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作为《京都议定书》缔约方会议的

《公约》缔约方会议

第四届会议

2008年12月1日至12日，波兹南

临时议程项目7

履约委员会的报告

履约委员会提交作为《京都议定书》缔约方会议的 《公约》缔约方会议的年度报告*

概 要

这是履约委员会提交作为《京都议定书》缔约方会议的《公约》缔约方会议的第三份年度报告，涵盖2007年9月8日至2008年10月9日期间开展的活动。报告摘要介绍了报告期内执行事务组对两个执行问题的审议情况，和从中汲取的教益。报告还收录了执行事务组评估活动的结论，促进事务组召开的报告和审评研讨会的结论，以及全体会议对这些活动的意见和建议。

* 本文件提交较迟，是为了考虑到2008年10月8日至9日举行的履约委员会第五次全体会议的结果。

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一、导 言

A. 任 务

1. 按照“与《京都议定书》之下的履约有关的程序和机制”(第 27/CMP.1 号决定附件,下称“程序和机制”)第三节第 2 段(a)小段,履约委员会全体会议须向作为《京都议定书》缔约方会议的《公约》缔约方会议(《议定书》/《公约》缔约方会议)的每一届常会报告其活动情况。

B. 本报告的范围

2. 履约委员会全体会议第三份年度报告,涵盖时间是 2007 年 9 月 8 日至 2008 年 10 月 9 日。报告概述履约委员会在这段时期内开展的工作和处理的事项。

C. 有待作为《京都议定书》缔约方会议 的《公约》缔约方会议采取的行动

3. 按照程序和机制第十二节,《议定书》/《公约》缔约方会议将审议履约委员会的这份年度报告。

4. 《议定书》/《公约》缔约方会议不妨:

- (a) 通过本报告附件一所载由履约委员会全体会议按照程序和机制第三节第 2 段(d)小段拟出的议事规则修正案;
- (b) 请《议定书》/《公约》缔约方会议主席就必要的提名展开磋商,以填补履约委员会促进事务组的空缺;
- (c) 请缔约方为 2008-2009 两年期的补充活动信托基金提供捐款,以支持履约委员会开展工作;
- (d) 决定在履约委员会成员资格问题上,采用《京都议定书》下其他机构的现行做法,以便:
 - (一) 每位委员的任期长短,也同样适用于他或她的候补委员;
 - (二) 履约委员会候补委员担任候补委员不得连续超过两届;

- (三) 担任候补委员的任期不计入之后当选委员和连任两届的限制，反之，担任委员的任期，也不计入之后当选候补委员可连任两届的限制；
- (e) 在进一步审议特权和豁免问题时，考虑到促进事务组或执行事务组向其征求意见的专家的情况；
- (f) 确保履约委员会在旅费和参加会议的费用资金方面，得到与《京都议定书》下其他机构同样的待遇。在这方面，履约委员会敦促议定书/公约缔约方会议请附属履行机构在审议《气候公约》2010-2011 两年期预算概算时，考虑到履约委员会的建议，即《议定书》/《公约》缔约方会议：
- (一) 为履约委员会的全体委员和候补委员提供旅差费和出席委员会会议的费用；
- (二) 授权秘书处作为一项临时措施，在获取供资的资格扩大之前，在资金许可的条件下，根据具体情况，考虑目前不具备这种资格的委员和候补委员提出的要求提供差旅费和出席会议费用的供资请求；
- (三) 对有资格的委员和候补委员的旅行适用与对联合国工作人员同样的联合国公务差旅规则和条例。

二、组织事项

5. 履约委员会第五次全体会议于 2008 年 10 月 8 日至 9 日在德国波恩举行。

6. 促进事务组第六次会议于 2008 年 10 月 7 日在波恩举行。执行事务组今年举行了四次会议——第三、第四、第五和第六次会议(分别于 2008 年 3 月 4 日至 6 日、2008 年 4 月 16 日至 17 日、2008 年 6 月 14 日至 15 日和 2008 年 10 月 6 日至 7 日)。除这些会议外，在报告的这段期间里，履约委员会主席团和促进事务组和执行事务组还采用电子方法，就执行问题的分配、选举、专家意见和初步审查等问题作出决定，从而降低了会议的相关费用。

