



ENFORCEMENT BRANCH

Twenty-eighth meeting

20–21 June 2016
Bonn, Germany

Report on the meeting

1. Opening of the meeting

1. Mr. Gerhard Loibl, chairperson of the enforcement branch, declared the meeting open at 10:11.
2. At the request of the chairperson, the secretariat provided information on participation and quorum, as well as key administrative, logistical and housekeeping arrangements. The secretariat confirmed that there was a quorum for the meeting, that the meeting was being webcast live on the Internet, and that an audio recording was being made of the entire meeting.

2. Adoption of the agenda

3. The branch reviewed and adopted the provisional agenda (CC/EB/28/2016/1).

3. Organization of work

4. The branch decided to organize its consideration of the items following the order of the agenda in the following manner:
 - (a) First, to consider the questions of implementation with respect to Ukraine and to elaborate and adopt a decision under section X, paragraph 1 (d), of the “Procedures and mechanisms relating to compliance under the Kyoto Protocol”¹ with respect to Ukraine;
 - (b) Second, to discuss other matters.

**4. Consideration of the questions of implementation
with respect to Ukraine**

5. At the request of the chairperson, the secretariat provided a summary of the proceedings since the publication of the report on the individual review of the report upon expiration of the additional period for fulfilling commitments (true-up period) for the first

¹ This and subsequent references to sections, as well as references to the procedures and mechanisms, refer to the annex to decision 27/CMP.1.



COMPLIANCE COMMITTEE

CC/EB/28/2016/2
14 July 2016

commitment period of the Kyoto Protocol of Ukraine, contained in document FCCC/KP/2016/TPR/UKR; hereinafter referred to as “2016 TPR of Ukraine”.

6. As Ukraine did not request a hearing pursuant to paragraph 1 (c) of section X, no hearing was held during that meeting. No designated representatives of Ukraine attended the meeting.

7. In accordance with section VIII, paragraph 5, and rule 21 of the “Rules of procedure of the Compliance Committee of the Kyoto Protocol”,² and pursuant to the decision on expert advice that was adopted by the branch on 30 May 2016 (CC-2016-1-3/Ukraine/EB), the meeting was attended via WebEx by Mr. Dario Gomez, one of the lead reviewers of the expert review team (ERT) that reviewed the true-up period report of Ukraine, and Mr. Pieter Baeten, an expert on national registries who was not part of the ERT.

(a) Advice from experts

8. The experts referred to in paragraph 8 above provided advice in relation to the questions of implementation identified by the ERT, indicating, in particular, that the disconnection of the national registry of Ukraine from the International Transactions Log (ITL) in August 2015 appeared to be at the heart of the problems that resulted in the questions of implementation being raised. It was further noted that, as a consequence of this disconnection, the ERT did not have before it any verified information on which it could base its assessment of the Party’s true-up period report. A general explanation on the functioning of national registries and their connection with the ITL was also provided.

(b) Elaboration and adoption of a decision

9. After the elaboration of a decision during a meeting held in private in accordance with rule 9, paragraph 2, the branch adopted a preliminary finding (CC-2016-1-4/Ukraine/EB) that Ukraine was 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”³ and the “Guidelines for the preparation of the information required under Article 7 of the Kyoto Protocol”.⁴ The branch also determined 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. The branch found that as a result of Ukraine's non-compliance with Article 7, paragraph 1, in conjunction with paragraph 4, the quantity of the Kyoto Protocol units 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,

² This and subsequent references to rules, as well as to rules of procedure, refer to those contained in the annex to decision 4/CMP.2, as amended by decision 4/CMP.4.

³ Decision 13/CMP.1.

⁴ Decision 15/CMP.1.



COMPLIANCE COMMITTEE**CC/EB/28/2016/2
14 July 2016**

paragraph 1, of the Kyoto Protocol in accordance with the relevant procedures set out in decision 13/CMP.1. However, the branch could not, as a matter of substance, determine, on the basis of all the information it had available to it, 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.

10. The branch applied the relevant consequences provided in section XV of the annex to decision 27/CMP.1. It noted that the finding and consequences take effect upon confirmation by a final decision of the enforcement branch.⁵

5. Other matters

11. The branch discussed the dates of its next meeting in light of the deadlines for the adoption of the final decision in accordance with Section X, paragraph 1 (f). The branch agreed that the bureau, with the assistance of the secretariat, will make every effort to provide for the adoption of the final decision with respect to Ukraine within the deadlines specified in decision 27/CMP.1. The deadline, as set out in section X, paragraph 1 (f) of the modalities and procedures, is expected to be in early August 2016, depending on the date of receipt of any written submission from Ukraine in accordance with paragraph 1 (e) of section X. To this end, the branch requested the secretariat to conduct a poll of all members and alternate members with a view to determining their availability to attend a meeting in early August 2016. The branch also agreed that, if all efforts to reach quorum for a meeting in August fail, the bureau will look for an alternative solution, taking also into account the proximity of the next regular meeting of the branch scheduled for 7 September 2016.

6. Closure of the meeting

12. The meeting was declared closed at 14:47 on 21 June 2016.

⁵ See paragraphs 32 and 33 of the preliminary finding, CC-2016-1-4/Ukraine /EB.

**7. Attendance**

13. The names of members and alternate members present at the meeting are bolded below.

| Members (in alphabetical order) | Alternate Members |
|--|---|
| 1. AITARO , Joseph Mr. | <i>Position remains open until nomination is received</i> |
| 2. ALAM, Mohammad Mr. | MASSAI , Leonardo Mr. |
| 3. CHEN , Zhihua Mr. | BASHIR BHATTI, Nauman Mr. |
| 4. KUOKKANEN , Tuomas Mr. | BLOCH, Sébastien Mr. |
| 5. LOIBL , Gerhard Mr. | ZAHARIA, Felix Mr. |
| 6. NASR, Mohamed I. Mr. | MANJATE , Marília Telma A. Ms. |
| 7. RAJABI , Ahmad Mr. | FODEKE , Victor Mr. |
| 8. REY SANTOS , Orlando E. Mr. | GONZALEZ NORRIS, Jose A. Mr. |
| 9. RUDZKO , Iryna Ms. | ADAMOVA, Eva Ms. |
| 10. ZVARA, Milan Mr. | WERKSMAN , Jacob Mr. |
