



**Mediterranean
Action Plan**
Barcelona
Convention

5 October 2023
Original: English

23rd Meeting of the Contracting Parties to the
Convention for the Protection of the Marine Environment
and the Coastal Region of the Mediterranean and its Protocols

Portorož, Slovenia, 5-8 December 2023

Agenda Item 3: Thematic Decisions

Draft Decision 26/1: Compliance and Reporting

For environmental and cost-saving reasons, this document is printed in a limited number. Delegates are kindly requested to bring their copies to meetings and not to request additional copies.

Note by the Secretariat

The present draft decision is prepared by the Secretariat on the basis of its mandate regarding the governance aspects of the implementation of Decisions IG.17/2, IG.20/1 and IG.21/1 on Compliance Procedures and Mechanisms under the Barcelona Convention and its Protocols as well as on Reporting under Article 26 of the Barcelona Convention and other relevant Articles of the Protocols on reporting requirements. A number of paragraphs of the present draft decision have been prepared and/or agreed by the Compliance Committee

The present draft decision addresses the following main elements:

1. Amendments to Procedures and Mechanisms on Compliance and Status of Reporting

The 22nd Meeting of the Contracting Parties (Antalya, Türkiye, 7-10 December 2021) reviewed the proposed amendments by the Compliance Committee to the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols. Decision IG 25/2, entitled “Compliance Committee” requested the Secretariat “to undertake a consultation process as soon as possible and not later than January 2023 with the Contracting Parties to review the proposed amendments and report on the outcome at COP 23” (UNEP/MED IG 25/27).

The consultation meeting was held via teleconference on 31 January 2023 and the final version of the revised Compliance Procedures and Mechanisms as agreed by the Meeting are presented as Annex 1 of the present draft decision. The Secretariat has provided a number of clarifications as footnotes to facilitate the review of the proposed amendments and their discussion during the Meeting of the Mediterranean Action Plan (MAP) Focal Points which was held in September 2023.

It should be noted that during the MAP Focal Points Meeting (Istanbul, Türkiye, 12-15 September 2023) discussions took place on the following main topics: the number of members of the Compliance Committee, the quorum, the maintenance or not of the alternate members, the reference to developing countries, the application of the “due process” not only in the Compliance Committee’s objectives but also in the way it operates, as well as the discussion for a possible expansion of the competence of assigning work to the Compliance Committee also to the Secretariat and individual Contracting Parties, while at the moment this competence is strictly given to the COP only. The discussion resulted in some amendments to the Procedures and Mechanisms on Compliance attached as a clean version in Annex I.

The present draft decision also contains consideration and provisions on the status of reporting and on non-timely reporting.

2. Activity report of the Compliance Committee during the biennium 2022-2023 and Draft 2024-2025 Programme of Work of the Compliance Committee

The present draft decision contains provisions and two relevant annexes. One Annex is the 2022-2023 Activity Report by the Compliance Committee attached as Annex II, which was shared through the Secretariat with the Compliance Committee members. The other Annex is the Programme of Work of the Compliance Committee for 2024-2025 attached as Annex III.

The draft Programme of Work is structured around three sections addressing:

- a) Specific submissions under Section V of the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols. This covers submissions and referrals under Paragraphs 18 to 23.bis of the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols;

- b) General issues of compliance under the Barcelona Convention and its Protocols: This deals with Paragraph 17 of the Procedures and Mechanisms on Compliance; and
- c) Enhanced effectiveness: This covers activities a) facilitating coordinated assistance to Contracting Parties to address difficulties in implementation as well as actual or potential non-compliance situations; b) reinforcing synergies with Compliance Committees of other Multilateral Environmental Agreements (MEAs), including holding joint sessions where appropriate; and c) working in assessing the effectiveness of measures taken by the Contracting Parties for the implementation of the Convention and its Protocols.

Annex IV contains the proposed nominations of candidates to sit in the Committee as members and/or alternate members. Not all nominations have been received yet by the respective groups of Contracting parties and this annex maybe therefore revised if new nominations are received before COP 23.

This draft decision and its Annexes I and III have been submitted to the MAP Focal Points Meeting (Istanbul, Türkiye, 12-15 September 2023) that decided to transmit it to the 23rd Meeting of the Contracting Parties (COP 23) (Portorož, Slovenia, 5-8 December 2023), as amended during the MAP Focal Points meeting.

