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## **MEDITERRANEAN ACTION PLAN**

18<sup>th</sup> Ordinary Meeting of the Contracting Parties to  
the Convention for the Protection of the Marine Environment  
and the Coastal Region of the Mediterranean and its Protocols

Istanbul, Turkey, 3-6 December 2013

### **Reports of the meetings of the Compliance Committee during the 2012-2013 biennium (CC.6, CC.7)**



# **United Nations Environment programme**



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## **MEDITERRANEAN ACTION PLAN**

Sixth meeting of the Compliance Committee

Athens, Greece, 30 January–1 February 2013

### **Report of the sixth meeting of the Compliance Committee**

## **Introduction**

1. The Compliance Committee held its sixth meeting in the offices of the Coordination Unit in Athens, from 30 January to 1 February 2013.

### **1. Participation**

2. The following regular and alternate members of the Committee attended the meeting: Mr. Hawash Shahin, Ms. Daniela Addis, Mr. Nicos Georgiades, Mr. Louis Vella, Mr. Larbi Sbaï, Ms. Ekaterini Skouria, Mr. Novak Cadjenovic, Mr. Michel Prieur, Mr. Tarzan Legovic, Ms. Rachelle Adam and Mr. José Juste Ruiz.

3. The Coordination Unit was represented by Ms. Maria Luisa Silva Mejias, Executive Secretary and Coordinator of the Barcelona Convention, and Mr. Didier Guiffault, Legal Adviser. Ms. Tatiana Hema of MEDPOL also attended the meeting.

4. The list of participants is set out in annex II to the present report.

### **Agenda item 1: Opening of the meeting**

5. Ms. Maria Luisa Silva Mejias, Executive Secretary and Coordinator of the Barcelona Convention, opened the meeting by welcoming the four new Committee members. She recalled the role of the Committee pursuant to decision IG 20/1, to advise and assist the Contracting Parties in meeting their obligations under the Barcelona Convention and its protocols and, in general, to facilitate, promote and ensure compliance. She highlighted the fact that, over the previous biennium, procedural issues had dominated the work of the Committee, but that, in the current biennium, the spotlight would fall on substantive issues. That focus was all the more important since the Contracting Parties were working on the definition of more specific obligations, including through 11 closely targeted environmental objectives which the Contracting Parties were required to meet. The same considerations applied to the application of legally binding measures to the implementation of national plans pursuant to article 15 of the Land-based Sources Protocol.

6. She drew attention to the increasing number of reports being submitted, which had correspondingly increased the workload of the Secretariat and the Contracting Parties. She also highlighted the updated system of reporting on line, via the internet, which was now in operation.

7. With regard to the frequency of the Committee's meetings, she recalled the provisions of rule 4 of the Committee's rules of procedure, which provided for two meetings per biennium. She said, further, that she was contemplating two additional meetings in 2013, in June and October, and concluded by stressing the importance of the relationship between the Secretariat and the Committee members for the implementation of the Convention and its protocols.

8. For his part, Mr. Larbi Sbaï, Chair of the Committee, also welcomed the new members and encouraged them to sign the solemn oath pursuant to rule 13 of the rules of procedure. He drew attention to the substantive nature of the agenda and the quality of the joint efforts conducted by the Committee and the Secretariat. He welcomed the Coordinator's proposal to hold an additional two meetings in 2013 and suggested that they should have a duration of three days.

**Agenda item 2: Election of a Vice-Chair of the Compliance Committee**

9. Following consultations with the Secretariat, and in coordination with the Chair of the Committee, the Committee proceeded, in accordance with rule 6 of the rules of procedure, to elect Mr. Novak Cadjenovic as Vice-Chair, replacing Mr. Osman Atila Arian. One member drew attention to the need for female representation on the Bureau of the Committee and requested that the principle should be mainstreamed in the draft conclusions and decisions at the current session. Another member expressed the wish that the Secretariat should circulate the table of Committee members indicating the duration of their respective terms of office.

10. The Chair suggested to the Committee, with the consent of the Secretariat, that the Secretariat should be designated Rapporteur of the meeting.

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

11. The Committee adopted the provisional agenda and the provisional annotated agenda set out in documents UNEP(DEPI)/MED CC.6/1 and 6/2. The provisional agenda may be found in **annex II** to the present report.

**Agenda item 4: Submission of reports**

**4.1 Non-submission of reports and frequency of submission of reports**

12. The Chair drew attention to the significant decline in the level of compliance with the reporting requirement but noted that a number of Contracting Parties had expressed willingness to submit their reports. In his view, the previous format for the reports was still valid and should be maintained until the online reporting system had entered into operation. Regarding the working paper prepared by the Secretariat on the submission of reports, he suggested that the Secretariat should encourage Contracting Parties to submit their reports for the 2010–2011 biennium and that the Committee should send a letter to those that had not submitted theirs for the 2008–2009 biennium. Regarding the frequency of submission of reports, he stated his belief that it should be aligned with the periodicity of the biennial meetings of the Conference of the Contracting Parties.

13. The Coordinator said that the online reporting system would help ensure that reports were submitted more frequently. One member, supported by others, stated the belief that the reports were too heavy and that the Committee should request Contracting Parties to focus on essential information. The format of the report was considered by many members to be over-elaborated and they called for its simplification on the lines of the practices in other Conventions.

14. The Chair recalled that Lebanon had never submitted a report and that non-submission of a report constituted, in that regard, a substantiated case of non-compliance. In his view, the Secretariat had a key role to play in that area, by ascertaining the reasons for the non-submission of any reports.

15. Another member stated the view that what really mattered was the content of the reports and the sharing of best practices. He asked whether the reports were circulated among the Contracting Parties. Where their frequency was concerned, he favoured maintaining biennial submission. Another member, supported by several others, also considered it counterproductive to increase the intervals between the submission of reports. One member suggested that a letter should be sent to all Contracting Parties to explain the implications of each option. While he also favoured biennial submission, he recommended that the Contracting Parties should be informed of the consequences of more or less

frequent submission. Another member also advocated maintaining the annual frequency but suggested that the questions should be reworded to make them clearer and more straightforward.

16. One member voiced his surprise that to date no cases of non-compliance had been identified. He proposed that the Secretariat should trigger the mechanism provided under paragraph 23 of the Procedures and Mechanisms on Compliance, to identify the reasons that led a Contracting Party not to submit its reports. In that context, the Chair pointed out the usefulness of visiting the countries concerned to render the assistance that they needed. The Coordinator emphasized the usefulness of information sharing, including the identification of Contracting Parties that had not fulfilled their obligations. She pointed out that all multilateral environmental agreements suffered from the same shortfall in the performance of their reporting requirements and noted, in that context, that UNEP had launched the InforMEA site for the sharing of information, including that relating to relations between the various agreements. She urged the Contracting Parties to identify what meaningful contribution the Committee could make in that area.

17. One member asked the Committee to look more closely into the underlying reasons for non-compliance with the reporting obligation, including by holding workshops on compliance, which could be organized by the Secretariat. He suggested that the issue of non-compliance should be included in the agenda of the next meeting.

18. One member, supported by another, made several proposals, as follows. With regard to the 2008–2009 biennium report, he suggested that the Chair send a letter to the six Contracting Parties concerned, drawing attention to the previous letter on the matter and enquiring into the reasons for non-submission and suggesting a deadline for response of April 2013. It would then be up to the Committee at its next meeting in June to make observations and specific recommendations based on the individual case of each of the six Contracting Parties concerned. The Committee would have to appraise the adequacy of those responses and propose solutions tailored to each situation. Regarding the report questionnaire, he asked whether the Committee had given its opinion on the content and, if it had not, he suggested that the Committee should take up the issue by appointing a rapporteur and that the content of the questionnaire should be considered at its next meeting.

