

1976 PROTOCOL FOR THE PREVENTION OF POLLUTION OF THE MEDITERRANEAN SEA BY DUMPING FROM SHIPS AND AIRCRAFT

Done in Barcelona, Spain on 16 February 1976

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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 (herein-after 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

1. For the purposes of this Protocol:
2. "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.

3. "Wastes or other matter" means material and substances of any kind, form or description.
4. "Dumping" means:
5. Any deliberate disposal at sea of wastes or other matter from ships or aircraft;
6. Any deliberate disposal at sea of ships or aircraft.
7. "Dumping" does not include:
8. 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;
9. 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.
10. "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 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, 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:
 - 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 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.
- d. 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 gives 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 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

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

1. Organohalogen compounds and compounds which may form 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-and medium-and low-level radioactive wastes or other high-and 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, paragraph 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.
10. This Annex does not apply to wastes or other materials, such as sewage sludge and dredge spoils, containing the substances referred to in paragraphs 1-6 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, paragraph 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, paragraph 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 biological 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. co-ordinates 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 packing and containment, if any.
4. Initial dilution achieved by proposed method of release, particularly the speed of the ship.
5. Dispersal characteristics (e.g. effects of currents, tides and wind on horizontal transport and vertical mixing).
6. Water characteristics (e.g. temperature, pH, salinity, stratification, oxygen indices of pollution dissolved oxygen (DO), chemical oxygen demand (COD), biochemical oxygen demand (BOD) nitrogen present in organic and mineral form, including ammonia, suspended matter other nutrients and productivity).

7. Bottom characteristics (e.g. topography, geochemical and geological characteristics and biological productivity).
8. Existence and effects of other dumpings which have been made in the dumping area (e.g. heavy metal background reading and organic carbon content)
9. When issuing a permit for dumping, the Contracting Parties shall endeavour to determine whether an adequate scientific basis exists for assessing the consequences of such dumping in the area concerned, in accordance with the foregoing provisions and taking into account seasonal variations.

C. General considerations and conditions

1. Possible effects on amenities (e.g. presence of floating or stranded material, turbidity, objectionable odour, discolouration and foaming).
2. Possible effects on marine life, fish and shellfish culture, fish stocks and fisheries, sea-weed harvesting and culture.
3. Possible effects on other uses of the sea (e.g. impairment of water quality for industrial use, underwater corrosion of structures, interference with ship operations from floating materials, interference with fishing or navigation through deposit of waste or solid objects on the seafloor 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.