

Guidelines of the EC reporting obligations under the Barcelona Convention and its Protocols in force

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Foreword

The following report, carried out with the support of Garrigues & Andersen, is an in-depth study of the reporting obligations outlined in the framework of the Barcelona Convention on the Protection of the Mediterranean Sea Against Pollution (Barcelona Convention). The report is one of three that the European Environment Agency (EEA) has produced on reporting obligations of environmental conventions, as agreed with Directorate General Environment of the European Commission (DG ENV).

In addition to the regional Barcelona Convention, an in-depth study of a global convention, the UN Framework Convention on Climate Change has been carried out and has been published as EEA Technical Report number 46.

In the third and concluding project report, a framework and summary of all reporting obligations will be provided for all 64 international environmental conventions that the European Community is a Party. This will be updated regularly as changes are made to the various conventions.

The aim of this initiative is to provide support to International Activities of the European Commission (DG ENV), which is the Party representing the European Community in international conventions. In addition, the objective is to streamline and improve the reporting of information from the European Community and Member States to the Convention secretariats.

In cooperation with several UN institutions such as UNEP, MAP and UNECE, this project aims to support the European Community (represented by DG ENV), EU Member States and member countries of the EEA in streamlining the reporting system of environmental conventions.

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1. Executive summary

Although specific reporting obligations are established under the Barcelona Convention and its Protocols, no reporting system, except for the Emergency Protocol, has as yet been put in place to channel and organize this information. These obligations consist of the requirements established in the Convention and the rest of the Protocols, mainly addressed to the Conventions Secretariat (MEDU). These requirements have not been implemented further, but certain recommendations, that are not usually complied with by the Parties, have been adopted and approved by the Conferences of the Parties (COP) and Plenipotentiaries.

However, efforts have started to be made towards the establishment of one reporting system applicable to all the agreements concerned (based on the new texts).

1.1. Main reporting obligations under the Barcelona Convention and its Protocols.

Reporting obligations under the Barcelona Convention and its Protocols, within the framework of the Mediterranean Action Plan, have only been developed very superficially through some meetings of the Parties. Therefore, as stated above, no reporting system exists for this Convention except for the Emergency Protocol.

The main Contracting Parties reporting obligations consist of reporting every two years (which is the frequency with which the Parties have to meet) on the implementation of the **Barcelona Convention and its Protocols** to the Secretariat of the Convention which is the United Nations Environmental Programme (UNEP), centralized for the Mediterranean Action Plan in the Co-ordinating Unit of the Mediterranean Action Plan, located in Athens and called MEDU.

1.2. Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft (Dumping Protocol)

The Dumping Protocol contains a list setting out the factors that must be considered by the national governments before issuing permits for dumping. As these permits must be reported to the MEDU, the records made by the Contracting Parties have to contain all this information. Dumping made under *force majeure*, and therefore without a permit, must be immediately reported to the MEDU, or directly to the Parties. If it is impossible for the country to avoid prohibited dumping since substances cannot be disposed of on land, the Party must consult the MEDU, which, after consulting other Parties, will recommend certain actions to be adopted. The Party shall inform to the Secretariat on the development of these actions.

The Ninth Conference of the Parties recommended that the Contracting Parties send annual reports to the MEDU, and although this is not legally binding, the Contracting Parties do fulfil this recommendation.

1.3. Protocol Concerning Co-operation for Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Case of Emergency (Emergency Protocol)

To comply with the Emergency Protocol, a Regional Strategy on the Prevention of Pollution of the Marine Environment by Ships, and within it, a Regional Information System has been developed, and is annually updated by the Regional Activity Centre.

It must be pointed out that for the case of emergency situations noticed by a contracting Party, a Pollution Reporting System (POLREP) has been in use since the early 90s. This system includes a standard pollution alert accident-reporting format that is recommended by the International Maritime Organization (IMO). At the same time, there are principles and guidelines to be followed, concerning cooperation and mutual assistance (Cop 7).

Within the Emergency Protocol, the Contracting Parties report to the Regional Marine Pollution Emergency Response Centre for the Mediterranean (REMPEC), which relays all the communications to the Coordinating Unit of the MAP (MEDU). It is the MEDU that finally reports to the Contracting Parties on matters related to this Protocol. As for general reporting obligations, such as the notification to the REMPEC of the national competent authorities, the Parties report whenever changes take place.

1.4. Protocol for the Protection of the Mediterranean Sea Against Pollution from Land-Based Sources (LBS Protocol)

Under the LBS Protocol, Contracting Parties of the Protocol must inform one another through the MEDU, of measures taken, results achieved and possible difficulties encountered in the application of the protocol.

The Tenth Ordinary Meeting of the Parties adopted the Strategic Action Plan (SAP) to address the issue of pollution from land-based activities, based on the amended text which is not yet in force. Within this Action Plan, Parties will submit reports to the meeting of the Contracting Parties, through the Secretariat, on compliance with the LBS Protocol dispositions.

Reporting by the Contracting Parties to the Secretariat is carried out every two years.

1.5. Protocol concerning Mediterranean Specially Protected Areas¹

The SPA Protocol outlines the obligation of the Parties to report on the protected areas in the Mediterranean area. Any other related information must be reported to the MEDU, in order for it to keep up to date a directory of protected areas. Essentially, the Parties must report to the MEDU on measures taken by the Parties in pursuance of this Protocol for the Protection of the Protected Areas, on the species present in their designated protected areas and on any threats to those areas.

Reporting by the Parties is carried out every two years due to the periodicity of the Conferences of the Parties. However, unofficially a very simple reporting format has been prepared by the Regional Activity Centre for this Protocol (SPA/CAR), which helps the Parties to comply with the Centre's requirements before the biannual meetings of the focal points. At least, the Parties attending the focal point meetings usually comply with the requirement of the Regional Centre.

The chart at the end of this paragraph summarizes the reporting obligations under the Barcelona Convention and its Protocols both under the documents presently in force and those not yet applicable.

At the meeting of the MAP National Focal Points held in Athens from 6 to 9 September 1999, a preliminary draft document was presented under the title 'Reporting System within MAP Framework'. This draft contains a very preliminary study in order to

¹ At the date of this publication the SPA Protocol had been replaced by the SPA & Biodiversity Protocol (date of entry into force: 12 December 1999)

implement a reporting system that complies with the prescriptions established in the new article 26 of the amended version of the Barcelona Convention.

The aim of the draft is to develop a specific reporting format for each agreement according to a general structure but it does not yet create a procedure, including aspects such as reporting schedules or the direction of the flow of information.

Due to its preliminary character, this draft was not adopted at the last Conference of the Parties held at Malta from 27 to 30 October 1999. However, the MAP Information Strategy, as originally presented at the tenth ordinary meeting of the Parties (Tunis, 18–21 November 1997), and reflecting the conclusions of the Working Group Meeting, was adopted. This document encompasses the MAP's strategy on information and public awareness but does not deal with reporting obligations from the Parties towards the MEDU.

	Barcelona Convention	REPORT TO	Dumping Protocol	TO	EMERGENCY PROTOCOL	TO	
Reporting Obligations under the texts in force	Agreements between Parties for Protection of Marine Environment (Art. 3 Conv.) <i>the promotion of sustainable development and the conservation and preservation of natural resources (art. 3 Amended Convention)</i>	MEDU	Report of the general or special permits for dumping granted by national authorities. These permits must contain the factors established in annex III of the Protocol (Art. 7 Dumping Protocol)	MEDU	Information on (Art. 6.1 Emergency Protocol): a) competent national authorities for combating pollution b) competent national authorities for receiving reports of pollution and for dealing with matter concerning measures of assistance between Parties c) new ways to avoid pollution by harmful substances, new measures of combating pollution and development of related research programmes	Other Parties through REMPEC	
Reporting Obligations under the texts not in force	Pollution Emergency (Art. 9 Conv.)	MEDU & Parties likely to be affected (directly or through MEDU)	<i>All dumping is prohibited except for cases under art. 4.2 of the new text, that need prior special permit (there is no longer a general permit) and that must consider factors in the annex (=annex III). Records on these permits must be submitted (Art. 7 Amended Dumping Protocol)</i>				
	Implementation of the Convention and Protocols (Art. 20 Conv.) and of recommendations adopted at their meetings (Art. 26 Amended Convention)	MEDU	Dumping not made under permit, by force majeure, when human life or the safety of ships or aircraft is threatened (Art. 8 Dumping Protocol)	MEDU or directly to Parties likely to be affected			
	<i>On the effectiveness of the measures referred to in 'subparagraph a' (legal, administrative or other measures taken by the Parties for the implementation) and problems encountered in the implementation of the instruments mentioned' (Art. 26 Amended version Convention)</i>	MEDU		When, because of a critical situation of exceptional nature, a Party considers that a matter the dumping of which is prohibited, cannot be disposed of on land without unacceptable danger (Article 9 Dumping Protocol)	MEDU	Agreements to (directly) exchange information between Parties (Art. 6.2 Emergency Protocol))	REMPEC
				Incidents or conditions in the Mediterranean Sea which gives rise to suspicions that dumping against the Protocol has occurred or may occur (Art. 12 Emergency Protocol)	To any other Party concerned	Utilization of means of communication in situations under art. 1 of the Protocol (Art. 9.1 Emerg. Protocol))	Coordination with other Parties
					Situations of art. 1 and action taken to combat it	REMPEC preferably	
					Action taken or intended to be taken to combat pollution from a ship (Art. 9.1 Em. Prot)	when action is taken to REMPEC	
					Annex I: Protocol: Required contents of the reports made by the ship masters and aircraft		

	Barcelona Convention	To	Dumping Protocol	To	Emergency Protocol	To
Reporting Obligations under the texts in force					Art. 8 Emergency Protocol: Report to the Party from the masters of ships flying its flag or pilots of aircraft registered in its territory, about:	To other Parties
Reporting Obligations under the texts not in force					- accidents causing or likely to cause pollution of the sea by harmful substances - presence, characteristics and extent of spillage of harmful substances observed at sea, likely to present a serious and imminent threat to the marine environment or the coast or related interests of one or more of the Parties	
					POLREP: Pollution Reporting System provides this Protocol a Standard Alert Format to report on emergencies according to the IMO	
Periodicity of reporting	Every 2 years (Art. 14 Convention /_Art. 18 Amended version Convention)		Every year (COP 9, June 1995)		Immediately / annually	

LBS Protocol		To	SPA Protocol		To	SPA & Biodiversity Protocol (Not In Force) ²		To
Reporting Obligations under the texts in force	Measures taken, results achieved and difficulties encountered in application of this Protocol.	MEDU	Establishment of protected areas and buffer areas in which activities are less severely restricted while remaining compatible with the purposes of the protected areas (Art. 8 SPA Protocol)	MEDU	<i>Proposals for inclusion in the SPAMI list: introductory report containing information on the area's geographical location, its physical and ecological characteristics, its legal status, its management plans and the means for their implementation, as well as a statement justifying its importance in the Mediterranean.</i>	SPA/RAC		
<i>Reporting Obligations under the texts not in force</i>	Communication of information containing (Art. 13): a) statistical data on discharge authorizations granted according to article 6 b) data resulting from monitoring as provided by art. 8 c) quantities of pollutants discharged from their territories d) measures, <i>action plans and programmes</i> taken in accordance with art. 5 (to eliminate pollution from LBS by substances in annex I) and art. 6 (to limit pollution from LBS by substances listed in annex II) / <i>taken in accordance with arts. 5 (to eliminate pollution from land based sources), 7 (common guidelines, standards and criteria by the Parties) and 15 (on action plans, programmes, measures and timetables for their implementation) of this Protocol (Art. 13.2 d) Amended LBS Protocol)</i>	MEDU	Exemptions allowed by the Parties with regard to protective measures or when they do not apply such measures strictly (Art. 9.2 SPA Protocol)	MEDU				
	Comparable information for monitoring the biological development of the Mediterranean environment, and reports, publications and information of a scientific, administrative and legal nature, in particular on the measures taken in pursuance of the Protocol for the protection of the protected areas, on the species present in the protected areas, and on any threats to those areas, specially those which may come from sources of pollution outside their control (Art. 14 SPA Protocol)		MEDU	<i>Report on implementation, in particular on (Art. 23 SPA & Biodiversity Protocol): a) the status and the state of the areas included in the SPAMI list, b) any changes in the delimitation or legal status of the SPAMIs and protected species, c) possible exemptions allowed pursuant article 12 to 18</i>				MEDU
Periodicity of reporting	Every two years (Art. 14 LBS Protocol) <i>Every two years (Art. 13 Amended LBS Protocol)</i>		Every two years (Art. 17 2 f SPA Protocol)		Every two years (Art. 23 SPA & Biodiversity Protocol)			

Article 1 Emergency Protocol: 'The Contracting Parties to this Protocol shall cooperate taking the necessary measures in cases of grave and imminent danger to the marine environment, the coast or related interests of one or more of 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 affected by the Convention.

Article 8 of Land Based Sources Protocol: 'Within the framework of the provisions of, and the monitoring programmes provided for in, Article 10 of the Convention, and if necessary in cooperation with the competent international organizations, the Parties shall carry out, at the earliest possible dates, monitoring activities in order: (a) systematically to assess, as far as possible, the levels of pollution along their coasts, in particular with regard to the substances or sources listed in Annexes I and II, and periodically to provide information in this respect; (b) to evaluate the effects of measures taken under this Protocol to reduce pollution of the marine environment'

² At the date of this publication the SPA Protocol had been replaced by the SPA & Biodiversity Protocol (date of entry into force: 12 December 1999)

1.6. Main difficulties encountered implementing the reporting obligations mechanism

- *Lack of comparable and transparent information.* As no standard formats exist to comply with the reporting obligations, a lack of comparable data is faced by the Secretariat, which encounters great difficulties when compiling the information.
- *Lack of a harmonized reporting system.* The Mediterranean Action Plan does not include a reporting system for the Contracting Parties of the Convention to comply with their reporting obligations.
Only under the Emergency Protocol, as previously mentioned, does a Regional Reporting System exist. This system accumulates all the recommendations made by the Parties, and provides a reporting format to channel all this information.
- *Lack of a concrete and precise calendar according to which Parties should submit their reporting.* Although a reporting periodicity is stated within the Convention and its Protocols, no specific schedule exists for the Parties to submit their reports.
- *Lack of compliance* by the Parties with respect to their reporting obligations. Submission of incomplete reports and non-compliance with reporting periodicity. As no binding procedure exists, neither the Parties nor the Secretariat are worried about compliance with the reporting obligations, while awaiting the creation of a reporting system.

1.7. Recommendations

We have identified that the legal structure created to support the Mediterranean Action Plan, does not provide a specific and detailed framework to regulate how, when and where the Contracting Parties have to comply with their reporting obligations. The European Environment Agency can play a role in close cooperation with the Secretariat of the Convention and with the European Commission in channelling all the relevant information concerned within this process.

As stated above, the MAP Coordinating Unit (MEDU) is now engaged in a process of organizing the mechanism of the reporting obligations under the various Protocols. A similar process, related to European Community legislation, is under development and is to be implemented by the EEA and the European Commission. This practical experience would be of relevance for MEDU. We would therefore propose a co-operation between MEDU and the EEA on exchanging experience and know-how. Considering also that the European Commission, some EU Member States and some accession countries are Contracting Parties to the Barcelona Convention, the EEA would be appropriately placed to support European Commission and EU Member States in:

- **Compiling information to support reporting under the Barcelona Convention and its Protocols through** a collaboration agreement with the UNEP MAP Co-ordinating Unit and the six Regional Activity Centres.
- **Validating this information** by comparing all the available data
- **Selecting the most relevant data**
- **Organizing these data** by separating those relevant from the point of view of reporting obligations, and the data of general interest on Mediterranean matters.
- **Creating a database** where:

- Comprehensive guidelines are established to assist the Contracting Parties to the Convention in complying properly with their reporting obligations, and at the same to provide a global view of the state of development and implementation of the Convention and its Protocols.
- Existing information provided by the information sources, is gathered and organized by theme, depending on its relevancy either to reporting obligations or to general matters.
- Access will be controlled so that the EEA is able to validate every input.
- **Direct and User Friendly Access to the database**
- **Support to the European Commission (DG ENV)** on their role, on behalf of the European Community as Party to the Convention, on reporting obligations to the Secretariat, and also, if requested, to support the Member States.

