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**Conference of the Parties serving as the meeting  
of the Parties to the Kyoto Protocol**

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Item 6 of the provisional agenda

**Report of the Compliance Committee**

**Annual report of the Compliance Committee to the  
Conference of the Parties serving as the meeting of  
the Parties to the Kyoto Protocol\***

*Summary*

The eighth annual report of the Compliance Committee to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol covers activities undertaken from 26 October 2012 to 18 September 2013. The report provides a summary of the further consideration by the enforcement branch of the questions of implementation with respect to Slovakia. It also contains information on the discussions of the facilitative branch on provisions relating to facilitation, and the discussions of the plenary of the Compliance Committee on: (a) proposed amendments to its rules of procedure; (b) the consistency of reviews under Article 8 of the Kyoto Protocol; (c) legal arrangements for privileges and immunities for individuals serving on constituted bodies under the Kyoto Protocol; (d) the implications of decision 1/CMP.8 for the references to Article 3, paragraph 1, of the Kyoto Protocol contained in the annex to decision 27/CMP.1; and (e) the issues related to the participation of members and alternate members of the Committee in its meetings.

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\* This document was submitted after the due date in order to take into account the outcomes of the thirteenth meeting of the plenary of the Compliance Committee, which took place on 17 and 18 September 2013.

## Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction .....	1–4	3
A. Mandate .....	1	3
B. Scope of the report.....	2	3
C. Action to be taken by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol.....	3–4	3
II. Organizational matters .....	5–29	4
A. Election of the replacement vice-chairperson of the facilitative branch of the Compliance Committee .....	9	4
B. Membership of the Compliance Committee .....	10–14	4
C. Transparency, communication and information .....	15–18	5
D. Privileges and immunities for members and alternate members of the Compliance Committee .....	19–23	6
E. Use of electronic means of decision-making .....	24–29	7
III. Work undertaken in the reporting period .....	30–56	8
A. Activities of the plenary.....	30–42	8
B. Activities of the enforcement branch .....	43–50	10
C. Activities of the facilitative branch.....	51–56	11
IV. Availability of resources .....	57–58	12
A. Budget for the work of the Compliance Committee .....	57	12
B. Resources required for the biennium 2014–2015 .....	58	13
 Annexes		
I. Proposed amendments to the rules of procedure of the Compliance Committee of the Kyoto Protocol .....		14
II. Members and alternate members of the Compliance Committee whose terms expire on 31 December 2013.....		16
III. Decisions taken by the enforcement branch of the Compliance Committee during the reporting period.....		17

## **I. Introduction**

### **A. Mandate**

1. In accordance with section III, paragraph 2(a), of the “Procedures and mechanisms relating to compliance under the Kyoto Protocol” (annex to decision 27/CMP.1; hereinafter referred to as the procedures and mechanisms), the plenary of the Compliance Committee (hereinafter referred to as the plenary) is to report on the activities of the Committee to each ordinary session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP).

### **B. Scope of the report**

2. The eighth annual report of the Compliance Committee covers the period from 26 October 2012 to 18 September 2013. It summarizes the work of and matters addressed by the Committee during that period.

### **C. Action to be taken by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol**

3. In accordance with section XII of the procedures and mechanisms, the CMP is to consider the annual report of the Compliance Committee.

4. The CMP may also wish:

(a) To adopt the amendments to the “Rules of procedure of the Compliance Committee of the Kyoto Protocol” (annex to decision 4/CMP.2, as amended by decision 4/CMP.4; hereinafter referred to as the rules of procedure) contained in annex I, which have been developed by the plenary in accordance with section III, paragraph 2(d), of the procedures and mechanisms;

(b) To consider the implications of decision 1/CMP.8 for the references to Article 3, paragraph 1, of the Kyoto Protocol in the annex to decision 27/CMP.1 when developing any decision under its agenda item on the report of the Committee, bearing also in mind decision 27/CMP.1, annex, section XV, paragraph 8, and to take appropriate action (see para. 41 below);

(c) To invite the President of the CMP to undertake consultations on the nomination of members and alternate members of the Committee, as necessary;

(d) To invite Parties to make contributions to the Trust Fund for Supplementary Activities to support the work of the Committee in the biennium 2014–2015 and express its thanks to the Parties that made contributions during the reporting period (see paras. 57 and 58 below);

(e) To adopt legal arrangements for privileges and immunities and ensure that such arrangements cover the members and alternate members of the Committee (see paras. 22 and 23 below).

## II. Organizational matters

5. The plenary held two meetings during the reporting period. The twelfth meeting of the plenary was held from 22 to 23 March 2013 and the thirteenth meeting from 17 to 18 September 2013, both in Bonn, Germany.

