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MEETING OF THE PARTIES TO THE KYOTO PROTOCOL**
Second session
Nairobi, 6–17 November 2006

**Item 7 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

This first annual report of the Compliance Committee to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (COP/MOP) covers activities undertaken from the first meeting of the Committee until early September 2006.

The report provides information on organizational matters and work undertaken in 2006 and makes a proposal with regard to additional resources required by the Committee.

* This document was submitted late to take into account the outcomes of the third meeting of the plenary of the Compliance Committee, which took place from 5 to 8 September 2006.

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I. Introduction

A. Mandate

1. Under 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 procedures and mechanisms) the plenary of the Compliance Committee is to report on the activities of the Committee to each ordinary session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (COP/MOP).

B. Scope of the report

2. The first annual report of the plenary of the Compliance Committee covers the period between 1 March 2006 and early September 2006. It summarizes the work of and matters addressed by the Compliance Committee during that period.

C. Action to be taken by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol

3. In accordance with section XII of the procedures and mechanisms, the COP/MOP may wish to take note of the annual report of the Compliance Committee and take decisions on, inter alia:

- (a) The adoption of further rules of procedure, contained in annex I to this report, developed by the plenary of the Compliance Committee, in accordance with section III, paragraph 2 (d), of the procedures and mechanisms;
- (b) The proposal of the Committee, referred to in paragraphs 26 and 28 of this report, made in accordance with section III, paragraph 2 (c), of the procedures and mechanisms, in relation to funding and travel arrangements for the participation of all members and alternate members in the meetings of the plenary of the Committee, the meetings of the bureau, and the meetings and deliberations of the two branches of the Committee.

4. The COP/MOP may also wish to:

- (a) Elect a member from the Eastern European regional group and another member from the small island developing States to fill the vacancies in the facilitative branch;
- (b) Invite Parties to make contributions to the Trust Fund for Supplementary Activities for the biennium 2006–2007 to support the work of the Compliance Committee.

II. Organizational matters

5. The plenary of the Compliance Committee held three meetings during the reporting period. In accordance with decision 27/CMP.1, paragraph 4, the secretariat organized the first meeting of the Compliance Committee in Bonn, Germany, from 1 to 3 March 2006. Two other meetings were subsequently held in Bonn, from 29 to 31 May 2006 and from 5 to 8 September 2006.

6. The facilitative branch met four times in Bonn (from 1 to 3 March 2006, on 30 May 2006, on 20 June 2006 and on 6 September 2006), whereas the enforcement branch met once (from 1 to 3 March 2006).

7. The agenda and annotations, documentation supporting agenda items, and the chairpersons' report on each meeting of the plenary and the facilitative and enforcement branches have been made publicly available on the UNFCCC website.¹ A list of the documents of the Compliance Committee is contained in annex II to this report.

8. A list of the members and alternate members of the Compliance Committee elected at the first session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol is contained in annex III to this report.

A. Election of the chairperson and vice-chairperson of the enforcement and facilitative branches of the Compliance Committee

9. In accordance with section II, paragraph 4, of the procedures and mechanisms, the enforcement branch elected Mr. Raúl Estrada Oyuela as chairperson and Mr. Sebastian Oberthür as vice-chairperson, and the facilitative branch elected Mr. Hironori Hamanaka as chairperson and Mr. Ian Fry as vice-chairperson, each for a term of two years. After the resignation of Mr. Fry from the Compliance Committee, Mr. Ismail El-Gizouli was elected as vice-chairperson of the facilitative branch to serve for the unexpired term of Mr. Fry.

B. Rules of procedure

10. The plenary of the Committee approved further rules of procedure under section III, paragraph 2 (d), of the procedures and mechanisms, contained in annex I to this report, at its third meeting in September 2006. It agreed to provisionally apply these rules of procedure pending their adoption by the COP/MOP.

11. In approving these rules of procedure, the plenary of the Committee noted that for the purpose of rule 24, paragraph 3, of the rules of procedure, currently decisions 13/CMP.1, 15/CMP.1, 19/CMP.1, 22/CMP.1, 27/CMP.1 and 31/CMP.1 of the COP/MOP are particularly relevant. It also noted that it might have to develop further working arrangements to complement and give effect to these rules of procedure, and agreed to report on such working arrangements regularly to the COP/MOP.

C. Membership issues

12. Mr. Wojtek Galinski, a member of the Committee elected to serve in the facilitative branch for a term of two years, tendered his resignation from the Compliance Committee on 12 May 2006. Since the resignation of Mr. Galinski, Mr. Valeriy Sedyakin, elected as an alternate member, has been serving as member. The Committee expressed its appreciation to Mr. Galinski for his contribution to the work of the Committee, and the facilitative branch in particular, and requested the COP/MOP to elect a replacement for Mr. Galinski for the remaining period of his term.

13. Mr. Ian Fry, a member of the Committee elected to serve in the facilitative branch for a term of two years, tendered his resignation from the Compliance Committee on 5 June 2006. Mr. Fry was also the vice-chairperson of the facilitative branch. Since the resignation of Mr. Fry, Mr. Héctor Conde Almeida, elected as an alternate member, has been serving as member. The Committee expressed its appreciation to Mr. Fry for his contribution to the work of the Committee, and the facilitative branch and the bureau in particular, and requested the COP/MOP to elect a replacement for Mr. Fry for the remaining period of his term.

¹ <http://unfccc.int/kyoto_mechanisms/compliance/items/2875.php>.

III. Work undertaken in the reporting period

A. Status of national communications and reports demonstrating progress of Parties included in Annex I to the Convention

14. In accordance with the guidelines for review under Article 8 of the Kyoto Protocol, contained in the annex to decision 22/CMP.1, delays in submitting national communications (beyond six weeks after the due date) should be brought to the attention, inter alia, of the Compliance Committee. The fourth national communications from Annex I Parties were due to be submitted to the secretariat by 1 January 2006 (decision 4/CP.8).

15. At its first plenary meeting, the Committee considered information provided by the secretariat on the status of the fourth national communications submitted in accordance with Article 12 of the Convention and decision 4/CP.8. The Committee decided to continue its consideration of the information provided by the secretariat at its next meeting, along with any update to such information.