2. Summary tables

General characteristics of the Barcelona Convention and its Protocols are outlined below:

Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention)	
Convention's Secretariat	Athens, GREECE. Mediterranean Action Plan of the United Nations Environment Programme (UNEP/MAP) 48 Vassileos Konstantinou Avenue Athens, Greece 11635 Telephone: +301.727.3100 Fax: +301.725.3196 or 197 e-mail: unepmedu@unepmap.gr
Depositary	Government of Spain
Signature, time and place of adoption	Opened for signature in Barcelona, 16 February 1976, and in Madrid from 17 February 1976 to 16 February 1977. Barcelona, 16 February 1976.
Entry into force	12 February 1978 Art. 27: 'The Convention shall enter into force on the same date as the Protocol first entering into force'
European Community signature and entry into force	13 September 1976; 15 April 1978
Status of participation (Ratification)	21 Parties.
Last Conference of the Parties	Eleventh ordinary meeting of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea Against Pollution and its Protocols. 27–30 October 1999.
Next Conference of the Parties	Twelfth ordinary meeting of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea Against Pollution and its Protocols. Montecarlo, November 2001.
Scope of the Convention	Geographical scope: Mediterranean Sea area shall mean the maritime waters, including its gulfs and seas, bounded to the west by the meridian passing through Cape Spartel lighthouse, at the entrance of the Strait of Gibraltar, and to the east by the southern limits of the Strait of the Dardanelles between the Mehmetcik and Kumkale lighthouses. Internal waters (rivers and lakes) of the Contracting Parties (Art. 1) are not included.
Amendments and additional Protocols	Barcelona, 9–10 June 1995. Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft, Barcelona 1976. An amendment was adopted in Barcelona on the 10 June 1995. Protocol Concerning Co-operation in etc. Combating Pollution of Mediterranean Sea by Oil and Other Substances in Cases of Emergency, Barcelona 1976. Protocol for the Protection of the Mediterranean Sea Against Pollution from Land-Based Sources, Athens 1980. An amendment was adopted in Syracuse, on 7 March 1996. Protocol concerning Mediterranean Specially Protected Areas and Biological Diversity, Barcelona, June 1995. (Not in force yet). Protocol for the Protection of the Mediterranean Sea Against

	<p>Pollution Resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil. Madrid 1994. (Not in force yet)</p> <p>Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal, Izmir 1996. (Not in force yet)</p>
Aim of the Convention	To achieve international co-operation for a co-ordinated and comprehensive approach to the protection and enhancement of the marine environment and the coastal region of the Mediterranean area.
Obligations of the Parties	<p>The Contracting Parties (Art. 4):</p> <ul style="list-style-type: none"> - shall take all appropriate measures in accordance with the provisions of the Convention and the Protocols in force to which they are a Party; - shall co-operate in the formulation and adoption of Protocols, in addition to the Protocols opened for signature at the same time as this Convention, prescribing agreed measures, procedures and standards for the implementation of this Convention; - shall further pledge themselves to promote, within the international bodies considered to be competent by the Contracting Parties, measures concerning the protection of the marine environment in the Mediterranean Sea area from all types of sources of pollution.
Financial issues	The Contracting Parties shall adopt financial rules, prepared in consultation with the MEDU, to determine, in particular, their financial participation (Art. 18).
Linkages with other environmental or general Conventions	<p>All the Conventions within the UNEP Regional Seas Programme:</p> <ul style="list-style-type: none"> - Convention on the Protection of Black Sea Against Pollution, Bucharest 1992. - Convention for the Protection and Development of the Marine Environment of the Wider Caribbean Region, Cartagena de Indias 1983. - Convention for the Protection, Management, and Development of the Marine and Coastal Environment of the Eastern African Region, Nairobi 1985. - Kuwait Regional Convention for Co-operation on the protection of Marine Environment from Pollution, Kuwait 1976. - Regional Convention for the Conservation of the Red Sea and Gulf of Aden Environment, Jeddah 1982. - Convention for the Protection of the Natural Resources and Environment of the South Pacific Region, Noumea 1986. - Convention for the Protection of the Marine Environment and Coastal Area of the South-East Pacific, Lima 1981. - Convention for the Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region, Abidjan 1981.
Sources on the Internet	<p>http://www.sedac.ciesin.org</p> <p>http://www.unepmap.org</p>

Protocol Concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and other Harmful Substances in Case Of Emergency (Emergency Protocol)

Protocol's Secretariat	Athens, GREECE Mediterranean Action Plan of the United Nations Environment Programme (UNEP/MAP) 48 Vassileos Konstantinou Avenue Athens, Greece 11635 Telephone: + 301.727.3100 Fax: + 301.725.3196 or 197 e-mail: unepmedu@unepmap.gr
Depositary	Spanish government
Signature, time and place of adoption	16 February 1976, Barcelona, Spain
Entry into force	12 February 1978 (Art. 13)
European Community signature and entry into force	13 September 1976, 11 September 1981
Status of participation (Ratification)	21 Parties.
Last Conference of the Parties	Eleventh ordinary meeting of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea Against Pollution and its Protocols. 27–30 October 1999.
Next Conference of the Parties	Twelfth ordinary meeting of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea Against Pollution and its Protocols. Montecarlo, November 2001.
Scope of the Protocol	Mediterranean Sea area shall mean the maritime waters, including its gulfs and seas, bounded to the west by the meridian passing through Cape Spartel lighthouse, at the entrance of the Strait of Gibraltar, and to the east by the southern limits of the Strait of the Dardanelles between the Mehmetcik and Kumkale lighthouses. Internal waters of the Contracting Parties are not included (art. 1).
Amendments	None
Aim of the Protocol	To combat pollution of the Mediterranean Sea caused by oil or other harmful substances in cases of emergency.
Obligations of the Parties	The Contracting Parties to this Protocol shall co-operate in taking the necessary measures in case of grave and imminent danger to the marine environment, the coast or related interests of one or more of 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 geographical area of the Convention (Art. 1). The Parties shall endeavour to maintain and promote their contingency plans and means for combating pollution of the sea by oil and other harmful substances (Art.3) and they shall develop and apply monitoring activities covering the Mediterranean Sea area (Art. 4). The Parties shall also co-operate, as far as practicable, in the salvage and recovery of harmful substances in packages, freight containers, portable tanks or road and rail tank wagons, released or lost overboard, so as to reduce the danger of pollution of the marine environment (Art. 5).
Financial issues	The rules of procedure and the financial rules adopted

	pursuant to article 18 of the Convention shall apply with respect to this Protocol, unless the Parties to this Protocol agree otherwise (art. 13)
Linkages with other environmental or general Conventions	Convention for the Prevention of Pollution from Ships, 1973. International Convention Relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969. Protocol Relating to Intervention on the High Seas in Cases of Marine Pollution by Substances Other than Oil, 1973.
Sources on the Internet	http://www.sedac.ciesin.org http://www.unepmap.org

Protocol for the Prevention and Elimination of Pollution of Mediterranean Sea by Dumping from Ships and Aircraft (Dumping Protocol)

Protocol's Secretariat	Athens, GREECE. Mediterranean Action Plan of the United Nations Environment Programme (UNEP/MAP) 48 Vassileos Konstantinou Avenue Athens, Greece 11635 Telephone: + 301.727.3100 Fax: + 301.725.3196 or 197 e-mail: unepmedu@unepmap.gr
Depositary	Spanish Government
Signature, time and place of adoption	16 February 1976, Barcelona, Spain.
Entry into force	12 February 1978 (art. 15)
European Community signature and entry into force	13 September 1976; 15 April 1978
Status of participation (Ratification)	21 Parties. No signatories without ratification, acceptance or approval
Last Conference of the Parties	Eleventh ordinary meeting of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea Against Pollution and its Protocols. 27–30 October 1999.
Next Conference of the Parties	Twelfth ordinary meeting of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea Against Pollution and its Protocols. Montecarlo, November 2001.
Scope of the Protocol	Geographical scope: Mediterranean Sea area shall mean the maritime waters, including its gulfs and seas, bounded to the west by the meridian passing through Cape Spartel lighthouse, at the entrance of the Strait of Gibraltar, and to the east by the southern limits of the Strait of the Dardanelles between the Mehmetcik and Kumkale lighthouses. Internal waters of the Contracting Parties are not included (art. 1).
Amendments and additional Protocols	An amendment was adopted in Barcelona on 9–10 June 1995. (Not yet in force)
Aim of the Protocol	To prevent and abate pollution of the Mediterranean Sea area caused by dumping from Ships and Aircraft.
Obligations of the Parties	Each Party shall designate its competent authorities to issue the special and general permits provided for in articles 5 and 6 of the Protocol, and shall keep records of: a) nature and quantities of the wastes or other the substances/matter is also correct permitted to be dumped; and b) the location, date and method of the dumping (art. 10) 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 (art. 11). Parties shall 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 (art. 12).
Financial issues	The rules of procedure and the financial rules adopted pursuant to Article 18 of the Convention shall apply with respect to this Protocol, unless the Parties to this Protocol agree otherwise (art. 15).
Linkages with other environmental or general Conventions	Convention for the Protection of the Mediterranean Sea Against Pollution. 1976. Convention for the Prevention of Marine Pollution by Dumping Wastes and Other Matter, adopted in London in 1972.
Sources on the internet	http://www.sedac.ciesin.org http://www.unepmap.org

Protocol of the Protection of the Mediterranean Sea Against Pollution from Land-Based Sources (LBS Protocol)

Protocol's Secretariat	Athens, GREECE Mediterranean Action Plan of the United Nations Environment Programme (UNEP/MAP) 48 Vassileos Konstantinou Avenue Athens, Greece 11635 Telephone: +301.727.3100 Fax: +301.725.3196 or 197 e-mail: unepmedu@unepmap.gr
Depositary	Spanish Government
Signature, time and place of adoption	Open for signature at Athens from 17 May to 16 June 1980; and at Madrid from 17 June 1980 to 16 May 1981 (art. 16). Adoption in Athens, Greece, on May 17 1980.
Entry into force	June 17, 1983. Art. 16: This Protocol shall enter into force on the thirtieth day following the deposit of, at least, six instruments of ratification, acceptance or approval of, or accession to, the Protocol by any State invited to the Conference of Plenipotentiaries of the Coastal States of the Mediterranean Region for the Protection of the Mediterranean Sea Against Pollution from Land-Based Sources, held at Athens from 12 May to 17 May 1980
European Community signature and entry into force	17 May 1980; 7 October 1983
Status of participation (Ratification)	21 Parties. No signatories without ratification, acceptance or approval.
Last Conference of the Parties	Eleventh ordinary meeting of the Contracting Parties to the Convention for the Protection of the Mediterranean Sea Against Pollution and its Protocols. 27–30 October 1999.
Next Conference of the	Twelfth ordinary meeting of the Contracting Parties to the

Parties	Convention for the Protection of the Mediterranean Sea Against Pollution and its Protocols. Montecarlo, November 2001.
Scope of the Protocol	Geographical Scope of the Protocol: The Mediterranean Sea area as defined in Article 1 of the Convention: That is, waters on the landward side of the baselines from which the breadth of the territorial sea is measured, and extending, in the case of watercourses, up to the freshwater line and saltwater marshes communicating with the sea (Art. 3). Legal Scope: This Protocol shall apply to: a) pollution discharges reaching the Protocol area from land-based sources; b) pollution from land-based sources transported by the atmosphere; and c) pollution discharges from fixed man-made offshore structures, which are under the jurisdiction of a Party, with other purpose than exploration and exploitation of mineral resources of the continental shelf, the seabed and its subsoil (Art. 4).
Amendments and additional Protocols	Amendment adopted in Syracuse on 7 March 1996.
Aim of the Protocol	To prevent, abate, combat and control pollution of the Mediterranean Sea area by discharges from rivers, coastal establishments or outfalls, or emanating from any other land-based sources within their territories.
Obligations of the Parties	Parties shall elaborate and implement, jointly or individually, as appropriate, the necessary programmes and measures in order to eliminate pollution of the Protocol area from land-based sources by substances listed in annex I of this Protocol (Art. 5), and in order to limit pollution from land-based sources in the Protocol area by substances or sources listed in Annex II (Art. 5 and 6). Parties shall progressively formulate and adopt, in co-operation with the competent international organisations, common guidelines and, as appropriate, standards or criteria dealing specifically with several elements detailed in article 7. They shall co-operate as far as possible in scientific and technological fields related to pollution from land-based sources, particularly on research on inputs, pathways and effects of pollutants and on the development of new methods for their treatment, reduction or elimination.(Art. 9). The Contracting Parties shall co-operate in order to formulate and as far as possible, implement programmes of assistance for developing countries, particularly in the fields of science, education and technology, with a view of preventing pollution from land-based effects in the marine environment (Art. 10)
Financial issues	The rules of procedure and the financial rules adopted pursuant Article 18 of the Convention shall be applied with respect to this Protocol (art. 16)
Linkages with other environmental or general Protocol	Convention for the protection of the Mediterranean Sea against Pollution, 1976
Sources on the internet	http://www.sedac.ciesin.org http://www.unepmap.org/

Protocol Concerning Mediterranean Specially Protected Areas (SPA Protocol) ³	
Convention's secretariat	Athens, GREECE UNEP Co-ordinating Unit for the Mediterranean Action Plan (MEDU). Same Secretariat as the Convention for the Protection of the Mediterranean Sea Against Pollution.
Depositary	Spanish government
Signature, time and place of adoption	April 3, 1982, Geneva,
Entry into Force	March 23, 1986. Art. 18: 'This Protocol shall enter into force on the thirtieth day following the deposit of, at least, six instruments of ratification, acceptance or approval of, or accession to the Protocol'
European Community signature and entry into force	30 March 1983; 23 March 1986
Status of participation (Ratification)	21 Parties. All signatories ratified
Last Conference of the Parties	Eleventh ordinary meeting of the Contracting Parties of the Convention for the Protection of the Mediterranean Sea Against Pollution and its Protocols. October 27–30, 1999
Next Conference of the Parties	Twelfth ordinary meeting of the Contracting Parties of the Convention for the Protection of the Mediterranean Sea Against Pollution and its Protocols. Montecarlo, November 2001.
Scope of the Protocol	Geographical scope: the area to which this Protocol shall be applied shall be the Mediterranean Sea area as defined in Art. 1 of the Convention. This is defined as the territorial waters of the Parties and may include waters on the landward side of the baseline from which the breadth of the territorial sea is measured and extending, in the case of watercourses, up to the freshwater line. It may also include wetlands or coastal areas designated by each of the Parties (Art. 2). Legal scope: open to any Contracting Party of the Convention for the Protection of the Mediterranean Sea Against Pollution, any State invited to the Conference of Plenipotentiaries on the Protocol Concerning Mediterranean Specially Protected Areas and any regional economic grouping of which, at least, one member is a coastal State of the Mediterranean Sea area and which exercises competence in fields covered by this Protocol.
Amendments and additional Protocols	A new Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean (not yet in force) was adopted in Barcelona on 10 June 1995 to substitute the existing one. Annexes to this new Protocol were adopted in Monaco on 24 November, 1996.
Aim of the Protocol	Protect and improve the state of the natural resources and natural sites of the Mediterranean Sea.
Obligations of the Parties	Parties shall take all appropriate measures with a view to protect those marine areas which are important for

³ At the date of this publication the SPA Protocol had been replaced by the SPA & Biodiversity Protocol (date of entry into force: 12 December 1999)

	<p>safeguarding natural resources and natural sites of the Mediterranean Sea area, and for safeguarding the cultural heritage in the region (Art. 1).</p> <p>Parties will establish, maintain and restore protected areas (Art. 3 and 4), including buffer zones in which activities are less severely restricted (Art. 5).</p> <p>Parties will take the measures required to protect specific areas, such as prohibition of dumping or discharge of wastes, regulation of any act likely to harm or disturb fauna or flora or regulation of trade in animals originating from protected areas and which are already subject to measures of protection (Art. 7).</p> <p>Give appropriate publicity to the establishment and importance of protected areas (Art. 8 and 11).</p> <p>Establish and develop scientific and technical research on protected areas, their ecosystems and archaeological heritage (Art. 10).</p> <p>Co-operate in establishing and managing protected areas (Art. 6, 12, 13 and 15).</p>
Financial issues	<p>The financial rules adopted pursuant article 18.2 of the Barcelona Convention shall be applied with respect to this Protocol, unless the Parties of this Protocol agree otherwise (art. 18).</p>
Linkages with other environmental or general Protocols	<p>Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention).</p>
Sources on the internet	<p>http://www.sedac.ciesin.org http://www.unepmap.org/</p>

3. Introduction

This chapter is an in depth analysis of the Reporting obligations of the European Community under the Convention on the Protection of the Mediterranean Sea Against Pollution and its applicable Protocols.

3.1. General aspects of the report

The European Environment Agency has carried out a project on reporting obligations of international environmental Conventions and support to international activities, as part of this project, a pilot study was carried out on the Barcelona Convention that has been elaborated to provide the guidelines for the main features of the existing reporting system that is being implemented under the Barcelona Convention and its Protocols.

The Mediterranean Action Plan (MAP), created under the Regional Seas Programme of the United Nations Environment Programme (UNEP) in 1975, is currently in phase II. The aims addressed by this Plan are to protect the Mediterranean environment, particularly the marine environment, against various forms of pollution. In its present phase, since 1995, MAP aim to reach sustainable development in this area on the basis of the principles established in the Conference of the United Nations on Environment and Development held in Rio in 1992. To this end, specific objectives have been identified:

- The protection and sustainable management of marine and terrestrial natural resources
- The integration of environmental considerations with economic development and land-use policies
- The strengthening of solidarity amongst coastal states
- The improvement of the quality of life of the peoples of the Mediterranean.

The Convention for the Protection of the Mediterranean Sea Against Pollution (Barcelona Convention) was adopted in 1976 as a legal instrument to achieve the objectives of the Mediterranean Action Plan. This Convention, together with the subsequently adopted Protocols, is the legal component of MAP, which is one of the four functions that constitute this Programme (see Table 1).

MAP Components	Objectives	Instruments
Socioeconomic	To promote national strategies for sustainable development, within the framework of a regional approach. In so doing, to analyse the relationship between the need to develop and balance the social and economic levels of the Mediterranean coastal states and the need to protect and improve quality in the Mediterranean environment, in order to promote sustainable economic and social development that guarantees the conservation and improvement of the environment.	MAP II
Scientific	To ensure the understanding, monitoring and evaluation of the state of the environment and to establish a common language among the Mediterranean coastal states, as a previous step to the adoption of protection measures.	Programme for Pollution Assessment and Control of the Mediterranean Sea (MED POL) MED POL I (1975–1980) MED POL II (1981–1995) MED POL III (1996–2005) Plus Strategic Action programme to address pollution from land-based activities (SAP)
Legal	To contribute towards achieving the general objectives that inspired the adoption of the MAP, articulating the cooperation of the coastal states in a guaranteed legitimacy as regards the States and international institutions.	Barcelona Convention Dumping Protocol Emergency Protocol Land Based Sources Protocol SPA Protocol SPA & Biodiversity Protocol (not in force yet) Offshore Protocol (not in force yet), Hazardous Wastes Protocol (not in force yet)
Institutional	To organize, coordinate and facilitate the implementation of the activities derived from the development of the socioeconomic, scientific and juridical aspects.	Coordinating Unit (MEDU) Meeting of the Contracting Parties Blue Plan Regional Activity Centre Priority Action Programmes Regional Activity Centre Regional Marine Pollution Emergency Response Centre for the Mediterranean Specially Protected Areas Regional Activity Centre Environment Remote Sensing Regional Activity Centre and the Cleaner Production Centre

3.2 Barcelona Convention and its Protocols

The Barcelona Convention has seven⁴ Protocols, although only four of them are in force. This Convention and some of its Protocols have been amended recently but the resulting texts are not yet applicable.

Therefore the existing legal texts actually in force under the MAP are:

- the ‘Convention for the Protection of the Mediterranean Sea Against Pollution’ (Barcelona Convention),
- the ‘Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft’ (Dumping Protocol),
- the ‘Protocol Concerning Co-operation for Combating Pollution of the Mediterranean Sea by Oil and other Harmful Substances in case of Emergency’ (Emergency Protocol),
- the ‘Protocol for the Protection of the Mediterranean Sea Against Pollution from Land-Based Sources’ (LBS Protocol),
- and the ‘Protocol Concerning Mediterranean Specially Protected Areas’ (SPA Protocol)⁵.

The legal texts which are not yet in force are the following:

- Amended text of the Barcelona Convention,
- Amended text of the Dumping Protocol,
- Amended text of the LBS Protocol,
- Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean (SPA & Biodiversity Protocol),
- Protocol for the Protection of the Mediterranean Sea Against Pollution Resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil (Offshore Protocol),
- Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal (Hazardous Wastes Protocol’).

We show in the following chart the present status of the Barcelona Convention and its Protocols:

⁴ At the date of this publication the SPA Protocol had been replaced by the SPA & Biodiversity Protocol (date of entry into force: 12 December 1999), therefore we only have six Protocols.

