



**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 reports 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-first meeting.



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**Conference of the Parties serving as the meeting  
of the Parties to the Kyoto Protocol**  
Fifteenth session  
Santiago de Chile, 2–13 December 2019

Item 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\***

*Summary*

The fourteenth 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 1 September 2018 to 6 September 2019. The report provides a summary of the consideration by the enforcement branch of the questions of implementation with regard to compliance by Monaco and Kazakhstan [*to be completed after the meeting of the plenary*], the continued work by the facilitative branch on the consideration of its role in providing advice and facilitation [*to be completed after adoption by the plenary of the report*], and the discussions of the plenary of the Compliance Committee.

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## **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” (annex to decision 27/CMP.1; hereinafter referred to as the procedures and mechanisms), the plenary of the Compliance Committee (hereinafter referred to as the plenary) is to report on the activities of the Compliance Committee (hereinafter referred to as the Committee) to each ordinary session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP).

### **B. Scope of the report**

2. The fourteenth annual report of the Committee covers the period from 1 September 2018 to 6 September 2019. It summarizes the work of and matters addressed by the Committee during that period.

### **C. Possible action to be taken 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.

4. The CMP may also wish:

(a) To invite the President of the CMP to undertake consultations on the nomination of members and alternate members of the Committee, as necessary (see paras. 8–12 below);

(b) To invite Parties to make contributions to the Trust Fund for Supplementary Activities in order to support the work of the Committee in the biennium 2020–2021 (see para. 41 below).

(c) *[to be completed based on the discussions in the plenary]*

## **II. Organizational matters**

5. During the reporting period, the enforcement branch met twice, for its 33<sup>rd</sup> meeting (in Bonn, Germany, on 29–30 April 2019) and its 34<sup>th</sup> meeting (in Bonn on 5 September 2019); the facilitative branch met once, for its 22<sup>nd</sup> meeting (in Bonn on 4–5 September 2019) and members and alternate members of the facilitative branch attending the sixteenth meeting of greenhouse gas inventory lead reviewers (in Bonn on 13–14 March 2019) (see para. 18 below) met informally on the margins of the lead reviewers meeting to discuss preparations for the 22<sup>nd</sup> meeting of the branch.

6. The 21<sup>st</sup> meeting of the plenary was held on 5–6 September 2019 in Bonn.

7. The agenda and annotations, documentation, supporting agenda items and the Chairs’ report for each meeting of the plenary and of the facilitative and enforcement branches are available on the UNFCCC website.<sup>1</sup>

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<sup>1</sup> <https://unfccc.int/process/bodies/constituted-bodies/compliance-committee-cc>

## **A. Membership of the Compliance Committee**

8. In accordance with rule 3, paragraph 1, of the rules of procedure,<sup>2</sup> the term of office of each member and alternate member of the Committee starts on 1 January of the calendar year immediately following his or her election and ends on 31 December four years thereafter. A list of the members and alternate members whose terms expire on 31 December 2019 is contained in annex I.

9. In accordance with section IV, paragraph 2, section V, paragraph 2, and section II, paragraph 5, of the procedures and mechanisms, the plenary requests the CMP to elect five new members to serve in the facilitative branch, five new members to serve in the enforcement branch and an alternate member for each new member, all for terms of four years.

10. The plenary also wishes to draw the attention of the CMP to the two vacancies in the membership of the Committee that have remained unfilled since 2017. It requests the CMP, at its next session, to fill the two vacancies by electing an alternate member from the Group of Latin American and Caribbean States to serve on the facilitative branch and an alternate member from the Group of Latin American and Caribbean States to serve on the enforcement branch for the remainder of their respective terms, until 31 December 2021.

11. The plenary further wants to draw the attention of the CMP to the third vacancy remaining due to the resignation in 2019 of an alternate member of the facilitative branch. Pursuant to rules 3, paragraph 5, of the rules of procedure of the Compliance Committee, it requests the CMP, at its next session, to fill the remaining vacancy by electing an alternate member of the facilitative branch from Parties included in Annex I to serve for the remainder of the term, until 31 December 2021.

12. The plenary expresses its hope that Parties will keep in mind the issue of gender balance when making nominations for membership of the Committee.