16. At the second plenary meeting of the Committee, the secretariat provided updated information on the status of the fourth national communications. As requested by the Committee, the secretariat also provided information on progress reports submitted in accordance with decisions 22/CP.7 and 25/CP.8. The Committee requested another update on the status of the fourth national communications and progress reports for its third meeting.

17. At its third meeting, the Committee discussed an update on the status of the fourth national communications and progress reports.

B. Provisions relating to enforcement and facilitation

18. The Committee discussed links between the work of the Compliance Committee and relevant functions under the Kyoto Protocol. In addition, the facilitative branch discussed provisions relating to facilitation with reference to section IV of the procedures and mechanisms.

C. Deliberations on the submission by South Africa as Chairman of the Group of 77 and China on behalf of the Group of 77 and China entitled "Compliance with Article 3.1 of the Kyoto Protocol"

19. A submission by South Africa as Chairman of the Group of 77 and China on behalf of the Group of 77 and China entitled "Compliance with Article 3.1 of the Kyoto Protocol" was received by the Committee on 26 May 2006. In accordance with section VI, paragraph 2, of the modalities and procedures, this submission was made available to the following Parties on 31 May 2006: Austria; Bulgaria; Canada; France; Germany; Ireland; Italy; Latvia; Liechtenstein; Luxembourg; Poland; Portugal; Russian Federation; Slovenia; and Ukraine. On the same day, the bureau of the Committee decided to allocate the submission to the facilitative branch in accordance with section VII, paragraph 1, of the procedures and mechanisms.

20. The facilitative branch began a preliminary examination of this submission on 31 May 2006 and continued its deliberations on 20 June 2006. These deliberations were undertaken prior to the adoption by the plenary of the Committee of its further rules of procedure in September 2006.

21. The facilitative branch made a number of attempts to reach agreement by consensus. When all efforts at reaching consensus had been exhausted, a vote was taken electronically, on 21 June 2006, resulting in the failure to adopt either a decision to proceed or a decision not to proceed by a

majority of three-fourths of the members present and voting, as required by section II, paragraph 9 and section VII, paragraphs 4 and 6, of the procedures and mechanisms.

22. During its deliberations of 20 June 2006 on the submission by South Africa, the facilitative branch noted that Latvia's fourth national communication and its progress report had been received by the secretariat on 25 May 2006, before the facilitative branch began its consideration of the submission by South Africa and that since consideration of the submission by the branch began, Slovenia's fourth national communication and its progress report had been received by the secretariat on 12 June 2006. The decisions not to proceed against Latvia (CC-2006-8-3/Latvia/FB) and Slovenia (CC-2006-14-2/Slovenia/FB) were both adopted by a majority of three-fourths of the members present and voting. Accordingly, the facilitative branch decided not to proceed against both these Parties.

23. The facilitative branch decided to report the outcomes of the deliberations to the next plenary meeting of the Compliance Committee (CC/3/2006/5).

24. At its third plenary meeting, the Committee decided to include the matters raised by the facilitative branch in its report to the COP/MOP. The "Report to the Compliance Committee on the deliberations in the facilitative branch relating to the submission entitled 'Compliance with Article 3.1 of the Kyoto Protocol'" is contained in annex IV to this report.

25. In accordance with section III, paragraph 2 (a), of the procedures and mechanisms, the decisions taken by the facilitative branch for the reporting period are contained in annex V to this report.

IV. Participation of members and alternate members

26. Members and alternate members of the Compliance Committee are elected to serve in their individual capacities. In order for members and alternate members to maintain their independence, the Committee recommends that they all receive support for their travel-related expenses. To ensure that a quorum to adopt decisions is reached for Committee meetings and deliberations that may be held at short notice, the Committee also recommends that, when the duration of a journey to meetings of the Compliance Committee is nine hours or longer, members and alternate members travel business class.

V. Availability of resources

27. For the biennium 2006–2007, a total of USD 540,000 is available for the Compliance Committee from the programme budget to cover four meetings of each branch.² Four additional meetings of each branch are to be financed from the Trust Fund for Supplementary Activities. Of the USD 697,160 under the budget item "Support to the Compliance Committee" in the Trust Fund for Supplementary Activities³ only USD 50,000 has been received by the secretariat so far. The balance of USD 647,160 would be required for the effective functioning of the Committee based on the anticipated number of meetings of the plenary and the branches of the Committee in 2007.

² FCCC/SBI/2005/8/Add.1.

³ FCCC/SBI/2005/8/Add.2. This amount covers travel of members and alternate members of the Compliance Committee, operating expenses relating to the meetings of the plenary of the Committee, meetings of the bureau, and meetings and deliberations of the two branches of the Committee, staff costs, consultancies and data processing equipment and software.

28. If financial support is provided for the travel-related costs of all members and alternate members of the Compliance Committee, an additional amount of USD 300,000 will be needed for travel costs in 2007. If members and alternate members whose journeys are longer than nine hours travel business class, a further amount of USD 25,000 will be required. For the biennium 2006–2007, a total of approximately USD 1,000,000 is required for the effective functioning of the Compliance Committee.

Annex I

**Rules of procedure of the Compliance Committee
of the Kyoto Protocol**

Part 1: Conduct of Business

1. SCOPE

Rule 1

These rules of procedure shall apply to the Compliance Committee, including its enforcement branch and facilitative branch, as defined in the “Procedures and mechanisms relating to compliance under the Kyoto Protocol”, contained in the annex to decision 27/CMP.1. They shall be read together with and in furtherance of these procedures and mechanisms.

