COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 9.10.2003
COM(2003) 588 final

2003/0228 (CNS)

Proposal for a

COUNCIL DECISION

on the conclusion of the Protocol to the Barcelona Convention for the Protection of the Mediterranean Sea against Pollution, concerning cooperation to prevent pollution by ships and, in cases of emergency, to combat pollution of the Mediterranean

(presented by the Commission)

EXPLANATORY MEMORANDUM

The European Community is a Contracting Party to the Convention for the Protection of the Mediterranean Sea against Pollution (Barcelona Convention)[1]. The European Community has also concluded the following Protocols adopted in the context of the Convention: the Protocol for the prevention of pollution of the Mediterranean Sea by dumping from ships and aircraft[2], the Protocol for the protection of the Mediterranean Sea against pollution from land-based sources[3], the Protocol concerning specially protected areas and biological diversity in the Mediterranean[4], and the Protocol concerning cooperation in combating pollution of the Mediterranean Sea by oil and other harmful substances in cases of emergency (the Emergencies Protocol)[5].

In 1997, in the context of revising and improving the legal instruments of the Action Plan the Contracting Parties to the Barcelona Convention adopted a Resolution on a Regional Strategy on Prevention of Pollution of the Marine Environment by Ships. Inter alia the Resolution included a decision to amend the Emergencies Protocol. The intention was to broaden the scope of the agreement from simply setting out arrangements for cooperation in coping with pollution incidents to also cover working together to prevent, reduce and control pollution.

After preliminary work by a group of experts, and given the degree of innovation involved in the proposed changes, at their 12th Meeting held from 14–17 November 2001 in Monaco, the Conference of the Parties (COP) to the Convention agreed to the approach of a new Protocol. The COP did not continue the negotiations on the draft but instead asked the Secretariat to finalise the text and arrange for another review by experts to be held immediately before the Conference of Plenipotentiaries. The experts' meeting was held in Malta from 20 to 22 January and the Conference of Plenipotentiaries for signature of the Protocol from 24 to 25 January 2002.

On 15 January 2002 the Commission made a proposal to the Council on the signature of the new Protocol[6], providing the final text was consistent with Community legislation in the field. The proposal included the draft text as it stood at that stage in a version which made clear all the recent amendments and the remaining outstanding points. Since the final text was not known, the Commission specified that it would continue pressing the case, during the final negotiations, for the inclusion of new elements from Community legislation on safety at sea and the prevention of marine pollution.

Based on the full powers signed by the President of the Council on 21 January 2002, the European Community signed the Protocol at the Conference of Plenipotentiaries in Malta on 25 January 2002. It was also signed on that date by 14 Mediterranean countries including the 4 EU Member States who are Parties to the Convention. It has subsequently been signed by one further Party and ratified by Monaco (03 April 2002), Malta (18 February 2003), Turkey (20 May 2003), France (02 July 2003) and Croatia (09 July 2003). The protocol will come into force when 6 ratifications have been notified to the depositary country.

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1 Decision 77/585/EEC amended by Decision 99/802/EC, OJ L 322, 14.12.1999
2 Decision 77/585/EEC amended by Decision 99/802/EC, OJ L 322, 14.12.1999
3 Decision 83/101/EEC amended by Decision 99/801/EC, OJ L 322, 14.12.1999
4 Decision 99/800/EC, OJ L 322, 14.12.1999
5 Decision 81/420/EEC OJ L 162, 19.6.1981
6 COM(2002) 11 final

As requested during the Council consideration of the signature proposal, the Community representatives pointed out to the Conference of the Plenipotentiaries the institutional difficulties caused to the EU by the practice of holding negotiations on legal texts of the Barcelona Convention immediately prior to signature. The Community received support from other delegations and the Secretariat agreed to reflect on alternative working arrangements for the future.

In addition, during the final negotiations, the Community was able to achieve significant further progress on the outstanding issue concerning inclusion of new elements from Community legislation on safety at sea and the prevention of marine pollution, as follows:

– A strengthening of the texts of the two Articles that had been highlighted in the Commission's proposal for a signature decision (Articles 9.2 and 11.3 of the signed text). Thus two obligations on each Party are not restricted to requiring masters of ships flying its flag to undertake certain actions. Instead each Party must also take appropriate measures with a view to ensuring that the master of every ship sailing in its territorial waters complies with the same obligations.

– Progress was also made in Article 14.1 to better reflect Community law on port reception facilities for dealing with wastes.

