



UNITED
NATIONS

EP

UNEP(DEPI)/MED IG.22/18



UNITED NATIONS
ENVIRONMENT PROGRAMME
MEDITERRANEAN ACTION PLAN

8 December 2015
Original: English

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

Agenda item 3: Thematic Decisions

Draft Decision: Compliance Mechanisms and Procedures, Membership and Working Programme of the Compliance Committee for the Biennium 2016-2017

For environmental and economic 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.

Note by the Secretariat

Based on Decision IG 17/2, the Compliance Committee's main mission is to assist the Contracting Parties to put in place its recommendations and those of the meetings of the Contracting Parties in order to comply with their obligations in accordance with the Barcelona Convention and its Protocols. It is up to the Committee, within this exercise, to assess the current or potential situation of non-compliance. By virtue of Section VI of Decision IG 17/2, the Compliance Committee shall submit a report on its activities for the past biennium.

The attached draft decision relies on the activity report of the Compliance Committee for the Biennium 2014-2015 which will be submitted for adoption by the Nineteenth Meeting of the Contracting Parties.

The draft decision addresses three recommendations submitted by the Committee for adoption at the Nineteenth Meeting of the Contracting Parties. These three recommendations which will be annexed to the activity report of the Compliance Committee for the current biennium are respectively about the follow-up on Decision IG.21/1, the compliance with the reporting obligation and the functioning of the Compliance Committee.

The draft decision contains also, for the consideration and the adoption of the meeting of the Contracting Parties, an indicative draft working program of the Committee for the next biennium 2016-2017. This draft working program was finalized by the Committee during its eleventh meeting, on 22-23 October 2015. Two new items are on this working program, namely, on the one hand, the setting-up of criteria related to information admissibility within the framework the Committee's power of initiative in accordance with Article 23 bis of amended Decision IG. 17/2 and, on the one hand, the drafting of an explanatory note to the attention of the Contracting Parties about the information on the reporting format of the Barcelona Convention and its Protocols.

The proposed draft decision was reviewed by the Meeting of MAP Focal Points (Athens, Greece, 13-16 October 2015) and endorsed for submission to COP 19, following its discussion and agreement by the 11th meeting of the Compliance Committee (22-23 October 2015).

Finally, the draft Decision submits to the adoption of the Contracting Parties the partial renewal and/or elections of members or alternate members of the Compliance Committee. The Secretariat has prepared letters to the attention of the Contracting Parties for the three regional Groups set by virtue of Decision IG. 17/2 in order to propose names of candidates. Annex III for the renewal and/or election of members and alternate members will be finalized after receiving the nominations by the Contracting Parties.

Draft decision IG.22/15

**Compliance Mechanisms and Procedures, Membership and Working Programme of the
Compliance Committee for the Biennium 2016-2017**

The 19th Meeting of the Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean, hereinafter referred as the Barcelona Convention,

Recalling Article 27 of the Barcelona Convention;

Recalling Decision IG.17/2, amended by Decisions IG.20/1 and IG.21/1, regarding the Compliance Procedures and Mechanisms within the framework of the Barcelona Convention and its Protocols, hereinafter referred as “Compliance procedures and mechanisms”, particularly paragraphs 4, 5, 6, 7, 8, 9 and 35, as well as Decision IG.19/1 amended by Decision IG.21/1 regarding the Rules of the Procedures of the Compliance Committee;

Having examined the activity report of the Compliance Committee, presented by its Chairperson to the Meeting of the Contracting Parties, by virtue of Section VI of Decision IG.17/2 for the Biennium 2014-2015;

Recalling that the Compliance Committee’s main role is to assess the current or potential situations of non-compliance and general non-compliance issues by the Contracting Parties and, accordingly, to provide advise and assist Contracting Parties to implement their commitments, in order to assist them to comply with their obligations by virtue of the Barcelona Convention and its Protocols;

Noting with satisfaction the implementation by the Compliance Committee, during three meetings, of its Programme of Work within the period 2014-2015 covered by its report;

