

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

The Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft (the Dumping Protocol) was adopted on 16 February 1976 by the Conference of Plenipotentiaries of the Coastal States of the Mediterranean Region for the Protection of the Mediterranean Sea, held in Barcelona. The Protocol entered into force on 12 February 1978.

The original Protocol was modified by amendments adopted on 10 June 1995 by the Conference of Plenipotentiaries on the Convention for the Protection of the Mediterranean Sea against Pollution and its Protocols, held in Barcelona on 9 and 10 June 1995 (UNEP(OCA)/MED IG.6/7). The amended Protocol, recorded as "Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea", has not yet entered into force.

The Contracting Parties to the present Protocol,

Being Parties to the Convention for the Protection of the Mediterranean Sea against Pollution,

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

Considering that the coastal States of the Mediterranean Sea have a common interest in protecting the marine environment from this danger,

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,

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,

Have agreed as follows:

ARTICLE 1

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 from ships and aircraft or incineration at sea.

ARTICLE 2

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

For the purposes of this Protocol:

1. “Ships and aircraft” means waterborne or airborne craft of any type whatsoever. This expression includes air-cushioned craft and floating craft, whether self-propelled or not, and platforms and other man-made structures at sea and their equipment.
2. “Wastes or other matter” means material and substances of any kind, form or description.
3. “Dumping” means:
 - (a) Any deliberate disposal at sea of wastes or other matter from ships or aircraft;
 - (b) Any deliberate disposal at sea of ships or aircraft.
 - (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. “Dumping” does not include:

(a) The disposal at sea of wastes or other matter incidental to, or derived from, the normal operations of vessels or aircraft and their equipment, other than wastes or other matter transported by or to vessels or aircraft, operating for the purpose of disposal of such matter, or derived from the treatment of such wastes or other matter on such vessels or aircraft;

(b) Placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of this Protocol.

5. “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.

6. “Organization” means the body referred to in article 17 of the Convention.

ARTICLE 4

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) platforms and other man-made structures at sea, provided that material capable of creating floating debris or otherwise contributing to pollution of the marine environment has been removed to the maximum extent, without prejudice to the provisions of the Protocol concerning Pollution Resulting from Exploration and Exploitation of the Continental Shelf, the Seabed and its Subsoil;

(e) inert uncontaminated geological materials the chemical constituents of which are unlikely to be released into the marine environment.

ARTICLE 5

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

1. The permit 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

Incineration at sea is prohibited.

ARTICLE 8

The provisions of articles 4, 5 and 6 shall not apply in case of force majeure due to stress of weather or any other cause when human life or the safety of a ship or aircraft is threatened. Such dumpings shall immediately be reported to the Organization and, either through the Organization or directly, to any Party or Parties likely to be affected, together with full details of the circumstances and of the nature and quantities of the wastes or other matter dumped.

ARTICLE 9

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

1. Each Party shall designate one or more competent authorities to:
 - (a) Issue the permits provided for in Article 5;
 - (b) Keep records of the nature and quantities of the wastes or other matter permitted to be dumped and of the location, date and method of dumping.
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:
 - (a) Loaded in its territory;
 - (b) Loaded by a ship or aircraft registered in its territory or flying its flag, when the loading occurs in the territory of a State not Party to this Protocol.

ARTICLE 11

1. Each Party shall apply the measures required to implement this Protocol to all:
 - (a) Ships and aircraft registered in its territory or flying its flag;
 - (b) Ships and aircraft loading in its territory wastes or other matter which are to be dumped;
 - (c) Ships and aircraft believed to be engaged in dumping in areas under its jurisdiction in this matter.

ARTICLE 12

Each Party undertakes to issue instructions to its maritime inspection ships and aircraft and to other appropriate services to report to its authorities any incidents or conditions in the Mediterranean Sea Area which give rise to suspicions that dumping in contravention of the provisions of this Protocol has occurred or is about to occur. That Party shall, if it considers it appropriate, report accordingly to any other Party concerned.

