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MEDITERRANEAN ACTION PLAN

Meeting of Legal and Technical Experts
to examine amendments to the Protocol for
the Protection of the Mediterranean Sea
against Pollution from Land-Based Sources

Syracusa, Italy, 4-6 May 1995

PROPOSED AMENDMENTS TO THE PROTOCOL FOR THE PROTECTION OF THE MEDITERRANEAN SEA AGAINST POLLUTION FROM LAND-BASED SOURCES

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, 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. A brief discussion on the future Mediterranean Action Plan was also held during the meeting (UNEP(OCA)/MED WG.82/4).

As a follow up to the decisions of this Meeting, a second meeting was convened to examine new draft amendments to the Barcelona Convention, the Dumping Protocol and the Specially Protected Areas Protocol in Barcelona from 7 to 11 February 1995 thanks to the financial offer received from the Government of Spain.

Considering that the Meeting held in Barcelona in November 1994 did not discuss in detail the amendments to the Land-based Sources Protocol because of lack of time, the Government of Italy together with the Region of Sicily offered to host the present Meeting to further the discussion and to enable the secretariat to advance on the process of amending the Land-based Sources Protocol so that the results could be brought to the attention of the Contracting Parties Meeting to be convened in June 1995.

The amendments to the texts of the Protocol appearing in the present document include those proposed by individual Contracting Parties as well as those proposed by the secretariat. In formulating the proposals contained in this document, the secretariat took into account the provisions of the Agenda 21 of UNCED and the work being carried out at the global level for the preparation of the Global Programme of Action to Protect the Marine Environment from Land-Based Activities to be adopted at the Meeting which will take place in Washington D.C. from 23 October to 3 November 1995.

AMENDMENTS TO THE PROTOCOL FOR THE PROTECTION OF THE MEDITERRANEAN SEA AGAINST POLLUTION FROM LAND-BASED SOURCES

Title

Proposal by the Secretariat:

Modify the title as follows:

PROTOCOL FOR THE PROTECTION OF THE MEDITERRANEAN SEA AGAINST POLLUTION FROM LAND-BASED SOURCES AND ACTIVITIES

Preamble

Proposal by Italy:

Modify the preamble as follows:

The Contracting Parties to the present Protocol,

Being Parties to the Convention for the Protection of the Mediterranean Sea against Pollution, adopted at Barcelona on 16 February 1976 and amended on

Desirous ... (unchanged)

Noting the increasing **environmental impacts resulting from** human activities in the Mediterranean Sea Area, particularly in the fields of industrialization and urbanization, as well as the seasonal increase in the coastal population due to tourism,

Recognizing the danger posed to the marine environment and to human health by pollution from land-based sources and the serious problems resulting therefrom in many coastal waters and river estuaries of the Mediterranean Sea, primarily due to **inputs of toxic, persistent and biocumulative substances,**

Committed to the effective implementation of the precautionary principle with a view to eliminate pollution from land-based sources,

Recognizing ... (unchanged)

Determined ... (unchanged)

Have agreed as follows:

Proposal by the Secretariat:

Modify the preamble as follows:

The Contracting Parties to the present Protocol,

Being Parties ... (unchanged)

Desirous ... (unchanged)

Noting the ... (unchanged)

Taking account of the precautionary principle and the polluter pays principle, and applying the environmental impact assessment, best available techniques and best environmental practices, as provided in Article 4 of the Convention,

Recognizing the danger posed to the marine environment, **the living resources** and human health by pollution from land-based sources and activities and the serious problems resulting therefrom in many coastal waters and river estuaries of the Mediterranean Sea, primarily due to the release of untreated, insufficiently treated or inadequately disposed of domestic or industrial discharges,

Recognizing ... (unchanged)

Determined to take in close cooperation the necessary measures to protect the Mediterranean Sea against pollution from land-based sources and activities,

Have agreed as follows:

Article 1

Proposal by Italy:

Modify the article as follows:

