

**DECISION ON THE QUESTIONS OF IMPLEMENTATION WITH RESPECT TO
KAZAKHSTAN**

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 (procedures and mechanisms)¹ and adopted under Article 18 of the Kyoto Protocol and the “Rules of procedure of the Compliance Committee of the Kyoto Protocol” (rules of procedure),² the enforcement branch adopts the following decision.

I. BACKGROUND

1. Kazakhstan notified the Depositary on 23 March 2000 that, in accordance with Article 4, paragraph 2 (g), of the Convention, it intended to be bound by Article 4, paragraphs 2 (a) and (b), of the Convention. Upon the entry into force of the Kyoto Protocol for Kazakhstan on 17 September 2009, it became a Party included in Annex I for the purposes of the Protocol in accordance with Article 1, paragraph 7, of the Protocol.³ Kazakhstan did not have any quantified emission limitation or reduction commitment (QELRC) inscribed in Annex B to the Kyoto Protocol for the first commitment period (2008 to 2012).

2. Kazakhstan has a QELRC inscribed in the third column of Annex B to the Kyoto Protocol, as contained in annex I to decision 1/CMP.8 (the Doha Amendment) for the second commitment period (2013 to 2020). Paragraph 6 of decision 1/CMP.8 provides for the voluntary implementation of the Doha Amendment pending its entry into force.⁴ The Doha Amendment entered into force on 31 December 2020. Consequently, the period of voluntary implementation of the Doha Amendment, as provided for in paragraph 6 of decision 1/CMP.8, expired on 31 December 2020, following its entry into force. Kazakhstan has not accepted the Doha Amendment.

3. On the basis of the voluntary implementation provided for in paragraph 6 of decision 1/CMP.8, Kazakhstan submitted its report to facilitate the calculation of the assigned amount for the second commitment period of the Kyoto Protocol and annual submissions of greenhouse gas inventories, for the second commitment period, which underwent the review process under Article 8 of the Kyoto Protocol in 2017, 2019 and 2021.

¹ All section references in this document refer to the “Procedures and mechanisms relating to compliance under the Kyoto Protocol” contained in the annex to decision 27/CMP.1.

² 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 decisions 4/CMP.4, 8/CMP.9 and 6/CMP.17

³ See also FCCC/KP/CMP/2009/21, paragraph 91.

⁴ Decision 1/CMP.8, paragraph 6: “Decides also that Parties that do not provisionally apply the amendment under paragraph 5 will implement their commitments and other responsibilities in relation to the second commitment period, in a manner consistent with their national legislation or domestic processes, as of 1 January 2013 and pending the entry into force of the amendment in accordance with Articles 20 and 21 of the Kyoto Protocol”.

II. QUESTIONS OF IMPLEMENTATION ⁵

Questions of implementation contained in the 2017 IRR and 2017 ARR

4. On 18 February 2019, the secretariat received questions of implementation indicated in the report of the expert review team (ERT) on the review of the report to facilitate the calculation of the assigned amount for the second commitment period of the Kyoto Protocol of Kazakhstan contained in document FCCC/IRR/2017/KAZ (hereinafter, 2017 IRR).

5. On the same day, the secretariat also received questions of implementation indicated in the ERT report on the individual review of the annual submission of Kazakhstan submitted in 2017 contained in document FCCC/ARR/2017/KAZ (hereinafter, 2017 ARR). The 2017 ARR also included a disagreement on whether to apply adjustments.

6. In accordance with paragraph 1 of section VI and paragraph 2 of rule 10 of the rules of procedure, the questions of implementation referred to in paragraphs 4 and 5 above were deemed received by the Compliance Committee on 19 February 2019.

7. The bureau of the Compliance Committee allocated the questions of implementation to the enforcement branch on 28 February 2019 under paragraph 1 of section VII, in accordance with paragraphs 4 to 6 of section V and paragraph 1 of rule 19 of the rules of procedure. On 28 February 2019, 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 their allocation to the enforcement branch. On 14 March 2019, the enforcement branch decided, in accordance with paragraph 2 of section VII and paragraph 1 (a) of section X, to proceed with the questions of implementation (CC-2019-1-2/Kazakhstan/EB).

