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29 April 2015

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10<sup>th</sup> Meeting of the Compliance Committee of the Barcelona Convention  
and its Protocols

Athens, Greece, 21-22 May 2015

**Agenda Item 5: Participation of the Chairperson of the Compliance Committee as observer  
to the 79<sup>th</sup> Meeting of the Bureau of the Barcelona Convention**

**Letter of 29 January 2015 of the Chairperson of the Compliance Committee to the President of the  
Bureau of the Barcelona Convention and Speech of the Chairperson of the Committee during the  
Meeting**

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United Nations Environment Programme  
Coordinating Unit For The Mediterranean Action Plan  
Programme des Nations Unies pour l'environnement  
Unité de Coordination du Plan d'action pour la Méditerranée



Reference: DA

Rome, 29 January 2015

**Subject: Participation of the Compliance Committee's representative as an observer in the relevant session at the 79th Meeting of the Bureau**

Dear President Birpinar,

On behalf of the Compliance Committee, which I have the honour to represent as Chairperson, first of all I would like to express my gratitude for having invited me to participate, as an observer, in the next Bureau meeting on issues related to the work of the Committee.

In such occasion I would be pleased to intervene to expose the terms of the issue that motivate such a request. In particular, at its Ninth Meeting, held in Split, Croatia, on 27-28 November 2014, the Compliance Committee, aware that the Conclusions of the Recommendation annexed to its report of activities, approved by the 18th Ordinary Meeting of the Contracting Parties in Decision IG.21/1, have not been implemented by the concerned Contracting Parties and therefore deeply concerned about the consequences, asked its Chairperson to address a letter to you with the aim of exchanging views on the status of the implementation of the above mentioned Decision IG.21/1 and related matters, and to agree about the initiative to be undertaken to ensure the full and timely implementation of the said Decision.

In addition, the Compliance Committee asked its Chairperson to inform you of the actions the Committee intend to 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, to have the opportunity to ask the concerned Contracting Parties about the initiatives they envisage to comply with their commitment on reporting up to the Nineteenth Meeting of the Conference of the Parties and the assistance they may need to fulfill their reporting obligations.

Please receive the assurance of my highest consideration.

Daniela Addis  
Chairperson of the Compliance Committee

**Prof. Dr. Mehmet Emin Birpinar**  
President of the Bureau of the Contracting Parties  
to the Barcelona Convention  
Deputy Undersecretary  
Ministry of Environment and Urbanization  
Ankara, Turkey

cc: Members of the Bureau of the Convention  
Members of the Compliance Committee

## Statement of the President of the Compliance Committee

### Participation of the Compliance Committee's representative as an observer

#### in the relevant session at the 79th Meeting of the Bureau

*Mr President,*

I have the honour to speak on behalf of the **Compliance Committee**, representing the views of its Members.

At the outset, let me express my gratitude for having invited me to participate, as an observer, in the today Bureau meeting on issues related to the work of the Committee, and to expose the terms of the issue that motivate such participation. The Compliance Committee is determinate to work in close cooperation with all Contracting Parties, the UNEP/MAP Secretariat and the Bureau of the Contracting Parties, convinced that the collaboration will ensure the effective implementation of the Barcelona Convention and its Protocols.

The Committee at its first session after the COP 18 (the Ninth Committee Meeting, held in Split, Croatia, on 27 and 28 November 2014), aware that the Conclusions of its Recommendation on non-compliance obligations regarding submission of Reports (annexed to its activities report for the biennium 2012-2013, at paragraphs 35 and 36, UNEP(DEPI)/MED IG.21/8), **approved by the 18th Ordinary Meeting** of the Contracting Parties in **Decision IG.21/1, have not been implemented by the concerned Contracting Parties.**

In fact, since the COP 18, no response was given by the concerned Contracting Parties to the requests made by the above mentioned Decision IG.21/1.

**Mr President,**

With regard to the Compliance Committee Recommendation, and the related Decision IG 21/1 adopted by the Conference of the Parties, I may recall the content, which requires:

- that the Governments of **eight Contracting Parties** (Albania, Algeria, Libya, Malta, Monaco, Slovenia, Syria and Tunisia), by not submitting their **2010-2011 Reports**, have not complied with their obligations under Article 26 of the Convention and therefore **to submit their 2010-2011 report within two months** of the Eighteenth Meeting of the Contracting Parties (by February 2014). They were invited, as well and where necessary, to request assistance in drafting the reports.
- that the Governments of **four Contracting Parties** (Albania, Libya, Malta and Slovenia), by not submitting their **2008-2009 and 2010-2011 Reports**, have demonstrated **serious and repeated non-**

**compliance** with their obligations under Article 26 of the Convention. As such, they have received a **warning** under paragraph 34 (a) of Decision IG. 17/2 and therefore they were requested **to submit** to the Committee within 2 months of the Eighteenth Meeting of the Contracting Parties (by February 2014), **a note explaining how they will proceed** in the future to prepare their Reports and **detailing** the **means** and **resources** they have mobilized to submit their reports.

