



## **Manual of European Environmental Policy**

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# International conventions and cooperation: Marine

## Introduction

The purpose of this section is to provide a brief summary of the international Conventions relevant to the EU with regard to the protection of the marine environment in Europe and which may relate to EU legislation. It does not provide detailed implementation information, for which the reader is referred to The Convention websites.

The international Conventions can be considered to be of two types: those focused on the four regional seas of Europe and wider international law. The European Community is party to many, but not all, of these Conventions. However, they provide the cooperative framework for important EU law, not least the Marine Strategy Framework Directive [2008/56/EC](#) and policies relating to oil pollution and land-based pollution control.

## Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention)

Place of signature	Barcelona
Date of signature	16.02.1976
Date of entry into force	12.02.1978
Secretariat	UNEP Mediterranean Action Plan Coordinating Unit
Website	<a href="http://www.unepmap.org/">http://www.unepmap.org/</a>
Date of Council Decision on conclusion	25.07.1977
Date of entry into force for EC	15.04.1978
Reference of Council Decision	<a href="#">77/585/EEC</a> (OJ L240 19.9.1977)
Place of adoption of amendments	Barcelona
Date of adoption of amendments	10.06.1995
Date of entry into force	09.07.2004
Date of Council Decision on acceptance	22.10.1999
Date of entry into force for EC	09.07.2004
Reference of Council Decision	<a href="#">99/802/EC</a> (OJ L322 14.12.1999)

## **Protocol for the Prevention of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea (Dumping Protocol)**

Place of signature/adoption	Barcelona	Barcelona
Date of signature/adoption	16.02.1976	10.06.1995 (amendments)
Date of entry into force	12.02.1978	Not yet in force
Date of Council Decision on conclusion	25.07.1977	22.10.1999
Date of entry into force for EC	15.04.1978	09.07.2004
Reference of Council Decision	<a href="#">77/585/EEC</a> (OJ L240 19.9.1977)	<a href="#">1999/802/EC</a> (OJ L322 14.12.1999)

## **Protocol Concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea (Prevention and Emergency Protocol)**

Place of signature	Malta	
Date of signature	25.01.2002	
Date of entry into force	17.03.2004	
Date of Council Decision on conclusion	29.04.2004	
Date of entry into force for EC	17.03.2004	
Reference of Council Decision	<a href="#">2004/575/EC</a> (OJ L261 06.08.2004)	

## **Protocol for the protection of the Mediterranean Sea against Pollution from Land-based Sources (Land-based Sources Protocol)**

Place of signature/adoption	Athens	Syracuse
Date of signature/adoption	17.05.1980	08.03.1996 (amendments)
Date of entry into force	17.06.1983	11.05.2008
Date of Council Decision on conclusion	28.02.1983	22.10.1999
Date of entry into force for EC	07.10.1983	11.05.2008
Reference of Council Decision	<a href="#">83/101/EEC</a> (OJ L67 12.03.1983)	<a href="#">1999/801/EC</a> (OJ L322 14.12.1999)From 11 May 2008 the Syracuse Protocol replaced the Athens Protocol.

## **Protocol Concerning Specially Protected Areas and Biological Diversity in the Mediterranean (SPA & Biodiversity Protocol)**

Place of signature	Barcelona	
Date of signature	10.06.1995	
Date of entry into force	12.12.1999	
Date of Council Decision on conclusion	22.10.1999	
Date of entry into force for EC	12.12.1999	
Reference of Council Decision	<a href="#">1999/800/EC</a> (OJ L322 14.12.1999)	

## **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 (Offshore Protocol)**

Place of signature	Madrid	
Date of signature	14.10.1994	
Date of entry into force	Not yet in force	

## **Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal**

Place of signature	Izmir	
Date of signature	01.10.1996	
Date of entry into force	19.01.2008	

## **Protocol on Integrated Coastal Zone Management in the Mediterranean**

Place of signature	Madrid	
Date of signature	21.01.2008	
Date of entry into force	24.03.2011	
Date of Council Decision on conclusion	23.10.2010	
Reference of Council Decision	<a href="#">2009/89/EC</a> (OJ L34 04.02.2009) (signature) <a href="#">2010/631/EU</a> (OJ L279 23.10.2010)	

Under UNEP's Regional Seas Programme, countries bordering the Mediterranean met in Barcelona in 1975 to draw up a programme of action to protect the Mediterranean. The European Community has been a party since 1978. A revision of The Convention was

approved by the contracting parties in 1995. The revision, which entered into force in 2004, is aimed at improving protection of the Mediterranean, taking particular account of the results of the 1992 UNCED Conference. The Barcelona Convention is a framework Convention complemented by a series of protocols laying down more specific obligations for the parties.

