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13th Meeting of the Compliance Committee of the Barcelona Convention and its Protocols

Athens, Greece, 26-27 September 2017

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

Provisional Annotated Agenda

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UNEP/MAP
Athens, 2017

Provisional Annotated Agenda

Introduction

1. Annotations to the Provisional Annotated Agenda are given, describing the background of the major topics for discussion under each agenda item. Furthermore, the following priorities are highlighted for the 13th Compliance Committee Meeting with the aim to assist the Members and Alternate Members of the Compliance Committee in their preparation.

- *Draft Guidance on Admissibility Criteria and Procedure under Paragraph 23bis of the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols*

2. By Decision IG. 21/1, COP 18 amended the Procedures and Mechanisms on Compliance by including a new Paragraph 23bis. "Referral to the Committee on its Own Initiative". Under Paragraph 23.bis the Compliance Committee may trigger the compliance mechanism on the basis of "any other relevant information".

3. The all-encompassing formula "any other relevant information" paves the way for the public and observers to bring information before the Compliance Committee concerning any Party's compliance with the Barcelona Convention and its Protocols. To facilitate the processing of any such information, a step-by-step procedure is articulated in the proposed draft Guidance. The *modus operandi* described aims to set a framework to ensure a smooth flow of information to the Compliance Committee for the Committee to determine the admissibility of the information brought to it.

4. The Compliance Committee will be invited to examine the draft Guidance and formulate the relevant recommendations to COP 20.

- *Synthesis Analysis of the Information Provided in the National Implementation Reports Submitted by Contracting Parties for the Biennium 2014-2015*

5. According to Paragraphs 17 and 32 of the Procedures and Mechanism, the role of the Compliance Committee is assessing situations of actual or potential non-compliance by individual Contracting Parties and general compliance issues, and on that basis to provide advice and assist Contracting Parties to facilitate and promote compliance.

6. On the basis of the comprehensive synthesis analysis of the information submitted by Contracting Parties in their national implementation reports for the reporting period 2014-2015, the Compliance Committee will be invited to provide recommendations on general and specific compliance issues to COP 20 as appropriate.

- *Programme of Work of the Compliance Committee for the biennium 2018-2019*

7. A draft Programme of Work is presented as part of the draft Compliance Committee Activity Report for the biennium 2016-2017, and the Compliance Committee will be invited to examine it and recommend it for adoption to COP 20 as appropriate.

8. In examining its draft Programme of Work, the Compliance Committee will be invited to adjust or supplement it by making sure that MAP input provided through the questionnaire survey on methods to enhance compliance mechanism's and procedures' effectiveness is properly reflected.

Agenda item 1: Opening of the Meeting

9. The Chairperson of the Compliance Committee, Ms Milena Batakovic, will be invited to open the 13th Meeting of the Compliance Committee at 09:30 on Tuesday, 26 September 2017.

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

Working Documents	UNEP (DEPI)/MED CC.13/1.Provisional Agenda
	UNEP (DEPI)/MED CC.13/2. Provisional Annotated Agenda
	UNEP (DEPI)/MED CC.13/3. Proposed Timetable
	UNEP (DEPI)/MED CC.13/Inf.3. Report of the 12 th Meeting of the Compliance Committee of the Barcelona Convention and its Protocols (Athens, Greece, 24-25 January 2017)

10. In conformity with the Rules of Procedure of the Compliance Committee, the Provisional Agenda and the Provisional Annotated Agenda for this session have been prepared in agreement with the Chairperson, and include items arising from the role of the Compliance Committee, as specified in Section IV of the Procedures and Mechanisms on Compliance, and other related items.

11. The Compliance Committee will be invited to **review** and **adopt** the Provisional Agenda (UNEP (DEPI)/MED CC.13/1) and the Provisional Annotated Agenda (UNEP (DEPI)/MED CC.13/2) for this session, and **agree** upon the proposed timetable to conduct its work (UNEP (DEPI)/MED CC.13/3).

12. In line with the Rules of Procedure of the Compliance Committee, the Compliance Committee will be invited to **formally adopt** the report of the 12th Meeting of the Compliance Committee, adopted intersessionally by the Compliance Committee (UNEP (DEPI)/MED CC. 13/Info.3).

