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COMPLIANCE COMMITTEE

CC/6/2009/3  
22 September 2009

**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 sixth meeting.

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**CONFERENCE OF THE PARTIES SERVING AS THE  
MEETING OF THE PARTIES TO THE KYOTO PROTOCOL**  
Fifth session  
Copenhagen, 7–18 December 2009

**Item 8 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 fourth 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 10 October 2008 to [14] October 2009. The report provides a summary of the further consideration by the enforcement branch of the question of implementation with respect to Greece and its consideration of two questions of implementation with respect to Croatia. [It also contains information on discussions by the facilitative branch of provisions relating to facilitation and discussions of the plenary on consistency in the review process.]

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\* This document was submitted late to take into account the outcomes of the sixth meeting of the plenary of the Compliance Committee, which took place from 12 to [14] October 2009.

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## I. Introduction

### A. Mandate

1. Under 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 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 fourth annual report of the plenary of the Compliance Committee covers the period from 10 October 2008 to [14] October 2009. 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 may wish to consider this annual report of the Compliance Committee.

4. The CMP may also wish to:

- (a) Invite the President of the CMP to undertake consultations on the nominations of members and alternate members of the Compliance Committee, as necessary;
- (b) [*Any other request*].

## II. Organizational matters

5. The sixth meeting of the plenary of the Compliance Committee was held in Bangkok, Thailand, from 12 to [14] October 2009.

6. The seventh meeting of the facilitative branch was held in Bangkok on 12 October 2009 and the seventh meeting of the enforcement branch was held in Bangkok from 11 to [12] October 2009. In addition to these meetings, during the reporting period the bureau of the Compliance Committee and the enforcement branch used electronic means to take decisions on the allocation of questions of implementation, on expert advice and on preliminary examination, thereby reducing meeting-related costs.

7. The agenda and annotations, documentation supporting agenda items, and the chairpersons’ report on each meeting of the plenary and the facilitative and enforcement branches are available on the UNFCCC website.<sup>1</sup>

### A. Membership in the Compliance Committee

8. In accordance with rule 3, paragraph 1, of the “Rules of procedure of the Compliance Committee of the Kyoto Protocol” (annex to decision 4/CMP.2, as amended by decision 4/CMP.4; hereinafter referred to as the Rules of procedure as amended), the term of service of each member and alternate member starts on 1 January of the calendar year immediately following his or her election and ends on 31 December two or four years thereafter, as applicable. The list of members and alternate members whose term expires on 31 December 2009 is contained in annex I to this report.

9. In accordance with rule 3, paragraph 5, of the Rules of procedure as amended, when a 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. Mr. Vladmir Tarasenko, an alternate member of the Compliance Committee

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

elected to serve in the enforcement branch until 31 December 2011, passed away on 6 June 2009. The plenary expressed sorrow over the unexpected death of Mr. Tarasenko and expressed appreciation for his service to the Compliance Committee.

10. [The plenary notes that the Executive Board of the clean development mechanism,<sup>2</sup> the Joint Implementation Supervisory Committee,<sup>3</sup> and the Adaptation Fund Board<sup>4</sup> all have the option of appointing another member or alternate member to replace a member or alternate member who resigns or is otherwise unable to complete his or her assigned term of office or to perform the functions of that office for the remainder of the mandate of that member or alternate member prior to the next session of the CMP.]

11. In accordance with section IV, paragraph 2, section V, paragraph 2, and section II, paragraph 5, of the procedures and mechanisms, the plenary of the Committee requests the CMP to fill the vacancy in the enforcement branch by electing a member from the Eastern European group to serve for the remaining period of Mr. Tarasenko's term and to elect five new members to serve in the facilitative branch, five new members to serve in the enforcement branch and an alternate member for each new member, respectively, all for a term of four years.

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

12. Pursuant to rule 9, paragraph 1, of the Rules of procedure as amended, the sixth meeting of the plenary, the seventh meeting of the facilitative branch and parts of the seventh meeting of the enforcement branch that were held in public were recorded and broadcast on the Internet through the UNFCCC website.

