



PLENARY OF THE COMMITTEE

Fifth meeting

8-9 October 2008
Bonn, Germany

Report on the meeting

1. Opening of the meeting

1. Mr. Ismail El Gizouli, co-chairperson of the plenary, opened the meeting.
2. At the request of the co-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 all members and alternate members present had signed the Oath of Service, and that the meeting was being webcast live on the Internet. The secretariat noted that four individuals had registered as observers.

2. Adoption of the agenda

3. The plenary of the Committee reviewed and adopted its agenda.

3. Report on the fourth meeting of the plenary

4. The plenary took note of the report on the fourth meeting prepared by the co-chairpersons. The Committee took the opportunity to thank the former co-chairpersons, Mr. Raúl Estrada Oyuela, and Mr. Hironori Hamanaka, along with the vice-chairpersons, Mr. Sebastian Oberthür and Ismail El Gizouli and recognize their invaluable contribution to the work of the Committee.

4. Information on privileges and immunities for members

5. The secretariat provided an update on recent developments related to privileges and immunities for members and alternate members of the Committee. The plenary thanked the secretariat for the presentation and agreed to include language that reflects its concerns regarding privileges and immunities in its annual report to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP).



5. Report of the enforcement branch

6. The plenary took note of the oral report of the enforcement branch, made to the plenary by the chairperson of the branch, Mr. Sebastian Oberthür, on the branch's work for the year.

7. The plenary took particular note of the outcomes of the stocktaking exercise of the enforcement branch, considered the working arrangements and amendments to the rules of procedure of the Compliance Committee proposed by the enforcement branch and agreed to submit amendments to the rules of procedure to the CMP for adoption, as contained in the annex to this report.

6. Report of the facilitative branch

8. The plenary took note of the oral report of the facilitative branch, made to the plenary by the vice-chairperson of the branch, Mr. Marc Pallemarts, on the outcomes of the branch's sixth meeting.

7. Information on the status of reports of expert review teams under Article 8 of the Kyoto Protocol

9. The secretariat introduced a paper on the status of submission and review of reports under the Kyoto Protocol (CC/5/2008/5). The plenary thanked the secretariat for the presentation and agreed to include language that reflects its concern regarding challenges faced by expert review teams in its annual report to the CMP.

8. Consistency of reviews under Article 8

10. The secretariat introduced document CC/5/2008/2 and made a presentation on the review process under Article 8 of the Kyoto Protocol. The plenary thanked the secretariat for the document and presentation and agreed to include language that reflects its concerns regarding the review process in its annual report to the CMP.

11. In particular, the plenary noted that the document contained a significant amount of important information, that it had been provided to the Committee only immediately prior to the meeting, and that the material may require further study. The plenary further noted that it continues to have concerns with issues of consistency in the review process and resource limitations, including the lack of available experts. The review functions required under the Kyoto Protocol, which are of crucial importance to the work of the Committee may be seriously compromised by these issues, and therefore the plenary will continue to keep these issues under review at its future meetings.



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9. Annual report to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol

12. The plenary considered the draft of the annual report of the Compliance Committee to the CMP (CC/5/2008/3). The plenary adopted the report as amended and agreed to forward its report to the CMP for consideration at its fourth session.

10. Calendar of meetings for 2009

13. The plenary agreed to have one meeting in 2009 and to meet in conjunction with possible meetings of the branches, or the next session of the subsidiary bodies as feasible, with the date to be decided by the bureau in consultation with the secretariat.

11. Other matters

14. No other matters were raised.

12. Closure of the meeting

15. After thanking the members and alternate members for their presence and constructive participation at the meeting and the secretariat for its outstanding support, Mr. Marc Pallemmaerts, vice-chairperson of the facilitative branch, closed the meeting at 13:00 on 9 October 2008.