7. 议程和说明、与各议程项目有关的文件，以及主席关于全体会议和促进事务组和执行事务组每次会议的报告，均已在《气候公约》网站¹上公布。报告期内履约委员会的文件清单，见本报告附件二。

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

A. 选举履约委员会执行事务组和促进事务组的主席和副主席

8. 根据全体会议第四次会议作出的决定和《京都议定书履约委员会会议事规则》第 11 条第 2 款(第 4/CMP.2 号决定附件, 下称《议事规则》), 执行事务组在 2008 年 2 月 11 日采用电子方式一致选举 Sebastian Oberthür 先生为主席, Johanna Gertruida Sandea De Wet 女士为副主席。促进事务组在 2008 年 3 月 11 日采用电子方式一致选举 Ismail El Gizouli 先生为主席, Marc Pallemerts 先生为副主席。这几位主席和副主席组成委员会新的主席团。

9. 全体会议对前任主席团成员的工作表示感谢, 他们是执行事务组主席 Raúl Estrada-Oyuela 先生、促进事务组主席 Hironori Hamanaka 先生、执行事务组副主席 Oberthür 先生和促进事务组副主席 El Gizouli 先生。

B. 履约委员会的委员

10. 当选在促进事务组任职到 2009 年 12 月 31 日的履约委员会委员 Hamanaka 先生于 2008 年 5 月 9 日提出辞去委员会的职务。Hamanaka 先生在 2006 年 3 月 1 日至 2008 年 3 月 10 日期间担任促进事务组主席。Hamanaka 先生辞职后, 作为候补委员当选的 Mark Berman 先生代行其委员职务。委员会全体会议请《议定书》/《公约》缔约方会从附件一所列缔约方中选举一名委员, 填补促进事务组的空缺, 任满 Hamanaka 先生余下的任期。

11. 全体会议注意到, 虽然程序和机制规定了履约委员会委员的任期长短, 和委员最多可连续任职的届数, 但议定书/公约缔约方会议并没有明确规定委员会候补委员的任期长短, 和候补委员最多可连续任职的届数。程序和机制也没有提到, 担任候补委员的任期是否应计入担任委员连续两届的限制。全体会议请《议定书》/《公约》缔约方会议做出决定, 对履约委员会的成员资格适用《京都议定书》下其他法定机构的现行做法, 以便:

- (a) 每位委员的任期长短也适用于他的候补委员;
- (b) 履约委员会候补委员担任候补委员不得超过连续两届;
- (c) 担任候补委员的任期不计入之后当选委员可连任两届的限制, 反之, 担任委员的任期, 也不计入之后当选候补委员可连任两届的限制。

C. 透明度、通报和信息

12. 根据议事规则第 9 条第 1 款，全体会议第五次会议、促进事务组第六次会议，和执行事务组第三、第四、第五和第六次会议的部分会议均公开举行，对会议做了录像，并通过互联网上的《气候公约》网站播出。

13. 《议定书》/《公约》缔约方会议第三届会议审议了履约委员会的第二份年度报告，报告说明了全体会议对公众参加履约委员会会议所作的工作安排的协议 (FCCC/KP/CMP/2007/6, 第 15 至 17 段)。这项协议之后，对愿意旁听全体会议和两个事务组会议的人，制定了一套简单的通知和登记制度。

D. 履约委员会委员和候补委员的特权和豁免

14. 根据附属履行机构第二十六届会议的结论，关于在《京都议定书》之下所设各机构任职的个人的特权和豁免问题，²全体会议指出，迄今为止，对履约委员会或在委员会任职的个人，在其履行职务方面，还没有出现过任何争执、投诉或要求。然而，全体会议正密切注意在《议定书》/《公约》缔约方会议和附属履行机构届会上，有关在《京都议定书》设立各机构中任职的个人的特权和豁免问题的讨论，特别是根据《京都议定书》第九条，有关议定书第二次审查的讨论。全体会议指出，促进事务组或执行事务组根据程序和机制第八节第 5 段，向一些专家征求意见，而这些专家在向两个事务组提供意见方面，不享受豁免。

