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14<sup>th</sup> Meeting of the Compliance Committee of the Barcelona Convention and its Protocols

Athens, Greece, 27-29 June 2018

**Agenda item 9: Awareness Raising and Outreach Activities to Promote the Role of the Compliance Committee**

**Options to Improve the Text on the Compliance Committee Presented on the UN Environment/MAP webpage**

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UNEP/MAP  
Athens, 2018

## Note by the Secretariat

### Introduction

1. Following-up on the conclusions and recommendations of the 13<sup>th</sup> Meeting of the Compliance Committee on how to enhance Compliance Mechanisms' and Procedures' effectiveness, with a focus on awareness raising activities (see the report of the meeting: UNEP(DEPI)/MED CC.13/12 paragraph 17, as presented in document UNEP/MED CC.14/Inf.3), the Member of the Compliance Committee, Ms. Ayşin Turpanci and the Alternate Members Ms. Milena Batakovic and Ms. Orr Karassin, in coordination with the Secretariat, revisited the text on the Compliance Committee as shown on the UN Environment/MAP webpage (<http://web.unep.org/unepmap/who-we-are/institutional-framework/governing-bodies>).

2. The result of that work is presented in the form of alternative text in this document. The alternative text is accompanied by the original text as it currently appears on the UN Environment/MAP website, for the Compliance Committee to consider both texts when discussing how to take work forwards.

3. Furthermore, the group formulated the recommendations below in order to raise the profile of the Compliance Committee and make it easier for Contracting Parties and the public to find information on the Compliance Committee.

- Entry into the UN Environment/MAP webpage gives no immediate indication of where to access the Compliance Committee section. The possibility of having either a "Compliance Committee" tab as part of the options on the main menu or a "Compliance Committee" drop down item under the "Who we are-Institutional Framework" link should be explored;
- Either of the above options would allow to present in detail the role and work of the Compliance Committee in promoting and facilitating compliance with the Barcelona Convention and its Protocols. This could include, for instance, Frequently Asked Questions (FAQ) or a 1-page brochure drafted in layperson's language to allow straightforward information on the Compliance Committee.

### Action requested

4. The Compliance Committee is expected to consider the original and the alternative texts on the Compliance Committee as presented in this document as well as the recommendations formulated in paragraph 3, and advise on further steps.

### Original Text

Source: <http://web.unep.org/unepmap/who-we-are/institutional-framework/governing-bodies>

#### Compliance Committee

The Compliance Committee was established in 2008 to advise and assist the Contracting Parties in meeting their obligations under the Barcelona Convention and its Protocols and, to facilitate, promote, monitor and ensure such compliance.

The Committee may consider an issue after a matter has been referred to it by the Contracting Parties or by the Secretariat. It may also examine all general questions of non-compliance or any problems in implementing the Barcelona Convention and its Protocols on the basis of the reports submitted by the Contracting Parties under Article 26 of the Barcelona Convention.

The Compliance Committee is empowered to intervene in four cases:

- a) with a referral made by a Party regarding their own situation of noncompliance, where a Party deems that despite their efforts they are unable to comply fully with their obligations under the Convention and its Protocols;
- b) upon the request of a Party affected by another Party's situation of non-compliance;
- c) upon 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) on its own initiative.

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.

#### Members of the Committee

The Committee is composed of seven regular members and seven alternate members, broadly representative of the geographic spread of the countries in the region. They are elected in their personal capacity by meetings of the Contracting Parties and act independently in order to serve the interests of the Barcelona Convention and its Protocols.

The Compliance Committee is made up of the following members:

**Chairperson:** Ms Milena BATAKOVIC

**Vice-Chairs:** Mr José JUSTE RUIZ

Ms Samira HAMIDI

**Members:** Mr. Bernard BRILLET

Ms Odeta CATO

Mr. Ezzeddine JOUINI-BERZINE

Mr. José JUSTE RUIZ

Ms Selma OSMANAGIC-KLICO

Ms Aysin TURPanci

Mr. Joseph Edward ZAKI

**Alternate Members:** Ms Daniela ADDIS

Ms Milena BATAKOVIC

Mr. Ahmad EL-KHATIB

Mr François GUERBER

Ms Samira HAMIDI

Ms Orr KARASSIN

*(An Alternate Member to be nominated and elected)*

## Alternative text

### Barcelona Convention Compliance Committee

#### Introduction

The Barcelona Convention Compliance Committee reflects the firm commitment of the 22 Contracting Parties to the Barcelona Convention to achieve compliance with the Barcelona Convention and its Protocols. By promoting facilitative means of implementation of, and compliance with the Barcelona Convention and its Protocols the Compliance Committee adds to the credibility of the UN Environment/Mediterranean Action Plan-Barcelona Convention system in effectively delivering its mandate. Within this context, national reporting becomes crucial in keeping under review and strengthening the implementation of the Barcelona Convention and its Protocols.