The implementation of this decision is linked to all Outcomes of the Foundational Programme 5 on “Governance” of the MTS and of the proposed Programme of Work 2024-2025. It has budgetary implications on MTF and external resources, reflected in the proposed budget for activities 5.1.1, 5.1.3 and 5.2.4.

[Decision IG.26/1**Compliance and Reporting**

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 at their 23rd Meeting,

Recalling the United Nations General Assembly resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”,

Recalling also the United Nations General Assembly resolution 67/296 of July 2022, entitled “Our Ocean, Our future, Our responsibility”,

Recalling Decision IG.25/2 of COP 22 (Antalya, Türkiye, 7-10 December 2021) requesting the Secretariat to undertake a consultation process as soon as possible and not later than January 2023 with the Contracting Parties with a view to review the proposed amendments to procedures and mechanisms on compliance and report on the outcome at COP 23,

Having regard to the Barcelona Convention, in particular Articles 26 and 27 thereof, about reports and compliance control, respectively, and the relevant articles of its Protocols,

Recalling Decision IG.17/2 of the 15th Meeting of the Contracting Parties (COP 15) (Almeria, Spain, 15-18 January 2008) on Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols, as amended by Decision IG.20/1 of the 17th Meeting of the Contracting Parties (COP 17) (Paris, France, 8-10 February 2012) and Decision IG.21/1 of the 18th Meeting of the Contracting Parties (COP 18) (Istanbul, Türkiye, 3-6 December 2013),

Emphasizing the Compliance Committee’s unique role in facilitating and promoting compliance by the Contracting Parties with the obligations under the Barcelona Convention and its Protocols,

Stressing the importance of the timely submission of national implementation reports by the Contracting Parties, for the COP to keep under review the implementation of the Barcelona Convention and its Protocols,

Appreciating the progress made by Contracting Parties in implementing the Barcelona Convention and its Protocols, acknowledging at the same time the challenges and difficulties faced in this complex process,

Noting with concern that several Contracting Parties continue their recurrent practice of non-submission of national implementation reports for the last three biennia,

Aware of the need to ensure that, in coordination with MAP components, where appropriate, adequate action is taken to facilitate and promote compliance through capacity building activities with regards to submissions of the National Implementation Reports as resources allow,

Appreciating the work carried out by the Compliance Committee during the biennium 2022-2023 in addressing general and specific cases of difficulties in the implementation of the Barcelona Convention and its Protocols,

Having regard to the report of the Consultation Meeting of the Contracting Parties held on 31 January 2023, on the proposed amendments to the Procedures on Mechanisms of Compliance,

Having considered the reports of the 18th and 19th meetings of the Compliance Committee and its Activity report for the biennium 2022-2023,

1. *Adopt* the amendments to the Procedures and Mechanisms on Compliance, set out in Annex I to this present Decision,

[2. *Adopt* the Activity Report of the Compliance Committee for the Biennium 2022-2023, including its findings and recommendations, set out in Annex II to this present Decision,]

3. *Adopt* the Programme of Work of the Compliance Committee for the Biennium 2024-2025, set out in Annex III to the present Decision,
4. *Urge* the those Contracting Parties who have not yet submitted their national implementation reports for the biennium 2018-2019 (8 Contracting Parties) and the biennium 2020-2021 (13 Contracting Parties) to do so, as soon as possible by 2nd April 2024 at the latest,
5. *Appreciate* the actions taken by Spain to implement the findings and recommendations by the Compliance Committee for the case of Mar Menor and further *encourages* their efforts to achieve full compliance with the requirements and obligations of the Barcelona Convention and its Protocols following recommendations of the Compliance Committee and report.
6. [*Elect* the candidates nominated by the Contracting Parties listed in Annex IV to this present Decision as members and alternate members of the Compliance Committee respectively.]

Annex I

Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols

I. Objective and Principles

1. The objective of the compliance mechanism is to facilitate and promote compliance with the obligations under the Barcelona Convention and its Protocols, taking into account the specific situation of each Contracting Party.
2. The compliance procedure shall be facilitative, non-adversarial, dispute-preventing and cooperative in nature and its operation be guided by the principles of transparency, fairness, expedition as well as by equitable principles.
3. The compliance procedure shall be conducted by the principles of “due process” and “due diligence” in order to ensure fairness and transparency.

