

**HELLENIC REPUBLIC
MINISTRY FOR THE ENVIRONMENT, PHYSICAL PLANNING
& PUBLIC WORKS
DIRECTOR GENERAL OF ENVIRONMENT**

Athens April 8, 2008
Ref: 636

To: Mr Feng Gao
Secretary to the Compliance Committee
UNFCCC Secretariat

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Dear Sir,

The Ministry for the Environment Physical Planning and Public Works, following its letter of 14-3-08, hereby submits its further written submission under section X, paragraph 1(a) of the annex to decision 27/CMP.1.



IOANNIS VOURNAS

Director General

CC :

1. Ministry for the Environment
Office of Deputy Minister
Mr St. Kaloyannis
2. Elpida Politi
National Focal Point

FURTHER SUBMISSION OF GREECE UNDER SECTION X, DECISION 27/CMP1

Greece came to the hearing in Bonn, 4-6 March 2008, to inform the Enforcement Branch of the Compliance Committee of the actions taken to address the unresolved problems led to the question of implementation (i.e. 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). The presence of the Deputy Minister for the Environment and the General Director for the Environment, within the members of the Greek delegation attending the meeting, together with the measures taken and presented, indicate our country's commitment to the Kyoto Protocol.

The preliminary finding, although acknowledging the progress reported, states that the information submitted and presented was not sufficient for the enforcement branch to conclude that the question of implementation has now been fully resolved. It also states 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.

The further in-country review, however, as it was reported, could not be conducted soon. So, it is unclear how this prerequisite for the assessment of Greece's compliance was included in the preliminary finding, since according to the procedures (IX para 8 of the Annex to Decision 27/CMP.1), the Enforcement Branch must adopt a final decision right after the consideration of this further submission.

In addition to those already mentioned in our submission of 26 February, 2008, and our detailed presentation to the Enforcement Branch about the legal, institutional and procedural arrangements in place to ensure the continuation and enhancement of the national system, together with the presentation of our overall strategy in order to comply with our KP target, with this submission, Greece would like to inform the Enforcement Branch that:

- (a) Greece, as a MS of the EU, participates in the EU inventory system, is in close co-operation with the European Commission and other MS and the completeness and timely submission of the inventory is also assured through the internal EU coordination.
- (b) The GHG inventory has been submitted to the UNFCCC Secretariat and can be assessed. Thus, the maintenance of the system, the technical competence of the staff, and the capacity for timely performance of the national system are self-proved.
- (c) Greece provides herewith the information that the transfer of knowledge from the National Observatory of Athens (NOA) to the Climate Team of the Ministry for the Environment was completed and concluded by a seminar, with the participation of the inventory team of the National Technical University of Athens (NTUA). As you were already informed, NTUA provides technical support to the Ministry for the Environment. The seminar was also attended by the focal points of competent Ministries.

Greece considers that the actions taken satisfy all requirements and do not fall short of other countries' arrangements that satisfied their review's experts and did not lead to questions of implementation. For this reason, considering the content of the preliminary finding, Greece is, at this stage, obliged to mention the following:

A. Part VIII (3) of Annex to Decision 27/CMP.1 considers that each branch shall base its deliberations on any relevant information provided by, (among others), reports of the expert review teams under Article 8 of the Protocol.

The objectives for the review under Article 8 of the KP (according to Part 1 B 2 (b) of the Annex to Decision 22/CMP.1) are: a) the promotion of consistency in the review of information submitted by Parties and b) the establishment of a process for a thorough objective technical assessment. Furthermore, according to the same decision, the expert review teams shall be coordinated by the Secretariat (para 22 of the Annex) and lead reviewers should ensure that the reviews in which they participate are performed consistently across Parties by each expert review team (para 37 of Annex).

The combination of these provisions imply that the enforcement branch shall take into consideration the consistency and objective requirement i.e. the general attitude

developed by the expert review teams to assess potential problems in national systems. During the examination of our case in the enforcement branch, this need was highlighted by enforcement branch members and our country.

However, during the March meeting, although requested by the enforcement branch members and the Party concerned, the UNFCCC Secretariat did not provide any assurance of a consistent approach based on objective criteria, and reviewers present, who belonged to the initial review's expert team, did not prove to be aware of other review teams' assessments.

B. In addition, the absence of an objective methodology is clear by the fact that the consideration of other Annex I countries' review reports reveal problems with their national systems like:

- insufficient transparency with regard to the roles and responsibilities of the institutions involved,
- National systems not fully established and prepared in accordance with guidelines,
- Legal and procedural arrangements not fully developed, even the designation of single national entity,
- Insufficient staffing and financial resources,
- Mandatory requirements not yet in effect,
- QA/QC procedures not in place,
- Severe inventory problems present,
- Transitional arrangement,
- Even a case where considerable delay was found in the preparation to establish the national system and no documented procedures were found to cover inventory planning, preparation and management.

In all these cases, late efforts to improve the national system were recognized and no question of implementation arose, even when the only evidence was the submission of draft regulations. The only requirement was to provide additional updated information on the national system in the 2008 submission. No reference was found for the need to test the fully developed national systems before they could be considered in compliance with the guidelines.

However, it must be noted that, up to now, consistent approaches have not been applied for Greece, although proposed by our country. As a result of this approach, Greek industry may be found in an unfair position.

C. According to the preliminary finding, the enforcement branch reached to this decision by endorsing the expert advice provided, that a further in-country review of Greece's national system is required. On the other hand, the expert William Kojo Aggemaug- Bousu, (independent expert invited by the branch who did not belong to the expert review team that reviewed the initial report), expressed the view that "*with the current NS submitted by Greece on 26 February and presented yesterday, I can conclude that the NS as is now, should be able to produce a reliable inventory and of the quality required*". The preliminary finding does not provide any evidence that this advice was taken into account.

D. The Greek delegation observed during the meeting that the Enforcement Branch's members were not informed, before the meeting, of the continuous communication of the Ministry of Environment with the ERT, through the Secretariat, after the in-country visit, which probably led to the impression that Greece did not respond to ERT's questions.

Taking into account the abovementioned concerns, Greece hereby **considers that**, since:

- (a) the enforcement branch is asked to take into account the need for consistency in the reviews of Annex I Parties as is recorded in the procedures and during the meeting,
- (b) the review of changes on the national system is a part of the review of the next annual inventory.
- (c) The problem identified was due to the coincidence of the review with the transitional period, and the consequences of the Greek problem are limited due to the fact that Greece is proved to be in track to its Kyoto Protocol target, and the case of Greece did not cause any problem to the successful conclusion of EC's review report. Since EC's system was found to be in compliance and able to produce reliable inventories, and Greece is participating in the EU

burden sharing agreement, then there is no reason relating to the Kyoto Protocol implementation that should keep Greece in non-compliance,

the final decision of the enforcement branch should be not to proceed further with the question.