





## **Background**

While the main focus of the first meeting of the Compliance Committee will be on developing its rules of procedure, the Committee may also wish to use this opportunity to discuss its work plan with regard to the discharge of its functions as well as the dates for its second meeting. The present note analyses the objectives and main functions of the Committee and provides preliminary suggestions on the work plan of the Committee for consideration by its members.

The objective of the compliance procedures and mechanisms is to facilitate and promote compliance with the obligations under the Barcelona Convention and its Protocols. For this purpose the Committee is expected to undertake activities and functions that range from promoting compliance, addressing individual cases of non-compliance, reviewing general issues of non-compliance, taking measures or making recommendations to the Meeting of the Contracting Parties addressing and providing assistance to the concerned Parties and undertaking any other task that may be assigned to it by the Meeting of the Contracting Parties.

The work plan of the Committee should therefore be drafted in such a way so as to enable the Committee to perform its functions efficiently and to achieve its objective. To this end, the following work plan with respect to functions of the Committee is being proposed.

### ***A. Addressing Individual Cases of non-Compliance***

One of the main functions of the Committee is to deal with specific situations of actual or potential non-compliance by individual Parties. In so doing, the Committee will identify the specific circumstances and possible causes for non-compliance by individual Parties, consider information submitted to it and provide advice and/or assistance to the concerned Party. Performing these functions by the Committee would, however, depend on whether a submission has been made by a Party to the Committee in accordance with paragraph 18 of section V of the compliance procedures and mechanisms. In other words, unless the process is triggered by a Party who either considers issues of non-compliance about itself or another Party, the Committee would not be in a position to carry out its functions relating to review of individual cases of non-compliance.

Given such procedural prerequisites, it is not feasible at this stage to devise any specific work plan arising from these functions. Nevertheless, the Committee may consider including a standing agenda item in its work programme such as "Consideration of submissions by Parties", on the understanding that it would further review the work load and determine number of meetings when a submission is made by a Party.

### ***B. Reviewing General Issues of Compliance***

In order to achieve its objective of promoting compliance, the Committee has not only to deal with individual cases of non-compliance, but, at the request of the meeting of the Contracting Parties, could be also entrusted with the task to identifying issues that may emerge as common problems of compliance facing Parties in the course of the implementation of the Convention and its Protocols. The 15<sup>th</sup> meeting of the Contracting Parties held in Almeria, Spain, January 2008 has given the Committee the mandate to review general issues of non-compliance by Parties with their obligations under the Convention and its Protocols, taking into account the information provided in the national reports communicated in accordance with Article 26 of the Convention and some Articles of the Protocols. The reporting

requirements under the Barcelona Convention are presented in the information document UNEP(DEPI)/MED Compliance Committee.1/Inf.3. In translating this general function into the work plan of the Committee, it may be necessary to take into account that so far national reports on the implementation of the Convention and its Protocols have been submitted for two biennia 2002-2003 and 2004-2005. On the basis of the information provided in such reports, the Secretariat has already prepared two regional assessment reports that will be put at the disposal of the Committee for its consideration. The deadline for submission of the national implementation reports for 2006-2007 is November 2008.

In view of the above, the Committee may wish to include the following item in the work plan under the title:

“Review of general issues of compliance by Parties with the reporting requirements of the Convention and its Protocols, including the consideration of regional assessment reports prepared on the basis of information from national reports submitted in accordance with Article 26 of the Convention”.

### **C. Rules and Procedures for the Committee**

The 15th meeting of the Contracting Parties held in Almeria, Spain, January 2008 requested the Compliance Committee to develop its rules and procedures and submit them to the 16th meeting of the Contracting Parties for adoption.

In view of the above, the Committee may wish to include the following item in the work plan:

“Development of Rules and Procedures for the Compliance Committee under the Barcelona Convention and its Protocols as well as its *modus operandi*”.

### **D. Promoting Compliance and Implementation**

In view of facilitating the work of the Committee and better promoting compliance with and implementation of the Barcelona Convention and its Protocols as well as its compliance procedures and mechanisms, the committee may consider to include the following items in its work plan:

- “Elaboration of a leaflet on Compliance procedures and mechanisms under the Barcelona Convention and its Protocols”.
- “Establishment of a special page in the MAP website on Compliance procedures and mechanisms under the Barcelona Convention and its Protocols”.

It will contribute to disseminate information on all related decisions of the meetings of the Contracting Parties, background documents, composition of the Compliance committee, members of compliance committee, and other working or informative documents”

These two activities will be undertaken by the Secretariat with the full involvement of and agreement by the Committee on both the content and layout of such publications.

**E. Draft Work Plan for the Committee**

To sum up the above suggestions, the following items are proposed to be included in the work plan of the Committee for 2008-2009 biennium:

- 1) Consideration of submissions by individual Contracting Parties;
- 2) Review of general issues of compliance by the Contracting Parties with the reporting requirements of the Convention and its Protocols, including the consideration of regional assessment reports prepared by the Secretariat on the basis of information from national reports submitted in accordance with Article 26 of the Convention;
- 3) Development of Rules and Procedures for the Compliance Committee under the Barcelona Convention and its Protocols as well as its *modus operandi*;
- 4) Elaboration of a leaflet on Compliance procedures and mechanisms under the Barcelona Convention and its Protocols;
- 5) Establishment of a special page in the MAP website on Compliance procedures and mechanisms under the Barcelona Convention and its Protocols.

With regards to the number of Committee meetings, paragraph 12 of section III of the Compliance procedures and mechanisms provides that *“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”*.

The Committee may wish to consider whether there is a need to hold a second meeting in 2008 taking into account the workload or whether it is more feasible to hold two meetings in 2009 instead of one.

**F. Recommendation**

According to paragraph 31 of section VI of the compliance procedures and mechanisms, the Committee shall submit its report to the next Meeting of the Contracting Parties for consideration and appropriate action.

The Committee may wish to discuss, on the basis the proposals made in the present document, its work plan that will then be submitted for information to the Bureau of the Contracting Parties as well as incorporated into the report of the first meeting of the Committee for consideration by the 16th meeting of the Contracting Parties to be held in November/December 2009 in Marrakech, Morocco.