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10th Meeting of the Compliance Committee of the Barcelona Convention
and its Protocols

Athens, Greece, 21-22 May 2015

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

Draft Report of the Ninth Meeting of the Compliance Committee

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Introduction

1. The Compliance Committee held its ninth meeting on 27-28 November 2014 at the premises of the Priority Action Programs/Regional Activity Center in Split, Croatia).

Participation

2. Members and alternate members of the Committee, mentioned below, took part in the meeting: Mrs Rachele Adam, Mrs Daniela Addis, Mrs Milena Batakovic, Mrs Selma Cengic, Mr Tarzan Legovic, Mr Larbi Sbaï, Mr Michel Prieur and Mr José Juste Ruiz.
3. The Coordination Unit was represented by Mr. Gaetano Leone, Coordinator of the Barcelona Convention, Mr. Atila Uras, Programme Officer, and Mr. Didier Guiffault, MAP Legal Adviser.
4. The list of participants is attached in **Annex I** of the present report.

Agenda item 1: Opening of the meeting

5. The President of the Committee thanked the Secretariat for replying to the wish of the Compliance Committee to meet outside the premises of the Coordinating Unit in Athens. He pointed out the importance for the Committee to move on the field and hopes that this experience will be renewed for a next meeting of the Committee. He thanked, in this regard, the Coordinator for the organization of this 9th meeting at Split, in the premises of the Priority Action Programme/Regional Activity Center (PAP/RAC), particularly Mrs. Zeljka Skaricic, Director of PAP/RAC for her hospitality. The President underlined the importance of the Committee's work following the eighteenth meeting of the Conference of the Parties, held in December 2013, in Istanbul.
6. The MAP Coordinator pointed out that it was an honor for him to attend for the first time this meeting of the Committee. He welcomed the election of two new members of the Committee, Mrs. Milena Batakovic and Mr. Thomas Paris, elected at the eighteenth Conference of the Parties. He informed the Committee that two of its members were excused (Mr. Nicos Georgiades and Mr. Joseph Edward Zaki). The Coordinator thanked the PAP/RAC Director who has largely contributed to the organization of this meeting. He also underlined the fruitful collaboration between the Secretariat and the PAP/RAC regarding the implementation of the Barcelona Convention and its Protocols, more particularly the Coastal Zones Integration Management Protocol in the Mediterranean Sea. He expressed his full gratitude to the President who showed high competence in her mandate and significantly contributed to the success of the Committee's action. The Coordinator informed the Committee that, on October 6, 2014, the date on which the documents were sent, the Secretariat received three reports for the Biennium 2012-2013 respectively submitted by Turkey, Bosnia & Herzegovina and the European Union. Since that date, the Secretariat received five other reports (Croatia, Greece, Cyprus, Morocco and Lebanon). These documents being sent are an encouraging sign for the mobilization of Contracting Parties to comply with their reporting obligations as stated in Article 26 of the Barcelona Convention. He recalled, in this regard, the different letters sent to the Contracting Parties to raise their awareness regarding the necessity to submit their reports online within the requested deadlines. The Coordinator underlined the aspect that the legal framework of the Committee's action is henceforth in place with the adoption by the Meeting of the Contracting Parties of Decisions IG. 17/2 and IG.19/2, and finally, the last decision IG. 21/1 which reinforced the powers of the Committee, acknowledging the fact that it has a power of initiative regarding the Contracting Parties encountering difficulties to submit their reports. Finally, he pointed out the importance of the items on the meeting's agenda, i.e. the election of the new Bureau of the Compliance Committee, the definition of criteria for the assessment of reports to identify the current or potential situations of non-compliance, the evaluation of the reports

submitted by the Contracting Parties, the review of the current reporting format to be submitted by Contracting Parties.

