

Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean ¹

The Contracting Parties to the present Protocol,

Being Parties to the Convention for the Protection of the Mediterranean Sea against Pollution, adopted at Barcelona on 16 February 1976,

Conscious of the profound impact of human activities on the state of the marine environment and the littoral and more generally on the ecosystems of areas having prevailing Mediterranean features,

Stressing the importance of protecting and, as appropriate, improving the state of the Mediterranean natural and cultural heritage, in particular through the establishment of specially protected areas and also by the protection and conservation of threatened species,

Considering the instruments adopted by the United Nations Conference on Environment and Development and particularly the Convention on Biological Diversity (Rio de Janeiro, 1992),

Conscious that when there is a threat of significant reduction or loss of biological diversity, lack of full scientific certainty should not be invoked as a reason for postponing measures to avoid or minimize such a threat,

Considering that all the Contracting Parties should cooperate to conserve, protect and restore the health and integrity of ecosystems and that they have, in this respect, common but differentiated responsibilities,

Have agreed as follows:

¹ The Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean was adopted on 10 June 1995 by the Conference of Plenipotentiaries for the Protection of the Mediterranean Sea against Pollution and its Protocols, held in Barcelona. The Protocol, which will replace the Protocol concerning Mediterranean Specially Protected Areas of 1982 in accordance with its Article 32, has not yet entered into force.

The Annexes to the Protocol were adopted on 24 November 1996 by the Meeting of Plenipotentiaries on the Annexes to the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean, held in Monaco.

PART I

GENERAL PROVISIONS

Article 1

DEFINITIONS

For the purposes of this Protocol:

(a) "Convention" means the Convention for the Protection of the Mediterranean Sea against Pollution, adopted at Barcelona on 16 February 1976 and amended at Barcelona in 1995;

(b) "Biological diversity" means the variability among living organisms from all sources including, *inter alia*, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems;

(c) "Endangered species" means any species that is in danger of extinction throughout all or part of its range;

(d) "Endemic species" means any species whose range is restricted to a limited geographical area;

(e) "Threatened species" means any species that is likely to become extinct within the foreseeable future throughout all or part of its range and whose survival is unlikely if the factors causing numerical decline or habitat degradation continue to operate;

(f) "Conservation status of a species" means the sum of the influences acting on the species that may affect its long-term distribution and abundance;

(g) "Parties" means the Contracting Parties to this Protocol;

(h) "Organization" means the organization referred to in Article 2 of the Convention;

(i) "Centre" means the Regional Activity Centre for Specially Protected Areas.

Article 2

GEOGRAPHICAL COVERAGE

1. The area to which this Protocol applies shall be the area of the Mediterranean Sea as delimited in Article 1 of the Convention. It also includes:

- the seabed and its subsoil;
- the waters, the seabed and its subsoil on the landward side of the baseline from which the breadth of the territorial sea is measured and extending, in the case of watercourses, up to the freshwater limit;
- the terrestrial coastal areas designated by each of the Parties, including wetlands.

2. Nothing in this Protocol nor any act adopted on the basis of this Protocol shall prejudice the rights, the present and future claims or legal views of any State relating to the law of the sea, in particular, the nature and the extent of marine areas, the delimitation of marine areas between States with opposite or adjacent coasts, freedom of navigation on the high seas, the right and the modalities of passage through straits used for international navigation and the right of innocent passage in territorial seas, as well as the nature and extent of the jurisdiction of the coastal State, the flag State and the port State.

3. No act or activity undertaken on the basis of this Protocol shall constitute grounds for claiming, contending or disputing any claim to national sovereignty or jurisdiction.

Article 3

GENERAL OBLIGATIONS

1. Each Party shall take the necessary measures to:

(a) protect, preserve and manage in a sustainable and environmentally sound way areas of particular natural or cultural value, notably by the establishment of specially protected areas;

(b) protect, preserve and manage threatened or endangered species of flora and fauna.

2. The Parties shall cooperate, directly or through the competent international organizations, in the conservation and sustainable use of biological diversity in the area to which this Protocol applies.

3. The Parties shall identify and compile inventories of the components of biological diversity important for its conservation and sustainable use.

4. The Parties shall adopt strategies, plans and programmes for the conservation of biological diversity and the sustainable use of marine and coastal biological resources and shall integrate them into their relevant sectoral and intersectoral policies.

5. The Parties shall monitor the components of biological diversity referred to in

paragraph 3 of this Article and shall identify processes and categories of activities which have or are likely to have a significant adverse impact on the conservation and sustainable use of biological diversity, and monitor their effects.

6. Each Party shall apply the measures provided for in this Protocol without prejudice to the sovereignty or the jurisdiction of other Parties or other States. Any measures taken by a Party to enforce these measures shall be in accordance with international law.