三、报告期内开展的工作

A. 履约委员会全体会议收到的《京都议定书》第八条 之下的专家审评组的报告以及其他信息

15. 根据程序和机制第六节第 3 段，秘书处向履约委员会转交了专家审评组对比利时、保加利亚、捷克共和国、法国、德国、列支敦士登、摩纳哥、荷兰、葡萄牙和西班牙第四次国家信息通报的集中深入审评报告。全体会议注意到，迄今为止全会已

² FCCC/SBI/2007/15 第 163-168 段。

收到 26 份集中深入审评报告，《公约》附件一所列缔约方(附件一缔约方)11 个国家的第四次国家信息通报，³ 安排在明年进行深入审评。⁴

16. 另外，秘书处还根据程序和机制第六节第 3 段，向履约委员会转交了对比利时、保加利亚、捷克共和国、丹麦、爱沙尼亚、欧洲共同体、芬兰、法国、德国、冰岛、爱尔兰、意大利、拉脱维亚、列支敦士登、立陶宛、卢森堡、摩纳哥、荷兰、挪威、波兰、葡萄牙、罗马尼亚、俄罗斯联邦、斯洛伐克、斯洛文尼亚、西班牙、瑞典、乌克兰、和大不列颠及北爱尔兰联合王国初次报告的审评报告。全体会议指出，同时也是《京都议定书》缔约方的所有 39 个附件一缔约方，均已提交他们的初次报告。全体会议还指出，迄今为止它已收到 36 份初次报告的审评报告，澳大利亚的初次报告审评报告正在编写之中，对克罗地亚初次报告审评正在准备之中，对白俄罗斯初次报告的审评推迟到附属履行机构审议审评方法和条件之后。⁵

17. 秘书处还根据程序和机制第六节第 1 段，向履约委员会转交了对加拿大和希腊初次报告的审评报告，两份报告都指出了执行问题。根据程序和机制第六节第 2 段，还将这两份报告送交了加拿大和希腊。有关执行事务组在这些执行问题方面的工作，有关资料见下文第三章 B 和第三章 C 节。

18. 根据程序和机制第六节第 3 段，以及第 22/CMP.1 号决定第 49 段，秘书处向履约委员会转交了奥地利、白俄罗斯、比利时、保加利亚、加拿大、捷克共和国、丹麦、爱沙尼亚、欧洲共同体、芬兰、法国、德国、希腊、匈牙利、冰岛、爱尔兰、意大利、日本、拉脱维亚、列支敦士登、立陶宛、卢森堡、摩纳哥、荷兰、新西兰、挪威、波兰、葡萄牙、罗马尼亚、俄罗斯联邦、斯洛伐克、斯洛文尼亚、西班牙、瑞典、瑞士、乌克兰和大不列颠及北爱尔兰联合王国的温室气体清单的年度状况报告。

³ 本报告中使用的“第四次国家信息通报”一词，包括在报告期内提交的第一、第二和第三次国家信息通报，因大多数附件一所列缔约方根据第 4/CP.8 号决定已提交他们的第四次国家信息通报。

⁴ 即奥地利、白俄罗斯、加拿大、克罗地亚、欧洲共同体、爱尔兰、意大利、波兰、罗马尼亚、俄罗斯联邦和乌克兰的集中深入审评报告。澳大利亚在成为《京都议定书》缔约国之前，于 2005 年 12 月 12 日提交了第四次国家信息通报。它的第四次国家信息通报正在根据公约指南进行审评。在同时也是《京都议定书》缔约方的 39 个附件一缔约方中，只有卢森堡尚未提交第四次国家信息通报。

⁵ FCCC/KP/CMP/2007/9, 第 160 段。

全体会议注意到，它已收到 37 分温室气体清单年度状况报告，澳大利亚和克罗地亚的温室气体清单年度状况报告将从明年起送交委员会。

19. 全体会议强调，根据第 26//CMP.1 号决定第 1 段，每一项初次审评必须在提交初次报告之日起一年内完成。全体会议对未能按时完成一些审评报告表示关注，特别是欧洲共同体的初次报告审评。该报告是在 2008 年 2 月 15 日发表的，几乎是在欧洲共同体 2006 年 12 月 18 日提交初次报告一年零两个月之后；而加拿大的初次审评报告是在 2008 年 4 月 11 日发表的，几乎是在加拿大 2007 年 3 月 15 日提交初次报告一年零 1 个月之后。

