

Reporting, Review and Compliance in the Climate Change Regime

CMS

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Marianna Bolshakova

UNFCCC, Legal Affairs

Climate Change Framework

- The United Nations Framework **Convention** on Climate Change : 197 Parties
- The **Kyoto Protocol**: 192 Parties
- The **Paris Agreement**: 180 signatories, 28 Parties



CBDR

The principle of common but differentiated responsibilities and respective capabilities

Annex I Parties
(Developed country Parties)

Non-Annex I Parties
(Developing country Parties)



Reporting, review and compliance arrangements at a glance

MRV elements	Annex I Parties	Non-Annex I Parties
Reporting	<p>National communications (4 years)</p> <p>National GHG inventory (annually)</p> <p>Biennial reports (2 years)</p>	<p>National communications (contain GHG inventory) (4 years)</p> <p>Biennial update reports (contain GHG inventory) (2 years)</p>
Technical review or analysis	<p>Technical review of biennial reports (2 years)</p> <p>In-depth review of national communications (4 years)</p> <p>Annual review of national GHG inventories (annually)</p>	<p>Technical analysis of biennial update reports (2 years)</p>
Multilateral process and compliance	<p>Multilateral assessment (2 years)</p> <p>Compliance (standing arrangements)</p>	<p>Facilitative sharing of views (2 years)</p>

Color coding	
	Convention only
	Kyoto Protocol only
	Both Convention and Kyoto Protocol