PART II

PROTECTION OF AREAS

SECTION ONE - SPECIALLY PROTECTED AREAS

Article 4

OBJECTIVES

The objective of specially protected areas is to safeguard:

- (a) representative types of coastal and marine ecosystems of adequate size to ensure their long-term viability and to maintain their biological diversity;
- (b) habitats which are in danger of disappearing in their natural area of distribution in the Mediterranean or which have a reduced natural area of distribution as a consequence of their regression or on account of their intrinsically restricted area;
- (c) habitats critical to the survival, reproduction and recovery of endangered, threatened or endemic species of flora or fauna;
- (d) sites of particular importance because of their scientific, aesthetic, cultural or educational interest.

Article 5

ESTABLISHMENT OF SPECIALLY PROTECTED AREAS

1. Each Party may establish specially protected areas in the marine and coastal zones subject to its sovereignty or jurisdiction.
2. If a Party intends to establish, in an area subject to its sovereignty or national jurisdiction, a specially protected area contiguous to the frontier and to the limits of a zone subject to the sovereignty or national jurisdiction of another Party, the competent authorities of the two Parties shall endeavour to cooperate, with a view to reaching agreement on the measures to be taken and shall, *inter alia*, examine the possibility of the other Party establishing a corresponding specially protected area or adopting any other appropriate measures.
3. If a Party intends to establish, in an area subject to its sovereignty or national jurisdiction, a specially protected area contiguous to the frontier and to the limits of a zone subject to the sovereignty or national jurisdiction of a State that is not a Party to this Protocol, the Party shall endeavour to cooperate with that State as referred to in the previous paragraph.

4. If a State which is not party to this Protocol intends to establish a specially protected area contiguous to the frontier and to the limits of a zone subject to the sovereignty or national jurisdiction of a Party to this Protocol, the latter shall endeavour to cooperate with that State as referred to in paragraph 2.

Article 6

PROTECTION MEASURES

The Parties, in conformity with international law and taking into account the characteristics of each specially protected area, shall take the protection measures required, in particular:

- (a) the strengthening of the application of the other Protocols to the Convention and of other relevant treaties to which they are Parties;
- (b) the prohibition of the dumping or discharge of wastes and other substances likely directly or indirectly to impair the integrity of the specially protected area;
- (c) the regulation of the passage of ships and any stopping or anchoring;
- (d) the regulation of the introduction of any species not indigenous to the specially protected area in question, or of genetically modified species, as well as the introduction or reintroduction of species which are or have been present in the specially protected area;
- (e) the regulation or prohibition of any activity involving the exploration or modification of the soil or the exploitation of the subsoil of the land part, the seabed or its subsoil;
- (f) the regulation of any scientific research activity;
- (g) the regulation or prohibition of fishing, hunting, taking of animals and harvesting of plants or their destruction, as well as trade in animals, parts of animals, plants, parts of plants, which originate in specially protected areas;
- (h) the regulation and if necessary the prohibition of any other activity or act likely to harm or disturb the species or that might endanger the state of conservation of the ecosystems or species or might impair the natural or cultural characteristics of the specially protected area;
- (i) any other measure aimed at safeguarding ecological and biological processes and the landscape.

Article 7

PLANNING AND MANAGEMENT

1. The Parties shall, in accordance with the rules of international law, adopt planning, management, supervision and monitoring measures for the specially protected areas.
2. Such measures should include for each specially protected area:
 - (a) the development and adoption of a management plan that specifies the legal and institutional framework and the management and protection measures applicable;
 - (b) the continuous monitoring of ecological processes, habitats, population dynamics, landscapes, as well as the impact of human activities;
 - (c) the active involvement of local communities and populations, as appropriate, in the management of specially protected areas, including assistance to local inhabitants who might be affected by the establishment of such areas;
 - (d) the adoption of mechanisms for financing the promotion and management of specially protected areas, as well as the development of activities which ensure that management is compatible with the objectives of such areas;
 - (e) the regulation of activities compatible with the objectives for which the specially protected area was established and the terms of the related permits;
 - (f) the training of managers and qualified technical personnel, as well as the development of an appropriate infrastructure.
3. The Parties shall ensure that national contingency plans incorporate measures for responding to incidents that could cause damage or constitute a threat to the specially protected areas.
4. When specially protected areas covering both land and marine areas have been established, the Parties shall endeavour to ensure the coordination of the administration and management of the specially protected area as a whole.

**SECTION TWO - SPECIALLY PROTECTED AREAS OF
MEDITERRANEAN IMPORTANCE**

Article 8

**ESTABLISHMENT OF THE LIST OF SPECIALLY PROTECTED AREAS
OF MEDITERRANEAN IMPORTANCE**

1. In order to promote cooperation in the management and conservation of natural areas, as well as in the protection of threatened species and their habitats, the Parties shall draw up a "List of Specially Protected Areas of Mediterranean Importance", hereinafter referred to as the "SPAMI List".