7. The PAP/RAC Director welcomed the members of the Compliance Committee expressing her satisfaction to host them at the PAP/RAC premises in Split. She indicated that this meeting was held in a particular context at a moment where the PAP/RAC in cooperation with the Secretariat works on the project of the reporting format of the ICZM Protocol. She underlined all the importance of the implementation of the present Protocol and the necessity to reach to its execution. She pointed out that some Parties (Croatia, Spain, Morocco) have already filled, whether fully or partially, the reporting Format. Moreover, the Protocol's Action Plans are currently implemented; coastal management programs and projects were launched. The Director expects from the Compliance Committee, as well as from the Coordination Unit some assistance to identify the progress to achieve in such a complex field.
8. The President renewed his thanks to the Director, as well as to the Coordination Unit with which dynamic and fruitful relationships were established. He insisted on the fact that the Compliance Committee shall not be considered as a "recording room", but as a reactive and dynamic organ, called upon to provide informed opinion to the Conference of the Parties to which it shall report. He recalled that the Committee members do not represent the Contracting Parties, which is a landmark of independence. He estimated that it was appropriate to give the Committee its entire rightful place within the Barcelona system. The President recalled that the Committee has never been seized to date of a case of non-respect neither by the Contracting Parties nor by the Secretariat and that it is necessary to react in the face of this "technical unemployment". He evoked the very promising alternative of the power of initiative acknowledged to the Committee by the eighteenth Conference of the Parties. He considered this adoption as a significant progress which will allow the Committee not to remain in uncertainty. To conclude its intervention, the President wishes good luck to all the members of the Committee as well as to the new Bureau.

Agenda item 2: Election of the Bureau of the Compliance Committee

9. Upon the proposal of the former President, the Compliance Committee, in accordance with Article 6 of its Rules of Procedures, unanimously elected Mrs. Daniela Addis as a President, Mrs. Selma Cengic and Mr. Michel Prieur as Vice-presidents. The new President thanked the Committee for its trust by electing her at this position of heavy responsibility that she is ready to assume with great enthusiasm. She pointed out the importance of the constant support of the Secretariat to the Committee in dealing the great amount of work waiting for it. The two new Vice-presidents also thanked the Committee for its support and trust, by underlining the necessity of a team work of all the members of the Committee.
10. The Coordinator expressed all his gratitude to the outgoing Bureau and congratulated the new members of the Bureau to which the Secretariat would bring all its support. In response to a question of a member, the Coordinator pointed out that to this date, no definitive date was set for the nineteenth Conference of the Parties which might be held, either at the end of 2015 or at the beginning of 2016 in Athens, with a Greek Presidency of the Bureau for the next Biennium. He hoped that a final answer will be given by the Bureau of the Convention which would convene at the beginning of February 2015.

Agenda item 3: Adoption of the provisional Agenda and organization of work

11. The members of the Committee examined the draft Agenda. A member proposed to add two item regarding a presentation of PAP/RAC activities and, on the other, a study of the implementation of the reform of the power of initiative granted to the Committee and of the best manner to implement this new competence. The Secretariat called to link the examination of the power of initiative to Agenda item 7 for the submission of reports to the Contracting Parties for

the Biennium 2012-2013. Two members supported this proposition regarding the examination of the power of initiative of the Committee, as well as that of the Secretariat, by underlining the limited experience of the Committee regarding the exercise of this new prerogative.

12. The meeting adopted the provisional agenda in the document UNEP(DEPI)/MED CC. 9/1. The provisional agenda is attached in Annex II of the present report.

Agenda item 4: Adoption of the draft report of the Eighth Meeting of the Compliance Committee (Athens, October 21-22, 2013)

13. One member evoked the question of the delayed submission of the report of the eighth meeting of the Committee by underlining the difficulty to bring comments to a project which was submitted too late. A member, supported by another one, noted that it was appropriate to make a distinction between the activity report of a Committee meeting, on the one hand, and the activity report of the whole Biennium which included all the reports of the different meetings of the Committee and which was submitted for information to the Conference of the Parties, on the other. He underlined that what is more important is the activity report on the Biennium. The President drew attention to the importance also of the reports of the Committee meetings, that follow and describe discussion and conclusions that have been reached and the decision taken, as the basis of their task. One member pointed out that some points of the draft report should be corrected, also which reference to the name of the intervening Parties. The President called upon the members of the Committee to communicate to the Secretariat, without any delay, the formal corrections to this project. Regarding the issue to determine whether it is appropriate to mention the names of the intervening parties, the Committee decided, after discussion, to make the intervention of its members anonymous.

DECISION:

- After examination, the Committee decided to approve the draft report including the editorial amendments brought in by its members. It called upon the Secretariat to convey, in the future, the draft report of its meetings within six weeks at the latest following the meeting in Word format. The Committee asked the Secretariat to report, within the reports of its meetings, the interventions of the members and the alternate members anonymously.