The European Community is a party to the Protocols concerned with dumping from ships and aircraft, pollution by oil and other harmful substances in cases of emergency, pollution from land-based sources, and specially protected areas and biological diversity. All of these Protocols have been revised or amended since the mid-1990s, and the European Community has formally accepted the revised instruments or amendments, but some of them have not yet entered into force as they have not thus far been accepted by a sufficient number of parties. Two other Protocols, on offshore activities and hazardous wastes, were never signed by the Community nor ratified by most of the Mediterranean EU Member States which did sign, and are not likely to enter into force in the foreseeable future. The European Community was one of the first signatories to ratify the new Protocol on Integrated Coastal Zone Management, signed in 2008.

The Land-Based Sources Protocol to the Barcelona Convention recently gave rise to some interesting litigation before the Court of Justice. In two interrelated cases (Case [C-213/03](#) and Case [C-239/03](#)) – a request for a preliminary ruling from a French court and an infringement action brought by the Commission against France – the European Court of Justice (ECJ) considered the legal effects of the Protocol in the Community legal order. In one judgment, it held that France had failed to comply with its obligations under Community law because it had not fulfilled specific obligations regarding the prevention of pollution of the Etang de Berre lagoon resulting from the Protocol. In the other, it ruled that certain provisions of the Protocol have direct effect and can be relied on by interested parties in national courts. According to the ECJ, provisions of mixed agreements jointly ratified by the European Community and Member States become part of the Community legal order ‘in so far as they fall within the scope of Community competence’. The Community has an interest in Member States’ compliance with such provisions because it has assumed international responsibility for their performance vis-à-vis other contracting parties. Compliance by Member States is required as a matter of not only international law, but also Community law, and it is subject to the jurisdiction of the ECJ. Therefore, the Commission was fully entitled to bring infringement proceedings against France for failing to comply with its Protocol obligations. This case law has wide-ranging implications not only for the enforcement of these specific obligations, but also of any similar obligations arising under other mixed environmental agreements concluded by the European Community.

## **Convention on the Protection of the Marine Environment of the Baltic Sea Area (Helsinki Convention)**

Place of signature	Helsinki
Date of signature	09.04.1992
Date of entry into force	17.01.2000
Secretariat	Helsinki Commission (HELCOM)
Website	<a href="http://www.helcom.fi/">http://www.helcom.fi/</a>
Date of Council Decision on conclusion	21.02.1994
Date of entry into force for EC	17.01.2000
Reference of Council Decision	<a href="#">94/157/EC</a> (OJ L73 16.03.1994)

The original Convention was signed by the countries bordering the Baltic Sea in 1974, but the European Community was originally unable to become a party. The 1974 Convention was revised in 1992 with full participation of the European Community. The Community was one of the signatories of the revised Helsinki Convention and one of the first to ratify it, but due to delays in certain national ratification procedures, the new instrument entered into force only in January 2000. Meanwhile, all the riparian states of the Baltic, with the exception of the Russian Federation, have become Member States of the EU.

## **Convention for the Protection of the Marine Environment of the North-East Atlantic (OSPAR Convention)**

Place of signature	Paris
Date of signature	22.09.1992
Date of entry into force	25.03.1998
Secretariat	Secretariat of the OSPAR Commission
Website	<a href="http://www.ospar.org">http://www.ospar.org</a>
Date of Council Decision on conclusion	07.10.1997
Date of entry into force for EC	25.03.1998
Reference of Council Decision	<a href="#">98/249/EC</a> (OJ L104 03.04.1998)

## **Annex V on the Protection and Conservation of the Ecosystems and Biological Diversity of the Maritime Area**

Place of adoption	Sintra
Date of adoption	23.07.1998
Date of entry into force	30.08.2000
Date of Council Decision on conclusion	08.05.2000
Date of entry into force for EC	30.08.2000
Reference of Council Decision	<a href="#">2000/340/EC</a> (OJ L118 8.5.2000)

The Convention was signed in Paris in September 1992 by the European Community and several Member States. It entered into force in 1998, thereby replacing the 1974 Paris Convention on marine pollution from land-based sources and the 1972 Oslo Convention on the dumping of waste at sea. The OSPAR Convention provides a single, integrated legal and institutional framework for the protection of the marine environment of the North-East Atlantic.

