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MULTILATERAL

Convention on the protection of the Black Sea against pollution (with annexes and protocols). Concluded at Bucharest on 21 April 1992

Authentic text: English.

Registered by Romania on 10 February 1994.

MULTILATÉRAL

Convention pour la protection de la mer Noire contre la pollution (avec annexes et protocoles). Conclue à Bucarest le 21 avril 1992

Texte authentique : anglais.

Enregistrée par la Roumanie le 10 février 1994.

CONVENTION¹ ON THE PROTECTION OF THE BLACK SEA AGAINST POLLUTION

The Contracting Parties,

Determined to act with a view to achieve progress in the protection of the marine environment of the Black Sea and in the conservation of its living resources,

Conscious of the importance of the economic, social and health values of the marine environment of the Black Sea,

Convinced that the natural resources and amenities of the Black Sea can be preserved primarily through joint efforts of the Black Sea countries,

Taking into account the generally accepted rules and regulations of international law,

Having in mind the principles, customs and rules of general international law regulating the protection and preservation of the marine environment and the conservation of the living resources thereof,

Taking into account the relevant provisions of the Convention on Prevention of Marine Pollution by Dumping of Wastes and Other Matter of 1972² as amended;³ the International Convention on Prevention of Pollution from Ships of 1973 as modified by the Protocol of 1978 relating thereto⁴ as amended;⁵ the Convention on Control of Transboundary Movement of Hazardous Wastes and Their Disposal of 1989⁶ and the International Convention on Oil Pollution Preparedness, Response and Cooperation of 1990,⁷

Recognizing the significance of the principles adopted by the Conference on Security and Cooperation in Europe,⁸

¹ Came into force on 15 January 1994, i.e., 60 days after the date of deposit of the fourth instrument of ratification, acceptance or approval with the Government of Romania, in accordance with article XXI:

<i>Participant</i>	<i>Date of deposit of the instrument of ratification</i>
Bulgaria.....	23 February 1993
Georgia.....	1 September 1993
Romania.....	10 November 1992
Russian Federation.....	16 November 1993

² United Nations, *Treaty Series*, vol. 1046, p. 120.

³ *Ibid.*, vol. 1140, p. 377; vol. 1263, p. 469; and vol. 1582, No. A-15749.

⁴ *Ibid.*, vol. 1340, p. 61.

⁵ *Ibid.*, vol. 1421, No. A-22484; vol. 1460, No. A-22484; vol. 1545, No. A-22484; vol. 1593, No. A-22484; vol. 1606, No. A-22484; vol. 1673, No. A-22484; vol. 1727, No. A-22484, and vol. 1733, No. A-22484.

⁶ *Ibid.*, vol. 1673, No. I-28911.

⁷ Registered with the Secretariat of the United Nations on 13 May 1995 under No. I-32194.

⁸ *International Legal Materials*, vol. XIV (1975), p. 1292 (American Society of International Law).

Taking into account their interest in the conservation, exploitation and development of the bio-productive potential of the Black Sea,

Bearing in mind that the Black Sea coast is a major international resort area where Black Sea Countries have made large investments in public health and tourism,

Taking into account the special hydrological and ecological characteristics of the Black Sea and the hypersensitivity of its flora and fauna to changes in the temperature and composition of the sea water,

Noting that pollution of the marine environment of Black Sea also emanates from land-based sources in other countries of Europe, mainly through rivers,

Reaffirming their readiness to cooperate in the preservation of the marine environment of the Black Sea and the protection of its living resources against pollution,

Noting the necessity of scientific, technical and technological cooperation for the attainment of the purposes of the Convention,

Noting that existing international agreements do not cover all aspects of pollution of the marine environment of the Black Sea emanating from third countries,

Realizing the need for close cooperation with competent international organizations based on a concerted regional approach for the protection and enhancement of the marine environment of the Black Sea,

Have agreed as follows:

Article I **Area of application**

1. This Convention shall apply to the Black Sea proper with the southern limit constituted for the purposes of this Convention by the line joining Capes Kelagra and Dalyan.

2. For the purposes of this Convention the reference to the Black Sea shall include the territorial sea and exclusive economic zone of each Contracting Party in the Black Sea. However, any Protocol to this Convention may provide otherwise for the purposes of that Protocol.

Article II **Definitions**

For the purposes of this Convention:

1. "Pollution of the marine environment" 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, hazard to human health, hindrance to marine activities, including fishing and other legitimate uses of the sea, impairment of quality for use of sea water and reduction of amenities.

2. a) "Vessel" means seaborne craft of any type. This expression includes hydrofoil boats, air-cushion vehicles, submersibles, floating craft whether self-propelled or not and platforms and other man-made structures at sea.

b) "Aircraft" means airborne craft of any type.

3. a) "Dumping" means:

i) any deliberate disposal of wastes or other matter from vessels or aircraft;

ii) any deliberate disposal of vessels or aircraft;

b) "Dumping" does not include:

i) the disposal of wastes or other matter incidental to or derived from the normal operations of vessels or aircraft and their equipment, other than wastes or other matter transported by or to vessels or aircraft operating for purpose of disposal of such matter or derived from the treatment of such wastes or other matter on such vessels or aircraft;

ii) placement of matter for a purpose other than the mere disposal thereof, provided that such placement is not contrary to the aims of this Convention.