The Contracting Parties to this Protocol (hereinafter referred to as "the Parties") shall take all appropriate measures to prevent, abate, combat and eliminate pollution of the Mediterranean Sea Area caused by the discharges from rivers, coastal establishment or outfalls, or emanating from any other land-based sources within their territories, **with priority given to the elimination of inputs of toxic, persistent and biocumulative substances.**

Proposal by the Secretariat:

Modify the article as follows:

The Contracting Parties to this Protocol (hereinafter referred to as "the Parties") shall take all appropriate measures to prevent, abate, combat and eliminate pollution of the Mediterranean Sea Area caused by discharges from rivers, coastal establishments or outfalls, or emanating from any other land-based sources and activities within their territories.

Article 2

Proposal by Italy:

Modify the article as follows:

For the purposes of this Protocol:

- (a) "The Convention" means the Convention for the Protection of the Mediterranean Sea against Pollution, adopted at Barcelona on 16 February 1976 and amended on;
- (b) "Organization" means ... (unchanged)
- (c) The "Hydrographic Basin" means the entire catchment area of the rivers flowing into the Mediterranean area as defined by article 1 of the Convention.

Proposal by Malta:

The following definition shall be added after the definition of the expression "freshwater limit" in Article 2 of the Protocol For The Protection of the Mediterranean Sea Against Pollution From Land-Based Sources:

- (d) "Pollution from land-based sources" means pollution of the sea by point or diffuse inputs from all sources on land reaching the sea waterborne, airborne, or directly from the coast and includes pollution from any deliberate disposal under the seabed with access from land by tunnel, pipeline, or other means.

Article 3

Proposal by Italy:

Modify the article as follows:

The area to which this Protocol applies (hereinafter referred to as the "Protocol Area") shall be:

- (a) The polluting ... (unchanged)
- (b) The hydrographic basin of the Mediterranean Sea Area.
- (c) Waters on the landward side of the baseline from which the breadth of the territorial sea is measured and extending.
- (d) Saltwater marshes communicating with the sea.

Article 4

Proposal by Italy:

Modify the article as follows:

- 1. This Protocol shall apply:
 - (a) To discharges reaching the Protocol Area from land-based sources, in particular from outfalls discharging into the sea, or through coastal disposal, rivers, canals and other watercourses, including underground watercourses, or through run-off;
 - (b) To inputs from land-based sources transported by the atmosphere.
- 2. This Protocol shall apply to discharges from fixed man-made offshore structures etc.

Proposal by the Secretariat:

Modify the article as follows:

- 1. This Protocol shall apply:
 - (a) To discharges reaching the Protocol Area from land-based point and diffuse sources and activities through coastal disposal, rivers, canals or other watercourses, including underground watercourses, or through run-off and

disposal under the seabed with access from land by tunnel, pipeline, or other means;

(b) To inputs from land-based sources or activities transported by the atmosphere, under conditions defined in Annex III to this Protocol.

2. This Protocol ... (unchanged)

Article 5

Proposal by Italy:

Modify the article as follows:

1. The Parties undertake to eliminate by the year 2005, in the Protocol Area, toxic, persistent and biocumulative inputs from land-based sources by substances listed in Annex I to this Protocol.

2. To this ... (unchanged)

3. These programmes and measures shall include, in particular, transition plans and implementation timetables to eliminate the inputs of contaminants into the Protocol Area.

4. The transition plans and implementation timetables aimed at eliminating the inputs of contaminants should be periodically reviewed, if necessary every year, for each of the substances listed in Annex I, in accordance with the provisions of article 15 of this Protocol.

Proposal by the Secretariat:

Replace the existing text of article 5 with the following text:

1. The Parties shall prevent, reduce or, as appropriate, eliminate inputs into the Protocol Area from land-based point and diffuse sources and activities applying the elements given in Annex I. To this end, they shall elaborate and implement, jointly or individually, as appropriate, the necessary national and regional programmes, measures and action plans.

