

SUBSIDIARY BODY FOR IMPLEMENTATION

Report of the Subsidiary Body for Implementation on its thirty-first session, held in Copenhagen from 8 to 12 December 2009

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I. Opening of the session

(Agenda item 1)

1. The thirty-first session of the Subsidiary Body for Implementation (SBI) was held at the Bella Center, Copenhagen, Denmark, from 8 to 12 December 2009.

2. The Chair of the SBI, Ms. Liana Bratasida (Indonesia), opened the session and welcomed all Parties and observers as well as the members of the SBI Bureau.

II. Organizational matters

(Agenda item 2)

A. Adoption of the agenda

(Agenda item 2 (a))

3. At its 1st meeting, on 8 December, the SBI considered a note by the Executive Secretary containing the provisional agenda and annotations (FCCC/SBI/2009/9). Statements were made by representatives of eight Parties, including one speaking on behalf of the Umbrella Group, one on behalf of the European Union and its member States, one on behalf of the least developed countries (LDCs), one on behalf of the Environmental Integrity Group (EIG), one on behalf of the Group of 77 and China, one on behalf of the Alliance of Small Island States and one on behalf of the African Group.

4. At the same meeting, following the proposal by the Chair, the SBI adopted the agenda, with sub-item 4 (b) held in abeyance, as follows:

- 1. Opening of the session.
- 2. Organizational matters:
 - (a) Adoption of the agenda;
 - (b) Organization of the work of the session;
 - (c) Election of officers other than the Chair;
 - (d) Election of replacement officers.
- 3. National communications and greenhouse gas inventory data from Parties included in Annex I to the Convention:
 - Report on national greenhouse gas inventory data from Parties included in Annex I to the Convention for the period 1990–2007;
 - (b) Status report on the review of fourth national communications and preparations for the review of fifth national communications.
- 4. National communications from Parties not included in Annex I to the Convention:
 - (a) Provision of financial and technical support;
 - (b) Agenda item held in abeyance;¹

As there was no consensus to include this item on the agenda, it was held in abeyance. On a proposal by the Chair, the SBI decided to include this item on the provisional agenda of its thirty-second session with an appropriate footnote.

- (c) Further implementation of Article 12, paragraph 5, of the Convention.
- 5. Financial mechanism of the Convention:
 - (a) Fourth review of the financial mechanism;
 - (b) Report of the Global Environment Facility to the Conference of the Parties and guidance to the Global Environment Facility;
 - (c) Assessment of the Special Climate Change Fund.
- 6. Implementation of Article 4, paragraphs 8 and 9, of the Convention:
 - (a) Progress on the implementation of decision 1/CP.10;
 - (b) Matters relating to the least developed countries.
- 7. Development and transfer of technologies.
- 8. Capacity-building under the Convention.
- 9. Capacity-building under the Kyoto Protocol.
- 10. Reporting and review of information submitted by Parties included in Annex I to the Convention that are also Parties to the Kyoto Protocol.
- 11. Matters relating to Article 3, paragraph 14, of the Kyoto Protocol.
- 12. Report of the administrator of the international transaction log under the Kyoto Protocol.
- 13. Annual compilation and accounting report for Annex B Parties under the Kyoto Protocol.
- 14. Administrative, financial and institutional matters:
 - (a) Budget performance for the biennium 2008–2009;
 - (b) Continuing review of the functions and operations of the secretariat;
 - (c) Privileges and immunities for individuals serving on constituted bodies established under the Kyoto Protocol.
- 15. Other matters.
- 16. Report on the session.

B. Organization of the work of the session

(Agenda item 2 (b))

5. The SBI considered this sub-item at its 1st meeting, on 8 December, at which the Chair drew attention to the proposed programme of work posted on the UNFCCC website. On a proposal by the Chair, the SBI agreed to proceed on the basis of that programme of work. The Chair invited Parties to take into account information contained in document FCCC/SB/2007/INF.2, on the relationship of various provisions of the Mauritius Strategy to the work of the Convention and its Kyoto Protocol, when considering relevant agenda items.

C. Election of officers other than the Chair (Agenda item 2 (c))

6. The SBI considered this sub-item at its 1st and 3rd meetings, on 8 and 12 December, respectively. At the 1st meeting, the Chair recalled rule 27 of the draft rules of procedure being applied, whereby the SBI is expected to elect its Vice-Chair and Rapporteur. The Chair informed the SBI that consultations on nominations were being undertaken and that she would keep delegates informed of progress. In the conduct of these consultations, Parties were invited to recall decision 36/CP.7 and to give active consideration to the nomination of women for elective posts in the SBI.

7. At the 3rd meeting, the Chair informed the SBI that agreement had been reached among the regional groups on the posts of Vice-Chair and Rapporteur and proposed the nominees for election. The SBI elected Mr. Samuel Ortiz Basualdo (Argentina) as its Vice-Chair and re-elected Mr. Kadio Ahossane (Côte d'Ivoire) as its Rapporteur. The Chair informed the meeting that the Vice-Chair will serve for an initial term of one year, which may be renewed for another year, and the Rapporteur will serve for a second term of one year. She noted that the officers will serve for the thirty-second and thirty-third sessions, or until their successors are elected. She thanked the current Vice-Chair for her work.

D. Election of replacement officers

(Agenda item 2 (d))

8. The elected Vice-Chair and Rapporteur represent Parties to both the Convention and its Kyoto Protocol. Consequently, no election of replacement officers was necessary.

III. National communications and greenhouse gas inventory data from Parties included in Annex I to the Convention (Agenda item 3)

Report on national greenhouse gas inventory data from Parties included in Annex I to the Convention for the period 1990–2007 (Agenda item 3 (a))

Status report on the review of fourth national communications and preparations for the review of fifth national communications (Agenda item 3 (b))

igendu item 5 (6)

1. Proceedings

9. The SBI considered these sub-items at its 1^{st} and 3^{rd} meetings, on 8 and 12 December, respectively. It had before it documents FCCC/SBI/2009/12 and FCCC/SBI/2009/INF.9.

