

31 October 2019

Mr. Michał Kurtyka

President of COP24/CMP14/CMA1.3

H.E. Ms. Carolina Schmidt Zaldivar

President-Designate of COP25/CMP15/CMA2

Excellencies,

With regard to your letter dated 21 September 2019, in our capacity of the Chairs of the enforcement and facilitative branches and the co-Chairs of the plenary of the Kyoto Protocol Compliance Committee, we welcome the further opportunity to share our views on the role of the Committee in relation to advancing pre-2020 implementation.

We refer to our letter dated 28 September 2018 to the COP 23 President and COP 24 President-Designate on the same matter (attached), in which the overall role of the Kyoto Protocol Compliance Committee with regard to advancing pre-2020 implementation and its work through 2018 were outlined.

In this regard, we would like to provide an update on activities of the Committee, its branches and the plenary in the period since 28 September 2018 which are of relevance to the pre-2020 implementation.

Facilitating implementation

The facilitative branch of the Committee continued exploring synergies as to how its work and the work of the inventory reviewers complement each other in assisting Parties with the implementation of the Protocol. To this end, it held a dialogue with inventory lead reviewers in March 2019. Among other things, the dialogue explored questions around possible underlying causes of unresolved issues and how they may be identified, any particular areas among frequently recurring problems that might benefit from assistance from the facilitative branch and possible ways of highlighting successes and improving reporting over time.

Assessment of implementation

The facilitative branch also continued its work on providing advice and facilitation to Parties in implementing the Protocol and in promoting compliance. To this end, the branch continued the analysis of annual review reports forwarded to the Committee in accordance with section VI, paragraph 3, of the procedures and mechanisms.¹ A tool for analyzing review reports was developed by a member of the branch to facilitate that task. Among other things, the branch explored possible ways to identify persistent or significant issues that might benefit from facilitation and advice.

¹ Procedures and mechanisms relating to compliance under the Kyoto Protocol (annex to decision 27/CMP.1; hereinafter referred to as the “procedures and mechanisms”).

Enforcing compliance by individual Parties

In addressing compliance of individual Parties with their obligations under Article 3 of the Protocol, the enforcement branch of the Committee has considered questions of implementation with respect to one Party.² The questions related to challenges with the functioning of the national system, the availability of the national registry and compliance with the reporting requirements. The enforcement branch also helped resolve a disagreement on adjustment to national inventory between the Party concerned and the expert review team. The branch further worked with another Party on the implementation of its compliance plan aimed at bringing it back into compliance.

We would like to acknowledge with appreciation the continued constructive engagement of the Parties concerned with the Committee.

The meeting of commitments under the Protocol

The work of the Committee continues to promote effective implementation of the Protocol in the lead-up to 2020 and the meeting of the targets the Parties inscribed for the 2nd commitment period.

The body of work of the Committee

In its 14th annual report, the Committee also drew the attention of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP) to the large body of work on facilitation and compliance that it has undertaken over the fourteen years of its existence and the outputs that it has generated. Fully aware of the differences in scope, mandate and procedures of different bodies as well as the different legal bases for their operation, the Committee saw value in sharing this experience, including also practical arrangements and methodologies used by its branches, and believes that other bodies may benefit from it.

The detailed information on the work of the Committee is available from the annual reports to the CMP, including the latest, 14th annual report, reports of the branches and the plenary as well as the decisions adopted in 2018 and 2019 by the enforcement branch.³

We trust, Excellencies, that this update will be useful for the stock taking exercise you are undertaking pursuant to decision 1/CP.24.

Emanuela Sardellitti



Chair, Facilitative Branch
Kyoto Protocol Compliance Committee

Joseph Aitaro



Chair, Enforcement Branch
Kyoto Protocol Compliance Committee

Attachment: Letter from the Chairs of the facilitative and enforcement branches of the Kyoto Protocol Compliance Committee letter dated 28 September 2018 to the COP 23 President and COP 24 President-Designate

² Information on each question of implementation, the findings and recommendations of the enforcement branch, as well as on the follow up on the measures implemented by the Parties concerned and the resolution of each question of implementation is available on

<https://unfccc.int/process/the-kyoto-protocol/compliance-under-the-kyoto-protocol>

³ Available on the website of the Committee at

<https://unfccc.int/process/the-kyoto-protocol/compliance-under-the-kyoto-protocol>

28 September 2018

H.E. Mr. Frank Bainimarama

President of COP23/CMP/13/CMA1.2

Mr. Michał Kurtyka

President-designate of COP24/CMP13/CMA1.3

Excellencies,

With regard to your letter dated 17 June 2018, in our capacity of the Chairs of the enforcement and facilitative branches of the Kyoto Protocol Compliance Committee, we welcome the opportunity to share our views on the role of the Committee in relation to advancing pre-2020 implementation.