8. The questions of implementation contained in the 2017 IRR relate to compliance with the annex to decision 19/CMP.1⁶ in conjunction with decisions 3/CMP.11⁷ and 4/CMP.11⁸ and the annex to decision 13/CMP.1⁹ in conjunction with decision 3/CMP.11.¹⁰

9. In particular, the ERT concluded that the national system of Kazakhstan fails to perform some of the general and specific functions required in accordance with the annex to decision 19/CMP.1¹¹ and that the national registry was not established at the time of the submission of the Kazakhstan report to facilitate the calculation of the assigned amount under the Kyoto Protocol or during the review.¹² With regard to the availability of the national registry, the ERT also noted the mandatory requirement set out

⁵ See Decision 22/CMP.1, annex, part I, paragraph 8. “Only if an unresolved problem pertaining to language of a mandatory nature in these guidelines influencing the fulfilment of commitments still exists after the Party included in Annex I has been provided with opportunities to correct the problem within the time frames established under the relevant review procedures, shall that problem be listed as a question of implementation in the final review reports. An unresolved problem pertaining to language of a non-mandatory nature in these guidelines shall be noted in the final review report but shall not be listed as a question of implementation.”

⁶ Decision entitled “Guidelines for national systems for the estimation of anthropogenic greenhouse gas emissions by sources and removals by sinks under Article 5, paragraph 1, of the Kyoto Protocol”.

⁷ Decision entitled “Implications of the implementation of decisions 2/CMP.7 to 4/CMP.7 and 1/CMP.8 on the previous decisions on methodological issues related to the Kyoto Protocol, including those relating to Articles 5, 7 and 8 of the Kyoto Protocol, Part I: Implications related to accounting and reporting and other related issues”.

⁸ Decision entitled “Implications of the implementation of decisions 2/CMP.7 to 4/CMP.7 and 1/CMP.8 on the previous decisions on methodological issues related to the Kyoto Protocol, including those relating to Articles 5, 7 and 8 of the Kyoto Protocol, Part II: Implications related to review and adjustments and other related issues”.

⁹ Decision entitled “Modalities for the accounting of assigned amounts under Article 7, paragraph 4, of the Kyoto Protocol”.

¹⁰ See FCCC/IRR/2017/KAZ (2017 IRR), table 4.

¹¹ See FCCC/IRR/2017/KAZ (2017 IRR), table 3, IDs #15 and 16.

¹² See FCCC/IRR/2017/KAZ (2017 IRR), table 3, ID #18.

in paragraph 1(m) of Annex I to decision 2/CMP.8¹³ that Parties included in Annex I that did not have a quantified emission limitation and reduction target in the first commitment period include the description of the registry reported in accordance with the provisions of decision 15/CMP.1¹⁴ in conjunction with decision 3/CMP.11, in their reports to facilitate the calculation of the assigned amount under the Kyoto Protocol.¹⁵

10. The questions of implementation contained in the 2017 ARR relate to compliance with the methodological and reporting requirements contained in the decision 2/CMP.8, decision 3/CMP.11 and decision 15/CMP.1.¹⁶

11. In particular, the ERT concluded that Kazakhstan failed to provide the information to be included in annual greenhouse gas 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.8.¹⁷ The ERT also concluded that Kazakhstan did not submit 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 decision 3/CMP.11, in particular, paragraph 13.¹⁸

12. The questions of implementation with respect to the annex to decision 19/CMP.1 and the annex to decision 13/CMP.1, both in conjunction with decision 3/CMP.11 and 4/CMP.11, are related to the eligibility requirements referred to in paragraph 31(c) and (d), annex to decision 3/CMP.1, paragraph 21(c) and (d) annex to decision 9/CMP.1 and paragraph 2(c) and (d), annex to decision 11/CMP.1. The questions of implementation with respect to decision 2/CMP.8, the annex to decision 15/CMP.1 in conjunction with decision 3/CMP.11, and decision 3/CMP.11 are related to the eligibility requirement referred to in paragraph 31(e), annex to decision 3/CMP.1, paragraph 21(c), annex to decision 9/CMP.1 and paragraph 2(e), annex to decision 11/CMP.1. Consequently, the expedited procedures as contained in paragraph 1 of section X apply to the consideration by the branch of these questions of implementation.

