



Annual report of the Compliance Committee to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol

Note by the secretariat

1. Under section XII(b) of the “Procedures and mechanisms relating to compliance under the Kyoto Protocol” (annex to decision 27/CMP.1), the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol is to consider the report of the plenary of the Compliance Committee on the progress of its work.
2. The attached draft is presented to the plenary for its consideration. The plenary will note that some paragraphs may be added or modified based on discussions at its twenty-fourth meeting.



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**Conference of the Parties serving as the meeting
of the Parties to the Kyoto Protocol**

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Item x[(x)] of the provisional agenda

Report of the Compliance Committee

**Annual report of the Compliance Committee to the
Conference of the Parties serving as the meeting of the
Parties to the Kyoto Protocol**

Report by the secretariat

Summary

The seventeenth annual report of the Compliance Committee to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol covers activities undertaken from 10 September 2021 to 7 July 2022. The report provides a summary of the consideration by the enforcement branch of the question of implementation with regard to the compliance of Kazakhstan, the continued consideration by the facilitative branch of its role in providing advice and facilitation in implementing the Kyoto Protocol, and the discussions in the plenary of the Compliance Committee.

I. Introduction

A. Mandate

1. In accordance with section III, paragraph 2(a), of the procedures and mechanisms relating to compliance under the Kyoto Protocol,¹ the plenary of the Compliance Committee is to report on the activities of the Committee at each ordinary session of the CMP.

B. Scope of the report

2. The seventeenth annual report of the Committee covers the period from 10 September 2021 to 7 July 2022. It includes reports on its meetings held in 2022 and summaries of the work of and matters addressed by the Committee during the reporting period.

C. Possible action by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol

3. According to section XII of the procedures and mechanisms, the CMP is to consider the annual report of the Committee. This report will be formally considered at CMP 17.

4. The Committee invites CMP 17 to consider and adopt the approved amendments to the rules of procedure of the Compliance Committee of the Kyoto Protocol contained in annex I to this report, which will continue to be provisionally applied by the Committee until adoption.

5. The CMP may wish to:

(a) Invite Parties, when considering the budget for the 2024–2025 biennium, to ensure that adequate resources are provided for the work of the Committee and its functions relating to the completion of work in the second commitment period of the Kyoto Protocol,

(b) invite the President of the CMP to undertake consultations on the nomination of members and alternate members of the Committee to the currently vacant seats.

II. Organizational matters

6. During the reporting period, the Compliance Committee held the following meetings:

(a) The 37th meeting of the enforcement branch, on 5 July 2022;

(b) The 25th meeting of the facilitative branch, on 6 July 2022;

(c) The 24th meeting of the plenary, on 7 July 2022.

7. All of the meetings were held in hybrid format owing to the circumstances related to the COVID-19 pandemic.

8. The agenda and annotations, documentation supporting agenda items, and report for each meeting of the plenary and the facilitative and enforcement branches are available on the UNFCCC website.²

A. Membership of the Compliance Committee

9. In accordance with rule 3, paragraph 1, of the rules of procedure of the Compliance Committee of the Kyoto Protocol,³ the term of service of each member and alternate member

¹ Decision [27/CMP.1](#), annex.

² See <https://unfccc.int/Compliance-Committee-CC>.

³ Decision 4/CMP.2 as amended by decisions 4/CMP.4 and 8/CMP.9. Available at: [rules of procedure of the compliance committee of the kp.pdf](#).

of the Committee starts on 1 January of the calendar year immediately following his or her election and ends on 31 December, two or four years thereafter, as applicable. At CMP 1 (December 2006), ten members and ten alternate members were elected to the Committee for an initial term of two years and ten members and ten alternate members for a term of four years. Thereafter, upon expiry of the previous term, the CMP has elected at its relevant regular sessions ten members and ten members for a term of four years.

10. The Committee wishes to draw the attention of the CMP to two vacancies in the facilitative branch of the Committee that have remained unfilled since 2019 owing to the absence of nominations of an alternate member from Parties not included in Annex I and an alternate member from Parties included in Annex I, and to the importance of nominating and electing two alternate members to fill these vacancies and serve the remainder of the term, until 31 December 2023.

11. The Committee also wishes to draw the attention of the CMP to two vacancies in the enforcement branch of the Committee that have remained unfilled since 2019 owing to the absence of nominations of an alternate member from the Eastern European States and a member from Parties not included in Annex I, and to the importance of nominating and electing a member and an alternate member to fill these vacancies and serve the remainder of the term, until 31 December 2023.

12. The Committee also wishes to draw the attention of the CMP to one vacancy in the enforcement branch of the Committee that has remained unfilled since 2021 owing to the absence of a nomination of an alternate member from the Group of Latin American and Caribbean Countries, and to the importance of nominating and electing an alternate member to fill this vacancy and serve the remainder of the term, until 31 December 2025.

