



Provisions related to facilitation: Advice and facilitation

Background note

I. Mandate

1. With a view to facilitate the branch's discussions under its item "Provisions related to facilitation: Advice and facilitation", the chairperson of the facilitative branch has requested the secretariat to prepare a background note on the provision of advice and facilitation by the branch under section IV of the "Procedures and mechanisms relating to compliance under the Kyoto Protocol" (contained in the annex to decision 27/CMP.1; hereinafter referred to as procedures and mechanisms), as well as the "Rules of procedure of the Compliance Committee of the Kyoto Protocol" (annex to decision 4/CMP.2 and the amendments contained in the annex to decision 4/CMP.4; hereinafter referred to as the rules of procedure).

II. Background

2. Since its first meeting, the facilitative branch has been discussing the issue of provision of advice and facilitation, in particular the provisions relating to facilitation as contained in section IV of the procedures and mechanisms. Consideration of that issue has increasingly focused on how the branch can carry out its responsibility to provide advice and facilitation "with the aim of promoting compliance and providing for early warning of potential non-compliance" under section IV, paragraph 6 (a), of the procedures and mechanisms.¹ In particular, the branch discussed: issues relating to the functions of the facilitative branch, focusing on whether and how it should seek further guidance from the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP); the issue of delays in submissions of fifth national communications; and the possible prioritization of in-depth reviews of national communications.² In this context, the branch has had lengthy debates about the exercise of its functions and a key issue, which has resulted in diverging views within the branch, is whether a question of implementation is required to trigger the responsibility of the branch under section IV, paragraph 6 (a), of the procedures and mechanisms.³

3. With a view to clarify the facilitative role of the branch, the plenary of the Compliance Committee sought guidance from the CMP on action that the Committee could take in relation to delays in the submission by a Party included in Annex I of its national communication on two occasions⁴ but the CMP has not yet addressed its request.⁵ At its

¹ CC/FB/6/2008/2, paragraph 5.

² CC/FB/9/2010/2, paragraphs 4 to 8.

³ CC/FB/8/2010/4, paragraph 4. The branch also noted that a consideration of provisions relating to advice and facilitation would require a discussion of how any of the consequences listed in section XIV of the annex to decision 27/CMP.1 could be applied (CC/FB/8/2010/4, para 9).

⁴ See paragraphs 4 (b), 21 and 22 of the second annual report of the Compliance Committee to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol, FCCC/KP/CMP/2007/6 and paragraphs 4 (b) and 22 of the fourth annual report of the Compliance Committee to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol, FCCC/KP/CMP/2009/17.



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ninth meeting, held on 16 September 2010, the branch underlined that, while it would welcome clarification from the CMP on its facilitative function, as previously requested, the branch also acknowledged the usefulness of developing its own practice and working arrangements based on its mandate, as it did in the case of Monaco (CC/FB/9/2010/2, para 5).⁶ It can be noted that, having received this information through the fifth annual report of the Compliance Committee to it, the CMP at its sixth session did not comment on this approach being taken by the branch.

4. In the case of Monaco, after a decision using electronic means, the branch had requested the chairperson to send a letter to Monaco (see annex to document CC/FB/2010/2), with a request that a response be provided before the ninth meeting of the branch. The letter, sent on 28 July 2010, expressed concern at the delay in the submission of Monaco's fifth national communication (NC5), inquired whether, in accordance with section IV, paragraph 4, of the procedures and mechanisms, the branch could provide any advice or facilitation to Monaco. Monaco responded by a letter dated 16 September 2010, stating that it was planning to submit its fifth national communication at the end of October or early November. In the absence of a submission by Monaco by 15 November 2010, as instructed by the branch, its chairperson sent a letter to Monaco dated 16 November 2010 requesting information on the status of its submission and inquiring again whether the branch could provide any advice or facilitation. Monaco replied on 2 December 2010, stating that its NC5 was finalized and under internal validation, and that the document would be submitted to the secretariat "in the next few weeks."⁷ In reply to an email message sent by the secretariat, as circulated to the branch on 16 February 2011, Monaco indicated that it would be able to submit its fifth national communication by the end of April, due to its internal bureaucratic process which was taking more time than expected. Monaco submitted its fifth national communication on 25 March 2011.⁸

