

DECISION ON PRELIMINARY EXAMINATION

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.

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.² Kazakhstan did not have a commitment inscribed in Annex B to the Kyoto Protocol in the first commitment period but has commitments inscribed in the third column of Annex B in the Doha Amendment as contained in the Annex to decision 1/CMP.8. However, it has not yet ratified the Doha Amendment.
2. On 2 September 2020, the secretariat received questions of implementation indicated in the ERT report of the individual review of the annual submission of Kazakhstan submitted in 2019 contained in document FCCC/ARR/2019/KAZ (hereinafter, 2019 ARR).
3. 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 2 above were deemed received by the Compliance Committee on 3 September 2020.
4. 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.
5. 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.
6. The questions of implementation contained in the 2019 ARR relate to compliance with the annex to decision 19/CMP.1³ in conjunction with decisions 3/CMP.11⁴ and 4/CMP.11⁵ and

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

³ 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”.

⁴ 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”.

⁵ 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

the annex to decision 13/CMP.1⁶ in conjunction with decision 3/CMP.11.⁷ 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.1⁸ in conjunction with decisions 3/CMP.11 and 4/CMP.11 and that the national registry of Kazakhstan was not established for the 2019 annual submission.⁹ The ERT noted that this problem was listed as a question 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 (FCCC/IRR/2017/KAZ, ID# 18).¹⁰ The ERT concluded that the national registry of Kazakhstan has not yet been developed and therefore a registry is not in place that is able to perform the mandatory requirements for the registry's functionality for the second commitment period of the Kyoto Protocol, in accordance with the requirements set out in decision 13/CMP.1, annex, chapter II, in conjunction with decision 3/CMP.11, and the annex to decision 5/CMP.1. The ERT also noted 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. The ERT noted that this problem was listed as a question of implementation in the previous review report (FCCC/ARR/2017/KAZ, ID# G.14). The ERT considered the Party's response and welcomed Kazakhstan's intention to provide SEF tables for 2013–2017 by 15 April 2021; however, because Kazakhstan did not provide in its response the requested SEF tables or any description of the specific actions and steps (including time frames, deliverables and responsibilities) that would lead to the problem being addressed in the next annual submission, the ERT found that Kazakhstan has not satisfactorily resolved the problem and considered that the problem related to the reporting of Kyoto Protocol units in accordance with decision 15/CMP.1, annex, chapter I.E, paragraphs 12–18, in conjunction with decision 3/CMP.11, in the SEF tables as required in decision 3/CMP.11, paragraph 13, remains unresolved.¹¹

7. The questions of implementation contained in the 2019 ARR also relate to compliance with the methodological and reporting requirements contained in the decision 2/CMP.8, decision 3/CMP.11 and decision 15/CMP.1.¹² The ERT noted that Kazakhstan did not provide a chapter or section related to the reporting of KP-LULUCF activities in the NIR, and therefore did not report any of the required information related to KP-LULUCF activities in its 2019 annual submission. The ERT also 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).¹³ The ERT further noted that the Kazakhstan did not provide the mandatory information for AR and deforestation under Article 3, paragraph 3, of the Kyoto Protocol and for FM and 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. The ERT noted that Kazakhstan did not provide any of the required information in accordance with decision 2/CMP.8, annex II, on KP-LULUCF activities, as recommended by the ERT.¹⁴ The ERT also noted that Kazakhstan did not provide any information in the NIR demonstrating that the

those relating to Articles 5, 7 and 8 of the Kyoto Protocol, Part II: Implications related to review and adjustments and other related issues”.

⁶ Decision entitled “Modalities for the accounting of assigned amounts under Article 7, paragraph 4, of the Kyoto Protocol”.

⁷ See table 7 of the 2019 ARR.

⁸ See, in particular, table 3, G.3, G.4, G.8, G.15, G.17 and G.22 of the 2019 ARR.

⁹ See, in particular table 3, G.1 of the 2019 ARR

¹⁰ See, in particular, table 3, ID #18, of the IRR.

¹¹ See, in particular table 3, G.2 of the 2019 ARR

¹² Decision entitled “Guidelines for the preparation of the information required under Article 7 of the Kyoto Protocol”.

¹³ See KL.7 on page 108 of the 2019 ARR, referring to table.3 ID# KL.1 of the 2017 ARR.

¹⁴ See, in particular table 3, ID# KL.7 in table 5 of the 2019 ARR

national inventory system ensures that areas of land subject to KP-LULUCF activities are identifiable, in accordance with decision 2/CMP.7, annex, paragraph 25.¹⁵

8. 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.

DECISION

9. 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 questions of implementation raised in the 2019 ARR are supported by sufficient information, are not de minimis or ill-founded, and are based on the requirements of the Kyoto Protocol.

10. The enforcement branch decides to consider the questions of implementation following the expedited procedures as contained in paragraph 1 of section X.

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

Mohammad Sa'dat ALAM, Karoliina ANTTONEN, Leonardo MASSAI, Yaw OSAFO, Ahmad RAJABI, Orlando E. REY SANTOS, Arne RIEDEL, Stanley WAPOT, and Milan ZVARA.

Members participating in the adoption of the decision on preliminary examination:

Mohammad Sa'dat ALAM, Karoliina ANTTONEN, Yaw OSAFO, Ahmad RAJABI, Orlando E. REY SANTOS, Arne RIEDEL, Stanley WAPOT (*acting as member*), and Milan ZVARA.

This decision was adopted with the requisite majority¹⁶ on 30 September 2020.

¹⁵ See, in particular table 3, ID# KL.6 in table 5 of the 2019 ARR

¹⁶ See paragraph 9 of section II in the annex to decision 27/CMP.1.