Stressing the necessity for the Contracting Parties to comply, accurately and within the requested deadlines, with their reporting obligations by using the reporting form available online about the measures taken to implement the Barcelona Convention and its Protocols, as well as the decisions of the Meeting of the Contracting Parties;

Noting with concern, that the number of Contracting Parties which haven’t submitted their reports within the set deadline or haven’t submitted their reports at all, or with partial information, has regularly increased since the Biennium 2012-2013;

Noting also that, despite the setting up of an online reporting system aiming at facilitating the access to information and the sending of Reports, the number of missing or incomplete reports for the Biennium 2012-2013 has continued to increase;

Drawing attention to the actual situation that deprives the Meeting of the Contracting Parties of the assessment of the reports, as provided for in Article 18-2-ii of the Barcelona Convention;

Taking also note of the Compliance Committee’s Activity Report 2014-2015, contained in Annex I to this Decision;

Adopts the Recommendations of the Compliance Committee, as contained in Annex II to this Decision, addressing the implementation of Decision IG. 21/1, facilitation of Reporting and functioning of the Compliance Committee;

Also adopts the 2016-2017 Work Programme of the Compliance Committee, contained in Annex III to this Decision;

Requests again all the MAP components to provide the Compliance Committee with useful information and the necessary technical assistance and support to help the Committee comply with its responsibilities, particularly to undertake a better assessment of the Reports submitted by the Contracting Parties and verify their content, as well as assessing the current or potential cases of non-compliance or general compliance issues by the Contracting Parties;

Invites the Compliance Committee to examine in accordance with paragraph 17, sub-paragraphs b) and c), of the Compliance Procedures and Mechanisms, the general issues related to compliance, particularly the recurrent problems of non-compliance with these obligations;

Elects and/or renews the Compliance Committee members and alternate members as presented in Annex IV of the present Decision, in accordance with the Procedures set by virtue of Decision IG.17/2 related to Compliance Procedures and Mechanisms as amended by Decision IG.20/1.

Annex I

Compliance Committee Activity Report 2014-2015

I. Introduction

1. By its Decision IG. 17/2, the 15th Meeting of the Contracting Parties to the Barcelona Convention and its Protocols, held in Almeria in January 2008, adopted the Procedures and mechanisms on compliance with the aim of promoting the implementation of and compliance with the obligations of the Barcelona Convention and its Protocols. By the same Decision, the Meeting of the Contracting Parties created a Compliance Committee and agreed its composition. The Committee's Rules of Procedure specifying its operation were adopted by Decision IG. 19/1 of the Sixteenth Meeting of the Contracting Parties in 2009. By Decision IG. 21/1, the Eighteenth Meeting of the Contracting Parties asked the Compliance Committee to prepare a report on its activities, including its finding and conclusions to be presented at the Nineteenth Meeting.

2. Pursuant to Decision IG. 21/1, the Eighteenth Meeting of the Contracting Parties adopted the Compliance Committee's Programme of Work for the 2014-2015 Biennium. This Programme provided for an assessment of any potential referrals made by the Contracting Parties in accordance with paragraphs 18 and 19 of the Procedures and mechanisms on compliance, and an analysis of general issues of non-compliance in applying the Procedures and mechanisms on compliance, based on the national reports submitted by the Contracting Parties during the 2012-2013 Biennium. It also included an assessment of any issues referred to the Committee by the Secretariat in accordance with paragraph 23 of the Procedures and mechanisms on compliance, along with an analysis of any thematic issues requested by the Meeting of the Contracting Parties under paragraph 17 (c) of the Procedures and mechanisms on compliance, including an in-depth examination of the issues raised by MAP Components on the application of the Protocols. Finally, the biennial Programme invited the Committee to analyze any proposals to strengthen its role within the framework of the Barcelona Convention and its Protocols and to examine the possible difficulties in interpretation of the provisions of the Protocols, for consideration at the Meeting of the Contracting Parties.

