



**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 fifteenth meeting.

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**Conference of the Parties serving as the meeting  
of the Parties to the Kyoto Protocol**  
Tenth session  
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Item X 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 ninth 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 19 September 2013 to 5 September 2014. The report provides a summary of the continued consideration by the facilitative branch of the potential early warning exercise with respect to Austria, Croatia and Italy, the consideration by the enforcement branch of [*to be completed after the twenty-fifth meeting of the enforcement branch*] the discussions of the plenary of the Compliance Committee on the implications of decision 1/CMP.8 for the work of the Committee; and [*to be completed after adoption by the plenary of the report*].

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*Annexes (List of annexes to be added after the final reading of the draft report)*

## 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 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 ninth annual report of the Compliance Committee covers the period from 19 September 2013 to 5 September 2014. It summarizes the work of and matters addressed by the Committee during that period.

### C. 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 Compliance 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;

(b) To invite Parties to make contributions to the Trust Fund for Supplementary Activities to support the work of the Committee in the biennium 2014–2015 and express its thanks to the Parties that made contributions during the reporting period (see paras. XX and XX below).

(c) *[To be completed based on discussions at the 15<sup>th</sup> meeting of plenary].*

## II. Organizational matters

5. The plenary held two meetings during the reporting period. The fourteenth meeting of the plenary was held on 18 March 2014 and the fifteenth meeting from 4 to 5 September 2014, both in Bonn, Germany.

6. The facilitative branch met twice in Bonn (on 18 March 2014 and on 4 September 2014), as did the enforcement branch (on 18 March 2014 and on 4 September 2014).

7. In addition to those meetings, the secretariat organized an induction event which was held in Bonn, Germany, on 17 March 2014. The event was held in conjunction with the March meetings of the branches and the plenary and aimed, in particular, at facilitating the work of the new members and alternate members whose terms commenced in 2013 and 2014. The event offered an introduction to the work and role of the Compliance Committee and the secretariat, and included detailed presentations on substantive issues relating to the work of the Committee. It was attended by three inventory lead reviewers who contributed

to the discussions of the Committee and helped maintaining the momentum of the dialogue between the Committee and inventory lead reviewers.

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.<sup>1</sup>

#### **A. Election of the chairpersons and vice-chairpersons of the enforcement and facilitative branches of the Compliance Committee**

9. In accordance with section II, paragraph 4, of the procedures and mechanisms,<sup>2</sup> on 18 March 2014, at its fifteenth meeting, the facilitative branch elected Mr. Delano Ruben Verwey as chairperson and Mr. Ladislaus Kyaruzi as vice-chairperson, and the enforcement branch, at its twenty-fourth meeting, elected Ms. Rueanna Haynes as chairperson and Mr. Gerhard Loibl as vice-chairperson, by acclamation. These chairpersons and vice-chairpersons constitute the new bureau of the Compliance Committee.

10. The plenary and the branches expressed their appreciation for the work of the members of the previous bureau, namely Mr. Khalid Abuleif, chairperson of the facilitative branch, and Mr. René Lefeber, chairperson of the enforcement branch.

#### **B. Membership of the Compliance Committee**

11. In accordance with rule 3, paragraph 5, 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), when a member or alternate member resigns or is otherwise unable to complete the assigned term or the functions of a member or alternate member, the Committee is to request the CMP to elect a new member or alternate member for the remainder of the term at its next session.

12. The plenary wishes to note its profound sadness at the passing away earlier in 2014 of Mr. Marc Pallemmaerts, an alternate member of the Compliance Committee elected to serve in the enforcement branch until 31 December 2015. Mr. Pallemmaerts contributed greatly to the work of the Committee on which he served in various capacities since its establishment, including as a member of the facilitative branch from 2006 to 2011, as its vice-chairperson from 2008 to 2010 and, since 2012, as an alternate member of the enforcement branch.

13. In accordance with section II, paragraph 5, and section V, paragraph 2, of the procedures and mechanisms, and rule 3, paragraph 5, of the rules of procedure, the plenary requests the CMP to fill the vacancy in the enforcement branch by electing a member from the Western European and other States to serve for the remaining period of Mr. Pallemmaerts' term until 31 December 2015.

14. [Mr. Ali Abbas Haider Farman, an alternate member nominated by the Non-Annex I Parties and elected to serve in the facilitative branch until 31 December 2015, resigned from the Committee as of 1 July 2014. In accordance with section II, paragraph 5, and section IV, paragraph 2, of the procedures and mechanisms, and rule 3, paragraph 5, of the rules of procedure, the plenary requests the CMP to fill the vacancy in the facilitative

<sup>1</sup> <[http://unfccc.int/kyoto\\_protocol/compliance/items/2875.php](http://unfccc.int/kyoto_protocol/compliance/items/2875.php)>.