Contracting Parties to the OSPAR Convention met for the first time at ministerial level in Sintra in July 1998, where a new Annex V on the Protection and Conservation of the Ecosystems and Biological Diversity was adopted. This Annex entered into force in 2000, following formal approval by seven Parties, including the European Community.

## **Agreement for Cooperation in Dealing with Pollution of the North Sea by Oil and other Harmful Substances (Bonn Agreement)**

Place of signature	Bonn
Date of signature	13.09.1983
Date of entry into force	01.09.1989
Secretariat	Secretariat of the OSPAR Commission
Website	<a href="http://www.bonnagreement.org/">http://www.bonnagreement.org/</a>
Date of Council Decision on conclusion	28.06.1984
Date of entry into force for EC	01.09.1989
Reference of Council Decision	<a href="#">84/358/EEC</a> (OJ L188 16.07.1984)
Reference of Decision approving amendments to the Agreement	<a href="#">93/540/EEC</a> (OJ L263 22.10.93)

The predecessor to this Agreement was drawn up in 1969 between states with coasts on the North Sea. It came into force in 1969. The Community was not originally a party but a new Agreement was concluded in 1983 incorporating provisions for the Community to sign and ratify, and the European Community is now a party together with its Member States bordering on the North Sea. The Bonn Agreement provides for active cooperation and mutual assistance among coastal States in combating pollution of the North Sea by oil and other harmful substances in order to protect the marine environment. More specifically, it ensures cooperation in providing manpower, supplies, equipment and scientific advice at short notice to deal with any discharges of such substances in the North Sea. Parties also undertake to carry out surveillance as an aid to detecting and combating pollution and to prevent violations of anti-pollution regulations. To this end, the North Sea area is divided into national zones in which the country concerned has prime responsibility.

## **Cooperation Agreement for the Protection of the Coasts and Waters of the North-East Atlantic against Pollution (Lisbon Agreement)**

Place of signature	Lisbon
Date of signature	17.10.1990
Date of entry into force	Not yet in force
Date of Council Decision on conclusion	20.10.1993
Date of entry into force for EC	Not yet in force
Reference of Council Decision	<a href="#">93/550/EEC</a> (OJ L267 28.10.1993)
<b>Revised Protocol</b>	
Place of signature	Lisbon
Date of signature	20.05.2008
Date of entry into force	Not yet in force
Date of Council Decision on conclusion	19.10.2010
Reference of Council Decision	<a href="#">2010/655/EU</a> (OJ L285 30.10.2010)

This Agreement was signed in 1990 by the European Community, France, Spain, Portugal and Morocco to deal with pollution incidents at sea caused by hydrocarbons or other harmful substances in their Atlantic coastal waters. It is intended to fill a gap in international action relating to accidental marine pollution. The Baltic, Mediterranean and North Seas were already covered by similar cooperation agreements. However, the Lisbon Agreement did not enter into force. As a result, an Additional Protocol amending Article 3 (c) was agreed in 2008 to help overcome ratification, although this has not yet entered into force.

## **United Nations Convention on the Law of the Sea (UNCLOS or Montego Bay Convention)**

Place of signature	Montego Bay
Date of signature	10.12.1982
Date of entry into force	16.11.1994
Secretariat	UN Division for Ocean Affairs and the Law of the Sea
Website	<a href="http://www.unclos.com/">http://www.unclos.com/</a>
Date of Council Decision on conclusion	23.03.1998
Date of entry into force in EC	01.05.1998
Reference of Council Decision	<a href="#">98/392/EC</a> (OJ L179 23.06.1998)

