

Dear Compliance Team,

Please find attached my comments on the working paper dated 23 June 2006 containing the draft Rules of Procedure of the Committee. I would appreciate receiving a confirmation of receipt.

Best regards,

Sebastian Oberthür

On 6/23/06 4:52 PM, "Elsa Paclibar-Schroeder"
<epaclibar-schroeder@unfccc.int> wrote:

>
> Dear members and alternate members,
>
> Please find attached, a working paper dated 23 June 2006, containing
> draft
> rules of procedure, as requested by the Committee. Written comments by
> members and alternate members on these draft rules of procedure that are
> provided to the secretariat by 31 July 2006, will be integrated into this
> text. It will then be circulated to members and alternate members along
> with a compilation of the comments by 15 August 2006 for discussion in
> the
> third meeting of the plenary on 5 - 8 September, 2006.
>
> The Compliance Team
>
> (See attached file: ROP-WP.doc)

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ROP-WP-so.doc

Rules of Procedure

Working Paper

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 as requested by the Committee, based on discussions held at its second meeting.

NOTE:

- **Proposed changes/deletions/additions are in normal track-changes.**
- **Comments are in italics and in brackets (also in track-changes).**

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Draft Rules of Procedure of the Compliance Committee of the Kyoto Protocol

Part 1: Conduct of Business

1. SCOPE

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. They shall be read together with and in furtherance of these procedures and mechanisms.

2. DEFINITIONS

Rule 2

For the purposes of these rules section numbers refer to the section so numbered in the annex to decision 27/CMP.1, unless otherwise noted, and:

- (a) “Committee” means the Compliance Committee established by section II, paragraph 1;
- (b) “plenary” means the plenary of the Committee as set out in section III;
- (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;
- (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) “diplomatic agent” means the head of the mission or a member of the diplomatic staff of the mission of a Party which is accredited to the Federal Republic of Germany.

~~(k) "representative" means the officer designated by the Party concerned to represent it during the consideration of a question of implementation; (no need for definition)~~

(j) "secretariat" means the secretariat referred to in section XVII;

~~(m) "closed" means only members and alternate members, secretariat officials, representatives of the Party concerned, and any individual invited by the plenary or a branch may be present, observe or hear the proceedings; (not needed; see Rule 9)~~

~~(n) "open" means members and alternate members of the Committee and secretariat officials, and any Party and UNFCCC accredited observer may be present, observe or hear the proceedings. (not needed; see Rule 9)~~

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. Subject to these rules, alternate members shall 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 serving as 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 shall serve as the member.
4. When a member resigns or is otherwise unable to complete the assigned term or the functions of a member, the alternate shall serve 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.

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 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 honourably, faithfully, impartially and conscientiously."

“I further solemnly declare that, subject to my responsibilities within 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 in the Committee.”

“I shall disclose immediately to the Executive Secretary of the United Nations Framework Convention on Climate Change 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 independence and impartiality expected of a member or alternate member of the Committee and I shall refrain from participating in the work of the Committee in relation to such matter.”

3. Any Party who possesses or comes into possession of any evidence which may indicate a conflict of interest or which might be incompatible with the requirements of independence and impartiality expected of a member or alternate member of the Committee, may at the earliest possible time and on a confidential basis, submit such evidence to the Executive Secretary of the United Nations Framework Convention on Climate Change.

4. Where the Executive Secretary of the United Nations Framework Convention on Climate Change receives any disclosure from a member or alternate member or evidence from a Party under this rule, s/he shall forthwith ~~notify~~ **inform, through** the chairperson, **the members and alternate members** of the relevant branch.

5. A branch may decide to excuse a member or alternate member from consideration of one or more questions of implementation and the elaboration and adoption of a decision of the branch, after having provided a reasonable opportunity for the member or alternate member to be heard.

6. If the relevant branch considers that a material violation of the requirements of independence and impartiality expected of a member or alternate member of the Committee has occurred, it may decide to suspend, or recommend to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol to revoke, the membership of the member or alternate member concerned, after having provided a reasonable opportunity for the member or alternate member to be heard.

~~6.7.~~ 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 5

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;

- (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 6

1. If a chairperson is temporarily unable to fulfil the functions of his or her office, the vice-chairperson of the **relevant** branch ~~of which he or she is a member~~ shall act as co-chairperson of the plenary and as chairperson ~~for of~~ that branch *ad interim*.
2. If the chairperson and the vice-chairperson of the same branch are temporarily unable to fulfil the functions of their offices at the same time, ~~then~~ the branch shall elect a chairperson for that branch *ad interim*.
3. 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 shall elect a replacement from among its members for the remainder of the term of that officer.

