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15th Meeting of the Compliance Committee of the Barcelona Convention
and its Protocols

Athens, Greece, 25-26 June 2019

Report of the Meeting

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UNEP/MAP
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Agenda Item 1: Opening of the Meeting

1. The 15th Meeting of the Compliance Committee of the Barcelona Convention and its Protocols was held on 25-26 June 2019, in Athens, Greece at the premises of the United Nations Environment Programme /Mediterranean Action Plan (UNEP/MAP) Coordinating Unit.
2. The meeting was attended by the following Members and Alternate Members of the Compliance Committee: Daniela Addis, Milena Batakovic, Bernard Brillet, Odeta Cato, François Guerber, Samira Hamidi, Ezzedine Jouini-Berzine, José Juste-Ruiz, Orr Karassin, and Selma Osmanagić-Klico, and the Secretariat. Apologies were received from Denis Allemand, Ahmad El-Khatib, Aysin Turpanci and Joseph Edward Zaki, who could not attend the meeting. The list of participants is at Annex I to this report.
3. After the Secretariat ascertained the existence of the required quorum under Paragraph 15 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 21/1), Ms. Odeta Cato, Chairperson of the Compliance Committee welcomed the participants and opened the meeting by underlining the ambitious agenda ahead of the Committee in order to successfully deliver the Compliance Committee's agreed programme of work for the biennium 2018-2019 to the 21st Meeting of the Contracting Parties to the Barcelona Convention (COP 21) (Naples, Italy, 2-5 December 2019).
4. Gaetano Leone, UNEP/MAP Coordinator, welcomed the participants and highlighted the significant progress in the implementation of the UNEP/MAP programme of work for the biennium 2018-2019, as a collective achievement to which the Compliance Committee actively contributed in preparation for COP 21. He also pointed to the importance of COP 21 for charting the course of the next UNEP/MAP Mid-Term Strategy, which would set the strategic direction and priorities of UNEP/MAP for the future. In this context, he highlighted the key role to play by the Compliance Committee in facilitating and promoting compliance with the Barcelona Convention and its Protocols, thus strengthening the UNEP/MAP system. He stressed the need to keep on working in that direction by effectively addressing the key priorities of the rich agenda before the Compliance Committee, namely: (1) to agree upon a set of recommendations to COP 21 to promote compliance with the Barcelona Convention and its Protocols, (2) to address the communication from Ecologistas en Acción de la Región Murciana (Spain) under the Admissibility Criteria, and (3) to discuss the proposed criteria for the preliminary assessment of national implementation reports submitted under article 26 of the Barcelona Convention.

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

5. The Compliance Committee adopted the Provisional Agenda (UNEP/MED CC.15/1) and the Provisional Annotated Agenda (UNEP/MED CC.15/2) without amendment and agreed upon the proposed timetable to conduct its work (UNEP/MED CC.15/3). A copy of the Provisional Agenda submitted to the meeting is at Annex II to this report.
6. In line with the Rules of Procedure of the Compliance Committee (Decision IG.21/1), the Compliance Committee formally adopted the report of the 14th Meeting of the Compliance Committee (Athens, Greece, 27-29 June 2018 and Resumed Session on 30 October 2018) (UNEP/MED CC.15/4).

Agenda Item 3: National Implementation Reports for the Biennium 2014-2015: Status of Reporting, Key Findings, Draft Recommendations and Possible Tools to Improve the Assessment Methodology of National Implementation Reports for the Biennium 2016-2017

7. The Secretariat introduced document UNEP/MED CC.15/5, which was the result of the collective work undertaken by the Compliance Committee intersessionally within the framework of the "Guidelines for the Compliance Committee to consider/review the information submitted on the received national implementation reports for 2014-2015 and provide key findings and recommendations for COP 21", as agreed by the 14th Meeting of the Compliance Committee. Work carried out rested on the Updated Synthesis Analysis (UNEP/MED CC.15/Inf.3) and the Updated

General Status of Progress (UNEP/MED CC.15/Inf.4) prepared by the Secretariat, as well as on the national implementation reports for the biennium 2014-2015, as deemed necessary.

8. Document UNEP/MED CC.15/5 presented: (1) information on the status of reporting for the Barcelona Convention and its Protocols corresponding to the biennium 2014-2015, (2) key findings identifying general issues of compliance and main difficulties in implementation, as well as associated recommendations to COP 21 to improve the implementation of the Barcelona Convention and its Protocols, and (3) possible tools to enhance the methodology for the elaboration of key findings and recommendations regarding the national implementation reports for the biennium 2016-2017.

9. The Secretariat informed the meeting that following-up on the conclusion of the 14th Meeting of the Compliance Committee, a letter from the Chairperson of the Compliance Committee was sent to the MAP Focal Points of Egypt, Libya, Syria and Tunisia, asking those Contracting Parties about the nature of the difficulties encountered in submitting their outstanding national implementation reports in order to look into possible solutions. This action resulted in: (1) the submission of national implementation reports by Tunisia for the biennium 2012-2013 and by Egypt for the biennium 2014-2015, and (2) confirmation from Libya, Syria and Tunisia of on-going arrangements to submit their pending national implementation reports as soon as possible, i.e. Libya and Syria for the biennia 2012-2013 and 2014-2015, and Tunisia for the biennium 2014-2015.

10. In the ensuing discussion, the following points were made:

- a. the key findings and associated recommendations should be understood within the limitations which arise from the fact that not all Contracting Parties have submitted their national implementation reports for the 2014-2015 biennium; the limited number of Contracting Parties to some Protocols, and additionally, the difference in the amount of information submitted by Contracting Parties in their national implementation reports;
- b. a prioritization exercise of the recommendations should be undertaken to optimize decision-making discussion at COP 21. In so doing, assessing the importance and urgency of the different recommendations is key, so that a well-rounded set of action-oriented recommendations targeting Contracting Parties, the Secretariat and/or MAP components can be tabled before COP 21;
- c. in prioritizing, the focus should be put on those recommendations associated with those key findings reflecting a low level of implementation among reporting Contracting Parties, e.g. at least three reporting Contracting Parties out of those reporting did not implement the requirements of the legal instrument concerned;
- d. to increase effectiveness in presenting the prioritized recommendations to COP 21, they should be grouped under two broad areas: (1) those recommendations which are common across the Barcelona Convention and its Protocols, i.e. cross-cutting recommendations, and (2) those recommendations which are linked to the legal instrument concerned, i.e. specific recommendations. In addition, further thought should be given to how better introduce the prioritized recommendations to COP 21, whether in table or narrative form;
- e. cross-cutting recommendations address common issues relevant to the Barcelona Convention and its Protocols which need to be tackled across the board. This includes recommendations aimed at increasing the submission of national implementation reports and enhancing data collection. Specific recommendations touch upon particular issues concerning the implementation of the Barcelona Convention and each of its Protocols. They cover different areas ranging from Integrated Coastal Zone Management (ICZM) to Environmental Impact Assessments (EIAs);
- f. it would be wise to articulate a way of presenting the whole set of recommendations to COP 21, for instance as an annex to the Activity Report of the Compliance Committee for the biennium 2018-2019. This would provide Contracting Parties with an enriched picture of the scope of the assessment carried out by the Compliance Committee;
- g. there is a great value in the Compliance Committee to participate at the main governance meetings of the Barcelona Convention (e.g. RACs Focal Points Meetings) through their appointed representatives. This would allow the Compliance Committee to strengthen its

interaction with Contracting Parties, enabling the Committee to have a first-hand perspective of the challenges faced by Contracting Parties in reporting and implementation;

- h. article 26 of the Barcelona Convention establishes a mandatory obligation of reporting. This is a basic obligation, which sets the basis for the meetings of the Contracting Parties to keep under review the implementation of the Barcelona Convention and its Protocols (article 18 of the Barcelona Convention), and to assess the compliance with the Barcelona Convention and its Protocols as well as measures and recommendations (article 27 of the Barcelona Convention);
- i. the non-submission of national implementation reports as per article 26 of the Barcelona Convention should lead the Compliance Committee, within its mandate and on a case-by-case basis, to consider the set of measures to promote compliance set out in section VII of the Procedures and Mechanisms on Compliance. This should be triggered before a Contracting Party reaches the point of not to have submitted its national implementation reports for more than two consecutive biennia. The Compliance Committee should take action before that situation occurs, thus increasing the effectiveness of the measures to promote compliance;
- j. there is a need to call for adequate resources to be allocated for capacity building activities to enhance the implementation of the Barcelona Convention and its Protocols. This could be done both through the UNEP/MAP programme of work and relevant projects. Capacity building activities should be specific and respond to the needs identified on the basis of the information contained in the national implementation reports. They may take different forms, such as training, workshops, or projects;
- k. to clearly identify and effectively address what constitutes difficulties to implementation is crucial. In general, difficulties reported by Contracting Parties are of a very general nature ranging from administrative management to financial resources. Further detail is needed on the nature of the difficulties. On that basis, different degrees of assistance may be provided, in particular when it comes to challenges in reporting, such as collection of data and population of the reports;
- l. to enhance data collection, in addition to capacity building activities, it would be worth reinforcing synergies at global level by making use of common formats, thus avoiding as much as possible the need for Contracting Parties to have duplication of reporting, once under global agreements and again under the Barcelona Convention and its Protocols. Further streamlining the current reporting process towards a shared information platform should be also considered;
- m. to achieve the universal ratification of the Barcelona Convention and its Protocols, capacity building activities may not be the most effective tool, being most appropriate to continue to pursue other avenues such as Coordinator high-level missions to Contracting Parties, or the development, publication and dissemination of communication tools to raise the political profile of the Barcelona Convention and its Protocols. This would include the publication of the text of the Barcelona Convention and its Protocols for dissemination at COP 21;
- n. key findings should identify Contracting Parties. This would allow a direct interaction with the Contracting Parties concerned on the basis of a “name and explain” approach.