19. In response to the various statements, the Chair put forward the following proposals: maintaining the biennial schedule for the submission of reports; inviting Contracting Parties that were in default to attend Committee meetings; the organization of visits by the Committee together with the Secretariat; an examination by members of the Committee of one or more reports to identify the difficulties encountered by the Contracting Parties; revising the report questionnaire for submission to the Contracting Parties at their eighteenth meeting; the transmission of a letter to the defaulting Party by the Chair.

20. One member suggested that, as a first step, a very general letter could be sent, followed by a more formal communication, then a visit to the country by the Coordinator and, finally, a letter addressed to the Minister for Foreign Affairs, notifying the Minister that his or her country had not met its reporting obligation.

21. The Coordinator said that the Secretariat would write to all Contracting Parties to remind them of the deadline for the submission of reports for the seventeenth meeting of the Parties. She suggested that, because of delays in putting the online reporting system into operation, the deadline for the submission of reports should be postponed until the end of March 2013.

22. Following a discussion among the Committee members, it was agreed that the Secretariat and the Committee would each write letters: the Secretariat would send a letter to all the Contracting Parties which had not yet submitted their national reports for the 2010–2011 biennium, while the Chair of the Committee would address a letter to the six Contracting Parties which had not yet submitted their reports for the 2008–2009 biennium.

23. The Chair invited three members of the Committee to draft a letter for him to sign. Several Committee members had found the first version of the draft letter too legalistic and formal and had counselled the Chair to soften the language a little. Others had insisted that it was an administrative communication issuing from an authority which formed part of a legal institution and that it should therefore cite the decisions of the Conference of the Contracting Parties which vested powers in the Committee and justified its action. A new version of the draft letter was submitted and was duly approved by the Committee members.

#### **4.2 Detailed appraisal of the national reports submitted by the Contracting Parties for the 2008–2009 biennium and received by the Secretariat**

24. The representative of the Secretariat introduced the paper and asked the Committee for guidance as to further action to be taken. The Chair pointed out that several Contracting Parties were not implementing the provisions of the Barcelona Convention and its protocols. One member drew attention to the very uneven quality of the reports and suggested that a letter should be addressed to those particular Contracting Parties that had not adopted formal measures to incorporate the instruments into their national law. Another member wondered why the Contracting Parties in question were not named in the report, and pointed out that an anonymous document of that kind risked having less weight. The Chair said that the lifting of anonymity could be considered when a working document was intended exclusively for internal use by the Committee. One member also pointed out that, in the case of Committee documents, there was no reason not to identify the Parties by name. He suggested that, in essence, for an assessment of compliance, a distinction should be made between output-related requirements and obligations relating to means or modalities of action.

25. One member pointed out that the Committee's role was not to level complaints against or impose penalties on Contracting Parties but instead to concentrate on drafting reports and analysing the reasons for the failure by Contracting Parties to fulfil their obligations. He recommended that the Secretariat approach the Contracting Parties, isolating five or six substantive issues with a view to achieving a sound evaluation for the next meeting. The Chair stated his belief that that exercise could be tricky since it was difficult to confront the Contracting Parties and to ask them why they had not applied that principle. He recommended that three or four main ideas should be selected from that synthesis and that proposed solutions should be submitted to the Contracting Parties for consideration at its next meeting.

26. One member drew attention to the provisions of paragraph 23 of the Procedures and Mechanisms on Compliance, which authorized the Secretariat to send a letter to Contracting Parties encountering problems in submitting their reports. He suggested that a draft could be drawn up listing the criteria for an evaluation of the reports for the 2010–2011 biennium. The draft submitted was intended to provide guidelines for the evaluation of reports, with a view to identifying situations of actual or potential non-compliance. It also defined the criteria used by the Secretariat and the Committee for the evaluation of reports submitted by the Contracting Parties. The draft also proposed that an evaluation should be made of the report format, so that amendments could be suggested.

27. Several members felt that the Secretariat and the Centre's regional activities could contribute to work involved in defining those criteria. Following a discussion, the Chair

proposed that members should submit comments on the draft by the time of the Committee's next meeting in June, that its members should submit comments on the draft and that a summary report should be prepared by the Secretariat for discussion at that meeting.

#### **4.3 Assessment by theme of the implementation by the Contracting Parties of the Dumping, Land-based Sources and Hazardous Wastes Protocols**

28. The representative of the Secretariat presented working document CC.6/5. In her presentation of the three protocols, the representative of MEDPOL stressed that a considerable number of Contracting Parties were providing no information on significant areas of the report format relating to technical aspects of the implementation of the three protocols. She pointed out that several Contracting Parties had been unable, to date, to provide the necessary data to MEDPOL on the technical application of the protocols, including with regard to the submission of monitoring data.

- Where the Dumping Protocol was concerned, she pointed out that several Contracting Parties were complying with the requirements of the Protocol banning dumping at sea but that some had provided no information on the number of permits issued and their specifications, such as the quantity of materials being dumped. She asked whether that lack of information might constitute a potential case of non-compliance. Moreover, there was some uncertainty about the permits issued by the Contracting Parties: she noted the difficulty of determining whether those permits had been granted pursuant to the Protocol itself, which had entered into force, or on the basis of amendments to the Protocol that had not yet entered into force. In the area of reporting, she highlighted the efforts by Parties to take the technical data that they had provided in their reports under the London Protocol in order, where appropriate, to integrate them in the reports that they were to submit under the Dumping Protocol.
- Where the Land-based Sources Protocol was concerned, the representative of MEDPOL stressed that a large number of Contracting Parties had reported on the status of approvals by sector, the volume of emissions or the quantities emitted by substance, pursuant to the various annexes to the Protocol. In addition, she noted that some Contracting Parties had reported on the data generated by monitoring and had provided information on the application and effectiveness of indicators. With regard to the national action plans made under article 5 of the Protocol, she informed the Committee that MEDPOL had undertaken an evaluation of all those plans.
- Lastly, with regard to the implementation of the Hazardous Wastes Protocol, the representative of MEDPOL noted that most of the legal provisions of the Protocol had been incorporated in the national law of the Contracting Parties. She attributed that situation to the fact that those Parties which were members of the European Union were implementing the Union's guidelines and that the other Parties which were not members of the European Union were directly applying the Basel Convention of 1989, which dealt with the full cycle of hazardous waste. She said that the Parties had been invited to use the reports that they submitted under the Basel Convention as the basis reports which they were required to prepare under the Protocol. She also noted that the Contracting Parties had provided scant information in their reports on technical aspects of the implementation of the Hazardous Wastes Protocol.

29. One member asked whether MEDPOL might possibly have sufficient information on such key parameters as the level of the monitoring procedures and arrangements. Echoing the comment by another member, who had highlighted the difficulty of ascertaining the exact number of permits issued under the Dumping Protocol, the Chair stressed how difficult it was to get accurate information on certain protocols.

30. In response, the representative of MEDPOL said that the issues required further clarification. In particular, she wondered whether, under the Dumping Protocol, the fact that the Contracting Parties issued permits without providing specific information on those permits constituted a case of non-compliance.

31. One member suggested that the Secretariat should take a position on all the points raised by the representative of MEDPOL. Another member wondered what assistance could be given to the Secretariat in evaluating such reports with a view to determining whether or not there were cases of non-compliance. In response, the representative of MEDPOL said that, when a lack of information had been identified, MEDPOL would write to the Contracting Party concerned requesting the required information.

