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## MEDITERRANEAN ACTION PLAN

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

Ankara (Turkey), 1-3 July 2013

### Report

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



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## **Introduction**

1. At the invitation of the Government of Turkey, the 77<sup>th</sup> Meeting of the Bureau of the Contracting Parties to the Barcelona Convention and its Protocols was held on 1-3 July 2013.

## **Participation**

2. The President of the Bureau, H.E. Ambassador Jean-Pierre Thébault (France); the Vice-Presidents Mr Tahar Tolba (Algeria), H.E Ambassador Patrick Van Klaveren (Monaco), Mr Salah Hassini (Tunisia) and Mr Mehmet Bas (Turkey); and, the rapporteur, Mr Oliviero Montanaro (Italy) attended the Bureau meeting. In addition, following decision IG.20/14 on the Programme of Work and Budget adopted by COP17, Ms Jill Hanna from the European Union attended the whole meeting as observer.
3. The list of participants is attached as Annex I to this report.

### **Agenda item 1: Opening of the meeting**

4. The meeting was opened by the President of the Bureau, H.E. Ambassador Jean-Pierre Thébault. He welcomed the Bureau members and other participants.
5. An opening remark was made by Mr Mehmet Bas, Director General, Environmental Management, Turkish Ministry of Environment and Urbanization and Bureau member on behalf of the host country. He welcomed the Bureau members and other participants.
6. Ms Maria Luisa Silva Mejias, Executive Secretary and Coordinator of MAP, also welcomed the Bureau Members and thanked Turkey for hosting the meeting.

### **Agenda item 2: Adoption of the Agenda and organization of work**

7. As agreed during the informal meeting of the Bureau after the 17th Meeting of the Contracting Parties to the Barcelona Convention and its Protocols, the meeting's report would be succinct and focusing on its conclusions and recommendations.
8. The Bureau reviewed and adopted the Provisional Agenda as contained in document UNEP/BUR/77/2. (Annex II)

### **Agenda item 3: Discussions on Specific issues**

9. The Executive Secretary and Coordinator of MAP presented document UNEP/BUR/77/4 on Specific Issues.

#### **3.a. Update on Financial Situation**

10. After discussions, the Bureau agreed to:
  - i. Welcome improvements in MAP's financial health and the efforts made by some Contracting Parties and the Secretariat in this regard;
  - ii. express its renewed concern about delays in the payment of the 2013 contributions (only 58% of the annual contributions have been received so far in comparison with 78% last year at the same date), which is limiting the capacity of UNEP/MAP and its

components to deliver on their tasks. Noting also that the contributions have been frozen since 2004 at the present level;

- iii. mandate the Presidency and the Secretariat to co-sign and send letters to countries who have not paid their 2013 annual contributions and arrears to the MTF, highlighting the urgency and need of their contributions and asking the reason for the delay in disbursement, the obstacles being faced and the possible support that could be provided by MAP to overcome the situation, as well as requesting that the specific date when disbursement will be effected be provided;
- iv. ask the Secretariat to study additional complementary rules to encourage payment of contributions and to include them in the Financial Rules to be considered at COP18, including suspension of programmatic support or participation at meetings and fines;
- v. support the precautionary approach proposed by the Secretariat in executing the 2013 Programme of Work, given the continued financial difficulties experienced by many countries in the region as well as the vulnerability of MAP finances in the absence of an operational reserve. Therefore it endorses proposals to limit the expenditures at 50% of the assessed contributions and proposes that a working capital reserve be established at the level of 15%;
- vi. ask the Secretariat to inform every two months on the status of payment of contributions and ensure that the monthly updated table on contributions is visibly accessible on UNEP MAP website; and,
- vii. ask the secretariat to reflect the capital for reserve 15% in the amended table of MTF fund balance projections 2010 – 2013 in UNEP/BUR/77/4, Annex II, 4. Revised Annex II of Budget Decision (IG. 20/6). The table should include information on income received, income receivable and when it is expected to be received.

### 3.b. Financial Rules

11. Following an interactive and useful exchange with Mr Christophe Bouvier, Director of the Office of Operations, thank the UNEP and the Secretariat for the draft which is considered as going on the right direction;
12. support its submission to COP 18 subject to the following:
  - a. With a view to ensure coherence with the forthcoming decision of the UN Environment Assembly of UNEP –UNEA- (former UNEP Governing Council) regarding the relationship between UNEP and the MEAs for which it provides the Secretariat, the following text should be added to the preamble of the draft decision: “Bearing in mind that the UN Environment Assembly of UNEP will be considering the document requested by them on the relationship between UNEP and the MEAs for which it provides the Secretariat or secretariat functions, and that the agreement of the UNEA or a possible decision on this issue may affect these procedures”, and as text for an operational paragraph: “decides to re-examine these regulations and rules and procedures again at COP19 in 2015 in line with the agreement of the UNEA on the relationship between UNEP and the MEAs for which it provides the Secretariat or secretariat functions”;
  - b. ensure alignment of the text with the decision by the COP in Monaco (2003) that contributions can continue being paid in EURO;
  - c. consider wording in the draft regulations and rules and procedures to strengthen penalties in case of non-payment of contributions as discussed during the update on the financial situation;
  - d. make other amendments suggested by the Bureau, inter alia, adapting the language of the decision on Financial Rules to reflect its nature; propose also

the addition of a new preamble paragraph in the rules themselves recognizing that new financial regulations have been adopted by the UN in December 2012 and acknowledging that UNEP rules are being adopted based on which the current Financial Rules may need to be adapted accordingly;

13. request UNEP to prepare an annotated document providing explanations and clarifications on the proposed regulations and rules and procedures and their relevant implications so as to ease the understanding of the proposed changes to the regulations and rules and procedures.