<sup>2</sup> The reference to "procedures and mechanisms" hereinafter refers to Procedures and mechanisms relating to compliance under the Kyoto Protocol contained in the annex to decision 27/CMP.1.

branch by electing an alternate member from Parties not included in Annex I to serve for the remaining period of Mr. Farman's term.]

### **C. Transparency, communication and information**

15. In accordance with rule 9, paragraph 1, of the rules of procedure, 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.

16. 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.<sup>3</sup>

17. At its fourteenth meeting, the plenary considered the report by Mr. Lefeber and the Secretary to the Compliance Committee on the outcomes of the first session of the dialogue with the compliance bodies of other multilateral environmental agreements on national reporting issues that was held as part of the tenth meeting of the Basel Implementation and Compliance Committee.

### **D. Privileges and immunities for members and alternate members of the Compliance Committee**

18. At its fifteenth meeting, the plenary noted the oral report by the secretariat on the current state of negotiations on legal arrangements for privileges and immunities for individuals serving on constituted bodies under the Kyoto Protocol.

19. The plenary [*to be completed based on discussions at the 15<sup>th</sup> meeting of plenary*].

### **E. [Use of electronic means of decision-making**

20. Pursuant to rule 11, paragraph 2, of the rules of procedure, the Compliance Committee may elaborate and take decisions using electronic means. [During the reporting period, the branches and the plenary did not need to resort to electronic means for their decision-making.] (*to be confirmed subject to the outcomes of the 16<sup>th</sup> meeting of the facilitative branch, the 25<sup>th</sup> meeting of the enforcement branch and the 15<sup>th</sup> meeting of the plenary*)]

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<sup>3</sup> Documents relating to the plenary are available at <[http://unfccc.int/kyoto\\_protocol/compliance/plenary/items/3788.php](http://unfccc.int/kyoto_protocol/compliance/plenary/items/3788.php)>; documents relating to the facilitative branch are available at <[http://unfccc.int/kyoto\\_protocol/compliance/facilitative\\_branch/items/3786.php](http://unfccc.int/kyoto_protocol/compliance/facilitative_branch/items/3786.php)>; and documents relating to the enforcement branch are available at <[http://unfccc.int/kyoto\\_protocol/compliance/enforcement\\_branch/items/3785.php](http://unfccc.int/kyoto_protocol/compliance/enforcement_branch/items/3785.php)>.

### III. Work undertaken in the reporting period

#### A. Activities of the plenary

##### 1. Reports of expert review teams under Article 8 of the Kyoto Protocol and other information received by the plenary of the Compliance Committee *[to be completed before adoption of the report by the plenary]*

21. In accordance with section VI, paragraph 3, of the procedures and mechanisms, the secretariat forwarded to the Committee the reports of the individual reviews of the annual submissions submitted in 2013 by Australia, Austria, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, European Union, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Luxembourg, Monaco, Netherlands, New Zealand, Poland, Romania, Slovenia, Spain, Sweden, Switzerland, Ukraine and United Kingdom of Great Britain and Northern Ireland.

22. Also in accordance with section VI, paragraph 3, of the procedures and mechanisms and decision 22/CMP.1, annex, paragraph 49, the secretariat forwarded to the Committee the annual status reports of annual inventories submitted in 2014 of Australia, Austria, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, European Union, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, 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.

23. Similarly, in accordance with section VI, paragraph 3, of the procedures and mechanisms, the secretariat forwarded to the Committee the reports of the technical review of the sixth national communication submitted in 2014 by the Netherlands, New Zealand, Spain and Switzerland.

24. In accordance with decision 13/CMP.1, paragraph 4, the secretariat forwarded to the Committee the sixth annual compilation and accounting report for Parties to the Convention with commitments inscribed in Annex B to the Kyoto Protocol and the addendum thereto.<sup>4</sup>

25. At its fifteenth 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. The plenary *[to be completed based on discussions at the 15<sup>th</sup> meeting of plenary]*

##### 2. Consistency of review under Article 8

26. At its fourteenth meeting, the plenary decided to convene a closed session to hear a report from Mr. Verwey, the chairperson of the facilitative branch, on his participation in the 11<sup>th</sup> meeting of inventory lead reviewers, which was held in Bonn from 3 to 5 March 2014. The overriding reason for holding that part of the meeting in private was the fact that the chairperson was reporting back on a closed meeting.

27. Having considered the above report, the plenary recalled its intention to organize further joint workshops with the inventory lead reviewers.<sup>5</sup> In this regard, at its fifteenth meeting, the plenary discussed the scope of such a possible workshop to be organized in 2015 in conjunction with the meetings of the inventory lead reviewers and of the Compliance Committee. The plenary *[to be completed based on discussions at the 15<sup>th</sup> meeting of plenary]*.

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<sup>4</sup> CC/2013/1

<sup>5</sup> FCCC/KP/CMP/2013/3, paragraph 6.