5. AGENDA

Rule 7

1. In agreement with the bureau, the secretariat shall draft the provisional agenda for each meeting of the plenary.
2. In agreement with the chairperson and vice-chairperson of the relevant branch, **the** secretariat shall draft the provisional agenda of each meeting of ~~the~~ branch.
3. The proposed agenda of each meeting of the plenary and each meeting of ~~the~~ **a** branches shall include any item proposed by a member.
4. The plenary or a branch, when adopting its agenda, may decide to add urgent and important items and to delete, defer or amend items.

6. MEETINGS AND DELIBERATIONS

Rule 8

Notice of meetings shall be sent to the members and alternate members, as well as any other participants, at least four weeks before the opening of the meeting, to the extent possible under the applicable timeframes.

Rule 9

1. Meetings of the plenary and the branches shall be ~~open~~**held in public**, unless the plenary or branch decides otherwise. ~~The plenary or branch may decide, at any time, to open or close a meeting.~~
2. **Only members and alternate members and secretariat officials may be present during the**~~The consideration of a question of implementation by a branch, and elaboration and adoption of a decision of the a branch, shall be closed.~~
3. ~~Hearings shall be held in public, unless the enforcement branch decides, of its own accord or at the request of the Party concerned, that part or all of the hearing shall take place in private.~~

Rule 10 *(should be separate section on DATES OF RECEIPT and moved to Part 3)*

1. A notification or other document sent by the secretariat to a Party shall be considered to have been received when the secretariat has received a written confirmation of receipt from the Party or the expedited delivery courier. Such confirmation may be provided by electronic means.
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.
3. ~~The date of receipt by the plenary or branch of a communication sent by electronic means shall be the date of receipt by the last member constituting a quorum of the plenary or branch.~~ *(this can hardly be established and raises all kinds of complications: e.g. notification would need to be sent to all regarding when the clock starts ticking, and how do you then verify when that second notification is received? This whole issue needs more thinking. Since it concerns electronic communication and decision-making, it should be carefully elaborated in the context of working arrangements to be elaborated under Rules 11 and 29)*

7. USE OF ELECTRONIC MEANS

Rule 11

1. The Committee may use electronic means for transmission, distribution and storage of documentation.
2. The Committee may elaborate and take decisions in a written procedure using electronic means. This procedure may be elaborated in future working arrangements in accordance with Rule 29.
3. Any decision in accordance with paragraph 1 of this rule shall be deemed to be taken at the headquarters of the secretariat.

8. SECRETARIAT (*move to Part 3*)

Rule 12

1. The secretariat shall arrange for the preparation, compilation, reproduction, distribution and availability of all documents ~~produced by~~ of the Committee.
 2. The secretariat shall send notifications and other documents, and receive submissions, requests and other documents, on behalf of the Committee. **It shall ensure that the date of despatch and receipt of such documents may be readily verified.**
 3. 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.~~
 4. **The secretariat shall make all documents of the plenary and the branches available to the public, subject to section VIII, paragraph 6, as well as any guidance provided by the Committee.**
- 4.5. In addition, the secretariat shall perform ~~all any other work~~ **function** that the Committee ~~or its branches~~ may require.

9. LANGUAGES (*move to Part 3*)

Rule 13

1. A representative of a Party taking part in the proceedings of a branch may speak in a language other than the working language of the Committee if the Party provides for interpretation.
2. **Without prejudice to section VIII, paragraph 9,** ~~the~~ working language of the Committee ~~and its branches~~ shall be English.
3. 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

10. GENERAL PROVISIONS ~~FOR THE BRANCHES~~

Rule 14 (rule is not required, but if kept needs to be amended/shortened)

In accordance with section VI, paragraph 1, the Committee will shall receive, through the secretariat, questions of implementation indicated in reports of expert review teams, together with any written comments by the Party which is subject to the report, as provided for in decisions [...] of the Conference of the Parties serving as the meeting of the Parties of the Kyoto Protocol relating to:

- ~~(a) the functions of national systems for the estimation of anthropogenic greenhouse gas emissions by sources and removals by sinks established under Article 5, paragraph 1 of the Kyoto Protocol;~~
- ~~(b) information on the national registry submitted as supplementary information under Article 7, paragraph 1 of the Kyoto Protocol;~~
- ~~(c) assigned amounts pursuant to Article 3, paragraphs 7 and 8 of the Kyoto Protocol;~~
- ~~(d) adjustments to inventories under Article 5, paragraph 2 of the Kyoto Protocol;~~
- ~~(e) eligibility and complementarity relating to mechanisms pursuant to Articles 6, 7 and 12 of the Kyoto Protocol;~~
- ~~(f) information on the minimization of adverse impacts in accordance with Article 3, paragraph 14 of the Kyoto Protocol, including failure to submit such supplementary information which is considered to be a potential problem;~~
- ~~(g) any potential problems and factors influencing the fulfilment of commitments identified during the review; and,~~
- ~~(h)(a) whether the aggregate anthropogenic carbon dioxide emissions from the commitment period exceed the quantities of emission reduction units, certified emission reductions (CERs), temporary CERs, long-term CERs, assigned amount units, and removal units in the retirement account of the Party for the commitment period pursuant to Article 3, paragraph 1 of the Kyoto Protocol.~~

