



COMPLIANCE COMMITTEE

CC-2016-1-5/Ukraine/EB
22 July 2016

WRITTEN SUBMISSION FROM UKRAINE

DER BOTSCHAFTER DER UKRAINE
IN DER BUNDESREPUBLIK DEUTSCHLAND

Berlin, 20 July 2016

161812/779

Ms. Marianna Bolshakova

**Secretary to the Compliance Committee
UNFCCC Secretariat**

Dear Ms. Bolshakova,

I would like to take this opportunity to express my sincere appreciation to you and to the Compliance Committee for cooperation and support of Ukraine.

In respect to notification of preliminary finding from the Enforcement Branch of the Compliance Committee dated 22 June 2016 Ref. No. CC-2016-1/Ukraine/EB, please find enclosed a written submission of Ukraine in accordance with section X, paragraph 1 (e) of the annex to decision 27/CMP.1, with regard to the Questions of Implementation raised by the Enforcement Branch of the Compliance Committee in the preliminary finding dated 21 June 2016 Ref. No. CC-2016-1-4/Ukraine/EB.

Please note that all the documents referred in the written submission can be provided upon request.

Sincerely yours,

Andriy Melnyk

WRITTEN SUBMISSION FROM UKRAINE

Under Section X, paragraph 1(e), of the Annex to Decision 27/CMP.1

in response to the decision of the Enforcement Branch of the Compliance Committee of CC-
2016-1-4/Ukraine/EB

we are pleased to submit the following submission
on behalf of the Government of Ukraine

CONTENT

Executive Summary	3
I. Background.....	4
II. Measures taken to reconnect Ukrainian Registry to the ITL	6
III. The scope of questions of implementation	8
IV. Plan of next steps for Ukraine.....	9
Conclusions	10

Executive Summary

On 11 April 2016, the Compliance Committee received from the United Nations Framework Convention on Climate Change (UNFCCC) Secretariat the report of the Expert Review Team (ERT) of the individual review of the report upon expiration of the additional period for fulfilling commitments (true-up period) for the first commitment period of the Kyoto Protocol of Ukraine contained in the document FCCC/KP/CMP/2016/TPR/UKR, in which questions of implementation were indicated.

On 18 April 2016, the Bureau of the Compliance Committee allocated the questions of implementation to the Enforcement Branch of the Compliance Committee.

On 3 May 2016, the Enforcement Branch of the Compliance Committee concluded its preliminary examination (CC-2016-1-2/Ukraine/EB) deciding to proceed with the questions of implementation.

On 30 May 2016, the Enforcement Branch of the Compliance Committee decided to invite three experts drawn from the UNFCCC roster of experts to provide advice to the Enforcement Branch of the Compliance Committee (CC-2016-1-3/Ukraine/EB).

On 21 June 2016, the Enforcement Branch of the Compliance Committee concluded its preliminary findings as contained in the document CC-2016-1-4/Ukraine/EB.

In response to the preliminary findings of the Enforcement Branch of the Compliance Committee (CC-2016-1-4/Ukraine/EB), Ukraine is providing this written submission, where the issues underlying the questions of implementation raised are demonstrated.

By this written submission Ukraine appeals to the Enforcement Branch of the Compliance Committee to defer the final decision until the Registry is reconnected to the ITL and all information on Kyoto Protocol units is available, as provided for under paragraph 11, section IX, of annex to decision 27/CMP.1, and to refer the questions of implementation to the Facilitative Branch of the Compliance Committee for consideration with the view to provide Ukraine advice and assistance, as provided for under paragraph 12, section IX, annex to decision 27/CMP.1, taking into account special circumstances of Ukraine and taking into account that Ukraine is a country that is undergoing the process of transition to a market economy as stated in Article 4, paragraph 6 of the Convention, as well as relevant decisions, in particular decisions 3/CP.7, 3/CP.10, 9/CP.9, 30/CMP.1.