13. The Committee expresses its hope that Parties will keep in mind the goal of gender balance when submitting nominations for membership of the Committee.

B. Transparency, communication and information

14. In accordance with rule 9, paragraph 1, of the rules of procedure, meetings of the plenary and of the facilitative and enforcement branches held in the reporting period were public and recorded and broadcasted on the UNFCCC website, with the exception of the parts of those meetings that were held in private in accordance with the same rule.

15. In accordance with rule 12, paragraph 2, of the rules of procedure, all documents of the plenary and the enforcement and facilitative branches have been made available on the UNFCCC website.⁴

C. Use of electronic means in decision-making

16. Pursuant to rule 11, paragraph 2, of the rules of procedure, the Committee may elaborate and take decisions using electronic means. During the reporting period, the enforcement branch used electronic means to [*to be updated as appropriate*].

⁴ Documents relating to the plenary, facilitative branch and enforcement branch are available at <https://unfccc.int/process/bodies/constituted-bodies/compliance-committee-cc/compliance-committee-plenary>, <https://unfccc.int/process/bodies/constituted-bodies/compliance-committee-cc/facilitative-branch> and <https://unfccc.int/process/bodies/constituted-bodies/compliance-committee-cc/enforcement-branch>, respectively.

III. Work undertaken in the reporting period

A. Activities of the plenary

1. Consideration of the reports of expert review teams under Article 8 of the Kyoto Protocol

17. In accordance with section VI, paragraph 3, of the procedures and mechanisms, and paragraph 49 of the Guidelines for review under Article 8 of the Kyoto Protocol⁵, the members and alternate members of the facilitative branch of the Committee received the following reports: The 2021 ARR of Australia, Belarus, Czechia, Great Britain and Northern Ireland, Greece, Hungary, Italy, Kazakhstan, Spain, Switzerland, the Netherlands and Ukraine.

18. The plenary noted that, following the entry into force of the Doha Amendment⁶ on 31 December 2020, it would continue its work in response to the mandates under decisions 27/CMP.1 and 8/CMP.8 as well as Articles 7–8 of the Kyoto Protocol with respect to the implementation of the second commitment period, and that it would consider questions of implementation arising from the review of the true-up period reports in accordance with the parameters of the true-up period set out by the CMP.

2. Amendments to the rules of procedure of the Compliance Committee

19. The plenary, at its 23rd meeting on 9 September 2021, approved the proposed amendments to the rules of procedure of the Compliance Committee to enable members and alternate members to remain in office until their successors have been elected and to allow for the intersessional replacement of members and alternate members. The plenary decided to reiterate its invitation to CMP 17 to consider and adopt the approved amendments to the rules of procedure of the Committee, which are contained in annex I to this report and have been provisionally applied by the Committee.

B. Activities of the enforcement branch

20. In the reporting period, the enforcement branch did not receive any new questions of implementation and continued to consider the ongoing question of implementation with respect to Kazakhstan⁷ from the previous reporting period.

21. In accordance with section III, paragraph 2(a), of the procedures and mechanisms, the progress reports submitted by Kazakhstan during the reporting period are listed in annex II.

1. Questions of implementation with respect to Kazakhstan

22. On 10 November 2020, during its 35th meeting, the enforcement branch adopted by consensus the preliminary finding⁸ 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 decisions 3/CMP.11 and 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 decisions 2/CMP.8, 3/CMP.11 and 15/CMP.1, and the national registry requirements contained in decision 13/CMP.1, annex,

⁵ Decision [22/CMP.1](#).

⁶ Decision [1/CMP.8](#).

⁷ All documents relating to the 2019 questions of implementation for Kazakhstan are available at <https://unfccc.int/process-and-meetings/the-kyoto-protocol/compliance-under-the-kyoto-protocol/questions-of-implementation-kazakhstan>, and those relating to the 2020 questions of implementation are available at <https://unfccc.int/process-and-meetings/the-kyoto-protocol/compliance-under-the-kyoto-protocol/questions-of-implementation-kazakhstan-2020>.

⁸ Compliance Committee document [CC-2020-1-2/Kazakhstan/EB](#).

chapter II, in conjunction with decision 3/CMP.11. The enforcement branch did not receive any further submissions from Kazakhstan.

23. On 13 January 2021, the enforcement branch adopted by electronic means the final decision⁹ with respect to Kazakhstan, which confirmed the preliminary finding.

