

# CONVENTION FOR THE PROTECTION OF THE MEDITERRANEAN SEA AGAINST POLLUTION<sup>1</sup>

## *The Contracting Parties,*

*Conscious* of the economic, social, health and cultural value of the marine environment of the Mediterranean Sea Area,

*Fully aware* of their responsibility to preserve this common heritage for the benefit and enjoyment of present and future generations,

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

*Mindful* of the special hydrographic and ecological characteristics of the Mediterranean Sea Area and its particular vulnerability to pollution,

*Noting that* existing international conventions on the subject do not cover, in spite of the progress achieved, all aspects and sources of marine pollution and do not entirely meet the special requirements of the Mediterranean Sea Area,

*Realizing* fully the need for close co-operation among the States and international organizations concerned in a co-ordinated and comprehensive regional approach for the protection and enhancement of the marine environment in the Mediterranean Sea Area,

## *Have agreed as follows:*

### *Article 1*

#### GEOGRAPHICAL COVERAGE

1. For the purposes of this Convention, the Mediterranean Sea Area shall mean the maritime waters of the Mediterranean Sea proper, including its gulfs and seas, bounded to the west by the meridian passing through Cape Spartel lighthouse, at the entrance of the Straits of Gibraltar, and to the east

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<sup>1</sup> The text of the Convention for the Protection of the Mediterranean Sea Against Pollution (the Barcelona Convention) was adopted on 16 February 1976 by the Conference of Plenipotentiaries of the Coastal States of the Mediterranean Region for the Protection of the Mediterranean Sea, at Barcelona. It came into force on 12 February 1978.

By October 1991 all 18 Mediterranean States and the EEC became Parties to the Convention (See Appendix).

by the southern limits of the Straits of the Dardanelles between Mehmetcik and Kumkale lighthouses.

2. Except as may be otherwise provided in any protocol to this Convention, the Mediterranean Sea Area shall not include internal waters of the Contracting Parties.

#### *Article 2*

##### DEFINITIONS

For the purposes of this Convention:

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

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

#### *Article 3*

##### GENERAL PROVISIONS

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

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

#### *Article 4*

##### GENERAL UNDERTAKINGS

1. The Contracting Parties shall individually or jointly take all appropriate measures in accordance with the provisions of this Convention

and those protocols in force to which they are party, to prevent, abate and combat pollution of the Mediterranean Sea Area and to protect and enhance the marine environment in that Area.

2. The Contracting Parties shall co-operate in the formulation and adoption of protocols, in addition to the protocols open for signature at the same time as this Convention, prescribing agreed measures, procedures and standards for the implementation of this Convention.

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

#### *Article 5*

##### POLLUTION CAUSED BY DUMPING FROM SHIPS AND AIRCRAFT

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

#### *Article 6*

##### POLLUTION FROM SHIPS

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

#### *Article 7*

##### POLLUTION RESULTING FROM EXPLORATION AND EXPLOITATION OF THE CONTINENTAL SHELF AND THE SEA-BED AND ITS SUBSOIL

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

#### *Article 8*

##### POLLUTION FROM LAND-BASED SOURCES

The Contracting Parties shall take all appropriate measures to prevent, abate and combat pollution of the Mediterranean Sea Area caused by

discharges from rivers, coastal establishments or outfalls, or emanating from any other land-based sources within their territories.

#### *Article 9*

##### CO-OPERATION IN DEALING WITH POLLUTION EMERGENCIES

1. The Contracting Parties shall co-operate in taking the necessary measures for dealing with pollution emergencies in the Mediterranean Sea Area, whatever the causes of such emergencies, and reducing or eliminating damage resulting therefrom.

2. Any Contracting Party which becomes aware of any pollution emergency in the Mediterranean Sea Area shall without delay notify the Organization and, either through the Organization or directly, any Contracting Party likely to be affected by such emergency.

