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Eleventh Meeting of the Compliance Committee of the Barcelona Convention
and its Protocols

Athens, Greece, 22-23 October 2015

Report of the 11th Meeting of the Compliance Committee

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Introduction

1. The Compliance Committee held its eleventh meeting at the headquarters of the Coordinating Unit/ Secretariat of the Barcelona Convention in Athens, Greece, on October 22-23, 2015.

Participation

2. The following members and alternate members of the Committee participated in the meeting: Mrs. Daniela Addis, Mrs. Milena Batakovic, Mrs. Selma Cengic, Mr. Nicos Georgiades, Ms. Ekaterini Skouria, Mr. Larbi Sbaï, Mr. José Juste Ruiz and Mr. Hawash Shahin.

3. The Coordination Unit was represented by Mr. Habib El Habr, Deputy Coordinator, Mrs. Tatjana Hema, Program Officer, and Mr. Didier Guiffault, MAP Legal Counselor.

4. The list of participants is available in **Annex I** of the present report.

Agenda Item 1: Opening of the meeting

5. Mrs. Daniela Addis, Chair of the Committee, after having checked the quorum of members present, in accordance with Rules 11 and 17 of the Decision IG.19 / 1, opened the meeting, welcoming the members and alternate members of the Committee. She explained that this meeting was to review the draft documents to be submitted to the Nineteenth Meeting of the Contracting Parties. On behalf of the Secretariat, Mrs. Hema conveyed the best wishes of Mr. Gaetano Leone, MAP Coordinator, and of Mr. Habib El Habr, his Deputy Coordinator, to the meeting of the Committee and notified the participants that they were unable to attend this meeting because of other commitments.

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

6. One member proposed to mention, in the Agenda, the meetings reports, including those of the MAP Focal Points. The Chair and the Secretariat answered that they would report about the various issues as tackled in the last meetings in particular at the MAP Focal Points meeting regarding the Committee and compliance issues.

7. The meeting adopted the Provisional Agenda which is available in **Annex II** of the present report.

Agenda Item 3: Adoption of the draft report of the tenth meeting of the Compliance Committee

8. The President asked the Committee members to formulate their comments in writing and submit them to the Secretariat to incorporate these changes in the final draft of the report.

9. Following the question whether it is appropriate to maintain reference to Committee Members' names in the meeting reports, one member recalled that this issue has been already discussed and that the Committee has opted for anonymity. Another member noted that it was not a major issue; the only advantage in mentioning the names would be to compel the Committee's members to pay more attention to the content of their interventions. He called for anonymity for practical reasons. A round table concluded by majority in favor of anonymity.

10. The Secretariat pointed out that it was up to the Committee to settle the issue of maintaining anonymity or not. What was really important is that the report should reflect what was mentioned during the meeting.

11. Several members intervened regarding the formal hearing of Slovenia during the last meeting of the Committee. The President recalled that this session was decided with the Bureau of the Contracting

Parties. The Secretariat noted that, during the meeting of MAP Focal Points held in October 2015 in Athens, one of the countries, Slovenia, complained about the modalities of organization of this informal session, indicating that its representative had the feeling as if he was before a tribunal. Several members of the Committee were surprised by this reaction, considering that the informal meeting has allowed an open, but courteous discussion with Slovenia and thus, the complaints of this Contracting Party seemed unsound to them. Another member considered that the term “informal session” used in the report seemed inaccurate and that it would be more appropriate to talk about an informative session. The President, as well as several other members, was in favor of this proposition. One member saw, moreover, that it was a good sign that Slovenia was not happy, even if in the report there was the impression of a relatively calm meeting. For him, it was necessary, however, to move to more substantial issues. He considered that the Committee has done its work and that it was up to the Meeting of the Contracting Parties to make the necessary steps with those which haven’t submitted their reports. The President deemed important for the Committee to take part in meetings organized within the framework of the Barcelona Convention and collaborate closely with the Regional Activity Centers. She underlined that the Committee is not a tribunal and did not work against the Contracting Parties, but, on the contrary, it works with the Parties to implement the Convention and its Protocols and therefore needs their cooperation and support.

DECISION:

1. The Compliance Committee reviewed the draft Report of its Tenth Meeting. After corrections the Committee adopted the final Report as presented in Annex IV of the present report.

Agenda Item 4 : **Follow-up on the implementation of Decision IG.2.1 of the eleventh meeting of the Contracting Parties for the Parties which haven’t submitted their reports, regarding the letters sent by the President to the concerned Contracting Parties.**

12. The President requested the Secretariat to confirm the date of dispatch to the eight Contracting Parties concerned by the aforementioned decision and to give update on the state reaction received. The Secretariat noted that it hasn’t received any response to the letters of the President of the Committee addressed to the eight concerned Contracting Parties on 31 July 2015. The President indicated that, taking into account the date of dispatch, the two-month deadline to respond has expired and that these no-responses of the Contracting Parties recipient of these letters should be mentioned in the activity report of the Committee and this should be subject to reaction by the Committee and Secretariat... A member asked whether contacts were held with the Contracting Parties recipients of these letters. The President responded that discussions have taken place with MAP Focal Points, especially Malta, Slovenia, Monaco and Syria and that some of them have noted that they will send their reports rapidly. One member mentioned that the Committee didn’t have to send other letters and that it was up to the Contracting Parties to say what they wanted to do. She recommended a new approach regarding the reporting obligation. Another member proposed to make the distinction between two groups: the first group would include two Contracting Parties, Syria and Libya, which will not be subject to a non-compliance procedure due to the prevailing circumstances and the others for which such a procedure may be considered. He proposed that the Secretariat prepares a list of the countries which respected their reporting obligation.

13. One member proposed to draft a recommendation about this issue for submission to the next meeting of the Contracting Parties. Another member noted, for his part, that it was useless to repeat the same things which haven’t generated any result. It was thus more appropriate to change the approach and start thinking about some concrete measures to take which imply a prior deep review of reports. He insisted also on the necessity to set criteria to assess compliance with the obligations set by the Barcelona Convention and its Protocols. One member noted that all domestic remedies were exhausted, without any probing result. He recalled that it has been proposed that the MAP Coordinator carries out missions on the highest level to concerned Contracting Parties so as to raise their awareness regarding compliance with the reporting obligations. He insisted on the necessity for the Committee to have a direct « in situ »

contact with the Contracting Parties. The President acknowledged that the reports were less and less numerous and that the initiatives of the Committee to reverse this trend haven't led to any concrete result. She noted that the Contracting Parties were more focused on operational problems rather than on compliance with their reporting obligations.

14. One member asserted that it was appropriate to differentiate several phases regarding compliance with the reporting obligations. There was reason to distinguish between the content of the report and the actual situation noted in the field. The fact that several countries have submitted their reports does not necessarily mean that they are complying with their obligations. One member criticized the ongoing decrease of report submission. The no-submission of reports constitutes a non-compliance case for which the Committee should open a relevant procedure. He proposed to use the nineteenth meeting of the Contracting Parties as an occasion to raise the awareness of all decision-makers about this issue.

15. The President mentioned the issue of revision of the reporting format of the Barcelona Convention and its Protocols, to be submitted for review to the next Meeting of the Contracting Parties. The Secretariat considered that this issue constituted a challenge and a cautious internal review by the Committee was recommended. The Secretariat indicated that this issue might be tackled during the next biennium session(s). She recalled that the Contracting Parties wished to know what was legally binding for them within the provisions of the Protocols regarding implementation reporting and also noted, regarding this point, that some of them were not Parties to some Protocols. The Secretariat proposed to postpone the sending of new letters from the Secretariat to concerned Contracting Parties, if necessary, to the end of December 2015.

DECISIONS:

1. The Committee encouraged the Secretariat to follow up with letters sent to the Contracting Parties concerned and to inform the Committee of the outcome of this process by the end of December 2015.
2. The Committee decided to include *inter alia* a proposal for COP 19: to publish the cases of non-compliance with regard to the non-submission of reports for Algeria, Malta, Monaco and Tunisia, as an appropriate measure to bring about full compliance with the Convention and its Protocols (pursuant to Article 33 (d) of the Compliance Procedures and Mechanism).

Agenda Item 5: Submission of reports by the Contracting Parties (Biennium 2012-2013)

16. The President thanked the Secretariat for its note on the eleven reports submitted to date by the Contracting Parties, requesting that the next note should be available in English and French, be integrated with the other reports received and present a summary analysis highlighting the critical situations, duly justified. The Secretariat made a presentation of this note which reflected the elements of analysis of the previous note submitted for examination at the tenth meeting of the Committee. One member proposed the drafting of a new note integrating the upcoming reports. The Secretariat indicated that the note should analyze the factual status of the situation, without jumping to any conclusions regarding real or potential cases of non-compliance. Several members mentioned that the note was very accurate about the gaps to fill and that it was up to the Secretariat to question the Party in default to obtain clarifications without prior referral to the Committee. The President deemed that the Secretariat should have more information and proposed that the latter reviews this note which should also be available in English for discussion at the next meeting of the Committee.

DECISION:

1. The Committee requested the Secretariat to further work on the draft Synthesis Note of the national reports as prepared by the Secretariat (CC/11/4) in collaboration with the MAP components and in consultation with the Contracting Parties, and present this revised Note to the next meeting of the Compliance Committee during the biennium 2016-2017.

Agenda Item 6: Activity Report of the Compliance Committee during the Biennium 2014-2015, including the recommendations to the nineteenth meeting of the Contracting Parties and the Working Programme of the Committee

17. The President recalled that the draft activity report was prepared by the Secretariat based on the previous reports of the Compliance Committee. She called upon the members of the Committee to examine it with great attention for its adoption at the end of the meeting. The President and one member complained that this draft report was not translated into French to enable an easier analysis and provision of substantive comments.

18. The members proceeded to the examination of the draft report and brought in corrections to the three Recommendations of the Committee to be submitted for review and adoption by the nineteenth meeting of the Contracting Parties. These three Recommendations were, respectively, about the implementation of Decision IG. 21/1 related, in particular, to the Contracting Parties which haven't submitted reports; the reporting obligations by virtue of Article 26 of the Barcelona Convention; and, the functioning of the Compliance Committee.

19. The President also submitted for review and adoption by the members of the Committee the draft Decision which will be submitted for review and adoption to the nineteenth Meeting of the Contracting Parties about Compliance mechanisms and procedures, the membership of the Committee and the Working Programme of the Committee for the Biennium 2016-2017.

DECISIONS:

1. The Committee prepared and adopted its Activity Report with its findings, measures and recommendations pursuant to Article 31 (a) of the Compliance Procedures and Mechanism, as presented in Appendix 1 of these Conclusions.
2. The Committee also prepared and adopted the proposed Decision to COP 19 on Compliance matters, as presented in Appendix 2 of these Conclusions.

Agenda Item 7: Power of initiative of the Compliance Committee: setting admissibility criteria of relevant sources of information (Article 23 bis of Decision IG.17 /2)

20. The President proposed to the Committee, which agreed, to defer, because of lack of time, the examination of the note CC.11/6, consolidated by the Secretariat, about setting the admissibility criteria of relevant sources of information by the Committee within the exercise of its power of initiative.