13. In deciding to proceed with the questions of implementation, the enforcement branch decided to seek expert advice on the content and basis of the 2017 IRR and the 2017 ARR and on issues related to any decision of the enforcement branch with regard to the indicated questions of implementation and the disagreement whether to apply an adjustment (CC-2019-1-2/Kazakhstan/EB, paragraph 14). On 1 April 2019, the enforcement branch agreed to invite two experts drawn from the UNFCCC roster of experts to provide advice to the branch (CC-2019-1-3/Kazakhstan/EB).

14. In accordance with the relevant timelines set out in the procedures and mechanisms and the rules of procedure, the questions of implementation contained in the 2017 IRR and the 2017 ARR¹⁹ and the notification on the decision to proceed,²⁰ which included a reminder about the possibility to request a hearing and the deadline for making the written submission,²¹ were forwarded to the diplomatic agent of Kazakhstan with a copy to the national focal point of Kazakhstan.

¹³ Decision entitled “Implications of the implementation of decisions 2/CMP.7 to 5/CMP.7 on the previous decisions on methodological issues related to the Kyoto Protocol, including those relating to Articles 5, 7 and 8 of the Kyoto Protocol”.

¹⁴ Decision entitled “Guidelines for the preparation of the information required under Article 7 of the Kyoto Protocol”.

¹⁵ See FCCC/IRR/2017/KAZ (2017 IRR), table 3, ID #18.

¹⁶ See FCCC/ARR/2017/KAZ (2017 ARR), table 7.

¹⁷ See FCCC/ARR/2017/KAZ (2017 ARR), table 5, ID #KL.1.

¹⁸ See FCCC/ARR/2017/KAZ (2017 ARR), table 5, ID #G14.

¹⁹ Section VI, paragraph 2.

²⁰ Section VII, paragraph 4.

²¹ Section X, paragraph 1(b) and (c).

15. No request for a hearing from Kazakhstan under paragraph 1(c) of section X was received by the branch. Kazakhstan did not make a written submission in accordance with paragraph 1 of section IX, paragraph 1(b) of section X, and rule 17 of the rules of procedure. It did, however, subsequently send a communication to the secretariat on 26 April 2019, which contained a part entitled “written submission”.

16. From 29 to 30 April 2019, the enforcement branch held its thirty-third meeting in Bonn to consider the questions of implementation with respect to Kazakhstan as well as to consider the disagreement on whether to apply adjustments. Kazakhstan did not make an oral statement at the meeting, but the members and alternate members of the branch were able to pose questions to Kazakhstan. During the meeting, the branch also received advice from the two invited experts.

17. On 30 April 2019, the enforcement branch adopted a preliminary decision to apply an adjustment to inventories under Article 5, paragraph 2 of the Kyoto Protocol (CC-2019-1-4/ Kazakhstan/EB), which was confirmed by the branch on 26 June 2019 (CC-2019-1-7/ Kazakhstan/EB).

18. On the same day, the enforcement branch also adopted a preliminary finding on questions of implementation with respect to Kazakhstan (CC-2019-1-5/ Kazakhstan/EB), which was confirmed by the branch on 26 June 2019 (CC-2019-1-6/ Kazakhstan/EB).

19. In the preliminary finding, as confirmed in the final decision CC-2019-1-6/ Kazakhstan/EB, the enforcement branch determined that Kazakhstan is not in compliance with the “Guidelines for the preparation of the information required under Article 7 of the Kyoto Protocol” (annex to decision 15/CMP.1 in conjunction with decision 3/CMP.11 and decision 2/CMP.8), the “Guidelines for national systems for the estimation of anthropogenic greenhouse gas emissions by sources and removals by sinks under Article 5, paragraph 1, of the Kyoto Protocol” (annex to decision 19/CMP.1 in conjunction with decision 3/CMP.11), the methodological and reporting requirements contained in the decision 2/CMP.8, decision 3/CMP.11 and decision 15/CMP.1, and the national registry requirements contained in Section II of decision 13/CMP.1 in conjunction with decision 3/CMP.11. Hence, Kazakhstan has not yet met the eligibility requirements under Articles 6, 12 and 17 of the Kyoto Protocol.

