



ENFORCEMENT BRANCH

Sixth meeting

6–7 October 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 noted that officials from Greece were in attendance and that four individuals had registered as observers.

2. Adoption of the agenda

3. The branch reviewed and adopted the provisional agenda.

3. Review and assessment of plan submitted by Greece pursuant to the final decision of the enforcement branch

4. The branch agreed that Greece was entitled to be represented during the review of the plan it submitted pursuant to the final decision of the branch. During review of the plan by the branch, representatives of Greece were present, made a statement and answered questions from members and alternate members of the branch.
5. The branch elaborated and adopted a decision on the review and assessment, in private, in accordance with rule 9, paragraph 2, of the Rules of procedure of the Compliance Committee.¹ The decision adopted (CC-2007-1-10/Greece/EB) requests Greece to submit a revised plan.

¹ Contained in the annex to decision 4/CMP.2.



4. Stocktaking exercise

6. The branch considered the background note with annotations prepared by the secretariat in consultation with the chairperson and vice-chairperson (CC/EB/6/2008/2). The branch identified areas where amendments to the rules of procedure are required and agreed to forward proposed working arrangements and amendments to the rules of procedure of the Compliance Committee, contained in the annex to this report, to the plenary.

7. The branch also agreed that members and alternate members serving as members could provide an explanation of a dissenting vote with respect to any decision of the branch, which would be included in an annex to the report on the meeting when the decision was taken, or to the report on the meeting subsequent to a decision taken by electronic means.

8. The branch affirmed that the secretariat is to publish all documents considered by the branch in accordance with paragraph 2 of rule 12, and in particular, paragraph 6 of section VIII of the procedures and mechanisms. The branch specifically requested the secretariat to publish all such documents made available to it with respect to Greece. In addition, the branch discussed issues related to the publication of the preliminary finding, and decided to note, in its report on the meeting, that different views were expressed on the issue.

9. The branch further agreed that it would continue to follow its established practices with respect to the structure and sequence of its decisions. It also clarified that it does not consider that it is bound to follow a previous decision when considering a new decision. With respect to remaining issues raised in the background note referred to in paragraph 6 above, the branch agreed to continue to examine its experience and to further develop its practice as needed, rather than fixing rules at this time.

5. Other matters

10. The chairperson noted information from the secretariat that the in-country review of the greenhouse gas inventories of Greece submitted in 2007 and 2008 was completed in September, and that the expert review team annual review report is expected in the near term, so that a decision by the branch with respect to the eligibility of Greece to participate in the mechanisms under Articles 6, 12 and 17 of the Kyoto Protocol will be expected shortly thereafter.

6. Closure of the meeting

11. After thanking the members and alternate members of the branch for their constructive work and wishing them a safe journey home, as well as thanking the secretariat for its outstanding support, the chairperson declared the meeting closed.



COMPLIANCE COMMITTEE

CC/EB/6/2008/3
30 October 2008

7. Attendance

12. 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
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.

⁺⁺ Served as member.



Annex

Proposed draft text for rules of procedure and working arrangements

DRAFT RULES OF PROCEDURE

**Review and assessment of a plan submitted to the enforcement branch
under paragraph 2 or paragraph 6 of section XV**

New rule 25 bis

1. A plan to be submitted by the Party concerned to the enforcement branch under paragraph 2 or paragraph 6 of section XV shall explicitly:
 - (a) Address, in separate sections, each of the elements specified in paragraph 2 or paragraph 6 of section XV;
 - (b) Respond to any specific issues raised in the part of the final decision of the enforcement branch applying the consequences.
2. The enforcement branch shall endeavour to conduct the review and assessment of the plan under paragraph 2 or paragraph 6 of section XV within four weeks from the date of receipt of the plan.
3. In its review and assessment, the enforcement branch shall assess whether the plan submitted:
 - (a) Sets out and adequately addresses the elements and issues referred to in paragraph 1 above;
 - (b) If implemented, is expected to remedy the non-compliance or to meet the quantified emission limitation or reduction commitment of the Party concerned in the subsequent commitment period, as envisaged in paragraph 2 and paragraph 6 of section XV, respectively.

Extend application of rule 18 to include new rule 25 bis

1. Any submission or comment under rules 14, 15, ~~and 17~~ and 25 bis shall be signed by the agent of the Party and be delivered to the secretariat in hard copy and by electronic means.



Deadlines for written submission/hearing/meeting

New rule 25 ter

1. The enforcement branch may hold a hearing requested by the Party concerned under section X, paragraph 1 (c), together with the meeting to adopt the preliminary finding or a decision not to proceed. Such a combined hearing and meeting shall be scheduled:
 - (a) Within two weeks from the due date of the written submission under section X, paragraph 1 (b); or
 - (b) Within two weeks of the due date of a request for a hearing under section X, paragraph 1 (c), if the Party concerned indicates, by the due date of a request for a hearing, that it does not intend to make a written submission under section X, paragraph 1 (b).

Method for calculation of time periods

9 bis. CALCULATION OF TIME PERIODS

New rule 13 bis

1. For the purposes of calculating time periods:
 - (a) The day of the act or event from which the period of time begins to run shall not be included. The last day of the period so calculated shall be included, unless it is a Saturday, Sunday or official UNFCCC holiday, or official national holiday in the case of a time limit applicable to a Party concerned, in which case the period shall be deemed to run until the end of the next working day.
 - (b) Subject to subparagraph (a) above, where a period of time is expressed in weeks, months or years, the day on which the period of time expires shall be the same day of the week, month or year as the day from which the period of time begins to run, or if the month does not have such a date, the last day of that month.

DRAFT WORKING ARRANGEMENTS OR RULES OF PROCEDURE

**Entitlement of Party concerned to be represented during meetings of
the branch to consider activities following final decision**

1. The entitlement of the Party concerned to designate one or more persons to represent it during the consideration of a question of implementation pursuant to paragraph 2 of section VIII extends to any meeting convened to:



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- (a) Consider reinstatement of eligibility under section X;
- (b) Review and assess any plan submitted to the enforcement branch under paragraph 2 or paragraph 6 of section XV;
- (c) Consider any progress report on the implementation of this plan submitted to the enforcement branch under paragraph 3 or paragraph 7 of section XV.