10. At its 1^{st} meeting, the SBI agreed to consider these sub-items together in a contact group co-chaired by Mr. Quamrul Islam Chowdhury (Bangladesh) and Ms. Anke Herold (Germany). At the 3^{rd} meeting, Mr. Chowdhury reported on the contact group's consultations.

11. At its 3rd meeting, the SBI considered and adopted conclusions² proposed by the Chair.

² Adopted as document FCCC/SBI/2009/L.26.

2. Conclusions

12. The SBI recalled decision 10/CP.13, which requests Parties included in Annex I to the Convention (Annex I Parties) to submit to the secretariat a fifth national communication by 1 January 2010 in accordance with Article 12, paragraphs 1 and 2, of the Convention, with a view to submitting the sixth national communication four years after this date.

13. The SBI began its consideration of the date of submission of the sixth national communications of Annex I Parties but could not agree on a date at this session.

14. The SBI agreed to set the date of submission of the sixth national communications of Annex I Parties at its thirty-second session, with a view that such a date shall be no later than four years after the due date of submission of the fifth national communications of Annex I Parties. The SBI also agreed to continue its consideration of the other matters under agenda sub-items 3 (a) and (b) at its thirty-second session.

15. The SBI agreed to forward, at its thirty-second session, a draft decision, setting the date of submission of the sixth national communications of Annex I Parties, to the Conference of the Parties (COP) for adoption at its sixteenth session.

IV. National communications from Parties not included in Annex I to the Convention

(Agenda item 4)

A. Provision of financial and technical support

(Agenda item 4 (a))

16. The SBI considered this sub-item at its 1st meeting, on 8 December. It had before it documents FCCC/SBI/2009/INF.11 and FCCC/CP/2009/9. The Chair informed the delegates that, following consultations with the representatives of negotiating groups, agreement had been reached to defer the consideration of this sub-item to the thirty-second session, with the understanding that the elements of the draft decision on additional guidance to the Global Environment Facility (GEF) relating to the provision of financial and technical support to national communications from Parties not included in Annex I to the Convention would be discussed at the present session in the contact group established under agenda item 5 (Financial mechanism).

17. Statements were made by representatives of two Parties.

18. The SBI agreed to defer the consideration of this sub-item to its thirty-second session and to include it in the provisional agenda for that session. It requested the Chair to inform the COP and its President of this agreement.

B. Agenda item held in abeyance

(Agenda item 4 (b) *held in abeyance*)

C. Further implementation of Article 12, paragraph 5, of the Convention

(Agenda item 4 (c))

19. The SBI considered this sub-item at its 1^{st} meeting, on 8 December. The Chair informed the delegates that, following consultations with the representatives of negotiating groups, agreement had been reached to defer the consideration of this sub-item to the thirty-second session.

20. The SBI agreed to defer the consideration of this sub-item to its thirty-second session and to include it in the provisional agenda for that session. It requested the Chair to inform the COP and its President of this agreement.

V. Financial mechanism of the Convention

(Agenda item 5)

A. Fourth review of the financial mechanism

(Agenda item 5 (a))

1. Proceedings

21. The SBI considered this sub-item at its 1st and 3rd meetings, on 8 and 12 December, respectively. It had before it document FCCC/SBI/2009/MISC.10 and Add.1. Statements were made by representatives of 10 Parties, including one speaking on behalf of the Group of 77 and China, one on behalf of the LDCs, one on behalf of the European Union and its member States and one on behalf of the African Group.

22. At the 1st meeting, the Chair invited Ms. Monique Barbut, Chief Executive Officer and Chairperson of the GEF, to make a statement.

23. At the same meeting, the SBI agreed to consider this sub-item together with sub-items 5 (b) and (c) in a contact group co-chaired by Ms. Cecilia Lei (Canada) and Mr. Zaheer Fakir (South Africa). At the 3rd meeting, Ms. Lei reported on the contact group's consultations.

24. At its 3rd meeting, the SBI considered and adopted conclusions³ proposed by the Chair.

2. Conclusions

25. The SBI decided to recommend a draft decision⁴ on this subject for adoption by the COP at its fifteenth session (for the text of the draft decision, see FCCC/SBI/2009/L.29).

B. Report of the Global Environment Facility to the Conference of the Parties and guidance to the Global Environment Facility

(Agenda item 5 (b))

1. Proceedings

26. The SBI considered this sub-item at its 1^{st} and 3^{rd} meetings, on 8 and 12 December, respectively. It had before it document FCCC/CP/2009/9. Statements were made by representatives of 11 Parties, including one speaking on behalf of the Group of 77 and China.

27. At the 1st meeting, the Chair invited the representative of the GEF secretariat to make a statement.

28. At its 3rd meeting, the SBI considered and adopted conclusions⁵ proposed by the Chair.

³ Adopted as document FCCC/SBI/2009/L.29.

⁴ For the text as adopted, see document FCCC/CP/2009/11/Add.1, decision 6/CP.15, by which the COP requested the SBI to continue its consideration of the fourth review of the financial mechanism at its thirty-second session.

⁵ Adopted as document FCCC/SBI/2009/L.30.

2. Conclusions

29. The SBI decided to recommend a draft decision⁶ on this subject for adoption by the COP at its fifteenth session (for the text of the draft decision, see FCCC/SBI/2009/L.30).

C. Assessment of the Special Climate Change Fund

(Agenda item 5 (c))

1. Proceedings

30. The SBI considered this sub-item at its 1st and 3rd meetings, on 8 and 12 December, respectively.

31. At its 3rd meeting, the SBI considered and adopted conclusions⁷ proposed by the Chair.

2. Conclusions

32. The SBI agreed to continue its consideration of matters under this sub-item at its thirty-second session.

VI. Implementation of Article 4, paragraphs 8 and 9, of the Convention

(Agenda item 6)

A. Progress on the implementation of decision 1/CP.10

(Agenda item 6 (a))

1. Proceedings

33. The SBI considered this sub-item at its 2^{nd} and 3^{rd} meetings, on 8 and 12 December, respectively. It had before it document FCCC/SBI/2009/MISC.11/Rev.1.