#### *Article 10*

##### MONITORING

1. The Contracting Parties shall endeavour to establish, in close co-operation with the international bodies which they consider competent, complementary or joint programmes, including, as appropriate, programmes at the bilateral or multilateral levels, for pollution monitoring in the Mediterranean Sea Area and shall endeavour to establish a pollution monitoring system for that Area.

2. For this purpose, the Contracting Parties shall designate the competent authorities responsible for pollution monitoring within areas under their national jurisdiction and shall participate as far as practicable in international arrangements for pollution monitoring in areas beyond national jurisdiction.

3. The Contracting Parties undertake to co-operate in the formulation, adoption and implementation of such annexes to this Convention as may be required to prescribe common procedures and standards for pollution monitoring.

#### *Article 11*

##### SCIENTIFIC AND TECHNOLOGICAL CO-OPERATION

1. The Contracting Parties undertake as far as possible to co-operate directly, or when appropriate through competent regional or other international organizations, in the fields of science and technology and to exchange data as well as other scientific information for the purpose of this Convention.

2. The Contracting Parties undertake as far as possible to develop and co-ordinate their national research programmes relating to all types of marine pollution in the Mediterranean Sea Area and to co-operate in the establishment and implementation of regional and other international research programmes for the purposes of this Convention.

3. The Contracting Parties undertake to co-operate in the provision of technical and other possible assistance in fields relating to marine pollution, with priority to be given to the special needs of developing countries in the Mediterranean region.

#### *Article 12*

##### LIABILITY AND COMPENSATION

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

#### *Article 13*

##### INSTITUTIONAL ARRANGEMENTS

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

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

#### *Article 14*

##### MEETINGS OF THE CONTRACTING PARTIES

1. The Contracting Parties shall hold ordinary meetings once every two years and extraordinary meetings at any other time deemed necessary, upon the request of the Organization or at the request of any Contracting Party, provided that such requests are supported by at least two Contracting Parties.
2. It shall be the function of the meetings of the Contracting Parties to keep under review the implementation of this Convention and the protocols and, in particular:
  - (i) To review generally the inventories carried out by Contracting Parties and competent international organizations on the state of marine pollution and its effects in the Mediterranean Sea Area;
  - (ii) To consider reports submitted by the Contracting Parties under article 20;
  - (iii) To adopt, review and amend as required the annexes to this Convention and to the protocols, in accordance with the procedure established in article 17;
  - (iv) To make recommendations regarding the adoption of any additional protocols or any amendments to this Convention or the protocols in accordance with the provisions of articles 15 and 16;
  - (v) To establish working groups as required to consider any matters related to this Convention and the protocols and annexes;
  - (vi) To consider and undertake any additional action that may be required for the achievement of the purposes of this Convention and the protocols.

#### *Article 15*

##### ADOPTION OF ADDITIONAL PROTOCOLS

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

#### *Article 16*

##### AMENDMENT OF THE CONVENTION OR PROTOCOLS

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

#### *Article 17*

##### ANNEXES AND AMENDMENTS TO ANNEXES

1. Annexes to this Convention or to any protocol shall form an integral part of the Convention or such protocol, as the case may be.
2. Except as may be otherwise provided in any protocol, the following procedure shall apply to the adoption and entry into force of any amendments to annexes to this Convention or to any protocol, with the exception of amendments to the annex on arbitration:

- (i) Any Contracting Party may propose amendments to the annexes to this Convention or to any protocol at the meetings referred to in article 14;
- (ii) Such amendments shall be adopted by a three-fourths majority vote of the Contracting Parties to the instrument in question;
- (iii) The Depository shall without delay communicate the amendments so adopted to all Contracting Parties;
- (iv) Any Contracting Party that is unable to approve an amendment to the annexes to this Convention or to any protocol shall so notify in writing the Depository within a period determined by the Contracting Parties concerned when adopting the amendment;
- (v) The Depository shall without delay notify all Contracting Parties of any notification received pursuant to the preceding sub-paragraph;
- (vi) On expiry of the period referred to in sub-paragraph (iv) above, the amendment to the annex shall become effective for all Contracting Parties to this Convention or to the protocol concerned which have not submitted a notification in accordance with the provisions of that sub-paragraph.

