

Subsidiary Legislation made under ss. 18 and 24.

Nature Protection (Protection of the Mediterranean Sea Against Pollution) Regulations 2013

LN.2013/180

Commencement **Not in Force**

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SCHEDULE 1

Convention for the Protection of the Marine Environment and the Coastal Region of the
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Protocol on Integrated Coastal Zone Management in the Mediterranean

In exercise of powers conferred upon them by section 18 and 24 of the Nature Protection Act 1991 and for the purpose of implementing the United Nations Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and the Protocols thereto, and after having consulted the Nature Conservancy Council, the Minister and the Government have made the following Regulations–

**PART I
GENERAL**

Title and commencement.

1. These Regulations may be cited as the Nature Protection (Protection of the Mediterranean Sea Against Pollution) Regulations 2013 and come into operation on the day appointed by the Minister by Notice in the Gazette.

Interpretation.

2. In these Regulations–

“Barcelona Convention” means the United Nations Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean adopted at Barcelona on 16 February 1976, and amended on 10 June 1995, as the same may be further amended from time to time;

“BGTW” shall have the same meaning as in section 2 of the Nature Protection Act 1991;

“Contracting Party” means a State that is a party to the Barcelona Convention;

“exclusive economic zone” shall be construed in accordance with the United Nations Convention on the Law of the Sea 1982;

“Minister” means the Minister with responsibility for the Environment”;

“person” means a natural or legal person;

“pollution” 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, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of seawater and reduction of amenities;

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“the Protocols” means, collectively, the protocols to the Barcelona Convention which apply and extend to Gibraltar, as the same may be amended from time to time;

“protocol on Integrated Coastal Zone Management” means the protocol to the Barcelona Convention on Integrated Coastal Zone Management in the Mediterranean;

“protocol on Protected Areas” means the protocol to the Barcelona Convention entitled the Protocol Concerning Specially Protected Areas and Biological Diversity in the Mediterranean; and

“responsible person” means a person performing an activity.

Application of the Convention and its Protocols.

3.(1) The Barcelona Convention and the Protocols apply in BGTW, and these Regulations shall be interpreted accordingly.

(2) The text of the Barcelona Convention is set out in Schedule 1 for information purposes.

(3) The text of the Protocols extended to Gibraltar are set out in Schedule 2 for information purposes.

**PART II
COMPETENT AUTHORITY**

Competent authority.

4.(1) The Minister, or such other person as the Minister may from time to time appoint by notice in the Gazette, shall be the competent authority and shall be responsible for the enforcement of these Regulations.

(2) Where there Regulations confer any duties, functions or powers, the competent authority shall discharge those duties, functions or powers for the purposes of and to the extent required to give effect to the Barcelona Convention and the Protocols.

(3) Without prejudice to the generality of the foregoing, and to the provisions in these Regulations establishing duties and functions to be performed by the competent authority, the competent authority shall be entitled to—

(a) require a responsible person to—

- (i) carry out an assessment of the significance of the pollution, or imminent threat of such pollution, which he has caused;
 - (ii) determine which remedial measures should be taken; and
 - (b) empower or require a third party to take the necessary preventive or remedial measures.
- (4) Where the Barcelona Convention or the Protocols require that the competent authority undertake an activity outside BGTW, the competent authority may undertake such activity, but—
- (a) only to the extent required by the Barcelona Convention or the Protocols; and
 - (b) outside the exclusive economic zone of a Contracting Party.
- (5) Subregulation (4)(b) shall not apply where the competent authority is responding to a request from a Contracting Party

PART III POLLUTION

Type of pollution to which these Regulations apply.

5. These Regulations apply to pollution, including the imminent threat of pollution, to the extent provided for in the Barcelona Convention and the Protocols occurring in BGTW but does apply to pollution, or the imminent threat of such pollution, arising from—
- (a) an act of armed conflict, civil war, insurrection or hostilities;
 - (b) a natural phenomenon of exceptional, inevitable and irresistible character;
 - (c) activities the sole purpose of which is to afford protection from natural disasters;
or
 - (d) activities the main purpose of which is to serve the defence of Gibraltar or international security.

Other legislation.

6. These Regulations are without prejudice to any other enactment concerning pollution in BGTW.

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Preventing pollution.

7.(1) Where there is an imminent threat of pollution the responsible person must immediately–

- (a) take all practicable steps to prevent the pollution; and
- (b) notify the competent authority.

(2) The competent authority may, at any time, serve a notice on the responsible person that–

- (a) describes the threat;
- (b) specifies the measures required to prevent pollution;
- (c) requires the responsible person to take those measures, or measures at least equivalent to them, within the period specified in the notice and in accordance with such instructions as may be specified in the notice; and
- (d) requires the responsible person to provide to the competent authority such information as the notice states.

(3) A person who without lawful excuse fails to comply with subregulation (1) or a notice served under subregulation (2) is an offence.

Preventing further pollution.

8.(1) Where an activity has caused, or is likely to cause pollution, the responsible person must immediately–

- (a) take all practicable steps to prevent further pollution;
- (b) notify the competent authority; and
- (c) identify remedial measures to be taken and propose them to the competent authority.

(2) The competent authority may, at any time, serve a notice on the responsible person that–

- (a) describes the pollution;
- (b) specifies the steps to be taken to prevent further pollution;

- (c) specifies the remedial measures to be taken;
 - (d) requires the responsible person to take the steps referred to in paragraph (b), or steps at least equivalent to them, within the period specified in the notice;
 - (e) requires the responsible person to take the remedial measures referred to in paragraph (c), or measures at least equivalent to them, within the period specified in the notice, and in accordance with such instructions as may be specified in the notice;
 - (f) requires the responsible person to provide supplementary information on any pollution that has occurred.
- (3) A person who without lawful excuse—
- (a) fails to comply with subregulation (1); or
 - (b) fails to comply with a notice issued under subregulation (2),
- commits an offence.

PART IV REMEDIATION

Assessment of pollution.

9. Where the competent authority is notified that pollution to which these Regulations apply may have been caused, it shall assess whether it is pollution to which these Regulations apply and, if they do apply, it shall assess the extent and significance of such pollution.

Determining the responsible person.

10.(1) Where the competent authority has undertaken the assessment provided for in regulation 9, it must identify the responsible person whose activity caused or contributed to the pollution, and notify the responsible person that—

- (a) the pollution is pollution which falls within the provisions of these Regulations;
- (b) the pollution was caused or contributed by the activity of the responsible person; and

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- (c) the competent authority intends to serve a remediation notice on that responsible person.
- (2) Where pollution is or is likely to have been caused by more than one person, for the purposes of these Regulations, each shall be deemed to be a responsible person and the competent authority may act accordingly.
- (3) The competent authority may withdraw a notification if it is satisfied that the notification should not have been served.
- (4) A person served with a notification under this regulation may appeal against to the Magistrates' Court within 7 days of the notification on any of the following grounds–
 - (a) the activity did not cause or contribute to the pollution;
 - (b) the competent authority has acted unreasonably in concluding that pollution has occurred;
 - (c) the pollution or imminent threat of such pollution resulted from compliance with an instruction from a public authority (except an instruction relating to a discharge or incident caused by the responsible person's own activities);
 - (d) the responsible person was not at fault or negligent and that the pollution was caused by a discharge or activity expressly authorised by, and fully in accordance with the conditions of, an authorisation granted under an enactment giving effect to a European Union obligation or international instrument as applied at the time;
 - (e) the responsible person was not at fault or negligent and the discharge or activity was not considered likely to cause pollution according to the state of scientific and technical knowledge at the time when the discharge was released or the activity took place; or
 - (f) the pollution or imminent threat of such pollution was the result of an act of a third party and occurred despite the fact that the responsible person took all appropriate safety measures.

Remediation notices.

11.(1) If the responsible person does not appeal against a notification or if the appeal is unsuccessful, the competent authority must serve a remediation notice on the responsible person.

(2) Before serving a remediation notice pursuant to subregulation (1), the competent authority must consult the responsible person and permit him to propose remedial measures together with a time limit for doing so.

(3) In serving a remediation notice pursuant to subregulation (1), the competent authority must take into account any remedial measures proposed by the responsible person but the notice may contain additional or different measures from those proposed.

(4) The remediation notice must specify—

- (a) the pollution;
- (b) the measures necessary for remediation of the pollution, together with the reasons;
- (c) the period within which those steps must be taken; and
- (d) the right of appeal against the remediation notice.

(5) More than one remediation notice may be served in respect of one incident of pollution.

(6) Further remediation notices may be served at any time during remediation or, if remediation has not been achieved, at the end of the remediation period, requiring further or different remediation.

(7) A person who is served with a remediation notice and who without lawful excuse fails to comply with its terms commits an offence.

More than one instance of pollution.

12. Where several instances of pollution have occurred and the competent authority cannot ensure that the necessary remedial measures are taken at the same time, the competent authority may prioritise the order in which the remedial measures are implemented and shall do so having regard to the following factors—

- (a) the nature, extent and gravity of the various instances of pollution; and
- (b) the possibilities of natural recovery.

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13.(1) A responsible person served with a remediation notice may, within 7 days of service of the notice, appeal to the Magistrates' Court on the grounds that the contents of the remediation notice are unreasonable.

(2) The court may confirm, vary or quash the notice and may add further remedial measures necessitated by the lapse of time since the remediation notice was served.

(3) unless the court directs otherwise, A remediation notice need not be complied with pending determination of an appeal.

Costs.

14.(1) The responsible person is responsible for any costs which it has incurred in relation to any remedial or preventive measures he has taken pursuant to these Regulations.

(2) The responsible person is also responsible for the costs incurred by the competent authority in the following matters–

- (a) preparing a notice under regulations 7 or 8 and monitoring compliance with the notice;
- (b) assessing the pollution;
- (c) establishing who is the responsible person;
- (d) establishing what remediation is appropriate; and
- (e) monitoring the remediation, both during and after the work.

(3) Costs include administrative, legal and enforcement costs, costs of data collection and other general costs.

**PART V
ENFORCEMENT**

Power for the competent authority to take steps.

15.(1) Any duty on a responsible person to take remedial or preventive measures may be carried out by the competent authority instead of that person–

- (a) in the case of an emergency;

- (b) if the responsible person cannot be identified (and if such a person is subsequently identified he shall bear the costs for the measures taken in accordance with this regulation); or
- (c) if the responsible person fails to comply with a notice, whether or not an appeal is pending (and such a person shall bear the costs for the measures taken in accordance with this regulation unless the appeal is successful).

(2) A responsible person (or, where relevant, a third party who has caused the pollution or imminent threat of such pollution) shall be liable for the pollution caused and for any reasonable costs incurred by the competent authority in taking any reasonable action—

- (a) to prevent pollution under regulation 7 if the competent authority can establish that those steps were necessary to prevent such pollution; and
- (b) to prevent further pollution under regulation 8.

(3) No proceedings for the recovery of costs may be commenced by the competent authority under this regulation after a period of five years has elapsed since—

- (a) the completion of the measures to which the proceedings relate; or
- (b) the identification of the person responsible for the pollution or the imminent threat of such pollution,

whichever is the later.

Recovery of costs in specified cases.

16.(1) A responsible person who incurs costs under these Regulations may recover all or some of those costs from a third party who also caused the pollution.

(2) When a person acts in accordance with the instructions of a public authority, and as a result causes or threatens to cause pollution, and accordingly is obliged to take action under regulations 7 or 8 then, unless the instruction related to a discharge or incident caused by the person's own activities the person may recover the costs of actions under those regulations from that public authority.

Provision of information to the competent authority.

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17. The competent authority may require any person to provide relevant information and data in that person's possession to enable the competent authority to carry out its duties and functions under these Regulations, and failure to provide such information is an offence.

Penalties.

