

**Chairman,
Compliance Committee**

Subject: Compliance with Article 3.1 of the Kyoto Protocol

South Africa, as Chairman of the Group of 77 and China, on behalf of the Group 77 and China, is submitting a question of implementation to the Compliance Committee, for consideration by the Facilitative Branch.

In accordance with paragraph 139 of the Annex to decision 22/CMP.1 on the guidelines for review under Article 8 of the Kyoto Protocol, if an Annex I Party anticipates delay in submission, the Party should inform the secretariat before the due date. The paragraph also stipulates that delays by Annex I Parties in national communication submissions beyond six weeks after the due date are to be brought to the attention of the COP/MOP and Compliance Committee and made public. Decision 22/CP.7 had set a deadline of 1 January 2006 for the submission of the reports demonstrating progress, in accordance with Article 3, paragraph 2 of the Protocol. The status of Parties that have not yet submitted their reports demonstrating progress was reported to the Compliance Committee in March 2006. This question of implementation is raised against those Parties who have not provided their reports demonstrating progress, even after a period of nearly six months from the 1 January deadline.

As noted in section IV.4 of the Annex to Decision 27/CMP.1 of the Marrakesh Accords, the facilitative branch is responsible for providing advice and facilitation to parties in implementing the Kyoto Protocol, and for promoting compliance by Parties with their commitments under the Protocol.

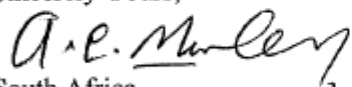
Specifically, under section IV.6.(c) of the Annex to Decision 27/CMP 1, the facilitative branch is responsible for providing advice and facilitation for compliance with commitments under Article 7, paragraphs 1 and 4, of the Kyoto Protocol prior to the beginning of the first commitment period, with the aims of promoting compliance and providing for early warning of potential non-compliance. Since the guidelines annexed to decision 22/CMP.1, referred to above, have been issued under Article 7.4 of the Kyoto Protocol, and since paragraph 137 of the guidelines provide that failure to submit any section of the national communication shall be considered as a potential problem of implementation, non-submission of the reports demonstrating progress themselves is clearly a potential problem of implementation. The facilitative branch should thus be responsible for promoting compliance by Parties with decision 22/CP.7.

The facilitative branch should also ascertain whether continued non-compliance with the requirement to provide timely information, as provided in the Kyoto Protocol and the decisions of the COP/MOP, constitutes early warning of potential non-compliance by these Parties with commitments under article 3, paragraph 1, of the Kyoto Protocol.

It should ascertain from defaulting Parties when they will provide the information, provide advice and facilitation to ensure timely submission for the consideration of such information by the COP/MOP 2 and provide early warning of potential non-compliance as appropriate.

Please note that since there are no specific guidelines that specify the format of addressing issues to the compliance committee, the Group of 77 & China have decided to communicate this issue to the Compliance Committee through this letter.

Sincerely Yours,



South Africa,
Chairman of the Group of 77 and China

26.05.2006