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86th Meeting of the Bureau of the Contracting Parties to the
Convention for the Protection of the Marine Environment
and the Coastal Region of the Mediterranean and its Protocols

Extraordinary Meeting
Teleconference, 11 July 2018

Report: Conclusions and Recommendations

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Introduction

1. In accordance with the Terms of Reference of the Bureau and in consultation with the President and members of the Bureau, the extraordinary, 86th Meeting of the Bureau of the Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention) and its Protocols was held through electronic means (teleconference), on 11 July 2018.

Participation

2. The President of the Bureau, Ms. Klodiana Marika (Albania), the Vice-Presidents: Mr. Charalambos Hajipakkos (Cyprus); Mr. Ahmed Kassem Sheta, and Ms. Heba Sharawy (Egypt); Mr. Oliviero Montanaro (Italy); M. Mohamed Sghaier Ben Jeddou (Tunisia) and the Rapporteur, Ms. Ivana Stojanovic (Montenegro) attended the Bureau meeting. The Secretariat was represented by the Coordinating Unit (Coordinator, Programme Officer for Governance, Legal Officer). The list of participants is attached as Annex I to this report.

I. Agenda item 1: Opening of the Meeting

3. The meeting was opened at 13:30 (Athens Time) on Wednesday, 11 July 2018 by Ms. Klodiana Marika, President of the Bureau, who welcomed the participants.

II. Agenda item 2: Adoption of the Provisional Agenda and Organization of Work (13:30-13:45)

4. The Bureau reviewed and adopted the Provisional Agenda as contained in document UNEP(DEPI)/MED BUR.86/1 (Annex II).

III. Agenda item 3: Nomination by Monaco of an Alternate Member of the Compliance Committee (13:45-14:45)

5. The Coordinator, Mr. Gaetano Leone, introduced this Agenda item. He referred to the relevant conclusion of the 85th Bureau meeting (Athens, Greece, 18-19 April 2018) and noted that since then, the Secretariat continued consultations with Monaco to nominate an Alternate Member to the Compliance Committee until COP 21, as per Decision IG. 23/2. Following these consultations, Monaco, through a letter dated 6 June 2018, nominated Mr. Elie Jarmache as an Alternate Member of the Compliance Committee. The nomination letter was accompanied by a short CV of Mr. Elie Jarmache, who has a long and relevant legal experience related to marine and environmental issues and is a member of the Scientific Council of "Institut du droit économique de la mer" (INDEMER) in Monaco. The nomination from Monaco was transmitted by the Secretariat to the Bureau on 23 June 2018.

6. During the discussion, it was noted that Mr. Jarmache is a national of a country that belongs in Group II (France), while Monaco belongs in Group III; reference was also made to the fact that there are already one Member and one Alternate Member of the Compliance Committee holding the French nationality. In this context, it was highlighted that paragraph 7 of the "Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols" (Decision IG. 17/2 as amended by Decisions IG. 20/1 and IG. 21/1) states that "The members of the Committee shall be nationals of Parties to the Barcelona Convention. The Committee shall not include more than one national of the same State". It was also recalled that paragraph 3 reads that "The Committee shall consist of seven members elected by the Meeting of the Contracting Parties from a list of candidates nominated by the Contracting Parties. For each member of the Committee, the Meeting of the

Contracting Parties shall also elect an alternate member from the above-mentioned list”. It was further recalled that paragraph 9 states that “In electing members of the Committee and their alternates, the Meeting of the Contracting Parties shall take into consideration equitable geographical representation (...)”.

7. The discussion addressed the issue of to whom the nationality criteria should be applied, whether to both Members and Alternate Members or only Members. Regarding the possibility for nominating an Alternate Member holding the nationality of one of the countries belonging to Group III, the Secretariat noted that that nationals from all other Contracting Parties of Group III have already been elected as Members or Alternate Members of the Compliance Committee.

8. One member of the Bureau raised the question whether the Chair and Vice-Chairs of the Compliance Committee could be Alternate Members of the Committee. The current situation is that the Chair is an Alternate Member from Group III. The same member argued that, being the Chair vested with the right to vote and being an Alternate Member, this situation raises to eight the number of voting members of the Compliance Committee, in contrast with the “Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols” that set to seven the number of voting members.

