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## الاتفاقية الإطارية بشأن تغير المناخ



مؤتمر الأطراف العامل بوصفه اجتماع الأطراف  
في بروتوكول كيوتو  
الدورة الرابعة  
بوزنان، ١-١٢ كانون الأول/ديسمبر ٢٠٠٨

البند ٧ من جدول الأعمال المؤقت  
تقرير لجنة الامتثال

### التقرير السنوي للجنة الامتثال المقدم إلى مؤتمر الأطراف العامل بوصفه اجتماع الأطراف في بروتوكول كيوتو\*

موجز

يغطي التقرير السنوي الثالث للجنة الامتثال المقدم إلى مؤتمر الأطراف العامل بوصفه اجتماع الأطراف في بروتوكول كيوتو الأنشطة التي تم الاضطلاع بها خلال الفترة الممتدة من ٨ أيلول/سبتمبر ٢٠٠٧ إلى ٩ تشرين الأول/أكتوبر ٢٠٠٨. ويتضمن موجزاً لنظر فرع الإنفاذ في مسألتين متعلقتين بالتنفيذ أثناء الفترة التي يشملها التقرير والدروس المستخلصة من هذه التجربة. كما يتضمن استنتاجات عملية التقييم التي أجراها فرع الإنفاذ، واستنتاجات حلقة العمل بشأن الإبلاغ والاستعراض التي نظمها فرع التيسير، وملاحظات اللجنة بكامل هيئتها وتوصياتها الناتجة عن هذه الأنشطة.

\* تأخر تقديم هذه الوثيقة لكي تُراعى فيها نتائج الاجتماع الخامس للجنة الامتثال بكامل هيئتها، المعقود من ٨ إلى ٩ تشرين الأول/أكتوبر ٢٠٠٨.

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### ألف - الولاية

١ - عملاً بالفقرة ٢(أ) من الفرع الثالث من "الإجراءات والآليات المتعلقة بالامتثال بمقتضى بروتوكول كيوتو" (مرفق المقرر ٢٧/م أ-١، ويشار إليها أدناه بالإجراءات والآليات)، تقدّم لجنة الامتثال بكامل هيئتها تقريراً عن أنشطتها إلى كل دورة عادية من دورات مؤتمر الأطراف العامل بوصفه اجتماع الأطراف في بروتوكول كيوتو (مؤتمر الأطراف/اجتماع الأطراف).

### باء - نطاق التقرير

٢ - يغطي التقرير السنوي الثالث للجنة الامتثال بكامل هيئتها الفترة الممتدة من ٨ أيلول/سبتمبر ٢٠٠٧ إلى ٩ تشرين الأول/أكتوبر ٢٠٠٨. ويلخص العمل الذي قامت به اللجنة والمسائل الأخرى التي عاجلتها خلال تلك الفترة.

### جيم - الإجراءات التي سيتخذها مؤتمر الأطراف العامل بوصفه اجتماع الأطراف في بروتوكول كيوتو

٣ - وفقاً للباب الثاني عشر من الإجراءات والآليات، قد يود مؤتمر الأطراف/اجتماع الأطراف النظر في هذا التقرير السنوي للجنة الامتثال.

٤ - وقد يود مؤتمر الأطراف/اجتماع الأطراف القيام أيضاً بما يلي:

- (أ) أن يعتمد التعديلات على النظام الداخلي الواردة في المرفق الأول لهذا التقرير التي وضعتها لجنة الامتثال بكامل هيئتها طبقاً للفقرة ٢(د) من الباب الثالث من الإجراءات والآليات؛
- (ب) أن يدعو رئيس مؤتمر الأطراف/اجتماع الأطراف إلى إجراء مشاورات بشأن التعيينات المطلوبة لشغل المنصب الشاغر في فرع التيسير التابع للجنة الامتثال؛
- (ج) أن يدعو الأطراف إلى تقديم مساهمات في الصندوق الاستئماني للأنشطة التكميلية لفترة السنتين ٢٠٠٨-٢٠٠٩ لدعم عمل لجنة الامتثال؛
- (د) أن يقرر تطبيق الممارسة الخاصة بالعضوية الجاري بها العمل في الهيئات الأخرى المنشأة بموجب بروتوكول كيوتو على لجنة الامتثال لتحقيق ما يلي:

١' انطباق مدة ولاية كل عضو على العضو المناوب له أيضاً؛

٢' عدم جواز عمل الأعضاء المناوبين في لجنة الامتثال لأكثر من فترتين متعاقبتين بصفتهم أعضاء مناوبين؛

٣' لا تدخل الفترتان اللتان قضاها المرشح بصفته عضواً مناوباً في حساب الفترتين المتعاقبتين اللتين يجوز له أن يقضيهما كعضو منتخب كحد أقصى، أو على العكس من ذلك، لا تدخل الفترتان اللتان قضاها بصفته عضواً منتخباً في حساب الحد الأقصى للفترتين المتعاقبتين اللتين يجوز له أن يقضيهما كعضو مناوب بعد ذلك؛

(هـ) أن يأخذ في الاعتبار، لدى مواصلته النظر في مسألة الامتيازات والحصانات، وضع الخبراء الذين يستشيرهم فرع التيسير أو فرع الإنفاذ؛

(و) أن يضمن أن تُعامل لجنة الامتثال نفس المعاملة التي تحظى بها الهيئات الأخرى المنشأة بموجب بروتوكول كيوتو حين يتعلق الأمر بتمويل تكاليف السفر والمشاركة. وفي هذا الصدد تحت لجنة الامتثال مؤتمر الأطراف/اجتماع الأطراف على دعوة الهيئة الفرعية للتنفيذ إلى أن تضع في الاعتبار، عند نظرها في الميزانية المقترحة لاتفاقية الأمم المتحدة الإطارية بشأن تغير المناخ لفترة السنتين ٢٠١٠-٢٠١١، اقتراحات لجنة الامتثال بأن يعمد مؤتمر الأطراف/اجتماع الأطراف إلى ما يلي:

١٠ توفير التمويل لتغطية تكاليف السفر والمشاركة في اجتماعات لجنة الامتثال ليشمل جميع أعضائها وأعضائها المناوبين؛

٢٠ الإذن للأمانة أن تنظر في طلبات تمويل سفر ومشاركة الأعضاء والأعضاء المناوبين في اجتماعات لجنة الامتثال ممن ليسوا مؤهلين في الوقت الحاضر للحصول على هذا التمويل، باعتبار ذلك تدبيراً مؤقتاً إلى حين تأهيلهم للحصول على هذا التمويل، رهنأ بتوافر الموارد وعلى أساس كل حالة على حدة؛

٣٠ اتباع نفس قواعد الأمم المتحدة ولوائحها بشأن السفر في مهام رسمية التي تسري على موظفي الأمم المتحدة فيما يتعلق بسفر الأعضاء والأعضاء المناوبين المؤهلين.

## ثانياً - المسائل التنظيمية

٥- عُقد الاجتماع الخامس للجنة الامتثال بكامل هيئتها في بون بألمانيا من ٨ إلى ٩ تشرين الأول/أكتوبر ٢٠٠٨.

٦- وفي ٧ تشرين الأول/أكتوبر ٢٠٠٨، عُقد الاجتماع السادس لفرع التيسير في بون. واجتمع فرع الإنفاذ أربع مرات في بون هذا العام وعقد اجتماعاته الثالث والرابع والخامس والسادس (من ٤ إلى ٦ آذار/مارس ٢٠٠٨، ومن ١٦ إلى ١٧ نيسان/أبريل ٢٠٠٨، ومن ١٤ إلى ١٥ حزيران/يونيه ٢٠٠٨، ومن ٦ إلى ٧ تشرين الأول/أكتوبر ٢٠٠٨ على التوالي). وبالإضافة إلى هذه الاجتماعات استعمل مكتب لجنة الامتثال وفرع التيسير والإنفاذ، خلال الفترة المشمولة بالتقرير، الوسائل الإلكترونية لاتخاذ القرارات فيما يخص توزيع مسائل التنفيذ، والانتخابات، ومشورة الخبراء، والدراسة الأولية، مما سمح بتقليص تكاليف الاجتماعات.

٧- ويتاح جدول الأعمال وشروحه، والوثائق الداعمة لبنود جدول الأعمال، وتقرير الرئيس عن كل اجتماع من اجتماعات اللجنة بكامل هيئتها وفرعي التيسير والإنفاذ على الموقع الإلكتروني لاتفاقية الأمم المتحدة الإطارية بشأن تغير المناخ<sup>(١)</sup>. وترد في المرفق الثاني لهذا التقرير قائمة بعناوين ووثائق لجنة الامتثال للفترة المشمولة بالتقرير.

(١) <[http://unfccc.int/kyoto\\_protocol/compliance/items/2875.php](http://unfccc.int/kyoto_protocol/compliance/items/2875.php)>.

## ألف - انتخاب رئيس ونائب رئيس فرع الإنفاذ وفرع التيسير للجنة الامتثال

٨- عملاً بالمقرر الذي اتخذته الاجتماع الرابع للجنة بكامل هيئتها وبالفقرة ٢ من المادة ١١ من "النظام الداخلي للجنة الامتثال لبروتوكول كيوتو" (مرفق المقرر ٤/م أ-٢؛ المشار إليه فيما بعد بالنظام الداخلي)، انتخب فرع الإنفاذ، في ١١ شباط/فبراير ٢٠٠٨، بتوافق الآراء باستعمال الوسائل الإلكترونية السيد سيباستيان أوبرثور رئيساً والسيدة جوهانا غيرترويدا ساندي دي ويت نائباً للرئيس؛ وفي ١١ آذار/مارس ٢٠٠٨ انتخب فرع التيسير بتوافق الآراء باستعمال الوسائل الإلكترونية السيد إسماعيل الجزولي رئيساً والسيد مارك باليميرتس نائباً للرئيس. ويتكون المكتب الجديد للجنة من هذين الرئيسين ونائبيهما.

٩- وعبر اجتماع اللجنة بكامل هيئتها عن تقديره لعمل أعضاء المكتب السابق وهم: السيد راؤول إسترادا - أويولا رئيس فرع الإنفاذ، والسيد هيرونوري هامانكا رئيس فرع التيسير، والسيد أوبرثور نائب رئيس فرع الإنفاذ، والسيد إسماعيل الجزولي نائب رئيس فرع التيسير.

## باء - العضوية في لجنة الامتثال

١٠- قدّم السيد هامانكا، عضو لجنة الامتثال الذي انتُخب ليعمل في فرع التيسير حتى ٣١ كانون الأول/ديسمبر ٢٠٠٩، استقالته من اللجنة في ٩ أيار/مايو ٢٠٠٨. وقد عمل السيد هامانكا رئيساً لفرع التيسير من ١ آذار/مارس ٢٠٠٦ إلى ١٠ آذار/مارس ٢٠٠٨. ومنذ استقالة السيد هامانكا، عمل السيد مارك بيرمان، الذي انتخب عضواً مناوباً، عضواً في اللجنة. وطلبت اللجنة بكامل هيئتها إلى مؤتمر الأطراف/اجتماع الأطراف شغل المنصب الشاغر في فرع التيسير بانتخاب عضو من الأطراف المدرجة في المرفق الأول خلفاً للسيد هامانكا للفترة المتبقية من ولايته.

١١- وتلاحظ اللجنة بكامل هيئتها أنه، وإن كانت الإجراءات والآليات تحدد مدة ولاية أعضاء لجنة الامتثال والحد الأقصى لعدد الولايات المتعاقبة التي يمكن أن يقضيها الأعضاء، إلا أن مؤتمر الأطراف/اجتماع الأطراف لم يحدد مدة الولاية للعضو المناوب في اللجنة أو الحد الأقصى لعدد الولايات المتعاقبة التي يجوز لعضو مناوب أن يقضيها. ولم تذكر الإجراءات والآليات كذلك ما إذا كانت الولاياتان اللتان يقضيها عضو ما بصفته عضواً مناوباً تدخلان في حساب الحد الأقصى للولايتين المتعاقبتين اللتين يجوز للأعضاء شغلها. وتدعو اللجنة بكامل هيئتها مؤتمر الأطراف/اجتماع الأطراف إلى اتخاذ قرار بتطبيق الممارسة الخاصة بالعضوية الجاري العمل بها في الهيئات الأخرى المنشأة بموجب بروتوكول كيوتو على لجنة الامتثال لتحقيق ما يلي:

(أ) انطباق مدة ولاية كل عضو على العضو المناوب له أيضاً؛

(ب) عدم جواز عمل الأعضاء المناوبين في لجنة الامتثال لأكثر من فترتين متعاقبتين بصفتهم أعضاء مناوبين؛

(ج) لا تدخل الفترتان اللتان قضاها المرشح بصفته عضواً مناوباً في حساب الفترتين المتعاقبتين اللتين يجوز له أن يقضيها كعضو منتخب كحد أقصى، أو على العكس من ذلك، لا تدخل الفترتان اللتان قضاها بصفته عضواً منتخباً في حساب الحد الأقصى للفترتين المتعاقبتين اللتين يجوز له أن يقضيها كعضو مناوب بعد ذلك؛

## جيم - الشفافية والاتصالات والمعلومات

١٢ - عملاً بالفقرة ١ من المادة ٩ من النظام الداخلي، سُجِّل الاجتماع الخامس للجنة بكامل هيئتها والاجتماع السادس لفرع التيسير وأجزاء من الاجتماعات الثالث والرابع والخامس والسادس لفرع الإنفاذ التي عُقدت علانية وبُثت على الموقع الشبكي لاتفاقية الأمم المتحدة الإطارية بشأن تغير المناخ.

١٣ - ووصف التقرير السنوي الثاني للجنة الامتثال، الذي نظر فيه مؤتمر الأطراف/اجتماع الأطراف في دورته الثالثة، اتفاق اللجنة بكامل هيئتها على ترتيبات العمل المتعلقة بمشاركة الجمهور في اجتماعات لجنة الامتثال (FCCC/KP/CMP/2007/6، الفقرات ١٥-١٧). وعملاً بهذا الاتفاق وُضع نظام بسيط للإخطار والتسجيل للراغبين في حضور اجتماعات اللجنة بكامل هيئتها واجتماعات الفرعين.