34. At its 2^{nd} meeting, the SBI agreed to consider this sub-item in a contact group chaired by Mr. Thinley Namgyel (Bhutan). At the 3^{rd} meeting, Mr. Namgyel reported on the contact group's consultations.

35. At its 3rd meeting, the SBI considered and adopted conclusions⁸ proposed by the Chair.

2. Conclusions

36. The SBI took note of documents⁹ issued to date on the implementation of Article 4, paragraph 8, of the Convention and decisions 5/CP.7 and 1/CP.10.

37. The SBI recalled that, at its thirtieth session, it invited Parties and relevant organizations to submit to the secretariat, by 22 March 2010, their views on possible further action on this matter, which may include views on the elements to be contained in a possible draft decision text.¹⁰

⁶ For the text as adopted, see document FCCC/CP/2009/11/Add.1, decision 7/CP.15, by which the COP requested the SBI to continue its consideration of additional guidance to the GEF at its thirty-second session.

⁷ Adopted as document FCCC/SBI/2009/L.31.

⁸ Adopted as document FCCC/SBI/2009/L.28.

⁹ Submissions contained in documents FCCC/SBI/2008/MISC.4, FCCC/SBI/2008/MISC.9 and Add.1, FCCC/SBI/2008/MISC.10 and FCCC/SBI/2009/MISC.11/Rev.1; reports of workshops and expert meetings contained in documents FCCC/SBI/2006/13, FCCC/SBI/2006/18, FCCC/SBI/2006/19, FCCC/SBI/2007/2, FCCC/SBI/2007/11 and FCCC/SBI/2007/13; the synthesis report contained in document FCCC/SBI/2007/14; the chair's summary of the round table held at SBI 29 (FCCC/SBI/2009/8, annex III); and the documents referred to in annex III to the report of the SBI on its twenty-eighth session (FCCC/SBI/2008/8).

¹⁰ FCCC/SBI/2009/8, paragraph 45.

38. The SBI welcomed the information and advice emerging from the implementation of the first phase of the Nairobi work programme on impacts, vulnerability and adaptation to climate change, which was provided by the Subsidiary Body for Scientific and Technological Advice (SBSTA) to the SBI at its twenty-ninth session,¹¹ and agreed to consider this information and advice, as appropriate, in the further implementation of decision 1/CP.10.

39. The SBI requested the Chair to continue developing a draft decision text based on the documents referred to in paragraphs 36 and 37 above, with a view to the COP adopting a decision at its sixteenth session.

40. The SBI agreed to continue its consideration of this matter at its thirty-second session.

B. Matters relating to the least developed countries

(Agenda item 6 (b))

1. Proceedings

41. The SBI considered this sub-item at its 2^{nd} and 3^{rd} meetings, on 8 and 12 December, respectively. It had before it document FCCC/SBI/2009/13. Statements were made by representatives of two Parties, including one speaking on behalf of the LDCs.

42. At its 2^{nd} meeting, the SBI agreed to consider this sub-item in informal consultations convened by Mr. Rence Sore (Solomon Islands). At the 3^{rd} meeting, Mr. Sore reported on these consultations.

43. At the 2nd meeting, the Chair invited Mr. Fred Machulu Onduri (Uganda), Chair of the Least Developed Countries Expert Group (LEG), to make a statement.

44. At its 3^{rd} meeting, the SBI considered and adopted conclusions¹² proposed by the Chair.

2. Conclusions

45. The SBI took note of the oral report by the Chair of the LEG, and welcomed the report on the sixteenth meeting of the LEG, held in Bangkok, Thailand, from 24 to 26 September 2009.¹³

46. The SBI thanked the Government of the United Republic of Tanzania for hosting the first training workshop on the implementation of national adaptation programmes of action (NAPAs) in Dar es Salaam from 19 to 23 October 2009, and expressed its gratitude to the Government of Ireland for providing financial resources to support the work of the LEG.

47. The SBI welcomed the submission by Parties of 43 NAPAs to the secretariat as at 8 December 2009. It noted the important role played by the LEG in assisting LDC Parties with the preparation of NAPAs, and invited the LEG to continue to assist the LDCs that have not yet completed their NAPAs to complete and submit these as soon as possible, in collaboration with the GEF and its agencies.

48. The SBI expressed its appreciation to the LEG for the progress it has made under its work programme for 2008–2010¹⁴ and took note of the updated priority activities in the work programme. The SBI welcomed the publication of the *Step-by-Step Guide for Implementing National Adaptation*

¹¹ FCCC/SBSTA/2008/13, annex I.

¹² Adopted as document FCCC/SBI/2009/L.27.

¹³ FCCC/SBI/2009/13.

¹⁴ FCCC/SBI/2008/6, annex I.

Programmes of Action,¹⁵ the training on NAPA implementation conducted through the workshop referred to in paragraph 46 above and the advice given to LDC Parties.

49. The SBI further expressed its appreciation to the GEF and its agencies for the steps taken to improve the processing of applications for funding of the implementation of NAPA projects under the Least Developed Countries Fund (LDCF) and for the constructive dialogue among the LDC Parties, the LEG and the GEF and its agencies on the provision of enhanced support for the preparation and implementation of NAPAs and encouraged those involved to continue this dialogue.

50. The SBI encouraged those LDC Parties that wish to submit updates to their NAPAs and revisions to the project lists and profiles contained in their NAPAs to do so using the guidelines contained in the report on the sixteenth meeting of the LEG.¹⁶

51. The SBI recognized the work of the LEG in producing the paper "Support needed to fully implement national adaptation programmes of action (NAPAs)",¹⁷ which indicated, inter alia, a need for financial resources for the full implementation of priorities identified in NAPAs of at least USD 1.93 billion. It invited Parties to consider the findings of this paper.

52. The SBI endorsed the draft terms of reference for the review of the experiences gained from implementing the LDC work programme, including experience gained in accessing funds from the LDCF.¹⁸ The review is scheduled to take place at the thirty-third session of the SBI. The SBI encouraged the LEG to collaborate with relevant organizations in collecting and analysing the information necessary for the review.

