



## **Rules of Procedure**

### **Proposal by the co-chairs**

1. Pursuant to section III, paragraph 2 of the “procedures and mechanisms relating to compliance under the Kyoto Protocol,” the Committee is to develop any further rules of procedure that may be needed, for adoption by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (COP/MOP) by consensus.
2. This note contains draft rules of procedure prepared by the co-chairs, as requested by the Committee, based on discussions held in its first meeting and comments provided by members and alternate members, and decision 27/CMP.1. This draft is still, in many respects, a work in progress that will require further elaboration and modification, and all areas have not been covered to the extent necessary. Some areas that need further thinking include the role of members and alternate members, electronic decision-making, expert advice, procedure for reinstatement of eligibility, disagreements regarding adjustments and corrections to the compilation and accounting database, preliminary examination, referral to and procedures of the facilitative branch. We have resorted to brackets around text where we felt there may have been insufficient discussion at the last meeting, and these areas will need detailed consideration.
3. A compilation of written comments by members and alternate members on the draft rules of procedure provided by the secretariat (document CC/1/2006/2) is contained in document CC/2/2006/3.



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## Draft Rules of Procedure

### *Part 1: Conduct of Business*

#### 1. OBJECTIVE

##### Rule 1

These rules of procedure shall apply to the Compliance Committee, including its enforcement branch and facilitative branch, as defined in the procedures and mechanisms relating to compliance under the Kyoto Protocol, contained in the annex to decision 27/CMP.1.<sup>1</sup> They shall be read together with and in furtherance of these procedures and mechanisms.

#### 2. DEFINITIONS

##### Rule 2

For the purposes of these rules:

- (a) “Committee” means the Compliance Committee established by section II, paragraph 1 and consists of twenty members elected by the Conference of Parties serving as the meeting of the Parties to the Kyoto Protocol, ten of whom are elected to serve in the facilitative branch and ten elected to serve in the enforcement branch;
- (b) “plenary” means the plenary of the Committee as set out in section III, and consists of the members of the facilitative branch and the enforcement branch;
- (c) “branch” means the enforcement branch or the facilitative branch as set out in sections IV and V;
- (d) “bureau” means the bureau of the Committee constituted in accordance with section II, paragraph 4;
- (e) “co-chairpersons” means the chairperson of the enforcement branch and the chairperson of the facilitative branch acting together in the plenary of the Committee in accordance with section III, paragraph 1;
- (f) “member” means a member of the Committee elected under section II, paragraph 3;
- (g) “alternate member” means an alternate member elected under section II, paragraph 5;

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<sup>1</sup> Any reference to ‘section’ numbers in these rules refer to the section so numbered in the annex to decision 27/CMP.1, unless otherwise noted.



- (h) “Party” means a Party to the Kyoto Protocol to the United Nations Framework Convention on Climate Change;
- (i) “Party concerned” means a Party in respect of which a question of implementation is raised, as set out in section VI, paragraph 2;
- (j) “representative” means the [officer] [office] designated by the Party concerned to receive notice under these rules and to represent it during the consideration of a question of implementation;
- (k) “secretariat” means the secretariat referred to in section XVII;
- (l) [“closed meeting” means a meeting at which only members of the Committee, invited alternate members and secretariat officials, may be present, observe or hear the proceedings];
- (m) [“open meeting” means a meeting to which any Party, any UNFCCC accredited observer or stakeholder, or expert, except where otherwise decided by the Committee, is provided means to observe or hear the proceedings];
- (n) [“restricted meeting” means a meeting to which any Party, any UNFCCC accredited observer or stakeholder, or expert, is invited by the plenary or the branch in question to attend and/or any Party, any UNFCCC accredited observer or stakeholder, or expert, is provided means to observe or hear the proceedings by electronic means only, except where the plenary or the branch in question decides, at any time to close a part of the meeting].

### 3. MEMBERS

#### Rule 3

1. The term of service of each member and alternate member shall start on 1 January of the calendar year immediately following his or her election and shall end on 31 December, two or four years thereafter, as applicable.
2. [Alternate members may participate in the proceedings of the plenary or the respective branch to which they belong, without the right to vote. An alternate member may cast a vote only if acting for the member.]
3. During the absence of a member from all or part of a meeting of the plenary or of the branch to which he or she has been elected, his or her alternate may act as the member for part or all of that meeting, as the circumstances dictate.
4. When a member resigns or is otherwise unable to complete the assigned term or the functions of a member, the alternate may act as a member for the same branch, *ad interim*.



