



UNITED
NATIONS

UNEP/MED CC.20/3



**Mediterranean
Action Plan**
Barcelona
Convention

9 May 2024

Original: English

20th Meeting of the Compliance Committee of the Barcelona Convention and its Protocols

Athens, Greece, 19-20 June 2024

Agenda Item 2: Adoption of the Agenda and Organization of Work

Report of the 19th Meeting of the Compliance Committee of the Barcelona Convention and its Protocols (Athens, Greece, 4-5 July 2023)

For environmental and cost-saving reasons, this document is printed in a limited number. Delegates are kindly requested to bring their copies to meetings and not to request additional copies.

Table of Contents

	Pages
Report of the 19th Meeting of the Compliance Committee (Athens, Greece, 4-5 July 2023)	1-8
Annexes	
Annex I – List of Participants	
Annex II – Provisional Agenda	
Annex III - Programme of Work of the Compliance Committee for the Biennium 2024-2025	

Agenda Item 1: Opening of the Meeting

1. The 19th Meeting of the Compliance Committee of the Barcelona Convention and its Protocols was held on 4-5 July 2023, in Athens, Greece. The list of participants is at **Annex I** to this report.
2. Having the Secretariat ascertained the existence of the required quorum, Heba Sharawy, Chairperson of the Compliance Committee, welcomed the participants and opened the meeting by pointing out at the demanding agenda before the Committee dictated by its 2022-2023 Programme of Work adopted by the 22st Ordinary Meeting of the Contracting Parties to the Barcelona Convention and its Protocols (COP 22) (Antalya, Türkiye, 7-10 December 2022).
3. Tatjana Hema, UNEP/MAP Coordinator, welcomed the participants and stressed that decisions and recommendations at the present meeting were of pivotal importance in strengthening the role of the Committee for the biennium 2023-2024 and underlined the key priorities of the rich agenda before the Committee. She stressed that UNEP/MAP remains as committed as ever to strengthening the enforcement of the Barcelona Convention and its Protocols to ensure the protection of the environment and people in the Mediterranean region.
4. She referred to the Consultation Meeting held on January 2023 in the presence of the MAP Focal Points and the conclusion of the agreement on the amendments to the Procedures and Mechanisms of Compliance as requested by the COP 22. She further referred to the need to discuss the draft Programme of Work for the biennium 2024-2025 and the main strategic elements of the Activity Report of the Compliance Committee for the biennium 2023-2024 to COP 23.
5. In her closing remarks, Tatjana underlined the need to keep on working in that direction by effectively addressing the rich agenda before the Committee.

Agenda Item 2: Adoption of the Agenda and Organization of Work

6. The Chair of the Compliance Committee introduced the Provisional Agenda of the meeting and underlined the tight and broad agenda ahead.
7. The Compliance Committee amended 2 Agenda items of the Provisional Agenda as follows: Added the following item “*Adoption of the Report of the 18th Compliance Committee Meeting*” and replaced the item of “*Notification, as per Rule 23.bis of the Procedures and Mechanisms on Compliance*” by the following item “*Formal response of the concerned Contracting Party following communication dated September 9th, 2022, received by Law firm “Huglo Lepage” on a possible case of non-compliance*”.
8. The Compliance Committee adopted the Provisional Agenda (UNEP/MED CC.19/1) and the Provisional Annotated Agenda (UNEP/MED CC.19/2) after inserting the above-mentioned amendments. A copy of the Provisional Agenda agreed by the meeting is presented at **Annex II** to this report.