20. 全体会议第五次会议审议了秘书处提交的关于《京都议定书》下提交和审评报告情况的资料(文件 CC/5/2008/5)，全体会议指出，它越来越感到关注，在第 4/CP.8 号决定就第 22/CMP.1 号决定规定了最后期限之后，至今已将近三年，而卢森堡仍未提交该国载有《京都议定书》第七条第 2 款要求的补充信息的第四次国家信息通报，尽管《议定书》/《公约》缔约方会议在这方面曾表示关注。⁶

21. 执行事务组第四次会议指出，每个专家审评小组在《京都议定书》第八条下对各缔约方进行的审评，必须确保一致，执行事务组决定将这个问题提请全体会议注意。秘书处根据执行事务组的要求，编写了一份文件，包括对《京都议定书》第八条之下审评进程的说明，和对初次报告的审评报告中有关国家体系信息的综合(文件 CC/5/2008/2)，供全体会议讨论这个问题使用。全体会议在审议了这份文件和秘书处在这次会议期间提供的补充资料之后，审议了第八条之下与审评进程的有关问题。

22. 全体会议对各专家审评小组提出了高质量的审评报告向他们表示感谢，专家审评小组在工作中得到了秘书处的支持。全体会议欢迎附属履行机构第二十八届会议提出的意见，认为改进报告和审评程序至关重要。⁷然而，全体会议对审评程序的一致性和资源有限等问题表示关注，包括没有足够的专家。《京都议定书》要求的审评职能，是委员会工作的关键，可能会由于这些问题而受到严重影响，因此，全体会议将在今后的会议上继续审议这些问题。

⁶ 第 5/CMP.3 号决定，《京都议定书》下的履约问题。

⁷ FCCC/SBI/2008/8, 第 93 段。

B. 执行事务组对有关希腊的一个执行问题的审议

23. 2007年12月31日, 履约委员会收到了在对希腊的初次报告审评报告中提出的一个执行问题。⁸ 履约委员会主席团在2008年1月8日将这个执行问题交给执行事务组。2008年1月22日, 执行事务组作出决定, 审议执行问题(见文件 CC-2007-1-2/Greece/EB), 该问题涉及遵守“《京都议定书》第五条第1款之下的国家体系指南”(决定 19/CMP.1), 和“《京都议定书》第七条所要求的信息的编制指南”(决定 15/CMP.1)。

24. 执行事务组收到了希腊提交的书面材料, 并应缔约方的请求, 在2008年3月4日至5日举行了听证会。在2008年3月6日的初步结论中(见文件 CC-2007-1-6/Greece/EB), 执行事务组确定, 希腊没有遵守上文第23段中提及的指南。在收到希腊提交的进一步书面材料后, 执行事务组于2008年4月17日在一项最后决定中确认了它的初步结论(文件 CC-2007-1-8/Greece/EB)。

25. 2008年7月16日, 希腊针对执行事务组的最后决定, 根据程序和机制第十五节第2段, 提出了一份计划。在2008年10月6日至7日举行的第六次会议上, 执行事务组请希腊提交一份修订计划(见文件 CC-2007-1-10/Greece/EB)。

26. 根据程序和机制第三节第2段(a), 执行事务组作出的有关希腊的决定, 载于本报告附件三。

C. 执行事务组审议对有关加拿大的一个执行问题的审议

27. 2008年4月14日, 履约委员会收到在加拿大的初次报告审评报告中提出的一个执行问题。⁹ 履约委员会主席团在2008年4月16日将这个执行问题交给执行事务组。2008年5月2日, 执行事务组作出决定, 着手讨论这个执行问题(见文件 CC-2008-1-2/Canada/EB), 这个问题涉及遵守“《京都议定书》第七条所要求的信息的编制指南”(第 15/CMP.1 号决定), 和《京都议定书》第七条第4款之下配量的核算模式(第 13/CMP.1 号决定), 以及第 5/CMP.1 号决定的附件, 和各登记制度之间数据交换的技术标准要求。

