ANNEX 3

RESOLUTION LC.49(16)

AMENDMENTS TO THE ANNEXES TO THE
CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING
OF WASTES AND OTHER MATTER, 1972
CONCERNING PHASING OUT SEA DISPOSAL OF INDUSTRIAL WASTE

THE SIXTEENTH CONSULTATIVE MEETING,

RECALLING Articles I and II of the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter which state, inter alia, that Contracting Parties shall individually and collectively promote the effective control of all sources of pollution of the marine environment and that they shall harmonize their policies to prevent marine pollution caused by dumping,

RECOGNIZING the commitment of Contracting Parties under Article IX of the Convention in respect of technical assistance,

NOTING in this regard the undertaking reached by UNCED, Agenda 21, Chapter 34.14(b) on "Transfer of environmentally sound technology, co-operation and capacity-building",

RECALLING ALSO resolution LDC.43(13) by which Contracting Parties agreed, inter alia, that the dumping of industrial waste at sea would cease by 31 December 1995 at the latest and that they should endeavour to adopt individual or regional commitments to cease dumping of industrial waste before 31 December 1995,

RECALLING FURTHER resolution LDC.44(14) on the application of a precautionary approach in environmental protection within the framework of the London Convention 1972,

NOTING ALSO that several Contracting Parties, individually or under regional agreements covering the dumping of wastes, have already phased out sea disposal of industrial waste,

WELCOMING the efforts undertaken within the framework of other Conventions in order to develop and adopt technical guidelines for the environmentally sound management of hazardous wastes on land,

RECALLING the encouragement by UNCED, Agenda 21, Chapter 17.30(b)(ii) to the Contracting Parties to take appropriate steps to stop ocean dumping of hazardous substances,

REAFFIRMING the agreement that Contracting Parties commit themselves to take all necessary steps to enable all Contracting Parties to comply with phasing out of sea disposal of industrial waste, including the promotion of technical assistance to this end taking into account the outcome of the Global Waste Survey,

REAFFIRMING ALSO the agreement that Contracting Parties facilitate access to, and transfer of, environmentally sound technologies particularly to developing countries to promote:

- the modification of industrial processes in such a way as to reduce and eliminate the amount of waste generated;

- the recycling of wastes or the reuse of them in other industries;

- the environmentally sound management of wastes on land;

- the further development of alternative and environmentally sound means of disposal,

REAFFIRMING FURTHER the agreement that a better protection of the marine environment by cessation of dumping of industrial waste should not result in unacceptable environmental effects elsewhere,

ADOPTS the following amendments to the Annexes to the Convention in accordance with Articles XIV(4)(a) and XV(2) thereof:

(a) amendments to Annex I; and

(b) amendments to Annex II;

the texts of which are set out in the attachment to this resolution,

REQUESTS the Secretary-General of the International Maritime Organization to inform the Contracting Parties of the above mentioned amendments in accordance with Article XV(1)(b) of the Convention,

ATTACHMENT

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.

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