Agenda Item 3: Adoption of the Report of the 18th Compliance Committee Meeting

9. The Compliance Committee added a minor amendment to the para 18 of the document UNEP/MED CC.19/3. Report of the 18th Meeting of the Compliance Committee of the Barcelona Convention and its Protocols (Athens, Greece, 29-30 June 2022) as follows: “*The Compliance Committee also exchanged views concerning further communication concerning the outcome of the proceedings. In particular, the Committee agreed to inform the communicant of the outcome. The Compliance Committee, agrees to disseminate information to the public through the means available to the UNEP/MAP Secretariat on the outcomes of its work on the matter*”.
10. In line with the Rules of Procedure of the Compliance Committee (Decision IG. 21/1), the Compliance Committee formally adopted the report of the 18th Meeting of the Compliance Committee (Athens, Greece, 29-30 June 2022) (UNEP/MED CC.19/3).

Agenda Item 4: Status of reporting

11. The Secretariat updated the committee on the submission of status the National Implementation Reports of the biennial 2022-2021 (Document UNEP/MED CC.19/4) the Compliance Committee is expected to comment on the current status of reporting and discuss the way forward.

12. The Secretariat introduced document UNEP/MED CC.19/4, which presented the methodology applied in testing the criteria of submission, timelines, completeness and implementation against the 2020-2021 national implementation reports together with preliminary observations on reporting rates for submission, completeness and timelines, implementation and difficulties in implementation. The Secretariat reminded the meeting that the Assessments Report on the 2020-2021 National Implementation Reports was carried out by the Secretariat in cooperation with MAP Components and will be presented in the coming MAP Focal Points Meeting which will take place in Istanbul, Türkiye, 12-15 September 2023.

Conclusions and Recommendations

(a) 2020-2021 National Implementation Reports under Article 26 of the Barcelona Convention: Submission, Timeliness, Completeness and Information on Implementation

- 1) **The Committee expressed satisfaction for the submission of reports by Contracting Parties, including the European Union and expressed deep concern for the low rate of submission of implementation reports as indicated by the Secretariat including recurring non submission of reports from a number of Contracting Parties.**
- 2) **The Committee agreed that the draft decision to COP 23 should contain a strong call to those Contracting Parties who have not yet submitted their national implementation reports for the biennium 2018-2019 and the biennium 2020-2021 to do so, as soon as possible and by the 2nd of April 2024 the latest.**
- 3) **It was also agreed that there is a need to enhance country capacities for the preparation and submission of national reports considering the complex obligations under the Barcelona Convention and its Protocols.**
- 4) **The Committee recommended to implement Decision IG. 21/1 in order to comply with Article 26 of the Barcelona Convention; in particular, the Contracting Parties which repeatedly failed to abide by their reporting obligations may receive a caution addressed by the Meeting of the Parties in accordance with paragraph 34 (a) of Decision IG. 17/2.**
- 5) **The Committee highlighted the importance of INFO/RAC ensuring a smooth operation of the online reporting system as well as the online availability of the data included in the Reports in order to allow the accessibility and transparency of environmental information.**

13. The Secretariat updated the Committee on the progress on Mar Menor case of compliance as per the technical progress report received by the Secretariat from the concerned Party (Spain) (Document UNEP/MED CC.19/5).

Conclusions and Recommendations

(b) Follow-up progress on the implementation of the Compliance Committee Findings, Measures and Recommendations regarding the case of Mar Menor

- 1) ***The Committee notes* with satisfaction the receipt of information from the Party Concerned in response to its findings and recommendations concerning the communication on the case of Mar Menor.**
- 2) ***The Committee notes* the extensive work done by both the Government of Spain and the Regional Government of Murcia to advance compliance with the**

Barcelona Convention and the relevant protocols (the SPA/BD Protocol, the ICZM Protocol, the LBS Protocol and the Dumping Protocol).

