
DECISION ON EXPERT ADVICE

Party concerned: Kazakhstan

In accordance with the “Procedures and mechanisms relating to compliance under the Kyoto Protocol”, contained in the annex to decision 27/CMP.1 and adopted under Article 18 of the Kyoto Protocol, and the “Rules of procedure of the Compliance Committee of the Kyoto Protocol” (the rules of procedure),¹ the enforcement branch adopts the following decision.

I. BACKGROUND

1. The final decision of the enforcement branch (CC/2019/1/6/Kazakhstan/EB) taken on 26 June 2019 confirmed the preliminary finding of the branch (CC/2019/1/5/Kazakhstan/EB) and gave effect to the findings and consequences contained in paragraph 26 thereof. According to paragraph 26(b) of the preliminary finding, as annexed to the final decision, Kazakhstan was to develop a plan referred to in paragraph 1 of section XV, in accordance with the substantive requirements of paragraph 2 of section XV and paragraph 1 of rule 25 bis of the rules of procedure, submit it within three months to the branch in accordance with paragraph 2 of section XV, and report on the progress of its implementation in accordance with paragraph 3 of section XV.

2. On 14 January 2020, the secretariat received from Kazakhstan the electronic copy of the document titled “Plan”(CC/2019/1/8/Kazakhstan /EB) in accordance with paragraph 26 (b) of the preliminary finding (CC/2019/1/5/Kazakhstan/EB), confirmed by the final decision of the Enforcement Branch of the Compliance Committee (CC/2019/1/5/Kazakhstan/EB) and referred to in paragraph 1 of section XV, in accordance with the substantive requirements of paragraph 2 of section XV and paragraph 1 of rule 25 bis of the rules of procedure of the Compliance Committee of the Kyoto Protocol (hereinafter referred to as the “plan”). In accordance with paragraph 2 of rule 10 of the rules of procedure, the revised plan was deemed received by the branch on 14 January 2020.

3. In accordance with paragraph 2 of section XV and paragraph 3 of rule 25 bis of the rules of procedure, the branch was required to review and assess the plan submitted by Kazakhstan.

4. The enforcement branch considered by electronic means the plan submitted by Kazakhstan and concluded that in order for the plan to fully meet the requirements set out in paragraph 2 of section XV decision 27/CMP.1 and rule 25 bis of the rules of procedure of the committee, some further revisions to the plan would be required.

5. On 6 February 2020, the chairperson of the branch sent a letter to Kazakhstan (CC/2019/1/9/Kazakhstan/EB) which included a preliminary analysis of the plan submitted with a request to re-submit a revised plan by 1 April 2020.

6. On 20 April 2020, the secretariat received from Kazakhstan the electronic copy of the document titled “Plan” (CC/2019/1/10/Kazakhstan /EB) in accordance with paragraph 26 (b) of the preliminary finding (CC/2019/1/5/Kazakhstan/EB), confirmed by the final decision of the enforcement branch of the Compliance Committee (CC/2019/1/5/Kazakhstan/EB) and referred to in paragraph 1 of section XV, in accordance with the substantive requirements of paragraph 2 of section XV and paragraph 1 of rule 25 bis of the rules of procedure of the Compliance Committee of the Kyoto Protocol (hereinafter referred to as the “revised plan”). In accordance with paragraph 2 of rule 10 of the rules of procedure, the revised plan was deemed received by the branch on 20 April 2020.

¹ All references to the rules of procedure in this document refer to the rules contained in the annex to decision 4/CMP.2 as amended by decision 4/CMP.4.

7. The branch considers that it needs to receive advice from experts in relation to further consideration of the revised plan submitted by Kazakhstan. In particular, advice, will be sought on whether the revised plan meets the requirements outlined in the letter from the chairperson and the preliminary analysis of the first plan (CC/2019/1/9/Kazakhstan/EB).

II. REASONS AND CONCLUSIONS

8. The technical nature of the revised plan requires the enforcement branch to seek assistance from experts. Advice from experts will facilitate the branch's further understanding of the revised plan, as well as the assessment of any information to be provided by the Party in accordance with the letter from the chair person and the preliminary analysis of the first plan referred to in paragraph 5.

9. The expert advice will be required to be provided by electronic means as provided under paragraph 2 of rule 11 of the rules of procedure.

10. In the context of the revised plan, the branch will, in particular seek, the opinion of and ask questions to the invited experts on the following issues:

- (a) Whether the contents of Draft Decree No. 214 and its amendments are appropriate to ensure compliance with international requirements;
- (b) Whether the revised plan contains sufficient measures to bring national inventory reporting to the level necessary for compliance; and
- (c) Whether the revised plan contains sufficient measures to bring the information on LULUCF activities and forest management reference levels to the level necessary for compliance.

11. The branch may address detailed follow-up questions to the invited experts through electronic means as referred to in paragraph 9 above. It may also request experts to provide advice on the assessment of any new information received with respect to the revised plan.

III. DECISION

12. In accordance with rule 21 of the rules of procedure and the considerations in paragraph 8 above, the enforcement branch decides to seek expert advice through electronic means (in writing), referred to in paragraph 9 above, on the questions, referred to in paragraphs 10 above, from the following experts:

- Mr. Ioannis Sempos, a member of the roster of experts who was not part of the ERT; and
- Ms. Olia Glade, one of the two lead reviewers of the ERT and generalist in the team.

13. The expert advice is to be received in accordance with the procedures and mechanisms relating to compliance contained in the annex to decision 27/CMP.1 and the rules of procedure and may be provided in writing by each expert to the Chair of the branch.

Members and alternate members participating in the consideration and elaboration of the decision:
Mohammad Sa'dat ALAM, Karoliina ANTTONEN, Leonardo MASSAI, Sébastien NGUYEN-BLOCH, Yaw OSAFO, Ahmad RAJABI, Orlando E. REY SANTOS, Arne RIEDEL, Iryna RUDZKO and Milan ZVARA.

Members participating in the adoption of the decision:
Mohammad Sa'dat ALAM, Karoliina ANTTONEN, Yaw OSAFO, Ahmad RAJABI, Orlando E. REY SANTOS, Arne RIEDEL, Iryna RUDZKO and Milan ZVARA.

This decision was adopted by the requisite majority² on 3 June 2020.

² See paragraph 9 of the annex to decision 27/CMP.1.