ANNEX 5

RESOLUTION LC.51(16)

AMENDMENTS TO THE ANNEXES TO THE CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING OF WASTES AND OTHER MATTER, 1972 CONCERNING DISPOSAL AT SEA OF RADIOACTIVE WASTES AND OTHER RADIOACTIVE MATTER

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,

BEING AWARE that the dumping of high level radioactive wastes or other high level radioactive matter is prohibited under Article IV in connection with Annex I, paragraph 6 of the Convention,

NOTING resolution LDC.21(9) on the suspension of all dumping at sea of radioactive wastes and other radioactive matter and recognizing that, such suspension shall continue until the entry into force of the amendment to Annex I, paragraph 6 of the Convention,

NOTING ALSO that the International Atomic Energy Agency (IAEA) is the competent international body to define waste and other matter considered to be radioactive for purposes of regulatory control under the Convention and has been requested by Contracting Parties to develop quantitative limits for de minimis (exempt) levels of radioactivity,

RECOGNIZING that in the interim, the Parties shall be guided by IAEA Safety Series 78 and 89, and decisions and recommendations taken at the Consultative Meetings,

NOTING FURTHER that amendments to the Convention relating to the issue of inclusion of sub-sea-bed repositories accessed from the sea in the definition of "dumping" are under consideration by the Contracting Parties,

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

BEING ALSO AWARE of the encouragement by UNCED Agenda 21, Chapter 22.5(b) to the Contracting Parties to expedite work to complete studies on replacing the current voluntary moratorium on disposal of low level radioactive waste at sea by a ban, and

NOTING FURTHER the conclusions and the options on disposal at sea of radioactive waste as contained in the final report (LC/IGPRAD 6/5) of the Inter-governmental Panel of Experts on Radioactive Waste Disposal at Sea which was established on the basis of resolution LDC.28(10) and expressing its appreciation to the experts involved in the preparation of this final report,

HAVING ADOPTED amendments to Annex I to the Convention by resolution LC.49(16) concerning phasing out sea disposal of industrial waste,

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

(a) amendment to Annex I, paragraphs 6, 8, 9 and insertion of a new paragraph 12; and

(b) amendment to Annex II, section D

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,

REAFFIRMS that, with respect to any Party as to which the amendment to paragraph 6 of Annex I is not in force, the suspension of all dumping of radioactive wastes and other matter established by resolution LDC 21(9) shall continue until the entry into force of the amendment to Annex I, paragraph 6 of the Convention,

AGREES that the disposal of radioactive wastes and other radioactive matter into sub-sea-bed repositories accessed from the sea in accordance with resolution LDC.41(13) is suspended until such time as the Parties determine otherwise, noting that whether such disposal is "dumping" within the meaning of the Convention is under consideration by the Consultative Meeting,

RESOLVES FURTHER that Contracting Parties shall endeavour to co-operate in assisting countries with special problems relating to the safe disposal of radioactive wastes to meet effectively their international obligations under the Convention on the Prevention of Marine Pollution by Dumping of Wastes and Other Matter.

ATTACHMENT

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 materials) 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.

***