## **Agreement Relating to the Implementation of Part XI of the United Nations Convention on the Law of the Sea**

Place of signature	New York
Date of signature	28.07.1994
Date of entry into force	13.12.1998
Date of Council Decision on conclusion	23.03.1998
Date of entry into force for EC	13.12.1998
Reference of Council Decision	<a href="#">98/392/EC</a> (OJ L179 23.06.1998)

The Convention was adopted in 1982 and entered into force in 1994. The text of this ‘umbrella’ Convention relates to many aspects of ocean space, including protection of the marine environment, scientific research, economic activities (such as fisheries and deep-ocean mining), technology and dispute settlement. The UK ratified The Convention in 1997 and the European Community in 1998. The provisions of Part XI of UNCLOS concerning the exploitation of the deep seabed beyond the limits of national jurisdiction, which The Convention has declared to be ‘the common heritage of mankind’, were controversial in most industrialized countries and viewed as an obstacle to ratification during the 1980s. The 1994 Agreement relating to the implementation of Part XI clarified these provisions and cleared the way for ratification by most of the states which had earlier been reluctant to do so, including most of the Member States of the EU and the EC itself.

## **International Convention on Liability and Compensation for Damage in Connection with the Carriage of Hazardous and Noxious Substances by Sea (HNS Convention)**

Place of signature	London
Date of signature	03.05.1996
Date of entry into force	Not yet in force
Secretariat	International Maritime Organization
Website	<a href="http://www.imo.org">www.imo.org</a>
Date of Council Decision authorizing Member States to sign, ratify or accede	18.11.2002
Reference of Council Decision	<a href="#">2002/971/EC</a> (OJ L337 13.12.2002)

The Convention, adopted in 1996 under the auspices of the UN International Maritime Organisation, is aimed at ensuring compensation of persons who suffer damage caused by spills of hazardous and noxious substances when carried by the sea. The Convention has not yet entered into force.

Articles 38, 39 and 40 of The Convention affect Community secondary legislation on jurisdiction and the recognition and enforcement of judgments, with the Community having sole competence in relation to these Articles. However, only sovereign States may be party to IMO Conventions. The Council therefore authorized the Member States to ratify or accede to the HNS Convention in the interest of the Community, and under the conditions set out in the Decision. Member States are required, under the Decision, to take the necessary steps to deposit the instruments of ratification of, or accession to, the HNS Convention within a reasonable period of time, if possible, before 30 June 2006. At the earliest opportunity, Member States are to 'use their best endeavours to ensure that the HNS Convention is amended to allow the Community to become a contracting party to it'. Denmark is not addressed by the Decision.

## **International Convention on Civil Liability for Bunker Oil Pollution Damage (Bunker Convention)**

Place of signature	London
Date of signature	23.03.2001
Date of entry into force	21.11.2008
Secretariat	International Maritime Organization
Website	<a href="http://www.imo.org">www.imo.org</a>
Date of Council Decision authorizing Member States to sign, ratify or accede	25.09.2002
Reference of Council Decision	<a href="#">2002/762/EC</a> (OJ L256 25.09.2002)

The Convention was adopted on 23 March 2001, under the auspices of the International Maritime Organisation. Its aim is to ensure compensation of persons who suffer damage caused by oil spills, when carried as fuel in ships' bunkers.

As with the HNS Convention (above), parts of this Convention overlap with areas covered by Community legislation on jurisdiction and the recognition and enforcement of judgments, areas where the Community has sole competence. However, the Community cannot be party to this or other IMO Conventions. The Council has consequently authorized the Member States to sign, ratify or accede to The Convention. Member States should make efforts to do so by 30 June 2006. Member States are to 'use their best endeavours to ensure that the Bunkers Convention is amended to allow the Community to become a contracting party to it'. Denmark is not addressed by the Decision.

## **International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (1992 Fund Convention)**

Place of signature	London
Date of signature	27.11.1992
Date of entry into force	30.05.1996
Secretariat	International Oil Pollution Compensation Funds Secretariat
Website	<a href="http://www.iopcfund.org">http://www.iopcfund.org</a>
Date of Council Decision authorizing Member States to sign, ratify or accede	02.03.2004
Reference of Council Decision	<a href="#">2004/246/EC</a> (OJ L78 16.03.2004)

The Convention's objectives are to provide compensation for oil pollution damage caused by oil spills from tankers. The Convention entered into force in 1996, and replaced a 1971 Convention of the same name. The Fund is supplementary to the International Convention on Civil Liability for Oil Pollution Damage 1992. While the Civil Liability Convention regulates the shipowner's liability, the Fund is made up of contributions from oil importers. The principle is that if an accident at sea results in pollution damage that exceeds the compensation available under the Civil Liability Convention, the Fund will be available to pay an additional amount. In this way, the regime established by the two treaties ensures that the burden of compensation is spread more evenly between shipowner and cargo interests.

