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MEDITERRANEAN ACTION PLAN

Meeting of Legal and Technical Experts
to examine amendments to the Protocol for
the Protection of the Mediterranean Sea
against Pollution from Land-Based Sources

Syracuse, 4-6 May 1995

REPORT

**OF THE MEETING OF LEGAL AND TECHNICAL EXPERTS TO
EXAMINE AMENDMENTS TO THE PROTOCOL FOR THE PROTECTION
OF THE MEDITERRANEAN SEA AGAINST POLLUTION
FROM LAND-BASED SOURCES**

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Introduction

1. The Meeting of Legal and Technical Experts to examine amendments to the Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources was held in Syracuse from 4 to 6 May 1995. The Meeting was hosted and financially supported by the Government of Italy, the Province of Syracuse and the Facoltà dell'Arte e della Scienza, Rome.

Attendance

2. Experts designated by the following Contracting Parties to the Barcelona Convention attended the Meeting: Croatia, Cyprus, Egypt, European Community, France, Greece, Israel, Italy, Malta, Monaco, Slovenia, Spain, Tunisia and Turkey.

3. The following United Nations specialized agency and intergovernmental and non-governmental organizations were represented by observers: World Health Organization (WHO), European Chemical Industry Council (CEFIC), Greenpeace International, Facoltà dell'Arte e della Scienza (FAS) and the World Wide Fund for Nature International (WWF).

4. The list of participants appears as annex I to this report.

Agenda item 1 : Opening of the Meeting

5. Mr F. Marri-Caciotti, on behalf of the Italian Ministry of Foreign Affairs, opened the Meeting and welcomed the participants. He underlined the importance of the subject dealt with by the Meeting, reminding participants that land-based sources of pollution represented eighty per cent of all sources of marine pollution in the Mediterranean and therefore constituted a priority target. He stated that, although the Mediterranean countries had taken a number of protection measures since the adoption in 1980 of the Land-Based Sources Protocol, it was felt necessary to re-examine the texts of the Protocol in order to align it with recent global decisions and events. He concluded by stressing that Italy intended to increase its contribution to the implementation of the Barcelona Convention and its Protocols and by thanking the MAP secretariat for the very efficient work carried out.

6. Mr M. Cavallaro, President of the Province of Syracuse, welcomed the participants and thanked the MAP secretariat and the Italian Ministry of Foreign Affairs for having accepted the offer of the City of Syracuse to host such an important Meeting. He briefly recalled the difficulties encountered by current systems in controlling pollution from land-based sources, the limited implementation of existing national and international legislation, and the restricted funds generally made available for preventive measures. He stressed that the new strategies must take more account of the precautionary principle and that international agreements, and in particular the Barcelona Convention and its Protocols, must be more respected by all concerned if concrete results were to be achieved.

7. Mr S. Illuminato, President of the Facoltà dell'Arte e della Scienza, welcomed the participants and briefly recalled the most important stages of MAP and the Barcelona system. In particular, he referred to the important role played by the NGOs and their contribution to fulfilment of the goals of the Barcelona Convention. He also recalled that his Organization had for many years cooperated with MAP in the field of environmental information and its dissemination by offering a platform for the exchange of information between MAP and the general public. Mr Illuminato concluded by informing the participants of a new initiative of the Facoltà dell'Arte e della Scienza which he felt could make a contribution to the overall efforts of MAP: a Film Festival, "MedFilm Environment, Peace and Tolerance", covering Mediterranean film production on environmental matters, to be held in the island of Pantelleria and Rome next June.

8. Mr L. Chabason, Coordinator of the Mediterranean Action Plan, warmly thanked the Italian Ministry of Foreign Affairs, the Province of Syracuse and the Facoltà dell'Arte e della Scienza for hosting and financially supporting the Meeting. He stressed that although considerable progress had been achieved in developing the legal, scientific and technical bases for implementation of the LBS Protocol since its adoption in 1980, UNEP and the Contracting Parties could not be satisfied with the actual level of implementation. One of the main purposes of initiating a revision of the LBS Protocol was to modernize and make more operative the legal base for the prevention and elimination of pollution from LBS sources and activities in the Mediterranean. The intention was not only to improve the legal base but also to propose a mechanism, including targeted regional and national action plans, for effective implementation of the Protocol. He concluded by reminding the participants that the Meeting should produce a new amended version of the LBS Protocol, to be submitted together with the Hazardous Wastes Protocol to the Conference of Plenipotentiaries to be held at the beginning of 1996.