18.(1) A person guilty of an offence under these Regulations is liable—

- (a) on summary conviction, to a fine not exceeding level 4 on the standard scale or to imprisonment for a term not exceeding 3 months or both; or
- (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years or both.

(2) Where a body corporate is guilty of an offence under these Regulations, and that offence is proved to have been committed with the consent or connivance of, or to have been attributable to any neglect on the part of—

- (a) any director, manager, secretary or other similar person of the body corporate; or
- (b) any person who was purporting to act in any such capacity,

that person is guilty of the offence as well as the body corporate.

(3) For the purposes of subregulation (2), “director”, in relation to a body corporate whose affairs are managed by its members, means a member of the body corporate.

**PART VI
TRANSBOUNDARY EFFECTS**

Transboundary Effects.

19.(1) Where pollution occurs in Gibraltar and it affects, or it is likely to affect another Contracting Party, the competent authority shall provide the Government with such information as the Government may require to enable it to co-operate with the affected or potentially affected Contracting Party with a view to ensuring that preventive and, where necessary, remedial action is taken.

(2) The Government shall forward to the competent authority for necessary action any information that has been forwarded to the Government by a Contracting Party in relation to pollution that has occurred in that Contracting Party and which has, or is likely to have, an effect in Gibraltar.

(3) Where the competent authority has identified pollution within Gibraltar which has not been caused within Gibraltar, it may make recommendations for the adoption of preventive or remedial measures and it may seek, in accordance with the provisions set out in these Regulations, to recover the costs it has incurred in relation to the adoption of preventative or remedial measures.

**PART VII
PROVISIONS REGARDING THE PROTOCOLS**

Protocol on Protected Areas: focal point.

20. The competent authority is designated as the focal point under Article 24 of the protocol on Protected Areas.

Protocol on Integrated Coastal Zone Management: focal point.

21. The competent authority is designated as the focal point under Article 30 of the protocol on Integrated Coastal Zone Management.

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Regulation 3(2)

SCHEDULE 1

**Convention for the Protection of the Marine Environment and the Coastal Region of
the Mediterranean**

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, held in Barcelona. The Convention entered into force on 12 February 1978.

The original Convention has been modified by amendments adopted on 10 June 1995 by the Conference of Plenipotentiaries on the Convention for the Protection of the Mediterranean Sea against Pollution and its Protocols, held in Barcelona on 9 and 10 June 1995 (UNEP(OCA)/MED IG.6/7). The amended Convention, recorded as "Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean" has entered into force on 9 July 2004.

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 and sustainably develop 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 cooperation among the States and international organizations concerned in a coordinated and comprehensive regional approach for the protection and enhancement of the marine environment in the Mediterranean Sea Area,

Fully aware that the Mediterranean Action Plan, since its adoption in 1975 and through its evolution, has contributed to the process of sustainable development in the Mediterranean region and has represented a substantive and dynamic tool for the implementation of the activities related to the Convention and its Protocols by the Contracting Parties,

Taking into account the results of the United Nations Conference on Environment and Development, held in Rio de Janeiro from 4 to 14 June 1992,

Also taking into account the Declaration of Genoa of 1985, the Charter of Nicosia of 1990, the Declaration of Cairo of 1992 on Euro-Mediterranean Cooperation on the Environment within

the Mediterranean Basin, the recommendations of the Conference of Casablanca of 1993, and the Declaration of Tunis of 1994 on the Sustainable Development of the Mediterranean,

Bearing in mind the relevant provisions of the United Nations Convention on the Law of the Sea, done at Montego Bay on 10 December 1982 and signed by many Contracting Parties,

Have agreed as follows:

Article 1 Geographical Area

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 by the southern limits of the Straits of the Dardanelles between Mehmetcik and Kumkale lighthouses.
2. The application of the Convention may be extended to coastal areas as defined by each Contracting Party within its own territory.
3. Any Protocol to this Convention may extend the geographical coverage to which that particular Protocol applies.

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, including estuaries, which results, or is likely to result, in such deleterious effects as harm to living resources and marine life, hazards to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of seawater and reduction of amenities.
 - (b) “Organization” means the body designated as responsible for carrying out secretariat functions pursuant to article 17 of this Convention.
1. The Contracting Parties, when applying this Convention and its related Protocols, shall act in conformity with international law.
 2. The Contracting Parties may enter into bilateral or multilateral agreements, including regional or sub-regional agreements for the promotion of sustainable development, the

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protection of the environment, the conservation and preservation of natural resources in the Mediterranean Sea Area, provided that such agreements are consistent with this Convention and the Protocols and conform to international law. Copies of such agreements shall be communicated to the Organization. As appropriate, Contracting Parties should make use of existing organizations, agreements or arrangements in the Mediterranean Sea Area.

3. Nothing in this Convention and its Protocols shall prejudice the rights and positions of any State concerning the United Nations Convention on the Law of the Sea of 1982.

4. The Contracting Parties shall take individual or joint initiatives compatible with international law through the relevant international organizations to encourage the implementation of the provisions of this Convention and its Protocols by all the non-party States.

5. Nothing in this Convention and its Protocols shall affect the sovereign immunity of warships or other ships owned or operated by a State while engaged in government non-commercial service. However, each Contracting Party shall ensure that its vessels and aircraft, entitled to sovereign immunity under international law, act in a manner consistent with this Protocol.

Article 4 General Obligations

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, combat and to the fullest possible extent eliminate pollution of the Mediterranean Sea Area and to protect and enhance the marine environment in that Area so as to contribute towards its sustainable development.

2. The Contracting Parties pledge themselves to take appropriate measures to implement the Mediterranean Action Plan and, further, to pursue the protection of the marine environment and the natural resources of the Mediterranean Sea Area as an integral part of the development process, meeting the needs of present and future generations in an equitable manner. For the purpose of implementing the objectives of sustainable development the Contracting Parties shall take fully into account the recommendations of the Mediterranean Commission on Sustainable Development established within the framework of the Mediterranean Action Plan.

3. In order to protect the environment and contribute to the sustainable development of the Mediterranean Sea Area, the Contracting Parties shall:

- (a) apply, in accordance with their capabilities, the precautionary principle, by virtue of which where there are threats of serious or irreversible damage, lack of full

scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation;

- (b) apply the polluter pays principle, by virtue of which the costs of pollution prevention, control and reduction measures are to be borne by the polluter, with due regard to the public interest;
- (c) undertake environmental impact assessment for proposed activities that are likely to cause a significant adverse impact on the marine environment and are subject to an authorization by competent national authorities;
- (d) promote cooperation between and among States in environmental impact assessment procedures related to activities under their jurisdiction or control which are likely to have a significant adverse effect on the marine environment of other States or areas beyond the limits of national jurisdiction, on the basis of notification, exchange of information and consultation;
- (e) commit themselves to promote the integrated management of the coastal zones, taking into account the protection of areas of ecological and landscape interest and the rational use of natural resources.

4. In implementing the Convention and the related Protocols, the Contracting Parties shall:

- (a) adopt programmes and measures which contain, where appropriate, time limits for their completion;
- (b) utilize the best available techniques and the best environmental practices and promote the application of, access to and transfer of environmentally sound technology, including clean production technologies, taking into account the social, economic and technological conditions.

5. The Contracting Parties shall cooperate in the formulation and adoption of Protocols, prescribing agreed measures, procedures and standards for the implementation of this Convention.

6. The Contracting Parties further pledge themselves to promote, within the international bodies considered to be competent by the Contracting Parties, measures concerning the implementation of programmes of sustainable development, the protection conservation and rehabilitation of the environment and of the natural resources in the Mediterranean Sea Area.

Article 5

Pollution caused by Dumping from Ships and Aircraft or Incineration at Sea

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The Contracting Parties shall take all appropriate measures to prevent, abate and to the fullest possible extent eliminate pollution of the Mediterranean Sea Area caused by dumping from ships and aircraft or incineration at sea.

**Article 6
Pollution from Ships**

The Contracting Parties shall take all measures in conformity with international law to prevent, abate, combat and to the fullest possible extent eliminate 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 Seabed and its Subsoil**

The Contracting Parties shall take all appropriate measures to prevent, abate, combat and to the fullest possible extent eliminate pollution of the Mediterranean Sea Area resulting from exploration and exploitation of the continental shelf and the seabed and its subsoil.

**Article 8
Pollution from Land-Based Sources**

The Contracting Parties shall take all appropriate measures to prevent, abate, combat and to the fullest possible extent eliminate pollution of the Mediterranean Sea Area and to draw up and implement plans for the reduction and phasing out of substances that are toxic, persistent and liable to bioaccumulate arising from land-based sources.

These measures shall apply:

- (a) to pollution from land-based sources originating within the territories of the Parties, and reaching the sea:
 - directly from outfalls discharging into the sea or through coastal disposal;
 - indirectly through rivers, canals or other watercourses, including underground watercourses, or through run-off;
- (b) to pollution from land-based sources transported by the atmosphere.

Article 9

Cooperation in Dealing with Pollution Emergencies

1. The Contracting Parties shall cooperate 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

Conservation of Biodiversity

The Contracting Parties shall, individually or jointly, take all appropriate measures to protect and preserve biological diversity, rare or fragile ecosystems, as well as species of wild fauna and flora which are rare, depleted, threatened or endangered and their habitats, in the area to which this Convention applies.

Article 11

**Pollution Resulting from the Transboundary Movements of Hazardous Wastes and
their Disposal**

The Contracting Parties shall take all appropriate measures to prevent, abate and to the fullest possible extent eliminate pollution of the environment which can be caused by transboundary movements and disposal of hazardous wastes, and to reduce to a minimum, and if possible eliminate, such transboundary movements.

Article 12

Monitoring

1. The Contracting Parties shall endeavour to establish, in close cooperation 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.

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3. The Contracting Parties undertake to cooperate 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 13

Scientific and Technological Cooperation

1. The Contracting Parties undertake as far as possible to cooperate 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 to promote the research on, access to and transfer of environmentally sound technology, including clean production technologies, and to cooperate in the formulation, establishment and implementation of clean production processes.

3. The Contracting Parties undertake to cooperate 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 14

Environmental Legislation

1. The Contracting Parties shall adopt legislation implementing the Convention and the Protocols.

2. The Secretariat may, upon request from a Contracting Party, assist that Party in the drafting of environmental legislation in compliance with the Convention and the Protocols.

Article 15

Public Information and Participation

1. The Contracting Parties shall ensure that their competent authorities shall give to the public appropriate access to information on the environmental state in the field of application of the Convention and the Protocols, on activities or measures adversely affecting or likely to affect it and on activities carried out or measures taken in accordance with the Convention and the Protocols.

2. The Contracting Parties shall ensure that the opportunity is given to the public to participate in decision-making processes relevant to the field of application of the Convention and the Protocols, as appropriate.

3. The provision of paragraph 1. of this Article shall not prejudice the right of Contracting Parties to refuse, in accordance with their legal systems and applicable international regulations, to provide access to such information on the ground of confidentiality, public security or investigation proceedings, stating the reasons for such a refusal.

Article 16 **Liability and Compensation**

The Contracting Parties undertake to cooperate in the formulation and adoption of appropriate rules and procedures for the determination of liability and compensation for damage resulting from pollution of the marine environment in the Mediterranean Sea Area.

Article 17 **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 18, 21 and 22;
- (ii) To transmit to the Contracting Parties notifications, reports and other information received in accordance with articles 3, 9 and 26;
- (iii) To receive, consider and reply to enquiries and information from the Contracting Parties;
- (iv) To receive, consider and reply to enquiries and information from non-governmental organizations and the public when they relate to subjects of common interest or to activities carried out at the regional level; in this case, the Contracting Parties concerned shall be informed;
- (v) To perform the functions assigned to it by the protocols to this Convention;
- (vi) To regularly report to the Contracting Parties on the implementation of the Convention and of the Protocols;
- (vii) To perform such other functions as may be assigned to it by the Contracting Parties;
- (viii) To ensure the necessary coordination with other international bodies which the Contracting Parties consider competent, and in particular, to enter into such

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administrative arrangements as may be required for the effective discharge of the secretariat functions.