– The role of the Community in implementing international maritime safety standards was explicitly recognised in the preamble to the Protocol.

As a result of the negotiations, a number of other points in the text were amended from the version previously considered by the Council for reasons of clarity. For example the rather cumbersome title of the Protocol was shortened somewhat.

The final text was inspired in large measure by Community law, however, as the Protocol is the result of multi-lateral negotiations, it does not incorporate all of the requirements of our legislation at the time of signature. Furthermore, since the date of signature of the Protocol, and in the aftermath of the Prestige accident, the Community has continued its activity to strengthen and enhance its action in the area of preventing and combating pollution from ships.[7] The Community legislation is therefore now stronger than the requirements of the Protocol. This situation is specifically foreseen in Article 20 of the Protocol that provides for parties to have the right to adopt more stringent pertinent internal measures or other measures in compliance with international law in the areas covered by the Protocol itself.

Therefore the Protocol is entirely consistent with Community legislation in force or in the process of being adopted. The Commission will monitor the implementation of the Protocol to ensure continued consistency with the pertinent Community legislation.

[7] Particular attention should be given to the entry into force of more stringent rules for port State control and to the initiatives related to ports of refuge and to the banning of the carriage of heavy grades of oil in single hull tankers.

In view of all the foregoing, the Community should ratify the Protocol concerning cooperation to prevent pollution by ships and, in cases of emergency, to combat pollution of the Mediterranean.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and in particular Article 175(1), in conjunction with the first sentence of Article 300(2) and the first subparagraph of Article 300(3) thereof,

Having regard to the proposal from the Commission[8],

Having regard to the opinion of the European Parliament[9],

Whereas:

(1) Under Article 174 of the Treaty, Community policy on the environment contributes to the pursuit of objectives which include preserving, protecting and improving the quality of the environment and promoting measures at international level to deal with regional or worldwide environmental problems.

(2) The Community is a Contracting Party to the Convention for the Protection of the Mediterranean Sea against Pollution (Barcelona Convention), approved by Council Decision 77/585/EEC[10], and its 1995 revision, approved by Council Decision 99/802/EC[11]. The Community is also a Contracting Party to four protocols of the Barcelona convention, including the Protocol concerning cooperation in combating pollution of the Mediterranean Sea by oil and other harmful substances in cases of emergency approved by Decision 81/420/EEC[12].

(3) The Commission took part on behalf of the Community in the negotiations on the Protocol concerning cooperation to prevent pollution by ships and, in cases of emergency, to combat pollution of the Mediterranean, on the basis of the negotiating directives received from the Council on 25 January 2000.

(4) On 25 January 2002 in Malta, the Community signed that Protocol.

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8 OJ C , , p. .
9 OJ C , , p. .
10 OJ L 240, 19.9.1977, p. 1.
11 OJ L 322, 14.12.1999, p. 32.
12 OJ L162, 19.6.1981, p. 4.

(5) The Protocol updates the legal instruments of the Barcelona Convention, to include cooperation on the prevention of pollution from ships, to make more effective cooperation in response to pollution incidents and to promote the implementation of the applicable international regulations.

(6) The Protocol contains the measures needed to avoid there being any contradiction with Community legislation already in force or being adopted in the areas covered by the Protocol.

(7) The Community should therefore ratify that Protocol,

HAS DECIDED AS FOLLOWS:

Article 1

The Protocol to the Barcelona Convention for the Protection of the Mediterranean Sea against Pollution concerning cooperation to prevent pollution by ships and, in cases of emergency, to combat pollution of the Mediterranean, hereinafter referred to as "the Protocol", is hereby approved on behalf of the Community.

The text of the Protocol is attached to this Decision.

Article 2

The President of the Council is authorised to designate the person or persons empowered, on behalf of the Community, to deposit with the Spanish Government the instrument of approval of the Protocol, in accordance with the provisions of Article 23 of that Protocol.

