

Protocol Concerning Cooperation in Combating Pollution of the Mediterranean Sea by Oil and other Harmful Substances in Cases of Emergency¹

The Contracting Parties to the present Protocol,

Being Parties to the Convention for the Protection of the Mediterranean Sea against Pollution,

Recognizing that grave pollution of the sea by oil and other harmful substances in the Mediterranean Sea Area involves a danger for the coastal States and the marine ecosystem,

Considering that the cooperation of all the coastal States of the Mediterranean is called for to combat this pollution,

Bearing in mind the International Convention for the Prevention of Pollution from Ships, 1973, the International Convention relating to Intervention on the High Seas in Cases of Oil Pollution Casualties, 1969, as well as the Protocol relating to Intervention on the High Seas in Cases of Marine Pollution by Substances Other than Oil, 1973,

Further taking into account the International Convention on Civil Liability for Oil Pollution Damage, 1969,

Have agreed as follows:

Article 1

The Contracting Parties to this Protocol (hereinafter referred to as "the Parties") shall cooperate in taking the necessary measures in cases of grave and imminent danger to the marine environment, the coast or related interests of one or more of the Parties due to the presence of massive quantities of oil or other harmful substances resulting from accidental causes or an accumulation of small discharges which are polluting or threatening to pollute the sea within the area defined in article 1 of the Convention for the Protection of the Mediterranean Sea against Pollution (hereinafter referred to as "the Convention").

¹ **The Protocol concerning Cooperation in Combating Pollution of the Mediterranean Sea by Oil and Other Harmful Substances in Cases of Emergency (the Emergency Protocol) 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 Protocol entered into force on 12 February 1978.**

Article 2

For the purpose of this Protocol, the term "related interests" means the interests of a coastal State directly affected or threatened and concerning, among others:

- (a) Activities in coastal waters, in ports or estuaries, including fishing activities;
- (b) The historical and tourist appeal of the area in question, including water sports and recreation;
- (c) The health of the coastal population;
- (d) The preservation of living resources.

Article 3

The Parties shall endeavour to maintain and promote, either individually or through bilateral or multilateral cooperation, their contingency plans and means for combating pollution of the sea by oil and other harmful substances. These means shall include, in particular, equipment, ships, aircraft and manpower prepared for operations in cases of emergency.

Article 4

The Parties shall develop and apply, either individually or through bilateral or multilateral cooperation, monitoring activities covering the Mediterranean Sea Area in order to have as precise information as possible on the situation referred to in article 1 of this Protocol.

Article 5

In the case of release or loss overboard of harmful substances in packages, freight containers, portable tanks or road and rail tank wagons, the Parties shall cooperate as far as practicable in the salvage and recovery of such substances so as to reduce the danger of pollution of the marine environment.

Article 6

1. Each Party undertakes to disseminate to the other Parties information concerning:
 - (a) The competent national organization or authorities responsible for combating pollution of the sea by oil and other harmful substances;
 - (b) The competent national authorities responsible for receiving reports of pollution of the sea by oil and other harmful substances and for dealing with matters concerning measures of assistance between Parties;

(c) New ways in which pollution of the sea by oil and other harmful substances may be avoided, new measures of combating pollution and the development of research programmes.

2. Parties which have agreed to exchange information directly between themselves shall nevertheless communicate such information to the regional centre. The latter shall communicate this information to the other Parties and, on a basis of reciprocity, to coastal States of the Mediterranean Sea Area which are not Parties to this Protocol.

Article 7

The Parties undertake to coordinate the utilization of the means of communication at their disposal in order to ensure, with the necessary speed and reliability, the reception, transmission and dissemination of all reports and urgent information which relate to the occurrences and situations referred to in article 1. The regional centre shall have the necessary means of communication to enable it to participate in this coordinated effort and, in particular, to fulfil the functions assigned to it by paragraph 2 of article 10.

Article 8

1. Each Party shall issue instructions to the masters of ships flying its flag and to the pilots of aircraft registered in its territory requiring them to report by the most rapid and adequate channels in the circumstances, and in accordance with annex I to this Protocol, either to a Party or to the regional centre:

(a) All accidents causing or likely to cause pollution of the sea by oil or other harmful substances;

(b) The presence, characteristics and extent of spillages of oil or other harmful substances observed at sea which are likely to present a serious and imminent threat to the marine environment or to the coast or related interests of one or more of the Parties.

