

II. AMENDMENTS TO THE PROTOCOL FOR THE PREVENTION OF POLLUTION OF THE MEDITERRANEAN SEA BY DUMPING FROM SHIPS AND AIRCRAFT

A. TITLE

The title of the Protocol is amended as follows:

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

B. PREAMBULAR PARAGRAPHS

The second preambular paragraph of the Protocol is amended as follows:

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

The fourth preambular paragraph of the Protocol is amended as follows:

Bearing in mind that Chapter 17 of Agenda 21 of UNCED calls on the Contracting Parties to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter (London, 1972) to take the necessary measures to end dumping in the ocean and the incineration of hazardous substances,

The following paragraph is added to the Preamble:

Taking into account Resolutions LC 49(16) and LC 50(16), approved by the 16th Consultative Meeting of the 1972 London Convention, which prohibit the dumping and incineration of industrial wastes at sea,

C. ARTICLE 1

Article 1 is amended as follows:

The Contracting Parties to this Protocol (hereinafter referred to as "the Parties") shall take all appropriate measures to prevent, abate and eliminate to the fullest extent possible pollution of the Mediterranean Sea caused by dumping from ships and aircraft or incineration at sea.

D. ARTICLE 2

Article 2 is amended as follows:

The area to which this Protocol applies shall be the Mediterranean Sea Area as defined in Article 1 of the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (hereinafter referred to as "the Convention").

E. ARTICLE 3

The following new subparagraphs are added to Article 3:

- 3(c) Any deliberate disposal or storage and burial of wastes or other matter on the seabed or in the marine subsoil from ships or aircraft.
- 4(bis) (*renumbered as 5*) "Incineration at sea" means the deliberate combustion of wastes or other matter in the maritime waters of the Mediterranean Sea, with the aim of thermal destruction and does not include activities incidental to the normal operations of ships or aircraft.

Paragraph 5 is renumbered as paragraph 6.

F. ARTICLE 4

Article 4 is amended as follows:

- 1. The dumping of wastes or other matter, with the exception of those listed in paragraph 2 of this Article, is prohibited.
- 2. The following is the list referred to in the preceding paragraph:
 - (a) dredged material;
 - (b) fish waste or organic materials resulting from the processing of fish and other marine organisms;
 - (c) vessels, until 31 December 2000;
 - (d) platforms and other man-made structures at sea, provided that material capable of creating floating debris or otherwise contributing to pollution of the marine environment has been removed to the maximum extent, without prejudice to the provisions of the Protocol concerning Pollution Resulting from Exploration and Exploitation of the Continental Shelf, the Seabed and its Subsoil.

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

G. ARTICLE 5

Article 5 is amended as follows:

The dumping of the wastes or other matter listed in Article 4.2 requires a prior special permit from the competent national authorities.

H. ARTICLE 6

Article 6 is amended as follows:

1. The permit referred to in Article 5 shall be issued only after careful consideration of the factors set forth in the Annex to this Protocol or the criteria, guidelines and relevant procedures adopted by the meeting of the Contracting Parties pursuant to paragraph 2 below:
2. The Contracting Parties shall draw up and adopt criteria, guidelines and procedures for the dumping of wastes or other matter listed in Article 4.2 so as to prevent, abate and eliminate pollution.

I. ARTICLE 7

Article 7 is amended as follows:

Incineration at sea is prohibited.

J. ARTICLE 9

Article 9 is amended as follows:

If a Party in a critical situation of an exceptional nature considers that wastes or other matter not listed in Article 4.2 of this Protocol cannot be disposed of on land without unacceptable danger or damage, above all for the safety of human life, the Party concerned shall forthwith consult the Organization. The Organization, after consulting the Parties to this Protocol, shall recommend methods of storage or the most satisfactory means of destruction or disposal under the prevailing circumstances. The Party shall inform the Organization of the steps adopted in pursuance of these recommendations. The Parties pledge themselves to assist one another in such situations.

K. ARTICLE 10

Subparagraph 1(a) of Article 10 is amended as follows:

- (a) issue the permits provided for in Article 5;

Subparagraph 1(b) of Article 10 is deleted.

Subparagraph 1(c) is renumbered as subparagraph 1(b).

Paragraph 2 is amended as follows:

2. The competent authorities of each Party shall issue the permits provided for in Article 5 in respect of the wastes or other matter intended for dumping:

L. ARTICLE 11

Paragraph 2 of Article 11 is deleted.

M. ARTICLE 14

Paragraph 3 of Article 14 is amended as follows:

3. The adoption of amendments to the Annex to this Protocol pursuant to Article 17 of the Convention shall require a three-fourths majority vote of the Parties.

N. ANNEX I

Annex I is deleted.

O. ANNEX II

Annex II is deleted.

P. ANNEX III

Annex III is changed to Annex and is amended as follows:

ANNEX

The factors to be considered in establishing criteria governing the issue of permits for the dumping of matter at sea taking into account Article 6 include:

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