Rule 14bis

1. A submission by a Party raising a question of implementation with respect to itself shall set out:

- (a) the name of the Party making the submission;**
- (b) a statement identifying the question of implementation; and**
- (c) the provisions of the Kyoto Protocol and decision 27/CMP.1 that form the basis for raising the question of implementation.**

2. The submission may also set out:

- (a) any 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;**
- (b) the branch from which action is sought;**
- (c) the action requested from the branch; and**
- (d) a list of all documents annexed to the submission.**

Rule 15

~~1.2.~~ A submission by a Party raising a question of implementation **with respect to another Party** shall set out:

- ~~(a)~~(d) the name of the Party making the submission;
- ~~(b)~~(e) a statement identifying the question of implementation;
- ~~(c)~~(f) the name of the Party concerned; ~~and~~
- ~~(d)~~(g) **the provisions of the Kyoto Protocol and decision 27/CMP.1 that form the basis for raising the question of implementation; and**
- (h) corroborating information supporting the question of implementation.**

2. The submission may also set out:

- ~~(a)~~(e) any 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;
- ~~(b)~~ a description of information that is material to the question of implementation;
- ~~(c)~~(f) the branch from which action is sought, ~~and an indication of the consideration required by the branch;~~
- (g) the action requested from the branch; and**
- ~~(d)~~(h) a list of all documents annexed to the submission.

3. ~~A submission by any Party with respect to any other Party~~ **In accordance with section VI, paragraph 2, the secretariat shall be:**

- ~~— (a) supported by corroborating information;~~
- ~~— (b) send the submission~~ to the diplomatic agent of the Party concerned ~~by the secretariat.~~ *(This paragraph does not fit here; I am also not sure the solution works: what if the Party does not have a diplomatic agent as defined (e.g. Germany itself)?)*

Rule 16

1. [Comments **submitted** by the Party concerned on information relevant to the question of implementation ~~and~~; the decision to proceed **in accordance with section VII, paragraph 7;** on information considered by the relevant branch in accordance with section VIII, paragraph 6; on ~~any other~~ decision of the relevant branch in accordance with section VIII, paragraph 8;; and ~~further~~ written submissions by the Party concerned **in accordance with sections IX and X** ~~on preliminary findings of the enforcement branch shall~~ **should** set out:]

(Instead of this cumbersome wording, I would like to suggest the following alternative:)

1. **Comments and written submissions by the Party concerned in accordance with the provisions of sections VII-X should set out:)**

- (a) the name of the Party concerned;
- (b) ~~a precise statement of its~~ **the position of the Party concerned** on the information, decision or question of implementation under consideration, including the grounds therefor;

2. **The comments and written submissions may also set out:**

- (a) any additional information;
- ~~(d)~~(b) the action requested from the branch;
- ~~(e)~~(c) an identification of any information provided by the Party that it requests not to be made available to the public **in accordance with section VIII, paragraph 6;** and
- ~~(f)~~(d) a list of all documents annexed to the submission.

Rule 17

1. Any submission or comment **under rules 14bis, 15 and 16** shall be signed by the diplomatic agent of the Party and be delivered to the secretariat in hard copy and by electronic means. *(I am not sure the proposed solution works: what if the Party does not have a diplomatic agent as defined (e.g. Germany itself)?)*
2. Copies of any relevant documents in support of the submission or comment shall be annexed to it. ~~The Party concerned shall be as restrained as possible in selecting documents to be annexed to the submission or comment.~~

Rule 18

1. The bureau shall **endeavour to, within seven days from receipt of a question of implementation,** decide on ~~its~~ **the allocation of a question of implementation** to the appropriate branch **within seven days. The bureau may allocate questions of implementation by employing electronic means in accordance with rule 11.**
2. The secretariat shall forthwith notify members and alternate members of the branch of the question of implementation and send them all ~~relevant~~ **available** materials.

Rule 19

1. **The preliminary examination of questions of implementation may be conducted by electronic means in accordance with rule 11** ~~Within five days from receipt of a question of implementation by the members and alternate members of the branch, members of the branch shall communicate with the secretariat using electronic means 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. (procedure of preliminary examination by using electronic means needs more reflection during the elaboration of working arrangements – it does not help to try to fix bits and pieces that may easily turn out to be unhelpful once the full procedure for electronic decision-making is elaborated)~~
2. 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 and, in the case of the enforcement branch, the date available for a hearing.

3. A decision not to proceed shall include the reasons for not proceeding with the question of implementation.

Rule 20

If a branch decides to seek expert advice, it shall:

- (a) identify the experts to be consulted;
- (b) define the question on which expert opinion is sought; and
- (c) lay down the procedures to be followed.

