



PLENARY OF THE COMMITTEE

Eighth meeting

17–18 September 2010
Bonn, Germany

Report on the meeting

1. Opening of the meeting

1. Ms. Sandea de Wet, co-chairperson of the plenary, opened the meeting.
2. At the request of the co-chairperson, the secretariat provided information on participation and quorum. 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 no observers had registered for the meeting.

2. Adoption of the agenda

3. The plenary reviewed and adopted its agenda (CC/8/2010/1).

3. Report on the seventh meeting of the plenary

4. The plenary took note of the report on the seventh meeting prepared by the co-chairpersons (CC/7/2010/5).

4. Information on privileges and immunities for members

5. The secretariat provided an update on the current state of negotiations on legal arrangements for privileges and immunities within the Subsidiary Body for Implementation (SBI). Having considered this information, the plenary concluded that any future legal arrangements for privileges and immunities should afford protection to members and alternate members of the Compliance Committee. The plenary further stated that it has the firm conviction that the absence of such privileges and immunities would affect the effectiveness of the Committee's operations. The plenary decided to draw the attention of the Conference of the Parties serving as the meeting of the Parties to the Kyoto (CMP) Protocol to its views on this matter.



5. Report of the enforcement branch

6. The plenary took note of the oral report of the enforcement branch, made to it by the chairperson of the branch, Ms. De Wet, on the branch's work since the sixth meeting of the plenary.

7. The plenary took note of the outcomes of the eighth, ninth, tenth and eleventh meetings of the enforcement branch. As requested by the enforcement branch, the plenary agreed to bring the matter of Croatia's failure to submit, in a timely manner, the plan required under section XV, paragraph 2, of the "Procedures and mechanisms relating to compliance under the Kyoto Protocol";¹ rule 25 bis, paragraph 1, of the "Rules of procedure of the Compliance Committee of the Kyoto Protocol";² and the final decision of the enforcement branch (CC/2009-1-8/Croatia/EB) to the attention of the CMP.

6. Report of the facilitative branch

8. The plenary took note of the oral report of the facilitative branch, made to it by the chairperson of the branch, Mr. Kunihiko Shimada, on the outcomes of the branch's eighth and ninth meetings.

9. The plenary noted the information provided by Monaco to the facilitative branch about its intention to submit its fifth national communication at the end of October or in early November.

7. Conflict of interest

10. The plenary continued its discussions on issues relating to conflict of interest in the context of the work of the Compliance Committee on the basis of a series of questions prepared by the co-chairs (document CC/8/2010/2). In considering these questions the plenary came to an understanding on a number of issues.

11. The plenary agreed that being a member of a delegation to meetings under the Convention or its Kyoto Protocol and a member or alternate member of the Compliance Committee does not constitute in or of itself a conflict of interest or an incompatibility with the requirements of independence and impartiality. However, the plenary recognized that there may be circumstances in which this situation could result in a conflict of interest or incompatibility with the requirements of independence and impartiality. Members and alternate members of the Committee should exercise due diligence in such circumstances.

12. The plenary agreed that rule 4, paragraph 4, of the rules of procedure allows the bureau to engage in informal discussions with the member or alternate member in relation to which

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

² 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.



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evidence of a possible conflict of interest has been received in accordance with this rule. The Compliance Committee will continue to develop its practice in this regard in conformity with rule 4, paragraph 4.

13. The plenary noted that issues relating to potential conflicts of interest or incompatibility with the requirements of independence and impartiality should be raised in a timely manner. Such issues should be brought to the Committee's attention at the earliest possible time in the proceedings, when the information on the facts giving rise to a potential conflict of interest is available to the Party concerned, and not later than the hearing.

14. In that context and in relation to the possible conflict of interest with respect to an alternate member of the Compliance Committee, the plenary further noted that the information on the facts giving rise to Croatia's claim of conflict of interest were available to Croatia by the time it received the decision on preliminary examination (CC-2009-1-2/Croatia/EB).

15. The plenary also agreed that there was no need for it to further consider the possible conflict of interest with respect to Mr. Tuomas Kuokkanen before consideration by the CMP of the appeal by Croatia against the final decision of the enforcement branch.³

16. The plenary recalled that appeals to the CMP under the procedures and mechanisms are available on the basis of due process only; that the final decision was adopted after consideration of all issues put forward by Croatia during the course of the proceedings; and that the issue of possible conflict of interest of an alternate member was raised only after the completion of the enforcement branch's consideration of the questions of implementation, though the information on the facts giving rise to the potential conflict of interest was available to Croatia during the course of the proceedings.

