



United Nations

**ADVANCE VERSION**

**FCCC**<sub>/KP/CMP/2022/2</sub>



Framework Convention on  
Climate Change

Distr.: General  
18 July 2022

Original: English

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

**Seventeenth session**

Sharm el-Sheikh, 6–18 November 2022

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

*Summary*

This 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 questions of implementation with regard to the compliance of Kazakhstan, the continued consideration by the facilitative branch of its role in providing advice and facilitation to Parties for 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,<sup>1</sup> the plenary of the Compliance Committee is to report on the activities of the Committee at 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. This seventeenth annual report of the Compliance Committee covers the period from 10 September 2021 to 7 July 2022, including its meetings in 2022. It includes 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. This report will be formally considered<sup>2</sup> at CMP 17.

4. The Compliance Committee invites CMP 17 to consider and adopt the approved amendments to the rules of procedure of the Compliance Committee of the Kyoto Protocol<sup>3</sup> contained in annex I, 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 of the Legal Affairs division of the secretariat for the biennium 2024–2025, to ensure that adequate resources are provided for the work of the Committee and its functions;

(b) Invite the President of CMP 17 to undertake consultations on the nomination of members and alternate members to the Committee to fill the vacant seats.

## **II. Organizational matters**

6. The Compliance Committee held the following meetings, all in hybrid format:

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

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

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

7. The agenda and annotations, documentation supporting agenda items, and report for each meeting are available on the UNFCCC website.<sup>4</sup>

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

8. In accordance with rule 3, paragraph 1, of the rules of procedure of the Compliance Committee, the term of service of each member and alternate member of the Committee starts on 1 January of the calendar year immediately following their election and ends on 31 December, two or four years thereafter, as applicable. At CMP 1, 10 members and 10

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<sup>1</sup> Decision 27/CMP.1, annex.

<sup>2</sup> As per decision 27/CMP.1, annex, section XII.

<sup>3</sup> Decision 4/CMP.2, annex, as amended by decisions 4/CMP.4 and 8/CMP.9. Latest version available at [https://unfccc.int/files/kyoto\\_protocol/compliance/background/application/pdf/rules\\_of\\_procedure\\_of\\_the\\_compliance\\_committee\\_of\\_the\\_kp.pdf](https://unfccc.int/files/kyoto_protocol/compliance/background/application/pdf/rules_of_procedure_of_the_compliance_committee_of_the_kp.pdf).

<sup>4</sup> <https://unfccc.int/Compliance-Committee-CC>.

alternate members were elected to the Committee for an initial term of two years and 10 members and 10 alternate members for a term of four years. Since then, upon expiry of the previous term, the CMP has elected at its relevant regular sessions 10 members and 10 alternate members for a term of four years.

9. The Committee wishes to draw the attention of the CMP to:

(a) Two vacancies in the facilitative branch that have remained unfilled since 2019 owing to the absence of nominations of an alternate member from Parties included in Annex I<sup>5</sup> and an alternate member from Parties not included in Annex I, and the importance of nominating and electing two alternate members to fill these vacancies and serve the remainder of the term until 31 December 2023;

(b) Two vacancies in the enforcement branch that have remained unfilled since 2019 owing to the absence of nominations of a member from Parties not included in Annex I and an alternate member from the Eastern European States, and 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;

(c) One vacancy in the enforcement branch that has remained unfilled since 2021 owing to the absence of a nomination of an alternate member from the Latin American and Caribbean States, and the importance of nominating and electing an alternate member to fill this vacancy and serve the remainder of the term until 31 December 2025.

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

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

11. In accordance with rule 9, paragraph 1, of the rules of procedure, the meetings of the plenary and the facilitative and enforcement branches were held in public, recorded and webcast, with the exception of any parts of those meetings that were held in private in accordance with the same rule.

12. 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.<sup>6</sup>

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

13. In accordance with rule 11, paragraph 2, of the rules of procedure, the Committee may elaborate and take decisions using electronic means. The Committee elected by electronic means Kunihiko Shimada and Lisa Benjamin as chairperson and vice-chairperson, respectively, of the facilitative branch, and Paulette Bynoe and Karoliina Anttonen as chairperson and vice-chairperson, respectively, of the enforcement branch.

