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Introduction

In implementation of section III of the Compliance procedures and mechanisms, as adopted by Decision IG 17/2 of the 15th Meeting of the Contracting Parties, the Compliance Committee, at its second meeting held in March 2009, approved the Committee's programme of work for 2010-2011. According to this programme, the Committee has to deal with the following matters:

1. Consideration of matters referred by the Contracting Parties

As regards matters referred to the Committee by the Contracting Parties, pursuant to paragraphs 18 and 19 of the Compliance procedures and mechanisms, to date no matter has been submitted to the Secretariat for referral to the Committee.

2. Consideration of general compliance issues by the Contracting Parties in relation to the Convention and its Protocols, including the regional evaluation reports prepared by the Secretariat on the basis of the national reports submitted pursuant to Article 26 of the Convention

Consideration of general compliance issues by the Contracting Parties in relation to the Convention and its Protocols, including the regional evaluation reports prepared on the basis of the national reports submitted pursuant to Article 26 of the Convention, highlights the following main findings and conclusions:

- The Secretariat notes with satisfaction that the reports have been prepared according to the standardized presentation model in order to enable MAP to undertake analyses and prepare reliable regional reports on the effective implementation of the Barcelona Convention and its Protocols. The new improved reporting format makes it easier to compare information as it allows quantitative analysis, unlike the previous system. This implies that each Contracting Party make it comments in order to clarify its situation and the national situation in relation to implementation of the Convention and its Protocols. It should be noted, however, that the replies to the questions posed need to be better harmonized.
- It is also essential for all Contracting Parties to submit their reports, pursuant to Article 26 of the Convention and the relevant provisions in the Protocols, so that information on the implementation of these instruments is systematic and all Contracting Parties are treated on an equal footing. The Secretariat considers that repeated failure to submit reports in accordance with Article 26 of the Barcelona Convention constitutes a case of non-compliance.
- The reports show considerable improvement as regards information on implementation of the Barcelona Convention and its Protocols, including the amended versions of the instruments that have not yet entered into force. The reports submitted underline the Contracting Parties' concern to transmit the information available.
- Some Contracting Parties only replied to part of the questionnaire and/or did not cover all the legal instruments.
- Some reports contain no information on the technical implementation of the Protocols.
- Among the Contracting Parties which used the new format, some utilized the "ticks" system and also included comments, quite substantial comments in some cases,

while others simply ticked boxes without any additional comments. Some Contracting Parties, on the other hand, provided a large amount of information on part 1.1.2 (general information) in the new format.

- Moreover, the submission of technical data by all Contracting Parties would enable the Secretariat, especially the RACs and MED POL, to provide regular reports on the state of the marine and coastal environment.
- Several reports once again emphasized the problems encountered in implementing the Protocols, notably because of the inadequate political and administrative structure and limited financial resources that do not allow substantial investment in the environment, technical capacity that is also limited, insufficient human resources, and the lack of horizontal cooperation among the various stakeholders. More specifically, some Contracting Parties underlined the lack of an environmental policy and strategy at State level, as well as insufficient administrative capacity for environmental protection. To a large extent, these problems can also be explained by the complexity of the institutional structure and by a lack of coordination and implementation at the central level.
- Several Contracting Parties particularly underlined the problems encountered in implementing the Protocol on specially-protected areas and biodiversity in the Mediterranean. These problems relate, inter alia, to the planning and management of each specially protected area and to the development of projects. They also concern the creation of lists of animal species because of a lack of data on marine species.

3.1 *Implementation of paragraph 23 of the Compliance procedures and mechanisms concerning "Issues referred by the Secretariat"*

For the purpose of implementing paragraph 23 of the Compliance procedures and mechanisms, the Secretariat has embarked upon discussions with MAP components in order to define the necessary procedures to enable them to take part in and contribute to the work of the Compliance Committee. In this connection, the following tasks which the MAP components, including MED POL, could undertake under the supervision of the Coordinating Unit have been identified:

- Consideration of national reports in order to determine whether Contracting Parties are encountering problems in implementation and in compliance;
- Communication to the Coordinating Unit by MAP components of any cases such as those mentioned above with a view to their more extensive examination, discussion and joint decision-making with the aim of bringing these cases to the attention of the Contracting Parties concerned;
- Participation by RAC and MED POL experts in meetings of the Compliance Committee, subject to a decision by the Committee, so that they can provide information and expertise;
- Support to countries to reinforce compliance and bring them into conformity with the obligations arising from the Convention and its Protocols.

The Secretariat would like to draw the Committee's attention to the fact that the indication of problems encountered by Contracting Parties in the national reports, which could be deemed to be situations of non-compliance, call for a solution such as that provided in paragraph 23 of the Compliance procedures and mechanisms.

More specifically, the Secretariat is concerned at the replies furnished by certain Contracting Parties referring to problems which, although they do not constitute a substantive case of non-compliance, have the indirect effect of preventing implementation of the Protocols' provisions. As far as the implementation of several Protocols is concerned (notably the LBS and SPA Protocols), the problems cited are the following:

- Need for appropriate administrative procedures;
- Need for an ad hoc legislative structure;
- Absence of specific regulations and administrative procedures;
- Insufficient financial resources;
- Insufficient technical capacity;
- Administrative management.

These various types of problem are raised separately by Contracting Parties, but for the most part are cumulative. The Secretariat considers that the persistence of such problems is problematic because it may permanently endanger the implementation of the Protocols to the Barcelona Convention by Contracting Parties. Under these circumstances it is important to examine carefully the nature of each of these problems in order to furnish a satisfactory response. The Secretariat would therefore like the Committee to address this issue and ask the Contracting Parties to contact the Secretariat to explain what the problems are and the solutions that could be envisaged to overcome them.

Recommendations of the Secretariat

The Compliance Committee is invited to consider ways in which the facilitating role of the Compliance procedures and mechanisms could be enhanced and to encourage Contracting Parties to refer situations of non-compliance to the Committee.

The Compliance Committee is also invited to exchange views on the findings, considerations, conclusions and proposals concerning the reporting system and implementation of the Convention and its Protocols.

Lastly, the Compliance Committee is invited to consider the appropriate responses likely to enable Contracting Parties to overcome the problems they encounter in implementing the Barcelona Convention and its Protocols.