DECISIONS:

1. Due to time constraints, the Committee did not discuss Document CC/11/6, the version consolidated by the Secretariat based on the deliberations of the 10th meeting of the Compliance Committee.
2. The Committee agreed to discuss this matter in depth at the next Compliance Committee meeting in 2016.

Agenda Item 8: Review of the reporting format of MAP & Guidelines for the assessment of reports to identify current or potential non-compliance situations

21. The President recalled that the eighteenth Meeting of the Contracting Parties has asked the Secretariat to prepare, in consultation with the Compliance Committee, a simple and practical draft reporting format of the Barcelona Convention and its Protocols for its submission for review and

adoption by the nineteenth Meeting of the Contracting Parties. The Secretariat noted that it seemed premature to submit such a revised draft report format which required more consultations with the Regional Activity Centers, the Compliance Committee and the Contracting Parties.

22. The President recalled that, during its tenth meeting, there was a presentation to the members of the Committee about a Methodology allowing the identification of non-compliance situations in the implementation of specific provisions of the Barcelona Convention and its Protocols. This Methodology aims at setting up qualitative and quantitative criteria for the assessment of each issue mentioned in the report format. Following this review, the Secretariat was asked to proceed to a harmonization of the indicators table and the working document UNEP (DEPI)/MED CC.10/4 regarding the revised draft Guidelines. The President proposed to the Committee, due to a number of substantive issues remaining to discuss and because of the lack of time, to postpone the review of this consolidated note until the next meeting of the Committee.

DECISIONS:

1. With regards to document CC 11/8, the Committee agreed that more work is needed from the Secretariat on the proposed draft of the revised MAP reporting format. It was recommended that, in consultation with the MAP components and the Contracting Parties, the Secretariat should further work with a view to submit a revised version to a future Compliance Committee meeting for its advice.
2. Due to a heavy agenda and time constraints and considering that the meeting was for two days only, the Committee did not discuss Document CC/11/7 prepared by the Secretariat based also on the deliberations of the 10th CC meeting.
3. The Committee agreed to discuss this document in depth at the next Compliance Committee meeting in 2016.

Agenda Item 9: Other matters

23. The Secretariat gave a detailed account of the discussions held during the last meeting of MAP Focal Points (Athens, October 13-16, 2015). She also informed the Committee of the procedure relative to the partial renewal of the Compliance Committee.

24. The Committee warmly thanked the full and alternate members whose mandate expires at the nineteenth meeting of the Contracting Parties, particularly the outgoing President of the Committee as well as Mr. Guiffault, MAP Legal Counselor for the last 4 years, who will step down at the end of October 2015.

DECISIONS:

1. The Committee took note of the information provided by the Secretariat regarding the relevant discussions on compliance matters held at the MAP FP meeting as well as on the procedure for the election of new CC members.
2. The Committee thanked all members and alternate member whose mandate will end by COP 19 (Daniela Addis, Hawash Shahin, Ekaterini Skouria, Jose Juste Ruiz, Joseph Eduard Zaki, Michel Prieur, Rachelle Adam and Tarzan Legovic).
3. The Committee asked the Chairperson to put to the attention of COP 19 the problems created by the repeated absence of some Committee members/alternate members from its work and meetings. It was also suggested that the Secretariat brings this concern to the attention of the MAP Focal Points.

4. The Committee thanked Mr. Didier Guiffault, MAP legal adviser, for his invaluable support and contribution to the work of the Compliance Committee since June 2011.
5. Finally, the Committee expressed its deep appreciation to Ms. Daniela Addis for her contribution to the work of the Compliance Committee not only in her capacity as its Chairperson for the last year but for her consistent participation and contribution to the Committee's work as a member for a number of years.

Agenda Item 10: Adoption of conclusions and decisions.

25. The Committee examined the draft conclusions and decisions of the eleventh meeting of the Compliance Committee prepared by the Secretariat in consultation with the President. Amendments and additions were brought into this draft. The Secretariat noted that a finalized version of the draft will be addressed to the members of the Committee for final validation to be reproduced in Annex III of the present report.

Agenda Item 11: Date, venue, duration and draft agenda of the eleventh meeting of the Compliance Committee.

26. The President, in agreement with the Secretariat, proposed to hold the twelfth meeting of the Compliance Committee in 2016. Dates, agenda and other modalities of the upcoming meeting of the Committee will be set by the Secretariat in consultation with the Committee in its new composition.

DECISIONS:

1. The Compliance Committee decided that its twelfth meeting will be held in 2016.
2. The Secretariat was requested to take the initiative and consult with the Committee in its new composition in order to agree on the date, agenda and other modalities of the next Committee meeting.

Agenda Item 12: Closing of the meeting.

27. On behalf of the Secretariat, the Deputy Coordinator thanked the Committee and the Chair for this fruitful meeting which succeeded in finalizing the activity report of the Committee for this biennium, as well as in adopting major recommendations for submission to the next meeting of the Contracting Parties. He seized the opportunity to thank all members of the Committee for their serious commitment and contribution, particularly the members and alternate members whose mandate will come to an end at the COP 19. He also thanked Mr. Guiffault, MAP Legal Counselor, placed at the disposal of the Secretariat by France for four years.

28. After thanking the members of the Committee for their active participation in this session during which they have accomplished all Committee's tasks before COP 19, as well as the Secretariat for its precious support, the Chair thanked all the members for their work throughout the years and the positive experience she enjoyed during the workings of the Committee, first as a member and then in her role as the President. She closed the meeting at 18h05.

Annex I
List of Participants

List of participants

Membres titulaires/ Members	Membres suppléants/ Alternate Members
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Annex II
Agenda

Agenda

DAY 1: THURSDAY, 22 OCTOBER 2015

- Agenda Item 1: Opening of the Meeting
- Agenda Item 2: Adoption of the Provisional Agenda and Organization of Work
- Agenda Item 3: Draft Report of the Tenth Meeting of the Compliance Committee
- Agenda Item 4: Follow up of the implementation of Decision IG.21/1 of the Eighteenth Meeting of Contracting Parties related to the Contracting Parties having not submitted their Reports; related letters sent by the Chairperson to the concerned Contracting Parties
- Agenda Item 5: Submission of Reports by the Contracting Parties (up to Biennium 2012-2013 included)
- Agenda Item 6: Compliance Committee Activity Report (2014-2015 Biennium) with annexes (Draft Recommendations and Programme of Work

DAY 2 - FRIDAY, 23 OCTOBER 2015

- Agenda Item 7: Compliance Committee initiative power: determination of the criteria for admissibility of relevant sources of information (Article 23bis of Decision IG.17/2)
- Agenda Item 8: Revised MAP Reporting Format & Guidelines for the Evaluation of Reports to Identify Current or Potential Situations of Non-Compliance (
- Agenda Item 9: Any Other Business
- Agenda Item 10: Adoption of Conclusions and Decisions
- Agenda Item 11: Date, Place, Duration and Draft Agenda of the Twelfth of the Compliance Committee
- Agenda Item 12: Closing of the meeting

Annex III

Conclusions and Decisions of the Meeting

Conclusions and Decisions

Adoption of the draft report of the Tenth Meeting of the Compliance Committee

1. The Compliance Committee reviewed the draft Report of its Tenth Meeting. After corrections the Committee, as presented in Annex I to these conclusions, adopted the final Report.

Follow up of the implementation of Decision IG.21/1 of the Eighteenth Meeting of the Contracting Parties related to the Contracting Parties that have not submitted their Reports; related letters sent by the Chairperson to the concerned Contracting Parties

2. The Committee encouraged the Secretariat to follow up with letters sent to the Contracting Parties concerned and to inform the Committee of the outcome of this process by the end of December 2015.
3. The Committee decided to include *inter alia* a proposal for COP 19: to publish the cases of non-compliance with regard to the non submission of reports for Algeria, Malta, Monaco and Tunisia, as an appropriate measure to bring about full compliance with the Convention and its Protocols (pursuant to Article 33 (d) of the Compliance Procedures and Mechanism).

Submission of Reports by Contracting Parties (up to and including Biennium 2012-2013)

4. The Committee requested the Secretariat to further work on the draft Synthesis Note of the national reports as prepared by the Secretariat (CC/11/4) in collaboration with the MAP components and in consultation with the Contracting Parties, and present this revised Note to the next meeting of the Compliance Committee during the biennium 2016-2017.

Compliance Committee Activity Report during the 2014-2015 Biennium including Recommendations to COP 19 and Committee Programme of Work

5. The Committee prepared and adopted its Activity Report with its findings, measures and recommendations pursuant to Article 31 (a) of the Compliance Procedures and Mechanism, as presented in Annex I to these Conclusions.
6. The Committee also prepared and adopted the proposed Decision to COP 19 on Compliance matters, as presented in Annex II of these Conclusions.

Compliance Committee initiative power: determination of the criteria for admissibility of relevant sources of information (Article 23bis of Decision IG. 17/2)

7. Due to time constraints, the Committee did not discuss Document CC/11/6 prepared by the Secretariat based on the deliberations of the 10th meeting of the Compliance Committee.
8. The Committee agreed to discuss this matter in depth at the next Compliance Committee meeting in 2016

Revised MAP Reporting Format & Guidelines for the Evaluation of Reports to Identify Current or Potential Situations of Non-Compliance

9. With regards to document CC 11/8, the Committee agreed that more work is needed from the Secretariat on the proposed draft of the revised MAP reporting format. It was recommended that, in consultation with the MAP components and the Contracting Parties, the Secretariat should further work with the view to submit a revised version to a future Compliance Committee meeting for its advice.
10. Due to time constraints and considering that the meeting was two days only, the Committee did not discuss Document CC/11/7 prepared by the Secretariat based also on the deliberations of the 10th CC meeting.
11. The Committee agreed to discuss this document in depth at the next Compliance Committee meeting in 2016.

Any Other Matters

12. The Committee took note of the information provided by the Secretariat regarding the relevant discussions on compliance matters held at the MAP FP meeting as well as on the procedure for the election of the new CC members.
13. The Committee thanked all members and alternate member whose mandate will end by COP 19 (Daniela Addis, Hawash Shahin, Ekaterini Skouria, Jose Juste Ruiz, Joseph Eduard Zaki, Michel Prieur, Rachelle Adam and Tarzan Legovic).
14. The Committee asked the Chairperson to put to the attention of COP 19 the problems created by the repeated absence of some Committee members/alternate members from its work and meetings. It was also suggested that the Secretariat brings this concern to the attention of the MAP Focal Points.
15. The Committee thanked Mr. Didier Guiffault, MAP legal adviser, for his invaluable support and contribution to the work of the Compliance Committee since June 2011.
16. Finally the Committee expressed its appreciation to Ms. Daniela Addis for her contribution to the work of the Compliance Committee not only in her capacity as its Chairperson for the last year but for her consistent participation and contribution to the Committee's work as a member for a number of years.

Date, Place, Duration and Draft Agenda of the Twelfth Meeting of the Compliance Committee

17. The Compliance Committee decided that its Twelfth meeting will be held in 2016.
18. The Secretariat was requested to take the initiative and consult with the Committee in its new composition in order to agree on the date, agenda and other modalities of the next Committee meeting.

