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CONFERENCE OF THE PARTIES SERVING AS THE
MEETING OF THE PARTIES TO THE KYOTO PROTOCOL
Fourth session
Poznan, 1–12 December 2008

Agenda item 7
Report of the Compliance Committee

Report of the Compliance Committee

Proposal by the President

Draft decision -/CMP.4

Compliance Committee

The Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol,

Recalling Article 18 of the Kyoto Protocol,

Recalling also decisions 27/CMP.1, 4/CMP.2 and 5/CMP.3,

Having considered the annual report of the Compliance Committee to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol,¹

Noting the proposals of the Compliance Committee to amend the rules of procedure of the Committee in the light of the experience gained by its enforcement branch in its consideration of questions of implementation,

Recognizing the need to continue to ensure the stable, consistent and predictable application of the procedures and mechanisms relating to compliance and the rules of procedure of the Compliance Committee,

Emphasizing that it is not necessary to revisit these procedures and mechanisms and rules of procedure on a regular basis, unless needed and appropriate,

¹ FCCC/KP/CMP/2008/5.

Noting the request of the Compliance Committee regarding funding for the costs of travel to and participation in meetings of the Compliance Committee,²

Noting also the request of the Compliance Committee that the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol at its fourth session take into account, in its consideration of privileges and immunities for individuals serving in constituted bodies under the Kyoto Protocol, the situation of experts from whom advice is sought by the facilitative branch or the enforcement branch of the Compliance Committee,

Cognizant of decision -/CMP.4³ and the relevant section of decision -/CMP.4⁴ on the issue of privileges and immunities for individuals serving on constituted bodies,

1. *Notes with appreciation* the work carried out by the Compliance Committee during the reporting period;
2. *Adopts* the amendments to the rules of procedure of the Compliance Committee as contained in the annex to this decision, in accordance with the provisions in decision 27/CMP.1, annex, section III, paragraph 2 (d);
3. *Decides* that:
 - (a) The length of term for each member of the Compliance Committee also applies to his or her alternate member;
 - (b) Alternate members are not to serve for more than two consecutive terms as alternate members;
4. *Requests* the secretariat to provide, together with the information requested in decision 5/CMP.3, paragraph 3, information to Parties on the implications of the proposal by the Compliance Committee that the United Nations rules and regulations on official travel applied to United Nations staff also be applied to eligible members and alternate members of the Compliance Committee, with a view to the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol considering this proposal at its fifth session, including taking any decision in this regard, as appropriate;
5. *Invites* Parties to make voluntary contributions to the Trust Fund for Supplementary Activities in support of the work of the Compliance Committee in the biennium 2008–2009.

² FCCC/KP/CMP/2008/5, paragraph 4 (f).

³ Draft decision to be forwarded by the Subsidiary Body for Implementation under its agenda item 14 (d) for adoption by the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol under its agenda item 21.

⁴ Draft decision to be adopted under agenda item 13 of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol.

ANNEX

**Amendments to the rules of procedure of the Compliance Committee
of the Kyoto Protocol**

1. The following text should be inserted following rule 13:

“9 bis. CALCULATION OF TIME PERIODS**Rule 13 bis**

For the purposes of calculating time periods:

- (a) The day of the act or event from which the period of time begins to run shall not be included. The last day of the period so calculated shall be included, unless it is a Saturday, Sunday or official UNFCCC holiday, or official national holiday in the case of a time limit applicable to a Party concerned, in which case the period shall be deemed to run until the end of the next working day;
- (b) Subject to subparagraph (a) above, where a period of time is expressed in weeks, months or years, the day on which the period of time expires shall be the same day of the week, month or year as the day from which the period of time begins to run, or if the month does not have such a date, the last day of that month.”

2. Rule 18 should be revised as follows, in order to extend coverage to the proposed new rule 25 bis, below:

“1. Any submission or comment under rules 14, 15, ~~and 17~~ and 25 bis shall be signed by the agent of the Party and be delivered to the secretariat in hard copy and by electronic means.”

3. The following text should be inserted as a new paragraph 3 under rule 25:

“3. The entitlement of the Party concerned to designate one or more persons to represent it during the consideration of a question of implementation pursuant to paragraph 2 of section VIII extends to any meeting convened:

- (a) To consider reinstatement of eligibility under paragraphs 2, 3 and 4 of section X;
- (b) To consider adjustments and corrections under paragraph 5 of section X;
- (c) To review and assess any plan submitted to the enforcement branch under paragraph 2 or paragraph 6 of section XV;
- (d) To consider any progress report on the implementation of this plan submitted to the enforcement branch under paragraph 3 or paragraph 7 of section XV.”

4. The following text should be inserted following rule 25:

“Rule 25 bis

1. A plan to be submitted by the Party concerned to the enforcement branch under paragraph 2 or paragraph 6 of section XV shall explicitly:

- (a) Address, in separate sections, each of the elements specified in paragraph 2 or paragraph 6 of section XV;
 - (b) Respond to any specific issues raised in the part of the final decision of the enforcement branch applying the consequences.
2. The enforcement branch shall endeavour to conduct the review and assessment of the plan under paragraph 2 or paragraph 6 of section XV within four weeks from the date of receipt of the plan.
3. In its review and assessment, the enforcement branch shall assess whether the plan submitted:
- (a) Sets out and adequately addresses the elements and issues referred to in paragraph 1 above;
 - (b) If implemented, is expected to remedy the non-compliance or to meet the quantified emission limitation or reduction commitment of the Party concerned in the subsequent commitment period, as envisaged in paragraph 2 and paragraph 6 of section XV, respectively.”
