

1992 BUCHAREST CONVENTION FOR THE PROTECTION OF THE BLACK SEA AGAINST POLLUTION

Adopted in Bucharest, Romania on 21 April 1992

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THE CONTRACTING PARTIES,

DETERMINED to act with a view to achieve progress in the protection of the marine environment of the Black Sea and in the conservation of its living resources,

CONSCIOUS of the importance of the economic, social and health values of the marine environment of the Black Sea,

CONVINCED that the natural resources and amenities of the Black Sea can be preserved primarily through joint efforts of the Black Sea countries,

TAKING INTO ACCOUNT the generally accepted rules and regulations of international law,

HAVING IN MIND the principles, customs and rules of general international law regulating the protection and preservation of the marine environment and the conservation of the living resources thereof,

TAKING INTO ACCOUNT the relevant provisions of the Convention on Prevention of Marine Pollution by Dumping of Wastes and Other Matter of 1972 as amended; the International Convention on Prevention of Pollution from Ships of 1973 as modified by the Protocol of 1978 relating thereto as amended; the Convention on Control of Transboundary Movement of Hazardous Wastes and Their Disposal of 1989 and the International Convention on Oil Pollution Preparedness, Response and Cooperation of 1990,

RECOGNIZING the significance of the principles adopted by the Conference on Security and Cooperation in Europe,

TAKING INTO ACCOUNT their interest in the conservation, exploitation and development of the bio-productive potential of the Black Sea,

BEARING IN MIND that the Black Sea coast is a major international resort area where Black Sea Countries have made large investments in public health and tourism,

TAKING INTO ACCOUNT the special hydrological and ecological characteristics of the Black Sea and the hypersensitivity of its flora and fauna to changes in the temperature and composition of the sea water,

NOTING that pollution of the marine environment of Black Sea also emanates from land-based sources in other countries of Europe, mainly through rivers,

REAFFIRMING their readiness to cooperate in the preservation of the marine environment of the Black Sea and the protection of its living resources against pollution,

NOTING the necessity of scientific, technical and technological cooperation for the attainment of the purposes of the Convention,

NOTING that existing international agreements do not cover all aspects of pollution of the marine environment of the Black Sea emanating from third countries,

REALIZING the need for close cooperation with competent international organizations based on a concerted regional approach for the protection and enhancement of the Black Sea,

HAVE AGREED as follows:

ARTICLE I AREA OF APPLICATION

1. This Convention shall apply to the Black Sea proper with the southern limit constituted for the purposes of this Convention by the line joining Capes Kelagra and Dalyan.
2. For the purposes of this Convention the reference to the Black Sea shall include the territorial sea and exclusive economic zone of each Contracting Party in the Black Sea. However, any Protocol to this Convention may provide otherwise for the purposes of that Protocol.

ARTICLE II DEFINITIONS

For the purposes of this Convention:

1. "Pollution of the marine environment" means the introduction by man, directly or indirectly, of substances or energy into the marine environment, including estuaries, which results or is likely to result in such deleterious effects as harm to living resources and marine life, hazard to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities.
2. a) "Vessel" means seaborne craft of any type. This expression includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft whether self-propelled or not and platforms and other man-made structures at sea.

b) "Aircraft" means airborne craft of any type.
3. a) "Dumping" means:
 - i) any deliberate disposal of wastes or other matter from vessels or aircraft;
 - ii) any deliberate disposal of vessels or aircraft;
b) "Dumping" does not include:
 - i) the disposal 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 purpose of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels or aircraft;
 - ii) placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of this Convention.

4. "Harmful substance" means any hazardous, noxious or other substance, the introduction of which into the marine environment would result in pollution or adversely affect the biological processes due to its toxicity and/or persistence and/or bioaccumulation characteristics.

ARTICLE III GENERAL PROVISIONS

The Contracting Parties take part in this Convention on the basis of full equality in rights and duties, respect for national sovereignty and independence, non-interference in their internal affairs, mutual benefit and other relevant principles and norms of international law.