53. The SBI invited Parties to submit to the secretariat, by 30 August 2010, their views on possible elements for a future mandate of the LEG, including its renewal and expansion.

54. The SBI requested the secretariat to prepare a synthesis report on possible elements for a future mandate of the LEG, taking into account the submissions referred to in paragraph 53 above and inputs provided by the LEG at its eighteenth meeting, for consideration by the SBI at its thirty-third session, with a view to recommending a decision on a future mandate of the LEG for adoption by the COP at its sixteenth session.

55. The SBI requested the LEG to keep it informed of its efforts in implementing its work programme over the period 2008–2010.

56. The SBI invited Parties in a position to do so to continue to provide financial and other resources required for the implementation of the LEG work programme, including for the training workshops on NAPA implementation.

57. The SBI invited the GEF, in its capacity as the entity entrusted with the operation of the LDCF, to support, when sufficient voluntary funding has not been provided from bilateral sources, the organization, under the guidance of the LEG, of four regional workshops in 2010 to provide training and technical support to LDCs in order to advance the process of implementation of NAPAs.

58. The SBI, recognizing the urgent and immediate adaptation needs of the LDCs, encouraged Parties to continue to provide financial and other support for the timely implementation of priority activities identified in NAPAs, including through contributions to the LDCF.

¹⁵ UNFCCC. 2009. *Step-By-Step Guide for Implementing National Adaptation Programmes of Action*. LDC Expert Group, the GEF and its agencies. Available at http://unfccc.int/resource/docs/publications/ldc_napa2009.pdf>.

¹⁶ FCCC/SBI/2009/13, annex I.

¹⁷ <http://unfccc.int/resource/docs/publications/09_ldc_sn_napa.pdf>.

¹⁸ FCCC/SBI/2009/13, annex III.

VII. Development and transfer of technologies

(Agenda item 7)

1. Proceedings

59. The SBI considered this item at its 2nd and 3rd meetings, on 8 and 12 December, respectively. It had before it documents FCCC/SBI/2009/14, FCCC/SB/2009/4 and Summary and FCCC/SB/2009/INF.6.

60. At the 2nd meeting, the Chair invited Mr. Arthur Rolle (Bahamas), Chair of the Expert Group on Technology Transfer (EGTT), to report on the group's activities.

61. At the same meeting, the Chair invited the representative of the GEF secretariat to make a statement on the implementation of the Poznan strategic programme on technology transfer.

62. At the same meeting, the SBI agreed to consider this item together with the SBSTA 31 agenda item 4, "Development and transfer of technologies", in a joint contact group co-chaired by Mr. Carlos Fuller (Belize) and Mr. Holger Liptow (Germany). At the 3rd meeting, Mr. Liptow reported on the joint contact group's consultations.

63. At its 3rd meeting, the SBI considered and adopted conclusions¹⁹ proposed by the Chair.

2. Conclusions

64. The SBI and the SBSTA welcomed the report of the EGTT for 2009.²⁰ The SBI and the SBSTA noted the oral report by the Chair of the EGTT on the outcomes of the group's fourth meeting, held from 23 to 25 September 2009 in Bangkok, Thailand. They welcomed the continued dialogue of the EGTT with the business community that took place in conjunction with this meeting. The SBI and the SBSTA recalled their conclusions at their thirtieth sessions that consideration should be given to establishing an effective means of engaging the private sector more fully in the process.²¹ One such means may be to provide an ongoing forum for members of the business and finance communities to regularly communicate their assessment of which actions by Parties could be most effective in enhancing the development and transfer of environmentally sound technologies and practices. The SBI and the SBSTA expressed their appreciation to Mr. Rolle, the Chair of the EGTT, and Mr. Bruce Wilson (Australia), the Vice-Chair, for their contribution in guiding the EGTT to complete its work programme for 2008–2009.

65. The SBI and the SBSTA endorsed the rolling programme of work of the EGTT for 2010–2011.²² The SBI and the SBSTA noted that the EGTT will convene its special meeting in early 2010 to update this programme of work, taking into account any technology-related agreed outcome of the fifteenth session of the COP, and will submit the updated programme of work for consideration by the SBI and the SBSTA at their thirty-second sessions. The SBI and the SBSTA welcomed the offer by the Government of Australia to host this meeting.

66. The SBI and the SBSTA welcomed the final report of the EGTT on performance indicators.²³ The SBI noted that the report contains a set of indicators that would be used by the SBI, to the extent possible, as one of the tools to conduct the review and assessment of the effectiveness of the implementation of Article 4, paragraphs 1(c) and 5, of the Convention, and to regularly monitor and

¹⁹ Adopted as document FCCC/SBI/2009/L.18.

²⁰ FCCC/SB/2009/INF.6.

²¹ FCCC/SBSTA/2009/3, paragraph 22, and FCCC/SBI/2009/8, paragraph 66.

²² FCCC/SB/2009/INF.6, annex I.

²³ FCCC/SB/2009/4 and Summary.

evaluate the effectiveness of the implementation of the technology transfer framework,²⁴ as requested by decision 4/CP.13.

67. The SBI noted the second interim $report^{25}$ of the GEF on the progress made in carrying out the Poznan strategic programme on technology transfer.²⁶ The SBI invited the GEF to provide a report on the progress made on the implementation of this programme at its thirty-second session, including on the long-term aspects of the Poznan strategic programme.

VIII. Capacity-building under the Convention

(Agenda item 8)

1. Proceedings

68. The SBI considered this item at its 2nd and 3rd meetings, on 8 and 12 December, respectively. It had before it documents FCCC/SBI/2009/4, FCCC/SBI/2009/5, FCCC/SBI/2009/10, FCCC/SBI/2009/MISC.1, FCCC/SBI/2009/MISC.2, FCCC/SBI/2009/MISC.8, FCCC/SBI/2009/MISC.12 and FCCC/CP/2009/9.

