

**The Black Sea Biodiversity
and Landscape
Conservation Protocol to
the Convention on the
Protection of the Black Sea
Against Pollution**

The Contracting Parties to the present Protocol:

Being Contracting Parties to the Convention on the Protection of the Black Sea against Pollution (Bucharest Convention, 21 April 1992)

Recognising that in recent decades there have been significant human induced changes in the biota and physico-chemical conditions of the Black Sea;

Concerned that threats to biodiversity, such as eutrophication, over-fishing, pollution and introduction of non-native species continue;

Accepting the importance of pollution control in the Black Sea for the conservation of biodiversity and the maintenance and restoration of ecosystem functions;

Recalling that under Article 13 of the Bucharest Convention when taking measures for the prevention, reduction and control of pollution of the marine environment of the Black Sea, the Contracting Parties are required to pay particular attention to avoiding harm to marine life and living resources, in particular by changes to their habitats through fishing and other legitimate uses of the sea;

Further recalling that

1. Protocol on Protection of the Black Sea Marine Environment against Pollution from Land-based Sources;
2. Protocol on Co-operation in Combating Pollution of the Black Sea Marine Environment by Oil and Other Harmful Substances in Emergency Situations
3. Protocol on the Protection of the Black Sea Marine Environment Against Pollution by Dumping

are in force under the Convention on the Protection of the Black Sea Against Pollution

Recalling that in April 1993 the Environment Ministers from all six Black Sea countries signed a common policy declaration (the Ministerial Declaration on Protection of the Black Sea Against Pollution, Odessa, 1993) in which they agreed:

1. To encourage the development of comprehensive and co-ordinated plans for the restoration and conservation of biodiversity in the Black Sea in the spirit of the Convention on Biological Diversity (June 5, 1992, Rio de Janeiro, Brazil)
2. To take appropriate measures for the restoration and conservation of biodiversity in the Black Sea in the spirit of the Convention on Biological Diversity (June 5, 1992, Rio de Janeiro, Brazil)

3. To establish and improve nature conservation areas in the coastal zone of each of the coastal states before 1996

Bearing in mind that all of the Black Sea countries have signed and ratified the Convention on Biodiversity (June 5, 1992, Rio de Janeiro, Brazil);

Further bearing in mind that some of the Contracting Parties have also signed and ratified other relevant conventions and agreements, e.g. Convention on Wetlands of International importance especially as Waterfowl Habitat (February 2, 1971, Ramsar, Iran), Convention on International Trade in Endangered Species of Fauna and Flora (CITES, March 3, 1973, Washington, USA), Convention on the Conservation of European Wildlife and Natural Habitats (September 19, 1979, Bern, Switzerland), Convention on Conservation of Migratory Species of Wild Animals (June 23, 1979, Bonn, Germany), Agreement on the Conservation of the Cetaceans of the Black Sea, Mediterranean Sea and Contiguous Atlantic Area, November (24, 1996, Monaco, European Landscape Convention (October 20, 2000, Florence, Italy) and Convention to Combat Desertification (October 14, 1994, Paris);

Noting that Black Sea Governments are actively involved in implementation of the Pan European Biodiversity and Landscape Strategy as last modified on July 9, 1998

Reaffirming their commitment to the Strategic Action Plan for the Protection and Rehabilitation of the Black Sea (Chapter B, 31 October 1996);

Accepting that concerted actions by all of the Black Sea coastal states and the states in the basin of the Black Sea, they work in co-operation with, can counteract the multiple threats to biological and landscape diversity;

Determined to make every effort to conserve Black Sea biological and landscape diversity and its components sustainably and to maintain and where possible enhance and restore its ecological health, and historical, cultural and aesthetic value;

Have agreed as follows:

Article 1

1. The purpose of this Protocol is to maintain the Black Sea ecosystem in the good ecological state and its landscape in the favourable conditions, to protect, to preserve and to sustainably manage the biological and landscape diversity of the Black Sea in order to enrich the biological resources.
2. In conjunction with provisions of the Convention on the Protection of the Black Sea against Pollution and other Protocols to this Convention, the Protocol is intended to serve as a legal instrument for developing, harmonising and enforcing necessary environmental policies, strategies and measures in preserving,

protecting and sustainably managing nature, historical, cultural and aesthetic resources and heritage of the Black Sea states for present and future generations.