- 3) *The Committee wishes* to congratulate the Government of Spain for enacting the new legislation for the recognition of legal personality of Mar Menor and its basin (Law 19/2022, of September 30th, 2022) which grants a new legal status recognizing of Mar Menor as a subject of rights and allowing for its autonomous governance. The Committee considers this legislative development as a major qualitative step towards the effective ecosystemic legal protection and participatory governance of the Mar Menor,
- 4) *The Committee welcomes* the progress reflected in the reports. At the same time, the Committee requests further information and some clarifications with regard to the following points:
 - a) An assessment to be provided regarding the conformity of the existing and evolving regulatory framework with the specific provisions of the Barcelona Convention and its Protocols (the SPA/BD Protocol, the ICZM Protocol, the LBS Protocol and the Dumping Protocol). In this context, the concrete implementing measures should be specified.
 - b) Regarding the information provided by the Region of Murcia in their response to the Findings and Recommendations (paragraph 3.2), the Committee would request a summary of the contents of the aforementioned websites, the information and data provided and an assessment of whether the websites provide information in an adequate, timely, effective, accessible and continuous manner, as per the Findings and Recommendations adopted by the Committee.
 - c) In addition to the detailed quantitative description provided in the Spanish response to the Findings and Recommendations regarding the meetings of the coordinative bodies of Mar Menor, the Compliance Committee would request an assessment to reflect the specific public participation procedures and outcomes of the participatory processes as described.
- 5) With regards to future annual progress reports to be submitted, the Compliance Committee would request a consolidated single report by Spain (not exceeding 10 pages).

Agenda Item 5: Formal response of the concerned Contracting Party following communication dated September 9th, 2022, received by Law firm “Huglo Lepage” on a possible case of non-compliance

14. The Secretariat notified the committee on the new case of a possible case of non-compliance and the procedures taken in this regard (Document UNEP/MED CC.19/6).

The Committee agreed as follows:

- a) The communication should have been shared in 2 weeks from receipt by the Secretariat with both France and the Compliance Committee.
- b) The committee requested the Secretariat to share the communication with the Committee as soon as possible.
- c) Compliance Committee member Samira HAMIDI to become the rapporteur for this case and share with the Committee members a short summary on its admissibility criteria.

15. The Secretariat informed the Committee that will share the documents concerning this case with the Rapporteur Ms. Samira HAMIDI.

Agenda Item 6: Effective Functioning of the Compliance Committee

- **Revised Rules of Procedure of Compliance Committee**

16. The Secretariat introduced document UNEP/MED CC.17/5, which presented the outcome of the work undertaken intersessionally by the Secretariat after the Consultation Meeting held on 31 January 2023 on the proposed amendments on the Procedures and Mechanisms on Compliance with a particular focus on the changes introduced to the document prepared by the Compliance Committee with the view to reflect the latest changes on the amended proposal on Compliance Procedures and Mechanisms draft

17. Following an exchange of views, the Committee felt that it was premature to work on this document at this stage and it was agreed that the revision of the Rules of Procedures for the Compliance Committee meetings and work should be undertaken by the Secretariat after COP 23 based on the final version of Compliance Procedures and Mechanism as adopted by COP 23.

The Committee agreed as follows:

- 1) **The Committee requested the Secretariat to revise the Rules of Procedures following the adoption of the Procedures and Mechanisms of Compliance at COP 23 and present them to the next Compliance Committee meeting; to this end, the Committee also, requested the revision of the Rules of Procedures to be included in the workplan of the Committee for the next biennium.**
- 2) **The Committee requested the Secretariat to share with the Committee the full report of the Consultation Meeting held on 31 January 2023 including the latest agreed version of the amendments to the Procedures and Mechanisms of Compliance.**

- **Follow-up Mechanism on the Status of Implementation of the Decisions of the Compliance Committee**

18. Following an exchange of views on ways and means to enhance the work of the Compliance Committee and its collaboration with similar bodies under other conventions and organisations, a special focus was on Espoo Convention.

The Committee agreed as follows:

The Committee stressed the importance of possible collaboration with Compliance Committee mechanisms of other Multilateral Environmental Agreements and particular interest was expressed for the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention).

