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and its Protocols

Athens, Greece, 24-25 January 2017

Agenda Item 7: Draft Guidelines for the Assessment of Reports submitted under Article 26 of the Barcelona Convention

Draft Guidelines for the evaluation of reports to identify actual or potential cases of non-compliance

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UNEP/MAP
Athens, 2016

Note from the Secretariat

1. The present document was submitted at the Eleventh Meeting of the Compliance Committee of the Barcelona Convention and its Protocols (Athens, Greece 22-23 October 2015) under the following numbering: UNEP (DEPI)/MED CC. 11/7. As reflected in the report of that meeting, due to time constraints resulting from a particularly heavy agenda for a two-day meeting, the Compliance Committee was not able to discuss document UNEP (DEPI)/MED CC. 11/7. The Compliance Committee then agreed to discuss that document in depth at the next Compliance Committee meeting. Following the wish of the Eleventh Meeting of the Compliance Committee, document UNEP (DEPI)/MED CC.11/7 is submitted for discussion at the present meeting with the following new numbering: UNEP (DEPI)/MED CC. 12/7.

Introduction

2. The draft Guidelines contained in document UNEP (DEPI)/MED CC. 12/7 are based on common criteria/indicators establishing a common set of requirements for the evaluation of compliance by Contracting Parties with the provisions of the Barcelona Convention and its related Protocols, as well as Decisions, Recommendations, measures, Programs and Action Plans adopted by the Contracting Parties, aiming to standardize the evaluation of implementation reports submitted by the Contracting Parties.

3. The Guidelines proposed a methodology for conducting such evaluation as well as explanations on how to estimate countries' compliance status (Chapter 6 and Table 1).

4. The Guidelines are intended to assist the Compliance Committee and the Secretariat in carrying out the evaluations and in elaborating the evaluation reports.

5. In general terms, evaluation reports are logically structured; they contain evidence-based findings, conclusions, and recommendations, based on the information submitted to the evaluator. They are presented in a way that makes the information accessible, comprehensible and credible. Evaluation reports serve to verify, on the basis of the review of reports, if one Party is having difficulties to comply with its obligations and as a basis for decisions concerning the object of the evaluation and other areas of work related to it.

6. Although the structure of the evaluation report may be adapted to the particular circumstances of an evaluation exercise, the evaluator should use the format given. Major headings should be retained but sub-headings may be added, as applicable.

7. Attached is the standard format for evaluation reports, starting with a sample cover page and contents. The layout and order of contents should follow those in the Guidelines. It should be typed in 1 1/2 spacing, using Arial font 11 and in the A-4 format. The evaluation report should be submitted in electronic format. Pages should be numbered consecutively with Arabic numerals. Paragraphs should be numbered.

Draft Guidelines for the evaluation of reports to identify actual or potential cases of non-compliance

Definitions

1. For the purpose of the present Guidelines:
 1. "In due time" means the submission of the report by the Contracting Party in a date not later than [2] months after the formal date;
 2. "Partial information" means an information that does not allow the drawing of logical conclusions on the situation which the information in question is meant to provide light to.

Formal cases of non-compliance to be considered in the implementation of the Convention and its related Protocols (formal obligation).

2. Non submission of the report by the Contracting Party in due time. The non-compliance with obligations regarding submission of reports provided for in Article 26 of the Barcelona Convention results from non-transmission or late transmission of reports, which is a formal requirement.

3. Specify how it has been taken into account the cause, type, degree, duration and frequency of compliance difficulties and the extent to which financial and technical assistance has previously been provided.

Formal cases of non-compliance to be considered in the implementation of the Convention (formal obligation).

4. The legal basis and the relevant provisions of the Barcelona Convention that form the basis for raising the question of non-compliance [vis a vis the respective legal measures taken by the Contracting Party].

Formal cases of non-compliance to be considered in the implementation of the Protocols (formal obligation)

5. The legal basis and the relevant provisions of the Barcelona Convention and its related Protocols that form the basis for raising the question of non-compliance [vis a vis the respective legal measures taken by the Contracting Party]. Partial or no information on procedural issues.

Difficulties faced by the Contracting Parties in procedural or substantive areas in the implementation of the Convention (substantial obligation)

6. The legal basis and the relevant provisions of the Barcelona Convention that form the basis for raising the question of non-compliance.

7. Specific situations of actual or potential non-compliance with the provisions of the Convention resulting from the report that is inadequate or incomplete or reveal a breach of the Convention and/or of Recommendations and/or of Decisions adopted by the meeting of the Contracting Parties, which is a substantial requirement.

8. The recurrent non submission of the Report as a general compliance issue.

9. Partial or no information on administrative, technical and enforcement issues.

10. Problems of interpretation concerning implementation of the provisions of the Convention:

(i) (.....)

(ii) (.....)

(iii) (.....)

11. Specify how it has been taken into account the cause, type, degree, duration and frequency of compliance difficulties, and the extent to which financial and technical assistance has previously been provided.

Difficulties faced by the Contracting Parties in procedural or substantive areas in the implementation of Protocols (substantial obligation), taking into account the date of ratification of the relevant Protocol by the concerned Party [6 months - 1 year?]