Agenda item 2 : Election of Officers

9. The Meeting unanimously elected the following Officers:

Chairperson:

Ms Athena Mourmouris (Greece)

Vice-Chairpersons:

Mr Tullio Scovazzi (Italy) and

Mr Khaled Abdel-Aal Moussa (Egypt)

Rapporteur:

Mr Loizos Loizides (Cyprus)

Agenda item 3 : Adoption of the Agenda and organization of work

10. The agenda proposed in document UNEP(OCA)/MED WG.92/1 was adopted (annex II).

Agenda item 4 : Background and scope of the Meeting

11. The secretariat briefly recalled the main stages in the process of revision of the Barcelona Convention and its Protocols. In particular, proposed amendments to the LBS Protocol had been examined during the Meeting held in Barcelona in November

1994 (UNEP(OCA)/MED WG.82/4), but had not been discussed at length due to lack of time. The present Meeting had therefore been convened in order to agree on a set of amendments to the LBS Protocol, to be transmitted for adoption to the Meeting of Plenipotentiaries to be held at the beginning of 1996.

Agenda item 5 : Proposed revision of the Protocol of the Mediterranean Sea against Pollution from Land-Based Sources

12. The secretariat introduced document UNEP(OCA)/MED WG.92/3 which contained proposed amendments to the texts of the LBS Protocol. The amendments presented in the document included those proposed by the Contracting Parties and those proposed by the secretariat. In formulating its proposals the secretariat had taken into account recent global events, in particular the provisions of Agenda 21 of UNCED and the work being carried out for preparation of the Global Programme of Action to Protect the Marine Environment from Land-Based Activities, discussed at a Meeting held in Reykjavik in March 1995 and to be adopted in Washington D.C. in October 1995. The secretariat also informed the meeting about the results of the Reykjavik meeting, the preparations for the Washington, D.C. meeting, and the content and structure of the draft Global Programme of Action, which included elements for the preparation of the Action Plan at national, regional and international level.

13. The participants discussed all the amendments proposed to the texts of the Protocol and its annexes. The amended texts, as approved by the Meeting, appear in annex III to this report.

14. The delegate of the Community stated that he was participating in the Meeting as representative of the European Commission, since the Council of Ministers of the European Union had not yet given him a mandate to negotiate the Land-Based Protocol.

15. With regard to the amendments to the Preamble, the Meeting felt that it would have been opportune to consider the inclusion of detailed criteria for the definitions of Best Available Techniques and Best Environmental Practices as annexes to the Barcelona Convention. However, since the Meeting of Legal and Technical Experts to examine amendments to the Barcelona Convention, the Dumping Protocol and the Specially Protected Areas Protocol, held in Barcelona in February 1995 (UNEP(OCA)/MED.WG.91/7), had decided not to include such annexes to the Convention, it was considered that there was no time to make detailed proposals for the Plenipotentiaries' Meeting to be held in Barcelona in June 1995. The meeting therefore decided to include such annexes in the amended LBS Protocol. The relevant texts of the Convention for Protection of the Marine Environment of the North-East Atlantic were presented for information in view of the preparation of the texts to be included in the LBS Protocol. The Contracting Parties should send relevant suggestions by the end of June 1995 to enable the secretariat to prepare a text to be submitted to the Contracting Parties for comments with a view to future approval by the meeting of Plenipotentiaries.

16. During the discussion on the amendments to art. 1, the Meeting noted that the texts of the article, as amended, were still subject to further modifications pending the adoption of art. 8 of the Convention by the Meeting of Plenipotentiaries in June 1995.

17. While debating the amendments to art. 2, the Meeting confirmed the importance of introducing an appropriate definition of "Hydrologic basin" as covered by the Protocol, in view of the possible difficulties arising, in some cases, from the sharing of the watershed area with third countries not parties to the Protocol.

18. A lengthy discussion took place on the proposed amendments to art. 5. A number of countries felt that the introduction of a specific target date for the implementation of paragraph 1 of art. 5 would constitute an important incentive for all Contracting Parties and an effective method of controlling the implementation of the provisions of the Protocol. Other countries, while agreeing with such an argument, felt that at this stage it would be unrealistic to set a single date for the elimination of this type of land-based pollution. As a result, the Meeting agreed that specific target dates should be set in the programmes and action plans relative to the activities and substances listed in the annexes to the Protocol, and that such programmes and action plans should become obligatory.