13. In accordance with rule 12, paragraph 2, of the Rules of procedure as amended, all official documents of the plenary and the branches have been made available to the public through the UNFCCC website.<sup>5</sup>

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

14. In accordance with the conclusions of the Subsidiary Body for Implementation (SBI) at its twenty-sixth session relating to privileges and immunities for individuals serving on constituted bodies established under the Kyoto Protocol,<sup>6</sup> the plenary notes that in the reporting period, no disputes, complaints or claims relating to the Compliance Committee or to individuals serving on the Committee with regard to their official functions have been raised.

15. [*Any other remarks on this point*]

## **III. Work undertaken in the reporting period**

### **A. Reports of expert review teams under Article 8 of the Kyoto Protocol and other information received by the plenary of the Compliance Committee**

16. In accordance with section VI, paragraph 3, of the procedures and mechanisms, the secretariat forwarded to the Compliance Committee the reports from the expert review teams of the centralized in-depth reviews of the fourth national communications (IDRs) of Austria, Belarus, Italy, and the Russian Federation.

17. Also in accordance with section VI, paragraph 3, of the procedures and mechanisms, the secretariat forwarded to the Compliance Committee the report of the review of the initial report (IRR) of Australia.

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<sup>2</sup> Paragraph 11, annex to decision 3/CMP.1.

<sup>3</sup> Paragraph 12, annex to decision 9/CMP.1.

<sup>4</sup> Paragraph 8, annex I to decision 1/CMP.4.

<sup>5</sup> Documents relating to the plenary are found on this page:

<[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 can be accessed on this page: <[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 on this page:

[http://unfccc.int/kyoto\\_protocol/compliance/enforcement\\_branch/items/3785.php](http://unfccc.int/kyoto_protocol/compliance/enforcement_branch/items/3785.php)>.

<sup>6</sup> FCCC/SBI/2007/15, paragraphs 163–168.

18. Further 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 Compliance Committee the annual status reports of annual inventories of Australia, Austria, Belarus, Belgium, Bulgaria, Canada, Croatia, the Czech Republic, Denmark, Estonia, the European Community, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Poland, Portugal, Romania, the Russian Federation, Slovakia, Slovenia, Spain, Sweden, Switzerland, Ukraine and the United Kingdom.

19. Likewise in accordance with section VI, paragraph 3, of the procedures and mechanisms, the secretariat forwarded to the Compliance Committee the reports of the individual review of the greenhouse gas inventories submitted in 2007 and 2008 by Austria, Belgium, Bulgaria, Canada, the Czech Republic, Denmark, Estonia, the European Community, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Monaco, the Netherlands, New Zealand, Norway, Poland, Portugal, Romania, the Russian Federation, Slovenia, Spain, Sweden, Switzerland, Ukraine and the United Kingdom.

20. In accordance with section VI, paragraph 1, of the procedures and mechanisms, the secretariat forwarded to the Compliance Committee the IRR of Croatia, which indicated two questions of implementation. In accordance with section VI, paragraph 2, of the procedures and mechanisms, the report was also made available to Croatia. Information on the work of the enforcement branch with respect to these questions of implementation is set out in **chapter III C below**.

21. At its sixth meeting, the plenary considered the information provided to it by the secretariat on the status of submission and review of reports under the Kyoto Protocol (document CC/6/2009/2)[ and noted[, with increasing concern,] that to date, nearly four years after the deadline set out in decision 4/CP.8 in relation to decision 22/CMP.1, Luxembourg has failed to submit its fourth national communication containing the supplementary information required under Article 7, paragraph 2, of the Kyoto Protocol [despite the concern expressed by the CMP in this regard].<sup>7</sup>][.]

22. At its fifth meeting, the plenary decided to continue to keep the issues of consistency in the review process and resource limitations, including the lack of available experts, under review in its future meetings. At its sixth meeting, the plenary . . . *[placeholder for anything that the plenary would like to say about consistency of reviews]*

### **B. Consideration by the enforcement branch of a question of implementation with respect to Greece**

23. On 27 October 2008, Greece submitted a revised plan under paragraph 2 of section XV of the procedures and mechanisms in response to the request of the enforcement branch (see document CC-2007-1-10/Greece/EB). On the same date, Greece also submitted a request to reinstate its eligibility to participate in the mechanisms under Articles 6, 12 and 17 of the Kyoto Protocol.<sup>8</sup>

24. On 13 November 2008, the enforcement branch decided, by electronic means, that there no longer continued to be a question of implementation, and that Greece was fully eligible to participate in the mechanisms under Articles 6, 12 and 17 of the Kyoto Protocol (see document CC-2007-1-13/Greece/EB).