12. The legal basis and the relevant provisions of the Barcelona Convention and its related Protocols that form the basis for raising the question of non-compliance.
13. Specific situations of actual or potential non-compliance with the provisions of the Protocols resulting from the report that is inadequate or incomplete or reveal a breach of the Protocols and/or of related Recommendations and/or Decisions adopted by the meeting of the Contracting Parties, which is a substantial requirement.
14. Partial information on administrative, technical and enforcement issues.
15. Problems of interpretation concerning implementation of the provisions of Protocols:
 - (i) (.....)
 - (ii) (.....)
 - (iii) (.....)
16. Consideration of issues raised by the Mediterranean Action Plan (MAP) components on the implementation of the Protocols for which each Regional Activity Centre is responsible
 - (i) (.....)
 - (ii) (.....)
 - (iii) (.....)
17. Specify how it has been taken into account the cause, type, degree, duration and frequency of compliance difficulties, and the extent to which financial and technical assistance has previously been provided.

Proposed methodology for the evaluation of compliance by Contracting Parties with the provisions of the Barcelona Convention and its related Protocols (excluding Integrated Coastal Management Protocol)

18. Reviewing and analyzing information obtained from the evaluation report (questionnaire).
 - a) evaluation of information from the evaluation report based on proposed relevant indicators and relevant criteria;
 - b) estimation of country's compliance status with the provisions of the Barcelona Convention and each specific Protocol based on proposed criteria;
 - c) estimation of degree (scores) of countries' compliance status to the Barcelona Convention and its Protocols as a whole, based on proposed criteria.
22. Method to be applied for estimation of compliance.
 - a) identified descriptive compliance indicators for the evaluation of information/each question from the evaluation report (questionnaire);
 - b) identified descriptive criterion or qualitative criterion for each descriptive compliance indicators;
 - c) estimated compliance status for each Part of Sub- Part given within the evaluation report, for Barcelona Convention and each Protocol (expressed in "YES" or "NO");
 - d) identified quantitative criteria (expressed in %) for estimation of countries' compliance status to Barcelona Convention and each Protocol (excluding Integrated Coastal Zone Management Protocol);
 - e) identified quantitative criteria for estimation of degree (expressed in scores) of country's compliance to Barcelona Convention and Protocols as a whole.

List of acronyms

CP	Contracting Parties	
BC	Barcelona Convention	
DP	Dumping Protocol	Protocol for the Prevention and Elimination of Pollution of the Mediterranean Sea by Dumping from Ships and Aircraft or Incineration at Sea
EP	Emergency Protocol	Protocol concerning Cooperation in Preventing Pollution from Ships and, in Cases of Emergency, combating Pollution of The Mediterranean Sea
SPA	SPA Protocol	Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean
SPAMIs		Specially Protected Areas of Mediterranean Importance
LBS	LBS Protocol	Protocol for the Protection of the Mediterranean Sea against Pollution from Land-Based Sources and Activities
OsP	Offshore Protocol	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
HWP	Hazardous Waste Protocol	Protocol on the Prevention of Pollution of the Mediterranean Sea by Transboundary Movements of Hazardous Wastes and their Disposal

Table 1.

Subject of compliance / Parts subject to compliance evaluation	Descriptive Compliance Indicators / Parts and Sub-Parts subject to compliance evaluation	Compliance Criterion	Compliance status of Part or sub-Part
BARCELONA CONVENTION			
Part: Submitting of Reports <i>Article 26 of the Barcelona Convention</i>	Number of subsequent non submission	1 or < 1	YES” or “NO”
	Timely submission	Within given deadline	
		<i>Note: Both criteria need to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance”(“NO”)</i>	
Part: Ratification of Barcelona Convention / Amendments	Ratification or acceptance status	“YES”	“YES” or “NO”
	Ratification or acceptance status	“In progress”	
	Undertaken actions on Ratification or acceptance	If answer is “In Progress”, mandatory provision of comment on undertaken related actions and expected date of ratification,	
		<i>Note: First or last two criteria need to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance”(“NO”)</i>	
Part: Bilateral, sub-regional and regional agreement(s)	Existence of relevant Agreements	Mandatory provision of list of relevant Agreements, including Title, Parties, Date, Subject.	YES” or “NO”
	Existence of relevant Agreements	If answer is “Planned “or “In process” it is mandatory to provide the List of planned / in Process Agreements, including Parties, Subject, provisional date of signing.	
		<i>Note: First or last two criteria need to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance”(“NO”)</i>	
Part: Multilateral Instruments	Existence of relevant Agreements	<i>Mandatory provision of comments or insertion the correct data, when the answer inserted by the Secretariat does not correspond to an updated situation.</i>	YES” or “NO”

Table 1.

Subject of compliance / Parts subject to compliance evaluation	Descriptive Compliance Indicators / Parts and Sub-Parts subject to compliance evaluation	Compliance Criterion	Compliance status of Part or sub-Part
		<i>Note: Criteria needs to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance”(“NO”)</i>	
Legal Part	Number of “YES” or “In Progress”/”Partially” answers	$\geq 2/3$	YES” or “NO”
	Enacted relevant Laws implementing provisions of BC	Mandatory provision of relevant List / Titles of Laws, for every “YES” or “In Progress” /” Partially” answers	
	Number of “NO” answers	$\leq 1/3$	
	Missing relevant Laws implementing provisions of BC	Mandatory provision of type of difficulties and related comments, for every “NO” answer and/or plans to make progress, if any.	
		<i>Note: All criteria need to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance”(“NO”)</i>	
Policy Part	Number of “YES” or “In Progress” / “Partially” answers	$\geq 2/3$	“YES” or “NO”
	Formulated and /or adopted development policies which include measures for promotion of sustainable development and the integration of environmental protection?	Mandatory provision of relevant List / Titles of Policies, for every “YES” or “In Progress” /” Partially” answers	

Table 1.