Appendix 1
Compliance Committee Activity Report 2014-2015

I. Introduction

1. By its Decision IG. 17/2, the 15th Meeting of the Contracting Parties to the Barcelona Convention and its Protocols, held in Almeria in January 2008, adopted the Procedures and mechanisms on compliance with the aim of promoting the implementation of and compliance with the obligations of the Barcelona Convention and its Protocols. By the same Decision, the Meeting of the Contracting Parties created a Compliance Committee and agreed its composition. The Committee's Rules of Procedure specifying its operation were adopted by Decision IG. 19/1 of the Sixteenth Meeting of the Contracting Parties in 2009. By Decision IG. 21/1, the Eighteenth Meeting of the Contracting Parties asked the Compliance Committee to prepare a report on its activities, including its finding and conclusions to be presented at the Nineteenth Meeting.

2. Pursuant to Decision IG. 21/1, the Eighteenth Meeting of the Contracting Parties adopted the Compliance Committee's Programme of Work for the 2014-2015 Biennium. This Programme provided for an assessment of any potential referrals made by the Contracting Parties in accordance with paragraphs 18 and 19 of the Procedures and mechanisms on compliance, and an analysis of general issues of non-compliance in applying the Procedures and mechanisms on compliance, based on the national reports submitted by the Contracting Parties during the 2012-2013 Biennium. It also included an assessment of any issues referred to the Committee by the Secretariat in accordance with paragraph 23 of the Procedures and mechanisms on compliance, along with an analysis of any thematic issues requested by the Meeting of the Contracting Parties under paragraph 17 (c) of the Procedures and mechanisms on compliance, including an in-depth examination of the issues raised by MAP Components on the application of the Protocols. Finally, the biennial Programme invited the Committee to analyze any proposals to strengthen its role within the framework of the Barcelona Convention and its Protocols and to examine the possible difficulties in interpretation of the provisions of the Protocols, for consideration at the Meeting of the Contracting Parties.

I.1 Functions of the Compliance Committee

3. The Committee placed great importance on ensuring that the specific facilitating role of the compliance mechanism, underscored by paragraph 1 of the Procedures and mechanisms on compliance, was fully understood by the Contracting Parties. Indeed, it was vital that they regarded the role of the Compliance Committee solely as being to advise and assist the Contracting Party concerned. Such an understanding will establish the necessary trust between the Committee and the Contracting Parties. The central role assigned to the Committee was to be primarily to facilitate the implementation of and compliance with the Barcelona Convention and its Protocols, taking into account the specific situation of each of the Contracting Parties. To this end, the Committee was mandated to establish close, constructive cooperation with all the Contracting Parties and as such, to provide all necessary assistance and advice to help them overcome any problems associated with the application of the various legal instruments of the MAP/Barcelona Convention System.

I.2 Modalities of referrals to the Compliance Committee

4. The Compliance Committee is empowered to intervene in four cases:

- a) Firstly, it may deal with a referral made by a Party regarding their own situation of non-compliance, where a Party deems that despite their efforts they are unable to comply fully with their obligations under the Convention and its Protocols.
- b) Secondly, it may also intervene at the request of a Party affected by another Party's situation of non-compliance.
- c) The Committee may intervene at the request of the Secretariat, where the latter has identified potential difficulties encountered by a Contracting Party in complying with its obligations under the Convention and its Protocols.

- d) According to Decision IG. 21/1, the Compliance Committee is also empowered to intervene on its own initiative. In accordance with article 23bis of the Procedures and mechanisms on compliance, the Committee may examine, on the basis of the biennial activity reports or in the light of any other relevant information, any difficulties encountered by a Contracting Party in the implementation of the Convention and its Protocols. The Committee may ask the Party concerned to provide all additional information and the Party concerned shall have a period of two months to respond.

5. The Committee may also be asked to make decisions on general issues of compliance with and application of the Convention and its Protocols, or any other issue submitted to it by the Meeting of the Contracting Parties.

II Activities Report of the Compliance Committee during the 2014-2015 Biennium

6. In accordance with paragraph 31 of the Compliance Procedures and mechanisms, the Compliance Committee has been asked to prepare a report of its activities to be submitted for consideration by the Nineteenth Meeting of the Contracting Parties. During the 2014-2015 biennium the Compliance Committee has met three times, respectively in Split, Croatia (27-28 November 2014) and in Athens (21-22 May and 22-23 October 2015). The present report, addressing the activities undertaken during the 2014-2015 biennium, was reviewed at the eleventh meeting of the Compliance Committee. The Activity Report, together with its conclusions, measures and recommendations, were adopted by consensus.

7. During the biennium, the Committee addressed the following issues:

II.1 Specific issues of non-compliance

II.1.1 Referrals to the Committee by the Contracting Parties for non-compliance

8. As in the previous biennium, it should be noted that during the 2014-2015 Biennium no cases of non-compliance were submitted to the Compliance Committee. The Committee noted however that the review of national reports submitted by the Contracting Parties under Article 26 of the Barcelona Convention was a key element in identifying the implementation of the Barcelona Convention and its Protocols by the Contracting Parties and that the breach of this reporting obligation puts a “defaulting” Party in a situation of non-compliance.

II.1.2 Issues Referred to the Committee by the Secretariat

9. No issues were referred to the Compliance Committee by the Secretariat under paragraph 23 of the Procedures and mechanisms for compliance, regarding difficulties faced by the Contracting Parties in fulfilling their obligations within the framework of the Barcelona Convention and its Protocols. The Committee wishes to recall that the report form is an appropriate means by which the Secretariat can verify whether the Contracting Parties have incorporated into their national legislation and/or applied the provisions of the Barcelona Convention and its Protocols. The Secretariat’s role can be instrumental in analyzing these reports to assist and facilitate the work of the Compliance Committee.

II.2 Analysis of general issues of non-compliance

II.2.1 Review of national reports submitted by the Contracting Parties in accordance with Article 26 of the Barcelona Convention

10. Pursuant to Article 26 of the Barcelona Convention, the Contracting Parties shall transmit to the Secretariat the legal, administrative or other measures taken by them for the implementation of the Barcelona instruments. The Committee took note of a Synthesis Note prepared by the Secretariat of the national reports submitted for the 2012-2013 Biennium, which highlights certain deficiencies concerning the reporting exercise required of the Contracting Parties. As of 25 September 2015, only 11 out of the 22 Contracting Parties have submitted their 2012-2013 national reports to the Secretariat.

The Committee asked the Secretariat to continue collaborating with the Contracting Parties concerned in providing further clarifications. On this basis the Secretariat should update the Synthesis Note in an effort to bring up to date the picture regarding the Contracting Parties, for submission at the next Compliance Committee meeting.

11. The Committee expressed its concern that to date 11 Contracting Parties have not yet submitted their reports for the 2012-2013 Biennium. The Committee considered that a full and effective exercise of its functions is directly related to compliance by the Contracting Parties with their obligation to submit their respective reports to the Secretariat. Therefore, it emphasized the need for all Contracting Parties to ensure that they meet the deadlines set for their reporting obligations. Compliance with this requirement under Article 26 of the Convention determines to a great extent the credibility and effectiveness of the compliance mechanism established by consensus by the Contracting Parties themselves.

12. In those circumstances a letter was sent by the Secretariat to the Contracting Parties which didn't submit their reports for the Biennium 2012-2013. The Committee brought to the attention of the Contracting Parties the possibility to receive financial aid from the Secretariat to facilitate the obligation to submit their reports.

13. The Committee decided to address a letter to the President of the Bureau of the Barcelona Convention, asking for the Bureau's cooperation in following up on the implementation of Decision IG. 21/1 and the actions the Bureau envisaged to undertake to ensure the implementation of the said Decision; also informing the Bureau of the actions the Committee would undertake, including the organization of informative sessions with the representatives of the concerned Contracting Parties at the occasion of the next meeting of the Committee «back-to-back» with the meeting of MAP Focal Points, scheduled in May 2015.

14. As a response, a letter co-signed by the President of the Bureau and the Chairperson of Compliance Committee was sent to the MAP Focal Points of the Contracting Parties concerned in April 2015.

15. The Committee also addressed a letter co-signed by the President of the Bureau and the Chairperson of the Committee to four Contracting Parties (Albania, Libya, Malta, and Slovenia) which didn't submit their reports for the Biennium 2008-2009 and 2010-2011 inviting them to participate in an informative session with the Committee.

16. The Compliance Committee noted with concern that the three Contracting Parties (Albania, Libya, Malta) invited to participate in the informative session held during the tenth Compliance Committee Meeting did not respond to the invitation.

17. The Compliance Committee took note of the information and motivations provided in person by the Representative of the Government of Slovenia, to explain the difficulties faced by his country in its exercise of reporting obligation, referring to the content of the Decision IG. 21/1 adopted by COP 18, and to understand the reasons of the delay in the implementation of the above mentioned Decision.

18. The Compliance Committee, recalling Decision IG. 21/1, agreed about the initiatives to be undertaken to ensure its implementation by the Contracting Parties concerned and therefore, to send letters of formal notice signed by the Chairperson of the Compliance Committee (31 July 2015) to the relevant competent Ministers (copying their respective MAP Focal Points) of the Contracting Parties concerned informing them that if this obligation would not be fully complied with, the Compliance Committee would consider starting the procedure under Article 23bis of Decision IG. 17/2. These letters were addressed,

a) to the Government of Slovenia, recalling the Decision IG. 21/1, thanking for the participation at the informative session and asking to confirm their commitment and to fully comply with the obligations concerning submission of Reports by the end of December 2015,

b) to the Governments of Malta and Libya, noting with concern that they did not participate nor reply to the invitation to participate at the informal session; asking to implement its content

and to fully comply with the obligations concerning submission of Reports within two months of the date that the letter would be issued;

c) to the Government of Albania, thanking for submission of their 2010-2011 report, noting that they did not participate at the informative session and recalling their responsibility to fully comply with the obligation under Article 26 of the Barcelona Convention concerning submission of Reports;

d) to the Governments of Algeria, Monaco, Syria and Tunisia, asking them to fully comply with the obligations concerning submission of Reports within two months of the date that the letter would be issued.

II.2.2 Ways to improve the reporting process by Contracting Parties in application of Article 26 of the Barcelona Convention

19. The Committee regretted that the conclusions of the Recommendation annexed to its activity report submitted to the Eighteenth Conference of the Parties for the Biennium 2012-2013 have not lead to any impact, although they were approved by the Eighteenth Conference of the Parties in Decision IG. 21/1.

20. The significant disparities between the reports received in relation both to the form used and the nature, quantity and presentation of the data is another issue of concern. It is of great importance to the Committee that the reports of the Contracting Parties be completed in a standard format, particularly the technical sections, in order to enable the Committee to undertake a meaningful evaluation of their compliance with the obligations under the Barcelona Convention and its Protocols.

