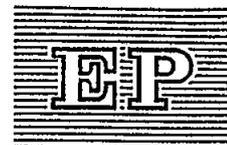




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Consultation of Experts on a Regional
Oil-Combating Centre

Malta, 15-19 September 1975

DRAFT PROTOCOL on
Co-operation in combating Pollution
of the Mediterranean Sea by Oil and Other Harmful Substances
in Cases of Emergency
(UNEP/WG.3/4)

This document is provided for the information of delegates. As referred to on paragraph 6 of the document entitled "Development of regional oil-combating Centre in the Mediterranean, (UNEP/WG.4/2) it forms the legal basis for providing effective regional arrangements for combating spillages of oil and other noxious substances resulting from accidents to ships.



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15 July 1975

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DRAFT PROTOCOL

Co-operation in combating Pollution
of the Mediterranean Sea by Oil and Other Harmful Substances
in Cases of Emergency

THE PARTIES TO THE PRESENT PROTOCOL,

BEING PARTIES to the Convention for the Protection of the Marine Environment against Pollution in the Mediterranean,

RECOGNIZING that grave pollution of the sea by oil and other harmful substances in the Mediterranean area involves a danger for the coastal States and the marine eco-system,

CONSIDERING that the active co-operation of all the coastal States of the Mediterranean is called for to combat this pollution,

BEARING IN MIND the International Convention for the Prevention of Pollution from Ships, 1973, the International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969, as well as the Protocol relating to Intervention on the High Seas in Cases of Marine Pollution by Substances other than Oil, 1973,

FURTHER TAKING INTO ACCOUNT the International Convention on Civil Liability for Oil Pollution Damage, 1969.

HAVE AGREED as follows :

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 Contracting Parties to this Protocol (hereinafter referred to as "the Parties") 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 2

For the purpose of the Protocol, the term "related interests" means the interests of a coastal State directly affected or threatened and concerning, inter alia, :

- activities in coastal waters, in ports or estuaries, including fishing activities;
- the touristic and historical appeal of the area in question;
- the health of the coastal populations;
- the preservation of living resources.

Article 3

The Parties shall endeavour to maintain and promote, either individually or through bilateral or multilateral co-operation, their facilities for combating pollution of the sea by oil and other harmful substances. These facilities shall include, in particular, equipment, ships, aircraft and manpower prepared for operations in cases of emergency.

Article 4

The Parties shall develop and apply, either individually or through bilateral or multilateral co-operation, monitoring activities covering the Mediterranean area, in order to have as precise information as possible on the situations referred to in Article 1 of this Protocol.

Article 5

In the case of release or loss overboard of harmful substances in packages, freight containers, portable tanks or road and rail tank wagons, the parties shall co-operate as far as practicable and possible in the salvage and recovery of such substances so as to minimize the danger of pollution of the marine environment.

Article 6

The Parties undertake to disseminate, either directly to other Parties or through a regional [or sub-regional] centre, information concerning :

- (a) the competent national organization or authorities responsible for combating pollution of the sea by oil and other harmful substances;

- (b) the competent national authorities responsible for receiving reports of pollution of the sea by oil and other harmful substances and for dealing with matters concerning measures of assistance between Parties;
- (c) new ways in which pollution of the sea by oil and other harmful substances may be avoided and new measures of combating pollution [including the development of related programmes].

Parties which have agreed to exchange information directly between themselves shall nevertheless communicate such information to the regional [or sub-regional] centre. The latter shall communicate this information to the other Parties [and on a basis of reciprocity, to coastal States which are not Parties to this Protocol].

Article 7

1. The Parties undertake to co-ordinate the utilization of the means of communication at their disposal in order to ensure, with the necessary speed and reliability, the reception, transmission and dissemination of all urgent reports and information relating to the occurrences and situations referred to in Article 1 above. The regional [or sub-regional] centre shall have the necessary means of communication to enable it to participate in this co-ordinated effort and, in particular, to fulfil the functions assigned to it by paragraph 2 of Article 11 of this Protocol.
2. The Parties undertake to encourage the adoption and operation of any communication system which will not only permit the reception, transmission and dissemination of the reports and information referred to in the above paragraph but will also constitute an aid to navigation and a means of preventing accidents, by closely combining the functions of location and communication.

Article 8

1. The Parties undertake to request the masters of ships flying their flags and pilots of aircraft registered in their countries to report, without delay, to their competent national authorities through the most rapid and adequate channels in the circumstances :

- (a) all accidents causing or likely to cause pollution of the sea by oil or other harmful substances;
 - (b) the presence characteristics and extent of spillages of oil or other harmful substances observed at sea which are likely to present a serious and imminent threat to the marine environment or to the coast or related interests of one or more Parties.
2. The reports should contain the information defined in Annex I to this Protocol.
 3. In cases of emergency, such reports shall be communicated by the most rapid means, either directly to the Parties or to the regional [or sub-regional] centre, which shall be responsible for its dissemination.