6. The facilitative branch met twice in Bonn (on 23 March 2013 and on 16 September 2013), as did the enforcement branch (from 22 to 23 March 2013 and from 3 to 4 July 2013). In addition, the enforcement branch used electronic means for adopting decisions between its meetings (see para. 24 below).

7. In addition to those meetings, at the request of the plenary,<sup>1</sup> a joint workshop of inventory lead reviewers and the Compliance Committee on the consistency of reviews under Article 8 of the Kyoto Protocol (the joint workshop) was held in Bonn, Germany, on 21 March 2013. It was held in conjunction with the 10<sup>th</sup> meeting of inventory lead reviewers and the twelfth meeting of the plenary, the twenty-second meeting of the enforcement branch and the thirteenth meeting of the facilitative branch.

8. The agenda and annotations, documentation supporting agenda items and the chairpersons' report for each meeting of the plenary and of the facilitative and enforcement branches are available on the UNFCCC website.<sup>2</sup>

### A. Election of the replacement vice-chairperson of the facilitative branch of the Compliance Committee

9. In accordance with section II, paragraph 4, of the procedures and mechanisms, on 6 February 2012, at its eleventh meeting, the facilitative branch elected Mr. Adrian Roberts as vice-chairperson by acclamation. On 21 March 2013 Mr. Roberts informed the Compliance Committee, through the secretariat, of his resignation from the Committee, effective 22 April 2013. In accordance with section II, paragraph 4, of the procedures and mechanisms and rule 6, paragraph 3, of the rules of procedure, at the thirteenth meeting of the facilitative branch, on 23 March 2013, Mr. Delano Ruben Verwey was elected as vice-chairperson of the facilitative branch, effective 22 April 2013. Mr. Verwey will serve for the unexpired term of Mr. Roberts. At its twelfth meeting, the plenary expressed its appreciation to Mr. Roberts for his work.

### B. Membership of the Compliance Committee

10. In accordance with rule 3, paragraph 1, of the rules of procedure, the term of office of each member and alternate member of the Compliance Committee starts on 1 January of the calendar year immediately following his or her election and ends on 31 December four years thereafter. The list of members and alternate members whose terms expire on 31 December 2013 is contained in annex II.

11. In accordance with rule 3, paragraph 5, of the rules of procedure, when a member or alternate member resigns or is otherwise unable to complete the assigned term or the functions of a member or alternate member, the Committee is to request the CMP to elect a new member or alternate member for the remainder of the term at its next session.

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<sup>1</sup> FCCC/KP/CMP/2012/6, paragraph 28.

<sup>2</sup> <[http://unfccc.int/kyoto\\_protocol/compliance/items/2875.php](http://unfccc.int/kyoto_protocol/compliance/items/2875.php)>.

12. Mr. Roberts, a member nominated by the Western European and other States and elected to serve in the facilitative branch until 31 December 2015, resigned from the Committee as of 22 April 2013. Since the resignation of Mr. Roberts, Mr. Per Hallström, elected as an alternate member, has been serving as a member of the Committee, ad interim, in accordance with rule 3, paragraph 4, of the rules of procedure. Mr. Mirza Salman Babar Beg, an alternate member nominated by Parties not included in Annex I to the Convention (non-Annex I Parties) and elected to serve in the enforcement branch until 31 December 2015, resigned from the Committee as of 28 May 2013.

13. In accordance with section IV, paragraph 2, section V, paragraph 2, and section II, paragraph 5, of the procedures and mechanisms, the plenary requests the CMP to elect five new members to serve in the facilitative branch, five new members to serve in the enforcement branch and an alternate member for each new member, respectively, all for a term of four years. In addition, in accordance with rule 3, paragraph 5, of the rules of procedure, the plenary requests the CMP to fill the vacancy in the facilitative branch by electing a member from the Western European and other States to serve for the remaining period of Mr. Roberts' term and to fill the vacancy in the enforcement branch by electing an alternate member from non-Annex I Parties to serve for the remaining period of Mr. Babar Beg's term.

14. The plenary noted the upcoming end of term of office of a number of members and alternate members of the Committee and, in that context, recalled decision 23/CP.18 and expressed its hope that Parties will keep in mind the goal of promoting gender balance when making nominations for membership of the Committee.

### **C. Transparency, communication and information**

15. In accordance with rule 9, paragraph 1, of the rules of procedure, meetings of the plenary and of the facilitative and enforcement branches held in the reporting period were recorded and broadcast on the Internet via the UNFCCC website, with the exception of the parts of those meetings that were held in private in accordance with the same rule.

