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**Conference of the Parties serving as the meeting
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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 twelfth 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 10 September 2016 to 8 September 2017. The report provides a summary of the further consideration by the enforcement branch of the questions of implementation with regard to compliance by Ukraine, the continued consideration by the facilitative branch of its role in providing advice and facilitation, and the discussions of the plenary of the Compliance Committee.

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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 Compliance Committee (hereinafter referred to as 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 twelfth annual report of the Committee covers the period from 10 September 2016 to 8 September 2017. It summarizes the work of and matters addressed by the Committee during that period.

C. Possible action to be taken by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol

3. According to section XII of the procedures and mechanisms, the CMP is to consider the annual report of the Committee.

4. The CMP may also wish:

(a) To invite the President of the CMP to undertake consultations on the nomination of members and alternate members of the Committee, as necessary (see paras. 10–12 below);

(b) To invite Parties to make contributions to the Trust Fund for Supplementary Activities in order to support the work of the Committee in the biennium 2018–2019 and to express its thanks to the Parties that made contributions during the reporting period (see para. 35 below).

II. Organizational matters

5. During the reporting period, the enforcement branch met once, for its 30th meeting (in Bonn on 6 September 2017); the facilitative branch also met once, for its 20th meeting (in Bonn on 7 September 2017).

6. The 19th meeting of the plenary was held on 7 and 8 September 2017 in Bonn.

7. In addition to these meetings, the enforcement branch used electronic means for decision-making during the reporting period (see para. 15 below).

8. The agenda and annotations, documentation supporting agenda items and the Chairs’ report for each meeting of the plenary and of the facilitative and enforcement branches are available on the UNFCCC website.¹

A. Election of the replacement Vice-Chair of the enforcement branch of the Compliance Committee

9. In accordance with section II, paragraph 4, of the procedures and mechanisms, on 22 March 2016, relying on decision-making by electronic means, the enforcement branch

¹ <http://unfccc.int/2875.php>.

elected Mr. Mohamed Ibrahim Nasr as Vice-Chair by acclamation. On 11 November 2016 Mr. Nasr informed the Committee, through the secretariat, of his resignation from the Committee, effective immediately. In accordance with section II, paragraph 4, of the procedures and mechanisms and rule 6, paragraph 3, of the “Rules of procedure of the Compliance Committee of the Kyoto Protocol” (annex to decision 4/CMP.2, as amended by decisions 4/CMP.4 and 8/CMP.9; hereinafter referred to as the rules of procedure), at the 30th meeting of the enforcement branch, Mr. Joseph Aitaro was elected as Vice-Chair of the enforcement branch, effective immediately. Mr. Aitaro will serve for the remainder of the term of Mr. Nasr. At its 19th meeting, the plenary expressed its appreciation to Mr. Nasr 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 Committee starts on 1 January of the calendar year immediately following his or her election and ends on 31 December four years thereafter. A list of the members and alternate members whose terms expire on 31 December 2017 is contained in annex I.

11. 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, all for terms of four years.

12. The plenary expressed its hope that Parties will keep in mind the issue of gender balance when making nominations for membership of the Committee.

C. Transparency, communication and information

13. 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 UNFCCC website, with the exception of the parts of those meetings that were held in private, in accordance with the same rule.

14. 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.²

D. Use of electronic means in decision-making

15. Pursuant to rule 11, paragraph 2, of the rules of procedure, the Committee may elaborate and take decisions using electronic means. During the reporting period, the enforcement branch used electronic means to take a decision on the review and assessment of the plan submitted by Ukraine under section XV, paragraph 2, of the procedures and mechanisms.

² Documents relating to the plenary are available at <http://unfccc.int/3788.php>; documents relating to the facilitative branch are available at <http://unfccc.int/3786.php>; and documents relating to the enforcement branch are available at <http://unfccc.int/3785.php>.

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

16. 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 following reports:

(a) Reports on the individual reviews of the annual submissions submitted in 2015 of the following Parties: Austria, Belgium, Bulgaria, Croatia, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Monaco, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden and Switzerland;

(b) Reports on the individual reviews of the annual submissions submitted in 2016 of the following Parties: Australia, Austria, Belgium, Bulgaria, Croatia, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland and Ukraine;

(c) Reports on the reviews of the reports to facilitate the calculation of the assigned amount for the second commitment period of the Kyoto Protocol of the following Parties: Australia, Austria, Belgium, Bulgaria, Croatia, Czechia, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland and Ukraine;

(d) Status reports of the annual inventories in 2016 of the following Parties: Latvia and Malta;

(e) Status reports of the annual inventories in 2017 of the following Parties: Australia, Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, Denmark, Estonia, European Union, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, 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;

(f) Report on the individual review of the resubmitted report upon expiration of the additional period for fulfilling commitments (true-up period) for the first commitment period of the Kyoto Protocol of Ukraine;

(g) Final compilation and accounting report for Ukraine for the first commitment period of the Kyoto Protocol.