⁸ FCCC/IRR/2007/GRC。

⁹ FCCC/IRR/2007/CAN。

28. 执行事务组收到了加拿大提交的一份书面材料，并在 2008 年 6 月 14 日应缔约方的请求举行了听证会。执行事务组在 2008 年 6 月 15 日通过决定，不再进一步讨论这个问题(见文件 CC-2008-1-6/Canada/EB)。

29. 根据程序和机制第三节第二段(a)，执行事务组通过的有关加拿大的决定载于本报告附件四。

30. 2008 年 7 月 11 日，加拿大又提出一份新的书面材料(载于文件 CC-2008-1-7/Canada/EB)。应执行事务组主席的要求通知加拿大，说明鉴于已作出不进一步审议这个问题的决定，对该执行问题的审议已经结束，但如果加拿大希望，可按议事规则第 22 条第 2 款，要求将载于文件 CC-2008-1-7/Canada/EB 中的来文作为履约委员会提交《议定书》/《公约》缔约方会议的年度报告附件。¹⁰ 根据秘书处在 2008 年 7 月 31 日收到的加拿大的相应书面要求，题为“进一步的书面材料”的文件作为附件五收入本报告。

D. 执行事务组的评估活动

31. 在第六次会议上，执行事务组回顾了 2008 年的工作，提出了审议执行问题可做的改进。使用了秘书处编写的一份背景材料(文件 CC/EB/6/2008/2)，作为这次评估活动的依据。

32. 执行事务组确定了一些领域，需要对议事规则作出修订，并商定它提出的工作安排和对履约委员会会议事规则的修正，应提交全体会议。执行事务组还商定，委员和担任委员的候补委员，对本组的任何决定所投得反对票，可作出说明，该说明将收入作出该项决定的是次会议报告附件，如以电子方式作出的决定，可收入下一次会议报告。

33. 在第五次全体会议上，执行事务组主席口头报告了该组审议执行问题取得的教益和经验。报告主要以上文第 31 段中讲到的评估活动为依据。

34. 全体会议审议了执行事务组提出的工作安排和修正案，同意将有关议事规则的修正案提交《议定书》/《公约》缔约方会议第四届会议通过，建议的修正案载于

¹⁰ 第 22 条第 2 款规定：“有关缔约方收到最后决定起 45 天内就该决定提交的书面意见应由秘书处分发给参加有关事务组的委员和候补委员，并应纳入委员会提交作为《京都议定书》缔约方会议的《公约》缔约方会议的年度报告。”

本报告附件一。

35. 全体会议强调，它准备在认真审议后，并考虑到一切相关经验，将所有对议事规则的修正案提交《议定书》/《公约》缔约方会议通过。

E. 促进事务组关于报告和审评工作的研讨会

36. 根据促进事务组第四次会议提出的要求，2008年10月7日在波恩举行一个报告和审评问题研讨会，审议《京都议定书》下履约制度的作用，交流有关报告、审评和履约制度和机构之间相互作用的知识和信息，及探讨有关这些议题的关键问题。

37. 研讨会的讨论结束后，促进事务组第六次会议达成一致，下次会议根据程序和机制第四节第6段(a)，继续讨论如何履行本组提供意见和开展促进工作的职责，“促进履约和预先警报可能出现不履约情况”。促进事务组还将根据程序和机制第六节第3段，审议在与本组任务有关的信息范围内，如何利用转发给委员会委员和候补委员的专家审评组报告中的大量信息。

四、委员和候补委员出席会议的问题

38. 全体会议再次提醒《议定书》/《公约》缔约方会议注意履约委员会提交《议定书》/《公约》缔约方会议的第二份年度报告¹¹第27段中所载的关于差旅费和参加会议费用的建议，请《议定书》/《公约》缔约方会议在审议2010-2011两年期预算方案时务必考虑到这些建议。

39. 全体会议指出，第5/CMP.3号决定请秘书处在编制2010-2011两年期预算时，向缔约方说明履约委员会的一项建议将产生的影响——为所有委员和候补委员出席履约委员会会议支付旅差费。全体会议表示希望，《议定书》/《公约》缔约方会议将根据这一情况，在第五届会议上采取行动。

