

**Decision IG 17/2: Procedures and mechanisms on compliance under the Barcelona Convention and its Protocols**

The 15<sup>th</sup> Meeting of the Contracting Parties,

*Recalling* Articles 18 and 27 of the Barcelona Convention for the Protection of the Marine Environment and the Coastal region of the Mediterranean as amended in Barcelona in 1995, hereinafter referred to as the Barcelona Convention,

*Recalling also* its decisions adopted at its 13<sup>th</sup> Meeting held in Catania, Italy, and its 14<sup>th</sup> Meeting held in Portoroz, Slovenia, on the need to develop a mechanism to promote implementation and compliance with the Barcelona Convention,

*Noting* with appreciation the work undertaken by the Working Group on Implementation and Compliance on the development of the mechanism relating to compliance during their four meetings held between 2004 and 2007,

**Decides** to approve and adopt the Procedures and mechanisms on compliance with the obligations under the Barcelona Convention and its Protocols, hereinafter referred to as Procedures and Mechanisms, as contained in the Annex to this Decision;

**Agrees** to the setting up of the Compliance Committee in accordance with the Procedures and Mechanisms;

**Decides** also that the composition of the Compliance Committee be as follows:

- two members and two alternates to be nominated by the following southern and eastern Mediterranean countries: Algeria, Egypt, Lebanon, Libya, Morocco, Syria, Tunisia;
- two members and two alternates to be nominated by the seven EU Member States which are Party to the Barcelona Convention: Cyprus, Greece, France, Italy, Malta, Slovenia, Spain and the EC;
- two members and two alternates to be nominated by the other Parties: Albania, Bosnia and Herzegovina, Croatia, Israel, Monaco, Turkey and Montenegro once it becomes Party to the Barcelona Convention;
- one additional member and one alternate to be nominated from each group on a rotation basis every four years. The additional member and the additional alternate are nominated for the first compliance Committee, by the group of southern and eastern Mediterranean countries;

**Requests** the Compliance Committee to consider during the next biennium 2008-2009, *inter alia*, general compliance issues such as compliance problems with reporting requirements under the Barcelona Convention and its Protocols;

**Requests** the Compliance Committee to submit to the 16<sup>th</sup> Meeting of the Contracting Parties draft rules of procedure for the Committee for adoption;

**Requests** the Compliance Committee to submit, in accordance with paragraph 31 of the Procedures and Mechanisms, a report on its activities to the 16th Meeting of the Contracting

Parties, including findings, conclusions and difficulties encountered and any recommendations for amending the Procedures and Mechanisms.

## **Procedures and mechanisms on compliance under the Barcelona Convention and its Protocols**

### **I Objective**

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, in particular those, which are developing countries.

### **II Compliance Committee**

2. A compliance committee, hereinafter referred to as “the Committee”, is hereby established.

3. The Committee shall consist of seven members elected by the 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.

4. 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.

5. 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.

6. Members and alternates shall not serve for two consecutive terms.

7. 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.

8. 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, socio-economic, 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.

9. 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.

10. The Committee shall elect its officers – a Chairperson and two Vice-Chairpersons – on the basis of equitable geographic representation and rotation.

11. 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.

### **III Meetings of the Committee**

12. 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.

13. 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:

- (a) 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
- (b) observers, in accordance with Article 20 of the Convention and the Rules of Procedure for the meetings and conferences of the Contracting Parties.

14. In the absence of a member from a meeting, the respective alternate shall serve as the member.

15. For each meeting, a quorum of seven members is required.

16. 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**

17. 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.

### **V Procedure**

#### **1. Submissions by Parties**

18. 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