I.1 Functions of the Compliance Committee

3. The Committee placed great importance on ensuring that the specific facilitating role of the compliance mechanism, underscored by paragraph 1 of the Procedures and mechanisms on compliance, was fully understood by the Contracting Parties. Indeed, it was vital that they regarded the role of the Compliance Committee solely as being to advise and assist the Contracting Party concerned. Such an understanding will establish the necessary trust between the Committee and the Contracting Parties. The central role assigned to the Committee was to be primarily to facilitate the implementation of and compliance with the Barcelona Convention and its Protocols, taking into account the specific situation of each of the Contracting Parties. To this end, the Committee was mandated to establish close, constructive cooperation with all the Contracting Parties and as such, to provide all necessary assistance and advice to help them overcome any problems associated with the application of the various legal instruments of the MAP/Barcelona Convention System.

I.2 Modalities of referrals to the Compliance Committee

4. The Compliance Committee is empowered to intervene in four cases:

- a) Firstly, it may deal with a referral made by a Party regarding their own situation of non-compliance, where a Party deems that despite their efforts they are unable to comply fully with their obligations under the Convention and its Protocols.
- b) Secondly, it may also intervene at the request of a Party affected by another Party's situation of non-compliance.
- c) The Committee may intervene at the request of the Secretariat, where the latter has identified potential difficulties encountered by a Contracting Party in complying with its obligations under the Convention and its Protocols.

- d) According to Decision IG. 21/1, the Compliance Committee is also empowered to intervene on its own initiative. In accordance with article 23bis of the Procedures and mechanisms on compliance, 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 and the Party concerned shall have a period of two months to respond.

5. The Committee may also be asked to make decisions on general issues of compliance with and application of the Convention and its Protocols, or any other issue submitted to it by the Meeting of the Contracting Parties.

II Activities Report of the Compliance Committee during the 2014-2015 Biennium

6. In accordance with paragraph 31 of the Compliance Procedures and mechanisms, the Compliance Committee has been asked to prepare a report of its activities to be submitted for consideration by the Nineteenth Meeting of the Contracting Parties. During the 2014-2015 biennium the Compliance Committee has met three times, respectively in Split, Croatia (27-28 November 2014) and in Athens (21-22 May and 22-23 October 2015). The present report, addressing the activities undertaken during the 2014-2015 biennium, was reviewed at the eleventh meeting of the Compliance Committee. The Activity Report, together with its conclusions, measures and recommendations, were adopted by consensus.

7. During the biennium, the Committee addressed the following issues:

II.1 Specific issues of non-compliance

II.1.1 Referrals to the Committee by the Contracting Parties for non-compliance

8. As in the previous biennium, it should be noted that during the 2014-2015 Biennium no cases of non-compliance were submitted to the Compliance Committee. The Committee noted however that the review of national reports submitted by the Contracting Parties under Article 26 of the Barcelona Convention was a key element in identifying the implementation of the Barcelona Convention and its Protocols by the Contracting Parties and that the breach of this reporting obligation puts a “defaulting” Party in a situation of non-compliance.

II.1.2 Issues Referred to the Committee by the Secretariat

9. No issues were referred to the Compliance Committee by the Secretariat under paragraph 23 of the Procedures and mechanisms for compliance, regarding difficulties faced by the Contracting Parties in fulfilling their obligations within the framework of the Barcelona Convention and its Protocols. The Committee wishes to recall that the report form is an appropriate means by which the Secretariat can verify whether the Contracting Parties have incorporated into their national legislation and/or applied the provisions of the Barcelona Convention and its Protocols. The Secretariat’s role can be instrumental in analyzing these reports to assist and facilitate the work of the Compliance Committee.