## **B. Transparency, communication and information**

13. 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 recorded and broadcast on the UNFCCC website, with the exception of the parts of those meetings that were held in private, in accordance with the same rule.

14. In accordance with rule 12, paragraph 2, of the rules of procedure, all documents of the plenary and of the enforcement and facilitative branches have been made available to the public on the UNFCCC website.<sup>3</sup>

## **C. Use of electronic means in decision-making**

15. 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 bureau of the Committee used electronic means to take a decision on the allocation of the questions

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<sup>2</sup> The rules of procedure of the Committee are contained in the annex to decision 4/CMP.2, as amended by decisions 4/CMP.4 and 8/CMP.9, available at [https://unfccc.int/files/kyoto\\_protocol/compliance/application/pdf/consolidated\\_rop\\_with\\_cmp\\_4&cmp9\\_amend\\_2014feb03.pdf](https://unfccc.int/files/kyoto_protocol/compliance/application/pdf/consolidated_rop_with_cmp_4&cmp9_amend_2014feb03.pdf)

<sup>3</sup> Documents relating to the plenary are available at <http://unfccc.int/3788.php>; documents relating to the facilitative branch are available at <http://unfccc.int/3786.php>; and documents relating to the enforcement branch are available at <http://unfccc.int/3785.php>.

of implementation with respect to Kazakhstan. The enforcement branch also used electronic means to take decisions on review and assessment of the plan submitted by Monaco under section XV, paragraph 2, of the procedures and mechanisms, on preliminary examination with respect to Kazakhstan, on expert advice with respect to Kazakhstan, the final decision with respect to Kazakhstan and the decision on whether to apply an adjustment to inventories under Article 5, paragraph 2, of the Kyoto Protocol.

### **III. Work undertaken in the reporting period**

#### **A. Activities of the plenary**

##### **1. Reports of expert review teams under Article 8 of the Kyoto Protocol and other information received by the plenary**

16. In accordance with section VI, paragraph 3, of the procedures and mechanisms, and decision 22/CMP.1, annex, paragraph 49, the secretariat forwarded to the Committee the following reports:

(a) Report on the individual review of the annual submission submitted in 2017 of the following Party: Kazakhstan;

(b) Reports on the individual reviews of the annual submissions submitted in 2018 of the following Parties: Austria, Croatia, Denmark, Estonia, the European Union, Finland, Germany, Italy, Latvia, Liechtenstein, Luxembourg, Portugal, Romania and Slovenia;

(c) 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 the following Party: Kazakhstan;

(d) Status report of the annual inventory in 2018 of the following Party: Russian Federation;

(e) Status reports of the annual inventories in 2019 of the following Parties: Belarus, Cyprus, Czechia, France, Greece, Hungary, Iceland, Italy, Kazakhstan, Lithuania, Malta, Monaco, Netherlands, New Zealand, Slovakia, Spain, Sweden, Switzerland, and the United Kingdom of Great Britain and Northern Ireland;

17. At its 21<sup>st</sup> meeting, the plenary [*to be completed following the discussions in the plenary*].

##### **2. Engagement with lead reviewers**

18. During the reporting period, at the suggestion of the facilitative branch made at its last meeting and also discussed by the plenary of the Committee,<sup>4</sup> members of the bureau of the Compliance Committee, together with several members and alternate members of the facilitative branch, attended the sixteenth meeting of greenhouse gas inventory lead reviewers held on 13–14 March 2019, in Bonn. They held a dialogue with the lead reviewers on the complementary roles of the expert review teams (ERTs) and the Compliance Committee in facilitating the implementation of the Kyoto Protocol (see paras. 34–35 below). A member of the bureau of the Committee also attended the sixth meeting of lead reviewers for the review of biennial reports and national communications, held on 11–12 March 2019.

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<sup>4</sup> FCCC/KP/CMP/2018/6, paragraph 27.

## B. Activities of the enforcement branch

19. In the reporting period, the enforcement branch considered questions of implementation with respect to Monaco and Kazakhstan.