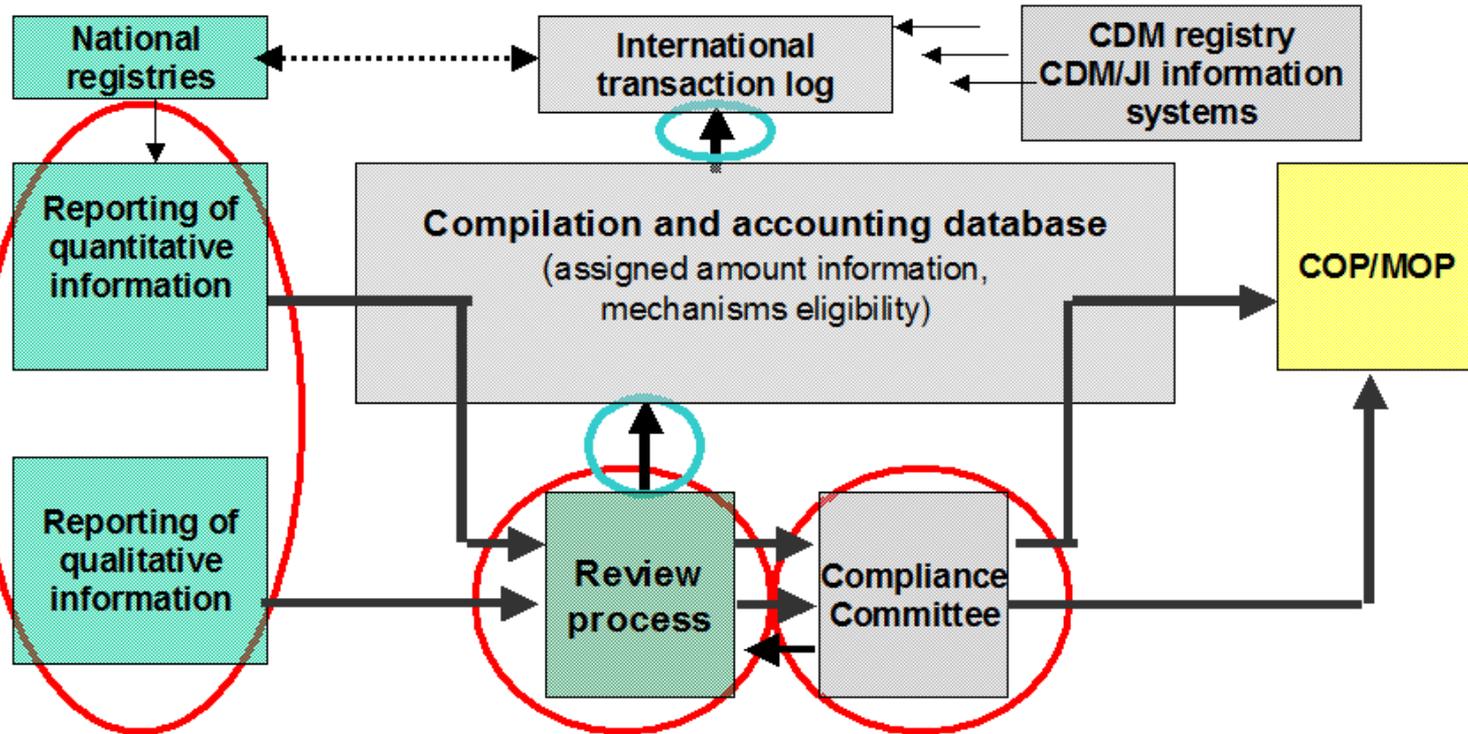
Expert review

- All reports submitted by Parties are reviewed by Expert Review Teams (ERTs)
- ERTs are composed of experts from rosters (generalists and specific fields (waste, agriculture, energy, etc)).
- To get rostered: nomination by Party - online training – online exams
- Reviews both centralized and in-country (frequency and rotation principles determined in decisions)

469 experts passed two or more examinations to become members of expert review teams in 2006-2015



Reporting, Review and Compliance



UNFCCC



UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE



KP Compliance Committee: process organization

- **Mandate – Article 18, Decision 27/CMP.1**
- Facilitate, promote and enforce compliance with the KP commitments
- Among the most comprehensive and rigorous systems of compliance in MEAs
- Mostly decision-based
- Transparency

Plenary (20 members +20 alternates)

Coordination of work, policy guidance,
reports to CMP, operational modalities
and RoP

Facilitative Branch (10 members+10
alternates)

Advice and facilitation
Promoting compliance
Early warning of non-compliance

Enforcement Branch (10 members +10
alternates)

Determines compliance/non-compliance with
emission reduction commitments, reporting
requirements, eligibility requirements
Applies adjustments and corrections
Applies consequence of non-compliance
(implementation plan, suspension of eligibility)



Triggers and (enforcement) process

- Self-trigger
- Party-to-Party trigger
- Questions of implementation arising from unresolved problems pertaining to language of **mandatory** nature (in **decisions**)