### **3. Implications for the work of the Compliance Committee arising from the timing of the entry into force of the Doha Amendment to the Kyoto Protocol**

28. At its fifteenth, the plenary continued to consider possible implications for its work in the second commitment period arising from decision 1/CMP.8 and the provisions of the annex to decision 27/CMP.1 related to the first commitment period. It, in particular, agreed to further consider any implications for its work arising from the timing of the entry into force of the Doha amendment to the Kyoto Protocol. The plenary [*to be completed based on discussions at the 15<sup>th</sup> meeting of plenary*].

## **B. Activities of the enforcement branch**

### **1. Delay in the submission by a Party included in Annex I of its national inventory report for 2014**

29. At its twenty-fifth meeting, the enforcement branch considered the delay in the submission by Monaco of its National Inventory Report (NIR) for 2014. In accordance with decision 11/CP.4, the deadline for submission of national inventory reports for 2014 was 15 April 2014. Monaco submitted its NIR for 2014 on 30 June 2014

30. In accordance with paragraph 3 (a) of the annex to decision 15/CMP.1, a Party included in Annex I shall fail to meet the methodological and reporting requirements under Article 7, paragraph 1, of the Kyoto Protocol for the purpose of the eligibility requirements under the Protocol if, inter alia, the Party concerned has failed to submit an annual inventory of anthropogenic emissions by sources and removals by sinks of greenhouse gases not controlled by the Montreal Protocol, including the NIR and the common reporting format, within six weeks of the submission date established by the Conference of the Parties (i.e., in this particular case, 27 May 2014).

31. The enforcement branch [*to be completed following the discussions at the 25<sup>th</sup> meeting of the enforcement branch.*]

### **2. Effects of a Party's withdrawal from the Kyoto Protocol on its reporting obligations**

32. At its twenty-fourth meeting, the branch requested the secretariat to prepare a background paper on Canada's withdrawal from the Kyoto Protocol and its effects on Canada's reporting obligations under the Kyoto Protocol for consideration at its twenty-fifth meeting, with a view to determining whether it would bring the matter to the attention of the plenary.

33. At its twenty-fifth meeting, the branch [*to be completed following the discussions at the 25<sup>th</sup> meeting of the enforcement branch*].

## **C. Activities of the facilitative branch**

### **1. Provisions related to facilitation: advice and facilitation**

#### **a) Early warning of potential non-compliance**

34. The facilitative branch, at its fifteenth meeting, continued its consideration on whether to commence an early warning exercise with respect to Austria, Croatia and Italy.<sup>6</sup> It agreed to revisit the matter at its sixteenth meeting and consider any review reports of the three Parties' 2013 annual submissions and their sixth national communications (NC6s)

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<sup>6</sup> CC/FB/15/2014/2, paragraphs 7 to 10.



that would be available at that time. Following the decision of the branch at its thirteenth meeting to explore ways to invite some inventory lead reviewers to attend meetings of the branch,<sup>7</sup> two reviewers attended the meeting at the invitation of the branch and contributed to the discussions.

35. The facilitative branch decided [*to be completed following the discussions at the 16<sup>th</sup> meeting of the facilitative branch*].

**b) Late submission by Parties included in Annex I of their sixth national communications**

36. At its fifteenth meeting, the facilitative branch noted with concern that Monaco was again late in submitting its national communication and wrote to Monaco raising these concerns and seeking whether it could provide any advice and facilitation. A letter from the chairperson of the branch was sent to Monaco on 22 April 2014. Monaco replied on 18 June 2014 by e-mail explaining the delay and informing the branch that it did not require the support of the facilitative branch.

37. The branch also noted that Slovenia was late in submitting its NC6 and that Slovenia had informed the secretariat that it would be submitted by the end of the first quarter of 2014. The branch agreed that if Slovenia's NC6 is not submitted in the first quarter of 2014, the branch would send Slovenia a letter raising concerns on the late submission and seeking whether it could provide any advice and facilitation. Slovenia submitted its NC6 on 17 April 2014 and no further action has been undertaken by the branch.

38. At its sixteenth meeting, the branch [*to be completed following the consideration of the matters referred to in paragraphs 36 and 37 above or any related matters by the branch at its 16<sup>th</sup> meeting*].

**D. Budget for the work of the Compliance Committee**

39. For the biennium 2014–2015, EUR 1,123,508<sup>8</sup> was approved in the core budget of the UNFCCC for activities related to the Compliance Committee. In addition, EUR 515,079 was approved under the item “Support to the Compliance Committee” of the resource requirements of the Trust Fund for Supplementary Activities. As at 31 July 2014, contributions of USD 14,770 had been received for the biennium. The CMP may wish to express its sincere thanks to the following Parties that made contributions to the Trust Fund for Supplementary Activities to support the work of the Compliance Committee in the biennium 2014–2015: Belgium and Japan.

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<sup>7</sup> FCCC/KP/CMP/2013/3, paragraph 54.

<sup>8</sup> This amount does not include secretariat-wide operating costs, programme support costs (overheads) or working capital reserve, as defined in decision 27/CP.19.

**Annex title**

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