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17th Meeting of the Compliance Committee of the Barcelona Convention and its Protocols

Teleconference, 10-11 June 2021

Agenda Item 6: Draft 2022-2023 Programme of Work of the Compliance Committee and Draft Elements of the 2020-2021 Activity Report of the Compliance Committee for COP22

Draft 2022-2023 Programme of Work of the Compliance Committee and Draft Elements of the 2020-2021 Activity Report of the Compliance Committee for COP22

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UNEP/MAP
Athens, 2021

Note by the Secretariat

This document contains the Draft Programme of Work of the Compliance Committee for the biennium 2022-2023 and the Draft Elements of the 2020-2021 Activity Report of the Compliance Committee for COP22.

The draft Programme of Work is structured around three sections addressing:

- (a) Specific submissions under Section V of the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocol: This covers submissions and referrals under Paragraphs 18 to 23.bis of the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols (Decision IG.17/2 as amended by Decisions IG. 20/1 and 21/1);
- (b) General issues of compliance under the Barcelona Convention and its Protocols: This deals with Paragraph 17 of the Procedures and Mechanisms on Compliance; and
- (c) Enhanced effectiveness of the compliance mechanism: This covers activities aimed at strengthening the Compliance Mechanisms' and Procedures' effectiveness in promoting compliance, by facilitating co-ordinated assistance to Contracting Parties to address difficulties in implementation as well as actual or potential non-compliance situations, by further developing the Procedures and Mechanisms on Compliance to maximize functioning and by reinforcing synergies with other Compliance Committee's Multilateral Environmental Agreements (MEAs), including holding joint sessions.

The 2020-2021 Activity Report of the Compliance Committee encompasses the following sections: introduction, specific submissions under Section V of the Procedures and Mechanisms on Compliance, general issues of compliance under the Barcelona Convention and its Protocols, functioning of the Compliance Committee and cooperation with other Compliance Procedures and Mechanisms of Multilateral Environmental Agreements (MEAs). The introduction will refer to the 2020-2021 Programme of Work of the Compliance Committee. Under each section, a summary will be provided of the discussions held at 16th Meeting of the Compliance Committee (Teleconference, 1618 June 2020 and 27-28 January 2021) and the 17th Meeting of the Compliance Committee (Teleconference, 27-28 January 2021) on the different items addressed, framing the conclusions and recommendations of both meetings to COP22.

The Compliance Committee is invited to revise its Draft Programme of Work for the biennium 2022-2023 and recommend it for adoption to COP22 and consider the draft elements of its biennial activity report and provide guidance, as appropriate for its finalization to COP22.

Draft Programme of Work of the Compliance Committee for the biennium 2022-2023		
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	18 th and 19 th 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	18 th and 19 th 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	18 th and 19 th 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	18 th and 19 th Compliance Committee Meetings
Enhanced effectiveness of the compliance mechanism		
5. To facilitate assistance, in coordination with MAP components, to address reported implementation difficulties and/or potential non-compliance situations	CU, MAP Components, Compliance Committee	18 th and 19 th Compliance Committee Meetings
6. To review of the effectiveness of the compliance mechanism in accordance with Section VIII of the Procedures and Mechanism on Compliance by further developing the Procedures and Mechanisms on Compliance with additional elements to maximize functioning	Compliance Committee	18 th and 19 th Compliance Committee Meetings
7. To continue to build and strengthen synergies, with other Compliance Committee's Multilateral Environmental Agreements (MEAs), including holding joint sessions	Compliance Committee	18 th and 19 th Compliance Committee Meetings

Draft Elements of the Activity Report of the Compliance Committee for the biennium 2020-2021

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. The Compliance Committee met three times during the biennium 2020-2021 by teleconference, responding to the circumstances dictated by COVID-19 pandemic. The 16th Meeting of the Compliance Committee was held on 16-18 June 2020 by teleconference and then a resumed session of it was held on 27-28 January 2021. The 17th Meeting of the Compliance Committee was held on 10-11 June 2021.
3. At its 16th and 17th Meetings, the Compliance Committee went through its Programme of Work for the biennium 2020-2021, as adopted by Decision IG. 24/1 of the 21st Meeting of the Contracting Parties (COP 21) (Naples, Italy, 2-5 December 2019) and worked on its delivery to the 22nd Meeting of the Contracting Parties (COP 22) (Antalya, Turkey, 7-10 December 2021). The key outcomes of the work of the Compliance Committee are presented in this report in accordance with paragraph 31 of the Procedures and Mechanisms on Compliance.