2. The SPAMI List may include sites which:
 - are of importance for conserving the components of biological diversity in the Mediterranean;
 - contain ecosystems specific to the Mediterranean area or the habitats of endangered species;
 - are of special interest at the scientific, aesthetic, cultural or educational levels.
3. The Parties agree:
 - (a) to recognize the particular importance of these areas for the Mediterranean;
 - (b) to comply with the measures applicable to the SPAMIs and not to authorize nor undertake any activities that might be contrary to the objectives for which the SPAMIs were established.

Article 9

PROCEDURE FOR THE ESTABLISHMENT AND LISTING OF SPAMIs

1. SPAMIs may be established, following the procedure provided for in paragraph 2 to 4 of this Article, in: (a) the marine and coastal zones subject to the sovereignty or jurisdiction of the Parties; (b) zones partly or wholly on the high seas.
2. Proposals for inclusion in the List may be submitted:
 - (a) by the Party concerned, if the area is situated in a zone already delimited, over which it exercises sovereignty or jurisdiction;
 - (b) by two or more neighbouring Parties concerned if the area is situated, partly or wholly, on the high sea;
 - (c) by the neighbouring Parties concerned in areas where the limits of national sovereignty or jurisdiction have not yet been defined.
3. Parties making proposals for inclusion in the SPAMI List shall provide the Centre with an introductory report containing information on the area's geographical location, its physical and ecological characteristics, its legal status, its management plans and the means for their implementation, as well as a statement justifying its Mediterranean importance;
 - (a) where a proposal is formulated under subparagraphs 2 (b) and 2 (c) of this Article, the neighbouring Parties concerned shall consult each other with a view to ensuring the consistency of the proposed protection and management measures, as well as the means for their implementation;
 - (b) proposals made under paragraph 2 of this Article shall indicate the protection and management measures applicable to the area as well as the means of their implementation.

4. The procedure for inclusion of the proposed area in the List is the following:

(a) for each area, the proposal shall be submitted to the National Focal Points, which shall examine its conformity with the common guidelines and criteria adopted pursuant to Article 16;

(b) if a proposal made in accordance with subparagraph 2 (a) of this Article is consistent with the guidelines and common criteria, after assessment, the Organization shall inform the meeting of the Parties, which shall decide to include the area in the SPAMI List;

(c) if a proposal made in accordance with subparagraphs 2 (b) and 2 (c) of this Article is consistent with the guidelines and common criteria, the Centre shall transmit it to the Organization, which shall inform the meeting of the Parties. The decision to include the area in the SPAMI list shall be taken by consensus by the Contracting Parties, which shall also approve the management measures applicable to the area.

5. The Parties which proposed the inclusion of the area in the List shall implement the protection and conservation measures specified in their proposals in accordance with paragraph 3 of this Article. The Contracting Parties undertake to observe the rules thus laid down. The Centre shall inform the competent international organizations of the List and of the measures taken in the SPAMIs.

6. The Parties may revise the SPAMI List. To this end, the Centre shall prepare a report.

Article 10

CHANGES IN THE STATUS OF SPAMIS

Changes in the delimitation or legal status of a SPAMI or the suppression of all or part of such an area shall not be decided upon unless there are important reasons for doing so, taking into account the need to safeguard the environment and comply with the obligations laid down in this Protocol and a procedure similar to that followed for the creation of the SPAMI and its inclusion in the List shall be observed.

PART III

PROTECTION AND CONSERVATION OF SPECIES

Article 11

NATIONAL MEASURES FOR THE PROTECTION AND CONSERVATION OF SPECIES

1. The Parties shall manage species of flora and fauna with the aim of maintaining them in a favourable state of conservation.

2. The Parties shall, in the zones subject to their sovereignty or national jurisdiction, identify and compile lists of the endangered or threatened species of flora and fauna and accord protected status to such species. The Parties shall regulate and, where appropriate, prohibit activities having adverse effects on such species or their habitats, and carry out management, planning and other measures to ensure a favourable state of conservation of such species.

3. With respect to protected species of fauna, the Parties shall control and, where appropriate, prohibit:

(a) the taking, possession or killing (including, to the extent possible, the incidental taking, possession or killing), the commercial trade, the transport and the exhibition for commercial purposes of these species, their eggs, parts or products;

(b) to the extent possible, the disturbance of wild fauna, particularly during the period of breeding, incubation, hibernation or migration, as well as other periods of biological stress.

4. In addition to the measures specified in the previous paragraph, the Parties shall coordinate their efforts, through bilateral or multilateral action, including if necessary, agreements for the protection and recovery of migratory species whose range extends into the area to which this Protocol applies.