17. At its 19th 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.

2. Engagement with lead reviewers

18. On a proposal by the facilitative branch (see para. 34 below), the plenary invited the members of the bureau of the Committee to attend relevant meetings of lead reviewers and to report back to the plenary or the branches, as appropriate. On a further proposal by the facilitative branch, the bureau of the Committee was encouraged to explore the feasibility of organizing joint workshops between the Committee and the lead reviewers on a periodic basis, subject to the availability of financial resources.

B. Activities of the enforcement branch

19. In the previous reporting period, the enforcement branch considered questions of implementation with respect to Ukraine. On 7 September 2016, the enforcement branch adopted a final decision, confirming its preliminary finding with respect to Ukraine, namely the non-compliance of Ukraine with Article 7, paragraph 1, in conjunction with paragraph 4, of the Kyoto Protocol and the mandatory requirements of the modalities and guidelines thereunder. As a consequence, the branch requested Ukraine to submit a plan in accordance with section XV, paragraphs 1–3, of the procedures and mechanisms, and rule 25 bis of the rules of procedure.

20. Ukraine submitted the plan referred to in paragraph 19 above on 5 December 2016.³ On 21 December 2016, the enforcement branch adopted a decision on the review and assessment of the plan.⁴ In this decision, the branch concluded that the plan sets out and adequately addresses, in separate sections, each of the elements specified in section XV, paragraph 2, of the procedures and mechanisms, and, if implemented, is expected to remedy the non-compliance.

21. On 30 March 2017 and 30 June 2017, Ukraine submitted its first progress report⁵ and second progress report,⁶ respectively, on the plan referred to in paragraph 20 above, in accordance with section XV, paragraph 3, of the procedures and mechanisms.

22. On 4 July 2017, Ukraine resubmitted its report upon expiration of the additional period for fulfilling commitments (true-up period) for the first commitment period of the Kyoto Protocol (hereinafter referred to as the resubmitted true-up period report).⁷ On 10 August 2017, the report on the individual review of the resubmitted true-up period report was published.⁸

23. At its 30th meeting, the enforcement branch considered the information contained in the plan referred to in paragraph 20 above, the progress reports referred to in paragraph 21 above, the reports referred to in paragraph 22 above, the report on the individual review of the annual submission of Ukraine submitted in 2016,⁹ and the final compilation and accounting report for Ukraine for the first commitment period of the Kyoto Protocol.¹⁰

24. On 6 September 2017, the enforcement branch adopted a decision on the resolution of the question of implementation with respect to Ukraine.¹¹ In that decision, the branch concluded that there no longer continued to be a question of implementation with respect to Ukraine.

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

26. The enforcement branch recalled that CMP 12 encouraged the efforts of Ukraine to formally demonstrate its compliance with its commitment under Article 3, paragraph 1, of the Kyoto Protocol for the first commitment period and requested the secretariat to make, on an exceptional basis, the necessary arrangements to enable Ukraine to do so by CMP 13, taking into account the recommendations set out in chapter III.B of the 2016 annual report of the Committee to the CMP.¹²

27. In this regard, the enforcement branch also recalled that in the 2016 annual report to the CMP, the Committee noted that for Ukraine to be able to formally demonstrate

³ Compliance Committee document CC-2016-1-7/Ukraine/EB. Available at http://unfccc.int/kyoto_protocol/compliance/questions_of_implementation/items/9575.php.

⁴ Compliance Committee document CC-2016-1-8/Ukraine/EB.

⁵ Compliance Committee document CC-2016-1-9/Ukraine/EB.

⁶ Compliance Committee document CC-2016-1-10/Ukraine/EB.

⁷ Compliance Committee document CC-2016-1-11/Ukraine/EB.

⁸ FCCC/KP/CMP/2017/TPR/UKR.

⁹ FCCC/ARR/2016/UKR.

¹⁰ FCCC/KP/CMP/2017/CAR/UKR.

¹¹ Compliance Committee document CC-2016-1-13/Ukraine/EB.

¹² FCCC/KP/CMP/2016/8, paragraph 50.

compliance with Article 3, paragraph 1, of the Kyoto Protocol for the first commitment period, the Party would need to undertake the retirement of units as well as resubmit its true-up period report, which would need to be reviewed by an expert review team (ERT), and the resulting review report would need to be submitted for consideration to the Committee.¹³

28. Having considered the information and the reports referred to in paragraphs 20–23 above, the enforcement branch noted that the steps referred to in paragraphs 26 and 27 above have been completed. It noted, in particular, that the retirement of all necessary units has been undertaken, and that the true-up period report of Ukraine has been resubmitted and reviewed by an ERT. The ERT, in its report on the individual review of the resubmitted true-up period report, concluded that the information provided by Ukraine in that report covers all elements required by the relevant CMP decisions and that the aggregate anthropogenic greenhouse gas emissions of Ukraine for the first commitment period do not exceed the quantities of Kyoto Protocol units in the retirement account of the Party for the first commitment period. The ERT also established quantities of assigned amount units and emission reduction units that can be carried over to the second commitment period in accordance with the requirements set out in decision 13/CMP.1, annex, paragraph 15.¹⁴ No questions of implementation were identified by the ERT during the review of the resubmitted true-up period report of Ukraine.¹⁵

29. The enforcement branch, therefore, considered that Ukraine has formally demonstrated its compliance with its commitment under Article 3, paragraph 1, of the Kyoto Protocol for the first commitment period as requested by CMP 12.