2. DEFINITIONS

Rule 2

For the purposes of these rules section numbers refer to the section so numbered in the annex to decision 27/CMP.1, unless otherwise noted, and:

- (a) “Committee” means the Compliance Committee established by section II, paragraph 1;
- (b) “Plenary” means the plenary of the Committee as set out in section III;
- (c) “Branch” means the facilitative branch or the enforcement branch as set out in sections IV and V;
- (d) “Bureau” means the bureau of the Committee constituted in accordance with section II, paragraph 4;
- (e) “Co-chairpersons” means the chairperson of the enforcement branch and the chairperson of the facilitative branch acting together in the plenary of the Committee in accordance with section III, paragraph 1;
- (f) “Member” means a member of the Committee elected under section II, paragraph 3;
- (g) “Alternate member” means an alternate member elected under section II, paragraph 5;
- (h) “Party” means a Party to the Kyoto Protocol to the United Nations Framework Convention on Climate Change;
- (i) “Party concerned” means a Party in respect of which a question of implementation is raised, as set out in section VI, paragraph 2;

- (j) “Diplomatic agent” means the head of the mission or a designated member of the diplomatic staff of the mission of a Party who is accredited to the host country of the secretariat;
- (k) “Agent” means the Head of State or Government, the Minister of Foreign Affairs, the diplomatic agent or another person duly authorized by the Head of State or Government or by the Minister of Foreign Affairs or, in the case of a regional economic integration organization, by the competent authority of that organization;
- (l) “Representative” means a person designated by the Party concerned to represent it during the consideration of a question of implementation, in accordance with section VIII, paragraph 2;
- (m) “Secretariat” means the secretariat referred to in section XVII.

3. MEMBERS

Rule 3

1. The term of service of each member and alternate member shall start on 1 January of the calendar year immediately following his or her election and shall end on 31 December, two or four years thereafter, as applicable.
2. Subject to these rules, alternate members are entitled to participate in the proceedings of the plenary or the respective branch to which they belong, without the right to vote. An alternate member may cast a vote only if serving as the member.
3. During the absence of a member from all or part of a meeting of the plenary or of the branch to which he or she has been elected, his or her alternate shall serve as the member.
4. When a member resigns or is otherwise unable to complete the assigned term or the functions of a member, his or her alternate shall serve as a member for the same branch, ad interim.
5. When a member or alternate member resigns or is otherwise unable to complete the assigned term or the functions of a member or alternate member, the Committee shall request the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol to elect a new member or alternate member for the remainder of the term at its next session.

Rule 4

1. Each member and alternate member shall serve in his or her individual capacity and, with respect to any matter that is under consideration by the Committee, act in an independent and impartial manner and avoid real or apparent conflicts of interest.
2. Each member and alternate member shall take and agree to respect a written oath of service before assuming his or her service. The oath of service shall read as follows:

“I solemnly declare that I will perform my duties and exercise my authority as member/alternate member of the Compliance Committee of the Kyoto Protocol established in decision 27/CMP.1 honourably, faithfully, impartially and conscientiously.

“I further solemnly declare that, subject to my responsibilities within the Compliance Committee, I shall not disclose, even after the termination of my functions, any confidential information coming to my knowledge by reason of my duties in the Compliance Committee.

“I shall disclose immediately to the Executive Secretary of the United Nations Framework Convention on Climate Change any interest in any matter under discussion before the Compliance Committee which may constitute a conflict of interest or which might be incompatible with the requirements of independence and impartiality expected of a member or alternate member of the Compliance Committee and I shall refrain from participating in the work of the Compliance Committee in relation to such matter.”

3. Where the Executive Secretary of the United Nations Framework Convention on Climate Change receives any disclosure made in accordance with paragraph 2, he or she shall forthwith notify the bureau. The bureau shall inform the plenary that the member or alternate member will refrain from participating in the work of the Committee in relation to the matter that is the subject of the disclosure.

4. Where the Executive Secretary of the United Nations Framework Convention on Climate Change receives evidence from a Party on circumstances which may indicate a conflict of interest or which might be incompatible with the requirements of independence and impartiality expected of a member or alternate member of the Committee, he or she shall forthwith notify the bureau as well as the member or alternate member concerned. The evidence shall be submitted to the plenary for its consideration, unless the member or alternate member informs the bureau that he or she will refrain from participating in the work of the Committee in relation to the matter to which the evidence relates. The bureau shall inform the plenary that the member or alternate member will refrain from participating in the work of the Committee in relation to the matter that is the subject of the disclosure. Otherwise, the plenary may decide to excuse the member or alternate member from consideration of one or more questions of implementation and the elaboration and adoption of a decision of a branch, after having provided a reasonable opportunity for the member or alternate member to be heard.

5. If the plenary considers that a material violation of the requirements of independence and impartiality expected of a member or alternate member of the Committee has occurred, it may decide to suspend, or recommend to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol to revoke, the membership of any member or alternate member concerned, after having provided a reasonable opportunity for the member or alternate member to be heard.

6. All decisions of the Committee taken under this rule shall be noted in the annual report of the Committee to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol.

4. OFFICERS

Rule 5

1. In addition to exercising the powers conferred upon him or her elsewhere in these rules, an officer chairing a meeting shall:

- (a) Declare the opening and closure of the meeting;

- (b) Preside over the meeting;
 - (c) Ensure the observance of these rules;
 - (d) Accord the right to speak;
 - (e) Put questions to the vote and announce decisions;
 - (f) Rule on any points of order;
 - (g) Subject to these rules, have complete control over the proceedings and maintain order.
2. An officer chairing a meeting may also propose:
- (a) The closure of the list of speakers;
 - (b) A limitation on the time to be allowed to speakers and on the number of times they may speak on an issue;
 - (c) The adjournment or closure of debate on an issue;
 - (d) The suspension or adjournment of the meeting.
3. Any officer chairing a meeting, in the exercise of his or her functions, remains under the authority of the plenary or, as the case may be, of the enforcement branch or facilitative branch.

Rule 6

1. If a chairperson is temporarily unable to fulfil the functions of his or her office, the vice-chairperson of the relevant branch shall act as chairperson of that branch and co-chairperson of the plenary ad interim.
2. If the chairperson and the vice-chairperson of the same branch are temporarily unable to fulfil the functions of their offices at the same time, the branch shall elect a chairperson for that branch ad interim having regard to section II, paragraph 4.
3. If a chairperson or vice-chairperson of a branch resigns or is otherwise unable to complete the assigned term or the functions of his or her office, the branch shall elect, in accordance with section II, paragraph 4, a replacement from among its members for the remainder of the term of that officer.