## دال - امتيازات وحصانات أعضاء لجنة الامتثال وأعضائها المناوبين

١٤ - وفقاً للاستنتاجات التي توصلت إليها الهيئة الفرعية للتنفيذ في دورتها السادسة والعشرين بشأن امتيازات وحصانات الأفراد العاملين في الهيئات المنشأة بموجب بروتوكول كيوتو<sup>(٢)</sup>، تلاحظ اللجنة بكامل هيئتها أنه لم تُثر حتى الآن أية نزاعات أو شكاوى أو دعاوى تتصل بلجنة الامتثال أو بالأفراد العاملين فيها فيما يتعلق بمهامهم الرسمية. بيد أن اللجنة بكامل هيئتها تراقب عن كثب المناقشات التي تجري في دورات مؤتمر الأطراف/اجتماع الأطراف والهيئة الفرعية للتنفيذ بشأن امتيازات وحصانات الأفراد العاملين في الهيئات المنشأة بموجب بروتوكول كيوتو، ولا سيما المناقشات بشأن الاستعراض الثاني لبروتوكول كيوتو عملاً بمادته ٩. وتلاحظ اللجنة بكامل هيئتها أن الخبراء الذين يستشيرهم فرع التيسير أو فرع الإنفاذ بمقتضى الفقرة ٥ من الفرع الثامن من الإجراءات والآليات لا يتمتعون بالحصانة مقابل المشورة التي يقدمونها إلى الفرعين.

## ثالثاً - العمل المضطلع به في الفترة المشمولة بالتقرير

ألف - تقارير أفرقة خبراء الاستعراض بموجب المادة ٨ من بروتوكول كيوتو وغير ذلك من المعلومات التي تلقتها لجنة الامتثال بكامل هيئتها

١٥ - وفقاً للفقرة ٣ من الفرع السادس من الإجراءات والآليات، أحالت الأمانة إلى لجنة الامتثال التقارير التي قدمتها أفرقة خبراء الاستعراض عن الاستعراضات المركزية المعمقة للبلاغات الوطنية الرابعة لإسبانيا وألمانيا والبرتغال وبلجيكا وبلغاريا والجمهورية التشيكية وفرنسا وليختنشتاين وموناكو وهولندا. وتشير اللجنة بكامل هيئتها إلى أنها تلقت حتى الآن ٢٦ استعراضاً معمقاً وأن الاستعراضات المعمقة للبلاغات الوطنية الرابعة<sup>(٣)</sup>

(٢) FCCC/SBI/2007/15، الفقرات ١٦٣-١٦٨.

(٣) تشمل عبارة "البلاغ الوطني الرابع" المستعملة في هذا التقرير البلاغات الوطنية الأولى والثاني والثالث التي قُدمت خلال الفترة حين قدمت أغلبية الأطراف المدرجة في المرفق الأول بلاغها الوطني الرابع وفقاً للمقرر ٤/م-أ-٨.

لأحد عشر طرفاً من الأطراف المدرجة في المرفق الأول للاتفاقية (أطراف المرفق الأول) من المقرر تقديمها في العام القادم<sup>(٤)</sup>.

١٦- ووفقاً أيضاً للفقرة ٣ من الفرع السادس من الإجراءات والآليات، أحالت الأمانة إلى لجنة الامتثال التقارير الخاصة باستعراض التقارير الأولية لكل من الاتحاد الروسي، وإسبانيا، وإستونيا، وألمانيا، وأوكرانيا، وآيرلندا، وآيسلندا، وإيطاليا، والبرتغال، وبلجيكا، وبلغاريا، وبولندا، والجماعة الأوروبية، والجمهورية التشيكية، والدانمرك، ورومانيا، وسلوفاكيا، وسلوفينيا، والسويد، وفرنسا، وفنلندا، ولاتفيا، ولكسمبرغ، وليتوانيا، وليختنشتاين، والمملكة المتحدة لبريطانيا العظمى وآيرلندا الشمالية، وموناكو، والنرويج، وهولندا. وتشير اللجنة بكامل هيئتها إلى أن جميع الأطراف، البالغ عددها ٣٩ طرفاً، المدرجة في المرفق الأول والتي هي أيضاً أطراف في بروتوكول كيوتو قدمت تقاريرها الأولية. كما تشير إلى أنها تلقت حتى الآن ٣٦ استعراضاً للتقارير الأولية، وأن استعراض التقرير الأولي لكل من أستراليا وكرواتيا في طور الإعداد، فضلاً عن تأجيل استعراض التقرير الأولي لبيلاروس إلى أن تنظر الهيئة الفرعية للتنفيذ في طرائق وشروط الاستعراض<sup>(٥)</sup>.

١٧- وبمقتضى الفقرة ١ من الفرع السادس من الإجراءات والآليات، أحالت الأمانة إلى لجنة الامتثال الاستعراضين الخاصين بالتحريين الأوليين لكل من كندا واليونان اللذين أثارا مسائل خاصة بالتنفيذ. وعملاً بالفقرة ٢ من الفرع السادس من الإجراءات والآليات أتيح هذان التقريران أيضاً إلى كندا واليونان. وترد المعلومات عن عمل فرع الإنفاذ بخصوص مسائل التنفيذ هذه في الفصلين ثالثاً - باء وثالثاً - جيم أدناه.

١٨- وعملاً بالفقرة ٣ من الفرع السادس من الإجراءات والآليات والفقرة ٤٩ من مرفق المقرر ٢٢/م أ-١، أحالت الأمانة إلى لجنة الامتثال التقارير السنوية لحالة قوائم جرد غازات الدفيئة لكل من الاتحاد الروسي، وإسبانيا، وإستونيا، وألمانيا، وأوكرانيا، وآيرلندا، وآيسلندا، وإيطاليا، والبرتغال، وبلجيكا، وبلغاريا، وبولندا، وبيلاروس، والجماعة الأوروبية، والجمهورية التشيكية، والدانمرك، ورومانيا، وسلوفاكيا، وسلوفينيا، والسويد، وسويسرا، وفرنسا، وفنلندا، وكندا، ولاتفيا، ولكسمبرغ، وليتوانيا، وليختنشتاين، والمملكة المتحدة، وموناكو، والنرويج، والنمسا، ونيوزيلندا، وهنغاريا، وهولندا، واليابان، واليونان. وتشير اللجنة بكامل هيئتها إلى أنها تلقت ٣٧ تقريراً من التقارير السنوية لحالة قوائم جرد غازات الدفيئة وأن تقرير أستراليا وكرواتيا سيُرسلان إلى اللجنة من السنة المقبلة فصاعداً.

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(٤) هي الاستعراضات المعمقة للاتحاد الروسي، وأوكرانيا، وآيرلندا، وإيطاليا، وبولندا، وبيلاروس، والجماعة الأوروبية، ورومانيا، وكرواتيا، وكندا، والنمسا. وقدمت أستراليا بلاغها الوطني الرابع في ١٢ كانون الأول/ديسمبر ٢٠٠٥ قبل أن تصبح طرفاً في بروتوكول كيوتو. ويُستعرض بلاغها الوطني الرابع بموجب المبادئ التوجيهية للاتفاقية. ولكسمبرغ هي الطرف الوحيد الذي لم يقدم بعد بلاغه الوطني الرابع من بين ٣٩ طرفاً من الأطراف المدرجة في المرفق الأول التي هي أيضاً طرف في بروتوكول كيوتو.

(٥) FCCC/KP/CMP/2007/9، الفقرة ١٦٠.

١٩- وتذكر اللجنة بكامل هيئتها بأن الفقرة ١ من المقرر ٢٦/م-١ تنص على استكمال كل استعراض أولي خلال فترة أفصاها سنة واحدة من تاريخ تقديم التقرير الأولي. وتعرب اللجنة بكامل هيئتها عن قلقها إزاء التأخير في استكمال بعض التقارير الاستعراضية ولا سيما تقرير الاستعراض الأولي للجماعة الأوروبية الذي نُشر في ١٥ شباط/فبراير ٢٠٠٨ أي بعد مضي سنة وشهرين تقريباً على تقديم الجماعة الأوروبية لتقريرها الأولي في ١٨ كانون الأول/ديسمبر ٢٠٠٦، وتقرير الاستعراض الأولي لكندا الذي نُشر في ١١ نيسان/أبريل ٢٠٠٨ أي بعد مضي سنة وشهر تقريباً على تقديم كندا لتقريرها الأولي في ١٥ آذار/مارس ٢٠٠٧.

٢٠- ونظرت لجنة الامتثال بكامل هيئتها في اجتماعها الخامس في المعلومات التي قدمتها إليها الأمانة بشأن حالة تقديم التقارير واستعراضها بموجب بروتوكول كيوتو (الوثيقة CC/5/2008/5)، ولاحظت بقلق متزايد أن لكسمبرغ لم تقدم حتى الآن، أي بعد ثلاث سنوات تقريباً من انقضاء المهلة المحددة في المقرر ٤/م-أ ٨ بخصوص المقرر ٢٢/م-١، بلاغها الوطني الرابع الذي يتضمن المعلومات التكميلية المطلوبة بموجب الفقرة ٢ من المادة ٧ من بروتوكول كيوتو رغم القلق الذي أعرب عنه مؤتمر الأطراف بهذا الشأن<sup>(٦)</sup>.

٢١- وأبرز فرع الإنفاذ في اجتماعه الرابع أهمية ضمان أن يعمد كل فريق من أفرقة خبراء الاستعراض، بموجب المادة ٨ من بروتوكول كيوتو، إلى إجراء الاستعراض بصورة متسقة تشمل جميع الأطراف، وقرّر إطلاع اللجنة بكامل هيئتها على هذا الأمر. وأعدت الأمانة بناءً على طلب من فرع الإنفاذ ورقة تضمنت وصفاً لعملية الاستعراض بموجب المادة ٨ من بروتوكول كيوتو وعرضاً توليفياً للمعلومات الواردة في تقارير الاستعراضات الأولية بشأن النظم الوطنية (الوثيقة CC/5/2008/2) كإسهام في مناقشات الجلسات العامة بخصوص هذه المسألة. وبعد استعراض هذه الورقة والمعلومات الإضافية التي قدمتها الأمانة أثناء الاجتماع الخامس للجنة بكامل هيئتها، نظرت اللجنة في القضايا المتعلقة بعملية الاستعراض وفقاً للمادة ٨.

٢٢- وتعرب اللجنة بكامل هيئتها عن تقديرها لأفرقة خبراء الاستعراض، التي دعمتها الأمانة، لإعدادها تقارير استعراضات فائقة الجودة رغم محدودية الموارد. وترحب اللجنة بكامل هيئتها بالملاحظة التي أبدتها الهيئة الفرعية للتنفيذ في دورتها الثامنة والعشرين بأن تحسين عمليتي الإبلاغ والاستعراض يحظى بأهمية بالغة<sup>(٧)</sup>. بيد أن القلق يساور اللجنة بكامل هيئتها إزاء مسائل الاتساق في عملية الاستعراض ومحدودية الموارد بما في ذلك قلة الخبراء. وهذه المسائل قد تعيق على نحو خطير وظائف الاستعراض المنصوص عليها في بروتوكول كيوتو، والتي تكتسي أهمية قصوى في عمل اللجنة، وعليه فإن اللجنة بكامل هيئتها ستواصل استعراض هذه المسائل في اجتماعاتها المقبلة.

(٦) المقرر ٥/م-٣، "الامتثال بمقتضى بروتوكول كيوتو".

(٧) FCCC/SBI/2008/8، الفقرة ٩٣.



### باء - نظر فرع الإنفاذ في مسألة تنفيذ خاصة باليونان

٢٣- تلقت لجنة الامتثال في ٣١ كانون الأول/ديسمبر ٢٠٠٧ مسألة تتعلق بالتنفيذ وردت في تقرير الاستعراض الأولي لليونان<sup>(٨)</sup>. وأحال مكتب لجنة الامتثال هذه المسألة إلى فرع الإنفاذ في ٨ كانون الثاني/يناير ٢٠٠٨. وفي ٢٢ كانون الثاني/يناير ٢٠٠٨، قرّر فرع الإنفاذ (انظر الوثيقة CC-2007-1-2/Greece/EB) المضي في دراسة مسألة التنفيذ المرتبطة بالامتثال "للمبادئ التوجيهية للنظم الوطنية بموجب الفقرة ١ من المادة ٥ من بروتوكول كيوتو" (المقرر ١٩/م أ-١) و"المبادئ التوجيهية لإعداد المعلومات المطلوبة بموجب المادة ٧ من بروتوكول كيوتو" (المقرر ١٥/م أ-١).

٢٤- وتلقى فرع الإنفاذ ورقة معلومات خطية من اليونان وعقد جلسات استماع بناءً على طلب الطرف من ٤ إلى ٥ آذار/مارس ٢٠٠٨. وفي الاستنتاجات الأولية المؤرخة ٦ آذار/مارس ٢٠٠٨ (انظر الوثيقة CC-2007-1-6/Greece/EB)، خلص الفرع إلى أن اليونان لم تمثل للمبادئ التوجيهية المشار إليها في الفقرة ٢٣ أعلاه. وأكد، بعد تلقيه ورقة معلومات خطية أخرى من اليونان، على استنتاجه الأولي في مقرر نهائي صدر في ١٧ نيسان/أبريل ٢٠٠٨ (الوثيقة CC-2007-1-8/Greece/EB).

٢٥- وعملاً بالمقرر النهائي لفرع الإنفاذ، قدمت اليونان في ١٦ تموز/يوليه ٢٠٠٨ خطة تتماشى مع الفقرة ٢ من الفرع الخامس عشر من الإجراءات والآليات. وطلب فرع الإنفاذ إلى اليونان في اجتماعه السادس المعقد في ٦ و٧ تشرين الأول/أكتوبر ٢٠٠٨ تقديم خطة منقحة (انظر الوثيقة CC-2007-1-10/Greece/EB).

٢٦- ووفقاً للفقرة ٢(أ) من الفرع الثالث من الإجراءات والآليات، ترد المقررات التي اتخذها فرع الإنفاذ فيما يخص اليونان في المرفق الثالث لهذا التقرير.

### جيم - نظر فرع الإنفاذ في مسألة تنفيذ خاصة بكندا

٢٧- تلقت لجنة الامتثال في ١٤ نيسان/أبريل ٢٠٠٧ مسألة تتعلق بالتنفيذ وردت في تقرير الاستعراض الأولي لكندا<sup>(٩)</sup>. وأحال مكتب لجنة الامتثال هذه المسألة إلى فرع الإنفاذ في ١٦ نيسان/أبريل ٢٠٠٨. وفي ٢ أيار/مايو ٢٠٠٨ قرر فرع الإنفاذ (انظر الوثيقة CC-2008-1-2/Canada/EB) المضي في دراسة مسألة التنفيذ المرتبطة بالامتثال "للمبادئ التوجيهية لإعداد المعلومات المطلوبة بموجب المادة ٧ من بروتوكول كيوتو" (المقرر ١٥/م أ-١) ولطرائق المحاسبة المتعلقة بالكميات المخصصة بموجب الفقرة ٤ من المادة ٧ من بروتوكول كيوتو (المقرر ١٣/م أ-١) فضلاً عن مرفق المقرر ٥/م أ-١ ومتطلبات المعايير التقنية لتبادل البيانات بين نظم السجلات.