ARTICLE IV SOVEREIGN IMMUNITY

This Convention does not apply to any warship, naval auxiliary or other vessels or aircraft owned or operated by a State and used, for the time being, only on government non-commercial service.

However, each Contracting Party shall ensure, by the adoption of appropriate measures not impairing operations of such vessels or aircraft owned or operated by it, that such vessels or aircraft act in a manner consistent, so far as is practicable, with this Convention.

ARTICLE V GENERAL UNDERTAKINGS

1. Each Contracting Party shall ensure the application of the Convention in those areas of the Black Sea where it exercises its sovereignty as well as its sovereign rights and jurisdiction without prejudice to the rights and obligations of the Contracting Parties arising from the rules of international law.

Each Contracting Party, in order to achieve the purposes of this Convention, shall bear in mind the adverse effect of pollution within its internal waters on the marine environment of the Black Sea.

2. The Contracting Parties shall take individually or jointly, as appropriate, all necessary measures consistent with international law and in accordance with the provisions of this Convention to prevent, reduce and control pollution thereof in order to protect and preserve the marine environment of the Black Sea.
3. The Contracting Parties will cooperate in the elaboration of additional Protocols and Annexes other than those attached to this Convention, as necessary for its implementation.
4. The Contracting Parties, when entering bilateral or multilateral agreements for the protection and preservation of the marine environment of the Black Sea, shall endeavour to ensure that such agreements are consistent with this Convention. Copies of such agreements shall be transmitted to the other Contracting Parties through the Commission as defined in Article XVII of this Convention.
5. The Contracting Parties will cooperate in promoting, within international organizations found to be competent by them, the elaboration of measures contributing to the protection and preservation of the marine environment of the Black Sea.

ARTICLE VI

POLLUTION BY HAZARDOUS SUBSTANCES AND MATTER

Each Contracting Party shall prevent pollution of the marine environment of the Black Sea from any source by substances or matter specified in the Annex to this Convention.

ARTICLE VII

POLLUTION FROM LAND-BASED SOURCES

The Contracting Parties shall prevent, reduce and control pollution of the marine environment of the Black Sea from land based sources, in accordance with the Protocol on the Protection of the Black Sea Marine Environment Against Pollution from Land-Based Sources which shall form an integral part of this Convention.

ARTICLE VIII

POLLUTION FROM VESSELS

The Contracting Parties shall take individually or, when necessary, jointly, all appropriate measures to prevent, reduce and control pollution of the marine environment of the Black Sea from vessels in accordance with generally accepted international rules and standards.

ARTICLE IX

COOPERATION IN COMBATING POLLUTION IN EMERGENCY SITUATIONS

The Contracting Parties shall cooperate in order to prevent, reduce and combat pollution of the marine environment of the Black Sea resulting from emergency situations in accordance with the Protocol on Cooperation in Combatting Pollution of the Black Sea by Oil and Other Harmful Substances in Emergency Situations which shall form an integral part of this Convention.

ARTICLE X

POLLUTION BY DUMPING

1. The Contracting Parties shall take all appropriate measures and cooperate in preventing, reducing and controlling pollution caused by dumping in accordance with the Protocol on the Protection of the Black Sea Marine Environment Against Pollution by Dumping which shall form an integral part of this Convention.
2. The Contracting Parties shall not permit, within areas under their respective jurisdiction, dumping by natural or juridical persons of non-Black Sea States.

ARTICLE XI

POLLUTION FROM ACTIVITIES ON THE CONTINENTAL SHELF

1. Each Contracting Party shall, as soon as possible, adopt laws and regulations and take measures to prevent, reduce and control pollution of the marine environment of the Black Sea caused by or connected with activities on its continental shelf, including the exploration and exploitation of the natural resources of the continental shelf.

The Contracting Parties shall inform each other through the Commission of the laws, regulations and measures adopted by them in this respect.

2. The Contracting Parties shall cooperate in this field, as appropriate, and endeavour to harmonize the measures referred to in paragraph 1 of this Article.

