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Agenda Item 3: Status of Reporting

Assessment Report on the 2020-2021 National Implementation Reports under Article 26 of the Barcelona Convention: Submission, Timeliness, Completeness and Implementation.

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Note by the Secretariat

The 16th Meeting of the Compliance Committee (Teleconference, session 16-18 June 2020) concluded as below following the testing of the criteria of submission, timeliness, completeness and implementation against a set of 2016-2017 national implementation reports (UNEP/MED CC. 16/13, §20):

- (a) agreed for the criteria of completeness to set a threshold of over 80% of responses provided for considering a national implementation report as complete, though a 100% of completeness is the target for Contracting Parties,
- (b) agreed on the criteria of submission, timeliness, completeness and implementation to be applied by the Secretariat together with MAP Components for the 2018-2019 national implementation reports in preparation for the 17th Compliance Committee Meeting, and
- (c) asked the Secretariat to explore the classification of Contracting Parties' performance on the basis of the following categories: (i) complete report submitted on time, (ii) complete report submitted late, (iii) incomplete report submitted on time, (iv) incomplete report submitted late and (v) not reported.

As requested by the Compliance Committee, the said criteria have been tested against the national implementation reports pertaining to the biennium 2020-2021, as submitted by Contracting Parties through the online Barcelona Convention Reporting System (BCRS) as of 31st March 2023, and on that basis, a draft classification of Contracting Parties' performance undertaken. The result of this exercise, carried out by the Secretariat in coordination with INFO/RAC, is presented in the document UNEP/MED CC.19/4

The present document presents the methodology applied in carrying out the requested testing as well as the preliminary observations from the testing exercise on the status of submission, timeliness, completeness and implementation with respect to the 2020-2021 national implementation reports.

The exercise mandated to the Secretariat has been carried out on the understanding that its sole purpose is to test the criteria. The testing does not concern the consideration of specific situations of actual or potential non-compliance by individual Parties. The present document and document UNEP/MED CC.17/Inf.3 are living documents, as Contracting Parties continue working towards completing the submission of their 2020-2021 national implementation reports in preparation of the overall assessment of the status of implementation of the Barcelona Convention and its Protocols for COP23.

2020-2021 National Implementation Reports: Submission, Timeliness, Completeness and Implementation

Methodology applied

1. Submission. This criterium seeks to determine whether Contracting Parties have submitted their national implementation reports for the concerned legal instrument as per article 26 of the Barcelona Convention.
2. Timeliness. This criterium seeks to determine whether Contracting Parties have submitted their national implementation reports for the concerned legal instrument not later than six months after the agreed deadline for submission by COP. 2020-2021 national implementation reports submitted within the period from December 2022 to 31st March 2023 are considered as submitted “on time”. December 2022 was the agreed deadline by COP 21 for the submission of the 2020-2021 national implementation reports using the online BCRS (Decision IG. 24/1).
3. Completeness: This criterium seeks to determine whether Contracting Parties have answered the questions of the reporting format covering the legal, institutional and policy measures for the concerned legal instrument. The answer to the question on status, which requires to tick the box that applies (i.e. “yes”, “no”, “under development” or “not applicable”), was reviewed. Should the box be ticked, the response was considered as complete. Should 80 per cent or over out the total number of questions be considered as complete, for the purpose of completeness the status would be “report complete”. Otherwise, “report incomplete”.
4. Implementation: This criterium seeks to determine whether Contracting Parties have put in place the necessary legal, administrative or policy measures as well as the corresponding institutional structures to implement the concerned legal instrument. The answers to the question on status (i.e. “yes”, “no”, “under development” or “not applicable”) were reviewed. Should a report contain “yes” and/or “not applicable” responses 50 per cent or over out the total number of questions, the status as to the concerned legal instrument was considered as “implemented”. Otherwise, “not implemented”.
5. The criteria of submission, timeliness, completeness and implementation have been tested by querying the BCRS to apply the thresholds described above against the questions of the reporting formats covering the legal, institutional and policy measures for the concerned legal instrument. This methodology is based on the close-ended questions around which reporting formats for the Barcelona Convention and its Protocols (Dumping, Prevention and Emergency, LBS, SPA/BD, Offshore and Hazardous Wastes Protocols) are structured (Decision IG.23/1). It should be noted that the reporting format of the ICZM Protocol is entirely structured around open questions (Decision IG. 22/16), which has limited the testing as per the explained methodology to the criteria of submission and timelines.

Preliminary observations

6. The results of the testing carried out are presented in document UNEP/MED CC.19/4, from which the following preliminary observations can be drawn:
 - (a) the reporting rate for submission corresponding to the biennium 2020-2021 varies across the Barcelona Convention and its Protocols, ranging from 32% (7 reporting Parties out of 22) for the BC Protocol to 75% (6 reporting Parties out of 8) for the Offshore Protocol;
 - (b) the reporting rate for completeness and timelines corresponding to the biennium 2020-2021 across the Barcelona Convention and its Protocols is high, with rates per legal instrument ranging from 100% for the Hazardous Wastes Protocol to 50% for the SPA/BD and Prevention and Emergency Protocols (3 out of 6 reporting Parties);
 - (c) the reporting rate for implementation corresponding to the biennium 2020-2021 across the Barcelona Convention and its Protocols varies across the Barcelona Convention and its Protocols, ranging from 37% (3 reporting Parties out of 8) for the Dumping Protocol to 100% for the Barcelona Convention and Hazardous Wastes Protocols (respectively 7 out 7 and 4 out 4 reporting Parties);

(d) difficulties are grouped in the national implementation reports as follows: policy framework, regulatory framework, financial resources, administrative management and technical capabilities. Difficulties reported in implementing the Barcelona Convention and its Protocols for the biennium 2020-2021 cover the whole range of difficulties listed, in particular regulatory framework, financial resources and administrative management. In assessing the difficulties reported, legislative challenges are understood to include for instance issues such as absence of an adequate legal and institutional framework or limited staff trained in the implementation and enforcement legislation. Financial barriers are interpreted as pointing at limited financial resources to undertake work for the drafting of the necessary legal and regulatory framework putting in place the Barcelona Convention and its Protocols. As to administrative management difficulties, these are read for example as fragmentation of roles and responsibilities amongst government ministries, departments and agencies or central, regional and local authorities making challenging the collection of information from entities;

(e) the criteria offer a screening tool first to identify the Parties to whom follow-up as a matter of priority and second to discuss with the Parties concerned the way forward; and

(f) based on the criteria, a baseline can be set for each legal instrument against which to measure progress on reporting and its quality and recommend associated targets per biennia. The criteria would also allow to present information on reporting in a more focused oriented and reader-friendly way, thus facilitating Parties to identify the areas of highest priority for action and raising the profile of national reporting.