5. It is noted that, in recent exchanges regarding possible further action that could have been taken in the case of Monaco's continuing failure to submit its fifth national communication, members and alternate members who expressed their views appeared to be generally of the view that further action needed to be taken to address Monaco's continued delay in submitting its NC5, although differing views were voiced in terms of what and how much could be done. In particular, some members and alternate members of the branch referred to the need to clarify the legal basis for further action by the branch.

6. In past discussions, the branch has also addressed the issue of how it could make use of the wealth of information found in expert review team (ERT) reports that are forwarded to members and alternate members of the Compliance Committee pursuant to section VI,

⁵ See decisions 4/CMP.2 and 6/CMP.5.

⁶ For completeness, it is recalled that the discussions of the branch on its responsibility to provide advice and facilitation "with the aim of promoting compliance and providing for early warning of potential non-compliance" under section IV, paragraph 6 (a), also included an initial exchange of views on prioritization of in-depth reviews of national communications. After a lengthy discussion that highlighted differing positions on this item, the branch agreed that it would continue to explore a possible set of criteria on prioritisation that could be used for the in-depth reviews of the sixth national communications, taking into account past experience, in particular in relation to the fifth national communications (CC/FB/9/2010/2, paragraph 7).

⁷ See Annex I for copies of all letters referred to in paragraph 4.

⁸ See FCCC/SBI/2011/INF.6/Rev.1.



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paragraph 3, of the procedures and mechanisms, to the extent that the information is relevant to the mandate of the branch. To facilitate discussions on these matters the branch requested a background paper from the secretariat, providing the branch with a compilation and assessment of information on trends in relation to the commitments under Article 3, paragraph 1, of the Kyoto Protocol found in reports of the in-depth reviews of national communications of these Parties that have been submitted as of 1 January 2010.⁹ Such compilation and assessment will be possible once all the reports of the in-depth review of the fifth national communication become available.¹⁰ At this time, documents prepared for the Subsidiary Body on Implementation may provide a useful basis for discussion by the branch.¹¹

7. In this context, this note raises a number of questions that the branch may wish to discuss in relation to whether it can provide advice and facilitation in the absence of a question of implementation and, in that case, what type of advice and facilitation the branch could provide.

III. Mandate of the facilitative branch of the Compliance Committee

8. Following is a commentary on the relevant provisions of the procedures and mechanisms leading to questions for possible consideration by the branch.

9. While section IV, paragraph 5, of the procedures and mechanisms clearly refers to the mandate of the facilitative branch in relation to specific questions of implementation submitted in accordance with section VI, paragraph 5,¹² section IV, paragraphs 4 and 6 do not explicitly refer to the need for a question of implementation to be submitted as a pre-condition for the facilitative branch to take action. It should be noted in this regard, that the absence of a specific reference to “question of implementation” in paragraphs 4 and 6 should not *per se* lead to the conclusion that a question of implementation is not required. As a parallel, paragraph 4 of section V, which establishes the responsibility of the enforcement

⁹ CC/FB/6/2008/2, paragraphs 6 and 7.

¹⁰ For information on the status of submission and review of fifth national communications see FCCC/SBI/2011/INF.6/Rev.1, in particular paragraph 6.

¹¹ See FCCC/SBI/2011/INF.1, Compilation and synthesis of fifth national communications, Executive summary, Note by the secretariat; FCCC/SBI/2011/INF.1/Add.1, addendum on “Policies, measures, and past and projected future greenhouse gas emission trends of Parties included in Annex I to the Convention; FCCC/SBI/2011/INF.1/Add.2, addendum on “Financial resources, technology transfer, vulnerability, adaptation and other issues relating to the implementation of the Convention by Parties included in Annex I to the Convention”; FCCC/SBI/2011/INF.2, Compilation and synthesis of supplementary information incorporated in fifth national communications submitted in accordance with Article 7, paragraph 2, of the Kyoto Protocol, Note by the secretariat; FCCC/SBI/2011/9, National greenhouse gas inventory data for the period 1990–2009, Note by the secretariat (document still under preparation); FCCC/KP/CMP/2011/8 and Add.1, Annual compilation and accounting report for Annex B Parties under the Kyoto Protocol for 2011, note by the secretariat (documents still under preparation).