11. The Compliance Committee carried out a prioritization and refining exercise of the set of recommendations presented in document UNEP/MED CC.15/5. Based on discussion the Compliance Committee agreed as below:

Conclusions and Recommendations

- a. the Compliance Committee welcomed the national implementation reports submitted by Egypt for the biennium 2014-2015 and Tunisia for the biennium 2012-2013, expressed its appreciation for the ongoing effort in Libya, Syria and Tunisia towards the submission of their outstanding national implementation reports for the reporting period(s) 2012-2013 and/or 2014-2015, and urged those Contracting Parties to continue efforts to submit their reports before the MAP Focal Points Meeting;**

- b. the Compliance Committee urged Albania, Greece, Monaco and Slovenia to submit their outstanding national implementation reports for the biennium 2014-2015;**
- c. the Compliance Committee agreed on the key findings and proposed recommendations as contained in Annex III to this report. These key findings and proposed recommendations should be annexed to the Activity Report of the Compliance Committee for the biennium 2018-2019 to COP 21;**
- d. the Compliance Committee agreed to forward to COP 21 the proposed recommendations to promote compliance with the Barcelona Convention and its Protocols and improve their implementation as contained in Annex IV to this report and recommended their adoption to COP 21. The proposed recommendations will be annexed to the draft COP 21 Decision IG.24/1 “Compliance Committee”.**

Agenda Item 4: National Implementation Reports for the Biennium 2016-2017: Status of Reporting and Implementation

12. The Secretariat introduced document UNEP/MED CC.15/6, which presented: (a) the status of reporting for the biennium 2016-2017 as of 10 May 2019, and (b) a synthesis of the information contained in the national implementation reports received for the biennium 2016-2017, including the difficulties in implementation reported by the Contracting Parties. On the status of reporting, the Secretariat informed the meeting that the process of submission was still on, with Contracting Parties working towards the submission of their outstanding national implementation reports in preparation for MAP Focal Points and COP 21. On the synthesis, the Secretariat pointed out that it was purely factual and provided information on the basis of the reported status of implementation (i.e. “yes”, “no”, “under development” and “not applicable”) per country and legal instrument.

13. The Secretariat also introduced document UNEP/MED CC.15/7, which provided in the form of general guidance to Contracting Parties a draft explanatory note, to be associated with the revised reporting format as adopted by COP 20 Decision IG.23/1. Guidance provided built on the experience in examining the national implementation reports submitted by Contracting Parties for the biennium 2016-2017 using the revised reporting format.

14. In the ensuing discussion, the following points were made:

- a. overall reporting rates have steadily increased since the establishment of the online Barcelona Convention Reporting System (BCRS) in 2008. A total of 15 Contracting Parties submitted their national implementation reports for the 2008-2009 biennium. That figure was raised to 19 Contracting Parties for the 2014-2015 biennium. As regards the current biennium 2016-2017, the submission of national implementation reports is still ongoing, with a total of 11 Contracting Parties having submitted their national implementation reports at the time of writing;
- b. letters from the Coordinator to MAP Focal Points encouraging timely and quality reporting, coupled with Coordinator high-level missions to Contracting Parties allowing for *inter alia* identification and deeper understanding of difficulties in reporting as well as ways to overcome them have proved to be effective avenues in pursuing the goal of achieving 100% submission. This adds to the continued support from the Secretariat and INFO/RAC to Contracting Parties on the use of the BCRS. Efforts should continue in that direction to facilitate and increase reporting;
- c. document UNEP/MED CC.15/6 should be taken as a living document to be kept under review in preparation for the 16th Meeting of the Compliance Committee, as additional national implementation reports are submitted by Contracting Parties;
- d. on the basis of the updated synthesis the Secretariat and MAP components should prepare key findings and associated draft recommendations corresponding to the national implementation reports for the biennium 2016-2017. This will facilitate discussion at the 16th Compliance Committee Meeting on how to enhance the implementation of and compliance with the Barcelona Convention and its Protocols;

- e. reporting should be considered as a process of continual improvement and over time as experience is refined, the explanatory note should be expanded as needed. Before circulating the note among the Contracting Parties, it would be wise to further elaborate its paragraph 1(b) by including new text encouraging Contracting Parties to be as precise as possible when reporting on the difficulties faced in implementing the Barcelona Convention and its Protocols. The current categories of difficulties are very broad (i.e. policy framework, regulatory framework, financial resources, administrative management, and technical guidance capabilities) and would benefit from further specification in order to provide as targeted as possible support.

15. Based on discussion, the Compliance Committee agreed as below:

Conclusions and Recommendations

- a. the Compliance Committee welcomed the submission of national implementation reports for the biennium 2016-2017 using the new online Barcelona Convention Reporting System (BCRS), urged those Contracting Parties who have not yet done so to submit their national implementation reports before the MAP Focal Points Meeting; and encouraged all Contracting Parties to continue to work to improve the timeliness and completeness of their national implementation reports;**
- b. the Compliance Committee requested the Secretariat to update the synthesis contained in document UNEP/MED CC.15/6, as new national implementation reports for the biennium 2016-2017 are submitted, in preparation for the 16th Meeting of the Compliance Committee;**
- c. the Compliance Committee requested the Secretariat, together with the MAP Components, to prepare on the basis of the updated synthesis a set of key findings and draft recommendations to promote compliance with the Barcelona Convention and its Protocols for consideration of the 16th Meeting of the Compliance Committee;**
- d. the Compliance Committee agreed on the Explanatory Note for the revised Reporting Format of the Barcelona Convention and its Protocols, as revised during the meeting, and requested the Secretariat to disseminate it among Contracting Parties.**

Agenda Item 5: Draft Criteria for Identification of Actual or Potential Cases of Non-Compliance on the Basis of the National Implementation Reports Submitted under Article 26 of the Barcelona Convention

16. The Secretariat introduced document UNEP/MED CC.15/8, which presented a set of draft criteria for the identification of actual or potential cases of non-compliance. Following-up on the conclusions of the 14th Meeting of the Compliance Committee, in consultation with the General Fisheries Commission for the Mediterranean (GFCM) and the Basel Convention Secretariats, and in collaboration with Daniela Addis, a member of the Compliance Committee, the Secretariat prepared the said criteria, which cover four aspects to assess against the national implementation reports of the Barcelona Convention and its Protocols: (1) submission, (2) timelines, (3) completeness and (4) implementation.

17. In the subsequent discussion, the following points were raised:

- a. setting criteria for assessing compliance is crucial for the Compliance Committee to fulfil its mandate. The proposed criteria take inspiration from work developed by GFCM and the Basel Convention;
- b. as introduced by the representatives of GFCM and Basel Convention participating in the 14th Meeting of the Compliance Committee, GFCM assesses the status of implementation of its decisions on the basis of six criteria, i.e. implemented, partly implemented, implementation in progress, not implemented, not applicable, not reported; and the Basel Convention classifies compliance performance based on timeliness and completeness;
- c. there is great value in testing the draft criteria against the national implementation reports for the 2016-2017 biennium. This would allow 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;

- d. to facilitate discussion at the 16th Meeting of the Compliance Committee, the draft criteria should be tested against the 2016-2017 national implementation reports by the Secretariat and MAP components;
- e. the associated matrix to the draft criteria needs to be further developed. This is of particular importance concerning the criterion of implementation, in order to understand for each legal instrument the rationale behind its given status of implementation (i.e. “implemented”, “implementation in progress” or “not implemented”) on the basis of the national implementation reports;
- f. measuring the effectiveness of the Barcelona Convention and its Protocols through the development of legal environmental indicators is an avenue that should be explored. In the medium or long-term work should be taken forward in that direction by the establishment of a devoted sub-committee. Legal environmental indicators should allow for better measuring environmental performance, with respect to the environmental goals and objectives set out in the Barcelona Convention and its Protocols.

18. Based on discussion, the Compliance Committee agreed as follows:

Conclusions and Recommendations

The Compliance Committee agreed to request the Secretariat, together with MAP Components, to test the draft criteria for the preliminary assessment of national implementation reports submitted under article 26 of the Barcelona Convention, as presented in document UNEP/MED CC.15/8, against the national implementation reports for the biennium 2016-2017, and present the result to the 16th Meeting of the Compliance Committee, as well as possible suggestions for improving the current methodology.