**Agenda item 5: Opinion of the Compliance Committee on the application by Contracting Parties of legally binding measures (article 15 of the Land-based Sources Protocol)**

32. The representative of the Secretariat gave an overview of document CC.6/6, exploring the question of how legally binding measures under article 15 of the Land-based Sources Protocol could be applied by the Contracting Parties in national law. The publication of regional plans at the national level would be a useful element, but implementation of the article remained uncertain because it was subject to the decisions of the Contracting Parties.

33. One member, supported by another, stated the view that it was up to each country to decide how to incorporate the decision into its national legislation. There was no one-size-fits-all solution: every country had its own legal system and regional plans were applicable in accordance with each legal system in place. The Chair pointed out that there were different modalities for the incorporation of such measures into national law. In his view, the Committee was not competent to interfere in the internal affairs of Contracting Parties but that what really mattered was the effective implementation of those measures on the ground.

34. The representative of MEDPOL invited the Committee to give its opinion on steps that could be taken to improve the legal clarity of the measures taken at the national level. She noted that the reporting format would be based on the measures required by the regional plans and that the draft reporting format for Mercury would accordingly be designed to specify the necessary steps to ensure that the plan was followed. She hoped that the Committee would focus on appraising the report format for that regional plan so that it could serve as a model for the report format for other regional plans.

35. One member expressed the opinion that the issue should not be taken up by the Committee because it was the strict prerogative of the States Parties to the Protocol to decide on the approach. Another member pointed out that, in the European Union, those plans were accompanied by impact studies. The Chair said that it was premature to comment on the plans and that, if MEDPOL noted a shortcoming, it was up to MEDPOL to bring it to the Committee's attention. The representative of MEDPOL confirmed that MEDPOL was closely monitoring the implementation of the six regional plans, but that it was still too early to report back on that issue. She added that, in 2014, MEDPOL would prepare a report on the issue, which would be communicated to members. Regarding the reporting table on mercury set out in annex III to the document, she said that, if the model was acceptable, MEDPOL would make it widely available and circulate it to the Committee. In response to a question from a member, she said that no Contracting Party published the permits that it issued on any website.

36. One member pointed out that they were not currently faced by the problem of non-compliance and that if any Contracting Party had failed to meet its reporting obligation, it could inform the Committee of the reasons for its difficulties in that regard. Another member



stated the view that, if the Secretariat had not been informed, it was the Committee's function to seek clarification on the implementation of legally binding measures under article 15 of the Land-based Sources Protocol. He believed that it was up to the countries themselves to undertake the appropriate publicity procedures to incorporate those legal provisions into their national law. Looking beyond the legal issues of applicability, he believed that the Committee could give more effective advice on the implementation of those plans by recommending impact studies to enhance their application.

37. On the more general question of the submission of reports, one Committee member suggested that the Secretariat should endeavour to ensure that the reporting coverage was as full as possible. The information received from Contracting Parties would make it possible to determine whether or not there were cases of non-compliance.

#### **Agenda item 6: Referral to the Compliance Committee on its own initiative**

38. The representative of the Secretariat gave an overview of working document CC 6/7. The Chair recalled that, at the seventeenth meeting of the Conference of the Parties in February 2012 in Paris, the Chair had welcomed the proposal to include the Committee's authority to take up cases on its own initiative in the Procedures and Mechanisms on Compliance.

39. One member expressed his scepticism about the possibility of the Committee taking up matters on its own initiative, as the self-trigger procedure was seldom used in compliance mechanisms. He based his position on the fact that, on the one hand, it would be difficult to frame an amendment recognizing that right and, on the other, that the Conference of the Contracting Parties might be reluctant to adopt it because its entry into force would entail a reduction of the Conference's powers. Lastly, it was his belief that, in practice, the amendment would bring no added value since the procedure for referral on the Committee's own initiative could only be launched with the unanimity of the Committee members.

40. One member asked if the Contracting Parties had reacted to the proposal. He agreed that the issue could be raised but had reservations about its chances of success. Another member believed, however, that it would be no bad thing to introduce a new method of referral while stressing the need to reformulate the article.

41. One member stated the view that the self-trigger proposal was ambitious and that it should be approached with due caution. That cautious attitude was shared by another member, who stressed the importance of maintaining the Committee's position: the Committee, he said, must remain independent, maintaining its status as an autonomous third party. He added that the existing tools, including the use of paragraph 23 of the Procedures and Mechanisms on Compliance, should be explored first. Another member expressed the opinion, however, that decision IG.17/2 should be amended on those lines, otherwise the Committee would be kept waiting indefinitely.

42. One member was more in favour of the proposal and stressed the need to extend the areas in which the Committee could act on its own initiative. He took as an example the Espoo Convention, under which the Committee had the right "to gather information". Taking that as a precedent, he suggested that the Committee might, through the Secretariat, solicit requests for information from Contracting Parties on certain points relating to implementation of the Barcelona Convention and its protocols.

43. To conclude the discussion, the Chair proposed that the Committee should request the Secretariat to approach Contracting Parties for their reports. With regard to the proposal on the self-trigger mechanism, he also proposed that Mr. Michel Prieur and Mr. Jose Juste Ruiz should be entrusted with gathering amendments and comments from Committee members

on the draft amendment proposed by the Secretariat in document CC.6/7 and with preparing a revised document to be submitted for discussion at the Committee's next meeting.

**Agenda item 7:      Strengthening the role of the Compliance Committee: amendment to the Barcelona Convention and other measures to strengthen the role of the Committee**

- **Incorporation of the Compliance Committee in the Barcelona Convention**

44. The representative of the Secretariat introduced working document CC.6/8. The Chair explained the reasons underlying the proposal to incorporate the Compliance Committee in the body of the Barcelona Convention, pointing out that Contracting Parties were not aware of the Committee. The aim of the current amendment – notwithstanding, however, the complexity of the adoption procedure – was to ensure that the Committee's role was better illuminated.

45. One member expressed his hesitation about the proposal, principally because its adoption would involve setting in motion the very heavy amendment procedure provided under article 22 of the Barcelona Convention. The undertaking seemed disproportionate to him, because he found it hard to contemplate two thirds of the Contracting Parties calling a diplomatic conference to adopt a single amendment to the Convention. In his view, furthermore, the adoption of such an amendment would make no substantive change to the powers vested in the Committee and even risked weakening them. Lastly, he concluded that an amendment of that nature would take years to enter into force and would end up being a large-scale operation that brought scant results.

46. Another member stated his belief that the only way for the Committee to put itself on the map was by doing its work and, in this regard, the proposed amendment would add nothing where the substance of that work was concerned. He suggested, therefore, that the proposal should be put on hold for a few years until the Committee's profile had been raised somewhat by the work done over that period and it could expect a favourable response to the proposal.

47. One member, however, supported by another, was in favour of submitting the proposed amendment. A third member considered that the proposal to enshrine the role of the Committee in the Barcelona Convention would only have symbolic value because it would not in any way affect the powers vested in the Committee. He wondered about the advisability of undertaking the amendment procedure and also pointed out the inherent difficulty of the exercise, due to the length of the amendment procedure, suggesting that States would be reluctant to launch it for the sake of a single article. He also stressed the risk of weakening the Committee over the intervening period until the amendment entered into force. He recalled the precedent of the Espoo Convention, on respect of which a similar amendment had been adopted by the Conference of the Contracting Parties but had still not entered into force.

48. Following that round, the Chair proposed, first, that work should continue on the draft amendment, giving consideration to the possibility of a State Party submitting the amendment on conclusion of the process, and, second, that the Bureau should be sounded out unofficially on the project.

- **Amending the quorum**

49. One member expressed the preference that Committee meetings should only be open to regular members, which would entail amending the quorum rule, which was currently set at

seven. Another member suggested abolishing the distinction between regular and alternate members. A third member pointed out that paragraph 15 of the Procedures and Mechanisms on Compliance stipulated a quorum of seven for the validation of meetings and paragraph 16 required a majority of three fourths of the regular and alternate members present and voting for the adoption of decisions by vote.

