aircraft."

Former paragraph 5 becomes paragraph 6.

Article 4

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

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

Replace Article 7 by the following text

"Incineration at sea is prohibited."

Article 10

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

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

Delete Annexes I and II.

Annex III will become Annex I.