Article 18

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 26;
- (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 23;
- (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 21 and 22;
- (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.
- (vii) To approve the Programme Budget.

Article 19

Bureau

1. The Bureau of the Contracting Parties shall be composed of representatives of the Contracting Parties elected by the Meetings of the Contracting Parties. In electing the members of the Bureau, the Meetings of the Contracting Parties shall observe the principle of equitable geographical distribution.

2. The functions of the Bureau and the terms and conditions upon which it shall operate shall be set in the Rules of Procedure adopted by the Meetings of the Contracting Parties.

**Article 20
Observers**

1. The Contracting Parties may decide to admit as observers at their meetings and conferences:

- (a) any State which is not a Contracting Party to the Convention;
- (b) any international governmental organization or any non-governmental organization the activities of which are related to the Convention.

2. Such observers may participate in meetings without the right to vote and may present any information or report relevant to the objectives of the Convention.

3. The conditions for the admission and participation of observers shall be established in the Rules of Procedure adopted by the Contracting Parties.

**Article 21
Adoption of Additional Protocols**

1. The Contracting Parties, at a diplomatic conference, may adopt additional protocols to this Convention pursuant to paragraph 5 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.

**Article 22
Amendment of the Conventions 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

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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 23

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 18;
- (ii) Such amendments shall be adopted by a three-fourths majority vote of the Contracting Parties to the instrument in question;
- (iii) The Depositary 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 Depositary within a period determined by the Contracting Parties concerned when adopting the amendment;
- (v) The Depositary 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 22 above.

Article 24

Rules of Procedure and Financial Rules

1. The Contracting Parties shall adopt rules of procedure for their meetings and conferences envisaged in articles 18, 21 and 22 above.
2. The Contracting Parties shall adopt financial rules, prepared in consultation with the Organization, to determine, in particular, their financial participation in the Trust Fund.

Article 25

Special Exercise of Voting Right

Within the areas of their competence, the European Economic Community and any regional economic grouping referred to in article 30 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 26

Reports

1. The Contracting Parties shall transmit to the Organization reports on:

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- (a) the legal, administrative or other measures taken by them for the implementation of this Convention, the Protocols and of the recommendations adopted by their meetings;
 - (b) the effectiveness of the measures referred to in sub-paragraph (a) and problems encountered in the implementation of the instruments as mentioned above.
2. The reports shall be submitted in such form and at such intervals as the Meetings of Contracting Parties may determine.

Article 27 Compliance Control

The meetings of the Contracting Parties shall, on the basis of periodical reports referred to in Article 26 and any other report submitted by the Contracting Parties, assess the compliance with the Convention and the Protocols as well as the measures and recommendations. They shall recommend, when appropriate, the necessary steps to bring about full compliance with the Convention and the Protocols and promote the implementation of the decisions and recommendations.

Article 28 Settlement 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 29 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 18, 22 and 23 of this Convention shall be taken only by the Parties to the protocol concerned.

Article 30

Signature

This Convention, the Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft and the Protocol concerning cooperation 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 31

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 32

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 Cooperation 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 30.

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2. After the entry into force of the Convention and of any protocol, any State not referred to in article 30 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 33 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 30 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 30.

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 30 on the thirtieth day following the date of deposit of the instruments of ratification, acceptance, approval or accession.

Article 34 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 35
Responsibility of the Depositary**

1. The Depositary shall inform the Contracting Parties, any other Party referred to in article 30, 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 30, 31 and 32;
- (ii) Of the date on which the Convention and any protocol will come into force in accordance with the provisions of article 33;
- (iii) Of notifications of withdrawal made in accordance with article 34;
- (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 22;
- (v) Of the adoption of new annexes and of the amendment of any annex in accordance with article 23;
- (vi) Of declarations recognizing as compulsory the application of the arbitration procedure mentioned in paragraph 3 of article 28.

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.

**Annex A
Arbitration**

Article 1

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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 28 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 30 of the Convention, like any Contracting Party to the Convention, are empowered to appear as complainants or as respondents before the arbitral tribunal.

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Regulation 3(3)

SCHEDULE 2

**PROTOCOL ON INTEGRATED COASTAL ZONE MANAGEMENT IN THE
MEDITERRANEAN**

The Contracting Parties to the present Protocol,

Being Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean, adopted at Barcelona on 16 February 1976, and amended on 10 June 1995,

Desirous of implementing the obligations set out in Article 4, paragraphs 3(e) and 5, of the said Convention,

Considering that the coastal zones of the Mediterranean Sea are the common natural and cultural heritage of the peoples of the Mediterranean and that they should be preserved and used judiciously for the benefit of present and future generations,

Concerned at the increase in anthropic pressure on the coastal zones of the Mediterranean Sea which is threatening their fragile nature and desirous of halting and reversing the process of coastal zone degradation and of significantly reducing the loss of biodiversity of coastal ecosystems,

Worried by the risks threatening coastal zones due to climate change, which is likely to result, inter alia, in a rise in sea level, and aware of the need to adopt sustainable measures to reduce the negative impact of natural phenomena,

Convinced that, as an irreplaceable ecological, economic and social resource, the planning and management of coastal zones with a view to their preservation and sustainable development requires a specific integrated approach at the level of the Mediterranean basin as a whole and of its coastal States, taking into account their diversity and in particular the specific needs of islands related to geomorphological characteristics.

Taking into account the United Nations Convention on the Law of the Sea, done at Montego Bay on 10 December 1982, the Convention on Wetlands of International Importance especially as Waterfowl Habitat, done at Ramsar on 2 February 1971, and the Convention on Biological Diversity, done at Rio de Janeiro on 5 June 1992, to which many Mediterranean coastal States and the European Community are Parties,

Concerned in particular to act in cooperation for the development of appropriate and integrated plans for coastal zone management pursuant to Article 4, paragraph 1(e), of the United Nations Framework Convention on Climate Change, done at New York on 9 May 1992,

Drawing on existing experience with integrated coastal zone management and the work of various organizations, including the European institutions,

Based upon the recommendations and work of the Mediterranean Commission on Sustainable Development and the recommendations of the Meetings of the Contracting Parties held in Tunis in 1997, Monaco in 2001, Catania in 2003, and Portoroz in 2005, and the Mediterranean Strategy for Sustainable Development adopted in Portoroz in 2005,

Resolved to strengthen at the Mediterranean level the efforts made by coastal States to ensure integrated coastal zone management,

Determined to stimulate national, regional and local initiatives through coordinated promotional action, cooperation and partnership with the various actors concerned with a view to promoting efficient governance for the purpose of integrated coastal zone management,

Desirous of ensuring that coherence is achieved with regard to integrated coastal zone management in the application of the Convention and its Protocols,

Have agreed as follows:

PART I GENERAL PROVISIONS

Article 1 GENERAL OBLIGATIONS

In conformity with the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols, the Parties shall establish a common framework for the integrated management of the Mediterranean coastal zone and shall take the necessary measures to strengthen regional co-operation for this purpose.

Article 2 DEFINITIONS

For the purposes of this Protocol:

- (a) “Parties” means the Contracting Parties to this Protocol.

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- (b) “Convention” means the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean, done at Barcelona on 16 February 1976, as amended on 10 June 1995.
- (c) “Organization” means the body referred to in Article 17 of the Convention.
- (d) “Centre” means the Priority Actions Programme Regional Activity Centre.
- (e) “Coastal zone” means the geomorphologic area either side of the seashore in which the interaction between the marine and land parts occurs in the form of complex ecological and resource systems made up of biotic and abiotic components coexisting and interacting with human communities and relevant socio-economic activities.
- (f) “Integrated coastal zone management” means a dynamic process for the sustainable management and use of coastal zones, taking into account at the same time the fragility of coastal ecosystems and landscapes, the diversity of activities and uses, their interactions, the maritime orientation of certain activities and uses and their impact on both the marine and land parts.

Article 3 GEOGRAPHICAL COVERAGE

1. The area to which the Protocol applies shall be the Mediterranean Sea area as defined in Article 1 of the Convention.

The area is also defined by:

- (a) the seaward limit of the coastal zone, which shall be the external limit of the territorial sea of Parties; and
- (b) the landward limit of the coastal zone, which shall be the limit of the competent coastal units as defined by the Parties.

2. If, within the limits of its sovereignty, a Party establishes limits different from those envisaged in paragraph 1 of this Article, it shall communicate a declaration to the Depositary at the time of the deposit of its instrument of ratification, acceptance, approval of, or accession to this Protocol, or at any other subsequent time, in so far as:

- (a) the seaward limit is less than the external limit of the territorial sea;

- (b) the landward limit is different, either more or less, from the limits of the territory of coastal units as defined above, in order to apply, inter alia, the ecosystem approach and economic and social criteria and to consider the specific needs of islands related to geomorphological characteristics and to take into account the negative effects of climate change.

3. Each Party shall adopt or promote at the appropriate institutional level adequate actions to inform populations and any relevant actor of the geographical coverage of the present Protocol.

Article 4 PRESERVATION OF RIGHTS

1. Nothing in this Protocol nor any act adopted on the basis of this Protocol shall prejudice the rights, the present and future claims or legal views of any Party relating to the Law of the Sea, in particular the nature and the extent of marine areas, the delimitation of marine areas between States with opposite or adjacent coasts, the right and modalities of passage through straits used for international navigation and the right of innocent passage in territorial seas, as well as the nature and extent of the jurisdiction of the coastal State, the flag State or the port State.
2. No act or activity undertaken on the basis of this Protocol shall constitute grounds for claiming, contending or disputing any claim to national sovereignty or jurisdiction.
3. The provisions of this Protocol shall be without prejudice to stricter provisions respecting the protection and management of the coastal zone contained in other existing or future national or international instruments or programmes.
4. Nothing in this Protocol shall prejudice national security and defence activities and facilities; however, each Party agrees that such activities and facilities should be operated or established, so far as is reasonable and practicable, in a manner consistent with this Protocol.

Article 5 OBJECTIVES OF INTEGRATED COASTAL ZONE MANAGEMENT

The objectives of integrated coastal zone management are to:

- (a) facilitate, through the rational planning of activities, the sustainable development of coastal zones by ensuring that the environment and landscapes are taken into account in harmony with economic, social and cultural development;
- (b) preserve coastal zones for the benefit of current and future generations;

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- (c) ensure the sustainable use of natural resources, particularly with regard to water use;
- (d) ensure preservation of the integrity of coastal ecosystems, landscapes and geomorphology;
- (e) prevent and/or reduce the effects of natural hazards and in particular of climate change, which can be induced by natural or human activities;
- (f) achieve coherence between public and private initiatives and between all decisions by the public authorities, at the national, regional and local levels, which affect the use of the coastal zone.

Article 6

GENERAL PRINCIPLES OF INTEGRATED COASTAL ZONE MANAGEMENT

In implementing this Protocol, the Parties shall be guided by the following principles of integrated coastal zone management:

- (a) The biological wealth and the natural dynamics and functioning of the intertidal area and the complementary and interdependent nature of the marine part and the land part forming a single entity shall be taken particularly into account.
- (b) All elements relating to hydrological, geomorphological, climatic, ecological, socio-economic and cultural systems shall be taken into account in an integrated manner, so as not to exceed the carrying capacity of the coastal zone and to prevent the negative effects of natural disasters and of development.
- (c) The ecosystems approach to coastal planning and management shall be applied so as to ensure the sustainable development of coastal zones.
- (d) Appropriate governance allowing adequate and timely participation in a transparent decision-making process by local populations and stakeholders in civil society concerned with coastal zones shall be ensured.
- (e) Cross-sectorally organized institutional coordination of the various administrative services and regional and local authorities competent in coastal zones shall be required.
- (f) The formulation of land use strategies, plans and programmes covering urban development and socio-economic activities, as well as other relevant sectoral policies, shall be required.