Rule 21

1. An intergovernmental organization or a nongovernmental organization ~~admitted as an observer by the United Nations Framework Convention on Climate Change~~ 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 statement to be filed with the secretariat before the adoption of the final decision.

2. Such information shall not be considered part of the file on the question of implementation and shall not require comment from the Party concerned, unless the branch decides otherwise. The secretariat shall inform members and alternate members of the branch and the Party concerned of the information.

Rule 22

1. A preliminary finding or a final decision shall contain:

- (a) the name of the Party concerned;
- (b) ~~the~~ a statement identifying the question of implementation **and the, including** provisions of the Kyoto Protocol and decision 27/CMP.1 that form the basis for ~~raising~~ the question of implementation;
- (c) a description of the information considered in the deliberations, including a confirmation that the Party concerned was given an opportunity to comment in writing on all information considered;
- (d) 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;
- (e) **the substantive decision of the question of implementation, including the consequences applied, if any;**
- ~~(e)~~(f) conclusions and reasons **for the decision; and**
- ~~(f)~~(g) the place and date of the decision; ~~and~~
- ~~(g)~~the members who participated in the adoption of the decision.

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

~~2.3.~~ The Party concerned may submit written comments on a decision that is final to the secretariat within forty-five days from receipt of the notification of the decision. ***(this formulation may unduly limit the right of the Party concerned to comment on any decision under section VIII, paragraph 8)*** The secretariat shall circulate these comments to the

members and alternate members of the relevant branch. ~~The comments, 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.

11. PROVISIONS FOR THE FACILITATIVE BRANCH

Rule 23 (*rule is not necessary*)

~~1. A Party concerned shall~~ **should** be given an opportunity to make a ~~presentation statement~~ before the facilitative branch, **as appropriate** and to provide comments in writing on the ~~preliminary conclusions of the facilitative branch.~~

~~2. The facilitative branch shall endeavor to complete its consideration within twenty weeks. The facilitative branch may extend this timeframe as appropriate.~~

12. PROVISIONS FOR THE ENFORCEMENT BRANCH

Rule 24

1. A request for a hearing by the Party concerned ~~shall include~~ **should identify**:
 - ~~(a) reasons for requesting a hearing;~~
 - ~~(b) a description of the issues that it~~ **the Party** proposes to raise and any documents 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 Committee in the three years preceding the date of the ~~submission~~ **hearing**.

Rule 25

1. Any referral of a question of implementation to the facilitative branch shall be made through a decision by the enforcement branch with a statement identifying the question of implementation and the information on which the question is based.
2. **The secretariat shall notify the Party concerned of the decision.**
- ~~2.3.~~ A question of implementation referred by the enforcement branch to the facilitative branch shall not require a preliminary examination.

~~13. EXPEDITED PROCEDURES FOR THE ENFORCEMENT BRANCH~~

Rule 26

The plenary may elaborate and adopt working arrangements on the expedited procedures under section X, paragraphs 2 to 5, in accordance with rule 29.

~~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 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.~~

Rule 27

~~In case of a disagreement relating to adjustments to inventories and corrections to the compilation and accounting database, the enforcement branch shall 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

134. AMENDMENT

Rule 28

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.

154. WORKING ARRANGEMENTS

Rule 29

1. The plenary may elaborate and adopt further working arrangements, **in particular on electronic decision-making, expert advice, the allocation and preliminary examination of questions of implementation, the consideration by the branches, and the expedited procedures for the enforcement branch under section X, paragraphs 2 to 5**, as necessary and appropriate.

2. Any such working arrangements shall be **made public and 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.

156. OVERRIDING AUTHORITY

Rule 30

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.

Dear Elsa

Please find enclosed my comments on the draft rules of procedure for the Compliance Committee.

Best regards,

Marc Pallemmaerts

Van: Elsa Paclibar-Schroeder [mailto:epaclibar-schroeder@unfccc.int]

Verzonden: vr 28/07/2006 11:00

Aan: nlacasta@gri.maotdr.gov.pt; rene.lefeber@minbuza.nl; dewetjgs@foreign.gov.za; joearmathe@yahoo.fr; su_wei@mfa.gov.cn; mohd_180@hotmail.com; amjad.abdulla; mj.mace@field.org.uk; eoy; piturregui@conam.gob.pe; oshamanov@un.int; climat@minpriroda.by; Sebastian.Oberthuer@vub.ac.be; tuomas.kuokkanen@ymparisto.fi; stephan.michel@eda.admin.ch; kirsten.jacobsen@md.dep.no; bernardnamanya; ssesimogang@gov.bw; ilhomrajabov; ainunnishat; Marc Pallemmaerts; pierre.ducret@caissedesdepots.fr; gizouli@yahoo.com; michiekar@yahoo.com; abuleikm; jacychoi@gmail.com; conde; maria.alban@minrelext.gov.co; alewis@environmentdivision.info; v.sedyakin; hamanaka@sfc.keio.ac.jp; mark.berman@ec.gc.ca; anna.dixelius@naturvardsverket.se; nicola.notaro; mhonadia@yahoo.fr; inarishak@menlh.go.id; ja_aghazadeh@yahoo.com; janelidze@caucasus.net