### 3.c. MoU UNEP and Contracting Parties on Secretariat Services

14. Following the exchanges with UNEP and the Secretariat on the “Memorandum of Understanding (MOU) between the Bureau of the Contracting Parties and UNEP concerning Secretariat Services to and support of the Barcelona Convention” consider that some fundamental issues still remain to be addressed particularly related to the fact that the Coordinating Unit is both the Coordinating Unit to the Mediterranean Action Plan and a Secretariat to the Barcelona Convention and that both functions should be adequately and clearly reflected in the Memorandum of Understanding (MoU);
15. note that like in the case of Financial Rules, the issues addressed under this MoU are also part of the broader discussion regarding the relationships between UNEP and MEAs for which it provides Secretariat functions. Therefore, the text proposed should evolve in line with the discussion on the matter at the United Nations Environment Assembly (UNEA) and a clause calling for the revision of this MoU at COP 19 in 2015 should be added;
16. moreover, underline that the MoU and the Financial Regulations and Rules and Procedures need to be consistent, and request UNEP and the Secretariat to make sure there is coherence between these two documents;
17. request the Secretariat to ask UNEP to address the specific comments provided by the members of the Bureau in a revised version of the MoU; and,
18. request the Secretariat to ask UNEP to finalize the draft by the September meeting of National Focal Points and to develop the covering text of the decision to be adopted by the COP explicitly stating that the COP: welcomes that the MoU was developed; approves the MoU attached as Annex to the Decision; and, asks the President to sign on its behalf.

### 3.d. Note on staff contracts

19. Consider useful to advance on identifying the measures needed to improve the cost-efficiency of the system including, inter alia, performance evaluation, management indicators, periodic audits and, dialogue between RAC directors and the Coordinating Unit regarding the evolution of costs. It further proposed these to be considered by the forthcoming meeting of national focal points and the COP in their deliberations;
20. recognize the need to have a decision on the structure of MAP Secretariat and in this context asked the Coordinating Unit to submit a working document to the September meeting of National Focal Points. The document should be based on the document UNEP (DEPI)/MED WG 376 / Inf.5 of 18 April 2013 on the Coordinating Unit and MEDPOL, submitted by the Secretariat to the MAP Focal Points Meeting of April 2013, providing a clear explanation of the implication of the structure being proposed both in terms of function and content;

21. appreciate the presentation made by the Secretariat regarding different types of personnel in the MAP system and asked the Secretariat to develop the Programme of Work and budget taking into consideration UNEP's advice on the implications of such distinctions to the budget format. The vice-chair from Tunisia underlined that a staffing policy would be important to secure fairness and equity amongst staff of all centers.

3.e. MAP partners

22. Provisionally approve the proposal by the Secretariat on the list prepared following Decision IG.19.6, noting that MEDWET is not an NGO but a long lasting and relevant IGO;
23. noting that no detailed information was provided on the NGOs listed, exceptionally give a 10 day period to the Bureau members to raise eventual issues of non-conformity with the criteria agreed by the Contracting Parties to be a MAP partner;
24. underline that this is a first list produced as requested by Decision IG19.6 to help clearing up the MAP Partners list which has never been fully updated. but note however that at this stage mostly include environmental NGOs and that following Rio+20 decision on active participation of civil society in the international environmental governance, there is a need to proactively broaden the MAP Partners list to include civil society in terms of the nine major groups identified in Agenda (MED) 21.

3.f. Partnership Agreements

25. Take note the draft MoU prepared and discussed with the Union for the Mediterranean (UfM) which might reinforce Mediterranean cooperation and contribute to MAP objectives by achieving a common strategic approach and mobilizing funding towards its activities;
26. revise the first paragraph of the MoU with a view to properly reflect that it addresses MAP /Barcelona Convention.
27. align the "Annex 1: Indicative list of activities relating to the envisaged areas of cooperation within the framework of MoU" with MAP priorities as stated in particular in the 5-Year Programme of Work (PoW), recognizing that the MoU is general and last in time;
28. ask the Secretariat and UNEP to further consult legal advisers regarding content and signatories of the MoU;
29. ask the Secretariat to periodically update the Bureau in the next biennium on the operationalization of this MoU and recommend that the decision submitted to COP18 adopting the MoU includes a paragraph in this regard;
30. note progress on discussions to establish a program of cooperation between the Secretariat and IUCN, and initial discussions with CBD and encourage the Secretariat to accelerate necessary progress in this regard.

**Agenda item 4. Organization of 18th Meeting of the Contracting Parties, 3-6 December 2013, Istanbul, Turkey**

31. Welcome Turkey's statement which underlines the expectation of the host country for COP18 including, inter alia, measures to enhance MAP/ Barcelona Convention system, introducing cost/benefit analyses, performance and success indicators and internal evaluations based on these indicators in order to show a clearer picture for better decision-making; the Mediterranean Ecosystem Approach process including a

programme of measures and an integrated monitoring system; and, progress on the themes to be addressed at the interministerial session: marine litter and waste management of coastal cities.

