

4 ALBERT EMBANKMENT
LONDON SE1 7SR
Telephone: +44 (0)20 7735 7611 Fax: +44 (0)20 7587 3210

LC-LP.1/Circ.94
14 July 2020

**CONVENTION ON THE PREVENTION OF MARINE POLLUTION BY DUMPING
OF WASTES AND OTHER MATTER, 1972, AND ITS 1996 PROTOCOL**

**Invitation to report on activities related to disposal at sea of wastes
and other matter in 2019**

Invitation

1 This circular is an invitation to report on the activities conducted under your jurisdiction related to disposal at sea of wastes and other matter for **2019**. This invitation is extended to Contracting Parties to both the London Convention and Protocol to provide such reports on their activities covered by these instruments, preferably before **1 November 2020**. Those Contracting Parties which have already provided this information need not respond to this circular.

Introduction

2 In 2002, the reporting format for the annual dumping reports by Contracting Parties under article VI(4) of the London Convention was simplified (LC 23/16, paragraph 3.25) and in an effort to further improve reporting under the London Convention and Protocol, the governing bodies adopted, in 2011, the Revised Electronic Format and Explanatory Notes that incorporated information regarding carbon dioxide streams for disposal into sub-seabed geological formations required under the London Protocol (LC 33/15, annex 5).

3 It should be recalled that, on 26 September 2019, Contracting Parties to the London Convention and Protocol were last invited, pursuant to article VI(4) of the London Convention and article 9.4 of the London Protocol, respectively, to report on their activities covered by these instruments related to waste disposal at sea for 2018 (LC-LP.1/Circ.91).

4 In 2012, the governing bodies initiated the development of an online reporting system, under the IMO Global Integrated Shipping Information System, GISIS (<https://gisis.imo.org>). The online reporting system was launched on 16 November 2015, through circular LC-LP.1/Circ.74, and Contracting Parties were invited to start using the module as the preferred option for submitting their annual reports on dumping records (LC 37/16, paragraph 7.18.3).

Reporting obligations

5 In accordance with article VI(4) of the London Convention and article 9.4 of the London Protocol, permits issued for dumping at sea have to be notified to the Secretariat. The same applies for the information on amounts of wastes actually dumped and the sites where dumping has been carried out. In addition, the results of monitoring studies carried out for the purpose of the London Convention and Protocol should be reported, particularly where an impact hypothesis approach has been used in accordance with the *Revised guidelines for the assessment of wastes or other matter that may be considered for dumping* (LC 30/16, annex 3), or any of the available "Specific Guidelines".

6 In order to assess, on a global level, the overall sea dumping activities, the governing bodies requested all Contracting Parties **that do not dispose of wastes at sea** to send the Secretariat a short "**NIL**" report, by way of confirmation that no dumping has been carried out. The Secretariat urges Contracting Parties that do not dispose of wastes at sea to provide the relevant information, preferably covering the entire period since becoming a Contracting Party to the Convention or the Protocol.

7 Contracting Parties are advised that in cases where wastes, including dredged material, are loaded for disposal at sea in the territory of a non-Contracting Party by a ship flying the flag of a Contracting Party, then a permit would have to be issued by the responsible authority of the flag State in accordance with article VII(1)(a) of the London Convention or article 10.1.1 of the London Protocol.

8 In a number of cases, the disposal at sea of dredged material or sewage sludge is being carried out by national or federal authorities without the issue of a licence, as such administrations are themselves the licensees. The governing bodies have pointed out that, also in these cases, the provision of the relevant information would assist the Secretariat in preparing complete statistical records concerning dumping at sea.

9 Furthermore, on occasion, reports have been received from Contracting Parties stating that "no dumping is carried out beyond territorial waters". Indeed, dumping in internal waters of States neither falls under the provisions of the London Convention nor under the Protocol, unless Parties to the latter agreed to apply the provisions of the Protocol to those waters (refer to article 7.2). Contracting Parties are, however, invited to provide such information on a voluntary basis as such data would form a useful addition to the records.

