



# United Nations Environment Programme



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## MEDITERRANEAN ACTION PLAN

Meeting of the Working Group of Experts  
on the draft Protocol for the protection of  
the Mediterranean Sea against pollution  
resulting from Exploration and Exploitation of  
the Continental Shelf and the Sea-Bed and its  
Sub-Soil

Athens, 8-11 January 1991

Draft Protocol for the protection of the Mediterranean  
Sea against pollution resulting from Exploration and Exploitation  
of the Continental Shelf and the Sea-Bed and its Sub-Soil

**DRAFT PROTOCOL FOR THE PROTECTION OF THE  
MEDITERRANEAN SEA AGAINST POLLUTION RESULTING FROM  
EXPLORATION AND EXPLOITATION OF THE CONTINENTAL SHELF AND  
THE SEA-BED AND ITS SUBSOIL**

**PREAMBLE**

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 article 7 of the said Convention,

Bearing in mind the increase in the activities concerning exploration and exploitation of the Mediterranean sea-bed and its subsoil,

Recognizing that the pollution which may result therefrom represents a serious danger to the environment and to human beings,

Desirous of protecting and preserving the Mediterranean Sea from pollution resulting from exploration and exploitation activities,

Taking into account the Protocols related to the Convention for the Protection of the Mediterranean Sea against Pollution, and, in particular, the Protocol concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency, adopted at Barcelona on 16 February 1976, and the Protocol concerning Mediterranean Specially Protected Areas, adopted at Geneva on 3 April 1982,

Bearing in mind the United Nations Convention on the Law of the Sea, done at Montego Bay on 10 December 1982,

Recognizing the differences in levels of development between the coastal States, and taking account of the economic and social imperatives of the developing countries,

Have agreed as follows:

SECTION I - GENERAL PROVISIONS

Article 1 - DEFINITIONS

For the purposes of this Protocol:

- (a) "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) "Resources" means all mineral resources, whether solid, liquid or gaseous [and sedentary species];
- (d) "Activities concerning exploration and/or exploitation of the resources in the Protocol Area" (hereinafter referred to as "activities") means:
  - (i) Activities of scientific research concerning the resources of the sea-bed and its subsoil;
  - (ii) Exploration activities:
    - Seismological activities; surveys of the sea-bed and its subsoil; sample taking;
    - Exploration drilling;
  - (iii) Exploitation activities
    - Installation of a fixed structure for the purpose of recovering resources, and activities connected therewith;
    - Development drilling;
    - Recovery, treatment and storage;
    - Transportation to shore by pipeline and loading of ships;
    - Maintenance, repair and other ancillary operations.

- (e) "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\*.

\* This definition should be understood as including any of the activities of exploration and exploitation of the sea-bed and its subsoil that result in deleterious effects referred to in the definition, even in cases where substances or energy are not introduced by man, directly or indirectly, into the marine environment.

[ "Pollution" means, for the purposes of this Protocol, the introduction by man, directly or indirectly, of substances or energy into the marine environment and any other activity 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 ]

- (f) "Installation" means any fixed or floating structure, and any integral part thereof, that is engaged in activities, including, in particular:
- (i) Fixed or mobile offshore drilling units;
  - (ii) Fixed or floating production units including dynamically positioned units;
  - (iii) Offshore storage facilities including ships used for this purpose;
  - (iv) Offshore loading terminals and transport systems for the extracted products, such as submarine pipelines;
  - (v) Apparatus attached to it and equipment for the reloading, processing, storage and disposal of substances removed from the sea-bed or its subsoil.
- (g) "Operator" means:
- (i) The person authorized by the Party exercising jurisdiction over the area where the activities are undertaken (hereinafter referred to as the "Competent State") in accordance with this Protocol to carry out activities; or
  - (ii) Any person who does not hold a valid authorization within the meaning of this Protocol but is de facto in overall control of the activities [pending the issue of the relevant authorization by the Competent State];
- (h) "Safety zone" means a zone established around installations in conformity with the provisions of general international law and technical requirements, with appropriate markings to ensure the safety of both navigation and the installations;
- (i) "Wastes" means substances and materials of any kind, form, or description which are intended to be abandoned or are abandoned into the Protocol Area and which might create pollution.
- (j) "Harmful or noxious substances and materials" means substances and materials of any kind, form or description, which, if introduced into the Protocol Area as defined in article 2 below, cause pollution.
- (k) "Chemical Use Plan" means a plan drawn up by the operator of any offshore installation which shows:
- (i) The chemicals which the operator intends to use in the operations;