69. The Chair informed the delegates that, following consultations with the representatives of negotiating groups, agreement had been reached to defer the consideration of this item to the thirty-second session. The SBI requested the Chair to prepare draft conclusions, including a draft decision for adoption by the COP at its fifteenth session, to reflect this agreement.

70. At its 3^{rd} meeting, the SBI considered and adopted conclusions²⁷ proposed by the Chair.

2. Conclusions

71. The SBI decided to recommend a draft decision²⁸ on this subject for adoption by the COP at its fifteenth session (for the text of the draft decision, see FCCC/SBI/2009/L.19).

IX. Capacity-building under the Kyoto Protocol

(Agenda item 9)

1. Proceedings

72. The SBI considered this item at its 2nd and 3rd meetings, on 8 and 12 December, respectively. It had before it documents FCCC/SBI/2009/4, FCCC/SBI/2009/5, FCCC/SBI/2009/10, FCCC/SBI/2009/MISC.1, FCCC/SBI/2009/MISC.2, FCCC/SBI/2009/MISC.8 and FCCC/SBI/2009/MISC.12.

73. The Chair informed the delegates that, following consultations with the representatives of negotiating groups, agreement had been reached to defer the consideration of this item to the thirty-second session. The SBI requested the Chair to prepare draft conclusions, including a draft decision for adoption by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP) at its fifth session, to reflect this agreement.

74. At its 3rd meeting, the SBI considered and adopted conclusions²⁹ proposed by the Chair.

²⁴ The framework for meaningful and effective actions to enhance the implementation of Article 4, paragraph 5, of the Convention, as contained in decision 4/CP.7, annex, complemented with the set of actions set out in decision 3/CP.13, annex I.

²⁵ FCCC/SBI/2009/14.

²⁶ Decision 2/CP.14.

²⁷ Adopted as document FCCC/SBI/2009/L.19.

²⁸ For the text as adopted, see document FCCC/CP/2009/11/Add.1, decision 8/CP.15.

²⁹ Adopted as document FCCC/SBI/2009/L.20.

2. Conclusions

75. The SBI decided to recommend a draft decision³⁰ on this subject for adoption by the CMP at its fifth session (for the text of the draft decision, see FCCC/SBI/2009/L.20).

X. Reporting and review of information submitted by Parties included in Annex I to the Convention that are also Parties to the Kyoto Protocol

(Agenda item 10)

1. Proceedings

76. The SBI considered this item at its 1st and 3rd meetings, on 8 and 12 December, respectively. It had before it document FCCC/SBI/2009/INF.8.

77. At its 1^{st} meeting, the SBI agreed to consider this item together with agenda item 13 in a contact group co-chaired by Mr. Chowdhury and Ms. Herold. At the 3^{rd} meeting, Ms. Herold reported on the contact group's consultations.

78. At its 3rd meeting, the SBI considered and adopted conclusions³¹ proposed by the Chair.

2. Conclusions

79. The SBI took note of the report on the status of submission and review of the initial reports submitted in accordance with decision 13/CMP.1 and the annual information required under Article 7 of the Kyoto Protocol.³²

XI. Matters relating to Article 3, paragraph 14, of the Kyoto Protocol

(Agenda item 11)

1. Proceedings

80. The SBI considered this item at its 2^{nd} and 3^{rd} meetings, on 8 and 12 December, respectively.

81. At the 2nd meeting, the SBI agreed to consider this item together with the SBSTA 31 agenda item 9, "Matters relating to Article 2, paragraph 3, of the Kyoto Protocol", in a joint contact group co-chaired by Ms. Kristin Tilley (Australia) and Mr. Eduardo Calvo Buendia (Peru). At the 3rd meeting, Mr. Calvo Buendia reported on the joint contact group's consultations.

82. At its 3rd meeting, the SBI considered and adopted conclusions³³ proposed by the Chair.

2. Conclusions

83. A joint contact group was set up to discuss the SBI agenda item "Matters relating to Article 3, paragraph 14, of the Kyoto Protocol" and the SBSTA agenda item "Matters relating to Article 2, paragraph 3, of the Kyoto Protocol" during the thirty-first sessions of the SBI and the SBSTA. In the establishment of this joint contact group, the Chairs of the SBI and the SBSTA directed that equal time be allocated to the consideration of each item.

84. The SBI and the SBSTA agreed to continue their discussions on these matters in a joint contact group to be established by the SBI and the SBSTA at their thirty-second sessions. They agreed to resume

³⁰ For the text as adopted, see document FCCC/KP/CMP/2009/21/Add.1, decision 7/CMP.5.

³¹ Adopted as document FCCC/SBI/2009/L.23.

³² FCCC/SBI/2009/INF.8.

³³ Adopted as document FCCC/SBI/2009/L.25.

the consideration of these matters at their thirty-second sessions, based on the draft text contained in annex I.

XII. Report of the administrator of the international transaction log under the Kyoto Protocol

(Agenda item 12)

85. The SBI considered this item at its 2^{nd} meeting, on 8 December. It had before it document FCCC/KP/CMP/2009/19.

86. At the same meeting, the SBI took note of the information contained in this document.

XIII. Annual compilation and accounting report for Annex B Parties under the Kyoto Protocol

(Agenda item 13)

1. Proceedings

87. The SBI considered this item at its 1^{st} and 3^{rd} meetings, on 8 and 12 December, respectively. It had before it document FCCC/KP/CMP/2009/15 and Add.1.

88. At its 1^{st} meeting, the SBI agreed to consider this item together with agenda item 10 in a contact group co-chaired by Mr. Chowdhury and Ms. Herold. At the 3^{rd} meeting, Ms. Herold reported on the contact group's consultations.

89. At its 3rd meeting, the SBI considered and adopted conclusions³⁴ proposed by the Chair.

2. Conclusions

90. The SBI agreed to continue its consideration of matters under this agenda item at its thirty-second session.

XIV. Administrative, financial and institutional matters

(Agenda item 14)

A. Budget performance for the biennium 2008–2009 (Agenda item 14 (a))

Continuing review of the functions and operations of the secretariat (Agenda item 14 (b))

1. Proceedings

91. The SBI considered these sub-items at its 2nd and 3rd meetings, on 8 and 12 December, respectively. Under sub-item 14 (a), it had before it documents FCCC/SBI/2009/11 and FCCC/SBI/2009/INF.10 and Corr.1. Under sub-item 14 (b), it had before it document FCCC/SBI/2009/11.