16. In view of the fact that the meetings of inventory lead reviewers are held in private, the joint workshop referred to in paragraph 7 above was held in private. The main conclusions of the joint workshop, as summarized in the report on the twelfth meeting of the plenary,<sup>3</sup> are set out in paragraph 36 below.

17. In accordance with rule 12, paragraph 2, of the rules of procedure, all documents of the plenary and of the enforcement and facilitative branches have been made available to the public on the UNFCCC website.<sup>4</sup>

18. At the thirteenth meeting of the plenary, the co-chairpersons provided an update on further communication with the Chair of the Committee for Administering the Mechanism for Promoting Implementation and Compliance of the Basel Convention (Basel Compliance Committee) with regard to the informal dialogue between the Compliance Committee of the Kyoto Protocol and the Basel Compliance Committee, carried out in accordance with decision 12/CMP.8. The co-chairpersons informed the plenary of the response that they had

<sup>3</sup> CC/12/2013/3, paragraph 7.

<sup>4</sup> Documents relating to the plenary are available at <[http://unfccc.int/kyoto\\_protocol/compliance/plenary/items/3788.php](http://unfccc.int/kyoto_protocol/compliance/plenary/items/3788.php)>; documents relating to the facilitative branch are available at <[http://unfccc.int/kyoto\\_protocol/compliance/facilitative\\_branch/items/3786.php](http://unfccc.int/kyoto_protocol/compliance/facilitative_branch/items/3786.php)>; and documents relating to the enforcement branch are available at <[http://unfccc.int/kyoto\\_protocol/compliance/enforcement\\_branch/items/3785.php](http://unfccc.int/kyoto_protocol/compliance/enforcement_branch/items/3785.php)>.

sent to the letter of the Chair of the Basel Compliance Committee<sup>5</sup> indicating, among other things, the Compliance Committee's interest in engaging in an informal dialogue. The plenary was also informed of the dialogue with the compliance bodies of other multilateral environmental agreements on national reporting issues that is being envisaged as part of the tenth meeting of the Basel Compliance Committee (to be held from 5 to 6 December 2013). The plenary noted the information provided by the co-chairpersons, who will report on any outcomes of the dialogue with the Basel Compliance Committee at the next meeting of the plenary.

#### **D. Privileges and immunities for members and alternate members of the Compliance Committee**

19. At its twelfth meeting, the plenary discussed a communication from Japan regarding privileges and immunities for individuals serving on constituted bodies established under the Kyoto Protocol.<sup>6</sup> In the communication, Japan invited the Compliance Committee to inform it of any specific reasons for and the scope of the privileges and immunities which, in the view of the Committee, its members and alternate members may require.

20. Taking into account the ongoing negotiations on the issue of privileges and immunities,<sup>7</sup> the plenary agreed that it should make information on any considerations on the matter available to all Parties on an equal basis. On 2 June 2013, after consultations with members and alternate members of the Committee conducted by electronic means, the co-chairpersons of the plenary wrote to Japan to inform it of the results of the plenary's consideration of the latter's communication.

21. At its thirteenth meeting, the plenary noted the oral report by the secretariat on the current state of negotiations on legal arrangements for privileges and immunities for individuals serving on constituted bodies under the Kyoto Protocol, as well as the compilation of views expressed on the matter by the plenary at previous meetings, which had been prepared by the secretariat at the request of the plenary.

22. The plenary recalled that, in its fifth annual report to the CMP,<sup>8</sup> it invited the CMP to ensure that any legal arrangements for privileges and immunities to be adopted by the CMP would cover members and alternate members of the Committee. It reiterated that the absence of such privileges and immunities would affect the effectiveness of its operations and emphasized that privileges are as important as the immunities required for the functioning of the Committee. For example, travel privileges, including flexible visa arrangements, are necessary to ensure that all members and alternate members of the Committee have equal opportunity to attend meetings, including on short notice, regardless of their country of origin. Furthermore, the attribution of immunity from jurisdiction is necessary to prevent members and alternate members from being sued for their participation in the work of the Committee, for example in the case of alleged conflict of interest.

23. The plenary recognized the importance of informed consideration of this matter by the CMP, including on the basis of the views of the various constituted bodies and examples justifying the need for such arrangements. However, it noted that the provision of adequate guarantees and arrangements to the constituted bodies is fundamental for their functioning and should be aimed at preventing potential problems. The plenary noted that,

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<sup>5</sup> See document FCCC/KP/CMP/2012/6, paragraph 14.

<sup>6</sup> CC/12/2013/2.

<sup>7</sup> FCCC/KP/CMP/2012/13, paragraphs 105–109.

<sup>8</sup> FCCC/KP/CMP/2010/6, paragraph 4(b).

to date, limited progress has been made regarding the issue of privileges and immunities in the context of the CMP, and it invited the CMP to address the issue as a matter of urgency.