Agenda Item 6: Communication from Ecologistas en Acción de la Región Murciana (Spain)

19. Following-up on the conclusions of the 14th Meeting of the Compliance Committee, Ecologistas en Acción de la Región Murciana (EARM) in Spain was asked to provide the following additional information: (1) a document identifying the facts of the alleged non-compliance stating how they constitute a case of non-compliance with the Barcelona Convention and/or its Protocols, (2) the specific and circumscribed request to the Compliance Committee, and (3) documentation showing whether remedies available at national and/or international level have been taken and if so the current status. Information requested was provided by EARM on 4 March 2019 and, as agreed by the 14th Meeting of the Compliance Committee, on the basis of the information so provided and the information previously received by EARM, the designated Rapporteur, Dr. Orr Karassin, prepared her findings and a proposal for a draft preliminary decision on admissibility.

20. The Secretariat introduced the communication from EARM regarding the implementation by Spain of the Protocol concerning Specially Protected Areas and Biological Biodiversity in the Mediterranean, contained in document UNEP/MED CC.15/9, and referred to the supporting documentation received from EARM so far, as compiled in document UNEP/MED CC.15/Inf.5.

21. The Rapporteur presented its findings and draft preliminary decision on the admissibility of the communication from EARM in document UNEP/MED CC.15/10. In her presentation, the Rapporteur recalled the meeting the Admissibility Criteria of Relevant Information Sources and Procedure under Paragraph 23.bis of the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols (COP 20 Decision IG.23/2, Annex I). The Admissibility Criteria establish a process for the Compliance Committee to deal with communications from the public and observers. Under that procedure, in order to determine its admissibility, a communication should meet a minimum of requirements (Paragraph 5) as well as admissibility criteria (Paragraphs 12 and 13). In that context, the Rapporteur provided a detailed analysis of the communication from EARM against the abovementioned requirements and criteria. Based on that analysis, the Rapporteur concluded that in its opinion the communication from EARM should be deemed currently admissible, without further delay.

22. The Secretariat informed the meeting that, as requested by the 14th Meeting of the Compliance Committee, Spain had been formally informed by letter dated 9 April 2019 on the state of the Compliance Committee discussion concerning the communication from EARM.
23. In the ensuing discussion, the following points were made:
- a. the Compliance Committee expressed its appreciation for the work of Dr. Orr Karassin, as Rapporteur, in preparing her findings and putting forward a draft preliminary decision on the admissibility of the communication from EARM, in order to facilitate discussion;
 - b. the Compliance Committee is not a judicial body and therefore should not exercise a judicial function. The Procedures and Mechanisms on Compliance are non-confrontational, facilitative in nature and oriented in the direction of facilitating and promoting compliance with the Barcelona Convention and its Protocols;
 - c. the Admissibility Criteria were agreed by the 13th Meeting of the Compliance Committee in 2017. The communication from EARM is the first communication addressed to the Compliance Committee from the public, and as such, an opportunity for the Committee to apply the Admissibility Criteria and set the path to follow in dealing with potential future communications;
 - d. the question at hand is whether the communication from EARM is admissible according to the Admissibility Criteria. This is a decision which rests on the Compliance Committee and that requires the Committee to consider all actions taken by EARM to meet the Admissibility Criteria. On the basis of the information provided by EARM, the Compliance Committee should pronounce itself on the admissibility of the communication from EARM and then follow the next procedural steps;
 - e. in the view of some, the decision on the admissibility of the communication from EARM entails the Compliance Committee to consider whether domestic remedies have been exhausted. They stated that for the Committee to be able to do so, further elaboration was needed on what exhaustion means in the context of the Admissibility Criteria. They also emphasized that from their perspective, on the basis of the information so far provided by EARM it could not be inferred whether domestic remedies had been exhausted, and that additional information was needed as to the scope of the action taken in that regard by the Spanish national and/or regional government;
 - f. others were of the view that the criterion regarding the exhaustion of domestic remedies allows the Compliance Committee discretion and does not refer only to the factual assessment of what actions have been taken at the domestic level by EARM. They stated that this criterion begs the question of whether the Compliance Committee is convinced that EARM could have and should have taken additional actions at domestic level. They emphasized that in addressing this question, the Compliance Committee should consider among other factors the concrete characteristics and resources available to EARM and the urgency of the problem at hand;
 - g. EARM is a volunteer association of citizens with limited resources, which does not regularly employ paid staff or lawyers, and has tried to engage with the regional government through numerous efforts of public participation and advocacy;
 - h. the information submitted by EARM shows that both the Spanish Ministry of Environmental Protection and the General Environmental Prosecutor have taken actions, yet their actions have not resulted in the enhancement of the ecological situation of Mar Menor;
 - i. on the ecological situation of Mar Menor, the communication from EARM, supported by two professional opinions by ecologists, makes clear that the continued pollution and resulting eutrophication of Mar Menor have reached a critical state and that immediate and substantial action must be taken to ameliorate the situation;
 - j. the communication from EARM was transmitted to the Compliance Committee on 28 July 2017 and since then, EARM has provided all information requested by the Committee. It was generally felt that it was time for the Compliance Committee to determine whether the

communication from EARM is admissible. Seeking additional information at this stage would unnecessarily delay action;

- k. a positive decision on admissibility does not amount to a situation of non-compliance. According to the Admissibility Criteria, if the Compliance Committee determines that the communication is admissible, it will notify the Party concerned and the communicant accordingly. In doing so, the Committee may present the questions raised to the Party concerned and also address any questions to the communicant to clarify the facts of the communication. This would open a timeline of two months for the Party concerned to submit written explanations or statements on the matter.

24. Based on discussion, the Compliance Committee agreed as follows:

Conclusions and Recommendations

The Compliance Committee welcomed the work of the Rapporteur, as presented in document UNEP/MED CC.15/10, and on the basis of the Admissibility Criteria of Relevant Information Sources and Procedure under Paragraph 23.bis of the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols decided to confer admissibility of the communication from Ecologistas en Acción de la Región Murciana. Following the Admissibility Criteria, the Compliance Committee asked the Secretariat to make arrangements to proceed with the notification of the communication.

Agenda Item 7: Functioning of the Compliance Committee: Procedures and Mechanisms on Compliance and Rules of Procedure of the Compliance Committee

25. The Secretariat introduced document UNEP/MED CC.15/11, which presented a number of issues for legal interpretation concerning the Procedures and Mechanisms on Compliance and the Rules of Procedure of the Compliance Committee. The issues were raised by the 14th Meeting of the Compliance Committee and the 86th Meeting of the Bureau (Teleconference, 11 July 2018).

26. In the subsequent discussion, the following points were made:

- a. the legal interpretation of the issues raised by the Compliance Committee and the Bureau has been provided by the UNEP Principal Legal Officer for the meeting to consider;
- b. the legal interpretation so delivered touches on aspects related to the core functioning of the Compliance Committee and merits an in-depth analysis. Tight time constraints do not allow the meeting to do so for the whole set of issues presented in document UNEP/MED CC. 15/11 and make it advisable to defer consideration of whether the Procedures and Mechanisms and the Rules of Procedure should be amended in light of the legal advice provided;
- c. the distinction between members and alternate members should be revisited. In view of the increasing workload of the Compliance Committee, having fourteen members rather than seven would be advisable. Increasing the membership of the Compliance Committee would entail to change the required quorum as per the Procedures and Mechanisms. This requires careful consideration to avoid the Committee to suffer from the lack of quorum;
- d. the specific questions whether alternate members of the Compliance Committee could be elected as Committee officers under Rule 10 of the Procedures and Mechanisms, should be interpreted as indicated in document UNEP/MED CC. 15/11, so that officers are elected from the membership of the Compliance Committee, i.e., seven Members. As to whether Rule 7 of the Procedures and Mechanisms on Compliance exclusively applies to the Members of the Compliance Committee, different views were expressed and approaches taken on the matter, which could not lead to a single interpretation. Taking a strict approach, Rule 7 applies exclusively to Members of the Compliance Committee. Taking a flexible approach, Rule 7 applies to both Members and Alternate Members of the Compliance Committee. In this respect, it is recommended to bring the matter to the attention of the Meeting of the Contracting Parties (COP 21), inviting them to take a decision. This would set the matter for future thereby avoiding uncertainty on the interpretation of Rule 7 and reinforcing the functioning of the Compliance Committee.

- e. to deal with the increasing workload of the Compliance Committee, there is a need for longer meetings and allocation of further resources to implement capacity building measures to enhance compliance with the Barcelona Convention and its Protocols.