CC: Mukul Sanwal; Champion Carruthers; Maria Socorro Manguiat

Onderwerp: Annotated Agenda for 5 to 8 September Meeting of the Compliance Committee

Dear members and alternate members,

Please find attached the annotated agenda for the third meeting of the plenary to be held from 5 - 8 September 2006. The meeting will take place on the 27th floor of the Langer Eugen (United Nations Campus) building, Hermann-Ehlers-Strasse, Bonn, from 10:00 a.m. on Tuesday, 5 September to 6:00 p.m. on Friday, 8 September 2006. We will send you a map prior to the meeting.

In addition, the secretariat provided some members and alternate members with letters in order to facilitate your obtaining multiple entry visas for attendance at Committee meetings. We would be grateful if you could inform us if you continue to have difficulties obtaining such visas.

Please acknowledge receipt of this message.

Thank you.

The Compliance Team

(See attached file: Provisional agenda for the third meeting of the CC



plenary.doc) Comments on the draft rules of procedure.doc

Comments on the draft rules of procedure

Rule 3(2): insert “have the right to” between “shall” and “participate”

Rule 4(2), 2nd para. of the oath: delete “or proprietary”

Rule 9 (2): delete “consideration of a question of implementation by a branch, and”

Rule 12: I believe it is necessary to include a rule on public access to documents, as discussed at the first meeting of the committee.

Rule 14: I doubt it is useful to detail the nature of the questions of implementation that may be raised in reports of expert review teams. I would propose to delete the detail in items (a) to (h).

Rule 15(d): insert the words “a reference to the” before the word “provisions”

Rule 19(2)(c): substitute “indicative schedule” for “draft schedule”

Rule 21(2): delete the phrase “shall not be considered part of the file on the question of implementation and” in the first sentence

Rule 29(1): delete the phrase “on electronic decision-making, expert advice, and expedited procedures for the enforcement branch” and add the following phrase at the end of this para.: “to complement and give effect to these rules of procedure”.

Marc Pallemarts

29 July 2006

Dear Elsa,

I'm sending my comments on Rules of Proceeding.

Best regards,

V. Sedyakin



VS_Comments POR_310706.doc

Rule 10

1. A notification or other document sent by the secretariat to a Party shall be considered to have been received when the secretariat has received a written confirmation of receipt from the Party or the expedited delivery courier. Such confirmation may be provided by electronic means.

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.

The date of the first day of the Plenary after reception by the secretariat of the submission, request or other document should be considered as date of reception of the submission, request or other document by the Committee

3. The date of receipt by the plenary or branch of a communication sent by electronic means shall be the date of receipt by the last member constituting a quorum of the plenary or branch.

The date of the first day of the Branch meeting after reception by the secretariat of the submission, request or other document should be considered as date of reception of the submission, request or other document by the Branch

Comments:

1. All documents have to be sent to the secretariat.

2. In some cases, according to the proposed text the branches will not complete their work in a given term. The branch will not have enough time to meet really.

(e.g. VII. 3. of 27/CMP.1 The preliminary examination of questions of implementation shall be completed within three weeks from the date of receipt of these questions by the relevant branch.)

Rule 18 of this draft:

1. The bureau shall, within **seven 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 branch of the question of implementation and send them all relevant materials.

3. Electronic means should be use for distribution of information and exchanging of opinions only. If the branch or the secretariat wants to use electronic means for another purposes (voting, fixation of time ...), all members and alternate members have to have electronic signature, to be in place in needed time (not to be in business trip, have not holiday) and to confirm receiving of messages as minimum.

Rule 14

The Committee will receive, through the secretariat, questions of implementation indicated in reports of expert review teams, together with any written comments by the Party which is subject to the report relating to:

- (a) the functions of national systems for the estimation of anthropogenic greenhouse gas emissions by sources and removals by sinks established under Article 5, paragraph 1 of the Kyoto Protocol;

- (b) information on the national registry submitted as supplementary information under Article 7, paragraph 1 of the Kyoto Protocol;
- (c) assigned amounts pursuant to Article 3, paragraphs 7 and 8 of the Kyoto Protocol;
- (d) adjustments to inventories under Article 5, paragraph 2 of the Kyoto Protocol;
- (e) eligibility and supplementarity relating to mechanisms pursuant to Articles 6, 7 and 12 of the Kyoto Protocol;
- (f) information on the minimization of adverse impacts in accordance with Article 3, paragraph 14 of the Kyoto Protocol, including failure to submit such supplementary information which is considered to be a potential problem;
- (g) any potential problems in and factors influencing the fulfilment of commitments identified during the review; and,
- (h) whether the aggregate anthropogenic carbon dioxide emissions from the commitment period exceed the quantities of emission reduction units, certified emission reductions (CERs), temporary CERs, long-term CERs, assigned amount units, and removal units in the retirement account of the Party for the commitment period pursuant to Article 3, paragraph 1 of the Kyoto Protocol.