5. With respect to protected species of flora and their parts and products, the Parties shall regulate, and where appropriate, prohibit all forms of destruction and disturbance, including the picking, collecting, cutting, uprooting, possession of, commercial trade in, or transport and exhibition for commercial purposes of such species.

6. The Parties shall formulate and adopt measures and plans with regard to ex situ reproduction, in particular captive breeding, of protected fauna and propagation of protected flora.

7. The Parties shall endeavour, directly or through the Centre, to consult with range States that are not Parties to this Protocol, with a view to coordinating their efforts to manage and protect endangered or threatened species.

8. The Parties shall make provision, where possible, for the return of protected species exported or held illegally. Efforts should be made by Parties to reintroduce such specimens to their natural habitat.

Article 12

COOPERATIVE MEASURES FOR THE PROTECTION AND CONSERVATION OF SPECIES

1. The Parties shall adopt cooperative measures to ensure the protection and conservation of the flora and fauna listed in the Annexes to this Protocol relating to the List of Endangered or Threatened Species and the List of Species whose Exploitation is Regulated.

2. The Parties shall ensure the maximum possible protection and recovery of the species of fauna and flora listed in the Annex relating to the List of Endangered or Threatened Species by adopting at the national level the measures provided for in paragraphs 3 and 5 of Article 11 of this Protocol.

3. The Parties shall prohibit the destruction of and damage to the habitat of species listed in the Annex relating to the List of Endangered or Threatened Species and shall formulate and implement action plans for their conservation or recovery. They shall continue to cooperate in implementing the relevant action plans already adopted.

4. The Parties, in cooperation with competent international organizations, shall take all appropriate measures to ensure the conservation of the species listed in the Annex relating to the List of Species whose Exploitation is Regulated while at the same time authorizing and regulating the exploitation of these species so as to ensure and maintain their favourable state of conservation.

5. When the range area of a threatened or endangered species extends to both sides of a national frontier or of the limit that separates the territories or the areas subject to the sovereignty or the national jurisdiction of two Parties to this Protocol, these Parties shall cooperate with a view to ensuring the protection and conservation and, if necessary, the recovery of such species.

6. Provided that no other satisfactory solutions are available and that the exemption does not harm the survival of the population or of any other species, the Parties may grant exemptions to the prohibitions prescribed for the protection of the species listed in the Annexes to this Protocol for scientific, educational or management purposes necessary to ensure the survival of the species or to prevent significant damage. Such exemptions shall be notified to the Contracting Parties.

Article 13

INTRODUCTION OF NON-INDIGENOUS OR GENETICALLY MODIFIED SPECIES

1. The Parties shall take all appropriate measures to regulate the intentional or accidental introduction of non-indigenous or genetically modified species to the wild and prohibit those that may have harmful impacts on the ecosystems, habitats or species in the area to which this Protocol applies.

2. The Parties shall endeavour to implement all possible measures to eradicate species that have already been introduced when, after scientific assessment, it appears that such species cause or are likely to cause damage to ecosystems, habitats or species in the area to which this Protocol applies.

PART IV

PROVISIONS COMMON TO PROTECTED AREAS AND SPECIES

Article 14

AMENDMENTS TO ANNEXES

1. The procedures for amendments to Annexes to this Protocol shall be those set forth in Article 23 of the Convention.
2. All proposed amendments submitted to the meeting of Contracting Parties shall have been the subject of prior evaluation by the meeting of National Focal Points.

Article 15

INVENTORIES

Each Party shall compile comprehensive inventories of:

- (a) areas over which they exercise sovereignty or jurisdiction that contain rare or fragile ecosystems, that are reservoirs of biological diversity, that are important for threatened or endangered species;
- (b) species of fauna or flora that are endangered or threatened.

Article 16

GUIDELINES AND COMMON CRITERIA

The Parties shall adopt:

- (a) common criteria for the choice of protected marine and coastal areas that could be included in the SPAMI List which shall be annexed to the Protocol;
- (b) common criteria for the inclusion of additional species in the Annexes;
- (c) guidelines for the establishment and management of specially protected areas.

The criteria and guidelines referred to in paragraphs (b) and (c) may be amended by the meeting of the Parties on the basis of a proposal made by one or more Parties.

Article 17

ENVIRONMENTAL IMPACT ASSESSMENT

In the planning process leading to decisions on industrial and other projects and activities that could significantly affect protected areas and species and their habitats, the Parties shall evaluate and take into consideration the possible direct or indirect, immediate or long-term, impact, including the cumulative impact of the projects and activities being contemplated.