20. In accordance with section XV of the procedures and mechanisms, the enforcement branch applied the following consequences with respect to the unresolved problems referred to in the 2017 IRR and 2017 ARR:

- (a) Kazakhstan is declared to be in non-compliance;
- (b) Kazakhstan shall 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 enforcement 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;
- (c) Kazakhstan is not eligible to participate in the mechanisms under Articles 6, 12 and 17 of the Kyoto Protocol pending the resolution of the questions of implementation.

Questions of implementation contained in the 2019 ARR

21. On 2 September 2020, the secretariat received questions of implementation indicated in the ERT report on the individual review of the annual submission of Kazakhstan submitted in 2019 contained in document FCCC/ARR/2019/KAZ (hereinafter, 2019 ARR).

22. In accordance with paragraph 1 of section VI and paragraph 2 of rule 10 of the rules of procedure, the questions of implementation referred to in paragraph 19 above were deemed received by the Compliance Committee on 3 September 2020.

23. The bureau of the Compliance Committee allocated the questions of implementation to the enforcement branch on 8 September 2020 under paragraph 1 of section VII, in accordance with

paragraphs 4 to 6 of section V and paragraph 1 of rule 19 of the rules of procedure. On the same day, 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 their allocation to the enforcement branch.

24. On 30 September 2020, the enforcement branch decided, in accordance with paragraph 2 of section VII and paragraph 1 (a) of section X, to proceed with the questions of implementation (CC-2020-1-1/Kazakhstan/EB).

25. One of the questions of implementation contained in the 2019 ARR relates to compliance with the annex to decision 19/CMP.1 in conjunction with decisions 3/CMP.11 and 4/CMP.11 and the annex to decision 13/CMP.1 in conjunction with decision 3/CMP.11.²²

26. In particular, the ERT concluded that the national system of Kazakhstan fails to perform some of the general and inventory planning functions required in accordance with the annex to decision 19/CMP.1 in conjunction with decisions 3/CMP.11 and 4/CMP.11²³ and that the national registry was not established for the 2019 submission.²⁴ The ERT noted that national system problems concerning general and inventory planning functions and the lack of a national registry were listed as questions of implementation in the report on the review of the report to facilitate the calculation of the assigned amount for the second commitment period of the Kyoto Protocol of Kazakhstan contained in document FCCC/IRR/2017/KAZ.²⁵

27. The ERT also listed as a question of implementation the finding on that Kazakhstan did not include in the 2019 annual submission the reporting on its Kyoto Protocol units using the Standard Electronic Format (SEF) tables as required in decision 3/CMP.11, paragraph 13.²⁶ The ERT noted that this problem was listed as a question of implementation in the previous review report, i.e. the report on the individual review of the annual submission of Kazakhstan submitted in 2017 contained in document FCCC/ARR/2017/KAZ.²⁷

28. The questions of implementation contained in the 2019 ARR also relate to compliance with the methodological and reporting requirements contained in decision 2/CMP.8, decision 3/CMP.11 and decision 15/CMP.1.²⁸

29. In particular, the ERT noted that Kazakhstan did not provide a chapter or section related to the reporting of KP-LULUCF activities in the national inventory report (NIR), and therefore did not report any of the required information related to KP-LULUCF activities in its 2019 annual submission. Therefore, Kazakhstan, in its 2019 annual submission, did not provide the mandatory information for afforestation and reforestation (AR) and deforestation under Article 3, paragraph 3, of the Kyoto Protocol and for forest management (FM) and grazing land management (GM) under Article 3, paragraph 4, of the Kyoto Protocol, as required by decision 2/CMP.8, annex II, paragraphs 2(a–e) and (g), 3(a–c), 4(a–b) and 5(a–c) and (e), on KP-LULUCF activities.²⁹ The ERT further noted that in its 2017 annual submission, Kazakhstan did not provide the mandatory information on KP-LULUCF activities in accordance with decision 2/CMP.8, annex II, paragraphs 2(b) and (d–e), 4(a–b) and 5(a–c) and (e).³⁰

²² See FCCC/ARR/2019/KAZ (2019 ARR), table 7.