Done at Brussels,

For the Council
The President

ANNEX

PROTOCOL CONCERNING COOPERATION IN PREVENTING POLLUTION FROM SHIPS AND, IN CASES OF EMERGENCY, COMBATING POLLUTION OF THE MEDITERRANEAN SEA

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 and amended on 10 June 1995,

Desirous of implementing Articles 6 and 9 of the said Convention,

Recognizing that grave pollution of the sea by oil and hazardous and noxious substances or a threat thereof in the Mediterranean Sea Area involves a danger for the coastal States and the marine environment,

Considering that the cooperation of all the coastal States of the Mediterranean Sea is called for to prevent pollution from ships and to respond to pollution incidents, irrespective of their origin,

Acknowledging the role of the International Maritime Organization and the importance of cooperating within the framework of this Organization, in particular in promoting the adoption and the development of international rules and standards to prevent, reduce and control pollution of the marine environment from ships,

Emphasizing the efforts made by the Mediterranean coastal States for the implementation of these international rules and standards,

Acknowledging also the contribution of the European Community to the implementation of international standards as regards maritime safety and the prevention of pollution from ships,

Recognizing also the importance of cooperation in the Mediterranean Sea Area in promoting the effective implementation of international regulations to prevent, reduce and control pollution of the marine environment from ships,

Recognizing further the importance of prompt and effective action at the national, subregional and regional levels in taking emergency measures to deal with pollution of the marine environment or a threat thereof,

Applying the precautionary principle, the polluter pays principle and the method of environmental impact assessment, and utilizing the best available techniques and the best environmental practices, as provided for in Article 4 of the Convention,

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, which is in force and to which many Mediterranean coastal States and the European Community are Parties,

Taking into account the international conventions dealing in particular with maritime safety, the prevention of pollution from ships, preparedness for and response to pollution incidents, and liability and compensation for pollution damage,

Wishing to further develop mutual assistance and cooperation in preventing and combating pollution,

Have agreed as follows:

Article 1

DEFINITIONS

For the purpose 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 on 10 June 1995;

(b) "Pollution incident" means an occurrence or series of occurrences having the same origin, which results or may result in a discharge of oil and/or hazardous and noxious substances and which poses or may pose a threat to the marine environment, or to the coastline or related interests of one or more States, and which requires emergency action or other immediate response;

(c) "Hazardous and noxious substances" means any substance other than oil which, if introduced into the marine environment, is likely to create hazards to human health, to harm living resources and marine life, to damage amenities or to interfere with other legitimate uses of the sea;

(d) "Related interests" means the interests of a coastal State directly affected or threatened and concerning, among others:

  (i) maritime activities in coastal areas, in ports or estuaries, including fishing activities;

  (ii) the historical and tourist appeal of the area in question, including water sports and recreation;

  (iii) the health of the coastal population;

  (iv) the cultural, aesthetic, scientific and educational value of the area;

  (v) the conservation of biological diversity and the sustainable use of marine and coastal biological resources;

(e) "International regulations" means regulations aimed at preventing, reducing and controlling pollution of the marine environment from ships as adopted, at the global level and in conformity with international law, under the aegis of United Nations specialized agencies, and in particular of the International Maritime Organization;

(f) "Regional Centre" means the "Regional Marine Pollution Emergency Response Centre for the Mediterranean Sea" (REMPEC), established by Resolution 7 adopted by the Conference of Plenipotentiaries of the Coastal States of the Mediterranean Region on the Protection of the Mediterranean Sea at Barcelona on 9 February 1976, which is administered by the International Maritime Organization and the United

Nations Environment Programme, and the objectives and functions of which are defined by the Contracting Parties to the Convention.

Article 2

PROTOCOL AREA

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

Article 3

GENERAL PROVISIONS

1. The Parties shall cooperate:

   (a) to implement international regulations to prevent, reduce and control pollution of the marine environment from ships; and

   (b) to take all necessary measures in cases of pollution incidents.

2. In cooperating, the Parties should take into account as appropriate the participation of local authorities, non-governmental organizations and socioeconomic actors.

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

Article 4

CONTINGENCY PLANS AND OTHER MEANS OF PREVENTING AND COMBATING POLLUTION INCIDENTS

1. The Parties shall endeavour to maintain and promote, either individually or through bilateral or multilateral cooperation, contingency plans and other means of preventing and combating pollution incidents. These means shall include, in particular, equipment, ships, aircraft and personnel prepared for operations in cases of emergency, the enactment, as appropriate, of relevant legislation, the development or strengthening of the capability to respond to a pollution incident and the designation of a national authority or authorities responsible for the implementation of this Protocol.

2. The Parties shall also take measures in conformity with international law to prevent the pollution of the Mediterranean Sea Area from ships in order to ensure the effective implementation in that Area of the relevant international conventions in their capacity as flag State, port State and coastal State, and their applicable legislation. They shall develop their national capacity as regards the implementation of those international conventions and may cooperate for their effective implementation through bilateral or multilateral agreements.