10 It is emphasized that data submitted "in confidence" would be evaluated and summarized by the Secretariat and that, in such cases, the respective summaries would not be released without prior approval of the originator of the information concerned.

11 Contracting Parties are advised that, in view of the entry into force as of 20 February 1994 of the 1993 amendments to annexes I and II to the London Convention, permits issued since that date will have to be in accordance with the new waste categories under these amendments. As sea disposal of industrial waste is prohibited from 1 January 1996 onwards pursuant to these amendments, the reports should correspond to this prohibition. Consequently, when reporting on the dumping permits issued in 2019, Contracting Parties are requested to make a distinction according to the following waste categories (refer to annex I(11) to the Convention):

- .1 dredged material;
- .2 sewage sludge;

-
- .3 fish waste, or organic materials resulting from industrial fish processing operations;
 - .4 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;
 - .5 uncontaminated inert geological materials, the chemical constituents of which are unlikely to be released into the marine environment; and
 - .6 uncontaminated organic materials of natural origin.

12 Contracting Parties to the London Protocol should also report under the category of bulky items, if appropriate (refer to annex 1, paragraph 1.7) and category 8 – carbon dioxide streams for disposal into sub-seabed geological formations.

13 Article VII(4) of the London Convention provides that: "This Convention shall not apply to those vessels and aircraft entitled to sovereign immunity under international law. However, each Party shall ensure by the adoption of appropriate measures that such vessels and aircraft owned or operated by it act in a manner consistent with the object and purpose of this Convention, and shall inform the Organization accordingly". Similarly, article 10.4 of the London Protocol refers to such measures. Contracting Parties to the London Convention and Protocol are therefore requested to report to the Secretariat the measures they have taken in accordance with these provisions, and to report on quantities and the nature of wastes disposed of at sea by vessels and aircraft entitled to sovereign immunity.

Distinction between general and special permits

14 Pursuant to article IV(1)(b) of the London Convention, a **prior special permit** is required when wastes or other matter listed in annex II are dumped, while pursuant to article IV(1)(c), a **prior general permit** is required for dumping of all other wastes not listed in annexes I and II. Please note that **no such distinction is made under the London Protocol. All Contracting Parties to both instruments are now requested to use the online reporting system in GISIS as the preferred option for reporting, or alternatively the new Revised Electronic Format and Explanatory Notes.**

Reports

15 Contracting Parties should submit reports to IMO, either directly or through a secretariat established under a regional agreement, by 1 November 2020, of permits issued in the previous calendar year.

16 These reports should provide information on the following items:

- .1 name of country;
- .2 year permit(s) issued (and reference number, if appropriate);
- .3 approved dumping site(s);
- .4 nature and quantity (tonnes) of waste dumped; and
- .5 dumping method used.

17 Additionally, information should be provided, whether or not field-monitoring activities were carried out, that is associated with the dumping operations mentioned in these reports.

18 The governing bodies agreed that information on these five items should be regarded as the minimum reporting requirement for permits issued, but more information would be welcomed.* Delegations attending meetings under the London Convention or Protocol should be prepared, when asked, to provide additional information on permits issued by their Administration.

Further guidance for the annual reporting

19 For further guidance for the annual reporting on dumping of wastes at sea under the London Convention and Protocol, please refer to circular LC-LP.1/Circ.74 (for online reporting system) and circular LC-LP.1/Circ.73 (for the spreadsheet based Electronic Reporting Format). Both documents are available on IMODOCS (<https://docs.imo.org>).

20 For further assistance with the reporting of dumping of wastes at sea under the London Convention and Protocol, please contact the Secretariat by emailing olcp@imo.org

* Permit issuance authorities would be free to collect the data on general permits issued using the extended format as set out in paragraph 19 of LC-LP.1/Circ.73, or use any other format in accordance with its national requirements, as long as the five items listed in paragraph 16 are included.