

DECISION ON PRELIMINARY EXAMINATION

Party concerned: Monaco

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 (the procedures and mechanisms), 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.

BACKGROUND

1. On 23 March 2018, the secretariat received a question of implementation indicated in the report of the expert review team (ERT) of the individual review of the annual submission of Monaco submitted in 2017 and contained in document CC/ERT/ARR/2018/8.
2. The bureau of the Compliance Committee allocated the question of implementation to the enforcement branch on 3 April 2018 under paragraph 1 of section VII,² in accordance with paragraphs 4 to 6 of section V and paragraph 1 of rule 19 of the rules of procedure.
3. On 4 April 2018, the secretariat notified the members and alternate members of the enforcement branch of the question of implementation, in accordance with paragraph 2 of rule 19 of the rules of procedure, and of their allocation to the enforcement branch.
4. The question of implementation relates to 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 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).³
5. In particular, the ERT noted that there were significant delays in the submission of annual inventory reports, with the 2017 national inventory report (NIR) submitted on 20 September 2017 and the 2016 NIR was submitted on 12 September 2017.⁴ The ERT also noted that the issue of timely submission of NIRs by Monaco was identified in reviews prior to 2016 (e.g. FCCC/ARR/2014/MCO, paragraph 7) and has also been earlier considered by the Compliance Committee (CC/EB/25/2014/1, CC/EB/25/2014/3, CC/EB/26/2015/1, CC/EB/26/2015/2 and CC/EB/27/2015/2).⁵ In failing to submit the NIR within six weeks of the submission due date, the ERT considered that Monaco has not met the mandatory requirements in accordance paragraph 3(a) of decision 15/CMP.1 in conjunction with decision 3/CMP.11.⁶

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 decisions 4/CMP.4 and 8/CMP.9.

² Unless otherwise indicated, ‘sections’ referred to in this decision are those of the procedures and mechanisms mentioned in the introductory paragraph above.

³ See CC/ERT/ARR/2018/8, paragraph 12 and table 6.

⁴ See CC/ERT/ARR/2018/8, paragraphs 7 and 9 and tables 3 (G.1) and 5 (G.17).

⁵ See CC/ERT/ARR/2018/8, paragraph 9 and table 5 (G.17).

⁶ See CC/ERT/ARR/2018/8, paragraph 9 and table 5 (G.17).

6. Furthermore, the ERT considered that the late submission of national implementation reports indicates problems with the performance of the national system functions, in particular:

- (a) Insufficient implementation of national institutional arrangements and maintenance of capacity to ensure the timely performance of the functions defined in the guidelines for national systems, as outlined in decision 19/CMP.1, annex, paragraph 10 (a), (b) and (d), in conjunction with decision 3/CMP.11.⁷
- (b) Insufficient implementation of inventory preparation and management procedures defined in the guidelines for national systems, as outlined in decision 19/CMP.1, annex, paragraphs 14 (g) and 16 (a), in conjunction with decision 3/CMP.11.⁸

DECISION

7. The question is related to the eligibility requirement referred to in: paragraph 31 (c) and (e), annex to decision 3/CMP.1; paragraph 21 (c) and (e), annex to decision 9/CMP.1; and paragraph 2 (c) and (e), annex to decision 11/CMP.1. Consequently, the expedited procedures as contained in section X apply.

8. Having conducted the preliminary examination in accordance with paragraph 2 of section VII and paragraph 1 (a) of section X, the enforcement branch decides to proceed. In particular, the enforcement branch notes that the question of implementation raised in the report by the expert review team of the individual review of the annual submission of the Party concerned submitted in 2017 as indicated in paragraphs 4-6 above is supported by sufficient information, is not de minimis or ill-founded, and is based on the requirements of the Kyoto Protocol.

Members and alternate members participating in the consideration and elaboration of the decision: Mr. Joseph AITARO, Mr. Sébastien BLOCH, Ms. Iryna RUDZKO and Mr. Milan ZVARA.

Members participating in the adoption of the decision on preliminary examination: Mr. Mohammad Sa'dat ALAM, Mr. Joseph AITARO, Mr. Sébastien BLOCH (alternate serving as member), Mr. Zhihua CHEN, Mr. Gerhard LOIBL, Mr. Yaw OSAFO, Mr. Ahmad RAJABI, Ms. Iryna RUDZKO and Mr. Milan ZVARA.

This decision was adopted unanimously on 19 April 2018.

⁷ See CC/ERT/ARR/2018/8, paragraph 9 and table 5 (G.17).

⁸ See CC/ERT/ARR/2018/8, paragraph 9 and table 5 (G.17).