27. Based on discussion, the Compliance Committee agreed as below:

Conclusions and Recommendations

- a. **with regards to the question posed by the 86th Meeting of the Bureau whether Alternate Members of the Compliance Committee can be elected as Committee officers (i.e. a Chairperson and two Vice-Chairpersons) under Rule 10 of the Procedures and Mechanisms of Compliance under the Barcelona Convention and its Protocols, the Compliance Committee agreed that officers are elected from the membership of the Compliance Committee, i.e. the seven Members;**
- b. **with regards to the question posed by the 86th Meeting of the Bureau whether Rule 7 of the Procedures and Mechanisms exclusively apply to the Members of the Compliance Committee, it is recommended to bring the matter to the attention of the Meeting of the Contracting Parties (COP 21 for a final decision. Should the decision be that Rule 7 applies equally to Members and Alternate Members of the Compliance Committee, it is advisable to revise Rule 7 of the Procedures and Mechanisms;**
- c. **due to heavy time constraints and workload the Compliance Committee was not able to address document UNEP/MED CC.15/11 and decided to include in its Programme of Work for the biennium 2020-2021 the following activity: “To review the Rules of Procedure of the Compliance Committee in order to further clarify a number of outstanding issues and make a proposal as appropriate for adjusting accordingly the Procedures and Mechanism on Compliance for consideration by COP 22.”;**
- d. **the Compliance Committee urged COP 21 to consider favorably the allocation of necessary resources for longer meetings of the Compliance Committee;**
- e. **the Compliance Committee urged COP 21 and Contracting Parties to allocate additional resources that would allow the Compliance Committee to take forward a Programme of Work for designing and implementing capacity-building measures to improve compliance with the Barcelona Convention and its Protocols and especially reporting by Contracting Parties.**

Agenda Item 8: Draft 2020-2021 Programme of Work of the Compliance Committee

28. The Secretariat presented document UNEP/MED CC.15/12, which contained the draft Programme of Work of the Compliance Committee for the biennium 2020-2021. The draft Programme of Work is structured around four sections addressing: (1) specific submissions under Section V of the Procedures and Mechanisms on Compliance, (2) General issues of compliance under the Barcelona Convention and its Protocols, (3) enhancement activities and (4) functioning of the Compliance Committee.

Conclusions and Recommendations

29. **The Compliance Committee agreed on its Programme of Work for the biennium 2020-2021, as presented in Annex V to this report. The Programme of Work will be annexed to the draft COP 21 Decision IG. 24/1 “Compliance Committee”.**

Agenda Item 9: Draft Decision to the 21st Meeting of the Contracting Parties (COP 21)

30. The Secretariat introduced document UNEP/MED CC.15/13, which contained a draft COP 21 decision on the outcome of the work of the Compliance Committee for the biennium 2018-2019. The Compliance Committee revised the draft decision to reflect the conclusions and recommendations of the meeting.

Conclusions and Recommendations

31. **The Compliance Committee agreed on the draft COP 21 Decision IG. 24/1 “Compliance Committee”, as revised during the meeting, to be forwarded to COP 21 for consideration and possible adoption.**

Agenda Item 10: Awareness Raising and Outreach Activities to Promote the Role of the Compliance Committee

32. The Secretariat presented document UNEP/MED CC.15/14, which contained an electronic leaflet promoting the role and work of the Compliance Committee. The leaflet explained the origins of the Compliance Committee, how the Committee works, and the members of the Committee.

Conclusions and Recommendations

33. **The Compliance Committee requested the Secretariat to use the e-leaflet, as presented in document UNEP/MED CC.15/14 and refined intersessionally as need be, for continuing promoting the role and work of the Compliance Committee.**

Agenda Item 11: Place, dates and duration of the 16th Meeting of the Compliance Committee

34. The Compliance Committee discussed the place, dates and duration of its 16th Meeting. June 2020 was seen as a feasible timeframe, within which to fix exactly the dates (3rd or 4th week) intersessionally at a later stage.

Agenda Item 12: Draft Conclusions and Recommendations

35. On the basis of a draft prepared by the Secretariat in consultation with the Chairperson of the Compliance Committee, the Compliance Committee agreed on the Conclusions and Recommendations listed under each Agenda item above.

Agenda Item 13: Other Matters

36. No other matters were raised at the meeting.

Agenda Item 14: Closing of the Meeting

37. The Compliance Committee expressed deep and warm thanks to those Members and Alternate Members the tenure of which come to an end by COP 21 for their excellent work at the Compliance Committee. The Compliance Committee wished them all the best for their future endeavours.

38. The Meeting was closed by the Vicechairperson of the Compliance Committee, Mr. Bernard Brillet, on 26 June 2019.

Annex I
List of Participants

List of Participants / Liste des participants

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**SECRETARIAT TO THE BARCELONA CONVENTION
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Annex II

Agenda

Agenda

- Agenda Item 1:** Opening of the Meeting
- Agenda Item 2:** Adoption of the Agenda and Organization of Work
- Agenda Item 3:** National Implementation Reports for the Biennium 2014-2015: Status of Reporting, Key Findings, Draft Recommendations and Possible Tools to Improve the Assessment Methodology of National Implementation Reports for the Biennium 2016-2017
- Agenda Item 4:** National Implementation Reports for the Biennium 2016-2017: Status of Reporting and Implementation
- Agenda Item 5:** Draft Criteria for Identification of Actual or Potential Cases of Non-Compliance on the Basis of the National Implementation Reports Submitted under Article 26 of the Barcelona Convention
- Agenda Item 6:** Communication from Ecologistas en Acción de la Región Murciana (Spain)
- Agenda Item 7:** Functioning of the Compliance Committee: Procedures and Mechanisms on Compliance and Rules of Procedure of the Compliance Committee
- Agenda Item 8:** Draft 2020-2021 Programme of Work of the Compliance Committee
- Agenda Item 9:** Draft Decision to the 21st Meeting of the Contracting Parties (COP 21)
- Agenda Item 10:** Awareness Raising and Outreach Activities to Promote the Role of the Compliance Committee
- Agenda Item 11:** Place, dates and duration of the 16th Meeting of the Compliance Committee
- Agenda Item 12:** Draft Conclusions and Recommendations
- Agenda Item 13:** Other Matters
- Agenda Item 14:** Closing of the Meeting

Annex III

**Key Findings and Recommendations to Promote Compliance with the Barcelona Convention
and its Protocols and Improve their Implementation**

KEY FINDINGS AND RECOMMENDATIONS TO PROMOTE COMPLIANCE WITH THE BARCELONA CONVENTION AND ITS PROTOCOLS AND IMPROVE THEIR IMPLEMENTATION

1. In order to implement the Barcelona Convention and its Protocols, Contracting Parties need to put the necessary legislative and policy measures in place, and to establish the corresponding institutional structures to implement them, and follow-up and assess the effectiveness of these measures towards a good ecological status of the Mediterranean Sea. Establishing the necessary governance structures and institutions is key for the implementation of the Barcelona Convention and its Protocols. These core institutions have been examined by the Compliance Committee intersessionally, on the basis of the Updated Synthesis Analysis (UNEP/MED CC. 15/Inf.3) and the Updated General Status of Progress (UNEP/MED CC. 15/Inf. 4) prepared by the Secretariat, as well as on the basis of the national implementation reports for the 2014-2015 biennium, as deemed necessary. As a result, presented hereinafter, are the key findings and associated recommendations to promote compliance with the Barcelona Convention and its Protocols and improve their implementation.

2. Key findings identify general issues affecting the compliance of a number of reporting Contracting Parties with respect to their obligations under the Barcelona Convention and its Protocols. In drafting the key findings, the focus has been put on those issues reflecting a low level of implementation among reporting Contracting Parties. Associated recommendations aim at improving the implementation of the Barcelona Convention and its Protocols. This comprehensive package of key findings and recommendations will be annexed to the Activity Report of the Compliance Committee for the biennium 2018-2019 to COP 21.

3. The recommendations highlighted in grey were deemed as high priority issues and therefore the Compliance Committee urges the Contracting Parties to direct efforts and take significant action as detailed. The prioritized recommendations will be annexed to the draft COP 21 Decision IG. 24/1 entitled “Compliance Committee”.

4. The key findings and associated draft recommendations presented below should be understood within the limitations which arise from the fact that not all Contracting Parties have submitted their national implementation reports for the 2014-2015 biennium; the limited number of Contracting Parties to some Protocols, and additionally, the difference in the amount of information submitted by Contracting Parties in their national implementation reports.

Cross-cutting recommendations to promote compliance with the Barcelona Convention and its Protocols	
Key findings	Recommendations
National implementation reports of the Barcelona Convention and/or its Protocols are still pending from some Contracting Parties	To remind the Contracting Parties concerned that the non-submission of national implementation reports under Article 26 of the Barcelona Convention leads the Compliance Committee on a case-by-case basis and within its mandate to trigger the compliance mechanism leading to the consideration of the measures laid down in Section VII of the Procedures and Mechanisms of Compliance.
Challenges with implementation have been reported by all Contracting Parties	To ask the Secretariat to explore the commitment of adequate resources (both financial and other available) and actions to implement measures of capacity building within the Barcelona Convention framework that would also allow the Compliance Committee to take forward a programme of work for designing and implementing capacity-building measures to improve compliance and especially reporting by the Contracting Parties.