## **E. Use of electronic means of decision-making**

24. Pursuant to rule 11, paragraph 2, of the rules of procedure, the Compliance Committee may elaborate and take decisions using electronic means. During the reporting period, the enforcement branch used electronic means to take a decision on expert advice with respect to Slovakia.

25. Electronic means of decision-making were also used to facilitate decision-making, owing to the lack of quorum, at the following meetings of the enforcement branch:

(a) At the twenty-second and twenty-third meetings of the enforcement branch, in conjunction with those members and alternate members present and voting, electronic means were used to collect additional votes to enable the branch to adopt the agenda for each respective meeting;

(b) At the twenty-third meeting of the enforcement branch, in conjunction with those members and alternate members present and voting, electronic means were used to collect additional votes to enable the branch to take the decision that there no longer continues to be a question of implementation with respect to Slovakia, and to agree to forward proposed draft amendments to the rules of procedure relating to the consideration by the enforcement branch of disagreements whether to apply adjustments to inventories under Article 5, paragraph 2, of the Kyoto Protocol pursuant to section X, paragraph 5, of the procedures and mechanisms to the plenary for consideration at its next meeting.

26. At its thirteenth meeting, in conjunction with those members and alternate members present and voting, electronic means were used to collect additional votes to enable the plenary to adopt its agenda.

27. The use of electronic means of decision-making on the occasions listed in paragraphs 25 and 26 above enabled the meetings of the enforcement branch and of the plenary to proceed when urgent and unforeseeable circumstances resulted in the late withdrawal of members and alternate members from attendance at the scheduled meetings.

28. At its eleventh meeting, the plenary agreed that the enforcement and facilitative branches should further consider a draft working arrangement forwarded to it by the enforcement branch<sup>9</sup> which would provide that decision-making by electronic means under rule 11, paragraph 2, of the rules of procedure with respect to a Party may only take place by voting.<sup>10</sup> The facilitative branch, at its thirteenth meeting, considered the draft working arrangement and made a number of comments thereon.<sup>11</sup> The enforcement branch, at its twenty-third meeting, concluded, taking into account the comments of the facilitative branch, that it would not be opportune to pursue its proposal. At the same meeting, the enforcement branch agreed to continue its practice pursuant to which decision-making by electronic means under rule 11, paragraph 2, of the rules of procedure with respect to a Party will only take place by voting.<sup>12</sup>

29. At its thirteenth meeting, the plenary noted the information provided by the enforcement and facilitative branches on the consideration that they had given to the draft

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<sup>9</sup> CC/EB/21/2012/2, annex.

<sup>10</sup> CC/11/2012/4, paragraph 10.

<sup>11</sup> CC/FB/13/2013/2, paragraph 10.

<sup>12</sup> CC/EB/23/2013/3, paragraph 14.

working arrangement referred to in paragraph 28 above and completed its consideration of the matter.

### **III. Work undertaken in the reporting period**

#### **A. Activities of the plenary**

##### **1. Reports of expert review teams under Article 8 of the Kyoto Protocol and other information received by the plenary of the Compliance Committee**

30. In accordance with section VI, paragraph 3, of the procedures and mechanisms, the secretariat forwarded to the Compliance Committee the report of the individual review of the annual submission submitted in 2011 by the Russian Federation.

31. Similarly, in accordance with section VI, paragraph 3, of the procedures and mechanisms, the secretariat forwarded to the Committee the reports of the individual reviews of the annual submissions submitted in 2012 by Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czech Republic, Denmark, Estonia, European Union, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine and United Kingdom of Great Britain and Northern Ireland.

32. Also in accordance with section VI, paragraph 3, of the procedures and mechanisms and decision 22/CMP.1, annex, paragraph 49, the secretariat forwarded to the Committee the annual status reports of annual inventories submitted in 2013 of Australia, Austria, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, European Union, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine and United Kingdom.

33. In accordance with decision 13/CMP.1, paragraph 4, the secretariat forwarded to the Committee the fifth annual compilation and accounting report for Parties to the Convention with commitments inscribed in Annex B to the Kyoto Protocol and the addendum thereto.<sup>13</sup>

34. At its thirteenth meeting, the plenary noted the information provided to it by the secretariat on the status of submission and review of reports under the Kyoto Protocol. The plenary acknowledged some improvement in the overall timing of the preparation and publication of the review reports. However, it remained concerned that the majority of the reports are still being finalized with a significant delay. The plenary reiterated that such delays have implications for the work of the Compliance Committee, which is required to deal with matters within strict time frames.