¹² Under section VI, paragraph 1, the Committee shall receive, through the secretariat, questions of implementation indicated in reports of expert review teams under Article 8 of the Protocol, together with any written comments by the Party which is subject to the report, or questions of implementation submitted by: (a) Any Party with respect to itself; or (b) Any Party with respect to another Party, supported by corroborating information.



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branch for determining non-compliance, also does not explicitly mention the need for “questions of implementation”. Hence, the broader context of the decision needs to be looked at to come to a conclusion.

A. Section IV, paragraph 4

10. Section IV, paragraph 4,¹³ of the procedures and mechanisms allocates the general responsibility to the branch for providing advice and facilitation to Parties in implementing the Protocol, and for promoting compliance by Parties with their commitments under the Protocol, taking into account the principle of common but differentiated responsibilities and respective capabilities. The paragraph indicates that the branch “shall take into account the circumstances pertaining to the questions before it”. The paragraph does not specifically refer to “questions of implementation”.

11. The facilitative branch’s decision to send correspondence to Monaco in relation to the latter’s delay in submitting its fifth national communication was taken pursuant to paragraph 4 of section IV.

Can it be concluded that by taking action in the Monaco’s case on the basis of section IV, paragraph 4, the branch considered that the term “questions” in that paragraph does not refer to “questions of implementation” but to the “issues before it”? Can it then also be concluded that a question of implementation is not a necessary prerequisite for the branch to discharge its responsibilities under paragraph 4? And, in that case, should the branch clarify its practice and/or procedures on how to discharge its responsibility? (see also paragraph 21 below).

B. Section IV, paragraph 5

12. As to the scope of the mandate of the branch under section IV, paragraph 5, it is clear that the branch is responsible for addressing the specific questions of implementation listed in subparagraphs (a) and (b),¹⁴ “within its overall mandate, as specified in paragraph 4”. This seems to indicate that the branch’s mandate in respect of specific questions of implementation, is only part of the broader overall mandate under paragraph 4.

¹³ Section IV, paragraph 4, provides that “The facilitative branch shall be responsible for providing advice and facilitation to Parties in implementing the Protocol, and for promoting compliance by Parties with their commitments under the Protocol, taking into account the principle of common but differentiated responsibilities and respective capabilities as contained in Article 3, paragraph 1, of the Convention. It shall also take into account the circumstances pertaining to the questions before it.”

¹⁴ Paragraph 5 of section IV provides that within its overall mandate, as specified in paragraph 4, and falling outside the mandate of the enforcement branch, as specified in section V, paragraph 4, the facilitative branch shall be responsible for addressing questions of implementation:

- (a) Relating to Article 3, paragraph 14, of the Protocol, including questions of implementation arising from the consideration of information on how a Party included in Annex I is striving to implement Article 3, paragraph 14, of the Protocol; and
- (b) With respect to the provision of information on the use by a Party included in Annex I of Articles 6, 12 and 17 of the Protocol as supplemental to its domestic action, taking into account any reporting under Article 3, paragraph 2, of the Protocol.



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13. With regard to the scope of paragraph 5 (b), the requirement to “take into account any reporting under Article 3, paragraph 2, of the Protocol” could be interpreted in two ways. One the one hand, that language could be read as limiting the responsibility of the branch to questions of implementation arising from the reporting requirements under Article 3, paragraph 2, which had to be discharged by 1 January 2006, in accordance with decision 25/CP.8.