II.2 Analysis of general issues of non-compliance

II.2.1 Review of national reports submitted by the Contracting Parties in accordance with Article 26 of the Barcelona Convention

10. Pursuant to Article 26 of the Barcelona Convention, the Contracting Parties shall transmit to the Secretariat the legal, administrative or other measures taken by them for the implementation of the Barcelona instruments. The Committee took note of a Synthesis Note prepared by the Secretariat of the national reports submitted for the 2012-2013 Biennium, which highlights certain deficiencies concerning the reporting exercise required of the Contracting Parties. As of 25 September 2015, only 11 out of the

22 Contracting Parties have submitted their 2012-2013 national reports to the Secretariat. The Committee asked the Secretariat to continue collaborating with the Contracting Parties concerned in providing further clarifications. On this basis the Secretariat should update the Synthesis Note in an effort to bring up to date the picture regarding the Contracting Parties, for submission at the next Compliance Committee meeting.

11. The Committee expressed its concern that to date 11 Contracting Parties have not yet submitted their reports for the 2012-2013 Biennium. The Committee considered that a full and effective exercise of its functions is directly related to compliance by the Contracting Parties with their obligation to submit their respective reports to the Secretariat. Therefore, it emphasized the need for all Contracting Parties to ensure that they meet the deadlines set for their reporting obligations. Compliance with this requirement under Article 26 of the Convention determines to a great extent the credibility and effectiveness of the compliance mechanism established by consensus by the Contracting Parties themselves.

12. In those circumstances a letter was sent by the Secretariat to the Contracting Parties which didn't submit their reports for the Biennium 2012-2013. The Committee brought to the attention of the Contracting Parties the possibility to receive financial aid from the Secretariat to facilitate the obligation to submit their reports.

13. The Committee decided to address a letter to the President of the Bureau of the Barcelona Convention, asking for the Bureau's cooperation in following up on the implementation of Decision IG. 21/1 and the actions the Bureau envisaged to undertake to ensure the implementation of the said Decision; also informing the Bureau of the actions the Committee would undertake, including the organization of informative sessions with the representatives of the concerned Contracting Parties at the occasion of the next meeting of the Committee «back-to-back» with the meeting of MAP Focal Points, scheduled in May 2015.

14. As a response, a letter co-signed by the President of the Bureau and the Chairperson of Compliance Committee was sent to the MAP Focal Points of the Contracting Parties concerned in April 2015.

15. The Committee also addressed a letter co-signed by the President of the Bureau and the Chairperson of the Committee to four Contracting Parties (Albania, Libya, Malta, and Slovenia) which didn't submit their reports for the Biennium 2008-2009 and 2010-2011 inviting them to participate in an informative session with the Committee.

16. The Compliance Committee noted with concern that the three Contracting Parties (Albania, Libya, Malta) invited to participate in the informative session held during the tenth Compliance Committee Meeting did not respond to the invitation.

17. The Compliance Committee took note of the information and motivations provided in person by the Representative of the Government of Slovenia, to explain the difficulties faced by his country in its exercise of reporting obligation, referring to the content of the Decision IG. 21/1 adopted by COP 18, and to understand the reasons of the delay in the implementation of the above mentioned Decision.

18. The Compliance Committee, recalling Decision IG. 21/1, agreed about the initiatives to be undertaken to ensure its implementation by the Contracting Parties concerned and therefore, to send letters of formal notice signed by the Chairperson of the Compliance Committee (31 July 2015) to the relevant competent Ministers (copying their respective MAP Focal Points) of the Contracting Parties concerned informing them that if this obligation would not be fully complied with, the Compliance Committee would consider starting the procedure under Article 23bis of Decision IG. 17/2. These letters were addressed,

a) to the Government of Slovenia, recalling the Decision IG. 21/1, thanking for the participation at the informative session and asking to confirm their commitment and to fully comply with the obligations concerning submission of Reports by the end of December 2015,

b) to the Governments of Malta and Libya, noting with concern that they did not participate nor reply to the invitation to participate at the informal session; asking to implement its content

and to fully comply with the obligations concerning submission of Reports within two months of the date that the letter would be issued;

c) to the Government of Albania, thanking for submission of their 2010-2011 report, noting that they did not participate at the informative session and recalling their responsibility to fully comply with the obligation under Article 26 of the Barcelona Convention concerning submission of Reports;

c) to the Governments of Algeria, Monaco, Syria and Tunisia, asking them to fully comply with the obligations concerning submission of Reports within two months of the date that the letter would be issued.