ARTICLE XII

POLLUTION FROM OR THROUGH THE ATMOSPHERE

The Contracting Parties shall adopt laws and regulations and take individual or agreed measures to prevent, reduce and control pollution of the marine environment of the Black Sea from or through the atmosphere, applicable to the airspace above their territories and to vessels flying their flag or vessels and aircraft registered in their territory.

ARTICLE XIII

PROTECTION OF THE MARINE LIVING RESOURCES

The Contracting Parties, when taking measures in accordance with this Convention for the prevention, reduction and control of the pollution of the marine environment of the Black Sea, shall pay particular attention to avoiding harm to marine life and living resources, in particular by changing their habitats and creating hindrance to fishing and other legitimate uses of the Black Sea, and in this respect shall give due regard to the recommendations of competent international organizations.

ARTICLE XIV

POLLUTION BY HAZARDOUS WASTES IN TRANSBOUNDARY MOVEMENT

The Contracting Parties shall take all measures consistent with international law and cooperate in preventing pollution of the marine environment of the Black Sea due to hazardous wastes in transboundary movement, as well as in combatting illegal traffic thereof, in accordance with the Protocol to be adopted by them.

ARTICLE XV

SCIENTIFIC AND TECHNICAL COOPERATION AND MONITORING

1. The Contracting Parties shall cooperate in conducting scientific research aimed at protecting and preserving the marine environment of the Black Sea and shall undertake, where appropriate, joint programmes of scientific research, and exchange relevant scientific data and information.
2. The Contracting Parties shall cooperate in conducting studies aimed at developing ways and means for the assessment of the nature and extent of pollution and of its effect on the ecological system in the water column and sediments, detecting pollutes areas, examining and assessing risks and finding remedies, and in particular, they shall develop alternative methods of treatment, disposal, elimination or utilization of harmful substances.
3. The Contracting Parties shall cooperate through the Commission in establishing appropriate scientific criteria for the formulation and elaboration of rules, standards and recommended practices and procedures for the prevention, reduction and control of pollution of the marine environment of the Black Sea.

4. The Contracting Parties shall, inter alia, establish through the Commission and, where appropriate, in cooperation with international organizations they consider to be competent, complementary or joint monitoring programmes covering all sources of pollution and shall establish a pollution monitoring system for the Black Sea including, as appropriate, programmes as bilateral or multilateral level for observing, measuring, evaluating and analyzing the risks or effects of pollution of the marine environment of the Black Sea.
5. When the Contracting Parties have reasonable grounds for believing that activities under their jurisdiction or control may cause substantial pollution or significant and harmful changes to the marine environment of the Black Sea, they shall, before commencing such activities, assess their potential effects on the basis of all relevant information and monitoring data and shall communicate the results of such assessments to the Commission.
6. The Contracting Parties shall co-operate as appropriate, in the development, acquisition and introduction of clean and low waste technology, inter alia, by adopting measures to facilitate the exchange of such technology.
7. Each Contracting Party shall designate the competent national authority responsible for scientific activities and monitoring.

ARTICLE XVI RESPONSIBILITY AND LIABILITY

1. The Contracting Parties are responsible for the fulfillment of their international obligations concerning the protection and the preservation of the marine environment of the Black Sea.
2. Each Contracting Party shall adopt rules and regulations on the liability for damaged caused by natural or juridical persons to the marine environment of the Black Sea in areas where it exercises, in accordance with international law, its sovereignty, sovereign rights or jurisdiction.
3. The Contracting Parties shall ensure that recourse is available in accordance with their legal systems for prompt and adequate compensation or other relief for damage caused by pollution of the marine environment of the Black Sea by natural or juridical persons under their jurisdiction.
4. The Contracting Parties shall cooperate in developing and harmonizing their laws, regulations and procedures relating to liability, assessment of and compensation for damage caused by pollution of the marine environment of the Black Sea, in order to ensure the highest degree of deterrence and protection for the Black Sea as a whole.