I think we should exclude this article because overall mandate and responsibility of the Committee and Branches are indicated in 27/CMP.1

Rule 19

1. Within five days from receipt of a question of implementation by the members and alternate members of the branch, members of the branch shall communicate with the secretariat using electronic means 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.

Any question of implementation rising by the Party of Protocol or an expert review team have to be examined by the deliberation.

Dear Elsa,

Please, find attached my comments on the draft Rules of Procedure.
May I also ask you to advise PGSU to get in touch with me regarding my travel itinerary for the 3d meeting before the end of July (since I'll be out for vacations in August).

Regards,

Oleg Shamanov



Draft Rules of Procedure-version 23.06.2006 (comments-Shamanov).doc

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Draft Rules of Procedure of the Compliance Committee of the Kyoto Protocol

Part 1: Conduct of Business

1. SCOPE

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. They shall be read together with and in furtherance of these procedures and mechanisms.

2. DEFINITIONS

Rule 2

For the purposes of these rules section numbers refer to the section so numbered in the annex to decision 27/CMP.1, unless otherwise noted, and:

- (a) “Committee” means the Compliance Committee established by section II, paragraph 1;
- (b) “plenary” means the plenary of the Committee as set out in section III;
- (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;
- (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) “diplomatic agent” means the head of the mission or a member of the diplomatic staff of the mission of a Party which is accredited to the Federal Republic of Germany.

- (k) “representative” means the officer designated by the Party concerned to represent it during the consideration of a question of implementation;
- (l) “secretariat” means the secretariat referred to in section XVII;
- ~~(m) “closed” means only members and alternate members, secretariat officials, representatives of the Party concerned, and any individual invited by the plenary or a branch may be present, observe or hear the proceedings;~~
- ~~(n) “open” means members and alternate members of the Committee and secretariat officials, and any Party and UNFCCC accredited observer may be present, observe or hear the proceedings.~~

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. Subject to these rules, alternate members shall 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 serving as 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 shall serve as the member.
4. When a member resigns or is otherwise unable to complete the assigned term or the functions of a member, *his or her* the alternate shall serve 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.

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 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 honourably, faithfully, impartially and conscientiously.”

“I further solemnly declare that, subject to my responsibilities within 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 in the Committee.”

“I shall disclose immediately to the Executive Secretary of the United Nations Framework Convention on Climate Change 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 independence and impartiality expected of a member or alternate member of the Committee and I shall refrain from participating in the work of the Committee in relation to such matter.”

~~3. Any Party who possesses or comes into possession of any evidence which may indicate a conflict of interest or which might be incompatible with the requirements of independence and impartiality expected of a member or alternate member of the Committee, may at the earliest possible time and on a confidential basis, submit such evidence to the Executive Secretary of the United Nations Framework Convention on Climate Change.~~

4. Where the Executive Secretary of the United Nations Framework Convention on Climate Change receives any disclosure from a member or alternate member or evidence from a Party under this rule, s/he shall forthwith notify the chairperson of the relevant branch.

5. A branch may decide to excuse a member or alternate member from consideration of one or more questions of implementation and the elaboration and adoption of a decision of the branch, after having provided a reasonable opportunity for the member or alternate member to be heard.

~~6. 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 5

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;
- (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 6

1. If a chairperson is 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 are temporarily unable to fulfil the functions of their offices at the same time, then the branch shall elect a chairperson for that branch *ad interim having regard of section II.4*.

3. 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 shall elect, *in accordance with section II.4*, a replacement from among its members for the remainder of the term of that officer.

5. AGENDA

Rule 7

1. In agreement with the bureau, the secretariat shall draft the provisional agenda for each meeting of the plenary.

2. In agreement with the chairperson and vice-chairperson of the relevant branch secretariat shall draft the provisional agenda of each meeting of the branch.

3. The proposed agenda of each meeting of the plenary and each meeting of the branches shall include any item proposed by a member.

4. The plenary or a branch, when adopting its agenda, may decide to add urgent and important items and to delete, defer or amend items.

6. MEETINGS AND DELIBERATIONS

Rule 8

Notice of meetings shall be sent to the members and alternate members, as well as any other participants, at least four weeks before the opening of the meeting, to the extent possible under the applicable timeframes.