⁵ At the date of this publication the SPA Protocol had been replaced by the SPA & Biodiversity Protocol (date of entry into force: 12 December 1999)

Legal component of the Mediterranean Action Plan

Barcelona Convention	Dumping Protocol	Emergency Protocol	LBS Protocol	SPA Protocol ⁶	SPA & Biodiversity Protocol	Offshore Protocol	Hazardous Wastes Protocol
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Date of Adoption	Barcelona, 16 Feb. 1976 EC:9/13 1976	Barcelona, 16 Feb. 1976 EC:9/13/1976	Barcelona, 16 Feb. 1976 EC:9/13/1976	Athens, 17 May 1980 EC:5/17/1980	Geneva, 3 April 1982 EC: 3/30/1983	Barcelona, 9–10 June 1995 (Annexes:Monaco, 11/24/1996)	Madrid, 14 Oct. 1994	Izmir, 1 Oct. 1996
Entry into Force	2/12/1978 EC:4/15/1978	2/12/1978 EC: 4/15/1978	2/12/1978 EC: 9/11/1981	6/17/1983 EC: 10/7/1983	3/23/1986 EC: 3/23/1986	Not in force. When it enters into force it will substitute the SPA Protocol	Not in force	Not in force
Amendments	Barcelona, 9–10 June 1995	Barcelona, 9–10 June 1995		Syracuse, 6–7 March 1996				
Acceptance of Amendments / Ratifications (11/23/99)	5 Parties	6 Parties		5 Parties		4 States have ratified	2 States have ratified	2 States have ratified
CONTRACTING PARTIES	21 Parties	21 Parties	21 Parties	21 Parties	21 Parties			

Note: The Parties are the States that after signing have ratified the Convention and/or Protocols.

⁶ At the date of this publication the SPA Protocol had been replaced by the SPA & Biodiversity Protocol (date of entry into force: 12 December 1999)

4. Framework of the Barcelona Convention and its Protocols

From January 28 to February 4 1975, an intergovernmental meeting was held to discuss the protection of the Mediterranean Sea. This led to the adoption of the **Mediterranean Action Plan (MAP)**. MAP is chiefly an action programme for sustainable development and also a political framework for permanent cooperation in the Mediterranean Sea. It consists of four components:

4.1. Socio-economic component

The socio-economic objective of the MAP consists of analysing the development, in the long term, of the relation between the need of developing and balancing the social and economic levels of the States bordering the Mediterranean Sea and the need of protection and improve of the quality in the Mediterranean environment, in order to promote an economic and social sustainable development that guarantees the conservation and improvement of the environment.

The Blue Plan was created by UNEP in 1977, in order to define the options for the sustainable development of the Mediterranean area, and advise Governments. The Priority Action's Programme (PAP) was created with the objective of defining practical guidelines for solving priority problems concerning the ecological management of resources in the Mediterranean basin, through demonstrations and pilot projects. Some Programmes for the Coastal Zones were also adopted.

4.2. Scientific component

It is oriented to determine the state of contamination in the Mediterranean as a previous step to the adoption of protection measures. This objective is followed through the Programme on investigation and monitoring of the Mediterranean contamination, MED POL. This programme consists of three phases:

It is through the Programme for Pollution Assessment and Control of the Mediterranean Sea (MED POL) that monitoring and evaluation of the Mediterranean Sea is carried out.

- MED POL I (1975–1980): aimed at upgrading the technical capabilities of Mediterranean countries and establishing a network of institutions undertaking marine pollution work.
- MED POL II (1981–1995): developed and maintained national monitoring programmes in the region.
- MED POL III (1996–2005): is shifting the emphasis from pollution assessment to pollution control.

4.3. Legal component

This component constitutes the Convention for the Protection of the Mediterranean Sea Against Pollution (hereafter the Barcelona Convention) and seven Protocols:

- Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft ('Dumping Protocol'),

- Protocol Concerning Co-operation in Combating Pollution of the Mediterranean sea by oil and other Harmful Substances in Case of Emergency ('Emergency Protocol'),
- Protocol of the Protection of the Mediterranean Sea against pollution From Land-Based Sources ('Land Based Sources Protocol'),
- Protocol Concerning Specially Protected Areas ('SPA Protocol'),
- Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean (not in force yet) ('SPA and Biodiversity Protocol'),
- Protocol for the Protection of the Mediterranean Sea Against Pollution Resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil (not in force yet) ('Offshore Protocol'),
- Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal (not in force yet) ('Hazardous Wastes Protocol').

The Contracting Parties at the 9th Conference of Plenipotentiaries held in Barcelona from 9 to 10 June 1995 *amended the Barcelona Convention and the Dumping Protocol*. Their new titles are: 'Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean' and 'Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration'.

The Contracting Parties at the Conference of Plenipotentiaries held in Syracuse from 6 to 7 March 1996 *amended the Land Based Sources Protocol*. The new title of this Protocol is 'Protocol for the Protection of the Mediterranean Sea against Pollution from Land Based Sources and Activities'.

The amended version of the Barcelona Convention is in process of being ratified and will enter into force in accordance with article 16.4 of the 1976 Barcelona Convention; the amended texts of the Protocols will enter into force in accordance with article 27.3 of the 1976 Barcelona Convention.

A new Protocol titled 'Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean'⁷ *'was adopted at the Conference of plenipotentiaries held in Barcelona on 9–10 June 1995 and, including its annexes adopted by the meeting of plenipotentiaries held in Monaco on 24 November 1996 will replace the 'SPA Protocol' at its entry into force.*

Presently, the Contracting Parties are in the process of discussing amendments to the 'Emergency Protocol'. This discussion also concerns what appropriate rules and procedures should be applied for the determination of liability and compensation for damage resulting from pollution of the marine environment in the Mediterranean Sea. This discussion may result in the establishment of a new Protocol.

4.4. Institutional component

This component has been developed through the actions of the Contracting Parties under the Barcelona Convention and its Protocols. According to article 13 of the Barcelona Convention, the *Secretariat* functions were assigned to the United Nations Environmental Programme (UNEP), which then delegated the tasks to a Coordinating

⁷ At the date of this publication the SPA Protocol had been replaced by the SPA & Biodiversity Protocol (date of entry into force: 12 December 1999)

Unit (MEDU). The headquarters of MEDU have been in Athens since 1982. This Unit acts both under the framework of the MAP, the Barcelona Convention and its Protocols.

Six Regional Activity Centres have been created, and are responsible for carrying out specific activities agreed by the Contracting Parties under the general guidance and supervision of the Coordinating Unit for the Mediterranean Action Plan of UNEP. The six centres have different locations and statutes:

- a) *Blue Plan Regional Activity Centre (BP/RAC)*, Sophia Antipolis, France. It undertakes prospective studies of the development trends and their environmental impacts in the Mediterranean region. Within the framework of the Centre, the Mediterranean Environment and Development Observatory (MEDO) was created with EC support. The purpose of MEDO is to contribute to the sustainable development strategy in the context of MAP II.
- b) *Priority Actions Programme Regional Activity Centre (PAP/RAC)*, Split (since 1990), Croatia. The objective of this Centre is to address immediate problems of a development nature, and their effects on the coastal environment and its resources, with a view to inducing sound environmental management practices required for sustainable development.
- c) *Regional Marine Pollution Emergency Response Centre for the Mediterranean (REMPEC)*, Manoel Island, Malta. The objectives of this Centre are to strengthen national intervention capabilities against pollution by means of training activities, and establishing national and bilateral contingency plans and also to facilitate cooperation among States in cases of accident, specially through the Regional Information System (RIS).
- d) *Specially Protected Areas Regional Activity Centre (SPA/RAC)*, Tunis. This Centre was created to assist countries in the technical implementation of the Specially Protected Areas Protocol. With a view to promote the exchange and dissemination of information, the Centre holds several directories and databases.
- e) *Environment Remote Sensing Regional Activity Centre (ERS/RAC)*, Palermo, Italy. Data collected by satellite is used either as a direct and periodic source of information on parameters concerning the marine and terrestrial environment. Remote sensing, and its integration with other sources of information on the environment, assists in planning initiatives concerning the rational use of natural resources, and the study and prevention of environmental degradation.
- f) *The Cleaner Production Centre (CP/RAC)*, Barcelona, Spain, Environment and Enterprise. It is an information hub on the industrial cleaner production in the Mediterranean region.

None of these regional centres, except for REMPEC, belongs to the United Nations Environmental Programme. Therefore only REMPEC acts as a channel for the reporting obligations complied to by the Contracting Parties under the Emergency Protocol.

MAP Phase II

At the Eighth Conference of the Parties held in 1993, the Contracting Parties to the Barcelona Convention adopted a Resolution on the principles and priorities for the reorientation of the MAP. This Resolution expressed the need to carry out a review and general reorganization of the content of the MAP, under the light of the Conference of the United Nations on Environment and Development of 1992, paying special consideration to the Programme 21. According to this Resolution, the MAP, which at the beginning was focused on the fight against marine pollution, should integrate the sustainable development of the Mediterranean states as an essential element to reach an effective and long term protection of the environment, taking into account the importance of the interaction between the economic, social development, and environmental problems.

To comply with this objective, the Conference of Plenipotentiaries of the Barcelona Convention and its Protocols was held in Barcelona during 9–10 June 1995. This Conference adopted, on the basis of the final texts approved by the Ninth Ordinary Meeting, the Barcelona Resolution on the Environment and Sustainable Development on the Mediterranean Basin with its two annexes: the ‘Action Plan for the Protection of the Marine Environment and the Sustainable Development of the Coastal Areas of the Mediterranean’ (MAP Phase II) and the document on the ‘Priority Field of Activities’ related to environment and development in the Mediterranean basin (1996–2005).

Therefore, the new phase II of the Mediterranean Action Plan (MAP II) aims to guarantee sustainable management of marine and terrestrial natural resources taking into account the *Programme MED 21*⁸ and the need to integrate environmental concerns with social, economic and cultural development. At the same time, MAP II aims to: 1) Protect the marine and coastal environment of the Mediterranean area through the prevention, reduction and, as far as possible, elimination of pollution. 2) Protect nature, and the places of economic and cultural value. 3) Strengthen the solidarity between the Mediterranean states in the management of their common patrimony, paying special attention to the application of the legal instruments in force and the introduction of economical instruments for an integrated organization of the natural resources⁹.

⁸ The MED 21 was adopted at the Ministerial Conference of Tunis on Sustainable Development in the Mediterranean Sea, held on November 1, 1994, following the content of the Programme 21 adopted in Rio, adapting it to the needs and specific needs of the Mediterranean basin.

⁹ Doc. UNEP (OCA)/MED IG. 6/7, pp. 190–191.

Map Components	Objectives	Instruments
Socioeconomic	To promote national strategies for sustainable development, within the framework of a regional approach. In so doing, to analyse the relationship between the need to develop and balance the social and economic levels of the Mediterranean coastal states and the need to protect and improve quality in the Mediterranean environment, in order to promote sustainable economic and social development that guarantees the conservation and improvement of the environment.	MAP II
Scientific	To ensure the understanding, monitoring and evaluation of the state of the environment and to establish a common language among the Mediterranean coastal states, as a previous step to the adoption of protection measures.	Programme for Pollution Assessment and Control of the Mediterranean Sea (MED POL) MED POL I (1975–1980) MED POL II (1981–1995) MED POL III (1996–2005) Plus Strategic Action programme to address pollution from land-based activities (SAP)
Legal	To contribute towards achieving the general objectives that inspired the adoption of the MAP, articulating the cooperation of the coastal states in a guaranteed legitimacy as regards the States and international institutions.	Barcelona Convention Dumping Protocol Emergency Protocol Land Based Sources Protocol SPA Protocol SPA & Biodiversity Protocol (not in force yet) Offshore Protocol (not in force yet), Hazardous Wastes Protocol (not in force yet)
Institutional	To organize, coordinate and facilitate the implementation of the activities derived from the development of the socioeconomic, scientific and juridical aspects.	Coordinating Unit (MEDU) Meeting of the Contracting Parties Blue Plan Regional Activity Centre Priority Action Programmes Regional Activity Centre Regional Marine Pollution Emergency Response Centre for the Mediterranean Specially Protected Areas Regional Activity Centre Environment Remote Sensing Regional Activity Centre and the Cleaner Production Centre

5. Reporting obligations under the Convention and its Protocols

Currently, reporting obligations of the Contracting Parties to the Barcelona Convention and its Protocols are slightly regulated. Mainly, what exists on this issue are the texts of the Convention and its Protocols, as all the measures approved and adopted by the Contracting Parties in their biannual and extraordinary meetings and the Conferences of plenipotentiaries, have been generally inserted into these legal texts.

With regard to reporting obligation competence, the European Union acts as an independent Party four of its Member States: France, Greece, Italy and Spain.

The Mediterranean Commission of Sustainable Development (hereafter MCSD), which foundation was approved at the ninth ordinary meeting of the Contracting Parties in Barcelona in 1995, was created as a forum for dialogue on sustainable development policies in the Mediterranean, promoting cooperation and exchange of information on sustainable development activities in the Mediterranean Basin. Recommendations adopted by the Commission are not enforceable as the nature of this body is merely consultative.

This chapter shall study the following items:

- Contracting Parties reporting obligations under the applicable texts of the Convention and its Protocols;
- Relevant recommendations adopted by the Conferences of the Parties and plenipotentiaries on reporting obligations;
- Main differences between the legal texts actually enforceable and the ones recently adopted but not yet applicable.

5.1. Reporting obligations of the Contracting Parties to the Barcelona Convention and its Protocols derived from the legal texts in force

5.1.1. *Convention for the Protection of the Mediterranean Sea Against Pollution (Barcelona Convention)*

The Coordinating Unit for the Mediterranean Action Plan (MEDU) holds amongst its functions, the elaboration of the information policy of the Barcelona Convention. According to article 13 of the Barcelona Convention, the MEDU is responsible for carrying out some reporting functions, such as the transmission to the Contracting Parties notifications, reports and other information received in accordance with **articles 3, 9 and 20**.

The Contracting Parties, under the text of the Barcelona Convention, have the following general reporting obligations:

- Copies of the bilateral or multilateral agreements between Contracting Parties, including regional or sub-regional agreements, for the protection of the marine environment of the Mediterranean Sea against pollution, shall be communicated to the MEDU (article 3 Barcelona Convention).
- Any contracting Party, which becomes aware of any *pollution emergency* in the Mediterranean Sea, shall without delay notify the MEDU and, either through

the MEDU or directly, any contracting Party likely to be affected by such an emergency (art. 9.2 Barcelona Convention). This reporting obligation is further developed in the Emergency Protocol.

- The Contracting Parties shall transmit to the MEDU reports of measures adopted in the *implementation of this Convention and of Protocols* to which they are Parties, in such form and at such intervals as the meeting of Contracting Parties may determine (art. 20 Barcelona Convention). This is the main reporting obligation of the Parties, as stated in the Convention and generally in its Protocols.

As the Conferences of the Parties are held every two years (article 14), Contracting Parties must report to the MEDU with this periodicity so as to let the other Parties know the implementation of this Convention.

5.1.2. Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft (Dumping Protocol)

The MEDU shall receive records from the Contracting Parties of the following permits (article 7):

- Prior special permits from the competent national authorities for dumping into the Mediterranean Sea area any of the wastes or other matter listed in annex II of the Protocol
- Prior general permits from the competent national authorities required for the dumping into the Mediterranean Sea area of all other wastes.

Reports to MEDU shall contain the permits, as well as a careful consideration of all the factors covered in annex III of the Dumping Protocol. Annex III says:

‘The factors to be considered in establishing criteria governing the issue of permits for the dumping of matter at sea taking into account article 7 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 dumping 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 endeavor 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 odor, discoloration and foaming).
2. Possible effects on marine life, fish and shellfish culture, fish stocks and fisheries, seaweed 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'.

Dumping not carried out under a permit (provisions of articles 4, 5 and 6 of the Protocol) because of *force majeure*, such as stress of weather or any other stress, or when human life or the safety of a ship or aircraft is threatened, shall immediately be reported to the MEDU or directly to any Party or Parties likely to be affected, together with full details of the circumstances and or the nature and quantities of the wastes or other matter dumped (art. 8 Dumping Protocol).

According to article 9 of the Dumping Protocol, if a Party in a *critical situation of an exceptional nature* considers that wastes or other matter which dumping is prohibited, cannot be disposed of on land without unacceptable danger or damage, above all for the safety of human life, the Party shall forthwith consult the MEDU which, after

consulting the other Parties, shall recommend methods of storage or the most satisfactory means of destruction or disposal under the prevailing circumstances. The Party shall inform the MEDU of the steps adopted in pursuance of these recommendations.

The Emergency Protocol also includes an article related to dumping which establishes that the Contracting Parties shall if considered appropriate, report to any other Party concerned, of any incidents or conditions in the Mediterranean sea which gives rise to suspicions that dumping in contravention of the provisions of the Emergency Protocol has occurred or is about to occur (article 12 Emergency Protocol).

5.1.3. Protocol concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Case of Emergency (Emergency Protocol)

As mentioned before, the Barcelona Convention outlines the obligation of the Contracting Parties to notify the MEDU in case of a pollution emergency (article 9 Barcelona Convention).

Each Party undertakes to disseminate to the other Parties information concerning (art. 6.1 Emergency Protocol):

- a) the competent national organizations 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, new measures of combating pollution and the development of related research programmes.

Parties which have agreed to exchange information directly between themselves shall nevertheless *communicate such information to the regional centre*, which is the Regional Marine Pollution Emergency Response Centre for the Mediterranean (REMPEC). The latter shall communicate this information to the other Parties and, on a basis of reciprocity, to coastal States of the Mediterranean Sea area which are not Parties to this Protocol (art.6.2 Emergency Protocol).

Parties undertake to coordinate 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 reports and urgent information which relate to the occurrences and *situations referred to in article 1 of the Protocol*¹⁰.

Article 9.1 establishes in its points c) and d) that any Party faced with a situation of the kind defined in article 1 of this Protocol shall:

- c) ‘immediately *inform* all other Parties, either directly or through the regional centre, of these assessments and of any *action* which it has *taken* or *which it intends to take to combat the pollution*, and

¹⁰ Article 1, Emergency Protocol: ‘The Contracting Parties to this Protocol shall cooperate taking the necessary measures in cases of *grave and imminent danger to the marine environment*, the coast or related interests of one or more of 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 affected by the Convention.

- d) *continue to observe the situation* for as long as possible and report thereon in accordance with article 8’.

Paragraph 2 of article 9 establishes that: ‘where action is taken to combat pollution originating from a ship, all possible *measures* shall be taken to *safeguard the persons* present on board and, to the extent possible, the *ship* itself. Any Party, which takes such action, shall inform the International Maritime Organization (IMO)’.

Article 8 of the Emergency Protocol establishes that *the masters* of ships flying a Party’s flag and the pilots of aircraft registered in a Party’s territory must report either to a Party or to the regional centre, by the most rapid and adequate channels, and in accordance with Annex I to this Protocol,

- 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 spillage 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 of the Parties.

The information collected in accordance with the paragraphs above shall be *communicated to the other Parties* likely to be affected by the pollutions, either by the Party which has received the information, either directly or preferably, through the regional centre; or by the regional centre.

And if direct communication occurs between Parties, the regional centre shall be informed of the measures taken by these Parties.

Annex I of the Emergency Protocol specifies the *required contents of the reports* made in compliance with article 8 of this Protocol. As stated in the annex, each report shall, as far as possible, contain (quoted from the Protocol):

- 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 or of the observation;
- c) the wind and sea conditions prevailing in the area;
- d) where the pollution originates from a ship, relevant details respecting the conditions of the ship’.