4. "Harmful substance" means any hazardous, noxious or other substance, the introduction of which into the marine environment would result in pollution or adversely affect the biological processes due to its toxicity and/or persistence and/or bioaccumulation characteristics.

Article III General provisions

The Contracting Parties take part in this Convention on the basis of full equality in rights and duties, respect for national sovereignty and independence, non-interference in their internal affairs, mutual benefit and other relevant principles and norms of international law.

Article IV Sovereign immunity

This Convention does not apply to any warship, naval auxiliary or other vessels or aircraft owned or operated by a State and used, for the time being, only on government noncommercial service.

However, each Contracting Party shall ensure, by the adoption of appropriate measures not impairing operations of such vessels or aircraft owned or operated by it, that such vessels or aircraft act in a manner consistent, so far as is practicable, with this Convention.

Article V General undertakings

1. Each Contracting Party shall ensure the application of the Convention in those areas of the Black Sea where it exercises its sovereignty as well as its sovereign rights and jurisdiction without prejudice to the rights and obligations of the Contracting Parties arising from the rules of international law.

Each Contracting Party, in order to achieve the purposes of this Convention, shall bear in mind the adverse effect of pollution within its internal waters on the marine environment of the Black Sea.

2. The Contracting Parties shall take individually or jointly, as appropriate, all necessary measures consistent with international law and in accordance with the provisions of this Convention to prevent, reduce and control pollution thereof in order to protect and preserve the marine environment of the Black Sea.

3. The Contracting Parties will cooperate in the elaboration of additional Protocols and Annexes other than those attached to this Convention, as necessary for its implementation.

4. The Contracting Parties, when entering bilateral or multilateral agreements for the protection and preservation of the marine environment of the Black Sea, shall endeavour to ensure that such agreements are consistent with this Convention. Copies of such agreements shall be transmitted to the other Contracting Parties through the Commission as defined in Article XVII of this Convention.

5. The Contracting Parties will cooperate in promoting, within international organizations found to be competent by them, the elaboration of measures contributing to the protection and preservation of the marine environment of the Black Sea.

Article VI Pollution by hazardous substances and matter

Each Contracting Party shall prevent pollution of the marine environment of the Black Sea from any source by substances or matter specified in the Annex to this Convention.

Article VII
Pollution from land-based sources

The Contracting Parties shall prevent, reduce and control pollution of the marine environment of the Black Sea from land-based sources, in accordance with the Protocol on the Protection of the Black Sea Marine Environment Against Pollution from Land-Based Sources¹ which shall form an integral part of this Convention.

Article VIII
Pollution from vessels

The Contracting Parties shall take individually or, when necessary, jointly, all appropriate measures to prevent, reduce and control pollution of the marine environment of the Black Sea from vessels in accordance with generally accepted international rules and standards.

Article IX
**Cooperation in combating pollution
in emergency situations**

The Contracting Parties shall cooperate in order to prevent, reduce and combat pollution of the marine environment of the Black Sea resulting from emergency situations in accordance with the Protocol on Cooperation in Combatting Pollution of the Black Sea by Oil and Other Harmful Substances in Emergency Situations² which shall form an integral part of this Convention.

Article X
Pollution by dumping

1. The Contracting Parties shall take all appropriate measures and cooperate in preventing, reducing and controlling pollution caused by dumping in accordance with the Protocol on the Protection of the Black Sea Marine Environment Against Pollution by Dumping³ which shall form an integral part of this Convention.

2. The Contracting Parties shall not permit, within areas under their respective jurisdiction, dumping by natural or juridical persons of non-Black Sea States.

Article XI
Pollution from activities on the continental shelf

1. Each Contracting Party shall, as soon as possible, adopt laws and regulations and take measures to prevent, reduce and control pollution of the marine environment of the Black Sea caused by or connected with activities on its continental shelf, including

¹ See p. 18 of this volume.

² See p. 24 of this volume.

³ See p. 27 of this volume.

the exploration and exploitation of the natural resources of the continental shelf.

The Contracting Parties shall inform each other through the Commission of the laws, regulations and measures adopted by them in this respect.

2. The Contracting Parties shall cooperate in this field, as appropriate, and endeavour to harmonize the measures referred to in paragraph 1 of this Article.

Article XII Pollution from or through the atmosphere

The Contracting Parties shall adopt laws and regulations and take individual or agreed measures to prevent, reduce and control pollution of the marine environment of the Black Sea from or through the atmosphere, applicable to the airspace above their territories and to vessels flying their flag or vessels and aircraft registered in their territory.

Article XIII Protection of the marine living resources

The Contracting Parties, when taking measures in accordance with this Convention for the prevention, reduction and control of the pollution of the marine environment of the Black Sea, shall pay particular attention to avoiding harm to marine life and living resources, in particular by changing their habitats and creating hindrance to fishing and other legitimate uses of the Black Sea, and in this respect shall give due regard to the recommendations of competent international organizations.

