



COMPLIANCE COMMITTEE

CC/19/2017/2
24 August 2017

Annual report of the Compliance Committee to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol

Note by the secretariat

1. Under section XII(b) of the “Procedures and mechanisms relating to compliance under the Kyoto Protocol” (annex to decision 27/CMP.1), the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol is to consider the reports of the plenary of the Compliance Committee on the progress of its work.
2. The attached draft is presented to the plenary for its consideration. The plenary will note that some paragraphs may be added or modified based on discussions at its seventeenth meeting.



United Nations

FCCC/KP/CMP/2017/X



Framework Convention on
Climate Change

Distr.: General
XX September 2017

Original: English

DRAFT

Version 24 August 2017, 17:30

**Conference of the Parties serving as the meeting
of the Parties to the Kyoto Protocol**
Thirteenth session
Bonn, 6–17 November 2017

Item 6 of the provisional agenda
Report of the Compliance Committee

**Annual report of the Compliance Committee to the
Conference of the Parties serving as the meeting of
the Parties to the Kyoto Protocol**

Summary

The twelfth annual report of the Compliance Committee to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol covers activities undertaken from 10 September 2016 to 8 September 2017. The report provides a summary of the continued consideration by the facilitative branch of its role in providing advice and facilitation [*to be completed after the meeting of the plenary*], the further consideration by the enforcement branch of the question of implementation with regard to compliance by Ukraine and the discussions of the plenary of the Compliance Committee [*to be completed after adoption by the plenary of the report*].

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction	1–4	3
A. Mandate	1	3
B. Scope of the report.....	2	3
C. Possible action to be taken by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol.....	3–4	3
II. Organizational matters	5–15	3
A. Election of the chairpersons and vice-chairpersons of the enforcement and facilitative branches of the Compliance Committee	9–10	Error!
Bookmark not defined.		
B. Membership of the Compliance Committee	11–12	4
C. Transparency, communication and information	13–14	4
D. Use of electronic means of decision-making	15	4
III. Work undertaken in the reporting period	16–36	5
A. Reports of expert review teams under Article 8 of the Kyoto Protocol and other information received by the plenary of the Compliance Committee <i>[to be completed before adoption of the report by the plenary]</i>	16–20	5
B. Consideration by the enforcement branch of questions of implementation with respect to Ukraine <i>[to be completed before adoption of the report by the plenary]</i>	21–33	5
C. Activities of the facilitative branch <i>[to be completed before adoption of the report by the plenary]</i>	34–35	6
D. Budget for the work of the Compliance Committee <i>[to be completed before adoption of the report by the plenary]</i>	36	6
 Annex		
Decisions taken by the enforcement branch of the Compliance Committee during the reporting period <i>[to be completed following the discussions at the 30th meeting of the enforcement branch]</i>		9

I. Introduction

A. Mandate

1. In accordance with section III, paragraph 2(a), of the “Procedures and mechanisms relating to compliance under the Kyoto Protocol” (annex to decision 27/CMP.1; hereinafter referred to as the procedures and mechanisms), the plenary of the Compliance Committee (hereinafter referred to as the plenary) is to report on the activities of the Compliance Committee to each ordinary session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP).

B. Scope of the report

2. The twelfth annual report of the Committee covers the period from 10 September 2016 to 8 September 2017. It summarizes the work of and matters addressed by the Committee during that period.

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

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

4. The CMP may also wish:

(a) To invite the President of the CMP to undertake consultations on the nomination of members and alternate members of the Committee, as necessary (see paragraphs X to X below);

(b) To invite Parties to make contributions to the Trust Fund for Supplementary Activities in order to support the work of the Committee in the biennium 2018–2019 and to express its thanks to the Parties that made contributions during the reporting period (see paragraph 23 below);

(c) *[To be completed based on discussions at the 19th meeting of the plenary]*

II. Organizational matters

5. The nineteenth meeting of the plenary was held on 7 and 8 September 2017 in Bonn, Germany.

6. The facilitative branch met once in Bonn (on 7 September 2017) and the enforcement branch met once, also in Bonn (on 6 and 7 September 2017).

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

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

¹ <<http://unfccc.int/2875.php>>.

² The reference to “procedures and mechanisms” hereinafter refers to the procedures and mechanisms

B. Membership of the Compliance Committee

9. In accordance with rule 3, paragraph 1, of the “Rules of procedure of the Compliance Committee of the Kyoto Protocol” (annex to decision 4/CMP.2, as amended by decisions 4/CMP.4 and 8/CMP.9; hereinafter referred to as the rules of procedure), the term of office of each member and alternate member of the Compliance Committee starts on 1 January of the calendar year immediately following his or her election and ends on 31 December four years thereafter. A list of members and alternate members whose terms expire on 31 December 2017 is contained in the annex.

10. In accordance with section IV, paragraph 2, section V, paragraph 2, and section II, paragraph 5, of the procedures and mechanisms, the plenary requests the CMP to elect five new members to serve in the facilitative branch, five new members to serve in the enforcement branch and an alternate member for each new member, respectively, all for a term of four years.

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

C. Transparency, communication and information

12. In accordance with rule 9, paragraph 1, of the “Rules of procedure of the Compliance Committee of the Kyoto Protocol”, meetings of the plenary and of the facilitative and enforcement branches held in the reporting period were recorded and broadcast on the Internet via the UNFCCC website, with the exception of the parts of those meetings that were held in private, in accordance with the same rule.