35. At its twelfth meeting, the plenary decided to convene a closed session to hear a report from Ms. Rueanna Haynes, vice-chairperson of the enforcement branch, on her participation and the participation of Mr. René Lefebvre, chairperson of the enforcement branch, in the 10<sup>th</sup> meeting of inventory lead reviewers, which was held in Bonn from 18 to 20 March 2013. The overriding reason for holding that part of the meeting in private was the fact that the vice-chairperson was reporting back on a closed meeting.

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<sup>13</sup> CC/2012/1.



36. After the plenary had heard the report referred to in paragraph 35 above, the plenary discussed the outcomes of the joint workshop referred to in paragraph 7 above, which was attended by inventory lead reviewers and members and alternate members of the Committee. The co-chairperson summarized in an open session some of the conclusions reached at the workshop, including: (a) the intention to organize further joint workshops, subject to the availability of financial resources, possibly on an annual basis in conjunction with the respective meetings of inventory lead reviewers and the Committee; (b) the intention of the Committee to continue inviting expert advice from members of expert review teams (ERTs), in particular in relation to the consideration of questions of implementation; and (c) the extended invitation to inventory lead reviewers to attend Committee meetings, in particular where issues related to the review process might be discussed.

37. At its thirteenth meeting, after considering the proposal made by the facilitative branch on the scope of another joint workshop with inventory lead reviewers (see para. 55 below), the plenary confirmed the desirability of such a workshop. It requested the secretariat to explore options for organizing such a workshop in 2014, subject to the availability of financial resources. It requested the bureau, with the assistance of the secretariat and in consultation with inventory lead reviewers, to develop the content of the workshop on the basis of the proposal made by the facilitative branch.

**2. Amendments to the rules of procedure: consideration by the enforcement branch of disagreements whether to apply adjustments to inventories under Article 5, paragraph 2, of the Kyoto Protocol pursuant to section X, paragraph 5, of the procedures and mechanisms**

38. The plenary considered the proposed draft text for amendments to the rules of procedure with respect to the consideration by the enforcement branch of disagreements whether to apply adjustments to inventories under Article 5, paragraph 2, of the Kyoto Protocol pursuant to section X, paragraph 5, of the procedures and mechanisms, which had been forwarded to it by the enforcement branch (see paras. 49 and 50 below).<sup>14</sup> The plenary agreed to submit proposed amendments to the rules of procedure, as contained in annex I, for consideration and adoption at CMP 9.

**3. Outcomes of the eighth session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol and the thirty-seventh sessions of the subsidiary bodies**

39. At its twelfth and thirteenth meetings, the plenary discussed the outcomes of the eighth session of the CMP and the thirty-seventh sessions of the subsidiary bodies. At its thirteenth meeting, the plenary considered possible implications for its work in the second commitment period arising from decision 1/CMP.8 and the provisions of the annex to decision 27/CMP.1 related to the first commitment period.

40. Pursuant to decision 12/CMP.8, at its thirteenth meeting, the plenary considered an update provided by the secretariat on recent developments in the review of the guidelines for the implementation of Article 6 of the Kyoto Protocol being carried out pursuant to decision 6/CMP.8.

41. The plenary noted that the annex to decision 27/CMP.1 contains a number of references to Article 3, paragraph 1, of the Kyoto Protocol. In the light of the amendment to the Kyoto Protocol adopted through decision 1/CMP.8, for the Compliance Committee to effectively fulfil its mandate in relation to the second commitment period, references to

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<sup>14</sup> CC/13/2013/5 and Rev.1.

Article 3, paragraph 1, would have to be read as referring to Article 3, paragraph 1 bis. The CMP may wish to consider the implications of decision 1/CMP.8 for such references when developing any decision under its agenda item on the report of the Committee, bearing in mind decision 27/CMP.1, annex, section XV, paragraph 8.

#### **4. Participation of members and alternate members of the Compliance Committee**

42. At its thirteenth meeting, the plenary addressed the concern expressed by the enforcement branch over the repeated failure to meet quorum requirements at its meetings. The plenary shared the concern of the branch with regard to the issue of quorum and also noted with concern that the overall participation of members and alternate members of the Compliance Committee in meetings of the enforcement and facilitative branches and of the plenary has declined over the last several years. The low levels of participation have limited the input to the discussions on matters brought before the Committee and reduced the richness of such discussions. The CMP may wish to consider inviting Parties, when proposing candidates for membership of the Committee, to give careful consideration to the demands of such membership.

### **B. Activities of the enforcement branch**

#### **1. Consideration of questions of implementation with respect to Slovakia**

43. In the previous reporting period the enforcement branch considered questions of implementation with respect to Slovakia and a disagreement whether to apply adjustments.<sup>15</sup> At its twentieth meeting, on 14 July 2012, the enforcement branch adopted a decision on the disagreement whether to apply adjustments under Article 5, paragraph 2, of the Kyoto Protocol.