Article 18

INTEGRATION OF TRADITIONAL ACTIVITIES

1. In formulating protective measures, the Parties shall take into account the traditional subsistence and cultural activities of their local populations. They shall grant exemptions, as necessary, to meet such needs. No exemption which is allowed for this reason shall:

(a) endanger either the maintenance of ecosystems protected under this Protocol or the biological processes contributing to the maintenance of those ecosystems;

(b) cause either the extinction of, or a substantial reduction in, the number of individuals making up the populations or species of flora and fauna, in particular endangered, threatened, migratory or endemic species.

2. Parties which grant exemptions from the protection measures shall inform the Contracting Parties accordingly.

Article 19

PUBLICITY, INFORMATION, PUBLIC AWARENESS AND EDUCATION

1. The Parties shall give appropriate publicity to the establishment of specially protected areas, their boundaries, applicable regulations, and to the designation of protected species, their habitats and applicable regulations.

2. The Parties shall endeavour to inform the public of the interest and value of specially protected areas and species, and of the scientific knowledge which may be gained from the point of view of nature conservation and other points of view. Such information should have an appropriate place in education programmes. The Parties shall also endeavour to promote the participation of their public and their conservation organizations in measures that are necessary for the protection of the areas and species concerned, including environmental impact assessments.

Article 20

SCIENTIFIC, TECHNICAL AND MANAGEMENT RESEARCH

1. The Parties shall encourage and develop scientific and technical research relating to the aims of this Protocol. They shall also encourage and develop research into the sustainable use of specially protected areas and the management of protected species.
2. The Parties shall consult, when necessary, among themselves and with competent international organizations with a view to identifying, planning and undertaking scientific and technical research and monitoring programmes necessary for the identification and monitoring of protected areas and species and assessing the effectiveness of measures taken to implement management and recovery plans.
3. The Parties shall exchange, directly or through the Centre, scientific and technical information concerning current and planned research and monitoring programmes and the results thereof. They shall, to the fullest extent possible, coordinate their research and monitoring programmes, and endeavour jointly to define or standardize their procedures.
4. In technical and scientific research, the Parties shall give priority to SPAMIs and species appearing in the Annexes to this Protocol.

Article 21

MUTUAL COOPERATION

1. The Parties shall, directly or with the assistance of the Centre or international organizations concerned, establish cooperation programmes to coordinate the establishment, conservation, planning and management of specially protected areas, as well as the selection, management and conservation of protected species. There shall be regular exchanges of information concerning the characteristics of protected areas and species, the experience acquired and the problems encountered.
2. The Parties shall, at the earliest opportunity, communicate any situation that might endanger the ecosystems of specially protected areas or the survival of protected species of flora and fauna to the other Parties, to the States that might be affected and to the Centre.

Article 22

MUTUAL ASSISTANCE

1. The Parties shall cooperate, directly or with the assistance of the Centre or the international organizations concerned, in formulating, financing and implementing programmes of mutual assistance and assistance to developing countries that express a need for it with a view to implementing this Protocol.

2. These programmes shall include public environmental education, the training of scientific, technical and management personnel, scientific research, the acquisition, utilization, design and development of appropriate equipment, and transfer of technology on advantageous terms to be agreed among the Parties concerned.

3. The Parties shall, in matters of mutual assistance, give priority to the SPAMIs and species appearing in the Annexes to this Protocol.

Article 23

REPORTS OF THE PARTIES

The Parties shall submit to ordinary meetings of the Parties a report on the implementation of this Protocol, in particular on:

- (a) the status and the state of the areas included in the SPAMI List;
- (b) any changes in the delimitation or legal status of the SPAMIs and protected species;
- (c) possible exemptions allowed pursuant to Articles 12 and 18 of this Protocol.

PART V

INSTITUTIONAL PROVISIONS

Article 24

NATIONAL FOCAL POINTS

Each Party shall designate a National Focal Point to serve as liaison with the Centre on the technical and scientific aspects of the implementation of this Protocol. The National Focal Points shall meet periodically to carry out the functions deriving from this Protocol.

Article 25

COORDINATION

1. The Organization shall be responsible for coordinating the implementation of this Protocol. For this purpose, it shall receive the support of the Centre, to which it may entrust the following functions:

- (a) assisting the Parties, in cooperation with the competent international, intergovernmental and non-governmental organizations, in:

- establishing and managing specially protected areas in the area to which this Protocol applies;
 - conducting programmes of technical and scientific research as provided for in Article 20 of this Protocol;
 - conducting the exchange of scientific and technical information among the Parties as provided for in Article 20 of this Protocol;
 - preparing management plans for specially protected areas and species;
 - developing cooperative programmes pursuant to Article 21 of this Protocol;
 - preparing educational materials designed for various groups;
- (b) convening and organizing the meetings of the National Focal Points and providing them with secretariat services;
- (c) formulating recommendations on guidelines and common criteria pursuant to Article 16 of this Protocol;
- (d) creating and updating databases of specially protected areas, protected species and other matters relevant to this Protocol;
- (e) preparing reports and technical studies that may be required for the implementation of this Protocol;
- (f) elaborating and implementing the training programmes mentioned in Article 22, paragraph 2;
- (g) cooperating with regional and international governmental and non-governmental organizations concerned with the protection of areas and species, provided that the specificity of each organization and the need to avoid the duplication of activities are respected;
- (h) carrying out the functions assigned to it in the action plans adopted in the framework of this Protocol;
- (i) carrying out any other function assigned to it by the Parties.