II. Compliance Committee

4. A compliance committee, hereinafter referred to as “the Committee”, is hereby established.
5. The Committee shall consist of seven members elected by the Meeting of the Contracting Parties before the end of each Ordinary 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.
6. A full term of office commences at the end of an Ordinary Meeting of the Contracting Parties and runs until the end of the second Ordinary Meeting of the Contracting Parties thereafter. For the principle of continuity of functions, the term of office of the Chair and two Vice-Chairs of the Compliance Committee is extended as appropriate until their successors are elected at an Ordinary Meeting of the Compliance Committee.
7. At the Meeting of the Contracting Parties at which the decision establishing the mechanism is adopted, the Meeting shall elect three members and their alternates for half a term and four members and their alternates for a full term. At each ordinary meeting thereafter, the Contracting Parties shall elect for a full-term new members and alternates to replace those whose period of office is about to expire.
8. Members and alternates members shall not serve on the Committee for more than two consecutive terms.
9. 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.
10. Nominated candidates shall be persons of recognized competence in the matters dealt with by the Barcelona Convention and its Protocols and in relevant scientific, technical, socioeconomic, legal or other fields. Each nomination shall be accompanied by the curriculum vitae of the candidate. Contracting Parties may consider the nominations of candidates from civil society and academia. While nominating their candidates Contracting Parties shall also give due consideration to avoid every possible conflict of interest.
11. In electing members of the Committee and their alternates, the Meeting of the Contracting Parties shall take into consideration equitable geographical representation, shall ensure rotation in order to secure the participation of nominated individuals from all Contracting Parties as members of the Committee within a reasonable period of time. To the extent possible, they shall also take into consideration a balance of scientific, legal and technical expertise.
12. The Committee shall elect its officers – a Chairperson and two Vice-Chairpersons – on the basis of equitable geographic representation and rotation.

13. Members of the Committee and their alternates shall serve in their individual capacities and shall act objectively in the interests of the Barcelona Convention and its Protocols for the protection of the Mediterranean Sea and its coastal area avoiding any conflict of interest.

III. Meetings of the Committee

14. The Committee shall meet at least once a year. The Committee may decide to hold additional meetings, in particular in conjunction with those of other Convention bodies.
15. The Secretariat shall inform all Contracting Parties of the date and venue of the meetings of the Committee. Unless the Committee or the Party whose compliance is in question (hereinafter “the Party concerned”) decides otherwise, the meetings of the Committee will be open to:
 - i. Parties to the Convention, which shall be treated as observers in accordance with the Rules of Procedure for meetings and conferences of the Contracting Parties for the purpose of their participation in the Committee; and
 - ii. observers, in accordance with Article 20 of the Convention and the Rules of Procedure for the meetings and conferences of the Contracting Parties
16. In the absence of a member from a meeting, the respective alternate shall serve as the member
17. For each meeting, a quorum of seven members is required.
18. The Committee shall make every effort to reach agreement by consensus on its findings, measures and recommendations. If all efforts to reach consensus have been exhausted, the Committee shall as a last resort adopt its findings, measures and recommendations by at least a three-fourths majority of the members present and voting. “Members present and voting” means members present and casting an affirmative or a negative vote.

IV. Role of the Compliance Committee

19. The role of the Committee shall be to consider:
 - (a) specific situations of actual or potential non-compliance by individual Parties with the provisions of the Convention and its Protocols;
 - (b) at the request of the Meeting of the Contracting Parties, general compliance issues, such as recurrent non-compliance problems, including in relation to reporting, taking into account the reports referred to in Article 26 of the Convention and any other report submitted by the Parties; and
 - (c) any other issues as requested by the Meeting of the Contracting Parties.
20. In assessing and verifying information provided and the actual situation on the ground, the Committee may be assisted by the Secretariat including MAP components.

V. Procedure

1. Submissions by Parties

21. The Committee shall consider submissions by:
 - (a) a Party in respect of its own actual or potential situation of non-compliance, despite its best endeavours; and
 - (b) a Party in respect of another Party’s situation of non-compliance, after it has undertaken consultations through the Secretariat with the Party concerned and the matter has not been resolved

within three months at the latest, or a longer period as the circumstances of a particular case may require, but not later than six months.