2. Priorities and time-tables for the implementation of programmes, measures and action plans aimed at eliminating inputs from land-based sources and activities, shall be adopted by the Parties applying the elements given in Annex I, and periodically reviewed.

3. The Contracting Parties shall take preventive measures to minimize the risk of pollution caused by accidents.

Article 6

Proposal by the Secretariat:

Replace the existing text of article 6 with the following text:

1. Point source discharges to the maritime area, and releases into water or air which reach and may affect the maritime area, shall be strictly subject to authorization or regulation by the competent authorities of the Parties, taking due account of the provisions of Annex II to this Protocol. Such authorization or regulation shall, in particular, implement relevant decisions of the Contracting Parties.
2. The Parties shall provide for a system of inspection by their competent authorities to assess compliance with authorization and regulations of releases into water or sea.
3. The Parties shall be assisted by the Organisation, upon request, in establishing new, or strengthening existing, competent authorities for inspection of compliance with authorizations and regulations of releases into water or sea. Such assistance shall include training of personnel.
4. The Parties shall consider establishing appropriate sanctions in case of non-compliance.

Article 7

Proposal by Italy:

Modify the article as follows:

1. (a) to (d) remain unchanged.
(e) Specific requirements concerning the quantities of the substances listed in Annex II discharged, their concentration in effluents and methods of discharging them.
2. Such common guidelines, standards and criteria shall take into account local ecological, geographical and physical characteristics, the economic capacity of the Parties, and the level of existing pollution.
3. The programmes and measures referred to in articles 5 and 6 shall be adopted by taking into account, for their progressive implementation, the need to adapt and reconvert existing and future installations.

Proposal by the Secretariat:

Modify the article as follows:

1. (a) to (d) remain unchanged.
- (e) Specific requirements concerning the quantities of the substances listed in **Annex I** discharged, their concentration in effluents and methods of discharging them.
2. Without prejudice ... (unchanged)
3. The programmes, measures and action plans referred to in article 5 shall be adopted by taking into account, for their progressive implementation, the capacity to adapt and reconvert existing installations, the economic capacity of the Parties and their need for development.

Article 8

Proposal by Italy:

Modify the article as follows:

Within the framework ... (unchanged)

- (a) Systematically ... (unchanged)
- (b) To evaluate the effects of measures taken under this Protocol to **eliminate** pollution of the marine environment.

Proposal by the Secretariat:

Modify the article as follows:

Within the framework ... (unchanged)

- (a) Systematically to assess, as far as possible, the levels of pollution along their coasts, in particular with regard to the **sectors of economic activities, public utilities, and categories of substances or sources listed in Annex I**, and periodically to provide information in this respect;
- (b) To evaluate the effects of **programmes, measures and action plans implemented** under this Protocol to **eliminate** pollution of the marine environment.

Article 9

Proposal by Italy:

Modify the article as follows:

In conformity with article 11 of the Convention, the Parties shall **cooperate** in scientific and technological fields related to pollution from land-based sources, particularly research on inputs, pathways and effects of pollutants and on the development of **clean production processes for their reduction and elimination**. To this end the Parties shall, in particular:

(a) and (b) remain unchanged.

Proposal by the Secretariat:

Modify the article as follows:

In conformity with article 11 of the Convention, the Parties shall **cooperate** in scientific and technological fields related to pollution from land-based sources **and activities**, particularly research on inputs, pathways and effects of pollutants and on the development of new methods for their treatment, reduction or elimination. To this end the Parties shall, in particular, endeavour to:

(a) and (b) remain unchanged.

Article 10

Proposal by Italy:

Modify the article as follows:

1. The Parties shall ... (unchanged)
2. Technical assistance would include, in particular, the training of scientific and technical personnel, as well as the acquisition, utilization and production by those countries of appropriate equipment, **including clean production technologies**, on advantageous terms to be agreed upon among the Parties concerned.