17. The plenary of the Committee also noted that although Mr. Kuokkanen participated in the consideration and elaboration of the preliminary finding, he did not participate in the consideration and elaboration of the final decision and did not vote on either the preliminary finding or the final decision.

8. Information on the status of reports of expert review teams under Article 8 of the Kyoto Protocol

18. The secretariat provided information on the status of submission and review of reports under the Kyoto Protocol (document CC/8/2010/6). The plenary thanked the secretariat for the information, noted the information provided by the secretariat, and requested the secretariat to revise the document by including a footnote indicating that Turkey, a Party included in Annex I, does not have a commitment inscribed in Annex B.

³ FCCC/KP/CMP/2010/2.



9. Consistency of reviews under Article 8

19. The secretariat provided information on discussions relating to consistency of review under Article 8 in the CMP, the SBI, the Subsidiary Body for Scientific and Technological Advice and the meetings of the lead reviewers. Given the importance of consistency in the review process, the plenary agreed to keep this matter on the agenda for its next meeting.

10. Matters arising from the rules of procedure: Operationalizing rule 9

20. The plenary considered the information contained in document CC/8/2010/4. After reviewing the working arrangements with regard to public participation in meetings of the Compliance Committee that had been adopted by the plenary at its fourth meeting,⁴ the plenary noted that rule 9 of the rules of procedure is sufficiently operationalized through them. It decided that such working arrangements should continue to apply to future meetings of the Compliance Committee and requested the secretariat to bring any problems arising in their implementation to the attention of the plenary. The plenary will only consider this matter again should the secretariat bring any such problems to its attention.

11. Annual report to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol

21. The plenary considered the draft annual report of the Compliance Committee to the CMP (CC/8/2010/5). The plenary adopted the report as amended and agreed to forward it to the CMP for consideration at its sixth session.

12. Calendar of meetings for 2011

22. The plenary agreed to have one meeting in 2011, with the date to be decided by the bureau in consultation with the secretariat. This agreement is without prejudice to the need for the plenary to meet twice, should any urgent matters arise in the course of next year.

13. Other matters

23. No other matters were raised.

14. Closure of the meeting

24. Ms. De Wet declared the meeting closed.

⁴ FCCC/KP/CMP/2007/6, paragraphs 15 to 18.

**COMPLIANCE COMMITTEE****CC/8/2010/7
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25. The names of members and alternate members present at the meeting are bolded below.

Members (in alphabetical order)	Alternate Members
1) ABULEIF, Khalid Mr.	YOO, Yeon-Chul Mr.
2) AGHAZADEH KHOEI , Javad Mr.	JADRANKA, Ivanova Ms.
3) COYE-FELSON, Janine E. Ms	ST. LOUIS, Teddy Mr.
4) DE WET , Sandea Ms.	AMOUGOU, Joseph Armathé Mr.
5) DIXELIUS , Anna Ms.	NOTARO , Nicola Mr.*
6) ESTRADA OYUELA, Raúl Mr.	GONZALEZ NORRIS , Antonio Mr. ⁺
7) FODEKE, Victor A. Mr.	GOPOLANG , Balisi Justice Mr. ⁺
8) HADJ-SADOK, Tahar Mr.	NASR , Mohamed I. Mr. ⁺
9) LEFEBER , René J M Mr.	LOIBL, Gerhard Mr.
10) MICHEL , Stephan Mr.	<i>Vacant</i> [‡]
11) OBERTHÜR, Sebastian Mr.	KUOKKANEN , Tuomas Mr. ⁺
12) PALLEMAERTS , Marc Mr.	ROBERTS, Adrian Paul Mr.
13) PEDROSO CUESTA , Pedro Luis Mr.**	LIMA, Antonio Pedro Monteiro Mr.
14) RAJABOV , Ilhomjon Mr.	NISHAT , Ainun Mr.
15) SEDYAKIN , Valeriy Mr.	SHIRMA, Roman Mr.
16) SHAMANOV , Oleg Mr.	RUDZKO , Iryna Ms.
17) SHAREEF , Mohamed Mr.	MACE , Mary Jane Ms.
18) SHIMADA , Kunihiko Mr.	BERMAN , Mark Mr.
19) SU, Wei Mr.	ALAM , Mohammad Mr. ⁺
20) <i>Vacant</i> [‡]	ICHSANA ISHAK , Inar Ms. ⁺

* Mr. Notaro was absent on 18 September 2010.

[±] Ms. Kirsten Jacobsen resigned.

** Mr. Pedroso was absent in the afternoon of 17 September 2010.

[‡] Mr. Isidore Nonga Zongo resigned.

⁺ Served as member.