Article XIV Pollution by hazardous wastes in transboundary movement

The Contracting Parties shall take all measures consistent with international law and cooperate in preventing pollution of the marine environment of the Black Sea due to hazardous wastes in transboundary movement, as well as in combatting illegal traffic thereof, in accordance with the Protocol to be adopted by them.

Article XV Scientific and technical cooperation and monitoring

1. The Contracting Parties shall cooperate in conducting scientific research aimed at protecting and preserving the marine environment of the Black Sea and shall undertake, where appropriate, joint programmes of scientific research, and exchange relevant scientific data and information.

2. The Contracting Parties shall cooperate in conducting studies aimed at developing ways and means for the assessment of

the nature and extent of pollution and of its effect on the ecological system in the water column and sediments, detecting polluted areas, examining and assessing risks and finding remedies, and in particular, they shall develop alternative methods of treatment, disposal, elimination or utilization of harmful substances.

3. The Contracting Parties shall cooperate through the Commission in establishing appropriate scientific criteria for the formulation and elaboration of rules, standards, and recommended practices and procedures for the prevention, reduction and control of pollution of the marine environment of the Black Sea.

4. The Contracting Parties shall, *inter alia*, establish through the Commission and, where appropriate, in cooperation with international organizations they consider to be competent, complementary or joint monitoring programmes covering all sources of pollution and shall establish a pollution monitoring system for the Black Sea including, as appropriate, programmes at bilateral or multilateral level for observing, measuring, evaluating and analyzing the risks or effects of pollution of the marine environment of the Black Sea.

5. When the Contracting Parties have reasonable grounds for believing that activities under their jurisdiction or control may cause substantial pollution or significant and harmful changes to the marine environment of the Black Sea, they shall, before commencing such activities, assess their potential effects on the basis of all relevant information and monitoring data and shall communicate the results of such assessments to the Commission.

6. The Contracting Parties shall co-operate as appropriate, in the development, acquisition and introduction of clean and low-waste technology, *inter alia*, by adopting measures to facilitate the exchange of such technology.

7. Each Contracting Party shall designate the competent national authority responsible for scientific activities and monitoring.

Article XVI Responsibility and liability

1. The Contracting Parties are responsible for the fulfillment of their international obligations concerning the protection and the preservation of the marine environment of the Black Sea.

2. Each Contracting Party shall adopt rules and regulations on the liability for damage caused by natural or juridical persons to the marine environment of the Black Sea in areas where it exercises, in accordance with international law, its sovereignty, sovereign rights or jurisdiction.

3. The Contracting Parties shall ensure that recourse is available in accordance with their legal systems for prompt and adequate compensation or other relief for damage caused by pollution of the marine environment of the Black Sea by natural or juridical persons under their jurisdiction.

4. The Contracting Parties shall cooperate in developing and harmonizing their laws, regulations and procedures relating to liability, assessment of and compensation for damage caused by pollution of the marine environment of the Black Sea, in order to ensure the highest degree of deterrence and protection for the Black Sea as a whole.

Article XVII **The Commission**

1. In order to achieve the purposes of this Convention, the Contracting Parties shall establish a Commission on the Protection of the Black Sea Against Pollution, hereinafter referred to as "the Commission".

2. Each Contracting Party shall be represented in the Commission by one Representative who may be accompanied by Alternate Representatives, Advisers and Experts.

3. The Chairmanship of the Commission shall be assumed by each Contracting Party, in turn, in the alphabetical order of the English language. The first Chairman of the Commission shall be the Representative of the Republic of Bulgaria.

The Chairman shall serve for one year, and during his term he cannot act in the capacity of Representative of his country. Should the Chairmanship fall vacant, the Contracting Party chairing the Commission shall appoint a successor to remain in office until the term of its Chairmanship expires.

4. The Commission shall meet at least once a year. The Chairman shall convene extraordinary meetings upon the request of any Contracting Party.

5. Decisions and recommendations of the Commission shall be adopted unanimously by the Black Sea States.

6. The Commission shall be assisted in its activities by a permanent Secretariat. The Commission shall nominate the Executive Director and other officials of the Secretariat. The Executive Director shall appoint the technical staff in accordance with the rules to be established by the Commission. The Secretariat shall be composed of nationals of all Black Sea States.

The Commission and the Secretariat shall have their headquarters in Istanbul. The location of the headquarters may be changed by the Contracting Parties by consensus.

7. The Commission shall adopt its Rules of Procedure for carrying out its functions, decide upon the organization of its activities and establish subsidiary bodies in accordance with the provisions of this Convention.

8. Representatives, Alternate Representatives, Advisers and Experts of the Contracting Parties shall enjoy in the territory of the respective Contracting Party diplomatic privileges and immunities in accordance with international law.

9. The privileges and immunities of the officials of the Secretariat shall be determined by agreement among the Contracting Parties.