- (g) The multiplicity and diversity of activities in coastal zones shall be taken into account, and priority shall be given, where necessary, to public services and activities requiring, in terms of use and location, the immediate proximity of the sea.
- (h) The allocation of uses throughout the entire coastal zone should be balanced, and unnecessary concentration and urban sprawl should be avoided.
- (i) Preliminary assessments shall be made of the risks associated with the various human activities and infrastructure so as to prevent and reduce their negative impact on coastal zones.
- (j) Damage to the coastal environment shall be prevented and, where it occurs, appropriate restoration shall be effected.

**Article 7
COORDINATION**

1. For the purposes of integrated coastal zone management, the Parties shall:
 - (a) ensure institutional coordination, where necessary through appropriate bodies or mechanisms, in order to avoid sectoral approaches and facilitate comprehensive approaches;
 - (b) organize appropriate coordination between the various authorities competent for both the marine and the land parts of coastal zones in the different administrative services, at the national, regional and local levels;
 - (c) organize close coordination between national authorities and regional and local bodies in the field of coastal strategies, plans and programmes and in relation to the various authorizations for activities that may be achieved through joint consultative bodies or joint decision-making procedures.
2. Competent national, regional and local coastal zone authorities shall, insofar as practicable, work together to strengthen the coherence and effectiveness of the coastal strategies, plans and programmes established.

**PART II
ELEMENTS OF INTEGRATED COASTAL ZONE MANAGEMENT**

**Article 8
PROTECTION AND SUSTAINABLE USE OF THE COASTAL ZONE**

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1. In conformity with the objectives and principles set out in Articles 5 and 6 of this Protocol, the Parties shall endeavour to ensure the sustainable use and management of coastal zones in order to preserve the coastal natural habitats, landscapes, natural resources and ecosystems, in compliance with international and regional legal instruments.

2. For this purpose, the Parties:

- (a) Shall establish in coastal zones, as from the highest winter waterline, a zone where construction is not allowed. Taking into account, inter alia, the areas directly and negatively affected by climate change and natural risks, this zone may not be less than 100 meters in width, subject to the provisions of subparagraph (b) below. Stricter national measures determining this width shall continue to apply.
- (b) May adapt, in a manner consistent with the objectives and principles of this Protocol, the provisions mentioned above:
 - 1) for projects of public interest;
 - 2) in areas having particular geographical or other local constraints, especially related to population density or social needs, where individual housing, urbanisation or development are provided for by national legal instruments.
- (c) Shall notify to the Organization their national legal instruments providing for the above adaptations.

3. The Parties shall also endeavour to ensure that their national legal instruments include criteria for sustainable use of the coastal zone. Such criteria, taking into account specific local conditions, shall include, inter alia, the following:

- (a) identifying and delimiting, outside protected areas, open areas in which urban development and other activities are restricted or, where necessary, prohibited;
- (b) limiting the linear extension of urban development and the creation of new transport infrastructure along the coast;
- (c) ensuring that environmental concerns are integrated into the rules for the management and use of the public maritime domain;
- (d) providing for freedom of access by the public to the sea and along the shore;

- (e) restricting or, where necessary, prohibiting the movement and parking of land vehicles, as well as the movement and anchoring of marine vessels, in fragile natural areas on land or at sea, including beaches and dunes.

Article 9

ECONOMIC ACTIVITIES

1. In conformity with the objectives and principles set forth in Articles 5 and 6 of this Protocol, and taking into account the relevant provisions of the Barcelona Convention and its Protocols, the Parties shall:

- (a) accord specific attention to economic activities that require immediate proximity to the sea;
- (b) ensure that the various economic activities minimize the use of natural resources and take into account the needs of future generations;
- (c) ensure respect for integrated water resources management and environmentally sound waste management;
- (d) ensure that the coastal and maritime economy is adapted to the fragile nature of coastal zones and that resources of the sea are protected from pollution;
- (e) define indicators of the development of economic activities to ensure sustainable use of coastal zones and reduce pressures that exceed their carrying capacity;
- (f) promote codes of good practice among public authorities, economic actors and non-governmental organizations.

2. In addition, with regard to the following economic activities, the Parties agree:

- (a) Agriculture and industry, to guarantee a high level of protection of the environment in the location and operation of agricultural and industrial activities so as to preserve coastal ecosystems and landscapes and prevent pollution of the sea, water, air and soil;
- (b) Fishing,
 - (i) to take into account the need to protect fishing areas in development projects;

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- (ii) to ensure that fishing practices are compatible with sustainable use of natural marine resources;
- (c) Aquaculture,
 - (i) to take into account the need to protect aquaculture and shellfish areas in development projects;
 - (ii) to regulate aquaculture by controlling the use of inputs and waste treatment;
- (d) Tourism, sporting and recreational activities,
 - (i) to encourage sustainable coastal tourism that preserves coastal ecosystems, natural resources, cultural heritage and landscapes;
 - (ii) to promote specific forms of coastal tourism, including cultural, rural and ecotourism, while respecting the traditions of local populations;
 - (iii) to regulate or, where necessary, prohibit the practice of various sporting and recreational activities, including recreational fishing and shellfish extraction;
- (e) Utilization of specific natural resources,
 - (i) to subject to prior authorization the excavation and extraction of minerals, including the use of seawater in desalination plants and stone exploitation;
 - (ii) to regulate the extraction of sand, including on the seabed and river sediments or prohibit it where it is likely to adversely affect the equilibrium of coastal ecosystems;
 - (iii) to monitor coastal aquifers and dynamic areas of contact or interface between fresh and salt water, which may be adversely affected by the extraction of underground water or by discharges into the natural environment;
- (f) Infrastructure, energy facilities, ports and maritime works and structures, to subject such infrastructure, facilities, works and structures to authorization so that their negative impact on coastal ecosystems, landscapes and geomorphology is minimized or, where appropriate, compensated by non-financial measures;
- (g) Maritime activities,

to conduct maritime activities in such a manner as to ensure the preservation of coastal ecosystems in conformity with the rules, standards and procedures of the relevant international conventions.

Article 10
SPECIFIC COASTAL ECOSYSTEMS

The Parties shall take measures to protect the characteristics of certain specific coastal ecosystems, as follows:

1. Wetlands and estuaries

In addition to the creation of protected areas and with a view to preventing the disappearance of wetlands and estuaries, the Parties shall:

- (a) take into account in national coastal strategies and coastal plans and programmes and when issuing authorizations, the environmental, economic and social function of wetlands and estuaries;
- (b) take the necessary measures to regulate or, if necessary, prohibit activities that may have adverse effects on wetlands and estuaries;
- (c) undertake, to the extent possible, the restoration of degraded coastal wetlands with a view to reactivating their positive role in coastal environmental processes.

2. Marine habitats

The Parties, recognizing the need to protect marine areas hosting habitats and species of high conservation value, irrespective of their classification as protected areas, shall:

- (a) adopt measures to ensure the protection and conservation, through legislation, planning and management of marine and coastal areas, in particular of those hosting habitats and species of high conservation value;
- (b) undertake to promote regional and international cooperation for the implementation of common programmes on the protection of marine habitats.

3. Coastal forests and woods

The Parties shall adopt measures intended to preserve or develop coastal forests and woods located, in particular, outside specially protected areas.

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4. Dunes

The Parties undertake to preserve and, where possible, rehabilitate in a sustainable manner dunes and bars.

Article 11

COASTAL LANDSCAPES

1. The Parties, recognizing the specific aesthetic, natural and cultural value of coastal landscapes, irrespective of their classification as protected areas, shall adopt measures to ensure the protection of coastal landscapes through legislation, planning and management.
2. The Parties undertake to promote regional and international cooperation in the field of landscape protection, and in particular, the implementation, where appropriate, of joint actions for transboundary coastal landscapes.

Article 12

ISLANDS

The Parties undertake to accord special protection to islands, including small islands, and for this purpose to:

- (a) promote environmentally friendly activities in such areas and take special measures to ensure the participation of the inhabitants in the protection of coastal ecosystems based on their local customs and knowledge;
- (b) take into account the specific characteristics of the island environment and the necessity to ensure interaction among islands in national coastal strategies, plans and programmes and management instruments, particularly in the fields of transport, tourism, fishing, waste and water.

Article 13

CULTURAL HERITAGE

1. The Parties shall adopt, individually or collectively, all appropriate measures to preserve and protect the cultural, in particular archaeological and historical, heritage of coastal zones, including the underwater cultural heritage, in conformity with the applicable national and international instruments.
2. The Parties shall ensure that the preservation in situ of the cultural heritage of coastal zones is considered as the first option before any intervention directed at this heritage.

3. The Parties shall ensure in particular that elements of the underwater cultural heritage of coastal zones removed from the marine environment are conserved and managed in a manner safeguarding their long-term preservation and are not traded, sold, bought or bartered as commercial goods.

Article 14 PARTICIPATION

1. With a view to ensuring efficient governance throughout the process of the integrated management of coastal zones, the Parties shall take the necessary measures to ensure the appropriate involvement in the phases of the formulation and implementation of coastal and marine strategies, plans and programmes or projects, as well as the issuing of the various authorizations, of the various stakeholders, including:

- the territorial communities and public entities concerned;
- economic operators;
- non-governmental organizations;
- social actors;
- the public concerned.

Such participation shall involve inter alia consultative bodies, inquiries or public hearings, and may extend to partnerships.

2. With a view to ensuring such participation, the Parties shall provide information in an adequate, timely and effective manner.

3. Mediation or conciliation procedures and a right of administrative or legal recourse should be available to any stakeholder challenging decisions, acts or omissions, subject to the participation provisions established by the Parties with respect to plans, programmes or projects concerning the coastal zone.

Article 15 AWARENESS-RAISING, TRAINING, EDUCATION AND RESEARCH

1. The Parties undertake to carry out, at the national, regional or local level, awareness-raising activities on integrated coastal zone management and to develop educational programmes, training and public education on this subject.

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2. The Parties shall organize, directly, multilaterally or bilaterally, or with the assistance of the Organization, the Centre or the international organizations concerned, educational programmes, training and public education on integrated management of coastal zones with a view to ensuring their sustainable development.

3. The Parties shall provide for interdisciplinary scientific research on integrated coastal zone management and on the interaction between activities and their impacts on coastal zones. To this end, they should establish or support specialized research centres. The purpose of this research is, in particular, to further knowledge of integrated coastal zone management, to contribute to public information and to facilitate public and private decision-making.

PART III

INSTRUMENTS FOR INTEGRATED COASTAL ZONE MANAGEMENT

Article 16

MONITORING AND OBSERVATION MECHANISMS AND NETWORKS

1. The Parties shall use and strengthen existing appropriate mechanisms for monitoring and observation, or create new ones if necessary. They shall also prepare and regularly update national inventories of coastal zones which should cover, to the extent possible, information on resources and activities, as well as on institutions, legislation and planning that may influence coastal zones.

2. In order to promote exchange of scientific experience, data and good practices, the Parties shall participate, at the appropriate administrative and scientific level, in a Mediterranean coastal zone network, in cooperation with the Organization.

3. With a view to facilitating the regular observation of the state and evolution of coastal zones, the Parties shall set out an agreed reference format and process to collect appropriate data in national inventories.

4. The Parties shall take all necessary means to ensure public access to the information derived from monitoring and observation mechanisms and networks.

Article 17

MEDITERRANEAN STRATEGY FOR INTEGRATED COASTAL ZONE MANAGEMENT

The Parties undertake to cooperate for the promotion of sustainable development and integrated management of coastal zones, taking into account the Mediterranean Strategy for Sustainable Development and complementing it where necessary. To this end, the Parties shall define, with the assistance of the Centre, a common regional framework for integrated coastal

zone management in the Mediterranean to be implemented by means of appropriate regional action plans and other operational instruments, as well as through their national strategies.

