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MEDITERRANEAN ACTION PLAN

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

Results of the Testing of the Draft Guidelines for the Preliminary Assessment of Reports to Identify Actual or Potential Cases of Non-Compliance

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UNEP/MAP
Athens, 2017

Note by the Secretariat

Introduction

1. At its 12th meeting (Athens, Greece, 24-25 January 2017), the Compliance Committee examined the draft Guidelines for the evaluation of reports to identify actual or potential cases of non-compliance, as presented in document UNEP(DEPI)/MED CC.12/7.
2. This triggered discussion on the value in testing the draft Guidelines against the national implementation reports submitted by Contracting Parties, in order to check, firstly, whether and to what extent the proposed criteria capture the most relevant aspects involved in compliance and, secondly, how well they assign different weights to the questions of the national implementation reports. The sole purpose of this exercise is to test the draft Guidelines, it does not concern checking on compliance.
3. Under this understanding, the Committee agreed to conduct a pilot test of the draft Guidelines against three national implementation reports, for submission to the 13th Compliance Committee Meeting. Arrangements were made to do so, with the establishment of the following three groups formed from the Members and Alternate Members present at the Meeting: group A (Selma Cengic, Joseph Edward Zaki, Aysin Turpanci and Milena Batatovic), group B (Orr Karassin, José Juste-Ruiz and Nicos Georgiades) and group C (Samira Hamidi and Bernard Brillet).
4. In taking this task forward, each group received a national implementation report of the reporting period 2014-2015 as follows: (1) group A: national implementation report from Israel, (2) group B: national implementation report from Montenegro and (3) group C: national implementation report from Morocco, together with short guidance from the Secretariat for facilitating the testing exercise, which was conducted interessionally.
5. Tests received are presented in documents UNEP(DEPI)/MED CC.13/Inf.5 and UNEP(DEPI)/MED CC.13/Inf.5/Add.1 for easy reference. The results of this testing exercise are presented in table form in the attachment.

Action requested

6. The Compliance Committee is 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 and develop the relevant recommendations to COP 20.

ISRAEL			
Compliance Status according to the Draft Guidelines			
Instrument	Test 01	Test 02	Test 03
Barcelona Convention	Yes	Following the Guidelines due to two uncertainties, Party is in compliance with satisfactory to high level	Party in Compliance with Barcelona Convention
Dumping Protocol	?	According to the Guideline Party has Good level of Compliance. Question: is this correct conclusion having on mind status of Ratification?	Party in Compliance with Dumping Protocol.
Emergency Protocol	No	According to the Guideline Party has Good to High level of Compliance.	Party in Compliance with Emergency Protocol.
LBS Protocol	No	According to Guidelines Party is in compliance- satisfactory level.	Party in Compliance with LBS Protocol
SPA/DB Protocol	No	Since Protocol is not Ratified and since ratification is reported "In early stage" Party is not in compliance. However, Party provided answers and majority of measures are implemented so it is not clear according to the Guideline what to conclude.	Party not in Compliance with SPA Protocol.
Offshore Protocol	No	Not in Compliance	Party not in Compliance with Offshore Protocol.
HW Protocol	No	Not in Compliance	Party not in Compliance with HW Protocol

MONTENEGRO	
Compliance Status according to the Draft Guidelines	
Instrument	Test
Barcelona Convention	UNCERTAIN TO POSITIVE (LEGAL/ POLICY) AND TO NEGATIVE (IMPLEMENTATION/ ENFORCEMENT)
Dumping Protocol	NOT APPLICABLE
Emergency Protocol	UNCERTAIN TO POSITIVE
LBS Protocol	UNCERTAIN TO NEGATIVE
SPA/DB Protocol	UNCERTAIN TO POSITIVE
Offshore Protocol	NOT APPLICABLE
HW Protocol	UNCERTAIN TO POSITIVE