<p>Limited and/or lagging data submitted by Contracting Parties</p>	<p>In order to increase the submission rate of national implementation reports under Article 26 of the Barcelona Convention and their completeness, to invite the Compliance Committee Chairperson or other appointed representative to participate, having an active role, at the main Governance meetings of the Barcelona Convention.</p> <p>To enhance data collection through the existing INFO/MAP system and its further development and explore the means and ways to support Contracting Parties in terms of capacity building aiming to ensure coherence at national level and to secure availability and accessibility to necessary infrastructure for providing consistent data management for reporting purposes.</p>
<p>Limited reporting on enforcement measures</p>	<p>To urge the Contracting Parties concerned to report on enforcement measures.</p>

*Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean
(Barcelona Convention)*

Barcelona Convention (Status of reporting as of 10 May 2019)	
<ul style="list-style-type: none"> • Number of Contracting Parties to the 1976 Barcelona Convention on the 2014/2015 biennium: 22 • Number of Contracting Parties to the 1995 Barcelona Convention on the 2014-2015 biennium: 21 • Number of reporting Contracting Parties on the 2014-2015 biennium: 17 • Number of Contracting Parties that have not submitted yet their reports for the 2014-2015 biennium: 5 	
Key findings	Recommendations
<p>Mechanisms of cooperation in transboundary Environmental Impact Assessments (EIAs): Article 4.3.c and d</p> <ul style="list-style-type: none"> • 7 reporting Contracting Parties out of 17 have not yet adopted a legal framework for notification, exchange of information and consultation among the parties concerned, when environmental impact assessment (EIA) is undertaken in a transboundary context. • 5 reporting Contracting Parties out of 17 have not yet set up the institutional structures to conduct EIAs or implement the notification process in case of transboundary EIAs 	<p>To urge and recommend the Contracting Parties concerned to establish and improve Environmental Assessment, in particular Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) in the coastal zone as well as in the transboundary context, and to establish cooperation mechanisms in cases of transboundary EIAs by adopting the required legal framework and setting the corresponding institutional arrangements.</p>
<p>ICZM: Article 4.3.e</p> <ul style="list-style-type: none"> • 3 reporting Contracting Parties out of 17 have not yet integrated ICZM principles into their legal and policy frameworks. • 6 reporting Contracting Parties out of 17 have yet to integrate ICZM into their physical plans for the coastal zone. <p>4 reporting Contracting Parties out of 17 have not yet developed the institutional structures required for applying ICZM work at national, regional or local level.</p>	<p>To urge and recommend the Contracting Parties concerned to integrate Integrated Coastal Zone Management (ICZM) into the physical planning of their coastal zone; and invite the Priority Actions Programme/Regional Activity Centre (PAP/RAC) to explore how best Contracting Parties could be assisted in this field.</p>

<p>Monitoring: Article 12 4 reporting Contracting Parties out of 17 have not established institutional structures and have not put in place programmes for monitoring marine pollution</p>	<p>To urge and recommend the Contracting Parties concerned to establish the legal framework and institutional structures for monitoring marine pollution, and to consider these as high priority task including the allocation of sufficient resources by those countries to achieve these goals.</p>
<p>Public participation in final environmental decision-making: Article 15 7 reporting Contracting Parties out of 17 have not implemented a legal framework to allow for public participation in the process of authorization of proposed activities likely to cause damage to the marine environment and its coastal areas</p>	<p>To urge and recommend the Contracting Parties concerned to establish the required legal framework to ensure public participation in the final decision-making process for authorization of activities likely to cause damage to the coastal and marine environment.</p> <p>To urge and recommend the Contracting Parties concerned to promote the sharing of experience and good practices among them in order to reinforce public participation in decision-making.</p>
<p>Use of economic instruments: Article 4.3.b</p> <ul style="list-style-type: none"> • 7 reporting Contracting Parties out of 17 have not adopted in their legal and policy frameworks economic instruments such as taxes, fees, funds, charges, with the aim of promoting the protection of the marine environment, its coastal areas and biodiversity conservation. • 3 reporting Contracting Parties out of 17 have not established the institutional structures to implement the polluter pays principle 	<p>To urge and recommend the Contracting Parties concerned to put in place the legal framework and institutional structures needed for the application of economic instruments for the protection of the marine and coastal environment.</p> <p>To urge and recommend the Contracting Parties concerned to promote the sharing of information and experience among them to enhance the use of economic instruments in the Mediterranean region.</p>
<p>Public access to information: Article 15</p> <ul style="list-style-type: none"> • 4 reporting Contracting Parties out of 17 have not yet carried out measures for public access to information related to activities carried out to implement the Barcelona Convention and its Protocols. • 3 reporting Contracting Parties out of 17 did not publish periodical assessment reports and data on the state of the marine environment and their coastal areas. Also 3 reporting Contracting Parties out of 17 did not make available to the public environmental data on the state of the environment and their coastal area. 	<p>To urge and recommend the Contracting Parties concerned to adopt measures to ensure public access to information related to activities carried out to implement the Barcelona Convention and its Protocols.</p>

*Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea
(Dumping Protocol)*

Dumping Protocol <i>(Status of reporting as of 10 May 2019)</i>	
<ul style="list-style-type: none"> • Number of Contracting Parties to the 1976 Dumping Protocol on the 2014/2015 biennium: 21 • Number of Contracting Parties to the 1995 Dumping Protocol on the 2014/2015 biennium: 15 • Number of reporting Contracting Parties on the 2014-2015 biennium: 14 • Number of Contracting Parties that have not submitted yet their reports for the 2014-2015 biennium: 7 	
Key findings	Recommendations
<p>Enforcement and Effectiveness</p> <ul style="list-style-type: none"> • 9 reporting Contracting Parties out of 13 (not applicable to the EU) have not provided data on enforcement measures • 10 reporting Contracting Parties out of 13 (not applicable to the EU) have not provided data on effectiveness indicators. 	<p>The Secretariat is requested to explore in collaboration with other Multilateral Environmental Agreements (MEAs) activities to build up enforcement capacities to ensure the effective implementation of the Dumping Protocol. This could take the form of workshops, seminars or training activities.</p>
<p>Implementation of Guidelines adopted for wastes or other matter listed in Article 4.2: Article 6</p> <p>10 reporting Contracting Parties out of 14 have not provided information on whether in evaluating applications for dumping of wastes or other matter listed in Article 4.2 the corresponding Guidelines have been given due consideration</p>	<p>To promote the implementation of the technical Guidelines adopted under the Dumping Protocol, the development of regional training activities, sharing of best practices and organizing workshops in collaboration with relevant MEAs are recommended. The Secretariat is requested to explore this avenue.</p>

*Protocol Concerning Cooperation in Preventing Pollution from Ships and in Cases of Emergency, Combating Pollution of the Mediterranean Sea
(Prevention and Emergency Protocol)*

Prevention and Emergency Protocol <i>(Status of reporting as of 10 May 2019)</i>	
<ul style="list-style-type: none"> • Number of Contracting Parties to the 1976 Emergency Protocol on the 2014/2015 biennium: 21 • Number of Contracting Parties to the 2002 Prevention and Emergency Protocol on the 2014/2015 biennium: 14 • Number of reporting Contracting Parties on the 2014-2015 biennium: 17 • Number of Contracting Parties that have not submitted yet their reports for the 2014-2015 biennium: 5 	
Key findings	Recommendations
<p>Communication of information and reports concerning pollution incidents: Article 8</p> <p>Only 5 reporting Contracting Parties out of 16 (not applicable to the EU) have reported having taken action to overcome the encountered barriers to ensure the reception, transmission and dissemination of reports and urgent information concerning pollution incidents</p>	<p>To ensure that Parties have an effective system of mechanisms and procedures to manage communication between countries and with REMPEC in case of pollution incidents, action in that regard should be taken within the REMPEC Regional Strategy for Prevention of and Response to Marine Pollution from Ships (2016-2021) (COP 19 Decision IG.22/4).</p>
<p>Reporting Procedure</p> <ul style="list-style-type: none"> • Article 9.1: <p>Only 5 reporting Contracting Parties out of 16 (not applicable to the EU) have reported having taken</p>	<p>To foster the collection of data on pollution incidents a user friendly and simple online system for reporting should be in place.</p>

<p>action to address the encountered difficulties hampering its ships and aircrafts to report on actual or potential oil and HNS incidents to the designated national authority or authorities and the nearest Coastal State;</p> <p>Only 4 reporting Contracting Parties out of 16 (not applicable to the EU) have provided information on accidents and spill incidents</p> <ul style="list-style-type: none"> • Article 9.6: Only 4 reporting Contracting Parties out of 16 (not applicable to the EU) have reported having taken action to overcome the barriers faced to transmit the required information to REMPEC in case of pollution incidents • Article 9.7: Only 6 reporting Contracting Parties out of 16 (not applicable to the EU) have reported having taken action to address the challenges faced to transmit the required information to those Parties likely to be affected by a pollution incident 	<p>To encourage Contracting Parties to report pollution incidents under the online Barcelona Convention Reporting System (BCRS).</p> <p>To support the Secretariat in carrying out (at international and regional level) a comparative exercise between already existing reporting procedures and formats.</p>
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*Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities
(LBS Protocol)*

<p style="text-align: center;">LBS Protocol (Status of reporting as of 10 May 2019)</p>	
<ul style="list-style-type: none"> • Number of Contracting Parties to the 1980 LBS Protocol on the 2014/2015 biennium: 22 • Number of Contracting Parties to the 1996 LBS Protocol on the 2014/2015 biennium: 17 • Number of reporting Contracting Parties on the 2014-2015 biennium: 17 • Number of Contracting Parties that have not submitted yet their reports for the 2014-2015 biennium: 5 	
<p style="text-align: center;">Key findings</p>	<p style="text-align: center;">Recommendations</p>
<p>Quality of the reports</p> <ul style="list-style-type: none"> • The reporting rate for those questions gathering non-quantitative information (e.g. legal measures, monitoring) is high. However, from the analysis of the answers provided by reporting Contracting Parties it seems that there are some uncertainties arising from the formulation of the questions. • The reporting rate for those questions gathering quantitative information (e.g. authorizations for discharge granted, pollutant 	<p>To enhance the submission of data and avoid any uncertainty when interpreting data submitted, the Secretariat is requested to continue the work in assisting Contracting Parties to report reliable data on pollutants loads discharged directly and indirectly to the Mediterranean Sea through the existing on-line INFO MAP system (National Baseline Budget-NBB and Pollutant Release and Transfer Register-PRTR) and the work in strengthening the Contracting Parties' capacities for the efficient use of the INFO MAP system.</p>

