



Framework Convention on Climate Change

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Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol Sixth session Cancun, 29 November to 10 December 2010

Agenda item 8 (b)

Matters relating to compliance under the Kyoto Protocol

**Appeal by Croatia against a final decision of the enforcement branch
of the Compliance Committee in relation to the implementation of
decision 7/CP.12**

Appeal by Croatia against a final decision of the enforcement branch of the Compliance Committee in relation to the implementation of decision 7/CP.12

Draft conclusions proposed by the President

1. The Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP), in accordance with the “Procedures and mechanisms relating to compliance under the Kyoto Protocol”¹, initiated consideration of the appeal by Croatia against a final decision of the enforcement branch of the Compliance Committee in relation to the implementation of decision 7/CP.12.² The CMP concluded that a common understanding of the procedural and substantive aspects relating to Croatia’s appeal was required to ensure fair and due consideration. In view of the importance of reaching such a common understanding, particularly since this was the first appeal submitted to the CMP, Parties engaged in a constructive discussion reflecting a range of views. Given the considerable importance attached by Parties to these issues, and the limited time available, the CMP was not able to complete its consideration of this item at this session. Consequently, in accordance with rule 16 of the draft rules of procedure being applied, this item will be included on the provisional agenda for the seventh session of the CMP.

2. In order to facilitate further consideration of this matter at its seventh session, the CMP requested the secretariat to prepare a technical paper outlining the procedural requirements and the scope and content of applicable law for the consideration of appeals under decision 27/CMP.1 and other relevant CMP decisions, as well as the approach taken by bodies constituted under other multilateral environmental agreements and other

¹ Decision 27/CMP.1, annex.

² FCCC/KP/CMP/2010/2.

international bodies in relation to provisions for the consideration of denial of due process.
Parties agreed that the findings of the secretariat will be used in their further discussions.