¹¹ FCCC/KP/CMP/2007/6。

五、资源情况

40. 2008-2009 两年期，《气候公约》核心预算为履约委员会的活动批准了 1,022,500 美元。此外，补充活动信托基金还将提供 1,034,685 万美元，比 2008-2009 两年期方案预算文件中的估算增加 339,035 美元。¹² 之前没有计算的费用或较原始估算增加的费用，包括网播，因允许公众参加旁听委员会会议所做的工作安排而必要的安全警卫，以及促进事务委员会或执行事务委员会向其征求意见的专家，他们的差旅费和参加会议有关的费用。

41. 截至 2007 年底，在补充活动信托基金下对履约委员会的捐款余额为 385,197 美元，该余额转入 2008-2009 年两年期。截至本报告期结束时，2008 年收到的捐款为 168,872 美元。委员会对比利时、日本和联合王国的慷慨捐款向他们表示感谢。委员会请《议定书》/《公约》缔约方会议邀请各缔约方为 2008-2009 两年期补充活动信托基金捐款，支持履约委员会的工作。

¹² FCCC/SBI/2007/8/Add.2。

附件一

对议事规则的修正案

根据第 27/CMP.1 号决定附件第三节第 2 段(d)，提请《议定书》/《公约》缔约方会议通过以下案文，作为第 4/CMP.2 号决定附件中的《京都议定书》履约委员会议事规则的修正案。

1. 在第 13 条之后加入以下案文：

“9 之二 时间段的计算

第 13 条之二

为计算时间段之目的：

- (a) 行为或事件开始发生之日，不计入时间段。如此计算时间段的最后一天则计算在内，除非这一天是星期六、星期日或《气候公约》的正式假日，或在有关缔约方适用时间限制的情况下，是该国的官方假日，在这种情况下，时间段应视为继续到下一个工作日结束；
 - (b) 在满足上文(a)款的条件下，在时间段是以周、月或年表示时，时间段截止日期应与时间段开始的日期为周、月或年的同一天，如该月没有相应日期，则为该月的最后一天。”
2. 第 18 条修订如下，以便将适用范围扩大到新提出的第 25 条之二：

“1 根据第 14 条、第 15 条、第 17 条和第 25 条之二提交的任何材料或意见，须由缔约方代表签字，并以硬拷贝和电子方式交送秘书处。
 3. 插入下文，作为第 25 条下新的第 3 款：

“3 有关缔约方可指定一人或数人作为代表，出席根据第八节第 2 段对执行问题的审议，这一权利包括为以下目的举行的任何会议：

 - (a) 考虑恢复在第十节下的资格；
 - (b) 审查和评估根据第十五节第 2 段或第 6 段向执行事务组提交的任何计划；

(c) 审议根据第十五节第 3 段或第 7 段向执行事务组提出的任何该计划执行情况的进度报告。”

4. 在第 25 条之后加入以下案文：

“第 25 条之二

1. 有关缔约方根据第十五节第 2 或第 6 段提交执行事务组的计划须明确：
 - (a) 以单独章节论及第十五节第 2 或第 6 段中具体列出的每一项内容；
 - (b) 回答执行事务组在最后决定部分提出的任何具体问题，说明后果。
2. 执行事务组应尽量在收到计划之日起四个星期内对根据第十五节第 2 段或第 6 段提交的计划进行审议和评估。
3. 执行事务组在审议和评估中，应评估提交的计划：
 - (a) 是否列出并充分阐明上文第 1 段中提出的各项要素和问题；
 - (b) 如果执行，是否将按照第十五节第 2 段和第 6 段的设想，在下一个承诺期内对有关缔约方的不遵守的情况作出补救，达到排放数量限制或减排承诺。”