²³ See FCCC/ARR/2019/KAZ (2019 ARR) table 3, ID# G.3, G.4, G.8, G.15, G.17 and table 5, ID# G.22.

²⁴ See FCCC/ARR/2019/KAZ (2019 ARR) table 3, ID# G.1.

²⁵ See FCCC/IRR/2017/KAZ (2017 IRR), table 4.

²⁶ See FCCC/ARR/2019/KAZ (2019 ARR) table 3, ID# G2.

²⁷ See FCCC/ARR/2017/KAZ (2017 ARR) table 7.

²⁸ See FCCC/ARR/2017/KAZ (2017 ARR) table 7.

²⁹ See FCCC/ARR/2019/KAZ (2019 ARR) table 5, ID# KL.7.

³⁰ See FCCC/ARR/2017/KAZ (2017 ARR) table 7.

30. In addition, the ERT noted that Kazakhstan did not provide any information in the NIR demonstrating that the national inventory system ensures that areas of land subject to KP-LULUCF activities are identifiable, in accordance with decision 2/CMP.7, annex, paragraph 25.³¹

31. The questions of implementation with respect to the annex to decision 19/CMP.1 and the annex to decision 13/CMP.1, both in conjunction with decision 3/CMP.11 and 4/CMP.11, are related to the eligibility requirements referred to in paragraph 31(c) and (d), annex to decision 3/CMP.1, paragraph 21(c) and (d) annex to decision 9/CMP.1 and paragraph 2(c) and (d), annex to decision 11/CMP.1. The questions of implementation with respect to decision 2/CMP.8, the annex to decision 15/CMP.1 in conjunction with decision 3/CMP.11, and decision 3/CMP.11 are related to the eligibility requirement referred to in paragraph 31(e), annex to decision 3/CMP.1, paragraph 21(c), annex to decision 9/CMP.1 and paragraph 2(e), annex to decision 11/CMP.1. Consequently, the expedited procedures as contained in paragraph 1 of section X apply to the consideration by the branch of these questions of implementation.

32. In accordance with the relevant timelines set out in the procedures and mechanisms and the rules of procedure, the questions of implementation contained in the 2019 ARR³² and the notification on the decision to proceed,³³ which included a reminder about the possibility to request a hearing and the deadline for making the written submission,³⁴ were forwarded to the diplomatic agent of Kazakhstan with a copy to the national focal point of Kazakhstan.

33. No request for a hearing from Kazakhstan under paragraph 1(c) of section X was received by the branch. Kazakhstan did not make a written submission per paragraph 1 of section IX, paragraph 1(b) of section X, and rule 17 of the rules of procedure.

34. From 9 to 10 November 2020, the enforcement branch held its thirty-fifth meeting in Bonn to consider the questions of implementation with respect to Kazakhstan. Kazakhstan made an oral statement at the meeting, and the members and alternate members of the branch were able to pose questions to Kazakhstan.

35. In deciding to proceed with the questions of implementation raised in the 2019 ARR, the branch noted that the questions of implementation raised in the 2019 ARR, while possibly exacerbated as compared to the questions of implementation raised in the 2017 ARR and 2017 IRR are still linked to the same issues of national system, national registry and reporting obligations, including in relation to KP-LULUCF activities.

36. On 10 November 2020, the enforcement branch adopted a preliminary finding on questions of implementation with respect to Kazakhstan (CC-2020-1-2/ Kazakhstan/EB), which was confirmed by the branch on 13 January 2021 (CC-2020-1-4/ Kazakhstan/EB).