Article 18

NATIONAL COASTAL STRATEGIES, PLANS AND PROGRAMMES

1. Each Party shall further strengthen or formulate a national strategy for integrated coastal zone management and coastal implementation plans and programmes consistent with the common regional framework and in conformity with the integrated management objectives and principles of this Protocol and shall inform the Organization about the coordination mechanism in place for this strategy.
2. The national strategy, based on an analysis of the existing situation, shall set objectives, determine priorities with an indication of the reasons, identify coastal ecosystems needing management, as well as all relevant actors and processes, enumerate the measures to be taken and their cost as well as the institutional instruments and legal and financial means available, and set an implementation schedule.
3. Coastal plans and programmes, which may be self-standing or integrated in other plans and programmes, shall specify the orientations of the national strategy and implement it at an appropriate territorial level, determining, inter alia and where appropriate, the carrying capacities and conditions for the allocation and use of the respective marine and land parts of coastal zones.
4. The Parties shall define appropriate indicators in order to evaluate the effectiveness of integrated coastal zone management strategies, plans and programmes, as well as the progress of implementation of the Protocol.

Article 19

ENVIRONMENTAL ASSESSMENT

1. Taking into account the fragility of coastal zones, the Parties shall ensure that the process and related studies of environmental impact assessment for public and private projects likely to have significant environmental effects on the coastal zones, and in particular on their ecosystems, take into consideration the specific sensitivity of the environment and the inter-relationships between the marine and terrestrial parts of the coastal zone.
2. In accordance with the same criteria, the Parties shall formulate, as appropriate, a strategic environmental assessment of plans and programmes affecting the coastal zone.
3. The environmental assessments should take into consideration the cumulative impacts on the coastal zones, paying due attention, inter alia, to their carrying capacities.

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**Article 20
LAND POLICY**

1. For the purpose of promoting integrated coastal zone management, reducing economic pressures, maintaining open areas and allowing public access to the sea and along the shore, Parties shall adopt appropriate land policy instruments and measures, including the process of planning.
2. To this end, and in order to ensure the sustainable management of public and private land of the coastal zones, Parties may inter alia adopt mechanisms for the acquisition, cession, donation or transfer of land to the public domain and institute easements on properties.

**Article 21
ECONOMIC, FINANCIAL AND FISCAL INSTRUMENTS**

For the implementation of national coastal strategies and coastal plans and programmes, Parties may take appropriate measures to adopt relevant economic, financial and/or fiscal instruments intended to support local, regional and national initiatives for the integrated management of coastal zones.

**PART IV
RISKS AFFECTING THE COASTAL ZONE**

**Article 22
NATURAL HAZARDS**

Within the framework of national strategies for integrated coastal zone management, the Parties shall develop policies for the prevention of natural hazards. To this end, they shall undertake vulnerability and hazard assessments of coastal zones and take prevention, mitigation and adaptation measures to address the effects of natural disasters, in particular of climate change.

**Article 23
COASTAL EROSION**

1. In conformity with the objectives and principles set out in Articles 5 and 6 of this Protocol, the Parties, with a view to preventing and mitigating the negative impact of coastal erosion more effectively, undertake to adopt the necessary measures to maintain or restore the natural capacity of the coast to adapt to changes, including those caused by the rise in sea levels.

2. The Parties, when considering new activities and works located in the coastal zone including marine structures and coastal defence works, shall take particular account of their negative effects on coastal erosion and the direct and indirect costs that may result. In respect of existing activities and structures, the Parties should adopt measures to minimize their effects on coastal erosion.

3. The Parties shall endeavour to anticipate the impacts of coastal erosion through the integrated management of activities, including adoption of special measures for coastal sediments and coastal works.

4. The Parties undertake to share scientific data that may improve knowledge on the state, development and impacts of coastal erosion.

Article 24 RESPONSE TO NATURAL DISASTERS

1. The Parties undertake to promote international cooperation to respond to natural disasters, and to take all necessary measures to address in a timely manner their effects.

2. The Parties undertake to coordinate use of the equipment for detection, warning and communication at their disposal, making use of existing mechanisms and initiatives, to ensure the transmission as rapidly as possible of urgent information concerning major natural disasters. The Parties shall notify the Organization which national authorities are competent to issue and receive such information in the context of relevant international mechanisms.

3. The Parties undertake to promote mutual cooperation and cooperation among national, regional and local authorities, non-governmental organizations and other competent organizations for the provision on an urgent basis of humanitarian assistance in response to natural disasters affecting the coastal zones of the Mediterranean Sea.

PART V INTERNATIONAL COOPERATION

Article 25 TRAINING AND RESEARCH

1. The Parties undertake, directly or with the assistance of the Organization or the competent international organizations, to cooperate in the training of scientific, technical and administrative personnel in the field of integrated coastal zone management, particularly with a view to:

- (a) identifying and strengthening capacities;

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- (b) developing scientific and technical research;
- (c) promoting centres specialized in integrated coastal zone management;
- (d) promoting training programmes for local professionals.

2. The Parties undertake, directly or with the assistance of the Organization or the competent international organizations, to promote scientific and technical research into integrated coastal zone management, particularly through the exchange of scientific and technical information and the coordination of their research programmes on themes of common interest.

Article 26

SCIENTIFIC AND TECHNICAL ASSISTANCE

For the purposes of integrated coastal zone management, the Parties undertake, directly or with the assistance of the Organization or the competent international organizations to cooperate for the provision of scientific and technical assistance, including access to environmentally sound technologies and their transfer, and other possible forms of assistance, to Parties requiring such assistance.

Article 27

EXCHANGE OF INFORMATION AND ACTIVITIES OF COMMON INTEREST

1. The Parties undertake, directly or with the assistance of the Organization or the competent international organizations, to cooperate in the exchange of information on the use of the best environmental practices.

2. With the support of the Organization, the Parties shall in particular:

- (a) define coastal management indicators, taking into account existing ones, and cooperate in the use of such indicators;
- (b) establish and maintain up-to-date assessments of the use and management of coastal zones;
- (c) carry out activities of common interest, such as demonstration projects of integrated coastal zone management.

Article 28

TRANSBOUNDARY COOPERATION

The Parties shall endeavour, directly or with the assistance of the Organization or the competent international organizations, bilaterally or multilaterally, to coordinate, where appropriate, their national coastal strategies, plans and programmes related to contiguous coastal zones. Relevant domestic administrative bodies shall be associated with such coordination.

Article 29

TRANSBOUNDARY ENVIRONMENTAL ASSESSMENT

1. Within the framework of this Protocol, the Parties shall, before authorizing or approving plans, programmes and projects that are likely to have a significant adverse effect on the coastal zones of other Parties, cooperate by means of notification, exchange of information and consultation in assessing the environmental impacts of such plans, programmes and projects, taking into account Article 19 of this Protocol and Article 4, paragraph 3 (d) of the Convention.
2. To this end, the Parties undertake to cooperate in the formulation and adoption of appropriate guidelines for the determination of procedures for notification, exchange of information and consultation at all stages of the process.
3. The Parties may, where appropriate, enter into bilateral or multilateral agreements for the effective implementation of this Article.

PART VI

INSTITUTIONAL PROVISIONS

Article 30

FOCAL POINTS

Each Party shall designate a Focal Point to serve as liaison with the Centre on the technical and scientific aspects of the implementation of this Protocol and to disseminate information at the national, regional and local level. The Focal Points shall meet periodically to carry out the functions deriving from this Protocol.

Article 31

REPORTS

The Parties shall submit to the ordinary Meetings of the Contracting Parties, reports on the implementation of this Protocol, in such form and at such intervals as these Meetings may determine, including the measures taken, their effectiveness and the problems encountered in their implementation.

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Article 32

INSTITUTIONAL COORDINATION

1. The Organization shall be responsible for coordinating the implementation of this Protocol. For this purpose, it shall receive the support of the Centre, to which it may entrust the following functions:

- (a) to assist the Parties to define a common regional framework for integrated coastal zone management in the Mediterranean pursuant to Article 17;
- (b) to prepare a regular report on the state and development of integrated coastal zone management in the Mediterranean Sea with a view to facilitating implementation of the Protocol;
- (c) to exchange information and carry out activities of common interest pursuant to Article 27;
- (d) upon request, to assist the Parties:
 - to participate in a Mediterranean coastal zone network pursuant to Article 16;
 - to prepare and implement their national strategies for integrated coastal zone management pursuant to Article 18;
 - to cooperate in training activities and in scientific and technical research programmes pursuant to Article 25;
 - to coordinate, when appropriate, the management of transboundary coastal zones pursuant to Article 28;
- (e) to organize the meetings of the Focal Points pursuant to Article 30;
- (f) to carry out any other function assigned to it by the Parties.

2. For the purposes of implementing this Protocol, the Parties, the Organization and the Centre may jointly establish cooperation with nongovernmental organizations the activities of which are related to the Protocol.

Article 33

MEETINGS OF THE PARTIES

1. The ordinary meetings of the Parties to this Protocol shall be held in conjunction with the ordinary meetings of the Contracting Parties to the Convention held pursuant to Article 18 of the Convention. The Parties may also hold extraordinary meetings in conformity with that Article.

2. The functions of the meetings of the Parties to this Protocol shall be:

- (a) to keep under review the implementation of this Protocol;
- (b) to ensure that this Protocol is implemented in coordination and synergy with the other Protocols;
- (c) to oversee the work of the Organization and of the Centre relating to the implementation of this Protocol and providing policy guidance for their activities;
- (d) to consider the efficiency of the measures adopted for integrated coastal zone management and the need for other measures, in particular in the form of annexes or amendments to this Protocol;
- (e) to make recommendations to the Parties on the measures to be adopted for the implementation of this Protocol;
- (f) to examine the proposals made by the Meetings of Focal Points pursuant to Article 30 of this Protocol;
- (g) to consider reports transmitted by the Parties and making appropriate recommendations pursuant to Article 26 of the Convention;
- (h) to examine any other relevant information submitted through the Centre;
- (i) to examine any other matter relevant to this Protocol, as appropriate.

PART VII FINAL PROVISIONS

Article 34 RELATIONSHIP WITH THE CONVENTION

1. The provisions of the Convention relating to any Protocol shall apply with respect to this Protocol.

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2. The rules of procedure and the financial rules adopted pursuant to Article 24 of the Convention shall apply with respect to this Protocol, unless the Parties to this Protocol agree otherwise.

Article 35

RELATIONS WITH THIRD PARTIES

1. The Parties shall invite, where appropriate, States that are not Parties to this Protocol and international organizations to cooperate in the implementation of this Protocol.

2. The Parties undertake to adopt appropriate measures, consistent with international law, to ensure that no one engages in any activity contrary to the principles and objectives of this Protocol.

Article 36

SIGNATURE

This Protocol shall be open for signature at Madrid, Spain, from 21 January 2008 to 20 January 2009 by any Contracting Party to the Convention.

Article 37

RATIFICATION, ACCEPTANCE OR APPROVAL

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.

Article 38

ACCESSION

As from 21 January 2009 this Protocol shall be open for accession by any Party to the Convention.

Article 39

ENTRY INTO FORCE

This Protocol shall enter into force on the thirtieth day (30) following the deposit of at least six (6) instruments of ratification, acceptance, approval or accession.

Article 40

AUTHENTIC TEXTS

The original of this Protocol, of which the Arabic, English, French and Spanish texts are equally authentic, shall be deposited with the Depositary.