21. Some positive developments were noted by the Secretariat: since January 2013, the Contracting Parties have had the option of submitting their reports online and all of the 2012-2013 submitted reports have been submitted using the standardized reporting form. The progressive use of this reporting system by the Contracting Parties allows for a comparative approach to the information provided and a quantitative analysis of data. There is a need for a more uniform presentation of reports. For this reason, the Compliance Committee calls upon all Contracting Parties to use the online reporting form systematically for the 2014-2015 Biennium. To date, all Contracting Parties that reported have used the new on-line reporting format. This real increase compared to the previous biennium is encouraging and should continue. This new reporting format makes it easier to update and compare information as, unlike the previous system, it enables a quantitative analysis to be made.

22. The majority of reports identify recurring problems mainly related to a lack of efficient and effective regulatory and/or administrative frameworks, limited human, technical and financial capacity and a lack of management, as well as a shortage of inter-sectoral cooperation: these constraints impede the completion of a full reporting exercise for certain Protocols. In this respect, the Compliance Committee encourages Contracting Parties that encounter difficulties in drafting their report to make contact with the Secretariat, which will provide any necessary technical assistance.

23. Several initiatives proposed by the Committee to improve the reporting process concern the development of guidelines to assist Contracting Parties to better focus the information they provide and to identify particular difficulties relating to the misinterpretation of questions, and also to seek the potential harmonization of the reporting system. At its sixteenth meeting, the Committee expressed the need to define the guidelines and common criteria for evaluating the 2010-2011 reports with a view to identifying actual or potential cases of non-compliance. An initial review of these draft guidelines was examined by the Committee at its seventeenth meeting. The completion of this draft is included in the Programme of Work for the next Biennium 2016-2017.

II.2.3 Submission of reports by the Contracting Parties (Biennium 2012-2013)

24. Preliminary observations have been made by the Secretariat about the three reports submitted on October 2014, by Turkey, Bosnia and Herzegovina and the European Union. Since that date, five new online reports were received by the Secretariat (Cyprus, Croatia, Greece, Lebanon and Morocco).

The assessment underlined that, regarding Turkey and Bosnia and Herzegovina specifically, the reports repeatedly listed the implementation difficulties related, in particular, to limitations in their technical and financial capacities, insufficiency of human and administrative resources and lack of inter-sectorial coordination.

25. Additional information regarding the implementation of the Barcelona Convention and its Protocols was to be provided by Turkey, Bosnia and Herzegovina and the European Union, in accordance with Point 2 bis of Section V of Decision IG. 17/2 modified by Decision IG.21/1.

26. In this context, a letter, in accordance with Article 23 of Section V of Decision IG.17/2, was sent by the Secretariat to the three Contracting Parties (Bosnia and Herzegovina, Turkey and European Union) which submitted their periodic reports in line with Article 26 of the Convention within the Biennium 2012-2013, to request additional information.

27. At the tenth meeting of the Compliance Committee, a working document was presented by the Secretariat relating to the assessment of eight reports submitted by the Contracting Parties (Cyprus, Croatia, France, Greece, Italy, Lebanon, Morocco and Montenegro). It underlined, first, that all these Parties have used the online reporting format to submit their report, which represents a significant progress in comparison with the previous biennium. It also indicated that several Contracting Parties haven't submitted any report regarding all legal instruments and that some reports do not provide information about technical and implementation aspects of the Protocols. Finally, it underscored the fact that several reports highlighted recurrent difficulties encountered by the Contracting Parties in the implementation of Protocols related, in particular, to the absence of a political and regulatory framework, limited technical and financial capacities, insufficient human resources, an often inappropriate administrative management set-up and, finally, poor inter-ministerial cooperation

28. The Secretariat submitted to the Compliance Committee at its eleventh meeting a cross-sectoral note for the assessment of reports submitted to date in order to identify potential issues of non-compliance. The Compliance Committee, having welcomed the updates on the reports submitted by the Contracting Parties, requested the Secretariat to continue the assessments with the active and operative involvement and cooperation of the competent MAP Components, asking the Contracting Parties for more information as needed, and to prepare a Synthesis Note on the status of implementation of the obligations under article 26 of the Barcelona Convention and on the reports received for the 2012-2013 biennium, i.e. undertaking an analysis of information provided in the national reports in order to draw up a report describing the overall situation underlining and referring the matter of actual or potential situation of non-compliance to be considered by the Compliance Committee.

29. The Committee requested the Secretariat to remind all the Contracting Parties of the possibility of requesting financial support to facilitate their obligation to submit their reports.

II.2.4 Draft revised report Format of the Barcelona Convention and its Protocols

30. The Committee questioned the usefulness of the information gathered via the reports. The Committee deemed it necessary to obtain clarification regarding the missing technical information. Following the proposition of the Committee mentioned in its activity report for the Biennium 2010-2011, the Eighteenth Meeting of the Conference of the Parties, by virtue of its Decision IG. 21/1, asked the Secretariat to prepare, in consultation with the Compliance Committee, a simplified and practical draft report format of the Barcelona Convention and its Protocols to be submitted for review and adoption by the Nineteenth meeting of the Contracting Parties.

31. The Committee regretted the incomplete information provided and the general nature of responses to the Questionnaire and considered that a review of the validity of the Questionnaire cannot be avoided. It appeared, in actual fact and in light of the responses from the Contracting Parties, that the report form is still complex and repetitive in its content. The Committee recommended simplifying it and at the same time requesting the necessary explanations where a Contracting Party answers negatively, designing more suitable content for the resource allocation section, and strengthening and clarifying the effectiveness section. For the time being, it recommended drafting guidelines for using the Questionnaire in the form of an explanatory note for the Contracting Parties, in order to clarify how

the Questionnaire should be used. The finalization of this explanatory note to the Questionnaire format for Contracting Parties is also included in the Committee's Programme of Work for the 2016-2017 Biennium.

II.2.5 Criteria and Guidelines for the evaluation of reports to identify the current or potential situations of non-compliance

32. On this basis, the Committee prepared Guidelines for the evaluation of Reports to identify actual or potential cases of non-compliance, 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 Reports submitted by the Contracting Parties. The definition of criteria and indicators or guidelines for the evaluation of reports will have an important value in assisting the Compliance Committee and the Secretariat in carrying out the report evaluations. The Committee requested through the Secretariat the support of the MAP components for the finalization of the work carried out.

II.2.6 Relationship of the Compliance Committee with the Bureau of the Barcelona Convention.

33. Pursuant a request of the Compliance Committee, the Secretariat sent a letter to the President of the Bureau to invite a representative of the Compliance Committee to take part as an observer in the forthcoming meeting of the Bureau regarding the issues pertaining to the Committee. The President of the Bureau agreed on this proposal and invited the Chairperson of the Compliance Committee at its Seventy-ninth meeting of the Bureau, held in Ankara on 3-4 February 2015.

34. During the cited meeting, three propositions were submitted by the Chairperson of the Compliance Committee to the members of the Bureau. The first proposal related to the presence of a representative of the Committee as an observer to meetings of the Bureau regarding non-compliance issues to strengthen cooperation and collaboration between the Compliance Committee, the Bureau and the Secretariat; the second one referred to the amendment of Article II, paragraph 3 of the Terms of Reference of the Barcelona Convention by the addition of a compliance criterion to the election of the Bureau members; lastly, the third proposition concerned the adoption of a provision for the specific and dedicated regular support to the Compliance Committee, to help it carrying out its mandate at the best and the related need for appropriate financial and human resources.

II.2.7 Implementation of the reform of the power of initiative granted to the Compliance Committee

35. At the request of the Compliance Committee, the Secretariat presented the information document (UNEP(DEPI)/MED CC.10/Inf.10) related to the power of initiative of the Compliance Committee. This new prerogative was granted to the Committee by the Eighteenth Meeting of the Contracting Parties by adding paragraph 2a to Section V of Decision IG.17/2. It enables the Committee to examine, on the basis of biennial activity reports or in the light of all other relevant information, the difficulties encountered by a Contracting Party in the implementation of the Barcelona Convention and its Protocols and to ask it to provide any complementary information. The Secretariat's document underlined that this new competence reinforces the action of the Committee and facilitated a direct link between the Committee itself and the Contracting Party concerned by the non-compliance case. This document also underlined that this new power of referral granted to the Committee was independent from that of the Secretariat.

II.2.8 Presentation of draft Recommendations to submit for adoption to the nineteenth Meeting of the Contracting Parties

36. The Compliance Committee, based on the results of discussions and decisions adopted during the 2014-2015 biennium and with the view to implement its mandate over the next biennium 2016-2017, decided to adopt three groups of Recommendations for the consideration of the Nineteenth Meeting of the Contracting Parties. These Recommendations refer to the following issues: a) the follow-up on the implementation of Decision IG. 21/1, in particular as related to the Parties that have not submitted Reports; b) the reporting obligation under Article 26 of the Barcelona Convention; and lastly c) the functioning of the Compliance Committee.

III. Programme of Work of the Compliance Committee for the 2016-2017 biennium

38. At its eleventh meeting, the Compliance Committee adopted its Programme of Work for the 2016-2017 Biennium. This Programme of Work revisited several points from its previous 2014-2015 Programme, which constitute the core of the Compliance Committee's functions, namely the examination of any referrals by the Contracting Parties, issues referred to the Committee by the Secretariat or the examination of thematic issues under paragraph 17 (c) of the Procedures and Mechanisms on compliance, the drafting and adoption of the report and the recommendations of the Committee.

Appendix 2
Draft decision IG.22/15

**Compliance Mechanisms and Procedures, Membership and Working Programme of the
Compliance Committee for the Biennium 2016-2017**

Draft decision IG.22/15

**Compliance Mechanisms and Procedures, Membership and Working Programme of the
Compliance Committee for the Biennium 2016-2017**

The 19th Meeting of the Contracting Parties to the Convention for the Protection of the Marine Environment and the Coastal Region of the Mediterranean, hereinafter referred as the Barcelona Convention,

Recalling Article 27 of the Barcelona Convention;

Recalling Decision IG.17/2, amended by Decisions IG.20/1 and IG.21/1, regarding the Compliance Procedures and Mechanisms within the framework of the Barcelona Convention and its Protocols, hereinafter referred as “Compliance procedures and mechanisms”, particularly paragraphs 4, 5, 6, 7, 8, 9 and 35, as well as Decision IG.19/1 amended by Decision IG.21/1 regarding the Rules of the Procedures of the Compliance Committee;

Having examined the activity report of the Compliance Committee, presented by its Chairperson to the Meeting of the Contracting Parties, by virtue of Section VI of Decision IG.17/2 for the Biennium 2014-2015;

Recalling that the Compliance Committee’s main role is to assess the current or potential situations of non-compliance and general non-compliance issues by the Contracting Parties and, accordingly, to provide advise and assist Contracting Parties to implement their commitments, in order to assist them to comply with their obligations by virtue of the Barcelona Convention and its Protocols;

Noting with satisfaction the implementation by the Compliance Committee, during three meetings, of its Programme of Work within the period 2014-2015 covered by its report;

Stressing the necessity for the Contracting Parties to comply, accurately and within the requested deadlines, with their reporting obligations by using the reporting form available online about the measures taken to implement the Barcelona Convention and its Protocols, as well as the decisions of the Meeting of the Contracting Parties;

Noting with concern, that the number of Contracting Parties which haven’t submitted their reports within the set deadline or haven’t submitted their reports at all, or with partial information, has regularly increased since the Biennium 2012-2013;

Noting also that, despite the setting up of an online reporting system aiming at facilitating the access to information and the sending of Reports, the number of missing or incomplete reports for the Biennium 2012-2013 has continued to increase;

Drawing attention to the actual situation that deprives the Meeting of the Contracting Parties of the assessment of the reports, as provided for in Article 18-2-ii of the Barcelona Convention;

Taking also note of the Compliance Committee’s Activity Report 2014-2015, contained in Annex I to this Decision;

Adopts the Recommendations of the Compliance Committee, as contained in Annex II to this Decision, addressing the implementation of Decision IG. 21/1, facilitation of Reporting and functioning of the Compliance Committee;

Also adopts the 2016-2017 Work Programme of the Compliance Committee, contained in Annex III to this Decision;

Requests again all the MAP components to provide the Compliance Committee with useful information and the necessary technical assistance and support to help the Committee comply with its responsibilities, particularly to undertake a better assessment of the Reports submitted by the Contracting Parties and verify their content, as well as assessing the current or potential cases of non-compliance or general compliance issues by the Contracting Parties;

Invites the Compliance Committee to examine in accordance with paragraph 17, sub-paragraphs b) and c), of the Compliance Procedures and Mechanisms, the general issues related to compliance, particularly the recurrent problems of non-compliance with these obligations;

Elects and/or renews the Compliance Committee members and alternate members as presented in Annex IV of the present Decision, in accordance with the Procedures set by virtue of Decision IG.17/2 related to Compliance Procedures and Mechanisms as amended by Decision IG.20/1.