25. In accordance with section III, paragraph 2 (a), of the procedures and mechanisms, the decision described in paragraph **24** above is contained in annex II to this report.

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<sup>7</sup> Decision 5/CMP.3, “Compliance under the Kyoto Protocol”.

<sup>8</sup> Events relating to the consideration by the enforcement branch of a question of implementation with respect to Greece that occurred during the preceding reporting period can be found in Chapter III B of the third 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/2008/5.

### **C. Consideration by the enforcement branch of the questions of implementation with respect to Croatia**

26. On 27 August 2009, the Compliance Committee received two questions of implementation indicated in the IRR of Croatia.<sup>9</sup> The bureau of the Compliance Committee allocated the questions of implementation to the enforcement branch on 28 August 2009. On 8 September 2009, the enforcement branch took a decision to proceed (see document CC-2009-1-2/Croatia/EB) with the questions of implementation.

27. The first question of implementation relates to Croatia's calculation of its assigned amount and its compliance with Article 3, paragraphs 7 and 8, of the Kyoto Protocol and the modalities for the accounting of assigned amounts under Article 7, paragraph 4, of the Kyoto Protocol (decision 13/CMP.1). The second question of implementation relates to Croatia's calculation of its commitment period reserve and its compliance with the modalities for the accounting of assigned amounts under Article 7, paragraph 4, of the Kyoto Protocol (decision 13/CMP.1).

28. [The enforcement branch received a written submission from Croatia on [date] and, on [11] October 2009, held a hearing at the request of the Party.] [*To be completed*]

29. In accordance with section III, paragraph 2 (a), of the procedures and mechanisms, the decisions taken by the enforcement branch with respect to Croatia during the reporting period are contained in annex III to this report.

### **D. Consideration by the facilitative branch of provisions related to facilitation**

30. At its sixth meeting the branch agreed to continue discussions at its next meeting on how it 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.

31. [*description of what they discussed at the sixth meeting*]

## **IV. Participation of members and alternate members**

32. Decision 5/CMP.3 requested the secretariat to provide information to Parties, in its preparation for the budget for the biennium 2010–2011, on the consequences of the proposal by the Compliance Committee to extend funding for the costs of travel and participation in meetings of the Committee to all its members and alternate members. In addition to this information, decision 4/CMP.4 requested the secretariat to provide information to Parties on the implications of the proposal of the Compliance Committee that the United Nations rules and regulations on official travel applied to United Nations staff also be applied to eligible members and alternate members of the Compliance Committee, with a view to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol considering this proposal at its fifth session, including taking any decision in this regard, as appropriate.

33. The plenary notes that the proposed programme budget for the biennium 2010–2011<sup>10</sup> provides information on the consequences of the proposal by the Committee to extend funding for the costs of travel and participation in meetings of the Committee to all its members and alternate members. The plenary also notes that information on implications of the proposal by the Compliance Committee to apply the United Nations rules and regulations on official travel for staff to eligible members and alternate members of the Compliance Committee was also made available to Parties during consultations on the programme budget for the biennium 2010–2011 that were held during the thirtieth session of the SBI.

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<sup>9</sup> FCCC/IRR/2008/HRV.

<sup>10</sup> FCCC/SBI/2009/2.

34. The plenary further notes with regret that the SBI's recommendation to the CMP relating to the core programme budget for the biennium 2010–2011 maintains the current practice for the travel of members of constituted bodies.<sup>11</sup>

35. [*any other remarks from the plenary*]

## **V. Availability of resources**

### **A. Budget and expenditures for the work of the Compliance Committee**

36. For the biennium 2008–2009, USD 1,022,500 was approved in the core budget of the UNFCCC for activities related to the Compliance Committee. In addition, of the USD 1,034,685 under the item "Support to the Compliance Committee" of the resource requirements of the Trust Fund for Supplementary Activities, contributions of USD 368,943 were received for the biennium. The Committee expresses its 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 2008–2009: Belgium, Japan, Spain, Switzerland and the United Kingdom.