Each report shall contain, whenever possible, in particular:

- a) ‘a clear indication or description of the harmful substances involved, including 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) the name of the consignor, consignee or manufacturer.

Each report shall clearly indicate, whenever possible, whether the harmful substances discharged or likely to be discharged is oil or a noxious liquid, solid or 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’.

Each report shall be supplemented, as necessary, by any relevant information requested by a recipient of the report or deemed appropriate by the person sending the report.

Any of the persons referred to in Article 8, paragraph 1, of this Protocol shall:

- a) supplement, as far as possible, 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.

5.1.4. Protocol for the Protection of the Mediterranean Sea Against Pollution from Land Based Sources (LBS Protocol)

The Parties shall inform one another through the MEDU, 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. Such information shall include *inter alia* (art. 13 LBS Protocol):

- a) statistical data on the discharge authorizations granted in accordance with article 6 of this Protocol;
- b) data resulting from monitoring as provided for in article 8 of this Protocol¹¹;
- c) quantities of pollutants discharged from the Parties’ territories;
- d) measures taken in accordance with articles 5 (to eliminate pollution from land based sources by substances listed in annex I) and 6 (to limit pollution from land based sources by substances listed in annex II) of this Protocol.

5.1.5. Protocol concerning Mediterranean Specially Protected Areas (SPA Protocol)

The Parties must *report to the MEDU on the establishment of protected areas* as well as buffer areas in which activities are less severely restricted while remaining compatible with the purposes of the protected areas (article 5). The MEDU then shall compile and keep up to date a directory of protected areas in the area to which this Protocol applies. The Parties shall supply the MEDU with all the information necessary for that purpose (art. 8 SPA Protocol).

Parties which allow *exemptions* with regard to protective measures or do not apply such measures strictly shall inform the MEDU accordingly (art. 9.2 SPA Protocol).

¹¹ Article 8 of Land Based Sources Protocol: ‘Within the framework of the provisions of, and the monitoring programmes provided for in, Article 10 of the Convention, and if necessary in cooperation with the competent international organizations, the Parties shall carry out, at the earliest possible dates monitoring activities in order: (a) systematically to assess, as far as possible, the levels of pollution along their coasts, in particular with regard to the substances or sources listed in Annexes I and II, and periodically to provide information in this respect; (b) to evaluate the effects of measures taken under this Protocol to reduce pollution of the marine environment’.

Parties shall endeavour to *inform the public* as widely as possible of the significance of the protected areas and of scientific knowledge, both in terms of nature conservation and archaeological value (art. 11)

In applying the principles of co-operation set forth in articles 12 and 13, the Parties shall *forward to the MEDU* the following: a) Comparable information for monitoring the biological development of the Mediterranean environment, b) Reports, publications and information of a scientific, administrative and legal nature, in particular on the *measures taken* by the Parties *in pursuance of this Protocol for the protection of the protected areas*, on the *species present in the protected areas and on any threats to those areas*, specially those which may come from sources of pollution outside their control (art. 14 SPA Protocol).

5.2. Relevant recommendations adopted by the Conferences of the Parties and plenipotentiaries on reporting obligations of the Contracting Parties under the Barcelona Convention and its Protocols

5.2.1. Ninth Ordinary Meeting of the Parties held in Barcelona from 9 to 10 June 1995

This Conference established the following relevant matters under annex XIII titled 'recommendations and budget for 1996':

- **Implementation of the Barcelona Convention and the Mediterranean Action Plan. Revision**

Information and Training.

It is recommended to strengthen the MAP programme for training, information and public awareness.

- **Implementation of the Dumping Protocol**

Under the Dumping Protocol Contracting Parties shall send annual reports to the MED Unit.

- Implementation of the **Emergency Protocol**. Prevention and Combating Pollution from ships (REMPEC).

Appendix III of Annex XIII of the report makes recommendations on decisions and actions that should be taken at the port and at national and regional levels concerning preparedness for and response to substances in Mediterranean port areas and their approaches.

The COP report establishes under point 5 the following:

*'The competent authority of the Mediterranean coastal States should establish a system whereby the **Port Authority is notified** of the dangerous cargo on board a ship, prior to its arrival in the port or to its departure from the port. The advance notification should also include any deficiency of the ship, its equipment and/or the contents of the dangerous cargo which may affect the safety of the port area or the ship itself.'*

The governments of Mediterranean coastal states should ensure compliance with the requirements of the International Convention of Pollution Preparedness Response and Cooperation (OPRC, 1990) that ports under Mediterranean states

jurisdiction have a *port emergency plan* coordinated with the national system for preparedness and response, which is approved in accordance with procedures established by the competent national authority.

The competent national authority of the Mediterranean coastal states in charge of accidental marine pollution preparedness, response and mutual assistance should ensure that the arrangements regarding co-operation and mutual assistance adopted within the framework of the Emergency Protocol to the Barcelona Convention are taken into account and properly reflected in the port emergency plan.

REMPEC should provide assistance in the organization of such programmes both at the regional and national level with priority being given to the countries with the greatest need.

Appendix IV of Annex XIII provides the guidelines concerning the exchange of liaison officers between the Contracting Parties in case of response operations involving several states.

Contracting Parties to the Emergency Protocol, in order to achieve prompt and efficient exchange of information, shall endeavour to establish and maintain permanent liaison, between the competent national authority of the Party whose territorial sea, coasts and related interests are directly affected by pollution and who has the overall operational command over the response operations, and competent national authorities of the assisting Parties taking part in response operations. This is applicable in two main cases:

- either pollution occurs in the waters of one contracting Party and threatens the waters of another;
- the scale of the assistance provided by one contracting Party to another justifies the presence of a liaison officer from the assisting contracting Party at the response headquarters of the assisted contracting Party.

The role of such liaison officers shall be limited to:

- in the first case, referred to above, to facilitate mutual information exchange between threatened Contracting Parties with a view to enabling a contracting Party, which might be subsequently affected to prepare its response actions, and when appropriate, to start response operations without waiting that the pollution reaches its waters;
- in the second case referred to above, to transmitting the orders of the authority having overall command over response operations (Supreme On-Scene Commander) to officers in charge of resources of the assisting Party.

Each contracting Party shall endeavor to include the liaison officers among the staff of its response command and to facilitate the performance of their duties in particular by arranging access to communication means.

Appendix IV also establishes the Guidelines concerning *arrangements, which might be made with a view to ensuring, in case of accident, liaison* between the governmental authorities and other interested Parties.

The objective of this liaison shall primarily be to obtain and exchange necessary technical information required for planning and implementation of appropriate

pollution response measures, with the view to increasing the effectiveness of response operations, to reducing the effects of pollution response measures, and to consider possible legal and financial implications of taken or planned response actions. This information shall *inter alia* include:

- **On the part of relevant interested Parties:** information concerning the ship and the cargo involved in the incident; response measures taken or planned by these Parties; resources including personnel, equipment and other means, which these Parties have available for responding to the incident; contingency plans prepared by them; and the availability of funds through ship cargo insurers.
- **On the part of the competent national authorities of the affected contracting Party:** information concerning national organization for accidental marine pollution response; national and local contingency plans; available resources including personnel, equipment and other means; arrangements made or planned by the competent national authorities for responding to the pollution incident; and national laws and regulations covering the field of accidental marine pollution, including liability and compensation.

The Conference of the Plenipotentiaries on the Convention for the Protection of the Mediterranean Sea against Pollution and its Protocols, Barcelona 9–10 June 1995, adopted the Barcelona resolution, the Priority Action Programme, the amendments to the Convention, the Dumping Protocol, the LBS Protocol, the new SPA Protocol and the two new Protocols (Offshore Protocol and Hazardous Waste Protocols).

5.2.2. Tenth Ordinary Meeting of the Contracting Parties

Annex IV of the report of the Tenth Ordinary Meeting of the Contracting Parties to the Barcelona Convention and its Protocols, establishes the recommendations for the biennium 1998–1999.

Within the recommendations, the strategic action programme (SAP) was adopted to address pollution from land-based activities, the Programme was established to ensure the implementation of the objectives and principles of the **LBS Protocol**.

Within the principles and obligations of the SAP, it is stated that ‘*in order to protect the environment and contribute to the sustainable development of the Mediterranean Sea Area, the Parties shall:… h) ensure routine and standardized reporting of toxic emissions to air, water and land (including off-site disposal) by polluting facilities – private, state or municipal. Ensure active public dissemination by the competent authorities of the data reported bearing in mind legitimate needs for business confidentiality*’.

This plan, under the title ‘*Reporting*’, establishes in accordance with article 13 of the LBS Protocol that ‘the Parties shall submit reports every two years, to the meeting of the Contracting Parties, through the MEDU, of measures taken, results achieved and if the case arises, of difficulties encountered in the application of the Protocol’.

Proposed activities under the Barcelona Convention and its Protocols at the regional level are:

- a) to prepare and apply a unified reporting system on the application of the provisions of the Convention, the Protocols and the SAP;
- b) to collect information on the levels and trends of loads of pollution reaching the Mediterranean sea;
- c) to collect information on the state of the treatment and the disposal of liquid and solid wastes in the Protocol Area and to present such information to the Contracting Parties;
- d) to publish a report on the State and Evolution of the Mediterranean Environment at regular intervals;
- e) to develop public tracking and reporting systems of pollutants, known generically as *Pollutant Release and Transfer Registers (PRTRs)*, in cooperation with OECD.

On a national level, each Party is obliged to 'every two years, prepare and submit, to the meeting of the Contracting Parties a report on the application of the LBS Protocol'. Such reports must include:

- a) national regulations, action plans, programmes and measures implemented in application of the Protocol;
- b) statistical data on the authorization granted in accordance with article 6 of the protocol;
- c) data resulting from compliance monitoring;
- d) quantities of pollutants discharged from their territories;
- e) development of public tracking and reporting systems of pollutants, known generically as PRTRs.

5.2.3. Special reference to the Emergency Protocol and its development through several Conferences of the Parties

With a view to implement the Emergency Protocol, the Conference of Plenipotentiaries of the coastal states of the Mediterranean region in Barcelona in February 1976, decided to create the Regional Oil Combating Centre (*ROCC*) (Resolution 7 of the Conference).

This Centre, administered by the International Maritime Organization, (hereafter IMO) was established at Malta on 11 December 1976, and is financed by the Mediterranean Trust Fund.

The *sixth ordinary meeting* of the Contracting Parties held in Athens from 3 to 6 October 1989, approved the new objectives and functions of the Regional Centre and changed the name to Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea (*REMPEC*).

Regional Strategy on the Prevention of Pollution of the Marine Environment by Ships. Regional Information System (RIS).

In 1997, the tenth ordinary meeting of the Parties to the Emergency Protocol held in Tunis from 18 to 21 November, adopted the Regional Strategy on the Prevention of Pollution of the Marine Environment by Ships, the objectives of which is to facilitate information exchange and to provide a framework for the exchange of information on operational, technical, scientific, legal and financial matters. To ensure these objectives, the RIS was established.

'In case of an accident involving hazardous substances, the gathering of information is essential for taking a final decision. To resort a database, to risk-prediction models and to decision support systems which help decision-making, is therefore important, and particularly to know the physical, chemical and toxicological properties of the substances in question, the risks which they present to human life and to the marine environment, as well as the response techniques and the possible methods of combating them'¹².

The Regional Information System (RIS), which REMPEC maintains and develops, is in line with its functions¹³, as well as in keeping decisions made by the Contracting Parties¹⁴, and its objective is to respond to the necessities and needs.

RIS is divided in four parts, which are:

Part A, Basic Documents

Part B, Lists and Inventories

Part C, Databanks, Forecasting Models and Decision Support Systems

Part D, Operational Guides and Technical Documents

Within these parts, part A, B section 3 (Directory of competent national authorities in charge of accidental marine pollution preparedness, response and mutual assistance and other relevant information) and C section 4 (list of alerts and accidents in the Mediterranean), are up-dated every year.

We consider that Part A is the one that is relevant to this study.

Part A of the Regional Information System is titled 'Basic Documents, Recommendations, Principles and Guidelines Concerning Accidental Marine Pollution Preparedness, Response and Mutual Assistance'.

The Contracting Parties to the Emergency Protocol committed themselves to inform each other, either directly or through REMPEC:

- a) all accidents causing or likely to cause pollution of the sea by oil and other harmful substances;
- b) the presence, characteristics and extent of spillage 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 of the Parties;
- c) their assessments and any pollution combating actions taken or envisaged to be taken;
- d) the evolution of the situation.

Each Party needing the assistance may request it from the other Parties, either directly, or through the Centre.

Within the documents contained in this report, some recommendations adopted in several meetings are mentioned. To our purposes we can point out the Guidelines for Cooperation in Combating Marine Oil Pollution in the Mediterranean adopted in

¹² Document from the REMPEC under ME/RA/0401-94-10 elaborated in order to contribute to the implementation of the Emergency Protocol (Preface).

¹³ Annex to Resolution 7, UNEP (OCA) MED.IG.1/5, Appendix 2

¹⁴ UNEP (OCA) MED.IG. 1/5, Annex V

the *fifth ordinary meeting* of the Contracting Parties to the Barcelona Convention and its Protocols held in Athens on September 11, 1987. Within this guidelines recommendation number 1 establishes the following:

‘The Parties will report to the Centre at least all spillage or discharges of oil in excess of 100 cubic meters as soon as they have knowledge of them. A Standard Alert Format will be used for this purpose...’ This format has been disseminated and updated by the Centre.

Since the 1990s, the **Pollution Reporting System** (POLREP) has been used by Contracting Parties to report to REMPEC.

Within POLREP, a standard pollution accidents reporting format is used in order to facilitate rapid transmission of information and requests for assistance. It has been recommended by IMO that the SAF in the Emergency Protocol, to improve the harmonization of pollution reporting systems applied under the Barcelona Convention and Protocols.

RIS also includes ‘Principles and Guidelines Concerning Cooperation and Mutual Assistance’ adopted at the *seventh meeting of the Contracting Parties* to the Barcelona Convention and its Protocols held in Cairo, 11 October 1991¹⁵. Appendix IV of these Principles comprises the ‘check-list of procedures to be followed and persons to be contacted in case of emergency’. This appendix establishes the sequence of actions to be carried out by the competent national authorities responsible under the National Contingency Plan for dealing with matters relating to response to marine pollution incidents, following the receipt of information of a pollution or threat thereof, in order to implement the provisions of the Emergency Protocol to the Barcelona Convention.

According to this appendix, we can point out: ‘Parties must assess and inform in the following’:

1. **Initial assessment** must include:

General information:

- place, time, nature, extent and cause of the incident;
- identification of the vessel¹⁶,
- identification of owner/operator and his representatives and insurers;
- conditions of the vessel;
- identification of the cargo and its state;
- intentions of the master;
- intentions of the salvor, if any;
- intentions of the owner or his representative.

Contacts:

- master of the vessel;
- salvor/salvage company, if any;
- shipowner or his representative;
- last port(s) of call;
- next port (s) of call.

¹⁵ UNEP (OCA)/MED IG. 2/4, Annex IV, Appendices I–VI

¹⁶ Although the checklist has been prepared primarily for incidents involving vessels, it should be used where applicable in case of incidents involving offshore units (which are ‘any fixed or floating installation or structure engaged in gas or oil exploitation or production activities, or loading or unloading of oil, OPRC Convention’).

2. Notification

Once the Party has finalized its initial assessment and when the severity of the incident so justifies, it should:

- a) inform the relevant bodies within the country in accordance with the National Emergency Plan;
- b) inform all Parties whose interests are affected or likely to be affected by the pollution, as well as REMPEC, and provide them with:
 - details of its assessments and any action it has taken, or intends to take, to deal with the incident; and,
 - further information as appropriate;
 - until the action taken to respond to the incident has been concluded or until joint action has been decided by such Parties. For transmitting such information, use should be made of the Pollution Reporting System (POLREP) and the list of competent national authorities, as they appear in section 1 of Part B of the Regional Information System.
- c) contact the vessels insurers and, if the incident involves oil:
 - the International Tanker Owners Pollution Federation Ltd. (ITOPF);
 - the IOPC Fund when the Party possibly affected by the pollution is a Party to the 1971 Fund Convention.

5.3. Main differences between the Barcelona Convention, the Dumping, LBS and SPA Protocols in force and their amendments

5.3.1. *Barcelona Convention in force and its amendment*

The original text of the **Barcelona Convention in force and its amended text** containing the modifications approved on the ninth Conference of the Parties in Barcelona on June from 5 to 8 1995 and adopted on the fifth Conference of plenipotentiaries held in Barcelona on June 9–10 on the same year.

The Barcelona Convention's *new title* after the referred Conference of the Parties, will be 'Convention on the Protection of the Marine Environment and the Coastal Region of the Mediterranean'.

Actually this text is not in force as, on September 2 1999, it has only been *accepted* by 5 Contracting Parties, which do not comply with the requirements of article 16 of the Convention.¹⁷

Article 20 of the Barcelona Convention, states that the Parties to the Convention are obligated to transmit to the Convention Secretariat periodical reports covering the measures taken to implement the Convention and its Protocols. The amended text extends this obligation, incorporating the recommendations adopted at the meetings (new article 26a), and at the same time establishes that the Parties shall report on the 'b) effectiveness of the measures referred to in subparagraph (a)

¹⁷ Article 16 of the Barcelona Convention: '...Amendments...shall enter into force between Contracting Parties having accepted such amendments on the 30th day following the receipt by the Depositary of notification of their acceptance by at least three-fourths of the Contracting Parties to this Convention or to the Protocol concerned, as the case may be' Three fourths of the Contracting Parties to the Convention would be approximately 16 Parties.

and problems encountered in the implementation of the instruments mentioned above’.

Agreements between Contracting Parties still require communication with the MEDU. However, the objective of this reporting is together with the protection of the environment, the promotion of sustainable development and the conservation and preservation of natural resources (article 3 and new article 3 of the Barcelona Convention).

The rest of the aspects related to reporting obligations remain the same.

5.3.2. Dumping Protocol in force and its amendments

This section compares the reporting obligation of the original text of the **Dumping Protocol and its amended version**, which contains the modifications approved at the ninth Conference of the Parties on Barcelona in June from 5 to 8 1995, and adopted at the fifth Conference of Plenipotentiaries held in Barcelona on June 9–10 the same year.

The *new title* of this Protocol will be ‘Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea’.

Actually this text is not in force as, on September 2 1999, it has only been *accepted* by 6 Contracting Parties, which do not comply with the requirements of article 16 of the Convention.

The scheme of this new text is different from the previous one as *it does not differentiate the special and general permits*, and now it is established that *all dumping is prohibited* except for the cases listed in article 4.2 of the new text, that will need prior special permit, which will be issued after careful consideration of factors set in the annex to the Protocol and the criteria and procedure so as to prevent, abate and eliminate pollution (articles 4, 5 and 6).