20. On 9 November 2018, using electronic means, the enforcement branch adopted the decision on the review and assessment of the plan submitted under paragraph 2 of section XV of procedures and mechanisms.<sup>5</sup> On 6 March and 28 May 2019, respectively, Monaco submitted its first<sup>6</sup> and second<sup>7</sup> progress reports on the plan. The branch considered the reports at its thirty-fourth meeting [*to be completed following the report of the branch to the plenary*].

21. On 19 February 2019, the Committee received questions of implementation indicated in the report of the expert review team (ERT) 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<sup>8</sup> (hereinafter, IRR). On the same day, the Committee received questions of implementation indicated in the ERT report of the individual review of the annual submission of Kazakhstan submitted in 2017<sup>9</sup> (hereinafter, 2017 ARR).

22. The 2017 ARR also included a disagreement on whether to apply an adjustment for CO<sub>2</sub>, CH<sub>4</sub> and N<sub>2</sub>O emissions from consumption of coking coal in the category 1.A fuel combustion for 2013, 2014 and 2015.

23. The bureau of the Committee, using electronic means, allocated the questions of implementation to the enforcement branch on 28 February 2019 for an expedited procedure. On 14 March 2019, the enforcement branch, using electronic means, conducted a preliminary examination and decided to proceed with the questions of implementation.

24. On 1 April 2019, the enforcement branch, using electronic means, adopted a decision on expert advice inviting two experts drawn from the UNFCCC roster of experts to provide advice to it on the content and basis of the IRR and the 2017 ARR and on issues related to the questions of implementation and the disagreement whether to apply an adjustment.<sup>10</sup>

25. The questions of implementation contained in the IRR relate to compliance with the annex to decision 19/CMP.1 in conjunction with decisions 3/CMP.11 and 4/CMP.11 and the annex to decision 13/CMP.1 in conjunction with decision 3/CMP.11. In particular, the ERT concluded that the national system of Kazakhstan fails to perform some of the general and specific functions required in accordance with the annex to decision 19/CMP.1 and that the national registry was not established at the time of the submission of the Kazakhstan report to facilitate the calculation of the assigned amount under the Kyoto Protocol or during the review. With regard to the availability of the national registry, the ERT also noted the mandatory requirement set out in paragraph 1(m) of Annex I to decision 2/CMP.8 that Parties included in Annex I that did not have a quantified emission limitation and reduction target in the first commitment period include the description of the registry reported in accordance with the provisions of decision 15/CMP.1 in conjunction with decision 3/CMP.11, in their reports to facilitate the calculation of the assigned amount under the Kyoto Protocol.

26. The questions of implementation contained in the 2017 ARR 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. In particular, the ERT concluded that

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<sup>5</sup> CC-2018-1-6/Monaco/EB.

<sup>6</sup> CC-2018-1-7/Monaco/EB.

<sup>7</sup> CC-2018-1-8/Monaco/EB.

<sup>8</sup> FCCC/IRR/2017/KAZ.

<sup>9</sup> FCCC/ARR/2017/KAZ.

<sup>10</sup> CC-2019-1-3/Kazakhstan/EB.

Kazakhstan failed to provide the information to be included in annual greenhouse gas inventories on land use, land use change and forestry activities under Article 3, paragraphs 3 and 4, of the Kyoto Protocol required under paragraphs 2(b), 2(d), 2(e), 4(a), 4(b), 5(a), 5(b), 5(c) and 5(e) of annex II to decision 2/CMP.8. The ERT also concluded that Kazakhstan did not submit the standard electronic format tables for the years 2013-2016 and other related information on accounting of Kyoto Protocol units required under paragraphs 12 to 18 of the annex to decision 15/CMP.1 in conjunction with decision 3/CMP.11 and in decision 3/CMP.11, in particular, paragraph 13.

27. Kazakhstan did not make a written submission in accordance with paragraph 1 of section IX and paragraph 1(b) of section X of the procedures and mechanisms and rule 17 of the rules of procedure. It did, however, subsequently send a communication to the secretariat on 26 April 2019 which contained a part entitled “written submission”.