Section 2: Specific Submissions under Section V of the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols

Communication to the Compliance Committee under paragraph 23.bis of the Procedures and Mechanisms on Compliance

4. This section will summarize the discussions held at the 16th and 17th meetings of the Compliance Committee on the communication submitted to the Committee under paragraph 23.bis of its Procedures and Mechanisms and conclusions reached based on discussions. The following elements will be included under this section:

- (a) 16th Meeting of the Compliance Committee (session 16-18 June 2020). A summary will be provided of the discussions held at the meeting on whether to confirm the admissibility of the communication, with specific reference to the matter of the exhaustion of domestic remedies. This will lead to the summary of the conclusions and recommendations of the meeting, as contained in document UNEP/MED CC. 16/13, §30.
- (b) 16th Meeting of the Compliance Committee (session 27-28 January 2021). A summary will be provided of the discussions held at the meeting on both the substantive and procedural aspects of the proceedings laid down in paragraphs 24 to 30 of the Procedures and Mechanisms on Compliance. The points made at the meeting on how to operationalize proceedings at the 17th Meeting of the Compliance Committee will be presented, including the different positions expressed as to whether the communicant should be part of the proceedings at the 17th Meeting of the Compliance Committee. This will frame the summary of the conclusions and recommendations of the meeting, as presented in document UNEP/MED CC. 16/13, §48.
- (c) 17th Meeting of the Compliance Committee (10-11 June 2021). A summary will be provided of the discussions held at the meeting and its conclusions and recommendations following proceedings with the Party concerned.

5. No other submissions were received under Section V of the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols neither at the 16th nor the 17th Compliance Committee meetings.

Section 3: General Issues of Compliance under the Barcelona Convention and its Protocols

Status of submission and criteria for the assessment of national implementation reports under Article 26 of the Barcelona Convention

6. This section will summarize the discussions held at the 16th and 17th meetings of the Compliance Committee on the results of the testing of the criteria of submission, timelines,

completeness and implementation against a set of 2016-2017 national implementation reports and the 2018-2019 national implementation reports submitted by Contracting Parties as of 20 April 2021. The conclusions and recommendations of the 16th Meeting of the Compliance Committee (session 16-18 June 2020) will be presented, as in document UNEP/MED CC. 16/13, §20, as well as the conclusions and recommendations of the 17th Meeting of the Compliance Committee. This section will also include a summary of the discussions held at the 16th and 17th meetings of the Compliance Committee on the status of submission of national implementation reports and conclusions and recommendations from the 16th Meeting of the Compliance Committee (document UNEP/MED CC. 16/13, §20), and the 17th Meeting of the Compliance Committee in this regard.

Section 4: Functioning of the Compliance Committee

Election of the officers of the Compliance Committee for the biennium 2020-2021

7. This section will summarize the discussions held at the 16th Meeting of the Compliance Committee (session 16-18 June 2020) which led the Compliance Committee to elect for the biennium 2020-2021 the following officers: Odeta CATO (Group III) as Chairperson of the Compliance Committee; Samira Hamidi (Group I) as Vice-Chairperson of the Compliance Committee and Bernard BRILLET (Group II) as Vice-Chairperson of the Compliance Committee.

Procedures and Mechanisms on Compliance and Rules of Procedure of the Compliance Committee

8. This section will summarize the discussions held at the 16th and 17th meetings of the Compliance Committee on its effective functioning. In particular, the following elements will be included under this section:

(a) 16th Meeting of the Compliance Committee (session 16-18 June 2020). A summary will be provided of the discussions held at the meeting on the identification of the core areas of the Procedures and Mechanisms and Rules of Procedure for improvement in order to enhance Compliance Mechanism's and Procedures' effectiveness. This will frame the summary of the conclusions and recommendations of the Compliance Committee, as contained in document UNEP/MED CC. 16/13, §33.

(b) 16th Meeting of the Compliance Committee (session 27-28 January 2021). A summary will be provided of the work carried out intersessionally by the Sub-Groups on the Rules of Procedure and Procedures and Mechanisms, which were established following the Compliance Committee meeting session on 16-18 June 2020. This will put in context the summary of the conclusions and recommendations of the Compliance Committee meeting at its session on 27-28 January 2021, as presented in document UNEP/MAP CC. 16/13, §53.

(c) 17th Meeting of the Compliance Committee (10-11 June 2021). A summary will be provided of the discussions held at the meeting and its conclusions and recommendations on the subject matter.

Programme of Work of the Compliance Committee for the Biennium 2022-2023

9. This section will present the agreement of the 17th Compliance Committee Meeting on its Programme of Work for the biennium 2022-2023, which will be annexed to the draft COP 22 Decision on the Compliance Committee.

Section 5: Cooperation with other Compliance Procedures and Mechanisms of Multilateral Environmental Agreements (MEAs)

10. This section will summarize action taken to strengthen cooperation with the Compliance Procedures and Mechanisms established under other MEAs, by referring to the participation in the 16th Meeting of the Compliance Committee (session 16-18 June 2020) of a representative of the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) Compliance Committee and of a representative of the Centre International de Droit Comparé de l'Environnement (CIDCE). Key points of their presentations will be provided under this section.