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**DECISION ON THE REVIEW AND ASSESSMENT OF THE PLAN SUBMITTED UNDER  
PARAGRAPH 2 OF SECTION XV**

*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),<sup>1</sup> 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

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<sup>1</sup> 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.

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.

7. The branch decided that it needed to receive advice from experts in relation to further consideration of the revised plan submitted by Kazakhstan and whether the revised plan met the requirements outlined in the letter from the chairperson and the preliminary analysis of the first plan (CC/2019/1/9/Kazakhstan/EB). In particular, advice was sought on whether the contents of Draft Decree No. 214 and its amendments are appropriate to ensure compliance with international requirements, whether the revised plan contained sufficient measures to bring national inventory reporting to the level necessary for compliance and whether the revised plan contained sufficient measures to bring the information on LULUCF activities and forest management reference levels to the level necessary for compliance. The branch adopted the decision on expert advice on 3<sup>rd</sup> June 2020 (CC/2019/1/11/Kazakhstan/EB).

8. Based on the inputs from the experts, in accordance with paragraph 2 of section XV and paragraph 3 of rule 25 bis of the rules of procedure, the branch reviewed and assessed the revised plan submitted by Kazakhstan. The review and assessment were conducted by electronic means as provided for under paragraph 2 of rule 11 of the rules of procedure.

## **II. INFORMATION SUBMITTED, PRESENTED AND CONSIDERED**

9. In its revised plan, Kazakhstan provided an overview of the analysis of the causes of non-compliance, the measures Kazakhstan was implementing or intended to implement in order to remedy the non-compliance and a timetable for implementing such measures. Kazakhstan also provided information in its revised plan per the recommendations in the letter from the chair person and the preliminary analysis of the first plan referred to in paragraph 5.

## **III. REASONS AND CONCLUSIONS**

10. The branch concludes, based on the information submitted, presented and considered, that the revised plan meets the requirements set out in paragraph 2 of section XV and paragraph 1 of rule 25 bis of the rules of procedure and addresses the questions raised in the letter from the chairperson and the preliminary analysis of the first plan.

11. The branch considered the assessment of the experts according to which the revised plan submitted by Kazakhstan is in the right direction. The information provided by Kazakhstan in the revised plan covers the recommendations of CC-2019-1-9 / Kazakhstan / EB with respect to the LULUCF reporting and the contents of Draft Decree 214 and its amendments outline the appropriate scope of activities. However, based on the assessment of the experts, the branch recommends that the Draft Decree 214 and its amendments be developed further to include greater detail and specificity with respect to the operationalization of and compliance with the activities listed within the preliminary analysis of the first plan, CC-2019-1-9/Kazakhstan/EB. The branch also recommends that Kazakhstan address the specific and general functions of the national system, reinforce the institutional arrangements and mechanisms to ensure compliance with the allocated responsibilities for the inventory preparation in Kazakhstan, and establish the inter-agency cooperation mechanism for data collection, processing, inventory compilation and submission.

12. According to the preliminary analysis contained in document CC-2019-1-9/Kazakhstan/EB, the revised plan submitted by Kazakhstan was required to address specific and general functions of the national system, including a clear definition of the institutional arrangements and mechanisms to ensure compliance with the allocated responsibilities for the inventory preparation in Kazakhstan, a clear establishment of the information flows and inter-agency cooperation. The branch, therefore, further recommends that Kazakhstan further specify and clarify the roles and their allocations to particular agencies (e.g., national inventory compiler, inventory sector compilers, QA/QC manager, data vendors, approval entities etc.), the responsibilities associated with those roles, the deliverables and milestones and the timeline for their delivery.

13. The branch notes that not all the measures described in the revised plan have been implemented but are planned for implementation in 2020. The branch urges Kazakhstan to implement the recommendations referred to in paragraphs 11 and 12 above, within its subsequent plan for implementation, as a means to align the revised plan with the recommendations of the branch and implement the measures contained in the revised plan and to provide periodic reports thereon in accordance with the timeline set out in paragraph 16 below.

14. The branch welcomes with appreciation the full engagement of Kazakhstan in addressing the compliance issues identified in the preliminary finding as confirmed by the final decision and the steps that Kazakhstan has undertaken so far to remedy the situation.

15. The branch notes that full implementation by Kazakhstan of the measures set out in the revised plan and the recommendations to further clarify the revised plan referred to in paragraphs 11 and 12 above will be required for the branch to consider whether the question of implementation has been resolved and that consideration by the branch of this matter might also be facilitated by the information contained in the report on the review of the next annual submission of Kazakhstan.

16. In accordance with paragraph 3 of section XV, Kazakhstan is to submit to the branch progress reports on the implementation of the plan on a regular basis. The branch invites Kazakhstan to submit the first of such progress reports not later than 31 January 2021 and subsequent progress reports thereafter on a periodic basis, at least once every six months. The branch invites Kazakhstan to reflect in these periodic reports any progress made in the implementation of each of the specific recommendations made to the revised plan by the branch in paragraphs 11 and 12 above and the measures contained in the five areas of the revised plan (the development of the national system of Kazakhstan to perform some of the general and specific functions required in accordance with the annex to decision 19/CMP.1., the establishment and effective functioning of the national registry, providing the information to be included in annual GHG inventories on land use, land-use change and forestry (LULUCF) activities under Article 3, paragraphs 3 and 4, of the Kyoto Protocol required under paragraphs 2(b), 2(d), 2(e), 4(a), 4(b), 5(a), 5(b), 5(c) and 5(e) of annex II to decision 2/CMP.8., the submission of the standard electronic format (SEF) tables for the years 2013-2016 and other related information on accounting of Kyoto Protocol units required under paragraphs 12 to 18 of the annex to decision 15/CMP.1 in conjunction with decision 3/CMP.11 and in particular, paragraph 13 and the submission of the progress report on the implementation of the revised plan), taking into account the timeframes set out in the revised plan as submitted by Kazakhstan.

#### IV. DECISION

In accordance with paragraph 2 of section XV and paragraph 3 of rule 25 bis of the rules of procedure, it is the assessment of the branch that the revised plan:

- (a) Sets out and adequately addresses, in separate sections, each of the elements specified in paragraph 2 of section XV; and
- (b) If implemented, is expected to remedy the non-compliance.

*Members and alternate members participating in the consideration and elaboration of the decision:*

Mohammad Sa'dat ALAM, , 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, Sébastien NGUYEN-BLOCH (*acting as member*), Yaw OSAFO, Ahmad RAJABI, Orlando E. REY SANTOS, Arne RIEDEL, Iryna RUDZKO and Milan ZVARA.

This decision was adopted by the requisite majority<sup>2</sup> on 28 July 2020.

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