32. The efforts of the Government of Turkey to involve new actors such as regional and local authorities were acknowledged due to the importance of the issue of sustainable coastal management in the Mediterranean;
33. encourage NFPs to hold a meeting as efficient as possible next September and to limit the number of subjects to be left to COP18 discussion. It was mentioned the possible interest of having specialized working groups working in parallel during COP 18. The meeting decided that the issue be considered by the next Presidency while bearing in mind the views of all states and the limitations faced by small delegations;
34. note the proposed list of decisions being prepared by the Secretariat and provided comments on issues to be considered in preparing the drafts for NFP and COP consideration;
  - I. Decision on the Compliance Committee including Contracting Parties views on their recommendations regarding compliance, the modification of the rules of procedure of the Compliance Committee and the Programme of Work of the Compliance Committee;
  - II. Decision on reporting on measures adopted to comply with the Barcelona Convention and its Protocols including issues related to the periodicity and formats of reporting and the new reporting for the ICZM Protocol;
  - III. Decision on strengthening implementation of the ICZM Protocol in the seaward part of the coastal zone through promoting marine spatial planning in connection with the planning of the coastal land uses;
  - IV. Decision on the Ecosystems Approach including adopting definitions of Good Environmental Status (GES) and targets; extending MAP's Monitoring Programme to be integrated and covering issues beyond pollution; supporting proposals on a new assessment policy, the Economic and Social Assessment, a policy on data-sharing and a revised Ecosystems Approach cycle as well as giving a mandate to MAP to develop integrated Programme of Measures to implement the 11 Ecological Objectives building on the existing MAP strategies and plans of action;
  - V. Decision on new/revised Action Plans under the Biodiversity Protocol including caves and dark habitats, marine turtles and cartilaginous fish;
  - VI. Decision on the creation of new SPAMIs and evaluation of existing SPAMIs;
  - VII. Decision to adopt a new Regional Action Plan on Marine Litter;
  - VIII. Decision on follow up actions regarding the Off-Shore Protocol Action Plan;
  - IX. Decision supporting development of a Roadmap to address the region's common priorities regarding Sustainable Consumption and Production (SPC) policies;
  - X. Decision supporting the revision of the Mediterranean Strategy for Sustainable Development (MSSD) and the roadmap proposed to complete this task;
  - XI. Decision regarding the future of the MCSD and its Programme of Work based on the proposals received from the Steering Committee of the MCSD;
  - XII. Decision on Governance including, inter-alia, the Service Agreement between UNEP and the Contracting Parties, the revised Terms of Reference for the Bureau of the Contracting Parties to the Barcelona Convention and the Extended Functional Review;

- XIII. Decision on Cooperation Agreements signed (GFCM, UfM, IUCN, etc.) and those that should be prioritized in the future;
  - XIV. Decision on the Financial Regulations, rules and procedures applicable to the Barcelona Convention as foreseen in its Article 24.2; and,
  - XV. Decision on the Programme of Work and Budget for 2014-2015 including a mandate to prepare a new Integrated Mid Term Strategy for the period 2016-2021;
35. invite National Focal Points to consider in an integrated manner the linkages between Decisions XII, XIII, XIV and XV.

**Agenda item 5.      General orientations on the Programme of Work**

- 36. Ask the Secretariat to take note of Bureau comments regarding the general orientations for the preparation of the Programme of Work (PoW) 2014-2015;
- 37. take note of the Secretariat's explanations regarding the extension of the 5-Year PoW for another year until 2015 and the timing for preparation of the new Mid-term Strategy, which from its perspective justify the proposals. Given the need for continuity in MAP and the importance to complete the on-going work, recommends a pragmatic approach and suggests the National Focal Points to follow the Secretariat's suggestions. The rapporteur abstained to the proposal;
- 38. take note of the explanation of the Secretariat regarding the preparation of PoW and budget taking into consideration all 4 options, unless contributions from the Parties before the National Focal Points meeting in September 2013 allow it to prepare a more consolidated proposal.

**Agenda item 3. (cont'd)      Discussions on Specific issues**

**3.g.      Terms of Reference of the Bureau**

- 39. Ask the Secretariat to redraft the Terms of Reference reflecting the discussions made and comments provided by the members of the Bureau with a view to submit the document in time for the COP. The draft revised Terms of Reference of the Bureau is provided in Annex III.

**3.h.      Other issues in Governance Decision IG.20/13**

- 40. Take note of the report of the Secretariat on the outcome of the 15th MCSD meeting and suggest to its Steering Committee to provide information on the potential financial impacts of their proposals;
- 41. ask the Secretariat to inform NFPs on the on-going Host Country Agreement processes.

**Agenda item 6.      Amendments to rules of compliance committee**

- 42. Ask the Secretariat to send its proposals on Rule 4 to the members of the Compliance Committee for their consideration (Annex IV);
- 43. ask the Secretariat to request from the Compliance Committee to consider the opportunity of further clarifying the voting process which is now inserted in Rule 7, paragraph 1, item (e) "Put questions to the vote and announce decisions";and,

44. adopt the other amendments proposed by the Compliance Committee. (Annex V).

**Agenda item 7: Progress Report**

45. Acknowledge the work done by the Secretariat and MAP components in spite of the difficult circumstances and the limited resources;
46. request the Secretariat to get information before COP 18 on the status of adoption of the amendments to the revised Barcelona Convention by the remaining two Contracting Parties that have not yet done it in order to reach universal acceptance of the Convention;
47. encourage the relevant Contracting Parties to accept the amendments of the Dumping Protocol by COP 18, so as to ensure at least one more acceptance by a Contracting Party, which is needed for its entry into force;
48. urge all Contracting Parties to officially submit their reports on measures taken to implement the Convention as soon as possible in compliance with the obligations of Article 26 of the Barcelona Convention and latest by early September so as to allow consideration by the Compliance Committee Meeting in October.
49. In this context, the Secretariat reminded that it can support countries in the preparation of reports, considering that assessment on compliance with the Convention and its Protocols is an essential element for the implementation of MAP;
50. ask the Secretariat and UNEP to accelerate the discussions with IMO and provide a clear and comprehensive joint state of the play by 15 November 2013 with, to the extent possible, alternative operational scenarios including but not limited to the Functional Review and fully costed proposals as well as information on the process and cost of transition as well as that of possible liabilities. The Maltese government should be duly consulted; and,
51. ask the secretariat to prepare a qualitative assessment of progress in the implementation of PoW to be submitted to the next meeting of National Focal Points in September 2013;