II.2.2 Ways to improve the reporting process by Contracting Parties in application of Article 26 of the Barcelona Convention

19. The Committee regretted that the conclusions of the Recommendation annexed to its activity report submitted to the Eighteenth Conference of the Parties for the Biennium 2012-2013 have not lead to any impact, although they were approved by the Eighteenth Conference of the Parties in Decision IG. 21/1.

20. The significant disparities between the reports received in relation both to the form used and the nature, quantity and presentation of the data is another issue of concern. It is of great importance to the Committee that the reports of the Contracting Parties be completed in a standard format, particularly the technical sections, in order to enable the Committee to undertake a meaningful evaluation of their compliance with the obligations under the Barcelona Convention and its Protocols.

21. Some positive developments were noted by the Secretariat: since January 2013, the Contracting Parties have had the option of submitting their reports online and all of the 2012-2013 submitted reports have been submitted using the standardized reporting form. The progressive use of this reporting system by the Contracting Parties allows for a comparative approach to the information provided and a quantitative analysis of data. There is a need for a more uniform presentation of reports. For this reason, the Compliance Committee calls upon all Contracting Parties to use the online reporting form systematically for the 2014-2015 Biennium. To date, all Contracting Parties that reported have used the new on-line reporting format. This real increase compared to the previous biennium is encouraging and should continue. This new reporting format makes it easier to update and compare information as, unlike the previous system, it enables a quantitative analysis to be made.

22. The majority of reports identify recurring problems mainly related to a lack of efficient and effective regulatory and/or administrative frameworks, limited human, technical and financial capacity and a lack of management, as well as a shortage of inter-sectoral cooperation: these constraints impede the completion of a full reporting exercise for certain Protocols. In this respect, the Compliance Committee encourages Contracting Parties that encounter difficulties in drafting their report to make contact with the Secretariat, which will provide any necessary technical assistance.

23. Several initiatives proposed by the Committee to improve the reporting process concern the development of guidelines to assist Contracting Parties to better focus the information they provide and to identify particular difficulties relating to the misinterpretation of questions, and also to seek the potential harmonization of the reporting system. At its sixteenth meeting, the Committee expressed the need to define the guidelines and common criteria for evaluating the 2010-2011 reports with a view to identifying actual or potential cases of non-compliance. An initial review of these draft guidelines was examined by the Committee at its seventeenth meeting. The completion of this draft is included in the Programme of Work for the next Biennium 2016-2017.

II.2.3 Submission of reports by the Contracting Parties (Biennium 2012-2013)

24. Preliminary observations have been made by the Secretariat about the three reports submitted on October 2014, by Turkey, Bosnia and Herzegovina and the European Union. Since that date, five new online reports were received by the Secretariat (Cyprus, Croatia, Greece, Lebanon and Morocco).

The assessment underlined that, regarding Turkey and Bosnia and Herzegovina specifically, the reports repeatedly listed the implementation difficulties related, in particular, to limitations in their technical and financial capacities, insufficiency of human and administrative resources and lack of inter-sectorial coordination.

25. Additional information regarding the implementation of the Barcelona Convention and its Protocols was to be provided by Turkey, Bosnia and Herzegovina and the European Union, in accordance with Point 2 bis of Section V of Decision IG. 17/2 modified by Decision IG.21/1.

26. In this context, a letter, in accordance with Article 23 of Section V of Decision IG.17/2, was sent by the Secretariat to the three Contracting Parties (Bosnia and Herzegovina, Turkey and European Union) which submitted their periodic reports in line with Article 26 of the Convention within the Biennium 2012-2013, to request additional information.