37. In the preliminary finding, as confirmed in the final decision CC-2020-1-4/ Kazakhstan/EB, the enforcement branch determined that Kazakhstan is not in compliance with the “Guidelines for the preparation of the information required under Article 7 of the Kyoto Protocol” (annex to decision 15/CMP.1 in conjunction with decision 3/CMP.11 and decision 2/CMP.8), the “Guidelines for national systems for the estimation of anthropogenic greenhouse gas emissions by sources and removals by sinks under Article 5, paragraph 1, of the Kyoto Protocol” (annex to decision 19/CMP.1 in conjunction with decision 3/CMP.11), the methodological and reporting requirements contained in the decision 2/CMP.8, decision 3/CMP.11 and decision 15/CMP.1, and the national registry requirements contained in Section II of decision 13/CMP.1 in conjunction with decision 3/CMP.11. Hence, Kazakhstan has not yet met the eligibility requirements under Articles 6, 12 and 17 of the Kyoto Protocol.

³¹ See FCCC/ARR/2019/KAZ (2019 ARR) table 5, ID# KL.6.

³² Section VI, paragraph 2.

³³ Section VII, paragraph 4.

³⁴ Section X, paragraph 1(b) and (c).

38. In accordance with section XV of the procedures and mechanisms, the enforcement branch applied the following consequences with respect to the unresolved problems referred to in the 2019 ARR:

- (a) Kazakhstan is declared to be in non-compliance on the basis of the 2019 ARR;
- (b) Kazakhstan will address the questions of implementation raised in the 2019 ARR through the additional reporting on the progress of its implementation of its revised plan in relation to the questions of implementation raised in respect of the 2017 ARR and 2017 IRR (CC/2019/1-10/Kazakhstan /EB) in accordance with paragraph 3 of section XV and the recommendations made by the enforcement branch within paragraphs 11 and 12 of the decision on the review and assessment of the revised plan (CC-2019-1-12/Kazakhstan/EB);
- (c) Kazakhstan is not eligible to participate in the mechanisms under Articles 6, 12 and 17 of the Kyoto Protocol pending the resolution of the questions of implementation as a result of these findings in respect of the 2019 ARR.

III. ISSUES/PROBLEMS ³⁵

Issues/Problems contained in the 2021 ARR

39. In accordance with the requirements of paragraph 3, of section VI of the procedures and mechanisms, the secretariat forwarded to the Compliance Committee the report on the individual review of the annual submission of Kazakhstan submitted in 2021 contained in document FCCC/ARR/2021/KAZ (hereinafter, 2021 ARR).

40. While no questions of implementation were identified by the ERT during the review ³⁶, the ERT made a number of recommendations with regard to various aspects of the national system, the national registry, and reporting obligations in relation to KP-LULUCF activities.³⁷

41. In particular, the ERT noted that Kazakhstan was addressing the recommendations made in the previous review reports (2017 ARR and 2019 ARR) concerning some of the general and inventory planning functions ³⁸ and that Kazakhstan had resolved the recommendations regarding the need to put in place additional agreements and mechanisms to improve inter-agency cooperation and support and to enhance the inventory archiving system.³⁹ The ERT also noted that Kazakhstan was addressing the recommendations made in the previous review reports (2017 ARR and 2019 ARR) concerning the fully establishment of the national registry.⁴⁰

42. Concerning the reporting of its Kyoto Protocol units using the SEF tables, the ERT further noted that Kazakhstan had resolved this matter, as required under decision 3/CMP.11, paragraph 13.⁴¹ In addition, the ERT noted that the recommendations made in the previous review report (2019 ARR) concerning the reporting of KP-LULUCF activities under Article 3, paragraphs 3 and 4, of the Kyoto Protocol had not been resolved.⁴²

³⁵ See Decision 22/CMP.1, annex, part I, paragraph 8. “Only if an unresolved problem pertaining to language of a mandatory nature in these guidelines influencing the fulfilment of commitments still exists after the Party included in Annex I has been provided with opportunities to correct the problem within the time frames established under the relevant review procedures, shall that problem be listed as a question of implementation in the final review reports. An unresolved problem pertaining to language of a non-mandatory nature in these guidelines shall be noted in the final review report but shall not be listed as a question of implementation.”

³⁶ See FCCC/ARR/2021/KAZ (2021 ARR), section VIII, paragraph 13.

³⁷ See FCCC/ARR/2021/KAZ (2021 ARR), table 3.

³⁸ See FCCC/ARR/2021/KAZ (2021 ARR), table 3, ID# G.3, G.4, G.5, G.9, G.10.