92. At its 3rd meeting, the SBI considered and adopted conclusions³⁵ proposed by the Chair.

³⁴ Adopted as document FCCC/SBI/2009/L.24.

³⁵ Adopted as document FCCC/SBI/2009/L.21.

2. Conclusions

93. The SBI took note of the information relating to income and budget performance as at 30 June 2009³⁶ and the status of contributions as at 15 November 2009.³⁷

94. The SBI also took note of the information relevant to the continuing review of the functions and operations of the secretariat as contained in several documents, particularly document FCCC/SBI/2009/11. It agreed to consider this matter again at its thirty-third session, in accordance with its decision³⁸ taken at its twenty-first session to continue to consider this matter annually.

95. The SBI decided to recommend draft decisions³⁹ on administrative, financial and institutional matters for adoption by the COP at its fifteenth session (for the text of the decision, see FCCC/SBI/2009/L.21/Add.1) and by the CMP at its fifth session (for the text of the decision, see FCCC/SBI/2009/L.21/Add.2).

B. Privileges and immunities for individuals serving on constituted bodies established under the Kyoto Protocol

(Agenda item 14 (c))

1. Proceedings

96. The SBI considered this sub-item at its 2^{nd} and 3^{rd} meetings, on 8 and 12 December, respectively.

97. At its 2^{nd} meeting, the SBI agreed to consider this sub-item in informal consultations convened by Ms. Dessima Williams (Grenada). At the 3^{rd} meeting, Ms. Williams reported on these consultations.

98. At its 3rd meeting, the SBI considered and adopted conclusions⁴⁰ proposed by the Chair.

2. Conclusions

99. The SBI decided to continue its consideration of this issue at its thirty-second session, in accordance with rule 16 of the draft rules of procedure being applied, on the basis of the text contained in annex V to the report of the SBI on its thirtieth session,⁴¹ with a view to forwarding a draft text for consideration by the CMP at its sixth session.

XV. Other matters

(Agenda item 15)

100. No other matters were raised.

XVI. Report on the session

(Agenda item 16)

101. At its 3rd meeting, on 12 December, the SBI considered and adopted the draft report on its thirty-first session.⁴² At the same meeting, on a proposal by the Chair, the SBI authorized the Rapporteur

³⁶ FCCC/SBI/2009/11.

³⁷ FCCC/SBI/2009/INF.10 and Corr.1.

³⁸ FCCC/SBI/2004/19, paragraph 105.

³⁹ For the texts as adopted, see document FCCC/CP/2009/11/Add.1, decision 11/CP.15 and document FCCC/KP/CMP/2009/21/Add.1, decision 9/CMP.5.

⁴⁰ Adopted as document FCCC/SBI/2009/L.22.

⁴¹ FCCC/SBI/2009/8.

⁴² Adopted as document FCCC/SBI/2009/L.17.

to complete the report on the session, with the assistance of the secretariat and under the guidance of the Chair.

XVII. Closure of the session

102. At the 3rd meeting, on 12 December, a representative of the Executive Secretary provided a preliminary evaluation of the administrative and budgetary implications of conclusions adopted during the session. This follows decision 16/CP.9, paragraph 20, which requests the Executive Secretary to provide an indication of the administrative and budgetary implications of decisions⁴³ if these cannot be met from existing resources within the core budget.

103. The conclusions adopted by the SBI at its thirty-first session have no significant administrative and budgetary implications that are not already covered through the programme budget for 2010–2011 (including resource requirements under the Trust Fund for Supplementary Activities and the Trust Fund for Participation in the UNFCCC Process) recommended by the SBI at its thirtieth session for adoption by the COP at its fifteenth session and the CMP at its fifth session.⁴⁴

104. At the same meeting, the Chair thanked delegates, the chairs of contact groups and convenors of informal consultations for their contributions. She also thanked the secretariat for its support.

105. Statements were made on behalf of the business and industry non-governmental organizations (NGOs), the environmental NGOs, the farmers NGOs and the youth NGOs.

106. Closing statements were made by the representatives of six Parties, including one speaking on behalf of the Group of 77 and China, one on behalf of the Umbrella Group, one on behalf of the LDCs, one on behalf of the EIG and one on behalf of the European Union and its member States.

⁴³ While decision 16/CP.9 refers to "decisions", it also has implications for conclusions of the subsidiary bodies.
⁴⁴ Draft decisions on programme budget for 2010–2011 are contained in document FCCC/SBI/2009/8/Add.1.

For the texts as adopted, see document FCCC/CP/2009/11/Add.1, decision 12/CP.15 and document FCCC/KP/CMP/2009/21/Add.1, decision 10/CMP.5.

Annex I

Text for further consideration by the Subsidiary Body for Scientific and Technological Advice and the Subsidiary Body for Implementation

Matters relating to Article 3, paragraph 14, of the Kyoto Protocol

1. [The Subsidiary Body for Implementation (SBI) [and the Subsidiary Body for Scientific and Technological Advice (SBSTA)] welcomed the constructive exchange of views on addressing issues relevant to Article 3, paragraph 14, [and Article 2, paragraph 3,] of the Kyoto Protocol and on the efforts being made under the SBSTA with regard to opportunities for action to enhance the implementation of Article 2, paragraph 3.

2. The SBI [and the SBSTA] emphasized that better understanding of these issues is essential in order

Option 1:

[for developed country Parties, in the implementation of policies and measures, to strive to minimize the adverse effects, including the adverse effects of climate change, effects on international trade, and social, environmental and economic impacts on other Parties, especially developing country Parties, and in particular

Alternative 1 within Option 1: those identified in Article 4, paragraphs 8 and 9, of the Convention, taking into account Article 3.