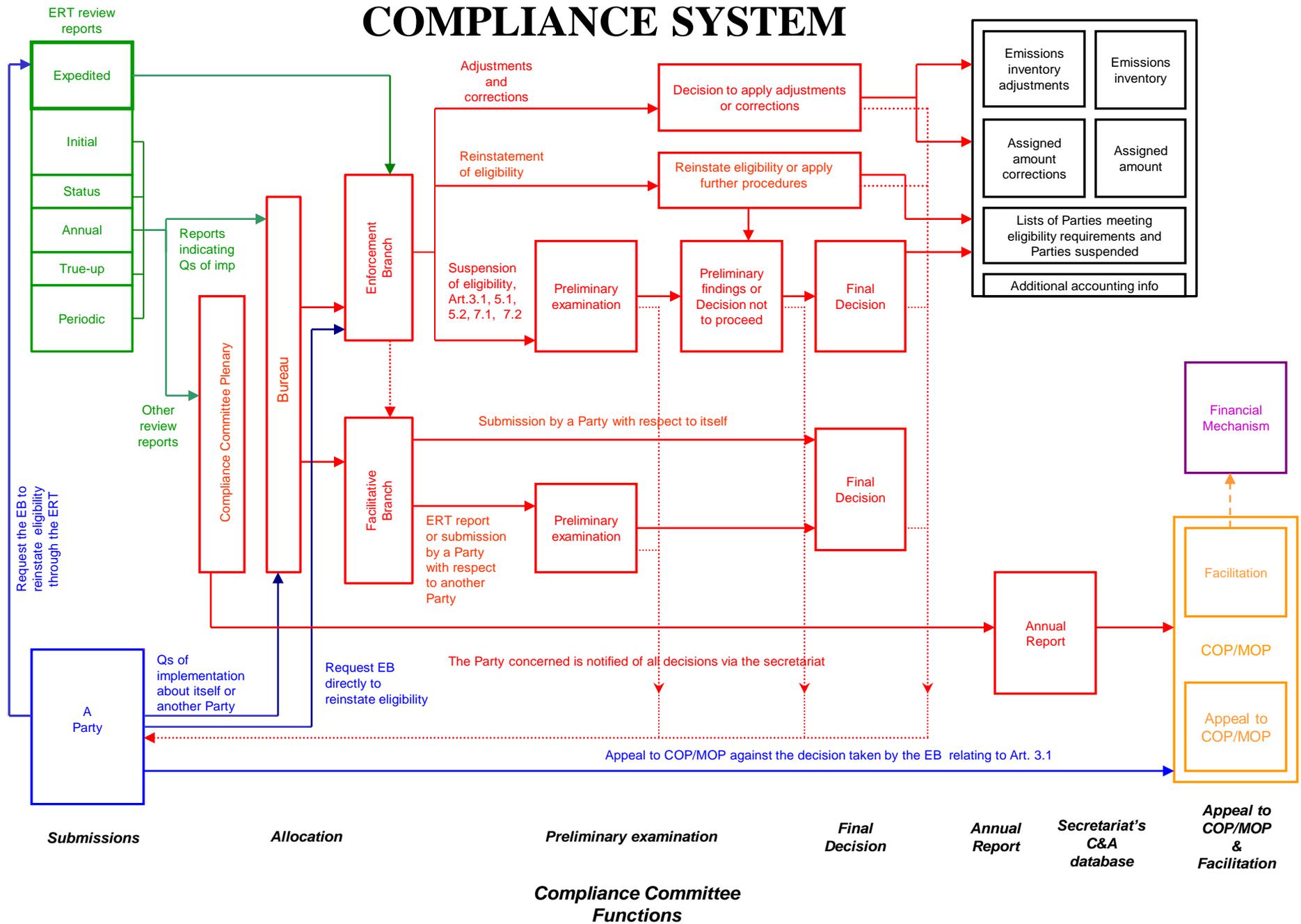
No Self-submission or Party-to Party submission made

No offer of facilitative assistance accepted

- QoIs → Bureau → Facilitative or Enforcement branch
- EB → decision to proceed → Party can submit information and request hearing → decision on expert advice → meeting to consider the QoI (with technical experts and Party) → preliminary finding → to Party for comment → final decision → [if non-compliance → declaration of non-compliance, request to submit implementation plan, suspension of trade and mechanisms (and/or deduction from emission allowance) → re-evaluation based on the progress in the implementation of the plan (usually with expert input → reinstatement of compliance (and eligibility)
- ~ 4-5 mo to final decision; ~1 – 1.5 year to compliance



COMPLIANCE SYSTEM



Compliance Committee: since 2006

- **Meetings in 2006-2016**

- a) Plenary – 18 meetings
- b) EB – 29 meetings
- c) FB – 19 meetings

- **8 Parties with QoIs**

- 2007 (1), 2008 (1), 2009 (1), 2010 (1), 2011(3), 2012 (1); 2016 (1)
- 8 findings of non-compliance (6 with suspension of eligibility);
- All but one Parties found in non-compliance successfully implemented plans to bring them into compliance.

- **Improving consistency of reviews**

- Successful dialogue with inventory lead reviewers; 2 joint workshops



Opportunities and challenges

Opportunities	Challenges
Review process	
Detailed assessment	Resource-intensive
Pushes implementation	Lack of available experts
Advice and recommendations	Consistency within and between Parties
Kyoto Compliance mechanism	
Very effective enforcement	Facilitative function not clear/used
Clear and short procedure	Self-or Party-to Party trigger not used
Expert-based	No “carrots”



Paris Agreement

- Transparency arrangements – Art. 13 – build on the existing MRV framework (NCs, BRs, BURs , inventory submissions)
- Mechanism to facilitate implementation and promote compliance – Art. 15
 - a) Expert-based
 - b) Non-adversarial
 - c) Non-punitive
 - d) Transparent
 - e) 12 members Committee