5. 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 shall request the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol to elect a new member or alternate member for the remainder of the term at its next session, taking into account section IV, paragraph 1, and section V, paragraph 1.
6. Notwithstanding paragraph 5 above, 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 may decide, bearing in mind the proximity of the next session of the COP/MOP, to appoint another member, or an alternate member, from the same constituency, as referred to in section IV, paragraph 1 (a) to (c) and section V, paragraph 1 (a) to (c) to replace the said member for the remainder of that member's mandate.
7. The Committee shall request the relevant constituency to nominate the new member, or the new alternate member.
8. Any reference in these rules to a member shall be deemed to include his/her alternate when such alternate acts for the member.

#### Rule 4

1. Each member and alternate member shall, with respect to any matter that is under consideration by the Committee, act in an independent and impartial manner and avoid direct or indirect conflicts of interest.
2. Each member and alternate member shall take and agree to respect a written oath of service before assuming his or her service. The oath of service shall read as follows:

“I solemnly declare that I will perform my duties and exercise my authority as member/alternate member of the Committee under Article 18 of the Kyoto Protocol honourably, faithfully, impartially and conscientiously.”

“I further solemnly declare that, subject to my responsibilities to the Committee, I shall not disclose, even after the termination of my functions, any confidential or proprietary information coming to my knowledge by reason of my duties for the Committee.”

“I shall disclose to the Executive Secretary of the United Nations Framework Convention on Climate Change and to the Committee any interest in any matter under discussion before the Committee which may constitute a conflict of interest or which might be incompatible with the requirements of integrity and impartiality expected of a member of the Committee and I shall refrain from participating in the work of the Committee or its branches in relation to such matter.”



3. Each member and alternate member shall not incur any obligation or accept any benefit that would in any way interfere with, or which could give rise to reasonable doubts as to the proper performance of, that person's role on the Committee.
4. Each member and alternate member shall disclose the existence or development of any direct or indirect interest, relationship or matter that is likely to affect, or give rise to reasonable doubts as to, that member's or alternate member's independence or impartiality. Each member or alternate member shall make such disclosure to the secretariat and to all members and alternate members at the earliest possible time.
5. Where the secretariat receives any disclosure from a member or alternate member under this rule, it shall forthwith notify the bureau, the members and alternate members of the branch in question.
6. Each member and alternate member shall refrain from participating in the work of the Committee on any question of implementation related to any interest, relationship or matter which is likely to affect, or give rise to reasonable doubts as to, that member's or alternate member's independence or impartiality.
7. [When a member is a national of a Party, or is a national of a Party which is included in a joint agreement under Article 4 of the Protocol, and such Party is concerned with a question of implementation, that member shall automatically be excused from consideration of that question of implementation.]

#### Rule 5

1. Any member, alternate member or Party who possesses or comes into possession of evidence of any direct or indirect interest, relationship or matter that is likely to affect or give rise to reasonable doubts as to a member's or alternate member's independence or impartiality, shall at the earliest possible time and on a confidential basis, submit such evidence to the secretariat. Where the secretariat receives any such evidence, it shall forthwith notify the bureau, and the members and alternate members of the branch in question.
2. Any submission under paragraph 1 of this rule shall include the grounds on which it is based, the identity of the submitter and particulars of the evidence.
3. Any member or alternate member who is the subject of the evidence described in paragraph 1 of this rule may continue to participate in the work of the branch unless the branch decides otherwise.
4. The branch in question, after having provided a reasonable opportunity for the views of the member or alternate member to be heard, shall decide whether a material violation of Rule 4 has occurred.



5. Where the branch in question decides that a material violation of Rule 4 has occurred, the branch may decide to immediately revoke the membership of the member or alternate member concerned, subject to paragraphs 7 and 8 below.
6. Based on any submission made under paragraph 1 of this rule, the branch may decide to immediately excuse the member or alternate member concerned from meetings related to one or more specific questions of implementation, whether or not a material violation of Rule 4 has occurred, subject to paragraph 9 below.
7. When evidence as described in paragraph 1 of this rule is based on an alleged failure of a member or alternate member to disclose a relevant interest, relationship or matter in accordance with Rule 4, that failure to disclose, as such, shall not be a sufficient ground for revocation of membership unless there is also evidence of a material violation of the obligations of independence, impartiality, confidentiality or the avoidance of direct or indirect conflicts of interest and that the integrity, impartiality or confidentiality of the Committee would be impaired thereby.
8. Where it is decided that a material violation of Rule 4 has occurred, and the member or alternate member concerned has had his or her membership revoked, that individual shall no longer be considered to be a member or alternate member, effective immediately, and Rule 3, paragraphs 4 to 7 shall apply. Neither the secretariat nor any member or alternate member shall provide any member or alternate member who has had their membership revoked with any further documentation related to any question of implementation.
9. Where a member or alternate member has been excused, that member or alternate member shall not participate in any meetings of the Committee related to any specific question of implementation from which they have been excused. Neither the secretariat nor any member or alternate member shall provide a member or alternate member who has been excused with any further documentation related to the specific question of implementation for which that member or alternate member has been excused.
10. Except to the extent strictly necessary to carry out its functions under these rules, all information disclosed or submitted under Rules 4 and 5 shall be kept confidential by members, alternate members and the secretariat.
11. All decisions taken under this rule shall be noted in the annual report of the Committee to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol.