14. On the other hand, it is recalled that, in accordance with paragraph 33 of the “Guidelines for the preparation of the information required under Article 7 of the Kyoto Protocol” (annex to decision 15/CMP.1), the supplementary information under the Protocol that has to be provided by a Party in its national communications includes information on how the use of the mechanisms pursuant to Articles 6, 12 and 17 is supplemental to domestic action, and how its domestic action thus constitutes a significant element of the effort made to meet its quantified limitation and reduction commitments under Article 3, paragraph 1, in accordance with the provisions of decision 5/CP.6. In this context, the reference to Article 3, paragraph 2, in section IV, paragraph 5 (b), could be read as simply indicating part of the basis that may be used to demonstrate that the use of the mechanisms is supplemental to domestic action. Hence, the facilitative branch would be required to address any questions of implementation related to the provision of information on the use by a Party included in Annex I of Articles 6, 12 and 17 of the Protocol as supplemental to its domestic action.

Does the branch believe that the discharge of its responsibility under paragraph 5 (b) is only with regard to questions of implementation arising from the reporting requirements under Article 3, paragraph, or does it view its responsibility as extending to any questions of implementation related to the provision of information on the use by a Party included in Annex I of Articles 6, 12 and 17 of the Protocol as supplemental to its domestic action in relation to the reporting obligation under Article 7, paragraph 2?

C. Section IV, paragraph 6

15. With regard to section IV, paragraph 6,¹⁵ of the procedures and mechanisms, the paragraph assigns the responsibility to the branch to provide advice and facilitation, with the aim of “promoting compliance and providing for early warning of potential non-compliance”. It should be noted that such responsibility is limited, during the relevant commitment period, to compliance with commitments under Article 3, paragraph 1, of the Protocol. In that regard, in conformity with section V of the procedures and mechanisms, it is the responsibility of the enforcement branch to determine non-compliance with the quantified emission limitation or reduction commitments under Article 3, paragraph 1, of the Protocol,

¹⁵ Paragraph 6 of section IV provides that “With the aim of promoting compliance and providing for early warning of potential non-compliance, the facilitative branch shall be further responsible for providing advice and facilitation for compliance with:

- (a) Commitments under Article 3, paragraph 1, of the Protocol, prior to the beginning of the relevant commitment period and during that commitment period;
- (b) Commitments under Article 5, paragraphs 1 and 2, of the Protocol, prior to the beginning of the first commitment period; and
- (c) Commitments under Article 7, paragraphs 1 and 4, of the Protocol prior to the beginning of the first commitment period.”



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at the end of the commitment period. The facilitative branch's role to provide for early warning of potential non-compliance may thus be interpreted to refer to cases in which a question of implementation has not yet been raised but a problem relating to potential non-compliance with the commitments under Article 3, paragraph 1, is identified in a report of an ERT received by the Compliance Committee pursuant to section VI, paragraph 3, of the procedures and mechanisms.

If it is argued that a question of implementation is needed to trigger the responsibility of the branch under this paragraph, what could be a possible question of implementation relating to Article 3(1) during the commitment period which would trigger the role of the facilitative branch?

Could it be concluded that the responsibility of the facilitative branch to promote compliance and provide for early warning of potential non-compliance under paragraph 6 is not necessarily triggered by a question of implementation? And, in that case, should the branch clarify its practice and/or procedures on how to discharge its responsibility? (see also paragraph 21 below).

D. Section IX, paragraph 12

16. Finally, it is recalled that section IX, paragraph 12, of the procedures and mechanisms states that where appropriate, the enforcement branch may, at any time, refer a question of implementation to the facilitative branch for consideration. In recent cases before the enforcement branch, the Parties concerned (Romania and Ukraine) in their written submissions¹⁶ requested the enforcement branch to refer the question of implementation to the facilitative branch, for its consideration, in accordance with paragraph 12 of section IX. In both cases, the enforcement branch concluded that as long as there are unresolved problems pertaining to language of a mandatory nature relating to the Party's national system it is not appropriate to consider referral of the question of implementation to the facilitative branch under paragraph 12 of section IX.¹⁷

What are the specific situations in which a referral under paragraph 12 of section IX is envisaged and what are the procedures and possible consequences that the facilitative branch would apply in these cases?