Subject of compliance / Parts subject to compliance evaluation	Descriptive Compliance Indicators / Parts and Sub-Parts subject to compliance evaluation	Compliance Criterion	Compliance status of Part or sub-Part
	Number of “NO” answers	$\leq 1/3$	
	Missing Policies which Include measures for promotion of sustainable development and the integration of Environmental protection.	Mandatory provision of type of difficulties and related comments, for every “NO” answer and/or plans to make progress, if any.	
		<i>Note: All criteria need to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance” (“NO”)</i>	
Part: Allocation of resources for establishment of Institutional structures	Number of “YES” or “In Progress” / “Partially” answers	$\geq 2/3$	YES” or “NO”
	Existence of relevant Institutions complying with provisions of BC	Mandatory provision of. List / Titles of Institutions complying with provisions of BC	
	Number of “NO” answers	$\leq 1/3$	
	Missing of Institutional structures	Mandatory provision of type of difficulties and related comments, for every “NO” answer and/or plans to make progress, if any.	
		<i>Note: All criteria need to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance” (“NO”)</i>	
Part: Measures and actions to implement provisions on monitoring and public	Number of “YES” or “Partially” answers	$\geq 2/3$	YES” or “NO”
	Application of measures and actions to implement provisions on monitoring	If answer is “Partially”, mandatory provision of Comments i.e. important notes on existing monitoring	

Table 1.

Table 1:

Subject of compliance / Parts subject to compliance evaluation	Descriptive Compliance Indicators / Parts and Sub-Parts subject to compliance evaluation	Compliance Criterion	Compliance status of Part or sub-Part
access to information of BC	and public access to information of BC	programs or publications of assessment reports or modalities of presentation to public etc.	
	Number of “NO” answers	<=1/3	
	Missing application of measures	Mandatory provision of type of difficulties and related comments, for every “NO” answer and/or plans to make progress, if any.	
		<i>Note: All criteria need to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance”(“NO”)</i>	
Proposed criteria for estimation of Countries’ Compliance status to BC	<i>If more than or equal to 70 % of the total Number of Parts, subject to compliance evaluation, were estimated as “YES -In Compliance”, the status of Countries’ compliance is Positive. Example in case of Barcelona Convention (BC) - the total number of Parts is 8, so 6 Parts (70%) should have Compliance status “YES -In compliance” in order Country’s status to be estimated as <u>In Compliance to Barcelona Convention</u>. The same principle should be applied when estimating Compliance status of Country for Protocols coming next.</i>		
	DUMPING PROTOCOL		
Part: Ratification of Dumping Protocol- DP	Ratification or acceptance status	“YES”	YES” or “NO”
	Ratification or acceptance status	“In progress”	
	Undertaken actions on Ratification or acceptance	If “answer is “In Progress” answer - mandatory comment on undertaken related actions and expected date of ratification,	
		<i>Note: First or last two criteria need to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance”(“NO”)</i>	

Table 1.

Subject of compliance / Parts subject to compliance evaluation	Descriptive Compliance Indicators / Parts and Sub-Parts subject to compliance evaluation	Compliance Criterion	Compliance status of Part or sub-Part
Legal Part	Number of “YES” or “In Progress”/”Partially” answers	$\geq 2/3$	YES” or “NO”
	Enacted relevant Laws implementing provisions of DP	Mandatory provision of relevant List / Titles of Laws, for every “YES” or “In Progress” /” Partially” answers	
	Number of “NO” answers	$\leq 1/3$	
	Missing relevant Laws implementing provisions of DP	Mandatory provision of type of difficulties and related comments, for every “NO” answer and/or plans to make progress, if any.	
		<i>Note: All criteria need to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance” (“NO”)</i>	
Part: Allocation of resources for establishment of Institutions and monitoring programs	Number of “YES” or “In Progress”/”Partially” answers	$\geq 1/2$	YES” or “NO”
	Existence of relevant Institutions and/or Monitoring Program complying with provisions of DP	Mandatory provision of. List / Titles of Institutions issuing the permits, guidelines and keep records and / or list of Monitoring Program /s meting requirements of respective Guidelines	
	Number of NO answers	$\leq 1/2$	
	Missing of Institutional structures or Monitoring Programs complying with provisions of DP	Mandatory provision of type of difficulties and related comments, for every “NO” answer and/or plans to make progress, if any	

Table 1.

Subject of compliance / Parts subject to compliance evaluation	Descriptive Compliance Indicators / Parts and Sub-Parts subject to compliance evaluation	Compliance Criterion	Compliance status of Part or sub-Part
		<i>Note: All criteria needs to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance”(“NO”)</i>	
Administrative Part	Sub – Part: Existence / Application of Permitting procedures	Mandatory provision of data on granted permits (number; Subject of permit; country of origin; Information on related <i>Article</i> , location –distance of dumping sites from the coast of and total waste quantity.	YES” or “NO”
		<i>Note: The Criteria needs to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance”(“NO”)</i>	
	Sub-Part: Occurrences of dumping in cases of <i>force majeure</i> under the terms of Article 8 of DP, if any	If “YES”, mandatory provision of data on number of cases of force majeure dumping; Ref. number and date of report to MED POL - in relation to Waste category	YES” or “NO”
		NO	
		<i>Note: One of criteria needs to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance”(“NO”)</i>	
	Sub-Part: Occurrences of Critical situations under the terms of Art. 9 of DP, if any	If “YES” mandatory provision of data on number of cases of dumping in critical situations; Ref. number and date of report to MED POL; Quantity; Method of storage/destruction/disposal of the material if not dumped at sea;	YES” or “NO”
		NO	
		<i>Note: Note: One of criteria needs to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance”(“NO”)</i>	

Table 1.