28. On 30 May 2019, during its 33<sup>rd</sup> meeting, in which Kazakhstan participated through electronic means, the enforcement branch adopted a preliminary finding in which it found that Kazakhstan was 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 decision 3/CMP.11 and decision 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 the decision 2/CMP.8, decision 3/CMP.11 and decision 15/CMP.1, and the national registry requirements contained in Section II of decision 13/CMP.1 in conjunction with decision 3/CMP.11.

29. At the same meeting, the enforcement branch adopted a preliminary decision to apply an adjustment to inventories under Article 5, paragraph 2, of the Kyoto Protocol. In adopting the preliminary decision, the branch noted the timelines for the adoption of decisions on adjustment set out in paragraph 5 of Section X and paragraph 5 of Rule 25 ter of the rules of procedure. At the same time, the branch recalled its decision to extend the timeframes provided for in paragraph 5 of Rule 25 ter of the rules of procedure for this case in order to align the procedure with that of the consideration of the questions of implementation arising from the same review report, as set out in paragraph 7 of the decision on preliminary examination.<sup>11</sup>

30. The branch, therefore, agreed to adopt a preliminary decision whether to apply adjustment to inventories under Article 5, paragraph 2, of the Kyoto Protocol with respect to Kazakhstan and to afford the possibility for Kazakhstan to provide its comments on the preliminary decision within the timeline referred to in paragraph 1(e) of Section X, with a view to adopting the final decision on whether to apply the adjustment at the time of the adoption of the final decision on the questions of implementation.

31. Kazakhstan did not make a further written submission under paragraph 1 (e) of section X or comment on the preliminary decision whether to apply adjustment to inventories under Article 5, paragraph 2, of the Kyoto Protocol.

32. On 26 June 2019, using electronic means, the enforcement branch adopted a final decision, confirming its preliminary finding with respect to Kazakhstan.<sup>12</sup> On the same day, the branch also adopted a decision to apply an adjustment to inventories under Article 5, paragraph 2, of the Kyoto Protocol,<sup>13</sup> confirming its preliminary decision on this matter.

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<sup>11</sup> C-2019-1-2/Kazakhstan/EB.

<sup>12</sup> CC-2019-1-6/Kazakhstan/EB.

<sup>13</sup> CC-2019-1-7/Kazakhstan/EB.



33. In accordance with section III, paragraph 2(a), of the procedures and mechanisms, the decisions taken by the enforcement branch with respect to Monaco and Kazakhstan during the reporting period are listed in Annex II.

### **C. Activities of the facilitative branch**

34. Following its deliberations and a proposal by the facilitative branch at its 21<sup>st</sup> meeting in August 2018,<sup>14</sup> members and alternate members of the facilitative branch participated in the annual meeting of greenhouse gas lead reviewers on 13–14 March 2019 and engaged in a dialogue on the complementary roles of ERTs and the Compliance Committee in facilitating implementation of the Kyoto Protocol (see paragraph 18 above). 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, as well as possible ways of highlighting successes, learning from others and improving reporting over time.

35. The participants found that the dialogue, in particular by enabling a face-to-face discussion with lead reviewers, contributed to a better understanding of the respective mandates and roles of the ERTs and the Compliance Committee and provided deeper insights to facilitative branch members into how the ERTs work and the challenge they face in the review process.

36. The members and alternate members of the branch that participated in the dialogue also met informally to reflect on the dialogue and on any activities in preparation of the 22<sup>nd</sup> meeting of the branch. Some members and alternate members offered to volunteer in undertaking some further analysis of review reports with a view to making suggestions for possible actions that the branch may wish to consider at its 22<sup>nd</sup> meeting.

37. In the course of 2019, members and alternate members were invited to further analyse any review reports forwarded to the Committee in accordance with section VI, paragraph 3, of the procedures and mechanisms, such as reports of the individual reviews of annual submissions submitted in 2018 (ARRs), with a view to identifying suggestions for possible actions that the branch could consider at its 22<sup>nd</sup> meeting.

38. At its 22<sup>nd</sup> meeting of the facilitative branch, held on 4–5 September 2019... *[to be completed upon the 22<sup>nd</sup> meeting of the facilitative branch]*.

