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Meeting of Technical Experts on the
Preliminary Draft Protocol for the
Protection of the Mediterranean Sea against
Pollution from Land-Based Sources

Geneva, 25-29 June 1979

REPORT OF THE MEETING OF TECHNICAL EXPERTS ON THE DRAFT PROTOCOL
FOR THE PROTECTION OF THE MEDITERRANEAN SEA
AGAINST POLLUTION FROM LAND-BASED SOURCES

GE.79-4765

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Introduction

1. At the Intergovernmental Review Meeting of Mediterranean Coastal States and First Meeting of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea against Pollution and its related protocols (Geneva, 5-10 February 1979), the Executive Director of UNEP was requested to assist the Mediterranean States and the FFC to continue their consultations on the preliminary draft protocol for the protection of the Mediterranean Sea against pollution from land-based sources by convening parallel meetings of technical and legal experts to resolve the outstanding difficulties which prevent a consensus from being reached on a final text. The secretariat was also requested to assist the negotiations by providing appropriate background material on land-based pollutants.^{1/}
2. Accordingly, the Executive Director convened two parallel meetings - one for legal experts and one for technical experts - at the World Health Organization headquarters in Geneva from 25 to 29 June 1979.

Attendance

3. Experts designated by the Governments of fourteen Mediterranean coastal States and the European Economic Community participated in the two parallel meetings.
4. Representatives from three United Nations bodies, three specialized agencies and the International Atomic Energy Agency, and two intergovernmental and non-governmental organizations attended the meetings as observers.
5. A complete list of participants is attached as attachment I to this report.

Agenda item 1. Joint opening of the meeting of legal experts and the meeting of technical experts

6. His Excellency, Ambassador R. Bach Baouab (Tunisia), opened the meetings in his capacity as President of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea against Pollution and its related protocols. In his opening statement, Ambassador Bach Baouab underlined the need for concerted regional action to protect the resources of the Mediterranean from pollution for future generations and to preserve the health of the present population from land-based pollutants in particular.

^{1/} UNEP/IG.14/9, Annex V, page 7, paragraph 31

7. Dr. B.H. Dieterich, Director, Division of Environmental Health, World Health Organization, (WHO), extended a welcome to all participants on behalf of Dr. H. Mahler, Director-General of WHO. Dr. Dieterich stated the great interest of WHO in the work being carried out with a view to controlling land-based pollution in the Mediterranean and expressed the organization's pleasure at being closely associated with the work on the preliminary draft protocol from the early preparatory stages.
8. Mr. P. S. Thacher, Deputy Executive Director of UNEP, welcomed the participants to the meetings on behalf of the Executive Director of UNEP, Dr. M. K. Tolba. Mr. Thacher expressed the gratitude of UNEP to WHO for hosting the meeting. He also thanked all the UN bodies and specialized agencies present for their very competent collaboration in providing technical information and documentation which should assist the experts in their discussions.

Agenda item 1(a). Rules of procedure

9. Since the meetings were convened by the Executive Director at the recommendation of the Contracting Parties^{2/} "to study problems which, because of their specialized nature could not fruitfully be discussed during the normal sittings of the Contracting Parties"^{3/}, the rules of procedure for meetings and conferences of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea against Pollution and its related protocols were adopted mutatis mutandis as provided for in Rule 49 of those rules.

Agenda item 1(b). Election of officers for the two meetings

10. The following officers were unanimously elected for the two meetings:

(1) Meeting of Legal Experts

| | |
|------------------------------|-------------------------------|
| <u>Chairman:</u> | Marcel SURBIGUFT (France) |
| <u>First Vice-Chairman:</u> | Joseph NAGGEAR (Lebanon) |
| <u>Second Vice-Chairman:</u> | Arnaldo V. DE MOHR (Italy) |
| <u>Rapporteur:</u> | Koray TARGAY (Turkey) |

^{2/} UNEP/IG.14/9, Annex V, Recommendation 31

^{3/} UNEP/IG.14/9, Annex VII, Rule 49 of the rules of procedure of the Contracting Parties.

(ii) Meeting of Technical Experts

| | |
|------------------------------|-------------------------------------|
| <u>Chairman:</u> | Louis J. SALIBA (Malta) |
| <u>First Vice-Chairman:</u> | Joaquin ROS (Spain) |
| <u>Second Vice-Chairman:</u> | Miltiadis VASSILOPOULOS (Greece) |
| <u>Rapporteur:</u> | Alain VATRICAN (Monaco) |

Agenda item 2. Adoption of agenda

11. The provisional agenda as circulated by the secretariat under symbol UNEP/WG.18/1 was adopted unanimously by the meeting. The agenda is attached as attachment II to this report.