50. Several Committee members stated their view that there was no need to fix a system that was not broken, although they suggested removing the distinction between regular and alternate members and increasing the Committee's membership to 14 members.

51. Concluding the discussion, the Chair proposed that the Committee should retain the provisions relating to the definition of a quorum in accordance with paragraph 15 of the Procedures and Mechanisms on Compliance.

**Agenda item 8: Proposed amendment to the rules of procedure of the Compliance Committee**

52. The representative of the Secretariat presented the amended draft rules of procedure. The Chair commented on the proposed amendments to section 4.1, on the frequency of meetings of the Committee (from a minimum of twice per biennium to a preferred frequency of at least once per year) and section 4.2 on the competence of the Committee to set the date of its meetings in prior consultation with the Secretariat.

53. One member wondered how to interpret rule 23, which stated that the Committee's working languages should be the official languages of the meetings and the conferences of the Contracting Parties. The Chair recalled that the issue had been discussed at the sixteenth meeting of the Contracting Parties, held in Marrakech. One member suggested the clarification that the four official languages should be used subject to the necessary funding. Several members pointed out that the issue was very sensitive and that re-submitting it to the Conference of the Contracting Parties would risk opening a Pandora's box.

54. The representative of the Secretariat pointed out that amendments to the rules of procedure adopted by consensus by the Committee must be submitted for review and approval by the Bureau, subject to approval by the Conference of the Contracting Parties pursuant to rule 32 of the rules of procedure.

**Agenda item 9: Other matters**

- **Request by an observer to attend meetings of the Committee**

55. The Chair drew attention to the request by a person to attend meetings of the Committee as an observer. He recalled that such attendance was possible under the provisions of section III, paragraph 13 (b), of the Procedures and Mechanisms on Compliance, which stated that, unless the Committee decided otherwise, meetings of the Committee should be open to observers in accordance with article 20 of the Barcelona Convention and the rules of procedure for meetings and conferences of the Parties.

56. One member pointed out how open the exchanges had been between members of the Committee over the previous three days and suggested that that openness might not have been possible in the presence of an observer. Another member said that a distinction should be drawn between observers under article 20 of the Barcelona Convention and third-party observers, who were not covered by that provision.

57. Following that discussion, the Chair concluded that, at that stage in the Committee's work, it was premature for an observer to attend its meetings. Applications to attend future meetings of the Committee should, however, be reviewed on a case-by-case basis.

- **Venue for the Committee's meetings**

58. The Chair raised the issue of the venue for the Committee's meetings, wondering whether it might not be possible to hold the meetings not only in Athens but also in the host countries of the regional activity centres. Several members expressed their interest in that proposal. One member underlined the need to assess the financial implications of the proposal. Another member expressed his reservation on the proposal, arguing that the Committee should keep itself apart from the Contracting Parties, which it was responsible for monitoring.

59. One member asked when the next meeting would be held. The Committee proposed that the seventh meeting would be held in late June, at precise dates to be determined.

60. Following a discussion, the Chair proposed requesting the Secretariat to consider holding the Committee meetings outside Athens in the host countries of the regional activity centres. He also requested the Secretariat to review the possibility of holding the Committee's third meeting back-to-back with the eighteenth meeting of the Contracting Parties, to be held from 3 to 6 December 2013 in Istanbul, Turkey.

- **Availability of documents**

61. One member suggested that the Secretariat should make all the working documents, reports of its meetings and decisions relating to the Committee's work available on line. The Secretariat undertook to take the necessary steps to implement that suggestion.

**Agenda item 10: Adoption of conclusions and decisions**

62. The Committee reviewed the draft conclusions and decisions prepared by the Secretariat for its sixth meeting, making several amendments and additions. The representative of the Secretariat said that a new version of the draft would be circulated to Committee members for their definitive approval and would be attached as annex III to the present report.

**Agenda item 11: Closure of the meeting**

63. Following the customary exchange of courtesies, the Chair declared the meeting closed at 5.15 p.m.

**Annex I**  
**List of Participants**

### List of Participants

Membres titulaires	Membres suppléants
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**Annex II**  
**Agenda**



## **Agenda**

1. Opening of the meeting.
2. Election of a Vice-Chair of the Compliance Committee.
3. Adoption of the provisional agenda and organization of work.
4. Submission of reports:
  - 4.1 Non-submission of reports and frequency of submission;
  - 4.2 Detailed evaluation of reports received by the Secretariat;
  - 4.3 Evaluation by themes (dumping, land-based sources and hazardous wastes).
5. Opinion of the Compliance Committee on the application by Contracting Parties of legally binding measures (article 15 of the Land-based Sources Protocol).
6. Referral to the Compliance Committee on its own initiative.
7. Strengthening the role of the Compliance Committee:
  - 7.1 Proposed amendment to the Barcelona Convention;
  - 7.2 Other possible measures to strengthen the role of the Committee.
8. Proposed amendments to the rules of procedure of the Compliance Committee.
9. Other matters.
10. Adoption of conclusions and decisions.
11. Closure of the meeting.

**Annex III**  
**Conclusions and Decisions**

## Conclusions and decisions

### 1. Submission of reports

- 1 The Committee requested the Secretariat to write to Contracting Parties to remind them of their obligation to submit their reports for the 2010–2011 biennium, and to do so before 30 March 2013;
- 2 The Committee requested the Chair to write to the ministers of the six Contracting Parties that had not met their reporting obligations for the 2008–2009 biennium, requesting a response by 30 March 2013 explaining the grounds for the failure to submit their reports. In the light of a careful assessment of the responses received, the Committee will be able to prepare, with the help of the Secretariat, specific recommendations tailored to the individual circumstances of each Contracting Party;
- 3 Given that the evaluations of the reports shall be strictly limited to internal use, the Committee agreed that the Secretariat could mention the names of the Contracting Parties that had not fulfilled their obligations;
- 4 The Committee requested the Secretariat, in accordance with paragraph 23 of the Procedures and Mechanisms on Compliance as set out in the annex to decision IG.17/2, to notify the Party concerned of the difficulties that had been identified as preventing it from fulfilling its obligations, with a view to working with the Party on ways of overcoming those difficulties;
- 5 The Committee was in favour of considering a new format for the biennial report to make it simpler and more user-friendly;
- 6 The Committee was in favour of maintaining the biennial submission schedule for national reports;
- 7 The Committee recommended that, in the process of considering the reports, evaluation criteria should be defined for the 2010–2011 biennium. For that purpose, the Committee entrusted Ms. Daniela Addis with leading a working group in gathering proposed amendments or additions to the draft note on the definition of guidelines for the evaluation of reports, with a view to identifying situations of actual or potential non-compliance. The Committee requested the Secretariat to circulate a note to the Committee members on the implementation of those guidelines and to submit suggestions on the evaluation criteria for consideration at its next meeting;

### 2. Referral to the Committee on its own initiative

- 8 The Committee entrusted Mr. Michel Prieur and Mr. Jose Juste Ruiz with gathering from members of the Committee amendments to and comments on the draft amendment proposed by the Secretariat in document CC.6/7 and preparing a revised document to be submitted for consideration at its next meeting;

### 3. Strengthening the role of the Committee

- 9 *Proposed amendment to the Barcelona Convention:* The Committee deemed it premature to initiate the amendment procedure to incorporate the Committee in an article of the Barcelona Convention. It instructed the Secretariat, on an unofficial basis, to sound out the Bureau of the Barcelona Convention to determine whether such a proposal was likely to succeed;