22. Submissions as referred to in paragraph 18 concerning the alleged non-compliance of a Party shall be addressed in writing to the Committee through the Secretariat, supported by substantiating information setting out the matter of concern and the relevant provisions of the Barcelona Convention and its Protocols.
23. The Secretariat shall, within two weeks of receiving a submission in accordance with paragraph 18 (b), send a copy of that submission to the Party concerned.
24. The Committee may decide not to proceed with a submission that it considers to be
 - anonymous,
 - de minimis or
 - manifestly ill founded.
25. The Secretariat shall inform both the Party concerned and the Party indicated in paragraph 18(b) about the Committee's findings under paragraph 21 within two weeks of the date of the findings.

2. Referrals by the Secretariat

26. If the Secretariat becomes aware from the periodic reports referred to in Article 26 of the Convention and any other reports submitted by the Parties that a Party is facing difficulties in complying with its obligations under the Convention and its Protocols, the Secretariat shall notify the Party concerned and discuss with it ways of overcoming the difficulties. If the difficulties cannot be overcome within a maximum period of three months, the Party concerned shall make a submission on the matter to the Compliance Committee in accordance with paragraph 18 (a). In the absence of such a submission within six months of the date of the above-mentioned notification, the Secretariat shall refer the matter to the Committee.

3. Referral to the Committee on its own initiative

27. The Committee may examine, on the basis of the biennial activity reports or in the light of any other relevant information, any difficulties encountered by a Contracting Party in the implementation of the Convention and its Protocols. The Committee may ask the Party concerned to provide all additional information. The Party concerned shall have a period of two months to respond. Paragraphs 24 to 30 and 32 to 34 shall apply, *mutatis mutandis*, in the case of referral to the Committees on its own initiative.

4. Proceedings

28. The Party concerned may present information on the issue in question and present responses and/or comments at every stage of the proceedings. At the invitation of the Party concerned, the Committee may undertake on-site appraisals.
29. The Committee may:
 - (a) ask the Party concerned to provide further information, including an assessment of the reasons
 - (b) why the Party may be unable to fulfil its obligations; and with the consent of the Party concerned, gather information in the territory of that Party, including on-site appraisals.
30. In its deliberations, the Committee shall take into account all the available information concerning the issue in question, which shall also be made equally available to the Party concerned.
31. The Party concerned shall be entitled to participate in the discussions of the Committee and present its observations. The Committee may, if it considers it necessary in a particular case of

non-compliance, ask the Party concerned to participate in the preparation of its findings, measures and recommendations.

32. The Committee shall be guided by the principle of “due process” in order to ensure fairness and transparency.
33. The Committee shall, through the Secretariat, notify the Party concerned of its draft findings, measures and recommendations in writing within two weeks from the date of their completion. The Party concerned may comment in writing on the draft findings, measures and recommendations of the Committee within a period of time determined by the Committee.
34. The Committee, any Party or others involved in its deliberations shall protect the confidentiality of information transmitted in confidence by the Party concerned.

VI. Committee reports to the Meetings of the Contracting Parties

35. The Committee shall prepare a report on its activities.
 - (a) The report shall be adopted in accordance with paragraph 16. Where it is not possible to reach agreement on findings, measures and recommendations by consensus, the report shall reflect the views of all Committee members and provide the reasoning for its findings, measures and recommendations.
 - (b) As soon as it is adopted, the Committee shall submit the report through the Secretariat, including such recommendations on individual and general issues of non-compliance as it considers appropriate to the Parties for consideration at their next meeting.

VII. Measures

36. The Committee may take one or more of the following measures with a view to promoting compliance and addressing cases of non-compliance, taking into account the capacity of the Party concerned, and also factors such as the cause, type, degree and frequency of non-compliance:
 - (a) provide advice and, as appropriate, facilitate assistance;
 - (b) request or assist, as appropriate, the Party concerned to develop an action plan to achieve compliance within a time frame to be agreed upon between the Committee and the Party concerned;
 - (c) invite the Party concerned to submit progress reports to the Committee within the time frame referred to in subparagraph (b) above on the efforts it is making to comply with its obligations under the Barcelona Convention and its Protocols; and
 - (d) make recommendations to the Meeting of the Contracting Parties on cases of non-compliance, if it finds that such cases should be handled by the Meeting of the Contracting Parties.
37. The Meeting of the Contracting Parties may decide, upon consideration of the report and any recommendations of the Committee, taking into account the capacity of the Party concerned, and also factors such as the cause, type and degree of non-compliance, appropriate measures to bring about full compliance with the Convention and its Protocols, such as:
 - (a) facilitate implementation of the advice from the Committee and facilitate assistance, including, where appropriate, capacity-building measures, to an individual Party;
 - (b) make recommendations to the Party concerned;
 - (c) request the Party concerned to submit progress reports on achievement of compliance with the obligations under the Convention and its Protocols; and
 - (d) publish cases of non-compliance.