5. AGENDA

Rule 7

1. In agreement with the bureau, the secretariat shall draft the provisional agenda for each meeting of the plenary.
2. In agreement with the chairperson and vice-chairperson of the relevant branch, the secretariat shall draft the provisional agenda of each meeting of that branch.
3. The provisional agenda and draft schedule for each meeting as well as the draft report on the previous meeting shall be circulated to members and alternate members at least four weeks before the opening of the meeting, to the extent possible under the applicable time frames.

4. The proposed agenda of each meeting of the plenary and each meeting of a branch shall include any item proposed by a member.
5. The plenary or a branch, when adopting its agenda, may decide to add urgent and important items and to delete, defer or amend items.

6. MEETINGS AND DELIBERATIONS

Rule 8

Notice of meetings shall be sent to the members and alternate members, as well as any representative, as the case may be, at least four weeks before the opening of the meeting, to the extent possible under the applicable time frames.

Rule 9

1. Subject to paragraph 2, meetings of the plenary and the branches shall be held in public, unless the plenary or branch of its own accord or at the request of the Party concerned decides, for overriding reasons, that part or all of the meeting shall be held in private.
2. Only members and alternate members of the Committee and secretariat officials may be present during the elaboration and adoption of a decision of a branch.

Rule 10

1. With respect to a notification or document sent by the secretariat to a Party, the date of receipt shall be deemed to be the date indicated in a written confirmation from the Party or the date indicated in a written confirmation of receipt by the expedited delivery courier, whichever comes first.
2. With respect to a submission, request, or other document intended for the Committee, the date of receipt by the Committee shall be deemed to be the first business day after receipt by the secretariat.

7. USE OF ELECTRONIC MEANS

Rule 11

1. The Committee may use electronic means for transmission, distribution and storage of documentation, without prejudice to normal means of circulation of the documentation, as the case may be.
2. The Committee may elaborate and take decisions in a written procedure using electronic means, where possible.
3. Any decision in accordance with paragraph 2 of this rule shall be deemed to be taken at the headquarters of the secretariat.

8. SECRETARIAT

Rule 12

1. The secretariat shall make arrangements for meetings of the Committee and provide it with services as required.
2. The secretariat shall make all documents of the plenary and the branches available to the public, subject to section VIII, paragraph 6, as well as any guidance provided by the Committee.
3. In addition, the secretariat shall perform any other functions assigned that the Committee may require or that the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol may direct with respect to the work of the Committee.

9. LANGUAGES

Rule 13

1. Without prejudice to section VIII, paragraph 9, the working language of the Committee shall be English.
2. A representative taking part in the proceedings of a branch may speak in a language other than the working language of the Committee if the Party provides for interpretation.
3. Decisions of the branches that are final shall be made available in all official languages of the United Nations, taking into account the provisions of rule 22, paragraph 1.

Part 2: Procedures for the Branches

10. GENERAL PROCEDURES FOR THE BRANCHES

Rule 14

1. A submission by any Party raising a question of implementation with respect to itself shall set out:
 - (a) The name of the Party making the submission;
 - (b) A statement identifying the question of implementation;
 - (c) A reference to the provisions of the Kyoto Protocol and decision 27/CMP.1 that form the basis for raising the question of implementation.
2. The submission should also set out:
 - (a) Any provisions of the decisions of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol and the reports of the subsidiary bodies that are applicable to the question of implementation;
 - (b) The information that is material to the question of implementation;
 - (c) The branch from which action is sought;
 - (d) The action requested from the branch;

- (e) A list of all documents annexed to the submission.

Rule 15

1. A submission by any Party raising a question of implementation with respect to another Party shall set out:

- (a) The name of the Party making the submission;
- (b) A statement identifying the question of implementation;
- (c) The name of the Party concerned;
- (d) A reference to the provisions of the Kyoto Protocol and decision 27/CMP.1 that form the basis for raising the question of implementation;
- (e) Corroborating information supporting the question of implementation.

2. The submission should also set out:

- (a) Any provisions of the decisions of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol and the reports of the subsidiary bodies that are applicable to the question of implementation;
- (b) The branch from which action is sought;
- (c) A list of all documents annexed to the submission.

Rule 16

The secretariat shall make the submission and any supporting information submitted under rule 15 available to the agent of that Party.

Rule 17

Comments and written submissions by the Party concerned in accordance with the provisions of sections VII to X should include:

- (a) A statement of the position of the Party concerned on the information, decision or question of implementation under consideration, including the grounds therefor;
- (b) An identification of any information provided by the Party that it requests not to be made available to the public in accordance with section VIII, paragraph 6;
- (c) A list of all documents annexed to the submission or comment.

Rule 18

1. Any submission or comment under rules 14, 15 and 17 shall be signed by the agent of the Party and be delivered to the secretariat in hard copy and by electronic means.

2. Any relevant documents in support of the submission or comment shall be annexed to it.

Rule 19

1. The bureau shall, within seven days from receipt of a question of implementation, decide on its allocation to the appropriate branch. The bureau may allocate questions of implementation by employing electronic means in accordance with rule 11.
2. The secretariat shall forthwith notify members and alternate members of the branch of the question of implementation and send them all available materials.
3. The secretariat shall also notify members and alternate members of the other branch of the question of implementation.

Rule 20

1. Following the preliminary examination, subject to section VIII, paragraph 4, competent intergovernmental organizations and nongovernmental organizations that wish to submit relevant factual and technical information to the relevant branch shall do so in writing.
2. The secretariat shall forthwith notify members and alternate members of the branch of the submission of such information and send it to them.
3. The secretariat shall also notify members and alternate members of the other branch of the submission of such information.

Rule 21

If a branch decides to seek expert advice, it shall:

- (a) Define the question on which expert opinion is sought;
- (b) Identify the experts to be consulted;
- (c) Lay down the procedures to be followed.