- (ii) The purpose or purposes for which the operator intends to use the chemicals;
  - (iii) The maximum concentrations of the chemicals which the operator intends to use within any other substances, and maximum amounts intended to be used in any specified period;
  - (iv) The area within which the chemical may escape into the marine environment.
- (l) "Oil" means petroleum in any form including crude oil, fuel oil, sludge, oil refuse and refined products and, without limiting the generality of the foregoing, includes the substances listed in the appendix to this Protocol;
- (m) "Oily mixture" means a mixture with any oil content;
- (n) "Sewage" means:
- (i) Drainage and other wastes from any form of toilets, urinals and water-closet scuppers;
  - (ii) Drainage from medical premises (dispensary, sick bay, etc.) via wash basins, wash tubs and scuppers located in such premises;
  - (iii) Other waste waters when mixed with the drainages defined above.
- (o) "Garbage" means all kinds of victual, domestic and operational waste generated during the normal operation of the installation and liable to be disposed of continuously or periodically, except those substances which are defined or listed elsewhere in this Protocol;
- (p) "Freshwater limit" means the place in water courses where, at low tides and in a period of low freshwater flow, there is an appreciable increase in salinity due to the presence of sea water.

## Article 2 - GEOGRAPHICAL COVERAGE

1. 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.
2. The Protocol Area may also include such wetlands or coastal areas as may be designated by any of the Contracting Parties to this Protocol (hereinafter referred to as "the Parties").

### Article 3 - GENERAL UNDERTAKINGS

1. The Parties shall take, individually or through bilateral or multilateral co-operation, all appropriate measures to ensure the utilisation of the best available, environmentally effective and economically appropriate technology for preventing, abating, combating and controlling pollution of the Protocol Area that results from activities concerning exploration and exploitation of the sea-bed and its subsoil.
2. The Parties shall ensure that all necessary measures are taken so that activities do not endanger human health or the marine fauna and flora and do not cause interference with navigation, fishing or other legitimate uses of the Protocol Area in conformity with generally accepted international rules and standards.

## SECTION II - AUTHORIZATION SYSTEM

### Article 4 - GENERAL PRINCIPLES

1. All activities in the Protocol Area, including erection on site of installations, shall be subject to the prior written authorization of the competent national authority of the Competent State. Such authority, before granting the authorization, should be satisfied that the installation has been constructed according to international standards and that the operator has the technical competence and the financial capacity to carry out the activities. Such authorization should be granted in accordance with the appropriate procedure, as defined by the competent national authority.
2. Authorization should be refused if there are clear indications that the proposed activities are likely to cause significant adverse effects on the environment which could not be avoided by compliance with the conditions laid down in the authorization which are referred to in article 6, paragraph 3 of this Protocol.

3. When considering approval of the siting of an installation, the Competent State shall ensure that no detrimental effects will be caused by such siting to existing installations, in particular pipelines and cables.

Article 5 - REQUIREMENTS FOR AUTHORIZATIONS

1. The Competent State shall prescribe that any application for authorization or for the renewal of an authorization is subject to the submission of the project by the candidate operator to the competent national authority and that any such application must include, in particular, the following elements:
  - (a) A survey concerning the effects of the proposed activities on the environment; the competent national authority may, in the light of the nature, scope, duration and technical methods employed in the activities and of the characteristics of the area require that an environmental impact assessment be prepared in accordance with annex IV to this Protocol;
  - (b) The precise definition of the geographic areas where the activity is envisaged, including safety zones;
  - (c) Particulars of the professional and technical qualifications of the candidate operator and personnel on the installation as well as of the composition of the crew;
  - (d) The safety measures as specified in article 15;
  - (e) The operator's contingency plan as specified in article 16;
  - (f) The monitoring procedures as specified in article 17;
  - (g) The plans for removal of installations as specified in article 18;
  - (h) Precautions for specially protected areas as specified in article 19;
  - (i) The insurance or other financial security to cover liability as prescribed in article 26, paragraph 3.
2. The competent national authority may decide, for scientific research and exploration activities, to limit the scope of the requirements laid down in paragraph 1 of this article, in the light of the nature, scope, duration and technical methods employed in the activities and of the characteristics of the area.



Article 6 - GRANTING OF AUTHORIZATIONS

1. The authorizations referred to in article 4 shall be granted only after an examination by the competent national authority of the Competent State of the elements listed in article 5 and annex IV.
2. Each authorization shall specify the activities and the period of validity of the authorization, establish the geographical limits of the area and the safety zones subject to the authorization and specify the technical requirements and the authorized installations.
3. The authorization may impose conditions regarding measures, techniques or methods designed to reduce to the minimum risks of and damage due to pollution resulting from the activities.
4. The Parties shall notify the Organization as soon as possible of authorizations granted or renewed. The Organization shall keep a register of all the authorized installations in the Protocol Area.

Article 7 - SANCTIONS .