10. The Commission shall have such legal capacity as may be necessary for the exercise of its functions.

11. The Commission shall conclude a Headquarters Agreement with the host Contracting Party.

Article XVIII Functions of the Commission

The Commission shall:

1. Promote the implementation of this Convention and inform the Contracting Parties of its work.

2. Make recommendations on measures necessary for achieving the aims of this Convention.

3. Consider questions relating to the implementation of this Convention and recommend such amendments to the Convention and to the Protocols as may be required, including amendments to Annexes of this Convention and the Protocols.

4. Elaborate criteria pertaining to the prevention, reduction and control of pollution of the marine environment of the Black Sea and to the elimination of the effects of pollution, as well as recommendations on measures to this effect.

5. Promote the adoption by the Contracting Parties of additional measures needed to protect the marine environment of the Black Sea, and to that end receive, process and disseminate to the Contracting Parties relevant scientific, technical and statistical information and promote scientific and technical research.

6. Cooperate with competent international organizations, especially with a view to developing appropriate programmes or obtaining assistance in order to achieve the purposes of this Convention.

7. Consider any questions raised by the Contracting Parties.

8. Perform other functions as foreseen in other provisions of this Convention or assigned unanimously to the Commission by the Contracting Parties.

Article XIX Meetings of the Contracting Parties

1. The Contracting Parties shall meet in conference upon recommendation by the Commission. They shall also meet in Conference within ten days at the request of one Contracting Party under extraordinary circumstances.

2. The primary function of the meetings of the Contracting Parties shall be the review of the implementation of this Convention and of the Protocols upon the report of the Commission.

3. A non-Black Sea State which accedes to this Convention may attend the meetings of the Contracting Parties in an advisory capacity.

Article XX
Adoption of amendments to the Convention
and/or to the Protocols

1. Any Contracting Party may propose amendments to the articles of this Convention.

2. Any Contracting Party to this Convention may propose amendments to any Protocol.

3. Any such proposed amendment shall be transmitted to the depositary and communicated by it through diplomatic channels to all the Contracting Parties and to the Commission.

4. Amendments to this Convention and to any Protocol shall be adopted by consensus at a Diplomatic Conference of the Contracting Parties to be convened within 90 days after the circulation of the proposed amendment by the depositary.

5. The amendments shall enter into force 30 days after the depositary has received notifications of acceptance of these amendments from all Contracting Parties.

Article XXI
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. Any Contracting Party may propose amendments to the Annexes to this Convention or to the Annexes of any Protocol through its Representative in the Commission. Such amendments shall be adopted by the Commission on the basis of consensus. The depositary, duly informed by the Chairman of the Commission of its decision, shall without delay communicate the amendments so adopted to all the Contracting Parties. Such amendments shall enter into force 30 days after the depositary has received notifications of acceptance from all Contracting Parties.

3. The provisions of paragraph 2 of this Article shall apply to the adoption and entry into force of a new Annex to this Convention or to any Protocol.

Article XXII
Notification of entry into force of amendments

The depositary shall inform, through diplomatic channels, the Contracting Parties of the date on which amendments adopted under Articles XX and XXI enter into force.

Article XXIII
Financial rules

The Contracting Parties shall decide upon all financial matters on the basis of unanimity, taking into account the recommendations of the Commission.

Article XXIV
Relation to other international instruments

Nothing in this Convention shall affect in any way the sovereignty of States over their territorial sea, established in accordance with international law, and the sovereign rights and the jurisdiction which States have in their exclusive economic zones and their continental shelf in accordance with international law, and the exercise by ships and aircraft of navigational rights and freedoms as provided for in international law and as reflected in relevant international instruments.

Article XXV
Settlement of disputes

In case of a dispute between Contracting Parties concerning the interpretation and implementation of this Convention, they shall seek a settlement of the dispute through negotiations or any other peaceful means of their own choice.

Article XXVI
Adoption of additional Protocols

1. At the request of a Contracting Party or upon a recommendation by the Commission, a Diplomatic Conference of the Contracting Parties may be convened with the consent of all Contracting Parties in order to adopt additional Protocols.

2. Signature, ratification, acceptance, approval, accession to, entry into force, and denunciation of additional Protocols shall be done in accordance with procedures contained, respectively, in Articles XXVIII, XXIX, and XXX of this Convention.

Article XXVII
Reservations

No reservations may be made to this Convention.

Article XXVIII
Signature, ratification, acceptance,
approval and accession

1. This Convention shall be open for signature by the Black Sea States.

2. This Convention shall be subject to ratification, acceptance or approval by the States which have signed it.

3. This Convention shall be open for accession by any non-Black Sea State interested in achieving the aims of this Convention and contributing substantially to the protection and preservation of the marine environment of the Black Sea provided the said State has been invited by all Contracting Parties. Procedures with regard to the invitation for accession will be dealt with by the depositary.

4. The instruments of ratification, acceptance, approval or accession shall be deposited with the depositary. The depositary of this Convention shall be the Government of Romania.