Rule 22

1. A preliminary finding or a final decision shall contain, *mutatis mutandis*:
 - (a) The name of the Party concerned;
 - (b) A statement identifying the question of implementation addressed;
 - (c) The provisions of the Kyoto Protocol and decision 27/CMP.1 and other relevant decisions of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol that form the basis of the preliminary finding or final decision;
 - (d) A description of the information considered in the deliberations, including in the case of a final decision, a confirmation that the Party concerned was given an opportunity to comment in writing on all information considered;
 - (e) A summary of the proceedings, including an indication, in the case of a final decision of the enforcement branch, of whether its preliminary finding or any part of it as specified is confirmed;
 - (f) The substantive decision of the question of implementation, including the consequences applied, if any;

- (g) Conclusions and reasons for the decision;
- (h) The place and date of the decision;
- (i) The names of the members who participated in the consideration of the question of implementation, as well as the elaboration and adoption of the decision.

2. Comments in writing on a final decision submitted within 45 days from the receipt of that decision by the Party concerned shall be circulated by the secretariat to the members and alternate members of the relevant branch and shall be included in the Committee's annual report to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol.

Rule 23

1. Any referral of a question of implementation to the facilitative branch in accordance with section IX, paragraph 12, shall be made through a decision by the enforcement branch with a statement identifying the question of implementation and the information on which the question is based.

2. The secretariat shall forthwith notify the Party concerned of the decision.

3. A question of implementation referred by the enforcement branch to the facilitative branch shall not require a preliminary examination.

11. PROCEDURES FOR THE FACILITATIVE BRANCH

Rule 24

1. Subject to section VI and without prejudice to section XVI, the facilitative branch may have a dialogue with the representative of the Party concerned.

2. Subject to sections VI and VII, the representative of the Party concerned may enter into a dialogue with the facilitative branch in order to seek advice and facilitation.

3. The facilitative branch shall receive, through the secretariat, information as required under relevant decisions of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol.

12. PROCEDURES FOR THE ENFORCEMENT BRANCH

Rule 25

1. In its request for a hearing, the Party concerned may identify:

- (a) The issues that the Party proposes to raise and any documents that it intends to discuss during the hearing;
- (b) Any individuals whose expert testimony or opinion it will present at the hearing.

2. The Party concerned, when choosing individuals to represent it during the hearing, should refrain from nominating individuals who were members or alternate members of the Committee in the two years preceding the date of the submission.

Part 3: General Provisions

13. AMENDMENTS

Rule 26

1. These rules of procedure may be amended by a decision of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol in terms of section III, paragraph 2 (d) after the plenary has approved the proposed amendment and reported on the matter to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol.

2. Any amendment of these rules approved by the plenary shall be provisionally applied pending their adoption by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol.

14. OVERRIDING AUTHORITY

Rule 27

In the event of a conflict between any provision in these rules and any provision in the Kyoto Protocol or decision 27/CMP.1, the provision of the Protocol or the decision, as the case may be, shall prevail.

Annex II**Documents of the Compliance Committee¹****PLENARY**

Title	Document No.	Date
<u>1st meeting</u>		
Provisional agenda and annotations	CC/1/2006/1	3 Feb 2006
Provisional agenda and annotations	CC/1/2006/1/Rev.1	23 Feb 2006
Draft rules of procedure. Note by the secretariat	CC/1/2006/2	23 Feb 2006
Status of national communications of Annex I Parties. Note by the secretariat	CC/1/2006/3	2 Mar 2006
Report on the meeting	CC/1/2006/4	29 May 2006
<u>2nd meeting</u>		
Provisional agenda and annotations	CC/2/2006/1	9 May 2006
Rules of procedure. Proposal by the co-chairs	CC/2/2006/2	9 May 2006
Compiled comments on the draft rules of procedure	CC/2/2006/3	9 May 2006
Status of national communications of Annex I Parties. Note by the secretariat	CC/2/2006/4	26 May 2006
Status of national communications and reports demonstrating progress of Annex I Parties. Note by the secretariat	CC/2/2006/4/Rev.1	30 May 2006
Report on the meeting	CC/2/2006/5	5 Sept 2006
<u>3rd meeting</u>		
Provisional agenda and annotations	CC/3/2006/1	28 Jul 2006
Rules of Procedure Working Paper	CC/3/2006/2	15 Aug 2006
Compiled comments on the draft Rules of Procedure	CC/3/2006/3	15 Aug 2006
Report to the Compliance Committee on the deliberations in the facilitative branch relating to the submission entitled "Compliance with Article 3.1 of the Kyoto Protocol"	CC/3/2006/4	5 Sept 2006
Annual report of the Compliance Committee to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol. Proposal by the co-chairs	CC/3/2006/5	6 Sept 2006
Status of national communications and reports demonstrating progress of Annex I Parties. Note by the secretariat	CC/3/2006/6	4 Sept 2006

¹ The documents are available on the UNFCCC website at:
http://unfccc.int/kyoto_mechanisms/compliance/items/2875.php.

Title	Document No.	Date
Status of national communications and reports demonstrating progress of Annex I Parties. Note by the secretariat	CC/3/2006/6/Rev.1	7 Sept 2006

Report on the meeting	CC/3/2006/7	18 Sept 2006
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ENFORCEMENT BRANCH

Title	Document No.	Date
<u>1st meeting</u>		
Provisional agenda and annotations	CC/EB/1/2006/1	23 Feb 2006
Report on the meeting	CC/EB/1/2006/2	29 May 2006