**Protocol concerning Specially Protected Areas and Biological Diversity in the
Mediterranean**

The Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean was adopted on 10 June 1995 by the Conference of Plenipotentiaries for the Protection of the Mediterranean Sea against Pollution and its Protocols, held in Barcelona. This Protocol, which replaces the Protocol concerning Mediterranean Specially Protected Areas of 1982 in accordance with its Article 32, entered into force on 12 December 1999.

The Annexes to the Protocol were adopted on 24 November 1996 by the Meeting of Plenipotentiaries on the Annexes to the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean, held in Monaco.

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,

Conscious of the profound impact of human activities on the state of the marine environment and the littoral and more generally on the ecosystems of areas having prevailing Mediterranean features,

Stressing the importance of protecting and, as appropriate, improving the state of the Mediterranean natural and cultural heritage, in particular through the establishment of specially protected areas and also by the protection and conservation of threatened species,

Considering the instruments adopted by the United Nations Conference on Environment and Development and particularly the Convention on Biological Diversity (Rio de Janeiro, 1992),

Conscious that when there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be invoked as a reason for postponing measures to avoid or minimize such a threat,

Considering that all the Contracting Parties should cooperate to conserve, protect and restore the health and integrity of ecosystems and that they have, in this respect, common but differentiated responsibilities,

Have agreed as follows:

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**Part 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 and amended at Barcelona in 1995;
- (b) “Biological diversity” means the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems;
- (c) “Endangered species” means any species that is in danger of extinction throughout all or part of its range;
- (d) “Endemic species” means any species whose range is restricted to a limited geographical area;
- (e) “Threatened species” means any species that is likely to become extinct within the foreseeable future throughout all or part of its range and whose survival is unlikely if the factors causing numerical decline or habitat degradation continue to operate;
- (f) “Conservation status of a species” means the sum of the influences acting on the species that may affect its long-term distribution and abundance;
- (g) “Parties” means the Contracting Parties to this Protocol;
- (h) “Organization” means the organization referred to in Article 2 of the Convention;
- (i) “Centre” means the Regional Activity Centre for Specially Protected Areas.

**Article 2
Geographical Coverage**

1. The area to which this Protocol applies shall be the area of the Mediterranean Sea as delimited in Article 1 of the Convention. It also includes:

- the seabed and its subsoil;
 - the waters, the seabed and its subsoil on the landward side of the baseline from which the breadth of the territorial sea is measured and extending, in the case of watercourses, up to the freshwater limit;
 - the terrestrial coastal areas designated by each of the Parties, including wetlands.
2. Nothing in this Protocol nor any act adopted on the basis of this Protocol shall prejudice the rights, the present and future claims or legal views of any State relating to the law of the sea, in particular, the nature and the extent of marine areas, the delimitation of marine areas between States with opposite or adjacent coasts, freedom of navigation on the high seas, the right and the modalities of passage through straits used for international navigation and the right of innocent passage in territorial seas, as well as the nature and extent of the jurisdiction of the coastal State, the flag State and the port State.
3. No act or activity undertaken on the basis of this Protocol shall constitute grounds for claiming, contending or disputing any claim to national sovereignty or jurisdiction.

Article 3 General Obligations

1. Each Party shall take the necessary measures to:
- (a) protect, preserve and manage in a sustainable and environmentally sound way areas of particular natural or cultural value, notably by the establishment of specially protected areas;
 - (b) protect, preserve and manage threatened or endangered species of flora and fauna.
2. The Parties shall cooperate, directly or through the competent international organizations, in the conservation and sustainable use of biological diversity in the area to which this Protocol applies.
3. The Parties shall identify and compile inventories of the components of biological diversity important for its conservation and sustainable use.
4. The Parties shall adopt strategies, plans and programmes for the conservation of biological diversity and the sustainable use of marine and coastal biological resources and shall integrate them into their relevant sectoral and intersectoral policies.

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5. The Parties shall monitor the components of biological diversity referred to in paragraph 3 of this Article and shall identify processes and categories of activities which have or are likely to have a significant adverse impact on the conservation and sustainable use of biological diversity, and monitor their effects.

6. Each Party shall apply the measures provided for in this Protocol without prejudice to the sovereignty or the jurisdiction of other Parties or other States. Any measures taken by a Party to enforce these measures shall be in accordance with international law.

PART II Protection of Areas

Section One Specially Protected Areas

Article 4 Objectives

The objective of specially protected areas is to safeguard:

- (a) representative types of coastal and marine ecosystems of adequate size to ensure their long-term viability and to maintain their biological diversity;
- (b) habitats which are in danger of disappearing in their natural area of distribution in the Mediterranean or which have a reduced natural area of distribution as a consequence of their regression or on account of their intrinsically restricted area;
- (c) habitats critical to the survival, reproduction and recovery of endangered, threatened or endemic species of flora or fauna;
- (d) sites of particular importance because of their scientific, aesthetic, cultural or educational interest;

Article 5 Establishment of Specially Protected Areas

1. Each Party may establish specially protected areas in the marine and coastal zones subject to its sovereignty or jurisdiction.

2. If a Party intends to establish, in an area subject to its sovereignty or national jurisdiction, a specially protected area contiguous to the frontier and to the limits of a zone subject to the sovereignty or national jurisdiction of another Party, the competent authorities of the two

Parties shall endeavour to cooperate, with a view to reaching agreement on the measures to be taken and shall, inter alia, examine the possibility of the other Party establishing a corresponding specially protected area or adopting any other appropriate measures.

3. If a Party intends to establish, in an area subject to its sovereignty or national jurisdiction, a specially protected area contiguous to the frontier and to the limits of a zone subject to the sovereignty or national jurisdiction of a State that is not a Party to this Protocol, the Party shall endeavour to cooperate with that State as referred to in the previous paragraph.

4. If a State which is not party to this Protocol intends to establish a specially protected area contiguous to the frontier and to the limits of a zone subject to the sovereignty or national jurisdiction of a Party to this Protocol, the latter shall endeavour to cooperate with that State as referred to in paragraph 2.

Article 6 Protection Measures

The Parties, in conformity with international law and taking into account the characteristics of each specially protected area, shall take the protection measures required, in particular:

- (a) the strengthening of the application of the other Protocols to the Convention and of other relevant treaties to which they are Parties;
- (b) the prohibition of the dumping or discharge of wastes and other substances likely directly or indirectly to impair the integrity of the specially protected area;
- (c) the regulation of the passage of ships and any stopping or anchoring;
- (d) the regulation of the introduction of any species not indigenous to the specially protected area in question, or of genetically modified species, as well as the introduction or reintroduction of species which are or have been present in the specially protected area;
- (e) the regulation or prohibition of any activity involving the exploration or modification of the soil or the exploitation of the subsoil of the land part, the seabed or its subsoil;
- (f) the regulation of any scientific research activity;
- (g) the regulation or prohibition of fishing, hunting, taking of animals and harvesting of plants or their destruction, as well as trade in animals, parts of animals, plants, parts of plants, which originate in specially protected areas;

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- (h) the regulation and if necessary the prohibition of any other activity or act likely to harm or disturb the species or that might endanger the state of conservation of the ecosystems or species or might impair the natural or cultural characteristics of the specially protected area;
- (i) any other measure aimed at safeguarding ecological and biological processes and the landscape.

Article 7 Planning and Management

1. The Parties shall, in accordance with the rules of international law, adopt planning, management, supervision and monitoring measures for the specially protected areas.
2. Such measures should include for each specially protected area:
 - (a) the development and adoption of a management plan that specifies the legal and institutional framework and the management and protection measures applicable;
 - (b) the continuous monitoring of ecological processes, habitats, population dynamics, landscapes, as well as the impact of human activities;
 - (c) the active involvement of local communities and populations, as appropriate, in the management of specially protected areas, including assistance to local inhabitants who might be affected by the establishment of such areas;
 - (d) the adoption of mechanisms for financing the promotion and management of specially protected areas, as well as the development of activities which ensure that management is compatible with the objectives of such areas;
 - (e) the regulation of activities compatible with the objectives for which the specially protected area was established and the terms of the related permits;
 - (f) the training of managers and qualified technical personnel, as well as the development of an appropriate infrastructure.
3. The Parties shall ensure that national contingency plans incorporate measures for responding to incidents that could cause damage or constitute a threat to the specially protected areas.

4. When specially protected areas covering both land and marine areas have been established, the Parties shall endeavour to ensure the coordination of the administration and management of the specially protected area as a whole.

**Section Two
Specially Protected Areas of Mediterranean Importance**

**Article 8
Establishment of the List of Specially Protected Areas of Mediterranean Importance**

1. In order to promote cooperation in the management and conservation of natural areas, as well as in the protection of threatened species and their habitats, the Parties shall draw up a “List of Specially Protected Areas of Mediterranean Importance”, hereinafter referred to as the “SPAMI List”.

2. The SPAMI List may include sites which:

- are of importance for conserving the components of biological diversity in the Mediterranean;
- contain ecosystems specific to the Mediterranean area or the habitats of endangered species;
- are of special interest at the scientific, aesthetic, cultural or educational levels.

3. The Parties agree:

- (a) to recognize the particular importance of these areas for the Mediterranean;
- (b) to comply with the measures applicable to the SPAMIs and not to authorize nor undertake any activities that might be contrary to the objectives for which the SPAMIs were established.

**Article 9
Procedure for the Establishment and Listing of SPAMIs**

1. SPAMIs may be established, following the procedure provided for in paragraph 2 to 4 of this Article, in:

- (a) the marine and coastal zones subject to the sovereignty or jurisdiction of the Parties;

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(b) zones partly or wholly on the high seas.

2. Proposals for inclusion in the List may be submitted:

- (a) by the Party concerned, if the area is situated in a zone already delimited, over which it exercises sovereignty or jurisdiction;
- (b) by two or more neighbouring Parties concerned if the area is situated, partly or wholly, on the high sea;
- (c) by the neighbouring Parties concerned in areas where the limits of national sovereignty or jurisdiction have not yet been defined.

3. Parties making proposals for inclusion in the SPAMI List shall provide the Centre with an introductory report containing information on the area's geographical location, its physical and ecological characteristics, its legal status, its management plans and the means for their implementation, as well as a statement justifying its Mediterranean importance;

- (a) where a proposal is formulated under subparagraphs 2 (b) and 2 (c) of this Article, the neighbouring Parties concerned shall consult each other with a view to ensuring the consistency of the proposed protection and management measures, as well as the means for their implementation;
- (b) proposals made under paragraph 2 of this Article shall indicate the protection and management measures applicable to the area as well as the means of their implementation.

4. The procedure for inclusion of the proposed area in the List is the following:

- (a) for each area, the proposal shall be submitted to the National Focal Points, which shall examine its conformity with the common guidelines and criteria adopted pursuant to Article 16;
- (b) if a proposal made in accordance with subparagraph 2 (a) of this Article is consistent with the guidelines and common criteria, after assessment, the Organization shall inform the meeting of the Parties, which shall decide to include the area in the SPAMI List;
- (c) if a proposal made in accordance with subparagraphs 2 (b) and 2 (c) of this Article is consistent with the guidelines and common criteria, the Centre shall transmit it to the Organization, which shall inform the meeting of the Parties. The decision to

include the area in the SPAMI list shall be taken by consensus by the Contracting Parties, which shall also approve the management measures applicable to the area.

5. The Parties which proposed the inclusion of the area in the List shall implement the protection and conservation measures specified in their proposals in accordance with paragraph 3 of this Article. The Contracting Parties undertake to observe the rules thus laid down. The Centre shall inform the competent international organizations of the List and of the measures taken in the SPAMIs.

6. The Parties may revise the SPAMI List. To this end, the Centre shall prepare a report.

Article 10

Changes in the Status of SPAMIs

Changes in the delimitation or legal status of a SPAMI or the suppression of all or part of such an area shall not be decided upon unless there are important reasons for doing so, taking into account the need to safeguard the environment and comply with the obligations laid down in this Protocol and a procedure similar to that followed for the creation of the SPAMI and its inclusion in the List shall be observed.