19. The delegate of the European Commission queried the drafting of paragraphs 2 and 4 of article 6.

20. The Meeting discussed at length the amendments to art. 15, which was considered especially important because it provided the conditions for an obligatory operation of the regional programmes and action plans for the elimination of land-based pollution, containing measures and timetables for their implementation, as well as the procedure for their formulation and adoption. As a result of the debate, the Meeting agreed to leave it to the Plenipotentiaries' Meeting which will adopt the amendments to the Protocol, to decide on the procedure for the adoption of the regional programmes and action plans and the possibility to notify objections.

21. With reference to the amended annexes to the Protocol proposed for discussion, the Meeting accepted the new approach proposed by the secretariat, which covered sectors of activities, characteristics and categories of substances and wastes, and provided the basis for preparation of the regional programmes and action plans for the elimination of land-based pollution. Four delegations felt that, since the technical details of the annexes had not been thoroughly discussed due to limited time, relevant comments could be sent by Contracting Parties to the secretariat, in view of the preparation of the draft Protocol for the Plenipotentiaries' Meeting.

22. The Delegate of the European Commission took note of the proposed texts and informed the Meeting that due to internal procedures they would be studied by the relevant departments of the Commission.

Agenda item 6: Other business

23. The Delegate of the European Commission informed the participants of a publication prepared by the Directorate-General for Environment, Nuclear Safety and Civil Protection of the Commission, entitled "The Radiological exposure of the population of the European Community to radioactivity in the Mediterranean Sea", which could be obtained from the Commission upon request.

Agenda item 7: Adoption of the report

24. In the course of the adoption of the report, the Meeting felt that, before submitting the amended texts to Contracting Parties for adoption, it would be necessary to proceed with an accurate reading of the entire Protocol to check possible discrepancies deriving from the changes of articles and annexes. In addition, it was agreed that each article could be given a title as for the other Protocols. The participants asked the secretariat to carry out such a work.

25. During the adoption of the amended texts of art. 15, it was noted that the reference to the "technical body" in charge of the approval of the regional programmes and action plans may change on the basis of the decisions of the Contracting Parties on what structure would in future be maintained.

26. The Meeting decided to leave it to the Contracting Parties to decide on what procedure to follow for the formal approval of the regional programmes and action plans mentioned in the amended text of art. 15.

27. The English and French texts of the report of the Meeting were unanimously adopted by the Meeting.

Agenda item 8: Closure of the Meeting

28. Two delegations expressed regret for a number of articles appeared in the local press during the Meeting which gave a distorted image of the results of the Meeting and the very positive atmosphere prevailing during the debates.

29. The delegation of the host country also regretted for the episode and confirmed that the articles were obviously not the result of any release made by the Italian representatives at the Meeting.

30. The delegate from Italy expressed his warm thanks to the local organizers and to the Facoltà dell'Arte e della Scienza for the excellent organization of the Meeting, to the MAP secretariat for the very efficient work before and during the Meeting and to the Chairperson for the remarkable work carried out, all elements contributing to the success of the Meeting.

31. The secretariat thanked the Organizers and the Chairperson for the very efficient work and expressed satisfaction for the success of the Meeting which had produced a new more advanced Protocol which, if properly implemented, could greatly contribute to the protection of the Mediterranean.

32. The Chairperson thanked all those who contributed to the success of the Meeting, expressed satisfaction for the very constructive atmosphere prevailing during the discussions and closed the Meeting on 6 May at 18,00 hours.