Article 2

For the purposes of this Protocol:

1. **Convention** means the Convention on the Protection of the Black Sea Against Pollution (21 April 1992, Bucharest, Romania)
2. **Contracting Parties** means the Contracting Parties to this Protocol
3. **Commission** means the Commission on the Protection of the Black Sea Against Pollution
4. **Biological diversity** means 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 as defined by Article 2 of the Convention on Biological Diversity.
5. **Landscape** means an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors as defined in the Chapter I, the article 1 of European Landscape Convention (October 20, 2000, Florence, Italy)
6. **Landscape Diversity** means the formal expression of the numerous relations existing in a given period between the individual or the society and a topographically defined territory, the appearance of which is the result of the action, over time, of natural and human factors and a combination of both.

Article 3

The area to which this Protocol applies shall be the area of the Black Sea to the north of capes Kalagra and Dalyan, the waters, sea bed, subsoil up to the fresh water limits. It also includes:

1. The Sea of Azov as a part of the Black Sea Basin highly important for the biodiversity and landscape conservation;
2. The coastal zone designated by each Contracting Party, including wetlands.

Article 4

1. Each Contracting Party shall take all necessary measures to:
 1. protect, preserve, improve and manage in a sustainable and environmentally sound way areas of particular biological or landscape value, notably by the establishment of protected areas according to the procedure in Annex 1
 2. ensure that species occurring in the area to which this Protocol applies are maintained at favourable conservation status and habitats close to undisturbed;
 3. ensure that species of economic importance, especially living marine resources, are used sustainably;
 4. restore and rehabilitate damaged areas of previously high biodiversity and landscape value;
 5. restore and maintain in good conditions the landscape of high nature, historical, cultural and aesthetic value;

1. The Contracting Parties shall identify and compile inventories of the components of biological and landscape diversity in the area to which this Protocol applies and identify those components important for their conservation and sustainable use within three years of this Protocol coming into force.
2. The Contracting Parties shall adopt a List of Species of Black Sea Importance That May Be Threatened, or Important by Reason of Their Role in Ecosystem Functioning or Other Significance for the Region preferably within three years of this Protocol coming into force Such a list will form Annex II to this Protocol and will be subject to special measures as described in Annex III.

4. The Contracting Parties shall adopt a list of landscapes and habitats of the Black Sea importance that may be destroyed, or important by their nature, cultural or historical value that constitute the natural, historical and cultural heritage or present other significance for the Black Sea region preferably within three years of this Protocol coming into force.

5. The Contracting Parties shall act, directly or in co-operation with competent international organisations and in consistency with other Protocols to this Convention, in the conservation and sustainable use of biological and landscape diversity.

1. The Contracting Parties shall produce and commonly agree on the Strategic Action Plan for the Black Sea Biodiversity and Landscape Conservation Protocol within three years of the Protocol coming into force which shall be reviewed every five years

2. On the basis of the Strategic Action Plan for the Black Sea Biodiversity and Landscape Conservation Protocol, the Contracting Parties shall adopt strategies, national plans and/or programmes for the conservation of biological and landscape diversity and the sustainable use of marine and coastal biological and landscape resources and shall integrate them into their national sectoral and intersectoral policies.

Article 5

1. The Contracting Parties shall take all appropriate measures to regulate an intentional introduction and prevent an accidental introduction of non-indigenous species or genetically modified organisms to the wild flora and fauna and prohibit those that may have harmful impacts on the ecosystems, habitats or species in the area to which this Protocol applies.
2. The Contracting Parties shall endeavour to implement all appropriate measures to eradicate or reduce to an possible level species that have already been introduced when it appears that such species cause or are potentially causing damage to ecosystems, landscapes, habitats or species in the area to which this Protocol applies.

Article 6

In the planning process leading to decisions on projects and activities that could significantly affect species and their habitats, protected areas, particularly sensitive marine areas, and landscapes the Contracting 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 according criteria and objectives to be regionally developed and agreed pursuant to the Convention and international experience in this matter, e.g. the Convention on Environmental Impact Assessment in a Transboundary Context (February 25, 1991, Espoo, Finland).

Article 7

The Contracting Parties shall encourage introduction of intersectoral interaction on regional and national levels through the introduction of the principles and development of legal instrument of integrated coastal zone management seeking the ways for

sustainable use of natural resources and promotion of environmentally friendly human activities in the coastal zone.

