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12th Meeting of the Compliance Committee of the Barcelona Convention and its Protocols

Athens, Greece, 24-25 January 2017

Report of the Meeting

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UN Environment/MAP
Athens, 2017

Table of Contents

		Pages
Report		1-10
Annexes		
Annex I	List of Participants	
Annex II	Agenda	
Annex III	Conclusions and Recommendations	

Agenda item 1: Opening of the Meeting

1. The 12th Meeting of the Compliance Committee was held on 24-25 January 2017, in Athens, Greece at the premises of the UN Environment-Mediterranean Action Plan (UNEP/MAP) Coordinating Unit.

2. The meeting was attended by the following Members and Alternate Members of the Compliance Committee: Milena Batakovic, Bernard Brillet, Selma Cengic, Nicos Georgiades, Samira Hamidi, Jose Juste Ruiz, Orr Karassin, Ayşin Turpanci and Joseph Edward Mekhael Zaki; and the Secretariat. The list of participants is at **Annex I** to this report.

3. The meeting was opened by Selma Cengic, Vice-Chairperson of the Compliance Committee, who highlighted the key role of the Compliance Committee in the Mediterranean Action Plan institutional framework by facilitating and promoting compliance with the obligations under the Barcelona Convention and its Protocols. Gaetano Leone, Coordinator, welcomed participants. He referred to the decisions adopted by the 19th Ordinary Meeting of the Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols (Athens, Greece, 9-12 February 2016), in particular those dealing with the Compliance Committee. In this context, he emphasized the steps taken to strengthen the governance of the Barcelona Convention and the Mediterranean Action Plan system, under with the role of the Compliance Committee stands out.

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

4. The Compliance Committee adopted the Provisional Agenda (UNEP (DEPI)/MED CC.12/1) and the Provisional Annotated Agenda (UNEP (DEPI)/MED CC.12/2/Rev.1) without amendment, and agreed upon the proposed timetable to conduct its work (UNEP (DEPI)/MED CC.12/3). A copy of the Provisional Agenda submitted to the meeting is at **Annex II** to this report.

5. Following the proposal from a Member, the Compliance Committee agreed to discuss a proposal to amend the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols under Agenda item 9: Other Matters.

Agenda item 3: Election of Chair and Vice-Chair and Signature of the Solemn Declaration by new Members and Alternate Members

6. Pursuant paragraph 10 of the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols and Rule 6 of the Rules of Procedure of the Compliance Committee, the Compliance Committee elected for the biennium 2016-2017:

Conclusions and Recommendations

- **Milena Batatovic (Group III) as Chairperson of the Compliance Committee;**
- **José Juste Ruiz (Group II) as Vice-Chairperson of the Compliance Committee, and**
- **Samira Hamidi (Group I) as Vice-Chairperson of the Compliance Committee.**

7. Members and Alternate Members who were elected by the 19th Ordinary Meeting of the Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols and were present at the meeting took the written oath pursuant to Rule 13 of the Rules of Procedure of the Compliance Committee.

Agenda item 4: Follow-up of the implementation of Decisions IG.22/15 and IG.22/16 of the 19th Meeting of Contracting Parties

8. The Secretariat presented document UNEP(DEPI)/MED CC.12/4, which updated the Compliance Committee on the status of implementation of Decisions IG. 22/15 and IG. 22/16 of the 19th Ordinary Meeting of the Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols. Information was provided

indicating: (1) the extent to which Contracting Parties had fulfilled their reporting requirements under Article 26 of the Barcelona Convention for the reporting periods 2012- 2013 and 2014-2015, and (2) progress made in implementing the Working Programme of the Compliance Committee for 2016-2017.

9. In the ensuing discussion, the following points were made:

Reporting

a. for the sake of clarity, in presenting information on the status of reporting per biennium, the Contracting Parties that have not reported should be also listed. This would facilitate the Compliance Committee to quickly and easily identify Contracting Parties that have officially submitted their national implementation reports and Contracting Parties that have not yet done so, including the ones with their working drafts on the pipeline;

b. in order to improve the level of reporting under the Barcelona Convention and its Protocols, to identify and address what constitutes difficulties to full reporting is crucial. Work done by the Secretariat and MAP components to address the difficulties experienced by Contracting Parties in fulfilling their reporting obligations has focused on providing guidance on the use of the online system for reporting, i.e. the Barcelona Convention Reporting System (BCRS), and delivering specific advice on the contents of the reporting format as requested;