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ANNEX II

AGENDA

1. Opening of the meeting
2. Election of Officers
3. Adoption of Agenda and organisation of work
4. Background and scope of the meeting
5. Proposed Revision of the Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources
6. Other business
7. Adoption of the report
8. Closure of the Meeting

ANNEX III

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

Title

Modify the title as follows:

PROTOCOL FOR THE PROTECTION OF THE MEDITERRANEAN SEA AGAINST POLLUTION FROM LAND-BASED SOURCES **AND ACTIVITIES**

Preamble

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 ... (unchanged)

Noting the increasing **environmental pressures 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,

Taking account of the precautionary principle and the polluter pays principle, and applying the environmental impact assessment, best available techniques and best environmental practices including clean production, as provided in art. 4 of the Convention,

Recognizing the danger posed to the marine environment, **the living resources** and human health by pollution from land-based sources **and activities** and the serious problems resulting therefrom in many coastal waters and river estuaries of the Mediterranean Sea, primarily due to the release of untreated, insufficiently treated or inadequately disposed of domestic or industrial discharges **and to the input of toxic, persistent and bioaccumulative substances,**

Recognizing ... (unchanged)

Determined to take in close cooperation the necessary measures to protect the Mediterranean Sea against pollution from land-based sources **and activities**,

Have agreed as follows:

Article 1¹

Modify the article as follows:

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

Article 2

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) unchanged
- (d) **The "Hydrologic Basin" means the entire watershed area within the territories of the Contracting Parties, draining into the Mediterranean Sea Area as defined by article 1 of the Convention.**

¹ The text of article 1 may be amended pending the decisions on the text of article 8 of the Convention.

Article 3

Modify the article as follows:

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

- (a) unchanged
- (abis) The hydrologic basin of the Mediterranean Sea Area.**
- (b) unchanged
- (c) Saltwater marshes and saltwater aquifers.**

Article 4

Modify the article as follows:

1. This Protocol shall apply:
 - (a) To discharges originating from land-based point and diffuse sources and activities within the territories of the Contracting Parties which may affect directly or indirectly the Mediterranean Sea Area. These discharges shall include those which reach the Protocol Area through coastal disposals, rivers, canals or other watercourses, including underground watercourses, or through run-off and disposal under the seabed with access from land by tunnel, pipeline, or other means;**
 - (b) To inputs from land-based sources or activities situated in the Protocol Area transported by the atmosphere, under conditions defined in annex III to this Protocol.**
2. unchanged
- 3. The Parties shall invite States that are not parties to the Protocol and have in their territories parts of the hydrologic basin of the Mediterranean Area, to cooperate in the implementation of the Protocol.**

Article 5

Modify the article as follows:

1. The Parties undertake to eliminate pollution **deriving from land-based sources and activities, in particular to phase out toxic, persistent and bioaccumulative inputs of the substances listed in annex I.**
2. To this end they shall elaborate and implement, individually or jointly, as appropriate, **national and regional programmes and action plans, containing measures and timetables for their implementation.**
3. **The priorities and timetables for implementing the programmes, measures and action plans shall be adopted by the Parties taking into account the elements set out in annex I and shall be periodically reviewed.**
4. **When adopting programmes, measures and action plans, the Parties shall take into account, either individually or jointly, the best available techniques for point sources and the best environmental practices for point and diffuse sources including, where appropriate, clean production technologies.**
5. **The Parties shall take preventive measures to reduce to the minimum the risk of pollution caused by accidents.**

Article 6

Modify the article as follows:

1. **Point source discharges to the Protocol area, and releases into water or air which reach and may affect the Mediterranean Sea Area, shall be strictly subject to authorization or regulation by the competent authorities of the Parties, taking due account of the provisions of annex II to this Protocol. Such authorization or regulation shall be in conformity with relevant decisions or recommendations of the Contracting Parties.**
2. **To this end each Party shall provide for systems of inspection by their competent authorities to assess compliance with authorizations and regulations.**
3. **The Parties may be assisted by the Organisation, upon request, in establishing new, or strengthening existing, competent structures for inspection of compliance with authorizations and regulations. Such assistance shall include special training of personnel.**
4. **Each Party shall consider establishing appropriate sanctions in case of non-compliance within its own territories.**

Article 7

Modify the article as follows:

1. unchanged
 - (a) unchanged
 - (b) unchanged
 - (c) unchanged
 - (d) unchanged
 - (e) Specific requirements concerning the quantities of the substances, **listed in annex I**, discharged, their concentration in effluents and methods of discharging them.
2. unchanged
 3. The programmes, measures **and action plans** referred to in **articles 5 and 15** shall be adopted by taking into account, for their progressive implementation, the capacity to adapt and reconvert existing installations, the economic capacity of the Parties and their need for development.

