



COMPLIANCE COMMITTEE

CC/12/2013/2
6 March 2013

**Communication from Japan regarding privileges and immunities
for individuals serving on constituted bodies established under
the Kyoto Protocol**

Note by the secretariat

The attached letter from Japan was received by the secretariat on 5 March 2013. It is being sent to all members and alternate members of the Compliance Committee at the request of the bureau. The letter, and the possible response to it, will be discussed at the twelfth meeting of the plenary under the agenda item 'other matters'.

March 4, 2013

Dear Chair of the Compliance Committee,

Privileges and immunities for individuals serving on constituted bodies established under the Kyoto Protocol, including Compliance Committee (CC), were discussed at the last CMP8.

As Japan repeatedly explained at previous SBIs and the last CMP8 in Doha, Japan has the basic standpoint that the necessity of adopting an international agreement on privileges and immunities for international organizations and individuals serving on these organizations should be examined on a case-by-case basis, taking into account the founding purposes and the functions of each international organization. Japan is also of the view that the privileges and immunities should be accorded only as are necessary for the exercise of their functions.

However, so far, Japan is of the view that it is not necessary to adopt a possible international agreement on privileges and immunities for individuals serving on constituted bodies established under the Kyoto Protocol. In this regard, Japan would like to ask CC to provide it with detailed explanation in writing, regarding the following points;

- (1) Scope of officials in CC who need privileges and immunities in exercising their functions
(Is the understanding correct that the officials who require privileges and immunities in CC are 10 members under the facilitative branch and 10 members under enforcement branch as specified in the Decision 27/CMP.1?)
- (2) Reasons for requiring privileges and immunities for above mentioned officials in exercising their functions (specific problems caused by lack of such an agreement)
(Especially, information on any lawsuits that were brought over individuals serving on CC, due to lack of such an agreement.)

Your information is most helpful for Japan to constructively contribute to the discussions at coming SBI38. Japan would appreciate it if you could provide the above-mentioned information by the 15 March 2013.

Sincerely yours,



Nobutaka Maekawa

Minister

Embassy of Japan in Germany