c. efforts should be intensified to increase the submission rate of national implementation reports, particularly for the biennium 2014-2015. Action from the Secretariat should continue to more closely follow-up on the letters and reminders notes already sent to those Contracting Parties that have not yet reported. Bilateral contact by the Secretariat to these Contacting Parties should be further pursued to encourage reporting;

d. in particular, efforts should be directed to ensure that Contracting Parties that have not reported for two consecutive reporting periods submit their national implementation reports. Following the practice, as a first stage, direct contact by the Secretariat with those Contracting Parties should be intensified. In a second stage, the Compliance Committee would advise on next steps to take, as need be. This approach should be taken concerning Algeria and Monaco;

e. the Compliance Committee noted that work is underway in Algeria to submit its national implementation report for the reporting period 2014-2015;

f. there is an urgent need to complete the membership to the Compliance Committee, with the pending nomination by Monaco of an Alternate Member for a four-year term as agreed by the 19th Ordinary Meeting of the Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols. The Secretariat should continue its contacts with Monaco in that regard and update the Compliance Committee accordingly;

Programme of Work for 2016-2017

g. a joint effort between the Compliance Committee and the Secretariat is needed to successfully deliver the Programme of Work of the Compliance Committee for the biennium 2016-2017;

h. in setting arrangements to ensure delivery in time for the 20th Ordinary Meeting of the Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols, work packages (i.e. who is doing what and when) should be clearly identified. This is particularly important as regards main activities nine, ten and eleven of the Programme of Work[1];

[1] Programme of Work of the Compliance Committee for the biennium 2016-2017 (Decision IG. 22/15 of the 19th Ordinary Meeting of the Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols).
Main Activity 9 reads: “Analysis of the effectiveness of the application of the Procedures and Mechanisms on Compliance with the Barcelona Convention, taking into account the feedback from the Parties on the conditions under which the supporting role of the Committee could be improved”.

i. to take work forward on activity nine of the Programme of Work, a small group of Compliance Committee members could work intersesionally under the lead of the Secretariat with the aim of preparing a short questionnaire to gather input from MAP Focal Points on how to further improve the effectiveness of the Compliance Committee;

j. activities ten and eleven of the Programme of Work are formulated in broad terms. For the Compliance Committee to move these activities forward, a more precise request is required. Otherwise, an avenue to explore could be to put them on hold until a specific issue is raised for the Compliance Committee to act on a case-by-case basis;

k. it was noted that the very terms in which activities ten and eleven are formulated make it possible to shape them to further improve the assessment of national implementation reports to identify actual or potential cases of non-compliance. There is therefore a window of opportunity to scope activities in that direction. Bearing this in mind, activity ten could be delivered in the form of a scoping document listing those issues which might require guidance from the Compliance Committee. This scoping exercise should be carried out by the Secretariat and MAP components in preparation for the 13th Compliance Committee Meeting. The role of MAP components in this exercise is very relevant, as technical issues are also involved;

l. concerning activity eleven, a step-by-step approach should be taken. The mode of working should be from the general to the concrete. The starting point to work should be to prepare a scoping document addressing the legal status of the thematic Decisions adopted by the Ordinary Meetings of the Contracting Parties, including Regional Action Plans. This work could be undertaken by the Secretariat in consultation with a small group of Compliance Committee members in preparation for the 13th Compliance Committee Meeting;

m. the scoping document should set the framework for further work on concrete issues (e.g. work on specific provisions of the Barcelona Convention and its Protocols or precise actions under Regional Action Plans), as need be and as priorities dictate;

n. work under activity eleven should help in further understanding what implies the division between “hard law” and “soft law in terms of assessing compliance with the Barcelona Convention and its Protocols.

10. Based on discussion on the status of reporting on the implementation of the Barcelona Convention and its Protocols, the Compliance Committee agreed in preparation for its next meeting:

Conclusions and Recommendations

Reporting

a. the Secretariat to update on progress regarding the submission of outstanding national implementation reports by Algeria and Monaco for the reporting periods 2012-2013, following further bilateral contact with Algeria and Monaco;

b. based on the above update by the Secretariat, the Compliance Committee to consider further actions to be taken at its next meeting;

c. the Secretariat to continue efforts in encouraging and supporting Contracting Parties who have not submitted their national implementation reports for the period 2014-2015 to do so;

d. the Secretariat to update on progress regarding the pending nomination by Monaco of an expert as an Alternate Member of the Compliance Committee for a term of four years.