E. Section XIV

17. With respect to section XIV of the procedures and mechanisms and the application of consequences by the branch,¹⁸ at its eighth meeting the branch noted that a consideration of

¹⁶ CC-2011-1-5/Romania/EB, Chapter I Request; and CC-2011-2-4/Ukraine/EB, paragraph 76(3).

¹⁷ CC-2011-1-6/Romania/EB, paragraph 22; and CC-2011-2-6/Ukraine/EB, paragraph 22(b).

¹⁸ Section XIV reads as follows: "The facilitative branch, taking into account the principle of common but differentiated responsibilities and respective capabilities, shall decide on the application of one or more of the following consequences:

(a) Provision of advice and facilitation of assistance to individual Parties regarding the implementation of the Protocol;



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provisions relating to advice and facilitation would require a discussion of how any of the consequences listed in section XIV of the procedures and mechanisms could be applied.¹⁹ It is noteworthy that while in the case of the enforcement branch the consequences under section XV closely mirror the responsibilities of the enforcement branch for determining non-compliance under section V, paragraph 4, in the case of the facilitative branch, the consequences under section XIV do not mirror the branch's responsibilities relating to the consideration of questions of implementation under paragraph 5 of section IV. Further, the reference in section XIV (b) to "facilitation of financial and technical assistance to the Party concerned" indicates that such facilitation is intended in the case of question of implementation.²⁰ On the other hand, section XIV (c) refers to similar consequences but contains no reference to "the Party concerned". The text seems to indicate that the consequence under section XIV (c) can be applied in the absence of a question of implementation.

Can it be concluded that the consequences under section XIV can be applied by the facilitative branch in the absence of a question of implementation and outside the strict scope of the mandate under paragraph 5?

F. Rules of procedure

18. With regard to the application of the rules of procedure, rule 24 (1) sets out procedures applicable to the functions of the facilitative branch in the context of a submission under section VI.²¹ It provides that the facilitative branch may have a dialogue with the representative of the Party concerned.²⁰ At the same time, it should be noted that paragraph 3 of section VI refers to the transmittal to the Compliance Committee of "other final reports of expert review teams", including reports that do not indicate questions of implementation.

Can it be concluded that the facilitative branch can initiate a dialogue with the representative of the Party concerned under rule 24 (1) only in the case of a question of implementation allocated to the branch under section IV, paragraph 5? Or could the branch also act on the

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- (b) Facilitation of financial and technical assistance to any Party concerned, including technology transfer and capacity building from sources other than those established under the Convention and the Protocol for the developing countries;
 - (c) Facilitation of financial and technical assistance, including technology transfer and capacity building, taking into account Article 4, paragraphs 3, 4 and 5, of the Convention; and
 - (d) Formulation of recommendations to the Party concerned, taking into account Article 4, paragraph 7, of the Convention.

¹⁹ CC/FB/8/2010/4, paragraph 9.

²⁰ "Party concerned" under section VI, paragraph 2, is used to indicate a Party in respect of which a question of implementation is raised.

²¹ Rule 24 of the rules of procedure, provides that:

1. Subject to section VI and without prejudice to section XVI, the facilitative branch may have a dialogue with the representative of the Party concerned.
2. Subject to sections VI and VII, the representative of the Party concerned may enter into a dialogue with the facilitative branch in order to seek advice and facilitation.
3. The facilitative branch shall receive, through the secretariat, information as required under relevant decisions of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol.



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basis of other final reports of expert review teams, transmitted in accordance with section VI, paragraph 3 ?

19. Under rule 24 (2), which provides that the Party concerned may enter into a dialogue with the facilitative branch in order to seek advice and facilitation, an additional reference is made to section VII of the compliance procedures and mechanisms, which addresses allocation and preliminary examination of questions of implementation. Furthermore, the actions that can be taken under paragraphs 1 and 2 of rule 24 are different. Under paragraph 1, it is the facilitative branch that initiates the dialogue while under paragraph 2, it is the Party that enters into a dialogue with the branch.