**Agenda item 8: Any other business**

52. The Bureau did not consider any other discussion point than the above listed issues.

**Agenda item 9: Adoption of Conclusions and recommendations**

53. The Bureau discussed and adopted conclusions and recommendations as listed above.

**Agenda item 10: Closure of the meeting**

54. The meeting was closed by the President of the Bureau at 21:30 hrs on Wednesday 3 July 2013.



## **ANNEX I**

### **List of Participants**



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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:** Discussions on Specific issues
- Agenda item 4:** Organization of 18<sup>th</sup> Meeting of the Contracting Parties, 3-6 December 2013, Istanbul, Turkey
- Agenda item 5:** General orientation of the Programme of Work
- Agenda item 6:** Amendments of rules of Compliance Committee
- Agenda item 7:** Progress Report
- Agenda item 8:** Any other business
- Agenda item 9:** Adoption of conclusions and recommendations
- Agenda item 10:** Closure of the meeting



**ANNEX III**

**Draft Terms of Reference of the Bureau of the Contracting Parties  
to Barcelona Convention**



**DRAFT**  
**TERMS OF REFERENCE OF THE BUREAU OF THE CONTRACTING PARTIES TO**  
**BARCELONA CONVENTION**

Composition and tenure

*Article I*

1. The Bureau of the Contracting Parties shall be composed of representatives of six Contracting Parties elected by the Ordinary Meetings of the Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean and its Protocols.

*Article II*

1. The members of the Bureau shall serve as the President, the four Vice-Presidents and the Rapporteur and shall be elected at the commencement of the first sitting of each ordinary meeting.
2. A representative of the State hosting the meeting of the Contracting Parties shall be elected President of the Bureau and act in such capacity until a new President is elected at the next Meeting of the Contracting Parties.
3. In electing the members of the Bureau, the Contracting Parties shall seek to ensure rotation amongst the Contracting Parties, and will take into account regular payment of the contributions of the Contracting Parties to the MTF and regular attendance at the meetings of the Contracting Parties.
4. Two members of the Bureau will be elected from each of the three groups of Parties to the Convention.
5. A representative of the State that is going to host the following meeting of the Contracting Parties shall be one of the members of the Bureau. In case of no decision in this regard at the moment of the election of the Bureau members, a representative of that State will become an ex-officio member of the Bureau from the moment a decision is made on the venue.

*Article III*

1. The members of the Bureau are elected in their personal capacity and shall hold office until the election of the new Bureau at the next Ordinary Meeting of the Contracting Parties.
2. At least four members shall be replaced at each ordinary meeting, and no State may be a member of the Bureau for more than two consecutive periods, except for ex-officio members, as established in Article II (5).
3. In case of temporary absence of the President, one of the Vice-Presidents designated by him/her, shall serve as President of the Bureau.
4. If a member of the Bureau resigns or otherwise becomes unable to complete his term of office, a representative of the same Contracting Party shall be named by the Contracting Party concerned to replace him/her for the remainder of his/her mandate.
5. The Coordinator shall assist the Bureau in its work and shall sit ex-officio on the Bureau.

Meetings

*Article IV*

1. The work of the Bureau will be carried out both by electronic means (audio and teleconferences and email) and through face-to-face meetings. The Bureau shall meet at

least twice a year for a two or three day period, in regular meetings, and in extraordinary meetings, upon one month's notice, as may be necessary for the efficient discharge of its duties upon the summons of its President or upon request by one of its members.

2. Unless decided differently, the Bureau shall hold its meetings at the Headquarters of the Coordinating Unit. In case a Contracting Party offers to host a meeting of the Bureau, it shall bear the additional costs of holding the meeting in a venue other than the Coordinating Unit Headquarters.
3. The Bureau members may be accompanied to the meetings of the Bureau by advisors, as they may consider appropriate. Travel costs of advisors are born by the relevant Contracting Party.

### Organizational matters

#### *Article V*

1. The meetings of the Bureau shall be convened by the Secretariat in consultation with the President of the Bureau.
2. Invitations to the meetings of the Bureau shall be sent out by the Secretariat to the members of the Bureau.
3. All Contracting Parties of the Convention which are not members of the Bureau shall be informed about the intent to hold a meeting of the Bureau and of about the agenda.
4. The Bureau may invite any Contracting Party which so requests to participate as an observer in its deliberations on any matter of particular concern to that Party, on their own expense.
5. The Secretariat shall, in consultation with the President of the Bureau, prepare the draft Agenda for each Bureau meeting, which can be completed or amended by the members of the Bureau, giving adequate advance notice to that effect.
6. Once finalized the Agenda of the Bureau shall be shared with all Contracting Parties.

#### *Article VI*

1. The Secretariat shall prepare the documents needed for the discussion of the various agenda items. These documents shall be sent one month before the meeting and shall include as a minimum the following:
  - provisional agenda and annotated provisional agenda;
  - status of contributions and letters requesting payment or reminders, as appropriate;
  - status of funds committed;
  - progress reports of the Coordinating Unit and the MAP Components on activities carried out;
  - recommendations on specific questions;
  - identification of the main international and national events, whose results contribute to a better knowledge of environmental development and of sustainable development in the region and which may provide a sounder basis for decision making.

#### *Article VII*

1. The working languages of the meetings of the Bureau shall be English and French.
2. The Bureau adopts its decisions by consensus. In cases where consensus cannot be reached, decisions will be made with the favorable vote of four members of the Bureau

- but the dissenting opinions should be reflected in the report of the meeting.
3. The reports of the Meetings of the Bureau consist of conclusions and recommendations of the Bureau meetings drafted by the Rapporteur with the support of the Secretariat and adopted in session. The final edited report shall be distributed in the working languages of the Bureau by electronic means, as soon as available, but no later than one month after the meeting, to the focal points of the Contracting Parties. Such reports shall also be made available to the ordinary meeting of the Contracting Parties taking place subsequently after the relevant meetings of the Bureau, as information documents.

