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Conference of Plenipotentiaries of the
Coastal States of the Mediterranean
Region on the Protection of the
Mediterranean Sea (convened by UNEP)
Barcelona, 2-16 February 1976

NOTE OF THE EXECUTIVE DIRECTOR

It may be recalled that the Deputy Executive Director invited in a letter dated 2 December 1975 the Coastal States of the Mediterranean Region to nominate experts to attend a meeting to advise the Executive Director on the organization and the outstanding issues of the Conference of Plenipotentiaries of the Coastal States of the Mediterranean Region on the Protection of the Mediterranean Sea. This meeting of experts was held in Geneva from 7 to 9 January 1976. Based on the advice which he received by the experts at the meeting, the Executive Director has taken the following actions:

1. The Draft Rules of Procedure have been revised and reissued as document UNEP/CONF.1/6/REV.1.
2. The Provisional Agenda has been revised and reissued as document UNEP/CONF.1/7/Rev.1. The suggested time-table of meetings has been included in this document. After discussing the provisional agenda and the time-table of meetings, it was agreed that the Conference would need to be extended through Monday, 16 February 1976, as proposed in the letter of invitation to Governments from the Deputy Executive Director dated 19 November 1975. Therefore, all documents and revisions issued after the meeting of experts reflect the Conference dates as 2 to 16 February 1976.
3. Possible alternative texts for a number of provisions of the draft Convention and Protocols, which were suggested at the meeting, are attached herewith for the information of the delegates attending the Conference of Plenipotentiaries. Delegates may wish to take these alternative texts into consideration when examining conference documents UNEP/CONF.1/3, UNEP/CONF.1/4, and UNEP/CONF.1/5.

REVISED FINAL CLAUSES - INFORMAL CONSENSUS

(new wording within existing paragraphs underline a)

Draft Convention for the Protection of the Marine Environment Against Pollution in the Mediterranean

Article 2

Definitions

- paragraph 1 "Pollution" should be in quotation marks
- paragraph 2 Delete the brackets and retain the text; insert at beginning of first sentence, "For the purpose of the Convention"

Article 3

General Obligations

- paragraph 3 After "marine environment" insert "in the Mediterranean Sea Area"
- paragraph 4 Delete the brackets and retain the text

Article 15

Amendment of the Convention or Protocols

1. Any Contracting Party to this Convention may propose amendments to the Convention. Amendments shall be adopted by a diplomatic conference which shall be convened by the Organization at the request of two thirds of the Contracting Parties.
2. Any Contracting Party to this Convention [or the Organization] may propose amendments to any Protocol. Such amendments shall be adopted by a diplomatic conference which shall be convened by the Organization at the request of two thirds of the Contracting Parties to the Protocol concerned.
3. Amendments to this Convention shall be adopted by a two thirds majority vote of the Contracting Parties to the Convention which are represented at the diplomatic conference, and shall be submitted by the Organization for acceptance by all Contracting Parties to the Convention. Amendments to any Protocol shall be adopted by a two thirds majority vote of the Contracting Parties to such Protocol which are represented at the diplomatic conference, and shall be submitted by the Organization for acceptance by all Contracting Parties to such Protocol.
4. Acceptance of amendments shall be given by written notification to the Depository. Amendments adopted in accordance with paragraph 3 of this Article shall enter into force between Contracting Parties having accepted such amendments on the thirtieth day following the deposit of acceptance by at least two thirds of the Contracting Parties to this Convention or to the Protocol concerned, as the case may be.

5. Any State which becomes a Contracting Party to this Convention or to a Protocol after the entry into force of an amendment to this Convention or to the Protocol concerned, shall be considered as a Contracting Party to the instrument as amended.

Article 16

Annexes and amendments of Annexes

1. Annexes to this Convention or to any Protocol shall form an integral part of the Convention or such Protocol, as the case may be.

2. Except as may be otherwise provided in any Protocol, the following procedure shall apply to the adoption and entry into force of any amendment to annexes of this Convention or of any Protocol with the exception of Amendments to the Annex on arbitration.

(i) Any Contracting Party [or the Organization] may propose amendments to the annexes of this Convention or of Protocols at the meetings referred to in Article 13;

(ii) Such amendments shall be adopted by a majority vote of the Contracting Parties concerned;

(iii) The Organization shall without delay communicate the amendments so adopted to all Contracting Parties;

(iv) Any Contracting Party that is unable to approve an amendment to the annexes of this Convention or of any Protocol shall notify in writing the Organization within a period determined by the Contracting Parties concerned;

(v) The Organization shall without delay notify all Contracting Parties of any notification received pursuant to sub-paragraph (iv) above;

(vi) On the expiry of the period referred to in sub-paragraph (iv) above, the amendment to the annex shall become effective for all Contracting Parties to this Convention or to the Protocol concerned which have not submitted notification in accordance with the provisions of that sub-paragraph.

3. The adoption and entry into force of a new annex to this Convention or to any Protocol shall be subject to the same procedure as for the adoption and entry into force of an amendment to an annex pursuant to the provisions of paragraph 2 of this Article, provided that no amendment to the Convention or the Protocol concerned is required.

4. Amendments to the annex on arbitration shall be considered to be amendments to this Convention and shall be proposed and adopted in accordance with the procedures set out in Article 15 above.

Article 17

Rules of Procedure and Financial Rules

1. The Contracting Parties shall adopt Rules of Procedure for their meetings and conferences envisaged in Articles 13, 14 and 15.
2. The Contracting Parties shall adopt Financial Rules, in consultation with the Organization, to determine, in particular, the financial participation of Contracting Parties.