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.FCCC/IRR/2007/GRC (٨)

.FCCC/IRR/2007/CAN (٩)

٢٨- وتلقى فرع الإنفاذ ورقة معلومات خطية من كندا وعقد جلسة استماع بناءً على طلب الطرف في ١٤ حزيران/يونيه ٢٠٠٨. وفي ١٥ حزيران/يونيه ٢٠٠٨ اعتمد الفرع مقررًا بعدم المضي في بحث المسألة (انظر الوثيقة CC-2008-1-6/Canada/EB).

٢٩- ووفقاً للفقرة ٢(أ) من الفرع الثالث من الإجراءات والآليات، ترد المقررات التي اتخذها فرع الإنفاذ فيما يخص كندا في المرفق الرابع لهذا التقرير.

٣٠- وقدمت كندا في ١١ تموز/يوليه ٢٠٠٨ "ورقة معلومات خطية إضافية" (وردت في الوثيقة CC-2008-1-7/Canada/EB). وبناءً على طلب رئيس فرع الإنفاذ وُجّهت رسالة إلى كندا تُشير إلى أنه نظراً لأن قرار عدم المضي في دراسة مسألة التنفيذ قد أنهى الإجراءات المتعلقة بهذه المسألة، فقد تود كندا طلب إرفاق بلاغها الوارد في الوثيقة CC-2008-1-7/Canada/EB بالتقرير السنوي للجنة الامتثال المقدم إلى مؤتمر الأطراف/اجتماع الأطراف وفقاً للفقرة ٢ من المادة ٢٢ من الإجراءات والآليات<sup>(١٠)</sup>. وبناءً على طلب قدمته كندا وورد إلى الأمانة خطياً في ٣١ تموز/يوليه ٢٠٠٨، أُدرجت الوثيقة المعنونة "ورقة معلومات خطية إضافية" في هذا التقرير باعتبارها المرفق الخامس.

#### دال - عملية التقييم التي أجراها فرع الإنفاذ

٣١- أمعن فرع الإنفاذ النظر في عمله خلال سنة ٢٠٠٨ في اجتماعه السادس واقترح التحسينات التي يمكن إدخالها على نظره في مسائل التنفيذ. واعتمدت عملية التقييم هذه على مذكرة معلومات أساسية أعدتها الأمانة (الوثيقة CC/EB/6/2008/2).

٣٢- وحدد الفرع المجالات التي تتطلب إجراء تعديلات على النظام الداخلي ووافق على إحالة ما يقترحه من ترتيبات العمل وتعديلات النظام الداخلي إلى لجنة الامتثال بكامل هيئتها. ووافق الفرع كذلك على أنه بإمكان الأعضاء والأعضاء المناوبين العاملين بصفتهم أعضاء تقديم تعليق لتصويت مخالف بخصوص أي مقرر يتخذه الفرع، على أن يُدرج هذا التعليق في مرفق لتقرير الاجتماع الذي أُنخذ فيه المقرر أو تقرير الاجتماع بعد اتخاذ مقرر بالوسائل الإلكترونية.

٣٣- وفي الاجتماع الخامس للجنة بكامل هيئتها قدم رئيس فرع الإنفاذ تقريراً شفويًا عن الدروس المستخلصة والخبرة المكتسبة من نظر الفرع في مسائل التنفيذ. واعتمد التقرير على عملية التقييم المشار إليها في الفقرة ٣١ أعلاه.

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(١٠) تنص الفقرة ٢ من المادة ٢٢ على ما يلي: "توزع الأمانة على الأعضاء والأعضاء المناوبين في الفرع المعني الملاحظات الخطية على المقرر النهائي في غضون ٤٥ يوماً من تاريخ تسلم الطرف المعني ذلك المقرر وتضمينها التقرير السنوي للجنة الذي يقدم إلى مؤتمر الأطراف العامل بوصفه اجتماع الأطراف في بروتوكول كيوتو".

٣٤- ونظرت اللجنة بكامل هيئتها في ترتيبات العمل والتعديلات التي اقترحتها فرع الإنفاذ، ووافقت على تقديم التعديلات المقترحة على النظام الداخلي الواردة في المرفق الأول لهذا التقرير إلى مؤتمر الأطراف/اجتماع الأطراف من أجل اعتمادها في دورته الرابعة.

٣٥- وأكدت اللجنة بكامل هيئتها على نيتها إحالة أي تعديلات على النظام الداخلي إلى مؤتمر الأطراف/اجتماع الأطراف من أجل اعتمادها بعد دراسة متأنية تأخذ في الاعتبار أي خبرة مكتسبة لها صلة بالموضوع.

#### هاء - حلقة عمل بشأن الإبلاغ والاستعراض نظمها فرع التيسير

٣٦- استجابة لطلب قدمه فرع التيسير في اجتماعه الرابع، عقدت في بون في ٧ تشرين الأول/أكتوبر ٢٠٠٨ حلقة عمل بشأن الإبلاغ والاستعراض من أجل استعراض دور نظام الامتثال في إطار بروتوكول كيوتو، ولتشاطر المعارف والمعلومات عن التفاعل بين نظم الإبلاغ والاستعراض والامتثال ومؤسساتها، واستكشاف القضايا الأساسية الخاصة بهذه المواضيع.

٣٧- ونتيجة لمناقشات حلقة العمل، وافق الفرع في اجتماعه السادس، على مواصلة المناقشات في اجتماعه المقبل بشأن كيفية الاضطلاع بمسؤوليته لتقديم المشورة والتيسير "سعيًا إلى تعزيز الامتثال وإتاحة الإنذار المبكر بحالات عدم الامتثال المحتملة". بموجب الفقرة ٦ (أ) من الفرع الرابع من الإجراءات والآليات. وسينظر الفرع أيضاً في كيفية الاستفادة من المعلومات الغزيرة التي ترد في تقارير أفرقة خبراء الاستعراض المقدمة إلى الأعضاء والأعضاء المناوبين للجنة الامتثال عملاً بالفقرة ٣ من الفرع السادس من الإجراءات والآليات وذلك بقدر ملائمة المعلومات لولاية الفرع.

#### رابعاً - مشاركة الأعضاء والأعضاء المناوبين

٣٨- تلقت لجنة الامتثال بكامل هيئتها مرة أخرى انتباه مؤتمر الأطراف/اجتماع الأطراف إلى المقترحات الواردة في الفقرة ٢٧ من تقريرها السنوي الثاني المقدم إلى مؤتمر الأطراف/اجتماع الأطراف<sup>(١١)</sup>، المتعلقة بتكاليف السفر والمشاركة، وتطلب إلى مؤتمر الأطراف/اجتماع الأطراف أن يتأكد من أخذ هذه المقترحات في الاعتبار عند النظر في الميزانية المقترحة لفترة السنتين ٢٠١٠-٢٠١١.

٣٩- وكما لاحظت اللجنة بكامل هيئتها، فقد طلب المقرر ٥/م أ-٣ إلى الأمانة توفير معلومات للأطراف، لدى إعداد ميزانيتها لفترة السنتين ٢٠١٠-٢٠١١، عن نتائج اقتراح لجنة الامتثال بخصوص توفير التمويل لتغطية تكاليف سفر ومشاركة جميع أعضاء اللجنة وأعضائها المناوبين في الاجتماعات التي تعقدها. وتعرب اللجنة بكامل هيئتها عن الأمل في أن يتخذ مؤتمر الأطراف/اجتماع الأطراف، الإجراءات اللازمة في دورته الخامسة استناداً إلى هذه المعلومات.

## خامساً - توفر الموارد

- ٤٠ - خلال فترة السنتين ٢٠٠٨-٢٠٠٩، جرى اعتماد مبلغ ١ ٠٢٢ ٥٠٠ دولار أمريكي في الميزانية الأساسية لاتفاقية الأمم المتحدة الإطارية بشأن تغير المناخ من أجل تمويل الأنشطة المتصلة بلجنة الامتثال. وإضافة إلى ذلك، من المقرر توافر مبلغ ١ ٠٣٤ ٦٨٥ دولاراً أمريكياً من الصندوق الاستئماني للأنشطة التكميلية، وهو ما يعني زيادة تبلغ ٣٣٩ ٠٣٥ دولاراً أمريكياً عن التقدير الوارد في وثيقة الميزانية البرنامجية لفترة السنتين ٢٠٠٨-٢٠٠٩<sup>(١٢)</sup>. وتشمل التكاليف التي لم تؤخذ في الحسبان من قبل أو تلك التي زادت عن الإسقاطات الأولية ما يتعلق بالثب الشبكي، والترتيبات الأمنية التي استلزمها ترتيبات العمل التي تسمح للجمهور بحضور اجتماعات اللجنة، والتكاليف المتصلة بسفر ومشاركة الخبراء الذين يلتزم مشورتهم فرع الإنفاذ أو فرع التيسير.
- ٤١ - وبلغ رصيد المساهمات المقدمة إلى لجنة الامتثال في إطار الصندوق الاستئماني للأنشطة التكميلية ٣٨٥ ١٩٧ دولاراً أمريكياً رُحِّل إلى فترة السنتين ٢٠٠٨-٢٠٠٩. وحتى نهاية الفترة المشمولة بالتقرير وردت مساهمات بلغت ١٦٨ ٨٧٢ دولاراً أمريكياً سنة ٢٠٠٨. وتعرب اللجنة عن شكرها لبلجيكا والمملكة المتحدة واليابان لمساهمتها السخية. وتطلب من مؤتمر الأطراف/اجتماع الأطراف دعوة الأطراف إلى تقديم مساهمات إلى الصندوق الاستئماني للأنشطة التكميلية لدعم عمل لجنة الامتثال في فترة السنتين ٢٠٠٨-٢٠٠٩.

## المرفق الأول

### التعديلات المقترحة على النظام الداخلي

وفقاً للفقرة ٢(د) من الفرع الثالث من مرفق المقرر ٢٧/م أ-١، يُعرض النص التالي على مؤتمر الأطراف/اجتماع الأطراف لاعتماده كتعديلات على النظام الداخلي للجنة الامتثال لبروتوكول كيوتو الوارد في مرفق المقرر ٤/م أ-٢.

١- يُدرج النص التالي بعد المادة ١٣:

"٩ مكرراً - حساب الفترات الزمنية

المادة ١٣ مكرراً

لأغراض حساب الفترات الزمنية:

(أ) لا يُحتسب يوم العمل أو الحدث الذي يبدأ منه سريان الفترة الزمنية. ويدرج اليوم الأخير من الفترة المحتسبة بهذه الطريقة ما لم يوافق يوم سبت أو أحد أو يوم عطلة رسمية تنص عليها اتفاقية الأمم المتحدة الإطارية بشأن تغير المناخ أو يوم عطلة وطنية رسمية في حالة انطباق حد زمني على الطرف المعني، وفي هذه الحالة تُمدد الفترة إلى نهاية يوم العمل التالي؛

(ب) رهناً بالفقرة الفرعية (أ) أعلاه، وفي حالة تحديد فترة زمنية في شكل أسابيع أو شهور أو سنوات، يكون اليوم الذي تنتهي فيه الفترة الزمنية هو اليوم نفسه من الأسبوع أو الشهر أو السنة الذي تبدأ منه، أو اليوم الأخير من الشهر إن لم يتضمن الشهر هذا اليوم".

٢- ينبغي تنقيح المادة ١٨ على النحو التالي من أجل توسيع النطاق ليشمل المادة الجديدة المقترحة ٢٥ مكرراً أدناه:

"١- يحمل أي بيان أو تعليق يُقدم في إطار المواد ١٤ و ١٥ و ١٧ و ٢٥ مكرراً توقيع وكيل الطرف ويقدم إلى الأمانة في نسخة مطبوعة وبالوسائل الإلكترونية".

٣- يُدرج النص التالي في المادة ٢٥ باعتباره فقرة جديدة هي الفقرة ٣:

"٣- يمتد حق الطرف المعني في تسمية شخص أو أكثر لتمثيله خلال النظر في مسألة متعلقة بالتنفيذ عملاً بالفقرة ٢ من الفرع الثامن ليشمل أي اجتماع يُعقد من أجل:

(أ) النظر في إعادة الأهلية بموجب الفرع العاشر؛

(ب) استعراض أي خطة مقدمة إلى فرع الإنفاذ وتقييمها بموجب الفقرة ٢ أو الفقرة ٦ من

الفرع الخامس عشر؛

(ج) النظر في أي تقرير مرحلي بشأن تنفيذ هذه الخطة المقدمة إلى فرع الإنفاذ بموجب الفقرة ٣ أو الفقرة ٧ من الفرع الخامس عشر".

٤- يدرج النص التالي بعد المادة ٢٥:

"المادة ٢٥ مكرراً

١- تؤكد أي خطة يقدمها الطرف المعني إلى فرع الإنفاذ بموجب الفقرة ٢ أو الفقرة ٦ من الفرع الخامس عشر بوضوح على ما يلي:

(أ) أن تتناول في أجزاء منفصلة كل عنصر من العناصر المحددة في الفقرة ٢ أو الفقرة ٦ من الفرع الخامس عشر؛

(ب) أن تعالج أية قضايا محددة تثار في ذلك الجزء من المقرر النهائي لفرع الإنفاذ الذي يطبق التبعات.

٢- يسعى فرع الإنفاذ إلى استعراض الخطة وتقييمها بموجب الفقرة ٢ أو الفقرة ٦ من الفرع الخامس عشر في غضون أربعة أسابيع من تاريخ تسلم الخطة.

٣- أثناء استعراض الخطة وتقييمها، يُجري فرع الإنفاذ تقييماً بشأن ما إذا كانت الخطة المقدمة:

(أ) تحدد العناصر والقضايا المشار إليها في الفقرة ١ أعلاه وتعالجها معالجة كافية؛

(ب) يُتوقع لها أن تعالج، في حالة تنفيذها، مسألة عدم الامتثال أو أن تفي بالتزام الطرف المعني بالحد من كمية الانبعاثات أو خفضها في فترة الالتزام اللاحقة على النحو المتوخى في الفقرتين ٢ و٦ من الفرع الخامس عشر على التوالي".

٥- يدرج النص التالي بعد المادة الجديدة المقترحة ٢٥ مكرراً:

"المادة ٢٥ مكرراً - ثانياً

لفرع الإنفاذ أن يعقد جلسة استماع يطلبها الطرف المعني بمقتضى الفقرة ١ (ج) من الفرع العاشر، إلى جانب الاجتماع المخصص لاعتماد القرار الأولي أو مقرر بعدم المضي في بحث المسألة. ويتم عقد هذه الجلسة وهذا الاجتماع معاً:

(أ) في غضون أسبوعين من الموعد المقرر لتقديم ورقة المعلومات الخطية بموجب الفقرة

١ (ب) من الفرع العاشر؛ أو

(ب) في غضون أسبوعين من الموعد المقرر لطلب عقد جلسة استماع بمقتضى الفقرة ١ (ج)

من الفرع العاشر إذا أشار الطرف المعني، بحلول الموعد المقرر لعقد جلسة استماع، إلى أنه لا يعتزم تقديم ورقة خطية بموجب الفقرة ١ (ب) من الفرع العاشر".