27. At the tenth meeting of the Compliance Committee, a working document was presented by the Secretariat relating to the assessment of eight reports submitted by the Contracting Parties (Cyprus, Croatia, France, Greece, Italy, Lebanon, Morocco and Montenegro). It underlined, first, that all these Parties have used the online reporting format to submit their report, which represents a significant progress in comparison with the previous biennium. It also indicated that several Contracting Parties haven't submitted any report regarding all legal instruments and that some reports do not provide information about technical and implementation aspects of the Protocols. Finally, it underscored the fact that several reports highlighted recurrent difficulties encountered by the Contracting Parties in the implementation of Protocols related, in particular, to the absence of a political and regulatory framework, limited technical and financial capacities, insufficient human resources, an often inappropriate administrative management set-up and, finally, poor inter-ministerial cooperation

28. The Secretariat submitted to the Compliance Committee at its eleventh meeting a cross-sectoral note for the assessment of reports submitted to date in order to identify potential issues of non-compliance. The Compliance Committee, having welcomed the updates on the reports submitted by the Contracting Parties, requested the Secretariat to continue the assessments with the active and operative involvement and cooperation of the competent MAP Components, asking the Contracting Parties for more information as needed, and to prepare a Synthesis Note on the status of implementation of the obligations under article 26 of the Barcelona Convention and on the reports received for the 2012-2013 biennium, i.e. undertaking an analysis of information provided in the national reports in order to draw up a report describing the overall situation underlining and referring the matter of actual or potential situation of non-compliance to be considered by the Compliance Committee.

29. The Committee requested the Secretariat to remind all the Contracting Parties of the possibility of requesting financial support to facilitate their obligation to submit their reports.

II.2.4 Draft revised report Format of the Barcelona Convention and its Protocols

30. The Committee questioned the usefulness of the information gathered via the reports. The Committee deemed it necessary to obtain clarification regarding the missing technical information. Following the proposition of the Committee mentioned in its activity report for the Biennium 2010-2011, the Eighteenth Meeting of the Conference of the Parties, by virtue of its Decision IG. 21/1, asked the Secretariat to prepare, in consultation with the Compliance Committee, a simplified and practical draft report format of the Barcelona Convention and its Protocols to be submitted for review and adoption by the Nineteenth meeting of the Contracting Parties.

31. The Committee regretted the incomplete information provided and the general nature of responses to the Questionnaire and considered that a review of the validity of the Questionnaire cannot be avoided. It appeared, in actual fact and in light of the responses from the Contracting Parties, that the report form is still complex and repetitive in its content. The Committee recommended simplifying it and at the same time requesting the necessary explanations where a Contracting Party answers negatively, designing more suitable content for the resource allocation section, and strengthening and clarifying the effectiveness section. For the time being, it recommended drafting guidelines for using

the Questionnaire in the form of an explanatory note for the Contracting Parties, in order to clarify how the Questionnaire should be used. The finalization of this explanatory note to the Questionnaire format for Contracting Parties is also included in the Committee's Programme of Work for the 2016-2017 Biennium.

II.2.5 Criteria and Guidelines for the evaluation of reports to identify the current or potential situations of non-compliance

32. On this basis, the Committee prepared Guidelines for the evaluation of Reports to identify actual or potential cases of non-compliance, based on common criteria/indicators establishing a common set of requirements for the evaluation of compliance by Contracting Parties with the provisions of the Barcelona Convention and its related Protocols, as well as Decisions, Recommendations, measures, Programs and Action Plans adopted by the Contracting Parties, aiming to standardize the evaluation of Reports submitted by the Contracting Parties. The definition of criteria and indicators or guidelines for the evaluation of reports will have an important value in assisting the Compliance Committee and the Secretariat in carrying out the report evaluations. The Committee requested through the Secretariat the support of the MAP components for the finalization of the work carried out.

II.2.6 Relationship of the Compliance Committee with the Bureau of the Barcelona Convention.

33. Pursuant a request of the Compliance Committee, the Secretariat sent a letter to the President of the Bureau to invite a representative of the Compliance Committee to take part as an observer in the forthcoming meeting of the Bureau regarding the issues pertaining to the Committee. The President of the Bureau agreed on this proposal and invited the Chairperson of the Compliance Committee at its Seventy-ninth meeting of the Bureau, held in Ankara on 3-4 February 2015.

