

ANNOTATED PROVISIONAL AGENDA

Introduction

By its Decision IG 17/4, the Fifteenth Meeting of the Contracting Parties adopted the Guidelines for the determination of Liability and Compensation for damage resulting from pollution of the marine environment in the Mediterranean Sea area. It also decided to set up a Working Group of Legal and Technical Experts to facilitate and assess the implementation of the Guidelines.

Taking into consideration the conclusions of the Working Group in its meeting held at Athens in January 2009, the Sixteenth Meeting of the Contracting Parties deemed that the Guidelines were a solid base on which to forge cooperation in order to establish a more complete and affective regime of liability and compensation. The same Meeting adopted decision IG 19/3 concerning the implementation and the reporting format on the Guidelines for the determination of liability and compensation for damage resulting from pollution of the marine environment in the Mediterranean Sea area. With the same decision, the Contracting Parties extended the mandate of the Working Group for the 2010-2011 biennium and adopted an Action Programme to facilitate the implementation of the Guidelines through capacity building of all those concerned, especially the competent authorities and staff at all levels.

The Offshore Protocol which entered into force on 24 March 2011 (through the ratification by 6 Parties i.e. Albania, Cyprus, Libya, Morocco, Syrian and Tunisia) is one of the 7 Protocols to the Convention to which the Guidelines apply. As per Rule 4, the Guidelines apply to the activities referred to in the Barcelona Convention and its Protocols. The Offshore Protocol aims at combating pollution resulting from exploration and exploitation activities on the continental shelf, the seabed and its subsoil. The Contracting Parties, as per Art. 3 of this Protocol, must take all appropriate measures to prevent, reduce, combat and control, in the Protocol area, the pollution resulting from such activities and, in general, ensure that all necessary measures are taken to avoid pollution from such activities. The coming into force of the Offshore Protocol, which is technically a very complex instrument, gives the Working Group the opportunity to discuss the implementation modalities of the Guidelines on liability and compensation, especially as concerns Art. 27 on liability and compensation for damage.

Within this framework, the Secretariat has organized the 4th meeting of the Working Group of Legal and Technical Experts for the implementation of the Guidelines in order that the various points be reviewed.

Agenda item 1: Opening of the meeting

1. The meeting will be opened on Thursday, 8 December 2011 at 09.30 hrs by the MAP Coordinator and will be closed at 14.00 hrs on Friday, 9 December 2011.

Agenda item 2: Election of Officers

2. In accordance with Rule 20 of "Rules of Procedures of the Barcelona Convention", the Meeting will elect a Chairperson, three Vice-Chairpersons and a Rapporteur.

Agenda item 3: Adoption of the Provisional Agenda and organization of work

3. The Provisional Agenda prepared by the Secretariat was distributed as document UNEP(DEPI)/MED WG.364/1 and its annotation is contained in the present document.

4. The meeting will review and adopt the proposed Provisional Agenda and the timetable.
5. The working languages of the meeting will be English and French. Simultaneous interpretation will be provided for all sessions.

Agenda item 4: Presentation of the answers provided by the Contracting Parties in the reporting format on the implementation of the MAP Guidelines concerning liability and compensation

6. The Secretariat will present the main conclusions drawn from the answers provided by the Contracting Parties in the Reporting Format on the implementation of the MAP Guidelines concerning liability and compensation. It will highlight the lessons drawn from the answers.
7. The Secretariat, on the basis of this synthesis, will present the draft assessment report on the Guidelines with a view to its submission to the Seventeenth Meeting of the Contracting Parties. The meeting of the Working Group will be invited to formulate proposals and suggestions on this draft report and to express its opinion on it.

Working Document: UNEP(DEPI)/MED Committee on Liability and Compensation 5/3 – Draft report on the implementation of the Guidelines for the determination of liability and compensation of damage resulting from pollution of the marine environment in the Mediterranean Sea area.

Agenda item 5: Evaluation of the implementation of the rules for liability and compensation in the Offshore Protocol. Presentation of a comparative study by Professor Scovazzi on liability and compensation regimes concerning offshore activities

8. Article 27 of the Offshore Protocol defines the implementation framework of the appropriate rules and procedures concerning liability and compensation of damage, resulting from the activities covered by the Protocol as per Art. 16 of the Convention. In this respect, Art. 27.2 specifies that, while awaiting such procedures, each Contracting Party shall take all necessary measures to ensure that operators are held responsible for damage caused by their activities and that they promptly pay an adequate compensation. Moreover, it specifies that such Contracting Party shall take all necessary measures to ensure that operators are and shall continue to be covered by insurance or other financial security to ensure compensation for damage caused by activities covered in the Protocol.
9. The Secretariat has sought the expertise of a Consultant to present a study on the evaluation of the implementation of the liability and compensation regime, stipulated in Art. 27 of the Offshore Protocol, by integrating this regime in the framework of the relevant liability and compensation regimes in force. The REMPEC representatives will share their practical experience in the area of liability and compensation for damage linked to the activities covered by the Offshore Protocol. The meeting will be invited to discuss these issues and provide the Secretariat with the guidance it deems appropriate.

Agenda item 6: **Draft Activity Report of the Working Group to be submitted to the Seventeenth Meeting of the Contracting Parties**

10. The Secretariat will submit electronically to the Working Group members an activity report for comments, with a view to its submission to the Seventeenth Meeting of the Contracting Parties. Given the importance of the Action Programme as stipulated in Decision IG 19/3, the Secretariat will propose that the mandate of the Working Group of legal and technical experts be extended for the 2012-2013 biennium.

Agenda item 7: **Other matters**

11. The meeting will discuss any other issues that might be raised by the members of the Working Group.

Agenda item 8: **Adoption of conclusions**

12. The meeting is expected to adopt a summary of the conclusions, while the full draft report of the meeting will be disseminated later by electronic means.

Agenda item 9: **Closure of the meeting**

13. The meeting will be adjourned by the Chairman at 14.00 hrs on Friday, 9 December 2011.

TIMETABLE

Thursday, 8 December 2011	
0930-0945	Opening of the Meeting
0945-1100	Agenda items 1,2, 3
1100-1130	Coffee break
1130-1300	Agenda item 4
1300-1430	Lunch
1430-1600	Agenda items 4 (continued)
1600-1630	Coffee break
1630-1830	Agenda item 5 (continued)
Friday, 9 December 2011	
0930-1100	Agenda item 5
1100-1130	Coffee break
1130-1300	Agenda items 5 (continued) and 6
1300-1400	Agenda items 7, 8 and 9