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MEDITERRANEAN ACTION PLAN

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PROGRESS REPORT ON THE IMPLEMENTATION OF THE PROTOCOL
FOR THE PREVENTION OF POLLUTION OF THE MEDITERRANEAN SEA
BY DUMPING FROM SHIPS AND AIRCRAFT

UNEP

Athens, 1986

1. The Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft entered into force on 12 February 1978 and has been ratified by all Contracting Parties.
2. The implementation of the Protocol was a subject of discussion at the Fourth Ordinary Meeting of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea against Pollution and its Related Protocols (Genoa, 9-13 September 1985) and relevant recommendations (UNEP/IG.56/5, pp. 32-36) are reproduced in the Annex to this document.
3. Since the Third Meeting of the Working Group (27-31 May 1985) the secretariat did not receive any information from the Contracting Parties on the designation of "competent authorities".
4. Since the Third Meeting of the Working Group the secretariat did not receive any information from the Contracting Parties on experts and institutions capable of providing technical assistance on matters of dumping of wastes at sea and on alternative methods for waste disposal.
5. Since the Third Meeting of the Working Group the secretariat received one report from one Contracting Party on one Special and General Dumping Permit issued as well as one annual report for 1985 from one Contracting Party on dumping activities.
6. The secretariat did not receive any "nil report" from any of the Contracting Parties when no dumping has taken place in 1985.

RECOMMENDATIONS

7. The Contracting Parties should without delay implement the recommendations of the Fourth Ordinary Meeting of the Contracting Parties, in particular:
 - a. to designate "competent authority", in accordance with article 10 of the Protocol;
 - b. to inform the secretariat on experts and institutions capable of providing technical assistance on matters of dumping of wastes at sea and on alternative methods for waste disposal;
 - c. to transmit to the secretariat "nil reports" when no dumping permits were issued and no dumping has taken place during the period for which reports on permits issued and on actual dumping have to be submitted.

A N N E X

TECHNICAL IMPLEMENTATION OF THE DUMPING PROTOCOL

(1) Administrative matters.

- (a) The Contracting Parties which have not yet done so should designate without delay "competent authorities", in accordance with article 10 of the Protocol.
- (b) On the basis of information provided by the Contracting Parties, the Secretariat should prepare and circulate a roster of experts and institutions capable of providing technical assistance on matters of dumping of wastes at sea and on alternative methods for waste disposal.

(2) Reporting and notification.

- (a) Reports transmitted by the Contracting Parties to the Secretariat in accordance with Article 20 of the Convention should include copies, or alternatively summaries, of legal or administrative rules referring to implementation of the Protocol. The Secretariat should prepare and circulate annual reports summarizing submissions made by the Contracting Parties.
- (b) The Contracting Parties concerned should transmit to the Secretariat "NIL reports" when no dumping permits were issued and no dumping has taken place during the period for which reports on permits issued and on actual dumping have to be submitted.
- (c) The Contracting Parties should amend the Provisional Prior Consultation Procedure adopted by the Second Meeting of the Contracting Parties so that its opening sentence would read: "The following procedure which does not apply to sewage sludge and dredge spoils is recommended ..." (appendix 1).

(3) Definitions of terms mentioned in annex I and criteria for application of article 5 of the Protocol.

- (a) The Contracting Parties should adopt, on a provisional basis, the definitions set forth in paragraphs 1(a) and 1(b) of appendix 2 for the terms "non toxic", "rapidly converted in the sea into substances which are biologically harmless", "rapidly rendered harmless by physical, chemical or biological processes in the sea" and, "trace contaminants" mentioned in annex I of the Protocol. The implication of these definitions should be taken into account when the Provisional Prior Consultation Procedure is applied.

- (b) The Contracting Parties should adopt, on a provisional basis, the definition set forth in paragraph 1(c) of appendix 2 for the expression "acid and alkaline compounds of such composition and in such quantity that they may seriously impair the quality of sea-water" mentioned in paragraph 8 of annex I of the Protocol. The Secretariat should develop and circulate practical guidelines for dumping of acid and alkaline compounds covered by annex II of the Protocol.
 - (c) The Contracting Parties should urge the International Atomic Energy Agency to complete its work on the definition of the de-minimis level of radioactivity for wastes and other matter of low-level radioactivity and to make it available for the Contracting Parties.
- (4) Monitoring and research.
- (a) The Contracting Parties concerned should include monitoring of critical dumping sites in their National Monitoring Programmes carried out within the framework of MED POL - PHASE II. Reports on the monitoring of dumping sites should be transmitted to the Secretariat in conjunction with the reports on the National Monitoring Programmes.
 - (b) The Contracting Parties concerned should encourage their national research institutions to initiate and conduct, within the framework of MED POL - PHASE II, research projects relevant to the implementation of the Protocol.
- (5) Relationships with other organizations.