38. In the event of a serious, ongoing or repeated situation of non-compliance by a Party, the Meeting of the Contracting Parties, where appropriate, may:
- (a) issue a caution;
 - (b) issue a report of non-compliance regarding that Party; or
 - (c) consider and undertake any additional action that may be required for achievement of the purposes of the Convention and the Protocols.

VIII. Review of procedures and mechanisms

39. The Meeting of the Contracting Parties shall regularly review the implementation and effectiveness of the compliance mechanism and take appropriate action.

IX. Relationship with Article 28 of the Convention (Settlement of Disputes)

40. These procedures and mechanisms shall operate without prejudice to the settlement of disputes provisions of Article 28 of the Convention.

X. Enhancement of synergies

41. In order to enhance synergies with mechanisms of compliance under other relevant multilateral environmental agreements, the Committee may consult with those mechanisms and invite them to attend its meetings. The Committee shall report back to the Meeting of the Contracting Parties, including with recommendations as appropriate.

XI. Secretariat

42. The Coordinating Unit shall serve as the Secretariat of the Committee. It shall, inter alia, arrange and service the meetings of the Committee.

Annex II

Activity Report of the Compliance Committee for the biennium 2022-2023

**UNITED
NATIONS**



EP

UNEP/MED CC.19/8



**United Nations
Environment Programme
Mediterranean Action Plan**

Distr.: Limited

25 May 2023

Original: English

19th Meeting of the Compliance Committee of the Barcelona Convention and its Protocols

Athens, Greece, 4-5 July 2023

Agenda Item 5: Draft 2024-2025 programme of Work of the Compliance Committee and the Draft Elements of the 2022-2023 Activity report of the Compliance Committee for COP 23

Activity report of the Compliance Committee for COP 23

For environmental and cost-saving reasons, this document is printed in a limited number. Delegates are kindly requested to bring their copies to meetings and not to request additional copies.

Activity Report of the Compliance Committee for the biennium 2022-2023

Section 1: Introduction

1. The role and functioning of the Compliance Committee is governed by Decision IG.17/2 on Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols, as amended by Decisions IG. 20/1 and IG. 21/1 and Decision IG. 19/1 on the Rules of Procedure of the Compliance Committee, as amended by Decision IG. 21/1.
2. The Compliance Committee met twice during the biennium 2022-2023. The 18th Meeting of the Compliance committee was held on 29-30 June 2022 Athens, Greece. The 19th Meeting was held on 4-5 July 2023 in Athens, Greece, at the premises of the United Nations Environment Programme/Mediterranean Action Plan (UNEP/MAP) Coordinating Unit.
3. At its 18th and 19th Meetings, the Compliance Committee went through its Programme of Work for the biennium 2021-2022 adopted by the 22nd Ordinary Meeting of the Contracting Parties to the Barcelona Convention and its Protocols (COP 22) (Antalya, Türkiye, 7-10 December 2022) & Programme of Work for the biennium 2024-2025. The key outcomes of the work of the Compliance Committee are presented in this report in accordance with paragraph 31 of the Procedures and Mechanisms on Compliance based on the conclusions and recommendations of the meetings. Further information is provided in the full report of the 18th and 19th Meetings of the Compliance Committee.

Section 2: Specific Submissions under Section V of the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols

Communication to the Compliance Committee under paragraph 23.bis of the Procedures and Mechanisms on Compliance

4. This section summarizes the discussions held at the 18th and 19th meetings of the Compliance Committee on the communication submitted by the Ecologistas en Accion de la Region Murciana (Spain) to the Committee under paragraph 23.bis of its Procedures and Mechanisms and conclusions reached based on discussions. New submission was received under Section V of the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols at the 19th Compliance Committee meetings.
 - 18th Meeting of the Compliance Committee (29-30 June 2022 Athens, Greece). The discussions held at the meeting according to paragraph 29 of the Procedures and Mechanisms, concluded that the Compliance Committee shall, through the Secretariat, notify the Party concerned of its draft findings, measures and recommendations in writing within two weeks from the date of their completion. According to Rule 31(2) of the Rules of Procedure of the Compliance Committee, written comments on the findings, measures and recommendations submitted within 45 days of their receipt by the Party concerned shall be circulated by the Secretariat to the members and alternate members of Committee and shall be included in the Committee's biennial report to the Meeting of the Contracting Parties. Based on these provisions, the Compliance Committee concluded to ask the Secretariat to notify the Party concerned by 15th July 2022.