Recommendations of the Compliance Committee for the consideration of COP 19

The Compliance Committee calls on the Contracting Parties to the Barcelona Convention to take the necessary measures based on Section VII “Measures” of Decision IG.17/2 “Procedures and Mechanisms on Compliance under the Barcelona Convention and its Protocols”, in particular on:

A - Follow-up on the implementation of Decision IG. 21/1 of the Eighteen Ordinary Meeting of the Contracting Parties regarding the Parties that have not submitted Reports.

1. To take into account the specific situation of each Contracting Party in the assessment of follow-up measures to take in conformity with paragraph 1 of Decision IG. 17/2, also applicable in a case of non-compliance;
2. To urge the Contracting Parties concerned to respect their obligations to implement Decision IG. 21/1 in order to comply with Article 26 of the Barcelona Convention; in particular, the Governments of the Contracting Parties which repeatedly failed to abide by their reporting obligations who may receive a caution addressed by the Meeting of the Parties in accordance with paragraph 34 (a) of Decision IG. 17/2;
3. To amend Article II, para. 3 of the Terms of Reference of the Bureau of the Contracting Parties, adding a compliance criteria in electing the members of the Bureau; in particular, adding after the words "*and regular attendance at the meeting of the contracting Parties*" the following words "*and compliance with their obligations under the Convention, in particular Article 26*".
4. To consider, pursuant to paragraph 33 (d) of the Compliance Mechanism and Procedures, the publication of cases of non-compliance, as concerns the non-submission of the national reports in accordance with Article 26 of the Convention by Contracting Parties, namely Algeria, Malta, Monaco and Tunisia, despite repeated communications by the Compliance Committee addressed to the Parties concerned on this matter.

B - Reporting under Article 26 of the Barcelona Convention.

1. To instruct the Secretariat to develop a revised reporting format with a view to be simpler, shorter and avoid the duplication of information, taking into consideration comments of the Contracting Parties and the Compliance Committee. It should also allow more space for the Contracting Parties to provide information on difficulties faced during implementation;
2. To remind the Secretariat to address directly with the concerned Contracting Party any difficulties that may arise from the periodic Reports referred to in Article 26 of the Convention and any other reports submitted by the Parties;
3. To instruct INFO/RAC to ensure the online availability of the data included in the Reports in order to allow the accessibility and transparency of environmental information.

C - Functioning of the Compliance Committee.

1. To decide the regular participation, as an observer, of the Chairperson of the Compliance Committee or her/his representative to the meetings of the Bureau of the Contracting Parties to better share the concerns related to compliance issues and follow up on the measures taken by the Contracting Parties in case of non-compliance, and in general to better strengthen cooperation and collaboration between the Committee, the Bureau and the Secretariat;
2. To establish the regular participation as observer of an appropriate representative of the Compliance Committee in those MAP Components meetings which are relevant to the work and mandate of the Compliance Committee;
3. To instruct the competent MAP Components to assure the needed support and technical assistance to the Compliance Committee to better evaluate the Reports;
4. To call upon the Secretariat to provide specific and dedicated regular support to the Compliance Committee to carry out its mandate at the best as well as the related need for appropriate financial and human resources.

Programme of Work of the Compliance Committee for the Biennium 2016-2017

Programme of Work of the Compliance Committee for the Biennium 2016-2017

The Compliance Committee will carry out the following activities during the Biennium 2016-2017:

1. Examination of any referrals by the Contracting Parties in accordance with paragraphs 18 and 19 of the Procedures and mechanisms on compliance.
2. Examination of any referrals by the Secretariat in accordance with paragraph 23 of the Procedures and mechanisms on compliance.
3. Analysis, in accordance with paragraphs 17 (b) and (c) of the Procedures and mechanisms on compliance, of general issues of non-compliance arising out of the reports submitted by the Contracting Parties for the periods 2012-2013 and 2014-2015.
4. Consideration at the Committee's initiative, of any difficulties encountered by a Contracting Party in applying the Convention and its Protocols in accordance with paragraph 23 bis of the Procedures and mechanisms on compliance.
5. Analysis of broader issues requested by the meeting of the Contracting Parties in accordance with paragraph 17 (c) of the Procedures and mechanisms on compliance, including a detailed examination of the issues raised by MAP Components on the application of the Protocols.
6. Continuation of the examination of the proposals aimed at strengthening the Committee under the Barcelona Convention and its Protocols.
7. Follow up of determination of criteria of admissibility of relevant information sources (Article 23 bis of Decision IG. 17/2 related to the Initiative Power of the Compliance Committee).
8. Elaboration of an explanatory note for the revised reporting format of the Barcelona Convention and its Protocols (subject to adoption of the new format by the 19th Conference of Parties).
9. Analysis of the effectiveness of the application of the Procedures and mechanisms on compliance with the Barcelona Convention, taking into account the feedback from the Parties on the conditions under which the supporting role of the Committee could be improved.
10. Examination, in close coordination with the MAP Components, of possible difficulties in the interpretation of the provisions of the Protocols, for consideration at the Meeting of the Contracting Parties.
11. Provision of opinion on the assessment to be carried out by the Secretariat with the help of appropriate legal expertise, on the extent of the legally binding nature for the Contracting Parties of programmes of measures and their implementation timetables as adopted in the framework of the Protocols of the Barcelona Convention.
12. Development and adoption of the Activity report and recommendations of the Committee for the Biennium 2016-2017 for submission to the Twentieth Meeting of the Contracting Parties.

Annex IV
Report of the Tenth Meeting of the Compliance Committee

Introduction

1. The Compliance Committee held its tenth meeting on May 21 and 22, 2015, in the headquarters of the Coordination Unit of the Secretariat of the Barcelona Convention in Athens, Greece.

Participation

2. The following Members and alternate members of the Committee had taken part in the meeting: Mrs. Daniela Addis, Mrs. Milena Batakovic, Mrs. Selma Cengic, Mr. Nicos Georgiades, Ms. Ekaterini Skouria, Mr. Tarzan Legovic, Mr. Larbi Sbaï, Mr. Michel Prieur, Mr. José Juste Ruiz and Mr. Hawash Shahin.

3. The Coordination Unit was represented by Mr. Gaetano Leone, Coordinator of the Barcelona Convention, Mr. Habib El Habr, Deputy Coordinator, Mr. Atila Uras, Program Officer, and Mr. Didier Guiffault, MAP Legal advisor.

4. The list of participants is available in **Annex II** of the present report.

Agenda Item 1: Opening of the meeting

5. The Chairperson of the Committee, verified the presence of the required minimum number of members, in conformity with Rules 11 and 17 of Decision IG.19/1, opened the meeting and welcomed the members and alternate members of the Committee. She expressed satisfaction with the implementation of the Workplan for 2014-2015 and, drawing attention to the substantive nature of the agenda, said she believed this meeting would be productive.

5bis. On behalf of Mr. Gaetano, MAP Coordinator, Mr. Habib El Habr, Deputy Coordinator, welcomed the members of the Committee. He underlined the importance of the work of the Committee for the Barcelona Convention and for the Secretariat. He underscores, in this regard, the participation of the President of the Committee to the last meeting of the Convention Bureau and to the meeting of MAP Focal Points, on May 20, 2015, to present the work of the Compliance Committee. He wished to all the members of the Committee a fruitful meeting.

Agenda Item 2: Adoption of the Provisional Agenda and organization of work.

6. Two members of the Committee have called for the addition of three points to the Agenda Item 9 (Other matters) regarding, respectively, placing the Committee archives at the disposal of the Committee's members; the access of the Committee's members to the national reports submitted by the Contracting Parties for each Biennium; and the issuance of air plane tickets for the Committee's members.

7. The meeting adopted, with the above three points, the provisional agenda mentioned in Document UNEP(DEPI)/MED CC.9/1. The provisional agenda is available in **Annex I** of the present report.

Agenda item 3: Preparation of the informal session for the audition of contracting parties on compliance with their reporting obligation.

8. The Chairperson recalled that this session aims at allowing the members of the Compliance Committee to understand the reasons of the delay in the implementation of the Decision IG.21/1 and in the submission of reports by Contracting Parties, and, consequently, give their advice to initiatives to be taken by Contracting Parties to ensure full implementation within the deadlines of Decision IG. 21/1 to fulfill their reporting obligations regarding the Barcelona Convention and its Protocols. This session also aims at supporting them to abide by these obligations. She mentioned the letter co-signed by the President of the Bureau and by herself addressed to four Contracting Parties (Albania, Libya, Malta, and Slovenia) which haven't submitted their reports for the Biennium 2008-2009 and 2010-2011. She

indicated that only Slovenia has responded to the invitation. The Committee expressed its discontent that the three other Contracting Parties haven't taken part in this informal session some of them without providing any justification or reasons.

9. Regarding the progress of the informal session, the President highlighted the importance of reminding Slovenia of the objective of this session, i.e. to determine the modalities for the implementation of Decision IG. 21/1. She mentioned that Slovenia comes with a spirit of collaboration and that the Committee welcomed this approach. The Committee looks forward to engaging in a dialogue of assent with Slovenia in a friendly spirit. One member, supported by another, shared this opinion by insisting on the fact of not launching the discussion with Slovenia in a conflicting manner. The Committee is not a tribunal and Slovenia is not accused. On the contrary it is well appreciated that the country has a good track record. It is important for the Committee to show diplomacy by striving to understand the reasons which prevented this Contracting Party from abiding by its reporting obligation. The Chairperson considered that the Committee expects from Slovenia to provide all the necessary information about the difficulties it has encountered to respect its reporting obligations and that the Committee is fully open to any request for assistance to help Slovenia in submitting its report.