Article 26

MEETINGS OF THE PARTIES

1. The ordinary meetings of the Parties to this Protocol shall be held in conjunction with the ordinary meetings of the Contracting Parties to the Convention held pursuant to Article 18 of the Convention. The Parties may also hold extraordinary meetings in conformity with that Article.
2. The meetings of the Parties to this Protocol are particularly aimed at:
 - (a) keeping under review the implementation of this Protocol;
 - (b) overseeing the work of the Organization and of the Centre relating to the

implementation of this Protocol and providing policy guidance for their activities;

(c) considering the efficacy of the measures adopted for the management and protection of areas and species, and examining the need for other measures, in particular in the form of Annexes and amendments to this Protocol or to its Annexes;

(d) adopting the guidelines and common criteria provided for in Article 16 of this Protocol;

(e) considering reports transmitted by the Parties under Article 23 of this Protocol, as well as any other pertinent information which the Parties transmit through the Centre;

(f) making recommendations to the Parties on the measures to be adopted for the implementation of this Protocol;

(g) examining the recommendations of the meetings of the National Focal Points pursuant to Article 24 of this Protocol;

(h) deciding on the inclusion of an area in the SPAMI List in conformity with Article 9, paragraph 4, of this Protocol;

(i) examining any other matter relevant to this Protocol, as appropriate;

(j) discussing and evaluating the exemptions allowed by the Parties in conformity with Articles 12 and 18 of this Protocol.

PART VI

FINAL PROVISIONS

Article 27

EFFECT OF THE PROTOCOL ON DOMESTIC LEGISLATION

The provisions of this Protocol shall not affect the right of Parties to adopt relevant stricter domestic measures for the implementation of this Protocol.

Article 28

RELATIONSHIP WITH THIRD PARTIES

1. The Parties shall invite States that are not Parties to the Protocol and international organizations to cooperate in the implementation of this Protocol.

2. The Parties undertake to adopt appropriate measures, consistent with international law, to ensure that no one engages in any activity contrary to the principles or purposes of this Protocol.

Article 29

SIGNATURE

This Protocol shall be open for signature in Barcelona on 10 June 1995 and in Madrid from 11 June 1995 to 10 June 1996 by any Contracting Party to the Convention.

Article 30

RATIFICATION, ACCEPTANCE OR APPROVAL

This Protocol shall be subject to ratification, acceptance or approval. Instruments of ratification, acceptance or approval shall be deposited with the Government of Spain, which will assume the functions of Depositary.

Article 31

ACCESSION

As from 10 June 1996, this Protocol shall be open for accession by any State and regional economic grouping which is Party to the Convention.

Article 32

ENTRY INTO FORCE

- 1. This Protocol shall enter into force on the thirtieth day following the deposit of the sixth instrument of ratification, acceptance or approval of, or accession to, the Protocol.**
- 2. From the date of its entry into force, this Protocol shall replace the Protocol Concerning Mediterranean Specially Protected Areas of 1982, in the relationship among the Parties to both instruments.**

IN WITNESS WHEREOF, the undersigned, being duly authorized, have signed this Protocol.

DONE at Barcelona, on 10 June 1995, in a single copy in the Arabic, English, French and Spanish languages, the four texts being equally authoritative, for signature by any Party to the Convention.

ANNEX I

COMMON CRITERIA FOR THE CHOICE OF PROTECTED MARINE AND COASTAL AREAS THAT COULD BE INCLUDED IN THE SPAMI LIST

A. GENERAL PRINCIPLES

The Contracting Parties agree that the following general principles will guide their work in establishing the SPAMI List:

- a) The conservation of the natural heritage is the basic aim that must characterize a SPAMI. The pursuit of other aims such as the conservation of the cultural heritage, and the promotion of scientific research, education, participation, collaboration, is highly desirable in SPAMIs and constitutes a factor in favour of a site being included on the List, to the extent in which it remains compatible with the aims of conservation.
- b) No limit is imposed on the total number of areas included in the List or on the number of areas any individual Party can propose for inscription. Nevertheless, the Parties agree that sites will be selected on a scientific basis and included in the List according to their qualities; they will have therefore to fulfil the requirements set out by the Protocol and the present criteria.
- c) The listed SPAMI and their geographical distribution will have to be representative of the Mediterranean region and its biodiversity. To this end the List will have to represent the highest number possible of types of habitats and ecosystems.
- d) The SPAMIs will have to constitute the core of a network aiming at the effective conservation of the Mediterranean heritage. To attain this objective, the Parties will develop their cooperation on bilateral and multilateral bases in the field of conservation and management of natural sites and notably through the establishment of transboundary SPAMIs.
- e) The sites included in the SPAMI List are intended to have a value of example and model for the protection of the natural heritage of the region. To this end, the Parties ensure that sites included in the List are provided with adequate legal status, protection measures and management methods and means.