Each Party shall prescribe sanctions to be imposed for breach of obligations arising out of this Protocol, or for non-observance of the national laws or regulations implementing this Protocol, or for non-fulfilment of the specific conditions attached to the authorization.

**SECTION III - WASTES AND HARMFUL OR NOXIOUS SUBSTANCES AND MATERIALS**

Article 8 - GENERAL OBLIGATION

Without prejudice to other standards or obligations referred to in this Section, the Parties should impose a general obligation upon operators to use the best available, environmentally effective and economically appropriate technology and to observe internationally accepted standards regarding wastes and harmful or noxious substances and materials, with a view to minimizing the risk of pollution.

Article 9 - HARMFUL OR NOXIOUS SUBSTANCES AND MATERIALS

1. The use and storage of chemicals for the activities in the Protocol Area should be approved by the competent national authority of the Competent State, on the basis of the Chemical Use Plan.
2. The Competent State may regulate, limit or prohibit the use of chemicals in accordance with guidelines to be adopted by the Contracting Parties.

3. For the purpose of protecting the environment the Parties shall ensure that each substance and material used for activities covered by this Protocol is accompanied by a compound description provided by the entity producing such substance or material. The Parties may require a description of the substances and materials used to construct and protect the installation.
4. The disposal into the Protocol Area of harmful or noxious substances and materials listed in annex I to this Protocol is prohibited.
5. The disposal into the Protocol Area of harmful or noxious substances and materials listed in annex II to this Protocol requires, in each case, a prior special permit from the competent national authority of the Competent State.
6. The disposal into the Protocol Area of all other harmful or noxious substances and materials which might cause pollution requires a prior general permit from the competent national authority of the Competent State.
7. The permits referred to in paragraphs 5 and 6 above shall be issued only after careful consideration of all the factors set forth in annex III to this Protocol.

Article 10 - OIL AND OILY MIXTURES AND DRILLING FLUIDS

1. The Parties shall formulate and adopt common standards for the disposal of oil and oily mixtures from installations into the Protocol Area:
  - (a) Such common standards shall be formulated in accordance with the provisions of annex V, A;
  - (b) Such common standards shall not be less restrictive than, in particular, the following:
    - (i) For machinery space drainage, a maximum oil content of 15 mg per litre whilst undiluted;
    - (ii) For production water, a maximum oil content of 40 mg per litre as an average in any calendar month.
  - (c) The Parties shall determine by common agreement which method will be used to analyse the maximum oil content.
2. The Parties shall formulate and adopt common standards for the use and disposal of drilling fluids and drill cuttings into the Protocol Area. Such common standards shall be formulated in accordance with the provisions of annex V, B.

3. Each Party shall take appropriate measures to enforce the common standards adopted pursuant to this article or to enforce more restrictive standards that it may have adopted.

Article 11 - SEWAGE

1. The Competent State shall prohibit the discharge of sewage from installations permanently manned by 10 or more persons into the Protocol Area except in cases where:
  - (a) The installation is discharging sewage after treatment as approved by the competent national authority at a distance of at least four nautical miles from the nearest land or fixed fisheries installation; or
  - (b) The sewage is not treated, at a distance of more than twelve nautical miles from the nearest land or fixed fisheries installation; or
  - (c) The sewage has passed through an approved sewage treatment plant certified by its competent national authority.
2. The Competent State shall impose stricter provisions, as appropriate, where deemed necessary because of, inter alia, the regime of the currents in the area or proximity to any area referred to in article 19.
3. The exceptions referred to in paragraph 1 shall not apply if the discharge produces visible floating solids or discoloration of the surrounding water.
4. If the sewage is mixed with wastes and harmful or noxious substances and materials having different disposal requirements, the more stringent requirements shall apply.

Article 12 - GARBAGE

1. Disposal into the Protocol Area of the following products and materials is prohibited:
  - (a) All plastics, including but not limited to synthetic ropes, synthetic fishing nets and plastic garbage bags;
  - (b) All other garbage, including paper products, rags, glass, metal, bottles, crockery, dunnage, lining and packing materials.

2. Disposal into the Protocol Area of food wastes shall take place as far away as possible from land, but in any case not less than twelve nautical miles from the nearest land.
3. If garbage is mixed with other discharges having different disposal or discharge requirements the more stringent requirements shall apply.

Article 13 - RECEPTION FACILITIES, INSTRUCTIONS AND SANCTIONS

The Parties shall ensure that:

- (a) Operators dispose satisfactorily of all wastes and harmful or noxious substances and materials in onshore reception facilities;
- (b) Instructions are given to all personnel concerning proper means of disposal;
- (c) Sanctions are imposed in respect of illegal disposals.