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

4. Amendments to the annex on arbitration shall be considered to be amendments to this Convention and shall be proposed and adopted in accordance with the procedures set out in article 16 above.

#### *Article 18*

##### RULES OF PROCEDURE AND FINANCIAL RULES

1. The Contracting Parties shall adopt rules of procedure for their meetings and conferences envisaged in articles 14, 15 and 16 above.

2. The Contracting Parties shall adopt financial rules, prepared in consultation with the Organization, to determine, in particular, their financial participation.

#### *Article 19*

##### SPECIAL EXERCISE OF VOTING RIGHT

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

#### *Article 20*

##### REPORTS

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

#### *Article 21*

##### COMPLIANCE CONTROL

The Contracting Parties undertake to co-operate in the development of procedures enabling them to control the application of this Convention and the protocols.

#### *Article 22*

##### SETTLEMENTS OF DISPUTES

1. In case of a dispute between Contracting Parties as to the interpretation or application of this Convention or the protocols, they shall seek a settlement of the dispute through negotiation or any other peaceful means of their own choice.

2. If the Parties concerned cannot settle their dispute through the means mentioned in the preceding paragraph, the dispute shall upon common agreement be submitted to arbitration under the conditions laid down in annex A to this Convention.

3. Nevertheless, the Contracting Parties may at any time declare that they recognize as compulsory ipso facto and without special agreement, in

relation to any other Party accepting the same obligation, the application of the arbitration procedure in conformity with the provisions of annex A. Such declaration shall be notified in writing to the Depositary, who shall communicate it to the other Parties.

#### *Article 23*

##### RELATIONSHIP BETWEEN THE CONVENTION AND PROTOCOLS

1. No one may become a Contracting Party to this Convention unless it becomes at the same time a Contracting Party to at least one of the protocols. No one may become a Contracting Party to a protocol unless it is, or becomes at the same time, a Contracting Party to this Convention.

2. Any protocol to this Convention shall be binding only on the Contracting Parties to the protocol in question.

3. Decisions concerning any protocol pursuant to articles 14, 16 and 17 of this Convention shall be taken only by the Parties to the protocol concerned.

#### *Article 24*

##### SIGNATURE

This Convention, the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft and the Protocol concerning co-operation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency shall be open for signature in Barcelona on 16 February 1976 and in Madrid from 17 February 1976 to 16 February 1977 by any State invited as a participant in the Conference of Plenipotentiaries of the Coastal States of the Mediterranean Region on the Protection of the Mediterranean Sea, held in Barcelona from 2 to 16 February 1976, and by any State entitled to sign any protocol in accordance with the provisions of such protocol. They shall also be open until the same date for signature by the European Economic Community and by any similar regional economic grouping at least one member of which is a coastal State of the Mediterranean Sea Area and which exercise competence in fields covered by this Convention, as well as by any protocol affecting them.

#### *Article 25*

##### RATIFICATION, ACCEPTANCE OR APPROVAL

This Convention and any protocol thereto shall be subject to ratification, acceptance, or approval. Instruments of ratification, acceptance or approval

shall be deposited with the Government of Spain, which will assume the functions of Depositary.

#### *Article 26*

##### ACCESSION

1. As from 17 February 1977, the present Convention, the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft, and the Protocol concerning Co-operation in Combating Pollution of the Mediterranean Sea by Oil and other Harmful Substances in Cases of Emergency shall be open for accession by the States, by the European Economic Community and by any grouping as referred to in article 24.

2. After the entry into force of the Convention and of any protocol, any State not referred to in article 24 may accede to this Convention and to any protocol, subject to prior approval by three fourths of the Contracting Parties to the protocol concerned.

