

## ANNEX II

### ON THE PREVENTION AND ELIMINATION OF POLLUTION BY DUMPING OR INCINERATION

#### ARTICLE 1

This Annex shall not apply to any deliberate disposal in the maritime area of:

- (a) wastes or other matter from offshore installations;
- (b) offshore installations and offshore pipelines.

#### ARTICLE 2

Incineration is prohibited.

#### ARTICLE 3

1. The dumping of all wastes or other matter is prohibited, except for those wastes or other matter listed in paragraphs 2 and 3 of this Article.
2. The list referred to in paragraph 1 of this Article is as follows:
  - (a) dredged material;
  - (b) inert materials of natural origin, that is solid, chemically unprocessed geological material the chemical constituents of which are unlikely to be released into the marine environment;
  - (c) sewage sludge until 31st December 1998;
  - (d) fish waste from industrial fish processing operations;
  - (e) vessels or aircraft until, at the latest, 31st December 2004;
  - <sup>2</sup>(f) carbon dioxide streams from carbon dioxide capture processes for storage, provided:
    - i. disposal is into a sub-soil geological formation;
    - ii. the streams consist overwhelmingly of carbon dioxide. They may contain incidental associated substances derived from the source material and the capture, transport and storage processes used;
    - iii. no wastes or other matter are added for the purpose of disposing of those wastes or other matter;
    - iv. they are intended to be retained in these formations permanently and will not lead to significant adverse consequences for the marine environment, human health and other legitimate uses of the maritime area.
3. (a) The dumping of low and intermediate level radioactive substances, including wastes, is prohibited.
- <sup>3</sup> (b) As an exception to subparagraph 3(a) of this Article, those Contracting Parties, the United Kingdom and France, who wish to retain the option of an exception to subparagraph 3(a) in any case not before the expiry of a period of 15 years from 1st January 1993, shall report to the

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<sup>2</sup> Sub-paragraph (f) was introduced by amendment to the Annex agreed by OSPAR 2007. The amendment will enter into force for those Contracting Parties which have ratified, accepted or approved it on the thirtieth day after receipt by the Depositary Government of notification of its ratification, acceptance or approval by at least seven Contracting Parties. Thereafter the amendment will enter into force for any other Contracting Party on the thirtieth day after that Contracting Party has deposited its instrument of ratification, acceptance or approval of the amendment.

<sup>3</sup> After the entry into force of OSPAR Decision 98/2 on Dumping of Radioactive Waste on 9 February 1999, subparagraphs (b) and (c) of this paragraph ceased to have effect.

meeting of the Commission at Ministerial level in 1997 on the steps taken to explore alternative land-based options.

- (c) Unless, at or before the expiry of this period of 15 years, the Commission decides by a unanimous vote not to continue the exception provided in subparagraph 3(b), it shall take a decision pursuant to Article 13 of the Convention on the prolongation for a period of 10 years after 1st January 2008 of the prohibition, after which another meeting of the Commission at Ministerial level shall be held. Those Contracting Parties mentioned in subparagraph 3(b) of this Article still wishing to retain the option mentioned in subparagraph 3(b) shall report to the Commission meetings to be held at Ministerial level at two yearly intervals from 1999 onwards about the progress in establishing alternative land-based options and on the results of scientific studies which show that any potential dumping operations would not result in hazards to human health, harm to living resources or marine ecosystems, damage to amenities or interference with other legitimate uses of the sea.

#### ARTICLE 4

1. The Contracting Parties shall ensure that:
  - (a) no wastes or other matter listed in paragraph 2 of Article 3 of this Annex shall be dumped without authorisation by their competent authorities, or regulation;
  - (b) such authorisation or regulation is in accordance with the relevant applicable criteria, guidelines and procedures adopted by the Commission in accordance with Article 6 of this Annex;
  - (c) with the aim of avoiding situations in which the same dumping operation is authorised or regulated by more than one Contracting Party, their competent authorities shall, as appropriate, consult before granting an authorisation or applying regulation.
2. Any authorisation or regulation under paragraph 1 of this Article shall not permit the dumping of vessels or aircraft containing substances which result or are likely to result in hazards to human health, harm to living resources and marine ecosystems, damage to amenities or interference with other legitimate uses of the sea.
3. Each Contracting Party shall keep, and report to the Commission records of the nature and the quantities of wastes or other matter dumped in accordance with paragraph 1 of this Article, and of the dates, places and methods of dumping.

#### ARTICLE 5

No placement of matter in the maritime area for a purpose other than that for which it was originally designed or constructed shall take place without authorisation or regulation by the competent authority of the relevant Contracting Party. Such authorisation or regulation shall be in accordance with the relevant applicable criteria, guidelines and procedures adopted by the Commission in accordance with Article 6 of this Annex. This provision shall not be taken to permit the dumping of wastes or other matter otherwise prohibited under this Annex.

#### ARTICLE 6

For the purposes of this Annex, it shall, *inter alia*, be the duty of the Commission to draw up and adopt criteria, guidelines and procedures relating to the dumping of wastes or other matter listed in paragraph 2 of Article 3, and to the placement of matter referred to in Article 5, of this Annex, with a view to preventing and eliminating pollution.

### **ARTICLE 7**

The provisions of this Annex concerning dumping shall not apply in case of *force majeure*, due to stress of weather or any other cause, when the safety of human life or of a vessel or aircraft is threatened. Such dumping shall be so conducted as to minimise the likelihood of damage to human or marine life and shall immediately be reported to the Commission, together with full details of the circumstances and of the nature and quantities of the wastes or other matter dumped.

### **ARTICLE 8**

The Contracting Parties shall take appropriate measures, both individually and within relevant international organisations, to prevent and eliminate pollution resulting from the abandonment of vessels or aircraft in the maritime area caused by accidents. In the absence of relevant guidance from such international organisations, the measures taken by individual Contracting Parties should be based on such guidelines as the Commission may adopt.

### **ARTICLE 9**

In an emergency, if a Contracting Party considers that wastes or other matter the dumping of which is prohibited under this Annex cannot be disposed of on land without unacceptable danger or damage, it shall forthwith consult other Contracting Parties with a view to finding the most satisfactory methods of storage or the most satisfactory means of destruction or disposal under the prevailing circumstances. The Contracting Party shall inform the Commission of the steps adopted following this consultation. The Contracting Parties pledge themselves to assist one another in such situations.

### **ARTICLE 10**

1. Each Contracting Party shall ensure compliance with the provisions of this Annex:
  - (a) by vessels or aircraft registered in its territory;
  - (b) by vessels or aircraft loading in its territory the wastes or other matter which are to be dumped or incinerated;
  - (c) by vessels or aircraft believed to be engaged in dumping or incineration within its internal waters or within its territorial sea or within that part of the sea beyond and adjacent to the territorial sea under the jurisdiction of the coastal state to the extent recognised by international law.
2. Each Contracting Party shall issue instructions to its maritime inspection vessels and aircraft and to other appropriate services to report to its authorities any incidents or conditions in the maritime area which give rise to suspicions that dumping in contravention of the provisions of the present Annex has occurred or is about to occur. Any Contracting Party whose authorities receive such a report shall, if it considers it appropriate, accordingly inform any other Contracting Party concerned.
3. Nothing in this Annex shall abridge the sovereign immunity to which certain vessels are entitled under international law.