Annex III of the original text is now the only existing annex. This list establishes the same factors to be considered in establishing the criteria governing the issue of permits for the dumping of waste at sea.

Article 7, which states that the MEDU should receive records on permits, has been omitted, and now only specifies that incineration is prohibited. However, article 14.2 b) of the Dumping Protocol remains the same as the original text, stating that the meeting of the Parties shall 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. Therefore if the meeting of the Parties knows about the records, it is necessary for the Parties to communicate them to the Secretariat.

The rest of the aspects related to reporting obligations remain the same way.

5.3.3. LBS Protocol in force and its amendments

This section compares the reporting obligations of the **LBS Protocol in force and the amended version** adopted by the Conference of plenipotentiaries held in Syracuse from 6 to 7 March 1996.

The *new name* of the amended text of the Protocol at its entry into force will be 'Protocol for the Protection of the Mediterranean Sea against Pollution from Land Based Sources and Activities'.

Actually this text is not in force as, on September 2 1999, it has only been accepted by 5 Contracting Parties, which do not comply with the requirements of article 16 of the Convention.

The new article 13 remains basically the same as the one currently in force. However, unlike the previous text, it states the *period of two years for the Parties to report* to the meetings of the Parties through the MEDU.

This same article at its subparagraph d) whereas the actual article establish in this subparagraph that the information referred above shall include inter alia: 'measures taken in accordance with article 5 and 6 (to eliminate and limit pollution from land based sources) of this Protocol', new article 13.2 d) does not talk only about measures but also about action plans and programmes 'in accordance with articles 5 (to eliminate pollution from land based sources), 7 (titled common guidelines, standards and criteria by the Parties) and 15 (on action plans, programmes, measures and timetables for their implementation) of this Protocol'

5.3.4. SPA Protocol and the new Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean

It was adopted by the Conference of plenipotentiaries held in Barcelona from 9 to 10 June 1995, including its annexes adopted by the meeting of plenipotentiaries held in Monaco on 24 November 1996.

The *SPA Protocol* text has not been amended but *shall be replaced* by the new 'Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean'.¹⁸

Actually the new Protocol is not in force as, on September 2 1999, it has only been ratified by 4 Contracting Parties that do not comply with the requirements of article 32 of the Protocol (it is required the ratification, acceptance or approval of or accession to, the Protocol by 6 signing Parties).

Reporting obligations are more specific under the new text of the SPA Protocol (the Protocol on Specially Protected Areas and Biological Diversity in the Mediterranean).

This new Protocol establishes, that a list must be created of Specially Protected Areas of Mediterranean Importance (SPAMI)'.¹⁸

Within the procedure for the establishment and listing of SPAMIs, Article 9, the Parties making proposals for inclusion in the SPAMI list shall provide the SPA/RAC with an introductory report containing information on the area's geographical location, its physical and ecological characteristics, its legal status, its management plans and the means for their implementation, as well as a statement justifying its Mediterranean importance.

¹⁸ At the date of this publication the SPA Protocol has been replaced by the SPA & Biodiversity Protocol (date of entry into force: 12 December 1999)

Each proposal shall then be submitted to the National Focal Points of the Barcelona Convention, which shall examine its conformity with the common guidelines and criteria established in the new Protocol.

The Parties, which proposed the inclusion of an area in the list shall implement the protection and conservation measures, specified in their proposals. The SPA/RAC shall inform the competent international organizations about the list and the measures taken to protect the SPAMIs.

The Parties may revise the SPAMI List, and to this end, the SPA/RAC shall prepare a report.

Under *article 23*, the Parties shall submit to ordinary meetings of the Parties a report on the implementation of this Protocol, in particular on:

- a) the status and the state of the areas included in the SPAMI list;
- b) any changes in the delimitation or legal status of the SPAMIs and protected species;
- c) possible exemptions allowed pursuant article 12 and 18.

6. Preliminary draft on a reporting system within the framework of the Mediterranean Action Plan (MAP)

The Meeting of MAP National Focal Points held in Athens from 6 to 9 September 1999 adopted the Report by the Coordinator on activities carried out during the 1998–1999 biennium and Recommendations and Programme Budget for 2000–2001. In the proposal by the Secretariat a MAP Information Strategy is outlined in annex III. This strategy is mainly focused on creating a MAP Information and Public Awareness Strategy; this document does not deal with reporting obligations of the Parties but rather access by the general public to information related to the MAP.

In this Meeting, a preliminary draft document was presented under the title Reporting System within the MAP Framework. This draft contains a preliminary proposal on the implementation of a reporting system that complies with the prescriptions established in the new article 26 of the amended version of the Barcelona Convention

The reports system proposed in the draft basically consists of a compendium of existing instruments. We propose that the draft national reports must contain:

- obligations established in the legal texts (Convention and Protocols);
- recommendations of the Contracting Parties (assuming that they include the recommendations adopted in the different Conferences held by the Parties);
- recommendations of MAP Phase II;
- results of the United Nations Rio Conference on the Environment and Development in 1992, and MED 21 Conference on Sustainable Development held in Tunis in 1994 as a continuation of the Rio Conference focuses on the Mediterranean area;
- results from COP 8 held in Antalya in 1993;
- answers to the 'Priority field areas for the environment and development in the Mediterranean basin' (COP 9, annex II MAP phase II);
- Strategic Action Plan for the LBS Protocol (COP 10);
- obstacles found in the implementation of the legal instruments;
- suggestions, comments or observations that Contracting Parties may deem useful.

The draft strategy report is currently divided into different chapters according to the amended texts, new Protocols (none of them yet in force) and the Emergency Protocol. We suggest that the general structure to be followed by the Contracting Parties in reporting to the MEDU should be as follows:

- Pressures: general situation concerning pressures on the marine environment and coastal region
- State: monitoring systems
- Response: strategy, institutional, legal and technical measures adopted and current planned projects
- Co-operation: give the areas where cooperation between Parties regarding pollution of the Mediterranean, has occurred mainly regarding scientific and technological issues.

- Obstacles: regarding implementation of regulations, the forwarding of information, cooperation between Parties and finance.
- Suggestions: concerning a questionnaire and any regulatory, technical or financial issues related to the legal text.

7. Conclusions and recommendations

The Mediterranean Action Plan (MAP), created under the Regional Seas Programme of the United Nations Environment Programme (UNEP) in 1975, is now in its phase II. The aim of MAP is to protect the Mediterranean environment, particularly the marine environment, against various forms of pollution. In its present phase (since 1995), the aim of MAP is to reach sustainable development in the Mediterranean on the basis of the principles established in the Conference of the United Nations on Environment and Development held in Rio in 1992. Under this overall goal, there are four main objectives:

- The protection and sustainable management of marine and land natural resources
- The integration of environmental considerations and economic development and land-use policies
- The strengthening of solidarity between coastal states
- The improvement of the quality of life of the peoples of the Mediterranean.

The Convention for the Protection of the Mediterranean Sea Against Pollution (Barcelona Convention) was adopted in 1976 as a legal instrument to achieve the objectives of the Mediterranean Action Plan. This Convention, together with the subsequently adopted Protocols, is the legal component of MAP. The Barcelona Convention has seven¹⁹ Protocols, although only four of them are in force. This Convention and some of its Protocols have recently been amended recently but the resulting texts are not yet applicable.

Therefore the existing legal texts actually in force under the MAP are:

- the 'Convention for the Protection of the Mediterranean Sea Against Pollution' (Barcelona Convention);
- the 'Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft' (Dumping Protocol);
- the 'Protocol concerning Co-operation for Combating Pollution of the Mediterranean Sea by Oil and other Harmful Substances in case of Emergency' (Emergency Protocol);
- the 'Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources' (LBS Protocol);
- and the 'Protocol concerning Mediterranean Specially Protected Areas' (SPA Protocol)²⁰;

The legal texts, which are not yet in force are the following;

- Amended text of the Barcelona Convention;
- Amended text of the Dumping Protocol;
- Amended text of the LBS Protocol;
- Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean (SPA & Biodiversity Protocol);

¹⁹ At the date of this publication the SPA Protocol had been replaced by the SPA & Biodiversity Protocol (date of entry into force: 12 December 1999), therefore we only have six Protocols.

²⁰ At the date of this publication the SPA Protocol had been replaced by the SPA & Biodiversity Protocol (date of entry into force: 12 December 1999)

- Protocol for the Protection of the Mediterranean Sea against Pollution Resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil (Offshore Protocol);
- Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal (Hazardous Wastes Protocol).

Although specific reporting obligations are established under the Barcelona Convention and its Protocols, no reporting system, except for the Emergency Protocol, has as yet been put in place to channel and organize this information. The current obligations consist of the requirements established in the Convention and the rest of Protocols, mainly addressed to the Conventions Secretariat (MEDU). These requirements have not been implemented further, but certain recommendations that are not usually complied with by the Parties, have been adopted and approved by the Conferences of the Parties and Plenipotentiaries. However, efforts have started to be made towards establishing a single reporting system to be based on the new texts applicable to all the agreements concerned.

7.1. Main reporting obligations under the Barcelona Convention and its Protocols

Reporting obligations under the Barcelona Convention and its Protocols, within the framework of the Mediterranean Action Plan, have only been developed very superficially through some meetings of the Parties. Therefore, as stated above, except for the Emergency Protocol no reporting system exists for this Convention.

The main Contracting Parties' reporting obligations consist of reporting every two years (which is the frequency with which the Parties have to meet) on the implementation of the *Barcelona Convention and its Protocols* to the Secretariat of the Convention, which is the United Nations Environmental Programme (UNEP), centralized for the Mediterranean Action Plan in the Co-ordinating Unit of MAP (MEDU), located in Athens.

7.2. Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft

The Dumping Protocol contains a list setting out the factors that must be considered by the national governments to issue permits for dumping. As these permits must be reported to the MEDU, the records made by the Contracting Parties have to contain all this information. Dumping made under force majeure, and therefore without permits, must be immediately reported to the MEDU or directly to the Parties. If it is impossible for the country to avoid prohibited dumping since it cannot be disposed of on land, the Party must consult the MEDU, which, after consulting other Parties, will recommend certain actions to be adopted. The Party shall inform on the development of these actions.

The Ninth Conference of the Parties have recommended that the Contracting Parties send annual reports to the MED Unit, and although this is not legally binding, Contracting Parties act this way.

Protocol concerning co-operation for combating pollution of the Mediterranean sea by oil and other harmful substances in case of emergency

To comply with the Emergency Protocol, a Regional Strategy on the Prevention of pollution of the marine environment by ships, and within it a Regional

Information System, has been developed and is annually updated by the Regional Activity Centre.

It must be pointed out that for the case of emergency situations noticed by a contracting Party, a Pollution Reporting System (POLREP) has been in use since the early 90s, within which we find a standard pollution alert accident-reporting format recommended by the International Maritime Organization (IMO). At the same time, there are principles and guidelines to be followed concerning cooperation and mutual assistance (Cop 7).

Within the Emergency Protocol, the Contracting Parties report to the Regional Marine Pollution Emergency Response Centre for the Mediterranean (REMPEC), which relays all the communications to the Coordinating Unit of the MAP (MEDU). It is finally the MEDU that reports to the Contracting Parties on matters related to this Protocol

As for general reporting obligations, such as the notification to the REMPEC of the national competent authorities; these are made by the Parties whenever changes take place.

7.3. Protocol for the Protection of the Mediterranean Sea Against Pollution from Land-Based Sources

Under the LBS Protocol, Contracting Parties must inform one another, through the MED Unit, of measures taken, results achieved and possible difficulties encountered in the application of this text.

The tenth ordinary meeting of the Parties adopted the Strategic Action Plan (S.A.P) to Address Pollution from Land-Based Activities, based on the amended text, which is not yet in force. Within this Action Plan, Parties will submit the reports to the meeting of the Contracting Parties, through the Secretariat, on compliance with the Protocol dispositions.

Reporting by the Contracting Parties to the Secretariat will be made every two years. Today, Parties report every two years due to the periodicity of the Contracting Parties meetings, but once the Protocol's amended version enters into force, this periodicity will become legally binding.

7.4. Protocol Concerning Mediterranean Specially Protected Areas²¹

The SPA Protocol establishes the obligation of the Parties to publish the establishment of protected areas. This and any other relevant information on this matter must be reported to the MEDU in order for it to keep up to date a directory of protected areas. Essentially, the Parties must report to the MEDU on measures taken by the Parties in pursuance of this Protocol for the protection of the protected areas, on the species present in them and on any threats to those areas.

Reporting by the Parties is made every two years due to the periodicity of the Conferences of the Parties. However, unofficially a very simple reporting format has been elaborated by the Regional Activity Centre for this Protocol (SPA/CAR) which helps the Parties to comply with the Centre's requirements before the

²¹ At the date of this publication the SPA Protocol has been replaced by the SPA & Biodiversity Protocol (date of entry into force: 12 December 1999)

biannual meetings of the focal points (the last one, the 4th, was held in Tunis, on April 1999). At least, the Parties attending the focal points meetings usually comply with the requirement of the Regional Centre.

At the Meeting of the MAP National Focal Points held in Athens from 6 to 9 September 1999 a preliminary draft document was presented under the title 'Reporting System within MAP Framework'. This draft contains a very preliminary study in order to implement a reporting system that complies with the prescriptions established in the new article 26 of the amended version of the Barcelona Convention which is not yet in force.

The aim of the draft is the development of a particular reporting format for each agreement under a general structure but it does not yet create a procedure for the Parties to report, contemplating aspects such as reporting schedules or the direction of the flow of information.

Due to its preliminary character, this draft was not adopted at the last Conference of the Parties held at Malta from 27 to 30 October 1999. However, it was adopted the MAP Information Strategy as originally presented at the tenth ordinary meeting of the Parties (Tunis, 18–21 November 1997), and reflecting the conclusions of the Working Group Meeting on this document. This document relies on MAP's strategy on information and public awareness but it does not deal with reporting obligations from the Parties towards the MEDU.

7.5. Main difficulties encountered implementing the reporting obligations mechanism

- *Lack of comparable and transparent information.* As no standard formats exist to comply with the reporting obligations, a lack of comparable data must be faced by the Secretariat, which encounters great difficulties when compiling the information.
- *Lack of a harmonized reporting system.* The Mediterranean Action Plan does not have a reporting system for the Contracting Parties of the Convention to comply with their reporting obligations.
- Only under the Emergency Protocol, as mentioned above, a Regional Reporting System exists, which accumulates all the recommendations made by the Parties and a reporting format to channel all this information.
- *Lack of a concrete and precise calendar according to which Parties should submit their reporting.* Although a periodicity is established within the Convention and its Protocols, no specific schedule exists for the Parties to submit their reports.
- *Lack of compliance* of the Parties with their reporting obligations. Submission of incomplete reports and non-compliance with the periodicity. As no binding procedure exists, neither the Parties nor the Secretariat are worried about compliance with the reporting obligations, while awaiting the creation of a reporting system.

7.6. Recommendations

We have identified that the legal structure created to support the Mediterranean Action Plan, does not provide a specific and detailed framework to regulate how, when and where the Contracting Parties have to comply with their reporting obligations. Therefore the European Environment Agency can play a role, in close cooperation with the Secretariat of the Convention and with the European Commission, in channelling all the relevant information concerned within this process.

As stated above, the MAP Coordinating Unit (MEDU) is now engaged in a process of organizing the mechanism of the reporting obligations under the various Protocols. A similar process, related to European Community legislation, is under development and implementation by the EEA and the European Commission (REM Project); this practical experience would be of relevance for MEDU. We would therefore propose cooperation between MEDU and the EEA on exchanging experience and know-how. Considering also that the European Commission, some EU Member States and some accession countries are Contracting Parties to the Barcelona Convention, the EEA would be appropriately placed to support.

European Commission and EU Member States in:

- **Compiling information on aspects under the Barcelona Convention and its Protocols through** a collaboration agreement with the UNEP MAP Coordinating Unit and the six Regional Activity Centres.
- **Validating this information** by comparing all the available data
- **Selecting the most relevant data**
- **Organizing these data** separating those relevant from the point of view of reporting obligations and the data of general interest on Mediterranean matters.
- **Creating a Data Base** where:
 - Comprehensive guidelines are established to assist the Contracting Parties to the Convention in complying properly with their reporting obligations, and at the same to provide a global view of the state of development and implementation of the Convention and its Protocols.
 - Existing information provided by the information sources, is gathered and organized by theme attending to its relevancy either to reporting obligations or to general matters.
 - The Barcelona Convention Secretariat and the rest of EEA providers of information have a controlled access to introduce data.
 - Access will be controlled so the EEA is able to validate every input.
- **Direct and User Friendly Access to the Data Base by its final users.**
- **Support to the European Commission (DG ENV)** on their role on behalf of the European Community as Party to the Conventions on reporting obligations for the Secretariat and also, if requested, to support the Member States.

8. Glossary

Barcelona Convention:

Convention for the Protection of the Mediterranean Sea Against Pollution

BP/RAC:

Blue Plan/Regional Activity Centre

COP:

Conference of the Parties

CP/RAC:

Cleaner Production Centre

Dumping Protocol:

Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft

Emergency Protocol:

Protocol concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and other Harmful Substances in cases of Emergency

ERS/RAC:

Environment Remote Sensing Regional Activity Centre

Hazardous And Wastes Protocol:

Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal

IMO:

International Maritime Organization

LBS Protocol:

Protocol for the Protection of the Mediterranean Sea Against Pollution from Land-Based Sources

MAP:

Mediterranean Action Plan

MCSD:

Mediterranean Commission for Sustainable Development

MED POL:

Coordinated Mediterranean Pollution Monitoring and Research Programme

MEDU:

Coordinating Unit for the Mediterranean Action Plan

OECD:

Organization for the European Cooperation and Development

Offshore Protocol:

Protocol for the Protection of the Mediterranean Sea Against Pollution resulting from Exploration and Exploitation

PAP:

Priority Actions Programme

PAP/RAC:

Priority Actions Programme Regional Activity Centre

POL REP:

Pollution Reporting System

PRTR:

Pollutant Release and Transfer Register

SPA Protocol:

Protocol concerning Mediterranean Specially Protected Areas

SPA/RAC:

Specially Protected Areas Regional Activity Centre

UNEP:

United Nations Environmental Programme

Annex I: Council decision 77/585/ECC

**Convention for the Protection of the
Mediterranean Sea Against Pollution**

TITLE

Convention on the Protection of the Mediterranean Sea Against Pollution (Barcelona Convention), Official Journal L 240, 19/09/1977

TEXT

Convention on the Protection of the Mediterranean Sea Against Pollution (Barcelona Convention), Protocol for the prevention of pollution of the Mediterranean Sea by dumping from ships and aircraft

CONVENTION for the protection of the Mediterranean Sea Against pollution

THE CONTRACTING PARTIES,

CONSCIOUS of the economic, social, health and cultural value of the marine environment of the Mediterranean Sea area,

FULLY AWARE of their responsibility to preserve this common heritage for the benefit and enjoyment of present and future generations,

RECOGNIZING the threat posed by pollution to the marine environment, its ecological equilibrium, resources and legitimate uses,

MINDFUL of the special hydrographic and ecological characteristics of the Mediterranean Sea area and its particular vulnerability to pollution,

NOTING that existing international Conventions on the subject do not cover, in spite of the progress achieved, all aspects and sources of marine pollution and do not entirely meet the special requirements of the Mediterranean Sea, area,

REALIZING fully the need for close cooperation among the States and international organizations concerned in a coordinated and comprehensive regional approach for the protection and enhancement of the marine environment in the Mediterranean Sea area,

HAVE AGREED AS FOLLOWS:

Article 1

Geographical coverage

1. For the purposes of this Convention, the Mediterranean Sea area shall mean the maritime waters of the Mediterranean Sea proper, including its gulfs and seas, bounded to the west by the meridian passing through Cape Spartel lighthouse, at the entrance of the Straits of Gibraltar, and to the east by the southern limits of the Straits of the Dardanelles between the Mehmetcik and Kumkale lighthouses.
2. Except as may be otherwise provided in any Protocol to this Convention, the Mediterranean Sea area shall not include internal waters of the Contracting Parties.