Agenda item 5: Implementation of the Compliance Committee recommendation on non-compliance with obligations regarding submission of reports provided for in Article 26 of the Barcelona Convention

14. The Secretariat submitted a presentation of the Recommendation which was adopted by the eighteenth Conference of the Parties in its Decision IG. 21/1. A member was surprised of the limited impact of this Recommendation for the Contracting Parties which haven't received any echo of the present text. The member called to approach the Contracting Parties which did not draft any report to know the reasons. Another member underlined the lack of visibility of the present text which was annexed to the Committee activity report, which made its content invisible. Two other members considered that this Recommendation should have been directly annexed to the draft decision itself. A member asked if the Bureau was informed of the draft decision; another member considered essential to understand the reasons behind the delay in submitting reports within the framework of the questionnaire to improve the situation. A third member regretted that this Recommendation was not implemented by the Contracting Parties and that, because of its informative character, its legal impact is *de facto* limited.

A member, however, noted that the Conference of the Parties adopted the conclusions of the present Recommendation in its Decision IG. 21/1 and that the Committee is perfectly legitimate to intervene. A member estimated, along the same lines, that the Committee is duly authorized by the Contracting Parties to ensure the implementation of this Recommendation, even if it was

presented under the form of an information document. Henceforth, when the Contracting Parties concerned with the present Recommendation do not abide by their “reporting” obligations, the Presidency of the Committee as well as the Secretariat have to address letters to these Contracting Parties. The Coordinator came back to the legal impact of this Recommendation by indicating that the conclusions of the present document were well adopted by Decision IG.21/1 and that it was a very clear and unambiguous approbation of the content of this Recommendation. The President shared this point of view by considering that Decision IG.21/1 constitutes the legal basis of this Recommendation and provides visibility to the works of the Committee. In the light of the provisions of the CC rules of procedures as well as procedures and mechanisms on compliance, she recalled the possibility for the Committee, with the consent of the Party concerned, to gather information in the territory of that Party, including on-site appraisals; therefore underlining the necessity to decide, case by case, of the process to follow, the fundamental objective being, in fact, to understand more clearly why a Contracting Party hasn’t abided by this reporting obligation.

15. A member noted that the reference to paragraphs 35 and 36 does not appear in the English version and proposed that, in the future, the procedures be clearer by adopting a specific decision regarding this type of document. A member pointed out that no one could tell that this issue concerning the implementation of the Recommendation was hidden. It deemed necessary to show seriousness, to choose one or two countries and to take action by sending a Committee member to understand the reasons behind the absence of a response regarding the non-compliance with this obligation. The President was open to this option to ask the concerned Contracting Party to come before the Committee to explain itself. This suggestion was supported by a member who considered that sending a letter to a Contracting Party may lead nowhere if the Committee does not receive a response in return. The most efficient way to obtain responses, according to this member, was to invite the Contracting Party before the Committee. This position was shared by another member who also estimated that addressing a letter to a Minister does not generate any result and would be lost in the sands. He called to take stronger measures, particularly by inviting the Contracting Parties to the meeting of the Committee. It deemed essential to identify the person in charge of reporting in each country and the reasons for which the report was not submitted. In this case, he specified that the Committee may exert stronger pressure electronically when the person in charge of the report is identified.
16. Echoing these interventions, a member underlined that two propositions were on the table: whether the Committee moves to clear out the point with the concerned Party or the Committee asks to hear the said Party. If this second option would be chosen, the risk is as follows; according to him, it was about “shooting blanks”: Indeed, the Committee would have the Focal Point in front of it, but that would be the maximum; however, the latter is limited in its competences and most often is a mere “mailing box”. Therefore, the member called to hold visits the Committee may organize to the Contracting Parties. In addition, a member pointed out the drafting difference between the French version and the English version of Decision IG.21/1 by asking to add a missing reference to Articles 35 and 36 in the French version of the present decision. Regarding the two options concerning the hearing of the Contracting Parties or the organization of visits in the concerned countries, he estimated that, in both cases, it is necessary to respect the principle of equality and that if eight Contracting Parties are concerned, we should proceed to hearings or visit these eight Parties, not two or three only. He added that it was essential to distinguish, within the Recommendation, both situations regarding the eight Contracting Parties, on the one hand, and the four others which repeatedly failed to abide by their reporting obligation and who should receive a warning addressed by the Conference of the Parties in accordance with Article 35 of the non-compliance mechanisms and procedures (Decision IG. 17/2), on the other.
17. A member suggested to refer the matter to the Bureau of the Convention, in particular to alert it about the situation related to the non-application of the Recommendation and to call upon it to take initiatives regarding the concerned Contracting Parties before the next Conference of the

Parties. The Coordinator underlined that this procedure may reveal useful. The President, for her part, estimated that it is necessary to be more specific for the Bureau when dealing with this issue and to provide a more detailed explanation of the Committee's requests.