المرفق الثاني

[بالإنكليزية فقط]

وثائق لجنة الامتثال<sup>(1)</sup>

**PLENARY**

Title	Document No.	Date
<b><u>5<sup>th</sup> meeting</u></b>		
Provisional agenda and annotations	CC/5/2008/1	8 September 2008
Description of the elements of the review process under Article 8 and synthesis of the information regarding the review of national systems	CC/5/2008/2	1 October 2008
Annual report of the Compliance Committee to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol. Note by the secretariat	CC/5/2008/3	30 September 2008
Terms of office of alternate members of the Compliance Committee. Note by the secretariat	CC/5/2008/4	26 September 2008
Status of submission and review of reports under the Kyoto Protocol. Note by the secretariat	CC/5/2008/5	30 September 2008
Report on the meeting	CC/5/2008/6	30 October 2008

**ENFORCEMENT BRANCH**

Title	Document No.	Date
Report on the election of chairperson and vice-chairperson of the enforcement branch 2008	CC/EB/2008/1	11 February 2008
<b><u>3<sup>rd</sup> meeting</u></b>		
Provisional agenda and annotations	CC/EB/3/2008/1	27 February 2008
Report on the meeting	CC/EB/3/2008/2	18 March 2008
<b><u>4<sup>th</sup> meeting</u></b>		
Provisional agenda and annotations	CC/EB/4/2008/1	9 April 2008
Report on the meeting	CC/EB/4/2008/2	19 May 2008

<sup>1</sup> These documents are available on the UNFCCC website at  
<[http://unfccc.int/kyoto\\_protocol/compliance/items/2875.php](http://unfccc.int/kyoto_protocol/compliance/items/2875.php)>

<b>Title</b>	<b>Document No.</b>	<b>Date</b>
<b><u>5<sup>th</sup> meeting</u></b>		
Provisional agenda and annotations	CC/EB/5/2008/1	6 June 2008
Report on the meeting	CC/EB/5/2008/2	23 June 2008
<b><u>6<sup>th</sup> meeting</u></b>		
Provisional agenda and annotations	CC/EB/6/2008/1	8 September 2008
Provisional agenda and annotations	CC/EB/6/2008/1/Rev.1	11 September 2008
List of issues for enforcement branch stocktaking exercise	CC/EB/6/2008/2	24 September 2008
Report on the meeting	CC/EB/6/2008/3	30 October 2008

#### **FACILITATIVE BRANCH**

<b>Title</b>	<b>Document No.</b>	<b>Date</b>
Report on the election of chairperson and vice-chairperson of the facilitative branch 2008	CC/FB/2008/1	11 March 2008
<b><u>6<sup>th</sup> meeting</u></b>		
Provisional agenda and annotations	CC/FB/6/2008/1	8 September 2008
Report on the meeting	CC/FB/6/2008/2	30 October 2008

#### **EXPERT REVIEW TEAM REPORTS OF THE CENTRALIZED IN-DEPTH REVIEW OF FOURTH NATIONAL COMMUNICATIONS FORWARDED TO THE COMPLIANCE COMMITTEE UNDER SECTION VI, PARAGRAPH 3, OF THE ANNEX TO DECISION 27/CMP.1**

<b>Title</b>	<b>Document No.</b>	<b>Date</b>
Report of the centralized in-depth review of the fourth national communication of Monaco. Note by the secretariat	CC/ERT/2008/1	17 September 2008
Report of the centralized in-depth review of the fourth national communication of the Czech Republic. Note by the secretariat	CC/ERT/2008/2	22 September 2008
Report of the centralized in-depth review of the fourth national communication of France. Note by the secretariat	CC/ERT/2008/3	22 September 2008
Report of the centralized in-depth review of the fourth national communication of Liechtenstein. Note by the secretariat	CC/ERT/2008/4	26 September 2008
Report of the centralized in-depth review of the fourth national communication of Germany. Note by the secretariat	CC/ERT/2008/5	26 September 2008



<b>Title</b>	<b>Document No.</b>	<b>Date</b>
Report of the centralized in-depth review of the fourth national communication of Belgium. Note by the secretariat	CC/ERT/2008/6	7 October 2008
Report of the centralized in-depth review of the fourth national communication of Portugal. Note by the secretariat	CC/ERT/2008/7	7 October 2008
Report of the centralized in-depth review of the fourth national communication of Bulgaria. Note by the secretariat	CC/ERT/2008/8	7 October 2008
Report of the centralized in-depth review of the fourth national communication of Spain. Note by the secretariat	CC/ERT/2008/9	7 October 2008
Report of the centralized in-depth review of the fourth national communication of the Netherlands. Note by the secretariat	CC/ERT/2008/10	8 October 2008

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

<b>Title</b>	<b>Document No.</b>	<b>Date</b>
Report of the review of the initial report of Slovakia. Note by the secretariat	CC/ERT/IRR/2007/6	2 October 2007
Report of the review of the initial report of the United Kingdom of Great Britain and Northern Ireland. Note by the secretariat	CC/ERT/IRR/2007/7	2 October 2007
Report of the review of the initial report of Ireland. Note by the secretariat	CC/ERT/IRR/2007/8	9 October 2007
Report of the review of the initial report of the Czech Republic. Note by the secretariat	CC/ERT/IRR/2007/9	16 October 2007
Report of the review of the initial report of the Kingdom of Norway. Note by the secretariat	CC/ERT/IRR/2007/10	16 October 2007
Report of the review of the initial report of Lithuania. Note by the secretariat	CC/ERT/IRR/2007/11	31 October 2007
Report of the review of the initial report of the Netherlands. Note by the secretariat	CC/ERT/IRR/2007/12	2 November 2007
Report of the review of the initial report of Denmark. Note by the secretariat	CC/ERT/IRR/2007/13	2 November 2007

Title	Document No.	Date
Report of the review of the initial report of Spain. Note by the secretariat	CC/ERT/IRR/2007/14	8 November 2007
Report of the review of the initial report of Estonia. Note by the secretariat	CC/ERT/IRR/2007/15	15 November 2007
Report of the review of the initial report of Slovenia. Note by the secretariat	CC/ERT/IRR/2007/16	15 November 2007
Report of the review of the initial report of Portugal. Note by the secretariat	CC/ERT/IRR/2007/17	15 November 2007
Report of the review of the initial report of Sweden. Note by the secretariat	CC/ERT/IRR/2007/18	19 November 2007
Report of the review of the initial report of Finland. Note by the secretariat	CC/ERT/IRR/2007/19	29 November 2007
Report of the review of the initial report of France. Note by the secretariat	CC/ERT/IRR/2007/20	29 November 2007
Report of the review of the initial report of Italy. Note by the secretariat	CC/ERT/IRR/2007/21	10 December 2007
Report of the review of the initial report of Belgium. Note by the secretariat	CC/ERT/IRR/2007/22	12 December 2007
Report of the review of the initial report of Ukraine. Note by the secretariat	CC/ERT/IRR/2007/23	13 December 2007
Report of the review of the initial report of Germany. Note by the secretariat	CC/ERT/IRR/2007/24	13 December 2007
Report of the review of the initial report of Liechtenstein. Note by the secretariat	CC/ERT/IRR/2007/25	14 December 2007
Report of the review of the initial report of Luxembourg. Note by the secretariat	CC/ERT/IRR/2007/26	14 December 2007
Report of the review of the initial report of Latvia. Note by the secretariat	CC/ERT/IRR/2007/27	14 December 2007
Report of the review of the initial report of Poland. Note by the secretariat	CC/ERT/IRR/2007/28	14 December 2007
Report of the review of the initial report of Iceland. Note by the secretariat	CC/ERT/IRR/2008/1	11 January 2008
Report of the review of the initial report of the European Community. Note by the secretariat	CC/ERT/IRR/2008/2	15 February 2008

<b>Title</b>	<b>Document No.</b>	<b>Date</b>
Report of the review of the initial report of the Russian Federation. Note by the secretariat	CC/ERT/IRR/2008/3	18 February 2008
Report of the review of the initial report of Monaco. Note by the secretariat	CC/ERT/IRR/2008/5	24 April 2008
Report of the review of the initial report of Bulgaria. Note by the secretariat	CC/ERT/IRR/2008/6	9 May 2008
Report of the review of the initial report of Romania. Note by the secretariat	CC/ERT/IRR/2008/7	16 May 2008

**EXPERT REVIEW TEAM ANNUAL STATUS REPORTS OF GREENHOUSE GAS INVENTORIES FORWARDED TO THE COMPLIANCE COMMITTEE UNDER SECTION VI, PARAGRAPH 3, OF THE ANNEX TO DECISION 27/CMP.1 AND PARAGRAPH 49 OF THE ANNEX TO DECISION 22/CMP.1**

<b>Title</b>	<b>Document No.</b>	<b>Date</b>
Annual status report of the greenhouse gas inventory of Romania. Note by the secretariat	CC/ERT/ASR/2008/1	29 May 2008
Annual status report of the greenhouse gas inventory of Greece. Note by the secretariat	CC/ERT/ASR/2008/2	30 May 2008
Annual status report of the greenhouse gas inventory of Hungary. Note by the secretariat	CC/ERT/ASR/2008/3	30 May 2008
Annual status report of the greenhouse gas inventory of Liechtenstein. Note by the secretariat	CC/ERT/ASR/2008/4	30 May 2008
Annual status report of the greenhouse gas inventory of Lithuania. Note by the secretariat	CC/ERT/ASR/2008/5	30 May 2008
Annual status report of the greenhouse gas inventory of Austria. Note by the secretariat	CC/ERT/ASR/2008/6	4 June 2008
Annual status report of the greenhouse gas inventory of Belgium. Note by the secretariat	CC/ERT/ASR/2008/7	4 June 2008
Annual status report of the greenhouse gas inventory of the Czech Republic. Note by the secretariat	CC/ERT/ASR/2008/8	4 June 2008
Annual status report of the greenhouse gas inventory of the Netherlands. Note by the secretariat	CC/ERT/ASR/2008/9	4 June 2008
Annual status report of the greenhouse gas inventory of Sweden. Note by the secretariat	CC/ERT/ASR/2008/10	4 June 2008

Title	Document No.	Date
Annual status report of the greenhouse gas inventory of Portugal. Note by the secretariat	CC/ERT/ASR/2008/11	5 June 2008
Annual status report of the greenhouse gas inventory of Slovenia. Note by the secretariat	CC/ERT/ASR/2008/12	6 June 2008
Annual status report of the greenhouse gas inventory of Switzerland. Note by the secretariat	CC/ERT/ASR/2008/13	6 June 2008
Annual status report of the greenhouse gas inventory of Estonia. Note by the secretariat	CC/ERT/ASR/2008/14	6 June 2008
Annual status report of the greenhouse gas inventory of the United Kingdom of Great Britain and Northern Ireland. Note by the secretariat	CC/ERT/ASR/2008/15	6 June 2008
Annual status report of the greenhouse gas inventory of Bulgaria. Note by the secretariat	CC/ERT/ASR/2008/16	6 June 2008
Annual status report of the greenhouse gas inventory of New Zealand. Note by the secretariat	CC/ERT/ASR/2008/17	20 June 2008
Annual status report of the greenhouse gas inventory of France. Note by the secretariat	CC/ERT/ASR/2008/18	20 June 2008
Annual status report of the greenhouse gas inventory of Ireland. Note by the secretariat	CC/ERT/ASR/2008/19	20 June 2008
Annual status report of the greenhouse gas inventory of Italy. Note by the secretariat	CC/ERT/ASR/2008/20	20 June 2008
Annual status report of the greenhouse gas inventory of Latvia. Note by the secretariat	CC/ERT/ASR/2008/21	20 June 2008
Annual status report of the greenhouse gas inventory of Denmark. Note by the secretariat	CC/ERT/ASR/2008/22	20 June 2008
Annual status report of the greenhouse gas inventory of Ukraine. Note by the secretariat	CC/ERT/ASR/2008/23	23 June 2008
Annual status report of the greenhouse gas inventory of Germany. Note by the secretariat	CC/ERT/ASR/2008/24	23 June 2008
Annual status report of the greenhouse gas inventory of the European Community. Note by the secretariat	CC/ERT/ASR/2008/25	23 June 2008
Annual status report of the greenhouse gas inventory of Iceland. Note by the secretariat	CC/ERT/ASR/2008/26	23 June 2008

<b>Title</b>	<b>Document No.</b>	<b>Date</b>
Annual status report of the greenhouse gas inventory of Japan. Note by the secretariat	CC/ERT/ASR/2008/27	23 June 2008
Annual status report of the greenhouse gas inventory of Norway. Note by the secretariat	CC/ERT/ASR/2008/28	23 June 2008
Annual status report of the greenhouse gas inventory of Poland. Note by the secretariat	CC/ERT/ASR/2008/29	23 June 2008
Annual status report of the greenhouse gas inventory of Canada. Note by the secretariat	CC/ERT/ASR/2008/30	23 June 2008
Annual status report of the greenhouse gas inventory of the Russian Federation. Note by the secretariat	CC/ERT/ASR/2008/31	25 June 2008
Annual status report of the greenhouse gas inventory of Spain. Note by the secretariat	CC/ERT/ASR/2008/32	25 June 2008
Annual status report of the greenhouse gas inventory of Luxembourg. Note by the secretariat	CC/ERT/ASR/2008/33	25 June 2008
Annual status report of the greenhouse gas inventory of Monaco. Note by the secretariat	CC/ERT/ASR/2008/34	25 June 2008
Annual status report of the greenhouse gas inventory of Belarus. Note by the secretariat	CC/ERT/ASR/2008/35	25 June 2008
Annual status report of the greenhouse gas inventory of Finland. Note by the secretariat	CC/ERT/ASR/2008/36	25 June 2008
Annual status report of the greenhouse gas inventory of Slovakia. Note by the secretariat	CC/ERT/ASR/2008/37	25 June 2008

**LIST OF ENFORCEMENT BRANCH DELIBERATION DOCUMENTS WITH RESPECT TO GREECE**

<b>Title</b>	<b>Document No.</b>	<b>Date</b>
Report of the review of the initial report of Greece. Note by the secretariat	CC/ERT/IRR/2007/29	31 December 2007
Report of the review of the initial report of Greece. Note by the secretariat	CC-2007-1-1/Greece/EB	8 January 2008
Decision on preliminary examination	CC-2007-1-2/Greece/EB	22 January 2008
Expert advice: Greece	CC-2007-1-3/Greece/EB	8 February 2008
Acknowledgment from Greece and request for hearing	CC-2007-1-4/Greece/EB	11 February 2008