<p>releases and enforcement measures) is low, coming from half or less than half reporting Contracting Parties.</p>	<p>To provide support to the countries to improve the content of the national implementation reports corresponding to the 2016-2017 period, within available resources, using the adopted new reporting format. Support may include:</p> <ul style="list-style-type: none"> (a) preparation “data dictionaries” to facilitate data collection; and (b) assessing the difficulties facing the countries at the sub-regional level and providing solutions to allow them to proceed with quality reporting. <p>Questions gathering non-quantitative information in the reporting format should be formulated clearly and precisely to avoid any misunderstanding leading to ambiguous or inconsistent responses. The Secretariat should provide the clarification needed of the relevant questions of the new reporting format and invite Contracting Parties to further elaborate on their difficulties in implementation.</p>
<p>Quality of LBS Protocol implementation There is room for improvement in this area by adopting more precise targets and monitoring in the Mediterranean region; and tackling all pollution hot spots.</p>	<p>To request the Secretariat to continue to support the conception and follow-up of updated (National Action Plans) NAPs and to get ownership from other institutions including International Financial Institutions (IFIs) on depollution projects.</p> <p>MED POL should invite Contracting Parties to provide their existing list of depollution investment projects as well as to define their pollution hot spots, in line with the Secretariat terms of reference for (National Action Plans) NAPs. The Secretariat should provide a map for priority projects and pollution hot spots for the Mediterranean region.</p>
<p>Reporting process and compliance</p> <ul style="list-style-type: none"> • 5 Contracting Parties have not yet submitted their national implementation reports. • The Compliance Committee has to come to draft recommendations covering two key aspects: implementation of LBS Protocol measures and the effectiveness of these measures. <p>The longer the period between the synthesis analysis of the national implementation reports and the drafting of the Compliance Committee recommendations, the more outdated the corrective actions recommended by the Compliance Committee</p>	<p>To strengthen the assessment process of the national implementation reports of the LBS Protocol by supporting Contracting Parties to collect the required data such as to avoid duplication of work with other reporting systems¹.</p> <p>MED POL meetings should strengthen the process of discussing with Parties the difficulties in the submission of national implementation reports, seeking from them further information or clarification in case of incomplete or ambiguous reports, and identifying concrete actions to overcome difficulties in submission and/or implementation.</p> <p>In addition:</p> <ul style="list-style-type: none"> (a) for the Compliance Committee to provide a complete assessment of the status of implementation of the LBS Protocol, the analysis of the national implementation reports themselves

¹ The following actions can be taken: (1) to encourage Contracting Parties to provide “NIL reports”, (2) to disseminate “data identity cards” (i.e. data dictionaries) similarly developed under the SEIS Project, and (3) to explore whether and how relevant data sets from other reporting systems (such as, but not limited to, Basel/Rotterdam/Stockholm Convention reporting system, PRTRs Reporting system,) can be utilized/streamlined

	<p>is necessary, as well as of additional information, including environmental assessments; and</p> <p>(b) the period from the time of the synthesis analysis of the national implementation reports is tabled at the Compliance Committee until the Compliance Committee draft its recommendations to COP should be shortened.</p>
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*Protocol Concerning Specially Protected Areas and Biological Diversity in the Mediterranean
(SPA/BD Protocol)*

SPA/BD Protocol <i>(Status of reporting as of 10 May 2019)</i>	
<ul style="list-style-type: none"> • Number of Contracting Parties to the 1982 SPA Protocol on the 2014/2015 biennium: 21 • Number of Contracting Parties to the 1995 SPA/BD Protocol on the 2014/2015 biennium: 17 • Number of reporting Contracting Parties on the 2014-2015 biennium: 19 • Number of Contracting Parties that have not submitted yet their reports for the 2014-2015 biennium: 3 	
Key findings	Recommendations
<p>Planning and management: Article 7</p> <ul style="list-style-type: none"> • Article 7.2.a: Only 5 reporting Contracting Parties out of 18 (not applicable to the EU) have reported having developed management plans for all their SPAs. Challenges in this area are identified, ranging from public participation to technical difficulties. • Article 7.2.b: 12 reporting Contracting Parties out of 18 (not applicable to the EU) have reported having developed programmes in their SPAs for the observation and scientific monitoring of changes in ecosystems and on the impact of human activities. 	<p>To urge and recommend the Contracting Parties concerned to continue with the identification and establishment of Specially Protected Areas (SPAs) and candidate Specially Protected Areas of Mediterranean Importance (SPAMIs), further embracing open sea areas, including deep seas, which are much underrepresented within the Mediterranean protected areas and SPAMIs as well as to adopt the necessary measures for the full implementation of article 7.2 of the SPA/BD Protocol.</p>
<p>Establishment of the List of SPAMIs: Article 8</p> <p>8 reporting Contracting Parties out of 18 (not applicable to the EU) have reported having established SPAMIs.</p>	<p>The support of RAC/SPA is key in addressing the reported challenges faced by reporting Contracting Parties when developing management actions plans for their SPAs.</p>
<p>Conservation of the components of marine and coastal diversity: Article 3.3</p> <p>9 reporting Contracting Parties out of 19 have reported having inventoried the components of marine and coastal biodiversity.</p>	<p>To urge and recommend the Contracting Parties concerned to proceed with the inventory of the components of marine and coastal biodiversity as per article 3.3 of the SPA/BD Protocol.</p>
<p>National measures for the protection and conservation of species: Article 11</p> <ul style="list-style-type: none"> • Article 11.6: 5 reporting Contracting Parties out of 19 have reported having developed ex-situ reproduction programmes addressing the conservation of protected species. • Article 11.4: 10 reporting Contracting Parties out of 19 have reported having established multilateral cooperation arrangements for the protection of migrant species. 	<p>To urge and recommend the Contracting Parties concerned to develop ex-situ reproduction programmes addressing the conservation of protected species and establish multilateral cooperation for the protection of migrant species in the Mediterranean area.</p>

<p>Regional Action Plans</p> <ul style="list-style-type: none"> • RAP on Cartilaginous Fishes Only a reporting Contracting Party out of 19 has reported having developed training programmes on cartilaginous fishes. 5 reporting Contracting Parties out of 19 have reported having developed specific programmes for the protection and conservation of cartilaginous fishes in the context of FAO. 	<p>To enhance the implementation of the RAPs adopted under the SPA/BD Protocol, the Contracting Parties concerned are urged and recommended:</p> <p><u>RAP on Cartilaginous Fishes:</u> to develop specific conservation programmes in the context of the FAO International Plan of Action for Conservation and Management of Sharks, and training programmes on cartilaginous fishes.</p>
<ul style="list-style-type: none"> • RAP on the Introduction of Non-Indigenous Species Only a reporting Contracting Party out of 19 has reported having set up an action plan to control the introduction of non-native marine species 6 reporting Contracting Parties out of 19 have reported having in place mechanisms to monitor and control ballast water discharges into their territorial waters. 7 reporting Contracting Parties out of 19 have reporting having developed awareness raising programmes. 	<p><u>RAP on the Introduction of Non-Indigenous Species:</u> (1) to develop actions plans to control the introduction of non-native marine species, (2) to monitor and control ballast water discharges into their territorial waters, and (3) to develop awareness raising programmes to control the introduction of non-native marine species.</p>
<ul style="list-style-type: none"> • RAP for the Conservation of Bird Species 9 reporting Contracting Parties out of 19 have reported having put in place actions plans for the protection of the bird species listed in Annex II to the SPA/BD Protocol. 	<p><u>RAP for the Conservation of Bird Species:</u> to develop action plans for the protection of the bird species listed in Annex II to the SPA/BD Protocol.</p>
<ul style="list-style-type: none"> • RAP for the Conservation of Cetaceans 5 reporting Contracting Parties out of 19 have reported having developed action plans for the conservation of cetaceans. 9 reporting Contracting Parties out of 19 have reported having established either MPAs or SPAMIs for the protection of cetaceans. 	<p><u>RAP for the Conservation of Cetaceans:</u> to develop action plans for the conservation of cetaceans and designate MPAs or SPAMIs for their protection.</p>
<ul style="list-style-type: none"> • RAP for the Conservation of Marine Vegetation Only a reporting Contracting Party out of 19 has reported having developed an action plan for the conservation of marine vegetation. 11 reporting Contracting Parties out of 19 have reported having established MPAs for protection of marine vegetation. 10 reporting Contracting Parties out of 19 have reported having conducted studies and scientific research to inventory and map marine vegetation. 	<p><u>RAP for the Conservation of Marine Vegetation:</u> (1) to develop action plans for the conservation of marine vegetation, (2) to establish MPAs for the protection of marine vegetation significant to the marine environment, and (3) to conduct studies and scientific research to inventory and map marine vegetation formations that are natural monuments.</p>
<ul style="list-style-type: none"> • RAP for the Conservation of the Monk Seal 6 reporting Contracting Parties out of 19 have reporting having established protected areas for the conservation of monk seal populations. 	<p><u>RAP for the Conservation of the Monk Seal:</u> to establish protected areas for the conservation of monk seal populations, if deemed appropriate.</p>
<ul style="list-style-type: none"> • RAP for the Conservation of Marine Turtles 	<p><u>RAP for the Conservation of Marine Turtles:</u> (1) to establish measures to reduce the incidental by-catch of marine turtles, (2) to adopt action plans for the</p>