Article 2

Definitions

For the purposes of this Convention:

- (a) 'Pollution' means the introduction by man, directly or indirectly, of substances or energy into the marine environment resulting in such deleterious effects as harm to living resources, hazards to human health, hindrance to marine activities including fishing, impairment of quality for use of sea water and reduction of amenities.

(b) 'Organization' means the body designated as responsible for carrying out secretariat functions pursuant to Article 13 of this Convention.

Article 3

General provisions

1. The Contracting Parties may enter into bilateral or multilateral agreements, including regional or sub-regional agreements, for the protection of the marine environment of the Mediterranean Sea against pollution, provided that such agreements are consistent with this Convention and conform to international law. Copies of such agreements between Contracting Parties to this Convention shall be communicated to the Organization.

2. Nothing in this Convention shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to resolution 2750 C (XXV) of the General Assembly of the United Nations, nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction.

Article 4

General undertakings

1. The Contracting Parties shall individually or jointly take all appropriate measures in accordance with the provisions of this Convention and those Protocols in force to which they are Party, to prevent, abate and combat pollution of the Mediterranean Sea area and to protect and enhance the marine environment in that area.

2. The Contracting Parties shall cooperate in the formulation and adoption of Protocols, in addition to the Protocols opened for signature at the same time as this Convention, prescribing agreed measures, procedures and standards for the implementation of this Convention.

3. The Contracting Parties further pledge themselves to promote, within the international bodies considered to be competent by the Contracting Parties, measures concerning the protection of the marine environment in the Mediterranean Sea area from all types and sources of pollution.

Article 5

Pollution caused by dumping from ships and aircraft

The Contracting Parties shall take all appropriate measures to prevent and abate pollution of the Mediterranean Sea area caused by dumping from ships and aircraft.

Article 6

Pollution from ships

The Contracting Parties shall take all measures in conformity with international law to prevent, abate and combat pollution of the Mediterranean Sea area caused by discharges from ships and to ensure the effective implementation in that area of the rules which are generally recognized at the international level relating to the control of this type of pollution.

Article 7

Pollution resulting from exploration and exploitation of the continental shelf and the seabed and its subsoil

The Contracting Parties shall take all appropriate measures to prevent, abate and combat pollution of the Mediterranean Sea area resulting from exploration and exploitation of the continental shelf and the seabed and its subsoil.

Article 8

Pollution from land-based sources

The Contracting Parties shall take all appropriate measures to prevent, abate and combat pollution of the Mediterranean Sea area caused by discharges from rivers, coastal establishments or outfalls, or emanating from any other land-based sources within their territories.

Article 9

Cooperation in dealing with pollution emergencies

1. The Contracting Parties shall cooperate in taking the necessary measures for dealing with pollution emergencies in the Mediterranean Sea area, whatever the causes of such emergencies, and reducing or eliminating damage resulting therefrom.
2. Any Contracting Party which becomes aware of any pollution emergency in the Mediterranean Sea area shall without delay notify the Organization and, either through the Organization or directly, any Contracting Party likely to be affected by such emergency.

Article 10

Monitoring

1. The Contracting Parties shall endeavour to establish, in close cooperation with the international bodies which they consider competent, complementary or joint programmes, including, as appropriate, programmes at the bilateral or multilateral levels, for pollution monitoring in the Mediterranean Sea area and shall endeavour to establish a pollution monitoring system for that area.
2. For this purpose, the Contracting Parties shall designate the competent authorities responsible for pollution monitoring within areas under their national jurisdiction and shall participate as far as practicable in international arrangements for pollution monitoring in areas beyond national jurisdiction.
3. The Contracting Parties undertake to cooperate in the formulation, adoption and implementation of such Annexes to this Convention as may be required to prescribe common procedures and standards for pollution monitoring.

Article 11

Scientific and technological cooperation

1. The Contracting Parties undertake as far as possible to cooperate directly, or when appropriate through competent regional or other international organizations, in the fields of science and technology and to exchange data as well as other scientific information for the purpose of this Convention.
2. The Contracting Parties undertake as far as possible to develop and coordinate their national research programmes relating to all types of marine pollution in the Mediterranean Sea area and to cooperate in the establishment and implementation of regional and other international research programmes for the purposes of this Convention.
3. The Contracting Parties undertake to cooperate in the provision of technical and other possible assistance in fields relating to marine pollution, with priority to be given to the special needs of developing countries in the Mediterranean region.

Article 12

Liability and compensation

The Contracting Parties undertake to cooperate as soon as possible in the formulation and adoption of appropriate procedures for the determination of liability and compensation for damage resulting from the pollution of the marine environment deriving from violations of the provisions of this Convention and applicable Protocols.

Article 13

Institutional arrangements

The Contracting Parties designate the United Nations Environment Programme as responsible for carrying out the following secretariat functions:

- (i) to convene and prepare the meetings of Contracting Parties and Conferences provided for in Articles 14, 15 and 16;
- (ii) to transmit to the Contracting Parties notifications, reports and other information received in accordance with Articles 3, 9 and 20;
- (iii) to consider inquiries by, and information from, the Contracting Parties, and to consult with them on questions relating to this Convention and the Protocols and Annexes thereto;
- (iv) to perform the functions assigned to it by the Protocols to this Convention;
- (v) to perform such other functions as may be assigned to it by the Contracting Parties;
- (vi) to ensure the necessary coordination with other international bodies which the Contracting Parties consider competent, and in particular, to enter into such administrative arrangements as may be required for the effective discharge of the secretariat functions.

Article 14

Meetings of the Contracting Parties

1. The Contracting Parties shall hold ordinary meetings once every two years and extraordinary meetings at any other time deemed necessary, upon the request of the Organization or at the request of any Contracting Party, provided that such requests are supported by at least two Contracting Parties.

2. It shall be the function of the meetings of the Contracting Parties to keep under review the implementation of this Convention and the Protocols and, in particular:

- (i) to review generally the inventories carried out by Contracting Parties and competent international organizations on the state of marine pollution and its effects in the Mediterranean Sea area;
- (ii) to consider reports submitted by the Contracting Parties under Article 20;
- (iii) to adopt, review and amend as required the Annexes to this Convention and to the Protocols, in accordance with the procedure established in Article 17;
- (iv) to make recommendations regarding the adoption of any Additional Protocols or any amendments to this Convention or the Protocols in accordance with the provisions of Articles 15 and 16;
- (v) to establish working groups as required to consider any matters related to this Convention and the Protocols and Annexes;

- (vi) to consider and undertake any additional action that may be required for the achievement of the purposes of this Convention and the Protocols.

Article 15

Adoption of Additional Protocols

1. The Contracting Parties, at a diplomatic Conference, may adopt Additional Protocols to this Convention pursuant to paragraph 2 of Article 4.
2. A diplomatic Conference for the purpose of adopting Additional Protocols shall be convened by the Organization at the request of two thirds of the Contracting Parties.
3. Pending the entry into force of this Convention the Organization may, after consulting with the signatories to this Convention, convene a diplomatic Conference for the purpose of adopting Additional Protocols.

Article 16

Amendment of the Convention or Protocols

1. Any Contracting Party to this Convention may propose amendments to the Convention. Amendments shall be adopted by a diplomatic Conference which shall be convened by the Organization at the request of two thirds of the Contracting Parties.
2. Any Contracting Party to this Convention may propose amendments to any Protocol. Such amendments shall be adopted by a diplomatic Conference which shall be convened by the Organization at the request of two thirds of the Contracting Parties to the Protocol concerned.
3. Amendments to this Convention shall be adopted by a three-fourths majority vote of the Contracting Parties to the Convention which are represented at the diplomatic Conference and shall be submitted by the Depositary for acceptance by all Contracting Parties to the Convention. Amendments to any Protocol shall be adopted by a three-fourths majority vote of the Contracting Parties to such Protocol which are represented at the diplomatic Conference and shall be submitted by the Depositary for acceptance by all Contracting Parties to such Protocol.
4. Acceptance of amendments shall be notified to the Depositary in writing. Amendments adopted in accordance with paragraph 3 of this Article shall enter into force between Contracting Parties having accepted such amendments on the 30th day following the receipt by the Depositary of notification of their acceptance by at least three-fourths of the Contracting Parties to this Convention or to the Protocol concerned, as the case may be.
5. After the entry into force of an amendment to this Convention or to a Protocol, any new Contracting Party to this Convention or such Protocol shall become a Contracting Party to the instrument as amended.

Article 17

Annexes and amendments to Annexes

1. Annexes to this Convention or to any Protocol shall form an integral part of the Convention or such Protocol, as the case may be.
2. Except as may be otherwise provided in any Protocol, the following procedure shall apply to the adoption and entry into force of any amendments to Annexes to this Convention or to any Protocol, with the exception of amendments to the Annex on Arbitration:
 - (i) any Contracting Party may propose amendments to the Annexes to this Convention or to any Protocols and the meetings referred to in Article 14;

- (ii) such amendments shall be adopted by a three-fourths majority vote of the Contracting Parties to the instrument in question;
- (iii) the Depositary shall without delay communicate the amendments so adopted to all Contracting Parties;
- (iv) any Contracting Party that is unable to approve an amendment to the Annexes to this Convention or to any Protocol shall so notify in writing the Depositary within a period determined by the Contracting Parties concerned when adopting the amendment;
- (v) the Depositary shall without delay notify all Contracting Parties of any notification received pursuant to the preceding subparagraph;
- (vi) on expiry of the period referred to in subparagraph (iv) above, the amendment to the Annex shall become effective for all Contracting Parties to this Convention or to the Protocol concerned which have not submitted a notification in accordance with the provisions of that subparagraph.

3. The adoption and entry into force of a new Annex to this Convention or to any Protocol shall be subject to the same procedure as for the adoption and entry into force of an amendment to an Annex in accordance with the provisions of paragraph 2 of this Article, provided that, if any amendment to the Convention or the Protocol concerned is involved, the new Annex shall not enter into force until such time as the amendment to the Convention or the Protocol concerned enters into force.

4. Amendments to the Annex on Arbitration shall be considered to be amendments to this Convention and shall be proposed and adopted in accordance with the procedures set out in Article 16 above.

Article 18

Rules of procedure and financial rules

1. The Contracting Parties shall adopt rules of procedure for their meetings and Conferences envisaged in Articles 14, 15 and 16 above.
2. The Contracting Parties shall adopt financial rules, prepared in consultation with the Organization, to determine, in particular, their financial participation.

Article 19

Special exercise of voting right

Within the areas of their competence, the European Economic Community and any regional economic grouping referred to in Article 24 of this Convention shall exercise their right to vote with a number of votes equal to the number of their Member States which are Contracting Parties to this Convention and to one or more Protocols; the European Economic Community and any grouping as referred to above shall not exercise their right to vote in cases where the Member States concerned exercise theirs, and conversely.

Article 20

Reports

The Contracting Parties shall transmit to the Organization reports on the measures adopted in the implementation of this Convention and of Protocols to which they are Parties, in such form and at such intervals as the meetings of Contracting Parties may determine.

Article 21

Compliance control

The Contracting Parties undertake to cooperate in the development of procedures enabling them to control the application of this Convention and the Protocols.

Article 22

Settlement of disputes

1. In case of a dispute between Contracting Parties as to the interpretation or application of this Convention or the Protocols, they shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.
2. If the Parties concerned cannot settle their dispute through the means mentioned in the preceding paragraph, the dispute shall upon common agreement be submitted to arbitration under the conditions laid down in Annex A to this Convention.
3. Nevertheless, the Contracting Parties may at any time declare that they recognize as compulsory ipso facto and without special agreement, in relation to any other Party accepting the same obligation, the application of the arbitration procedure in conformity with the provisions of Annex A. Such declaration shall be notified in writing to the Depositary, who shall communicate it to the other Parties.

Article 23

Relationship between the Convention and Protocols

1. No one may become a Contracting Party to this Convention unless it becomes at the same time a Contracting Party to at least one of the Protocols. No one may become a Contracting Party to a Protocol unless it is, or becomes at the same time, a Contracting Party to this Convention.
2. Any Protocol to this Convention shall be binding only on the Contracting Parties to the Protocol in question.
3. Decisions concerning any Protocol pursuant to Articles 14, 16 and 17 of this Convention shall be taken only by the Parties to the Protocol concerned.

Article 24

Signature

This Convention, the Protocol for the prevention of pollution of the Mediterranean Sea by dumping from ships and aircraft and the Protocol concerning cooperation in combating pollution of the Mediterranean Sea by oil and other harmful substances in cases of emergency shall be open for signature in Barcelona on 16 February 1976 and in Madrid from 17 February 1976 to 16 February 1977 by any State invited as a participant in the Conference of Plenipotentiaries of the Coastal States of the Mediterranean Region on the Protection of the Mediterranean Sea, held in Barcelona from 2 to 16 February 1976, and by any State entitled to sign any Protocol in accordance with the provisions of such Protocol. They shall also be open until the same date for signature by the European Economic Community and by any similar regional economic grouping at least one member of which is a coastal State of the Mediterranean Sea area and which exercise competences in fields covered by this Convention, as well as by any Protocol affecting them.

Article 25

Ratification, acceptance or approval

This Convention and any Protocol thereto shall be subject to ratification, acceptance, or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of Spain, which will assume the functions of Depositary.

Article 26

Accession

1. As from 17 February 1977, the present Convention, the Protocol for the prevention of pollution of the Mediterranean Sea by dumping from ships and aircraft, and the Protocol concerning cooperation in combating pollution of the Mediterranean Sea by oil and other harmful substances in cases of emergency shall be open for accession by the States, by the European Economic Community and by any grouping as referred to in Article 24.
2. After the entry into force of the Convention and of any Protocol, any State not referred to in Article 24 may accede to this Convention and to any Protocol, subject to prior approval by three-fourths of the Contracting Parties to the Protocol concerned.
3. Instruments of accession shall be deposited with the Depositary.

Article 27

Entry into force

1. This Convention shall enter into force on the same date as the Protocol first entering into force.
2. The Convention shall also enter into force with regard to the States, the European Economic Community and any regional economic grouping referred to in Article 24 if they have complied with the formal requirements for becoming Contracting Parties to any other Protocol not yet entered into force.
3. Any Protocol to this Convention, except as otherwise provided in such Protocol, shall enter into force on the 30th day following the date of deposit of at least six instruments of ratification, acceptance, or approval of, or accession to such Protocol by the Parties referred to in Article 24.
4. Thereafter, this Convention and any Protocol shall enter into force with respect to any State, the European Economic Community and any regional economic grouping referred to in Article 24 on the 30th day following the date of deposit of the instruments of ratification, acceptance, approval or accession.

Article 28

Withdrawal

1. At any time after three years from the date of entry into force of this Convention, any Contracting Party may withdraw from this Convention by giving written notification of withdrawal.
2. Except as may be otherwise provided in any Protocol to this Convention, any Contracting Party may, at any time after three years from the date of entry into force of such Protocol, withdraw from such Protocol by giving written notification of withdrawal.
3. Withdrawal shall take effect 90 days after the date on which notification of withdrawal is received by the Depositary.
4. Any Contracting Party which withdraws from this Convention shall be considered as also having withdrawn from any Protocol to which it was a Party.
5. Any Contracting Party which, upon its withdrawal from a Protocol, is no longer a Party to any Protocol to this Convention, shall be considered as also having withdrawn from this Convention.

Article 29

Responsibilities of the Depositary

1. The Depositary shall inform the Contracting Parties, any other Party referred to in Article 24, and the Organization:

- (i) of the signature of this Convention and of any Protocol thereto, and of the deposit of instruments of ratification, acceptance, approval or accession in accordance with Articles 24, 25 and 26;
- (ii) of the date on which the Convention and any Protocol will come into force in accordance with the provisions of Article 27;
- (iii) of notifications of withdrawal made in accordance with Article 28;
- (iv) of the amendments adopted with respect to the Convention and to any Protocol, their acceptance by the Contracting Parties and the date of entry into force of those amendments in accordance with the provisions of Article 16;
- (v) of the adoption of new Annexes and of the amendment of any Annex in accordance with Article 17;
- (vi) of declarations recognizing as compulsory the application of the arbitration procedure mentioned in paragraph 3 of Article 22.

2. The original of this Convention and of any Protocol thereto shall be deposited with the Depositary, the Government of Spain, which shall send certified copies thereof to the Contracting Parties, to the Organization, and to the Secretary General of the United Nations for registration and publication in accordance with Article 102 of the United Nations Charter.

In witness whereof the undersigned, being duly authorized by their respective Governments, have signed this Convention.

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.

ANNEX A

ARBITRATION

Article 1

Unless the Parties to the dispute otherwise agree, the arbitration procedure shall be conducted in accordance with the provisions of this Annex.

Article 2

1. At the request addressed by one Contracting Party to another Contracting Party in accordance with the provisions of paragraph 2 or paragraph 3 of Article 22 of the Convention, an arbitral tribunal shall be constituted. The request for arbitration shall state the subject matter of the application including, in particular, the articles of the Convention or the Protocols, the interpretation or application of which is in dispute.

2. The claimant Party shall inform the Organization that it has requested the setting up of an arbitral tribunal, stating the name of the other Party to the dispute and articles of the Convention or the Protocols the interpretation or application of which is in its opinion in dispute. The Organization shall forward the information thus received to all Contracting Parties to the Convention.

Article 3

The arbitral tribunal shall consist of three members: each of the Parties to the dispute shall appoint an arbitrator; the two arbitrators so appointed shall designate by common agreement the third arbitrator who shall be the chairman of the tribunal. The latter shall not be a national of one of the Parties to the dispute, nor have his usual place of residence in the territory of one of these Parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

Article 4

1. If the chairman of the arbitral tribunal has not been designated within two months of the appointment of the second arbitrator, the Secretary General of the United Nations shall, at the request of the most diligent Party, designate him within a further two months' period.