### **B. Resources required for the biennium 2010–2011**

37. For the biennium 2010–2011, USD 1,756,299<sup>12</sup> is being proposed for approval by the CMP in the core budget of the UNFCCC for activities related to the Compliance Committee. In addition, USD 845,130 is to be provided from the Trust Fund for Supplementary Activities.

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<sup>11</sup> Under this practice, funding is offered to members and alternate members from eligible developing country Parties and Parties with economies in transition, and is limited to an air ticket from the most direct route and the least costly fare, plus daily subsistence allowance at the established United Nations rate.

<sup>12</sup> This amount is net of programme support costs (overheads) and working capital reserve.



Annex I

**Members and alternate members of the Compliance Committee  
whose term expires on 31 December 2009**

**Enforcement Branch**

<b>Member</b>	<b>Alternate</b>	<b>Group</b>
Ms. Johanna G. S. De Wet	Mr. Joseph A. Amougou	Africa
Mr. Su Wei	Mr. Mohammad Alam	Asia
Mr. Raúl Estrada-Oyuela	Ms. Patricia Iturregui Byrne	Latin America and the Caribbean
Mr. Sebastian Oberthür	Mr. Tuomas Kuokkanen	Annex I Parties
Mr. Bernard Namanya	Ms. Gladys K. Ramothwa	Non-Annex I Parties

**Facilitative Branch**

<b>Member</b>	<b>Alternate</b>	<b>Group</b>
Mr. Ismail A. R. El Gizouli	Mr. Ratemo W. Michieka	Africa
Mr. Khalid M. Abuleif	Mr. Jai-Chul Choi	Asia
Ms. María Andrea Albán Durán	Mr. Ato J. Lewis	Latin America and the Caribbean
Mr. Kunihiko Shimada	Mr. Mark Berman	Annex I Parties
Mr. Javad Aghazadeh Khoei	Mr. Paata Janelidze	Non-Annex I Parties

Annex II

**[Decision taken by the enforcement branch of the Compliance Committee [in the reporting period] with respect to Greece]  
[Decision under paragraph 2 of section X taken by the enforcement branch of the Compliance Committee with respect to Greece]**

**DECISION UNDER PARAGRAPH 2 OF SECTION X\***

*Party concerned: Greece*

In accordance with the Procedures and mechanisms relating to compliance contained in the annex to decision 27/CMP.1 and adopted under Article 18 of the Kyoto Protocol and pursuant to the Rules of procedure of the Compliance Committee,<sup>1</sup> the enforcement branch adopts the following decision:

**BACKGROUND**

1. On 17 April 2008, the enforcement branch adopted the final decision (document CC-2007-1-8/Greece/EB) that gave effect to the consequences contained in paragraph 18 of the preliminary finding of the branch as confirmed by and annexed to the final decision. According to subparagraph (c) of this paragraph, Greece is not eligible to participate in the mechanisms under Articles 6, 12 and 17 of the Protocol pending the resolution of the question of implementation.
2. On 7 October 2008, the enforcement branch adopted a decision on the review and assessment of the plan submitted by Greece under paragraph 2 of section XV<sup>2</sup> (document CC-2007-1-9/Greece/EB) and requested Greece to submit, as early as possible, a revised plan (document CC-2007-1-10/Greece/EB).
3. Following an in-country review, the annual review report entitled “Report of the individual review of the greenhouse gas inventories of Greece submitted in 2007 and 2008” was published on 17 October 2008 (document FCCC/ARR/2008/GRC; hereinafter referred to as “review report”).
4. On 20 October 2008, the secretariat forwarded the review report to the Compliance Committee, including the members and alternate members of the enforcement branch, in accordance with paragraph 3 of section VI.
5. On 27 October 2008, Greece submitted a revised plan under paragraph 2 of section XV in response to the request of the enforcement branch referred to in paragraph 2 above (document CC-2007-1-11/Greece/EB).
6. On 27 October 2008, Greece also submitted a request to reinstate its eligibility to participate in the mechanisms under Articles 6, 12 and 17 of the Protocol in accordance with paragraph 2 of section X (document CC-2007-1-12/Greece/EB). In accordance with paragraph 2 of rule 10, the request was deemed received by the enforcement branch on 28 October 2008.

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\* Enforcement branch of the Compliance Committee, CC-2007-1-13/Greece/EB, 13 November 2008.

<sup>1</sup> All references to the Rules of procedure refer to the rules contained in the annex to decision 4/CMP.2.

