

No. 15749. CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER. OPENED FOR SIGNATURE AT LONDON, MEXICO CITY, MOSCOW AND WASHINGTON ON 29 DECEMBER 1972¹

N° 15749. CONVENTION SUR LA PRÉVENTION DE LA POLLUTION DES MERS RÉSULTANT DE L'IMMERSION DE DÉCHETS. OUVERTE À LA SIGNATURE À LONDRES, MEXICO, MOSCOU ET WASHINGTON LE 29 DÉCEMBRE 1972¹

AMENDMENTS to the annexes of the above-mentioned Convention

The amendments were adopted on 12 November 1993 by resolutions LC.49(16), LC.50(16) and LC.51(16) of the Sixteenth Consultative Meeting of the Contracting Parties, in accordance with articles XIV (4) (a) and XV (2) of the Convention.

In accordance with article XV (2) of the Convention, the amendments came into force on 20 February 1994 in respect of all Parties to the Convention, with the exception of Argentina and Australia (in respect of resolution LC.49(16)) and the Russian Federation² (in respect of resolution LC.51(16)) from which the Secretary-General of the International Maritime Organization received, on 15 and 18 February 1994, notifications, as provided for in article XV (2) and (3) of the Convention, to the effect that they were not in a position to accept the amendments.

The amendments read as follows:

AMENDEMENTS aux annexes de la Convention susmentionnée

Les amendements ont été adoptés le 12 novembre 1993 par les résolutions LC.49(16), LC.50(16) et LC.51(16) de la Seizième Réunion consultative des Parties contractantes, conformément aux articles XIV, paragraphe 4, alinéa a et XV, paragraphe 2, de la Convention.

Conformément à l'article XV, paragraphe 2, de la Convention, les amendements sont entrés en vigueur le 20 février 1994 à l'égard de toutes les Parties à la Convention à l'exception de l'Argentine et de l'Australie (à l'égard de la résolution LC.49(16)) et la Fédération de Russie² (à l'égard de la résolution LC.51(16)), desquels le Secrétaire général de l'Organisation maritime internationale a reçu, les 15 et 18 février 1994, des notifications prévues par les paragraphes 2 et 3 de l'article XV de la Convention, aux termes desquelles ces pays n'étaient pas en mesure d'accepter les amendements.

Les amendements se lisent comme suit :

¹ United Nations, *Treaty Series*, vol. 1046, p. 120; for subsequent actions, see references in Cumulative Indexes Nos. 18 to 21, as well as annex A in volumes 1263, 1276, 1297, 1299, 1308, 1316, 1418, 1482, 1484, 1486, 1511, 1563, 1576, 1582, 1652, 1656, 1667, 1670, 1703, 1736 and 1745.

² See p. 411 of this volume.

¹ Nations Unies, *Recueil des Traités*, vol. 1046, p. 121; pour les faits ultérieurs, voir les références données dans les Index cumulatifs n°s 18 à 21, ainsi que l'annexe A des volumes 1263, 1276, 1297, 1299, 1308, 1316, 1418, 1482, 1484, 1486, 1511, 1563, 1576, 1582, 1652, 1656, 1667, 1670, 1703, 1736 et 1745.

² Voir p. 411 du présent volume.

[AMENDMENTS ADOPTED BY RESOLUTION LC.49(16)]

Annex I

1 The following text is added to Annex I as a new paragraph 11:

"11 Industrial waste as from 1 January 1996.

For the purposes of this Annex:

"Industrial waste" means waste materials generated by manufacturing or processing operations and does not apply to:

- (a) dredged material;
- (b) sewage sludge;
- (c) fish waste, or organic materials resulting from industrial fish processing operations;
- (d) vessels and platforms or other man-made structures at sea, provided that material capable of creating floating debris or otherwise contributing to pollution of the marine environment has been removed to the maximum extent;
- (e) uncontaminated inert geological materials the chemical constituents of which are unlikely to be released into the marine environment;
- (f) uncontaminated organic materials of natural origin.

Dumping of wastes and other matter specified in subparagraphs (a) - (f) above shall be subject to all other provisions of Annex I, and to the provisions of Annexes II and III.

This paragraph shall not apply to the radioactive wastes or any other radioactive matter referred to in paragraph 6 of this Annex."

2 The following phrase is added to the beginning of the existing text of paragraph 9:

"Except for industrial waste as defined in paragraph 11 below, ..."

3 In paragraph 9, the word "spoils" is replaced by "material".

Annex II

1 "Beryllium, chromium, nickel and vanadium and their compounds" are moved from Annex II, paragraph B to paragraph A of Annex II. The remainder of the text of paragraph B is deleted. The subsequent sections are redesignated accordingly.

2 The existing text of paragraph F is replaced by the following:

"Materials which, though of a non-toxic nature, may become harmful due to the quantities in which they are dumped, or which are liable to seriously reduce amenities."

[AMENDMENT ADOPTED BY RESOLUTION LC.50(16)]

Annex I

The existing text of Annex I, paragraph 10 is replaced by the following:

- (a) Incineration at sea of industrial waste, as defined in paragraph 11 below, and sewage sludge is prohibited.
- (b) The incineration at sea of any other wastes or matter requires the issue of a special permit.
- (c) In the issue of special permits for incineration at sea Contracting Parties shall apply regulations as are developed under this Convention.
- (d) For the purpose of this Annex:
 - (i) "Marine incineration facility" means a vessel, platform, or other man-made structure operating for the purpose of incineration at sea.
 - (ii) "Incineration at sea" means the deliberate combustion of wastes or other matter on marine incineration facilities for the purpose of their thermal destruction. Activities incidental to the normal operation of vessels, platforms or other man-made structures are excluded from the scope of this definition."

