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13<sup>th</sup> Meeting of the Compliance Committee of the Barcelona Convention and its Protocols

Athens, Greece, 26-27 September 2017

**Agenda item 7: Draft Compliance Committee Activity Report for the biennium 2016-2017**

**Draft Compliance Committee Activity Report for the biennium 2016-2017**

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UNEP/MAP  
Athens, 2017



### **Note by the Secretariat**

#### **Introduction**

1. In accordance with paragraph 31 of the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols, as amended, the Committee shall prepare a report of its activities to the Meeting of the Contracting Parties, including such recommendations on individual and general issues of non-compliance as it considers appropriate to the Parties for consideration at their next meeting.
2. In preparation for the 20<sup>th</sup> Meeting of the Contracting Parties (COP20) (Albania, Tirana, 17-20 December 2017), a draft Compliance Committee Activity Report for the biennium 2016-2017 has been prepared as attached.
3. It is structured along the following main sections: (1) Introduction, (2) General issues of Compliance and Implementation under the Barcelona Convention and its Protocols, (3) Specific submissions under Section V of the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols, (4) Recommendations to COP from the Compliance Committee and (5) Programme of Work for the biennium 2018-2019.
4. The Draft Report will be further developed and refined in coordination with the Chair of the Compliance Committee as the 13<sup>th</sup> Compliance Committee (Athens, Greece, 26-27 September) develops.

#### **Action requested**

5. The Compliance Committee is invited to examine the Draft Compliance Committee Activity Report for the biennium 2016-2017, including its Programmed of Work for the biennium 2018-2019 and finalize it in preparation for COP20.

## **Draft Compliance Committee Activity Report for the biennium 2016-2017**

### **Section 1: Introduction**

1. The role and functioning of the Compliance Committee is governed by Decision IG.17/2 on Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols, as amended by Decisions IG. 20/1 and IG. 21/1 and Decision IG. 19/1 on the Rules of Procedure of the Compliance Committee, as amended by Decision IG. 21/1.
2. In accordance with their Procedure and Rules, the Compliance Committee met twice for the biennium 2016-2017. The 12<sup>th</sup> and 13<sup>th</sup> Meetings of the Compliance Committee were held on 24-25 January 2017 and 26-27 September 2017 respectively, in Athens, Greece at the premises of the UNEP/MAP Coordinating Unit.
3. At its 12<sup>th</sup> Meeting, pursuant paragraph 10 of the Procedures and Mechanisms on Compliance and Rule 6 of the Rules of Procedure of the Compliance Committee, the Compliance Committee elected for the biennium 2016-2017: (1) Milena Batatovic (Group III) as Chairperson of the Compliance Committee; (2) José Juste Ruiz (Group II) as Vice-Chairperson of the Compliance Committee, and (3) Samira Hamidi (Group I) as Vice-Chairperson of the Compliance Committee
4. The paragraphs below highlight the main points raised at those meetings.

### **Section 2: General issues of Compliance and Implementation under the Barcelona Convention and its Protocols**

#### *Draft Revised Reporting Format for the Implementation of the Barcelona Convention and its Protocols*

5. At its 12<sup>th</sup> Meeting, the Compliance Committee examined a draft Revised Reporting Format for the Implementation of the Barcelona Convention and its Protocols. The draft was prepared by the Secretariat in close coordination with MAP components following Decisions 22/16 and 22/20 of COP 19, by which the Meeting requested a simplified and practical draft of the report form for the Barcelona Convention and its Protocols.
6. The Revised Reporting Format triggered a number of questions, such as the possibility to simplify the quantitative sections of the Revised Reporting Format or the need to distinguish between mandatory reporting and optional reporting when assessing compliance.
7. Based on discussion, and keeping in mind the scheduled test exercise of the Revised Reporting Format among MAP Focal Points, arrangements were made for the Compliance Committee to provide comments intersessionally. As a result, a further refined version of the Revised Reporting Format was produced for MAP Focal Points to test.

#### *Draft Guidelines for the Assessment of Reports submitted under Article 26 of the Barcelona Convention*

8. At its 12<sup>th</sup> Meeting, the Compliance Committee examined the draft Guidelines for the evaluation of reports to identify actual or potential cases of non-compliance and made arrangements for the draft Guidelines to be tested intersessionally by the Compliance Committee against three national implementation reports for the reporting period 2014-2015. The result of this testing exercised was presented to the 13<sup>th</sup> Meeting of the Compliance Committee.

#### *Evaluation of National Implementation Reports following Section IV of the Procedures and Mechanisms of Compliance*

9. At its 12<sup>th</sup> Meeting, the Compliance Committee examined the synthesis analysis of the information provided in the national implementation reports submitted following the 11<sup>th</sup> Compliance Committee Meeting for the period 2012-2013 and agreed in preparation for its next meeting to instruct the Secretariat to prepare an analysis of the information submitted by Contracting Parties for the reporting period 2014-2015. Such synthesis analyses was presented to the 13<sup>th</sup> Meeting of the Compliance Committee.

*Admissibility criteria under Paragraph 23.bis of the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols*

10. At its 12th Meeting, the Compliance Committee discussed how to operationalize paragraph 23.bis of the Procedures and Mechanisms on Compliance, under which the Committee may examine, on the basis of the biennial activity reports or in the light of any other relevant information, any difficulties encountered by a Contracting Party in the implementation of the Convention and its Protocols.