#### *Article VIII*

1. The members of the Bureau shall consult before the meetings of the Bureau, with the focal points of the Contracting Parties of the group of Parties to the Convention from which they were elected, on the issues of the agenda of the meetings.

#### General Mandate

#### *Article IX*

1. The Bureau members serve as the officers of the meetings or conferences of the Contracting Parties.
2. The Bureau is not a negotiating body. In the intersessional period between ordinary meetings of the Contracting Parties, and on their behalf, the Bureau reviews and evaluates progress in the implementation of the Convention and its protocols, and the decisions of the Contracting Parties, and provides guidance and advice to the Secretariat on all policy and administrative matters related to such implementation.
3. The Bureau makes recommendations, as appropriate, for consideration at the following meeting of the Contracting Parties, on issues of the agenda of that meeting, and overviews the preparations for those meetings including advice to the Secretariat on how to enhance the preparations, efficiency and results of the meetings of the Contracting Parties, and on any other matters brought to it by the Secretariat.
4. The Bureau carries out interim activities as may be necessary to execute the decisions of the Contracting Parties and performs any other function as may be entrusted to it by the Conference of the Parties.
5. The Bureau works together with Coordinating Unit on measures to enhance the functioning of the Coordinating Unit and MAP Components, taking into account, inter alia, cost benefit analyses, performance and success indicators. To this aim, an evaluation report shall be submitted to Meetings of the Contracting Parties to facilitate on future planning of Barcelona System.

#### Programme of Work and Budget

#### *Article X*

1. The Bureau shall provide guidance to the Secretariat on the preparation of the draft work programme and budget proposals for the next biennium including on the indicative planning figure in line with MAP's planning processes.
2. At its meetings, the Bureau shall consider the draft work programme and budget proposals prepared by the Secretariat and make recommendations to the Conference of the Parties.

## External Relations

### *Article XI*

1. The Bureau may, in periods between the meetings of the Contracting Parties, review the relations with similar regional Conventions and Action Plans, international financial institutions and programmes and relevant Intergovernmental and non-governmental organizations. In cooperation with the Coordinating Unit, the Bureau may submit to the meetings of the Contracting Parties policy proposals concerning such a relationship.

## Emergency Situations

### *Article XII*

1. The Bureau shall decide, during its meetings or by electronic means, with the Coordinating Unit, on responses in case of emergency situations and shall take emergency measures within the functions and financial resources of the Convention and Action Plan to deal with events requiring immediate action. The Contracting Parties shall be informed of any such decision within two months of its adoption.

**ANNEX IV**

**Note to the Compliance Committee**



The request of the members of the Compliance Committee in accordance with Rule 32 of its Rules of Procedure was considered by the 77<sup>th</sup> Bureau of the Contracting Parties to the Barcelona Convention at its meeting in Ankara (Turkey) 1-3 July 2013, under Agenda item 3. The Bureau examined the amendments proposed to the Rules of Procedure and after discussions decided as follows:

1. Bearing in mind the financial and budgetary context of the Convention, and within the powers given to it by the COP for monitoring of budgetary execution, the Bureau would like to propose the following formulation of Rule 4 for your consideration:

Rule 4

1. The Committee shall normally meet ***twice per biennium preferably once a year***. It may ~~decide~~ ***recommend the Secretariat*** to hold additional meetings subject to workload requirements arising from submissions by concerned Contracting Parties and referrals by the Secretariat and subject to availability of resources.
  2. ~~***Unless it decides otherwise,***~~ The Committee shall meet at the seat of the Coordinating Unit. ***Any additional costs that may rise by changing of the place of the meeting shall be met by the host country.***
2. request from the Compliance Committee to consider the opportunity of further clarifying the voting process which is now inserted in Rule 7, paragraph 1, item (e) "Put questions to the vote and announce decisions"; and,
  3. concluded to adopt the other amendments proposed by the Compliance Committee. (Annex).



## **ANNEX V**

### **Rules of procedure of the Compliance Committee**



**NOTE:** the amendments *are in bold type and italic in the text*

## **Proposed amended rules of procedure of the Compliance Committee under the Barcelona Convention and its protocols**

### **Purposes**

#### **Rule 1**

Within the framework of the implementation of the procedures and mechanisms on compliance under the Barcelona Convention and its Protocols, hereinafter called "compliance procedures and mechanisms", contained in the annex to decision IG 17/2 on compliance procedures and mechanisms, hereinafter called decision IG 17/2, as adopted by the 15th Meeting of the Contracting Parties, these rules of procedure shall apply to any meeting of the Compliance Committee, hereinafter called "the Committee", under the Convention and its related Protocols.

#### **Rule 2**

The Rules of Procedure for Meetings and Conferences of the Contracting Parties to the Barcelona Convention and its related Protocols shall apply *mutatis mutandis* to any meeting **of *the*** Committee unless otherwise stipulated in the rules set out herein and in decision IG 17/2, and provided that rules 18 and 19 on representation and credentials of the Rules of Procedure for Meetings and Conferences of the Contracting Parties do not apply.

### **Definitions**

#### **Rule 3**

For the purposes of these rules:

1. "Convention and its related Protocols" means the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean (Barcelona Convention) adopted in 1976 and amended in 1995 and its related Protocols: Protocol Concerning Cooperation in Combating Pollution of the Mediterranean Sea by Oil and other Harmful Substances in Cases of Emergency (Emergency Protocol), Barcelona, 1976; Protocol Concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, Combating Pollution of the Mediterranean Sea (Prevention and Emergency Protocol), Malta, 2002; Protocol for the Prevention of Pollution in the Mediterranean Sea by Dumping from Ships and Aircraft (Dumping Protocol), Barcelona, 1976; amendments to the Dumping Protocol, recorded as Protocol for the Prevention and Elimination of Pollution in the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea, Barcelona, 1995; Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources (LBS Protocol), Athens, 1980; amendments to the LBS Protocol, recorded as Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities, Syracuse, 1996; Protocol concerning Mediterranean Specially Protected Areas (SPA Protocol), Geneva, 1982; Protocol Concerning Specially Protected Areas and Biological Diversity in the Mediterranean (SPA and Biodiversity Protocol), Barcelona, 1995; 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), Madrid, 1994; Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of

Hazardous Wastes and their Disposal (Hazardous Wastes Protocol), Izmir, 1996; Protocol on Integrated Coastal Zone Management in the Mediterranean (ICZM Protocol), Madrid, 2008.