44. On 17 August 2012 the enforcement branch adopted a final decision, by electronic means, confirming its preliminary finding with respect to Slovakia, namely that Slovakia has in place a national system in accordance with Article 5, paragraph 1, of the Kyoto Protocol and the requirements of the guidelines decided thereunder. The enforcement branch considered that the partial operational impairment of the performance of some of the specific functions of Slovakia's national system during the review of Slovakia's 2011 annual submission resulted in non-compliance with Article 5, paragraph 1, of the Kyoto Protocol and the guidelines decided thereunder, but did not result in non-compliance with the eligibility requirements under Articles 6, 12 and 17 of the Kyoto Protocol. On 23 October 2012, at its twenty-first meeting, upon receipt of an additional vote by electronic means, the enforcement branch adopted a decision on the review and assessment of the plan submitted by Slovakia pursuant to the final decision of the enforcement branch.

45. On 18 March 2013 the enforcement branch received the second progress report on the plan referred to in paragraph 44 above.<sup>16</sup> In the report, Slovakia requested the branch to conclude that "the Slovak national system is in full compliance with the guidelines for national systems"<sup>17</sup> and that "the Plan and two progress reports have already sufficiently remedied the non-compliance of the Slovak Republic".

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<sup>15</sup> Details of the consideration that occurred in the previous reporting period can be found in document FCCC/KP/CMP/2012/6, paragraphs 55–62.

<sup>16</sup> CC-2012-1-13/Slovakia/EB.

<sup>17</sup> Refers to the "Guidelines for national systems for the estimation of anthropogenic greenhouse gas emissions by sources and removals by sinks under Article 5, paragraph 1, of the Kyoto Protocol" (annex to decision 19/CMP.1).

46. At its twenty-second meeting, the enforcement branch indicated that it could not yet come to a conclusion on whether the questions of implementation with respect to Slovakia had been resolved. The branch reiterated its conclusion, contained in its decision referred to in paragraph 44 above on the review and assessment of Slovakia's plan, that the receipt of the report of the individual review of the annual submission of Slovakia submitted in 2012 was required for it to determine whether the questions of implementation had been resolved.

47. On 6 June 2013 that report<sup>18</sup> was published. On 19 June 2013, using electronic means, the enforcement branch adopted a decision on expert advice.<sup>19</sup> On 4 July 2013, at its twenty-third meeting, upon receipt of four additional votes by electronic means, the enforcement branch adopted a decision on the resolution of the questions of implementation with respect to Slovakia.<sup>20</sup> In that decision, the enforcement branch concluded that there no longer continued to be a question of implementation with respect to Slovakia.

48. In accordance with section III, paragraph 2(a), of the procedures and mechanisms, the decisions taken by the enforcement branch with respect to Slovakia during the reporting period are listed in annex III.

**2. Proposed amendments to the rules of procedure with respect to the consideration by the enforcement branch of disagreements whether to apply adjustments to inventories under Article 5, paragraph 2, of the Kyoto Protocol pursuant to section X, paragraph 5, of the procedures and mechanisms**

49. At its twenty-second meeting, the enforcement branch considered draft working arrangements relating to the consideration by it of disagreements whether to apply adjustments under Article 5, paragraph 2, of the Kyoto Protocol pursuant to section X, paragraph 5, of the procedures and mechanisms. The branch agreed that the provisions of the draft working arrangements would be more appropriately adopted as amendments to the rules of procedure.

50. At its twenty-third meeting, the enforcement branch considered possible amendments to the rules of procedure with respect to the consideration by it of disagreements whether to apply adjustments.<sup>21</sup> The enforcement branch agreed to forward the proposed draft amendments to the rules of procedure, as contained in the annex to the report on that meeting,<sup>22</sup> to the plenary for consideration at its next meeting (see para. 38 above).

**C. Activities of the facilitative branch**

**1. Provisions related to facilitation: advice and facilitation**

51. At its thirteenth meeting, the facilitative branch decided to include its role in providing advice and facilitation as a standing item on its agenda. It also considered whether, as part of its function to provide advice and facilitation, it could request expert advice. The branch noted that it did not find it necessary to seek expert advice during its previous consideration of matters under its indicative working arrangements,<sup>23</sup> but that it

<sup>18</sup> FCCC/ARR/2012/SVK.

<sup>19</sup> CC-2012-1-14/Slovakia/EB.

<sup>20</sup> CC-2012-1-15/Slovakia/EB.

<sup>21</sup> CC/EB/23/2013/2.

<sup>22</sup> CC/EB/23/2013/3.