PART III

Protection and Conservation of Species

Article 11

National Measures for the Protection and Conservation of Species

1. The Parties shall manage species of flora and fauna with the aim of maintaining them in a favourable state of conservation.

2. The Parties shall, in the zones subject to their sovereignty or national jurisdiction, identify and compile lists of the endangered or threatened species of flora and fauna and accord protected status to such species. The Parties shall regulate and, where appropriate, prohibit activities having adverse effects on such species or their habitats, and carry out management, planning and other measures to ensure a favourable state of conservation of such species.

3. With respect to protected species of fauna, the Parties shall control and, where appropriate, prohibit:

- (a) the taking, possession or killing (including, to the extent possible, the incidental taking, possession or killing), the commercial trade, the transport and the exhibition for commercial purposes of these species, their eggs, parts or products;

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- (b) to the extent possible, the disturbance of wild fauna, particularly during the period of breeding, incubation, hibernation or migration, as well as other periods of biological stress.
4. In addition to the measures specified in the previous paragraph, the Parties shall coordinate their efforts, through bilateral or multilateral action, including if necessary, agreements for the protection and recovery of migratory species whose range extends into the area to which this Protocol applies.
5. With respect to protected species of flora and their parts and products, the Parties shall regulate, and where appropriate, prohibit all forms of destruction and disturbance, including the picking, collecting, cutting, uprooting, possession of, commercial trade in, or transport and exhibition for commercial purposes of such species.
6. The Parties shall formulate and adopt measures and plans with regard to ex situ reproduction, in particular captive breeding, of protected fauna and propagation of protected flora.
7. The Parties shall endeavour, directly or through the Centre, to consult with range States that are not Parties to this Protocol, with a view to coordinating their efforts to manage and protect endangered or threatened species.
8. The Parties shall make provision, where possible, for the return of protected species exported or held illegally. Efforts should be made by Parties to reintroduce such specimens to their natural habitat.

Article 12

Cooperative Measures for the Protection and Conservation of Species

1. The Parties shall adopt cooperative measures to ensure the protection and conservation of the flora and fauna listed in the Annexes to this Protocol relating to the List of Endangered or Threatened Species and the List of Species whose Exploitation is Regulated.
2. The Parties shall ensure the maximum possible protection and recovery of the species of fauna and flora listed in the Annex relating to the List of Endangered or Threatened Species by adopting at the national level the measures provided for in paragraphs 3 and 5 of Article 11 of this Protocol.
3. The Parties shall prohibit the destruction of and damage to the habitat of species listed in the Annex relating to the List of Endangered or Threatened Species and shall formulate and

implement action plans for their conservation or recovery. They shall continue to cooperate in implementing the relevant action plans already adopted.

4. The Parties, in cooperation with competent international organizations, shall take all appropriate measures to ensure the conservation of the species listed in the Annex relating to the List of Species whose Exploitation is Regulated while at the same time authorizing and regulating the exploitation of these species so as to ensure and maintain their favourable state of conservation.

5. When the range area of a threatened or endangered species extends to both sides of a national frontier or of the limit that separates the territories or the areas subject to the sovereignty or the national jurisdiction of two Parties to this Protocol, these Parties shall cooperate with a view to ensuring the protection and conservation and, if necessary, the recovery of such species.

6. Provided that no other satisfactory solutions are available and that the exemption does not harm the survival of the population or of any other species, the Parties may grant exemptions to the prohibitions prescribed for the protection of the species listed in the Annexes to this Protocol for scientific, educational or management purposes necessary to ensure the survival of the species or to prevent significant damage. Such exemptions shall be notified to the Contracting Parties.

Article 13

Introduction of Non-Indigenous or Genetically Modified Species

1. The Parties shall take all appropriate measures to regulate the intentional or accidental introduction of non-indigenous or genetically modified species to the wild and prohibit those that may have harmful impacts on the ecosystems, habitats or species in the area to which this Protocol applies.

2. The Parties shall endeavour to implement all possible measures to eradicate species that have already been introduced when, after scientific assessment, it appears that such species cause or are likely to cause damage to ecosystems, habitats or species in the area to which this Protocol applies.

PART IV

Provisions Common to protected Areas and Species

Article 14

Amendments to Annexes

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1. The procedures for amendments to Annexes to this Protocol shall be those set forth in Article 23 of the Convention.
2. All proposed amendments submitted to the meeting of Contracting Parties shall have been the subject of prior evaluation by the meeting of National Focal Points.

Article 15 Inventories

Each Party shall compile comprehensive inventories of:

- (a) areas over which they exercise sovereignty or jurisdiction that contain rare or fragile ecosystems, that are reservoirs of biological diversity, that are important for threatened or endangered species;
- (b) species of fauna or flora that are endangered or threatened.

Article 16 Guidelines and Common Criteria

The Parties shall adopt:

- (a) common criteria for the choice of protected marine and coastal areas that could be included in the SPAMI List which shall be annexed to the Protocol;
- (b) common criteria for the inclusion of additional species in the Annexes;
- (c) guidelines for the establishment and management of specially protected areas.

The criteria and guidelines referred to in paragraphs (b) and (c) may be amended by the meeting of the Parties on the basis of a proposal made by one or more Parties.

Article 17 Environmental Impact Assessment

In the planning process leading to decisions on industrial and other projects and activities that could significantly affect protected areas and species and their habitats, the Parties shall evaluate and take into consideration the possible direct or indirect, immediate or long-term, impact, including the cumulative impact of the projects and activities being contemplated.

Article 18 Integration of traditional activities

1. In formulating protective measures, the Parties shall take into account the traditional subsistence and cultural activities of their local populations. They shall grant exemptions, as necessary, to meet such needs. No exemption which is allowed for this reason shall:

- (a) endanger either the maintenance of ecosystems protected under this Protocol or the biological processes contributing to the maintenance of those ecosystems;
- (b) cause either the extinction of, or a substantial reduction in, the number of individuals making up the populations or species of flora and fauna, in particular endangered, threatened, migratory or endemic species.

2. Parties which grant exemptions from the protection measures shall inform the Contracting Parties accordingly.

Article 19

Publicity, Information, Public Awareness and Education

1. The Parties shall give appropriate publicity to the establishment of specially protected areas, their boundaries, applicable regulations, and to the designation of protected species, their habitats and applicable regulations.

2. The Parties shall endeavour to inform the public of the interest and value of specially protected areas and species, and of the scientific knowledge which may be gained from the point of view of nature conservation and other points of view. Such information should have an appropriate place in education programmes. The Parties shall also endeavour to promote the participation of their public and their conservation organizations in measures that are necessary for the protection of the areas and species concerned, including environmental impact assessments.

Article 20

Scientific, Technical and Management Research

1. The Parties shall encourage and develop scientific and technical research relating to the aims of this Protocol. They shall also encourage and develop research into the sustainable use of specially protected areas and the management of protected species.

2. The Parties shall consult, when necessary, among themselves and with competent international organizations with a view to identifying, planning and undertaking scientific and technical research and monitoring programmes necessary for the identification and monitoring of protected areas and species and assessing the effectiveness of measures taken to implement management and recovery plans.

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3. The Parties shall exchange, directly or through the Centre, scientific and technical information concerning current and planned research and monitoring programmes and the results thereof. They shall, to the fullest extent possible, coordinate their research and monitoring programmes, and endeavour jointly to define or standardize their procedures.

4. In technical and scientific research, the Parties shall give priority to SPAMIs and species appearing in the Annexes to this Protocol.

Article 21 Mutual Cooperation

1. The Parties shall, directly or with the assistance of the Centre or international organizations concerned, establish cooperation programmes to coordinate the establishment, conservation, planning and management of specially protected areas, as well as the selection, management and conservation of protected species. There shall be regular exchanges of information concerning the characteristics of protected areas and species, the experience acquired and the problems encountered.

2. The Parties shall, at the earliest opportunity, communicate any situation that might endanger the ecosystems of specially protected areas or the survival of protected species of flora and fauna to the other Parties, to the States that might be affected and to the Centre.

Article 22 Mutual assistance

1. The Parties shall cooperate, directly or with the assistance of the Centre or the international organizations concerned, in formulating, financing and implementing programmes of mutual assistance and assistance to developing countries that express a need for it with a view to implementing this Protocol.

2. These programmes shall include public environmental education, the training of scientific, technical and management personnel, scientific research, the acquisition, utilization, design and development of appropriate equipment, and transfer of technology on advantageous terms to be agreed among the Parties concerned.

3. The Parties shall, in matters of mutual assistance, give priority to the SPAMIs and species appearing in the Annexes to this Protocol.

Article 23 Reports of the Parties

The Parties shall submit to ordinary meetings of the Parties a report on the implementation of this Protocol, in particular on:

- (a) the status and the state of the areas included in the SPAMI List;
- (b) any changes in the delimitation or legal status of the SPAMIs and protected species;
- (c) possible exemptions allowed pursuant to Articles 12 and 18 of this Protocol.

PART V Institutional Provisions

Article 24 National Focal Points

Each Party shall designate a National Focal Point to serve as liaison with the Centre on the technical and scientific aspects of the implementation of this Protocol. The National Focal Points shall meet periodically to carry out the functions deriving from this Protocol.

Article 25 Coordination

1. The Organization shall be responsible for coordinating the implementation of this Protocol. For this purpose, it shall receive the support of the Centre, to which it may entrust the following functions:

- (a) assisting the Parties, in cooperation with the competent international, intergovernmental and non-governmental organizations, in:
 - establishing and managing specially protected areas in the area to which this Protocol applies;
 - conducting programmes of technical and scientific research as provided for in Article 20 of this Protocol;
 - conducting the exchange of scientific and technical information among the Parties as provided for in Article 20 of this Protocol;
 - preparing management plans for specially protected areas and species;

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- developing cooperative programmes pursuant to Article 21 of this Protocol;
- preparing educational materials designed for various groups;
- (b) convening and organizing the meetings of the National Focal Points and providing them with secretariat services;
- (c) formulating recommendations on guidelines and common criteria pursuant to Article 16 of this Protocol;
- (d) creating and updating databases of specially protected areas, protected species and other matters relevant to this Protocol;
- (e) preparing reports and technical studies that may be required for the implementation of this Protocol;
- (f) elaborating and implementing the training programmes mentioned in Article 22, paragraph 2;
- (g) cooperating with regional and international governmental and non-governmental organizations concerned with the protection of areas and species, provided that the specificity of each organization and the need to avoid the duplication of activities are respected;
- (h) carrying out the functions assigned to it in the action plans adopted in the framework of this Protocol;
- (i) carrying out any other function assigned to it by the Parties.

Article 26

Meetings of the Parties

1. The ordinary meetings of the Parties to this Protocol shall be held in conjunction with the ordinary meetings of the Contracting Parties to the Convention held pursuant to Article 18 of the Convention. The Parties may also hold extraordinary meetings in conformity with that Article.
2. The meetings of the Parties to this Protocol are particularly aimed at:
 - (a) keeping under review the implementation of this Protocol;

- (b) overseeing the work of the Organization and of the Centre relating to the implementation of this Protocol and providing policy guidance for their activities;
- (c) considering the efficacy of the measures adopted for the management and protection of areas and species, and examining the need for other measures, in particular in the form of Annexes and amendments to this Protocol or to its Annexes;
- (d) adopting the guidelines and common criteria provided for in Article 16 of this Protocol;
- (e) considering reports transmitted by the Parties under Article 23 of this Protocol, as well as any other pertinent information which the Parties transmit through the Centre;
- (f) making recommendations to the Parties on the measures to be adopted for the implementation of this Protocol;
- (g) examining the recommendations of the meetings of the National Focal Points pursuant to Article 24 of this Protocol;
- (h) deciding on the inclusion of an area in the SPAMI List in conformity with Article 9, paragraph 4, of this Protocol;
- (i) examining any other matter relevant to this Protocol, as appropriate;
- (j) discussing and evaluating the exemptions allowed by the Parties in conformity with Articles 12 and 18 of this Protocol.