11. Based on discussion on progress made in implementing the Working Programme of the Compliance Committee for 2016-2017, the Compliance Committee agreed on the following

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Main Activity 10 reads: “Examination, in close coordination with the MAP components, of possible difficulties in the interpretation of the provisions of the Protocols, for consideration at the Meeting of the Contracting Parties”.
Main Activity 11 reads: “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”.

arrangements to take forward work on main activities nine, ten and eleven (Document UNEP(DEPI)/MED CC.12/4):

Conclusions and Recommendations

Programme of Work for 2016-2017

Main activity 9

a. the Secretariat, in consultation with Nicos Georgiades, Milena Batatovic and Samira Hamidi, to prepare a draft, concise, questionnaire to gather information and suggestions on how to improve the Compliance mechanisms' and procedures' effectiveness and strengthen the Committee's role, by 6 March 2017;

b. the Compliance Committee to comment on the draft questionnaire by 20 March 2017 to allow the Secretariat to further refine and circulate it by 27 March 2017 between MAP Focal Points, on behalf of the Compliance Committee;

c. based on the responses received by MAP Focal Points to the questionnaire, the Secretariat, in consultation with Nicos Georgiades, Milena Batakovic and Samira Hamidi, to prepare a synthesis analysis for the 13th Compliance Committee Meeting;

Main activity 10

d. in order to improve the implementation of and compliance with the Barcelona Convention and its Protocols, the Secretariat, in coordination with MAP components, to prepare a draft scoping document identifying key matters which may require further guidance, for submission to the 13th Compliance Committee Meeting;

Main activity 11

e. the Secretariat, in consultation with José Juste-Ruiz and Bernard Brillet, to prepare a scoping document addressing the legal nature and the main obligations of thematic decisions, including Regional Actions Plans, adopted by the Meeting of Contracting Parties for consideration of the next Compliance Committee Meeting;

f. The whole process will be carried out in stages according to priorities decided by the Compliance Committee in coordination with the Secretariat.

<u>Agenda item 5</u>: Updated evaluation of National Implementation Reports following Section IV of the Procedures and Mechanisms of Compliance

12. The Secretariat introduced document UNEP(DEPI)/MED CC.12/5, which presented a synthesis analysis of the information provided in the national implementation reports submitted following the 11th Compliance Committee Meeting for the period 2012-2013. In its presentation, the Secretariat highlighted that the synthesis analysis was purely factual, focused on the legal and policy implementation aspects and described what has been reported. The Secretariat also referred to document UNEP(DEPI)/MED CC.12/Inf.3, which presented the previous synthesis of national implementation reports for the period 2012-2013 tabled at the 11th Compliance Committee Meeting.

13. In the discussion, the following points were raised:

a. report preparations are an integral part of the implementation of the Barcelona Convention and its Protocols. There is a sustained effort by the majority of Contracting Parties to increase the quality of submissions, thereby strengthening the effective implementation of the Barcelona Convention and its Protocols. There is however room for improvement. The presentation of the information contained in the reports should continue to be kept under review to further improve the basis for assessing compliance. MAP components should play a role in that regard;

b. a further refined understanding of the difficulties experienced by Contracting Parties in implementing the Barcelona Convention and its Protocols would help in providing advice and, as appropriate, facilitate assistance;

c. setting criteria for assessing compliance is crucial for the Compliance Committee to fulfil its mandate. Discussion under this Agenda item should be linked with Agenda item 7 on the draft Guidelines for the evaluation of reports to identify actual or potential cases of non-compliance;

d. a substantive analysis of national implementation reports is needed in preparation for the next Compliance Committee Meeting. This would facilitate the work of the Compliance Committee in assessing compliance;

e. the European Union peer-review processes for assessing compliance in specific sectors were mentioned as an example of promoting compliance.

14. Following discussion on the synthesis analysis of the information provided in the national implementation reports submitted the Compliance Committee agreed as follows:

Conclusions and Recommendations

The Secretariat to prepare, in coordination with MAP components, a substantive analysis of the national reports on the implementation of the Barcelona Convention and its Protocols, for consideration by the 13th Compliance Committee Meeting.