34. During the cited meeting, three propositions were submitted by the Chairperson of the Compliance Committee to the members of the Bureau. The first proposal related to the presence of a representative of the Committee as an observer to meetings of the Bureau regarding non-compliance issues to strengthen cooperation and collaboration between the Compliance Committee, the Bureau and the Secretariat; the second one referred to the amendment of Article II, paragraph 3 of the Terms of Reference of the Barcelona Convention by the addition of a compliance criterion to the election of the Bureau members; lastly, the third proposition concerned the adoption of a provision for the specific and dedicated regular support to the Compliance Committee, to help it carrying out its mandate at the best and the related need for appropriate financial and human resources.

II.2.7 Implementation of the reform of the power of initiative granted to the Compliance Committee

35. At the request of the Compliance Committee, the Secretariat presented the information document (UNEP(DEPI)/MED CC.10/Inf.10) related to the power of initiative of the Compliance Committee. This new prerogative was granted to the Committee by the Eighteenth Meeting of the Contracting Parties by adding paragraph 2a to Section V of Decision IG.17/2. It enables the Committee to examine, on the basis of biennial activity reports or in the light of all other relevant information, the difficulties encountered by a Contracting Party in the implementation of the Barcelona Convention and its Protocols and to ask it to provide any complementary information. The Secretariat's document underlined that this new competence reinforces the action of the Committee and facilitated a direct link between the Committee itself and the Contracting Party concerned by the non-compliance case. This document also underlined that this new power of referral granted to the Committee was independent from that of the Secretariat.

II.2.8 Presentation of draft Recommendations to submit for adoption to the nineteenth Meeting of the Contracting Parties

36. The Compliance Committee, based on the results of discussions and decisions adopted during the 2014-2015 biennium and with the view to implement its mandate over the next biennium 2016-2017, decided to adopt three groups of Recommendations for the consideration of the Nineteenth Meeting of the Contracting Parties. These Recommendations refer to the following issues: a) the follow-up on the implementation of Decision IG. 21/1, in particular as related to the Parties that have not submitted Reports; b) the reporting obligation under Article 26 of the Barcelona Convention; and lastly c) the functioning of the Compliance Committee.

III. Programme of Work of the Compliance Committee for the 2016-2017 biennium

38. At its eleventh meeting, the Compliance Committee adopted its Programme of Work for the 2016-2017 Biennium. This Programme of Work revisited several points from its previous 2014-2015 Programme, which constitute the core of the Compliance Committee's functions, namely the examination of any referrals by the Contracting Parties, issues referred to the Committee by the Secretariat or the examination of thematic issues under paragraph 17 (c) of the Procedures and Mechanisms on compliance, the drafting and adoption of the report and the recommendations of the Committee.

Annex II

Recommendations of the Compliance Committee for the consideration of COP 19

The Compliance Committee calls on the Contracting Parties to the Barcelona Convention to take the necessary measures based on Section VII “Measures” of Decision IG.17/2 “Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols”, in particular on:

A - Follow-up on the implementation of Decision IG. 21/1 of the Eighteen Ordinary Meeting of the Contracting Parties regarding the Parties that have not submitted Reports.

1. To take into account the specific situation of each Contracting Party in the assessment of follow-up measures to take in conformity with paragraph 1 of Decision IG. 17/2, also applicable in a case of non-compliance;
2. To urge the Contracting Parties concerned to respect their obligations to implement Decision IG. 21/1 in order to comply with Article 26 of the Barcelona Convention; in particular, the Governments of the Contracting Parties which repeatedly failed to abide by their reporting obligations who may receive a caution addressed by the Meeting of the Parties in accordance with paragraph 34 (a) of Decision IG. 17/2;
3. To amend Article II, para. 3 of the Terms of Reference of the Bureau of the Contracting Parties, adding a compliance criteria in electing the members of the Bureau; in particular, adding after the words "*and regular attendance at the meeting of the contracting Parties*" the following words "*and compliance with their obligations under the Convention, in particular Article 26*".
4. To consider, pursuant to paragraph 33 (d) of the Compliance Mechanism and Procedures, the publication of cases of non-compliance, as concerns the non-submission of the national reports in accordance with Article 26 of the Convention by Contracting Parties, namely Algeria, Malta, Monaco and Tunisia, despite repeated communications by the Compliance Committee addressed to the Parties concerned on this matter.