<sup>23</sup> CC/FB/11/2012/2, annex I.

may wish to seek such advice in the future if it considers it necessary to do so, acting in accordance with the procedures and mechanisms and rule 22 of the rules of procedure.

52. At its fourteenth meeting, the facilitative branch further considered its role in providing advice and facilitation, in particular in the context of continuing a dialogue with inventory lead reviewers. The branch indicated that the focus of any discussions should be on assisting Parties in meeting their commitments under Article 3, paragraph 1, of the Kyoto Protocol, noting the branch's mandate under section IV, paragraph 6(a), of the procedures and mechanisms.

53. At its fourteenth meeting, the facilitative branch decided to review the information that had been previously before it with respect to Austria, Croatia and Italy, as well as to consider any additional information in those Parties' 2012 annual submissions. The branch agreed that there was insufficient information available to commence an early warning exercise with respect to Austria, Croatia and Italy, but also agreed to revisit the matter at its next meeting, when additional information, including data from the Parties' 2013 annual submissions and sixth national communications, would be available.

## **2. Consistency of reviews under Article 8 of the Kyoto Protocol**

54. At its thirteenth meeting, in the context of considering the joint workshop referred to in paragraph 7 above, the facilitative branch considered the role of ERTs in assisting Parties in improving their reporting of information and its mandate relating to its early warning function. In addition, it explored ways to continue a dialogue with inventory lead reviewers and suggested that the interaction between the review process and the facilitative branch could be an issue for a future workshop. It requested the secretariat to explore how to invite some inventory lead reviewers to attend meetings of the facilitative branch as observers.

55. In the context of discussions on the provision of advice and facilitation, at its fourteenth meeting, the branch noted that it may need to call on expert advice from the inventory lead reviewers involved in the ERT that had originally identified the problem with respect to a Party. Thus, one area of discussion for a future joint workshop could be identifying modalities for the most effective interaction between the branch and inventory lead reviewers.

## **3. Stocktaking exercise**

56. At its fourteenth meeting, the facilitative branch took stock of its work. It noted that it may wish to consider what advice and facilitation it could provide during an early warning exercise and agreed that this issue will be taken up at its next meeting.

# **IV. Availability of resources**

## **A. Budget for the work of the Compliance Committee**

57. For the biennium 2012–2013, EUR 741,153<sup>24</sup> was approved in the core budget of the UNFCCC for activities related to the Compliance Committee. In addition, EUR 417,700 was approved under the item "Support to the Compliance Committee" of the resource requirements of the Trust Fund for Supplementary Activities. As at 31 July 2013 contributions of USD 171,667 had been received for the biennium. The CMP may wish to

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<sup>24</sup> This amount does not include secretariat-wide operating costs, programme support costs (overheads) or working capital reserve, as defined in decision 18/CP.17.

express its sincere thanks to the following Parties that made contributions to the Trust Fund for Supplementary Activities to support the work of the Compliance Committee in the biennium 2012–2013: Belgium, Japan and United Kingdom.

## **B. Resources required for the biennium 2014–2015**

58. For the biennium 2014–2015, it is envisaged that approximately 42 per cent of the core budget of the Legal Affairs programme of the UNFCCC that has been proposed for approval at CMP 9 would be used for activities related to the Compliance Committee.<sup>25</sup> In addition, EUR 515,079<sup>26</sup> is to be provided from the Trust Fund for Supplementary Activities.

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<sup>25</sup> See document FCCC/SBI/2013/6 and Corr.1 and Add.2.

<sup>26</sup> This amount includes programme support costs, but does not include secretariat-wide operating costs or working capital reserve.

## Annex I

### **Proposed amendments to the rules of procedure of the Compliance Committee of the Kyoto Protocol**

In accordance with decision 27/CMP.1, annex, section III, paragraph 2(d), the following text is put forward for adoption by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol as amendments to the “Rules of procedure of the Compliance Committee of the Kyoto Protocol”, contained in the annex to decision 4/CMP.2, as amended by decision 4/CMP.4.

[1. Amendment to rule 2

In rule 2, after paragraph (i), the following text should be inserted:

(i bis) “Party involved” means a Party that disagrees with adjustments to its inventory under Article 5, paragraph 2, of the Kyoto Protocol, as calculated and recommended by an expert review team in accordance with the procedures set out in paragraphs 79 and 80 of the “Guidelines for review under Article 8 of the Kyoto Protocol”, contained in the annex to decision 22/CMP.1;

[1. Amendment to section 12

In section 12, after rule 25 bis, the following text should be inserted:

#### **Rule 25 ter**

1. Where there is a disagreement whether to apply adjustments to inventories under Article 5, paragraph 2, of the Kyoto Protocol under section X, paragraph 5, this rule shall apply. In addition, the other relevant rules and other relevant provisions contained in the annex to decision 27/CMP.1 shall be applied *mutatis mutandis*, as appropriate.