Rule 9

1. Meetings of the plenary and the branches shall be ~~open~~ *held in public*, unless the plenary or branch *of its own accord or at the request of the Party concerned* decides otherwise. The plenary or branch may decide, at any time, to ~~open or close~~ *hold* a meeting *in private*.
2. ~~The consideration of a question of implementation by a branch, and elaboration and adoption of a decision of the branch, shall be closed.~~
3. ~~Hearings shall be held in public, unless the enforcement branch decides, of its own accord or at the request of the Party concerned, that part or all of the hearing shall take place in private.~~

Rule 10

1. A notification or other document sent by the secretariat to a Party shall be considered to have been received when the secretariat has received a written confirmation of receipt from the Party or the expedited delivery courier. *The date of receipt by a Party of a notification or other document sent by the secretariat to the Party shall be considered to be the date indicated in a written confirmation of receipt from the Party or the expedited delivery courier.* Such confirmation may be provided by electronic means.
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.
3. The date of receipt by the ~~plenary or branch~~ *Committee* of a communication sent by electronic means shall be the date of receipt by the last member ~~constituting a quorum~~ of the ~~plenary or branch~~ *Committee*.

7. USE OF ELECTRONIC MEANS

Rule 11

1. The Committee may use electronic means for transmission, distribution and storage of documentation.
2. The Committee may elaborate and take decisions in a written procedure using electronic means. ~~This procedure may be elaborated in future working arrangements in accordance with Rule 29.~~
3. Any decision in accordance with paragraph 1 (?) of this rule shall be deemed to be taken at the headquarters of the secretariat.

8. SECRETARIAT

Rule 12

1. *The secretariat shall make arrangements for meetings of the Committee and provide it with services as required.*

1.2. The secretariat *under the overall guidance of the Committee* shall arrange for the preparation, compilation, reproduction, distribution and availability of all documents produced by the Committee.

2.3. The secretariat shall send notifications and other documents, and receive submissions, requests and other documents, ~~on behalf of the Committee~~ *as defined in the procedures and mechanisms relating to compliance under the Kyoto Protocol, contained in the annex to decision 27/CMP.1.*

3.4. 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.

4.5. In addition, the secretariat shall perform ~~all other work~~ *functions* that the Committee or its branches may require.

9. LANGUAGES

Rule 13

1. *Without prejudice to provisions of section VIII.9* ~~the working language of the Committee and its branches shall be English.~~

2. ~~A representative of a Party taking part in the proceedings of a branch may speak in a language other than the working language of the Committee if the Party provides for interpretation.~~

3. Decisions of the branches that are final *including the information on which the decisions are based* shall be made available in all official languages of the United Nations.

Strong feeling to delete sections 10, 11, 12, 13 (not to make the text messy I didn't mark them with a deletion sign but they should be considered as deleted): the provisions contained in these sections encroach upon the prerogatives of the Parties to the Protocol; they lump together issues of functional procedures for the Committee and fundamental matters of substance relating to compliance (the only appropriate format for considering the latter would be formal inter-governmental negotiating process involving all the Parties to the Protocol).

Part 2: Consideration by the Branches

10. GENERAL PROVISIONS FOR THE BRANCHES

Rule 14

The Committee will receive, through the secretariat, questions of implementation indicated in reports of expert review teams, together with any written comments by the Party which is subject to the report relating to:

- (a) the functions of national systems for the estimation of anthropogenic greenhouse gas emissions by sources and removals by sinks established under Article 5, paragraph 1 of the Kyoto Protocol;
- (b) information on the national registry submitted as supplementary information under Article 7, paragraph 1 of the Kyoto Protocol;
- (c) assigned amounts pursuant to Article 3, paragraphs 7 and 8 of the Kyoto Protocol;
- (d) adjustments to inventories under Article 5, paragraph 2 of the Kyoto Protocol;
- (e) eligibility and supplementarity relating to mechanisms pursuant to Articles 6, 7 and 12 of the Kyoto Protocol;
- (f) information on the minimization of adverse impacts in accordance with Article 3, paragraph 14 of the Kyoto Protocol, including failure to submit such supplementary information which is considered to be a potential problem;
- (g) any potential problems in and factors influencing the fulfilment of commitments identified during the review; and,
- (h) whether the aggregate anthropogenic carbon dioxide emissions from the commitment period exceed the quantities of emission reduction units, certified emission reductions (CERs), temporary CERs, long-term CERs, assigned amount units, and removal units in the retirement account of the Party for the commitment period pursuant to Article 3, paragraph 1 of the Kyoto Protocol.

Rule 15

1. A submission by a Party raising a question of implementation shall set out:

- (a) the name of the Party making the submission;
- (b) a statement identifying the question of implementation;
- (c) the name of the Party concerned; and
- (d) provisions of the Kyoto Protocol and decision 27/CMP.1 that form the basis for raising the question of implementation.