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13. Attendance

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

Members (in alphabetical order)	Alternate Members
1) ABDULLA, Amjad Mr.	MACE , Mary Jane Ms. ^{++*}
2) ABULEIF , Khalid Mr. ^{**}	CHOI , Jai-Chul Mr.
3) AGHAZADEH KHOEI , Javad Mr.	JANELIDZE , Paata Mr.
4) ALBÁN DURÁN, María Andrea Ms.	LEWIS, Ato Mr.
5) DE WET , Johanna G. Susanna Ms.	AMOUGOU, Joseph Armathé Mr.
6) DIXELIUS , Anna Ms.	NOTARO , Nicola Mr.
7) EL GIZOULI , Ismail Mr.	MICHIEKA , Ratemo Mr.
8) ESTRADA OYUELA, Raúl Mr.	ITURREGUI BYRNE , Patricia Ms. ⁺⁺
9) <i>vacant</i> [‡]	BERMAN , Mark Mr. ⁺⁺
10) LEFEBER , René Mr.	LOIBL, Gerhard Mr.
11) MICHEL , Stephan Mr.	JACOBSEN , Kirsten Ms.
12) NAMANYA , Bernard Mr.	RAMOTHWA , Gladys Ms.
13) OBERTHÜR , Sebastian Mr.	KUOKKANEN , Tuomas Mr.
14) PALLEMAERTS , Marc Mr.	ROBERTS , Adrian Paul Mr.
15) PEDROSO CUESTA , Pedro Luis	LIMA , Antonio Pedro Monteiro Mr.
16) RAJABOV , Ilhomjon Mr.	NISHAT , Ainun Mr.
17) SEDYAKIN , Valeriy Mr.	SHIRMA , Roman, Mr.
18) SHAMANOV , Oleg Mr.	TARASENKO , Vladimir Mr.
19) SU, Wei Mr.	ALAM , Mohammad Mr. ⁺⁺
20) ZONGO , Isidore Nonga Mr.	ICHSANA ISHAK , Inar Ms.

⁺⁺ Served as member.

* Ms. Mace was absent in the morning of 9 October 2008.

** Mr. Abuleif was absent in the afternoon of 8 October 2008.

‡ Mr. Hironori Hamanaka resigned.



Annex

Proposed amendments to the rules of procedure

In accordance with section III, paragraph 2 (d), of the annex to decision 27/CMP.1, the following text is put forward for adoption by the CMP as amendments to the rules of procedure of the Compliance Committee of the Kyoto Protocol contained in the annex to decision 4/CMP.2:

1. The following text should be inserted following rule 13:

“9 bis. CALCULATION OF TIME PERIODS

Rule 13 bis

For the purposes of calculating time periods:

- (a) The day of the act or event from which the period of time begins to run shall not be included. The last day of the period so calculated shall be included, unless it is a Saturday, Sunday or official UNFCCC holiday, or official national holiday in the case of a time limit applicable to a Party concerned, in which case the period shall be deemed to run until the end of the next working day;
- (b) Subject to subparagraph (a) above, where a period of time is expressed in weeks, months or years, the day on which the period of time expires shall be the same day of the week, month or year as the day from which the period of time begins to run, or if the month does not have such a date, the last day of that month.”

2. Rule 18 should be revised as follows, in order to extend coverage to the proposed new rule 25 bis, below:

“1. Any submission or comment under rules 14, 15, ~~and~~ 17 and 25 bis shall be signed by the agent of the Party and be delivered to the secretariat in hard copy and by electronic means.”

3. The following text should be inserted as a new paragraph 3 under rule 25:

“3. The entitlement of the Party concerned to designate one or more persons to represent it during the consideration of a question of implementation pursuant to paragraph 2 of section VIII extends to any meeting convened to:

- (a) Consider reinstatement of eligibility under section X;



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- (b) Review and assess any plan submitted to the enforcement branch under paragraph 2 or paragraph 6 of section XV;
 - (c) Consider any progress report on the implementation of this plan submitted to the enforcement branch under paragraph 3 or paragraph 7 of section XV.”
4. The following text should be inserted following rule 25:

“Rule 25 bis

1. A plan to be submitted by the Party concerned to the enforcement branch under paragraph 2 or paragraph 6 of section XV shall explicitly:
 - (a) Address, in separate sections, each of the elements specified in paragraph 2 or paragraph 6 of section XV;
 - (b) Respond to any specific issues raised in the part of the final decision of the enforcement branch applying the consequences.
 2. The enforcement branch shall endeavour to conduct the review and assessment of the plan under paragraph 2 or paragraph 6 of section XV within four weeks from the date of receipt of the plan.
 3. In its review and assessment, the enforcement branch shall assess whether the plan submitted:
 - (a) Sets out and adequately addresses the elements and issues referred to in paragraph 1 above;
 - (b) If implemented, is expected to remedy the non-compliance or to meet the quantified emission limitation or reduction commitment of the Party concerned in the subsequent commitment period, as envisaged in paragraph 2 and paragraph 6 of section XV, respectively.”
5. The following text should be inserted following the new proposed rule 25 bis:

“Rule 25 ter

The enforcement branch may hold a hearing requested by the Party concerned under section X, paragraph 1 (c), together with the meeting to adopt the preliminary finding or a decision not to proceed. Such a combined hearing and meeting shall be scheduled:

- (a) Within two weeks from the due date of the written submission under section X, paragraph 1 (b); or



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- (b) Within two weeks of the due date of a request for a hearing under section X, paragraph 1 (c), if the Party concerned indicates, by the due date of a request for a hearing, that it does not intend to make a written submission under section X, paragraph 1 (b).”