Subject of compliance / Parts subject to compliance evaluation	Descriptive Compliance Indicators / Parts and Sub-Parts subject to compliance evaluation	Compliance Criterion	Compliance status of Part or sub-Part
	<p><i>If Part consists of more than one Sub-Part, Compliance criterion might be as following: If more than or equal to 70 % of the total Number of Sub-Parts, subject to compliance evaluation, were estimated as “YES -In Compliance”, the status of the Part ‘s compliance is Positive.</i></p> <p><i>Example in case of Administrative Part above: - the total number of Sub- Parts is 3, so min. 2 (approx. 70%) Sub-Parts should have status “In compliance- YES” in order the whole Administrative Part to be <u>estimated as In Compliance</u></i></p> <p><i>The same principle should be applied when estimating Compliance status of all Sub – Parts and Parts of Protocols coming next.</i></p>		
Enforcement part	Existence / Application of enforcement procedures	Mandatory provision of data on number of inspections; non-compliance cases and fines issued - in relation to national legislation permits conditions and / or contravention to the Protocol)	YES” or “NO”
		<i>Note: The Criteria need to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance” (“NO”)</i>	
Part: Implementation of the Guidelines: “On dredged material”, “On fish waste or organic material”; “On platforms and other man-made structures at sea”; “On inert uncontaminated geological materials”	Sub-Part: Existence of Decision-making procedure for issuing a permits	Mandatory carrying out of the following actions for permits: Assessment of waste composition, of dumping site, of potential impacts, Requirement for permit application, Evaluation criteria for permit applications, Conditions for issuing a permit.	YES” or “NO”
		<i>Note: The Criteria needs to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance” (“NO”)</i>	
	Sub _ Part: Existence of monitoring programmes	Mandatory inclusion of the following Impact hypothesis; Reference baseline; Establishment of a monitoring program, Frequency of reporting of monitoring data; Quality control and assurance;	YES” or “NO”
		<i>Note: The Criteria needs to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance” (“NO”)</i>	

Table 1.

Subject of compliance / Parts subject to compliance evaluation		Descriptive Compliance Indicators / Parts and Sub-Parts subject to compliance evaluation	Compliance Criterion	Compliance status of Part or sub-Part
	EMERGENCY PROTOCOL			
Part: Ratification of Emergency Protocol - EP	Ratification or acceptance status	“YES”		YES” or “NO”
	Ratification or acceptance status	“In progress”		
	Undertaken actions on Ratification or acceptance	Mandatory comment on undertaken related actions and expected date of ratification, for “In Progress” answer		
		Note: First or last two criteria need to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance”(“NO”)		
Part Status of ratification of international conventions dealing with maritime safety and prevention of pollution from ships	Number of “YES” or “In Progress”/”Partially” answers	>=2/3		YES” or “NO”
	Ratified or accepted Conventions	Mandatory provision of data for each Convention: relevant legal acts - Title, date of enacting legal act, , for every “YES” or “In Progress” /” Partially” answers		
	Number of NO answers	<=1/3		
	Not Ratified or accepted Conventions	Mandatory provision of type of difficulties and related comments, for every “NO” answer and/or plans to make progress, if any.		
		Note: All criteria need to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance”(“NO”)		
Part: Status of ratification of international conventions dealing with combating pollution	Number of “YES” or “In Progress”/”Partially” answers	>=2/3		YES” or “NO”
	Ratified or accepted Conventions	Mandatory provision of data for each Convention: relevant legal acts - Title, date of enacting legal act, , for every “YES” or “In Progress” /” Partially” answers		
	Number of NO answers	<=1/3		

Table 1.

Subject of compliance / Parts subject to compliance evaluation	Descriptive Compliance Indicators / Parts and Sub-Parts subject to compliance evaluation	Compliance Criterion	Compliance status of Part or sub-Part
	Not Ratified or accepted Conventions	Mandatory provision of type of difficulties and related comments, for every “NO” answer and/or plans to make progress, if any. <i>Note: All criteria need to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance” (“NO”)</i>	
Part Status of ratification of international conventions / legal instrument dealing with liability and compensation for pollution damage	Number of “YES” or “In Progress”/“Partially” answers	$\geq 2/3$	YES” or “NO”
	Ratified or accepted Conventions / Legal Instrument	Mandatory provision of data for each Convention/ legal Instrument : relevant legal acts - <i>Title, date of enacting legal act</i> , , for every “YES” or “In Progress” / Partially” answers	
	Number of NO answers	$\leq 1/3$	
	Not Ratified or accepted Conventions / Legal Instrument	Mandatory provision of type of difficulties and related comments, for every “NO” answer and/or plans to make progress, if any.	
		<i>Note: All criteria need to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance” (“NO”)</i>	
Part Legal and administrative measures taken to implement the provisions of the EP	Number of “YES” or “In Progress”/“Partially” answers	$\geq 2/3$	YES” or “NO”
	Enacted relevant Laws and established Institutions / Structures implementing provisions of EP	Mandatory provision of Titles of Laws or Plans dealing with given measure and / Name of Institution implementing given measure, for every “YES” or “In Progress”/“Partially” answers	
	Number of “NO” answers	$\leq 1/3$	

Table 1.