FACILITATIVE BRANCH

Title	Document No.	Date
<u>1st meeting</u>		
Provisional agenda and annotations	CC/FB/1/2006/1	23 Feb 2006
Report on the meeting	CC/FB/1/2006/2	30 May 2006
<u>2nd meeting</u>		
Provisional agenda and annotations	CC/FB/2/2006/1	9 May 2006
Submission by South Africa, as Chairman of the Group of 77 and China, on behalf of the Group of 77 and China (Party concerned: Austria)	CC-2006-1-1/FB	31 May 2006
Submission by South Africa, as Chairman of the Group of 77 and China, on behalf of the Group of 77 and China (Party concerned: Bulgaria)	CC-2006-2-1/FB	31 May 2006
Submission by South Africa, as Chairman of the Group of 77 and China, on behalf of the Group of 77 and China (Party concerned: Canada)	CC-2006-3-1/FB	31 May 2006
Submission by South Africa, as Chairman of the Group of 77 and China, on behalf of the Group of 77 and China (Party concerned: France)	CC-2006-4-1/FB	31 May 2006
Submission by South Africa, as Chairman of the Group of 77 and China, on behalf of the Group of 77 and China (Party concerned: Germany)	CC-2006-5-1/FB	31 May 2006
Submission by South Africa, as Chairman of the Group of 77 and China, on behalf of the Group of 77 and China (Party concerned: Ireland)	CC-2006-6-1/FB	31 May 2006
Submission by South Africa, as Chairman of the Group of 77 and China, on behalf of the Group of 77 and China (Party concerned: Italy)	CC-2006-7-1/FB	31 May 2006

Title	Document No.	Date
Submission by South Africa, as Chairman of the Group of 77 and China, on behalf of the Group of 77 and China (Party concerned: Latvia)	CC-2006-8-1/FB	31 May 2006
Submission by South Africa, as Chairman of the Group of 77 and China, on behalf of the Group of 77 and China (Party concerned: Liechtenstein)	CC-2006-9-1/FB	31 May 2006
Submission by South Africa, as Chairman of the Group of 77 and China, on behalf of the Group of 77 and China (Party concerned: Luxembourg)	CC-2006-10-1/FB	31 May 2006
Submission by South Africa, as Chairman of the Group of 77 and China, on behalf of the Group of 77 and China (Party concerned: Poland)	CC-2006-11-1/FB	31 May 2006
Submission by South Africa, as Chairman of the Group of 77 and China, on behalf of the Group of 77 and China (Party concerned: Portugal)	CC-2006-12-1/FB	31 May 2006
Submission by South Africa, as Chairman of the Group of 77 and China, on behalf of the Group of 77 and China (Party concerned: Russian Federation)	CC-2006-13-1/FB	31 May 2006
Submission by South Africa, as Chairman of the Group of 77 and China, on behalf of the Group of 77 and China (Party concerned: Slovenia)	CC-2006-14-1/FB	31 May 2006
Submission by South Africa, as Chairman of the Group of 77 and China, on behalf of the Group of 77 and China (Party concerned: Ukraine)	CC-2006-15-1/FB	31 May 2006
Report on the meeting	CC/FB/2/2006/2	6 Sept 2006
<u>3rd meeting</u>		
Provisional agenda and annotations	CC/FB/3/2006/1	15 June 2006
Report to the Compliance Committee on the Deliberations in the Facilitative Branch relating to the Submission entitled “Compliance with Article 3.1 of the Kyoto Protocol” (Party concerned: Austria)	CC-2006-1-2/FB	22 June 2006
Report to the Compliance Committee on the Deliberations in the Facilitative Branch relating to the Submission entitled “Compliance with Article 3.1 of the Kyoto Protocol” (Party concerned: Bulgaria)	CC-2006-2-3/FB	22 June 2006

Title	Document No.	Date
Report to the Compliance Committee on the Deliberations in the Facilitative Branch relating to the Submission entitled "Compliance with Article 3.1 of the Kyoto Protocol" (Party concerned: Canada)	CC-2006-3-3/FB	22 June 2006
Report to the Compliance Committee on the Deliberations in the Facilitative Branch relating to the Submission entitled "Compliance with Article 3.1 of the Kyoto Protocol" (Party concerned: France)	CC-2006-4-3/FB	22 June 2006
Report to the Compliance Committee on the Deliberations in the Facilitative Branch relating to the Submission entitled "Compliance with Article 3.1 of the Kyoto Protocol" (Party concerned: Germany)	CC-2006-5-2/FB	22 June 2006
Report to the Compliance Committee on the Deliberations in the Facilitative Branch relating to the Submission entitled "Compliance with Article 3.1 of the Kyoto Protocol" (Party concerned: Ireland)	CC-2006-6-2/FB	22 June 2006
Report to the Compliance Committee on the Deliberations in the Facilitative Branch relating to the Submission entitled "Compliance with Article 3.1 of the Kyoto Protocol" (Party concerned: Italy)	CC-2006-7-2/FB	22 June 2006
Decision not to proceed against Latvia	CC-2006-8-3/Latvia/FB	21 June 2006
Report to the Compliance Committee on the Deliberations in the Facilitative Branch relating to the Submission entitled "Compliance with Article 3.1 of the Kyoto Protocol" (Party concerned: Latvia)	CC-2006-8-4/FB	22 June 2006
Report to the Compliance Committee on the Deliberations in the Facilitative Branch relating to the Submission entitled "Compliance with Article 3.1 of the Kyoto Protocol" (Party concerned: Liechtenstein)	CC-2006-9-2/FB	22 June 2006
Report to the Compliance Committee on the Deliberations in the Facilitative Branch relating to the Submission entitled "Compliance with Article 3.1 of the Kyoto Protocol" (Party concerned: Luxembourg)	CC-2006-10-2/FB	22 June 2006
Report to the Compliance Committee on the Deliberations in the Facilitative Branch relating to the Submission entitled "Compliance with Article 3.1 of the Kyoto Protocol" (Party concerned: Poland)	CC-2006-11-3/FB	22 June 2006