Article 18

Reports

Each Contracting Party shall transmit to the Organization reports on the measures adopted in implementation of this Convention and of Protocols to which it is a Party, in such form and at such intervals as the meetings of Contracting Parties may determine.

Article 20 bis (based on Article 21 paragraph 1 and Article 24 of existing text)

Relationship between the Convention and Protocols

1. No one may become a Contracting Party to this Convention unless it becomes at the same time a Contracting Party to at least one of the Protocols. No one may become a Contracting Party to a Protocol unless it is, or becomes at the same time, a Contracting Party to this Convention.
2. Any Protocol to this Convention shall be binding only on those which are Contracting Parties to it.
3. Decisions concerning Protocols pursuant to Articles 13, 15 and 16, shall be taken only by the Parties to the Protocol concerned.

Article 21

Signature

Alternative A

[This Convention, the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft, and the Protocol for Co-operation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency shall be open for signature in Barcelona on 16 February 1976, and in Madrid from 17 February 1976 to by any coastal state of the Mediterranean region, and by any other state entitled to sign any Protocol in accordance with the provisions of such Protocol.]

Article B

[This Convention, the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft, and the Protocol for Co-operation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency shall be open for signature in Barcelona on 16 February 1976 and in Madrid from 17 February 1976 to by any state invited as a participant in the Conference of Plenipotentiaries of the Coastal States of the Mediterranean Region on the Protection of the Mediterranean Sea held in Barcelona from 2 to 16 February 1976, and by any other state entitled to sign any Protocol in accordance with the provisions of such Protocol.]

Article 22A

Ratification, Acceptance or Approval

This Convention and any Protocol thereto shall be subject to ratification, acceptance, or approval. Instruments of ratification, acceptance or approval shall be deposited with hereinafter referred to as the Depositary.

Article 22B

Accession

1. After the present Convention, the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft, and the Protocol for Co-operation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency shall be open for accession by States referred to in Article 21.

2. After the entry into force of the Convention and of any Protocol, any State not referred to in Article 21 may accede to this Convention and to any Protocol subject to prior approval by majority of the Contracting Parties to the Protocol concerned.

3. Instruments of accession shall be deposited with the Depositary.

Article 22C

Entry into Force

1. This Convention shall enter into force on the same date as the first Protocol entering into force.

[2. The Convention shall also enter into force with regard to States having complied with the formal requirements for becoming Contracting Parties to any other Protocol not yet entered into force.]

3. Any Protocol to this Convention, except as otherwise provided in such Protocol, shall enter into force on the thirtieth day following the date of deposit of at least..... instruments of ratification, acceptance, approval of, or accession to such Protocol.

4. For each party ratifying, accepting, or approving this Convention and any Protocol or acceding to them after the deposit of the instruments of ratification, approval, acceptance or accession, this Convention and any Protocol shall enter into force on the thirtieth day after the date of deposit of that party of its instrument of ratification, acceptance, approval or accession.

Article 24

deleted

Article 25

Responsibilities of Depositary

It should be noted that references to preceding articles will have to correspond to the new numbering of Articles. If all of the above possible alternative texts were accepted, the numbering would need to be adjusted as follows:

Alternative final Article Number	New final Article Number
20 bis	21
21	22
22A	23
22B	24
22C	25
23	26
24	-
25	27

Draft Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping
from Ships and Aircraft

Preamble

Paragraph 1

THE CONTRACTING PARTIES TO THE PRESENT PROTOCOL, (hereinafter referred to as
"the Parties")

Paragraph 5

BEARING IN MIND the London Convention on the prevention of marine pollution by
dumping of wastes and other matter, 1972;

Article 14 should become Article 15

Article 15 should become Article 14

Draft Protocol on Co-operation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency

Preamble

paragraph 1

THE CONTRACTING PARTIES TO THE PRESENT PROTOCOL, (hereinafter referred to as "the Parties")

Article 1

This Protocol shall apply whenever there is a grave and imminent danger to the marine environment, the coast or related interests of one or more Parties to this Protocol due to the presence of massive quantities of oil or other harmful substances resulting from accidental causes or an accumulation of small discharges which are polluting or threatening to pollute the sea within the area defined in Article 1 of the Convention for the Protection of the Marine Environment against Pollution in the Mediterranean (hereinafter referred to as "the Convention").

Article 8

1. unchanged

2. unchanged

3. [In cases of emergency,] such reports shall be communicated by the most rapid means, directly to the Parties and to the regional [or sub-regional] centre, which shall be responsible for its dissemination.

Article 11

1. Any Party requiring assistance for combating pollution by oil or other harmful substances polluting or threatening to pollute its coasts may call for assistance from the other Parties, either directly or through the intermediary of the regional [or sub-regional] centre referred to in Article 6 above, starting with the Parties which appear likely to be affected by the pollution. This assistance may comprise, in particular, expert advice and the supply to or placing at the disposal of the Party concerned of products, equipment and nautical facilities. Parties shall use their best endeavours to render assistance requested of them in accordance with this Article.

Alternative A

2. Where the Parties engaged in an operation to combat pollution cannot agree on the organization of the operation, the regional [or sub-regional] centre referred to in Article 6 above, may with their approval co-ordinate the activity of the facilities put into operation by these Parties.

Alternative B

2. Where the Parties which have agreed to undertake such an operation through the regional [or sub-regional] centre so agree, the regional [or sub-regional] centre may co-ordinate the activity of the facilities put into operation by these Parties.

Article 12 should become Article 13

Article 13 should become Article 12