<sup>2</sup> All section references in this document refer to the Procedures and mechanisms relating to compliance contained in the annex to decision 27/CMP.1.

## REASONS AND CONCLUSIONS

7. The expert review team (ERT) concluded that the national system of Greece is performing its required functions, as set out in the annex to decision 19/CMP.1. The ERT further concluded that the institutional, legal and procedural arrangements of the new national system are fully operational, and that Greece has the capacity, including relevant arrangements for the technical competence of staff within the national system, to plan, prepare and manage inventories and their timely submission to the secretariat. During the review, no questions of implementation were identified by the ERT.
8. The review report also confirmed that the ERT had in-depth discussion on all aspects of the national system with the relevant staff, and that the transfer of information and data from the institution with previous technical responsibility for the inventory preparation to the new team has been completed.
9. The review report further identifies a number of measures that will ensure the continuity of inventory compilation during periods of transition, including:
- (a) The continued involvement of staff of the Ministry for the Environment, Physical Planning and Public Works (MINENV) over the five years of the current contract with the sub-contracted entity with technical responsibility for inventory preparation, and the provision of support by the sub-contracted entity to enhance inventory knowledge of staff in the MINENV climate change team;
  - (b) The allocation of alternates to cover staff turnover in the MINENV climate change team; and
  - (c) The establishment of procedures for archiving of all inventory information within MINENV.
10. The branch notes that, according to the information contained in the review report, the 2008 greenhouse gas inventory submission of Greece that was created under the new national system constitutes a considerable improvement on previous submissions and that further improvements have been achieved during and after the in-country review.
11. The branch further notes that the revised plan submitted by Greece in accordance with the request of the branch and referred to in paragraph 5 above, now addresses the stipulated elements and issues explicitly.
12. The branch concludes that the information now available is sufficient to conclude that the question of implementation has now been resolved.

## DECISION

13. In accordance with paragraph 2 of section X, the branch decides that there no longer continues to be a question of implementation with respect to Greece's eligibility, and that Greece is now fully eligible to participate in the mechanisms under Articles 6, 12 and 17 of the Protocol.

*Members and alternate members participating in the consideration and elaboration of the decision:*  
Mohammad Sa'dat ALAM, Johanna G. Susanna DE WET, Raúl ESTRADA OYUELA, Patricia ITURREGUI BYRNE, Kirsten JACOBSEN, Tuomas KUOKKANEN, René LEFEBER, Mary Jane MACE, Stephan MICHEL, Bernard NAMANYA, Sebastian OBERTHÜR, Ilhomjon RAJABOV, SU Wei, Vladimir TARASENKO

*Members participating in the adoption of the decision:* Johanna G. Susanna DE WET, Raúl ESTRADA OYUELA, René LEFEBER, Mary Jane MACE (alternate member serving as member), Stephan MICHEL,

Bernard NAMANYA, Sebastian OBERTHÜR, Ilhomjon RAJABOV, SU Wei, Vladimir TARASENKO  
(alternate member serving as member)

This decision was adopted by consensus on 13 November 2008.

Annex III**Decisions taken by the enforcement branch of the Compliance Committee [in the reporting period] with respect to Croatia****DECISION ON PRELIMINARY EXAMINATION\***