B - Reporting under Article 26 of the Barcelona Convention.

1. To instruct the Secretariat to develop a revised reporting format with a view to be simpler, shorter and avoid the duplication of information, taking into consideration comments of the Contracting Parties and the Compliance Committee. It should also allow more space for the Contracting Parties to provide information on difficulties faced during implementation;
2. To remind the Secretariat to address directly with the concerned Contracting Party any difficulties that may arise from the periodic Reports referred to in Article 26 of the Convention and any other reports submitted by the Parties;
3. To instruct INFO/RAC to ensure the online availability of the data included in the Reports in order to allow the accessibility and transparency of environmental information.

C - Functioning of the Compliance Committee.

1. To decide the regular participation, as an observer, of the Chairperson of the Compliance Committee or her/his representative to the meetings of the Bureau of the Contracting Parties to better share the concerns related to compliance issues and follow up on the measures taken by the Contracting Parties in case of non-compliance, and in general to better strengthen cooperation and collaboration between the Committee, the Bureau and the Secretariat;
2. To establish the regular participation as observer of an appropriate representative of the Compliance Committee in those MAP Components meetings which are relevant to the work and mandate of the Compliance Committee;
3. To instruct the competent MAP Components to assure the needed support and technical assistance to the Compliance Committee to better evaluate the Reports;
4. To call upon the Secretariat to provide specific and dedicated regular support to the Compliance Committee to carry out its mandate at the best as well as the related need for appropriate financial and human resources.

Annex III
Programme of Work of the Compliance Committee for the Biennium 2016-2017

Programme of Work of the Compliance Committee for the Biennium 2016-2017

The Compliance Committee will carry out the following activities during the Biennium 2016-2017:

1. Examination of any referrals by the Contracting Parties in accordance with paragraphs 18 and 19 of the Procedures and mechanisms on compliance.
2. Examination of any referrals by the Secretariat in accordance with paragraph 23 of the Procedures and mechanisms on compliance.
3. Analysis, in accordance with paragraphs 17 (b) and (c) of the Procedures and mechanisms on compliance, of general issues of non-compliance arising out of the reports submitted by the Contracting Parties for the periods 2012-2013 and 2014-2015.
4. Consideration at the Committee's initiative, of any difficulties encountered by a Contracting Party in applying the Convention and its Protocols in accordance with paragraph 23 bis of the Procedures and mechanisms on compliance.
5. Analysis of broader issues requested by the meeting of the Contracting Parties in accordance with paragraph 17 (c) of the Procedures and mechanisms on compliance, including a detailed examination of the issues raised by MAP Components on the application of the Protocols.
6. Continuation of the examination of the proposals aimed at strengthening the Committee under the Barcelona Convention and its Protocols.
7. Follow up of determination of criteria of admissibility of relevant information sources (Article 23 bis of Decision IG. 17/2 related to the Initiative Power of the Compliance Committee).
8. Elaboration of an explanatory note for the revised reporting format of the Barcelona Convention and its Protocols (subject to adoption of the new format by the 19th Conference of Parties).
9. 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.
10. 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.
11. 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.
12. Development and adoption of the Activity report and recommendations of the Committee for the Biennium 2016-2017 for submission to the Twentieth Meeting of the Contracting Parties.

Annex IV

**Members and alternate members of the Compliance Committee elected and/or renewed
by the Nineteenth Meeting of the Contracting Parties**

To be inserted at a later stage