The Compliance Committee:

- a. Adopted the draft decision attached to this report in relation to the communication to the Compliance Committee under Paragraph 23.bis of the Procedures and Mechanisms on Compliance concerning compliance by Spain with its obligations under the Barcelona Convention and its Protocols.
- b. The Committee asked the Secretariat to notify the Party concerned of its findings, measures and recommendations in writing by 15th July 2022. The Party concerned may comment in writing on the draft findings, measures and recommendations within 45 days of receipt, in accordance with Rule 31, para 2, of the Rules of Procedure of the Compliance Committee.

- c. The Compliance Committee decided, through the Secretariat, to inform the communicant of the outcome of the proceedings.
 - d. The Compliance Committee noted the importance of communicating its findings, measures and recommendations and invited the Secretariat to propose ways of communication and to work with the Committee in this respect by 30th September 2022.
- 19th Meeting of the Compliance Committee (4-5 July 2023). The discussions held at the meeting on both the substantive and procedural aspects of the proceedings laid down in paragraphs 24 to 30 of the Procedures and Mechanisms on Compliance concluded as follows:

The Compliance Committee agreed:

- a. The Committee notes with satisfaction the receipt of information from the Party Concerned in response to its findings and recommendations concerning the communication on the case of Mar Menor.
- b. The Committee notes the extensive work done by both the Government of Spain and the Regional Government of Murcia to advance compliance with the Barcelona Convention and the relevant protocols (the SPA/BD Protocol, the ICZM Protocol, the LBS Protocol and the Dumping Protocol).
- c. The Committee wishes to congratulate the Government of Spain for enacting the new legislation for the recognition of legal personality of Mar Menor and its basin (Law 19/2022, of September 30th, 2022) which grants a new legal status recognizing of Mar Menor as a subject of rights and allowing for its autonomous governance. The Committee considers this legislative development as a major qualitative step towards the effective ecosystemic legal protection and participatory governance of the Mar Menor.
- d. The Committee welcomes the progress reflected in the reports. At the same time, the Committee requests further information and some clarifications with regard to the following points:
 - An assessment to be provided regarding the conformity of the existing and evolving regulatory framework with the specific provisions of the Barcelona Convention and its Protocols (the SPA/BD Protocol, the ICZM Protocol, the LBS Protocol and the Dumping Protocol). In this context, the concrete implementing measures should be specified.
 - Regarding the information provided by the Region of Murcia in their response to the Findings and Recommendations (paragraph 3.2), the Committee would request a summary of the contents of the aforementioned websites, the information and data provided and an assessment of whether the websites provide information in an adequate, timely, effective, accessible and continuous manner, as per the Findings and Recommendations adopted by the Committee.
 - In addition to the detailed quantitative description provided in the Spanish response to the Findings and Recommendations regarding the meetings of the coordinative bodies of Mar Menor, the Compliance Committee would request an assessment to reflect the specific public participation procedures and outcomes of the participatory processes as described.
 - With regards to future annual progress reports to be submitted, the Compliance Committee would request a consolidated single report by Spain (not exceeding 10 pages).
 - Also, the discussions held at the 19th meeting of the Compliance Committee was focused on the formal response of the concerned Contracting Party following communication dated September 9th, 2022, received by the Secretariat from Law firm “Huglo Lepage” on a possible case of non-compliance. This communication

was received by the Secretariat based on Section V of the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols.

The Compliance Committee agreed:

- a. The communication should have been shared in 2 weeks from receipt by the Secretariat with both France and the Compliance Committee.
- b. The committee requested the Secretariat to share the communication with the Committee as soon as possible.
- c. Compliance Committee member Samira HAMIDI to become the rapporteur for this case and share with the Committee members a short summary on its admissibility criteria.