Article 14 - EXCEPTIONS

1. The provisions of this Section shall not apply in case of:
  - (a) Force majeure or distress as recognized by the rules of international law, or risk to human life or to the safety of the installation, provided that all reasonable precautions have been taken, after the discovery of the disposal, for the purpose of minimizing the disposal;
  - (b) The discharge into the sea of substances containing oil or harmful or noxious substances or materials which, subject to the prior approval of the competent national authority of the Competent State, are being used for the purpose of combating specific pollution incidents in order to minimize the damage due to the pollution.
2. However, the provisions of this Section shall apply in any case where the operator acted with the intent to cause damage or recklessly and with knowledge that damage will probably result.
3. Disposals carried out in the circumstances referred to in paragraph 1 of this article shall be reported immediately 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 wastes or harmful or noxious substances or materials discharged.

**SECTION IV - SAFEGUARDS**

**Article 15 - SAFETY MEASURES**

1. The Competent State within whose jurisdiction activities are envisaged or are being carried out shall ensure that safety measures are taken with regard to the design, construction, placement, equipment, marking, operation and maintenance of installations.
2. The Competent State shall ensure that the operator has at all times on the installations adequate equipment and devices, maintained in good working order, for protecting human life, preventing accidental pollution and facilitating prompt response to an emergency, in accordance with the best available environmentally effective and economically appropriate technology and the provisions of the operator's contingency plan referred to in article 16.
3. The competent national authority of the Competent State shall require a certificate of safety and fitness for the purpose (hereinafter referred to as "certificate") issued by a recognized body to be submitted in respect of production platforms, mobile offshore drilling units, offshore storage facilities, offshore loading systems and pipelines and in respect of such other installations as may be specified by the Competent State.
4. The Parties shall formulate and adopt guidelines in accordance with international practices and procedures to ensure observance of the provisions of annex VI.
5. The Parties shall ensure through inspection that the activities are conducted by the operators in accordance with this article.

**Article 16 - CONTINGENCY PLANNING**

1. Each Party shall endeavour to promote and maintain a plan for combating pollution or other adverse effects and for saving human life in the Protocol Area in cases of emergencies resulting from activities (hereinafter referred to as "national contingency plan"), taking into account the Protocol concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency. The national contingency plan should establish and co-ordinate in particular, the equipment, ships, aircraft and manpower prepared for operations in cases of emergencies. The Parties should promote bilateral or multilateral co-operation regarding their national contingency plans.

2. Before granting an authorization, the Competent State shall require that the operator must have developed a satisfactory contingency plan (hereinafter referred to as the "operator's contingency plan") for combating pollution or other adverse effects and for saving human life in the Protocol Area in cases of emergencies resulting from activities. The operator's contingency plan is subject to the approval of the competent national authority as specified in article 5(e). An operator's contingency plan shall not be approved unless it can be co-ordinated with the existing national contingency plan. The operator's contingency plan shall conform to the provisions of annex VII to this Protocol.
3. The Competent State shall establish national co-ordination and direction in accordance with annex VII to this Protocol.

#### Article 17 - MONITORING

1. The operator shall be required to measure the effects of the activities on the environment in the light of the nature, scope, duration and technical methods employed in the activities and of the characteristics of the area and to report on them periodically or upon request by the competent national authority of the Competent State for the purpose of an evaluation by such national authority according to a procedure established by the Competent State in its authorization system.
2. The competent national authority of the Competent State should establish, where appropriate, a national monitoring system in order to be in a position to survey regularly the installations and the impact of the activities on the environment, so as to ensure that the conditions attached to the grant of the authorization are being fulfilled.

#### Article 18 - REMOVAL OF INSTALLATIONS

1. The operator shall be required by the Competent State to remove any installation which is abandoned or disused, in order to ensure safety of navigation, taking into account the guidelines and standards adopted by the competent international organization. Such removal shall also have due regard to other legitimate uses of the sea, in particular fishing, the protection of the marine environment and the rights and duties of other States. All necessary measures shall previously have been taken by the operator and under his responsibility to prevent spillage or leakage from the site of the activities.

2. The Competent State shall require the operator to remove abandoned or disused pipelines in accordance with paragraph 1 of this article or to abandon and clean them inside or to bury and clean them inside so that they neither cause pollution, endanger navigation, hinder fishing, threaten the marine environment, nor interfere with other legitimate uses of the sea or with the rights and duties of other States. The competent national authority shall ensure that appropriate publicity is given to the depth, position and dimensions of any buried pipeline and that such information is indicated on charts and notified to the Organization and other competent international organizations and the Parties.
3. The provisions of this article apply also to any operator whose authorization may have been withdrawn or suspended owing to non-compliance with any of the obligations referred to in article 7.
4. Where the operator fails to comply with the provisions of this article, the competent national authority of the Competent State shall undertake, at the operator's expense, such action or actions as may be necessary to remedy the operator's failure to act.

