



***ENFORCEMENT BRANCH***

**Twelfth meeting**

3–4 February 2011  
Bonn, Germany

**Report on the meeting**

**1. Opening of the meeting**

1. Ms. Sandea de Wet, chairperson of the enforcement branch, declared the meeting open. She welcomed the members and alternate members of the branch who were present at the meeting.

2. At the request of the chairperson, the secretariat provided information on participation and quorum, as well as key administrative, logistical and housekeeping arrangements. The secretariat confirmed that there was a quorum for the meeting, that the meeting was being webcast live on the Internet, and that an audio recording was being made of the entire meeting. The secretariat noted that one observer had registered for the meeting.

3. At the request of the chairperson, the secretariat informed the meeting that, in accordance with rule 25, paragraph 3, of the “Rules of procedure of the Compliance Committee”,<sup>1</sup> the following officials of the Government of Bulgaria were present at the meeting:

- (a) Ms. Vanya Grigorova, Executive Director, Executive Environment Agency of Bulgaria;
- (b) Mr. Lyubomir Ivanov, General Director for Global Issues, Ministry of Foreign Affairs of Bulgaria; and
- (c) Ms. Milya Dimitrova, Director, Climate Change Policy Directorate, Ministry of Environment and Water.

---

<sup>1</sup> This and subsequent references to rules, as well as to rules of procedure, refer to those contained in the annex to decision 4/CMP.2 as amended by decision 4/CMP.4.



## COMPLIANCE COMMITTEE

CC/EB/12/2011/2  
25 February 2011

4. In accordance with section VIII, paragraph 5, of the “Procedures and mechanisms relating to compliance under the Kyoto Protocol”<sup>2</sup> and pursuant to a decision of the branch on expert advice (CC-2010-1-16/Bulgaria/EB), the meeting was also attended by Mr. Michael Strogies and Ms. Tatiana Tugui, the lead reviewers for the in-country review of the annual submission of Bulgaria submitted in 2010 that took place from 4 to 9 October 2010.

### 2. Adoption of the agenda

5. The branch reviewed and adopted the provisional agenda (CC/EB/12/2011/1).

### 3. Organization of work

6. The branch decided to organize its consideration of the request to reinstate Bulgaria’s eligibility (CC-2010-1-14/Bulgaria/EB) in the following manner:

- (a) First, to receive a presentation from Bulgaria;
- (b) Secondly, to receive expert advice in relation to:
  - i. the in-country review of the annual submission of Bulgaria submitted in 2010;
  - ii. the preparation of the report of the individual review of the annual submission of Bulgaria submitted in 2010 (FCCC/ARR/2010/BGR, hereinafter referred to as the “2010 ARR”); and
  - iii. the “Compliance Action Plan submitted in accordance with paragraph 20 (b) of the preliminary finding (CC-2010-1-6/Bulgaria/EB), confirmed by the final decision of the Enforcement Branch concerning Bulgaria (CC-2010-1-8/Bulgaria/EB) and in accordance with section XV, paragraph 1 and paragraph 2 and rule 25 bis of the Rules of procedures of the Compliance Committee” (CC-2010-1-12/Bulgaria/EB; hereinafter referred to as the “the Compliance Action Plan”), including the “Progress Report on the implementation of the Compliance Action Plan for ensuring the effective and timely functioning of Bulgarian National Inventory System in accordance with the requirements of Article 5.1 of the Kyoto Protocol and Decision 19/CMP.1, as well as relevant requirements of EU” (CC-2010-1-15/Bulgaria/EB; hereinafter referred to as the “progress report”); and
- (c) Finally, to elaborate and adopt a decision, with further expert advice and questions to Bulgaria, as required.

<sup>2</sup> This and subsequent references to sections, as well as references to the procedures and mechanisms, refer to the annex to decision 27/CMP.1.



**4. Consideration of the request to reinstate Bulgaria's eligibility**

7. At the request of the chairperson, the secretariat provided a summary of the proceedings since the eleventh meeting of the enforcement branch.

8. As part of the consideration by the branch of the request to reinstate Bulgaria's eligibility, the branch gave Bulgaria the opportunity to make a presentation entitled "Compliance of the Bulgarian National Inventory System with the Kyoto Protocol Commitments". The branch also heard a statement from Mr. Strogies.

9. After an initial discussion held in private under agenda item 5, the branch resumed in open session to return to the consideration of this item and posed detailed questions to Bulgaria and to the experts.

**5. Elaboration and adoption of a decision under section X, paragraph 2, with respect to Bulgaria**

10. The branch recalled that it had attempted to adopt a decision by electronic means after receipt of Bulgaria's request for reinstatement on 3 December 2010. It further recalled that arrangements for the meeting had been made on the basis of consultations by the chairperson, which indicated a clear preference of a majority of the members and alternate members of the branch for a face-to-face meeting.