24. In accordance with paragraphs 24 and 29 of the preliminary finding and paragraph 6 of the final decision, the first progress report was to be submitted by Kazakhstan, in accordance with section XV, paragraph 3, of the procedures and mechanisms and the decision on the review and assessment of the compliance plan,¹⁰ no later than 31 January 2021, with subsequent progress reports to be submitted periodically thereafter, at least once every six months, to address the questions of implementation raised in the 2017 ARR, 2017 in-depth review report and 2019 ARR, and the recommendations of the enforcement branch contained in the review and assessment of the compliance plan.

25. Kazakhstan submitted its first progress report¹¹ on 22 February 2021, its second progress report was submitted on 12 August 2021¹², and its third report was submitted on 4 February 2022.¹³

26. At its 36th meeting on 7 September 2021, the enforcement branch noted with appreciation the progress of Kazakhstan, as described in its first and second progress reports and the presentation made by its representatives at the 36th meeting of the branch, in addressing the questions of implementation.

27. The branch [*to be completed to reflect the agreement of the branch*].

C. Activities of the facilitative branch

28. Following the deliberations at its 24th meeting on 8 September 2021, the facilitative branch agreed to continue the reviews of the ARRs as per the practical working arrangements decided at its 23rd meeting on 11 November 2020, which included improvements to the working modalities of the working groups that would review the ARRs to enhance their efficiency and coordination and improvements to the “General Analysis and Overview” guiding tool developed in 2019 to review the reports.

29. In this reporting period, the secretariat distributed the 2021 ARRs to the members and alternate members of the facilitative branch for their consideration, in accordance with section VI, paragraph 3, of the procedures and mechanisms and paragraph 49 of the Guidelines for review under Article 8 of the Kyoto Protocol. Some committee members and alternate members conducted a review of selected ARRs during the reporting period and presented their findings to the branch at its 25th meeting. The branch agreed to [*to be updated following the discussions in the meeting of the branch*].

30. At its 25th meeting, the facilitative branch considered the presentation by the secretariat on the proposed approach to update the document *Experience of the facilitative branch of the Kyoto Protocol Compliance Committee in providing advice and facilitation to Parties in implementing the Kyoto Protocol*¹⁴. The branch agreed to [*to be updated following the discussions in the meeting of the branch*].

D. Budget for the work of the Compliance Committee

31. For the biennium 2022–2023, the Committee notes that, as part of the overall core budget of the Legal Affairs division, funds have been foreseen for three (in-person) meetings

⁹ Compliance Committee document [CC-2020-1-4/Kazakhstan/EB](#).

¹⁰ Compliance Committee document [CC-2019-1-12/Kazakhstan/EB](#).

¹¹ Compliance Committee document [CC-2020-1-5/Kazakhstan/EB](#).

¹² Compliance Committee document [CC-2020-1-6/Kazakhstan/EB](#).

¹³ Compliance Committee document [CC-2020-1-7/Kazakhstan/EB](#).

¹⁴ See document [CC/FB/20/2017/2](#).

of the Committee in the current biennium from core funding and for one meeting in the current biennium from supplementary funds.¹⁵

32. The plenary took note of the information provided by the secretariat on funding and staffing for the current biennium.

¹⁵ See [decision 22/CP.26](#), table 1, and document [FCCC/SBI/2021/4/Add.1](#), table 19.

Annex I

Approved amendments to the rules of procedure of the Compliance Committee of the Kyoto Protocol

The plenary proposes¹⁶ the following amendments to the rules of procedure of the Compliance Committee of the Kyoto Protocol¹⁷ for consideration and adoption at CMP 17.

Amendments to rule 3

In rule 3, paragraph 1, the following text should be inserted at the end of the paragraph:

“Each member and alternate member shall remain in office until his or her successor is elected.”

In rule 3, paragraph 5, should be replaced by the following text:

“If a member or an alternate member resigns or is otherwise unable to complete the assigned term of office or to perform the functions of that office, the Committee may decide, bearing in mind the proximity of the next session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol, to appoint another member or alternate member from the same group or constituency to replace the said member or alternate member for the remainder of the term of that member or alternate member, in which case the appointment shall count as one term.”

¹⁶ In accordance with decision [27/CMP.1](#), annex, section III, para. 2(d).

¹⁷ As contained in the annex to decision [4/CMP.2](#) and amended in the annex to decision [4/CMP.4](#) and the annex to decision [8/CMP.9](#). Available in current form at https://unfccc.int/files/kyoto_protocol/compliance/background/application/pdf/rules_of_procedure_of_the_compliance_committee_of_the_kp.pdf.

Annex II

Documents of the enforcement branch of the Compliance Committee during the reporting period

Kazakhstan

<i>Title</i>	<i>Compliance Committee document number</i>	<i>Date received</i>
Third progress report	CC-2020-1-7/Kazakhstan/EB	4 February 2022