What is the significance of that difference, if any?

20. Under rule 24, paragraph 3, the facilitative branch is to receive, through the secretariat, information as required under relevant decisions of the CMP.

What would be covered by such information? Would, for instance, the information required under paragraph 139 of the annex to decision 22/CMP.1 be included?²² And what is the rationale for having such a provision in the rules of procedure? Does this presuppose that the branch has the mandate to act in accordance with section IV, paragraph 4 or 6 (a), of the procedures and mechanisms on the basis of such information?

21. In the case of Monaco, it was brought to the Compliance Committee's attention, by the secretariat in document CC/2010/1 dated 18 February 2010, that a number of Parties had not submitted their fifth national communication by 15 February 2010. Furthermore, information provided to the facilitative branch in document FCCC/SBI/2010/INF.1, indicated that Monaco had still not submitted its fifth national communication. On that basis, the facilitative branch decided, pursuant to section IV, paragraph 4, to correspond with Monaco in relation to Monaco's delay in submitting its fifth national communication (see paragraphs 2-3 above).

If the branch comes to a common understanding that its responsibilities under paragraphs 4 and 6 (a) of the procedures and mechanisms are independent of a referral to the branch of a question of implementation, should the branch further develop and clarify its practice and/or procedures in relation to action it can take, with a view to ensure due process and transparency? And in that case, should the branch recommend a revision of the Committee's rules of procedure, subject to approval by the CMP? In alternative, should the branch focus on clarifying its modalities and working arrangements in implementing its existing mandate and the relevant provisions of the rules of procedure and simply inform the CMP?

²² Under the Guidelines for review under Article 8 of the Kyoto Protocol, contained in the annex to decision 22/CMP.1, paragraph 139 establishes that if a Party included in Annex I expects difficulties with the timeliness of its national communication submission, it should inform the secretariat before the due date of the submission. If the national communication is not submitted within six weeks after the due date, the delay shall be brought to the attention of the CMP and the Compliance Committee and made public.



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Annex

28 July 2010

Mr. Frédéric PLATINI
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Dear Mr. Platini,

I am writing to you in my capacity as chairperson of the facilitative branch of the Compliance Committee of the Kyoto Protocol. I have the honour to draw your attention to the status of the submission of Monaco's fifth national communication, which was discussed at the eighth meeting of the branch.

In accordance with decision 10/CP.13, the fifth national communication from Parties included in Annex I to the Convention, including supplementary information under Article 7, paragraph 2, of the Kyoto Protocol, was due on 1 January 2010. The secretariat, in its message dated 2 November 2009, drew the attention of Parties to the due date for submission of this national communication and the implications arising from delays in the submission of the national communications under the Kyoto Protocol.¹

The Guidelines for review under Article 8 of the Kyoto Protocol (as contained in the annex to decision 22/CMP.1) stipulates that "If a Party included in Annex I expects difficulties with the timeliness of its national communication submission, it should inform the secretariat before the due date of the submission. If the national communication is not submitted within six weeks after the due date, the delay should be brought to the attention of the COP/MOP and the Compliance Committee and made public".

In accordance with those Guidelines, it was brought to the Compliance Committee's attention, by the secretariat in document CC/2010/1 dated 18 February 2010, that a number of Parties had not submitted their fifth national communication by 15 February 2010.

According to the latest information provided to the facilitative branch at its eighth meeting held in Bonn, Germany on 1 July 2010, in particular document FCCC/SBI/2010/INF.1, Monaco has still not submitted its fifth national communication. In addition, Monaco has not provided the secretariat with the likely date of its submission or any information on the reasons for delay.

The branch recalls that the plenary of the Compliance Committee noted in paragraph 22 of its second annual report to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (FCCC/KP/CMP/2007/6) its concern over late submission. In particular it noted that "Failure to provide information required under Article 7, paragraph 2, of the Kyoto Protocol might prejudice the ability of the expert review team to complete their work and report to the Compliance Committee in a timely manner. The timely submission

¹ This message is available at:
<http://unfccc.int/files/parties_and_observers/notifications/application/pdf/021109_mtp_reports_annex_1.pdf>



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and review of information is essential to the functioning of the procedures and mechanisms for compliance review established by decision 27/CMP.1”.