DECISION:

1. The Compliance Committee agreed on the procedure to be followed during the informal hearing.

Informative session: Auditions of representatives of Contracting Parties about compliance with the reporting obligation

10. The Chairperson of the Committee welcomed to the session Dr. Mitja Bricelj, Representative of Slovenia. She informed him that the present Session aims at determining how Slovenia is envisaging to abide by its obligations for the last two biennial exercises and in what conditions the Committee could help Slovenia and define together with Slovenia the way forward.

11. The Representative of Slovenia thanked the Committee for its invitation and expressed his satisfaction regarding the steps taken by the Committee to ensure a more effective implementation of the Barcelona Convention and its Protocols. He went on to say that administrative and technical reasons are behind the difficulties encountered by his country to fulfill its reporting obligation: in the administrative field, three successive changes of government and the separation of the Ministries of Environment and Agriculture; on the technical level, he mentioned that his country does not have sufficient technical capacities to fulfill its reporting obligations. Regarding the assistance proposed by the Committee, Mr. Bricelj welcomed this proposition, but considered that, for the time being, Slovenia did not need additional assistance. Slovenia mainly needs clear rules. The actual reporting problem is linked to the complexity of the reporting format. He underlined the difficulty for Ministries and agencies to access the Internet website to provide the necessary information for the report since they do not have well servers. He also mentioned the problem of human resources management. Moreover, he raised some doubts about the management of the data required by the European Commission and also those requested by UNEP/MAP as they refer to similar issues, but are requested on different ways and norms, sometimes being misleading and also causing duplications. The Slovenian administration has neither the necessary time nor sufficient resources to submit its reports. He considered that there is no need for multiple formats and that efficiency can be ensured with the same financial resources and common reporting. It is not about inventing parameters which are already obsolete and do not correspond to the different requests. The stake does not lie in having additional agents or resources to respond to the reporting obligation, but first to streamline and simplify the procedures.

12. The Chairperson mentioned that, regarding the submission of online reports, Slovenia may seek the technical support of INFO/RAC; furthermore, the Secretariat will provide Slovenia with all necessary information about this point. The Committee is also ready to help in this field. Regarding the reporting formats, she recalled that the Committee was not responsible for the reporting format which was adopted by a meeting of the Contracting Parties. The Secretariat shall implement this reporting format and the

Committee has no competence to modify it. It is necessary for the UNEP MAP, through the Committee and the Secretariat, to obtain from the Contracting Parties information about the implementation of the Barcelona Convention and its Protocols. The Committee is also ready to help Slovenia to provide it with such information. She also underlined the necessity based on the principle of “sincere cooperation” between the Contracting Parties and the Committee, to establish a solid system of written information to determine how it is appropriate to act in the future. Finally, regarding the improvement of the reporting quality, the Committee is ready to formulate recommendations to the Secretariat on the basis of comments it would have received, provided that the Committee receives such comments.

13. The Representative of Slovenia thanked the Secretariat and the Regional Activity Centers for their proposal to provide technical assistance, but underlined, once more, that his country does not need such an additional support. He mentioned that Slovenia will submit its report for the biennium 2012-2013 in December 2015, at the latest.

14. One member said that he was convinced that Slovenia will respect its reporting commitments as soon as its administration is put in place. Another member considered that it was urgent to simplify the reporting format. In this regard, it is necessary to take into account the other reporting obligations assumed by countries. He underscored that, within the European Union, reporting obligations are more easily respected than within the Barcelona Convention, due to the role of the Commission as a watchdog and the potential sanctions for non-compliance. Moreover, he noted that if a Contracting Party does not abide by its reporting obligation, that does not mean, in any case, that it remains inactive on the field. Finally, he suggested that the Ministries of the Environment also benefit from assistance to abide by their reporting obligations.

15. One member noted that, in terms of reporting, obligations are heavy and several Contracting Parties to the Barcelona Convention, such as Slovenia, have to report, similarly, to UNEP/MAP, to other MEAs, but also to the European Union. In the face of such a situation, he insisted on the necessity to improve coherence and synergies between such exercises, justified by the need for financial savings, especially taking into account that human resources are usually limited. He also indicated that his country has witnessed three changes of administration and that it is not always easy to follow these evolutions. Finally, he considered that the non-compliance with the reporting obligation by a Contracting Party did not mean that the latter did not abide by the objectives of the Barcelona Convention and its Protocols.

16. One member expressed his understanding regarding the fact that governmental changes may generate difficulties in the management of the reporting process.

17. The Representative of Slovenia came back to the issue of coexistence of different legal frameworks which generate different but often similar reporting obligations. He underlined that the report was not an end by itself, but what was important is what we put “on the table” to improve the region’s environment. The fact that decision-makers receive numerous reports within the UNEP, the FAO or the EU may be a source of incoherence and confusion. The lack of harmonization and synergies make things more complicated and tends to worsen with the constant increase of the number of indicators. It is all about integration, but in fact, the opposite happens, particularly on the technical level. In the light of such an observation, it is recommended to intervene towards a better data management. He also insisted on the necessity to simplify the reporting process as much as possible. He considered too that the reporting procedure within the Barcelona Convention was essential, but that the paradox comes from the difficulty to provide actual information in these reports. He then called for the rapid design of a simpler data management system to overcome this handicap. He raised a central question, to know if it was necessary to privilege the quality of reports or compliance with obligations. He considered that his country had difficulty to find its way between the data provided by the PAP/RAC and those provided by MED POL and asked who deals with what. He also indicated that Slovenia hasn’t asked for explicit support from the Regional Activity Center for the drafting of its report.

18. One member acknowledged the importance of collecting data and information, but observed an increasing uncertainty regarding the use of this information. He called for a simplification of data and

information that is useful to the Contracting Parties. He also noted, supported by another member that Regional Activity Centers were working independently according to their own priorities without coordination between them. Within this context, he couldn't see how these Centers can support the Contracting Parties.

Deliberations of the Committee's members in the absence of the Representative of Slovenia:

19. The Chairperson recalled that the Committee didn't have any mandate to modify the reporting format, but had the mandate to ensure that the Contracting Parties comply with their reporting obligation within the framework of Decision IG. 21/1. One member considered this decision as obsolete and that it was enough to have a written document by Slovenia specifying what it has committed itself to do.

20. Several members considered that there is no need to limit the matter only in the case of Slovenia, but that it was appropriate to find a solution for the four concerned Contracting Parties. Another member considered that it was necessary to separate Slovenia from the three other cases. It was appropriate to send it a letter repeating its argumentation and calling it to confirm its commitment to submit its report in December 2015, so that Slovenia has the chance to submit its comments in writing.

21. Other members considered that the absence of the three other Contracting Parties at the information session should be taken into account in the comments of the Committee. What shall the Committee say to these three countries, even if the case of Slovenia shall be dissociated from them? It will also be difficult for a Slovenian civil servant to draft in writing what he has said about the dysfunction of his administration. However, the Committee letter should reiterate the commitment of Slovenia to submit its report in December 2015.

22. One member noted that the Committee still doesn't know why the three other Contracting Parties were absent from this informal Session. He asked why Slovenia should be officially treated differently and proposed to have an overall approach for these four countries. It was necessary to treat the three countries on equal footing by asking them to keep the Committee informed of their will to send their report during the coming months.

23. The Chairperson concluded these exchanges by indicating that the Committee will send to Slovenia a note in which it expresses its thanks for participating in this informal Session and in which it asks Slovenia to confirm its commitment to submit its report for the biennium 2012-2013 by December 2015.

24. Back in session, the Representative of Slovenia indicated to the Committee members that he was very happy to explain the reasons which have prevented his country from fulfilling its reporting obligation and to also describe the initiatives which will help his country to find the appropriate remedy.

25. One member insisted on the necessity to act within the perspective of the implementation of Decision IG. 21/1. He recalled that the mission of the Committee was to follow up on the implementation of Paragraph 36 of the Recommendation adopted by the Eighteenth Meeting of the Contracting Parties. He considered that if the Committee was to send letters to the four concerned Contracting Parties, it shouldn't limit itself to these since other Contracting Parties are also in a non-compliance situation. For this reason, he also recommended to address a letter to these Parties. Otherwise, the action of the Committee will be discredited. Another member supported this proposition to address a letter to the twenty-two Contracting Parties which are in a non-compliance situation. The objective is to exercise pressure on them to abide by their obligations and to ask those which have submitted their report to fill the gaps. The Committee itself shall help them, not penalize them.

26. The Chairperson called for the use of the power of initiative acknowledged for the Committee in conformity with Article 23 bis of Decision IG. 17/2 by addressing a mail to the concerned Contracting Parties, also indicating to them the consequences of a no-reply to this mail.

27. One member expressed skepticism about the implications of such a procedure. If the Contracting Parties consider that non-compliance situations are not important, nothing will change and everything will remain ambiguous. The same applies to the proposition submitted to the Regional Activity Centers to assist the Committee in its activities. It has been years that this proposition was formulated without really having concrete results.

28. The Chairperson summarized the exchange of views and proposed that the Secretariat addresses a letter to the Regional Activity Centers to ask them to provide an active support to the process of report assessment. She also proposed that the Committee addresses a letter to eight Contracting Parties: a letter to Slovenia; a letter to three other Contracting Parties (Albania, Malta and Libya) which haven't attended the informal Session; and a letter to four other Contracting Parties (Algeria, Monaco, Syria and Tunisia). Finally, a draft recommendation about this point will be proposed by the Committee and annexed to its biennial activity report 2012-2013 to be submitted to the Nineteenth Meeting of the Contracting Parties for consideration and adoption.

DECISIONS:

1. The Compliance Committee took note with concern that three Contracting Parties (Albania, Libya, Malta) of the four invited to participate in an informal session, held during the 10th Meeting and back- to – back with the meeting of the MAP FPs, did not respond to the invitation.
2. The Compliance Committee welcomed and thanked Mr Mitja Bricelj, Representative of Slovenia, for his participation to this session of the Committee related to the assessment of the reasons for the delay, for more than a biennium, in submitting the Country's Reports for the implementation of the Barcelona Convention and its Protocols.
3. The Compliance Committee took note of the information and explanations provided by the Representative of the Government of Slovenia, to clarify the difficulties faced by his country in its reporting obligations, referring to the content of the Decision IG.21/1 adopted by COP 18, and to understand the reasons of the delay in the implementation of the abovementioned Decision.
4. The Compliance Committee agreed about the initiatives to be undertaken to ensure the implementation of such a Decision by the concerned Contracting Parties and therefore, to send letters of formal notice, based on drafts prepared by an ad- hoc working group, to the relevant competent Ministers (copying to their respective MAP Focal Points) of the concerned Contracting Parties of the abovementioned Decision:
 - a. to the Government of **Slovenia**, recalling the Decision IG.21/1 and the co-signed letter by both Presidents of the Bureau and the Compliance Committee (Annex XX); thanking for the participation to the informal session and asking to confirm their commitment and to fully comply with the obligations concerning submission of Reports by the end of December 2015, indicating to them that if this obligation will not be fully complied with, the Compliance Committee will consider starting the procedure under Article 23 bis of Decision IG.17/2;
 - b. to the Governments of **Malta** and **Libya**, recalling the Decision IG.21/1 and the co-signed letter by both Presidents of the Bureau and the Compliance Committee (Annex XX); noting with concern that they did not participate nor reply to the invitation to participate in the informal session; asking them to implement its content and to fully comply with the obligations concerning submission of reports within two months of the date that the letter would be issued; indicating to them that if this obligation will not be fully complied with, the Compliance Committee will consider starting the procedure under Article 23 bis of Decision IG.17/2;
 - c. to the Government of **Albania**, thanking for the submission of their 2010-2011 report, noting that they did not participate to the informal session and recalling their responsibility to fully comply with the obligation under Article 26 of the Barcelona Convention concerning submission of reports;
 - d. to the Governments of **Algeria**, **Monaco**, **Syria** and **Tunisia**, recalling the Decision IG.21/1, asking them to implement its content and to fully comply with the obligations

concerning submission of reports within two months of the date that the letter would be issued; indicating to them that if this obligation will not be fully complied with, the Compliance Committee will consider starting the procedure under Article 23 bis of Decision IG.17/2.