ARTICLE XVII THE COMMISSION

1. In order to achieve the purposes of this Convention, the Contracting Parties shall establish a Commission on the Protection of the Black Sea Against Pollution, hereinafter referred to as "the Commission".
2. Each Contracting Party shall be represented in the Commission by one Representative who may be accompanied by Alternate Representatives, Advisers and Experts.

3. The Chairmanship of the Commission shall be assumed by each Contracting Party, in turn, in the alphabetical order of the English language. The first Chairman of the Commission shall be the Representative of the Republic of Bulgaria. The Chairman shall serve for one year, and during his term he cannot act in the capacity of Representative of his country. Should the Chairmanship fall vacant, the Contracting Party chairing the Commission shall appoint a successor to remain in office until the term of its Chairmanship expires.
4. The Commission shall meet at least once a year. The Chairman shall convene extraordinary meetings upon the request of any Contracting Party.
5. Decisions and recommendations of the Commission shall be adopted unanimously by the Black Sea States.
6. The Commission shall be assisted in its activities by a permanent Secretariat. The Commission shall nominate the Executive Director and other officials of the Secretariat. The Executive Director shall appoint the technical staff in accordance with the rules to be established by the Commission. The Secretariat shall be composed of nationals of all Black Sea States.
7. The Commission and the Secretariat shall have their headquarters in Istanbul. The location of the headquarters may be changed by the Contracting Parties by consensus.
8. The Commission shall adopt its Rules of Procedure for carrying out its functions, decide upon the organization of its activities and establish subsidiary bodies in accordance with the provisions of this Convention.
9. Representatives, Alternate Representatives, Advisers and Experts of the Contracting Parties shall enjoy in the territory of the respective Contracting Party diplomatic privileges and immunities in accordance with international law.
10. The privileges and immunities of the officials of the Secretariat shall be determined by agreement among the Contracting Parties.
11. The Commission shall have such legal capacity as may be necessary for the exercise of its functions.
12. The Commission shall conclude a Headquarters Agreement with the host Contracting Party.

ARTICLE XVIII

FUNCTIONS OF THE COMMISSION

The Commission shall:

1. Promote the implementation of this Convention and inform the Contracting Parties of its work.
2. Make recommendations on measures necessary for achieving the aims of this Convention.
3. Consider questions relating to the implementation of this Convention and recommend such amendments to the Convention and to the Protocols as may be required, including amendments to Annexes of this Convention and the Protocols.
4. Elaborate criteria pertaining to the prevention, reduction and control of pollution of the marine environment of the Black Sea and to the elimination of the effects of pollution, as well as recommendations on measures to this effect.

5. Promote the adoption by the Contracting Parties of additional measures needed to protect the marine environment of the Black Sea, and to that end receive, process and disseminate to the Contracting Parties relevant scientific, technical and statistical information and promote scientific and technical research.
6. Cooperate with competent international organizations, especially with a view to developing appropriate programmes or obtaining assistance in order to achieve the purposes of this Convention.
7. Consider any questions raised by the Contracting Parties.
8. Perform other functions as foreseen in other provisions of this Convention or assigned unanimously to the Commission by the Contracting Parties.

ARTICLE XIX

MEETINGS OF THE CONTRACTING PARTIES

1. The Contracting Parties shall meet in conference upon recommendation by the Commission. They shall also meet in Conference within ten days at the request of one Contracting Party under extraordinary circumstances.
2. The primary function of the meetings of the Contracting Parties shall be the review of the implementation of this Convention and of the Protocols upon the report of the Commission.
3. A non-Black Sea State which accedes to this Convention may attend the meetings of the Contracting Parties in an advisory capacity.

ARTICLE XX

ADOPTION OF AMENDMENTS TO THE CONVENTION AND/OR TO THE PROTOCOLS

1. Any Contracting Party may propose amendments to the articles of this Convention.
2. Any Contracting Party to this Convention may propose amendments to any Protocol.
3. Any such proposed amendment shall be transmitted to the depositary and communicated by it through diplomatic channels to all the Contracting Parties and to the Commission.
4. Amendments to this Convention and to any Protocol shall be adopted by consensus at a Diplomatic Conference of the Contracting Parties to be convened within 90 days after the circulation of the proposed amendment by the depositary.
5. The amendments shall enter into force 30 days after the depositary has received notifications of acceptance of these amendments from all Contracting Parties.