Agenda item 6: Draft Revised Reporting Format for the Implementation of the Barcelona Convention and its Protocols

15. The Secretariat presented the draft Revised Reporting Format for the Implementation of the Barcelona Convention and its Protocols, as in document UNEP(DEPI)/MED CC.12/6. The current reporting format has been revisited with a twofold objective: simplifying the national reporting process and increasing the relevance of national reports.

16. The draft simplified Revised Reporting Format: (1) provides pre-filled sections, facilitating Contracting Parties to submit updates on changes since the last report; (2) gives further room for Contracting Parties to explain the difficulties and challenges when reporting; (3) gives priority to mandatory reporting over optional reporting, on the basis of biding and non-binding obligations respectively under the Barcelona Convention and its Protocols; (4) creates better streamlining with other in-house reporting processes; (5) enhances complementarity and harmonization with relevant global and regional reporting; (6) includes the most recent and relevant work on Regional Action Plans, National Action Programmes and indicators; (7) gives Contracting Parties the option to provide detailed information on a voluntary basis by using precise web links; and (8) ensures reporting continuity, facilitating a smooth transition from the current to the revised reporting format.

17. The Secretariat also presented document UNEP(DEPI)/MED CC.12/Inf.4, which compiled the comments on the draft Revised Reporting Format from MAP components.

18. In the ensuing discussion, the following points were made:

a. as per Decision IG. 22/16 of the 19th Ordinary Meeting of the Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols, Contracting Parties would be invited to consider their participation in the testing of the revised Reporting Format. After the testing, consultation with MAP National Focal Points would follow, with the aim of submitting the revised Reporting Format to the 20th Ordinary Meeting of the Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols. The Compliance Committee should be involved in this process;

b. discussion on the draft Revised Reporting Format should be put in the context of Article 26 of the Barcelona Convention, under which Contracting Parties are obliged to report on the legal, administrative and other measures taken by them for the implementation of the Barcelona

Convention and its Protocols and of the recommendations adopted by their meetings. This explains the layout of the draft revised Reporting Format;

c. environmental indicators are essential in order to assess the status and progress of implementation and then compliance. The draft Revised Reporting Format includes sections on monitoring which are indicator oriented. Progress in that direction should continue, with a view of making the draft Revised Reporting Format more outcome oriented;

d. work is underway on environmental indicators. Contracting Parties are currently revising their existing national monitoring and assessment programmes under the Integrated Monitoring and Assessment Programme of the Mediterranean Sea and Coast and Related Assessment Criteria (IMAP). At this stage, with developments ongoing, it may be premature to reflect that strand of work in the draft Revised Reporting Format;

e. in refining the draft Revised Reporting Format, difficulties and challenges should include administrative management issues at national level, such as poor coordination amongst Government ministries departments and agencies. In addition, it would be worth exploring with MAP components the possibility to further simplify the quantitative sections of the draft Revised Reporting Format. For instance, tables on permits, number of inspections, authorizations, etc. may not be required;

f. since the sections on optional reporting cannot be taken into consideration in assessing compliance, it would be advisable to not include them in the draft Revised Reporting Format. On the other hand, it should be noted that they may yield useful information regarding implementation;

g. for the purposes of assessing compliance, the distinction between “hard law” and “soft law“ is of paramount importance. The concept of “soft law” introduces different degrees of normative intensity to be taken into account when assessing compliance. Furthermore, in some cases “soft law” could be instrumental to the implementation of “hard law”;

h. the draft Revised Reporting Format should be divided up into independent segments per instrument to decrease Contracting Parties’ perception of heaviness. All steps should be taken to ensure a smooth transition from the current to the revised reporting format. Using links to websites in a national report may lead to difficulties in gathering data, when information is provided in languages other than the Compliance Committee’s working languages

19. Based on discussion on the draft Revised Reporting Format, the Compliance Committee agreed on the following procedure to follow:

Conclusions and Recommendations

a. the Compliance Committee Members and Alternate members to send to the Secretariat their concrete comments on the draft Revised Reporting Format as presented in document UNEP(DEPI)/MED CC.12/6 by 13 February 2017;

b. the Secretariat to further refine the reporting format and proceed to a testing exercise, also involving Compliance Committee members, as per Decision IG. 22/16;

c. the draft Revised Reporting Format to be submitted to MAP Components Focal Points for inputs, before submission to the MAP National Focal Points and the 20th Ordinary Meeting of the Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols.

