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

**Eighteenth session**

United Arab Emirates, 30 November to 12 December 2023

**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 eighteenth 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 8 July 2022 to 7 September 2023. 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, including a list of decisions taken by the facilitative and enforcement branches, 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. This eighteenth annual report of the Compliance Committee covers the period from 8 July 2022 to 7 September 2023. It summarizes 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 18.
4. The CMP may wish to:
  - (a) Take note of the work of and matters addressed by the Compliance Committee during the reporting period as detailed in this report;
  - (b) Invite the President to the CMP to undertake consultations on the nomination of members and alternate members of the Committee to fill the vacant seats.

## **II. Organizational matters**

5. The Compliance Committee held the following meetings, all in hybrid format:
  - (a) The 26<sup>th</sup> meeting of the facilitative branch, on 5 September 2023;
  - (b) The 38<sup>th</sup> meeting of the enforcement branch, on 6 September 2023;
  - (c) The 25<sup>th</sup> meeting of the plenary, on 7 September 2023.
6. The agenda and annotations, documentation supporting agenda items, and report for each meeting are available on the UNFCCC website.<sup>3</sup>

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

7. In accordance with rule 3, paragraph 1, of the rules of procedure of the Compliance Committee,<sup>4</sup> 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. Each member and alternate member shall remain in office until his or her successor is elected.<sup>5</sup>

8. At CMP 1, 10 members and 10 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

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

<sup>4</sup> Decision 4/CMP.2, annex, as amended by decisions 4/CMP.4, 8/CMP.9 and 6/CMP.17.

<sup>5</sup> Decision 6/CMP.17, annex, para. (a).

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 eight members and alternate members of the enforcement branch and to eight members and alternate members of the facilitative branch, whose terms of service expire on 31 December 2023; and to six members and alternate members of the enforcement branch and to four members and alternate members of the facilitative branch, whose terms of service expired on 31 December 2021 and who remain in office until their successor is elected; and to the importance of electing members and alternate members to fill those positions.

10. The Committee also wishes to draw the attention of the CMP to two vacancies in the enforcement branch, for one member and one alternate member, and two vacancies in the facilitative branch, for two alternate members, that have remained unfilled since 2020 and expire on 31 December 2023, and one vacancy in the enforcement branch that has remained unfilled since 2022, and to the importance of electing an alternate member to fill this vacancy and serve the remainder of the term, until 31 December 2025.

11. 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**

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

13. 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**

14. Pursuant to rule 11, paragraph 2, of the rules of procedure, the Committee may elaborate and take decisions using electronic means. Use of this option was not made during the reporting period.

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

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

### **Consideration of the reports of expert review teams under Article 8 of the Kyoto Protocol**

15. 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 and considered:

(a) The annual review reports in the 2021 review cycle of Denmark, France, Iceland, Malta, Monaco and Türkiye;

<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.

<sup>7</sup> Decision 22/CMP.1, annex.

(b) The annual review reports in the 2022 review cycle of Croatia, Czechia, Japan and Liechtenstein.

16. The plenary noted that, following the entry into force of the Doha Amendment 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.

## **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>8</sup> from previous reporting periods.

18. In accordance with section III, paragraph 2(a), of the procedures and mechanisms, the progress report submitted by Kazakhstan during the reporting period and the decision taken by the enforcement branch on the questions of implementation with respect to Kazakhstan are listed in the annex.

### **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>9</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>10</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>11</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 chapter II of the annex to decision 13/CMP.1 in conjunction with decision 3/CMP.11. The 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>12</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>13</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.

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<sup>8</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>9</sup> Compliance Committee document CC-2020-1-2/Kazakhstan/EB.

<sup>10</sup> Decision 15/CMP.1, annex, in conjunction with decisions 2/CMP.8 and 3/CMP.11.

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

<sup>12</sup> Compliance Committee document CC-2020-1-4/Kazakhstan/EB.

<sup>13</sup> Compliance Committee document CC-2019-1-12/Kazakhstan/EB.

22. Kazakhstan submitted its first progress report<sup>14</sup> on 22 February 2021, its second on 12 August 2021,<sup>15</sup> its third on 4 February 2022,<sup>16</sup> its fourth on 19 July 2022<sup>17</sup> and its fifth on 18 July 2023.<sup>18</sup>

23. At its 38<sup>th</sup> meeting, the enforcement branch considered the fifth 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 fifth progress report.

24. The enforcement branch noted with appreciation the progress of Kazakhstan presented in its fifth progress report and the comprehensive presentation made by the representatives of Kazakhstan at the meeting. In its fifth progress report, Kazakhstan provided information relating to the questions of implementation, framing such information within the context that Kazakhstan has not accepted the Doha Amendment.

