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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

Cannes, 5 - 10 February 1979

NOTE ON THE POSSIBLE DESIGNATION OF THE MEDITERRANEAN SEA AS A SPECIAL AREA FOR THE PURPOSES OF ANNEX II OF THE INTERNATIONAL CONVENTION FOR THE PREVENTION OF POLLUTION FROM SHIPS

Note submitted by

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1. The concept of special areas was first raised by the Italian delegation during the preparatory work for the International Conference on Marine Pollution, 1973. Special areas were thought to mean sea areas where, for recognized technical reasons concerning their oceanographic and ecological conditions and their peculiar transportation traffic, the adoption of special mandatory methods for the prevention of sea pollution within the framework of the draft 1973 MARPOL Convention was required. At that time it was agreed that for the purposes of Annex I (Oil) to the International Convention for the Prevention of Pollution from Ships, 1973 (1973 MARPOL Convention), the Mediterranean Sea, the Baltic Sea and the Black Sea should be designated as special areas. No proposal was made during the preparatory work for the designation of any area as a special area for the purposes of other Annexes to the Convention, since, firstly, no document was available to evaluate the effects of pollution by susbtances other than oil from ships, and secondly, the prospect with regard to the installation of reception facilities for such substances was not clear.

2. During the International Conference in 1973, the above areas and certain others were included in the list of special areas for Annex I and, furthermore, it was agreed that Annex V (Garbage) of the 1973 Convention should be treated in the same manner as Annex I concerning special areas.

3. With regard to Annex II (Noxious Liquid Substances), the delegations of Sweden and the USSR proposed that the Baltic Sea and the Black Sea respectively should be designated as special areas. These proposals were substantiated by documents giving scientific evidence on these areas with regard to maritime transport of noxious liquid substances. The proposals were adopted by the required majority of votes.

4. The designation of the Mediterranean Sea as a special area with regard to Annex II was also considered by the Conference, but, in the absence of documents substantiating the proposal, it was decided not to include the Mediterranean Sea as a special area for the purposes of Annex II.

5. The question concerning the possible designation of the Mediterranean Sea as a special area for the purposes of Annex II was subsequently raised again at the FAO Consultation on the Protection of Living Resources and Fisheries from Pollution in the Mediterranean and also at the Inter-Parliamentary Conference of Coastal States on the Control of Pollution in the Mediterranean Sea, both held in Rome in early 1974. At these conferences, several resolutions and recommendations were adopted inviting all riparian States of the Mediterranean, inter alia, to use their best endeavours to see that the Mediterranea Sea was declared a special area for the purposes of Annex II of the 1973 MARPOL Convention with reference to noxious liquid substances transported in bulk.

6. The content of these resolutions and recommendations was brought to the attention of the thirty-second session of the Council of IMCO, which decided to request the Marine Environment Protection Committee (MEPC) to study the question as a matter of priority.

7. The Committee at its second session (18 - 22 November 1974) took note of the request made by the Council. The delegation of France (on behalf of eleven Mediterranean States represented at that time on the Committee) stated, however, that it was premature to consider this question in view of the fact that the whole problem of pollution in the Mediterranean would be considered at a meeting in Barcelona (1976) and taking into account the fact that the 1973 MARPOL Convention could not be amended until after its entry into force. It was further envisaged that the Coastal States of the Mediterranean, if appropriate, would prepare a document containing scientific evidence to substantiate the designation of the Mediterranean as a special area under Annex II of the 1973 Convention. In the light of this statement, the Committee agreed that no action need be taken at that session on the matter. The Committee would, however, be ready to consider the issue at a future session in the light, as appropriate, of necessary documentation submitted to it.

8. Some years later, in early 1978, the Coastal States of the Mediterranean area attending the Intergovernmental Review Meeting of Mediterranean Coastal States in Monaco took note of the convening of the International Conference on Tanker Safety and Pollution Prevention (TSPP) in February 1978 and agreed to study the advisability of using their concerted efforts, within the framework of IMCO, to have the Mediterranean designated as a special area for the purposes of Annex II of the 1973 MARPOL Convention. A resolution was adopted to this effect (Resolution No. 36 adopted at the Intergovernmental Review Meeting of Mediterranean Coastal States held in Monaco from 9 to 14 January 1978).

9. The International Conference on Tanker Safety and Pollution Prevention (TSPP), held in London from 6 to 17 February 1978, recognized the need for measures aiming at the protection of particularly sensitive sea areas against pollution from ships and dumping of wastes, and that to this effect special studies should be undertaken as a matter of high priority (TSPP Resolution No. 9).

10. The Marine Environment Protection Committee (MEPC) at its ninth session (1 - 5 May 1978), in considering the initial course of action to be carried out in order to enhance the protection of particularly sensitive sea areas in general, and with reference to the outcome of the Intergovernmental Review Meeting of Mediterranean Coastal States as mentioned in paragraph 9 above, agreed that, as an initial step towards the identification of such sensitive sea areas, relevant information had to be collected in close co-operation with other organizations and in consultation with the Joint Group of Experts on the Scientific Aspects of Marine Pollution (GESAMP), and that with reference to Annex II of MARPOL 1973, the Sub-Committee on Bulk Chemicals should be instructed to consider the question in detail at its fourth session.

11. The Sub-Committee on Bulk Chemicals at its fourth session (8 - 12 May 1978) took note of the discussion held within the Marine Environment Protection Committee and of its instructions concerning the possible designation of the Mediterranean Sea as a special area under Annex II of the 1973 Marine Pollution Convention. The Sub-Committee, however, felt

that more information and evidence would be required regarding the maritime transport of noxious liquid substances in the Mediterranean area before any detailed consideration could be made and advice be given on this question to the coastal States of the Mediterranean. Therefore, the Sub-Committee requested the Governments of States in the Mediterranean region to submit documents providing evidence in support of the designation of the Mediterranean Sea as a special area for the purposes of Annex II of MARPOL, 1973.

12. The Joint Group of Experts on the Scientific Aspects of Marine Pollution (GESAMP) at its tenth session (Paris, 29 May - 2 June 1978), with reference to the request brought forward by the MEPC, as mentioned in paragraph 11 above, was asked to give scientific advice which would assist IMCO in making an inventory of particularly sensitive areas. The Group agreed to provide advice in the form of criteria to be developed for the identification of such areas and to prepare the compilation of a bibliography of available material.

13. The Third Consultative Meeting of Contracting Parties to the London Dumping Convention (9 - 13 October 1978) also considered the protection of particularly sensitive sea areas regarding marine pollution that might originate from the disposal of wastes or other matter at sea. The Consultative Meeting agreed that GESAMP should be requested to develop further the scientific criteria for the selection of sites that would minimize the effect on the marine environment of the particular waste or other matter to be dumped and that, furthermore, GESAMP should be requested to compile a bibliography of available material.

14. It may be worth mentioning that it was recognized at the preparatory meetings for, and at the TSPP Conference itself, that technical difficulties involved in the implementation of Annex II of the 1973 MARPOL Convention had caused delay in the ratification and subsequent entry into force of that Convention. In order to overcome this difficulty, provisions have been included in the 1978 MARPOL Protocol adopted by the TSPP Conference stipulating that the implementation of Annex II of the 1973 MARPOL Convention should be delayed for a period of three years after the entry into force of the Convention, or such other longer period as may be decided by a two-thirds majority of the Parties in the Marine Environment Protection Committee.