I. Background

1. Ukraine, as a Party included in Annex B to the Kyoto Protocol, for the purposes of Article 7, paragraph 1, in conjunction with paragraph 4, and in accordance with the mandatory requirements set out in the “Modalities for the accounting of assigned amounts under Article 7, paragraph 4, of the Kyoto Protocol” (annex to decision 13/CMP.1) and the “Guidelines for the preparation of the information required under Article 7 of the Kyoto Protocol” (annex to decision 15/CMP.1), by the Cabinet of Ministers of Ukraine (CMU) Decree dated 28 May 2008 No. 504 “On establishment and maintenance of the National Electronic Registry of Anthropogenic Emissions and Absorption of Greenhouse Gases of Ukraine” has established its National Electronic Registry of Anthropogenic Emissions and Absorption of Greenhouse Gases of Ukraine (the Registry).

2. The CMU Decree, referred to in paragraph 1 above, defines the Registry as an automatic system for accounting and processing of information regarding anthropogenic emissions and absorption of greenhouse gases which consists of hardware and software system and an informational resource that includes a public website of the Registry in the Internet and an electronic database containing data from individual or corporate bodies generating emissions or absorption of greenhouse gases.

3. From the date of its establishment the Registry was populated and managed by the State Environmental Investments Agency of Ukraine (SEIA), previously named as National Environmental Investments Agency of Ukraine, which was designated by the CMU Decree, referred to in paragraph 1 above, as its Administrator for all Kyoto Protocol eligible transactions. The Registry establishment and functioning ensured Ukraine’s compliance with the eligibility requirements set out in decisions 3/CMP.1, 9/CMP.1 and 11/CMP.1.

4. According to the CMU Decree, referred to in paragraph 1 above, administration of the Registry foresees: (i) data input regarding reserving of carbon units for projects aimed at mitigation of anthropogenic emissions or increasing of absorption of greenhouse gases according to Article 6 of Kyoto Protocol; (ii) issuance, holding, transfer, acquisition, cancellation and retirement of carbon units; (iii) data communication with other national registries through the central communication hub of the International Transaction Log (ITL) for checkout and approval of transactions for issuance, holding, transfer, acquisition, cancellation and retirement of carbon units; and (iv) possibility to appoint the Registry Technical Administrator. Input of data regarding issuance, transfer, acquisition, cancellation and retirement of AAUs can be performed on the basis of separate decision of the CMU.

5. With respect to paragraph 4 above, the Registry Technical Administrator was appointed by the SEIA for the first time in 2008 by concluding a one-year contract with private entity “Softline” with further annual contracts being signed since that time to perform the Registry Technical Administrator services. The contracts were signed with private entity “Softline” annually in the view of state budget legislation that allows only annual fiscal budgeting and planning.

6. Information contained in the Registry is the state property. The Registry Administrator determines the information that can be made publicly available.

7. The Registry was properly functioning and maintained from the date of its establishment, as the ITL may confirm. It was assessed to determine whether the appropriate requirements are met and results are forwarded in the form of (Standard) Independent Assessment Reports (S)IARs to ERT working under Article 8 of the Kyoto Protocol. The documents pertaining to 2007-2014 (S)IAR reporting and assessment process are available in table at UNFCCC website: http://unfccc.int/kyoto_protocol/registry_systems/independent_assessment_reports/items/4061.php.

8. As mentioned in paragraph 3 above, the SEIA was designated to act as the Registry Administrator. In the view of the reforms in Ukraine the CMU by its Decree dated 10 September 2014 No. 442 “On optimization of the central executive bodies system” decided to liquidate a

number of state bodies, including the SEIA with further transfer of its functions to the Ministry of Ecology and Natural Resources of Ukraine (MENR). The process of liquidation of the SEIA started on 22 October 2014 by issuing the CMU Resolution No. 1051-p, where Head of Liquidation Commission of the SEIA was appointed.

