

No. 30674

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.