#### 4. OFFICERS

##### Rule 6

1. In addition to exercising the powers conferred upon him or her elsewhere in these rules, an officer chairing a meeting shall:



- (a) Declare the opening and closure of the meeting;
  - (b) Preside over the meeting;
  - (c) Ensure the observance of these rules;
  - (d) Accord the right to speak [to members and to alternate members only if they recognize a necessity];
  - (e) Put questions to the vote and announce decisions;
  - (f) Rule on any points of order; and
  - (g) Subject to these rules, have complete control over the proceedings and maintain order.
2. An officer chairing a meeting may also propose:
  - (a) The closure of the list of speakers;
  - (b) A limitation on the time to be allowed to speakers and on the number of times they may speak on an issue;
  - (c) The adjournment or closure of debate on an issue; and
  - (d) The suspension or adjournment of the meeting.
3. Any officer chairing a meeting, in the exercise of his or her functions, remains under the authority of the plenary or, as the case may be, of the enforcement branch or facilitative branch.

#### Rule 7

1. If a chairperson officially notifies the secretariat that he or she will be temporarily absent from a meeting of the Committee, or is otherwise temporarily unable to fulfil the functions of his or her office, the vice-chairperson of the branch of which he or she is a member shall act as co-chairperson of the plenary and as chairperson for that branch *ad interim*.
2. If the chairperson and the vice-chairperson of the same branch officially notify the secretariat that they will both be temporarily absent at the same time from a meeting of their branch or of any part thereof, or are otherwise temporarily unable to fulfil the functions of their offices at the same time, the eldest member of that branch who is present shall act as chairperson for that branch *ad interim*.

#### Rule 8

If a chairperson or vice-chairperson of a branch resigns or is otherwise unable to complete the assigned term or the functions of his or her office, the branch in question shall elect a replacement from among its existing members for the unexpired period of that officer's mandate.





**Rule 9**

The chairperson and vice-chairperson of each branch, if still a member, shall serve in those capacities until their successors have been elected.

**5. MEETINGS**

**Rule 10**

1. The bureau, assisted by the secretariat, shall draft the provisional agenda for each meeting of the plenary.
2. The respective chairperson and vice-chairperson, assisted by the secretariat, shall draft the provisional agenda for each respective branch meeting.
3. [Members may propose relevant items to be included in the provisional agenda for each meeting of the plenary and each meeting of a branch. If received after the circulation of the provisional agenda or otherwise not included in it, such proposals shall be notified to the relevant members and alternate members by the secretariat.] [Additions or changes to the provisional agenda may be proposed to the secretariat by any member, or alternate member, and incorporated in the proposed agenda provided that the member, or alternate member, shall give notice thereof to the secretariat not less than four weeks before the date set for the opening of the meeting. The proposed agenda for the meeting shall be transmitted by the secretariat to all those invited to the meeting [two] [three] weeks before the date set for the opening of the meeting.]
4. The plenary or a branch, when adopting its agenda, may decide to add, delete, defer or amend items.

**Rule 11**

1. The Committee shall meet as necessary, but no less than two times a year, bearing in mind the provisions of section II, paragraph 10 and subject to the availability of funds.
2. Notice of meetings shall be sent to the relevant members, alternate members and any other participants no later than two weeks from the date set for the meeting, to the extent possible under the applicable timeframes.

**Rule 12**

1. Meetings of the plenary shall be open, unless the plenary decides otherwise.
2. Meetings of the branches shall be closed, unless the branch in question decides otherwise.