2. The information collected in accordance with paragraph 1 shall be communicated to the other Parties likely to be affected by the pollution:

(a) By the Party which has received the information, either directly or preferably, through the regional centre; or

(b) By the regional centre.

In case of direct communication between Parties, the regional centre shall be informed of the measures taken by these Parties.

3. In consequence of the application of the provisions of paragraph 2, the Parties are not bound by the obligation laid down in article 9, paragraph 2, of the Convention.

Article 9

1. Any Party faced with a situation of the kind defined in article 1 of this Protocol shall:

(a) Make the necessary assessments of the nature and extent of the casualty or emergency or, as the case may be, of the type and approximate quantity of oil or other harmful substances and the direction and speed or drift of the spillage;

(b) Take every practicable measure to avoid or reduce the effects of pollution;

(c) Immediately inform all other Parties, either directly or through the regional centre, of these assessments and of any action which it has taken or which it intends to take to combat the pollution;

(d) Continue to observe the situation for as long as possible and report thereon in accordance with article 8.

2. Where action is taken to combat pollution originating from a ship, all possible measures shall be taken to safeguard the persons present on board and, to the extent possible, the ship itself. Any Party which takes such action shall inform the Inter-Governmental Maritime Consultative Organization.

Article 10

1. Any Party requiring assistance for combating pollution by oil or other harmful substances polluting or threatening to pollute its coasts may call for assistance from other Parties, either directly or through the regional centre referred to in article 6, starting with the Parties which appear likely to be affected by the pollution. This assistance may comprise, in particular, expert advice and the supply to or placing at the disposal of the Party concerned of products, equipment and nautical facilities. Parties so requested shall use their best endeavours to render this assistance.

2. Where the Parties engaged in an operation to combat pollution cannot agree on the organization of the operation, the regional centre may, with their approval, coordinate the activity of the facilities put into operation by these Parties.

Article 11

The application of the relevant provisions of articles 6, 7, 8, 9 and 10 of this Protocol relating to the regional centre shall be extended, as appropriate, to sub-regional centres in the event of their establishment, taking into account their objectives and functions and their relationship with the said regional centre.

Article 12

1. Ordinary meetings of the Parties to this Protocol shall be held in conjunction with ordinary meetings of the Contracting Parties to the Convention, held pursuant to article 14 of the Convention. The Parties to this Protocol may also hold extraordinary meetings as provided in article 18 of the Convention.

2. It shall be the function of the meetings of the Parties to this Protocol, in particular:

(a) To keep under review the implementation of this Protocol, and to consider the efficacy of the measures adopted and the need for any other measures, in particular in the form of annexes;

(b) To review and amend as required any annex to this Protocol;

(c) To discharge such other functions as may be appropriate for implementation of this Protocol.

Article 13

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

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.

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

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

ANNEX I

**CONTENTS OF THE REPORT TO BE MADE PURSUANT
TO ARTICLE 8 OF THIS PROTOCOL**

1. Each report shall, as far as possible, contain, in general:
 - (a) The identification of the source of pollution (identity of the ship, where appropriate);
 - (b) The geographic position, time and date of the occurrence of the incident or of the observation;
 - (c) The wind and sea conditions prevailing in the area; and
 - (d) Where the pollution originates from a ship, relevant details respecting the condition of the ship.
2. Each report shall contain, whenever possible, in particular:
 - (a) A clear indication or description of the harmful substances involved, including the correct technical names of such substances (trade names should not be used in place of the correct technical names);
 - (b) A statement or estimate of the quantities, concentrations and likely condition of harmful substances discharged or likely to be discharged into the sea;
 - (c) Where relevant, a description of the packaging and identifying marks; and
 - (d) The name of the consignor, consignee or manufacturer.
3. Each report shall clearly indicate, whenever possible, whether the harmful substance discharged or likely to be discharged is oil or a noxious liquid, solid or gaseous substance and whether such substance was or is carried in bulk or contained in packaged form, freight containers, portable tanks, or road and rail tank wagons.
4. Each report shall be supplemented, as necessary, by any relevant information requested by a recipient of the report or deemed appropriate by the person sending the report.
5. Any of the persons referred to in article 8, paragraph 1 of this Protocol shall:
 - (a) Supplement as far as possible the initial report, as necessary, with information concerning further developments; and
 - (b) Comply as fully as possible with requests from affected States for additional information.