<b>Title</b>	<b>Document No.</b>	<b>Date</b>
Written submission of Greece	CC-2007-1-5/Greece/EB	26 February 2008
Preliminary finding	CC-2007-1-6/Greece/EB	6 March 2008
Further written submission of Greece	CC-2007-1-7/Greece/EB	9 April 2008
Final decision	CC-2007-1-8/Greece/EB	17 April 2008
Plan pursuant to final decision	CC-2007-1-9/Greece/EB	17 July 2008
Decision on the review and assessment of the plan submitted under paragraph 2 of section XV	CC-2007-1-10/Greece/EB	7 October 2008

**LIST OF ENFORCEMENT BRANCH DELIBERATION DOCUMENTS WITH RESPECT TO CANADA**

<b>Title</b>	<b>Document No.</b>	<b>Date</b>
Report of the review of the initial report of Canada. Note by the secretariat	CC/ERT/IRR/2008/4	14 April 2008
Report of the review of the initial report of Canada. Note by the secretariat	CC-2008-1-1/Canada/EB	17 April 2008
Decision on preliminary examination	CC-2008-1-2/Canada/EB	2 May 2008
Expert advice: Canada	CC-2008-1-3/Canada/EB	21 May 2008
Acknowledgment from Canada and request for hearing	CC-2008-1-4/Canada/EB	22 May 2008
Written submission of Canada	CC-2008-1-5/Canada/EB	6 June 2008
Decision not to proceed further	CC-2008-1-6/Canada/EB	15 June 2008
Document entitled "Further Written Submission of Canada"	CC-2008-1-7/Canada/EB	14 July 2008
Information note	Ref: CC-2008-1/Canada/EB	1 August 2008

المرفق الثالث

[بالإنكليزية فقط]

المقررات التي اتخذها فرع الإنفاذ للجنة الامتثال بشأن اليونان

**DECISION ON PRELIMINARY EXAMINATION\***

*Party concerned: Greece*

1. On 28 December 2007, the secretariat received a question of implementation indicated in the report of the expert review team regarding the review of the initial report of Greece and contained in document FCCC/IRR/2007/GRC. In accordance with section VI, paragraph 1<sup>1</sup> and rule 10, paragraph 2, of the Rules of procedure of the Compliance Committee,<sup>2</sup> the question of implementation was deemed received by the Compliance Committee on 31 December 2007.
2. The bureau of the Compliance Committee allocated the question of implementation to the enforcement branch on 7 January 2008 under section VII, paragraph 1, in accordance with section V, paragraph 4(b) and (c) and rule 19, paragraph 1, of the Rules of procedure.
3. On 8 January 2008, the secretariat notified the members and alternate members of the enforcement branch of the question of implementation, in accordance with rule 19, paragraph 2 of the Rules of procedure, and of its allocation to the enforcement branch.
4. The question of implementation relates to compliance with the guidelines for national systems under Article 5, paragraph 1, of the Kyoto Protocol (decision 19/CMP.1) and the guidelines for the preparation of the information required under Article 7 of the Kyoto Protocol (decision 15/CMP.1). In particular, the expert review team concluded that the maintenance of the institutional and procedural arrangements; the arrangements for the technical competence of the staff; and the capacity for timely performance of the national system is an unresolved problem.<sup>3</sup>
5. The question is related to the eligibility requirement referred to in paragraph 31(c), annex to decision 3/CMP.1, paragraph 21(c), annex to decision 9/CMP.1 and paragraph 2(c), annex to decision 11/CMP.1. Consequently, the expedited procedures as contained in section X apply.
6. Having conducted the preliminary examination in accordance with section VII, paragraph 2, and section X, paragraph 1(a), the enforcement branch decides to proceed. The enforcement branch in particular notes that the question of implementation raised in the report by the expert review team of the review of the initial report of the Party concerned as indicated in paragraph 4 above is supported by sufficient evidence, is not *de minimis* or ill-founded, and is based on the requirements of the Kyoto Protocol.

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\* Enforcement branch of the Compliance Committee, CC-2007-1-2/Greece/EB, 22 January 2008.

<sup>1</sup> All section references in this document refer to the Procedures and mechanisms relating to compliance contained in the annex to decision 27/CMP.1.

<sup>2</sup> Contained in the annex to decision 4/CMP.2.

<sup>3</sup> See paragraph 244 and section II.A of the report of the expert review team contained in document FCCC/IRR/2007/GRC.

7. In accordance with section VIII, paragraph 5, and rule 21 of the Rules of procedure, the enforcement branch agrees to seek expert advice on the content and basis of the report of the expert review team contained in document FCCC/IRR/2007/GRC and on issues related to any decision of the enforcement branch with regard to the indicated question of implementation.

*Members present:* René J.M. LEFEBER, Wei SU, Amjad ABDULLA, Raúl ESTRADA-OYUELA, Oleg SHAMANOV, Sebastian OBERTHÜR, Stephan MICHEL, Bernard NAMANYA, Ilhomjon RAJABOV

*Members voting for:* René J.M. LEFEBER, Wei SU, Amjad ABDULLA, Raúl ESTRADA-OYUELA, Oleg SHAMANOV, Sebastian OBERTHÜR, Stephan MICHEL, Bernard NAMANYA, Ilhomjon RAJABOV

*Members voting against:* none



**EXPERT ADVICE: GREECE\***

1. The enforcement branch agreed to seek expert advice on the content and basis of the report of the expert review team contained in document FCCC/IRR/2007/GRC and on issues related to any decision of the enforcement branch with regard to the indicated question of implementation (CC-2007-1-2/Greece/EB, paragraph 7). The branch intends to receive the expert advice during its meeting to conduct a possible hearing (if so requested by the Party concerned) as well as deliberate, elaborate and adopt a preliminary finding. This meeting is scheduled to take place 19-21 February or 4-6 March 2008 (to be determined).

2. Experts from whom advice is sought are invited to be available on all three days. The enforcement branch will receive expert advice in accordance with the procedures and mechanisms relating to compliance contained in the annex to decision 27/CMP.1 and the Rules of procedure of the Compliance Committee contained in the annex to decision 4/CMP.2.

3. **Experts to be invited:**

- Mr. William Kojo Agyemang-Bonsu (Ghana)
- Mr. Paul Filliger (Switzerland)
- Mr. Teemu Santeri Oinonen (Finland)
- Ms. Tatiana Tugui (Moldova)

**Indicative list of questions:**

4. The overall question of implementation to be addressed relates to compliance with the guidelines for national systems under Article 5, paragraph 1 of the Kyoto Protocol (decision 19/CMP.1) and the guidelines for the preparation of the information required under Article 7 of the Kyoto Protocol (decision 15/CMP.1). In particular, the expert review team concluded that the maintenance of the institutional and procedural arrangements; the arrangements for the technical competence of the staff; and the capacity for timely performance of the national system is an unresolved problem.<sup>1</sup>

5. In the context of this question of implementation, the enforcement branch will in particular seek the opinion of and ask questions to the invited experts on the following questions:

- a. What are the elements of a national system referred to in Article 5, paragraph 1, of the Kyoto Protocol and the relevant requirements under the Kyoto Protocol?
- b. What are the nature and scope of the problems identified in the report of the review of the initial report of Greece with respect to compliance with the guidelines for national systems under Article 5, paragraph 1, of the Kyoto Protocol (decision 19/CMP.1) and the guidelines for the preparation of the information required under Article 7 of the Kyoto Protocol (decision 15/CMP.1)?
- c. In addition to the three points explicitly mentioned in the last sentence of paragraph 244 of the report, are there other problematic aspects of the Greek national system with respect to compliance with the guidelines for national systems under Article 5, paragraph 1, of the Kyoto Protocol (decision 19/CMP.1) and the guidelines for the preparation of the information required under Article 7 of the Kyoto Protocol (decision 15/CMP.1)?

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\* Enforcement branch of the Compliance Committee, CC-2007-1-3/Greece/EB, 8 February 2008.

<sup>1</sup> See paragraph 244 and section II.A of the report of the expert review team contained in document FCCC/IRR/2007/GRC.

- d. What are the methodologies that the ERT has applied in assessing the national system of Greece and the preparation of related information by Greece and are these methodologies uniformly applied by various ERTs, including the following more specific questions:
- What exactly is the nature of the problems identified with respect to the maintenance of the institutional and procedural arrangements? Are these problems related to the existing Greek domestic administrative laws and regulations?
  - Which are the required standards for the technical competence of the staff and how are they observed in other Annex I Parties that you are familiar with?
  - What is the meaning of “capacity for timely performance”, which are the standards to measure that capacity and how is this capacity ensured in other Annex I Parties that you are familiar with?
- e. What action should be taken and which information should be submitted by Greece to resolve the question of implementation?
- f. What would be required to review the implementation of any action Greece may have taken since the ERT conducted the review or may take in the future with respect to the question of implementation?
6. The enforcement branch may put further more detailed follow-up questions related to the indicated areas to the invited experts during the meeting at which expert advice is received or considered. The branch may also request experts to provide advice on the assessment of any new information Greece may submit on action taken with respect to the question of implementation since the ERT conducted the review.

## PRELIMINARY FINDING\*

*Party concerned: Greece*

In accordance with the Procedures and mechanisms relating to compliance contained in the annex to decision 27/CMP.1 and adopted under Article 18 of the Kyoto Protocol and the Rules of procedure of the Compliance Committee,<sup>1</sup> the enforcement branch adopts the following preliminary finding:

### BACKGROUND

1. On 28 December 2007, the secretariat received a question of implementation indicated in the report of the expert review team regarding the review of the initial report of Greece and contained in document FCCC/IRR/2007/GRC. In accordance with paragraph 1 of section VI<sup>2</sup> and paragraph 2 of rule 10 of the Rules of procedure, the question of implementation was deemed received by the Compliance Committee on 31 December 2007.
2. The bureau of the Compliance Committee allocated the question of implementation to the enforcement branch on 7 January 2008 under paragraph 1 of section VII, in accordance with paragraph 4(b) and (c) of section V and paragraph 1 of rule 19 of the Rules of procedure.
3. On 8 January 2008, the secretariat notified the members and alternate members of the enforcement branch of the question of implementation, in accordance with paragraph 2 of rule 19 of the Rules of procedure, and of its allocation to the enforcement branch.
4. The enforcement branch decided in accordance with paragraph 2 of section VII to proceed with the question of implementation (CC-2007-1-2/Greece/EB). The question of implementation was identified as contained in paragraph 244 of document FCCC/IRR/2007/GRC.
5. The question of implementation relates to compliance with the guidelines for national systems under Article 5, paragraph 1, of the Kyoto Protocol (decision 19/CMP.1) and the guidelines for the preparation of the information required under Article 7 of the Kyoto Protocol (decision 15/CMP.1) (hereinafter referred to as “the guidelines”). In particular, it relates to the unresolved problem of the maintenance of the institutional and procedural arrangements, the arrangements for the technical competence of the staff, and the capacity for timely performance of the national system.<sup>3</sup>
6. The question furthermore relates to the eligibility requirement under Articles 6, 12 and 17 of the Kyoto Protocol to have in place a national system in accordance with Article 5, paragraph 1, of the Kyoto Protocol and the requirements in the guidelines decided thereunder.<sup>4</sup> Consequently, the expedited procedures as contained in section X apply.
7. On 8 February 2008, the enforcement branch agreed to invite four experts on national systems drawn from the UNFCCC roster of experts to provide advice to the branch. Two of these experts belonged to the expert review team that reviewed Greece’s initial report (CC-2007-1-3/Greece/EB).

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\* Enforcement branch of the Compliance Committee, CC-2007-1-6/Greece/EB, 6 March 2008.

<sup>1</sup> All references to the Rules of procedure refer to the rules contained in the annex to decision 4/CMP.2.

<sup>2</sup> All section references in this document refer to the Procedures and mechanisms relating to compliance contained in the annex to decision 27/CMP.1.

<sup>3</sup> See paragraph 244 and section II.A of the report of the expert review team contained in document FCCC/IRR/2007/GRC.

<sup>4</sup> See paragraph 31(c) of the annex to decision 3/CMP.1, Modalities and procedures for a clean development mechanism as defined in Article 12 of the Kyoto Protocol; paragraph 21(c) of the annex to decision 9/CMP.1, Guidelines for the implementation of Article 6 of the Kyoto Protocol; and paragraph 2(c) of the annex to decision 11/CMP.1, Modalities, rules and guidelines for emissions trading under Article 17 of the Kyoto Protocol.

8. On 11 February 2008, the enforcement branch received a request for a hearing from Greece (CC-2007-1-4/Greece/EB), which also indicated that Greece intended to make a written submission under paragraph 1(b) of section X. On 26 February 2008, the enforcement branch received a written submission from Greece in accordance with paragraph 1 of section IX, paragraph 1(b) of section X, and rule 17 of the Rules of procedure (CC-2007-1-5/Greece/EB).

9. As requested by Greece on 11 February 2008, a hearing was held from 4 to 5 March 2008 in accordance with paragraph 2 of section IX and paragraph 1(c) of section X. The hearing formed part of the meeting of the enforcement branch that was held from 4 to 6 March 2008 to consider the adoption of a preliminary finding or a decision not to proceed. During the meeting, the enforcement branch received advice from the invited experts.

10. In its deliberations the enforcement branch considered the report of the expert review team related to Greece contained in document FCCC/IRR/2007/GRC, the comments of Greece on the report of the expert review team contained in document CC-2007-1-1/Greece/EB, the written submission of Greece contained in document CC-2007-1-5/Greece/EB, information presented by Greece during the hearing, advice from experts invited by the branch and other information and documentation presented during the hearing. No competent intergovernmental or non-governmental organization provided any information under paragraph 4 of section VIII.

#### CONCLUSIONS AND REASONS

11. According to the information submitted and presented by Greece, the review of the initial report of Greece coincided with a transitional period of the national system of Greece. During the first half of 2007, the technical responsibility for the inventory preparation moved from a sub-contracted entity to the Ministry for the Environment, Physical Planning and Public Works (MINENV). By the beginning of 2008, part of this technical responsibility had been assigned, on a contract basis, to another entity. Throughout this timeframe, the Ministry retained overall responsibility for Greece's national system.