Alternative 2 within Option 1: in particular for [the poorest and most vulnerable country Parties that are the least capable of addressing them].]

Option 2:

to strive to minimize the adverse effects, [of [the implementation of policies and measures] [commitments under the Kyoto Protocol, in particular those] under Article 2, paragraph 3, [and Article 3, paragraph 14,] of the Kyoto Protocol], in particular for [the poorest and most vulnerable country Parties that are the least capable of addressing them] [those countries identified in Article 4, paragraphs 8, 9 [and 10], of the Convention, taking into account Article 3 of the Convention].

2 bis

[The SBI agreed that Parties shall not resort to any form of unilateral measures, including fiscal and nonfiscal border measures, against goods and services imported from other Parties, in particular from developing country Parties, on the grounds of stabilization and mitigation of climate change.]

3. [The SBI [and the SBSTA] acknowledged related discussions under other UNFCCC bodies such as the Ad Hoc Working Group on Long-term Cooperative Action under the Convention and the Ad Hoc Working Group on Further Commitments for Annex I Parties under the Kyoto Protocol, and encouraged Parties to ensure coordination of activities and information across the bodies in order to ensure a coherent and consistent approach to better address the issues mentioned in paragraph 2 above.]

4. The SBI [and the SBSTA] noted the need [to continue] to share information on the nature of [adverse] impacts of [response measures experienced by [developing country] Parties and [the] [any] steps Annex I Parties are taking, in the implementation of policies and measures under Article 2 of the Kyoto Protocol, to minimize [any negative impacts] [adverse effects,] especially on developing country Parties, in particular

Option 1: the poorest and most vulnerable Parties

Option 2: those identified in Article 4, paragraphs 8 and 9, of the Convention.]

5. The SBI [and the SBSTA] noted that national communications under Article 12, paragraph 1, of the Convention would be an appropriate means for sharing the information referred to in paragraph 3 above.

5 bis

[Noting the [complexities] of assessing the attribution and causation of the [adverse] impacts of policies and measures]

6. The SBI [and the SBSTA] also noted [and welcomed] the work of the Intergovernmental Panel on Climate Change (IPCC) on international spillover effects as described in its Fourth Assessment Report

Option 1: and [endorsed] its plans to continue the assessment of this issue in its Fifth Assessment Report. It invited the IPCC to elaborate possible ways and means to minimize the adverse effects of response measures.

Option 2: and its plans to further assess this issue in its fifth assessment report.

Paragraphs 7–10:

Option 1:

[7. The SBI invited Parties and relevant organizations to submit to the secretariat, by XX, further information and views on issues relevant to Article 2, paragraph 3, of the Kyoto Protocol. The SBI invited Parties, in their submissions, to include information on possible methodologies, tools and models, for the assessment of these impacts on the countries mentioned in paragraph 2 above.

8. The SBI requested the secretariat to compile the submissions referred to in paragraph 7 above into a miscellaneous document and to prepare a synthesis report on these submissions for its consideration.

9. The SBI requested the secretariat to organize, before the XX session of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol, a workshop to explore tools and methodologies, including modelling tools, to help analyse and assess the adverse impacts of policies and measures undertaken by Parties included in Annex I to the Convention, involving guidance by relevant experts.

10. The SBI agreed to continue its consideration of this issue at its XX session in a joint contact group.]

Option 2:

[7. The SBI and the SBSTA agreed to continue its consideration of these issues at its XX session in a joint contact group and invited Parties to submit to the secretariat, by XX, further information and views on how Parties can best strive to implement mitigation actions to minimize adverse impacts. The SBI and the SBSTA invited the secretariat to compile the submissions referred to in this paragraph into a miscellaneous document for their consideration.]

Option 3:

7. The SBI [and the SBSTA] noted that further discussion is needed on this matter, and invited Parties and relevant organizations to submit to the secretariat, by XX, further information and views on issues relevant to Article 2, paragraph 3, [and Article 3, paragraph 14,] of the Kyoto Protocol. [The SBI [and the SBSTA] invited Parties, in their submissions, to [consider how Parties can best strive to minimize adverse impacts. This could] include information on possible methodologies, tools and models for the assessment of these impacts on the countries mentioned in paragraph 2 above].

8. The SBI [and the SBSTA] requested the secretariat to compile the submissions referred to in paragraph 7 above into a miscellaneous document for [their] consideration.

9. [Noting the complexities of assessing the attribution and causation of the [adverse] impacts of policies and measures,] the SBI [and the SBSTA] agreed to continue its [their] consideration of these issues at its [their] XX session, including consideration of the need for a [joint] workshop to share further information among Parties and relevant experts and the information contained in the submissions referred to in paragraph 7 above.

10. The SBI requested the secretariat to organize, before the [sixth session] of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol, a workshop to explore tools and methodologies, including modelling tools, to help analyse and assess the adverse impact of policies and measures undertaken by Parties included in Annex I to the Convention, involving guidance by relevant experts.]

Annex II

Documents before the Subsidiary Body for Implementation at its thirty-first session

Documents prepared for the session

FCCC/SBI/2009/9	Provisional agenda and annotations. Note by the Executive Secretary
FCCC/SBI/2009/10	Synthesis report on the implementation of the framework for capacity-building in developing countries. Note by the secretariat
FCCC/SBI/2009/11	Budget performance for the biennium 2008–2009 as at 30 June 2009. Note by the Executive Secretary
FCCC/SBI/2009/12	National greenhouse gas inventory data for the period 1990–2007. Note by the secretariat
FCCC/SBI/2009/13	Report on the sixteenth meeting of the Least Developed Countries Expert Group. Note by the secretariat
FCCC/SBI/2009/14	Second interim report of the Global Environment Facility on the progress made in carrying out the Poznan strategic programme on technology transfer. Note by the secretariat
FCCC/SBI/2009/INF.8	Status of submission and review of the initial reports submitted in accordance with decision 13/CMP.1 and the annual information required under Article 7 of the Kyoto Protocol. Note by the secretariat
FCCC/SBI/2009/INF.9	Status of submission and review of fourth national communications and of reports demonstrating progress. Note by the secretariat
FCCC/SBI/2009/INF.10 and Corr.1	Status of contributions as at 15 November 2009. Note by the secretariat
FCCC/SBI/2009/INF.11	Information on financial support provided by the Global Environment Facility for the preparation of national communications from Parties not included in Annex I to the Convention. Note by the secretariat
FCCC/SBI/2009/MISC.8	Activities to implement the framework for capacity-building in developing countries under decision 2/CP.7. Submissions from Parties
FCCC/SBI/2009/MISC.10 and Add.1	The operation of funds under the Global Environment Facility as an operating entity of the financial mechanism, as well as the Special Climate Change Fund and the Least Developed Countries Fund. Submissions from Parties
FCCC/SBI/2009/MISC.11/Rev.1	Possible further action on the implementation of Article 4, paragraph 8, of the Convention and decisions 5/CP.7 and 1/CP.10. Submissions from Parties and relevant organizations