Subject of compliance / Parts subject to compliance evaluation	Descriptive Compliance Indicators / Parts and Sub-Parts subject to compliance evaluation	Compliance Criterion	Compliance status of Part or sub-Part
	Missing relevant Laws and/or Institutions implementing provisions of EP	Mandatory provision of type of difficulties and related comments, for every “NO” answer and/or plans to make progress, if any.	
		<i>Note: All criteria need to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance” (“NO”)</i>	
Part Technical measures taken to prevent and combat marine pollution incidents	Number of “YES” or “In Progress”/”Partially” answers	>=2/3	YES” or “NO”
	Number of “NO” answers	<=1/3	
	Missing Technical Measures implementing provisions of EP	Mandatory provision of type of difficulties and related comments, for every “NO” answer and/or plans to make progress, if any.	
		<i>Note: All criteria need to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance” (“NO”)</i>	
Part: Operational measures taken to prevent and combat marine pollution incidents	Number of “YES” or “In Progress”/”Partially” answers	>=2/3	YES” or “NO”
	Number of “NO” answers	<=1/3	
	Missing Operational Measures implementing provisions of EP	Mandatory provision of type of difficulties and related comments, for every “NO” answer and/or plans to make progress, if any.	
		<i>Note: All criteria must be fulfilled for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance” (“NO”)</i>	

Table 1.

Table 1:

Subject of compliance / Parts subject to compliance evaluation	Descriptive Compliance Indicators / Parts and Sub-Parts subject to compliance evaluation	Compliance Criterion	Compliance status of Part or sub-Part
Part:Incidents	Occurrences of Spill Incidents, if any	If YES Mandatory provision of data on :Accident location; Accident Type; and actions taken, if any	YES” or “NO”
		NO	
		<i>Note: One of criteria needs to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance”(“NO”)</i>	
Part Effectiveness	Existence of operational national contingency plans and other plans	>=1	YES” or “NO”
		<i>Note ; Criteria needs to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance”(“NO”)</i>	
	SPA Protocol		
Part Ratification of SPA Protocol	Ratification or acceptance status	“YES”	YES” or “NO”
	Ratification or acceptance status	“In progress” ;	
	Undertaken actions on Ratification or acceptance	Mandatory comment on undertaken related actions and expected date of ratification, for “In Progress” answer	
		<i>Note: First or last two criteria need to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance”(“NO”)</i>	
Legal Part	Number of “YES” or “In Progress”/”Partially” answers	>=2/3	YES” or “NO”

Table 1.

Table 1:

Subject of compliance / Parts subject to compliance evaluation	Descriptive Compliance Indicators / Parts and Sub-Parts subject to compliance evaluation	Compliance Criterion	Compliance status of Part or sub-Part
	Enacted relevant Laws implementing provisions of SPA	Mandatory provision of relevant List / Titles of Laws, for every “YES” or “In Progress” /” Partially” answers	
	Number of “NO” answers	<=1/3	
	Missing relevant Laws implementing provisions of SPA	Mandatory provision of type of difficulties and related comments, for every “NO” answer and / or plans to make progress, if any.	
		<i>Note: All criteria need to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance” (“NO”)</i>	
Part Establishment of SPA		<i>Sub – Part Establishment o specially protected areas</i>	
a) <u>Establishment of specially protected areas</u>	Number of “YES” or “In Progress”/”Partially” answers	>=1/2	YES” or “NO”
b) <u>List of SPAs</u>	Set up SPA and / or Elaborated management Plan	Mandatory provision of comment for “In Progress” / “Partially” answers	
c) <u>Management of SPAs</u>	Number of “NO” answers	<=1/2	
	Missing set up of SPA and / or Management Plan	Mandatory provision of type of difficulties and related comments, for every “NO” answer and/or plans to make progress, if any.	

Table 1.

Subject of compliance / Parts subject to compliance evaluation	Descriptive Compliance Indicators / Parts and Sub-Parts subject to compliance evaluation	Compliance Criterion	Compliance status of Part or sub-Part
		<i>Note: All criteria need to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance” (“NO”)</i>	
		Sub – Part List of SPA	
	Existence of SPA and related data	Mandatory provision of data on date of creation, category, Type (terrestrial or wetland), Existence of Management Plan and Implementation of it.	YES” or “NO”
		<i>Note: The criteria needs to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance” (“NO”)</i>	
		Managing of SPA	
	Number of “YES” or “In Progress”/”Partially” answers	$\geq 2/3$	YES” or “NO”
	Implemented appropriate Measures and Programs from Management Plan	Mandatory provision of comment for “In Progress” /” Partially” answers	
	Number of “NO” answers	$\leq 1/3$	
	Missing appropriate Measures and Programs management Plan	Mandatory provision of type of difficulties and related comments, for every “NO” answer and/or plans to make progress, if any.	
		<i>Note: The criteria needs to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance” (“NO”)</i>	

Table 1.

Subject of compliance / Parts subject to compliance evaluation	Descriptive Compliance Indicators / Parts and Sub-Parts subject to compliance evaluation	Compliance Criterion	Compliance status of Part or sub-Part
Part	Sub – Part: Establishment of SPAMIs		
Specially Protected Areas of Mediterranean Importance (SPAMIs) a) Establishment of SPAMIs b) List of SPAMIs c) Management of SPAMIs	Number of “YES” or “In Progress”/”Partially” answers	>=1/2	YES” or “NO”
	Set up SPAMIs and / or Elaborated management Plan	Mandatory provision of comment for “In Progress” /” Partially” answers	
	Number of “NO” answers	<=1/2	
	Missing set up of SPAMIs and / or Management Plan	Mandatory provision of type of difficulties and related comments, for every “NO” answer and/or plans to make progress, if any.	
		Note. Criteria needs to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance”(“NO”)	
	Sub – Part List of SPAMIs		
	Existence of SPAMIs and related data	Mandatory provision of data on date of creation, coordinates, Jurisdiction, Adoption of Management Plan	YES” or “NO”
		Note. Criterion needs to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance”(“NO”)	
	Sub Part:Implementation of Management Plan		
Management Plan Implemented	Mandatory provision of data on Regulation of dumping and releases; Implementation of Monitoring program Introduction and reintroduction of species; ,	YES” or “NO”	

Table 1.