### **D. Budget for the work of the Compliance Committee**

39. For the biennium 2018–2019, an estimated EUR 705,300 from the overall Legal Affairs programme core budget has been allocated for activities related to the Committee.<sup>15</sup> In addition, EUR 447,480 has been approved for support to the Committee in the resource requirements for the Trust Fund for Supplementary Activities<sup>16</sup> to cover the cost of one of four mandated meetings of the Committee and any outstanding costs of translation of Committee decisions into the official languages of the United Nations. As at 1 August 2019, no contributions earmarked for the activities of the Compliance Committee had been made to this trust fund for the biennium.

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<sup>14</sup> FCCC/KP/CMP/2018/6, paragraphs 24–27.

<sup>15</sup> This amount does not include secretariat-wide operating costs, programme support costs (overhead) or the working capital reserve as defined in decision 27/CP.19.

<sup>16</sup> Decision 27/CP.19, table 5.

40. The Committee notes that as part of the overall Legal Affairs programme budget, core budget funds have been foreseen for only one meeting of the Committee per year.<sup>17</sup> In addition, a total of EUR 486,533 is foreseen in the resource requirements of the Trust Fund for Supplementary Activities to support a total of two remaining mandated meetings of the Committee.<sup>18</sup> [*To be completed following the discussion in the plenary*].

41. The Committee urges the CMP to invite Parties to make contributions to the Trust Fund for Supplementary Activities for the biennium 2020–2021 in support of the work of the Committee.

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<sup>17</sup> FCCC/SBI/2019/L.2/Add.1, p. 4, read together with FCCC/SBI/2019/4/Add.1, pp. 55 and 58.

<sup>18</sup> FCCC/SBI/2019/L.2/Add.1, page 6.

## Annex I

### Members and alternate members of the Compliance Committee whose terms expire on 31 December 2019

#### Enforcement branch

<i>Member</i>	<i>Alternate member</i>	<i>Group</i>
Ms. Karoliina Anttonen	Mr. Sébastien Nguyen-Bloch	WEOG
Mr. Joseph Aitaro	Ms. Rueanna Haynes	SIDS
Ms. Iryna Rudzko	Ms. Eva Adamova	Eastern Europe
Mr. Gerhard Loibl	Mr. Felix Zaharia	Annex I Parties
Mr. Zihua Chen	Mr. Nauman Bashir Bhatti	Non-Annex I Parties

#### Facilitative branch

<i>Member</i>	<i>Alternate member</i>	<i>Group</i>
Ms. Emanuela Sardellitti	Ms Ida Kärnström	WEOG
Mr. Delano Bart	Mr. Luis Paz Castro	SIDS
Mr. Siarhei Nikitsin	Mr. Valeriy Sedyakin	Eastern Europe
Mr. Delano Vervej	Mr. Grzegorz Grobicki	Annex I Parties
Mr. Albert Kabasele Yenga Yenga	Mr. Ramiro Ramirez	Non-Annex I Parties

## Annex II

### Decisions taken by the enforcement branch of the Compliance Committee during the reporting period

#### Monaco

<i>Title</i>	<i>Compliance Committee document number</i>	<i>Date</i>
Decision on the review and assessment of the plan submitted under paragraph 2 of section XV	CC-2018-1-6/Monaco/EB	9 November 2018

#### Kazakhstan

<i>Title</i>	<i>Compliance Committee document number</i>	<i>Date</i>
Decision on preliminary examination	CC-2019-1-2/Kazakhstan/EB	14 March 2019
Decision on expert advice	CC-2019-1-3/Kazakhstan/EB	1 April 2019
Preliminary decision on a disagreement whether to apply an adjustment to inventories under Article 5, paragraph 2, of the Kyoto Protocol	CC-2019-1-4/Kazakhstan/EB	30 April 2019
Preliminary finding on questions of implementation with respect to Kazakhstan	CC-2019-1-5/Kazakhstan/EB	30 April 2019
Final decision with respect to Kazakhstan	CC-2019-1-6/Kazakhstan/EB	26 June 2019
Decision on a disagreement whether to apply an adjustment to inventories under Article 5, paragraph 2, of the Kyoto Protocol	CC-2019-1-7/Kazakhstan/EB	26 June 2019