<p>8 reporting Contracting Parties out of 19 have reported having taken measures to reduce the incidental by-catch of marine turtles</p> <p>8 reporting Contracting Parties out of 19 have reported having adopted action plans for the conservation of marine turtles and inventoried turtle nesting beaches.</p>	<p>conservation of marine turtles, and (3) to carry out inventories of turtle nesting beaches.</p>
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*Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal
(Hazardous Wastes Protocol)*

Hazardous Wastes Protocol	
<i>(Status of reporting as of 10 May 2019)</i>	
<ul style="list-style-type: none"> • Number of Contracting Parties to the 1996 Hazardous Wastes Protocol on the 2014/2015 biennium: 7 • Number of reporting countries on the 2014-2015 biennium: 12 • Number of Contracting Parties that have not submitted yet their reports for the 2014-2015 biennium: 2 	
Key findings	Recommendations
<p>Transboundary movement and notification procedures: Article 6</p> <p>8 reporting Contracting Parties out of 12 have reported having put in place the notification procedure for the transboundary movement of wastes</p>	<p>In collaboration with other relevant Multilateral Environmental Agreements (MEAs), with particular focus on the Basel Convention, the Secretariat to explore how to promote coordination and cooperation among Contracting Parties concerning the notification procedure for the transboundary movement of wastes and to strengthen institutional arrangements among to ensure transparency, enforcement and public participation.</p>
<p>Transboundary Movement and Notification Procedures: Article 6</p> <p>Information and Participation of the Public: Article 12</p> <p>5 reporting Contracting Parties out of 12 have reported having established the institutional arrangements needed to implement Articles 6 and 12 of the Protocol.</p>	
<p>Number of Contracting Parties to the Protocol: 7 out of the 22 Contracting Parties to the Barcelona Convention</p> <p>Number of Contracting Parties to the Protocol which have submitted their national implementation reports: 5</p>	<p>To increase both the number of Contracting Parties to the Hazardous Wastes Protocol and the rates of national reporting, it is recommended:</p> <ul style="list-style-type: none"> (a) MED POL National Focal Points to hold discussion on reporting requirements under the Hazardous Waste Protocol (Skype, Conference calls); (b) the Secretariat to develop “data dictionaries” for further precisising the reporting of needed data regarding the reporting format; (c) the Secretariat to organize informative side-events or side-session on the Hazardous Wastes Protocol, enabling Contracting Parties to exchange experiences and good practices and replicate the success; and (d) to develop a set of indicators measuring progress in implementation

*Protocol for the Protection of the Mediterranean Sea against Pollution Resulting from Exploration and Exploitation of the Continental Shelf and the Seabed and its Subsoil
(Offshore Protocol)*

Offshore Protocol <i>(Status of reporting as of 10 May 2019)</i>	
<ul style="list-style-type: none"> • Number of Contracting Parties to the 1994 Offshore Protocol on the 2014/2015 biennium: 7 • Number of reporting countries on the 2014-2015 biennium: 12 • Number of Contracting Parties that have not submitted yet their reports for the 2014-2015 biennium: 3 	
Key findings	Recommendations
<p>Grating of authorizations: Article 6 Only 2 reporting Contracting Parties out of 12 have provided data on offshore authorizations and permits</p>	<p>To give a strong warning to the concerned Contracting Parties with regards to the obligation to provide data on authorizations and permits for offshore activities, the removal of disused installations, inspections and enforcement measures eventually adopted.</p>
<p>Removal of installations: Article 20 None of the reporting Contracting Parties have provided data on the removal of abandoned or disused offshore installations</p>	
<p>Enforcement measures Only 2 reporting Contracting Parties out of 11 (not applicable to the EU) have provided information on inspections.</p>	
<p>Garbage: Article 12</p> <ul style="list-style-type: none"> • 7 reporting Contracting Parties out of 12 have enacted legal frameworks for the disposal of food wastes as far as possible from land • 9 reporting Contracting Parties out of 12 have enacted legal frameworks for the prohibition of discharges of plastics 	<p>To give a strong warning to the Contracting Parties concerned on the need to comply with the obligations concerning the disposal of waste food as far as possible from land, the prohibition of disposal of plastics and to prevent pollution in specially protected areas.</p>
<p>Specially Protected Areas: Article 21 7 reporting Contracting Parties out of 12 have reported having put in place measures to prevent, abate, combat and control pollution from offshore activities in SPA</p>	

*Protocol on Integrated Coastal Zone Management in the Mediterranean
(ICZM Protocol)*

ICZM Protocol <i>(Status of reporting as of 10 May 2019)</i>	
<ul style="list-style-type: none"> • Number of Contracting Parties to the ICZM Protocol on the 2014/2015 biennium: 9 • Number of reporting countries on the 2014-2015 biennium: 12 • Number of Contracting Parties that have not submitted their reports yet for the 2014-2015 biennium: 2 	
Key findings	Recommendations
<p>Protection and sustainable use of the coastal zone and setback zone: Article 8 Setback zones enforcement remains a challenge.</p>	<p>To urge and recommend the Contracting Parties concerned to integrate ICZM into the physical planning of their coastal zone and to enforce the provision on the setback zones as non-building zones may exceeding the Protocol's 100 metres, in particular</p>

	as regard as factors such as natural risk and climate change, and the need to protect natural and landscape heritage.
<p>Specific Coastal Ecosystems: Article 10 Few reporting Contracting Parties have yet taken positive measures to restore and reactivate the positive role of coastal wetlands (there is room for progress regarding compensation measures) and islands.</p> <p>Coastal landscapes: Article 11 Specific measures for coastal landscape are still scarce, and landscape protection is generally built on broader landscape protection measures.</p>	To urge and recommend the Contracting Parties concerned to take measures to protect the coastal and marine landscape as well as the characteristics of certain specific coastal ecosystems, in particular to restore and reactivate the positive role in coastal environmental processes of coastal wetlands, estuaries, and islands.
<p>National Coastal Strategies, Plans and Programmes, Transboundary Cooperation: Article 18 It seems that a common methodology for interpreting the nature or undertaking the assessments of the use and management of the coast is missing. This may be an area for further development.</p>	To urge and recommend the Contracting Parties concerned to adopt national strategies for ICZM to be implemented at appropriate territorial level through coastal plans and programmes, and to develop indicators for evaluating the effectiveness of these strategies, plans and programmes.
<p>Economic activities: Article 9 The use of indicators to evaluate economic impacts on the coastal zone is limited with very little comprehensive activity in this field.</p>	To urge and recommend the Contracting Parties concerned to define in national legislation specific economic indicators relating to the sustainable use of the coastal zone.
<p>Cultural Heritage: Article 13 The protection and accessibility of underwater sites is still underdeveloped.</p>	To urge and recommend the Contracting Parties concerned to adopt measures for the protection and accessibility of underwater sites of the cultural heritage.
<p>Participation: Article 14 There is considerable scope for improvement in this field.</p>	To urge and recommend the Contracting Parties concerned to implement the participatory process in the ICZM field and make provisions for the inclusion of all relevant stakeholders in all ICZM stages, from the beginning of the planning process to the implementation/monitoring phase.
<p>Awareness Raising, Training, Education and Research: Article 15 There is a lack of actions, but as well of visibility of the actions, at the regional and local levels. There are relatively few dedicated ICZM centres, but many operating in related fields dealing with the subject. There is a continued need for networking research activity.</p>	To urge and recommend the Contracting Parties concerned to implement actions to enhance awareness raising, training, education and research for ICZM, to create and/or strengthen dedicated ICZM centres and networking research activity, and to establish a unique national coastal inventory on resources and activities, as well as on institutions, legislation and planning that may influence coastal zones.
<p>Monitoring and Review: Article 16 There appears to be little focus on the coastal zones, and there is a lack of unique coastal inventory, both at national and local level.</p>	
<p>Economic, Financial and Fiscal Instruments: Article 21</p>	To urge and recommend the Contracting Parties concerned to take appropriate measures to adopt relevant economic, financial and/or fiscal instruments intended to support local, regional and national

<p>Only a small minority of reporting Contracting Parties indicate the use of economic or financial instruments to support ICZM.</p>	<p>initiatives for the integrated management of coastal zones.</p>
<p>Exchange of Information and Activities of Common Interest: Article 27 There is a lack of evaluation the effectivity of the ICZM principles implementation, and their effectiveness.</p>	<p>To urge and recommend the Contracting Parties concerned to use the existing IT tools e.g. the ICZM Platform established by PAP/RAC to exchange good practices and information of common interest.</p>