18. A member came back to the issue of addressing a warning to a Contracting Party which has failed repeatedly to abide by its reporting obligation. She did not deny the potential impact of this type of sanction, but recalls that the Committee is first and foremost a facilitation body. It was important to well assess everything that could be done to compel a country to submit its report, everything that could be envisaged to help the countries to respect their commitment. She proposed that the Committee might work with the countries, one after the other. The President was well-aware of the necessity to define, in the future, the appropriate means of action regarding the implementation of the Recommendation at the heart of a decision and that the concerned parties did not implement. A member considered that the Bureau is here to implement the decisions of the Conference of the Parties and that it is incumbent upon it to take the necessary measures in this regard. He estimated that it is necessary to set priorities because we cannot see everybody. Between moving and hearing the Contracting Parties, it was necessary to opt for the most appropriate formula and that if a discussion was to be opened with the concerned Contracting Parties, it should be engaged with at least the four Parties which have repeatedly failed to abide by their reporting obligation. In view of these two options, a member estimated that, whatever the adopted solution would be, the Committee doesn't have much time to start this "mechanics" before the next Conference of the Parties. The President shared this concern by calling to define a more concrete procedure with deadlines.
19. The Committee took note of the timetable of the next meetings, respectively, of the Bureau in February 2015, of the MAP Focal Points in March 2015 and the Conference of the Parties in December 2015 with reservation. A member suggested three propositions: he recalled, first, that the implementation of the Recommendation was incumbent upon the Committee and the Contracting Parties alike, and underlined that the Bureau itself represented the Contracting Parties. Consequently, he considered that it is definitely necessary to mobilize the Bureau to contribute to the implementation of the Recommendation. He suggested that the Committee should address to the Bureau a letter to explain what the Committee wishes in order to implement the Recommendation. He called, secondly, that the Committee should hear, within the framework of the Recommendation, the defaulting Parties in order to launch a discussion to help them. It could be envisaged hearing four or eight concerned Contracting Parties during the next meeting of the Committee. Finally, he suggested moving to a new phase of the functioning of the Committee, allowing it to get directly in touch with the Bureau of the Convention. He called for a draft amendment to the Rules of Procedure to be drafted to allow the President of the Committee to officially take part in the meetings of the Bureau. He insisted on establishing a close link between both bodies in order to better explain the problems and to reach altogether appropriate solutions.
20. A member estimated that it is necessary to rely, as a starting point, on Chapter VII of non-compliance mechanisms and procedures (Decision IG.17/2), particularly on Article 32 (a), (b) and (c). The Committee may use, as an immediate measure, this article by calling upon the concerned Contracting Parties to establish an action plan in anticipation of the next meeting of the Bureau of the Barcelona Convention to be held at the beginning of February 2015. Another member came back to the issue of the Bureau referral by the Committee. In this case, it was first incumbent upon the Secretariat to seize the Presidency of the Bureau by asking it about what it intends to do about Decision IG. 21/1. Failing a reply, the Committee may then ask the Bureau to activate the procedure. This member wished to privilege three ways of action: first, favoring the role of the Secretariat, then that of the hearing of concerned Parties, then the participation of the Committee to the meetings of the Bureau. Regarding this last point, he proposed to amend the Rules of Procedure of the Committee in order to submit it an opinion and approval by the nineteenth Conference of the Parties.

