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

Results of the Questionnaire Survey on Methods to Enhance Compliance Mechanisms' and Procedures' Effectiveness

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UNEP/MAP
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Note by the Secretariat

Introduction

1. At its 12th meeting (Athens, Greece, 24-25 January 2017), the Compliance Committee of the Barcelona Convention and its Protocols examined progress made in implementing its Programme of Work for 2016-2017. In this context, the Committee discussed how to take work forward as regards activity number nine of the Programme of Work:

“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”.

2. In setting arrangements to ensure delivery, the Compliance Committee agreed that a small group of Compliance Committee members, consisting of Nicos Georgiades, Milena Batakovic and Samira Hamidi, would work intersessionally under the coordination of the Secretariat with the aim of preparing a short questionnaire to gather input from MAP Focal Points on how to improve the effectiveness of the Compliance Mechanisms and Procedures and strengthen the role of the Compliance Committee.

3. As requested, the Compliance Committee developed a questionnaire, which was circulated among MAP Focal Points, inviting their response. Questionnaires were received from six countries: Albania, Bosnia and Herzegovina, Greece, Libya, Malta and Spain. They are compiled in document UNEP (DEPI)/MED CC. 13/Inf.4 for easy reference. The paragraphs below summarize the results of the questionnaire per question.

Results of the Questionnaire Survey on Methods to Enhance Compliance Mechanisms’ and Procedures’ Effectiveness

4. The questionnaire is made of two main Parts:

- a. Part I: The scope of this part is to give an opportunity to MAP Focal Points to provide overall guidance on several aspects of the role and functioning of the Compliance Committee. It encompasses questions 1 to 5;
- b. Part II: The scope of this part of the questionnaire is to invite MAP Focal Points to expand on any topic which was not raised in the questionnaire.

5. *Part I. Question 1: How familiar are you with the work of the Compliance Committee?* The scope of Question 1 is to have an indication of the level of awareness regarding the role played by the Compliance Committee under the Barcelona Convention and its Protocols. One country responded that “very familiar” and the remaining five responded “familiar, but not in-depth”.

6. *Question 2: How useful do you think the initiatives below would be in enhancing awareness-raising about the Compliance Committee?* Question 2 aims to identify measures for raising awareness about the Compliance Committee and enhancing its role.

- a) *Information brochure/leaflet on the Procedures and Mechanisms of the Compliance Committee:* Five countries found this initiative “very useful” and the remaining one “useful”;
- b) *More prominent section for the Compliance Committee on the UNEP/MAP website:* Four countries stated this initiative to be “very useful”, another one “useful” and the remaining one “slightly useful”;
- c) *Regular presentations (e.g. via Skype) on the Procedures and Mechanisms of the Compliance Committee to new MAP National Focal Points and other target groups:* Four countries labelled this initiative as “very useful”, and the two remaining countries as “useful”;

- d) *Regular presentations nationally by MAP National Focal Points on the Procedures and Mechanisms of the Compliance Committee:* Two countries found this initiative “very useful”, other two “useful”, provided the target group and the purpose of the presentations are clarified, and the remaining two countries “slightly useful”;
- e) *Exchange of information and experience with other Multilateral Environmental Agreements (MEAs) Compliance Committees:* All countries with the exception of one identified this initiative as “very useful”, and one of them mentioned the need to cooperate with MEAs for reporting purposes;

7. *Question 3: Do you think Compliance Committee’s involvement and guidance in the activities listed below would enhance its effectiveness in facilitating and promoting compliance with the Barcelona Convention and its Protocols?* Question 3 is intended to identify how the Compliance Committee could best support countries implementing the Barcelona Convention and its Protocols.

- f) *Further development of guidance aimed at facilitating reporting (e.g. “how to report” guidance, FAQ document, etc.):* All countries responded to this question affirmatively;
- g) *Organization of e-training/workshop materials to facilitate the national reporting process:* All countries with the exception of one answered this question affirmatively;
- h) *Creation of tools to support the development of implementing legislation for the Barcelona Convention and its Protocols (e.g. repository of domestic legislation, guidance on national implementation, etc.):* All countries with the exception of one answered this question affirmatively;
- i) *Promoting further involvement of the MAP components in appraising Contracting Parties’ reports:* Three countries responded affirmatively to this question, and on the remaining three countries, one responded negatively, another one left the question blank, and the last suggested clarification of the question;
- j) *On- the spot appraisal visits:* Three countries answered this question affirmatively and one of them specified that such visits should be subject to country consent and interest, two countries answered negatively, and one left this question blank;

8. *Question 4: What do you think the most useful outcomes would be from the Compliance Committee in order to assist Contracting Parties in facilitating compliance with the Barcelona Convention and its Protocols obligations?* Question 4 aims to seek whether the Compliance Committee could further reinforce its role in facilitating and promoting compliance with the Barcelona Convention and its Protocols.

- k) *Tailor-made recommendations on specific situations of actual or potential non-compliance emerging from the reports referred to in Article 26 of the Barcelona Convention and any other relevant information (e.g. State of the environment reports, implementation reports of Regional Actions Plans, etc.):* Three countries found this outcome “very useful” and the remaining three “useful”;
- l) *General recommendations on general compliance issues emerging from the reports referred to in Article 26 of the Barcelona Convention and any other relevant information (e.g. State of the environment reports, implementation reports of Regional Actions Plans, etc.):* Four countries identified this outcome as “very useful” and the two remaining ones as “slightly useful”;
- m) *Work Plans/Action Plans to achieve compliance which include concrete activities and timeframe in consultation with the concerned Contracting Parties:* Two countries found this outcome “very useful”, other two ones “useful” and the remaining two “slightly useful”;

adding that further work on Focal Points should be avoided and that the development of an action plan will require coordination among relevant ministries and then time;

- n) *Provision of legal advice on specific situations of actual non-compliance emerging from the reports referred to in Article 26 of the Barcelona Convention and any other relevant information (e.g. State of the environment reports, implementation reports of Regional Actions Plans, etc.).* Four countries found this outcome “very useful” and the remaining two left this question blank;

9. *Question 5. In order to improve effectiveness and strengthen the Committee’s role, do you think it is necessary to undertake the options below?* Question 5 aims to query on the possibility to review the Procedures and Mechanisms on Compliance as a possible avenue to improve effectiveness and strengthen the Committee’s role.

- o) *Review of the rules governing the composition of the Compliance Committee (e.g. regional representation, competences, members, etc.):* Three countries answered “no” to this question, other two “yes” and the remaining one asked for clarification;
- p) *Review of the rules governing the trigger procedures (i.e. submission by Parties, referrals by the Secretariat and referral to the Committee on its own initiative and any other source of official information/report):* Four countries responded affirmatively to this question, and on the remaining ones, one asked for clarification and another one responded negatively.

10. *Part II:* No additional topics raised under this part.

Action requested

11. The Compliance Committee is invite to consider the results of the questionnaire survey on methods to enhance compliance mechanisms’ and procedures’ effectiveness and develop the pertinent recommendations to COP 20.