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16th Meeting of the Compliance Committee of the Barcelona Convention and its Protocols

Teleconference, 16-18 June 2020

Agenda Item 2: Adoption of the Agenda and Organization of Work

Provisional Annotated Agenda

*Re-issued for technical reasons on 29 May 2020

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Introduction

1. Within the framework of the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols and the Rules of Procedure of the Compliance Committee and in agreement with the Chair of the Compliance Committee, the 16th Meeting of the Compliance Committee of the Barcelona Convention and its Protocols will be held on 16-18 June 2020 through teleconference. Modalities for connection through electronic means will be communicated to the participants in due time.
2. Documentation will be provided in English and French. As per practice, pre-session documentation will not be distributed on paper. Participants are encouraged to download the documentation on their computers in advance of the session.
3. The following annotations to the Provisional Agenda have been prepared by the Secretariat, in agreement with the Chairperson of the Compliance Committee, Ms. Odeta Cato, to assist the meeting in its deliberations.

Provisional Annotated Agenda

Agenda Item 1: Opening of the Meeting

4. The Chairperson of the Compliance Committee, Ms. Odeta Cato, will open the 16th Meeting of the Compliance Committee at 09:30 local time in Athens, Greece (GMT+3) on Tuesday, 16 June 2020.

Agenda Item 2: Adoption of the Agenda and Organization of Work

Working Documents	UNEP/MED CC.16/1. Provisional Agenda
	UNEP/MED CC.16/2. Provisional Annotated Agenda
	UNEP/MED CC.16/3. Proposed Timetable
	UNEP/MED CC.16/4. Report of the 15 th Meeting of the Compliance Committee of the Barcelona and its Protocols (Athens, Greece, 25-26 June 2019)
Information Documents	UNEP/MED CC.16/Inf.1. Provisional List of Documents

5. In conformity with the Rules of Procedure of the Compliance Committee, the Provisional Agenda for this session has been prepared in agreement with the Chairperson of the Committee, and include items arising from the role of the Compliance Committee as specified in Section IV of the Procedures and Mechanisms on Compliance and other matters related thereto.
6. The Compliance Committee is expected to review and adopt the Provisional Agenda (UNEP/MED CC.16/1) annotated in the present document (UNEP/MED CC.16/2). The proposed timetable of the meeting is presented in document UNEP/MED CC.16/3.
7. The Compliance Committee is expected to formally adopt the Report of its 15th Meeting (Athens, Greece, 25-26 June 2019) (UNEP/MED CC.16/4). The Report is the result of intersessional consultation and agreement among Members and Alternate Members of the Compliance Committee following the meeting and was tabled at the twenty-first Meeting of the Parties to the Barcelona Convention and its Protocols (COP21) (Naples, Italy, 2-5 December 2019).

Agenda Item 3: Election of Officers of the Compliance Committee for the biennium 2020-2021

8. Pursuant to paragraph 10 of the Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols and Rule 6 of the Rules of Procedure of the Compliance Committee, the Compliance Committee will elect a Chairperson and two Vice-Chairpersons from among its officers for the biennium 2020-2021.

Agenda Item 4: 2016-2017 National Implementation Reports under Article 26 of the Barcelona Convention: Status, Key Findings and Recommendations

Working Documents	UNEP/MED CC.16/5. Status of Reporting, Key Findings and Recommendations to Promote Compliance Corresponding to the 2016-2017 National Implementation Reports
Information Documents	UNEP/MED CC.16/Inf.2. Status of Reporting per Legal Instrument Corresponding to the National Implementation Reports for the Biennium 2016-2017 UNEP/MED CC.16/Inf.3. Synthesis of the Information Contained in the 2016-2017 National Implementation Reports per Contracting Party UNEP/MED CC.16/Inf.4. General Status of Progress in the Implementation of the Barcelona Convention and its Protocols Corresponding to the 2016-2017 Biennium

9. Under this agenda item, the Secretariat will introduce document UNEP/MED CC.16/5, providing an overview of the status of reporting, identifying key findings and putting forward recommendations to promote compliance. This document has been developed based on the conclusions of the 15th Meeting of the Compliance Committee. To this aim, the Secretariat prepared the following information documents: UNEP/MED CC.16/Inf.2, showing, for the national implementation reports corresponding to the biennium 2016-2017, the status of reporting per legal instrument in table form; UNEP/MED CC.16/Inf.3, presenting a synthesis of the information contained in the 2016-2017 national implementation reports with a breakdown on an individual Party basis; and UNEP/MED CC.16/Inf.4, providing an overview of the general status of progress in the implementation of the Barcelona Convention and its Protocols.

10. The Compliance Committee is expected to consider the status of reporting as well as examine the key findings and proposed recommendations and advise on next steps to take regarding the proposed recommendation in preparation for its 17th Meeting.

Agenda Item 5: Results of the Testing of the Draft Criteria for Preliminary Identification of Actual or Potential Cases of Non-Compliance

Working Documents	UNEP/MED CC.16/6. Testing of the Draft Criteria for Preliminary Identification of Actual or Potential Cases of Non-Compliance
Information Documents	UNEP/MED CC.16/Inf.5. Results of the Testing of the Draft Criteria for Preliminary Identification of Actual or Potential Cases of Non-Compliance

11. The 15th Meeting of the Compliance Committee considered draft criteria for the preliminary assessment of national implementation reports, covering the following aspects: submission, timelines, completeness and implementation. Such criteria were developed in consultation with the General Fisheries Commission for the Mediterranean (GFCM) and the Basel Convention Secretariat. As requested by the 15th Meeting, the Secretariat has tested the said criteria against a set of 2016-2017 national implementation reports (UNEP/MED CC.16/Inf.5) and the key points emerging from this exercise are presented in document UNEP/MED CC.16/6.