³⁹ See FCCC/ARR/2021/KAZ (2021 ARR), table 3, ID# G.3 and G.9, respectively.

⁴⁰ See FCCC/ARR/2021/KAZ (2021 ARR), table 3, ID# G.1.

⁴¹ See FCCC/ARR/2021/KAZ (2021 ARR), table 3, ID# G.2.

⁴² See FCCC/ARR/2021/KAZ (2021 ARR), table 3, ID# KL.4 and KL.5.

IV. PLAN FROM KAZAKHSTAN AND SUBSEQUENT PROGRESS REPORTS

43. 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 (CC/2019/1-6/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”).

44. In accordance with paragraph 2 of section XV and paragraph 3 of rule 25 bis of the rules of procedure, the enforcement branch was required to review and assess the plan submitted by Kazakhstan. The 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. On 6 February 2020, the chairperson of the enforcement 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.

45. 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/2019/1-6/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”).

46. The enforcement 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). The branch adopted the decision on expert advice on 3 June 2020 (CC/2019/1-11/Kazakhstan/EB).

47. Based on the inputs from the experts, the enforcement branch reviewed and assessed the revised plan submitted by Kazakhstan. In its decision on the review and assessment of the revised plan (CC-2019-1-12/Kazakhstan/EB), the branch noted that full implementation by Kazakhstan of the measures set out in the revised plan and the recommendations referred to in paragraphs 11 and 12 of that decision 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.

48. At its thirty-fifth meeting from 9 to 10 November 2020 in Bonn, the enforcement branch requested the chairperson of the enforcement branch to send a letter to Kazakhstan, on behalf of the branch, indicating that the first progress report to be submitted by Kazakhstan in accordance with paragraph 3 of section XV and the decision on the review and assessment of the plan (CC-2019-1-12/Kazakhstan/EB) no later than 31 January 2021 and the subsequent progress reports to be submitted thereafter on a periodic basis, at least once every six months, would need to address the questions of implementation raised in the 2019 ARR, in addition to the questions of implementation raised in the 2017 ARR and 2017 IRR and the recommendations of the branch contained in decision CC-2019-1-12/Kazakhstan/EB. As requested, on 12 November 2020, the chairperson of the enforcement branch sent a letter to Kazakhstan (CC/2020/1-3/Kazakhstan/EB).

49. Kazakhstan submitted its first progress report on 22 February 2021 (CC-2020-1-5/Kazakhstan/EB), its second progress report on 12 August 2021 (CC-2020-1-6/Kazakhstan/EB), its third progress report on 4 February 2022 (CC-2020-1-7/Kazakhstan/EB), its fourth progress report on

19 July 2022 (CC-2020-1-8/Kazakhstan/EB) and its fifth progress report on 18 July 2023 (CC-2020-1-9/Kazakhstan/EB).

50. At its thirty-sixth meeting on 7 September 2021 in Bonn, the enforcement branch considered the first and second progress reports submitted and presented by Kazakhstan. The enforcement branch noted with appreciation the progress of Kazakhstan in addressing the questions of implementation and looked forward to receiving information in further progress reports that will allow the questions of implementation to be resolved in the near future.⁴³

51. At its thirty-seventh meeting on 7 July 2022 in Bonn, the enforcement branch considered the third progress report and the advance copy of the fourth progress report submitted and presented by Kazakhstan. The enforcement branch appreciated the progress made by Kazakhstan as provided in its progress reports and looked forward to receiving more information from Kazakhstan, including information on the questions of implementation that are directly linked to the acceptance and implementation of the Doha Amendment, which would be submitted in subsequent progress reports to be considered at its thirty-eighth session.⁴⁴

V. INFORMATION SUBMITTED, PRESENTED AND CONSIDERED

52. In its deliberations, the enforcement branch considered the 2017 IRR, the 2017, 2019 and 2021 ARRs, and the plan and progress reports submitted and presented by Kazakhstan.

53. In its fifth progress report, Kazakhstan provided information with regard to the questions of implementation related to the national system, national registry, the reporting of Kyoto Protocol units using the SEF tables, and the reporting of KP-LULUCF activities under Article 3, paragraphs 3 and 4, of the Kyoto Protocol, framing the information provided within the context that Kazakhstan has not accepted the Doha Amendment.