9. With respect to the information, provided in paragraph 5 above, and since the funding of the services of the Registry Technical Administrator was planned in the state budget for fiscal year 2014, the SEIA as the Registry Administrator concluded the last contract No. 19 “On Purchase of Services for Budget Funds” with private entity “Softline-IT” as the Registry Technical Administrator on 31 October 2014 covering the period of the Registry Technical Administration services from 1 January 2014 till 31 December 2014.

10. Pursuant to execution of the CMU Decree, referred to in paragraph 8 above, the CMU adopted the Decree dated 21 January 2015 No.32 “On approval of mandate of the Ministry of Ecology and Natural Resources of Ukraine”, which endowed the MENR with responsibility for developing and ensuring implementation of the state policy on regulation of negative anthropogenic impact on climate change and adaptation to its changes and within its competence fulfilment of requirements of the UNFCCC and its Kyoto Protocol.

11. For the MENR in order to act as the Registry Administrator respective amendments to the Decree, referred to in paragraph 1 above, were required. According to the relevant CMU procedures on 27 January 2015 the MENR by its letter No.5/1-6/827-15 has submitted for concurrences a proposal to the Ministry of Finance and the Ministry of Economic Development and Trade on amending the Decree, referred to in paragraph 1 above. Upon receipt of concurrences from both ministries (letter dated 24.02.2015 No. 31-06130-03-5/5682 and letter dated 26.03.2015 No. 3731-03/9680-03, respectively), the MENR submitted them to the Ministry of Justice for legal expertise. On 10 April 2015, the MENR received Conclusion of the Ministry of Justice on the results of legal expertise. On 14 April 2015, the MENR by its letter No. 5/3-6/4242-15 submitted to the CMU a package of necessary documents amending the CMU Decree, referred to in paragraph 1 above. The amendments were adopted on 12 August 2015 by the CMU Decree No. 616 “On amendments to a number of Decrees of the Cabinet of Ministers of Ukraine, repealing paragraph 1 of the Decree of the Cabinet of Ministers of Ukraine dated 16 July 2012 No. 672”. This CMU Decree authorized the MENR to act as the Registry Administrator.

12. In Ukraine the state budget legislation regulates that the state budget for the next fiscal year has to be developed and adopted in the current fiscal year. Given that the Law of Ukraine No. 80-VIII “On State Budget of Ukraine for 2015” was adopted on 28 December 2014, there was a situation when as of this date the MENR was not yet and the SEIA was no longer authorized to provide proposals to the state budget for the 2015 fiscal year, since the MENR was endowed with functions of the Registry Administrator only from 12 August 2015 and the SEIA was under liquidation process starting from 22 October 2014, as mentioned in paragraphs 11 and 8, respectively. Therefore, the State Budget for the 2015 fiscal year did not plan the expenses for the Registry Technical Administrator services.

13. For the purposes of performing its new functions, referred to in paragraphs 10 and 11 above, by the MENR’s Order dated 12 May 2015 No.147 “On Amendments to the Order of the Ministry of Ecology and Natural Resources of Ukraine dated 26 January 2015 No.10” the organizational structure of the MENR has been amended establishing the Climate Policy Department with 26 employees.

14. During the SEIA liquidation process the Registry software and hardware were still under ownership of the SEIA, and only being authorized as the Registry Administrator, as referred to in paragraph 11, the MENR could officially initiate the process and procedures on transfer of the property rights for the Registry.

15. With respect to unresolved issues mentioned above, there was a situation when the SEIA no longer and the MENR not yet had the authority to conclude a contract on the Registry

Technical Administrator services for the 2015 fiscal year. Without such contract with the MENR the Registry Technical Administrator could not deliver respective services. As a result, on 3 August 2016 the Registry Technical Administrator disconnected the Registry from the ITL informing the MENR, who was not yet the Registry Administrator at that time, as referred in paragraph 11 above, in advance by its official letter dated 16 July 2015 No. 507/4-15.