Agenda item 3: Follow-up of the implementation of Decisions IG.22/15 and IG.22/16 of the 19th Meeting of Contracting Parties (COP19)

Working Documents	UNEP (DEPI)/MED CC.13/4. Follow-up of the Implementation of Decisions IG. 22/15 and IG. 22/16 of the 19 th Meeting of Contracting Parties (COP 19)
	UNEP (DEPI)/MED CC.13/5. Results of the Questionnaire Survey on Methods to Enhance Compliance Mechanisms' and Procedures' Effectiveness
	UNEP (DEPI)/MED CC.13/6. Preliminary Scoping Paper on the Legal Nature and Main Obligations of COP Decisions
	UNEP (DEPI)/MED CC. 13/Inf.4. Compilation of Questionnaires received from MAP Focal Points on Methods to Enhance Compliance Mechanisms' and Procedures' Effectiveness

13. At the recommendation of the Compliance Committee at its 12th Meeting, efforts to increase the submission rate of national implementation reports were intensified, by *inter alia* establishing regular bilateral contact with those Contracting Parties having outstanding national implementation reports for the reporting period(s) 2012-2013 and/or 2014- 2015.

14. **Taking account of** the information provided on the current status as regards national reporting under the Barcelona Convention and its Protocols (UNEP (DEPI)/MED CC.13/4), the Compliance Committee will be invited **formulate** the relevant recommendations to COP 20.

15. Within the framework of Paragraph 35 of the Procedures and Mechanisms on Compliance, at its 12th Meeting, the Compliance Committee agreed that input on how to improve Compliance mechanisms' and procedures' effectiveness should be obtained from MAP Focal Points through a

questionnaire. A questionnaire was developed to that end and circulated among MAP Focal Points interessionally. Questionnaires received from MAP Focal Points are compiled for easy reference in UNEP (DEPI)/MED CC. 13/Inf.4.

16. The Compliance Committee will be invited to **consider** the results of the questionnaire survey on methods to enhance compliance mechanisms' and procedures' effectiveness carried out among MAP Focal Points (UNEP (DEPI)/MED CC.13/5), and **develop** the pertinent recommendations to COP 20.

17. At its 12th Meeting, the Compliance Committee put in place arrangements to undertake a preliminary analysis of the legal nature and main obligations of COP thematic Decisions. Key elements for discussion and further work have been identified in that direction during intersessional work.

18. The Compliance Committee will be invited to **consider** the information provided in the preliminary scoping paper on the legal nature and main obligations of COP Decisions (UNEP (DEPI)/MED CC.13/7), and **prepare** the relevant recommendations to COP 20.

Agenda item 4: **Evaluation of National Implementation Reports following Section IV of the Procedures and Mechanisms of Compliance**

Working Document UNEP(DEPI)/MED CC.13/7. Synthesis Analysis of the Information Provided in the National Implementation Reports Submitted by Contracting Parties for the Biennium 2014-2015

19. At the recommendation of the Compliance Committee at its 12th Meeting, in coordination with MAP components, a substantive analysis has been prepared of the information submitted by Contracting Parties in their national implementation reports for the biennium 2014-2015, for the Compliance Committee to examine it within the framework of Section IV of the Procedures and Mechanisms of Compliance.

20. The Compliance Committee will be invited to **examine** the synthesis analysis of the reports submitted by Contracting Parties on the measures adopted to implement the Barcelona Convention and its Protocols for the biennium 2014-2015 (UNEP(DEPI)/MED CC.13/8) and **agree upon** the relevant recommendations to put forward to COP20.

Agenda item 5: **Admissibility Criteria and Procedure under Paragraph 23bis of the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols**

Working Document UNEP(DEPI)/MED CC. 13/8. Draft Guidance on Admissibility Criteria and Procedure under Paragraph 23bis of the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols

21. At its 12th Meeting, the Compliance Committee addressed its trigger role under Paragraph 23bis of the Procedures and Mechanisms on Compliance, and agreed on the need to develop admissibility criteria addressing the source and quality of information to operationalize Paragraph 23bis. Work developed interessionally is presented in the form of draft Guidance.