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<sup>5</sup> As defined in Article 1, para. 7, of the Kyoto Protocol.

<sup>6</sup> 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

14. 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”,<sup>7</sup> the members and alternate members of the facilitative branch received for consideration the annual review reports in the 2021 review cycle for Australia, Belarus, Czechia, Greece, Hungary, Italy, Kazakhstan, Spain, Switzerland, the Netherlands, Ukraine and the United Kingdom of Great Britain and Northern Ireland.

15. The plenary noted that, following the entry into force of the Doha Amendment<sup>8</sup> on 31 December 2020, it will continue its work in response to the mandates in decisions 27/CMP.1 and 8/CMP.8 as well as Articles 7–8 of the Kyoto Protocol with respect to implementation of the Kyoto Protocol in the second commitment period, and consider questions of implementation arising from the review of the reports upon expiration of the additional period for fulfilling commitments for the second commitment period (true-up period) 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

16. At its 23<sup>rd</sup> meeting, on 9 September 2021, the plenary 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 reiterated its invitation to the CMP to consider and adopt the approved amendments to the rules of procedure contained in annex I, which have been provisionally applied by the Committee.

#### B. Activities of the enforcement branch

17. The enforcement branch did not receive any new questions of implementation and continued to consider the ongoing questions of implementation with respect to Kazakhstan<sup>9</sup> from the previous reporting period.

18. 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.

##### Questions of implementation with respect to Kazakhstan

19. On 10 November 2020, at its 35<sup>th</sup> meeting, the enforcement branch adopted by consensus the preliminary finding<sup>10</sup> that Kazakhstan is not in compliance with the “Guidelines for the preparation of the information required under Article 7 of the Kyoto Protocol”,<sup>11</sup> 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”,<sup>12</sup> the methodological and reporting requirements contained in decisions 15/CMP.1, 2/CMP.8 and 3/CMP.11, and the national registry requirements contained in

<sup>7</sup> Decision 22/CMP, annex.

<sup>8</sup> Decision 1/CMP.8.

<sup>9</sup> 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>.

<sup>10</sup> Compliance Committee document CC-2020-1-2/Kazakhstan/EB.

<sup>11</sup> Decision 15/CMP.1, annex, in conjunction with decisions 2/CMP.8 and 3/CMP.11.

<sup>12</sup> Decision 19/CMP.1, annex, in conjunction with decision 3/CMP.11.

chapter II of the annex to decision 13/CMP.1 in conjunction with decision 3/CMP.11. The enforcement branch did not receive any further submissions from Kazakhstan.

20. On 13 January 2021, the enforcement branch adopted by electronic means the final decision<sup>13</sup> with respect to Kazakhstan, which confirmed the preliminary finding.

21. 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,<sup>14</sup> 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 annual review report, 2017 in-depth review report and 2019 annual review report for the Party, and the recommendations of the enforcement branch contained in the review and assessment of the compliance plan.

22. Kazakhstan submitted its first progress report<sup>15</sup> on 22 February 2021, its second on 12 August 2021,<sup>16</sup> its third on 4 February 2022<sup>17</sup> and an advance version of its fourth on 30 June 2022.<sup>18</sup>

23. At its 37<sup>th</sup> meeting, the enforcement branch considered the advance version of the fourth progress report submitted by Kazakhstan in accordance with paragraph 29 of the preliminary finding and paragraph 6 of the final decision. The representatives of Kazakhstan participating in the meeting provided a detailed presentation on the fourth progress report and answered questions from the branch.

24. The enforcement branch noted with appreciation the progress of Kazakhstan presented in its fourth progress report and the comprehensive presentation made by its representatives at the meeting. The branch noted that it looks forward to receiving more information from Kazakhstan, to be submitted in subsequent progress reports for consideration at the 38<sup>th</sup> meeting of the branch.