Article 8

1. In implementing this Protocol, the Contracting Parties shall take into account the traditional subsistence and cultural activities of local communities. They may grant exemptions from protection and conservation measures, as necessary, and where appropriate, to meet such needs. No exemption which is allowed for this reason shall:
 - a) endanger either maintenance of landscapes of high aesthetic value or the ecosystems protected under this Protocol or the biological processes contributing to the maintenance of those ecosystems;
 - b) cause a substantial reduction in the number of individuals making up the populations of species of flora and fauna, in particular threatened, migratory or endemic species, destruction of their habitats or landscapes, especially ones of regional importance;
 - c) cause an irreversible damage of the landscapes constituting the nature, cultural, historical, or aesthetic heritage of the Black Sea importance.
2. A Contracting Party which grants exemptions from the protection measures shall inform the other Contracting Parties accordingly, within one month period.

Article 9

1. The Contracting Parties shall endeavour to inform the public of the value of protected areas, species and landscapes and shall give appropriate publicity to the establishment of these areas and regulations relating thereto.
2. The Contracting Parties shall also endeavour to promote the participation of all stakeholders including their public in measures that are necessary for the

protection of the areas, species and landscapes concerned, including environmental impact assessments.

3. The Contracting Parties shall endeavour to provide information on this Protocol and related matters through appropriate education and public awareness programmes.

Article 10

1. The Contracting Parties shall co-operate in conducting scientific research aimed at protecting and preserving the biological and landscape diversity of the Black Sea and shall undertake, where appropriate, joint programmes and projects of scientific research, and exchange relevant scientific data and information as provisioned in the Article XV of the Convention.
2. The subsidiary bodies of the Commission (the Advisory Group on the Conservation of Biological Diversity and the Advisory Group on the Development of Common Methodology for Integrated Coastal Zone Management) in co-operation with the competent national authorities of the Black Sea coastal states shall be responsible for scientific activities and monitoring and assessment in the field of the biological and landscape diversity, delegating the co-ordination of their work to the appropriate activity centres (Batumi, Georgia and Krasnodar, the Russian Federation).
3. The Contracting Parties will invite intergovernmental organisations to co-operate with the Contracting Parties and/or the Commission by preparing and implementing specific programmes and projects, with a view to fulfilling the objectives of the Protocol.

Article 11

1. The Contracting Parties are responsible for the fulfilment of their international obligations concerning the protection and conservation of the biological and landscape diversity of the Black Sea.
2. Each Contracting Party shall adopt rules and regulations on the liability for damage caused by natural or juridical persons to the biological and landscape diversity of the Black Sea in areas where it exercises, in accordance with international law, its sovereignty, sovereign rights or jurisdiction.
3. The Contracting Parties shall facilitate any legal action or procedure in accordance with their legal systems aiming at prompt and adequate compensation or other relief for damage caused by pollution or human activities to the biological and landscape diversity of the Black Sea by natural or juridical persons under their jurisdiction.
4. The Contracting Parties shall co-operate in developing and harmonising their laws, regulations and procedures relating to liability, assessment of and compensation for damage caused by human activities and/or pollution of the marine environment of the Black Sea, in order to ensure the highest degree of deterrence and protection for the biological and landscape diversity of the Black Sea as a whole.

Article 12

Each Contracting Party shall provide, in accordance with its capabilities, financial support and incentives of those national/regional activities which are intended to achieve the objectives of this Protocol, in accordance with their national plans, priorities and programs.

Article 13

1. The Commission and its Permanent Secretariat shall promote the implementation of this Protocol, inform the Contracting Parties of its work and make recommendations on measures necessary for achieving the aims of this Protocol according to the procedures established by Article XVII, XVIII, XIX of the Convention.
2. The Commission shall report on the state of the biological and landscape diversity and efficacy of undertaken measures to preserve and manage it to the Meeting of the Contracting Parties on five years basis in a jointly agreed reporting format.

Article 14

Adoption of any amendments to the articles and amendments to the annexes of the Protocol shall be made according to the procedures established by the Articles XX and XXI of the Convention.