Article XXIX
Entry into force

This Convention shall enter into force 60 days after the date of deposit with the depositary of the fourth instrument of ratification, acceptance or approval.

For a State acceding to this Convention in accordance with Article XXVIII, the Convention shall enter into force 60 days after the deposit of its instrument of accession.

Article XXX
Denunciation

After the expiry of five years from the date of entry into force of this Convention, any Contracting Party may, by written notification addressed to the depositary, denounce this Convention. The denunciation shall take effect on the thirty-first day of December of the year which follows the year in which the depositary was notified of the denunciation.

Done in English, on the twenty first day of the month of April of one thousand nine hundred and ninety two, in Bucharest.

For the Republic of Bulgaria:

[VALENTIN VASILEV]¹

For the Republic of Georgia:

[DAVID NAKANI]

For Romania:

[MARCIAN BLEAHU]

For the Russian Federation:

[F. S. SHELOV-KOVEDIAEV]

For the Republic of Turkey:

[DOGANCAR AKYUREK]

For Ukraine:

[YURI SCHERBAK]

¹ Names of signatories appearing between brackets were not legible and have been supplied by the Government of Romania — Les noms des signataires donnés entre crochets étaient illisibles et ont été fournis par le Gouvernement roumain.

ANNEX

1. Organotin compounds.
2. Organohalogen compounds e.g. DDT, DDE, DDD, PCB's.
3. Persistent organophosphorus compounds.
4. Mercury and mercury compounds.
5. Cadmium and cadmium compounds.
6. Persistent substances with proven toxic, carcinogenic, teratogenic or mutagenic properties.
7. Used lubricating oils.
8. Persistent synthetic materials which may float, sink or remain in suspension.
9. Radioactive substances and wastes, including used radioactive fuel.
10. Lead and lead compounds.

PROTOCOL ON PROTECTION OF THE BLACK SEA MARINE ENVIRONMENT AGAINST POLLUTION FROM LAND BASED SOURCES

Article 1

In accordance with Article VII of the Convention, the Contracting Parties shall take all necessary measures to prevent, reduce and control pollution of the marine environment of the Black Sea caused by discharges from land-based sources on their territories such as rivers, canals, coastal establishments, other artificial structures, outfalls or run-off, or emanating from any other land-based source, including through the atmosphere.

Article 2

For the purposes of this Protocol, the fresh water limit means the landward part of the line drawn between the endpoints on the right and the left banks of a water course where it reaches the Black Sea.

Article 3

This protocol shall apply to the Black Sea as defined in Article I of the Convention and to the waters landward of the baselines from which the breadth of the territorial sea is measured and in the case of fresh-water courses, up to the fresh-water limit.

Article 4

The Contracting Parties undertake to prevent and eliminate pollution of the marine environment of the Black Sea from land-based sources by substances and matter listed in Annex I to this Protocol.

The Contracting Parties undertake to reduce and, whenever possible, to eliminate pollution of the marine environment of the Black Sea from land-based sources by substances and matter listed in Annex II to this Protocol.

As to water courses that are tributaries to the Black Sea, the Contracting Parties will endeavour to cooperate, as appropriate, with other States in order to achieve the purposes set forth in this Article.

Article 5

Pursuant to the provisions of Article XV of the Convention, each Contracting Party shall carry out, at the earliest possible date, monitoring activities in order to assess the levels of pollution, its sources and ecological effects along its coast, in particular with regard to the substances and matter listed in Annexes I and II to this Protocol. Additional research will be

conducted upstream of river sections in order to investigate fresh/salt water interactions.

Article 6

In conformity with Article XV of the Convention, the Contracting Parties shall cooperate in elaborating common guidelines, standards or criteria dealing with special characteristics of marine outfalls and in undertaking research on specific requirements for effluents necessitating separate treatment and concerning the quantities of discharged substances and matter listed in Annexes I and II, their concentration in effluents, and methods of discharging them.

The common emission standards and timetable for the implementation of the programme and measures aimed at preventing, reducing or eliminating, as appropriate, pollution from land-based sources shall be fixed by the Contracting Parties and periodically reviewed for substances and matter listed in Annexes I and II to this Protocol.

The Commission shall define pollution prevention criteria as well as recommend appropriate measures to reduce, control and eliminate pollution of the marine environment of the Black Sea from land-based sources.

The Contracting Parties shall take into consideration the following:

a) The discharge of water from municipal sewage systems should be made in such a way as to reduce the pollution of the marine environment of the Black Sea.

b) The pollution load of industrial wastes should be reduced in order to comply with the accepted concentrations of substances and matter listed in Annexes I and II to this Protocol.

c) The discharge of cooling water from nuclear power plants or other industrial enterprises using large amounts of water should be made in such a way as to prevent pollution of the marine environment of the Black Sea.

d) The pollution load from agricultural and forest areas affecting the water quality of the marine environment of the Black Sea should be reduced in order to comply with the accepted concentrations of substances and matter listed in Annexes I and II to this Protocol.

Article 7

The Contracting Parties shall inform one another through the Commission of measures taken, results achieved or difficulties encountered in the application of this Protocol. Procedures for the collection and transmission of such information shall be determined by the Commission.