2. If one of the Parties to the dispute does not appoint an arbitrator within two months of receipt of the request, the other Party may inform the Secretary General of the United Nations who shall designate the chairman of the arbitral tribunal within a further two months' period. Upon designation, the chairman of the arbitral tribunal shall request the Party which has not appointed an arbitrator to do so within two months. After such period, he shall inform the Secretary General of the United Nations, who shall make this appointment within a further two months' period.

Article 5

1. The arbitral tribunal shall decide according to the rules of international law and, in particular, those of this Convention and the Protocols concerned.

2. Any arbitral tribunal constituted under the provisions of this Annex shall draw up its own rules of procedure.

Article 6

1. The decisions of the arbitral tribunal, both on procedure and on substance, shall be taken by majority vote of its members.

2. The tribunal may take all appropriate measures in order to establish the facts. It may, at the request of one of the Parties, recommend essential interim measures of protection.

3. If two or more arbitral tribunals constituted under the provisions of this Annex are seized of requests with identical or similar subjects, they may inform themselves of the procedures for establishing the facts and take them into account as far as possible.

4. The Parties to the dispute shall provide all facilities necessary for the effective conduct of the proceedings.

5. The absence or default of a Party to the dispute shall not constitute an impediment to the proceedings.

Article 7

1. The award of the arbitral tribunal shall be accompanied by a statement of reasons. It shall be final and binding upon the Parties to the dispute.

2. Any dispute which may arise between the Parties concerning the interpretation or execution of the award may be submitted by the most diligent Party to the arbitral tribunal which made the award or, if the latter cannot be seized thereof, to another arbitral tribunal constituted for this purpose in the same manner as the first.

Article 8

The European Economic Community and any regional economic grouping referred to in Article 24 of the Convention, like any Contracting Party to the Convention, are empowered to appear as complainants or as respondents before the arbitral tribunal.

Annex II: Council decision 77/585/ECC

**Protocol for the Prevention of Pollution of
the Mediterranean Sea by Dumping from
Ships and Aircraft**

PROTOCOL for the prevention of pollution of the Mediterranean Sea by dumping from ships and aircraft. Official Journal L 240, 19/09/1977

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 pollution caused by the dumping of wastes or other matter from ships and aircraft,

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

BEARING IN MIND the Convention on the prevention of marine pollution by dumping of wastes and other matter, adopted in London in 1972, 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 and abate pollution of the Mediterranean Sea area caused by dumping from ships and aircraft.

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 Mediterranean Sea Against Pollution (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.
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. 'Organization' means the body referred to in Article 13 of the Convention.

Article 4

The dumping into the Mediterranean Sea area of wastes or other matter listed in Annex I to this Protocol is prohibited.

Article 5

The dumping into the Mediterranean Sea area of all wastes or other matter listed in Annex II to this Protocol requires, in each case, a prior special permit from the competent national authorities.

Article 6

The dumping into the Mediterranean Sea area of all other wastes or other matter requires a prior general permit from the competent national authorities.

Article 7

The permits referred to in Articles 5 and 6 above shall be issued only after careful consideration of all the factors set forth in Annex III to this Protocol. The Organization shall receive records of such permits.

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 listed in Annex I to 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 special permits provided for in Article 5;
- (b) issue the general permits provided for in Article 6;
- (c) 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 Articles 5 and 6 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.

2. This Protocol shall not apply to any ships or aircraft owned or operated by a State Party to this Protocol and used for the time being only on Government non-commercial service. However, each Party shall ensure by the adoption of appropriate measures not impairing the operations or operational capabilities of such ships or aircraft owned or operated by it, that such ships and aircraft act in a manner consistent, so far as is reasonable and practicable, with this Protocol.

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 14 of the Convention. The Parties to this Protocol may also hold extraordinary meetings in conformity with Article 14 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 Annexes to this Protocol pursuant to Article 17 of the Convention shall require a three-fourths majority vote of the Parties.

Article 15

1. The provisions of the Convention relating to any Protocol shall apply with respect to the present Protocol.

2. The rules of procedure and the financial rules adopted pursuant to Article 18 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.

ANNEX I

A. The following substances and materials are listed for the purpose of Article 4 of the Protocol.

1. Organohalogen compounds and compounds which may form such substances in the marine environment, excluding those which are non-toxic or which are rapidly converted in the sea into substances which are biologically harmless, provided that they do not make edible marine organisms unpalatable.
2. Organosilicon compounds and compounds which may form such substances in the marine environment, excluding those which are non-toxic or which are rapidly converted in the sea into substances which are biologically harmless, provided that they do not make edible marine organisms unpalatable.
3. Mercury and mercury compounds.
4. Cadmium and cadmium compounds.
5. Persistent plastic and other persistent synthetic materials which may materially interfere with fishing or navigation, reduce amenities, or interfere with other legitimate uses of the sea.
6. Crude oil and hydrocarbons which may be derived from petroleum, and any mixtures containing any of these, taken on board for the purpose of dumping.
7. High-, medium- and low-level radioactive wastes or other high-, medium- and low-level radioactive matter to be defined by the International Atomic Energy Agency.
8. Acid and alkaline compounds of such composition and in such quantity that they may seriously impair the quality of sea water. The composition and quantity to be taken into consideration shall be determined by the Parties in accordance with the procedure laid down in Article 14 (3) of this Protocol.
9. Materials in whatever form (e.g. solids, liquids, semi-liquids, gases, or in a living state) produced for biological and chemical warfare, other than those rapidly rendered harmless by physical, chemical or biological processes in the sea, provided that they do not:
 - (i) make edible marine organisms unpalatable; or
 - (ii) endanger human or animal health.

B. This Annex does not apply to wastes or other materials, such as sewage sludge and dredge spoils, containing the substances referred to in paragraphs 1 to 6 above as trace contaminants. The dumping of such wastes shall be subject to the provisions of Annexes II and III as appropriate.

ANNEX II

The following wastes and other matter, the dumping of which requires special care, are listed for the purposes of Article 5.

1.
 - (i) arsenic, lead, copper, zinc, beryllium, chromium, nickel, vanadium, selenium, antimony and their compounds;
 - (ii) cyanides and fluorides;
 - (iii) pesticides and their by-products not covered in Annex I;
 - (iv) synthetic organic chemicals, other than those referred to in Annex I, likely to produce harmful effects on marine organisms or to make edible marine organisms unpalatable;

2. (i) acid and alkaline compounds the composition and quantity of which have not yet been determined in accordance with the procedure referred to in Annex I A (8);
 - (ii) acid and alkaline compounds not covered by Annex I, excluding compounds to be dumped in quantities below thresholds which shall be determined by the Parties in accordance with the procedure laid down in Article 14 (3) of this Protocol.
3. Containers, scrap metal and other bulky wastes liable to sink to the sea bottom which may present a serious obstacle to fishing or navigation.
4. Substances which, though of a non-toxic nature may become harmful owing to the quantities in which they are dumped, or which are liable to reduce amenities seriously or to endanger human life or marine organisms or to interfere with navigation.
5. Radioactive waste or other radioactive matter which will not be included in Annex I. In the issue of permits for the dumping of this matter, the Parties should take full account of the recommendations of the competent international body in this field, at present the International Atomic Energy Agency.

ANNEX III

The factors to be considered in establishing criteria governing the issue of permits for the dumping of matter at sea taking into account Article 7 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, discoloration and foaming).

2. Possible effects on marine life, fish and shellfish culture, fish stocks and fisheries, seaweed 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.

Annex III: Council decision 81/420/EEC

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

TITLE

Protocol concerning cooperation in combating pollution of the Mediterranean Sea by oil and other harmful substances in cases of emergency. Official Journal L 162, 19/06/1981

TEXT

PROTOCOL concerning cooperation in combating pollution of the Mediterranean Sea by oil and other harmful substances in cases of emergency

THE CONTRACTING PARTIES TO THE PRESENT PROTOCOL,

BEING PARTIES to the Convention for the Protection of the Mediterranean Sea against Pollution,

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

CONSIDERING that the cooperation 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

The Contracting Parties to this Protocol (hereinafter referred to as 'the Parties') shall cooperate in taking the necessary measures in cases of grave and imminent danger to the marine environment, the coast or related interests of one or more of 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 Mediterranean Sea against Pollution (hereinafter referred to as 'the Convention').

Article 2

For the purpose of this Protocol, the term 'related interests' means the interests of a coastal State directly affected or threatened and concerning, among others:

- (a) activities in coastal waters, in ports or estuaries, including fishing activities;
- (b) the historical and tourist appeal of the area in question, including water sports and recreation;
- (c) the health of the coastal population;
- (d) the preservation of living resources.

Article 3

The Parties shall endeavour to maintain and promote, either individually or through bilateral or multilateral cooperation, their contingency plans and means for combating pollution of the sea by oil and other harmful substances. These means 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 cooperation, monitoring activities covering the Mediterranean Sea 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 cooperate as far as practicable in the salvage and recovery of such substances so as to reduce the danger of pollution of the marine environment.

Article 6

1. Each Party undertakes to disseminate to the other Parties 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, new measures of combating pollution and the development of related research programmes. 2. Parties which have agreed to exchange information directly between themselves shall nevertheless communicate such information to the regional centre. The latter shall communicate this information to the other Parties and, on a basis of reciprocity, to coastal States of the Mediterranean Sea area which are not Parties to this Protocol.

Article 7

The Parties undertake to coordinate 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 reports and urgent information which relate to the occurrences and situations referred to in Article 1. The regional centre shall have the necessary means of communication to enable it to participate in this coordinated effort and, in particular, to fulfil the functions assigned to it by paragraph 2 of Article 10.

Article 8

1. Each Party shall issue instructions to the masters of ships flying its flag and to the pilots of aircraft registered in its territory requiring them to report by the most rapid and adequate channels in the circumstances, and in accordance with Annex I to this Protocol, either to a Party or to the regional centre:

- (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 of the Parties. 2. The information collected in accordance with paragraph 1 shall be communicated to the other Parties likely to be affected by the pollution: (a) by the Party which has received the information, either directly or preferably, through the regional centre; or
- (c) by the regional centre. In case of direct communication between Parties, the regional centre shall be informed of the measures taken by these Parties.

3. In consequence of the application of the provisions of paragraph 2, the Parties are not bound by the obligation laid down in Article 9, paragraph 2, of the Convention.

Article 9

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 centre, of these 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 Article 8.

2. Where action is taken to combat pollution originating from a ship, all possible measures shall be taken to safeguard the persons present on board and, to the extent possible, the ship itself. Any Party which takes such action shall inform the Inter-Governmental Maritime Consultative Organization.

Article 10

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 other Parties, either directly or through the regional centre referred to in Article 6, 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 so requested shall use their best endeavours to render this assistance.

2. Where the Parties engaged in an operation to combat pollution cannot agree on the organization of the operation, the regional centre may, with their approval, coordinate the activity of the facilities put into operation by these Parties.

Article 11

The application of the relevant provisions of Articles 6, 7, 8, 9 and 10 of this Protocol relating to the regional centre shall be extended, as appropriate, to sub-regional centres in the event of their establishment, taking into account their objectives and functions and their relationship with the said regional centre.

Article 12

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 14 of the Convention. The Parties to this Protocol may also hold extraordinary meetings as provided in Article 14 of the Convention.

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, in particular in the form of Annexes;
- (b) to review and amend as required any Annex to this Protocol;

- (c) to discharge such other functions as may be appropriate for implementation of this Protocol.

Article 13

1. The provisions of the Convention relating to any Protocol shall apply with respect to the present Protocol.
2. The rules of procedure and the financial rules adopted pursuant to Article 18 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.

ANNEX

Contents of the report to be made pursuant to Article 8 to this Protocol

1. Each report shall, as far as possible, 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 or of the observation;
 - (c) the wind and sea conditions prevailing in the area;
 - (d) where the pollution originates from a ship, relevant details respecting the conditions of the ship.
2. Each report shall contain, whenever possible, in particular:
 - (a) a clear indication or description of the harmful substances involved, including 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) the name of the consignor, consignee or manufacturer.
3. Each report shall clearly indicate, whenever possible, whether the harmful substances discharged or likely to be discharged is oil or a noxious liquid, solid or 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 relevant information requested by a recipient of the report or deemed appropriate by the person sending the report.
5. Any of the persons referred to in Article 8, paragraph 1, of this Protocol shall:
 - (a) supplement, as far as possible, 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.

Annex IV: Council decision 83/101/EEC

Protocol for the Protection of the Mediterranean Sea Against Pollution from Land-Based Sources

TITLE

Protocol for the Protection of the Mediterranean Sea Against Pollution from land-based sources. Official Journal L 067, 12/03/1983

TEXT

PROTOCOL for the Protection of the Mediterranean Sea Against Pollution from land-based sources PROTOCOL for the Protection of the Mediterranean Sea Against Pollution from land-based sources 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, DESIROUS of implementing paragraph 2 of Article 4 and Articles 8 and 15 of the said Convention, NOTING the rapid increase of 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 the release of untreated, insufficiently treated or inadequately disposed domestic or industrial discharges, RECOGNIZING the differences in levels of development between the coastal States, and taking account of the economic and social imperatives of the developing countries, DETERMINED to take in close cooperation the necessary measures to protect the Mediterranean Sea against pollution from land-based sources,

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, combat and control pollution of the Mediterranean Sea area caused by discharges from rivers, coastal establishments or outfalls, or emanating from any other land-based sources within their territories.

Article 2

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;
- (b) 'Organization' means the body referred to in Article 13 of the Convention;
- (c) 'freshwater limit' means the place in watercourses where, at low tides and in a period of low freshwater flow, there is an appreciable increase in salinity due to the presence of seawater.

Article 3

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

- (a) the Mediterranean Sea area as defined in Article 1 of the Convention;
- (b) waters on the landward side of the baselines from which the breadth of the territorial sea is measured and extending, in the case of watercourses, up to the freshwater limit;
- (c) saltwater marshes communicating with the sea.

Article 4

1. This Protocol shall apply:

- (a) to polluting discharges reaching the Protocol area from land-based sources within the territories of the Parties, in particular:
 - directly, from outfalls discharging into the sea or through coastal disposal,
 - indirectly, through rivers, canals or other watercourses, including underground watercourses, or through run-off;
- (b) to pollution from land-based sources transported by the atmosphere, under conditions to be defined in an Additional Annex to this Protocol and accepted by the Parties in conformity with the provisions of Article 17 of the Convention.

2. This Protocol shall also apply to polluting discharges from fixed man-made offshore structures which are under the jurisdiction of a Party and which serve purposes other than exploration and exploitation of mineral resources of the continental shelf and the sea-bed and its sub-soil.

Article 5

1. The Parties undertake to eliminate pollution of the Protocol area from land based sources by substances listed in Annex I to this Protocol.

2. To this end they shall elaborate and implement, jointly or individually, as appropriate, the necessary programmes and measures.

3. These programmes and measures shall include, in particular, common emission standards and standards for use.

4. The standards and the timetables for the implementation of the programmes and measures aimed at eliminating pollution from land-based sources shall be fixed by the Parties and periodically reviewed, if necessary every two years, for each of the substances listed in Annex I, in accordance with the provisions of Article 15 of this Protocol.

Article 6

1. The Parties shall strictly limit pollution from land-based sources in the Protocol area by substances or sources listed in Annex II to this Protocol.

2. To this end they shall elaborate and implement, jointly or individually, as appropriate, suitable programmes and measures.

3. Discharges shall be strictly subject to the issue, by the competent national authorities, of an authorization taking due account of the provisions of Annex III to this Protocol.

Article 7

1. The Parties shall progressively formulate and adopt, in cooperation with the competent international organizations, common guidelines and, as appropriate, standards or criteria dealing in particular with:

- (a) the length, depth and position of pipelines for coastal outfalls, taking into account, in particular, the methods used for pre-treatment of effluents;
- (b) special requirements for effluents necessitating separate treatment;
- (c) the quality of sea-water used for specific purposes that is necessary for the protection of human health, living resources and ecosystems;

- (d) the control and progressive replacement of products, installations and industrial and other processes causing significant pollution of the marine environment;
- (e) specific requirements concerning the quantities of the substances listed in Annexes I and II discharged, their concentration in effluents and methods of discharging them.

2. Without prejudice to the provisions of Article 5 of this Protocol, such common guidelines, standards or criteria shall take into account local ecological, geographical and physical characteristics, the economic capacity of the Parties and their need for development, the level of existing pollution and the real absorptive capacity of the marine environment.

3. The programmes and measures referred to in Articles 5 and 6 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

Within the framework of the provisions of, and the monitoring programmes provided for in, Article 10 of the Convention, and if necessary in cooperation with the competent international organizations, the Parties shall carry out, at the earliest possible dates monitoring activities in order:

- (a) systematically to assess, as far as possible, the levels of pollution along their coasts, in particular with regard to the substances or sources listed in Annexes I and II, and periodically to provide information in this respect;
- (b) to evaluate the effects of measures taken under this Protocol to reduce pollution of the marine environment.

Article 9

In conformity with Article 11 of the Convention, the Parties shall cooperate as far as possible 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 new methods for their treatment, reduction or elimination. To this end the Parties shall, in particular, endeavour to:

- (a) exchange scientific and technical information;
- (b) coordinate their research programmes.

Article 10

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 pollution from land-based sources and its harmful effects in the marine environment.

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 on advantageous terms to be agreed upon among the Parties concerned.

Article 11

1. If discharges from a watercourse which flows through the territories of two or more Parties or forms a boundary between them are likely to cause pollution of the marine environment of the Protocol area, the Parties in question, respecting the provisions of this Protocol in so far as each of them is concerned, are called upon to cooperate with a view to ensuring its full application.

2. A Party shall not be responsible for any pollution originating on the territory of a non-contracting State. However, the said Party shall endeavour to cooperate with the said State so as to make possible full application of the Protocol.

Article 12

1. Taking into account paragraph 1 of Article 22 of the Convention, when land-based pollution originating from the territory of one Party is likely to prejudice directly the interests of one or more of the other Parties, the Parties concerned shall, at the request of one or more of them, undertake to enter into consultation with a view to seeking a satisfactory solution.

2. At the request of any Party concerned, the matter shall be placed on the agenda of the next meeting of the Parties held in accordance with Article 14 of this Protocol; the meeting may make recommendations with a view to reaching a satisfactory solution.

Article 13

1. The Parties shall inform one another through 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 information shall include inter alia:

- (a) statistical data on the authorizations granted in accordance with Article 6 of this Protocol;
- (b) data resulting from monitoring as provided for in Article 8 of this Protocol;
- (c) quantities of pollutants discharged from their territories;
- (d) measures taken in accordance with Articles 5 and 6 of this Protocol.

Article 14

1. Ordinary meetings of the Parties shall take place in conjunction with ordinary meetings of the Contracting Parties to the Convention held pursuant to Article 14 of the Convention. The Parties may also hold extraordinary meetings in accordance with Article 14 of the Convention.