Section 3: General Issues of Compliance under the Barcelona Convention and its Protocols

Status of submission and criteria for the assessment of national implementation reports under Article 26 of the Barcelona Convention

5. This section summarizes the discussions held at the 18th and 19th meetings of the Compliance Committee on the results of the testing of the criteria of submission, timelines, completeness and implementation against a set of 2018-2019 national implementation reports and the 2020-2021 national implementation reports submitted by Contracting Parties. This section also includes the conclusions of the discussions held at the 18th and 19th meetings of the Compliance Committee on the status of submission of national implementation reports.

- 18th Meeting of the Compliance Committee (29-30 June 2022 Athens, Greece)

The Compliance Committee agreed as follows:

- a. The Compliance Committee agreed to ask the Secretariat to work with the Compliance Committee in applying the tested and living criteria of submission, timeliness, completeness and implementation as a screening tool for the preliminary assessment of national implementation reports submitted for the biennium 2020-2021, with a view towards presenting a report on the preliminary screening by the 19th Meeting of the Compliance Committee.
- b. The Compliance Committee welcomed the submission of national implementation reports for the biennium 2018-2019 using the new online Barcelona Convention Reporting System (BCRS), invited Contracting Parties to submit their national implementation reports for the biennium 2020-2021 by the deadline of December 2022, and urged those Contracting Parties who have not yet submitted their national implementation reports for the previous biennia to do so before the 2023 MAP Focal Points Meeting.
- c. The Compliance Committee stressed the importance of including effectiveness among the above criteria and decided to include the development of indicators relating to effectiveness in its workplan.

- 19th Meeting of the Compliance Committee (4-5 July 2023 Athens, Greece)

The Compliance Committee agreed as follows:

- a. The Committee expressed satisfaction for the submission of reports by 9 Contracting Parties, including the European Union and expressed deep concern for the low rate of submission of implementation reports as indicated by the Secretariat including recurring non submission of reports from a number of Contracting Parties.
- b. The Committee agreed that the draft decision to COP 23 should contain a strong call to those Contracting Parties who have not yet submitted their national implementation reports for the biennium 2018-2019 and the biennium 2020-2021 to do so, as soon as possible and by the 2nd of April 2024 the latest.
- c. It was also agreed that there is a need to enhance country capacities for the preparation and submission of national reports considering the complex obligations under the

Barcelona Convention and its Protocols. The Committee recommended to implement Decision IG. 21/1 in order to comply with Article 26 of the Barcelona Convention; in particular, the Contracting Parties which repeatedly failed to abide by their reporting obligations may receive a caution addressed by the Meeting of the Parties in accordance with paragraph 34 (a) of Decision IG. 17/2.

- d. The Committee highlighted the importance of INFO/RAC ensuring a smooth operation of the online reporting system as well as the online availability of the data included in the Reports in order to allow the accessibility and transparency of environmental information.

Section 4: Functioning of the Compliance Committee

6. This section summarizes the discussions held at the 18th and 19th meetings of the Compliance Committee on its effective functioning, as follows:

- 18th Meeting of the Compliance Committee (29-30 June 2022 Athens, Greece)

The Compliance Committee agreed as follows:

- a. The Compliance Committee discussed the open issues of the Procedures and Mechanisms on compliance under the Barcelona Convention and its Protocols as presented in Appendix II of Annex I of Decision 25/2 and agreed that the preferred option for paragraph II(3) is for the Committee to consist of 14 members, keeping the same total number as the current members and alternates. Therefore, in relation to paragraph III (15) of the Procedures and Mechanisms the required quorum would be 10 members.
- b. The Committee agreed with the following timeline proposed by the Secretariat in document UNEP/MED CC.18/5:
 - July-September 2022: Preparation of the explanatory note and final proposal of the draft amendments;
 - 15 October 2022: Documents sent to Contracting Parties for their comments with a deadline of one month;
 - 15 December 2022: Working documents for the online meeting sent out;
 - January 2023: Online meeting of Contracting Parties to discuss the proposed amendments.
- c. The Committee welcomed the preparation by the Secretariat of the explanatory note on the proposed amendments to the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols and Rules of Procedure of the Compliance Committee, noting that it could be based on the existing relevant work of the Compliance Committee and in particular the explanations provided in the Note by the Secretariat of Document UNEP/MED CC.16/12 and on discussions that took place on this issue during the 18th Meeting of the Compliance Committee.
- d. The Compliance Committee recalled the activity report Section 4, para 7(A)(2), attached to Decision IG.25/2, to establish a channel of communication with the Bureau and the MAP Focal Points for the Compliance Committee to gather feedback on their recommendations and reiterated that it is important to be represented at the 93rd Bureau meeting (Thessaloniki, Greece, 30 November – 1 December 2022) and especially the online consultation meeting of Contracting Parties to take place in January 2023 to provide necessary explanations in relation to the proposed amendments.