25. In its deliberations, the enforcement branch considered the 2017 initial review report, the 2017, 2019 and 2021 annual review reports, and the plan and progress reports submitted and presented by Kazakhstan.

26. On the basis of the above-mentioned reports, the enforcement branch adopted a decision on the questions of implementation with respect to Kazakhstan.<sup>19</sup> In the decision, the enforcement branch noted with appreciation the continued commitment shown by Kazakhstan in its progress reports to address the questions of implementation raised by the expert review team in the 2017 initial review report and the 2017 and 2019 annual review reports and encouraged Kazakhstan to continue making improvements in addressing the issues raised by the expert review team in the 2021 annual review report.

27. The enforcement branch concluded that the questions of implementation raised by the expert review team in the 2017 initial review report and the 2017 and 2019 annual review reports are no longer relevant, as Kazakhstan has not accepted the Doha Amendment and therefore is not bound by the obligations set out therein and decided that there is no longer a question of implementation with respect to Kazakhstan.

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

28. 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.

29. As agreed at its 25<sup>th</sup> meeting, on 6 July 2022, the facilitative branch held an online knowledge-building exercise, on 9 May 2023, to enhance understanding of the general analysis and overview tool and develop a standard template for use by members and alternate members of the branch for presenting their analysis and findings in annual review reports in a consistent manner. Following the exercise, the members and alternate members of the facilitative branch received 18 annual review reports for their consideration.

30. At its 26<sup>th</sup> meeting, on 5 September 2023, the facilitative branch considered the findings of the consideration by its members and alternate members of 10 annual review reports, as referred to in paragraph 15 above.

31. The facilitative branch reflected on the working arrangements to review the remaining 33 annual review reports for the 2022 review cycle, agreed to ask the secretariat to randomly distribute the annual review reports to members and alternate members of the

<sup>14</sup> Compliance Committee document CC-2020-1-5/Kazakhstan/EB.

<sup>15</sup> Compliance Committee document CC-2020-1-6/Kazakhstan/EB.

<sup>16</sup> Compliance Committee document CC-2020-1-7/Kazakhstan/EB.

<sup>17</sup> Compliance Committee document CC-2020-1-8/Kazakhstan/EB.

<sup>18</sup> Compliance Committee document CC-2020-1-9/Kazakhstan/EB.

<sup>19</sup> Compliance Committee document CC-2020-1-10/Kazakhstan/EB.

branch and decided to continue using the three working groups established at its 25<sup>th</sup> meeting, to be adjusted as necessary in 2024 to take into account any changes in the membership of the branch resulting from the election at CMP 18.

32. The facilitative branch requested the secretariat to organize, in collaboration with its chairperson and vice-chairperson, an online training programme in February 2024 on the general analysis and overview tool. The training programme will provide an opportunity to present and discuss individual reviews conducted by members and alternate members in order to identify systemic issues in preparation for the 27<sup>th</sup> meeting of the branch.

33. The facilitative branch considered a presentation by the secretariat on the document titled “Experience of the facilitative branch of the Kyoto Protocol Compliance Committee in providing advice and facilitation to Parties in implementing the Kyoto Protocol”.<sup>20</sup> The document consolidates findings of the branch on ways to identify issues that are persistent or significant, or both, and that may benefit from facilitation by and advice from the branch, as well as on its experience in fulfilling its mandate to provide advice and facilitation to Parties more broadly. The branch welcomed with appreciation the document and requested its chairperson and vice-chairperson to share it with relevant UNFCCC bodies, including the Paris Agreement Implementation and Compliance Committee, and with the Transparency division of the secretariat.

34. The branch discussed its workload for the future, considering the upcoming expiration of the true-up period and the absence of a third commitment period. The branch agreed to reassess its workload at its 27<sup>th</sup> meeting and make recommendations to the plenary as appropriate.

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

35. The plenary took note of the information provided by the secretariat on funding and staffing for the biennium 2024–2025.

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<sup>20</sup> Document CC/FB/26/2023/2, which is an update of document CC/FB/20/2017/2.

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**Annex****Documents submitted to and decisions taken by the enforcement branch of the Compliance Committee for the reporting period****Kazakhstan**

<i>Title</i>	<i>Compliance Committee document number</i>	<i>Date received</i>	<i>Date adopted</i>
Fifth progress report	CC-2020-1-9/Kazakhstan/EB	18 July 2023	Not applicable
Decision on the questions of implementation	CC-2020-1-10/Kazakhstan/EB	Not applicable	6 September 2023

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