#### Article 19 - SPECIALLY PROTECTED AREAS

For the protection of the areas defined in article 3 of the Protocol concerning Mediterranean Specially Protected Areas, and in furtherance of the goals stated therein, Parties shall take special measures in conformity with international law, either individually or through multilateral or bilateral co-operation, to prevent, abate, combat and control pollution arising from activities in these areas.

In addition to the measures referred to in the said Protocol, such measures may include, inter alia:

- (a) Special restrictions or conditions in such areas for:
  - (i) The preparation and evaluation of environmental impact assessments and the granting of authorizations;
  - (ii) The elaboration of safety measures, contingency plans, monitoring, and removal of installations;
- (b) Intensified exchange of information among operators, the competent national authorities, Parties and the Organization regarding matters which may affect such areas.

**SECTION V - CO-OPERATION**

**Article 20 - STUDIES AND RESEARCH PROGRAMMES**

In conformity with article 11 of the Convention, the Parties shall, where appropriate, co-operate in promoting studies and undertaking programmes of scientific and technological research for the purpose of developing new methods of:

- (a) Carrying out activities in a way which minimizes the risk of pollution;
- (b) Preventing, abating, combating and controlling pollution, especially in cases of emergency.

**Article 21 - REQUEST FOR ASSISTANCE OR INFORMATION**

A Party requiring assistance or information in order to prevent, abate or combat pollution resulting from activities may call upon the help of the Organization and of the other Parties, which shall do their utmost to provide the assistance or information requested, especially in cases of emergency.

**Article 22 - INTERNATIONAL RULES, STANDARDS AND RECOMMENDED PRACTICES AND PROCEDURES**

1. The Parties shall co-operate, either directly or through the Organization or other competent international organizations, in order to:
  - (a) Establish appropriate scientific criteria for the formulation and elaboration of international rules, standards and recommended practices and procedures for achieving the aims of this Protocol;
  - (b) Formulate and elaborate such international rules, standards and recommended practices and procedures.
2. The Parties shall, as soon as possible, harmonize their laws and regulations with the international rules, standards and recommended practices and procedures referred to in paragraph 1 of this article.
3. The Parties shall endeavour, as far as possible, to exchange information relevant to their national policies, laws and regulations and the harmonization referred to in paragraph 2 of this article.



Article 23 - SCIENTIFIC AND TECHNICAL ASSISTANCE TO DEVELOPING COUNTRIES

1. The Parties shall, directly or with the assistance of competent regional or other international organizations, co-operate with a view to formulating and, as far as possible, implementing programmes of assistance to developing countries, particularly in the fields of science, law, education and technology, in order to prevent, abate, combat and control pollution due to activities in the Protocol Area.
2. Technical assistance would include, in particular, the training of scientific, legal 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 24 - MUTUAL INFORMATION

The Parties shall inform one another directly or 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.

Article 25 - TRANSFRONTIER POLLUTION

1. Each Party shall take all measures necessary to ensure that activities under its jurisdiction are conducted so as not to cause pollution beyond the limits of its jurisdiction.
2. A Party within whose jurisdiction activities are being envisaged or carried out should take into account any adverse environmental effects, without discrimination as to whether such effects are likely to occur within the limits of its jurisdiction or beyond such limits.
3. If a Party becomes aware of cases in which the marine environment is in imminent danger of being damaged, or has been damaged, by pollution, it shall immediately notify other Parties which in its opinion are likely to be affected by such damage as well as the Organization and provide them with timely information that would enable them, where necessary, to take appropriate measures.
4. The Parties should endeavour, in accordance with their legal systems and, where appropriate, on the basis of an agreement, to grant equal access to and treatment in administrative proceedings to persons in other States who may be affected by pollution or other adverse effects resulting from proposed or existing operations.

5. A Party shall not be responsible for any pollution originating in the territory of a non-contracting State. It should, however, endeavour to co-operate with the said State so as to make full application of the Protocol possible.

Article 26 - LIABILITY AND COMPENSATION

1. The Parties undertake to co-operate as soon as possible in formulating and adopting appropriate principles and procedures for the determination of liability and compensation for damage resulting from the activities dealt with in this Protocol.
2. Operators are liable for damage occasioned by activities and they shall pay prompt and adequate compensation for such damage. Compensation should be determined on the basis of strict and limited liability.
3. To cover the liability under this Protocol, the operator shall be required to have and maintain insurance or other financial security to such amount, of such type and terms as the Competent State shall specify.

