



***ENFORCEMENT BRANCH***

**Fifteenth meeting**

11–12 October 2011  
Bonn, Germany

**Report on the meeting**

**1. Opening of the meeting**

1. Ms. Sandea de Wet, chairperson of the enforcement branch, declared the meeting open. She welcomed the members and alternate members of the branch who were present at the meeting.
2. At the request of the chairperson, the secretariat provided information on participation and quorum, as well as key administrative, logistical and housekeeping arrangements. The secretariat confirmed that there was a quorum for the meeting, that the meeting was being webcast live on the Internet, and that an audio recording was being made of the entire meeting. The secretariat also informed the branch that in accordance with rule 13, paragraph 2, of the “Rules of procedure of the Compliance Committee of the Kyoto Protocol”<sup>1</sup> Ukraine would provide interpretation from Russian to English and vice versa during the parts of the meeting to be held in public relating to the consideration of the question of implementation with respect to Ukraine.

**2. Adoption of the agenda**

3. The branch reviewed and adopted the provisional agenda (CC/EB/15/2011/1) on the understanding that it would adopt a decision on expert advice with respect to Lithuania and take up the practice of the branch with respect to time frames set out in the “Procedures and mechanisms relating to compliance under the Kyoto Protocol”<sup>2</sup> under agenda item 6, “Other matters”.

**3. Organization of work**

4. The branch decided to organize its consideration of the items under its agenda in the following manner:
  - (a) First, to adopt a decision on expert advice with respect to Lithuania;

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<sup>1</sup> This and subsequent references to rules, as well as to rules of procedure, refer to those contained in the annex to decision 4/CMP.2 as amended by decision 4/CMP.4.

<sup>2</sup> This and subsequent references to sections, as well as references to the procedures and mechanisms, refer to the annex to decision 27/CMP.1.



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- (b) Second, to consider the further written submission by Ukraine (CC-2011-2-8/Ukraine/EB);
- (c) Third, to elaborate and adopt a final decision relating to the question of implementation with respect to Ukraine;
- (d) Fourth, to discuss the practice of the branch with respect to time frames prescribed under the procedures and mechanisms; and
- (e) Finally, to discuss any other matters.

#### **4. Consideration of the further written submission from Ukraine**

5. At the request of the chairperson, the delegation of Ukraine informed the meeting that, in accordance with section VIII, paragraph 2, of the procedures and mechanisms the following designated representatives of Ukraine were present at the meeting:

- (a) Mr. Mykola Zlochevskyi, Minister of Ecology and Natural Resources of Ukraine;
- (b) Mr. Woodrow Clark, Managing Partner, “Clark Strategic Partners”;
- (c) Mr. Vadym Pozharskyi, Deputy Director of the Department for the State Ecological Policy and International Cooperation, Ministry of Ecology and Natural Resources;
- (d) Mr. Ivan Varga, First Deputy Head, the State Environmental Investment Agency;
- (e) Ms. Nataliia Usenko, Chief Specialist of the International Cooperation Division of the International Cooperation, JI Projects and National GHG Inventory System Department, the State Environmental Investment Agency;
- (f) Mr. Vadym Tolpeko, Director, Translation Agency “Tolpeko”;
- (g) Mr. Volodymyr Didukh, First Secretary, Embassy of Ukraine in Germany;
- (h) Mr. Vitaly Pruss, Managing Partner, the “Tri-Global Strategic Ventures, Inc.”;
- (i) Mr. Jean-Luc Meyer, Managing Partner, “Strategic Expansion Partners, J.L. Meier”; and
- (j) Mr. Jürg Niederbacher, Allied Partner, “Strategic Expansion Partners, J.L. Meier.”

6. The branch considered the further written submission from Ukraine and, in this context, gave Ukraine an opportunity to address the branch.



### **5. Elaboration and adoption of a final decision**

7. After the elaboration of a final decision held in private in accordance with rule 9, paragraph 2, the branch adopted a final decision (CC-2011-2-9/Ukraine/EB) at 12:20:10 Greenwich Mean Time on 12 October 2011.

### **6. Other matters**

8. Under this item, the branch agreed to adopt a decision on expert advice with respect to Lithuania. While the practice of the branch has been to elaborate and adopt decisions on expert advice by electronic means, the branch decided to take advantage of the presence of most of its members and alternate members to adopt a decision on expert advice with respect to Lithuania at the meeting.