3. The Parties shall inform the Regional Centre every two years of the measures taken for the implementation of this Article. The Regional Centre shall present a report to the Parties on the basis of the information received.

Article 5

MONITORING

The Parties shall develop and apply, either individually or through bilateral or multilateral cooperation, monitoring activities covering the Mediterranean Sea Area in order to prevent, detect and combat pollution, and to ensure compliance with the applicable international regulations.

Article 6

COOPERATION IN RECOVERY OPERATIONS

In case of release or loss overboard of hazardous and noxious substances in packaged form, including those in freight containers, portable tanks, road and rail vehicles and shipborne barges, the Parties shall cooperate as far as practicable in the salvage of these packages and the recovery of such substances so as to prevent or reduce the danger to the marine and coastal environment.

Article 7

DISSEMINATION AND EXCHANGE OF INFORMATION

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 hazardous and noxious substances;

   (b) the competent national authorities responsible for receiving reports of pollution of the sea by oil and hazardous and noxious substances and for dealing with matters concerning measures of assistance between Parties;

   (c) the national authorities entitled to act on behalf of the State in regard to measures of mutual assistance and cooperation between Parties;

   (d) the national organization or authorities responsible for the implementation of paragraph 2 of Article 4, in particular those responsible for the implementation of the international conventions concerned and other relevant applicable regulations, those responsible for port reception facilities and those responsible for the monitoring of discharges which are illegal under MARPOL 73/78;

   (e) its regulations and other matters which have a direct bearing on preparedness for and response to pollution of the sea by oil and hazardous and noxious substances;

   (f) new ways in which pollution of the sea by oil and hazardous and noxious substances may be avoided, new measures for combating pollution, new developments in the technology of conducting monitoring and the development of research programmes.

2. The Parties which have agreed to exchange information directly shall 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.

3. Parties concluding bilateral or multilateral agreements within the framework of this Protocol shall inform the Regional Centre of such agreements, which shall communicate them to the other Parties.

Article 8

COMMUNICATION OF INFORMATION AND REPORTS CONCERNING POLLUTION INCIDENTS

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 concerning pollution incidents. 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 12.

Article 9

REPORTING PROCEDURE

1. Each Party shall issue instructions to masters or other persons having charge of ships flying its flag and to the pilots of aircraft registered in its territory to report by the most rapid and adequate channels in the circumstances, following reporting procedures to the extent required by, and in accordance with, the applicable provisions of the relevant international agreements, to the nearest coastal State and to this Party:

   (a) all incidents which result or may result in a discharge of oil or hazardous and noxious substances;

   (b) the presence, characteristics and extent of spillages of oil or hazardous and noxious substances, including hazardous and noxious substances in packaged form, observed at sea which pose or are likely to pose a threat to the marine environment or to the coast or related interests of one or more of the Parties.

2. Without prejudice to the provisions of Article 20 of the Protocol, each Party shall take appropriate measures with a view to ensuring that the master of every ship sailing in its territorial waters complies with the obligations under (a) and (b) of paragraph 1 and may request assistance from the Regional Centre in this respect. It shall inform the International Maritime Organization of the measures taken.

3. Each Party shall also issue instructions to persons having charge of sea ports or handling facilities under its jurisdiction to report to it, in accordance with applicable laws, all incidents which result or may result in a discharge of oil or hazardous and noxious substances.

4. In accordance with the relevant provisions of the Protocol for the Protection of the Mediterranean Sea against Pollution Resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil, each Party shall issue instructions to persons having charge of offshore units under its jurisdiction to report to it by the most rapid and adequate channels in the circumstances, following reporting

procedures it has prescribed, all incidents which result or may result in a discharge of oil or hazardous and noxious substances.

5. In paragraphs 1, 3 and 4 of this Article, the term "incident" means an incident meeting the conditions described therein, whether or not it is a pollution incident.

6. The information collected in accordance with paragraphs 1, 3 and 4 shall be communicated to the Regional Centre in the case of a pollution incident.

7. The information collected in accordance with paragraphs 1, 3 and 4 shall be immediately communicated to the other Parties likely to be affected by a pollution incident:

(a) by the Party which has received the information, preferably directly or through the Regional Centre; or

(b) by the Regional Centre.

In case of direct communication between Parties, these shall inform the Regional Centre of the measures taken, and the Centre shall communicate them to the other Parties.

8. The Parties shall use a mutually agreed standard form proposed by the Regional Centre for the reporting of pollution incidents as required under paragraphs 6 and 7 of this Article.