Consequently, the branch expresses its concerns with the delay of submission of Monaco’s fifth national communication. In accordance with section IV, paragraph 4, of the “Procedures and mechanisms relating to compliance under the Kyoto Protocol”, as contained in the annex to decision 27/CMP.1, the branch would like to inquire whether it can provide any advice and facilitation to Monaco in order to help it implement its reporting obligations.

We would appreciate receiving a response before the ninth meeting of the facilitative branch, which is due to be held in September 2010.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'K. Shimada'.

Kunihiko Shimada

Chairperson, Facilitative Branch
Compliance Committee of the Kyoto Protocol



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Mr. Kunihiko Shimada
Chairperson, Facilitative Branch
Compliance Committee of the Kyoto Protocol

September 16, 2010

N/Réf. : 2010/3087

Dear Mr. Kunihiko Shimada,

I would like first to inform you that Mr Platini has retired from the administration of the Principality of Monaco and that he is no longer the UNFCCC National Focal Point for Monaco.

Following your request regarding the situation of the fifth national communication of Monaco, I inform you that it is under preparation and its submission to the UNFCCC secretariat is planned for the end of October or early November 2010.

The delay in submitting our fifth national communication is both due to the number of offices involved in the preparation of this report and to implementing the recommendations made by the expert review team during the review of the previous national communication.

The Principality of Monaco will keep the UNFCCC secretariat informed on the progress of this action.

Thank you for your consideration.

Yours faithfully,

Director,

Jérôme FROISSART



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16 November 2010

Mr. Jérôme FROISSART
Director, Office of International Cooperation
Ministry of Foreign Affairs
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Dear Mr. Froissart,

I am writing to you in my capacity as chairperson of the facilitative branch of the Compliance Committee of the Kyoto Protocol. You may recall that the delay in the submission of Monaco's fifth national communication was discussed at the eighth and ninth meetings of the branch, as well as by the plenary of the Committee at its eighth meeting (see documents CC/FB/9/2010/2, CC/FB/8/2010/4 and FCCC/KP/CMP/2010/6, available at <http://unfccc.int/kyoto_protocol/compliance/items/2875.php>). The issue was also the subject of my letter dated 28 July 2010 and of your response dated 16 September 2010 (reference 2010/3087).

In your letter dated 16 September 2010, you indicated that Monaco's fifth national communication was under preparation and its submission to the UNFCCC secretariat was planned for the end of October or early November 2010. In view of the fact that, as of 15 November 2010, Monaco had not yet submitted its fifth national communication, as instructed by the branch at its ninth meeting, I am writing to request information on the status of Monaco's submission. Furthermore, in accordance with section IV, paragraph 4, of the "Procedures and mechanisms relating to compliance under the Kyoto Protocol", as contained in the annex to decision 27/CMP.1, I also wish to enquire once again whether the branch can provide any advice and facilitation to Monaco in order to help it implement its reporting obligations.

Your early reply, possibly before the upcoming sixth session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP 6) to be held in Cancun from 29 November to 10 December 2010, would be much appreciated.

Yours sincerely,

Kunihiko Shimada
Chairperson, Facilitative Branch
Compliance Committee of the Kyoto Protocol



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Mr Kunihiko Shimada
Chairperson, Facilitative Branch Compliance
Committee of the Kyoto Protocol

Monaco, 2 décembre 2010


N/Réf. : BN/sn-2010/3940

Dear Mr. Kunihiko Shimada,

Following your letter to Mr Jérôme Froissart, Director for International Cooperation, on 16th November 2010 in which you request information on the status of the fifth national communication submission for Monaco, I inform you that the fifth national communication of Monaco is now finalized and is under internal validation.

Consequently, this document will be submitted to the UNFCCC secretariat in the next few weeks.

Yours sincerely,


Bastien Nicaise
Secretary of External Relations
National Focal Point