13. In accordance with rule 12, paragraph 2, of the rules of procedure, all documents of the plenary and of the enforcement and facilitative branches have been made available to the public on the UNFCCC website.²

D. Use of electronic means of decision-making

14. Pursuant to rule 11, paragraph 2, of the rules of procedure, the Committee may elaborate and take decisions using electronic means. During the reporting period, the enforcement branch used electronic means to take a decision on the review and assessment of the plan submitted by Ukraine under section XV, paragraph 2, of the procedures and mechanisms. [*to be confirmed following the September 2017 meetings of the branches and the plenary*].

relating to compliance under the Kyoto Protocol contained in the annex to decision 27/CMP.1.

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

III. Work undertaken in the reporting period

A. Reports of expert review teams under Article 8 of the Kyoto Protocol and other information received by the plenary of the Compliance Committee

15. In accordance with section VI, paragraph 3, of the procedures and mechanisms, and paragraph 49 of the annex to decision 22/CMP.1, the secretariat forwarded to the Compliance Committee the following reports:

(a) Reports of the individual reviews of the annual submissions submitted in 2015 of Estonia, Hungary, Latvia, Lithuania, Slovakia, Finland, Norway, Iceland, Croatia, Sweden, Germany, Switzerland, Austria, Italy, Russia, Belgium, Bulgaria, Poland, Romania, Netherlands, Spain, Ireland, Malta, France and Denmark

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

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

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

(e) Status reports of the annual inventory in 2017 of the following Parties: Australia, Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, European Union, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxemburg, Malta, Monaco, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine and United Kingdom of Great Britain and Northern Ireland;

(f) Reports of the individual reviews of reports upon expiration of the additional period for fulfilling commitments (true-up period) for the first commitment period of the Kyoto Protocol of Ukraine;

(g) *[to be completed based on discussions at the 19th meeting of the plenary].*

16. At its nineteenth meeting, the plenary noted the information provided to it by the secretariat on the status of submission and review of reports under the Kyoto Protocol. *[to be completed based on discussions at the 19th meeting of the plenary].*

B. Further consideration by the enforcement branch of questions of implementation with respect to Ukraine

17. In the preceding reporting period, the enforcement branch considered two questions of implementation with respect to Ukraine. As part of its consideration, the branch adopted a final decision (document CC-2016-1-6/Ukraine/EB) on 7 September 2016 confirming its preliminary finding that Ukraine was not in compliance with Article 7, paragraphs 1 and 4, of the Kyoto Protocol 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) (see document CC-2016-1-4/Ukraine/EB).

18. The enforcement branch requested Ukraine to develop a plan referred to in paragraph 1 of section XV, in accordance with the substantive requirements of paragraph 2 of section XV and paragraph 1 of rule 25 bis of the rules of procedure, submit it within three months to the branch in accordance with paragraph 2 of section XV, and report on the progress of its implementation in accordance with paragraph 3 of section XV. On 6 December 2016, the enforcement branch received a plan (CC-2016-1-4/Ukraine/EB) from Ukraine pursuant to the final decision. On 21 December 2016 the enforcement branch adopted, through electronic means, a decision on the review and assessment of Ukraine’s plan in accordance with section XV, paragraph 2, of the procedures and mechanisms, and rule 25 bis, paragraph 3, of the rules of procedure (CC-2016-1-8/Ukraine/EB). The enforcement branch concluded, based on the information submitted and presented by Ukraine, that the plan met the requirements set out in section XV, paragraph 2, of the procedures and mechanisms, and rule 25 bis, paragraph 1, of the rules of procedure. The branch agreed that, if implemented in accordance with the decision, the plan was expected to remedy non-compliance. The branch noted that not all the measures described in the plan had been implemented and urged Ukraine to carry out all the measures contained in the plan.

19. On 30 March 2017, the enforcement branch received the first progress report on Ukraine’s plan (CC-2016-1-9/Ukraine/EB). On 3 July 2017, the enforcement branch received the second progress report on Ukraine’s plan (CC-2016-1-10/Ukraine/EB). *[to be completed following the discussions at the 29th meeting of the enforcement branch.]*

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

C. Activities of the facilitative branch

21. During the preceding reporting period, at its nineteenth meeting, the facilitative branch continued its consideration of how it can provide advice and facilitation to Parties. Noting that it has a rich experience to share in relation to the provision of advice and facilitation, the branch requested the secretariat to prepare, in consultation with the bureau of the facilitative branch and the members and alternate members of the branch, a document that captures the past experience of the facilitative branch in providing advice and facilitation to Parties in implementing the Kyoto Protocol. This document is contained in CC/FB/20/2017/2.³

22. At its twentieth meeting, the facilitative branch continued its discussions on this matter. *[to be completed following the discussions at the 20th meeting of the facilitative branch].*

D. Budget for the work of the Compliance Committee

23. For the biennium 2017–2018, an estimated EUR 974,495 from the overall Legal Affairs programme core budget has been allocated for activities related to the Committee.⁴ In addition, EUR 505,901 was approved under the item “Support to the Compliance

³ Available at: <http://unfccc.int/3786.php>.

⁴ This amount does not include secretariat-wide operating costs, programme support costs (overheads) or working capital reserve, as defined in decision 27/CP.19.

Committee” of the resource requirements of the Trust Fund for Supplementary Activities. As of 1 August 2017, contributions of EUR 17,894 had been received for the biennium in this Trust Fund. The CMP may wish to express its thanks to Belgium, the Netherlands and Switzerland for making contributions to the Trust Fund for Supplementary Activities in order to support the work of the Committee in the biennium 2016–2017.

Annex

Decisions taken by the enforcement branch of the Compliance Committee during the reporting period [to be completed following the discussions at the 30th meeting of the enforcement branch]

Ukraine (CC-2016-1/Ukraine/EB)

<i>Title</i>	<i>Document number ^a</i>	<i>Date</i>
Decision on the review and assessment of the plan	CC-2016-1-8/Ukraine/EB	21 December 2016

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