21. A member considered that the Bureau, once seized by the Committee, should assume its responsibilities regarding the follow up of the implementation of the decisions adopted at the Eighteenth Meeting of the Conference of the Parties, particularly Decision IG.21/1. He estimated that the Bureau has the necessary authority to allow the implementation of the Recommendation. Another member considered that the Committee should use its proper role and that it is up to the Committee to turn to the Convention Bureau if the concerned Contracting Parties do not react. Another member recalled that the Committee is not under the authority of the Convention Bureau. The latter is not a body higher than the Committee. Both bodies exercise each particular competences. Regarding the referral by the Secretariat, this member estimated that it is a procedure which is internal to the mechanism of the Barcelona Convention and that it is first up to the Secretariat to ask the Bureau about what it intends to do following this decision.
22. A member reiterated his request to implement an action plan. Regarding the respective responsibilities of the Secretariat and the Bureau, a member estimated that it is necessary to challenge any exclusivism: the Secretariat, just like the Convention Bureau, may accomplish its work upon the request of the Committee. However, he estimated that it is very irregular to ask a concerned Contracting Party to provide a plan to respect commitments.
23. A member estimated that if the Committee does not obtain any response from the concerned Contracting Party, a political deadlock may occur. It is about mobilizing the Contracting Parties and addressing a clear message according to which the Committee is faced with a serious political problem and that if this problem is not solved, it will be necessary to take more binding measures. Within this context, it is necessary to mobilize the Convention Bureau to find a solution. A member considered that, by all means, the letter should be issued by the Committee in conformity with Article 32 of the non-compliance mechanisms and procedures.
24. The Coordinator provided further explanation about the competences of the Convention Bureau in intersessional periods: it was up to the Coordinator himself to validate the progress of the implementation of the Barcelona Convention and its Protocols. The President asked the Secretariat to send to the Bureau a letter to this end. A member estimated that if the Committee opts for the hearing of MAP Focal Points, it would be appropriate that the Secretariat organizes a Committee meeting "back-to-back" with that of Focal Points. The President estimated, however, that it is up to the Contracting Party to decide if the Focal Point or a more senior staff member will be heard by the Committee. This position was shared by another member who sees that the States themselves identify the person to represent them at the meeting of the Committee to be heard. The President estimated that the whole process should be transparent and that the Contracting Parties should be informed of the different actions engaged by the Committee and the Secretariat. She asked that a letter be addressed by the Secretariat to the President of the Bureau, calling, on the one hand, for putting the follow-up of Decision IG.21/1 on the agenda of its meeting, and, on the other, for the participation of one of its members as an observer to obtain further information about the follow-up of the Committee decisions. This letter should first recall the content of Decision IG.21/1, then recall what was done in the past, and signals the next phases the Committee may launch in case of no reaction from the concerned Contracting Parties; finally, proposing the possibility of Committee meeting "back-to-back" with the meeting of the national Focal Points. The President proposed to address this letter immediately.
25. A member considered that it should be appropriate, first, to write to the Contracting Parties to better identify the problems it encounters, then to the Convention of the Bureau to determine the adequate follow-up. This position was shared by another member who estimated that it is necessary to understand, first, why the Contracting Parties do not respect their reporting obligations. This is a pre-requisite for any assistance action. It is important to ask them, very concretely about the responses the Committee expects from their side. There are two possible options: either no responses or a response that is too general. Within this context, he considered that it is definitely preferable to have direct contacts with the concerned Contracting Parties

because this will help to understand the reality of their problems and identify the best way to help them. A member identified several reasons which may prevent a Contracting Party from responding; either a deliberate will not to submit the report, a proof of neglect, a lack of human resources, the difficulty to fill a too complicate questionnaire, an administrative internal bureaucratic dysfunction, or, finally, an internal situation of civil war.

26. The President, on the basis of the different interventions, proposed to address a letter to the President of the Bureau of the Barcelona Convention, asking to implement and follow-up on Decision IG. 21/1 and inform the Committee of the initiatives he wished to undertake to ensure the respect and implementation of the measures stipulated in the said decision. She clarified that this letter would also inform him of the actions the Committee would take, including the organization of hearings for the representatives of the concerned Contracting Parties at the occasion of the next meeting of the Committee, “back-to-back” with the meeting of the MAP Focal Points, scheduled in March 2015, and ask them about the initiatives they envisage to undertake to abide by their commitment up to the Nineteenth Meeting of the Conference of the Parties and the assistance they may need to fulfill their reporting obligations. In addition, to better fulfill the CC tasks, the President proposed to the Committee to ask the Secretariat to have a supporting tool, i.e. that a “Groupware” accessible only to its members and alternate members be provided as soon as possible on the official site of the MAP in order to share the working documents of the Committee. The President requested to the Secretariat that these letters be addressed by December 2014 at the latest and to be duly informed.

DECISIONS:

- The Committee, realizing that both versions of Decision IG.21/1 in English and in French are not matching, asked the Secretariat to modify the French version in such a way that references to paragraphs 35 and 36 are mentioned.
- 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 did not lead to any impact, although they were approved by the Eighteenth Conference of the Parties in Decision IG.21/1; consequently, the Committee decided that a letter will be address by the Secretariat to the President of the Bureau of the Barcelona, requesting to put on the agenda of the next meeting the application and the follow-up on Decision IG. 21/1, in accordance with Article IX of the Terms of Reference of the Bureau of the Contracting Parties.
- Moreover, the Committee mandated the Secretariat to ask the President of the Bureau of the Barcelona Convention to invite the representative of the Compliance Committee to take part as an observer in the next meeting of the Bureau regarding the issues pertaining to the Committee.
- The Committee decided to address a letter to the President of the Bureau of the Barcelona Convention, asking him to implement and follow up on Decision IG. 21/1 and inform the Committee of the actions he envisages to undertake to ensure the respect and execution of measures stipulated in the said Decision; informing him also of the actions the Committee will undertake including the organization of hearings of 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 March 2015.
- The Committee decided to address a letter to the concerned Contracting Parties informing them of the measures the Committee will undertake with a view to promoting compliance in accordance with the provisions laid down in the Decision IG.21/1 and addressing these cases of non-compliance. These measures may include the organization of hearings of the representatives of these Parties at the occasion of the next meeting of the Committee «back-to-back» with the meeting of PAM Focal Points scheduled in March 2015 and ask them about the initiatives they

envisage to undertake to respect their commitment up to the nineteenth Conference of the Parties, and the assistance they may need to fulfill their reporting obligations.

- The Committee asked the Secretariat that a «Groupware» which is uniquely accessible to its members and alternate members be provided as quickly as possible on the MAP official website in order to share the working documents of the Committee.

Agenda item 6: Criteria for the evaluation of reports to identify the current or potential situations of non-compliance

27. The Secretariat presented the document which has been the subject of an initial discussion during the previous meeting of the Committee. The President underlined the importance of having a definition of criteria and indicators or guidelines for the evaluation of reports. She asked the Secretariat to update the document (also by deleting paragraph c) and address it to the MAP Components to obtain their comments and their contribution to the development of criteria/indicators for the assessment of these Reports in the future.
28. A member did not share the distinction done in the document between assessment criteria, to be defined by the Secretariat, and those to be defined by the Committee. He estimated that both the Secretariat and the Committee have a joint responsibility to undertake the assessment of reports. He underlined that the main issue at stake is the definition of indicators to verify the effectiveness of the implementation of the Barcelona Convention and its Protocols. The objective was to set the specific indicators to identify for each Protocol, whether technical, economic, social or legal indicators. He raised questions, in this regard, about the opportunity to distinguish between the general assessment criteria of the Barcelona Convention and the specific assessment criteria of each Protocol. Moreover, he deemed necessary to distinguish between the reports assessment and the assessment of non-compliance obligations. Another member noted that the assessment criteria constitute a specific tool for the Committee only.
29. The President deemed necessary to rapidly finalize and implement 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 Guidelines are intended to assist the Compliance Committee and the Secretariat in carrying out the evaluations and in elaborating the evaluation reports; they should contain explanations of the process to be used for conducting such evaluation. She calls upon the importance of having support by the MAP Components and consultants to finalize this document. In order to move forward in this process, the President asked volunteers to proceed with the identification of criteria/indicators on the basis of the relevant working document, previously updated by the Secretariat, as well as on the basis of any other assessment work (i.e. the assessment of the three Reports by the Committee), by the end of January 2015 at the latest. .
30. A member noted that the analysis of reports would allow the rapid identification of applicable criteria. It was necessary to remain pragmatic and not to have an approach that is too scientific. Another member pointed out that the identification of criteria will require a lot of work. It was a priority task which requires support. This analysis was shared by another member who underlined the necessity to have an external assistance in terms of consultants. This point of view was taken up by another member who indicated that this identification work may be undertaken by the Committee. Two other members estimated that it was appropriate to set up a very simple list of indicators.

DECISIONS:

- The Committee asked the Secretariat to proceed, as quickly as possible, with an update of the draft note UNEP (DEPI)/ MED CC.9/4 and to approach the MAP Components to obtain their comments, as well as their contribution for the development of criteria/indicators in the future.
- The Committee asked one of its members to identify the criteria/indicators before the end of January 2015 on the basis of the working document UNEP(DEPI)/ MED CC.9/4 regarding this point, updated by the Secretariat, and any other assessment work in this field.