3. Instruments of accession shall be deposited with the Depositary.

#### *Article 27*

##### ENTRY INTO FORCE

1. This Convention shall enter into force on the same date as the protocol first entering into force.

2. The Convention shall also enter into force with regard to the States, the European Economic Community and any regional economic grouping referred to in article 24 if they have complied with the formal requirements for becoming Contracting Parties to any other protocol not yet entered into force.

3. Any protocol to this Convention, except as otherwise provided in such protocol, shall enter into force on the thirtieth day following the date of deposit of at least six instruments of ratification, acceptance, or approval of, or accession to such protocol by the Parties referred to in article 24.

4. Thereafter, this Convention and any protocol shall enter into force with respect to any State, the European Economic Community and any regional economic grouping referred to in article 24 on the thirtieth day following the date of deposit of the instruments of ratification, acceptance, approval or accession.

*Article 28*

WITHDRAWAL

1. At any time after three years from the date of entry into force of this Convention, any Contracting Party may withdraw from this Convention by giving written notification of withdrawal.

2. Except as may be otherwise provided in any protocol to this Convention, any Contracting Party may, at any time after three years from the date of entry into force of such protocol, withdraw from such protocol by giving written notification of withdrawal.

3. Withdrawal shall take effect 90 days after the date on which notification of withdrawal is received by the Depositary.

4. Any Contracting Party which withdraws from this Convention shall be considered as also having withdrawn from any protocol to which it was a Party.

5. Any Contracting Party which, upon its withdrawal from a protocol, is no longer a Party to any protocol to this Convention, shall be considered as also having withdrawn from this Convention.

*Article 29*

RESPONSIBILITIES OF THE DEPOSITARY

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

- (i) Of the signature of this Convention and of any protocol thereto, and of the deposit of instruments of ratification, acceptance, approval or accession in accordance with articles 24, 25 and 26;
- (ii) Of the date on which the Convention and any protocol will come into force in accordance with the provisions of article 27;
- (iii) Of notifications of withdrawal made in accordance with article 28;
- (iv) Of the amendments adopted with respect to the Convention and to any protocol, their acceptance by the Contracting Parties and the date of entry into force of those amendments in accordance with the provisions of article 16;
- (v) Of the adoption of new annexes and of the amendment of any annex in accordance with article 17;

- (vi) Of declarations recognizing as compulsory the application of the arbitration procedure mentioned in paragraph 3 of article 22.

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

IN WITNESS WHEREOF the undersigned, being duly authorized by their respective Governments, have signed this Convention.

DONE at Barcelona on 16 February 1976 in a single copy in the Arabic, English, French and Spanish languages, the four texts being equally authoritative.

## **ANNEX A**

### **Arbitration**

#### *Article 1*

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

#### *Article 2*

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

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

#### *Article 3*

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

#### *Article 4*

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

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

#### *Article 5*

1. The arbitral tribunal shall decide according to the rules of international law and, in particular, those of this Convention and the protocols concerned.
2. Any arbitral tribunal constituted under the provisions of this annex shall draw up its own rules of procedure.

#### *Article 6*

1. The decisions of the arbitral tribunal, both on procedure and on substance, shall be taken by majority vote of its members.
2. The tribunal may take all appropriate measures in order to establish the facts. It may, at the request of one of the Parties, recommend essential interim measures of protection.
3. If two or more arbitral tribunals constituted under the provisions of this annex are seized of requests with identical or similar subjects, they may inform themselves of the procedures for establishing the facts and take them into account as far as possible.
4. The Parties to the dispute shall provide all facilities necessary for the effective conduct of the proceedings.
5. The absence or default of a Party to the dispute shall not constitute an impediment to the proceedings.

#### *Article 7*

1. The award of the arbitral tribunal shall be accompanied by a statement of reasons. It shall be final and binding upon the Parties to the dispute.
2. Any dispute which may arise between the Parties concerning the interpretation or execution of the award may be submitted by the more diligent Party to the arbitral tribunal which made the award or, if the latter cannot be seized thereof, to another arbitral tribunal constituted for this purpose in the same manner as the first.

#### *Article 8*

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