16. Disconnection of the Registry from the ITL has put a risk for Ukraine of not being able to retire, issue and carry-over any ERUs, CERs, tCERs, ICERs, AAUs and RMUs for the entire first commitment period of the Kyoto Protocol and as a consequence Ukraine could not meet the requirements of Article 7, paragraph 1, in conjunction with paragraph 4, requirements set out in decisions 13/CMP.1 and 15/CMP.1, resulting in Ukraine being not able to meet the eligibility requirements under Articles 6, 12 and 17 of the Kyoto Protocol and to formally demonstrate its compliance with its commitment under Article 3, paragraph 1, of the Kyoto Protocol in accordance with the relevant procedures set out in decision 13/CMP.1.

II. Measures taken to reconnect the Registry to the ITL

17. Being authorized to act as the Registry Administrator starting from 12 August 2015, as mentioned in paragraph 11 above, the MENR initiated working level meetings with the Registry Technical Administrator on the matter of the Registry reconnection and officially initiated the process of transfer of the property rights for the Registry from the SEIA.

18. The process of transfer of the property rights for the Registry from the SEIA to the MENR was performed in accordance with the CMU Decree dated 21 September 1998 No. 1482 “On transfer of the state and communal property rights” which envisages concurrences from relevant state bodies, in this case from the SEIA, the State Property Fund, the Ministry of Finance and the Ministry of Economic Development and Trade. The MENR received the first key concurrence from the SEIA on 29 December 2015 by official letter No. 693/10/5, as the SEIA was holding the property rights at that moment. Due to the complexity of the state legislation on transfer of the state property rights, the MENR received the property rights for the Registry software and hardware on 2 July 2016 by the Acts of Transfer of Property Rights No.1-No.30 signed in accordance with state budget form “The Form TP OZ-1”, which were signed based on the SEIA concurrence letter, mentioned above, and concurrences’ letters dated 29.01.2016 No.10-24-1500 from the State Property Fund, dated 12.02.2016 No.31-06130-04-5/4253 from the Ministry of Finance, dated 14.04.2016 No.3213-08/11075-03 from the Ministry of Economic Development and Trade and the MENR Order dated 31.05.2016 No. 202/3.

19. In accordance with the CMU Decree, referred to in paragraph 1 above, input of data regarding issuance, transfer, acquisition, cancellation and retirement of AAUs can be performed on the basis of separate decision of the CMU, as mentioned in paragraph 4 above. Therefore, the MENR on 29 October 2015 by its letter No. 5/1-10/13421-15 has submitted to the CMU the draft Resolution “On Retirement of Assigned Amount Units” authorizing the MENR to perform transaction on retirement of AAUs in the amount of 1,999,434,250 tons of CO₂ equivalent in order to fulfil obligation under first commitment period under the Kyoto Protocol (2008-2012). The CMU adopted Resolution No. 20-p “On Retirement of Assigned Amount Units” on 20 January 2016.

20. Given that the activities, mentioned in paragraphs 17 and 18 above, are time-consuming and understanding that Ukraine has an obligation to perform transactions as per decision 13/CMP.1, decision 3/CMP.10, paragraph 4, and decision 1/CMP.8, paragraph 24(a), by 18 November 2015, Ukraine submitted an inquiry to the UNFCCC Secretariat for assistance in performing such transactions by the ITL on behalf of Ukraine in order to ensure timely fulfilment of the commitments of the Kyoto Protocol (letter dated 12 November 2015 No. 5/1-10/13932-15), in particular:

- issuance of 2,875,443 RMUs for the activity Afforestation/Reforestation (this is the sum of the values for the non-harvested and harvested land);
- cancellation of 375,025 RMUs for the activity Deforestation;
- issuance of 20,350,000 RMUs for the activity Forest Management;
- retirement of 1,976,583,832 AAUs and 22,850,418 RMUs.