12. In relation to the first transition, advice received from the invited experts from the expert review team that reviewed Greece's initial report pointed to three issues of particular concern that arose from the review that coincided with the transition in the national system of Greece:

- (a) A lack of clarity about the nature of the institutional and procedural arrangements for ensuring the continuity of the inventory preparation process (including the division of responsibilities between actors involved in the implementation of the national system);
- (b) A lack of information about the transfer of knowledge from the sub-contracted entity with technical responsibility for the inventory preparation to the new team; and
- (c) The lack of a possibility for the expert review team to meet with the staff assuming technical responsibility for inventory preparation to assess the arrangements for technical competence of this staff.

These same concerns that relate to the ability of Greece to maintain the necessary institutional and technical capacity arise in connection with the second transition.

13. During the hearing, Greece presented information on its new national system that contributed to the better understanding by the enforcement branch of the situation with respect to the question of implementation. Greece reported that it has made significant progress in the transition to its new national system, in particular with respect to clarifying institutional and procedural arrangements, dividing responsibilities between the actors involved in the implementation of its new national system, enhancing capacity and implementing other improvements. While the enforcement branch acknowledged the progress reported, questions remained regarding, in particular, the arrangements for the technical competence of the staff, the capacity for timely performance of the national system and the maintenance of the national system through transitions.

14. During the hearing, the enforcement branch took note of the fact that the 2005 national inventory for Greece, due on 15 April 2007, was submitted on 23 November 2007. It also received expert advice that identified the need for an in-country review on the basis of an annual inventory report generated by the new national system in order for the enforcement branch to assess compliance with the guidelines.

15. Based on the information submitted and presented, the enforcement branch concludes that the unresolved problem referred to in paragraph 5 above resulted in non-compliance with the guidelines at the time of finalisation of the report of the review of the initial report of Greece.

16. The information submitted and presented has not been sufficient for the enforcement branch to conclude that the question of implementation has now been fully resolved. Additional information is required that specifically addresses whether and how the national system is maintained through transitions. The enforcement branch agrees with the expert advice provided that a further in-country review of Greece's new national system, in conjunction with a review of an annual inventory report generated by this national system, is required for the enforcement branch to assess present compliance with the guidelines.

#### FINDING AND CONSEQUENCES

17. The enforcement branch determines that Greece is not in compliance with the guidelines for national systems under Article 5, paragraph 1, of the Kyoto Protocol (decision 19/CMP.1) and the guidelines for the preparation of the information required under Article 7 of the Kyoto Protocol (decision 15/CMP.1). Hence, Greece does not yet meet the eligibility requirement under Articles 6, 12 and 17 of the Kyoto Protocol to have in place a national system in accordance with Article 5, paragraph 1, of the Kyoto Protocol and the requirements in the guidelines decided thereunder.

18. In accordance with section XV, the enforcement branch applies the following consequences:

- (a) Greece is declared to be in non-compliance.
- (b) Greece shall develop a plan referred to in paragraph 1 of section XV and submit it within three months to the enforcement branch in accordance with paragraph 2 of section XV. The plan should demonstrate measures to ensure the maintenance of the national system through transitions and include appropriate administrative arrangements to support an in-country review by the expert review team of the new national system of Greece, coordinated by the secretariat in conjunction with a review of an annual inventory report generated by this national system.
- (c) Greece is not eligible to participate in the mechanisms under Articles 6, 12 and 17 of the Protocol pending the resolution of the question of implementation.

19. These findings and consequences take effect upon confirmation by a final decision of the enforcement branch.

#### *Members participating in the consideration of the preliminary finding:*

Johanna G. Susanna DE WET, Raúl ESTRADA OYUELA, René LEFEBER, Mary Jane MACE (alternate member serving as member), Stephan MICHEL, Bernard NAMANYA, Sebastian OBERTHÜR, Ilhomjon RAJABOV, Oleg SHAMANOV

#### *Members participating in the consideration, elaboration and the adoption of the preliminary finding:*

Johanna G. Susanna DE WET, Patricia ITURREGUI BYRNE (alternate member serving as member), René LEFEBER, Mary Jane MACE (alternate member serving as member), Stephan MICHEL, Bernard NAMANYA, Sebastian OBERTHÜR, Ilhomjon RAJABOV, Oleg SHAMANOV

This decision was adopted by consensus in Bonn on 6 March 2008.

## FINAL DECISION\*

*Party concerned: Greece*

In accordance with the Procedures and mechanisms relating to compliance contained in the annex to decision 27/CMP.1 and adopted under Article 18 of the Kyoto Protocol and pursuant to the Rules of procedure of the Compliance Committee,<sup>1</sup> the enforcement branch adopts the following final decision:

### BACKGROUND

1. On 6 March 2008, the enforcement branch adopted a preliminary finding of non-compliance with respect to Greece (CC-2007-1-6/Greece/EB). On 8 April 2008, the enforcement branch received a further written submission from Greece in accordance with paragraph 7 of section IX,<sup>2</sup> paragraph 1(e) of section X and rule 17 of the Rules of procedure (CC-2007-1-7/Greece/EB). The enforcement branch considered this further written submission in elaborating and adopting a final decision at its meeting held from 16 to 17 April 2008.

2. In accordance with paragraph 1(d) of rule 22 of the Rules of procedure, the enforcement branch confirms that the Party concerned had an opportunity to comment in writing on all information considered.

### CONCLUSIONS AND REASONS

3. After full consideration of the information contained in the further written submission of Greece, the enforcement branch concludes that the information submitted is insufficient to alter the preliminary finding of this branch. In this respect, the branch notes that the timely provision of the annual inventory submission for Greece, due on 15 April 2008, by itself does not demonstrate compliance with the guidelines for national systems under Article 5, paragraph 1, of the Kyoto Protocol, in particular paragraph 10 of the annex to decision 19/CMP.1, and the guidelines for the preparation of the information required under Article 7 of the Kyoto Protocol contained in the annex to decision 15/CMP.1. The branch further observes that the initial report of Greece has been reviewed under the guidelines for review under Article 8 of the Kyoto Protocol (decision 22/CMP.1) that provide for a thorough and comprehensive technical assessment of all aspects of the implementation by a Party of the Kyoto Protocol.

### DECISION

4. The branch confirms, in accordance with paragraph 8 of section IX, paragraph 1(f) of section X, and rule 22 of the Rules of procedure, the preliminary finding annexed hereto, which shall be deemed to form an integral part of this final decision.

5. The consequences set out in paragraph 18 of the preliminary finding shall take effect forthwith, and the consequences set out in paragraph 18(c) of the preliminary finding shall be applied taking into account the guidelines adopted under Articles 6, 12 and 17 of the Protocol.

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\* Enforcement branch of the Compliance Committee, CC-2007-1-8/Greece/EB, 17 April 2008.

<sup>1</sup> All references to the Rules of procedure refer to the rules contained in the annex to decision 4/CMP.2.

<sup>2</sup> All section references in this document refer to the Procedures and mechanisms relating to compliance contained in the annex to decision 27/CMP.1.

*Members participating in the consideration of the final decision:*

Johanna G. Susanna DE WET, Raúl ESTRADA OYUELA, René LEFEBER, Mary Jane MACE (alternate member serving as member), Stephan MICHEL, Gladys Kenabetsho RAMOTHWA (alternate member serving as member), Sebastian OBERTHÜR, Ilhomjon RAJABOV, Oleg SHAMANOV

*Members participating in the consideration, elaboration and the adoption of the final decision:*

Johanna G. Susanna DE WET, Raúl ESTRADA OYUELA, René LEFEBER, Mary Jane MACE (alternate member serving as member), Stephan MICHEL, Gladys Kenabetsho RAMOTHWA (alternate member serving as member), Sebastian OBERTHÜR, Ilhomjon RAJABOV, Oleg SHAMANOV

*Members voting for:*

Johanna G. Susanna DE WET, Raúl ESTRADA OYUELA, Mary Jane MACE (alternate member serving as member), Stephan MICHEL, Gladys Kenabetsho RAMOTHWA (alternate member serving as member), Sebastian OBERTHÜR, Ilhomjon RAJABOV, Oleg SHAMANOV

*Members voting against:*

René LEFEBER

This decision was adopted in Bonn on 17 April 2008.

## Annex

### PRELIMINARY FINDING\*

*Party concerned: Greece*

In accordance with the Procedures and mechanisms relating to compliance contained in the annex to decision 27/CMP.1 and adopted under Article 18 of the Kyoto Protocol and the Rules of procedure of the Compliance Committee,<sup>1</sup> the enforcement branch adopts the following preliminary finding:

#### BACKGROUND

1. On 28 December 2007, the secretariat received a question of implementation indicated in the report of the expert review team regarding the review of the initial report of Greece and contained in document FCCC/IRR/2007/GRC. In accordance with paragraph 1 of section VI<sup>2</sup> and paragraph 2 of rule 10 of the Rules of procedure, the question of implementation was deemed received by the Compliance Committee on 31 December 2007.
2. The bureau of the Compliance Committee allocated the question of implementation to the enforcement branch on 7 January 2008 under paragraph 1 of section VII, in accordance with paragraph 4(b) and (c) of section V and paragraph 1 of rule 19 of the Rules of procedure.
3. On 8 January 2008, the secretariat notified the members and alternate members of the enforcement branch of the question of implementation, in accordance with paragraph 2 of rule 19 of the Rules of procedure, and of its allocation to the enforcement branch.
4. The enforcement branch decided in accordance with paragraph 2 of section VII to proceed with the question of implementation (CC-2007-1-2/Greece/EB). The question of implementation was identified as contained in paragraph 244 of document FCCC/IRR/2007/GRC.
5. The question of implementation relates to compliance with the guidelines for national systems under Article 5, paragraph 1, of the Kyoto Protocol (decision 19/CMP.1) and the guidelines for the preparation of the information required under Article 7 of the Kyoto Protocol (decision 15/CMP.1) (hereinafter referred to as “the guidelines”). In particular, it relates to the unresolved problem of the maintenance of the institutional and procedural arrangements, the arrangements for the technical competence of the staff, and the capacity for timely performance of the national system.<sup>3</sup>
6. The question furthermore relates to the eligibility requirement under Articles 6, 12 and 17 of the Kyoto Protocol to have in place a national system in accordance with Article 5, paragraph 1, of the Kyoto Protocol and the requirements in the guidelines decided thereunder.<sup>4</sup> Consequently, the expedited procedures as contained in section X apply.
7. On 8 February 2008, the enforcement branch agreed to invite four experts on national systems drawn from the UNFCCC roster of experts to provide advice to the branch. Two of these experts belonged to the expert review team that reviewed Greece’s initial report (CC-2007-1-3/Greece/EB).

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\* Enforcement branch of the Compliance Committee, CC-2007-1-6/Greece/EB, 6 March 2008.

<sup>1</sup> All references to the Rules of procedure refer to the rules contained in the annex to decision 4/CMP.2.

<sup>2</sup> All section references in this document refer to the Procedures and mechanisms relating to compliance contained in the annex to decision 27/CMP.1.

<sup>3</sup> See paragraph 244 and section II.A of the report of the expert review team contained in document FCCC/IRR/2007/GRC.

<sup>4</sup> See paragraph 31(c) of the annex to decision 3/CMP.1, Modalities and procedures for a clean development mechanism as defined in Article 12 of the Kyoto Protocol; paragraph 21(c) of the annex to decision 9/CMP.1, Guidelines for the implementation of Article 6 of the Kyoto Protocol; and paragraph 2(c) of the annex to decision 11/CMP.1, Modalities, rules and guidelines for emissions trading under Article 17 of the Kyoto Protocol.



8. On 11 February 2008, the enforcement branch received a request for a hearing from Greece (CC-2007-1-4/Greece/EB), which also indicated that Greece intended to make a written submission under paragraph 1(b) of section X. On 26 February 2008, the enforcement branch received a written submission from Greece in accordance with paragraph 1 of section IX, paragraph 1(b) of section X, and rule 17 of the Rules of procedure (CC-2007-1-5/Greece/EB).

9. As requested by Greece on 11 February 2008, a hearing was held from 4 to 5 March 2008 in accordance with paragraph 2 of section IX and paragraph 1(c) of section X. The hearing formed part of the meeting of the enforcement branch that was held from 4 to 6 March 2008 to consider the adoption of a preliminary finding or a decision not to proceed. During the meeting, the enforcement branch received advice from the invited experts.

10. In its deliberations the enforcement branch considered the report of the expert review team related to Greece contained in document FCCC/IRR/2007/GRC, the comments of Greece on the report of the expert review team contained in document CC-2007-1-1/Greece/EB, the written submission of Greece contained in document CC-2007-1-5/Greece/EB, information presented by Greece during the hearing, advice from experts invited by the branch and other information and documentation presented during the hearing. No competent intergovernmental or non-governmental organization provided any information under paragraph 4 of section VIII.

#### CONCLUSIONS AND REASONS

11. According to the information submitted and presented by Greece, the review of the initial report of Greece coincided with a transitional period of the national system of Greece. During the first half of 2007, the technical responsibility for the inventory preparation moved from a sub-contracted entity to the Ministry for the Environment, Physical Planning and Public Works (MINENV). By the beginning of 2008, part of this technical responsibility had been assigned, on a contract basis, to another entity. Throughout this timeframe, the Ministry retained overall responsibility for Greece's national system.

12. In relation to the first transition, advice received from the invited experts from the expert review team that reviewed Greece's initial report pointed to three issues of particular concern that arose from the review that coincided with the transition in the national system of Greece:

- (a) A lack of clarity about the nature of the institutional and procedural arrangements for ensuring the continuity of the inventory preparation process (including the division of responsibilities between actors involved in the implementation of the national system);
- (b) A lack of information about the transfer of knowledge from the sub-contracted entity with technical responsibility for the inventory preparation to the new team; and
- (c) The lack of a possibility for the expert review team to meet with the staff assuming technical responsibility for inventory preparation to assess the arrangements for technical competence of this staff.

These same concerns that relate to the ability of Greece to maintain the necessary institutional and technical capacity arise in connection with the second transition.

13. During the hearing, Greece presented information on its new national system that contributed to the better understanding by the enforcement branch of the situation with respect to the question of implementation. Greece reported that it has made significant progress in the transition to its new national system, in particular with respect to clarifying institutional and procedural arrangements, dividing responsibilities between the actors involved in the implementation of its new national system, enhancing capacity and implementing other improvements. While the enforcement branch acknowledged the progress reported, questions remained regarding, in particular, the arrangements for the technical competence of the staff, the capacity for timely performance of the national system and the maintenance of the national system through transitions.

14. During the hearing, the enforcement branch took note of the fact that the 2005 national inventory for Greece, due on 15 April 2007, was submitted on 23 November 2007. It also received expert advice

that identified the need for an in-country review on the basis of an annual inventory report generated by the new national system in order for the enforcement branch to assess compliance with the guidelines.

15. Based on the information submitted and presented, the enforcement branch concludes that the unresolved problem referred to in paragraph 5 above resulted in non-compliance with the guidelines at the time of finalisation of the report of the review of the initial report of Greece.