#### An initial glance to the Barcelona Convention Compliance Mechanism

To facilitate and promote compliance with the obligations under the Barcelona Convention and its Protocols, the Barcelona Convention Compliance Mechanism:

- Establishes a **Compliance Committee** dedicated to help Parties to implement the Barcelona Convention and its Protocols;
- Establishes a **procedure that is non-adversarial, transparent, preventive and non-binding** in nature;
- Takes into account the **specific situation of each Party**, paying particular attention to developing countries;
- Considers **specific situations of actual or potential** non-compliance by individual Parties with a view to determining the facts and causes of the situation;
- **Promotes compliance** and addresses cases of non-compliance by providing **Parties advice and non-binding recommendations**; and
- Considers, at the request of the Meeting of the Contracting Parties, **general issues of compliance** under the Barcelona Convention and its Protocols.

**The Meeting of the Contracting Parties, as the supreme decision-making body of the Barcelona Convention and its Protocols**, adopts all the Decisions governing the Compliance Committee. This includes the adoption of the biennial Programme of Work of the Compliance Committee and the election of its members, as shown in [Decision IG. 23/2 \[to add link to document\]](#) adopted in 2017 by the 20<sup>th</sup> Meeting of the Contracting Parties.

#### Legal framework

**The Procedures and Mechanisms on Compliance** under the Barcelona Convention and its Protocols were:

- adopted in 2008 by [Decision IG. 17/2 \[to add link to document\]](#) of the 15<sup>th</sup> Meeting of the Contracting Parties
- amended in 2012 by [Decision IG. 20/1 \[to add link to document\]](#) of the 17<sup>th</sup> Meeting of the Contracting Parties and in 2013 by [Decision IG. 21/1 \[to add link to document\]](#) of the 18<sup>th</sup> Meeting of the Contracting Parties.

**A consolidated version of Decision IG. 17/2 is available [here \[to add link to document\]](#).**

**The Rules of Procedure of the Compliance Committee** under the Barcelona Convention and its Protocols were:

- adopted in 2009 by [Decision IG. 19/1 \[to add link to document\]](#) of the 16<sup>th</sup> Meeting of the Contracting Parties,
- amended in 2013 by [Decision IG. 21/1 \[to add link to document\]](#) of the 18<sup>th</sup> Meeting of the Contracting Parties.

## Membership

The Compliance Committee consists of **7 Members and 7 Alternate Members**. Members and Alternate Members are both nominated by the Parties and elected by the Meeting of the Contracting Parties taking into consideration **equitable geographical representation and ensuring rotation**.

The Members and Alternate Members of the Compliance Committee are nationals of the Parties of the Barcelona Convention. **They serve in their individual capacity, objectively and in the best interest of the Barcelona Convention and its Protocols**. They have expertise relating to the Barcelona Convention and its Protocols, in areas including scientific, technical, socio-economic, legal and other fields.

### Current Members

(Photos and short bios can be added)

Mr. Bernard BRILLET  
 Ms. Odeta CATO  
 Mr. Ezzeddine JOUINI-BERZINE  
 Mr. José JUSTE RUIZ (**Vice-Chair**)  
 Ms. Selma OSMANAGIC-KLICO  
 Ms. Ayşin TURPanci  
 Mr. Joseph Edward ZAKI

### Current Alternate Members

(Photos and short bios can be added)

Ms. Daniela ADDIS  
 Ms. Milena BATAKOVIC (**Chair**)  
 Mr. Ahmad EL-KHATIB  
 Mr. François GUERBER  
 Ms. Samira HAMIDI (**Vice-Chair**)  
 Ms. Orr KARASSIN  
*(An Alternate Member to be nominated and elected)*

## Procedure

**(1) Parties, (2) the Secretariat or (3) the Compliance Committee could trigger the compliance mechanism** as follows:

- (a) **Self-trigger procedure:** A Party may make a submission as to its own actual or potential situation of non-compliance;
- (b) **Party-to-Party trigger procedure:** A Party may make a submission as to another Party's situation of non-compliance;
- (c) **Secretariat trigger procedure:** The Secretariat may make a referral as to the difficulties faced by a Party in complying with its obligations under the Barcelona Convention and its Protocols; and
- (d) **Committee trigger procedure:** The Compliance Committee may make a referral as to any difficulties encountered by a Party in the implementation of the Barcelona Convention and its Protocols. Under this procedure, communications addressed to the Compliance Committee by the public and observers are subject to the **Admissibility Criteria of Relevant Information Sources and Procedures under Paragraph 23.bis of the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocol**, as contained in [Decision IG. 23/2 \[to add link to document\]](#)

## Measures

The Compliance Committee **may take the following measures** with a view to promoting compliance and addressing cases of non-compliance:

- (a) To give advice and, as appropriate, facilitate assistance;
- (b) To invite and/or assist the Party concerned to draw up a plan of action to bring the Party into compliance;
- (c) To invite the Party concerned to submit progress reports on its efforts to comply with its obligations under the Barcelona Convention and its Protocols; and
- (d) To make recommendations to the meetings of Contracting Parties on cases of non-compliance.