21. In its response dated 17 November 2015 the UNFCCC Secretariat informed that it was not in a position to perform the requested transactions on behalf of Ukraine and that Secretariat's mandate in its capacity of the ITL administrator was limited and did not provide for undertaking transactions on behalf of a Party.

22. In parallel, the MENR was exploring possibilities to mobilize finances to cover the Registry Technical Administrator services. Therefore, on 15 December 2015 the meeting of Interagency Working Group on Consideration of Green Investment Scheme Projects and Proposals on Measures Related to its Implementation and Fulfilment of Obligations under the Kyoto Protocol to the UNFCCC (hereafter – the IWG) was held. During this meeting members of the IWG considered and unanimously adopted the measure aimed at “Ensuring maintenance of the Registry functioning in 2016” to be financed through the Special State Fund under State Budget for 2016, adopted on 25 December 2015 by the Law of Ukraine No. 928-VIII “On State Budget of Ukraine for 2016”. This enabled to finance the Registry Technical Administrator services for the period of 2016 fiscal year.

23. However, with respect to unresolved issue with continued disconnection of the Registry and inability of the ITL to perform transactions on behalf of Ukraine, the transactions, referred to in paragraph 20 above, were not performed in due time. In this regard, given that the transactions were not performed there was an internal decision taken by the MENR to submit the true-up report by April 2016, and the MENR officially informed the UNFCCC Secretariat about this decision by its letter dated 30 December 2015 No.5/1-10/15827-15.

24. On 23 February 2016, Ukraine received a letter No. SK/VTR/cfd from the UNFCCC Secretariat with a Draft Report on the Individual Review of the Report upon Expiration of the Additional Period for Fulfilling Commitments (True-Up Period) for the First Commitment Period of the Kyoto Protocol of Ukraine prepared by ERT in accordance with Article 8 of the Kyoto Protocol (Draft ERT Report). In accordance with decision 22/CMP.1, annex, paragraph 94, Ukraine was requested to send comments to the Draft ERT Report within four weeks of its receipt (by 22 March 2016).

25. Thus, in the view that the Draft ERT Report contained comments and conclusions which were based on the fact that Ukraine had not submitted its true-up period report and given that on 20 January 2016 the CMU has adopted a Resolution No. 20-p, referred to in paragraph 19 above, in response to the UNFCCC Secretariat letter, referred to in paragraph 24 above, on 9 March 2016 Ukraine made its submission of the Report upon expiration of the additional period for fulfilling commitments by Ukraine (True-up Period Report) accompanied by the MENR letter dated 4 March 2016 No. 5/1-10/2170-16 containing request to take into account the information provided in the submitted documentation during finalization of the Draft ERT Report.

26. Ukraine would like to draw attention of the Enforcement Branch of the Compliance Committee that the True-up Period Report specified that “the total quantity of Kyoto Protocol units should be transferred to Ukraine’s retirement account at the end of the true-up period, in accordance with paragraph 49(b) of the annex to decision 13/CMP.1” in the amount of 1,999,434,250 tons of CO₂ equivalent as indicated in the CMU Resolution dated 20 January 2016 No. 20-p, referred to in paragraph 19 above. However, due to the Registry disconnection the transactions, referred to in paragraph 20 above, were not technically performed.

27. Taking into account the information provided by Ukraine in its True-up Period Report the ERT on 8 April 2016 finalized the Report on the Individual Review of the Report upon Expiration of the Additional Period for Fulfilling Commitments (True-Up Period) for the First

Commitment Period of the Kyoto Protocol of Ukraine (ERT Report) contained in the document FCCC/KP/CMP/2016/TPR/UKR and submitted it to the UNFCCC Secretariat.

28. On 11 April 2016, the Compliance Committee received from the UNFCCC Secretariat the ERT Report, which indicated questions of implementation raised as contained in the document FCCC/KP/CMP/2016/TPR/UKR.

29. On 18 April 2016, the Bureau of the Compliance Committee allocated the questions of implementation to the Enforcement Branch of the Compliance Committee.