SECTION VI - FINAL PROVISIONS

Article 27 - APPOINTMENT OF COMPETENT NATIONAL AUTHORITIES

Each Competent State shall appoint one or more competent national authorities to:

- (a) Grant, renew and register the authorizations provided for in Section II of this Protocol;
- (b) Issue and register the special and general permits referred to in article 9 of this Protocol;
- (c) Issue the permits referred to in annex V to this Protocol;
- (d) Approve the treatment system and certify the sewage treatment plant referred to in article 11, paragraph 1, of this Protocol;
- (e) Give the prior approval for exceptional discharges referred to in article 14, paragraph 1(b), of this Protocol;
- (f) Carry out the duties regarding safety measures referred to in article 15, paragraphs 3 and 5, of this Protocol;
- (g) Perform the functions relating to contingency planning described in article 16 and annex VII to this Protocol;
- (h) Establish monitoring procedures as provided in article 17 of this Protocol;

- (i) Supervise the removal operations of the installations as provided in article 18 of this Protocol

Article 28 - TRANSITIONAL MEASURES

Each Party shall elaborate procedures and regulations regarding activities, whether authorized or not, initiated before the entry into force of this Protocol, to ensure their conformity, as far as practicable, with the provisions of this Protocol.

Article 29 - MEETINGS

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 and appendices;
  - (b) To revise and amend any annex or appendix to this Protocol;
  - (c) To consider the information concerning authorizations granted or renewed in accordance with Section II of this Protocol;
  - (d) To consider the information concerning the permits issued and approvals given in accordance with Section III of this Protocol;
  - (e) To adopt the guidelines referred to in article 9, paragraph 2, and article 15, paragraph 4, of this Protocol;
  - (f) To consider the records of the contingency plans and means of intervention in emergencies adopted in accordance with article 16 of this Protocol;
  - (g) To establish criteria and formulate international rules, standards and recommended practices and procedures in accordance with article 22, paragraph 1, of this Protocol, in whatever form the Parties may agree;

- (h) To facilitate the implementation of the policies and the achievement of the objectives referred to in Section V, in particular the harmonization of national laws in accordance with article 22, paragraph 2 of this Protocol;
- (i) To review progress made in the implementation of article 26 of this Protocol;
- (j) To discharge such other functions as may be appropriate for the application of this Protocol.

Article 30 - FINAL CLAUSE

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  
from                    to                    , and at                    from  
to                    , 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 resulting from Exploration and Exploitation of the Sea-  
bed and its Subsoil, held at                    from                    to                    .  
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  
Protocol Area and which exercises competence in fields covered by  
this Protocol in conformity with article 24 of the Convention.
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                    , 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 thirtieth day  
following the date of 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 on this in a single copy in the Arabic, English, French and Spanish languages, the four texts being equally authoritative.

ANNEX I

**HARMFUL OR NOXIOUS SUBSTANCES AND MATERIALS  
THE DISPOSAL OF WHICH IN THE PROTOCOL AREA IS PROHIBITED**

- A. The following substances and materials and compounds thereof are listed for the purposes of article 9, paragraph 4 of the Protocol. They have been selected mainly on the basis of their toxicity, persistence and bioaccumulation:
1. Mercury and mercury compounds
  2. Cadmium and cadmium compounds
  3. Cyanides
  4. Organotin compounds
  5. Organophosphorus compounds
  6. Persistent Organohalogen compounds
  7. Chloro-phenols
  8. Crude oil, fuel oil, sludge, oil refuse and refined products
  9. Persistent synthetic materials which may float, sink or remain in suspension and which may interfere with any legitimate use of the sea
  10. Radioactive substances, including their wastes, if 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 substances listed in section A that are below the limits defined jointly by the Parties and, in relation to oil, below the limits defined in article 10 of this Protocol.

ANNEX II

**HARMFUL OR NOXIOUS SUBSTANCES AND MATERIALS  
THE DISPOSAL OF WHICH IN THE PROTOCOL AREA  
IS SUBJECT TO A SPECIAL PERMIT**

- A. The following substances and materials and compounds thereof have been selected on the basis of criteria used for annex I, while taking into account the fact that they are generally less noxious:
1. Arsenic
  2. Lead
  3. Copper
  4. Zinc
  5. Beryllium
  6. Nickel
  7. Vanadium
  8. Chromium
  9. Biocides and their derivatives not covered in annex I
- B. The control and strict limitation of the discharge of substances referred to in section A must be implemented in accordance with annex III.

ANNEX III

FACTORS TO BE CONSIDERED FOR THE ISSUE OF THE PERMITS

For the purpose of the issue of a permit for the discharge of harmful or noxious substances and materials containing substances referred to in annex II to 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 course (e.g. industrial process);
  2. Type of waste (origin, average composition);
  3. Form of waste (solid, liquid, sludge, slurry, gaseous);
  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 for 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 producing 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 area;
2. Location and type of the discharge (outfall, canal, outlet, etc.) and its relation to other areas (such as 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;
- (d) Appropriate low-waste technologies.