22. The Compliance Committee will be invited to **examine** the draft Guidance on admissibility criteria and procedure under paragraph 23bis of the Procedures and Mechanisms on Compliance (UNEP (DEPI)/MED CC.13/9), and **formulate** the relevant recommendations to COP 20.

23. By a letter dated 28 July 2017, the Secretariat forwarded to the Compliance Committee a communication from Ecologistas en Acción de la Región Murciana, Spain, regarding the implementation by Spain of the Protocol concerning Specially Protected Areas and Biological

Diversity in the Mediterranean. The Committee will be invited to consider the communication from Ecologistas en Acción de la Región Murciana, Spain.

Agenda item 6: **Draft Guidelines for the Preliminary Assessment of Reports submitted under Article 26 of the Barcelona Convention and relevant Articles of its Protocols**

Working Documents	UNEP (DEPI)/MED CC.13/9. Results of the Testing of the Draft Guidelines for the Preliminary Assessment of Reports to Identify Actual or Potential Cases of Non-Compliance
	UNEP (DEPI)/MED CC.13/Inf.5. Compilation of Tests Received of the Draft Guidelines for the Preliminary Assessment of Reports to Identify Actual or Potential Cases of Non-Compliance.
	UNEP (DEPI)/MED CC.13/Inf.5/Add.1 Test du projet de directive/lignes directrices d'évaluation des rapports soumis sous l'Article 26 de la Convention de Barcelone

24. Following-on the conclusion of the Compliance Committee at its 12th Meeting, work was taken forward for the Compliance Committee to test the draft Guidelines for the Preliminary Assessment of Reports to Identify Actual or Potential Cases of Non-Compliance against three national implementation reports for the reporting period 2014-2015. Tests carried out intersessionally are compiled for easy reference in UNEP (DEPI)/MED CC.13/Inf.5.

25. The Compliance Committee will be invited to **consider** the results of the pilot test of the draft Guidelines for the preliminary assessment of reports to identify actual or potential cases of non-compliance (UNEP(DEPI)/MED CC.13/10), and **develop** the relevant recommendations to COP 20.

Agenda item 7: **Draft Compliance Committee Activity Report for the biennium 2016-2017**

Working Document	UNEP(DEPI)/MED CC.13/10. Draft Compliance Committee Activity Report for the biennium 2016-2017
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26. In preparation for COP 20 the Activity Report of the Compliance Committee summarizing work developed for the biennium 2016-2017 will be presented to the Meeting of the Contracting Parties in accordance with Paragraph 31 of the Procedure and Mechanisms on Compliance. A draft Activity Report is tabled for this session, including the Programme of Work of the Compliance Committee for the 2018-2019 biennium.

27. The Compliance Committee will be invited to **examine** the Draft Compliance Committee Activity Report for the biennium 2016-2017, including its 2018-2019 Programme of Work (UNEP (DEPI)/MED CC.13/11) and **finalize** it in preparation for COP 20 (UNEP (DEPI)/MED CC.13/11).

Agenda item 8: **Election of Chair for the biennium 2018-2019**

28. The Compliance Committee will be invited to **elect** a Chairperson from among its officers for the next two-year term pursuant to 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.

Agenda item 9: **Other Matters**

Working Document UNEP(DEPI)/MED CC.13/11. Proposal to amend the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols

29. At its 12th Meeting, the Compliance Committee discussed a proposal presented by one of its Members to amend the Procedures and Mechanisms on Compliance. The Committee agreed to address this issue at this session on the basis of a revised proposal to be prepared by its Member.

30. The Compliance Committee will be invited to **examine** the proposal made by one of the Members of the Compliance Committee to review the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols and **made** the relevant recommendations to COP 20.

31. The Compliance Committee will be invited to **raise** any other items of interest to the Compliance Committee under this point of the Agenda.

Agenda Item 10: Place, dates and duration of the 14th Meeting of the Compliance Committee

32. In line with the Procedures and Mechanisms on Compliance and its Rules of Procedure, the Compliance Committee will be invited to **decide on** the dates, venue and duration of the 14th Compliance Committee meeting.

Agenda Item 11: Closing of the Meeting

33. The Meeting is expected to be closed by the Chairperson of the Compliance Committee, Ms Milena Batakovic, at 17:00 on Wednesday 27 September 2017.