Agenda item 3. Organization of the work of the meeting

12. It was agreed by the technical experts that the work of the meeting be carried out in plenary.

Agenda item 4. Introduction of documents prepared for the meeting

13. Dr. J. Huisman, Director of the International Register of Potentially Toxic Chemicals (IRPTC) of UNEP, presented the two volumes of document UNEP/WG.18/INF.6 entitled: "Data Profiles for Chemicals for the Evaluation of their Hazards to the Environment of the Mediterranean Sea" which has been published by the IRPTC (UNEP).
14. Prof. E. de Fraja Frangipane, Director of the Institute of Sanitary Engineering of the Polytechnic of Milan presented document UNEP/WG.18/INF.7 entitled: "Principles and Guidelines for the Discharge of Wastes into the Marine Environment" which has been published under the joint sponsorship of UNEP and WHO.
15. The Secretariat brought to the attention of the technical experts the meeting document UNEP/WG.17/INF.5 containing the comments provided by the delegation of Lebanon on the draft protocol and its technical annexes.
16. The technical experts extended their thanks to the authors of the above documents which ought to facilitate their task substantively. A complete list of documents is attached as attachment III to this report.

Agenda item 5. Review of technical annexes to preliminary draft protocol for the protection of the Mediterranean Sea against pollution from land-based sources

17. The technical experts then decided to proceed immediately with the study of the annexes to the preliminary draft protocol as set forth in document UNEP/WG.17/3. The technical annexes I, II and III were discussed in detail and a revised version was agreed upon which is presented as attachment IV to this report.
18. As concerns annex I, the expert designated by the Turkish Government expressed his reservation with respect to item 6 of part A, and one expert reserved his position on the sentence from part B "the discharge of such wastes shall be subject to the provisions of annexes II and III" and on its deletion.
19. As concerns annex II, the expert designated by the Turkish Government expressed his reservation with respect to item 4 of part A, and one expert reserved his position on items 12 and 13 of part A. The reservations expressed by the expert designated by the Turkish Government are attached as attachment V to this report.
20. As regards the substances or sources listed in the annexes I and II, the technical experts reiterated the implied understanding that each of those substances or sources have to be considered in all their forms and in particular in all forms of mixtures in which they may occur.
21. The expert designated by the Turkish Government considered it necessary to mention that the heading of annex III as approved does not make any distinction concerning the age of the installations.
22. One expert required clarification concerning the authorization of discharges into rivers upstream of the coastal zone. It was felt, however, that this case should be covered by the relevant article in the protocol itself and no specific provisions were envisaged for the protocol annexes.

Agenda item 6. Other business

23. At the present stage of the work, the technical experts were of the unanimous opinion that it was unnecessary for them to meet again before the adoption of the Protocol relevant to the Protection of the Mediterranean Sea against Pollution from Land-based Sources. Some editorial supervision may be needed to check the agreement of the wording of the articles in the protocol with the annexes.

24. The experts considered that the work relating to the determination of water quality criteria should be continued in conformity with the recommendation of the Intergovernmental Meeting, Geneva, February 1979 (UNEP/IG.14/9). Communication of the texts of the annexes examined by the meeting would facilitate the study and determination of these criteria.
25. The expert designated by the Government of Morocco expressed his regret for not having been able to participate in the meeting and therefore reserves, for the time being, his position in principle as regards the results of the meeting.

Agenda item 7. Adoption of report

26. The technical experts adopted the report of the meeting.

Agenda item 8. Joint closure of the meeting of technical experts and the meeting of legal experts

20. His Excellency, Ambassador Bach Baouab, presided over the joint closure of the two parallel meetings in his capacity as President of the Contracting Parties to the Barcelona Convention. After the Chairman of each meeting reviewed orally the work carried out by the meeting over which he presided, Mr. Thacher of UNEP congratulated the experts on the progress that they had achieved. The meetings were then declared closed by Ambassador Bach Baouab.

