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MEDITERRANEAN ACTION PLAN

Ninth Ordinary Meeting of the Contracting
Parties to the Convention for the Protection
of the Mediterranean Sea against Pollution
and its Protocols

Barcelona, 5-8 June 1995

PROPOSED AMENDMENTS TO THE PROTOCOL FOR THE PREVENTION OF POLLUTION OF THE MEDITERRANEAN SEA BY DUMPING FROM SHIPS AND AIRCRAFT (DUMPING PROTOCOL)

INTRODUCTION

As a follow up to the decisions of the Eighth Ordinary Meeting of the Contracting Parties held in Antalya in October 1993 as well as the recommendation of the Bureau at their Meeting in Rabat in June 1994, the secretariat initiated the process of revision of the Barcelona Convention, the related Protocols and the Mediterranean Action Plan.

As a result, a meeting of government-designated experts, hosted by the government of Spain and the Generalitat of Catalunya, was organised in Barcelona from 14 to 18 November 1994 during which the amendments to the Convention, the Dumping Protocol, the Land-Based Sources Protocol and the Specially Protected Areas Protocol, proposed by the Contracting Parties and the Secretariat were examined and discussed (UNEP(OCA)/MED WG.82/4).

As a follow up to the decisions of the Meeting, and thanks to the financial offer received from the Government of Spain, another meeting of government-designated experts was convened in Barcelona from 7 to 11 February 1995 to examine new draft amendments to the Barcelona Convention, the Dumping Protocol and the Specially Protected Areas Protocol (UNEP(OCA)/MED WG.91/7).

As a result, the proposed amended texts to the Dumping Protocol included in the present document are those agreed upon by the above mentioned meetings and are submitted to the Ninth Ordinary Meeting of the Contracting Parties for approval and subsequently to the Conference of Plenipotentiaries, to be held in Barcelona on 9 and 10 June 1995, for formal adoption.

This document contains proposed amendments to the texts of the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft. The texts not included in this document remain unchanged.

Title

As amended:

PROTOCOL FOR THE PREVENTION AND ELIMINATION OF POLLUTION OF THE MEDITERRANEAN SEA BY DUMPING FROM SHIPS AND AIRCRAFT OR INCINERATION AT SEA

Preamble

Second indent as amended:

Recognizing the danger posed to the marine environment by the dumping or incineration of wastes or other matter,

Fourth indent as amended:

Bearing in mind that Chapter 17 of Agenda 21 of UNCED calls on the Contracting Parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter (London, 1972) to take the necessary measures to end dumping in the ocean and the incineration of hazardous substances,

Additional indent:

Taking into account Resolutions LC 49(16) and LC 50(16), approved by the 16th Consultative Meeting of the 1972 London Convention, which prohibit the dumping and incineration of industrial wastes at sea,

Article 1

As amended:

The Contracting Parties to this Protocol (hereinafter referred to as "the Parties") shall take all appropriate measures to prevent, abate and eliminate to the fullest extent possible pollution of the Mediterranean Sea caused by dumping or incineration from ships and aircraft.

Article 2

As amended:

The area to which this Protocol applies shall be the Mediterranean Sea Area as defined in Article 1 of the Convention for the Protection of the marine environment and the coastal region of the Mediterranean (hereinafter referred to as "the Convention").

Article 3

New paragraphs 3.(c) and 4.(bis):

- (c) Any deliberate disposal or storage and burial of wastes or other matter on the seabed or in the marine subsoil from ships or aircraft.
- 4(bis) "Incineration at sea" means the deliberate combustion of wastes or other matter in the maritime waters of the Mediterranean Sea, with the aim of thermal destruction and does not include activities incidental to the normal operations of ships or aircraft.

Article 4

As amended:

1. The dumping of wastes or other matter, with the exception of those listed in paragraph 2 of this Article, is prohibited.
2. The following is the list referred to in the preceding paragraph:
 - (a) dredged material;
 - (b) fish waste or organic materials resulting from the processing of fish and other marine organisms;
 - (c) vessels, until 31 December 2000;
 - (d) inert uncontaminated geological materials the chemical constituents of which are unlikely to be released into the marine environment.

Article 5

As amended:

The dumping of the wastes or other matter listed in Article 4.2 requires a prior special permit from the competent national authorities.

Article 6

As amended:

1. The permits referred to in Article 5 shall be issued only after careful consideration of the factors set forth in the Annex to this Protocol or the criteria, guidelines and relevant procedures adopted by the meeting of the Contracting Parties pursuant to paragraph 2. below:
2. The Contracting Parties shall draw up and adopt criteria, guidelines and procedures for the dumping of wastes or other matter listed in Article 4.2 so as to prevent, abate and eliminate pollution.

Article 7

As amended:

Incineration at sea is prohibited.

Article 9

As amended:

If a Party in a critical situation of an exceptional nature considers that wastes or other matter not listed in Article 4.2 of this Protocol cannot be disposed of on land without unacceptable danger or damage, above all for the safety of human life, the Party concerned shall forthwith consult the Organization. The Organization, after consulting the Parties to this Protocol, shall recommend methods of storage or the most satisfactory means of destruction or disposal under the prevailing circumstances. The Party shall inform the Organization of the steps adopted in pursuance of these recommendations. The Parties pledge themselves to assist one another in such situations.

Article 10

Paragraph 1.(a) as amended:

- (a) issue the permits provided for in Article 5;

Deletion of paragraph 1.(b)

Paragraph 2. as amended:

- 2. The competent authorities of each Party shall issue the permits provided for in Article 5 in respect of the wastes or other matter intended for dumping:

Article 11

Deletion of paragraph 2.

Article 14

Paragraph 3. as amended:

- 3. The adoption of amendments to the Annex to this Protocol pursuant to article 17 of the Convention shall require a three-fourths majority vote of the Parties.

ANNEX I

Deletion of Annex I.

ANNEX II

Deletion of Annex II.

ANNEX III

As amended:

ANNEX

The factors to be considered in establishing criteria governing the issue of permits for the dumping of matter at sea taking into account article 6 include:

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