Article 8

Modify the article as follows:

Within the framework ... (unchanged)

- (a) Systematically to assess, as far as possible, the levels of pollution along their coasts, in particular with regard to the **sectors of activities and categories of substances or sources listed in annex I**, and periodically to provide information in this respect;
- (b) To evaluate the **effectiveness of programmes, measures and action plans implemented** under this Protocol to **eliminate to the fullest possible extent** pollution of the marine environment.

Article 9

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 **and activities**, particularly research on inputs, pathways and effects of pollutants and on the development of new methods for their treatment, reduction or elimination, **as well as the development of clean production processes for their reduction and elimination**. To this end the Parties shall, in particular, endeavour to:

- (a) unchanged
- (b) unchanged
- (c) **Promote access and transfer of environmentally sound technology including clean production technology.**

Article 10

Modify the article as follows:

1. The Parties shall, directly or with the assistance of competent regional or other international organizations, bilaterally **or multilaterally**, cooperate with a view to formulating and, as far as possible, implementing programmes of assistance to developing countries, particularly in the fields of science, education and technology, with a view to **preventing, reducing or, as appropriate, phasing out inputs of pollutants** from land-based sources **and activities** and **their** harmful effects in the marine environment.

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 **and, as appropriate, clean production technologies**, on advantageous terms to be agreed upon among the Parties concerned.

Article 13

Modify the article as follows:

1. The Parties shall **submit reports every two years to the meetings of the Contracting Parties**, through the Organization, of measures taken, results achieved and, if the case arises, of difficulties encountered in the application of this Protocol. **Procedures for the submission of such reports** shall be determined at the meetings of the Parties.

2. Such **reports** shall include, *inter alia*:
- (a) unchanged
 - (b) unchanged
 - (c) unchanged
 - (d) **Programmes, measures and action plans implemented** in accordance with articles 5, **7 and 15** of this Protocol.

Article 14

Modify the article as follows:

- 1. unchanged
- 2. unchanged
- (a) To keep under review the implementation of this Protocol and to consider the efficacy of the **programmes, measures and action plans** adopted;
- (b) unchanged
- (c) To formulate and adopt programmes and measures in accordance with articles 5, **7** and 15 of this Protocol;
- (d) unchanged
- (e) unchanged
- (f) To consider **the reports** submitted by the Parties under article 13 of this Protocol
- (g) unchanged

Article 15

Modify the article as follows:

- 1. The meeting of the Parties shall adopt, by a two-thirds majority, the **regional programmes and short-term and medium-term action plans containing measures and timetables for their implementation provided for in article 5 of this Protocol.**

2. Regional programmes and action plans as referred to in paragraph 1. shall be formulated by the Organization and considered and approved by the relevant technical body of the Contracting Parties within one year at the latest of the entry into force of the amendments to this Protocol. Such regional programmes and action plans shall be put on the agenda for the subsequent meeting of the Parties for adoption. The same procedure shall be followed for any additional programmes and action plans.

3. The measures and timetables adopted in accordance with paragraph 1 of this article shall be obligatory for the Parties [which voted for them or which have not notified the Secretariat of an objection within sixty days of the date of their adoption].

4. The Parties which have not [voted] [accepted] for certain measures or timetables [or which have notified an objection in accordance with the preceding paragraph,] shall inform the meeting of the Parties of the provisions they intend to take, it being understood that these Parties may at any time give their consent to these measures or timetables.

ANNEX I

ELEMENTS TO BE TAKEN INTO ACCOUNT IN THE PREPARATION OF PROGRAMMES AND MEASURES FOR THE ELIMINATION OF POLLUTION FROM LAND-BASED SOURCES AND ACTIVITIES

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

Such programmes, measures and action plans will aim to cover sectors of activities listed in section A of this annex. They may also cover groups of substances cutting across the sectors of activities. Substances included in such programmes, measures and action plans will be selected on the basis of the characteristics listed in section B of this annex. Section C of this annex includes various groups of substances selected on the basis of the characteristics listed in Section B. Priorities for action should be established on the basis of relative importance of the impact on public health, the ecosystem and socio-economic cultural conditions. Such programmes should cover point sources, diffuse sources and atmospheric deposition.