2. The functions of the meetings of the Parties to this Protocol shall be inter alia:

- (a) to keep under review the implementation of this Protocol and to consider the efficacy of the measures adopted and the advisability of any other measures, in particular in the form of Annexes;
- (b) to revise and amend any Annex to this Protocol, as appropriate;
- (c) to formulate and adopt programmes and measures in accordance with Articles 5, 6 and 15 of this Protocol;
- (d) to adopt, in accordance with Article 7 of this Protocol, common guidelines, standards or criteria, in any form decided upon by the Parties;
- (e) to make recommendations in accordance with paragraph 2 of Article 12 of this Protocol;
- (f) to consider the information submitted by the Parties under Article 13 of this Protocol;
- (g) to discharge such other functions as may be appropriate for the application of this Protocol.

Article 15

1. The meeting of the Parties shall adopt, by a two-thirds majority, the programmes and measures for the abatement or the elimination of pollution from land-based sources which are provided for in Articles 5 and 6 of this Protocol.
2. The Parties which are not able to accept a programme or measures shall inform the meeting of the Parties of the action they intend to take as regards the programme or measures concerned, it being understood that these Parties may, at any time, give their consent to the programme or measures that have been adopted.

Article 16

1. The provisions of the Convention relating to any Protocol shall apply with respect to this Protocol.
2. The rules of procedure and the financial rules adopted pursuant to Article 18 of the Convention shall apply with respect to this Protocol, unless the Parties to this Protocol agree otherwise.
3. This Protocol shall be open for signature, at Athens from 17 May to 16 June 1980, and at Madrid from 17 June 1980 to 16 May 1981, by any State invited to the Conference of plenipotentiaries of the coastal States of the Mediterranean region for the Protection of the Mediterranean Sea Against Pollution from land-based sources, held at Athens from 12 May to 17 May 1980.

It shall also be open until the same dates for signature by the European Economic Community and by any similar regional economic grouping of which at least one member is a coastal State of the Mediterranean Sea area and which exercises competence in fields covered by this Protocol.

4. This Protocol shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of Spain, which will assume the functions of Depositary.
5. As from 17 May 1981, this Protocol shall be open for accession by the States referred to in paragraph 3 above, by the European Economic Community and by any grouping referred to in that paragraph.
6. This Protocol shall enter into force on the 30th day following the deposit of at least six instruments of ratification, acceptance or approval of, or accession to, the Protocol by the Parties referred to in paragraph 3 of this Article. In witness whereof the undersigned, being duly authorized by their respective Governments, have signed this Protocol. Done at Athens on this seventeenth day of May one thousand nine hundred and eighty in a single copy in the Arabic, English, French and Spanish languages, the four texts being, equally authoritative.

ANNEX I

A. The following substances, families and groups of substances are listed, not in order of priority, for the purposes of Article 5 of the Protocol. They have been selected mainly on the basis of their

- toxicity,
- persistence,
- bioaccumulation.

1. Organohalogen compounds and substances which may form such compounds in the marine environment*;
 2. Organophosphorus compounds and substances which may form such compounds in the marine environment*;
 3. Organotin compounds and substances which may form such compounds in the marine environment*;
 4. Mercury and mercury compounds;
 5. Cadmium and cadmium compounds;
 6. Used lubricating oils;
 7. Persistent synthetic materials which may float, sink or remain in suspension and which may interfere with any legitimate use of the sea;
 8. Substances having proven carcinogenic, teratogenic or mutagenic properties in or through the marine environment;
 9. Radioactive substances, including their wastes, when their discharges do not comply with the principles of radiation protection as defined by the competent international organizations, taking into account the protection of the marine environment.
- B. The present Annex does not apply to discharges which contain the substances listed in Section A below the limits defined jointly by the Parties.

ANNEX II

A. The following substances, families and groups of substances, or sources of pollution, listed not in order of priority for the purpose of Article 6 of the Protocol, have been selected mainly on the basis of criteria used for Annex I, while taking into account the fact that they are generally less noxious or are more readily rendered harmless by natural processes and therefore generally affect more limited coastal areas.

1. The following elements and their compounds:

1. zinc
2. copper
3. nickel
4. chromium
5. lead
6. selenium
7. arsenic
8. antimony
9. molybdenum
10. titanium
11. tin
12. barium
13. beryllium
14. boron
15. uranium
16. vanadium
17. cobalt
18. thallium
19. tellurium
20. silver

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

2. Biocides and their derivatives not covered in Annex I;
 3. Organosilicon compounds and substances which may form such compounds in the marine environment excluding those which are biologically harmless or are rapidly converted into biologically harmless substances;
 4. Crude oils and hydrocarbons of all origins;
 5. Cyanides and fluorides;
 6. Non-biodegradable detergents and other surface-active substances;
 7. Inorganic compounds of phosphorus and elemental phosphorus;
 8. Pathogenic micro-organisms;
 9. Thermal discharges;
 10. 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;
 11. Substances which have, directly or indirectly, an adverse effect on the oxygen content of the marine environment, especially those which may cause eutrophication.
 12. Acid or alkaline compounds of such composition and in such quantity that they may impair the quality of sea-water;
 13. Substances which, though of 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 discharge of substances referred to in Section A above should be implemented in accordance with Annex III.

ANNEX III

With a view to the issue of an authorization for the discharge of wastes containing substances referred to in Annex II or in Section B of Annex I of this Protocol, particular account will be taken, as the case may be, of the following factors:

A. Characteristics and composition of the waste

1. Type and size of waste source (e.g. industrial process);
2. Type of waste (origin, average composition);
3. Form of waste (solid, liquid, sludge, slurry);
4. Total amount (volume discharged, e.g. per year);
5. Discharge pattern (continuous, intermittent, seasonally variable, etc);
6. Concentrations with respect to major constituents, substances listed in Annex I, substances listed in Annex II, and other substances as appropriate;
7. Physical, chemical and biochemical properties of the waste.

B. Characteristics of waste constituents with respect to their harmfulness

1. Persistence (physical, chemical, biological) in the marine environment;

2. Toxicity and other harmful effects;
3. Accumulation in biological materials or sediments;
4. Biochemical transformation rendering harmful compounds;
5. Adverse effects on the oxygen content and balance;
6. Susceptibility to physical, chemical and biochemical changes and interaction in the aquatic environment with other sea-water constituents which may produce harmful biological or other effects on any of the uses listed in Section E below.

C. Characteristics of discharge site and receiving marine environment

1. Hydrographic, meteorological, geological and topographical characteristics of the coastal area.
2. Location and type of the discharge (outfall, canal, outlet, etc.) and its relation to other areas (such as industrial effluents as well as domestic sewage should be selected taking into account the availability and feasibility of:
 - (a) alternative treatment processes;
 - (b) re-use or elimination methods;
 - (c) on-land disposal alternatives; and
 - (d) appropriate low-waste technologies, amenity areas, spawning, nursery, and fishing areas, shellfish grounds) and other discharges.
3. Initial dilution achieved at the point of discharge into the receiving marine environment.
4. Dispersion characteristics such as effects of currents, tides and wind on horizontal transport and vertical mixing.
5. Receiving water characteristics with respect to physical, chemical, biological and ecological conditions in the discharge area.
6. Capacity of the receiving marine environment to receive waste discharges without undesirable effects.

D. Availability of waste technologies

The methods of waste reduction and discharge for industrial effluents as well as domestic sewage should be selected taking into account the availability and feasibility of:

- (a) alternative treatment processes;
- (b) re-use or elimination methods;
- (c) on-land disposal alternatives; and
- (d) appropriate low-waste technologies.

E. Potential impairment of marine ecosystems and sea-water uses

1. Effects on human health through pollution impact on:
 - (a) edible marine organisms;
 - (b) bathing waters;

(c) aesthetics.

2. Effects on marine ecosystems, in particular living resources endangered species and critical habitats.

3. Effects on other legitimate uses of the sea.

Annex V: Council decision 84/132/EEC

**Protocol Concerning Mediterranean
Specially Protected Areas**

Protocol concerning Mediterranean Specially Protected Areas

THE CONTRACTING PARTIES TO THIS PROTOCOL,

BEING PARTIES TO THE CONVENTION for the protection of the Mediterranean Sea against pollution, adopted at Barcelona on 16 February 1976,

CONSCIOUS of the danger threatening the environment of the Mediterranean Sea area as a whole, in view of the increasing human activities in the region,

TAKING INTO ACCOUNT the special hydrographic and ecological characteristics of the Mediterranean Sea area,

STRESSING the importance of protecting and, as appropriate, improving the state of the natural resources and natural sites of the Mediterranean Sea, as well as of their cultural heritage in the region, among other means by the establishment of specially protected areas including marine areas and their environment,

DESIROUS of establishing close cooperation among themselves in order to achieve that objective,

HAVE AGREED AS FOLLOWS:

Article 1

1. The Contracting Parties to this Protocol (hereinafter referred to as 'the Parties') shall take all appropriate measures with a view to protecting those marine areas which are important for the safeguard of the natural resources and natural sites of the Mediterranean Sea area, as well as for the safeguard of their cultural heritage in the region.

2. Nothing in this Protocol shall prejudice the codification and development of the law of the sea by the United Nations Conference on the Law of the Sea convened pursuant to resolution 2750 C (XXV) of the General Assembly of the United Nations, nor the present or future claims and legal views of any State concerning the law of the sea and the nature and extent of coastal and flag State jurisdiction.

Article 2

For the purposes of the designation of specially protected areas (hereinafter referred to as 'protected areas'), 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 Mediterranean Sea Against Pollution (hereinafter referred to as 'the Convention'); it being understood that, for the purposes of the present Protocol, it shall be limited to the territorial waters of the Parties and may include waters on the landward side of the baseline from which the breadth of the territorial sea is measured and extending, in the case of watercourses, up to the freshwater limit. It may also include wetlands or coastal areas designated by each of the Parties

Article 3

1. The Parties shall, to the extent possible, establish protected areas and shall endeavour to undertake the action necessary in order to protect those areas and, as appropriate, restore them, as rapidly as possible.

2. Such areas shall be established in order to safeguard in particular:

- (a) – sites of biological and ecological value,
- the genetic diversity, as well as satisfactory population levels, of species, and their breeding grounds and habitats,
- representative types of ecosystems, as well as ecological processes;

- (b) sites of particular importance because of their scientific, aesthetic, historical, archaeological, cultural or educational interest.

Article 4

The Parties to this Protocol shall, at their first meeting, formulate and adopt, if necessary in cooperation with the competent international organizations, common guidelines and, if needed, standards or criteria dealing in particular with:

- (a) the selection of protected areas;
- (b) the establishment of protected areas;
- (c) the management of protected areas;
- (d) the notification of information on protected areas.

Article 5

The Parties may strengthen the protection of a protected area by establishing, within the area to which this Protocol applies, one or more buffer areas in which activities are less severely restricted while remaining compatible with the purposes of the protected area.

Article 6

1. If a Party intends to establish a protected area contiguous to the frontier or to the limits of the zone of national jurisdiction of another Party, the competent authorities of the two Parties shall endeavour to consult each other with a view to reaching agreement on the measures to be taken and shall, among other things, examine the possibility of the establishment by the other Party of a corresponding protected area or the adoption by it of any other appropriate measure.

2. If a Party intends to establish a protected area contiguous to the frontier or to the limits of the zone of national jurisdiction of a State which is not a Party to this Protocol, the Party shall endeavour to work together with the competent authorities of that State with a view to holding the consultations referred to in paragraph 1.

3. If contiguous protected areas are established by two Parties, or by one Party and by a State which is not a Party to this Protocol, special agreements may provide for the means whereby the consultation or the collaboration contemplated in paragraphs 1 and 2 respectively may take place.

4. If a State which is not a Party to this Protocol intends to establish a protected area contiguous to the frontier or to the limits of the zone of national jurisdiction of a Party to this Protocol, the latter shall endeavour to work together with that State with a view to holding consultations, and possibly concluding a special agreement as referred to in paragraph 3.

Article 7

The Parties, having regard to the objectives pursued and taking into account the characteristics of each protected area, shall, in conformity with the rules of international law, progressively take the measures required, which may include:

- (a) the organization of a planning and management system;
- (b) the prohibition of the dumping or discharge of wastes or other matter which may impair the protected area;
- (c) the regulation of the passage of ships and any stopping or anchoring;
- (d) the regulation of fishing and hunting and of the capture of animals and harvesting of plants;

- (e) the prohibition of the destruction of plant life or animals and of the introduction of exotic species;
- (f) the regulation of any act likely to harm or disturb the fauna or flora, including the introduction of indigenous zoological or botanical species;
- (g) the regulation of any activity involving the exploration or exploitation of the sea-bed or its subsoil or a modification of the sea-bed profile;
- (h) the regulation of any activity involving a modification of the profile of the soil or the exploitation of the subsoil of the land part of a marine protected area;
- (i) the regulation of any archaeological activity and of the removal of any object which may be considered as an archaeological object;
- (j) the regulation of trade in and import and export of animals, parts of animals, plants, parts of plants and archaeological objects which originate in protected areas and are subject to measures of protection;
- (k) any other measure aimed at safeguarding ecological and biological processes in protected areas.

Article 8

1. The Parties shall give appropriate publicity to the establishment of protected areas, as well as of the areas provided for in Article 5, and to their markings and the regulations applying thereto.

2. The information referred to in paragraph 1 shall be notified to the Organization designated in Article 13 of the Convention (hereinafter referred to as 'the Organization') which shall compile and keep up to date a directory of protected areas in the area to which this Protocol applies. The Parties shall supply the Organization with all the information necessary for that purpose.

Article 9

1. The Parties shall, in promulgating protective measures, take into account the traditional activities of their local populations. To the fullest extent possible, no exemption which is allowed for this reason shall be such as:

- (a) to endanger either the maintenance of ecosystems protected under the terms of the present Protocol or the biological processes contributing to the maintenance of those ecosystems;
- (b) to cause either the extinction of or any substantial reduction in, the number of individuals making up the species or animal and plant populations within the protected ecosystems, or any ecologically connected species or populations, particularly migratory species and rare, endangered or endemic species.

2. Parties which allow exemptions with regard to protective measures or do not apply such measures strictly shall inform the Organization accordingly.

Article 10

The Parties shall encourage and develop scientific and technical research on their protected areas and on the ecosystems and archaeological heritage of those areas.

Article 11

The Parties shall endeavour to inform the public as widely as possible of the significance and interest of the protected areas and of the scientific knowledge which may be gained from them from the point of view of both nature conservation and archaeology. Such information should

have an appropriate place in education programmes concerning the environment and history. The Parties should also endeavour to promote the participation of their public and their nature conservation organizations in appropriate measures which are necessary for the protection of the areas concerned.

Article 12

The Parties shall, to the extent possible, establish a cooperation programme to coordinate the establishment, planning, management and conservation of protected areas, with a view to creating a network of protected areas in the Mediterranean region, taking fully into account existing networks, especially that of biosphere reserves of UNESCO. There shall be regular exchanges of information concerning the characteristics of the protected areas, the experiences acquired and the problems encountered.

Article 13

The Parties shall, in accordance with the procedures set forth in Article 14, exchange scientific and technical information concerning current or planned research and the results expected. They shall, to the fullest extent possible, coordinate their research. They shall, moreover, endeavour to define jointly or to standardize the scientific methods to be applied in the selection, management and monitoring of protected areas.

Article 14

1. In applying the principles of cooperation set forth in Articles 12 and 13, the Parties shall forward to the Organization:

- (a) comparable information for monitoring the biological development of the Mediterranean environment;
- (b) reports, publications and information of a scientific, administrative and legal nature, in particular:
 - on the measures taken by the Parties in pursuance of this Protocol for the protection of the protected areas,
 - on the species present in the protected areas,
 - on any threats to those areas, especially those which may come from sources of pollution outside their control.

2. The Parties shall designate persons responsible for protected areas. Those persons shall meet at least once every two years to discuss matters of joint interest and especially to propose recommendations concerning scientific, administrative and legal information as well as the standardization and processing of data.

Article 15

1. The Parties shall, directly or with the assistance of competent regional or other international organizations or bilaterally, cooperate, on the entry into force of this Protocol, in formulating and implementing programmes of mutual assistance and of assistance to those developing countries which express a need for it in the selection, establishment and management of protected areas.

2. The programmes contemplated in paragraph 1 should relate, in particular, to the training of scientific and technical personnel, scientific research, and the acquisition, utilization and production by those countries of appropriate equipment on advantageous terms to be agreed among the Parties concerned.

Article 16

Changes in the delimitation or legal status of a protected area or the suppression of all or part of such an area may not take place except under a similar procedure to that followed for its establishment.

Article 17

1. The ordinary meetings of the Parties to this Protocol shall be held in conjunction with the ordinary meetings of the Contracting Parties to the Convention held pursuant to Article 14 of the Convention. The Parties may also hold extraordinary meetings in conformity with that Article.
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;
 - (b) to consider the efficacy of the measures adopted, having regard in particular to the area to which the Protocol applies, and to examine the need for other measures, in particular in the form of annexes, or for envisaging, if necessary, an alteration to that area, in conformity with the provisions of Article 16 of the Convention;
 - (c) to adopt, review and amend as required any Annex to this Protocol;
 - (d) to monitor the establishment and development of the network of protected areas provided by Article 12, and to adopt guidelines to facilitate the establishment and development of that system and to increase cooperation among the Parties;
 - (e) to consider the recommendations made by the meetings of the persons responsible for the protected areas, as provided by Article 14 (2);
 - (f) to consider reports transmitted by the Parties to the Organization under Article 20 of the Convention and any other information which the Parties may transmit to the Organization or to the meeting of the Parties.

Article 18

1. The provisions of the Convention relating to any Protocol shall apply with respect to this Protocol.
2. The rules of procedure and the financial rules adopted pursuant to Article 18 (2) of the Convention shall apply with respect to this Protocol, unless the Parties to this Protocol agree otherwise.
3. This Protocol shall be open for signature, at Geneva on 3 and 4 April 1982, and at Madrid from 5 April 1982 to 2 April 1983 by any Contracting Party to the Convention and any State invited to the Conference of plenipotentiaries on the Protocol concerning Mediterranean specially protected areas, held at Geneva on 2 and 3 April 1982. It shall also be open for signature from 5 April 1982 to 2 April 1983 by any regional economic grouping of which at least one member is a coastal State of the Mediterranean Sea area and which exercises competence in fields covered by this Protocol.
4. This Protocol shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of Spain, which will assume the functions of depositary.
5. As from 3 April 1983, this Protocol shall be open for accession by the Contracting Parties to the Convention and by any State or grouping referred to in paragraph 3.
6. This Protocol shall enter into force on the 30th day following the deposit of at least six instruments of ratification, acceptance or approval of, or accession to, the Protocol.

In witness whereof, the undersigned, being duly authorized, have signed this Protocol.

Done at Geneva on this third day of April one thousand nine hundred and eighty two in a single copy in the Arabic, English, French and Spanish languages, the four texts being equally authoritative.