2. Within seven days of having received, through the secretariat, a report of an expert review team under Article 8 of the Kyoto Protocol in accordance with section VI, paragraph 1 or 3, that includes a disagreement whether to apply adjustments to an inventory under Article 5, paragraph 2, of the Kyoto Protocol, the bureau shall request the secretariat to notify forthwith:

(a) Members and alternate members of the enforcement branch of the disagreement and send them all available materials;

(b) Members and alternate members of the facilitative branch of the disagreement;

(c) The Party involved that the disagreement will be considered by the enforcement branch.

3. The Party involved may make a written submission within four weeks from the date of receipt of the notification referred to in paragraph 2(c) above, including rebuttal of information submitted to the enforcement branch.

4. If so requested in writing by the Party involved within four weeks from the date of receipt of the notification referred to in paragraph 2(c) above, the enforcement branch shall hold a hearing, which shall take place within four weeks from the date of receipt of that request or the written submission referred to in paragraph 3 above, whichever is the later. The Party involved may present expert testimony or opinion at the hearing. Such a hearing shall be held in public, unless the enforcement branch decides, of its own accord or at the request of the Party involved, that part or all of the hearing shall take place in private.

5. The enforcement branch shall adopt its decision on the disagreement referred to in paragraph 2 above within 11 weeks of the notification referred to in paragraph 2(c) above or within three weeks of a hearing as referred to in paragraph 4 above, whichever is the shorter.
6. The Party involved may, at any time before the adoption of the decision referred to in paragraph 5 above, accept, at the hearing referred to in paragraph 4 above or in writing, the adjustments as calculated and recommended by the expert review team referred to in paragraph 2 above. Such acceptance shall result in the resolution of the disagreement referred to in paragraph 2 above and shall be noted by the enforcement branch in its decision on the matter.
7. If the report referred to in paragraph 2 above also indicates a question of implementation that is allocated to the enforcement branch and to which the expedited procedure set out in section X, paragraph 1, applies, the enforcement branch may extend any time frames provided for in this rule to align both procedures. The enforcement branch shall make every effort to minimize any resulting delay and, in any event, shall decide on the disagreement referred to in paragraph 2 above no later than at the time of the adoption of the final decision on the question of implementation in accordance with section X, paragraph 1(f).
8. The period of time stipulated in section IX, paragraph 3, shall apply only if, in the opinion of the enforcement branch, it does not interfere with the adoption of the decision in accordance with paragraph 5 above.

## Annex II

### Members and alternate members of the Compliance Committee whose terms expire on 31 December 2013

#### Enforcement branch

<i>Member</i>	<i>Alternate member</i>	<i>Group</i>
Ms. Sandea JGS De Wet	Mr. Joseph A. Amougou	African States
Mr. Su Wei	Mr. Mohammad S. Alam	Asia-Pacific States
Mr. Raúl Estrada Oyuela	Mr. Antonio J. Gonzalez Norris	Latin America and Caribbean States
Mr. Sebastian Oberthür	Mr. Tuomas Kuokkanen	Annex I Parties
Mr. Victor Fodeke	Mr. Balisi J. Gopolang	Non-Annex I Parties

#### Facilitative branch

<i>Member</i>	<i>Alternate member</i>	<i>Group</i>
Mr. Ladislaus Kyaruzi	Mr. Mohamed I. Nasr	African States
Mr. Khalid M. Abuleif	Mr. Yeon-Chul Yoo	Asia-Pacific States
Ms. Janine E. Coye-Felson	Mr. Teddy St. Louis	Latin America and Caribbean States
Mr. Kunihiro Shimada	Mr. Marcus Henry	Annex I Parties
Mr. Javad Aghazadeh Khoei	Ms. Jadranka Ivanova	Non-Annex I Parties



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## Annex III

### Decisions taken by the enforcement branch of the Compliance Committee during the reporting period

#### SLOVAKIA (CC-2012-1/Slovakia/EB)\*

<i>Title</i>	<i>Document no.</i>	<i>Date</i>
Decision on expert advice	CC-2012-1-14/Slovakia/EB	19 June 2013
Decision on resolution of the questions of implementation with respect to Slovakia	CC-2012-1-15/Slovakia/EB	4 July 2013

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\* Decisions with respect to Slovakia are available at  
<[http://unfccc.int/kyoto\\_protocol/compliance/questions\\_of\\_implementation/items/6920.php](http://unfccc.int/kyoto_protocol/compliance/questions_of_implementation/items/6920.php)>.