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3. [Only members and alternate members of the Committee, secretariat officials, representatives of the Party concerned in accordance with section VIII, paragraph 2 and any individuals invited by the plenary or the branch in question are entitled to attend closed meetings.]
4. [Open meetings shall in addition be publicly broadcast on the internet, unless otherwise decided by the plenary or the branch in question.]
5. The plenary or branch may decide, at any time, to open or close a meeting [or to define a meeting as a restricted meeting].

### Rule 13

1. The agenda and reports on all meetings of the plenary and the branches shall be made available to the public.
2. The plenary and each branch shall decide whether to make other documents available to the public after their consideration, taking into account section VIII, paragraph 6.

## 6. ELECTRONIC DECISION-MAKING

### Rule 14

1. The Committee may use electronic means for transmission, distribution and storage of documentation.
2. The members of the bureau or a branch may agree on a decision in a written procedure by using electronic means and facsimile transmission.
3. [Any proposed decision text shall be sent in writing to all members and alternate members of the body in question, with a time-limit within which members, and any alternate member when circumstances dictate that a member is not in a position to vote, must vote or make known any request for changes. Any time-limit shall provide a minimum of three [working] days counting from the day after the proposed decision text is sent. Documents sent by electronic means are deemed to have been received upon receipt by the secretariat of a written acknowledgement from the member or alternate member.]
4. [Any request by a member that the draft be discussed shall be made in writing, with reasons, and shall be communicated to all members and alternate members.]
5. [Where there is a request for discussion, the co-chairpersons or chairperson and vice-chairperson shall make arrangements for the body in question to meet.]
6. Notice shall be provided to all relevant members and alternate members, for a decision to be taken by electronic means, and of the deadline for responses by members and any alternate members when circumstances dictate that a member is not in a position to vote.



## 7. SECRETARIAT

### Rule 15

1. The secretariat shall compile and collate information and prepare the documents for each meeting of the plenary or branches in consultation with the bureau, or the chairperson and vice-chairperson, as applicable.
2. The secretariat shall arrange for the preparation, compilation, reproduction, distribution and availability of all documents produced by the Committee.
3. The secretariat shall send notifications and other documents, and receive submissions, requests and other documents, on behalf of the Committee as required.
4. The secretariat shall maintain the registry of the Committee, take custody of and preserve all documents of the Committee, and ensure that the date of despatch and receipt of such documents may be readily verified.
5. [The secretariat shall provide the facilitative branch with information, as part of the necessary supplementary information to the annual inventory report of each Party included in Annex I with respect to matters relating to Article 3, paragraph 14 of the Kyoto Protocol for consideration.]
6. A position within the secretariat shall be designated by the Executive Secretary to serve as the secretary to the Committee.

### Rule 16

1. A notification or other document sent by the secretariat shall be deemed to have been delivered as soon as the secretariat has received a written confirmation of receipt from the intended recipient or the expedited delivery courier.
2. The date of receipt of a submission, request or other document by the secretariat shall be considered to be the date of receipt by the Committee.

## 8. LANGUAGES

### Rule 17

1. The working language of the Committee and its branches shall be English.
2. A representative of a Party taking part in the proceedings of the Committee and its branches may speak in a language other than the working language if the Party provides for interpretation into the working language.



### Rule 18

Decisions of the branches that are final shall be made available in all official languages of the United Nations.

#### *Part 2: Consideration by the Branches*

### 9. GENERAL PROVISIONS FOR THE BRANCHES

#### Rule 19

1. A submission by a Party raising a question of implementation shall set out:
  - (a) the name of the Party raising the question of implementation;
  - (b) the name and contact details (mailing and e-mail addresses and telephone and facsimile numbers) of the office and the officer-in-charge authorized to receive notice for the Party raising the question of implementation;
  - (c) a statement identifying the question of implementation;
  - (d) provisions of the Kyoto Protocol and decision 27/CMP.1 that form the basis for raising the question of implementation;
  - (e) provisions of the decisions of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol and the subsidiary bodies that are applicable to the question of implementation;
  - (f) a description of information that is material to the question of implementation;
  - (g) the nature of the action sought, and from which branch; and
  - (h) a list of all documents annexed to the submission.
2. The submission shall be signed by a person authorized by the Party raising the question of implementation. It shall be delivered to the secretariat by electronic means and as hard copy.
3. Copies of any relevant documents adduced in support of the submission shall be annexed to the submission. A Party raising a question of implementation shall be as restrained as possible in selecting documents to be annexed to the submission.