C. Activities of the facilitative branch

30. At its 19th meeting, held on 7 September 2016 (in the preceding reporting period), the facilitative branch continued its consideration of how it can provide advice and facilitation to Parties. The branch noted that it has a rich body of experience to share in relation to the provision of advice and facilitation. The branch therefore requested the secretariat to prepare, in consultation with the Chair and Vice-Chair of the facilitative branch and the members and alternate members of the branch, a document that captures the past experience of the facilitative branch in providing advice and facilitation to Parties in implementing the Kyoto Protocol. This document¹⁶ was made available on 1 August 2017.

31. At its 20th meeting, the facilitative branch continued its consideration of this matter. The branch expressed its appreciation for the preparation of the document referred to in paragraph 30 above, as a way to record the history of the facilitative branch in a structured and comprehensive manner and to enhance the understanding of its work. However, additional efforts may be needed to increase awareness and visibility of the facilitative branch and its functions.

32. In its discussion, the facilitative branch explored the potential for improvement in the effectiveness of its work and what it can offer to help Parties to prevent any potential situations of non-compliance. The branch noted that its offers to provide advice and facilitation have, so far, been underutilized by Parties.

33. In the light of the discussions on its experience, the facilitative branch also considered how it could take its work forward and what its role and focus in the second commitment period of the Kyoto Protocol should be. It was suggested that the branch should engage in the analysis of review reports in more depth. This could allow the branch to identify issues that would benefit from facilitation and advice, and also to detect systemic issues being experienced by one or several Parties. The branch identified an initial

¹³ FCCC/KP/CMP/2016/3, paragraph 30.

¹⁴ FCCC/KP/CMP/2017/TPR/UKR, paragraphs 15–17.

¹⁵ FCCC/KP/CMP/2017/TPR/UKR, paragraph 18.

¹⁶ Compliance Committee document CC/FB/20/2017/2. Available at <http://unfccc.int/3786.php>.

set of criteria that members and alternate members could use when considering the review reports forwarded to the Committee, noting that these criteria could evolve over time.¹⁷

34. The facilitative branch also reaffirmed the importance of future discussions with the lead reviewers (see para. 18 above).

D. Budget for the work of the Compliance Committee

35. For the biennium 2016–2017, an estimated EUR 974,495 from the overall Legal Affairs programme core budget has been allocated for activities related to the Committee.¹⁸ In addition, EUR 505,901 was approved under the item “Support to the Compliance Committee” of the resource requirements of the Trust Fund for Supplementary Activities. As at 1 August 2017, contributions of EUR 17,894 had been received for the biennium in the trust fund. The CMP may wish to express its thanks to Belgium, Netherlands and Switzerland for making contributions to the Trust Fund for Supplementary Activities in order to support the work of the Committee in the biennium 2016–2017.

¹⁷ As reflected in Compliance Committee document CC/FB/20/2017/3.

¹⁸ This amount does not include secretariat-wide operating costs, programme support costs (overheads) or working capital reserve, as defined in decision 27/CP.19.

Annex I

Members and alternate members of the Compliance Committee whose terms expire on 31 December 2017

Enforcement branch

<i>Member</i>	<i>Alternate member</i>	<i>Group</i>
Mr. Yaw Osafo	Ms. Marília Telma António Manjate	African States
Mr. Mohammad Alam	Mr. Leonardo Massai	Asia-Pacific States
Mr. Orlando Ernesto Rey Santos	Mr. José A. González Norris	Latin American and Caribbean States
Mr. Milan Zvara	Mr. Jacob Werksman	Annex I Parties
Mr. Ahmad Rajabi	Mr. Victor A. Fodeke	Non-Annex I Parties

Facilitative branch

<i>Member</i>	<i>Alternate member</i>	<i>Group</i>
Mr. Ladislaus Kyaruzi	Mr. Bubu Jallow	African States
Ms. Sarah Baashan	Mr. Xiang Gao	Asia-Pacific States
Ms. Lisa Benjamin	Mr. Teddy St. Louis	Latin American and Caribbean States
Ms. Mona Aarhus	Mr. Kunihiko Shimada	Annex I Parties
Mr. Mamadou Diobe Gueye	Ms. Jimena Nieto	Non-Annex I Parties

Annex II**Decisions taken by the enforcement branch of the Compliance Committee during the reporting period****Ukraine**

<i>Title</i>	<i>Compliance Committee document number</i>	<i>Date</i>
Decision on the review and assessment of the plan submitted under paragraph 2 of section XV	CC-2016-1-8/Ukraine/EB	21 December 2016
Decision on resolution of the question of implementation	CC-2016-1-13/Ukraine/EB	6 September 2017

Note: Decisions taken during the reporting period with respect to Ukraine are available at <http://unfccc.int/9575.php>.
