

## Decision 8/CMP.9

### Compliance Committee

*The Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol,*

*Recalling* Article 18 of the Kyoto Protocol,

*Also recalling* decisions 27/CMP.1, 4/CMP.2 and 4/CMP.4,

*Having considered* the annual report of the Compliance Committee to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol,<sup>1</sup>

*Recognizing* the importance of elaborating the steps and time frames relating to the consideration by the enforcement branch of, and its decision on, disagreements on whether to apply adjustments to inventories under Article 5, paragraph 2, of the Kyoto Protocol pursuant to decision 27/CMP.1, annex, section X, paragraph 5,

*Welcoming* the call by the Compliance Committee for Parties to keep in mind the goal of promoting gender balance when making nominations for membership of the Committee,

*Affirming* that the annex to decision 27/CMP.1 should be read in a manner that enables the Compliance Committee to effectively fulfil its mandate in relation to the second commitment period,

*Expressing its appreciation* to Parties that have contributed to the funding of the work of the Compliance Committee,

1. *Notes with appreciation* the work of the Compliance Committee during the reporting period;
2. *Adopts* the amendments to the rules of procedure of the Compliance Committee contained in the annex, in accordance with the provisions of decision 27/CMP.1, annex, section III, paragraph 2(d);
3. *Clarifies* that for the purposes of the second commitment period under the Kyoto Protocol, references to Article 3, paragraph 1, of the Kyoto Protocol contained in the annex to decision 27/CMP.1 shall be read as referring to Article 3, paragraph 1 bis, in the Doha Amendment, contained in decision 1/CMP.8, annex I;
4. *Notes* the strong interest of the Compliance Committee in the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol concluding adequate legal arrangements on privileges and immunities that would cover members and alternate members of the Committee and looks forward to considering the outcomes of the work of the Subsidiary Body for Implementation on such arrangements for individuals serving on constituted bodies established under the Kyoto Protocol.

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<sup>1</sup> FCCC/KP/CMP/2013/3.

## Annex

### Amendments to the rules of procedure of the Compliance Committee of the Kyoto Protocol

The “Rules of procedure of the Compliance Committee of the Kyoto Protocol” contained in the annex to decision 4/CMP.2, as amended by decision 4/CMP.4, are further amended as follows:

A. Amendment to rule 2

1. The following text should be inserted after rule 2, subparagraph (i):

“(i bis) “Party involved” means a Party that disagrees with adjustments to its inventory under Article 5, paragraph 2, of the Kyoto Protocol, as calculated and recommended by an expert review team in accordance with the procedures set out in paragraphs 79 and 80 of the “Guidelines for review under Article 8 of the Kyoto Protocol”, contained in the annex to decision 22/CMP.1;”

B. Amendment to section 12

2. The following text should be inserted in section 12 after rule 25 bis:

**“Rule 25 ter**

1. Where there is a disagreement on whether to apply adjustments to inventories under Article 5, paragraph 2, of the Kyoto Protocol under section X, paragraph 5, this rule shall apply. In addition, the other relevant rules and other relevant provisions contained in the annex to decision 27/CMP.1 shall be applied *mutatis mutandis*, as appropriate.

2. Within seven days of having received, through the secretariat, a report of an expert review team under Article 8 of the Kyoto Protocol in accordance with section VI, paragraph 1 or 3, that includes a disagreement on whether to apply adjustments to an inventory under Article 5, paragraph 2, of the Kyoto Protocol, the bureau shall request the secretariat to notify forthwith:

- (a) Members and alternate members of the enforcement branch of the disagreement and send them all available materials;

- (b) Members and alternate members of the facilitative branch of the disagreement;

- (c) The Party involved that the disagreement will be considered by the enforcement branch.

3. The Party involved may make a written submission within four weeks from the date of receipt of the notification referred to in paragraph 2(c) above, including rebuttal of information submitted to the enforcement branch.

4. If so requested in writing by the Party involved within four weeks from the date of receipt of the notification referred to in paragraph 2(c) above, the enforcement branch shall hold a hearing, which shall take place within four weeks from the date of receipt of that request or the written submission referred to in paragraph 3 above, whichever is the later. The Party involved may present expert testimony or opinion at the hearing. Such a hearing shall be held in public, unless the enforcement branch decides, of its own accord or at the request of the Party involved, that part or all of the hearing shall take place in private.

5. The enforcement branch shall adopt its decision on the disagreement referred to in paragraph 2 above within 11 weeks of the notification referred to in paragraph 2(c) above

or within three weeks of the hearing referred to in paragraph 4 above, whichever is the shorter.

6. The Party involved may, at any time before the adoption of the decision referred to in paragraph 5 above, accept, at the hearing referred to in paragraph 4 above or in writing, the adjustments as calculated and recommended by the expert review team referred to in paragraph 2 above. Such acceptance shall result in the resolution of the disagreement referred to in paragraph 2 above and shall be noted by the enforcement branch in its decision on the matter.

7. If the report referred to in paragraph 2 above also indicates a question of implementation that is allocated to the enforcement branch and to which the expedited procedure set out in section X, paragraph 1, applies, the enforcement branch may extend any time frames provided for in this rule to align both procedures. The enforcement branch shall make every effort to minimize any resulting delay and, in any event, shall decide on the disagreement referred to in paragraph 2 above no later than at the time of the adoption of the final decision on the question of implementation in accordance with section X, paragraph 1(f).

8. The period of time stipulated in section IX, paragraph 3, shall apply only if, in the opinion of the enforcement branch, it does not interfere with the adoption of the decision in accordance with paragraph 5 above.”

*9<sup>th</sup> plenary meeting  
22 November 2013*