Subject of compliance / Parts subject to compliance evaluation	Descriptive Compliance Indicators / Parts and Sub-Parts subject to compliance evaluation	Compliance Criterion	Compliance status of Part or sub-Part
		<i>Note. Criteria needs to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance” (“NO”)</i>	
Part Measures for the protection and conservation of species	Number of “YES” or “In Progress” / “Partially” answers	$\geq 2/3$	YES” or “NO”
	Measures Implemented	Mandatory provision of comment for “In Progress” /” Partially” answers	
	Number of “NO” answers	$\leq 1/3$	
	Missing Measures Implemented	Mandatory provision of type of difficulties and related comments, for every “NO” answer and/or plans to make progress, if any.	
		<i>Note. Criteria needs to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance” (“NO”)</i>	
Part Conservation of the components of marine and coastal biodiversity	Number of “YES” or “In Progress” / “Partially” answers	$\geq 1/2$	YES” or “NO”
	Measures Implemented	Mandatory provision of comment for “In Progress” /” Partially” answers	
	Number of “NO” answers	$\leq 1/2$	
	Missing Measures Implemented	Mandatory provision of type of difficulties and related comments, for every “NO” answer and/or plans to make progress, if any.	
		<i>Note. Criteria needs to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance” (“NO”)</i>	

Table 1.

Subject of compliance / Parts subject to compliance evaluation	Descriptive Compliance Indicators / Parts and Sub-Parts subject to compliance evaluation	Compliance Criterion	Compliance status of Part or sub-Part
Enforcement part	Existence/ Application of enforcement procedures	Mandatory provision of data on number of inspections; non-compliance cases and fines issued - in relation to Provisions of Article 11.5 and other provisions given.	YES” or “NO”
		<i>Note. Criteria needs to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance”(“NO”)</i>	
Part Action Plans <i>Action Plan on Cartilaginous fish; Action plan on the introduction of non-indigenous species into the Med. Sea; Action plan for the conservation of bird species ; Action plan for the conservation of cetaceans in the Med. Sea; Action plan for the conservation of marine vegetation in the Med. Sea; Action plan for the conservation of the monk seal; Action plan for the conservation of marine turtles</i>	Existence of Action Plans	Number of “YES” or “In Progress”/“Partially” answers	YES” or “NO”
	<i>Note : Provided Compliance criteria valid for all 7 Action Plans – should be applied accordingly to 7 Action Plans as Sub- Parts</i>	Measures Implemented	
		Number of “NO” answers	
		Missing Measures Implemented	
		<i>Note. Criteria needs to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance”(“NO”)</i>	

Table 1.

Subject of compliance / Parts subject to compliance evaluation		Descriptive Compliance Indicators / Parts and Sub-Parts subject to compliance evaluation	Compliance Criterion	Compliance status of Part or sub-Part
LBS PROTOCOL				
Part Ratification of LBS Protocol	Ratification or acceptance status	“YES”		YES” or “NO”
	Ratification or acceptance status	“In progress” ;		
	Undertaken actions on Ratification or acceptance	Mandatory comment on undertaken related actions and expected date of ratification, for “In Progress” answer		
		Note: First or last two criteria need to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance”(“NO”)		
Legal Part	Number of “YES” or “In Progress”/”Partially” answers	>=2/3		YES” or “NO”
	Enacted relevant Laws implementing provisions of LBS	Mandatory provision of relevant List / Titles of Laws, for every “YES” or “In Progress” /” Partially” answers		
	Number of “NO” answers	<=1/3		
	Missing relevant Laws implementing provisions of LBS	Mandatory provision of type of difficulties and related comments, for every “NO” answer and/or plans to make progress, if any.		
		Note: All criteria need to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance”(“NO”)		
Part Allocation of resources for establishment of	Number of “YES” or “In Progress” / “Partially” answers	=>2/3		YES” or “NO”

Table 1.

Subject of compliance / Parts subject to compliance evaluation	Descriptive Compliance Indicators / Parts and Sub-Parts subject to compliance evaluation	Compliance Criterion	Compliance status of Part or sub-Part
Institutions and monitoring programs	Existence of relevant Institutions and/ or Monitoring Program complying with provisions of LBS	Mandatory provision of. List / Titles of Institutions and / or list of Monitoring Program /s meting requirements of LBS	
	Number of NO answers	=<1/3	
	Missing of Institutional structures and / or Monitoring Programs complying with provisions of LBS	Mandatory provision of type of difficulties and related comments, for every “NO” answer and/or plans to make progress, if any	
		<i>Note: All criteria need to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance” (“NO”)</i>	
Administrative Part	Existence/ Application of Authorization procedures	Data provided for at least <u>½ of given</u> sectors, including mandatory provision of data on: Number of ongoing authorizations; Number of ongoing point sources subject to regulations other than authorizations; Number of new authorizations; Number of new point sources subject to regulations other than authorization; % of total new point sources subject to regulations other than authorizations; Load of substances released tons/ Year.	YES” or “NO”
		<i>Note: The Criteria needs to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance” (“NO”)</i>	
Enforcement part	Existence/ Application of enforcement procedures	Mandatory provision of data on: on number of inspections, non-compliance cases and fines issued - in	YES” or “NO”

Table 1.

