



ENFORCEMENT BRANCH

Fifth meeting

14 -15 June 2008
Bonn, Germany

Report on the meeting

1. Opening of the meeting

1. Mr. Sebastian Oberthür, chairperson of the enforcement branch, declared the meeting open.
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 all members and alternate members present had signed the Oath of Service, and that the meeting was being webcast live on the Internet. The secretariat did not receive any request for registration as an observer.
3. The secretariat informed the meeting that the representative of Canada, Mr. Denis Langlois, Deputy Director, Environmental Law Section, Oceans and Environmental Law Division, Department of Foreign Affairs and International Trade, was present at the meeting, together with the following officials of the Government of Canada:
 - (a) Ambassador Michael Martin, Chief Negotiator and Ambassador for Climate Change;
 - (b) Mr. John Arseneau, Director General, Climate Change International, Environment Canada;
 - (c) Mr. Stephen Hairsine, Senior Policy Analyst, Trading Regimes Division, Environment Canada;
 - (d) Mr. Allan James, IT Project Manager, Chief Information Officer Branch, Environment Canada; and
 - (e) Mr. Jordan Zed, Legal Specialist, Environmental Law Section, Department of Foreign Affairs and International Trade.
4. The secretariat further informed the meeting that the following independent experts invited to the meeting were in attendance:
 - (a) Ms. Branca Americano;
 - (b) Mr. Marco Sereno;
 - (c) Mr. Audun Rosland; and
 - (d) Ms. Tatiana Tugui.



5. Following brief opening remarks on the proceedings, the chairperson requested the secretariat to provide a summary of the proceedings to date.

6. Canada advised the branch of the issuance of the independent assessment report of its national registry (IAR)¹ on 12 June 2008 and requested the branch to take this IAR into account during its deliberations.

2. Adoption of the agenda

7. The branch reviewed and adopted the provisional agenda.

3. Organization of work

8. The branch decided to organize its consideration of the question of implementation with respect to Canada (CC-2008-1/Canada/EB) in the following manner:

- (a) First, to receive expert advice on the report of the expert review team (ERT);
- (b) Secondly, to hold a hearing of the views of Canada, including any expert testimony it may wish to put forward; and
- (c) Finally, to elaborate and adopt a decision, with further expert advice and questions of Canada as required.

4. Advice from experts

9. Mr. Rosland, one of the lead reviewers of the ERT that reviewed the initial report of Canada, provided an overview of the report of the review of the initial report of Canada (FCCC/IRR/2007/CAN) and explained the initial review process. He also presented the ERT's findings in relation to the national registry of Canada. Finally, he offered his opinion in relation to material presented by Canada in its written submission (CC-2008-1-5/Canada/EB) and during the hearing, including the IAR.

10. Mr. Sereno, a national registry expert, provided his opinion in relation to material presented by Canada in its written submission and during the hearing, including in particular on the IAR.

11. In addition, the branch considered advice from Ms. Tugui, the other lead reviewer of the ERT that reviewed the initial report of Canada and Ms. Americano, in relation to document FCCC/IRR/2007/CAN as well as advice in relation to material presented by Canada in its written submission and during the hearing.

¹ Reference: Reg_IAR_CA_2008_1 available at
<http://unfccc.int/essential_background/library/items/3599.php?rec=j&preref=6427#beg>.



5. Hearing

12. Canada reported on the establishment and successful testing of its national registry, providing expert testimony on how its national registry meets the relevant requirements under Article 7 of the Kyoto Protocol, performs the functions defined in the annex to decision 13/CMP.1 and the annex to decision 5/CMP.1 and complies with the requirements of the technical standards for data exchange between registry systems.

13. Canada requested the decision to be adopted by the branch to be made available in the two official languages of Canada, English and French.

6. Elaboration and adoption of a decision

14. After the elaboration of a decision held in private in accordance with rule 9, paragraph 2, of the Rules of procedure of the Compliance Committee,² the branch adopted a decision not to proceed further (CC-2008-1-6/Canada/EB). With regard to the request of Canada for the translation of the decision into French, the branch requested the secretariat to make the necessary arrangements in a timely manner in accordance with section VIII, paragraph 9, of the procedures and mechanisms relating to compliance under the Kyoto Protocol.³

15. Prior to the adoption by the branch of its decision, the secretariat made a statement informing the branch that if it decides not to proceed further with the question of implementation that is the subject matter of the meeting, in the absence of further guidance from the branch, in accordance with paragraph 32(a) of the annex to decision 3/CMP.1, paragraph 22(a) of the annex to decision 9/CMP.1 and paragraph 3(a) of the annex to decision 11/CMP.1, the secretariat will:

- (a) Consider the change of Canada's eligibility status under Articles 6, 12 and 17 of the Kyoto Protocol to occur on the next business day after the adoption of the branch's decision, or on 9:00 a.m. on 16 June 2008, since by deciding not to proceed further, the branch is understood to have effectively decided not to proceed with any questions of implementation relating to the eligibility requirements indicated in the report of the review of the initial report of Canada; and
- (b) Update the eligibility list maintained by the secretariat in accordance with paragraph 34 (b) of the annex to decision 3/CMP.1, paragraph 27 of the annex to decision 9/CMP.1 and paragraph 4 of the annex to decision 11/CMP.1 by indicating 16 June 2008 as the date on which Canada receives initial eligibility and 9:00 a.m. on that day when the change of status occurs.

² Contained in the annex to decision 4/CMP.2.

³ Contained in the annex to decision 27/CMP.1.



COMPLIANCE COMMITTEE

CC/EB/5/2008/2
23 June 2008

16. The branch noted the statement of the secretariat.

7. Other matters

17. The chairperson reminded the branch that a stocktaking exercise to look back at the branch's work for the year and to reflect on improvements that can be made to its consideration of questions of implementation was scheduled for early October. To help structure discussions in October, the chairperson proposed and the branch agreed that he and the vice-chairperson, with the assistance of the secretariat, would develop a list of preliminary issues that will be circulated to members and alternate members of the branch for comment. The list of issues developed is intended to enable effective and efficient preparations for the stocktaking exercise, which will be held prior to the meeting of the plenary of the Committee and is envisaged to last two days.

18. Canada thanked the members and alternate members of the branch for spending the weekend for the consideration of the question of implementation with respect to Canada.

8. Closure of the meeting

19. After thanking the members and alternate members of the branch for their constructive work and wishing them a safe journey home, the chairperson declared the meeting closed.

9. Attendance

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

Members (in alphabetical order)	Alternate Members
1. ABDULLA , Amjad Mr.	MACE , Mary Jane Ms.
2. DE WET , Johanna G. Susanna Ms.	AMOUGOU , Joseph Armathé Mr.
3. ESTRADA OYUELA , Raúl Mr.	ITURREGUI BYRNE, Patricia Ms.
4. LEFEBER , René Mr.	LOIBL, Gerhard Mr.
5. MICHEL , Stephan Mr.	JACOBSEN , Kirsten Ms.
6. NAMANYA , Bernard Mr.	RAMOTHWA , Gladys Ms.
7. OBERTHÜR , Sebastian Mr.	KUOKKANEN, Tuomas Mr.
8. RAJABOV , Ilhomjon Mr.	NISHAT, Ainun Mr.
9. SHAMANOV , Oleg Mr.	TARASENKO , Vladimir Mr.
10. SU Wei Mr.	ALAM , Mohammad Mr.

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