5. 在新提出的第 25 条之二后，加入以下案文：

“第 25 条之三

执行事务组可根据第十节第 1 段(c)召开有关缔约方要求的听证会，并与通过初步结论或做出不审议决定的会议同时举行。安排这种合二而一的会议应：

- (a) 在根据第十节第 1 段(b)应提交书面意见到期日两个星期之内；或
- (b) 在根据第十节第 1 段(c)要求举行听证会到期日两个星期之内，如果有关缔约方在要求举行听证会到期日前表示，它不准备根据第十节第 1 段(b)提交书面材料。”

Annex II

[ENGLISH ONLY]

Documents of the Compliance Committee¹

PLENARY

| Title | Document No. | Date |
|---|---------------------|-------------------|
| <u>5th meeting</u> | | |
| 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 |
| <u>3rd meeting</u> | | |
| Provisional agenda and annotations | CC/EB/3/2008/1 | 27 February 2008 |
| Report on the meeting | CC/EB/3/2008/2 | 18 March 2008 |
| <u>4th meeting</u> | | |
| Provisional agenda and annotations | CC/EB/4/2008/1 | 9 April 2008 |
| Report on the meeting | CC/EB/4/2008/2 | 19 May 2008 |
| <u>5th meeting</u> | | |
| Provisional agenda and annotations | CC/EB/5/2008/1 | 6 June 2008 |

¹ These documents are available on the UNFCCC website at <http://unfccc.int/kyoto_protocol/compliance/items/2875.php>.

| Title | Document No. | Date |
|--|----------------------|-------------------|
| Report on the meeting | CC/EB/5/2008/2 | 23 June 2008 |
| <u>6th meeting</u> | | |
| 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

| Title | Document No. | Date |
|--|---------------------|------------------|
| Report on the election of chairperson and vice-chairperson of the facilitative branch 2008 | CC/FB/2008/1 | 11 March 2008 |
| <u>6th meeting</u> | | |
| 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

| Title | Document No. | Date |
|---|---------------------|-------------------|
| 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 |
| 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 |

| Title | Document No. | Date |
|--|---------------------|----------------|
| 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

| Title | Document No. | Date |
|---|---------------------|------------------|
| 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 |
| 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 |

| Title | Document No. | Date |
|---|---------------------|------------------|
| 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 |
| 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 |

| Title | Document No. | Date |
|---|---------------------|-------------|
| 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

| Title | Document No. | Date |
|---|---------------------|-------------|
| 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 |
| 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 |

| Title | Document No. | Date |
|---|---------------------|--------------|
| 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 |
| 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 |

| Title | Document No. | Date |
|---|---------------------|--------------|
| 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

| Title | Document No. | Date |
|---|------------------------|------------------|
| 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 |
| 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

| Title | Document No. | Date |
|---|--------------------------|---------------|
| 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 |

Annex III

[ENGLISH ONLY]

**Decisions taken by the enforcement branch of the
Compliance Committee with respect to Greece**

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 1¹ and rule 10, paragraph 2, of the Rules of procedure of the Compliance Committee,² 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.³
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.
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.

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

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

² Contained in the annex to decision 4/CMP.2.

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

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.¹

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)?

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

¹ 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,¹ 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 VI² 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.³
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.⁴ 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

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

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

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

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

⁴ 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.

experts belonged to the expert review team that reviewed Greece's initial report (CC-2007-1-3/Greece/EB).

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,¹ 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,² 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.

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

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

² 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,¹ 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 VI² 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.³
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.⁴ 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).

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

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

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

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

⁴ 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 XV¹ 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.

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

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

Annex IV

[ENGLISH ONLY]

**Decisions taken by the enforcement branch of the
Compliance Committee with respect to Canada**

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 VI¹ and paragraph 2 of rule 10 of the Rules of procedure of the Compliance Committee,² 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.³
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.
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

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

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

² Contained in the annex to decision 4/CMP.2.

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

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.¹
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

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

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

annex to decision 15/CMP.1, including the requirements of the technical standards for 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,¹ 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 VI² 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.

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

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

² 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)³ 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

³ http://unfccc.int/essential_background/library/items/3599.php?rec=j&preref=6427#beg

sufficiently compliant with the registry requirements defined in decisions 13/CMP.1 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.

Annex V

[ENGLISH ONLY]

**DOCUMENT ENTITLED
“FURTHER WRITTEN SUBMISSION OF CANADA”***

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."