- 10 *Quorum*: The Committee decided to maintain the quorum provisions as set out in paragraph 15 of the Procedures and Mechanisms on Compliance (annex to decision IG.17/2);

**4. Application of legally binding measures (article 15 of the Land-based Sources Protocol)**

- 11 The Committee was very concerned that the legally binding measures should be effectively implemented. Where publicity measures were concerned, the Committee was of the view that it was up to each Contracting Party to make the requisite publicity arrangements for the incorporation of those measures in their domestic law;

**5. Amendments to the rules of procedure**

- 12 The Committee approved the amendments to its rules of procedure. The final draft of the rules will be submitted to the Committee for approval at its next meeting and for its transmission by the Secretariat to the Bureau of the Convention for consideration and adoption at its meeting in July 2013;

**6. Other matters**

- 13 *Admission of a third-party observer*: the Committee deemed it premature, at the current stage, to open its meetings to observers. It did, however, reserve the right to consider any future such requests on a case-by-case basis;
- 14 *Workshops*: the Committee proposed that the Secretariat should, subject to the availability of funds, organize workshops, together with Committee members, on compliance for the benefit of MAP focal points;
- 15 *Venue for the meetings of the Committee*: the Committee proposed that its future meetings, which would normally be held in Athens, could also be organized in the immediate future in the host countries of the regional activity centres. In addition, the Committee recommended that its third meeting could be held back-to-back with the eighteenth meeting of the Contracting Parties, to be held in Istanbul from 3 to 6 December 2013;
- 16 *Availability of documents*: the Committee requested the Secretariat to post on the MAP website all its working documents, the reports of its meetings and the decisions relating to the work of the Committee.



# **Programme des Nations Unies pour l'environnement**

**EP**

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## **PLAN D'ACTION POUR LA MÉDITERRANÉE**

Huitième réunion du Comité de respect des obligations

Athènes, Grèce, 26-28 juin 2013

## **Rapport de la septième réunion du Comité de respect des obligations**

## **Introduction**

1. Le Comité de respect des obligations a tenu sa septième réunion dans les locaux de l'Unité de coordination à Athènes (Grèce), du 26 au 28 juin 2013.

## **Participation**

2. Les membres titulaires et membres suppléants du Comité ci-après ont pris part à la réunion: M. Hawash Shahin, Mme Daniela Addis, M. Nicos Georgiades, M. Louis Vella, M. Larbi Sbaï, Mme Ekaterini Skouria, Mme Selma Cengic, M. Michel Prieur, M. Tarzan Legovic, Mme Rachelle Adam et M. José Juste Ruiz.

3. L'Unité de coordination était représentée par Mme Maria Luisa Silva Meijas, Secrétaire exécutive et Coordinatrice de la Convention de Barcelone et par M. Didier Guiffault Conseiller Juridique du PAM.

4. La liste des participants est reproduite à l'Annexe I du présent rapport.

## **Point 1 de l'Ordre du jour: Ouverture de la réunion**

5. Le Président ouvre la réunion et souhaite la bienvenue aux membres du Comité de respect des obligations. Il remercie le Secrétariat pour les travaux accomplis pendant l'intersession.

6. Mme Maria Luisa Silva Meijas croit devoir rappeler le rôle du Comité qui est de conseiller et de soutenir les Parties contractantes dans la mise en œuvre de la Convention de Barcelone et de ses Protocoles. Son rôle est de celui de facilitateur au travers de l'analyse des rapports. Elle remercie, à cet égard, les membres du Comité qui ont accepté de présenter dans le cadre d'une approche méthodologique et synthétique les rapports des Parties contractantes. Elle indique qu'à ce jour 11 rapports ont été soumis au Secrétariat ce qui est deux fois plus que l'an passé. Elle indique que le Secrétariat est en contact avec les pays concernés pour les aider à soumettre leur rapport. Elle souligne l'importance des points figurant à l'Ordre du jour de la réunion, notamment les propositions de modification du Règlement intérieur et par ailleurs la modification des Procédures et mécanismes de respect des obligations avec la proposition d'un pouvoir d'initiative au bénéfice du Comité. Elle indique que toutes les questions évoquées par le Comité relatives notamment au pouvoir d'initiative du Comité, à la fréquence de soumission des rapports ainsi qu'à leur format seront examinés par la réunion des Points focaux du PAM en septembre 2013 et précise; par ailleurs; que les propositions d'amendements au Règlement intérieur seront soumis pour examen au Bureau de la Convention de Barcelone les 3-5 juillet 2013.

## **Point 2 de l'Ordre du jour: Adoption de l'ordre du jour provisoire et organisation des travaux**

7. La réunion a adopté l'Ordre du jour provisoire et l'Ordre du jour annoté figurant respectivement dans les documents UNEP(DEPI)/MED CC. 6/1 et 6/2. L'Ordre du jour provisoire est reproduit à l'**Annexe II** du présent rapport.

**Point 3 de l'Ordre du jour: Lignes directrices et critères d'évaluation des rapports pour identifier des situations actuelles ou potentielles de non-respect**

8. Mme Daniela Addis fait une présentation de l'avant-projet et remercie les membres du Comité qui ont apporté leur contribution. Plusieurs membres, tout en saluant l'intérêt du document sur le plan méthodologique, préconisent d'attendre la prochaine réunion du Comité avant de le finaliser. Ils estiment opportun de réévaluer le contenu du document après la présentation des rapports et d'adopter une nouvelle méthodologie en fonction de l'évaluation de ces rapports.

9. Un Membre considère qu'on ne peut pas, à ce stade, examiner les rapports sur la base de critères très stricts et qu'il convient d'avoir un premier regard sur le projet de Lignes directrices à partir de l'expérience acquise.

10. Le Secrétariat présente le document (UNEP (DEPI)/ MED CC.7/4) relatif aux Lignes directrices en matière d'évaluation des rapports pour l'identification de situations avérées ou potentielles de non-respect. Ce document établit une distinction entre cas de non respect formels et cas de non respect substantiel. Le Président estime qu'il est difficile d'identifier les différents types d'obligations. Un autre membre considère le document très utile tout en précisant qu'il convient de faire le lien avec les décisions des Parties contractantes et d'interpréter la Convention et les Protocoles à la lumière de ces décisions.

11. Un membre estime que l'approche du Comité reste très formaliste. La question est de savoir ce que le Comité veut tirer de ces rapports. Il est nécessaire qu'il y ait une approche plus pragmatique. Un autre membre souligne la portée théorique de ce document. Il indique qu'en ce qui concerne l'approche pratique, il faut qu'il y ait des critères qui permettent d'identifier si les mesures ont été prises.

12. Mme la Coordinatrice souligne la difficulté du passage d'une approche théorique à une approche concrète tout en soulignant que le déclenchement de la procédure se situe au niveau du Comité. Elle souligne l'intérêt d'associer les composantes du PAM au travail d'évaluation du Comité en apportant leur contribution technique sur tel ou tel problème posé.

13. Un membre considère qu'il n'y a pas de différence entre la Partie A et la Partie B du document; il suggère également de supprimer les paramètres C et D qui ne sont plus pertinents. Un autre membre suggère de préciser ce que signifie « formel » et « substantiel ». Il préconise de disposer d'un Guide explicatif pour aider les Parties contractantes à remplir leurs rapports.

14. Un membre considère que ce projet de Lignes directrices est prématuré. Il convient préalablement de tirer les conclusions de l'examen comparatif des rapports, d'établir une liste des difficultés à évaluer, rédiger une guide explicatif et identifier les conseils que le Comité pourrait donner aux Parties contractantes.