- that the Governments of the above mentioned **eight Contracting Parties** had to **make a referral** to the **Compliance Committee** under paragraph 18 (a) of Decision IG. 17/2 so that the Committee may examine the difficulties and obstacles encountered by these Parties and assist them in meeting their obligations to submit reports under Article 26 of the Barcelona Convention.

**Mr President,**

The Committee urges Contracting Parties compliance and consequently the necessity to reiterate to those Contracting Parties their duty to meet, as soon as possible, the measures that have been requested in accordance with article 26 of the Barcelona Convention.

Therefore, the Compliance Committee deeply concerned about the consequences, have asked its Chairperson to address a message to the President of the Bureau with the aim of **exchanging views** on the status of the implementation of the above mentioned Decision IG.21/1 and related matters, and **to agree about the initiative to be undertaken** to ensure the full and timely implementation of the said Decision.

**Mr President,**

We consider important to inform the Bureau about the actions the Committee intends to take in the absence of an adequate response by the concerned Contracting Parties. In particular, the Committee decided to write to **the concerned Contracting Parties** informing them of the measures that will be undertaken with a view to promoting compliance in accordance with the provisions laid down in the Decision IG.21/1, addressing these cases of non-compliance, in the light of the amended Decision IG. 17/2 supplemented with the provision 2a. of Section V on the referral to the Committee on its own initiative, asking the Party concerned to provide all additional information and asking about the steps that they intend to take to comply with their commitments and the assistance that they may need to meet their reporting obligations.

The measures to be undertaken by the Committee may include the **organization of hearings** for the representatives of the concerned Contracting Parties, pursuant to paragraph 27, second sentence of the Decision IG 17/2.

We principally consider essential and necessary, in this particular case of non-compliance, to **ask the Parties in default to participate in the next meeting of the Committee**, "back to back" with the meeting of the MAP Focal Points, tentatively scheduled in late April 2015, to have the opportunity to understand the reasons behind the delay in submitting reports within the framework of the questionnaire and to ask them about the initiatives they envisage to comply with their commitment on reporting up to the Nineteenth Meeting of the Conference of the Parties and the advice and assistance they may need to fulfill their reporting obligations.

Furthermore, the Committee, evoking the role of the Bureau, which has the necessary authority to allow the implementation of the Recommendation, in accordance with Article IX of the Terms of Reference of the Bureau, wish to find shared and common solutions **to recall the concerned Contracting Parties to respect their obligations**; in particular the Governments of the four Contracting Parties which repeatedly failed to abide by their reporting obligation, who should receive a warning addressed by the Conference of the Parties, pursuant to the Decision of the Conference of the Parties contained in paragraph 36, and in accordance with paragraph 34.a of the Decision IG 17/2.

Additionally, in order to better contribute to the effectiveness of the Barcelona Convention and its Protocols, the Committee wishes to take this opportunity to advance and share the following **proposals**:

1. the amendment of Article II, para. 3 of the Terms of Reference of the Bureau of the Contracting Parties, 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, and its related Protocols*" (to add a compliance criteria in electing the members of the Bureau);
2. the regular participation of a Committee's representative, with the status of observer, to the Bureau meetings dealing with compliance issues (for a better and strengthened cooperation and collaboration between the Committee, the Bureau and the Secretariat);
3. the necessity to provide a specific and dedicated regular support (i.e. a legal officer) to the Compliance Committee to help it carry out its mandate at its best, and the related need for appropriate resources.

***Mr President,***

With regard to the revision of the **Reporting Format** of the Barcelona Convention and its Protocols, the Committee is pleased to inform that at its Ninth meeting has considered a **simplified and practical draft report format** that the Secretariat has prepared, in consultation with the Committee, to be submitted for review and adoption by the Nineteenth meeting of the Contracting Parties.

Then the Committee asked the Secretariat to continue the preparation of the revised Report format, taking into consideration the comments given by its members, to be examined during the next meeting.

Moreover, the Committee reiterated its request to **organize a workshop** that is open to the Contracting Parties, aiming at getting familiar with the use of the revised report format online.

The Committee would also like to take this opportunity to underline the **importance to organize such a workshop** on the compilation and submission of reports, and the related need for appropriate resources.

**Mr President and Members of the Bureau,**

I would be pleased to answer to the request of clarification and more information you may need.

I would like to thank again for having invited me as the representative of the Committee to the today Bureau meeting to exchange views on the status of the implementation of the above mentioned Decision IG.21/1 and related matters, and **to consider and undertake any additional action that may be required** for achieving of **and** to ensure the full and timely implementation of the said Decision.

*Thank you, Mr President*

Daniela Addis  
Chairperson of the Compliance Committee