



ENFORCEMENT BRANCH

Thirty-third meeting

29 – 30 April 2019
Bonn, Germany

Report on the meeting

1. Opening of the meeting

1. Mr. Milan Zvara, vice-chairperson of the enforcement branch, declared the meeting open. He welcomed the members and alternate members of the branch who were present at the meeting and informed the meeting that the chairperson of the branch, Mr. Joseph Aitaro, was unable to attend the meeting. Consequently, in accordance with rule 6, paragraph 1, of the “Rules of procedure of the Compliance Committee of the Kyoto Protocol”,¹ the vice-chairperson chaired the meeting.
2. At the request of the chairperson, the secretariat provided information on participation and quorum, as well as key administrative, logistical and housekeeping arrangements. The secretariat confirmed that there was a quorum for the meeting, that the meeting was being webcast live on the Internet, and that an audio recording was being made of the entire meeting.
3. The enforcement branch noted that no observers had registered for the meeting.

2. Adoption of the agenda

4. The branch reviewed and adopted the provisional agenda (CC/EB/33/2019/1).

3. Organization of work

5. The branch decided to organize its consideration of the items following the order of the agenda in the following manner:
 - (a) First, to consider the questions of implementation with respect to Kazakhstan, including the disagreement whether to apply adjustments, and to elaborate and adopt decisions under section X, paragraphs 1 (d) and 5, of the “Procedures and mechanisms relating to compliance under the Kyoto Protocol”² with respect to Kazakhstan; and

¹ This and subsequent references to rules, as well as to rules of procedure, refer to those contained in the annex to decision 4/CMP.2, as amended by decisions 4/CMP.4 and 8/CMP.9.

² This and subsequent references to sections, as well as references to the procedures and mechanisms, refer to the annex to decision 27/CMP.1.



(b) Second, to discuss any other matters, under Agenda Item 5.

**4. Consideration of the questions of implementation
with respect to Kazakhstan**

(a) Advice from experts

6. At the request of the chairperson, the secretariat provided a summary of the proceedings since the publication of 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 and the report of the individual review of the annual submission of Kazakhstan submitted in 2017 contained in document FCCC/ARR/2017/KAZ.
7. Also at the request of the chairperson, the delegation of Kazakhstan, participating via electronic means, informed the meeting that, in accordance with section VIII, paragraph 2, and rule 25, paragraph 3, of the “Rules of procedure of the Compliance Committee of the Kyoto Protocol”, the following designated representatives of Kazakhstan were present:
 - (a) Mr. Sabyr Assylbekov, Department of Climate Policy and Green Technologies, Ministry of Energy
 - (b) Ms. Gulmira Sergazina, JSC Zhasyl Damu
 - (c) Ms. Ainur Kopbaeva, Department of Climate Policy and Green Technologies, Ministry of Energy
 - (d) Ms. Irina Yesserkepova, Greenhouse Gaz Inventory Department, Ministry of Energy
8. In accordance with section VIII, paragraph 5, and rule 21, and pursuant to the decision on expert advice that was adopted by the branch on 1 April 2019 (CC-2019-1-3/Kazakhstan/EB), Ms. Olia Glade, one of the lead reviewers for the in-country review of the report to facilitate the calculation of the assigned amount for the second commitment period of the Kyoto Protocol of Kazakhstan and of the annual submission of Kazakhstan submitted in 2017, and Mr. Ioannis Sempos, who is a member of the roster of experts and was not part of the expert review team (ERT) that reviewed the aforementioned reports, provided advice through electronic means during the consideration under Agenda item 4 (a).
9. No request for a hearing was received from Kazakhstan under section X, paragraph 1 (c). The chairperson, however, afforded Kazakhstan an opportunity to provide its input during the discussions under agenda item 4 (a), including with regard to the advice provided by the experts.

(b) Elaboration and adoption of a decision

10. After the elaboration of a decision during a meeting held in private in accordance with rule 9, paragraph 2, the branch adopted a preliminary decision (CC-2019-1-4/Kazakhstan/EB) under section X, paragraph 5, to apply the adjustments calculated and recommended by the ERT that reviewed Kazakhstan’s 2017 annual submission with respect to the CO₂, CH₄ and N₂O emission estimates from the consumption of coking coal in the category 1.A fuel combustion of Kazakhstan.



COMPLIANCE COMMITTEE

CC/EB/33/2019/2
12 June 2019

11. The enforcement branch noted the timelines for the adoption of decisions on adjustment set out in paragraph 5 of Section X and paragraph 5 of Rule 25 ter of the rules of procedure. At the same time, the branch recalled its decision to extend the timeframes provided for in paragraph 5 of Rule 25 ter of the rules of procedure for this case in order to align the procedure with that of the consideration of the questions of implementation arising from the same review report, as set out in paragraph 7 of the decision on preliminary examination contained in document CC-2019-1-2/Kazakhstan/EB. The branch also noted that with the eligibility of Kazakhstan to participate in the flexibility mechanism under the Kyoto Protocol not yet established, such extension of timelines under paragraph 7 of Rule 25 ter will not affect the eligibility considerations of the Party. The branch, therefore, agreed to adopt at this meeting a preliminary decision on whether to apply adjustment to inventories under Article 5, paragraph 2, of the Kyoto Protocol with respect to Kazakhstan and to afford the possibility for Kazakhstan to provide its comments on the preliminary decision within the timeline referred to in paragraph 1(e) of Section X, with a view to adopting the final decision on whether to apply the adjustment at the time of the adoption of the final decision on the questions of implementation.
12. After the elaboration of a decision during a meeting held in private in accordance with rule 9, paragraph 2, the branch adopted a preliminary finding (CC-2019-1-5/Kazakhstan/EB) 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.
13. The branch applied the relevant consequences provided in section XV of the annex to decision 27/CMP.1. It noted that the finding and consequences take effect upon confirmation by a final decision of the enforcement branch.
14. The branch noted that under section X, paragraph 1 (e) of the annex to decision 27/CMP.1, the deadline for any further written submission was expected to be in the first half of June 2019. It agreed that the Chair and the Vice-Chair of the branch would determine whether adoption of the final decision and the decision on adjustment takes place in a meeting or by electronic means. The secretariat informed the branch that preliminary arrangements had been made for the branch to meet from 29 to 30 June 2019 in Bonn, Germany, if it was necessary to do so.

5. Other matters

15. No other matters were raised.

6. Closure of the meeting

16. The chairperson declared the meeting closed on 30 April 2019 at 15:20.



7. Attendance

17. The names of members and alternate members present at the meeting are bolded below.

Members (in alphabetical order)	Alternate Members
1. ANTTONEN, Karoliina Ms.	NGUYEN-BLOCH, Sébastien Mr.
2. AITARO, Joseph Mr.	HAYNES Rueanna, Ms.
3. ALAM, Mohammad Mr.	MASSAI, Leonardo Mr.
4. CHEN, Zhihua Mr.	BHATTI, Nauman Bashir Mr.
5. LOIBL, Gerhard Mr.³	ZAHARIA, Felix Mr.
6. OSAFO, Yaw Bediako Mr.	MANJATE, Marília Telma A. Ms.
7. RAJABI, Ahmad Mr.	MOUSSA, Ba Mr.
8. REY SANTOS, Orlando Mr.	VACANT
9. RUDZKO, Iryna Ms.	ADAMOVA, Eva Ms.
10. ZVARA, Milan Mr.	WERKSMAN, Jacob Mr.

³ Participated by electronic means.