15. En conclusion de ces débats, le Comité décide qu'il n'y a pas lieu de finaliser dans l'immédiat ce projet de Lignes directrices tout en considérant que la partie A du projet doit être mise de côté. Il préconise de poursuivre l'examen de ce projet en l'inscrivant dans son Programme de travail pour le biennium 2014-2015. Il indique que la révision à proprement parler du Formulaire de rapport devra faire l'objet d'une démarche spécifique du Comité afin qu'elle figure dans un projet de décision à soumettre à la dix-huitième réunion des Parties contractantes.

**Point 4 de l'Ordre du jour: Soumission des rapports par les Parties contractantes (Biennium 2010-2011)**

16. Le Président a rappelé qu'à sa sixième réunion le Comité lui avait demandé d'adresser un courrier à cinq Parties contractantes (Albanie, Liban, Libye, Monténégro et Slovénie) pour leur demander les raisons pour lesquelles elles n'avaient pas adressé leur rapport pour le biennium 2008-2009 et sollicitant une réponse avant le 30 avril 2013. Aucune réponse n'a été reçue par le Comité à ce courrier adressé le 6 mars 2013. Par ailleurs, le Président a également rappelé que lors de sa 6ème session, le Comité avait demandé au Secrétariat de rappeler aux Parties contractantes concernées leur obligation de soumission de rapport pour le biennium 2010-2011. Par une lettre du 15 février 2013, le Secrétariat a adressé un courrier aux Parties contractantes d'adresser leur rapport pour le biennium 2010-2011 avant le 31 mars 2013 et qu'à défaut, la non soumission de leur rapport serait considérée comme un cas de non conformité par le Comité de respect des obligations.

17. Un membre fait observer que si le Comité n'a pas eu de réponse à son courrier, il convient d'intervenir au niveau supérieur sinon le Comité perdra toute crédibilité. Un autre membre propose que le Comité, sur la base d'une recommandation, adressée à la Conférence des Parties contractantes demande à celle-ci de déclarer tout pays n'ayant pas soumis de rapport en situation de non respect.

18. Le Secrétariat indique qu'en application de l'article 32 des Procédures et mécanismes de respect des obligations, il revient à la Conférence des Parties de déclarer une Partie contractante comme étant en situation de non-respect. Un membre propose de rédiger un projet de recommandation comportant le constat, l'historique et des propositions à l'attention de la Conférence des Parties contractantes et soulignant par ailleurs que le Comité reste à la disposition des Parties concernés pour examiner les solutions permettant de respecter cette obligation.

19. Le Comité a proposé la création d'un Groupe de travail pour rédiger un avant-projet de Recommandation relative à des cas de non respect liés à l'application de l'article 26 de la Convention de Barcelone en matière de soumission de rapports. Suite à un premier échange de vues sur cet avant-projet, le Président propose que M. Prieur rédige une nouvelle version de ce projet de Recommandation qui sera soumis pour validation à la huitième réunion du Comité.

20. Un membre soutenu par un autre souligne qu'il n'y a pas d'excuse à la non-soumission de rapport. Il y a lieu désormais d'envoyer une lettre aux ministres tout en faisant la distinction entre non respect chronique et non-respect accidentel et en parallèle d'engager des discussions bilatérales avec les Chefs de délégation à la prochaine Conférence des Parties contractantes pour débloquer la situation.

21. Un membre estime que le non respect des obligations par les Parties contractantes devrait être mentionné dans le rapport mais que remonter à un passé trop lointain n'a guère de sens et qu'il convient davantage de se concentrer sur les biennium récents.

22. Lors de sa sixième réunion, le Comité de respect des obligations a également accueilli favorablement la proposition de confier sur une base volontaire à un de ses membres l'évaluation d'un rapport biennal 2010-2011 soumis par une Partie contractante. Sur cette base, plusieurs membres ont accepté de faire respectivement une évaluation des rapports suivants qui ont été notifiés officiellement au Secrétariat:



23. Commentaires sur présentation du rapport de la Bosnie Herzégovine par Mr. Tarzan LEGOVIC.

24. Un membre indique qu'il conviendrait d'attirer l'attention de la Partie contractante que certaines Parties du Questionnaire n'ont pas été renseignées. Un membre estime nécessaire de contacter le pays pour avoir une meilleure information sur les problèmes rencontrés, avoir davantage d'explication notamment sur les difficultés de communiquer des données. Un autre membre estime utile d'identifier les questions qui reviennent de manière récurrente à plusieurs endroits du rapport et de procéder à leur étude. Un membre s'interroge sur l'obligation formelle de communiquer des données, Elle souhaite savoir si leur communication permet d'identifier des situations de non respect. Il s'interroge sur la question de savoir si en communiquant ses données la Partie contractante a respecté des obligations.

25. Commentaires sur la présentation du rapport du Maroc par Mr Michel PRIEUR.

26. Plusieurs membres relèvent un manque d'explication dans les réponses communiquées. Mme la Coordinatrice suggère de préparer une évaluation de l'origine de ce Format de rapport et une analyse comparative avec le Format d'autres conventions.

27. Commentaires sur la présentation du rapport de l'Union européenne par Mr José Juste RUIZ.

28. Plusieurs membres s'interrogent sur le peu d'explication apportée sur certains aspects du Questionnaire et sur l'imprécision des réponses données.

29. Commentaires sur la présentation du rapport de la Grèce par Mme Daniela ADDIS.

30. Un membre estime que les réponses données par la Partie contractante ne permettent pas d'évaluer si celle-ci a respecté ses engagements au titre de la Convention et des Protocoles. Un autre membre souligne le manque de données dans le rapport.

31. commentaires sur la présentation du rapport de l'Espagne par Mr. Nicos GEORGIADES.

32. Un membre déplore l'information partielle et les réponses trop générales au Questionnaire Il est difficile de déterminer si les actions entreprises sont efficaces et si elles contribuent à la protection de l'environnement. Un autre membre estime qu'au regard des réponses données, le Comité ne peut pas s'acquitter de sa mission sur la base de ce seul Questionnaire. Un autre membre considère que l'on ne peut pas faire l'économie d'un examen de la validité du Questionnaire. Il préconise, par ailleurs, de rédiger des Lignes directrices sur le mode d'emploi de ce Questionnaire. Il propose d'organiser un séminaire sur la meilleure façon de remplir le Questionnaire. Un autre membre estime que si celui-ci restera un point de référence il s'avère peu utile pour le travail du Comité.

33. Commentaires sur la présentation du rapport de l'Italie par Mme Katerina SKOURIA.

34. Un membre fait observer que si les mesures juridiques ont été prises dans la plus grande majorité des cas tout en déplorant que les informations restent partielles sur les données techniques ainsi que sur l'efficacité des mesures notamment sur le Protocole LBS et le Protocole Déchets.

35. Commentaires sur la Présentation du rapport d'Israël par Mr. Louis VELLA.

36. Un membre s'interroge sur l'utilité de l'information qui est rassemblée dans le cadre du rapport. D'une manière plus générale, un membre se demande comment les Centres d'activités régionales (CAR) peuvent aider le Comité et également accompagner les Parties contractantes dans l'application des Protocoles. Un autre membre indique que le Comité ne peut pas mener à bien sa mission sans le soutien des CAR. Il est important de les impliquer mais il se demande s'ils en ont vraiment envie. Ceci étant, il convient d'être précis sur ce que l'on veut leur demander. Le Comité a besoin de précision sur les données techniques qui sont inexistantes; par ailleurs le Questionnaire est trop compliqué, ainsi à titre d'exemple, un membre s'interroge sur l'utilisation de l'approche écosystémique pour évaluer le respect des obligations.