FCCC/SBI/2009/MISC.12	Submission from the United Republic of Tanzania on behalf of the Group of 77 and China on completion of the second comprehensive review of the capacity-building framework in developing countries under the Convention and the Kyoto Protocol
FCCC/SB/2009/4 and Summary	Performance indicators to monitor and evaluate the effectiveness of the implementation of the technology transfer framework. Final report by the Chair of the Expert Group on Technology Transfer
FCCC/SB/2009/INF.6	Report of the Expert Group on Technology Transfer for 2009. Note by the Chair of the Expert Group on Technology Transfer
FCCC/SBI/2009/L.17	Draft report of the Subsidiary Body for Implementation on its thirty-first session
FCCC/SBI/2009/L.18	Development and transfer of technologies. Draft conclusions proposed by the Chair
FCCC/SBI/2009/L.19	Capacity-building under the Convention. Draft conclusions proposed by the Chair. Recommendation of the Subsidiary Body for Implementation
FCCC/SBI/2009/L.20	Capacity-building under the Kyoto Protocol. Draft conclusions proposed by the Chair. Recommendation of the Subsidiary Body for Implementation
FCCC/SBI/2009/L.21	Administrative, financial and institutional matters. Draft conclusions proposed by the Chair
FCCC/SBI/2009/L.21/Add.1	Administrative, financial and institutional matters. Draft conclusions proposed by the Chair. Addendum. Recommendation of the Subsidiary Body for Implementation
FCCC/SBI/2009/L.21/Add.2	Administrative, financial and institutional matters. Draft conclusions proposed by the Chair. Addendum. Recommendation of the Subsidiary Body for Implementation
FCCC/SBI/2009/L.22	Privileges and immunities for individuals serving on constituted bodies established under the Kyoto Protocol. Draft conclusions proposed by the Chair
FCCC/SBI/2009/L.23	Reporting and review of information submitted by Parties included in Annex I to the Convention that are also Parties to the Kyoto Protocol. Draft conclusions proposed by the Chair
FCCC/SBI/2009/L.24	Annual compilation and accounting report for Annex B Parties under the Kyoto Protocol. Draft conclusions proposed by the Chair
FCCC/SBI/2009/L.25	Matters relating to Article 3, paragraph 14, of the Kyoto Protocol. Draft conclusions proposed by the Chair
FCCC/SBI/2009/L.26	National communications and greenhouse gas inventory data from Parties included in Annex I to the Convention. Draft conclusions proposed by the Chair

FCCC/SBI/2009/L.27	Matters relating to the least developed countries. Draft conclusions proposed by the Chair
FCCC/SBI/2009/L.28	Progress on the implementation of decision 1/CP.10. Draft conclusions proposed by the Chair
FCCC/SBI/2009/L.29	Fourth review of the financial mechanism. Draft conclusions proposed by the Chair. Recommendation of the Subsidiary Body for Implementation
FCCC/SBI/2009/L.30	Additional guidance to the Global Environment Facility. Draft conclusions proposed by the Chair. Recommendation of the Subsidiary Body for Implementation
FCCC/SBI/2009/L.31	Assessment of the Special Climate Change Fund. Draft conclusions proposed by the Chair
	Other documents before the session
FCCC/CP/2009/9	Report of the Global Environment Facility to the Conference of the Parties. Note by the secretariat
FCCC/KP/CMP/2009/15	Annual compilation and accounting report for Annex B Parties under the Kyoto Protocol. Note by the secretariat
FCCC/KP/CMP/2009/15/Add.1	Annual compilation and accounting report for Annex B Parties under the Kyoto Protocol. Note by the secretariat. Addendum. Compilation and accounting information by Party
FCCC/KP/CMP/2009/19	Annual report of the administrator of the international transaction log under the Kyoto Protocol. Note by the secretariat
FCCC/SBI/2009/4	Analysis of progress made in, and the effectiveness of, the implementation of the framework for capacity-building in developing countries in support of the second comprehensive review of the capacity-building framework. Note by the secretariat
FCCC/SBI/2009/5	Synthesis of experiences and lessons learned in the use of performance indicators for monitoring and evaluating capacity-building at the national and global levels. Note by the secretariat
FCCC/SBI/2009/8	Report of the Subsidiary Body for Implementation on its thirtieth session, held in Bonn from 1 to 10 June 2009
FCCC/SBI/2009/8/Add.1	Report of the Subsidiary Body for Implementation on its thirtieth session, held in Bonn from 1 to 10 June 2009. Addendum. Draft decisions forwarded for adoption by the Conference of the Parties and by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol

FCCC/SBI/2009/MISC.1	Information on experiences and lessons learned in the use of performance indicators for monitoring and evaluating capacity-building at the national and global levels. Submissions from Parties and intergovernmental organizations
FCCC/SBI/2009/MISC.2	Additional or updated information and views relevant to the completion of the second comprehensive review of the capacity-building framework. Submissions from Parties
FCCC/SB/2007/INF.2	Relationship of various provisions of the Mauritius Strategy to the work of the Convention and its Kyoto Protocol. Note by the secretariat

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