

## **DECISION ON RESOLUTION OF THE QUESTIONS OF IMPLEMENTATION**

*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 (procedures and mechanisms),<sup>1</sup> and adopted under Article 18 of the Kyoto Protocol, and the “Rules of procedure of the Compliance Committee of the Kyoto Protocol” (rules of procedure),<sup>2</sup> the enforcement branch adopts the following decision.

### **I. BACKGROUND**

1. The final decision of the enforcement branch taken on 30 August 2018 (CC-2018-1-4/Monaco/EB) gave effect to the consequences contained in paragraph 22 of the preliminary finding of the branch, as confirmed by and annexed to the final decision. According to subparagraph 22(a) of that paragraph, Monaco was declared to be in non-compliance and according to subparagraph 22(b), Monaco was required to develop a plan referred to in paragraph 1 of section XV, in accordance with the substantive requirements of paragraph 2 of section XV and paragraph 1 of rule 25 bis of the rules of procedure, submit it within three months to the branch in accordance with paragraph 2 of section XV, and report on the progress of its implementation in accordance with paragraph 3 of section XV.

2. On 14 October 2018, Monaco submitted a document entitled “Plan submitted in accordance with paragraph 22 (b) of the preliminary finding of the Enforcement Branch of the Compliance Committee” (CC-2018-1-5/Monaco/EB), in accordance with paragraph 2 of section XV and paragraph 1 of rule 25 bis of the rules of procedure (hereinafter referred to as the “plan”). In accordance with paragraph 2 of rule 10 of the rules of procedure, the plan was deemed received by the branch on 15 October 2018.

3. In accordance with paragraph 2 of section XV and paragraph 3 of rule 25 bis of the rules of procedure, the branch reviewed and assessed the plan submitted by Monaco and on 9 November 2018, the branch adopted a decision on the review and assessment of the plan submitted under paragraph 2 of section XV (CC-2018-1-6/Monaco/EB) that concluded, in paragraph 9 of that decision, that the plan sets out and adequately addresses, in separate sections, each of the elements specified in paragraph 2 of section XV, and that, if implemented, the plan is expected to remedy the non-compliance.

4. Monaco submitted its first and second progress reports on 1 March 2019 and 28 May 2019 respectively (CC-2018-1-7/Monaco/EB, CC-2018-1-8/Monaco/EB). At its 34<sup>th</sup> meeting on 5 September 2019, the enforcement branch noted with appreciation the progress by Monaco in the implementation of its plan, including the measures carried out to address non-compliance and agreed to review at its next meeting the progress by Monaco in remedying non-compliance. The branch also agreed that the report on the review of the 2019 annual submission of Monaco will serve as an input to its further consideration of this matter.

5. On 1 October 2019, 17 February 2020, 19 August 2020 and 28 September 2020, respectively, Monaco submitted its third, fourth, fifth and sixth progress reports (CC-2018-1-9/Monaco/EB, CC-2018-1-10/Monaco/EB and CC-2018-1-11/Monaco/EB, CC-2018-1-12/Monaco/EB).

6. On 23 March 2020, the Committee received the report of the expert review team (ERT) of the individual review of the annual submission of Monaco submitted in 2019 (2019 annual submission) contained in document CC/ERT/ARR/2020/10 (2019 ARR). The 2019 ARR resulted from an in-country

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<sup>1</sup> All section references in this document refer to the procedures and mechanisms.

<sup>2</sup> 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 decision 4/CMP.4.

review, which was conducted from 9 to 14 September 2019 in accordance with the annex to decision 22/CMP.1 and revised by decision 4/CMP.11.

7. At its 35<sup>th</sup> meeting on 10 November 2020, the enforcement branch addressed the questions of implementation with respect to Monaco, and considered the third, fourth, fifth and sixth progress reports of Monaco, as well as the 2019 ARR, which did not raise any questions of implementation.<sup>3</sup>

8. Monaco was represented at this meeting in accordance with paragraph 2 of section VIII updated the branch on the progress made in the implementation of its plan.

9. The enforcement branch noted with appreciation the progress made by Monaco in the implementation of its plan, including the measures carried out to address non-compliance and welcomed the timely submission of Monaco's progress reports. However, it noted that further progress, in particular regarding the entry into force of the legal provisions for data collection, was required for the branch to be able to determine whether the question of implementation has been resolved. The branch encouraged Monaco to provide updated information on the implementation of its compliance plan, in particular on the legal provisions for data collection, in its next progress report, to be submitted not later than four months from the submission of its sixth progress report.

10. Monaco submitted its seventh progress report (CC-2018-1-13/Monaco/EB) on 14 January 2021.

## **II. INFORMATION SUBMITTED, PRESENTED AND CONSIDERED**

11. In its deliberations, the branch considered the 2019 ARR, the plan and progress reports and the information submitted and presented by Monaco.

12. In the 2019 ARR, the ERT found that Monaco has made good progress since the last review.<sup>4</sup> While no questions of implementation were identified by the ERT during the review, the ERT also found that a number of recommendations from previous review reports had not yet been resolved.<sup>5</sup>

13. The ERT also recommended that Monaco include in its next NIR more transparent information on steps taken to address the actions presented in the plan submitted to the Compliance Committee, including the action proposed in the plan, a clear description of what was and was not implemented, along with time frames and accompanying explanations of the status of implementation.

14. In its plan and progress reports, Monaco provided an overview of the measures undertaken to remedy the non-compliance, and in its sixth progress report stated that all actions in the plan have been implemented, with the exception of the legal text on data provision.

15. In its seventh progress report, Monaco provided a updated information on the entry into force of the legal provisions for data collection, as requested by the branch at its 35<sup>th</sup> meeting.

## **III. REASONS AND CONCLUSIONS**

16. The branch concludes, on the basis of the information submitted, presented and considered, that the information now available is sufficient to determine that the questions of implementation have been resolved.

17. The branch notes that the plan presented by Monaco outlined the necessary compliance steps with respect to the question of implementation and notes that all the measures described in Monaco's plan have been implemented.

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<sup>3</sup> Item 4 of the agenda of the thirty-fifth meeting of the enforcement branch, contained in document CC/EB/35/2020/1.

<sup>4</sup> 2019 ARR, Table 5, G.16, pages 23 and 24.

<sup>5</sup> 2019 ARR, Table 5, G.16, page 23; Table 3, pages 8 – 20.

#### **IV. DECISION**

18. In accordance with paragraph 2 of section X, the branch decides that there no longer continues to be a question of implementation with respect to Monaco.

*Members and alternate members participating in the consideration and elaboration of the decision:*  
Mohammad ALAM, Karoliina ANTTONEN, Leonardo MASSAI, Sébastien NGUYEN-BLOCH, Derrick ODERSON, Yaw OSAFO, Ahmed RAJABI, Orlando E. REY SANTOS, Arne RIEDEL, Iryna RUDZKO, and Milan ZVARA

*Members participating in the adoption of the decision:*  
Mohammad ALAM, Karoliina ANTTONEN, Derrick ODERSON, Yaw OSAFO, Orlando E. REY SANTOS, Ahmed RAJABI, Arne RIEDEL, Iryna RUDZKO, and Milan ZVARA

This decision was deemed to have been adopted with the requisite majority on 8 February 2021.

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