A. SECTORS OF ACTIVITIES

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

- 1. Energy production [from fossil fuel].**
- 2. Fertiliser production.**
- 3. Production and formulation of biocides.**
- 4. Pharmaceutical industry.**

5. Refineries.
6. Paper and pulp industry.
7. Cement production.
8. Tanneries.
9. Metal industry.
10. Mining.
11. Shipyards.
12. Textile industry.
13. Electronic industry.
14. Recycling industry.
15. Other sectors of the organic chemical industry.
16. Other sectors of the inorganic chemical industry.
17. Touristic establishments.
18. Agriculture.
19. Animal husbandry.
20. Food processing.
21. Aquaculture.
22. Treatment of hazardous waste at source.
23. Domestic waste water disposal and treatment.
24. Urban waste disposal and treatment.
25. Sewage sludge disposal and waste disposal plants' residues.
26. Incineration of waste.

B. CHARACTERISTICS OF SUBSTANCES IN THE ENVIRONMENT

In order to set priorities for substances, the Parties should take into account the characteristics listed below which are not necessarily of equal importance for the consideration of a particular substance or group of substances.

1. **Persistency.**
2. **Toxicity or other noxious properties (e.g. carcinogenicity, mutagenicity, teratogenicity).**
3. **Bioaccumulation.**
4. **Radioactivity.**
5. **The ratio between observed concentrations and no observed effect concentrations (NOEC).**
6. **Risk of eutrophication of anthropogenic origin.**
7. **Health effects and risks.**
8. **Transboundary significance.**
9. **Risk of undesirable changes in the marine ecosystem and irreversibility or durability of effects.**
10. **Interference with the sustainable exploitation of living resources or with other legitimate uses of the sea.**
11. **Effects on the taste and/or smell of products for human consumption from the sea, or effects on smell, colour, transparency or other characteristics of the water in the marine environment.**
12. **Distribution pattern (i.e. quantities involved, use pattern and liability to reach the marine environment).**

C. CATEGORIES OF SUBSTANCES

The following groups of substances were selected on the basis of characteristics listed in section B of this annex. This list will serve as a guidance in the preparation of programmes, measures and action plans for the elimination of pollution from land-based sources and activities.

1. **Organohalogen compounds and substances which may form such**

- compounds in the marine environment¹.**
- 2. Organophosphorus compounds and substances which may form such compounds in the marine environment¹.**
 - 3. Organotin compounds and substances which may form such compounds in the marine environment¹.**
 - 4. Polycyclic aromatic hydrocarbons.**
 - 5. Heavy metals and their compounds.**
 - 6. Used lubricating oils.**
 - 7. Radioactive substances, including their wastes, [when their discharges do not comply with the principles of radiation protection as defined by the competent international organizations, taking into account the protection of the marine environment].**
 - 8. Biocides and their derivatives.**
 - 9. Pathogenic microorganisms and algal toxins which could result from eutrophication.**
 - 10. Crude oils and hydrocarbons of petroleum origin.**
 - 11. Cyanides and fluorides.**
 - 12. Non-biodegradable detergents and other surface-active substances.**
 - 13. Compounds of nitrogen and phosphorus.**
 - 14. Persistent synthetic materials which may float, sink or remain in suspension and which may interfere with any legitimate use of the sea.**
 - 15. Any other substance or group of substances having any characteristics listed in section B of this annex.**

¹ With the exception of those which are biologically harmless or which are rapidly converted into biologically harmless substances.

Delete annex II and Modify the existing annex III (new annex II) as follows:

ANNEX II

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

A. CHARACTERISTICS AND COMPOSITION OF THE WASTE

Points 1. to 5. remain unchanged.

6. Concentrations with respect to **categories of** substances listed in annex I, and other substances as appropriate.

Point 7, Sections B, C, D, and E remain unchanged.

Modify the existing annex IV (new annex III) as follows:

ANNEX III

This annex ... (unchanged)

1. unchanged
2. unchanged
3. In the case of pollution of the Protocol Area from land-based sources through the atmosphere, the provisions of articles 5 and 6 to this Protocol shall apply progressively to appropriate substances and sources listed in **annex I** to this Protocol as will be agreed by the Parties.
4. unchanged
5. The provisions of **annex II** to this Protocol shall apply to pollution through the atmosphere whenever appropriate. Air pollution monitoring and modelling using acceptable common emission factors and methodologies, shall be carried out in the assessment of atmospheric deposition of substances, as well as in the compilation of inventories of quantities and rates of pollutant emissions into the atmosphere from land-based sources.
6. unchanged