Annex IV

**Recommendations to Promote Compliance with the Barcelona Convention and its
Protocols and Improve their Implementation**

RECOMMENDATIONS TO PROMOTE COMPLIANCE WITH THE BARCELONA CONVENTION AND ITS PROTOCOLS AND IMPROVE THEIR IMPLEMENTATION

1. In order to implement the Barcelona Convention and its Protocols, Contracting Parties need to put the necessary legislative and policy measures in place, and to establish the corresponding institutional structures to implement them and follow-up and assess the effectiveness of these measures towards a good ecological status of the Mediterranean Sea. Establishing the necessary governance structures and institutions is key for the implementation of the Barcelona Convention and its Protocols. These core institutions have been examined by the Compliance Committee intersessionally, on the basis of the Updated Synthesis Analysis (UNEP/MED CC. 15/Inf.3) and the Updated General Status of Progress (UNEP/MED CC.15/Inf.4) prepared by the Secretariat, as well as on the basis of the national implementation reports for the 2014-2015 biennium, as deemed necessary. As a result, presented hereinafter, are the proposed recommendations to promote compliance with the Barcelona Convention and its Protocols.
2. The proposed recommendations listed below were deemed as high priority issues and therefore the Compliance Committee urges Contracting Parties to direct efforts and take significant action as detailed. They form part of a comprehensive package of key findings and additional recommendations, which is annexed to the Activity Report of the Compliance Committee for the biennium 2018-2019 to COP 21.
3. The proposed recommendations presented below should be understood within the limitations which arise from the fact that not all Contracting Parties have submitted their national implementation reports for the 2014-2015 biennium; the limited number of Contracting Parties to some Protocols, and additionally, the difference in the amount of information submitted by Contracting Parties in their national implementation reports.

Cross-cutting recommendations to promote compliance with the Barcelona Convention and its Protocols

1. To remind the Contracting Parties concerned that the non-submission of national implementation reports under Article 26 of the Barcelona Convention leads the Compliance Committee on a case-by-case basis and within its mandate to trigger the compliance mechanism leading to the consideration of the measures laid down in Section VII of the Procedures and Mechanisms of Compliance;
2. To ask the Secretariat to explore the commitment of adequate resources (both financial and other available) and actions to implement measures of capacity building within the Barcelona Convention framework that would also allow the Compliance Committee to take forward a programme of work for designing and implementing capacity-building measures to improve compliance and especially reporting by the Contracting Parties;
3. In order to increase the submission rate of national implementation reports under Article 26 of the Barcelona Convention and their completeness, to invite the Compliance Committee Chairperson or other appointed representative to participate, having an active role, at the main Governance meetings of the Barcelona Convention;
4. To enhance data collection through the existing INFO/MAP system and its further development, and explore the means and ways to support Contracting Parties in terms of capacity building aiming to ensure coherence at national level and to secure availability and accessibility to necessary infrastructure for providing consistent data management for reporting purposes;
5. To urge the Contracting Parties concerned to report on enforcement measures;

Recommendations to promote compliance with the Barcelona Convention

To urge and recommend the Contracting Parties concerned:

6. To establish and improve Environmental Assessment, in particular Environmental Impact Assessment (EIA) and Strategic Environmental Assessment (SEA) in the coastal zone as well as in the transboundary context, and to establish cooperation mechanisms in cases of transboundary EIAs by adopting the required legal framework and setting the corresponding institutional arrangements;
7. To integrate Integrated Coastal Zone Management (ICZM) into the physical planning of their coastal zone; and invite the Priority Actions Programme/Regional Activity Centre (PAP/RAC) to explore how best Contracting Parties could be assisted in this field;
8. To establish the legal framework and institutional structures for monitoring marine pollution, and to consider these as high priority task including the allocation of sufficient resources by those countries to achieve these goals;

Recommendations to promote compliance with the Dumping Protocol

9. The Secretariat is requested to explore in collaboration with other Multilateral Environmental Agreements (MEAs) activities to build up enforcement capacities to ensure the effective implementation of the Dumping Protocol. This could take the form of workshops, seminars or training activities;

Recommendations to promote compliance with the Prevention and Emergency Protocol

10. To ensure that Contracting Parties have an effective system of mechanisms and procedures to manage communication between countries and with REMPEC in case of pollution incidents, action in that regard should be taken within the REMPEC Regional Strategy for Prevention of and Response to Marine Pollution from Ships (2016-2021) (COP 19 Decision IG.22/4);

Recommendations to promote compliance with the LBS Protocol

11. To enhance the submission of data and avoid any uncertainty when interpreting data submitted, the Secretariat is requested to continue the work in assisting Contracting Parties to report reliable data on pollutants loads discharged directly and indirectly to the Mediterranean Sea through the existing on-line INFO MAP system (National Baseline Budget -NBB and Pollutant Release and Transfer Register-PRTR) and the work in strengthening the Contracting Parties' capacities for the efficient use of the INFO MAP system;
12. To request the Secretariat to continue to support the conception and follow-up of updated (National Action Plans) NAPs and to get ownership from other institutions including International Financial Institutions (IFIs) on depollution projects;
13. MED POL should invite Contracting Parties to provide their existing list of depollution investment projects as well as to define their pollution hot spots, in line with the Secretariat terms of reference for (National Action Plans) NAPs. The Secretariat should provide a map for priority projects and pollution hot spots for the Mediterranean region;

Recommendations to promote compliance with the SPA/BD Protocol

To urge and recommend the Contracting Parties concerned:

14. To continue with the identification and establishment of Specially Protected Areas (SPAs) and candidate Specially Protected Areas of Mediterranean Importance (SPAMIs), further embracing open sea areas, including deep seas, which are much underrepresented within the Mediterranean protected areas and SPAMIs, as well as to adopt the necessary measures for the full implementation of article 7.2 of the SPA/BD Protocol;
15. To proceed with the inventory of the components of marine and coastal biodiversity as per article 3.3 of the SPA/BD Protocol;

Recommendations to promote compliance with the Hazardous Wastes Protocol

16. In collaboration with other relevant Multilateral Environmental Agreements (MEAs), with particular focus on the Basel Convention, the Secretariat to explore how to promote coordination and cooperation among Contracting Parties concerning the notification procedure for the transboundary movement of wastes and to strengthen institutional arrangements to ensure transparency, enforcement and public participation;

Recommendations to promote compliance with the Offshore Protocol

17. To give a strong warning to the concerned Contracting Parties with regards to the obligation to provide data on authorizations and permits for offshore activities, the removal of disused installations, inspections and enforcement measures eventually adopted;

Recommendations to promote compliance with the ICZM Protocol

To urge and recommend the Contracting Parties concerned:

18. To integrate ICZM into the physical planning of their coastal zone and to enforce the provision on the setback zones as non-building zones may exceeding the Protocol's 100 metres, in particular as regard as factors such as natural risk and climate change, and the need to protect natural and landscape heritage;
19. To take measures to protect the coastal and marine landscape as well as the characteristics of certain specific coastal ecosystems, in particular to restore and reactivate the positive role in coastal environmental processes of coastal wetlands, estuaries, and islands.
20. To adopt national strategies for ICZM to be implemented at appropriate territorial level through coastal plans and programmes, and to develop indicators for evaluating the effectiveness of these strategies, plans and programmes.

Annex V

Programme of Work of the Compliance Committee for the Biennium 2020-2021

Draft Programme of Work of the Compliance Committee for the biennium 2020-2021		
Activity	Lead/Who	Timetable/When
Specific submissions under Section V of the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocol		
1. To consider any submissions and/or referrals in accordance with Section V of the Procedures and Mechanisms on Compliance	Compliance Committee	16 th and 17 th Compliance Committee Meetings
General issues of compliance under the Barcelona Convention and its Protocols		
2. To consider specific situations of actual or potential non-compliance by individual Parties in accordance with Section IV of the Procedures and Mechanisms on Compliance	Compliance Committee	16 th and 17 th Compliance Committee Meetings
3. At the request of the Meeting of the Contracting Parties, to consider general compliance issues in accordance with Section IV of the Procedures and Mechanisms on Compliance	Compliance Committee	16 th and 17 th Compliance Committee Meetings
4. To consider any other issues as requested by the Meeting of the Contracting Parties in accordance with Section IV of the Procedures and Mechanisms on Compliance	Compliance Committee	16 th and 17 th Compliance Committee Meetings
Enhancement activities		
5. To continue work in order to enhance Compliance Mechanisms' and Procedures' effectiveness	Compliance Committee	16 th and 17 th Compliance Committee Meetings
6. To continue to identify, promote and strengthen synergies, where appropriate, with other Compliance Committee's Multilateral Environmental Agreements (MEAs)	Compliance Committee	16 th and 17 th Compliance Committee Meetings
Functioning of the Compliance Committee		
7. To review the Rules of Procedure of the Compliance Committee in order to further clarify a number of outstanding issues and make a proposal as appropriate for adjusting accordingly the Procedures and Mechanism on Compliance for consideration by COP 22.	Compliance Committee	16 th and 17 th Compliance Committee Meetings