11. In so doing, the Compliance Committee set arrangements for work to be taken forward intersessionally by the Compliance Committee in order to prepare a document on admissibility criteria addressing the source and quality of information. The result of this exercise was tabled at the 13<sup>th</sup> Compliance Committee Meeting in the form of Draft Guidance on Admissibility Criteria and Procedure under Paragraph 23bis of the Procedures and Mechanisms on Compliance.  
*Methods to enhance the Compliance Mechanisms' and Procedures' effectiveness*

12. At its 12th Meeting, the Compliance Committee discussed how to strengthen Compliance Committee role and arrangements were put in place for collecting input from MAP Focal Points through a questionnaire devised to identify practical ways and means for the Compliance Committee to best support Contracting Parties in implementing the Barcelona Convention and its Protocols, thus reinforcing its own role in facilitating and promoting compliance. Feedback from MAP Focal Points was presented to 13<sup>th</sup> Meeting of the Compliance Committee.

*Legal nature and main obligations of COP Decisions*

13. At its 12th Meeting, the Compliance Committee discussed how to take forward the following activity of its programme of work: "Provision of opinion on the assessment to be carried out by the Secretariat with the help of appropriate legal expertise, on the extent of the legally binding nature for the Contracting Parties of programmes of measures and their implementation timetables as adopted in the framework of the Protocols of the Barcelona Convention".

14. The Compliance Committee made arrangements to work intersessionally with the aim of developing a preliminary scoping paper addressing the legal nature and the main obligations of thematic decisions. The document was presented to the 13<sup>th</sup> Meeting of the Compliance Committee.

**Section 3: Specific submissions under Section V of the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols**

15. No submission were received under Section V of the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols at the 12<sup>th</sup> Compliance Committee Meeting.

**Section 4: ecommendations to COP from the Compliance Committee**

16. [to be drafted and adopted at the 13<sup>th</sup> Compliance Committee Meeting]

**Section 5: Programme of Work for the biennium 2018-2019.**

17. The Compliance Committee agreed upon the following work programme activities for the biennium 2018-2019. ]

| Programme of Work of the Compliance Committee for the biennium 2018-2019                                                                                                                             |                                                                                                                  |                      |                                                                       |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------------------------------------------------------|
| Activity                                                                                                                                                                                             | Means of Implementation                                                                                          | Lead/Who             | Timetable/When                                                        |
| <b>Specific submissions under Section V of the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocol</b>                                                           |                                                                                                                  |                      |                                                                       |
| 1. To consider any submissions and/or referrals in accordance with Section V of the Procedures and Mechanisms on Compliance                                                                          |                                                                                                                  | Compliance Committee | 14 <sup>th</sup> and 15 <sup>th</sup><br>Compliance Committee Meeting |
| <b>General issues of Compliance and Implementation under the Barcelona Convention and its Protocols</b>                                                                                              |                                                                                                                  |                      |                                                                       |
| 2. To consider specific situations of actual or potential non-compliance by individual Parties in accordance with Section IV of the Procedures and Mechanisms on Compliance                          | To build on document UNEP(DEPI)/MED CC.13/8                                                                      | Compliance Committee | 14 <sup>th</sup> and 15 <sup>th</sup><br>Compliance Committee Meeting |
| 3. At the request of the Meeting of the Contracting Parties, to consider general compliance issues in accordance with Section IV of the Procedures and Mechanisms on Compliance                      | To build on document UNEP(DEPI)/MED CC.13/8                                                                      | Compliance Committee | 14 <sup>th</sup> and 15 <sup>th</sup><br>Compliance Committee Meeting |
| 4. To consider any other issues as requested by the Meeting of the Contracting Parties in accordance with Section IV of the Procedures and Mechanisms on Compliance                                  |                                                                                                                  | Compliance Committee | 14 <sup>th</sup> and 15 <sup>th</sup><br>Compliance Committee Meeting |
| 5. Within the framework of the Revised Reporting Format, to analyse the legal nature and main obligations of COP Decisions for the purpose of assessing compliance                                   | To build on document UNEP(DEPI)/MED CC.13/7                                                                      | Compliance Committee | 14 <sup>th</sup> and 15 <sup>th</sup><br>Compliance Committee Meeting |
| 6. In the context of the Draft Guidelines for the preliminary assessment of reports to identify actual or potential cases of non-compliance, to establish a set of criteria for assessing compliance | To build on documents UNEP(DEPI)/MED CC.12/7<br>UNEP(DEPI)/MED CC. 13/10<br>UNEP(DEPI)/MED CC.13/Inf.5 and Add.1 | Compliance Committee | 14 <sup>th</sup> and 15 <sup>th</sup><br>Compliance Committee Meeting |
| 7. Development of an Explanatory Note for the Revised Reporting Format of the Barcelona Convention and its Protocols                                                                                 |                                                                                                                  | Compliance Committee | 14 <sup>th</sup> and 15 <sup>th</sup><br>Compliance Committee Meeting |
| 8. To continue work in order to enhance Compliance Mechanisms' and Procedures' effectiveness                                                                                                         | To build on document UNEP(DEPI)/MED CC.13/5                                                                      | Compliance Committee | 14 <sup>th</sup> and 15 <sup>th</sup><br>Compliance Committee Meeting |