Subject of compliance / Parts subject to compliance evaluation	Descriptive Compliance Indicators / Parts and Sub-Parts subject to compliance evaluation	Compliance Criterion	Compliance status of Part or sub-Part
		relation to national legislation, specific conditions attached to permit	
		<i>Note: The Criteria needs to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance”(“NO”)</i>	
Part: Implementation of the NAPs and their effectiveness	Number of YES or “In Progress” /” Partially” answers	$\geq 2/3$	YES” or “NO”
	NAP Implemented	Mandatory provision of comment for “In Progress” /” Partially” answers	
	Number of “NO” answers	$\leq 1/3$	
	Missing NAP Implementation	Mandatory provision of type of difficulties and related comments, for every “NO” answer and/or plans to make progress, if any.	
		<i>Note: All Criteria need to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance”(“NO”)</i>	
Part: Implementation of Monitoring Programs	Number of YES or “In Progress” /” Partially” answers	$\geq 2/3$	YES” or “NO”
	Specific Monitoring Implemented	Mandatory provision of comment for “In Progress” /” Partially” answers	
	Number of “NO” answers	$\leq 1/3$	
	Missing Implemented Specific Monitoring	Mandatory provision of type of difficulties and related comments, for every “NO” answer and / or plans to make progress, if any.	

Table 1.

Subject of compliance / Parts subject to compliance evaluation		Descriptive Compliance Indicators / Parts and Sub-Parts subject to compliance evaluation	Compliance Criterion	Compliance status of Part or sub-Part
			<i>Note: The Criteria need to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance”(“NO”)</i>	
OFFSHORE PROTOCOL				
Part Ratification of Offshore Protocol -OsP		Ratification or acceptance status	“YES”	YES” or “NO”
		Ratification or acceptance status	“In progress” ;	
		Undertaken actions on Ratification or acceptance	Mandatory comment on undertaken related actions and expected date of ratification, for “In Progress” answer	
			<i>Note: First or last two criteria need to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance”(“NO”)</i>	
Legal Part		Number of “YES” or “In Progress”/”Partially” answers	>=2/3	YES” or “NO”
		Enacted relevant Laws implementing provisions of OsP	Mandatory provision of relevant List / Titles of Laws, for every “YES” or “In Progress” / “Partially” answers	
		Number of “NO” answers	<=1/3	
		Missing relevant Laws implementing provisions of OsP	Mandatory provision of type of difficulties and related comments, for every “NO” answer and / or plans to make progress, if any.	
			<i>Note: All criteria need to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance”(“NO”)</i>	

Table 1.

Subject of compliance / Parts subject to compliance evaluation	Descriptive Compliance Indicators / Parts and Sub-Parts subject to compliance evaluation	Compliance Criterion	Compliance status of Part or sub-Part
Part Allocation of resources for establishment of institutions and monitoring programs	Number of “YES” or “In Progress”/”Partially” answers	=>2/3	YES” or “NO”
	Existence of relevant Institutions and/ or Monitoring Procedures complying with provisions of OsP	Mandatory provision of. List / Titles of Institutions and / or list of Monitoring Procedure /s meting requirements of LBS	
	Number of NO answers	=<1/3	
	Missing of Institutional structures and / or Monitoring Procedures complying with provisions of OsP	Mandatory provision of type of difficulties and related comments, for every “NO” answer and/or plans to make progress, if any	
		<i>Note All criteria need to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance”(“NO”)</i>	
Administrative part	Sub – Part: Existence/ Application of Authorization procedures	Mandatory provision of data on: Duration; Description of activity; Site of activity; Nature and quantity of waste as well as information on Monitoring program; Contingency plan, Safety measures, Restricted measures applied to protect SPA- EIA, Monitoring, Prohibition Removal of installation. <i>Note: The criteria needs to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance”(“NO”)</i>	YES” or “NO”
	Sub- Part	If YES (included at least: Date, Reasons for disposal, Materials disposed of, Quantity, Sites of discharge.	YES” or “NO”

Table 1.

Subject of compliance / Parts subject to compliance evaluation		Descriptive Compliance Indicators / Parts and Sub-Parts subject to compliance evaluation	Compliance Criterion	Compliance status of Part or sub-Part
	<i>Occurrences of Disposal under the terms of Article 14 / Exceptions</i>	NO	<i>Note: One criteria needs to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance” (“NO”)</i>	
	<i>Sub- Part Occurrences of Removal of installations</i>	If YES (included at least: Data on: Date of removal; Dumped Installation -Location and Depth	YES” or “NO”	
		NO <i>Note: One criteria needs to be fulfilled for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance” (“NO”)</i>		
Enforcement part	Existence / Application of enforcement procedures	Mandatory provision of data on Number of inspections Number of non-compliance cases; Number of fines issued; Number of suspensions - in relation to Protocol obligations and national legislation and regulations; Specific conditions attached to authorizations or permits; Provisions regarding to illegal disposal; Provisions regarding safety measure.	YES” or “NO”	
		<i>Note: The criteria needs to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance” (“NO”)</i>		
	HAZARDOUS WASTE PROTOCOL			
Ratification of Hazardous waste Protocol -HWP	Ratification or acceptance status	“YES”	YES” or “NO”	
	Ratification or acceptance status	“In progress” ;		
	Undertaken actions on Ratification or acceptance	Mandatory comment on undertaken related actions and expected date of ratification, for “In Progress” answer		

Table 1.