Agenda item 7: Submission of reports by Contracting Parties (Biennium 2012-2013)

31. The Secretariat presented its preliminary observations about the three reports submitted on October 20, 2014, by Turkey, Bosnia and Herzegovina and the European Union. It indicated that, since that date, five new online reports were received by the Secretariat (Cyprus, Croatia, Greece, Lebanon and Morocco). It underlined that, regarding Turkey and Bosnia and Herzegovina specifically, the reports recurrently listed the implementation difficulties related, in particular, to the limitation of technical and financial capacities, the insufficiency of human and administrative resources and the lack of inter-sectorial coordination.
32. The President estimated that the additional information regarding the implementation of Barcelona Convention and its Protocols should be provided by Turkey, Bosnia and Herzegovina and the European Union and asked the Secretariat to address to these three Contracting Parties a letter to this end, with a copy to the Presidency of the Committee, expressing the deepest thanks of the Secretariat for their sending within the deadlines.
33. A member highlighted the need to refocus the debate. He considered that it was no more about “reporting”, but about the submission of reports. It was necessary to avoid passing the buck between the Secretariat and the Committee. The analysis of the Secretariat about the three reports should lead to a result: the member asked if these three countries respected or haven’t respected the legal instruments of the Barcelona system. It was up to the Secretariat to pronounce itself and in case the latter deems that it is confronted to a non-compliance case, it should refer to the Committee.
34. A member formulated several suggestions: first, that the Secretariat acknowledges receipt of these three reports, then that it addresses a reminding letter to the Contracting Parties which haven’t submitted their report by making reference to the present meeting of the Committee. Finally, regarding the follow-up on the reports which were already sent, it is necessary to set a *modus operandi* between the Committee and the Secretariat to ensure this follow-up. It is appropriate that the Committee organizes itself and undertakes its assessment following that of the Secretariat. This implied that all members are in charge of this assessment, included the absentees. Another member was open to this last suggestion while recommending that the Secretariat undertakes a general technical assessment regarding the reports and points out to the Committee the real and potential cases of non-compliance which may justify a specific assessment from its side.
35. The Coordinator underlined that the letters were already sent to the Contracting Parties to remind them of their reporting obligation. He agreed to send, again, such letters to the Contracting Parties by reminding them that the report submission deadline has expired. He pointed out that the Secretariat started the assessment of other received reports. The President considered that it is necessary to rely on the Secretariat’s assessment of the three reports, then of the following reports, and that it is appropriate to implement Section V of Decision IG. 17/2 enabling the Secretariat to identify, on the basis of reports, the eventual cases of non-compliance. She proposed to use, to this end, a practical and informal format to collect such

information. A member, following the proposal expressed by the President, proposed to specify in the letter that the Committee is a last resort body to assess the cases of non-compliance and that it needs complementary explanations regarding points which may be considered as non-compliance cases.

36. A member insisted on the fact that the Secretariat is here to provide support to a Committee, but the latter remains sovereign. He estimated that everyone should assume his responsibilities: if the Secretariat deems that there is a chance to refer to the Committee a non-compliance case, this should be done and the Committee should pronounce itself regarding this case. A member was not convinced that a formatted letter will be efficient. She proposed that the Secretariat continues to work on an initial assessment of reports and that the Committee also undertakes these assessments by completing the Secretariat's comments.
37. A member underlined that it is necessary to coordinate the organization between the Committee and the Secretariat. The Committee should rely on the assessment of the Secretariat and, on the basis of these conclusions, set if it is a case of non-compliance or not. The Coordinator agreed so that the Secretariat, within the framework of the application of Article 23 of the Procedures and Mechanisms on compliance, sends to the concerned Contracting Parties a request for complementary information.
38. A member estimated that it was necessary to immediately start the assessment of submitted reports. Three members volunteered to examine these reports.. The President wished to have these assessments finished by January 15, 2015 at the latest. The Coordinator drew to the attention of the Committee members that the reports of the Contracting Parties they would look at are confidential and, for this reason, should strictly abide by the statement of confidentiality.

DECISIONS:

- The Committee asked the Secretariat, in accordance with Point 2 bis of Section V of Decision IG. 17/2 modified by Decision IG.21/1, to put at the disposal of its members and alternate members the reports submitted by Contracting Parties.
- The Committee, informed by the Secretariat that it will address a letter, in accordance with Article 23 of Section V of Decision IG.17/2, to the three Contracting Parties (Bosnia and Herzegovina, Turkey and European Union) which submitted their periodical reports aimed at in Article 26 of the Convention within the Biennium 2012-2013 to ask them for complementary information about the implementation of the provisions of the Barcelona Convention and its Protocols; asked the Secretariat that the said letters specify that we thank them for sending the report within the deadline and addressing a copy to the Presidency of the Committee.
- The Committee asked three of its members to assess, before January 15, 2015, the three received reports, taking into consideration the assessment undertaken by the Secretariat (see the note of the Secretariat about the Reports submitted by the Contracting Parties for the Biennium 2012-2013, UNEP(DEPI)/MED CC.9/5) and presenting the criteria used for the assessment of these reports.
- The Committee asked the Secretariat to address a letter to the Contracting Parties which haven't, to date, submitted their report for the Biennium 2012-2013.
- The Committee called upon the Secretariat to examine the possibility to obtain assistance to define the indicators/criteria for the assessment of Reports.