9. At the request of the chairperson, the secretariat provided a summary of the proceedings relating to the question of implementation with respect to Lithuania.

10. The branch considered and adopted a decision on expert advice (CC-2011-3-3/Lithuania/EB) in private in accordance with rule 9, paragraph 2.

11. In the context of its consideration of the question of implementation with respect to Ukraine, some members informed the branch that prior to the meeting they had been contacted by a person purporting to represent Ukraine who wished to speak to them about the question of implementation pending before the branch. These members indicated that they refused to talk to the person who had contacted them, explaining to him that they believed it was inappropriate for them to do so, and that they had reported these approaches to the secretariat. In view of these incidents as well as similar incidents with respect to other questions of implementation that have been submitted to the branch, and consistent with rule 4, the branch agreed to develop working arrangements on contacts with a Party concerned.

12. Noting the delay in the adoption of a preliminary finding with respect to Ukraine<sup>3</sup> and the need for transparency in any future cases of inability to comply with the time frames set out in the procedures and mechanisms, the branch agreed to develop working arrangements on time frames.

13. The branch agreed to forward proposed working arrangements on the matters described in paragraphs 11 and 12 above, contained in the annex to this report, to the plenary.

### **7. Closure of the meeting**

14. The chairperson declared the meeting closed at 15:05 on 12 October 2011.

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<sup>3</sup> See paragraph 14 of the report on the fourteenth meeting of the enforcement branch, CC/EB/14/2011/2.

**8. Attendance**

15. The names of members and alternate members present at the meeting are bolded below.

<b>Members (in alphabetical order)</b>	<b>Alternate Members</b>
1. <b>DE WET</b> , Sandea Ms.	<b>AMOUGOU</b> , Joseph Armathé Mr.
2. ESTRADA OYUELA, Raúl Mr.	<b>GONZALEZ NORRIS</b> , José Antonio Mr. <sup>+</sup>
3. <b>FODEKE</b> , Victor Mr.	<b>GOPOLANG</b> , Balisi Justice Mr.*
4. <b>LEFEBER</b> , René J M Mr.	LOIBL, Gerhard Mr.
5. MICHEL, Stephan Mr.	VIK, Vidar Mr.
6. <b>OBERTHÜR</b> , Sebastian Mr.	KUOKKANEN, Tuomas Mr.
7. <b>RAJABOV</b> , Ilhomjon Mr.	NISHAT, Ainun Mr.
8. <b>SHAMANOV</b> , Oleg Mr.	RUDZKO, Iryna Ms.
9. <b>SHAREEF</b> , Mohamed Mr.**	<b>MACE</b> , Mary Jane Ms.
10. SU, Wei Mr.	ALAM, Mohammad Mr.

<sup>+</sup> Served as member.

\* Mr. Gopolang was absent on the morning of 11 October 2011.

\*\* Mr. Shareef was absent on the morning of 11 October 2011.



Annex

**Proposed working arrangements**

**DRAFT WORKING ARRANGEMENTS**

**(time frames under section X)**

1. The plenary noted the delay in the enforcement branch's adoption of its preliminary finding with respect to Ukraine, due to the impossibility of reaching quorum at an earlier date.<sup>4</sup>
2. The plenary recalled that the enforcement branch is required to make all possible efforts to adopt decisions within the time frames provided for in the procedures and mechanisms relating to compliance under the Kyoto Protocol and the rules of procedures of the Compliance Committee of the Kyoto Protocol. It agreed that any decision to delay may only be taken as a last resort for overriding reasons and result in the shortest possible delay.

**(contacts with Party concerned)**

3. At its eighth meeting, the plenary agreed that consistent with rule 4 of the rules of procedure (as contained in the annex to decision 4/CMP.2 as amended by decision 4/CMP.4) a member or alternate member:
  - (a) Is to refrain from discussing any matter related to a question of implementation pending before the Committee with agents, representatives or other persons representing a Party concerned;
  - (b) Is to report forthwith, through the secretariat, to the bureau of the Compliance Committee, any approaches by an agent, representative, or other person representing a Party concerned to discuss a matter related to a question of implementation pending before the Committee;
  - (c) May refer an agent, representative or other person representing a Party concerned to the secretariat for information on procedural matters related to a question of implementation pending before the Committee.
4. The plenary noted that the secretariat is available to provide, at the request of the Party concerned, information that is limited to procedural matters related to questions of implementation pending before the Committee.

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<sup>4</sup> See chapter III E.