16. The information submitted and presented has not been sufficient for the enforcement branch to conclude that the question of implementation has now been fully resolved. Additional information is required that specifically addresses whether and how the national system is maintained through transitions. The enforcement branch agrees with the expert advice provided that a further in-country review of Greece's new national system, in conjunction with a review of an annual inventory report generated by this national system, is required for the enforcement branch to assess present compliance with the guidelines.

#### FINDING AND CONSEQUENCES

17. The enforcement branch determines that Greece is not in compliance with the guidelines for national systems under Article 5, paragraph 1, of the Kyoto Protocol (decision 19/CMP.1) and the guidelines for the preparation of the information required under Article 7 of the Kyoto Protocol (decision 15/CMP.1). Hence, Greece does not yet meet the eligibility requirement under Articles 6, 12 and 17 of the Kyoto Protocol to have in place a national system in accordance with Article 5, paragraph 1, of the Kyoto Protocol and the requirements in the guidelines decided thereunder.

18. In accordance with section XV, the enforcement branch applies the following consequences:

- (a) Greece is declared to be in non-compliance.
- (b) Greece shall develop a plan referred to in paragraph 1 of section XV and submit it within three months to the enforcement branch in accordance with paragraph 2 of section XV. The plan should demonstrate measures to ensure the maintenance of the national system through transitions and include appropriate administrative arrangements to support an in-country review by the expert review team of the new national system of Greece, coordinated by the secretariat in conjunction with a review of an annual inventory report generated by this national system.
- (c) Greece is not eligible to participate in the mechanisms under Articles 6, 12 and 17 of the Protocol pending the resolution of the question of implementation.

19. These findings and consequences take effect upon confirmation by a final decision of the enforcement branch.

#### *Members participating in the consideration of the preliminary finding:*

Johanna G. Susanna DE WET, Raúl ESTRADA OYUELA, René LEFEBER, Mary Jane MACE (alternate member serving as member), Stephan MICHEL, Bernard NAMANYA, Sebastian OBERTHÜR, Ilhomjon RAJABOV, Oleg SHAMANOV

#### *Members participating in the consideration, elaboration and the adoption of the preliminary finding:*

Johanna G. Susanna DE WET, Patricia ITURREGUI BYRNE (alternate member serving as member), René LEFEBER, Mary Jane MACE (alternate member serving as member), Stephan MICHEL, Bernard NAMANYA, Sebastian OBERTHÜR, Ilhomjon RAJABOV, Oleg SHAMANOV

This decision was adopted by consensus in Bonn on 6 March 2008.

**DECISION ON THE REVIEW AND ASSESSMENT OF THE PLAN SUBMITTED UNDER PARAGRAPH 2 OF SECTION XV\***

*Party concerned: Greece*

1. The final decision of the enforcement branch taken on 17 April 2008 (document CC-2007-1-8/Greece/EB) gave effect to the consequences contained in paragraph 18 of the preliminary finding of the branch as confirmed by and annexed to the final decision. According to subparagraph 18(b), Greece was to develop a plan referred to in paragraph 1 of section XV<sup>1</sup> and submit it within three months to the enforcement branch in accordance with paragraph 2 of section XV. In particular, the plan was to demonstrate measures to ensure the maintenance of the national system through transitions and include appropriate administrative arrangements to support an in-country review by the expert review team of the national system of Greece, coordinated by the secretariat in conjunction with a review of an annual inventory report generated by this national system.
2. Greece submitted a document entitled “Plan under section XV of annex to decision 27/CMP.1” to the enforcement branch on 16 July 2008 (document CC-2007-1-9/Greece/EB). In accordance with paragraph 2 of section XV, the branch reviewed and assessed the document submitted by Greece during its sixth meeting that was held from 6 to 7 October 2008.
3. The branch concludes that the document does not meet the requirements set out in paragraph 2 of section XV. The information provided on the elements specified in that paragraph, as well as on the particular issues set out in paragraph 18(b) of the annex to the final decision of the enforcement branch, is insufficient to enable the branch to complete the required assessment in accordance with paragraph 2 of section XV.
4. The branch requests Greece to submit, as early as possible, a revised plan which addresses the stipulated elements and issues explicitly, in order to facilitate future decision-making by the branch.

*Members and alternate members participating in the consideration and elaboration of the decision:*

Mohammad Sa'dat ALAM, Johanna G. Susanna DE WET, Patricia ITURREGUI BYRNE, Kirsten JACOBSEN, Tuomas KUOKKANEN, René LEFEBER, Mary Jane MACE, Stephan MICHEL, Bernard NAMANYA, Ainun NISHAT, Sebastian OBERTHÜR, Gladys K. RAMOTHWA, Ilhomjon RAJABOV, Oleg SHAMANOV, Vladimir TARASENKO

*Members participating in the adoption of the decision:*

Mohammad Sa'dat ALAM (alternate member serving as member), Johanna G. Susanna DE WET, Patricia ITURREGUI BYRNE (alternate member serving as member), René LEFEBER, Mary Jane MACE (alternate member serving as member), Stephan MICHEL, Bernard NAMANYA, Sebastian OBERTHÜR, Ilhomjon RAJABOV, Oleg SHAMANOV

This decision was adopted by consensus in Bonn on 7 October 2008.

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\* Enforcement branch of the Compliance Committee, CC-2007-1-10/Greece/EB, 7 October 2008.

<sup>1</sup> All section references in this document refer to the Procedures and mechanisms relating to compliance contained in the annex to decision 27/CMP.1.

المرفق الرابع

[بالإنكليزية فقط]

المقررات التي اتخذها فرع الإنفاذ للجنة الامتثال بشأن كندا

**DECISION ON PRELIMINARY EXAMINATION\***

*Party concerned: Canada*

1. On 11 April 2008, the secretariat received a question of implementation indicated in the report of the expert review team regarding the review of the initial report of Canada and contained in document FCCC/IRR/2007/CAN. In accordance with paragraph 1 of section VI<sup>1</sup> and paragraph 2 of rule 10 of the Rules of procedure of the Compliance Committee,<sup>2</sup> the question of implementation was deemed received by the Compliance Committee on 14 April 2008.
2. The bureau of the Compliance Committee allocated the question of implementation to the enforcement branch on 16 April 2008 under paragraph 1 of section VII, in accordance with paragraphs 4(b) and (c) of section V and paragraph 1 of rule 19 of the Rules of procedure.
3. On 17 April 2008, the secretariat notified the members and alternate members of the enforcement branch of the question of implementation, in accordance with paragraph 2 of rule 19 of the Rules of procedure, and of its allocation to the enforcement branch.
4. The question of implementation relates to compliance with the guidelines for the preparation of the information required under Article 7 of the Kyoto Protocol (decision 15/CMP.1) and the modalities for the accounting of assigned amounts under Article 7, paragraph 4, of the Kyoto Protocol (decision 13/CMP.1). In particular, the expert review team concluded, after consideration of the provisions of the guidelines for review under Article 8 of the Kyoto Protocol (decision 22/CMP.1), that the status of Canada's national registry on the publication date of the review report was not in accordance with the guidelines and modalities referred to above.<sup>3</sup>
5. The question is related to the eligibility requirement referred to in paragraph 31(d) of the annex to decision 3/CMP.1, paragraph 21(d) of the annex to decision 9/CMP.1 and paragraph 2(d) of the annex to decision 11/CMP.1. Consequently, the expedited procedures as contained in section X apply.
6. Having conducted the preliminary examination in accordance with paragraph 2 of section VII and paragraph 1(a) of section X, the enforcement branch decides to proceed. The enforcement branch in particular notes that the question of implementation raised in the report by the expert review team of the review of the initial report of the Party concerned as indicated in paragraph 4 above is supported by sufficient evidence, is not *de minimis* or ill-founded, and is based on the requirements of the Kyoto Protocol.

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\* Enforcement branch of the Compliance Committee, CC-2008-1-2/Canada/EB, 2 May 2008.

<sup>1</sup> All section references in this document refer to the Procedures and mechanisms relating to compliance contained in the annex to decision 27/CMP.1.

<sup>2</sup> Contained in the annex to decision 4/CMP.2.

<sup>3</sup> See paragraph 140 and section II.A of the report of the expert review team contained in document FCCC/IRR/2007/CAN.

7. In accordance with paragraph 5 of section VIII and rule 21 of the Rules of procedure, the enforcement branch agrees to seek expert advice on the content and basis of the report of the expert review team contained in document FCCC/IRR/2007/CAN and on issues related to any decision of the enforcement branch with regard to the indicated question of implementation.

*Members participating in the consideration, elaboration and adoption of the decision on preliminary examination:*

Amjad ABDULLA, Mohammad ALAM (alternate member serving as member), Raúl ESTRADA OYUELA, René J.M. LEFEBER, Stephan MICHEL, Bernard NAMANYA, Sebastian OBERTHÜR, Ilhomjon RAJABOV, Oleg SHAMANOV

This decision was adopted by consensus on 2 May 2008.

**EXPERT ADVICE: CANADA\***

1. The enforcement branch agreed to seek expert advice on the content and basis of the report of the expert review team contained in document FCCC/IRR/2007/CAN and on issues related to any decision of the enforcement branch with regard to the indicated question of implementation (CC-2008-1-2/Canada/EB, paragraph 7). The branch intends to receive the expert advice during its meeting to conduct a possible hearing (if so requested by the Party concerned) as well as deliberate, elaborate and adopt a preliminary finding or a decision not to proceed. This meeting is scheduled to take place 14-16 June 2008 (or 28-30 May 2008 if the Party concerned notifies the secretariat, at the same time as any request for a hearing due by 22 May 2008, that it will not make a written submission).
2. Experts from whom advice is sought are invited to be available on all three days. The enforcement branch will receive expert advice in accordance with the procedures and mechanisms relating to compliance contained in the annex to decision 27/CMP.1 and the Rules of procedure of the Compliance Committee contained in the annex to decision 4/CMP.2.
3. The following experts are to be invited:
  - Ms. Branca Americano (Brazil)
  - Mr. Audun Rosland (Norway)
  - Mr. Marco Sereno (Belgium)
  - Ms. Tatiana Tugui (Moldova)

**Indicative list of questions:**

4. The overall question of implementation to be addressed relates to compliance with the guidelines for the preparation of the information required under Article 7 of the Kyoto Protocol (decision 15/CMP.1) and the modalities for the accounting of assigned amounts under Article 7, paragraph 4, of the Kyoto Protocol (decision 13/CMP.1). In particular, the expert review team concluded, after consideration of the provisions of the guidelines for review under Article 8 of the Kyoto Protocol (decision 22/CMP.1), that the status of Canada's national registry on the publication date of the review report was not in accordance with the guidelines and modalities referred to above.<sup>1</sup>
5. In the context of this question of implementation, the enforcement branch will in particular seek the opinion of and ask questions to the invited experts on the following questions:
  - a. How does an expert review team assess the implementation by a Party of the requirements under the Kyoto Protocol relating to national registries?
  - b. From the perspective of a technical expert, what are the nature and scope of the problems identified in the report of the review of the initial report of Canada with respect to conformity with the modalities for the accounting of assigned amounts under Article 7, paragraph 4, of the Kyoto Protocol (decision 13/CMP.1) and the guidelines for the preparation of the information required under Article 7 of the Kyoto Protocol (decision 15/CMP.1)?
  - c. What action should be taken and which information should be submitted by Canada to resolve the question of implementation, including the following more specific questions:
    - What information should be made available to demonstrate that Canada fulfils the national registry requirements defined in the annex to decision 13/CMP.1 and the annex to decision 15/CMP.1, including the requirements of the technical standards for

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\* Enforcement branch of the Compliance Committee, CC-2008-1-3/Canada/EB, 21 May 2008.

<sup>1</sup> See paragraph 140 and section II.A of the report of the expert review team contained in document FCCC/IRR/2007/CAN.

data exchange between registry systems referred to in paragraph 32 of the annex to decision 15/CMP.1?

- What is the role of an independent assessment report, pursuant to decision 16/CP.10, on the results of the technical assessment of the national registry, including the results of standardized testing? In particular, to what extent might the question of implementation be resolved on the basis of an independent assessment report?
- d. What would be required to review the implementation of any action Canada may have taken since the ERT conducted the review or may take in the future with respect to the question of implementation?
6. The enforcement branch may put further more detailed follow-up questions related to the indicated areas to the invited experts during the meeting at which expert advice is received or considered. The branch may also request experts to provide advice on the assessment of any new information received with respect to the question of implementation since the ERT conducted the review.

## **DECISION NOT TO PROCEED FURTHER\***

*Party concerned: Canada*

In accordance with the Procedures and mechanisms relating to compliance contained in the annex to decision 27/CMP.1 and adopted under Article 18 of the Kyoto Protocol and the Rules of procedure of the Compliance Committee,<sup>1</sup> the enforcement branch adopts the following decision not to proceed further:

### **BACKGROUND**

1. On 11 April 2008, the secretariat received a question of implementation indicated in the report of the expert review team regarding the review of the initial report of Canada and contained in document FCCC/IRR/2007/CAN (hereinafter referred to as “the review report”). In accordance with paragraph 1 of section VI<sup>2</sup> and paragraph 2 of rule 10 of the Rules of procedure, the question of implementation was deemed received by the Compliance Committee on 14 April 2008.
2. The bureau of the Compliance Committee allocated the question of implementation to the enforcement branch on 16 April 2008 under paragraph 1 of section VII, in accordance with paragraph 4(b) and (c) of section V and paragraph 1 of rule 19 of the Rules of procedure.
3. On 17 April 2008, the secretariat notified the members and alternate members of the enforcement branch of the question of implementation, in accordance with paragraph 2 of rule 19 of the Rules of procedure, and of its allocation to the enforcement branch.
4. On 2 May 2008, the enforcement branch decided in accordance with paragraph 2 of section VII and paragraph 1(a) of section X to proceed with the question of implementation (CC-2008-1-2/Canada/EB). The question of implementation was identified as contained in section III.C of the review report.
5. The question of implementation relates to compliance with the guidelines for the preparation of the information required under Article 7 of the Kyoto Protocol (decision 15/CMP.1; hereinafter referred to as “the guidelines”) and the modalities for the accounting of assigned amounts under Article 7, paragraph 4, of the Kyoto Protocol (decision 13/CMP.1; hereinafter referred to as “the modalities”). Accordingly, the question also relates to the annex to decision 5/CMP.1 and the requirements of the technical standards for data exchange between registry systems (hereinafter referred to as “the data exchange standards”). The expert review team concluded, after consideration of the provisions of the guidelines for review under Article 8 of the Kyoto Protocol (decision 22/CMP.1), that the status of Canada’s national registry on the publication date of the review report was not in accordance with the guidelines and modalities.
6. As the question furthermore relates to the eligibility requirement referred to in paragraph 31(d) of the annex to decision 3/CMP.1, paragraph 21(d) of the annex to decision 9/CMP.1 and paragraph 2(d) of the annex to decision 11/CMP.1 to have in place a national registry in accordance with Article 7, paragraph 4, of the Kyoto Protocol and the requirements in the guidelines decided thereunder, the expedited procedures as contained in section X were found to apply.
7. On 21 May 2008, the enforcement branch agreed to invite four experts on national registries drawn from the UNFCCC roster of experts to provide advice to the branch (CC-2008-1-3/Canada/EB). Two of these experts belonged to the expert review team that reviewed Canada’s initial report.