ANNEX I

HAZARDOUS SUBSTANCES AND MATTER

The following substances or groups of substances or matter are not listed in order of priority. They have been selected mainly on the basis of their toxicity, persistence and bioaccumulation characteristics.

This Annex does not apply to discharges which contain substances and matter listed below that are below the concentration limits defined jointly by the Contracting Parties, not exceeding environmental background concentrations.

1. Organotin compounds.
2. Organohalogen compounds, e.g. DDT, DDE, DDD, PCB's.
3. Persistent organophosphorus compounds.
4. Mercury and mercury compounds.
5. Cadmium and cadmium compounds.
6. Persistent substances with proven toxic carcinogenic, teratogenic or mutagenic properties.
7. Used lubricating oils.
8. Persistent synthetic materials which may float, sink or remain in suspension.
9. Radioactive substances and wastes, including used radioactive fuel.
10. Lead and lead compounds.

ANNEX II

NOXIOUS SUBSTANCES AND MATTER

The following substances and matter have been selected mainly on the basis of criteria used in Annex I, while taking into account the fact that they are less harmful or more readily rendered harmless by natural processes.

The control and strict limitation of the discharges of substances and matter referred to in this Annex shall be implemented in accordance with Annex III to this Protocol.

1. Biocides and their derivatives not covered in Annex I.
2. Cyanides, flourides, and elemental phosphorus.
3. Pathogenic micro-organisms.
4. Nonbiodegradable detergents and their surface-active substances.
5. Alkaline or acid compounds.
6. Thermal discharges.
7. Substances which, although of a non-toxic nature, may become harmful to the marine biota owing to the quantities in which they are discharged e.g. inorganic phosphorous, nitrogen, organic matter and other nutrient compounds. Also substances which have an adverse effect on the oxygen content in the marine environment.
8. The following elements and their compounds:

Zinc	Selenium	Tin	Vanadium
Copper	Arsenic	Barium	Cobalt
Nickel	Antimony	Beryllium	Thallium
Chromium	Molybdenum	Boron	Tellurium
	Titanium	Uranium	Silver

9. Crude oil and hydrocarbons of any origin.

ANNEX III

The discharges of substances and matter listed in Annex II to this Protocol shall be subject to restrictions based on the following:

1. Maximum permissible concentrations of the substances and matter immediate before the outlet;
2. Maximum permissible quantity (load, inflow) of the substances and matter per annual cycle or shorter time limit;
3. In case of differences between 1 and 2 above, the stricter restriction should apply.

When issuing a permit for the discharge of wastes containing substances and matter referred to in Annexes I and II to this Protocol, the national authorities will take particular account, as the case may be, of the following factors:

A. CHARACTERISTICS AND COMPOSITION OF THE WASTE

1. Type and size of waste source (e.g. industrial process).
2. Type of waste (origin, average composition).
3. Form of waste (solid, liquid, sludge, slurry).
4. Total amount (volume discharged. e.g. per year).
5. Discharge pattern (continuous, intermittent, seasonally variable, etc.).
6. Concentrations with respect to major constituents, substances listed in Annex I, substances listed in Annex II, and other harmful substances as appropriate.
7. Physical, chemical and biological properties of the waste.

B. CHARACTERISTICS OF WASTE CONSTITUENTS WITH RESPECT TO THEIR HARMFULNESS

1. Persistence (physical, chemical, biological) in the marine environment.
2. Toxicity and other harmful effects.
3. Accumulation in biological materials and sediments.
4. Biochemical transformation producing harmful compounds.
5. Adverse effects on the oxygen contents and balance.
6. Susceptibility to physical, chemical and biochemical changes and interaction in the marine environment with other seawater constituents which may produce harmful biological or other effects on any of the uses listed in section E below.

C. CHARACTERISTICS OF DISCHARGE SITE AND RECEIVING MARINE ENVIRONMENT

1. Hydrographic, meteorological, geological and topographic characteristics of the coastal area.
2. Location and type of discharge (outfall, canal, outlet, etc.) and its relation to other areas (such as amenity areas, spawning, nursery and fishing areas, shellfish grounds) and other discharges.
3. initial dilution achieved at the point of discharge into the receiving marine environment.
4. Dispersal characteristics such as the effect of currents, tides and winds on horizontal transport and vertical mixing.
5. Receiving water characteristics with respect to physical, chemical, biological and ecological conditions in the discharge area.
6. Capacity of the receiving marine environment to receive waste discharges without undesirable effects.

D. AVAILABILITY OF WASTE TECHNOLOGIES

The methods of waste reduction and discharge for industrial effluents as well as household sewage should be selected taking into account the availability and feasibility of:

- a) Alternative treatment processes;
- b) Recycling, re-use, or elimination methods;
- c) On-land disposal alternatives; and
- d) Appropriate clean and low-waste technologies.

E. POTENTIAL IMPAIRMENT OF MARINE ECOSYSTEMS AND SEA-WATER USES

1. Effects on human life through pollution impact on:

- a) Edible marine organisms;
- b) Bathing waters;
- c) Aesthetics.