ARTICLE 13

Nothing in this Protocol shall affect the right of each Party to adopt other measures, in accordance with international law, to prevent pollution due to dumping.

ARTICLE 14

1. Ordinary meetings of the Parties to this Protocol shall be held in conjunction with ordinary meetings of the Contracting Parties to the Convention held pursuant to article 18 of the Convention. The Parties to this Protocol may also hold extraordinary meetings in conformity with article 18 of the Convention.
2. It shall be the function of the meetings of the Parties to this Protocol:
 - (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, in particular in the form of annexes;
 - (b) To study and consider the records of the permits issued in accordance with articles 5, 6 and 7 and of the dumping which has taken place;
 - (c) To review and amend as required any annex to this Protocol;
 - (d) To discharge such other functions as may be appropriate for the implementation of this Protocol.
3. The adoption of amendments to the Annex to this Protocol pursuant to Article 23 of the Convention shall require a three-fourths majority vote of the Parties.

1. The provisions of the Convention relating to any protocol shall apply with respect to the present Protocol.
2. The rules or procedure and the financial rules adopted pursuant to article 24 of the Convention shall apply with respect to this Protocol, unless the Parties to this Protocol agree otherwise.

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

DONE at Barcelona on 16 February 1976 in a single copy in the Arabic, English, French and Spanish languages, the four texts being equally authoritative.

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:

A. CHARACTERISTICS AND COMPOSITION OF THE MATTER

1. Total amount and average compositions of matter dumped (e.g. per year).
2. Form (e.g. solid, sludge, liquid or gaseous).
3. Properties: physical (e.g. solubility and density), chemical and biochemical (e.g. oxygen demand, nutrients) and biological (e.g. presence of viruses, bacteria, yeasts, parasites).
4. Toxicity.
5. Persistence: physical, chemical and biological.
6. Accumulation and biotransformation in biological materials or sediments.
7. Susceptibility to physical, chemical and biochemical changes and interaction in the aquatic environment with other dissolved organic and inorganic materials.
8. Probability of production of taints or other changes reducing marketability of resources (fish, shellfish, etc.).

B. CHARACTERISTICS OF DUMPING SITE AND METHOD OF DEPOSIT

1. Location (e.g. coordinates of the dumping area, depth and distance from the coast), location in relation to other areas (e.g. amenity areas, spawning, nursery and fishing areas and exploitable resources).
2. Rate of disposal per specific period (e.g. quantity per day, per week, per month).
3. Methods of packaging and containment, if any.

4. Initial dilution achieved by proposed method of release, particularly the speed of the ship.
5. Dispersal characteristics (e.g. effects of currents, tides and wind on horizontal transport and vertical mixing).
6. Water characteristics (e.g. temperature, pH, salinity, stratification, oxygen indices of pollution-dissolved oxygen (DO), chemical oxygen demand (COD), biochemical oxygen demand (BOD), nitrogen present in organic and mineral form, including ammonia, suspended matter, other nutrients and productivity).
7. Bottom characteristics (e.g. topography, geochemical and geological characteristics and biological productivity).
8. Existence and effects of other dumpings which have been made in the dumping area (e.g. heavy metal background reading and organic carbon content).
9. When issuing a permit for dumping, the Contracting Parties shall endeavour to determine whether an adequate scientific basis exists for assessing the consequences of such dumping in the area concerned, in accordance with the foregoing provisions and taking into account seasonal variations.

C. GENERAL CONSIDERATIONS AND CONDITIONS

1. Possible effects on amenities (e.g. presence of floating or stranded material, turbidity, objectionable odour, discolouration and foaming).
2. Possible effects on marine life, fish and shellfish culture, fish stocks and fisheries, sea-weed harvesting and culture.
3. Possible effects on other uses of the sea (e.g. impairment of water quality for industrial use, underwater corrosion of structures, interference with ship operations from floating materials, interference with fishing or navigation through deposit of waste or solid objects on the sea floor and protection of areas of special importance for scientific or conservation purposes).
4. The practical availability of alternative land-based methods of treatment, disposal or elimination or of treatment to render the matter less harmful for sea dumping.