9. The Bureau discussed options in relation to the way forward regarding the nomination of the Compliance Committee Alternate Member by Monaco. It was highlighted that for certain issues there is a need to seek clarifications from the Contracting Parties. In this respect, the Secretariat informed the Bureau that the Compliance Committee at its 14th meeting (Athens, Greece, 27-29 June 2018) agreed on the following conclusions: “(a) to seek clarification from Contracting Parties on whether Alternate Members can be elected as Officers and on the timing of the election of Officers, (b) any other matters of the Procedures and Mechanisms requiring interpretation by the Contracting Parties will be discussed at the 15th Meeting of the Compliance Committee, and (c) the Compliance Committee recommends to hold a meeting for the purpose of the election of its Officers immediately following the COP, where its membership is endorsed. Depending on resources availability, the meeting may be held via electronic means”.

Conclusions:

10. The members of the Bureau feel that the provisions of paragraph 7 of the “Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols” might be considered as referring only to Members of the Compliance Committee, applying a strict interpretation of this disposition;

11. Considering the need for equitable geographical representation in the Compliance Committee, the Bureau requests the Secretariat to contact Monaco, copying the Members of the Bureau and the Contracting Parties of Group III, and invite Monaco to nominate as an Alternate Member of the Compliance Committee an individual holding the nationality of Monaco, or, if this is not possible, an Alternate Member holding the nationality of another country of Group III, taking into account the “Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols”;

12. Considering also the need to comply with the number of seven as voting members of the Compliance Committee, there is a need to urgently address and solve existing issues that are critical for the functioning of the Compliance Committee;

13. The Bureau took note of the conclusions of the 14th Meeting of the Compliance Committee and wished to bring to the attention of the Compliance Committee the following issues for discussion at the 15th Meeting of the Compliance Committee: (a) the scope of application of paragraph 7 of the “Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols”; and (b) the implications of electing an Alternate Member as Chair of the Compliance Committee;

14. The Bureau also asked the Compliance Committee to prepare, with the support of the Secretariat, a list of procedural issues, also based on the results of its 15th Meeting, that require clarification and interpretation by the Contracting Parties and to present it, together with the Compliance Committee recommendations, to COP 21 for consideration.

IV. Agenda item 4: Any Other Matters (14:45-15:00)

15. The Rapporteur, Ms. Ivana Stojanovic, informed the Bureau on the joint activities planned by Albania, Croatia and Montenegro on marine litter. She noted that the above Contracting Parties are also planning to prepare project proposals to be submitted to the European Commission for funding, in which they plan to seek the involvement of the Secretariat.

16. The Vice-President from Italy, Mr. Oliviero Montanaro, informed the Bureau that the venue of COP 21 will be Naples, Italy. In relation to the dates of the meeting he explained that the dates currently planned, 10-13 December 2019, will be problematic in logistical terms as that period is a very high touristic season in Naples with impacts on costs and availability of hotels. Therefore, Italy proposes that the meeting takes place on 26-29 November 2019.

17. The Secretariat highlighted the need to revise the calendar of governance meetings preceding the COP in order to ensure the effectiveness of those meetings and the necessary time for the completion and submission of COP documents. To this end, it was noted that the time between the MAP Focal Points meeting and the deadline for submission of documents to the COP needs to be at least 3 weeks and therefore proposes to consider the first week of December at the latest; the Secretariat will continue the discussion with Italy to reach an agreement as soon as possible.

Conclusion:

18. The Bureau welcomes with appreciation the information provided by Italy as host country of COP 21, and asks the Secretariat to consult further with the Host Country on the exact days of COP 21, considering also the preceding governance meetings, and to inform Contracting Parties accordingly.

V. Agenda item 5: Conclusions and Recommendations (15:00-15:30)

19. The Bureau agreed on a set of conclusions and recommendations as set in this report.

VI. Agenda item 6: Closure of the Meeting (15:30)

20. The meeting was closed by the President of the Bureau at 15:15 on Wednesday, 11 July 2018.

Annex I
List of participants

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Annex II

Agenda

Agenda

- Agenda item 1** Opening of the Meeting (13:30, Athens time)
- Agenda item 2** Adoption of the Provisional Agenda and Organization of Work (13:30-13:45)
- Agenda item 3** Nomination by Monaco of an Alternate Member of the Compliance Committee
(13:45-14:45)
- Agenda item 4** Any Other Matters (14:45-15:00)
- Agenda item 5** Conclusions and Recommendations (15:00-15:30)
- Agenda item 6** Closure of the Meeting (15:30)