Article 15

1. Nothing in this Protocol nor any act adopted on the basis of this Protocol shall prejudice the rights and the interests of any state in full compliance with the international law, in particular, the nature and 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 modalities of passage through straits used for international navigation, as well as the nature and extent of the jurisdiction of the Coastal State, the Flag State and the Port State.
2. No act or activity undertaken on the basis of the Protocol shall constitute grounds for claiming, contending or disputing any claims to national sovereignty, sovereign rights or jurisdiction.
3. Each Contracting Party shall apply the measures provided for in this Protocol without prejudice to the sovereignty, sovereign rights or the jurisdiction of other Contracting Parties or other States. Any measures taken by a Contracting Party to enforce these measures shall be in accordance with international law.

Article 16

The adoption, signature, ratification, acceptance, approval, accession, entry into force and denunciation of the Protocol shall be done by in accordance with the procedures contained respectively in Articles XXVI, XXVIII, XXIX, XXX of the Convention.

Article 17

No reservation may be made to this Protocol.

Article 18

The depository of this Protocol shall be the Government of Romania.

Done on the fourteenth day of the month of June of two thousand and two, in Sofia, Bulgaria in a single copy, in English, which shall be deposited with the depository. The depository shall send certified copies to all Contracting Parties.

For the Republic of Bulgaria

(signed)

For Georgia

For Romania

(signed)

For the Russian Federation

For the Republic of Turkey

(signed)

For Ukraine

(signed)

ANNEX 1

Protected Areas

Article 1

1. The objective of protected areas is to safeguard:

1. representative types of coastal and marine ecosystems, wetlands and landscapes of adequate size to ensure their long-term viability and to maintain their unique biological and landscape diversity
2. habitats, biocoenoses, ecosystems or landscapes which are in danger of disappearing in their natural area of distribution or distraction in the Black Sea or which have a reduced natural area of distribution or aesthetic values
3. habitats critical to the survival, reproduction and recovery of threatened species of flora or fauna
4. sites of particular importance because of their scientific, aesthetic, landscape, cultural or educational value

Article 2

1. The Contracting Parties shall produce criteria/guidelines for identifying areas that meet the objective outlined in the Article1 Annex I within two years of this Protocol coming into force.
2. The Contracting Parties shall compile a list of sites that meet their criteria/guidelines within three years of this Protocol coming into force.

3. Each Contracting Party shall endeavour to establish protected areas on the basis of risk assessment, vulnerability and priority using the list in Annex 1, [article 2, paragraph 2](#).
4. Where such proposed protected areas fall within the boundaries of more than one Party, the competent authorities of the two or more Parties shall co-operate on the measures to be taken.

Article 3

1. In accordance with their national legal system, the Contracting Parties shall take all necessary measures to ensure the integrity, sustainability and development of protected areas, namely:
 1. the strengthening of the application of the other Protocols to the Convention and of other relevant treaties to which they are Contracting Parties
 2. the prohibition of the dumping or discharge of wastes and other substances likely directly or indirectly to impair the integrity of the protected area or species
 3. the regulation of the passage of ships, any stopping or anchoring
 4. the regulation or prohibition of the introduction of *alien* species, or of genetically modified species
 5. the regulation or prohibition of any activity involving the exploration or modification of the soil or the exploration of the subsoil of the land part, the seabed or its subsoil
 6. the regulations of any scientific research activity
 7. the regulation or prohibition of fishing, hunting, taking of animals and harvesting of plants or their destruction, as well as trade in animals (or parts thereof) and plants (or parts thereof) which originate in protected areas
 8. the regulation, and if necessary the prohibition, of any other activity or act likely to harm or disturb species or ecosystems, or that might impair the natural or cultural characteristics of the protected area
 9. any other measure aimed at safeguarding ecological and biological processes and the landscapes
 10. to this end, the Contracting Parties shall provide appropriate legislation to protect and enforce protection of protected areas.

Article 4

1. Within their national environmental legislation and policies, the Contracting Parties shall take all necessary steps for harmonisation of environmental protection measures in protected areas, including management of transboundary protected areas, co-ordinated research and monitoring programs in the Black Sea basin.

2. Such measures should include for each protected area:
 1. the development and adoption of a management plan to a standard format
 2. a comprehensive integrated regional monitoring programme
 3. the active involvement of local communities in both planning and implementation, including assistance to local inhabitants who might be affected by the establishment of such areas
 4. adoption of appropriate financial mechanisms
 5. the regulation of activities including the issuing of permits
 6. training of staff as well as the development of appropriate infrastructure.

3. The Contracting Parties shall ensure that national contingency plans incorporate measures for responding to incidents that could cause damage or constitute a threat to the protected area.

