

Findings and recommendations with regard to request ACCC/M/2014/1 concerning compliance by the former Yugoslav Republic of Macedonia

Adopted by the Compliance Committee on 4 May 2017¹

I. Introduction

1. The Meeting of the Parties, through paragraph 27 of its report of the fifth session of the Parties (Maastricht, the Netherlands, 30 June – 2 July 2014):

...expressed its deep concern that the former Yugoslav Republic of Macedonia had also still not yet submitted its national implementation report for the third reporting cycle — the only country that had not done so — and called upon the Compliance Committee under paragraph 13 (c) of the annex to decision I/7 to consider the ongoing failure by the former Yugoslav Republic of Macedonia to submit its report for the third cycle.

2. In addition, through paragraph 8 of decision V/8, the Meeting of the Parties called upon the Party concerned, and the other two Parties that had not yet submitted their reports for the fourth cycle to submit the national implementation report for the fourth cycle to the secretariat by 1 October 2014, for subsequent consideration, *inter alia*, by the Compliance Committee.

3. On 5 March 2015, the Executive Secretary reminded the Party concerned of its obligations under decision V/8 of the Meeting of the Parties and requested the Party concerned to submit its national implementation report by 5 June 2015.

4. By letter received on 20 July 2015 (dated 26 June 2015), the Party concerned apologized for the delay and submitted that the national implementation report would be forwarded to the secretariat by the end of November 2015.

5. By letter received on 22 December 2015, the Party concerned submitted its previous national implementation report for the 2011-cycle, but not for the 2014-cycle.

6. At the Committee's fifty-second meeting (8-11 March 2016, Geneva), the secretary to the Convention reported that the secretariat had received the national implementation report for the 2011-cycle. The chair of the Committee noted that the Party concerned had thereby not fulfilled the requirements of decision V/8 yet.

7. At the Committee's fifty-fourth meeting (27-30 September 2016, Geneva), the Chair of the Committee reported that the Committee had sent a further reminder the Party concerned.

8. At the Committee's fifty-sixth meeting (28 February – 3 March 2017, Geneva), the Committee requested the secretariat to inform the Party concerned, that unless its 2014 national implementation report was received by 15 March 2017, the Committee would forthwith after that date prepare draft findings with respect to its compliance with article 10, paragraph 2 of the Convention, which once adopted, would be submitted to the sixth session of the Meeting of the Parties. By email of 7 March 2017, the secretariat informed the Party concerned accordingly.

¹ This text will be produced as an official United Nations document in due course. Meanwhile editorial or minor substantive changes (that is changes that have no impact on the findings and conclusions) may take place.

9. On 15 March 2017, the Party concerned provided the Macedonian version of its 2014 national implementation report and indicated that the English version would be sent before the end of March 2017.
10. On 29 March 2017, the Party concerned provided the English version of its 2014 national implementation report.
11. The Committee completed its draft findings at its virtual meeting on 11 April 2017, and in accordance with paragraph 34 of the annex to decision I/7, the draft findings were then forwarded to the Party concerned on 19 April 2017 for its comments by 3 May 2017.
12. The Party concerned provided comments on 3 May 2017.
13. At its virtual meeting on 4 May 2017, the Committee proceeded to finalize its findings in closed session, taking account of the comments received. The Committee then adopted its findings and agreed that they should be published as a formal pre-session document to its fifty-seventh meeting (Geneva, 27-30 June 2017). It requested the secretariat to send the findings as adopted to the Party concerned.

II. Summary of facts, evidence and issues²

A. Legal framework

14. Article 10, paragraph 2, of the Convention states:

At their meetings, the Parties shall keep under continuous review the implementation of this Convention on the basis of regular reporting by the Parties...

15. Decision I/8 on reporting adopted by the Meeting of the Parties at its first session, inter alia, states:

...

Recognizing that reporting is a vital element in ensuring that it is informed about activities undertaken by Parties pursuant to the Convention,

...

Emphasizing the importance of timely submission of reports,

1. Requests each Party to submit to the secretariat, in advance of the second ordinary meeting of the Parties, or in advance of the first ordinary meeting of the Parties following the entry into force of the Convention for that Party, whichever is the later, a report on:

- (a) The necessary legislative, regulatory or other measures that it has taken to implement the provisions of the Convention; and
- (b) Their practical implementation, in accordance with the format set out in the annex to this decision;

2. Also requests each Party in advance of each subsequent meeting of the Parties to review the report and to prepare and submit an updated version of it to the secretariat;

3. Furthermore requests the Parties to prepare their reports through a transparent and consultative process involving the public;

² This section summarizes only the main facts, evidence and issues considered to be relevant to the question of compliance, as presented to and considered by the Committee.

4. Requests that such reports should be submitted to the secretariat electronically and on paper in one of the official languages of the Convention, as well as in the language(s) of the Party, so as to arrive no later than 120 days before the meeting of the Parties for which they are submitted;

III. Consideration and evaluation by the Committee

16. The Committee expresses its serious concern at the very late nature of the Party concerned's 2011 and 2014 national implementation reports. The Committee emphasizes that article 10, paragraph 2, of the Convention requires the Parties to regular report to serve the continuous review of the meeting of the Parties of the implementation of the Convention. Moreover, the Committee points out that in the recitals of decision I/8 adopted at its first session, the Meeting of the Parties recognized that reporting is a vital element in ensuring that it is informed about activities undertaken by Parties pursuant to the Convention and emphasized the importance of timely submission of reports. To that end, through paragraph 4 of decision I/8, the Meeting of the Parties requested that such reports shall be submitted to the secretariat to arrive no later than 120 days before the meeting of the Parties for which they are submitted.

17. While significantly delayed, the Committee welcomes the submission by the Party concerned of its 2011 national implementation report on 22 December 2015, in English and Macedonian. The Committee further welcomes the submission of the Party concerned of its 2014 national implementation report on 15 March 2017, in Macedonian, and on 29 March 2017, in English.

18. Nevertheless, the Committee finds, that by failing to submit its 2011 and 2014 national implementation reports in due time for the fourth and fifth session of the Meeting of the Parties, the Party concerned failed to comply with article 10, paragraph 2 of the Convention.

19. Given that the Party concerned has now submitted both its 2011 and 2014 national implementation reports, and thus remedied its non-compliance, the Committee finds that the Party concerned is no longer in non-compliance with article 10, paragraph 2 of the Convention. Therefore, the Committee refrains from presenting any recommendations.

IV. Conclusions and recommendations

20. Having considered the above, the Committee adopts the findings set out in the following paragraph.

A. Main findings with regard to non-compliance

21. The Committee finds, that by failing to submit its 2011 and 2014 national implementation reports in due time for the fourth and fifth session of the Meeting of the Parties, the Party concerned failed to comply with article 10, paragraph 2 of the Convention.

22. Given that the Party concerned has now submitted both its 2011 and 2014 national implementation reports, and thus remedied its non-compliance, the Committee finds that the Party concerned is no longer in non-compliance with article 10, paragraph 2 of the Convention. Therefore, the Committee refrains from presenting any recommendations.