The Contracting Parties should promote co-operation with the Secretariat and with other international organizations with regard to the exchange of scientific and technical information, on the prevention of marine pollution by dumping from ships and aircraft.

Appendix 1. Provisional prior consultation procedure

1. The following procedure is recommended to preclude misunderstandings between Parties in those instances where the terms "non-toxic", "rapidly converted" and "trace contaminants" (all three in annex I of the Protocol) are quoted to justify dumping.
2. If dumping of substances mentioned in annex I is being considered by a Party on the assumption that they are "non-toxic" or "rapidly converted", or appear only as "trace contaminants", the Organization shall be advised by the Party as soon as possible and no later than four months prior to the time of the envisaged dumping. Information concerning all the factors that are to be considered for the issuance of a permit (annex III of the Protocol) should be given. Where appropriate, an indication may be provided of the considerations that led to a rejection of land-based processing or storage. The Organization shall forward this information to the other Parties which may respond within one month.

3. If one of the Parties wishes to object against the proposed dumping, it must state within the period agreed upon why it considers dumping harmful, i.e. unpermissible. Alternative approaches to processing or storage of waste materials may be suggested. This response shall be sent to the Organization as well as to the Party that intends to resort to dumping. The Organization may be requested to distribute the comments among the other Parties. When requested by a Party the proposed dumping shall be postponed whenever possible, until the matter has been considered at a subsequent ordinary or extraordinary meeting of the Parties. Unless mutual agreement is reached to defer the matter to a subsequent meeting of the Parties or to handle the issue bilaterally, the Party which envisages dumping shall advise the other Parties through the Organization on the course of action that will be followed. This reply should be supported by arguments, in particular regarding why there would be a need to proceed with the dumping before the issue could be brought up at the next meeting of the Parties. This leaves open the possibility (stipulated by article 14 of the Protocol), to convene a special meeting of the Parties at the request of three Parties, possibly preceding the time set for dumping.

4. Where dumping has occurred without an agreement on the necessity of dumping or the way it has been carried out, the subject shall be brought up at the next meeting of the Parties. This leaves open the possibility (stipulated by article 14 of the Protocol), to convene a special meeting of the Parties at the request of three Parties, possibly preceding the time set for dumping.

5. The provisional procedure outlined above does not, of course, affect article 9 of the Protocol, dealing with critical situation of an exceptional nature.

6. The provisional procedure should not be construed as a substitute for further efforts to refine the definitions of the terms mentioned in paragraph 1 above. On the contrary, experience with this notification and consultation procedure may point the way towards an unambiguous interpretation of these terms.

Appendix 2. Provisional definitions of terms mentioned in annex I and provisional criteria for application of article 5 of the Protocol

1. Definitions of terms mentioned in annex I:

- (a) Annex I substances listed in paragraphs 1, 2 and 8 of annex I may be regarded as "non-toxic" or "rapidly converted in the sea into substances which are biologically harmless" or "rapidly rendered harmless by physical, chemical or biological processes in the sea" if tests of the wastes or other matter proposed for dumping, including tests on the persistence of the material, show that the substances can be dumped so as not to cause acute or chronic toxic effects or bioaccumulation in sensitive marine organisms typical of the ecosystem at the disposal site.

(b) Annex I substances listed in paragraphs 1-6 of annex I shall not be regarded as "trace contaminants" under the following three conditions:

- if they are present in otherwise acceptable wastes or other material to which they have been added for the purpose of being dumped;
- if they occur in such amounts that the dumping of the wastes or other material could cause undesirable effects, especially the possibility of chronic or acute toxic effects on marine organisms or human health whether or not arising from the bioaccumulation in marine organisms and especially in food species, and
- if they are present in such amounts that it is practical to reduce their concentration further by technical means.

(c) In the context of paragraph 8 of annex I, "acid and alkaline compounds of such composition and in such quantity that they may seriously impair the quality of sea-water" are acid and alkaline compounds that their dumping at sea may change the pH value of the receiving waters, after allowance for 5 minutes of initial mixing, by more than 2 pH units. All other acid and alkaline compounds may be regarded as substances covered by annex II.

2. Provisional criteria for application of article 5 of the Protocol, pending review by the Working Group for Scientific and Technical Co-operation.

The dumping of wastes and other matter containing the substances listed in paragraph 1 of annex II of the Protocol must be subject to the provision of article 5 of the Protocol only when these substances are contained in the wastes or other matter in significant concentrations. In this context, provisionally, the term "significant concentrations" shall mean 0.05 per cent or more by weight for lead and its compounds, for pesticides and their by-products not covered in annex I, and, for synthetic organic chemical other than those referred to in annex I, likely to produce harmful effects on marine organisms or to make edible marine organisms unpalatable. For all of the other substances listed in paragraph 1 of annex II the term "significant concentrations" shall mean 0.1 per cent or more by weight.