ARTICLE XXI

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. Any Contracting Party may propose amendments to the Annexes to this Convention or to the Annexes of any Protocol through its Representative in the Commission. Such amendments shall be adopted by the Commission on the basis of consensus. The depositary, duly informed by the Chairman of the Commission of its decision, shall without delay communicate the amendments so adopted to all the Contracting Parties. Such amendments shall enter into force 30 days after the depositary has received notifications of acceptance from all Contracting Parties.
3. The provisions of paragraph 2 of this Article shall apply to the adoption and entry into force of a new Annex to this Convention or to any Protocol.

ARTICLE XXII

NOTIFICATION OF ENTRY INTO FORCE OF AMENDMENTS

The depositary shall inform, through diplomatic channels, the Contracting Parties of the date on which amendments adopted under Articles XX and XXI enter into force.

ARTICLE XXIII FINANCIAL RULES

The Contracting Parties shall decide upon all financial matters on the basis of unanimity, taking into account the recommendations of the Commission.

ARTICLE XXIV

RELATION TO OTHER INTERNATIONAL INSTRUMENTS

Nothing in this Convention shall affect in any way the sovereignty of States over their territorial sea, established in accordance with international law, and the sovereign rights and the jurisdiction which States have in their exclusive economic zones and their continental shelf in accordance with international law, and the exercise by ships and aircraft of navigational rights and freedoms, as provided for in international law, and as reflected in relevant international instruments.

ARTICLE XXV

SETTLEMENT OF DISPUTES

In case of dispute between Contracting Parties concerning the interpretation and implementation of this Convention, they shall seek a settlement of the dispute through negotiations or any other peaceful means of their own choice.

ARTICLE XXVI

ADOPTION OF ADDITIONAL PROTOCOLS

1. At the request of a Contracting Party or upon a recommendation by the Commission, a Diplomatic Conference of the Contracting Parties may be convened with the consent of all Contracting Parties in order to adopt additional Protocols.
2. Signature, ratification, acceptance, approval, accession to, entry into force, and denunciation of additional Protocol shall be done in accordance with procedures contained, respectively, in Articles XXVIII, XXIX, and XXX of this Convention.

ARTICLE XXVII RESERVATIONS

No reservations may be made to this Convention.

ARTICLE XXVIII SIGNATURE, RATIFICATION, ACCEPTANCE, APPROVAL AND ACCESSION

1. This Convention shall be open for signature by the Black Sea States.
2. This Convention shall be subject to ratification, acceptance or approval by the States which have signed it.
3. This Convention shall be open for accession by any non-Black Sea State interested in achieving the aims of this Convention and contributing substantially to the protection and preservation of the marine environment of the Black Sea provided the said State has been invited by all Contracting Parties. Procedures with regard to the invitation for accession will be dealt with by the depositary.
4. The instruments of ratification, acceptance, approval or accession shall be deposited with the depositary. The depositary of this Convention shall be the Government of Romania.

ARTICLE XXIX ENTRY INTO FORCE

This Convention shall enter into force 60 days after the date of deposit with the depositary of the fourth instrument of ratification, acceptance or approval.

For a State acceding to this Convention in accordance with Article XXVIII, the Convention shall enter into force 60 days after the deposit of its instrument of accession.

ARTICLE XXX DENOUNCIATION

After the expiry of five years from the date of entry into force of this Convention, any Contracting Party may, by written notification addressed to the depositary, denounce this Convention. The denunciation shall take effect on the thirty-first day of December of the year which follows the year in which the depositary was notified of the denunciation.

DONE in English, on the twenty-first day of the month of April of one thousand nine hundred and ninety two, in Bucharest.