Agenda item 7: Draft Guidelines for the Assessment of Reports submitted under Article 26 of the Barcelona Convention

20. Selma Cengic introduced document UNEP(DEPI)/MED CC.12/7, which contained the draft Guidelines for the evaluation of reports to identify actual or potential cases of non-compliance. The draft Guidelines propose a set of criteria aimed at assisting the Compliance Committee and the Secretariat in assessing Contracting Parties’ compliance with the Barcelona Convention and its Protocols based on their national implementation reports.

21. In the discussion, the following points were raised:

a. it is important to highlight that the draft Guidelines would serve as a preliminary indication of a possible situation of non-compliance. This should be clearly reflected in the title of the Guidelines, which should be reworded as follows: “Draft Guidelines for the preliminary assessment of reports to identify actual or potential cases of non-compliance”;

b. there is great value in testing the draft Guidelines against the national implementation reports submitted by Contracting Parties. This would allow to check, firstly, whether and to what extent the proposed criteria capture the most relevant aspects involved in compliance and, secondly, how well they assign different weights to the questions of the national implementation reports;

c. the draft Guidelines are mature enough for testing. There is no reason to put on hold this exercise until the completion of the revised reporting format. The objective of the testing exercise should be clearly spelt out. The sole purpose of this exercise is to test the draft Guidelines, it does not concern checking on compliance;

d. arrangements should be put in place to test the draft Guidelines against three or four national implementation reports. To ensure objectivity in the assessment, arrangements within the Compliance Committee should be made so that the Secretariat would receive different assessments for the same country to draft the synthesis report;

e. the testing of the draft Guidelines should be a collective exercise to be carried out by the Compliance Committee intersessionally in preparation for its next meeting. All Members and Alternate Members of the Compliance Committee should be invited to participate in the testing of the draft Guidelines. MAP components should also have a role;

f. for the purpose of conducting the testing of the draft Guidelines three groups should be set up within the Compliance Committee. The groups so established should reflect a balance in terms of their legal and technical expertise. Each group would receive a national implementation report, including one in French, for each of its members to test the draft Guidelines. The Secretariat would prepare the synthesis analysis based on the results of the testing;

g. the draft Guidelines should be seen as a methodological tool for the Secretariat as well as the Compliance Committee to use in the preliminary assessment of the national implementation reports.

22. Based on discussion on the draft Guidelines for the evaluation of reports to identify actual or potential cases of non-compliance, the Compliance Committee agreed on the following procedure to take forward work on this issue:

Conclusions and Recommendations

a. the Compliance Committee to conduct a pilot test of the draft Guidelines as presented in document UNEP(DEPI)/MED CC.12.7 against three to four national implementation reports to be forwarded by the Secretariat, for submission to the 13th Compliance Committee Meeting;

b. for the purposes of conducting the above pilot test, three groups were formed from the Members and Alternate Members present at the Meeting – group A (Selma Cengic, Joseph Edward Zaki, Aysin Turpanci and Milena Batatovic), group B (Orr Karassin, José Juste-Ruiz and Nicos Georgiades) and group C (Samira Hamidi and Bernard Brillet). Each group would be sent a national implementation report together with short guidance from the Secretariat for facilitating the testing exercise by the first two weeks of March 2017, with the purpose to test the draft Guidelines against this report. In doing so, the Secretariat to invite all Members and Alternate Members of the Compliance Committee to join this collective exercise;

c. each member of the Group to send independently the result of the testing to the Secretariat by 31 May 2017, to allow the Secretariat to prepare a synthesis analysis to be

shared with MAP components for comments and then submit it for consideration at the 13th Compliance Committee Meeting.

Agenda item 8: Power of initiative of the Compliance Committee: Setting Admissibility Criteria of Relevant Sources of Information (Paragraph 23bis of Section V, Decision IG.17/2 as amended)

23. The Secretariat presented document UNEP(DEPI)/MED CC.12/8, which dealt with the power of initiative of the Compliance Committee, as provided for in paragraph 23.bis of the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols.

24. Paragraph 23.bis reads: "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. The Committee may ask the Party concerned to provide all additional information. The Party concerned shall have a period of two months to respond".