Agenda Item 7: Draft 2024-2025 Programme of Work of the Compliance Committee

19. The secretariat introduced Document UNEP/MED CC.19/8. It was pointed out the need to put the right balance between the level of ambition and the level of resources, while at the same time strengthening the effectiveness of the Compliance Committee in facilitating and promoting compliance, through for instance addressing public participation and enforcement. The committee during its discussions made several proposals which were included the final version of its work for the next biennium addressing the need to promote the implementation of Article 15 of the Barcelona Convention on public participation and public information and to build a mechanism for an effective follow up of the implementation of the decisions of COPs and of measures taken by Contracting parties using indicators based approaches.

Based on discussion, the Compliance Committee agreed as follows:

The Committee agreed on the Programme of Work of the Compliance Committee as presented in the Annex III to these conclusions and recommendations.

Agenda Item 8: Draft Decision proposed by the Compliance Committee to COP 23, including Elements of the 2022-2023 Activity Report of the Compliance Committee for COP 23

- 1) The Committee agreed on the main blocks/element of the Draft decision as follows:
 - Adoption of the Procedures and Mechanisms on Compliance
 - Adoption of Compliance Committee Activity Report for the Biennium 2022-2023
 - Status of Reporting
 - Compliance Committee Programme of Work 2024-2025
 - Paragraph on the case of Mar Menor
 - Composition of Compliance Committee
- 2) The very first draft of the Compliance Committee decision is attached as Annex II to these conclusions and recommendations.

Agenda Item 9: Place and dates of the 20th Meeting of the Compliance Committee

20. The Compliance Committee discussed the place and dates of its 20th Meeting. In this regard, some Members of the Compliance Committee suggested that the meeting will be held in Athens in April 2024.

21. The Secretariat explained that the agenda of meetings is particularly tight and that a number of factors have to be taken into account in deciding the dates of meetings. Another member proposed that the annual meeting should be extended to more than two days, so as to allow the Compliance Committee to fully consider the items on its agenda. The Secretariat noted that the duration of meetings depends on the agenda and the available resources.

Agenda Item 10: Other Matters

Agenda item 11: Conclusions and Recommendations

22. On the basis of a draft prepared by the Secretariat in consultation with the Chairperson of the Compliance Committee, the Compliance Committee agreed on the Conclusions and Recommendations listed under each Agenda item above.

The Committee agreed to adopt its conclusions and recommendations through electronic means.

Agenda item 12: Closing of the Meeting

23. The Meeting was closed by the Chairperson of the Compliance Committee, Heba Salah el din Sharawy, on 5 July 2023, at 17:30 pm.

Annex I
List of Participants

List of Participants / Liste des participants

Members / Membres titulaires

Ms. SHARAWY Heba Salah el din
Ministry of Environment
General Manager for Environmental
Economics Department
Egypt

Mr. JOUINI-BERZINE Ezzedine
Ministry of Local Affairs and
Environment Director of the Legal
Department
Tunisia

Mr. JUSTE RUIZ José
Catedrático de Derecho Internacional
Universidad de Valencia
Spain

Mr. RAFTOPOULOS Evangelos
Professor Emeritus of International
Law and International Environmental
Law
Director, MEPIELAN
Centre Panteion University,
Athens Greece

Ms. CATO Odeta
United Nations Development
Programme National Project
Manager
Albania

Ms. TURPanci Aysin
Legal Expert
Türkiye

Alternate Members / Membres suppléants

Mr. ZINE Abdelaziz
Ministry of Environment
Director of Legal Division
Morocco

Ms. KHOURY Nancy
Ministry of Environment
Head of Department of Public Relations and
External Affairs
Lebanon

Ms. ADDIS Daniela
Attorney
Daniela Addis Law Firm
Italy

Ms. KARASSIN Orr
Head of Public Law Program the Department of
Sociology and Political Science- the Open
University of Israel
Israel