Discharges of wastes containing substances and matter listed in Annexes I and II shall be subject to a system of self-monitoring and control by the competent national authorities.

2. Effects on marine ecosystems, in particular living resources, endangered species, and critical habitats.

3. Effects on other legitimate uses of the sea.

PROTOCOL ON COOPERATION IN COMBATING POLLUTION OF THE
BLACK SEA MARINE ENVIRONMENT BY OIL AND OTHER HARM-
FUL SUBSTANCES IN EMERGENCY SITUATIONS

Article 1

In accordance with Article IX of the Convention, the Contracting Parties shall take necessary measures and cooperate in cases of grave and imminent danger to the marine environment of the Black Sea or to the coast 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 from accumulation of small discharges which are polluting or constituting a threat of pollution.

Article 2

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

Article 3

Each Contracting Party shall take necessary measures for detecting violations and, within areas under its jurisdiction for enforcing the provisions of this Protocol. Furthermore, the Contracting Parties shall ensure compliance with the provisions of this Protocol by vessels flying their flag.

The Contracting Parties shall promote exchange of information on subjects related to the implementation of this Protocol, including transmission of reports and urgent information which relate to Article 1 thereof.

Article 4

Any Contracting Party which becomes aware of cases where the marine environment of the Black Sea is in imminent danger of being damaged or has been significantly damaged by pollution, it shall immediately notify the other Contracting Parties it deems likely to be affected by such damage as well as the Commission.

Article 5

Each Contracting Party shall indicate to the other Contracting Parties and the Commission, the competent national authorities responsible for controlling and combatting of pollution by oil and other harmful substances. Each Contracting Party shall also designate a focal point to transmit and receive reports of

incidents which have resulted or may result in a discharge of oil or other harmful substances, in accordance with the provisions of relevant international instruments.

Article 6

1. Each Contracting Party shall issue instructions to the masters of vessels flying its flag and to the pilots of aircraft registered in its territory requiring them to report in accordance with the Annex to this Protocol and by the most rapid and reliable channels, to the Party or Parties that might potentially be affected and to the Commission:

a) The presence, characteristics and extent of spillages of oil or other harmful substances observed at sea which are likely to present a threat to the marine environment of the Black Sea or to the coast of one or more Contracting Parties;

b) All emergency situations causing or likely to cause pollution by oil or other harmful substances.

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

a) by the Contracting Party which has received the information;

b) by the Commission.

ANNEX

CONTENTS OF THE REPORT TO BE MADE PURSUANT TO ARTICLE 6

1. Each report shall contain in general:
 - a) The identification of the source of pollution;
 - b) The geographic position, time and date of occurrence of the incident or of the observation;
 - c) Land and sea conditions prevailing in the area;
 - d) Relevant details with respect to the condition of the vessel polluting the sea.
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;
 - b) A statement of estimate of the quantities, concentrations and likely conditions of harmful substances discharged or likely to be discharged into the sea;
 - c) A description of packaging and identifying marks;
 - d) Name of the consignor, consignee, or manufacturer.
3. Each report shall clearly indicate, whenever possible, whether the harmful substances discharged or likely to be discharged are oil or noxious liquid, solid, or gaseous substances and whether such substances were or are 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 6 paragraph 1 of this Protocol shall:
 - a) Supplement the initial report, as far as possible and necessary, with information concerning further developments;
 - b) Comply as fully as possible with requests from affected Contracting Parties for additional information.

**PROTOCOL ON THE PROTECTION OF THE BLACK SEA
MARINE ENVIRONMENT AGAINST POLLUTION BY DUMPING**

Article 1

In accordance with Article X of the Convention, the Contracting Parties shall take individually or jointly all appropriate measures for the implementation of this Protocol.

Article 2

Dumping in the Black Sea of wastes or other matter containing substances listed in Annex 1 to this Protocol is prohibited.

The preceding provision does not apply to dredged spoils provided that they contain trace contaminants listed in Annex 1 below the limits of concentration to be defined by the Commission within a 3 year period from the entry into force of the Convention.

Article 3

Dumping in the Black Sea of wastes or other matter containing noxious substances listed in Annex II to this Protocol requires, in each case, a prior special permit from the competent national authorities.

Article 4

Dumping in the Black Sea of all other wastes or matter requires a prior general permit from the competent national authorities.

Article 5

The permits referred to in articles 3 and 4 above shall be issued after a careful consideration of all the factors set forth in Annex III to this protocol by the competent national authorities of the relevant coastal State. The Commission shall receive records of such permits.

Article 6

The provisions of Articles 2, 3 and 4 shall not apply when the safety of human life or of vessel or aircraft at sea is threatened by complete destruction or total loss or in any other case when there is a danger to human life and when dumping appears to be the only way of averting such danger, and if there is every probability that the damage resulting from such dumping will be less than would otherwise occur. Such dumping shall be carried out so as to minimize the likelihood of damage to human or marine life. The Commission shall promptly be informed.

