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## General remarks

In view of implementing Chapter III of the compliance procedures and mechanisms as adopted by Decision IG 17/2 of the 15<sup>th</sup> Meeting of the Contracting Parties, at its first meeting held in July 2008, the Compliance committee approved the programme of work for the Committee during 2008-2009. In accordance with it, the Committee should address the following questions:

### 1. Consideration of submissions by individual Contracting Parties

With regard to submissions by individual Contracting Parties, the Secretariat would like to bring to the attention of the Committee that no submissions were received to date.

### 2. Review of general issues of compliance by the Contracting Parties with the reporting requirements of the Convention and its Protocols, including the consideration of regional assessment reports prepared by the Secretariat on the basis of the national reports submitted in accordance with Article 26 of the Convention

With regard to the review of general issues of compliance by the Contracting Parties with the reporting requirements of the Convention and its Protocols, including the consideration of regional assessment reports prepared by the Secretariat on the basis of the national reports submitted in accordance with Article 26 of the Convention the Secretariat prepared an analysis which is presented in document UNEP(DEPI)/MED CC.2/Inf.3.

The main findings and conclusions of the general analysis are the following:

- Eight Contracting Parties<sup>1</sup> submitted reports in the current format, seven Contracting Parties<sup>2</sup> used the new format, and six did not send a report.
- Submission in the two somewhat different reporting formats complicated the analysis and synthesis of the reports, as there was no homogeneous basis.
- Certain Contracting Parties answered only part of the questionnaire and did not cover all legal instruments.
- Some of the reports did not include information on technical application of the protocols.
- Some of the Contracting Parties that submitted reports in the new format used the system of ticking boxes with added comments, some of which were substantive, while others only ticked the boxes without additional comment.
- Certain Contracting Parties that used the new format provided extensive information in part 1.1.2 (general information), particularly on current trends in the coastal and marine environment, which strengthened the entire report.

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<sup>1</sup> European Community, Israel, Italy, Malta, Monaco, Morocco, Spain, Turkey

<sup>2</sup> Albania, Algeria, Bosnia-Herzegovina, Croatia, Egypt, Slovenia, Syrian Arab Republic

- Although information on the implementation of the “Offshore” of 1994, and the Hazardous Wastes of 1996 protocols is clearly important, it might not be appropriate to require a detailed report on these protocols, which have not yet come into force and have not been signed by many Contracting Parties. With regard to the Hazardous Wastes Protocol of 1996, many Contracting Parties reported the actions they had taken in applying the 1989 Basel Convention.
- Some of the reports contained information that was not directly relevant to application of the Convention and its protocols, which made them unnecessarily long.
- The reports show considerable improvement in terms of information on application of the Barcelona Convention and its protocols, including the amended versions that have not yet come into force. The reports submitted show willingness on the part of the Contracting Parties to submit available information.
- It is essential that all Contracting Parties submit reports, in accordance with Article 26 of the Convention and the relevant provisions of the protocols, so that information on implementation of the Convention and its protocols is systematic and so that the Contracting Parties are on an equal footing in this respect.
- Furthermore, systematic submission of technical data by all the Contracting Parties will enable the Secretariat, particularly the RACs and MED POL, to contribute to periodic reports on the state of the marine and coastal environment.
- The new reporting format improves the comparability of information, as it allows quantitative analysis, unlike the previous system. It is essential, however, that each Contracting Party provides comments to clarify their national situations and conditions with regard to the implementation of the Convention and its protocols.
- The replies concerning indicators of effectiveness show that many Contracting Parties have not established them. The Secretariat will encourage greater cooperation in developing a set of relevant indicators, to allow better evaluation of the effectiveness of the measures taken at regional and national levels.
- Many of the reports describe difficulties in applying the protocols, in particular lack of awareness, limited financial capacity, limited human resources and inadequate inter-sectoral coordination.

In conclusion, as described above, it is important that all the reports be written in a standardized way, to allow MAP to produce reliable regional data and analyses on effective implementation of the Barcelona Convention and its protocols.