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\* Enforcement branch of the Compliance Committee, CC-2008-1-6/Canada/EB, 15 June 2008.

<sup>1</sup> All references to the Rules of procedure in this document refer to the rules contained in the annex to decision 4/CMP.2.

<sup>2</sup> Unless otherwise indicated, all section references in this document refer to the Procedures and mechanisms relating to compliance contained in the annex to decision 27/CMP.1.



8. On 22 May 2008, the enforcement branch received a request for a hearing from Canada (CC-2008-1-4/Canada/EB), which also indicated that Canada intended to make a written submission under paragraph 1(b) of section X. On 5 June 2008, the enforcement branch received a written submission from Canada (CC-2008-1-5/Canada/EB) in accordance with paragraph 1 of section IX, paragraph 1(b) of section X, and rule 17 of the Rules of procedure.

9. As requested by Canada on 22 May 2008, a hearing was held on 14 June 2008 in accordance with paragraph 2 of section IX and paragraph 1(c) of section X. The hearing formed part of the meeting of the enforcement branch that was held from 14 to 15 June 2008 to consider the adoption of a preliminary finding or a decision not to proceed further. During the meeting, the enforcement branch received advice from the invited experts.

10. In its deliberations the enforcement branch considered the review report, the written submission of Canada contained in document CC-2008-1-5/Canada/EB, information presented by Canada during the hearing, the independent assessment report of the national registry of Canada (Reference: Reg\_IAR\_CA\_2008\_1)<sup>3</sup> and advice from experts invited by the branch. No competent intergovernmental or non-governmental organization provided any information under paragraph 4 of section VIII.

## CONCLUSIONS AND REASONS

11. According to the review report, Canada had not established a national registry, as required under section II of the modalities, by the time of the in-country visit, nor a registry system that had initialised with the international transaction log by the publication date of the review report. Canada had also not provided sufficient information on its national registry as required in paragraph 32 of the guidelines. As a result, no independent assessment report was forwarded to the expert review team, pursuant to decision 16/CP.10, on the results of the technical assessment of the national registry, including the results of standardized testing.

12. In its written submission and at the hearing, Canada acknowledged that the establishment of its national registry had been delayed and attributed this delay to domestic procurement procedures, which were only initiated on 5 July 2007, subsequent to the announcement of Canada's *Turning the Corner* plan to reduce greenhouse gas emissions and air pollution.

13. Canada provided in its written submission a description, as required by paragraph 32 of the annex to decision 15/CMP.1, of how its national registry performs the functions defined in the annex to decision 13/CMP.1 and the annex to decision 5/CMP.1, and complies with the requirements of the data exchange standards. It supplemented this information at the hearing.

14. At the hearing, Canada confirmed that it had established its national registry, and represented that the national registry meets the relevant requirements under Article 7 of the Kyoto Protocol. Canada indicated that it expected its registry to commence live operations at the end of 2008 or the beginning of 2009.

15. Canada noted that the independent assessment report of its national registry was published by the secretariat on 12 June 2008. The independent assessment report indicates that the national registry of Canada:

“has fulfilled sufficient obligations regarding conformity with the Data Exchange Standards. These obligations include having adequate transaction procedures; adequate security measures to prevent and resolve unauthorized manipulations; and adequate measures for data storage and registry recovery. While the Documentation Evaluation, as reported in Addendum 1 [of this report], identified some minor limitations in the state of registry readiness, these limitations are to be rectified prior to the registry commencing live operations. The registry is therefore deemed sufficiently compliant with the registry requirements defined in decisions 13/CMP.1

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<sup>3</sup> [http://unfccc.int/essential\\_background/library/items/3599.php?rec=j&preref=6427#beg](http://unfccc.int/essential_background/library/items/3599.php?rec=j&preref=6427#beg)

and 5/CMP.1, noting that registries do not have obligations regarding Operational Performance or Public Availability of Information prior to the operational phase.”

16. The branch received expert advice that, in respect of paragraph 32 of the guidelines, the information provided by Canada in its written submission, together with the independent assessment report would have enabled a technical assessment that Canada had established a national registry that can perform the functions defined in the annex to decision 13/CMP.1 and the annex to decision 5/CMP.1 and complies with the requirements of the data exchange standards.

17. Based on the information submitted and presented, the enforcement branch concludes that:

- (a) The status of Canada’s national registry resulted in non-compliance with the guidelines and the modalities on the publication date of the review report; and
- (b) There is a sufficient factual basis to avert a finding of non-compliance on the date of this decision.

#### DECISION

18. The enforcement branch determines, in accordance with paragraph 4 of section IX, paragraph 1 (d) of section X and rule 22 of the Rules of procedure, not to proceed further with the question of implementation relating to compliance with the guidelines for the preparation of the information required under Article 7 of the Kyoto Protocol and the modalities for the accounting of assigned amounts under Article 7, paragraph 4, of the Kyoto Protocol.

#### *Members and alternate members participating in the consideration and elaboration of the decision:*

Amjad ABDULLA, Mohammad Sa’dat ALAM, Joseph A. AMOUGOU, Johanna G. Susanna DE WET, Raúl ESTRADA OYUELA, Kirsten JACOBSEN, René LEFEBER, Mary Jane MACE, Stephan MICHEL, Bernard NAMANYA, Sebastian OBERTHÜR, Gladys K. RAMOTHWA, Ilhomjon RAJABOV, Oleg SHAMANOV, SU Wei, Vladimir TARASENKO

#### *Members participating in the adoption of the decision:*

Amjad ABDULLA, Johanna G. Susanna DE WET, Raúl ESTRADA OYUELA, René LEFEBER, Stephan MICHEL, Bernard NAMANYA, Sebastian OBERTHÜR, Ilhomjon RAJABOV, Oleg SHAMANOV, SU Wei

This decision was adopted by consensus in Bonn on 15 June 2008.

المرفق الخامس

[بالإنكليزية فقط]

الوثيقة المعنونة  
"ورقة معلومات خطية إضافية لكندا"

Foreign Affairs and  
International Trade Canada

Assistant  
Deputy Minister

Affaires étrangères et  
Commerce International Canada

Sous-ministre  
adjoint

July 11, 2008

Mr. Feng Gao  
Secretary to the Compliance Committee  
UNFCCC Secretariat  
Martin-Luther-King-Strasse 8  
53175, Bonn, Germany

Dear Mr. Gao,

Please find attached a further written submission to the Enforcement Branch of the Compliance Committee made pursuant to section X, subparagraph 1(e) of the Procedures and mechanisms relating to compliance under the Kyoto Protocol.

Yours sincerely,

Agent for Canada



Keith H. Christie  
Assistant Deputy Minister  
Global Issues Branch

Enclosure

\* Enforcement branch of the Compliance Committee, CC-2008-1-7/Canada/EB, 14 July 2008.

**FURTHER WRITTEN SUBMISSION OF CANADA**  
Under Section X, paragraph 1(e) of the Annex to Decision 27/CMP.1

In Response to the “Decision Not to Proceed Further” of the Enforcement Branch of the  
Compliance Committee under the Kyoto Protocol  
(CC-2007-1-6/Canada/EB)

Ottawa, 11 July 2008

## **FURTHER WRITTEN SUBMISSION of CANADA**

Under Section X, paragraph 1(e) of the Annex to Decision 27/CMP.1

In Response to the "Decision Not to Proceed Further" of the Enforcement Branch of the Compliance Committee under the Kyoto Protocol  
(CC-2007-1-6/Canada/EB)  
11 July 2008

### **SUMMARY**

1. Canada welcomes the Enforcement Branch of the Compliance Committee decision on 15 June 2008 not to proceed further with the question of implementation with respect to Canada's National Registry. In this submission, Canada addresses one aspect of the reasoning contained in that decision and proposes textual changes to ensure that all of the decision is within the mandate of the Enforcement Branch as set out in the Procedures and Mechanisms Relating to Compliance under the Kyoto Protocol in decision 27/CMP.1.

### **I. BACKGROUND**

2. The Enforcement Branch of the Compliance Committee established under the Kyoto Protocol held its fifth meeting in Bonn, Germany on 14-15 June 2008 to consider, *inter alia*, a question of implementation with respect to Canada's National Registry. On 14 June 2008, Canada made oral representations, in support of its written submission communicated on 5 June 2008, to confirm the establishment of its national registry and full compliance with Article 7 of the Kyoto Protocol (decision 15/CMP.1) and the modalities for accounting of assigned amounts under Article 7, paragraph 4, of the Kyoto Protocol (decision 13/CMP.1).

3. On 15 June 2008, the Enforcement Branch made a determination not to proceed further as follows:

"The enforcement branch determines, in accordance with paragraph 4 of section IX, paragraph 1(d) of section X and rule 22 of the Rules of procedure, not to proceed further with the question of implementation relating to compliance with the guidelines for the preparation of the information required under Article 7 of the Kyoto Protocol and the modalities for the accounting of assigned amounts under Article 7, paragraph 4, of the Kyoto Protocol." (paragraph 18, CC-2007-1-6/Canada/EB)

4. In the course of its decision, the Enforcement Branch made the following conclusions at paragraph 17:

"Based on the information submitted and presented, the enforcement branch concludes that:

(a) the status of Canada's national registry resulted in non-compliance with the guidelines and the modalities on the publication date of the review report; and

(b) there is a sufficient factual basis to avert a finding of non-compliance at the date of this decision."

5. While Canada welcomes the decision of the Enforcement Branch not to proceed further in this matter, Canada notes that paragraph 17 lies outside of the Enforcement Body's mandate and should, therefore, be removed from the text.

## II. ANALYSIS

6. The mandate of the Enforcement Body is set out in the Annex to decision 27/CMP.1. Section V(4) of the Annex states that:

"The enforcement branch shall be responsible for determining whether a Party included in Annex I is not in compliance with:

- (a) Its quantified emission limitation or reduction commitment under Article 3, paragraph 1, of the Protocol;
- (b) The methodological and reporting requirements under Article 5, paragraphs 1 and 2, and Article 7, paragraphs 1 and 4, of the Protocol; and
- (c) The eligibility requirements under Articles 6, 12 and 17 of the Protocol."

7. Section XV, paragraph 1, then stipulates the two possible consequences that shall be applied by the Enforcement Branch when it has determined first that a Party is not in compliance with Article 5, paragraph 1 or paragraph 2, or Article 7, paragraph 1 or paragraph 4 of the Kyoto Protocol:

- "(a) Declaration of non-compliance; and
- (b) Development of a plan [...]."

8. Pursuant to these provisions, the Enforcement Branch is mandated to apply consequences to present, not past situations where compliance might be at issue. Section V, paragraph 4 states that "The Enforcement branch shall be responsible for determining whether a Party included in Annex I *is* not in compliance [...] [our emphasis]". Moreover, section XV, paragraph 1 states that the Enforcement Branch shall apply consequences when it "has determined that a Party *is* not in compliance [...] [our emphasis]". Neither provision uses the word "was".

9. Consistent with its mandate, the Enforcement Branch determined not to proceed further. Therefore, the Enforcement Branch was not mandated to make a declaration of non-compliance, nor to develop a plan.

10. The Enforcement Branch opined, however, in paragraph 17(a) that "the status of Canada's national registry resulted in non-compliance with the guidelines and the modalities on the publication date of the review report." In Canada's respectful view, this conclusion fell outside the mandate given by the Parties to the Kyoto Protocol in decision 27/CMP.1. The sole issue before the Enforcement Branch was the current status of Canada's registry, and the Enforcement Branch decided not to proceed further with the question of implementation in relation thereof. The status of Canada's registry at some earlier point in time was not among the issues that the Enforcement Branch was mandated to consider, nor was it necessary to engage in such a line of inquiry in order to determine whether Canada's current situation required further action. Entirely in keeping with its important role, the Enforcement Branch analysed the material concerning the current status of Canada's registry and reached the

conclusion that no further action on its part was necessary. In Canada's submission, however, the Enforcement Branch need not, and should not, have stepped outside of its mandate to make its observations concerning the past status of Canada's registry.

11. In addition, the conclusion in paragraph 17(b) of the decision states that "there is a sufficient factual basis to avert a finding of **non-compliance** at the date of this decision [our emphasis]", rather than simply concluding that the question of implementation has been resolved after consideration of the evidence before it (including the Independent Assessment Report, Canada's written and oral submissions, and the advice and testimony of the UNFCCC experts). Given that the entire compliance process established under decision 27/CMP.1, including the written submission and oral hearing, is aimed at determining compliance in the first place, the use of the word "non-compliance" in 17(b) is inconsistent with a "Decision Not To Proceed Further."

### III. PROPOSED RELIEF

12. In view of the above analysis, Canada invites the Enforcement Branch simply to delete paragraph 17(a) from its "Decision Not To Proceed Further" to ensure that the Enforcement Branch is entirely consistent with the authority conferred upon it by the COP/MOP in decision 27/CMP.1. As stated in paragraph 16 of the "Decision Not To Proceed Further", the Enforcement Branch received expert advice that "information provided by Canada in its written submission, together with the independent assessment report" confirms that "Canada had established a national registry that can perform the functions defined in the annex to decision 13/CMP.1 and the annex to decision 5/CMP.1 and complies with the requirements of the data exchange standards." Therefore, the question of implementation has been resolved.

13. In addition, Canada invites the Enforcement Branch to alter the text of paragraph 17 (b) from its "Decision Not To Proceed Further" as follows:

"Based on the information submitted and presented, the enforcement branch concludes that, although the status of Canada's national registry raised a question of implementation with the guidelines and the modalities on the publication date of the expert review team report, this question of implementation has now been resolved."

### IV. CONCLUSION

14. In Canada's view, the Enforcement Branch stepped beyond the limits of its mandate in offering its opinion on the past status of Canada's registry. Canada welcomes the Enforcement Branch's decision that no further action on its part was necessary, but respectfully requests that the Enforcement Branch delete paragraph 17 (a) of its decision as this passage relates to a matter outside of the Enforcement Branch's mandate, and substitute paragraph 17 (b) of its decision with the text suggested in paragraph 13 above as this is more consistent with a "Decision Not To Proceed Further."

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