Article 7

1. Each Contracting Party shall designate one or more competent authorities to:

- a) issue the permits provided for in Articles 3 and 4;
- b) keep records of the nature and quantities of the wastes or other matter permitted to be dumped and of the location, date and method of dumping.

2. The competent authorities of each Contracting Party shall issue the permits provided for in Article 3 and 4 in respect of the wastes or other matter intended for dumping:

- a) loaded within its territory;
- b) loaded by a vessel flying its flag or an aircraft registered in its territory when the loading occurs within the territory of another State.

Article 8

1. Each Contracting Party shall take the measures required to implement this Protocol in respect of:

- a) vessels flying its flag or aircraft registered in its territory;
- b) vessels and aircraft loading in its territory wastes or other matter which are to be dumped;
- c) platforms and other man-made structures at sea situated within its territorial sea and exclusive economic zone;
- d) dumping within its territorial sea and exclusive economic zone.

Article 9

The Contracting Parties shall cooperate in exchanging information relevant to Articles 5, 6, 7 and 8. Each Contracting Party shall inform the other Contracting Parties which may potentially be affected, in case of suspicions that dumping in contravention of the provisions of this Protocol has occurred or is about to occur.

ANNEX I

HAZARDOUS SUBSTANCES AND MATTER

1. Organohalogen compounds e.g. DDT, DDE, DDD, PCB's.
2. Mercury and mercury compounds.
3. Cadmium and cadmium compounds.
4. Organotin compounds.
5. Persistent synthetic matter which may float, sink or remain in suspension.
6. Used lubricating oils.
7. Lead and lead compounds.
8. Radioactive substances and wastes, including used radioactive fuel.
9. Crude oil and hydrocarbons of any origin.

ANNEX II

NOXIOUS SUBSTANCES

The following substances, compounds or matter have been selected mainly on the basis of criteria used in Annex I, while taking into account the fact that they are less harmful or more readily rendered harmless by natural processes.

The control and strict limitation of the dumping of the substances referred to in this Annex shall be implemented in accordance with Annex III of this Protocol.

1. Biocides and their derivatives not covered in Annex I.
2. Cyanides, fluorides, and elemental phosphorus.
3. Pathogenic micro-organisms.
4. Nonbiodegradable detergents and their surface-active substances.
5. Alkaline or acid compounds.
6. Substances which, though of a non-toxic nature, may become harmful to the marine biota owing to the quantities in which they are discharged e.g. inorganic phosphorus, nitrogen, organic matter and other nutrient compounds. Also substances which have an adverse effect on the oxygen content of the marine environment.
7. The following elements and their compounds:

Zinc	Selenium	Tin	Vanadium
Copper	Arsenic	Barium	Cobalt
Nickel	Antimony	Beryllium	Thallium
Chromium	Molybdenum	Boron	Tellurium
	Titanium	Uranium	Silver

8. Sewage Sludge

ANNEX III

In issuing permits for dumping at sea, the following factors shall be considered:

A. CHARACTERISTICS AND COMPOSITION OF THE MATTER

1. Amount of matter to be dumped (e.g. per year).
2. Average composition of the matter to be dumped.
3. Properties: physical (e.g. solubility, density), chemical and biochemical (e.g. oxygen demand, nutrients), biological (e.g. presence of bacteria, etc.).

The data should include sufficient information on the annual mean levels and seasonal variations of the mentioned properties.

4. Long-term toxicity.
5. Persistence: physical, chemical, biological.
6. Accumulation and transformation in the marine environment.
7. Susceptibility to physical, chemical and biochemical changes and interaction with other dissolved matter.
8. Probability of inducing effects which would reduce the marketability of resources (e.g. fish, shellfish).

B. CHARACTERISTICS OF DUMPING SITE AND DISPOSAL METHOD

1. Location (e.g. co-ordinates of the dumping area, depth and distance from the coast) and its relation to areas of special interest (e.g. amenity areas, spawning, nursery and fishing grounds).
2. Methods and technologies of packaging and disposal of matter.
3. Dispersal characteristics.
4. Hydrological characteristics and seasonal variations in these characteristics (e.g. temperature, pH, salinity, stratification, turbidity, dissolved oxygen, biochemical oxygen demand, chemical oxygen demand, nutrients, productivity).
5. Bottom characteristics (e.g. topography, geochemical, geological and biological productivity).
6. Cases and effects of other dumping.

C. GENERAL CONSIDERATIONS

1. Possible effects on amenities (e.g. floating or stranded matter, water turbidity, objectionable odour, discoloration, and foaming).
2. Possible effects on marine life, fish stocks, mari-cultures areas, traditional fishing grounds, seaweed harvesting and cultivation sites.
3. Possible effects on other uses of the sea (e.g. impairment of water quality for industrial use, underwater corrosion of

structures, interference with vessel operations or fishing due to floating matter or through deposit of wastes or objects on the sea bed, and difficulties in protecting areas of special interest for scientific research or protection of nature).

4. Practical availability of alternative land disposal methods.