Title	Document No.	Date
Report to the Compliance Committee on the Deliberations in the Facilitative Branch relating to the Submission entitled "Compliance with Article 3.1 of the Kyoto Protocol" (Party concerned: Portugal)	CC-2006-12-3/FB	22 June 2006
Report to the Compliance Committee on the Deliberations in the Facilitative Branch relating to the Submission entitled "Compliance with Article 3.1 of the Kyoto Protocol" (Party concerned: Russian Federation)	CC-2006-13-2/FB	22 June 2006
Decision not to proceed against Slovenia	CC-2006-14-2/Slovenia/FB	21 June 2006
Report to the Compliance Committee on the Deliberations in the Facilitative Branch relating to the Submission entitled "Compliance with Article 3.1 of the Kyoto Protocol" (Party concerned: Slovenia)	CC-2006-14-3/FB	22 June 2006
Report to the Compliance Committee on the Deliberations in the Facilitative Branch relating to the Submission entitled "Compliance with Article 3.1 of the Kyoto Protocol" (Party concerned: Ukraine)	CC-2006-15-2/FB	22 June 2006
Report on the meeting	CC/FB/3/2006/2	6 Sept 2006
4th meeting		
Provisional agenda and annotations	CC/FB/4/2006/1	28 July 2006
Report on the meeting	CC/FB/4/2006/2	15 Sept 2006

REPORTS OF EXPERT REVIEW TEAMS FORWARDED TO THE COMMITTEE UNDER SECTION VI, PARAGRAPH 3, OF THE ANNEX TO DECISION 27/CMP.1

Title	Document No.	Date
Report of the centralized in-depth review of the fourth national communication of Hungary	CC/ERT/2006/1	7 Sept 2006
Report of the centralized in-depth review of the fourth national communication of Slovakia	CC/ERT/2006/2	12 Sept 2006
Report of the centralized in-depth review of the fourth national communication of Finland	CC/ERT/2006/3	19 Sept 2006

Annex III

Members and alternate members of the Compliance Committee elected at the first session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol

Enforcement Branch

Member	Alternate	Group
Mr. Nuno S. Lacasta ¹	Mr. René J. M. Lefeber ¹	Western Europe and Others
Ms. Johanna G. S. De Wet ²	Mr. J. Armathé Amougou ²	Africa
Mr. Su Wei ²	Mr. Mohammad Sa'dat Alam ²	Asia
Mr. Amjad Abdulla ¹	Ms. Mary J. Mace ¹	small island developing States
Mr. Raúl Estrada Oyuela ²	Ms. Patricia Iturregui Byrne ²	Latin America and the Caribbean
Mr. Oleg Shamanov ¹	Mr. Vladimir Tarasenko ¹	Eastern Europe
Mr. Sebastian Oberthür ²	Mr. Tuomas Kuokkanen ²	Annex I Parties ³
Mr. Stephan Michel ¹	Ms. Kirsten Jacobsen ¹	Annex I Parties ³
Mr. Bernard Namanya ²	Ms. Gladys K. Ramothwa ²	Non-Annex I Parties ⁴
Mr. Ilhomjon Rajabov ¹	Mr. Ainun Nishat ¹	Non-Annex I Parties ⁴

Facilitative Branch

Member	Alternate	Group
Mr. Marc Pallemarts ¹	Mr. Pierre Ducret ¹	Western Europe and Others
Mr. Ismail A. R. El Gizouli ²	Mr. Ratemo W. Michieka ²	Africa
Mr. Khalid M. Abuleif ²	Mr. Jai-Chul Choi ²	Asia
Mr. Ian Fry ⁵	Mr. Héctor Conde Almeida ¹	small island developing States
Ms. María Andrea Albán Durán ²	Mr. Ato J. Lewis ²	Latin America and the Caribbean
Mr. Wojtek Galinski ⁶	Mr. Valeriy Sedyakin ¹	Eastern Europe
Mr. Hironori Hamanaka ²	Mr. Mark Berman ²	Annex I Parties ³
Ms. Anna Dixelius ¹	Mr. Nicola Notaro ¹	Annex I Parties ³
Mr. Mamadou Honadia ¹	Ms. Inar Ichsana Ishak ¹	Non-Annex I Parties ⁴
Mr. Javad Aghazadeh Khoei ²	Mr. Paata Janelidze ²	Non-Annex I Parties ⁴

¹ For a term of two years.

² For a term of four years.

³ Parties included in Annex I to the Convention.

⁴ Parties not included in Annex I to the Convention.

⁵ Resigned on 5 June 2006.

⁶ Resigned on 12 May 2006.

Annex IV**Report to the Compliance Committee on the deliberations in the facilitative branch relating to the submission entitled “Compliance with Article 3.1 of the Kyoto Protocol”**

1. On 31 May 2006, the facilitative branch of the Compliance Committee began a preliminary examination of the submission by South Africa, as Chairman of the Group of 77 and China, on behalf of the Group of 77 and China entitled “Compliance with Article 3.1 of the Kyoto Protocol,” in accordance with section VII, paragraph 2 of the annex to decision 27/CMP.1. It continued its deliberations on 20 June 2006. The branch could not come to a consensus at this time.

2. The branch made a number of attempts to arrive at a consensus. When all efforts to reach agreement on a decision by consensus had been exhausted, a vote was taken electronically on 21 June 2006, resulting in the failure to adopt either a decision to proceed or a decision not to proceed by a majority of three-fourths of the members present and voting, as required by section II, paragraph 9 of the annex to decision 27/CMP.1 in relation to section VII, paragraphs 4 and 6 of the annex to decision 27/CMP.1.

3. The decision to proceed was worded as follows:

“The submission was received by the facilitative branch of the Compliance Committee on 31 May, 2006. The branch decided to defer taking a decision until 20 June 2006. The branch continued its deliberations and undertook the preliminary examination of the question of implementation on 20 June 2006, in accordance with section VII, paragraph 2, of the annex to decision 27/CMP.1. A vote was taken on 21 June 2006 by electronic means.

“In accordance with section VII, para 4, of decision 27/CMP.1, the facilitative branch decides to proceed with the question of implementation submitted by South Africa, as Chairman of the Group of 77 and China, on behalf of the Group of 77 and China, with the following statement on the question of implementation:

Failure to submit a national communication containing the supplementary information required pursuant to para 139 of the annex to decision 22/CMP.1, decision 25/CP.8, para 3, articles 7.4 and 8.3 of the Kyoto Protocol.

“This decision was taken on the basis that the submission by South Africa, as Chairman of the Group of 77 and China, on behalf of the Group of 77 and China, fully addressed the requirements under section VI.1 (b) and VII.2. (a), (b) and (c).