PART VI

Final Provisions

Article 27

Effect of the Protocol on Domestic Legislation

The provisions of this Protocol shall not affect the right of Parties to adopt relevant stricter domestic measures for the implementation of this Protocol.

Article 28

Relationship with third parties

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1. The Parties shall invite States that are not Parties to the Protocol and international organizations to cooperate in the implementation of this Protocol.
2. The Parties undertake to adopt appropriate measures, consistent with international law, to ensure that no one engages in any activity contrary to the principles or purposes of this Protocol.

**Article 29
Signature**

This Protocol shall be open for signature in Barcelona on 10 June 1995 and in Madrid from 11 June 1995 to 10 June 1996 by any Contracting Party to the Convention.

**Article 30
Ratification, Acceptance or Approval**

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.

**Article 31
Accession**

As from 10 June 1996, this Protocol shall be open for accession by any State and regional economic grouping which is Party to the Convention.

**Article 32
Entry into Force**

1. This Protocol shall enter into force on the thirtieth day following the deposit of the sixth instrument of ratification, acceptance or approval of, or accession to, the Protocol.
2. From the date of its entry into force, this Protocol shall replace the Protocol Concerning Mediterranean Specially Protected Areas of 1982, in the relationship among the Parties to both instruments.

Annex I**Common Criteria for the Choice of Protected Marine and Coastal Areas that could be included in the SPAMI List****A. GENERAL PRINCIPLES**

The Contracting Parties agree that the following general Principles will guide their work in establishing the SPAMI List:

- a) The conservation of the natural heritage is the basic aim that must characterize a SPAMI. The pursuit of other aims such as the conservation of the cultural heritage, and the promotion of scientific research, education, participation, collaboration, is highly desirable in SPAMIs and constitutes a factor in favour of a site being included on the List, to the extent in which it remains compatible with the aims of conservation.
- b) No limit is imposed on the total number of areas included in the List or on the number of areas any individual Party can propose for inscription. Nevertheless, the Parties agree that sites will be selected on a scientific basis and included in the List according to their qualities; they will have therefore to fulfil the requirements set out by the Protocol and the present criteria.
- c) The listed SPAMI and their geographical distribution will have to be representative of the Mediterranean region and its biodiversity. To this end the List will have to represent the highest number possible of types of habitats and ecosystems.
- d) The SPAMIs will have to constitute the core of a network aiming at the effective conservation of the Mediterranean heritage. To attain this objective, the Parties will develop their cooperation on bilateral and multilateral bases in the field of conservation and management of natural sites and notably through the establishment of transboundary SPAMIs.
- e) The sites included in the SPAMI List are intended to have a value of example and model for the protection of the natural heritage of the region. To this end, the Parties ensure that sites included in the List are provided with adequate legal status, protection measures and management methods and means.

B. GENERAL FEATURES OF THE AREAS THAT COULD BE INCLUDED IN THE SPAMI LIST

1. To be eligible for inclusion in the SPAMI List, an area must fulfil at least one of the general criteria set in Article 8 paragraph 2 of the Protocol. Several of these general criteria can in

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certain cases be fulfilled by the same area, and such a circumstance cannot but strengthen the case for the inclusion of the area in the List.

2. The regional value is a basic requirement of an area for being included in the SPAMI List. The following criteria should be used in evaluating the Mediterranean interest of an area:

- a) Uniqueness
The area contains unique or rare ecosystems, or rare or endemic species.
- b) Natural representativeness
The area has highly representative ecological processes, or community or habitat types or other natural characteristics. Representativeness is the degree to which an area represents a habitat type, ecological process, biological community, physiographic feature or other natural characteristic.
- c) Diversity
The area has a high diversity of species, communities, habitats or ecosystems.
- d) Naturalness
The area has a high degree of naturalness as a result of the lack or low level of human-induced disturbance and degradation.
- e) Presence of habitats that are critical to endangered, threatened or endemic species.
- f) Cultural representativeness
The area has a high representative value with respect to the cultural heritage, due to the existence of environmentally sound traditional activities integrated with nature which support the well-being of local populations.

3. To be included in the SPAMI List, an area having scientific, educational or aesthetic interest must, respectively, present a particular value for research in the field of natural sciences or for activities of environmental education or awareness or contain outstanding natural features, landscapes or seascapes.

4. Besides the fundamental criteria specified in article 8, paragraph 2, of the Protocol, a certain number of other characteristics and factors should be considered as favourable for the inclusion of the site in the List. These include:

- a) the existence of threats likely to impair the ecological, biological, aesthetic or cultural value of the area;

- b) the involvement and active participation of the public in general, and particularly of local communities, in the process of planning and management of the area;
- c) the existence of a body representing the public, professional, non-governmental sectors and the scientific community involved in the area;
- d) the existence in the area of opportunities for sustainable development;
- e) the existence of an integrated coastal management plan within the meaning of Article 4 paragraph 3 (e) of the Convention.

C. LEGAL STATUS

1. All areas eligible for inclusion in the SPAMI List must be awarded a legal status guaranteeing their effective long-term protection.
2. To be included in the SPAMI List, an area situated in a zone already delimited over which a Party exercises sovereignty or jurisdiction must have a protected status recognized by the Party concerned.
3. In the case of areas situated, partly or wholly, on the high sea or in a zone where the limits of national sovereignty or jurisdiction have not yet been defined, the legal status, the management plan, the applicable measures and the other elements provided for in Article 9, paragraph 3, of the Protocol will be provided by the neighbouring Parties concerned in the proposal for inclusion in the SPAMI List.

D. PROTECTION, PLANNING AND MANAGEMENT MEASURES

1. Conservation and management objectives must be clearly defined in the texts relating to each site, and will constitute the basis for assessment of the adequacy of the adopted measures and the effectiveness of their implementation at the revisions of the SPAMI List.
2. Protection, planning and management measures applicable to each area must be adequate for the achievement of the conservation and management objectives set for the site in the short and long term, and take in particular into account the threats upon it.
3. Protection, planning and management measures must be based on an adequate knowledge of the elements of the natural environment and of socio-economic and cultural factors that characterize each area. In case of shortcomings in basic knowledge, an area proposed for inclusion in the SPAMI List must have a programme for the collection of the unavailable data and information.

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4. The competence and responsibility with regard to administration and implementation of conservation measures for areas proposed for inclusion in the SPAMI List must be clearly defined in the texts governing each area.
5. In the respect of the specificity characterizing each protected site, the protection measures for a SPAMI must take account of the following basic aspects:
- a) the strengthening of the regulation of the release or dumping of wastes and other substances likely directly or indirectly to impair the integrity of the area;
 - b) the strengthening of the regulation of the introduction or reintroduction of any species into the area;
 - c) the regulation of any activity or act likely to harm or disturb the species, or that might endanger the conservation status of the ecosystems or species or might impair the natural, cultural or aesthetic characteristics of the area.
 - d) the regulation applicable to the zones surrounding the area in question.
6. To be included in the SPAMI List, a protected area must have a management body, endowed with sufficient powers as well as means and human resources to prevent and/or control activities likely to be contrary to the aims of the protected area.
7. To be included in the SPAMI List an area will have to be endowed with a management plan. The main rules of this management plan are to be laid down as from the time of inclusion and implemented immediately. A detailed management plan must be presented within three years of the time of inclusion. Failure to respect this obligation entails the removal of the site from the List.
8. To be included in the SPAMI List, an area will have to be endowed with a monitoring programme. This programme should include the identification and monitoring of a certain number of significant parameters for the area in question, in order to allow the assessment of the state and evolution of the area, as well as the effectiveness of protection and management measures implemented, so that they may be adapted if need be. To this end further necessary studies are to be commissioned.

**Annex II
List of Endangered or Threatened Species**

Magnoliophyta

Posidonia oceanica

Zostera marina

Zostera noltii

Chlorophyta

Caulerpa ollivieri

Phaeophyta

Cystoseira amentacea (including var. stricta and var. spicata)

Cystoseira mediterranea

Cystoseira sedoides

Cystoseira spinosa (including C. adriatica)

Cystoseira zosteroides

Laminaria rodriguezii

Rhodophyta

Goniolithon byssoides

Lithophyllum lichenoides

Ptilophora mediterranea

Schimmelmannia schousboei

Porifera

Asbestopluma hypogea

Aplysina sp. plur.

Axinella cannabina

Axinella polypoides

Geodia cydonium

Ircinia foetida

Ircinia pipetta

Petrobiona massiliana

Tethya sp. plur.

Cnidaria

Astroides calycularis

Errina aspera

Gerardia savaglia

Echinodermata

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Asterina pancerii
Centrostephanus longispinus
Ophidiaster ophidianus

Bryozoa

Hornera lichenoides

Mollusca

Ranella olearia (= Argobuccinum olearium = A. giganteum)
Charonia lampas (= Ch. rubicunda = Ch. nodifera)
Charonia tritonis (= Ch. seguenziae)
Dendropoma petraeum
Erosaria spurca
Gibbula nivosa
Lithophaga lithophaga
Luria lurida (= Cypraea lurida)
Mitra zonata
Patella ferruginea
Patella nigra
Pholas dactylus
Pinna nobilis
Pinna rudis (= P. pernula)
Schilderia achatidea
Tonna galea
Zonaria pyrum

Crustacea

Ocypode cursor
Pachylasma giganteum

Pisces

Acipenser naccarii
Acipenser sturio
Aphanius fasciatus
Aphanius iberus
Cetorhinus maximus
Carcharodon carcharias
Hippocampus ramulosus
Hippocampus hippocampus
Huso huso
Lethenteron zanandreae
Mobula mobular

Pomatoschistus canestrinii
Pomatoschistus tortonesei
Valencia hispanica
Valencia letourneuxi

Reptiles

Caretta caretta
Chelonia mydas
Dermochelys coriacea
Eretmochelys imbricata
Lepidochelys kempii
Trionyx triunguis

Aves

Pandion haliaetus
Calonectris diomedea
Falco eleonorae
Hydrobates pelagicus
Larus audouinii
Numenius tenuirostris
Phalacrocorax aristotelis
Phalacrocorax pygmaeus
Pelecanus onocrotalus
Pelecanus crispus
Phoenicopterus ruber
Puffinus yelkouan
Sterna albifrons
Sterna bengalensis
Sterna sandvicensis

Mammalia

Balaenoptera acutorostrata
Balaenoptera borealis
Balaenoptera physalus
Delphinus delphis
Eubalaena glacialis
Globicephala melas
Grampus griseus
Kogia simus
Megaptera novaeangliae
Mesoplodon densirostris
Monachus monachus

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Orcinus orca
Phocoena phocoena
Physeter macrocephalus
Pseudorca crassidens
Stenella coeruleoalba
Steno bredanensis
Tursiops truncatus
Ziphius cavirostris

Annex III

List of Species whose Exploitation is Regulated

Porifera

Hippospongia communis
Spongia agaricina
Spongia officinalis
Spongia zimocca

Cnidaria

Antipathes sp. plur.
Corallium rubrum

Echinodermata

Paracentrotus lividus

Crustacea

Homarus gammarus
Maja squinado
Palinurus elephas
Scyllarides latus
Scyllarus pigmaeus
Scyllarus arctus

Pisces

Alosa alosa
Alosa fallax
Anguilla anguilla
Epinephelus marginatus
Isurus oxyrinchus
Lamna nasus
Lampetra fluviatilis
Petromyzon marinus
Prionace glauca
Raja alba
Sciaena umbra
Squatina squatina
Thunnus thynnus
Umbrina cirrosa
Xiphias gladius