37. Mme la Coordinatrice indique que le Secrétariat a pleinement conscience des difficultés relatives au renseignement du Questionnaire et qu'il est nécessaire de le revoir. C'est pourquoi, une proposition de révision du Questionnaire s'appuyant sur les conclusions de la Recommandation sera incluse dans le projet de décision qui sera soumis à la dix-huitième Conférence des Parties contractantes. Pour ce qui concerne l'aide que les Centres d'activités régionales peuvent apporter au Comité, elle estime qu'il convient d'être précis sur la question posée par le Comité portant sur tel ou tel Protocole. C'est au Comité de dire ce qu'il attend aussi bien du MEDPOL, du CAR/PAP ou du CAR/ASP. Enfin, en ce qui concerne la demande du Comité concernant la publication des rapports, elle indique qu'il n'y a pas à l'heure actuelle de politique en matière d'information qui permette le partage des données. Le Secrétariat a accès à cette information et les Points focaux ont accès à l'information concernant leur pays mais pas à celle des autres pays.

38. Un membre revient sur la nécessité de réviser le Questionnaire afin de disposer d'un outil de renseignement de haut niveau qui soit sous-tendu par les infos fournies par les CAR. Le Président estime indispensable l'accompagnement des CAR dans le travail d'évaluation du Comité car ils disposent de l'information technique qui permet de combler les lacunes des rapports. Un autre membre insiste sur la nécessité d'apporter des réponses techniques dans le rapport. Il déplore, par ailleurs que le chapitre « efficacité » ne soit jamais rempli car pour lui les Parties contractantes ne savent pas comment y répondre. Mme la Coordinatrice indique qu'en ce domaine un document de travail sur l'efficacité avait été soumis la seizième Conférence des Parties contractantes à Marrakech.

39. Un membre prend l'exemple du rapport de l'Espagne concernant le Protocole Offshore. Il souligne l'absence de précisions sur le nombre de permis délivrés et s'interroge sur la question de savoir si cette Partie contractante dispose de ces informations et dans la négative si le Comité doit s'adresser au Centre d'activités régionales pour obtenir cette information. Il indique également que le rapport n'apporte pas d'informations sur les mesures d'efficacité et demande qui peut alors fournir de telles informations et au final qui est responsable du suivi de la mise en œuvre de ce Protocole.

40. Mme la Coordinatrice fait observer que l'Espagne n'a pas ratifié le Protocole Offshore et qu'aucun Centre d'activités régionales ne dispose d'informations sur ce Protocole. Elle suggère de se baser davantage sur le Protocole Tellurique sur lequel on dispose d'un plus grand nombre de données et d'expérience. Pour ce qui concerne les modalités de contribution du CAR au travail du Comité, elle recommande que celui-ci procède au cas par cas sur des questions spécifiques et questionne si nécessaire la Partie contractante pour obtenir davantage d'informations.

41. Un membre revient sur la question de la publicité des rapports adressés au Comité. Il suggère que le Comité fasse une recommandation en ce sens à la Conférence des Parties contractantes en s'appuyant sur l'article 15 de la Convention de Barcelone relatif à l'information et à la participation du public. Il préconise que le Secrétariat mette en ligne sur

un site commun ces rapports des lors que les Parties contractantes n'y feraient pas obstacle pour des raisons de confidentialité.

42. Un membre suggère qu'une personne devrait être désignée au sein du CAR comme agent de liaison du Comité chargé de lui apporter les informations dont il a besoin dans l'évaluation des rapports.

**Point 5 de l'Ordre du jour: Pouvoir d'initiative du Comité de respect des obligations**

43. Le Président rappelle que lors de sa sixième réunion, le Comité a été saisi d'une note (UNEP (DEPI) MED CC6/7) sur la possibilité d'introduire un droit d'autosaisine au bénéfice du Comité dans les Procédures et mécanismes de respect des obligations (Décision IG 17/2). En conclusion des débats sur cette question, le Comité avait mandaté Mrs Michel Prieur et José Juste Ruiz pour collecter auprès des membres du Comité les amendements et commentaires sur le projet d'amendement proposé par le Secrétariat dans le document CC.6/ 7 susvisé et préparer un document révisé qui serait soumis pour discussion à la septième réunion du Comité.

44. Mr Prieur a présenté le document de travail relatif au pouvoir d'autosaisine du Comité (UNEP(DEPI) MED CC.7/6). Il justifie cette proposition en soulignant que le Comité n'a été saisi d'aucun cas de non-respect et que l'exercice de ce pouvoir d'initiative est de nature à renforcer la fonction du Comité lui-même, à rendre ses actions plus dynamiques et à faciliter son intervention auprès de la Partie concernée pour des cas de non respect dont il aurait eu connaissance. A cet effet il préconise d'ajouter un paragraphe 3 (initiative du Comité) à la Section V (Procédure) de la Décision IG. 17/2.

45. Le Président remercie les deux rédacteurs pour la qualité du document tout en se montrant favorable à la substitution du titre autosaisine par le terme plus consensuel de « pouvoir d'initiative ».

46. En ce qui concerne la référence aux seules ONG partenaires du PAM, un membre considère que cette approche est plus restrictive que celle d'autres conventions. Il plaide pour se référer à toutes les ONG.

47. Un membre considère la proposition très complète et structurée mais qu'en ce qui concerne les sources d'information, il convient de supprimer toute référence aux ONG qui représentent encore un « chiffon rouge » pour beaucoup de Parties contractantes. Un autre membre estime que les rapports périodiques ou tout autre rapport soumis par les Parties contractantes constituent la seule base d'information du Comité.

48. Un membre considère que le Comité doit effectuer une percée décisive sur la question de l'information venant des ONG et manifeste son opposition à une interprétation restrictive sur ce point. C'est au Comité de proposer et in fine à la Conférence des Parties contractantes d'arbitrer sur la place à réserver aux ONG dans cette procédure.

49. En réponse à cette question de mentionner ou non les ONG, Mr. Prieur souligne que la proposition de texte est ouverte dans la mesure où l'on fait référence dans le nouvel article à « toute autre source d'information ». Il estime que seule cette réforme permettra de sortir le Comité de l'impasse après quatre ans de blocage du mécanisme de respect des obligations.

50. En conclusion le Comité adopte le libellé du nouveau paragraphe 3 de la Section V des Procédures et Mécanismes de respect des obligations tel que modifié en séance. Ce projet sera soumis à la dix huitième Conférence des Parties contractantes pour examen et adoption.

**Point 6 de l'Ordre du jour: Propositions d'amendement du Règlement intérieur du Comité de respect des obligations**

51. Les amendements apportés au projet de Règlement intérieur sont approuvés par le Comité. Le Secrétariat indique que le projet final de Règlement intérieur sera soumis, conformément à son article 32 au Bureau de la Convention de Barcelone pour examen et approbation à sa prochaine réunion en vue de son approbation par la dix-huitième réunion des Parties contractantes.

**Point 7 de l'Ordre du jour: Préparation du programme de travail du Comité de respect des obligations pour le Biennium 2014-2015**

52. Le Secrétariat présente au Comité un projet de Programme de travail pour le prochain Biennium. Après débat, le Président propose au Comité d'ajouter la proposition de rédiger un Guide explicatif pour aider les Parties contractantes dans la rédaction de leurs rapports nationaux. Le Comité adopte cet ajout et demande au Secrétariat de soumettre ce Programme de travail amendé à la dix-huitième réunion des Parties contractantes pour adoption.

**Point 8 de l'Ordre du jour: Questions diverses**

53. Le Comité, en liaison avec le Secrétariat, demande à ses membres quelles sont leurs dates de disponibilité pour sa huitième réunion qui aura lieu en principe sur deux jours dans la deuxième quinzaine du mois d'octobre 2013. Les dates définitives de la réunion seront communiquées prochainement par le Secrétariat par les membres du Comité.