25. The document triggered the following questions in the ensuing discussion:

a. the all-inclusive formula "on the basis of the biennial activity reports or in the light of any other relevant information" requires interpretation, in order to clearly identify the sources of information based on which the Compliance Committee is entitled to start the procedure at its own initiative;

b. in interpreting paragraph 23.bis, it is important to give a term its ordinary meaning, in the context of the Procedures and Mechanisms on Compliance and in the light of their object and purpose. Under paragraph 23.bis a broad mandate is given to the Compliance Committee, by authorizing the Compliance Committee to initiate proceedings on the basis of "the biennial activity reports" and "any other relevant information". This spirit should guide the interpretation of paragraph 23.bis;

c. the meaning of the terms "any other relevant information" should be taken literally. The meaning of the term "biennial activity reports" should interpreted as referring to the national implementation reports submitted by Contracting Parties on a biennial basis;

d. admissibility criteria should be set in the context of paragraph 23.bis. Criteria should address two fundamental aspects, the source and the quality of information. The source should be credible, identifiable and transparent. As regards quality, information should be verifiable, relevant, measurable and objective. In establishing admissibility criteria, consideration should be given whether the source of information is a country or any other source, e.g. MAP components, NGOs, public;

e. more visibility should be given to the activities of the Compliance Committee. Contracting Parties should be further aware of the role of the Compliance Committee in promoting and facilitating compliance through different mechanisms, including the trigger role of the Compliance Committee.

26. Following discussion on the determination of the criteria for admissibility of relevant sources of information, the Compliance Committee agreed on the following:

Conclusions and Recommendations

a. in paragraph 23.bis of the Procedures and Mechanisms on Compliance as amended, the formula "biennial activity reports" should be construed as referring to the national implementation reports of the Barcelona Convention and its Protocols submitted by Contracting Parties on a biennial basis according to Article 26 of the Barcelona Convention;

b. in paragraph 23.bis of the Procedures and Mechanisms on Compliance as amended, the formula ''any other relevant information" should be interpreted literally;

c. the Secretariat, in coordination with Orr Karassin, to prepare a document on admissibility criteria addressing the source of information (e.g. credible, identifiable, transparent) and the

quality of information (e.g. verifiable, relevant, measurable, objective). In doing so, account should be taken inter alia of the source of information, whether countries or other sources;

d. the Secretariat to explore avenues to raise awareness on the Compliance Committee's activities, including the trigger role of the Compliance Committee. The Compliance Committee to raise this issue in its report to the Conference of the Contracting Parties.

Agenda item 9: Other Matters

27. Under this Agenda item, Nicos Georgiades presented a proposal to amend the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols. The proposed amendments referred to the current rules governing membership, the role of the Compliance Committee and the existing trigger procedures.

28. The Compliance Committee welcomed the proposal and discussed how to take it forward, keeping in mind deliverables scheduled for its next meeting and the need for the Committee to reflect on the procedural and political implications of the proposed amendments.

29. In this context, it was noted that a challenge to be overcome is the delay in the nomination of Members and Alternate Members and that the Secretariat should remind Contracting Parties that once they are invited to nominate an expert, they should do it as a matter of urgency. It was suggested that it would be very useful if the Secretariat could circulate between the Compliance Committee a table reflecting current memberships, including details and affiliation. It was further suggested that the next Compliance Committee Meeting should deal with this proposal under the Agenda item: Any Other Matters.

30. The Compliance Committee agreed as follows:

Conclusions and Recommendations

a. the Secretariat to prepare an updated consolidated text of Decision IG.17/2 amended by Decisions IG.20/1 and IG.21/1 on the Procedures and Mechanisms on Compliance for circulation to the Compliance Committee;

b. Nicos Georgiades to circulate to the Compliance Committee a revised version of his proposal on the revision of the Procedures and Mechanisms on Compliance;

c. to address the issue of revising the Procedures and Mechanisms on Compliance at the 13th Compliance Committee Meeting under the Agenda Item Any Other Matters;

d. the Secretariat to remind Contracting Parties the procedure for the nomination of Members and Alternate Members of the Compliance Committee and the urgent need to nominate their experts as soon as invited to do so;

e. The Secretariat to prepare a table with the composition, affiliation and contact details of the Compliance Committee Members and Alternate Members and distribute it to the Compliance Committee.

31. Some Committee Members expressed their concerns on the problems caused by the rigid adherence to UNEP's travel arrangements policy.