The Compliance Committee under the Kyoto Protocol was established by decision 27/CMP.1 in 2005. During its 13 years of operation, the Committee has contributed to ensuring that commitments of Parties included in Annex I under the Protocol are fulfilled in an effective and transparent manner. This, in turn, plays an important role in fulfilling the Parties' undertakings and raising trust among Parties.

The main objective of the Committee is to assist with the facilitation, promotion, and enforcement of compliance with the existing commitments under the Protocol. The annual reports of the Committee to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP) provide a full overview of the work, including achievements and challenges, of both branches and the Committee overall.¹ A summary of some of the specific functions and contributions of the Committee towards this objective includes the following themes.

Facilitating implementation

The facilitative branch of the Committee is responsible for providing advice and facilitation to Parties in implementing the Protocol and in promoting compliance. To fulfill this task, the branch has brought to the attention of the CMP the challenges that some of the Parties experienced with the timely submission of greenhouse gas (GHG) inventory reports and national communications. This led to improvements in timeliness of reporting by Parties on the fulfilment of their obligations and commitments. The branch also exercised its facilitative and early warning functions, raising issues related to possible concerns with implementation by at least 4 Parties.

At the same time, the facilitative branch recognized that the impact of its work could have further benefited from the branch having a more defined mandate and having at its disposal a set of instruments

¹ 13 annual reports of the Committee to the CMP are available on <https://unfccc.int/process/bodies/constituted-bodies/compliance-committee-cc/compliance-committee-plenary>

and tools to offer assistance to Parties, including through direct engagement on challenges faced by them. The branch stressed that for it to offer targeted responses, it is important to understand the causes and reasons of the recurring difficulties that some Parties have faced in implementing the Kyoto Protocol and complying with their commitments.

Assessment of implementation

More recently, to further assist with the implementation efforts, the facilitative branch has begun considering information contained in the review reports under Article 8 of the Protocol to identify common challenges and recurring difficulties encountered by Parties in implementing the Protocol as well as the underlying reasons thereof. In this regard, the branch also noted that clear modalities for a follow-up on any recurring issues could have added further value to the transparency regime under the Protocol.

Promoting consistency in the review process

The Committee also plays an important role in promoting consistency in the review process under Article 8 of the Protocol. The bureau and the plenary of the Committee have been working on this in close cooperation with the inventory lead reviewers, including through participation in the lead reviewers' meetings and through several joint workshops. This work was focused on specific areas to enhance both consistency in reviews of each Party over time as well as consistency in addressing implementation issues in review reports across Parties. This, in its turn, increased the effectiveness and fairness of the overall transparency system under the Protocol.

Enforcing compliance by individual Parties

In addressing compliance of individual Parties with their obligations under Article 3 of the Protocol, the enforcement branch of the Committee has considered questions of implementation with respect to 9 individual Parties.² The majority of these related to challenges with the functioning of the Parties' national systems. These challenges have been addressed, including through the development and implementation of compliance plans by the respective Parties. In at least 2 cases, the enforcement branch helped resolve disagreements on adjustments to national inventories between the Parties concerned and the respective expert review teams. The Committee also worked closely with one Party to help implement measures necessary to formally demonstrate its compliance with the target in the first commitment period.

The process of consideration and the measures taken to address non-compliance, where it was established, helped to bring those Parties back into compliance with the requirements for national systems, registries, and reporting, thereby putting them in a better position to meet their mitigation targets in the first commitment period under the Protocol. The branch continues fulfilling this function in the second commitment period, with one question of implementation considered recently.

² Information on each question of implementation, the findings and recommendations of the enforcement branch, as well as on the follow up on the measures implemented by the Parties concerned and the resolution of each question of implementation is available on <https://unfccc.int/process/the-kyoto-protocol/compliance-under-the-kyoto-protocol>

In our view, it is important to recognize the constructive engagement of Parties concerned with the branch, including in the implementation of the recommendations and compliance measures put forward by the branch pursuant to decision 27/CMP.1.

The meeting of commitments under the Protocol

Importantly, the overall work of the Committee over the past 13 years helped the Annex I Parties with commitments under Article 3 meet their targets and complete successfully the first commitment period. The Committee also continues to play this role in the second commitment period in the lead up to 2020.

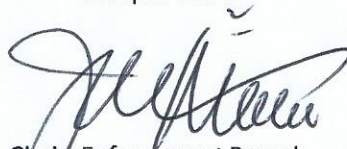
We trust, Excellencies, that the above information as well as further details that are available from the annual reports of the Compliance Committee to the CMP, reports of both branches and the decisions adopted by the enforcement branch³ will serve as a useful input to the stock taking exercise you are undertaking pursuant to decision 1/CP.24.

Emanuela Sardellitti



Chair, Facilitative Branch
Kyoto Protocol Compliance Committee

Joseph Aitaro



Chair, Enforcement Branch
Kyoto Protocol Compliance Committee

³ Available on the website of the Committee at <https://unfccc.int/process/the-kyoto-protocol/compliance-under-the-kyoto-protocol>