30. On 3 May 2016, the Enforcement Branch of the Compliance Committee concluded its preliminary examination (CC-2016-1-2/Ukraine/EB) deciding to proceed with the questions of implementation.

31. On 30 May 2016, the Enforcement Branch of the Compliance Committee decided to invite three experts drawn from the UNFCCC roster of experts to provide advice to the Enforcement Branch (CC-2016-1-3/Ukraine/EB), who concluded that at the core of the questions of implementation is the Registry disconnection from the ITL.

32. On 21 June 2016, the Enforcement Branch of the Compliance Committee concluded its preliminary findings as contained in the document CC-2016-1-4/Ukraine/EB.

III. The scope of questions of implementation

33. Paragraphs 11–12 of the ERT Report describe the scope of questions of implementation raised, which are represented below:

11. Question of implementation relating to reporting requirements: The ERT notes that Ukraine submitted the true-up period report submission after the deadline of 2 January 2016, which was set out in decision 3/CMP.9, and after the centralized review of the true-up period reports for all Annex B Parties (February 2016). In addition, the information submitted is not consistent with the information provided by the ITL and therefore the ERT concludes that Ukraine does not fully comply with the requirements included in the modalities for the accounting of assigned amounts under Article 7, paragraph 4, of the Kyoto Protocol (decision 13/CMP.1) and/or the “Guidelines for the preparation of the information required under Article 7 of the Kyoto Protocol” (decision 15/CMP.1). The ERT concludes that this is an unresolved problem pertaining to language of a mandatory nature, and therefore considers this as a question of implementation.

12. Question of implementation relating to Article 3, paragraph 1, of the Kyoto Protocol: As referred to in paragraphs 6–9 above, the ERT concludes that the aggregate anthropogenic greenhouse gas emissions of Ukraine for the first commitment period exceed the quantities of ERUs, CERs, tCERs, ICERs, AAUs and RMUs in the retirement account of Ukraine for the first commitment period. In particular, the ERT concludes that this is an unresolved problem pertaining to language of a mandatory nature, and therefore considers this as a question of implementation.

34. The Enforcement Branch of the Compliance Committee considered the questions of implementation, referred to in paragraph 33 above, and came up with the following preliminary findings:

27. The branch determines that Ukraine is not in compliance with Article 7, paragraph 1, in conjunction with paragraph 4, and the mandatory requirements set out in the “Modalities for the accounting of assigned amounts under Article 7, paragraph 4, of the Kyoto Protocol” (annex to decision 13/CMP.1) and the “Guidelines for the preparation of the information required under Article 7 of the Kyoto Protocol” (annex to decision 15/CMP.1).

28. The branch also determines that as Ukraine does not have in place a national registry in accordance with Article 7, paragraph 4, of the Kyoto Protocol and the requirements and guidelines decided thereunder, Ukraine does not meet the eligibility requirements under Articles 6, 12 and 17 of the Kyoto Protocol.

29. As a result of Ukraine's non-compliance with Article 7, paragraph 1, in conjunction with paragraph 4, the quantity of ERUs, CERs, tCERs, AAUs and RMUs in the retirement account of Ukraine for the first commitment period is zero. Ukraine has therefore not been able to formally demonstrate its compliance with its commitment under Article 3, paragraph 1, of the Kyoto Protocol in accordance with the relevant procedures set out in decision 13/CMP.1.

30. However, the branch cannot, as a matter of substance, determine, on the basis of all the information it has available to it, including that referred to in paragraph 21 (f) above, whether Ukraine is not in compliance with its quantified emission limitation or reduction commitment under Article 3, paragraph 1, as set out in section V, paragraph 4.

IV. Plan of next steps for Ukraine.

35. Given the outcomes, referred to in paragraphs 10, 11, 13, 19 and 22 above, the MENR as the Registry Administrator and the private entity “Softline-IT” as the Registry Technical Administrator intensified their cooperative actions on the Registry reconnection to the ITL starting from 4 July 2016 as a result of measures, referred to in paragraph 18 above.