Subject of compliance / Parts subject to compliance evaluation	Descriptive Compliance Indicators / Parts and Sub-Parts subject to compliance evaluation	Compliance Criterion	Compliance status of Part or sub-Part
		<i>Note: First or last two criteria need to be met or “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance”(“NO”)</i>	
Legal Part	Number of “YES” or “In Progress”/”Partially” answers	$\geq 2/3$	YES” or “NO”
	Enacted relevant Laws implementing provisions of HWP	Mandatory provision of relevant List / Titles of Laws, for every “YES” or “In Progress” /” Partially” answers	
	Number of “NO” answers	$\leq 1/3$	
	Missing relevant Laws implementing provisions of HWP	Mandatory provision of type of difficulties and related comments, for every “NO” answer and/or plans to make progress, if any.	
		<i>Note: All criteria must be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance”(“NO”)</i>	
Part Allocation of resources for establishment of institutions and monitoring programs	Number of “YES” or “In Progress”/”Partially” answers	$\geq 1/2$	YES” or “NO”
	Existence of relevant Institutions and/ or Monitoring Program complying with provisions of HWP	Mandatory provision of. List / Titles of Institutions and / or list of Monitoring Program /s meting requirements of LBS	
	Number of NO answers	$\leq 1/2$	

Table 1.

Subject of compliance / Parts subject to compliance evaluation	Descriptive Compliance Indicators / Parts and Sub-Parts subject to compliance evaluation	Compliance Criterion	Compliance status of Part or sub-Part
	Missing of Institutional structures or Monitoring Programs complying with provisions of HWP	Mandatory provision of type of difficulties and related comments, for every “NO” answer and/or plans to make progress, if any	
		Note <i>All criteria need to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance” (“NO”)</i>	
Technical Part		Sub- Part Existence of definitions of hazardous wastes under domestic legislation	
a) Existence of definitions of hazardous wastes under domestic legislation	Existence of definitions of hazardous wastes under domestic legislation other than listed in Annex I to the Protocol	If YES, mandatory provision of data on: Definition and Transboundary movement procedure.	YES” or “NO”
		NO	
		Note: One criteria needs to be met for Compliance	
b) Total amount hazardous wastes and other wastes generated and by category		Sub-Part Total amount hazardous wastes and other wastes generated and by category	
	Existence of record of total amount of hazardous wastes and other wastes generated and by categories	Data provided for at least ½ of given categories, including mandatory provision of data from years covering reporting period or annul	YES” or “NO”
		Note: One criteria needs to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance” (“NO”)	
Part - Transboundary movements of hazardous wastes or other waste	Sub Part <i>Import/Export of hazardous wastes and other wastes</i>	If YES, mandatory provision of data on Total amount of hazardous wastes or other wastes imported /exported; Category of waste -Annex I or Waste streams (imported / exported); Country of origin/ destination; Final disposal operation or Recovery operation (import).	YES” or “NO”

Table 1.

Subject of compliance / Parts subject to compliance evaluation	Descriptive Compliance Indicators / Parts and Sub-Parts subject to compliance evaluation	Compliance Criterion	Compliance status of Part or sub-Part
		No	
		<i>Note: One criteria must be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance” (“NO”)</i>	
	Sub Part <i>Occurrences of not proceeding as intended with hazardous waste or other waste</i>	<i>If YES, Mandatory provision of data on Type, quantity of waste, reasons for not proceeding</i>	YES” or “NO”
		No	
		<i>Note: One criteria must be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance” (“NO”)</i>	
	Sub Part <i>Occurrences of accidents during the transboundary movement and disposal of hazardous waste or other waste</i>	<i>If YES, mandatory provision on the measures taken and their effectiveness</i>	YES” or “NO”
		No	
		<i>Note: One criteria must be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance” (“NO”)</i>	
	<i>Existence of alternative options for the disposal of hazardous wastes carried out within the area of the national jurisdiction of the Party</i>	<i>If YES, mandatory provision of description of option</i>	YES” or “NO”
		NO	
		<i>Note: One criteria must be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance” (“NO”)</i>	
Enforcement part	Existence/ Application of enforcement procedures	Mandatory provision of data on: Number of contraventions; Number of criminal sanctions applied; Number of clean measures implemented in regard to Requirements of Articles 5.5 and 9.	YES” or “NO”
		<i>Note: The criteria needs to be met for Compliance</i>	
Part Implementation of the Regional Plan on the	Number of YES or “In Progress” / “Partially” answers	≥2/3	YES” or “NO”

Table 1.

Subject of compliance / Parts subject to compliance evaluation	Descriptive Compliance Indicators / Parts and Sub-Parts subject to compliance evaluation	Compliance Criterion	Compliance status of Part or sub-Part
Reduction of Hazardous Waste Generation by 20% in 2011	RP s Implemented	Mandatory provision of comment for “In Progress” /” Partially” answers	
	Number of “NO” answers	<=1/3	
	Missing RPs Implementation	Mandatory provision of type of difficulties and related comments, for every “NO” answer and/or plans to make progress, if any.	
		<i>Note: All criteria needs to be met for “In Compliance” status (“YES”); otherwise this Part should be estimated as “Not in Compliance”(“NO”)</i>	

If one should make estimation of Compliance status of Country to Barcelona Convention and all Protocols as a whole, the criteria and scores might be like following:

*All 8 Components of BC are in state of Compliance (Barcelona Convention + 7 Protocols) = **highest level of Compliance***

*7 Components of BC are in state of Compliance = **high level***

*6 Components of BC are in state of Compliance = **good level***

*5 Components of BC are in state of Compliance = **satisfactory level***

*4 Components of BC are in state of Compliance = **low level***

*3 and less – **unsatisfactory level***

Date:

EVALUATION REPORT

Country

Report of the Evaluation team (CC/Secretariat)

Names, titles

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