ATTACHMENT I

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ATTACHMENT II

A G E N D A

1. Joint opening of the meeting of technical experts and the meeting of legal experts.
 - (a) Rules of procedure.
 - (b) Election of officers for the two meetings.
2. Adoption of the agenda.
3. Organization of the work of the meeting.
4. Introduction of documents prepared for the meeting.
5. Review of technical annexes to the preliminary draft protocol for the protection of the Mediterranean Sea against pollution from land-based sources.
6. Other business.
7. Adoption of report.
8. Joint closure of the meeting of technical experts and the meeting of legal experts.

ATTACHMENT III

LIST OF DOCUMENTS BEFORE THE MEETING

A. Working Documents

| | |
|--------------|--|
| UNFP/WG.18/1 | Provisional Agenda |
| UNFP/WG.18/2 | Annotated Provisional Agenda |
| UNFP/WG.17/3 | Preliminary draft protocol for the protection of the Mediterranean Sea against pollution from land-based sources |

B. Information Documents

| | |
|------------------|---|
| UNFP/WG.18/INF.1 | List of documents |
| UNFP/WG.18/INF.2 | List of participants |
| UNFP/WG.17/INF.3 | Report of second Intergovernmental Consultation concerning a draft protocol for the protection of the Mediterranean Sea against pollution from land-based sources (Venice, 17-21 October 1977) (formerly issued as UNFP/IG.9/5) |
| UNFP/WG.18/INF.4 | Pollutants from Land-Based Sources in the Mediterranean (formerly issued as UNEP/IG.11/INF.5) |
| UNFP/WG.17/INF.5 | Comments submitted by delegation of Lebanon concerning the draft protocol for the protection of the Mediterranean Sea against pollution from land-based sources |
| UNFP/WG.18/INF.6 | Data profiles for chemicals for the evaluation of their hazards to the environment of the Mediterranean Sea |
| UNFP/WG.18/INF.7 | Principles and Guidelines for the discharge of wastes into the marine environment |

ATTACHMENT IV

PRELIMINARY DRAFT PROTOCOL FOR THE PROTECTION OF THE MEDITERRANEAN SEA
AGAINST POLLUTION FROM LAND-BASED SOURCES - ANNEX I

- A. The following substances, families and groups of substances are listed, not in order of priority, for the purposes of Article 5 of the Protocol. They have been selected mainly on the basis of their
- toxicity
 - persistence
 - bioaccumulation.
1. Organohalogen compounds and substances which may form such compounds in the marine environment. ^{1/}
 2. Organophosphorus compounds and substances which may form such compounds in the marine environment. ^{1/}
 3. Organotin compounds and substances which may form such compounds in the marine environment. ^{1/}
 4. Mercury and mercury compounds.
 5. Cadmium and cadmium compounds.
 6. Used lubricating oils.
 7. Persistent synthetic materials which may float, sink or remain in suspension and which may interfere with any legitimate use of the sea.
 8. Substances having proven carcinogenic, teratogenic or mutagenic properties in or through the marine environment.
 9. 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.
- B. The present annex does not apply to discharges which contain the substances referred to in Section A below the limits defined jointly by the Parties.

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

PRELIMINARY DRAFT PROTOCOL FOR THE PROTECTION OF THE MEDITERRANEAN SEA
AGAINST POLLUTION FROM LAND-BASED SOURCES - ANNEX II

A. The following substances, families and groups of substances, or sources of pollution, listed not in order of priority for the purpose of Article 6 of the Protocol, have been selected mainly on the basis of criteria used for Annex I, taking into account the fact that they are generally less noxious or are more readily rendered harmless by natural processes and therefore generally affect more limited coastal areas.

1. The following elements and their compounds:

| | | | |
|-------------|---------------|---------------|---------------|
| 1. zinc | 6. selenium | 11. tin | 16. vanadium |
| 2. copper | 7. arsenic | 12. barium | 17. cobalt |
| 3. nickel | 8. antimony | 13. beryllium | 18. thalium |
| 4. chromium | 9. molybdenum | 14. boron | 19. tellurium |
| 5. lead | 10. titanium | 15. uranium | 20. silver |

2. Biocides and their derivatives not covered in Annex I.
3. Organosilicon compounds and substances which may form such compounds in the marine environment excluding those which are biologically harmless or are rapidly converted into harmless substances.
4. Crude oils and hydrocarbons of all origins.
5. Cyanides and fluorides.
6. Non-biodegradable detergents and other surface-active substances.
7. Inorganic compounds of phosphorus and elemental phosphorus.
8. Pathogenic micro-organisms.
9. Thermal discharges.
10. Substances which have a deleterious effect on the taste and/or smell of products for human consumption derived from the aquatic environment, and compounds liable to give rise to such substances in the marine environment.
11. Substances which have, directly or indirectly, an adverse effect on the oxygen content of the marine environment, especially those which may cause eutrophication.
12. Acid or alkaline compounds of such composition and in such quantity that they may impair the quality of sea water.
13. Substances which, though of a non-toxic nature, may become harmful to the marine environment or may interfere with any legitimate use of the sea owing to the quantities in which they are discharged.