Agenda Item 10: Adoption of Draft Conclusions and Recommendations

32. 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 list of conclusions and recommendations presented in **Annex III** to this report.

Agenda Item 11: Place, dates and duration of the 13th Meeting of the Compliance Committee

33. The Compliance Committee agreed to meet on **26-27 September 2017**, **at the premises of the UN Environment/Mediterranean Action Plan Coordinating Unit in Athens, Greece**.

Agenda Item 12: Closing of the Meeting

34. The Meeting was closed by the Chairperson of the Compliance Committee, Milena Batatovic, at 17:00 on 25 January 2017.

Annex I

List of Participants

List of Participants / Liste des participants

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Annex II

Provisional Agenda

Provisional Agenda

Agenda item 1	Opening of the Meeting
Agenda item 2	Adoption of the Agenda and Organization of Work
Agenda item 3	Election of Chair and Vice-Chair and Signature of the Solemn Declaration by new Members and Alternate Members
Agenda item 4	Follow-up of the implementation of Decisions IG. 22/15 and IG. 22/16 of the 19th Meeting of Contracting Parties
Agenda item 5	Updated evaluation of National Implementation Reports following Section IV of the Procedures and Mechanisms of Compliance
Agenda item 6	Draft Revised Reporting Format for the Implementation of the Barcelona Convention and its Protocols
Agenda item 7	Draft Guidelines for the Assessment of Reports submitted under Article 26 of the Barcelona Convention
Agenda item 8	Power of initiative of the Compliance Committee: Setting Admissibility Criteria of Relevant Sources of Information (Paragraph 23bis of Section V, Decision IG.17/2 as amended)
Agenda item 9	Other matters
Agenda item 10	Adoption of Draft Conclusions and Recommendations
Agenda item 11	Place, dates and duration of the 13th Meeting of the Compliance Committee
Agenda item 12	Closing of the Meeting

Annex III

Conclusions and Recommendations

Conclusions and Recommendations	Report § Ref	Action to be taken by	Deadline
Agenda Item 4 - Follow-up of the implementation of Decisions IG.22/15 and IG.22/16 of the 19th Meeting of Contracting Parties			
To update on progress regarding the submission of outstanding national implementation reports by Algeria and Monaco for the reporting periods 2012-2013, following further bilateral contact with Algeria and Monaco	10.a	Secretariat	Six weeks before 13th Compliance Committee Meeting
Based on the above update by the Secretariat, to consider further actions to be taken at its next meeting	10.b	Compliance Committee	13th Compliance Committee Meeting
To continue efforts in encouraging and supporting Contracting Parties who have not submitted their national implementation reports for the period 2014-2015 to do so	10.c	Secretariat	As appropriate
To update on progress regarding the pending nomination by Monaco of an expert as an Alternate Member of the Compliance Committee for a term of four years	10.d	Secretariat	As appropriate but six weeks before 13th Compliance Committee Meeting
To prepare a draft, concise, questionnaire to gather information and suggestions on how to improve the Compliance mechanisms' and procedures' effectiveness and strengthen the Committee's role	11.a	Secretariat in consultation with Nicos Georgiades, Milena Batatovic and Samira Hamidi	6 March 2017
To comment on the draft questionnaire	11.b	Compliance Committee	20 March 2017
Based on the comments received from the Compliance Committee on the draft questionnaire, to further refine and circulate it between MAP Focal Points, on behalf of the Compliance Committee	11.b	Secretariat	27 March 2017
Based on the responses received by MAP Focal Points to the questionnaire, to prepare a synthesis analysis	11.c	Secretariat, in consultation with Nicos Georgiades, Milena Batakovic and Samira Hamidi	Six weeks before 13th Compliance Committee Meeting
To prepare a draft scoping document identifying key matters which may require further guidance	11.d	Secretariat in coordination with MAP components	Six weeks before 13th Compliance Committee Meeting
To prepare a scoping document addressing the legal nature and main obligations of thematic decisions, including Regional Actions Plans, adopted by the Meeting of Contracting Parties	11.e	Secretariat in consultation with Jose Juste Ruiz and Bernard Brillet	Six weeks before 13th Compliance Committee Meeting