Article 9

1. Each Party undertakes to request masters of ships and pilots of aircraft, other than those referred to in Article 8, to report to it or to the regional [or sub-regional] centre without delay, on spillages or discharges of oil and other harmful substances observed at sea and to supply as far as possible information on the following : the time, position, wind and sea conditions and type extent and probable source of the spill observed.
2. The information so collected shall be communicated to the other Parties, with priority to those likely to be the first to be affected by the pollution, either by the Party which has received the information, where so agreed or by the regional [or sub-regional] centre.

Article 10

1. Any Party faced with a situation of the kind defined in Article 1 of this Protocol shall :
 - (a) make the necessary assessments of the nature and extent of the casualty or emergency or, as the case may be, of the type and approximate quantity of oil or other harmful substances and the direction and speed of drift of the spillage;

- (b) take every practicable measure to avoid or reduce the effects of pollution;
 - (c) immediately inform all other Parties, either directly or through the regional [^sor sub-regional] centre, of its assessments and of any action which it has taken or which it intends to take to combat the pollution;
 - (d) continue to observe the situation for as long as possible and report thereon in accordance with Articles 8 and 9 above.
2. Where action is taken to combat pollution originating from a ship, measures shall be taken to safeguard the persons present on board and, to the extent possible, the vessel itself.
 3. Any Party which takes action in accordance with paragraph 2 above shall inform the Inter-Governmental Maritime Consultative Organization.

Article 11

Alternative A

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 [^sor 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.
2. Where the Parties engaged in an operation to combat pollution cannot agree on the organization of the operation, the regional [^sor 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

1. Any Party requiring assistance for combating pollution, as defined in Article 1 of this Protocol, may call for assistance, through the regional [or sub-regional] centre, from the other Parties, starting with those which appear likely to be affected by the pollution. This assistance may consist of expert advice, and the supply to or placing at the disposal of the Party concerned of products, equipment and nautical facilities.
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 shall co-ordinate the activity of the facilities put into operation by these Parties.
3. Any Party may also approach other Parties directly for their assistance.
4. In the situations defined in paragraphs 1 and 3 above, the Parties from which assistance has been requested shall make every possible effort to render such assistance.

Article 12*

The provisions of Articles 12, 15, 16, 20, 21, 22, 23 and 25 of the Convention, and the Rules of Procedure and Financial Rules adopted pursuant to Article 17 of the Convention shall apply with regard to this Protocol, to the extent that they are not modified by it.

Article 13*

Meetings of the Parties

1. Ordinary meetings of the Parties to this Protocol shall be held in conjunction with ordinary meetings of the Contracting Parties, held pursuant to Article 13 of the Convention, to deal with matters related to this Protocol. The Parties to this Protocol may also hold extraordinary meetings as provided in the Rules of Procedure.

2. It shall be the function of the meetings of the Parties to this Protocol, in particular :
- (a) to keep under review the implementation of this Protocol, and to consider the efficacy of the measures adopted and the need for any other measures;
 - (b) to review and amend as required the Annex^[es] to this Protocol;
 - (c) to discharge such other functions as may be appropriate for implementation of this Protocol.

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Protocol.

Done at.....on (date).....
in a single copy in the.....languages,
each version being equally authoritative.



ANNEX

Contents of the Report
on Incidences causing or likely to
cause the discharge of harmful substances
(in application of Article 8 of the Protocol)

1. Each report shall contain in general :
 - (a) the identification of the source of pollution (identity of the ship, where appropriate);
 - (b) the geographic position, time and date of the occurrence of the incident;
 - (c) the wind and sea conditions prevailing at the time of the incident; and
 - (d) where the pollution originates from a ship, relevant details respecting the condition of the ship.
2. Each report shall contain, in particular :
 - (a) a clear indication or description of the harmful substances involved including, if possible, the correct technical names of such substances (trade names should not be used in place of the correct technical names);
 - (b) a statement or estimate of the quantities concentrations and likely conditions of harmful substances discharged or likely to be discharged into the sea;
 - (c) where relevant, a description of the packaging and identifying marks; and
 - (d) if possible the name of the consignor, consignee or manufacturer.
3. Each report shall clearly indicate whether the harmful substance discharged or likely to be discharged is oil, a noxious liquid substance, a noxious solid substance or a noxious gaseous substance and whether such substance was or is carried in bulk or contained

in packaged form, freight containers, portable tanks, or road and rail tank wagons.

4. Each report shall be supplemented as necessary by any other relevant information requested by a recipient of the report or which the person sending the report deems appropriate.
5. Any person who is obliged under the provisions of this Protocol to send a report shall when possible :
 - (a) supplement the initial report, as necessary with information concerning further developments; and
 - (b) comply as fully as possible with requests from affected States for additional information concerning the incident.