Agenda Item 4: Adoption of the draft report of the Ninth Meeting of the Compliance Committee (Split/ Croatia – 27-28 November 2014)

29. Several members of the Committee addressed to the Secretariat their remarks regarding some points of the text. The report was adopted by the Committee, taking into account the proposed corrections and modifications.

DECISION:

1. The Compliance Committee reviewed the draft Report of its Ninth Meeting. After minor corrections in the French version and the correct numbering in the English version, the final report was adopted by the Committee.

Agenda Item 5: Participation of the President of the Compliance Committee as an observer to the 79th meeting of the Bureau of the Barcelona Convention

30. The Chairperson drafted a report of her participation to the 79th meeting of the Bureau of the Contracting Parties. She recalled the three propositions she submitted for this occasion to the members of the Bureau. The three propositions were as follows: presence of a representative of the Committee as an observer to the meetings of the Bureau in particular those regarding non-compliance issues; modification of Article II, paragraph 3, of the Terms of Reference of the Barcelona Convention by the addition of a compliance criterion to the election of the Bureau members; a regular support that is specific to the Committee's activities to help in exercising its mandate in the best possible way, with the support of appropriate financial and human resources.

31. One member noted that it is up to the Bureau to indicate the sessions the representative of the Committee can attend. Another member asked if the invitations to the Committee meetings have been sent to the Contracting Parties. The Secretariat answered negatively.

32. In brief, the Chairperson proposed to draft a recommendation aiming at amending the Bureau's Terms of Reference, encouraging the participation of a Committee representative to all the Bureau meetings as well as to those of the MAP Components included those of the MFP and of the Executive Coordination Panel (ECP) in which it can provide an added value. Finally, she called for an approach favoring the opportunity for Contracting Parties to participate, on the basis of Rule 5 of the Rules of the Procedures of the Committee, to some of these Compliance Committee meetings.

33. Mr. Gaetano Leone, MAP Coordinator, underscored the significant role of the presence of the Compliance Committee's President during the second day of the meeting of MAP Focal Points, on May 20, 2015. He noted the renewed interest of MAP Focal Points on non-compliance issues and firmly recalled that the success of the Barcelona Convention was related to the Contracting Parties' compliance with their obligations. He also indicated that the draft decisions to be presented to the nineteenth meeting of the Contracting Parties shall be submitted in advance to the next MAP Focal Points meeting, scheduled mid-October 2015. Regarding the timetable of the upcoming meetings of the Committee, he noted that the Budget shall be able to finance the holding of another meeting by the end of 2015, underlining that part of the work can be done electronically. He concluded by saying that the Secretariat will spare no effort to facilitate the work of the Committee and thanked its members once again for their constructive commitment to the service of the Barcelona Convention.

DECISIONS:

1. Based on the relevant conclusions regarding the participation to the 79th Meeting of the Bureau of the Barcelona Convention, the Compliance Committee decided that a list of recommendations should be drafted to be submitted for consideration and adoption to the 19th Meeting of the Contracting Parties. The following proposals were adopted:
 - a. The regular participation of a representative of the Compliance Committee with the status of observer to the Meetings of the Bureau of the Barcelona Convention to strengthen cooperation and collaboration between the Compliance Committee, the Bureau and the Secretariat;
 - b. The amendment of Article II, paragraph 3, of the Terms of Reference of the Bureau of the Contracting Parties, adding compliance criteria in electing the members of the Bureau;
 - c. The provision of a specific and dedicated regular support to the Compliance Committee, to help it carrying out its mandate at the best possible manner and the related need for appropriate financial and human resources.
 - d. The regular participation of a representative of the Compliance Committee in relevant meetings of the MAP Components and of the Executive Coordination Panel (ECP) or in any other meetings or instances where the Compliance Committee could provide added value.
2. The Compliance Committee, made aware by the UNEP/MAP Coordinator on the deadlines for advancing Recommendations to be submitted for consideration and adoption by the 19th Meeting of the Contracting Parties, decided to propose a list of Recommendations, based on drafts prepared by an ad hoc working group. These Recommendations, also taking into account the list of Recommendations adopted under Agenda Item 5, referred to the following issues:
 1. The follow-up on the implementation of Decision IG. 21/1 of the Eighteen Ordinary Meeting of the Contracting Parties regarding the Parties that have not submitted Reports;
 2. The reporting obligation under Article 26 of the Barcelona Convention;
 3. Functioning of the Compliance Committee.

Agenda Item 6: Submission of reports by the Contracting Parties (Biennium 2012-2013)

34. The Chairperson informed about her participation to the Formal Session on compliance within the MAP Focal Points Meeting. She reported that she gave a slide presentation on the work of the Committee, briefly describing the various types of non-compliance and informing about the no submission of cases of non-compliance during the current biennium. She also have reported the missed implementation of the recommendations contained in Decision IG.21/1 by the concerned Contracting Parties and the subsequent reminder send to them by the President of the Bureau of the Barcelona Convention, as well as the decisions taken in agreement with the Bureau. A table listing submitted national Reports were presented, specifying that it did not include information on whether the content of the Reports met the reporting requirements.

35. The Chairperson reported also that in the discussion that followed her presentation, she explained that compliance with reporting obligations was only the first stage and that the Committee would welcome input from Contracting Parties and MAP Components on the criteria and guidelines for the second stage, namely evaluating the actual content of the reports. In fact, while knowing the reasons for non-reporting was important, the Committee had difficulty determining them when non-reporting Contracting Parties did not respond to its requests for further information.

In response to some Focal Points comments, she had the opportunity to clarify that the current format had been agreed upon by the Contracting Parties and that any changes to it would have to be approved by them and would involve changes to the software. However, the format could certainly be amended to meet the needs of Contracting Parties and ensure that they reported more efficiently. She invited the Focal Points to submit concrete proposals on how the format might be improved: a degree of

prescriptiveness was necessary in the explanatory note to ensure that the Contracting Parties understood what information was required of them, but the Committee was open to input in that regard. She also informed that her speech was followed by a slide presentation of the Director of the Regional Activity Centre for Information and Communication (INFO/RAC) on the online reporting system for the Barcelona Convention and its protocols (BCRS).

36. The Secretariat made the point on the submission of Reports by the Contracting Parties for the 2012-2013 Biennium and presented a working document (UNEP(DEPI) MED CC.10/3 related to the assessment of eight reports submitted by the Contracting Parties (Cyprus, Croatia, France, Greece, Italy, Lebanon, Morocco and Montenegro). It underlined, first, that all Contracting Parties have used the online reporting format to complete their report, which represents a significant progress in comparison with the previous biennium. It also indicated that several Contracting Parties haven't submitted any report regarding all legal instruments and that some reports do not provide information about technical and implementation aspects of the Protocols. Finally, it underscored the fact that several reports highlighted recurrent difficulties encountered by the Contracting Parties in the implementation of Protocols related, in particular, to the absence of a governance framework, limited technical and financial capacities, insufficient human resources, an often inappropriate administrative management and, finally, a deficient interministerial cooperation.

37. Several members congratulated the Secretariat for this assessment, but proposed that the Secretariat drafts a summary of the eleven reports submitted to date by the Contracting Parties in order to reach common denominators and identify cross-cutting issues. This note may then facilitate the work of the Committee in its assessment of the substance of reports. In fact, reports have shown that the countries are confronted with similar problems, for example insufficient financial, human and technical resources, and considered that it is up to these countries to deal with these problems and settle them, most being inherently internal.

38. One member talked about a true reporting crisis. He underlined the rapidly decreasing trend on the number of reports submitted by the Contracting Parties. According to the Secretariat, it is too easy to say that this is due to the reporting format. The Contracting Parties are always lagging behind. The administrative and technical difficulties they evoke may be one explanation, but they are definitely not an excuse. However, an improvement and a simplification of the reporting format may improve the situation. However, the diagnosis may go further and even question the necessity or the usefulness of the reports. The Secretariat underlined the valorization created by these reports, at the same time, for the MAP and for the Contracting Parties which may find in them issues of their own interest, at least within the framework of their own self-assessments. The Secretariat also suggested that a recommendation be drafted to re-emphasize the usefulness of reports. A line of thought may be to give up the biennial format (two-year basis) of the reports. In support of this proposition, it was proposed that the Contracting Parties be subject to strict requirements and that a slower reporting pace will allow them to be under less pressure. Finally, it was suggested to alternate the timing of reports submission, with due consideration to the legal instruments (Barcelona Convention and its seven Protocols).

39. The MAP Coordinator underlined that the Compliance Committee has a consultative role over the functioning of the system as a whole. The absence of reports or substantial gaps in them is a sign of a lack of interest and visibility of Contracting Parties. Not submitting reports may be perceived by countries as a serious matter on the political level. This reaction causes a problem because the absence of reports may have implications on the non-implementation of the Barcelona Convention and its Protocols. The Coordinator supported the proposition aiming at identifying in a note the horizontal issues raised by the reports in order to analyze common denominators. Out of the exchanges he had during his visits in countries, the Coordinator received one consistent response: the management of reporting is too complicated and cumbersome. A revision of the reports frequency should not be a taboo and should be further considered.

40. One member asked if the countries of the South have benefited from financial assistance from MAP. Regarding periodicity, he considered that the debate is open and that the Conference of the Contracting

Parties, on the basis of Article 26 of the Barcelona Convention, has the power to modify the reporting frequency. Finally, regarding the issue of the reporting format, he suggested to make it more concise and easier to provide information. Another member underlined that, in most cases, the same persons represent their country at all levels, committees and meetings. Regarding the issue of MAP Focal Points vetting the Committee's reports and recommendations, he recalled that the Committee has decided that these reports will not be submitted to the veto of the MAP Focal Points but only for their information.

41. The Coordinator informed the Committee that, within the framework of the Biennium 2002-2013, Morocco has benefited from a financial aid from MAP.