#### Rule 20

1. A submission by the Party concerned shall set out:
  - (a) the name of the Party making the submission;
  - (b) the name and contact details (mailing and e-mail addresses and telephone and facsimile numbers) of its representative;
  - (c) a precise statement of its position on the question of implementation, including the grounds therefor;
  - (d) any additional information;
  - (e) the nature of the action sought;



- (f) an identification of the information provided by the Party that it requests not to be made available to the public in accordance with section VIII, paragraph 6, if any; and
  - (g) a list of all documents annexed to the submission.
2. The submission shall be signed by the representative of the Party concerned. It shall be delivered to the secretariat by electronic means and as hard copy.
3. Copies of any relevant documents adduced in support of the submission shall be annexed to the submission. The Party concerned shall be as restrained as possible in selecting documents to be annexed to the submission.

#### Rule 21

1. The bureau shall, within five [working] days from receipt of a question of implementation, decide on its allocation to the appropriate branch.
2. The secretariat shall forthwith notify members and alternate members of the relevant branch of the question of implementation and send them all relevant materials. The date of the sending of this notification shall be considered the date of receipt by the branch in question of the question of implementation in accordance with section VII, paragraph 3.

#### Rule 22

1. [Within five [working] days from receipt of a question of implementation by the members and alternate members of the relevant branch, members of the branch, and any alternate members when circumstances dictate that a member is not in a position to participate, shall communicate with the secretariat by electronic means or facsimile transmission to give an indication whether to proceed or not to proceed with the question of implementation. During this period, they may also request deliberations on the question of implementation.]
2. Considerations by the members of the relevant branch with respect to 1 above shall be based on the criteria defined in section VII, paragraph 2.
3. [The deliberations shall be set no later than two weeks from the date of receipt by the members and alternate members of the branch of the documents pertaining to the question of implementation.]
4. A decision to proceed shall include:
  - (a) a statement identifying the question of implementation;
  - (b) reference to information on which the question of implementation is based; and
  - (c) a draft schedule for the further consideration of the question indicating time limits and, in the case of the enforcement branch, the date available for a hearing.



5. The secretariat shall notify the decision to proceed to the Party concerned, together with the branch that will consider the question of implementation, in accordance with section VII, paragraph 4.

6. A decision not to proceed shall include a statement identifying the alleged question of implementation and the reasons for not proceeding with the question in accordance with section VII, paragraph 2.

### Rule 23

1. If the relevant branch considers it necessary to arrange for expert advice, it shall:
  - (a) identify the experts to be consulted;
  - (b) define the subject of the expert opinion; and
  - (c) lay down the procedures to be followed.
2. Experts may, upon invitation by the relevant branch, make presentations relating to matters under consideration by the relevant branch.

### Rule 24

1. An intergovernmental organization or a nongovernmental organization admitted as an observer by the UNFCCC may furnish, on its own initiative, information relevant to a question of implementation before a branch and shall do so in the form of a written submission to be filed with the secretariat before the adoption of the final decision.
2. The information provided in paragraph 1 above shall not be considered part of the file on the question of implementation and shall not require comment from the Party concerned, unless the members of the branch decide otherwise. The secretariat shall inform members and alternate members of the branch and the Party concerned of the submission of the document.

### Rule 25

1. A preliminary finding or a final decision of the enforcement branch, or a decision of the facilitative branch on a question of implementation shall contain:
  - (a) the name of the Party concerned;
  - (b) a statement identifying the question of implementation raised;
  - (c) provisions of the Kyoto Protocol and decision 27/CMP.1 that form the basis for raising the question of implementation;
  - (d) provisions of the Kyoto Protocol, decisions of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol and the subsidiary bodies that are applicable to the question of implementation;



- (e) a description of the information considered in dealing with the question of implementation, including a confirmation that the Party concerned was given an opportunity to comment in writing on all information considered;
- (f) a summary of the proceedings, including an indication, in the case of a final decision of the enforcement branch, of whether its preliminary finding or any part of it as specified is confirmed;
- (g) a brief description of the circumstances and considerations taken into account by the branch;
- (h) the operative portion of the decision, including conclusions and reasons therefor;
- (i) the place and date of the decision; and
- (j) the members of the branch who constituted a quorum for the decision.

2. A decision of the enforcement branch under section X, paragraphs 2 to 5 shall contain the elements listed in paragraph 1 above, *mutatis mutandis*.

3. Any written comments by the Party concerned on a decision that is final shall be submitted to the secretariat within forty-five days from receipt of the notification of the decision. The secretariat shall circulate these comments to the members of the relevant branch, and they shall also be included in the Committee's annual report to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol.