B. GENERAL FEATURES OF THE AREAS THAT COULD BE INCLUDED IN THE SPAMI LIST

1. To be eligible for inclusion in the SPAMI List, an area must fulfil at least one of the general criteria set in Article 8 paragraph 2 of the Protocol. Several of these general criteria can in certain cases be fulfilled by the same area, and such a circumstance cannot but strengthen the case for the inclusion of the area in the List.
2. The regional value is a basic requirement of an area for being included in the SPAMI List. The following criteria should be used in evaluating the Mediterranean interest of an area:

a) Uniqueness

The area contains unique or rare ecosystems, or rare or endemic species.

b) Natural representativeness

The area has highly representative ecological processes, or community or habitat types or other natural characteristics. Representativeness is the degree to which an area represents a habitat type, ecological process, biological community, physiographic feature or other natural characteristic.

c) Diversity

The area has a high diversity of species, communities, habitats or ecosystems.

d) Naturalness

The area has a high degree of naturalness as a result of the lack or low level of human-induced disturbance and degradation.

e) Presence of habitats that are critical to endangered, threatened or endemic species.

f) Cultural representativeness

The area has a high representative value with respect to the cultural heritage, due to the existence of environmentally sound traditional activities integrated with nature which support the well-being of local populations.

3. To be included in the SPAMI List, an area having scientific, educational or aesthetic interest must, respectively, present a particular value for research in the field of natural sciences or for activities of environmental education or awareness or contain outstanding natural features, landscapes or seascapes.

4. Besides the fundamental criteria specified in article 8, paragraph 2, of the Protocol, a certain number of other characteristics and factors should be considered as favourable for the inclusion of the site in the List. These include:

a) the existence of threats likely to impair the ecological, biological, aesthetic or cultural value of the area;

b) the involvement and active participation of the public in general, and particularly of local communities, in the process of planning and management of the area;

c) the existence of a body representing the public, professional, non-governmental sectors and the scientific community involved in the area;

d) the existence in the area of opportunities for sustainable development;

e) the existence of an integrated coastal management plan within the meaning of Article 4 paragraph 3 (e) of the Convention.

C. LEGAL STATUS

1. All areas eligible for inclusion in the SPAMI List must be awarded a legal status guaranteeing their effective long-term protection.
2. To be included in the SPAMI List, an area situated in a zone already delimited over which a Party exercises sovereignty or jurisdiction must have a protected status recognized by the Party concerned.
3. In the case of areas situated, partly or wholly, on the high sea or in a zone where the limits of national sovereignty or jurisdiction have not yet been defined, the legal status, the management plan, the applicable measures and the other elements provided for in Article 9, paragraph 3, of the Protocol will be provided by the neighbouring Parties concerned in the proposal for inclusion in the SPAMI List.

D. PROTECTION, PLANNING AND MANAGEMENT MEASURES

1. Conservation and management objectives must be clearly defined in the texts relating to each site, and will constitute the basis for assessment of the adequacy of the adopted measures and the effectiveness of their implementation at the revisions of the SPAMI List.
2. Protection, planning and management measures applicable to each area must be adequate for the achievement of the conservation and management objectives set for the site in the short and long term, and take in particular into account the threats upon it.
3. Protection, planning and management measures must be based on an adequate knowledge of the elements of the natural environment and of socio-economic and cultural factors that characterize each area. In case of shortcomings in basic knowledge, an area proposed for inclusion in the SPAMI List must have a programme for the collection of the unavailable data and information.
4. The competence and responsibility with regard to administration and implementation of conservation measures for areas proposed for inclusion in the SPAMI List must be clearly defined in the texts governing each area.
5. In the respect of the specificity characterizing each protected site, the protection measures for a SPAMI must take account of the following basic aspects:
 - a) the strengthening of the regulation of the release or dumping of wastes and other substances likely directly or indirectly to impair the integrity of the area;
 - b) the strengthening of the regulation of the introduction or reintroduction of any species into the area;
 - c) the regulation of any activity or act likely to harm or disturb the species, or that might endanger the conservation status of the ecosystems or species or might impair the natural, cultural or aesthetic characteristics of the area.
 - d) the regulation applicable to the zones surrounding the area in question.

6. To be included in the SPAMI List, a protected area must have a management body, endowed with sufficient powers as well as means and human resources to prevent and/or control activities likely to be contrary to the aims of the protected area.