9. In consequence of the application of the provisions of paragraph 7, the Parties are not bound by the obligation laid down in Article 9, paragraph 2, of the Convention.

Article 10

OPERATIONAL MEASURES

1. Any Party faced with a pollution incident shall:

(a) make the necessary assessments of the nature, extent and possible consequences of the pollution incident or, as the case may be, the type and approximate quantity of oil or hazardous and noxious substances and the direction and speed of drift of the spillage;

(b) take every practicable measure to prevent, reduce and, to the fullest possible extent, eliminate the effects of the pollution incident;

(c) immediately inform all Parties likely to be affected by the pollution incident of these assessments and of any action which it has taken or intends to take, and simultaneously provide the same information to the Regional Centre, which shall communicate it to all other Parties;

(d) continue to observe the situation for as long as possible and report thereon in accordance with Article 9.

2. Where action is taken to combat pollution originating from a ship, all possible measures shall be taken to safeguard:

(a) human lives;

(b) the ship itself; in doing so, damage to the environment in general shall be prevented or minimized.

Any Party which takes such action shall inform the International Maritime Organization either directly or through the Regional Centre.

Article 11

EMERGENCY MEASURES ON BOARD SHIPS, ON OFFSHORE INSTALLATIONS AND IN PORTS

1. Each Party shall take the necessary steps to ensure that ships flying its flag have on board a pollution emergency plan as required by, and in accordance with, the relevant international regulations.

2. Each Party shall require masters of ships flying its flag, in case of a pollution incident, to follow the procedures described in the shipboard emergency plan and in particular to provide the proper authorities, at their request, with such detailed information about the ship and its cargo as is relevant to actions taken in pursuance of Article 9, and to cooperate with these authorities.

3. Without prejudice to the provisions of Article 20 of the Protocol, each Party shall take appropriate measures with a view to ensuring that the master of every ship sailing in its territorial waters complies with the obligation under paragraph 2 and may request assistance from the Regional Centre in this respect. It shall inform the International Maritime Organization of the measures taken.

4. Each Party shall require that authorities or operators in charge of sea ports and handling facilities under its jurisdiction as it deems appropriate have pollution emergency plans or similar arrangements that are coordinated with the national system established in accordance with Article 4 and approved in accordance with procedures established by the competent national authority.

5. Each Party shall require operators in charge of offshore installations under its jurisdiction to have a contingency plan to combat any pollution incident, which is coordinated with the national system established in accordance with Article 4 and in accordance with the procedures established by the competent national authority.

Article 12

ASSISTANCE

1. Any Party requiring assistance to deal with a pollution incident may call for assistance from other Parties, either directly or through the Regional Centre, 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 the required specialized personnel, 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 the approval of all the Parties involved, coordinate the activity of the facilities put into operation by these Parties.

3. In accordance with applicable international agreements, each Party shall take the necessary legal and administrative measures to facilitate:

   (a) the arrival and utilization in and departure from its territory of ships, aircraft and other modes of transport engaged in responding to a pollution incident or transporting personnel, cargoes, materials and equipment required to deal with such an incident; and

   (b) the expeditious movement into, through and out of its territory of the personnel, cargoes, materials and equipment referred to in subparagraph (a).

Article 13

REIMBURSEMENT OF COSTS OF ASSISTANCE

1. Unless an agreement concerning the financial arrangements governing actions of Parties to deal with pollution incidents has been concluded on a bilateral or multilateral basis prior to the pollution incident, Parties shall bear the costs of their respective action in dealing with pollution in accordance with paragraph 2.

2. (a) If the action was taken by one Party at the express request of another Party, the requesting Party shall reimburse to the assisting Party the costs of its action. If the request is cancelled, the requesting Party shall bear the costs already incurred or committed by the assisting Party;

   (b) if the action was taken by a Party on its own initiative, that Party shall bear the cost of its action;

   (c) the principles laid down in subparagraphs (a) and (b) above shall apply unless the Parties concerned otherwise agree in any individual case.

3. Unless otherwise agreed, the costs of the action taken by a Party at the request of another Party shall be fairly calculated according to the law and current practice of the assisting Party concerning the reimbursement of such costs.

4. The Party requesting assistance and the assisting Party shall, where appropriate, cooperate in concluding any action in response to a compensation claim. To that end, they shall give due consideration to existing legal regimes.