## 10. GENERAL PROVISIONS FOR THE FACILITATIVE BRANCH

### Rule 26

The facilitative branch shall consider information, to be compiled by the secretariat, that is part of the necessary supplementary information to the annual inventory report of each Party included in Annex I with respect to matters relating to Article 3, paragraph 14 of the Kyoto Protocol, in accordance with decision 31/CMP.1.

### Rule 27

1. [The facilitative branch may decide to request a Party to participate in a facilitative consultation if it is considered necessary to assist the Party meet its commitments with respect to matters defined in section IV, paragraph 6 (a) to (c).

2. A Party may seek to undertake a facilitative consultation with the facilitative branch in order to seek advice and facilitation with respect to questions of implementation as defined in section IV, paragraph 5 (a) and (b) and with respect to compliance matters as defined in section IV, paragraph 6 (a) to (c).

3. A request for a facilitative consultation shall include:

- (a) an explanation of why a consultation is necessary; and
- (b) a description of matters that it intends to discuss during the consultation.]



4. A Party [concerned] shall be given an opportunity to make a presentation before the facilitative branch and to provide comments in writing to the draft decision of the facilitative branch.
5. The facilitative branch shall endeavor to complete its consideration within twenty-six weeks. The facilitative branch may extend this timeframe as appropriate.

## 11. GENERAL PROVISIONS FOR THE ENFORCEMENT BRANCH

### Rule 28

1. A request for a hearing by the Party concerned shall include:
  - (a) an explanation of why a hearing is necessary;
  - (b) a description of matters that it intends to discuss during the hearing; and
  - (c) the names and qualifications of any individuals whose expert testimony or opinion it will present at the hearing.
2. The Party concerned, when choosing individuals to represent it during the hearing, should refrain from nominating individuals who were members or alternate members of the enforcement or facilitative branch in the three years preceding the date of the submission.
3. No reference may be made during the hearing to the content of any document which was not submitted prior to the hearing.
4. Oral statements on behalf of the Party concerned shall be as succinct as possible within the limits of what is requisite for the adequate presentation of that Party's contentions at the hearing. They shall be focused, and shall not go over the whole ground covered by submissions, if these have been filed, or merely repeat the facts and arguments these contain.
5. In the course of the hearing, the branch may put questions to and seek clarification from the Party concerned.

### Rule 29

1. A referral of a question of implementation to the facilitative branch shall be made through a decision by the enforcement branch and shall contain the question of implementation and supporting information considered by the branch.
2. The secretariat shall notify the Party concerned of the decision in writing.
3. A question of implementation referred by the enforcement branch to the facilitative branch shall not require a preliminary examination.





## 12. EXPEDITED PROCEDURES FOR THE ENFORCEMENT BRANCH

### Rule 30

1. When the enforcement branch receives a report from the expert review team indicating that there is no longer a question of implementation with respect to the eligibility of the Party concerned, the enforcement branch shall, within three weeks from receipt of the report, decide to reinstate the eligibility of the Party concerned, unless it considers that there continues to be such a question of implementation.
2. In the case of a request submitted directly to the enforcement branch by a Party concerned to reinstate its eligibility, the enforcement branch shall, within twenty weeks from receipt of the request, decide to reinstate the eligibility of the Party concerned or decide that there continues to be a question of implementation.
3. The decision shall be sent forthwith to the Party concerned and be made available to the administrator of the international transaction log, the Joint Implementation Supervisory Committee, the Executive Board of the Clean Development Mechanism, other Parties and the public.

### Rule 31

In case of a disagreement relating to adjustments to inventories and corrections to the compilation and accounting database, the enforcement branch may meet for deliberations within three weeks of being informed in writing of such disagreement and at that time, may adopt a decision to seek expert advice.

### *Part 3: General Provisions*

## 13. AMENDMENT

### Rule 32

Any amendment of these rules approved by the plenary shall be submitted to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol for adoption in accordance with section III, paragraph 2(d).

## [14. WORKING ARRANGEMENTS]

### [Rule 33

1. The plenary may elaborate and adopt further working arrangements on electronic decision-making, expert advice, and the procedures with respect to section X, paragraphs 2 to 5, as necessary and appropriate.



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2. Any such working arrangements shall be included in the annual report of the Committee to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol and made public.]

**15. OVERRIDING AUTHORITY**

**Rule 34**

In the event of a conflict between any provision in these rules and any provision in the Kyoto Protocol or decision 27/CMP.1, the provision of the Protocol or the decision, as the case may be, shall prevail.

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