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

1. Effects on human life 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 in conformity with international law.

ANNEX IV

**ENVIRONMENTAL IMPACT ASSESSMENT**

1. Each Party shall require that the environmental impact assessment contains at least the following:
  - (a) A description of the geographical boundaries of the area within which the activities are to be carried out, including safety zones where applicable;
  - (b) A description of the initial state of the environment of the area;
  - (c) An indication of the nature, aims, scope and duration of the proposed activities;
  - (d) A description of the methods, installations and other means to be used, possible alternatives to such methods and means;
  - (e) A description of the foreseeable direct or indirect short and long-term effects of the proposed activities on the environment, including fauna, flora and the ecological balance;
  - (f) A statement setting out the measures proposed for reducing to the minimum the risk of damage to the environment from carrying out the proposed activities; in addition, possible alternatives to such measures;
  - (g) An indication of the measures to be taken for the protection of the environment from pollution and other adverse effects during and after the proposed activities;
  - (h) A reference to the methodology used for the environmental impact assessment;
  - (i) An indication of whether the environment of any other State is likely to be affected by the proposed activities.
2. Each Party shall promulgate standards taking into account the international rules, standards and recommended practices and procedures, adopted in accordance with article 22 of the Protocol, by which environmental impact assessments are to be evaluated.

ANNEX V

**OIL AND OILY MIXTURES AND DRILLING FLUIDS**

The following provisions shall be prescribed by the Parties in accordance with article 10:

A. Oil and Oily Mixtures

1. Spills of high oil content in processing drainage and platform drainage shall be contained, diverted and then treated as part of the product, but the remainder shall be treated to an acceptable level before discharge, in accordance with good oilfield practice;
2. Oily waste and sludges from separation processes shall be transported to shore;
3. All the necessary precautions should be taken to minimise losses of oil into the sea from oil collected or flared from well testing;
4. All the necessary precautions should be taken to ensure that any gas resulting from oil activities should be flared.

B. Drilling Fluids and Drill Cuttings

1. Water-based drilling fluids and drill cuttings are subject to the following requirements:
  - (a) The use and disposal of such drilling fluids are subject to the Chemical Use Plan and the provisions of article 9 of this Protocol;
  - (b) The disposal of the drill cuttings shall either be made on land in an appropriate site or into the sea as far away as possible from land and specially protected areas, or as specified by the Competent State.
2. Oil-based drilling fluids and drill cuttings are subject to the following requirements:

- (a) Such fluids shall only be used if they are of a sufficiently low toxicity and only after the operator has been issued a permit by the competent national authority of the Competent State when it has verified such low toxicity;
- (b) The use of oil based drilling fluids is prohibited in specially protected areas;
- (c) The disposal into the sea of such drilling fluids is prohibited;
- (d) The disposal of the drill cuttings into the sea is only permitted on condition that an efficient solids control equipment is installed and properly operated, that the discharge point is well below the surface of the water, and that the oil content is less than 100 grammes of oil per kilogramme dry cuttings. The disposal of such drill cuttings in specially protected areas is prohibited.
- (e) In case of production and development drilling, a programme of sea-bed sampling and analysis relating to the zone of contamination must be undertaken.

### 3. Diesel-based drilling fluids

The use of diesel-based drilling fluids is prohibited. Diesel oil may exceptionally be added to drilling fluids in such circumstances as the Parties may specify.

ANNEX VI

**SAFETY MEASURES**

The following provisions shall be prescribed by the Parties in accordance with article 15:

- (a) That the installation must be safe and fit for the purpose for which it is to be used, in particular, that it must be designed and constructed so as to withstand, together with its maximum load, any natural condition, including, more specifically, maximum wind and wave conditions as established by historical weather patterns, earthquake possibilities, sea-bed conditions and stability, and water depth;
- (b) That all phases of the activities, including storage and transport of recovered resources, must be properly prepared, that the whole activity must be open to control for safety reasons and must be conducted in the safest possible way, and that the operator must apply a monitoring system for all activities;
- (c) That the most advanced safety systems must be used and periodically tested in order to minimize the dangers of leakages, spillages, accidental discharges, fire, explosions, blow-outs or any other threat to human safety or the environment, that a trained specialised crew to operate and maintain these systems must be present and that this crew must undertake periodic exercises;
- (d) That the installation and, where necessary, the established safety zone, must be sufficiently marked so as to give adequate warning of its presence and sufficient details for its identification using appropriate and internationally recognized warning signals;
- (e) That in accordance with international maritime practice, the installations must be indicated on charts and notified to those concerned;
- (f) That, in order to secure observance of the foregoing provisions, the person and/or persons having the responsibility for the installation and/or the activities, including the person responsible for the blow-out preventer, must have the qualifications required by the Competent State, and that there must be permanently sufficient, qualified staff present at the installation. Such qualifications should include, in particular, training, on a continued basis, in safety and environmental matters.