[AMENDMENTS ADOPTED BY RESOLUTION LC.51(16)]

Annex I

1 The existing text of paragraph 6, Annex I, is replaced by the following:

"6 Radioactive wastes or other radioactive matter."

2 The following phrase is added at the beginning of paragraph 8, Annex I:

"8 With the exception of paragraph 6 above, ..."

3 The second sentence of the existing text, paragraph 9, Annex I, is replaced by the following:

"Paragraph 6 above does not apply to wastes or other materials (e.g. sewage sludges and dredged material) containing de minimis (exempt) levels of radioactivity as defined by the IAEA and adopted by the Contracting Parties. Unless otherwise prohibited by Annex I, such wastes shall be subject to the provisions of Annexes II and III as appropriate."

4 The following text is added to Annex I as a new paragraph 12:

"12 Within 25 years from the date on which the amendment to paragraph 6 enters into force and at each 25 year interval thereafter, the Contracting Parties shall complete a scientific study relating to all radioactive wastes and other radioactive matter other than high level radioactive wastes or matter, taking into account such other factors as the Contracting Parties consider appropriate, and shall review the position of such substances in Annex I in accordance with the procedures set forth in Article XV."

Annex II

The present text of Annex II, section D is deleted and the subsequent sections are redesignated accordingly.

DECLARATIONS

ARGENTINA

[SPANISH TEXT — TEXTE ESPAGNOL]

“El Gobierno argentino declara que en este momento no puede aceptar la Resolución LC.49(16).”

[TRANSLATION — TRADUCTION]¹

... The Government of Argentina declares that at this time it is unable to accept resolution LC.49(16). . . .

[15 February 1994]

DÉCLARATIONS

ARGENTINE

[TRADUCTION — TRANSLATION]

... le Gouvernement argentin déclare qu'il n'est pas en mesure actuellement de souscrire à la résolution LC.49(16). . . .

[15 février 1994]

*AUSTRALIA**AUSTRALIE*

[TRADUCTION — TRANSLATION]

“Australia accepts the prohibition on the dumping of industrial wastes at sea as from 1 January 1996 as envisaged in resolution LC.49(16) for all types of industrial wastes as defined by the resolution with the exception of jarosite waste for which it is necessary, for technical reasons which will be elaborated at future meetings of the London Convention, to retain the option of dumping at sea for a short period after the expiration of the deadline set down in resolution LC.49(16). Under no circumstances will the dumping at sea of jarosite be permitted by the Australian Government beyond 31 December 1997.”

[15 February 1994]

L'Australie accepte l'interdiction de l'immersion des déchets industriels en mer à compter du 1^{er} janvier 1996, telle qu'envisagée dans la résolution LC.49(16), pour tous les types de déchets industriels tels que définis par la résolution, à l'exception des déchets de jarosite pour lesquels il est nécessaire, pour des raisons techniques à préciser lors de réunions futures de la Convention de Londres, de retenir la solution de l'immersion en mer pendant une courte période suivant l'expiration du délai fixé dans la résolution LC.49(16). Le Gouvernement australien n'autorisera en aucun cas l'immersion de la jarosite au-delà du 31 décembre 1997.

[15 février 1994]

¹ Translation supplied by the International Maritime Organization — Traduction fournie par l'Organisation maritime internationale.

RUSSIAN FEDERATION

FÉDÉRATION
DE RUSSIE

[RUSSIAN TEXT — TEXTE RUSSE]

« Российская Федерация не принимает поправку к Приложениям I и II к Конвенции по предотвращению загрязнения моря сбросами отходов и других материалов от 29 декабря 1972 г., изложенную в резолюции LC.51(16), которая принята 12 ноября 1993 г. на 16-м Консультативном совещании стран-участников Конвенции. Вместе с тем российская сторона будет и впредь стремиться к недопущению загрязнения моря сбросами отходов и других материалов, на предотвращение которых направлены положения упомянутой поправки. »

[TRANSLATION — TRADUCTION]¹

... the Russian Federation does not accept the amendment to Annexes I and II to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter of 29 December 1972, as contained in resolution LC.51(16), adopted on 12 November 1993 at the Sixteenth Consultative Meeting of the States Parties to the Convention. Russia will, however, continue its endeavours to ensure that the sea is not polluted by the dumping of wastes and other matter, the prevention of which is the object of the provisions contained in the above-mentioned amendment.

[18 February 1994]

[TRADUCTION — TRANSLATION]

... la Fédération de Russie ne peut accepter l'amendement aux annexes I et II de la Convention sur la prévention de la pollution des mers résultant de l'immersion de déchets et d'autres matières du 29 décembre 1972, qui figure dans la résolution LC.51(16), adoptée le 12 novembre 1993 à la seizième réunion consultative des Etats parties à la Convention. Cependant, la Russie continuera à s'efforcer de prévenir la pollution des mers résultant de l'immersion de déchets et autres matières, dont la prévention fait l'objet des dispositions contenues dans l'amendement susmentionné.

[18 février 1994]

¹ Translation supplied by the International Maritime Organization — Traduction fournie par l'Organisation maritime internationale.