25. The enforcement branch requested its chairperson to write a letter to Kazakhstan inviting clarifications and additional information, including information on the questions of implementation that are directly linked to the acceptance and implementation of the Doha Amendment, to assist the branch's decision-making on the questions of implementation. The branch also requested the secretariat to provide advice on the questions of implementation with respect to Kazakhstan that are not dependent on its acceptance of the Doha Amendment.

### C. Activities of the facilitative branch

26. Following the deliberations at its 24<sup>th</sup> meeting, on 8 September 2021, the facilitative branch agreed to continue the review of annual review reports as per the practical working arrangements decided at its 23<sup>rd</sup> meeting, on 11 November 2020, which include improvements to the working modalities of the working groups reviewing the reports to enhance their efficiency and coordination and improvements to the general analysis and overview guidance tool developed in 2019 for reviewing the reports.

27. The secretariat distributed 12 of the total 22 annual review reports received in 2021 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".

28. At its 25<sup>th</sup> meeting, the facilitative branch considered the outcomes of the review of 10 annual review reports (for Belarus, Czechia, Greece, Hungary, Italy, Spain, Switzerland,

<sup>13</sup> Compliance Committee document CC-2020-1-4/Kazakhstan/EB.

<sup>14</sup> Compliance Committee document CC-2019-1-12/Kazakhstan/EB.

<sup>15</sup> Compliance Committee document CC-2020-1-5/Kazakhstan/EB.

<sup>16</sup> Compliance Committee document CC-2020-1-6/Kazakhstan/EB.

<sup>17</sup> Compliance Committee document CC-2020-1-7/Kazakhstan/EB.

<sup>18</sup> Once the final version of the fourth progress report has been submitted by Kazakhstan, it will be issued as an official Compliance Committee document.

Netherlands, Ukraine and United Kingdom) in the 2021 review cycle presented by members and alternate members.

29. The branch discussed how to improve the effectiveness of its work and requested the secretariat to organize, in collaboration with the chairperson and vice-chairperson of the branch, training on the general analysis and overview tool and to develop a template in Microsoft PowerPoint to be used by members and alternate members of the branch to present their analyses and findings in a consistent manner. The branch also requested the secretariat to explore ways to enhance coordination and working relations with the expert review teams conducting the individual inventory reviews of the annual submissions under Article 8 of the Kyoto Protocol.

30. The branch reflected on the working arrangements for reviewing the remaining 12 annual review reports in the 2021 review cycle in preparation for its 26<sup>th</sup> meeting and decided to establish for this purpose three groups with a mix of experienced and new members and alternate members.

31. The branch considered a presentation by the secretariat on a possible approach to developing a compendium of best practices and lessons learned in providing advice and facilitation to Parties for implementing the Kyoto Protocol as an update of the document on the experience of the branch prepared in 2017.<sup>19</sup> The branch reiterated that the document should summarize lessons learned from the branch's review of annual review reports for the benefit of the branch and UNFCCC constituted bodies. In particular, it should consolidate the branch's findings on ways to identify issues that are either persistent or significant, or both, and may benefit from facilitation and advice by the branch, as well as summarize its experience in fulfilling its mandate to provide advice and facilitation to Parties more broadly. The branch requested the secretariat to deliver the agreed update of the document for consideration at the branch's 26<sup>th</sup> meeting.

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

32. For the biennium 2022–2023, the Compliance Committee notes that, as part of the overall core budget of the Legal Affairs division, funds have been foreseen for three in-person meetings of the Committee from core funding and for one meeting from supplementary funds.<sup>20</sup>

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

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<sup>19</sup> Compliance Committee document CC/FB/20/2017/2.

<sup>20</sup> See decision 22/CP.26, table 1, and document FCCC/SBI/2021/4/Add.1, table 19.

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## Annex I

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

The plenary proposes<sup>1</sup> the following amendments to rule 3 of the rules of procedure of the Compliance Committee for consideration and adoption at CMP 17:

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

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

(a) 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.”

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<sup>1</sup> In accordance with decision 27/CMP.1, annex, section III, para. 2(d).

**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
Fourth progress report (advance version)	–	30 June 2022

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