Agenda item 8: Draft revised report format of the Barcelona Convention and its Protocols

39. The Secretariat recalled that, 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.21/2, 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. The Secretariat presented the recommendations of the explanatory note regarding the draft revised report format.
40. A member raised a question about knowing if it is appropriate to separate the report format concerning the Integrated Coastal Zone Management in the Mediterranean (ICZM) Protocol to the Barcelona Convention and its six other Protocols. A member considered that the transversal character of this Protocol justifies the fact that it is not taken into consideration. A member mentioned comments and corrections the Secretariat would integrate in the updated version of the present note. The President asked the Secretariat to continue the preparation for the revision of the report format, taking into consideration the comments of the Committee members to be examined during its next meeting.
41. A member underlined the necessity to organize a workshop open to the Contracting Parties in order to familiarize them with the use of the revised report format online. The Coordinator was in favor of this suggestion subject to availability of resources.

DECISIONS:

- The Committee asked the Secretariat to continue the preparation of the revised report format, taking into consideration the comments given by its members during the present meeting.
- The Committee reiterated its request to the Secretariat to organize a workshop that is open to the Contracting Parties, aiming at getting familiar with the use of the revised report format online.

Agenda item 9: Any Other Business

- Application of the ICZM Protocol
42. A representative of PAP/RAC delivered a presentation of the issues related to the implementation of the Integrated Coastal Zones Management Protocol (ICZM). He reminded the national strategies and plans about ICZM, as well as the ambitious Action Plan for the implementation of this Protocol. He also recalled that the PAP/RAC, within the limit of its human and financial resources, had the mandate to provide technical assistance to the countries. He also mentioned the “reporting” experience within the framework of the exercise of stocktake on this Protocol. He pointed out several constraints which could slow down the implementation of the Protocol, especially the spread of the applicable national legislation, the responsibilities in ICZM which are barely clear and transparent, a staff that is insufficiently trained to implement this Protocol. Finally, he indicated that the PAP/RAC was contacted to provide legal advice to Non-Governmental Organizations, to individuals or to other bodies about non-compliance cases and asking for the intervention of the Center. The representative of the PAP/RAC has asked if such questions stem from the competence of the Compliance Committee.
 43. A member has wished that the Secretariat, upon the request of the Committee, addresses a note to the Regional Activity Centers in order to address to the Committee interpretation requests that they receive about non-compliance issues. The Coordinator considered that the relevant legal issues raised at the occasion of the implementation of this Protocol should be done directly before the Secretariat.

- Absences of members at the meetings of the Compliance Committee
44. The President drew the attention of the Committee to the fact that six of its members were not present at the meeting and underlined the risks related to the absence of quorum if too many members were absent. A member asked the President of the Committee to address a letter to non-excused members to remind them of their commitment to attend which is determining for the constitution of the quorum. Another member deplored that some members haven't provided any justification for their absence. Upon the proposal of the Committee, the President decided to address a letter to the members who haven't repeatedly and without any justification attended its latest meetings in order to ensure their presence to the meetings to come of the Committee. Moreover, the Committee asked that the letter of the Secretariat inviting the members of the Committee to its next meeting recalls the importance of the participation of all Committee members to this meeting.
- Date of the next meeting of the Compliance Committee.
45. Taking note of the decision aiming at organizing a meeting of the Committee "back-to-back" with the next meeting of the MAP Focal Points, the Coordinator informed the Committee that the next meeting may be held at the end of March 2015.

DECISIONS:

- The Committee requested that a letter is addressed by the President to the Committee's members who haven't repeatedly attended the latest meetings without any justification in order to make sure that they attend in the coming meetings of the Committee.
- The Committee asked the Secretariat to specify, in its invitation letter to the next meeting of the Committee, the importance of participation of the overall members to this meeting.

Agenda item 10: Adoption of conclusions and decisions

46. The Committee examined the draft decisions and conclusions prepared by the Secretariat in agreement with the President, regarding the ninth session. Several amendments and complements were brought in to this project. The Secretariat indicates that a finalized version of the draft will be addressed to the members of the Committee for final validation to be reproduced in the present report.

Agenda item 11: Closure of the meeting

The President, after thanking the members of the Committee for the honor conferred in electing her as the Chair and for their constructive participation to this session, as well as the