42. The Chairperson summarized the overall propositions expressed during the discussion: she requested the Secretariat to go on with and verify Country reports assessments by utilizing the expertise of the MAP Components. Moreover; to send to the concerned Contracting Parties, if needed, requests for complementary information regarding some report points they have raised; to draft a transversal note for the assessment of reports submitted to date in order to identify potential issues of non-compliance. Furthermore, she raised the issue of the participation of Committee representatives to meetings of the MAP Components and of the Executive Coordination Panel (ECP) in order to be able to intervene in a more efficient way. Finally, she considered that it was appropriate to remind the Contracting Parties of the possibility to receive financial aid from the Secretariat for the drafting of their reports.

Examination of draft letters to the attention of the Contracting Parties targeted by Decision IG. 21/1

43. The Chairperson thanked the ad-hoc working group for its contribution on drafting the letters, examining which she recalled that the Contracting Parties have to respond to the letter within a two-month deadline. On the hypothesis that letters will be send in July and that no answer will be received by September, the non-compliance proceedings shall be initiated in October 2015. The Committee may draft conclusions electronically, but shall hold a meeting to allow Contracting Parties to react during this meeting.

44. Several members recalled that all the decisions of the Committee shall be only submitted before the Meeting of the Contracting Parties, not before the meeting of MAP Focal Points. The MAP Deputy Coordinator indicated that every decision to be submitted to the Meeting of the Contracting Parties shall pass in advance from the meeting of the MAP Focal Points for approval. One member once again raised his disagreement for the meeting of Focal Points. Another member also said that the Committee's activity report should be submitted directly for consideration and adoption to the Meeting of the Contracting Parties.

45. Regarding the future meetings of the Committee, the Chairperson, supported by several members, estimated that one meeting at least seems necessary before the next Meeting of the Contracting Parties subject to corresponding funding. The Coordinator responded that we will definitely find the possibility to organize a third meeting and recommended to the Committee to draft a provisional program of its meetings for the next biennium.

DECISIONS:

1. The Compliance Committee, having welcomed the updates on the reports submitted by the Contracting Parties, requested the Secretariat to continue the assessments with the active and operative involvement and cooperation of the competent MAP Components, asking the Contracting Parties for more information as needed, and to prepare a synthesis note on the status of implementation of the obligations under article 26 of the Barcelona Convention and on the reports received for the 2012-2013 biennium, i.e. undertaking an analysis of information provided in the national reports in order to draw up a report describing the overall situation underlining and referring the matter of actual or potential situations of non-compliance to be considered by the Compliance Committee.

2. The Committee requested the Secretariat to remind all Contracting Parties of the opportunity to request financial support to facilitate them in their obligations to timely and properly submit their reports.

Agenda Item 7: Implementation of the reform of the power of initiative granted to the Compliance Committee (Article 23 bis of Decision IG. 17/2)

46. The Chairperson, recalling the new Article 23bis of Decision IG.17/2 on the Procedures and mechanisms on compliance introduced by Decision IG.21/1, which recognizes an initiative power to the Compliance Committee - also referring to the results of Agenda Items 5 and 6, as well as of the Informal Session - invited the Committee members to consider, under this new competence, on the basis of biennial Reports of activity and/or in the light of other relevant sources of information, the possibility to request the Party facing difficulties in the application of the Convention and its related Protocols to provide further information, on the basis of which it may consider to take measures with a view to promoting compliance and addressing cases of non-compliance.

47. The Secretariat presented the information document (UNEP(DEPI)/MED CC.10/Inf.10) related to the power of initiative of the Compliance Committee. This new prerogative has been granted to the Committee by the Eighteenth Meeting of the Contracting Parties by adding paragraph 2a to Section V of Decision IG.17/2. It enables the Committee to examine, on the basis of biennial activity reports or in the light of all other relevant information, the difficulties encountered by a Contracting Party in the implementation of the Barcelona Convention and its Protocols and to ask it to provide any complementary information. It underlined that this new competence reinforces the action of the Committee and facilitates a direct link between the Committee itself and the Contracting Party concerned by the non-compliance case. The Secretariat underlined that this new power of referral granted to the Committee was independent from that of the Secretariat. However, it invited the members of the Committee to assess the conditions of implementation of this power of initiative in coordination with the power of referral of the Secretariat.

48. One member said that it is up to the Committee to assess and make use of the opportunity to engage a Contracting Party by relying on any relevant information at its disposal. Another member pointed out that it was preferable to reflect on how to implement the formula « in the light of any relevant information ». Regarding this point, he deemed it necessary to set up criteria to determine the admissibility of pertinent information. It may be appropriate not to focus on purely procedural referral cases related only to compliance with the reporting obligation, but to introduce referrals about substantive cases for the implementation of the Barcelona Convention and its Protocols. The Chairperson proposed that the Secretariat submits to the next meeting of the Committee a note on the adoption of criteria for the admissibility of relevant information to initiate a referral proceeding by the Committee.

DECISIONS:

1. The Committee, based on the previous discussion and decisions, examined the modalities of the implementation of its power of initiative granted to it by Decision IG.21/1.
2. The Committee requested the Secretariat to draft a note regarding the adoption of criteria for the admissibility of relevant information to be presented for consideration during the 11th Meeting of the Compliance Committee.

Presentation of draft recommendations to submit for adoption to the Nineteenth Meeting of the Contracting Parties

49. Examining the draft recommendation prepared by the ad hoc working group, the Chairperson proposed to the Committee to agree on the titles and summarized contents of the three draft recommendations. The first is about the follow-up on the implementation of Decision IG.21/1. This recommendation aims at reminding the Contracting Parties of their obligation to implement the

decisions of the Meeting of the Contracting Parties. The second draft recommendation is about the reports submitted by the Contracting Parties. This Recommendation proposes the adoption of measures to convince the Contracting Parties that the reporting exercise is not only useful for all the partners to the Barcelona Convention, but also for themselves. Moreover, the Recommendation proposes to associate, in a more operational manner, the Regional Activity Centers in the reporting process, calling for a more flexible revision of the frequency of reports by extending the submission deadlines in order to avoid overloading the Contracting Parties. Finally, the third draft recommendation is about the functioning of the Compliance Committee. It proposes that the Committee plays the role of an active observer to the meetings of the Bureau of the Barcelona Convention and that it is more systematically associated to the works of the working groups, such as the one related to MAP efficiency indicators, particularly legal and governance indicators.

50. The Coordinator considered that the Regional Activity Centers have an effective role to play in the assessment of reports. However, he underlined that their involvement shall be through the Coordination Unit.

51. The Chairperson thanked the working group for its contribution. She proposed to submit these three recommendations for final consideration and approval by the members of the Committee and to send a brief summary of the content of these draft recommendations to the members of the Bureau.

Agenda Item 8: Guidelines for the assessment of reports to identify the current or potential situations of non-compliance

52. One member presented to the Committee a Methodology aimed to allow the identification of non-compliance situations in the implementation of provisions which are specific to the Convention of Barcelona and its Protocols. She submitted for the consideration of the Committee qualitative and quantitative criteria for the assessment of each issue within the reporting format.

53. The Chairperson thanked the member for her highly relevant contribution. She asked her to try to harmonize the table of indicators with the working document UNEP (DEPI)/MED CC.10/4 related to the revised draft guidelines. This consolidated document will be addressed by the Secretariat to the MAP components to survey their opinion. She requested the Secretariat to test these criteria to verify their relevance in order to prepare a draft final document to be submitted to the next meeting of the Committee for discussion and approval.

DECISIONS:

1. The Compliance Committee requested that a harmonization should be secured between the working document CC.10/4 on Draft Guidelines to identify current or potential cases of non-compliance and the presentation made by one of its members on the methodology to enable identification of non compliance cases related to specific provisions of the Barcelona Convention and its Protocols, where descriptive qualitative/quantitative criteria have been proposed for evaluation of each question of the Questionnaire.
2. The Compliance Committee requested the Secretariat to send this consolidated document to the MAP Components for their comments and contributions.

Agenda Item 9: Any other matters.

- Availability of archive documents of the Compliance Committee

54. One member underlined the necessity to form, at the MAP Secretariat, an archiving system, grouping all official documents related to the activities of the Compliance Committee. The Chairperson called upon the Secretariat to have such a documentation system quickly set up.

- Access of the members of the Compliance Committee to the national reports submitted by the Contracting Parties

55. One member asked if the modalities of access of the Committee members to the biennial reports submitted by the Contracting Parties are operational. The Secretariat indicated that the «credentials» have been sent to each member of the Committee. Several members said that they had not so far received any access codes. The Chairperson requested the Secretariat to ensure that the codes are transmitted (or retransmitted) to all the members of the Committee.

- Report of the workshop on Espoo Convention (Rabat /14 & 15 April 2015)

56. One member commented on a workshop held in Rabat (Morocco) about the compliance mechanisms within the framework of the Espoo Convention in the Mediterranean. He proposed that the Committee enters in contact with the Compliance Committee of this Convention to follow up on the implementation of Article 37 of Decision IG. 17/2.

- Participation of the Compliance Committee to the meetings of the MAP Committees and working Groups

57. One member insisted on the necessity of the participation of Committee members in the activities of other MAP Committees and working Groups in order to improve the efficiency of the Committee's mission and secure better synergies. He suggested to add this proposition to the draft recommendation about the functioning of the Compliance Committee.

- Logistics

58. Two members indicated that the air tickets issued to take part in this meeting have imposed uncomfortable flight schedules. Therefore, they requested the Secretariat to, in the future, take the specificities of each member of the Committee more into account, to allow them to benefit from appropriate and "humane" flight schedules. The Coordinator took note of this request and said he will consider the issue with the Departments concerned.

DECISIONS:

1. The Compliance Committee requested that the archives be collected at the Secretariat Office and made available to its members.
2. The Compliance Committee requested the Secretariat to make the point on the modalities of accessibility of its members on the unepmap.org website to the Reports submitted on line by Contracting Parties.
3. The Compliance Committee requested the Secretariat to pay attention to the resolution of logistical problems related to the organization of the meetings of the Committee in particular in the area of issuing airline tickets to its members with appropriate flight schedules.

Agenda Item 10: Adoption of conclusions and decisions.

59. The Committee examined the partial draft conclusions and decisions of the Tenth Session of the Compliance Committee prepared by the Secretariat in consultation with the Chairperson. Several amendments and additions were introduced to this document. The Secretariat indicated that a finalized version of the text will be addressed to the Committee members for a final approval, which will be reproduced in the present report.

Agenda Item 11: Date, venue, duration and draft agenda for the 11th meeting of the Compliance Committee.

60. The Chairperson, in agreement with the Secretariat, proposed to hold the 11th meeting of the Compliance Committee in Athens, at the end of the month of September and/or the beginning of the month of October 2015, for two days at least. She indicated that a draft provisional agenda will be sent to the members of the Committee at a later stage.

DECISION:

1. The Compliance Committee decided that its eleventh meeting will be held in the headquarter of a MAP Component, depending on availability of funding, or in Athens, likely between the end of September and the beginning of October 2015, for at least two (2) days. A draft provisional Agenda of the meeting will be sent to its members for consideration at a later stage.

Agenda Item 12: Closing of the meeting.

61. After thanking the Committee members for their active participation in this session as well as the Secretariat for its precious support, the Chairperson closed the meeting at 17 h 45.