Proposal by the Secretariat:

Modify the article as follows:

1. The Parties shall, directly or with the assistance of competent regional or other international organizations or bilaterally, cooperate with a view to formulating and,

as far as possible, implementing programmes of assistance to developing countries, particularly in the fields of science, education and technology, with a view to **preventing, reducing or, as appropriate, eliminating inputs from land-based sources and activities and their harmful effects in the marine environment.**

2. Technical assistance ... (unchanged)

Article 13

Proposal by the Secretariat:

Modify the article as follows:

1. The Parties shall inform one another through **annual national reports submitted** to the Organization of measures taken, of results achieved and, if the case arises, of difficulties encountered in the application of this Protocol. Procedures for the collection and submission of such information shall be determined at the meetings of the Parties.

2. Such reports shall include, *inter alia*:

(a) to (c) remain unchanged.

(d) **Programmes, measures and action plans implemented in accordance with articles 5 and 7 of this Protocol.**

Article 14

Proposal by the Secretariat:

Modify the article as follows:

1. Ordinary meetings ... (unchanged)

2. The functions ... (unchanged)

(a) To keep under review the implementation of this Protocol and to consider the efficacy of the **programmes, measures and action plans adopted;**

(b) To revise ... (unchanged)

(c) To formulate and adopt programmes and measures in accordance with articles **5, and 15** of this Protocol;

(d), (e), (f) and (g) remain unchanged.

Article 15

Proposal by the Secretariat:

Modify the article as follows:

1. The meeting of the Parties shall adopt, by a two-thirds majority, the programmes, measures and action plans for the prevention, reduction or, as appropriate, elimination of inputs from land-based sources and activities which are provided for in article 5 of this Protocol.
2. The Parties which are not able to accept a programme, measures or action plans shall inform the meeting of the Parties of the action they intend to take as regards the programme, measures or action plans concerned, it being understood that these Parties may, at any time, give their consent to the programme, measures or action plans that have been adopted.

Proposal by Italy:

(Annex I and II should be combined into a new Annex I)

ANNEX I

Annex I - A:

Change paragraph A as follows:

Paragraph 1 to 8 remain unchanged.

9. Radioactive substances, including their waste

Add under A:

10. The following elements and their compounds: .
zinc, copper, nickel, chromium, lead, selenium, arsenic, antimony,
molybdenum, titanium, tin, barium, beryllium, boron, uranium, vanadium,
cobalt, thallium, tellurium, silver.
11. Biocides and their derivatives.
12. Crude oils and hydrocarbons of any origin.
13. Cyanides and fluorides.
14. Non-biodegradable detergents and other surface-active substances.
15. 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.
16. Acid or alkaline compounds of such composition and in such quantity that
they may impair the quality of sea-water.

Replace B with:

The present Annex apply also to 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.

NEW ANNEX II

The following substances, families of substances and groups substances, listed not in order of priority for the purposes of Article 6 of this Protocol, have been selected taking into account the fact that they may exert ecologically harmful effects due to their chemical reactivity or their ability to perturb natural physical/chemical balances.

1. Inorganic compounds of phosphorus and elemental phosphorus.
 2. Thermal discharges.
 3. Substances which have directly, or indirectly, an adverse effect on the oxygen content of the marine environment, especially those which may cause eutrophication.
 4. Acid or alkaline compounds not covered in Annex I that may impair the quality of water.
 5. Pathogenic micro-organisms.
 6. 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 discharges of substances referred to in section A above must be implemented in accordance with Annex III.*

ANNEX III (old Annex IV)

1. (b): Delete
4. (b) and (d): Delete

Proposal by the Secretariat:

Replace the existing Annex I with the following:

ANNEX I

ELEMENTS TO BE TAKEN INTO ACCOUNT IN THE PREPARATION OF PROGRAMMES AND MEASURES FOR THE ELIMINATION OF POLLUTION FROM LAND-BASED SOURCES AND ACTIVITIES

This Annex contains elements which will be taken into account in the preparation of programmes, measures and action plans for the elimination of pollution from land-based sources and activities referred to in article 5 of this Protocol.