11. The branch noted that it was only at the meeting, when additional information was received from the invited experts and from Bulgaria that the members and alternate members of the branch were able to clarify a number of concerns raised by the recommendations included in Bulgaria's 2010 ARR. With those clarifications, the branch was then in a position to proceed with the consideration of Bulgaria's request for reinstatement.

12. After the elaboration of a final decision held in private in accordance with rule 9, paragraph 2, the branch adopted a decision under paragraph 2 of section X (CC-2010-1-17/Bulgaria/EB) at 15:42:12 Greenwich Mean Time on 4 February 2011.

13. In concluding that the information now available is sufficient to conclude that the question of implementation put before the branch<sup>3</sup> has now been resolved, the branch noted with concern the lack of clarity in the report of the 2010 ARR. In the view of the branch, the 2010 ARR did not clearly explain why unresolved problems did not result in the listing of questions of implementation pursuant to paragraph 8 of the annex to decision 22/CMP.1. In particular, the branch noted that differing interpretations of this provision may lead to different conclusions as to whether an unresolved problem is required to be listed as a question of implementation. This revealed more systemic issues that concern the review

---

<sup>3</sup> See paragraph 4 of the decision on preliminary examination (CC/2010-1-2/Bulgaria/EB).



## COMPLIANCE COMMITTEE

CC/EB/12/2011/2  
25 February 2011

process under Article 8 of the Kyoto Protocol and the compliance system as a whole, which require urgent attention.

14. To enhance coordination between the review process under Article 8 of the Kyoto Protocol and the compliance system, the branch requested the secretariat to make arrangements for its chairperson and vice-chairperson to attend the upcoming eighth meeting of inventory lead reviewers, in particular with a view to addressing the need for consistency not only within the review process, but also between the review process and the work of the Compliance Committee.

15. The branch discussed concrete suggestions that could be brought to the attention of the lead reviewers, in order to enhance clarity in ERT reports. For example, it was proposed that future ERT reports include a list of problems identified by the ERT, clearly stating whether each problem relates or not to language of a mandatory nature, pursuant to paragraph 8 of the annex to decision 22/CMP.1, and the reason for such determination. In addition, if the ERT decides not to list a question of implementation in relation to an unresolved problem pertaining to language of a mandatory nature, the report should include an explanation of the basis of such decision. The branch invited the chairperson and the vice-chairperson to report on the outcome of the meeting to the branch and the plenary of the Committee, as appropriate, in order to enable them to consider this outcome and the need for any follow-up.

### 6. Other matters

16. Acknowledging that discussions on mandatory reporting requirements for activities under Article 3, paragraph 3, of the Kyoto Protocol posed a considerable challenge in its adoption of the decision referred to in paragraph 12 above, the branch requested the secretariat, under the guidance of the chairperson and vice-chairperson, to explore the possibility of organizing a workshop on the accounting rules and reporting and review requirements for land use, land-use change and forestry.

17. The chairperson informed the branch that the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (CMP) had not been able to elect a replacement for Mr. Stephan Michel's alternate member, Ms. Kirsten Jacobsen, who resigned from the Committee as of 1 July 2010. The chairperson further informed the branch that CMP had however agreed that in accordance with established practice, once the name of the pending nomination for a replacement alternate member from a Party included in Annex I has been received, the nominee would be deemed to have been elected at the sixth session of the CMP.

### 7. Closure of the meeting

18. The chairperson declared the meeting closed.



8. Attendance

19. The names of members and alternate members present at the meeting are bolded below.

<b>Members (in alphabetical order)</b>	<b>Alternate Members</b>
1. <b>DE WET</b> , Sandea Ms.	<b>AMOUGOU</b> , Joseph Armathé Mr.
2. <b>ESTRADA OYUELA</b> , Raúl Mr.	<b>GONZALEZ NORRIS</b> , José Antonio Mr. <sup>+</sup>
3. <b>FODEKE</b> , Victor Mr.	<b>GOPOLANG</b> , Balisi Justice Mr.
4. <b>LEFEBER</b> , René J M Mr.	LOIBL, Gerhard Mr.
5. <b>MICHEL</b> , Stephan Mr.	<i>Vacant</i> <sup>‡</sup>
6. <b>OBERTHÜR</b> , Sebastian Mr.	KUOKKANEN, Tuomas Mr.
7. <b>RAJABOV</b> , Ilhomjon Mr.	NISHAT, Ainun Mr.
8. <b>SHAMANOV</b> , Oleg Mr.	<b>RUDZKO</b> , Iryna Ms.
9. <b>SHAREEF</b> , Mohamed Mr.	<b>MACE</b> , Mary Jane Ms.
10. <b>SU</b> , Wei Mr.	<b>ALAM</b> , Mohammad Mr. <sup>+</sup>

-----

<sup>+</sup> Served as member.

<sup>‡</sup> Ms. Kirsten Jacobsen resigned.