- B. The control and strict limitation of the discharge of substances referred to in Section A above should be implemented in accordance with Annex III.

PRELIMINARY DRAFT PROTOCOL FOR THE PROTECTION OF THE MEDITERRANEAN SEA
AGAINST POLLUTION FROM LAND-BASED SOURCES - ANNEX III

With a view to the issue of an authorization for the discharge of wastes containing substances referred to in Annex II or in Section B of Annex I, particular account will be taken, as the case may be, of the following factors:

A. Characteristics and composition of the waste

1. Type and size of waste source (industrial process, etc.).
2. Type of waste (origin, average composition).
3. Form of waste (solid, liquid, sludge, slurry).
4. Total amount (volume e.g. per year).
5. Discharge pattern (continuous, intermittent, seasonal variations, etc.).
6. Concentrations with respect to major constituents, substances listed in Annex I, substances listed in Annex II, and other substances as appropriate.
7. Physical, chemical and biochemical properties of the waste.

B. Characteristics of waste constituents with respect to their harmfulness

1. Persistence (physical, chemical, biological) in the marine environment.
2. Toxicity and other harmful effects.
3. Accumulation in biological materials or sediments.
4. Biochemical transformation rendering harmful compounds.
5. Adverse effects on the oxygen content and balance.
6. Susceptibility to physical, chemical and biochemical changes and interaction in the aquatic environment with other seawater constituents which may produce harmful biological or other effects on any of the uses listed in Section F below.

C. Characteristics of discharge site and receiving marine environment

1. Hydrographic, meteorological, geological and topographical characteristics of the coastal area.
2. Location and type of the discharge (outfall, canal, outlet, etc.) and its relation to other areas (e.g. amenity areas, spawning, nursery, and fishing areas, shellfish grounds) and other discharges.
3. Initial dilution achieved at the point of waste discharge into the receiving marine environment.
4. Dispersion characteristics such as effects of currents, tides and wind on horizontal transport and vertical mixing.
5. Receiving water characteristics with respect to physical, chemical, biological and ecological conditions in the discharge area.
6. Capacity of the receiving marine environment to receive waste discharges without undesirable effects.

D. Availability of waste technologies

The methods of waste reduction and discharge for industrial effluents as well as domestic sewage should be selected taking into account the availability and feasibility of :

- (a) alternative treatment processes;
- (b) re-use or elimination methods;
- (c) on-land disposal alternatives; and
- (d) appropriate low-waste technologies

F. Potential impairment of marine ecosystems and sea-water uses

1. Effects on human health through pollution impact on :
 - (a) edible marine organisms;
 - (b) bathing waters;
 - (c) aesthetics.
2. Effects on marine ecosystems, in particular living resources endangered species and critical habitats.
3. Effects on other legitimate uses of the sea.

ATTACHMENT V

Reservation on annex I/A.6 of the Protocol as provided
by the expert designated by the Turkish Government

Annex I substances have to include (black list substances) materials of persistence as well as toxic and bioaccumulating ones. The limitation of text of item A.6 to "used lubricating oils" only imposes a limitation on the whole content of text of annex I by the exclusion of a very large group of persistent materials. In the old version it was covering a larger group by the inclusion of "persistent mineral oils and persistent hydrocarbons". By the introduction of the quantitative definition of persistence on the basis of half life of the materials the difficulties may be solved on scientific basis. It is the desire of the Turkish expert to define persistent materials on their half life basis and include them in Annex I where they belong.

Reservation on annex II/A.4 of the Protocol as provided
by the expert designated by the Turkish Government

With the wording adopted from UNEP/WG.17/3, Annex II substances are regarded as "generally less noxious or are more readily rendered harmless by natural processes". The above-mentioned criteria do not correspond and cover a large group of substances such as persistent mineral oils and persistent hydrocarbons and item A.4 should exclude them. Their proper place is in Annex I.