2. "Compliance procedures and mechanisms" means the procedures and mechanisms on compliance under the Barcelona Convention and its related Protocols adopted by the 15th Meeting of the Contracting Parties and set out in the annex to decision IG 17/2.

3. "Contracting Parties" means Contracting Parties to the Convention and its related Protocols, including the amended versions, if any, for which the Convention and the related Protocols and their respective amendments are in force.

4. "Party concerned" means a Party in respect of which a question of compliance is raised as set out in section V of the compliance procedures and mechanisms.

5. "Committee" means the Compliance Committee established by section II, paragraph 2, of the compliance procedures and mechanisms and by decision IG 17/2 of the 15th Meeting of the Contracting Parties.

6. "Member" means a member of the Committee elected under section II, paragraph 3, of the compliance procedures and mechanisms.

7. "Alternate member" means an alternate member elected under section II, paragraph 3, of the compliance procedures and mechanisms.

8. "Chairperson" means the Chairperson of the Committee elected in accordance with rule 6 of the present rules of procedure.

9. "Vice-Chairpersons" means the Vice-Chairpersons of the Committee elected in accordance with rule 6 of the present rules of procedure.

10. "Secretariat" means the Coordinating Unit that is designated by the Executive Director of the United Nations Environment Programme (UNEP) **as responsible for** the administration of the Mediterranean Action Plan (MAP), referred to in paragraph 38 of the compliance procedures and mechanisms.

11. "Representative" means a person designated by the Party concerned to represent it during the consideration of a question of non-compliance.

12. "The public" means one or more natural or legal persons and, in accordance with national legislation or practice, their associations, organizations or groups.

13. "Bureau" means the Bureau of the Contracting Parties referred to in article 19 of the Convention.

14. "Observers" means the organizations referred to in article 20 of the Convention and those included in the list of MAP partners as approved by the Meeting of the Contracting Parties.

## **Place, dates and notice of meetings**

### **Rule 4**

1. The committee shall normally meet **twice per biennium preferably once a year**. It may [**recommend the Secretariat**] to hold an additional meeting subject to workload requirements

arising from submissions by concerned Contracting Parties and referrals by the Secretariat and subject to availability of funds.

2. [The Committee shall meet at the seat of the Coordinating Unit. **Any additional costs that may rise by changing of the place of the meeting shall be met by the host country.**]

3. At each meeting, the Committee **shall decide in prior consultation with the Secretariat** on the place, dates and duration of its next meeting.

#### **Rule 5**

Notice of Committee meetings shall be sent by the Secretariat to the **regular** members and alternate members and any representative, as the case may be, with a copy to the MAP Focal Points of all Contracting Parties, at least three months before the opening of the meeting.

#### **Officers**

#### **Rule 6**

The Committee shall elect a Chairperson and two Vice-Chairpersons for a term of two years. No officers shall serve for more than two consecutive terms.

#### **Rule 7**

1. In addition to exercising the powers conferred upon him or her elsewhere in these rules, the Chairperson shall:

- (a) Preside over the meeting;
- (b) Declare the opening and closure of the meeting;
- (c) Ensure the observance of these rules;
- (d) Accord the right to speak;
- (e) **Put** questions to **the vote** and announce decisions;
- (f) Rule on any points of order;
- (g) Subject to these rules, have complete control over the proceedings and maintain order.

2. The Chairperson may also propose:

- (a) The closure of the list of speakers;
- (b) A limitation on the time to be allowed to speakers and on the number of interventions on an issue;
- (c) The adjournment or closure of debate on an issue;
- (d) The suspension or adjournment of the meeting.

#### **Agenda**

#### **Rule 8**

1. In agreement with the Chairperson, the Secretariat shall draft the provisional agenda for each meeting of the Committee. The agenda of the Committee shall include items arising from

its functions as specified in section IV of the compliance procedures and mechanisms and other matters related thereto.

2. The Committee, when adopting its agenda, may decide to add urgent and important items and to delete, defer or amend items.

#### **Rule 9**

The provisional agenda and the annotated agenda for each meeting, the draft report of the previous meeting and other working and supporting documents shall be circulated by the Secretariat to **regular** members and alternate members at least six weeks before the opening of **the Committee's** meeting.

#### **Rule 10**

1. The term of office of a **regular** member or alternate member shall commence at the end of an ordinary Meeting of the Contracting Parties immediately following his or her election and run until the end of the Meeting of the Contracting Parties two or four years thereafter, as applicable.

2. If a **regular** member or alternate member of the Committee resigns or is otherwise unable to complete his or her term of office, the Party which nominated that **regular** member or alternate member shall nominate a replacement to serve for the remainder of that **regular** member's or alternate member's mandate, subject to endorsement by the Bureau of the Contracting Parties.

3. When a **regular** member or alternate member resigns or is otherwise unable to complete the assigned term, the Committee shall request the Secretariat to start the replacement procedures in order to ensure, in accordance with paragraph 2 above, the election of a new **regular** member or alternate member for the remainder of the term.

#### **Rule 11**

1. In accordance with these rules of procedure, **regular** members and alternate members shall be invited to attend Committee meetings.

2. Alternate members are entitled to take part in the proceedings of the Committee without the right to vote. An alternate member may cast a vote only if serving as a **regular** member.