7. To be included in the SPAMI List an area will have to be endowed with a management plan. The main rules of this management plan are to be laid down as from the time of inclusion and implemented immediately. A detailed management plan must be presented within three years of the time of inclusion. Failure to respect this obligation entails the removal of the site from the List.

8. To be included in the SPAMI List, an area will have to be endowed with a monitoring programme. This programme should include the identification and monitoring of a certain number of significant parameters for the area in question, in order to allow the assessment of the state and evolution of the area, as well as the effectiveness of protection and management measures implemented, so that they may be adapted if need be. To this end further necessary studies are to be commissioned.

ANNEX II

LIST OF ENDANGERED OR THREATENED SPECIES

Magnoliophyta

Posidonia oceanica

Zostera marina

Zostera noltii

Chlorophyta

Caulerpa ollivieri

Phaeophyta

Cystoseira amentacea (including var. *stricta* and var. *spicata*)

Cystoseira mediterranea

Cystoseira sedoides

Cystoseira spinosa (including *C. adriatica*)

Cystoseira zosteroides

Laminaria rodriguezii

Rhodophyta

Goniolithon byssoides

Lithophyllum lichenoides

Ptilophora mediterranea

Schimmelmannia schousboei

Porifera

Asbestopluma hypogea

Aplysina sp. plur.

Axinella cannabina

Axinella polypoides

Geodia cydonium

Ircinia foetida

Ircinia pipetta

Petrobiona massiliana

Tethya sp. plur.

Cnidaria

Astroides calycularis

Errina aspera

Gerardia savaglia

Echinodermata

Asterina pancerii

Centrostephanus longispinus

Ophidiaster ophidianus

Bryozoa

Hornera lichenoides

Mollusca

Ranella olearia (= *Argobuccinum olearium* = *A. giganteum*)

Charonia lampas (= *Ch. rubicunda* = *Ch. nodifera*)

Charonia tritonis (= *Ch. seguenziae*)

Dendropoma petraeum

Erosaria spurca

Gibbula nivosa

Lithophaga lithophaga

Luria lurida (= *Cypraea lurida*)

Mitra zonata

Patella ferruginea

Patella nigra

Pholas dactylus

Pinna nobilis

Pinna rudis (= *P. pernula*)

Schilderia achatidea

Tonna galea

Zonaria pyrum

Crustacea

Ocypode cursor

Pachylasma giganteum

Pisces

Acipenser naccarii

Acipenser sturio

Aphanius fasciatus

Aphanius iberus

Cetorhinus maximus

Carcharodon carcharias

Hippocampus ramulosus

Hippocampus hippocampus

Huso huso

Lethenteron zanandreae

Mobula mobular

Pomatoschistus canestrinii

Pomatoschistus tortonesei

Valencia hispanica

Valencia letourneuxi

Reptiles

Caretta caretta
Chelonia mydas
Dermochelys coriacea
Eretmochelys imbricata
Lepidochelys kempii
Trionyx triunguis

Aves

Pandion haliaetus
Calonectris diomedea
Falco eleonora
Hydrobates pelagicus
Larus audouinii
Numenius tenuirostris
Phalacrocorax aristotelis
Phalacrocorax pygmaeus
Pelecanus onocrotalus
Pelecanus crispus
Phoenicopterus ruber
Puffinus yelkouan
Sterna albifrons
Sterna bengalensis
Sterna sandvicensis

Mammalia

Balaenoptera acutorostrata
Balaenoptera borealis
Balaenoptera physalus
Delphinus delphis
Eubalaena glacialis
Globicephala melas
Grampus griseus
Kogia simus
Megaptera novaeangliae
Mesoplodon densirostris
Monachus monachus
Orcinus orca
Phocoena phocoena
Physeter macrocephalus
Pseudorca crassidens
Stenella coeruleoalba
Steno bredanensis
Tursiops truncatus
Ziphius cavirostris

ANNEX III

LIST OF SPECIES WHOSE EXPLOITATION IS REGULATED

Porifera

Hippospongia communis

Spongia agaricina

Spongia officinalis

Spongia zimocca

Cnidaria

Antipathes sp. plur.

Corallium rubrum

Echinodermata

Paracentrotus lividus

Crustacea

Homarus gammarus

Maja squinado

Palinurus elephas

Scyllarides latus

Scyllarus pigmaeus

Scyllarus arctus

Pisces

Alosa alosa

Alosa fallax

Anguilla anguilla

Epinephelus marginatus

Isurus oxyrinchus

Lamna nasus

Lampetra fluviatilis

Petromyzon marinus

Prionace glauca

Raja alba

Sciaena umbra

Squatina squatina

Thunnus thynnus

Umbrina cirrosa

Xiphias gladius