VI. REASONS AND CONCLUSIONS

54. Kazakhstan is a Party to the Kyoto Protocol and is considered a Party included in Annex I for the purposes of the Protocol. It does not have any QELRC inscribed in Annex B to the Kyoto Protocol for the first commitment period (2008 to 2012) but has a QELRC inscribed in the third column of Annex B to the Kyoto Protocol, as contained in annex I to decision 1/CMP.8 (the Doha Amendment) for the second commitment period (2013 to 2020).

55. On the basis of the voluntary implementation provided for in paragraph 6 of decision 1/CMP.8, Kazakhstan submitted its initial report to facilitate the calculation of the assigned amount for the second commitment period of the Kyoto Protocol and annual submissions of greenhouse gas inventories, for the second commitment period, which underwent the review process under Article 8 of the Kyoto Protocol.

56. Following the entry into force of the Doha Amendment on 31 December 2020, the period of its voluntary implementation by Parties, as provided for in paragraph 6 of decision 1/CMP.8, expired. Kazakhstan has not accepted the Doha Amendment, and therefore Kazakhstan is not bound by the obligations set out in the Amendment.

57. The questions of implementation contained in the 2017 IRR and 2017 and 2019 ARRs (see section II above), were raised by the ERT, where the period of the voluntary implementation of the Doha Amendment by Kazakhstan was still in effect at that time. As such, in accordance with paragraph 8 of the annex to decision 22/CMP.1, the questions of implementation raised concerned to unresolved

⁴³ See CC/EB/36/2021/2, paragraphs 9-10.

⁴⁴ See CC/EB/37/2022/2, paragraphs 9 -11

problems pertaining to language of a mandatory nature and influenced the fulfilment of Kazakhstan's commitments⁴⁵.

58. No questions of implementation were raised by the ERT in the 2021 ARR (see section III above), where the period of the voluntary implementation of the Doha Amendment by Kazakhstan had expired upon the entry into force of the Doha Amendment and the non-acceptance by Kazakhstan of the Doha Amendment.⁴⁶

59. The enforcement branch notes with appreciation the continued commitment shown by Kazakhstan in their progress reports (see section IV) to address the questions of implementation raised by the ERT in the 2017 IRR and 2017 and 2019 ARRs and encourages Kazakhstan to continue to make improvements in addressing the issues raised by the ERT in the 2021 ARR.

60. The enforcement branch concludes, on the basis of the information submitted, presented and considered that the information now available is sufficient to determine that the questions of implementation raised by the ERT in the 2017 IRR and 2017 and 2019 ARRs are no longer relevant, as Kazakhstan has not accepted the Doha Amendment and therefore Kazakhstan is not bound by the obligations set out in the Amendment.

VII. DECISION

61. In accordance with paragraph 2 of section X, the enforcement branch decides that there no longer continues to be a question of implementation with respect to Kazakhstan.

Members and alternate members participating in the consideration and elaboration of the decision:
Karoliina Anttonen, Paulette Bynoe, Derrick Frederick Peter Oderson, Arne Riedel, Iryna Rudzko, Milan Zvara, Loredana Dallora, Leonardo Massai, Ba Moussa, Sébastien Nguyen-Bloch, Ratnasari Wargahadibrata, Felix Zaharia.

Members participating in the adoption of the decision:
Karoliina Anttonen, Paulette Bynoe, Derrick Frederick Peter Oderson, Arne Riedel, Iryna Rudzko, Milan Zvara, Leonardo Massai (alternate member serving as member), Ba Moussa (alternate member serving as member), Ratnasari Wargahadibrata (alternate member serving as member).

This decision was adopted by consensus in Bonn on 6 September 2023

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⁴⁵ See See FCCC/IRR/2017/KAZ (2017 IRR), table 4, FCCC/ARR/2017/KAZ (2017 ARR), table 7 and FCCC/ARR/2019/KAZ (2019 ARR), table 7.

⁴⁶ See FCCC/ARR/2021/KAZ (2021 ARR), section VIII, paragraph 13.