4. When protected areas or landscapes covering both land and marine areas have been established, the Contracting Parties shall endeavour to ensure the co-ordination of the administration and management of the specially protected area as a whole.

ANNEX 2

Provisional List of Species of the Black Sea Importance

ALGAE

1. *Cystoseira barbata* **
2. *Cystoseira crinita***
3. *Dictyota dichotoma**
4. *Phyllophora brodiaei* **
5. *Phyllophora nervosa*, key species of the *Phyllophora* biocoenosis, commercial species**
6. *Phyllophora pseudoceranooides* **

PLANTS

7. *Salvinia natans* **
8. *Trapa natans* **
9. *Zostera marina**
10. *Zostera noltii* *

ANIMALS

Spongia

11. *Lissodendoryx variisclera* *
12. *Suberites prototipus* *

Polychaeta

13. *Eteone siphonodonta**
14. *Hesionides arenarius* **
15. *Nainereis laevigata**
16. *Ophelia bicornis* **
17. *Phyllodoce nana**

Crustacea

18. *Anomalocera patersoni* **
19. *Apseudopsis ostroumovi**
20. *Biancolina cuniculus***
21. *Branchinecta orientalis* *

22. *Branchinectella spinosa* **
23. *Branchmectella media* *
24. *Callianassa pontica* **
25. *Callianassa truncata* **
26. *Caprella acanthifera*
27. *Carcinus mediterraneus**
28. *Eriphia verrucosa* **
29. *Hemimysis anomala* **
30. *Hemimysis serrata* **
31. *Homarus vulgaris* *
32. *Iphigenella acanthopoda* *
33. *Iphigenella andrussovi* *
34. *Iphigenella shablensis* *
35. *Katamysis warpachowskyi* *
36. *Labidocera brunescens* **
37. *Macropipus arcuatus* **
38. *Pilumnus hirtellus* **
39. *Pontella mediterranea* **
40. *Potamon tauricum* *
41. *Processa pontica* *
42. *Smirnoviella reducta* *
43. *Tanymastix stagnalis* *
44. *Upogebia pusilla* **
45. *Xantho poressa* **

Insecta

46. *Calopteryx splendens balcanica* **
47. *Calopteryx splendens taurica* **
48. *Calopteryx virgo meridionalis* **

Halacaridae

49. *Halacarellus procerus* **

Mollusca

50. *Bela nebula* *
51. *Cyclope donovani* *
52. *Donacilla cornea* **
53. *Halichondria panicea**
54. *Melaraphe neritoides* **
55. *Ostrea edulis* **
56. *Pachygrapsus marmoratus**
57. *Patella tarentina* **
58. *Solen vagina* **

Echinodermata

- 59. Echinocyamus pusillus *
- 60. Marthasterias glacialis *

Acrania

- 61. Amphioxus lanceolatum *

Pisces

- 62. Acipenser guldenstaedti **
- 63. Acipenser guldenstaedti colchicus V. Marti **
- 64. Acipenser nudiventris **
- 65. Acipenser ruthenus **
- 66. Acipenser stellatus**
- 67. Acipenser sturio *
- 68. Aidablennius sphinx **
- 69. Aphia minuta **
- 70. Balistes carolinensis *
- 71. Belone belone euxini**
- 72. Callionymus belenus **
- 73. Dicentrarchus labrax**
- 74. Diplodus annularis*
- 75. Hippocampus guttulatus microstephanus **
- 76. Hucho hucho hucho *
- 77. Huso huso **
- 78. Knipowitschia longicaudata **
- 79. Lipophrys pavo **
- 80. Liza ramada*
- 81. Lophius piscatorius *
- 82. Mesogobius batrachocephalus*
- 83. Mullus barbatus ponticus*
- 84. Nerophis ophidion*
- 85. Pomatomus saltator **
- 86. Pomatoschistus caucasicus**
- 87. Salmo trutta labrax **
- 88. Sarda sarda **
- 89. Scomber scombrus **
- 90. Scorpena porcus
- 91. Serranus cabrilla**
- 92. Serranus scriba*
- 93. Sphyraena sphyraena *
- 94. Spicara smarisc*
- 95. Syngnatus tenuirostris*
- 96. Syngnatus typhle *