Ms. OSMANAGIĆ-KLICO Selma
Sarajevo
Bosnia and Herzegovina

**SECRETARIAT TO THE BARCELONA CONVENTION
COORDINATING UNIT OF THE MEDITERRANEAN ACTION PLAN**

Ms. Tatjana Hema
Coordinator

Mr. Ilias Mavroeidis
Programme Management Officer

Mr. Ihab Tarek Abdelazim Ahmed
Legal Officer

Ms. Danijela Colakovic
Team Assistant

Annex II

Agenda

Agenda

- Agenda Item 1:** Opening of the Meeting
- Agenda Item 2:** Adoption of the Agenda and Organization of Work
- Agenda Item 3:** Adoption of the Report of the 18th Compliance Committee Meeting
- Agenda Item 4:** Status of reporting
- a) 2020-2021 National Implementation Reports under Article 26 of the Barcelona Convention: Submission, Timeliness, Completeness and Information on Implementation
 - b) Follow-up progress on the implementation of the compliance committee Findings, Measures and Recommendations regarding the case of Mar Menor
- Agenda Item 5:** Formal response of the concerned Contracting Party following communication dated September 9th, 2022, received by Law firm “Huglo Lepage” on a possible case of non-compliance
- Agenda Item 6:** Effective Functioning of the Compliance Committee
- Revised Rules of Procedure of Compliance Committee
 - Follow-up Mechanism on the Status of Implementation of the Decisions of the Compliance Committee
- Agenda Item 7:** 2024-2025 Programme of Work of the Compliance Committee
- Agenda Item 8:** Decision proposed by the Compliance Committee to COP 23, including Elements of the 2022-2023 Activity Report of the Compliance Committee for COP 23
- Agenda Item 9:** Place and dates of the 20th Meeting of the Compliance Committee
- Agenda Item 10:** Other Matters
- Agenda Item 11:** Conclusions and Recommendations
- Agenda Item 12:** Closing of the Meeting

Annex III

Programme of Work of the Compliance Committee for the biennium 2024-2025

Programme of Work of the Compliance Committee for the biennium 2024-2025		
Activity	Lead/Who	Timetable/When
Specific submissions under Section V of the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocol		
1. To consider any submissions and/or referrals in accordance with Section V of the Procedures and Mechanisms on Compliance	Compliance Committee	20 th and 21 st Compliance Committee Meetings
General issues of compliance under the Barcelona Convention and its Protocols		
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	Compliance Committee	20 th and 21 st Compliance Committee Meetings
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	Compliance Committee	20 th and 21 st Compliance Committee Meetings
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	20 th and 21 st Compliance Committee Meetings
Enhanced effectiveness of the compliance mechanism		
5. To facilitate assistance, in coordination with MAP components, to address non-compliance situations	CU, MAP Components, Compliance Committee	20 th and 21 st Compliance Committee Meetings
6. Revise the Rules of Procedures for the Compliance Committee Meetings based on the approved compliance procedure mechanism by COP 23 for adoption by COP 24	CU, Compliance Committee	20 th and 21 st Compliance Committee Meetings
7. Develop follow-up mechanism for the implementation of the decisions of the CC, regulation of the flow of work between 2 meetings of the CC as well as inputs for communication purposes of the work of the CC and its outcome, including dissemination.	Compliance Committee,	20 th and 21 st Compliance Committee Meetings
8. Develop a mechanism to assess the effectiveness of the implementation of measures taken by the Contracting Parties under the Barcelona Convention, including indicator-based approaches	Compliance Committee;	20 th and 21 st Compliance Committee Meetings
9. To continue building and strengthening synergies, with other Compliance Committee's Multilateral Environmental Agreements (MEAs), including holding joint sessions.	Compliance Committee	20 th and 21 st Compliance Committee Meetings
10. Undertake reflection on ways and means to promote implementation of Article 15 (on public information and participation) of the Barcelona Convention considering the procedures and the best practices under other multilateral environmental agreements		