**Point 9 de l'ordre du jour: Adoptions des conclusions et décisions**

54. Le Comité examine le projet de conclusions et décisions préparé par le Secrétariat relatif à sa septième session. Plusieurs amendements et compléments sont apportés à ce projet. Le Secrétariat indique qu'une nouvelle version du projet sera adressée aux membres du Comité pour validation définitive qui est reproduite à l'annexe III du présent rapport.

**Point 10 de l'Ordre du jour: Clôture de la réunion**

55. Après les civilités d'usage, le Président clôt la réunion à 17h45.

## ANNEXE I

## LISTE DES PARTICIPANTS

Membres titulaires	Membres suppléants
<p><b>Mr Larbi SBAI</b>  Conseiller du Secrétaire Général du  Département de la Pêche Maritime  Ave. Belhassan El Ouazzani  Rabat  Morocco</p> <p>Tel : +212 537 688260  Mobile : +212 661 895656  Fax : +212 537 688299  E-mail : <a href="mailto:sbai@mpm.gov.ma">sbai@mpm.gov.ma</a></p>	<p><b>Mr Tarzan LEGOVIC</b>  Professor and Chairman  Division for marine and Environment Research  R. Boskovic Institute POB 180  Bijenicka 54  HR - 10002 – Zagreb  Croatia</p> <p>Mobile : +385 91 46 80 230  Fax : +385 1 46 80 242  E-mail : <a href="mailto:legovic@irb.hr">legovic@irb.hr</a></p>
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<p><b>Mr Nicos GEORGIADES</b>  Environmental Adviser  28 Zannetou  1100 Nicosia  Cyprus</p> <p>Tel: +357-99-479028  Fax: 357-22-780385  E-mail: <a href="mailto:nicosgeorgiades@cytanet.com.cy">nicosgeorgiades@cytanet.com.cy</a></p>	<p><b>Ms Ekaterini SKOURIA</b>  Department of International Relations and EU  Affairs  Ministry of Environment, Energy and Climate  Change  15 Amaliados Street  11523 Athens  Greece</p> <p>Tel:+30213 1515664  E-mail: <a href="mailto:k.skouria@prv.ypeka.gr">k.skouria@prv.ypeka.gr</a></p>
<p><b>M. Michel PRIEUR</b>  Professeur Emérite  Faculté de Droit et des Sciences</p>	<p><b>Mr Joseph Edward ZAKI</b>  Legal Advisor  International Affairs Department</p>

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## **ANNEXE II**

### **ORDRE DU JOUR PROVISOIRE**

1. Ouverture de la réunion
2. Élection d'un Vice-président du Bureau du Comité de respect des Obligations
3. Adoption de l'Ordre du jour provisoire et organisation des travaux
4. Soumission des rapports :
  - 4.1 Non communication de rapports et fréquence de soumission des rapports
  - 4.2 Évaluation détaillée des rapports reçus par le Secrétariat
  - 4.3 Évaluation par thèmes (Immersion, Tellurique et Déchets dangereux)
5. Application par les Parties contractantes de mesures juridiquement contraignantes (article 15 du protocole Tellurique)
6. Auto saisine du Comité de respect des obligations
7. Renforcement du rôle du Comité de respect des obligations :
  - 7.1 Proposition d'amendement à la Convention de Barcelone
  - 7.2 Autres mesures possibles de renforcement du rôle du Comité
8. Amendements au Règlement intérieur du Comité de respect des obligations
9. Questions diverses
10. Adoption des conclusions et décisions
11. Clôture de la réunion

### **Annexe III**

## **Septième réunion du Comité de respect des obligations (26-28 juin 2013)**

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### **Projet de conclusions et de décisions**

#### **I – Définition de Lignes directrices et de critères communs pour l'évaluation des rapports pour identifier des situations actuelles ou potentielles de non respect**

- Le Comité a pris en considération la présentation par Mme Daniela Addis des propositions d'amendement ou de compléments au projet de note concernant la définition des «Lignes directrices pour l'évaluation des rapports pour identifier des situations actuelles ou potentielles de non respect». Il a demandé que la finalisation de cette note soit inscrite au Programme de travail du Comité pour le Biennium 2014-2015 y intégrant les observations émises par les membres du Comité en vue de son approbation lors de sa prochaine réunion.

#### **II – Soumission des rapports par les Parties contractantes**

- Le Comité a pris note avec intérêt des sept présentations faites par les membres du Comité des rapports nationaux des Parties contractantes. Prenant en considération les difficultés que le Questionnaire pose aux Parties contractantes, le Comité propose qu'une version simplifiée du Format de Questionnaire de la Convention de Barcelone et de ses Protocoles soit préparée en vue de son approbation par la dix-huitième Conférence des Parties contractantes.
- Le Comité a exprimé la nécessité d'établir des synergies et une coordination entre les procédures engagées en parallèle par le Comité et le Secrétariat en ce qui concerne l'évaluation de cas de non-respect par les Parties qui n'ont pas soumis de rapports.
- Le Comité a demandé au Secrétariat d'organiser un atelier avec la participation des Points focaux du PAM ainsi que les représentants des CAR en vue d'optimiser le renseignement du Format de questionnaire en particulier sur les aspects techniques en tenant compte d'indicateurs.
- Le Comité demande que les Centres d'activités régionales soient associés, chacun dans leur domaine respectif, à l'évaluation des réponses au Questionnaire, notamment sur les aspects techniques.
- Le Comité a demandé de préparer une note explicative sur la base d'un projet de note rédigée par Mr M. Prieur destinée aux Parties contractantes afin de préciser le mode d'emploi du Questionnaire.
- Le Comité a demandé à la prochaine Conférence des Parties contractantes que les rapports des Parties contractantes soient désormais accessibles par celles-ci, par



le public ainsi que par les membres du Comité de respect des obligations et d'autoriser le Secrétariat à mettre en ligne ces rapports sur le site du PAM.

### **III - Non soumission de rapports**

Prenant en considération la situation préoccupante dans laquelle se trouvent les Parties contractantes qui n'ont pas soumis leurs rapports, le Comité de respect des obligations a décidé de soumettre, par les soins du Secrétariat, une Recommandation à la dix-huitième Conférence des Parties contractantes appelant à une décision sur le non respect de l'obligation de rapport par les Parties contractantes concernées.

### **IV - Pouvoir d'initiative du Comité de respect des obligations**

Le Comité a demandé au Secrétariat de soumettre à la dix-huitième Conférence des Parties contractantes une proposition d'amendement relative à la Décision IG 17/ 2 aux Procédures de Mécanismes et de respect des obligations visant à reconnaître au Comité de respect des obligations la possibilité d'examiner, sur la base de toutes sources d'informations pertinentes, les difficultés rencontrées par une Partie contractante dans la mise en œuvre de la Convention de Barcelone et de ses Protocoles. L'adoption de cette proposition conduira à modifier également la Décision IG19/1 relative au Règlement intérieur du Comité de respect des obligations.

### **V - Projets d'amendements au Règlement intérieur du Comité de respect des obligations**

Le Comité a approuvé les amendements apportés à son Règlement intérieur. Le projet de Règlement intérieur sera soumis au Bureau de la Convention pour examen et approbation lors de sa réunion du 1<sup>er</sup> au 3 juillet 2013 en vue de son adoption par la dix-huitième réunion des Parties contractantes.

### **VI - Programme de travail du Comité de respect des obligations pour le Biennium 2014-2015**

Le Comité de respect des obligations a adopté son Programme de travail pour le Biennium 2014-2015 et demande au Secrétariat de le soumettre à la dix huitième Conférence des Parties contractantes pour approbation.