“Therefore, within its mandate provided for under section IV, para 4 and para 6 (c) the Branch shall take the necessary actions to provide advice, facilitation and promotion to each Party concerned.

“The Facilitative Branch shall complete its consideration and agree on the final decision on the submission by South Africa at its September meeting, taking into account the provisions of section VI, VII and VIII of decision 27/CMP.1.”

Four (4) members voted for the decision to proceed, four (4) members against and two (2) members abstained.

4. The decision not to proceed was worded as follows:

“The submission was received by the facilitative branch of the Compliance Committee on 31 May, 2006. The branch decided to defer taking a decision until 20 June 2006. The branch continued its deliberations and undertook the preliminary examination of the question of implementation on 20 June 2006, in accordance with section VII, paragraph 2, of the annex to decision 27/CMP.1. A vote was taken on 21 June 2006 by electronic means.

“Following a preliminary examination, the branch found that the submission addressed to the compliance committee by South Africa, as Chairman of the Group of 77 and China, on behalf of the Group of 77 and China, could not be regarded as a question of implementation within the meaning of section VII.2 of the annex to decision 27/CMP.1, for the following reasons:

“a) The communication was not submitted by a Party on its own behalf through a representative duly authorized for this purpose.

“The procedures and mechanisms do not provide for the possibility of groups of Parties making submissions by proxy nor give the facilitative branch a mandate to consider any question of implementation that has not been duly submitted in accordance with section VI.1 of the annex to decision 27/CMP.1.

“b) The submission does not clearly and individually name the Parties with respect to which it purports to raise a question of implementation.

“c) The submission is not supported by information corroborating the question of implementation it purports to raise, nor does it substantiate that this question relates to any of the specific commitments under the Kyoto Protocol identified in either of paragraphs 5 or 6 of section VII.

“Accordingly, the branch decided not to proceed.

“This decision not to proceed is without prejudice to the right of any Party to submit a question of implementation with respect to the same matter through its duly authorized representatives.”

Five (5) members voted for the decision not to proceed, five (5) members against and no member abstained.

5. Under the circumstances, the facilitative branch was unable to take a decision on whether to proceed or not to proceed. Consequently, it could not complete the preliminary examination within three weeks from its receipt of the submission, in accordance with section VIII, paragraph 3 of the annex to decision 27/CMP.1.

6. The branch noted that Latvia's fourth national communication submitted in accordance with Article 12 of the Convention and decision 4/CP.8 and its progress report submitted in accordance with Article 3.2 of the Kyoto Protocol and decisions 22/CP.7 and 25/CP.8 have been received by the secretariat on 25 May 2006, before the branch began its consideration and that since consideration by

the branch began, Slovenia's fourth national communication and its progress report have been received by the secretariat on 12 June 2006. **The decision not to proceed against Latvia (CC-2006-8-3/Latvia/FB) and the decision not to proceed against Slovenia (CC-2006-14-2/Slovenia/FB) were both adopted by a vote of seven for the decision not to proceed, one against, and two abstentions. Accordingly, the branch decided not to proceed against both these Parties.**

7. A copy of this report shall be sent to South Africa, as Chairman of the Group of 77 and China and to the 15 Parties to whom the submission was sent by the secretariat, namely: Austria (CC-2006-1/FB); Bulgaria (CC-2006-2/FB); Canada (CC-2006-3/FB); France (CC-2006-4/FB); Germany (CC-2006-5/FB); Ireland (CC-2006-6/FB); Italy (CC-2006-7/FB); Latvia (CC-2006-8/FB); Liechtenstein (CC-2006-9/FB); Luxembourg (CC-2006-10/FB); Poland (CC-2006-11/FB); Portugal (CC-2006-12/FB); Russian Federation (CC-2006-13/FB); Slovenia (CC-2006-14/FB); and Ukraine (CC-2006-15/FB), in accordance with section VII of the annex to decision 27/CMP.1.

Annex V**Decisions taken by the facilitative branch
of the Compliance Committee****FACILITATIVE BRANCH
OF THE COMPLIANCE COMMITTEE**CC-2006-8-3/Latvia/FB
21 June 2006

PRELIMINARY EXAMINATION

Submission from: South Africa, as Chairman of the Group of 77 and China, on behalf of the Group of 77 and China

Party concerned: Latvia

Members voting: Mr. Khalid Abuleif, Mr. Javad Aghazadeh Khoei, Ms. Maria Andrea Albán Durán, Mr. Héctor Conde Almeida (alternate member serving as member), Ms. Anna Dixelius, Mr. Ismail El Gizouli, Mr. Hironori Hamanaka, Mr. Mamadou Honadia, Mr. Marc Pallemarts, Mr. Valeriy Sedyakin (alternate member serving as member)

The submission was received by the facilitative branch of the Compliance Committee on 31 May, 2006.

The branch decides not to proceed since the fourth national communication submitted in accordance with Article 12 of the Convention and decision 4/CP.8 and the progress report submitted in accordance with Article 3.2 of the Kyoto Protocol and decisions 22/CP.7 and 25/CP.8 of Latvia, have been received by the secretariat on 25 May 2006.

PRELIMINARY EXAMINATION

Submission from: South Africa, as Chairman of the Group of 77 and China, on behalf of the Group of 77 and China

Party concerned: Slovenia

Members voting: Mr. Khalid Abuleif, Mr. Javad Aghazadeh Khoei, Ms. Maria Andrea Albán Durán, Mr. Héctor Conde Almeida (alternate member serving as member), Ms. Anna Dixelius, Mr. Ismail El Gizouli, Mr. Hironori Hamanaka, Mr. Mamadou Honadia, Mr. Marc Pallemarts, Mr. Valeriy Sedyakin (alternate member serving as member)

The submission was received by the facilitative branch of the Compliance Committee on 31 May, 2006.

The branch decides not to proceed since the fourth national communication, submitted in accordance with Article 12 of the Convention and decision 4/CP.8 and the progress report submitted in accordance with Article 3.2 of the Kyoto Protocol and decisions 22/CP.7 and 25/CP.8 of Slovenia, have been received by the secretariat on 12 June 2006.