36. The cooperative actions, referred to in paragraph 35 above, include negotiations on concluding the contract on the Registry Technical Administrator services and plan on technical actions to be performed by the Registry Technical Administrator to reconnect the Registry to the ITL.

37. With respect to paragraph 36 above, the private entity “Softline-IT” has already performed the following actions:

- the database server and the application server on “Softline-IT” site are running;
- the startup scripts of process, responsible for creating backup copies of virtual servers, has been updated;
- the backup copies of virtual servers have been created, the data have been transferred to the tape drive;
- the works on updating the metadata for virtual servers has been performed.

38. Following the actions, referred to in paragraph 37 above, the private entity “Softline-IT” scheduled the next steps to be taken:

- completing and replacing the SSL certificate on the VPN tunnel;
- performing relevant operations with database servers – the servers run out of free disk space due to active logs’ generation, that leads to database service stop;
- replacing the application server key;
- activating backup site.

39. Once the actions, referred to in paragraph 38 above, are completed the Registry will be ready to be reconnected to the ITL. The scheduled date of reconnection is 12 August 2016, subject to the ITL confirmation.

40. When the Registry is reconnected to the ITL, the reconciliation of all data will be performed. The scheduled date of completing the reconciliation is 19 August 2016, subject to the ITL confirmation.

41. After the actions, referred to in paragraph 39 and 40 above, are completed the Registry will be ready to perform all the transactions, listed in paragraph 20 above. The scheduled date of completing all transactions, listed in paragraph 20 above, is 9 September 2016, subject to the ITL confirmation.

42. After the actions, referred in paragraph 41 above, Ukraine will re-submit its True-up Period Report. The scheduled date of resubmission is 23 September 2016, subject to the ITL confirmation.

43. Completion of the actions, referred to in paragraphs 39 – 42 above, will enable Ukraine to meet its requirements of Article 7, paragraph 1, in conjunction with paragraph 4, requirements set out in decisions 13/CMP.1 and 15/CMP.1, resulting in Ukraine being able to meet

the eligibility requirements under Articles 6, 12 and 17 of the Kyoto Protocol and to formally demonstrate its compliance with its commitment under Article 3, paragraph 1, of the Kyoto Protocol in accordance with the relevant procedures set out in decision 13/CMP.1.

Conclusions

44. As a country undergoing the process of transition to a market economy, Ukraine has faced certain technical, institutional and organizational challenges in recent years. These challenges characterize the national circumstances and conditions of Ukraine.

45. Ukraine emphasizes that it will be ready by end September 2016 to meet its requirements of Article 7, paragraph 1, in conjunction with paragraph 4, requirements set out in decisions 13/CMP.1 and 15/CMP.1, resulting in Ukraine being able to meet the eligibility requirements under Articles 6, 12 and 17 of the Kyoto Protocol and to formally demonstrate its compliance with its commitment under Article 3, paragraph 1, of the Kyoto Protocol in accordance with the relevant procedures set out in decision 13/CMP.1.

46. Ukraine assures that all the ERT recommendations provide in the ERT Report will be addressed accordingly.

47. Based on the above, Ukraine requests the Enforcement Branch of the Compliance Committee to defer the final decision until the Registry is reconnected to the ITL and all information on Kyoto Protocol units is available, as provided for under paragraph 11, section IX, of annex to decision 27/CMP.1, and to refer the questions of implementation to the Facilitative Branch of the Compliance Committee for consideration with the view to provide Ukraine advice and assistance, as provided for under paragraph 12, section IX, annex to decision 27/CMP.1, taking into account special circumstances of Ukraine and taking into account that Ukraine is a country that is undergoing the process of transition to a market economy as stated in Article 4, paragraph 6 of the Convention, as well as relevant decisions, in particular decisions 3/CP.7, 3/CP.10, 9/CP.9, 30/CMP.1.