2. The submission may also set out:

- (a) any 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;
- (b) a description of information that is material to the question of implementation;
- (c) the branch from which action is sought, and an indication of the consideration required by the branch; and
- (d) a list of all documents annexed to the submission.

3. A submission by any Party with respect to any other Party shall be:

- (a) supported by corroborating information;
- (b) sent to the diplomatic agent of the Party concerned by the secretariat.

Rule 16

1. Comments by the Party concerned on information relevant to the question of implementation, the decision to proceed, any other decision of the relevant branch, and

further written submissions by the Party concerned on preliminary findings of the enforcement branch shall set out:

- (a) the name of the Party concerned;
- (b) a precise statement of its position on the information, decision or question of implementation under consideration, including the grounds therefor;
- (c) any additional information;
- (d) the action requested from the branch;
- (e) an identification of any information provided by the Party that it requests not to be made available to the public; and
- (f) a list of all documents annexed to the submission.

Rule 17

1. Any submission or comment shall be signed by the diplomatic agent of the Party and be delivered to the secretariat in hard copy and by electronic means.
2. Copies of any relevant documents in support of the submission or comment shall be annexed to it. The Party concerned shall be as restrained as possible in selecting documents to be annexed to the submission or comment.

Rule 18

1. The bureau shall, within seven 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 branch of the question of implementation and send them all relevant materials.

Rule 19

1. Within five days from receipt of a question of implementation by the members and alternate members of the branch, members of the branch shall communicate with the secretariat using electronic means 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. 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 and, in the case of the enforcement branch, the date available for a hearing.
3. A decision not to proceed shall include the reasons for not proceeding with the question of implementation.

Rule 20

If a branch decides to seek expert advice, it shall:

- (a) identify the experts to be consulted;
- (b) define the question on which expert opinion is sought; and
- (c) lay down the procedures to be followed.

Rule 21

1. An intergovernmental organization or a nongovernmental organization admitted as an observer by the United Nations Framework Convention on Climate Change 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 statement to be filed with the secretariat before the adoption of the final decision.

2. Such information shall not be considered part of the file on the question of implementation and shall not require comment from the Party concerned, unless the branch decides otherwise. The secretariat shall inform members and alternate members of the branch and the Party concerned of the information.

Rule 22

1. A preliminary finding or a final decision shall contain:

- (a) the name of the Party concerned;
- (b) the statement identifying the question of implementation, including provisions of the Kyoto Protocol and decision 27/CMP.1 that form the basis for raising the question of implementation;
- (c) a description of the information considered in the deliberations, including a confirmation that the Party concerned was given an opportunity to comment in writing on all information considered;
- (d) 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;
- (e) conclusions and reasons;
- (f) the place and date of the decision; and
- (g) the members who participated in the adoption of the decision.

2. The Party concerned may submit written comments on a decision that is final to the secretariat within forty-five days from receipt of the notification of the decision. The secretariat shall circulate these comments to the members and alternate 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.

11. PROVISIONS FOR THE FACILITATIVE BRANCH

Rule 23

3. A Party concerned shall be given an opportunity to make a presentation before the facilitative branch and to provide comments in writing on the preliminary conclusions of the facilitative branch.

4. The facilitative branch shall endeavor to complete its consideration within twenty weeks. The facilitative branch may extend this timeframe as appropriate.

12. PROVISIONS FOR THE ENFORCEMENT BRANCH

Rule 24

1. A request for a hearing by the Party concerned shall include:
 - (a) reasons for requesting a hearing;
 - (b) a description of the issues that it proposes to raise and any documents 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 Committee in the three years preceding the date of the submission.

Rule 25

1. Any referral of a question of implementation to the facilitative branch shall be made through a decision by the enforcement branch with a statement identifying the question of implementation and the information on which the question is based.
2. A question of implementation referred by the enforcement branch to the facilitative branch shall not require a preliminary examination.

13. EXPEDITED PROCEDURES FOR THE ENFORCEMENT BRANCH

Rule 26

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 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.

Rule 27

In case of a disagreement relating to adjustments to inventories and corrections to the compilation and accounting database, the enforcement branch shall 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

14. AMENDMENTS AND DEVELOPMENT OF FURTHER RULES OF PROCEDURE

Rule 28

1. *These rules of procedure may be amended by a decision of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol in terms of section III.2(d) after the Plenary of the Committee has approved the proposed amendment and reported on the matter to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol.*
2. *The Plenary of the Committee may 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 in terms of section III.2(d).*

~~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.~~

15. WORKING ARRANGEMENTS

Rule 29

- ~~1. The plenary may elaborate and adopt further working arrangements on electronic decision-making, expert advice, and expedited procedures for the enforcement branch, as necessary and appropriate.~~
- ~~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.~~

16. OVERRIDING AUTHORITY

Rule 30

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.