- 19th Meeting of the Compliance Committee (4-5 July 2023 Athens, Greece)

The Compliance Committee agreed as follows:

- a. The Committee requested the Secretariat to revise the Rules of Procedures following the adoption of the Procedures and Mechanisms of Compliance at COP 23 and present

- b. them to the next Compliance Committee meeting; to this end, the Committee also, requested the revision of the Rules of Procedures to be included in the workplan of the Committee for the next biennium.
- c. The Committee requested the Secretariat to share with the Committee the full report of the Consultation Meeting held on 31 January 2023 including the latest agreed version of the amendments to the Procedures and Mechanisms of Compliance.

Programme of Work of the Compliance Committee for the Biennium 2022-2023

7. The Compliance Committee at its 17th Meeting agreed on its Programme of Work for the biennium 2022-2023.

Section 5: Cooperation with other Compliance Procedures and Mechanisms of Multilateral Environmental Agreements (MEAs)

8. This section summarizes action taken to strengthen cooperation with the Compliance Procedures and Mechanisms established under other MEAs.

- 18th Meeting of the Compliance Committee (29-30 June 2022 Athens, Greece)

The Compliance Committee agreed as follows:

- a. The Compliance Committee welcomed the collaboration between UNEP/MAP as a UNEP Regional Sea Programme and the ESPOO Convention and its SEA Protocol in relation to the issues of Transboundary Environmental Impact Assessment and Strategic Environmental Assessment.
- b. The Compliance Committee decided to include the consideration of this important issue in its workplan.

- 19th Meeting of the Compliance Committee (4-5 July 2023 Athens, Greece)

The Compliance Committee agreed as follows:

9. The Committee stressed the importance of possible collaboration with Compliance Committee mechanisms of other Multilateral Environmental Agreements and particular interest was expressed for the Convention on Environmental Impact Assessment in a Transboundary Context (Espoo Convention)

Annex III

Draft Programme of Work of the Compliance Committee for the biennium 2024-2025

Draft Programme of Work of the Compliance Committee for the biennium 2024-2025		
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	20 th and 21 st 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	20 th and 21 st 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	20 th and 21 st 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	20 th and 21 st Compliance Committee Meetings
Enhanced effectiveness of the compliance mechanism		
5. To facilitate assistance, in coordination with MAP components, to address non-compliance situations	CU, MAP Components, Compliance Committee	20 th and 21 st Compliance Committee Meetings
6. Revise the Rules of Procedures for the Compliance Committee Meetings based on the approved compliance procedure mechanism by COP 23 for adoption by COP 24	CU, Compliance Committee	20 th and 21 st Compliance Committee Meetings
7. Develop follow-up mechanism for the implementation of the decisions of the CC, regulation of the flow of work between 2 meetings of the CC as well as inputs for communication purposes of the work of the CC and its outcome, including dissemination.	Compliance Committee,	20 th and 21 st Compliance Committee Meetings
8. Develop a mechanism to assess the effectiveness of the implementation of measures taken by the Contracting Parties under the Barcelona Convention, including indicator-based approaches	Compliance Committee;	20 th and 21 st Compliance Committee Meetings
9. To continue building and strengthening synergies, with other Compliance Committee's Multilateral Environmental Agreements (MEAs), including holding joint sessions.	Compliance Committee	20 th and 21 st Compliance Committee Meetings
10. Undertake reflection on ways and means to promote implementation of Article 15 (on public information and participation) of the Barcelona Convention considering the procedures and the best practices under other multilateral environmental agreements		

Annex IV

List of Candidates of Compliance Committee members and alternates]

**Members and Alternate Members of the Compliance Committee renewed or elected by the
23rd Meeting of the Contracting Parties**

Group I: Algeria, Egypt, Lebanon, Libya, Morocco, Syria and Tunisia

**Group II: Croatia, Cyprus, France, Greece, Italy, Malta, Slovenia, Spain and the European
Union**

Group III: Albania, Bosnia and Herzegovina, Israel, Monaco, Montenegro and Turkey

Ms. Orr KARASSIN, a national of Israel, as a Member of the Compliance Committee for a term of four years, until COP 25]