Conclusions and Recommendations	Report § Ref	Action to be taken by	Deadline
Agenda Item 5- Updated Evaluation of National Implementation Reports following Section IV of the Procedures and Mechanisms of Compliance			
To prepare a substantive analysis of the national reports on the implementation of the Barcelona Convention and its Protocols	14	Secretariat	Six weeks before 13th Compliance Committee Meeting
Agenda Item 6 – Draft Revised Reporting Format for the Implementation of the Barcelona Convention and its Protocols			
To send to the Secretariat their concrete comments on the draft Revised Reporting Format as presented in document UNEP(DEPI)/MED CC.12/6	19.a	Compliance Committee Members and Alternate Members	13 February 2017
On the basis of the comments received, to further refine the reporting format and proceed to a testing exercise, also involving Compliance Committee members, as per Decision IG. 22/16	19.b	Secretariat	Beginning of 2017
To submit the draft Revised Reporting Format to MAP Components Focal Points for inputs, before submission to the MAP National Focal Points and the 20th Ordinary Meeting of the Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols	19.c	Secretariat	As soon as the testing exercise is completed
Agenda Item 7 – Draft Guidelines for the Assessment of Reports submitted under Article 26 of the Barcelona Convention			
To conduct a pilot test of the draft Guidelines as presented in document UNEP(DEPI)/MED CC. 12.7 against three to four national implementation reports to be forwarded by the Secretariat	22.a	Compliance Committee	Six weeks before 13th Compliance Committee Meeting
To send a national implementation report together with short guidance for facilitating the testing exercise to group A (Selma Cengic, Joseph Edward Zaki, Aysin Turpanci and Milena Batatovic), group B (Orr Karassin, José Juste-Ruiz and Nicos Georgiades) and group C (Samira Hamidi and Bernard Brillet)	22.b	Secretariat	First 2 weeks of March 2017
To invite all Members and Alternate Members of the Compliance Committee to join this collective exercise	22.b	Secretariat	First 2 weeks of March 2017
To send independently the result of the testing to the Secretariat	22.c	Each member of the groups	31 May 2017
On the basis of the result of the testing exercise, to prepare a synthesis analysis to be shared with MAP components for comments and then submit it for consideration to the 13th Compliance Committee Meeting	22.c	Secretariat	Six weeks before 13th Compliance Committee Meeting

Conclusions and Recommendations	Report § Ref	Action to be taken by	Deadline
Agenda Item 8 – Power of initiative of the Compliance Committee: Setting admissibility Criteria of Relevant Sources of Information (Paragraph 23bis of Section V, Decision IG. 17/2)			
To prepare a document on admissibility criteria addressing the source of information (e.g. credible, identifiable, transparent) and the quality of information (e.g. verifiable, relevant, measurable, objective). In doing so, account should be taken inter alia of the source of information, whether countries or other sources	26.c	Secretariat in coordination with Orr Karassin	Six weeks before 13th Compliance Committee Meeting
To explore avenues to raise awareness on the Compliance Committee's activities, including the trigger role of the Compliance Committee	26.d	Secretariat	As appropriate
To raise the issues of awareness in its report to the Conference of the Contracting Parties	26.d	Compliance Committee	COP 20 deadline
Agenda Item 9 – Other Matters			
To prepare an updated consolidated text of Decision IG. 17/2 amended by Decisions IG. 20/1 and IG. 21/1 on the Procedures and Mechanisms on Compliance for circulation to the Compliance Committee	30.a	Secretariat	As soon as possible
To circulate to the Compliance Committee a revised version of the proposal on the revision of the Procedures and Mechanisms on Compliance	30.b	Nicos Georgiades	Six weeks before 13th Compliance Committee Meeting
To address the issue of revising the Procedures and Mechanisms on Compliance under Agenda item Any Other Matters	30.c	Compliance Committee	13th Compliance Committee Meeting
To remind Contracting Parties the procedure for the nomination of Members and Alternate Members of the Compliance Committee and the urgent need to nominate their experts as soon as invited to do so	30.d	Secretariat	As appropriate
To prepare a table with the composition, affiliation and contact details of the Compliance Committee Members and Alternate Members and distribute it to the Compliance Committee	30.e	Secretariat	As soon as possible
Agenda Item 11 – Place, dates and duration of the 13th Meeting of the Compliance Committee			
To meet at the premises of the UN Environment/Mediterranean Action Plan Coordinating Unit in Athens, Greece	33	Compliance Committee	26-27 September 2017