ANNEX VII

**CONTINGENCY PLAN**

A. The operator's contingency plan

1. Operators are obliged to ensure:

- (a) That the most advanced alarm system and communication system is available at the installation and that it is in good working order;
- (b) That the alarm is immediately raised on the occurrence of an emergency and that any emergency is immediately communicated to the competent national authority of the Competent State;
- (c) That in co-ordination with the competent national authority of the Competent State, receipt of the alarm and appropriate assistance and co-ordination of assistance can be organised and supervised without delay;
- (d) That immediate information about the nature and extent of the emergency is given to the crew on the installation and to the competent national authority of the Competent State;
- (e) That the competent national authority of the Competent State is constantly informed about the progress of combating the emergency;
- (f) That at all times sufficient and most advanced materials and equipment, including stand-by boats and aircraft, are available to put into effect the emergency plan;
- (g) That the most advanced methods and techniques are known to the specialised crew referred to in annex VI(c), in order to combat leakages, spillages, accidental discharges, fire, explosions, blow-outs and any other threat to human life or the environment;
- (h) That the most advanced methods and techniques are known to the specialised crew responsible for reducing and preventing long-term adverse effects on the environment;
- (i) That the crew is thoroughly familiar with the operator's contingency plan, that periodic emergency exercises are held so that the crew has a thorough working knowledge of the equipment and procedures and that each individual knows exactly his role within the plan.

2. The operator should co-operate, on an institutional basis, with other operators or entities capable of rendering necessary assistance, so as to ensure that, in cases where the magnitude or nature of an emergency creates a risk for which assistance is or might be required, such assistance can be rendered.

B. National co-ordination and direction

The Competent State shall establish national co-ordination and direction to ensure, in case of an emergency:

- (a) The co-ordination of the national contingency plan and/or procedures and the operator's contingency plan and control of the conduct of actions, especially in case of significant adverse effects of the emergency;
- (b) Direction of the operator to take any action it may specify in the course of preventing, abating or combating pollution or in the preparation of further action for that purpose, including placing an order for a relief drilling rig, or to prevent the operator from taking any specified action;
- (c) The co-ordination of actions in the course of preventing, abating or combating pollution or in preparation for further action for that purpose within the national jurisdiction, with such actions undertaken within the jurisdiction of other States or by international organizations;
- (d) Collection and ready availability of all necessary information concerning the existing activities;
- (e) The provision of an up-to-date list of the persons and entities to be alerted and informed about an emergency, its development and measures taken;
- (f) The collection of all necessary information concerning the extent and means of combating contingencies, and the dissemination of this information to interested Parties;
- (g) The co-ordination and supervision of the assistance referred to in part A above, in co-operation with the operator;
- (h) That, if necessary, specified actions including interventions by technical experts and trained personnel with the necessary equipment and materials, are organized and co-ordinated;

APPENDIX

List of Oils\*

Asphalt solutions

Blending Stocks  
Roofers Flux  
Straight Run Residue

Oils

Clarified  
Crude Oil  
Mixtures containing crude oil  
Diesel Oil  
Fuel Oil No. 4  
Fuel Oil No. 5  
Fuel Oil No. 6  
Residual Fuel Oil  
Road Oil  
Transformer Oil  
Aromatic Oil (excluding vegetable oil)  
Lubricating Oils and Blending Stocks  
Mineral Oil  
Motor Oil  
Penetrating Oil  
Spindle Oil  
Turbine Oil

Distillates

Straight Run  
Flashed Feed Stocks

Gas Oil

Cracked

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\* The list of oils should not necessarily be considered as exhaustive.



### Jet Fuels

JP-1 (Kerosene)  
JP-3  
JP-4  
JP-5 (Kerosene, Heavy)  
Turbo Fuel  
Kerosene  
Mineral Spirit

### Naptha

Solvent  
Petroleum  
Heartcut Distillate Oil

### Gasoline Blending Stocks

Alkylates - fuel  
Reformats  
Polymer - fuel

### Gasolines

Casinghead (natural)  
Automotive  
Aviation  
Straight Run  
Fuel Oil No. 1 (Kerosene)  
Fuel Oil No. 1-D  
Fuel Oil No. 2  
Fuel Oil No. 2-D

- (i) Immediate communication to the competent national authorities of other Parties which might be affected by a contingency, to enable them to take appropriate measures where necessary;
- (j) The provision of technical assistance to other Parties, if necessary;
- (k) Immediate communication to the competent international organizations with a view to avoiding danger to shipping and other interests.