   Where the action thus concluded does not permit full compensation for expenses incurred in the assistance operation, the Party requesting assistance may ask the assisting Party to waive reimbursement of the expenses exceeding the sums compensated or to reduce the costs which have been calculated in accordance with paragraph 3. It may also request a postponement of the reimbursement of such costs. In considering such a request, assisting Parties shall give due consideration to the needs of developing countries.

5. The provisions of this Article shall not be interpreted as in any way prejudicing the rights of Parties to recover from third parties the costs of actions taken to deal with pollution incidents under other applicable provisions and rules of national and international law applicable to one or to the other Party involved in the assistance.

Article 14

PORT RECEPTION FACILITIES

1. The Parties shall individually, bilaterally or multilaterally take all necessary steps to ensure that reception facilities meeting the needs of ships are available in their ports and terminals. They shall ensure that these facilities are used efficiently without causing undue delay to ships.

   The Parties are invited to explore ways and means to charge reasonable costs for the use of these facilities.

2. The Parties shall also ensure the provision of adequate reception facilities for pleasure craft.

3. The Parties shall take all the necessary steps to ensure that reception facilities operate efficiently to limit any impact of their discharges to the marine environment.

4. The Parties shall take the necessary steps to provide ships using their ports with updated information relevant to the obligations arising from MARPOL 73/78 and from their legislation applicable in this field.

Article 15

ENVIRONMENTAL RISKS OF MARITIME TRAFFIC

In conformity with generally accepted international rules and standards and the global mandate of the International Maritime Organization, the Parties shall individually, bilaterally or multilaterally take the necessary steps to assess the environmental risks of the recognized routes used in maritime traffic and shall take the appropriate measures aimed at reducing the risks of accidents or the environmental consequences thereof.

Article 16

RECEPTION OF SHIPS IN DISTRESS IN PORTS AND PLACES OF REFUGE

The Parties shall define national, subregional or regional strategies concerning reception in places of refuge, including ports, of ships in distress presenting a threat to the marine environment. They shall cooperate to this end and inform the Regional Centre of the measures they have adopted.

Article 17

SUBREGIONAL AGREEMENTS

The Parties may negotiate, develop and maintain appropriate bilateral or multilateral subregional agreements in order to facilitate the implementation of this Protocol, or part of it. Upon request of the interested Parties, the Regional Centre shall assist them, within the

framework of its functions, in the process of developing and implementing these subregional agreements.

Article 18

MEETINGS

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 18 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 examine and discuss reports from the Regional Centre on the implementation of this Protocol, and particularly of its Articles 4, 7 and 16;

   (b) to formulate and adopt strategies, action plans and programmes for the implementation of this Protocol;

   (c) to keep under review and consider the efficacy of these strategies, action plans and programmes, and the need to adopt any new strategies, action plans and programmes and to develop measures to that effect;

   (d) to discharge such other functions as may be appropriate for the implementation of this Protocol.

Article 19

RELATIONSHIP WITH THE CONVENTION

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 agree otherwise.

FINAL PROVISIONS

Article 20

EFFECT OF THE PROTOCOL ON DOMESTIC LEGISLATION

In implementing the provisions of this Protocol, the right of Parties to adopt relevant stricter domestic measures or other measures in conformity with international law, in the matters covered by this Protocol, shall not be affected.

Article 21

RELATIONS WITH THIRD PARTIES

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

Article 22

SIGNATURE

This Protocol shall be open for signature at Valletta, Malta, on 25 January 2002 and in Madrid from 26 January 2002 to 25 January 2003 by any Contracting Party to the Convention.

Article 23

RATIFICATION, ACCEPTANCE OR APPROVAL

This Protocol shall be subject to ratification, acceptance or approval. The instruments of ratification, acceptance or approval shall be deposited with the Government of Spain, which will assume the functions of Depositary.

Article 24

ACCESSION

As from 26 January 2003, this Protocol shall be open for accession by any Party to the Convention.

Article 25

ENTRY INTO FORCE

1. This Protocol shall enter into force on the thirtieth day following the deposit of the sixth instrument of ratification, acceptance, approval or accession.

2. From the date of its entry into force, this Protocol shall replace the Protocol concerning Cooperation in Combating Pollution of the Mediterranean Sea by Oil and other Harmful Substances in Cases of Emergency of 1976 in the relations between the Parties to both instruments.

IN WITNESS WHEREOF, the undersigned, being duly authorized thereto, have signed this Protocol.

DONE at Valletta, Malta, on 25 January 2002, in a single copy in the Arabic, English, French and Spanish languages, the four texts being equally authentic.