### **3. Other issues**

In addition, the Secretariat would like to bring to the attention of the Committee the following issues:

#### ***3.1 Implementation of paragraph 23 of the Compliance procedures and mechanisms “Referrals by the Secretariat”***

The Secretariat, in view of implementing paragraph 23 of the Compliance procedures and mechanisms, undertook discussions with all MAP components in order to define the necessary procedures for their involvement and contribution to the work of the Compliance committee. In this respect, the following tasks were identified as to be implemented by the components of MAP, including MED POL, under the guidance of the Coordinating Unit:

- *Review of national reports with a view to identify possible general issues of non-compliance, if any.*
- *Review of national reports with a view to identify if the Contracting Parties are facing difficulties with implementation and compliance achievements.*
- *Communication by the components of the abovementioned possible cases to the Coordinating Unit for further reflection, joint discussion and decision-making in view of their communication to the concerned Contracting Parties.*
- *Participation of RACs and MED POL experts at the meetings of the Compliance Committee when decided by the Committee in order to provide information and expertise.*
- *Participation in on-spot appraisal of non-compliance cases or situations, if so decided by the Compliance Committee.*
- *Assistance to countries to enhance implementation and achieve compliance with the obligations under the Convention and its Protocols.*

A Memo by the Coordinator of MAP was also sent to the concerned MAP components, advising them to review the content of the national reports 2004-2005 and identify any difficulties faced by the Contracting Parties in the implementation of the Convention and its related Protocols. They were also advised to consider any issues related to possible non-compliance situations, in accordance with paragraph 23 of the Compliance procedures and mechanisms and inform the Coordinating Unit.

The Secretariat would like to bring to the attention of the Committee that the identification in the national reports of the difficulties faced by the Contracting Parties that may be found as a non-compliance situation to be dealt with as provided for in paragraph 23 of the Compliance procedures and mechanisms is a delicate matter. To this end, advice from the Committee is sought in view of the need to establish either criteria or a check list that would help the Secretariat and the MAP Components to efficiently implement paragraph 23 of the compliance mechanisms and procedures with regards to:

- a) Identification of difficulties faced by Contracting Parties vis à vis the implementation of the Convention and its Protocols;
- b) Identification of possible non-compliance situations.

The above-mentioned tools (criteria and or check list) could also be useful to the Contracting parties in view of facilitating them in the process of identification of any possible non-compliance situation from their side.

### **3.2 Effectiveness indicators**

In view of implementing article 26 of the Barcelona Convention, the 15<sup>th</sup> Meeting of the Contracting Parties requested the Secretariat to develop and propose a set of indicators in order to assess the effectiveness of the legal, administrative, technical and other measures taken by the Contracting parties to implement the Convention and its Protocols.

The draft set was prepared and was circulated to the Contracting Parties for comments and inputs.

It is important to note that, in identifying and selecting the set of indicators, the Secretariat and the MAP components made an in-depth analysis of the legally binding requirements of the Convention and its seven Protocols, and of the reporting format for each legal instrument. It also analyzed requirements under the various guidelines, regional action plans and strategies adopted by the Contracting Parties to the Barcelona Convention. The Secretariat

also ensured that the effectiveness indicators identified were not conflicting with the information required from the Contracting Parties under the Reporting Format.

It was further agreed that the MAP components would present the set of indicators pertaining to their relative field of work to their respective Focal Points for consideration and comments, prior to submitting the draft final set of effectiveness indicators to the forthcoming Meeting of MAP Focal Points and subsequently to the 16<sup>th</sup> Meeting of the Contracting Parties for discussion and approval.

The proposed indicators as well as the explanatory note are presented in document UNEP(DEPI)/MED CC.2/Inf.4.

The Secretariat would like to invite the Compliance Committee to consider the proposed effectiveness indicators in view of identifying and analyzing their natural link with and use for the Compliance Committee's work purposes, as appropriate.

**Recommendations by the Secretariat**

*The Compliance Committee is invited to discuss on ways and means to promote the facilitating role of the Compliance procedures and mechanisms as well as encourage the Contracting Parties to submit to the Committee non-compliance situations.*

*The Compliance Committee is also invited to exchange views on the findings, considerations, conclusions and proposals related to reporting, implementation of the Convention and its Protocols as well as effectiveness indicators and provide its advice and instructions, as it may deem useful.*