- 97. *Thunnus thynnus* **
- 98. *Trigla lucerna**
- 99. *Xiphias gladius* *

Aves

- 100. *Asio flammeus**
- 101. *Calonectris diomedea***
- 102. *Ciconia nigra* **
- 103. *Gelochelidon nilotica**
- 104. *Haliaeetus albicilla* **
- 105. *Himantopus himantopus**
- 106. *Numenius tenuirostris**
- 107. *Pandion haliaetus* **
- 108. *Panurus biarmicus**
- 109. *Pelecanus crispus* **
- 110. *Pelecanus onocrotalus* **
- 111. *Phalacrocorax aristotelis* **
- 112. *Haliastur (Phalacrocorax) pygmeus* *
- 113. *Phenicopterus ruber* *
- 114. *Platalea leucorodia* **
- 115. *Plegadis falcinellus* **
- 116. *Puffinus puffinus yelkouan**
- 117. *Recurvirostra avosetta**
- 118. *Branta ruficollis* **
- 119. *Somateria mollissima* *
- 120. *Sturnus roseus* *
- 121. *Tadorna ferruginea* **

Mammalia

- 122. *Delphinus delphis* **
- 123. *Lutra lutra* *
- 124. *Monachus monachus* **
- 125. *Phocoena phocoena* **
- 126. *Tursiops truncatus* **

Notes: * Rare species

** Endangered species

ANNEX 3

Conservation of Species and Management of Their Habitats

Article 1

1. The Contracting Parties shall manage species of flora and fauna with the aim of maintaining them at favourable conservation status.
2. The Contracting Parties shall compile lists of threatened species of flora and fauna and species critical to ecosystem functioning and accord protected status to such species within three years of the coming into force of this Protocol.
3. The Contracting 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 favourable conservation status for such species.
4. With respect to protected species of fauna, the Contracting Parties shall control and where appropriate prohibit:
 1. the taking, possession or killing, the commercial trade, the transport and the exhibition for commercial purposes of these species, their eggs, parts or products
 2. the disturbance of wild fauna, particularly during breeding, hibernation or migration, as well as other periods of biological stress.
5. The Contracting Parties shall co-ordinate their efforts through bilateral or multilateral action including, if necessary, through agreements for the protection and recovery of migratory species whose range extends into the area to which this Protocol applies.
6. With respect to protected species of flora and their parts and products, the Contracting 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.
7. The Contracting Parties shall endeavour, directly or through the Advisory Group on the Conservation of Biodiversity in the Black Sea, to consult with range states

that are not Contracting Parties to the Protocol, with a view to co-ordinating their efforts to manage and protect species on Annex 2.

Article 2

1. The Contracting Parties shall adopt co-operative measures to ensure the protection, conservation and improvement of the flora and fauna listed in Annex 2 to this Protocol relating to the list of threatened species. The list shall be revised shall be every five years and within three years of this Protocol coming into force.
2. The Contracting Parties shall ensure the maximum possible protection and recovery of the species of flora and fauna listed in Annex 2 by adopting at the national level the measures provided for in Annex 3 Articles 4 and 6 of this Protocol.
3. The Contracting Parties shall prohibit the destruction of and damage to the habitats of species listed in Annex 2, and shall formulate and implement action plans for their conservation or recovery.
4. When the habitats of a threatened species extends to both sides of a national frontier or of the limit that separate the territories or the areas subject to the sovereignty or the national jurisdiction of the Contracting Parties to the Protocol, these Contracting Parties shall co-operate with a view to ensuring the protection and conservation, and, if necessary, the recovery of such species.
5. 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, Contracting the Parties may grant exemptions to the prohibitions prescribed for the protection of the species listed in Annex 2 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 3

1. The Contracting Parties shall adopt a list of Species Whose Exploitation Should Be Regulated in order to ensure that the use of these components of biodiversity is sustainable. This list shall comprise Annex 4 of this Protocol within three years of this Protocol coming into force and shall be revised on five years basis.
2. The Contracting Parties, in co-operation with competent international organizations, shall take all appropriate measures to ensure the conservation of the species listed in Annex 4 relating to the List of Species Whose Exploitation Should Be Regulated while at the same time regulating and authorising the exploitation of these species so as to ensure and maintain favourable conservation status.
3. For those species which are not in a favourable conservation status, the Contracting Parties shall agree and put in place recovery plans.

ANNEX 4

Black Sea Species Whose Exploitation Should Be Regulated (to be developed in two years from the Protocol coming into force)