In May 2003, the IMO adopted a Protocol establishing an International Oil Pollution Compensation Supplementary Fund. The aim of the established Fund was to supplement the compensation available under the 1992 Civil Liability and Fund Conventions with an additional, third tier of compensation. The Protocol was optional and participation was open to all State Parties of the 1992 Fund Convention.

As with other IMO Conventions (see above), parts of this Convention overlap with areas covered by Community legislation on jurisdiction and the recognition and enforcement of judgments, areas where the Community has sole competence. However, the Community cannot be party to IMO Conventions. The Council has consequently authorized Member States to sign, ratify or accede to the 2003 Protocol, and authorized Austria and Luxembourg

to accede to the two Conventions: the Civil Liability Convention and the Fund (Council Decision 2004/246/EC).

## **The Convention on the Protection of the Black Sea against Pollution**

Place of signature	Bucharest
Date of signature	21.04.1992
Date of entry into force	15.01.1994
Secretariat	Istanbul
Website	<a href="http://www.blacksea-commission.org/main.asp">http://www.blacksea-commission.org/main.asp</a>

## **Protocol on Protection of the Black Sea Marine Environment against Pollution from Land-based Sources**

Place of signature	Bucharest
Date of signature	21.04.1992
Date of entry into force	15.01.1994
Secretariat	Istanbul
Website	<a href="http://www.blacksea-commission.org/main.asp">http://www.blacksea-commission.org/main.asp</a>

## **Protocol on Cooperation in Combating Pollution of the Black Sea Marine Environment by Oil and Other Harmful Substances in Emergency Situations**

Place of signature	Bucharest
Date of signature	21.04.1992
Date of entry into force	15.01.1994
Secretariat	Istanbul
Website	<a href="http://www.blacksea-commission.org/main.asp">http://www.blacksea-commission.org/main.asp</a>

## **Protocol on the Protection of the Black Sea Marine Environment against Pollution by Dumping**

Place of signature	Bucharest
Date of signature	21.04.1992
Date of entry into force	15.01.1994
Secretariat	Istanbul
Website	<a href="http://www.blacksea-commission.org/main.asp">http://www.blacksea-commission.org/main.asp</a>

## **Black Sea Biodiversity and Landscape Conservation Protocol**

Place of signature	Sofia
Date of signature	21.04.1992
Date of entry into force	20 June 2011
Secretariat	Istanbul
Website	<a href="http://www.blacksea-commission.org/main.asp">http://www.blacksea-commission.org/main.asp</a>

## **Protocol on the Protection of the Marine Environment of the Black Sea from Land Based Sources and Activities**

Place of signature	Sofia
Date of signature	07.04.1992
Date of entry into force	Not yet in force
Secretariat	Istanbul
Website	<a href="http://www.blacksea-commission.org/main.asp">http://www.blacksea-commission.org/main.asp</a>

The Contracting Parties to the Black Sea Convention are Bulgaria, Romania, Russian Federation, Georgia, Turkey and Ukraine. The EU is currently an observer. Its objectives are to prevent pollution from a wide range of sources and encourage cooperation in a number of areas. The Black Sea Environment Programme was established in 1993 and a Strategic Action Plan followed this in 1996 for the Rehabilitation and Protection of the Black Sea. This addresses land-based sources of pollution, the introduction of alien species and inadequate resources management. Specific actions are taken forward in a number of Protocols.

In 2007, the European Commission adopted the 'Black Sea Synergy' ([COM\(2007\)160](#)) and reported on this in 2008 ([COM\(2008\)391](#)). The Black Sea Synergy provides a framework working with other regional processes, such as environmental cooperation already in place on protection of the Black Sea and of the River Danube. It addresses issues beyond even the EU Integrated Maritime Policy, but will form an important framework to assist in taking the Policy forward in the region.