3. During the absence of a **regular** member from all or part of a meeting, his or her alternate shall serve as the **regular** member.

4. When a **regular** member resigns or is otherwise unable to complete the assigned term or the functions of a member, his or her alternate shall serve as a member ad interim.

5. Any other participant in the Committee's meetings shall attend as an observer.

#### **Rule 12**

1. Each member of the Committee shall, with respect to any matter that is under consideration by the Committee, avoid direct or indirect conflicts of interest. Any matter that may constitute a conflict of interest shall be **brought** as soon as possible **to the attention** of the Secretariat, which shall forthwith notify the members of the Committee. The concerned member

shall not participate in the elaboration and adoption of findings, measures and recommendations of the Committee in relation to such a matter.

2. If the Committee considers that a material violation of the requirements of independence and impartiality expected of a **regular** member or alternate member of the Committee has occurred, it may decide to recommend, through the Secretariat to the Bureau of the Meeting of the Contracting Parties, to revoke the membership of any member or alternate member concerned, after having given the **regular** member or alternate member the opportunity to be heard.

3. All decisions of the Committee taken under this rule shall be noted in the annual report of the Committee to the Meeting of the Contracting Parties.

### Rule 13

Each **regular** member or alternate member of the Committee shall take the following written oath:

“I solemnly declare that I shall perform my duties as member of the Committee objectively, independently and impartially, acting in the interest of the Barcelona Convention, and shall not disclose any confidential information coming to my knowledge by reason of my duties in the Committee, and I shall disclose to the Committee any personal interest in any matter submitted to the Committee for consideration which may constitute a conflict of interest.”

### Distribution and consideration of information

#### Rule 14

1. The information received in accordance with paragraphs 18-19 of section V on Procedure shall be distributed by the Secretariat to the **regular** members and alternate members of the Committee.

2. **Any** submission received in accordance with paragraph 18(a) of section V of the compliance procedures and mechanisms shall be transmitted by the Secretariat to the **regular** members of the Committee and their alternates as soon as possible but no later than thirty days of receipt of the submission.

3. A submission received in accordance with paragraph 18(b) of the compliance procedures and mechanisms and any issues raised by the Secretariat as provided for in paragraph 23 of the compliance procedures and mechanisms shall be transmitted by the Secretariat to the **regular** members of the Committee and their alternates as soon as possible but no later than 30 days after the six-month time frames provided for in the above-mentioned paragraphs have expired.

4. Any information to be considered by the Committee shall, as soon as possible but no later than two weeks after receipt, be made available to the Party concerned.

## Public access to documents and information

### Rule 15

The provisional agenda, reports of meetings, official documents and, subject to rule 14 above and paragraph 30 of section V of the compliance procedures and mechanisms, any other non-confidential information documents shall be made available to the public.

## Participation in proceedings of the Committee

### Rule 16

1. Unless the Committee or the Party whose compliance is in question decides otherwise, the meetings of the Committee will be open to other Contracting Parties and to observers as provided for under paragraph 13 of the compliance procedures and mechanisms.

2. In accordance with the provisions of paragraphs 18, 27 and 29 of the compliance procedures and mechanisms, the Party concerned is entitled to participate in the Committee's proceedings and make comments thereon. It may furthermore, in accordance with the criteria adopted by the Committee and at the request of the latter, take part in the preparation of its findings, measures and recommendations. The Party concerned shall be given an opportunity to comment in writing on the findings, measures and recommendations of the Committee. Any such comments shall be forwarded with the report of the Committee to the Meeting of the Contracting Parties.

3. The Committee may invite experts to provide **expert** advice through the Secretariat. In that case it shall:

- (a) Define the question on which expert opinion is sought;
- (b) Identify the expert(s) to be consulted, on the basis of a roster of experts prepared and regularly updated by the Secretariat;
- (c) Lay down the procedures to be followed.

4. Experts may also be invited by the Committee to be present during the formulation of its findings, measures or recommendations.

5. Secretariat officials may be also invited by the Committee **to attend the Committee's deliberations** in order to assist in the drafting of its findings, measures or recommendations.

## Conduct of business

### Rule 17

In conformity with rule 11, seven **regular** members of the Committee shall constitute a quorum. For the purpose of the quorum, the replacement of **regular** members by alternates shall take into consideration equitable geographical representation, consistently with the composition of the Committee as set out in the third paragraph of decision IG 17/2.

### Rule 18

1. With respect to a notification or document sent by the Secretariat to a Contracting Party, the date of receipt shall be deemed to be the date indicated in a written confirmation from the Party or the date indicated in a written confirmation of receipt by the expedited delivery courier, whichever comes first.

2. With respect to a submission, request or other document intended for the Committee, the date of receipt by the Committee shall be deemed to be the first business day after receipt by the Secretariat.

#### **Rule 19**

1. Electronic means of communication may be used by the members of the Committee for the purpose of conducting informal consultations on issues under consideration and decision-making on matters of procedure. Electronic means of communication shall not be used for making decisions on matters of substance related in particular to the preparation of findings, measures and recommendations by the Committee.

2. The Committee may use electronic means **of communication** for the transmission, dissemination and storage of documentation, without prejudice to normal means of circulation of the documentation, as the case may be.

#### **Voting**

#### **Rule 20**

Each **regular** member of the Committee shall have one vote.

#### **Rule 21**

1. 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 six members present and voting.

2. For the purpose of these rules, "members present and voting" means members present at the session at which voting takes place and casting an affirmative or negative vote. Members **who abstain** from voting shall be considered as not voting.

#### **Secretariat**

#### **Rule 22**

1. The Secretariat shall make **all necessary** arrangements for meetings of the Committee and provide it with services as required.

2. In addition, **and subject to availability of technical and financial means**, the Secretariat shall perform **any** other function assigned to it by the Committee with respect to the work of the Committee.