Such programmes, measures and action plans will aim to cover sectors of economic activities and public utilities listed in section A of this Annex. They may also cover groups of substances cutting across the sectors of economic activities and public utilities. Substances included in such programmes, measures and action plans will be selected on the basis of the characteristics listed in section B of this Annex. Section C of this Annex includes various groups of substances selected on the basis of the characteristics listed in Section B. Priorities for action should be established on the basis of relative importance of the impact on public health, the ecosystem and socio-economic cultural problems. Such programmes should cover point sources, diffuse sources and atmospheric deposition.

A. SECTORS OF ECONOMIC ACTIVITIES AND PUBLIC UTILITIES

The following sectors of economic activities and public utilities will be primarily considered when setting priorities for the preparation of programmes, measures and action plans for the elimination of the pollution from land-based sources and activities:

I. Sectors of Economic Activities

1. Energy production from fossil fuel.
2. Fertiliser production.
3. Production and formulation of biocides.
4. Pharmaceutical industry.
5. Other sectors of the organic chemical industry.
6. Refineries.

7. Paper and pulp industry.
8. Touristic establishments.
9. Cement production.
10. Tanneries.
11. Metal industry.
12. Mining.
13. Shipyards.
14. Agriculture.
15. Animal husbandry.
16. Food processing.
17. Aquaculture.

II. Public Utilities

1. Municipal waste water disposal and treatment plants.
2. Solid waste disposal and treatment plants.
3. Sewage sludge disposal.

B. ENVIRONMENTAL CHARACTERISTICS OF SUBSTANCES

When setting priorities for substances, the Parties should take into account characteristics listed below which are not necessarily of equal importance for the consideration of a particular substance or group of substances.

1. Persistency.
2. Toxicity or other noxious properties (e.g. carcinogenicity, mutagenicity, teratogenicity).
3. Bioaccumulation.
4. Radioactivity.

5. The ratio between observed or (where the results of observations are not yet available) predicted concentrations and no observed effect concentrations.
6. Anthropogenically caused risk of eutrophication.
7. Health effects and risks.
8. Transboundary significance.
9. Risk of undesirable changes in the marine ecosystem and irreversibility or durability of effects.
10. Interference with harvesting of sea-foods or with other legitimate uses of the sea.
11. Effects on the taste and/or smell of products for human consumption from the sea, or effects on smell, colour, transparency or other characteristics of the water in the marine environment.
12. Distribution pattern (i.e. quantities involved, use pattern and liability to reach the marine environment).

C. CATEGORIES OF SUBSTANCES

The following groups of substances were selected on the basis of characteristics listed in section B of this Annex. This list will serve as a guidance in the preparation of programmes, measures and action plans for the elimination of pollution from land-based sources and activities.

1. Organohalogen compounds and substances which may form such compounds in the marine environment¹.
2. Organophosphorus compounds and substances which may form such compounds in the marine environment¹.
3. Organotin compounds and substances which may form such compounds in the marine environment¹.
4. Polycyclic aromatic hydrocarbons.
5. Heavy metals and their compounds.

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

6. Used lubricating oils.
7. Radioactive substances, including their wastes.
8. Biocides and their derivatives.
9. Pathogenic microorganisms and algal toxins.
10. Crude oils and hydrocarbons of petroleum origin.
11. Cyanides and fluorides.
12. Non-biodegradable detergents and other surface-active substances.
13. Compounds of nitrogen and phosphorus.
14. Any other substance or group of substances having any characteristics listed in section B of this Annex.

Delete Annex II and Modify the existing Annex III (new Annex II) as follows:

ANNEX II

With a view to the issue of an authorization for the discharge of wastes containing substances referred to in **article 6** to this Protocol, particular account will be taken, as the case may be, of the following factors:

A. CHARACTERISTICS AND COMPOSITION OF THE WASTE

Points 1. to 5. remain unchanged.

6. Concentrations with respect to **categories** of substances listed in Annex I, and other substances as appropriate.

Point 7, Sections B, C, D, and E remain unchanged.