12. The Secretariat will introduce document UNEP/MED CC.16/6, and the Compliance Committee is expected to consider the results of testing of the draft criteria and make recommendations on next steps in preparation for its 17th Meeting.

Agenda Item 6: Cooperation and Synergies with the Compliance Committee of the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention)

13. To continue promoting and strengthening the synergies with Compliance Procedures and Mechanisms of other Multilateral Environmental Agreements, a representative of the Aarhus Convention has been invited to present the work of its Compliance Committee, with focus on the processing of communications from the public. The Compliance Committee is expected to **take note** of the information presented and advise on potential synergies to build on between the Aarhus Convention and the Barcelona Convention

Agenda Item 7: Follow-up on previous Communication to the Compliance Committee under Paragraph 23.bis of the Procedures and Mechanisms on Compliance

Working Documents	UNEP/MED CC.16/7. Communication from Ecologistas en Acción de la Región Murciana (Spain) UNEP/MED CC.16/8. Response from Spain to the Communication from Ecologistas en Acción de la Región Murciana (Spain)
Information Documents	UNEP/MED CC. 16/Inf.6. Documentation submitted by Spain in support to its response to the communication from Ecologistas en Acción de la Región Murciana (Spain)
Reference Documents	UNEP/MED CC.15/Inf.5. Documentation submitted by Ecologistas en Acción de la Región Murciana (Spain) in support to its communication UNEP/MED CC.15/10 Findings and Draft Preliminary Decision on the Admissibility of the Communication from Ecologistas en Acción de la Región Murciana (Spain)

14. The 15th Meeting of the Compliance Committee considered document UNEP/MED CC.15/10 addressing the admissibility of the communication from Ecologistas en Acción de la Región Murciana (EARM) (Spain) regarding the implementation by Spain of the Protocol concerning Specially Protected Areas and Biological Diversity in the Mediterranean. In accordance with the conclusion of the Compliance Committee, the Secretariat proceeded with the notification of the communication from EARM to Spain, which submitted its response for the consideration of the present Compliance Committee Meeting.

15. The communication from EARM is presented in document UNEP/MED CC.16/7, together with the additional information provided by EARM in document UNEP/MED CC.15/Inf.5 as tabled to the 15th Meeting of the Compliance Committee. The response of Spain to the communication from EARM is presented in document UNEP/MED CC.16/8, together with the additional information provided by Spain in document UNEP/MED CC.16/Inf.6.

16. The Rapporteur, supported by the Secretariat, will summarize developments so far, including an introduction of the response by Spain to the communication from EARM. The Compliance Committee is expected to examine the communication from EARM in light of the response from Spain and agree on action to take.

Agenda Item 8: Effective Functioning of the Compliance Committee

Working Documents	UNEP/MED CC.16/9. Effective Functioning of the Compliance Committee
Information Documents	UNEP/MED CC.16/10. List of Issues for Legal Interpretation Concerning the Procedures and Mechanisms on Compliance and the Rules of Procedure of the Compliance Committee

17. The 15th Meeting of the Compliance Committee decided to include in its 2020-2021 Programme of Work the review of the Rules of Procedure of the Compliance Committee in order to clarify a number of issues and make a proposal for adjusting accordingly the Procedures and Mechanism on Compliance for consideration by COP 22. To facilitate the discussion, a proposal to amend the Procedures and Mechanisms of the Compliance Committee tabled at the 14th Meeting of the Compliance Committee (Athens, Greece, 27-29 June 2018) is presented in document (UNEP/MED CC.16/9). The 14th Meeting agreed to defer the said proposal to a later stage due to the heavy workload ahead in preparation of its 15th Meeting and COP 21. This proposal is presented together with the list of legal issues for legal interpretation as tabled at the 15th Meeting of the Compliance Committee (UNEP/MED CC.16/10).

18. The Compliance Committee is expected to **discuss** the information contained in documents UNEP/MED CC. 16/9 and UNEP/MED CC. 16/10 and **advise** on next steps to take in preparation for the 17th Meeting of the Compliance Committee.

Agenda Item 9: Place and Date of the 17th Meeting of the Compliance Committee

19. In line with the Procedures and Mechanisms on Compliance and its Rules of Procedure, the Compliance Committee is expected to **decide**, in consultation with the Secretariat, on the dates, venue and duration of the 17th Meeting of the Compliance Committee

Agenda Item 10: Other Matters

20. The Compliance Committee will be invited to raise any items of interest as proposed and agreed during the adoption of the provisional agenda under Item 2.

21. Under this Agenda item, a representative from the Centre International de Droit Comparé de l'Environnement (CIDCE) will present its work on the development of legal indicators.

Agenda Item 11: Conclusions and Recommendations

22. Under this Agenda item, the Compliance Committee will review and approve a set of conclusions and recommendations prepared by the Secretariat in consultation with the Chairperson of the Compliance Committee.

23. The report of the meeting will be prepared at a later stage for approval by electronic means.

Agenda Item 12: Closing of the Meeting

24. The Meeting is expected to be closed by the Chairperson of the Compliance Committee, at 12:00 noon, local time in Athens, Greece (GMT+3), on Thursday, 18 June 2020.