#### **Languages**

#### **Rule 23**

The working languages of the Committee shall be the official languages of the meetings or conferences of the Contracting Parties.

## Rule 24

1. The submissions from the Party concerned, the response and the information referred to in section V of the compliance procedures and mechanisms shall be provided in one of the four official languages of the Meetings **of the Conference** of the Contracting Parties to the Convention and its related Protocols. The Secretariat shall make arrangements to translate them into English and/or French if they are submitted in the other official languages of the Meeting of the Contracting Parties to the Convention and its related Protocols.

2. **Any** representative taking part in the Committee proceedings and/or meetings may speak in a language other than the working languages of the Committee if the Party provides for interpretation.

3. Final findings, measures and recommendations shall be made available in all official languages of the Meetings of the Contracting Parties to the Convention and its related Protocols.

## General procedures for submissions

### Rule 25

The time frame for submissions is as follows:

1. For cases concerning a submission by a **Contracting** Party in respect of its own actual or potential situation of non-compliance: at the latest six (6) weeks before the opening of the ordinary meeting of the Committee.

2. For cases concerning a submission by a **Contracting** Party in respect of another Party's situation of non-compliance: at the latest four (4) months before the opening of the ordinary meeting of the Committee allowing the **Contracting** Party whose compliance is in question at least three months to consider and prepare its response.

3. The time frames for cases concerning a submission by a **Contracting** Party in respect of another **Contracting** Party's situation of non-compliance also apply to issues raised by the Secretariat.

4. All the above time frames are **indicative** and may be extended according to the necessities warranted by the circumstances of the matter at hand and in accordance with the Committee's rules of procedure and due process. In this respect, **Contracting** Parties may submit additional documentation, comments and written observations to be considered by the Committee.

### Rule 26

1. A submission by any Contracting Party raising a question of non-compliance with respect to itself shall set out:

- (a) The name of the Contracting Party making the submission;
- (b) A statement identifying the question of non-compliance, supported by substantiating information setting out the matter of concern relating to the question of non-compliance;
- (c) Its legal basis and the relevant provisions of the Barcelona Convention and its related Protocols and decision IG 17/2 that form the basis for raising the question of non-compliance;

- (d) Any provisions of the decisions of the Meeting of the Contracting Parties and the reports of the Secretariat that are applicable to the question of non-compliance.

2. The submission **shall** also include **the** list of all documents annexed to the submission.

### Rule 27

1. A submission by any Contracting Party raising a question of non-compliance with respect to another Party shall set out:

- (a) The name of the Contracting Party making the submission;
- (b) A statement identifying the question of non-compliance, supported by substantiating information setting out the matter of concern relating to the question of non-compliance;
- (c) The name of the Party concerned;
- (d) Its legal basis and the relevant provisions of the Barcelona Convention and its related Protocols and decision IG 17/2 that form the basis for raising the question of non-compliance;
- (e) Any provisions of the decisions of the meetings of the Contracting Parties and the reports of the Secretariat that are applicable to the question of non-compliance.

2. The submission should also include the list of all documents annexed to the submission.

### Rule 28

The Secretariat shall make the submission and any supporting information, submitted under rule 15 **above**, including any expertise reports, available to the representative designated by the concerned Party.

### Rule 29

Within the framework of general procedures for submissions as provided for under rule 26 above, comments and written observations by the Party concerned in accordance with the provisions of section V of the compliance procedures and mechanisms on the Committee's preliminary and final findings, measures and recommendations **shall** include:

- (a) A statement of the position of the Party concerned on the information, findings, measures and recommendations or question of non-compliance under consideration;
- (b) An identification of any information provided by the Party that it requests should not be made available to the public in accordance with paragraph 30 of section V of the compliance procedures and mechanisms;
- (c) A list of all documents annexed to the submission or comment.

### Rule 30

1. Any submission, comment and/or written observations under rules 13 and 29 **above** shall be signed by the MAP Focal Point or the representative of the **Contracting** Party and be delivered to the Secretariat in hard copy and by electronic means **of communication**.

2. Any relevant documents in support of the submission, comment or written observations shall be annexed to it.

### Rule 31

1. Findings, measures or recommendations shall contain, mutatis mutandis:
  - (a) The name of the Party concerned;
  - (b) A statement identifying the question of non-compliance addressed;
  - (c) The legal basis and the relevant provisions of the Barcelona Convention and its related Protocols and decision IG 17/2 and other relevant decisions of the Meetings of the Contracting Parties that form the basis of the preliminary findings, measures and recommendations and their final versions;
  - (d) A description of the information considered in the deliberations and confirmation **that gives** the Party concerned an opportunity to comment in writing on all information considered;
  - (e) A summary of the proceedings, including an indication of whether its preliminary finding or any part of it as specified is confirmed;
  - (f) The substantive decision on the question of non-compliance, including the consequences applied, if any;
  - (g) **The background**, conclusions and reasons for the findings, measures and recommendations;
  - (h) The place and date of the findings, measures and recommendations;
  - (i) The names of the members who participated in the consideration of the question of non-compliance and in the elaboration and adoption of the findings, measures and recommendations.
2. **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 **regular** members and alternate members of Committee and shall be included in the Committee's biennial report to the Meeting of the Contracting Parties.

### Amendments to the rules of procedure

#### Rule 32

**Any** amendment to these rules of procedure **is** adopted by consensus by the Committee and submitted for consideration and adoption by the Bureau, subject to endorsement by the Meeting of the Contracting Parties.

### Overriding authority of the Convention and its related protocols and decision IG 17/2

#### Rule 33

In the event of a conflict between any provision in these rules and any provision in the Convention and its related Protocols or decision IG 17/2, the provisions of the Convention and its Protocols or, as the case may be, decision IG 17/2 shall prevail.