*Party concerned: Croatia*

1. On 26 August 2009, the secretariat received two questions of implementation indicated in the report of the expert review team regarding the review of the initial report of Croatia and contained in document FCCC/IRR/2008/HRV. In accordance with paragraph 1 of section VI<sup>1</sup> and paragraph 2 of rule 10 of the Rules of procedure of the Compliance Committee,<sup>2</sup> the questions of implementation were deemed received by the Compliance Committee on 27 August 2009.
2. The bureau of the Compliance Committee allocated the questions of implementation to the enforcement branch on 28 August 2009 under paragraph 1 of section VII, in accordance with paragraphs 4(b) and (c) of section V and paragraph 1 of rule 19 of the Rules of procedure.
3. On 31 August 2009, the secretariat notified the members and alternate members of the enforcement branch of the questions of implementation, in accordance with paragraph 2 of rule 19 of the Rules of procedure, and of its allocation to the enforcement branch.
4. The first question of implementation relates to Croatia's calculation of its assigned amount and its compliance with Article 3, paragraphs 7 and 8, of the Kyoto Protocol and the modalities for the accounting of assigned amounts under Article 7, paragraph 4, of the Kyoto Protocol (decision 13/CMP.1). In particular, the expert review team considered that the addition of 3.5 million tons carbon dioxide equivalent (CO<sub>2</sub> eq) by Croatia to its base year level following decision 7/CP.12 is not in accordance with Article 3, paragraphs 7 and 8, of the Kyoto Protocol and the modalities for the accounting of assigned amounts under Article 7, paragraph 4, of the Kyoto Protocol.<sup>3</sup>
5. The second question of implementation relates to Croatia's calculation of its commitment period reserve and its compliance with the modalities for the accounting of assigned amounts under Article 7, paragraph 4, of the Kyoto Protocol (decision 13/CMP.1). In particular, the expert review team considered that the calculation of Croatia's commitment period reserve, based on the calculation of its assigned amount following decision 7/CP.12, is not in accordance with paragraph 6 of the annex to decision 11/CMP.1 (which is required by paragraph 8(a) of the annex to decision 13/CMP.1).<sup>4</sup>
6. The first question of implementation referred to in paragraph 4 above is related to the eligibility requirements referred to in paragraph 31(b) of the annex to decision 3/CMP.1, paragraph 21(b) of the annex to decision 9/CMP.1 and paragraph 2(b) of the annex to decision 11/CMP.1. Consequently, the expedited procedures as contained in section X apply with regard to the first question of implementation.

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\* Enforcement branch of the Compliance Committee, CC-2009-1-2/Croatia/EB, 8 September 2009.

<sup>1</sup> All section references in this document refer to the Procedures and mechanisms relating to compliance contained in the annex to decision 27/CMP.1.

<sup>2</sup> Contained in the annex to decision 4/CMP.2, as amended by decision 4/CMP.4.

<sup>3</sup> See paragraph 157 and section II.C of the report of the expert review team contained in document FCCC/IRR/2008/HRV.

<sup>4</sup> See paragraph 158 and section II.D of the report of the expert review team contained in document FCCC/IRR/2008/HRV.

7. Both questions of implementation referred to in paragraphs 4 and 5 above relate to the same issue, namely whether Croatia's calculation of its assigned amount is in compliance with Article 3, paragraphs 7 and 8, of the Kyoto Protocol and the modalities for the accounting of assigned amounts under Article 7, paragraph 4, of the Kyoto Protocol (decision 13/CMP.1). The resolution of the second question of implementation follows from the resolution of the first. Consequently, both questions of implementation are considered jointly in the expedited procedures referred to in paragraph 6 above.
8. Having conducted the preliminary examination in accordance with paragraph 2 of section VII and paragraph 1(a) of section X, the enforcement branch decides to proceed. The enforcement branch, in particular, notes that the questions of implementation raised in the report by the expert review team of the review of the initial report of the Party concerned as indicated in paragraphs 4 and 5 above are supported by sufficient information, are not de minimis or ill-founded, and are based on the requirements of the Kyoto Protocol.
9. In accordance with paragraph 5 of section VIII and rule 21 of the Rules of procedure, the enforcement branch agrees to seek expert advice on the content and basis of the report of the expert review team contained in document FCCC/IRR/2008/HRV and on issues related to any decision of the enforcement branch with regard to the indicated questions of implementation.

*Members and alternate members participating in the consideration and elaboration of the decision:* Mohammad ALAM, Johanna G. Susanna DE WET, Raúl ESTRADA-OYUELA, Patricia ITURREGUI BYRNE, Kirsten JACOBSEN, Tuomas KUOKKANEN, René LEFEBER, Mary Jane MACE, Stephan MICHEL, Bernard NAMANYA, Sebastian OBERTHÜR, Ilhomjon RAJABOV, Oleg SHAMANOV.

*Members participating in the adoption of the decision on preliminary examination:* Mohammad ALAM (alternate member serving as member), Johanna G. Susanna DE WET, Raúl ESTRADA-OYUELA, René LEFEBER, Mary Jane MACE (alternate member serving as member), Stephan MICHEL, Bernard NAMANYA, Sebastian OBERTHÜR, Ilhomjon RAJABOV, Oleg SHAMANOV.

This decision was adopted by consensus on 7 September 2009.